LEAVING NO ONE BUT LGBTI BEHIND IN MYANMAR

Spotlight Report from the perspective of LGBTI NGO/CSOs on the implementation of Sustainable Development Goals in Myanmar

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I. Executive Summary

This report focuses on analysis of the SDGs implementation process from the perspective of non-governmental organisations (hereinafter – NGO’s) by emphasising some important aspects in addition to the potential Voluntary National Review by the government on implementation of SDGs in Myanmar.

Even though all the Sustainable Development Goals (hereinafter – SDG) of United Nations are related to each and every living human being, many Goals such as Goal 5 (Gender Equality), Goal 3 (Good Health and Well-beings), Goal 4 (Quality Education), Goal 6 (Clear Water and Sanitation), Goal 8 (Decent Work and Economic Growth), Goal 10 (Reduced Inequality) and Goal 16 (Peace, Justice and Strong institutions), which are directly related to the LGBTI communities are vividly highlighted in this report. However, LGBTI remains marginalized, stigmatized and are discriminated on the grounds of sexual orientation, gender identities and/or expressions and sex characteristics which ultimately prevents them from the realizations of the impacts of SDG goals both at national, subnational and grass-root levels.

This report particularly provides insightful analysis with case studies to highlight the gaps and challenges that LGBTI face in the implementation of SDG in Myanmar.
II. Introduction
(A) Road to SDGs

At the end of 2015, the UN adopted 17 Sustainable Development Goals (hereinafter – SDG) or Global Goals. They were developed in the extensive process also involving civil society. The goals represent a part of the global agreement on sustainable development by 2030 or Agenda 2030.\(^1\) According to the UN Brundtland report (1984),\(^2\) “Sustainable development is the development that needs the present without compromising the ability of future generations to meet their own needs”.

Varying from the Millennium Development Goals\(^3\), these goals are universal and applicable to all countries globally. Every country should look for both national implementation mechanisms and assume global responsibility for implementation of the goals on a global scale – there are policy areas where by national or local actions we impact globally for dignity and prosperity of every human being as well as for a safe environment in the current state and the future. This is referred to as policy coherence for sustainable development.

Each of the 17 goals has a range of targets and performance indicators. There can be a situation when some of the targets or indicators is not important on the national level, however, it is indirectly affected, for example, via action for minimisation of the negative impact of climate change. Also, the cross-cutting principles that should be followed in implementing all the goals are equally important, these are the so-called 5 Ps: People, Planet, Prosperity, Peace, and Partnership.

**PEOPLE**

Ending poverty and hunger, ensuring that all human beings can fulfil their potential in dignity and equality and in a healthy environment.

**PARTNERSHIP**

Mobilising the means required for implementing this Agenda through global partnership based on solidarity and particularly focused on the needs of poorest and most vulnerable human beings.
PLANET

Protecting the planet from degradation through sustainable consumption and production, sustainable management of its natural resources and taking urgent action on climate change, to support the needs of the present and future generations.

PEACE

Fostering peaceful, just and inclusive societies that are free from fear and violence.

PROSPERITY

Ensuring that all human beings can enjoy prosperous and fulfilling lives and that economic, social and technological processes occur in harmony with nature.

(B) Background

Myanmar is a nation in transition, seeking to break with a past marred by authoritarian rule, economic mismanagement, and multiple conflicts that persist today, driven by social exclusion and predatory natural resource extraction. The country’s opening, in 2011, and the first victory of democratic elections, in 2015, marked critical turning points for Myanmar, generating a wave of optimism. Unification of exchange rates, initial liberalization of product and factor markets, integration into regional markets, and modernization of economic and financial institutions and systems resulted in rapid economic growth (above 7 percent per year) and measurable improvements in social welfare since 2011. Poverty almost halved, falling from 48 percent to 25 percent between 2005 and 2017.

Reform momentum slowed after 2016 as a newly elected civilian government grappled with defining its economic vision and managing the public administration to implement policies and programs. Most recently, the Government adopted an ambitious Myanmar Sustainable Development Plan, reinvigorated its economic reform agenda, and has gradually begun to tackle the more difficult second-generation reforms needed to sustain the economic transition. The second democratic national elections are scheduled for late 2020.
Prior to the COVID-19 Pandemic economic growth in Myanmar was projected to increase to 6.7 percent in 2021/22 after picking up to 6.3 percent in 2019/20 and 6.4 percent in 2020/21. However, economic growth is expected to instead decline sharply in 2019/20 to 2.0 to 3.0 percent due to direct and indirect impacts of the COVID-19 pandemic.

The economy is expected to recover next year to grow in a range of 4-6 percent, in line with regional peers. Recent manufacturing data in China and trade data in Myanmar show some progress. However, a severe domestic COVID-19 outbreak poses a major downside risk. This would have much greater effects on domestic demand and could lead to difficult short-term trade-offs in terms of public health measures and economic activity. And even if the base case growth scenario unfolds, there will be deep local impacts in rural and urban areas, the tourism, manufacturing and agriculture sectors, and among already vulnerable groups.

As in other countries, exclusion in Myanmar occurs along many lines including gender, sexual orientation, ethnicity, and citizenship. This — coupled with widespread underdevelopment and weak service delivery — means that human capital is particularly limited in Myanmar. Unless Myanmar invests in all its people it will not be able to maximize economic growth, undermining prosperity not just for the excluded, but for everybody. There is a two-way association: broadly shared economic opportunities are needed to reinforce durable peace, but progress is needed for peace and civil liberties to offer economic opportunities to all and maximize growth and shared prosperity in Myanmar.

