



**37<sup>th</sup> Session of the Universal Periodic Review Working Group  
of the UN Human Rights Council  
Myanmar (January 2021)**

**JOINT SUBMISSION**

**By the LGBT Rights Network, Myanmar**

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**Acknowledgment:**

The LGBT Rights Network contributed to this joint stakeholders' submission. Members include 1. Colors Rainbow, 2. Kings N Queens, 3. TRY, 4. Alinn Mee Eain, 5. Lashio Tomboy and Lesbian Group, 6. Same Hands from Cherryland, 7. Mr. Lady, 8. Shae Saung Thu, 9. KhaingHninsi, 10. Evergreen Lover, 11. Thabyay Nyo Shwebo Pan, 12. Rainbow Star LGBT-CO, 13. Silver Crane, 14. ManawPann, 15. SaytanaArrman, 16. MeeEain Shin Lay Myar, 17. Same Hand from Tamarland, 18. Pearl Akari, 19. Moegyo and 20. Diversity for Love.

**LGBT Rights Network profile:** The LGBT Rights Network is the largest LGBT organizations network in Myanmar and was founded in 2012. The member organizations represent diverse ethnic, religious and locations across Myanmar. The member organizations also work on various thematic issues: human rights, community empowerment, advocacy for legal reform, workplace equality, health services, legal aid services, social and family acceptance for the LGBTQ communities in Myanmar.

## **1. Executive Summary**

Myanmar is preparing for the third cycle of Universal Periodic Review (UPR) of the United Nations Human Rights Council (UNHRC) scheduled in November 2020 with the rescheduling in January 2021 due to the global coronavirus pandemic. The report recognizes the progress made by the Myanmar government, with a focus on LGBTQ rights; For example, the official recognition of sexual orientation, gender identity and gender expression (SOGIE) in the new policies, education curriculum and legislation.

Although the official recognition of SOGIE is enshrined in legislation such as Child Law (2019), youth policy (2018) and middle school curriculum (2019), the protection and promotion of the human rights of LGBTQ people are largely neglected in every level of Myanmar society. As protection and promotion of basic human rights remain a great concern in Myanmar, the civil society organizations (CSOs) prepare to raise their concerns through UPR process. Among these CSOs, LGBTQ rights organizations collectively prepared this stakeholders' submission under the umbrella network of LGBT Rights Network that is comprised of twenty organizations across Myanmar.

Since the second cycle of UPR in 2015, the LGBTQ rights organizations continue to document severe human rights violations cases perpetrated by law enforcement officials, which demonstrates that more efforts and political will are required from the side of the government to end the abuses. The member organization of LGBT Rights Network also document family violence against LGBTQ individuals, which is an entrenched problem in Myanmar society and cause detrimental harm to the wellbeing of LGBTQ individuals.

The methodology of this report is based on qualitative research carried out by different LGBTQ rights organizations and the data collection method involves three types : 1) data information collected by member organizations of LGBT Rights Network through their legal aid programs, human rights documentation, human rights education and other services provided to the LGBTQ community, 2) through documentation of media reports about LGBTQ issues and 3) public reports published by human rights organizations including LGBTQ rights groups.

This report entails the following themes: 1) progress made by the Myanmar government in follow-up to the previous UPR recommendations and advocacy efforts by LGBTQ groups, 2) human rights violations against LGBTQ individuals committed by law enforcement actors and others in the society and the laws and regulations that remain oppressive and target LGBTQ individuals. Among many human rights violations that LGBTQ individuals are facing, only 10 States/Regions such as Yangon, Mandalay, Bago, Magway, Sagaing, Thanintharyi, Ayeyarwaddy Regions, Mon , Southern Shan and Northern Shan States, of rights violations are reported in this document.

## **2. LGBT rights issues in the previous UPR Cycles**

In reviewing back, the UPR process and engagement in Myanmar, it was clear that LGBTQ concerns were not prioritized. During the first cycle in 2011, the stakeholders' reports focused on a number of human rights situation theme by theme without elaborating on LGBTQ rights issues.

Thus, there were no concrete recommendations that encourage the protection and promotion of the basic human rights of LGBTQ people despite 197 recommendations, out of which “77” were accepted, “95” were noted, “13” were pending and “12” received no response. However, none of these recommendations were related LGBTQ rights and concerns.

During the second cycle taking place in 2015, Myanmar LGBTQ rights groups began to engage with the UPR process. The 2<sup>nd</sup> Cycle, Myanmar received “281” recommendations, “166” were accepted and “15” were noted. Despite efforts made by LGBTQ rights organizations, the rights and concerns of LGBTQ, only two recommendations were made regarding LGBTQ issues.

