

ENSURING WOMEN'S EQUALITY IN MYANMAR'S ELECTIONS: A CLOSER LOOK AT COMMITMENTS AND PRACTICE

EXECUTIVE SUMMARY

Myanmar's historic 2015 elections were widely viewed as a positive step in the country's democratic transition, but many improvements are needed to ensure equal electoral rights among men and women. While the number of women in parliament more than doubled in the 2015 elections, women still hold only 10% of seats in the national parliament. Legal issues – like a challenging electoral system and high candidate fees, as well as cultural issues, including family obligations and social perceptions – prevent many women from running for office. As voters, women face unique obstacles that may keep them from the polls. In a post-election survey, more women than men said they could not vote in 2015 because they were too busy, a noteworthy problem since the voting process involved long lines, distant or overcrowded polling stations, and no provisions to facilitate voting by pregnant women or women with children. As long as these and other barriers exist, women in Myanmar will not participate in elections on an equal level with men.

Myanmar has committed to ensure the equal rights of women to participate in elections – not only through its own Constitution, but also by acceding to international treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). In advance of the 2020 elections, Myanmar's government, political parties, and civil society have an opportunity to improve the legal

framework and electoral practices to increase women's participation and better meet the country's commitments.

Comments by the CEDAW Committee's 2016 Myanmar review, recommendations of election accredited observers¹, and international experiences provide guidance on how Myanmar can improve women's participation in elections. Such steps include: strengthening international obligations and the legal framework to ensure better protection for women; studying and adopting temporary special measures - such as quotas or waiving of fees – and improving party support to women candidates; and removing barriers to women's registration and voting through increased efficiency, equal access to identity documents, and targeted voter education.

There is no one-size-fits-all solution to improving women's participation and careful study and debate among policy makers, government officials, political parties, and civil society organizations is critical. The government should ensure that data on women's participation is available and should facilitate inclusive decision-making to determine appropriate and proactive measures to ensure women's equality in future elections

¹ See DRI's Compilation of Observer Recommendations on Women's Participation in Myanmar. For sortable, searchable recommendations, see

Myanmar Election Observation Database here: http://democracy-reporting.org/?page_id=2218

MYANMAR'S COMMITMENTS TO WOMEN'S PARTICIPATION IN ELECTIONS

WHAT DOES MYANMAR'S LEGAL FRAMEWORK SAY ABOUT WOMEN'S PARTICIPATION IN ELECTIONS?

Myanmar's legal framework provides for equal electoral rights for men and women. The Constitution of Myanmar establishes that all citizens have the right to elect and be elected² and guarantees that the government "shall not discriminate [against] any citizen...based on sex" (Art. 348). Subsequent election laws provide that citizens meeting specified requirements have the right to vote and be elected, regardless of sex. Further, the 2015 Law on the Rights of People with Disabilities provides that women with disabilities have the right to participate in societal decision-making, be protected from violence and discrimination, and vote and stand for election.³

Government bodies have further committed to proactively promoting women's electoral rights. Myanmar's National Strategic Plan for Advancement of Women (NSPAW) pledges to enhance women's capacities and access to decision-making and leadership.⁴ In addition, the Union Election Commission's Strategic Plan for 2014-2018 commits to promote women's participation through voter education, UEC decisions and recruitment of women within the UEC.

WHAT ARE MYANMAR'S INTERNATIONAL OBLIGATIONS REGARDING WOMEN'S PARTICIPATION IN ELECTIONS?

In addition to its domestic legal framework, the Government of Myanmar has made many international commitments to ensure the equal rights of women to participate in elections.

