

MYANMAR

Protecting the rights of migrant women and people identifying as LGBTQI in industrial slums during the government-imposed lockdowns and the military coup d'état

During the lockdowns imposed by the Myanmar government to control the spread of COVID-19, a small civil society organization (CSO) worked in coalition with other CSOs, local nongovernmental organizations (NGOs), and lawyers' groups. Their goal was to defend the rights and meet the basic needs of migrant women and LGBTQI people working in the slums that have grown up around textile factories in Myanmar's commercial hubs.

Due to the current situation in Myanmar, in which a military coup is being bravely resisted by millions of people, and members of the CSOs who had actively worked to protect civic space under the elected government are mostly in exile, in hiding, or have taken up arms. To be connected in any way with a CSO at this time is to be in serious danger.

As such, the real name of the CSO and the individual interviewed here will not be used. Instead, throughout this case study we will call the CSO “Basic Rights, Myanmar” (BRM) and the interviewee “Aung.”

Executive Summary

This case study contains two stories:

1. **Lockdown, protests, and hunger:** The story of how the national and local lockdown rules put in place by the Myanmar government to slow the spread of COVID-19 intersected with an absence of adequate protection in law, systems, and practice for some of the most vulnerable people in Myanmar, and the work of a Myanmar CSO (BRM) to keep women's rights and LGBTQI rights on the agenda and to address these gaps.
2. **Solidarity, threat, and hope:** The story of the challenges and dangers faced by women migrants, people identifying as LGBTQI, and this CSO since the Myanmar military took power on February 2021, and their responses.

1. Lockdown, protests, and hunger

What was the context and what were the needs being addressed?

The background before the start of COVID-19

Huge slums with limited clean water, sanitation, healthcare, or education sprawl at the edges of Myanmar's commercial centers. Inhabitants are often people who have fled from conflict or natural disasters in other parts of Myanmar, and they take whatever opportunities they can to make a little money to feed their families. The garment industry – which has exploded in Myanmar in recent years – is one of the main employers of these internal migrants.

Migrant women occupy a very precarious position in society. Despite new laws that go some way to acknowledge and address the gender-based violence that is prevalent in the patriarchal society, in practice women have very little real protection. Rates of domestic violence are high. CSOs have worked hard to bring about change, but activists argue that even the new laws will not “fix” what are entrenched attitudes and chronic flaws in the justice system.

Migrant workers are theoretically protected in Myanmar law, but their rights are often infringed upon in practice, despite the long work of local unions and workers' rights groups to increase their protection. The link between business, the military, and cronies of the military – who remained mostly outside of the law, even under the democratic government – makes this struggle a complicated one.

People who identify as LGBTQI face extremely high levels of discrimination, both in law (which holds same-sex acts as illegal) and in Myanmar society. Harassment, family rejection, violence, and sexual violence are common experiences for people who identify as LGBTQI. In recent years, civil society groups have emerged to directly address this discrimination, even in smaller cities.

COVID-19 lockdown

The lockdowns imposed at national and local levels to curb COVID-19 exposed and exacerbated these existing problems within Myanmar society, pushing thousands of people living in the industrial slums through these gaps in protection. When a factory decided to downsize its workforce, the women were fired first. Many in the predominantly female migrant workforce serving the garment factories found themselves suddenly without work, without paid leave, without compensation for the termination of their contracts, and without any clarity about where or how they could work again.

Women and people who identify as LGBTQI also found themselves and their children required by the lockdown rules to stay at home constantly with an abusive partner or family member(s). BRM reports that rates of domestic violence in the slums doubled. An attempted rape took place at a government run quarantine center where people who tested positive for COVID-19 were obliged to stay.

How their actions helped protect civic space

BRM worked in cooperation with a network of other CSOs, local NGOs, and groups of lawyers to protect and enlarge the civic space for the rights of migrant women and LGBTQI people in the slums. They had been doing this work for 10 years when the pandemic began, and the situation suddenly became even more urgent than before.

Between March 2020 and January 31, 2021, during the first two waves of COVID-19 in Myanmar, they:

- Organized the distribution of food and cash to families who were no longer able to meet their basic needs because they were unable to work or after losing their work because of the lockdowns.
- Negotiated directly with factory managers and collaborated with unions to organize protests outside the factories to call for the protection of women’s jobs and the reinstatement of women who had been laid off.
- Worked to raise awareness about domestic violence to a broad public by distributing information pamphlets and by broadcasting messages and short performances highlighting the illegality of domestic violence over the radio and on Facebook.
- Sought to educate women about their rights by visiting homes to meet with families and holding awareness raising sessions with small groups of women. These sessions particularly targeted women who were currently experiencing domestic violence, with the aim of helping them to understand what options were open to them..
- Worked to change the behaviour of men by bringing together men who were known to behave with violence towards their family members, to explore and explain to them the rights of their wives, daughters, and nieces.
- Offered a support hotline, advertised broadly over the radio and on the most used online platforms (Facebook):

“During this time of pandemic everyone is forced to stay at home, and we know that violence at home is rapidly increasing. We want to tell you that this is not legal, and we are lawyers who can help you for free. You are really welcome to call us on this number...”

