

Strategies and Guidelines to promote the rights of **LGBTs** in Myanmar

Colors Rainbow



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Introduction

Research findings on discriminations and violence related to gender identification and sexual orientation in Myanmar have brought into light the fact that the LGBTs are in a dire condition of serious harassment and abuses. The incidents uncovered during such research are a primary force behind advocacy around the amendment of several legal provisions such as Section 377 of the Penal Code, which criminalizes carnal intercourse against the nature, the Police Act, and some other existing laws, as well as organizing awareness programs aimed at ending harassments and violence against the LGBTs. Myanmar is a country known for its serious human rights violations, where its people have very limited access to protection of law and suitable legal channels as a recourse for their grievances. The law, particularly Section 377 of the Penal Code, treats members of the LGBT community unprotected.

Against this backdrop, Colors Rainbow has come up with a number of activities including outreach programs such as legal education, human rights and Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) trainings; providing legal aid and paralegals for the LGBTs who have faced arbitrary detention and other rights abuses; advocating amendments to rights-abusing outdated laws in coalition with other organizations, and lobbying for considering the rights of LGBTs in future laws. Colors Rainbow also sought strategies, tactics and feedback from local and foreign lawyers and experts, expecting to see more effectiveness and efficiency in continuing such activities.

Objective

The main purpose of this legal guideline is to promote human rights and rule of law not only for the LGBTs, but for the women and children as well, and to serve as a handbook in conducting training courses and various legal awareness raising programs, paralegal services, and psychosocial support in relevant townships. This book will be used as a training material for selected LGBT persons who will be attending paralegal, negotiation techniques, and case management training programs that will be conducted to provide effective paralegal support to the LGBT communities.

This guidebook is anticipated to be useful in expected collaboration with organizations and authorized bodies that are key to garnering support in advocacy around amendments to and/or redrafting of laws that are threatening the rights of the LGBTs in Myanmar, as well as in ensuring that fundamental rights of citizens enshrined both in the State Constitution and the Universal Declaration of Human Rights are respected and protected. At its best, the book will be an enlightening agent for raising public awareness about the LGBTs' rights abuses, and a tool for the victims of arbitrary arrests in defending their rights as guaranteed in international law and the State Constitution.

This document is a compilation of various legal points that raise awareness about law, legal rights, and ways to avoid legal traps for LGBTs in Myanmar.

Background History

Ever since the networks of various LGBT rights groups began to grow and radiate from Yangon to across the country, there has been an ever greater chance of protecting the rights of the LGBT people through legal channels. In this time of democratic transition when respect for and protection of human rights are being institutionalized, it is critical that the LGBT rights are also promoted and protected, and there is a good potential of realizing that too.

People of Myanmar have been subject to systematic human rights violations for many years under successive governments. Although a lot of changes have occurred under the new government since 2010, systematic reform in such areas as law, the judiciary, and the scope of power and mandate to the police and the military are yet to be realized, while the prejudice and social stigma and some religious beliefs against homosexuality are shaping extreme incitement and homophobia. LGBT individuals in Myanmar have been experiencing discrimination and human right abuses in legal and social fronts in different environments throughout the country. Particularly, discrimination is widespread in rural areas where people have very limited knowledge. The LGBTs' experience of falling victims to homophobia begins at school where not only they are bullied by their classmates but also even the teachers are sometimes involved in abusing their rights. LGBT persons in Myanmar severely lack protection, and usually live with depression, trauma, and downheartedness. They are forced to hide their gender preference because

of social pressure, and suffer from severe discrimination based on sexual orientation and gender identification.

