

GENDER EQUALITY POSITION PAPER

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(National Unity Consultative Council)

Joint Coordination Committee (Gender Policy)

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1.

**INTRODUCTION
AND
BACKGROUND
INFORMATION**

Gender equality and women's rights are essential and inseparable components of human rights. Gender-equal societies bring happier, healthier, safer, more prosperous, and better justice. Gender equality is not meant just for women but for all citizens and the whole society including people with diverse sexual orientations and gender identities ¹, so all including men and boys need to work on that ². Gender equality is one of the basic elements of democracy. A lack of democracy means a lack of gender equality. It also strikes sustainable development significantly.

In a nation built with a diverse ethnic population, it will be complete only when representation and participation come from every ethnic group. Similarly, it will only be legitimate democratically when both men and women participate in society. As more than half of the country's population are women, their full participation in political, social, and economic lives, same as men's, is their basic human rights ³.

The correlation between federalism and gender equality is not always simple. The scholars identify the opportunities and challenges of federalism and particularly study the issues regarding gender equality in federal units as well. There is no definitive federal governance system for achieving gender equality. One study described that the improvement of gender equality is influenced by political, economic, institutional factors, and social and cultural interactions ⁴. Some scholars analyze that federalism supports gender equality by creating opportunities to develop and implement policies toward women's participation at the union and local levels ⁵. Some researchers conclude that depending on the local leaders and the union government's conservatism (conservative orientation), opportunities are created to oppose (or to support) the mandate and policies of the union government ⁶.

Although the representation and participation of women in decision-making roles to

¹ Gender identity is an individual's internal preference and self-identification regarding gender (internal sense of self). Self-identification may or may not be the same as the one assigned at birth. Knowledge about LGBT (Lesbian, Gay, Bisexual, Transgender), Colors Rainbow, 2018 <https://www.colorsrainbow.org/wp-content/uploads/2020/07/LGBT-General-Knowledge-Book-2018-New-Version.pdf>

² Position paper on Gender Equality & Women's Rights, Group of the Progressive Alliance of Socialists & Democrats in the European Parliament, 2021.

³ Burma, W. L. Constituting Our Rights. 2006, February. 4.

⁴ Gwendolyn Gray, "Federalism, Feminism and Multilevel Governance", 2010 (Advancing gender equality within the federal governance model in Myanmar, UN Women, 2017)

⁵ Sabine Lang and Birgit Sauer, "Does Federalism Impact Gender Architectures?" The case of women's policy agencies in Germany and Australia, 2012

⁶ Susan Franceschet and Jennifer Piscopa, "Federalism, Decentralization and Reproductive Rights in Argentina and Chile", 2012

address the civil war of approximately 70 years long and armed conflict are extremely low, the consequences of these armed conflicts are mostly experienced by women and children ⁷. After the attempted coup, there are 2,636 women out of 16,316 political prisoners who are arbitrarily detained by the junta ⁸. As of 9 January 2023, it is estimated that there are about 1,545,000 internally displaced population in Myanmar ⁹. According to the data collected by the Assistance Association for Political Prisoners, 3,660 women and 486 children (a total of 13,642) were detained between 1 February 2021 and 23 January 2023 ¹⁰. Per the reports of civil society organizations working on LGBT rights (Lesbian, Gay, Bisexual, Transgender), there are 12 LGBT deaths, 73 cases of being detained under Section 505-A, 65 people being currently detained, and 28 people who are in hiding or fleeing to the area which is not controlled by the junta ¹¹.

Myanmar Spring Revolution is striving toward the end of all tyranny, including the military dictatorship, and the establishment of a federal democratic union. The organizations that are striving constantly for gender equality and women's empowerment aim to eradicate patriarchy along with dictatorship. This Gender Equality Position Paper is intended to serve as a guide to devise opportunities for gender equality in not only the elimination of dictatorship but the construction of a federal democratic union.

⁷ STRATEGIES TO PROMOTE GENDER EQUALITY, Policy Paper by the Salween Institute for Public Policy in Partnership with the Women's League of Burma, January 2018

⁸ Manifesto, Women's League of Burma, 10 December 2022

⁹ Myanmar Emergency Overview, Number of people displaced since Feb 2021 and remain displaced (as of 5 9 December January 20222023), UNHCR <https://reporting.unhcr.org/index.php/document/3993><https://data.unhcr.org/en/documents/details/97372>

¹⁰ Assistance Association for Political Prisoners (Burma) <https://www.facebook.com/burmapoliticalprisoners/photos/a.353292738063363/5985698594822721>

¹¹ "Situation Report of the LGBTIQs after the Military Coup in Myanmar", Ministry of Human Rights and Ministry of Women, Youth and Children Affairs, National Unity Government of Myanmar, June 30, 2021. <https://mohr.nugmyanmar.org/wp-content/uploads/2021/06/LGBTIQ-Situation-June-30-2021-final.pdf>

2.

