

# Updates On Implications of the Myanmar Crisis on LGBTIQ People

A Situational Brief and  
Call to Action

July 14, 2021



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Outright International works together for better LGBTIQ lives. Outright is dedicated to working with partners around the globe to strengthen the capacity of the LGBTIQ human rights movement, document and amplify human rights violations against LGBTIQ people, and advocate for inclusion and equality. Founded in 1990, with staff in over a dozen countries, Outright works with the United Nations, regional human rights monitoring bodies, and civil society partners. Outright holds consultative status at the United Nations, where it serves as the secretariat of the UN LGBTI Core Group.

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# Fatalities, Arrests and Detentions

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Nearly five months into the coup in Myanmar, which started on February 1, 2021, the situation has been deteriorating at a fast pace. State violence has skyrocketed with credible reports of “extrajudicial killings, abductions, targeted enforced disappearances, widespread torture, multiple rapes and other criminal acts such as mutilation and public beatings” by forces of the military junta.<sup>1</sup> Also, hundreds of thousands of people have fled their homes in many parts of Myanmar as the junta’s security forces use heavy artillery against civilians.<sup>2</sup> According to Assistance Association for Political Prisoners (AAPP), 892 people have been killed, 5085 people are currently detained, and 1964 people have been issued warrants by the military junta. A total of 65 death sentences against anti-coup protesters have been passed in person and absentia.<sup>3</sup>

Confidential sources inside Myanmar tell Outright International that since February 4, members of LGBTIQ communities have been joining the Civil Disobedience Movement (CDM) to protest the military coup and demand democracy. As social media images show, thousands are marching openly with rainbow anti-coup signs.<sup>4</sup>

In May and June 2021, Outright received reports from advocates inside Myanmar that while they cannot confirm that LGBTIQ people are being targeted because of their sexual orientation, gender identity or expression (SOGIE), this could be an aggravating factor, particularly for LGBTIQ people facing arrest and detention for participating in the resistance and being part of the CDM.<sup>5</sup>

Human rights violations faced by LGBTIQ people have been reported to Outright in at least 18 cities.<sup>6</sup> Outright received information via text messages from two LGBTIQ groups, and email and interviews with three people. Outright has been unable to independently verify these accounts of violations that took place mostly in March and April 2021. Information gathering is a challenge given limited access to the Internet and communication with LGBTIQ people

## Footnotes

<sup>1</sup> “Cut the Impunity: The International Community Must Act Now,” Special Advisory Council for Myanmar (SAC-M), June 30, 2021. SAC-M is a group of independent international experts, including a former U.N Special Rapporteur on the situation of human rights in Myanmar and a former chair of the UN Independent International Fact-Finding Mission on Myanmar. Email received June 30, 2021.

<sup>2</sup> “Bachelet issues strong warning of imminent further bloodshed and suffering in Myanmar,” June 11, 2021, OHCHR-Bangkok news release. Email received June 11, 2021.

<sup>3</sup> Assistance Association for Political Prisoners, July 5, 2021. Retrieved July 14, 2021, from <https://aappb.org/?p=16332>

<sup>4</sup> “2021 Myanmar Crisis: Implications for LGBTQ People,” March 2, 2021. Retrieved May 25, 2021, from <https://outrightinternational.org/myanmar-crisis-implications-lgbtq-people>

<sup>5</sup> Outright interviews with [names redacted for security reasons], May 11-27, 2021. Information on file with Outright International.

<sup>6</sup> Reported by civil society groups in Myanmar [names redacted for security reasons], May 27, 2021. Information on file with Outright International.

who are out of reach for security reasons. Moreover, the Myanmar Police Force has set up a cybersecurity team, working with state and military-owned mobile phone companies, to track anti-coup protesters online.<sup>7</sup>

The following information was provided by civil society groups inside Myanmar. For their safety and security, their identities are not being disclosed. The information is on file with Outright International.