Colors Rainbow is cooperating with various organizations through a number of activities. It is planning to provide paralegal services and a series of training during this project cycle with help from its partner organizations. A first meeting on lobbying for the change of Penal Code Section 377 was held in 2014 with local lawyers, legal experts and LGBT rights advocates. The meeting made a decision to get Section 377 amended, and proposed a draft bill to amend it. In 2015, Colors Rainbow approached the MPs, individually or collectively, and discussed the amendment of the section. The findings throughout 2015 were reviewed by legal experts/lawyers in 2016. With a change in government [in 2016], the proposed draft to amend Section 377 had to be discussed again. Four possible solutions came out of these discussions: (1) to remove Section 377 and amend Section 375 [by adding some phrases]; (2) to amend Section 377 as discussed in 2014; (3) to remove “against the order of nature”; or (4) to change the age limit. The participants decided to apply the most suitable one of the four solutions. To improve its work of legal advocacy, awareness raising, paralegal programs, and networking Colors Rainbow held a two-day workshop on January 13 and 14 in 2017, where international legal experts, local legal professionals, scholars from Harvard Law School’s human rights department, and members of LGBT rights networks gave Colors Rainbow inputs, feedback and suggestions regarding the current strategies. This report was written based on the recommendations and strategies obtained from that two-day workshop.

Enhancing Strategies to Promote LGBT Rights

During the workshops, legal experts and LGBT right activists discussed in detail the work of Colors Rainbow, which are to advocate the law amendment, to raise awareness, and to provide legal aid. Ma Yi Mon Tun and Mr. Roger Normand from the Justice Trust

said during the discussion that amending a law is very difficult, and the conditions in Myanmar at the moment makes it difficult to amend Section 377. They also observed that although providing legal aid and helping in courts can be relatively successful, the success rate of the court cases is still low. But they were optimistic that the LGBT rights movement would become successful within two and a half to three years in Myanmar. They also showed concerns that access to justice was still out of reach not only for the LGBTs but also for other persons in Myanmar despite many changes around the world. They concluded that the existing laws do not provide protection for LGBT individuals yet, and that the laws must be amended to give protection not only for the LGBTs but also for the society at large.

Enhancing Strategies to
Promote LGBT Rights

Following that, they discussed in detail during the two-day workshop Colors Rainbow's activities of lobbying for law amendment, awareness raising trainings, and providing legal aid. In the first day, scholars from the department of human rights, Harvard Law School, discussed laws used to harass LGBT people in Myanmar; international laws that are being breached; protections and fundamental rights of citizens conferred upon by the Constitution; application of international laws, constitutional theories and provisions of criminal offences; and how to cooperate with other organizations to develop strategies. The second day session went around group discussions, thinking beyond the scope of law, and how to understand one's rights and laws, followed by a review of the efforts by the South East Asian countries. The last discussion focused on how to materialize the outcomes of the workshop.

The participants made detailed presentations on discriminations usually committed against LGBT community, extrajudicial acts of some members of the police, and how the LGBT persons are being exploited and abused due to their ignorance of their own rights. Based on their presentations and discussions, Colors Rainbow and LGBT right activists set the strategies to find ways to have the law amended, conduct awareness raising programs, provide legal aid, and implement educational programs about citizens' rights as follow.

Means of Implementation

1. Law amendments,
2. Legal awareness raising programs
3. Facing court cases,
4. Advocacy
5. Cooperation with partner organizations

Means to Amend the Laws

1.1. Penal Code

The most threatening to the LGBT individuals in Myanmar is Section 377 of the Penal Code. The provision states that whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Although intention is the determinant in criminal codes as far as the scope is concerned, this is lacking in Section 377 which stipulates that simply doing an act is a crime. In addition to intention, the consent of the victim is also a key to the definition of a sexual crime. Section 377 omits both criteria. Similarly, this provision is rooted in a narrow view that there are only two genders: man and woman, and that it criminalizes homosexual and transgender people who choose to live as such according to their freedom of choice.

This legislation should be amended because it illegalizes a sexual practice between two persons as they express their sexuality at will, and because it was made during the colonial period in accordance with the circumstances of that day but is no longer compatible with this time.

In the meeting held on 24th July 2016 to discuss Section 377 of the Penal Code, which is the main threat to the LGBT community, proposed draft bills on amending Section 377 were made by advocates, lawyers working with legal aid organizations, and high grade pleaders. They concluded that Section 377 should be repealed and Section 375 be amended, and that section 377 be amended. The three proposed draft bills are as follows.