Universal Declaration of Human Rights (UDHR)

In 1948, Myanmar joined 48 other members of the United Nations in adopting the Universal Declaration of Human Rights (UDHR), which states that everyone, regardless of sex, has the right to take part in their government, access public services and participate in genuine elections.⁵ Article 8 of the UDHR also recognizes the right to an effective remedy when a person's rights are violated. Although the UDHR is not legally binding, many of its articles are recognised as customary international law.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

In 1997, Myanmar acceded to the Convention on the Elimination of All Forms of Discrimination Against Women

(CEDAW), joining 189 countries around the world in a commitment to ensure equal political and electoral rights of women.⁶ The CEDAW treaty includes obligations to: take all appropriate actions to eliminate discrimination; and to ensure women's equal rights to vote and run for election, participate in all levels of policy making and implementation, and take part in non-governmental associations concerned with public and political life.⁷

FIGURE 1. CEDAW - A CLOSER LOOK

HOW IS CEDAW IMPLEMENTED IN ELECTIONS?

CEDAW Article 7 obliges all levels of Myanmar's government to take necessary actions to achieve equality for women in elections. Article 4 provides for **temporary special measures (TSM)** to accelerate equality between men and women until the obligations of CEDAW are achieved. Such measures vary between countries. (See *Figure 5* for examples of TSMs).

WHAT IS THE CEDAW COMMITTEE?

The Committee on the Elimination of Discrimination against Women provides **recommendations to aid governments** as they implement the treaty. While the recommendations are not binding, they offer an authoritative interpretation on application of the treaty. (For more information, see <http://www.un.org/womenwatch/daw/cedaw/recommendations/index.html>)

HOW IS CEDAW IMPLEMENTATION MONITORED AND ENFORCED?

The CEDAW Committee receives **periodic reports from governments**, as well as **'shadow reports' from civil society and other actors**, on the status of CEDAW's implementation. The Committee then addresses questions, concerns and recommendations to governments. Myanmar underwent this process in July 2016, receiving a number of recommendations discussed below. (See <https://goo.gl/rRMkRu> for 2016 CEDAW Myanmar report)

Governments can also accede to CEDAW's **Optional Protocol**, which empowers the Committee to investigate systemic violations and allows citizens to raise complaints to the Committee if they exhaust legal remedies within their own country.

² Constitution of the Republic of the Union of Myanmar, Article 38.a

³ See Law on the Rights of Persons with Disabilities (2015, Law 30) Article 12, 17, 29-31.

⁴ Myanmar National Committee for Women's Affairs; *National Strategic Plan for the Advancement of Women 2013-2022*

⁵ Universal Declaration of Human Rights, See Article 2 and 21

⁶ See CEDAW, <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

⁷ See CEDAW Article 4 and 7

<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

WHAT DO OTHER INTERNATIONAL SOURCES SAY ABOUT WOMEN'S PARTICIPATION IN ELECTIONS?

There are many international mechanisms and principles that can guide countries as they seek to improve women's electoral participation. Although these may not be legally binding for Myanmar, they represent the common standards, principles, lessons learned and best practices from other countries that share commitments to equality and non-discrimination as aimed to be protected under CEDAW.

International Convention on Civil and Political Rights (ICCPR)

The ICCPR is an international treaty ratified by 168 countries around the world. Although Myanmar has not yet acceded to the treaty, the principles enshrined in the document are commonly used to assess the quality of elections and thus are a helpful benchmark for democratic governments. The ICCPR, like CEDAW, provides not only for equality under the law, but commits governments to actively ensure that women enjoy equal rights in the civil and political realm and to provide effective remedies should those rights be violated.

Global Policy Initiatives and Goals

Myanmar has also committed to a number of significant global policy initiatives and goals that set targets for achieving equal participation and equal rights of women. These include:

Beijing Platform on Action⁸ - Adopted in 1995 by 189 UN Member States, the Platform lays out 12 priority areas for advancing the status of women, including Women in Power and Decision Making (Strategic Objective G). The Platform designates global goals for women's participation, including 30% of representation in decision-making roles, such as Parliament.

Sustainable Development Goals⁹ - In 2015, the United Nations General Assembly adopted a set of goals to end poverty, protect the planet and ensure prosperity for all people by the year 2030. These goals include achieving gender equality by ending discrimination, ensuring full participation and equal leadership opportunities in political life, and guaranteeing inclusive and participatory decision-making.