**GENDER
EQUALITY AND
MYANMAR**

Due to 2019 intercensal survey data, the population is 51.1 million in Myanmar with females (53.2 percent) and males (46.8 percent)¹². Men have higher literacy rates¹³ and labor force participation¹⁴ than women. The maternal mortality rate is 250¹⁵. According to the 2020 general election results, the percentage of elected female representatives is 18¹⁶, and the percentage of women who occupy the decision-making position (Director General, Director) is less than 30¹⁷. Out of 16,785 ward and village tracts in Myanmar, the representation of women in administration is 0.60 percent¹⁸.

As per the 2021 UN Development Index report, the gender inequality index of Myanmar ranks 125 out of 191 countries¹⁹. That decreased from the rank of 106²⁰ achieved in 2018 while the elected quasi-civilian government was ruled.

According to a survey by UNESCO, 65.2 percent of people with an undergraduate level of education, 80.5 percent at the master level, and 80.8 percent at the Ph.D. level are women²¹, but it is generally explored that women's participation in politics and decision-making is low because traditional and cultural norms historically exclude women²². Patriarchal norms and beliefs are dispersed in diverse ethnic groups and cultures, and men are entitled to influence political, socio-economic, and cultural affairs by frequently using these beliefs²³.

¹² Inter-census survey (ICS), Department of Population, Ministry of Population and Immigration, 2019

¹³ Men (92.4 percent) and Women (86.3 percent) (2019 intercensal data)

¹⁴ Men (92.4 percent) and Women (86.3 percent) (2019 intercensal data)

¹⁵ Trends in maternal mortality 2000 to 2017: estimates by WHO, UNICEF, UNFPA, World Bank Group and the United Nations Population Division, <https://apps.who.int/iris/bitstream/handle/10665/347432/Myanmar-eng.pdf?sequence=1&isAllowed=y>

¹⁶ 2020 General Election: State and Region Hluttaws, The Asia Foundation, November 2020, https://asiafoundation.org/wp-content/uploads/2020/12/Myanmar_2020-General-Election-State-and-Region-Hluttaws.pdf

¹⁷ Gender equality in public administration Myanmar case study, Where are women in the civil service in Myanmar public administration, UNDP, 2019

¹⁸ Local governance situation analysis, Myanmar local governance, UNDP Myanmar, 2017

¹⁹ "Uncertain Times, Unsettled lives: Shaping our future in a Transforming World", Gender Inequality Index, Human Development Report (2021/2022), UNDP, 2022

²⁰ "Inequalities in Human Development in the 21st Century", Briefing note for countries on the 2019 Human Development Report, UNDP, 2019 http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/MMR.pdf

²¹ Shwe Shwe Sein Latt, et al. Women's Political Participation in Myanmar: Experiences of Women Parliamentarians 2011-2016.

²² STRATEGIES TO PROMOTE GENDER EQUALITY, Policy Paper by the Salween Institute for Public Policy in Partnership with the Women's League of Burma, January 2018

²³ Belak 2002; GEN & Kachin Women Peace Network 2013; PWO 2011) at Behind the Silent, Gender Equality Network (GEN), February 2015

The report published by the United Nations Development Program highlights that the Covid-19 pandemic and the attempted coup drive approximately 12 million people into poverty. Among them, it is projected that women and children carry this burden of poverty the most, and women-headed households are more vulnerable to being poor²⁴. The analysis of the World Bank expects that Myanmar's economy will shrink by about 18 percent in the 2021 financial year and the number of people in poverty will be doubled in early 2022 due to the current political instability²⁵. The report released by ILO described women losing their job seven percent more than men²⁶.

²⁴ Gender, women's rights and the Myanmar 2021 crisis, Gender Alert Brief 11, 4 May 2021

²⁵ Myanmar Economy Expected to Contract by 18 Percent in FY2021: Report, The World Bank, 23 July 2021, <https://www.worldbank.org/en/news/press-release/2021/07/23/myanmar-economy-expected-to-contract-by-18-percent-in-fy2021-report>

²⁶ Employment in Myanmar since the military takeover: A rapid impact assessment, ILO, July 2021, https://www.ilo.org/wcmsp5/groups/public/--asia/--ro-bangkok/--ilo-yangon/documents/publication/wcms_814681.pdf

3.

**INTERNATIONAL
COMMITMENTS
OF THE STATE**

Myanmar became a member of the United Nations in 1948. The Charter of the United Nations stipulates that men and women have equal rights²⁷. A United Nations country must comply with the resolutions of the United Nations Security Council according to Article 25. The Declaration of Human Rights expresses that there should not be discrimination between men and women, and they all are entitled to all the rights and freedom mentioned in the declaration²⁸.

Myanmar ratified international treaties like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). CEDAW is a legally binding international treaty²⁹ and it is often referred to as “women’s rights.” By ratifying, Myanmar has committed to respect, follow, practice, and implement the basic principles described in CEDAW³⁰.