(A) Proposed Amendment to the Penal Code Section 375

Whoever –

(a) has carnal intercourse with any man or woman whose act falls within any one of the following five conditions, save for the Exception below, commits rape where the victim

(1) denies,

(2) does not give consent

(3) gives consent because of a threat to kill or harm him/her or someone else,

(4) is younger than 16 years of age regardless of whether he/she gives consent or not

(b) has an intercourse with an animal.

Exception: Having intercourse with one's own spouse or sexual partner whose age is not younger than 14 years is not rape.

(B) Proposed Amendment to Penal Code Section 377 (Sexual assault) against the nature

Whoever –

(1) voluntarily has carnal intercourse with any man or woman in one of the following conditions commits the crime.

The person who is committed -

(a) denies,

(b) does not consent

(c) gives consent because of a threat to kill or harm him or her,

(d) is younger than (16/18) year of age regardless of whether he or she gives consent or not

(2) Any person who has intercourse with any animal commits the crime. The person who commits the crime shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(C) Proposed Amendment to the Penal Code Section 377

Whoever –

(1) voluntarily has carnal intercourse with any man or woman under one of the following conditions commits the crime.

The person being committed –

(a) denies,

(b) does not give consent

(c) gives consent because of a threat to kill or harm him or her,

(d) is younger than 18 year of age regardless of whether he or she gives consent or not.

(2) whoever has intercourse with any animal is considered to commit the crime. The person who commits the crime shall be punished with imprisonment 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 workshop on legal LGBT rights, held in 2014, the participants decided to lobby the legislature to follow the most suitable of these three drafts for amendment.

1.2. Provisions in the Police Act

Similarly, another legislations mainly used to arrest the LGBT individuals unfairly are Section 35 (c) of the Police Act, and Section 30 (c) and (d) of the Rangoon Police Act.

These provisions give a police officer to detain a person if that person is found between sunset and sunrise in any backside alleyway but cannot give satisfactory reasons for their presence there. However, the police are taking LGBT individuals into custody ultra vires whenever they are spotted on roads, shops and public places. In arresting the LGBTs, the police act extrajudicially.

The LGBT individuals are intimidated by the police who not only use Section 377 of the Penal Code but also the provisions of the Police Act wrongfully. If Section 377 can be amended, the number of incidents where LGBT individuals are intimidated with arbitrary use of the law will drop and ultimately disappear. The Police Act shall be properly enforced by holding discussions with the police about the objectives of the law, and demanding that the police strictly follow the law.

Activities

While Colors Rainbow advocates legal reform for the LGBTs using legitimate ways, it is also giving support in coalition with its partner organizations to have laws passed for people living with HIV/AIDS, laws that guarantee their basic human rights, citizen rights, and life security as per international norms and standards.

Likewise, it is actively cooperating in drafting a hate speech prevention bill to prevent ethnic and religious conflicts, which have been widespread in Myanmar recently, while drafting an anti-discrimination bill; and participating in programs to promote rule of law.

Colors Rainbow is striving to improve the existing laws to be in conformity with international human right standards, amend discriminatory laws, and ensure that there are good laws guaranteeing equal human rights and full protection of everyone regardless of sex, color or religion.

At the top of its agenda being amending laws that are making LGBTs vulnerable to arbitrary detention and persecution, Colors Rainbow will cooperate with partner organizations to resuscitate the judiciary pillar since it believes the injustices that have been occurring are the result of weak rule of law. Additionally, it also plans to highlight the ultra vires acts of the police, and the failure of police to perform their duties as prescribed by law. Finally, Colors Rainbow is tackling in various ways conservative, prejudiced views embedded in Myanmar culture against homosexual people.

The following approaches will be taken to amend laws usually used to persecute the LGBTs.

1. **A draft bill must be written.** The bill must address human rights violations faced by the LGBTs in Myanmar, their lack of access to justice, and their vulnerability to discriminations due to Section 377. It must include background histories (of these laws) and their actual implications upon the LGBTs, detailing full legal references and exact accounts of the victims. Recommendations made by LGBT rights networks must also be incorporated while drafting it. Efforts to repeal or amend Section 377 in other countries and how they implemented it must be referenced as well. Particularly, changes in the practice of law in countries like England, Australia and India, which have Common Law systems as Myanmar does, must be studied. If the Law Concerning the Rights of People Living with HIV/AIDS can be enacted, the provisions in that law around Section 377 shall be used as precedents in this draft. It is particularly important to write clearly and effectively the backbone of the facts concerning with what we want to amend.