- Provided online counselling sessions and psycho-social support sessions to women, with the aim of creating safe spaces where they could experience relief and relaxation.
- Responded to an accusation of rape within a COVID-19 quarantine center by educating the quarantine center leaders and volunteers on the risks of gender-based violence and sexual violence, and by supporting them in creating systems to ensure

that the rights of people staying in the quarantine centers were protected.

- Supported people who identify as LGBTQI who were working as sex workers on the streets of major cities through support calls, cash, and food.

Impact of these activities

BRM knows of many families who became happier and in which women and girls were safer after their interventions. Follow up calls and visits showed changed relationships and attitudes within the homes, and women reported feeling safer.

Negotiations with factory managers and protests outside the factories resulted in some women being given back their jobs.

There were no more reported cases of attempted rape within the government run quarantine centers after the education and awareness-raising work carried out by the coalition.

It is, however, difficult to report on the impact of these interventions in detail because domestic violence and sexual violence are still taboo subjects in Myanmar. People are extremely reluctant to talk about it. The impact on the LGBTQI sex workers is particularly difficult to evaluate because the individuals come in and out of contact with the organization.

This work was carried out with a focus on urgent response, solidarity, and action to meet basic needs for thousands of people – not strategic planning, monitoring, and evaluation. Working as a coalition of local and national CSOs and NGOs, unions, and pro-bono lawyers gave BRM a wider reach, but it also muddied the waters in terms of recording, monitoring, and evaluating impact.

2. Solidarity, threat, and hope since the military coup d'état of February 1, 2021

Courage and hunger of female migrants and people identifying as LGBTQI

Since the coup d'état of February 1, 2021, in which the Myanmar military forcibly took power, ousting and imprisoning the elected members of parliament, the situation for women migrants and people identifying as LGBTQI in the slums is even more dangerous and precarious.

COVID-19 and the instability created by the coup and the international reaction to it (including sanctions and foreign businesses withdrawing) have resulted in the closure of more and more factories. Thousands of migrants have lost their jobs, without recourse to union or legal help when they are laid off without compensation or proper process.

The military government is also doing very little to regulate how factories implement the rules to curb the spread of COVID-19, and factory owners are taking advantage of this absence. Factory workers with COVID-19 have been sent home, then not paid for the time they are obliged to quarantine. Knowing this, some workers continue to work despite suspicions that they are infected, because they are the sole breadwinners in their family. Factories continue to operate despite their workers testing positive, and therefore the virus spreads ferociously among this vulnerable community. Since union and rights' groups were at the forefront of the CDM, they are now in hiding, and factory owners can do as they like without the risk that they will be challenged or held accountable.

Another impact of the huge loss of jobs among vulnerable populations is the rise in sex workers, both young women and LGBTQI people. Our interviewee, Aung, shared that, whereas in the past “brokers” had to persuade or coerce people to work for them, at the moment people are contacting them directly to try to find work as sex workers. New streets in Yangon are becoming lined with people seeking to make an income through sex work.

Women and LGBTQI people were at the forefront of the massive nonviolent civil disobedience movement (CDM) that exploded across Myanmar in rejection of the military coup, playing important leadership and organizational roles in CDM. At the same time as they rejected the military takeover, they used creative nonviolent actions to bravely challenge societal norms, putting women's rights and LGBTQI rights in the spotlight. (For example, they exploited traditional ideas about women's clothes being “dirty” and “weakening” for men by making barriers of used skirts to slow down police and soldiers. This slowed their progress into a neighborhood and give protesters the opportunity to escape).

Because people identifying as LGBTQI have been very visible in CDM (colourful costumes and pride flags were often present within the early mass protests), many have been imprisoned as a result. They have suffered

and continue to suffer huge amounts of sexual abuse within the prison systems. BRM shared stories of sexual torture and rape of people identifying as LGBTQI at the hands of the police and soldiers, often leading to serious physical and mental illnesses.

BRM is tracking a continual rise in domestic violence in the slums, as well. Women have no protection in the current situation, and no support from the government, CSOs, or NGOs.

To make matters worse, a huge third wave of COVID-19 swept through Myanmar starting in May 2021, adding a massive public health disaster to the unfolding political, social, and economic crisis. Officially Myanmar has 491,584 COVID-19 cases to date, and 18,465 deaths. When this wave began, the medical systems were in tatters. Doctors and nurses who had initiated the CDM were detained, dead, or in hiding. People were not allowed to organize volunteer and mutual support systems like they had under the NLD government. Aid organizations were not allowed to deliver aid. Hospitals didn't accept COVID-19 patients. There were no quarantine centers. The military destroyed factories producing oxygen and fired on people queuing in the street to buy oxygen.