The LGBT Rights Network encourages international and national stakeholders including the United Nations (UN), member states and other UN agencies and other institutions to pay specific attention to the concerns and recommendations raised by LGBTQ groups. Without the reinforcement from international bodies such as United Nations (UN), Myanmar government continues to ignore the abuses facing LGBTQ individuals in the country.

### **3. Progress made by Myanmar government**

Since the first and second cycle of UPR Working Group review and recommendations made by other member states, Myanmar made some significant progresses to enhance and comply with the international human rights standards and norms that include; the establishment of Myanmar National Human Rights Commission (MNHRC) in 2011, the signing and ratification of the Convention on the Rights of the Persons with Disabilities (CRPD) in 2011 and the ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2019.

#### **3.1 Inclusion of SOGIE terminology in Myanmar National Youth Policy**

Myanmar’s LGBT rights organizations have been collaborating with other civil society organizations in order to raise awareness on sexual orientation, gender identity and gender expression (SOGIE). This effort has led to progress like the inclusion of LGBT individuals in the national advocacy targeting to change the government policy. As part of this effort, LGBT rights activists were involved in the drafting processes of Myanmar National Youth Policy from the beginning till the youth policy was adopted on 5<sup>th</sup> January 2018. The significant progress is section 24 (f) recognizes that,

*“When implementing the youth policy, there shall not be any form of discrimination against young people based on gender, sexual orientation, sexual identity, culture, religion, ethnicity, language, disability, mental and physical status”<sup>i</sup>.*

In Myanmar, the official policies, by-laws or regulations hardly recognize the existence of LGBTQ people despite the visibility of LGBTQ persons in the society. The participation of LGBTQ individuals throughout Myanmar National Youth Policy drafting processes contributed to a constructive dialogue among youth and leaders to understand SOGIE.

### **3.2 Inclusion in child law**

Myanmar ratified the Convention on the Rights of the Child in 1991 and enacted Child Law in 1993 and, repealed and amended in 2019. The new Child Law Article (F) defines “discrimination”, which states, “ *the discrimination against children means discrimination based on nationality, ethnicity, race, tribes, place of origin, skin color, male, female, language, religion, positions, status, culture, poverty, disability, political belief or sexual orientation*”<sup>ii</sup>. This is a significant step for Myanmar to legislatively recognize that there are different sexual orientations and identities. Most importantly to acknowledge that there are different forms of discrimination against children, one of which is based on their own sexual orientation/identity.

### **3.3 Inclusion of sexual orientation in education curriculum**

Myanmar developed a new curriculum for grade 6 on “Life Skills” textbook and the curriculum was implemented in 2019-2020 school year. The chapter is about puberty, hormone change in their adolescent bodies, self-awareness on sexual feelings and how to do about them. The text says, “*during puberty, sexual attraction towards opposite sex or same sex, feelings of love might occur, and this is natural during this period.....All human beings feel sexual attraction to either opposite sex or same sex and this cannot be changed as it is the nature.* On the section of what to do, the text suggests, “*adolescent children assume the sexual attraction towards same sex cannot be changed. They fear that they will be treated differently, looked down or bullied because of the social norms, therefore they are hiding these feelings. If you are worried about this, you can tell adults who you can trust and will keep your secrets*”. This demonstrates that the formal education system begins to acknowledge that bullying, discrimination and other forms of ill treatment among children can occur on the basis of sexual orientation. Although this is a significant step, the content of the textbooks, as well as the actual training and teaching by the teachers are yet to be examined.

### **3.4 Better Collaboration between LGBTQ right groups and CSOs**

Since 2011, Myanmar LGBTQ groups have emerged publicly and organize public events to raise awareness on SOGIE, empowerment initiatives through human rights and legal training programs, organizational management and leadership trainings, legal aid services for LGBTQ individuals, healthcare services and legislation. In doing so, LGBTQ organizations began to collaborate with other CSOs for public advocacy and trainings. Examples include the participation in Myanmar National Youth Policy drafting processes, the evaluation of the Prevention of Violence Against Women (PoVAW) Law with women’s and gender’s rights organizations. These allowed CSOs and groups to raise their concerns in a collective voice. CSOs no longer see LGBTQ groups as silo organizations but see as their partners.