Good Practices from Other Countries

In considering practical measures to increase women's participation in elections, it can be helpful to study the experiences of other countries. There is no one-size-fits-all approach to achieving women's equality in elections. In fact, research has shown that solutions are most successful when they are appropriate to a country's unique contextual challenges. Researching the strengths and weaknesses of

practices in other countries can help determine what solutions might work in Myanmar. (See *Figure 2* for research resources).

FIGURE 2. COMPARATIVE RESOURCES ON INCREASING WOMEN'S ELECTORAL PARTICIPATION

ACE ELECTORAL KNOWLEDGE NETWORK

(aceproject.org) compiles resources and comparative electoral practices from around the world, including policies that impact women's participation, like electoral systems, party regulations and voting procedures.

IKNOW POLITICS (iknowpolitics.org/en) is an online global networking tool for women in politics to share experiences.

INTERNATIONAL IDEA (idea.int/publications) publishes books that compare and analyze the impacts of electoral practices on gender equality. Some books, like *Designing for Equality*, are translated into Myanmar.

THE QUOTA PROJECT (quotaproject.org) compiles data about gender quota policies and practices around the world.

HOW CAN MYANMAR STRENGTHEN ITS LEGAL FRAMEWORK AND INTERNATIONAL COMMITMENTS?

By acceding to CEDAW, Myanmar has committed itself to promote women's electoral rights. However, the CEDAW Committee, as well as election observation organisations and other independent bodies, have recognized that additional treaty commitments and Parliamentary actions are needed to strengthen Myanmar's progress in promoting the participation of women and offering the citizens of Myanmar greater protection of their rights.

Within Myanmar's legal framework, women are granted nominal equality in the Constitution and Electoral Laws that grant women's rights to participate as voters or candidates in an election. However, as noted in 2016 by the CEDAW Committee, the Constitution does not provide an "effective guarantee of substantive equality".¹⁰ Further, Article 352 of the Constitution implies discrimination in referring to civil services personnel by saying: "(...) nothing in this section shall prevent appointment of men to the positions that are suitable for men

⁸ See http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf

⁹ See <https://sustainabledevelopment.un.org/>. Sustainable Development Goals build upon previous Millennium Development Goals and will be measured by the number of women in national and local parliaments, the number of women employed or serving in public institutions, and women's public perception on the level of inclusive decision-making.

¹⁰ CEDAW Committee – Concluding Observations of the Committee 2016 CEDAW/C/MMR/CO/4-5, page 2.

STATUS OF WOMEN'S ELECTORAL PARTICIPATION IN MYANMAR

only.”¹¹ Election laws and political party laws also lack any active protection or promotion of women's right to elect or be elected, as required under CEDAW.

Further, as noted by the CEDAW Committee and in the European Union's Election Observation Mission to Myanmar 2015 report, some customary and religious laws imply an unequal legal status for women. The 2015 set of so-called “race and religion laws” discriminate against women and restrict the realisation of women's rights under the law.¹²

RECOMMENDATION: To further Myanmar's promotion of women's participation in elections, and to strengthen protections for Myanmar's citizens, the Government could take the following actions:

- Strengthen formal commitments to women's equality by acceding to the ICCPR and its First Optional Protocol and the CEDAW Optional Protocol, which allow citizens to submit legal complaints to the Human Rights and CEDAW Committee, if they have exhausted all remedies within their own country.
- Implement 2016 recommendations of the CEDAW committee, including to fully incorporate provisions of CEDAW into the domestic legal framework, adopt a comprehensive definition of discrimination in national law, and raise awareness of CEDAW mechanisms and women's human rights among relevant stakeholders.¹³

Figure 3. Information and Transparency on Women's Electoral Participation

CEDAW General Recommendation 23 states that governments should report “statistical data, disaggregated by sex, showing the percentage of women relative to men who enjoy those rights.” Currently, Myanmar lacks any legal requirement or regular administrative practice to release such types of data. To ensure that key components of the election process can be satisfactorily scrutinized, regulations could be drafted that require the collection and timely public release of accurate data on the participation of women, including; data on the voter list/registration, National Registration Card (NRC) distribution, coverage of women candidates on state media, voter turnout, and electoral dispute resolution, among other topics. To be consistent with good practices in sharing open government data, datasets should be provided in publicly accessible, analyzable, and machine-readable format.

