

Myanmar Context

I. THE SOCIETAL LEVEL

National politics:

In November 2015 a national election was held with a landslide victory for Aung San Suu Kyi's party, the National League for Democracy. This was an undeniably pivotal moment for Myanmar's politics; with a female Nobel laureate champion of democracy at the helm, and it is likely that important changes will be implemented during the coming years. Optimism must nevertheless remain somewhat guarded, however, because the Constitution still retains a 25% share of parliamentary seats for representatives of the military, which also retains dissolution powers.

Nonetheless, Aung San Suu Kyi's victory would appear to be a clear indication of women's acceptance in national politics. However, DFID (2014) recently flagged up as troubling, the lack of women leaders in Myanmar's public life. In the 2015 election, for example, only 13% of the candidates were women. Reports suggest that women are not widely considered 'leadership material' in Burmese culture (England 2015).

The Law

Domestic violence: There are laws related to inflicting bodily harm, but none that relate specifically to domestic violence. Domestic violence prevalence is hard to comment upon, because there are no official statistics. However, it is generally accepted that rates are high, and that IPV is considered socially acceptable (USDS 2014). Police are often reluctant to respond to accusations of domestic violence, and court punishments are generally limited to fines.

Workplace Harassment: The Penal Code prohibits sexual harassment and stipulates punishments from fines to one year in prison (OECD 2014). However, sexual harassment is common both in public areas (e.g. streets and transport) and at work.

Rape: Rape is illegal in Myanmar, but the government does not enforce the law effectively (USDS 2014). Women's organisations regularly report that members of the military are guilty of raping women, both as a weapon of war against ethnic minorities, and as a common practice when women from any community are taken by the military as forced labour, guides etc. (UKHO 2012; Women's League of Burma 2008). However, the Constitution includes a provision granting amnesty to all members of the regime for all crimes, thereby creating what the UN Special Rapporteur calls a 'culture of impunity' for VAW (CEDAW 2007: 50).

The labour force: Women's share in non-agricultural wage work is 44.7% (UNDP 2010), up from 41.3% in 2005. Labour laws do not specifically prohibit gender discrimination, thus allowing women to be paid less than men for the same work (UNDP n.d.; USDS 2014). Nonetheless, President Thein Sein legalised labour unions, and there are now numerous reports of NGOs and female workers campaigning for improved employment conditions (Johnson 2014). However, women still tend to predominate in lower-ranked and lesser-paid job roles with notoriously poor working conditions. Recent factory closures have also raised unemployment levels among women.

Religion & ethnicity: Across the country, women have markedly different experiences of the law and gendered practices depending on their religious and ethnic identities. Marriage and divorce are governed by different laws depending on religious background, for example (Gender Equality Network 2013). Women from ethnic minority communities are said to experience much higher levels of domestic violence (OECD 2014); opportunities for Muslims are particularly curtailed.

Human trafficking: Trafficking is a serious problem in Myanmar (Meger 2014), with (particularly poor) women being sold to various countries – most often China and Thailand - for forced marriage and/or labour. Trafficking also takes place within the country's borders, and it is reported that the military has been complicit in this (UDSD 2015). The government has not responded by addressing the root cause of trafficking, but rather by placing increased restriction on the movement of women and girls (Meger 2014).

The Media: It is unknown at present whether the media could play a role supportive of gender equity in Myanmar. Since the media is heavily censored and controlled by the state, this will largely depend on the will of the new government to address gender issues.

Freedom of expression: 'Basic rights to freedom of expression, association, and peaceful assembly remain tightly circumscribed in Burma' (HRW 2011).

II. THE COMMUNITY LEVEL

Local political representation: Like at national level, women are also underrepresented in local political bodies. According to a UNDP study, women comprised only 0.25% of village/ward administrators (48 out of 16785 administrators countrywide).

Customary law: Women's groups report that customary law often overrides national law in local adjudication of issues related to marriage, adoption, property rights and inheritance rights (e.g. Women's League of Burma 2008). Little is documented about the details of such practices or their prevalence.

Forced labour: Women are subject to forced labour in various ways. Perpetrators range from local militias to domestic employers, who seriously curtail domestic workers' freedoms.

