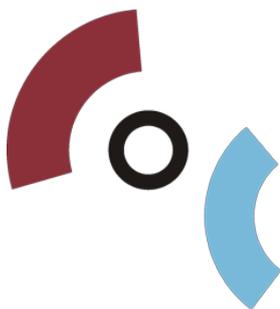


“HOME OF HELLS”

Analysis of Domestic and Family Violence Against LGBTIs in Myanmar

Report

Disclaimer : This publication was prepared under a grant funded by COC (Netherlands). The content of this publication does not necessarily reflect the views, analyses or policies of COC(Netherlands) nor does imply and endorse the trade name, commercial product or organization.



Foreword

Firstly, I would like to thank COC(Netherlands) for providing financial supports both for the PRIDE programme and production of this report. I would also like to extend my gratitude towards C.A.N-Myanmar's partner organizations who involved in the production of this report; namely, Khaing Hnin Si (Monywa township); Mee Eain Shin Lay Myar (Kyaukpadaung township); Hopin Compus (Hopin township); Evergreen Lovers (Mogaung township); A Linn Mee Eain (Lashio township); Same Hands from Cherry Land (Taunggyi township); Thunder (Mahlaing township); Diversity For Love (Kalay township); The Space, Bright Pride Myanmar Lesbian organization, TRY organization (Mandalay township); Mr.Lady (Myingyan township); Ye Ye and LGBT Group (Pyin Oo Lwin township); Same Hands from Tamar Land (Pakokku township) and Thapyaynyo Shwebo Pan (Shwebo township) respectively.

Moreover, I would like to express my utmost appreciations for the staffs of C.A.N-Myanmar, who work tirelessly around the clock for the successful implementation of this project – U Kaung Zaw Htet (Program Director), Daw Zar Zar Oo (Operations Manager), U Sitt Riat (Program Officer), Daw Theint Htet Htet San (Program Officer), Human Resource and Finance officer (U Phone Htut Nay) and Daw Pwin Ei (Accountant).

Abbreviations and Definitions

LGBTI

LGBTI or LGBTIQA is an umbrella term that represents people of sexual diversities i.e. lesbian, gay, bisexual and transgender etc.

Lesbian

Lesbian is a woman whose enduring physical, romantic and/or emotional attraction is to other women.

Gay

Gay is a term used to describe a man whose enduring physical, romantic and/or emotional attraction is to other men, although gay can also be used to describe both gay men and women (lesbians).

Bisexual

Bisexual describes an individual who is physically, romantically and/or emotionally attracted to both men and women.

Transgender

Transgender describes people whose gender identity differs from the biological sex they were assigned at birth. The term transgender refers to a person's gender identity, not the person's sexual orientation. Thus, a transgender individual may be heterosexual, gay, lesbian, or bisexual. A transgender man is someone who identifies as a man, but was assigned female at birth. A transgender woman is someone who identifies as a woman, but was assigned male at birth.

Cisgender

Cisgender describes people whose gender identity matches the biological sex they were assigned at birth.

Queer

Queer is a term used by this report as an umbrella term to refer to all SOGIE minorities who do not identify themselves as gay, lesbian, bisexual, or transgender. This includes (but is not limited to) individuals who identify as asexual or questioning.

Gender Identity

Gender identity refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth.

Gender Expression

Gender expression refers to each person's presentation of the person's gender through physical appearance—including dress, hairstyles, accessories, cosmetics— and mannerisms, speech, behavioural patterns, names, and personal references

Sexual orientation

Sexual orientation refers to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.

Sex characteristics

Sex characteristic is a physical or behavioral traits of a person which are indicative of his or her or their biological sex.

SOGIESC

SOGIESC is an abbreviation for Sexual orientation, gender identity, gender expression and sex characteristics.

LGBTI

LGBTI or LGBTIQQAs is an acronym for L=lesbian, G=Gays, B=Bisexuals, T=Transgender/Transsexual, I=Intersex, Q=Questioning/Queer and A=Asexual.

MNHRC Myanmar National Human Rights Commission

DSW Department of social welfare, resettlement

MoE Ministry of Education

MoRAC Ministry of Religious Affairs and Culture

SDG - Sustainable Development Goals

ICESCR – International Covenant on Economic, Social and Cultural Rights

ICCPR – International Covenant on Civil and Political Rights

CEDAW – Convention on Elimination of Discrimination against Women

CRC – Convention on Rights of Child

CRPD – Convention on the Rights of People with Disability

CHAPTER (1) – Introduction

1.1 Background Context

(A) Gender and Social/Cultural Norms

Myanmar is a multicultural society with extensive cultural, linguistic, and religious diversity. While Myanmar's population figures are subject to dispute at around 60 millions, some two thirds of these population are assumed to be Burmese Buddhists. Study participants consider religion, principally Buddhism, to yield strong influence over gender relations. The roots of constructing a Burmese Buddhist national culture run deep, and is found in current official texts, the need for preserving culture and traditions is often highlighted. Considering the strength of the gender equality discourse within the Burmese historical narrative, there appeared to be a tendency to place practices of gender inequality among minority ethnic groups alone.

There is also widespread belief across the country and among different religious and ethnic groups that differential treatment of men and women originate in religious texts and is therefore justified. Fundamental to the idea of male superiority is the concept of *Hpon*, which is assumed to be a nature and abstract quality that gives higher authority and status to men, and in Theravada Buddhist societies like Myanmar's, this determines that women are inferior to men in religious status. This is then reinforced and reflected in society and cultural practices.

Cultural norms that prescribe decency, modesty and chastity, *Eindray*, for women are strongly expressed among Burmese society. A woman's virtue is gauged in no small part based on her ability to live up to these norms. In practice conforming to these norms would mean practicing sexual abstinence and refraining from co-habitation unless one is married. Moreover, modest behavior is supposedly manifested through one's dressing or clothing and mannerisms.

Such justified best practices for men and women are taught to the children by their parents at homes; by their teachers at schools and by the religious actors since childhood. This way, *gender stereotyping* inhabits to the minds of younger generations until they grow older later and behave the same in the country's economic, social, political, civil, education or health sectors in which they serve accordingly.

Being so, men who behave like women are judged as those "who don't understand their own self-worth" and women who behave like men are belittled as those "who don't understand their inferiority and want to become something they can't". LGBTIs become the main targets of such condemnations, followed by more severe discriminations, exclusions or even violence.

In addition, there is also a wrong assumption and impression in Burmese society that deviated sexual orientation or "gender non-conformity" is merely just a self-constructed intention or a phase that can be corrected with proper treatment or cure. Such assumptions are fueling the acts of suppression, blaming or hatred towards LGBTIs in Myanmar. Especially, young LGBTIs who sway from the mainstream gender norms are being discriminated by their own family members – parents, brothers and sisters; friends and other people within their social circles. LGBTIs face a wide range of discriminations by their family members at homes,

by their teachers and bullying by other students at schools and other people in different sectors.