### **3.5 Mobilization of the LGBTQ community**

In the recent years, LGBTQ rights groups were able to organize public events like the Yangon PRIDE<sup>iii</sup>, film festivals, International Day against Homophobia, Biphobia and Transphobia (IDAHOBIT) and Transgender Day of Remembrance (TDoR) <sup>iv</sup>. Myanmar celebrities who are lesbian, gay or transgender became more visible<sup>v</sup>. The celebrities are social influencers in Myanmar; therefore, they play an important role in changing public awareness on SOGIE and the discrimination and other forms of abuses they are facing.

#### **4. Continuation of human rights violations against LGBTQ individuals**

Despite these positive steps taken by Myanmar, there are structural problems for LGBTQ to enjoy the protection of their basic human rights. The LGBTQ rights groups continue to face deadlock when seeking legal protection through formal legal processes. These structural bearers targeting LGBTQ groups entail human rights violations perpetrated by law enforcement officials, family violence and discriminatory practices, still legitimized by different sections of Burma Penal Code.

One of the leading LGBTQ right organization, Colors Rainbow, documented 815 cases from their different programs such as legal advice, legal representation, case documentation, case referral, and mediation from 2015-2018 (See Table 1 in appendix). Among these 815 cases, 610 cases are documented in the Yangon region<sup>vi</sup>. This statistic demonstrates two conjectures: 1) the population of LGBTQ individuals is bigger in Yangon than in the rest of the cities and towns in Myanmar because LGBTQ individuals also reported that they prefer to move to Yangon where they are far from constant family and community pressure. 2) there could be more cases reported in Yangon comparing to other cities. As Myanmar's legal framework does not protect citizens from human rights violations, particularly if the perpetrators involve law enforcement actors, many cases go undocumented and unreported. Therefore, the report of detailing 813 cases is considered as the tip of an iceberg<sup>vii</sup>.

From the case documentation, we can see that most violations were committed by the police officers, mainly under police custody or in the streets. The types of abuses were physical abuse, mental abuse, bribery or financial extortion. Colors Rainbow's documentation demonstrates that rape, sexual assault and abuses are so common that LGBTQ individuals would pay bribe to the police so that they will not be sent to custody. Once they are sent to custody, they are often subjected to rape by other inmates while the rest of the inmates watch, often with the police or guards on duty knowing what's happening. It also demonstrates that rape is common in custody and prisons and condoned by the concerned authorities although it is strictly against the prison law. If not rape, LGBTQ detainees are often forced to perform sexual acts such as blow job or otherwise they will face further consequences<sup>viii</sup>.

Knowing that the LGBTQ individuals would do anything to avoid being arrested or sent to custody, the police takes this opportunity to extort money from them without evidence of committing abuses and misuse of power. According to cases reported and documented by Colors Rainbow, the police routinely and arbitrarily arrest LGBTQ individuals for all kinds of reasons, to fill in the quota of crimes the police are assigned to record and take actions<sup>ix</sup>.

The cases documented significantly increased from 2016 to 2017 (see table 2 in appendix). This is an illustration of legal awareness among LGBTQ community that they can report the abuses they experienced. However, among these cases, there were no criminal charges or legal action taken against the perpetrators despite these abuses being widespread. The intervention of Colors rainbow or other non-governmental organization (NGO) helped release detainees from prison or shortened their sentence. The lack of legal actions against the perpetrators encourages the vicious circle of abuses by the state actors and therefore, impunity against LGBTQ individual continues until now.

Another prominent LGBT right organization, Kings & Queens (KNQ) documented 46 cases of basic rights violations in Yangon and Mandalay regions. Data segregate the 46 cases into category of abuses, numbers and perpetrators (see table 3 in appendix).

The respondents of the research reveal the daily abuses they endure. They are being blamed for their sexual orientation and face rejection from their family and communities. In the case of 12 individuals, they experienced physical violence from their parents, siblings, teachers and strangers. In their community, often the strangers called them out with insulting names such as “a-chaut” referring to gay men and “baw pyar” referring to lesbian and tomboys. Often, they were threatened by their neighbors that homosexuality is a crime so they can be charged or arrested anytime. This threat demoralizes LGBT individuals and disempowers them to enjoy their basic human rights and dignity.

#### **4.1 Penal code section 377**

Myanmar’s Penal Code section 377 originated from The British rule dates back to 1860. The infamous Penal Code 377, Of Unnatural Offences reads;

*“Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”*

The Penal Code section 377 plays an entrenched influence in the mindset and behavior of law enforcement agencies and a larger societal view. The overall public perception on SOGIE is “unnatural” or “against nature”, therefore, it is acceptable to punish such acts. With this attitude, the law enforcement agencies, particularly the police misuse the law by harassing, arresting and exporting LGBTQ individuals with the knowledge that LGBT individuals can be charged with the Penal Code 377 in the court anytime<sup>x</sup>.

