

Myanmar LGBTQ

RIGHTS IN
CONFLICT





INTRODUCTION

What is this presentation
about?

This PRESENTATION is:

A DEVELOPMENT

Of a chapter drafted for the forthcoming Oxford Handbook of LGBTIQ Law (publication in 2023).

BUT THIS PRESENTATION

Will be additional information not in the official paper (now on SSRN)

THE PAPER

contains an overview of the recent legal developments in court all over Asia, Taiwan is also included



This presentation will **ZOOM IN** on the
Myanmar situation:



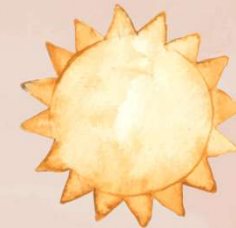
ROAD TO RIGHTS

A recap on the movement
for LGBTQ rights in
Myanmar



HUMANITARIAN CRISIS

The rise of conflict,
humanitarian needs, and
the rollback on rights



CONTINUED HUMAN RIGHTS ABUSES IN CONFLICT





MYANMAR before 2021

Focusing on the Myanmar
Perspective

(Continued from 2019)



A progress of **RAINBOW & RIGHTS**



RECLAIMING SPACES



CHALLENGES

Colonial
repressive
legislation

Lack of
protective
mechanisms
and laws

Social stigma,
barriers to
public life &
perpetration
of violence

POSITIVE INROADS



Reclaiming of
spaces with
activism and
inclusion in
social
movements

Active
participation in
forming national-
level policies, e.g.
National Youth
Policies

Destigmatizing
language, on a
track to
decriminalization



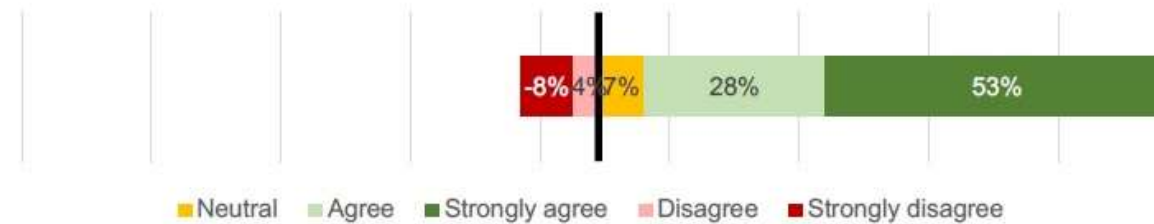
Myanmar before the military coup:

- There was an impressive growth of queer spaces in Myanmar: the yearly &PROUD Film Festival and Yangon Pride (6 years running until 2020);
- LGBTQ people are also important agents of change, from advocating for decriminalization
- Examples are: The National Youth Policy, 2018 acknowledges SOGIE and LGBTQ youth community in Myanmar.
- The commitment of the decriminalization of same-sex relations within 5 years was made by several MPs in Myanmar between 2017-2020.
- The mention of SOGIE and LGBTQ people in the National League for Democracy's election manifesto for 2020.

(All Colors Rainbow Publications will be in a QR code at the end)

A value for equality appears to override personal views: 81% agree that LGBT people deserve equality and equal treatment.

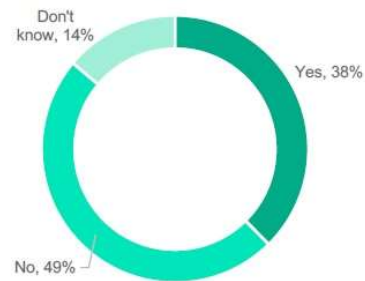
Agreement with statement: "I believe LGBT people deserve equality and equal treatment just like anyone else in Myanmar"



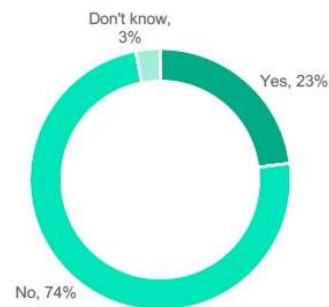
- Research title: Perspectives and attitudes towards LGBT people in Myanmar, by &PROUD and Colors Rainbow, September 2020 (available upon request)

74% believed it should not be illegal to be LGBT. Those who do mostly do so because they feel it is “unnatural”.

