



GENDER EQUALITY AND WOMEN'S RIGHTS IN MYANMAR

A SITUATION ANALYSIS



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Preface

In 1997, Myanmar acceded and ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), along with the guiding principles of the Fourth World Women Conference on Women (Beijing Declaration and Platform for Action of 1995). Since then, Myanmar has aimed to achieve gender equality and help women fully enjoy their rights.



The Ministry of Social Welfare, Relief and Resettlement, the leading ministry for implementing women's advancement and empowerment, adopted the National Strategic Plan for the Advancement of Women 2013–2022, which includes 12 critical areas aligned with the Beijing Platform for Action: women and livelihoods, women and education and vocational training, women and health, violence against women, women and emergencies, women and the economy, women and decision making, a national mechanism for women, women and armed conflict, women and the media, women and the environment and the protection and empowerment of girls.

In partnership with United Nations organizations and the Asian Development Bank (ADB), the Department of Social Welfare under the Ministry of Social Welfare, Relief and Resettlement is pleased to launch Gender Equality and Women's Rights in Myanmar: A Situation Analysis. The report analyzes women's development programs in Myanmar as a means to further our work on gender equality and women's rights.

This report reflects the results of a consultative process that began 2 years ago and involved multi-stakeholder workshops to discuss the purpose and content of the publication. The final draft was validated by a multi-stakeholder group that comprised several government ministries, civil society groups, United Nations agencies, ADB and other development partners, thus embodying the perspectives of a wide range of partners.

This publication is immensely useful to us as we continue advancing gender equality in our country. Its role is crucial for implementing the United Nations conventions for women's rights, women's development programs, and the Millennium Development Goals. This gender situation analysis spotlights women's activities and shows the way for their maximum contribution in the socioeconomic development of Myanmar through newly installed systems and practices.

Important data from this research have already informed the government's fourth and fifth combined CEDAW report submitted to the CEDAW Committee in late 2014. This publication will certainly guide implementation of the CEDAW Committee's Concluding Comment, in line with the National Strategic Plan for the Advancement of Women and with the Sustainable Development Goals. Data and analysis contained in this publication also will provide pointers to our work on ending violence against women in Myanmar.



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Foreword

The Myanmar Ministry of Social Welfare, Relief and Resettlement launched its National Strategic Plan for the Advancement of Women, 2013–2022, aligning it with the 12 areas of the Beijing Platform for Action. A year later, the ministry submitted the government’s report to the Committee on the Elimination of Discrimination against Women in preparation for the 2016 review of progress made in relation to requirements as a signatory to the Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW). These are important demonstrations of government accountability to women. Both CEDAW and the Beijing Platform for Action are the global standard setters for the achievement of gender equality and women’s rights.

This gender situation analysis report is a collaborative initiative between the Ministry of Social Welfare, Relief and Resettlement, United Nations agencies, and the Asian Development Bank. It provides a timely analysis of the progress and challenges in Myanmar toward realizing gender equality and women’s rights.

For consideration in further implementing the National Comprehensive Development Plan (2013–2030), the Framework for Economic and Social Reforms, the National Strategic Plan for the Advancement of Women, and sectoral policies and plans, the report provides recommendations that are in line with CEDAW, the Beijing Platform for Action, and the Sustainable Development Goals.

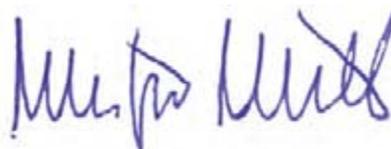
The analysis underscores how socioeconomic and political policies can contribute to a more sustainable and prosperous society if they are crafted and implemented with the ambition of gender equality and the realization of women’s rights at their core. For instance, providing affordable, accessible, and quality childcare services and investing in safe and affordable labor-saving domestic appliances can free up women’s time for paid work and skills training. By investing in measures that promote women’s economic inclusion, society not only benefits economically but also through multiple other direct and indirect social benefits. It is important to raise employers’ awareness on gender equality measures in the workplace and accountability for the same.

Myanmar is on the road to implementing its triple-reform process—economic reform; democratic governance; and national unity, peace, and development—with the aim of achieving inclusive and sustainable economic growth that will ultimately lead to improved

quality of life for the people of Myanmar. Gender equality can enable all these reform processes to proceed quicker and more sustainably. We hope this report will contribute toward further efforts to make gender equality and women's rights a central feature of Myanmar's 21st century reform process.



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United Nations agencies and other development organizations: ADB; Food and Agriculture Organization of the United Nations (FAO); International Labour Organization (ILO); International Organization for Migration (IOM); Joint United Nations Programme on HIV/AIDS (UNAIDS); UNDP; United Nations Educational, Scientific and Cultural Organization (UNESCO); UNFPA; UN-Habitat; United Nations High Commissioner for Refugees (UNHCR); United Nations Children’s Fund (UNICEF); United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA); United Nations Office on Drugs and Crime (UNODC); United Nations Office for Project Services (UNOPS); UN Women; World Food Programme (WFP); and the World Bank.

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Abbreviations

ADB	Asian Development Bank
ARV	antiretroviral
ASEAN	Association of Southeast Asian Nations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEDAW Committee	Committee on the Elimination of Discrimination against Women
CESR	Comprehensive Education Sector Review
CNF	Chin National Front
ECCD	early childhood care and development
EMIS	Education Management Information System
FAO	Food and Agriculture Organization of the United Nations
FDI	foreign direct investment
GDP	gross domestic product
IHLC	Integrated Household Living Conditions
ILO	International Labour Organization
KILM	Key Indicators of the Labor Market
KIO	Kachin Independence Organization
KNU	Karen National Union
MDG	Millennium Development Goal
MICS	Multiple Indicator Cluster Survey
MK	Myanmar kyat
MMR	maternal mortality ratio
MNPED	Ministry of National Planning and Economic Development
MWAF	Myanmar Women's Affairs Federation
NGO	nongovernment organization
NLD	National League for Democracy
NMSP	New Mon State Party
NUP	National Unity Party
RCSS	Restoration Council of Shan State
Sida	Swedish International Development Cooperation Agency
TVET	technical and vocational education and training
UN	United Nations
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
Under-5	children younger than 5 years
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees

UNODC	United Nations Office on Drugs and Crime
UPCC	Union Peacemaking Central Committee
UPWC	Union Peacemaking Working Committee
USDP	Union Solidarity and Development Party
WHO	World Health Organization



Executive Summary

Myanmar is in rapid political and economic transition, with a triple-reform agenda focused on democratic governance and rule of law; national unity and peace via reconciliation with political parties and ethnic armed organizations; market-oriented economic adjustments, inclusive growth, bottom-up planning and decentralization; improved management of government institutions; collaboration with the international community and Myanmar's diaspora; and removal of media censorship.

Notable advances include (i) a new Constitution, general elections, fair Parliament by-elections in 2012 and in the national general elections of November 2015; and a convening Parliament; (ii) releasing of political prisoners; (iii) legal reforms; (iv) establishing institutions to protect constitutionally guaranteed fundamental human rights; (v) a pluralistic media; (vi) abolishing prepublication and most internet censorship; (vii) restoration of the census; (viii) bilateral ceasefire agreements with 14 ethnic groups and a prospective nationwide ceasefire agreement; (ix) increased private sector investment, economic diversification, investments in agriculture, rural development, and high value-added sectors; and (x) financial infrastructure reforms.

But the pace of change needs to match institutional absorptive capacity. Challenges include developing a culture of human rights and democratic governance; navigating plural legal systems; addressing issues related to federalism, constitutional reform, and the upcoming elections; appreciating diversity and addressing the aspirations of ethnic nationalities; ensuring equitable development; and reducing inequalities generated by market reform. Despite the challenges, Myanmar's reforms provide cause for balanced optimism and are a game changer of sorts.

And despite the progress, greater investment is needed to ensure that women and girls benefit equally with men and boys from the socioeconomic reforms. This would fulfill state commitments to gender equality and women's rights, which are also critical for sustainable human development and the sustainability of Myanmar's reform process.

The government's reform agenda is framed generically, with little to suggest that it addresses gender equality and women's rights comprehensively and that it responds to gender and other interfacing inequalities. However, the National Strategic Plan for the Advancement of Women (2013–2022), based on the 12 priority areas of the Beijing Platform for Action, 1995, is an opportunity to instill a gender equality agenda. Implementation of the Plan for the Advancement of Women can occur through interministerial collaboration and gender mainstreaming into sectoral policies, plans, and programs. Implementation can build on the progress to date, with emphasis on

resolving the continuing gaps and including gender equality perspectives more robustly into the Framework for Economic and Social Reforms and the National Comprehensive Development Plan (2011-2030).

This situation analysis consolidates existing data (limited in some areas) on gender equality and women's rights in critical areas of women's lives, which are the basis of the National Strategic Plan for the Advancement of Women: livelihoods, participation in the economy, education, health care, violence, women's leadership, political participation, and the peace processes. Making the best of the data challenges, this analytical profile serves to inform policy processes and implementation of the Plan for the Advancement of Women to benefit all dimensions of women's lives.

Progress and continuing challenges to gender equality and women's rights in Myanmar

Myanmar, as in many other countries, has a mixed narrative on gender equality and women's rights. Its progress lays a strong foundation for greater advancement, largely attributable to the combined efforts of government, quasi-government organizations, civil society groups, and development partners. There are also major challenges, which include contradictory messages in the legal framework, the plural legal system with different gender equality and women's rights standards, policy-practice deficits, gaps between sectors (education versus leadership and political participation), highly skewed results within a sector (such as education), and contradictory trends between related sectors (such as education and employment).

Constitutional and international human rights commitments to gender equality and women's rights

Myanmar's Constitution guarantees all persons equal rights before the law and equal legal protection (Section 347) and does not discriminate against any Myanmar citizen on the basis of sex (Section 348). Myanmar has ratified and endorsed the major international conventions and agreements on gender equality and women's and children's rights. It is an active member of the Association of Southeast Asian Nations (ASEAN) Committee on Women and the ASEAN Commission on Protection and Promotion of the Rights of Women and Children, 2010.

According to the Committee on the Elimination of Discrimination against Women (CEDAW Committee) observations, these factors have helped fuel an assumption that there is gender equality in Myanmar and that a legal definition of "discrimination against women is unnecessary in national legislation." But in 2008, the CEDAW Committee

expressed concern that the 2008 Constitution included references to women principally as mothers, maintaining that this may reinforce the gendered stereotype of women as quintessential mothers and in need of protection; that neither the Constitution nor domestic legislation, when approved, provided for temporary special measures to achieve gender equality; that some laws and customs discriminate against women “on grounds of ethnicity and within ethnic groups;” that despite prohibiting gender discrimination in appointments to government posts, the Constitution also clearly states that “nothing in this section shall prevent appointment of men to positions that are naturally suitable for men only.”

Global and regional indices and national data reflect continuing gender inequalities in Myanmar. The 2013 Gender Inequality Index ranked Myanmar 83rd of 187 countries, while the 2012 Social Institutions and Gender Index placed the country at 44th of 86 countries and 8th of nine countries in East Asia and the Pacific.

Institutional mechanisms for gender mainstreaming

Myanmar has institutional mechanisms to implement its commitments to gender equality and women's empowerment, led by the Ministry of Social Welfare, Relief and Resettlement. These include the Department of Social Welfare, which is the government focal point on gender equality and women's rights; the Myanmar National Committee for Women's Affairs, an interministerial policy-related mechanism established in 1996 and reestablished in 2012 under the new government to implement the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action; the Myanmar Women's Affairs Federation, established in 2003 as a government-resourced and staffed nongovernment organization that assists the National Committee for Women's Affairs to implement CEDAW and the Beijing Platform for Action nationwide; and the Myanmar Maternal and Child Welfare Association, which was established in 1991 to promote maternal and child health and well-being in remote areas.

Gender equality and women's rights in the sphere of livelihoods and the economy

According to the census data, the labor force participation rate for persons aged 15 years and older is 63.4% (81.7% for men and 47.1% for women); for persons aged 15–64 years, it is 67% (85.2% for men and 50.5% for women).

Women have benefited from skills training and small loans from the Ministry of Women's Affairs; business loans from the Myanmar Women Entrepreneurs Association; and from improvements in microfinance, microcredit, and savings groups. In 2010, there were more than 5,100 self-help groups, each with about 10–15 women members.

Social protection, poverty alleviation and rural development is now a national priority with laws and schemes in place to ensure this. These include maternity and paternity benefits and medical care for children up to their first birthday under the 2013 Social Security Law; the maternal voucher scheme; cash transfers to mothers with three or more children; scholarships, stipends, awards, and school feeding programs; and relief food assistance programs and services for survivors of human trafficking.

Women's participation in government and public administration as a proportion of staff and in mid-management positions increased slowly between 2004 and 2011. Of the total staff of 31 government ministries, an average of 52.4% were women in 2009–2010, up from 51.4% in 2007–2008. At the mid-management level (deputy director and equivalent) in 31 ministries, 37.0% were women in 2009–2010, up from 32.5% in 2007–2008.

Despite some progress in the economy, gendered occupational segmentation and women's concentration in the informal sector sustain concerns about job stereotyping, job quality, and sustainability. Women tend to occupy mid-management positions—director, deputy director, assistant director levels—in government jobs and below, but they rarely are found in senior or senior-most management positions. Women bear the responsibility for unpaid care work in addition to their paid jobs, while men are typically household heads. Even though the rate of decline in working poverty is higher for women, the proportion of own-account and contributing family workers, as an indicator of vulnerable employment, has been increasing among women, at 57.0% compared with 52.4% for men, according to the 2011 *Integrated Household Living Conditions Survey in Myanmar (2009–2010): MDG Data Report*. Gender wage gaps continue to prevail.

Gender equality and women's right to education and training

For the age group of persons 15 years and older, female literacy in 2015 was estimated at 86.9% and male literacy at 92.0%. Primary school enrollment has increased, and gender parity has been achieved at the primary and secondary school levels.

However, there are continuing concerns about retention rates, performance levels of certain categories of children especially in secondary school, and the quality and gender sensitivity of education. Impressive national data on female education mask economic, regional, and urban–rural disparities. For instance, Shan State has the lowest female literacy rate among young women, at 59.4%. The national data reveal that children from the poorest households enter primary and secondary schools later than their economically privileged counterparts.

There are also contradictory trends between related sectors. The obvious progress in women's education and the larger proportion of women in higher education does not match posteducation employment data that indicate lower labor force participation rates and higher unemployment for women than men. And as noted, women do not occupy commensurate senior levels of economic decision making, despite their education.

Gender equality and women's rights in health

As of 2010, women's life expectancy was 69.9 years. The fertility rate was 2.29, and the marital fertility rate was 4%. Maternal health is a national health priority, focused on enhancing professional maternal care. The maternal mortality ratio had improved, from 520 deaths per 100,000 births in 1990 to 200 deaths in 2010. The proportion of births attended by skilled personnel increased, from 56% in 1997 to 78% in 2010, which is nearing the 2015 Millennium Development Goal target of 80% of births.

Despite this progress, the majority of maternal deaths occur at home. Only 38% of women with complications in 2010 were referred to a hospital; 24% reached the hospital, but 14% died en route due to late referral or transportation delays. Nearly 5% of all pregnancies ended in abortion in 2010, with especially high rates among adolescents (aged 15–19 years). Contraception prevalence ranged between 39.5% and 46.0% also in 2010, with 24% of married women having an unmet need for family planning.

The number of females living with HIV was estimated at 69,489, or 34%, of all people living with the virus in 2012.

Women's health interventions in Myanmar are overwhelmingly focused on maternal, sexual, and reproductive health, with little attention to women's and girls' general health issues beyond the maternity and childbearing years. Little attention is paid to emotional health and violence-related health concerns. Data on gender-based general health differences, though scarce, suggest that women have a lower probability of death by noncommunicable diseases associated with alcohol and tobacco use. According to a 2013 World Health Organization (WHO) report, hypertension was more prevalent among men (at 40.7%) than among women (at 36.7%). But the risk factors for women appear to be increasing, with more women reported as overweight. This might explain women's higher cholesterol levels than men.

Gender equality and women's rights to freedom from violence

The Department of Social Welfare drafted a national law on all forms of violence against women with support from the Gender Equality Network and the UN Gender Theme Group. This will transcend the outdated and discriminatory Penal Code of 1860, which narrowly addresses only a few forms of violence against women.

The government, largely through the Ministry of Women's Affairs, has introduced services for the return, repatriation, and reintegration of trafficking survivors, including a number of counseling centers that mostly assist women. Between 2006 and 2011, 1,307 survivors of human trafficking received overall assistance.

Much more is needed to address the different forms of violence against women and girls in Myanmar. In 2008, the CEDAW Committee expressed concern that domestic and sexual violence in Myanmar were widespread, including sexual violence and rape in conflict, and

accompanied by a culture of silence and impunity. Such cases are often underreported, and women are reluctant to seek justice in court. Also in 2008, the CEDAW Committee expressed concern at reports that certain communities of women and girls in northern Rakhine State, in addition to being subject to multiple forms of discrimination by the authorities, were also subject to conservative traditions and a restrictive interpretation of religious norms, which contribute to the suppression of their rights.

The lack of national data and discriminatory cultural attitudes that endorse violence against women compound the challenges.

Gender equality and women's rights to participation in political processes and governance

Women occupied 4.6% of directly elected seats in all levels of Parliament in 2012—an increase from 1.9% in the First Legislative Assembly of 1974. This has now increased to 12.9% of directly elected seats in all levels of Parliament. Though an improvement, it is still low when compared with Cambodia (21.1% in its Lower House), the Lao People's Democratic Republic (25.2%), and Viet Nam (25.8%). Myanmar is also far from the 30% target stipulated in the Beijing Framework for Action to achieve a “critical mass” of women's representation.

The Thein Sein government assigned ministerial and deputy ministerial positions to more women. As of 31 March 2016, eight women hold cabinet positions at the national level. These include two women ministers out of 36 positions (one is minister of social welfare, relief and resettlement, which is the focal ministry for women's affairs, and the other is minister of education) and six deputy ministers. The six deputy ministers represent the ministries of Social Welfare, Relief and Resettlement; Health; Culture; Environmental Conservation and Forestry; National Planning and Economic Development; and Labor, Employment and Social Security. At least three of the six are nonconventional ministries for women to hold senior leadership positions.

Similarly, as of 31 March 2016, at the state and/or region level, women held four ministerial positions: minister for Shan national race affairs in Kachin State; minister for education, social welfare, religion and culture affairs in Kachin State; minister for finance and revenue in Yangon Region; and minister for social affairs in the Ayeyarwady Region. Available data confirm that women are relatively well represented in state administrative organizations, albeit with a greater concentration at the lower levels. National data on women's representation in townships was not available. According to a 2014 Myanmar Development Research Institute and The Asia Foundation report, of the more than 16,743 village administrators nationwide in 2012, only 19 were women, constituting about 0.1% of the total.

Of the 17 political parties (and military appointments) represented at various levels of Parliament, 10 parties (as of 2012) had women members of Parliament. It was difficult to

obtain data on women's proportion of the total membership of the 17 political parties or information on their party policies, manifestos, or their women's wings to make a gender analysis. Of the 21 political parties and military appointments in the November 2015 elections, nine parties had women members who secured Parliamentary seats.

With the exception of predominantly women poll workers recruited among teachers from the Ministry of Education, only one of seven commissioners in the Union Election Commission is a woman. There is no woman among the senior staff of the Chairman's Office, nor at director level in the secretariat. Only two of nine deputy directors are women. Accurate data on women's representation in the election subcommissions at the region and state levels were unobtainable; however, some subcommissions are conducting training workshops on women's participation in the electoral process, with support from development partners.

Currently, 3.4% of Myanmar's approximately 72,000 police officers are women, but occupying only 2% of all mid-level positions. No woman holds a rank higher than police lieutenant colonel—the highest mid-level rank. Women have traditionally been excluded from senior positions or combatant roles in the government armed forces and auxiliary militia but are recruited to the military medical corps and administrative positions. Yet, the recruitment criteria are more stringent than for males. There are currently three women military parliamentarians appointed to the Nationalities Assembly—none higher than the rank of military colonel. Some nonstate ethnic armed organizations have female combatants.

The Supreme Court is the apex of Myanmar's judicial system, below which are 14 state and region high courts, 67 district and self-administered area courts, 324 township courts, and special courts. Of 1,107 judges nationwide in 2011, more than half were women, most concentrated at lower levels (for example, around two-thirds of township judges in Shan State were women). Of the 52 judges in the 14 state and region high courts, 16 were women. None of the seven Supreme Court justices are women.

Gender equality and women's rights in the peace process in Myanmar

As of 31 March 2016, prereform peace processes were led by military leaders and marked by closed-door negotiations, unwritten agreements, and the absence of women and their priorities from the consciousness of conflicting parties. This situation is changing, albeit incrementally.

The national peace architecture has two women in the Union Peace-making Working Committee (UPWC) and two women in more senior positions, among others, in the Myanmar Peace Center, which provides technical and secretariat support to the UPWC. Although women were not consistently and adequately represented in negotiations between the government and the various ethnic armed organizations in the 14 bilateral ceasefire agreements, three ethnic armed groups did have women in their negotiating teams—the Karen National Union, the New Mon State Party, and the Karenni National

Progressive Party. The government included a woman member of Parliament from Kachin State in its negotiating team with the Kachin Independence Organization in May 2013. Two women were included as technical advisors to Kachin Independence Organization and one as a legal expert to the Karen National Union. Women's civil society groups have been around the peace table as observers and advocates, though in far smaller numbers than men.

The nationwide ceasefire negotiations had one woman each on the 16-member government and 16-member ethnic armed organization teams.

Women's groups, with the support of United Nations Entity for Gender Equality and the Empowerment of Women and others, presented their priorities to negotiating parties for inclusion in the nationwide ceasefire agreement. These include inclusion of gender equality and women's rights as a core principle in the agreement's general principles; prohibition of sexual violence and an end to impunity for perpetration by parties to the conflict; treatment of sexual violence committed after the ceasefire agreement as a breach; elimination of amnesty provisions for perpetrators of sexual violence; attention to gender issues in internally displaced persons camps and in reintegration; women's equal representation with men on conflict monitoring, early warning, and early response mechanisms; and equal representation with men on mechanisms to develop the framework for political dialogue and in the dialogue.

A framework to enhance existing progress

If as documented, progress has indeed been made, the boundaries can certainly be extended by enhancing political will and capacities, transforming mind-sets, and ensuring a culture of accountability to a gender equality agenda. Expanding those boundaries would, however, involve the following:

- **Incorporating gender equality and women's rights into institutional mandates, missions, and policies** to enhance accountability of power holders and duty bearers.
- **Incorporating gender equality and women's rights into standard operating procedures** governing institutional structures, development policy, and programming; human resource management; performance assessment; budgeting, monitoring, and evaluation of policies and programs and corrective action.
- **Developing a culture of gender equality and respect for women's rights** through a deeper transformation of values, attitudes, and hence behavioral change.
- **Capacity strengthening on gender equality and respect for women's rights** because even when power holders, institutional staff, or local communities are gender aware, they need the technical expertise to apply gender equality and women's rights concepts in practice.
- **Empowering women to exercise choice and enjoy their rights and entitlements by ensuring the full and equal participation of a critical mass of informed women in decision making and in oversight mechanisms in all spheres and at all levels of society** to influence policy priorities and their implementation from a gender perspective. Women in decision making, supported by enlightened constituencies of

men and women in communities at large, must have the right to ask for explanations on noncompliance and press for corrective action. The leverage for women's voice also originates from the provision of special temporary measures to compensate for women's historical disadvantage, level the playing field with men, and fast-track gender equality. But special temporary measures must be accompanied by other initiatives, such as gender-sensitive institutional mandates, standard operating procedures, and capacity building for women and other institutional stakeholders. Women's empowerment also can be demonstrated by exercising choices between public service providers and political parties in elections, where competition is encouraged in markets and politics.

Recommendations for implementing the National Strategic Plan for the Advancement of Women

Chapter 2: Gender Equality and Women's Rights to Poverty Reduction, a Livelihood, and Full and Equal Participation in the Economy

- Improve sex-disaggregated data and gender statistics in the economy, with special attention to the agricultural census and household, labor force, and time-use surveys.
- Make gender equality, and women's economic rights and empowerment integral to mandates and operating procedures in all economic policy and institutional settings.
- Evaluate the gender impacts of macroeconomic trade, investment, monetary, and fiscal policies; macro sectoral policies; and meso and micro economic policies and programs.
- Ensure that these policies and strategies focus on economic growth and on generating decent employment for women; and allocate resources to the sectors in which poor women work (such as agriculture and the informal sector), to less developed regions and states where poor women live, to factors of production they possess (low-skilled labor), to items they consume (such as food), and to enhance the viability of informal production.
- Strengthen women's legal rights in the economy and rights related to land tenure; inheritance; labor and social protection, including in the informal sector and labor migration; financial inclusion; and promotion of women's entrepreneurship and access to markets.
- Invest in public infrastructure and services, particularly rural electrification, water and sanitation, clean cooking fuels and household energy needs, time-saving domestic appliances, roads, and transport. This reduces women's time burden of domestic work, thus freeing more time for income generation, and improving their access to markets.
- Provide job counseling and job search support, including overseas, skills training for women migrants and training to work on, manage, and maintain public infrastructure projects as an employment and economic empowerment measure.
- Ensure women's inclusion, participation, and leadership at all levels and in all spheres of economic decision making, including through special temporary measures.

Chapter 3: Gender Equality and Women's Right to an Education

- Strengthen the collection of sex-disaggregated data and gender statistics on Education Management Information System and ensure that data informs policy formulation, implementation, and ongoing monitoring.
- Review and reform the curricula from a gender perspective, building on work supported by the Comprehensive Education Sector Review.
- Invest in gender-sensitive early childhood care and development.
- Make teacher training gender-sensitive to strengthen teaching and teachers' practices.
- Build policy makers' capacities on gender equality in education, beyond parity issues.
- Ensure secure, gender-sensitive work and learning environments for teachers and students.
- Conduct further gender analysis of technical and vocational education and training (TVET) and ensure that TVET promotes women's expanded entry into nontraditional occupations, matching skills with labor market demand.
- Through reforms of curriculum, pedagogy, and assessment and supportive investments, improve the quality and labor market relevance of secondary and higher education and TVET to increase female and male completion rates, learning outcomes, and readiness for the world of work while also contributing toward reducing poverty and gender wage gaps and enhancing women's productivity and career choices (including nontraditional occupations).
- Ensure that education addresses the different needs of male and female migrants (and their dependents) as they seek reintegration into education and the labor force in Myanmar.
- Ensure community engagement in education management.

Chapter 4: Gender Equality and Women's Right to Good Health

- Enhance understanding through data collection, advocacy, and capacity building of gender-based nonepidemiological factors that influence women's general health, health-seeking behaviors, and health outcomes, from a life cycle perspective.
- Target the health needs of excluded populations in underserved sites, using consultative approaches.
- Improve awareness-raising services on sexual and reproductive health, gender-based discrimination, and violence among adolescent girls and boys and adult men and women.
- Expand the reach of HIV voluntary testing and counseling and train health professionals on sexuality and how to discuss sexual behavior, especially with women and adolescent girls.
- Increase investments in public services, such as water and sanitation, from a women's health perspective, and ensure women's participation in their planning and implementation to meet principal users' needs and ensure better maintenance.
- Provide state-subsidized health insurance and measures (such as vouchers for transport costs) to cover social opportunity costs that reduce access to health care.

Chapter 5: Gender Equality and Women's and Girls' Right to Freedom from All Forms of Violence

- Collect and use data disaggregated by sex and other variables on violence, including national prevalence data, for gender-sensitive policy formulation and implementation.
- Fast-track the introduction of the CEDAW-compliant national law to prevent violence against women.
- Develop and implement a multisector national action plan to prevent and respond to violence against women.
- Enhance the administration of justice from a gender equality perspective by enhancing survivors' access to services even if they do not seek to pursue further justice; support pre- and in-service capacity development of the police, the judiciary, and service providers to prevent and respond to violence; increase women's participation in the police, judiciary, and as frontline service providers; establish monitoring mechanisms, protocols, and referral systems within and across sectors to ensure enforcement of anti-violence laws; ensure the delivery of legal, social, and other support services for women leaving violent situations, including protection and restraining orders, redress mechanisms, and livelihood programs; and ensure that reporting policies do not compromise survivors' safe access to services or put them at additional risk when reporting violence.
- Advocate for prevention by undertaking public awareness campaigns with strategic stakeholders; support community awareness raising and legal literacy to increase reporting and women's access to justice; work through formal and nonformal education systems to ensure that administrators of educational institutions, teachers, staff, parents, child rights advocates, students, and youth (in schools and communities) prevent and protect women and children from violence; and strengthen the consciousness and will of young men, local leaders, and male role models as partners in promoting nonviolence and gender equality.

Chapter 6: Gender Equality and Women's Rights in Political Processes and Governance

- Incorporate CEDAW provisions of equality, nondiscrimination, and special temporary measures in the Constitution and eliminate discriminatory provisions identified by the CEDAW Committee.
- Collect and use data disaggregated by sex and other variables and gender statistics on women's participation as candidates, officials, and holders of elected or appointed public office, and as voters at all political and administrative levels; and on women's role and position in political parties and party laws and governing procedures.
- Advocate with and build capacities of women, leaders, and members of political parties, local authorities, and communities to increase women's representation in public office and to strongly support a gender equality agenda.
- Promote electoral system and policy reforms, such as special temporary measures, that fast-track women's participation in political decision making.
- Promote gender-sensitive reforms in political parties, such as gender-sensitive party platforms and manifestos; and party quotas and targets increasing women's membership and leadership.

- Promote the strengthening of women's and youth wings of political parties by encouraging policy debates on gender issues or the gender impacts of larger political issues, capacity strengthening for women members, stronger campaign financing of women candidates, and addressing violence against any party member and candidate.
- Ensure a gender-sensitive parliamentary culture that promotes women's participation, clout, and a gender equality agenda (such as session timings that are women-friendly, multiparty women's caucuses, and capacity building for parliamentarians and staff on gender issues).
- Ensure that women's machineries and gender units in national and local bureaucracies have the resources, authority, and institutional location that can drive a gender equality agenda across the entire government.
- Promote gender-sensitive reforms in the Union Election Commission and the region and state subcommissions. This includes collecting sex-disaggregated data on women's participation in the commission and subcommissions; reviewing and incorporating gender equality and women's rights into the commission's mandate, policies, and procedures; increasing the proportion of women as commissioners in senior management, in the secretariat, and in polling station staff; building electoral staff capacities to understand constraints to women's participation in all components of the electoral cycle and response strategies; and gender-sensitive training for election monitors and ensuring their presence especially in constituencies with women candidates.
- Introduce policy and legal frameworks that facilitate strong civil society participation in public affairs and governance.

Chapter 7: Gender Equality and Women's Rights in the Peace Process in Myanmar

- Include women's participation and representation in all aspects of peace processes by advocating with and building the capacity of national state and nonstate actors, especially women, to ensure women's increased and meaningful participation (i) in conflict prevention and resolution, humanitarian programs, peacekeeping, and peace promotion; (ii) in institutions and structures established for postconflict planning; (iii) in national and local governance as citizens, elected officials, and as decision makers; and (iv) in security and justice sector institutions.
- Prevent relapse into conflict and gender-based discrimination and associated violence by (i) incorporating women's and girls' priorities on women, peace, and security in the Constitution, national policies, laws, plans, and programs; into early-warning systems, ceasefire accords, and conflict prevention mechanisms; into institutional mandates of related institutions, especially the justice and security sector, and their reform; (ii) promoting gender-sensitive peace in schools, other institutions, and among the general public; and (iii) supporting national capacities to develop, implement, and track progress in gender-responsive operational and accountability systems related to these recommended initiatives.
- Protect women and girls from all forms of discrimination and violence by (i) incorporating provisions in national policies, laws, plans, and programs into security and justice sector mandates, procedures, and accountability systems to protect women and girls against all forms of gender-based discrimination and violence, including protection of their socioeconomic rights (land, property, education, literacy, economic security, primary health, etc.); and (ii) supporting national capacities to develop,

implement, and track progress in gender-responsive operational and accountability systems related to these recommended initiatives.

- Address women's and girls' priorities in conflict-related relief and recovery policies and programs by (i) incorporating women's and girls' priorities—especially those who are internally displaced, survivors of sexual and gender-based violence, female ex-combatants, refugees, and returnees—into postconflict needs assessments, gender budget analysis of postconflict spending, and postconflict recovery investments in employment programs in basic public services, and in reparation, demilitarization, demobilization, and reintegration programs; and (ii) supporting national capacities to develop, implement, and track progress in gender-responsive operational and accountability systems related to these recommended initiatives.

Include women and their priorities in addressing sectarian violence

- Prioritize socioeconomic development interventions for all people in Rakhine State, from a gender-sensitive perspective.
- Guarantee the civil and political rights of all Rakhine people, including all women and girls.
- Promote trust building and intrafaith and interfaith dialogue that include women to promote social cohesion.
- Provide humanitarian access to the international community to address the needs of women and girls in camps for internally displaced persons.
- Build the capacities of government and local nongovernment actors to address the special needs of women, including prevention and response to gender-based violence in camps for internally displaced persons.



INTRODUCTION

1



Introduction

ADB

1.1 Myanmar's Social, Economic, and Political Context

The Republic of the Union of Myanmar, a sovereign state in Southeast Asia with a population of around 51.4 million people—26.6 million females and 24.8 million males,¹—is experiencing rapid socioeconomic and political transition. It is the second-largest country in the region, holding a rich stock of natural resources,² opportunity for deep seaport development, and immense agricultural potential. Its location between the dynamic economies of Thailand, the People's Republic of China, and India enhances Myanmar's trade potential. With a demographic weighted toward youth, the country has favorable prospects for rapid integration into the global economy and balanced development.

Yet, Myanmar figures among the least developed countries, ranking 150th of 185 countries in the 2014 Human Development Index.³ A swell of factors has hindered its socioeconomic development. These include self-imposed isolation from the world for more than 50 years, Western economic sanctions between 1997 and 2012, a central command economy, unequal ownership and distribution of resources, inadequately performing state economic enterprises that dominated the economy, and inadequate poverty reduction and social protection measures.⁴ Myanmar's economic expansion was based on foreign investments in extractive industries (plantation crops, oil, minerals, precious metals, and recently discovered offshore natural gas reserves) from neighboring countries, with little diversification, including a lack of investment in infrastructure and other high value-added sectors.⁵

¹ This includes a population of 1,206,353 persons estimated not to have been counted during the census in parts of Rakhine, Kachin, and Kayin states in the 2014 Myanmar Population and Housing Census. See Department of Population. 2015. *Highlights of the Main Results; Census Report Volume 2-A*. Nay Pyi Taw: Ministry of Immigration and Population.

² These include rich arable land, forests, minerals, gems and precious stones, natural gas, and freshwater and marine resources.

³ United Nations Development Programme (UNDP). 2014. *Human Development Report*. New York. www.hdr.undp.org/en/content/human-development-report-2014

⁴ People in need relied largely on religious, community, and family assistance because only a few social protection programs were in place, but with limited coverage and benefits. For instance, a social security scheme for formal sector workers has operated since the mid-1950s providing basic benefits to about 1% of the population, while a few social assistance interventions implemented by specific ministries have targeted vulnerable groups such as large families and students from poor households. Due to the political situation, development partners have provided only limited assistance; projects have tended to be small-scale and lacking coordination, capacity, and long-term vision. (See European Commission. 2007. *The EC-Burma/Myanmar Strategy Paper (2007-2013)*. Yangon. http://eeas.europa.eu/myanmar/csp/07_13_en.pdf)

⁵ J. Ghosh. 2012. Nothing is Simple in Burma's Great Gold Rush. *The Guardian*. 9 April.

The 60-year history of ethnic conflict and the frequent natural disasters have exacerbated the widespread poverty and poor living standards and led to much out-migration.⁶ The government's reform agenda, however, is changing this socioeconomic landscape.

1.2 The Reform Agenda

The military regime that ruled from 1988 to 2011, first through the State Law and Order Restoration Council (1988–1997) then reorganized and renamed as the State Peace and Development Council (1997–2011), developed a seven-step road map in 2003 to transfer power to an elected civilian government.⁷ The ensuing Constitution of Myanmar,⁸ adopted by referendum in May 2008, came into force in March 2011 with the convening of the first session of the new Parliament, elected in the November 2010 general elections. These elections, the first in 20 years, led to the formation of a quasi-civilian government in March 2011.

President U Thein Sein's inaugural speech and subsequent public addresses elaborated the vision for a modern and democratic nation, as the following sections describe. Myanmar thus embarked on an unprecedented reform agenda aimed at ensuring democratic governance and rule of law; national unity and peace through reconciliation with political parties and ethnic armed organizations; market-oriented economic reforms, inclusive growth, bottom-up planning, and decentralization; improved management of government institutions; greater openness and collaboration with the international community and the Myanmar diaspora; and media reform.⁹

Governance reforms

The Constitution of Myanmar, a critical legal reference point for transitioning to democratic governance, has several important principles and provisions, including a legal framework for fundamental rights and the rule of law; multiparty democracy; separation of powers between various arms of the State; independence of the judiciary; establishment of judicial

⁶ Footnote 5. See also Y. Nishino and G. Koehler. 2011. Social Protection in Myanmar: Making the Case for Holistic Policy Reform. *Institute for Development Studies Working Paper No. 386, CSP Working Paper No. 004*. Brighton, UK: Institute of Development Studies and the Center for Social Protection.

⁷ The seven steps included (i) Reconvening the national convention that had been adjourned since 1996; (ii) After the successful holding of the national convention, step-by-step implementation of the process necessary for the emergence of a genuine and disciplined democratic system; (iii) Drafting of a new constitution in accordance with the basic principles of the national convention; (iv) Adoption of the Constitution through national referendum; (v) Holding of free and fair elections for Parliament according to the new Constitution; (vi) Convening Parliament attended by members in accordance with the new Constitution; and (vii) Building a modern, developed, and democratic nation by the state leaders elected by the Parliament; and the government and other central organs formed by the Parliament. Cited in UNDP. 2012. *Democratic Governance in Myanmar: Preliminary Situational Analysis*. Yangon, p. 4.

⁸ This is the third Constitution since Myanmar's independence in 1948, following an extended period of military rule after a military *coup d'état* in 1962.

⁹ The country's transition has progressed since the President's inaugural speech along the path of political and democratic reforms, social and economic reforms, governance and administrative reforms, and private sector development. See President U Thein Sein's Speech to Union ministers, region/state chief ministers, and deputy ministers (delivered at Nay Pyi Taw, 9 August 2013). www.president-office.gov.mm/en/?q=briefing-room/speeches---and---remarks/2013/08/11/id---2536

and quasi-judicial mechanisms for constitutional review; creation of legal mechanisms to give effect to legislation and rights; elaboration of procedures and responsibilities related to the legislative process;¹⁰ provision of powers to the central government to conclude international treaties;¹¹ and decentralization and devolution of power between the central government and the 14 formally equal regions and states.

The Constitution provides an important role for the national defense services. The commander-in-chief is formally appointed¹² by the President but is otherwise autonomous and outside civilian oversight or control.¹³ The defense services are tasked with safeguarding the Constitution. A quarter of the two Pyidaungsu Hluttaw (Union Parliament) chambers and a quarter of the region and state Parliament members are defense services personnel nominated by the commander-in-chief of the defense services. In the executive branch of the Union, regions, states, union territory, self-administered areas and districts, the commander-in-chief nominates defense services personnel to undertake the responsibilities of defense, security, border administration, “and so forth” (Article 17). The ministers of defense, home affairs, and border affairs are to be appointed from among military personnel. The defense services have the right to independently administer and adjudicate all affairs of the armed forces.¹⁴

Signs of progress on governance reforms

The 2008 Constitution and the 2010 elections (though widely criticized), and the convening of the Union Parliament have laid some ground for principles of democratic engagement and ensuring government accountability. Indicators of progress toward democratic governance in Myanmar include the release of prisoners, including political prisoners; free and fair parliamentary by-elections in 2012 and national elections in 2015; an increasingly assertive legislature; 151 laws enacted in the Union Parliament between 2011 and March 2015 and seven bills pending adoption;¹⁵ greater openness toward human rights;¹⁶ establishment of bodies and institutions, including a National Human Rights Commission, to protect constitutionally guaranteed fundamental human rights as their core mandate; a more pluralistic media; and abolition of prepublication and most internet censorship.

¹⁰ The Constitution empowers the Attorney General to review draft bills prepared by ministries for their compatibility with the Constitution and international human rights standards. Cited in UNDP, see footnote 17, p. 9.

¹¹ The Constitution provides powers to the President to enter into, ratify, or annul international, regional, or bilateral treaties, or revoke them with prior or posterior approval of the Pyidaungsu Hluttaw. Cited in UNDP, see footnote 17, p. 9.

¹² Article 342: “The President shall appoint the Commander-in-Chief of the Defense Services with the proposal and approval of the National Defense and Security Council.” Of that 11-member council (Article 204), at least six belong to the military.

¹³ The commander-in-chief has repeatedly stated that the military is also bound by the Constitution and the law, and the Union Parliament decides on the budgetary expenditures assigned to the military. The military expenditure share has been significantly reduced in the course of the most recent budget preparation during the third session of the Union Parliament.

¹⁴ UNDP. 2012. *Democratic Governance in Myanmar: Preliminary Situational Analysis*. July. p. 10.

¹⁵ Pyidangsu Hluttaw website: www.myanmarparliament.gov.mm/page_id.13429

¹⁶ Myanmar was reviewed at the Universal Periodic Review in January 2011 and received 190 recommendations, half of which were accepted. Among those the government accepted: “amend the domestic laws to be in line with fundamental rights;” the signing, accession, ratification and implementation of Core Human Rights Treaties;” and “the establishment of a National Human Rights Institution in line with the Paris Principles.” The government also stated at the Human Rights Council that “Myanmar is committed to promoting and protecting human rights” and enshrining fundamental rights in Chapter VII of its Constitution.



UNFPA

The government's Framework for Economic and Social Reforms lays out short-term (2012–2015) and long-term (2011–2030) priorities and emphasizes the importance of good governance.¹⁷ It focuses on public administrative reforms, information access and transparency, control of corruption, the rule of law, participation, and consultation. The government is developing appropriate legislative and regulatory frameworks to facilitate the devolution and deconcentration of powers and functions of centralized institutions and has developed a law on corruption, which details a strategy to investigate and rigorously prosecute those involved in corruption in the public and private sectors. An Anti-Corruption Commission called for by the law was established in August 2013 to enforce the law.¹⁸

Continuing challenges on governance reforms

Despite the good intentions of the transition, challenges and uncertainties remain. First, it is obvious that a culture of human rights and democratic governance will need time to take root.

Second, reviewing and amending existing legislation is a long process, demanding capacity, rigor, and political will. This is a complex exercise that will need to acknowledge and reconcile Myanmar's pluralistic legal system, which embraces statutory laws, the common law system that dates back to the colonial era, and customary law. Bamar Buddhist law, Hindu law, and Islamic law have force under the Burma Laws Act of 1898, with separate statutes providing additional restrictions and provisions for religions not covered.¹⁹ Previously, certain ethnic minority regions were also administered separately from Burma proper, allowing for a degree of local autonomy and the continuation of some degree of customary law and practices, as codified in a number of regulations, such as the Arakan Hill

¹⁷ Government of Myanmar. 2013. Framework for Economic and Social Reforms: Policy Priorities for 2012–2015 Towards the Long-Term Goals of the National Comprehensive Development Plan. Nay Pyi Taw.

¹⁸ Footnote 17. See also Radio Free Asia. 2013. Myanmar Parliament Appoints Commission to Battle Graft. 16 August. www.rfa.org/english/news/myanmar/commission-02252014181203.html

¹⁹ The Burma Laws Act of 1898, Article 13.



District Laws Regulation, the Kachin Hill Tribes Regulation, and the Chin Hills Regulation.²⁰ The complexity of this process is further underscored by the need to coordinate and align legal reforms with international human rights standards and with other economic and policy changes.

Third, the limited experience of a federal government structure; the need to reconcile competing interests for shared political, administrative, and financial power among different levels of government; and adequately balancing regional and ethnic perspectives present immense difficulties.

Fourth, constitutional reform will continue to surface as an important issue in the reform process.

Fifth, discussions on what the 2015 elections portend have been marked by debates about the suitability of the current electoral system and constituency arrangements, issues of transparent elections, and postelection governance.

Sixth, the strength and sustainability of the peace process between the government and ethnic armed organizations and the ability to address communal tensions across the country will determine the efficacy and sustainability of the governance reforms.

And last, media capacity needs to be strengthened on ethical reporting, self-regulation, conflict, gender-sensitive reporting, and election-related reporting.

²⁰ M. Crouch. 2014. The Layers of Legal Development in Myanmar. In M. Crouch and T. Lindsey, eds. *Law, Society and Transition in Myanmar*. Oxford: Hart Publishing. p. 36. See also The Burma Laws Act of 1898, Article 11 ("The law to be administered in a Shan State shall be the customary law of the State in so far as the punishments which may be awarded thereunder, or the practices which are permitted thereby are in conformity with the spirit of the law in force in the rest of British India."), quoted in Maung Maung. 1963. *Law and Custom in Burma and the Burmese Family*.

The peace process

Myanmar is one of the most ethnically diverse countries, with 135 officially recognized ethnic races. This includes the largely Buddhist Burmese-speaking Bamar majority, with non-Bamar ethnic nationalities representing 40% of the population. Political and ethnic disputes in Myanmar date back to the preindependence era, when the aspirations of ethnic armed organizations varied, from calls for secession to demands for stronger social, economic, cultural, civil, and political rights in a federal democratic country.²¹ At this point, secession is no longer a demand, although integration into a genuine federal democracy is strongly on the agenda. The Panglong Agreement of 1947 guaranteed the establishment of a federal union and autonomy for ethnic groups,²² and the provisions of the post-Panglong Agreement 1947 Constitution met some of the demands of the ethnic groups. However, the failure to realize the spirit and content of that agreement set the stage for ensuing civil conflict between armed ethnic groups and Burma's newly independent central government. This spanned 6 decades, resulting in loss of life, property, economic deprivation, depletion of human and social capital, and prolonged insecurity and instability.

More than 50 nonstate armed organizations have operated in the border areas since the country gained independence from the British in 1948. However, between 1989 and 2010, more than 30 groups either surrendered or entered ceasefire agreements with the previous government. Several accepted the government's offer to transform themselves into a government-oriented border guard force or people's militia force, but 21 groups did not, and many among them remain involved in peace negotiations with the current government.²³ Most of them are ethnic armed organizations.

Signs of progress in the peace process

A critical component of the current reform agenda is the government-launched peace process with ethnic armed organizations that began in August 2011 and encapsulates a three-pronged road map: (i) ceasefires, (ii) economic development and regional political dialogue, and (iii) national political dialogue. Progress has been made, with the signing of a nationwide ceasefire agreement appearing a likely prospect.

In May 2012, the peace negotiation process was streamlined through the creation of a "peace architecture"²⁴ (Figure 1.1), which consists broadly of the government, the ethnic armed organizations, the international community, and the local community. At the apex

²¹ Human Rights Watch. 2012. "Untold Miseries." *Wartime Abuses and Forced Displacement in Burma's Kachin State*. New York. pp. 22–23.

²² The Panglong Agreement was signed on 12 February 1947 by the government of Burma and representatives of the Shan, Kachin, and Chin ethnic groups. See Ethnic Nationalities Council. *The Panglong Agreement 1947*.

²³ The 14 groups that signed the ceasefire agreements as of 30 March 2014 include (i) All Burma Students' Democratic Front (formed in 1988), (ii) Arakan Liberation Party/Army (formed in 1968), (iii) Chin National Front (formed in 1988), (iv) Democratic Karen Benevolent Army (Klo Htoo Baw) (formed in 2010), (v) Karen National Union/Karen National Liberation Army (formed in 1947), (vi) Karenni National Progressive Party (formed in 1957), (vii) Karen National Union (Peace Council) (formed in 2007), (viii) National Socialist Council of Nagaland-Kaplang, (ix) New Mon State Party (formed in 1958), (x) Pa-O National Liberation Organization (formed in 1949), (xi) Restoration Council of the Shan State/Shan State Army-South (formed in 1964), (xii) Shan State Progressive Party/Shan State Army North (formed in 1964), (xiii) United Wa State Army (formed in 1964), and (xiv) Powerpoint on Myanmar Peace Process Update, as of March 2014 by Nang Raw Zakhun, Assistant Director, Policy and Programs, Shalom Foundation.

²⁴ Note that this architecture tends to evolve.

of the government establishment is the presidentially chaired 11-member Union Peace-making Central Committee (UPCC),²⁵ under which is the Union Peace-making Working Committee (UPWC). The UPWC is the operational arm of the current peace negotiations with ethnic armed organizations and is chaired by Vice-President Sai Mauk Kham, who is supported by three vice-chairs.²⁶ The UPWC is composed of 52 members²⁷ (Union, region and state ministers, army officers, and parliamentarians). Both houses of the Union Parliament—the Upper House or Nationalities Assembly (Amyotha Hluttaw), and the Lower House or People's Assembly (Pyithu Hluttaw)—have parliamentary committees on peace and ethnic affairs.²⁸ There are two UPWC negotiating teams—one led by the Minister U Aung Min of the Office of the President, and the other by U Thein Zaw, a member of Parliament.

In November 2012, the Myanmar Peace Center²⁹ was established by Presidential Decree under the Office of the President to serve as secretariat to the UPCC and UPWC, and to support an overall political settlement and, ultimately, sustainable peace. It has departments focused on mine action, peace building, ceasefires, outreach, and political dialogue. It works with the ethnic armed organizations through technical teams from both sides to prepare for the formal peace negotiations; manages international donor resources to support the peace-building efforts; and provides a platform for dialogue and experience-sharing between international partners, civil society groups, and itself.³⁰

The international community involved in the peace talks consists of the Peace Donor Support Group, which provides political and practical support to the peace efforts of the government and the ethnic armed organizations,³¹ and the International Peace Support Group of international nongovernment organizations (NGOs) involved in capacity-building

²⁵ This consists of the President; the two vice-presidents; the speakers of the Amyotha and Pyithu Hluttaw; the commander-in-chief of the defense forces; the ministers of Home Affairs, Border Affairs, and Defense; the Union attorney general; and the director, President's Office, as announced in *New Light of Myanmar*, 3 May 2012.

²⁶ Union Minister Aung Min; Vice-Senior General Soe Win, Deputy Commander-in-Chief of Defense Services, Commander-in-Chief (Army); and U Thein Zaw, member of Parliament (USDP).

²⁷ In addition to the chair, three vice-chairs, and secretary from the government office, there are 7 Union ministers, 2 deputy ministers and 3 region ministers, 7 state ministers, 10 area commanders, 9 members of Parliament from the Amyotha Hluttaw, and 9 members of Parliament from the Pyithu Hluttaw. See Powerpoint on Myanmar Peace Process Update, as of March 2014 by Nang Raw Zakhun, Assistant Director, Policy and Programs, Shalom Foundation.

²⁸ The Amyotha Hluttaw has the Ethnic Affairs Committee and the Peace and Conflict Reduction Committee while the Pyithu Hluttaw has the Ethnic Affairs, Rural Affairs, and Internal Peacemaking Committee. See Nang Raw Zakhun Mongla (2014), also in footnote 27.

²⁹ The Myanmar Peace Center receives continuous support from the Myanmar Peace Support Initiative, other third-party interventions, and the Civil Society Forum for Peace.

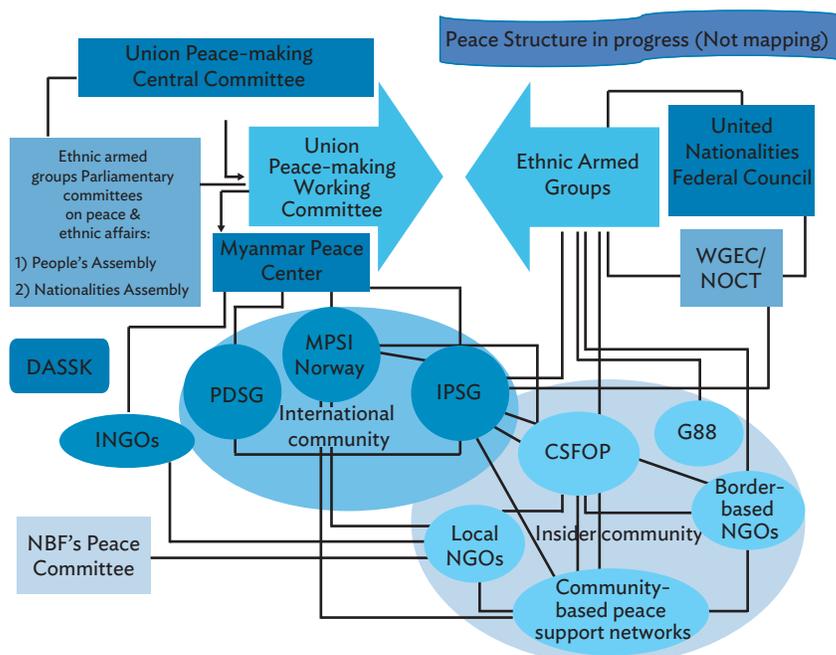
³⁰ R. Htin. 2013. Efforts to Address Women's Concerns in the Peace Process in Myanmar: Gains, Gaps and the Way Forward. Paper presented at the Open Day on Women, Peace and Security, organized by the Ministry of Social Welfare, Relief and Resettlement, Myanmar Women's Affairs Federation, and the United Nations, 31 October.

³¹ The Peace Donor Support Group was first convened in June 2012 by the Government of Norway at the request of President U Thein Sein to provide a dialogue platform between the donor community and the Government of Myanmar, to better coordinate peace efforts of the international community in general and the provision of aid to conflict-affected areas, and to consult with civil society. Initial members were Australia, Norway, the United Kingdom, the European Union, and the World Bank. Japan, Switzerland, and the United States were invited to join in 2013.

initiatives to help the ethnic armed groups negotiate for a just and equitable peace.³² The Nippon Foundation and the Government of the People's Republic of China were also invited to be observers in the peace talks in early 2013.³³

The local community in Myanmar (the Civil Society Organization Forum for Peace, local NGOs, the 88 Generation Students Group, border-based NGOs, and community-based peace support networks) advocates with the government and ethnic armed groups, provides technical support to the latter, raises awareness of peace issues among the local and international communities, and provides practical assistance to conflict-afflicted communities.

Figure 1.1: Myanmar's Peace Architecture



CSFOP = Civil Society Forum for Peace, DASSK = Daw Aung Sang Su Kyi, G88 = 88 Generation Students Group, INGOs = International Nongovernmental organization, IPSG = International Peace Support Group, MPSI = Myanmar Peace Support Initiative, NGOs = nongovernment organizations, PDSG = Peace Donor Support Group, NBF = Nationality Brotherhood Federation, WGEC = Working Group for Ethnic Coordination.

Source: S.I. Khen and M.Y. Haung Nyo. 2014. Looking at the Current Peace Process in Myanmar Through a Gender Lens. PowerPoint presentation for the Gender and Development Initiative, Myanmar Peace Center, Yangon, 8 March.

³² The International Peace Support Group is a 20-member informal network that organizes a coordination meeting once a month in Bangkok. Members include the International Crisis Group, the Centre for Humanitarian Dialogue, the Euro-Burma Office, and Fairness International.

³³ PowerPoint presentation on Myanmar peace process update, as of March 2014, by Nang Raw Zakhun Mongla, assistant director, Policy and Programs, Shalom Foundation. The Myanmar Peace Support Initiative was a Norwegian-led effort to support the ceasefires in Myanmar through humanitarian and development assistance but is no longer operating.

Key signs of progress in the peace process include (i) preliminary ceasefire agreements with 14 of the 21 remaining ethnic armed groups,³⁴ (ii) a breakthrough informal seven-point agreement in May 2013 between the government and the Kachin Independence Organization (KIO), and (iii) broader discussions with armed ethnic organizations on the root causes of their respective conflicts. An unprecedented KIO-organized conference of 102 delegates from 17 ethnic armed groups and nonstate actors took place in November 2013.³⁵ The organizers sought a political solution to the conflict; the participants adopted a six-step road map and the Framework for a Political Dialogue, drafted in 2012 by the Working Group for Ethnic Coordination, and discussed signing a nationwide ceasefire agreement. They also adopted a common 11-point position,³⁶ catalyzed the formation of a Nationwide Ceasefire Coordinating Team consisting of ethnic armed organizations and nonstate actors to discuss the proposed nationwide ceasefire agreement with the government and implement the 11-point plan.³⁷ The government and the ceasefire coordinating team, comprising 16 ethnic groups (as of March 2014), agreed to jointly draft the nationwide ceasefire agreement as one text; discussions on the agreement have been in progress for some time.³⁸

Challenges to signing the nationwide ceasefire agreement led to the signing of a Deed of Commitment for Peace and National Reconciliation on Union Day, 12 February 2015. In pledging to strive for lasting peace, the signatories³⁹ confirmed their commitment to “building a union based on democratic and federal principles in the spirit of Panglong and in accordance with the outcomes of political dialogue to ensure freedom, equality, justice and self-determination for all citizens.” The deed is seen as a confidence-building measure to maintain the momentum of the peace talks by allowing discussion on the draft framework for political dialogue, even prior to the signing of the nationwide ceasefire agreement.

On 31 March 2015, the UPWC and the Nationwide Ceasefire Coordination Team signed an affirmation to finalize the draft nationwide ceasefire agreement.

Continuing challenges to the peace process

Although the peace talk progress is noteworthy, armed clashes between various sides continue. Building on the progress and moving from ceasefires to permanent peace with all major armed ethnic organizations will be critical to the success of Myanmar's political

³⁴ The number of armed groups may vary, depending on whether the count is done by the government or by ethnic groups. The government claims 16 groups, while the ethnic groups place the total at more than 21 groups.

³⁵ It had delegates from organizations with and without ceasefire agreements and from member and nonmember organizations of the United Nationalities Federal Council. The council is an alliance of 11 armed groups, which in June 2013 announced that it would no longer participate in the Working Group for Ethnic Coordination. See Euro-Burma Office. 2013. Briefing Paper. Ethnic Armed Organizations Conference in Laiza, Kachin State, 30 October–2 November.

³⁶ Euro-Burma Office. 2013. Briefing Paper. Ethnic Armed Organizations Conference in Laiza, Kachin State, 30 October–2 November.

³⁷ Footnote 36.

³⁸ The 16 groups represented in the NCCT are (i) Arakan Liberation Party/Army (formed in 1968); (ii) Chin National Front (formed in 1988); (iii) Democratic Karen Benevolent Army (DKBA, K'lo Htoo Baw) (formed in 2010); (iv) Karen National Union/Karen National Liberation Army (formed in 1947); (v) Karenni National Progressive Party (formed in 1957); (vi) Shan State Progressive Party/Shan State Army North (formed in 1964); (vii) Karen National Union/Karen National Liberation Army (KNU/KNLPAC, formed in 1947); (viii) Karen National Union (Peace Council) (formed in 2007); (ix) Pa-O National Liberation Organization (formed in 1949); (x) Kachin Independence Organization/Kachin Independence Army; (xi) Ta'ang National Liberation Army (formed in 1992); (xii) Arakan Army (formed in 2008); (xiii) Arakan National Council; (xiv) Lahu Democratic Union; (xv) Wa National Organization; and (xvi) Kokang.

³⁹ Signatories included the President, Union ministers, ethnic affairs ministers, political party leaders, parliamentarians, Tatmadaw representatives, and ethnic armed organizations—KNU, KNU/KNLPAC, DKBA, and Restoration Council of Shan State.

transition. This will require consolidation of trust and strengthened capacity of multiple institutional actors around the peace table. It will also require consensus building on the basic and politically sensitive issues that mark the underlying aspirations of ethnic groups to be included in the national ceasefire agreement, the national political dialogue, and in nation-building efforts for long-term peace and development. Capacities will need to be strengthened to actually address these issues.⁴⁰

Communal tensions

In addition to the ethnic conflict, Myanmar is also in the throes of communal conflict, which was ignited in 2012 and has spread throughout the country. This conflict reveals deep-seated communal prejudice, threats to national stability, and deficits in governance and administration. Violent communal clashes from March to October 2013 and in mid-January 2014 resulted in the loss of around 200 lives, damage to and loss of property and livelihoods, reports of sexual violence against women, displacement of some 140,000 people—with spillover impact on the rest of the country. It has also resulted in dangerous flight in unsafe boats to neighboring countries for safety, where people continue to experience human rights violations, including trafficking.

Issues of humanitarian access to internally displaced persons, intimidation of humanitarian workers in some locations, freedom of movement, the protection of human rights of displaced persons, the rule of law, transparency, and accountability continue to require attention. The need for trust building, socioeconomic development, and for political will to address the social, economic, cultural, civil, and political rights of all people in the most underdeveloped regions and states pose a continuing threat to the democratization process and to sustainable peace and development.⁴¹

Economic and social reforms

Myanmar is one of the poorest members of the Association of Southeast Asian Nations (ASEAN). Since 1991, however, the country has experienced fairly rapid growth and is positioning itself to graduate to middle-income country status.

To achieve this, the government has embarked on reforms that should lead to market-oriented inclusive growth and bottom-up decentralized planning. This vision is articulated in the Framework for Economic and Social Reforms, which outlines policy priorities for 2012–2015 as well as long-term plans that recast Myanmar as a modern and democratic nation by 2030 (Box 1). President U Thein Sein has publicly committed the government to halving the rate of poverty and hunger by 2015; to use the more than \$6 billion in debt relief recently granted to Myanmar for poverty alleviation; and to construct schools, hospitals, and generate power.⁴²

⁴⁰ Aung Naing OO. 2015. The Peace Process, PostConflict Peacebuilding and Rehabilitation. Paper presented by Myanmar Peace Center at Myanmar Development Co-operation Forum, 7–8 February.

⁴¹ T.O. Quintana. 2014. *Report of the Special Rapporteur on the Situation of Human Rights in Myanmar (A/HRC/25/64)*. 12 March.

⁴² T.O. Quintana. 2013. *Report of the Special Rapporteur on the Situation of Human Rights in Myanmar (A/HRC/22/58)*. 6 March. p. 8.

Box 1: Government of Myanmar's Framework for Economic and Social Reforms: Human Development Priorities

In his inaugural address on 31 March 2011, President U Thein Sein acknowledged the country's poverty and high unemployment rate and committed to ensuring "good governance and a clean government." He underscored the importance of policies and reform strategies that achieve people-centered development, civic participation, human resource development, effective and transparent use of public financial resources, sustainable regional development, decentralization, greater autonomy for local government, and poverty reduction.

The Framework for Economic and Social Reforms, in articulating Myanmar's short- and long-term goals, calls for the

- full implementation of economic integration within the Association of Southeast Asian Nations (ASEAN) in accordance with the ASEAN Economic Community 2015 schedules,
- achievement of the Millennium Development Goals (MDGs) and other human development objectives by 2015, and
- graduation from least developed country status and moving to a knowledge-based economy by 2020.

The government has set the following targets for gross domestic product (GDP) growth, poverty reduction, and other economic and social dimensions of development:

- achieve an average annual GDP growth rate of 7.7% over the next 5 years;
- achieve growth in the industry's share of GDP from 26% to 32%, together with an increase in the share of the service sector, and a reduction in the currently large share of agriculture; and
- achieve per capita GDP growth between 30% and 40% from the base year of 2010, which will help attain the first goal of the MDGs in reducing the poverty incidence by half by 2015.

The framework specifies the following four areas of policy priorities:

- **Sustained industrial development** to catch up with global economies while maintaining the momentum of agricultural reforms and attaining poverty alleviation and rural development.
- **Equitable sharing of resources**, both budgetary and foreign aid, among regions and states while promoting foreign and local investments for regional development.
- **Effective implementation of people-centered development** through community-driven, participatory approaches to improvements in education, health, and living standards.
- **Reliable and accurate gathering of statistical data** and other information to better inform public policy decisions.

Source: Government of Myanmar. 2013. *Framework for Economic and Social Reforms: Policy Priorities for 2012–2015 Towards the Long-Term Goals of the National Comprehensive Development Plan*. Nay Pyi Taw.

The eight-point Rural Development and Poverty Alleviation Initiative (2011–2015); the National Comprehensive Development Plan (2011–2030); the focus on comprehensive health-care and education reforms; and the formation of a comprehensive social protection system to address poverty, social exclusion, and emergencies all suggest that the development objectives are being prioritized in the political agenda.⁴³

Specific measures to achieve these goals include the following initiatives:⁴⁴

- A special program for rural development and poverty reduction—developed under the Planning Department of the Ministry of Planning and Economic Development to ensure inclusive growth. This focuses on (i) increasing agricultural output; (ii) livestock and fishery; (iii) rural production; (iv) microcredit; (v) rural cooperative societies; (vi) socioeconomic improvements (health, education, sports, and social security); (vii) rural energy; and (viii) the environment.
- A focus on comprehensive health-care and education reforms, coupled with the doubling of relevant budgets for the next fiscal year. This includes allocating more resources to rural primary health care, infectious disease control, and maternal and child health. This focus responds to the acute need to improve health indicators and introduce universal health coverage to address financial barriers to access and reduce out-of-pocket expenditure.
- Expanding the system of basic education from 11 to 12 years and focusing on (i) child-centered teaching methodologies; (ii) upgrading teacher training and other curriculum reforms to enhance the quality of basic education; (iii) enhancing teacher remuneration and broader issues of education financing; (iv) establishing a rigorous system for education quality assessment and performance; and (v) further reforms in the management of basic education, including engagement by parents.
- Achieving food security throughout the country by developing strategies that will channel the benefits of reforms and growth toward improving the welfare and income of farmers, farm laborers, and their dependents.
- Developing a comprehensive social protection system to address poverty, social exclusion, and emergencies, including introducing an Employment Guarantee Scheme for Public Works, especially in districts with large numbers of landless households and high poverty rates. This will provide a safety net for vulnerable families while improving local infrastructure and the environment.
- Developing a comprehensive law on the environment and regulations for implementing it.

