Censored gender အသိပ္ပံဌး ချိုးကြားခြင်း

Women’s right to freedom of expression and information in Myanmar
အိမ်ရောင်းချန်မှု စိုးရိမ်မှုများအတွက် မြန်မာနိုင်ငံမှာ ရှိသော အခြေခံမှုများ
Project team and support

This report has been produced by the ARTICLE 19 Asia Programme. The principle Myanmar researcher was Yin Yadanar Thein, with support from Ye Htun Naung, Aung Kyaw Zin, and Nang Htet Htet Aye. The chapter on international standards on gender and freedom of expression was authored by Oliver Spencer. The report was compiled and written by Yin Yadanar Thein and Oliver Spencer, edited by Susie Wright, supported by Ye Htun Naung, overseen by Barbora Bukovska and David Diaz-Jogeiz, and translated by Zaw Min Oo.

ARTICLE 19 wishes to thank all participants for their generous support without which no findings would exist.

ARTICLE 19's gender and freedom of expression project in Myanmar has been financed by the Government of Sweden. Responsibility for the content lies entirely with the creator. The Government of Sweden does not necessarily share the expressed views and interpretations.
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Executive summary ဗိုလ်ခေါင်းဆောင်မှုအဆုံး

Women in Myanmar have inspired political leadership, reported fearlessly on current events and played a leading role in civil society. As a result, however, they have faced a multitude of legal and policy restrictions and arbitrary punishments.

Women experience these restrictions, punishments and their effects differently to men. For men, these restrictions and punishments tend to come from the government, whereas for women they are reinforced and exacerbated by society in the form of gender-based discrimination and gender-based violence. As a result, women and other gender-minorities often experience restrictions and punishments more acutely than men.

This report sets out to answer several initial questions. How does the right to freedom of expression and information apply to women in Myanmar? How are women represented in the media? What information necessary for women is not easily available? Why are women’s voices not heard at the highest levels of decision making? What gender-based violence do women experience as a result of what they say?

It comes to a number of conclusions, including:

- Women journalists generally have more junior or gender-related roles than men.
- Women journalists have no gender-based support or voice within the media sector.
- Women journalists are ‘protected’ rather than empowered.
- Gender-based stereotyping is rife across the media, particularly in broadcasting.
- The government does not prioritise the provision of access to information for women.
- Women’s access to gender-specific information is hindered by cultural barriers.
- Women’s voices are excluded from decision making.
- Women included in decision making are selectively chosen by government.
- Women’s gender and sexual identity are used to exclude them from civic space.
- Women in Myanmar experience expression-related violence and its effects differently.
- The current remedies and protective measures that exist to protect women from violence actually make it worse.

Understanding these issues has led to the following targeted recommendations. Most of them would benefit not only women but other people in Myanmar, too. In addition, some of them are already part of Myanmar’s little known National Strategic Plan for the Advancement of Women adopted by the government in 2013.
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Recommendations to the government and parliament

Develop new laws in consultation with civil society organisations including gender-focused ones and in accordance with international standards:

- An access to information law.
- A broadcasting law and public service media law. This legislation should include a requirement for the principles of diversity and pluralism to be considered as part of the licensing of channels. The principle of diversity should be explained in the law as meaning that all gender and other minorities should be represented in programmes and should participate in decision making bodies, both of public and private channels.
- An anti-discrimination law, which must explicitly prohibit discrimination on the basis of “tradition” or “culture” by state and non-state actors.
- A law to address gender-based violence, to be followed by the implementation of appropriate regulations and properly funded programmes that clearly set out that – and how - all parts of the public administration should swiftly apply them.

Make amendments to current laws:

- Publicly commit to the need to challenge gender-based discrimination and reform all customs and laws that civil society identifies as either de jure or de facto furthering such discrimination.
- Amend the Constitution, including Articles 109(b) and 141(b) which grant parliamentary seats to the military, and Article 352 which limits anti-discrimination provisions.
- Amend the Association Registration Law to ensure that women and people with lower literacy levels are able to organise and create associations.
- Amend the Right to Peaceful Assembly and Peaceful Procession Act, establishing a clear procedure for voluntary notifications and prohibiting the requirement for permission to assemble.
- Amend the Myanmar National Human Rights Commission Law to bring it into accordance with the Paris Principles; ensuring Article 7(c) explicitly defines the minimum number of women necessary in the Commission.\(^1\)
Recommendations to the government

- Quickly and openly implement the *National Strategic Plan for the Advancement of Women*. Make proper budget allocations and publish a robust annual operational plan with measurable indicators. Prioritise implementing the following policies covered by the Plan:

**Implement policies to enable women in the media:**

- Conduct consultations with women media professionals and their representatives with a focus upon 1) enabling them to work in high risk environments such as armed conflict areas, and 2) providing all women with reliable childcare, particularly for children under the age of four, to make it possible for them to work.
Implement policies to empower women’s access to information:

• Appoint public officials at all levels, particularly in township administrations and government hospitals, to proactively empower people to access information that is up-to-date, relevant and in an appropriate language. Such responsibilities should include the removal of barriers to information for women established by society on the basis of ‘tradition’, and a requirement for such officers to proactively engage with women.
• Ensure all government departments conduct gender-sensitive evaluations of their projects, including gender-disaggregated data, and disseminate the results openly.
• Reform all policies and practices relating to digital media and telecommunications to ensure their gender sensitivity, with the aim of facilitating equal access.

Implement policies to empower women’s voices in decision making:

• Disseminate to ministries, departments and institutions guidance on interpreting the constitutional guarantee to non-discrimination under Article 348, including its application when regulating dress.
• Implement systems that aim for the proportional representation of women in the legislative, judicial and executive pillars, and seek to encourage the representation of women among parliamentary candidates and cabinet ministers.
• Include in all consultation processes independent gender-focused civil society organisations, in addition to – or in place of - the government-aligned MWAF and MMCWA.
• Identify and initiate the reform of all de facto and de jure rules that require women to gain permission from a third party in order to make decisions about their own lives, particularly their sexual and reproductive health.

Implement policies to protect women who speak out:

• Publicly condemn gender-based violence.
• Ensure that all allegations of gender-based violence or gender-based discrimination are investigated in a transparent, prompt, impartial and efficient manner. In the civil service, establish a safe mechanism to review gender-based complaints made against civil servants.
• Establish a commission to investigate women’s access to justice with the aim of identifying mechanisms that can support vulnerable and marginalised gender groups in accessing police and judicial processes.
• Initiate the urgent training of police officers, prison staff, military and other members of the security services in non-violent and gender-sensitive approaches to their work. Reform recruitment policies and procedures of security services to ensure 50% representation of women at all levels.
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Recommendations to the National Human Rights Commission

• Ensure that the next intake of Commissioners, and all subsequent intakes, include 50% women Commissioners selected from women identified by independent civil society groups.

• Establish a process of open engagement with civil society to review gender-based discrimination and violence in Myanmar, as provided for under Article 1(f) of the Commission’s Mandate. Develop objectives and a work plan for the Commission, and deliver both to the President and government under Articles 1(l-m).

• Recommend in accordance with Article 1(b.i) that the government ratify the ICCPR and the ICCPR’s Optional Protocol, and the CEDAW Optional Protocol on complaints.

• Recommend in accordance with Article 1(b.ii) that the government amends the laws and policies that either de jure or de facto further gender-based discrimination.

• Establish a sub-commission to deal with gender-based complaints of human rights violations. The sub-commission should be mandated to publicise its existence widely, accept complaints, and proactively and visibly issue public statements on gender-based issues.
Recommendations to the Press Council

- Ensure a substantive number of women are included as members of the permanent Press Council as soon as it is established, including as part of the complaints mechanism.
- Ensure that only members who have received specialist gender-awareness training can adjudicate in complaints that relate to women’s sexuality, sexual orientation or gender identity. Such members should seek the assistance of gender-focused civil society organisations to make decisions.

Recommendations to media trade unions

- Establish a policy of positively including women members in all decision-making mechanisms. Should women members be reticent to participate, conduct a review to investigate the logistical, procedural or organisation changes that are needed to encourage and facilitate their participation.
- Establish in addition women’s sub-committees that explicitly focus on gender within the media sector, and that feed recommendations into the main executive bodies. The sub-committees should focus on both identifying gender-based issues and encouraging women to enter the profession. This should include challenging any cultural or other barriers that deter or prevent them.
- Develop a set of standards for media companies to adopt in order to systematically address gender-based discrimination, including: the creation of appropriate human
resources policies and employment protections, including provisions to enable women to return to work after childbirth; gender-awareness training and mechanisms for hearing complaints, including on gender-based violence and bullying; the assessment of disparities in promotion, training or wages, or in the selection or publication of stories; adopting gender-sensitive risk assessments and mitigation plans for working in difficult or dangerous places; identifying and removing gender-bias and gender stereotyping in the media.

**Recommendations to broadcasters, including the Ministry of Information’s state channels**

- Conduct a review of programming to identify and remove gender bias and gender stereotyping, delivering gender-awareness training to all staff.
- Establish more gender-specific programming.
- Engage with gender-focused civil society organisations to identify and develop gender-specific, relevant and engaging broadcast programming. This should include sensitive topics such as sexual and reproductive health, gender-based violence, harmful cultural and religious practices and beliefs, and women’s rights. Such programming should be independently evaluated, exploring the most appropriate medium, style, tone, language and message.
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Introduction ဖျင်ပွဲ:

Background

**International law ဖျင်ပွဲ:**

International law says clearly that “discrimination against women violates the principles of equality of rights and respect for human dignity, [and] is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries”.

It also says that “the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields”.

The right to freedom of expression and information has been integral to all attempts to resist discriminatory and oppressive practices, and has enabled women to speak out in civil, political, social, economic and cultural contexts, participating in their own emancipation and improving their status. Women’s exercise of freedom of expression in order to organise and speak out has rewarded them with new hard-fought freedoms such as the right to vote, the right to control their own bodies, the right to unionise, and the right to equality before the law.

The right to freedom of expression includes the right to freedom of information which has empowered women to make decisions and speak out on the basis of knowledge. Information and knowledge ensure women have the means to understand their rights in general, and give them the arguments to push for change.

Together freedom of expression and freedom of information enable women to:

- Understand and exercise their full range of rights
- Make more effective decisions based on knowledge, for example, with regard to their own bodies, their families and employment
- Challenge injustice, discrimination and oppression
• Participate in decision making that affects their lives
• Hold governments to account.

Women’s right to freedom of expression and information is, however, under constant attack. Discriminatory practices in society dissuade and prevent women from searching for information, speaking out, and participating in decision making. Women who do use these rights are punished by society and punished by governments, often by those very people and institutions supposed to defend and support them. Women who do not speak out often keep quiet because they fear retaliation, shame, or exclusion.

On the other hand, political leaders emphasise ‘traditional values’ and as a result defend patriarchal structures. Stereotypes repeated by the media lock women into particular gender roles and responsibilities. Sexist speech on social media insults and degrades women. Claims of immorality are used against women facing gender-based violence.
Objective of the report

Myanmar is often portrayed as a state with a comparatively high level of equality, particularly when compared to its neighbours to the west. Indeed, in the research for this report the people of Myanmar frequently came to exactly this conclusion. It is true to an extent: over the past decade, Myanmar has, for example, largely eliminated inequality in education, and there are now more girls and women in education than there are boys and men.

However, while civic space has grown considerably since the adoption of a new Constitution in 2008, the absence of women’s voices has become more noticeable, particularly at the higher levels of government and civil society. Unfortunately, while there is certainly prima facie evidence, any attempts to understand the reasons behind the evidence have not been broad, looking at women only as journalists or leaders.

This report is, therefore, the first in Myanmar to look comprehensively and specifically at the gender-based factors that restrict, either in practice or in effect, women’s right to freedom of expression and information. It seeks to facilitate an understanding of the barriers women are facing in the country, and to initiate discussion on how to eliminate them. The report will form the basis of ARTICLE 19’s future work in Myanmar, and will, in particular, feed into the 2016 review of the country under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
ARTICLE 19’s experience

In the late 1980s, a number of countries emerged from authoritarian, military, colonial and communist governments across Latin America, Africa, Asia and Eastern Europe in what became known as the ‘third democratic wave’. Civil societies and governments in these countries sought to understand how to reform their laws and practices to promote and protect the right to freedom of expression and information, both core building blocks in a democracy.

ARTICLE 19 was established in 1987 to set standards and create pressure for their use. We work from a network of offices worldwide on a range of related issues from crimes against free speech, to digital rights, and participation in development. Much of our work since 1987 has been concerned with addressing violations that occur only in certain marginalised sections of society. When trying to understand where states have failed in their human rights obligations, we purposely look to see whether states are actively discriminating, or discriminating in effect through their failure to address the needs of the marginalised.

This report follows previous work that ARTICLE 19 has carried out on gender-related issues, including: access to reproductive information in Peru, discrimination against women journalists in Bangladesh, protection of sexual minority activists in Russia, face veil bans in France, and the protection of ‘traditional values’ at the United Nations Human Rights Council.

We opened our Yangon office in 2013, primarily to ensure the legal reform being done in the transitional state conformed to international standards. By doing this, we have contributed with others to the building of a democratic society in Myanmar.
Methodology

The research for this report was conducted in 2014 and 2015 and used primarily qualitative methods. Building upon desk-based research, ARTICLE 19 conducted detailed, in-depth interviews with 30 key participants from relevant civil society backgrounds, and held two roundtables in Yangon in 2014 and 2015 with 20 further participants to elicit discussion on the findings. Research was carried out with due regard to the ethical principles of confidentiality, informed consent, and only where we were sure that we would not put the individual concerned at risk.

