

FWF GENDER FACT SHEET - MYANMAR

FACTS & FIGURES

- Human Development Index: 148 of 189 countries (UNDP 2018)
- Gender Inequality Index Rank: 106 of 160 countries (UNDP 2018)
- Global Gender Gap Index: 88 of 149 countries (WEF 2018)
- Population: 51.5 million
- Literacy Rate: Female: 71.85%, Male: 80.01% (2016)
- Number of females employed in the garment industry: 90%
- Lifetime physical and/or sexual intimate partner violence: 17% of women
- Physical and/or sexual intimate partner violence in the last 12 months: 11% of women
- Child Marriage: 16%
- Child labour: 23.7% of those aged 10-17 (2014)
- Verisk Maplecroft's 2014 Child Labour Index ranked Myanmar third among countries where the problem of child labour is greatest.

COUNTRY CONTEXT

Patriarchal cultural values related to women's roles and responsibilities shape familial relationships, contributing to the **gendered division of labour and limiting women's participation** in decision making at all levels. A **lack of reliable and sex-disaggregated data across all sectors** hampers evidence-based policy and programme interventions.

Poverty in rural areas:

- The remote border areas mainly populated by minority ethnic groups, as well as areas emerging from conflict are particularly poor. Of the working population, **67% is categorised as 'working poor'**, earning less than USD 2 PPP (Purchasing Power Parity) per day.
- **Women in rural areas** are among Myanmar's most marginalised groups, with high vulnerability to food insecurity and poverty.

Employment:

- There are **low levels of women's participation in the labour market and public decision-making**.
- A wide gap remains between men and women in higher ranks of paid employment, with **women concentrated in lower ranks and lower-skilled jobs**.
- Despite legal provisions for equal pay, **disparities in wages exist**. For similar types of jobs, men earned an estimated income of USD 1,043 in 2007, while women earned only USD 640.
- Overall, **women provide unpaid, largely "invisible" and unrecognised care work at home**, in addition to their paid work in the public sphere.
- Many women from Myanmar **migrate to neighbouring countries** in search of better-paid jobs and end up as low-skilled industrial, agricultural, or domestic workers, often in **exploitative workplaces** (including being at risk of sexual exploitation).

Garment industry:

- Since 2011, foreign investment has increased and the garment industry has grown exponentially. **Reportedly one factory opens for business every week**.
- Currently, there are around **350 garment factories in Myanmar, employing approximately 350,000 workers, of which 90% are female**.
- Violence against women in Yangon, the commercial capital of Myanmar, has increased. **Female migrant workers in the area on their own are particularly vulnerable**.
- There have been many cases of **sexual harassment and violence against garment workers walking home**. Garment workers often have to work overtime hours and go home once public transport is unavailable. ActionAid found that, **on average, workers have to pass seven bars for every kilometre they walk**.

Gender-based violence:

- In 2016, the CEDAW Committee expressed concern over **widespread domestic violence and sexual violence**, including rape, accompanied by a culture of silence and impunity.
- **Public awareness of gender-based violence is low and data is largely non-existent**. A combination of traditional cultural beliefs, low social value of women, women's lack of knowledge of their rights, insufficient support services (legal, health, counselling, shelter, etc.) collude to ensure that **cases are under-reported and settled out of court**.

FWF GENDER FACT SHEET - MYANMAR

- **Trafficking is another serious challenge**, with Myanmar women, children, and men trafficked to Thailand, China, Malaysia, South Korea, and Macau for sexual exploitation, domestic servitude, and forced labour.
- **Sexual violence against women is widespread in the conflict-affected states** Kachin, Shan, Rakhine and Chin.

Health:

- There are increasing levels of **HIV among women**.
- Myanmar has a **high maternal mortality rate with 240 deaths per 100,000 live births**.
- **Abortion is illegal and nearly 10% of all maternal deaths are abortion-related**, often undertaken by non-trained attendants.
- Female factory workers often are **not paid during their maternity leave and they regularly are not reintegrated into the same position when they return to work** after giving birth. This is partly due to factories' unwillingness to pay for maternity leave, but also caused by a lack of awareness among female workers regarding their legal right to request maternity leave and reinstatement following childbirth. **Workers often simply resign from their job during pregnancy**.

LEGAL CONTEXT

National Legislation:

- **Equality:** Article 348 of the Constitution guarantees that discrimination by the Union against any citizen on grounds of race, birth, religion, official position, status, culture, sex or wealth is prohibited, but the internationally recognised grounds of discrimination based on colour, language, political or other opinion and national origin are not prohibited.
- **Gender-based violence:** Myanmar does not have specific legislation against gender-based violence, although there are Penal Code provisions against sexual assault and rape. Marital rape is not a crime and spousal abuse is still legal. The Prevention and Protection of Violence Against Women Act, long stalled in Parliament, may finally be passed in 2019.
- **Trafficking and forced labour:** Section 358 of the Myanmar Constitution (2008) prohibits enslaving and trafficking in persons. Section 359 prohibits forced labour except as 'hard labour as a punishment for crime duly convicted and duties assigned by the Union in accord with the law in the interest of the public'. However, several ethnic groups are not recognised, including the approximately 800,000 Rohingya, a Muslim minority who are denied citizenship under the 1982 Citizenship Law.
- **Trade unions:** In 2012, the Labour Organisation Law and the Labour Dispute Settlement Law came into force allowing workers to organise and form trade unions, and to undertake lawful industrial action. However employers still discriminate with impunity.
- **Maternity:** Maternity leave is provided to women workers for six weeks and a minimum of eight weeks after childbirth. The Factories Act stipulates employers should provide crèches (if there are more than 50 female workers) for children under the age of six and sets the minimum age for employment at 15 years. The Population Control Healthcare Bill imposes restrictions on 'birth spacing', requiring a 36-month interval between each child. It thus violates the right to privacy and a woman's right to choose when to have children.

International Legislation:

- Myanmar has signed and ratified a range of international conventions on the rights of persons with disabilities, the elimination of racial discrimination, forced labour, the worst forms of child labour, freedom of association and collective bargaining.
- Myanmar has signed the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, but not ratified the Optional Protocol.

A preliminary analysis conducted by the Gender Equality Network reveals that many of Myanmar's laws are not compatible with CEDAW, as they incorporate restrictive gender stereotypes and are inconsistent with the promotion and protection of women's rights to substantive equality. While Myanmar's Constitution, 2008, guarantees women's equality, it does not satisfy CEDAW requirements to also define and prohibit direct and indirect discrimination against women.

SOURCES

CEDAW: <http://asiapacific.unwomen.org/en/focus-areas/cedaw-human-rights/myanmar>

Fair Wear Foundation 2016 Country Study: <https://www.fairwear.org/wp-content/uploads/2016/11/CS-Myanmar-2016.pdf>, UN – Database on Violence Against Women – Myanmar: <http://evaw-global-database.unwomen.org/en/countries/asia/myanmar?typeofmeasure=3ebd6d85ae4d4dfcab5553635944cfc9>

UNDP Human Development Report 2018: <http://hdr.undp.org/en/composite/GII>,

WEF Global Gender Gap Index 2018: <http://reports.weforum.org/global-gender-gap-report-2018/>