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Peace for whom?

The institutionalization of gender inequality in Myanmar's reform processes

Without justice, there is no meaning of peace.
Khon Ja, Kachin Peace Network

Introduction

Conflicts tend to exacerbate gender inequalities. Burma/Myanmar is no exception. The low level of women's participation in public reform processes, such as in the ceasefire negotiations and political deliberations at both local and national levels, can be partly explained by women's vulnerability to and experience of violence. This, coupled with poor access to socio-economic rights and justice, restrict women's ability to participate in public life, including the upcoming elections (True 2012).

Ceasefire periods open up opportunities to address these issues. Yet, unless women are granted full and substantial participation from the very beginning, experience shows

that opportunities will be lost, resulting in reform initiatives that will not reflect the needs of women. If women are denied access to justice mechanisms, political dialogue, and socio-economic services, their vulnerability to violence and exclusion from decision-making will endure in peacetime (True 2010).

When neither the international community nor local power holders question and critique such exclusionary practices, the violations of women's human rights are in effect sanctioned. This means that the efforts of local women's groups to challenge and overcome gender inequality will be severely hampered, resulting in the institutionalization of exclusionary practices in a post-conflict Myanmar.

Background

In August 2011, President Thein Sein initiated a national peace plan for reconciliation with the country's many ethnic non-state armed groups. A number of new government institutions were formed by the government to work on this peace plan, such as the Union Level Peace Team, made up of a Central Committee responsible for designing policies related to ceasefires, and a Working Committee responsible for implementing the policies designed by the Central Committee, as well as the Myanmar Peace Centre (MPC), which coordinates the government's peace activities and reports directly to the Office of the President (Hedström 2013). These institutions are dominated by men, with women occupying less than 2 % of strategically important positions across these three institutions.¹

The ethnic armed groups have similarly excluded women from participating in the peace dialogue in any substantial way. There is, for example, only one woman in the Nationwide Ceasefire Coordination Team (NCCT), a joint committee of representatives of armed ethnic groups formed in 2013 to agree on a common position on the peace process in negotiations with the government (Myanmar Peace Monitor 2014). When women have been included in the negotiations, it has been for a limited number of meetings or as observers and technical advisors, not as negotiators with the power to influence proceedings throughout the process.

In late March 2015, agreement to work on a nationwide ceasefire draft was reached between the NCCT and the UPWC. Although important, this did not represent the signing of a finalised ceasefire agreement, which remains contentious, but is rather an

agreement to continue working on the drafting of the ceasefire (Burma Partnership 2015). The agreement then remains a working draft. Women's groups have lobbied for influence here but have been told gender issues need to wait until after the ceasefire agreement has been signed (Wai Hnin Po 2015).

If women doesn't have place to voice their opinions at the peace talks then where is woman's place? Are we just supposed to stay at home?

We now live in the 21st century and we do need to break that barrier of the private and the public spaces for women.

Myra Dahgaypaw, US Campaign for Burma

Why does gender matter in conflict?

Women's experience of insecurity before, after and during conflict differs in many aspects from those of men. Indeed, during Myanmar's current cease-fire negotiations, violence against women has continued (Women's League of Burma 2014) with women in ethnic and religious minority areas particularly vulnerable to human rights violations. The use of sexual violence as a weapon of conflict is well documented (Shan Women Action Network 2002; Woman and Child Rights Project (Southern Burma) and Human Rights Foundation of Monland 2005). Ethnic minority women in conflict areas have been subject to forced relocation and labour, and physical, mental, and sexual abuses (Human Rights Documentation Unit 2008).

However, the Burma Army, which have been documented using sexual violence as a weapon of war in ethnic areas, is effectively absolved of responsibility for crimes committed against women during conflict, fuelling a climate of impunity for gender based violence (Women's League of Burma 2014).ⁱⁱ

Women living in camps for internally displaced people (IDP) face additional threats to their security. Dominant norms around gender relations mean that women tend to care for extended families, and therefore leave the camps to collect firewood, water and food, increasing their vulnerability to sexual violence from troops stationed in the area. As areas around IDP camps contain landmines, women face additional threats to their lives (Htoi Gender and Development Foundation 2014). Increasing poverty means women cross the border to neighbouring China illegally to find work, exposing them to exploitation by traffickers. Reports by local groups have found an increase of trafficking in women to China as brides or bonded labourers (Kachin Women's Association Thailand 2013).