(B) LGBTIs and Family

“Home” is supposed to be a shelter that offers warmth, love and safety. However, LGBTIs are often seen as a black sheep of the family who bring shame and embarrassment to the family; and as the traditional saying goes “Listen to the elders, respect the levelers and empathy on the younger ones”; LGBTIs are forced to follow the instructions to convert their sexual orientation and gender identity either by the man of the house or their parents or grandparents or their guardians – including their uncles, aunts, relatives and other associated persons. LGBTI who refuse to follow their orders and teachings are expelled and rejected by their families and face sexual and gender-based discriminations and violence committed against them.

(C) Discriminations by laws and legislations

Like any human society, there have always been LGBTIQ people in Myanmar; from the time of ancient civilizations to the modern era. However, their lives and roles in society were limited, and their contributions as well as their rights were not well-recognized because of the discriminatory cultural, social and religious perspectives – often seen together with prejudice and stigma which again prevents them from exposing their identities. Despite the current times with more open-minded and transparent society, many LGBTI in Myanmar still remain hidden in the closets due to highly potential discriminations and violence.

Besides, some specific laws currently enacting in Myanmar are perceived to target LGBTIQAs, to suppress and threaten their existence, self-identification and well-being and to punish them for their so-called provocative abnormalities. These kinds of laws include the Penal Code (377)¹, Police Act 30 (C)/(D)², Yangon Police Act 35(C)/(D)³ etc. Being restricted by such laws with their access to justice being limited, and unrecognizing LGBTIQAs as average citizens; the public community fails to acknowledge and exercising of the articles described in the Universal declaration of Human Rights⁴, “Right to Equality, Freedom from Discrimination, Freedom from Torture and Degrading Treatment, Right to Marriage and Family, Right to Social Security” etc, as well as their “Right to Development” in alignment with the United Nations’ Sustainable Development Goals and National Sustainable Development Plan – reflecting a hideous state of human rights violations in democratization of the country and leads to negative reputation for Myanmar among international communities. Under those circumstances, lack of legal intellectuals and intelligentsias, legal advisor, legal advice and legal protection for LGBTIQAs and LGBTIQAs lacking legal knowledge and awareness themselves are fuelling the social insecurities of LGBTIQAs in Myanmar.

All of these cases call for an urgent need to address the human rights violations committed against LGBTI in Myanmar for these systemic and intersectional discriminations are leading to the deprivation of “Equality” and “Justice” for LGBTIQAs minorities.

¹section 377 of Myanmar Penal Code : Similar to Indian Penal Code: Unnatural offences—Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with [imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Explanation—Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section

²Section 30 (a) to (e) of Rangoon police Act 1899

³Section 35 (a) to (e) of 1945 Police Act

⁴The Universal Declaration of Human Rights adopted by United Nations

(D) Protections by laws and legislations

1. National Youth Policy, 2018

The National Youth Policy⁵ was introduced by the State Counsellor in January 6, 2018⁶ and became official at the Union level on January 2018. The policy provisions the following.

- Section 24(C) states that “the provisions of this policy shall be in alignment with the international human rights standards.” Section 24(E) reads “There shall be no discriminations on the grounds of sex, sexual orientation or gender identity, traditions, cultures, religion or belief, race, language, disability or any other physical and psychological status in implementing this policy.” Section 24(F) states that “Diversities of the youths’ backgrounds, socio-economic status of their families and their own life styles shall be well recognized.”
- Section 26, sub-section (F) identifies “youths with different sexual orientation and gender identity (LGBTI – lesbian, gays, bisexuals, transgender, intersex)” as one of the youths to be subjected to special priorities.
- Section 33, Article 4 of sub-section (A) states “to guarantee a safe learning space with no stress or discriminations. Article 7 of sub-section (A) states “to effectively teach basic health education, sexual and reproductive, gender and sexual orientation education, concepts of disabilities and other health-related educations as life-skills and social skills.” Article 2 of sub-section (B) states “to ensure access to quality health care system trusted by the youths for their physical and psychological health.” Article 8 of sub-section (B) states “to provide quality health and social services, psycho-social supports for youths who experienced violence, human trafficking, sexual and physical exploitations and who face different forms of conflicts.”

With such provisions, the Policy also aims to promote the role of youths in employment, economic, political, literature, art, culture, science and technology sectors.

2. Child Rights Law, 2019

Since Myanmar is a signatory to the Convention on the Rights of Child (CRC), it has developed and enacted “Child rights law” recently in 24 July 2019⁷ as a domestic legislation to implement CRC in accordance with international human rights standards.

The law defines children as those under the age of 18 and provisions the following.

- Chapter 1, Section 1, sub-section (xxi) defines discrimination as “discriminations based on citizenship, race, ethnicity, social origin, color, sex, language, religion or belief, designation, standards, culture, rich or poor, disability, politics or sexual orientation”⁸.
- Sub-section (xxiii) prohibits psychological abuse and sub-section (xxiv) prohibits sexual abuse.
- Section 20 states that “complaints for impediments or violations of any child rights shall be submitted by the child himself or herself or his/her legal parents on behalf or any other relative to the respective committee, government department, government institution or court.
- Section 46(A) states that “Every child shall be granted with rights to education without any discriminations”.
- Section 56 prohibits any physical, psychological or sexual abuse that causes detriments or harms children.

The Child Rights Law is inclusive of LGBTI youths. However, many people in Myanmar are still not aware of the detailed provisions of this law and hence more awareness raising and implementation is needed.

(E) Domestic/Family Violence from the Perspectives of International Human Rights Laws

Myanmar, as a party to several human rights treaties is obligated to respect, protect and fulfil LGBTQ people's human rights. This duty requires Myanmar to protect LGBTQ persons from human rights violations carried out by state actors, private actors, and other third parties. While Myanmar has not ratified International Covenant on Civil and Political Rights (ICCPR), treaties by which it is bound to include the International Covenant on Economic, Social and Cultural Rights (ICESCR),⁹ the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),¹⁰ the Convention on the Rights of the Child (CRC)¹¹ and the Convention on the Rights of Persons with Disabilities (CRPD).¹²

CEDAW prohibits sexual and gender-based violence against women and girls as a form of discrimination.¹³ Myanmar's obligations under the CEDAW do not cease in periods of armed conflict.¹⁴ Under this prohibition, Myanmar must not engage in sexual and gender-based violence, must prevent acts or omissions of sexual and gender-based violence by their own organs and agents, and must investigate, prosecute and apply appropriate legal or disciplinary sanctions and provide reparations as required.¹⁵ Myanmar must also take all appropriate measures to prevent and investigate, prosecute, punish and provide reparation for acts or omissions by non-State actors that result in sexual and gender-based violence.

Likewise, CRC, which inter alia protects a child's right to life,¹⁶ requires States to protect children from sexual abuse,¹⁷ prohibits torture or other cruel, inhuman or degrading treatment or punishment,¹⁸ prohibits the unlawful or arbitrary deprivation of liberty,¹⁹ and requires that any child deprived of liberty be treated with humanity and respect for the inherent dignity of the human person.²⁰ Under the Convention, a child is defined as a person below the age of eighteen.²¹ Under the Convention, governments must do everything they can to protect and care for children affected by armed conflict.²²

ICESCR also places obligations on States to recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,²³ an adequate standard of living²⁴ and to the opportunity to gain a living by work which he freely chooses or accepts.²⁵ Sexual and gender-based violence, survivors' access to health care, and the use of women for forced labour impact these rights and the State should immediately address these problems.