For example, a gay man (PP) is now facing 10 years imprisonment with the charge that he slept with another young man (TMA) by Yangon East District Court on 10<sup>th</sup> June 2020. PP was accused of having slept with TMA on 24<sup>th</sup> September 2018 at his beauty salon. The aunty of TMA brought the case to the court on 21<sup>st</sup> May 2019 with Penal Code section 377. After interviewing 7 witnesses, no concrete evidence was found. However, the court punished PP with the ruling that he is a gay man, therefore, he is considered guilty with the assumption that he must have performed ‘unnatural sexual intercourse’.

This section 377 has negative consequences in both the public arena and structural and legal frameworks, therefore, the LGBTQ rights groups are relentlessly advocating to repeal or amend this section 377. Yet, the government is not convinced, in some cases, the government agencies demonstrated it is a required law in order to prevent such crimes without acknowledging that this is misused and exploited by the law enforcement agencies. Another concern is that the ambiguous definition of 377 leads to different interpretations and application because anyone with the intention of punishing LGBT individuals can use the section 377.

#### **4.2 Criminal provisions used against LGBTQ individuals**

Within the current legal framework, Myanmar continues to apply its 1899 Rangoon Police Act and 1945 Police Act. Two specific sections of these, Section 30 (D) of Rangoon Police Act

enacted in 1899 and Section 35 (C) of Police Act, are commonly used by the Myanmar Police Force (MPF) against LGBTQ individuals. These two sections are interchangeably used and interpreted as “Shadow Laws” and “Disguise Law”, used against ‘citizens’ if they were found in a dark place or shadow place without acceptable reasons<sup>xi</sup>. The police have misused these laws to arrest anyone on the suspension of harming other people or plotting a criminal intention. According to the cases reported by LGBTQ organization such as CRB and others, these laws have been manipulated by the police to arrest, intimidate, harass and brutalize LGBTQ persons who go out in public places with peers in a small group as two people or a bigger group. The common verbal justification given to the accused is that ‘a criminal intention to harm others’ or ‘an intention of conducting carnal intercourse with same sex<sup>xii</sup>’ According to Colors Rainbow, 16 LGBTQ individuals were charged in 2016 and 31 individuals in 2017 in Yangon Region under section 30 (D) of Rangoon Police Act, which reads, “*any person found within the precincts of any dwelling-house or other building whatsoever, or in any back-drainage space, or on board any vessel, without being able satisfactorily to account for his presence therein.*”<sup>xiii</sup>

There is an increasing number of cases documented from 2016 to 2017 with Section 30 (D), implying that the police is emboldened to continue such abuses because they face no criminal accountability (table 4). The impunity of such human rights violations by law enforcement agencies poses the biggest hindrance for LGBTQ community to enjoy legal protection in Myanmar.

### 4.3 Family violence

In Myanmar, physical violence against LGBTQ individuals within the family is widespread. Colors Rainbow details how LGBTQ individuals experience physical violence from childhood by their parents, relatives and other members of the families due to their sexual orientation. The abuses target commonly gay men, lesbians or tomboys. Family members believe that physical violence and threats will turn their homosexuality into heterosexuality, because of fear for continuing abuse. Worst yet, the physical violence causes detrimental harm to the LGBTQ, particularly on their socio-psychological wellbeing.

Examples of physical abuse: A transgender woman TGW (A) was threatened with a knife by her uncle for talking and behaving like a girl when she was in high school. She was afraid and so she stayed as a gay man until her graduation. A transgender woman (B)’s late father beat her by tying up her with ropes when she was a teenager. Another transgender woman (C) was punched with fists by the family members as she wore girls’ clothes when she was about 10 years old and she ran away from home<sup>xiv</sup>.

Example of domestic violence: In 2018 in Hlaingtharyar township in Yangon region, an 18-year-old lesbian moved out from her family and stayed with her girlfriend. Her parents visited her and then beat her up. Her sister who is a paralegal and the section leaders in Hlaingtharyar township, Yangon, organized a traditional wedding for them. They decided to stay away from their parents for fear of domestic violence.<sup>xv</sup>

Myanmar LGBT Rights Network conducted the first research documenting and analyzing domestic violence experienced by LGBTQ individuals in Yangon and Mandalay Regions with 67 respondents. This report includes more lesbian and transgender men, which demonstrate more visibility of lesbian and transgender men within the LGBTQ community. This also illustrates that more lesbian and transgender men become more aware of their basic rights and therefore

participated in human rights activities. The research findings conclude that the majority of LGBTQ individuals are rejected by their immediate families.

