

Stakeholder Statement by the Gender Equality Network, Myanmar



1. The Gender Equality Network (GEN) is an active inter-agency network that aims to facilitate the development and implementation of enabling systems, structures and practices for the advancement of women, gender equality, and the realisation of women's rights in Myanmar. Based in Yangon, GEN is comprised of over 120 national and international non-government organisations, civil society organisations, networks, and technical resource persons. Formerly known as the Women's Protection Technical Working Group, GEN has worked collaboratively since 2008 to promote gender equality and women's protection.

Women's Rights Since Cycle 1

2. Among 74 recommendations accepted by Myanmar in Cycle 1 of its UPR, seven are specifically focused on women's rights:

- A - 104.11. Establish and enforce strict legislation criminalizing rape in every context, including marital rape (Portugal);
- A - 104.32. Ensure that violence against women and girls, including domestic violence and all forms of sexual abuse, constitutes a criminal offence, and that perpetrators are prosecuted and punished (Norway);
- A - 104.36. Adopt strict legislation which criminalizes rape in every context and which ensures legal punishment of the perpetrators including those from the police, military and other authorities (Hungary);
- A - 104.39. Conduct an investigation, bring perpetrators to justice and provide reparation to the victims of sexual violence involving members of the armed forces (Brazil);
- A - 105.3. Further strengthen its national machinery to ensure gender equality (Azerbaijan);
- A - 105.8. Adopt effective measures to fight violence against women (Slovenia);
- A - 105.10. Increase its efforts to prevent and combat violence against women and human trafficking and adopt a National Plan of Action for the advancement of the human rights of women (Iran);

Several additional recommendations pertain to necessary conditions of establishing gender equality, for example incorporating international human rights mechanisms into domestic law and guaranteeing freedom of expression and association.¹ Two additional rejected recommendations dealt with investigating allegations of military sexual violations and ending sexual violence against ethnic minority women.² In its National Report, Myanmar emphasized it had acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and was in progress of drafting a National Plan of Action for the Advancement of Women (sic), as well as improving women's health, awareness-raising, and protection from gender-based violence.³

¹ See A - 104.8. A - 104.10 in Section II of the Report of the Working Group A/HRC/17/9.

² See R - 107.46. R - 107.67 in Section II of the Report of the Working Group A/HRC/17/9.

³ National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1.

3. In October 2013 the Government of Myanmar officially launched the National Strategic Plan for Advancement of Women (2013-2022). NSPAW focuses on twelve key priority areas, based off those of the Beijing Platform for Action: livelihoods, education and training, health, violence against women, emergencies, economy, decision-making, institutional mechanisms for the advancement of women, human rights, media, environment, and the girl child. The launch of NSPAW is a major landmark for Myanmar women's rights, but formal implementation of the plan has stalled. The Gender Equality and Women's Empowerment Sectoral Working Group charged with carrying NSPAW forward met only once in 2014, and excluded civil society from its previous meeting in 2013. Effectively addressing gender gaps identified in NSPAW will be critical to future progress in achieving women's rights.

4. Despite a pervasive cultural rhetoric of gender equality, women continue to face pervasive and restrictive social and cultural norms that limit their ability to participate fully in Myanmar society.⁴⁵ In 2014, Women made up just 4.6% of parliamentary representatives at the national level, and held only 2.9% of seats in state and regional legislatures.⁶ Significant cultural, legal, and administrative barriers block women's effective economic participation, including insecurity of land use rights, lack of access to agricultural extension and credit, and gaps in agricultural wage rates and perceived value of gendered work.⁷⁸

5. Despite attention in the last UPR, Violence against women⁹ continues to be a grave human rights concern for Myanmar. Recent GEN research highlights multiple forms of violence experienced by Myanmar women, including emotional, physical, economic, and sexual intimate partner violence. These women also commonly experienced sexual assault and harassment outside the home – although the study did not select for survivors of stranger assault, almost half of the women surveyed had experienced non-partner sexual abuse in public spaces, suggesting that sexual harassment is a common experience for Myanmar women. This research, along with other mounting evidence, points to a lack of available medical, legal, financial, and psychological support services for the survivors of violence, and their own limited faith in the justice system.¹⁰ GEN is currently working with the government to develop Myanmar's first Prevention of

⁴ Social and Cultural Norms research, GEN, forthcoming; *Women and Leadership*, Oxfam, CARE, Trocaire and ActionAid, 2013.