2. CR must cooperate with other organizations in trying to amend the law.

Instead of struggling individually, all the civil society forces with similar goals –women’s rights, child’s rights and human rights organizations, and NGOs that have strong communications channels with government agencies – must come together. Moreover, the draft bill must be sent to bars associations that have members who show empathy for LGBTs and support their rights to receive their suggestions and recommendations. The LGBT rights network must also advocate it. We need to involve the LGBTs who are among the people of authority and wealth but hides their sexual identities to support the cause.

3. The accomplished bill must be submitted to the bill committees.

Before submitting it to the bill committees, preliminary discussions must be made with the chairman and members of the committees and seek their comments. This will help finalize a perfect bill ready to submit to the bill committees. It can be submitted to the Pyithu Hluttaw Bill Committee or the Amyotha Hluttaw Bill Committee.

The bill must be directly addressed to the bill committees. If a bill committee approves it, Amyotha Hluttaw and Pyithu Hluttaw will discuss it, before Pyidaungsu Hluttaw make final decisions. At that step, the organizations that submitted the bill should hold discussions with the parliamentarians.

Conducting legal and awareness raising trainings

Disseminating knowledge among the public

The LGBTs need to receive tolerance from the society, particularly from the administrators and the judges at all levels, as well as from the members of the civil society. They need to be educated by such as providing books and documents to become aware of the discriminations faced by the LGBTs. LGBTs as well as non-LGBT persons from different social strata must be given training such as SOGIE. In this way, the LGBTs will become less marginalized and accepted into society, and it will make efforts to amend laws easier and more effective. Educational programs like making short films, cartoons, talk shows, photo exhibitions, poem competitions, debates and songs that depict the life of LGBTs should be organized and distributed via social media like Facebook, the most popular social platform in Myanmar and other countries, broadcast media like SkyNet, MRTV, 5Plus, 4TV and DVB to convey the message that LGBTs are also humans who are part of the society. In this way, the message will be conveyed easily and quickly to various social classes and backgrounds such as students, ordinary people, government agencies, and business people.

Educating LGBT Individuals

The most important thing that LGBT community currently needs is to understand well about rights entitled to every citizen enshrined in the constitution, rights given by the existing laws, and international human rights norms and standards. It is important to train them in rights and responsibilities of citizens to open their mind so that they can apply the knowledge in real life effectively and abide by law.

LGBT individuals need to participate in social and religious organizations in their community and participate in the activities of those organizations. Then, it is necessary to give them follow-up legal education in such as criminal laws, police manuals, court manuals, the Evidence Act, and the Child Law. Evidence shows that legal education programs increase the motivation of LGBT individuals, that they can respond to and solve the problem in the face of ultra vires acts, and that they can help other victims. Educational programs are a necessity for the general public as well so that people from all backgrounds will raise their voices for the LGBT individuals.

Legal points that LGBT individuals should understand

1. As LGBTs are human being, they also should be able to equally enjoy the basic human rights and citizen rights. Moreover, they should face no discrimination before the law but should be able to enjoy equal rights before the law. (Section 347, Constitution)
2. Nothing shall, except in accord with the existing laws, be detrimental to the life and personal freedom of any person. (Section 353, Constitution)
3. As LGBTs are human being, they should be treated in accordance with human dignity in society. (Article 1, Universal Declaration of Human Rights)
4. Acts of degrading treatment are a breach of human rights. (Article 5, Universal Declaration of Human Rights)
5. No one shall be subject to discrimination or physical abuse based on the sexual orientation, gender identity or choice of cloths s/he wears. (Section 349/350, Penal Code)
6. LGBTs are entitled to equal rights before the law and they are also liable to receive punishment by law if they break the law. (Section 347, Constitution)
7. No one should be void of their basic human rights unjustly for their type of affection and choice of spouse, and should never be always living in a feeling of guilt. Love between each other is not a crime.