Myanmar must take necessary actions for preventing and responding to conflict-related sexual violence (CRSV) under international law. In the CEDAW General Recommendation No. 19 (1992), the ratified states must take appropriate and effective measures to address all forms of gender-based violence either public or private spheres³¹. It is also the obligation of the state to implement the Declaration on the Elimination of Violence Against Women³², which was decided at the General Assembly (General Assembly resolution 48/104, 1993), so that the effective implementation of CEDAW is strengthened and supported.

The Fourth World Conference on Women conducted in 1995 in Beijing drafted and approved the Beijing Platform for Action (BPfA). It identified twelve priority areas ranging from poverty and education to violence against women, armed conflict, and decision-making³³.

²⁷ Charter of the United Nations and Status of the International Court of Justice, December 2019 https://myanmar.un.org/sites/default/files/2019-12/Myanmar%20Translation%20-%20Charter%202019_0.pdf

²⁸ The Universal Declaration of Human Rights, United Nations, 1948 https://myanmar.un.org/sites/default/files/2019-10/bms_universal%20declaration%20of%20HR%20.pdf

²⁹ Completed version of CEDAW can get from: <www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

³⁰ In 2000, an optional protocol was added to CEDAW. This refers to the reporting mechanism directly to CEDAW Committee if a woman or a group of women experiences the violation of their rights. Myanmar does not ratify this optional protocol yet.

³¹ Gender Equality and Women’s Rights in Myanmar: A Situation Analysis, United Nations, Asian Development Bank, 2016

³² Declaration on the Elimination of Violence Against Women, General Assembly resolution 48/104 of 20 December 1993 <https://www.ohchr.org/sites/default/files/eliminationvaw.pdf>

³³ Based on 12 priority areas and basic principles of CEDAW, the “National Strategic Plan for the Advancement of Women 2013-2022” was developed by the government in 2013.

In the General Recommendation No. 30 of the CEDAW Committee in 2013, it is highlighted to develop a national action plan for the implementation of the Security Council Resolution No. 1325 (2000)³⁴, and in the Security Council Resolution 1820 (2008), it is stated that both special measures and actions executed in terms of police and armed forces are needed because both sides of armed forces use conflict-related sexual violence as a tactic to annihilate others politically or militarily. Resolution No. 1888 (2009) accentuates, as a way to identify high-level leadership, appointing a special envoy concerning conflict-related sexual violence at the General Secretary's Office and implementing Resolution 1820 effectively comprising employment of an advisor to protect women during peacekeeping missions³⁵.

A Declaration of Commitment to End Sexual Violence in Conflict³⁶ was adopted in 2014 to draw attention to the fact that rape and sexual violence committed during armed conflicts are war crimes and are serious violations of the Geneva Convention. In addition, it calls to end impunity, provide better support for the survivors of violence, and assist the capacity-strengthening efforts of the state and the international community for preventing and responding to sexual violence in conflicts.

As the International Covenant on Economic, Social, and Cultural Rights (ICESCR)³⁷ was ratified in 2015, there is a legal obligation to enforce the commitments by the covenant. The concluding observations of the CEDAW committee (2016) propose that, as a ratified state, it is to implement these recommendations to eradicate various forms of

³⁴ United Nations Security Council Resolution 1325 (2000) – women's participation and contribution in conflict prevention, resolution, international peace and security keeping while addressing the impact of conflict on women is recognized. (Women, Peace, and Security Guidebook, Alliance for Gender Inclusion in Peace Process (AGIPP), May 2020.) https://www.agipp.org/sites/agipp.org/files/publication%20docx/wps_guide_final_cover_update_0909201_0.pdf

³⁵ Women, Peace, and Security Guidebook, Alliance for Gender Inclusion in Peace Process (AGIPP), May 2020. https://www.agipp.org/sites/agipp.org/files/publication%20docx/wps_guide_final_cover_update_0909201_0.pdf

³⁶ A Declaration of Commitment to End Sexual Violence in Conflict https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/274724/A_DECLARATION_OF_COMMITMENT_TO_END_SEXUAL_VIOLENCE_IN_CONFLICT.pdf

³⁷ International Covenant on Economic, Social and Cultural Rights – ICESCR, Republic of the Union of Myanmar, <https://www.myanmar-responsiblebusiness.org/pdf/2014-03-18-International-Convenant-on-Economic-Social-and-Cultural-Rights.pdf>

discrimination against women including the legal ones³⁸. The CEDAW Committee also released General Recommendation 35 in 2017 to develop comprehensive guidelines and to accelerate actions on the elimination of gender-based violence³⁹.

Sustainable Development Goal 5 of the United Nations indicates that for gender equality and to empower all women and girls, the provision of support to women and girls for equal education and healthcare, a decent job, and the representation and participation in the decision-making processes in politics and the economy is a means to constructively reinforce sustainable economy, society, and humanity⁴⁰.

