

From Victims to Agents of Change:

Lives and Voices of
LGBT Individuals



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Executive Summary

The legal system and widespread communal attitudes in Myanmar hold LGBT individuals in significant contempt, and as a result, individuals who do not subscribe to mainstream gender and sexuality categories are frequently victims of verbal, physical and sexual harassment by both fellow citizens and authority figures (such as the police force). The rule of law – specifically Section 377 of the penal code and the so-called “shadow and disguise” acts – is used to intimidate, harass and punish LGBT individuals. While in the past, formalized knowledge of these abuses has been low, human rights campaigners are increasingly documenting cases of abuse being committed towards LGBT individuals. The illegal status and cultural stigma against the LGBT community makes seeking legal recourse against such abuse an acute challenge. A lack of awareness regarding human rights amongst the LGBT community, as well as a dearth in legal professionals willing to assist and advise in cases

involving LGBT individuals seriously compounds these problems. All of this contributes to LGBT individuals being trapped within vicious cycles of abuse and self-destructive behaviour, which reinforces the negative stereotype held within society at large towards the LGBT community.

The following report details the findings of the monitoring and evaluation (M+E) project undertaken by an external consultant concerning Colors Rainbow’s “LGBT Pilot Rule of Law Initiative” project with the support from Promoting the Rule of Law Project (USAID). The project focused on providing legal support to LGBT people in Hlaingtharya Township (Yangon Division), Mawlamyine Township (Mon State) and Pyay Township (Bago Division). The findings of this report, and the implementation of the LGBT Pilot Rule of Law Initiative, highlighted several important themes relevant to policy-making:

The provision of human rights and legal rights training to LGBT individuals had a powerful impact upon victims' feelings of self-worth,

A and encouraged positive behaviour changes amongst participants – altering their perceptions of themselves as being victims, to being agents of change. Additionally, training programs such as the one undertaken by Colors Rainbow help to unite an otherwise disparate LGBT community, with members across the spectrum of sexuality and gender diversity recognizing the struggles they share as a minority community. This increased notion of unity provides a more consolidated platform through which the LGBT community themselves can be a part of future advocacy and awareness programs, and the success of the pilot project indicates the value in extending the project to other parts of the country. Enhanced capacity-building programs and awareness raising programs would serve to further strengthen the position of LGBT individuals as agents of change.

The training of LGBT individuals as paralegals has manifest positive impact upon the value they can contribute to society, and thus helps to break negative stereotypes with which they are associated.

T Participants were exposed to tasks and opportunities that rarely present themselves to LGBT individuals due to discriminatory employment practices. LGBT participants reported that this significantly boosted their sense of self-legitimacy. The networks and communication lines that the program established between the trained paralegals and community leaders and figures of authority further boosts this sense of legitimacy – and in turn, contributes to improving the perception of worth and value attributed to the LGBT community by society at large. Thus, projects that continue to engage LGBT individuals within the community at large will help to reinforce more positive connotations of the LGBT community, and contribute to break the stigma against sexuality/gender diverse individuals.

Confronting the discrimination that is entrenched within the rule of law remains a significant challenge.

C Ultimately, legislative change is required to end the legal justification of abuse towards the LGBT community, but without legal professionals dedicated to the cause, this is an elusive prospect. In general, legal professionals in Myanmar are not equipped to deal with cases relating to abuse based on sexual orientation and gender identity. Indeed, while putting forward cases of abuse towards LGBT individuals has been a core outcome of the project, a majority of the documented cases cannot go to court due to an insufficient number of qualified lawyers being available to take on such cases. The arrival of the new government presents a potential opportunity to lobby for more legal services and aid to be provided by the state. Providing sensitivity training regarding sexual orientation and gender identity to these practitioners will be crucial.

Abuse and neglect at the hands of the police force is a serious issue.

T These instances vary from neglect to follow-up on cases of abuse reported by LGBT individuals, to the perpetration of abuse towards the LGBT community by the police for itself. Ending the abusive behaviour that is entrenched within the police force is a priority to addressing the issues within the rule of law. Until the LGBT community is no longer persecuted by authority figures, and until legal authorities take cases of abuse against LGBT individuals seriously, victims will continue to have no feasible avenue of legal recourse for the violation of their human rights. Comprehensive outreach, awareness-raising and behavioural change programs within the police force are essential to improve this situation. Furthermore, serious efforts need to be made in advocating the new government to establish an unprejudiced complaint mechanism for reporting authority figures that perpetrate abuses or fail to adequately perform their legal duties.



Introduction

Published in 2013, the United States Institute of Peace (USIP) Rule of Law Report on Myanmar found that at the community level, there is a fundamental lack of knowledge concerning basic laws, legal procedures, and mechanisms among the general citizenry. Decades of military rule have rendered large swathes of the populace unable to perceive the existence of a culture of justice that supports ordinary people, and as a result, citizens typically do not see the legal system as providing them any legitimate benefit, protection or relevance to their daily lives. Thus, broadly speaking, when disputes arise within the community, a lack of legal knowledge and skills with which to engage local officials or courts render many citizens helpless in seeking a fair resolution to their legal matters.

Against this backdrop, the human rights of LGBT persons have been consistently marginalized. The pervasive homophobia that is embedded within the cultural values of Myanmar has led to LGBT persons suffering unique forms of oppression and discrimination as a minority group. The widespread opposition to non-heteronormative sexualities and gender identities entrenched within an array of laws that are persistently used to harass, persecute and punish LGBT individuals – namely, Section 377 of the Penal Code and the so-

called “shadow and disguise” laws invested in statutory police powers.¹ LGBT individuals are frequent victims of human rights abuses in both public and private spheres – including schools, work places, and their own homes – and are constantly denied of safe spaces where they could freely identify. The hostile cultural climate severely compounds the capacity of victims to obtain legal support, and the LGBT community at large appears to lack fundamental knowledge concerning their legal rights as human beings. Although national reforms towards democratization over the past five years have been significant, much work is required to overcome the systemic and culturally reinforced injustices and repression that have impacted people of non-conforming gender and sexual identities.

This report details the outcomes of the Monitoring and Evaluation (M+E) study of Colors Rainbow’s (CRB) ongoing ‘LGBT Pilot Rule of Law Initiative’ project funded by Promoting the Rule of Law Project (USAID), which focuses on providing legal support to LGBT people in Pyay (Bago Region), Mawlamyine (Mon State) and Hlaingthary Township (Yangon Region). An external consultant was responsible for the M+E project, with the findings then jointly analyzed with the CRB team.

¹A hangover from the colonial period, Section 377 of the Penal Code forbids against “carnal intercourse against the order of nature”, and is usually targeted at gay men and transwomen. However, this law is rarely used to arrest ‘offenders’ – instead, police threaten prosecution under this law, which can carry a sentence of up to 10 years, in order to instigate bribes/favours out of the LGBT persons they arrest. The “shadow and disguise” laws carry a shorter sentence (typically two months) and are acted upon by police, although arrest for the sake of bribing those in custody is still very much common practice with this law as well.

