

# Addressing Violence Against Women in Myanmar: Advocating for a comprehensive law

A briefing note from the Gender Equality Network, Myanmar



Myanmar is poised at a historical juncture. As a democratically elected government takes seat, the development community is hopeful of positive advances in several areas. The stakeholders working to further women's rights and gender equality in Myanmar are similarly hopeful that advances will be made to ensure a more gender equitable society, that the governance and policy-making arenas will become more gender-inclusive, that greater participation for women in all levels of decision-making will be enabled and that the peace process becomes gender-inclusive. A critical area needing immediate attention is the draft Prevention (and Protection) of Violence Against Women (PoVAW) Law.

A consultative process for drafting the PoVAW Law was led by the Department of Social Welfare through a Law Drafting Working Group during 2014-2015. A core group within the working group (including GEN, the UN Gender Theme Group and others) developed the first draft which included provisions mandated by CEDAW for legislation to address VAW. However, in the course of 2015 the draft underwent a few iterations. In a bid to rush the passing of the law in the last session of parliament of the previous government, the core group was invited after a significant gap, to comment on a redrafted version in early 2016. This was however not followed through and an opportunity has now presented itself to intervene and advocate with the new government for a comprehensive law to address VAW in Myanmar.

A preliminary analysis of the version currently in circulation reveals that it differs significantly from the one agreed to by the Law Drafting Working Group and is not in accordance with international standards. A detailed analysis of the draft is currently being undertaken by various stakeholders. GEN notes the changes to the draft with grave concern and would like to highlight the key areas where the draft needs to be strengthened:

- A comprehensive definition of rape must be included
- Instead of promoting the idea of mediation, the law should focus on protecting survivors and promote an approach that is survivor-centered
- Protection Orders should be defined with specific conditions
- Marital Rape should be included in the definition of Sexual Violence
- Consent should be properly defined
- Provisions on marriage, divorce and inheritance should be included
- Women's sexual and reproductive rights should be guaranteed
- Law articles and penalties should be matched
- Special courts, procedures and legislative personnel with appropriate training in handling violence cases should be assigned
- Sexual violence in conflict areas committed by the armed personnel and persons in positions of authority, should come under the ambit of the PoVAW law

Further GEN would like to reiterate that the key principles in CEDAW and the concluding observations provided by the CEDAW Committee should be respected fully without reservations.

GEN would like to urge key development partners to engage the new government representatives, parliamentarians, and key stakeholders across the development community in Myanmar (as well as key politicians in home countries) to ensure that a comprehensive PoVAW Law is prioritized and that it is revised to meet internationally accepted legal standards. We would like to urge our development partners to reiterate the need to make policy processes truly consultative and inclusive of multiple perspectives. A comprehensive law that protects the women of Myanmar from violence and offers a framework for redress to women who survive violence in various contexts in developing Myanmar is the need of the hour.