⁵Myanmar National Youth Policy https://drive.google.com/file/d/1ztQtunpWMwH_LGRetZSKgHBHWDvQpBtX/view?fbclid=IwAR1DJYEOD5lmgsg_RTi8S2-0Ykh9k_NZygEDEZz3eB4Ut0XCX29WnqgZcSc

⁶Myanmar Youth Policy released <https://www.burmalibrary.org/docs24/GNLM2018-01-06-red.pdf>

⁷ Myanmar fully committed to child rights, development <https://www.globalnewlightofmyanmar.com/myanmar-fully-committed-to-child-rights-development/>

⁸Link to the pdf of Law in Burmese Language Origin <http://www.myanmar-law-library.org/law-library/laws-and-regulations/laws/myanmar-laws-1988-until-now/national-league-for-democracy-2016/myanmar-laws-2019/pyidaungsu-hluttaw-law-no-22-2019-child-law-burmese.html>

⁹International Covenant on Economic, Social And Cultural Rights (ICESCR), entered into force 3 January 1976, Myanmar signed in 16 July 2015 and ratified on 6 October 2017

¹⁰The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), entered into force 3 September 1981, Myanmar acceded on 22 July 1997

¹¹ The Convention on the Rights of the Child (CRC), entered into force, 2 September 1990, Myanmar acceded on 15 July 1991.

¹² The Convention on the Rights of Persons with Disabilities (CPD), entered into force 3 May 2008, Myanmar acceded on 7 December 2011.

¹³ United Nations Committee on the Elimination of Discrimination against Women, “*General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations*” (CEDAW/C/GC/30), para. 34; “*General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19*” (CEDAW/C/GC/35), para. 21.

¹⁴ United Nations Committee on the Elimination of Discrimination against Women, “*General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*” (CEDAW/C/GC/28), paras. 11.

¹⁵ United Nations Committee on the Elimination of Discrimination against Women, “*General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19*” (CEDAW/C/GC/35), para. 23.

¹⁶ CRC, art. 6.

¹⁷ CRC, arts. 19 and 34.

¹⁸ CRC, art. 37(a).

¹⁹ CRC, art. 37(b).

²⁰ CRC, art. 37(c).

²¹ CRC, art. 1.

²² CRC, art 38.

²³ ICESCR, art. 12. See, also, CRC, art. 24.

²⁴ ICESCR, art. 11.

²⁵ ICESCR, art. 6.

1.2 Purpose of study

This report envisages to identify the types of domestic/family violence experienced by LGBTIs in Myanmar and to analyze an extent to which they are experiencing domestic/family violence. This report aims to support public advocacy and policy advocacy by using the data and information contained in it.

1.3 Visions and Missions of C.A.N-Myanmar

Our Vision: To share knowledge about human rights both generally and in regard to specific mineralized populations, practice the corresponding ethics in daily life, prevent the violations of human rights, and encourage the sharing spirit and personal accountability in Myanmar society.

Our Missions

-We prevent and reduce general- and identity-specific human rights violations in Myanmar society.

- We encourage people to defend human rights effectively and promote responsible and accountable community.

-We creatively and effectively educate and organize in order to prevent and reduce human rights violations.

-We share knowledge about human rights in order to make Myanmar a stronger democracy and civil society.

-We are an independent non-profit organization consisting of volunteers committed to the tenets above.

1.4 Survey Methodologies

In recent years, C.A.N-Myanmar has published numerous reports about human rights violations committed against LGBTIs in different sectors such as – social, economic, health and education etc. However, this report is unique and special in a way that it specifically focuses on one thematic area, namely “Domestic/Family violence”.

This report is a product of a project implemented by C.A.N-Myanmar in partnership with COC(Netherlands) under PRIDE Programme in Myanmar. PRIDE programme was implemented from January 2018 to December 2019. The project raised “Awareness of Domestic Violence/Family violence against LGBTIs” and teach “Basic knowledge of sexual orientation, gender identity/expressions and sex characteristics (SOGIESC)” to ‘parents, friends and families of LGBTIs’ in 16 townships of Myanmar; namely – Kyaukpadaung township, Mahlaing township, Myingyan township, Pyin Oo Lwin township, Mandalay township (Mandalay region); Pyay township (Pegu region); Kalay township (Upper Sagaing region); Shwebo township and Monywa township (Lower Sagaing region); Pakokku township (Magway region); Mawlamyaing township (Mon State); Taunggyi township (Southern Shan State); Lashio township (Northern Shan State); Mogaung township, Hopin township and Myitkyina township (Kachin State) – through conducting workshops. As part of the workshops, LGBTIs in the following regions were recruited by research team of C.A.N-Myanmar to participate in personal video interviews about their ‘Domestic/Family violence’ experiences. Before the field interviews, the research team of C.A.N-Myanmar were also provided “Human Rights Documentation Training” to enhance their interview and documentation skills in order that they could collect effective cases and testimonies.

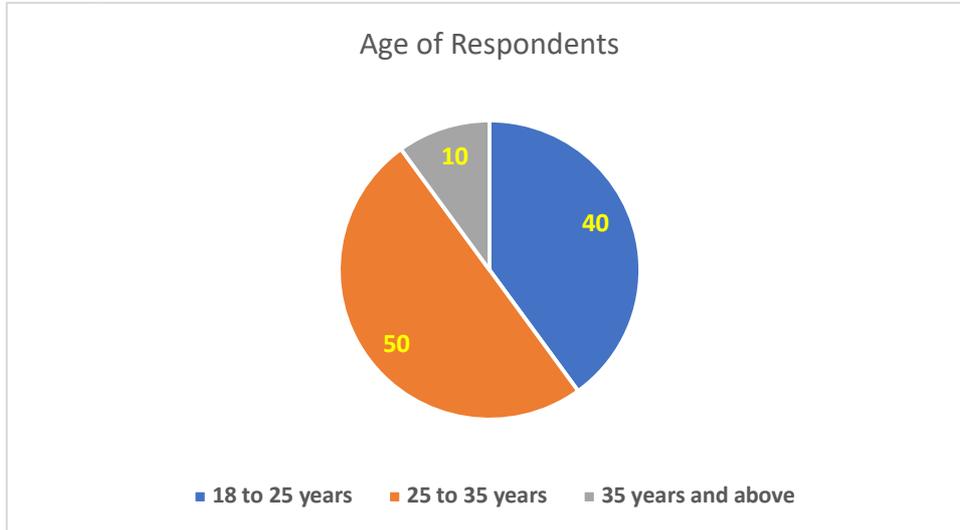
The respondents for these interviews were selected according to the referrals from CAN’s partner organizations in the respective targeted townships. Total 50 respondents from project targeted townships participated in these interview sessions. During the interview sessions, the research team used open questions and took sufficient times in order to collect reliable and credible statements and testimonies from the respondents. This report integrates qualitative approach rather than a quantitative one since it is solely based on the data and information provided by the respondents during those case studies.

