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Statement on LGBTI human rights in Myanmar

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Hello, I am Kaung Zaw Htet from C.A.N-Myanmar organization. I would like to highlight human rights issues that LGBTI people in Myanmar are facing.

During previous UPR cycles, Myanmar received two LGBTI-related recommendations – to repeal or amend the Penal Code 377; and to enact anti-discrimination legislation to protect LGBTI. The government only noted those recommendations. Despite a few progresses such as referring LGBTI as “individuals to be prioritized” under the National Youth Policy; and mentioning of “non-discriminations on the ground of sexual orientation” in recently enacted “Child Rights Law”; other aspects of those recommendations have not been implemented on a practical ground.

Currently, Article 348 of 2008 constitution creates loopholes for discriminations against LGBTI persons by not including “sexual orientation and gender identity” in the list of prohibited grounds.

Social norms and practices around sex and gender, and patriarchal values continue to inculcate deviation of sexual orientation and gender identity as a moral inferiority and deficit; leading to wide-spread stigmatization and prejudice. Misrepresentation and portraying LGBTI in public media and entertainment industry is also reinforcing the idea that many LGBTIs are “mentally sick” or “they can be converted back to heterosexuals” and most importantly, “undeserving of a leadership role in the society”. As a consequence, many LGBTI persons routinely experience violence, homophobia, transphobia and discrimination in both public and private spaces.

Young LGBTIs become victims of domestic and family violence involving physical, psychological, sexual and economic abuse. They are also neglected, mistreated, bullied and harassed at schools and other learning places. Many LGBTI face discrimination, intimidation, bullying and inequalities at workplace in employment sector, in some cases even leading to tragic suicides.

Moreover, all forms of deviated sexual orientations apart from heterosexuality are often taught as a ‘sin’ and condemned across most religious doctrines and cultures in Myanmar. Many LGBTIs are subjected to targeted hate-speech by clergymen and religious actors, and are forced to go through “conversion therapies”.

Civic space for LGBTI community is also shrunk by requiring LGBTI organizations to be legally registered to obtain permissions from regional governments to organize activities and events or to engage in parliamentary advocacies.



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Rights of LGBTI persons are furthermore violated in legal and justice sector. Transgender and gender-queer persons are especially subjected to unrestrained policing, arbitrary arrests and detentions under Penal Code Section 377; Police Acts Article 30 and 35; and 1949 Suppression of Prostitution Act. 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 also restricted.

COVID-19 pandemic exacerbates these limitations and have tremendous impacts on enjoyment of human rights; and social and economic welfare of LGBTI persons. Therefore, I would like to urge the government of Myanmar the following recommendations for LGBTI human rights issues.

- (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.**