The majority of the interviews were conducted in the capital, Yangon, although others were carried out in Pyay Township, a limiting decision made primarily due to budgetary constraints. The team initially conducted internal exploratory mapping of prima facie gender-based issues in Myanmar before identifying individuals who were likely to have the most substantive experience and interest in each issue. Key participants were selected across a range of professional and other backgrounds to ensure a diversity of opinions.

The in-depth interviews enabled key participants to share their experiences and perceptions by telling their stories in their own words, and were supplemented by the two roundtables. Qualitative methods were used to open up discussions on abstract and subjective concerns,
such as social norms, relationships, values, culture, beliefs and experiences, and to encourage stakeholders to participate with one another. The team also carried out a number of small, targeted reviews providing concise quantitative data on a number of issues so as to test them with a broader audience.

A note on terminology
ARTICLE 19 did not seek to identify participants according to any assumption of their gender identity, or to restrict gender into two binary opposite categories of man and woman. However, the majority of key participants chose to define themselves as women. A smaller number defined themselves using other third gender types. As a result, most references in the report refer to women. Where issues relate to third genders, we have explicitly referenced them.
Terminology

Sex (female/male/other): Biological characteristics of males and females limited to physiological reproductive functions.

Gender (girls/boys, women/men): Social characteristics assigned to men and women that define their identities, status, roles, responsibilities and power relations. These are not static and differ between cultural, age and social groups. People are born as female or male sex, but they learn how to be girls and boys. Society teaches gender.

Feminism: Belief that men and women should have equal rights and opportunities.

Agency: An individual’s capacity to act for themselves.

Violence: Means of control and oppression that can include emotional, social, economic, legal and physical coercion or pressure.

Coercion: Forcing or attempting to force another person to do something against their will.

Power: The capacity to make decisions.

Consent: Free and informed choice.

Abuse: Misuse of power through which the perpetrator gains control or advantage.
Demography of key participants

The participants were selected not only according to their expertise but also to ensure a diversity of opinions, experiences and characteristics that would represent the people of Myanmar.

- **Profession:** Civil society leaders, digital rights activists, ethnic rights activists, journalists, health workers, labour activists, lawyers, parliamentarians, protesters, reproductive rights activists, sexual health activists, sex workers, women’s rights defenders
- **Age:** Mixed (20 to 55)
- **Gender:** 80% women, 10% men, 10% third gender
- **Ethnic background:** 75% Burmese, 25% mixed (Rakhine, Shan, Chin, Karen, Mon)
- **Sexuality:** 90% undeclared, 10% lesbians
- **Income and background:** Mixed; 60% from urban backgrounds, 40% rural
- **Education:** 22% illiterate, 11% completed primary, 11% completed middle school, 18% completed secondary school, 37% completed tertiary.

**Perpetrator:** A person, group or institution that directly inflicts, supports or condones abuse.
**Limitations**

The report is not intended to comprehensively represent the issues and concerns of everybody across Myanmar; but rather to take a first step in pinpointing some of the issues faced in the country, beginning to consider possible solutions.

The information collected and analysed is qualitative in nature. The process was participatory, inviting participants to explore the imbalances between genders as they themselves experience them. The report does not seek to provide quantitative data to prove statistical evidence and should not be read in this way.

While the team conducted work outside Yangon and included participants who represented rural communities and issues, this engagement was not systematic and widespread. Future work should seek to focus on those violations experienced both in rural areas and in places far from the urban centres of Yangon, Mandalay and Nay Pyi Taw.

**Structure**

The report will first outline the right to freedom of expression and information and then establish its relationship with gender-based discrimination, explaining the international laws, principles and standards that exist. Next, it will describe the broad situation of gender-based discrimination in Myanmar, before exploring the specific issues relating to the rights to freedom of expression and information raised by the research. The report contains recommendations for each of the issues found.

Each section establishes a number of common issues with explanatory paragraphs under each. These issues are based on analysis from the interviews and roundtables. For each issue and explanatory paragraph, we have included quotations from participants. The quotations are anonymous in order to protect the participants from repercussions, but the date and time of each quotation is noted.
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ARTICLE 19
International standards on the right to freedom of expression and information

Importance of the right to freedom of expression and information

Freedom of expression is indispensable to personal development. People who are free to speak their minds feel more secure and respected, and are able to plan their lives more easily, to forge friendships and establish communities. It is essential to good governance: All people must be free to ask questions of the government, to ensure it is acting honestly and to expose the strengths and weaknesses of officials and their policies. In this way, wrongdoings can be exposed and the people and government can find out about and fix problems. This is important for developing effective laws and policies that address the concerns of the people.

Freedom of expression is crucial to the protection, promotion and exercise of all other human rights: without freedom of expression, the enjoyment of other human rights becomes impossible. Freedom of information is important for engaging in democratic processes, learning how to vote and informing decisions on who to vote for. It is the basis for organising peaceful assemblies and manifesting one’s religion in community with others. It is also the key to enabling people to make decisions for example on health, education, water and the environment.
Elements of the right to freedom of expression and information

The right to freedom of expression is made up of a number of important elements:

• It includes the right to freedom of opinion, which is absolute and can never be restricted.
• It belongs to all people, regardless of their race or ethnicity, nationality, sex, gender identity or sexual orientation, religion, or political opinion.
• It includes the right to seek, receive, and impart information.
• It applies to ideas of all kinds, including political discourse, commentary on one’s own and public affairs, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse. It even embraces expression that some people find deeply offensive or unpopular.
• It applies regardless of geographical, political, or cultural frontiers or borders.
• It can be exercised through any media, including oral, written or printed communications; artistic expression; and audio-visual, electronic and internet-based modes of communication. It applies online just as it does offline.
Limitations on the right to freedom of expression and information

The right to freedom of expression is not an absolute right. However, it can only be limited in narrow circumstances. Any limitation must comply with the so-called ‘three part test’; it must be:

- Provided by law: any limitation must be set out in law that is accessible to the public, clear and precise. This means that people must be able to find it and understand what it permits and what it prohibits.
- Pursue a legitimate aim: all such aims are listed in the International Covenant on Civil and Political Rights as: respect for the rights or reputations of others; the protection of national security or public order; the protection of public health or morals. Freedom of expression cannot be restricted purely because it is critical of the government or embarrassing for political leaders.
- Necessary and proportionate: the limitation must be necessary for a democratic society, and it must respond to a pressing social need. The state must show a direct and immediate connection between limiting the expression and protecting the interest at stake. Proportionality means that the restriction should not be too broad; if less restrictive measures are possible they should be used instead.
Source of the right to freedom of expression and information

The right to freedom of expression and information is guaranteed by international and regional human rights agreements between states. The most significant international agreements recognising the right to freedom of expression are the Universal Declaration of Human Rights (UDHR, 1949) and the International Covenant on Civil and Political Rights (ICCPR, 1976).

Article 19 of the UDHR states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 19 of the ICCPR states:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The existence of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provide by law and are necessary: a. For respect of the rights or reputations of others; b. For the protection of national security or of public order (ordre public), or of public health or morals.

Additionally, under Article 20(2) of the ICCPR, states are obliged to prohibit by law “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”.

The right to freedom of expression is guaranteed by the ASEAN Human Rights Declaration, a regional human rights agreement developed by the ASEAN Intergovernmental Commission on Human Rights and adopted unanimously by ASEAN members (including Myanmar) in November 2012.

Article 23 of the Declaration states:

Every person has the right to freedom of opinion and expression, including freedom to hold opinions without interference, and to seek, receive and impart information, whether orally, in writing or through any other medium of that person’s choice.
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UDHR Article 19

“Everyone shall have the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to express his opinions freely either orally, in writing or in all other ways, in public or in private.”

UDHR Article 19

ICCPR Article 19

(a) Everyone shall have the right to seek and receive information and ideas through any media and regardless of frontiers.

(b) The free expression of thoughts and opinions shall include freedom to hold and to express those views publicly, either orally, in writing or in other forms.

(c) Everyone shall have the right to freedom of peaceful assembly.

ICCPR Article 20(2)

(a) Everyone shall have the right to freedom of creative works, including scientific and cultural works, in all forms, whether in public or private, and to have them protected and to exploit them in all ways, including by getting royalties therefrom.

(b) The exercise of the right shall be subject to appropriate restrictions as set out in paragraph 1.

(c) No restrictions shall be imposed on the freedom to receive or impart information and ideas in any media and in all forms, subject to the provisions of paragraph 1.

(d) The freedom of the press shall be subject to the provisions of paragraph 1.

(e) The freedom of the press as a means of expression shall be subject to legal restrictions otherwise than those provided for in paragraph 1.

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Myanmar’s obligations under international law

Myanmar has ratified only four of the 18 treaties that form the core of international human rights law:

• One Optional Protocol (2002, ratified in 2012)

Although Myanmar has not yet joined the 168 states that have ratified the ICCPR, the UDHR is regarded as international customary law and is binding on all states. Myanmar is therefore obliged under international customary law to respect, protect and fulfil all human rights, including the right to freedom of expression.

Myanmar has also shown internationally that it agrees to respect the right to freedom of expression, both by adopting the ASEAN Human Rights Declaration, and by guaranteeing the right under Articles 354 and 365 of the Constitution of Myanmar.

The obligation to respect, protect and fulfil the right to freedom of expression carries two commitments for Myanmar:

• It must avoid interfering with the enjoyment of the right to freedom of expression.
• It must proactively remove obstacles to the enjoyment of the right to freedom of expression.
The right to freedom of expression in Myanmar

Between gaining independence in 1948 and the 2010 elections, the government of Myanmar has faced long-standing and regular criticisms from national and international human rights organisations for failing significantly to respect the right to freedom of expression in the country.

Substantiated reports have confirmed a number of concerns:

- the complete control of the broadcast media and large parts of the printed media
- the systematic repression of dissent
- the responsibility of security and law enforcement officials for human rights violations, including unlawful killings, extra-judicial executions, excessive use of force, arbitrary arrests, torture and other ill-treatment
- the imprisonment of human rights defenders
- the banning of political opposition parties
- the drastic curtailing of the education system
- the undermining of the rule of law
- grave human rights violations and abuses.

Since the creation of a new constitution in 2008 and a semi-civilian government in 2010, respect for the right to freedom of expression has increased. Some legislative changes have been implemented, giving more protection to this right. However, there is a long way to go as most laws are extremely restrictive, and the government still controls all the broadcast media and large parts of the printed press. It also continues to imprison human rights defenders, journalists and political activists who speak out, and maintains secrecy over all parts of the state.

Myanmar is governed by the Union Solidarity and Development Party (USDP), which consists predominantly of former military men who became civilians in order to join parliament. In 2010, the government was elected in a process that was rejected as not being free and fair. Further by-elections took place in 2012 and as these elections were freer and fairer, the National League for Democracy (NLD) won the small number of available seats by a landslide. However, six decades of human rights violations and absolute
executive power have left a scar on the public conscience and a high level of fear supported by systems and institutions that are corrupt and inefficient.
International standards on gender and freedom of expression အိမ်မှာလည်းကောင်း၊ ပြည်သူ့အားလုံးသော ရောဂါအရေးနှင့် အချက်အလက်များ စိတ်ပေါ်ခွင့်ရှိနေပါသည်

Source of international standards

The right to freedom of expression and information is guaranteed under Article 19 of both the UDHR and the ICCPR. Both instruments explicitly state that this right is guaranteed without distinction between genders.

UDHR Article 2:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

ICCPR Article 2.1:

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

ICCPR Article 3:

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

The UN Human Rights Committee’s General Comment on Article 3 of the ICCPR describes in more detail how non-discrimination should be understood. When considering freedom of expression and information, it requires states not to justify restrictions to women’s right to freedom of expression on the basis of traditional, historical, religious or cultural attitudes, including when those attitudes are the exercise of minorities’ rights to language, culture or religion. Instead, states must actively identify such attitudes and seek to modify them, paying particular attention to the fact that discrimination against women is often intertwined with discrimination on other grounds such as race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status.

It also requires states to address any laws or other factors which may prevent women from exercising their right to freedom of expression on an equal basis. States should:

• ensure women are separated from men in prison and are guarded only by women
• address *de facto* restrictions on women’s right to movement\(^{14}\)
• guarantee women’s right to express their religion\(^{15}\)
• avoid regulating women’s clothing, as this is a violation of several rights, including the right to freedom of expression.\(^{16}\)

**Article 19** - Censored gender: Women’s right to freedom of expression and information in Myanmar

UDHR Article 2

**UDHR Article 2**

**ICCPR Article 2.1**

**ICCPR Article 3**
CEDAW and the right to freedom of expression

The obligation for states to guarantee the right to freedom of expression and information without discrimination against women has been expanded by a requirement that states end discrimination against women under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1981). Myanmar ratified CEDAW in 1987. The authors of CEDAW did not intend to list every individual women's right, but rather to ensure women can enjoy all the rights already provided for under international law. As such, while CEDAW does not mention the right to freedom of expression, its provisions are vital to women exercising this right. Since entering into force, the implications of CEDAW for freedom of expression have been clarified in detail by the treaty body responsible for the Convention, the Committee on the Elimination of Discrimination Against Women. Broadly speaking, CEDAW has five impacts on women's right to freedom of expression and information.

CEDAW firstly clarifies “discrimination against women” as any distinction, exclusion or restriction which impairs the equal exercise of rights, including civil and political rights. In the context of the right to freedom of expression, this establishes that impairing women’s expression on the basis of their gender is a form of discrimination and therefore a violation of CEDAW. It also establishes that in order to prevent discrimination, states must address any “distinction, exclusion or restriction” that impacts on women’s expression. The definition has been expanded by the CEDAW Committee under the concept of “gender-based violence”: violence that is directed against a woman because she is a woman or that affects women disproportionately, and that includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Such violence includes actions that violate the rights to liberty and security of person, to equal protection under law, to equality in the family, and to just and favourable working conditions.