³⁸ Concluding Observations on the Combined Fourth and Fifty Periodic Reports of Myanmar, Committee on the Elimination of Discrimination against Women, Ministry of Social Welfare Relief and Resettlement, Gender Equality network (GEN), 2017

³⁹ General Recommendation No.35(2017) on gender-based violence against women, updating general recommendation No.19 (1992), United Nations Human Rights Office of the High Commissioner, July 2017

⁴⁰ United Nations, Sustainable Development Goals, 2015

4.

**ACTIONS
FOR GENDER
EQUALITY**

Myanmar enacted three constitutions in 1947, 1974, and 2008. The 1947 Constitution is based on British Law that legalized the already-existed gender discrimination for the first time. Although the equality of all citizens was stated in both the 1947 and 1974 Constitutions, in practice, necessary actions regarding political, social, cultural, and economic changes for ethnic and gender equality were not mentioned⁴¹. The 2008 Constitution contained legal provisions that explicitly mentioned direct and indirect discrimination against women⁴².

During 1988-2010 under the military dictatorship, the ethnic women established ethnic women organizations to fight against women's human rights violations committed by the military and to protect women refugees. Many local women's organizations emerged in response to Cyclone Nargis in 2008, and women's groups, organizations, and networks working for gender equality became stronger under the quasi-civilian government (2010-2015 and 2015-2020)⁴³. With the aim of gender equality, they have been working constantly on the promotion of women's economic and political empowerment, the elimination of violence against women, women and labor rights, LGBT rights, women's participation in politics and peacebuilding, and advocacy for policy and legal changes.

Myanmar National Committee on Women (MNCW) was formed in 1996 as a national mechanism for women's empowerment, and it was reformed in 2016 with the incorporation of civil society organizations and women's networks. Based on 12 priority areas of the Beijing Platform for Action, the National Strategic Plan for the Advancement of Women 2013-2022 (NSPAW) was adopted. However, the CEDAW Committee pointed out that MNCW did not have the organizational position, finance (budget), and human resources and that there were no measures to implement

⁴¹ Looking through Gender Lenses, Women's League of Burma, 2006 https://www.womenofburma.org/sites/default/files/2018-6/2006%20LookingThroughGenderLens_burmese.pdf

⁴² The Prospects of Advancement for Women? WLB's Analysis of National Strategies for Advance of Women, Women's League of Burma, May 2019.

⁴³ Feminism in Myanmar, Aye Lei Tun & Su Su Hlaing, August 2019, <http://library.fes.de/pdf-files/bueros/myanmar/15624.pdf>

NSPAW⁴⁴. The Women's League of Burma (WLB) analyzed that there were three fundamental issues⁴⁵ as well as a huge weakness in the basic concepts, essence, and implementation of NSPAW⁴⁶.

Myanmar Sustainable Development Plan was developed with three pillars, five goals, 28 strategies, and 251 action plans, and Strategy 1.1 under Goal 1 includes "to make an effort to include women, at least 30 percent, in political discussions."⁴⁷

A joint communique⁴⁸ to prevent and respond to conflict-related sexual violence was signed between the state government and the United Nations in 2018, and the national committee for the operation was formed in 2019. The committee developed three implementation points according to Article 10 of the United Nations Security Council Resolution No. 2016 and 11 national action plans based on six priority areas of the joint communique⁴⁹.

During the two terms of elected quasi-civilian government, the aforementioned actions were done for gender equality but measures to ensure gender equality were extremely weak and they did not guarantee the rights of all ethnic groups and minority groups. The commitments of the state were just on paper and there were no concrete results⁵⁰. After the attempted military coup on 1 February 2021, these policies and strategies are no longer effective and compatible with the current situation as democracy perishes.

⁴⁴ Concluding Observations on the Combined Fourth and Fifty Periodic Reports of Myanmar, Committee on the Elimination of Discrimination against Women, Ministry of Social Welfare Relief and Resettlement, Gender Equality network (GEN), 2017

⁴⁵ (1) Issues of NSPAW resulting from referring to the 2008 Constitution (2) Issues regarding the implementation and accountability of NSPAW (3) Detailed issues of NSPAW regarding women, peace, and security

⁴⁶ The Prospects of Advancement for Women? WLB's Analysis of National Strategies for Advance of Women, Women's League of Burma, May 2019.

⁴⁷ Women, Peace, and Security Guidebook, Alliance for Gender Inclusion in Peace Process (AGIPP), May 2020.

⁴⁸ https://www.un.org/sexualviolenceinconflict/wp-content/uploads/joint-communique/joint-communique-of-myanmar-un-on-prevention-response-to-crsv/Joint_Communique_of_Myanmar_UN_Prevention_Response_to_CRSV_2018.pdf

⁴⁹ Women, Peace, and Security Guidebook, Alliance for Gender Inclusion in Peace Process (AGIPP), May 2020.

⁵⁰ Constitution Brief, International IDEA, July 2022 https://www.idea.int/sites/default/files/publications/inclusion-and-gender-equality-in-post-coup-myanmar-CAWE4-MY_2.pdf

5.