WOMEN'S RIGHT TO BE ELECTED

Myanmar's Constitution, as well as the UDHR and CEDAW, state that women have an equal right to run for and hold public office. A multitude of factors – from the type of election system to financial, cultural and logistical barriers in campaigning – can all impact the ability of women to compete for elected office in equal numbers with men. CEDAW requires that affirmative and appropriate actions should be taken to ensure women's right to be elected is realised. In March 2012 the UN General Assembly passed resolution 66/130,¹⁴ urging states to critically study the impact of their electoral systems on women's participation. In its 2016 review, the CEDAW Committee noted with concern the low level of women in the legislature and the lack of study and adoption of special measures to improve women's representation. The Committee urged Myanmar to take Temporary Special Measures, in accordance with CEDAW Article 4, to accelerate women's full and equal participation.¹⁵

Electoral System

First-past-the-post (FPTP) electoral systems, as is used in Myanmar, are noted to disadvantage female candidates. Often, women candidates are less likely to be nominated by their political parties in FPTP system. Additionally, FPTP systems can demand more financial and human resources of candidates than other types of electoral systems, where political parties may share more of the onus. Despite these inherent disadvantages, Myanmar implements no formal or informal affirmative action mechanisms to help women realise their right to be elected or hold public office.

Myanmar's national electoral system includes 440 lower house and 224 upper house seats. Of those seats, 75% are elected by a first-past-the-post (FPTP) system in single-member districts, while the remaining 25% are unelected and reserved for military-appointees. There are no reserved seats for women in Myanmar's electoral system. Since the 2015 election, women represent only 10% of all elected and unelected national parliament seats, with the vast majority representing the National League for Democracy (NLD), while others represented the former ruling Union Solidarity and Development Party or smaller, ethnic parties. (See Figure 4).

¹¹ It is worth noting that the UEC's strategic plan includes a policy of targeted recruitment of women. This can serve as an authoritative interpretation that there are no posts suitable for men only.

¹² CEDAW Committee – Concluding Observations of the Committee 2016 CEDAW/C/MMR/CO/4-5, page 4; See also European Union Election Observation Mission - Myanmar General Elections 2015, *Final Report*, Page 28.

¹³ For complete Committee recommendations, see: CEDAW Committee – Concluding Observation of the Committee 2016 CEDAW/C/MMR/CO/4-5 (Available for download here: <https://goo.gl/rRMkRu>)

¹⁴ UN General Assembly resolution 66/130 “urges all States to take, inter alia, the following actions to ensure women's equal participation... (a) To review the differential impact of their electoral systems on the political participation of women and their representation in elected bodies and to adjust or reform those systems where appropriate.” See <https://goo.gl/7jV4js>.

¹⁵ CEDAW Committee – Concluding Observations of the Committee 2016 CEDAW/C/MMR/CO/4-5, page 8

Figure 4. Women’s Representation in National and State/Regional Parliaments

Parliamentary Body	Elected Seats			Appointed Seats		Total Parliamentary Seats		
	Total Seats	Women Elected	Beijing Target 30%	Total Seats	Women Appointed ***	Total Seats	Women in Parliament	Beijing Target - 30%
Amyotha/ Upper House	168	23 (13.7%)	50 (Target)	56	2 (3.6%)	224	24 (10.7%)	67 (Target)
Pyithu/ Lower House	323*	44 (13.6%)	97 (Target)	110	0 (0%)	433	44 (10.2%)	130 (Target)
State/Region Parliaments**	659	84 (12.7%)	198 (Target)	431	1 (0.2%)	884	85 (9.6%)	265 (Target)

* According to the Constitution, the lower house/Pyithu Hluttaw has a total of 330 elected seats, but 7 seats remain vacant as 2015 elections in those constituencies were cancelled to due security concerns.