Secondly, CEDAW places an obligation on states to end such discrimination both through prohibiting it as well as through proactively advancing women in all fields. The treaty establishes that the creation of temporary measures to proactively advance women should not be regarded as discriminatory towards men. In the context of the right to freedom of...
expression, these provisions place an unambiguous obligation on states to prohibit anything that prevents women from expressing themselves or accessing information on the basis of their gender. By implication it also requires states to reform any laws and policies that have the same effect. The provisions also require states to take proactive, temporary or “special” measures to ensure women can and do exercise their right to freedom of expression.

Thirdly, CEDAW requires that states not only address their own discrimination against women, but also discrimination by others.25 This includes actively seeking to modify social and cultural barriers to equality26 and customary or traditional attitudes that often serve as barriers to women.27 In the context of the right to freedom of expression, these provisions place an obligation on the state not just to consider and address de jure censorship of women for example through state policies, but also the de facto and often significant impact of social and cultural pressures and restrictions on women’s expression and access to information. Such consideration of the need to address outmoded practices and procedures that inadvertently promote men was emphasised in the Beijing Platform for Action as being the vital difference between the right and the reality for women.28 The provisions require states to look beyond their own discriminatory practices to those of others such as families, media companies, hospitals or civil society organisations. The CEDAW Committee has elaborated that states should, in particular, ensure that media and education systems overcome socio-cultural attitudes and prejudices, and respect and promote respect for women.

Fourthly, CEDAW places obligations upon states in a number of specific areas that directly relate to women’s right to freedom of expression. States are required to:

• Protect women’s voices and participation in political decision-making30, including in all legislative, judicial, executive and administrative powers, and in all aspects of formulation and implementation of policy.31 The CEDAW Committee has elaborated that such participation should not be complacent and tokenistic,32 and should make decisions based on properly disaggregated33 data.34 The CEDAW Committee also pinpointed the particular importance of such participation in order to prevent and mitigate conflict.35

• Protect women’s voices and participation in civil society,36 including in professional associations, women’s organisations, trade unions, community-based organisations37 and, by implication, in the media.

• Ensure women’s freedom of movement38.

• End discrimination against women in social and cultural life39, including women in rural areas40, with a particular focus on eliminating stereotypes of women41, which the Committee has explained are one of the main causes for perpetuating the ideas of ‘women’ upon which discrimination is built42.

• End discrimination and ensure women have equal access to education43, healthcare44, law,45 employment46 and other economic areas47. This includes protecting women in the workplace from sexual harassment48 and refraining from obstructing women’s access to healthcare.49 The CEDAW Committee has elaborated that using a gender-approach to delivering work, introducing mandatory gender-sensitive training, and enabling NGOs to monitor services50 will be necessary in order to end such discrimination.
• Provide access to gender-specific information in education and healthcare, including information on family planning. The CEDAW Committee has clarified that the treaty includes a right to information on sexual and reproductive health and that this should be delivered by properly trained personnel, as well as a right to be properly informed about healthcare treatment.

CEDAW (1979) Women’s right to freedom of expression and information in Myanmar

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 ARTICLE 19 - Censored gender: Women’s right to freedom of expression and information in Myanmar - Page 22
Since 1997, United Nations (UN) Special Rapporteurs – experts selected by the UN to work on certain global issues – on freedom of opinion and expression have highlighted the "undeniable link" between ending gender-based discrimination and women’s ability to exercise their rights to the freedoms of expression, participation, information, association and assembly. The Rapporteurs have found that the right to freedom of expression is under particular threat for women who face extra restrictions because of their gender, including when accessing information. The absence of women’s voices and input into decision making leaves them particularly excluded and invisible. As a result, women in many spaces remain reliant on men to represent their views and protect their interests.
The Rapporteurs have urged states to actively support and welcome women who attempt to make their voices heard. They have also said that states have a responsibility to eliminate the atmosphere of fear that dissuades women from exercising their right to freedom of expression. This atmosphere is often created by continuing discriminatory attitudes and practices which are justified by customary practices, cultural history and social norms. Such discrimination is not time-bound; the Rapporteurs have highlighted that it continues in the newer spaces that have developed, for example the digital environment, to which women have unequal access. They have pointed to the effect of such discrimination, particularly on impunity, violence against women, violence against children, and peace building.

According to the Rapporteurs, states must take account of the fact that the right to freedom of expression may be exercised in “distinctly different” ways according to gender. They have also called on states to place much more emphasis on positive and proactive measures to protect women’s right to freedom of expression. In 2014, the Special Rapporteurs from the UN, the Organisation for Security and Cooperation in Europe (OSCE), the Organisation of American States (OAS) and the African Commission on Human and Peoples’ Rights (ACHPR) worked together to expand this, explaining that states should take positive steps to ensure that women can achieve their right to freedom of expression without discrimination. This includes modifying and eliminating harmful stereotypes, prejudices and practices, amongst them traditional or customary values or practices, which undermine women’s ability to enjoy the right to freedom of expression.
What does international law say about women's right to freedom of expression?

- Women have a right to seek, receive and impart information in any way they choose on an equal basis to men.

- Governments must ban discrimination, changing laws and policies that support it, to ensure that women can access information, speak out and participate equally.

- Governments must not justify censorship or restrictions on the basis of ‘tradition’ and must stop others doing so, actively trying to change such mind-sets.
• အိုင်အရာရှင်များကို အသက်ရှင်းနိုင်ခွင့် သို့မဟုတ် အသုံးပြုခြင်းနိုင်ခွင့် ကျွမ်းကျင်အောင် မြန်မာနိုင်ငံ အိမ်ရိုး အလွန် အသိပေးပေးခြင်းဖြစ်ပါသည်

• အိုင်အရာရှင်များကို အသက်ရှင်းနိုင်ခွင့် သို့မဟုတ် အသုံးပြုခြင်းနိုင်ခွင့် ကျွမ်းကျင်အောင် မြန်မာနိုင်ငံ အိမ်ရိုး အလွန် အသိပေးပေးခြင်းဖြစ်ပါသည်

• အိုင်အရာရှင်များကို အသက်ရှင်းနိုင်ခွင့် သို့မဟုတ် အသုံးပြုခြင်းနိုင်ခွင့် ကျွမ်းကျင်အောင် မြန်မာနိုင်ငံ အိမ်ရိုး အလွန် အသိပေးပေးခြင်းဖြစ်ပါသည်

• အိုင်အရာရှင်များကို အသက်ရှင်းနိုင်ခွင့် သို့မဟုတ် အသုံးပြုခြင်းနိုင်ခွင့် ကျွမ်းကျင်အောင် မြန်မာနိုင်ငံ အိမ်ရိုး အလွန် အသိပေးပေးခြင်းဖြစ်ပါသည်
Gender in Myanmar ကျွန်ုပ်တို့သည် သတင်းစာသားများ ထိန်းသိမ်းခြင်း

Myanmar facts မြန်မာနိုင်ငံတွင် အခြေခံအသုံးပြုမှုအချက်အလက်များ:

Population: 54 million ငါးဆယ်သိန်းသာ
Rural population: 67% ကွန်းကျွန်ုပ် သိန်းသာ
Surface area: 676,000 km2 လျက်လွတ်သည်
Life expectancy: 65 ကြားတာသောက်ကြား
Fertility rate: 2 children per woman လူမှုကျန်ရှ效သည်
Adolescent fertility rate: 11 (number of births per 1,000 women aged 15-19) လူမှုကျွန်ုပ်ကျန်ရှ效သည်
Contraceptive use: 46% ကျွန်ုပ်ကျန်ရှ效သည်
Births attended by skilled health attendant: 71% ကျွန်ုပ်ကျန်ရှ效သည်
Primary school enrolment: 114%: boys: 114.7%; girls: 113.6% ကျွန်ုပ်ကျန်ရှ效သည်
Secondary school enrolment: 50%: boys: 49%; girls: 51.4% ကျွန်ုပ်ကျန်ရှ效သည်
Tertiary education enrolment: 13.4%: men: 12%; women: 14.7% ကျွန်ုပ်ကျန်ရှ效သည်
Mobile phone subscriptions per 100 people: 13 ကျွန်ုပ်ကျန်ရှ效သည်

Unlike its larger neighbours India and China, Myanmar has gender equality at the level of basic survival. However, as with everything in Myanmar, decades of mismanagement, corruption and severe and sustained human rights violations have left the country with significant gender-based discrimination and, in particular, severe gender-based violence.
Education

There is an equal level of access to education between the genders and, in certain cases such as tertiary education, women sometimes outnumber men. However, national spending on education is less than half of what is spent on defence, and despite promises in the 30-Year Long-Term Education Plan (2001-2031), almost nothing is known about how the budget is spent. The CEDAW Committee expressed its concern at the “lack of information on the specific budgetary allocations for the education sector, including the implementation of the Plan”.

Employment

Despite the high levels of girls and women in education, their academic advantage does not translate to their participation in the labour force. Only 50% of women are employed compared with 82% of men. The government’s claim that women and men have equal opportunities in employment under law is questionable, given that women are still concentrated in the lower ranks and in lower-skilled jobs, and that women earn less than men for comparative jobs (statistically, men earn $1,000 while women earn only $640). Much of this disparity is due to the prevalence of traditional beliefs which reinforce attitudes and behaviours that do not favour women. These include men being regarded as the main providers, the undervaluing of women’s unpaid work and controls on women’s freedom of movement.

Myanmar’s laws are also questionable. There is, for example, no evidence of the laws which provide women with maternity leave - either the government’s Leaves and Holidays Act or the Social Security Act - being implemented. Indeed, the CEDAW Committee found almost no available information about the status of women’s employment in Myanmar.
Health

Compared to neighbouring countries, women’s health in Myanmar is poor. Maternal mortality stands at 240 per 100,000, higher than Viet Nam (56), Thailand (48), Malaysia (31) and India (230).\(^\text{102}\) Healthcare relating to sexual and reproductive health lacks gender responsive policies, plans and programmes.\(^\text{103}\) As a result, 25% of women have an unmet need for family planning and 18% of married women have an unmet need for contraception.\(^\text{104}\) Almost 10 percent of maternal deaths are abortion-related.\(^\text{105}\)

The CEDAW Committee highlighted the complete absence of any information about how the healthcare budget - which is a quarter of the country’s spending on defence - is allocated and spent, citing this as being key to the failure of healthcare delivery for women, especially in rural areas.\(^\text{106}\) The Committee pointed, in particular, at the complete lack of sex education programmes, and the lack of access for women to quality sexual and reproductive health services. It recommended the need to strengthen and expand efforts to increase knowledge so that women and men can make informed choices.\(^\text{107}\)
Law

The CEDAW Committee was concerned that, despite Myanmar’s having been a party to CEDAW since 1987, the 2008 Constitution is incompatible with the Convention. The Constitution limits the prohibition on discrimination under Article 352 with the provision “nothing in this section shall prevent appointment of men to the positions that are naturally suitable for men only”. The Committee highlighted that the constitutional reservation of 25% of parliamentary seats for the military has the effect of excluding women from a quarter of parliament.

Many laws and customary laws that discriminate against women still remain on the books in Myanmar. The Committee has recommended that legislators in particular need to be more aware of gender-based discrimination in order to adopt laws to build de jure equality for women, including through the introduction of special temporary measures.

Government action on gender

The government has responded to widespread concerns about the levels of gender-based discrimination in Myanmar. In 2013, it launched a National Strategic Plan for the Advancement of Women (2013-2022). It claimed that the Plan was based on 12 priorities in the Beijing Platform for Action and on CEDAW. The Plan’s objective is:

All women in Myanmar are empowered and able to fully enjoy their rights with the support of the Government of the Republic of the Union of Myanmar. Enabling systems, structures and practices are created for the advancement of women, gender equality, and the realization of women’s rights.

The Plan covers livelihoods, education, health, violence, emergencies, the economy, decision making, institutions, human rights, the media, the environment, and children. It includes commitments to research, awareness raising and implementation of new programmes. There is, however, no sign of its being implemented.
In 2004, the ASEAN Commission on the Promotion and the Protection of the Rights of Women and Children was instigated. This Commission, while welcome, is significantly restricted by its terms of reference which limit women’s rights to those covered by laws already ratified by states, and only on “consideration [of] the different historical, political, socio-cultural, religious and economic context in the region”. The ASEAN Commission is also expected to respect the principles of sovereignty, non-confrontation and an “evolutionary approach” (presumably meant to dissuade a “revolutionary approach”).

According to the Commission’s work plan for 2012 to 2016, Myanmar is responsible only for reviewing legislation on violence against children across the region. As yet, the Commission has not concluded any of its workplan.

In 2014, the Myanmar government submitted its most recent report to CEDAW in which it claimed the following minimal changes:

- An Anti-Violence against Women Law is being drafted.
- A National Human Rights Commission has been established, with a Women and Child sub-committee.
- CEDAW principles are being included into civil service training, including for judges.
- Myanmar now has two women ministers (for Social Welfare, Relief and Resettlement, and for Education), four women in the upper house of Parliament, Amyotha Hluttaw, 26 women in the lower house, Pyithu Hluttaw, 25 women in the Region and State parliaments, and 16 women out of the 52 High Court judges.
- CEDAW’s recommendations on women’s citizenship had been rejected by parliament.
- Pupils are now receiving education on reproductive health, though not, the government admits, in a gender-sensitive manner.
Censored gender: Women’s right to freedom of expression and information in Myanmar

ARTICLE 19 - Censored gender: Women’s right to freedom of expression and information in Myanmar - Page 32
Women in the media နိုင်ငံရေးသားအရေးအင်အရာရှင်များ

In 2013, the government abolished the Press Scrutiny and Registration Division, ending decades of pre-publication censorship. Later that year, the government began to give licences for private daily newspapers. While 26 licences were given initially, less than half that number of newspapers remains in daily print today. The newspapers with the largest circulation figures are still the state-owned newspapers which benefit not only from state funding but also from logistical support from the state. Ownership of the private media is largely opaque; although rumours circulate as to how close each media company is to the government and, in particular, to the military.

