

# LGBTQ Anti-Coup Resistance in Myanmar

September 2024



**RESPECT  
OUR  
VOTE**  
#LGBTQ4Democracy

**RELEASE  
our leaders  
RESPECT  
our vote  
REJECT  
military coup**  
#LGBTQ4Democracy

  
#LGBTQ4Democracy

**REJECT  
MILITARY  
COUP**  
#LGBTQ4Democracy

**RELEASE  
OUR  
LEADERS**  
#LGBTQ4Democracy

# About Outright

---

## **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.

This work may be reproduced and redistributed, in whole or in part, without alteration and without prior written permission, solely for nonprofit administrative or educational purposes provided all copies contain the following statement:

© 2024 Outright International. This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/4.0/> or send a letter to Creative Commons, PO Box 1866, Mountain View, CA 94042, USA.



# Contents

<b>Acknowledgments</b>	<b>4</b>	<b>III. Unfinished Business: Pre-Coup LGBTQ Activism and Progress</b>	<b>37</b>
<b>Glossary</b>	<b>5</b>	Criminalization and Discrimination	<b>38</b>
<b>Summary</b>	<b>8</b>	LGBTQ Progress Before and During the Coup	<b>39</b>
<b>Methodology</b>	<b>10</b>	Pre-Coup Advocacy on Gender-Based Violence	<b>40</b>
Primary Sources	<b>10</b>	Ongoing Advancement of LGBTQ Inclusion Through the NUG	<b>42</b>
Research Limitations	<b>11</b>	<b>IV. International Responses</b>	<b>43</b>
Secondary Sources	<b>12</b>	Documentation of Anti-LGBTQ Violence by International Human Rights Mechanisms on Myanmar	<b>44</b>
<b>I. Background</b>	<b>13</b>	Inadequate International Responses to the Coup	<b>46</b>
The Military Junta Takeover and Civilian Uprising in February 2021	<b>14</b>	<b>V. Myanmar's Obligations Under International Human Rights Law</b>	<b>48</b>
National League for Democracy Sets up Shadow Government	<b>15</b>	<b>VI. Conclusion</b>	<b>50</b>
NUG's Declaration of People's Defence Force	<b>16</b>	<b>VII. Recommendations</b>	<b>52</b>
<b>II. LGBTQ Resistance Against the Coup</b>	<b>17</b>	To the International Human Rights Community	<b>53</b>
Rainbow Visibility in the Civilian Spring Revolution	<b>18</b>	To United Nations Mechanisms, Agencies, and Other Intergovernmental Entities	<b>53</b>
Why LGBTQ People Joined the PDF	<b>21</b>	To Human Rights Funders	<b>53</b>
Impacts of the Coup on LGBTQ Anti-Coup Protesters	<b>23</b>	To International Civil Society Organizations	<b>54</b>
Impacts of the Coup on LGBTQ Organizations and Activism	<b>29</b>	To Myanmar Civil Society Organizations Working on Human Rights, Gender Equality, and Health Equity	<b>54</b>
Organizing Across Trust Deficits	<b>29</b>	To the National Unity Government	<b>54</b>
Organizing From Exile	<b>31</b>		
Human Rights Issues Impacting LGBTQ Activists and Students in Thailand	<b>32</b>		
Impacts of Forced Military Conscription	<b>33</b>		
Impacts of the Coup on Documentation	<b>34</b>		

# Acknowledgments

---

This report was researched and authored by Grace Poore, Outright International’s senior advisor Special Projects Asia. Neela Ghoshal, Outright’s Senior Director of Law, Policy, and Research, and Michelle Yesudas, director of Queer Futures Legal Program edited the report with assistance from Jennifer Lu, Outright’s Director for Asia Programs. Michelle Yesudas contributed to the legal analysis of Myanmar’s situation of human rights and obligations under international human rights law and humanitarian law. AJ Jarrett provided copyediting for the report. Miguel Piñeiro designed the report. Cover photograph by VB. Graphics of protest signs are by LGBTQ organizations in Myanmar.

Outright International is grateful to Rainbow Organization (pseudonym), its executive director, and its staff for helping to arrange virtual interviews with many of the LGBTQ activists interviewed for the report, providing language interpretation, and facilitating ongoing updates about the activists’ situation.<sup>1</sup> We are also grateful to the organization RMY (pseudonym) for linking us to additional lesbian, bisexual, queer, and trans activists.

<sup>1</sup> Given ongoing security concerns in Myanmar, we have given the organizations and activists referenced in this report pseudonyms.

# Glossary

---

**ASEAN:** Association of Southeast Asian Nations. ASEAN is a regional intergovernmental organization of 10 countries in Southeast Asia which promotes intergovernmental cooperation and facilitates economic, political, security, military, educational, and sociocultural integration among its members and other countries.

**Bisexual:** Person whose primary sexual, romantic, and emotional attraction is toward people of the same and other genders.

**Cisgender:** Person whose gender identity corresponds to or is the same as the gender that they were assigned at birth.

**CSO:** Civil society organizations (CSOs) are groups of people which operate in the community in pursuit of a social good in a way that is distinct from both government and business.

**EAOs:** Acronym for ethnic armed organizations in Myanmar, also known as ethnic resilience organizations, ethnic rebel groups, ethnic militias, ethnic organizations, or ethnic resistance groups. As of 2024, there are about 20 to 22 EAOs, corresponding to different ethno-cultural communities in different parts of the country. Their struggles for ethnic identity, territorial autonomy, and self-governance involve armed resistance and/or political negotiation with the Bamar ruling elite and military.

**Gay:** A man whose primary sexual, romantic, and emotional attraction is toward other men. In many parts of the world, the term is synonymous with homosexual.

**Gender:** Gender is a composite of socially constructed roles, behaviors, activities and/or attributes that a society may consider appropriate for people of a given sex. Gender identity, like gender, refers to an individual's personal sense of being female, male, or other than female or other than male. Gender identity may or may not correspond to the sex assumed or assigned at birth. Gender expression refers to an individual's gender presentation or expression in terms of dress/clothing, mannerisms, demeanor, or social behavior, which could be masculine, feminine, transfeminine, or transmasculine. Gender expression is not always linked to a person's biological sex, gender identity, or sexual orientation.

**Gender-Based Violence:** Violence against women, girls, and those who challenge the binary view of the world in which only two genders exist and each gender is expected to conform to gender norms of their society, community, and family.

**Gender Nonconformity:** The manner in which a person's gender expression and gender presentation do not meet societal expectations and norms.

**Homophobia:** Fear of, contempt of, and/or discrimination against homosexuals or homosexuality, usually based on negative stereotypes of homosexuality. Homophobia can be both individual and institutional. Entrenched damaging opinions about same-sex attraction may influence the enactment of discriminatory laws and policies and how individuals, the government, organizations, the media, and society in general behave toward people perceived as lesbian, gay, bisexual, or queer.

**Junta:** A political regime controlled by a group of military officers who launch a coup d'état and seize power from the existing or newly elected government.

**LBQ Women:** Refers to lesbians, bisexual women, and queer women and focuses on sexual identities and sexual orientations. LBQ women are gender-diverse. They can be transgender, cisgender, gender nonconforming, and intersex.

**LGBTQ:** Acronym for lesbian, gay, bisexual, transgender, and queer people. An umbrella term, inclusive of a broad range of people. However, it is not exhaustive, or universally accepted or used. The term LGBTIQ – lesbian, gay, bisexual, transgender, intersex, and queer – is also used when discussing issues that relate to or include intersex people.

**Lesbian:** A woman whose primary sexual, romantic, and emotional attraction is toward other women.

**NLD:** Acronym for the National League for Democracy, a political party formed in 1988. Among its founders and leaders is Aung San Suu Kyi. The NLD became a ruling party after the 2020 elections and was deregistered by the military in February 2021, after the military claimed the elections were fraudulent, imposed a national emergency, and declared a coup d'état.

**NUG:** Acronym for the National Unity Government that was established in 2021 as a shadow government in Myanmar to oppose military dictatorship and represents the democratically elected leadership that has been in exile since the February 2021 coup d'état.

**PDF:** Acronym for the People's Defence Force in Myanmar, which is the armed wing of the National Unity Government in Myanmar (NUG), formed in response to the military junta's brutal crackdown on peaceful protests of the 2021 coup. The PDF consists of groups of individuals who are part of the resistance against the military takeover of Myanmar. PDF members are volunteers trained in combat and defense to protect civilians and restore democracy. PDF groups are based across various regions in Myanmar, in jungle camps under the control of ethnic revolutionary forces and in villages and areas bordering the jungle in ethnic liberated areas. Some PDF groups based in townships (administrative districts) are also under the command of independent militia leaders.

**Queer:** An inclusive umbrella term covering multiple identities, sometimes used interchangeably with "LGBTQ." It is also used to describe divergence from heterosexual and cisgender norms without specifying new identity categories. In this report, "queer men" is used to cover gay men, bisexual men, and other men of non-heterosexual sexual orientations, and "queer women" is used to cover lesbian women, bisexual women, and other women of non-heterosexual sexual orientations.

**Rainbow:** The rainbow flag and rainbow colors symbolize diversity of LGBTIQ communities. It is also a symbol of LGBTIQ pride, power, and movements for LGBTIQ human rights.

**Sexual Orientation:** Sexual orientation typically refers to the sexual, romantic, and emotional attraction that one has the capacity to feel for others. An individual's sexual orientation is indicated by one or more of the following: how a person self-identifies their sexual orientation, a person's capacity for experiencing sexual and/or affectional attraction to people of the same and/or different gender, and/or a person's sexual behavior with people of the same and/or different gender.

**Sexual Violence:** Any sexual act, attempt to obtain a sexual act, or act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting.

**Transgender:** Term that describes people whose sex assigned at birth does not conform to their gender identity. A transgender person usually adopts, or would prefer to adopt, a gender expression in accordance with their gender identity but may or may not desire to alter their physical characteristics to conform to their gender identity.

**Transgender Men:** People assigned female at birth but who identify and present themselves as men. Transgender men are usually referred to with male pronouns.

**Transphobia:** Fear of, contempt of, and/or discrimination against transgender, nonbinary, or gender nonconforming people, usually based on negative stereotypes. Transphobia can be both individual and institutional: entrenched damaging opinions about transgender identities may influence the enactment of discriminatory laws and policies and how individuals, the government, organizations, the media, and society in general behave toward people whose identities do not conform to mainstream gender roles.

**Transgender Women:** People assigned male at birth but who identify and present themselves as women. Transgender women are usually referred to with female pronouns.

**UN:** Acronym for the United Nations.



# Summary

---

This report examines Myanmar’s armed conflict through the specific lens of lesbian, gay, bisexual, transgender, and queer (LGBTQ) people and their participation in diverse, courageous, and innovative methods of resistance against the 2021 military coup d’état staged by the Myanmar Armed Forces.<sup>2</sup> The report seeks to offer an LGBTQ-inclusive lens to international policymakers and diplomats working to end violence in Myanmar, including conflict-related gender-based violence and other human rights violations. It presents stories of LGBTQ people’s lived experiences during and after the coup and in the resistance to make available missing data and analysis about the continuum of gender-based violence in conflict situations and to shed light on impacts of military dictatorship on LGBTQ organizing and activism for social acceptance, inclusivity, and human rights. For stakeholders in the international community who are working to advance LGBTQ people’s human rights, the report demonstrates that an end to military junta rule and a return to democracy in Myanmar are necessary preconditions to the fulfillment of equal rights, which activists had made progress toward achieving in Myanmar before their efforts were cut short by the coup. The report concludes with LGBTQ activists’ messages for the international human rights community, the diplomatic community, and the broader community of foreign policy actors, including specific calls for action to stop the military junta’s brutal aggression over the last three years of military rule.

Firsthand narratives shed light on how the coup has affected LGBTQ people, why they joined the anti-coup resistance, and the roles they have played in the various resistance movements. At the time of writing in 2024, attacks against the civilian population by the Myanmar Armed Forces (hereinafter referred to as the military junta) have escalated and the security situation continues to deteriorate, with armed clashes taking place in many parts of the country. In the first quarter of 2024, fighting intensified particularly in Rakhine, Sagaing, and the Northeast of Myanmar.<sup>3</sup>

In many states and regions in the country, the conflict involves the use of heavy weapons, aerial bombing, and shooting, causing displacement, civilian casualties, and humanitarian crises.<sup>4</sup> Use of landmines and other explosive ordnance has dramatically escalated.<sup>5</sup> Multiple armed resistance groups have emerged to oppose the coup and fight against the military junta. Their members have strong connections to local communities.<sup>6</sup>

<sup>2</sup>Outright International strives in our work to be inclusive of intersex people and typically uses the acronym “LGBTIQ” to refer to lesbian, gay, bisexual, transgender, intersex, and queer people. In the course of conducting this research on Myanmar we were unable to identify intersex individuals or groups. Therefore, we use the acronym “LGBTQ” throughout this report, while recognizing that intersex people may have some overlapping experiences with LGBTQ people in Myanmar.

<sup>3</sup>United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “Myanmar Humanitarian Update No. 37,” 5 April 2024, <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-37-5-april-2024>.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid, 4–5.

<sup>6</sup>Armed Conflict Location & Event Data Project (ACLED), “Myanmar: Resistance to the Military Junta Gains Momentum,” Conflict Watchlist 2024, 17 January 2024, <https://acleddata.com/conflict-watchlist-2024/myanmar/>.

<sup>7</sup>OCHA, United Nations Myanmar, “Myanmar: Intensification Of Clashes,” Flash Update #6, 21 November 2023, <https://myanmar.un.org/en/253458-myanmar-intensification-clashes-flash-update-6>.



The conflict in Myanmar is constantly evolving.<sup>7</sup> Outright’s report aims to provide a snapshot of the various methods of LGBTQ resistance in a context of shifting anti-coup actions and to show what it is like to be LGBTQ in such unprecedented times in Myanmar.

LGBTQ people are vulnerable under Myanmar’s laws that criminalize consensual same-sex intimacy, and they were susceptible to police abuses even before the coup as a result of institutionalized discrimination and a culture of violent police bigotry against people whose sexual orientation, gender identity, or gender expression vary from Myanmar cultural norms. Military junta rule heightened their vulnerability. At the beginning of this research in 2021, LGBTQ activists protesting the coup de-linked the reasons for police and junta violence against them from being LGBTQ and attributed it to being anti-coup activists. However, this changed later in the research, as the types of violence perpetrated against LGBTQ people in interrogation and detention centers clearly reflected homophobia, transphobia, and misogyny. Using the framework of conflict-related sexual and gender-based violence brings visibility to the practice and normalization of punitive sexual violence against LGBTQ people who are fighting to end military junta oppression in Myanmar and, more broadly, to the use of sexual and gender-based violence against LGBTQ people in conflict environments.



<sup>7</sup>OCHA, United Nations Myanmar, “Myanmar: Intensification Of Clashes,” Flash Update #6, 21 November 2023, <https://myanmar.un.org/en/253458-myanmar-intensification-clashes-flash-update-6>.

**Right:** Photograph by VB. LGBTQ people in Myanmar organized protests for return to democracy and end of military dictatorship. Signs show the 3-finger salute of solidarity to stop the coup.

# Methodology

---

## Primary Sources

The report is based on 14 interviews with LGBTQ people from Myanmar conducted by Outright International over three years, from 2021 through 2024. Interviewees included eight gay men, one bisexual man, two bisexual women, one lesbian, one transgender woman, and one lesbian-identified transgender man. Outright uses pseudonyms to protect the safety and security of interviewees, some of whom are still inside Myanmar and others who are in Thailand, where they keep a low profile and continue to support anti-coup protesters in Myanmar. The report also withholds specific location details to prevent the risk of reprisals. Where mentioned, organizations are referred to by pseudonyms to safeguard their work and staff.

The research was conducted in close collaboration with Rainbow Organization (pseudonym to protect safety and security of staff and their work), which arranged interviews for Outright with the Civil Disobedience Movement (CDM) and People's Defence Force (PDF) participants. Rainbow Organization works to protect LGBTQ human rights in Myanmar and at the Thailand border. Since the military junta takeover, the organization's focus has shifted to providing emergency assistance to Myanmar LGBTQ individuals and activists most at risk during the coup, investigating conflict-related gender-based violence, and ensuring that humanitarian programs are LGBTQ inclusive. It has also increased efforts to strengthen the existing but scattered network of LGBTQ civil society organizations, prepare LGBTQ communities for transitional justice, and advocate for Myanmar to be prioritized in global agendas.<sup>8</sup>

- Multiple interviews were conducted throughout the research from February 2021 to November 2023 with Rainbow Organization's executive director, Sai Kham La (pseudonym), currently working from exile in Thailand.
- Interviews took place from January to March 2022 with seven LGBTQ activists who joined the anti-coup CDM and PDF in Myanmar.
- Interviews took place from December 2023 to February 2024 with two LGBTQ activists currently living in Thailand and supporting coup-affected LGBTQ youth in Myanmar.
- Interviews took place in March 2024 with two LGBTQ activists still living in Myanmar who began with street protests against the coup and currently engage in online civilian activism.
- Interviews were conducted in May 2021 and July 2023 with a gay human rights defender serving in the National Unity Government (NUG).

<sup>8</sup>Email correspondence from Sara (pseudonym), Rainbow Organization, to Outright International, 5 August 2024.

All interviewees provided informed consent to participate in the research. No financial compensation was provided for the interviews. All interviews were conducted via video link. One of the interviewees also communicated on a mobile app. In between interviews, several interviewees sent Outright updates on mobile texting apps and email.

## Research Limitations

Outright's efforts to document human rights violations against LGBTQ people in Myanmar faced some challenges. Human rights violations and unmet humanitarian needs are pervasive nationwide and the widening gap of protection risks affects many different groups, including LGBTQ people. These realities made it difficult to find LGBTQ people in the resistance who felt safe talking to an international organization, either because they were not out about their sexual orientation and gender identity, or were openly LGBTQ but could not safely divulge their anti-coup activism for fear of repercussions from the junta and junta informants.