** Source: The Asia Foundation “Gender (in)Equality in The Governance of Myanmar,” 2016, based on database of MPs approved by UEC

*** Source: European Union Election Observation Mission for Myanmar 2015 Final Report, page

Women as Candidates

Beyond the type of election system, women may face a number of barriers to becoming a candidate or running a campaign. While a significant improvement from the 2010 general elections, in which only 3.7% of candidates were women¹⁶, the number of women candidates in 2015 remained relatively low – with only 13% of a total of 6,074 candidates.

Although observers listed no serious incidents or policies that out-right prevented women from being nominated as candidates or from freely running a campaign, political party leaders and women candidates noted a number of challenges that made women’s’ candidacies more difficult than those of men. In interviews with Phan Tee Eain (PTE), many women candidates, as well as political party leaders, said that women required the support of their family to be able to run for office¹⁷ – a requirement that may have prevented many women from participating and that is not an issue for men. Some political party representatives also stated that women lacked the capacity, experience and ability to be a candidate – a perception that may have prevented the nomination of many talented women. Charity Oriented Myanmar (COM) noted that the candidate nomination fee of 300,000 Kyat (c. 207 Euro) was high, posing a challenge for women who, on average, earn less than men.¹⁸

Once nominated, women faced additional challenges in their efforts to campaign. As noted in COM’s final report, some women candidates faced challenges to travel to remote areas of their constituency.¹⁹ Observers and media reported isolated incidents where male candidates said that women should not partake in politics. Some women candidates, including NLD’s party leader, Daw Aung Sang Suu Kyi, were victims of slanderous rumors about their personal lives or sexualized, doctored photos shared on social media.

Despite these challenges to women candidates, few political parties took special measures to recruit women or provide additional support to their candidacies. As noted in PTE’s report, the National Democratic Force (NDF) was the only party to achieve its recruitment target for women candidates.²⁰ Women who run as independent candidates may face even more challenges, lacking political party infrastructure, name-recognition and support.

RECOMMENDATION: The Myanmar government and Union Parliament should actively promote women’s right to be elected as guaranteed under CEDAW and Myanmar’s constitution. This should include review of all barriers to women, both in the electoral system and in the nomination and campaign process. Potential solutions should be carefully researched, studied and considered as there is no one-size-fits-all solution to promoting women’s right to be elected.

- Myanmar’s government should engage with political parties, civil society and members of the public to study the impact of the electoral system and to identify other barriers in the campaign process that impede women’s participation as candidates.
- Once underlying barriers are identified, the government should study and adopt temporary special measures to improve women’s representation, as recommended by the CEDAW Committee in 2016. Certain special measures, like legal quotas or reserved seats, might include changes to the electoral system. Other measures may not require a change to the electoral system. For example:
 - The political party law could be revised to require a certain percentage of women candidates (such as Beijing targets of 30% women).
 - The government could institute financial or other incentives for political parties to train, nominate and elect women candidates.
 - The UEC could waive registration fees for women candidates.

¹⁶ Phan Tee Eain and Gender Equality Network: Myanmar: Women in Parliament 2012, <https://goo.gl/boH9L5>

¹⁷ Phan Tee Eain (PTE): 2015 Election Observation Final Report, page 8

¹⁸ Charity Oriented Myanmar (COM): Election Observation Final Report (2015), page 20

¹⁹ COM, Election Observation Final Report (2015), page 24

²⁰ PTE, 2015 Election Observation Final Report, page 4

- The government could provide campaign support for women candidates from all parties.
- Educational and other efforts such as information campaigns that counter gender stereotypes which stop women from engaging in political life should be considered.

There are many examples of Temporary Special Measures adopted around the world. *Figure 5* below shows the variety of measures implemented across country contexts. In-depth study and inclusive consideration is integral to identifying appropriate strategies.