The lack of broadcasting regulation has resulted in there being state-owned channels and channels with questionable links to the government. The government has proposed a broadcasting law to give licences to non-state channels, but the bill has been held up in parliament due to public concerns about its provisions. Another bill which would have created a semi-independent public service broadcaster was withdrawn by the government in 2015 following widespread criticism.

Media professionals work in a complex and risky environment. The government and others have used a range of out-dated criminal laws to prosecute journalists on the grounds of defamation, official secrets, trespass, contacting “illegal organisations” and national security, sentencing them to long prison terms. Media workers are also vulnerable to violence and widespread impunity. Journalists and other media workers are represented primarily through three associations, all bearing similar names: the Myanmar Journalists Association, the Myanmar Journalists Network and the Myanmar Journalists Union. The government has also created an Interim Press Council due to be made permanent through the News Media Law, and responsible for developing media policy and receiving complaints.

The number of journalists working in Myanmar is estimated to be around 5,000. There are no nationwide estimates of the number of women or third gender journalists, although participants in our research believed that there had been very few women journalists before 2010. There was a perception among participants that there is little gender-based discrimination in the Myanmar media. The participants justified this perception on the basis that women journalists are visible in media companies. Even the lowest estimate among the participants was that women make up 25% of journalists, and some believed the number to be closer to 50%. ARTICLE 19’s survey of the three private newspapers with the highest circulation found some support for this (Table 1). This perception is also supported by the purposeful attempt of some media companies, such as the broadcaster Democratic Voice of Burma, to create all-women shortlists for new journalist positions. However, while all the participants believed that the number of women employed in the media sector is encouraging, a number of gender-based issues were discovered upon closer analysis, some of which the participants also observed.
Table 1

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Percentage of women and senior women in each organisation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Media company 1</td>
<td>![Percentage of women and senior women diagram]</td>
</tr>
<tr>
<td>Media company 2</td>
<td>![Percentage of women and senior women diagram]</td>
</tr>
<tr>
<td>Media company 3</td>
<td>![Percentage of women and senior women diagram]</td>
</tr>
<tr>
<td>Union 1</td>
<td>![Percentage of women and senior women diagram]</td>
</tr>
<tr>
<td>Union 2</td>
<td>![Percentage of women and senior women diagram]</td>
</tr>
<tr>
<td>Union 3</td>
<td>![Percentage of women and senior women diagram]</td>
</tr>
<tr>
<td>(Interim) Press Council</td>
<td>![Percentage of women and senior women diagram]</td>
</tr>
</tbody>
</table>

Table 2

<table>
<thead>
<tr>
<th>Programme name</th>
<th>Total women / time on air</th>
<th>Representation / subjects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Television serial: Pan Nu Thwe (Pinky blood)</td>
<td>6 women</td>
<td>Fashion designer, fashion model, company owner, housewives, astrologer, housewives</td>
</tr>
<tr>
<td>Television serial: Weet Nyin Shite Than (The sound of a spirit’s sobbing)</td>
<td>7 women</td>
<td>Fashion designer, junior office staff, astrologer, housewives</td>
</tr>
</tbody>
</table>
Radio discussion programme: *Women panel a si a sin* (Women's panel programme) 30 minutes, weekly on Tuesday afternoon

<table>
<thead>
<tr>
<th>Beauty and fashion, health, skincare and stress-relief, family and “maintaining a successful family”</th>
</tr>
</thead>
</table>

Television discussion programme: *Khit thit pyo may* (Young lady of modern times) 20 minutes, daily mornings

| Beauty, health, home decoration, ICTs, celebrity news |

Table 3

<table>
<thead>
<tr>
<th>Articles in a week</th>
<th>Articles about a man / men or a woman / women</th>
<th>Articles by-lined by a man or woman</th>
<th>Subjects covered by women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private newspaper 1</td>
<td>679</td>
<td></td>
<td>Beauty, entertainment, celebrities, daily life</td>
</tr>
<tr>
<td>Private newspaper 2</td>
<td>548</td>
<td></td>
<td>Political news, entertainment, environment</td>
</tr>
<tr>
<td>State newspaper</td>
<td>574</td>
<td></td>
<td>N/a</td>
</tr>
</tbody>
</table>
**Issue 1: Women journalists generally have more junior or gender-related roles than men.**

While women may be well represented in the media, men dominate at more senior and decision-making levels.\textsuperscript{123} ARTICLE 19’s survey of 100 journalists in three of the largest private media companies, which included 25 women, found that those that do reach more senior levels work either on economics or in ‘soft subjects’ such as beauty, health, development, entertainment, or popular news (Tables 1, 3). There are very few women working on politics or current affairs at a senior level.\textsuperscript{124} Participants in our research did not fully agree on the reasons why women remain in more junior positions but a number of potential causes were raised:

**Women journalists have no gender-based employment protection.** Some women journalists were concerned that men receive more remuneration in salaries or related benefits than women when in the same or similar positions. One participant said that this was particularly evident when freelance women are paid lower fees than freelance men. The participants were concerned that employers are aware of this bias and often regard it as acceptable.\textsuperscript{125} Women also have little employment protection when they become mothers. Participants stated that women journalists often receive less maternity leave than the law provides for. They added that women generally leave their jobs after childbirth as they do not have access to appropriate childcare, and when they do return to work they are generally expected to take on a junior level job. This was seen to be an important contributory factor to the lack of senior women journalists.

**Some women journalists get less training opportunities than men.** A minority of participants believed that what little journalism training is available in Myanmar – and most journalists get little or none – is skewed towards men. One male journalist participant reported: “I was given an opportunity to do journalism training. I was prioritised for the training above women journalists of the same seniority and length of service [within my company]. They were not invited to do the training. The Chief Editor liked to favouritise and prioritise men in the media company at that time. I have worked in different media companies and most of them have adopted the same gender-biased system.”\textsuperscript{126}

**Women journalists seem to have fewer promotion opportunities than men.** One participant, a senior employer within the media sector, explained that most employers prefer women because of *A Myo Tha Mee Pin Ko Biza* (women’s innate character), that is, the perception that women are more likely to stay in one job for longer. However, closer analysis suggests that this is a result of women getting fewer promotion opportunities and therefore staying in the same roles for longer. Participants also agreed that women journalists generally feel more vulnerable than men within society and are therefore more accommodating in order to retain economic and social stability for longer.

**Some women journalists working in traditionally male areas have been bullied.** Some women journalists report problems with their peers, particularly younger male journalists, when reporting from the field in areas traditionally dominated by men journalists, such as politics, armed conflict and current affairs. Reported problems include being blocked from or delayed in collecting information or receiving disrespectful gender-based abuse from peers. One participant explained how women journalists are sometime physically prevented
from doing their work, mentioning the example of their being unable to take photos if they have to find a position where they are physically higher than men. One of the participants who works outside the major urban areas said “Some male journalists try to stop me from collecting news and information because I am a woman. They block my access to a source. When a source asks male journalists to share information with other journalists, they don’t inform me and instead say ‘she can’t do this [job] because she is a woman’.” 127 She said, “If you want the truth, I believe that the better women get at investigating stories, the more oppression they will face [from men].”

Stories by women journalists are less likely to be published or attributed to them. Some participants were concerned that within media companies, stories written by women were less likely to be published than those written by men. One participant said “Sometime I discover new stories before male journalists do, but when I send my articles to a media company, they get ‘lost’. And my articles - which I often send from remote regions – have actually been stolen. Male journalists take the information from my articles and the media company publishes the man’s article alongside my photos which are not credited to me. That’s why women journalists don’t tend to work outside urban areas.” 128 Not only were women’s articles less likely to be published than men’s, when they were published, they were more likely to be placed in a less important position. Some participants believed that a review of front-page stories would see a significant bias towards stories written by male journalists, partially as a result of women covering only ‘soft subjects’, though there is no evidence to substantiate this claim. One participant reported: “The past trend of publishing [male journalists’] news on the front page and discriminating against [women journalists’] news is less common nowadays, but a few of the better-known media companies still adopt this form of discrimination.” 129 They also believed that when two stories on the same subject were put forward, a story written by a male journalist was more likely to be chosen. One participant said, “Articles written by male journalists are published more often. If we send articles covering the same story, mine is usually rejected.” 130
Issue 2: Women journalists have no gender-based support or voice within the media sector.

Awareness of gender-based discrimination within the media sector was low among participants in initial discussion. This may be partly due to the lack of avenues in which gender issues can be discussed or solutions sought. Without such avenues, views are inevitably based on personal experience or rumours.

**Women journalists have no access to complaints mechanisms that review gender-based issues inside media companies.** When women face what they believe is gender-based
discrimination within the media sector, for example when men's stories are prioritised over theirs, or when they face problems in the field because of being women, there are few avenues for available for challenging and resolving these issues. Participants stated that there are no gender-sensitive complaint mechanisms within media companies for women to approach. As a result, women journalists often tolerate gender-based discrimination that they witness or experience.

Women journalists are not represented in the media's unions or associations. While there are a number of women media workers within the institutions formed to represent the interests of the media, they are very few in number (see Table 1). While they exist on paper, in practice within the trade unions and the Interim Press Council are almost never publicly seen or heard, and it is unclear whether they take part in formal internal meetings. None of the trade unions or Interim Press Council has a sub-committee focused on women within the media sector. Participants were concerned that, without such voices, the media's representatives may focus on areas or subjects only of relevance to male journalists. According to our research, none of the trade unions currently has any project focused on gender.
Issue 3: Women journalists are ‘protected’ rather than empowered.

Journalists face the risk of violence, particularly when reporting from conflict areas. Participants were concerned that this risk doubly affects women, who risk the additional threat of sexual or gender-based violence, from state to non-state actors. Unfortunately, however, rather than seeking to empower and enable women to practice journalism in such difficult circumstances, women have instead been ‘protected’ by those around them.

Media companies often restrict women journalists from working in potentially dangerous areas instead of creating safeguards that would enable them to work safely. Media companies sincerely believe they are protecting women by preventing them from working in difficult or dangerous areas. One participant, a senior media worker said, “Men are sent to conflict regions to collect news rather than women. Media companies need to think about the sexual safety of women and that’s why women are not sent to such dangerous places as men are.” Unfortunately the aim to ‘protect’ women has the effect of further preventing them from expanding their experience, and denies them new challenges that would enhance their careers. Such ‘protection’ also serves to remove the voice and view of women from public discussions on armed conflict. Participants agreed that media companies have done nothing to encourage the gender-based protection of those women journalists who want to work in difficult and dangerous areas.

Women journalists often face pressure from their families. One of the key pressures placed on women journalists is a social expectation that they should work in a safe environment like an office. Participants reported that family members actively dissuade women from journalism as a career due to the need to travel, proactively collect information and investigate. Responding to a discussion on women journalists in difficult or dangerous areas, one male journalist participant said, “I don’t want my sister to work as a journalist”. Even when women do become journalists, they often face ongoing pressure from their families and society’s conservative attitudes. One participant stated, “I am a woman and that’s why my family gets worried all the time that I am travelling to collect news. Sometimes I have felt anxious and this feeling has disturbed my concentration at work.”
Censored gender: Women’s right to freedom of expression and information in Myanmar

In Myanmar, women’s access to freedom of expression and information is severely restricted. The government has imposed strict controls on media and communication, limiting women’s ability to express their views and access information. Women are often subject to harassment and violence when they share information or express opinions that challenge traditional gender roles. Additionally, the legal system often exacerbates these issues, with women facing discrimination in court proceedings.

To address these issues, international human rights organizations have campaigned for reforms, calling for the Myanmar government to uphold women’s rights and ensure they have equal access to information and freedom of expression. These organizations have also advocated for increased protection for women against harassment and violence in the context of expression and information.
Issue 4: Gender-based stereotyping is rife across the media, particularly in broadcasting.

Programming content usually presents and repeats a model of an ‘ideal society’ rather than exploring a diversity of opinions and ideas. This ‘ideal society’ is defined by men, given the rarity of senior women media workers which leads men to dominate media decision making. As a result, women are often portrayed in a highly stereotypical manner, dictated by men’s expectations of women’s roles and responsibilities in a traditional society (Table 2).

Women are shown without the capacity to make their own choices. Participants were concerned that women are often presented without the capacity to act independently of men or make their own free choices. Women are rarely presented as having academic qualifications or professional achievements. Young women are sometimes presented as in the movie, *La yang nam hma pwint the pan* (The flower which blooms when only moonlight kisses it), as innocent to the point of gullibility, implying that they are open prey to sexual assault. Mothers whose husbands have died are generally represented facing many difficulties, or as being unable to manage their own lives and families. Participants also said that pregnancy and single motherhood is presented as a punishment for ‘modern’ women who are seen controlling their own bodies in their relationships with men.

Women are presented as either ‘good’ or ‘bad’ according to their acceptance of gender-based discrimination. Participants agreed that women are presented as ‘good’ if they treat their husbands and elders well and accept social conventions against women drinking alcohol or smoking tobacco. ‘Bad’ women are those that confront their husbands and elders, drink alcohol or smoke - habits which are traditionally reserved for men - instead of staying at home doing housework. One phrase frequently repeated in literature about films or television such as *The Biography of Skies* is the theme of *Thar ko tha khin, lin ko bayar* (Son is her master, husband is her god).