The report is structured as follows. Firstly, an overview of “LGBT Pilot Rule of Law Initiative” project will be provided. Following this, a brief explanation of the methodology used during the M+E will be provided, before presenting the findings of the study.

The findings are separated into three sections:

- i.) an exploration of the core issues of discrimination and marginalization facing LGBT individuals and the corresponding attitudes of community leaders, professionals and officials who were involved in the project;
- ii.) an analysis of the impact of the LGBT Pilot Rule of Law Initiative project itself and finally
- iii.) a discussion of the key challenges encountered during the implementation of CRB’s program. The report will end with recommendations for policy makers and the implementers of future programming.

The findings presented herein should be understood as being the tip of an iceberg, and clearly indicate a need to carry out further in-depth studies on the rule of law as it pertains to LGBT individuals, and more broadly, in terms of the performance of judges, the police force, public advocates, as well as court procedures and the implementations of laws in Myanmar. The findings also highlight that further studies on thematic areas such as LGBT and Education/Health services, LGBT and Employment, LGBT and Leadership will be essential in future projects aimed to lift LGBT individuals from the oppression they currently suffer.

2

Initiated in 2014, the ongoing LGBT Pilot Rule of Law Initiative has four core objectives:

- a** To shine light on the disadvantages faced by LGBT individuals in the legal system and society in general, and to empower victims of marginalization
- b** To document cases where the law has been used to harass, intimidate or imprison LGBT people
- c** To bring those instances to the attention of Legal Advisory Board of LGBT Rights Network Myanmar, human rights lawyers, law enforcement personnel, members of parliaments, legislatures and policy makers for further representation to the Myanmar Human Rights Commission and other relevant bodies
- d** To contribute more broadly to the human rights movement by holding law enforcement and legal officials accountable for their actions, and to help improve the general public's access to legal support

The initial phase of the project involved holding human rights and LGBT rights trainings in the three target areas: Yangon, Pyay and Mawlamyine. Over the course of 15 months, 4 training sessions have been delivered in each target area, with each training session involving a new pool of participants. In total, there were 270 beneficiaries of these training sessions, involving both LGBT and non-LGBT individuals.

From within these training groups, a number of willing individuals were selected to receive enhanced training as paralegals. These participants were introduced to human rights concepts and the existing laws that directly impact upon the lives of LGBT individuals, and were also equipped with legal documentation skills. From January to December 2015, CRB identified and recruited 23 paralegals to document cases of human rights violations against LGBT individuals in the target areas and provide legal assistance.

Indeed, as mentioned, this project sought to more broadly assist the community in gaining access to legal assistance, and thus many cases documented and lodged by the paralegals did not necessarily involve LGBT victims. An annex at the end of the report presents some statistics pertaining to the number of different cases that have been lodged and referred.

3

Methodology of Monitoring and Evaluation

The interviews for the Monitoring and Evaluation project took place in three phases;

Phase I was carried out in January 2015 in the three project areas, where interviews were conducted with LGBT individuals. The interviewees were a mix of individuals who had already participated in the training, as well as individuals who had not.

Phase II was carried out in May 2015, where interviews were conducted with LGBT individuals, paralegals, community leaders such as local section council members, police, media, NGO workers, lawyers, members of parliament (MPs) and ministers.

Phase III was carried out in November 2015, where LGBT persons and community leaders who had been interviewed during Phase I and Phase II were interviewed, as well as paralegals and participants of the human rights training conducted by Colors Rainbow staff members, who were apart of the initial planning phase.

The main methodologies for the report are Focus-Group Discussions and Key Informant Interviews. FGDs were conducted with LGBT persons who participated in human rights/ LGBT rights training and the paralegals. KII and FGDs were conducted with members of parliaments, police officers, local authorities, NGO workers, community leaders, and lawyers in the project areas. Written or verbal consent from the correspondents were secured prior to the interviews, and participants in this report have been kept confidential.



Community attitudes and experiences of discrimination amongst LGBT participants

The following discussion is informed by FGDs conducted in the initial phase of the project with LGBT individuals, as well as FGDs and KIs with non-LGBT community members – including lawyers, police officers and other notable figures. The marginalization and discrimination suffered by the LGBT community is contextualized through observation and testimonies, as well as perspectives from leading community members outside of the LGBT sphere.

Initial conversations with non-LGBT community leaders

Throughout the initial conversations with the community leaders, government officials and legal professionals involved in this project, a significant proportion of participants toned down the severity of discrimination suffered by LGBT people, or outright denied that such discrimination exists. Furthermore, some individuals openly stated that they thought LGBT individuals brought such hatred upon themselves. Unsurprisingly, sensitive mentalities and practices concerning the diversity of sexual orientation, gender identity and gender expression were more or less non-existent. Indeed, for many participants, the array of identities within the LGBT spectrum was not even recognized as being respectable. Once again, when issues of discrimination or abuse were discussed, there was a tendency to deny that such instances took place, or to blame the victim of such abuses as having invited such abuse upon themselves through disrespectful or inappropriate behaviour. More generally speaking, LGBT individuals were connoted with carrying sexually transmitted diseases, particularly HIV/AIDS, and were also accused of being reckless, shameless and libidinous – which carries particular offence in Myanmar's conservative culture, where the open discussion of sex is still considered a taboo. Furthermore, LGBT participants frequently reported that they are the first to be accused of petty crimes.

Indeed, some non-LGBT interviewees indicated that they were overall willing to accept the existence of LGBT persons in society, but that when it comes to leadership, public administration and service in the police force or army, it was consistently reiterated that gay men should not be allowed to take up such positions, due to the fact that these roles should be taken up by people who can be "future leaders". Overall, there was a general impression that LGBT individuals should not be in leading roles in society, and that, particularly for gay men, the only professional pursuit should be in specific fields such as make-up artistry, entertainment and as Natkadow (spirit mediums). These attitudes largely stem from traditional beliefs whereby men are considered to be more noble than women in Myanmar society. Through a

perception that they have betrayed their gender or sex, and thus actively renounce the nobility that comes with their manhood, gay men and transwomen are seen as inferior and unfit for taking up prominent roles within society. This highlights a lack of opportunities for the LGBT persons to be in decision-making positions and leadership roles in order to increase their legitimacy as members of society. Some leaders directed blame towards the education system or lack of employment opportunities – demonstrating a degree of cognizance of the structural disadvantages facing the LGBT community.