The respondents were systematically informed about the purpose of the study, intentions by the research team to use the data and information they provided and requested consents to use the statements and testimonies they provided in this report. For the personal security of the respondents, their genuine names or any other information that can reveal their identity of who they are or where they are from will not be mentioned in this report unless the respondents have willingly agreed to do so.

CHAPTER (2) – Research Findings

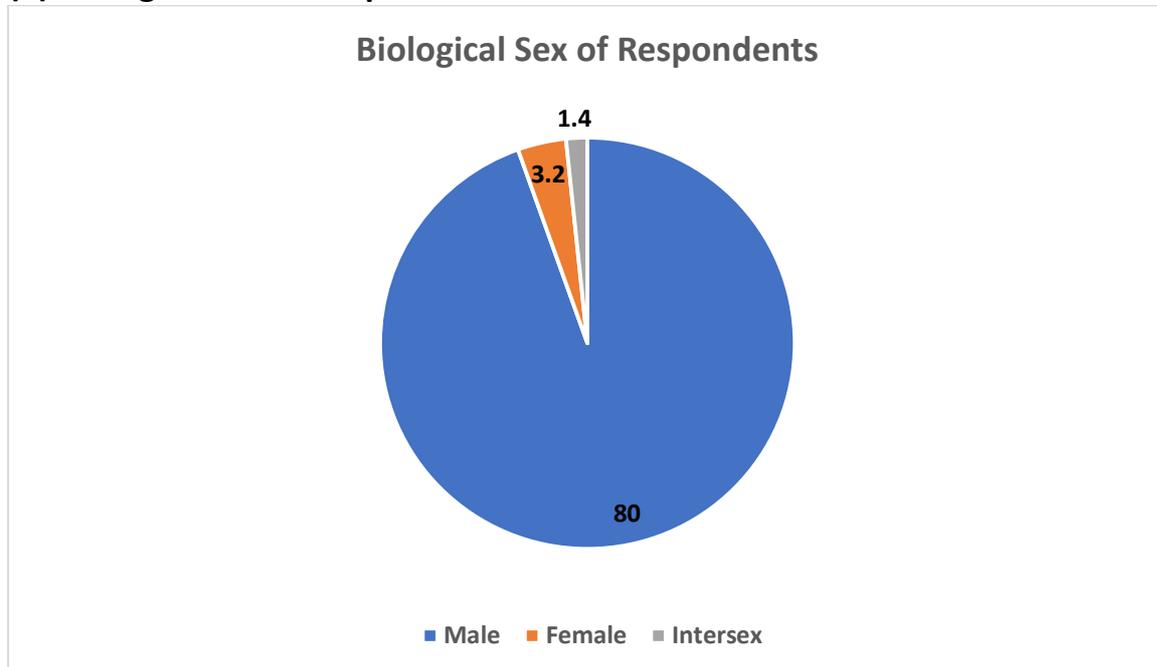
2.1 General Characteristics of Respondents

(1) Age of respondents



About half (50%) of the respondents belong to the age group of 25 to 35; whereas the rest 40% are 18 to 25 years old of age and the rest 10% are 35 years and above.

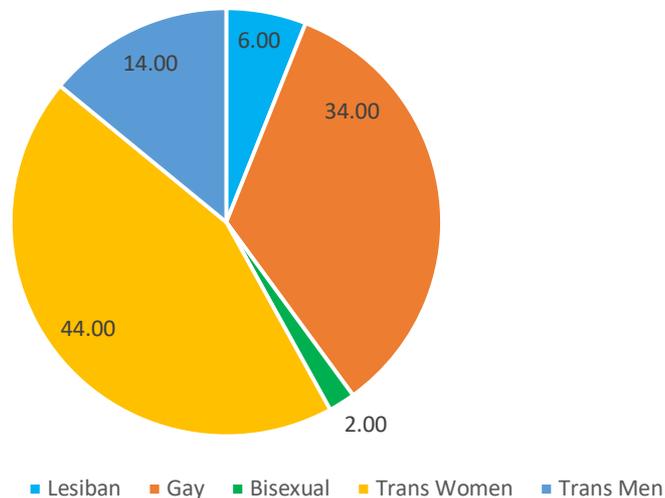
(2) Biological sex of respondents



80% of the respondents are male according to their biological sex; with the rest 20% being biologically female. There were no intersex persons among the respondents.

(3) Gender Identity of respondents

Gender Identity of Respondents



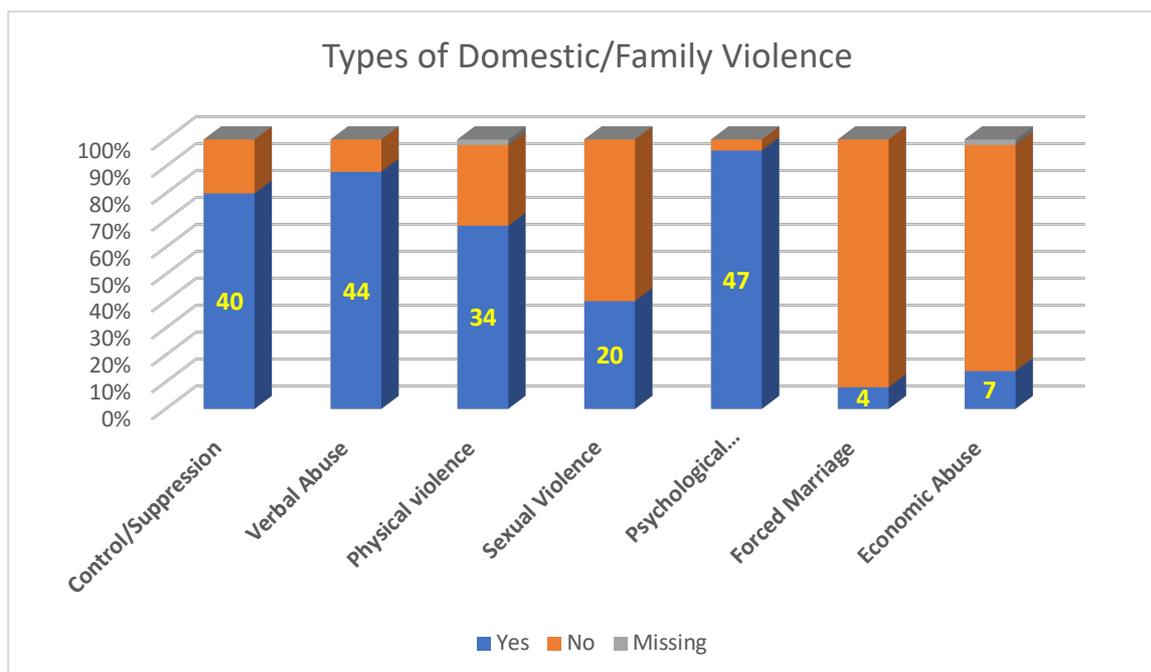
Respondents can be disaggregated into 3 lesbians, 17 gays, 1 bisexual, 7 transgender men and 22 transgender women (Total 50).