When the awareness raising is implemented throughout the country, it is also necessary to highlight the right of self-defense and the right of legal defense, which are basic human rights.

Dealing with the cases

While implementing advocacy of law amendment and awareness-raising, giving legal aid vigorously to the LGBT individuals subject to rights abuses must be continued parallel. They cannot stop receiving legal advice, and help in defending their case. When someone faces a human rights abuse, the person should do the following things in order that the victim or his or her parents and relatives can seek assistance from lawyers who will give legal service. It is vital to understand the facts that will be helpful in giving legal service easily and effectively.

When someone has to stand a trial, the Independent Lawyers Association Myanmar (ILAM) offices in townships, districts, State or Region, or the headquarters should be informed. If the victim of abuse or an ultra vires act cannot contact these offices themselves, their relatives can do on their behalf and seek assistance. When contacted, LGBT lawyers and lawyers from LGBT networks and organizations can provide legal aid as described in the “dealing with the cases” section. If a lawyer cannot represent the case, he or she will be able to refer to another lawyer who is available in a timely manner. A budget must be earmarked for the Strategic Litigation for public Interest. Lawyers who have little experience on representing LGBTs and dealing with such matters need to discuss and receive suggestions from more experienced lawyers to represent the case.

Things to know when the police arrests

- The police cannot use force if the person does not resist when arrested. (Section 46, Code of Criminal Procedure)
- The detainee must not be harmed unjustly. (Section 43 of Police Act, Section 1060 of Police Manual)
- Firstly try to inform the parents, relatives or friends about your arrest. Demand the police to do so. (Section 74 (c), Volume I, Police Manual)
- Holding in custody for more than 24 hours without a remand is a wrongful confinement. (Section 340 of Penal Code)
- No person shall, except for circumstances permitted by any existing law, be held in custody for more than 24 hours without the remand of a court. (Section 7 of Protecting the Privacy and Security of Citizens Law)
- When the investigation for a cognizable offence cannot be finished within 24 hours under custody, the police officer in charge of the police station or the officer who is investigating the case shall forward the accused to the nearest Magistrate and ask for authorization of the detention. (Section 167 (1) (2) of Code of Criminal Procedure)

(Remark: Family members or friends of the accused must observe whether the remand is requested before the Magistrate or not. If the remand is not requested before the Magistrate, proceed to complain.)

- When the police request a remand from the Magistrate, the accused can request the Magistrate to let contact with a lawyer. The Magistrate must not fail to help the accused to have a legal counsel. (Section 340 (1) of Code of Criminal Procedure, Kailash Nath, 48 CRL.J 868 (871))
- It must be observed if the police torture the accused or not, and if the accused is made unnecessary restraint. (Section 50 of Code of Criminal Procedure and Section 1198 of Police Manual)

- The accused has the right to accept visitors and meet with the lawyer. The accused can be given food and clothes. (Section 1196 of Police Manual and Section 31, 11 of Police Act)
- If you don't want to give confession but if you are intimidated by the police or if you are afraid that police will torture you for not making confession, if you want to overcome the pressure by making confession, if you are promised or persuaded that you will be released if you confess, you can tell the police that you will confess. However, you must tell the Magistrate about the act of the police, and that you do not want to confess. Then, the Magistrate shall not accept your confession. (Section 602 of Court Manual)
- The accused, who has been arrested by a police officer, can be discharged on his own bond, or on bail. (Section 63 of Code of Criminal Procedure)
- Not all police questions are required to be answered. And the police cannot force someone to answer the questions. If the police torture physically or mentally, the police can be sued.
- No statement made by any person to a police officer in the course of an investigation be signed by the person making it. (Section 161 (1) of Code of Criminal Procedure)
- No citizen shall be surveilled, spied upon, or investigated in a manner which could disturb their privacy and security or affect their dignity. (Section 8 (b) of Protecting the Privacy and Security of Citizens Law)
- If someone breaches section 7 and 8 (b) of Protecting the Privacy and Security of Citizens Law, a complaint can be filed against that person in accordance with Section 9 of the law. If the officer in charge of the police station who receives the complaint fails to follow the section 9 of the law, the officer shall be punished in accordance with Section 11 of the law.

