



Statement on the Discussion on LGBTs in Mandalay During the 13th Mandalay Region Parliamentary Session

Myanmar LGBT Rights Network seriously condemns the Mandalay Region Parliamentary discussion on cracking down on transgender women and gay people in their 13th Parliamentary session on August, 2015, as it can cause more arbitrary arrests of transgender women and gay people in Mandalay.

Daw Tin Tin Mar, an MP from Chanayetharzan Township raised a question to the Mandalay Region Government by asking what kind of action is being taken against gay people who assume they are women and who have been acting inappropriately. Dr. Myint Kyu (Minister, Mandalay Region) responded to the question by saying; “The existence of gay men who assume they are women is unacceptable and therefore we are constantly taking action to have the gays detained at police stations, educate them, then hand them back to their parents. I would like to respond to the MP who raised her concerns that we will be including in our operations the area she mentioned as a special case.”

Myanmar LGBT Rights Network analyzes that the purpose of raising this issue and the response from the Mandalay Region Government seems to promote rule of law in Myanmar, but this approach is wrong. Myanmar LGBT Rights Network is doing its best and is involved in the process of promoting rule of law in Myanmar. Also, when it comes to the rule of law, it is important for the law to protect every individual who is living in the country. However, targeting transgender women who do not even commit any crime and educating them at a police station does not contribute to the rule of law process, it will only cause negative impacts on them.

In his response, Dr. Myint Kyu said; “Authorities have been to check on some gay people after being informed they were acting inappropriately with young men and detained nine of them. After finding out they did not commit any crime, the officials educated them and handed them back to their parents on a bond.” It was found that they were detained without committing any crime when the case was reviewed. Moreover, they faced verbal, physical and sexual harassment, and were treated badly by police officials when they were detained. Therefore, Myanmar LGBT Rights Network is seriously concerned for transgender people who might have to face with this kind of treatment that violates human dignity if the authorities are planning to enforce a special project to arrest gay people and transgender women and educate them at the police station.

The planning of this kind of project is in violation of clauses 347 and 353 of the 2008 Myanmar Constitution which state that the Union shall guarantee every person to enjoy equal rights before the law and shall provide legal protection equally; and nothing shall, except in accord with existing laws, be detrimental to the life and personal freedom of any person. Myanmar LGBT Rights Network also analyzes this as going against Penal Code sections 499, 339 and 340.

Moreover, Myanmar LGBT Network believes that the raising of these issues at a parliamentary session and the preparation of taking action against gay and transgender people originates from the homophobia towards LGBT people and misunderstanding of different sexual orientations. Sexual orientation cannot be changed by education. This is an identity. Moreover, people with a different sexual orientation are also human beings and they are entitled to freedom and safety as other fellow human beings are. They are also entitled to benefit from the rule of law and are also responsible for the



rule of law. However, perceiving all the people who have different sexual orientations as criminals and making a decision to take action against them could be seen as giving license to abuse those who are living in a society where they already face discrimination.

Therefore Myanmar LGBT Rights Network would like to urge –

- To stop the operation which will target gay people and transgender women, and detain and educate them, even though they do not commit any crime;
- Government departments in Mandalay Region who are responsible for the rule of law to take full responsibility and to take serious and effective action against those who are violating the rule of law instead of implementing this operation;
- To give awareness-raising programs for law enforcement officials on issues of discrimination against people with different sexual orientation and/or gender identity;
- To set up a complaint mechanism for LGBT people to report when they face arbitrary arrest, harassment, and other kinds of abuse, and to take action against perpetrators.

Myanmar LGBT rights network will also continue to try to focus and work on behavior change and encourage LGBT people to live with dignity, especially transgender women and gay people. Moreover, we will also cooperate with authorities to live up to our slogan of “LGBT are not the people who are violating the rule of law but LGBT are the people who respect and protect the rule of law.”

Please contact

Mr. AungMyo Min (Executive Director of Equality Myanmar)

Email: myominburma@gmail.com and mobile: (+95)9 448015306

Mr. HlaMyat Tun (Program Manager of Colors Rainbow)

Email: hlamyat.crb@gmail.com and mobile: (+95) 9 73022564 for more details.

Myanmar LGBT Rights Network
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