Macroeconomic reforms since November 2010, including exchange rates and monetary policy, have been introduced, such as a managed float that has replaced an overvalued peg, unifying the remaining exchange rates, a draft law providing more operational autonomy to the Central Bank of Myanmar, more flexible deposit rates, removing administrative bottlenecks to credit extension, parliamentary debate and budget approval for 2012–2013, and legislation that strengthens the agriculture sector and facilitates business investments.⁴⁵

⁴³ Government of Myanmar. 2013. *Draft Millennium Development Goals Report*. Nay Pyi Taw.

⁴⁴ Footnote 43, p. 125.

⁴⁵ International Monetary Fund. 2013. *Myanmar: Staff-Monitored Program. IMF Country Report*. No. 13/13. Yangon.



ADB

Regional and South–South Cooperation

Regional and South–South cooperation provide excellent opportunities for Myanmar. The robustness of the economy will be critical to its substantive integration into subregional, regional, and global economies, and ASEAN is an important entry point. Myanmar has been an active member (having recently served its term of ASEAN chairmanship), which will strengthen the opportunity to reposition itself in the region as a rising economy.⁴⁶ Additionally, Myanmar is a participating member of the Greater Mekong Subregion Economic Cooperation Program, the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation, and the Ayeyarwady–Chao Phraya–Mekong Economic Cooperation Strategy. The Asian Development Bank's Greater Mekong Subregion Economic Cooperation Program Strategic Framework plans to strengthen transport and telecommunication links to develop major economic corridors that contribute to faster economic growth and poverty reduction.⁴⁷ Land transport links with its neighbors, in both Southeast Asia and South Asia, provide an opportunity for Myanmar to become a regional trade and production hub.

Signs of progress on the social and economic reform agenda

The social and economic reforms have led to some immediate gains. Myanmar's economy grew at 6.5% during 2012–2013, with increased gas production, services, construction, foreign direct investment, and commodity exports as the main drivers of growth. The economy is projected to grow at 6.8% in 2013–2014 and further to 6.9% in the medium term as a result of a continued increase in gas production, trade, and stronger performance in agriculture.⁴⁸

⁴⁶ Footnote 43, p. 117.

⁴⁷ Footnote 45.

⁴⁸ World Bank Group. 2013. *Myanmar Economic Monitor*. October. Yangon, p. 1.

Macroeconomic data, including on poverty and the Millennium Development Goal (MDG) indicators, suggest many improvements.⁴⁹ The national poverty rate fell from 32% to 26% between 2005 and 2010,⁵⁰ and improvements have been registered in the health indicators,⁵¹ access to improved drinking water and sanitation (at 69% and 79% of the population, respectively), and primary school net enrollment rate (at 84.6%).⁵²

The government is making a concerted effort to increase farmers' access to rural credit. For instance, the total loan disbursement amounted to a little more than MK359 billion in 2011–2012.⁵³ The Ministry of Cooperatives provides capital to farmers through credit and rural cooperatives. The ministries of Home Affairs, Construction, Border Affairs, and Agriculture and Irrigation have begun paying special attention to rural infrastructure such as rural roads, farm roads, dams, reservoirs, canals, and drainage systems. These improvements have contributed to better trade and reduced transport costs for farmers, enhanced crop production and crop quality, reduction in the severity of impact from drought, and multiple cropping and greening of the region.⁵⁴ The Ministry of Labour, Employment and Social Security has opened 77 employment centers nationwide to assist youth and unemployed people to access both domestic and overseas job markets. The ministry is also working on labor welfare and offers services to employers and workers. It is undertaking a Labor Force Sample Survey in association with the International Labour Organization (ILO) and an academic partner.⁵⁵

Continuing challenges on the social and economic reform agenda

However, the reform agenda is also fraught with challenges, including the tension between its rapid pace and current absorptive capacity. The positive national averages obfuscate uneven progress, which is largely urban-centered. Border and remote regions have benefited marginally due to their geographical location, poor access to services, conflicts and displacement, and livelihood transitions from opium production to other income sources.⁵⁶ Poverty rates in Chin and Rakhine states in 2010, for example, were 73% and 44%, respectively; the poverty rate was 16% in urban areas and 29% in rural areas, where 84% of people who were characterized as poor lived.⁵⁷ Agriculture is the national economic mainstay, employing 63% of the total labor force in 2012—the majority being landless and casual laborers.⁵⁸

⁴⁹ Asian Development Bank (ADB). 2012. *Key Indicators for Asia and the Pacific 2012*. 43rd edition. Manila.

⁵⁰ Ministry of National Planning and Economic Development (MNPED) with the Swedish International Development Cooperation Agency (Sida), UNICEF, and United Nations Development Program (UNDP). 2011. *Integrated Household Living Conditions Survey in Myanmar (2009–2010) MDG Data Report*. Yangon: MNPED and UNDP. Cited in UN Women. 2013. *Resilience for All? Towards Gender-responsive Social Protection in Southeast Asia*. Appendix 5: Gender and Social Protection in Myanmar. p. 79.

⁵¹ MNPED, Ministry of Health, and UNICEF. 2011. *Myanmar Multiple Indicator Cluster Survey 2009–2010: Final Report*. Nay Pyi Taw. Cited in UN Women. 2013. *Resilience for All? Towards Gender-responsive Social Protection in Southeast Asia*. Appendix 5: Gender and Social Protection in Myanmar. p. 80.

⁵² Footnote 50, p. 79.

⁵³ Information from Foreign Economic Relations Department, 2013, cited in Government of Myanmar. 2013. *Draft Millennium Development Goals Report*. Nay Pyi Taw. p. 27.

⁵⁴ Footnote 43, p. 28.

⁵⁵ Footnote 43, p. 29.

⁵⁶ World Food Programme. 2012. *WFP in Myanmar: Looking forward 2013–2017*. Rome. Cited in UN Women. 2013. *Resilience for All? Towards Gender-responsive Social Protection in Southeast Asia*. Appendix 5: Gender and Social Protection in Myanmar. p. 80.

⁵⁷ Footnote 50, p. 79.

⁵⁸ Footnote 56.

Additionally, local populations have marginal or no land rights to forest habitat. Only in community forests do local communities have any land-use rights accorded to them, in conjunction with the local forest department. For other forest categories, such as tree plantations, state-managed forests, logging concessions, and agro-forest conversions, local communities have no recognized land or resource use rights within the national laws and policies.⁵⁹

Underemployment is increasing, affecting 37% of the working population seasonally.⁶⁰ Although food poverty declined from 10% in 2005 to 5% in 2010,⁶¹ approximately 3 million people remained food poor, with huge regional disparities. Between 2005 and 2010, the rate of child malnutrition (among children younger than 5 years) fell from 34.3% to 32.0%, although the rate was much higher in rural areas and states like Rakhine, where more than 50% of all children were malnourished in 2010.⁶²

There needs to be greater thought to the specific orientation of macroeconomic policies and the elements of an inclusive growth strategy that will actually reduce poverty, generate new and sustainable jobs, and enhance living standards for all. The current economic liberalization is marked by massive natural resource sales, privatization of government assets (including real estate), liberalization of trade, foreign direct investment,⁶³ and even speculative capital flows. This has been facilitated by new legislation that has eased land-use changes and liberalized foreign investment and by the financial reforms and the lifting of the Western economic sanctions. There is, however, a danger that the sudden influx of global capital will put the economy on a trajectory that will enrich a few individuals; exacerbate existing inequalities and unbalanced development; destroy livelihoods without generating enough new and decent employment; and trigger instability, crises, and environmental damage.⁶⁴

There have been specific concerns over large investment projects due to adverse population impacts, including deleterious environmental impacts. For instance, copper mines of Monywa in Sagaing Region, such as the Letpadaung copper mine, have resulted in the forced relocation of residents, the loss of livelihoods (particularly farmers who lost the land they had worked for generations), and health problems related to the proximity of the project.⁶⁵ Although there are no clear data, land confiscations reportedly increased in 2012, particularly to clear areas for infrastructure projects and natural resource exploitation.⁶⁶ On 21 February 2014, the state-run newspaper, *The New Light of Myanmar*, reported that the regime had acknowledged 745 incidents of land confiscation—with more than 500,000 acres of land confiscated by the

⁵⁹ K. Woods. 2013. Timber Trade Flows and Actors in Myanmar: The Political Economy of Myanmar's Timber Trade. *Forest Trends Report Series: Forest Trade and Finance: Forest Trends and UK Aid*. November. p. 5.

⁶⁰ Footnote 50, p. 79.

⁶¹ Footnote 50, p. 79.

⁶² Footnote 51, p. 80.

⁶³ Foreign direct investment grew to \$2.7 billion in 2012/13 from \$1.9 billion in 2011/12. Most of this investment was in the energy sector, garment industry, information technology, and food and beverages. World Bank Group. 2013. *Myanmar Economic Monitor*. October. Yangon. p. 2.

⁶⁴ J. Ghosh. 2012. Inclusive Growth Strategies for Myanmar. Paper Presented at Conference on Development Policy Options in Myanmar, 13–15 February, Nay Pyi Taw.

⁶⁵ Footnote 41, p. 8.

⁶⁶ Footnote 42, p. 8. See also The Carter Center, Electoral Reform International Services, and Democracy Reporting International. 2013. *Myanmar Needs Assessment Report*. Yangon, Atlanta, London, and Berlin. June. pp. 7–8.

military over the past 5 decades—and had solved 688 of those cases.⁶⁷ Yet, on the same day, the Democratic Voice of Burma broadcast that the report of the parliamentary commission tasked with investigating claims of land confiscation contained 8,478 cases of filed land confiscation complaints, of which only 423 (5%) had been settled.⁶⁸ Forced evictions and displacement of smallholder farmers are reported to have negatively impacted housing, health, education, livelihoods, and security of persons.⁶⁹

Other overall challenges include improving institutional capacities to formulate and implement socioeconomic policies, legal and regulatory frameworks, and programs that are responsive to populations that are poor and to marginalized groups; improving efficiencies in the public sector, which is a large employer; and improving economic and finance sector infrastructure and public finance management systems in ways that enhance efficiency, transparency, integrity, and responsiveness, especially to people who are poor and excluded. However, Myanmar has made good progress related to the Extractive Industries Transparency Initiative candidature. Membership will help to improve openness and the accountable management of revenues from natural resources.⁷⁰

Despite the challenges, the government's reform efforts provide cause for balanced optimism and have been a game changer of sorts. Still, greater investments are needed to ensure that women benefit equally from Myanmar's social and economic reforms.

1.3 Gender Equality and Women's Rights in Myanmar: An Overview

Gender equality and women's rights in the government's reform agenda

The government's massive triple-reform agenda—economic reform, political reform, and national reconciliation—is largely framed in generic terms. The Framework for Economic and Social Reforms and the Comprehensive National Development Plan (2011–2030) mention women in certain realms. For instance, the framework addresses violence against women and human trafficking and provides for increased health financing for a voucher system for maternal and child health care, special funds for destitute mothers, and maternal and child health.⁷¹ However, it does not speak of gender equality and women's rights comprehensively across all sectors and spheres, particularly in ways that take account of the inequalities in the lived realities of men, women, boys, and girls. Nor does it assess and respond to the differences in the impacts of the reform policies and programs on men and women. For example, on the economic front, the new focus on poverty reduction and inclusive growth provides opportunity to address gender equality and women's empowerment. However, little progress will be made unless macroeconomic and inclusive growth policies and strategies veer away from focusing on economic growth alone and encompass emphasis on new and decent

⁶⁷ *New Light of Myanmar*. 2014. 745 land grabbing cases happened in 5 decades as successive governments implemented projects in interests of country and people in accordance with rules, regulations. 21 February.

⁶⁸ Democratic Voice of Burma. 2014. Govt urged to settle land grab claims by September. 21 February.

⁶⁹ Footnote 41, p. 8.

⁷⁰ Footnote 41, p. 9.

⁷¹ Government of Myanmar. 2013. Framework for Economic and Social Reforms. Nay Pyi Taw.

employment generation for women, taking account of the gender inequalities in the economy and how they interact with other forms of social exclusion. Macroeconomic and inclusive growth policies and strategies need to allocate resources to the sectors in which women work (such as the agriculture and informal sectors), to the less-developed regions and states where poor women live, to the factors of production they possess (low-skilled labor), to the items they consume (such as food), and to enhancing the viability of informal production.⁷²

Although women are referenced as target beneficiaries in social protection policies and programs, a gender lens does not appear to have been systematically applied to the social protection interventions.⁷³ The 2008 Constitution provides for equality between men and women, but according to a 2008 report by the Committee on the Elimination of Discrimination against Women (CEDAW Committee), it also contains contradictory provisions and important gaps that vitiate equality.⁷⁴ Gender equality and women's rights have been better addressed in health and education sector policies and programs. Institutional mechanisms have been established at the national and subnational levels to promote gender equality and women's rights in various spheres. Combined, this attention has resulted in some progress in women's lives, particularly in the areas of health and education, but challenges remain, as elaborated further on.

The National Strategic Plan for the Advancement of Women (2013–2022), launched in October 2013 by the Ministry of Social Welfare, Relief and Resettlement, provides a strategic opportunity to integrate gender equality and women's rights in the government's reform agenda. It is based on the 12 areas of women's lives outlined in the 1995 Beijing Platform for Action and covers a range of sectors, government ministries, and departments. Goals for gender equality and women's rights can be well embedded into the government's reform agenda by implementing the Plan for the Advancement of Women and by ensuring that gender equality perspectives are woven into sector policies, plans, and programs across government ministries. This can be enhanced by the government's participation in the CEDAW review process and by implementing the CEDAW Committee's Concluding Comments in line with the Plan for the Advancement of Women via the Myanmar National Committee for Women's Affairs (an interministerial gender-mainstreaming mechanism).

Signposts of progress on gender equality and women's rights in Myanmar

Constitutional and international human rights commitments to gender equality and women's rights

Section 347 of the Constitution of Myanmar guarantees all persons equal rights before the law and equal legal protection, while section 348 states that the government shall not discriminate against any citizen on the basis of sex, among other things.⁷⁵ The government is a state party to CEDAW, 1979; the Convention on the Rights of the Child, 1989; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and

⁷² Footnote 64.

⁷³ UN Women. 2013. *Resilience for All? Towards Gender-responsive Social Protection in Southeast Asia*. Appendix 5: Gender and Social Protection in Myanmar. p. 88.

⁷⁴ These are elaborated later in this section.

⁷⁵ Other provisions on equality and areas to be addressed will be dealt with partly in this and forthcoming chapters.



UNFPA

Children, 2000 acceding⁷⁶ to them in 1997, 1991, and 2004, respectively. The government also endorsed the Beijing Declaration and Platform for Action, 1995; the International Conference on Population and Development Program of Action, 1994; and the Millennium Declaration and Goals, 2000. Myanmar is a member of the ASEAN Committee on Women and the ASEAN Commission on Protection and Promotion of the Rights of Women and Children, 2010.

Institutional mechanisms for gender mainstreaming

Myanmar has institutional mechanisms in place to help implement its commitments to gender equality and women's empowerment. Under the overall leadership of the Ministry of Social Welfare, Relief and Resettlement, the Department of Social Welfare serves as the government focal point on gender equality and women's rights. Established in 1996, the Myanmar National Committee for Women's Affairs⁷⁷ is designated the "national women's machinery."⁷⁸ It is an interministerial policy and decision-making mechanism for the advancement of women and is chaired by the minister of social welfare, relief and resettlement. Established in 2003 and classified by the government as a nongovernment organization (NGO), the Myanmar Women's Affairs Federation assists the National

⁷⁶ "Accession" is an act by which a state signifies its agreement to be legally bound by the terms of a particular treaty. It has the same legal effect as ratification but is not preceded by an act of signature. The formal procedure for accession varies according to the national legislative requirements of the state. To accede to a human rights treaty, the appropriate national organ of a state—Parliament, Senate, the crown, head of state or government, or a combination of these—follows its domestic approval procedures and makes a formal decision to be a party to the treaty. Then the instrument of accession, a formal sealed letter referring to the decision and signed by the state's responsible authority, is prepared and deposited with the United Nations Secretary-General in New York.

⁷⁷ The National Committee for Women's Affairs was established by the Ministry of Social Welfare, Relief and Resettlement in 1996 to implement CEDAW and the Beijing Platform for Action and was reestablished in 2012 under the new government.

⁷⁸ Chaired by the minister of social welfare, relief and resettlement, the National Committee for Women's Affairs is a multi-stakeholder committee with membership from line ministries (deputy ministerial level), women's NGOs, and the Myanmar Women's Affairs Federation.

Committee for Women's Affairs to carry out a gender equality and women's empowerment agenda, in line with CEDAW and the Beijing Platform for Action. It operates in partnership with local and international NGO networks at different levels of administration, from the state and/or region to the district and township levels, in coordination with the respective Working Committees for Women's Affairs.

Additionally, the National Committee for Women's Affairs comprises three other organizations that work closely with the government on women's issues as follows:

- Myanmar Maternal and Child Welfare Association, which was established in 1991 as a charitable organization that promotes the health and well-being of mothers and children, focusing on remote villages and wards that lack access to health care;
- Myanmar Women and Children Development Foundation, which was established in 2012 to promote equal opportunities for women and children in the areas of livelihoods development, education, health, emergencies, and decision making; and
- Myanmar Women Entrepreneurs' Association, which was established in 1995 as a nongovernment, nonprofit, nonpartisan organization whose membership includes women entrepreneurs, managers, and educators and is a member of the Union of Myanmar Federation of Chambers of Commerce and Industry. The association supports the development of women's businesses and entrepreneurial and leadership skills, including through scholarships for young girls and special loans through its social responsibility program. Its members participate in national, regional, and international seminars and workshops on women's entrepreneurship.

Progress and continuing gaps in economic and social status indicators on gender equality and women's rights

Over the past decade, there have been several improvements in the economic and social status indicators for Myanmar women. In particular, the labor force participation rate of women,⁷⁹ nonagricultural wage employment,⁸⁰ access to credit,⁸¹ literacy rates,⁸² primary and secondary education,⁸³ and maternal mortality ratio have improved.⁸⁴

These improvements have helped nurture the pervasive assumption in official circles that the equal status of men and women is a "unique trait of Myanmar society,"⁸⁵ and that "Myanmar women enjoy a good life and rights,"⁸⁶ and thus a legal definition

⁷⁹ CEDAW Committee. 2007. Consideration of Reports Submitted by States Parties Under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women Combined Second and Third Periodic Reports of States Parties (CEDAW/C/MMR/3). Yangon.

⁸⁰ Footnote 50, p. 81.

⁸¹ Footnote 79; and CEDAW Committee. 2011. Information Provided in Follow Up to the Concluding Observations of the Committee: Response by Myanmar to the Recommendations Contained in the Concluding Observations of the Committee Following the Examination of the Combined Second and Third Periodic Report of Myanmar on 3 November 2008 (CEDAW/C/MMR/CO/3/Add 3). Yangon.

⁸² UNDP. 2011. *Human Development Initiative 2010*. Yangon. Cited in UN Women. 2013. *Resilience for All? Towards Gender-Responsive Social Protection in Southeast Asia*. Appendix 5: Gender and Social Protection in Myanmar. p. 81.

⁸³ Footnote 82.

⁸⁴ World Health Organization (WHO) et al. 2012. *Trends in Maternal Mortality: 1990 to 2010*. Geneva.

⁸⁵ CEDAW Committee. 2011. Information Provided in Follow Up to the Concluding Observations of the Committee: Response by Myanmar to the Recommendations Contained in the Concluding Observations of the Committee Following the Examination of the Combined Second and Third Periodic Report of Myanmar on 3 November 2008 (CEDAW/C/MMR/CO/3/Add 3). Yangon. p. 11.

⁸⁶ Footnote 79, p. 51.

of “discrimination against women is unnecessary in national legislation.”⁸⁷ However, the CEDAW Committee expressed concern in 2008 over repeated references in the Constitution to women principally as mothers. The committee maintains that this may reinforce the gender role stereotype of women as quintessential mothers and in need of protection.⁸⁸ Also in 2008, the committee noted that neither the Constitution nor domestic legislation included any temporary special measures to achieve gender equality. As well, some laws and customs continued to discriminate against women “on grounds of ethnicity and within ethnic groups.”⁸⁹

Global and regional indices and national data point to continuing gender inequalities in the lived realities of women in all spheres of life. The 2013 Gender Inequality Index ranks Myanmar at 83rd of 187 countries,⁹⁰ while the 2012 Social Institutions and Gender Index places the country at 44th of 86 countries and 8th of nine countries in East Asia and the Pacific.⁹¹

Despite increases in women’s labor force participation, women dominate the unprotected informal sector; and they continue to bear the major responsibility for unpaid care work, in addition to their paid jobs, while men are typically the household heads.⁹² Disparities based on economic status and regional and urban–rural locations shadow the improvements in female literacy. In 2008, the CEDAW Committee expressed concern over reports on the multiple restrictions and discrimination faced by women and girls from religious minority groups, especially in the poorest states,⁹³ and the pervasiveness of domestic and sexual violence against women, including in armed and communal conflict⁹⁴ (all of this will be explored in greater depth in the chapters that follow).

National Strategic Plan for the Advancement of Women (2013–2022): A significant milestone

One of the most significant initiatives demonstrating the government’s commitment to gender equality and women’s rights is the 10-year National Strategic Plan for the Advancement of Women (2013–2022). With support from the UN Gender Theme Group and the Gender Equality Network, the Department of Social Welfare began developing the plan in 2010.

The Plan for the Advancement of Women is anchored on the 2008 Constitution, CEDAW, and the Beijing Platform for Action. Its goal and objectives are that “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 and that enabling systems, structures and practices are created for the advancement of women, gender equality and the realization of women’s rights.”

⁸⁷ Footnote 79, p. 11.

⁸⁸ Committee on the Elimination of Discrimination against Women (CEDAW). 2008. Concluding Observations of the Committee on the Elimination of Discrimination against Women: Myanmar (CEDAW/C/MMR/CO/3). p. 3.

⁸⁹ Footnote 88.

⁹⁰ See www.hdr.undp.org/en/content/gender-inequality-index.

⁹¹ Organisation for Economic Co-operation and Development (OECD). 2012. *Social Institutions and Gender Index: Understanding the Drivers of Gender Inequality*. Paris: OECD Development Centre.

⁹² Government of Myanmar. 2006. *Myanmar Millennium Development Goals Report 2006*. Nay Pyi Taw.

⁹³ Footnote 88.

⁹⁴ Footnote 88.

The plan outlines a set of strategic objectives for women's advancement in the 12 priority areas of the Beijing Platform for Action (Box 2) and provides the basis for capacity development and policy and program formation and implementation across different areas of women's lives as well as government sectors and departments. This has immense potential to ensure that gender equality and women's rights are well covered in the reform agenda.

Box 2: National Strategic Plan for the Advancement of Women (2013–2022): 12 Priority Areas

1. Improve women's livelihoods and reduce poverty.
2. Ensure women's and girls' access to quality formal and nonformal education.
3. Protect, promote, and fulfill women's and girls' rights to quality, affordable health care, including sexual and reproductive health care.
4. Eliminate all forms of violence against women and girls and respond to violence against them.
5. Ensure women's right to protection in emergencies and their participation in emergency preparedness, response, disaster, and conflict risk reduction.
6. Ensure fairness and equal rights for women in relation to employment, access to credit, resources, assets, and economic benefits.
7. Ensure women's equal participation in decision making and leadership at all levels of society.
8. Establish and strengthen institutional mechanisms for the advancement of women, and ensure women's participation as equal partners in national development strategies and decision-making processes.
9. Ensure the protection, promotion, and fulfillment of women's and girls' economic, social, cultural, civil, and political rights.
10. Ensure that the media promotes women's advancement and raises public awareness about women's rights and their contribution to society.
11. Ensure women's meaningful participation in managing and safeguarding natural resources, the environment, and adapting to climate change.
12. Promote, protect, and fulfill the rights of the girl child.

The plan calls for enabling systems, structures, and practices to carry out the 12 priority areas of the Beijing Platform for Action.

Source: Myanmar National Committee for Women's Affairs. 2013. *National Strategic Plan for the Advancement of Women (2013–2022)*. Nay Pyi Taw: Ministry of Social Welfare Relief and Resettlement and Department of Social Welfare.

Each priority area in the Plan for the Advancement of Women⁹⁵ has a set of activities related to data collection and research as well as policy and programming initiatives that include (i) awareness raising and capacity strengthening of duty bearers to develop, implement, monitor, and evaluate gender-responsive policies, plans, and programs; (ii) capacity building of women’s groups to work with and support the government; (iii) budget allocations for policies and programs; and (iv) monitoring and evaluation of policies and programs. The plan has anticipated the following generic outcomes for each priority area:

- enhanced understanding and application of gender equality concepts, including gender mainstreaming, by various ministry staff, government departments, and other partners;
- collection, analysis, dissemination, and use of sex-disaggregated data and gender statistics;
- embedding and operationalizing CEDAW, the Beijing Platform for Action, and the MDG principles and standards in laws, policies, procedures, and practices related to the plan’s priorities;
- protecting women’s rights in each of the 12 priority areas;
- enhanced participation of women in the development, implementation, monitoring, and evaluation of policies and programs;
- increased number of women holding public office and meaningfully participating in decision-making processes; and
- increased allocation of resources to and within ministries for gender mainstreaming, development, and implementation of gender-related policies and programs.

Myanmar has several opportunities in 2015–2016 to assess its progress on the reform agenda and how it has guaranteed the human rights of its people—women in particular. This includes the MDG review, the negotiations to finalize the Sustainable Development Goals, the second appraisal of the Human Rights Council Universal Periodic Review, the Beijing Platform for Action +20 Review Process, and the CEDAW review.

1.4 Purpose of This Publication

This publication, *Gender Equality and Women’s Rights in Myanmar: A Situation Analysis*, was produced by the United Nations Gender Theme Group⁹⁶ in partnership with the Department of Social Welfare. It responds to an expressed need by the government, development partners, and other stakeholders to better understand the gender equality and women’s rights “terrain” in Myanmar. The data and analysis are intended to guide the development and implementation of gender-sensitive policies and programs, including the current reform agenda and the National Strategic Plan for the Advancement of Women. Gender-sensitive policies and programs that are anchored with evidence is an expression

⁹⁵ These include women’s livelihoods and poverty reduction; women, education and training, women and health, and violence against women; women and emergencies; women and the economy; women and decision-making; institutional mechanisms for the advancement of women; women and human rights; women and the media; women and the environment; and the girl child.

⁹⁶ Agencies actively involved were UN Women, UNFPA, UNDP, and ADB. UNAIDS, UN-Habitat, UNICEF, the United Nations Office on Drugs and Crime (UNODC), and WHO are gratefully acknowledged for the information provided.

of the democratic rights and freedoms women should enjoy and are fundamental to the effectiveness of the governance, peace, and economic reforms in Myanmar and ensures sustainable development.

More specifically, the publication responds to the following government, civil society, and development partners' needs in the realms of development and humanitarian assistance as follows:

- provide an analytical profile on gender equality and women's rights in Myanmar by drawing together government data and qualitative and quantitative data from United Nations (UN) and civil society mappings on gender equality and women's empowerment in different spheres;
- inform government policy, planning and program development, implementation, and monitoring and evaluation from a gender equality and women's rights perspective;
- provide a broad evidence base that guide the UN and civil society policy advocacy with the government on gender equality and women's rights issues;
- provide data and analysis that inform awareness-raising and capacity-strengthening initiatives; and
- identify critical issues that demand urgent policy and programmatic response, and identify gaps in data for further research and policy response.



Methodology

Methodological framework

Equality between men and women is a human right enshrined in the Universal Declaration of Human Rights (1948) and in all core UN and ILO human rights instruments and agreements. This publication is guided by the National Strategic Plan for the Advancement of Women, CEDAW, and the Beijing Platform for Action frameworks, principles, and definitions of substantive gender equality,⁹⁷ nondiscrimination,⁹⁸ state obligation,⁹⁹ and women's empowerment.

⁹⁷ CEDAW both distinguishes and asserts links between formal (equality of opportunity enshrined in law) and substantive gender equality (real equality with respect to access and benefits). The CEDAW approach to substantive gender equality recognizes the distinction between biological differences and socially constructed discrimination and inequalities between men and women, with women and girls occupying a lower status and position than men and boys in most contexts. It recognizes (i) that this inequality is grounded in discriminatory roles, attributes, and conduct that society deems appropriate for men and women and that marginalizes women and girls more than men and boys from control over and access to material and nonmaterial resources of every kind; (ii) that gender is not a stand-alone category but interacts with other socioeconomic categories, such as economic status, race, nationality, and ethnicity; and (iii) that because gender-based discrimination and inequality are socially constructed, they can be changed to ensure *de jure* (in law) and *de facto* (in fact) or substantive equality between men, women, boys, and girls. This is done by (i) promoting policy and legislation that provide equal opportunities to men and women; (ii) promoting enabling institutional and social environments, including temporary special measures to address the cumulative disadvantage women have faced and to ensure real equality with respect to access and benefits; and (iii) promoting individual and collective empowerment to actually enjoy rights and entitlements. CEDAW helps level the playing field between men and women by ensuring that initiatives lead to substantive equality, which involves equality of opportunity, equality of access, and equality of results and benefits. See UN Women. 2005. *Claim and Celebrate Women Migrant Worker's Human Rights through CEDAW*. New York.

⁹⁸ The term "discrimination against women" shall mean any distinction, exclusion, or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights, and fundamental freedoms in the political, economic, social, cultural, civil, or any other field (Article 1: CEDAW). The definition of discrimination includes (i) direct or indirect (intended or unintended) discrimination; (ii) discrimination in law (*de jure*) or in practice (*de facto*); (iii) present, past, or structural discrimination; (iv) social, political, and economic discrimination, encompassing social, civil, economic, and political rights; (v) intersectionality, in which gender discrimination does not stand alone but interfaces with other social categories and forms of discrimination, such as class, ethnic, and nationality discrimination—discrimination against "poor, ethnically marginalized women from a developing country." See R. Chiongson. 2005. *The CEDAW Convention: IWRAW-Asia Pacific*. Cited in UN Women. 2005. *Claim and Celebrate Women Migrant Worker's Human Rights through CEDAW*. New York.

⁹⁹ CEDAW has a comprehensive orientation to state obligation. By ratifying CEDAW, states parties are saying that they recognize discrimination and inequality and the need for state action; commit themselves to legally binding obligations of the convention and are accountable for compliance with the same. State obligation under the convention includes (i) guaranteeing all socioeconomic, civil, and political rights, based on the principle of nondiscrimination in the public and private spheres and not just those outlined through Articles 6–16 of the convention; (ii) embodying the principle of equality in the constitution and legislation; (iii) ensuring practical realization of the principle of equality; (iv) preventing and prohibiting discrimination against women; (v) providing legal protection for women; (vi) refraining from discrimination; (vii) eliminating discrimination by any person, organization, or enterprise; (viii) imposing sanctions against discriminating acts and providing redress; (ix) modifying or abolishing laws, regulations, customs, and practices that constitute discrimination; (x) repealing discriminatory penal provisions; and (xi) accelerating equality in practice by introducing temporary special measures. See International Women's Rights Action Watch Asia Pacific. 2001. *Facilitating the Fulfillment of State Obligations to Women's Equality: Training Module on the Convention on Elimination of All Forms of Discrimination against Women*. Kuala Lumpur.

Focus areas

This publication focuses on the following areas that the Plan for the Advancement of Women encompasses: gender equality and women's rights in the economy, education, and health care; gender equality and women's rights in political decision making and governance, and in all aspects of conflict and the peace process; and freedom from all forms of violence. These focus areas were arrived at through a process of consultation with the government and civil society groups and because they represent the key areas of women's and girls' lives.

Methods of data collection and constraints

This publication relied on published official national and subnational statistical data; large nationally representative sample surveys by UN agencies and development partners; smaller-scale qualitative and quantitative research by UN agencies, development partners, and civil society groups; quantitative and qualitative assessments of policies and programs by the government, civil society groups, UN agencies, and development partners; and analytical reports on lessons learned from programs implemented by various stakeholders in the field.



The writing of this publication encountered data constraints and limited rigorous research. For example, there was no national census between 1982 and 2014, when the main findings of the Myanmar Population and Housing Census was released (in May). Nor has there been a Labor Force Participation Survey since 1993. Additionally, responses from the CEDAW Committee are frequently cited, although there has not been a CEDAW Committee report since 2008; the next report will be in July 2016. Government data is seldom disaggregated by sex. Also, there are variations between data published by the government, data collected from large sample surveys (such as the Multiple Indicator Cluster Survey [MICS], the Integrated Household Living Conditions Survey, and those of the World Bank and the Asian Development Bank (ADB)).¹⁰⁰ This publication points out where data was nonexistent, not accessible, or could not be adequately authenticated. Additionally, it highlights lessons learned from other countries that Myanmar can draw upon.

Process of producing the publication

A steering committee cochaired by the Department of Social Welfare and the UN Gender Theme Group was established to prepare the publication in 2012. Members of the steering committee included a range of stakeholders drawn from line ministries (such as education and health), the Gender Equality Network, members of the UN Gender Theme Group, ADB, the World Bank, and the international consultant contracted by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) to write the publication.

A planning and priorities workshop was organized in Nay Pyi Taw in October 2012 to discuss the scope and methodology of the publication. The international consultant worked with a team of five national researchers to collect and analyze available data in 2012 till mid-2013. A writing team that included members of the UN Gender Theme Group and the consultant, and coordinated by UN Women, worked to complete the publication through 2013 till 2015. Drafts received feedback from the government, the UN Gender Theme Group, ADB, the World Bank, the UN Country Team, and civil society in 2014. A multi-stakeholder validation workshop was organized also in early 2015 by the Department of Social Welfare and the UN Gender Theme Group to validate the publication prior to its finalization.

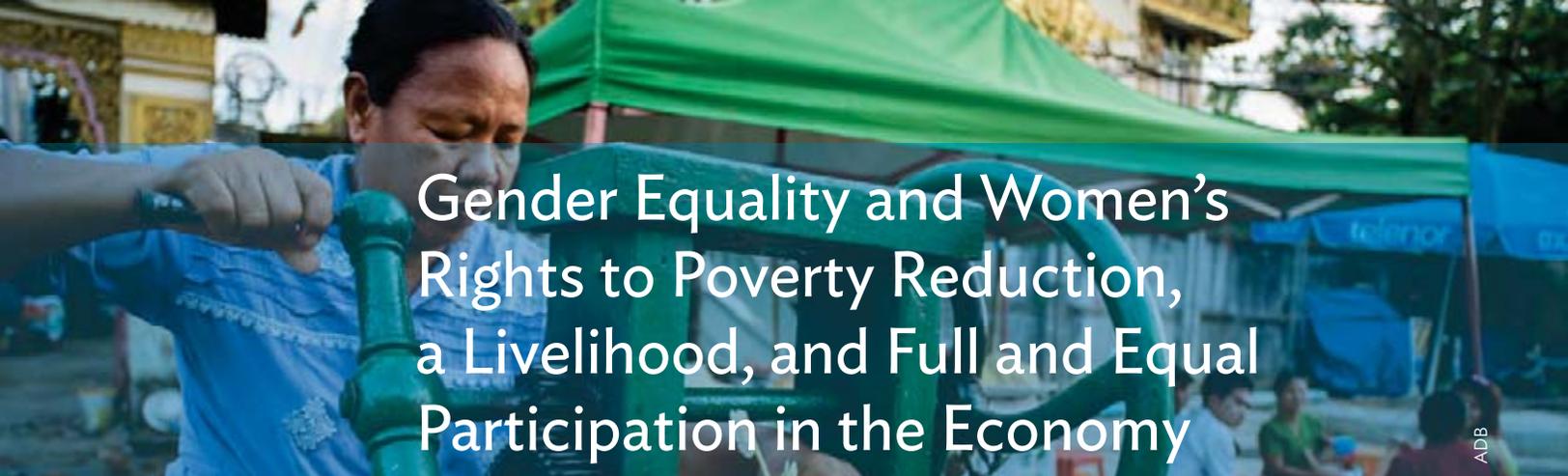
¹⁰⁰ For example, prior to the current census data release, estimates of the current population illustrate differences in data, with Central Statistical Organization data for 2008–2009 pegged at 58.38 million people while ADB and World Bank estimates for 2011 were pegged at 60.62 million and 43.84 million people, respectively.

Each chapter is grounded in the CEDAW, the Beijing Platform for Action, and the National Strategic Plan for the Advancement of Women frameworks and begins by highlighting the significance of women's (and girls') equal participation with men (and boys) in the relevant area. The chapters then profile the lived reality of women and how gender equality and women's rights commitments have been met in relation to the specific thematic area. Each chapter presents an analysis of the enablers and continuing obstacles to women's participation in the respective area, including policy issues. Where possible, data disaggregated by class, age, ethnic, and regional variations are highlighted. The chapters also cover what enables decision makers to deliver on a gender-responsive policy agenda in the particular area. In doing so, each chapter concludes with recommendations for action, drawing on good practices from Myanmar and other countries worldwide.



**GENDER EQUALITY AND
WOMEN'S RIGHTS TO POVERTY
REDUCTION, A LIVELIHOOD, AND
FULL AND EQUAL PARTICIPATION
IN THE ECONOMY**

2



Gender Equality and Women's Rights to Poverty Reduction, a Livelihood, and Full and Equal Participation in the Economy

AfDB

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment to ensure, on a basis of equality of men and women, the same rights, in particular: (a) the right to work as an inalienable right of all human beings; (b) the right to the same employment opportunities, including application of the same criteria for selection in matters of employment...; (c) the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training; (d) the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, and equality of treatment in the evaluation of the quality of work; (e) the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave; (f) the right to protection of health and to safety at work, including safeguarding the function of reproduction.

Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women

States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

Article 14 of the Convention on the Elimination of All Forms of Discrimination against Women

States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development.

Article 14 of the Convention on the Elimination of All Forms of Discrimination against Women

Article 349 guarantees that “citizens shall enjoy equal opportunity in carrying out the following functions: (a) public employment; (b) occupation; (c) trade; (d) business; (e) technical know-how and vocation; and (f) exploration of art, science and technology. Article 350 states that women shall be entitled to the same rights and salaries as that received by men in similar work.” Article 352 states that “the Union, in appointing or assigning duties to civil service personnel, shall upon specified qualifications being fulfilled not discriminate for or against any citizen based on race, birth, religion, and sex.” Despite prohibiting gender discrimination in appointments to government posts, Article 352 states that “nothing in this section shall prevent appointment of men to positions that are naturally suitable for men only.

2008 Constitution of Myanmar

...improve systems, structures and practices that improve women's livelihoods and reduce poverty, and that ensure fairness and equal rights for women in relation to employment, credit, resources, assets and economic benefits.” This is to be achieved through policy formation and implementation that includes data collection, research, advocacy, and capacity-building activities involving government and nongovernment stakeholders, and resource allocations.

National Strategic Plan for the Advancement of Women

2.1 Significance of Women's Full and Equal Right to Participate in the Economy

In Myanmar as in many other countries, women make enormous contributions to the economy—as farmers, business owners, entrepreneurs, managers, administrative staff, or wage workers, or through their unpaid work within households and communities. Women's enjoyment of their full and equal rights to livelihoods and participation in the economy with men is an expression of women's human rights, in line with Myanmar's commitments to gender equality and women's rights.

There is a growing body of evidence emphasizing that investing in gender equality and women's economic empowerment¹⁰¹ brings women's untapped skills and talent pool to the fore, enhances economic efficiency, and improves other development outcomes that are critical in an increasingly competitive and globalized world. Ensuring gender equality and

¹⁰¹ Women's economic empowerment is broadly defined as “increasing the ability of women to bring about change that drives valuable outcomes as a result of their increased economic capabilities and agency, i.e., their ability to function effectively in the economy; to participate in labor and product markets on equal terms, to shape the gender division of labor; to accumulate assets, to shape the relationship between markets and the state, and to influence the institutions and processes that determine growth and sustainable development. This requires the realization of women's rights to livelihoods operating in a violence-free and enabling environment, which is a prerequisite in ensuring women's enhanced capabilities and agency.” See UN Women. 2012. *Concept Note on Women's Economic Empowerment*. Yangon.

women's rights also has positive intergenerational impacts; over time, it results in more inclusive institutions and policy choices that optimize development outcomes.

Data from various contexts demonstrate this. For example, ensuring that women farmers have the same access as men to fertilizer and other agricultural inputs would increase maize yields by 11%–16% in Malawi and by 17% in Ghana.¹⁰² Improving women's property rights in Burkina Faso would increase total household agricultural production by about 6%, with no additional resources but only by *reallocating* resources (fertilizer and labor) from men to women.¹⁰³ The Food and Agriculture Organization of the United Nations (FAO) estimated that equal access to productive resources between female and male farmers could increase agricultural output in developing countries by 2.5%–4%.¹⁰⁴

Positive development impacts on children and economic growth in other countries are attributed to investments in gender equality and women's economic empowerment. Data from Bangladesh, Brazil, Côte d'Ivoire, Mexico, South Africa, and the United Kingdom demonstrate that increasing the share of household income controlled by women, either through their own earnings or cash transfers, changes expenditure patterns that benefit children.¹⁰⁵ For example, in Ghana, women's equal ownership and access to productive assets and land are positively associated with higher food expenditures.¹⁰⁶ In India, a woman's higher earned income increases her children's years of schooling.¹⁰⁷

When women are excluded from management positions, managers are less skilled on average, reducing the pace of innovation and technology adoption.¹⁰⁸

This chapter explores three issues of relevance to Myanmar as it embarks on a path of economic reform to create conditions for inclusive economic growth, poverty alleviation, agricultural and rural development, and investment in high value-added sectors, as follows:

1. How has Myanmar met its gender equality and women's rights commitments to ensuring women's full and equal rights to secure livelihoods and participation with men in the economy?
2. What are the obstacles to women's full economic participation?
3. What enables women and men in decision-making positions to ensure women's equal rights to secure livelihoods and their equal participation with men in economic processes?

¹⁰² R. Gilbert et al. 2002. Gender Analysis of a Nationwide Cropping System Trial Survey in Malawi. *African Studies Quarterly*, 6 (1). See also R. Vargas Hill and M. Vigneri. 2009. *Mainstreaming Gender Sensitivity in Cash Crop Markets' Supply Chains*. Washington, DC: International Food Policy Research Institute.

¹⁰³ C. Udry. 1996. Gender, Agricultural Production, and Theory of the Household. *Journal of Political Economy*, 104 (5). pp. 1010–1046.

¹⁰⁴ Food and Agriculture Organization of the United Nations (FAO). 2011. *The State of Food and Agriculture: Women and Agriculture, Changing the Gender Gap for Development*. Rome.

¹⁰⁵ World Bank. 2012. *Gender and Development: World Development Report*. Washington, DC.

¹⁰⁶ C.R. Doss. 2006. The Effects of IntraHousehold Property Ownership on Expenditure Patterns in Ghana. *Journal of African Economies*, 15 (1). pp. 149–180.

¹⁰⁷ N. Luke and M. Kaivan. 2011. Women as Agents of Change: Female Income and Mobility in India. *Journal of Development Economics*, 94 (1). pp. 1–17.

¹⁰⁸ Footnote 105.

2.2 Gender-Based Trends in Poverty, Secure Livelihoods, and Participation in the Economy

Poverty in Myanmar

Myanmar is experiencing a period of steady economic growth. Still, a sizable portion of the country's population remains living on income that is below the poverty line. Although reliable data prior to 2005 was not available, the Integrated Household Living Conditions (IHLC) Survey provides data for 2004–2005 and 2009–2010 (Table 2.1). The data show that poverty declined from 32.1% in 2005 to 25.6% in 2010.¹⁰⁹ However, a 2013 United Nations Development Programme (UNDP) report noted that the incidence of poverty had declined from 29.6% to 22.7% (a decline of 5.2 percentage points annually¹¹⁰) during the same period.

Despite such data variations, it can be concluded that one in every four or five people in Myanmar lives on income that is below the national poverty line.

Table 2.1: National Poverty Incidence, 2005 and 2010 (%)^a

	2005	2010	% Change
Urban	21.5	15.7	(27)
Rural	35.8	29.2	(18)
Total	32.1	25.6	(20)

() = negative.

^a National poverty incidence is defined as “the population proportion unable to acquire a bundle of basic food and nonfood items.”

Source: Integrated Household Living Conditions Survey reports, cited in UN Country Team. 2013. *Millennium Development Goals Report 2013*. Yangon.

The proportion of employed people living below the national poverty line, or “working poor,” is “the share of individuals who are employed but live in a household whose members are classified as poor.” In Myanmar, this proportion declined from 32.3% to 25.5% between 2005 and 2010 (Table 2.2). Overall, a larger proportion lived in rural areas, but the rate of decline was higher for females than for males.

¹⁰⁹ Ministry of National Planning and Economic Development (MNPED), Swedish International Development Cooperation (Sida), United Nations Children's Fund (UNICEF), and United Nations Development Programme (UNDP). 2011. *Integrated Household Living Conditions Survey in Myanmar (2009–2010): MDG Data Report*. Yangon.

¹¹⁰ UNDP. 2013. *A Regional Perspective on Poverty in Myanmar: Empowered Lives, Resilient Nations*. Yangon.

Table 2.2: Proportion of Employed People Living Below the National Poverty Line, 2004–2005 and 2009–2010 (%)

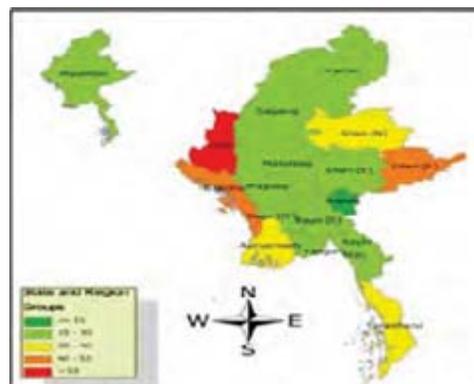
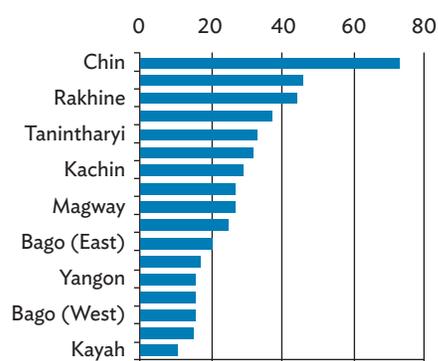
	2004–2005	2009–2010	% Change
Urban	21.0	15.2	(27.8)
Rural	35.8	28.6	(19.9)
Male	31.7	25.9	(18.2)
Female	33.2	24.8	(25.3)
Total	32.3	25.5	(21.2)

() = negative.

Source: Integrated Household Living Conditions Survey reports, cited in UN Country Team. 2013. *Millennium Development Goals Report 2013*. Yangon.

The IHLC Survey data revealed important locational trends.¹¹¹ First, the incidence of poverty declined faster in urban areas than in rural areas. However, rural poverty remained considerably greater, with rural poor accounting for 84% of the total impoverished population. Second, there were significant region and state differences in how poverty was experienced. As noted in the *Millennium Development Goals Report 2013*, more than half of Myanmar's impoverished population in 2010 resided in five regions and states.¹¹² More than a third of the poor population resided in two regions: Ayeyarwady (19%) and Mandalay (17%), while more than a quarter of the poor population resided in Rakhine State (13%) and Shan State (13%) (Figure 2.1).

Figure 2.1: Poverty Incidence, by Region and State, 2009–2010 (%)



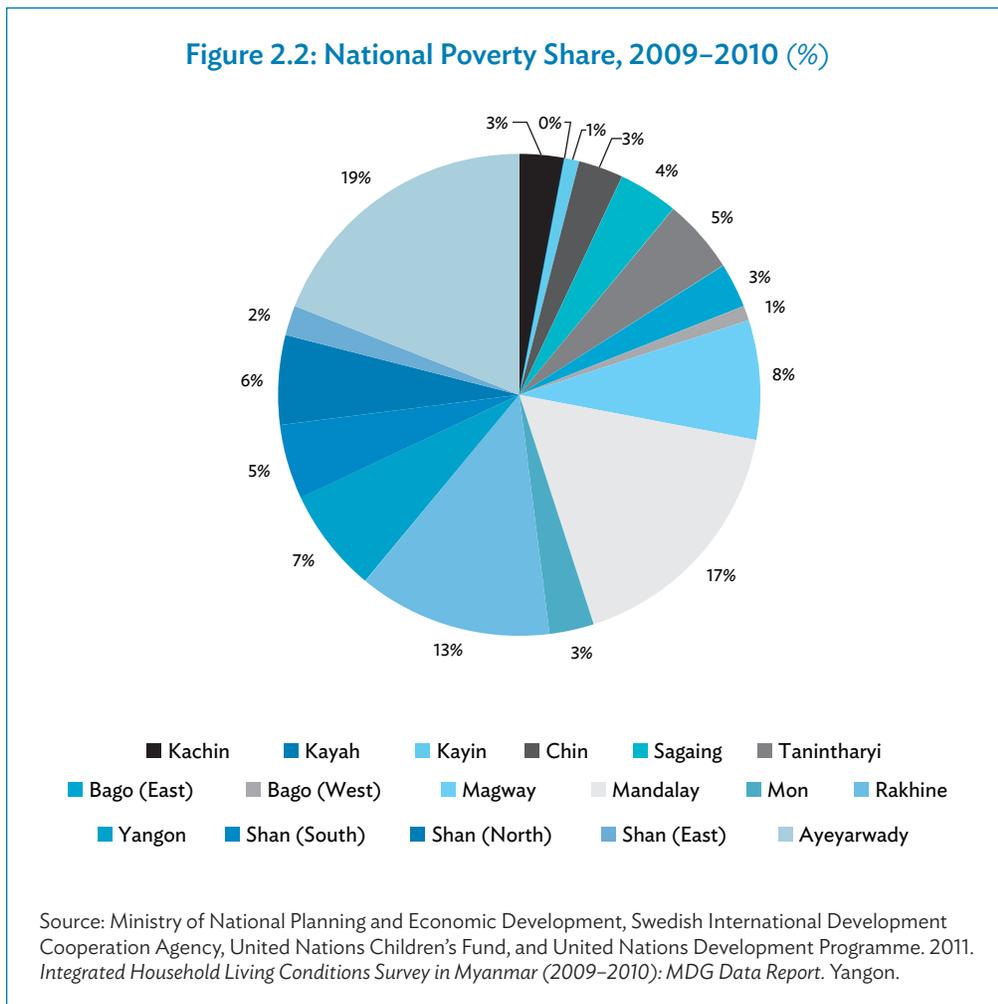
Source: Ministry of National Planning and Economic Development, Swedish International Development Cooperation Agency, United Nations Children's Fund, and United Nations Development Programme. 2011. *Integrated Household Living Conditions Survey in Myanmar (2009–2010): MDG Data Report*. Yangon.

Between 2005 and 2010, the overall incidence of poverty declined in all regions and states except four: Rakhine (increased from 38% to 44%), Kayah (increased from 12% to 17%), Ayeyarwady Delta (increased from 29% to 32%), and Yangon (marginally increased from 15% to 16%). Maximum reductions in the incidence of poverty were observed in Kayah, Bago (West), Sagaing, Shan (South), Bago (East), and Kachin (Figure 2.2).¹¹³

¹¹¹ The 2013 *Millennium Development Goals Report* and other reports discuss these trends.

¹¹² Footnote 43.

¹¹³ Footnote 43.



Third, the poverty gap ratio¹¹⁴ declined from 0.064 in 2005 to 0.041 in 2010.¹¹⁵ As with the poverty incidence, the gap was considerably larger in rural than urban areas, and the rate of decline was faster in urban than rural areas.

Table 2.3: Poverty Gap Ratio, 2004–2005 and 2009–2010

	2005	2010	% Change
Urban	0.042	0.023	(44)
Rural	0.071	0.047	(34)
Total	0.064	0.041	(35)

() = negative.

Source: Ministry of National Planning and Economic Development, Swedish International Development Cooperation Agency, United Nations Children’s Fund, and United Nations Development Programme. 2011. *Integrated Household Living Conditions Survey in Myanmar (2009–2010): MDG Data Report*. Yangon.

¹¹⁴ The poverty gap ratio reflects both the severity (depth) and incidence of poverty as “the average shortfall of the poor from the poverty line multiplied by the poverty incidence.”

¹¹⁵ Footnote 43.

The highest values of the poverty gap ratio were observed in Chin State (0.167) followed by Rakhine State (0.076), Tanintharyi Region (0.066), and Shan State (0.06). The poverty gap ratio declined in all regions and states except Kayin and Rakhine.

Fourth, the share of poorest quintile in national consumption¹¹⁶ rose slightly, from 11.1% in 2005 to 12% in 2010 (Table 2.4).

Table 2.4: Share of Poorest Quintile in National Consumption, 2004–2005 and 2009–2010

	2004–2005	2009–2010	% Change
Urban	10.0	11.1	10
Rural	11.8	12.6	7
Total	11.1	12.0	8

Source: Ministry of National Planning and Economic Development, Swedish International Development Cooperation Agency, United Nations Children's Fund, and United Nations Development Programme. 2011. *Integrated Household Living Conditions Survey in Myanmar (2009–2010): MDG Data Report*. Yangon.

An upward trend was found across all regions and states, and there was little variation in the level across regions and states.

Gender dimensions of poverty

The sex-disaggregated data on poverty are extremely limited. This section, thus, is limited to making general observations on poverty data in different contexts, which should be taken into account in future research on women and poverty in Myanmar.

First, to identify and address the poverty of women and girls and disadvantaged groups generally or the effects of poverty on women and girls, indicators need to be shown separately for females and males as well as by age and other relevant categories. Disaggregation by sex and other categories that identify poverty groups should be carried out at all levels of analysis, not just in overall totals. Poverty is currently measured in most contexts only at the household level because it is difficult to calculate individual measures of income or expenditure poverty. There is no clear definition of income poverty of individuals due to lack of data. Earnings may be disaggregated by the sex of the earner, who may not control that income. For example, men may control the money that women earn.¹¹⁷

In low-income countries, household expenditure data are often used to measure poverty because they are more accurate. But these data do not include the sex of the person making or benefiting from the expenditure because identifying who makes spending decisions and who benefits from expenditure is complex. Women typically decide on and are responsible for small daily expenditures, but men usually control large expenditures. Men tend to spend more on personal consumption, while women tend to spend more on

¹¹⁶ Poorest quintile in national consumption is an important indicator of "relative inequality" and remains constant as long as everyone's consumption increases or decreases at the same rate.

¹¹⁷ L. Corner. 2008. *Making the MDGs Work for All: Gender-Responsive Rights-Based Approaches to the MDGs*. New York: UNIFEM (now part of UN Women).

family needs and last on themselves. Thus, even if women control expenditures, they may still be the poorest members of the household.¹¹⁸

Outcome indicators of poverty, such as lack of education, illiteracy, poor nutrition, and poor health, suggest that more women than men are poor in numerous countries. Unfortunately, there are no direct measures of poverty to show this.¹¹⁹ In Myanmar, Tiwari, Rahman, and Tun's 2011 analysis of the 2009–2010 IHLC Survey data revealed gender differentials across some such indicators. For instance, while immunization coverage for girls (younger than 1 year) was greater than for boys, the proportion of malnourished girls younger than 5 years was slightly larger (Table 2.5).

Table 2.5: Gender Disparity, by Socioeconomic Characteristics, 2010

Characteristics/Indicators (2010, unless specified)	Percent of	
	Male	Female
Proportion of population in agriculture, hunting, and forestry	52.3	47.4
Proportion of population as casual laborer	19.0	16.6
Proportion of population as employer	6.4	4.1
Proportion of agriculture households with access to credit	33.2	32.0
Proportion of nonagriculture households with access to credit	11.0	11.4
Labor force participation rate: previous 6 months (among persons 15 years and older) (2014 census data)	81.7	47.1
Underemployment rate: previous 7 days (among persons 15 years and older)	1.5	1.9
Proportion of population with self-reported morbidity incidence	34.9	41.0
Proportion of malnourished children younger than 5 years (weight or age)	4.9	5.9
Proportion of 1-year-old children immunized against measles	31.7	32.3
Proportion of 1-year-old children immunized against tuberculosis	81.5	83.0
Proportion of 1-year-old children immunized with three doses of DPT vaccine (%)	86.8	87.5
Adult literacy rate	72.9	76.5
Net enrollment rate in primary school	95.6	89.3
Net enrollment rate in secondary school	87.8	87.6

Note: DPT refers to a combination vaccine against three infectious diseases in humans: diphtheria, pertussis (whooping cough), and tetanus.

Source: Unless specified: Integrated Household Living Conditions Survey 2009–2010. Cited in B.N. Tiwari, S. Rahman, and K. Tun. 2011. Poverty, Food Insecurity and Vulnerability: Issues and Strategies (Myanmar). Background Paper for Development Policy Options. Yangon. For census data, see Department of Population. 2015. Myanmar Census 2014. Nay Pyi Taw: Ministry of Immigration and Population.

¹¹⁸ Footnote 117.

¹¹⁹ Footnote 117.

Further analysis of the gender dimensions of the IHLC Survey data also found that in terms of education, female-headed households with no adult males had an enrollment ratio that was 10% lower than households with adult males. Within those households, the enrollment ratio for males was somewhat larger than for females.¹²⁰

It is possible to disaggregate poverty headcount ratios and poverty gap ratios by sex and other categories and supplement them with qualitative data, although the extent of disaggregation is limited by the size of the survey. It is also important to recognize the limitations of these ratios. The poverty headcount ratio does not capture the degree of poverty or distribution of poverty among the poor. Although the poverty gap ratio measures the depth or intensity of poverty, it is still insensitive to the distribution of income among the poor.¹²¹

Poverty can be measured through time-use or time-allocation surveys. Time is the one direct measure of individual poverty within a household that allows comparisons between females and males, typically showing differences between the amount and type of work done by women and men. Men are more likely to be in paid work while women are more likely to spend most of their time on unpaid domestic and care work. Men also tend to have more rest and leisure time than women. Time poverty contributes to women's lack of capability on various fronts, depriving them of a lack of access to education, training, information, health care and other social services, employment, and other income-earning opportunities.

Female-headed households and poverty

The relationship between household headship and poverty is also complex. The gender dimensions on household headship in a 2013 study reflected that 80% of Myanmar households were headed by a male and 20% by a female; in 72% of them, the head was widowed. A total of 13% of female-headed households had adult males in them, and these households were similar to male-headed households in terms of household size, composition, resources, and well-being. However, the 7% of female-headed houses with no adult males were different, with fewer resources and diverse income sources.¹²² The IHLC Survey data also pointed to regional differences, arguably due to high levels of male out-migration from some areas or higher levels of civil unrest that forced men away from their home.¹²³

Data on household headship can be useful in identifying poor women. But in most settings the feminization of poverty cannot be measured in terms of the proportion of female-headed households in the population. Defining female headship is difficult and varies by country. In many countries, it is a self-declared category and may or may not mean that there is an adult male resident in the household. In some countries, it would be inconceivable to identify a woman as a household head if any adult male also lived there or if a male migrant belonged to that household.¹²⁴

¹²⁰ J. Desai. 2013. *The Gender Dimensions of Living Conditions in Myanmar*. Yangon. This report is a gender analysis of two Integrated Household Living Conditions Surveys, in 2004–2005 and 2009–2010.

¹²¹ Footnote 117.

¹²² Footnote 117.

¹²³ IHLC Survey data for 2004–2005 and 2009–2010.

¹²⁴ Footnote 117.

In many countries, female-headed households are not on average poorer than male-headed households. But the average may conceal a polarized distribution. At the higher end of the income distribution are households that are female-headed by choice, in which the woman tends to be well educated and in good employment, often single, and with few or no dependents; or they are households headed by economically privileged females, in which headship resulted from divorce, separation, or widowhood. At the lower end of the scale, female headship may result from desertion, divorce, or separation, and the woman head of household may be less educated, have an insecure livelihood, and have many children and other dependents. If any particular analysis focuses only on the average across all female-headed households, these poor households may be overlooked.¹²⁵

Although often done, comparing average female-headed and male-headed households is not meaningful because they may differ in structure. What is useful is to disaggregate household data by income level and household headship, enabling the poorest female- and male-headed households to be identified and then their situations analyzed. This analysis will show that some female-headed households, particularly those without adult males and older women living alone, are among the poorest and require special attention. Many women in male-headed households are also poor because they are powerless and suffer serious deprivation in all areas of capability. In fact, some of the poorest women may live in male-headed households and even in male-headed nonpoor households, particularly if they are elderly, disabled, or victims of gender-based violence. The real issue, therefore, is not just whether female- or male-headed households are poorer but which households suffer from hunger and poverty. Data collection framed this way can then look at what can be learned about their characteristics and the gender relations at the household level across economic strata in different communities within a country in order to formulate gender-sensitive, poverty-related policies and programs.¹²⁶

Gender equality and women's rights in labor markets and employment in Myanmar

This section focuses on assessing the relationship of women to labor markets and comparing employment outcomes for men and women and the gender issues in the world of work, to the best degree possible given the available labor market indicators.¹²⁷

Labor force participation rate

Gender differences in access to economic opportunities are frequently established in relation to differences in labor market participation. As with other areas of analysis, there is limited data that can capture labor force dynamics in Myanmar. The last Labor Force Survey was conducted in the early 1990s, and any data available after that are essentially projections from that survey's findings. Although recent sample surveys, such as the

¹²⁵ Footnote 117.

¹²⁶ Footnote 117.

¹²⁷ The International Labour Organization (ILO) developed an exhaustive list of indicators of the labor market. The ILO Key Indicators of the Labor Market (KILM) database is a comprehensive collection of labor market information that "can serve as a tool in monitoring and assessing many of the pertinent issues related to the functioning of labor markets." One such issue is equity in the labor market. The producers of the KILM acknowledge in the "Guide to understanding the KILM" that women face specific challenges in attaining decent work. The analysis in this section uses available KILM indicators. See ILO. 2013. *Key Indicators of the Labor Market* (KILM). 8th edition. www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm (accessed 2 February 2014).

IHLC Survey, provide a snapshot of the working lives of people in Myanmar, the absence of comprehensive labor force survey data makes it extremely difficult to assess where women are employed in the economy and at what levels.

According to the latest IHLC Survey findings,¹²⁸ the labor force participation rate in 2010¹²⁹ in all sectors was 67%, which was around two-thirds of the population aged 15 or older.¹³⁰ There was a difference between urban and rural participation rates, at 60% and 70%, respectively (Table 2.6).

There was also a substantial gap between the female and male labor force participation rates, at 54% and 82%, respectively (Table 2.6).¹³¹ The overall labor force participation rate for women increased over the 5 years for which data were available. The increase in the female rate (a 6.7% increase) was double the increase for men (a 3% increase) between 2005 and 2010.

Table 2.6: Labor Force Participation Rate (%) for the 6 Months Prior to the IHLC Survey, 2005 and 2010 (among persons 15 years and older)

	Strata		Sex		Total (%)
	Urban (%)	Rural (%)	Male (%)	Female (%)	
2005	56.1	67.5	79.7	50.5 ^a	64.3
2010	59.9	69.9	82.1	53.9	67.1

^a The Ministry of Labour, Employment and Social Security estimated the 2005 labor force participation rate for women at 49.1%, which was slightly lower than what the Integrated Household Living Conditions (IHLC) Survey findings estimated.

Source: Ministry of National Planning and Economic Development, Swedish International Development Cooperation Agency, United Nations Children's Fund, and United Nations Development Programme. 2011. *Integrated Household Living Conditions Survey in Myanmar (2009–2010): MDG Data Report*. Yangon.

Given the large differences between the male and female labor force participation rates (Table 2.6), underemployment was also more prevalent among females (at 41%) than among males (at 35%). Considering the gender parity in enrollment at the primary and secondary school levels and the larger proportion of women in higher education, the differences in the male–female labor participation rates and women's underemployment are concerns. While this gap between women's education and employment begs more rigorous exploration, it certainly points to the inadequate realization of women's rights and lack of optimization of women's potential for sustainable human development.

¹²⁸ Footnote 109.

¹²⁹ Labor force participation is defined as those who are working or available for work, for a given age group. It excludes the following population groups: those unable to work for health reasons, those doing unpaid domestic work full time, full-time students, full-time religious personnel, those who are physically or developmentally delayed and unable to work, those living on a pension or retired, and others who are not seeking employment.

¹³⁰ The labor force participation rate for persons aged 15 years and older is 63.4% (81.7% for men and 47.1% for women); for persons aged 15–64 years, it is 67% (85.2% for men and 50.5% for women). Total labor force participation rates are lowest in Rakhine State, at 58.8% (83.2% for males and 38.1% for women, the lowest for women among all states and regions). See Department of Population. 2015. *Myanmar Census 2014*. Nay Pyi Taw: Ministry of Immigration and Population. p. 29.

¹³¹ Women's labor force participation is roughly the same as for other countries in the region, with 50.2% in the Lao People's Democratic Republic, 43.5% in Cambodia, and 40.4% in Viet Nam. See United Nations Country Team. 2011. *Achieving the Millennium Development Goals in Myanmar Thematic Analysis*. Yangon. p. 23.

Employment-to-population ratio

The employment-to-population ratio, measured as the ratio of employed persons to the working-age population,¹³² increased from 54.3% to 57.1% between 2005 and 2010 (Table 2.7). The ratio was much larger in rural than in urban areas, while the percentage increase over time was greater in urban than rural areas. The ratio was much lower for women, but the rate of increase was twice as high for them than for men.¹³³

Table 2.7: Employment-to-Population Ratio, 2004–2005 and 2009–2010 (%)

	2004–2005	2009–2010	% Change
Urban	46.3	49.7	7.2
Rural	57.3	59.8	4.4
Male	66.6	69.0	3.6
Female	43.1	46.3	7.3
Total	54.3	57.1	5.1

Source: Ministry of National Planning and Economic Development, Swedish International Development Cooperation Agency, United Nations Children's Fund, and United Nations Development Programme. 2011. *Integrated Household Living Conditions Survey in Myanmar (2009–2010): MDG Data Report*. Yangon.