Religion: community-based religious leaders have a strong influence on the daily lives of ordinary people. However, it is often suggested that Theravada Buddhism has an overt, blanket bias towards men, who are allowed to become monks while women cannot be ordained. Access to education and other resources required for skilled economic engagement: Strong cultural barriers do not appear to be in place to prevent girls' education. According to the UNDP, 'Myanmar has achieved parity in primary, secondary and tertiary education.'¹ However, the CEDAW Committee (2008) voiced concern at the state's 'lack of a comparative analysis of education enrolment rates, dropout rates and literacy rates by sex, ethnic group and/or religion as well as at the state/division level.'

Summary of our Secondary Quantitative Research

During the planning and scoping stages, it was expected that Myanmar's DHS results would be published during this project's lifespan. Unfortunately, government delays have prevented the data being made publicly available beyond very basic summary reports, which are not specifically useful to this research. Our quantitative experts from ICRW considered alternative options, including the ILO Labour Force Survey, but these were deemed either insufficient or inappropriate to the project's requirements.

This situation highlights the importance of the contribution of our own quantitative research in Myanmar.

¹ See: <http://www.mm.undp.org/content/myanmar/en/home/mdgoverview/overview/mdg3.html>

References

CEDAW Committee (2008)

England 2015

Meger 2014

HRW 2011

DFID 2014

OECD 2014

USDS 2014

CEDAW 2007

UKHO 2012

Women's League of Burma 2008

Gender Equality Network 2013

More here – taken from extracts from inception report document – seems to have more (check other countries for this as well)

Note: The UK and US governments refer to Myanmar as Burma. This decision is often seen to be in solidarity with human rights and democracy orgs in the country, which prefer not to associate with the name instated by the military junta. Some do recognise that even Burma is not ideal, however, as it is actually a colonial mispronunciation of the local *Bama* (Norsworthy 2004).

This annex offers an overview of the current situation in Myanmar, presenting background information that will prove relevant to our in-country research. It is organised according to the levels of the social ecology framework: societal level (cultural values and beliefs, and their reflections in social institutions such as the law); community level (the neighbourhood level, or the level at which people socially engage); the household level (the family) and the individual level. It then presents the findings from the scoping work presented as a table of all stakeholders documented as working on either WEE or VAW (or both) and is followed by the findings from interviews and details on key programmes that have been recommended for inclusion in this research project.

Rather than addressing the WEE-VAW relationship (on which pointed data is lacking), this annex offers insight into how women are viewed and treated in terms of the law, social institutions and cultural belief systems in this country. Our own project will need to extrapolate from the information below to create a basis/direction for its research agenda, with correlative analysis between the WEE/VAW data sets in addition to their intersection with other social issues and divisions.

For many years, Myanmar operated in isolation from western governments. From 1962 to 2011, the country was ruled by a military junta that held absolute authority, and forbade political dissent. The junta was guilty of substantial human rights abuses, including forced displacement and the prevalent use of forced labour (BBC 2015). However, since the country issued a new Constitution in 2008, international relations have been much improved. Nonetheless substantial concerns remain about the levels of freedom enjoyed by Burmese citizens in various areas of the law and in common practice. These will be discussed further below.

I THE SOCIETAL LEVEL

National politics

In 2008, a new Constitution was instated by the military regime, which allowed the first democratic election for decades to take place in 2010. However, this election was considered neither free nor fair by international commentators. In 2012, local by-elections received better reviews, and the National League for Democracy party (NLD), led by former political prisoner Aung San Suu Kyi, won the majority of seats. In November 2015 a national election was held with a landslide victory for the NLD. However, the Constitution prevents Aung San Suu Kyi from becoming president because her children are British citizens. Nonetheless she insists that, as leader of the party, she will retain authority over whomever the party elects to act as president.²

This is an undeniably pivotal moment for Burmese politics; with a Nobel laureate champion of democracy at the helm, it is likely that important changes will be implemented during the coming years. Optimism must nevertheless remain somewhat guarded, however, because **the Constitution still retains a 25% share of parliamentary seats for representatives of the military. Furthermore, it contains provision for the military to dissolve the civilian government** if it decides that ‘the disintegration of the Union or national solidarity is at stake’ (UKHO 2012: 24).