The crisis in Rakhine State, together with intensified conflict in other states, poses a serious threat to Myanmar’s goal of becoming ‘a peaceful and prosperous’ nation. Since the tragic events of 2017, the World Bank Group (WBG) has engaged in a profound reflection on how best to respond to Myanmar’s recurring conflict and violence. This has involved analysis of the drivers of exclusion and conflict and on social inclusion within the WBG program. On this basis, the WBG adjusted its strategy, redesigned its planned pipeline and introduced new operations focused specifically on social inclusion in conflict areas.
Climate change is another major challenge for the development of Myanmar. It is one of the world’s most disaster-prone countries, exposed to multiple hazards, including floods, cyclones, earthquakes, landslides and droughts. Along with Puerto Rico and Honduras, Myanmar is one of three countries most affected by climate change in the period 1999-2018 according to the 2020 Global Climate Risk Index\textsuperscript{8} and 19th out of 191 countries on the INFORM Index for Risk Management.\textsuperscript{9}

Overall, Myanmar ranks number 145 out of the 187 countries on the Human Development Index despite rapid, stable economic growth in recent years and substantial foreign investment.\textsuperscript{3} Current challenges facing the country relate to most of the SDGs, including the need for inclusive economic growth (SDG 8), an end to poverty (SDG 1), improved infrastructure (SDG 9), greater employment opportunities and a regulated labour market (SDGs 8 and 16), increased access to better-quality education (SDG 4), stronger government institutions (SDG 16), gender equality (SDG 5), reduced inequality (SDG 10), and promotion of inclusion and human rights (SDG 16).

(C) Legal and Policy framework guiding implementation of Sustainable Development Goals in Myanmar

Myanmar adopted the “Myanmar Sustainable Development Plan (2018 - 2030)” in 2018.\textsuperscript{10} It provides a long-term vision, a vision of a peaceful, prosperous and democratic country. Founded upon the objective of giving coherence to the policies and institutions necessary to achieve genuine inclusive and transformational economic growth, this MSDP has been developed to reinvigorate reform and promote bold actions.

The product of the work of multiple agencies and individuals in Myanmar, and the active consultation of a myriad of stakeholders, the MSDP has been designed as a living document that presents practical and implementable pathways toward addressing development challenges, while maximising opportunities for the people of Myanmar to realise their full potential as individuals and citizens.

Furthermore, and unlike previous strategies, the MSDP is designed to achieve its aims through coordinated effort involving public entities, the non-profit sector, as
well as the private sector. The tireless and passionate work of our nation’s vibrant civil society, community-based and other grass roots organisations and networks, will be crucial to ensuring successful implementation.

MSDP (2018-2020) encompasses 3 pillars: Peace and stability, Prosperity and partnership, people and planet - outlining strategies and tactics for each pillar thereby.

<table>
<thead>
<tr>
<th>A Peaceful, Prosperous and Democratic Myanmar</th>
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<tbody>
<tr>
<td>Goal 1: Peace, National Reconciliation, Security &amp; Good governance</td>
</tr>
<tr>
<td>Goal 2: Economic stability &amp; Strengthened Macroeconomic Management</td>
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<tr>
<td>Goal 3: Job creation &amp; Private sector Led Growth</td>
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<tr>
<td>Goal 4: Human Resources &amp; social development for a 21-Century Society</td>
</tr>
<tr>
<td>Goal 5: Natural Resources &amp; the environment for posterity of the nation</td>
</tr>
</tbody>
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PILLAR 1: PEACE & STABILITY

PILLAR 2: PROSPERITY & PARTNERSHIP

PILLAR 3: PEOPLE & PLANET

Figure 1: Myanmar Sustainable Development Plan (2018-2030)

Efforts to implement MSDP had been observed nation-wide during the democratization of the country amidst numerous reforms as the newly elected people’s government took charge in 2015, however, participation of LGBTI communities had been exponentially limited and can be briefed and analysed sector-wise as described below.
III. Sustainable Development from the perspectives of sexually diverse minorities in Myanmar

GOAL 5: Gender Equality

<table>
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<tr>
<th>Substantial targets to measure achievement of GOAL 5 of SDG\textsuperscript{11}, especially from the perspectives of LGBTI-related approaches include –</th>
</tr>
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<tbody>
<tr>
<td>5.1 End all forms of discrimination against all women and girls everywhere</td>
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<tr>
<td>5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation</td>
</tr>
<tr>
<td>5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation</td>
</tr>
<tr>
<td>5.5 Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.</td>
</tr>
</tbody>
</table>

(A) Gender stereotyping and Gender-based discriminations

Myanmar restricts and stigmatizes sexually diverse minorities and LGBTI based on the religion, culture and customary norms. Like most societies around the world where a gender hierarchy gives greater values to men than women, Myanmar society is also deeply rooted with traditional and toxic masculinity; male individuals are often reckoned as a ‘more powerful human beings’ and accepted in the leading roles whereas the females, otherwise. These assumptions lead to the prejudice that males who identify themselves as females or females who identify as males are either foolishly trying to forfeit their privileges as men or trying to become someone they are not and hence, mentally disoriented or shameless.\textsuperscript{12}

Since gender binary opposition is largely recognized by the majority in different parts of Myanmar, a person can only be identified as either male or female. Furthermore, strongly rooted heteronormativity requires a person to identify, express
or act according to his or her biological sex. If a person was constrained from these stereotypical norms set by the mainstream, he or she will not only get pressured but also marginalized by the society or even have a large possibility to get criminalized. In this way, people with different sexual orientations, gender identities, gender expressions and sexual characteristics who are constrained from stereotypical gender framing are counted as abnormal, lowered or morally corrupt because of dominant conservative Burmese idealism.