The lowest values of this indicator were found in Rakhine State (46.2%), Yangon (47.9%), Kachin State (49.1%), and Tanintharyi Region (51.1%).¹³⁴

As noted earlier, the proportion of employed people living on income below the national poverty line, or the “working poor,” declined from 32.3% to 25.5% between 2005 and 2010. Although a larger proportion was detected in rural areas, the rate of decline was greater for females than for males.

As with the poverty incidence, Chin State had the largest estimated proportion of working poor, followed by Rakhine and Shan states and Tanintharyi and Ayeyarwady regions.¹³⁵

Gender equality and women's right to decent work

Although the labor force participation rate and the employment-to-population ratio are important indicators, they provide only a partial picture of women's and men's experiences in the labor market. In addition, it is important to look at gender differences in the quality and conditions of work. Despite gradual progress in female labor force participation, pervasive and persistent gender differences remain in productivity and earnings across sectors and jobs. Women all over the world appear to be concentrated in low-productivity

¹³² The employment-to-population ratio is defined as the proportion of a country's working-age population who are employed (the youth employment-to-population ratio is the proportion of the youth population—typically defined as persons aged 15–24 years—who are employed). See ILO. 2013. *Key Indicators of the Labor Market (KILM)*. 8th edition.

¹³³ The employment-to-population ratio, which is calculated as the total labor force currently employed to the total working-age population for persons aged 15–64 years, is 64.4% (81.9% for males and 48.4% for females). The employment-to-population ratio is the lowest for Rakhine State, at 52.6% (75.6% for males and 33.2% for females, which is the lowest for women among all states and regions). See Department of Population. 2015. *Myanmar Census 2014*. Nay Pyi Taw: Ministry of Immigration and Population. p. 29.

¹³⁴ Footnote 43.

¹³⁵ Footnote 43.

jobs, working or running small farms; overrepresented among unpaid family workers and in the informal sector; and rarely rising to positions of power in the labor market.

Table 2.8 presents data on the main types of employment for the economically active population. Job quality for workers in Myanmar remains poor, as reflected in the large share of own-account and contributing family workers, or those in “vulnerable employment.” According to the 2009–2010 IHLC Survey findings, 46.4% of urban employment and 57.6% of rural employment were in these categories, which represented a slight increase from 2004–2005. Women (58.3%) were more likely than men (52.4%) to be in these types of jobs, particularly as contributing (unpaid) family workers. The highest values of this indicator were found in Shan State (74.2%), Chin State (71.5%), and Kayin State (64.9%).¹³⁶

Table 2.8: Employment Type of Economically Active Population, 2010 (%)

Occupation Category	Strata (2006)		Strata (2010)		Sex (2010)	
	Urban	Rural	Urban	Rural	Male	Female
Employer	8.9	9.1	6.4	5.1	6.4	4.1
Own-account worker	32.3	37.8	37.0	41.5	40.9	39.8
Employee	34.9	11.9	36.2	12.9	18.7	18.3
Member of a producer's cooperative	0.2	0.2	0.1	0.0	0.0	0.0
Contributing family worker	11.5	18.7	9.4	16.1	11.5	18.5
Casual laborer	7.7	18.6	7.7	21.2	19.0	16.6
Workers not classifiable	4.4	3.7	3.2	3.2	3.5	2.7
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: See Poverty Profile. Poverty Profile, Table 28. Ministry of National Planning and Economic Development, Swedish International Development Cooperation Agency, United Nations Children's Fund, and United Nations Development Programme. 2011. *Integrated Household Living Conditions Survey in Myanmar (2009–2010): MDG Data Report*. Yangon.

Employment by sector

Table 2.9 provides sex-disaggregated data on employment by sector for 2010. The agriculture sector is the largest employer of women workers, accounting for half of all women's employment, followed by services and then manufacturing. Outside of agriculture, women are employed in the wholesale and retail trade, repair of motor vehicles, and personal and household goods (14%); real estate, renting, and business activities (11%); in private household as employers and undifferentiated production activities (9%); and manufacturing (7%).

In the absence of credible data sets over time, it is difficult to determine the broader trends around women's participation in different sectors. However, the 2013 Millennium Development Report (MDG) report mentioned that women's share in paid employment outside the agriculture sector went up from 41.3% to 44.7%.¹³⁷ The survey findings also indicated that in 2010 the share of women in the nonagriculture sector was larger for the

¹³⁶ Footnote 43.

¹³⁷ Footnote 109.

nonpoor (46.7%) than for the poor (40.3%), and marginally lower in urban areas (44.0%) than in rural areas (44.9%). The lowest state-level value of this indicator, by a wide margin, was found in Chin State, at 21.7%. A more detailed sectoral analysis is presented further on.

Table 2.9: Industrial Classification of Economically Active Population, 2010 (%)

Industries	Male	Female
Agriculture, hunting, and forestry	52.3	47.4
Fishing	3.2	0.7
Mining and quarrying	2.2	0.7
Manufacturing	5.0	7.2
Electricity, gas, and water supply	0.7	0.2
Construction	6.1	1.1
Wholesale and retail trade, repair of motor vehicles, personal and household goods	8.0	13.9
Hotels and restaurants	1.3	1.4
Transport, storage, and communications	6.1	0.7
Financial intermediations	0.1	0.3
Real estate, renting, and business activities	4.4	10.8
Public administration and defense, compulsory social security	1.5	1.1
Education	1.0	4.9
Health care and social work	0.6	0.8
Activities of private household as employers and undifferentiated production activities	7.3	8.7
Extraterritorial organizations and bodies	0.1	0.1
Total	100.0	100.0

Note: "Services" comprises wholesale and retail trade, repair of motor vehicles, personal and household goods; hotels and restaurants; financial intermediations; real estate, renting, and business activities; education; health care and social work; activities of private household as employers and undifferentiated production activities; and financial intermediations.

Source: See Poverty Profile. Poverty Profile, Table 28. Ministry of National Planning and Economic Development, Swedish International Development Cooperation Agency, United Nations Children's Fund, and United Nations Development Programme. 2011. *Integrated Household Living Conditions Survey in Myanmar (2009–2010): MDG Data Report*. Yangon.

Employment by occupation

Sex-disaggregated data on employment by occupation is unavailable, except for some data for the public services, representing an area in which more work needs to be pursued.

Female representation in government departments and public administration has been slowly but steadily growing since 2004–2005, both as a proportion of all staff and in mid-management positions. Of the total staff of 31 government ministries, on average, 52.4% were women during 2009–2010. This was an increase from 51.6% during 2009–2010 and 51.4% during 2008–2009. At the management level (deputy director or equal and above)¹³⁸ in 31 ministries, 37% were women during 2009–2010, up from 36.0% during 2008–2009 and 32.5% during 2007–2008.¹³⁹

¹³⁸ This study considers deputy director level and its equivalent to be mid-management positions.

¹³⁹ Central Statistical Organization. 2012.

By sector, the largest proportion of women employees was found in the Ministry of Science and Technology, constituting 74% of total employees, and 65% at the management level (deputy director or equal and above). This perhaps reflects the larger proportion of women graduates in science and technology compared with men.¹⁴⁰

Employment in the informal economy

As discussed previously (Table 2.9), a large proportion of working women in Myanmar are concentrated in the informal sector as “own-account” workers. Rural women are more likely to work on their own than urban women.¹⁴¹ Income may be generated through the sale of goods produced directly related to agricultural products (prepared meals, snacks, woven items from agricultural by-products, etc.) or on services required by other community members (tailoring, petty retail trading, mechanical repairs, etc.).

Many of these economic activities also engage workers to supplement available family labor. A large proportion of women who are self-employed or contribute to family-owned enterprises are often in situations of “vulnerable employment,” characterized by inadequate earnings, lack of social protection, low productivity, and difficult work conditions.



Karin Grimm/UN Women

Unemployment

As shown in Table 2.10, in the past several years for which data were available, the rate of unemployment was slightly higher for women than for men.¹⁴² There were also considerable variations in reported unemployment rates between regions and states and age cohorts (Table 2.11). For example, the latest unemployment rate for women was much higher in

¹⁴⁰ Footnote 139.

¹⁴¹ UN Thematic Group on Gender. 2000. *Myanmar Gender Profile*. Yangon. pp. 46, 52.

¹⁴² The unemployment rate (persons aged 15–64 years) is 4.0% (3.9% for males and 4.1% for women); by region/state, it is lowest in Rakhine State, at 10.4% (9.1% for males and 12.8% for females, which is the highest for women among states and regions). Department of Population. 2015. *Myanmar Census 2014*. Nay Pyi Taw: Ministry of Immigration and Population. p. 29.



UNFPA

Local vendors selling fresh agricultural commodities, Ayeyarwady Region.

Rakhine State, at 12.8%,¹⁴³ than the estimated 6.7% in 2010 in the IHLC Survey Poverty Profile data. This can be attributed to the severe restrictions on mobility of women of certain ethnic groups residing in those areas. The rate was also high in Yangon, at 4.4%, compared with other regions and states.

The higher unemployment rate for women than men also means that more women seek jobs than men.¹⁴⁴ According to the Department of Labor, the number of job seekers through Labor Registration Offices throughout the country was larger for women from 1999–2000 through 2008–2009. This was particularly the case for applications for government positions. For example, of the total 2,400 applicants (for 50 positions in the Ministry of Foreign Affairs) in 2012, 2,000 were women.¹⁴⁵ No information was available on the number of women eventually hired.

Table 2.10: Unemployment Rate in Myanmar (%)

Year	Male	Female	Total
2008	3.7	4.6	4.0
2009	3.7	4.6	4.0
2010	3.7	4.6	4.0
2011	3.7	4.6	4.0
2012	3.7	4.6	4.0
2013	3.7	4.6	4.0

Source: Central Statistical Organization. 2010. *Statistical Profile of Children and Women in Myanmar*. Nay Pyi Taw: Department of Labor. p. 25.

¹⁴³ Department of Population. 2015. *Myanmar Census 2014*. Nay Pyi Taw: Ministry of Immigration and Population.

¹⁴⁴ Central Statistical Organization. 2010. *Statistical Profile of Children and Women in Myanmar*. Nay Pyi Taw: Department of Labor.

¹⁴⁵ Footnote 14, p. 36.

Table 2.11: Unemployment Rate, 15 Years and Older, 2010 (%)

State, Region, and Union	2010				Total
	Strata		Sex		
	Urban	Rural	Male	Female	
Kachin	3.2	2.0	2.5	2.0	2.3
Kayah	0.7	0.4	0.6	0.4	0.5
Kayin	1.9	1.0	1.5	0.6	1.1
Chin	2.3	0.6	0.7	1.4	1.0
Sagaing	1.7	0.4	0.4	0.7	0.6
Tanintharyi	2.7	2.4	1.7	3.5	2.4
Bago	1.5	0.8	0.8	1.1	0.9
Bago East	1.8	1.5	1.3	1.8	1.5
Bago West	1.0	0.1	0.1	0.2	0.2
Magwe	3.1	0.3	0.5	0.7	0.6
Mandalay	2.1	0.6	0.8	1.2	1.0
Mon	2.4	1.6	1.0	2.8	1.7
Rakhine	7.2	6.5	5.1	9.5	6.7
Yangon	5.3	2.1	4.5	4.4	4.4
Shan	2.7	0.5	1.0	1.0	1.0
Shan South	3.5	0.6	1.1	1.7	1.4
Shan North	2.0	0.4	0.8	0.4	0.6
Shan East	1.5	0.6	0.8	0.9	0.8
Ayeyarwady	1.5	0.4	0.5	0.8	0.6
Union 2010	3.5	1.1	1.5	1.9	1.7
2010 aged 15–24	9.8	2.4	3.3	4.1	3.6
2010 aged 25–59	2.3	0.6	1.0	1.1	1.0

Note: For current figures, see the Appendix, Table A.2.

Source: See Poverty Profile, Table 28. Ministry of National Planning and Economic Development, Swedish International Development Cooperation Agency, United Nations Children's Fund, and United Nations Development Programme. 2011. *Integrated Household Living Conditions Survey in Myanmar (2009–2010): MDG Data Report*. Yangon. p. 54.

This points to the need for policies and programs that create more (in terms of quantity) and more decent (in terms of quality) employment for women. Such policies must be based on an understanding of the barriers that prevent women's employment.

Wage differentials

On average, although the ratio of women to men for hourly wages in industry declined over time (Table 2.12), it remained as large as 90%. Gender segregation by industry and occupation and differences in human capital or productivity are arguably some of the factors that lead to wage differentials.

Table 2.12: Ratio of Women to Men for Hourly Wage of Regular Employees in Industry, 2000–2008

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Mining and quarrying	117.6	96.8	103.2	103.1	98.3	97.8	96.0	106.3	107.8
Manufacturing	153.9	91.9	93.9	88.9	90.9	88.9	96.4	87.6	87.8
Construction	113.1	118.4	119.2	119.3	107.6	103.8	95.5	92.3	94.7
Transport, storage, and communication	136.5	89.5	88.3	99.2	104.6	99.6	99.0	95.0	88.5

Source: Based on the calculation of the data available in ILO Labor Statistics Database (Labor-Related Establishment Survey). See <http://laborsta.ilo.org/>

Gender analysis of women's work in agriculture, industry and/or manufacturing, and services

Agriculture and rural livelihoods

Agriculture is the mainstay of Myanmar's economy, largely consisting of farming, livestock production, forestry, and fisheries. The rural population is also engaged in nonagricultural activities. Women have a critical role in each of these sectors.¹⁴⁶ A large proportion of households (approximately 25.7 million people) in the country depend on agricultural production for their livelihood.¹⁴⁷ Aggregate data reflect that women constituted a significant portion of the agricultural population, at 51% in 2010 (latest data).¹⁴⁸ Of the total 5.4 million households with agricultural holdings in 2010, 816,000 or 15.1% were headed by females, and 4 million or 84.9% were headed by males.¹⁴⁹

Of the total agricultural workforce in 2010, 92% worked on their own agricultural holdings and about 20% worked on land owned by others.¹⁵⁰ The average landholding was 4.4 acres.¹⁵¹ A total of 61% of the poor households across the country engaged in agriculture in 2010; of them, 67% lived in chronic poverty.¹⁵² Of those households classified as poor, 33% were landless.¹⁵³ There were also significant regional variations in landlessness. In the Hilly Zone, only a quarter of households (26%) had no access to land, while in the Delta

¹⁴⁶ In 2012, among the country's top 10 commodities in terms of production quantity, rice—the staple food of the country—was the number one crop, at 28 million tons. Rice is also the top export commodity among agricultural products. The second- and third-largest productions are sugarcane and vegetables, at 10 million tons and 4 million tons, respectively. Other commodities include beans, fruits, maize, groundnuts, fresh cow's milk, onions, and chicken meat. According to the Ministry of National Planning and Economic Development's monthly economic indicators, maize and pulses, such as matpe, pedesein, pesingon, and gram, as well as sesame seeds, onions, and tamarind are among the top 10 export agricultural products. Food exports accounted for about 22% of the 2012–2013 commodity trade. http://faostat.fao.org/CountryProfiles/Country_Profile/Direct.aspx?lang=en&area=28 and Table 7, Export of Principal Commodities of Foreign Trade, Selected Monthly Economic Indicators. www.mnped.gov.mm/index.php?option=com_content&view=article&id=95&Itemid=112&lang=en

¹⁴⁷ Ministry of Agriculture and Irrigation. 2010. *Myanmar Census of Agriculture of 2010 Supplementary Module SLRD*. Nay Pyi Taw.

¹⁴⁸ Footnote 147.

¹⁴⁹ Footnote 147.

¹⁵⁰ Footnote 147.

¹⁵¹ Footnote 147. Household farm labor comprises the labor of agricultural heads and their household members—male and female, aged 10 years and older. They participate in agricultural production and related activities. Both male- and female-headed households rely on household farm labor.

¹⁵² UNDP. 2011. *Integrated Household Living Conditions (IHLCA) Survey in Myanmar: Poverty Dynamics Report*. Yangon.

¹⁵³ Footnote 152.

and/or Coastal Zone, it was as much as 72%. The sample from cyclone Giri-affected areas also represented a large proportion of landless households (at 68%).¹⁵⁴ Landless households tend to rely on casual labor and off-farm employment or other income-generating activities for survival, when such work is available.¹⁵⁵

Access to and ownership over land

Land is the most critical productive asset in farming; lack of access, control, and ownership are major constraints for female farmers. The total household members who had worked at any time in the year prior to the agricultural census enumeration in 2010 numbered around 18.1 million. Women constituted 50.0% and men 50.1% of the total. Further, 86.5% of the 18.1 million workers came from male-headed households, while the rest were from female-headed households.¹⁵⁶ The proportion of the population working on their own agricultural holdings was about the same for male- and female-headed households, at 92.8% (nearly 1.5 million individuals) and 92.8% (nearly 2.3 million individuals), respectively.¹⁵⁷ Both male- and female-headed households had the same proportion of household members, at 19.3% (or 3 million individuals) and 19.3% (nearly 3.5 million individuals), respectively, working on agricultural holdings owned by others.¹⁵⁸

Table 2.13 demonstrates that nationally, nine out of 10 agricultural households had access to agricultural land in 2010, of which 90% were male-headed and 10% were female-headed agricultural households. Of the male-headed households, 98% had access to agricultural land, while only 61% of the female-headed households had access to land.

Table 2.13: Number and Percentage of Households with Crop Holdings, by Household Type, 2010

Household Type	Total Number	Number with Crop Holdings	%
Male headed	4,604,072	4,489,986	97.5
Female headed	815,685	496,701	60.9
All households	5,419,757	4,986,687	92.0

Source: Ministry of Agriculture. 2010. *Myanmar Census of Agriculture of 2010 Supplementary Module SLRD*. Nay Pyi Taw.

In addition, there was inequality between male- and female-headed households in the size of landholdings. The average area per parcel for male-headed households was 6.5 acres per holding, compared with 5.3 acres per holding for female-headed households. The average number of parcels in the agricultural holdings of female-headed households was only 3.7 parcels, compared with 4.2 for male-headed households. The gap in proportions increased between male- and female-headed households as holding size increased.

¹⁵⁴ Livelihoods and Food Security Trust Fund. 2012. *Baseline Survey Results*. Yangon.

¹⁵⁵ Footnote 154.

¹⁵⁶ Footnote 147.

¹⁵⁷ Footnote 147.

¹⁵⁸ Footnote 147.



UNFPA

Women's right to access and owning land tends to be highly insecure.¹⁵⁹ There are also several legal concerns. While women retain equal rights under the 2008 Constitution to enter into land-tenure contracts and to administer property, there is no guidance on how women can, in practical cases, defend their rights upon divorce or death of their husband. In addition, religious customary laws that govern matters of succession, inheritance, and marriage often do not afford women equal access to, or control over, land. Many of these customs provide men greater economic and decision-making power in domestic affairs, thereby allowing husbands or sons to inherit property. The newest land legislation—the Farmland, the Vacant, Fallow and Virgin Lands Management Act, 2013—requires that land be registered in the name of the head of household rather than explicitly recognizing equal rights of women to inherit land or be granted use rights for vacant, fallow, and virgin land. A mechanism for joint ownership of property between husbands and wives is not available in the current legislative framework.

Division of labor in farming

There is a gender-based division of labor in crop cultivation, although it may differ according to cropping patterns by state or region. Women perform most tasks related to crop cultivation. This normally tends to include planting, caring, weeding, transplanting, harvesting, threshing, postharvest operations, and marketing. Though some of these activities are also performed by men, women tend to do more of them. In addition, women bear the major responsibility for and spend long hours in domestic and care work, such as gathering firewood and fuel, fetching drinking water, preparing meals, and caring for children and other household members. Traditionally, men undertake plowing, land preparation, seedbed preparation, making bunds, and fencing.

¹⁵⁹ United States Agency for International Development (USAID). Undated. USAID Country Profile: Property Rights and Resource Governance—Burma. http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Burma_Profile.pdf

In 1995, Daw S. Mar Jee analyzed the gender division of labor in upland farming communities, where men were responsible for felling trees to clear forestland for cultivation, while it was women who tilled the soil with hand spades once the land was cleared. Activities such as planting and weeding, which are more time consuming, were also done by women. The Livelihoods and Food Security Trust Fund (LIFT) baseline survey identified that in areas affected by cyclone Giri (in October 2010) and the Delta and/or Coastal zone, much less casual agricultural work was undertaken by women, compared with the Hilly and Dry zones. In general, women were also more involved than men in weeding and other activities during the growing season but less in soil preparation and plowing.¹⁶⁰

Women in Myanmar have a high burden of work, which includes both productive and reproductive work. Although there are regional variations, most of the rural population is engaged to some extent in subsistence agriculture, where production for own-consumption goes largely unmeasured. Women who take part in gardening, animal husbandry, cropping, and processing also manage domestic work simultaneously.¹⁶¹ Men, on the other hand, contribute much fewer hours to reproductive work. Although no time-use survey has been conducted at the regional or national level in Myanmar, findings from a small sample survey conducted by the United Nations Development Programme (UNDP) in 2012 in villages around Inle Lake clearly demonstrated that women spend much more time than men on reproductive or domestic tasks—generally four or five times more per day (Table 2.14).

Table 2.14: Amount of Unpaid Family Labor Carried Out by Women and Girls, Compared with Boys and Men (hours per day)

Type of Work	Village							
	Inn Thar		Pa-O		Danu		Taung-yoe	
	M	F	M	F	M	F	M	F
Productive work	8.1	6.4	10.8	8.3	7.3	7.0	10.2	8.8
Reproductive work	1.0	5.5	0.8	4.3	1.8	4.7	1.5	4.0
Community work	1.5	1.4	1.3	1.0	3.0	1.5	1.8	1.0
Leisure time	5.2	2.9	3.8	3.0	5.3	3.5	3.0	2.3
Sleeping	8.4	7.9	7.7	7.5	6.5	7.3	7.3	8.0

F = female, M = male.

Source: United Nations Development Programme. Gender Analysis of Villages Around Inle Lake. Yangon. Unpublished. (Small sample survey was conducted as part of a project assessment.)

Field research in villages along the Kyaing Tong–Tachilek road in Shan State in 2009 revealed differences in men's and women's time use. Women from border villages spent more time on reproductive (on an average 5.4 hours per day) and productive work (6.8 hours), compared with men (who spent 0.4 and 5.4 hours, respectively, on those activities). As a result, women had much less time for rest (4.3 hours) and sleep (7 hours) than men (8.1 and 7.4 hours, respectively).¹⁶² According to some studies, this may be

¹⁶⁰ Footnote 154.

¹⁶¹ P. Alexander. 2012. *Assessment of Gender for UNDP Myanmar Programme, 2013–2015*. Yangon: UNDP. p. 15.

¹⁶² UNDP. Gender Analysis of Villages Around Inle Lake. Yangon. Unpublished.

attributed to the heightened sense of insecurity among women in these areas,¹⁶³ which compels them to stay within their home and focus on reproductive work, more so than women in other agro-based villages.

Wage work

According to several surveys, overall men put in more “days” of casual labor than women.¹⁶⁴ However, these differences are marginal in most states and/or regions and vary across age cohorts. For example, the IHLC Survey findings demonstrated that younger workers on average are more likely to be employed in wage work than adults, both males and females.¹⁶⁵ There were also considerable variations between regions, cropping seasons, and types of work undertaken.

The 2009–2010 IHLC Survey also found that in Chin and Rakhine states and Tanintharyi Region, men were more likely than women to work for wages. This may be attributed to women's mobility, which tends to be more restricted in those states and region.¹⁶⁶ In border villages, more men than women appeared to have access to income-generating opportunities.¹⁶⁷

Box 3: Myanmar: Enhancing Rural Livelihoods and Incomes Project

The Enhancing Rural Livelihoods and Incomes Project (2014–2017) was designed to improve agricultural productivity and enhance livelihoods in Ayeyarwady Delta, Central Dry Zone (Magway and Mandalay regions), Tanintharyi Region, and Shan State. The project supports community participation in identifying priority needs, planning, and formulating village development plans, with a target of at least 50% of poor households participating in meetings and consultations. The following actions are included to ensure women's involvement: (i) 40% female participation in meetings and decision-making activities; (ii) 50% female membership in village development support committees; (iii) 40% of the beneficiaries trained in livelihood-related skills, including improved crop, fish, and shrimp production, are women; and (iv) at least 80% of all social infrastructure projects prioritized by women are constructed.

Source: ADB. 2013. *Enhancing Rural Livelihoods and Incomes*. Manila.

¹⁶³ A perception survey revealed that residents in border villages identified theft, drugs, land disputes, security and safety issues, and deforestation and environmental degradation as social problems encountered due to the road development. Villages are located on the AH2 route of the Asian Highway through Myanmar, with good connectivity through public transport, allowing people to commute to the border (Tachilek) in a day. See Win Myo Thu. 2012. Impact of Cross-Border Road Construction on the Livelihoods of Women and Men in Kyaing Tong-Tachilek, Myanmar. In K. Kusakabe, ed. *Gender, Roads, and Mobility in Asia*. Bourton on Dunsmore, Rugby, UK: Practical Action Publishing. pp. 96–108.

¹⁶⁴ Footnote 120.

¹⁶⁵ Footnote 120.

¹⁶⁶ Footnote 120.

¹⁶⁷ Win Myo Thu. 2012. Impact of Cross-Border Road Construction on the Livelihoods of Women and Men in Kyaing Tong-Tachilek, Myanmar. In K. Kusakabe, ed. *Gender, Roads, and Mobility in Asia*. Bourton on Dunsmore, Rugby, UK: Practical Action Publishing. pp. 96–108.



Lauren DeCicca/UN Women

Garment workers in Maple, Yangon Region.

Wage gaps

Despite government commitments to ensure equal pay for work of equal value,¹⁶⁸ there appear to be differences in wages paid to men and women in agriculture. Depending on the nature of the work and region, men are commonly paid between MK1,500 (\$1.50) and MK3,000 (\$3) and women between MK1,000 (\$1) and MK2,500 (\$2.50) per day.¹⁶⁹ The 2012 UNDP study conducted in a small sample of villages near Inle Lake (Hilly Zone) found that despite women's important role in agriculture-related livelihood activities, they earned less than men for the same type of work.¹⁷⁰

Access to extension services and vocational training

There are also limitations to women's access to extension services and vocational training. According to the 2013 LIFT baseline survey, only 11% of households received any vocational or extension training. Most training related to crop production, livestock, fisheries, and other relevant topics were concentrated in the Zone, with the largest number of training sessions on crop production. Overall, more male household members received training than female household members.¹⁷¹ There were also differences in access to extension services, with 24% of male farmers having access, compared with 22% of women farmers.¹⁷²

¹⁶⁸ Article 350 of the Constitution.

¹⁶⁹ Footnote 154.

¹⁷⁰ UNDP. Gender Analysis of Villages Around Inle Lake. Yangon. Unpublished.

¹⁷¹ Footnote 154.

¹⁷² Footnote 120.

Access to social protection and microfinance services

Social protection for women includes maternity and paternity benefits and medical care for children up to their first birthday under the 2013 Social Security Law; the maternal voucher scheme; cash transfers to mothers with three or more children; scholarships, stipends, awards, and school feeding programs; and relief food assistance programs and services for survivors of human trafficking.

Additionally, women have benefited from skills training and small loans from the Ministry of Women's Affairs; business loans from the Myanmar Women Entrepreneurs Association; and from improvements in microfinance, microcredit, and savings groups. In 2010, there were more than 5,100 self-help groups, each with about 10–15 women members.

The formal banking and finance sector in Myanmar is at an incipient stage of development. Consequently, throughout the country, limited access to credit has been a binding constraint on the growth of the agriculture sector. According to the 2009–2010 IHLC Survey data, more nonpoor (at 36%) people had access to credit, compared with impoverished people (at 30%). There appears to be little difference in access to credit for either agricultural or nonagricultural businesses between male- and female-headed households.¹⁷³ An alternative source of financial resources for many small producers is cash remittances from migrant family members sent through the traditional *hundi* system.

Microfinance provided by a variety of actors, such as banks, cooperatives, nongovernment organizations (NGOs), and informal lenders, is an important source of finance for people who are poor, especially women. Microfinance has reached about 2.8 million people in Myanmar. In particular, the Pact Global Microfinance Fund (started in 2012) has a loan portfolio close to \$70 million (Pact manages more than 84% of the NGO-provided microfinance in Myanmar). Since 1997, Pact's microfinance operations have reached more than 670,000 individuals, 98% of whom are women, in nearly 7,000 villages.¹⁷⁴ Microfinance partly compensates women's low access to finance, but it is not enough. Many formal microfinance services maintain a ceiling on the size of loan available to micro and small producers because of the real or perceived low earning potential of small producers. This has limited possibility then for large expansion in production. Women entrepreneurs who were interviewed for this situation analysis stated that a priority for them is to raise their loan ceiling. Women producing high-value market crops, such as chilies, garlic, and special melons, are able to borrow about MK300,000 per acre, whereas these crops ideally need inputs amounting to three or four times that amount. With a ceiling on their borrowing, women are unable to purchase inputs such as high-quality seeds, fertilizers, and pesticides and are, therefore, blocked from raising the productivity of their cropland. As women's micro and small businesses grow, they need financial products and services that go beyond limited microcredit.

As mentioned earlier, Myanmar's formal finance sector is small and underdeveloped. The primary available source of funding is short-term loans with strict collateral requirements. Women in particular are unable to meet these requirements due to lack of property ownership, including land.

¹⁷³ Footnote 109.

¹⁷⁴ See www.pactworld.org/sites/default/files/PGMF%202%20pager.pdf

Livestock

In Myanmar, many agricultural households depend on livestock as an important source of cash income and family nutrition. Data for 2010 suggest that 4.3 million households engaged in keeping and/or breeding livestock and/or poultry. Like the crop farmers, 77% of the livestock holders were aged 40–59 years, with male holders younger than their female counterparts by 5 years; the latter with a median age of 46 years and the former at 51 years.¹⁷⁵

Although women hold and are responsible for smaller livestock, such as chicken, goats, and pigs, men tend to hold and look after larger animals, such as buffaloes, horses, and cattle, even though men and women also tend to jointly care for cows and buffaloes. The majority of male farmers still use buffaloes and bullocks for plowing, while women use the smaller animals as a source of nutrition and for selling, including animal-related products.

Forestry

Forests are an important economic resource base for agricultural communities and provide income and resources for shelter, household economic, and food security. Forestry ranks third by way of economic activities for the household workforce in agriculture, with 13.1% of the population from male-headed and 11.3% of the population from female-headed households engaged in forest-related activities.

Traditionally, women gather not only firewood from forests but also collect forest products, such as mushrooms, wild fruits, nuts, wild vegetables, and medicinal herbs. Men hunt wild animals and cut logs and bamboo. The sale and export of timber, such as teak, is a key forest-related contribution to the economy. The timber industry is dominated by men. Women are involved in this sector as collectors, producers, and users of nontimber forest products, such as bamboo and rattan, mushrooms, nuts, and medicinal plants, which Myanmar has in abundance.¹⁷⁶

Fisheries

Myanmar is also abundantly endowed with water resources. These include rivers and their tributaries, reservoirs, ponds, lakes, and even rice fields. Coastal and offshore fishing, inland fishing, and aquaculture are an important activity for agricultural households for food and livelihood. Of the total agricultural households, 5.1% was reported to be engaged in fishing in 2010. More than 80% of the households undertook fishing for home consumption, while the rest marketed their catch.¹⁷⁷

¹⁷⁵ Footnote 147.

¹⁷⁶ For example, see www.ntfpuppermm.com/

¹⁷⁷ Footnote 147.

Myanmar produces and exports a variety of fish and fish products, fresh and dried prawns, and crab, among others.¹⁷⁸ While this sector is dominated by men, particularly in offshore and large-scale fisheries, women are involved in inland fisheries, aquaculture, and small-scale fisheries.¹⁷⁹

Industry

Industry constitutes the second most important pillar of the economy. In recent years, Myanmar has made efforts to introduce agro-based industries, with the implementation of a long-term industrial development plan (2000–2030). The government enacted several laws to strengthen the industry sector, covering small- to large-scale industries.

Important components of the industry sector are mining, energy, construction, manufacturing, and processing. According to official statistics, the share of the industry sector in gross domestic product (GDP) rose from 15% on average in the 1990s to 19% during 2010–2011.¹⁸⁰ The share of the processing and manufacturing sector in the total industry sector increased from 69% in 1990–1991 to 77% in 2010–2011.¹⁸¹

Mining and other extractive industries

Mining and other extractive industries have contributed significantly to economic growth in recent years. This contribution comes from royalties and licenses, employment opportunities, and indirect benefits (retail trade, services, hotels, and catering) from increased economic activity in remote areas. These positive benefits, however, can be offset by negative impacts on the environment and social upheaval—as has been experienced already in some locations in Myanmar.

As shown in Table 2.15, the top two export products were from extractive industries and accounted for more than half of the total export in terms of value in 2010–2011.¹⁸²

¹⁷⁸ See MNPED, Table 7, Export of Principal Commodities, Foreign Trade in Selected Monthly Economic Indicators. www.mnped.gov.mm/index.php?option=com_content&view=article&id=95&Itemid=112&lang=en

¹⁷⁹ While both women and men are involved in inland fishing and aquaculture, some small-scale fishers around Inle Lake in Shan State are women and the sale of fish is the domain of women. See FAO. 2003. *Myanmar Aquaculture and Inland Fisheries*. Bangkok: FAO Regional Office for Asia and the Pacific. www.fao.org/docrep/004/ad497e/ad497e00.htm#Contents

¹⁸⁰ Aung Min and K. Kudo. 2012. New Government's Initiatives for Industrial Development in Myanmar. In H. Lim and Y. Yamada, eds. 2012. *Economic Reforms in Myanmar: Pathways and Prospects*. BRC Research Report. No. 10. Bangkok: Bangkok Research Centre, IDE-JETRO

¹⁸¹ Footnote 180.

¹⁸² Natural gas is the top export commodity, accounting for 35% of the country's exports. Myanmar is also well known for gems, such as jade and rubies, which account for 18% of the total export value. It also has other resources such as petroleum oil, and minerals such as tin, antimony, zinc, copper, tungsten, lead, and coal. Large, modern extraction operations for natural gas and petroleum oil are not necessarily labor-intensive. See ADB. 2012. *Myanmar in Transition: Opportunities and Challenges*. Manila.

Table 2.15: Leading Products Exported, Based on Average 2010–2011 Values

Products	Value (\$million, freight on board)	As % of Country Total	As % of World
Natural gas, liquefied or not	3,148	35.2	1.25
Pearls, precious and semiprecious stones	1,613	18.0	1.10
Vegetable and vegetable products	898	10.0	1.49
Wood in rough or roughly squared	753	8.4	5.27
Natural rubber, latex, gum, etc.	192	2.1	0.60
Male clothing (woven)	188	2.1	0.29
Fish (fresh, live, chilled frozen)	183	2.0	0.33
Crustaceans, mollusks, or other aquatic invertebrates	174	1.9	0.59
Articles of apparel	156	1.7	0.12
Rice	125	1.4	0.57
Remainder	1,515	16.9	–
All commodity groups	8,949	100.0	0.05

– = not applicable.

Note: Products are from the Standard International Trade Classification Revision 3 (3 digit-level).

Source: United Nations Conference on Trade and Development. 2012. *UNCTAD Handbook of Statistics*. Geneva. p. 186.

As shown in Table 2.9, 2.2% of total male employment and 0.7% of women's employment in 2010 was in the mining sector. Increased mechanization means fewer people need to be employed. Even when jobs are created, they tend to be associated with heavy labor and, hence, for men. In many countries, this has meant that fewer women take up advanced education or training in skills associated with mine-related activities, such as extraction. The location of mines, in remote areas in Myanmar, limits women's participation in this sector, especially those with family responsibilities. If anything, women tend to find office-based administrative and managerial jobs that are located at the extraction site.

Although there are large, formal, and modern extractive operations for copper, coal, and other minerals, a large number of people from rural areas, including ethnic minorities, engage in nonindustrial operations—artisanal and small-scale mining. Much of the gem extraction, for instance, belongs to the latter category. Artisanal and small-scale mining is largely informal and labor-intensive, hazardous, and unsafe. Such working conditions present an added concern from a gender lens. While the formal mining sector is typically male-dominated, women account for up to half of the small-scale mining workforce.¹⁸³ Children, who accompany their mothers, often end up working at the sites.

¹⁸³ ILO. 2003. Facts on Small-Scale Mining. www.ilo.org/global/resources/WCMS_067582/lang--en/index.htm

Anecdotal evidence suggests that women, who work alongside other family members in these operations, receive poor returns on their labor while working in dangerous conditions. Although women do not ordinarily engage in heavy labor associated with mining operations, they often face greater long-term health risks. Women commonly transport ore; wash and treat it with chemicals; and collect water needed for drinking, washing, and cooking from sources near mining sites. As a result, they are exposed to more toxic chemicals and for longer periods of time.¹⁸⁴ Independent reports also point out that women engaged in mining operations are at an increased risk of physical and sexual violence.¹⁸⁵

There are several examples from other countries that showcase strategies to enhance women's participation in this sector. For instance, some large mining companies have piloted programs to increase the proportion of women in this sector, which include school visits to share information with students on the types of jobs available,¹⁸⁶ conducting public awareness campaigns to counter traditional attitudes regarding types of jobs suitable for women, and mentoring programs within management to encourage women to compete for promotions. There have also been efforts to make workplace cultures more women-friendly.

In addition to concerns around women's participation in this sector, there are severe concerns over the social impacts of mining operations. An extensive body of work exists on the extent of environmental damage and social upheaval resulting from mining and resource extraction industries around the world. While mining remains an important contributor to economic growth in Myanmar, it is important that the government takes all necessary steps to ensure that its negative impacts are mitigated to the greatest extent possible.

Energy and water supply

Myanmar has abundant energy resources,¹⁸⁷ including renewable alternatives, such as hydro, biomass, wind, and solar power. Developing this sector is perceived as central to powering the future development of the country.¹⁸⁸

¹⁸⁴ See www.earthrights.org/publication/mining-gender-and-environment-burma

¹⁸⁵ Footnote 184.

¹⁸⁶ Centre for Women in Politics and Public Leadership. 2012. *The Pathway Forward: Creating Gender Inclusive Leadership in Mining and Resources*. Ottawa: Carleton University.

¹⁸⁷ Hydropower is the main source of energy in the country; electricity from hydropower plants contributes nearly 70% of the total electricity generated in the country, followed by 22% from natural gas, and 8% from coal. Although hydropower accounts for three-quarters of the electricity produced, only about 5% of the renewable water resources are currently used. Myanmar's potential for hydropower generation remains significantly untapped, and if developed, can be used for exports as well as for irrigation. See KPMG. 2012. *Infrastructure in Myanmar*. www.kpmg.com/MM/en/.../Documents/Infrastructure-in-Myanmar.pdf

¹⁸⁸ World Economic Forum. 2013. *New Energy Architecture: Myanmar*. Manila: Accenture and ADB. www.weforum.org/reports/new-energy-architecture-myanmar

Although Myanmar is a country that is rich in energy resources, a large share of its population lacks access to electricity. In fact, it has the poorest level of energy access in the Asia and Pacific region, with percentages lower than a host of countries in Sub-Saharan Africa.¹⁸⁹ Only an estimated quarter of Myanmar's population currently has access to a regular supply of electricity.¹⁹⁰ While official sources put the electrification rate at 13%, other data sources reveal that less than 1% of the country's population has access to uninterrupted electricity. In rural areas, the national power grid network covers only 7% (4,550 villages) of the country's 65,000 villages.¹⁹¹ Thus, the majority of households (88%) depend on solid fuels, such as wood and rice husks, for cooking and heating; while more than two-thirds (70%) of the population depend on diesel lamps, batteries, or candles for lighting.¹⁹²

The recent census data, however, maintains that a sizable proportion of households in Myanmar use electricity (32.4%) as their main source of energy for lighting, followed by candles (20.7%). There is a big difference between urban (77.5%) and rural areas (14.9%) in the use of electricity as the main source of lighting. The proportion of households using batteries, generators, and solar systems as the main source of lighting is considerable. Four out of five households use wood or charcoal, while in rural areas up to 80% use wood or charcoal for cooking. Overall, only 17% of households use energy, such as electricity or liquefied petroleum gas, for cooking. The proportion is larger in urban areas (46%) but very low in rural areas (6%).¹⁹³

Although the entire household is adversely affected by energy constraints, it is particularly damaging to women because they are primarily responsible for food preparation and cooking. Without access to energy, they are typically forced to spend significant amounts of time searching for firewood to meet their cooking and heating needs. According to some estimates, women spend three times the amount of time spent by men in transporting fuel and water.¹⁹⁴ Thus, the opportunity costs for women are much higher.

Women, especially in rural areas, spend a substantial amount of time collecting fuelwood for household use. Some reports peg it at a high of 233 hours a year (about 20 hours a month). Women and children also suffer from higher levels of lung and eye diseases

¹⁸⁹ Over the past 10 years, electricity consumption in Myanmar has almost doubled, from 3,303 gigawatt-hours in 2000 to 6,093 gigawatt-hours in 2010. However, Myanmar's per capita electricity consumption remains the lowest among the ASEAN-10 countries, at 100 kilowatt-hours (kWh) in 2010, compared with a consumption of around 600 kWh in Indonesia and more than 2,000 kWh in Thailand. See International Energy Agency, 2011. *Energy for All: Financing Access for the Poor*. Paris: Organisation for Economic Co-operation and Development (OECD) and International Energy Agency (IEA).

¹⁹⁰ The low national average per capita electricity consumption is due to the low electrification rate, low industrial development, and lack of investment. Data from the IHLC Surveys reveal that only 38% of households have access to electricity, with pronounced differences between urban (81.3%) and rural locations (22.4%). Access is lowest in Chin State (at 15%), Bago State West (at 13%), Bago State East (at 20%), and Rakhine State (at 23%). See UNDP, 2009–2010. *Integrated Households Living Condition Assessment: Poverty Profile*. Yangon. p. 87.

¹⁹¹ G.R. Shrestha. 2012. *UNDP Programming for Rural Energy and Environmental Conservation in Myanmar, 2013–2015 (Challenges and Opportunities)*. Yangon.

¹⁹² Mercy Corps. 2011. *Myanmar Energy Poverty Survey*. Yangon.

¹⁹³ Footnote 144, p. 33.

¹⁹⁴ International Union for Conservation of Nature (IUCN). Undated. Gender and Bioenergy. [http://sitemason.vanderbilt.edu/files/k0ESGY/IUCN percent20BioEnergy percent20Factsheet.pdf](http://sitemason.vanderbilt.edu/files/k0ESGY/IUCN%20percent20BioEnergy%20Factsheet.pdf)



ADB

because they are exposed to indoor air pollutants when biomass fuels are burned for cooking and heating.¹⁹⁵

The importance of clean and sustainable energy services and technologies to women's economic and social development is now well established globally, with increased efforts to position access to energy services as a fundamental human right.¹⁹⁶ The supply of energy to vulnerable households is inextricably linked not only to improvements in the quality of life and drudgery reduction but also to generating livelihoods and increasing contribution to GDP.

Investments in modern fuels, mechanized power, and electricity can thus provide new opportunities for economic and social development, especially for women. For instance, increased access to modern cooking stoves results in better health outcomes for women by reducing their exposure to fumes emitted from traditional wood-burning stoves.

Electricity can literally "light up" women's lives through improved cooking stoves and fuels, food processing technologies (such as grinding mills, water pumps to reduce workloads, and electric lighting to improve women's safety while traveling at night), and access to information and knowledge through media such as television. All of these benefits make women's lives easier and can reduce the time spent on household and community chores and free up their time for economic activities or for leisure—all of which support women's economic empowerment and improve their well-being and quality of life.¹⁹⁷

¹⁹⁵ WHO. 2011. Indoor Air Pollution and Health. www.who.int/mediacentre/factsheets/fs292/en/

¹⁹⁶ A.J. Bradbrook and J.G. Gardam. 2006. Placing Access to Energy Services within a Human Rights Framework. *Human Rights Quarterly*. 28, pp. 389–415.

¹⁹⁷ ADB. 2011. *SeaGen Waves*. 5 (2). Manila.

Beyond improved access to energy resources,¹⁹⁸ women must also be recognized and involved as leaders in local and national energy planning and policy processes. Recognizing women as stakeholders in energy projects and furthering their participation at all levels of decision making is central to the agenda of promoting a gender-aware approach to energy policy and promoting cleaner, more efficient energy systems for all. The planning of electrification programs must include a comprehensive demand assessment from a gender perspective. Without an understanding of who uses household fuel and energy and for what purposes, supply-side responses may not be adequate.

Prioritizing women's energy access (especially those in rural areas) through electrification and fair fuel distribution plans, investing in technologies, and enabling gender analysis and audits in energy projects are all strategies that can enhance women's quality of living and increase their livelihood options by expanding their access to information, reducing their time poverty, and thereby opening up newer opportunities for employment.

Box 4: Examples of Regional Electrification Projects

Sri Lanka: Power Fund for the Poor—As an Asian Development Bank (ADB)-funded project (2004–2008), the assistance ensured that poor and marginalized households in Sri Lanka—including those headed by women—could access electricity services. It piloted a sustainable microfinance revolving fund that allowed poor households to amortize the up-front capital costs required to electrify their homes. The project impact included reduced energy bills for more than 50% of surveyed beneficiaries; reduced women's workload through purchases of end-use energy technologies, such as irons and blenders for grinding spices; increased income for newly electrified microenterprises; and extended study hours for children at home as a result of household lighting. Another major benefit identified by women was that of access to information and entertainment brought through television.

Source: ADB. 2004. *Proposed Grant Assistance to Sri Lanka for the Power Fund for the Poor*. Manila.

Viet Nam: Renewable Energy Development Network Expansion and Rehabilitation for Remote Commune Sector—Through another ADB-funded project (2009–2016), the assistance has expanded rural electrification to remote mountainous communities. The introduction of small-scale renewable energy systems has expanded access to electricity among poor, ethnic minority women. The project targeted 75% of households headed by women to receive electricity by 2016 (around 105,000 households). Gender-based actions have included (i) subsidized grid connection to poor and ethnic minority households and those headed by women; (ii) representation of women in the community management board to plan, implement, and monitor activities; (iii) mobilization of women's groups for an awareness campaign on the safe use of electricity; and (iv) skills training for women's microenterprises and microfinance, based on needs assessments.

Source: ADB. 2009. *Report and Recommendation of the President to the Board of Directors: Proposed Loan and Technical Assistance Grant to the Socialist Republic of Viet Nam: Renewable Energy Development and Network Expansion and Rehabilitation for Remote Communes Sector Project*. Manila.

¹⁹⁸ Footnote 188.

Water and sanitation

In 2010, according to the IHLC Survey findings, the main sources of “improved” drinking water for 69.5% of households were tap water, tube well or borehole, protected well or spring, and bottled water or purifier. There were more urban households using these sources for drinking water (86.7%) than in rural areas (62.8%). Of the households in rural areas, 28% reported relying on pool, pond, lake, river, stream, canal, or rainwater as their main source of drinking water. At the state and region levels, Rakhine State reported by far the smallest proportion of households using an improved source of drinking water (38%), while Nay Pyi Taw, Mandalay, and Sagaing regions reported the largest proportions, at 88%, 86%, and 81%, respectively.¹⁹⁹



UNFPA

The recent census data further found that 74.3% of households had toilet facilities that were either flush toilet or water seal (improved pit latrine)—both of which are classified as improved toilet facilities. The remaining households reported having traditional pit latrines, bucket surface latrines, other forms of latrines, or no latrines at all. Yangon Region reported the largest proportion of households with improved sanitation facilities, at 91.1%, followed by Kayah State, at 88.5%. Rakhine State recorded the smallest proportion of households with improved sanitation facilities, at 31.8%.²⁰⁰

Human resources required for managing or maintaining the power plants, grids, irrigation system, and sanitation facilities are relatively small; and the employment effects from the expansion of this sector have been marginal thus far. From a gender lens, the development of this sector is significant because it has a direct bearing on the quality of work, particularly that of women. Access to improved water and sanitation is primarily seen as a health indicator, but its benefits go beyond. They have critical impact on reducing women's time poverty and care work while enhancing their health outcomes and creating more time for productive endeavors.

¹⁹⁹ Footnote 144, p. 34.

²⁰⁰ Footnote 144, p. 30.

Box 5: Myanmar: Pro-Poor Community Infrastructure and Basic Services Project

The Asian Development Bank (ADB)-funded project (2014–2018) aims to improve water and sanitation infrastructure and access to basic services for low-income slum communities in Mandalay and Yangon. The assistance supports the communities in selecting and prioritizing infrastructure for safe and regular water supplies for drinking and household purposes, removal of solid and liquid waste, drainage, and flood protection. The project also supports the establishment of community development committees to manage the operation and maintenance of the infrastructure. To support women's involvement, the project requires 40% female membership in management committees and 50% female membership in project coordination and project implementation teams.

Source: ADB. 2014. *Republic of the Union of Myanmar: Pro-Poor Community Infrastructure and Basic Services*. Manila.

In the 2009–2010 Multiple Indicator Cluster Survey findings, women, on average, were responsible for water collection in approximately 72% of households. There were significant regional variations. In Chin, Rakhine, and Shan (North) states and in Sagaing Region,²⁰¹ women were solely responsible for water collection in 80% of households. On average, the reported journey time to a safe water source in rural areas was 10 minutes, but in Chin State it was as much as 16.8 minutes.²⁰² This was probably an underestimation because the survey only captures time taken for one trip. In many households, water collection as an activity is repeated several times during the day to ensure sufficient water supplies for the household and thus the time spent is significantly longer.

Construction

The construction sector accounted for about 5% of the total economy in 2012 (Table 2.16). The creation of special economic zones along with increased investments in road connectivity, hotels, and other business has contributed significantly to the boom in the construction sector. Infrastructure construction and operations contributed an estimated \$10.5 billion to GDP in 2010 and provided employment for 500,000 people. By 2030, the GDP contribution could be an estimated \$48.8 billion and with employment of 2.3 million workers.²⁰³

The proportion of men working in this sector is much larger than women. In 2010, approximately 6% of the total workforce engaged in this sector was male, as opposed to only 1% of women workers (Table 2.9).

²⁰¹ Footnote 51, p. 34.

²⁰² Footnote 51, p. 34.

²⁰³ Heang Chhor et al. 2013. *Myanmar's Moment: Unique Opportunities, Major Challenges*. McKinsey Global Institute. www.mckinsey.com/insights/asia-pacific/myanmars_moment

Table 2.16: National Accounts at Current Prices, Fiscal Year Beginning 1 April
(MK billion)

	2000		2005		2010		2012	
	Value	%	Value	%	Value	%	Value	%
Agriculture	1,461.2	57.2	5,736.4	46.7	14,659.0	36.9	15,752.9	30.5
Mining	15.0	0.6	89.5	0.7	366.4	0.9	3,158.4	6.1
Manufacturing	182.9	7.2	1,572.9	12.8	7,900.5	19.9	10,301.3	19.9
Electricity, gas, and water	3.4	0.1	27.7	0.2	421.9	1.1	611.1	1.2
Construction	46.0	1.8	461.7	3.8	1,839.3	4.6	2,515.9	4.9
Trade	613.7	24.0	2,667.2	21.7	7,971.2	20.0	10,010.0	19.4
Transport and communications	153.4	6.0	1,412.2	11.5	4,926.6	12.4	6,887.3	13.3
Finance	2.6	0.1	10.2	0.1	37.7	0.1	84.6	0.2
Public administration	39.4	1.5	112.6	0.9	915.7	2.3	1,327.3	2.6
Others	35.1	1.4	196.5	1.6	738.5	1.9	1,078.5	2.1
Gross domestic product	2,552.7	100.0	12,286.9	100.0	39,776.8	100.0	51,727.3	100.0

Source: ADB. 2013. *Key Indicators for Asia and the Pacific: Myanmar*. Manila.

Interestingly, more and more young women are now entering male-dominated professions in the construction sector, such as civil engineering. According to a 2013 news article, women accounted for about 90% of the Yangon Technological University's 285 civil engineering students. At the same university, the number of women students majoring in architecture is four times greater than men.²⁰⁴

Manufacturing

Certain subsectors within manufacturing have traditionally been perceived to be women-oriented. For example, the workforce in the garment industry, which is the main manufacturing industry in Myanmar, is largely female. In the plantation sector, too, up to 70% of the total workforce is female.²⁰⁵ On the other side, engineering has historically been male dominated. However, as experience in other countries shows, with increasing mechanization, the traditional assumptions about the suitability of certain jobs for women become considerably diluted. For instance, the number of women working on motor assembly lines has gradually increased in several countries.²⁰⁶

A key strategy adopted in Myanmar to boost the manufacturing sector is the creation of special economic zones. Perceived as opportunities to rapidly overcome infrastructure bottlenecks, attract foreign direct investment (FDI), and increase export volume, several special economic zones are being developed. These zones are expected to increase job opportunities in the short term during the construction phase as well as during the long

²⁰⁴ K. Suga. 2013. In Myanmar, Women Build the Country. *Nikkei Asian Review*. 19 December. <http://asia.nikkei.com/magazine/20131219-Power-play/Business/In-Myanmar-women-build-the-country>

²⁰⁵ Myanmar Comprehensive Education Sector Review (CESR) Phase 1: Rapid Assessment, 2012–2014.

²⁰⁶ See S. Seguino. 1997. Gender Wage Inequality and Export-Led Growth in South Korea. *The Journal of Development Studies*. 34 (2).

term in manufacturing or support services. Myanmar's geographical location provides an excellent opportunity for this type of development because its available natural resources can be transformed and transported easily to neighboring markets.

There is also an increase in FDI in Myanmar. Government data show that FDI mainly flows into the oil, gas, and power sectors. Interestingly, no FDI was received in agriculture, construction, industrial estates, real estate, transport, and other services during fiscal year 2011.²⁰⁷ With the increasing flow of FDI, more job opportunities are being created, both in existing as well as new sectors. Experience in other countries demonstrates that such development abets the entry of large numbers of women into the wage economy.

There are concerns, however, that the vast pool of female labor available may drive down wages and labor conditions. It has been argued that one of the major factors behind the entry of foreign companies in Myanmar is access to low-cost labor, particularly women's labor. For instance, the evolution of the ready-made garment industry in other countries involved appropriating a cheap female labor force, especially those migrating from rural areas with limited or no skills. Such an influx of labor drives down the wages women can negotiate and may lead to extremely poor working conditions. Women may also be trapped in low-skilled jobs in these sectors if they are unable to upgrade their skills prior to or during their employment. For women to maximize the benefits from the job market, greater investments in their skills development and skill upgrading are essential. This will also help realize income growth from FDI.

The Union Parliament approved the Employment and Skills Enhancement Law in 2013. Enforcement of its provisions will be important, as will mechanisms to monitor the enforcement of labor standards within the sector.

There is also the added dimension of displacement of communities to make way for the special economic zones and the differential gender impact of displacement. It is widely proven that displacement tends to increase women's drudgery and time poverty. Given women's predominant responsibility for domestic work, women are forced to locate alternate resources, such as water, firewood, and livelihoods, as a result of displacement. Further, women's needs and right to access land as individuals may be overlooked when compensation packages are prepared for affected communities.

Services

Key components of the service sector in Myanmar include trade, transport, communications, tourism, hospitality, finance, and public administration. The service sector contributes 33%–37% of GDP.

Trade

Within the service sector, trade (retail trade and wholesale trade) is the largest contributor to the economy. Over the past decade, trade accounted for about 20% of the economy (Table 2.16). In 2012, it accounted for 19.4% of GDP, followed by transport

²⁰⁷ Footnote 206.

and communications (13.3% of GDP). Trade is also important from the perspective of job creation. Nearly 14% of female and 8% of male workers engaged in this sector (Table 2.9). As in other Asian countries, a greater number of women and men are likely to engage in informal trade.

A 2012 study on informal, small-scale cross-border trade in Myitkyina, the capital of Kachin State, generated some interesting insights on the gendered division of labor in informal trading on the Myanmar–the People's Republic of China (PRC) border. More women were found trading in agricultural and consumer products while men were involved in the trade of consumer goods, machinery, and construction materials.²⁰⁸ The concentration of women in certain trading activities may be attributed to the low capital required—albeit with low profit margins, such as agricultural commodities.

In that 2012 study report, Khin Hnin Phyu explained that women were dominant in petty trade during the 3 decades of armed conflict beginning in the early 1960s, when their mobility was not restricted. With the construction and upgrading of the road from Myitkyina to the border and trade zone of Laiza, more men entered the cross-border trade, especially to trade in goods with higher profit margins, such as motorbikes. The construction of a highway from Myitkyina in Myanmar to Ten Chong in the PRC in 2008 and the opening of a government customs office at the Kanpikete border gate in 2009 turned the extant Myitkyina–Laiza trade route into an informal and illegal channel for trading. With several types of consumer goods prohibited or restricted by the Myanmar government, the threat of arrest and confiscation of goods increased exponentially for the traders. Despite increased competition and state pressure, women traders continued their business by making informal payments to nonstate actors and to Myanmar and PRC authorities. This, of course, substantially increased their transport costs and reduced their profit margins. Particularly, women traders with fewer than 6 years of experience in trade reported a decline in their income. But no such decline in the income of male traders occurred. Unlike their female counterparts, male traders had no restrictions on mobility and hence could take higher risks, which included using bush routes to bring back goods to Myanmar or travel in groups to avoid thieves.

Transport

Myanmar's transport sector remains considerably underdeveloped for a country of its size, population, and potential.²⁰⁹ Accelerated government investments in roads and other modes of transport are under way, with support from international development partners and the private sector. The government is preparing the National Transport Development Plan and the Yangon Urban Transport Master Plan. The development and implementation of these plans provide an opportunity for improving access to transport infrastructure and services in both urban and rural areas.

²⁰⁸ Khin Hnin Phyu. 2012. Negotiating the Trade Route at the Border: A Case Study of Women Small-Scale Cross-Border Traders in Myitkyina, Myanmar. In K. Kusakabe, ed. *Gender, Roads, and Mobility in Asia*. Bourton on Dunsmore, Rugby, UK: Practical Action Publishing, pp. 121–134.

²⁰⁹ KPMG. 2012. *Infrastructure in Myanmar*. Yangon. www.kpmg.com/MM/en/.../Documents/Infrastructure-in-Myanmar.pdf

Box 6: Transport-Based Gender Differences

Intensity of transport usage. The number of times a mode of transport is used on a daily basis and also its regularity is the context in which the intensity of transport use is examined. Due to the varied and complex nature of activities that women tend to be historically associated with, the intensity of their accessing a transport facility is high.

Trip purpose. The objective of male travel is basically for economic activities, while for women the purpose extends beyond the economic component to incorporate familial, community, social, and maintenance tasks. Women in their traditionally defined capacity as small producers are increasingly accessing roads and road transport to get their products to larger villages and also small towns that fall in the periphery of the village.

Trip patterns. There exists a clear demarcation between the trip patterns made by men and those made by women. Women's travel patterns are quite complex due to the varied nature of their economic and extra-economic involvement and the roles they perform in society. Also, women are more likely to travel in off-peak hours and less often in nondaylight hours.

Distance of travel. The distance factor is probably the most telling, especially when identifying gender differences in accessing road infrastructure. Characteristically, women tend to cover shorter distances while this aspect does not act as a constraint for men. Yet again, as in several other instances, societal restrictions on women attempting to enter the public sphere and to widen horizons constrict the distance they travel.

Frequency of travel. The number of trips women make are largely impacted by their varied roles, not only at the economic but also at the household and community levels. It is impacted by their participation in transport-related decision making.

Mode of transport. It is widely accepted that there is a gender differentiation related to the mode of transport generally used. Due to the prevalent gender differentials at the household level, the mode of transport that women can afford to access remains the least sophisticated. The valuation of their time reflects on the valuation of the opportunity cost of their labor; as a consequence, they prefer—both voluntarily and involuntarily—use of the most basic means of travel. This also restricts their mobility, both physical and societal.

Mobility constraints. Women's mobility is restricted at various levels by economic as well as extra-economic factors, cutting through multilayered sectors and subsectors—for education, especially traveling outside the village for secondary school; for health, especially for baby delivery in a health facility; for enhancing livelihood opportunities; for temporary migration even on a daily basis; for fetching fuel and firewood beyond the immediate periphery—the list is long.

Source: UN Women. 2012. *Pradhan Mantri Gram Sadak Yojana (Prime Minister's Rural Road Connectivity): Visibilising Gender in Rural Road Connectivity*. New Delhi.

To date, government investments have focused on strengthening and developing major routes, existing infrastructure improvements, and the long-distance transport of goods. Rural transport remains poorly served. Research from 2013 found that investments in major routes and corridors are more likely to benefit men because they are more likely to be large-scale traders and entrepreneurs. Given predominant gender norms, men are also more likely to engage in economic activities and seek employment that requires travel to cities and towns along the corridor, whereas women are more likely to work locally or in off-corridor locations.²¹⁰

²¹⁰ ADB. 2013. *Gender Tool Kit: Transport—Maximizing the Benefits of Improved Mobility for All*. Manila.

In rural areas, women travel primarily on foot around the vicinity of their home, communities, and agricultural land. They often manually carry heavy loads of water, firewood, and agricultural produce on their shoulders, heads, or backs.²¹¹ To improve rural women's mobility, greater consideration needs to be given to investment in rural roads and, in particular, footpaths, footbridges, neighborhood paths and roads, safe pedestrian crossing areas, traffic lights, and general lighting on rural roads. Rural women also rely more on nonmotorized transport and intermediate modes of transport such as bicycles or animal-drawn carts. Once rural roads are upgraded or provided, the design needs to consider provision of adequately wide road shoulders and sealed surfaces for all modes of transport. Although women tend to use public transport more than men, public transport services in rural areas are often infrequent and unreliable, requiring long waiting periods or long walks to pick-up and drop-off points. Thus, in rural areas, roads alone are not enough; there is need to also address transport services and links between motorized, nonmotorized, and intermediates modes of transport.²¹²



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In urban areas, women are more likely to walk than men but are often reliant on public transport to carry out their various household and productive responsibilities. Women often combine several tasks in one journey or make frequent trips for shorter distances, for example, taking children to school en route to their workplace or stopping at the market on their way home. Men make fewer and direct trips, such as to or from their workplace during peak hours.²¹³ Hence, women's mobility in urban areas often depends on service reliability and scheduling during off-peak hours, affordability, and physical and personal safety of public transport. The costs of poor public transport are borne disproportionately by women—they often turn down employment opportunities farther away from home in favor of lower-paid local opportunities when the public transport system is unreliable or unaffordable.²¹⁴ Safety,

²¹¹ Footnote 210.

²¹² Footnote 210, p. 33.

²¹³ Footnote 210, p. 1.

²¹⁴ Footnote 210, p. 26.

security, appropriate physical design, and affordability are critical considerations in designing gender-inclusive urban public transport services. For example, well-lit metro and bus stations, women-only carriages, ticketing systems for multiple short trips, and lower off-peak fares contribute to promoting greater utilization of public transport systems by women.

Box 7: Examples of Gender-Sensitive Transport Projects in the Region

Cambodia: Rural Roads Improvement Project

This Asian Development Bank (ADB)-funded project (2010–2015) aimed to rehabilitate 505 kilometers of rural roads in seven provinces of Cambodia and includes a labor and gender action plan. Features of the plan are as follows:

- a 40% target for women as unskilled construction laborers,
- a 50% target for women as road maintenance workers and training for contractors on labor-based appropriate technology and gender issues, and
- a 50% target for women as road safety community mobilizers.

Road shoulders were designed with sealed surfaces to enable carts with wheels and thus to reduce the burden on women and girls who haul water in rural areas. Targets for women's employment were designed to ensure that rural women could access opportunities to earn cash income from the project, and results as of 2010 indicated that these numerical targets were achievable. To address the potential downside impacts, the project included an HIV and human trafficking prevention program to be conducted during and after construction. Vulnerability mapping, emergency management, and climate change adaptation activities involved women in the planning and operation of the activities as well as planting and caring for roadside trees.

Source: ADB. 2010. *Cambodia: Rural Roads Improvement Project*. Manila.

Viet Nam: Ho Chi Minh City Urban Mass Rapid Transit Line 2 Investment Program

The ADB-funded program (2011–2017) was designed to promote safe and secure mobility of women, provide women with better income-earning and employment opportunities, and allow women to better manage their domestic and childcare responsibilities. The gender design features include targets of 20% construction and 30% station jobs for women; dedicated waiting spaces for women on platforms, shop spaces for female-owned businesses, women-only carriages with additional child seating and storage space for baby carriages and shopping, secure street lighting around stations, and easy access drop-off and pick-up points; ticketing systems and train schedules to suit multiple trips and intermodal transport usage; marketing to women as metro users; gender capacity development for project staff; and special attention to households headed by females in livelihood restoration support after resettlement.

Source: ADB. 2011. *Viet Nam: Ho Chi Minh City Urban Mass Rapid Transit Line 2 Investment Program*. Manila.

In addition to being users of transport, it is relatively common to see women as unskilled laborers in civil works construction in rural areas in Myanmar. This often provides much-needed cash income for women, especially in areas with few income-earning options. Opportunities should be provided to increase women's employment in higher-order transport sector jobs, such as technicians, engineers, or supervisors. Increasingly in many countries, urban transport systems are being used to promote women's employment in new types of jobs (such as station attendees and supervisors, ticketing staff, and bus drivers)

and providing them with on-the-job training. In addition, links with technical and vocational courses that supply skilled labor to the transport sector may be pursued as a strategy to increase women's participation and status in the transport sector (see Box 7 for examples of regional gender-sensitive transport projects).