**VALUES
AND
POSITIONS**

The actions of the members of the National Unity Consultative Council will be based on the following values and positions.

Values	Positions
1. Non-discrimination	1. Ending patriarchy
2. Gender equity	2. Practice a zero-tolerance policy regarding gender discrimination, gender-based violence, and inequality
3. Substantive equality	3. Ending the culture of impunity, Justice and Accountability
4. Diversity	4. Participation and representation of women in leadership and decision-making process
5. Inclusiveness	5. Gender mainstreaming (Gender responsiveness and gender transformation)
6. Affirmative action rights	

6.

**A STAND
FOR
GENDER
EQUALITY**

6.1 End all forms of discrimination

Direct discrimination, indirect discrimination, historical discrimination, and discrimination based on gender, ethnicity, sexual orientation, age, color, belief, and disabilities are significant barriers to access to equal opportunities. Members of the National Unity Consultative Council will fight against all forms of discrimination and will consistently work to include the prohibition of all forms of discrimination in the federal democratic constitution.

Harmful gender stereotypes⁵¹ are one of the key root causes of gender inequality. They will result in negative consequences – women’s financial dependency, increased vulnerability to violence, unequal opportunities, and decreased representation in political affairs. They impose negative effects on men and boys as well. Unequal power relations between men and women based on patriarchy proliferate gender inequalities deeply entrenched in our society⁵².

Social practices related to cultural norms affect various aspects ranging from the private lives of men and women to productive (paid) work, household, and care (unpaid) work, educational opportunities, health status and services, participation in community development and national affairs, as well as many others living and value systems.⁵³ The inequality in the division of labor, concerning household and care work, between men and work (usually regarded as women’s work) curtails the labor force participation of women and prohibits their career advancement.

Therefore, measures will be taken to ensure equal rights and opportunities among diversity by identifying and managing discrimination based on sex and sexual orientation in public sectors, such as health, education, economy, administration, and politics, including harmful gender stereotypes and discriminatory norms. We will strive for increased accessibility to services, age-relevant sexuality education, prevention and

⁵¹ A gender stereotype is a generalized view or preconception about attributes or characteristics, or the roles that are or ought to be possessed by, or performed by, women and men. (UNOHCHR, 2022) <https://www.ohchr.org/en/women/gender-stereotyping>

⁵² Position paper on Gender Equality & Women’s Rights, Group of the Progressive Alliance of Socialists & Democrats in the European Parliament, 2021.

⁵³ Raising The Curtain: Cultural Norms, Social Practices and Gender Equality in Myanmar, Gender Equality Network (GEN), 2015

protection of gender-based violence, and proportional participation and representation through developing and integrating affirmative actions in policies, projects/programs, research and analysis, and movement/activisms to end harmful gender stereotypes and discriminatory norms.

It is to encourage to avoid depicting negative socialization, gender stereotypes, victim blaming, and hate speech and to portray what brings gender equality, emphasizes women's leadership and participation in politics, and promotes sharing of household responsibilities and care role of a father in media.

6.2 Addressing Gender-Based Violence

Gender-based violence is a violation of human rights. All over the world, one in three women has experienced physical or sexual violence in her lifetime ⁵⁴. In Myanmar, one in five women has experienced at least a form of violence perpetrated by their partners ⁵⁵. In the 2021 report of UN Women, since the beginning of the Covid-19 pandemic, 45 percent of women reported that they or women they know experienced at least one form of violence, and the incidence of physical or verbal abuse by the partner was increasing (seven in 10 women), and the situation of women being harassed in public places was exacerbated (six in 10 women) ⁵⁶.

The members of the National Unity Consultative Council will practice zero tolerance on gender-based violence including violence against women and girls and will prevent, protect, and respond to end impunity. For this, legal protection, the adoption of a policy, and the development of response mechanisms will be developed and implemented.

Legal protection means the revision, repealing, and adoption of domestic laws to be in line with CEDAW including the previous recommendations and recommendations of concluding observation of the committee in 2016. It includes revising the definition of rape and marital rape and enacting the Prevention of Violence against Women law conforming to CEDAW, repealing the laws which grant impunity in conflict-related

⁵⁴ Violence against Women: Intimate Partner and Sexual Violence against Women," fact sheet updated, November 2016, WHO Media Centre, World Health Organization, <http://www.who.int/mediacentre/factsheets/fs239/en/>.

⁵⁵ Myanmar Demographic and Health Survey (2015-2016), Ministry of Health and Sports, 2016

⁵⁶ UN Women (2021). Measuring the shadow pandemic: Violence against women during COVID-19 <https://www.unwomen.org/sites/default/files/2022-09/UNiTE-campaign-2022-concept-note-en.pdf>

sexual violence cases, and abolishing Myanmar Buddhist Women's Special Marriage Law, Health Care in the Adjustment of Population Increase Law, Religious Conversion Law, and Law relating to the Monogamous System, as well as stepping up the investigation and persecution of sexual violence committed by the fascist army and armed forces.