The information Outright collected is mostly about cisgender gay men, transgender women, and, in some cases, transgender men. Outright was unable to access equivalent information about lesbian, bisexual, and queer (LBQ) women. Rainbow Organization, with whom Outright spoke throughout the research for this report, acknowledges that its staff members and volunteers found it easier to identify queer men and transgender women than LBQ women, and that its networks were better informed in cases when queer men and transgender women activists were arrested and detained than with regard to arrests of LBQ women.<sup>9</sup> Outright's desk research also shows that when women's organizations, human rights organizations, and journalists write about sexual and physical abuse of women in prison, they rarely, if at all, mention LBQ women, and human rights documentation and reports on physical and sexual violence against LGBTQ people rarely differentiate the experiences of LBQ women.<sup>10</sup> When they do, they provide a single example.<sup>11</sup> In this context, visibility and voices of LBQ women during the coup and in the anti-coup resistance have received insufficient attention.

Another limitation is the lack of intersex inclusion. To Outright's knowledge, there are no openly identified intersex activists in the Myanmar LGBTQ rights movement. Rainbow Organization confirmed that it does not currently work on intersex rights, nor does RMY (pseudonym) or the Myanmar LGBT Rights Network.<sup>12</sup> Outright uses LGBTQ in this report to reflect the movement's current country context.

<sup>9</sup>Outright interview with Sai Kham La (pseudonym), by video communication, 18 July 2024.

<sup>10</sup>For example, these media reports that detail abuse of female political prisoners do not mention LBQ women: Khin Nady, "Myanmar's Female Political Prisoners Still Committed to Struggle," *The Irrawaddy*, 30 August 2023, <https://www.irrawaddy.com/features/myanmars-female-political-prisoners-still-committed-to-struggle.html>; International Commission of Jurists, *Unseen and Unheard: Violations of the Human Rights of Women Deprived of Liberty in Myanmar*, June 2024, [https://www.icj.org/wp-content/uploads/2024/07/Briefing-Paper\\_Violations-of-the-Human-Rights-of-Women-Deprived-of-Liberty-in-Myanmar-1.pdf](https://www.icj.org/wp-content/uploads/2024/07/Briefing-Paper_Violations-of-the-Human-Rights-of-Women-Deprived-of-Liberty-in-Myanmar-1.pdf); Lara Owen and Ko Ko Aung, "Myanmar Coup: The Women Abused and Tortured in Detention," *BBC News*, 8 December 2021, <https://www.bbc.com/news/world-asia-59462503>. See also Office of the United Nations High Commissioner for Human Rights (OHCHR), UN Special Rapporteur on the situation of human rights in Myanmar, "Courage Amid Crisis: Gendered Impacts of the Coup and the Pursuit of Gender Equality in Myanmar," A/HRC/56/CRP.8, 2 July 2024, <https://www.ohchr.org/en/documents/thematic-reports/ahrc56crp8-courage-amid-crisis-gendered-impacts-coup-and-pursuit-gender>.

<sup>11</sup>Kathleen Kuehnast and Gabriela Sagun, "Myanmar's Ongoing War Against Women," *United States Institute of Peace*, 30 November 2021, <https://www.usip.org/publications/2021/11/myanmars-ongoing-war-against-women>.

<sup>12</sup>Sai Kham La interview, by video communication, 18 July 2024.

An additional limitation of the research is that Outright relied extensively on one organization and its networks. Rainbow Organization is the largest LGBTQ human rights organization in Myanmar that has carried out human rights documentation since the coup began and has been available to Outright and other international human rights actors for comments, meetings, and sharing of data and sensitive information. Rainbow Organization’s Sai Kham La has been known to and collaborated with Outright since 2013 and is a trusted source. Nevertheless, Outright notes the reliance largely on one organization, with particular perspectives, as a limitation of this report.

### Secondary Sources

Research interviews for the report were supplemented by a desk review of resources including online media reports, LGBTQ organization advocacy reports, civil society legal analyses, international human rights experts’ briefing papers, United Nations statements and reports, civil society submissions to the United Nations, and reports on conflict-related gender-based violence that include some mention of LGBTQ people, such as findings of the Independent International Fact-Finding Mission on Myanmar (IIFMM) and the Independent Investigative Mechanism for Myanmar (IIMM).<sup>13</sup>



<sup>13</sup>In March 2017, the United Nations Human Rights Council established the Independent International Fact-Finding Mission on Myanmar (IIFMM) to investigate and establish the facts and circumstances of alleged human rights violations and abuses by military and security forces in Myanmar, such as arbitrary detention, torture, inhumane treatment, rape, and other forms of sexual violence. In 2019, the IIFMM’s mandate ended and it turned over its findings to the Independent Investigative Mechanism for Myanmar (IIMM), also established by the United Nations Human Rights Council. See UN Human Rights Council, Report of the Independent Investigative Mechanism for Myanmar, A/HRC/51/4, 12 July 2022, <https://iimm.un.org/wp-content/uploads/2022/08/A-HRC-51-4-E.pdf>; UN Human Rights Council, Report of the Independent Investigative Mechanism for Myanmar, A/HRC/54/19, 30 June 2023, <https://iimm.un.org/wp-content/uploads/2023/08/G2312500.pdf>.

Right: Photograph by VB. LGBTQ marchers in Yangon in March 2021 holding signs with three-finger salute in solidarity for anti-coup resistance.

# I. Background

## The Military Junta Takeover and Civilian Uprising in February 2021

On 1 February 2021, the Myanmar military, known as the Tatmadaw, mounted an illegal coup d'état and ousted the civilian government of the National League for Democracy (NLD), which had emerged as the ruling party in Myanmar's national elections on 8 November 2020.<sup>14</sup> The NLD, led by Aung San Suu Kyi, had first been elected to power in 2015 in what many observers described as a landmark election, in that it ushered in civilian leadership after 50 years of direct military rule.<sup>15</sup> However, the military retained control of key functions of government, and its acts of genocide against the Rohingya minority gravely tainted the country's progress toward democracy. After the November 2020 elections, the military claimed, without evidence, that the elections had been fraudulent, and seized power.

The military junta declared itself the State Administrative Council, seized control over the country's governance, arrested key political leaders on election fraud charges, and declared a national emergency that has been continuously renewed up to June 2024.<sup>16</sup> Its rule was immediately notable for a horrific slate of human rights violations, including "murder, arbitrary detention, beatings and probable enforced disappearances" and the suppression of freedom of assembly and association.<sup>17</sup>

On 8 February 2021, tens of thousands of students, government workers, civil servants, monks, and activists poured into the streets to protest the coup. Among them were scores of LGBTQ people, marching openly with rainbow-colored anti-coup signs.<sup>18</sup> Within about two weeks, the protests had spread around the country with over 100,000 people participating in non-violent anti-coup demonstrations.<sup>19</sup> Police responded with riot control weapons, including water cannons and rubber bullets. The military junta declared martial law across the country. Curfews were imposed from 6 p.m. to 6 a.m. and sometimes extended from 11 a.m. to 6 a.m. for some townships (administrative districts).<sup>20</sup> Civil society groups around the world urged the United Nations Human Rights Council and United Nations Security Council to intervene. They issued Nations Human Rights Council and United Nations Security Council to intervene. They issued open letters calling for a global arms embargo and an immediate cessation of military violence against peaceful protesters, mobilizing signatures by hundreds of organizations

<sup>14</sup>Tatmadaw translates as Royal Army of the People. Since the coup, the army lost legitimacy because of its brutality and lack of accountability for human rights violations, and many Myanmar people have stopped using Tatmadaw and use "junta" or "military junta." Outright supports this choice.

<sup>15</sup>The 2008 Constitution outlines that 25 percent of Parliamentary seats must be allocated to the military, and key ministerial positions have to be under the military. The National League for Democracy and other political parties have been pushing to reform the 2008 Constitution, including powers of the legislature. See Vikram Nehru, "Myanmar's Military Keeps Firm Grip on Democratic Transition," Carnegie Endowment for International Peace, 2 June 2015, <https://carnegieendowment.org/research/2015/06/myanmars-military-keeps-firm-grip-on-democratic-transition?lang=en>; Nyein Nyein, "Amending Myanmar's Constitution: An Issue That Will Not Go Away," The Irrawaddy, 22 September 2020, <https://www.irrawaddy.com/opinion/analysis/amending-myanmars-constitution-issue-will-not-go-away.html>.

<sup>16</sup>BBC News "Myanmar Coup: Aung San Suu Kyi Detained as Military Seizes Control," 1 February 2021, <https://www.bbc.com/news/world-asia-55882489>.

<sup>17</sup>OHCHR, Report of the Special Rapporteur on the situation of human rights in Myanmar, A/HRC/46/56, 29 September 2021, para. 3, <https://www.ohchr.org/en/documents/country-reports/ahrc4656-report-special-rapporteur-situation-human-rights-myanmar-thomas>.

<sup>18</sup>Outright, "2021 Myanmar Crisis: Implications For LGBTIQ People," 5 March 2021, <https://outrightinternational.org/insights/2021-myanmar-crisis-implications-lgbtq-people>.

<sup>19</sup>Rebecca Ratcliffe, "Myanmar: More than 100,000 Protest in Streets Against Coup," Guardian, 17 February 2021, <https://www.theguardian.com/world/2021/feb/17/suu-kyi-myanmar-trial-protests-military>.

<sup>20</sup>"Human Rights Watch, "Myanmar: Lethal Force Used Against Protesters," 9 February 2021, <https://www.hrw.org/news/2021/02/09/myanmar-lethal-force-used-against-protesters>; email correspondence from Sai Kham La to Outright, 3 September, 2024

and individuals defending civil rights, ethnic minority rights, women's rights, and human rights inside and outside Myanmar.<sup>21</sup>

Inside Myanmar, opponents of the coup immediately galvanized what came to be known as the Civil Disobedience Movement (CDM). The foundation for the CDM is attributed to nurses, doctors, teachers, engineers, and other government workers in state institutions such as hospitals, schools, and universities who refused to show up for work and demanded an end to the coup.<sup>22</sup> This action swelled over the following days and weeks to include private sector workers, labor unions, pro-democracy religious groups, university students, monks, artists, and civil society groups, including LGBTQ activists, marching in peaceful demonstrations, holding silent protests, and conducting sit-ins to oppose the coup.<sup>23</sup> Other kinds of protests, such as flash strikes, banging pots and pans, and symbolic campaigns like the Buddhist Water Festival (Thingyan) protest, paralleled CDM protest actions.<sup>24</sup> These different forms of urban protests and the CDM came to be broadly called the Spring Revolution. LGBTQ activist Sai Kham La helped organize a seven-kilometer march in Yangon on 19 February 2021 in which he estimated that 1,500 LGBTQ people in Yangon marched with rainbow flags, rainbow placards bearing the three-finger salute of solidarity for the anti-coup resistance, and signs with slogans like "Release our Leaders" and "LGBTQ for Democracy."<sup>25</sup> In Mandalay, LGBTQ youth activist Jeremy (pseudonym) led flash strikes by groups of 20 to 30 LGBTQ protesters, carrying rainbow-colored flags and signs with slogans like "We Are Gay But We Are Not Afraid."<sup>26</sup>

### **National League for Democracy Sets up Shadow Government**

Before the coup on 1 February 2021, the National League for Democracy (NLD) in coalition with other political parties was preparing to form a new civilian-led government, based on the November 2020 election outcomes. In April 2021, after the coup, the exiled Burmese leadership of the NLD established an interim shadow government, called the National Unity Government (NUG), comprising human rights defenders, elected lawmakers, civil society activists, anti-coup protesters, pro-democracy political party members, and representatives of armed ethnic organizations.<sup>27</sup>

<sup>21</sup>CIVICUS, "Joint Call for a Global Arms Embargo on Myanmar," 24 February 2021, <https://www.civicus.org/index.php/media-resources/news/united-nations/new-york/4909-joint-call-for-a-global-arms-embargo-on-myanmar>; FORUM-ASIA, "Open Letter From Civil Society Organisations Calling on the UN Human Rights Council's Immediate Action to Ensure Protection of Demonstrators," 9 February 2021, <https://forum-asia.org/?p=33860>.

<sup>22</sup>Progressive Voice, "Civil Disobedience Movement: A Foundation Of Myanmar's Spring Revolution and Force Behind the Military's Failed Coup," 25 May 2023, <https://progressivevoicemyanmar.org/2023/05/25/civil-disobedience-movement-a-foundation-of-myanmars-spring-revolution-and-force-behind-militarys-failed-coup/>.

<sup>23</sup>Outright, *Updates on Implications of the Myanmar Crisis on LGBTIQ People: Situational Brief and Call to Action*, 14 July 2021, [https://outrightinternational.org/sites/default/files/2023-06/WhitePaper\\_Updates-on-the-Myanmar-Crisis.pdf](https://outrightinternational.org/sites/default/files/2023-06/WhitePaper_Updates-on-the-Myanmar-Crisis.pdf); Kyaw Hsan Hlaing and Emily Fishbein, "'We Are Like One Group.' How Myanmar's Pro-Democracy Protests Are Giving a Voice to LGBTIQ+ People," *Time*, 5 March 2021, <https://time.com/5944407/myanmar-democracy-protests-lgbtq/>; Michael Lavers and Victor Maung, "LGBTIQ Activists in Myanmar Join Protests Against Military Coup," *Washington Blade*, 13 February 2021, <https://www.washingtonblade.com/2021/02/13/lgbtq-activists-in-myanmar-join-protests-against-military-coup/>.

<sup>24</sup>"Myanmar's Creative Anti-Regime Protesters Stay One Step Ahead of Police," *The Irrawaddy*, 18 February 2021, <https://www.irrawaddy.com/news/burma/myanmars-creative-anti-regime-protesters-stay-one-step-ahead-police.html>; Roseanne Gerin, "Myanmar Protesters Swap New Year Blessings for Anti Junta Statements," *Radio Free Asia*, 13 April 2021, <https://www.rfa.org/english/news/myanmar/new-year-blessings-04132021205544.html>.

<sup>25</sup>Sai Kham La interview, 24 February 2021.

<sup>26</sup>Outright interview with Jeremy (pseudonym), by video link, 15 March 2022.

<sup>27</sup>Paul Eckert, "Parallel Myanmar Government Launched to Challenge Military Junta," *Radio Free Asia*, 16 April 2021, <https://www.rfa.org/english/news/myanmar/crph-government-04162021185851.html>; "Myanmar's Shadow Government Vows a New Constitution and End to Dictatorship," *The Irrawaddy*, 1 April 2021, <https://www.irrawaddy.com/news/burma/myanmars-shadow-government-vows-new-constitution-end-dictatorship.html>.

The NUG's governing principles are outlined in the NLD's Federal Democracy Charter, ratified in January 2021 by the First People's Assembly under the NLD's leadership, just before the coup.<sup>28</sup> After the coup, the NUG established independent commissions including a human rights and anti-discrimination commission and an anti-gender-based violence commission. Years of LGBTQ advocacy, discussed in more detail below, contributed to the formation of a largely queer-friendly, LGBTQ-inclusive shadow government. Aung Myo Min, an out gay man and longtime human rights defender, was appointed the NUG's Minister of Human Rights. In an interview with Outright, Aung Myo Min responded to his appointment. "There was no objection at all to my sexual orientation. It's such a breakthrough. I don't need to hide or stay in the closet as a Cabinet minister. I feel very proud. This is new history for Myanmar."<sup>29</sup> The Charter was updated on 31 March 2022 with a more inclusive version that, for the first time, explicitly prohibits discrimination on the grounds of sexual orientation.<sup>30</sup> In 2023, the NUG's advisory body, National Unity Consultative Council (NUCC), published a Gender Equality Position Paper that is a statement of interest for achieving gender equality, including addressing gender-based violence, and discrimination on grounds of sexual orientation.<sup>31</sup>

### **NUG's Declaration of People's Defence Force**

On 7 September 2021 the NUG declared war on the military junta, changing the face of the resistance from peaceful demonstrations to armed rebellion.<sup>32</sup> NUG supporters were urged to train in self-defense and defend themselves, other civilians, and their towns and villages from the military junta's deadly force against anti-coup protesters.<sup>33</sup> This armed wing of the NUG was called the People's Defence Force.<sup>34</sup> Some of the LGBTQ people whom Outright interviewed and who joined the PDF were trained as combatants and some were trained as logistical support teams for the PDF, transporting food, medicines, and sometimes weapons to PDF camps and battalions. All the LGBTQ PDF members Outright interviewed were based in ethnic liberated areas controlled by Ethnic Armed Organizations (EAOs), which were affiliated with the NUG and agreed to train civilians for the PDF resistance movement.<sup>35</sup>

<sup>28</sup>National Unity Government of Myanmar, "Federal Democracy Charter Parts I and II," Committee Representing Pyidaungsu Hluttaw (CRPH), 27 March 2021, accessed 4 September 2024, <https://crphmyanmar.org/wp-content/uploads/2021/04/Federal-Democracy-Charter-English.pdf>.

<sup>29</sup>Outright interview with Aung Myo Min, minister of human rights in the National Unity Government, by video link, 11 May 2021.

<sup>30</sup>National Unity Government of Myanmar, Federal Democracy Charter, Part - I, declared on 31 March 2021, ratified 27-29 January 2022, accessed 4 September 2024, <https://mofua.nugmyanmar.org/uploads/publications/wiZLKwLAEmceMSfOntzv53PbtDGisiWfIOzXAt.pdf>.

<sup>31</sup>National Unity Government of Myanmar, National Unity Consultative Council (NUCC), Gender Equality Position Paper, 30 October 2023, accessed 4 September 2024, <https://www.nucc-federal.org/category/paper>.

<sup>32</sup>Jonathan Head, "Myanmar: Why Once Peaceful Protesters Are Now Choosing Violence," *BBC News*, 29 January 2022, <https://www.bbc.com/news/world-asia-60137053>; "NUG Declares War," *Frontier Fridays*, 10 September 2021, <https://mailchi.mp/frontiermyanmar.net/nug-declares-war-on-junta?e=24a5f86d3c>.