Women’s stereotypes are defined by sex and marriage. Participants were concerned that women are generally presented either as mother, as victim, or as temptress. Often the way they are presented is dictated by their marital status. Women above marriageable age tend to be mothers or housewives without a professional job. If they do have a profession, the job is either in a ‘safe’ desk-based environment or in a caring profession, such as teaching, nursing or retail ownership. When women are shown as senior professionals, their status is usually undermined by focusing on the love story and presenting them as ‘crazy’ in love. Younger women are presented, for example in *A chit lar ... lar htar* (Is that love? Come on!), as symbols of beauty and virginial purity, and as potential victims protected by their fathers, brothers or uncles until they are married.

Women’s programming reinforces gender-based discrimination. Programming that is targeted at women explicitly reinforces gender-based expectations, roles and responsibilities according to participants (Table 2). Whereas current affairs or interview-style programming targeted at men covers a range of issues from technology to fashion and politics, similarly
structured programmes for women such as *Khit thit pyo may* (Young lady of modern times) cover only gender-related subjects such as beauty, fashion, health or personal hygiene. Programmes from the recent past that compare women’s achievements, such as *Htet myat pyaw shwin eai htaung chin* (Excellent and happily married person) show women competing on the quality of their housework such as kitchen cleaning and washing clothes.
To research: disparities in wages (12.a.7); reporting on women in the media (15.a.7); portrayal of women in the media (16.a.1); media professionals’ acknowledgement and acceptance of gender stereotyping and discrimination against women (16.a.2); the media’s...
portrayal of gender stereotyping and discrimination against women (16.a.3); the media’s showcasing of programmes that benefit women (16.a.4); women’s participation and decision-making in senior, technical and professional positions of media-related agencies and departments (16.a.5).

To raise awareness: within the media sector on the rights of women(15.b.4); among media professionals of the need to reduce gender stereotyping and discrimination against women in their workplaces (16.b.2); adopting a balanced approach to portraying women as empowered members of society (16.b.3).

To implement: broadcast and publish media programmes and articles that have a direct impact on the rights of women (16.c.2); proactively reduce gender stereotyping and discrimination against women in the media (16.c.3); increase the number of women involved in decision making in the media (16.c.6); policies to promote the rights and advancement of women in broadcasting and publishing (16.d.2); revision, development and application of media laws and policies in accordance with CEDAW Committee's recommendations (16.d.3); increase in the participation of women in the development and implementation of these policies (16.d.4).
ကျွန်တော်တို့၏လုပ်ငန်းများမှာ ကူးယိုးစွာချက်ခြင်းများဖြစ်ပါတယ်။ ပြည်ထောင်စ်တိုင်း စာရင်းတွင် CEDAW အနီးစီများကို အထောက်အထားခြင်းများ ရှောင်လျှင် အချက်အလက်များ အရောင်းချချင်း အရောင်းချချင်းများ အထောက်အထားခြင်းများ ထိန်းချုပ်နိုင်ရန်ကြောင့် ရှောင်လျှင် အခြေခံချက်များကို ထိန်းချုပ်နိုင်စေမည်။
Access to gender-specific information

In Myanmar, information is treated as the ‘property’ of the state, jealously guarded from the public. This can be seen from the President right down to the township authorities, and includes the judiciary and parliament. Myanmar has no law that protects the right to freedom of information, nor does the Constitution provide for such a right. The News Media Law (2014) includes a highly restricted right, which only applies to journalists.

Legislation greatly prohibits the sharing of state-held information. The Official Secrets Act (1923), Evidence Act (1923), Electronic Transactions Act (2004), Burma Wireless Telegraphy Act (1933), Computer Science Development Act (1996), and Television and Video Act (1996) all criminalise the collection, possession or dissemination of information or “false news” which is “detrimental to national interests”, and provide for sanctions ranging from 14-year prison sentences to the death penalty.

As a result, the government of Myanmar is largely unaccountable and makes decisions that few can confidently question based on available information. Indicators on the government’s performance are some of the worst globally and Myanmar is one of the most corrupt countries in the world, third in the region behind only North Korea and Afghanistan.

Despite the 2010 changes in government and their stated commitment to participate in transparency initiatives such as the Open Government Partnership, the past five years have seen no improvement in the tackling of corruption. The government does little to facilitate the free flow of information. Despite a presidential order in 2014 for all ministries to engage with the media, many ministries and departments still have no public relations department, no departmental spokesperson, and no publicly advertised phone number ready to answer even the most basic of queries.

The fear of asking for information remains deep-rooted in civil society. The government constantly reminds people about the penalties if they ask for information. For example, in April 2014, a journalist and an activist were imprisoned merely for asking a local education department official for information about the implementation of a scholarship scheme.

The key participants agreed with the UN special rapporteur that while the lack of access to information affects all in Myanmar regardless of gender, the effect is particularly pronounced for women, who have an additional need for gender-specific information about their reproductive and sexual health. Despite this additional need, participants noted a number of gender-specific barriers affecting women:

- their general lack of awareness of the right to information and where to ask for information
• their lack of confidence about asking the state for information, and their fear of retribution
• their limited time because of being responsible for childcare and unpaid housework
• their lack of money
• their illiteracy or lack of official language skills
• their lack of support from family
• their physical distance from the information holder, combined with controls on their mobility.

Alongside interviews and roundtables, ARTICLE 19 also conducted a basic survey in three hospitals (Table 4) and monitored the two newspapers and weekly journals with the largest circulation (Table 5), in order to gain a better understanding of the availability of information on particular issues of concern to women.

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Table 4

<table>
<thead>
<tr>
<th>Hospital</th>
<th>Openly available information on sexual health</th>
<th>Information received from hospital staff (when asked by ARTICLE 19 declaring our status as an INGO)</th>
<th>Information received from hospital staff (when asked by patients not declaring any NGO status)</th>
<th>Information on birth and caesarean services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospital 1</td>
<td>No</td>
<td>Yes</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Hospital 2</td>
<td></td>
<td></td>
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<tr>
<td>No အားလပ် No အားလပ်</td>
<td></td>
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<tr>
<td>Information on birth and caesarean services</td>
<td></td>
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<td></td>
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<tr>
<td>None အားလပ်</td>
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<table>
<thead>
<tr>
<th>Hospital 3 (with AIDS - specialist department)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes အားလပ် No အားလပ်</td>
</tr>
<tr>
<td>Information on birth and caesarean services, AIDS testing and counselling</td>
</tr>
<tr>
<td>Condoms given</td>
</tr>
</tbody>
</table>

**Table 5**

<table>
<thead>
<tr>
<th></th>
<th>Articles covering health issues</th>
<th>Articles covering gender-related health issues, such as sexual and reproductive health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private health 1 journal</td>
<td>95 %</td>
<td>9 %</td>
</tr>
<tr>
<td>Private health 2 journal</td>
<td>88 %</td>
<td>11 %</td>
</tr>
<tr>
<td>Private journal</td>
<td>1 %</td>
<td>0 %</td>
</tr>
<tr>
<td>Private newspaper 1</td>
<td>3 %</td>
<td>0 %</td>
</tr>
<tr>
<td>Private newspaper 2</td>
<td>8 %</td>
<td>4 %</td>
</tr>
<tr>
<td>State newspaper</td>
<td>0 %</td>
<td>0 %</td>
</tr>
</tbody>
</table>
Issue 5: The government does not prioritise the provision of access to information for women.

The participants agreed that the government has little willingness to deliver information specific to women in a manner that is accessible to women and, as a result, more than two-thirds of women in rural areas have either no or limited access to any information of relevance to their lives.

Information for women is not provided in ways that suit them. Participants explained that, for most of the women that they worked with, the information provided by the government for women was inaccessible or insufficient. As a result, women either ignore or are unable to access the little information that is provided. The participants described the information as inaccessible to the majority of women because it relied either on women searching for the information in spaces that they may not feel comfortable in, or on inaccessible technology - too expensive or controlled by men - or as in the case of health information, was provided through clinics that are rarely accessible in rural areas without some form of transport.

Information for women does not match their literacy levels. Broadcasters, particularly radio, are globally the best source of information for rural women with comparatively low literacy levels. However, participants agreed that the broadcasters - all of which are controlled by the government - provide little information of value for women and much of the information provided is motivated by commercial interests. For example, while one particular advertisement urges women to use condoms in order to prevent HIV, the broadcaster does little to explain how to get access to contraception or how to use it. One participant with HIV explained that women’s literacy levels in villages are very low so even if the government does provide information, it is frequently not presented accessibly. “I didn’t know about either reproductive or sexual health, or sexually transmitted diseases. Neither the radio or TV broadcasting gave us information in a way that [women with low literacy levels] could understand.”

Women have reduced access to information using digital technologies. According to one participant, women generally have less access to computers or mobile phones and as a result have less access to the multiple sources of information available on the internet. This gender gap in access to technology is due partly to men’s control of finances, but also due to the prohibitive costs of technology and access fees. Mobile phones are also often seen as useful for men, and many people feel that women who do not own a phone, particularly in rural areas, can borrow their husband’s phone if necessary. Another participant stated that parents also purposefully withhold access to the internet from girls, as they are fearful that they will engage in courtship.

Information targeted at women and awareness raising policies and practices are not evaluated. The participants believed that one reason why information is so poorly received by women is because the government generally fails to check whether their attempt to provide information has succeeded in creating an impact on women’s lives. The participants agreed that if the government did evaluate success they would realise that while the information may be useful, it was presented in a manner and form that was unsuitable for the target audience. This is usually either because the women targeted could not
understand or engage with the information style, or because it was at a time or through a medium that women could not access.

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...
Issue 6: Women’s access to gender-specific information is hindered by cultural barriers.

In Myanmar, cultural barriers are some of the most significant blocks to women achieving their right to information. Both society and the government create such barriers.

Women’s access to information is restricted by the government to protect ‘traditional values’. Participants believed that the government actively restricts women’s right to information on the basis that they are protecting a set of traditional and shared cultural values. For example, during the 2015 new year’s festival of Thingyan, the authorities banned all healthcare providers, including high street pharmacies, from selling contraceptives and ordered their withdrawal from public display for a week. While this is primarily blocking access to healthcare, it had the effect of healthcare providers also
removing all information on reproductive health from display too, and stopping from informing customers. Participants stated that their attempts to inform detained sex workers about sexual health are often restricted by the authorities on the basis of ‘traditional values’: “Most sex workers who end up in prison are given no information or access to sexual and reproductive healthcare to protect them from sexually transmitted diseases.”

Women from minority backgrounds do not receive information they can understand in minority languages. Participants were concerned that the government’s policy to prioritise the Burmese language over minority languages across the country, therefore mainly providing information in Burmese, has a more drastic effect on women’s access to information. Although the government’s rule that all public information should be in the Burmese language has been relaxed slightly in recent months, the vast majority of information is still provided in Burmese. This was of particular concern to women in rural areas, given that they generally have a lower level of literacy compared to men, and that the ability to understand Burmese is often linked to a higher level of literacy.
Government commitments

The National Strategic Plan for the Advancement of Women for 2013-2022 adopted by the government in 2013 includes a number of commitments relevant to these issues:

To research: barriers to women’s access to and use of basic health, sexual and reproductive healthcare (9.a.4); sexual and reproductive health, including family planning (9.a.2).

To raise awareness about: access to information about livelihoods (7.b.3); basic health, sexual and reproductive health, HIV and sexually transmitted infections, treatment, care and support, and to implement community-based initiatives by collaborating with women’s organisations (9.b.c); the need to reduce and eliminate customs, superstitions and beliefs that are obstacles to women’s access to and use of basic health, sexual and reproductive healthcare (9.b.3); access to information about the economic sector (12.b.4); reducing and eliminating customs, superstitions and beliefs that are obstacles to women’s access to and use of information about the economic sector (12.b.5).

To implement: health programmes that focus on women’s health problems, sexual and reproductive health and rights (9.c.1); the provision of information for women on public affairs (13.c.1); increased engagement of women in electoral processes (13.c.3).
ARTICLE 19 - Censored gender: Women’s right to freedom of expression and information in Myanmar - Page 58
Participation and the voice of women
အကြည်းစီးချောင်းပညာရေးအတွေ့အကြုးစ်ရှိများ
အခြေချမှုအာရှ

While all independently-minded individuals and groups have been excluded from raising their voices and participating in governance and civil society, the situation of women is even worse. According to the available gender-disaggregated statistics, in the government sector women make up:

- 5.8% of the lower house of parliament
- 1.8% of the upper house of parliament\(^{150}\)
- 3.5% of the state and regional parliaments
- 1.2% of the military in parliament
- 5.5% of the national ministers
- 31.7% of senior civil servants (Deputy Director level and above).\(^{151}\) While women make up half of all staff in the civil service\(^{152}\), they are concentrated mainly in the lower levels.

Table 6
<table>
<thead>
<tr>
<th>Percentage of women in each institution. နေရာသို့မဟုတ် ကျင်းပချက် အရာအားဖြင့် ပြင်းထန်တို့ နေရာ 1 = 2 %</th>
</tr>
</thead>
</table>
| **Lower house of Parliament**
မြောက်ခုခွင်စီးရီး ထပ်မံစားမှုအားဖြင့် |
| **Upper house of Parliament**\(^{153}\)
မြောက်ခုခွင်စီးရီး ထပ်မံစားမှုအားဖြင့် |
Women face patriarchal cultural norms and values in Myanmar which have been heightened by the military's tight and paternalistic grip on power. The military, which has run the country for six decades, oversees a system filled with military values of conformity, rather than individual decision making and public administration. As a result, women’s roles and responsibilities have largely been defined by the military. This can be seen reflected in the constitutional provisions on women which reinforce their primary role to the country as that of vulnerable mothers needing protection rather than a voice, and certainly not people who need positive measures to promote their voice in governance. Society reflects the military’s views and gender-based hierarchies are rife, forming the basis of divisions of labour and power at all levels. Families reflect this, too, as men are perceived to be the head of the household and therefore make all decisions.