Things to follow by the person who is arrested

The points made above are the legal rights entitled by the persons arrested. Only when they are well-informed of those rights, shall they be able to protect themselves. When they arrive at the police station, they should try to contact the support groups or paralegals who are helping the cases of LGBT individuals.

Remark: Not only those who are under the police custody but also who are in jail have the right to meet with family members, friends, lawyers, paralegals and legal support groups (Section 74 (c) of Police Manual Volume I, Section (40) of Prison Act). If the accused cannot afford to hire a lawyer, the person can contact pro-bono lawyers, free legal service organizations, lawyer networks and social organizations to get legal support.

Things to follow by Lawyers

Lawyers who are going to represent cases involving human rights and LGBT rights abuses need to understand the sexual orientation of the person who they are going to represent and the perception of the community about the defendant. (Reference books and data can be obtained from the LGBT individuals, their associations or Colors Rainbow.) The lawyer must understand that LGBT individuals remain a marginalized and discriminated community in Myanmar. They remain the victims of severe human rights abuses. Therefore, if a lawyer is going to represent a case for LGBT individuals, they should do the following checks without fail.

1. The lawyer needs to ask if the authorities arrested his client ultra vires, whether excessive force was used when arrested, whether his client was intimidated, harmed, abused physically and/or mentally, whether the accused was deprived of their human rights and the rights conferred by the laws, discriminated, or treated or talked to in ways that harm their human dignity. If those abuses happened, the lawyer needs to complain.
2. The lawyer must ensure that their client be sent to the court within 24 hours, and if the police request a remand at the court, the lawyer needs to object categorically..
3. If the court granted the remand, bail must be applied if it is a bail able offence. If the court refuses the bail despite the reasons and legally valid points to grant it, an appeal should be made at higher courts. (Section 496 of Code of Criminal Procedure)
4. There is no such thing as being early when it comes to applying for bail. Bail can be applied at any time. (Maung Lu Min and the State, 1956 MaTaSa 112, High Court)

If there is no lawyer to represent, a family member or friend of the accused can apply for the bail. Whether it is a bail able or non-bailable of the offence, when the bail is arranged, all the required documents must be presented. According to Section 497 of the Code of Criminal Procedure, bail can be applied at court with the application form of bail during the trial or under the custody or investigation. Together with the application of bail, the affidavit of the property for bail of two sureties or the certificate of the ward administrator must be presented. There must be two sureties for an accused person. The surety must guarantee that the accused person shall appear before court for hearing the case when summoned.

Things to do during the trial period

When the hearing of the suit starts, the accused LGBT individual and its representing lawyer should pay attention to the following things.

1. Please understand that LGBT individuals have equal right as others, that they have the right to enjoy the protection of law equally without any discrimination, that they have the right to enjoy all the rights given by the laws, that the burden of proof lies on the accuser, and that they must not be considered as criminals until they are proven to commit to such crime.
2. Make sure that no admission or confession that one has committed the crime was done unless the confession was made on condition that the accused is intimidated or persuaded that the charge will be changed to a less severe one or the case shall be finished sooner or the sentence shall be lessened. At the same time, the defense counsel should encourage the client telling him/her not to admit or confess that s/he has committed the crime without actually having committed it. And the lawyers should carefully study the cases won by other lawyers or the organizations as well.
3. The defense counsel should rely on the fundamental rights of citizens enshrined in the Constitution and the conditions of the crime in question as defined in the relevant section of the law. The norms and standards of international laws should also be cited whenever applicable when the investigation, defense and argument for the case are made.
4. In defending the client in court, make sure that the arguments feature upholding equality before the law, personal freedom, and discrimination.

Advocacy

Educational programs and talk shows about the basic human rights of LGBT individuals and those who are living in Myanmar, fundamental rights of citizens, and rights guaranteed by the laws should be broadcast via media such as DVB, SkyNet, and MRTV since the influence of news media and public celebrities is quite powerful in these days. The programs should also include talk shows with experienced lawyers and interviews with spokespersons of government departments and celebrities.