The provision of new or improved transport infrastructure and services can benefit and empower women to access employment, markets, education, and health services if due consideration is given to their needs and preferences in infrastructure design and if their capacity to utilize the services is supported. Reducing women's transport time burden can increase their time for productive and income-generating activities as well as allow more time for rest, leisure, and social interaction.²¹⁵ Thus, consideration of women's specific needs and concerns in access to and use of transport in rural and urban areas can maximize benefits and reduce potential risks to women.

Tourism and hospitality

Although Myanmar possesses diverse and extensive cultural, natural, and historic assets, it has only recently begun to develop its enormous tourism potential. Tourist arrivals reached 731,230 in 2008 and gradually increased over time but then jumped to more than 1 million in 2012, a 30% increase from 2011.²¹⁶ The tourism master plan set a high target of 3 million international visitors in 2015 and 7.5 million by 2020. Based on this high-growth scenario, tourism receipts are projected to increase from a baseline of \$534 million in 2012 to \$10 billion by 2020, with the corresponding number of tourism-related jobs rising from 293,700 to 1.5 million.²¹⁷



Karin Grimm/UN Women

Woman working in Mon restaurant.

²¹⁵ Footnote 210, p. 5.

²¹⁶ Ministry of Hotels and Tourism. 2012. Myanmar Tourism Statistics 2012. www.myanmartourism.org/tourismstatistics.htm

²¹⁷ Ministry of Hotels and Tourism. 2013. Myanmar Tourism Master Plan, 2013–2020, Final Draft Report 2013. Nay Pyi Taw.

The government has prioritized tourism development in its Framework for Economic and Social Reforms and in 2012 adopted the Myanmar Responsible Tourism Policy. In 2013, the Myanmar Tourism Master Plan was prepared. The goal of the master plan is to maximize tourism's contribution to national employment and income generation and ensure that the social and economic benefits of tourism are equitably distributed. Gender equality is among the seven crosscutting themes. It emphasizes that all tourism policies and development planning will include gender analysis, and men and women will have equal access to economic opportunities, skills training, employment, resources, and decision making.

The government is planning a project to promote women-led microenterprises in the East–West economic corridor. The project aims to create well-paying local jobs for women living in rural segments of the corridor. Approximately 600 women entrepreneurs and their families are expected to benefit from business development services and skills training, improved access to affordable credit and markets, development of small infrastructure, transfer of suitable technologies, and strengthened institutional arrangements to improve the business-enabling environment.

Trends in women's labor migration: International and internal

Magnitude, sectors of work, countries of employment, and immigration status

According to data from the Ministry of Labour, Employment and Social Security,²¹⁸ between 1990 and 2012, a total of 136,480 documented workers from Myanmar were employed in 15 countries.²¹⁹ Among those countries, most women were employed in factories in Malaysia and Thailand, particularly in such sectors as the ready-made garment industry, the manufacture of phone circuits, electronic industries, and the fishing industry. These countries also receive a large number of irregular migrants, estimated at 1–2 million in Thailand alone,²²⁰ of which a significant proportion is female. The Migration Division (within the Ministry of Labour, Employment and Social Security) estimates that 56% of all Myanmar migrant workers in Singapore in 2013 were employed as domestic workers, the majority of whom were women without legal status under the 2012 Overseas Employment Law.²²¹

According to the 2011 *Thailand Migration Report*,²²² the number of registered migrant workers from Myanmar working in Thailand as of December 2009 was nearly 1.1 million, of which 45% were women. The largest numbers of migrants were employed in agriculture, construction, the seafood processing industry, and households (domestic work) (Table 2.17). These four sectors accounted for 59% of women migrant workers.

²¹⁸ Meeting with Ministry of Labour, Employment and Social Security staff on 14 January 2013.

²¹⁹ Brunei Darussalam, Cambodia, France, Germany, Japan, the Republic of Korea, Kuwait, Libya, Malaysia, Singapore, Switzerland, Thailand, the United Arab Emirates, the United States, and Qatar according to the Ministry of Labour, Employment and Social Security, as of 14 January 2013.

²²⁰ This number would be much larger if undocumented migrants were included—perhaps as many as 2–4 million. See *The Economist*, 2013. Too Many Chits for Kyat. 30 May. www.economist.com/blogs/banyan/2013/05/myanmars-remittances

²²¹ Data from the Ministry of Labour, Employment and Social Security.

²²² J.W. Hugué and A. Chamrathirong, eds. *Thailand Migration Report 2011*. Bangkok: International Organization for Migration. www.migrationcenter.mahidol.ac.th/download/TMR-2011.pdf

Table 2.17: Registered Migrant Workers in Thailand from Cambodia, the Lao People's Democratic Republic, and Myanmar, by Type of Work, Nationality, and Sex, December 2009

Type of Work	Total of Three Nationalities	Nationality								
		Cambodia			Lao People's Democratic Republic			Myanmar		
		Total	Male	Female	Total	Male	Female	Total	Male	Female
Total	1,314,382	124,761	78,945	45,816	110,854	52,980	57,874	1,078,767	591,370	487,397
Fishing	56,578	14,969	13,208	1,761	1,800	1,153	647	39,809	34,496	5,313
Seafood process	136,973	6,020	3,044	2,976	1,180	629	551	129,773	60,477	69,296
Agriculture	221,703	24,085	15,141	8,944	18,035	11,355	6,680	179,583	110,441	69,142
Construction	220,236	32,465	21,502	10,963	12,635	8,469	4,166	175,136	112,204	62,932
Agriculture process	65,305	6,635	3,930	2,705	3,677	2,209	1,468	54,993	35,408	19,585
Meat processing	8,852	442	296	146	792	478	314	7,618	4,877	2,741
Recycling	13,172	2,215	1,365	850	1,360	906	454	9,597	6,007	3,590
Mining, quarrying	1,843	61	40	21	35	20	15	1,747	1,210	537
Metal sales	12,556	995	738	257	2,191	1,479	712	9,370	6,617	2,753
Food sales	54,225	4,483	2,262	2,221	13,074	4,833	8,241	36,668	19,378	17,290
Soil business	5,879	689	432	257	322	212	110	4,868	2,871	1,997
Construction materials	11,441	1,003	673	330	1,296	871	425	9,142	6,337	2,805
Stone processing	3,543	229	153	76	263	188	75	3,051	2,021	1,030
Garment business	49,501	1,739	673	1,066	6,121	2,738	3,383	41,641	16,993	24,648
Plastic business	16,954	1,341	782	559	2,673	1,534	1,139	12,940	8,064	4,876
Paper business	2,569	139	81	58	399	239	160	2,031	1,256	775
Electronics	2,595	152	93	59	342	198	144	2,101	1,358	743
Transport	9,596	2,502	1,726	776	601	393	208	6,493	4,431	2,062
Trade	42,814	4,778	2,895	1,883	7,565	3,994	3,571	30,471	18,604	11,867
Car repair and service	5,631	376	261	115	1,276	865	411	3,979	2,839	1,140
Fuel and gas	3,439	281	170	111	777	518	259	2,381	1,554	827
Education, foundations, associations	837	36	20	16	67	26	41	734	320	414
Household	129,790	6,578	1,422	5,156	21,267	3,227	18,040	101,945	16,977	84,968
Others	238,350	12,548	8,038	4,510	13,106	6,446	6,660	212,696	116,630	96,066

Source: Office of Foreign Workers Administration, Department of Employment, Ministry of Labour. Statistics on Foreigners Obtaining Work Permits during 2009 (Bangkok, Ministry of Labour, 2010).

Basis for migration and conditions of work in destination sites

The rural context in Myanmar is marked by limited job opportunities and low growth in income generation outside of agricultural production. Migration (both internal and external) has consequently become a common coping strategy for family survival, and remittances have become a major off-farm source of income. Many people are also forced to migrate during times of conflict or natural disaster or due to usurpation of land for commercial or military purposes. A large number of seasonal workers and, at times, entire families, leave their villages during the lean periods when there is no agricultural work.

As discussed previously, a large number of female Myanmar migrant workers in foreign countries are concentrated in low-skilled, poorly protected informal sector work in agriculture, manufacturing, or services, where they suffer abuse of their fundamental human and labor rights. Many are undocumented. This is often the result of bans or restrictions on out-migration of women migrant workers, exploitation by recruitment agents who are not governed by stringent regulations that prevent abuse, and restrictive immigration policies in destination countries.

Box 8: Unpaid Care Work: Survey of Migrant Women in Thailand

Unpaid reproductive care roles continue to be women's burden even if they are migrant workers. A study of Myanmar migrant women workers in Thailand's border export industries highlights their struggles in balancing work and childcare. The research conducted around the town of Mae Sot in Tak Province, Three Pagoda Pass in the Sangklaburi District of Kanchanaburi Province, and the Phra Pradaeng District of Samut Prakan Province near Bangkok between 2007 and 2011 found a great deal of variation in the ways in which Myanmar migrant mothers in Thailand organize their childcare among the three research locations. In Three Pagoda Pass, workers are able to commute daily from the other side of the border. Women typically bring their family members from other parts of Myanmar to live near the border to take care of children. As the workplace regulations are more relaxed in Three Pagoda Pass, some women workers often bring their babies and children to their workplace. In Mae Sot, women raise children by themselves in Thailand and then send their children to Myanmar or invite parents to come to Thailand. Nearly 9% of the respondents in the study said they hire a paid caretaker to raise their children in Thailand. It is relatively easier to mobilize resources for childcare in border towns in both Thailand and Myanmar.

A location near Bangkok is the only option for mothers to look after children themselves (after quitting the factory jobs) or to employ a paid care worker. Both options are costly; in the end, the majority of working mothers send their children back to Myanmar to be cared for by family members there. The study also pointed out that a number of women marry migrant Myanmar men in Thailand, but it is too costly to go home for a formal marriage ceremony. Being away from their home, social pressure for formal marriage and parenthood is weak. Many migrant men working in the construction and agriculture sectors move frequently between locations. The insecurity of their position in Thailand can often lead to particular stresses and difficulty in maintaining stable relationships. A number of women surveyed in the study ended up single after the birth of a child, if not before.

Source: R. Pearson and K. Kusakabe. 2012. Who Cares? Gender, Reproduction, and Care Chains of Burmese Migrant Workers in Thailand. *Feminist Economics*. 18 (2). pp. 14–175.

Government policy on women migrant workers

In 2011, the Ministry of Labour, Employment and Social Security permitted overseas migration for women but only to factories where five or more other Myanmar workers are also working; domestic work, entertainment, or cleaning were prohibited.²²³

Remittances

Although remittances as a share of GDP are much smaller compared with other countries, they increased from \$0.15 per capita (in current dollars) in 1990 to \$2.77 in 2010, with an average annual growth rate of 3%.²²⁴ Even though migrants from Myanmar working in Thailand are mostly engaged in low-paying jobs, the significance of the remittance flow from Thailand is apparent. In 2012, \$55.6 million was remitted from Thailand to Myanmar, followed by \$48.6 million from the United States, where mostly skilled Myanmar workers work.²²⁵

A 2012 survey by Pearson and Kusakabe found that migrant Myanmar women in Thailand remitted almost as much as their male counterparts, despite lower wages. Even after the global economic crisis, which hit the employment and earnings of migrant workers in Thailand, nearly 30% of women surveyed reported that they remitted to their family more in 2010 than in 2007. Only 36% of women said that they had reduced their remittances, compared with 47% of men. At least half of Myanmar female migrant workers rely on family to care for their children. Thus, a large portion of the remittances from migrant women are used both for their family's care work for their children as well as support to parents and other relatives at home.²²⁶

Internal migration

The latest census survey found that 53% of all persons who moved from their previous place of usual residence within Myanmar were female. The main reason for movement for both sexes was "following family" and "employment/seeking employment." Females were more likely to follow family (49%) than males (32%) and males migrated more for employment (47%) than females (23%).

According to a 2013 study, there has been an increase in both the share of urban-urban and rural-rural migration streams as well as in the proportion of women migrants. The study's analysis by sex, educational attainment, occupation, and family status found that men migrated to work for better jobs while women migrated to work in the agriculture sector, join their family, or for marriage. However, women were increasingly migrating on their own or as heads of households. The 2013 study also indicated that education level of migrants, especially women, had increased over time.²²⁷

²²³ See 3/27/DLA (Work-3) 2012 (001), issued on 1 January 2012; and 3/27/DLA(Work-3) 2011 (12124), issued on 28 December 2011. Cited in A. Hall. 2013. *Migration and Myanmar: Exploratory Research on Recruitment Channels*. Bangkok: February.

²²⁴ United Nations Conference on Trade and Development (UNCTAD). 2012. *The Least Developed Countries Report 2012: Harnessing Remittances and Diaspora Knowledge to Build Productive Capacities*. Geneva. p. 51. http://unctad.org/en/PublicationsLibrary/ldc2012_en.pdf

²²⁵ Footnote 224, p. 56.

²²⁶ R. Pearson and K. Kusakabe. 2012. *Burmese Migrant Women Factory Workers. Thailand's Hidden Workforce, Asian Arguments*. London and New York: Zed Books.

²²⁷ Nyi Nyi. 2013. *Levels, Trends and Patterns of Internal Migration in Myanmar*. Nay Pyi Taw: Ministry of Immigration and Population and United Nations Population Fund.

Some analysts argue that the absorption capacity remains too limited in the urban industrial base to encourage significant migration;²²⁸ and a considerable proportion of current internal migration involves movements between rural locations, which are often seasonal in nature. The central Dry Zone is considered to be a primary source area for internal migrants, while southeastern Myanmar is a major destination, specifically into rural-based industries, such as rubber plantations, mining, fishing, brick-making, and agriculture. Other analysts suggest that migration of women and girls is increasing in response to demand for labor in factories (such as ready-made garment factories) as well as due to push factors associated with declining standards of living in rural areas.²²⁹ The lack of reliable data makes it impossible to estimate the migration flows, but when national census and more recent Labor Force Survey data become available, a better understanding of the dynamics of all forms of migration will be possible.

Economic decision making

Most Myanmar businesses are registered with men as heads of companies (managing director) and women as “directors.” It is perceived that women have the ability to attend to the details of company finances, for example, and are therefore in a better position to make judgments regarding financial matters. But Myanmar women entrepreneurs contend that they are constrained from accessing opportunities in business promotion and marketing. Women entrepreneurs in general think that men have the authority and influence in making final business decisions, determined by their respective position in the company hierarchy.

Some business organizations are in a position to promote women as business leaders through their member networks. In 1995, the Myanmar Women Entrepreneurs' Association was formed as a government-sponsored civil society organization. One of its objectives is to build the leadership role of women entrepreneurs to actively participate in the economic and social development of the country. The organization is in a strategic position to explore the barriers to women's entrepreneurship development.

Another important business organization is the Union of Myanmar Federation of Chambers of Commerce and Industry, which represents the interests of the private sector by acting as a bridge between the government and its members. This role is made possible through a network of chambers and associations affiliated with the federation across the country. With its growing membership, the federation has become more representative of the business community in Myanmar, with 30,673 members as of April 2015.²³⁰ Because companies, enterprises, cooperatives, and associations are registered in the name of their head, most of its members are men.

As previously noted, there is no information available on the proportion of women working in the informal sector. It is common in many countries for women to earn income as owner-operators of microenterprises, particularly in food processing, tailoring, or retailing general goods. Trends have also shown that as enterprises grow, many women lose control. It is important that studies are undertaken to understand if and where women are working in the informal sector and how support can be provided to ensure that they are able to maximize their productivity and retain control over assets and income associated with their enterprises.

²²⁸ I. Okomoto. 2009. Issues Affecting Movement of Rural Labour in Myanmar: Rakhine Case Study. *IDE Discussion Papers #206*. Yangon.

²²⁹ Chaw Chaw. 2003. Rural Women Migrating to Urban Garment Factories in Myanmar. In M. Kaosaard and J. Dore, eds. *Social Challenges for the Mekong Region*. Chiang Mai, Thailand: Social Research Institute, Chiang Mai University. pp. 203–224.

²³⁰ Union of Myanmar Federation of Chambers of Commerce and Industry. 2012. The Role of Republic of the Union of Myanmar Federation of Chambers of Commerce and Industry in Myanmar Business. Brochure. For members, see www.umfcci.com.mm/wp-content/uploads/2013/09/April-2015.pdf

2.3 Enablers and Obstacles to Women's Full and Equal Participation with Men in the Economy

Despite their increasing labor force participation rates and the growing rates of nonfarm employment, women in Myanmar continue to face a slew of related challenges to full and equal participation in the economy. This section explores the enablers and obstacles to women's full and equal participation with men in the economy. It also draws on good practices from Myanmar and other contexts that can be customized in Myanmar or scaled up.

Policy and legislation are important reference points to ensure equal opportunities for women's full and equal participation with men in the economy and to codify rights and entitlements. In Myanmar, according to the CEDAW Committee, although the Constitution guarantees nondiscrimination in government employment, Article 352 seems to be in contravention of this larger principle.²³¹ It states: "The Union shall, upon specified qualifications being fulfilled, in appointing or assigning duties to civil service personnel, not discriminate for or against any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, and sex. However, nothing in this Section shall prevent appointment of men to the positions that are suitable for men only." The Union Civil Service Board continues to designate certain positions as suitable only for men and can block applications from women. The board—consisting of five male members—is responsible for recruitment at the lowest level of gazetted civil service officers and their training. Despite the constitutional guarantees of nondiscrimination in government employment, vacancies are still listed as male-only positions.²³²



UNFPA

²³¹ Footnote 88, p. 3.

²³² Footnote 14, p. 36.

In Myanmar as in many other countries, macroeconomic policy—trade, investment, monetary, and fiscal—is considered objective and gender neutral. Nonetheless, if the gender implications are not understood and addressed, macroeconomic policy can erode women's economic and social rights and security.

The Farmland and the Vacant, Fallow and Virgin Lands Management Act adopted in March 2012 to stimulate land reform is one piece of legislation needing attention. It requires further adjustments to fully protect the land rights of smallholders and poor farmers. Land reform experts note that there is no specific recognition of different and traditional forms of land use in the new land law, such as communal tenure practices of some ethnic communities that still operate under customary law in upland and forested areas. Nor do the laws explicitly state the equal right of women to register and inherit land or be granted land-use rights for vacant, fallow, and virgin land for themselves.²³³

Sex-disaggregated data and gender statistics and research on women in the economy help recognize women's important economic contributions and gender deficits and help formulate and implement gender-responsive interventions to address those gaps. Yet, there was no national census between 1982 and 2014; and there has been no labor force participation survey since 1993, although one is forthcoming. Government data is seldom disaggregated by sex, and where such disaggregation exists, it is recent, making analysis of trends difficult if not impossible. Also, there are variations between data published by the government and data collected from large sample surveys (such as the Multiple Indicator Cluster Survey and the Integrated Household Living Conditions Survey).

There needs to be more explicit recognition in data and policy discussions of women's important contribution to the economy as owners of businesses, entrepreneurs, managers, creditors, farmers, and workers that goes beyond such current references as “farmers and women”—as if they are two separate categories.

Institutional mandates, standard operating procedures, and cultures that are gender responsive facilitate women's full and equal participation in the economy. While women's limited presence in certain markets may create barriers to knowledge, the design and functioning of institutions may be (intentionally or unintentionally) biased against women in ways that perpetuate existing inequalities.²³⁴

Ideology—theories, values, norms, and practices—is an important determinant of the kind of role and contribution women make to an economy and the recognition and valuation of their role in policy and in individual and institutional practices at all levels and in all spheres of an economy and society.

²³³ Food Security Working Group's Land Core Group. 2012. *Legal Review of Recently Enacted Farmland Law and Vacant, Fallow and Virgin Lands Management Law: Improving the Legal and Policy Frameworks Relating to Land Management in Myanmar*. Yangon.

²³⁴ See www.empowerwomen.org/~/-/documents/2013/08/30/21/52/world-development-report-2012-gender-equality-and-development#sthash.L2ng9abD.dpuf

In Myanmar as in many other countries, men are generally regarded as heads of households, breadwinners, leaders, public figures, innovators, and producers, while women are seen as wives, mothers, and religious celibates. If they transgress any of these ideal-type roles that society deems appropriate for women, they may be dubbed “troublesome” or “wayward.” Men are seen as strong, courageous, productive, rational, and intelligent, while women are seen as weak, docile, fickle, irrational, less productive, impure during menstruation, nimble, and meticulous.

Neoliberal economic theory defines “work” as activity that produces something tangible or renders a service and earns an income that is accounted for in the GDP of a country. Care work performed by a wife or family member is seen as a “labor of love.” It is unpaid, unaccounted for in GDP, and not seen as work.

These gender role and trait stereotypes and gender biases in economic theory have the following adverse impacts on women along a continuum:

- They prevent women from employment in paid work. This is especially acute in certain sex-segregated communities in Myanmar and restrict women’s mobility, interactions with certain categories of men, and their engagement in paid work in the public sphere.
- They limit the position of women. When women are engaged in paid employment, they are more likely to be hired for part-time work or in sectors, occupations, and tasks deemed appropriate for women. These include the service sector in occupations like teaching or nursing that reinforce the “nurturing role deemed intrinsic to women” or in small trade—all mostly at the lower end of the job hierarchy. In Myanmar, for example, women dominate the education sector as school teachers or university professors but rarely are the rectors of educational institutions because men are seen as natural leaders even in the so-called “women-specific sector.” Men who are valorized for bravery have leadership and combatant roles in the army, whereas women are part of the medical corps or have administrative roles. Plowing and sowing are male-dominated agricultural tasks in most developing countries, including Myanmar—perceived as needing strength with bullocks and buffaloes.
- They devalue or undervalue women’s work, especially within the household as “a labor of love” and not as work that contributes to the household, community, and economy. Women carry to their paid jobs in women-specific sectors the low value of their unpaid care work.
- They distort data collection and reporting on women in the economy. Data collectors and interviewees tend to internalize gender role and trait stereotypes. Who asks the question, to whom, and in what manner and setting determines the response. For instance, if a male interviewer thinks that the male head of household—a man—can respond on behalf of the women in his family and is asked the question, “How many individuals in your family work?,” he is likely to leave out the women because they are not seen as workers, even if they do work. This scenario thus distorts the data on women’s labor force participation.



ADB

- They marginalize women's access to productive assets and benefits such as land, credit, technology, equipment, education, training, and extension services because they are not seen as "farmers."

Gender segregation by industry or occupation and differences in human capital or productivity due to marginalization from material (capital) and nonmaterial resources (education) are arguably some of the factors that lead to wage differentials between men and women. Wage differentials may also stem from direct discrimination in which women are paid lower wages for the same work or work of the same value simply because they are women.

Ownership, control, and access to productive assets and benefits help increase productivity. As discussed previously, the Food and Agriculture Organization of the United Nations maintains that equalizing men's and women's access to productive resources could increase agricultural output in developing countries by 2.5%–4.0%. However, women in Myanmar, as in many other contexts, continue to be marginalized from access to productive assets such as land and other forms of capital, which then diminishes their productivity. Marginalization from landownership and use has the ripple effect of marginalization from other resources because land is a principal form of collateral, and lack of landownership or certified use rights also reinforces the stereotype that women are not farmers.

Differential access to these productive inputs results from a combination of barriers to market access (including discrimination and differential pricing in land and credit markets) and institutional constraints (including land rights and financial rules and regulations). In several countries, these reflect discriminatory preferences within households that favor men in the allocation of productive resources.

Even if women are heads of households and hold use rights to land, it is nominal; and the income tends to be appropriated by males in the home. Alternately, husbands or other male relatives are often known to take control of women's earnings from nonfarm work.

Freedom from sexual and gender-based violence improves women's attendance at work, productivity, and well-being. It helps women hold paid jobs in the public sphere and become educated without fear and intimidation. Data from around the world validate this. Although there is no statistical data for Myanmar, anecdotal evidence confirms that sexual and gender-based violence in the private and public spheres hampers women's contribution to the economy.

State, public-private partnerships, or family and community arrangements to reduce the burden of care work helps women engage in paid work and contribute more fully to the economy. Although women in Myanmar are increasingly entering the paid workforce, they continue to bear the primary burden of their care roles, productive roles, and community roles, thus increasing their workloads. This happens in the face of a lack of state-subsidized care provision or public-private arrangements or due to the lack of a culture of shared domestic responsibility between men and women in the household. Or because the hiring of domestic workers may be out of reach for many women. Although parents or in-laws may assist with housework and childcare, pressures mount for women to give up their job, take on part-time or intermittent work, and refrain from job-related training. The nature of formal wage jobs in particular—dictated by fixed schedules and minimum-hour requirements—negatively impacts on women's career prospects, earnings, savings, and pension levels if she is in the civil service.

A mass of gender-aware leadership by women in the economy is critical to ensure that a gender equality and women's rights agenda is at the center of economic policy and programming. Myanmar has the Myanmar Women's Entrepreneurs Association and has some women holding nontraditional portfolios in leadership positions in government. This situation needs to be expanded and enriched by way of strengthened capacities and political will to advance the gender agenda in the economy.

Regional initiatives in the context of economic integration help women's participation economically. The Employment and Skill Development Law under discussion by the Union Parliament includes preparing Myanmar for the 2015 Association of Southeast Asian Nations (ASEAN) common labor market.²³⁵ A national skill recognition system to comply with ASEAN standards is being established that will, in effect, increase the portability of skills earned in Myanmar.

Occupation competency standard development committees²³⁶ have been set up for 173 priority occupations in various economic sectors to date that include areas typically involving female labor, such as garment sewing machine operator, preparing and cutting materials of garments, upper sewer, and pattern maker. Although standardization has started, several challenges remain, which include the need for upgrading training facilities, training of trainers and assessors, analysis of the supply and demand of skilled human

²³⁵ This process is being supported by the Singapore Polytechnic Institute.

²³⁶ Competency Standards include job description, skills required, level of skill required, conditions relating to work activity, performance criteria, and evidence of competency.

resources, and obtaining development funds. According to Ministry of Labour, Employment and Social Security staff, no gender analysis for the standardization process has been conducted to date.

2.4 Conclusions and Recommendations

Although progress has been made in recent years, continued efforts are needed to strengthen the policy and institutional framework to accelerate gender equality and to support women's economic empowerment in Myanmar. Special attention must be accorded to generating decent work for women, especially the most vulnerable workers who are typically those employed in the informal sector, including home-based workers, domestic workers, and migrant workers. The following measures are suggested to ensure women's equal participation with men in the economy.

Improve women's participation in the economy

- Evaluate and address the gender impact of macroeconomic and macro sectoral policies and plans.
- Generate and use sex-disaggregated data and gender statistics on women's economic empowerment through data collection instruments such as household and living standards surveys, labor force surveys, and time-use surveys.
- Reduce the burden of unpaid work through investment in infrastructure and public goods and services; provision of woman-friendly, time-saving domestic appliances; and by raising awareness on shared domestic responsibility between men and women in the household.
- Remove the barriers to women's participation in the labor market, strengthen institutions, and enact the reforms needed to secure decent working conditions.
- Address women's special requirements for entrepreneurship development.
- Create incentives for informal enterprises to formalize, including through simplified registration procedures, progressive registration fees, and legal recognition of property rights.
- Strengthen women's capacities for economic leadership and ensure women's economic leadership in relevant government ministries at all levels, trade negotiations and trade agreements, in the private sector, and in workers' and employers' organizations.
- Ensure the participation of women in the formulation, implementation, monitoring, and evaluation of economic policies and programs.

Improve women's contribution in agriculture and rural livelihoods

- Undertake research on the gender dimensions of poverty; gender equality and women's rights in crop and livestock production, forestry, and fishing as well as nonfarm sources of livelihood; intrahousehold dynamics, such as the division of labor and contribution to and control over income, bearing in mind the value of women's unpaid work.



Shobhna Decloitre/UNDP

- Review land laws and laws related to livestock development, fisheries, forestry, and agribusinesses from a gender perspective to strengthen legal protections for women.
- Undertake research on women's financial inclusion and ensure that this informs banking sector reforms to guarantee women's access to financial services, including micro and small-scale entrepreneurs. Some examples include financial services in rural settings; mobile banking "windows;" medium- to long-term loans; innovative forms of collateral that include equipment, cash flow, sales records, and group savings or borrowing; and bridge products to facilitate the transition of microfinance borrowers to formal bank borrowers.
- Provide a range of business development services (such as financial literacy training; training on business planning, development, and management; accounting, market assessment and access; product development; and introduction to technologies) and customized financial products (such as offering services in rural settings or through mobile banking "windows").

Improve women's participation in industry and manufacturing

- Undertake research from a gender perspective of women's roles and status as owners, entrepreneurs, managers, and workers in industry and manufacturing, but especially in extractive industries, the energy sector (different energy needs of women and men in relation to household and productive activities), public works and construction, water and sanitation projects, and the garment sector. Ensure that such analysis informs policy and programming. For example, in the energy sector, promote the development of appropriate low-cost energy technologies to increase women's access to and use of energy services; create options for grid extension to widen energy access to low-income communities, especially in rural areas; provide free or affordable credit for up-front

household connection costs and set tariff levels to reflect poor women's income levels; and put in place innovative payment schemes, such as lifeline tariffs, loans, revolving funds, and staggered payment schemes. Water and sanitation infrastructure improvements must take into account the burden on women's time. Cost-benefit analyses must go beyond health benefits to capture the potential positive impacts on women's time.

- Ensure that laws governing industry and manufacturing, labor practices, and minimum wages and other social protection legislation governing employment take women's situations into account and protect their rights.
- Promote women's participation in the formation, implementation, monitoring, and evaluation of policies, plans, and programs in industry and manufacturing, especially in nonconventional sectors. Experiences from several countries demonstrate that the direct involvement of users in policy planning, implementation, and monitoring optimizes capital investment.
- Include targets for women's employment in nonconventional sectors such as mining and extractive industries, the energy sector, public works, and construction.
- Promote the skills development of women so that they can access better employment opportunities at different levels and in different sectors, including in nontraditional fields such as installation of renewable energy systems, technicians, operators, and meter readers.
- Monitor the labor and safety conditions for workers to avoid "sweatshop" conditions in manufacturing, including in the garment sector.
- Ensure representation of women in community monitoring bodies, user groups, workers' and employers' associations, and in industry and manufacturing, including in decision-making and leadership positions.

Improve women's participation in services

- Conduct gender analysis of different domains of the service sector, including trade, transport, tourism, and hospitality, and ensure that this analysis informs policies, plans, and programming. For example in the transport sector, incorporate physical designs that meet women's needs, such as access routes, feeder roads to highways, and rural and provincial roads, focusing on pedestrians and two-wheelers; speed bumps in populated areas, walking lanes, and crossings; and establish public transport schedules and pricing systems that respond to the needs of women users, including affordable off-peak and multiple trip ticketing.
- Ensure that laws governing various domains of the service sector, including labor laws, minimum wage laws, and other social protection legislation governing employment, take women's situations into account and protect their rights.
- Include targets for women's employment in the various domains of the service sector, including trade and transport (such as the percentage of women to be employed in civil works, toll collection staff, station attendees, ticket collectors, inspectors, etc.).
- Ensure the involvement of women from local communities in resettlement and other impact assessments to ensure that their specific needs are incorporated into compensation packages and other social safeguards.

- Promote the skills development of women so that they can access better employment opportunities at different levels and in different domains of the service sector, especially in nontraditional fields such as higher-end trade and transport.
- Ensure representation of women in workers' and employers' associations, including in decision-making positions, and in leadership positions in the service sector.

Improve social protection for women

- Undertake a gender analysis of the social security law and current social protection programs, regardless of whether they govern employment, and ensure that the findings inform revision of policies and programs.
- Monitor outcomes of implementation of the new social security law to ensure that rights and benefits are available to all women covered.
- Raise awareness among employers and women employees of the new legislation.

Make the migration journey safer and prevent the trafficking of women and girls

- Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990.
- Undertake research on the gender dimensions of international and internal migration for work to understand the gender differentials in trends, causes, and the predeparture, in transit, on-site and return and/or repatriation experiences of men and women migrant workers, and ensure that the analysis informs policies, plans, and programs that will strengthen women migrant's rights.
- Ensure that amendments to the 1999 Overseas Employment Act and other migration-related laws incorporate a gender equality and women's rights perspective, including eliminating bans and restrictions on women's out-migration and protecting women's rights at all stages of the migration journey.
- Put in place (i) programs that disseminate information and raise community awareness on the risks of migration and trafficking, how to migrate safely and legally, and information on job opportunities within the country and overseas; (ii) predeparture training programs that are focused on protecting workers' rights at all stages of the migration journey, including orientation for savings mobilization; (iii) skills training programs that match labor market demand; (iv) initiatives for efficient remittance transfer; and (v) comprehensive reintegration programs for returning women migrants, especially abused and trafficked migrant women survivors. These should include trauma counseling, legal aid to claim unpaid wages or press charges, investment of remittances, skills training, information provision or capacity building on financial services, job search assistance, and mentoring and facilitation for business development.
- Advocate for and ensure that the development and implementation of memorandums of understanding and bilateral agreements between Myanmar and countries of employment protect the rights of women migrant workers.

- Advocate with destination countries of employment to introduce and implement labor and immigration policies and programs that protect the rights of women migrant workers, including legal and social protections for domestic workers.
- Introduce and enforce regulations governing recruitment agencies, including the protection of women migrants.
- Sensitize the media to report more sensitively on women's migration and trafficking of women and girls.



GENDER EQUALITY
AND WOMEN'S RIGHT
TO AN EDUCATION

3



UNICEF Myanmar/2013/Kyaw Kyaw Winn

Gender Equality and Women's Right to an Education

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: (a) the same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training; (b) access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality; (c) the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods; (d) the same opportunities to benefit from scholarships and other study grants; (e) the same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women; (f) the reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely; (g) the same opportunities to participate actively in sports and physical education; (h) access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women

The Union shall: (a) earnestly strive to improve education and health of the people; (b) enact the necessary law to enable National people to participate in matters of their education and health; (c) implement free, compulsory primary education; (d) implement a modern education system that will promote all-around correct thinking and a good moral character contributing towards the building of the Nation.

Article 28 of the Constitution of Myanmar

The objective is to strengthen systems, structures, and practices to ensure women's and girls' equal access to quality formal and nonformal education, and training, through policy formulation and implementation that includes data collection, research, advocacy, and capacity-building activities involving government and nongovernment stakeholders and resource allocations.

National Strategic Plan for the Advancement of Women on Education

3.1 Significance of Women's and Girls' Equal Access to Quality Education

The education of girls and women contributes significantly to women's empowerment and to reaching their full potential in life. Although high-quality education benefits individual women, it also has an effect on all family members and through generations.

That education of women and girls is critical to achieving development objectives is borne out globally. Data suggest that if all students in low-income countries were to acquire basic reading skills, 171 million people—12% of the world's poorest—could be lifted out of poverty.²³⁷ One additional year of schooling can increase a woman's earnings by 10%–20%. Educated women are more likely to attain decent work conditions, delay childbearing, resist violence, and participate in political processes.²³⁸ There are also direct links between women's education and health—not only in the sense of well-being but outright survival for both women and their children.²³⁹ Women with postprimary education are five times more likely than illiterate women to be educated on HIV prevention. In Sub-Saharan Africa, if mothers had at least some secondary education, they could save an estimated 1.8 million children's lives (based on 2008 data). Between 1970 and 2009, increased education among women of reproductive age was responsible for preventing an estimated 4 million deaths of children younger than 5 years globally.²⁴⁰

The analysis in Myanmar yields similar conclusions. The Integrated Household Living Conditions (IHLC) Survey and Multiple Indicator Cluster Survey (MICS) findings and other sources demonstrate that variations in health and poverty indicators are related to the education level of mothers. For example, the more years of education of the mother, the better the health indicators of a child; the same applies to reproductive health indicators. Likewise, analysis indicates that the education levels of both the mother and father influence the continued education of their children generally, but with gendered nuances. For example, analysis of the 2009–2010 IHLC data as part of Myanmar's Comprehensive

²³⁷ United Nations Educational, Scientific and Cultural Organization (UNESCO). 2011. *Education for All Global Monitoring Report 2011*. Geneva. www.efareport.unesco.org. See also: www.unesco.org/fileadmin/MULTIMEDIA/HQ/ED/GMR/pdf/gmr2010/MDG2010_Facts_and_Figures_EN.pdf

²³⁸ Footnote 237

²³⁹ Footnote 237.

²⁴⁰ E. Gakidou et al. 2010. Increased Education Attainment and Its Effects on Child Mortality in 175 Countries Between 1970 and 2009: A Systematic Analysis. *The Lancet*. 376. pp. 959–974. <http://globalhealthcenter.umn.edu/documents/educationalattainment-lancet2010.pdf>

Education Sector Review (CESR)²⁴¹ suggests that a mother's and father's education have a similar (positive) impact on the likelihood that a 10- to 15-year-old boy has completed primary schooling, while a mother's education has a much larger effect on primary school completion among girls in the same age range.²⁴² Hence, education resonates down generations.



UNFPA

Recent attention has been focused on achieving goals associated with increasing access to education—for both girls and boys. It is important to understand that not only should girls and boys enroll in school at all levels but that the level of education achieved enables each student to reach their full potential, both personally and within the labor market. Many experts have argued that the single most important factor to improve women's empowerment is education—but that education must be relevant to their lives and must be application- and job-oriented.

Limitations on achieving full education for women and men further place constraints on inclusive growth for the whole country. In a 2008 United Nations (UN) report on Asian and Pacific countries, analysts estimated that the region was losing between \$42 billion and \$46 billion each year because of restricted job opportunities for women.²⁴³ A major contributing factor to restricting job opportunities is limited education. In 2012, the UN Secretary-General established the Global Education First Initiative, which recognizes the

²⁴¹ The CESR is led by the Ministry of Education, coordinating inputs from multiple government and development partner agencies. CESR phase 1 (rapid assessment) has been completed and in-depth analysis (phase 2) is now under way. Australian Aid and UNICEF, as coleads of the sector, support the ministry's overall coordination for harmonized development partner assistance to the education sector.

²⁴² This echoes similar findings found in many countries.

²⁴³ R. Hausmann, L. Tyson, and S. Zahidi. 2008. *The Global Gender Gap Report 2008*. Geneva: World Economic Forum. p. 22. Cited at www.ey.com/GL/en/Industries/Government---Public-Sector/Women-in-the-workplace---Unleashing-the-power-of-women-entrepreneurs

significance of education to development. In his statement regarding the initiative, the Secretary-General stated:

*Education is a major driving force for human development. It opens doors to the job market, combats inequality, improves maternal health, reduces child mortality, fosters solidarity, and promotes environmental stewardship. Education empowers people with the knowledge, skills and values they need to build a better world.*²⁴⁴

International evidence shows that investment in the early years of children's development brings the highest rates of return of any investment within the education cycle. Nobel Laureate J. Heckman noted that early interventions targeted at disadvantaged children have much higher returns than later investments, adding that inequality in early childhood experiences and learning produces inequality in ability, achievement, health, and adult success.²⁴⁵ Early childhood, which covers the first 8 years of life, is a critical period for children's cognitive, social, emotional, and physical development, with lifelong impacts on health and social outcomes, making it the foundation for human capital.²⁴⁶ Investing in quality early childhood care and development (ECCD) programs levels the playing field for girls by giving them the best possible start in life, and improving their school readiness and learning success in primary school, thus making it a critical policy to promote gender equality as well as a smart economic choice.

Given the importance of education for women and girls to improve the poverty indicators and the limitations on economic growth when education achievements do not match the needs of the labor market, this chapter raises the following questions as relevant to Myanmar's reform agenda:

- 1) How has Myanmar met its gender equality and women's rights commitments to including women and girls and their priorities (especially the most excluded) equally with men and boys in formal and nonformal education?
- 2) What are the constraints to ensuring gender equality and women's rights at all levels of education, most especially in the context of Myanmar's social and economic reforms and new career opportunities?
- 3) What enables women and men in decision-making positions to deliver on a gender-responsive policy agenda to ensure women's and girls' equal rights as men and boys in all levels of quality formal and nonformal education and training?

²⁴⁴ The Global Education First Initiative of the UN Secretary-General harnesses support from partners around the world that are making commitments to achieve the targets. For the launch of the initiative, dozens of companies and private foundations made pledges, mobilizing more than \$1.5 billion to ensure that all children and youth have a quality, relevant, and transformative education. See www.globaleducationfirst.org/commitments.html#sthash.ckC96Kwi.dpuf

²⁴⁵ J.J. Heckman. 2006. Skill Formation and the Economics of Investing in Disadvantaged Children. *Science*. 312 (5782). pp.1900–1902.

²⁴⁶ See [www.unicef.org/lac/Inequities_in_Early_Childhood_Development_LoRes_PDF_EN_02082012\(1\).pdf](http://www.unicef.org/lac/Inequities_in_Early_Childhood_Development_LoRes_PDF_EN_02082012(1).pdf)

3.2 Trends in Gender Equality and the Right to an Education in Myanmar

Trends in women's and girls' access to quality formal and nonformal education and training

The government's 2012 Framework for Economic and Social Reforms document noted the generally poor system of education in Myanmar, especially when compared with neighboring countries. In recent decades, the document pointed out, there has been limited investment in the sector, with "the ratio of government expenditure on education to overall GDP amongst the lowest in the world."²⁴⁷ Despite recent significant increases in public expenditure on education, the government recognizes it must continue to increase investment as a proportion of the total government budget to achieve this vital foundation to inclusive growth and effect reforms in the governance of the education system that encourage greater engagement by parents in the education of their family. It is not only a question of more resources, it is also essential to track outcomes to show that increased funding is resulting in increased learning.

According to the 2011 Millennium Development Goals (MDGs) report from the UN Country Team in Myanmar, achievements toward basic education targets between 2000 and 2010 included (i) near universal enrollment in primary school; (ii) gender parity in enrollment in primary and secondary schools, with a higher percentage of female students in tertiary education; and (iii) expansion of the availability of secondary education.

In the analysis of progress on the MDGs, the UN Country Team report noted that "a comprehensive and fully disaggregated set of data on education is not available."²⁴⁸ In view of data gaps and fragmentation, Myanmar's launch of the CESR in October 2012 marked a fundamental step forward.²⁴⁹ The education-related analysis for this gender situation assessment incorporated selected findings from the CESR phase 1 (rapid assessment), together with data from government sources (Education Management Information System or EMIS), IHLC Survey, MICS, and MDG reports, pending finalization and release of more in-depth analysis being conducted under CESR phase 2.

²⁴⁷ Framework for Economic and Social Reforms draft (English), 2012, p. 28.

²⁴⁸ United Nations Country Team. 2011. *Achieving the Millennium Development Goals in Myanmar Thematic Analysis*. Yangon. p. 19.

²⁴⁹ Led by the Ministry of Education and involving several ministries, with support from an array of development partners, the CESR marks the first rigorous assessment of the entire sector in 2 decades. Following a rapid assessment in phase 1, an ongoing in-depth assessment under CESR phase 2 includes equity-sensitive analysis of the current education situation, challenges, and priorities for policies, reforms, and sector investments. Based on this strengthened evidence base, CESR phase 3 (expected to be completed in mid-2015) will support the government's formulation of a costed national education sector plan to guide sequenced and priority investments throughout the sector by the government and development partners.

Trends in early childhood care and development and primary and secondary education

Access

The policy framework has been strengthened with the launch of the Myanmar Policy for Early Childhood Care and Development by the Ministry of Social Welfare, Relief and Resettlement in 2014, which sets out the vision and 10 policy strategies for improving access, quality, and governance of ECCD. The introduction of a kindergarten year at age 5, to begin in 2016, as part of the basic education restructuring also reflects government commitment to investment in children's early years.

Access to ECCD services in Myanmar is very low, compared with neighboring countries, with only 22% of children aged 3–4 years reached in 2012, compared with 57% in the Association of Southeast Asian Nations (ASEAN) region. Fewer girls than boys were enrolled in an ECCD program, with major disparities in urban areas and rural border and remote areas. Disparities between regions and states were particularly apparent, with Kayah State achieving the highest rate (60.7%) and Rakhine State having the lowest (5.4%).²⁵⁰ Few of the children identified with disabilities were accessing ECCD services.²⁵¹

An important achievement at the primary school level in recent years has been reaching gender parity in enrollment, as reflected in girls' representation in different levels of schooling (Table 3.1). The CESR provides additional disaggregated analysis on some other key aspects of education, but data remain particularly limited regarding student achievement and the quality of education.

Table 3.1: Percentage of Female Students, at Different Education Levels, 2009

Level of Education	% of Female Students
Primary (grades 1–5)	49.4
Middle school (grades 6–9)	49.8
High school (grades 10–11) ^a	51.8

^a The Ministry of Education is discussing plans to extend high school education to grades 10–12 as part of broader curriculum reforms.

Source: Department of Labor. 2009. *Handbook on Human Resources, Development Indicators 2009*. Nay Pyi Taw.

As shown in Table 3.2, the CESR analysis of the 2009–2010 IHLC Survey data provided sex- and age-disaggregated glimpses of net enrollment rates. For different age ranges and levels of schooling, the table includes net enrollment rates as well as the share of children in that age range that are out of school (reported as not enrolled in any formal education), disaggregated by sex and by urban and rural areas in the IHLC Survey data. The table

²⁵⁰ Ministry of National Planning and Economic Development and UNICEF. 2012. *Situation Analysis of Women and Children in Myanmar*. Yangon. p. 186.

²⁵¹ Ministry of Social Welfare, Relief and Resettlement. 2014. *Myanmar Policy for Early Childhood Care and Development*. Nay Pyi Taw. p. 29.

demonstrates gender parity for the net enrollment rate for primary education, at 88% for boys and 88% for girls, and for secondary education, at 52% for boys and 53% for girls.²⁵² Access for girls has improved over time and is expected to narrow gaps in adult literacy over time. According to the 2009–2010 IHLC Survey estimates, basic adult literacy rates were 96% for males and 89% for females.

Despite the gender parity in primary school enrollment, low net enrollment rates²⁵³ in secondary education have important implications for both girls and boys. As illustrated in Table 3.2, the analysis of the IHLC Survey data suggest that the net enrollment rate for middle school in 2009–2010 (such as the share of 10- to 13-year-olds enrolled in grades 6–9) was roughly 51%, but dropped to below 26% for high school (such as the share of 14- to 15-year-olds enrolled in grades 10–11). Failure to enter or dropping out from secondary education left large numbers of children out of school. For example, 42% of boys and 44% of girls aged 14–15 years were out of school in 2009–2010, despite more girls entering and completing high school (Table 3.2).²⁵⁴ In urban areas, slightly more boys aged 14–15 years were out of school, at 20% compared with 18% of urban girls.

Table 3.2: Net Enrollment Rates and Share of Out-of-School Children, by Age Group and Sex

Age Group/Level (per MOE norms)	Nationwide			Urban		Rural	
	All	Boys	Girls	Boys	Girls	Boys	Girls
(1) Preschool age groups (aged 2–4 years)							
NER	0.17	0.16	0.17	0.30	0.34	0.12	0.13
Not enrolled	83%	84%	83%	70%	66%	88%	87%
(2) Primary school-age (aged 5–9 years)							
NER	0.88	0.88	0.88	0.92	0.91	0.87	0.87
Out-of-school	11%	11%	11%	7%	8%	12%	12%
(3) Middle school-age (aged 10–13 years)							
NER	0.51	0.50	0.52	0.68	0.74	0.45	0.46
Out-of-school	18%	17%	18%	10%	8%	19%	21%
(4) High school-age (aged 14–15 years)							
NER	0.26	0.25	0.27	0.48	0.50	0.19	0.20
Out-of-school	43%	42%	44%	20%	18%	47%	52%
(5) Postsecondary age groups							
<i>(5A) Population aged 16–19 years</i>							
NER	0.12	0.10	0.13	0.23	0.29	0.07	0.08
Out-of-school	71%	71%	70%	51%	47%	77%	77%
<i>(5B) Population aged 18–21 years</i>							
NER	0.12	0.10	0.13	0.23	0.27	0.07	0.09
Out-of-school	83%	84%	81%	69%	65%	88%	87%

MOE = Ministry of Education, NER = net enrollment rate.

Note: Estimates are subject to statistical uncertainty (particularly at disaggregated levels) and should be treated as approximate.

Source: ADB staff estimates generated from 2009–2010 Integrated Household Living Conditions (IHLC) Survey data.

²⁵² The net enrollment rate is the extent of coverage in a given level of education of children and youths belonging to the official age group corresponding to the given level of education. The gross enrollment rate includes total enrollment in a specific level of education, regardless of age, and hence includes those repeating the year.

²⁵³ CESR, ADB, and Australian Aid. 2013. *CESR Phase 1 Technical Appendix on the Secondary Education Subsector*. Yangon.

²⁵⁴ Ministry of National Planning and Economic Development, Ministry of Health, and UNICEF. 2012. *Situation Analysis of Children in Myanmar*. Yangon. pp. 82–83.

Even though the figures in Table 3.2 should be treated as approximate, they suggest (as would be expected) that urban children are much more likely to be in school and on track (in the expected level of education for their age). The gaps appear to grow at the secondary level (middle and high school) when compared with the primary level. Despite the gender parity on aggregate, the data point to interactions between sex, geographical location, and other dimensions. This mirrors the findings in the 2009–2010 MICS, which suggest that while roughly 82% of both boys or girls aged 10–15 years in Yangon were in school (including those still in primary school), more than half this age group in Rakhine State were out of school, including 57% of girls and 49% of boys (an 8 percentage point gap). In some other regions and states, the share of 10- to 15-year-old boys out of school was considerably larger than for girls.²⁵⁵ Additionally, the IHLC Survey data indicate that girls in urban areas appear to fare slightly better than boys in middle and high school, using either measure (net enrollment rate or share of the out-of-school population). The picture was more mixed in rural areas: net enrollment rates were slightly higher for girls, but the share of girls out of school was also slightly larger than for boys. This is not contradictory but implies that, conditional on still being in school, girls are less likely to lag in their grade progression. MICS data suggest a similar phenomenon.²⁵⁶

Dropout rate and educational attainment for primary and secondary education

Enrollment rates provide only a limited part of the picture. The CESR analysis utilized a variety of data, including from the EMIS and IHLC Survey, to address completion rates at different levels as well as the timing and reasons for children's exit from the education system. Both the EMIS and IHLC data suggest modest improvements in completion rates in recent years but also indicate that as many as one in five primary completers does not appear to enter middle school and that there are sizable dropout rates within secondary school grades.

The analysis of IHLC Survey data also suggests that (i) more than 96% of children in recent cohorts have completed at least grade 1; (ii) among those completing grade 1, there was little sign of dropouts up through grade 3, suggesting much larger shares of children repeating grade 1, compared with the EMIS data; and (iii) consistent with the EMIS estimates, there was a particularly marked exit from schooling after grade 5.²⁵⁷ More in-depth analysis under CESR phase 2 (ongoing at the time of the analysis) has included greater disaggregation, including by sex, urban–rural groupings, and socioeconomic status, including the attainment profile shown in Figure 3.1.²⁵⁸

²⁵⁵ Footnote 253.

²⁵⁶ Footnote 253.

²⁵⁷ Footnote 253.

²⁵⁸ The methodology for analysis described herein and Figure 3.1 are elaborated in CESR, ADB, and Australia Aid. 2013. *Phase 1 Technical Appendix on the Secondary Education Subsector*. Yangon. More detailed findings will be presented in a forthcoming supplementary annex to CESR, phase 2.

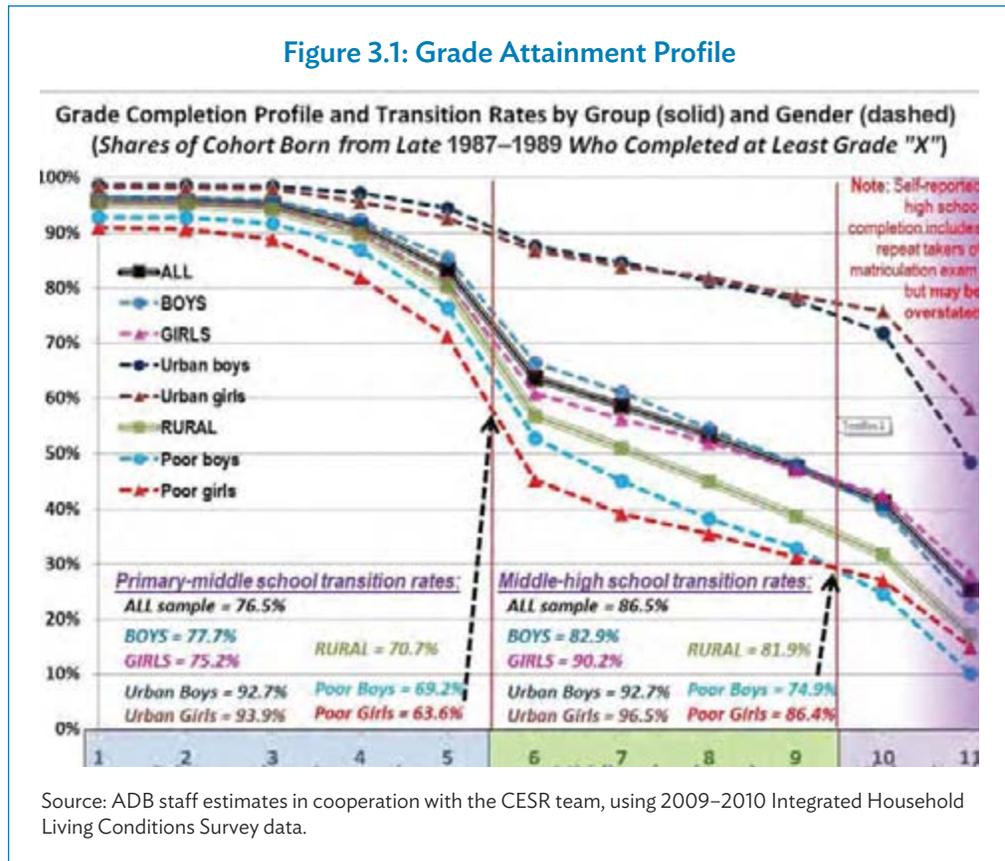


Figure 3.1 points to marked distinctions between, for example, urban children and children in poor households, and suggests that gender dynamics appear interlinked with socioeconomic status. The dashed “urban” profiles at the top of the figure demonstrate that roughly 93% and 80% of urban youth in the 2009–2010 cohorts completed primary education and middle school, respectively, with little discrepancy between girls and boys, except in high school, where girls overtook boys by a sizable margin. In contrast, the lower dashed “poor” profiles show that the cohorts of girls in poor households had been modestly disadvantaged in primary school (71% completed primary school, compared with 77% of poor boys), and fewer poor girls transitioned into middle school (64% of girls and 69% of boys in poor households), widening the gap between the sexes. However, the gender gap subsequently narrowed, with girls in poor households overtaking male counterparts in high school. The CESR analysis of reasons for exiting education is presented further on.

Quality of education

Looking beyond simple access concerns, quality and achievement also appear to be problematic.

A 2012 study of 181 school-based ECCD facilities in 15 townships found that only 2% met all 15 quality standard indicators, while 54% required urgent attention. At least 24% of teachers were untrained, and fewer than a third of centers had sufficient play materials. Children’s developmental progress was not recorded, and only half of the centers recorded

community engagement. Training opportunities for the preschool teachers and parent educators, the vast majority of whom were women, were limited (for both preservice and in-service).²⁵⁹

In the absence of other systematic data to date, pass rates on the matriculation exam—an exam taken at the end of high school that serves a dual role as both a high school completion exam and a university screening exam—provide the most concrete quantitative measure of secondary student performance, though it is also problematic.²⁶⁰ Table 3.3 shows that over the 5 years between 2008 and 2012, only around one-third of matriculation exam takers passed. The CESR analysis also points out that, of the roughly half a million students taking the matriculation exam annually in recent years, only around 300,000 were grade 11 enrollees in a given year, meaning that roughly two-fifths of matriculation exam takers are repeat takers (a phenomenon observed in several East Asian countries).

Table 3.3 also shows that matriculation exam pass rates have hardly improved since 2008. Female students had a slightly higher pass rate, and universities have started publishing tables in local newspapers indicating requisite pass marks for entrance into different university courses that differ for boys and girls.²⁶¹ To reach gender parity among students in areas such as medical studies—because girls are achieving higher grades—boys are now allowed to enter with lower pass marks than girls at matriculation. Similar measures might be considered to encourage girls to enter fields of study normally considered to be only of interest to boys.

Table 3.3: Numbers of Matriculation Exam Takers and Passers, 2008–2012

Year	Students Who Took Exam				Students Who Passed Exam			% of Total Students Passed
	Male	Female	% Female of Total	Total	Male	Female	% Female of Total	
2008	271,763	296,618	52	568,381	73,376	95,052	56	29.6
2009	229,187	258,546	53	487,733	64,165	83,946	56	30.3
2010	245,249	281,609	53	526,858	78,054	105,935	58	34.9
2011	214,168	255,684	54	469,852	69,612	95,395	57	35.1
2012	209,148	258,701	55	467,849	66,668	94,110	58	34.3

Note: As indicated in the text previously, the numbers in the table include the roughly one-third of exam takers who were not currently enrolled in grade 11 but were repeat takers who had failed the exam in previous years.

Source: Comprehensive Education Survey Review (phase 1), internal use.

²⁵⁹ Cited in Ministry of Social Welfare, Relief and Resettlement. 2014. *Myanmar Early Childhood Care and Development Policy*. Yangon. pp. 42, 46.

²⁶⁰ Some accounts argue that the matriculation exam is disjointed from the high school curriculum, being more focused on university entrance. More generally, dialogue through the CESR is feeding into moves to reform the current matriculation exam, potentially delinking its dual roles.

²⁶¹ See www.irrawaddy.org/contributor/burmas-sexist-school-requirements-hurt-women-society.html

More generally, the CESR phase 1 analysis pointed to challenges in terms of teaching (still largely rote-based) and learning outcomes affecting both boys and girls. On the whole, grade repetition in basic education was fairly low, but rose in the final year of middle school (grade 9) and remained particularly problematic, especially in high school (grades 10–11)—repetition rates for boys appeared marginally higher than for girls.²⁶²

Trends in nonformal and monastic education

It has only been since independence in 1948 that public schools have gradually expanded into all areas of Myanmar. Until then, most education was conducted in Buddhist monastic schools. Based on data from the *Statistical Yearbook 2010* from the Central Statistical Organization, only 3% of primary school students attended monastic schools that year. The 2009–2010 IHLC assessment estimates suggest that the share has become smaller—slightly more than 1% of students in primary grades and roughly half of that for students in secondary grades.²⁶³ The share of boys in monastic schools was marginally larger than of girls. Not all these schools are registered with the Ministry of Religious Affairs, and the proportion of students attending may be larger than reported in the government statistics. Most monastic schools offer primary school classes based on the official curriculum, with additional teaching on Buddhist culture and practices. There are also some schools covering middle and high school grades.

Students at monastic schools generally come from poorer households or are orphans. In addition to teaching, the schools offer meals and use community contributions to cover the cost of textbooks and classroom equipment, which can be a significant contribution to poor households. Monastic schools do not usually require birth certificates for students, which is helpful for families without these documents; often, lessons include ethnic language and literature taught as additional subjects during the summer holidays.

There are limited options in nonformal basic education to engage children and adults who have dropped out of school.²⁶⁴ This is an important concern for the large proportion of children who do not complete primary education and remain out of school. The government is developing policies and operational plans to establish a more robust nonformal education program to address certain shortcomings of the formal system. This should include improving literacy and basic education for those women who never attended school—particularly from ethnic groups and national races in remote regions of the country.

A Non-Formal Primary Equivalence Program, which is a 2-year, fast-track program for 10- to 14-year-olds who have dropped out of school, has been set up in 86 townships, reaching 11,000 children, 43% of whom are girls.²⁶⁵ Students completing the program successfully are able to reenter the formal system. More data are needed to understand the reasons for the lower enrollment of girls, but domestic chores may be a factor, indicating a need for more flexible delivery systems to accommodate girls' special needs. A formal, Extended and Continuous Education and Learning (EXCEL) program targeting out-of-school adolescents aged 10–17 years²⁶⁶ aims to teach life skills as well as basic literacy and numeracy and in

²⁶² Footnote 253.

²⁶³ Footnote 253.

²⁶⁴ Footnote 120, p. 84.

²⁶⁵ Through the Quality Basic Education Programme (QBPEP), supported by Australia, Denmark, Department for International Development of the United Kingdom, European Union, Norway, and UNICEF.

²⁶⁶ Ministry of Foreign Affairs. 2014. *Myanmar Quality Basic Education Programme, Annual Report*. Nay Pyi Taw.

2014 reached 9,260 children in 17 townships, 55% of them girls.²⁶⁷ The reverse gender trend in this program may indicate that the greater flexibility in the delivery system benefits girls—but more research is needed. A Non-Formal Middle School Equivalence Program is also under development by the Ministry of Education.

Migrants, especially returning migrants, represent an additional target group for nonformal education. There are few studies into this aspect of educational needs, but a study by the nongovernment organization BEAM Education Foundation,²⁶⁸ which works with migrants from Myanmar in Thailand, provides insight on migrants seeking education. In looking at the situation of migrants in Thailand, the BEAM study found that both children of migrants and migrants seeking adult education were attending classes in community-based schools and organizations for migrants. Currently, migrant students in Thailand can attend nonformal schools offering both basic education and vocational training courses, or they can attend Thai schools. Neither option is considered suitable by most migrant parents because they think it does not prepare their children for returning to Myanmar. Under both systems, students learn in Thai language. Additionally, educational authorities in Thailand or Myanmar do not systematically recognize the accreditation of educational achievement at the informal schools.²⁶⁹



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²⁶⁷ Ministry of Foreign Affairs. 2014. *Myanmar Quality Basic Education Programme, Annual Report*. Nay Pyi Taw.

²⁶⁸ The BEAM Education Foundation was founded in December 2009 to assist with the unmet needs of migrant students from Myanmar seeking higher-level college preparation courses and advanced vocational skills training. It is funded through support from international organizations.

²⁶⁹ BEAM Education Foundation. 2012. *Statement: Migrant Education System, Thailand and Myanmar*. www2.ohchr.org/english/bodies/crc/docs/discussion2012/SubmissionsDGDMigration/BEAMEducationFoundation.pdf

Trends in higher education

Relevant and quality higher education qualifications are vital to developing a more knowledge-based workforce that is able to keep up with changes in a globalizing economy. As identified in several studies and by the government in its Framework for Economic and Social Reforms, higher education institutions in Myanmar provide a poor standard of qualification and have limited engagement in research. Universities were chronically underfunded during recent decades and were broken up, with specialty institutions put under the control of relevant ministries²⁷⁰ and located away from population centers to overcome the perception of students as a threat to political stability. Graduate unemployment, underemployment, and migration are often associated with a mismatch between degree programs and the demands of the modernizing labor market and are further signs of a poorly aligned higher education system.²⁷¹

A striking trend in higher education in Myanmar is the extent of the gender imbalance among students—in 2012, 60% of all higher education students and 82.6% (Table 3.4) of all academic staff members were female.

Table 3.4: Gender Breakdown of Higher Education Students, by Level, 2012

Course	Male	Female	% of Total Student Population	Total
Undergraduates	201,762	296,725	59	498,487
MA/MSc qualifying	156	915	87	1,041
Postgraduate diploma	473	1,309	73	1,782
Master's degree	1,315	5,473	80	6,788
Masters of research	69	407	85	476
PhD	429	1,858	81	2,287
Total	204,204	306,687	60	510,891

MA = master of arts, MSc = master of science, PhD = doctor of philosophy.

Source: Ministry of Education, Department of Education Planning and Training. 2012. *Education Development in Myanmar*. Nay Pyi Taw. May.

Around a dozen ministries oversee institutions providing higher education and/or programs that could be termed as technical and vocational education and training (TVET). The CESR phase 2 analysis is using the 2009–2010 IHLC Survey data to generate estimates for the share of youth enrolled in higher education, disaggregated by sex, age, and urban–rural location (Table 3.5).

²⁷⁰ In 2012, 13 ministries had management responsibility for higher education institutions, ranging from the Ministry of Defense to the Ministry of Health and the Ministry of Science and Technology. A central council consisting of government stakeholder ministries make academic as well as administrative decisions for these institutions. In most universities around the world, these decisions are made within the institutions. See footnote 254.

²⁷¹ Footnote 253.

Table 3.5: Integrated Household Living Conditions Survey-Based Estimates of Participation in Higher Education and Training (%)

Grouping	Type	Age		
		16–19	20–25	26–30
Aggregate	Higher education	11.6	7.1	2.4
	Skills training	1.7	1.6	0.8
Male	Higher education	10.3	7.5	3.5
	Skills training	1.3	1.4	0.6
Female	Higher education	12.7	6.7	1.4
	Skills training	2.1	1.8	1.0
Urban male	Higher education	23.5	14.3	5.9
	Skills training	3.5	3.8	1.3
Urban female	Higher education	28.8	11.4	3.2
	Skills training	6.7	3.7	2.1
Rural male	Higher education	6.5	5.4	2.6
	Skills training	0.7	0.7	0.4
Rural female	Higher education	8.0	5.1	0.7
	Skills training	0.7	1.1	0.5

Note: Estimates are subject to statistical uncertainty (particularly at disaggregated levels) and should be treated as approximate.

Source: ADB staff estimates generated from 2009–2010 Survey data.

Table 3.5 confirms administrative data suggesting that females are more likely to enroll in higher education, though the margin based on this data is slightly less than implied by previous tables in this report. Females also appear to start university on time, at age 16 (or overall at an earlier age on average than males), perhaps due to their noted higher rates of success on taking the matriculation exam. It also points to marked disparities across urban and rural households: for example, among the former, 29% of the 16- to 19-year-old females were enrolled in higher education in school year 2009/10, compared with 9% for females in rural households. The numbers are still smaller (less than 5%) for youth in poor rural households.