Nonetheless, Aung San Suu Kyi’s victory would appear to be a clear indication of women’s acceptance in national politics. However, **DFID (2014) has flagged up the lack of women leaders in Burmese public life as troubling.** At the time of writing, statistics are not available for the newly elected government. However, women previously held only 6% of seats in parliament, a smaller percentage than in any other south-east Asian country (England 2015). Women (and ethnic minorities) were also absent from the State Peace and Development Council, the cabinet and the Supreme Court (USDS 2010). In 2015’s election, 13% of the candidates were women, and reports suggest that women are not widely considered ‘leadership material’ in Burmese culture (England 2015).

The Concluding Observations of the CEDAW Committee (2008) stated that ‘While noting that the majority of university graduates are women, the Committee is concerned at the very low rate of participation of women in all areas of public, political and professional life, including in the National Assembly and the realms of government, diplomacy, the judiciary, the military and public administration, especially at senior levels’.

The Law

Rape

² See <http://www.theguardian.com/world/video/2015/nov/10/aung-san-suu-kyi-vows-to-lead-myanmar-government-video>

Rape is illegal in Myanmar, but the government does not enforce the law effectively (USDS 2014).

Women's organisations regularly report that members of **the military are guilty of raping women**, both as a weapon of war against ethnic minorities, and as a common practice when women from any community are taken by the military as forced labour, guides etc. (UKHO 2012; Women's League of Burma 2008). However, the Constitution includes a provision granting amnesty to all members of the regime for all crimes, thereby creating what the UN Special Rapporteur calls a 'culture of impunity' for VAW (CEDAW 2007: 50).

Outside of the military environment, if a victim is under the age of 14 intercourse is deemed rape with or without consent. **Spousal rape is not a crime unless the wife is under 14.** Although there are no official data, NGOs report that sexual violence is one of the most pressing human rights infringements in Myanmar, specifying that women suffer this abuse at the hands of family and community members as well as state representatives (Women of Burma 2008).

Rape is generally underreported because it brings social stigma upon the victim (Gender Equality Network 2014). There are also reports that the police may verbally abuse women who report rape. **A local newspaper reports that 'violence against women doesn't seem to move the country's courts'** (Solomon 2014), and gives the example of women who accuse men of rape then being punished by the courts for other, undisclosed offences. The United States Department of State (2014) further notes that women can be sued for impugning the dignity of a man she accuses.

Domestic violence

There are laws related to inflicting bodily harm, but none that relate specifically to domestic violence.

Domestic violence prevalence is hard to comment upon, because there are no official statistics. However, it is generally accepted that rates are high, and that IPV is considered socially acceptable (USDS 2014). Women's NGOs confirm this, noting that the *Dhammathats*³ traditionally allowed husbands to 'chastise his wife with a light cane or split bamboo' (Ba Tun quoted in Gender Equality Network 2013: 10). They highlight the lack of any provision for restraining orders against violent family members or boyfriends.

Police are often reluctant to respond to accusations of domestic violence, but when a woman is physically injured and files a report, they do take action (USDS 2010). Punishments are usually limited to fines, however.

³ Precolonial legal and ethical material

Sexual harassment

The Penal Code prohibits sexual harassment and stipulates punishments from fines to one year in prison (OECD 2014). However, sexual harassment is common both in public areas (e.g. streets and transport) and at work. The ‘Whistle for Help Campaign’ has received substantial attention in recent years, with its efforts to encourage women to blow on their (freely distributed) whistles when they encounter sexual harassment in public.⁴

There are no laws in place specifically to address sexual harassment in the workplace. ActionAid⁵ quotes a local lawyer: ‘Often the police just say it’s a domestic worker and won’t take it seriously. If a woman takes a man to court, male judges often dismiss the case.’

Property ownership

By law, women have the same rights as men regarding property rights and ownership. It is not clear how firmly the law is enforced, however (USDS 2014). Women’s organisations report the continuation of customary discriminatory inheritance practices, such as in the Palaung tradition, whereby a man’s property passes to his male relatives rather than his wife (Women’s League of Burma 2008). In the event of a divorce, women are supposed to have equal right over shared property, but in practice the man often takes the property (Gender Equality Network 2013). This is supported by customary law, and it has clear impacts on a woman’s ‘bargaining power’ in terms of being able to remove her wealth from a relationship.