⁵ See CEDAW Article 7, General Recommendation No. 23 (Women in Political and Public Life) and UDHR Article 21.

⁶ *Women in Governance*, Phan Tee Ein and GEN, forthcoming.

⁷ *Towards Gender Equality in the National Land Use Policy*, GEN, 2014

⁸ See CEDAW Article 11 (employment), Article 13 (financial credit), Article 14 (rural women, equal treatment in land).

⁹ See CEDAW Article 1, General Recommendation No. 19.

¹⁰ *Behind the Silence: Violence Against Women and their Resilience, Myanmar*, GEN, 2015.

Violence against Women Law in response to these problems and in line with international standards of prevention and response.

6. While gender-based violence threatens all Myanmar women, regardless of ethnicity, religion, and class, women living in conflict affected areas in Kachin State, Rakhine State, and in the Southeast are particularly at risk. On June 5 2014 the Myanmar Government endorsed the UN Declaration of Commitment to End Sexual Violence in Conflict. However, military violations have continued in spite of this commitment, as evidenced by the January 19/20 2015 rape and murder of two young ethnic Kachin teachers in Northern Shan State.¹¹ These assaults violate both accountability and individual security as enshrined as UDHR Article 8 (effective remedy) and 3 (security). Abysmal conditions within IDP camps further endanger the lives and rights of women, men, and children.¹²

7. The recent rise of a Buddhist nationalist movement poses major risks to the achievement of women's and human rights. In late 2014, four draft "Protection of Race and Religion Laws" were submitted to parliament. Among other human rights violations, these laws aim to restrict women's reproductive rights, particularly those of Muslim women, and raise obstacles to Buddhist women's ability to choose and marry a partner of another religion. These restrictions contravene UDHR Article 16, CEDAW Article 12 (health) and 16 (marriage and family relations), and the 2008 Myanmar Constitution's anti-discrimination clause.

8. Violent and sexualized threats by phone and social media to women's rights activists, particularly over opposition to the Protection of Race and Religion Laws, are severe threats to the personal security and collective mobilization abilities of human rights defenders.

Recommendations

9. We call for renewed energy and clear budget allocation for a whole of government commitment to the implementation of the National Strategic Plan for the Advancement of Women across all 12 priority areas. The government and its partners must summon the necessary political will and technical resources for genuine engagement and enforcement across every ministry and department in every division, state, and region, and work to include the voices and priorities of civil society partners.

10. We call for high-level mechanisms to ensure the integration of gender and women's issues into all ministries. These could take the form of a National Women's Commission

¹¹ For documentation of military sexual violations see *Same Impunity, Same Patterns*, Women's League of Burma, 2014.

¹² *Women's Needs Assessment in IDP Camps, Kachin State*, GEN and the Kachin Women Peace Network, 2013.

or Gender Equality Commission under the President's Office or a female Gender Adviser to the president.

11. Inequalities in political representation, decision-making authority, and economic and leadership opportunities must be addressed with awareness-raising and training, gender-sensitive policies, and temporary special mechanisms such as quotas.¹³

12. A comprehensive Prevention of Violence Against Women Law is essential for establishing clear legal standards and punishments for a range of acts of violence against women. We recommend the government to continue to work to support and accelerate its passage and implementation.

13. There is an urgent need for health and psychosocial support services, and for a system that enables women and girls, and other survivors of violence, to report incidents, and to access justice and legal support safely and effectively. We call on government to fund and develop appropriate initiatives such as crisis shelters for women who experience abuse, and provide links with police, health care workers, legal service providers and psychosocial counselors, ensuring they are supported and trained to effectively respond to incidents and to support women.

14. We call on the government to stop and condemn all incidents of sexual violence in conflict, in line with its endorsement of the Declaration of Commitment to End Sexual Violence in Conflict and for the development of a National Action Plan on SCR 1325 to promote women's involvement in peace and security.

15. We urge the government to reject the Protection of Race and Religion Laws, and to condemn hateful ultranationalist rhetoric. Instead, the government should support the reform of the 2008 constitution of Myanmar and build initiatives for peace, reconciliation, and new opportunities to advance women's and human rights.

16. We call for renewed efforts to guarantee freedom of expression and association and to incorporate international human rights mechanisms into domestic law in order to guarantee the protection of women's and human rights defenders and promote a robust and democratic civil society.

¹³ See CEDAW Article 4.