Responses to the military coup

A nonviolent Civil Disobedience Movement (CDM) emerged soon after the coup. It was an impressive example of actions taken in Myanmar to protect civic space. Hundreds of thousands of people massed in protests across the country. Previously divided ethnic and religious groups united in protest. Young and old, men and women, heterosexual and LGBTQI made colorful banners and costumes; chanted, sang, and danced; blocked roads and embassies; and drove convoys of cars, motorbikes, and rickshaws. They made art on the streets and online, painted whole streets with messages for the international community, and organized impressive systems to keep people fed, hydrated, and peaceful. It was a moment of enormous hope, energy, and solidarity.

However, the military response to CDM has been brutal (1178 people killed, 9014 arrested) to the point that many international organisations are calling them crimes against humanity and calling for intervention.

The National Unity Government (NUG, the shadow elected government), has used online platforms to issue statements and to call for a nationwide armed revolution by civilians against the military government. There has been movement from some within CDM to join the fight against the military. This includes joining the national People's Defence Force (PDF), an official nationwide armed movement created by the elected "shadow government" (the NUG) with the aim of toppling the military. It also includes joining local civilian defence or armed resistance forces to protect and fight against the military around their home or state.

Others have joined ethnic armed groups, including the Kachin Independence Army and the Karen National Liberation Army. Politically active youth from the cities have flocked to these groups, receiving combat training and abandoning their urban lives, 5G internet connections, and cosmopolitan lifestyles for the forests and jungles of the border areas. Communities of migrant workers have fought back against the military crackdown with homemade weapons, as well. Many lives have been lost.

Attacks have been made on state buildings, and even on people who are assumed to be associated with the military government. According to the NUG, between October 7 and November 6, there were a total of 668 incidents targeting military regime forces and their associates, including 83 attacks from ethnic armed groups and 207 from civilian resistance forces, killing 1,300 military soldiers.

The lethal violence used by the regime against its population, shared widely on social media, is resulting in some military and police personnel defecting, often with their arms, to join the resistance. One such soldier said, *"It broke my heart to see the military beating, torturing, and killing young people - people who [we] were supposed to protect."*

Nonviolent actions to protect civic space

Despite the coup, the humanitarian crisis it is creating, and the crackdown on civil society and protestors, civilian response is astoundingly brave and consistent.

Nonviolent protest is taking several forms:

- **Boycott:** The nonviolent CDM continues mostly with quiet but effective resistance to military rule in the form of boycotts of the military government. This includes civil servants refusing to work, people refusing to pay electricity bills, people not attending state-run schools, and people not accepting the COVID-19 vaccines they are distributing. People are also boycotting companies, including major telecommunications companies and popular food brands (e.g. Kirin lager).
- **Spotlighting and shaming the elite:** An organized and effective online campaign named and spotlighted individuals and families who benefit from their relationship with the military, in terms of wealth and/ or opportunity. The campaign used information and photos from social media platforms to investigate, shame, and attack these elites on a national scale, demanding that they explicitly withdraw their support from the military and join the CDM.
- **Public protests on the streets:** Incredibly, despite the very real threat of violent reprisal, small groups continue to make public protests in Myanmar's cities (e.g. [this recent protest in Mandalay](#)). Reprisals against protestors who are LGBTQI, of ethnic minority, student union members, supporters of the National League for Democracy (NLD) party and non-Buddhists are reported to be harsher than for others.
- **Public protest online:** Protest statements, information about the situation, and ideas and encouragement for how to continue nonviolent resistance are also widely shared by individuals and groups via social media (e.g. by a famous LGBTQI makeup artist now living in hiding who has more than 790,000 followers).
- **Advocacy to the international community:** Civil society groups and the NUG are using online platforms to advocate for international attention and action to countries and bodies within Asia (for example, to ASEAN), and internationally (to the UN and to foreign businesses with investments in Myanmar, especially those linked to the military, e.g. [Total](#)). Myanmar media outlets and journalists continue to bravely tell the stories, despite jail terms and abuse if they are caught by the military.

Civil society activity to support local people

Because of their leading role in the CDM movement, links with the PDF, and history and purpose to protect the rights of vulnerable populations, it is now extremely dangerous to be obviously involved in civil society activity, especially activity linked to the protection of civilian rights. The military continues to carry out nighttime arrests and to detain people without charge, to torture, rape, and kill with impunity. For small organizations like BRM, the civic space to safely operate is a distant memory. “Before the coup” is remembered by many in Myanmar as a time of possibility and freedom.