2.2 Case studies of Domestic and Family violence encounters by LGBTIs

“Domestic violence” is defined as “the intentional use of physical force or power, threatened or actual, against a spouse or partner in an intimate relationship which either results in or has a high likelihood of resulting in his or her injury, death, psychological harm, maldevelopment, or deprivation – including but not limited to detrimental physical, psychological and sexual impacts.” Family violence is such acts committed to a person by any members of his or her family or those who are living under the same roof with them.

Domestic and Family violence can vary from country to country, culture to culture and society to society. According to our studies, LGBTI in Myanmar mainly face the following types of domestic and family violence.

- (1) Control**
- (2) Verbal abuse**
- (3) Physical violence**
- (4) Sexual abuse**
- (5) Psychological abuse and Emotional intimidation**
- (6) Forced Marriage and**
- (7) Economic Abuse.**



The respondents were asked to answer the types of domestic and family violence they experience with multiple choices, 80% mentioned that they had experienced control, 88% had experienced verbal abuse, 68% physical violence, 40% sexual abuse. 94% emotional abuse, 8% forced marriage and 14% economic abuse respectively.

(1) Control

Definition

Controlling behavior is a way for the abuser to maintain dominance over the victim. Controlling behavior, the belief that they are justified in the controlling behavior, and the resultant abuse is the core issue in domestic violence. It is often subtle, almost always insidious, and pervasive.

Case studies

According to the respondents, due to the outing of their sexual orientation and gender identity, their parents and guardians restrict their freedom of movement or communications. The respondents often get grounded and are forbidden from communicating with their friends, hanging out, or even restricted from conducting daily activities; and are forced to do things against their wills. Types of control include but is not limited to –

- monitoring phone calls, checking personal chat stories and messages.
- not allowing their freedom of choice in terms of clothing styles, or hairstyles. This may include forcing the victim to dress according to their biological sexes instead of their gender identities.
- Invading their privacy by not allowing them time or space of their own.
- Isolation

1.1 Example of Control case of a transgender woman from Lashio township

Thinzar (nickname) is a 25 years old transgender woman who migrated from Hinthada township of Ayeyarwaddy region to Lashio township of Shan state to make her livings. She

knew since then that she did not want to grow up being a man but woman. She was young and afraid to reveal her sexual orientation and gender identity. She used to wear 'longyi' into 'htamain' when she went to school. She was found of beauty, make-ups and spiritual dancing. Her parents found out about her and sent her into the military to convert her gender identity. She was not accepted by the army and they sent her back to her family but her family didn't accept her and hence, she fled far away from home to settle down in some other township.

“They sent me into the military unit, hoping that that would cure my femininity and turn me into a muscular man again. I was not fitting in there and the army sent me back to my family but they did not accept me. I left the house and moved into my sex-worker friends. I moved to Mandalay later to learn Make-up artistry and moved to Lashio to settle down. I got contacts with my family again when I was beginning to make fortunes – I could repair the house and buy them a new estate. Only then I was again welcomed to back to the family. But whenever my father and my brother are around, I dare not hang out with my other transgender friends; they don't like transgender and they scold me. They are old and ancient and conservative. It's not easy for them to accept me for who I am.”

1.2 Example of Control case of a transgender woman from Pakokku township

Ye Lin Ko is a 28 years old transgender woman from Pakokku township. She knew she wanted to become woman when she was in Grade 9 or 10. Some close friends of her parents would alarm to her parents when they saw her mingling and hanging out with other transgender friends. She always got scolded when she came home.

“My sister beat me with her slipper because she found out I was dressing up as a woman. Me being a transgender always becomes a spotlight of any problem they come across. We were always confronting and negotiating. It was hard. I was not allowed to go out together with them unless I dress up as a man. They said they were embarrassed to be seen together with me wearing like a woman.”

1.3 Example of Control case of a transgender woman from Myingyan township

Zar Zar is a 23 years old transgender woman from Myingyan township. She is a make-up artist. She knew since in her childhood that she wanted to live as a woman. Her parents did not accept her transgender identity. **They would restrict her from communicating with other transgender friends.** Zar Zar was socially isolated.

(2) Verbal Abuse

Definition

Verbal abuse is often regarded as an abusive language used to denigrate, embarrass or threaten the victim such as coercion, threats and blame.

Case studies

According to the respondents, they experience verbal abuse on a daily basis due to their sexual orientation and gender identity. Most commonly, acts of verbal violence may include but is not limited to:

- Threatening to hurt or kill the victim or her partner, family, pets, property or reputation.
- Name calling and swearing ('ugly', 'bitch', 'whore', or 'stupid')
- Yelling, screaming, rampaging, terrorizing or refusing to talk

2.1 Example of Physical abuse case of a transgender woman from Pakokku township

Mya Mya (nickname) is a 26 years old transgender woman from Pakokku township. She knew the gender identity she desired since at the age of 14-15. She had to live together with her uncles and aunts who expressly did not accept her transgender situation.

"I came home late one night after I went out with my friends to a religious festival. They would accuse and shout "so you were out getting your ass fucked". And some of the words are unbearable that I couldn't even listen. They would not let me explain or listen to my explanation. They beat me. They also discriminated me, like, not letting me wear the longyi and clothes of Uncle and my cousin brother randomly because they disgusted me. I could not take their shit anymore so I left them to move in with my other friends."

2.2 Example of Verbal abuse case of a transgender man from Kalay township

Luchaw is a 23 years old transgender man from Kalay township. He was born as a woman but when she was in Grade 3, she started to know that she did not want to wear or live like a woman at all. She started wearing man's outfits and she faced discriminations and bullying for that when she was in Grade 5 to 8. She was always asked and mocked, **"Are you going to marry a man or a woman when you grow older?"**.

"People would say things about me. The words finally got into the ears of my parents and they were concerned that people would start judging their parenting strategies. That's when they started cursing, swearing with words at me almost every day to try to make me change my gender identity. I am still trying to get over it to this very day."

2.3 Example of Verbal abuse case of a gay man from Mandalay township

Khaing Soe (Nickname) is a 25 years old open gay man who works as a chef at one of the renowned hotel in Mandalay township. He was even awarded "best chef" and other excellence awards for his outstanding performances. His family used to be very proud of his accomplishments. That changed one day when his sister found out pictures of Khaing Soe and his boyfriend in his phone when he was away from it. Her sister blabbed about it to all of the family members. They started to treat him differently – smiles on their faces became looks of disgusts and doubts; while appraisals were replaced by castigations and mockeries.

“What in the world! God gave us a son and he’s gay. Gays get easily contracted HIV/AIDS. Don’t you let him enter the kitchen and do stuffs around in it honey, or he will infect all of us.”

(3) Physical Abuse

Definition

Physical abuse is any physically aggressive behavior, withholding of physical needs, indirect physically harmful behavior, or threat of physical abuse.

