



Civil Authorize Negotiate Organization (C.A.N-Myanmar)

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To: Mr. Graeme Reid, The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI)

Subject: Call for Inputs: Report on forced displacement in relation to sexual orientation and gender identity-Myanmar

The mandatory conscription law has impacted a lot of LGBT in Myanmar to flee their home country due to the undemocratic nature and practices which undermine the human rights. Even though mandatory conscription law is imposed on cis-gender/heterosexual people, the patriarchal and misogynistic nature of the institution implies unfair treatment towards the queer population. Queer people, especially people with non-conforming gender expression and transgender people get sexually assaulted and harassed within the SAC's institutions and interrogations. Openly LGBT people's relationship is officially ostracized by both sides of the conflict and which marginalize the queer persons further and enabling the gender-based violence and gender-based crimes. Forced displaced LGBT people with other intersecting identities face further discrimination due to their religious and ethnic background e.g. muslim transgender people, Indian gay men etc. And due to the current political turmoil, there are no actions or initiatives until now to protect the vulnerable LGBT persons from violations of their basic human rights. The ongoing political dynamics prohibit the existence of any LGBT organizations and almost every organizations had to migrate to neighboring countries such as Thailand and migrant LGBT rights defenders face challenges in registration under Thailand's law and fundings. Many migrant LGBT people face sexual and labor exploitations and police harassment as migrants in the host country, Thailand. Legal protection for migrants and anti-workplace discrimination policy and practices might improve the situations of migrant LGBT human right defenders in Thailand. LGBT asylum seekers especially with people from financially marginalized background face a lot of challenges. And the migrant queer community has not got any formal support (although there were cases of informal supports from local partner LGBT organizations). Many LGBT people who joined the civil disobedience movements and who aided the humanitarian supports were convicted with charges such as 505(A) and 50(J). Many of them got had their houses raided and their IDs confiscated and as a result, their financial assets.

Most of Myanmar LGBT asylum seekers who contacted UNHCR for formal supports did not get any meaningful and practical support and a UNHCR-issued card might save the sexual minorities from police harassment and incarceration. Many LGBT migrants who contacted UNHCR Thailand were not given UNHCR card despite the fact that they contacted the organization formally and they met the criteria. And meaningful and practical support from UNHCR will help improve the living conditions of Myanmar migrant sexual minority in Thailand. They usually do not have legal support to protect their rights. Since the population of migrant LGBT Myanmar community is quite low, it is within the UNHCR's capability to help those minorities and Myanmar LGBT organizations and partner organizations are willing to help in terms of technical support and human resources to save them from getting extorted from Thai police. Myanmar migrant sexual minorities in India, Thailand, Vietnam, Cambodia and Malaysia need the UNHCR-issued cards as the highest priority since it will open opportunities for them to pursue higher



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education security status. In November 28, 2024 UNHCR Thailand announced study opportunities abroad for refugees aged 18-30 with “valid UNHCR cards”. Lacking the critically important card cause the LGBT youths to lose the opportunity even though many of them are qualified.

High majority of Myanmar LGBT persons lack the awareness of Refugee Settlement Determination(RSD) Programs and even among activists, only a handful amount of activists (1 out of 50) is aware of the program, its procedures and requirements.

Thailand has not ratified the 1951 UN Refugee convention, but has recently legalized the same-sex marriage and grant “protected person status” and receiving UNHCR card. That creates a false impression that migrant LGBT Myanmar people in Thailand are not vulnerable and many organizations which helps the oppressed LGBT people dismissed the letters which reached them out for help as the Myanmar LGBT migrants in Thailand are not under their mandate to be considered as oppressed.

“Thank you for contacting Rainbow Railroad and for sharing your story with us. We know this can be difficult and we empathize with you. We are happy to hear you were able to make it to a safer country for LGBTQI+ people. Rainbow Railroad’s mandate is to help persecuted LGBTQI+ individuals get to safety. While we would like to be able to help everyone wherever they are from, in reality, we are not able to assist everyone who reaches out to us for help due to our size, limited resources, and the legal and political issues involved in travel. Because you are currently in a country which has legislation in place to protect LGBTQI+ rights, you do not fit into our mandate. Therefore, unfortunately, we are not able to assist you. If you have attempted to seek protection from the authorities and they have been unable or unwilling to protect you, please let us know - you may be asked to send us evidence of your attempts to seek protection. We would encourage you to reach out to LGBTQI+ organizations in your area to explore the resources that might be available to you. Please be aware that any information you provide us will remain confidential to Rainbow Railroad unless you give us permission to share it. We wish you the very best. In solidarity,” as replied by an LGBT organization RainbowRailRoad a renowned organization which supports the asylum-seeking LGBT persons.

"Even if Thailand and Myanmar are close neighbours, LGBTQ lives are totally different," said Saw Zin Maung Soe, founder of the Civil Authorize Negotiate Organisation (Can-Myanmar) and chair of the Consultants Board.(Ref: Bangkok Post: Myanmar LGBTQ people plea for help) Most of Myanmar's LGBTQ people rely on NGOs for medical help. However, many NGOs have been closed due to the political unrest after the coup, he said, adding some have relocated to other countries, including his organisation, which is now located in Thailand. Lacking NGO support has jeopardised the lives of Myanmar LGBTQ groups, especially those who require medical support, such as HIV patients and transgenders who need support. Some of them stay on the outskirts, where transport to cities is poor.

Another barrier is language. Even if they have all the required documents, they do not know where to seek help through the complicated process to get a job. Therefore, while restoring peace in Myanmar, Thai LGBTQ civil society organisations, the Thai government and Myanmar LGBTQ CSOs should collaborate to supply medical products to those in need in Myanmar. Thai officials should make the legal procedure less complicated as it will help LGBTQ people access welfare programs for migrants.



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