Figure 5. Examples of Special Measures Around the World²¹

Special Measure	Description	Country Example
Legal Quotas	Often used in proportional representation systems or multi-member district systems, the legal framework requires that a percentage of candidates be of a certain gender. Often, the law regulates the rank or order of named candidates so that one gender is not relegated “un-winnable” seats. Legal quotas can be difficult to implement in FPTP systems.	Nepal’s 2007 Interim Constitution established a Constituent Assembly, with some seats elected by proportional representation (PR) and some by first-past-the-post (FPTP). The Constitution required that at least 33% of a party’s total candidates (among PR and FPTP combined) were women. Although not all parties complied under this system, women won 30% of Constituent Assembly seats in Nepal’s 2013 election.
Reserved Seats	In some countries, the electoral system designates a certain number of seats to be reserved for women candidates. Only women can run for those reserved seats. Women may also run for non-reserved seats.	In Pakistan, 17% of seats are reserved for women. Reserved seats are allocated among 4 multi-member districts for which parties prepare women-only candidate lists. Seats are awarded to each party based on their share of FPTP seats. Women can also run in FPTP seats throughout the country. As of 2013, women held 20% of seats in the National Assembly.
Party Funding Regulations	In many countries with political party public funding, parties are rewarded with additional funds if they reach targets of nominated or elected women. In some countries, public funds are earmarked for training of women candidates. In others, extra media time is provided in lieu of public funding.	In the Republic of Georgia, all political parties receive public funding from the government. Parties that voluntarily nominate 30% women candidates will receive an additional 30% of public funding. The results have been somewhat successful, with two major parties meeting the quota in the 2014 elections.
Campaign Support	In some countries, the government provides direct support to women candidates through extra media coverage, funding, waiving of registration fees, or other support.	The Ministry of Women’s Affairs and Development in Nigeria launched a trust fund for women candidates in 2011. The fund provided women from all political parties with funding and other campaign resources. In a country where election campaigns are very expensive, this fund was intended to women compete on a more level-playing field.
Parliamentary Reforms and Support	To make elected positions more attractive, some countries reform parliament itself: by aligning sessions with the school year or providing added support through women’s caucuses, women’s resource centers, childcare or other means.	In 2005, Mexico instituted The Research Center for Women’s Advancement and Gender Equality. The Center provides research services and technical support to both male and female representatives as they crafted bills and conducted research and analysis.

²¹ The Carter Center: Observing Nepal’s 2013 Constituent Assembly Elections - Final Report
International IDEA, Inter-Parliamentary Union, Stockholm University: Atlas of Electoral Gender Quotas (2013);

iKnow Politics, iknowpolitics.org;
Krook, Mona Lena: Gender and Elections: Temporary Special Measures Beyond Quotas (Social Science Research Council, 2015);

In addition to government policies, political parties can also play a central role in improving women's participation as candidates, especially in a FPTP electoral system. CEDAW recommends that political parties balance the number of male and female candidates and adopt measures to overcome barriers to women candidates.²²

RECOMMENDATION: Political parties should voluntarily improve their support to women candidacies, thus safeguarding women's right to be elected and increasing women's political representation. Such initiatives could include:

- Revising the political party code-of-conduct to include commitments to promote women candidates. For example, In the Zanzibar 2015 code of conduct, parties committed to the equal - and violence-free - participation of women as voters and candidates.
- Promoting the candidacies of women by within their own by-laws or practice. Political parties could²³ :
 - Building the capacity of women through training, exposure trips, and cross-party networking for women in its ranks. For example, in Panama, the Panamanian Party sets aside 30% of its training fund for targeted sessions for women members and candidates.
 - Providing additional social and financial support to women candidates. For example: in Canada, the New Democratic Party allows women and minority candidates to be reimbursed up to a certain amount for childcare, traveling and nomination costs.
 - Nominating more women as candidates – perhaps even committing to match targeted 30% representation as outlined in the Beijing Platform. For example: In the United Kingdom, the Labour Party adopted a voluntary quota in its own party by-laws, committing to nominate women to 50% of all winnable seats.
 - Political platforms should address gender equality

Myanmar's Constitution, as well as the UDHR and CEDAW, state that women have an equal right vote in elections. Under CEDAW Art. 4, Myanmar has an obligation to "take all appropriate measures to eliminate discrimination against women" in the voting process. This includes legal discrimination as well as de facto discrimination.