CSOs who did try to continue providing assistance to people in need during the third wave of COVID-19 have been fired on and/or arrested. Some groups have responded to this threat with creativity. For example, businesses and groups in Yangon that set up the sale of basic food stuffs for tiny costs for people in need responded to the threat of arrest by abandoning their stalls and going door to door.

Other organizations feel the threat is too great to operate. Our interviewee from BRM says that, in this context of threat, BRM can no longer carry out their activities to support female migrants and LGBTQI people in the slums. They can’t provide them cash or food, give counselling, hold awareness sessions, or carry out media campaigns; it is far too dangerous for them. This forced inaction is devastating for individuals and communities who know the extent of the needs and know how to organize effectively to respond to them, but who cannot due to the threat of reprisals.

What BRM does, it does as far under the radar as possible. For example, it tries to support the sex workers that now line many of the streets of Yangon with cash and food and by checking on their safety every now and then. This activity is very limited and done very discreetly, for the safety of the sex-workers and for the safety of the CSO members.

Unfortunately, the future looks very bleak for CSOs in Myanmar. Our interviewee, Aung, has no idea what is in store for BRM and finds it difficult or impossible to imagine the future. The current situation demands all their attention.

What learning can we draw from these approaches to protecting civic space during the COVID-19 pandemic in Myanmar, before and after the military coup?

This case study of CSO activity in Myanmar demonstrates the power of small civil society organizations to protect civic space when they unite with other groups with shared interests, in this example trade unions, other CSOs, and legal specialists.

It demonstrates the importance of using a variety of approaches to achieve change. This group combined public demonstrations with small scale, deep attitude change workshops; online and street level information campaigns using a variety of media; and direct cash, food, and psychological support for people in urgent need.

It demonstrates how Western ideas about how to make change may not be applicable elsewhere. Some might assume that in this situation the role of lawyers would be to protect the rights of women and LGBTQI people by bringing cases to the courts. But instead, they chose to bring about change through relatively quiet, low key, and informal awareness-raising processes and through influence. Relationships, mutual respect, and understanding were perhaps more important and effective in this situation for protecting the rights of people within the quarantine centers than the invoking of international human principles and laws (unfamiliar concepts for much of the Myanmar population).

This study also demonstrates how the relationships, systems, and learning gained by CSOs in one context can be used to respond to other challenges. The skills and knowledge of the people in BRM who had worked to protect civic space for years enabled them to respond quickly and effectively to support and protect women migrants and LGBTQI people in the slums when COVID-19 first arrived in Myanmar and lockdowns were imposed. This knowledge, and the systems in place, served them well in their participation in the organization of nonviolent mass protests against the military coup.

We can argue that relationships and connections have played a key part in the effective mobilization of civic energy in Myanmar in the crisis created by COVID-19 and the coup, and that these connections have in turn been reinforced by these crises. Collaborations have grown between CSOs, NGOs, and international NGOs. Individual and collective donations of money, goods, and time have been made to people in need in local communities and in parts of the country particularly hard hit. Mass protests of hundreds of thousands of people have been organized in temperatures of up to 39 degrees centigrade. All of these actions have required and reinforced communication, trust, and relationship between CSOs and individuals.

Even under democratic rule, divisions remained strong between people in Myanmar with different ethnic and faith identities (exacerbated very deliberately by military propaganda and actions). Although these divisions remain, the collective threat of the

pandemic and the enormous and effective collective response to it by civil society encouraged a sense of “we” across Myanmar that was different, reinvigorated, and suffused with pride in all that was achieved. This “we” was then further reinforced by the shared experience of outrage and furious rejection that followed the coup; by collective mass demonstrations, and by risk taking and creative mobilization against the military.

Where does the resilience and courage of Myanmar people involved in these actions come from?

“I have to act; I don’t want to go back into the darkness, back to the time before democracy when we were cut off from the world” is a statement often heard amongst Myanmar people involved in the resistance.

Motivation and resilience come from many different sources: faith and the soothing, strength-giving effect of prayer for some; conviction in human rights and democracy for others; a longing for progress and modernity, for the freedom to build a new Myanmar for still others. Raw fury and a refusal to be cowed is a driver for some. Compassion for fellow citizens continues to motivate actions of solidarity and mutual care in many different shapes and forms.

What happens next in Myanmar is very difficult to predict. The history of Myanmar demonstrates, however, that despite the violent crackdowns, resistance by civil society will not go away. It might get quieter or less obvious, but it will not end, no matter the force used against them.

Mutual support has deep roots in Myanmar culture and society. This is not the first crisis the Myanmar people have overcome. Myanmar civil society continues to do everything it can to protect civic space. They need the support – moral and practical – of international civil society to keep going in what may be a long struggle for freedom.