NGOs working on women’s issues in Myanmar tend to focus on legal reform. They have enjoyed some success, although more is required; it is expected that Myanmar’s first draft law on VAW will be submitted later this year (Pyae 2015). However, legal reforms do not operate in isolation from their cultural environs. According to one activist in Myanmar, ‘Some husbands beat their wives because they think that’s what you should do – it’s a source of pride’ (RWI 2014). If Myanmar’s potential legal reforms are to be successful, therefore, there is a pressing need for research and work on women’s issues beyond the law.

Religious discrimination/divisions

⁴ See: <http://www.stopstreetharassment.org/2012/02/whistlehelp/>

⁵ See: <http://www.actionaid.org/stories/lot-men-assume-women-wont-fight-back>

It should be noted that women have markedly different experiences of the law and gendered practices in Burma depending on their religious and ethnic identities. **Women from ethnic minority communities are said to experience much higher levels of domestic violence**, for example (OECD 2014).

Opportunities for Muslims are dramatically curtailed, and the Rohingya community in particular has faced discrimination from employers and from the government (one example of many is that Muslims cannot adopt children). This is in addition to the discrimination that Muslims face on a daily basis from the majority Burmese community.

Marriage and divorce are governed by different laws depending on religious background. Hindu women cannot divorce their husbands, for example (Gender Equality Network 2013), and while Christian men can divorce wives for adultery, Christian women seeking divorce require extra factors (Sen 2001). Furthermore, while Buddhists who want to marry under the age of 20 need parental approval, a when a non-Buddhist male reaches puberty, he can marry a girl of 14 if her parent's consent.

The labour force

In 2008, the CEDAW Committee noted its disappointment concerning the lack of information on the situation of women in the labour force, the lack of clarity regarding women's labour force participation in urban vs. rural areas, unemployment rates, the gender wage gap and vertical and horizontal labour-force segregation. The data currently available is still inadequately nuanced, but some relevant facts are presented below.

Women's share in non-agricultural wage work is 44.7% (UNDP 2010), up from 41.3% in 2005.

Therefore, there is little need to for state or non-state agencies to promote women's employment *per se*. However, women tend to predominate in lower-ranked and lesser-paid job roles with notoriously poor working conditions. **Labour laws do not specifically prohibit gender discrimination**, thus allowing women to be paid less than men for the same work (UNDP n.d.; USDS 2014). Nonetheless, President Thein Sein has recently legalized labour unions, and there are now numerous reports of NGOs and female workers campaigning for improved employment conditions (Johnson 2014).

Women remain underrepresented in traditionally male job roles (mining forestry, fishing etc.) and are still effectively barred from certain professions (USDS 2014). The military has begun to accept a very small number of women into its Defence Services Academy, and in 2014 two women were appointed to represent the military in government (USDS 2014).

The Media

It is unknown at present whether the media could play a role supportive of gender equity in Myanmar. Since **the media is heavily censored and controlled by the state**, this is largely dependent on the will of the state to address gender issues.

In 2012, private daily newspapers were allowed for the first time since the 1960s. However, in 2014 authorities arrested, convicted and imprisoned citizens for expressing political opinions critical of the government, and threats and arrests of journalists continued (USDS 2014). Although a new law was approved decriminalizing basic journalistic practices, they included broadly worded stipulations that protect 'national security' and respect religion in publishing (Freedom House 2015).

Access to the internet also remains limited (2-7%) (USDS 2014). This is largely to do with restricted bandwidth availability and costs, but Freedom House (2015) notes that journalists and others who may be critical of the state face regular cyber-attacks and attempts to infiltrate email accounts.

The government continued in 2014 to monopolise and control all domestic television broadcasting (USDS 2014).

Academic freedom

Academic freedoms remain restricted but more opportunities for undergraduate students have now been made available. In 2013, the Universities of Yangon and Mandalay were allowed to have undergraduate students again for the first time since the student uprisings in 1988, and they were also allowed to enter into agreements with international institutions after decades of isolation, hosting international faculty and speakers (USDS 2014). However, political activity on campuses is banned, and students have been arrested or detained for attempting political gatherings (USDS 2014). According to Freedom House (2011):

'Academic freedom is severely limited. Teachers are subject to restrictions on freedom of expression and are held accountable for the political activities of their students. Academic freedom is severely limited. Teachers are subject to restrictions on freedom of expression and are held accountable for the political activities of their students.'