<sup>33</sup>Shibani Mahtani, "Myanmar Shadow Government Declares War on Military Junta, Escalating Crisis," *Washington Post*, 7 September 2021, [https://www.washingtonpost.com/world/asia\\_pacific/myanmar-military-war/2021/09/07/46c14ca2-0f93-11ec-baca-86b144fc8a2d\\_story.html](https://www.washingtonpost.com/world/asia_pacific/myanmar-military-war/2021/09/07/46c14ca2-0f93-11ec-baca-86b144fc8a2d_story.html).

<sup>34</sup>"NUG Settling in for Long Fight against Junta," *Frontier Myanmar*, 28 April 2022, <https://www.frontiermyanmar.net/en/nug-settling-in-for-long-fight-against-junta/>.

<sup>35</sup>Ethnic Armed Organizations (EAOs) have battled Myanmar's Military for decades over cultural, territorial, economic, and political sovereignty. There are at least 20 different EAOs in the country. Some have forged alliances with each other, and some have tried negotiating deals with Myanmar's military. High civilian casualties and prolonged armed conflict with Myanmar's military are contributing factors for EAOs and their civilian populations providing support to anti-coup activists in the PDF.



The military junta reacted to the NUG's call for armed rebellion by increasing crackdowns, neighborhood sweeps, nighttime house-to-house searches for civilian anti-coup protesters, and abductions of family members if the anti-coup protesters were not found.<sup>36</sup> LGBTQ activists speaking to Outright experienced firsthand the junta's violent backlash against the PDF and other forms of resistance, as discussed in Section II below.



<sup>36</sup>OHCHR, "Myanmar: UN Expert Says Current International Efforts Failing, Calls for 'Change of Course,'" 22 September 2021, <https://www.ohchr.org/en/press-releases/2021/09/myanmar-un-expert-says-current-international-efforts-failing-calls-change>.

Right: Photograph by VB. Scores of LGBTQ people marched openly with rainbow colored anti-coup signs.

# II. LGBTQ Resistance Against the Coup

## Rainbow Visibility in the Civilian Spring Revolution

Public perceptions and feelings toward LGBTQ people during the coup appeared to shift positively because people in Myanmar saw LGBTQ groups visibly uniting with non-LGBTQ citizens to oppose the military junta dictatorship: evidence of LGBTQ trustworthiness and reliability, elevating possibilities for social acceptance. The following three statements from gay men involved in the resistance provide examples.

*LGBTQ or non-LGBTQ, our goal is to get rid of the dictatorship... During the seven-kilometer march that we organized [on 19 February 2021], we were cheered, and people watching even joined our march. It was led by dressed-up, flamboyant trans women, lesbians, and trans men. Yes, there were rainbow flags but a lot of people in Myanmar don't know what the rainbow flag is. But people saw we were all united in the fight against the coup, and they respected us.*

– Sai Kham La, executive director, Rainbow Organization<sup>37</sup>

*During the Spring Revolution, attitudes of general society were that LGBTQ people were not strong, not reliable, and they are a problem. But rainbow colors are visible in protests all over the country. LGBTQ people are learning self-defense and joining resistance groups. Transgender queens are swapping their colorful clothes for resistance clothes. LGBTQ people who were seen as people with no place in society are now being recognized and supported as brave.*

– Aung Myo Min, NUG Minister of Human Rights, speaking at Outright's Asia Regional Forum on Gender-Based Violence<sup>38</sup>

*I'm not out to public or friends but after the revolution victory, I plan to come out... After the revolution victory, we can fight to end gender discrimination and LGBTQ discrimination... People are aware that there are many LGBTQ people in the revolution. Because of that, LGBTQ people will be more accepted... Now, there are other things we [LGBTQ people] need to be doing for the revolution, like helping civilian victims of the military [junta].*

– Flex, a 22-year-old gay man, talking about his time in the CDM<sup>39</sup>

The confidence in these statements is premised on the belief that LGBTQ people are being validated for demonstrating courage against a junta regime, risking life for democracy, and championing return to civilian government.

LGBTQ people in Myanmar are “activists by nature, used to fighting for their rights,” Sai Kham La told Outright in explaining the fearlessness of queer people who spontaneously joined the anti-coup resistance.<sup>40</sup> LGBTQ people's pro-democracy activism was not immediately visible to Myanmar's security forces: as one activist told Outright, the junta soldiers and police did not know what rainbow flags meant or what the letters LGBT stood for.<sup>41</sup> But they quickly realized that the colorful flags and signs appearing in flash protests and marches represented

<sup>37</sup>Sai Kham La interview, 24 February 2021.

<sup>38</sup>Aung Myo Min, NUG Ministry of Human Rights, presentation, 2021 Outright Asia Regional Forum on Gender-Based Violence, held remotely by video link, 6 August 2021.

<sup>39</sup>Outright interview with Flex (pseudonym), by video link, 21 January 2022

<sup>40</sup>Email correspondence from Sai Kham La to Outright, 25 January 2022.

<sup>41</sup>Jeremy interview, 15 March 2022.

a movement of people against the military junta, and began targeting LGBTQ people. They began asking LGBTQ people who were arrested questions like, "Where did you get this flag? Who are the leaders?"<sup>42</sup>

Aung Myo Min, who participated in the 1988 Myanmar uprising against the military junta at the time, told Outright in 2021, "What's different is that LGBTQ people were not so open in 1988. I wasn't out. LGBTQ people now are braver and bolder than in 1988 because of empowerment and advocacy and getting public support. Now, openly gay men, lesbians, transgender men, and transgender women are in the front row of demonstrations."<sup>43</sup>

The following are examples of LGBTQ people's visible participation in the Spring Revolution.

*Nineteen-year-old cisgender gay man, Jeremy, started the Mandalay LGBT Union and led flash strikes by LGBTQ groups of 20 to 30 people. He also mobilized petition campaigns of the Assistance Association for Political Prisoners (AAPP) to get political prisoners released and participated in economic boycotts of military junta-owned companies like Myanmar Beer company, Mytel, a major telecommunications company, and Ruby Red cigarette company. The boycotts did affect the military junta's revenues, causing the [junta] to bully shops into selling their products.<sup>44</sup> Jeremy's father was involved in the August and September 1988 uprising against the military dictatorship at the time, in which thousands of protesters were killed by military lethal force. He preferred that Jeremy join the PDF, even bear arms. But, Jeremy says, "I was only 18 then. I believe that the revolution is not only about winning militarily."<sup>45</sup>*

*Thirty-year-old cisgender bisexual man, Steven, is of Burmese-Rohingya parentage. In 2021, he joined protests in front of embassies in Yangon calling for democracy and for Aung San Suu Kyi's release, and petitioned friendly embassies to help prevent transgender women who were arrested or imprisoned from being abused. When Outright interviewed him in 2022 he was fundraising for the NUG.<sup>46</sup>*

*Twenty-one-year-old cisgender bisexual woman, Avey, is a Karenni ethnic minority and a CDM student, meaning she stopped attending her third-year university classes in protest of the military junta take-over. She had never experienced a coup and did not expect the junta would retaliate as brutally as it did against peaceful demonstrators. She marched with rainbow groups, women's groups, and labor groups, carrying rainbow signs that said, "Give Back Our Civilian Government." When the junta's violence escalated, she stopped marching and instead helped under-resourced LGBTQ youth protesters access food supplies like rice, oil, instant noodles, and tea, which she purchased and delivered. When police stopped her during deliveries and aggressively questioned what she was doing, why she was doing it, who sold the supplies, and to whom she gave the supplies, she changed tack and began helping LGBTQ youth access online emergency cash support, specifically youth survivors of family violence and intimate partner*

<sup>42</sup>Sai Kham La interview, 13 October 2021.

<sup>43</sup>Aung Myo Min interview, 11 May 2021.

<sup>44</sup>Sa Tun Aung, "Junta Threatens Businesses to Stock Military-Made Products Amid Boycotts," Myanmar Now, 19 September 2023, <https://myanmar-now.org/en/news/junta-threatens-businesses-to-stock-military-made-products-amid-boycotts/>.

<sup>45</sup>Jeremy interview, 15 March 2022.

<sup>46</sup>Outright interview with Steven, 31 January 2022.

violence who were unable to leave violent situations since before the coup and were continuing to experience gender-based violence during the coup. She also helped LGBTQ youth activists who lost their incomes during the coup to access online cash assistance.<sup>47</sup>

Twenty-nine-year-old cisgender bisexual woman, Koe, has been involved in protests outside Insein Prison in Yangon since March 2021. She collects lists of who is in prison, talks to LGBTQ people after they are released from interrogation or prison, gets information from LGBTQ people under police arrest or in prison in Yangon, and tells their parents how to search for information from police arrest lists and how to deliver food and other emergency items to their family members in prison. She helps deliver letters from families to people in prison, including LGBTQ prisoners. She writes letters for families of prisoners who live outside Yangon and cannot afford to post the letters or cannot read or write. LGBTQ people in Yangon and outside Yangon know about Koe's work with LGBTQ people because she was a program officer for four years before the coup at Rainbow Organization. Koe's own brother has been in prison since July 2022, sentenced for 10 years in Monywa Prison, about 375 miles away from Yangon. He was lobbying for the National League for Democracy (NLD) in rural areas, producing YouTube videos, and was on his way to join a PDF group when he was arrested.<sup>48</sup>

## Why LGBTQ People Joined the PDF

When the NUG declared an armed rebellion against the military junta via the PDF, many LGBTQ people joined. The following are examples of why some LGBTQ people joined the PDF and the roles they play.

Thirty-six-year-old Ethan is a well-respected cisgender gay human rights defender, in Shwebo area, northwest of Mandalay, for his work on LGBTQ human rights, HIV prevention, and access to anti-retroviral therapy (ART). He works with a civil society organization to document LGBTQ casualties in Shwebo. Since the coup started, he has been a vocal LGBTQ leader. He led a group of 14 LGBTQ activists, mostly transgender women and transgender men, in anti-coup protests in his township. After armed soldiers damaged his house four times, he went into hiding from security forces for four months, then joined the PDF. He told Outright that he had no choice: "There's no UN peacekeeping units and no US military support to stop the Myanmar junta."<sup>49</sup> Ethan is not on the PDF frontlines. He conducts missions for the PDF, distributing food and medicine to PDF members.

Twenty-six-year-old Bee is a lesbian-identified trans man.<sup>50</sup> Before the coup, he was an LGBTQ youth rights advocate for four years. After the coup, he helped about 20 CDM protesters who were displaced by the coup, had no jobs or income, and were hiding from soldiers. Bee's parents are also in the CDM and supported his participation in the anti-coup resistance. But the junta's unexpected level of brutality drove Bee from the CDM to join the PDF as a way to cope with "losing many friends killed, arrested, and disappeared by the junta." His parents did not want him to leave Yangon and move to a camp in the jungle. Bee went anyway, and spent 21 days in PDF combat training.

<sup>47</sup>Outright interview with Awee, 15 February 2024.

<sup>48</sup>Outright interview with Koe (pseudonym), by video link, 12 March 2024.

<sup>49</sup>Outright interview with Ethan, by video link, 22 March 2022.

<sup>50</sup>Outright respects the gender identities and sexual orientations that interviewees use to describe themselves, although they may be unfamiliar to readers. In this case, Bee is a person who was assigned female at birth and identifies as a lesbian in terms of sexual orientation, as a trans man in terms of gender identity, and uses he/him pronouns.

*Nearly 11 months into the coup, he moved to Mae Sot, a town on the Thai border, where many Myanmar refugees and displaced and undocumented people live. He provides humanitarian assistance, including food packs, medicines, and temporary shelter, for victims of the coup in a PDF-controlled area along the border.<sup>51</sup>*

*Twenty-three-year-old Tiger Saw is a Karen ethnic minority cisgender gay man. He is a commander of a PDF group stationed in an armed ethnic area controlled by the Karen National Liberation Army (KNLA) on the Myanmar-Thailand border. Before the PDF, he led a group of health workers in the CDM for several months in Bago Region until he heard the military junta put him on a wanted list. He went into hiding, then returned to his hometown in Karen State. After soldiers detained and sexually abused a transgender woman friend and arrested and “disappeared” a gay man friend, he joined a PDF group under the command of the KNLA. He told Outright, “I could not wait for international intervention to protect Myanmar civilians...I have a strong body, the ability, and young age. Therefore, I left to the jungle and trained in armed resistance.”<sup>52</sup>*

*Twenty-two-year-old Flex is a cisgender gay man who is Burmese and Buddhist. After the coup began, he joined protest marches in his township in the Ayeyarwady River Delta region. His parents evicted him from the family home because they disagreed with the CDM. When the military junta issued a warrant for his arrest for charges under Section 505 of the Penal Code, which broadly punishes any criticism of the coup as sedition, he escaped. The junta destroyed his house and belongings, and arrested his family members twice when it could not find him. Flex joined a PDF group run by armed ethnic groups in an undisclosed location in the hilly regions.<sup>53</sup> For health reasons, including a heart condition, dengue fever, and a bout of stomach problems, he was not medically fit for combat. From July to October 2021, he collected money from friends, family, childhood teachers, and LGBTQ groups to get medicines, food, and clothing for villagers experiencing shortages after repeated missile strikes by the military junta, and for nearly a year, he conducted PDF missions delivering food, medicine, and weapons to PDF fighters.<sup>54</sup>*

In many armed conflicts around the world, Outright and partner organizations have documented how armed groups, including both government forces and anti-government militia, have violently targeted LGBTQ people. Gender-based violence, including against LGBTQ people, is typically more acute during armed conflict for many reasons, including a reification of rigid gender binaries and restrictive general roles, a tendency toward “moral policing” as a strategy to gain public support, and prevailing impunity.<sup>55</sup>

<sup>51</sup>Outright interview with Bee (pseudonym), by video link, 20 January 2022.

<sup>52</sup>Outright interview with Tiger Saw (pseudonym), by video link, 20 June 2022.

<sup>53</sup>Location details withheld in keeping with the interviewee’s request that PDF security protocols are followed.

<sup>54</sup>Flex interview, 21 January 2022. For more information on the military junta’s reprisals against anti-coup resistance, see Meg Kelly, Shibani Mahtani, and Joyce Sohyun Lee, “Burn it All Down,” *Washington Post*, 23 December 2021, <https://www.washingtonpost.com/world/interactive/2021/myanmar-military-burn-villages-tatmadaw/>.

<sup>55</sup>Outright, *LGBTQ Lives in Conflict and Crisis*, February 2023, <https://outrightinternational.org/sites/default/files/2023-12/12072023-LGBTQLivesConflictCrisis.pdf>.

Given these patterns, Outright wanted to know how safe it is for LGBTQ people to be in the PDF. Our sample was too small to draw general conclusions. Four of our interviewees, three gay men and a lesbian trans man, had joined PDF groups.<sup>56</sup> All four said they felt acceptance and comradeship from the PDF members they interacted with. They experienced an environment of resilience based on shared beliefs that the military junta will be ousted, the coup will end, and they will return to their life plans, education, jobs, and families. The interviewees attributed the LGBTQ-friendly PDF environment to PDF members being mostly younger people who are more open to LGBTQ people and more supportive of diversity and inclusion. Bee, the lesbian trans man, said transgender persons in the PDF were “proud and not discreet.”<sup>57</sup> A cisgender gay PDF commander felt comfortable not hiding his sexual orientation, saying everyone in the PDF knows he is gay. This was not the case when he was in the CDM, where he was a health worker leading a protest group of other government sector health workers, with whom he felt less confident being open because of their government affiliation.<sup>58</sup> Another cisgender gay man on the PDF frontlines said members of his camp gave him love and support. Initially, he told Outright, some PDF members thought that gay men would not join the PDF because the combat training would be too tough for them. When they saw him in training, they complimented him. He said gay men in his PDF group know one another. One of them became his best friend.<sup>59</sup> The NUG’s Military Code of Conduct includes a section on “Treatment of Women, LGBTIQ and Children” that states that members of the PDF “shall refrain from sexual ill-treatment, humiliation, sexual exploitation, violence and abuse against women and LGBTIQ.”<sup>60</sup> These guidelines for PDF interactions with LGBTIQ people were referenced by several LGBTQ people in the PDF with whom Outright spoke.

## Impacts of the Coup on LGBTQ Anti-Coup Protesters

Credible reports from LGBTQ groups in Myanmar show that LGBTQ anti-coup protesters are among those who have been arrested, detained, imprisoned, and killed during the coup.

In the first month of the coup, the most visible impacts of the resistance on LGBTQ communities were fatalities and serious injuries with no evident link to the victims’ sexual orientations or gender identities. Between February and August 2021, the NUG Ministry of Human Rights and Ministry of Women, Youths and Children Affairs reported that the junta killed at least 62 LGBTQ people. Some were killed when the military shot into crowds of peaceful demonstrators in Myitkyina, Myingyan, Monywa, Mawlamyine, Yangon, Kyaukpadaung, and Mandalay. For example, on 3 March 2021, an 18-year-old gay man was shot in the head and died on the spot when the military junta fired into a crowd of peaceful protesters in

<sup>56</sup>Interviews by video link with Ethan, 22 March 2022; Tiger Saw, 20 January 2022; Noah (pseudonym), 14 February 2022; and Bee, 20 January 2022.

<sup>57</sup>Bee interview, 20 January 2022.

<sup>58</sup>Tiger Saw interview, 20 January 2022.

<sup>59</sup>Noah interview, 14 February 2022.

<sup>60</sup>National Unity Government of Myanmar (@NUGMyanmar), “Announcement of Military Code of Conduct for People’s Defence Forces,” available on Twitter (now X), 22 March 2024, <https://twitter.com/NUGMyanmar/status/1771077441190068619>, and on Facebook, <https://www.facebook.com/photo?fbid=122139321620088093&set=pcb.122138662934088093>. accessed 9 September 2024. An earlier version of the Code of Conduct, announced in November 2021 by the NUG Ministry of Defence, had an abbreviated provision under a section on civilian interactions, which stated members of the People’s Defence Force will “not physically, mentally and sexually insult women and people with diverse sexual orientation.” See National Unity Government of Myanmar, Ministry of Defence, “Military Code of Conduct for People’s Defence Force,” Facebook, 11 November 2021, <https://www.facebook.com/modNUG/posts/pfbid0yh2gZffRksQSwMmyk8gAzKrPsQPuTfVwojGQFibMVrovfXCSj3WhEGC5aqEGYj8kl>.