Differentials in educational achievement start much earlier because the main constraint on higher education enrollment appears to be low pass-through from secondary education. As noted previously, the incidence of children dropping out of school during their primary and especially secondary education or not transitioning from primary school to middle school is much more prevalent in rural areas. Entrance to higher education institutions is also determined through the matriculation exam pass marks, and two-thirds of the takers fail annually (though some eventually pass in subsequent years). Exclusion of such a large proportion of potential students is not only an equity issue, limiting the right to education set out in the Constitution, but also a considerable economic inefficiency. The talent of a large proportion of young people is not brought to full potential, limiting inclusive economic development.

Some private higher education institutions have been established but are not sanctioned under current legislation. Their fees are relatively high, and there is no guarantee of

recognition of qualifications granted. Legislation is being drafted to help encourage and regulate a potential expansion of for-profit and not-for-profit higher education institutions. Expansion of private higher education could have an important role in diversifying academic programs as well as subsector financing. However, it will be important to establish appropriate quality controls.

There is limited data on enrollments by field of study. The analysis under CESR phase 1 suggested that females tend to be overrepresented in areas such as teacher education, while males are overrepresented in forestry and engineering programs and students in universities and colleges under the Ministry of Defense.²⁷² In considering the high enrollment rate of women to higher education institutions, however, it is important to remember that there is greater unemployment among women compared with men, presenting incongruence between investment required for women to remain in education compared with the returns from the labor market.

Trends in technical and vocational education and training

The Ministry of Science and Technology²⁷³ is the lead ministry for TVET, though at least 11 other ministries also oversee TVET institutions (depending on the definition of TVET used).²⁷⁴ Many programs termed in Myanmar as TVE or TVET focus on more advanced forms, including (for example) master's degree programs, which are treated in most analyses as higher education.²⁷⁵ Also, a variety of lower-tier TVET programs, often termed in Myanmar as “informal vocational training” or “informal TVET,” have limited capacity to serve as an avenue through which the large number of out-of-school adolescents and adults can be prepared for the labor market. This has important implications in terms of equality of access to TVET as well as the subsector's ability to meet emerging labor market needs.²⁷⁶

Administrative data on TVET has generally not been disaggregated by sex or vocational field, making it difficult to analyze the gender dimensions of access and achievements. However, the CESR is supporting such analysis using the 2009–2010 IHLC Survey data. The estimates presented in Table 3.6 suggest relative gender parity but, more strikingly, participation in skills training is quite low for males and females in all age groups, particularly in rural areas. The forthcoming CESR phase 2 analysis suggests that women are overrepresented in areas such as language training while underrepresented in other skill areas that may be highly demanded in the modernizing economy (such as light mechanics and information technology). This is another context requiring significant improvement in data collection and analysis, particularly if there is to be matching of needs of different employers with graduating trainees. This is also necessary to assess the quality and relevance of training. Data consolidation and improvement presents a challenging task, although several development partners (including ADB, the German

²⁷² Footnote 253.

²⁷³ In particular, two departments in the Ministry of Science and Technology oversee higher education and/or TVET (depending on the definition): (i) the Department of Advanced Science and Technology and (ii) the Department of Technical and Vocational Education. See Footnote 254.

²⁷⁴ Footnote 253.

²⁷⁵ In terms of most international conceptualizations (as well as the IHLC-based estimates presented here), advanced programs would be considered as higher education.

²⁷⁶ Footnote 253.

International Cooperation (GIZ), the International Labour Organization, the Swiss Agency for Development and Cooperation, and UNESCO) are providing related support under the umbrella of the CESR.

What is particularly striking is that participation in skills training is very low in all age groups listed in Table 3.6, particularly in the rural areas. Subject to further analysis under CESR phase 2, CESR analysis to date using the IHLC Survey data suggests that training is highly concentrated in computer and language courses in urban areas.²⁷⁷

In terms of specifically gender-targeted programs, the Department of Social Welfare conducts various vocational training courses for women in its women's development centers and vocational training centers in large cities. In 2012, 3,035 women attended training at these centers (considered very few compared with the potential demand, given the number of out-of-school adolescents as well as unemployed women). Training is offered primarily in areas traditionally considered to be the work of women, such as sewing, planting, laundry, and so forth.

From education to employment

Another important question is how education (including academic and TVET) translates into workforce participation. Table 3.6 highlights the types of employment of men and women, based on the 2009–2010 IHLC Survey data. It shows that 21% of women were classified as contributing family workers, compared with 12% for men. As previously pointed out, it is important to identify the extent to which this choice (or necessity) for women to work close to home is related to either poor preparation for the workforce while in education or the overpowering pressure of the domestic work burden restricting women's options for wage employment. Limitations of job opportunities in work deemed suitable for women may also discourage women from looking for employment. It is certainly a loss of potential contribution to economic growth that women are not fully applying their education once in the workforce.

Table 3.6: Employment Types of Economically Active Population, 2009–2010 (%)

Employment Type	Male	Female
Employer	5.9	2.9
Own-account worker	40.0	38.5
Employee	20.8	19.6
Member producer's cooperative	0.0	0.1
Contributing family worker	12.4	21.1
Casual laborer	17.6	15.4
Workers not classifiable	3.3	2.5

Source: Ministry of National Planning and Economic Development, Swedish International Development Cooperation Agency, United Nations Children's Fund, and United Nations Development Programme. 2011. *Integrated Household Living Conditions Survey in Myanmar (2009–2010): MDG Data Report*. Yangon.

²⁷⁷ Footnote 253.

3.3 Enablers and Obstacles to Women's and Girls' Right to Quality Education

Coverage of early childhood care and development, primary education, and secondary education

Limited coverage of ECCD services is a major barrier. The Department of Social Welfare has set up 20 preschools with capacity for 350 children and 46 preschools with capacity for 100 children. Communities, nongovernment organizations, and faith-based organizations have expanded this coverage with 6,477 voluntary preschools, and 850 preschools receiving government grants.²⁷⁸ Expansion is constrained by the lack of trained teachers, and currently no professional formal preservice ECCD training exists, although there is limited short-term pre- and in-service training provision. Financing for ECCD is low, although exact figures are difficult to obtain because investments are spread across several ministries or are not separately identified.

Direct costs of education, interest, and opportunity cost of schooling as important determinants of access and retention

Although net enrollment rates have improved over in recent years, there remain concerns, as noted in the UNICEF 2012 *Situation Analysis of Children* report, citing the Multiple Indicator Cluster Survey (MICS) reference to a large proportion of overaged primary school students and the weak enrollment and performance in secondary schools, particularly in rural areas.²⁷⁹ The report suggested this may reflect an inability of students to study due to other responsibilities in the household and the lack of electricity to study at night, or to poor teaching quality in remote areas. Vulnerability to drop out and failure to transition to middle school may also be related to gender issues. Girls may be forced to stay at home to do domestic chores in poor households in which all adults work away from the home. Security concerns during the travel to and from middle school located away from a village may also discourage girls over the age of puberty from remaining in school. Without further study, however, the causes of gender-based differences remain only speculative.

Appropriate water and sanitation facilities

Lack of appropriate water and sanitation facilities in schools can be a disincentive for attendance. A UNICEF 2010 study found that around 60% of the 418 schools covered had insufficient drinking water and/or toilets. Specific data related to the impact of water, sanitation, and hygiene conditions on dropout rates in Myanmar is lacking; nevertheless, a growing body of global evidence suggests there is a link. Adolescent girls in particular face increased risk of gender-based violence and challenges with menstrual hygiene management where water, sanitation, and hygiene facilities are not available.

²⁷⁸ Cited in Ministry of Social Welfare, Relief and Resettlement. 2014. *Myanmar Early Childhood Care and Development Policy*. Nay Pyi Taw. pp. 42–53.

²⁷⁹ Footnote 254, p. 84.

Quality of education, relevance to economic opportunities, and other factors as determinants of retention

Ongoing quantitative analysis using data from the 2009–2010 IHLC Survey as well as an ADB-supported survey of nearly 800 secondary schools nationwide suggest that girls' and boys' exit from education (dropping out or nontransition to the next level) reflects the combination of a variety of demand-side factors (direct and indirect costs and reported “lack of interest”) and supply-side factors (including gaps in school networks in some areas and perhaps more broadly perceived issues of quality and/or relevance to economic opportunities).²⁸⁰



ADB

The initial findings from the IHLC-based analysis are reported in Table 3.7 and indicate that the leading reason for exiting education are direct costs associated with schooling, as has been observed in many countries. However and somewhat more surprisingly, “lack of interest” was the second most commonly cited reason for exiting schooling. Lack of interest overtakes costs as the lead reason for dropping out from secondary education. Although this finding requires deeper investigation in the Myanmar context, a similar phenomenon in the Philippines suggests that lack of interest may reflect both demand-side factors (such as low parental recognition of the value of education) as well as quality-related issues. In Myanmar, anecdotal evidence supports the view that parents' perceptions that the curriculum, rote-based pedagogy, and assessments are outdated and are weakly relevant to employment prospects and that social needs have a substantive impact, suggesting the urgency of curriculum-related reforms. Lack of interest is also potentially a convenient answer to cover more sensitive underlying reasons, such as bullying, gender-based violence, menarche difficulties, and other reasons children (especially girls) may feel uncomfortable reporting.

²⁸⁰ Initial findings are reported in CESR, ADB, and Australian Aid. 2013. *CESR Phase 1 Technical Appendix on the Secondary Education Subsector*. Yangon. More detailed findings from CESR phase 2 are forthcoming.

Particularly older age groups among the IHLC Survey respondents, the third-leading factor for dropping out of school was the “opportunity cost”—the fact that a child attending school cannot be spending that same time working in the home, family enterprise, or wage labor to contribute to family income. Fewer respondents cited supply-side factors (such as distance from school or lack of teachers) as reasons for being out of school, although such factors may partly be reflected in responses on the direct costs of schooling and/or lack of interest.

Table 3.7: Reasons for Boys' and Girls' Exit from Education at Various Stages (%)^a

IHLCs2-based Estimates for Exit at Different Stages and Reasons, for Cohort of Youth Born From Late 1987–1989												
	Boys						Girls					
	No primary (1)	Primary drop-out (2)	Non-transition to MS (3)	MS drop-out (4)	Non-transition to HS (5)	Incomplete or failed HS (6)	No primary (1)	Primary drop-out (2)	Non-transition to MS (3)	MS drop-out (4)	Non-transition to HS (5)	Incomplete or failed HS (6)
Share of cohort	3.4	10.9	19.0	18.0	7.9	16.6	4.3	14.5	20.1	13.6	4.4	13.6
Cumulative share of cohort	3.4	14.3	33.2	51.3	59.2	75.9	4.3	18.7	38.9	52.4	56.8	70.4
Share of completers not transitioning			22.1		16.3				24.8		9.2	
Reasons for nonentry, dropping out, or exit												
Costs not affordable	45.3	38.0	32.5	21.8	28.9	14.8	51.9	44.6	32.6	28.2	20.9	19.3
Personal illness	4.6	1.9	1.9	1.6	0.0	1.8	10.2	2.3	1.7	2.2	1.1	2.5
Lack of interest	30.1	27.6	21.7	33.7	36.4	51.4	22.5	26.0	22.8	32.5	33.2	46.1
Married or pregnant	0.0	0.0	0.0	0.0	0.0	2.1	0.0	0.7	3.5	1.0	2.9	4.1
Care for family	4.0	7.1	7.8	7.4	8.7	4.5	7.6	11.6	14.0	15.0	10.7	9.5
Agricultural work	10.5	15.9	24.3	21.2	15.8	13.0	3.7	7.1	15.5	11.8	17.4	6.7
Other (non-ag.) work	0.0	6.4	8.4	10.9	8.2	11.2	0.2	6.6	4.1	6.0	8.0	7.9
School too far	2.1	1.6	3.1	1.7	1.7	0.6	1.1	0.4	4.1	2.5	5.7	2.2
No teacher	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
No school supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.6	0.0	0.0	0.0
No clothing/shoes	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Bad weather	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other reasons/not reported	3.4	1.5	0.4	1.6	0.3	0.7	2.7	0.7	1.2	1.0	0.0	1.8
Number of observations	121	318	517	493	220	459	132	373	512	392	136	378

HS = high school, IHLCs = Integrated Household Living Conditions Survey, MS = middle school.

^a All figures are in percentages except for number of observations.

Source: ADB staff estimates in cooperation with the Comprehensive Education Sector Review team using 2009–2010 IHLC Survey data.

The precise balance of these factors varied across age groups of respondents and the levels of attainment, and there were also complex interactions across factors. For example, forthcoming ADB-supported CESR phase 2 analysis suggests that, in addition to driving up the dropout rate due to “lack of interest,” quality issues feed back into direct costs. In particular, the household cost burden of having a child in high school appears to be higher than for any other level (including higher education), likely reflecting costs of private tutoring. Other studies have found, for example, that among female-headed households with no adult male resident, enrollment in lower and upper secondary school is lower than in male-headed households and female-headed households containing male adults.²⁸¹ This implies that boys tend to leave school and work when their labor is in demand in the household.

Disability is also a major barrier to school access. Myanmar's first-ever survey on persons with disability²⁸² found that, in 2010, almost half the people with a disability had never attended school, compared with the national average enrollment rate of 84%. And only 2.2% of people with disability had completed university qualifications, compared with the 12% of the nondisabled population. The survey report noted that while disabled persons can enroll in higher education, current regulations exclude them from entering Education Colleges. Little training is available to prepare teachers to work with children with disabilities (until recently, adults with disabilities were not allowed to become teachers). Citing Ministry of Education sources, the study report noted that in 2010, around 800 children with disabilities were enrolled in formal schools, 1,450 in special schools that cater mainly for children with vision or hearing impairments, and 36 in higher education. Although more comprehensive, sex-disaggregated data are needed, it is likely that a very large number of disabled children are not yet included in education. More research is needed on the intersectional dynamics of gender and disability on children's chances to access and complete schooling and the quality of the education they are able to enjoy.

More research is also needed on school-related gender-based violence in Myanmar. This is a significant issue affecting children in the Asia and Pacific region every year, where girls, boys, intersex, and transgender children are possible targets, but fear of stigma may lead to underreporting. School-related gender-based violence remains a critical barrier to the right to education not only because of the serious physical implications but because it also affects psychological health, leading to an unsafe learning environment. Experiencing such violence often leads to students dropping out, poor or irregular attendance, poor school performance, and low self-esteem. School-related gender-based violence experienced at a young age can often have implications for adulthood. Consequences of such violence include lower education participation, achievement, and continuation; impacts on health and the psychosocial well-being of students; intergenerational violence; and broader socioeconomic impacts.

Language also can be a barrier to success at school. Although the policy environment is shifting, Myanmar is the official language of instruction, which can be a significant factor

²⁸¹ Footnote 120.

²⁸² Ministry of Social Welfare, Relief and Resettlement and The Leprosy Mission International. 2012. *Myanmar National Disability Survey, 2010*. Nay Pyi Taw. Cited in Ministry of National Planning and Economic Development, Ministry of Health, and UNICEF. 2012. *Situation Analysis of Children in Myanmar*. Yangon. p. 37.

hampering the learning for children from different ethnolinguistic backgrounds, and leading them to drop out.²⁸³

Accessing education in emergency situations and conflict-affected areas can be particularly challenging for girls, yet out-of-school adolescent girls are particularly at risk of gender-based violence, trafficking, or other forms of exploitation. The quality and relevance of education are critical to ensure good learning outcomes. As noted in the previous sections, repetition rates and failure rates on the matriculation exam appear marginally higher for boys than for girls. Both of these suggest repetition problems in students' mastery of subject content.²⁸⁴ Pending curriculum reforms will be critical for improving education outcomes and improving quality and relevance to Myanmar's shifting socioeconomic context, but they must, at the same time, respond to the different learning needs and approaches of male and female students.

As part of its National Education Sector Plan, the government intends to launch major reforms of the secondary education subsector, which will eventually extend high school through grade 12. Perhaps more importantly, the plan is expected to include programs to update curricula, pedagogy, and assessments of the primary, middle, and high school levels. Particularly for secondary education, this will be critical to better align content and pedagogy to Myanmar's transformed labor market needs and socioeconomic context. Reforms will also be critical to strengthen pathways linking secondary education to TVET and higher education and also strengthening secondary education's role in preparing the majority (in the near term) of youth to enter the labor market by ensuring that



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²⁸³ Footnote 254, pp. 86-87.

²⁸⁴ Footnote 253.

information technology provides relevant and flexible knowledge and competencies to all students, irrespective of their sex or location. These curriculum reforms have the potential to promote improved gender-sensitivity in content, promote social cohesion in their approach, and to stress the importance of women's rights as human rights.

Enablers and barriers to higher education

The lead factor depressing higher education enrollment is the low pass-through from secondary education.

As indicated in Figure 3.1, while an estimated five out of every six children complete primary school (though often significantly overaged), fewer than one in four has successfully completed high school in recent years. The matriculation exam currently serves as a critical gate to both higher education and many forms of TVET.

Costs, labor market opportunities, and culture have important roles in determining access to and completion of higher education.

Other issues also pose challenges to improving equitable access to higher education.²⁸⁵

Physical access may be an issue for some students: There are few higher educational institutions in more remote, largely ethnic group communities. Like high school, the cost of sending a family member for higher education (especially for boarding) poses a constraint for poor rural households. There are no comprehensive programs to provide needs-based stipends or loans to students to help cover their costs, further restricting access for students from poor households.

Other factors may have specific gender impacts.

For example, boys' lower enrollment rates in higher education may also reflect the fact that boys are more likely to find employment at an earlier age than girls and that girls are more likely to pursue a career as a teacher and hence must continue their studies at a higher education institution. Cultural traditions have also been identified as influencing this trend. The low salaries of teachers and professors likely make these professions less appealing to men who may be under social pressure to be the main breadwinner and who can obtain higher income in other sectors of the economy, often without higher education.

With planning under way to reform the country's higher education system and with much interest from foreign partners, it is vital that the gender imbalances are understood—whether they are associated with the larger proportion of female students or the causes for low enrollment rates among males. Gender imbalances in higher education are rarely linked to labor market analysis. Yet, the outcomes associated with higher unemployment among women than men point to systemic discrimination against women holding higher education qualifications in the workforce.

²⁸⁵ Footnote 253.

Factors specific to technical and vocational education and training

Access to TVET is strikingly low for both girls and boys.

Dramatically expanding access, particularly for rural and poor youth and unskilled workers, will be a basic prerequisite to enhancing TVET's ability to contribute to equitable outcomes for males and females.

Gender stereotypes condition TVET.

Limited available data suggest that there is a significant gender division between students in different technical, agricultural, and vocational courses. Traditional preferences by girls and women to pursue training in gender-typical areas of work persist, even though certain skills are in high demand that could easily be undertaken by women. For example, few women enter such areas as welding, despite the large number of women seen carrying heavy loads of bricks at worksites.²⁸⁶ These attitudes also perpetuate an environment of behavior within institutional cultures that discriminate against women seeking to take up job opportunities in nontraditional sectors of work. Some women also speak of how similar social norms make it difficult for them to take up decision-making positions that are considered only suitable for men.

Box 9: Girls Who Code Can Change the World

The United Nations Secretary-General's Global Education First Initiative is promoting an innovative approach to encouraging gender parity in the computing fields through a nongovernment organization called Girls Who Code Can Change the World. In a 2013 interview, founder Reshma Sujani highlighted tendencies to assume that students interested in computing are only boys. To change this mind-set, her organization is working in three main directions—training girls and building their skills in computer science, exposing girls to progressive technology companies, and introducing them to mentors in the field. “Our goal is for girls to realize that technology and coding is a skill that they will absolutely need in the 21st century,” explained Ms. Sujani. The organization finds that the nature of products developed by girls differs from what boys produce, more often focused on community needs—be they in the medical field, fashion, law, or others. Evidence from their work bears this out. In summary, Ms. Sujani pointed out that some of the challenges that girls face are global, and there is much room for collaboration with such countries as the People's Republic of China, India, and Viet Nam, all of which have made strides in closing the gap toward gender parity in computer science.

Source: UN Secretary-General Global Education First Initiative. www.globaleducationfirst.org/3135.htm#sthash.CurRaE96.dpuf

The tendency in higher education institutions and TVET programs to channel girls and women into certain types of occupations is further illustrated by the courses offered to women under a Department of Social Welfare scheme. As previously noted, training is offered primarily in areas traditionally considered to be the work of women, such as sewing, planting, laundry, and so forth. The training programs need to better respond to particular demands for skills or incorporate practical business skills. New avenues for income

²⁸⁶ With ADB support, the Ministry of Science and Technology and the Ministry of Industry are developing and preparing to pilot test new models of competency-based modular short courses and have set specific targets for encouraging females to be trained and successfully employed in traditionally male-dominated skill areas. See ADB. 2014. *Technical Assistance to Myanmar on Skills Development for Inclusive Growth*. Manila.

generation are opening up, for example, as tourism expands in Myanmar; and training programs can be designed to prepare poor women to take up these opportunities in remote and rural areas where many tourist sites are located.

Box 10: Skills Training for Community-Based Tourism that Benefits Women

In the Lao People's Democratic Republic, the Asian Development Bank has been supporting a skills training project for community-based tourism. For many women, improving tourism opportunities provides an alternative source of income when poor harvests leave their households short of money. When Akha women, for example, switched from farming to selling traditional handicrafts and jewelry, they earned between \$7 and \$15 a night—more than what they could earn through agriculture. Selling at a popular night market has given them confidence, knowledge, and status. The project supported the development of community-based tourism and home-based cottage industries, capitalizing on women's existing customary skills while expanding their opportunities and helping make their traditional products more commercial and marketable. By improving production techniques and design, providing basic marketing assistance and equipment, and organizing markets and trade shows, women saw their incomes increase substantially.

“Now I get more respect, not only from my husband, but also from my daughters-in-law,” said a female weaver from Ban Faen village. In some cases, there have been strategic changes in household gender relations as women's ability to earn an income allowed them more control over household resources and more respect from their spouses and other household members.

Source: ADB. 2012. Gender and Development News. *SeaGen Waves e-newsletter*. pp. 9–11.

3.4 Conclusions and Recommendations

Reaching gender parity in enrollment in Myanmar is a significant achievement, but there is need to move beyond this. Gender parity indicators conceal more detailed dynamics. For example, some categories of girls remain out of school; or once enrolled in school, girls tend to participate less in class and are underrepresented in certain subject specializations. There needs to be better understanding of why achievement levels differ between some categories of males and females.²⁸⁷ The CESR has helped better understand the gender dimensions of education, but continued attention and analysis is needed.

To strengthen education outcomes and equality, it is necessary to take a comprehensive approach to achieve gender equality within schools and over the full lifetime of all students. Elements of a comprehensive approach include the following:

- equality of access—where there has been most progress in Myanmar,
- equality of opportunity—to optimize learning, and
- equality of outcomes—particularly in posteducation employment where women currently experience lower labor force participation rates and higher unemployment rates than men.

²⁸⁷ Canadian International Development Agency. 2010. *Education and Gender Equality Tip Sheet*. Ottawa: Government of Canada. p. 2.



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There are several policy implications for the government—not just the Ministry of Education—as it moves beyond targets for gender parity in enrollment to ensuring that the approach to education does not reinforce social norms and biases against women and girls in the community and labor market. There are many factors in any education system that will influence the quality and effectiveness of education to prepare all students for life. For each of these, gender dimensions require analysis and consideration as reforms are planned and implemented. Examples of gender concerns are as follows:

- **The opportunity cost of sending boys and girls to school.** What is the loss to the family in unpaid labor required for survival if children are in school? Similarly, there can be opportunity costs for parents who may need to accompany their children to travel to school.
- **The lack of job opportunities for both girls and boys.** It is often noted in Myanmar that boys do not transition into secondary and higher education because they can earn cash as day laborers, but it is not well understood why girls are overrepresented in higher education, despite being underrepresented in the labor force. Is it that women cannot apply their education to careers in many sectors of the economy and therefore remain in the informal economy as contributing family workers rather than applying their education achievements?
- **Distance to travel.** Although many schools have been opened in the past decade, especially secondary schools, the nearest may still be some distance away, at least in some areas, presenting concerns regarding the safety and security of girls as they reach puberty.
- **Lack of suitable water and sanitation facilities at school.** The 2011 Department of Education Planning and Training and UNICEF survey found that only 61% of toilets were fully functional and only 23% of schools met the international best practice ratio of one toilet per 25 students, while 51% met the national standard of one toilet per 50 students. Gender-segregated toilets for girls are largely in place; nevertheless, design improvements could be made to reduce risks associated with gender-based violence around toilet blocks and provide facilities for menstrual hygiene management.
- **Lack of gender-sensitive curricula.** It is expected that pending curriculum reforms will embed such considerations.

- **Lack of safe school environments.** Issues of concern include lack of enforcement of policies regarding harassment or inappropriate sexual behavior among staff and/or students.
- **Need for a more gender-sensitive classroom environment.** This should be conducive to encouraging girls as equals in the community and workplace, for example, by removing images and generalizations about traditional gender roles in textbooks and classroom aids; adapting teaching methods to the needs of both boys and girls; and providing the same time, encouragement, and attention in class to girls as to boys.
- **Perceived quality of education (“lack of interest”).** When parents consider the costs of education, do they consider the longer-term benefits of better employment that outweigh the immediate costs of keeping a child in school? This consideration varies for girls and boys.

The following are areas requiring further strengthening to ensure that the education system can promote gender equality and the empowerment of girls and women. Related issues and options for most of these are being assessed within the CESR (phase 2, ongoing at the time of this analysis). Anyone advocating for improved education for all might consider how gender issues can be monitored as findings from the CESR are implemented under the National Education Sector Plan and education sector reform processes. The concerns identified here are highlighted in the objectives of the National Strategic Plan for the Advancement of Women as well as other analytical documents referred to in the chapter.



UNICEF/Myanmar/2013/Jim Holmes

Make sex-disaggregated data and gender statistics available.

- Strengthen and finance the collection of better sex-disaggregated education statistics and management information systems. After data collection, there is also a need to invest in technical expertise to ensure that findings from the analysis of data are incorporated into policy planning and implementation, accompanied by ongoing monitoring mechanisms. Methods for collecting data on children with disabilities and school-related gender-based violence should be developed.

Provide capacity building for policy makers.

- Training for policy makers in gender awareness needs to move beyond the achievement of gender parity in enrollment to reach broader empowerment goals for girls and women.
- Supportive institutional arrangements within the Ministry of Education, such as a network of gender focal points, need to be established to promote gender equality throughout the system.

Provide early childhood care and development opportunities.

- Invest in quality gender-sensitive early childhood programs in line with the National Early Childhood Development Policy, ensuring appropriate budget allocations and institutional arrangements for coordination across sectors.

Create a safe, healthy, and protective learning environment for girls.

- Ensure safe, healthy, protective, secure, and gender-sensitive work and learning environments for teachers and students, including in informal boarding arrangements, and especially in emergency and conflict situations. Water, sanitation, and hygiene facilities should be sex-segregated, protect girls' privacy and dignity, and allow for dignified menstruation hygiene management.
- Mainstream measures to prevent, address, and protect girls from school-related gender-based violence, including corporal punishment within and on the way to and from school, through the education sector, including in policy, program, and implementation responses.
- Establish reliable and safe reporting and response mechanisms to avoid putting at risk children who report violence of any sort, including bullying, harassment, and cruel or degrading punishment whether directly or through social media, and to identify and address school-related gender-based violence at the school level. Evidence and data collection is essential to inform policy and planning; due to ambiguity on whether more reporting is linked with more cases, multiple reporting methods must be used.
- Include modules on gender-based violence, gender-sensitive disaster risk reduction, and menstruation hygiene management in the life skills curriculum, with separate classes for girls and boys where appropriate.



UNICEF/Myanmar/2010/Myo Thame

Strengthen teacher training.

- Strengthen teacher training to incorporate gender-sensitive approaches to teaching. For example, encourage teachers to inspire and motivate girls, build their leadership skills, and examine whether they are reinforcing traditional attitudes toward women and girls in the classroom by giving more attention to boys or by referring to women as mothers without also noting their contributions to the economy as professionals.

- The work environment for teachers also needs to be examined to ensure that harassment and other security issues are not an issue for female teachers.

Make curricula gender-sensitive.

- Review and reform the curricula from a gender perspective, building on work supported by the CESR. A national curriculum translates the values of a country as well as beliefs and philosophies in what is taught and how. It is important that forthcoming curricula reforms ensure that materials (new textbooks and teacher guides) counter and not reinforce gender-based (or other) biases. For example, materials need to recognize the different learning needs of boys and girls, including those from ethnic groups.
- There needs to be positive messages regarding relationships between boys and girls that avoid content that reinforces gender stereotypes.
- There is need for guidance for teachers to promote gender sensitivity and offer teaching approaches for the different needs of boys and girls. For example, is there flexibility allowed in delivery; are the rights of women and girls reinforced as part of human rights teaching; and to what extent is the secondary education curriculum preparing both boys and girls to transition into higher education, TVET, and/or directly into the workplace as Myanmar continues to undergo a rapid socioeconomic transformation?

Initiate broader reforms to improve education quality and relevance.

- Improve the quality and labor market relevance of secondary and higher education to increase female and male completion rates, learning outcomes, and readiness for the world of work while also contributing toward reducing poverty (and family poverty) and gender wage gaps and toward enhancing women's productivity and career choices (including nontraditional occupations). Forthcoming reforms of secondary education curriculum, pedagogical approaches, and assessment (supporting a shift from rote-based instruction to active, student-centered learning focused on building up critical thinking and other soft skills) will be critically important to preparing both boys and girls to transition into higher education, TVET, and/or directly into the workplace as Myanmar continues to undergo a rapid socioeconomic transformation.

Provide alternative delivery systems for nonformal approaches.

- Scaling up the Nonformal Primary Equivalency Program and developing a modular, flexible delivery system would enable more girls to fit studies around their domestic duties.

Match education and labor market demands.

- Reforms to secondary education, TVET, and higher education need to take into account how those institutions prepare students for the changing workforce and how to address biases that might limit choices of careers for women. This will require further research and the collection of more comprehensive and sex-disaggregated data to link the skills of graduating boys and girls with available jobs.

Respond to the educational needs of migrants.

- Education reforms need to address the specific needs and constraints faced by migrants (themselves and their dependents) as they seek reintegration into the national student body and labor force in Myanmar. There is no data regarding the proportions of males and females among this target group or of gender differences in expectations and challenges facing these students.



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Link gender analysis of TVET and more nontraditional TVET for girls to market demand.

- There is need for more research on gender aspects, especially concerning types of skills that girls and women can learn in order to access well-paid employment.
- TVET interventions need to ensure greater alignment of the skills learned by women with emerging labor market needs while also increasing the range of employment options for women. This may require additional efforts on the part of TVET institutions to challenge traditional attitudes regarding which jobs are considered suitable for women.
- Training in nontraditional areas should also include how women can deal with the pressures of working in male-dominated workplaces. In parallel, there is also a need to enhance the technical level of training that women receive in traditionally female occupations to improve women's productivity and applicability of training to labor market needs.
- Develop outreach strategies to encourage employers to hire female graduates in traditionally male-dominated fields. These strategies will help reduce the gender wage gap and support women to reduce their family poverty and contribute more effectively to inclusive economic growth.

Engage communities in education management.

- Redressing the limited involvement of communities in decision making regarding school management and achievements needs to be given high priority. Parents and communities need to place demands on the education system to improve its achievements. If the quality of education improves, parents are more likely to keep their children in school and hence fulfill every child's right to education.
- Measures need to be put in place to ensure that women in the community actively participate in community decision making.
- Quotas may be required for education committees to encourage the participation of women; background training on the purpose of such committees and capacity building to ensure their meaningful engagement would also be useful.



GENDER EQUALITY
AND WOMEN'S RIGHT
TO GOOD HEALTH

4



Gender Equality and Women's Right to Good Health

UNFPA

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women

Women have the right to the enjoyment of the highest attainable standard of physical and mental health. The enjoyment of this right is vital to their life and well-being and their ability to participate in all areas of public and private life. Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. Women's health involves their emotional, social and physical well-being and is determined by the social, political and economic context of their lives, as well as by biology. However, health and well-being elude the majority of women. A major barrier for women to the achievement of the highest attainable standard of health is inequality, both between men and women and among women in different geographical regions, social classes and indigenous and ethnic groups.

Paragraph 89 of the Beijing Platform for Action

Every citizen shall, in accordance with the health policy laid down by the Union, have the right to health care.

Article 367 of the Constitution of Myanmar

Supporting this holistic approach to women's health in the [Beijing Platform for Action], the National Strategic Plan for the Advancement of Women (2013–2022), Myanmar, aims to improve systems, structures and practices to protect, promote and fulfil women's and girls' right to equality and affordable health care, including sexual and reproductive health through policy formulation and implementation that includes data collection, research, advocacy and capacity-building activities involving government and nongovernment stakeholders, women's full and equal participation in health-related decision making and resource allocations.

National Strategic Plan for the Advancement of Women

4.1 Significance of Women's and Girls' Equal Access to Health-Care Services and Enjoyment of Good Health and Well-Being

As noted in the Beijing Platform for Action, there are many facets of health and well-being that are crucial to achieving every person's full potential. To fulfill this right, it is necessary for each person—adult or child, male or female, irrespective of ethnic group—to access appropriate health-care services.

Investing in women's equal rights to good health is efficient and has multiplier effects as seen in the following:

- Women bear the brunt of health complications associated with reproduction. For example, if a mother is not healthy and lacks access to emergency services required during childbirth, impacts on the mother's health may recur in future pregnancies and may affect the child throughout its life. These health issues are not only of significance to women but also to her children and male family members.
- In Myanmar, it is considered the responsibility of women to provide primary care and to nurture children and the ill, infirm, and elderly members of the household. If women cannot access appropriate health services, the burden of this work may mean that they can no longer carry on productive activities, affecting the well-being of other family members and themselves. Their time may be stretched to the point where they themselves become ill.
- Good health and education are the basic human capacities contributing to poverty reduction and sustaining productive activities. The existing potential of Myanmar's resources cannot be realized without a healthy and educated workforce. This workforce includes women who are already carrying the burden of domestic responsibilities along with productive activities and participation in community activities.

- Health and well-being are also related to intergenerational capacity. Mothers pass on to their children knowledge of how to care for themselves as well as good practices in hygiene and basic sanitation. A strong, healthy mother gives birth usually to larger and healthier babies than women in poor health. A healthy baby starts life with greater advantage, with greater resistance to illness, better ability to learn and, for girls, a higher probability of bearing strong babies. More is being learned by modern science about the influence of a mother's malnutrition or other stress factors on the long-term health of babies.
- Experience throughout the world has demonstrated that health-care services are most appropriate when they respond to the needs of those using the services. This requires the participation of representatives from all segments of a society in decisions concerning how these services will be delivered, which services are prioritized and why, and how they are financed. As modern medicine has evolved, there is increased recognition that if patients are fully aware of options for health care, health outcomes are improved. Service providers must be answerable to those using the services, guided by solid sex-disaggregated data and analysis.

To ensure the right to access quality and appropriate health-care services for all people in Myanmar, many issues must be understood from the perspective of existing gaps in health outcomes (such as life expectancy, vulnerability to communicable and noncommunicable diseases, etc.) that are governed by gender dimensions and form the basis of this chapter's analysis. This chapter explores the following questions:

- 1) How has Myanmar met its gender equality and women's rights commitments to including women in health-related decision making and addressing their health priorities (especially the most excluded women) equally with men?
- 2) What are the obstacles to ensuring gender equality and women's right to good health?
- 3) What enables women and men leaders to include women equally with men in health-related decision-making and deliver on a gender-responsive policy agenda on health?

4.2 Trends in Women's Health in Myanmar

General health

Key indicators provide some understanding of the overall health status in Myanmar. To start, life expectancy at birth for women was 69.9 years in 2014.²⁸⁸ This compares with the lower current average life expectancy at birth for men of 63.9 years, a biologically based norm around the world. These indicators reflect generally low levels of development and limited investments over recent decades in the provision of health services for both sexes. Maternal mortality remains above the average for the Southeast Asian region, and large proportions of residents suffer from communicable diseases such as malaria (incidence of malaria per 100,000 population was 3,180 compared with 1,773 for the regional average²⁸⁹).

²⁸⁸ Footnote 143.

²⁸⁹ WHO. 2013. General Statistical Profile, Myanmar. www.who.int/gho/countries/mmr/country_profiles/en/index.html



UNFPA

There is little data or comparative analysis available of the general health status of men and women in Myanmar. The World Health Organization (WHO), in its country health profile, singles out some differences at the national level. For example, women have a lower probability of death by noncommunicable diseases associated with tobacco use and alcohol consumption. The prevalence of daily tobacco smoking among men is reported at 31.6%, compared with 10.1% among women. Raised blood pressure is higher among men, at 40.7%, compared with 36.7% among women. Conversely, there are signs that risk factors are increasing among women, with more women reported as overweight (23.4%, compared with 13.3% of men), which might explain higher cholesterol levels among women compared with men. The causal factors for these differences in health profiles are not readily explained in the existing literature, and more research will be necessary to develop a clearer understanding of how to address risk factors for noncommunicable diseases among women and men in Myanmar.

Access to improved sanitation facilities and treated water has enhanced the overall health status of children and all family members over the past decade. Indicators for child mortality show a decrease in the mortality rate among children younger than 5 years, from 112 per 1,000 live births in 1990 to 72 in 2009–2010.²⁹⁰ These improvements were linked to several factors, but better access to decent sanitation and treated water had a significant role. All available data confirmed no differences between boys and girls in infant or under-5 child mortality rates or in the measures of malnutrition. There were, however, significant regional differences for key indicators and between different regions and states and ethnic groups. For example, proportions of underweight children were as high as 53% in Rakhine State in 2009–2010, compared with 25% in urban areas. Such variations are linked to differences in poverty levels and lack of access to basic health services.

²⁹⁰ Footnote 109.

Recent studies have illustrated the importance of women's education levels and knowledge regarding improvements in children's health. In 2009–2010, infant mortality rates were 43 per 1,000 live births for children of women with only primary school education, compared with 27 deaths among children of mothers who had attended secondary school. Table 4.1 provides some correlation between the Millennium Development Goal (MDG) health indicators for children and various influencing factors such as poverty levels and years of education for mothers.

Vulnerability to some communicable diseases such as malaria has been slower to improve. In some countries, women are regarded as more vulnerable to malaria vectors because they remain close to home where risks of exposure are higher than for men who work in open fields or migrate to urban areas for work. Studies to identify gender-specific risk factors have yet to be conducted in Myanmar, but findings can improve the targeting of public health programming and behavior-change messages.

Table 4.1: Key Health Indicators Disaggregated by Selected Factors Influencing Health Outcomes for Most Recent Data

MDG Indicators	Mother's Education Level	Urban/Rural Location	Poverty Level	Ethnic and National Races
MMR per 100,000 live births ^a National average: 319	No data disaggregation	140 urban 363 rural		More than 500 in Shan State. High MMR also in Kayah and Rakhine states.
Birth spacing through contraception prevalence ^b National average: 40% ^c	31% no education 44% primary 52% secondary	46% urban 37% rural	32% poor 41% nonpoor	3% Chin State
Antenatal care for women giving birth National average: 53%	65% no education 78% primary 92% secondary	70% urban 48% rural	33% poor 57% nonpoor	32% Rakhine State 64% Chin State 45% Shan State
Skilled birth attendant ^c —% of births National average: 78%	47% no education 62% primary 85% secondary	92% urban 74% rural	69% poor 81% nonpoor	55% Rakhine State 61% Chin State
Under-5 mortality ^b per 1,000 live births National average: 46	51 primary 33 secondary	29 urban 53 rural	62 poor 27 nonpoor	
Infant mortality ^b per 1,000 live births National average: 37	43 primary 27 secondary	24 urban 43 rural	49 poor 23 nonpoor	
Nutrition level ^b Underweight for age (% -2 SD) National average: 32	24 primary 17 secondary	25 urban 34 rural	33 poor 16 nonpoor	53 Rakhine State 33 Chin State

MDG = Millennium Development Goal, MMR = maternal mortality ratio, SD = standard deviation.

Sources:

^a Department of Health and UNICEF, Nationwide Cause Specific Maternal Mortality Survey 2004–2005;

^b Multiple Indicator Cluster Survey report 2009–2010; ^c Integrated Household Living Conditions Survey 2009–2010.

Reproductive health

Of particular importance to women has been the progress against indicators for reproductive health. Access to reproductive health services not only has the potential to reduce maternal deaths, but it can also improve reproductive health care and quality of life for women in the years before they become mothers and throughout adulthood. For women's right to reproductive health care to be fully protected, the services must also bring knowledge and choices to women to plan pregnancies and provide protection against sexually transmitted infections such as HIV. Such services can also be used to boost women's potential to share in decision making regarding sexual practices and family size with their spouse or intimate partner.

As presented in Table A.2 in the Appendix, MDG data illustrate that progress has been made against many of the health indicators, with some but not all targets able to be met by 2015. The maternal mortality ratio (MMR) had improved, from 520 deaths per 100,000 births in 1990 to 200 per 100,000 in 2010²⁹¹ (the 2015 MDG target is 178). The proportion of births attended by skilled personnel increased from 56% average in 1997 to 78% in 2010—which is close to meeting the 2015 MDG target of 80% of births.²⁹² These indicators, however, mask many differences in achievements between rural and urban areas, and areas with large proportions of ethnic groups or national races for which the key indicators show little improvement and remain dismal. These indicators also do not provide insights into underlying causes of differences.

High MMRs in Myanmar are primarily due to avoidable consequences of complications during pregnancy and at childbirth. The leading direct obstetric cause of maternal deaths in 2010 was postpartum hemorrhage (31%), followed by hypertensive disorders of pregnancy, including eclampsia (11%). Abortion-related causes accounted for almost 10% of maternal deaths. Indirect causes of maternal deaths in 2010 included heart disease (45%), malaria (36%), tuberculosis (9%), and chronic obstructive airway disease (9%).²⁹³ Often, symptoms suggestive of anemia are also present. HIV or AIDS can also predispose and/or aggravate pregnancy complications. These causal factors have to be addressed through improvements in delivery and antenatal and postnatal care, which require the availability of better-skilled professionals within reach of all women as well as the availability of medicines at an affordable cost.

Female adolescents are particularly vulnerable to complications associated with sexual activity and pregnancy because reproductive health services are not sensitive to their needs. Unmarried women report difficulties in accessing contraceptives, for example, and have more limited knowledge of the risks associated with sexually transmitted infections. Health professionals may be reluctant to inquire about sexual behavior with unmarried girls and women.

²⁹¹ Maternal mortality ratios for Myanmar vary widely. Due to different collection methods and definitions, government data are not easily comparable with those collected by other international agencies. The data used here were derived from UNICEF country data. See www.unicef.org/infobycountry/myanmar_statistics.html#120

²⁹² ADB. 2012. *Myanmar in Transition: Opportunities and Challenges*. Manila. p. 9. Cited in MNPED, Sida, UNICEF, and UNDP. 2011. *Integrated Household Living Conditions Survey in Myanmar (2009–2010): MDG Data Report*. Yangon.

²⁹³ Ministry of Health, Five-Year Strategic Plan for Reproductive Health, 2009–2013. Cited in United Nations Population Fund (UNFPA). 2010. *Report on Situation Analysis of Population and Development, Reproductive Health and Gender in Myanmar*. Yangon. p. 93.



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Birth spacing through increased contraceptive prevalence has contributed to a steady lowering of the fertility rate, but birth spacing services still need improvement, as illustrated by the considerable differences in the use of contraceptive for birth spacing. The national average prevalence of contraceptive use in 2010 was 40%, according to the Integrated Household Living Conditions (IHLC) Survey findings. However, the prevalence rate was only 3% in Chin State. There were also significant differences between urban (70% prevalence) and rural areas (48% prevalence).²⁹⁴

A consequence for women of the high unmet need for birth spacing services is a significant proportion of unwanted pregnancies and subsequent induced abortions. Abortion is legally restricted and permitted only to save a woman's life. The vast majority of abortions are thus conducted under unsafe conditions, leading to complications, maternal morbidity, and mortality,²⁹⁵ often exacerbated by delays in seeking qualified care.

According to the 2007 Fertility and Reproductive Health Survey findings, 4.7% of all pregnancies ended in abortion. This proportion was larger among urban women (7%) than rural women (4%) and greater among young women.²⁹⁶ The largest proportion of reported abortions was among 15- to 19-year-olds—perhaps an example of the impact of unmarried women having limited access to contraceptives and reproductive health services.

²⁹⁴ Footnote 109.

²⁹⁵ WHO. 2012. *Myanmar and Birth Spacing: An Overview, 2005*. New Delhi. Cited in Ministry of National Planning and Economic Development, Ministry of Health, and UNICEF. 2012. *Situation Analysis of Children in Myanmar*. Yangon. p. 44.

²⁹⁶ Ministry of Immigration and Population, Department of Population, and UNFPA. 2009. *Country Report on 2007 Fertility and Reproductive Health Survey*. Nay Pyi Taw. p. 69, Table 4.9.

According to a 2004–2005 national survey, 9.9% of maternal deaths were due to complications of unsafe abortion.²⁹⁷ The proportion of deaths due to abortion-related complications was very large in some rural areas. For example, the proportion was 15.4% in the coastal region (Mon and Rakhine states and Tanintharyi Region) and as high as 23.8% in the Ayeyarwady Region. Specific hospital studies have presented shocking statistics. A study of maternal deaths at North Okkalapa General Hospital in Yangon, which has a large suburban catchment area, found that septic abortion contributed to 53% of all maternal deaths.²⁹⁸

Health-seeking behaviors

There are also few comparative studies of health-seeking behaviors between men and women. In some countries, men are less likely to consult health professionals until they are seriously ill, whereas women attend health clinics more frequently with their children and are, therefore, more likely to discuss their own health concerns. However, social factors also influence women's comfort in discussing intimate details of reproductive health concerns. More research is required to understand these behavioral aspects of the health status of both men and women.

Prevalence trends in HIV and AIDS

The HIV prevalence in adult population aged 15 years and older was 0.5% in 2013,²⁹⁹ down from a peak of 0.7% in 2003. This represents an improvement over the years. An estimated 188,602 people were living with HIV in 2014. The HIV prevalence in Myanmar is the fourth-highest among Asian and Pacific countries and still higher than average prevalence when compared with other countries in the South and Southeast Asia region, which was at an average rate of 0.3% in 2008.³⁰⁰ However, the epidemic remains concentrated in certain populations, including (as of 2013) people who inject drugs (18.7%), women in the sex sector (8.1%), and men who have sex with men (10.4%).³⁰¹ The National AIDS Programme for Myanmar, in its *Global AIDS Response Report 2010–2011* noted the steepest decline of HIV transmission in sex work and among regular partners. The decline in male-to-male sex was much less pronounced. New infections through the use of contaminated injecting equipment is expected to become an increasingly important proportion of total new infections.³⁰²

²⁹⁷ Ministry of Health and UNICEF. 2006. *Nationwide Cause Specific Maternal Mortality Survey, 2004–2005*. Cited in UNFPA. 2010. *Report on Situation Analysis of Population and Development, Reproductive Health and Gender in Myanmar*. Yangon. p. 99.

²⁹⁸ Win Win Mya. 2010. *Causes of Maternal Death, North Okkalapa General Hospital (1992–1998)*. Cited in UNFPA. 2010. *Report on Situation Analysis of Population and Development, Reproductive Health and Gender in Myanmar*. Yangon. p. 99.

²⁹⁹ UNAIDS and National AIDS Programme. 2015. HIV Estimates and Projections, Asian Epidemiological Model (Spectrum 5.30 spreadsheet). Yangon.

³⁰⁰ UNAIDS and WHO. 2009. *AIDS Epidemic Update*. Cited in UNFPA. *Report on Situation Analysis of Population and Development, Reproductive Health and Gender in Myanmar*. Yangon. p. 121.

³⁰¹ National AIDS Programme, Department of Health. 2014. *HIV Sentinel Sero-surveillance Survey Report*. Nay Pyi Taw: Ministry of Health, Myanmar.

³⁰² Footnote 21, p. 20.

The male-to-female ratio for new HIV cases is decreasing as the course of the epidemic progresses in Myanmar. In 1994, there were eight new cases of HIV in men for every one new case in women, but by 2008, the ratio had reduced to 1.9:1.³⁰³ The number of women living with HIV was estimated at 69,489 in 2013, representing 34% of people living with HIV.³⁰⁴ Women with low-risk behavior have been infected by their intimate partners who engage with multiple sex partners, including through paid sex or having sex with men. A proxy indicator of prevalence rates among this group of low-risk women is taken from the proportion of pregnant women attending antenatal clinics who test positive for HIV (a 0.9% prevalence rate in 2011).³⁰⁵

In the past few years, the number of people on antiretroviral (ARV) treatment tripled, from slightly fewer than 25,000 to more than 74,774 in 2014, of which 34,282 were women. In June 2014, around 598,400 pregnant women attending antenatal care services at prevention-of-mother-to-child transmission sites were reported to have received pretest counseling, of whom 508,640 received an HIV test. A total of 2,890 mother and baby pairs received services in 2012, and 801 of the mothers were reported to have continued ARV treatment for their own health.³⁰⁶ However, the availability of ARV treatment to pregnant women is only through an antenatal clinic, with many areas of the country still not covered; there are areas where contraceptive use rates are very low and the use of condoms in a stable relationship is negligible.³⁰⁷

Stigma and discrimination are barriers to accessing HIV services and hinder the delivery of HIV prevention, treatment, and care services to key populations, including women and girls. There is also a significant relationship between gender equality and an HIV response. In the 2014 report on a gender assessment of the national HIV response, representatives from the networks of people living with HIV described instances of severe discrimination toward HIV-positive pregnant women in hospitals, such as being placed in separate wards or near public toilets and other public areas, even during childbirth. It is necessary to expand comprehensive prevention through community outreach and peer education to reach HIV-positive women and women vulnerable to HIV infection.³⁰⁸

There also appears to be limited knowledge among adolescents regarding infection avoidance. The percentage of youth who correctly identified ways of preventing the sexual transmission of HIV in the 2008 Behavioral Surveillance Survey was 38%, with 47% of youth respondents aware of the major misconceptions about HIV transmission. Young females were notably less likely than young males to have an accurate, comprehensive knowledge of HIV.³⁰⁹ The respondents also acknowledged stigma and discrimination toward people living with HIV. Only 41% of youth were willing to buy food from an HIV-infected vendor, and 69% were willing to eat with an HIV-infected person.³¹⁰

³⁰³ National AIDS Programme. 2010. *UNGASS Country Progress Report*. Nay Pyi Taw: Ministry of Health.

³⁰⁴ Footnote 299.

³⁰⁵ Myanmar, National AIDS Programme, Department of Health, and Ministry of Health. 2012. *Report of the HIV Sentinel Sero-surveillance Survey 2011*. Nay Pyi Taw. p 9, Table 3.

³⁰⁶ UNAIDS. 2012. *Progress Report 2012 (National Strategic Plan for HIV/AIDS in Myanmar)*. Yangon. p. 56.

³⁰⁷ Footnote 296, p. 129.

³⁰⁸ UNAIDS. 2014. *Gender Assessment of the National HIV Response in Myanmar*. Yangon. p. 29.

³⁰⁹ Aye Myat Soe, Daw Aye Aye Sein, and Khin Ohnmar San. 2007. *Behavioural Surveillance Survey 2007*. Nay Pyi Taw: National AIDS Programme, Department of Health, and Ministry of Health. Cited in UNFPA. 2010. *Report on Situation Analysis of Population and Development, Reproductive Health and Gender in Myanmar*. Yangon. p. 127.

³¹⁰ National AIDS Programme's Behavioural surveillance survey 2008 (out-of-school youth), cited in UNFPA. 2010. *Report on Situation Analysis of Population and Development, Reproductive Health and Gender in Myanmar*. Yangon.

The National Strategic Plan, 2011–2016 on HIV and AIDS aims to achieve a society that is free of new HIV infections, embracing all people regardless of sex, age, origin, or any other identity marker. The national plan targets more than 80% of women living with HIV to receive ARV prophylaxis therapy to reduce the risk of mother-to-child transmission.³¹¹ The midterm review of the national plan in 2013 recommended a gender assessment among people living with HIV to understand the barriers and challenges they faced when accessing HIV prevention, treatment, and care services. The findings of that assessment point out that there are no anti-discrimination laws that allow citizens to fully exercise their rights to health care, protection against violence, access to information, and employment opportunities, particularly for people living with HIV.³¹² The assessment's recommendations contributed to strengthening HIV policy and programming because gender equality and women's rights perspectives were included, prioritized, and budgeted into the national plan. In addition, the gender assessment led to the establishment of a human rights and gender equality working group, under Myanmar's main technical working group for the country's HIV response (the HIV Technical and Strategic Group under Myanmar Health Sector Coordination Committee) and will address continuing challenges to protect women from infection and to support people living with HIV or AIDS.

There is an increase in the number of self-help groups for people living with HIV. People living with HIV are also involved in a variety of activities at all levels of the HIV response and have engaged fully in the development of the National Strategic Plan through active participation in the Technical and Strategic Group) and the Myanmar Health Sector Coordination Committee. To ensure sustained progress, there is still a need to address policy and legal barriers that impede effective HIV responses, including measures to address stigma and discrimination and respond to human rights violation.



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³¹¹ Myanmar National Strategic Plan on HIV and AIDS 2011–2015, concise version, p. 11.

³¹² Footnote 296, p. 30.

4.3 Enablers and Obstacles to Women's and Girls' Right to Good Health and Well-Being

The preceding data on trends in health demonstrate areas where women experience obstacles in accessing a range of health services and control over their bodies. The poor quality of health-care services and limited access for women, particularly in rural areas, are associated with several factors. The unequal status of women more generally has an impact on women's ability to access these services. However, there is little research into these nonepidemiological factors, especially on gender-based biases in the way services are developed and provided.

Table 4.1 demonstrates the correlation of influencing factors to improved health indicators. Gaps in achievements vary, but it is evident that there is a need for health policies to improve the targeting of services to reach those with the poorest health indicators. There is also need to look beyond medical factors to socioeconomic and gender-related concerns. This is a challenge in a country with many communities living in remote and mountainous areas, but access is clearly influenced by issues beyond geographical distance from quality services.

The financing of health services—both through government programs and the increasing burden of costs on individual households—has had a limiting effect on improvements in the key indicators, especially their gender dimensions.

Increased and efficient public expenditure and better management of the health system can contribute to women's better health outcomes.

In gross domestic product (GDP) terms, health spending increased from 1.8% of per capita GDP in 1998 to 2% in 2007.³¹³ Despite these increases, the level of public spending remains far too low to guarantee results for all segments of the population. Experiences in Kerala State in India, Malaysia, and Sri Lanka have all shown that maternal, newborn, and child health outcomes can improve significantly for relatively little public expenditure in well-designed health systems; but the analysis of those experiences also indicates that there is a minimum level of public expenditure below which progress stalls.

Inefficiencies in the health system mean that what little is spent on health care does not achieve maximum results or even value for money. Acute respiratory infections, for example, attract around 5% of direct aid globally, whereas they cause more than 19% of child mortality. Meanwhile, other diseases receive larger funding than their share of the disease burden.³¹⁴ Inefficiency also occurs because scarce resources are directed to high-end tertiary services rather than to primary or secondary levels of care, which could achieve the same outcome at a lower per-unit cost. A further advantage of primary and secondary levels of care is that they are potentially more equitable, in that they are more available

³¹³ Ministry of Health. 2010. *Myanmar Health Statistics*. Cited in Ministry of National Planning and Economic Development, Ministry of Health, and UNICEF. 2012. *Situation Analysis of Children in Myanmar*. Yangon. p. 46.

³¹⁴ X. Schiffman. 2006. Cited in Ministry of National Planning and Economic Development, Ministry of Health, and UNICEF. 2012. *Situation Analysis of Children in Myanmar*. Yangon. p. 47.

to the rural and urban poor. Also, the focus on curative diseases rather than preventive interventions promotes inefficiency. In 2001, 29% of government health expenditure in Myanmar was devoted to curative and rehabilitative care and only 9% for prevention and public health services.³¹⁵

State-subsidized universal health coverage is a determinant of women's access to health care.

Approximately 87% of the overall expenditure on health in Myanmar is incurred by consumers in out-of-pocket expenses—the highest in the Southeast Asia region.³¹⁶ The need to pay even relatively small sums is a barrier to health care for poor people, especially women who are less able to command household resources to cover costs, exacerbating inequalities and exclusion. A Ministry of Health study in 2007 estimated the incidence of catastrophic payments as the proportion of households for whom health-care costs were more than 40% of their nonfood expenditure. Overall, 136 (29%) of 476 sampled households had suffered catastrophic health payments. The degree to which health costs are passed on to the consumer is a marker of inequity and poor social safety nets. Social security expenditure on health accounts for slightly more than 1% of the total health budget.³¹⁷



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³¹⁵ Myanmar National Health Accounts, 1998–2001. Cited in Ministry of National Planning and Economic Development, Ministry of Health, and UNICEF. 2012. *Situation Analysis of Children in Myanmar*. Yangon. p. 47.

³¹⁶ Countdown 2015 and WHO National Health Account Series. Cited in Ministry of National Planning and Economic Development, Ministry of Health, and UNICEF. 2012. *Situation Analysis of Children in Myanmar*. Yangon. p. 47.

³¹⁷ Ministry of Health, Department of Health, and WHO. 2008. *Health Care Financing Methods and Access to Health Care in Myanmar*. Nay Pyi Taw. Cited in Ministry of National Planning and Economic Development, Ministry of Health, and UNICEF. 2012. *Situation Analysis of Children in Myanmar*. Yangon. p. 47.



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With limited gender analysis of the consequences of the limitations women face in accessing health services in rural areas or areas with large proportions of ethnic groups, small-scale studies of women living in highly marginalized situations can provide some indications. For instance, a 2013 study conducted by the Gender Equality Network³¹⁸ on the situation of women in camps in Kachin State for internally displaced persons provides insights on health problems experienced by women, as follows:

- The majority of women's health problems are related to sexual and reproductive health. Clinical staff from one camp estimated that 40% of the women population was suffering from cervical infections.
- A number of sexual and reproductive problems were related to not being able to attend to contraception complications (such as inability to have an intrauterine device removed).
- Lack of facilities and materials for hygienic care during menstruation. Urinary tract infections were also common. Cultural upbringing was considered to be a cause of women not seeking care for these concerns. Donations to the camp also do not include personal hygiene items for women.
- General lack of services or drugs required to address chronic health problems, such as high blood pressure and the effects of malnutrition, among other conditions.
- Even male respondents interviewed during the assessment noted that women were unlikely to turn to service providers, especially for sexual and reproductive health issues. They thought that women would consider these issues to be unimportant.
- Even when contraceptives were available, there was active discouragement from male community leaders to use such means to limit births because there are fewer "numbers of Kachin people." This demonstrates how women cannot make decisions for themselves even when services are available.

³¹⁸ Kachin Women's Peace Network and GEN. 2013. *Women's Needs Assessment in IDP Camps in Kachin State*. Yangon. The example is drawn from pp. 10–11.

Accessible health services contribute to women's improved access to health care.

Tracking maternal mortality ratios (MMRs) and child mortality rates provides an important proxy indicator for several factors that contribute to overall health outcomes. The ability of a woman to access timely health-care services during pregnancy and delivery is useful because the vast majority of women repeatedly require such services during their childbearing years. Reproductive health indicators, therefore, demonstrate the capacity of health services to reach out to all regions of a country and the extent to which different groups—those from poor households and from different ethnic groups and regions—are able to access such services. Government accountability mechanisms, as duty bearers to meet women's rights to quality health services, can also be assessed.

Reproductive health indicators provide insight into the extent to which communities value women's health by setting aside the resources required to access health services. A 2010 nationwide study³¹⁹ found that the median total cost for delivery at a hospital was about MK95,000 (\$77), mainly covering the health provider's fees and medicine, which averaged MK35,000 (\$28) and MK30,000 (\$24), respectively. In the study, almost all women reported that medicines were easily available, but only 12% of clients received all medicines free of charge from a hospital. Transport costs might also be involved. Nonfinancial opportunity costs have to be considered for obtaining support from family members and the community to care for other children and family members while women seek care for themselves. The majority (62%) of maternal deaths occurred at home. Only 38% of women with complications were referred to hospital, and only 24% reached a hospital for proper management, while 14% died on their way due to late referrals, primary delay, and long distances to travel.³²⁰ Many women were unable to exercise sufficient confidence within the household to command the considerable resources required to seek health services in a timely manner.

Women's education is a key factor contributing to improvements in maternal mortality ratio and children's health.

All health indicators improve significantly if mothers have even just a primary level education, and the correlation continues through to higher education (Table 4.1). This may be related to an educated woman's improved confidence and ability within the family to command sufficient resources to access health services for herself and her children.

A healthy household environment and access to clean, safe, and secure public services are important conditions for good health.

Child mortality rates provide insight not only to a mother's ability to access health services for her children but also into living conditions of households. Children's nutritional status is a reflection of their overall health. When children have access to an adequate food supply, are not exposed to repeated illness, and are well cared for, they reach their growth potential and are considered well nourished. Environmental factors also contribute to children's health. When safe water is not available, children become vulnerable to waterborne disease. Similarly, poor sanitation conditions contribute significantly to childhood illness.

³¹⁹ Ministry of Health and UNICEF. 2010. *Assessment of Emergency Obstetric Care in Myanmar*. Nay Pyi Taw. Cited in Ministry of National Planning and Economic Development, Ministry of Health, and UNICEF. 2012. *Situation Analysis of Children in Myanmar*. Yangon. p. 48.

³²⁰ UNFPA. 2010. *Report on Situation Analysis of Population and Development, Reproductive Health and Gender in Myanmar*. Yangon.

Child mortality rates thus reflect poverty rates and provide information on how well households cope with limited access to resources for survival.



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Rural electrification has an important impact on the health of women and children. Many studies have demonstrated how environmental conditions improve women's health. For instance, women and girls no longer have to spend hours exposed to smoke from solid fuels used for cooking. Health information can be transmitted more effectively through radio or television programming. Additional income generation is possible for women in their homes, which can be allocated to health care. Electrification at clinics also improves the quality of health care.



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Nondiscrimination, including on the basis of geographical location and ethnicity, can influence good health outcomes in Myanmar.

All indicators are lowest in regions with large proportions of ethnic minority communities or national races. Variations can be extreme, such as birth spacing (and overall fertility), and prevalence of contraception use. According to the IHLC Survey data, contraceptive prevalence in 2009–2010 in urban areas was 46% but only 3% in Chin State. Women in the Chin communities also have lower education levels, and poverty levels are higher, resulting in poor living conditions. Civil unrest associated with armed insurgencies has led to some areas being classified as “hard to reach” (including at least 82 of Myanmar’s townships). Coupled with the scarcity of resources, there is growing pressure on the most peripheral parts of the health system to focus on a targeted or essential group of minimum maternal and child health interventions in their catchment areas. In many areas, no services are available at all.

Causal factors go beyond poor development opportunities because traditional social values tend to change slowly in these communities, limiting women’s potential ability to make their own decisions regarding resource allocation within the household or birth spacing—should services be available. Adverse effects of some traditional birth practices are also more prevalent in isolated areas than elsewhere. The combination of these factors render women particularly vulnerable to poor health and at higher risk of maternal mortality, compared with women elsewhere in Myanmar.

Women’s ability to influence their own lives also matters for other aspects of well-being. A woman’s ability to exercise her choice over birth spacing influences how frequently she has to face risks associated with pregnancy. When considerable household resources are required for each pregnancy, a woman needs to command these resources, with many competing priorities for scarce resources. Women’s exercise of agency also improves children’s welfare—there is much evidence of this across the world.

Although reproductive health services in Myanmar aim to improve women’s agency, equal attention needs to be given to encourage men to engage in responsible sexual behavior

(including avoiding unwanted pregnancies). No contraceptive services reach out to men (other than HIV prevention services to men at high-risk of infection), and the burden of raising issues regarding birth spacing rests primarily on women. Within most households, however, women are not encouraged to discuss such issues because a woman's modesty is highly valued. Similarly, men should take greater responsibility for the health and well-being of children. Involvement in improving water and sanitation within their own household and in their community must be shared between men and women.

The tragic consequences of a large proportion of women forced to seek unsafe abortions when unwanted pregnancy occurs is also evident, with approximately 10% of maternal mortality associated with complications from illegal abortions. Lack of access to contraceptive supplies is clearly a factor, but the large proportion of female adolescents feeling forced to undertake a high-risk abortion points to how the social norms concerning sexual relations prior to marriage have to be addressed to safeguard the health of these young women.

The majority of young people say that abortion should not be a primary option in managing an unintended pregnancy and that both partners should take responsibility and jointly make decisions on how to deal with the issue. Young people interviewed for a 2010 United Nations Population Fund study stated that they need sufficient sexual and reproductive health services tailored to adolescents' needs.³²¹

Social norms clearly govern the degree of control a woman can exercise over her own life and those of her children. Behavior change communication programs—especially those that reach both men and women—can assist women to make choices regarding their health and are delivered in some parts of Myanmar. When women can reinforce positive changes in social norms through organizing within their community, the transformative potential of better knowledge and the ability to act upon available choices can be accelerated.

Gender equality and nondiscriminatory sociocultural values and practices contribute to good health outcomes for women and girls. A case in point is HIV, because the social factors vary for men and women. For example, access to knowledge regarding the transmission of the infection varies between men and women, as well as for adolescents. There is strong stigma associated with sexual behavior, and women are strongly discouraged from speaking frankly with their husbands or other family members regarding sexual matters, which includes the use of condoms. Reluctance to seek knowledge about reproductive health extends to discussions with health-care workers, many of whom have not been trained on how to address such topics in public discussions. Power relations between husbands and wives also make it impossible for most women to insist on the use of condoms, even if they suspect their husbands are engaging with multiple sex partners, including paid sex, or are having sex with other men. Intimate partners of male migrants are also exposed to possible infection when their husbands return home. Women migrants are particularly vulnerable to sexual exploitation³²² when they are away from their social networks and have limited access to health services or knowledge once they have been forced into high-risk sexual behavior.