6.3 Women, Peace, and Security

Conflicts aggravate gender-based violence including killing, torture, sexual violence, and forced marriage against women and girls. Sexual violence against women and girls is usually used as a tactic or weapon in conflicts ⁵⁷.

Regarding sexual violence in conflict-affected areas between 1996 and 2001, it was documented that there were 173 cases of sexual violence against Shan women committed by the military ⁵⁸, at least 118 cases of sexual violence committed by the military since 2010 ⁵⁹, and 78 cases of conflict-related sexual violence from 2016 to 2021 ⁶⁰. The documentation also continues and efforts are being made to eradicate the culture of impunity.

⁵⁷ Women's human rights and gender-related concerns in situations of conflict and instability, UNOHCHR and women's rights and gender equality, 2022 <https://www.ohchr.org/en/women/womens-human-rights-and-gender-related-concerns-situations-conflict-and-instability>

⁵⁸ License to Rape, The Burmese Military Regime's use of Sexual Violence in the ongoing war in Shan State, Shan Women's Action Network (SWAN), 2002,

⁵⁹ Women's League of Burma, IF THEY HAD HOPE THEY WOULD SPEAK: THE ONGOING USE OF STATE- SPONSORED SEXUAL VIOLENCE IN BURMA'S ETHNIC COMMUNITIES (2014), available at: <http://womenofburma.org/if-they-had-hope-they-would-speak/>

⁶⁰ Unheard Voices 2022, Conflict-Related Sexual Violence in Myanmar, (2016-2021), available at: <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2022/08/report/auto-draft/Unheard-Voices-Briefing.pdf>

Women, peace, and security agenda will be implemented with four pillars.



In policy-making and the development of response mechanisms, the following are included: a National Action Plan (NAP) for the implementation of United Nations Security Council Resolution 1325 (2000), 1820 (2008), and 1888 (2009), the provision of support services (health, psychosocial, legal assistance, shelter), capacity building of law enforcement personnel and related individuals (groups/units) to manage with a gender lens, measures to prevent and control the use of traditional justice mechanisms that violate women's rights and violence using harmful traditional practices ⁶¹.

The following will be taken into action: to address gender-based violence in conflict including conflict-related sexual violence, to ensure the perpetrators take accountability, to bring justice for the survivors by respecting their dignity, to guarantee reparation, and to mainstream gender in transitional justice processes ⁶² to prevent repetition.

Local and international organizations, governments, parliaments, and individuals and organizations that work on justice (to eliminate the culture of impunity) concerning sexual violence perpetrated by the military will be collaborated with.

⁶¹ Harmful traditional practices are traditions that deter an individual from fully practicing their rights or customs, traditions, cultural norms, and practices that are discriminatory to one's health, physical, and mental wellbeing. (Hidden Blanks to be Filled, Gender Equality Network, UNFPA, UN Women, and UNDP, April 2018)

⁶² Steps of Transitional Justice: 1) Interim period (Preparatory measures during conflict and war); 2) Transitional period (Measures to be carried immediately after the end of the conflict); and 3) Federal democratic period (Measures to be carried out during the period when the country is stable and administered in accordance with Federal Democratic Constitution), Joint Coordination Committee (Transitional Justice), the National Unity Consultative Council (NUCC), 2022

6.4 Ensuring women's representation and participation

Article 7 of CEDAW mentions that the state parties shall take all appropriate measures to eliminate discrimination against women, and, on equal terms with men, to represent the country at international levels and to have the opportunities to participate in the activities of international organizations ⁶³.

As we believe the principle of inclusiveness is the most important policy in building a substantial democratic union, a truly federal union can be achieved only when the representation and participation of women who are involved in the conflict and who are encountering the consequences of conflict are genuinely enforced.

It is critical to ensure that the representation and participation of women, more than half of the country's population, is guaranteed in the eradication of the dictatorship, the enactment of transitional justice, the development of a federal democratic constitution, peace, and political processes, and public administration. This is substantial for sustainable development.

In Article 48 of the Federal Democratic Charter (2021), it is clearly stated that the principle to ensure the participation of at least 30 percent of women in decision-making roles must be established to achieve equality in the federal democratic union ⁶⁴ ⁶⁵. This is a special measure to attain substantive equality in line with Article 4(A) of CEDAW and General Recommendation No. 25 (2004).

The processes from minimum representation and participation to equal opportunity to equality of results to bring equality into action are not always simple. Gender discrimination, discriminatory norms and practices, and cultural and traditional barriers are required to be understood. Thus, equality of results will be achieved in every possible way.