Mawlamyine, Mon state. In Mandalay City, Mandalay Region and in Kalay Town, Sagaing Region, a lesbian and a transgender man were killed during demonstrations.<sup>61</sup> The NUG also reported that during that period, 35 LGBTQ people died while in detention and 10 in military offensives in ethnic liberated areas, and that riot police and armed forces seriously injured three gay men and one transgender woman in Myingyan and Bago.<sup>62</sup> NUG data is based on reports collected from LGBTQ activists and groups in the LGBT Rights Network.

During the same period in 2021, Rainbow Organization collected quantitative information on police and military arrests and detention of known LGBTQ people inside Myanmar for leading and supporting the Spring Revolution and PDF, supporting anti-coup political and community leaders, spreading information about civil unrest, and supporting the coup via social media and other communication. They documented 77 cases between 8 February and 1 July 2021.<sup>63</sup> Of this number, 45 were gay men, 19 were transgender women, 6 were transgender men, and 5 were lesbians.<sup>64</sup> Some of these LGBTQ anti-coup protesters are serving time in Mandalay's Obo Prison and Yangon's Insein Prison, as well as in Dawei, Myingyan, Shwebo, and Taze.<sup>65</sup> Sai Kham La told Outright that after August 2021 it was no longer feasible to keep track of this kind of data with limited staff, limited funding, and frequency of arrests, detentions, releases, and re-arrests, even deaths and injuries.<sup>66</sup>

<sup>61</sup>Aung Myo Min interview, 11 May 2021.

<sup>62</sup>Aung Myo Min presentation. See also National Unity Government of Myanmar, Ministry of Human Rights and Ministry of Women, Youths and Children Affairs, "Situation Report of the LGBTIQs After the Military Coup in Myanmar," 30 June 2021, <https://mohr.nugmyanmar.org/wp-content/uploads/2021/06/LGBTIQ-Situation-June-30-2021-final.pdf>.

<sup>63</sup>Microsoft Excel document emailed from Rainbow Organization to Outright on 19 May 2021, and subsequently updated and shared in email messages on 27 May 2021 and 10 September 2021; Sai Kham La interview, via video link, 18 July 2024. The number of LGBTQ arrests is likely underreported due to challenges with documentation for various reasons discussed later in the report.

<sup>64</sup>Ibid.

<sup>65</sup>Sai Kham La interview, 20 November 2023, and email correspondence, 11 December 2023.

<sup>66</sup>Rainbow Organization stopped this kind of data collection because it did not meet the rigors of systematic monitoring and reporting, the information was difficult to verify, data collection was too labor intensive, and the documenters were volunteers relying on informal data collection methods from a variety of sources, including via Facebook chats. In the very early months of the coup, it was important to keep track of this information as part of monitoring the number of LGBTQ casualties and human rights abuses taking place under the military junta.

**Right:** Photograph by VB. At first security forces did not know what rainbow color signs meant. Later they realized rainbow protesters were part of a nationwide movement to end the coup.





Most anti-coup protesters were charged under Section 505(a), 505(b), and 505(c) of the Penal Code, which broadly punish any criticism of the coup as sedition and inciting sedition.<sup>67</sup> The military junta amended Section 505 in February 2021 to expand its powers of suppression.<sup>68</sup> Some anti-coup protesters were also subjected to emergency orders that restricted their freedoms under Section 144 of the Code of Criminal Procedure, which are used to prevent anti-coup gatherings and armed resistance.<sup>69</sup> The junta charged others under the Counter-Terrorism Law, an already draconian 2014 law that the junta stiffened through the addition of new by-laws issued in 2023. The Counter-Terrorism Law and its 2023 addendum give the junta sweeping powers to execute warrantless arrests, eavesdrop on communications, and seize assets and bank accounts of individuals and groups, suspected or under investigation for terrorism or financing terrorism.<sup>70</sup> Police and soldiers carry out warrantless arrests if they see, suspect, eavesdrop, or receive information about individuals who are against the junta and coup. Less than three months into the coup, the NUG reported, based on information from LGBTQ activists and civil society groups, that people who were visibly LGBTQ faced physical and sexual violence in detention and interrogation centers.<sup>71</sup> While arrests, injuries, and deaths of LGBTQ people under the coup are not directly linked to individuals' sexual orientation or gender identity, being visibly LGBTQ increases the chances of violent arrest and physical and sexual assault in interrogation centers, police stations, and in prison. In fact, for visibly gay men and transgender women, violence starts from police at the point of arrest, then continues when they are detained in men's jails and at interrogation centers.<sup>72</sup>

<sup>67</sup>The pre-coup language of 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." Myanmar, The Penal Code, [https://www.burmalibrary.org/docs6/MYANMAR\\_PENAL\\_CODE-corr.1.pdf](https://www.burmalibrary.org/docs6/MYANMAR_PENAL_CODE-corr.1.pdf), accessed 9 September 2024.

<sup>68</sup>The military expanded Section 505 in February 2021, adding a sub-section 505(A) which states: "505 A. Whoever- (a) causes or intends to cause fear to a group of citizens or to the public, (b) causes or intends to spread false news, knowing or believing that it is untrue, (c) causes or intends to commit or to agitate directly or indirectly criminal offence against a Government employee, any kind of Government employees or Government employees; Such a person shall be punished with imprisonment which may extend to three years or with fine or with both." This language has been used against participants or supporters of the Civil Disobedience Movement, 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. Centre for Law and Democracy, "Myanmar: Analysis of the Military's Changes to the Penal Code," May 2021, 3-7, 12, [https://www.law-democracy.org/live/wp-content/uploads/2021/05/Myanmar.Penal-Code-Analysis.FINAL\\_.pdf](https://www.law-democracy.org/live/wp-content/uploads/2021/05/Myanmar.Penal-Code-Analysis.FINAL_.pdf); Human Rights Watch, "Myanmar: Post-Coup Legal Changes Erode Human Rights," 2 March 2021, <https://www.hrw.org/news/2021/03/02/myanmar-post-coup-legal-changes-erode-human-rights>; International Center For Not-For-Profit-Law, "Unlawful Edicts: Rule by Decree Under the Myanmar Tatmadaw," March 2021, 5-7, <https://www.icnl.org/post/analysis/unlawful-edicts-rule-by-decree-under-the-myanmar-tatmadaw>.

<sup>69</sup>Microsoft Excel document emailed from Rainbow Organization to Outright. During the coup, the military junta used Sections 144 of the Code of Criminal Procedure to penalize individuals who join, organize, or mobilize others to join protests, including peaceful gatherings as unlawful assembly, and individuals in possession of weapons. Code of Criminal Procedure (Vol VIII), 208, accessed 4 September 2024, <https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/1898-07-01-GB-No.5-tu-en.pdf>.

<sup>70</sup>Amendment Grants Junta Sweeping New Powers Under Anti-Terrorism Law," Radio Free Asia, 15 March 2023, <https://www.rfa.org/english/news/myanmar/amendment-03152023170207.html>; Dhevy, Wai Phyo Myint, and Méabh Macguire, "Myanmar's 'Counter-Terrorism' By-Laws Must Be Denounced for What They Are - Illegal," Access Now, 19 April 2023, <https://www.accessnow.org/myanmar-counter-terrorism-law/#:~:text=They%20were%20drafted%20by%20the,them%20to%20arbitrarily%20order%20the>. For the 2014 text, see Myanmar, "Pyidaungsu Hluttaw Law No. 23/2014: The Counter Terrorism Law," 4 June 2014, accessed 4 September 2024, <https://myanmar-law-library.org/topics/myanmar-banking-law/aml-cft-regulations/pyidaungsu-hluttaw-no-23-2014-the-counter-terrorism-law.html>.

<sup>71</sup>NUG Ministry of Human Rights and Ministry of Women, Youth and Children, "Situation Report of the LGBTIQs After the Military Coup in Myanmar."

<sup>72</sup>Sai Kham La interviews, 26 April 2022 and 16 May 2023.

For instance, Aung Myo Min, NUG's Minister of Human Rights, told Outright about a case reported to the ministry: police arrested a transgender woman in Yangon at home when they saw her comments about the military junta on her mobile phone, "did lewd acts against her," and forced her to wear men's clothes in detention.<sup>73</sup>

*Gay activist Ethan, based in Shwebo, told Outright about one case he documented for the LGBT Rights Network and for Rainbow Organization. In March 2022, officials whom Ethan described as police officers arrested a 34-year-old "visibly" trans woman, well known because of her beauty parlor and for organizing and being actively involved with protests against the junta dictatorship. Ethan said she was then transferred to a military detention facility, where she was kept for three days, during which time security force officers "whipped her with a belt, cut her hair, stripped her naked, caressed her breasts, and pulled her long nails with pliers."<sup>74</sup> Ethan also interviewed a 42-year-old gay teacher active in the CDM who said he was arrested in his home in January 2022 by junta soldiers who "[called him] CDM faggot, beat him up, broke his nose, and injured his forehead."<sup>75</sup>*

*Gay activist Flex, who is active in a PDF group in an ethnic liberated area, told Outright that he heard firsthand about sexual abuse from gay men who were arrested for anti-coup activities, detained, and released. After release, they fled the town where they had been detained and sought refuge in the ethnic area where they met Flex. Flex said one of the men told him that while in detention, junta soldiers had forced him and others to have sex with each other, burned their sexual organs with cigarettes, and inserted bottles in the anus.<sup>76</sup>*

Several prominent LGBTQ anti-coup activists, including young activists, received long prison sentences for their anti-dictatorship resistance.<sup>77</sup> The following are just two examples of excessive sentencing of LGBTQ people resisting military dictatorship.

*In December 2022, a trans woman activist in the PDF was sentenced to 25 years in Mandalay's Obo Prison.<sup>78</sup> According to Outright sources in Myanmar, security officials interrogated her, pressured her to divulge names of others in the PDF, and tortured her for three days, including in sexualized ways that appeared to target her for her gender identity. The military took her phone and found her contacts. For allegedly fighting with security forces and having weapons in her home, the activist was charged with inciting sedition against the State and the military junta under Section 505 and "financing terrorism" under Section 50(j) of the Counter Terrorism Law.<sup>79</sup>*

<sup>73</sup>Aung Myo Min interview, 11 May 2021. The minister did not specify what the "lewd acts" were.

<sup>74</sup>Ethan interview, 22 March 2022.

<sup>75</sup>Ibid.

<sup>76</sup>Flex interview, 21 January 2022. These kinds of violations are reflected in the 12 October 2023 report of the Special Rapporteur on the situation of human rights in Myanmar to the UN Human Rights Council. See OHCHR, Report of the Special Rapporteur on the situation of human rights in Myanmar, A/78/527, 12 October 2023, 5, <https://www.ohchr.org/en/documents/country-reports/a78527-report-special-rapporteur-situation-human-rights-myanmar>.

<sup>77</sup>As discussed in the section below, one of the gay activists Outright interviewed for this report was sentenced to 10 years in Yangon's Insein Prison in 2023. In addition, a prominent transgender woman anti-coup activist was sentenced to 25 years in Mandalay's Obo prison. See "Junta Court Hands Leading Myanmar LGBTQ+ Activist 22 Years in Jail," *The Irrawaddy*, 14 December 2022, <https://www.irrawaddy.com/news/burma/junta-court-hands-leading-myanmar-lgbtq-activist-22-years-in-jail.html>.

<sup>78</sup>"Mandalay Activist Sentenced to Further 22 Years in Prison," Radio Free Asia, 14 December 2022, <https://www.rfa.org/english/news/myanmar/myanmar-activist-sentenced-12142022054247.html>.

<sup>79</sup>Anecdotal information from credible sources known to Outright inside Myanmar who cannot be named for their safety.

*On 28 June 2023, a 20-year-old gay activist and anti-coup protest leader, was sentenced to 10 years in Yangon's Insein Prison for allegedly inciting sedition under Sections 505 (a) and (b) and for allegedly committing terrorism under Section 50 of the Counter Terrorism Law.<sup>80</sup> He had chosen not to join the PDF and instead led flash group strikes in Mandalay and participated in economic boycotts. NUG's Minister of Human Rights, Aung Myo Min told Outright that the activist was "mistreated" during interrogation for being gay, denied medical treatment in prison for health issues, and that the long prison sentence was because he is an activist.<sup>81</sup> He was arrested in Yangon when the military junta raided the safe house he shared with seven other activists, who were also arrested and charged under Section 505. As of this writing, all of the activists are still in Insein Prison.<sup>82</sup>*

Between April 2022 and July 2024, Rainbow Organization collected firsthand documentation of 68 cases of LGBTQ people, primarily gay men and transgender people, who experienced human rights violations related to their sexual orientation or gender identity at the hands of the military junta after February 2021.<sup>83</sup> Rainbow Organization obtained consent from survivors to share 12 such accounts with Outright. Eight of these stories, as translated and summarized by Rainbow Organization's on-staff human rights lawyer, are presented below. They show that police and soldiers are the primary perpetrators, and violations were carried out in police stations, an interrogation center, army base, school compound, and military checkpoints. The following narratives, as reported in an email message to Outright from a Rainbow Organization lawyer who summarized verbatim interview records, describe physical and sexual violence perpetrated on Myanmar gay men and transgender people during the coup. Outright made some edits to these accounts for clarity.

*Case 1: Z is a 22-year-old who describes himself as a feminine gay man. In March 2021, he was arrested at an anti-coup protest in Yangon Region and detained at Tamwe Township police station, where a military junta soldier and an inmate in the men's cell raped Z in a back room. The soldier led the sexual assault. Z was transferred to Shwe Pyi Thar interrogation center, Yangon Region. During interrogation, he was blindfolded and physically and sexually assaulted. He could not identify the two interrogators. They hit Z's head with a gun, stabbed his thigh with a blade, slapped him, and poked [jabbed] his arms, thighs, and neck with [wand] lighters. They groped Z's hips and chest area and said, "You wanted it to be like this, right?" The abuse and interrogation went on all night. Z was given water to drink so he could remain conscious and answer the interrogators' questions.<sup>84</sup>*

*Case 2: Htet is a 21-year-old gay man. In June 2021, soldiers at an airbase checkpoint in Yangon Region stopped him for inspection. While questioning him, the soldiers violently groped Htet's genitals. Htet posted about the sexual assault on Facebook, for which he was subsequently arrested and detained at Shwe Pyi Thar interrogation center, Yangon Region, where he was verbally humiliated [with abusive homophobic language]. Htet*

<sup>80</sup>"Myanmar Junta Sentences LGBTQ Activist to 10 Years in Prison," Radio Free Asia, 29 June 2023, <https://www.rfa.org/english/news/myanmar/activists-0629202313302.html>.

<sup>81</sup>Aung Myo Min interview, 11 July 2023. The minister's veiled reference to "mistreatment" was to minimize the risk of getting the activist in trouble with prison authorities and facing reprisals.

<sup>82</sup>Confirmed by Sai Kham La via messaging app, 24 July 2024.

<sup>83</sup>Sai Kham La interviews, 18 July 2024 and 24 July 2024.

<sup>84</sup>Email correspondence from Sai Kham La to Outright, 30 March 2024, 1 April 2024, and 25 April 2024, and via messaging app, 24 July 2024.

was charged and detained in Insein Prison under Section 505 (a). His family submitted a plea for Htet's release through a lawyer. After two court hearings, he was released under general amnesty for "lack of evidence." The lawyer revealed that the family paid a bribe to the police station to secure amnesty. Following release, Htet had to sign a pledge at the Hmawbi Township Police Station, stating that he would not engage in any political activities. After 32 days, military junta soldiers re-arrested Htet because they found phone records of financial donations that he had made to NUG, CRPH, PDF and other organizations that the junta labels as terrorists. This time Htet was charged under Section 50(j) of the Counter Terrorism Law, tried in the Northern District Court of Yangon, and sentenced to Yangon's Insein Prison, where he remains.<sup>85</sup>

Shin is a 28-year old trans woman from Sagaing Region. On 19 November 2021, military junta soldiers abducted Shin from her home. They took her to Monywa City Hall, which was used as an interrogation center after the coup. Here she was detained for three days. On the third day, the soldiers interrogated her. During interrogation, she was forced to take off her shirt and kneel. She was photographed topless, and the soldiers threatened to post the pictures on Shin's personal Facebook account. The soldiers also shot rubber bands at Shin's breasts. She said that she wanted to die because of the humiliation she experienced.<sup>86</sup>

Han is a 24-year-old gay man. In May 2022, he was arrested in Yae Tar Shay Township, Bago Region and taken to the police station there. Four soldiers at Yae Tar Shay police station interrogated and beat him. The soldiers told him, "You sissies have nothing to do with politics." Two of the soldiers made Han hold their penis. Han was charged under 505(a), detained for one month and seven days, then released.<sup>87</sup>

T is a 33-year-old trans woman. In September 2022, three soldiers stopped T at an army checkpoint in Pyay Township, Bago Region. It was 7:45 p.m. The soldiers beat her. They took her to the school compound where she is a teacher, and one of the soldiers demanded oral sex. When T refused, the other two soldiers threatened to shoot her if she did not comply. They released her after the assault.<sup>88</sup>

PK is a 22-year-old trans man. In December 2022, soldiers stopped PK at a military junta post in Shwebo Township, Sagaing Region. During a 30-minute inspection of his motorcycle and bag, the soldiers verbally abused PK and forced him to remove his undergarment.<sup>89</sup>

<sup>85</sup>Email correspondence from Sai Kham La to Outright, 22 March 2024, and by messaging app, 24 July 2024.

<sup>86</sup>Email correspondence from Sai Kham La to Outright, 5 March 2024.