In the IDP areas, most of the leaders are men and they don't think about the need of the women. For example, for the toilet or the showers, they don't think about women needing their own private space [therefore increasing women's vulnerability to violence].

If women are not in the ceasefire discussions then women cannot raise their voices [about their needs and] the human rights violations will continue.

Seng Zin, Kachin Women's Association Thailand

Without the inclusion of women in peace negotiations, the abuses suffered by women will go unnoticed. Research shows a clear correlation between the organized participation of women's groups and greater gender-sensitivity of the text of the agreements (UN WOMEN 2012: 4). Demands stipulated in peace agreements influence not only the development of democratic institutions but also their focus.

In order for gender-progressive legislation to be enacted – covering but not limited to such issues as domestic violence, sexual harassment, electoral quotas and socioeconomic rights – women must be able to both articulate their needs and have their voices heard. It is therefore critical that representatives from women's organisations are included in these negotiations from the very beginning, and not brought in as an afterthought.

Who knows women issues better than women knows women issues? Who is going to speak out about a woman who is raped? A woman who has to struggle through domestic violence? Women who doesn't have the right to education?

So this peace process has to firstly include women, secondly has to give a certain level of rights to women.

Myra Dahgappaw, US Campaign for Burma

Why gender matters in reform processes

Gender based violence violates women's fundamental human rights, but also serves to constrain their freedom of movement and their ability to participate in political

processes. For example, the risk of sexual and gender based violence may prohibit women from travelling, and therefore limit their access to and influence over public decision-making processes.

Dominant norms around gender relations means that women's experiences of violence in the home is rarely questioned. A report released by Palaung Women's Union showed that over 90 % of women surveyed experienced domestic violence (Palaung Women's Organization 2011). Skewed household dynamics then impact women's ability to negotiate and question gender relations in the home as well as in the community and the country at large.

Violence experienced both in the home and in the public sphere reinforces the marginalisation of women from political decision making processes. Tellingly, no women are employed in decision-making positions at the township level in Myanmar (Minoletti 2014). Despite many women's experiences of gender-based violence, there are no legal protections penalizing domestic violence and marital rape (Gender Equality Network 2013).ⁱⁱⁱ

The general elections in 2010 ushered in a new government under President Thein Sein, which took office in March 2011. The democratic space offered by this has been curtailed by the dominance of the military, which can veto decisions taken by the parliament. Voting was also cancelled in some ethnic regions experiencing conflict during both the general election and the 2012 by-elections (Inter-Parliamentary Union 2015). Based on this, it seems unlikely that elections scheduled for later in 2015 will take place in areas with continuing clashes between the Burma Army and ethnic armed groups. This will severely constrain ethnic and religious minority women's ability to participate in

and influence democratic decision making processes.

Moreover, despite the country's substantial linguistic diversity, government proceedings are only undertaken using the Burman language, which contributes to marginalizing minority speakers from participating fully. Perhaps it is not so surprising then that the average Member of Parliament is a Burman speaking man who practices Buddhism (Egreteau 2014). In fact, Burma currently has one of the lowest participation rates of women in the government in the world, with less than 6 percent of seats occupied by women, few of which are held by women representing ethnic or religious minority communities (Inter-Parliamentary Union 2015).

Women's groups are highlighting the importance of women's inclusion in political processes, calling for the government to amend the 2008 Constitution which today provides barriers for women's full and substantial political participation. Groups are also campaigning around the need to repeal discriminatory laws, including the recent proposed bills on marriage, religion, polygamy, and family planning, in order to ensure that women do not suffer direct or structural violence:

The only ones who are vocal about [these bills] are the women's' groups. If the government was genuine about women's rights they would consult the women's groups about this, but it was very top down, very patronizing the way they passed the law, posing themselves as the protectors of women's rights and cultural values.

Yee Htun, Justice Trust

Calls for gender-based security

The definition of security and conflict as used in the discussions taking place between the non-state armed groups and the government does not reflect women's realities, and has belied the women's groups' calls for attention to be given to violence as experienced by women in both the public and the private arena, and the need for transitional justice mechanisms inclusive of gender based violence:

If women are excluded from the process, then in the transitional or post-conflict plan, there might not be included a consideration for women, a truth and justice commission for example, looking at violence against women...

