



**Ministry of
Women
Youths and
Children Affairs**

“Situation Report of the **LGBTIQs** after the Military Coup in Myanmar”

by

Ministry of Human Rights and **Ministry of Women, Youths and Children Affairs**

National Unity Government of Myanmar

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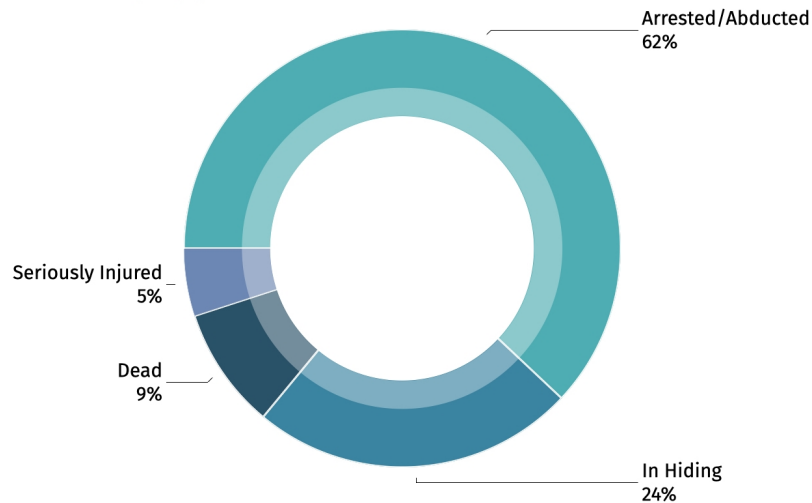
1. Context

Approaching nearly 5 months of military coup, people of Myanmar face vast uncertainty and regressions in socio-economic sectors, with all forms of their human rights being violated. According to the Assistance Association for Political Prisoners (AAPP), over (881) have been killed, (6,348) have been detained and (1,965) have been issued warrants by the military junta since the day of the coup, 1 February 2021. Undeniably, members of Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) communities are also a part of that statistics.

Since the beginning of the coup, LGBTIQ people have been actively participating in anti-coup protests, demonstrations and civil disobedience movement (CDM). As crackdowns, violence and tortures against pro-democracy activists and civilians intensified within the past few months, many LGBTIQs across Myanmar faced severe human rights violations. The drag queens who used to be proudly photographed with protest signs took to the streets wearing helmets, goggles and shields. As impressive as it looked, the cheap helmets and shields however offered no safety at all against live ammunition.

The situation has extremely deteriorated for the human rights defenders and activists who led the community as well as for the wider community. Many of the activists have gone into hiding and change places to sleep every 3-4 days. The military publishes new arrest lists every day and there is a constant fear of getting on the list. Reports from LGBTIQ civil society organizations highlight that there are 12 cases of LGBTIQ fatalities; with 73 being arrested and/or charged under 505 (a); (65) still being detained and (28) either in hiding or having fled to non-SAC controlled areas.

Violence and torture committed against LGBTIQ by types

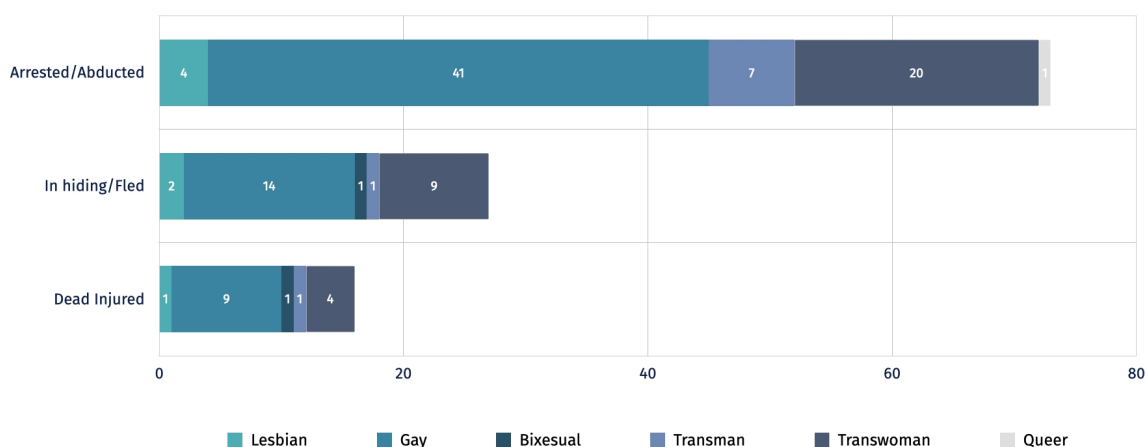


2. LGBTIQ Deaths, Arrests and Detentions

Gathering LGBTIQ-related data during the coup is a challenge given limited access to the internet and communication with those who are out of reach for security reasons or who do not want to disclose their identities. However, reliable sources indicate that gay people and transgender women are predominantly at the top of the chart of most cases of human rights abuses and violations committed against the LGBTIQ.