WOMEN'S RIGHT TO VOTE

WOMEN AND VOTER REGISTRATION

Voter registration is the first step for citizens to practice their right to vote. The process for registering to vote – from the amount of time or travel required, to the type of identity documentation needed – can greatly impact the number of citizens and the type of citizens who are able to register and

ultimately vote in an election. In many countries, women face difficulties registering to vote, especially if: the process requires significant travel, time or expense; identity documents are difficult for women to obtain; there is a lack of targeted voter education; or there are deep-set cultural norms that keep women from the process.

In Myanmar, there is no complete and final centralized voter list for the 2015 elections. However, analysis of available but incomplete voter list data²⁴ shows that women comprised approximately 52% of the voter list, consistent with the 2014 census that showed that women comprised 52% of the population. Myanmar's voter list is compiled in part from civil and immigration registries and in part from voter-initiated updates. It is unknown the extent to which women were able to update and transfer their records on the voter list. While 2015 election observers did not note intentional acts to keep women from updating their registration, some noted underlying barriers that might create obstacles for women. For example, as noted by COM, women – especially those in rural areas – are less likely to hold an NRC, which aids registration.²⁵ In order to meet Myanmar's CEDAW commitments, it is crucial that these issues are better studied and understood to ensure that women face no undue burdens to register to vote.

WOMEN AS VOTERS

Just as women's access to the voter registration process is critical, so is women's access to voting on election day. Even in countries where women are not outright prevented from voting, many face barriers that keep them away from the polls. Experiences in other democracies have shown that women participate in lower numbers if polling stations are located too far from their homes or if the lines for voting are too long, since women more often have familial and child care duties that make it difficult to leave the house. In some countries, women are also targets of intimidation by strangers, members of their community or even members of their family to prevent or persuade their vote. As with voter registration, women may abstain from voting because they do not know how to vote or because they do not think their vote is important.

In Myanmar, it is not possible to know the overall levels of female voter participation due to the lack of detailed turnout data provided by the UEC. Observers of Myanmar's 2015 election did not report widespread cases of intimidation or direct barriers to women as voters. However, a post-election survey conducted by the People's Alliance for Credible Elections (PACE) showed that woman who did not vote in the 2015 polls most often said they could not vote because they were busy or sick. Women were much more likely than men to note busyness as the reason for not voting.²⁶ This could indicate

²² CEDAW General Recommendation 23, Paragraph 22 and 28

²³ For more details and further examples of party-initiated actions, see iKnow Politics: Best Practices Used by Political Parties to Promote Women in Politics (available at: <https://goo.gl/qR93Tr>).

²⁴ Preliminary and incomplete voter list statistics can be found here: <http://voterlist.uecmyanmar.org/>. However, the voter list compilation in Myanmar is highly decentralized and final data from some areas of the country is missing. Thus this dataset does not represent a full account of the voter list used in the 2015 elections.

²⁵ COM, Election Observation Final Report (2015), page 18

²⁶ PACE: Public Opinion on Elections and Expectations of the New Government (2016), page 34. Among women who did not vote in 2015, 26.4% said they did not because they were busy or sick, compared with 16.4% of men. (www.pacemyanmar.org)

that improvements to the voting process – such as more conveniently located polling stations, shorter lines, or facilitated voting by pregnant women²⁷ or women with children, could improve women’s participation.