⁶³ Gender Equality and Women's Rights in Myanmar: A Situation Analysis, United Nations, Asian Development Bank, 2016
⁶⁴ Federal Democracy Charter Part – 1, Declaration of Federal Democracy Union (2021) <<https://nucc-federal.org/wp-content/uploads/2022/06/FDC-Part-1-27032022.pdf>>

⁶⁵ In Article 37 of the Constitution of the Federal Republic of the Union of Burma developed by the Federal Constitution Drafting and Coordinating Committee (FCDCC) in 2008, a Quota System was included – "To measure gender equality, at least 30 percent of the seats at all levels of legislation of the Federal Union shall be reserved for women.

The notions that political and public affairs are men's arena and that women cannot be good leaders are found in laws and activities, political institutions, families, social organizations/groups as well as organizational culture and practices including media. It is necessary to work more on building self-confidence and capacity development of women due to the results of historical exclusion of women and gendered education or lack of formal education. A lack of childcare services and facilities, the double burden of both productive (paid) work and household (unpaid) work and other activities, a lack of protection and security, and fear of the risk of violence are barriers for women to participate in politics ⁶⁶.

The strategies to build a society that has equality, equity, and gender responsiveness involve the building of a federal democratic union, the enforcement of affirmative action like a quota system, the joint application of Proportional Representation (PR) and First Past the Post (FPTP), and other supportive and appropriate measures such as mainstreaming gender perspectives in other government mechanisms like financial/budget policy (gender budgeting), practicing gender-sensitive policies, and developing practices to mainstream gender ⁶⁷.

Understanding strategies for gender equality in member organizations – The member organizations will do to understand strategies that can construct gender equal society by advancing women's participation and leadership. This contains incorporating as a fundamental in policies and guidelines, introducing the minimum representation (critical mass) in the member organizations, and enhancing women's participation and women's empowerment by recognizing the different challenges and hurdles between men and women.

Integration of Rights regarding Affirmative Action – It is to ensure that under the article of the Federal Democracy Charter, at least 30 percent of women in different levels of decision-making, as a critical mass, are integrated and applied in transitional measures and constitutional arrangements. We will do public awareness raising about special measures to safeguard equality.

⁶⁶ Gender Equality and Women's Rights in Myanmar: A Situation Analysis, Ministry of Social Welfare, Relief and Resettlement, United Nations, Asian Development Bank, 2016

⁶⁷ STRATEGIES TO PROMOTE GENDER EQUALITY, Policy Paper by the Salween Institute for Public Policy in Partnership with the Women's League of Burma, January 2018

We will accomplish the participation of at least 30 percent of women to emphasize gender-equal representation in emergencies, activities to prevent conflicts, and peace as well as preparation and response mechanisms in post-conflict and rehabilitation processes.

6.5 Gender Mainstreaming and Gender Responsive Budgeting

Gender mainstreaming is the process of analyzing the effects on men and women at different sectors and levels of laws, policies, or processes including planning ⁶⁸.

Gender transformation will be imposed by integrating two approaches – gender equality and women empowerment – in the policy, program/project, financial management, and procedures of the members of the National Unity Consultative Council. To put this into action, both budget and human resources will be systematically allocated for gender-related capacity building regarding these two approaches among the member organizations.

To become more effective in gender equality and development processes in building a federal democratic union, we will build technical expertise ⁶⁹ on gender-responsive budgeting of union and state/federal units in related member organizations. We will encourage to fulfill immediate basic needs of women ⁷⁰ employing reserving expenditures for specific programs and expenditures for mainstreaming based on the needs while developing financial/budget policy.

⁶⁸ STRATEGIES TO PROMOTE GENDER EQUALITY, Policy Paper by the Salween Institute for Public Policy in Partnership with the Women's League of Burma, January 2018

⁶⁹ Gender-sensitive budget analysis, gender audit, Budgetary process through a gender lens, Gender responsive federal democracy governance, Gender budget in macroeconomic policy

⁷⁰ Ronnie Downes, Lisa von Trapp, and Scherie Nicol. Gender Budgeting in OECD countries at STRATEGIES TO PROMOTE GENDER EQUALITY, Policy Paper by the Salween Institute for Public Policy in Partnership with the Women's League of Burma, January 2018

6.6 Humanitarian Assistance

As of 24 October 2022, there were more than 1.4 million people who fled from their homes all over Myanmar, and among them, more than 1.1 million were internally displaced people after the coup attempt in February 2021⁷¹. UNOCHA⁷² requests 826 million US dollars for 6.2 million people (female – 52 percent, children – 32 percent, and people with disability – 13 percent) who need humanitarian assistance in Myanmar⁷³.

The impacts of unlawful detention, torture, killing, arson, and armed conflict (between the military and ethnic resistance organizations, among ethnic resistance organizations) on women, girls, men, and boys are not the same. It is different depending on sex, age, disability, ethnicity, religion, citizenship, sexual orientation, and other differences.

Advocacy and Coordination – While providing humanitarian assistance, for gender equality and women’s empowerment, it is encouraged that the stakeholders (related organizations) will respond in line with basic principles of CEDAW⁷⁴, priority areas of Beijing Platform for Action, Sustainable Development Goals, Security Council Resolution 1325 and 1820, and gender policy of the Inter-Agency Standing Committee (IASC)^{75 76}.