The findings of this research shed lights on entrenched violence taking place within the families that goes undocumented and unreported and the harmful impacts on LGBTQ individuals. For example, 65 out of 67 respondents experienced verbal abuses while 40 out of 67 respondent experienced physical violence and 6 respondents experienced sexual violence. Worse, 48 violence cases demonstrate the perpetrators are their immediate families, 9 violence cases are committed by their own partners, 15 violence cases are committed by strangers and 1 case is committed by a trusted friend<sup>xvi</sup>.

In terms of socio-psychological support, only 16 out of 67 cases sought help from non-profit organizations and friends and the rest of the respondents did not report or seek help due to fear, shame and lack of knowledge about the support network. Surprisingly, 40 respondents expressed that they wish to have supportive friends or colleagues to share their grievances and experiences of violence. This shows that people rely only social network and supporting system instead of legal remedy<sup>xvii</sup>.

#### **4.4 Sexual violence within the community**

Kings N Queens conducted a research on Sexual and Gender based Violence (SGBV) in 2017 focusing on three townships in Yangon Region and Lashio, Northern Shan State. According to the findings of the research, 129 respondents were selected, including 97 LGBT individuals and 14 heterosexual women and 18 heterosexual men. Among the respondents, 32 experienced physical violence, 41 experienced verbal abuses or bullying, 30 experienced psychological abuses (table 5).

Most of the perpetrators are family members, police, strangers and familiar friends. The research findings reveal the Penal Code sections that hinders the protection of basic human rights of LGBT individuals such as section 377 criminalizing men or women who perform ‘unnatural canal intercourse, sections 269 and 270 criminalizing those who are deemed to spread disease through sexual activities, section 290 criminalizing those who disrupt public tranquility, sections 292 & 294 criminalizing against those who sell or purchase sexual objects in public places, section 372 criminalizing those who force underage persons into prostitution, section 469 criminalizing unlawful marriage. Often, these laws are used against LGBT to threaten, exploit and abuse physically and psychologically. The research also reveals how the entertainment and traditional media outlets play the role in demeaning LGBT individuals that influence public paradigm. Due to the negative portray of LGBT individuals in the mass media, it leads to severe discrimination and sexual and physical violence against LGBT individuals. The society becomes acceptive of such violence culture. The laws and law enforcement ignore such violence; therefore, the impunity continues<sup>xviii</sup>.

The categories of violence are similar across different townships of regions and states, which show the widespread and systematic nature of the violence. It also demonstrates the violence is entrenched in the society regardless of ethnicity, religion and status. The categories of violence pertain 1) physical harm and beating 2) verbal abuse, extreme derogatory words, 3) psychological abuse and disturbance, 4) discrimination, 5) shaming, 6) forced labor or exploitation, 7) sexual exploitation or assault, 8) hindrance of opportunities and others<sup>xix</sup>.

## 4.5 Discrimination in workplace

The member organizations of Myanmar LGBT Rights Network have long documented hundreds of cases on discrimination against LGBTQ people in the workplace or healthcare service. The LGBTQ individuals do not enjoy equal opportunity for employment. Article 348 of Myanmar Constitution (2008) says, “*The Union shall not discriminate any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, official position, status, culture, sex and wealth*”<sup>xx</sup>. There is no specific mention of sexual orientation and gender identity which leaves room for exclusion of LGBTQ individuals in employment opportunities and legal protection when such discrimination occurred.

Colors Rainbow and other LGBTQ rights organizations have documented how LGBTQ are subject to extreme bullying and verbal abuses in their workplaces; factories, private company/firms, government offices. The mockery jokes are rampant across different sectors from manual labor low paid job to medium paid jobs. A lesbian constantly being told by male workers, “*women are women, no matter what they prefer to wear*” according to one of the respondents<sup>xxi</sup>. This kind of demeaning words are very common, which lead to marginalization and violence against LGBT individuals.

Discrimination based on sexual orientation and gender identity is common as most people in Myanmar are not comfortable being associated with LGBTQ individuals. For example, a gay man was abandoned by his superior when his superior found out that he was gay, which ended their friendly relationship unpleasantly<sup>xxii</sup>. Myanmar has not enacted Anti-discrimination law despite CSOs’ long calling for such law.