Freedom of expression

There have been many reports of peaceful groups of people (e.g. farmers) being arrested for protesting human rights violations (USDS 2014). Members of women's rights groups have also been arrested, for instance for protesting against the military for its refusal to deal with accused rapists in its ranks (OECD 2014).

In 2011, Human Rights Watch wrote:

'Basic rights to freedom of expression, association, and peaceful assembly remain tightly circumscribed in Burma. The government staged two general amnesties of prisoners in 2011. In May and June, a general amnesty included a one-year reduction of all sentences, freeing an estimated 20,000 prisoners. Of these, 77 were believed to be political prisoners... Large numbers of political prisoners remain in Burma's horrid prisons.'

II THE COMMUNITY LEVEL

Note: it is likely that everything in this section will differ substantially for areas marked here in yellow on the map, where ethnic conflict levels are high.⁶

Figure 1 Map of Myanmar

⁶ Current FCO map available at: <https://www.gov.uk/foreign-travel-advice/burma>



Customary law

As noted in section I above, customary law often governs multiple areas of women’s lives. Women’s groups report that these areas frequently include **marriage, adoption, property rights and inheritance rights** (Women’s League of Burma 2008). Little is documented about the details of such practices or their prevalence.

Local gender norms

Pansy’s (2015) study of a number of local communities throughout Burma finds that **urban areas are witnessing the relaxing of gender rules** more quickly than communities in rural areas. It is stated that even in cities, norms that guard women’s dress and behaviour are still in place, but that they are experiencing increased mobility and social space. Changing work patterns are thought to be at least partly responsible for this. Only in areas where awareness-raising initiatives had taken place were women recognised as having greater decision-making capacity over their lives, however, such as in decisions about whether to remain in domestic relationships.

Unsurprisingly, some communities are found to retain more conservative attitudes. Changes related to women's engagement in public life, their social interaction, dress codes, openness, mobility and even eating patterns are treated with 'caution or even resistance.'

Influence of religion

A recent study (Pansy 2015) found that **religious leaders have a strong influence on the daily lives of participants**. Burma has experienced high levels of inter-religious ethnic tensions in certain areas, and so the dynamics of specific areas will likely impinge upon attitudes differently. In some ways, however, religion impacts upon people in a standardised way across the country rather than being concentrated at the community level. This is reflected, for example, in the proposed new law to prevent Buddhist women marrying men from different faiths without obtaining their families' permission. 'This draft law was supported of a (solely male) convention of 1,500 senior monks in Yangon' (OECD 2014: 3).

Participants in a study of Burmese women (Norsworthy et al 2004) agreed that Buddhism is a strong social force in their communities. It was noted that **Theravada Buddhism has an overt bias towards men**, who are allowed to become monks while women cannot be ordained. Christian informants stated that they are also inferior in their own religious systems, but that women have better status in Christian communities than that enjoyed by their Buddhist counterparts.

Women's access to education and other resources required for skilled economic engagement

Strong cultural barriers do not appear to be in place to prevent girls' education (unlike in Pakistan, for example). According to the UNDP website:⁷

'Myanmar has achieved parity in primary, secondary and tertiary education. The ratio of girls to boys enrolled in primary education, or the Gender Parity Index (GPI), as measured by net enrolment ratio, has increased from 98 per cent in 2000

to 104 per cent in 2010. The ratio of girls to boys enrolled in secondary education has increased from 99 per cent in 2000 to 105 per cent in 2010. The overall participation rate in secondary education is still low and inequitable. The gross

enrollment rate for secondary education was estimated to be 53 per cent in 2008.

The number of girls attending tertiary education had far exceeded that of boys since 1990. The GPI in tertiary education was 151 per cent in 1990, 168 per cent in 2000 and

⁷ See: <http://www.mm.undp.org/content/myanmar/en/home/mdgoverview/overview/mdg3.html>

164 per cent in 2010.'