Even some of the ethnic armed groups do not want to talk about these issues, [such as] sexual violence against women, because they are afraid the finger will be pointed at them also. So you know, these issues will definitely not be brought to the table if women are excluded.

Tin Tin Nyo, Women's League of Burma

The proposals advanced by the women's peace movement also emphasize the importance of voluntary and responsible reintegration of refugees and IDPs, and equitable land reforms and development initiatives that are sensitive to the needs of stakeholder communities. Due to protracted conflicts and a lack of government investment in socio-economic development, access to basic services such as schools and health care are insufficient in ethnic states, resulting in high levels of infant, child and

maternal mortality as well as illiteracy rates above the Myanmar average (UNICEF 2012). Funding must then be channeled from military budgets to provide services for children and communities affected by the conflict:

It is not just about stopping the fighting. There should be a guarantee of security for the people and also [guarantee for] livelihood and land... We also must be able to ensure that there is no need to worry about children's education.

Khon Ja, Kachin Peace Network

Demands from the women's groups have called for wider civilian participation and inclusion in the process, and emphasize the need for transparency over secrecy in the discussions taking place.

They are also reminding actors involved in the discussions to create reintegration models sensitive to the requirements of female soldiers, rather than creating packages that either render women's participation in the conflict invisible or that favour the male combatant:

We need to think about and prepare about the future of women in the armed groups separately from how we think about male soldiers. Female soldiers have specific needs, and in order to bring them back to their communities they need to be reintegrated and be given professional skills and social rehabilitation.

Nang Raw Zahkung, Shalom Foundation

It is critical to understand that women's resistance to gender-based inequality is threatening to some power holders, and actions carried out in protest of discriminatory practices are therefore undertaken at great personal risk.

However, when neither the international community nor the national government address the security risks women activists face, the abuse of women's human rights are in effect sanctioned.

Conclusion

Opportunities for sustainable peace will be lost if women, consisting of half of the population in Myanmar, continue to be excluded from participating in peace building. Limiting women's participation in state- and peace-building processes means that the concerns and opinions of women, especially women from marginalized religious or ethnic communities will be missing.

As the Women's League of Burma notes, "achieving sustainable peace and putting an end to abuses against women will not happen without women's representation in the political dialogue for peace" (2013). There is therefore an urgent need for both local and international power holders to actively integrate women in reform and ceasefire processes, to ensure that the transition from conflict to peace and dictatorship to democracy in Burma is not only fair, but also just and lasting.

Moreover, the exclusion of the women's movement from the official peace process means that women's considerable expertise in trust building efforts is being ignored. The women's movement has been involved in community peace building projects for almost two decades, facilitating the meeting of people from both majority and minority groups to identify commonalities in their views and needs resulting from the conflict (Women's League of Burma 2011). A sustainable peace process requires the expertise of Myanmar women in building lasting and inclusive alliances across communities.

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Notes

ⁱ This is calculated on ULCC (11 members, all male), ULWC (52 members, out of which two are women) and MPC (7.5 positions, out of which one part-time position is filled by a woman). Myanmar Peace Monitor, 'Stakeholder Overview: Kachin Independence Organization', <http://www.mmpeacemonitor.org/stakeholders/stakeholders-overview/155-kiio>, accessed 2 July 2014

ⁱⁱ Article 445 of the 2008 Constitution states that, 'No proceeding shall be instituted against the said [previously ruling] Councils or any member thereof or any member of the Government, in respect of any act done in the execution of their respective duties'. Moreover, article 381 states that '[e]xcept in the following situations and time, no citizen shall be denied redress by due process of law for grievances entitled under law : (a) in time of foreign invasion; (b) in time of insurrection; (c) in time of emergency'. Article 382 states that, '[i]n order to carry out their duties fully and to maintain the discipline by the Defence Forces personnel or members of the armed forces responsible [for ensuring] peace and security, the rights given in this Chapter [Citizen, Fundamental Rights and Duties of the Citizens] shall be restricted or revoked through enactment [of] law'. The full text of the 2008 constitution can be found here: <http://aceproject.org/ero-en/regions/asia/MM/Myanmar-Constitution-2010/view> accessed 21 January 2015.

ⁱⁱⁱ Marital rape is only criminalized if the wife is younger than 14. See Gender Equality Network (2013).