From 1 February to 20 June, (12) LGBTIQ community members from Myitkyina, Myingyan, Monywa, Mawlamyine, Yangon, Kyaukpadaung, and Mandalay were shot dead while participating in non-violent and peaceful protests and defending protesters from military violence. (3) gay men and (1) transgender woman from Myingyan and Bago were seriously injured by riot police/armed forces.

Type of cases by gender identity



LGBTIQ groups throughout Myanmar actively participated under rainbow flags as front-liners at every stage of the revolution. The visibility of the community leads to highlighting the diversity and inclusivity of the people against the coup. No discriminations against the LGBTIQ community was observed but respect and unity. Hence, LGBTIQ activists were equally targeted and a lot of them are blacklisted and charged under section 505¹ (a) and (c). Majority of blacklisted individuals are in hiding and some got arrested. (73) arrests of LGBTQ individuals have been reported since 1 February. Majority of them were from Yangon and Mandalay regions. Because of the visible identity of transgender people who got arrested, they experienced different forms of sexual harassment during arrest, in police custody and in detention places by armed forces.

¹ Section 505. Whoever makes, publishes or circulates any statement, rumor or report,— (a) with intent to -cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force [* *]1 to mutiny or otherwise disregard or fail in his duty as such; or (b) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to two years, or with fine, or with both.

“They tortured me and this time was even worse than the last time [when they previously arrested me]. They threatened me that they would submerge me into water but it did not happen but they beat the bones on my chest with a tin rod. [Someone called] G1 beat me. They stripped me off and I was naked and my pants were on my knees. They made me kneel down all the time and they beat my back, my shoulders and my head and the worst is that they burned my nipples with cigarette tips and also used paper clippers; very hard ones and clipped my nipples and took [glass] bottle and made me kneel down as well as hand-cuffed me and put those bottles into [my] anus. They also used the back of hammer something like horns to scratch anus and this time the torture was so bad. And those pains healed only after a month. My shoulders were all black with bruises. After they were happy with torturing me, they made me disclose the demonstrators in the Ward. Who are those people? Who got involved? And they also took my phone and checked everything too. There was nothing and at that time, my Facebook account was reported and it was removed. And because my facebook account was removed, I was tortured even worse. Because my account was removed; [they assumed that] there would be very bad and serious things going on, and there were writings [posts and status] and I might have done a lot of work, and [they] tortured me more. But actually, I have already cleared my facebook account and in my phone there was nothing suspicious even though they did not get a photo. I cleared everything and then they sent me to the interrogation center. Before sending me to the interrogation center, when they were happy with burning my nipples and inserting a bottle in my anus, and when they were about to sleep, they made me leapfrog. The compound is very wide and I could do that and they made me hold my two hands between my thighs and made me twist around and I was kept the whole day in dust and mud on me and only that night at 9 pm, I was sent to Shwe Pyi Tha Interrogation Center.”

A 50-year-old transgender woman, Yangon

“I was arrested in front of Tamwe Ocean Supermarket on 27 February 2021, unfortunately, the police tied my hands up and I could not move. If I was not sitting properly, they kicked me a leg up and hit me with police batons. When we arrived on one of the prisoner transport vans, I was not placed in the vans where girls were kept particularly as they thought that I was a boy. So, I was placed in a van with the other guys together, however, they explained and helped me to move to the girls van. Then, I was transferred to the girls, the police untied the others but I was left tied till for an hour. Other girls cried out for me until the police untied me.”

A 21-year-old transgender man, Yangon

3. Barriers and Challenges

Access to Justice

Legal aid lawyers in different big cities (i.e., Yangon and Mandalay) provide pro-bono assistance to arbitrarily arrested LGBTIQ individuals in jails to ensure they have access to legal representation. However, the individuals in small cities encounter inhumane discrimination and do not have access to lawyers. They urgently need practical support from the local lawyers network. Majority of them are charged under section 505 (a) and (c). However, their rights to communicate with the family members is denied by the armed forces and detention officials. Many of the gays and transgender women detainees who are on Anti-Retroviral Therapy (ART) do not have access to their medications as they do not trust to disclose their health status to detention officials. On the other hand, service providers and organizations faced several barriers created by SAC and that caused delays in providing medical assistance in prisons and detention centers. The detained transgender women in prisons are being put in male cells instead of separate buildings.

Access to Health

Even before the on-going political turmoil and COVID-19 crises, LGBTIQ populations have been marginalized and prevented from accessing basic healthcare services, including Universal Healthcare Coverage (UHC) programs. LGBTIQ are discriminated against in the healthcare sector based on their sexual orientation and gender identity, ranging from verbal, physical or sexual harassment committed by the responsible staff members of healthcare facilities to having to pay double or more charges for the same service simply because they are LGBTIQ.

LGBTIQ people living with HIV (PLHIV) are especially subjected to more paramount discriminations. During the coup, shortage or cessation of service provisions by or even shutting down of HIV healthcare services and facilities across the country have had major impacts on LGBTIQ people living with HIV. Civil society organizations also report disproportionate shortages of medications to increased demands for PLHIV who cannot access medications from government's facilities.