- According to reports from two LGBTIQ groups inside Myanmar, five LGBTIQ people were shot dead while participating in the Civil Disobedience Movement (CDM) or while defending peaceful protesters from military violence. Their deaths were reported in Myitkyina, Myingyan, Monywa, Mawlamyine and Mandalay.<sup>8</sup> Victims' ages ranged from 20 to 61. Three of the victims were gay men, one was a lesbian, and one was a transman.<sup>9</sup>
- According to National Unity Government (NUG) sources, the number of LGBTIQ fatalities is 12. Deaths were reported in Myitkyina, Myingyan, Monywa, Mawlamyine, Mandalay, Kyaukpadaung and Yangon. Victims were participating in CDM protests.<sup>10</sup>
- Two gay men, aged 20 and 30+, were seriously injured during random shooting by security forces in Myingyan and Bago. They are being treated for their injuries.<sup>11</sup> A transgender woman was seriously injured by riot police.<sup>12</sup>
- Two LGBTIQ groups inside Myanmar report that 35 LGBTIQ people were arrested and jailed in Mandalay, Pakokku, Yangon, Twantay, Sha-la, Shwebo, Taunggyi, Mawlamyine, Myitkyina, and Myingyan. Among them are 15 transwomen, 15 gay men, 3 lesbians, and one transman. They range in age from 17 to 46. According to Outright sources,<sup>13</sup> all have been charged under Section 505 of the Penal Code that can lead to 3 years in prison if convicted.<sup>14</sup> Some may face additional charges. The military has expanded Section 505 to penalize CDM supporters or participants, supporters of political and community leaders who are anti-coup, and those who spread information about civil unrest and support the coup via social media and other communication.
- Eight jailed LGBTQ activists (in addition to the 35) have been released, the youngest being 20 years old. According to two LGBTIQ groups inside Myanmar, one transwoman in her 50s,

#### Footnotes

<sup>7</sup> "Junta steps up phone, internet surveillance—with help from MPT and Mytel," Frontier Fridays, July 5, 2021. Email received July 9, 2021.

<sup>8</sup> Reports from LGBT civil society groups [names redacted for security reasons] in Myanmar, May 27, 2021. Information on file with Outright International.

<sup>9</sup> 91% of deaths during the coup are from gunshots as security forces shoot to kill. Outright interview with [name redacted for security reasons], May 13, 2021. Information on file with Outright International.

<sup>10</sup> "Situation Report of the LGBTIQs After the Military Coup in Myanmar," NUG, June 30, 2021. Retrieved June 30, 2021, from <https://mohr.nugmyanmar.org/wp-content/uploads/2021/06/LGBTIQ-Situation-June-30-2021-final.pdf>

<sup>11</sup> Information received from civil society groups in Myanmar [names redacted for security reasons], May 27, 2021. Information on file with Outright International.

<sup>12</sup> "Situation Report of the LGBTIQs After the Military Coup in Myanmar," NUG, June 30, 2021. Retrieved June 30, 2021, from <https://mohr.nugmyanmar.org/wp-content/uploads/2021/06/LGBTIQ-Situation-June-30-2021-final.pdf>

<sup>13</sup> Information received from civil society groups in Myanmar [names redacted for security reasons], May 27, 2021. Information on file with Outright International.

<sup>14</sup> Section 505 states: Whoever makes, publishes or circulates any statement, rumor or report (a) with intent to cause or is likely to cause any army, navy or air force personnel to mutiny or otherwise disregard or fail in their duties; (b) with intent to cause or 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 offense against the State or against the public's tranquility; (c) with intent to incite or is likely to incite any class or community of persons to commit any offense against any other class or community. Punishment is imprisonment which may extend to two years and/or a fine.

who was released, reported being sexually humiliated and harassed “by lewd acts” before and after the arrest.<sup>15</sup> Her bail amount was 600,000 Myanmar Kyat, about 390 US dollars.<sup>16</sup>

- According to NUG sources, 73 LGBTIQ people have been arrested since February 1 and/or charged under Section 505. Majority are from Mandalay and Yangon regions.<sup>17</sup>
- Eleven LGBTIQ activists, ages 23 to 38, are in hiding. Eight are gay and three are transwomen. Warrants have been issued for their arrest under Section 505.<sup>18</sup> One of the activists, age 23, is charged under Section 505 and also Section 144 for weapon possession and joining an unlawful assembly.<sup>19</sup>
- To date, LGBTIQ organizations have not been targeted by Myanmar’s security forces but there is concern that offices could be raided and vandalized, and staff could be arrested and detained. Advocates continue working from different locations and take safety precautions.<sup>20</sup>
- LGBTIQ organizations in Yangon have dispersed staff who have returned to their hometowns and villages to join anti-coup protests in their respective areas. Many LGBTIQ people are participating in peaceful protests during the day and hiding at night to avoid raids and arrests.<sup>21</sup>