Bullying at workplace is reported across Myanmar in different sectors and institutions. Most of the organizations and institutions do not have comprehensive anti-bullying policy among employees or employers versus employees. This led to unfortunate events such as the death of Kyaw Zin Win, a 20 years old young professional who committed suicide in June 2019 due to the harsh bullying he experienced at his workplace at Myanmar Imperial University, Yangon<sup>xxiii</sup>.

Within 2017-2018, Colors Rainbow through their legal service program, documented 480 cases of mental and physical assaults, mainly experienced by LGBT individuals in Yangon. This documentation is again a snapshot of deeply entrenched problems of mental and physical abuses in Myanmar. There is an increasing number of cases as in 2017, 218 cases were reported and in 2018, 262 cases reported. This demonstrates mental and physical violence against LGBT individuals continues to be rampant in Myanmar society.

## 5. Recommendations

### 5.1 Within the Legal Framework: Recommendations to Myanmar government

- Amend Myanmar Penal Code section 377 to decriminalize consensual adult sexual intercourse.

- Continue to advocate and train government law enforcement personnel (police officers, judges, law officers, prosecutors and lawyers on SOGIE and the human rights of LGBTQ people.
- Abolish Rangoon Police Act 30 (D) or Police Act 35 (C) ‘Darkness Laws or Shadow Laws’ which overlap with other criminal laws.
- End the arbitrary arrests resulting from the misuse of Rangoon Police Act 30 (D) or Police Act 35 (C) targeting LGBTQ individuals. At a minimum, the application of these laws should not include the LGBTQ individuals who have no criminal intention.
- Uphold criminal accountability and misuse of power by police against LGBTQ individuals according to the Myanmar Police Force Maintenance of Discipline Law Police Manual.
- Expand the definition of ‘women’ into PoVaw Law to include SOGIE.

## **5.2 Outside of the Legal Framework: Recommendations to governmental bodies/ departments in Myanmar**

- Ensure that the policy implementation processes include members and families of the LGBTQ community by issuing “an official directive” within the workplan and program of the implementation of CEDAW, NASPAW and PoVaw, Child Law, HIV/AIDS Law.
- Ensure the continuation of the participation of LGBTQ youths in the implementation of Myanmar National Youth Policy.
- Sensitize on LGBTQ issues among the inter-governmental committees dealing with domestic violence and sexual violence (inclusive) by increasing awareness of SOGIE and including SOGIE.
- Include LGBTQ individuals in the implementation of NASPAW strategic plans.
- Revitalize the compliant mechanism of the misuse of power and laws by the police force by dissimilating the complaint mechanism to every township level.

## END NOTES

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<sup>i</sup> Myanmar National Youth Policy, November 2017

<sup>ii</sup> Myanmar Child Law, June 2019

<sup>iii</sup> Htun., M. L (2020). Myanmar's LGBTIQ is back with a new campaign: Love is not a crime. The Irrawaddy. Accessed on 10.3.2020 and retrieved from <https://www.irrawaddy.com/lifestyle/myanmar-lgbtiq-festival-back-new-campaign-love-not-crime.html>

<sup>iv</sup> Transgender Remembrance Day event organized by Kings & Queens LGBT rights organization in Yangon on 20 November 2019, Yangon, Myanmar.

<sup>v</sup> Champell., L. (2019). Miss Universe Is Breaking Barriers with Its First Openly Gay Contestant. Glamour. Accessed on 11.3.2020 and retrieved from <https://www.glamour.com/story/miss-universe-is-breaking-barriers-with-its-first-openly-gay-contestant>

<sup>vi</sup> Human Rights Violations Against LGBT Community, Trend Analysis-2015-2018, Colors Rainbow. 2019. Accessed on 15.07.2020 and retrieved from <https://www.colorsrainbow.org/wp-content/uploads/2020/01/Trend-Analysis-2015-2018-English-for-Web.pdf>

<sup>vii</sup> Nickerson., J. (2016). Myanmar's abused, intimidated LGBT people long for acceptance in new era. Frontiers. Accessed on 11.3.2020 and retrieved from <https://www.reuters.com/article/myanmar-gay/myanmars-abused-intimidated-lgbt-people-long-for-acceptance-in-new-era-idUSL8N1DA62J>

<sup>viii</sup> Nickerson., J. (2016). Myanmar's abused, intimidated LGBT people long for acceptance in new era. Frontiers. Accessed on 11.3.2020 and retrieved from <https://www.reuters.com/article/myanmar-gay/myanmars-abused-intimidated-lgbt-people-long-for-acceptance-in-new-era-idUSL8N1DA62J>