<sup>87</sup>Email correspondence from Sai Kam La to Outright, 22 March 2024, and interview by video link, 18 July 2024. Without rule of law, the jurisdictions, roles, and powers of members of police and soldiers are blurred. For instance, after a police arrest, soldiers will interrogate. A police station becomes a detention and interrogation center for the military junta. Members of the military also sometimes dress as police. See UN Human Rights Council, Report of the Independent Investigative Mechanism for Myanmar, A/HRC/57/18, 11 July 2024, <https://iimm.un.org/wp-content/uploads/2024/08/2411995E.pdf>. Also see "New Law Brings Myanmar Police Under Junta Control," Radio Free Asia, 30 March 2022, <https://www.rfa.org/english/news/myanmar/police-03302022152802.html>.

<sup>88</sup>Email correspondence from Sai Kham La to Outright, 5 March 2024.

<sup>89</sup>Email correspondence from Sai Kham La to Outright, 30 March 2024.

*YeYe is a 37-year-old trans woman. In April 2023, during the Myanmar New Year, she was stopped at two military checkpoints in Shwebo Township, Sagaing Region. At the first checkpoint in Mytikiyina village, [military junta] soldiers verbally harassed YeYe, saying, “Why do you have big breasts? Are they injected?” At the second checkpoint in Yae Aye village, police officers ordered YeYe to take off her shirt in front of everyone and show them her chest tattoo. They asked if she was wearing a PDF [People’s Defence Force] brand shirt.<sup>90</sup>*

*Ko N is a 27-year-old self-described gay man who currently uses the “he” pronoun. He had been taking hormones to physically transition [and had developed breasts]. In July 2024, in Shan state, two soldiers arrested Ko N while he was closing up his barber shop at the end of the day. The soldiers took him to the army base, where they beat him, asked if he was a man or woman, and forced him to remove his clothes. When Ko N said that he is a man, the soldiers brutally crushed Ko N’s breast, and said, “Why do you have such a breast?”<sup>91</sup>*

Anti-coup protestors’ family members are also at risk of arrests and violence. The military junta took at least one gay man’s family members hostage to coerce them into giving information about LGBTQ anti-coup protesters in hiding, who had escaped soldiers and police looking for them.<sup>92</sup> Other LGBTQ people expressed fear to Rainbow Organization that these “proxy arrests” would involve their female family members, including young people.<sup>93</sup>

## Impacts of the Coup on LGBTQ Organizations and Activism

The coup upended LGBTQ organizations. Unprecedented violence in hub cities like Yangon, where many LGBTQ organizations were based, made it unsafe during the first months to go to restaurants, attend public events, and share transportation.<sup>94</sup> LGBTQ organizations’ leaders had to navigate funding and operational uncertainty. Some organizations relocated to Thailand, but many staff members were unable or unwilling to leave their families to go to Thailand. They returned to their hometowns or joined EAOs to receive defense training.<sup>95</sup> These operational challenges came on the heels of COVID-19 disruptions the previous year.

### Organizing Across Trust Deficits

One casualty of the coup on LGBTQ organizing is trust, particularly within small townships, where residents have to report to township administration offices and sign agreements not to engage in anti-junta activities. Compared to city hubs and areas controlled by the PDF and EAOs, local residents in small townships, including LGBTQ people, “have nowhere to run.”<sup>96</sup> Junta-appointed

<sup>90</sup>Ibid.

<sup>91</sup>Ibid.

<sup>92</sup>Outright interviewed one gay man, Flex, whose family was arrested twice because of his CDM activism and because he evaded soldiers and police looking for him.

<sup>93</sup>Sai Kham La interview, 13 May 2021. The junta also relied on hostage-taking techniques with non-LGBTQ populations, as denounced in a UN expert report. See United Nations, “Myanmar: UN Expert Says Current International Efforts Failing, Calls for ‘Change of Course,’” 22 September 2021, <https://news.un.org/en/story/2021/09/1100752#:~:text=The%20UN%20independent%20rights%20expert,human%20rights%20abuses%20and%20deaths>.

<sup>94</sup>Sai Kham La interview, 15 November 2021.

<sup>95</sup>Outright interviews by video link with staff of Rainbow Organization and RMY, 13 May 2021, 25 January 2022, and 19 December 2023.

<sup>96</sup>Sai Kham La interview, 26 April 2022.

administrators are asked to report young anti-coup protesters to the military junta. There are also pro-junta village and township informants. This tightly controlled environment and conflict situation affected intra-community interactions.

Rainbow Organization shared several examples of how trust within LGBTQ communities became strained after the coup. For instance, before the coup, there were LGBTQ Pride events in big hub cities and towns where LGBTQ people who were not activists joined to feel connected and to belong. Now, LGBTQ groups in small townships that were once part of the national LGBT Rights Network have become cautious about talking to high-profile LGBTQ anti-coup activists or big-city LGBTQ organizations. Sai Kham La of Rainbow Organization told Outright that a transgender woman who was one of his organization's focal points would answer questions about everyday life, but would not respond when asked about LGBTQ detentions and custodial violations, presumably due to fear of surveillance. She eventually broke communication with the organization.<sup>97</sup>

When police and junta soldiers raided a confidential safe house that sheltered LGBTQ anti-coup protest leaders, Sai Kham La said, some members of the LGBTQ community suspected that an LGBTQ informant had been responsible.<sup>98</sup> When the junta issued a search warrant for a prominent transgender anti-coup leader, one trans group accused another transgender activist, on social media, of being the source of information.<sup>99</sup> Rainbow Organization itself posted a concern on Facebook that the names might have been obtained by someone from inside the network whose phone contacts were compromised, when the military junta started looking for particular LGBTQ activists in the PDF.<sup>100</sup>

Intra-community concerns about trust are difficult to resolve in conflict situations where people are already unsafe and vulnerable to security force violations. But several LGBTQ activists talking to Outright said they made a point of looking out for each other. A gay protest leader, Ethan, said his PDF group was always on the lookout for security forces, keeping watch by radio and social media to know where police and soldiers were amassing, monitoring online chatter, and spreading word to other activists to hide in rice fields and monasteries.<sup>101</sup> LGBTQ youth activist Avee said her fellow activists did not reveal one another's identities when communicating about their work on Facebook and deleted sensitive information from their communication devices to protect one another in case of arrest.<sup>102</sup> Many LGBTQ youth, usually accustomed to sharing their day-to-day lives with friends on social media, changed their online habits after joining the PDF and did not reveal their locations or that they were running missions for their PDF groups.<sup>103</sup> Activists also documented a case in which a 45-year-old bisexual woman refused to give up names of her contacts despite being shocked multiple times with an electronic baton.<sup>104</sup>

<sup>97</sup>Ibid.

<sup>98</sup>Sai Kham La interview, 28 July 2023.

<sup>99</sup>Sai Kham La interview, 13 October 2021.

<sup>100</sup>Ibid.

<sup>101</sup>Ethan interview, 22 March 2022.

<sup>102</sup>Avee interview, 15 February 2024.

<sup>103</sup>Sai Kham La interview, 26 April 2022.

<sup>104</sup>Michael McGrath and Hla Myat Tun, UNFPA and Colors Rainbow Myanmar Report, accessed 4 September 2024, <https://www.ohchr.org/sites/default/files/documents/issues/sexualorientation/cfi-report-ga77/uns/unfpa-colors-rainbow.pdf>. This case was documented by Colors Rainbow and &Proud.

### *Organizing From Exile*

Rainbow Organization closed down its office in Yangon and moved to Thailand in early November 2021, 10 months after the military junta's takeover.<sup>105</sup> A key reason for the move was the change in banking regulations that came into effect in May 2021, when Myanmar's Central Bank asked all private banks to turn over account information of individuals and organizations, giving the military junta access to funding sources (e.g., international human rights donors), amounts of bank and ATM withdrawals (e.g., grant money), and money transfer recipients (e.g., to check if funds were used to support the NUG or otherwise oppose the coup).<sup>106</sup> When the military limited withdrawals to 300,000 Kyat (about USD \$200) per day, often resulting in nine-hour long queues at physical bank locations, Rainbow Organization's staff faced challenges accessing their personal bank accounts. The organization provided three-month salary advances through mobile banking apps, a system already established and widely used since the COVID-19 pandemic. The money advances helped staff mitigate cash crises and food shortages.<sup>107</sup> Rainbow Organization also reallocated funds from program activities to cover emergency funds for individuals affiliated with organizations in the Myanmar LGBT Rights Network, who were leaving Yangon and other cities where they worked for safety reasons and needed food, temporary shelter, and travel funds. Some of the recipients used the funds to cross into Thailand. Rainbow Organization also channeled funds towards pro bono lawyers' fees so that LGBTQ anti-coup supporters charged under Section 505 and other laws mentioned above could obtain legal aid.<sup>108</sup>

Working from exile required diversifying organizational missions and work plans. Rainbow Organization is moving toward humanitarian work, pro-democracy work, emergency assistance projects, transitional justice, and getting trained in mental health support services for conflict-related trauma. Its audience for online LGBTQ activism trainings has dramatically changed from people in the LGBTQ movement to non-movement young people needing livelihood assistance, such as LGBTQ university students who are no longer in classes because of the coup and have no jobs or money to buy food, and LGBTQ youth in villages burned down by the military junta and in jungle areas without electricity. These changes in the LGBTQ training landscape required donors to be educated about changing the way grant funds are used – for instance, not restricting grant funds from being used to pay for trainees' food and housing beyond the training, being able to use grants to cover participants' communications costs so they can attend trainings, and using capacity building grants to teach trainees peer-counseling techniques for providing emotional support to one another.<sup>109</sup>

Since Rainbow Organization relocated to Thailand, the environment for civil society organizations in Myanmar has continued to deteriorate. In October 2022, the military junta passed the Organization Registration Law, forcing non-governmental organizations (NGOs) to register with local authorities, report their funding sources, and allow the military junta broad oversight of their activities. Not complying with the law is punishable with three to five years in prison and hefty fines up to one million Kyat (about USD \$470). Legal analysts say the Organization Registration Law is meant to curtail dissent, including peaceful opposition

<sup>105</sup>Sai Kham La interview, 13 May 2021, and email correspondence to Outright, 25 January 2022 and 30 March 2024.

<sup>106</sup>Sai Kham La interviews, 13 May 2021 and 20 November 2023.

<sup>107</sup>Sai Kham La interviews, 13 May 2021 and 18 July 2024.

<sup>108</sup>Sai Kham La interview, 20 November 2023.

<sup>109</sup>Sai Kham La interviews, 13 October 2021 and 26 April 2022.

and debate in Myanmar, heighten state surveillance and harassment of domestic NGOs, and heighten monitoring of international NGOs in order to curtail human rights engagement.<sup>110</sup>

Representatives of both Rainbow Organization and another LGBTQ organization, RMY, told Outright that compliance with the Organization Registration Law would lead to being shut down for carrying out human rights education, reporting human rights violations, and supporting humanitarian needs of conflict victims, all of which are construed as anti-State and anti-military activities.

## Human Rights Issues Impacting LGBTQ Activists and Students in Thailand

Thailand is an important destination for Myanmar LGBTQ activists working in exile, and since the military junta began enforcing the Military Conscription Law, thousands of Myanmar youth are fleeing into Thailand.

Mae Sot, Thailand is a town on the border of Myanmar and Thailand where many people from Myanmar escaping military junta violence, poverty, and destroyed hometowns live and work. Some remain partially rooted in Myanmar and have crossed the border multiple times since the coup; others have lived in Mae Sot since before the coup.

Mae Sot can be a dangerous place for people displaced by the conflict in Myanmar. Bee, a lesbian trans man in the PDF who left Myanmar to live in Mae Sot with his partner, says he is not safe in Mae Sot because of Thai police out on the streets looking for NUG members and anti-junta supporters.<sup>111</sup> Rainbow Organization's Sai Kham La, who has visited Mae Sot several times and spoken with LGBTQ youth there, told Outright, "Myanmar undocumented people in Mae Sot can get arrested any time, just going to the market or 7-Eleven. One of Rainbow Organization's documenters in Mae Sot personally experienced extortion by Thai police officers because he is an undocumented Myanmar national."<sup>112</sup>

Rainbow Organization is providing sub-grants to LGBTQ Myanmar student groups in Mae Sot. Currently, they work with 20 to 50 students, including many student leaders. In 2023, all of the Mae Sot students, who Rainbow Organization was working with were undocumented and in legal limbo. Currently, they have either obtained Pink ID Cards that allow them to stay legally in Thailand, or Certificates of Identity that allow them to leave and legally re-enter Thailand without having a non-Thai passport. All the students are planning to study in Thai universities. They plan to obtain student visas.<sup>113</sup> At the time of writing, there are no restrictions on educational visas for Myanmar citizens.<sup>114</sup>

<sup>110</sup>Centre for Law and Democracy, Analysis of the Organisation Registration Law, August 2023, ii-v, <https://www.law-democracy.org/live/wp-content/uploads/2023/08/Myanmar.NGO-Law-Analysis.final.Aug23.pdf>; Frontier Myanmar, "We Are Facing a Crisis: New Law Puts Myanmar NGOs in 'Impossible' Position," 14 December 2022, <https://www.frontiermyanmar.net/en/we-are-facing-a-crisis-new-law-puts-myanmar-ngos-in-impossible-position/>.

<sup>111</sup>Bee interview, 20 January 2022. See also "Thai Police Under Orders To Arrest Members of Myanmar's Shadow Government," The Irrawaddy, 7 September 2021, <https://www.irrawaddy.com/news/burma/thai-police-under-orders-to-arrest-members-of-myanmars-shadow-govt.html>; "Thai Police Seeking Anti-Junta Activists Detain 108 Myanmar Nationals in Mae Sot," Radio Free Asia, 23 March 2023, <https://www.rfa.org/english/news/myanmar/raids-03232023163854.html>.

<sup>112</sup>Sai Kham La interview, 20 November 2023.

<sup>113</sup>Sai Kham La interview, 18 July 2024.

<sup>114</sup>"Thailand Denies Restricting Student Visas for Myanmar Nationals," Radio Free Asia, 16 May 2024, <https://www.rfa.org/english/news/myanmar/thailand-student-visa-restrictions-05152024152147.html>.



## Impacts of Forced Military Conscription

On 10 February 2024, the junta declared compulsory military service.<sup>115</sup> Under the Military Service Law, men ages 18 to 35,<sup>116</sup> women ages 18 to 27, professional occupation men ages 18 to 45, and professional occupation women ages 18 to 35 must register with their respective township administration offices and village councils and undergo medical examinations for military service fitness or exemption.<sup>117</sup> Conscripted individuals are expected to be in military service for 24 to 36 months, extendable to five years under an emergency.<sup>118</sup> Penalties for refusal to comply or evading the law are five years in prison and a fine.



As of this writing, the junta plans to conscript 50,000 to 60,000 Myanmar people per year.<sup>119</sup> It began summoning the first batch for basic military training in April 2024.<sup>120</sup> Intensive recruitment is underway at regional, district, township, and ward levels even as thousands of Myanmar youth leave Myanmar to avoid conscription.<sup>121</sup> To ensure compliance with the Military Conscription Law, some junta officials have threatened family members of conscription targets with punishment if those in their family, called up for military training, fail to show.<sup>122</sup> Some Thai police are arresting and returning youth crossing into Thailand back to Myanmar.<sup>123</sup>

<sup>115</sup>Helen Regan, Su Chay, and Angus Watson, "I Don't Want to Kill: Conscription Law Sparks Fear in War-Torn Myanmar," CNN, 21 February 2024, <https://www.cnn.com/2024/02/22/asia/myanmar-mandatory-conscription-fears-young-people-intl-hnk-dst/index.html#:~:text=The%20junta's%20surprise%20announcement%20that,in%20Myanmar's%20biggest%20city%20Yangon.>

<sup>116</sup>In August 2024, the military junta changed the age eligibility for men, and began conscripting those who are over 35. See "Depleted Myanmar Military To Recruit Men Aged Over 35 for 'Security' Teams," The Irrawaddy, 27 August 2024, [https://www.irrawaddy.com/news/burma/depleted-myanmar-military-to-recruit-men-aged-over-35-for-security-teams.html#google\\_vignette](https://www.irrawaddy.com/news/burma/depleted-myanmar-military-to-recruit-men-aged-over-35-for-security-teams.html#google_vignette)

<sup>117</sup>Under the Military Service Law, "professional occupation" is defined as professional experts or specialists, including doctors, medical professionals, engineers, and technicians. Temporary exemptions are granted to individuals who do not pass the medical fitness test, are caregivers for "helpless aged parents," and are currently in drug rehabilitation or in prison. Permanent exemptions are granted to members of religious orders, people with a permanent disability, and people with permanent medical issues. See Union of Myanmar, State Peace and Development Council, "People's Military Service Law No. 27/2010," unofficial translation, 4 November 2010, accessed 4 September 2024, <http://www.asianlii.org/mm/legis/laws/pmslpadcln272010638.pdf>.

<sup>118</sup>ASEAN Parliamentarians for Human Rights, "Southeast Asian MPs Condemn Myanmar's Newly Enforced National Conscription Law," 22 February 2024, <https://aseanmp.org/2024/02/22/southeast-asian-mps-condemn-myanmars-newly-enforced-national-conscription-law/>.

<sup>119</sup>"Myanmar Says Newly Activated Conscription Law Will Draft 5,000 People a Month. Some Think of Fleeing," PBS News, 14 February 2024, <https://www.pbs.org/newshour/world/myanmar-says-newly-activated-conscription-law-will-draft-5000-people-a-month-some-think-of-fleeing>; Regan, Chay, and Watson, "I Don't Want to Kill."

<sup>120</sup>"Myanmar Junta Steps Up Forced Conscription," The Irrawaddy, 15 February 2024, <https://www.irrawaddy.com/news/burma/myanmar-junta-steps-up-forced-conscription.html>.

<sup>121</sup>"Myanmar Junta Initiates Conscription Lotteries to Select Young People for Training, Frontline Combat," Myanmar Now, 20 March 2024, <https://myanmar-now.org/en/news/myanmar-junta-initiates-conscription-lotteries-to-select-young-people-for-training-frontline-combat/>; "Military Conscription Poised to Start in Myanmar's Yangon," Radio Free Asia, 15 March 2024, <https://www.rfa.org/english/news/myanmar/yangon-03152024164920.html>; Kelly Ng, "Myanmar: Young People Attempt to Flee Ahead of Conscription Order," BBC News, 26 February 2024, <https://www.bbc.com/news/world-asia-68345291>; "Young People Scramble to Leave Myanmar as Military Conscription Looms," Radio Free Asia, 15 February 2024, <https://www.rfa.org/english/news/myanmar/military-conscription-02152024171520.html>.