Moreover, deviated sexual orientation is often mistakenly presumed to be “a phase that is going to be corrected later in the older ages”, and that it can be converted back to the ‘normal’ conditions with a certain type of cure”. Such assumptions fuel mocking, suppressions, blaming against LGBTI people, spreading hatred that leads to social exclusions, discriminations, subjecting them to violence in some situations. On a daily basis, young LGBTI especially face domestic and family violence, bullying by their brothers or sisters, suppressions at school by the teachers and bullying from the fellow students and discriminations by general public individuals in different walks of lives.

Sexual minorities are usually perceived in society and ridiculed as those who are always eager to have sex, transmitters of HIV and AIDS, perverts, abnormal or morally corrupted people who deserve to be hated. Furthermore, the existence of section 377 of The Penal Code (1861) of in Myanmar since former colonial time which considers homosexuality as an abnormal sex and can seize LGBTI people at any time, although it was abolished in UK or India, is one of the main barriers for them to face against.

Conservative parents who grasp hetero-normative idealism always have attempted to change the sexual orientation, gender identity and gender expression of their sons or daughters through conversions or other curing methods – including forced heterosexual marriage to behave in such a proper way that the people in the society would accept. They feel that it would be disgrace for the whole family and relatives if there is an un-straight person in their family. Most people believe that if a person from LGBTI groups meets with a right opposite gender match, he or she would turn again into a cisgender and heterosexual person. These ideas have been accepted by the majority of people in the country, including some LGBTI people themselves.
Some of them try to hide or oppress their un-straight behaviours so that the people would accept them in the society although they always feel insecure with that.

**(B) Gender Inequality being the main barrier against realization of SDGs in Myanmar**

Ending all discriminations against women, girls and other gender diverse minorities is not only a basic human right but also crucial for a sustainable future towards a harmonious human society. Sustainable Development Goal 5 of the United Nations envisages that gender equality would have been achieved by 2030. However, Myanmar being a country of highly conservative, male-dominant and patriarchal society, gender or sexuality diversity is not well recognized or accepted. Gender stereotyping and discriminations in social, economic, political, health and other sectors still disproportionately hinders the inclusive participation of other vulnerable and marginalized communities in the process of SDG implementations in Myanmar.

Although there is yet no systematic or official data on how LGBTI groups are marginalized and excluded through being subjected to prosecution and arbitrary detentions at the National level, there are many evidences from numerous LGBTIs CSOs and NGO organizations which demonstrate that many of them are left behind among the mainstream community in many development sectors due to their sexual identities.

**Recommendation**

**(1) The government of the Republic of the Union of Myanmar, in coordination with the civil society organizations and other institutions, should commit to raise awareness of sexual orientation, gender identity, gender expressions and sex characteristics among general public.**

For dignity and prosperity of sexual minority groups, gender equality plays a crucial role since their living realities do matter. Their identities which do not fall under binary categories are needed to be recognized. Gender equality is important for them so that they will be able to participate in implementing all sustainable development goals. In order that they are able to integrate with people from mainstream society and are treated with due respect, knowledge on non-binary constructed nature of
SOGIESC (sexual orientation, gender identity, gender expression and sexual characteristics) is needed to be shared among the public.

(2) The government of the Republic of the Union of Myanmar should develop, integrate and implement gender responsive budgeting into the work-plans of relevant ministries to empower social and economic inclusions of not only women and girls but also other LGBTI citizens.

The government should ensure that adequate funding is in place to implement its existing gender equality policies and laws. Methods to ensure balanced budget allocations can generally include: (i) setting development/policy goals that include gender equality targets, and aligning funding accordingly; (ii) incorporating the limited available data on citizens’ preferences for how budgets should be allocated into budget decision-making and collecting more of such data; (iii) making use of available gender-disaggregated data on development outcomes in Myanmar to identify key areas for additional spending/improved service delivery; (iv) incorporating the limited existing available data on females’ and males' time use into budget decision-making and collecting more of such data.

(3) The government of the Republic of the Union of Myanmar should draft, enact and implement non-discrimination laws and legislations not only in line with the United Nation’s conventions to which it is a signatory party but also in accordance with the international human rights law.

Myanmar is currently a signatory member state of the UN under – Convention on the Elimination of Discrimination against Women (CEDAW)\textsuperscript{15}, International covenant on economic, social and cultural rights (ICESCR)\textsuperscript{16}, Convention on the rights of Child (CRC)\textsuperscript{17} and Convention on the Rights of People with disabilities (CRPD).\textsuperscript{18} Myanmar not only has obligations to protect the rights of LGBTI under those conventions but also should make efforts to ensure that LGBTI citizens can exercise their rights to development in order to realize SDGs and MSDP goals in Myanmar.
GOAL 3 - Good health and Well-being

Substantial targets to measure achievement of GOAL 3 of SDG, especially from the perspectives of LGBTI-related approaches include –

3.3 – By 2030, end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases.

3.4 – By 2030, reduce by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being.

3.5 – Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol.

3.7 – By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes.

3.8 – Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all.

(A) Health Care in Myanmar

Good health is essential to sustainable development and the 2030 Agenda reflects the complexity and interconnectedness of the two. It takes into account widening economic and social inequalities, rapid urbanization, threats to the climate and the environment, the continuing burden of HIV and other infectious diseases, and emerging challenges such as noncommunicable diseases. Universal health coverage (UHC) will be integral to achieving SDG 3, ending poverty and reducing inequalities. Emerging global health priorities not explicitly included in the SDGs, including antimicrobial resistance, also demand action. While the world is off-track to achieve health related SDGs, progress has been uneven between and within countries, as well as the regions in the member states themselves including Myanmar. Multisectoral,
rights-based and gender-sensitive approaches are essential to address inequalities and to build good health for all.