Another confidential source inside Myanmar informed Outright that at least 23% of people detained in the coup are women,<sup>22</sup> and there are documented reports of high levels of sexual violence of women detainees.<sup>23</sup> Information is currently unavailable about the sexual orientation and gender identities of women detainees who were sexually assaulted.

## Footnotes

<sup>15</sup> Outright interviews with [names redacted for security reasons], May 11 and May 27, 2021. Information on file with Outright International.

<sup>16</sup> Information received from civil society groups in Myanmar [names redacted for security reasons], May 27, 2021. Information on file with Outright International.

<sup>17</sup> “Situation Report of the LGBTIQs After the Military Coup in Myanmar,” NUG, June 30, 2021. Retrieved June 30, 2021, from <https://mohr.nugmyanmar.org/wp-content/uploads/2021/06/LGBTIQ-Situation-June-30-2021-final.pdf>

<sup>18</sup> Information received from civil society groups in Myanmar [names redacted for security reasons], May 27, 2021. Information on file with Outright International.

<sup>19</sup> Information received from civil society groups in Myanmar [names redacted for security reasons], May 27, 2021. Information on file with Outright International.

<sup>20</sup> Outright interviews with [name redacted for security reasons], May 11 and May 13, 2021. Information on file with Outright International.

<sup>21</sup> Outright interview with [name redacted for security reasons], May 13, 2021. Information on file with Outright International.

<sup>22</sup> Confidential gender alert brief provided by [name redacted for security reasons], May 18, 2021. Information on file with Outright International.

<sup>23</sup> Confidential gender alert briefs provided by [name redacted for security reasons], May 18, 2021. Information on file with Outright International.

# LGBTIQ Rights and Gender Equality

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In the midst of daily violence, Myanmar's LGBTIQ community is "rejoicing"<sup>24</sup> with the appointment of an openly gay man, Aung Myo Min as what is being described as the Minister of Human Rights in the newly formed National Unity Government (NUG).<sup>25</sup> The NUG is an alternative structure that works on restoring democracy and democratic governance in Myanmar. The NUG describes itself as the shadow government and is made up of a coalition of human rights defenders, civil society activists, and representatives from minority religions and ethnic groups, and former political prisoners of Myanmar's past military regime. Their governing principles are outlined in the Federal Democracy Charter.<sup>26</sup>

Aung Myo Min's appointment is the first ever Cabinet position for a member of the LGBTIQ community and first time in Myanmar's history to have a "Ministry"<sup>27</sup> of Human Rights, albeit of a self-described shadow government. Aung Myo Min is a long-time human rights activist, and recipient of Outright's Felipa de Souza Award in 1999<sup>28</sup> and the European Union's Schuman Award in 2017.<sup>29</sup> His appointment on May 4, 2021, is seen by many LGBTIQ constituents as hope for "brighter days ahead."<sup>30</sup>

As of this situational brief, the NUG has given at least 9 of the 26 positions<sup>31</sup> to women civil society activists and women's human rights defenders. A Ministry of Women, Youth and Children has been established. A Commission on Anti-Gender Based Violence will be established and is expected to advance the Prevention of Violence Against Women (POVAW) Law, which has stalled for 10 years under previous governments.<sup>32</sup>

Optimistic readings of the NUG are that under the NUG, gender equality, democratic rights, and human rights will be prioritized. One of the Charter's underlying principles states

## Footnotes

<sup>24</sup> Outright interview with [name redacted for security reasons], May 13, 2021. Information on file with Outright International.