RECOMMENDATION: The Government should proactively ensure women’s equal participation by removing barriers in the registration and the polling process. This could include small changes to procedures and renewed efforts to reach women through voter education outreach. For example:

- Institutional barriers to registering or voting should be removed. For example, the process for issuing NRCs should be continued and even speeded up, with a view to significantly increasing the number of persons in possession of an NRC prior to the next election so it can be used as a consistent and reliable form of ID in registration and in voting.
- The UEC could review and revise polling station procedures, locations, hours and set-up to make voting more convenient and efficient. The UEC could also adopt procedures for special accommodation for voting by pregnant women and women with children.
- The UEC could take a more proactive role in targeting voter education and voter information to women. Such programs should be inclusive and provided in various ethnic languages and must also reach outlying areas.

INCLUSIVE POLICYMAKING FOR WOMEN’S POLITICAL PARTICIPATION

When drafting policies related to women’s political participation, public consultation is key – not only to identify underlying causes and challenges for women to participate, but to ensure that effective strategies are developed and unintended obstacles are avoided. CEDAW General Recommendation 23 emphasises the need for women’s groups to be consulted in the development of policies and practices in order to promote women’s political participation.²⁸

Prior to the 2015 elections, virtually no public consultation was conducted in the formation of the Constitution or electoral laws enacted or revised by Parliament. In early 2015, Myanmar’s UEC increased outreach to CSOs – including women’s organisations – to consult on proposed regulatory changes and practical implementation, such as voter education strategies. Although observers noted that outreach could be improved to be more effective, such consultations serve as a positive basis to continue more meaningful dialogues in the future.

RECOMMENDATION: The Government could adopt policies and practices to consult women’s organisations in policy making at all levels to ensure effective strategies to promote women’s political participation. Such consultations are necessary in various levels of decision-making, including by

Parliament, the UEC and its sub-commissions, and other government ministries involved in election activities - like the Ministry of Immigration and Population and the General Administration Department that provide data used as the basis of the voter list.

FIGURE 7. CIVIL SOCIETY’S ROLE IN ENSURING WOMEN’S PARTICIPATION IN ELECTIONS: Around the world, civil society plays an active role promoting CEDAW commitments to women’s participation in elections. Effective CSO approaches include:

Collecting Data about Women’s Participation: To better understand underlying obstacles impacting women’s political participation, CSOs conduct focus groups or roundtables with women at the local level, or conduct nationwide surveys, observation, or academic research to identify trends. Such data can better inform policy makers.

Researching Comparative Practices: To aid policy making, CSOs can research positive (and negative) examples of practices used in other countries and provide case studies and recommendations to the government.

Utilising International Human Rights Mechanisms: To focus attention on deficits, CSOs can submit reports on the status of women in the election process and on progress meeting CEDAW commitments. Myanmar CSOs can submit so-called shadow reports to the CEDAW Committee, during Myanmar’s next review process, and/or to the United Nations Human Rights Council upon Myanmar’s Universal Periodic Review (UPR). For more information on CEDAW reporting, see <https://goo.gl/pcnKTF>. For more information on the UPR, see <https://goo.gl/E8rSvU>.

Conducting Advocacy Campaigns: To promote government action on reform areas, CSOs can develop advocacy campaigns to build public awareness and

²⁷ Currently, there is only one provision to facilitate women’s voting: pregnant women due to give birth on election day are allowed to cast an in-constituency advanced vote. For more information, see Democracy Reporting International (DRI): Manual on the Legal Framework for Elections in Myanmar, page 9

²⁸ CEDAW GR 23, Paragraph 26 notes that “States parties have a responsibility... as a matter of course, to consult and incorporate the advice of groups which are broadly representative of women’s views and interests.”

ABOUT DEMOCRACY REPORTING INTERNATIONAL

Democracy Reporting International (DRI) is a non-partisan, independent, not-for-profit organisation registered in Berlin, Germany. DRI promotes political participation of citizens, accountability of state bodies and the development of democratic institutions world-wide. DRI helps find local ways of promoting the universal right of citizens to participate in the political life of their country, as enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

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This publication has been produced with the financial assistance of the European Union as part of the project, “STEP to Democracy – Support to Electoral Processes and Democracy in Myanmar.” The contents are the sole responsibility of DRI and can under no circumstances be regarded as reflecting the position of the EU.