Case studies

According to the respondents, they experience physical violence based on their sexual orientation and gender identity. Most commonly, acts of physical violence may include but is not limited to:

- Hitting, kicking, biting, slapping, shaking, pushing, pulling, punching, choking, beating, scratching, pinching, pulling hair, stabbing, shooting, drowning, burning, hitting with an object, threatening with a weapon, or threatening to physically assault.
- Abusing, injuring, or threatening to injure others like children, pets, or special property.
- Forcible physical restraint against their will, being trapped in a room or having the exit blocked, being held down.
- The abuser hitting or kicking walls, doors, or other inanimate objects during an argument, throwing things in anger, destruction of property.
- Holding the victim hostage.

3.1 Example of Physical abuse case of a gay man from Myingyan township

Sai Man is a 20 years old gay man from Myingyan township. He accepted his own sexual orientation when he was an adolescent. He sells lottery tickets to make his living. He was living together with his uncle.

“As I signed off the day and got back to my home, I would lie down to take some rest and my uncle would comment, ‘Are you HIV/AIDS patient now? Looks so pale and breathless.’ He would also pull my hair, slap my face and rip my pants off and spank my buttocks when he is mad.”

3.2 Example of Physical abuse case of a transgender woman from Lashio township

Nandar (Nickname) is a 26 years old transgender woman from Lashio township. She was questioning her gender identity when she was young. By the time she was in university, she started to know that she wanted to identify herself as a woman. She transformed herself as a woman with dresses, make-up and feminine manners. However, her grandfather did not approve of her transgender situation and often beat and scold her. She was also damned to leave the house if she doesn’t change her gender identity back to a muscular male. Since her grandfather is the man of the house, her mother could not also protect her in the times of beating, scolding or tortures. Nandar had a younger sister who also did not approve her being a transgender woman and discriminated her.

“Mainly, my grandfather had a problem with me being a transgender. Situation was much worse because we all came from conservative Chinese families. My grandfather had a power all over the house so my mother couldn’t do anything even when he beat me or scolded me. He was like a king of the house. Sometimes, I got beaten by him because he was no longer patient of talking me out of my transgender situation.”

3.3 Example of Physical abuse case of a gay man from Myingyan township

Myint Moe Aung is a 23 years of gay man from Myingyan township. His family knew that homosexuality was his sexual orientation. His family members, including his elder brother, did not approve of his sexual orientation and commit a series of discriminations against him.

“My parents threatened to send me into the military if I did not change my sexual orientation. My elder brother came back from studying abroad when I was in Grade 7. One time, I got beaten up by my brother because I was too feminine for him. After that we completely shut each other down and now it’s been 10 years we never talked because of me being gay.”

(4) Sexual Abuse

Definition

Sexual abuse is using sex in an exploitative fashion or forcing sex on another person. Having consented to sexual activity in the past does not indicate current consent. Sexual abuse may involve both verbal and physical behavior.

Case studies

According to the respondents, sexual abuse behaviors committed by their perpetrators are based on the grounds of their sexual orientation or gender identity. They can include the following.

- Using force, coercion, guilt, or manipulation or not considering the victim’s desire to have sex. This may include making the victim have sex with others, have unwanted sexual experiences, or be involuntarily involved in prostitution.
- Exploiting a victim who is unable to make an informed decision about involvement in sexual activity because of being asleep, intoxicated, drugged, disabled, too young, too old, or dependent upon or afraid of the perpetrator.
- Laughing or making fun of another’s sexuality or body, making offensive statements, insulting, or name-calling in relation to the victim’s sexual preferences/behavior.
- Making contact with the victim in any nonconsensual way, including unwanted penetration (oral, anal or vaginal) or touching (stroking, kissing, licking, sucking or using objects) on any part of the victim’s body.

4.1 Example of Sexual abuse case of a transgender woman from Ma Hlaing township

Naing Naing is a 28 years old transgender woman from No.5 quarter of Ma Hlaing township. She came from a poor family. She had to quit school in Grade 9 to work and support her family. However, her family did not approve her gender identity.

“When I was in Grade 5, my father roped me around a tree and beat me because I wanted to be a girl. I was verbally abused everyday at home. Member of my family separated from each other after they split the inheritance. I had to go and live with my cousin, selling Mango salads to make my living. Then I moved to Yangon to live with my brother. I was raped by him there. Then he gave me some money and told me to shut up about it. Back at home, my father is an alcoholic and my mother is half-deaf so I couldn’t stress them more with my problems, so I couldn’t tell them about what happened.”

4.2 Example of Sexual abuse case of a transgender woman from Kalay township

NiNi (Nickname) is a 29 years old transgender woman from Pyinthar village tract, Kalay township of Upper Sagaing region. She is also a physically disabled person. She sells vegetables and greens at the market to make her living. She accepted her own gender identity at the age of 18. Since then, she was discriminated by her father – beaten, tortured and harassed for identifying as a transgender woman.

One day, she was late to close her shop and it was already dark by the time she was ready to go back home. She rode on her bicycle, heading outside of Kalay township, where her home was. As she was crossing a stream that laid beside her village, two men approached her, grabbed a vegetable cutting-knife from her basket and threatened her to hurt her if she did not satisfy their sexual desires. She was taken away from her bicycle and brought under a bridge and was raped terribly. She was in an excruciating pain when she reached home. Without knowing the reason, her brother scolded and beat her for coming home late.

A few months later, at one night, her father was drinking alcohol with her brother. Her father started to rumble, “You want to be a woman that much? I am going to show you how painful it is to be a woman.” And then her father and brother dragged her into the bedroom and committed anal rape. She opened up about the incident to her mother. Her family then separated. She was ashamed of being a victim of sexual abuse and had to migrate to Monywa township of Sagaing region for a while to get a fresh start.

4.3 Example of Sexual abuse case of transgender woman from Shwebo township

Ni Ni Aung is a 24 years old transgender woman from No.6 quarter of Shwebo township. As she identified herself as transgender woman, her family strongly disapproved of her gender identity because there used to be two transgender women called ‘Ma Thin’ and ‘Ma Kyaw’ who died of HIV/AIDS and they were worried that Ni Ni Aung would become just like one of them.

“They did so many things to make me change my gender identity – from beating me with electric wires to sending me to the vehicle maintenance workshop where I was ordered to carry out manly tasks. My father would beat me because I was being sissy and feminine while working at the workshop. And then at one day, my cousin brother and his pupils came to my bedroom every night I stayed and worked at the workshop and raped me continuously. He also threatened that he would blackmail my family if I blabbed anything about his rape.”

(5) Emotional Abuse and Intimidation

Definition

Emotional abuse is any behaviour that exploits another's vulnerability, insecurity, or character. Such behaviours include continuous degradation, intimidation, manipulation, brainwashing, or control of another to the detriment of the individual.

Case studies

According to the respondents, they experience the following emotional abuse and intimidation in general based on the grounds of their sexual orientation or gender identity.