In addition, raising the awareness of the general public should be widely done via films and other entertainment channels. Efforts should be made especially to produce educational short films, soap operas, and films. Similarly, articles, essays and advertorials should be published via newspapers, journals, periodicals, and magazines. At the same time, wrongful portrayals of LGBT individuals in the local-language movies must be stopped, and realistic stories should be publicized about the nature of LGBTs and their social lives that they are experiencing, and the difference of LGBTs on sexual orientation, their preferred clothes, and their object of affection.

In addition to making awareness raising programs via print media, broadcast media and the movie industry, preparations should be made to supply supporting materials to basic education schools in order to bring about perception change on the LGBT community starting from the basic education level. Meanwhile, public awareness raising activities should be conducted widely by making literature, cartoon and poster competitions on days for celebration such as the UN's World AIDS TDOR Day, and IDAHO.

By using such advocacy, the traditional views of Myanmar society at large against LGBTs could change positively.

Establishing Partner Organizations

The capacity of Colors Rainbow alone will not be sufficient to make activities effective and achieve the objectives. Finding and making alliance with partner organizations is particularly essential.

Initially, Colors Rainbow will try to form human rights organizations, LGBT rights organizations and strong social organizations in every town and village. Areas that witness strong discrimination, abuses, and unlawful arrests of the LGBT individuals will be prioritized in forming those organizations.

Moreover, it is required to build a good relationship and cooperate with legal aid organizations, lawyers, bars offices, lawyer networks, community-based organizations, human rights activist organizations, and women and child rights activist organizations. It must also cooperate with relevant political parties, parliamentarians from different chambers, officials from government and judicial sectors to implement Colors Rainbow's main objective, that is, to amend laws being used to abuse homosexuals and persons with different sexual orientations and gender identifications, and to emerge legal mechanisms which will protect their basic human rights and citizen rights. It should also receive assistance from organizations which can approach them.

Likewise, assistance from lawyers who are giving legal aid and pro-bono lawyers for LGBT individuals, women, children and human right activists, networks, experienced lawyers, bars offices, and so on shall be sought through a series of workshops. In addition, regional-level coordination meetings with partner organizations to promote cooperation with them and to promote rule of law must be held monthly, quarterly or yearly.

Apart from providing legal support to LGBT individuals, women, children, and human right activists, there shall be cooperation with social support group for the health problems faced by LGBT individuals and women.

The list of health care service organizations are described for the LGBT individuals to seek medical advice or medical care as required.

Health Service Organizations

Sr.	Organization	Contact Person	Email
1	Charity-Oriented Myanmar	U Nyein Chan Aung President	chanzin77@gmail.com
2	Phan Tee Eain	U Myo Khaing Information Officer	infoff.pt@gmail.com
3	Rettana Metta	Nang Si Phong	nangsiphong@gmail.com
4	iPas	Dr Ni Ni Country Manager	nini@ipas.org
5	CARE Myanmar	Daw Nilar Htun Gender Advisor	nilar.tun@careint.org
6	CPI	Dr Khaing Wai Wai Oo	khine@cpinitl.org
7	Dikonia	Daw Min Nwe Ni Country Manager	min.nweni@diakonia.se
8	LWF	Daw Aye Aye Thar Human Rights Coordinator	humanrights.lwf.mmr@gmail.com
9	Marie Stopes International	Dr Moe Moe Aung Senior Programme Manager	moemoeaung.mm@gmail.com
10	Pact in Myanmar	Melissa k. booth Peace, Governance & Inclusion Technical Coordinator	mbooth@pactworld.org
11	Malteser International	Daw Pan Myat Mon Country Health Coordinator	pan.myatmon@malteser-international.org
12	PSI	Daw Su Sandi Project Manager	ssandy@psimyanmar.org

Organizations to contact when cases happen

LGBTs can obtain legal aid from organizations from around the country which are actively working for the rights of LGBT when LGBTs face legal problems or are arbitrarily arrested. Those organizations are mentioned below.