<sup>25</sup> "Myanmar's First LGBT Minister Aung Myo Min Continues Lifelong Fight Against Human Rights Abuses," South China Morning Post. Retrieved May 24, 2021 from <https://www.scmp.com/week-asia/people/article/3133355/myanmars-first-lgbt-minister-continues-lifelong-fight-against>

<sup>26</sup> Federal Democracy Charter, March 31, 2021. Retrieved May 25, 2021, from <https://crphmyanmar.org/wp-content/uploads/2021/04/Federal-Democracy-Charter-English.pdf>

<sup>27</sup> Ministry in terms of the NUG.

<sup>28</sup> Since 1994, Outright has presented the Felipa de Souza Awards to inspiring and courageous human rights activists and grassroots groups advancing LGBT human rights. <https://outrightinternational.org/2020-gala/awards-2020>

<sup>29</sup> The Schuman Awards "recognize outstanding efforts in the promotion of universal values of democracy, rule of law, peace and human rights in Myanmar and beyond." Retrieved May 24, 2021 from <https://www.irrawaddy.com/news/burma/eu-honors-myanmar-rights-advocates-at-fourth-schuman-awards.html#:~:text=La unched%20in%202017%20to%20mark,rights%20in%20Myanmar%20and%20beyond>

<sup>30</sup> Outright interview with [name redacted for security reasons], May 18, 2021. Information on file with Outright International.

<sup>31</sup> Women were also appointed as Minister of International Cooperation, Minister of Humanitarian and Development Assistance, Minister of Women, Youth and Children as well as some of their deputies.

<sup>32</sup> Gender updates, April 3-16, 2021; key informant updates May 24, 2021. Information on file with Outright International.

that discrimination on grounds of sex and gender is absolutely prohibited.<sup>33</sup> Progressives in Myanmar interpret this as “opening the door for recognition of the principle of non-discrimination against the LGBTIQ community.”<sup>34</sup>

While the NUG’s work and role as “shadow” government may not have legislative and constitutional standing, what they achieve may be symbolic and speaks to younger constituents. For instance, having what is described as a cabinet minister who is openly gay and having several Cabinet ministers who are feminist champions of LGBTIQ-inclusive gender equality sends a message to Myanmar society and international communities that, at this critical juncture in history, there are possibilities for making intersectionality, inclusion, non-discrimination and human rights the new norms for society in Myanmar. One LGBTIQ advocate commented to Outright, “there will be no going back.”<sup>35</sup> The challenge will be how effectively and consistently these champions within the NUG can persuade the rest of their colleagues in the NUG to honor diverse, equitable, inclusive and meaningful partnerships.

#### Footnotes

<sup>33</sup> Outright interview with [name redacted for security reasons], May 11, 2021. Information on file with Outright International.

<sup>34</sup> Outright interview with [name redacted for security reasons], May 18, 2021. All information on file with Outright International.

<sup>35</sup> Outright interview with [name redacted for security reasons], May 18, 2021. Information on file with Outright International.



# Other Impacts of the Coup Reported by LGBTIQ People

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The involvement of leaders and staff of LGBTIQ organizations in the resistance and civil movement that condemns the coup and wants democracy to be restored in Myanmar has implications, or can have consequences, in the future.

The following statements are from LGBTIQ human rights defenders in Myanmar. Their identities are not being revealed for safety and security reasons.

- “Our organization is not doing anything publicly. We are maintaining a low profile. We don’t put our logo on anything. Many staff have left and returned to their hometowns and villages. Some have fled to the Myanmar border.”<sup>36</sup>
- “Many individuals are in hiding from the military and police because they are doing activism and joining CDM in their respective areas... For us remaining in Myanmar, we need financial support to move to safer places, rental cost, food, medical needs, and safe communication.”<sup>37</sup>
- “We don’t really want to leave our families here and escape, evacuate to another country. Police, military are arresting family members if they don’t find the person they came for. So, it’s 50-50 for us whether to stay or leave. We live with our whole families, big families, many people living together. So, splitting people up to different parts of the country or abroad is difficult.”<sup>38</sup>
- “Since the military has asked airlines to show passenger lists of who’s leaving the country, flying out isn’t a favorable option. Crossing borders with official arrangements in collaboration with Thai immigration would be great if possible. Thailand is going to stop the Special Tourist Visa in September. So going to Thailand is not a long-term option.”<sup>39</sup>

## Footnotes

<sup>36</sup> Outright interviews with [names redacted for security reasons], May 11-13, 2021. Information on file with Outright International.