Professionally, lawyers typically expressed the opinion that all human beings are entitled to legal protection equally and the State is responsible for improving legal systems and mechanisms – however, they did not elaborate on how receiving fair legal protection could be extended to the LGBT community. One interviewee indicated that initiatives promoting awareness of LGBT issues to individuals and organizational act as an important starting point, and that they believed there would generally be good will to accept and promote LGBT issues within the legal community should such training continue.

Police forces in Hlaingtharya demonstrated significant resistance to being open to be sensitive towards LGBT issues, and securing avenues for victims to pursue justice appeared to be particularly difficult. Furthermore, the general consensus appeared to be that the law enforcement agents did not need to be held accountable for their actions. Indeed, one police official expressed that police were cooperative when receiving cases of abuse, but that they ignored those who came forward with cases of ill-treatment by the police force themselves. Overall, positive communication mechanisms between the police departments and LGBT communities do not exist, and thus reinforces the antagonistic relationship between LGBT individuals and the police force.

Initial conversations with LGBT persons

Most participants reported to have been victims of discrimination and abuse since childhood. A great number of LGBT persons feel the need to hide their sexual identity from family members, friends, and colleagues due to the pervasive hostility towards LGBT individuals in Myanmar Society. Those who are open about their identities frequently report being made to feel as though they have brought shame upon the family, and being disowned by family members is common. When in public, individuals whose LGBT identity is externally presented (such as through behaviour and choice of clothing) frequently face harassment and abuse. LGBT individuals shared various experiences of verbal abuse that they had suffered in public spaces, such as pagodas, in the streets, and in teashops, while many others contributed stories of the blatant sexual harassment and assault they had experienced in open spaces. Numerous respondents expressed that they felt particularly vulnerable to verbal, physical or sexual assault whilst riding public buses, while other respondents reported having stones thrown at them by children whilst they are walking down the street. Many LGBT also report being frequent victims of robbery, as they are seen to be easy targets. In general, participants voiced that they feel fellow community members regard them with suspicion and disgust. The abuse and hostility encountered by LGBT individuals across all aspects of daily life thus inhibits their ability to live safely and freely within their own communities.

LGBT participants expressed limited knowledge concerning basic human rights, and instead demonstrated an internalization of the marginalization, discrimination and violence that they experience in their daily lives. Most worryingly, the key perpetrators of violence and discrimination include law enforcement officials themselves – particularly police officers. Respondents report that they are frequently targeted by policemen and threatened with arrest (or are arrested and forced to bribe their way out), and stories of violent and verbal assault are common. Community gang members, peers, family members, teachers, employers, some legal persons and community leaders were all included as perpetrators in the cases of abuse that were brought forward. For example, teachers were reported to frequently insult gay and lesbian students in front the class, and would administer punishment for students who would wear clothes that did not align with their assigned gender. Bullying from peers and teachers alike causes a great deal of LGBT students to drop out of school early, given them a severe disadvantage. From the first-hand information gathered, it is clear that the widespread violence and abuses committed against LGBT individuals is carried out with absolute impunity.

Ei. For example, the experience of one participant from Hlaingtharya – a transgender woman – reveals a clear case of harassment at the hands of the police force. Whilst walking home from the shop at which she worked, she was confronted by a group of policemen who asked where she was going and where she had come from. On replying that she was heading home from her job, one of the policemen blatantly accused her of lying, and implied she was intent on committing obscenity. Meanwhile, another officer interjected, reportedly saying:

“Sir, you should not let off this shameless A-chauk (derogatory term for a transgender woman) easily. Why don't we ask her to take off all her clothes and make her walk home totally naked?”

The officer agreed to the humiliating act, and ordered her to strip naked in the street. Unsatisfied with her slow and cautious removal of her shirt and longyi (traditional skirt) the gang of police forced her to take off her underwear. Ashamedly, the girl fled to a nearby field, upon which the police chased her with a slingshot. The girl fled home naked. Similar stories of harassment and abuse were not uncommon, particularly amongst transgender women. Other participants reported being verbally harassed and abused by police at places of worship, such as pagodas or in temples, and that they have been forced to leave such places and told to stay at home. With law enforcement agents being the key perpetrators of this blatant case of harassment, the difficulty for LGBT victims in reporting such abuses is all too evident.

Lesbians and transmen (or tomboys as they are known in Myanmar) were considerably less represented in the training sessions, and indeed, throughout the networks of CRB, there is a noticeable shortage of lesbian and tomboy activists. There appears to be a significant communication gap and lack of interaction between the different components of the LGBT community, as well as between women's rights groups and lesbian/transgender organizations. Indeed, the patriarchal character of Myanmar society sees lesbians and transmen subject to gender based violence and discrimination, and in many cases, they face similar stigmas to gay and transwoman individuals.

Ma KP: A story shared by a participant from Pyay Township exemplifies the abuse and discrimination that prevails in the life of a transman in Myanmar society. The participant revealed that earlier in the year, before the Thingyan festival, her mother granted her permission to leave the house with a group of friends. On returning home, her father began beating her, allegedly outraged that she had not sought his permission. When she tried to point out that her mother had permitted her to leave the house he supposedly said:

“

“What ****ing thing can your mother do? I’m the head of this household I’m the head of this household so you must ask for my permission! Also, what kind of attire is this? Didn’t I tell you not to wear like a guy?”

”

After taking her outside, stripping her and whipping her with his belt, he told her if she returned home, he would kill her, adding: “Look down at yourself and decide whether you are an A-pyar (someone with female organs) or A-lone (someone with male organ)! You are disgusting!”

The respondent informed us she contemplated taking her life over the incident.

The assault and abuse suffered by tomboys and lesbians is not as well-documented as that suffered by gay men and transwomen, and the absence of cohesion amongst women rights groups and lesbian/transmen rights groups means a great deal of suffering occurs under the radar. Being biologically women, lesbians and transmen experience all the problems that come with being a woman within a patriarchal society, and then additionally, suffer for transgressing gender and/or sexuality boundaries. For example, in the workplace, tomboys report being given male workloads, yet still paid the lower wages of a woman. Many also report relentless teasing from male colleagues (such as being asked to take off their shirts and play football like the rest of the men), and that female colleagues do not interact with them – which leaves them socially isolated, which frequently leads to depression, social withdrawal and substance abuse (particularly high rates of drug abuse were reported in Pyay). Unable to gain more stable employment with businesses, many tomboys turn to labour intensive and low-paying work, such as construction workers or as rickshaw drivers where they often earn less than 2000 kyat per day, while many lesbians, unable to find work and without a husband to support them, remain at home with their parents. A lack of income and employment opportunities thus leaves many tomboys and lesbians in particularly unstable and vulnerable positions.