In Myanmar, many government and private initiatives have been established to provide health care services for the citizens across the country - and is actively blooming since after the newly elected people’s government. In the NLD's 2015 Election Manifesto, the party laid out a Program of Health Reform: A Roadmap towards Universal Health Coverage in Myanmar (2016-2030)\(^1\). Universal health coverage (UHC) is defined as ensuring that all people have access to needed health services of sufficient quality to be effective while also ensuring that the use of these services does not expose the user to financial hardship.

The budget allocation for health has increased in recent years, rising from 1\% of total government expenditure in 2010-2011, to 5.23\% in 2017-2018. However, the majority of health expenditure in Myanmar is still covered by out-of-pocket payments (74\% in 2016 according to World Bank data)\(^2\) and hundreds of thousands of people in disadvantaged communities, including LGBTIs and those being marginalized, have little or no affordable access to government-supported health services.

**B) Health Care services for LGBTI**

In Myanmar, many LGBTI people's availability to attain good health as well as physical and mental well-being is being barricaded due to their sexual orientation and gender identity. Many LGBTIs in the rural, remote and under-developed areas are still inaccessible to UHC programs. Many LGBTIs are in need of psycho-social supports due to the negative consequences of discriminations and exclusions, social injustice, communicable diseases, substance abuses and financial hardships.

Additionally, in receiving healthcare services, their un-straight and presumably deviated identities make them to get mistreated especially by the responsible persons – doctors, nurses and aids and other staff working at different levels of Ministry of Health and Sports Myanmar – in health care service providing facilities such as private, public or governmental hospitals and clinics. They usually encounter with verbal abuse, physical or psychological abuse and sexual harassment simply for not fitting in stereotypical gender norms.\(^3\)
Additionally, LGBTI are also restricted and excluded from contributing in the health care sector. LGBTIs are being seen as sexual predators under an impression that they are overly sexually active and carriers of sexually transmitted diseases such as HPV, HIV or other STIs. LGBTIs, regardless of their HIV-negative statuses, are often being denied from donating blood at different health institutions or centres.

LGBTI people living with HIV (PLHA) are also being targeted for more outrageous discriminations. They are often mistreated at the HIV prevention or HIV health care service providing facilities – such as National Aids Program centres. Staffs from those departments often commit verbal abuse, physical and psychological abuse against the PLHA LGBTI clients. Respondents mentioned that staffs from those centres would deliberately let personal data (HIV status) breach against the LGBTI clients – beside their facilities being flawed with spaces/infrastructures not reliable for personal security of the visitors or clients. All these factors are reinforcing the inaccessibility of health care services by PLHIV/LGBTI communities.

Moreover, several domestic legislations indirectly restrict LGBTIs from contributing in the health care sector.

For example, there is a transgender woman based in Mandalay region of Myanmar, who works in a non-governmental community service sector as a HIV prevention and sexual and reproductive health educator and counsellor. She was captured by the police using Police Act 30 (C), 35 (D) often known as the darkness law which prohibits the donning of a disguise after dark hours. They also threatened her to sue under Article 3 (B) of Anti-prostitution Act because they found a couple of condoms and lubricant with her and she was being suspected of illegal prostitution. She was detained at the station and kept in a male cell for 2 nights and our organization had to bail her out.

This case traumatized her, prevented her from doing further community service activities and is just one of many examples of LGBTI being excluded from contributing in the development process at the national level.

"I was denied from donating blood just because I am gay. I was literally said to go away."24

(Respondent MTL1001, Pyawbwe)
Recommendation

(1) **The government to ensure that the Ministry of Health and Sports consider inclusivity for LGBTI citizens in the implementation of Universal Health Coverage (UHC) at different levels.**

   The government should ensure that LGBTI populations from remote, suburban, rural and under-developed areas are included in the implementation of UHC across the country.

(2) **For the government to effectively develop and implement knowledge building and awareness raising programs on sexual orientation, gender identity/expression and sex characteristics (SOGIESC) for staffs in various levels of the Ministry of Health and Sports, including but not limited to General Hospitals, public hospitals, clinics, pharmacies and other specific health care service providing facilities as well as for the staffs across other relevant ministries.**

   Departmental staffs should be trained to treat LGBTI equally and in basic human dignity regardless of their sexual orientation or gender identity/expressions.

(3) **The government, in coordination with the Ministry of Social Welfare, Relief and Resettlement, should ensure that LGBTI citizens can access psycho-social supports without impediments.**

   Government should establish adequate free and accessible psycho-social support facilities with good direct service-provision or referral system such as community centers – for LGBTI citizens and other disadvantaged groups.
GOAL 4 - Quality Education

Substantial targets to measure achievement of GOAL 4 of SDG, especially from the perspectives of LGBTI-related approaches include –

4.5 By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations,

4.7 By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture’s contribution to sustainable development.

(A) Implementation of quality education in Myanmar

Myanmar developed a new national education strategy in 2012 and has since introduced several educational reforms, including textbook upgrades in 2017. Although the education strategy preceded the SDGs, its nine main focus areas are very much aligned with SDG 4 (providing quality education for all) and its forty-three targets. Myanmar’s Ministry of Education believes that “education plays a key role to reduce poverty, to build peace and sustainable development.” In particular, the plan calls for extending primary and secondary education from eleven years of schooling to a kindergarten-to-twelfth-grade program by adding one year at each end of the current cycle. The ministry is also taking further steps to improve training of teachers by extending training from two to four years in order to improve the quality of education.