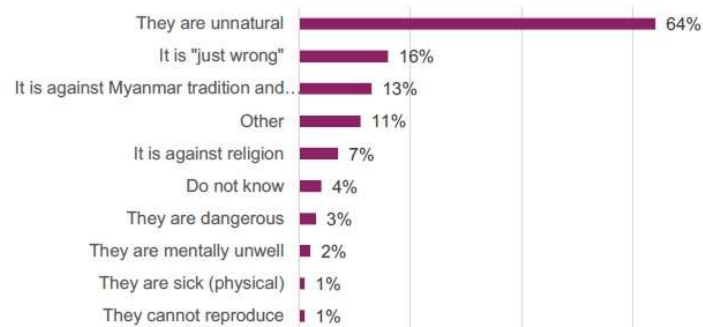
To your knowledge, is it illegal to be LGBT in Myanmar?



In your personal view, should it be illegal?



Why should it be illegal? (n=350)



Research title: Perspectives and attitudes towards LGBT people in Myanmar, by &PROUD and Colors Rainbow, September 2020 (available upon request)

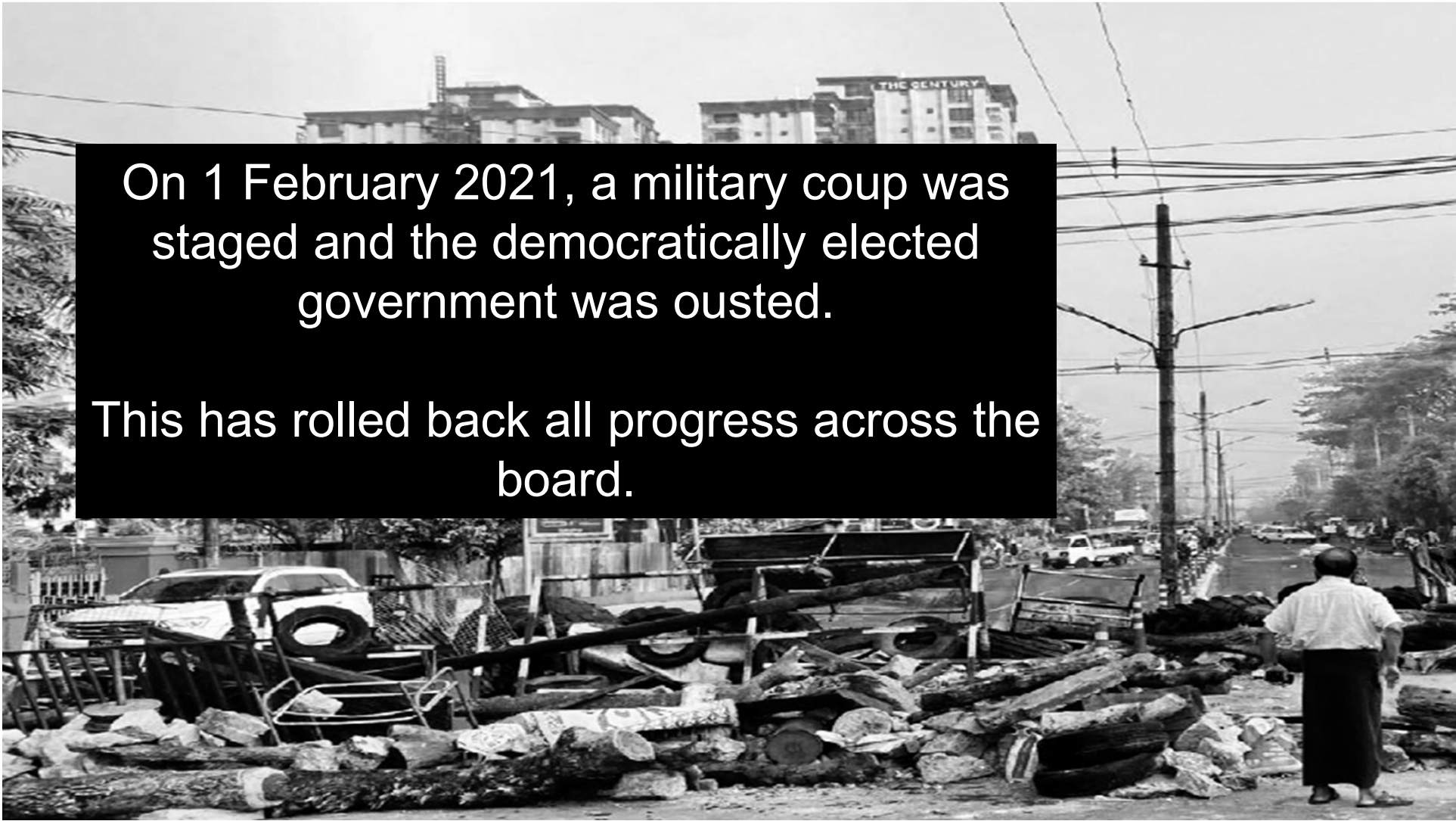


MYANMAR

after 2021

Focusing on the Myanmar
Perspective

(Continued from 2019)



On 1 February 2021, a military coup was staged and the democratically elected government was ousted.

This has rolled back all progress across the board.

Rapid deterioration of Myanmar's security situation



Unique impacts of the coup on LGBTQ people:

- LGBTQ activists were highly visible in anti-coup demonstrations, and the work of LGBTQ civil society is intrinsically linked to human rights.
 - Pre-existing inequalities are exacerbated in crisis settings.
- Already marginalised groups like the LGBTQ community can be expected to be set even further back.
- The MAF's use of sexual violence as a weapon of war is well documented, as are exploitative and abusive dynamics between the police and LGBTQ people.
 - Severe impacts have been documented when LGBTQ people are arrested/lose social connections

• Research title: Rainbow Resilience: LGBTQI+ lives and civil society in Myanmar's coup, by Myanmar LGBTQ Organizations & UNOPS, September 2022 (available upon request)




Unique impacts of the coup on **LGBTQ** people - illustrated:


When an LGBTQ person loses their home

Loss of community, family, support system

Social stigma (based on their SOGIE) creates barriers to seek protection, accommodation – makes it difficult to evade arrests

Economic marginalization – finding work was challenging before, but more so now





Unique impacts of the coup on LGBTQ+ people - illustrated:

When an LGBTQ person is detained by soldiers

Their sexual orientation or gender identity is explicitly weaponised against them to inflict uniquely hypersexualised torture, abuse, and harassment.