However, Burmese participants in Norsworthy et al's (2004) study stated that educational opportunities are distinctly gendered according to the traditional custom of offering sons as novice monks. Young Buddhist boys are traditionally expected to live at monasteries for a period of time, engaging in education there. Girls, on the other hand, are expected to stay at home to deal with domestic chores and family requirements. It is stated that 'the ordination of boys is considered sacred and as a display of gratitude to parents who gave birth to them. Girls do not have access to these educational and religious opportunities' (Norsworthy et al 2004: 274)

Although data is now available through the UN for education enrolment rates, the CEDAW Committee (2008) voiced concern at the state's 'lack of a comparative analysis of education enrolment rates, dropout rates and literacy rates by sex, ethnic group and/or religion as well as at the state/division level.' It is likely that access to education and skills training will vary by region and community, but unfortunately this data is still unavailable. The Committee (CEDAW 2008) did underscore the fact that the quality of education available to girls was substantially poorer in rural and conflict-prone areas than in urban ones, however, and this is likely still to be the case.

Summary

Norsworthy et al (2004) conducted several live-in workshops with Burmese refugee women from different areas and backgrounds, who spent time in discussion and debate about factors contributing to women's disempowerment and VAW in their communities. These workshop participants compiled the following list of problematic factors evident in their communities and cultures:

1. Women need parents or husbands to take care of them because they are weak and cannot take care of themselves; therefore, they need to stay home where it is safe or have an escort when traveling.
2. Men should be leaders because they are superior, intellectually and physically.
3. Women are not capable of living their own lives and should follow men.
4. Women are dirty because of menstruation, so they are not allowed to enter certain sacred Buddhist sites.
5. Being born as a woman is due to bad kamma (karma) from past lives, while being born a man is due to good karma from previous lives.
6. Women are responsible for caring for the family and keeping it together.
7. Relationship failures are the fault of the woman.
8. In relation to incidents of gender-based violence, such as partner abuse or sexual assault, the following beliefs regarding women pervade their cultures:
9. The woman asked for abuse or assault or caused it to happen.
10. An abused woman was a bad wife or partner. It is her duty to her partner and her children to stay

in the relationship.

11. Women are assaulted or abused because of bad karma (Norsworthy et al 2004: 273-4).

The authors go on to compile a list of the workshops' participants ideas about potential strategic action. In their discussions of changes to be made at the community level, these groups of Burmese women devised the following aims to address gender discrimination and VAW:

1. Develop and promote support groups, feminist-based counselling, and informal networking for women in order to help them create bonds, gain strength from one another, recognize that they are not alone, and promote information exchange
2. Because "knowledge is power," offer community education regarding women's leadership, women's rights, income generation, and community organising.
3. Educate men about the importance of becoming allies for women, about gender justice and violence against women, about the responsibilities of men in promoting more egalitarian societies, and about how raising the status of women in society benefits men and women alike.
4. Organize workshops that bring together men and women for the purpose of consciousness raising and bringing gender justice to their relationships, communities, and societies (Norsworthy et al 2004: 277).

III THE HOUSEHOLD LEVEL

Norsworthy et al's (2004: 272) study also revealed that Burmese women share the following concerns about gender norms at the household level:

'Within families, the women were concerned about limited role choices and particularly about being relegated to the roles of servants and child-care providers. They also saw women as having limited decision-making power within the family system. Other forms of oppression included negative societal beliefs and myths about women [and]... husbands' outside affairs and multiple wives.'

They go on to list the following points as potential actions to improve gendered household dynamics:

1. Form power-sharing relationships between spouses and partners, especially when raising children.
2. As parents, demonstrate flexible gender roles and distribute household responsibilities outside of the typical gender "boxes."
3. Encourage strengths, potentials, and talents in all family members regardless of gender.

4. Do not use violence and coercion in parent-child relationships, couple relationships, or any other family relationships (Norsworthy et al 2004: 277).

THE INDIVIDUAL LEVEL

Finally, the Burmese women in Norsworthy et al's (2004: 277) study listed the following points as individual-level strategies to promote empowerment and decrease VAW in their communities:

1. Know ourselves. Become aware of our own beliefs and values and transform any that support gender-based oppression.
2. Recognize and be responsible with the power we have.
3. Learn about women's rights and human rights.
4. Do not pass on oppressive attitudes that uphold violence against women.
5. Insist on power sharing in all relationships, especially between men and women.