Beyond gender equality strategies, the government also claimed that public schools were following non-discriminatory laws to protect individuals with disabilities as well as ethnic and religious minority groups. Yet individuals from the NGO sector
have claimed that such discrimination exists, not only against students but also against teachers. One interviewee\textsuperscript{30} provided their testimony accordingly.

\begin{quote}
“About 50 transgender men student from Grade 7, 8 and 9, including me, were called upon by the Principal. Each of us were then given a piece of paper to write down answers that the Principal asked -

“Why do you cut short hair”, “Are you against the order of nature?”, “Do you want to have a father and a father? A mother and a mother? Or a father and mother?”, “Can’t you just stay as a woman?”, “Who is more beautiful? Man or woman?”, “Do you want to eat rice with rice? Or rice with curry?”

And then were asked to raise our hands if we accepted the order of nature. Those who said they did not accept, had to give their names to the teachers. Those who said that they accepted nature were asked to transform back to their cisgender state and act like a woman. Their front and back pictures were taken by the Principal to keep track of their corrective performance.”

“She also claimed, “Half-by-half are never to be trusted.””

“11 students including my friend who said not accepting the nature were again called by the Principal and told – not to group with more than two friends during class times, recess or off-hours; not to use social media and threaten that she would call to the Principal office and punish those who do not follow those rules.”

\textit{(Respondent Code MDY5002, Mandalay)}
\end{quote}

This kind of discriminatory cases negatively impact the student’s trust towards Myanmar’s education system, inflicting them with physical and psychological impacts – which eventually lead to the dropping out of schools and deprivation of their educational developments.

Having laws on non-discrimination is one thing, but implementing inclusion in practice is something entirely different. Lack of capacity is another challenge to improving both general access to education and the quality of education. In addition to strengthening teacher training, the government aims to improve education quality by increasing Internet access in schools and using “deep learning rather than surface learning” to encourage critical thinking and innovation rather than memorization and theory. In line with this, the government believes that education should be more practical and adapted to the needs of the labour market. Because these are not well matched, many young people trying to enter the workforce lack the skills needed to
find jobs. This is a challenge both for vocational training courses and for higher education at the universities.\textsuperscript{31}

\textbf{(B) Inability to Access Quality Education for Sexual Minorities}

Statistically, in the sector of Education, the literacy rate of overall adults who are 15 years and above is 75.5\% with 80.01\% of males and 71.85\% of females in 2016 according to data from UNESCO. For youths who are between 15 and 24, the overall literacy rate is 84.75\% with 85.12\% and 84.41\% of males and females respectively.\textsuperscript{32} It means that the literacy rate has been higher among the younger generation. However, data disaggregation by sexual orientations or gender identities remain inconclusive at National level. According to survey conducted by CAN Myanmar in 2020, it was found out that 75\% of the respondents experienced discrimination followed by exclusions at school.\textsuperscript{33}

At basic education level, LGBTI students are discriminated against by the responsible staff – school (subject and class) teachers, principals, other members of staff and their fellow students. LGBTI students are suppressed, bullied, excluded or neglected by their fellow students and learners. Such discriminations are mainly based on the grounds of their sexual orientations, gender identities(expressions and can include physical and psychological violence, verbal abuse and sometimes, sexual harassment and exploitations; and are imposing negative impacts on their physical and psychological well-being and social lives.\textsuperscript{34}

Moreover, in government schools, heteronormativity requires students to identify, behave or express according to their biological sexes. School uniforms are mandatory for all students however they are not allowed to dress up pursuant to their preferred gender identity. Since gender non-conforming dressing is not allowed in schools, transgender students are put under pressures - leading to their psychological and mental stress, conflicts between school authorities such as headmasters or teachers and other fellow students. Discriminations and violence that LGBTI students face in schools have detrimental impacts on their learning – decreased motivation to go to school, declined progress in learning or dropping out of schools eventually.
Inability to attain gender equality in school creates barriers in accessing quality education for sexual minorities which is one of the sustainable development goals. Furthermore, lack of enough classroom education will create lower literacy rates, incapability to get common knowledge as well as incompetence to attain soft-skills. These are reasons for LGBTI people to be left behind in this ICT age, things are changing dynamically altogether with evolution 4.0, the period where knowledge is power.

**Recommendation**

(1) *The government should conduct knowledge and awareness-raising trainings on sexual orientation, gender identity/expression and sex characteristics (SOGIESC) for staffs and officers at different level of the Ministry of Education.*

Awareness raising and education activities should be targeted to different levels of staffs and officers from the Ministry of Education, including but not limited to the Department of Basic Education, Department of Higher Educations, Department of teacher training and Myanmar Research Department of Education.

(2) *Integrate development of and compulsory system for learning of school curriculums on sexual and reproductive health education and lessons on sexual orientation, gender identity/expression and sex characteristics (SOGIESC) at appropriate levels in the on-going Myanmar education reforms.*
(3) Ministry of Education should effectively establish policies and remedies to address different forms of violence and bullying against LGBTI students at schools and other learning places.

(4) To establish free and quality psycho-social supports at schools that are accessible by LGBTI students and other students belonging to the vulnerable groups to address the incidents around physical, psychological and sexual violence occurred on and off of the learning grounds.

(5) To practically and effectively implement the Myanmar National Education Strategic Plan that is inclusive for LGBTI students.