<sup>ix</sup> Stuart., N. (2016). Of Unnatural Offence: LGBT rights in Myanmar. Engage Media. Accessed on 9.3.2020 and retrieved from <http://www.engagemedia.org/blog/of-unnatural-offences-lgbt-rights-in-myanmar>

<sup>x</sup> Aung. Z.W. & Soe., K. H. (2019). Myanmar's LGBT community: Between old laws and enduring stigma. Frontier Myanmar. Accessed on 12.3.2020 and retrieved from <https://frontiermyanmar.net/en/myanmars-lgbt-community-between-old-laws-and-enduring-stigma>

<sup>xi</sup> In the Shadow; Systematic Injustice based on sexual orientation, gender identity, expression in Myanmar. 2019. Page 24. Retrieved from <https://www.icj.org/wp-content/uploads/2019/11/Myanmar-In-The-Shadows-Advocacy-Report-2019-ENG.pdf>

<sup>xii</sup> In the Shadow; Systematic Injustice based on sexual orientation, gender identity, expression in Myanmar. 2019. Page 23. Retrieved from <https://www.icj.org/wp-content/uploads/2019/11/Myanmar-In-The-Shadows-Advocacy-Report-2019-ENG.pdf>

<sup>xiii</sup> 1988 Rangoon Police Act, page 13.

<sup>xiv</sup> Human Rights Violations Against LGBT Community, Trend Analysis-2015-2018, Colors Rainbow. 2019. Page 12. Accessed on 15.07.2020 and retrieved from <https://www.colorsrainbow.org/wp-content/uploads/2020/01/Trend-Analysis-2015-2018-English-for-Web.pdf>.

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- <sup>xv</sup> Human Rights Violations Against LGBT Community, Trend Analysis-2015-2018, Colors Rainbow. 2019. Page 12. Accessed on 15.07.2020 and retrieved from <https://www.colorsrainbow.org/wp-content/uploads/2020/01/Trend-Analysis-2015-2018-English-for-Web.pdf>.
- <sup>xvi</sup> Unpublished Research Report by LGBT Rights Network, 2020.
- <sup>xvii</sup> Unpublished Research Report by LGBT Rights Network, 2020.
- <sup>xviii</sup> Assessment of SGBV research/ survey by KNG, 2017.
- <sup>xix</sup> Assessment of SGBV research/ survey by KNG, 2017.
- <sup>xx</sup> 2008 Constitution, Chapter 8, Article 348, page 161. Accessed on 15.07.2020 and retrieved from <https://www.president-office.gov.mm/en/sites/default/files/myanmarconstitution2008en.pdf>.
- <sup>xxi</sup> Human Rights Violations Against LGBT Community, Trend Analysis-2015-2018, Colors Rainbow. 2019. Page 23. Accessed on 15.07.2020 and retrieved from <https://www.colorsrainbow.org/wp-content/uploads/2020/01/Trend-Analysis-2015-2018-English-for-Web.pdf>.
- <sup>xxii</sup> Human Rights Violations against LGBT Community, Trend Analysis-2015-2018, Colors Rainbow. 2019. Page 23. Accessed on 15.07.2020 and retrieved from <https://www.colorsrainbow.org/wp-content/uploads/2020/01/Trend-Analysis-2015-2018-English-for-Web.pdf>.
- <sup>xxiii</sup> Yi., L. B. (2019). Myanmar university investigate suicide of gay librarian. Reuters. Accessed on 13.3.2020 and retrieved from [https://www.reuters.com/article/us-myanmar-rights-lgbt/myanmar-university-investigates-suicide-of-gay-librarian-idUSKCN1TR1NQ?fbclid=IwAR1OMCsspdzHteWcVt1AFU5qU6LIC\\_vrMeO69wNoKuUHupzBfo4OCQ0JyTg](https://www.reuters.com/article/us-myanmar-rights-lgbt/myanmar-university-investigates-suicide-of-gay-librarian-idUSKCN1TR1NQ?fbclid=IwAR1OMCsspdzHteWcVt1AFU5qU6LIC_vrMeO69wNoKuUHupzBfo4OCQ0JyTg).
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## APPENDIX - TABLES

**Table 1: Total No. of Legal Aid Provision of Cases in Yangon Region (2015-2018)**

Township	2016	2017	2018
Pyay	195		
Hlaingtharya	120	63	48
Shwepyitha		17	48
Thanlyin		46	41
North Okkalapa		34	45
Tamwe		43	36
Thaketa		35	44
<b>Total</b>	<b>315</b>	<b>238</b>	<b>262</b>

Source: Human Rights Violations against LGBT Community, Trend Analysis-2015-2018, Colors Rainbow. 2019. page 37. Accessed on 15.07.2020 and retrieved from <https://www.colorsrainbow.org/wp-content/uploads/2020/01/Trend-Analysis-2015-2018-English-for-Web.pdf>.