In prison or detainment settings, sex-based segregation exposes LGBTQI+ individuals (particularly, trans women and gay men in men's facilities) to potential violence and abuse from other detainees

Tharaphee, 45-year-old bisexual woman from Yangon was furious about the coup and began to rally the community around her to peacefully fight against the military takeover.

She assisted groups of LGBTQI+ youth to participate in protests in the city, providing transport, food, and water.

She was arrested on 15 June and spent one and a half months in detainment, being intermittently tortured, interrogated, and left in isolation.

When soldiers first took her to an interrogation camp, they had printed out her social media posts about protests she had organised.

When soldiers first took her to an interrogation camp, they had printed out her social media posts about protests she had organised. They asked her to identify the young LGBTQ people in the photos, so they could be arrested.

Tharaphee refused to give any names, at which point her torture began.

“They shocked me four times with an electronic baton. ... I passed out”, she recalled.

Her weeks-long ordeal in prison involved starvation, a serious COVID-19 infection, and zero contact with anyone outside.

Research title: Rainbow Resilience: LGBTQI+ lives and civil society in Myanmar’s coup, by Myanmar LGBTQ Organizations & UNOPS, September 2022 (available upon request)



LGBTQ work in MYANMAR

🌱 Shifting our concerns in 2022



01

Gaps in data increased

Pre-coup getting data was hard, but now, more risky, more patchy – e.g. numbers of LGBTQ people in detention is inaccessible publicly, LGBTQ Rohingya – challenges



02

Access to physical cash is challenging

Accessing physical cash, ATMs – MMK value deteriorating, work chances diminishing



03

Medical staff are attacked – supply chain collapsing

LGBTQ people have virtually no access to healthcare, e.g. HIV medicines, hormones



04

Increase in use of explosives & clashes

Daily records explosive weapons, more young persons including LGBTQ people are becoming armed actors.



