Feminist lens on free expression

Submission to the UN Special Rapporteur on Freedom of Opinion and Expression

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1. What is the biggest breakthrough on freedom of expression for women and girls?

Free Expression Myanmar (FEM) is a national human rights organisation based in Myanmar with a strategic focus on free expression. FEM is woman-led and all board members are currently women (*not* intentional). Gender is mainstreamed throughout all programmes, and FEM implements specific projects focused on gender and freedom of expression.

The biggest breakthrough on freedom of expression, and freedom of information, for women and girls has been the democratisation of information flows enabled by the internet.

The internet has significantly challenged many forms of "gender-based censorship" (see below question for definition). It has enabled women and girls to:

- **Express themselves more easily** in a society where expression of any form challenges social perceptions of feminine introversion.

- **Express themselves more securely** in private spaces or using encrypted technologies, in a manner that is not normally available to them inside the home.

- **Express themselves more anonymously** and avoid physical judgements in a society in which they face gender-based perceptions and discrimination.

- **Express themselves outside of norms** established in most offline spaces due to a history of patriarchal domination by and for men.

- **Express themselves in groups** to share and raise awareness overcoming the social, political, and economic barriers that have isolated them from association and assembly.

- **Express themselves freer of self-censorship** due to all of the above.

- **Express themselves via mass-communications** by sidestepping, at comparatively little cost, all of the economic and social barriers which have excluded them from print media, broadcast, academia, literature, the arts, etc.

- **Express themselves to influence** decision-makers and affect social norms in new, creative, and authoritative ways that avoid patriarchal systems.

- **Access information more easily** and more quickly in a society where they often have less free time and face barriers to leaving home.

- **Access gender-related information**, particularly taboo information on sexual and reproductive health, with less risk.

2. What is the biggest threat to the freedom of expression of women and girls?

Between 2015-2018, FEM implemented a project to assess the threats/risks associated with women and girls exercising their right to freedom of expression in Myanmar. The team implementing the project were expert in the right at the national and international levels. The project investigated the biggest threat to the free expression of women and girls, which FEM classified as "gender-based censorship", a form of gender-based violence (GBV). Over 50 high-risk individuals from diverse backgrounds participated in a series of key informant interviews and workshop between 2015-2018.

The project produced a report titled, [Daring to Defy Myanmar's Patriarchy](). The report includes a breakdown of international standards and academic discourse on freedom of expression and gender. It outlines gender-based censorship and identifies aggravating factors. The report also includes a risk index, analysis of women's experiences, and a *limited* overview of common risk mitigation strategies.

Gender-based censorship arises when women and girls' freedom of expression challenges, threatens to challenge, or is perceived to challenge accepted socio-cultural norms. These norms include traditions, perceptions and stereotypes about femininity, and the role and status of women in society. Those women and girls face harm or suffering known as gender-based violence (GBV). Gender-based censorship often includes the following inherent tactics:

- Attempts to dissuade from challenging traditional and discriminatory social norms and power structures.

- Elements of a sexual nature, including disrespect for bodies and the sexuality that their bodies represent.

- Casting doubts on credibility, integrity and character by instilling notions of shame, dishonour, and humiliation.

- Promoting feelings of isolation, vulnerability, powerlessness, and disempowerment.

- Instilling notions of shame and dishonour with the intention of provoking a family and community to withdraw support and instead stigmatise and ostracise them.

- Claims that policies and practices which cover up or ignore discrimination are "gender-blind". For example, only women HRDs face social repercussions from their family and community when being detained by men police officers.

When gender-based censorship is analysed, it usually involves interlinked types of GBV. The following lists the most to the least common forms of GBV utilised in gender-based censorship in Myanmar.

1. GBV against life, bodily and mental integrity

2. GBV against personhood and reputations

3. GBV against privacy and violations involving personal relationships

4. Impunity and non-recognition of GBV

5. GBV against association, assembly, and movement

6. GBV against physical and psychological liberty

7. GBV using legal provisions and practices.

Gender-based censorship can be found in the public space and can originate from all parts of the government and security services. However, for women and girls a significant proportion can also be found in private spaces, originating from the community and within the family. Gender-based censorship is aggravated in Myanmar by the patriarchy, by militarisation, and by extremism. Gender-based censorship is rampant offline, and is rapidly becoming common online too.

FEM's project narrowed down its focus to those women and girls most at risk of gender-based censorship. The risk was assessed on the basis of the likelihood (probability) of facing some form of gender-based censorship, and the impact (severity) of the censorship upon the person. Those at highest risk were categorised as women human rights defenders (WHRDs, defined in accordance with international standards) working on gender-related taboos, subverting gender roles and norms, or challenging patriarchal power, namely:

- Sexual orientation and gender identity, particularly in challenging "traditions" that subjugate women.

- Sexual and reproductive health, particularly in confronting control of women's bodies.

- Sexual violence, particularly in naming-and-shaming perpetrators acting with impunity in conflicts.

- Women's participation and leadership in decision-making, particularly in promoting the importance of tackling discrimination and holding perpetrators of discrimination accountable.

FEM's report assesses the likelihood that each group of WHRDs will face one of the aforementioned types of GBV when exercising their right to freedom of expression, and details their experiences that have led to that assessment.

FEM also assessed common risk mitigation and management strategies. Almost all of the formal and informal strategies emanating from the State, community, and family were forms of "protection" which fundamentally sought to control women and girls and limit their right to freedom of expression. None were based in human rights concepts of empowerment. State, community, and family strategies involved forms of GBV and in effect perpetuated gender-based censorship. However, WHRDs themselves had developed a range of approaches to mitigate and manage their risk of facing gender-based censorship:

- WHRDs seek recognition. They try to raise awareness of the concept of human rights, the importance of their work and the global status of WHRDs, as well as seeking recognition of the government's responsibilities to support WHRDs.

- WHRDs work together to create support networks that can ensure safe spaces within which they can express themselves. Support networks range from intimate family relationships to large national platforms. WHRDs often include broader stakeholders in their support networks ranging from legal aid to health professionals to international NGOs.

- WHRDs often conceal themselves and their activities, working underground, and isolating themselves. Concealment includes acting anonymously, using pseudonyms, hiding their offices and professions, using only high-profile spokespeople, and avoiding the use of interceptable communications.

- While recognising that both "security" and "protection" are synonymous with militarisation and paternalism, WHRDs use holistic capacity-building to feel safe within both public spaces and private

spheres. Trainings take account of unequal power relations between genders within their historical, social, cultural, economic, and political contexts. They also address the physical, spiritual, and emotional costs of suppressing fear.