³²¹ Footnote 320.

³²² International Organization for Migration and UNAIDS. 2005. *Assessment of Mobility and HIV Vulnerability Among Myanmar Migrant Sex Workers and Factory Workers in Mae Sot District, Tak Province, Thailand*. Cited in UNFPA. 2010. *Report on Situation Analysis of Population and Development, Reproductive Health and Gender in Myanmar*. Yangon. p. 130.

Women sex workers are also exposed to violence and coercion when they seek to reduce the risk of infection. Although the knowledge and reported use of condoms have considerably increased among them, some fail to negotiate with clients, especially those under the influence of stimulant drugs and alcohol.³²³



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A substantial proportion of women in the sex sector still report being afraid of being caught with condoms by authorities and said they did not carry them for that reason. While it is not illegal to carry a condom, and despite directives from the government, they report that the police sometimes use this as evidence that a woman is engaged in prostitution (which is illegal) and extort money from them. Women operating independently or on the street are reported to be more vulnerable to this.³²⁴

Inclusive and nondiscriminatory attitudes of health service providers, families, and communities are an important determinant of women's better access to health care.

There are many societal barriers to the greater involvement of people living with HIV in the design and implementation of health services that include poverty, gender inequality, stigma, and discrimination. The 2011 UNAIDS *People Living with HIV Stigma Index Report* described forms of stigma and discrimination identified by respondents living with HIV from the region—including a group from Myanmar. Discrimination and stigma occur within the family; in the community where an individual's status may be disclosed without consent, with reactions ranging from social exclusion to forced ejection from a residence, or an inability to participate in religious activities; at the workplace, where up to 50% of respondents reported loss of jobs or promotions and discrimination from coworkers; and in health-care service provision that fails to respect confidentiality of results and status and fails to obtain consent for testing in a large proportion of cases. Respondents also reported lack of access

³²³ Footnote 322, p. 146.

³²⁴ National AIDS Program. 2008. *National Behavioural Surveillance Survey 2007–08 Report Myanmar: Female Sex Workers and Injecting Drug Users*. Cited in J. Roberts. 2009. *Gender Review of the Myanmar National Strategic Plan on HIV 2006–2010*. Yangon. p. 17.

to comprehensive advice on sexual health and contraception and, in some cases, forced sterilization of women. For people living with HIV, these often intolerable forms of stigma and discrimination lead to emotional internalization affecting many aspects of their life. Many in the survey reported they limit humiliation by avoiding health-care services.

4.4 Conclusions and Recommendations

Several non-epidemiological factors appear to influence the capacity of women and girls to access health-care services. These complex combinations of socioeconomic and cultural factors can be categorized into a few broad areas to demonstrate the effect on health outcomes for women and girls, as follows:

- Women's inability to control their own bodies. Social norms dictate that women do not challenge decisions taken by their husbands, which extend to decisions regarding sexual practices. This influences women's ability to control birth spacing, to negotiate whether the husband wears a condom, or even to discuss his sexual behavior outside the home.
- Families and communities tend not to set aside resources required to protect women during pregnancy and delivery, as reflected in the large proportion of maternal deaths occurring at home.
- When women are educated beyond the primary education level, their ability to command household resources to cover health-care costs for children and themselves are demonstrated by better health indicators, compared with women with only a primary level of education or no schooling ever.
- The ethnicity of women has a significant impact on health outcomes. Lack of access to health-care facilities in remote regions is compounded by traditional health practices that linger within these isolated communities. Women's control over decisions within the household is also more limited within these communities, where social practices change slowly. These women also have some of the lowest education levels in the country.
- Given that females are expected to live up to higher standards of morality regarding sexual behavior, girls and women living with HIV face deeper levels of stigma and discrimination from their families and communities, which thus impacts their access to health services.
- Investment in improved sanitation and domestic water supply infrastructures has a considerable impact on health outcomes for the whole family, particularly children. Similarly, electrification not only reduces pollution from cooking in the house but also improves the delivery of primary health services. Women usually identify these investments as a priority but can rarely influence community decision making concerning the importance of these issues.

There is limited understanding in Myanmar of the gender dimensions of the non-epidemiological factors influencing health outcomes. More detailed and extensive research needs to be carried out, with findings feeding into government policy development and implementation. Women's health outcomes could also be improved by the following suggested changes.

Address women's general health from a life cycle perspective.

- Women's health concerns beyond reproductive health have been neglected. Although it has been important to address the high MMR and to improve children's health outcomes, women have health concerns beyond their childbearing age and

responsibilities. There are some differences in indicators for men and women for noncommunicable diseases, for example. To improve the efficiency of health service delivery, the causes of these differences need to be better understood.

- Similarly, there is little research into health-seeking behaviors, which vary between men and women in most countries. Incentives to bring men to health clinics to discuss tobacco or alcohol abuse need to be understood to address the serious impact of these behaviors on health that seem to affect more men than women.

Design reproductive health services tailored to adolescent needs.

- Reproductive health services, including the provision of contraceptives and advice, are not designed to meet the needs of adolescent, unmarried girls; health-care workers are often unhelpful and are not routinely trained to understand the special concerns of this group. Services specifically designed for unmarried girls and women are needed.

Consult with and target women, especially in underserved sites.

- Health-care services need to be targeted more effectively to ensure that underserved areas and needs are met. Consultation mechanisms with community members—with a large proportion of women involved because they are the primary users of health services—must be conducted to ensure that needs and priorities are well understood before programs are developed.
- Monitoring the effectiveness of services also needs to be improved to ensure that scarce resources are reaching those most in need.

Provide state-subsidized health insurance.

- Health insurance or other social safety net programs need to be established to reduce the burden of cost on health-care users, especially the poor.
- Nonfinancial opportunity costs also have to be considered to enable more women to attend clinics and bring their children for care, such as the provision of childcare facilities at primary health clinics and vouchers to cover the cost of transport, especially if women have to bring additional young children or elderly persons who cannot remain alone at home.

Increase investments in public services.

- Stepping up investments in electrification and water and sanitation improvements, especially for poor community members, will relieve women of the considerable burden of caring for children and household members infected by waterborne diseases. When women participate in the planning and development of such investments, the facilities will meet the needs of the principal users and be better maintained.

Address the health needs of ethnic women.

- Research is needed on the specific constraints that women from ethnic minorities and national races experience in accessing health care. This research should be integrated into the other planning considerations when services are improved for these communities.

Educate adolescent boys and girls on sexuality, sexual and reproductive health, human rights, and gender-based violence.

- Consider a range of mechanisms to reduce the number and impact of unsafe abortions. This may require improved reproductive health courses in secondary schools and public campaigns targeting young men to encourage greater involvement in avoiding unplanned pregnancies.
- Make the availability of contraceptives a priority and encourage the sharing of responsibility for birth spacing more equally between husbands and wives.

Provide gender-sensitive services on HIV and AIDS.

- HIV voluntary testing and counseling services need to reach out to more women as well as men.
- Health professionals working in these clinics need to be given training on how to discuss sexual behavior and practices with women who may be timid and unwilling to present their own concerns.



END SEXUAL VIOLENCE IN CONFL

GENDER EQUALITY
AND WOMEN'S AND GIRLS'
RIGHT TO FREEDOM FROM
ALL FORMS OF VIOLENCE

5



Gender Equality and Women's and Girls' Right to Freedom from All Forms of Violence

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Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination... The Convention applies to violence perpetrated by public authorities... States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation... States parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act...

General Recommendation No. 19 on Gender-based Violence, Convention on the Elimination of All Forms of Discrimination against Women

Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement... and calls for developing a holistic and multidisciplinary approach to the challenging task of promoting families, communities and States that are free of violence against women is necessary and achievable.

Paragraphs 118–119, Beijing Platform for Action

The National Strategic Plan for the Advancement of Women, (2013–2022) aims to improve systems, structures and practices to eliminate all forms of violence against women and girls and to respond to the needs of women and girls affected by violence. This will be done through policy formulation and implementation that includes data collection, research, advocacy, and capacity-building activities involving government and nongovernment stakeholders and resource allocations.

National Strategic Plan for the Advancement of Women

5.1 Significance of Women's and Girls' Right to Live Free from Violence

Violence against women and girls is both a manifestation of and a tool to maintain gender inequality. All women and girls have a basic human right to live free from violence or the risk of violence. As signatories to international conventions, states have an obligation to eliminate violence against women and girls and exercise due diligence in preventing such gross violations of women's human rights.

Violence against women and girls carries heavy physical, emotional, social, and economic consequences and costs to individual women, families, communities, and the state. Out of 10 selected causes and risk factors for disability and death among women between the ages of 15 and 44 surveyed globally in 1993, rape and domestic violence rated higher than cancer, motor vehicle accidents, war, and malaria.³²⁵ Other physical and health consequences of physical and sexual violence include immediate injuries (such as fractures and hemorrhaging) and long-term physical conditions (such as gastrointestinal, central nervous system disorders, and chronic pain); mental illnesses such as depression, anxiety, post-traumatic stress disorder, and attempted suicide; sexual and reproductive health problems such as sexually transmitted infections (including HIV), and other chronic conditions; sexual dysfunction; unintended or unwanted pregnancies and unsafe abortion; risks to maternal and fetal health (especially in cases of abuse during pregnancy); substance abuse (including alcohol); and poor social functioning skills, social isolation, and marginalization.³²⁶

Violence against women and girls hinders poverty reduction efforts and has intergenerational consequences. Women and girls are half of the human capital available to reduce poverty and achieve development. Yet gender-based violence undermines human rights, social stability, security, public health, women's educational and employment opportunities, and the well-being and development prospects of children and communities—all fundamental to achieving the Millennium Development Goals. Sexual violence deprives girls of education. For example, in South Africa in 1999, 33% of reported rapes of girls were perpetrated by a teacher. Many girls changed schools or left school as a result of hostility after they reported the violence, which will ultimately impacted their employment opportunities.³²⁷

According to a study in India, a woman loses an average of at least five paid workdays for each incident of intimate partner violence she experiences; in Uganda, about 9% of violent incidents forced women to lose time from paid work, amounting to approximately 11 days a year per woman.³²⁸ A 2012 study in Viet Nam found that women experiencing violence earned 35% less than women not abused, with overall productivity loss estimated at 1.8% of gross domestic product.³²⁹ This included both costs associated with the provision of

³²⁵ World Bank. 1993. *World Development Report 1993*. Washington, DC.

³²⁶ UN Women. Undated. Virtual Knowledge Center to End Violence against Women and Girls. www.endvawnow.org/en/articles/301-consequences-and-costs-html

³²⁷ *South Africa Demographic and Health Survey: 99*. Medical Research Service and Measure DHS, Pretoria, cited in R. Jewkes and N. Abrahams. 2002. The Epidemiology of Rape and Sexual Coercion in South Africa: An Overview. *Social Science and Medicine*. 55, p. 1237; Amnesty International. 2008. *Safe Schools: Every Girl's Right*. London. p. 31.

³²⁸ Footnote 327.

³²⁹ UN Women Viet Nam. 2012. *Estimating the Costs of Domestic Violence Against Women in Viet Nam*. Ha Noi.

facilities, resources, and services to a survivor as a result of the violence perpetrated against her (such as the cost of crisis, legal, and medical services; transport or accommodation; and income support) as well as those incurred due to increased absenteeism, reduced workforce participation, or the need to replace damaged household items as a result of the violence.



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Other costs of violence are the often long-term social and psychological costs such as the pain and suffering of survivors and/or their children, or opportunity costs such as the loss of future employment or promotion opportunities, reduced quality of life, or lower educational achievement of children.

A study in Australia estimated that the impact of violence against women and their children cost the national economy an estimated A\$13.6 billion in 2009 alone.³³⁰

The costs and consequences of violence against women endure for generations. Children who witness domestic violence are at increased risk of anxiety, depression, low self-esteem, and poor school performance, among other problems that harm their well-being and personal development.³³¹ In Nicaragua, 63% of children of abused women had to repeat a school year, and they left school on average 4 years earlier than other children.³³² Children, both girls and boys, who have witnessed or suffered from gender-based violence are

³³⁰ National Council to Reduce Violence. 2009. *The Cost of Violence Against Women and Their Children (Australia)*. Canberra.

³³¹ School absences were either temporary or permanent. R. Jewkes et al. 2001. Relationship Dynamics and Teenage Pregnancy in South Africa. *Social Science and Medicine*. 52. pp. 733–744; G.M. Wingood et al. 2001. Dating Violence and the Sexual Health of Black Adolescent Females. *Pediatrics*. 107 (5); C. Garcia-Moreno and C.H. Watts. 2000. Violence against Women: Its Importance for HIV/AIDS Prevention. *AIDS*. 14 (Supplement 3). S253–S265; and Human Rights Watch. 2001. *Scared at School: Sexual Violence against Girls in South African Schools*. New York. Cited in P.S. Pinheiro. 2006. *World Report on Violence against Children*. New York: United Nations. p. 130.

³³² S. Larraín, J. Vega, and I. Delgado. 1997. *Relaciones familiares y maltrato infantil*. Santiago: UNICEF.

more likely to become victims and/or abusers later in life. Social multiplier effects include the impact of violence on interpersonal relations and quality of life, such as the effect on children of witnessing violence, a reduced quality of life, and reduced participation in democratic processes. Children who witness abuse or who are victims tend to imitate and perpetuate that behavior.³³³

5.2 Trends and Basis for Prevalence of Violence against Women and Girls in Myanmar

Data deficits

There is currently no national prevalence data on various forms of violence against women.

Forms of violence, attitudes, patterns of reporting, and level of services

Intimate partner violence

To date, there has been no systematic effort in Myanmar to collect comprehensive national data on the incidence or characteristics of violence against women; however, there are a number of small-scale studies and surveys on domestic violence that offer valuable data on its prevalence and manifestations. For instance, a study in which researchers conducted 600 interviews and surveys in the five townships of Yangon found that 19% of the female respondents said that they had experienced violence directly, and 53% knew of women abused by relatives or neighbors. Additionally, there was a reluctance to report violence, with only 40% of the direct violence cases being reported. The research also found limited measures for protection, counseling, and care to survivors of gender-based violence (such as trauma counseling, medical care, shelter, economic support, and legal services) as well as lack of confidence in the police or the legal system among many women.³³⁴

A 2005 study that surveyed 286 married women in a Mandalay township reported that 69% of the respondents had experienced one or more incidents of domestic violence at the hands of their intimate partner in the 12 months prior to the interview; of them, 69% reported at least one act of psychological abuse and 27% reported at least one act of physical assault.³³⁵ Demonstrating that this is a crime that still goes largely unreported, 93% of the abused women did not seek any formal action following the violence.³³⁶

Open discussion on domestic violence is still sensitive in Myanmar. There are strong connections between reporting on violence and stigma within the community, and

³³³ Footnote 332.

³³⁴ Breaking the Silence Project. 2013. *Gender-Based Violence in Five Yangon Townships: Research Report*. Yangon.

³³⁵ N. Kyu et al. 2005. Prevalence, Antecedent Causes and Consequences of Domestic Violence in Myanmar. *Asian Journal of Social Psychology*.

³³⁶ Footnote 335.

women are often reluctant to talk about instances of marital violence due to the cultural preference of the appearance of harmony and the shame associated with conflict at home.³³⁷ In a 2006 study, almost one-quarter of all women interviewed reported at least one violent incident in their household, although only a few portrayed the incident as serious. Several women would describe two people fighting with each other rather than a woman being hit by a man.³³⁸

Public awareness of the nature and impact of domestic violence is low, compounded by a lack of comprehensive data on the extent, causes, and consequences of violence against women at the national level, disaggregated by age, disability, ethnicity, and other factors. The single biggest obstacle to ending domestic violence is the cultural acceptance of it as a “family matter.” The current legal reform process will have a critical role in bringing the issue firmly into the public and policy arena and to promote commitment among stakeholders to ensure that the interests of a range of actors are represented, including women’s organizations, government entities, service providers, and members of the criminal justice system. Critical to the success of the process is the engagement of both male and female gatekeepers and champions across sectors to secure broad, multisectoral support.

While available data on intimate partner violence against women in Myanmar mainly focus on physical and/or psychological violence, global data show that sexual violence within relationships is another prevalent form of violence against women. For instance, a recent multiple-country study on men’s use of violence found that of the 10,000 men surveyed, around one in four reported having committed rape against a partner, ranging from 10% to nearly 60% across sites.³³⁹

Sexual violence

As is the case for domestic violence, there is much underreporting of sexual violence. This is largely due to the absence of safe, confidential, and survivor-centered services; the lack of updated laws on violence against women and girls; social stigma; and the deep connections between reporting on sexual violence and the risk that survivors can encounter over the course of reporting cases or trying to access support. Additionally, marital rape is not a crime in Myanmar, with the Myanmar Penal Code providing an exemption for marital rape in section 375. Specifically, nonconsensual intercourse between a husband and wife is not considered rape if the wife is older than 13. It is often common practice in Myanmar to encourage marriage between a rape survivor and the perpetrator.

All these factors combine to create and perpetuate a culture of silence and impunity, whereby such violence against women and girls is socially legitimized, and few perpetrators are held accountable. In 2008, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee expressed concern over widespread domestic and sexual violence in Myanmar, including rape—noting that it contributes to

³³⁷ R. Smith. 2006. *A Hen is Crowing: A Gender Impact Study of Two UNDP Myanmar Community Development Programmes*. Yangon, p. 17.

³³⁸ Footnote 337.

³³⁹ E. Fulu et al. 2013. *Why Do Some Men Use Violence Against Women and How Can We Prevent It? Quantitative Findings from the United Nations Multi-Country Study on Men and Violence in Asia and the Pacific*. Bangkok: UNDP, UNFPA, UN Women, and United Nations Volunteers (UNV).

cases of violence being underreported and that reported cases are settled out of court.³⁴⁰ The CEDAW Committee also stressed its concern that, under the law, victims of sexual violence are forced to report to the police immediately, prior to seeking health care, and that as a consequence, such victims choose to not seek life-saving health or psychological support or to pursue further action, including legal action.³⁴¹

Sexual violence in conflict

The risk of violence against women and girls is heightened during situations of conflict or vulnerability. This is also true in Myanmar, where there is evidence of rape and other forms of sexual violence being perpetrated against women affected by armed conflict. In its *Concluding Observations* in 2008, the CEDAW Committee expressed its concern at the high prevalence of sexual and other forms of violence, including rape, perpetrated by members of the military against rural ethnic women.³⁴² In the past few years, allegations of sexual assault and other human rights violations against women in ethnic border areas affected by conflict and tensions have been reported and commented on in a number of reports by the United Nations (UN) (especially by the UN Special Rapporteur on the situation of human rights in Myanmar), including in reports on the situation in Kachin, Kayin, Rakhine, and Shan states. These reports included allegations of gang rape and other forms of sexual violence perpetrated by members of both the armed forces and nonstate armed groups.³⁴³

There have also been reports of sexual abuse and violence against women in the communal violence in Rakhine State.



³⁴⁰ Footnote 88.

³⁴¹ Footnote 88.

³⁴² Footnote 88.

³⁴³ See, for instance, T.O. Quintana. 2012. *Progress Report of the Special Rapporteur on the Situation of Human Rights in Myanmar*. 7 March (A/HRC/19/67); and T.O. Quintana. 2013. *Report of the Special Rapporteur on the Situation of Human Rights in Myanmar*. (A/HRC/22/58) 6 March.

Global evidence suggests that, as is the case in Myanmar, sexual violence during and in the aftermath of conflict is a present-day crisis that affects millions of people, primarily women and girls, and is frequently a conscious strategy to humiliate opponents, shred societies, and destroy families and individuals.³⁴⁴ To address this issue, the UN Security Council adopted resolution 1820 in 2008, linking sexual violence with the maintenance of international peace and security and demanding the “cessation by all parties to armed conflict of all acts of sexual violence.” Together with its follow-up resolutions 1888, 1960, and 2106, these international commitments provide a clear legal framework for preventing and responding to all conflict-related sexual violence as a matter of urgency.

Beyond the extent of conflict-related violence and its impact on women and girls, decades of armed conflict in several areas in Myanmar have also meant that community life in these areas has focused on combat, which has led to a “masculinization” of priorities in decision-making arenas and a masculine identity that is closely associated with expressions of violent force and male power and control—attitudes that can lead to greater risk of violence against women. When combatants—mostly males—are demobilized and reintegrated into communities, attention to increased violence of women and children in families and communities will be needed.³⁴⁵ Given the extent of conflict-related sexual violence and the trauma and stigma of victims and their families that this often results in, it will be critical to ensure that these specific violations are not overlooked during a disarmament, demobilization and reintegration program, transitional justice, and peace processes.³⁴⁶

Trafficking

Myanmar is a significant source country for women, children, and men trafficked for the purposes of forced labor (for example, in factories, on fishing boats, or [with children] in shops, organized begging, and street-selling operations); forced marriage; and commercial sexual exploitation. The People's Republic of China, Malaysia, and Thailand are the primary destination countries (Table 5.2).³⁴⁷ Although trends in human trafficking in Myanmar remain significantly underresearched, anecdotal evidence reveals that women experience high levels of vulnerability and exploitation.

Table 5.1: Number of Victims of Trafficking or Potential Victims Identified by Border Liaison Offices or Anti-Trafficking Task Forces, 2006–2009

Sex	2006	2007	2008	2009
Male	3	40	50	37
Female	197	231	153	265
Total	200	271	203	302

Source: Strategic Information Response Network (SIREN). 2010. *Mekong Region Country Data Sheets on Human Trafficking*. Bangkok: United Nations Inter-Agency Project on Human Trafficking. p. 18.

³⁴⁴ For more information and resources, see www.stoprapenow.org/about/

³⁴⁵ T. de Langis. 2013. *Gender Analysis: Myanmar*, UNCT PDCA. Yangon: UN Women. p. 8.

³⁴⁶ Footnote 345.

³⁴⁷ According to Myanmar's Anti-Trafficking Unit, in 2009, 85% of cases detected by law enforcement officials involved persons trafficked to the People's Republic of China; however, figures from the Department of Social Welfare indicate that equal numbers of trafficking victims were repatriated to Myanmar via existing “government-to-government” return channels from the People's Republic of China and Thailand.

Table 5.2: Myanmar Trafficking Victims Who Were Officially Returned, by Year and by Destination Country, 2006–2009

Country	2006	2007	2008	2009
China, People's Republic of	73	58	98	293
Thailand	7	35	133	132
Others	–	–	1	6
Total	80	93	232	431

Source: SIREN. 2010. *Mekong Region Country Data Sheets on Human Trafficking*. Bangkok: United Nations Inter-Agency Project on Human on Trafficking. p. 18.

There are also reports of internal human trafficking of women and girls, especially from villages in the central Dry Zone and the Delta/Coastal Zone to urban centers. Women and girls are trafficked for labor purposes and/or subject to sexual exploitation in commercial centers, truck stops, border towns, and mining areas.

Harmful traditional practices

Harmful traditional practices include customary or religious practices and rituals that have prejudicial impact on the health, physical, or psychological integrity or the full exercise of human rights of persons to whom they target. Within the Myanmar context, harmful traditional or customary practices include widow inheritance, forced marriage between rape perpetrator and survivor (in Kachin, Chin, Kayah, Mon, and Shan states), the practice of a rapist purging his crime through payment of compensation to the village or community (in Chin, Kachin, Mon, Kayah, and Shan states), male child preference, men as head of household, bride price, women's ineligibility to inherit (in Chin and Kachin states), and women's lack of participation in decision making. These practices take place in the context of gender discrimination that permeates traditional cultural life.

Widow or wife inheritance

When a man dies, custom dictates that his widow should be cared for by her brother-in-law (and sometimes father-in-law). While there is undeniable value to ensure that a widow and her children are cared for by her deceased husband's family, and indeed that value should be preserved, the practice of widow/wife inheritance is also accompanied by sexual access and entitlement of the nominated brother-in-law or father-in-law to the widow.

Inheriting a widow is steeped in the concept of women being the property of her husband or his family and can thus be "inherited," more so when a substantial bride price had been paid by her deceased husband. Women cannot be treated "as objects to be given together with the property of the deceased husband to his family."³⁴⁸ The practice of widow/wife inheritance is a prime example of the objectification of women as property—to be inherited and not as a beneficiary capable of inheriting from the estate of her husband.

³⁴⁸ UN Human Rights Committee. 2008. *General Comment: Protection of the Family, Right to Marriage and Equality of Spouses*. (HRI/GEN/1/Rev.9) I. The committee monitors state compliance with the International Covenant of Civil and Political Rights.

Economic violence

In many communities, women are denied the right to inherit from the estate of their husbands or family (parents). Locking women out from an equal right to property is a form of violence.

Not only is economic dependence a prevalent form of violence, it is one of the key risk factors that increases the prevalence of physical and emotional violence against women.³⁴⁹ Strengthening women's economic and legal rights and eliminating gender inequalities in access to education and decision making would lay concrete foundations in preventing violence against women. The right to inherit should be equally enjoyed by both men and women, and the law should facilitate women's economic independence by ensuring that a woman is able to inherit an equal share of her husband's or family's estate.

Forced marriage to perpetrator of rape

Rape and sexual assault are considered shameful in most cultures. The shame and dishonor, however, is borne by the survivor and her family and community rather than by the rapist and his family and community. Practices such as marriage between the rape perpetrator and survivor, as well as compensation to the survivor's family and community, were developed to satisfy the dishonor.

Grave crimes, such as rape and sexual assault, are not suitable for mediation or conciliation.³⁵⁰ Holding perpetrators accountable for violence against women is fundamental to the principle of state accountability: it creates a level of predictability and certainty, suggesting that perpetrators will have to answer for violence against women.³⁵¹

Although the value of providing reparation to the survivor should be preserved, the practice cannot include conciliation of the perpetrator and survivor through marriage, nor can it serve as a substitute for prosecution and punishment of the survivor.

Policies and legislation on violence against women

The government supports a zero-tolerance policy regarding violence against women,³⁵² and, by designating the issue as one of the priority areas of its draft National Strategic Plan for the Advancement of Women, has indicated its commitment to develop and strengthen laws, policies, and practices to eliminate violence against women. As noted earlier, the country acceded to CEDAW in 1997, is a signatory to the Beijing Platform for Action, and adopted the Anti-Trafficking in Persons Law in 2005. As a member of the Association of Southeast Asian Nations (ASEAN), Myanmar is a signatory to a number of ASEAN regional commitments, including the 2004 Declaration on the Elimination of Violence Against Women in the ASEAN region, and the 2013 Declaration on Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN.

³⁴⁹ Z. Abdul Aziz and J. Moussa. 2014. *Due Diligence Framework: Framework on State Accountability for Eliminating Violence Against Women*. Washington, DC: International Human Rights Initiative. p. 18.

³⁵⁰ Footnote 349.

³⁵¹ According to a United Nations survey in Asia and the Pacific, 72%–97% of men admitting they had raped also reported that they were never punished. See E. Fulu et al. 2013. *Why Do Some Men Use Violence Against Women and How Can We Prevent It? Quantitative Findings from the United Nations Multi-Country Study on Men and Violence in Asia and the Pacific*. Bangkok: UNDP, UNFPA, UN Women, and UNV. http://asia-pacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/womens_empowerment/RBAP-Gender-2013-P4P-VAW-Report.pdf

³⁵² Government of Myanmar. 2007. *Combined Second and Third Periodic Report to the CEDAW Committee*. Nay Pyi Taw. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/503/88/PDF/N0750388.pdf?OpenElement>

Myanmar does not have specific or dedicated legislation against domestic violence, although the Department of Social Welfare is developing a comprehensive national law to prevent violence against women. There are sections of the Penal Code (1860) that pertain to sexual and gender-based violence.³⁵³ These include Section 375, which prohibits rape (defined as sexual intercourse with a woman either without her consent, against her will, with consent obtained by fear or threat of injury or death, with consent obtained through deception, or if the woman is younger than 13, provided she is not married to the man); Sections 493–498, which address offenses related to marriage, adultery, and sexual intercourse; and Section 354, which criminalizes assault intended to “outrage a woman’s modesty.”³⁵⁴ Domestic violence is not directly covered but must be dealt with under provisions that address intentional infliction of injury (Sections 319–338) and assault (Sections 349–358).³⁵⁵

These provisions do not adequately address women’s experience of violence or reflect the contemporary values of Myanmar society, nor are they fully compliant with CEDAW.³⁵⁶ Section 375 creates an exemption for marital rape, unless the “woman” is younger than 13.³⁵⁷ Other weaknesses include (but are not limited to) the absence of the incorporation of obligations under CEDAW into domestic law; the absence of the definition or prohibition of direct or indirect discrimination in the Constitution; the inclusion of an outdated reference to “woman’s modesty,” which is open to judicial interpretation; and the absence of legal mechanisms for restraining orders.³⁵⁸ These are coupled with discriminatory and/or restrictive provisions in a range of other areas, including family laws (such as those linked to marriage, divorce, distribution of marital assets, inheritance rights, custody, and guardianship), labor laws, and health laws.

In its *Concluding Observations* in 2008, the CEDAW Committee expressed concern for the absence of data and information on violence against women, disaggregated by age and ethnic group, as well as studies and/or surveys on the extent of such violence and its root causes. The committee also urged Myanmar to strengthen its legal complaints and investigation system and increase prosecutions and convictions so that women have effective access to justice. It also advised that there be information dissemination on mechanisms and remedies available to survivors as well as measures to bring perpetrators to justice.

Good practices and achievements in addressing violence against women in Myanmar

The move toward democratic reform and the expansion of democratic space has created opportunities to address violence against women and girls. The National Strategic Plan for the Advancement of Women prioritizes the issue of violence against women and girls. The establishment of the government-driven sector working group on gender equality and women’s empowerment, in collaboration with development partners and civil society, is expected to help move the implementation of the plan forward.

³⁵³ Footnote 352.

³⁵⁴ Gender Equality Network. 2013. *Myanmar Laws and CEDAW: The Case for Anti-Violence Against Women Laws*. Yangon.

³⁵⁵ Footnote 354.

³⁵⁶ Gender Equality Network. 2013. *Developing Anti-Violence Against Women Laws. Discussion Paper Part 1: Background Information*. Yangon.

³⁵⁷ Footnote 356.

³⁵⁸ Footnote 356.

The drafting of a comprehensive national law to prevent violence against women is a step toward carrying out commitments to end violence against women. The UN Gender Theme Group (UN Women, United Nations Population Fund, United Nations Development Programme, with inputs from the United Nations Office on Drugs and Crime (UNODC), and others) and the Gender Equality Network are providing technical support to the drafting process. In addition to preparing discussion papers covering key points for debate, the UN Gender Theme Group and the Gender Equality Network, in collaboration with the Anti-Violence Against Women Law Drafting Working Group, are supporting consultation processes with civil society groups, parliamentarians, and political parties. Led by the Department of Social Welfare, member ministries of the Law Drafting Working Committee, the Myanmar Women's Affairs Federation (MWAFF), the Myanmar Maternal and Child Welfare Association, the Women's Organization Network, the Gender Equality Network, the Women's League of Burma, and the UN Theme Group will also collectively facilitate consultations with civil society groups at the state and region levels.

The establishment of a specific violence against women law will fill the gaps in the existing legislation, particularly sexual and domestic violence, and clarify issues of conflict between laws by superseding inadequate, inappropriate, or discriminatory measures. It will provide specific provisions for domestic violence and victim support and will clarify when and how survivors can access a range of services, where no legislation currently exists. The new law will strengthen provisions in the 2008 Constitution and provide a definition of discrimination that is harmonized with CEDAW. An antiviolenace against women law will also create an opportunity for training law enforcement officers and the judiciary on gender equality and women's human rights and to create measures to monitor legal enforcement.³⁵⁹

The Myanmar National Committee for Women's Affairs was formed in 1996 to support the advancement of women. The protection of women and children from violence, trafficking, and abuse is one of its nine critical areas of policy-related work.³⁶⁰ The MWAFF was formed in 2003 and has undertaken some activities under its Violence Against Women Subgroup. These activities include disseminating information on the existing laws on violence against women through the media and advocacy and organizing educational talks in communities, schools, and factories, mainly targeted at women and girls. The MWAFF has also opened counseling centers in 67 townships that provide legal aid assistance to survivors and has established complaint mechanisms for survivors of violence.³⁶¹ Like many other organizations working to increase women's empowerment, the MWAFF needs more capacity and resources to transform the underlying structural impediments to gender equality.

In 2008, the CEDAW Committee raised concerns that Myanmar did not have a more comprehensive and effective legal system for receiving complaints, especially from women of ethnic groups, and noted the lack of data on and analysis of complaints filed with the MWAFF and their outcome.³⁶²

³⁵⁹ Footnote 356.

³⁶⁰ WHO. Undated. Myanmar Country Policies and Strategies for Combating GBV. www.searo.who.int/entity/gender/data/myanmar.pdf

³⁶¹ Phone interview with Dr. Khin Mar Tun, secretary of MWAFF, in February 2014.

³⁶² CEDAW Committee. 2008. *Concluding Observation, Article 14*. Geneva. p. 4.

More recently, the Ministry of Social Welfare, Relief and Resettlement and the Gender Equality Network launched a qualitative research study on violence against women in Myanmar, entitled *Behind the Silence*.

During 2012–2013, a number of forums were organized by civil society organizations and networks to address violence against women and girls. An open consultation jointly organized by the UN; the MWAF; and the Ministry of Social Welfare, Relief and Resettlement specifically addressed women, peace, and security issues, including sexual and gender-based violence in conflict.³⁶³ The outcomes of these forums showed that there is limited provision of counseling and psychosocial support in Myanmar, particularly during and after situations of conflict. Forum participants also expressed concern over the low level of women's participation, representation, and decision making at each level of the peace process. In addition, the forums highlighted the urgent importance of the development of a national action plan for the UN Security Council resolution 1325.³⁶⁴

5.3 Conclusions and Recommendations

Despite the traction on addressing violence against women and girls, implementation challenges remain. These include data gaps, conflict-related exacerbation, inadequate laws, conventional attitudes, institutional capacity deficits in rights-compliant policy making and implementation, poor accountability and community mobilization, women's inadequate rights-exercising capacities, and poor multisector coordination. These weaknesses require several reforms, as the following suggestions outline.

Improve availability of and access to data.

- Ensure the systematic and coordinated collection of national prevalence data, disaggregated by sex, age, and other variables; on the incidence and forms of violence against women; and undertake research on the causes, consequences, and costs of violence against women to individuals, families, and communities.
- Develop and implement comprehensive data collection systems and protocols with police, health, social, and other service providers to generate reliable administrative data on the reporting of domestic and sexual violence and actions taken by the relevant duty bearers.

³⁶³ These were 22 September 2013, Myanmar Women's Forum, Yangon, organized by the Women's Organizations Network and the Women's League of Burma; 31 October 2013, Open Day on Women, Peace and Security, 2013: Women Count for Peace: Advancing Women's Contribution to Peacebuilding in Myanmar, organized by the Ministry of Social Welfare, Relief and Resettlement; the MWAF; and the UN to commemorate UN Security Council resolution 1325 on Women, Peace and Security (2000); 9–14 November 2013, National Women's Dialogue in Myanmar: Peace, Security and Development, organized by the Women's Organizations Network, the Gender Equality Network, and the Civil Society Forum for Peace in collaboration with Columbia University (supported by USAID); 6–7 December 2013, Myanmar International Women's Forum 2013 in Yangon, Women in a Fast-Opening Society, organized by the French Embassy and the Women's Forum for the Economy and Society, with collaboration from the Ministry of Social Welfare, Relief and Resettlement; and 28–30 December 2013, The Myanmar People's Forum, attended by 165 local nongovernment organizations and 650 individuals, who produced a statement with 55 recommendations under four main categories of human rights, development, peace, and democracy.

³⁶⁴ Outcome Statement of the Department of Social Welfare, Ministry of Women's Affairs, and the UN, 31 October 2013, Open Day for Women's Peace and Security, Myanmar.

- Support capacity building and advocacy among stakeholders to collect and use data and evidence on violence against women, including on monitoring and evaluation of policies and programs.

Reform policies and laws.

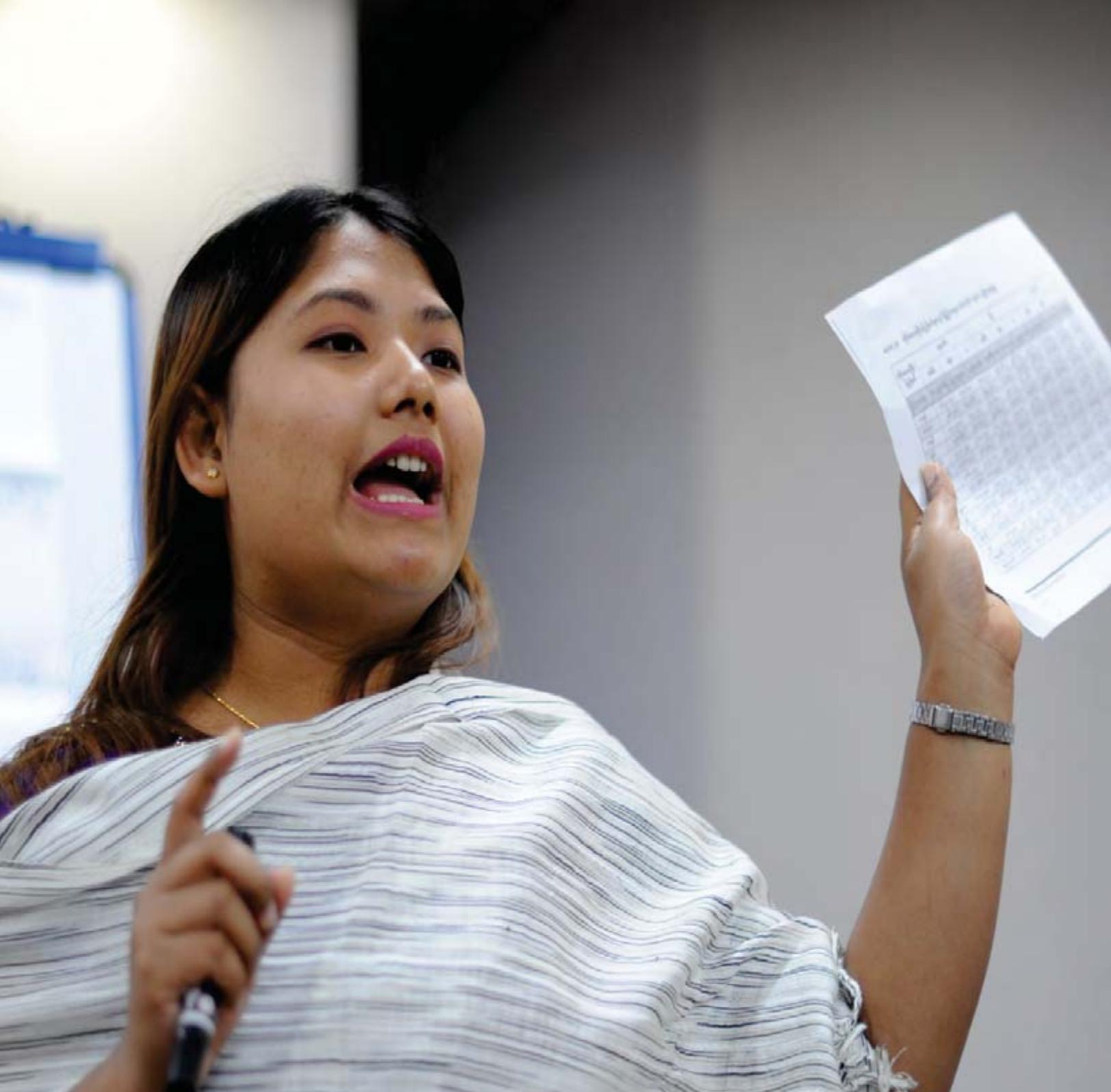
- Adopt the CEDAW-compliant comprehensive law on violence against women currently being developed by the Department of Social Welfare.
- Develop regulations for the law.
- Develop and implement a national plan of action on eliminating violence against women, in harmony with the law, and ensure that it has gender-sensitive targets and indicators and is well resourced.

Enhance the administration of justice and improve access to services.

- Ensure the development of effective legal, social, psychosocial, and other support services and policies for women leaving situations of violence, including protection and restraining orders, mechanisms for redress, and programs to support women's economic empowerment.
- Minimize barriers to accessing services (particularly health and psychological support), even if and when survivors choose to access this support without pressing charges.
- Support systematic preservice and in-service capacity development of law enforcement agencies, the judiciary, and service providers so that they are better able to respond to reports of violence and to offer appropriate and gender-sensitive support and referrals to all survivors.
- Increase the participation of women in the law enforcement and judicial processes, including as frontline service providers.
- Establish monitoring mechanisms, protocols, and referral systems within and across sectors to ensure the enforcement of laws on violence against women and girls.

Raise awareness and advocate for prevention.

- Undertake comprehensive communications campaigns, including collaboration with the media, traditional and religious leaders, and educators to change social norms, and promote zero tolerance for violence against women and girls.
- Support community-level awareness raising and legal literacy on women's right to live free from violence and legal protections to encourage higher rates of reporting and eliminate barriers that prevent survivors from seeking help, including disseminating information about national and international legal commitments in local languages, in sites in which women meet and in media forms they use.
- Promote young people's leadership, knowledge, and skills, and help them develop healthy attitudes and relationships based on equality and respect, while promoting reforms in school curricula and teacher training to eliminate harmful gender stereotypes within the education system.
- Work with parents, teachers, and children's rights advocates to protect children from experiencing or witnessing violence.
- Work with men, including young men, local leaders, and male role models, as partners in promoting nonviolent and equitable ways to "be a man."



**GENDER EQUALITY AND
WOMEN'S RIGHTS IN POLITICAL
PROCESSES AND GOVERNANCE**

6



Gender Equality and Women's Rights in Political Processes and Governance

UNFPA

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; (b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; (c) to participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 8 of the Convention on the Elimination of All Forms of Discrimination against Women

Subject to this Constitution and relevant laws, every citizen has the right to elect and right to be elected to the Pyithu Hluttaw, the Amyotha Hluttaw, and the Region or State Hluttaw. ...Relevant electorate has the right to recall a Hluttaw representative in accord with the law.

Article 369, Constitution of Myanmar

The National Strategic Plan for the Advancement of Women (2013–2022) aims to improve systems, structures and practices to ensure women's equal participation in decision-making and leadership at all levels of society, through policy formulation and implementation that includes data collection, research, advocacy and capacity-building activities involving government and non-government stakeholders, and resource allocations.

National Strategic Plan for the Advancement of Women

6.1 Significance of Gender Equality and Women's Rights in Political Processes and Governance

In Myanmar as in many other countries, women participate in local and national political processes and governance as voters, candidates for elections, elected officials, holders of public office (elected or appointed), and as active citizens. Women's full and equal participation with men in governance at all levels has intrinsic normative value that demonstrates the individual and collective exercise of democratic rights and freedoms of half the human population and a greater democratization of power relations.

However, women's equal participation with men in political processes and governance is also efficiency-oriented. It brings women's unique perspectives, experiences, knowledge, networks, skills, and abilities to bear on public decision making and spending relative to women's and girls' priorities. These are often different from men's and boys' priorities because of the unequal position, status, and relationship between men, women, boys, and girls at all levels, and in all spheres of most societies. Gender also interacts with economic status, race, ethnicity, geographical location, and other factors calling for the priorities of different groups of women and girls (as also men and boys) to be well reflected in public policy and its execution.

Conditioned by their socially mediated roles as nurturers and caregivers, women, as research shows, are more likely than men decision makers to address such issues as food security, education, health, water, and sanitation. For instance, assessments of panchayat councils (a form of local governance) in a sample of villages in West Bengal and Rajasthan in India found that the number of drinking water projects was more than 60% larger in female-led councils than male-led councils.³⁶⁵ Research by political scientists in Norway established a direct causal relationship between the proportion of Norwegian city councils that were female-led and childcare coverage provided in municipalities from the 1970s to the 1990s.³⁶⁶ Such expenditures directly benefit households and communities, build human capability with positive intergenerational impacts, and can serve as a "structural catalyst" to advance human development and the distributional impact of growth.³⁶⁷

Such achievement, however, requires a critical mass of women in politics and the management of public affairs who strategically influence the policy agenda in ways that matter to different groups of women (and men). Such a mass of gender-aware women and men can transform politics and governance in the direction of good governance, marked by transparency, inclusiveness, responsiveness, and accountability. The representation of more transformational women (and men) in public decision making can also change conventional public attitudes and perceptions of women in political and leadership roles. It can serve as an inspiring role model for younger women, further enhancing the critical

³⁶⁵ R. Chattopadhyay and E. Duflo. 2004. Women as Policy Makers: Evidence from a Randomized Policy Experiment in India. *Econometrica*. 72 (5). pp. 1409–1443.

³⁶⁶ K. Bratton and L. Ray. 2002. Descriptive Representation, Policy Outcomes, and Municipal Day-Care Coverage in Norway. *American Journal of Political Science*. 46 (2). pp. 648–657.

³⁶⁷ N. Kabeer. 1999. Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment. *Development and Change*. 30 (3). July. pp. 435–464.

mass of women in public decision making and public affairs. This was confirmed by women community leaders in Myanmar who constituted more than half of the executive committees of 34 community-based organizations in a 2013 study on women's community leadership.³⁶⁸

As voters, women can assert themselves as a distinct and potent constituency that can leverage the interests of women or particular groups of women, including in a gender equality agenda. For example, the first women's electoral manifesto in Africa was launched in Botswana in 1993 by Emang Basadi, a women's organization, while political parties were crafting their election manifestos for the 1994 general elections. Women used the electoral manifesto in political education programs and popularized it widely. By 1999, following initial resistance to that manifesto, all parties had changed their primary election procedures to allow for broader participation by members in candidate selection and for more women contestants than ever before. Women's wings of political parties began monitoring their own parties for progress in meeting the women's electoral manifesto demands and to report to the annual Emang Basadi conferences.³⁶⁹

The inclusion of women and their priorities at all levels of public decision making and management is fundamental to achieving good governance, sustainable peace, and development.



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³⁶⁸ Oxfam, ActionAid, and Care International. 2013. *Women's Participation in Public Life in Myanmar*. Yangon.

³⁶⁹ A.M. Goetz, ed. 2009. *Governing Women: Women's Political Effectiveness in Contexts of Democratization and Governance Reform*. New York: Routledge.

Because of Myanmar's new path of democratic governance, this chapter explores the following three issues:

- (i) How has Myanmar met its gender equality and women's rights commitments to including women and their priorities (especially for the most excluded women) equally with men in political processes and governance?
- (ii) What are the obstacles to ensuring gender equality and women's rights in political processes and governance?
- (iii) What enables women and men in decision-making positions to deliver on a gender-responsive policy agenda and to ensure women's equal participation with men in political processes and governance?

To explore these issues, this chapter draws on good practices in Myanmar and from around the world.

6.2 Trends in Women's Participation in Politics and Governance in Myanmar

A unique feature of women's political participation in Myanmar, dating back to the colonial period and continuing into the present, is the collective mobilization and mass action for broader political goals, such as freedom from colonial rule, democratic governance, or for gender equality and women's rights. By contrast, however, Myanmar women's representation in formal political decision making and governance is lacking.

This section explores trends in women's participation as candidates for elections, elected officials, and holders of public office (elected or appointed), at different levels of the Parliament, executive, security, and justice sectors, including the quasi-judicial institutions. It also explores, to the extent the available data allow, women's participation as voters and as active citizens through civil society groups, including women's and community-based organizations.

Women's representation in the Union, region, and state parliaments

Parliaments are central to the process of democratization and good governance. They represent the formal interface between citizens and government. They ensure that government addresses the rights of its citizens by reviewing and approving policies, legislation, plans, and government budgets, and holding the executive branch accountable for the effective use of resources.

According to the 2008 Constitution, Myanmar has two levels of elected parliaments (Hluttaws)—at the union or national level and at the level of regions and states. At the national level, the Union Parliament (Pyidaungsu Hluttaw) consists of two chambers—the Lower House or People's Assembly (Pyithu Hluttaw), which has 440 seats, and the Upper House or Nationalities Assembly (Amyotha Hluttaw), which has 224 seats. The People's Assembly and the Nationalities Assembly are generally equal in status. The Constitution



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provides for the direct election of 75% of the members of both chambers, with the remaining 25% appointed by the commander-in-chief of the defense services. Of the 110 military appointees in the 440-member People's Assembly, there are currently two women appointees.³⁷⁰ The Constitution provides for a unicameral parliament for each of the seven states and seven regions (for a total of 14 Parliaments). At the region and state levels, the proportion of military representatives is also one-quarter.³⁷¹

In its oversight role, the Parliament needs to ensure that the priorities of women, especially the most excluded and other marginalized groups, are well entrenched in policies, programs, plans, and budgets. This is facilitated largely by the strength of representation and influence of women at all levels of the Parliament. Of the total number of 104 women who stood for Parliament at all levels in the November 2010 election, 45 women were elected as members of Parliament (either the Union or region/state level). Women constituted 4.3% of the People's Assembly, 4.9% of the Nationalities Assembly, and 3.8% of the region and state representatives in the Parliament that was convened for the first time in January 2011. The total figure increased by 50% with the addition of 10 women to the People's Assembly after the April 2012 by-elections (Table 6.1).

³⁷⁰ See www.mizzima.com/mizzima-news/politics/item/10815-first-women-military-officers-appointed-to-parliament/10815-first-women-military-officers-appointed-to-parliament. The first women officers of the rank of lieutenant colonels were appointed to the military bloc in the People's Assembly when it reconvened in January 2013; it had convened nearly 3 years previously, after the 2010 elections.

³⁷¹ Footnote 14, pp. 13–14.

Table 6.1: Women's Representation in Myanmar's Union, Region, and State Parliaments, 2013

	(A)	(B)	Total Number of Women Elected	Percentage of Women Elected to Parliament	
	Total Number of Constituencies or Appointees	Total Number of Elected Seats		% of total (in column A)	% of elected (in column B)
People's Assembly (Lower House)	440 • 330 constituencies • 110 military appointees: 2 women	322	24	5.5	7.5
Nationalities Assembly (Upper House)	224 • 168 constituencies • 56 military appointees	168	4	1.8	2.4
Union Parliament (Upper and Lower Houses)	664 • 498 constituencies • 166 military appointees	490	28	4.2	5.7
Region and state parliaments	887 • 665 constituencies • 222 military appointees	663	25	2.8	3.8
Total all parliaments	1,551	1,153	53	3.4	4.6

Source: Produced by Phan Tee Eain and the Gender Equality Network in October 2012 but adapted to take account of changes in 2013.

As of 2013, 53 women (4.6%) held elected seats at all levels of the Parliament in Myanmar—both chambers of the Union Parliament and in the region and state parliaments; 24 women (7.5%) held elected seats in the People's Assembly, 4 women (2.4%) held elected seats in the Nationalities Assembly, and 25 women (3.8%) held elected seats in the region and state parliaments.

This representation is low when compared with Cambodia (21.1% in its Lower House), the Lao People's Democratic Republic (25.2%), and Viet Nam (25.8%).³⁷² According to the Inter-Parliamentary Union, the percentage of women in Myanmar's Lower House ranks 132nd of 144 countries, and the percentage of women in the Upper House is tied with Yemen for the lowest of any upper house in the world.³⁷³ Myanmar still has a long way to go to reach the target of 30% that was envisaged in the Beijing Platform for Action as necessary to achieve a "critical mass" of women's representation.

³⁷² UN Country Team in Myanmar. 2011. *Thematic Analysis 2011: Achieving the Millennium Development Goals in Myanmar*. Yangon. pp. 23–24.

³⁷³ Global Justice Center. 2013. *The Gender Gap and Women's Political Power in Myanmar/Burma*. Yangon.



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The current situation represents some progress when compared with women's representation in the national legislature from 1974 to 1985, in the multiparty democratic elections of 1990, and in the national conventions of 1993 and 2005–2008, as shown in Table 6.2.

Table 6.2: Myanmar Women's Representation in the Legislature and National Conventions of 1993, 2005–2008

Year	Description of Representation	Women's Representation (%)
1974	First Legislative Assembly	1.9
1978	Second Legislative Assembly	2.6
1981	Third Legislative Assembly	2.7
1985	Fourth Legislative Assembly	3.1
1990 ^a	Multiparty democracy election	2.7
1993	National convention	3.9
2005–2008	National convention	6.4
2011	National legislature (Pyithu Hluttaw)	2.9
2012	National legislature (Pyithu Hluttaw)	4.5

^a Of the 2,296 candidates in the 1990 general election, 84 women ran for election and 15 women won Parliament seats.

Source: Friedrich-Ebert-Stiftung Gender Team. 2010. *Gender Profile: Myanmar*. Nay Pyi Taw: Central Statistical Organization and Hluttaw Office.

Women's representation in Union parliamentary committees

There are four constitutionally mandated committees or standing committees for each house—Bills Committee; Public Accounts Committee; Hluttaw Rights Committee; and Government's Guarantees, Pledges and Undertakings Vetting Committee—and a Defense and Security Committee when the occasion arises but for a limited time. Both houses of the Union Parliament can form additional committees as needed, and there are indeed a number of other committees (see Appendix).

According to available data, women's representation in the standing committees was low, and ranged from 6.6% to 20% (Table 6.3).

Table 6.3: Women's Representation in Parliamentary Committees, 2011

Committee	No. of Women	Total Members	Women's Representation (%)
Bills Committee	2	15	13.3
People's Assembly Public Accounts Committee	3	15	20.0
People's Assembly Rights Committee	2	15	13.3
Government's Guarantees, Pledges and Undertaking Vetting Committee	2	15	13.3
Nationalities Assembly Bill Committee	1	15	6.6

Source: United Nations. 2011. CEDAW: *Response by Myanmar to the Recommendations Contained in the Concluding Observations of the Committee Following the Examination of the Combined Second and Third Periodic Report of Myanmar*. Yangon, p. 2.

Women's representation in government ministries and public administration

Myanmar has four levels of government administration: (i) national, (ii) region and state, (iii) district and township, and iv) ward and village tract.

National level

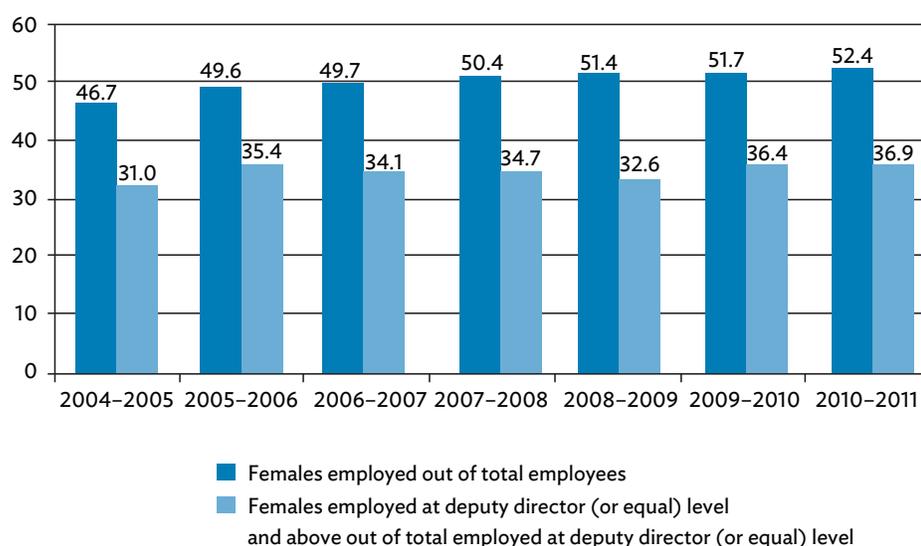
Since a new administration took office in 2011, the number of women assigned to ministerial and deputy ministerial positions has increased.³⁷⁴ Presently, eight women hold cabinet positions at the national level. These include two women ministers out of 36 positions (one is minister of social welfare, relief and resettlement, which is the

³⁷⁴ Women ran for office after Burma's independence in 1948. Naw Ba Maung Chein of Karen State became the first and only female cabinet minister. Daw Khin Kyi, mother of pro-democracy leader Daw Aung San Suu Kyi, became an emissary to India and was the first and only female ambassador. There were no women in the leadership of the State Law and Order Restoration Council or in the State Peace and Development Council other than one female director general under the State Peace and Development Council.

focal ministry for women's affairs, and the other is minister of education) and six deputy ministers. The six deputy ministers represent the ministries of Social Welfare, Relief and Resettlement; Health; Culture; Environmental Conservation and Forestry; National Planning and Economic Development; and Labour, Employment and Social Security.³⁷⁵

Female representation in government departments and public administration has been slowly but steadily growing since 2004–2005, both as a proportion of all staff and in senior positions (Figure 6.1). Of the total staff of 31 government ministries, on average, 52.4% were women during 2010–2011. This reflects an increase from 51.6% in 2009–2010 and 51.4% in 2008–2009. At the management level (deputy director or equal and above)³⁷⁶ in 31 ministries, 37% were women in 2010–2011, up from 36% in 2009–2010 and 32.6% in 2008–2009.³⁷⁷

Figure 6.1: Representation of Women in Government Departments and Public Administration, from 2004–2005 to 2010–2011 (%)



Source: Central Statistical Organization, Government of Myanmar, 2012.

By sector, the largest proportion of women employees is found in the Ministry of Science and Technology, constituting 74% of the total employees, and 65% at the management level (deputy director or equal and above). This perhaps reflects the larger proportion of women graduates in science and technology, when compared with men.³⁷⁸

³⁷⁵ Department of Social Welfare data, 2014.

³⁷⁶ This study considers deputy director level and its equivalent to be mid-managerial positions.

³⁷⁷ Footnote 139.

³⁷⁸ Footnote 139.

Despite the overall increase in the proportion of women employed in public service, there are several concerns:

- Since 2002, women have had a marginally higher unemployment rate compared with men. Consequently, the number of women seeking jobs has been greater than men.³⁷⁹ According to the Department of Labor, the number of job seekers registering at the Labor Registration Offices throughout the country, particularly for government jobs, was larger for women from 1999–2000 through 2008–2009. As previously cited, the 2012 UNDP *Preliminary Situation Analysis of Democratic Governance in Myanmar* noted that in 2011, 2,000 out of a total of 2,400 applicants for 50 vacancies in the Foreign Ministry were women³⁸⁰ (no data was provided for how many women were ultimately hired).
- Women hold only 1.5% of the most senior civil service positions such as director-general or managing director. There are currently only three women directors-general across all government departments: at the Foreign Economic Relations Department, the National Planning and Economic Development, and the Historical Research Department.³⁸¹ The proportion of women in senior decision-making positions in the Ministry of Science and Technology, which has the largest proportion of women's representation, is also low,³⁸² indicating the glass ceiling and other barriers to women reaching senior positions.
- According to its 2012 data, the Ministry of Foreign Affairs had 1 woman ambassador, 1 woman director-general, and 11 men and 36 women occupying the position of third secretary. In January 2013, the Ministry of Foreign Affairs had one woman director-general, and women constituted 41.6% of officer positions and 40.1% of staff positions. In December 2014, women constituted 47.1% of the officer cadre and 53.9% of the staff positions.
- Despite better representation, wage gaps weighted against women and persist in government administration.³⁸³
- The civil service continues to designate certain positions suitable only for men and can block applications from women. As previously noted, the Union Civil Service Board—made up of five male members—is responsible for the recruitment of the lowest level of gazetted civil services officers and their training. Despite the constitutional guarantees of no discrimination in government employment, vacancies are still listed as male-only positions.³⁸⁴ This may be due to Article 352 of the Constitution that states: “However, nothing in this Section shall prevent appointment of men to the positions that are suitable for men only.”
- The Union Civil Service Board is also responsible for collecting data and research concerning the civil service. This board could take a role in researching the causes of women's poor promotion record despite their overall high representation in the civil service.

Region and state levels

At the region and state levels, women hold four ministerial positions out of a total 169 ministers, comprising 2.4% of the total—minister of Shan national race affairs in Kachin State; the minister of education, social welfare, religion and culture affairs in Kachin State;

³⁷⁹ Footnote 144.

³⁸⁰ Footnote 14, p. 36.

³⁸¹ Footnote 139.

³⁸² Footnote 139.

³⁸³ UNDP. 2009. *Human Development Report, Myanmar*. Yangon.

³⁸⁴ Footnote 14, p. 36.

the minister of finance and revenue in Yangon Region; and the minister of social affairs in Ayeyarwady Region.³⁸⁵

Available data confirm that women are relatively well represented in state administrative organizations, albeit with a greater concentration at the lower levels. Data for 2010–2011 show that of the total staff in state administrative organizations, 53% were female. The proportion dropped significantly in 2012 (to 34%) at the management levels of deputy director or its equivalent and above.³⁸⁶

Township level

There are no women township administrators in Myanmar. Township administrators are the key decision makers at that level, and they are appointed by the General Administration Department.³⁸⁷

Ward and village levels

In December 2012, local elections were held for the lowest level of administration nationwide—the ward and village tract administration—under the Ward and Village Tract Administration Law of 2012. Of the 16,743 elected village tract and ward administrators in the country, only 42, or 0.3%, were female.³⁸⁸



ADB

³⁸⁵ Footnote 375.

³⁸⁶ Footnote 139.

³⁸⁷ H. Nixon et al. 2013. *State and Region Governments in Myanmar*. Yangon: Myanmar Development Resource Institute—Centre for Economic and Social Development, and The Asia Foundation. pp. 9, 11, 13. Cited in P. Minoletti. 2014. *Women's Participation in Subnational Governance of Myanmar*. *Discussion Paper No. 3*. Yangon: Myanmar Development Resource Institute and The Asia Foundation.

³⁸⁸ UNDP. Forthcoming. *Local Women Leadership: Lives and Perspectives of Myanmar*. Yangon.

It is critically necessary that women have a greater role in decision making as government is decentralized because it is particularly at the lower levels of administration that real access to resources and benefits and the impact of it occur. More decisions are also made at this lower level. Women should be actively influencing decisions not only because it is their right but also for practical reasons. When infrastructure for improved water and sanitation is planned, those who use and manage the new facilities need to ensure that its design and location are user-friendly. Many years of evaluation of infrastructure investments demonstrate that sustainability is maximized when all direct users are involved in planning and managing projects. Experience in many other countries has demonstrated that when infrastructure such as roads, electrification, and transport is improved, women increase their income and employment rates at a faster pace than men.³⁸⁹ Their participation is thus required to maximize their potential benefits.

Women's representation in political parties

As of June 2013, there were 55 political parties in Myanmar.³⁹⁰ The two largest parties at that time were (i) the Union Solidarity and Development Party (USDP), led by President U Thein Sein, which had the most senior members from the former military leadership, holding an overwhelming majority in the Parliament, and with most senior government officials recruited from its ranks; and (ii) the National League for Democracy (NLD), led by Daw Aung San Suu Kyi.

Political parties are an important mechanism for women's political participation. They need to understand women's political leverage as a voting base and to shape political platforms to appeal to women voters by recruiting more women members.

Table 6.4 reflects the proportion of women members of the Parliament (MPs) by political party, indicating the need for women's improved participation in leadership roles in political parties because of the potential to influence or shape party platforms and parliamentary positions and decisions. Of the 17 political parties (and military appointments) represented at the various levels of Parliament, 10 parties (as of 2012) had women representatives in a Parliament. This constituted a total of 53 women (4.6%) seats at all levels of Parliament—both chambers of the Union Parliament and in the region and state parliaments; 4 women (2.4%) in the Nationalities Assembly; 25 women (7.8%) in the People's Assembly; and 24 women (3.6%) in the regional and state parliaments.

Only two of the 10 parties (USDP and National Democratic Force) had women's representation at all levels of Parliament—in both chambers of the Union Parliament and in the region and state parliaments, together constituting 26 MPs (3.1%); 4 women

³⁸⁹ Footnote 105, pp. 155–156.

³⁹⁰ The number keeps changing as the Union Election Commission keeps registering newer parties. Apart from the two main parties, there are the smaller parties such as the National Democratic Front, a splinter party from the NLD, and the Democratic Party that contested the 2010 elections. Both have marginal representation in Parliament; registered ethnic parties that largely contested the 2010 elections were brought together in the growing National Brotherhood Forum, with overall 157 MPs; ethnic parties that followed the NLD's boycott of the 2010 elections (so-called "1990 parties") are currently in the process of reregistration; National Union Party, which holds the legacy of the pre-1990 Ne Win regime, represented in the Union Parliament with 17 seats; and smaller ethnic parties with localized constituencies or "shadow parties" of the bigger parties in Myanmar. See The Carter Center, Electoral Reform International Services and Democracy Reporting International. 2013. *Needs Assessment Report*. Yangon, Atlanta, London, and Berlin.

in the Nationalities Assembly; 7 in the People's Assembly; and 15 in the region and state parliaments. Two of the 10 parties (NLD and the Shan Nationalities Democratic Party) did not have women MPs in the Nationalities Assembly, but had representation in the People's Assembly and in the region and state parliaments, holding together a total of 20 women's seats (13 in the People's Assembly and 7 in the region and state parliaments). The Democratic Party Myanmar had a total of two women MPs in the region and state parliaments. The other five parties (AMRDP, RNDP, UDPKS, PSDP, CNP—see Table 6.4 for party names) each had one woman representative in the People's Assembly.