<sup>122</sup>"Myanmar Draft-Dodgers Fear Retribution Against Families," Radio Free Asia, 5 June 2024, <https://www.rfa.org/english/news/myanmar/conscription-legal-action-families-06052024172443.html>.

<sup>123</sup>"Surge in Arrests of Youth Fleeing to Thailand to Evade Military Draft," Burma News International, 25 March 2024, <https://www.bnionline.net/en/news/surge-arrests-youth-fleeing-thailand-evade-military-draft>.

In February 2024, the junta announced that women are exempt from compulsory military service.<sup>124</sup> Avey, a 21-year-old bisexual woman from Yangon Region who did LGBTQ human rights training before the coup at Rainbow Organization, did not trust the exemption, and told Outright, “We, young Myanmar people are waiting to see when police will show up with our names on a list.”<sup>125</sup> Avey’s fears were confirmed. In June 2024, the junta reversed its previous decision and ordered the conscription of women.<sup>126</sup>

Impacts on youth, including LGBTQ youth, are being felt.

*Maykanyar Pyo, a 30-year-old trans woman studying and doing LGBTQ youth activism from Thailand since the coup, worries about whether the Myanmar embassy will flag her for conscription when she renews her passport, and whether Thailand will renew her non-immigrant visa.<sup>127</sup>*

*27-year-old lesbian Doe joined the campus University Training Corps (UTC) in 2017 when she was a civil engineering student in Yangon Region. The voluntary UTC program is a way to recruit young, educated people into the military. According to Doe, the military called alumni of the UTC, including women, to go into military service. She received the call before the Military Service Law was announced in February 2024. Doe said, “I joined the UTC because I wanted to learn how to use guns... After the coup, I wanted to join the PDF.” But in 2021, Doe injured her knee after a fall while running during an anti-coup protest. She told Outright, “I could not participate in PDF because of my knee injury. It took one year to recover... I heard a lot of women had joined PDF but did not know how to use guns, how to fight. I already had this training [from the UTC program]. If it happens [gets conscripted], I will join the PDF. I’m even willing to work as a cook in a PDF group... If I cannot join the PDF, I plan to leave the country. I don’t want to be conscripted into the military.”<sup>128</sup>*

## Impacts of the Coup on Documentation

Rainbow Organization is one of the Myanmar LGBTQ organizations that set out in the immediate aftermath of the coup to document numbers of LGBTQ casualties, including killings, injuries, arrests, detentions, charges under which arrests took place, releases, and re-arrests. This endeavor to quantify impacts of the coup on LGBTQ people was mostly carried out by 23 non-staff focal points from the Myanmar LGBT Rights Network, who were based throughout the country.<sup>129</sup> These focal points gathered information from Facebook messages shared by

<sup>124</sup>“Military Exempts Women from Draft for Now,” Nikkei Asia, 22 February 2024, <https://asia.nikkei.com/Spotlight/Myanmar-Crisis/Myanmar-military-exempts-women-from-draft-for-now>.

<sup>125</sup>Avey interview, by video link, 15 February 2024.

<sup>126</sup>“Drafting of Women Underway Despite Junta’s Claims to the Contrary,” Radio Free Asia, 26 June 2024, <https://www.rfa.org/english/news/myanmar/women-military-draft-conscription-06262024145814.html>; “Preparing to Collect the List of Female Military Service in Myeuk,” 15 June 2024, <https://www.rfa.org/burmese/news/military-service-prepare-myeit-06152024143449.html>.

<sup>127</sup>Outright interview with Maykanyar Pyo, by video link, 27 February 2024.

<sup>128</sup>Outright interview with Doe (pseudonym), by video link, 12 March 2024.

<sup>129</sup>The Myanmar LGBT Rights Network was co-founded by Rainbow Organization in 2012. The Network has individual and organizational members around the country. It submitted a Universal Periodic Review report to the UN Human Rights Council in July 2020. As Rainbow Organization explained in an email to Outright on 6 August 2024, “The Network is not active now as some members are in prison, some are hiding, and some had to sign an agreement with the local administration under the military junta that they would not be involved in politics. A few members who are still active, such as the Sagaing group, Northern Shan group, and Southern Shan group do not move [function] as a network as before.” Also see Swedish International Development Cooperation Agency (SIDA), “Rights of LGBTI People in Myanmar,” December 2014, <https://cdn.sida.se/app/uploads/2021/05/07095106/rights-of-lgbt-persons-myanmar.pdf>; Sai Kham La interviews, 13 October 2021 and 16 May 2023.

LGBTQ community members between February 2021, when the coup started, until June 2021. But maintaining contact was difficult with LGBTQ people who were out of reach and detained in unknown locations.<sup>130</sup> Documentation was getting more risky, the military junta's digital surveillance and censorship made communication increasingly difficult, and more LGBTQ activists went into hiding because the junta was looking for them.<sup>131</sup>

In August 2021, Rainbow Organization told Outright that most of its focal points in Myanmar were in hiding, were arrested, could not communicate safely because they were being monitored by the junta and pro-junta informants, or were no longer able to safely be involved in human rights work other than HIV work. Rainbow Organization also assessed that numbers alone about who was killed, how many were killed, and who was arrested and detained, were not showing the whole story, as many LGBTQ people did not disclose their sexual orientation and gender to the various groups documenting violations committed by the junta, and data accuracy was getting more challenging.<sup>132</sup> The organization stopped its ad hoc method of collecting quantitative data and suspended updates to its database in September–October 2021. Sai Kham La added:

We switched to in-depth online interviews in April 2022 after Rainbow Organization's documentation program was established in our office in Thailand. We recruited five skilled documenters to do story collection on Zoom. One of these got admission to a university and left. We now have four skilled staff in the documentation team. We trained four more individuals inside Myanmar, in Sagaing Region but they had other full-time jobs and couldn't develop the documentation skills we needed so we used them as our new focal points instead to help our four on-staff documenters make contact with LGBTQ people.<sup>133</sup>

There are also challenges for key informants inside Myanmar who serve as valuable sources of information for Rainbow Organization's documenters. These informants risk being arrested by the military junta as retribution for talking about the junta's actions. If they have been arrested and released, they can be re-arrested under new charges. The key informants include anti-coup protesters who were in detention as a group, separated from one another by the junta, with some released; family who bring food and medicines to those in prison and carry messages from LGBTQ people inside; friends or family making inquiries with local authorities about missing persons who may or may not be openly identified LGBTQ people; and lawyers visiting clients in prison who confidentially report on conditions inside but limit publicity so that prison authorities do not trace the sources of information and carry out reprisals on prisoners.<sup>134</sup> LGBTQ human rights organizations such as Rainbow Organization attempt to piece together information from sources such as these.

<sup>130</sup>Sai Kham La interview, 13 October 2021.

<sup>131</sup>"Junta Steps up Phone, Internet Surveillance – With Help From MPT and Mytel," Frontier Myanmar, 5 July 2021, <https://www.frontiermyanmar.net/en/junta-steps-up-phone-internet-surveillance-with-help-from-mpt-and-mytel/>. LGBTQ people carrying out documentation lacked secure communication channels due to random internet blackouts by the military junta, heightened junta surveillance of social media platforms, phone and messaging platforms, website censorship, and a ban on Virtual Private Networks (VPNs). Sai Kham La interviews, 16 May 2023 and 4 August 2023.

<sup>132</sup>Sai Kham La interviews, 13 October 2021, 20 November 2023, and 18 July 2024.

<sup>133</sup>Sai Kham La interview, via video link, 18 July 2024.

<sup>134</sup>Sai Kham La instant messaging communications to Outright, 24 February 2021 to 26 April 2022.

Documenting the experiences of LGBTQ people in prison brings different challenges for human rights documenters. LGBTQ people do not want to be singled out for police and military abuse in custody or in prison, and, if they can pass as heterosexual or cisgender, they use this as “cover.”<sup>135</sup> This is one reason Rainbow Organization does not have data on lesbian, bisexual, and queer (LBQ) women in prison.<sup>136</sup> To date, national, regional, and international women’s organizations that monitor sexual and gender-based violence against women in Myanmar’s conflict situation have not collected, or have had difficulty accessing or corroborating, information about sexual and gender-based violence faced by LBQ women. Such organizations typically do not disaggregate information collected about women in prison by sexual orientation and gender identity: for instance, if an LBQ woman manages to report a sexual assault to a women’s organization, it is only recorded as a case of violence against women, not against LBQ women. UN Women Myanmar has issued confidential reports indicating that LGBTQ people who are arrested and detained have been subjected to sexual violence, abuse, and harassment by security forces, but these reports lack further information beyond the acknowledgment that such abuses occur.<sup>137</sup> In 2021, the US Institute of Peace, citing a Myanmar women’s rights activist, reported one example of a lesbian in a Mandalay prison whom security officials had brutally beaten, breaking her arms and legs, after they discovered her sexual orientation.<sup>138</sup>

Koe, a bisexual woman human rights activist who works for Rainbow Organization and talks to LGBTQ people after they are released from prison, acknowledges the silences of lesbians and trans men around sexual and gender-based violence in Myanmar:

The trans men I met who were arrested did not want to talk about their experiences in jail or interrogation because of the stigma... We only find out about rapes of trans men, lesbians, and bisexual women if there is investigation and acknowledgement that there was rape.<sup>139</sup>

Myanmar women’s rights organizations, women’s human rights defenders organizations, and UN human rights mechanisms like the IFFMM have reported similar challenges in documentation that stem from victim-blaming and cultural shaming in response to sexual violence against women, and survivors’ own responses to being sexually assaulted.<sup>140</sup> Outright’s work before the coup on gender-based violence with LBQ and trans activists in Myanmar also aligns with Koe’s observations.

<sup>135</sup>The word “cover” was used by LGBTQ people with whom Outright spoke to for this report.

<sup>136</sup>Sai Kham La interview, 26 April 2022.

<sup>137</sup>UN Women Myanmar, “Gender, Women’s Rights, and the 2021 Myanmar Crisis,” Gender Alert Brief 02, 1 March 2021; Gender Alert Brief 03, 5 March 2021; Gender Alert Brief 04, 14 March 2021; Gender Alert Brief 08, 10 April 2021; Gender Alert Brief 11, 4 May 2021. These confidential alert briefs are not viewable on UN Women’s website and are on file with Outright.

<sup>138</sup>Kuehnast and Sagun, “Myanmar’s Ongoing War Against Women.” The information in the USIP report is attributed to Khin Lay, founding director of Triangle Women Organization, Myanmar.

<sup>139</sup>Koe interview, by video link, 12 March 2024.

<sup>140</sup>Myanmar Women’s Peace Network, report submitted to the UN Special Rapporteur on situation of human rights in Myanmar, *The Situation of Women in Myanmar Since the Burmese Military’s Attempted Coup*, 22 December 2023, [https://progressivevoicemyanmar.org/wp-content/uploads/2024/01/12\\_22\\_WPN\\_Submission\\_to\\_SR\\_Myanmar.pdf](https://progressivevoicemyanmar.org/wp-content/uploads/2024/01/12_22_WPN_Submission_to_SR_Myanmar.pdf); UN Human Rights Council, *Sexual and Gender-Based Violence in Myanmar and the Gendered Impact of Its Ethnic Conflicts*, A/HRC/42/CRP.4, 22 August 2019, <https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/sexualviolence>.

# III. Unfinished Business: Pre-Coup LGBTQ Activism and Progress

## Criminalization and Discrimination

Before the coup, LGBTQ human rights defenders were working to abolish or amend Section 377 of Myanmar's Penal Code, a British colonial law that criminalizes consensual same-sex intimacy as "carnal intercourse against the order of nature" and disproportionately targets queer men and transgender people.<sup>141</sup> They were also pushing to reform other harmful laws, known as the "Shadow Laws" in Myanmar, that give the police broad, arbitrary powers. A 2013 report by LGBTQ rights organization Colors Rainbow focusing on the experiences of transgender men, transgender women, and gay and bisexual men, details how these laws promote police impunity, lack of redress for violations, self-censorship and fear, and a social climate of cultural stigma and stereotyping.<sup>142</sup> It documented police officers using laws that criminalize trans people and queer men to arbitrarily arrest, verbally humiliate, physically punish, and sexually harass and violate them during arrest, interrogation, and detention. The study also showed that police officers monetize the oppressive legal environment to blackmail and extort money or to obtain false confessions by threatening trans people and queer men with incarceration or with outing them to their families.<sup>143</sup>

LGBTQ people in Myanmar are not a monolithic group. Two interviewees who are not members of the Burmese-Buddhist dominant majority told Outright that they continue to face intersectional marginalization on the basis of being LGBTQ and being ethnic and religious minorities.<sup>144</sup>

*Thirty-year-old Steven (pseudonym) is a Rohingya-Burmese cisgender bisexual activist. Before the coup, he was working on the rights of people with HIV/AIDS. He had enormous difficulties obtaining a Myanmar passport for travel abroad to an international conference in 2019. The passport office in his township denied the application because, as a Rohingya person, he did not have an identity card like other nationalities. With intervention from allies in two government ministries, he was able to bypass the eligibility requirements for the passport and obtain one, but he was charged nearly 17 times more than the standard rate (USD \$500 instead of \$30). Steven's story exposes the incongruity of his life as an award-winning activist working for an established non-governmental organization, a member of the Yangon LGBTQ community, and yet lacking legal rights available to other Myanmar citizens, including LGBTQ people. Steven is currently in Thailand, continuing to support the anti-coup resistance. He may face challenges again for passport renewal.<sup>145</sup>*

<sup>141</sup>LGBT Rights Network, Colors Rainbow, KNQ LGBT Group, and Equality Myanmar, *In the Shadows*, 2019, 25-30, <https://www.icj.org/wp-content/uploads/2019/11/Myanmar-In-The-Shadows-Advocacy-Report-2019-ENG.pdf>. Section 377 of Myanmar's Penal Code states, "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with transportation for life, or with imprisonment of either description for a term which may not extend to ten years, and shall also be liable to a fine." To date there has been no constitutional challenge to Section 377. See Myanmar Penal Code, [https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs6/MYANMAR\\_PENAL\\_CODE-corr.1.pdf](https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs6/MYANMAR_PENAL_CODE-corr.1.pdf).

<sup>142</sup>For instance, according to Colors Rainbow, Section 30(d) of the 1899 Rangoon Police Act was frequently used against LGBT people before the coup. It reads: "Any person found within the precincts of any dwelling - house or other building whatsoever or in a back-drainage space or on board any vessel, without being able to satisfactorily account for his presence therein; may be taken into custody by any police officer without a warrant, and shall be liable to imprisonment which may extend to three months." See Colors Rainbow, *Facing 377: Discrimination and Human Rights Abuses Against Transgender, Gay and Bisexual Men in Myanmar*, July 2020, 11-19, <https://www.colorsrainbow.org/wp-content/uploads/2020/07/Facing-377-English.pdf>.

<sup>143</sup>*Ibid.*

<sup>144</sup>People from the Burmese ethnic majority are Bamar or Burmans. They are said to make up 68 percent of the population. Myanmar has multiple ethnic groups fighting for equality, right to self-govern (e.g., statehood), economic rights, territorial rights (e.g., mining rights and mineral rights), recognition of their languages and cultures, and birthright citizenship (e.g., civil, political, economic, social, and cultural rights). These struggles and dynamics inform relationships with the Myanmar military junta, the interim government under the NUG, responses to military violence, and the anti-coup resistance. The dynamics also inform civil society movements and inter-community and interpersonal interactions. For more about ethnicity and conflict in Myanmar, see International Crisis Group, "Identity Crisis: Ethnicity and Conflict in Myanmar," 28 August 2020, <https://www.crisisgroup.org/asia/south-east-asia/myanmar/312-identity-crisis-ethnicity-and-conflict-myanmar>.

<sup>145</sup>Steven interview, 31 January 2022.

*Thirty-year-old Maykanyar Pyo (pseudonym) is a bisexual transgender woman with mixed multiple ethnocultural identities, including Indian heritage, who was raised Muslim. She co-founded RMY which provides self-empowerment training on sexual orientation and gender identity for LGBTQ youth.<sup>146</sup> Maykanyar Pyo is cognizant of the multiple inequities she faces: "I'm very marginalized as a very mixed racial minority and a person with queer identity." She still deals with being called "kalar," a Burmese racial epithet for dark-skinned Myanmar people of South Asian descent from Bangladesh, India, and Pakistan, which has become so normalized that it is used even in NGO spaces. She also hears relatives refer to her as "kyauk," a derogatory word for trans women and men with feminine gender expression. Strangers in public sometimes use both words together, doubly insulting her for being Indian and Queer.<sup>147</sup>*

## LGBTQ Progress Before and During the Coup

Nearly 11 years before the coup, a nascent LGBTQ human rights movement was developing. LGBTQ groups in hub cities like Yangon and Mandalay were learning about sexual orientation, gender identity, and human rights and spreading awareness to other parts of the country on how to advocate LGBTQ people's rights.<sup>148</sup> Pre-coup rainbow activism raised the visible presence of LGBTQ communities for instance, during six years of Yangon Pride public events until 2020, public activities for the International Day Against Homophobia, Biphobia and Transphobia and Transgender Day of Remembrance, and annual LGBTQ film festivals.<sup>149</sup> In response, local authorities in Yangon's townships (administrative districts) invited the LGBT Rights Network, Colors Rainbow, and other LGBTQ groups to participate as civil society organizations in regional initiatives. These initiatives reflect some of the shifting positive attitudes toward LGBTQ people.<sup>150</sup> During the COVID-19 pandemic, Yangon's township authorities invited LGBTQ civil society to participate in consultations to address the COVID-19 crisis. LGBTQ individuals and organizations volunteered to become citizen activists and joined the Yangon COVID-19 response team<sup>151</sup> Activities included a public awareness campaign, urging LGBTQ people and the general public to wear masks. LGBTQ roadside volunteers distributed free hand sanitizer, masks, and pamphlets about COVID-19.<sup>152</sup> LGBTQ volunteerism was seen as a good way to change negative images of LGBTQ people and champion them as COVID-19 responders.<sup>153</sup>

<sup>146</sup>As an unregistered LGBTQ organization, RMY has difficulty qualifying for grants funding. It partners with other funded organizations, such as women's organizations, that provide external funding for small projects with LGBTQ youth. RMY also links LGBTQ youth to emergency online cash assistance to address food insecurity, housing insecurity, and physical insecurity from gender-based violence.