GOAL 6 - Clear water and Sanitation

Substantial targets to measure achievement of GOAL 6 of SDG\textsuperscript{36}, especially from the perspectives of LGBTI-related approaches include –

6.2 By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations.

Having access to safe drinking water and sanitation is not only central to living a life in dignity and upholding human rights but also a vital bridge towards realization of other SDG goals yet billions of people still do not have access to clear water and sanitation. Moreover, access to water and sanitation is the fundamental human rights which require that these are available, accessible, safe, acceptable and affordable for all without any discrimination. Enjoyment of these rights and each human development phenomena are clearly interrelated.

According to the data published by UNICEF and WaterAid (https://www.wateraid.org/where-we-work/myanmar), 25% of children\textsuperscript{37} live in households that do not use improved toilet facilities (https://www.unicef.org/myanmar/water-sanitation-and-hygiene-wash) whereas
17.8% (9.6 million) of people do not have access to clean water, 19.2 million not having a decent toilet or sanitation system.\textsuperscript{38}

Access to clean water and sanitation is critically important for public health especially during the times of COVID-19 pandemic. However, LGBTI are further excluded by being subjected to discriminations on the grounds of their sexual orientations and gender identities/expressions. In fear of being sexually harassed or embarrassed or discriminated due to their non-conforming gender identities, LGBTI individuals, especially transgender persons, are reluctant to use public bathrooms and they also do not have proper access to gender neutral bathrooms and sanitation system.\textsuperscript{39} Therefore, this goal is not yet practically achievable for LGBTI communities in Myanmar.

**Recommendation**

(1) The government should ensure that Department of Rural Development, Ministry of Agriculture, Livestock and Irrigation, inclusively considers LGBTI citizens as the beneficiaries of the implementation of nation-wide water supply projects.

(2) Corresponding regional governments should ensure that government and private facilities providing public services have policies which provide equal access for clear water and sanitation in place and are implemented.

For instance, government offices and public infrastructures such as hospitals, clinics, local markets, shopping centres, cinemas, stadiums, bus and railway stations should include Gender-neutral or universal stalls, toilets, bathroom or other relevant spaces to occupy members of marginalized or vulnerable groups such as underaged children, people with disabilities or LGBTI people.
GOAL 8 - Decent work and Economic Growth

Substantial targets to measure achievement of GOAL 8 of SDG⁴⁰, especially from the perspectives of LGBTI-related approaches include –

8.5 By 2030, achieve full and reproductive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.

Labour force in Myanmar was reported at a total of 24,690,666 in 2019⁴¹, according to the World Bank collection of development indicators, compiled from officially recognized sources. It also withholds an Unemployment Rate of 1.6%.⁴² However, data disaggregation by sexual orientation and gender identity for such labour force and unemployment remain unreported. A study conducted by CAN’s report on Human Rights situations of LGBTIs in Upper Myanmar also revealed that 9.62% of LGBTIs are unemployed and are dependent on their families and other persons.⁴³

(A) Access to employment and business opportunities

A large proportion of LGBTIs populations in Myanmar belongs to the grass-root communities. Majority of them depend on daily wages and hard labour for their incomes. A study from CAN-Myanmar iterates that other types of professions include business owners (micro-businesses, small to medium economic enterprises), private/corporate staffs, freelance professionals and social workers etc. Many LGBTIs face discriminations in applying for the jobs and working at the patriarchy-influenced institutions such as - government departments and offices.

One prominent example is the job announcement from the University of Pathein (Department of Higher Education) on (date/year) which stated “No feminine male applicants/masculine female applicants or People with disability allowed”. Gender non-conforming applicants are likely to fail at the physical interview stages and those recruited are likely to lose their job once they express their diverse gender identities. Likewise, many LGBTIs as well as members of other vulnerable and marginalized groups such as people with disabilities and indigenous people are limited
and/or restricted from serving or participating in the public services and other sectors; hence are collectively prevented from contributing to the human resources and national workforce.

Moreover, numerous case studies that CAN conducted show that LGBTI entrepreneurs and business-starters tend to have less access to bank loans other financing sources compared to other people in the field. Gender stereotyping and discriminations among banking or financing staffs cause prolonged and complicated processes to apply for the loans by the LGBTI business persons; and sometimes being denied of their business proposals – which consequently limit their business growth and economic development.

**(B) Workplace and wages inequalities**

LGBTIs are being discriminated against and are excluded on the grounds of their sexual orientation and gender identity/expressions. A large proportion of LGBTIs populations in Myanmar belongs to the grass-root communities. Hard labours in Myanmar range from market labour, artisanal mining to construction works etc. Many LGBTIs in those areas of work as well as other professional fields are not being granted with equal rights or conditions and are not offered with equal payments like other heterosexual and gender-conforming workers. This negatively affects their income status on a significant scale.

> “I work at construction site. I had to carry heavy stuffs and do male chores like all other men. But when I get paid, I paid less than them because I am a transgender woman.”

*(Respondent Code MY1002, Monywa)*

**Recommendation**

**(1) The government of the Republic of the Union of Myanmar should adopt policies which reinforce anti-discrimination against sexual, religious, cultural,
ethnic, racial or ideological minorities, protect multi-diverse cultural groups and promote individualism in workplace.

(2) The government of the Republic of the Union of Myanmar should implement legal frameworks which protects core benefits, rights and dignity of workers regardless of their sexual orientations, gender identities and gender expressions.

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GOAL 10 - Reduced Inequalities

Substantial targets to measure achievement of GOAL 10 of SDG\textsuperscript{46}, especially from the perspectives of LGBTI-related approaches include –

10.2 By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex disability, race, ethnicity, origin, religion or economic or other status.

10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.

GOAL 10 of SDG, especially Target 10.2 and Target 10.3 also envisions to ensure inclusion for all, by establishing legal enforcements if necessary. However, many LGBTIs are still being marginalized and excluded from participating and contributing in those sectors - through gender discrimination, systemic discrimination and intersectional discriminations.