**Table 2: Police Abuse Cases in Yangon Region (2016-2017)**

Month	Total no. of cases in 2016	Total no. of cases in 2017	Abuse				Bribery	
			Physical		Mental		2016	2017
			2016	2017	2016	2017		
January	6	1	4	1	2	0	0	0
February	5	0	0	0	5	0	0	0
March	0	2	0	0	0	0	0	2
April	0	3	0	0	0	1	0	2
May	7	10	2	3	4	4	1	3
June	12	10	7	5	2	4	3	1
July	10	18	6	5	3	7	1	6
August	10	9	4	3	5	4	1	2
September	9	13	3	3	4	4	2	6
October	0	13	0	3	0	4	0	6
November	0	13	0	2	0	6	0	5
December	0	0	0	0	0	0	0	0
<b>Total</b>	<b>59</b>	<b>92</b>	<b>26</b>	<b>25</b>	<b>25</b>	<b>34</b>	<b>8</b>	<b>33</b>

Source: Human Rights Violations Against LGBT Community, Trend Analysis-2015-2018, Colors Rainbow. 2019. page 37. Accessed on 15.07.2020 and retrieved from <https://www.colorsrainbow.org/wp-content/uploads/2020/01/Trend-Analysis-2015-2018-English-for-Web.pdf>.

**Table 3: Cases, Category and Perpetrators in Yangon, Mandalay, Bago, Magway, Sagaing, Thanintharyi, Ayeyarwaddy, Southern Shan and Northern Shan Areas (August 2018 - July 2019)**

No. of cases	Category of abuses	Perpetrators
12	Physical abuse such as beating, looting of properties and money	Friends, family members and strangers, teachers
29	Psychological abuse such as mocking, bullying, naming and shaming, direct discrimination, exclusion in religious and social activities	Family members, strangers and familiar people in the community
1	Economic: rejection from employment	Employers/ business owners
1	Rape; gang raped	Men
3	Sexual assault; grabbing breast, forced killing, smacking at butts	Police officers

Source: LGBT Rights Network project report funded by EIDHR

**Table 4: Yangon Police Act 30 D Cases in Yangon Region (2016-2017)**

Month	No. of cases in 2016	No. of cases in 2017
January		
February	1	
March		
April		1
May		5
June		4
July	3	5
August	5	
September	5	8
October		5
November		3
December	2	
<b>Total</b>	<b>16</b>	<b>31</b>

Source: Human Rights Violations Against LGBT Community, Trend Analysis-2015-2018, Colors Rainbow. 2019 page 40. Accessed on 15.07.2020 and retrieved from <https://www.colorsrainbow.org/wp-content/uploads/2020/01/Trend-Analysis-2015-2018-English-for-Web.pdf>.

**Table 5: Sexual and Gender-Based Violence in Yangon and Northern Shan Areas**

No.	Townships	State or Region	LGBT	Women	Men	Total
1	Dala	Yangon	23	8	6	37
2	Hlaing Thayar	Yangon	30	2	3	35
3	Kamayut	Yangon	15	0	4	19
4	Lashio	Shan State (north)	29	4	5	38
<b>Total</b>			<b>97</b>	<b>14</b>	<b>18</b>	<b>129</b>

Source: Assessment of SGBV research/ survey by KNG, 2017.

**Table 6: Different categories of violence (129 respondents)**

No.	Category of violence	by family	by local society	by LGBT individuals	by police/local authority	at Workplace
1	Physical harm and beating	32	23	15	31	14
2	Verbal abuse, extreme derogatory words	41	33	22	37	15
3	Psychological abuse and disturbance	30	31	13	34	13
4	Discrimination	30	32	23	31	15
5	Shaming	22	35	21	34	25
6	Forced labour or exploitation	17	16	12	30	16
7	Sexual exploitation or assault	7	23	14	29	23
8	Hindrance of opportunities	18	4	14	28	26
9	Others	4	6	1	12	4

Source: Assessment of SGBV research/ survey by KNG, 2017