- Insulting or criticizing to undermine the victim's self-confidence. This includes public humiliation, as well as actual or threatened rejection.
- Threatening or accusing, either directly or indirectly, with intention to cause emotional or physical harm or loss. For instance, threatening to kill the victim or themselves, or both.
- Using reality distorting statements or behaviours that create confusion and insecurity in the victim like saying one thing and doing another, stating untrue facts as truth, and neglecting to follow through on stated intentions. This can include denying the abuse occurred and/or telling the victim they're making up the abuse. It might also include crazy making behaviours like hiding the victim's keys and berating them for losing them.
- Consistently disregarding, ignoring, or neglecting the victim's requests and needs.
- Using actions, statements or gestures that attack the victim's self-esteem and self-worth with the intention to humiliate.
- Telling the victim they're mentally unstable or incompetent.
- Forcing the victim to take drugs or alcohol.
- Not allowing the victim to practice their religious beliefs, isolating them from the religious community, or using religion as an excuse for abuse.
- Using any form of coercion or manipulation which is disempowering to the victim.

5.1 Example of Emotional intimidation case of a transgender man from Pyay township

Maung Maung (nickname) is a 25 years old transgender man from Pyay township of Pegu region. He was the eldest children in the family. His mother did not like that he liked girls. His mother taught him social and cultural ethics of Burmese women in order that he behaved like one – although his father remained neutral about his sexual orientation and gender identity. He became the man of the family as his father passed away when he was in Grade 10. He had to work to support his family. His business rivals and jealous people would undermine him by telling his mother that he and his female colleague had been in a romantic relationship and that girl was a gold digger. His mother began to scold him on a daily basis to stop hanging out with that girl and to start behaving like a mature woman.

"My mother would burn papers written with black magic and force me to drink down the ashes to make me heterosexual again. She would threaten to do things if I didn't drink so I had to wash them down my stomach."

Maung Maung was very stressed under all those verbal abuses of his mother and fled from home and took a vacation break to his girlfriend's native village, A-Bo village.

“As I was on vacation, I was informed that my mom had been sick back at home and I needed to go back there immediately. And we did. Contrary to my expectations, there was my mother, well and alive, awaiting me with a bunch of uniformed staffs of Human Trafficking police, Myanmar Maternal and Child Welfare Association and a ward administrator accusing that his girlfriend kidnapped him. His mother ripped his man shirt off of him and scolded him to behave like a woman in front of all the people. She even slapped his face. Since it was a family affair and a consensual getaway between Maung Maung and his girlfriend, the government staffs decided not to meddle and left them.”

Maung Maung told the research team that he was emotionally disturbed and harmed for his mother's abusive behaviours.

5.2 Example of Emotional abuse of a transgender woman from Pakokku township

Kyi Kyi is a 29 years old transgender woman from Pakokku township and she is a community worker. She identified herself as a transgender woman since she was young. She used to be an elder son of the family and her family had expectations from him. They did not accept her gender identity.

“My parents were worried that me living as a transgender woman is not setting a very good example for my other siblings. Like transgender is something that is contagious. My elder brothers would also beat me when they came home drunk and found me dressed up as a woman. Whenever there were guests at home, they would ask me to go and hide upstairs because they were embarrassed of me. They never spoke or treated me well. I was depressed to a point where I attempted suicide a couple of times – I once swallowed tens of Bremerton sleeping pills. Eventually, I couldn't take anymore so I left the house to stand on my own feet of free will. I fully transitioned myself into a transgender woman.”

(6) Forced Marriage

Definition

A forced marriage is often regarded as an indirect sexual abuse committed against the victim. Forced marriage varies from countries to countries and cultures to cultures. A forced marriage occurred when the victim was forced to marry someone without his or her consent or against his or her will due to coercion and threatening by the perpetrator.

Case studies

According to the respondents, they were force to go through arranged or forced marriage because their parents or guardians believed that heterosexual sensation would erase deviated sexual orientation of the respondents. Forced marriage is used as a cure to convert their sexual orientation and gender identity.

6.1 Example of Forced marriage case of a lesbian from Pyay township.

Kyi Nu Han is a 24 years old lesbian from Pyay township. She lives with her family and her family did not like that she had transgender men among her friends.

“After I passed matriculation (Grade-10), I was in a relationship with a transgender man. When my parents found out about it, I was forced to marry a man. They arranged the engagement. But the wedding was called off because I boycotted the whole family. I was scolded and verbally abused for embarrassing them. My mother did not have many reactions but my father, my brother and my aunts were furious and bitterly against my lesbian situation. They would always confront me to ‘How can you rely on another woman when you are a woman? They will go and marry a man one day and finally leave you. Just stay like a woman’. I was forced to change my sexual orientation.”

6.2 Example of Forced marriage case of a lesbian from Mandalay township

Wadi (nickname) is a 28 years old lesbian from Mandalay township. When her families found out that she was a lesbian, they tried to arrange a heterosexual marriage for her against her will.

“I remember them saying, ‘What good is going to come out of two women marrying? How will you make a living, both being weak women? And how are you going to stay in bed? Rub each other like two dishes?’. And then I was forced to marry a guy I barely even know.”

(7) Economic Abuse

Definition

Financial abuse is a way to control the victim through manipulation of economic resources.

This may include, but is not limited to:

- Controlling the family income and either not allowing the victim access to money or rigidly limiting their access to family funds. This may also include keeping financial secrets or hidden accounts, putting the victim on an allowance or allowing the victim no say in how money is spent, or making them turn their paycheck over to the perpetrator.
- Causing the victim to lose a job or preventing them from taking a job.
- Spending money for necessities (food, rent, utilities) on nonessential items (drugs, alcohol, hobbies.)

Case studies

According to the respondents, they are economically abused based on the grounds of their sexual orientation and gender identity. Their experience of economic abuse includes – being cut off of their daily allowances, being denied of other financial asking, being confiscated of their own earnings etc.

7.1 Example of Economic abuse case of a transgender woman from Mandalay township

Nila (Nickname) is a 25 years old transgender woman who used to live in Monywa township. She migrated to Mandalay city a few years ago for her career development. When she began identifying as a woman, her parents scolded her, and cut her daily allowance because they were worried that Nila would buy make-up and other girl accessories.

“They began to controlled me when I started wearing as a woman. I also had a younger brother. He did not pass the matriculation. They told me to drop out of school and started working. Then I told them that I was interested to attend a make-up artistry class to become a make-up artist and make my living. Their response to me was, ‘You won’t be studying make-up but hanging around with other trans woman. What guarantee does that occupation has? You are a man so just a do a man’s job!’. Then my younger brother told them that he wanted to open an Automobile maintenance workshop. My dear parents who refused to send me to a make-up artistry class straightaway gave money to him for a capital investment. I was so disappointed and left my house. I had to come to Mandalay with my own connections and worked as an intern at a Beauty salon to start a new life.”

7.2 Example of Economic abuse case of a transgender woman from Pyin Oo Lwin township

Yin Yin (nickname) 28 years old transgender woman from Pyin Oo Lwin township. With the talent she possesses, she has to work both as a daily wager and as a make-up artist to make her ends meet.

“Although I started working in the make-up artistry line, I was not naturally excelled at it. I also do not want to blame my parents who failed to send me to schools. My father and brother did not approve of my gender identity – they would yell at me, beat me and kick me. They would sometimes even confiscate the money I earned out of my own pockets. All those tortures and abuses finally forced me to leave home. Back then, options for my profession was pretty much limited. Me and my friend had to dress up nice, put our make-up; and I had to stand and wait there at one corner near the train station to find customers who would like to pay me to have fun with me. We were even captured by the police once under Darkness law – I ran and escaped but my friend came back with bald head the next day – they shaved her. And we were bullied and physically abused harassed. Those were very tough times.”