<sup>37</sup> Outright interview with [name redacted for security reasons], May 13, 2021. Information on file with Outright International.

<sup>38</sup> Outright interview with [name redacted for security reasons], May 13, 2021. Information on file with Outright International.

<sup>39</sup> Outright interviews with [names redacted for security reasons], May 13-18, 2021. Information on file with Outright International.

- “The financial situation is very precarious right now. The Central Bank asked private banks to provide names of individuals and organizations who are withdrawing money from ATMs and banks. There are very long queues at the ATMs. My sister was in the queue, and she was number 315. People arrived at 5:30 AM and finished by 2:30 PM so they were waiting nearly all day in the queues. The military has limited daily withdrawal to about US\$200. Donor flexibility would help so we can reallocate project funds to staff salaries and living costs until December.”<sup>40</sup>

NUG sources add: “The drag queens who used to be proudly photographed with protest signs took to the streets wearing helmets, goggles and shields...no safety at all against live ammunition. LGBTIQ people in hiding change where they sleep every 3-4 days. The military publishes new arrest lists every day and there is a constant fear of getting on that list.”<sup>41</sup>

#### Footnotes

<sup>40</sup> Outright interview with [name redacted for security reasons], May 13, 2021. Information on file with Outright International.

<sup>41</sup> “Situation Report of the LGBTIQs After the Military Coup in Myanmar,” NUG, June 30, 2021. Retrieved June 30, 2021, from <https://mohr.nugmyanmar.org/wp-content/uploads/2021/06/LGBTIQ-Situation-June-30-2021-final.pdf>

# Conclusion and Call to Action

The scale of violence in terms of hundreds of 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. Despite the fatalities, arrests and detentions of LGBTIQ anti-coup protesters, and LGBTIQ activists who are part of the civilian resistance are not backing down. Those who have returned to their ethnic areas are part of anti-coup groups.<sup>42</sup> LGBTIQ people are learning self-defense to protect themselves and other peaceful protesters from military violence.<sup>43</sup>

Outright calls on embassies and missions in Myanmar, as well as the international diplomatic community, multilateral agencies, and staff working in international human rights mechanisms to:

- Increase and support monitoring, documenting and reporting of human rights violations and gender-based violence against LGBTIQ people in Myanmar. Ensure that stories and data are safely collected and reported, and disaggregated for sexual orientation, gender variance, and sex characteristics.
- When possible, provide support to LGBTIQ groups to strengthen and maintain their work as human rights defenders. Support general operating support funding and technical assistance to LGBTIQ groups.
- Activate rapid responses to calls for humanitarian assistance from LGBTIQ individuals in order to safeguard lives of Myanmar's LGBTIQ communities.
- Speak up inside Myanmar (through bilateral diplomacy, UN agencies, multi-lateral channels) against the junta's use of intimidation, lethal brutal force, arbitrary arrests, sexual violence and gender-based violence of people in detention, including LGBTIQ people.
- Keep amplifying voices of LGBTIQ human rights defenders from Myanmar in diplomatic circles and within the human rights mechanisms, including the United Nations Human Rights Council, United Nations General Assembly, CEDAW, and in relation to the UN Special Rapporteur on the Situation of Human Rights in Myanmar and the United Nations independent human rights expert on Myanmar.



## Footnotes

<sup>42</sup> Outright interview with [name redacted for security reasons], May 13, 2021. Information on file with Outright International.

<sup>43</sup> Outright interview with [name redacted for security reasons], May 11, 2021. Information on file with Outright International.

- Urge the Government of Thailand not to stop the Special Tourist Visa for Myanmar nationals fleeing the coup, and for the Government of Thailand to support protections for vulnerable populations, including LGBTIQ people, seeking refuge and safety to carry on their activism.
- Cease trade or business engagements with the military and affiliates and support the call for a global arms embargo as formulated by over 200 civil society organizations and endorsed by the UN Special Rapporteur on the Situation of Human Rights in Myanmar.
- Send humanitarian aid to anti-coup civil society.
- Demand that Myanmar's military immediately cease all violence against civil disobedience protesters and release anti-coup protesters and supporters detained during the coup.



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