In addition to HIV and other medications, LGBTIQ people who have fled to non-SAC controlled areas do not have sufficient access to foods, basic nutrition, clean water supply and sanitation. Strict scrutiny by the military troops over the food and medicine donated by the people from urban areas to those taking part in the

resistance in such remote areas; and confiscation of donations if found; make their accessibility even more challenging.

Access to Humanitarian Assistance

According to reports from the LGBTIQ community, there are individuals suffering from hunger and starvation due to COVID-19 consequences and the coup made their lives more difficult. One transgender woman in Yangon committed suicide in early June and numbers of transgender women from grass-root communities are dying from insufficient food and medicines. The local LGBTQ communities and organizations used to provide food and medical supplies under their emergency and humanitarian response programs during COVID-19 outbreak since last year 2020. However, the coup restricts delivery of goods and services in many forms and puts the service providers at high risk. For instance, the military practices arbitrary arrests and sexual harassment at checkpoints.

LGBTIQ people who actively participate in Civil Disobedience Movements (CDM) experience even more significant challenges accessing CDM-supports, including cash and in-kind support, provided by individual donors, general public or civil society organizations since they are not included as first priorities to receive such humanitarian assistance.

Moreover, restrictions on freedom of movement and rights to information including internet blackouts; and digital security issues barricade LGBTIQ people from receiving adequate and proportionate psycho-social and other humanitarian support. Information from community-based and non-governmental organizations providing psycho-social support reflect that their services fall short to the larger numbers of LGBTIQ requiring psycho-social assistance on the practical ground.

LGBTIQ Civil society organizations

Military coup has unreservedly shrunk civic space for most civil society organizations to operate. Despite previously existing laws not prescribing mandatory requirements of legal registrations of LGBTIQ human rights organizations, they cannot conduct activities freely at all national and sub-national levels or access funding through bank accounts unless they are officially registered and have proper recommendation letters from relevant ministries working on LGBTIQ issues. This is especially problematic for LGBTIQ organizations during this unprecedented and controversial period where engagement with ministries controlled by the State Administrative Council (SAC) can be deemed as legitimizing the military group.

Many LGBTIQ organizations also face financial setbacks due to the bank withdrawal and cash issues, following the recent restrictions set out by the military-backed Central Bank of Myanmar.

4. Other Impacts

Prevailing intersectional discriminations and multi-sectoral downfalls made the lives of many LGBTIQ uneasy and exacerbated the existing challenges during the coup. The involvement of LGBTIQ people in the resistance and civil movement that condemns the coup and demands restoration of democracy in Myanmar has implications and can continue to have immediate consequences in the near future.

As economic degradation continues and widespread concerns about Myanmar becoming a failed state propagate, grass-root community members, including LGBTIQ people with different professions across both private and public sectors also experience financial hardships. Subsequently, lack of financial resources prevents many LGBTIQ people from securing basic food and medical supplies required not only for COVID-19 protections but also for responding to coup-related situations.

These crises, combined with a wide range of human rights violations, have a major impact on physical, mental and psychological well-being of LGBTIQ persons.

Conclusion

The scale of violence in terms of nearly a thousand people killed and thousands of people arrested, detained, grilled, even tortured, in a few short months is the junta's deliberate strategy to use brutal force to maintain its iron grip on the country and the robbed sovereignty. While civilian resistance proliferates amidst such crimes against humanity and war crimes committed by the military junta, members of LGBTIQ are also learning self-defense to become part of People's Defense Force (PDF).

As NUG makes strong efforts and takes meaningful steps to not only remove the military but provide an alternative vision of a progressive Myanmar, anti-coup protesters and supporters, especially the thousands of youths, including LGBTQ people, fight and to "push back the undemocratic regime" to keep alive a free and democratic nation. The Ministry appreciates and recognizes Myanmar LGBTIQ people's bravery, persistence, commitment and their contributions to, despite all challenges and adversities, building a nation where non-discrimination, rule of law, ethnic and racial justice, gender equality, LGBTQ equality prevails.

5. Recommendations to international community

- ❖ Put pressure on military to immediate end violence against civilians including LGBTIQ people
- ❖ Call for the immediate releases of activists including LGBTIQ people and provide necessary psycho-social support upon their release
- ❖ Support and engage with the National Unity Government and recognize their work on protection and promotion of human rights for the people inclusive of LGBTIQ community
- ❖ Keep amplifying voices from Myanmar and keep the struggle visible in the UN human rights mechanisms, including the Human Rights Council, UN General Assembly, and the UN Committee for the Elimination of All Forms of Discrimination Against Women (CEDAW)
- ❖ Support a call to referral of the Myanmar situation to the International Criminal Court (ICC)
- ❖ Establish coordinated arms embargo against military as well as targeted sanction against the Military's business.
- ❖ Support monitoring, documenting and reporting of human rights violations and gender-based violence of LGBTIQ people in Myanmar
- ❖ Support general funding and technical assistance to LGBTIQ groups.