7.3 Example of Economic abuse case of a transgender woman from Myingyan township

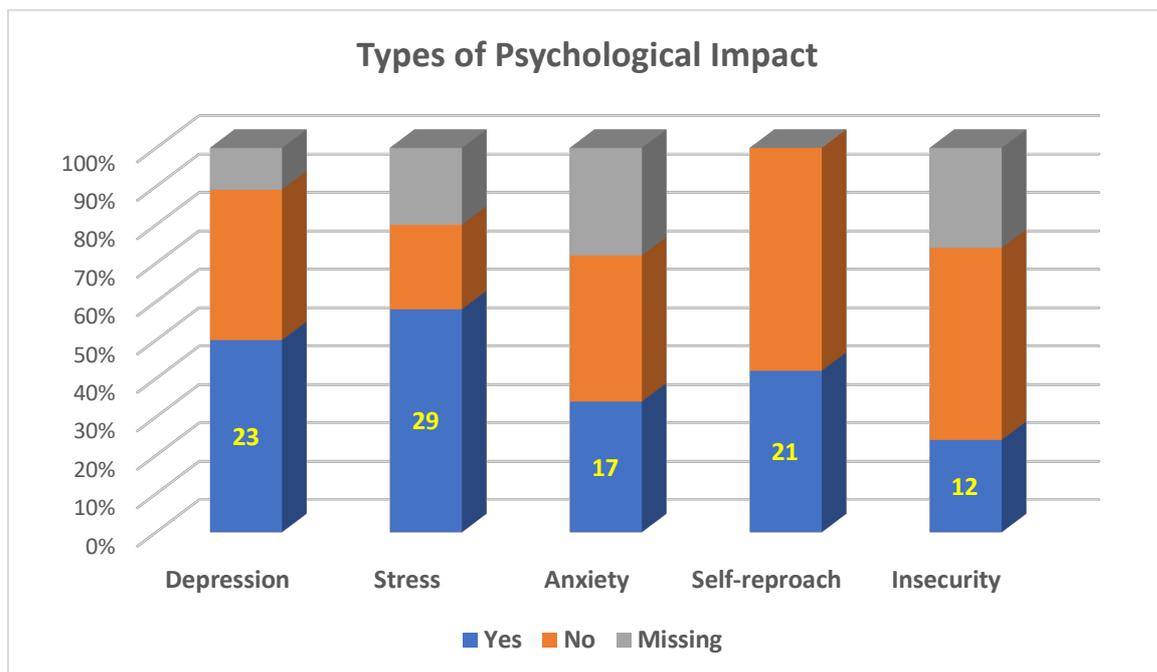
Gugu is a 24 years old transgender woman from Myingyan township. She works as a make-up artist to make her living. She began dressing up as a woman since she was young and she faced numerous forms of discriminations based on her gender identity.

“I remember asking them money to start a small business I wanted to do. They said they had no trust or faith in me saying that, ‘We can’t even trust your psychological nature to act like a man. How can we trust you with this?’. I was denied of financial supports required to start-up my business. All they did was blame. Up until today, when it comes to finances, they still leave me out – from noticing me or letting me manage etc.”

2.3 Consequences of Domestic and Family violence

The respondents face detrimental impacts on their psychological, physical, sexual well-beings as well as their social lives and personal developments.

According to the respondents, types of psychological impacts they experience include depression, stress, anxiety, self-reproach and insecurities. In some situations, depression and stress led them to hypertension which made them commit self-harms – including suicide attempts.



Chapter (3) – Conclusions and Recommendations

3.1 Conclusions

LGBTIs face domestic and family violence related to psychological, physical and sexual abuses based on the grounds of their sexual orientation, gender identity and gender expressions. Such violence and discriminations are in fact violations of human rights of LGBTIs and are imposing negative and detrimental impacts of social inclusion and development of LGBTI youths. Many LGBTIs are found to be leaving their homes and ended up on streets and homeless – with lack of access to social justice, access to proper health care, education, economy and livelihoods due to discriminations and abuse by their family members.

It can be generally regarded that lack of awareness and knowledge on sexual orientation, gender identity/expression and sex characteristics is the root cause of such domestic and family violence against LGBTI. This also leads to other stereotyping against LGBTIs with unjustified prejudice and assumptions that being gender and sexual diversity is a disease which can be cured.

Domestic and family violence against LGBTIs is direct violation of human rights guaranteed in the Universal Declaration of Human Rights – such as “Right to Equality”, “Right to freedom from discrimination”, “Right to life, liberty, personal security”, “Freedom from torture and degrading treatment”, “Right to recognition as a person before the law”, “Right to equality before the law”, “Freedom from arbitrary arrest and exile”, “Freedom from interference with privacy, family, home and correspondence”, “right to free movement in and out of the country”, “Right to marriage and equality”, “right to social security”, “right to desirable work” and “right to education” etc. Moreover, act of domestic and family violence and discriminations is in violation of international human rights treaties such as – CEDAW, CRPD, CRC and ICESCR to which Myanmar is a ratified party.

From the perspectives of domestic legislations, such act of domestic and family violence and discriminations is in violations of – prohibitions prescribed in Sub-paragraph (Pa), Sub-paragraph (Va), Sub-paragraph (Ba) of Article 3 of Chapter (1) of Child Rights Law against Article 20 and Article 46(A) and Article 56; and Paragraph 14(C), (E), (F), Paragraph 26(E), Paragraph 33 (A – 4,7 and 8) of Myanmar National Youth Policy – accordingly.

3.2 Recommendations

(1) To the Government of the Republic of the Union of Myanmar

- To effectively raise awareness and knowledge of sexual orientation, gender identity/expression and sex characteristics (SOGIESC) for the parents, guardians and member of the family of LGBTI persons.
- To effectively raise awareness and knowledge of Child rights and women rights for the parents, guardians and member of the family of LGBTI persons.
- To effectively implement the Child Rights Law (2019) at both national and sub-national levels.
- To immediately revise the definition of “women” in the draft of “Prevention of Violence Against Women Bill” to be LGBTI-inclusive protections and enact it.

- To develop National Plan against Domestic and Family violence and implement it at all national and sub-national levels.

(2) To Myanmar National Human Rights Commission

- To ensure its policy, public statements, reports and investigations actively address violence and discrimination based on sexual orientation, gender identity/expression and sex characteristics.
- To ensure transparent, timely and expedient availability of reports that are accessible by the public.
- To create, integrate and implement a plan of action against discrimination and violence based on sexual orientation, gender identity/expression and sex characteristics.
- To enhance and increase the public accessibility of MNHRC's complaint mechanisms at all levels.

(3) To Department of Social Welfare, Resettlement and Relief

- To effectively raise awareness and knowledge of sexual orientation, gender identity/expression and sex characteristics (SOGIESC) for the staffs at different levels within the department by including but not limited to – conducting workshops and trainings.
- To establish psycho-social support centers that provide quality services and are accessible by LGBTI persons.