The impunity with the cases of abuse and harassment takes place is particularly concerning. It is evident that the legal system is not capable of protecting LGBT individuals, and the fact that law enforcement officers are frequently the perpetrators of abuses severely limits victims from the possibility of seeking legal recourse. When victims do file cases of abuses at the police station, police are frequently uncooperative in helping gather evidence or track down the perpetrators – rather victims are dismissed for not having sufficient evidence, or else blamed for the assault that they have suffered. All too often, reporting a case of abuse ends up worsening the suffering of the victim.

These anecdotes exemplify the type and severity of discrimination and abuse that is suffered by LGBT people. Both cases involve physical violence, verbal abuse and acts of humiliation. The stories also illustrate the strength of traditional gender roles within Myanmar society, and the assumption that someone who transgresses these binary roles is obscene and immoral. With such attitudes so strongly embedded in all levels of society, the difficulty for victims of such abuse to gain access to legal recourse, or to even have the courage to seek for help is abundantly clear.

4.2

Impact of the LGBT Pilot Rule of Law Initiative

Impact of the human rights training sessions for LGBT persons

Local LGBT community members participated in three-day trainings on human rights and LGBT rights organized by CRB. Total 12 training were co-organized by the focal persons of LGBT Rights Network, which was established in 2012 initiated by Colors Rainbow and different LGBT groups throughout the country. The categories of training participants are NGO/CBO workers, lawyers, factory workers/daily laborers, female sex workers, public school teachers, nurses and LGBT members. The training program consisted of several activities, and topics of the training include – Definition of LGBT and its connotation, SOGIE (sexual orientation, gender identity and gender expression), What are the stereotypes, what is discrimination, homophobia, UDHR and International Human Rights mechanisms for LGBT rights’.

At the beginning of the project, LGBT participants expressed limited knowledge concerning basic human rights, and instead demonstrated an internalization of the marginalization, discrimination and violence that they experience in their daily lives. However, after 12 months of participating in the program, immense progress can be noted in terms of participants’ legal awareness, tangible knowledge, professional skills, and a growing sense of self-confidence. As a result of the human rights training, participants have come to an understanding that they bear legitimate rights and are worthy of legal protection. Perhaps most significantly, the observable enthusiasm has been inspired within participants to realize their own potential and find strength and pride in their identities. This contributed to the shift in perspective that the LGBT community did not have to be victims, and that they could be committed agents of change within their respective communities. Considering that most of the paralegals trained through the program were direct victims of discrimination and/or violence, the project can be deemed to have provided some of the most vulnerable within the LGBT community with the opportunity to challenge prejudice, unfairness and inequality. As the paralegals continued their documentation and legal advice work, they were seen to consolidate and multiply their professional and organizational skills.

An additional benefit of the program was the sense of unity that was stimulated among LGBT individuals. Most FGD participants reported they had limited interaction with those of other LGBT identities (i.e. a gay male had little knowledge of the struggles of a gay woman, and so on). Through exercises in human rights and LGBT rights training, and analysis of terms and definitions use in Burmese language, the LGBT individuals realized the impact of these terms and common issues faced by LGBT community. Thus, the training

program helped to unite an otherwise disparate LGBT community, with members across the spectrum of sexuality and gender diversity recognizing the struggles they share as a minority community. As expressed by one participant: “We, gay men, look down on lesbian women, now it changes; we understand their lives and challenges that lesbians face. We thought we are the only ones facing such difficulty”. This increased notion of unity provides a more consolidated platform through which the LGBT community themselves can be a part of future advocacy and awareness programs.

Gaining the trust of the communities and enhancing harmony and cooperation between LGBT persons and the broader community, particularly figures of authority was a core objective of the program. This was met with varying success in the different target areas. Pyay showed particularly promising progress, whereby the police officers and community leaders began to directly cooperate with paralegals, and were reported to be dutifully responding to the cases brought forward.

Nonetheless, despite the fact that respondents have been equipped with human rights knowledge and awareness, many reported that the application of this knowledge frequently fell on deaf ears. Two quotes from participants illustrate this point:

“

We say something back to the police based on our basic human rights knowledge, they do not listen, they don’t care and instead they yelled that we should not even talk about rights since we no rights.

Now, we know our human rights but the police do not respect our human rights. They continue abusing our human rights by slapping our faces, kicking us with their boots.”

”

This demonstrates that while significant groundwork has been established by the human rights training, there is still a strong need to engage law enforcement officers in training and in trying to establish a mechanism through which undutiful and discriminatory behaviour of policemen can be addressed. According to the testimony from the participants, “Now, we see more and more drunken police, who are aggressive, corrupt and violent.” Furthermore, police are increasingly choosing not to take LGBT individuals to the police station, but instead keeping them at patrol sites, where they are forced to pay fines for their release – the price usually being 50,000 kyats. As one participant said, “Often, we have no choice but to bribe. They would threaten us in different ways until we agree to the bribe”. This is a new tactic used by police to bully LGBT persons, due to the increased number of CSOs and NGOs paying closer attention to police behaviour with people they have taken into custody. Moreover, street gangs are the major cause of problems for LGBTs – with street fighting and robbery being common, the respondents report that police are allegedly cooperating with street gangs to target LGBT persons.

Impact of awareness training on community leaders and legal professionals

With this project, it was clear that community leaders, government officials are informed about the problems facing the LGBT communities. Some leaders agree that the discrimination and violence need to end. However, throughout the interviews with KII, they deny the problems or do not view that the problems are severe, some KII blames LGBT individuals for bringing disrespectful behaviors to the communities. Some leaders blamed the education system or lack of employment opportunities.

In early 2015, during the beginning of the project period, it was observed that the targeted lawyers, local authorities, community leaders and officials had limited to no awareness of LGBT issues. Sensitive mentalities and practices concerning the diversity of sexual orientation, gender identity and gender expression were non-existent – indeed, for many the array of identities within the LGBT spectrum were not even recognized as being respectable. Indeed when issues of discrimination or abuse were discussed, there was a tendency to deny that such instances took place, or to blame the victim of such abuses as having invited such abuse upon themselves through disrespectful or inappropriate behaviour.

After six months of the project implementation, some lawyers started providing suggestions to improve legal protection for LGBT individuals as well as the general community at large. They indicated support for legal rights trainings, adequate legal services, and other support for the community as being essential for the promotion of the rule of law, and for people to effectively lodge complaints within the legal system. Nonetheless, some lawyers continued to refer to LGBT identity as being 'abnormal'. As one participant stated:

“Because they are abnormal, it is not easy for society to accept and provide a full legal protection.”

After ten months implementation of the project, the lawyers' views on LGBT have significantly improved. For example, one lawyer expressed:

“I have attended events organized by LGBT people, and I realize now that they are normal human beings – we just need to accept them for who they are. In my view, we need to amend Article 377 so that the LGBT people will not be charged based on same sex affairs. Since the establishment of paralegals, there are more cases documented and sometimes the paralegal people can give legal advice to the clients... however sometimes there can be misunderstanding towards the paralegals. There should be more service available to the victims. As lawyers, we cannot always help the clients free of charge, we can help at the court but we cannot help for the whole procedures, such as getting evidence or calling the witnesses. I wish to see more services provided to the clients who are entitled to have legal protection.”