Organizations providing legal aid

No	Name of Organization	Location	Contact Phone
1	Justice Centre	Yangon Hlaingthaya Mawlamyaing	0931034679
2	Legal Aid Myanmar	Yangon Mandalay Myitkyina	09 4500 48660 09 7986 73014 09 9791 97420
3	Rule of Law Centre	Yangon Mandalay Myitkyina Taunggyi	09 5099 654 09 7727 64748 09 4570 33696 09 7759 00905
4	Ratana Metta	Hlaingthaya	09 7302 4794
5	Colors Rainbow	Yangon Dawei	09 4004 47181
6	Lotus	Yangon	09 9789 84677
7	Kings and Queens	Yangon	09 7947 75122 09 4200 10409
8	Mandalay Law Firm	Mandalay	09 971729551
9	Tharaphu Law Firm	Mandalay	
10	The Truth Law Firm	Pyay	09 423 663 071
11	Dragon Law Firm	Pyay	09 531 2267
12	Myanmar Justice (Pro bono) Association	Mandalay	
13	Hygienic Legal Clinic	Yangon	09 4237 10734

Lawyers providing legal aid

Sr	Name	Township	Email	Phone
1	Daw Shwe Wah Lin	Kyaukpadaung		09402664765
2	Daw Phyu Phyu Lwin	Lashio	phyulay4869@gmail.com	09260838727
3	Daw Su Mar Aung	Magway	sumaraung77@gmail.com	09252801054
4	Daw Ei Phyu Win	Kalay	epw.eiphyuwin@gmail.com	09400473237
5	Daw Moe Moe Naing	Yangon		09795935584
6	U Cho Naing	Mawlamyaing	chonaing282@gmail.com	09455381994
7	Daw Nwe Nwe Oo	Myitkyina	lawyemno@gmail.com	09400046320
8	Daw Han Su Yin	Meikhtila		09255801224
9	U Aung Ko Ko	Meikhtila	aungkoko@gmail.com	09422499065
10	U Jennes Basnet	Myitkyina		09780288919
11	Daw San San Win	Bago		09263659056
12	U Sithu Aung Soe	Dawei	kosithu969969969@gmail.com	09422360553
13	Daw Hnin Win Aung	MSM/SWIM	lawyerhninwinaung@gmail.com	09428122794
14	Daw Tin Moe Khaing	MJA, Mandalay	dawtinmoe205379@gmail.com	92053791
15	U Kyaw Zayyar Oo	Monywa		09420723478

Representatives of LGBT Rights Network by region

Sr	Township	Name	Contact
1	Myitkyina	Manaw Pan	
2	Mogaung	Amye Sein Chitthu	
3	Lashio	Alinn Mee Ain	
4	Taunggyi	Love Gay	
5	Mandalay	Try SHG	
6	Singgu	Rainbow organization	
7	Mahlaing	Mogyo	
8	Kyaukpadaung	Alinn Mee Ain	
9	Myinchon	Mr Lady	
10	Pakhokku	Tamamyay Mha Twe Lat Mya	
11	Monywa	Khaing Hninsi	
12	Shwebo	Beauty Queen	
13	Pyay	Sky Dragon	
14	Bago	Setana Ah Man	
15	Yangon	Kings N Queens	
16	Yangon	Colors Rainbow	
17	Patheingyi	Ngwe Gyogyia	
18	Mawlamyaing	Sanamhu Setana	
19	Dawei	Alintan Lay Mya	
20	Myeik	Rainbow Myeik	
21	Kalay	Cross Dresser	

Recommendations to the Government

- To ensure the rule of law is on top agenda of the Ministry of Home Affairs,
- To raise awareness of staff from the judicial sector about SOGIE,
- To prioritize amending sections 375 and 377 of Penal Code,
- To give physical and mental health support by Ministry of Health and Department of Social Welfare,
To participate in human rights activities organized by non-governmental organizations

Laws cited

1. Code of Criminal Procedure (1898)
2. Penal Code (1861)
3. Rangoon Police Act (4/1899)
4. Police Act
5. Police Manual
6. Court Manual



Norwegian People's Aid



Australian Government

