

# UPR Fact-sheet on LGBTI issues in *Myanmar (2020)*

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*“Despite a few  
progresses....”*

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LGBTI persons are still largely marginalized, stigmatized and discriminated and are excluded to contribute in the country’s various important sectors. Many LGBTI youths experienced domestic and family violence, and discriminations at schools. LGBTI persons routinely face unjustified intersectional discriminations in sectors such as – social, education, healthcare, public functions, media and entertainment, workplace and employment, civil and political, and religion.

(Full access to our shadow report for 37<sup>th</sup> session of UPR available here:  
[https://can-myanmar.org/wp-content/uploads/2020/07/CAN\\_UPR.pdf](https://can-myanmar.org/wp-content/uploads/2020/07/CAN_UPR.pdf) )

## A Need to Amend the Constitution!

Myanmar’s Union Parliament’s attempt to amend the Constitutional provisions in 2019 did not include amendments to Article 348 addressing non-discrimination on the basis of “sexual orientation and gender identity”, leaving loopholes for human rights violations committed against LGBTI persons.



Source: A report published by CAN-Myanmar on Analysis of Human Rights Situations of LGBTI in Upper Myanmar region. Available at <https://can-myanmar.org/wp-content/uploads/2020/07/Report.pdf>

***BARRIERS...***

Rights of LGBTI persons are also violated in legal and justice sector. LGBTI, especially transgender and gender-queer persons are subjected to unrestrained policing, arbitrary arrests and detentions under 1861 Penal Code Section 377 which still criminalize homosexuality, 1945 Police Act Article 35 and Rangoon Police Act 30, and 1949 Suppression of Prostitution Act Article 3 (A) and (B). Detained LGBTI persons have been physically and sexually assaulted while in police custody. With no effective legal recourse or remedies for these discriminations and human rights violations, access of LGBTI persons to services including health and psychosocial support is furthermore restricted leading to higher risks of mental health issues and suicide.

***HIGHLIGHTs...*****Recommendations**

- (1) **To Constitutionally protect LGBTI persons by amending Article 348 to include “sexual orientation, gender identity or expression” as a prohibited ground of discrimination.**
- (2) **To Reform vague and discriminatory laws, including but not limited to, Section 30 of the Rangoon Police Act and Section 35 of the Police Act.**
- (3) **To Decriminalize homosexuality by repealing Penal Code section 377 and revise section 375 to include rape against LGBTI persons.**
- (4) **To facilitate mandatory SOGIE sensitization programs to all staff and officer members at the various levels of government institutions, law enforcement authorities and service providers in various sectors; and build their capacities related to human rights and LGBTI rights.**
- (5) **To Draft, develop and enact comprehensive anti-discrimination laws that prohibit discrimination on the grounds of sexual orientation, gender identity and gender expression.**

**For more information, please visit**

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