Conversely, some participants did not change their stance towards LGBT over the course of the project. Even at the end of the project, some participants expressed they still did not understand SOGIE issues and concepts. Other respondents, such as the one quoted subsequently, came away with mixed attitudes that at once express sympathy towards the LGBT cause, but at the same time to a certain extent, blames LGBT people for the discrimination they suffer:

“What I think need to change is parents' attitude. Often parents are the one who restrict freedom of choice on sexual identity. The parents should accept their children for what they are and what they choose to be, otherwise, it caused many psychological problems for them. For LGBT people, I think they also need professional development. They are working at the low paid jobs/ manual labour, the society still look down on them and they themselves did not come forward or they dare not have a higher ambition to reach their highest potential. The LGBT people also should behave well to be accepted in society. Otherwise, people will criticize based on their behaviors, not on their gender identity. We also need a more visible LBGT movement.”

Within the police force, one participant expressed that in Pyay, there has been a concerted effort to try to help the victims and arrest the perpetrators, and that so far they have achieved some level of success, particularly regarding the safety and security of the LGBT community. Nonetheless, these strategies once again appeared to target the victim as the source of the crime, rather than the perpetrator. As explained by the participant, when patrol officers saw people “in the shadows at inappropriate times” they will ask the individuals to disperse and go home, and advise them not to go to “inappropriate places at inappropriate times”. The respondent insisted that if LGBT individuals face problems, they could openly discuss with the police. The situation in Pyay, however, appears to be considerably calmer than in the other areas targeted.

“

“I have seen many LGBT people just roaming around because they do not have jobs or ambition to lead better lives, there should be some help from them. There should be more training on skills development such as in beauty therapy. We are the law enforcement officials and we are obliged to treat everyone as human being.

A police officer in Pyay Township, Bago Division”

More positively, one law enforcement officer mentioned “Our society also needs to change, we are clinging into old thoughts, which can be discriminatory to people who are different from the mainstream. We, the society and LGBT people, need to change our attitude, then cultural norms will change and the laws will change”.

Successes and challenges with the paralegal program

Colors Rainbow works with different partners who are available in the project areas. The list below details the partner law firms and the number of cases that have been put forward in each township through the program:

In Pyay, the main partners are lawyers from The Truth Law Firm and Dragon Law Firm. The paralegals referred 192 cases to partner lawyers out of 360 cases in 12 months.

In Mawlamyine, the main partner organization is Mawlamyine Justice Center. The paralegals referred 39 cases out of 298 cases in 12 months.

In Hlaingtharya, the main partners are Hlaingtharya Justice Center, Equal Paralegal organization and Lotus organization. The paralegals referred 53 cases out of 166 cases in 12 months.

Considering the difficulties presented earlier regarding the limitations of LGBT victims pursuing justice in the legal system, the number of cases lodged through the referral mechanism established by CRB has clearly made a significant impact upon the institutional and societal barriers faced by LGBT victims. Not only would the paralegals give advice to the clients, but they would also act as the bridge between victims and the legal sector, by referring and accompanying victims to legal centers to meet with lawyers. They also assist the victim family in emergency cases that need immediate help such as reporting the case police or authorities or resolving problems among disputed parties. Respondents have noted numerous positive changes since the project implementation, such as a decrease in discrimination and mockery.

Nonetheless, challenges and persisting problems have been encountered in the implementation of the project. According to the analysis of the cases documented, cases lodged were more frequently concerned with abuse at the hands of police, rather than criminal cases from the community itself.

Many women and LGBT people do not go to the court because they think it is a waste of time as almost everyone in Hlaingtharya are manual workers earning money on daily basis. They also complained that the police are not willing

to help them effectively as they were often yelled out when they arrive at the police station or delay the filing process of their cases.

Some paralegals also expressed the issues they encountered with personal security: “Our challenges are we cannot provide more services to the victims. We have seen increasing cases on domestic violence against women. Sometimes, it is not safe for us to go alone to conduct interviews. If the clients are free only in the evening, we accompany each other.” Such situations particularly apply for female paralegals.

Another challenge is that the clients often do not know how to answer when asked to pledge guilty or innocent; they are confused. Often, the clients have not proper lawyers to defend their disputes. One of the paralegals said;

“

“I can only give some advice such as counseling with the traumatized parents or clients and connect with service providers. We don’t have confirmatory of the cases in the areas. The complaining and compiling cases are not easy for the people, it is understood that people tell us about their case as the last resort to seek justice.”

”

Some clients are not satisfied because the service provided by paralegals was not sufficient. Indeed, the access restrictions faced by the paralegals significantly hindered the work they were able to do. For example paralegals do not have official legal accreditation and as a result, for the first four to five months of the project they faced difficulty gaining access to the courts, as well as in meeting clients who were in police custody. The scope of the paralegals capacity to help was also limited by a lack of familiarity with LGBT issues and SOGIE-sensitive approaches amongst the legal professionals themselves. Nonetheless, in some cases, the clients are very happy with the legal advice that has been provided to them by the paralegals and the clients can proceed in their own way. Before, the gatekeepers at the court or the police duty official at the police custody do not allow paralegal to go in and out but now they all know and very much welcome except some corrupt officials who would ask for a small bribe. Often, those police or people at the court encourage the paralegals to follow up with the clients. However, there is concern for the security and safety of paralegals. They always double-check the claims made by our clients by going through their incident place, asking friends or witness or family members when appropriate. From their experiences working as paralegals, their good faith in the legal system grows and they want to see more changes in the notion of the rule of law.

Regarding the reliability of the case, they said

"We listen to the cases/complaints first by the clients. We went to the area to check with their friends or people who witnessed the incidents. Most of the time, the clients' claims are accurate. We would be able to implement the rule of laws effectively, if we need to provide legal services with free of charge. Many people simply cannot afford to pay for lawyers, therefore, many cases are under-reported to the relevant authorities and most of the victims do not claim their rightful legal protection by the courts."

Findings from project areas indicates that there is a strong need to continue human rights training activities in these areas where there are human rights abuse caused by society, including law enforcers.

"We need to ensure that the law enforcement people are implementing the rule of laws in justice and fair manner. The judicial system must be independent."

A paralegal in Pyay, Bago Township, Bago Division

It was clear that the human rights abuses continue in all areas especially Hlaingtharya, there are not enough numbers of lawyers who can take up the cases into courts. The paralegal work remains adequate only in providing legal advice. Most of the victims cannot afford to hire lawyers, thus, they would withdraw their cases before the court make the final rulings. In the three areas, the LGBTs experienced violence and abuses; however, there is lack of verification for perpetrators' identities. The violent incidents took place at night times, thus the victims cannot identify or they are too afraid to identify them. This derails the attempt to deliver the legal action against the perpetrators.