Women’s organizations, local civil society organizations, ethnic health organizations, civil society organizations, and ethnic resistance organizations have experience, systems, and mechanisms to provide humanitarian assistance, and then respective governments including ASEAN member states, donor organizations and UN agencies will be advocated the direct coordination with these organizations based in border areas to deliver cross-border aid.

⁷¹ Myanmar Humanitarian Update No. 23 (31 October 2022), United Nations OCHA Myanmar

⁷² United Nations Office for the Coordination of Humanitarian Affairs (OCHA)

⁷³ Humanitarian Response Plan Myanmar, UNOCHA, 2022

⁷⁴ Non-discrimination, substantive equality, state’s obligation

⁷⁵ Policy “Gender equality and the empowerment of women and girls in humanitarian action”, IASC Reference Group on Gender and Humanitarian Action, Inter-Agency Standing Committee (IASC), November, 2017. <https://interagencystandingcommittee.org/system/files/2020-11/IASC%20Policy%20on%20Gender%20Equality%20and%20the%20Empowerment%20of%20Women%20and%20Girls%20in%20Humanitarian%20Action.pdf>

⁷⁶ Guidelines “The Gender Handbook for Humanitarian Action”, IASC Reference Group on Gender and Humanitarian Action, Inter-Agency Standing Committee (IASC), February 2018. Gender equality and specific sectors (IASC): 1. Cash-based intervention; 2. Camp coordination and camp management; 3. Early recovery; 4. Education; 5. Food security; 6. Health; 7. Livelihoods; 8. Nutrition; 9. Protection; 10. Shelter; 11. Water, sanitation, and hygiene <https://interagencystandingcommittee.org/system/files/2020-09/The%20Gender%20Handbook%20for%20Humanitarian%20Action.pdf>

While providing humanitarian assistance, we will strengthen the coordination among the National Unity Government (Ministry of Women, Youth and Children Affairs, Ministry of Humanitarian Assistance, and other relevant ministries), State Consultative Councils, Ethnic Resistance Organizations including JCC-HA (Joint Coordination Committee on Humanitarian Assistance), JCC Health (Joint Coordination Committee on Health), local civil society organizations, ethnic healthcare organizations, civil society organizations, and women's organizations so that that assistance cannot aid the oppressive mechanism of the junta but they are reached to those who do need them.

We will request and recommend commitment by development partners and donor organizations to give long-term support for the losses all over the country along with flexible and adaptive funding and flexible administrative and program requirements so that the assistance can reach safely to all conflict-affected people including women, children, elderly and people with disabilities. Thus, it will create a base for sustainable peace and rehabilitation in addition to fulfilling urgent needs that are generally required in conflict situations and humanitarian settings through short-term and long-term measures.

Commitment to the Goal of Gender Equality and the Empowerment of Women and Girls – Different units of the National Unity Consultative Council commit to having the goals of gender equality and empowerment of women and girls in humanitarian-related activities. They include fulfilling different needs⁷⁷ of women and girls, men and boys, people with diverse sexual orientations, persons with disabilities, and the elderly, advancing their human rights, and addressing gender inequalities.

Moreover, we will apply an approach to enhance the leadership of civil society organizations (expanding their power) including organizations working on women's rights to effectively administer local-based humanitarian aid.

Data Collection – We will, as a minimum standard, integrate, collect, and present data related to gender, age, and disability status in the preparation to provide humanitarian

⁷⁷ It includes child delivery and supports targeting lactating women and other sexual and reproductive health services. (Written Submission of the Women's League of Burma (WLB) & Women Advocacy Coalition (WAC) to ASEAN Parliamentarians for Human Rights in response to its International Parliamentary Inquiry into the International Response to the Coup in Myanmar, 20 July 2022)

assistance, data collection, and analysis, planning, reporting, monitoring, and evaluation. Prevention of Sexual Harassment, Exploitation, and Abuse (PSHEA) – Throughout the process of delivery of humanitarian assistance, everyone/ every organization involved in the process will follow zero tolerance policy regarding sexual harassment, exploitation, and abuse. Necessary measures are taken and coordinated to safeguard responsibility and accountability.

6.7 Development of Women's Empowerment and Gender Equality Mechanism

It will be encouraged to develop and implement national/union mechanisms to build a true federal democratic union that guarantees the advancement of women and gender equality by international commitments ratified by the state.

Federalism has several advantages to implementing gender equality through increased women's participation in politics and leadership, but policies related to women and gender are challenging to enforce uniformly throughout the country and it is demanded to advocate at different levels of state/federal government units. That situation can weaken the gender equality movements. Therefore, the application of other policies and systems to promote gender equality together with federalism can effectively accomplish gender equality ⁷⁸.

⁷⁸ STRATEGIES TO PROMOTE GENDER EQUALITY, Policy Paper by the Salween Institute for Public Policy in Partnership with the Women's League of Burma, January 2018