Although The National Youth Policy\textsuperscript{47} was introduced by the State Counsellor in January 6, 2018\textsuperscript{48} and became official at the Union level on January 2018. The policy provisions the following. Section 24(C) of the policy 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. However, implementation of the policy on the practical ground is rather non-existent.

Many LGBTIs especially transgender persons, are often deemed as those whose gender expressions are contagious and can populate more LGBTI generations – and hence not a very good role model for the society. These prejudices prevent LGBTIs to serve within the community or become leaders of the community. LGBTIs are restricted and marginalized from contributing in the socio-political sectors.

Additionally, the civic space for LGBTI is shrinking. Despite the existing laws not prescribing the legal registrations of LGBTI human rights organizations mandatory, they cannot engage at a national level advocacy unless they are officially registered. For those organizations who wish to register, they are required to obtain a recommendation letter from the relevant ministry working on LGBTI issues and currently in Myanmar, there has been no known Ministry working on human rights and equalities for LGBTI communities. LGBTI organizations are also suppressed under complicated and prolonged administrative requirements imposed by the regional governments in implementing their activities that contribute to social, economic and political inclusion of their communities.

Recommendation

(1) To develop and integrate plans to ensure LGBTI-inclusiveness in the UEC’s future strategic plans for free, fair and equal election.
The Union Election Commission (UCEC) should conduct knowledge building and awareness raising programs on sexual orientation, gender identity/expression and sex characteristics (SOGIESC) for staffs at different Election sub-commissions at Regional or state, District, Township, Ward or Village tract levels.

(2) To effectively allocate necessary resources for and implement National Youth Policy at different national and sub-national levels to ensure that the roles of LGBTI are not restricted but promoted in the social, economic, civil and political sectors.

(3) The government of Myanmar should ensure to promote an enabling environment for civil society organizations and non-governmental organizations working on the rights and developments for people with different sexual orientations, gender identities/expressions and sex characteristics.

GOAL 16 – Peace, Justice and Strong Institutions

Several targets to achieve GOAL 16 of SDG is directly related to the inclusions of LGBTIs.

16.1 Significantly reduce all forms of violence and related death rates everywhere.

16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children

16.3 Promote the rule of law at national and international levels and ensure equal access to justice for all

16.5 Substantially reduce corruption and bribery in all their forms

16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels. (GAD case)
16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

Many aspects of Rule of Law in Myanmar are particularly challenging, given the still prevalence of obsolete and out-dated colonial-era laws and legislations in addition to the incompetence of law enforcement sector.

Especially with the LGBTI citizens, polices and law enforcement officials often fail to uphold the international human rights standards in different steps of handling criminal cases. A study from CAN-Myanmar shows that laws such as the 1860 Penal Code 377, Rangoon Police Act 30 (C), (D)53 and 1945 Police Act 35 (C), (D)54 – are being used more than as a tool of oppression; they are using those laws to commit human rights violations through different forms of abuse of power and threatening, tortures, intimidation and bribery.

In some cases, the police guards would often capture transgender women and take them to the police stations to investigate, force them to sign documents (Often a Letter of commitment that states that they would not be dressing as women and cause public disturbance or nuisance in the future again) and beat and torture anyone who refuses to do so. In some cases, the police would ask

"When I was walking along Kan Thar Yar, a man in a Police uniform approached me and demanded me to come along with him and threatened me to beat if I refused. He then took me on his motorcycle to the station. At one corner, he started to lowered his pants down and penetrated me. I tried to push against him but couldn’t and had to let him do it. After he was done, he asked for money agreeing to let me go. I escaped only because I did”55

(Respondent Code MY1002: Monywa)

“I was out with my friends around Myodaw park. They captured us and checked our belongings, and said ‘what are you pertvers doing here? Do you want to be charged under 377?’ And then they confiscated some of our things, along with 50,000 MMK cash. They also took front and back pictures of us, said it was for the station’s records.” 56

(Respondent Code MDY2002: Mandalay)
for money or force the victims to satisfy their sexual needs if they don’t want to be arrested under 377.

**Recommendation**

*(1)* The government of the Republic of the Union of Myanmar should abolish or amend the Penal Code 377, the provision for ‘unnatural offences’ so that only non-consensual sexual relationships are criminalized.

In order that sexual minorities can meet the sustainable development goals, Section 377 must be repealed or at the bare minimum amended since this penal code lends false legitimacy to the anti-LGBTI prejudice common throughout Myanmar’s criminal justice system.

*(2)* The government should reform laws such as Section 35 of the Police Act 1945 and Section 30 of the Rangoon Police Act 1899 which are intentionally used to prosecute LGBTI groups.

The ruling government should review and repeal or reform vaguely provisioned laws that invite discriminatory applications, especially where such laws enable arrests to be made solely based on prejudice, discriminations, etc. on SOGIESC grounds. Specifically, Section 35 of the Police Act 1945, Section 30 of the Rangoon Police Act 1899 (the so-called Shadow and Darkness laws) are legal provisions that should be amended or repealed to remove impediments for LGBTIQ in implementing sustainable development goals.

*(3)* Law enforcement officials and individuals working in justice sector should be trained and sensitized about sexual orientation, gender identity/expressions and sex characteristics to treat LGBTIs fairly and equally with human dignity.

*(4)* To constitutionally recognize LGBTI by amending the provision of the Constitution article 348 to include “sexual orientation, gender identity, gender expressions and/or sex characteristics”.