05

Safe and queer spaces are diminishing

Activism & queer spaces are under scrutiny, surveillance, politicized

HUMANITARIAN NEEDS OVERVIEW MYANMAR

HUMANITARIAN
PROGRAMME CYCLE
2022
ISSUED DECEMBER 2021



The Myanmar Humanitarian Needs Overview in 2022

recognized the needs of LGBTQ
persons in conflict – but in practice
SOGIE is not fully integrated in all
services

*“Older people and persons with
disabilities are at increased risk of
separation from their families
especially in emergency situations
such as natural disasters.”*

*Persons with disabilities and LGBTQ
People often have fewer avenues for
receiving important, relevant
information.”*



Recognizing the intersection of **QUEERNESS** and other aspects of identity in conflict



Intersections of ethnicity & statelessness

- SGBV reported in 2019 against transgender Rohingya persons in Rakhine State

(A/HRC/42/CRP.4)



Social stigma & repression in refugee camps

While LGBTQ persons flee for their safety, sometimes end up in new villages, camps in neighbouring countries, may have to conceal their identities, sexual orientation, and gender identity/expression for
■ personal safety reasons.

(Limited understanding of SOGIE within refugee camps in Thai-Myanmar border)



Integrating & including **LGBTQ** rights into humanitarian responses:

**Data collection must
include SOGIE**

**Conflict sensitivity &
transformation must
include LGBTQ persons**

**Explosive ordnance risk
education to reach LGBTQ
persons**

**Develop urgent
protections for LGBTQ
persons who are
displaced**

**Medical service
providers are
sensitized for LGBTQ
needs**

**Mental health support
tailored for LGBTQ
persons in conflict**

**Sensitized support
provided in refugee
camps for LGBTQ
persons safely**



We end this presentation with the words of:

Shwe Zin , 35 year-old trans woman, Yangon

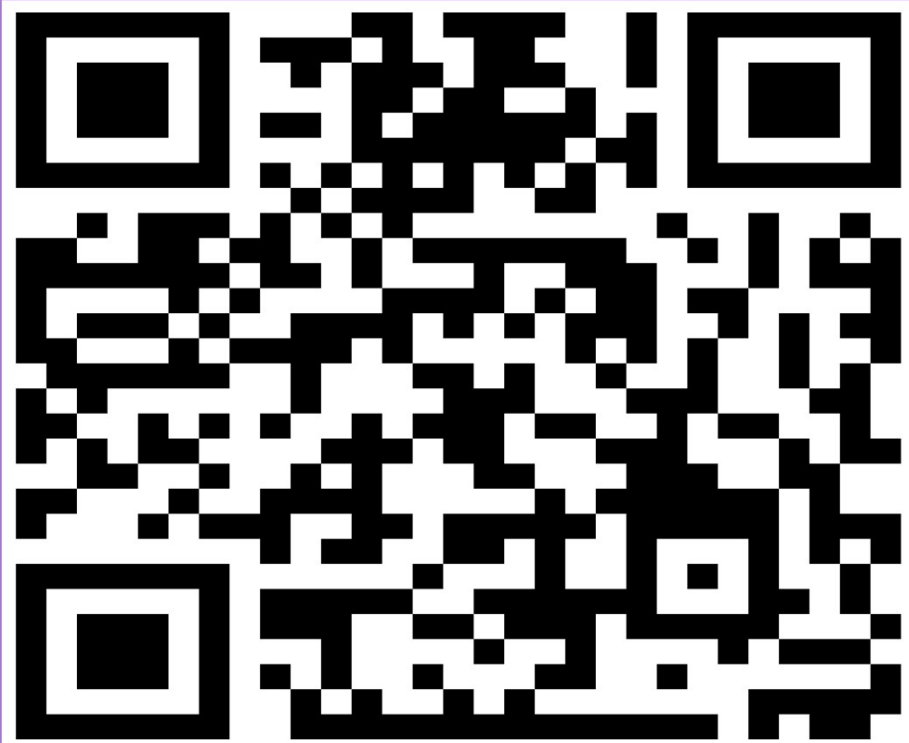
Shwe Zin became actively involved in protests early on. Explaining her motivation, she said:

"Only a peaceful and progressive nation can improve the lives of LGBTQI+ people. ... If life continues as it was in the past, LGBTQ people will continue to be humiliated and laughed at."

Shwe Zin was arrested on 18 May 2021, after she was found to have been organising provisions for PDF members and protesters who had fled to the forests to avoid arrest. For 12 hours, she was stripped and endured severe torture of a sexually explicit nature.

