

**31st Session of the Human Rights Council
Item 6 – UPR Myanmar**

**Statement by:
International Lesbian and Gay Association
17 March 2016**

delivered by Aung Myo Ming

Mr. President,

This statement is delivered in consultation with Myanmar LGBT Rights Network and NGOs that work on the subject of sexual orientation, gender identity and expression as well as the promotion of human rights for the LGBT community in Myanmar.

We observe that the government demonstrates a willingness to engage in the UPR. However, the Myanmar government did not accept the recommendations made by Australia to repeal or revise the protection of race and religion laws and section 377 of the 1861 criminal code to ensure that the rights of women, religious minorities, and the LGBTI community are protected. The government also did not accept the recommendation made by Spain to amend article 377 of the criminal code to ensure that only non-consensual sexual relationships between persons of same-sex are punishable.

We the lesbian, gay, bisexual and transgender (LGBT) community in Myanmar, would like to emphasize that we are part of Myanmar society and a vulnerable group. We continue to struggle for equality, respect and recognition by Burmese society and there is no legal protection for these communities. LGBT people in Myanmar are subject to discrimination based on their sexual orientation, gender identity and expression. They are often abused, suffer arbitrary detentions, are sexually assaulted and are victims of violence or state-sponsored discrimination. The denial of our human rights is at the core of our very existence. LGBT identities are not recognized by society in Myanmar and the government continues to allow local police forces to crack down on transgender and gay people in different cities throughout Myanmar. For instance, transgender women are being arrested because they are easily targeted by police officers. The police charge them under the police act, although they haven't committed a crime – they are arrested simply because of their gender identity. Many transgender women have experienced police abuses and the perpetrators are never held responsible.

We express our concern that the government has not addressed the catalogue of human rights violations on the grounds of sexual orientation, gender identity and expression. We therefore call on the government to take the following measures:

- **Amend section 377 of the Myanmar Criminal Code** to apply only to instances of non-consensual sex
- **Stop abusing Myanmar's 1945 Police Act** to intimidate, humiliate, persecute and violate the fundamental rights of lesbian, gay, bisexual and transgender individuals.
- **Stop police operations** that target gay people and transgender women, with the objective to detain and 'educate' them, even though they have not committed any crime.
- **Provide awareness-raising programs for law enforcement officials** on issues related to discrimination against people with diverse sexual orientations, gender identities and gender expressions.

Thank you, Mr. President.