While the project sheds light on the flaws in the judicial system in Myanmar, the documentation of cases lodged by Colors Rainbow's paralegals presents just the tip of the iceberg of the legal challenges faced by the LGBT victims of abuse. The responsible institutions for promotion of the rule of laws are still weak. The court procedure is slow and the judges are not independent, therefore, the public does not trust the judicial system. Some personnel in judicial system are involved in violating the rights of LGBT individuals or infiltrating violence against LGBT individuals. The public advocates are not willing to provide free services to the clients.

The independent lawyers are volunteers, so, they cannot allocate sufficient time for our cases. In addition, they are not trained as human rights lawyers and even if they are trained, they do not have enough LGBT sensitivity to fully protect the rights of LGBT people. There is a communication gap among the paralegal staff members so there are few repetition of cases documented, therefore the regular coordination meeting would be needed.

In Hlaingtharya, the paralegals sent cases to Hlaingtharya Justice Center, now the lawyers are working on some cases and some clients are out on bails. The biggest challenge is to receive a fair and just access to legal protection with the slow procedures at the courts. Often, many people gave up efforts to have access to the legal protection. The judges do not make the court ruling on time, always delayed and the

clients cannot go to the court every 14 days.

The paralegals can assist victims in some of the cases at the court or police station. They are also satisfied because they can now network among the LGBT community and receive knowledge and new skills. Through open discussion with LGBT community, they learn that LGBT individuals also have equal human rights. The LGBT communities in the project areas feel happy as they are being listened or their voices are being heard. They are glad that the program is helping people who cannot afford to pay the lawyers' fees; therefore, the poor LGBT people can now seek legal advice. According to paralegals, the situation for LGBT groups has improved in the last few months. Now, the LGBT groups can organize their monthly meeting and other gathering without fear, before they were too frightened to do something. They said;

"Now, we are free from being misjudged by the society. In the community, they begin to accept that we are normal people and can contribute for the betterment of the community. Many gays and transgender people become aware of their basic human rights and change their behaviors in more responsible ways".

The paralegals also expressed the need to expand the program into smaller towns. The paralegals in both Pyay and Hlaingtharya said;

"During the past six months, we have more and more clients. Before, we have to chase the clients, now the clients are following us. People contact us a lot not only within Pyay or Hlaingtharya but also villages outside of our covered areas. We invite the community leaders, some lawyers and officials to come to our monthly meeting so they hear about the cases we are dealing with. Often, they also give us valuable suggestion how to take further action".

With its population of over 800,000, Hlaingtharya needs more paralegals to extend coverage of legal services to those who cannot afford. There is also a need to give training on human rights to the local administrators and leaders.

After the continuation of the project, there are positive changes made by LGBT individuals in their own communities. In early 2015, the LGBT individuals victimized themselves based on their experiences of discrimination and violence. The internalization of discriminatory practices, stigma and violence deflate the LGBT individuals' sense of worth in the society. However, throughout the project period, the LGBT individuals learnt their basic human rights, legal rights that remarkably empower them in the process. At the end of 2015, they expressed how they changed their views and gained self-confidence to raise their voices against injustice, instead harmonize with the community members. The paralegals embrace their new jobs as paralegals knowing they are helping others who are seeking justice and face discrimination and violence in different forms.



Recommendations within legal framework

- There is a need to conduct more legal training for the paralegals, as well as for more human rights awareness-raising among the LGBT community.
- There is an indication of a strong need for the provision of more legal aid services for the general public. We note that in January 2016, the new civilian government has passed a legal aid law that provides legal assistance for all. This will require close monitoring to ensure that access is equitable.
- There is a greater need to understand the vulnerability of the LGBT community by law enforcers in order to pursue an inclusive implementation of the law. Further research would help shed further light on this issue.
- The fact that a majority of the cases lodged by LGBT individuals pertain to police abuse means law enforcement agents need to be targeted directly in an outreach project. A three-step advocacy program is proposed to tackle the issue.
 - Firstly, to provide training to the operational police officers regarding legal and civic rights as well as international human rights mechanisms.
 - Secondly, to advocate the government to set-up a complaint mechanism against police officers who violate human rights.
 - Thirdly, the initiation of sensitization workshops for police force to reduce denigrating treatment of the LGBT community.
- There should be mechanism to have collective and effective advocacy on the reform of court procedures/process
- There is a need to advocate for amendments in laws/clauses/legal terminology in the existing laws that discriminate against the LGBT community – namely, Section 377 of the Penal Code, and the “shadow and disguise” laws. Such advocacy should focus on lobbying the new government to adopt a “Non-discriminatory Law” emphasizing on the inclusion of sexual minority.



Recommendations outside legal framework

- To understand the issue in perspective, there is the need to carry out more in-depth studies on thematic issues such as LGBT and education/healthcare services, LGBT + Employment, LGBT + Leadership Role. There is also a need for training to empower LGBT communities and improve their vocational skill for employment. Many transgender sex workers want to change their work but they have no opportunities to do so as other professions require capitals, specific skills and training. It is also suggested to conduct “Self-defense” trainings for lesbians (and women in general) to protect themselves against males wanting to take advantage of them. According to the tomboys/lesbian respondents, male acquaintances have been known to corrective rape on tomboys/lesbians.
- The paralegals have shown improvement within short period of time. This indicates a need for continuous capacity building/ empowerment of paralegal persons.
- The paralegal staff needs more time to build trust with the victims or survivors of human rights violations for more efficient legal aid to be provided.
- There is the need for the paralegals and LGBT individuals to strengthen engagement with stakeholders (police, law enforcement authorities, approaching the government departments) to collaborate in handling cases that involve LGBT individuals.
- Both traditional media and social media should be used as platforms to change public perspectives on the LGBT community and to bring awareness to the violence and discrimination suffered by them.
- LGBT networks, both inside and outside the country, need to be strengthened for a more visible and cohesive LGBT movement. The adoption of best-case practices from other countries should also be looked into.
- Further training on human rights and legal rights awareness is essential, and the trainings in future should consist of more long-term programs with follow-up sessions. Seeing improvement in the way they face discrimination, many participants become more are eager to get involved in advocacy and education programs.
- Training sessions should be inclusive of the entire community, and mix LGBT participants with non-LGBT participants in order to bridge the two communities, bring awareness to the impact that marginalization has had upon the LGBT community, and foster greater respect and understanding of diversity.