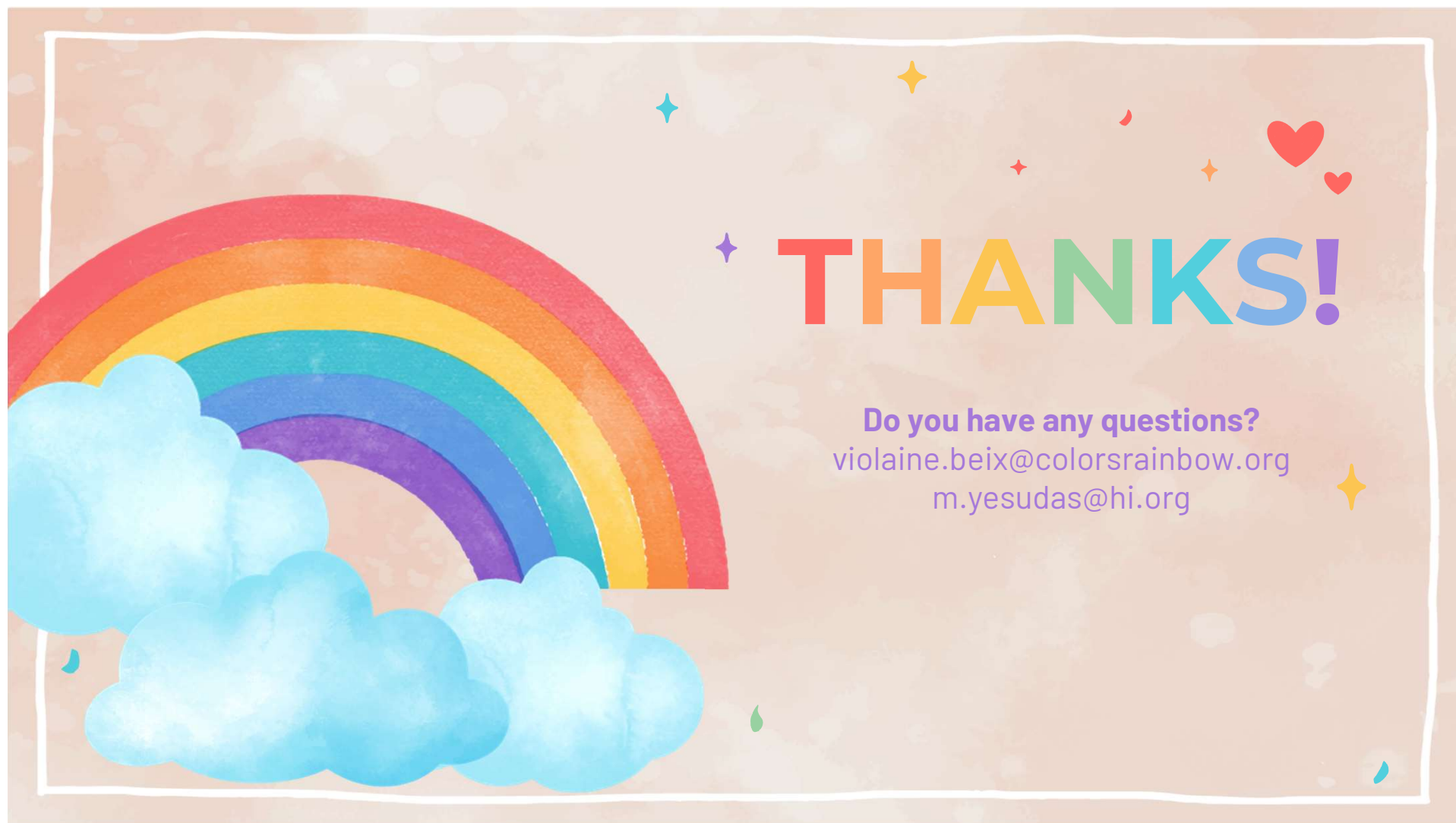


For CRB
Publications scan
this **QR CODE**



To read the paper
in full, scan this
QR CODE

(Credits to ILGA Asia,
Holning Lau, and Colors
Rainbow for input & photo
credit)



THANKS!

Do you have any questions?

violaine.beix@colorsrainbow.org

m.yesudas@hi.org