The government should establish legal gender recognition for transgender persons in documentations including but not limited to birth certificates and/or different forms of NRC.
(5) The government of the Republic of the Union of Myanmar should draft, develop and enact the anti-discrimination legislations to protect LGBTI citizens and promote their multi-sectoral inclusions.

The central government will need to consult with the civil society actors and to ensure that the policy-makers and legislators consider the right to development of the people with different sexual orientation, gender identity and expressions and sex characteristics in developing and enacting all forms of domestic legislations.
IV. Conclusions

With slogans “no one will be left behind” and “to endeavour to reach the furthest behind first”, United Nations promises that race, ethnic origin, religious belief, gender and sexuality, cultural affiliation, political perspective or nationality of a person would not be a barrier in implementing missions to achieve these sustainable development goals. LGBTI groups (Lesbian, gay, bisexual, transgender, and intersex), sexual minorities who are mostly marginalized in many societies should also be inclusive in carrying out these goals. Having different sexual orientation, gender expressions, gender identities and sexual characteristics from the mainstream should not be the reasons to leave them behind.

As a nation embarks on its journey towards a brighter, more developed, and sustainable future, its government should be an engine fuelled by principles and regulations around inclusions, whereas the civil society serves as a safeguard to ensure the destination is on the right path. Similarly, in order that these sexual minority groups meet Sustainable development goals, roles of Non-Government Organizations are crucial in advocating government institutions, legislators and authorities to put an end to state-based prosecutions or criminalization; educating public to lessen discrimination and social stigmas towards these groups as well as empowering these people so that they will not only be able to lead their communities by themselves but also integrate and prosper with the rest of society.

It is also prominent for government institutions to take the full responsibility and accountability not only in adopting new policies which guarantee the prosperity and core benefits everyone including LGBTI citizens, but also in implementing these legislations in order that the sustainable development goals would have met by 2030.
Annex (1) – Sustainable Development Goals
Annex (2) – End Notes

1 Transforming our world: https://sustainabledevelopment.un.org/post2015/transformingourworld


3 Millennium Development Goals (MDG): https://www.who.int/topics/millennium_development_goals/about/en/

4 NLD won a landslide victory in Myanmar’s 2015 General Election: https://www.ide.go.jp/English/Research/Region/Asia/201601_osada.html


8 2020 Global Climate Risk Index: https://germanwatch.org/en/17307

9 INFORM Index for Risk Management: https://drmkc.jrc.ec.europa.eu/inform-index


14, 52 *The Indian Penal Code, Section 377* – 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.


16 *International 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


22 https://data.worldbank.org/indicator/SH.XPD.OOPC.CH.ZS


24 Interview with Respondent MTL1001, “Voices Unheard” Report, pg 38

27 Interview with Respondent MDY5001, “Voices Unheard” Report, pg 12

28 SDG Goal 4: Quality Education: https://sustainabledevelopment.un.org/sdg4


30 Interview with Respondent MDY 5002, Voices Unheard” Report, pg 33


32, 33 Literacy rate of Myanmar, data by UNESCO: http://uis.unesco.org/en/country/mm

34 “Voices Unheard” Report published by CAN-Myanmar, pg 32

35 Interview with Respondent MDY 3002, Voices Unheard” Report, pg 33


37 Children live in households in Myanmar do not use improved toilet facilities: https://www.wateraid.org/where-we-work/myanmar

38 9.6 million people in Myanmar do not have access to clean water: https://www.unicef.org/myanmar/water-sanitation-and-hygiene-wash

39 “Voices Unheard” Report published by CAN-Myanmar, pg 46

41, 42 World Bank data on labour force of Myanmar: https://data.worldbank.org/indicator/SL.TLF.TOTL.IN?locations=MM

43 “Voices Unheard” Report published by CAN-Myanmar, pg 43

44 “Voices Unheard” Report published by CAN-Myanmar, pg 43

45 Interview with Respondent MY 1002, Voices Unheard” Report, pg 43

46 SDG Goal 10 - Reduced Inequality: https://sustainabledevelopment.un.org/sdg10

47 Myanmar National Youth Policy (2018) https://drive.google.com/file/d/1ztQtunjWMwH_LGRetZSKgHBIWdVQpBtX/view?fbclid=IwAR1DJYEOD5lmsgg_RTt8S2-0Ykh9k_NZygEDEZz3eB4U0XCX29WnaggZcSc
Section 30 of the Rangoon Police Act 1899 states: Apprehension and punishment of reputed thieves and others. 30. (a) Any person found armed with any dangerous or offensive instrument whatsoever, and who is unable to give a satisfactory account of his reasons for being so armed; (b) any reputed thief found between sunset and sunrise lying or loitering in any bazaar, street, road, yard, thoroughfare or other place, who shall not give a satisfactory account of himself; (c) any person found between sunset and sunrise having his face covered or otherwise disguised and who is unable to give a satisfactory account of 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; and (e) any person having in his possession, without lawful excuse, any implement of house-breaking, may be taken into custody by any police-officer without a warrant, and shall be liable to imprisonment which may extend to three months.

Section 35 of the 1945 Police Act states that: (a) Any person found armed with any dangerous or offensive instrument whatsoever, who is unable to give a satisfactory account of his reasons for being so armed; (b) Any reputed thief found between sunset and sunrise remaining or loitering in any bazaar, street, road, yard, thoroughfare or other place, who is unable to give a satisfactory account of himself; (c) Any person found between sunset and sunrise having his face covered or otherwise disguised, who is unable to give a satisfactory account of himself; (d) Any person found within the precincts of any dwelling-house other building whatsoever, or in any back-drainage space, on board any vessel, without being able satisfactorily to account for his presence therein; and (e) Any person having in his possession, without lawful excuse, any implement of housebreaking, 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.