<sup>147</sup>Maykanyar Pyo interview, 27 February 2024.

<sup>148</sup>Outright International, "2021 Myanmar Crisis Implications for LGBTIQ People."

<sup>149</sup>LGBT Rights Network Myanmar, Joint Submission, 37th Session of the Universal Periodic Review Working Group of the UN Human Rights Council, Myanmar (January 2021), submitted July 2020, accessed 4 September 2024, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=8422&file=EnglishTranslation>.

<sup>150</sup>&PROUD and Colors Rainbow, Perspectives and Attitudes Towards LGBT People in Myanmar, 2020, 3, 14–20, <https://www.colorsrainbow.org/wp-content/uploads/2024/03/Perspectives-and-Attitudes-Towards-LGBT-People-in-Myanmar-2020.pdf>.

<sup>151</sup>United Nations Myanmar, "COVID-19 Lockdown in Myanmar Exposes Precarious Position of LGBTIQ Population," 13 July 2020, <https://myanmar.un.org/en/53672-covid-19-lockdown-myanmar-exposes-precarious-position-lgbtqi-population>.

<sup>152</sup>Outright, internal report on project with Equality Myanmar, 24 April 2020.

<sup>153</sup>United Nations Information Centre (UNIC) Yangon, "LGBTIQ Community Faces New Challenges During COVID-19," accessed 4 September 2024, <https://www.un.org/en/coronavirus/igbtiq-community-faces-new-challenges-during-covid-19>.

Other signs of pro-LGBTQ shifts included the National Youth Policy adopted on 5 January 2018, mandating non-discrimination based on sexual orientation and gender identity.<sup>154</sup> On 19–20 August 2020, in a private meeting with LGBTQ activists in Naypyidaw, five members of parliament, including chairs and vice-chairs of committees reviewing and approving legislative bills before the upper and lower houses of the Parliament of the Union of Myanmar, made a commitment to decriminalize same-sex intimacy within five years.<sup>155</sup> The 2020 NLD election manifesto “committed itself to eliminating discrimination against LGBTQI people.”<sup>156</sup> These steps symbolized hope and promise for substantive change and earned the trust of many LGBTQ people, who planned to campaign for legislative reform by leveraging their relationships inside the NLD and the new parliament.<sup>157</sup> They were shored up by findings from a 2020 national study that two Myanmar LGBTQ organizations, &PROUD and Colors Rainbow, conducted, showing that societal attitudes were overwhelmingly receptive to LGBTQ people: 81% of study respondents agreed that LGBT people deserve equality and equal treatment, 50% agreed that LGBT people can be accepted in Myanmar culture, and 74% did not think it should be illegal to be LGBTQ.<sup>158</sup>



### Pre-Coup Advocacy on Gender-Based Violence

A 2020 report *Rainbow Tears* by Equality Myanmar and the LGBT Rights Network found that lesbians, bisexual women, transgender women, and transgender men (LBT people) “suffer doubly” from domestic violence because they are blamed for “sexual wrong-doing” and accused of inviting the violence on themselves, while police excuse the perpetrators and minimize the violence.<sup>159</sup> The report, based on a study of 62 LBT people living at the time in the Yangon and Mandalay areas, showed that during the COVID-19 pandemic, violence in the home

“increased exponentially” for LBT people, was predominantly perpetrated by parents, siblings, and relatives, and occurred when victims’ sexual orientation or gender identity was disclosed or discovered. It documented physical abuse, verbal abuse, being disowned, expulsion from home, and public shaming, along with increased violence in LBT intimate partnerships during COVID.<sup>160</sup> LBT victims of family and partner violence did not typically report the violence to the police and did not feel they could ask for help for fear of being blamed and shamed for their sexual orientation and/or non-binary gender.<sup>161</sup>

<sup>154</sup>Win Zar Ni Aung and Hein Koe Soe, “Myanmar’s LGBT Community: Between Old Laws and Enduring Stigma,” *Frontier Myanmar*, 1 February 2019, <https://www.frontiermyanmar.net/en/myanmars-lgbt-community-between-old-laws-and-enduring-stigma/>.

<sup>155</sup>Email correspondence from Sai Kham La to Outright International, 8 May 2024.

<sup>156</sup>Equality Myanmar, “Growing Visibility For Myanmar’s LGBTQI Community Ahead of Election,” 20 October 2020, <https://equalitymyanmar.org/?p=4288>.

<sup>157</sup>Sai Kham La interview, 26 April 2022.

<sup>158</sup>&PROUD and Colors Rainbow, *Perspectives and Attitudes Towards LGBT People in Myanmar*, 4–5.

<sup>159</sup>Equality Myanmar and LGBT Rights Network, *Rainbow Tears: Understanding Drivers of Domestic and Family Violence Experienced by LGBTQI in Myanmar*, August 2020, 24–47, <https://outrightinternational.org/sites/default/files/2022-10/Myanmar%20LGBT%20DVFV%20EI-booklet.pdf>. The report was funded by Outright.

<sup>160</sup>*Ibid*, 33–39.

<sup>161</sup>*Ibid*, 43.



Before the coup, Colors Rainbow, the LGBT Rights Network, and Equality Myanmar led advocacy for the inclusion of lesbian, bisexual, and transgender women in what was to be Myanmar’s first Prevention of Violence Against Women (PoVAW) law. Allied groups like the Women’s League of Burma also weighed in. The groups had proposed a definition of domestic violence that would cover non-marital cohabiting relationships so that lesbians and bisexual intimate partners could access protections under the law; a non-binary and non-essentialist definition of women so that transgender women could be protected by the law; an inclusive definition of family violence that recognized sexual orientation and gender identity as grounds for domestic or family violence; and provisions that would address military impunity for sexual violence in conflict areas.<sup>162</sup>

According to Equality Myanmar, the Ministry of Social Welfare, tasked with drafting the law, deemed some of these LBT-inclusive elements too controversial and asked the activists to soften their advocacy – especially the inclusion of a trans-inclusive definition of women.<sup>163</sup> Equality Myanmar said that the pre-coup government did not adequately consult LGBTQ civil society.<sup>164</sup> In July 2020, the PoVAW bill was submitted for parliamentary review and deliberations, without the LBT-inclusive elements that civil society had called for.<sup>165</sup> The military coup cut short further progress.

The pre-coup government made other putative commitments to address violence against LGBTQ people. Equality Myanmar told Outright in 2020 that as a result of LGBTQ advocacy, the deputy director of the Ministry of Social Welfare had committed to establishing a new online government counseling hotline for domestic violence victims, including lesbian, bisexual, and trans women, and to training counselors on LGBTQ issues.<sup>166</sup> As far as Outright is aware, the hotline was never launched. Eight months after the coup, Myanmar women’s organizations reported that gender-based violence as a whole, including domestic violence, social violence, and military violence, had risen for women in the general population.<sup>167</sup>



<sup>162</sup>Women’s League of Burma, Procedural and Substantive Suggestions for the Proposed Protection and Prevention of Violence Against Women, February 2019, 6–14, [https://www.womenofburma.org/sites/default/files/2019-06/WLB\\_POVAW\\_Analysis\\_English%20%28Final%29.pdf](https://www.womenofburma.org/sites/default/files/2019-06/WLB_POVAW_Analysis_English%20%28Final%29.pdf).

<sup>163</sup>Outright meeting with Equality Myanmar domestic violence project coordinator, by video link, 18 October 2019.

<sup>164</sup>Ibid.

<sup>165</sup>Global Justice Center, “Myanmar’s Proposed Prevention of Violence Against Women Law,” Factsheet, July 2020, 2, [https://wordpress-537312-2488108.cloudwaysapps.com/temp-uploads/2020/07/20200710\\_MyanmarPOVAWlawAnalysis.pdf](https://wordpress-537312-2488108.cloudwaysapps.com/temp-uploads/2020/07/20200710_MyanmarPOVAWlawAnalysis.pdf); Equality Myanmar and LGBT Rights Network, Rainbow Tears, 26, 45.

<sup>166</sup>Grace Poore, “Philippines and Myanmar Striving For Domestic & Family Violence Protections,” Outright, 2020, <https://outrightinternational.org/insights/philippines-and-myanmar-striving-domestic-family-violence-protections>.

<sup>167</sup>Women’s League of Burma, “Situation Update: October & November 2021,” November 2021, 1–11, <https://www.womenofburma.org/sites/default/files/2021-12/Oct-Nov-situation-update.pdf>.

Right: Photograph shared with Outright International by LGBTQ activists in Myanmar.

## Ongoing Advancement of LGBTQ Inclusion Through the NUG

LGBTQ groups worked closely with the NLD government on women’s rights, minority rights, ethnic community rights, and LGBTQ people’s rights, advocating an inclusive human rights agenda both before and after the coup.<sup>168</sup> The unexpected military coup cut short the progress made in LGBTQ advocacy, but activists continued to engage with the new shadow government.

The Federal Democracy Charter, declared 31 March 2021, which enshrines the NUG’s governing principles, includes several references to recognizing the rights of racial and religious minorities and LGBTQ people, and it acknowledges sexual and gender diversity in sections on values, principles of fundamental individual rights, non-discrimination measures, and affirmative action policies for the realization of equality.<sup>169</sup> Post-coup, as part of efforts toward inclusivity, the NUG’s Ministry of Human Rights has recruited representatives of minority ethnic, racial, religious, and LGBTQ groups to the NUG’s Commission on Human Rights and Anti-Discrimination.<sup>170</sup> The NUG also appointed its first Rohingya member of Cabinet, Aung Kyaw Moe, as Deputy Minister of Human Rights in June 2023, alongside Aung Myo Min, appointed Minister of Human Rights in May 2021 as the NUG’s first openly gay member of Cabinet.<sup>171</sup>



<sup>168</sup>Sai Kham La interview, 26 April 2022.

<sup>169</sup>National Unity Government of Myanmar, Federal Democracy Charter, Part – 1.

<sup>170</sup>Aung Myo Min interview, 11 May 2021. Also, the NUG Ministry of Human Rights (MOHR) web page states that the ministry “will not only be seeking valuable advice from the human rights experts but also be paving the way to work in collaboration with everyone who strives for human rights. The MOHR will also pay extra attention to those groups who are marginalised and ostracised from society.” National Unity Government of Myanmar, Ministry of Human Rights, “The Role of Cooperation With Civil Society,” accessed 4 September 2024, <https://mohr.nugmyanmar.org/en/civilsociety/>.

<sup>171</sup>Ali MC, “Q&A: NUG’s First Rohingya Minister Says Myanmar in ‘Unified Revolution,’” Al Jazeera, 26 October 2023, <https://www.aljazeera.com/news/2023/10/26/qa-nugs-first-rohingya-minister-says-myanmar-in-unified-revolution>.

**Right:** Photograph shared with Outright International by LGBTQ anti-coup activists marching for democracy.

# IV. International Responses

## Documentation of Anti-LGBTQ Violence by International Human Rights Mechanisms on Myanmar

In March 2017, the United Nations Human Rights Council established the Independent International Fact-Finding Mission on Myanmar (IIFMM) and mandated it to “establish the facts and circumstances of the alleged recent human rights violations by military and security forces in Myanmar, and abuses,” such as arbitrary detention, torture, inhumane treatment, and sexual violence.<sup>172</sup> Its primary role was to investigate incidents in Rakhine State against the Rohingya population, but it included findings of serious human rights violations against other minority ethnic groups in other parts of the country, such as Kachin State and Shan State. The IIFMM’s 2019 report included findings of physical and sexual violence against Rohingya transgender women in Rakhine State.<sup>173</sup>

At the end of its mandate on 30 August 2019, the IIFMM handed over its evidence to the Independent Investigative Mechanism for Myanmar (IIMM), also mandated by the Human Rights Council.<sup>174</sup> In recognition of the military’s brutal grip on the lives of Myanmar’s overall civilian population, the Human Rights Council expanded the scope of IIMM’s mandate to cover the entire territory of Myanmar and include the most serious international crimes committed since 2011, not only against Rohingya people, but “on intersecting grounds, including gender, sexual orientation, perceived political affiliation, religion and ethnicity.”<sup>175</sup> Since the coup, the IIMM has collected information on sexual and gender-based crimes against women, girls, men, boys, and LGBTQ people in Myanmar, including crimes perpetrated by members of the security forces consisting of police officers, soldiers, and military forces “sometimes dressed as police.”<sup>176</sup> Given challenges to conducting its investigations inside Myanmar, and refusal by Myanmar military authorities to allow IIMM investigators into the country, the IIMM carries out witness interviews and evidence collection in other countries with whom it has cooperative arrangements.<sup>177</sup> The Mechanism prepares files for investigation and judicial proceedings at national, regional, or international courts where there is the possibility of holding individuals criminally accountable in proceedings that meet international standards.<sup>178</sup>

The IIMM’s March 2024 analytical report states that Myanmar authorities have routinely failed to investigate or punish military and civilian officials for sexual and gender-based crimes.<sup>179</sup> In 2023, the IIMM also found strong evidence that the Myanmar Armed Forces and affiliate militias have committed combat-related war crimes: indiscriminate or disproportionate targeting of

<sup>172</sup>UN Human Rights Council, Resolution adopted by the Human Rights Council on 24 March 2017, A/HRC/RES/34/22, 3 April 2017, [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/34/22](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/34/22).

<sup>173</sup>UN Human Rights Council, Sexual and Gender-Based Violence in Myanmar and the Gendered Impact of Its Ethnic Conflicts, A/HRC/42/CRP.4.

<sup>174</sup>UN Human Rights Council, Resolution Adopted by the Human Rights Council on 27 September 2018, A/HRC/RES/39/2, 3 October 2018, <https://documents.un.org/doc/undoc/gen/g18/293/69/pdf/g1829369.pdf>.

<sup>175</sup>UN Human Rights Council, Report of the Independent Investigative Mechanism for Myanmar, A/HRC/57/18, 4, 8.

<sup>176</sup>*Ibid.*, 8.

<sup>177</sup>*Ibid.*, 15–16.

<sup>178</sup>*Ibid.*, 7. Also see Independent Investigative Mechanism for Myanmar, “Bulletin: Issue 1,” May 2020, [https://iimm.un.org/wp-content/uploads/2020/06/Bulletin\\_EN-1.pdf](https://iimm.un.org/wp-content/uploads/2020/06/Bulletin_EN-1.pdf); Independent Investigative Mechanism for Myanmar, “Frequently Asked Questions,” accessed 4 September 2024, <https://iimm.un.org/faq/>.

<sup>179</sup>Independent Investigative Mechanism for Myanmar, “Efforts to Investigate and Punish Sexual and Gender-Based Crimes Committed Against Rohingya: Evidence Analysis,” 27 March 2024, [https://iimm.un.org/wp-content/uploads/2024/03/SGBC-Report\\_EN.pdf](https://iimm.un.org/wp-content/uploads/2024/03/SGBC-Report_EN.pdf); see also Independent Investigative Mechanism for Myanmar, “Publication of IIMM Analytical Reports,” 27 March 2024, <https://iimm.un.org/publication-of-iimm-analytical-reports/>; UN Human Rights Council, Report of the Independent Investigative Mechanism for Myanmar, A/HRC/57/18; and UN Human Rights Council, Report of the Independent Investigative Mechanism for Myanmar, A/HRC/54/19.

civilians using bombs, killings of civilians or combatants detained during operations, large scale and intentional burning of civilian dwellings and other civilian buildings, and crimes against humanity.<sup>180</sup> During that same period, the IIMM collected evidence of sexual and gender-based violence “with the highest level of cruelty and harm to the victims, including rape with objects, other forms of humiliation, mutilation, gang or serial, and sexual enslavement” against Rohingya women, girls, men, boys and persons with diverse gender identities.<sup>181</sup> In 2024, the IIMM reported to the UN Human Rights Council that it had reliable evidence of sexual and gender-based crimes in detention, including “forced partial or full nudity, invasive body searches accompanied by sexual humiliation, the use of sexualized misogynist and homophobic slurs, and threats of sexual violence based on gender or sexual orientation.”<sup>182</sup>



Another international human rights mechanism is the Special Rapporteur on the situation of human rights in Myanmar, appointed by the UN Human Rights Council. This mandate has played a major role in identifying and bringing to light human rights violations in the country. In 2022, 2023, and 2024, the reports of the Special Rapporteur on the situation of human rights in Myanmar included documented human rights abuses against LGBTQ people. The October 2022 report to the UN General Assembly noted, “Women and LGBTQ persons have reported the use of sexual violence during interrogation.” In his October

2023 report to the UN Human Rights Council, the Special Rapporteur on the situation of human rights in Myanmar wrote that “lesbian, gay, bisexual, transgender and intersex persons reportedly suffer disproportionate levels of violence, abuse, and harassment from prison officials.”<sup>184</sup> His March 2024 report affirmed that junta officials had anally raped gay men and sexually assaulted trans women.<sup>185</sup> The Special Rapporteurs’ reports lack specific information about situations of lesbians, bisexual and queer women, and transgender men under the coup.

It is notable to mention that other international mechanisms have been leveraged to get justice for people of Myanmar, specifically for the Rohingya population: the International Court of Justice (in *The Gambia v. Myanmar*) and the International Criminal Court (in the Bangladesh/Myanmar situation).<sup>186</sup> These mechanisms could also be used to hold the Myanmar military junta accountable for crimes committed during the 2021 coup, including gender persecution, other forms of sexual and gender-based violence in conflict, and atrocities against LGBTQ people.