6

Conclusion

The discrimination faced by LGBT individuals within Myanmar society is both unique and severe. The experiences presented within this report highlight a community that is marginalized, persecuted and in need of specific attention within the broader human rights movement taking place within Myanmar. As demonstrated, one of the most pressing challenges for LGBT victims of abuse are the multitude of barriers that they face in pursuing justice, such as an internalization of the homophobic and transphobic abuse suffered, a lack of human rights awareness, and a legal system that holds them in contempt. Perhaps most crucially of all is the widespread – and very valid – fear of the police, who prevail as one of the key offenders of physical, sexual and verbal abuse against LGBT individuals.

CRB's Promotion of the Rule of Law program has had a powerful impact on the issue of LGBT discrimination, and set important groundwork for the establishment of a legal system that extends human rights and justice to this frequently marginalized community. The human rights awareness training sessions were enthusiastically participated in, and the behaviour changes noted in participants is no small success. There is a grow-

ing realization that injustice can and should be challenged, and a growing demand for victims to have access to a fair and just legal system. Additionally, the documentation of abuses that was a core output from the training of paralegals provides key evidence of the pervasiveness of discrimination and abuse against the LGBT community – a crucial step in being able to mobilize action and lobby policy-makers and key agents of change. Furthermore, the increased interaction between LGBT individuals and the broader community serves to legitimize LGBT persons as members of the community, and helps to break the image of them as being degenerates and troublemakers. The attitude shift amongst many of the non-LGBT community figures interviewed demonstrates this claim.

However, while the virtues of the program are abundant, it cannot be denied that significant challenges have arisen throughout the implementation of the project. While documentation of the cases is abuse is certainly useful, another core role of the paralegals was to help victims take their case to court. This element of the project was significantly hampered by a lack of willing lawyers, which meant that a huge majority of

the cases presented have not ended up having legal action taken against them. Another persistent problem is the lack of trust and faith within the legal system for victims of abuse – which frequently sees victims not pursue legal action.

The navigation of these issues will take time and consistent effort by stakeholders and policymakers. Increased human rights awareness raising and training sessions will be necessary to further promote a push within the LGBT community to demand an inclusive and fair legal system, and to empower victims of abuse as being agents of change. Outreach programs to the police force to address undutiful behaviour will also be essential and will require the support of the broader community and core policy-makers. The establishment of a complaints mechanism will also be necessary to hold accountable law enforcement agents who perpetrate abuse. Finally, momentum needs to be built behind a movement to dismantle the laws that are used to legally legitimize discrimination against the LGBT community – Act 377 of the Penal Code, and the "shadow" and "disguise" laws. This will require a strengthening of the LGBT network both within and outside of the country, and continued engagement between the LGBT persons and the broader community.

- 1 - Survey form applied during Phase I
- 2 - General guidelines and questions
- 3 - Survey form applied during Phase II
- 4 - Structured questionnaires for FGDs and KIs from Phase II
- 5 - Statistics cases at the areas of study



Survey form applied during Phase I

အခြေခံအချက်အလက်ပုံစံ
နေ့စွဲ/...../.....

ကိုယ်ရေးအချက်အလက်

အမည်အသက် (.....)နှစ်
မိဘအမည်၊ ဦး၊ ဒေါ်
မွေးချင်း (.....) ယောက်
ကိုးကွယ်သည့်ဘာသာ၊ လူမျိုး

အိမ်ထောင်ရှိလျှင် သားသမီးဦးရေ (.....) ယောက်၊ မိသားစုဝင်ဦးရေ (.....) ယောက်
အလုပ်အကိုင်
ပညာရေးအခြေအနေ
ဝင်ငွေ (နေ့စား) (သို့) လစား (သို့)
နှစ်စဉ်ဝင်ငွေ
နေရပ်လိပ်စာ ကျေးရွာ၊ မြို့နယ်၊
..... ပြည်နယ်/တိုင်း။

ဒေသဆိုင်ရာအချက်အလက်

LGBT လူဦးရေ (Approximate) (.....) ဦး
ဆေးပေးခန်း (.....) ခု၊ ဆေးရုံ (.....) ခု၊ ဆေးဆိုင် (.....) ခု
ရဲစခန်း (.....) ခု၊ တရားရုံး (.....) ခု
တခြားဒေသန္တရအာဏာပိုင်များ
.....
.....
ဘာသာရေးအဆောက်အအုံများ
.....
.....

လက်မှတ်

.....

- In your experience, what are the most common types of [legal] problems LGBT people face? [Within the area of expertise of the respondent: either geographically specific (Yangon, Central Burma, urban/rural, etc.) or within an ethnic group, political group, within the district-level court system, etc.]
- What is your understanding of the meaning of "justice?" Who defines this? What ensures "access" to justice?
- How LGBT people understand "discrimination"? What are the types/ patterns of discriminatory practices LGBT people face?
- Where do LGBT usually go when they have a problem?
- Are there some issues that LGBT do not usually report? Why?
- What role does law play at the family level? The community level?
- What cultural controls or norms that exist in the community encourage, reinforce, discourage, or prevent access to Justice for LGBT people? What cultural processes, if any, provide women remedies in lieu of access to the state or non-state dispute resolution mechanisms?
- What challenges were faced (could be legal, family, and/or community)?
- How and why did LGBT decide to use the formal (police, courts, judges) or informal (customary, village) legal system?
- If no action was taken, what accounted for the decision not to take action? Who or what was influential in the decision not to take action?
- What kinds of systems or structures do LGBT want to see as important to their access to justice?
- What kind of changes would LGBT people like to see to improve their access to justice?
- What changes would LGBT people like to see in their respective communities?

အခြေခံအချက်အလက်ပုံစံ
နေ့စွဲ/...../.....

မထမဆွေးနွေးပွဲတွင်ပါဝင်ဆွေးနွေးပြီးပြီလား.....

ဆွေးနွေးပွဲတွင်ပါဝင်ပြီးသည်. နောက်မိမိလုပ်ဆောင်သောလုပ်ရှားများအနည်းကျည်းပြောပြရန်

(၁).....
.....

(၂).....
.....

(၃).....
.....

(၄).....
.....

ကိုယ်ရေးအချက်အလက်

အမည်အသက် (.....)နှစ်
မိဘအမည်ဦးအိမ်အိမ်

မွေးချင်း (.....) ယောက်
ကိုးကွယ်သည့်ဘာသာလူမျိုး

အိမ်ထောင်ရှိလျှင်သားသမီးဦးရေ (.....) ယောက်၊မိသားစုဝင်ဦးရေ (.....) ယောက်
အလုပ်အကိုင်

ပညာရေးအခြေအနေ
ဝင်ငွေ (နေ့စား) (သို့) လစာ (သို့) နှစ်စဉ်ဝင်ငွေ.....
နေရပ်လိပ်စာကျေးရွာ၊ မြို့နယ်၊
..... ပြည်နယ်/တိုင်း။

3

Survey form applied during Phase II (cont'd)

ဒေသဆိုင်ရာအချက်အလက်

LGBT လူဦးရေ (Approximate) (.....)ဦး
 ဆေးပေးခန်း (.....)ခု၊ဆေးရုံ (.....)ခု၊ဆေးဆိုင် (.....)ခု
 ရဲစခန်း (.....)ခု၊တရားရုံး (.....)ခု
 တရားဒေသန္တရအာဏာပိုင်များ

.....