Table 6.4: Women Members of Parliament, by Party

	Party or Independent Candidates or Military	Nationalities Assembly (Upper House)	People's Assembly (Lower House)	Region and State Parliaments	Total
1	Union Solidarity and Development Party (USDP)	3	6	14	23
2	National League for Democracy (NLD)	–	12	1	13
3	Shan Nationalities Democratic Party (SNDP)	–	1	6	7
4	National Democratic Force (NDF)	1	1	1	3
5	Democratic Party Myanmar (DPM)	–	–	2	2
6	All Mon Regions Democracy Party (AMRDP)	–	1	–	1
7	Rakhine Nationalities Development Party (RNDP)	–	1	–	1
8	Unity and Democracy Party of Kachin State (UDPKS)	–	1	–	1
9	Phalon-Sawaw (Pwo-Sgaw) Democratic Party (PSDP)	–	1	–	1
10	Chin National Party (CNP)	–	1	–	1
11	Chin Progressive Party (CPP)	–	–	–	–
12	Independent Candidates	–	–	–	–
13	Inn National Development Party (INDP)	–	–	–	–
14	Kayin People's Party (KPP)	–	–	–	–
15	Military (appointed)	–	1	–	–
16	National Unity Party (NUP)	–	–	–	–
17	Taaung (Palaung) National Party (TNP)	–	–	–	–
18	Wa Democratic Party (WDP)	–	–	–	–
	Total	4	26	24	54

– = zero/no seats for the party.

Source: *The New Light of Myanmar*, 9 April 2012. *www.mizzima.com/mizzima-news/politics/item/10815-first-women-military-officers-appointed-to-parliament/10815-first-women-military-officers-appointed-to-parliament

It was difficult to obtain data on women's proportion of the total membership of the 17 political parties represented in Parliament (at the least) on party policies (such as special temporary measures or party manifestos) that include a gender equality agenda and on women's wings of political parties. According to Nyo Nyo Thinn, a member of the Yangon Region Parliament, "In the 2012 by-elections, a third of the 43 NLD candidates were women, and all 10 won the elections. After the 2012 elections, NLD issued instructions saying that one youth and one woman representative each would be fielded in the future for representation on township committees. The National Unity Party [NUP] has placed women's issues on their agenda. The NLD and NUP have women's wings. Activities include organizing events, providing hospitality, fund-raising, capacity strengthening for women's political participation. The NUP women's wing has published a book on women in politics in Myanmar."

Women's representation in the Union Election Commission and region and state subcommissions

The Union Election Commission Law 2010 established a Union Election Commission and regional and state subcommissions to administer the elections. The commission selects the date for the elections, develops electoral procedures and regulations for political parties, supervises the elections, prepares voters' lists, delimits constituencies, postpones elections for constituencies where free and fair elections cannot be held due to natural disasters or due to local security situations, and establishes mechanisms for and hears electoral disputes.

With the exception of poll workers who are recruited among teachers (from the Ministry of Education and are predominantly women), the Union Election Commission lacks a gender balance. Only one of its seven commissioners is a woman. There is no woman among the senior staff of the chairman's office, nor at the director level within the secretariat. Only two of its nine deputy directors are women.

The subcommissions are composed of six general appointees and nine government representatives. The subcommissions are in place in 14 regions and states, 64 districts, 7 special zones, 330 townships, and 100 villages and village tracts. No breakdown by sex exists. However, it appears that the six trusted persons on these subcommissions, many of them retired, are men. If there are a few women, they are not chairpersons. All 14 chairpersons of the region or state subcommissions are men, and most likely the same is true among the chairpersons of the districts, townships, and wards or village tracts. The Union Election Commission is encouraged to collect sex-disaggregated data on its subcommissions' membership.

Given the current level of women's representation in electoral support commissions and the expressed willingness of commissions to enhance women's participation, sessions on women's participation in the electoral process within overall capacity-strengthening workshops are being organized by development partners and election subcommissions at different sites. Chairpersons at the region and state levels are encouraged to improve women's participation when selecting the workshop candidates. Overall, women have constituted 16% of the workshop participants thus far, drawn largely from civil society organizations.

Women's representation in the security sector

The security sector is mandated to guarantee the safety and security of citizens, including women. Gender-sensitive and rights-oriented mandates, standard operating procedures, and a critical mass of capable personnel—women (and men) in the security sector could ensure this. The security sector in Myanmar consists of a range of actors, including the police, military, nonstate ethnic armed groups, and government-organized groups for security at the village level.

Representation in the Police

Currently, 3.4% of Myanmar's approximately 72,000 police officers are women. Women make up only 2% of all mid- to senior-level ranks (rank of police captain and above). There are no women holding a position higher than police lieutenant colonel, which is the highest mid-level rank. This means that there are no women in the ranks of police colonel, police brigadier general, or police major general (police chief).

Although like Myanmar, a small ratio of female to male staff is common in police forces of many neighboring countries such as Bangladesh (2%–3%), Indonesia (3.5%), India (5.5%), Thailand (6%), Malaysia (12%), and the People's Republic of China (15%), the figures for the United Kingdom, Australia, and New Zealand are much higher, with females comprising around 30% of the police force.³⁹¹

Representation in the Tatmadaw (government armed forces), nonstate armed ethnic groups, and government-organized security groups at the village level

Traditionally, women have been excluded from the Tatmadaw, or government armed forces, and auxiliary militia, but were permitted to be part of the military medical corps or in administrative positions. Although the government has called for applications from women into the Tatmadaw, the criteria are more stringent than for male applicants. There are no women in senior leadership positions or combatant roles in the government armed forces.

Although this situation analysis was not able to access exact statistical data, available data show there are women doctors, a large number of female nurses, and some women in administrative positions in the military medical corps. Three women from the military are currently appointed as parliamentarians in the Nationalities Assembly. None of them hold a rank higher than colonel.

By contrast, some of the nonstate ethnic armed groups have female combatants who were trained for their role. Exact numbers are unavailable.

According to an Oxfam, ActionAid, and Care International study in 2013, women's participation in government-organized groups for security at the village level (night guards, water guards, and fire guards) is prohibited.³⁹²

³⁹¹ United Nations Office on Drugs and Crime (UNODC). *The Myanmar Police Force: An Inventory and Overview Towards Informed Assistance*. Unpublished.

³⁹² Footnote 368, p. 3.

Women's representation in the judiciary and other judicial and quasi-judicial bodies

Representation in the judiciary

The Supreme Court is the apex of Myanmar's judicial system, below which are 14 region and state high courts, 67 district and self-administered area courts, and 324 township courts and special courts. Of the 1,107 judges nationwide in 2011, more than half were women.³⁹³ The balance was skewed toward the lower ranks (around two-thirds of township judges in Shan State were women); and of the 52 judges in the 14 region and state high courts, only 16 were women. None of the seven-member Supreme Court justices were women.³⁹⁴

As for cases, the Supreme Court's latest available records show approximately 300,000 cases handled in 2011. Approximately 250,000 of them were criminal cases, and only 50,000 were civil cases. There was no further breakdown by type of case for gender analysis on cases filed, tried, prosecuted, or resolved.³⁹⁵

The attorney general and his office deal with various aspects related to the establishment of the rule of law.³⁹⁶ The institution of the attorney general includes 14 advocates general in the regions and states (who are also members of their respective government³⁹⁷) as well as district and township law offices, and additional offices in the six self-administered areas. There is also a large proportion of women working in the Union Attorney General's Office, but this seems to follow the pattern of government hiring from a large turnout of women graduates rather than specific efforts to ensure a gender balance on the prosecution side of the judicial system. There has never been a female attorney general, a female deputy attorney general, or a female director general in the Attorney General's Office.

However, women's representation in the judicial system in Myanmar looks promising when compared with other countries in the region. The UN Women report *Progress of the World's Women: 2011–2012* noted that only a quarter of judges and around one-fifth of prosecution staff in East Asia and the Pacific were women at that time. In South Asia, women comprised 9% of judges and 4% of prosecution staff during 2011–2012. Caution should be exercised when considering the proportion of women judges in Myanmar as an indicator of gender sensitivity of the judiciary because the quality of training for these positions needs to be enhanced; informal discussions indicated that these jobs are not considered as prestigious as in some other countries.

³⁹³ Footnote 14, p. 27.

³⁹⁴ Footnote 14, p. 27.

³⁹⁵ Footnote 14, p. 27.

³⁹⁶ The attorney general's functions include legal advice to the President, the speaker, or any ministry, including on matters relating to international law; appearing on behalf of the state at the Supreme Court; prosecuting criminal cases; representing the state in civil cases; as well as a range of other duties regarding legal matters. The Union Attorney General's Office, which also supervises all legal and administrative matters of all law offices nationwide, has four departments: (i) Legal Drafting Department, which vets and advises on all draft laws, order, and directives, and also translates laws; (ii) a Legal Advice Department, which advises Union-level organizations on international treaties, Memorandum of Understanding, and investment contracts; (iii) a Prosecution Department; and (iv) an Administration Department, which is in charge of personnel, training and information technology, budget, and research.

³⁹⁷ The Constitution (article 266) as well as the Attorney General Law (paragraph 24) stipulate that "the Advocate-General of the Region or State [...] shall be responsible to the Attorney-General or to the relevant Chief Minister of the Region or State." How these reporting lines play out in a case of conflicting instructions is not clear.

Representation in other judicial and quasi-judicial bodies

The Constitution established a nine-member Constitutional Tribunal of the Union. Its functions include interpreting constitutional provisions; vetting whether laws and measures by executive authorities are in line with the Constitution; deciding constitutional disputes between the Union, regions, states, and self-administered areas; deciding disputes arising out of implementing Union law by a region, state, or self-administered area; vetting and deciding matters referred by the President; and other functions and duties conferred by laws enacted by the Union Parliament (Article 322).³⁹⁸ The Constitutional Tribunal is chaired by a retired Supreme Court director general. Two of its nine members are women.³⁹⁹

The Human Rights Commission was set up by Presidential Decree in September 2011, presumably in response to international encouragement, such as those expressed in the context of the Universal Periodic Review at the Human Rights Council. The 15-member Human Rights Commission, which includes a number of former ambassadors and retired civil servants, has three women members.⁴⁰⁰

In 2014, the government established the Anti-Bribery Commission, whose formation is mandated under sections 7, 9, and 10 of the Anti-Corruption Law. There are two women in this 15-member commission, chaired by a retired military serviceman.⁴⁰¹

Myanmar has a plurality of legal systems. While there is currently a large body of human rights-related reporting, often provided through nongovernment organizations (NGO), there is little rigorous research on women's access to justice. Data and analysis disaggregated on the basis of sex; economic status; and on access to and use of different legal systems regarding criminal, civil, and family matters, especially at the subnational level and in areas of protracted conflict, are not easily available. UN Women (in Chin, Mon, and Kachin states and Yangon Region) and the United Nations Development Programme (Shan State, Mandalay Region, and Ayeyarwady Region) have begun work on women's access to justice, with civil society partners and government support.

Women as voters

Voters renew mandates of parties and politicians or vote them out of power through elections. Elections also ensure that political representatives are authorized to act upon the interests of citizens in general and specific constituencies in particular. It is critical to assess the proportion of women voting and the strength of women as a constituency because it demonstrates exercise of rights and active citizenry. Also, in many contexts, women's votes suggest the emergence of an identifiable constituency. This situation analysis was not able to access any data on the proportion of women who voted in elections in 2010 or 2012 or their voting behavior.

Women's collective action

Civil society, in this case, women's groups and their allies organized in different forms, are essential to good governance. They identify and mobilize around common concerns upon

³⁹⁸ Footnote 14, p. 27.

³⁹⁹ President's Office. 2013. Appointment of Chairman and Members of Constitutional Tribunal of the Union. (Order No. 12/2013). Nay Pyi Taw: Government of Myanmar. 25 February.

⁴⁰⁰ Notification No. 34/2011 issued by the Union Government of the Republic of Myanmar. In *New Light of Myanmar*. 2011. Formation of Myanmar Human Rights Commission. XIX (138). 6 September.

⁴⁰¹ President's Office. 2014. Formation of Anti-Bribery Commission. (Order No.6/2014). Nay Pyi Taw: Government of Myanmar. 25 February.

which decision makers can act. They derive much of their political legitimacy from their efforts to collectively represent the interests of women, especially the most excluded whose voices do not easily reach decision makers, and to hold decision makers to account.

Women's active political engagement in Myanmar today is traceable to Konmari, the first national women's organization in 1919, followed by others.⁴⁰² The early 20th century political activism was framed by nationalism, patriotism, and anticolonial sentiment in which women participated in mass action and the discourse on home rule or Burmese semi-autonomy, initiated by the British government before World War II. Following women's suffrage, granted by the British in 1922, women joined the independence movement alongside male activists but faced various forms of gender-based discrimination, including exclusion from lawmaking, and began protesting this.⁴⁰³

Women have been active participants in the long and sustained struggle for democratic governance, particularly in 1988 and thereafter, through groups operating within and from outside the country. The government–civil society relationship has long been marked by distrust, with civil society perceived as “political opposition.” This relationship has been changing gradually since the “opening up,” especially after cyclone Nargis, providing the opportunity for joint government–NGO work on national priorities.

The devastation caused by cyclone Nargis drove Myanmar women and men to respond to the humanitarian crisis in every way possible, leading to a proliferation of NGOs. UN agencies and international NGOs had a leading role in disaster response under the aegis of cluster working groups. Women in Myanmar also demanded a women's protection technical working group



UNFPA

⁴⁰² Some of these include the Burmese Women's Union, the Burmese Women's National Council, the Burmese Women's Association, and the Dhama Thuka Association. See Burmese Women's Union and Assistance Association for Political Prisoners in Burma. 2004. Women Political Prisoners in Burma. www.aappb.net/joint_report.html

⁴⁰³ A woman's group led by Daw Mya Sein opposed such gender discrimination.

under the protection cluster, through which they responded to the needs of women during and in the aftermath of the Nargis disaster. Following the relief and recovery phase, the women's protection technical working group transitioned into a much larger interagency network, the Gender Equality Network, which now addresses broader gender and development issues.

According to the Myanmar Information Management Unit, in late 2012, there were 102 NGOs in the country, with roughly 24% reported to be working in protection and gender equality-related activities. The Gender Equality Network has affiliations to about 100 women's organizations that respond to a range of gender equality and women's empowerment issues. The Women's Organization Network, with 29 affiliates, and the NGO Gender Group, with 25 affiliates, are the other networks also linked to the Gender Equality Network. These networks and their affiliates focus on ending all forms of violence against women, women's economic empowerment (livelihoods and employment creation, land rights, women in business, access to microcredit and finance, and the formation of savings groups), women and the environment and climate change, international human rights standards including CEDAW and UN Security Council resolution 1325, women's participation in leadership and decision making, and women's peace and security (women in peace negotiations, peace monitoring, and peace building).

Women's groups in partnership with the UN and other international development partners have been undertaking research, reviewing legislation, advocating for policy reform, providing services (health and nutrition, counseling, legal aid, safe housing, etc.), raising public awareness, and building capacities and awareness of duty bearers to address these issues in policy formation and implementation. They have also been strengthening the capacities of the larger constituency of women to claim their entitlements.

Apart from the gender equality and women's rights-based NGOs, the Local Resource Center directory for 2012 listed other broader development-oriented NGOs that incorporate a gender perspective in their work. Although most gender equality-focused NGOs tend to be headed by women, only 10 of the 50 international NGOs listed had women in senior leadership positions, and only 31 of the 118 local NGOs were led by women.

Even as democratic space expands within Myanmar, progress is not linear. It is fraught with imperfections, legacies from the past and, in some cases, reversals. A current constraint that all civil society organizations are struggling against is their obligation to register under the restrictive 1988 Registration Law that was promulgated shortly after a popular uprising against the former government. Failure to register brings the risk of being charged under the Unlawful Association Act, with severe penalties. Registration requires presentation of information about a civil society organization, including financial data and a list of board members, who are all required to confirm that they are free from partisan political involvement. A reference from a counterpart government ministry is also required. The application must be submitted to the local township administration office where the civil society organization is located and is then forwarded to Nay Pyi Taw for registration.

According to a 2012 study, several NGOs, including women's NGOs, reported that it could take 3–6 months for the application to be received in Nay Pyi Taw and then as long as 8 months to 1 year to be registered.⁴⁰⁴ This can prevent access to funding from

⁴⁰⁴ Local Resource Center. 2012. *A Review of the Operational Space and Opportunities for Civil Society Organizations in Myanmar*. Yangon, p. 6.

development partners if a long wait is required. Some small community-based organizations say they should not have to go through this long process for registration because they use their own resources and labor to serve their own communities. There still appear to be problems for some small community-based organizations registering in remote areas where township leaders may block applications because they are unaware of the extent of change elsewhere in the country. Some larger NGOs are concerned that the requirement for board members to renounce political activities has not yet been removed.

Other organizations recognize the benefits of registration to smooth the working relationship with government and hence implementation of their projects. Social service and humanitarian wings of faith-based organizations are seeking registration to separate their social service work from their religious activities. Registration also opens doors for advocacy work that might be necessary to build sustainability for project results.

UN agencies and civil society groups have been advocating with the government and have provided technical inputs and recommendations to the draft of the Association Registration Law. The UN advised the Union Parliament in 2013 on how the draft could be improved. The law was passed by Parliament in June 2014. It does not carry penalties for nonregistered civil society organizations.⁴⁰⁵

6.3 Enablers and Obstacles to Women's Improved Representation in National and Local Governance and in the Security and Justice Sector in Myanmar

A culture of gender equality determines women's participation in politics, public affairs, and governance processes. Women in Myanmar, as elsewhere, have constitutional rights that guarantee equality between men and women in various spheres of life, including the right to elect and be elected to public office. The widespread perception that the public terrain of politics and public affairs is "male space" and that women relegated to domesticity do not make good leaders tends to underpin electoral laws, processes, and institutional cultures, especially those of political institutions, families, communities, and wider society, including the media. This poses strong barriers to women's participation in politics and governance. Because women were traditionally barred from serving in "masculine" combatant roles in the military, they were obstructed from occupying leadership positions in the country. Women's confidence and capacity need strengthening as a result of this history of exclusion and their gender-biased education or lack of formal education. Even where such capacity strengthening may exist, women's political engagement may be constrained by the lack of childcare support and competing demands on their time arising from domestic, income-earning, and other responsibilities as well as the overall lack of public safety and security and the fear of violence. Finally, women are more cash-strapped than men when it comes to financing campaigns. Once elected, the remuneration may not suffice for what may be an almost full-time job in politics.

⁴⁰⁵ *The Irrawaddy*. 2014. Union Parliament Passed NGO Law. 1 July.

The following explores specific enablers and obstacles to women's participation in politics and public affairs in Myanmar, influenced by women's broader socioeconomic marginalization highlighted in previous sections. It includes good and enabling practices from various contexts that can inform recommendations for the increased and equal participation of women in public affairs in Myanmar.

Electoral systems strongly mediate the numbers of women in representative politics

In plurality-majority electoral systems, such as the “first past the post” system in Myanmar, a single candidate represents a constituency. This tends to discourage parties from fielding women candidates because they are seen to compete directly with men in single-member constituencies and there is a lack of confidence in women winning, in the absence of a cultural acceptance of women's political leadership.

By contrast, proportional representation tends to allow more women to compete and win because it has multimember constituencies in which seats are assigned in proportion to the percentage of votes that parties win. This system encourages parties to broaden their appeal by placing women on their party lists. In some cases, in which parties mandate the percentage of women to be included on lists—as in the rule of “every second seat a woman”—the positive outcomes for women can be significant. Of the 59 countries that had parliamentary elections in 2011, for instance, women won 22.6% of the seats in the countries using proportional representation, compared with 18.1% of the seats in countries with the plurality-majority electoral system, and 19.1% in those with a mixed system. Where women were appointed to a chamber in 2011, they represented, on average, 15.2% of members.⁴⁰⁶ In Cambodia, the proportion of women elected as commune councilors increased from 8% in 2002 to 14.6% in 2007. This was largely attributed to women being ranked high on party lists.⁴⁰⁷

Constitutional or electoral law quotas

A balanced gender presence, gender parity measures, or other temporary special measures are an important determinant of the strength of women's political representation, regardless of the political system. Countries like Myanmar, where neither the Constitution nor electoral law provide for quotas, tend to have a lower level of women's political representation, in contrast to countries where quotas have been an effective means of increasing women's representation in politics regardless of the political system. Quotas are often rejected as lacking a merit basis; but merit and competence are socially conditioned categories and are dependent on opportunities provided. Because women are excluded from political decision making, quotas, coupled with capacity strengthening for women candidates, are important measures to promote women's political leadership. They compensate for women's historical disadvantage, fast-track the process, and actually ensure women's political leadership, thus guaranteeing substantive or real equality, as the following data illustrate.

⁴⁰⁶ Inter Parliamentary Union. 2011. *Women in Parliament in 2011: The Year in Perspective*. Yangon. www.ipu.org/pdf/publications/wmnpersp11-e.pdf

⁴⁰⁷ Government of Cambodia. 2008. *A Fair Share for Women: Cambodia Gender Assessment, 2008*. Phnom Penh. p. 146. Cited in UNIFEM (now UN Women). 2009. *Time for Action: Implementing CEDAW in Southeast Asia*. Bangkok.

Of the 59 countries that held elections in 2011 for lower or single parliamentary houses, 26 had implemented special measures to increase women's representation. Legislated electoral quotas were used in 17 countries holding elections in 2011. In those countries, women won 27.4% of seats, as opposed to 15.7% of seats in countries without any form of quota. In the nine countries where certain political parties adopted voluntary quotas, women won 17.2% of the national parliamentary seats.⁴⁰⁸ Norway and Spain, for example, have introduced quotas based on the principle of a balanced gender presence that apply to both men and women and aim to contain the dominance of either group in Parliament to a maximum of 60%. This has enhanced women's political representation.⁴⁰⁹

Political parties

In democratic contexts, political parties are key channels for political participation, representation of particular group interests (including women), and for changing attitudes to women's leadership. Although hard data on women in political parties does not exist, it appears through observation and discussion with parliamentarians and civil society groups that in Myanmar, as in many other parts of the world, political parties have been slow to respond to enhancing women's political participation. They need to better address entrenched barriers that women standing for elections encounter—the need for capacity strengthening to assume political leadership, cultural attitudes that see men as natural leaders in the public sphere and women as natural homemakers, the aggressive confrontational style of political contests that tends to marginalize women, and the need for childcare support and campaign financing for women related to the inadequate investment by political parties in women candidates. Women's membership and position in political parties tend to be influenced by gender stereotypes in which men tend to be public figures, leaders, and decision makers while women tend to have more supportive roles.

UN Women has documented the ways in which different countries have responded to this barrier (in political parties) to women's political participation.⁴¹⁰ In some countries, electoral law, other laws, party rules, and procedures provide for political parties the means to introduce voluntary or mandatory quotas for women in winnable leadership positions or as party members. In the Philippines, electoral reforms brought about the introduction of the party list system. This enhanced representation of women and other excluded sectors normally marginalized by mainstream political parties in the legislature advanced a legislative agenda on gender equality and women's rights issues.⁴¹¹ In South Africa,

⁴⁰⁸ Footnote 405.

⁴⁰⁹ Inter-Parliamentary Union database. Undated. Women in Parliaments. www.ipu.org/wmn-e/world.htm (accessed July 2008); IDEA Global Database of Quotas for Women. 2008. www.quotaproject.org/ (accessed July 2008). Cited in A.M. Goetz et al. 2008. *Progress of the World's Women 2008/2009: Who Answers to Women? Gender and Accountability*. New York: UN Women.

⁴¹⁰ A.M. Goetz et al. 2008. *Progress of the World's Women 2008/2009: Who Answers to Women? Gender and Accountability*. New York: UN Women.

⁴¹¹ With the enactment of the Party List System Law in 1995, excluded groups such as women, workers, and farmers were able to transcend some of the obstacles to their participation and form sector-based parties to contest 20% of the 250 seats in the Philippine House of Representatives. Under the law, each voter has two votes when electing members of the lower house: one for the individual district representative and another for the sector party of their choice. To win a seat, a party should obtain at least 2% of the total number of votes cast in the entire country and can be awarded a maximum of three seats in the Parliament. See Commission on Elections, Republic of the Philippines. www.comelec.gov.ph (30 July 2008); Congress of the Philippines, House of Representatives, and Gabriela Women's Party. Undated. About Gabriela's Women's Party. <http://gabrielawomensparty.net/about> (accessed 30 July 2008). Cited in A.M. Goetz et al. 2008. *Progress of the World's Women 2008/2009: Who Answers to Women? Gender and Accountability*. New York: UN Women.

the Municipal Structures Act specifies that parties should seek to ensure that 50% of candidates at the local level are women, but no penalties are imposed.⁴¹² In some countries, political parties have introduced quotas for women. The African National Congress has a 30% quota for women and a 50% quota for women on party lists at the local level.⁴¹³ In some countries, political parties have provided platforms addressing gender equality issues, while in other countries, all women's parties or parties with a robust gender equality and women's empowerment agenda have been established.

Women's (and men's) access to certain civil rights and entitlements

Access to identity documents and citizenship determine people's participation in public affairs and governance as voters, candidates, holders of public office, and active citizens. Possession of national identity documents and citizenship rights are seminal to women's (and men's) exercise of political rights and ensures access to critical public services and benefits. Where population groups, including women, in Myanmar, as in some other parts of the world are denied identity documents and citizenship, women's (and men's) political participation is obstructed.

Women's education levels, capacities, their multiple roles, and family and community support

Education and support are important determinants of political engagement. Education is a highly valued asset in Myanmar for involvement in public affairs by women and men alike. Education is also closely linked with confidence, outspokenness, and a sense of contributing positively to public decision making. Women's generally low level of education is seen as a hindrance to their participation by women themselves and by men.⁴¹⁴

Although women have been strongly engaged in mass politics in Myanmar, there is need for concentrated capacity building on a spectrum of conceptual, process-related, institutional-building issues related to democratic governance, in the context of the larger reform agenda. This is especially important for women, given their late entry into formal politics and governance.

Women are seen to lack the organizational, leadership, and other valuable skills related to holding formal public office—policy making, planning, budget formulation, presentation, public speaking, strategic advocacy, people-management skills, and public sphere negotiations. This perceived lack of ability is linked to women's exclusion, particularly from formal participation in public affairs in the past. Unlike men, women are rarely socialized into leadership roles by families, leaving them few role models to emulate.⁴¹⁵ There are important examples of women who have been trained by civil society groups in Myanmar taking leadership roles in local governance.⁴¹⁶

Even where capacity strengthening for women may be provided, women may be unable to take advantage of such opportunity. They may be constrained by competing demands

⁴¹² Footnote 410, p. 24.

⁴¹³ Footnote 410, p. 24.

⁴¹⁴ Footnote 368, p. 59.

⁴¹⁵ Footnote 368, p. 59.

⁴¹⁶ Footnote 368, p. 59.

on their time arising from their domestic responsibilities, including childcare, employment, and other community roles. In the Oxfam, ActionAid, and Care International 2013 community-level study, male respondents expressed concern more frequently than females that women would neglect their household duties if they became involved in community affairs. When discussing how women and men who are involved in local affairs balance it with household work, all respondents prioritized community work. Men often handed their household duties over to their wives, whereas it was common for women to complete their household duties by working longer hours and sleeping less, even if some reported support from spouses and children. Women who are involved in committees often find it difficult to consistently attend meetings. In women-only committees, this is understood and accommodated, with other members covering for those who are absent. But for many men, women's inconsistent attendance becomes annoying and is sometimes used as an argument for why women should not engage in public affairs.⁴¹⁷

The lack of family and community support may manifest in the lack of childcare support, including by the state; domestic violence and community gossip, slander, or violence also can deter women from participating in political decision making and public affairs. Myanmar women in the Oxfam, ActionAid, and Care International 2013 study spoke of the need to seek approval of male family members for engagement in public sphere work, while men asserted that women's public engagement was a violation of social norms. This was typically expressed in terms of women's inability to fulfill domestic responsibilities; men's sense of entitlement to have domestic duties performed by women; a perception of loss of women's morality if they engaged in public affairs, indicating a fear of losing control over women; restricted mobility as a sign of grace and dignity; concerns over management of the public perception of women who engaged in public affairs and hence the threat of personal authority as head of household being put at risk; family conflicts; and lack of safety for women if they were called out at night. The religious-cultural idiom was also invoked to justify barriers to women's public participation. Respondents talked of a loss of male *hpon* (glory) if women engaged publicly.⁴¹⁸

Additionally, political engagement, especially occupying political decision-making roles, is a full-time job with inadequate remuneration.

There is need to build an enlightened constituency of men and women voters who will exercise independent judgment and vote independently on the basis of party policies and manifestos, as opposed to family or political influence as a determinant of voting behavior. Such a constituency must also be conscious enough to support women's leadership and a gender equality and women's empowerment platform, and hold elected leaders to account on a gender equality and good governance agenda.

The larger political and security context

The political and security context strongly affects women's engagement in politics and public affairs. In Myanmar, as in other contexts, stereotypical cultural assumptions regard the military, auxiliary militia, and police as masculinized sectors that operate in dangerous environments that need to be controlled and brought to order. In the stereotyped view,

⁴¹⁷ Footnote 368, pp. 59–60.

⁴¹⁸ Footnote 368, pp. 60–62.

women have no space in these domains. In conflict-affected areas in Myanmar, these stereotypes are reinforced by pointing to the inappropriateness of women assuming leadership roles, especially in government administration for security reasons. Perceptions of women as weak, fearful, and in need of protection and men as courageous, authoritative, and capable are invoked to justify this. The perception that only men can govern and protect the community entrenches the idea of male leadership as natural and necessary. Some respondents in the Oxfam, ActionAid, and Care International 2013 study pointed to the absence of guidelines from the government and thus the reticence to challenge the status quo as reasons for not including women in village development committees.⁴¹⁹

The adversarial nature of politics

The nature of politics, with its combative debate, ruthless personality, conflict, violence, and aggression, including against women, is a factor that could inhibit women's political engagement. Intimidation, fear of threats of violence, or actual violence experienced by women in public office, women candidates, women activists, and voters is an obstacle to women's full and equal political participation with men in many parts of the world. It limits women's effectiveness in making political systems work for gender equality and is a serious governance concern.

This study has no hard data to show that violence actually obstructed women from becoming involved in politics in Myanmar. The available data, however, show that women and men as candidates, elected officials, political activists, and voters have experienced violence that has blocked their potential for full and active political participation. Documented experience of violence against women in Myanmar's history describes women used as hostages, and women and men elected to public office who were forced to resign from office and who were arrested, imprisoned, and tortured.⁴²⁰

However, this is not unique to Myanmar. Documented experience of violence against women in politics from Kenya, Ecuador, Sweden, Iraq, Southeast Asia, South Asia, and Southeastern Europe includes murder, beatings, acid throwing, rape, sexual harassment, ridicule, character assassination, defamation, coercion; and threats to women political leaders, women candidates for elections, and young women activists, which hinder women in the performance of their duties and silence them. Violence is reported to be perpetrated by male politicians and members of opposition parties, members of women's own parties, conservative religious leaders, the police, and members of women's families. The intent of the violence was to deter women politicians who exercise good leadership, to exact revenge and settle political scores, to deter women politicians from joining party tickets and winning elections, and to restrain women's political mobilization.⁴²¹

⁴¹⁹ Footnote 368, p. 62.

⁴²⁰ Burmese Women's Union, and Assistance Association for Political Prisoners in Burma. 2004. *Women Political Prisoners in Burma*. Yangon. www.aappb.net/joint_report.html

⁴²¹ iKNOW politics. 2007. E-discussion on Eliminating Violence against Women in Politics. 10–14 December 2007. www.iknowpolitics.org/files/Consolidated%20reply%20violence%20against%20women%20in%20politics_.pdf; South Asia Partnership International. 2009. *Thematic Report on Violence Against Women in Politics 2009*. Report to the UN Committee on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), SAP International, with Collaboration from Lawyers Collective Women's Rights Initiative. www.vawip.org/thematic-report-violence-against-women-politics-2009-0

Campaign financing

Financing is critical for candidates to contest an election. Women's poor campaign financing impedes their political participation. Although no specific data on campaign financing for Myanmar women was obtained, discussions with female parliamentarians suggest a paucity of such resources. Lessons can be appropriately drawn from other countries, however. Some countries impose controls on campaign financing. Where these controls are tardily implemented, women stand to lose because they often begin the political contest with less access to money than men. Some countries, such as the United States, provide the same public funding to both men and women candidates and limit their spending. This helps increase the number of women in public office. Some countries have addressed this challenge by linking public campaign finance to party compliance with quotas for women candidates. Yet, public funds are often inadequate to plug women's campaign financing deficits or to provide incentives for parties to field more women candidates. Women in some countries have addressed a lack of campaign financing through nationwide mechanisms to mobilize resources for women. For instance, EMILY's List in the United States, a body independent of party control, provides financial and moral support to the Democratic Party's women candidates who support a gender equality agenda.⁴²²

Institutional and informal political mechanisms combined with the nature of women's representation in political decision making

Political machinery and women's representation are needed to leverage, build skills, and awareness to ensure gender-responsive public policy and resource allocation patterns. These include parliamentary caucuses, as in South Africa, with membership drawn across party lines that can strengthen women's collective political leverage and can be a link to women's civil society organizations; parliamentary committees on gender equality and women's rights that can move a gender equality agenda; and national women's machineries and institutional mechanisms, as in Cambodia, that facilitate coordination among different government departments on implementing the gender equality and women's empowerment agenda. However, how women are located in Parliament and in the executive branch in terms of authority, status, capacities, and resources impact the quality of gender equality policies and programs.

There is no formal multiparty group or caucus of women in Myanmar that meets regularly to discuss and plan issues of common interest. An informal meeting of women members of the Parliament (MPs) at the national and regional levels from the opposition parties, however, took place in February 2012, organized by a woman MP from Yangon Region. Myanmar has a Social and Development Parliamentary Committee that handles women's and children's affairs and that could be further strengthened. A number of MPs (both men and women) maintain that despite the relatively small number of women in Parliament, some women MPs enjoy visibility and are disproportionately influential in debates and parliamentary procedures, although their contribution on a gender equality and women's rights agenda could be enhanced.

⁴²² EMILY is an acronym for "early money is like yeast," which is a reference to the centrality of campaign finance in United States politics. See EMILY's List. Undated. Where We Come From. www.emilyslist.org/pages/entry/our-history (accessed 8 August 2015).

As previously noted, the Department of Social Welfare developed the National Strategic Plan for the Advancement of Women. It is further developing an operational plan and national legislation to prevent and protect women and children from violence. There is an interministerial mechanism for implementing a gender equality and women's rights agenda. However, there is need for all relevant government ministries and departments to act in coordination on a gender equality agenda, with the Department of Social Welfare as the driver of such change. This is critical if any sustained advance is to be made on the gender agenda. For this to happen, the positioning, capacities, infrastructure, and resources of the Department Social Welfare will need to be boosted, as will the capacities and resources of other relevant ministries.

As elsewhere, women in public office in Myanmar tend to be clustered in "social" policy-making positions at the decision-making levels. These include the ministries of Social Welfare, Relief and Resettlement; Culture; and of Health at all levels, although the ministries of Planning and Economic Development; Environmental Conservation and Forestry; Labour, Employment and Social Security also have women deputy ministers. The latter can provide impetus for women to occupy senior leadership positions in nontraditional ministries. Concentration in the social sectors can inhibit women's potential contribution to other critical decision-making areas and spheres of women's lives, notably security, the budget, economic development, and foreign policy.

6.4 Conclusions and Recommendations

What is clear from the previous discussion is that interventions are needed to ensure that women are well represented in political decision making and are well prepared to influence a gender equality agenda. Equally important is the need to ensure gender-sensitive legislative reform as the legal reference point for women to exercise civil and political rights and governance reforms so that public institutions have the mandate, standard operating procedures, capacities, and infrastructure to truly respond to women's concerns. The following recommendations seek to ensure these reforms.

Guarantee constitutional recognition of voting rights and the right to hold public office and eliminate residual forms of sex discrimination or limits to equal citizenship.

- This was addressed in the 2008 Constitution, but mechanisms need to be established to ensure that men and women (especially as voters) are aware of these rights. Women also need to know how to appeal through accessible procedures if they perceive their rights are not being respected.⁴²³

Collect, classify, analyze, and disseminate user-friendly data and gender-sensitive research on women's participation in politics and governance as candidates, officials, holders of elected or appointed public office, and voters at all political and administrative levels.

- Data collection also needs to take into account age, economic, ethnic, educational, marital, and religious status as well as geographical location. This will help in gender-

⁴²³ UNDP. 2012. *Gender Equality in Elected Office in Asia Pacific: Six Actions to Expand Women's Empowerment*. Bangkok. pp. 11–15.

sensitive policy formation and implementation targeting women in public decision making and governance in ways that also account for other intersecting identities.

Increase the number of women in elected and appointed office to enhance the accountability to women.

- Build up the capacity of women that contributes to increasing the pool of potential candidates for all levels of Parliament and the government.
- Training programs are also important to change attitudes among other party members or to challenge social norms within communities regarding the suitability of women as candidates in elected office.
- Conduct awareness raising for communities and authorities on the importance of electing or appointing women leaders and supporting a gender agenda.

Promote electoral system reforms that give voters a multiplicity of choices and representatives and lead to more women in public office.

Introduce temporary special measures, such as legal quotas and reservations, that fast-track women's nomination and election to legislative office.

- Quotas for women, coupled with capacity strengthening, can accelerate the overall acceptance of women as suitable candidates for office, which can be proved once they are in office.

Promote gender-sensitive reforms in political parties that democratize governance within parties, that enhance women's chances to compete for public office, and that respond to gender equality issues and women's rights.

- Collect and analyze data on women's role, status, and position in political parties and party laws and procedures governing their participation.
- Develop party platforms and manifestos responsive to women's rights. This demonstrates accountability to women.
- Introduce party quotas and targets that draw more women into party membership and senior leadership positions. This ensures that women's issues are embedded into party platforms and that there is a stronger pool of women candidates who can contest elections.
- Strengthen the women's and youth wings of political parties by encouraging policy debates on gender issues or the gender impacts of larger political issues and capacity strengthening for women party members. This will ensure that a prepared and enlightened pool of women's leadership, including young women, is nurtured. This will help promote women in elected office and will contribute to parties addressing a gender equality agenda.
- Support stronger campaign financing of women candidates.
- Address violence against men and women members and candidates.

Ensure a gender-sensitive parliamentary culture that promotes women's participation, clout, and a gender equality agenda.

- Include session timings that are women-friendly and entail multiparty women's caucuses and capacity building for parliamentarians and parliamentary staff on gender issues.

Enhance the positioning of women's machinery and gender units within the national and local bureaucracies.

- This implies that they should have the resources, authority, and institutional location that can drive a gender equality and women's empowerment agenda across the entire government.

Promote gender-sensitive reforms in the Union Election Commission and its region and state subcommissions.

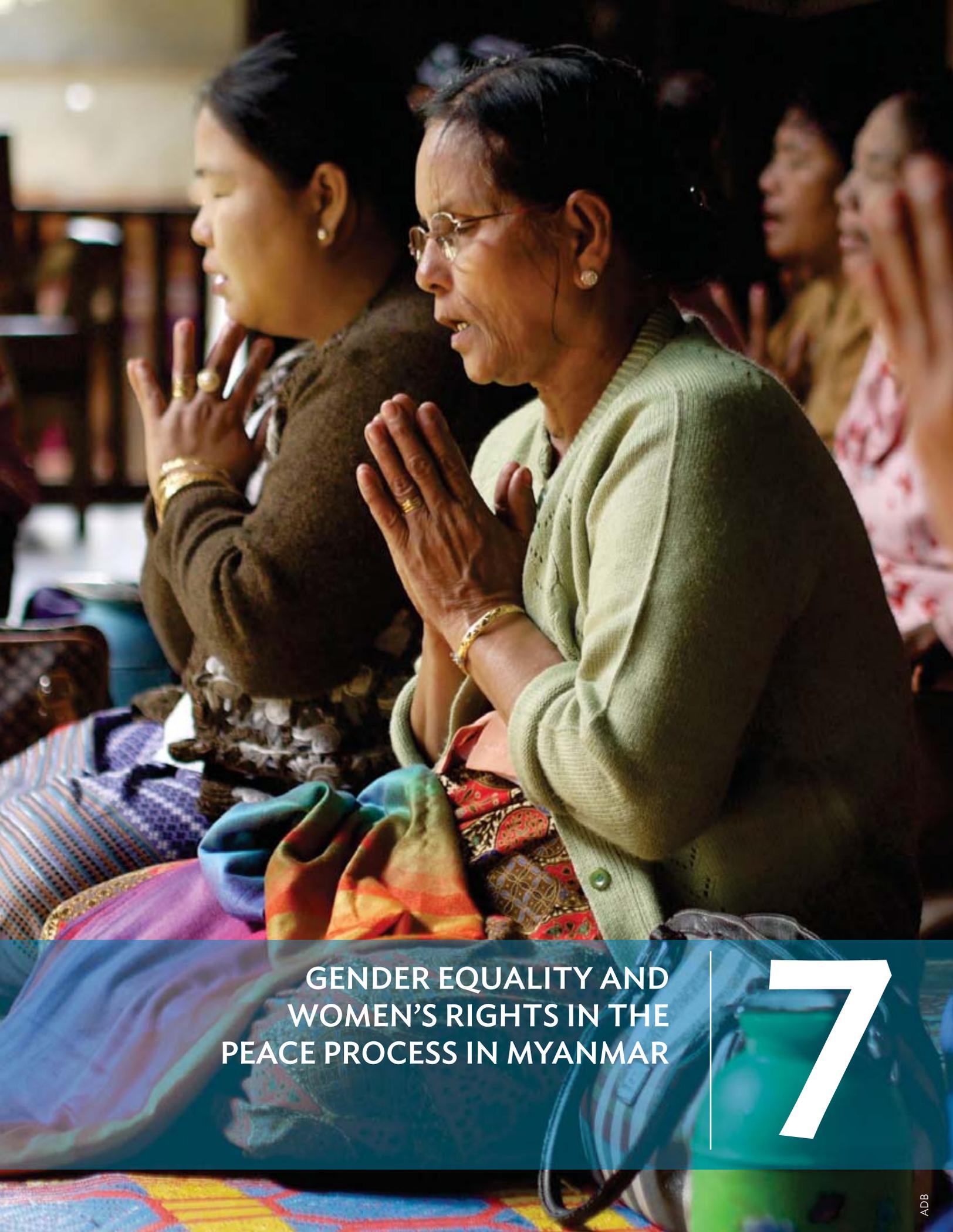
- Collect sex-disaggregated data on women's participation in the Union Election Commission and subcommissions nationwide and review its mandate, policies, and procedures from a gender perspective.
- Increase the number and proportion of women commissioners in the Union Election Commission and subcommissions, in senior management positions, in the secretariat, and in polling station staff.
- Build the capacity of electoral authorities and staff at all levels to understand factors hindering women's participation and representation in each component of the electoral cycle and develop strategies to address them. This includes involving women in the voter registration process; enhancing voter education efforts targeting women, especially the most excluded; ensuring women-friendly hours at registration and polling stations and women-friendly complaints mechanisms that address coercion, violence, or other issues women encounter as candidates and voters; encouraging political parties to promote women candidates through temporary special measures and other means; and providing gender-sensitive election monitoring.

Train an adequate number of election monitors, including on the gender dimensions of elections, and ensure their presence in constituencies, particularly where there are women candidates.

Introduce gender-sensitive security (police, military) and justice sector reform in mandates and standard operating procedures (including performance assessments on gender issues), incentive systems, capacity strengthening, resource allocation, monitoring, and evaluation.

- These reforms should ensure the recruitment of a critical mass of women at all levels, including senior levels, and respond to the needs of women within the sector and the constituencies the sector serves.

Introduce policy and legal frameworks that enable civil society organizations, including women's organizations, to operate freely, which will facilitate women's strong participation in public affairs and governance.



**GENDER EQUALITY AND
WOMEN'S RIGHTS IN THE
PEACE PROCESS IN MYANMAR**

7



Gender Equality and Women's Rights in the Peace Process in Myanmar

Protecting women's human rights at all times, advancing substantive gender equality before, during and after conflict and ensuring that women's diverse experiences are fully integrated into all peace building, peacemaking, and reconstruction processes are important objectives of the Convention on the Elimination of All Forms of Discrimination against Women, 1979. The Committee reiterates that States parties' obligations continue to apply during conflict or states of emergency without discrimination between citizens and non-citizens within their territory or effective control, even if not situated within the territory of the State party. The Committee has repeatedly expressed concern over the gendered impacts of conflict and women's exclusion from conflict prevention efforts, postconflict transition and reconstruction processes and that reports of States parties do not provide sufficient information on the application of the Convention in such situations.

Committee on the Elimination of Discrimination against Women, General Recommendation No. 30: Women in Conflict Prevention, Conflict and PostConflict Situations

In a world of continuing instability and violence, the implementation of co-operative approaches to peace and security is urgently needed. The equal access and participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security.

Beijing Declaration and Platform for Action

The National Strategic Plan for the Advancement of Women (2013–2022) states that a key objective is to strengthen systems, structures and practices to ensure women's right to protection in emergencies, and to ensure their participation in emergency preparedness, response and disaster and conflict risk reduction. It calls for practical initiatives by designated focal ministries that focus on (a) training, technical support, improved recording and handling of cases of violence against women by police, military, local authorities, community-based organizations and other agencies as well as a Plan of Action addressing Security Council Resolutions; (b) women's equal access to protection, resources, benefits and services in natural disasters and conflict situations; and (c) equitable representation of female and male members in preparedness, relief, response, resettlement and civil society-based working committees.

National Strategic Plan for the Advancement of Women

7.1 Significance of Including Women and Their Priorities in Peace Processes

Gender shapes differences in the ways men and women across conflict lines tend to perceive conflict and peace, the roles they take in these processes, and the impact conflict has on them. In Myanmar, as elsewhere, women participate in various aspects of peace processes as peacemakers, peacekeepers, and peace builders, albeit to a limited extent in the formal processes.⁴²⁴ Women also have combatant roles, although they largely tend to fill supportive social and economic roles with families and communities in conflict sites.

Including women and their priorities in peace processes has normative significance. Women and men have an equal right to participate at all levels, including at senior levels of decision making in conflict prevention and resolution and postconflict relief and recovery. They have a right to redress and reparations for violations and damages they have suffered. More equal representation of women and their priorities in conflict prevention, resolution, and postconflict nation building is an important hallmark of a just and inclusive society.

It also makes good social, economic, and political sense to include women in all aspects of peace processes. The vulnerabilities and capacities of women and girls in conflict and at all stages of peace processes differ from men and boys across conflict lines. Women can best represent issues that concern them most in peace negotiations and agreements. This was confirmed by an opinion poll run by Shalom Foundation in Yangon, covering 86 senior to mid-level women leaders from gender equality and other mainstream civil society organizations in Yangon, Bago, and Ayeyarwady regions and Kachin, Karen, Chin, Mon, and Rakhine states. A total of 71% of the poll respondents said that men cannot fully articulate women's needs and concerns in conflict. Women are much more concerned about physical safety and security, protection from sexual violence, issues related to women and children war victims, livelihoods for widows, and reintegration of women and girl combatants. These are issues that men tend to pay minimal attention to.⁴²⁵

Women in their socially conditioned roles as nurturers, as woman-to-woman community networkers, multitaskers, and as reconcilers of disparate interests in the household and community bring their unique perspectives, experiences, skills, knowledge, and networks to bear on all aspects of peace processes in ways different from men. Where women are systematically excluded from peace processes, the experiences of conflict and the postconflict requirements of half the population are overlooked. This undermines the sustainability of peace and development.

More equal representation of women and their priorities in all aspects of peace processes is critical to addressing women's long-term recovery needs. Where women's issues are not included in peace agreements from the outset, it becomes increasingly difficult to address them later on.⁴²⁶ This is because the proportion of "gender-based expenditures" in postconflict budgets is partly determined by the prior analytical and planning instruments that identify needs and enable priority-setting. Less than 3% of the indicative budgets of postconflict needs

⁴²⁴ UN Women. 2013. *Forging a New Path: Women at the Peace Tables in Myanmar*. Report of trainings for women at the peace table undertaken by UN Women, Swiss Peace, and Shalom from November 2012 to June 2013. Yangon.

⁴²⁵ J.N. Lahtaw and N. Raw. 2012. *Myanmar's Current Peace Process: A New Role for Women?* Yangon: Centre for Humanitarian Dialogue.

⁴²⁶ C. Nicol. 2012. Women's Participation in Peace Processes: A Critical Analysis. *Quarterly Access*. 14 (1). Summer. p. 3.

assessments or poverty reduction plans are dedicated to women's and girls' specific needs.⁴²⁷ The exclusion of women (half the population) from peace-building and poverty-reduction efforts fails to optimize the resources invested in reconciliation and recovery. This potentially undermines the pace of recovery and the equitable distribution of peace dividends.

There is no guarantee that populations, including women, who are excluded from the peace process, will accept and implement agreements that have excluded their priorities.⁴²⁸ This thwarts the sustainability of peace processes.

Because Myanmar is embarking on a path of democratic governance and peace building, this chapter explores the following three issues:

- (i) How has Myanmar met its gender equality and women's rights commitments to including women and their priorities in the peace process?
- (ii) What are the obstacles to including women and their priorities in this process?
- (iii) What enables women and men in decision-making positions to include women and their priorities in all aspects of the peace process?

This chapter also deals briefly with the gender dimensions of the communal conflict in Myanmar. In exploring the gender dimensions of both ethnic and communal conflict, this chapter draws on good practices from Myanmar and other countries.

7.2 Trends in Women's Situation in Conflict and in All Aspects of the Peace Process in Myanmar

Gender-based vulnerabilities and capacities in conflict situations and the peace process

In Myanmar as in many other countries, the vulnerabilities and capacities of women and girls in conflict situations and at all stages of the peace process differ from men and boys across conflict lines. Men are the majority of armed combatants and public decision makers. Some women have active combatant roles, but data on the exact number of female combatants and their experience are not available, though the numbers are reportedly limited. The majority of Myanmar women in a conflict situation have supportive nurturing roles in varying degrees, such as providing food, health care, and shelter to combatants and attending to the acute daily needs of their family and community.⁴²⁹ Women are largely impacted as victims and survivors in conflict situations or are active agents of peace. These roles are not mutually exclusive.

Conflict weighs heavily on all in Myanmar, but impacts men and women differently. Reports of the conflict that broke out in June 2011 in Kachin State in the north of Myanmar, after 17 years

⁴²⁷ UN Women. 2012. *Sourcebook on Women, Peace and Security: Overview of Contents*. New York. p. 10.

⁴²⁸ Footnote 426.

⁴²⁹ Footnote 425.

of ceasefire, indicate attacks on villages; razing homes, pillaging, confiscating, and appropriating properties and belongings such as land, rice mills, vehicles, poultry, livestock, traditional clothes, mobile phones, fuel, and other items; forced displacement, indiscriminate firing on civilians with small arms and mortars to disperse them, and forced flight; torture and ill-treatment; use of forced labor in conflict zones; and use of anti-personal landmines that have caused loss of limbs and lives. The forced flight from homes and farms and the destruction of farms and villages have negatively impacted long-term food security because large numbers of rural people were unable to plant crops. Where they were able to plant, they were unable to return to harvest their crops or they found their home, farmland, and crops appropriated.⁴³⁰

Men are killed or injured in conflict, often suffering temporary or permanent disability. This is the serious and negative dimension of “aggressive masculinity,” but men, most especially the prominent among them, are valorized in their suffering and death for their heroism, martyrdom, and patriotism to the cause. Boy soldiers suffer violence, and physical and emotional trauma that may scar them for life. Women whose spouses or male relatives are full-time combatants, have been killed or permanently injured in conflict, or have migrated due to the conflict have had to assume household headship in a crisis context. In their socially expected role of providing for the routine needs of their family, women's workloads increase as they try to access livelihood, food, water, and medicines and to construct makeshift shelters for their family's survival. Yet, women and girls (who help in these tasks) often are unable to access the resources (food, clothing, shelter) that they are supposed to provide for their family, which can lead them to coping decisions that take them into the worst forms of labor or expose them to human traffickers.

Although women's emotional and physical burdens may increase with assuming household headship, such a thrust also provides women with the opportunity to take on nonconventional roles. But unless efforts are made to support them and consolidate the new roles to catalyze and sustain changes in gender relations in the community, the burden of the new roles may tend to weigh more heavily on women. Failure to encourage women in the new roles likely will cause traditional gender roles to resurface—as is often the case when male migrant spouses return.

The physical safety and bodily integrity of young rural ethnic women and girls in particular have been seriously compromised by reports of sexual violence, including rape, sex slavery, and trafficking in government- and nongovernment-controlled areas.⁴³¹ In 2012, Human Rights Watch⁴³² and the UN Special Rapporteur on the situation of human rights in Myanmar reported the use of sexual violence and exploitation as a means of torture during the conflict primarily by the armed forces against civilian women and girls. Conflict-affected women and girls have also been subjected to human trafficking and forced marriage. In 2008, the Committee on the Elimination of Discrimination against women (CEDAW Committee) expressed its deep concern at the high prevalence of sexual and other forms of violence, including rape, perpetrated by members of the armed forces against rural ethnic women. The committee also expressed concern at the apparent impunity of the perpetrators of such violence—although a few cases had been prosecuted at that time—and at reports of threats, intimidation, and punishment of the victims. The CEDAW

⁴³⁰ Footnote 21, pp. 34–62.

⁴³¹ Footnote 21, pp. 34–62.

⁴³² Footnote 21.

Committee expressed regret at the lack of information on mechanisms and remedies available to victims of sexual violence as well as measures to bring perpetrators to justice.⁴³³

Conflict leads to displacement. An assessment of women's needs in camps for internally displaced persons by the Kachin Women's Peace Network and the Gender Equality Network point to several unmet needs and concerns. These include isolation, trauma over loss of life, and property; problems largely related to sexual and reproductive health issues and a lack of consultation with women on their needs; and family disintegration, domestic tensions, and violence against women exacerbated by dislocation, loss of livelihoods and property, and a feeling of emasculation by men and loss of male identity.⁴³⁴

Women respondents in that assessment reported that their work in camps for internally displaced persons ranged from unpaid camp tasks that included construction activities, cooking, camp cleaning, and food distribution to some income-earning opportunities. Income-generating opportunities included working as poorly paid casual farm laborers where the wage rates were half that paid to local workers. Other casual labor opportunities for displaced women in some camps close to the border with the People's Republic of China (PRC) included work at restaurants, shops, casinos, and golf courses in a nearby PRC town. Small-scale food preparation, vending, and pig raising were other opportunities, but generally, a large number of the respondents reported no available income opportunities.⁴³⁵

Other reported concerns included lack of access to clean water; electricity; nutritious food; clothing; and toiletries such as sanitary napkins, underwear, *longyis* (sheet of cloth widely worn in Myanmar), and warm clothes. Overcrowded camps, lack of privacy, rooms with doors that could not be safely locked, lack of lighting, and unsafe locations or poor design of bathrooms and toilets contributed to sexual abuse and violence against women and girls. Women's representation in displaced persons camp management was limited.⁴³⁶

But women are not just victims of gender-based discrimination and violence. They display resilience and courage. Women and girls cope through prayer, seeking guidance from religious leaders, voicing frustrations out aloud, sharing problems with friends for peer support, focusing on their studies, and working as a means to keep occupied.

To a peace process, women bring their unique perspectives, experiences, knowledge, skills, networks, and leadership developed in their socially assigned roles as caregivers and nurturers. For example, the 1985 *Nairobi Forward-Looking Strategies for the Advancement of Women* defined peace, based on women's perceptions of their experience of conflict and peace, as follows: "Peace includes not just the absence of war, violence, and hostilities but also the enjoyment of economic and social justice, equality, and the entire range of human rights and fundamental freedoms within society."⁴³⁷

A total of 71% of the respondents in the Shalom Foundation opinion poll affirmed this definition of peace, saying that women tend to want durable peace while men tend to

⁴³³ Footnote 88.

⁴³⁴ Footnote 318.

⁴³⁵ Footnote 318.

⁴³⁶ Footnote 318.

⁴³⁷ United Nations. 1993. *The Nairobi Forward-looking Strategies for the Advancement of Women*. (DPI/926-41761). New York.

want power. Women tend to be more intuitive, empathetic, inclusive, less egoistic, more concerned with dignity, and more innovative in problem-solving using both heart and mind to address problems. They tend to take account of different levels of the conflict and have a way of diffusing tensions at the table.⁴³⁸ These are important qualities and skills that women bring to peacemaking. Their local knowledge and experience are critical to conflict prevention and peacekeeping. This includes experience on providing early warning and intelligence about impending conflict, defusing and mediating disputes, building trust, and addressing sexual and gender-based violence and women's long-term development.⁴³⁹

Women's participation in government peace-related institutions and parliamentary committees

Peace processes prior to Myanmar's current reforms were led by military leaders, and negotiations were closed to the public. Agreements were made behind closed doors and were unwritten. Women's inclusion was not on the agenda of conflicting parties, and women were probably not even considered as part of the processes.⁴⁴⁰

By contrast, the current peace process appears to be more open. The media makes public announcements of peace talks and has access to the process, interviews both parties to a particular process in postagreement press conferences, and reports on the agreements. The official talks are broadcast on national television. Despite these changes and the impacts of decades of conflict on women, including the role changes among many conflict-affected ethnic women, they are still a minority of participants in the peace process. No systematic and government-commissioned gender analysis has been conducted for any of the peace processes yet.⁴⁴¹

As pointed out earlier, the current peace architecture of the government and the armed ethnic organizations is male-centered. In May 2012, the peace negotiation process was streamlined through the formation of the Union Peace-making Central Committee (UPCC), chaired by President U Thein Sein, and the Union Peace-making Working Committee (UPWC), which is the operational arm of the current peace negotiations with ethnic armed organizations and is chaired by Vice-President Sai Mauk Kham. It has three vice-chairpersons who are all men.⁴⁴² The UPCC is composed of 11 members (all male). The UPWC has 52 members composed of Union and region and/or state ministers, army officers, and parliamentarians—only two of whom are women.⁴⁴³ There are two UPWC negotiating teams—one led by Peace Minister U Aung Min and the other by U Thein Zaw, a member of Parliament (MP). The government's negotiation teams are composed of senior

⁴³⁸ Footnote 425.

⁴³⁹ UN Women. 2012. Sourcebook on Women, Peace and Security: Overview of Contents. October. p.6.

⁴⁴⁰ Footnote 425.

⁴⁴¹ Footnote 425.

⁴⁴² These are former Major General and Peace Minister U Aung Min; Deputy Commander-in-Chief Vice Senior General Soe Win; and Chair of the Pyithu Hluttaw's National Races Affairs and Internal Peace Making Committee, former Brigadier General U Thein Zaw.

⁴⁴³ These are members of the Pyithu Hluttaw: Daw Doi Bu from N'Jang Yang in Kachin State and Mi Yin Chan from Kyaikmaraw in Mon State.

government and military officials, and usually men.⁴⁴⁴ The bilateral ceasefire negotiations with the Kachin Independence Organization (in May 2013) for the first time ever included a woman—the Kachin MP Daw Doi Bu on the government negotiating team.⁴⁴⁵ The current negotiation process for a nationwide ceasefire agreement has one woman parliamentarian on the government team.

Prior to the formation of the UPCC and UPWC in August 2011, the Union Parliament established the National Races Affairs and Internal Peacemaking Committee and, in September 2011, the Nationalities Assembly established the National Races Affairs and Domestic Committee to oversee ethnic and peace issues. Both parliamentary committees are also male dominated, with two women among the 15 members.⁴⁴⁶

In November 2012, the Myanmar Peace Center was established by a Presidential Decree.⁴⁴⁷ It serves as secretariat to both the UPCC and UPWC to support an overall political settlement and ensure sustainable peace. This includes working with ethnic armed groups through technical teams from both sides to prepare for formal peace negotiations; managing international donor resources to support peace-building efforts; and providing a platform for dialogue and experience-sharing between international partners, local civil society, and itself.⁴⁴⁸ The Myanmar Peace Center is aware that there are not enough women in the team and is open to greater inclusiveness. As of early 2014, there were 50 staff members, 12 of whom were women. Of them, one was a special advisor and one an associate director. Seven other younger women had managerial and administrative roles.⁴⁴⁹

Women's participation in political decision making in ethnic armed organizations

Women's participation in senior decision-making positions in political structures of ethnic armed organizations is inadequate. Myanmar Peace Center data, as of August 2013, indicate few women members in the Central Executive Committee or Supreme Council of various ethnic armed organizations: 21 members for the Chin National Front (CNF), all of whom are male; 11 members for the Karen National Union (KNU), one of whom is female; 7 for the New Mon State Party (NMSP) who are all men; and 1 woman member of the CNF Central Committee. No data could be accessed on the total numbers of central committee members. The central committee of the KNU has a total of 45 members (43 men and

⁴⁴⁴ Members of the government negotiating teams usually include union ministers from the President's Office; the ministers for Immigration and Population; and Environmental Conservation and Forestry; chief ministers of the respective states or regions; the deputy union attorney general; the deputy union minister of home affairs, the state or region ministers for border and security affairs; and regional military commanders. See S.A. Khen, and M.Y.H. Nyo. 2014. *Looking at the Current Peace Process in Myanmar Through a Gender Lens*. Yangon: Swiss Peace and Gender and Development Initiative.

⁴⁴⁵ Footnote 424.

⁴⁴⁶ S.A. Khen and M.Y.H. Nyo. 2014. *Looking at the Current Peace Process in Myanmar Through a Gender Lens*. Yangon: Swiss Peace and Gender and Development Initiative.

⁴⁴⁷ The Myanmar Peace Center receives continuous support from the Myanmar Peace Support Initiative, other third-party interventions, and the Civil Society Forum for Peace.

⁴⁴⁸ R. Htin. 2013. Efforts to Address Women's Concerns in the Peace Process in Myanmar: Gains, Gaps and the Way Forward. Paper presented at the Open Day on Women, Peace and Security entitled, Women Count for Peace: Advancing Women's Contribution to Peace Building in Myanmar, organized by the Ministry of Social Welfare, Relief and Resettlement; Myanmar Women's Affairs Federation; and the United Nations, 31 October 2013.

⁴⁴⁹ Footnote 448.

2 women), while the NMSP has a total of 27 members (26 men and 1 woman). There is no accessible data for the Restoration Council of Shan State (RCSS) Central Executive Committee or Central Committee.⁴⁵⁰

Women's participation in ethnic armed organizations as negotiators, technical advisors, and observers at the peace table

Women as lead negotiators and members of negotiating teams

Of the 14 nonstate armed groups that have bilateral ceasefire agreements with the government, three have had women in their negotiating teams. These are the KNU, NMSP,⁴⁵¹ and the Karenni National Progressive Party (KNPP).⁴⁵² The KNU had at least three women members in its ceasefire negotiating team between 2011 and 2012, at the time of its 14th congress.⁴⁵³ Even though the numbers are small, they hold promise for the future. The participation of these women at the peace table relates to their senior decision-making positions within the three nonstate armed groups.

Women technical experts and advisors to ethnic armed organizations

Women have been contributing to national peace building and have been advising the leaders of ethnic armed organizations on shaping some of the peace processes to reach a comprehensive peace agreement. Some of them have been coordinating and facilitating the meetings of the armed groups to prepare a national peace plan and have gained trust and respect as a result of their neutrality, expertise, and level of education. Examples of such women in prominent advisory roles could transform the leadership's perception of the role of women in peace processes and enhance women's participation.⁴⁵⁴ For example, as bilateral ceasefire negotiations proceeded between the KNU and the government in 2011–2012, Naw May Oo, a female legal expert, joined the KNU peace-negotiating team.

Women as observers at the peace table

Individual women and representatives of some women's civil society groups have had seats at the peace table as observers. But the number of male observers at the peace table outweighs the women by far. Interestingly, both government and ethnic armed organizations have been inviting local and international observers (individuals and representatives of civil society, including women's organizations) to the peace talks because they consider them knowledgeable and flexible on the issues between the government

⁴⁵⁰ Footnote 446.

⁴⁵¹ The NMSP had one woman, Mi Sar Dar, in the negotiating team. She was a member of the Central Committee and Head of the Education Department. She was not involved in the recent meetings.

⁴⁵² The KNPP has one woman member, Maw Oo Myah (alias Daw Dae Dae Paw), who is the Religious and Cultural Minister of the KNPP.

⁴⁵³ This included Naw Zipporah Sein, who was the General Secretary of the KNU at the time and also a lead negotiator; Naw May Oo Mutraw, former KNU spokesperson; and Naw Blooming Night Zan, head of the Karen Refugee Committee. However, Naw Zipporah Sein was promoted as vice-chair of KNU and is no longer on the negotiating team.

⁴⁵⁴ Interview with Ja Nan Lahtaw, then deputy director of Shalom Foundation, November 2013, in Yangon.

and ethnic armed organizations. They are also regarded as more neutral, with no vested economic or political interests.⁴⁵⁵

Although women's role as observers is limited to listening, observing, and providing feedback after meetings, it gives them a good understanding of the discussions and negotiating process. Observer roles provide a channel for women to communicate with the government and with decision makers.

Women as conflict monitors

Ceasefire and peace-monitoring mechanisms are important to sustain peace processes. Available data suggests that women are poorly represented in official ceasefire monitoring or peace-monitoring teams, where they have been established.

The ceasefire monitoring committees set up as a result of an agreement between the CNF and the government and facilitated by the Chin Peace and Tranquility Committee in four townships—Thantlang, Tiddim, Matupi, and Paletwa—have only one woman member participating. The KNU's second agreement with the government provides for women to be part of district and township peace-building teams to help foster the peace process, but it is not clear how and where women should engage. As a result of the third RCSS–government agreement, 19 members were nominated to a peace-monitoring committee that was established after a meeting of Shan State scholars organized by the RCSS in August 2012. Two of those members were women. As of October 2013, the committee was no longer functional.⁴⁵⁶

Role of women civil society groups in the peace process

Women's civil society groups in Myanmar are active on women, peace, and security issues, but this has largely been outside the official peace process. The Shalom Foundation opinion poll shows that women's organizations are advocating with armed groups and government to include women and their priorities in the peace process. They do this through letters of appeal, signed petitions, and signature campaigns, with concrete recommendations including calling for the cessation of armed hostilities and a nationwide ceasefire agreement. They are also engaged in awareness raising among communities on peace negotiations.⁴⁵⁷ Tripartite partnerships between international nongovernment organizations (NGOs), local NGOs, and the UN—for example, between the Shalom Foundation, the Gender and Development Initiative, the Swiss Peace Foundation, and the UN Women—have also addressed conceptual and practical skills building for women to fill roles in the peace process.