<sup>180</sup>UN Human Rights Council, Report of the Independent Investigative Mechanism for Myanmar, A/HRC/54/19, 8.

<sup>181</sup>Ibid, 9.

<sup>182</sup>The IIMM’s July 2024 report to the Human Rights Council does not specify if the conflict-related sexual violence referenced in this instance was perpetrated against individuals across the LGBTQ spectrum and whether the victims were Rohingya or non-Rohingya. See UN Human Rights Council, Report of the Independent Investigative Mechanism for Myanmar, A/HRC/57/18, 8.

<sup>183</sup>United Nations General Assembly, Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, Thomas H. Andrews, A/77/494, 3 October 2022, 16, <https://documents.un.org/doc/undoc/gen/n22/609/55/pdf/n2260955.pdf>.

<sup>184</sup>OHCHR, Report of the Special Rapporteur on the situation of human rights in Myanmar, A/78/527, 5.

<sup>185</sup>UN Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, Thomas H. Andrews, A/HRC/55/65, 20 March 2024, 11, <https://documents.un.org/doc/undoc/gen/g24/043/38/pdf/g2404338.pdf>.

<sup>186</sup>International Court of Justice, “Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*The Gambia v. Myanmar*),” press release No. 2022/24, 22 July 2022, <https://www.icj-cij.org/sites/default/files/case-related/178/178-20220722-PRE-01-00-EN.pdf>; International Criminal Court, “Information for Victims,” accessed 4 September 2024, <https://www.icc-cpi.int/victims/bangladesh-myanmar>.

## Inadequate International Responses to the Coup

On 21 March 2022, the UN Special Rapporteur on the situation of human rights in Myanmar told the UN Human Rights Council that the people in Myanmar see the international community's "failure to take strong, coordinated action as a betrayal," that the Myanmar people are seeing only "endless expressions of concern from the international human rights community, vague declarations that something should be done, and a tedious, endless wait for a consensus to act."<sup>187</sup> On 26 June 2024, he specifically urged the UN Security Council to pass a resolution that imposes a comprehensive arms embargo, including jet fuel and dual-use technologies to the junta.<sup>188</sup> He called on UN member states, UN agencies, international humanitarian organizations, and international funders to recognize the National Unity Government as the legitimate representative of Myanmar, freeze the junta's revenues and assets, provide humanitarian aid to all populations in need, and strengthen dialogues with EAOs and civil society organizations.<sup>189</sup>

Despite foreign governments' purported commitments to global LGBTQ equality and their verbal condemnation of the coup, Myanmar LGBTQ activists feel they are not receiving effective support and help from the United Nations, United States, and other foreign governments.

For instance, in June 2021, the UN General Assembly (UNGA) adopted a resolution (considered a "landmark" resolution) that included a call on UN member states to stop the "flow of arms to Myanmar" and that it was up to ASEAN governments to intervene in Myanmar "in a positive manner towards facilitating a peaceful solution."<sup>190</sup> Unfortunately, ASEAN governments are among the military junta's leading trade partners and arms suppliers.<sup>191</sup> In December 2022, the UN Security Council raised concerns about the military junta's takeover but did not call for an arms embargo.<sup>192</sup> The Security Council also favors ASEAN's Five-Point Consensus. However, Myanmar is a member of this intergovernmental regional association (ASEAN).<sup>193</sup> Some ASEAN parliamentarians criticize the Five-Point Consensus as ineffective because ASEAN's nine governments are being "weak-willed," preferring "lip service" and "soft diplomacy" while Myanmar's military junta "totally ignores" ASEAN's call for the cessation of violence, and the

<sup>187</sup>OHCHR, "UN Expert: Myanmar People Betrayed With 'Vague Declarations' and 'Tedious, Endless Wait' for Action," press release, 21 March 2022, <https://www.ohchr.org/en/press-releases/2022/03/un-expert-myanmar-people-betrayed-vague-declarations-and-tedious-endless>.

<sup>188</sup>UN Human Rights Council, Special Rapporteur on the situation of human rights in Myanmar, "Banking on the Death Trade: How Banks and Governments Enable the Military Junta in Myanmar," 26 June 2024, 37–38, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session56/a-hrc-56-crp-7.pdf>.

<sup>189</sup>UN Human Rights Council, Special Rapporteur on the situation of human rights in Myanmar, "Illegal and Illegitimate: Examining the Myanmar Military's Claim as the Government of Myanmar and the International Response," January 2023, 4, <https://www.ohchr.org/sites/default/files/documents/countries/mm/2023-01-27/infographic-sr-myanmar-2023-01-31.pdf>.

<sup>190</sup>United Nations General Assembly, Resolution Adopted by the General Assembly on 18 June 2021, A/RES/75/287, 18 June 2021, <https://undocs.org/en/A/RES/75/287>.

<sup>191</sup>Koh Ewe, "Why Southeast Asia Just Can't Seem To Cut Off Myanmar's Military Junta," Time, 20 October 2023, <https://time.com/6326274/asean-myanmar-junta-trade/>.

<sup>192</sup>UN Security Council, Resolution 2669 (2022), Adopted by the Security Council at Its 9231st Meeting, 21 December 2022, S/RES/2669 (2022), <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/N2276733.pdf>.

<sup>193</sup>Ewe, "Why Southeast Asia Just Can't Seem To Cut Off Myanmar's Military Junta." The ASEAN Five-Point Consensus called for immediate end to violence, constructive dialogue among all parties in Myanmar, appointment of a special envoy from an ASEAN government to facilitate dialogue with all concerned parties in Myanmar about the mediation process, humanitarian assistance, and visits to Myanmar by the special envoy to meet all concerned parties in Myanmar. It was adopted on 24 April 2021.

junta leader, Min Aung Hlaing has been “insincere” about signing or following the Consensus Agreement.<sup>194</sup> LGBTQ activists in Myanmar are not holding out for a satisfactory outcome from ASEAN interventions, given the junta’s disregard for ASEAN’s Five-Point Consensus.<sup>195</sup>

LGBTQ activists fighting for sovereignty conveyed that they feel abandoned by the UN. As PDF activist Ethan shared, “We are on our own, it’s our country, we have to arm ourselves.”<sup>196</sup> PDF frontline fighter Tiger Saw said, “I want Myanmar to be peaceful as fast as possible, the dictatorship to be gone... I choose to die for the country.”<sup>197</sup> Another PDF activist, Flex, told Outright, “We are grateful that the international community is issuing statements but the military doesn’t listen, they don’t have ears.” He is unconvinced of the likelihood of meaningful international support, and added: “It’s my duty to end the violence... Our generation must be the last generation suffering this kind of oppression.”<sup>198</sup>

Jeremy, who did not join the PDF but was active in street protests, and was arrested in September 2022 and sentenced three months later to 10 years in prison under expanded Section 505 laws and the Counter Terrorism Law, said in an interview with Outright before his arrest, “The military [junta] comes from the people so we don’t care how powerful they are. When we started protesting, it was because we did not accept the military [junta]... we did not expect anything from the international community. The revolution will continue as long as there are people.”<sup>199</sup>



<sup>194</sup>ASEAN Parliamentarians For Human Rights, “ASEAN Must Take Stronger Stance Beyond Five-Point Consensus, Southeast Asian MPs Say,” 24 April 2023, <https://aseanmp.org/2023/04/24/asean-must-take-stronger-stance-beyond-five-point-consensus-southeast-asian-mps-say/>; ASEAN Parliamentarians For Human Rights, “Open Letter On Myanmar to ASEAN And ASEAN Dialogue Partners,” 24 April 2022, <https://aseanmp.org/publications/post/open-letter-on-the-anniversary-of-the-five-point-consensus-on-myanmar-to-asean-and-dialogue-partners>.

<sup>195</sup>Ibid.

<sup>196</sup>Ethan interview, 22 March 2022.

<sup>197</sup>Tiger Saw interview, 20 January 2022.

<sup>198</sup>Flex interview, 21 January 2022.

<sup>199</sup>Jeremy interview, 15 March 2022.

# V. Myanmar's Obligations Under International Human Rights Law





Myanmar is bound by its international human rights obligations that stem from the United Nations Charter and the human rights treaties it has signed.<sup>200</sup> It is also bound by international humanitarian law and general and customary international law.<sup>201</sup> According to the International Committee of the Red Cross (ICRC), in times of war and peace, all countries must uphold non derogable norms of customary international human rights law, which prohibits: the deprivation of life; torture and cruel, inhuman or degrading treatment, arbitrary deprivation of liberty, and the right to a fair

trial.<sup>202</sup> Myanmar has a duty to respect, protect, and fulfill its human rights obligations to all people within the State’s territory. This mandate applies before and since the February 2021 military coup. Crimes committed during the coup against Myanmar people, including LGBTQ people, are widespread and systematic, ranging from the junta’s response to peaceful protesters, the PDF, and ethnic populations living in areas controlled by ethnic armed organizations. In 2018, the IIFMM reported that Myanmar “has committed atrocity crimes” which “have not been fully addressed or domestically investigated independently,” and these conditions “have allowed impunity to prevail to this day.”<sup>203</sup>

Myanmar has faced challenges in building accountability mechanisms and does not have an independent judiciary with capacity for impartial investigations of grave human rights violations.<sup>204</sup> Members of the Myanmar Armed Forces are usually tried through military courts, and human rights violations and atrocity crimes escape accountability in the prevailing culture of impunity.<sup>205</sup>

<sup>200</sup>Myanmar is party to the Geneva Convention of 1949 and has signed the following UN treaties: Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Rights of the Child (CRC), Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Convention on the Rights of Persons with Disabilities (CRPD), and Convention on the Prevention and Punishment of the Crime of Genocide. See International Commission of Jurists, “Myanmar: International Treaty Status,” 19 March 2014, <https://www.icj.org/cijlcountryprofiles/myanmar-introduction/general/international-treaty-status/>.

<sup>201</sup>The UN Human Rights Committee in General Comment 24 (1994) and General Comment 29 (2001) pertaining to the International Covenant on Civil and Political Rights (ICCPR) has observed that many rights in the UN Declaration of Human Rights have the quality of customary norms. See also United Nations, “Draft Conclusions of Identification of Customary International Law, With Commentaries,” 2018, [https://legal.un.org/ilc/texts/instruments/english/commentaries/1\\_13\\_2018.pdf](https://legal.un.org/ilc/texts/instruments/english/commentaries/1_13_2018.pdf).

<sup>202</sup>International Committee of the Red Cross (ICRC), “Customary IHL,” <https://www.icrc.org/en/law-and-policy/customary-ihl>, accessed 9 September 2024.

<sup>203</sup>UN Human Rights Council, Report of the Independent International Fact-Finding Mission On Myanmar, A/HRC/39/64, 12 September 2018, [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/A\\_HRC\\_39\\_64.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_64.pdf).

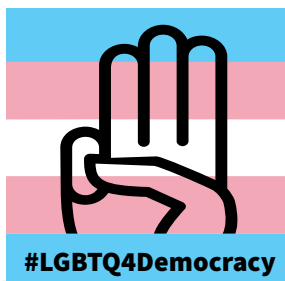
<sup>204</sup>UN Commission on Human Rights, Economic and Social Council, Report of the Independent Expert to Update the Set of Principles To Combat Impunity, Diane Orentlicher, E/CN.4/2005/102/Add.1, 8 February 2005, <https://documents.un.org/doc/undoc/gen/g05/109/00/pdf/g0510900.pdf>. 2024, <https://translaw.clpr.org.in/legislation/tamil-nadu-government-order-banning-surgeries-on-intersex-infants-2019/>.

<sup>205</sup>International Commission of Jurists, “Myanmar: End Practice of Appointing Military Officers to Judiciary,” 16 September 2016, <https://www.icj.org/myanmar-end-practice-of-appointing-military-officers-to-judiciary/>.

# VI. Conclusion

Outright's research findings, along with findings of Myanmar LGBTQ activists and the findings of the UN international human rights mechanisms, point to a number of key conclusions regarding the legal, social, and political factors that continue to marginalize LGBTQ people in Myanmar and the impact of the coup on their lives.

- Myanmar's antiquated colonial criminal laws, such as Section 377 of the Penal Code that criminalizes consensual same-sex conduct, as well as the "Shadow Laws" that provide for a wide ambit of power for police to apprehend people on arbitrary grounds, create a condition of constant criminality and risk of arrest for LGBTQ people in Myanmar, and contribute to the vulnerability of LGBTQ people under the military coup.
- Social stigma and discriminatory attitudes of police, junta soldiers, and security forces contribute to ill-treatment and torture of LGBTQ people in detention.
- Patterns of ill-treatment of LGBTQ people are amplified in conditions of conflict and the military coup because of the complete collapse of any form of protection for families, communities, or social workers and the lack of recourse for abuse. This deepens the culture of impunity and allows the mistreatment of LGBTQ communities as a whole to go unaddressed.
- The power dynamics between the security forces and LGBTQ people in custody facilitate unlimited abuse of power with impunity and no oversight mechanism to record or prevent future abuses from occurring.
- Patterns of violence against LGBTQ people could amount to atrocity crimes.



As long as the military junta continues to control Myanmar, LGBTQ people will continue to suffer human rights violations for being in the resistance and for being members of LGBTQ communities. As long as armed conflict continues in Myanmar, LGBTQ people face an extreme risk of both targeted and random violence. And while the military junta remains in power, the human rights of all Myanmar people are in the balance. The slow but steady progress that LGBTQ people had made toward legal reform and social acceptance in the decade leading up to the 2021 coup has been brought to a standstill, and unless democracy is restored in the near future, this progress risks atrophying completely. Upholding the rights of LGBTQ people in Myanmar depends on a full-throated commitment to peace, justice, and democracy on the part of the international community.

Meanwhile, LGBTQ groups are valiantly struggling to stay afloat, in the diaspora and underground, sometimes achieving impressive results in terms of documentation and representation in international fora. The international community should double down to support them, flexibly and creatively, recognizing the constraints in their operating environment and building on their strengths and resilience.

# VII. Recommendations

### **To the International Human Rights Community:**

- Demand that the military junta immediately cease attacks on civilians, release all political prisoners, and stop human rights violations, including gender-based and sexual violence against women and LGBTQ people.
- Urge the UN Security Council to call for a comprehensive arms embargo on Myanmar, impose targeted economic sanctions on the military junta leaders and revenue sources, and refer the human rights situation of Myanmar to the International Criminal Court for investigation of human rights violations perpetrated against Myanmar people.
- Support data collection by Myanmar LGBTQ organizations on human rights violations based on sexual orientation and gender identity, amplify their voices, and condemn the perpetration of such violations.
- Support other international, regional, and national efforts to hold the Myanmar military junta accountable for atrocity crimes.

### **To United Nations Mechanisms, Agencies, and Other Intergovernmental Entities:**

- Demand Myanmar's military junta cease all violence against anti-coup protesters, including LGBTQ people on the frontlines of civil disobedience.
- In accordance with international guidelines, ensure that companies stop trade or other business engagements immediately with the military junta and affiliates and activate a global arms embargo.
- Ensure that when investigating human rights violations, commissions of inquiry and human rights officers liaise in separate meetings with LGBTQ individuals and LGBTQ organizations and defenders.

### **To Human Rights Funders:**

- Increase funding and opportunities for Myanmar LGBTQ activists to safely collect and disseminate their stories and data on gender-based violence and other human rights violations by the military junta.
- Support general funding and technical assistance for LGBTQ groups to strengthen their operating capacity to be human rights defenders.
- Engage in dialogue with LBQ groups and provide them funding so they can collect data reflective of LBQ women's unique needs.
- Fund trainings and other forms of capacity strengthening for Myanmar LBQ women's groups to support their ability to collect data under unsafe conditions and in conflict settings.
- Provide emergency and long-term resources for Myanmar's LGBTQ people to receive LGBTQ-affirming and culturally informed trauma-based psychosocial support for sexual and gender-based violence and other human rights violations.

### **To International Civil Society Organizations:**

- Ensure that rapid response mechanisms for humanitarian and human rights assistance are available and accessible to LGBTQ groups and LBQ women's groups safeguarding the lives of Myanmar LGBTQ people, as well LGBTQ and LBQ women's groups collecting data and providing humanitarian support to LGBTQ people affected by the conflict.
- Ensure that consultations and learning sessions about the Myanmar conflict in intergovernmental spaces, UN agencies, funder consortiums, humanitarian assistance programs, global and regional national human rights commission forums, and civil society organization convenings, amplify the voices and experiences of LGBTQ individuals and human rights defenders.

### **To Myanmar Civil Society Organizations Working on Human Rights, Gender Equality, and Health Equity:**

- Act in solidarity with LGBTQ human rights defenders for democracy by speaking up about sexual and gender-based violence and other human rights abuses against Myanmar LGBTQ people in detention.
- Ensure that all monitoring and reporting of gender-based violence against women in Myanmar is inclusive of cases involving lesbians, bisexual women, queer women, and transgender people.
- Ensure that civil society efforts to provide health care services to people in Myanmar, including mental health and psychosocial support, are LGBTIQ-affirming and inclusive.

### **To the National Unity Government:**

- Uphold international law that prohibits all forms of violence that weaponize gender and sexual prejudice, such as sexual violence against pro-military junta prisoners of war.
- Ensure effective and consistent implementation of reporting and redress mechanisms for marginalized groups, such as LGBTQ people, LBQ women, LGBTQ ethnic and religious minorities, and LGBTQ people with disabilities.
- Provide transparency for processes to address needs of internally displaced persons victimized by the military junta, including comprehensive assessment of violations against LGBTQ persons by the military junta, members of EAOs, and in PDF groups. Such efforts entail mapping and gathering data and making them public. Data gathering processes should be safe and sensitive for LGBTQ people.
- Promote gathering and usage of data about civilian and non-civilian victims of conflict that disaggregates for sexual orientation and gender identity and includes assessment of the differentiated experiences of LGBTQ people during conflict, specifically LBQ women.
- Support the building of transitional justice, humanitarian response plans and peacebuilding mechanisms aimed at transforming the structural forms of exclusion and discrimination against LGBTQ people during conflict and encourage social cohesion.