Awareness of gender issues is low in both the general public and among the government, particularly in certain regions of the country. All pillars of the state require capacity building in order to raise awareness and deepen understanding of the links between women’s participation and their rights in the political, civic, economic, social and cultural spheres. In particular, the state lacks any gender-responsive policies, plans or programmes to deliver even the most basic of services. It also lacks any quality disaggregated data and, as a result, cannot assess trends in the inclusion of women or the impact of their inclusion. The state also lacks the budget commitment to make the inclusion of women possible. The result of such exclusion of women’s voices can be seen clearly, for example, in the complete lack of awareness and serious de-prioritisation of gender-based violence as an issue of national concern.

| Women face patriarchal cultural norms and values in Myanmar which have been heightened by the military's tight and paternalistic grip on power. The military, which has run the country for six decades, oversees a system filled with military values of conformity, rather than individual decision making and public administration. As a result, women’s roles and responsibilities have largely been defined by the military. This can be seen reflected in the constitutional provisions on women which reinforce their primary role to the country as that of vulnerable mothers needing protection rather than a voice, and certainly not people who need positive measures to promote their voice in governance. Society reflects the military’s views and gender-based hierarchies are rife, forming the basis of divisions of labour and power at all levels. Families reflect this, too, as men are perceived to be the head of the household and therefore make all decisions. |
| All state and regional parliaments | Women face patriarchal cultural norms and values in Myanmar which have been heightened by the military's tight and paternalistic grip on power. The military, which has run the country for six decades, oversees a system filled with military values of conformity, rather than individual decision making and public administration. As a result, women’s roles and responsibilities have largely been defined by the military. This can be seen reflected in the constitutional provisions on women which reinforce their primary role to the country as that of vulnerable mothers needing protection rather than a voice, and certainly not people who need positive measures to promote their voice in governance. Society reflects the military’s views and gender-based hierarchies are rife, forming the basis of divisions of labour and power at all levels. Families reflect this, too, as men are perceived to be the head of the household and therefore make all decisions. |
| Military members of parliament | Women face patriarchal cultural norms and values in Myanmar which have been heightened by the military's tight and paternalistic grip on power. The military, which has run the country for six decades, oversees a system filled with military values of conformity, rather than individual decision making and public administration. As a result, women’s roles and responsibilities have largely been defined by the military. This can be seen reflected in the constitutional provisions on women which reinforce their primary role to the country as that of vulnerable mothers needing protection rather than a voice, and certainly not people who need positive measures to promote their voice in governance. Society reflects the military’s views and gender-based hierarchies are rife, forming the basis of divisions of labour and power at all levels. Families reflect this, too, as men are perceived to be the head of the household and therefore make all decisions. |
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| Civil servants | Women face patriarchal cultural norms and values in Myanmar which have been heightened by the military's tight and paternalistic grip on power. The military, which has run the country for six decades, oversees a system filled with military values of conformity, rather than individual decision making and public administration. As a result, women’s roles and responsibilities have largely been defined by the military. This can be seen reflected in the constitutional provisions on women which reinforce their primary role to the country as that of vulnerable mothers needing protection rather than a voice, and certainly not people who need positive measures to promote their voice in governance. Society reflects the military’s views and gender-based hierarchies are rife, forming the basis of divisions of labour and power at all levels. Families reflect this, too, as men are perceived to be the head of the household and therefore make all decisions. |
Participants believed that women’s voices are being excluded from decision making at almost every level and in almost every sector of society. The participants worried that because women’s voices are excluded, there is little pressure to change the traditional assumption that men’s opinions are important and deserve listening to, whereas women’s opinions are not to be considered.

Women’s voices are blocked from political decision making because there are few of them at the top levels of the military. One of the key reasons flagged by participants for the low number of women’s voices at decision-making levels across the state’s infrastructure is the fact that the majority of senior officials are from the military, which consists almost entirely of men. This is most obvious in parliament where the constitution guarantees 25% of seats, a total of 166 seats, to the military. One parliamentary participant highlighted that public pressure in 2014 had resulted in the military starting recruiting women for the first time.
placing two women in parliament as part of its 25%. While the military’s parliamentary quota of 1.2% women is risible, it is not far different to the representation of civilians in parliament, of whom there are 5.8% women in the lower house and 1.8% in the upper house. Across all state and regional parliaments the total proportion of women’s voices is only 3.5%. Women’s voices are also invisible in the cabinet, where they amount to two out of 36 ministers.

**Women’s voices are heard in government on gender-appropriate subjects.** According to participants, the two women government ministers have been given what is considered to be “soft” and “gender-appropriate” mandates of social welfare and education, which reflects the areas in which women’s voices are ‘allowed’ to be heard. This is not only true of government but is also reflected throughout the whole of the civil service. Such “gender-appropriate” departments are not well-resourced: as one parliamentary participant explained, “if a role brings with it lots of opportunities for [the corrupt accumulation of] money and benefits, men are given it … all roles with responsibility and decision-making powers are given to men not women.”

**Women’s voices are left out of civil society.** The participants were concerned that women are indirectly excluded from voicing their opinions in civil society and civic space. One participant said that women’s voices cannot be heard because of their “lack of spare time to participate in civil society”. The obligatory processes of registering civil society organisations is also significantly off-putting for women with little time and possibly lower literacy capacity: the process is lengthy and difficult to follow for smaller groups, each of which is required to submit regular reports to government agencies. Participants were also concerned that even though women play an active and significant part in civil society and political change, they are easily side-lined. One participant, a member of the governing party said “the party used me to increase their number of members and pressure for voting, but they never invited me to meetings where we can have a chance to speak out for our needs. I believe it was because of my identity [as a lesbian woman] and their assumption that I [a woman] cannot work like a man.”

**Women’s voices are controlled by family.** Participants agreed that one of the main problems faced by women in rural areas when attempting to voice their opinions in civil society is the controls placed on their right to free movement by their husbands and parents-in-law. According to the participants, it was very common for wives to be told by their husbands that they are “wasting your time with such nonsense.” Controls on women’s opinions are particularly evident when voicing their views on culturally ‘sensitive’ topics such as sexual or reproductive health, which are affected by conservative and superstitious attitudes to women and their bodies. A participant who works closely with rural women explained how in rural areas women are often denied permission from their families, particularly their parents-in-law and husbands, to attend civil society events or training sessions for fear that by doing so such women may become “too modern”.

The situation is worse for women in military families. One participant said “this [lack of women’s voice] is very obvious in military circles where wives know that if they talk about or participate in [anything that is controversial or could be regarded as ‘political’], their
husbands will be punished by their military commanders.” 174 Another participant pointed out that whether the punishment is likely or not, the assumption that there will be a punishment provides further potential for families to control women in whichever way they wish.
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Issue 8: Women included in decision making are selectively chosen by government

While women’s voices are generally excluded from many forms of decision making, there was strong agreement from participants that those women’s voices who were raised and amplified were not independent and often selectively chosen by the government, particularly the relatives of government or military officials. The Myanmar Maternal and Child Welfare Association (MMCWA) and the Myanmar Women’s Affairs Federation (MWAF) were set up under the military regime in 1991 and 2003 respectively, at a time when the right to form an association was severely restricted by the government. According to participants, both organisations lack the political independence from the government needed for them to be considered real non-governmental organisations (NGOs). The participants agreed that most of the organisations’ members are the wives of government officials or military officers, and that women gain seniority in these organisations according to the seniority of their husbands. All current and past presidents of MMCWA and MWAF, Khin Khin Win, Khin Thet Htay, Than Than Nwe, Khin Saw Hnin, Khin Khin Win and Khin Win Shwe, were the wives of senior generals. Women who do not have husbands in the government or military, or whose husbands are in the lower ranks, can join but will remain voiceless juniors.

The participants believed it was clear that such organisations have no intention of representing women’s voices and have little effect on gender issues. One of the organisations is notorious for making political attacks on the leader of the National League for Democracy, Aung San Suu Kyi, who is the only senior woman’s voice in Myanmar politics. The participants also believed that the MMCWA and the MWAF actually work to counteract and undermine women’s voices in civic space, marginalising and disregarding them whenever possible.

When the government committed to implementing the demands of women, as in the substantive and widely encompassing National Strategic Plan for the Advancement of Women, there is widespread distrust that the Plan will turn into anything more than a paper promise manipulated by these non-independent organisations.
Issue 9: Women’s gender and sexual identity are used to exclude them from civic space

Women’s expression of and control over their gender and sexual identity are often used as justifications to exclude them from being seen or able to participate in civic space. In one case quoted by a participant, male taxi cyclists prevented a female member of the participant’s support group who dressed as a man from working as a taxi cyclist, saying
“Don’t use that tricycle. Myanmar will face a drought if any passengers take that tricycle.”  

However, the exclusion of women from civic space is usually less direct than this.

**Women’s dress is more strictly regulated.** Participants identified the fact that women’s dress is often more regulated in Myanmar than men’s dress. This includes in universities and schools, at religious sites and, in effect, in the media. While it is common for school management in other countries to regulate the dress code within schools, women in Myanmar are forced to wear Burmese ‘traditional’ longyi and yinbong dress in universities too, regardless of their ethnic background. Whereas some universities such as Yangon University of Foreign Language (YUFL) allow men to wear non-Burmese dress such as trousers, all universities require women to wear traditional dress. Each student is checked at the entrance to the university. According to participants, some women feel “embarrassed and depressed” about being forced to wear certain clothing, but those women who do not wear traditional dress are excluded from university, not allowed into classrooms or to sit for exams.

Women’s dress is also regulated at religious sites. While signs show dress codes for both men and women, the participants believed that in practice men are often able to ignore the codes, whereas women are urged to follow them in order to “keep the peaceful mind of saints and congregations from the lust caused by seeing women’s bodies.” A similar rule applies inside military compounds where the families of servicemen live under the rule “Clothes that divert from Myanmar culture are prohibited.” Participants said that women who don’t obey such restrictions in the military compound are insulted by even the lowest ranked soldiers. At other times, the women’s husbands or fathers, who are soldiers, have been warned or had action taken against them by senior officers, such as forcibly transferring them to distant rural areas. The participants were concerned that under these threats, women’s families enforce strict dress codes and other military rules using domestic violence.

**Women are punished for expressing their sexuality.** The participants agreed that any woman expressing her sexuality, sexual orientation or sexual identity is often ridiculed by members of society and excluded from civic space. According to several participants, humiliation and other forms of gender-based violence are common in schools, starting with the teasing of girls by fellow students and teachers. When girls express their sexual identity, this humiliation can escalate into sexual violence used to punish such girls, sometimes with girls being forced by their male peers to “act and dress normally”.

According to the participants, complaining is likely to make the situation worse as teachers warn girls that they will be expelled if they insist on not wearing “appropriate” women’s dress. Several of the participants working in the area of sexual rights stated that girls often drop out of school early purely to avoid the continuing humiliation, which sometimes, as reported by one participant, includes being stripped in public: “My teacher pulled off my clothes during break time at school saying ‘You are a girl and must wear a girl’s longyi, so stop wearing a man’s longyi’.” The participant left school shortly afterwards as a result of this public shaming.

The participants explained that sexual violence as a punishment for the expression of sexuality is common not only in schools but also in public spaces. In one case, a woman was beaten up by 30 men in Pyay market for expressing herself in a manner that they
described as “sexually abnormal”. In another case, a participant said that in 2014 in Pyay Township men drugged and raped a woman dressed in men’s clothes and then threatened to circulate photos of her naked body online if she complained. One participant reported that women who do not submit photos of themselves in traditional gender-appropriate dress as part of their job applications will have their applications rejected.

There was concern among the participants that even within the movement for sexual rights, women face more discrimination than men when it comes to expressing their sexuality publicly. Another participant from the media highlighted that the government is also interested in the expression of women’s sexuality, and alleged that many of the complaints put before the Press Council by the Ministry of Information are related to women’s state of dress within newspapers and journals. While the media may be portraying women negatively, the complaints have resulted in a bizarre situation where a Press Council made up almost entirely of old men has the power to decide whether and how women, predominantly young, may express their sexuality, which includes through the way they dress.
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Government commitments

The National Strategic Plan for the Advancement of Women for 2013-2022 adopted by the government in 2013 includes a number of commitments relevant to these issues:

To research: the participation of women in senior decision-making positions in education (8.a.3, 9.a.5), employment (13.a.1), economic sectors (12.a.1) and their visibility in the media (13.a.3); “difficulties” women face (13.a.2) including barriers to advancement (14.a.2); the understanding of women’s rights within parliaments, committees, ministries, departments and political parties (15.a.1).

To raise awareness: women’s representation and participation in decision making in parliament (13.b.1).
To implement: increase number of women in decision-making positions in institutions, department and NGOs relating to livelihoods (7.c.2) education (8.c.4), health (9.c.3), economic and development departments (12.c.2); quota system for legislative, judicial and executive pillars (13.c.4); initiatives to address harmful customs and laws (13.c.5).
Gender-based violence

Women exercising their right to freedom of expression and information often face violence as a result. Gender-based violence is “violence that is directed against a woman because she is a woman or that affects women disproportionately.” It can be conducted in the family or within the wider community, and perpetrated or condoned by the state. Gender-based violence falls under five types:

- Sexual violence
- Physical violence
- Emotional and psychological violence
- Harmful traditional practices
- Socio-economic violence.