⁴⁵⁵ The following women were invited as observers to the peace negotiations: Kristine Gould, a military strategist from the United States; and Emma Leslie, director of a regional NGO were invited by the KNU to its negotiations, while a woman entrepreneur from Dawei Princess (a Myanmar oil, gas, and mining company) was invited by the government negotiation team, to be observers to the process. Mai Chin Chin, a member of the Chin Peace and Tranquility Committee was invited by the CNF; Margaret Tomo was invited by the UPWC for talks with the KNPP; while Anna May Say Pa, former principal of the Myanmar Institute of Theology, Naw Susanna Hla Hla Soe, director of the Karen Women's Empowerment Group, and Nant Khin Aye Oo, member of the Karen Affairs Committee, were invited by the KNU. Mi Kun Chan Non, vice-chairperson of the Mon Women's Organization was invited by the NMSP. See S.A. Khen and M.Y.H. Nyo. 2014. *Looking at the Current Peace Process in Myanmar Through a Gender Lens*. Yangon: Swiss Peace and Gender and Development Initiative.

⁴⁵⁶ Footnote 446.

⁴⁵⁷ Footnote 425, p. 5.

Women's organizations in Myanmar, including ethnic women's networks, have been organizing conferences that articulate a women's peace agenda, such as the Myanmar Women's Forum on Women, Peace and Security in 2012, 2013, and 2014; the National Women's Dialogue on Peace, Security and Development in November 2013 in Yangon; and large conferences by ethnic women's organizations, such as the Mon Women's Organization and the Chin and Kachin women's organizations. With the strong participation of women's organizations, the Myanmar Women's Affairs Federation and the Ministry of Social Welfare, Relief and Resettlement, supported by the UN, also organized for the first time ever an Open Consultation on Women, Peace and Security in October 2013, whose outcomes focused on a women's peace agenda.

Most recently, an Alliance for Gender Inclusion in the Peace Process in Myanmar was formed to better coordinate civil society work on women, peace, and security. The alliance is mapping the work done on women, peace, and security and developing a robust work plan on the issue.

Women as peace builders

There can be no development without peace and no peace without development. Women and their organizations in Myanmar have been contributing to peace and development. They have been strongly engaged on issues of women's socioeconomic and political empowerment, such as equal rights to land, property, and decent employment; access to public services, including education, water, primary health care, sanitation, and environmental sustainability; representation of women in all levels of decision making; and the freedom to live lives free from violence.⁴⁵⁸ Women's groups have undertaken gender-sensitive data collection and research, advocated for policy reform, run awareness and education campaigns, built community capacities, and implemented community-based programs on these issues.

Women's priorities in peace agenda

Women's priorities in peace agenda include incorporating women and their priorities in peacemaking, early warning and conflict monitoring, relief and recovery, long-term economic reconstruction, and postconflict governance, including in the reformed security and justice sectors. Priorities also involve prevention and response to gender-based violence, including sexual violence in conflict and postconflict situations. These priorities have emanated from research, consultations, workshops, and meetings organized with and by conflict-affected women, as previously described.

However, the inclusion of women or their priorities is acutely peripheral to the agreements between the government and ethnic armed organizations. This is borne out by a gender analysis of 149 issues covering a total of 11 recent peace agreements⁴⁵⁹ between the government and the CNF (three bilateral peace agreements), the KNU (three bilateral peace agreements), the NMSP (two bilateral peace agreements), and the RCSS (three

⁴⁵⁸ Myanmar Information Management Unit, 2012.

⁴⁵⁹ Analysis by the UN Resident Coordinator.

bilateral peace agreements)—four nonstate armed groups that have an important role in the current peace process.⁴⁶⁰

Of a total of 51 issues covering three agreements between the CNF and the government, gender was mentioned marginally, only once in Article 24 of the second Union-level agreement⁴⁶¹—“There shall be no discrimination on the basis of ethnicity, religion or gender for the appointment or promotion in civil service positions.”⁴⁶²

Of 58 issues covering three agreements between the KNU and the government,⁴⁶³ the fifth point of the second agreement explicitly mentioned women's participation in local peace building by stating that “district and township peace-building teams must be established to help foster the peace process. In particular, women must be included in the peace process.” However, there were no clear guidelines on how women should participate,⁴⁶⁴ nor has the potential for fleshing out protections for women in the ceasefire codes of conduct been addressed.

Of the nine issues covering two agreements between the NMSP and the government, including issues related to a nationwide ceasefire, political dialogue, health, and education,⁴⁶⁵ none mention gender equality and women's rights. The NMSP is organizing a set of coordinated consultations on the peace process with Mon civil society organizations, various party departments, and other political parties with the support of the Myanmar Peace Support Initiative. According to Mi Kun Chan Non, a prominent Mon woman leader, gender issues have yet to be addressed in those consultations.⁴⁶⁶

⁴⁶⁰ Footnote 446.

⁴⁶¹ The CNF has had three agreements with the government (UPWC). The preliminary agreement, signed on 6 January 2012, covered nine points that mainly dealt with agreement to ceasefire. The second agreement (the first Union-level agreement) was signed on 7 May 2012, covered 15 points, including ceasefire issues, establishment of temporary observation bases, rights and responsibilities of liaison offices, principles for political dialogue, matters regarding international agreements, public consultation, matters regarding humanitarian organizations, increasing human resources and capital, joint efforts to eradicate illegal drugs, visas, a Chin National Day, matters regarding CNF and Chin National Army, basic human rights, a ceasefire monitoring body, and the institution of a peace-mediating body. The third agreement (also the second Union-level agreement) was signed on 9 December 2012, with 27 points classified into five themes: Chin national issues, national reconciliation, human rights, environment, military, development, and social and cultural matters. See Burma Partnership, 7 May 2012. Cited in S.A. Khen and M.Y.H. Nyoï. 2014. *Looking at the Current Peace Process in Myanmar Through a Gender Lens*. Yangon: Swiss Peace and Gender and Development Initiative. pp. 28–29.

⁴⁶² Footnote 446.

⁴⁶³ The KNU signed three agreements with the government. The first agreement (the state and/or subnational level agreement) was signed on 12 January 2012, with 11 points mainly focusing on ceasefire (*Myanmar Peace Monitor*, undated). The second agreement (also the first Union-level agreement) with 13 points was signed on 7 April 2012 (*Burma Partnership*, 7 April 2012). The Ceasefire Code of Conduct was signed on 3 September 2012 (*Burma News International*, 2013, p. 118) has 11 chapters and 34 detailed points, including matters of safety for civilians. Cited in S.A. Khen and M.Y.H. Nyoï. 2014. *Looking at the Current Peace Process in Myanmar Through a Gender Lens*. Yangon: Swiss Peace and Gender and Development Initiative. pp. 32–33.

⁴⁶⁴ Footnote 446.

⁴⁶⁵ The NMSP has two agreements with the government. The first agreement (the state-level agreement) has five points mainly focusing on the ceasefire and was signed on 1 February 2012 in Mawlamyine (*Myanmar Peace Monitor*, undated). The second agreement (the Union-level agreement) has four points and was signed on 25 February 2012 in Mawlamyine (*Myanmar Peace Monitor*, undated). The second agreement includes dispositions on a nationwide ceasefire; political dialogue; stability; and development of the education, health, and social sectors and on seven-point conditions during the ceasefire and political dialogue processes. Cited in S.A. Khen and M.Y.H. Nyoï. 2014. *Looking at the Current Peace Process in Myanmar Through a Gender Lens*. Yangon: Swiss Peace and Gender and Development Initiative. pp. 36–37.

⁴⁶⁶ Footnote 446.

Of the 31 issues covering three agreements,⁴⁶⁷ plus nine issues in the tripartite anti-drug agreement between the RCSS, the government, and the United Nations Office on Drugs and Crime, none mentioned the need for gender equality or the inclusion of women and their priorities in any aspect of the peace process.⁴⁶⁸

Discreet advocacy by the Shalom Foundation, Swiss Peace, and UN Women with strategic stakeholders in the peace process has resulted in the inclusion of at least two gender provisions in the draft nationwide ceasefire agreement: preventing sexual and gender-based violence (under the chapter on civilian protection) and inclusion of women in the political dialogue (under the chapter on political dialogue).

In 2014, consultations with ethnic women's organizations organized by the Shalom Foundation, Swiss Peace, and UN Women and discussions within the Alliance for Gender Inclusion in the Peace Process resulted in a set of issues that women have identified for incorporation in the nationwide ceasefire agreement. These include incorporation of the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action principles on gender equality and women's rights in the preamble; preventing sexual and gender-based violence, protecting women and girls against it, and prosecuting perpetrators; providing gender-sensitive humanitarian assistance that take into account the different needs of men, women, boys, and girls in displaced persons camps; recognizing the role of female combatants and addressing their reintegration concerns; ensuring women's adequate representation on conflict monitoring mechanisms; mechanisms to implement the nationwide ceasefire agreement; and including women and their priorities in developing the framework for political dialogue and in the dialogue itself.

7.3 Enablers and Obstacles to Including Women and Their Priorities in Myanmar's Peace Process

A web of social and political factors serves to exclude women from the peace process in Myanmar, as in many other countries. Whatever the justification for exclusion, it tends to be underlined by gender role stereotypes that are exacerbated in conflict situations.

The dominant social discourse on gender roles

As in many other countries, the public-private sphere divide in Myanmar that constructs men as leaders and political strategists and women as homemakers contributes to inadequate recognition of women in leadership roles. This, combined with women's relative

⁴⁶⁷ The RCSS has signed three agreements with the government. The first agreement (also the first state-level agreement between the RCSS and the government) has eight points and was signed on 2 December 2011 in Taunggyi (*Myanmar Peace Monitor*, undated). The second agreement (also the first Union-level agreement) has 11 points and was signed on 16 January 2012 in Taunggyi (*Myanmar Peace Monitor*, undated). The third agreement—also the second Union-level agreement—has 12 points and was signed on 19 May 2012 in Kengtung (*Myanmar Peace Monitor*, undated). Cited in S.A. Khen and M.Y.H. Nyo. 2014. *Looking at the Current Peace Process in Myanmar Through a Gender Lens*. Yangon: Swiss Peace and Gender and Development Initiative. p. 39.

⁴⁶⁸ Footnote 446.

exclusion from formal politics prior to Myanmar's recent reforms, contributes to their exclusion from leadership roles in the current peace process.

The dominant discourse on women's presence at the peace table

In Myanmar, as in many other countries, the discourse on women's representation at the peace table is influenced by the larger social discourse on gender roles and is an important determinant of their actual participation. The gendered view that conflict is a masculine domain dominated by male combatants known for their innate political acumen; valor; heroism; and natural ability to deal with risk, danger, and insecurity is pervasive.

The current reasoning in Myanmar is that the immediate focus is on ceasefires and the cessation of current hostilities. This is consequently a combatant-to-combatant negotiation between conflicting parties. There is in this context no perceived role for women at the table.⁴⁶⁹ Arguments such as ensuring the security of women if they were included in negotiating teams discussing tough issues like ceasefires are also used to justify exclusion.⁴⁷⁰ The relatively fewer women than men and boy combatants and 6 decades of a militarized culture in Myanmar that has, in many ways, excluded women from strategic leadership and decision making reinforces the view of combat as male terrain, rendering women peripheral to the current peace process.

Comprehensive understanding and political will to address women's roles and concerns in conflict and peace

Understanding of women's roles and concerns in a peace process and political will are central to enhancing women's participation and to sustaining peace. The male political leadership that drives and negotiates peace processes are often unaware of the differences in the vulnerabilities and impacts of conflict on men, women, boys, and girls, and their coping mechanisms. They also lack awareness of women's unique experience, skills, knowledge, and networks that could positively inform all aspects of peace processes, optimize investment in peace, and enhance sustainable peace and development.

Good sex-disaggregated data and gender analysis

Data and gender analysis on conflict and peace contributes to gender-sensitive policy and practice in all aspects of the peace process. Good sex-disaggregated data and gender analysis on the causes, vulnerabilities, and consequences of conflict and capacities in peacemaking, peacekeeping, and peace building are inadequate in Myanmar. This has consequently hampered more potent and targeted awareness raising; understanding of gender issues; strategic advocacy with the drivers of the peace process; and tailored responses to men, women, boys, and girls.

Capacities of women and their organizations

The capacities of women and women's organizations are critical determinants of women's robust engagement in peace processes. Women's organizations in Myanmar have highlighted the importance of women's roles in a peace process and have been striving to strengthen women's coordination in peace initiatives.

⁴⁶⁹ Footnote 454.

⁴⁷⁰ Footnote 446.

However, women leaders from seven different ethnic groups in Myanmar have explicitly expressed the need for greater capacity strengthening of the international and national peace architecture; the substance and skills related to strategic negotiation; advocacy and communications, including with the media; incorporating a women's agenda in peace negotiations; skills and capacity building to engage in peace processes as mediators, observers, and advisors; and dialogue opportunities with authorities and service providers.⁴⁷¹ Other areas of capacity building include early warning, peace monitoring, peacekeeping, and long-term peace building. Lack of these skills obstructs women's full and meaningful engagement in the peace process.

Moreover, women and their organizations, especially some of the ethnic women's networks, assert that although they know the priorities that women want addressed in the peace process, they are unable to easily reach and influence government and ethnic armed organizations.

Representation of all affected populations

Representation of all affected people and their issues in peace processes sustains peace and development. However, in Myanmar as elsewhere, decisions on whether to exclude or include prospective participants in peace processes are made by balancing the perceived practical requirements of achieving an outcome with normative standards.

Mediators often hold that the larger the number of participants and issues raised in peace processes, the more difficult and the longer it takes to reach an agreement.⁴⁷² Exclusion is therefore a way of maximizing chances of success, even if this means moving away from the normative standards.⁴⁷³ In line with this reasoning, the decision is often to address women and their priorities later on in the political dialogue by prioritizing other issues and parties to the conflict in initial agreements. This contributes to marginalizing women's needs in negotiations and runs the risk of excluding women's current and longer-term needs as other priorities become well entrenched and resourced.

Gender-sensitive institutional mandates, standard operating procedures, and accountability mechanisms

A gender-sensitive peace architecture is important to address the inclusion of women and their priorities in all aspects of the peace process. In Myanmar, as in many other countries, the lack of gender-sensitive institutional mandates, standard operating procedures, and accountability mechanisms in the formal peace architecture contributes to women's exclusion from various aspects of the peace process.

Consistent, concerted national and international advocacy for accountability to women

Even though women's groups have been advocating for the inclusion of women and their priorities in the peace process, the issue has yet to be more strongly understood and embraced by a larger coalition of national advocates for peace, beyond women's

⁴⁷¹ Footnote 424.

⁴⁷² Footnote 454.

⁴⁷³ J.A. Wanis-St. 2008. Peace Processes, Secret Negotiations and Civil Society: Dynamics of Inclusion and Exclusion. *International Negotiation*. 13. p. 4.

organizations. Given the complexity of the numerous peace negotiations and the particular historical–cultural context of each ethnic group, women's level of participation differs from one ethnic group to the next. Strong coalition building between ethnic and mainstream women's groups and with organizations beyond women's groups is important to ensure that women and their priorities are included in all aspects of the peace process.

In the context of the changing political environment, the international community is closely watching the transition and is encouraging the greater transparency and inclusiveness of this peace process in relation to prereform processes. In Myanmar, such advocacy on gender concerns in conflict situations and all aspects of the peace process could be more consistent and coordinated. It appears, however, that more pressing issues among parties to the conflict tend to override gender concerns. Women and their priorities tend to remain on the fringes so as not to divert attention from “key issues.”

7.4 Conclusions and Recommendations

Addressing women, peace, and security issues requires the commitment of national and international actors, including greater national and overseas development aid allocations and expenditures for the following suggestions:

Prevent relapse into conflict and gender-based discrimination and violence.

- Build women's capacities as peace negotiators and mediators, conflict monitors, actors in early warning and response systems, and as peace promoters.
- Raise awareness and build capacities of government officials, parliamentarians, police, military, and ethnic armed organization members to include women and their priorities in national and subnational policies, laws, plans, mechanisms, and programs on peace negotiations and mediation, conflict monitoring, early warning and response, and peace promotion.
- Support national capacities to develop, implement, and track progress on gender-responsive operational and accountability systems related to the recommended initiatives.

Include women's participation and representation in all aspects of peace processes.

- Advocate with and build the capacity of national state and nonstate actors to ensure women's increased and meaningful participation in conflict prevention and resolution, humanitarian programs, peacekeeping, and peace promotion; in institutions and structures established for postconflict recovery planning and implementation; in national and local governance as citizens, elected officials, and as decision makers; and in senior positions in security and justice sector institutions.

Prevent and protect women and girls from all forms of gender-based discrimination and violence.

- Incorporate provisions in national policies and programs and into security and justice sector mandates, procedures, and accountability systems to prevent and protect women and girls against all forms of gender-based discrimination and violence. This includes awareness-raising and education on the root causes of sexual and

gender-based violence to effect changes in mind-sets and behavior; ensure women's socioeconomic rights (access to land, property, education, health care, etc.) that can also enable them to leave violent situations; end impunity through prosecution, punishment, and/or reparation; and ensure that survivors have access to health services, psychosocial support, legal aid, emergency, and longer-term shelter and employment.

- Support national capacities to develop, implement, and track progress on gender-responsive operational and accountability systems related to the recommended initiatives.

Address women's and girls' priorities in conflict-related relief and recovery policies and programs.

- Incorporate women's and girls' priorities into postconflict needs assessments, postconflict spending, postconflict recovery investments in employment programs; provision of basic public services; and in reparation, demilitarization, demobilization, and reintegration programs. Prioritize the most vulnerable women and girls in these policies and programs, such as those who are internally displaced, survivors of sexual and gender-based violence, female ex-combatants, refugees, and returnees.
- Support national capacities to develop, implement, and track progress on gender-responsive operational and accountability systems related to the recommended initiatives.

Gender dimensions of communal violence in Myanmar

The ethnic armed conflict is one kind of conflict that Myanmar has been experiencing; communal violence between religious groups has also emerged. This violence, which began in June 2012 in Rakhine State, spread across the country throughout 2013. It has taken about 200 lives and displaced some 140,000 persons still in camps and 36,000 people living in crisis-affected villages across Rakhine State. There have been reports of the brutal killing of men, women, and children; sexual violence against women; and the looting and burning of properties.⁴⁷⁴

Rakhine State is among the poorest in Myanmar. Its 2014 labor force participation rate (for persons aged 15–64 years) is among the poorest in Myanmar, at 58.8% (83.2% for men and the lowest for women among all regions and states, at 38.1%). The unemployment rate is also the highest, at 10.4% (9.1% for men and 12.8% for women).⁴⁷⁵

The need for trust building; socioeconomic development; and guarantees of civil, political, and social rights, including the freedom of association and movement, marriage, family size, and religious freedom of all people in Rakhine State pose a continuing threat to the democratization process and to sustainable peace and development.⁴⁷⁶

A rapid assessment of the situation of Rakhine women living in camps for internally displaced persons⁴⁷⁷ found the following:

- Women in all focus group discussions reported that they had heard of some form of gender-based violence—sexual harassment, sexual abuse, and domestic violence—or that it had occurred in their community.

⁴⁷⁴ Office of the High Commissioner on Human Rights. 2014. *Report of the Special Rapporteur on the Situation of Human Rights in Myanmar*. Geneva.

⁴⁷⁵ Footnote 143.

⁴⁷⁶ Footnote 41.

⁴⁷⁷ UNFPA et al. 2013. *Rapid Assessment Protection Situation of Women and Girls: Rakhine Humanitarian Response*. Yangon.

- Displaced women were in need of food, clothing, livelihood opportunities, and education.
- Mental health and psychological support were critical requirements for all affected people.
- There were limited protection-related services in the affected areas, especially a lack of women-safe spaces, protection monitoring, and counseling.
- There was restricted movement of women within some of the camps for internally displaced persons due to cultural norms and limited opportunities for women to gather and discuss issues concerning them.
- Displaced persons, especially minority groups, felt more vulnerable due to restrictions on their movement and access to services, displacement, and isolation, which have resulted in a breakdown of traditional protection and coping mechanisms.
- Risks and threats, especially for women, related to the following:
 - » remote location of some camps;
 - » camps with no access to water, sanitation, and hygiene facilities, which required displaced persons to seek out insecure areas to defecate at night, thus increasing their risk to sexual harassment and physical attacks;
 - » camps where there is hostility from surrounding villages, limiting their movements to collect firewood, search for livelihoods, or access services;
 - » increased tension and domestic violence within households due to erosion of livelihoods, food insecurity, and increased anxiety related to prolonged displacement;
 - » overcrowding and lack of privacy for women and girls in camps and shelters, leading to sexual harassment and other forms of gender-based violence; and
 - » lack of sex-disaggregated data on vulnerability for aid distribution, despite the identification of female-headed households as vulnerable.
- Many camps for internally displaced persons rely on village or camp leader and/or committees to solve disputes and to report safety and protection issues, including sexual violence. These structures tend to downplay incidents of sexual violence.

In view of what is known about the violence, it is imperative that

- socioeconomic development interventions for all people in the poorest states, from a gender-sensitive perspective, are prioritized;
- civil and political rights of all Rakhine people, including all women and girls, are guaranteed;
- trust building and intrafaith and interfaith dialogue that include women are undertaken to promote social cohesion; and
- humanitarian access is provided to the international community to address the needs of women and girls in camps for internally displaced persons and that the capacities of government and local nongovernment actors are developed to address the special needs of women, including prevention and response to gender-based violence in these camps.



CONCLUSIONS AND
RECOMMENDATIONS

8



Conclusions and Recommendations

8.1 Myanmar's Mixed Gender Equality and Women's Rights Narrative

Myanmar has made important progress on gender equality and women's rights. Notable among these are constitutional guarantees of gender equality, improved participation of women in the labor force, a decent share of women in nonagricultural wage employment, gender parity in enrollment of girls and boys in primary and secondary school, improvements in the maternal mortality ratio and services to improve maternal health, and some social protection measures for women. This has given rise to a rather pervasive view that there is equality between men, women, boys, and girls and that gender equality is not a matter of concern in Myanmar. The 2013 Gender Inequality Index ranked Myanmar 83rd of 187 countries,⁴⁷⁸ while the 2012 Social Institutions and Gender Index placed the country 44th of 86 countries, and 8th of nine countries in East Asia and the Pacific.⁴⁷⁹

Overall progress and gaps

Policy and legal advances and deficits

Myanmar's 2008 Constitution guarantees gender equality and women's rights. It has enacted a full-fledged trafficking law largely in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, 2000. The Ministry of Social Welfare, Relief and Resettlement is developing a comprehensive national law to prevent violence against women that will replace the outdated provisions of the Penal Code governing certain aspects of women's lives, such as offences related to marriage, sexual crimes, and trafficking, and is also reforming the outdated Child Law of 1993 in line with the Convention on the Rights of the Child.

Yet, there are some significant policy deficits—mixed gender equality and women's rights messages in foundational legal frameworks and the need for gender equality and women's rights perspectives to be well anchored in the majority, if not all of the 151-plus pieces of legislation adopted or currently under consideration in the country. Myanmar has plural legal systems—the formal common law system that coexists with customary law and

⁴⁷⁸ See www.hdr.undp.org/en/content/gender-inequality-index

⁴⁷⁹ Footnote 91.

practice, giving rise to differing standards and practice on gender equality and women's rights.

Policy–practice gaps

As in all countries, there are policy–practice gaps. For example, although women in Myanmar are legally entitled to equal pay with men,⁴⁸⁰ gender-based wage gaps persist. Article 369 of the Constitution guarantees every citizen the right to elect and to be elected to both chambers of the Union Parliament and to the region and state parliaments. However, women's representation in directly elected seats, at 4.6% (2012) and 12.9% (2015) in all levels of Parliament, is extremely low, compares poorly with other countries in the region, and is far from the global benchmark of 30% representation.

Mixed results within a sector

There are mixed results within a sector even where implementation of certain indicators shows significant progress. For instance, primary school enrollment has increased and gender parity has been achieved at both primary and secondary school levels in Myanmar, but there are continuing concerns about retention rates and the performance levels of certain categories of boys and girls (especially in secondary school), the quality of education (including the gender sensitivity of curricula), or concentration of girls in “female-oriented” educational streams. There are economic, locational, and ethnic inequalities between women and men, even in sectors like education where progress has generally been made. For example, the lowest female literacy rate among young women is found in Shan State, at 59.4%.⁴⁸¹ In the domain of women's health, maternal health has been a priority in the national health plan, and considerable efforts have been made to enhance the provision of professional maternal care. The maternal mortality ratio consequently fell from 230 deaths per 100,000 live births in 2005 to 200 deaths in 2010.⁴⁸² But the majority of maternal deaths occurred at home, with only 38% of women having complications referred to a hospital. Women in the childbearing age group have been the focus of health attention in Myanmar; yet, many other areas need greater attention, such as women's general health; health concerns associated with violence against women and girls; and economic, ethnic, and locational inequalities in access to health care.

Contradictory trends between sectors

There are contradictory trends between related sectors. For instance, obvious progress has been made on women's education, and the proportion of women relative to men is greater in higher education enrollment. However, posteducation employment data show lower labor force participation rates and slightly higher unemployment for women than men. Women as a critical mass do not occupy senior or the senior-most levels of decision making in the economy or in politics. In fact, trends in women's political participation and governance, including their formal participation in the peace process, reflect the need for much more progress.

⁴⁸⁰ Footnote 79.

⁴⁸¹ Footnote 143, p. 25.

⁴⁸² Footnote 84.

8.2 Opportunities and Challenges on Gender Equality and Women's Rights in the Reform Agenda and Planning Processes

Myanmar's sweeping social, economic, and political reforms present an opportunity for qualitative changes and advancement of a gender equality and women's rights agenda. This gender situation analysis consistently reinforces the point that addressing gender equality and women's rights is not just a normative concern but is critical to the efficacy of the reform process and to ensure sustainable development. Excluding the concerns and contributions of women who constitute 51.5% of the total population (compared with men, at 48.5%)⁴⁸³ does not optimize development efforts and investments.

The moment needs to be seized. Experiences from countries worldwide suggest that political and economic transitions have been moments of positive transformation on gender equality and women's rights. Addressing gender inequalities and women's rights should not be pushed back to the post-transition period (as proposed in certain circuits), in view of "more pressing current concerns." There is enough evidence globally to suggest that if women and their priorities are not included in transition policy dialogues, they will not be prioritized in planning instruments and budget allocations and most likely will not be addressed in the post-transition period. Sustaining the changes and implementing a gender equality and women's rights agenda effectively are as challenging.

In the first instance, the government's massive triple-reform agenda—economic reform, political reform, and national reconciliation—is framed in generic terms. The Framework for Economic and Social Reforms and the Comprehensive National Development Plan (2011–2030) only mention women in certain realms. The framework, for instance, addresses violence against women and trafficking and provides for increased health financing for a voucher system for maternal and child health care, special funds for destitute mothers, and maternal and child health.⁴⁸⁴ However, it does not address gender equality and women's rights comprehensively across all sectors and spheres, and in ways that take into account the inequalities in the lived realities of men, women, boys, and girls. Nor does it ask to assess and respond to the differences in the impacts of its reform policies and programs on men and women.

On the economic front, the new focus on poverty reduction and inclusive growth provides opportunity to address gender equality and women's empowerment. However, little progress will be made unless macroeconomic and inclusive growth policies and strategies (trade, investment, monetary, and fiscal policies) steer away from concentrating on economic growth alone and encompass emphasis on new and decent employment opportunities and living standards for the poor and excluded groups. Particular attention needs to be paid to women in ways that take into account the lived realities and barriers faced by economically disadvantaged women from marginalized ethnic, religious, and

⁴⁸³ See www.countryeconomy.com/demography/population/Burma

⁴⁸⁴ Government of the Republic of the Union of Myanmar. 2013. *Framework for Economic and Social Reforms*. Nay Pyi Taw.

nationality groups, including migrants and underdeveloped geographical locations. Macroeconomic and inclusive growth policies and strategies need to allocate resources to the sectors in which women work (such as agriculture and the informal sector), to less-developed regions and states where poor women live, to the factors of production they possess (low-skilled labor), to the items they consume (such as food), and to enhance the viability of informal production.⁴⁸⁵

The Framework for Economic and Social Reforms, which is an important policy link to the long-term National Comprehensive Development Plan, along with sectoral policies and plans, emphasizes inclusiveness and consultation. This is an important opportunity to ensure that the government's reform agenda addresses gender equality and women's rights. For example, important macro sectoral policies and plans, such as the Comprehensive Education Sector Review policy and plan and the land use policy, are incorporating gender equality and women's rights. This has resulted from large consultations initiated by the government, with advocacy and technical assistance from civil society groups, UN agencies, and international development cooperation partners.

The government's political reform agenda and efforts at national reconciliation, peace, and social cohesion do not explicitly ensure that the mandates, policies, laws, standard operating procedures, and culture of political and peace-related institutions include women and address gender equality and women's rights. As demonstrated in this gender situation analysis, the indicators of progress on gender equality and women's rights in political and peace-related governance structures and processes are testament to this.

Despite the generically framed reform agenda, the National Strategic Plan for the Advancement of Women, which is aligned with the 12 areas of the Beijing Platform for Action, offers a robust window of opportunity to address a gender equality and women's rights agenda. Support to implement the plan can be pursued through interministerial coordination and collaboration and effective gender mainstreaming across a range of ministries.

There are several challenges to entrenching gender equality and women's rights in the reform agenda. These are (i) the mismatch between the quick pace of reforms, (ii) the absorptive capacity of institutions at all levels, and (iii) the uneven political will to pervasively applying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Beijing Platform for Action principles of democratic governance in policy and institutional environments so that a culture of gender equality and respect for women's rights takes deep root.

The boundaries of progress can be further extended if there is political will, capacity, transformation of mind-sets, and a culture of accountability to gender equality and women's rights commitments. This requires strong technical assistance based on inclusive consultations on what needs to be changed and how. It also requires providing technical guidance to develop institutional mandates; developing, implementing, monitoring, and evaluating policies and standard operating procedures related to institutional programming, physical infrastructure, human resources, and budgets; and developing and implementing

⁴⁸⁵ Footnote 64.

substantive policies, programs, and accountability frameworks. However, this is at the same time a political process that requires political receptivity, ownership by national partners, political leverage, and power to ensure that gender equality mandates and accountability frameworks are in place and implemented to ensure equality between men and women.

8.3 Implementing a CEDAW- and Beijing Platform for Action-Compliant Accountability Framework on Gender Equality and Women's Rights in Myanmar's Reform Agenda

This gender situation analysis contains the vital elements of a CEDAW- and Beijing Platform for Action-compliant accountability framework on gender equality and women's rights, as the following encapsulates.

Full and equal participation of women in formal and informal economic, political, and sociocultural decision making, and on oversight mechanisms at all levels of society

This means that women must be fully engaged in decision making and as participants at all stages of the economic, political, and sociocultural policy processes—formulation, implementation, monitoring, and evaluation of policies and programs. They must be full participants in public dialogues and power-delegation processes, and the priorities, especially pertaining to the most excluded women, must be embedded in policies and programs. Additionally, women must be entitled to ask for explanations on noncompliance and press for corrective action.

Full and equal participation demonstrates answerability to women most affected by policy decisions. It also fulfills CEDAW and Beijing Platform for Action standards and optimizes development investments.

Gender equality and women's rights mandates in policy and institutional environments

The standards of due diligence and integrity must include gender equality and women's rights as a goal of public action. When the formal remit of institutional mandates respect and protect gender equality and women's rights, their actions become a critical reference point for making power holders and duty bearers answerable for advancing a gender equality and women's rights agenda and ensuring real equality.⁴⁸⁶

⁴⁸⁶ Footnote 410, p. 110.

Standard operating procedures that advance gender equality and women's rights

Institutional mandates and corporate policies may address gender equality and women's rights, but these need to be further translated into specific gender-sensitive rules, regulations, procedures, and instructions in economic, social, and political institutions at the macro, meso, and micro levels to ensure substantive gender equality.

For example, the rules on evidence require that women survivors of rape produce the evidence, and it allows the prosecution to probe the sexual history of the victim in public courtrooms to establish that they consented to sexual intercourse. This often prevents women from reporting and pressing charges and is an example of discriminatory victim blaming. Elsewhere, procedural guidelines that do not consider women voters' needs in elections may result in polling stations being too far from where women reside or polling timings unsuited to their work schedule. This may prevent women from exercising their right to vote. The absence of special temporary measures for women in electoral politics, the peace process, and other spheres slows the move to substantive equality.

It is thus critical that mission statements, mandates, larger policies, and laws be further translated into specific gender-sensitive rules, regulations, procedures, and instructions that govern the following: (i) collection, classification, analysis, and availability of data disaggregated by sex and other variables; (ii) human resource management—recruitment, retention, and conditions of work (including special temporary measures that fast-track equality); performance assessments that include gender sensitivity as criteria for all levels of an organization; (iii) development policy and programming work, including gender-sensitive physical infrastructure, budget allocations to gender equality, and women's empowerment work; and (iv) monitoring and evaluation of institutional policies (substantive and operational) and corrective action. Women's participation in oversight processes, both within and outside an institution, must be facilitated to ensure the commitment in policy and institutional contexts to gender equality and women's rights. These measures, especially strengthening gender-sensitive performance criteria and corrective action, could be important means to promoting behavior changes.

A culture of gender equality and respect for women's rights

Although changes in behavior are critically important, such changes prompted only by workplace incentives or disincentives are not enough. Deeper transformation of values and attitudes must prompt behavior change for a genuine culture of gender equality and respect for women's rights to take root and effect real transformation.

Traditional mind-sets reinforce rigid gender stereotypes of men as breadwinners, natural leaders, producers, and combatants, and women as wives, mothers, or religious celibates. Attributes associated with these stereotypical gender roles for men and women are deemed natural to men and women. If women fall into neither of the categories or are perceived to transgress the ideal type roles or attributes that society ascribes to them, they are seen as “immoral,” “wayward,” or “demonic.”

The gender stereotypes highlighted throughout the gender situation analysis obstruct women's full and equal participation with men economically, socially, and politically.

For instance, the perception that men are household heads, family income earners, and are more productive than women masks women's roles (as farmers in rural households, for example) and sets up barriers to their equal ownership of land and access to related productive assets. This negatively impacts their agricultural productivity and contributes to gender-based wage gaps. The pervasive perception of men as natural leaders and as combatants while demonizing women who take up such roles bars women's equal participation and contribution with men in political processes and governance, including all aspects of the peace process.

Changes are needed in the culture and attitudes of people in all spheres of life and at all levels of society through advocacy and conscious-raising to truly implement policies and standard operating procedures and for real equality between men and women and between boys and girls.

Capacity strengthening on gender equality and women's rights

Even when power holders or staff of institutions or local communities become gender aware and are receptive to real changes in their environments, they may lack the technical expertise on how to apply gender equality and women's rights concepts in practice. A case in point would be "know-how" in collecting, classifying, analyzing, and disseminating sex-disaggregated data (and other variables) and gender statistics; and in designing, implementing, monitoring, and evaluating policies and programs from a gender equality and women's rights perspective. Investments need to be made in institutional capacity strengthening based on consultation, participatory, and local approaches.

Women's empowerment

Even if policy and institutional environments introduce and implement gender equality policies and practices, women may not feel enabled to participate equally and fully with men in social, economic, and political life; they may not feel empowered to exercise choices and rights, and claim their entitlements. Empowering women runs concurrent to policy and institutional changes because these processes are intrinsically related.

Women must know that they have the same human rights as men. Their knowledge and consciousness must be enlightened to know what rights are violated, at what point, and by whom. Their capacities must be enhanced to know what legal provisions, institutional mechanisms, and services exist for them to access, to exercise oversight, and to seek redress. They must be supported individually and collectively to invoke these entitlements, and their capacities must be built up so they can work with governments to design, implement, monitor, and evaluate gender-sensitive policies and services.

In other words, women's empowerment is a process in which women, as active subjects, exercise their rights to make choices in all aspects of life and have ownership, access to, and control over material and nonmaterial assets and benefits. It is a process in which women are increasingly represented as a critical mass in formal and informal decision-making venues in all spheres and at all levels of society, and influence policy priorities from a gender perspective. Women's empowerment is a process by which women are able to change gender stereotypes that underpin the economy, polity, and social domains and obstruct women's full and equal participation with men. Empowerment helps women to

live without fear of harm to their safety and security, and it helps ensure that women are well represented in formal and informal oversight mechanisms so that they can individually and collectively ask for explanations about nonperformance by duty bearers and press for collective action.

Responsiveness and accountability to gender equality and women's rights can be elicited by raising women's individual and collective voice and engaging in robust advocacy for change and/or by men and women exercising choices between public service providers and political parties in elections, where competition is encouraged in markets and politics.⁴⁸⁷

As underscored by this gender situation analysis, women's leverage originates through (i) their informed presence as a critical mass in formal and informal decision making and oversight mechanisms in all spheres and at all levels of society to influence policy priorities and their implementation from a gender perspective; and (ii) special temporary measures to compensate for women's historical disadvantage and level the playing field with men; and help fast-track real equality. These measures can be introduced in electoral politics, in corporate boards, for management positions, the private sector, in education, and in traditional justice systems.

However, special temporary measures are not enough to ensure women's influence over decision making or to sustain substantive gender equality and women's rights. As demonstrated in this gender situation analysis, women's informed and influential presence in decision making and special temporary measures need to run concurrent with several other processes and imperatives. These include the following: (i) women and men in decision making in any domain must be supported by constituencies in a gender equality and women's rights agenda; (ii) changes must happen in policy and institutional environments manifested in gender equality mandates, standard operating procedures including incentives for gender-sensitive performance, resourcing, gender-sensitive institutional capacity building, and cultural and attitudinal change; (iii) the broader public needs to be convinced that gender equality and women's rights are in the broader public's interest and that a gender equality agenda has positive impacts on men, women, and children in families, communities, the economy, and society at large; and (iv) gender equality advocates must build strong coalitions with other disadvantaged groups and support groups across sectors for better leverage.

In Myanmar, as in many other countries, women's voices have been an important contributor to change. First, gender equality advocates have been part of the mass mobilization for democratic governance. Second, they have been advocating for gender equality and women's rights to be part of standards against which public actions are assessed. Examples include advocacy for constitutional reform from a gender perspective, inclusion of women in all aspects of the peace process, a comprehensive national law to prevent violence against women, and promoting more and more decent jobs for women. Third, gender equality advocates have been using international instruments, the special procedures system (Special Rapporteurs), and regional and global policy emanating from intergovernmental processes to advocate for change on such issues as dealing with sexual violence in ethnic armed conflict and sectarian violence. Fourth, a segment of

⁴⁸⁷ Footnote 410, p. 111.

gender equality advocates is struggling against exclusion from political decision making by advocating for special temporary measures in electoral politics, while still others are building women's capacities on leadership and decision making, especially at the local level.

8.4 Summary of Recommendations

Against that background, the following is a selective summary of the recommendations concluding each chapter. These are offered to assist in implementing the National Strategic Plan for the Advancement of Women in specific areas, such as gender equality and respect for women's rights in the economy; in the social spheres of education, health, and eliminating violence against women and girls; and in political participation and governance, including in all aspects of the peace process.

Chapter 2: Gender Equality and Women's Rights to Poverty Reduction, a Livelihood, and Full and Equal Participation in the Economy

Make gender equality and women's economic empowerment integral to policy environments and institutional settings

- Ensure that gender equality and women's rights in the economy are a mandate of economic institutions and an explicit objective of economic policies and programs, institutional rules, and procedures at all levels.
- Ensure that these policies and programs are associated with targets, including a substantial increase in national budgets and overseas development assistance, based on the Accra Agenda for Action, the Paris Declaration, and the aid effectiveness agenda.
- Evaluate the gender impact of macroeconomic policies (trade, investment, monetary, and fiscal policies), macro sectoral policies, and economic policies at the meso and micro levels.

Develop and improve the use of sex-disaggregated data and gender statistics on women's economic empowerment

- Strengthen data collection instruments, especially household surveys and labor force surveys, to fully reflect gender issues, and develop time-use surveys and data collection on women's economic empowerment, including employment, work, and entrepreneurship.

Strengthen women's legal status and rights in the economy

- Establish a baseline on the status of women's landownership and put in place mechanisms to expand women's equal rights to landownership, use, and development.
- Formulate national laws of inheritance and succession to guarantee women's rights of inheritance, ownership, and use of land and property.
- Ensure that women, women's work, and women's concerns are included in the draft minimum wages act.
- Formulate and implement laws to guarantee women's labor rights and social protection, including in the informal sector.

- Create incentives for informal enterprises to formalize, including through simplified registration procedures, progressive registration fees, and legal recognition of property rights.
- Introduce enabling policies and regulatory frameworks that promote women's entrepreneurship and access to markets.



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Expand women's economic opportunity

- Enhance women's participation in the labor market, strengthen institutions, and enact reforms needed to ensure decent work conditions—leading to increased recruitment of women, retention, promotions, minimum wages, wage equality, occupational safety, physical safety and security at work, job-related skills training, maternity leave, health insurance, and pensions.
- Develop national-level strategies involving the government, banks, cooperatives, and microfinance institutions to increase women's access to capital and to address collateral requirements, especially for poor women, in innovative ways.
- Invest in public infrastructure and services, with a particular focus on rural electrification, water and sanitation, clean cooking fuel, household energy needs, time-saving domestic appliances, roads, and transport. This will reduce the time burden that domestic work imposes on women, freeing up their time for income generation and improving their access to markets.
- Train and employ women to work on, manage, and maintain public infrastructure projects, such as for water and sanitation, as an employment and economic empowerment measure.
- Create a supportive environment, including enabling policies and regulatory frameworks, that provide women entrepreneurs with business opportunities and enable them to be contracted by local authorities to deliver basic services, such as water, waste management, and local infrastructure.

Increase opportunities for women's inclusion, participation, and leadership in economic decision making

- Introduce affirmative action and capacity building to increase women's participation in economic decision making in the public sector in economic management, regulatory bodies, and economic sectors.
- Introduce policies and measures (including capacity building) to ensure women's representation in senior decision-making positions in the private sector—corporate boards, trade negotiation, agreement processes, and senior leadership of investment agencies.
- Establish mentorship and networking programs that strengthen and support women's networks and business associations.
- Promote women's leadership in associations (such as agricultural, industrial, service-related, and staff associations) through advocacy, special temporary measures, and capacity-building initiatives.
- Organize consultations at the highest level to engage in dialogue on challenges to women's entrepreneurship, trade, special economic and export-oriented zones, and financial inclusion; and develop strategies and programs to promote women's entrepreneurship, women in trade, women workers in export-oriented zones, and access to finance.

Chapter 3: Gender Equality and Women's Right to an Education

Ensure collection of and access to sex-disaggregated data and gender statistics

- Strengthen and finance the collection of sex-disaggregated data and gender statistics in education and management information systems, and ensure that data are incorporated into policy planning and implementation and ongoing monitoring.

Build gender equality capacity among policy makers and teachers

- Train policy makers on gender equality and women's rights that goes beyond achievement of gender parity in school enrollment to address broader empowerment goals for girls and women.
- Strengthen teacher training to incorporate gender-sensitive approaches.

Invest in early childhood care and development

- Invest in quality gender-sensitive early childhood programs, in line with the National Early Childhood Development Policy, ensuring appropriate budget allocations and institutional arrangements for coordination across sectors.
- Ensure a safe, healthy, protective, secure, and gender-sensitive work and learning environment for teachers and students, including in informal boarding arrangements, and especially in emergency and conflict situations. Water, sanitation, and hygiene facilities should be gender-segregated, protect girls' privacy and dignity, and allow for dignified menstruation hygiene management.
- Integrate measures to prevent, address, and protect girls from school-related gender-based violence (within and on the way to and from school) throughout the education sector, including in policy, program, and implementation responses.

- Establish reliable and safe reporting and response mechanisms to avoid putting at risk children who report violence at school. Evidence through data collection is essential to inform policy and planning; multiple reporting methods must be used due to ambiguity on whether more reporting is linked with more cases.

Review and reform curricula with a gender perspective

- Ensure that the ongoing curriculum review and reform process examines current materials to determine if these reinforce biases against girls and women. For example, does the material recognize the different learning needs of boys and girls or for those from different ethnic groups? Are there positive messages regarding relationships between boys and girls? Is there guidance for teachers to promote gender sensitivity and offer teaching approaches for different needs of boys and girls? Is there flexibility allowed in service delivery? Are the rights of women and girls reinforced as part of human rights teaching? To what extent is the secondary education curriculum preparing both boys and girls to transition into higher education, technical and vocational education and training (TVET), and/or directly into the workplace, as Myanmar continues to undergo a rapid socioeconomic transformation?
- Modules on gender-based violence and menstruation hygiene management should be included in the life skills curriculum, with separate classes for girls and boys where appropriate.

Initiate broader reforms to improve education quality and relevance

- Improve the quality and labor market relevance of secondary and higher education to increase female and male completion rates, learning outcomes, and readiness for the world of work while also contributing toward reducing poverty (and family poverty) and gender wage gaps and to enhancing women's productivity and career choices (including nontraditional occupations). Forthcoming reforms of secondary education curriculum, pedagogical approaches, and assessment (supporting a shift from rote-based instruction to active, student-centered learning focused on building up critical thinking and other soft skills) will be critically important to preparing both boys and girls to transition into higher education, TVET, and/or directly into the workplace as Myanmar continues to undergo a rapid socioeconomic transformation.

Undertake a gender analysis of TVET and more nontraditional TVET for girls, and ensure a match between skills and labor market demand

- Undertake a gender analysis of current TVET provision, emerging labor market demands, and the skills of graduating boys and girls with available jobs so as to align them and thus increase the range of women's employment options for better jobs.
- Advocate with and build the capacity of vocational training institutions to challenge traditional attitudes regarding job suitability for women.
- Build women's capacity to deal with pressures of working in male-dominated workplaces as more women take up nontraditional careers and as technology advancements continue to remove the need for physical strength in manufacturing processes.
- Enhance the technical skills of women in traditional female occupations to improve women's productivity and applicability of training to labor market needs. These strategies will help reduce the gender-based wage gap and family poverty, and help women contribute more to inclusive economic growth.

- Ensure that reforms to tertiary education take into account the preparation of students for the changing workforce and address biases that might limit choices of careers for women.

Set up alternative delivery systems for nonformal approaches

- Scaling up the Non-Formal Primary Equivalency Program and developing a modular, flexible delivery system would enable more girls to fit study around their domestic duties.

Address the education needs of migrants

- Ensure that education reforms address the specific needs and constraints of migrants and their dependents as they seek reintegration into the national student body and labor force in Myanmar, taking into account the proportion of males and females among this target group and of gender differences in expectations and challenges facing these students, through data collection.

Ensure community engagement in education management

- Involve communities in decision making regarding school management so that their demands for improvement in the education system will be made. A better quality education is likely to improve retention and fulfill every child's right to education.
- Measures, such as quotas, need to be put in place to ensure that women in the community actively participate in decision making on school management committees, together with some orientation and coaching on how to participate more effectively.

Chapter 4: Gender Equality and Women's Right to Good Health

Enhance understanding of the gender dimensions of the non-epidemiological factors influencing health outcomes and women's health from a life cycle perspective

- Undertake research on the non-epidemiological factors influencing health outcomes and use the findings to inform government policy development and implementation.
- Undertake more data collection and research on the gender dimensions of general health, including communicable diseases (and the causes of differences in the health situation for men and women), and health-seeking behaviors.
- Ensure that these findings inform gender-sensitive policy formation and implementation on women's general health from a life cycle perspective. This goes beyond the current priority focus on high maternal mortality ratio and improvement in children's health outcomes that tends to neglect the health concerns of women outside the childbearing age or issues not only related to childbearing.

Target the health needs of populations in underserved sites, especially women (including ethnic women), using consultative approaches

- Develop or use existing consultation mechanisms with community members in underserved areas—with a large proportion of women involved—to ensure that needs and priorities are well understood before programs are developed.

- Research the constraints that women from ethnic minorities and nationality races encounter in accessing health services in their communities.
- Ensure that the results of the needs assessment of targeted populations in underserved sites and of research on the health needs of ethnic women inform policy development and implementation and are integrated into the other planning considerations as services are improved for these communities.
- Monitor the effectiveness of services to ensure that scarce resources are reaching those most in need.

Target appropriate sexual and reproductive health services and awareness-raising on gender-based violence issues not only to adolescent boys and girls but also to men and women

- Design reproductive health services, including providing advice on contraception and contraceptives to adolescent and unmarried girls.
- Build the capacity of health-care workers to understand and respond sensitively to the sexual and reproductive health service needs of adolescent and unmarried girls.
- Educate adolescent boys and girls on sexuality, sexual and reproductive health and rights, and gender-based violence through various means, such as reproductive health courses in secondary schools, public campaigns targeting young men to encourage greater involvement in avoiding unplanned pregnancies and the impacts of unsafe abortions, and treating women and girls with respect and dignity.
- Improve the availability of contraceptives and encourage shared responsibility for birth spacing more equally between husbands and wives.

Provide gender-sensitive services for people with HIV and AIDS

- Expand the reach of HIV voluntary testing and counseling services to women as well as men.
- Build the capacity of health professionals working in these clinics on how to discuss sexual behavior and practices with women who may be shy and unwilling to present their own concerns.

Increase investments in public services, including from a health promotion perspective

- Increase investments in electrification, the provision of safe and clean water, and sanitation especially for poor communities. This will reduce the incidence of waterborne and other diseases for women and other family members and thus women's increased need to care for the ill.
- Ensure women's participation in the planning and implementation of such investments, so that these services meet the needs of the principal users and are better maintained.

Provide state-subsidized health insurance and measures to cover the nonfinancial opportunity costs that reduce access to health care

- Provide health insurance or other social safety net programs to reduce the cost burden on health-care users, especially the poor.

- Provide childcare facilities at primary health clinics, and vouchers to cover the cost of transport, especially if women have to bring additional young children or elderly who cannot remain alone at home, so as to cover the nonfinancial opportunity costs to enhance women's and children's access to health care.

Chapter 5: Gender Equality and Women's and Girls' Right to Freedom from All Forms of Violence

Improve availability of and access to data

- Ensure the systematic and coordinated collection of national prevalence data disaggregated by sex, age, and other variables on the incidence and forms of violence against women; and undertake research on the causes, consequences, and costs of such violence to individuals, families, and communities.
- Develop and implement comprehensive data collection systems and protocols with police, and with health, social, and other service providers to generate reliable administrative data on the reporting of domestic and sexual violence and actions taken by the duty bearers.
- Support capacity building and advocacy among stakeholders to collect and use data and evidence on violence against women, including on monitoring and evaluation of policies and programs.

Reform policies and laws

- Adopt the CEDAW-compliant comprehensive laws to prevent violence against women, which is currently being developed by the Department of Social Welfare.
- Develop regulations for the law.
- Develop and implement a national plan of action on eliminating violence against women, which is in harmony with the law being drafted, and ensure that it has gender-sensitive targets and indicators and is well resourced.

Enhance the administration of justice and improve access to services

- Ensure the development of effective legal, social, psychosocial, and other support services and policies for women leaving situations of violence, including the protection of restraining orders, mechanisms for redress, and programs to support women's economic empowerment.
- Minimize barriers to accessing services (particularly health and psychological support), even if and when survivors choose to access this support without pressing charges.
- Support systematic preservice and in-service capacity development of law enforcement agencies, the judiciary, and service providers so that they are better able to respond to reports of violence and to offer appropriate and gender-sensitive support and referrals to all victims.
- Increase the participation of women in the law enforcement and judicial processes, including frontline service providers.
- Establish monitoring mechanisms, protocols, and referral systems within and across sectors to ensure the enforcement of laws to address violence against women and girls.

Raise awareness and advocate for prevention

- Undertake comprehensive communications campaigns, including in collaboration with the media, traditional and religious leaders, and educators, to change social norms and promote zero tolerance for violence against women and girls.
- Support community-level awareness raising and legal literacy on women's rights to live free from violence and with legal protections to encourage higher rates of reporting and eliminate barriers that prevent victims from seeking help, including by disseminating information about national and international legal commitments in local languages, in sites in which women meet, and in media forms they use.
- Promote young people's leadership, knowledge, and skills, and help them develop healthy attitudes and relationships based on equality and respect, while supporting school curricula and teacher training to eliminate harmful gender stereotypes within the education system.
- Work with parents, teachers, and children's rights advocates to protect children from experiencing or witnessing violence.
- Work with men, including young men, local leaders, and male role models, as partners in promoting nonviolent and equitable ways to "be a man."

Chapter 6: Gender Equality and Women's Rights in Political Processes and Governance

Guarantee constitutional rights

- Guarantee constitutional rights for voting and to hold public office and eliminate residual forms of sex discrimination or limits to equal citizenship. This has been addressed in the 2008 Constitution, but mechanisms need to be established to ensure that men and women (as voters) are aware of these rights. Women also need to know how to appeal through accessible procedures if they perceive their rights are not being respected.⁴⁸⁸

Collect and make available sex-disaggregated data and gender statistics on women's participation in politics and governance

- Collect, classify, analyze, and disseminate user-friendly data and gender-sensitive research on women's participation in politics and governance as candidates, officials, and/or holders of elected or appointed public office, and as voters, at all political and administrative levels.
- Collect and analyze data on women's role, status, and position in political parties and in the party laws and procedures governing their participation.
- Ensure that data collection takes into account age, economic, ethnic, educational, marital and religious status, geographical location, etc. This will help in gender-sensitive policy formation and implementation in public decision making and governance in ways that also account for other intersecting identities.

⁴⁸⁸ UNDP. 2012. *Gender Equality in Elected Office in Asia Pacific: Six Actions to Expand Women's Empowerment*. Bangkok. pp. 11–15.

Build capacities to increase the number of women in elected and appointed office and enhance support for a gender equality agenda

- Build women's capacities to increase the pool of capacitated potential candidates for all levels of Parliament and the government.
- Raise awareness of the leadership and male members of political parties, local authorities, and communities on the suitability of women as candidates and in elected office, and encourage their support to a gender equality agenda.

Promote electoral system and policy reforms, such as special temporary measures, that fast-track women's participation in political decision making

- Promote electoral system reforms that give voters a multiplicity of choices and representatives that lead to more women in public office.
- Introduce temporary special measures, such as legal quotas and reservations, that fast-track women's nomination and election to legislative office. Quotas for women coupled with capacity strengthening can accelerate the overall acceptance of women as suitable candidates for office, which can be proved once they are in office.

Promote gender-sensitive reforms in political parties that democratize governance within parties, that enhance women's chances to compete for public office, and that respond to gender equality issues and women's rights

- Develop party platforms and manifestos responsive to women's rights. This demonstrates accountability to women.
- Introduce party quotas and targets that draw more women into party membership and senior leadership positions. This ensures that women's issues are well embedded into party platforms and that there is a stronger pool of women candidates who can contest elections.
- Strengthen the women's and youth wings of political parties by encouraging policy debates on gender issues or the gender impacts of larger political issues, and capacity strengthening for women party members. This will ensure that a capable and enlightened pool of women, including young women, is nurtured. This will help promote women in elected office and will contribute to parties addressing a gender equality agenda.
- Support stronger campaign financing of women candidates.
- Address violence against men and women members and candidates.

Ensure a gender-sensitive parliamentary culture that promotes women's participation, clout, and a gender equality agenda

- Introduce session timings that are women-friendly, multiparty women's caucuses, and capacity building for parliamentarians and parliamentary staff on gender issues.

Enhance the position of women's machineries and gender units within the national and local bureaucracies

- Ensure that women's machineries and gender units within the national and local bureaucracies have the resources, authority, and institutional location that can drive a gender equality and women's empowerment agenda across the government.

Promote gender-sensitive reforms in the Union Election Commission and region and state subcommissions

- Collect sex-disaggregated data on women's participation and role in the Union Election Commission and its subcommissions nationwide, and review the mandate, policies, and procedures from a gender perspective.
- Increase the number and proportion of women commissioners in the Union election commission and subcommissions, in senior management positions, in the secretariat, and in polling station staff.
- Build the capacity of electoral authorities and staff at all levels to understand the factors hindering women's participation and representation in each component of the electoral cycle and to develop strategies to address them. This includes involving women in the voter registration process; enhancing voter education efforts targeting women, especially the most excluded; ensuring women-friendly hours at registration and polling stations, and women-friendly complaints mechanisms that address coercion, violence, or other issues women encounter as candidates and voters; encouraging political parties to promote women candidates through temporary special measures and other means; and developing gender-sensitive election monitoring.
- Train an adequate number of election monitors, including on the gender dimensions of elections, and ensure their presence in constituencies, particularly where there are women candidates.

Introduce gender-sensitive security (police, military) and justice sector reform

- Introduce gender-sensitive mandates, standard operating procedures including performance assessments on gender issues, incentive systems, capacity strengthening, resource allocation, monitoring, and evaluation. These reforms should ensure the recruitment of a critical mass of women at all levels, including senior levels, and respond to the needs of women within the justice sector and the constituencies the sector serves.

Ensure democratic space for civil society

- Introduce policy and legal frameworks that enable civil society organizations, including women's organizations, to operate freely, which will facilitate strong participation in public affairs and governance.

Chapter 7: Gender Equality and Women's Rights in the Peace Process in Myanmar

Include women's participation and representation in all aspects of a peace process

- Advocate with and build the capacity of national, state, and nonstate actors, especially women, to ensure women's increased and meaningful participation in conflict prevention and resolution, humanitarian programs, peacekeeping, and peace promotion; in institutions and structures established for postconflict planning; in national and local governance as citizens, elected officials, and as decision makers; and in security and justice sector institutions.

Prevent relapse into conflict and associated gender-based discrimination and violence

- Incorporate women's and girls' priorities on peace and security in the Constitution, national policies, laws, plans, and programs; into early warning systems, ceasefire accords, and conflict prevention mechanisms; into institutional mandates of related institutions, especially the justice and security sector and their reform; and promote gender-sensitive peace in schools, other institutions, and among the general public.
- Support national capacities to develop, implement, and track progress on gender-responsive operational and accountability systems related to the recommended initiatives.

Protect women and girls from all forms of discrimination and violence

- Incorporate provisions in national policies, laws, plans, and programs into security and justice sector mandates, procedures, and accountability systems to protect women and girls against all forms of gender-based discrimination and violence, including protection of their socioeconomic rights (to land, property, education, literacy, economic security, and primary health care).
- Support national capacities to develop, implement, and track progress on gender-responsive operational and accountability systems related to the recommended initiatives.

Address women's and girls' priorities in conflict-related relief and recovery policies and programs

- Incorporate women's and girls' priorities—especially those who are internally displaced, survivors of sexual and gender-based violence, female ex-combatants, refugees, and returnees— into postconflict needs assessments; gender budget analysis of postconflict spending; postconflict recovery investments in employment programs in basic public services; and in reparation, demilitarization, demobilization, and reintegration programs.
- Support national capacities to develop, implement, and track progress on gender-responsive operational and accountability systems related to the recommended initiatives.

Include women and their priorities in addressing sectarian violence

- Prioritize socioeconomic development interventions for all people in Rakhine State, from a gender-sensitive perspective.
- Guarantee the civil and political rights of all Rakhine people, including all women and girls.
- Promote trust building and intrafaith and interfaith dialogue that include women to promote social cohesion.
- Provide humanitarian access to the international community to address the needs of women and girls in camps for internally displaced persons.
- Build the capacities of government and local nongovernment actors to address the special needs of women, including prevention and response to gender-based violence in camps for internally displaced persons.

Appendix

Table A.1: Progress against Millenium Development Goal Targets Associated with Health

Indicator	Target by 2015	Earliest Year Available	Latest Year Available
Female life expectancy by years	75–80	60.8	69.9 (2014) ^a
MDG 1: Eradicate extreme poverty and hunger			
Underweight children under 5 years (%)	Reduce by half	28.8 (1990)	29.6 (2003)
MDG 4: Reduce child mortality			
Under-5 mortality rate (per 1,000 live births)	Reduce by two-thirds	112 (1990)	72 (2014) ^a
Infant mortality rate (per 1,000 live births)		79 (1990)	62 (2014) ^a
MDG 5: Improve maternal health			
Maternal mortality ratio (per 100,000 live births)	Reduce by three-quarters	420 (1990)	200 (2010) ^b
Births attended by skilled personnel (%)	80% coverage	56 (1997)	78 (2010)
MDG 6: Combat HIV, AIDS, malaria, and other diseases			
HIV prevalence (% of population aged 15–49)	Halt and begin to reverse the spread of HIV	0.2 (1990)	0.47 (2013) ^c
Malaria incidence (per 100,000 population)		No data	7943 (2008)
Tuberculosis incidence (per 100,000 population)	Halt and reverse the spread of tuberculosis	393 (1990)	388 (2009)
Tuberculosis prevalence (per 100,000)		924 (1990)	597 (2009)
MDG 7: Ensure environmental sustainability			
Improved drinking water source (%)	Reduce by half those without an improved water source	57 (1990)	69.5 (2014) ^a
Improved facility for sanitation (%)	Reduce by half those without an improved sanitation	49 (1995)	74.3 (2014) ^a

MDG = Millennium Development Goal.

^a Myanmar Census 2014; Department of Population; Ministry of Immigration and Population, May 2015.

^b WHO, UNICEF, UNFPA and the World Bank (2012) Trends in Maternal Mortality: 1990 to 2010. WHO, UNICEF, UNFPA and The World Bank Estimates. Geneva: World Health Organization.

^c HIV Estimates and Projections, Asian Epidemiological Model, Myanmar 2010–2015.

Source: Unless specified, ADB. 2012. *Myanmar in Transition: Opportunities and Challenges*. Manila. p. 9. Data cited are from the IHLC 2009–2010 Survey.

Table A.2: Labor Force Participation Rate, Unemployment Rate, and Employment-to-Population Ratio, by Region and State (%)

	Labor Force Participation Rate (population aged 15–64)			Unemployment Rate (population aged 15–64)			Employment-to-Population Ratio (population aged 15–64)		
	Total	M	F	Total	M	F	Total	M	F
Total	67.0	85.2	50.5	4.0	3.9	4.1	64.4	81.9	48.4
Urban	62.6	80.5	46.8	4.8	4.9	4.7	59.6	76.4	44.6
Rural	69.1	87.5	52.2	3.6	3.4	3.8	66.6	84.5	50.2
Kachin	67.2	85.7	45.9	3.7	3.5	4.3	64.6	82.6	44.0
Kayah	74.2	88.1	60.4	2.7	2.7	2.6	72.3	85.7	58.9
Kayin	60.7	81.4	41.2	7.5	7.8	7.1	56.2	75.1	38.3
Chin	64.8	77.6	53.8	5.4	5.9	4.7	61.4	73.0	51.3
Sagaing	72.3	87.5	59.1	3.6	3.4	3.9	69.7	84.5	56.8
Tanintharyi	64.2	86.3	42.3	4.6	4.3	5.2	61.3	82.7	40.1
Bago	62.4	85.4	42.0	5.1	4.7	5.8	59.2	81.4	39.5
Magway	71.3	86.8	58.5	3.3	3.1	3.6	69.0	84.1	56.4
Mandalay	67.9	85.4	52.4	3.1	3.1	3.2	65.7	82.8	50.7
Mon	61.0	81.2	43.0	6.2	6.1	6.4	57.2	76.2	40.3
Rakhine	58.8	83.2	38.1	10.4	9.1	12.8	52.6	75.6	33.2
Yangon	63.1	81.8	46.4	4.1	4.3	3.9	60.5	78.3	44.6
Shan	77.5	88.6	66.4	2.0	2.1	1.9	75.9	86.8	65.1
Ayeyarwady	63.8	85.6	43.5	3.4	3.2	3.8	61.6	82.9	41.8
Nay Pyi Taw	69.8	87.1	53.7	2.9	2.9	2.9	67.8	84.5	52.1

F = female, M = male.

Source: Department of Immigration. 2015. *Myanmar Census 2014*. Nay Pyi Taw: Ministry of Immigration and Population. p. 29.

Gender Equality and Women's Rights in Myanmar

A Situation Analysis

The Republic of the Union of Myanmar is making historical progressive reforms. Rapid political, economic, and social transition is taking the country and its 51.4 million citizens in new directions. If the reforms are to equally benefit women and men and girls and boys, fundamental changes are needed in how women and their needs are included in Myanmar's new governance and in policy, planning, and decision-making processes. This report presents a compendium of data in critical areas of women's lives to guide gender-sensitive policies and programs, including Myanmar's reform agenda and the National Strategic Plan for the Advancement of Women.

About the Asian Development Bank

ADB's vision is an Asia and Pacific region free of poverty. Its mission is to help its developing member countries reduce poverty and improve the quality of life of their people. Despite the region's many successes, it remains home to the majority of the world's poor. ADB is committed to reducing poverty through inclusive economic growth, environmentally sustainable growth and regional integration.

Based in Manila, ADB is owned by 67 members, including 48 from the region. Its main instruments for helping its developing member countries are policy dialogue, loans, equity investments, guarantees, grants, and technical assistance.

About the United Nations

The United Nations system has provided assistance to Myanmar since its independence in 1948 through a broad range of development and humanitarian assistance. Recently, the United Nations system has supported Myanmar through some of its milestones and challenges, such as the humanitarian assistance and emergency relief provided after cyclones Nargis (2008) and Komen (2015) struck the country, as well as a range of development assistance in the areas of education, health, governance, environment, and promoting gender equality.

Over the coming years, the United Nations will remain focused on supporting the government and the people of Myanmar as they move forward with the political and economic reforms. Through its agencies, funds, and programs, the United Nations system will support the transition process around four main pillars: socioeconomic development, peace building, humanitarian action, and meeting international normative commitments.



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