 ဘာသာရေးအဆောက်အအုံများ

လက်မှတ်

.....

4

Structured questionnaires for FGDs and KIIs from Phase II

1) Guidelines for facilitating FGD

- Introduction of the participants with the game (name, place of origin, what do you like most? what do you dislike most?)
- Group exercise on “timeline of discrimination they have experienced” .
- Feedback on Paralegal Program.
- Analysis using A Problem Tree
- Closing circle with positive notes towards each other or commitment to promote the rights of LGBT people.
- Feedback forms

2) Questions Guidelines for KII

- Can you please describe your work?
- What are the common legal disputes in your areas?
- What are the minor crimes committed against LGBT individuals or by LGBT individuals in general?
- What are the serious crimes committed against LGBT people?
- What are the mechanisms and procedures to handle sensitive cases such as LGBT cases or rape or sexual assault?
- How accessible the police stations and courts are for the people?
- What are the main challenges to handle LGBT cases if there is?
- What are the general attitudes of public against different sexual orientation?
- Is there any policy within your government, department or organizations to promote the leadership roles for LGBT people?
- If not, why?
- What changes would LGBT people like to see in their respective communities?

Table 1: Cases of discrimination and abuse in community (family, neighbors, and schools)

Month	No. of cases			Gender							Under 18	Legal response		Physical & mental abuse	Service provided			
	HTY	PYAY	MLM	M	F	L	G	B	TW	TM		Yes	No		D	D & LA	D & LA & R	
January		4	4				6		2	1	1		8		6	1	1	
February		1	2				2		1			1	2	1		1		
March	1	1	2			1	1		3		1		4	2	3	1		
April	2	5	6	1	1		4		6	2		1	12	6	9	2	2	
May		2	11			1	11		1	1			13	2	10	2	1	
June		3	6		1		6		2		2	1	8	3	5	2	2	
July	4	3	13		2	2	12		4	1	1		16	2	14	6		
August			8	1			3		4			1	8	3	7	1		
September	2		1	1					2				2	3	1	1	1	
October	1		3			1	2		1				4	1	4			
November	1	1	3			1	3		1				5	2	3		2	
December			2			1							2		2			
Total	11	20	61	3	4	7	50	0	27	5	5	4	84	25	66	17	9	
Grand Total	92			96														
LGBT				89														

D = Documentation
 LA = Legal Advice
 R = Referral

Table 2: Cases of rape and sexual assault

Month	No. of cases			Gender							Under 18	Legal response		Attempted rape/sexual assault	Service provided			
	HTY	PYAY	MLM	M	F	L	G	B	TW	TM		Yes	No		D	D & LA	D & LA & R	
January	1	5	2		4		1		2	1	2	2	3	2	3	4	1	
February	1	2	1		2		1		1			1	3	1	2	1	1	
March	1	2	8	1	5		3		2		1	5	6	2	2	4	5	
April		1	2		3						2	1	2	2	1	2		
May		2	3		3		2				1	2	3	2	1	2	2	
June		1	4		1		2		2				5		2	3		
July			1		1						1	1			1			
August	1	2	3		5				1		4	4	2	3	4	1	1	
September		1			1							1			1			
October			1				1						1		1			
November	2	3			3		1		1			2	3	1	1		4	
December																		
Total	6	19	25	1	28	0	11	0	9	1	11	19	28	13	19	17	14	
Grand Total	50			50														
LGBT				21														

D = Documentation
 LA = Legal Advice
 R = Referral

Table 3: Cases involving police abuse

Month	No. of cases			Gender							Under 18	Legal response		Bribery		Physical & mental abuse	Service provided		
	HTY	PYAY	MLM	M	F	L	G	B	TW	TM		Yes	No	Yes	No		D	D & LA	D & LA & R
January		2	4				4		3			6				4	2		
February	3	5	1	1	4		1		3			5	4		6	5	2	2	
March		3		1	1				2			3		3	3	2		1	
April		2	1	1					2			1	2		2	1		2	
May	2	2			1		1		3			1	3	1	3	1	1	2	
June	1	3	3		2		1		4			1	6	3	4	6		1	
July	3	2			1		1		3			1	4	1	2	5			
August	1	4			3		1		1				5	2	3	2	1	2	
September	1		2		2				1		1		3		3	3			
October	5	1	1		2				5				7	3	4	5	1	1	
November	5	4	2	2	5		2		2		1	7	4	3	8	8	1	2	
December																			
Total	21	28	14	5	21	0	11	0	29	0	2	11	48	17	32	42	8	13	
Grand Total	63			66															
LGBT	40																		

D = Documentation
 LA = Legal Advice
 R = Referral

Table 4: Cases involving 'Yangon Police Act 1899 — 30 (c)(d)' or 'Police Act 1945 — 35(c)(d)'

Month	No. of cases			Gender							Under 18	Legal response		Rights to defense		Service provided					
	HTY	PYAY	MLM	M	F	L	G	B	TW	TM		Yes	No	Yes	No	D	D & LA	D & LA & R			
January	4	3	5	2			8		10					12			12	7	4	1	
February	4	3	1	1			3		5					3	1		3	7		1	
March	3	3	1	2			1		4		3			4	3		4	5	1	1	
April	5	1					1		5					5	1	1	4	1	4	1	
May	4								4		2			4			4	4			
June	2	1					1		3		1			3		1	2	1	1	1	
July	3								3		1			3		3		1	2	2	
August	5								5		1			5		1	4	2		1	
September	6								6					6		2	4	2		4	
October	4	1	1	2			1		4		2			5	1	2	3	5		1	
November	3	1		1					3					3	1	2	1	1		3	
December		1					1							1		1				1	
Total	43	14	8	8	0	0	16	0	52	0	10			54	7	13	41	36	12	17	
Grand Total	65			76																	
LGBT				68																	

"Paragraph (c) and (d) of Yangon Police Act 30(1899)/ Police Act 35(1945) states:
(c) any person found between sunset and sunrise having his face covered or otherwise disguised, who is unable to give a satisfactory account himself;
(d) any person found within the precincts of any dwelling-house or other building whatsoever, or in any back-drainage space, or on board any vessel, without being able satisfactorily to account for his presence therein may be taken into custody by any police-officer without a warrant, and shall be punishable on conviction with imprisonment for a term which may extend to three months."

D = Documentation
LA = Legal Advice
R = Referral



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