While there are no disaggregated statistics on gender-based violence as a consequence of speaking out, gender-based violence in general is rampant in Myanmar. In one national study, 69% of women reported experiencing one or more incidents of domestic violence within a year. This figure rises to 90% for women in some indigenous groups in the country, 62% on a daily basis. Of those women surveyed, only 25% were aware of their rights as women and 75% believed domestic violence was “a purely domestic affair which should be solved within the home.” Such violence against women is committed not only within domestic settings, but also by the community and by the state. In public spaces, sexual harassment is common and, since 1988 if not earlier, there have been serious and highly credible allegations of strategic, systematic and widespread sexual assault used by the military to humiliate and intimidate, the majority targeted at indigenous women. The lack of investigation continues to this day and has resulted in high levels of impunity.

Despite the size of the problem, the media significantly underreports gender-based violence and as a result public awareness is low. In the aforementioned national study, 93% of women did not take formal action following the violence, due to feelings of guilt, shame and the fear that people would look down on and gossip about them. Indeed, Myanmar has no specific legislation on gender-based violence, with the exception of rape which is prohibited under the Penal Code. The UN Special Rapporteur has said that Myanmar has a “culture of impunity” for gender-based violence and the CEDAW Committee has said that gender-based violence in Myanmar is “socially legitimised and accompanied by a culture of silence and impunity.”
Issue 10: Women experience expression-related violence and its effects differently

When women experience violence because of what they have said, their opinions, their attempts to access information, or their demands for participation, the violence that they
encounter is often different to the violence encountered by men. In those cases where the violence is the same, the impact is greater because of women’s situation in society.

**Women face violence targeted at their gender identity.** Upon reflection, participants agreed that the violence faced by women is often targeted at violating their gender identity. One participant pointed to the case of a woman journalist who, after writing an article critical of police corruption in Taunggyi in Shan State, was attacked outside her home in January 2013 by a man who slashed her face with a blunt instrument. The participants believed that while men mostly receive phone threats or may suffer physical attacks on their bodies, this particular case showed an intention to punish her by damaging her appearance and her “womanliness”.

Participants also agreed that women who speak out are more likely to be punished by men through socially unacceptable actions such as touching the women. One participant reported, “In the 2010 general election, I went to a voting booth in South-Oakkalar Township to speak to a candidate. When I entered the room, I saw that they were counting votes from a basket under the table. I took a photo because votes should be counted openly and honestly. At that point, some men came and grabbed the neck of my blouse. I couldn’t breathe because they were choking me and my dress was messed up and I feared that it may tear.”199 While the participant believed that a man would face a similar response and have his clothes torn, the effect would be worse for her because of the cultural taboo of being naked in front of men. (Such attacks were common during the 2007 Saffron Revolution, where women had their clothes deliberately torn and pulled off.200)

**Women’s morality is called into question, implying that they are to blame.** Participants agreed that perpetrators of violence often try to criticise or shine a spotlight on women’s morality, whether it is their sexuality, their motherhood, their sex life or other private areas, in order to insinuate that the woman is to blame. One participant pointed to the treatment by prison guards and police of women protesters detained in Tharrawaddy Prison in February 2015. Unlike the men arrested at the same time, the women protesters were forced by police to do a urine test in order to establish whether or not they were pregnant. This invasion of their privacy was intended not only to humiliate the women about their sexual history, but also to place pressure on other women to stay away from protests for fear of being shamed in a similar way. Another participant stated that women who speak about military issues face claims that “they are only speaking out because they are lesbians.”201

Participants agreed that shaming women on the basis of claims about their morality is particularly common on social media. One participant pointed to women who speak out on social media against the public statements of highly discriminatory religious groups and the increasing online backlash since 2014 against such women who are “treated as women with low morals or even sex workers”202. Online users have further targeted such women using clearly organised campaigns where they have created fake Facebook pages claiming that the women are looking for sexual relations, or flooding social media with doctored images of them engaged in controversial acts. One particular union leader had personal photos showing her swimming in the sea and singing in karaoke bars taken and distributed in February 2015 as evidence of her supposed low morality.

**Women’s material security is attacked.** Where women cannot be imprisoned or shamed, the participants were concerned that their social safety nets are attacked. Su Pon Chit, an
activist with severe disabilities, could not have been imprisoned without significant public outcry. Shortly after taking part in public protests against the government in January 2015, she received a letter informing her that her state-owned apartment was being requisitioned for a more “needy” family, and she was required to vacate immediately, without alternative accommodation.

Women’s experience of violence is exacerbated by the reaction of their families and society at large. According to the participants, women and their morality in particular are treated as areas for public concern and, as such, family and society often participate in violence. In the case of the Letpadan student protests in February 2015, women were “publicly humiliated by the police” by being forced to take pregnancy tests. The participants believed this was done purposefully in order to ensure that families nationwide were more likely to censor and control women participating in protests, so as to avoid more widespread ramifications. As a result, women are less likely to speak out or participate in further protests. In another case raised by the participants, women protesters who were arrested in Matupi Township in June 2014 for peacefully calling for an investigation into a series of alleged rapes of six women in the area were blamed by their families and village elders who said, “These women have dug their own grave. The protest didn’t bring them anything except trouble.”203

Women’s right to freedom of expression and information in Myanmar

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Issue 11: The current remedies and protective measures that exist to protect women from violence actually make it worse

Everyone in Myanmar suffers the complete lack of remedies for violence. However, when women speak out they often suffer further violence from those who are meant to protect them.
Protectors turn into perpetrators when the victims are women. The participants believed that those who were supposed to protect women were often guilty of further perpetuating violence against women instead. This is particularly obvious in peaceful demonstrations when the security services and police officers - who are almost all men - treat women with as much disproportionate use of force as men, even in cases where women are peacefully protesting and are clearly no match for armed men. One participant said, “Generally each woman is arrested by two or three policemen.” 204 Participants pointed to separate cases such as Daw Naw Ohn Hla, Daw Tin May Thaw and Daw Nilar Thein, all of whom faced disproportionate violence at the hands of the police, including being held down, hit with sticks, and pushed about while peacefully protesting in February 2015 outside Yangon City Hall, outnumbered by multiple male security service officers: “I want to know how men were allowed to do this and why the police allowed such unjust and unequal behaviour towards women.” 205 In other cases such as labour disputes, plainclothes police or paramilitaries have surrounded women protesters calling “arrest these bitches!” 206

The participants were equally concerned about what they believed to be the purposeful detention of individual women by male police officers, with the women being taken alone to police stations without any information being provided to them or others on the reason for their detention. One participant reported a case they were working on where “policemen take young women activists individually knowing that they are young, unmarried and feel both fearful and embarrassed to be detained alone by men. According to our culture, men shouldn’t do this. The police know this very well and purposefully scare women using both mental and physical tactics intended to make them worry about being raped.” 207

Another participant pointed to the case of a heavily pregnant woman who lost her baby after three male police officers grabbed her with excessive force. 208 One participant who has been in and out of Insein Prison since 2010 said that, once behind bars, women face significant psychological violence from prison guards who abuse them, joke and laugh at them, and constantly use abusive language. The participant added that the prison guards know that such women have no access to support mechanisms, are often unaware of the crime they are supposed to have committed, and are constantly caught “in a cycle” of police detention and release when they are living on the street.

Another participant said that the military often perpetuate gender-based violence. She believed that soldiers are given permission – or at least never sanctioned – to threaten women: “When I criticised the sexist attitudes of soldiers guarding the military compound within which my family live, the soldiers threatened me saying that I was a member of [a political party] and next time I spoke out they would take me directly to prison. They said ‘You women don’t understand what military administration is’.” 209

Institutions ignore gender-based violence, leading to impunity. The notoriously unpunished statement of an army commander to his soldiers is illustrative of the way in which institutions ignore gender-based violence such as rape “in the front line, everything in the village is yours - women, domestic animals. You are free to do anything you want even if you have a wife at home in your village.” 210

Access to justice, whether in armed conflict areas or elsewhere is also difficult for women. One participant, a sexual rights defender, said, “There is no fair judicial process [for women] … when we complained to the Quarter Administrator [about an assault by 30 men
on a woman expressing her sexuality] they did not care about our complaint. Although the attack was criminal, they told us to be careful about our movements in the community. Until now, my friend has terrible headaches caused by her injury and she has never received compensation or been able to bring her case to court.”

Sexual rights defenders are particularly likely to be ignored and, according to a participant, never go to the police despite the gender-based violence they face. A participant working in the media explained how vulnerable she feels when she knows that she will get no support from the state “[when I worked as a journalist in a rural area] I felt insecure, embarrassed and lonely”. Another participant highlighted how local government officials repeatedly reject applications to protest against perpetrators of rape. “Although women in Razua asked the township and police three times for permission to protest, they were always rejected and were eventually banned on the basis that such a protest would undermine peace in the town.”

In the case of the woman whose face was slashed in Taunggyi in January 2013, even though the alleged perpetrator was clearly identified as being the subject of her newspaper article - a local male police officer - the court case was repeatedly delayed for unknown reasons from 2013 until it was eventually dropped in 2014.

Institutions carry out reprisals against women. Participants pointed to the high risk of serious reprisals that women and civil society organisations face when defending women’s rights on controversial issues such as gender-based violence or sexual assault by the military. One participant pointed to the high number of cases recorded in which activists have sought justice for sexual violence committed by, in particular, the military. Another participant described how one local indigenous woman was brutally assaulted in Chin State in June 2014 by a soldier. Her family was offered US$100 and 15 packets of noodles in compensation, but the police refused to allow the victim’s friends to protest against the lack of police action. When they protested anyway, they were all arrested, sentenced to fines and given criminal records.
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**Government commitments**

The *National Strategic Plan for the Advancement of Women* for 2013-2022 adopted by the government in 2013 includes a number of commitments relevant to these issues:

To research: violence against women and girls in urban and rural areas (10.a.1); causes and consequences of violence (10.a.2); social services for women affected by violence, along with legal protective measures, and the challenges faced by women accessing these services. (10.a.3); satisfaction levels with the responses duty bearers give to women and girls who report violence (10.a.4); effectiveness of agencies working on women’s rights (15.a.3); representation of women in human rights bodies (15.a.5).

Raise awareness about: prevention of and responses to violence (10.b.1), including by judges (10.b.3) police (10.b.4) and the media (10.b.5); harmful customary laws and gender discriminatory practices (13.b.3); existing laws that have a direct positive impact on the rights of women (15.b.2); the rights of women amongst the general public (15.b.3).

To implement: practical initiatives in ministries on the inclusion of human rights, sex and gender equality in education (8.c.1); community-based initiatives in preventing and responding to violence (10.b.6); increasing women’s participation in such prevention (10.b.7); legal action (10.c.5); new laws and policies (10.d.3) and including women in their development (10.d.4); initiatives giving priority to women’s rights and security in the workplace (12.c.6), including women in development of these policies (12.d.4); national statistics, surveys and information management systems relating to the analysis of data on the status of human rights, including the areas of marriage and inheritance (15.c.1); CEDAW (15.c.2); efficient mechanisms to ensure the rights of women are fulfilled at national, regional, state, district, township and community/village level (15.c.3); community-based initiatives to raise public awareness on the rights of women (15.c.4); improved coverage on the rights of women in the media (15.c.5); revision, development and application of existing civil, religious and customary laws so as to protect, promote and fulfil the human rights of women and girls (15.d.2); development and implementation of policies to protect and promote the human rights of women in accordance with the recommendations of key stakeholders and international laws and instruments (15.d.3).
Conclusion

Despite promises of reform, the realisation of the right to freedom of expression and information is long overdue in Myanmar. Newspapers, while now freer to report, cover on a daily basis numerous stories about human rights defenders, protesters, political activists, journalists and others being attacked, arrested or imprisoned for what they have expressed, whether on the streets, in the press or online.

Arguably, women in Myanmar have a greater need for the right to freedom of expression and information because, in addition to the general issues that affect everybody in the country, they need particular information and have to challenge many discriminatory and oppressive practices. Unfortunately, however, they face multiple barriers when using this right, both because they are women and because they are speaking out on gender-related issues.

Voicing opinions on gender-related issues is often sensitive in Myanmar. Whilst the government is often the main censor on most topics, gender-related issues often elicit a backlash, physical and otherwise, from others, the self-declared ‘defenders’ of ‘Myanmar culture’. Although the right to culture is an important human right, culture itself is not static but constantly evolving and changing, and should not be used to censor others.

Whether for political or cultural reasons, the government and employers in their attempt to protect women from gender-based violence, both physical and otherwise revert to restricting women – in effect stopping them - rather than enabling or empowering them. Indeed, the few institutions, remedies and protective measures that should exist in Myanmar to protect women from violence often make the situation worse.

Violence is not the only factor preventing women from participating in governance or civil society. Women are largely invisible at the senior level of all sectors, particularly in government and parliament, and as a result are excluded from decision making. Women’s gender and sexual identity are often used to exclude them from civic space. Those women who are visible are often not independent, either from the government or the military.

The media is another area where women are excluded from decision making and ‘protected’ rather than empowered. The representation of women in the Myanmar media is highly stereotypical, a reflection of the lack of women at decision making level. Broadcasters in particular repeat these stereotypes widely and do little to address the concerns of modern day women. The media trade unions, too, have yet to include women fully.

The government, like the broadcasters, fails to make proper provision for information relevant to women. Although it is true that the government provides almost no information to anyone regardless of gender, there are additional cultural barriers for women. In addition, women are disproportionately affected by a lack of information on many topics, particularly sexual and reproductive health.

The government has made a commitment to tackling many of these gender-related issues in its National Strategic Plan for the Advancement of Women. However, it has done very little to implement its promises. The participants in this report highlighted many issues of
concern, but few of them were aware of the Plan or knew what had been achieved so far. If the government is to implement the Plan successfully, the first and most important step will be to ensure that women are free to engage, criticise, support and voice their opinions. Without this, the Plan will fail.
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14 Para 16, on right to movement, Human Rights Committee, *ibid*.
15 Para 21, on religion, Human Rights Committee, *ibid*.
16 Para 13, on clothing, Human Rights Committee, *ibid*.
17 Myanmar has a reservation to Article 29 of CEDAW.
19 Para 6, on gender based violence, General Recommendation No.18 on violence against women (10th session, 1991)
20 Para 7, on gender based violence as discrimination and list of rights; Para 17, on employment; Para 18, on sexual harassment; Para 19, on access to healthcare, General Recommendation No.18 on violence against women (10th session, 1991).
21 Article 2, CEDAW, 1981.
22 Article 2.b, CEDAW, 1981.
23 Article 3, CEDAW, 1981.
24 Article 4.1, CEDAW, 1981.
25 Article 2, CEDAW, 1981.
26 Article 5, CEDAW, 1981.
27 Para 27, on participation in government, General Recommendation No. 23 (16th session, 1997) Article 7 (political and public life)
28 Para 15-16, on de jure barriers, General Recommendation No. 23 (16th session, 1997) Article 7 (political and public life)
29 General Recommendation No. 3 (sixth session, 1987)
30 Article 7, CEDAW, 1981.
31 Para 5, on political life, General Recommendation No. 23 (16th session, 1997) Article 7 (political and public life)
32 Para 27, on barriers to political life, General Recommendation No. 23 (16th session, 1997) Article 7 (political and public life)
33 Gender sensitive data takes into account the different needs of men and women at all stages of data definition, collection, dissemination and analysis processes. As well as being sex-disaggregated, gender sensitive data includes data that highlights the differences in gender roles, resources, norms and values.
34 Para 9, on reporting, General Recommendation No. 24 (20th session, 1999)
35 Para 17, on gender perspective, General Recommendation No. 23 (16th session, 1997) Article 7 (political and public life).
36 Article 7, CEDAW, 1981.
37 Para 5, on political life, General Recommendation No. 23 (16th session, 1997) Article 7 (political and public life)
38 Article 15.4, CEDAW, 1981.
39 Article 13, CEDAW, 1981.
41 Article 10(c), CEDAW, 1981.
42 General Recommendation No. 3 (sixth session, 1987)
43 Article 10, CEDAW, 1981.
45 Article 15.1, CEDAW, 1981.
47 Article 13, CEDAW, 1981.
48 Para 17, on employment; Para 18, on sexual harassment, General Recommendation No.18 on violence against women (10th session, 1991).
49 Para 14, on refraining from obstructing women, General Recommendation No. 24 (20th session, 1999).
50 Para 31, on gender perspectives, General Recommendation No. 24 (20th session, 1999).
51 Article 10.h, CEDAW, 1981.
53 Article 16.e, CEDAW, 1981.
54 Para 18, on sexually transmitted diseases, General Recommendation No. 24 (20th session, 1999).
55 Para 20, on being informed on health, General Recommendation No. 24 (20th session, 1999).
56 Para 42, on undeniable link, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr Frank La Rue A/HRC/14/23 14 April 2010.
58 Para 44, on access to information, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr Frank La Rue A/HRC/14/23 14 April 2010.
59 Para 44, on access to information, Report of the Special Rapporteur, *ibid*.
60 Para 46, on CEDAW, Report of the Special Rapporteur, *ibid*.
64 Para 51, on supporting women, Report of the Special Rapporteur, *ibid*.
65 Para 54, on fear and shame, Report of the Special Rapporteur, *ibid*.
66 Para 47, on degrading images of women, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr Frank La Rue A/HRC/14/23 14 April 2010.
Access to Information published the Joint declaration on universality and the right to freedom of expression in 2014 with the support of ARTICLE 19: http://www.article19.org/resources.php/resource/37539/en/.
Committee on the Elimination of Discrimination against Women, ibid.
122 Combined fourth and fifth periodic reports of States parties due in 2014, Myanmar, CEDAW/C/MMR/4-5 http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MMR/9CEDAW_C_MMR_4-5_713_E.pdf
128 ARTICLE 19 surveyed all institutions in April 2015.
129 ARTICLE 19 has chosen not to publish the names of the institutions and media companies that have been reviewed in order to ensure that sources are protected. In addition, the purpose of these reviews is to identify general trends and not to single out particular institutions.
131 ARTICLE 19 monitored for a week, two of the most popular television serials and the two discussion programmes focused at women audiences.
133 ARTICLE 19 monitored two private and one state newspaper in April 2015. On average, 40 % of articles included by-lines with gender-based titles (the equivalent of Mr / Ms) which enabled us to identify the gender of the author.
135 See the broad 2015 report, Gender in the Myanmar Media Landscape, which identifies the lack of women in senior levels of the Myanmar media as a significant issue http://www.mediasupport.org/wp-content/uploads/2015/03/FOJO_GENDER_FINAL.pdf
137 See the broad 2015 report, Gender in the Myanmar Media Landscape http://www.mediasupport.org/wp-content/uploads/2015/03/FOJO_GENDER_FINAL.pdf
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141 ARTICLE 19 monitored two private and one state newspaper in April 2015. On average, 40 % of articles included by-lines with gender-based titles (the equivalent of Mr / Ms) which enabled us to identify the gender of the author.
143 See the broad 2015 report, Gender in the Myanmar Media Landscape, which identifies the lack of women in senior levels of the Myanmar media as a significant issue http://www.mediasupport.org/wp-content/uploads/2015/03/FOJO_GENDER_FINAL.pdf
145 ARTICLE 19 surveyed the trade unions, looking at their projects and recent published decisions in April 2015.
147 See the broad 2015 report, Gender in the Myanmar Media Landscape http://www.mediasupport.org/wp-content/uploads/2015/03/FOJO_GENDER_FINAL.pdf
149 Interview in Yangon, 31 March 2015
151 Interview in Taunggyi, 7 February 2015
153 Trade union organisers explained in interviews with ARTICLE 19 that very few women have decision-making authority in the unions, and their roles rarely include representing the union to outside parties.
155 Interview in Yangon, 31 March 2015
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165 Interview in Yangon, 31 March 2015
167 Interview in Yangon, 31 March 2015
169 Interview in Mandalay, 1 November 2014
171 The National Strategic Plan for the Advancement of Women 2013-2022 was published in 2013 but is relatively unknown among civil society in Myanmar http://www.mm.undp.org/content/myanmar/en/home/presscenter/pressreleases/2013/10/strategicplanwomen.html
173 According to the Resource Governance Index, Myanmar has the worst governance system in the world, coming a consistent last under four out of five indicators. Similarly in the World Bank’s Rule of Law Index and Voice and Accountability Index, Burma comes in under the three per cent percentile.
175 Transparency International’s Corruption Perception Index ranked Myanmar as 156 out of 175 states in 2014. Under the Control of Corruption Index, Myanmar was in the lowest percentile group, with a rank of zero per cent.
177 Zaw Pe, a video reporter for the Democratic Voice of Burma (DVB), and Win Myint Hlaing were imprisoned for a report about Japanese-funded scholarships for local students in Magwe.
179 Basic survey of hospitals conducted by ARTICLE 19 and volunteers in April 2015.
181 Based on monitoring conducted in April 2015.
183 Volunteer patients were asked by ARTICLE 19 to request the same information in the same way.
185 Based on monitoring conducted in April 2015.
187 Interview in Yangon, 29 March 2015
191 GSMA, ibid.
193 Roundtable in Yangon, 22 November 2014
195 The National Strategic Plan for the Advancement of Women 2013-2022 was published in 2013 but is relatively unknown among civil society in Myanmar http://www.mm.undp.org/content/myanmar/en/home/presscenter/pressreleases/2013/10/strategicplanwomen.html
Women’s representation in the national legislature has also been minimal, even as the share of women in parliament globally has increased from 11 per cent in 1995 to 19 per cent in 2010. UNESCO socio-economic indicators 2013, data from 2012, http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=1040&regioncode=40515&SPSLanguage=EN In 2012, Union Election Commission called to fill 46 vacant seats. 24 (15.3%) out of 157 candidates were women, including Daw Aung San Su Kyi. Women won 13 seats out of 46 vacant seats. Currently in Pyithu Hluttaw (Lower House), there are only 24 (5.8%) women members of 440 seats, including Daw Aung San Su Kyi. And women hold 4 (1.8%) of 224 seats in Amyothar Hluttaw (Upper House). So, women hold 28 out of total 664 seats, including 166 seats of military.


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Concluding observations of the Committee on the Elimination of Discrimination against Women, Forty-second session, 20 October-7 November 2008


Myanmar Women’s Affairs Federation, ‘Rights of Myanmar women endowed by Myanmar Customs and Traditions, MWAF, Yangon.


UNESCO socio-economic indicators 2013, ibid.

UNESCO socio-economic indicators 2013, ibid.

UNESCO socio-economic indicators 2013, ibid.

UNESCO socio-economic indicators 2013, ibid.


Lieutenant- Colonel Soe Soe Myint and Lieutenant-Colonel San Thida.

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Minister of Social Welfare, Reliefs and Resettlement Daw Myat Myat Ohn Khin and Minister of Education Dr.Khin San Yee.

Yangon, 30 November 2014


Interview in Pyay, 10 December 2014

The party has refused to change its name: http://www.irrawaddy.org/burma/womans-party-wont-budge-on-name-change-risking-uec-approval.html

Interview in Yangon, 22 November 2014

Interview in Yangon, 4 April 2015

Dfid, ibid.

Women of Burma, 2008, In the Shadow of the Junta, shadow submission to CEDAW.

Interview in Pyay, 10 December 2014

Interview in Yangon, 3 January 2015

Interview in Yangon, 9 March 2015

Interview in Pyay, 10 December 2014

Interview in Pyay, 10 December 2014

It is not possible to confirm this as the Interim Press Council does not publish data on the cases reviewed by the complaints mechanism.

The National Strategic Plan for the Advancement of Women 2013-2022 was published in 2013 but is relatively unknown among civil society in Myanmar http://www.mm.undp.org/content/myanmar/en/home/presscenter/pressreleases/2013/10/strategicplanwomen.html


Article 2, UN Declaration on the Elimination of Violence against Women. ibid.


Palaung Women’s Organisation, ibid.

190 Women of Burma, ibid.

191 Shattering Silences documented rape cases in Myanmar since 1988, concluding that: half of the rape incidents surveyed were committed by high ranking officers; 40% were gang rapes; in 28% of cases women were killed after being raped. Reports continue in 2015 http://www.rfa.org/english/news/myanmar/myanmar-kokang-03252015123347.html and are summarised in Women of Burma (2008) 'In the Shadow of the Junta', http://www.womenofburma.org/Report/InTheShadow-Junta-CEDAW2008.pdf

192 For example, participants were particularly concerned by the 19/20 January 2015 case of the sexual assault and killing of two women teachers, Maran Lau Ra and Tangbau Hkawn Nan Tsin in Northern Shan. Soldiers are suspected and as a result no proper investigation has been initiated.

193 UNFPA and Ministry of Immigration and Population, Fertility and Reproductive Health Survey 2007


196 At the time of writing, a bill on violence against women was moving through the legislative process.


198 Concluding observations of the Committee on the Elimination of Discrimination against Women, Forty-second session, 20 October-7 November 2008

199 Interview in Yangon, 31 March 2015

200 Special riot police were authorised to commit gender-based violence against women protesters and harass them with impunity during demonstrations in Yangon in the major 2007 demonstrations. Women marching peacefully were severely beaten, punched, slapped, verbally abused and had their clothes torn, and their longyis were violently and deliberately pulled off. For more information: Women of Burma (2008) 'In the Shadow of the Junta', http://www.womenofburma.org/Report/InTheShadow-Junta-CEDAW2008.pdf

201 Roundtable in Yangon, 22 November 2014

202 Interview in Yangon, 22 November 2014

203 Interview in Yangon, 11 October 2014

204 Interview in Yangon, 14 February 2015

205 Interview in Yangon, 9 February 2015


207 Kan Kaung Chin Yadanar Factory, Mandalay Division, 2015.


209 Interview in Yangon, 22 November 2014

210 Alleged statement by a commander reported by an army defector’s testimony, quoted in Refugees International, April 2003, No safe place: Burma’s army and the rape of ethnic women

211 Interview in Pyay, 10 December 2014

212 Referring to a case in Pyay Township, 2014.

213 Roundtable in Yangon, 22 November 2014

214 Interview in Yangon, 4 October 2014

215 Referring to a case in Rzua Township, June 2014.


217 The National Strategic Plan for the Advancement of Women 2013-2022 was published in 2013 but is relatively unheard of among civil society in Myanmar http://www.mm.undp.org/content/myanmar/en/home/presscenter/pressreleases/2013/10/strategicplanwomen.html
Women in Myanmar have inspired political leadership, reported fearlessly on current events and played a leading role in civil society. As a result, however, they have faced a multitude of legal and policy restrictions and arbitrary punishments.

DEFENDING FREEDOM
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ARTICLE 19 Free Word Centre 60 Farringdon Road London EC1R 3GA
T +44 20 7324 2500  F +44 20 7490 0566
E info@article19.org  W www.article19.org  Tw @article19org  facebook.com/article19org