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About the series

These briefs are associated with the International Institute for Democracy and Electoral Assistance (International IDEA), Gender Equality Network (GEN) and Triangle Women initiative to contextualize the 2016 Constitution Assessment for Women's Equality (CAWE) tool, which provides comparative examples from around the world for inspiration and information on good practice for anyone who is determined to contribute to gender-inclusive policy and legislative developments in Myanmar.

These briefs were written before the military coup on 1 February 2021.

About International IDEA

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with a mission to support sustainable democracy worldwide.

A Guide to Being an Effective Advocate for Gender Equality

Amanda Cats-Baril

Summary

Every major political process, whether peace negotiations, elections, parliamentary terms, constitutional reform or other forms of decision-making, can contribute to challenging gender inequality in public life. This brief explores how to be an effective constitutional advocate for gender equality and women's rights in Myanmar. It is part of a three-part series, which also includes Brief No. 2, *Substantive Equality and Women's Representation in Public Institutions*, and Brief No. 3, *Preventing Gender-Based Violence in Myanmar*.

1. What is advocacy?

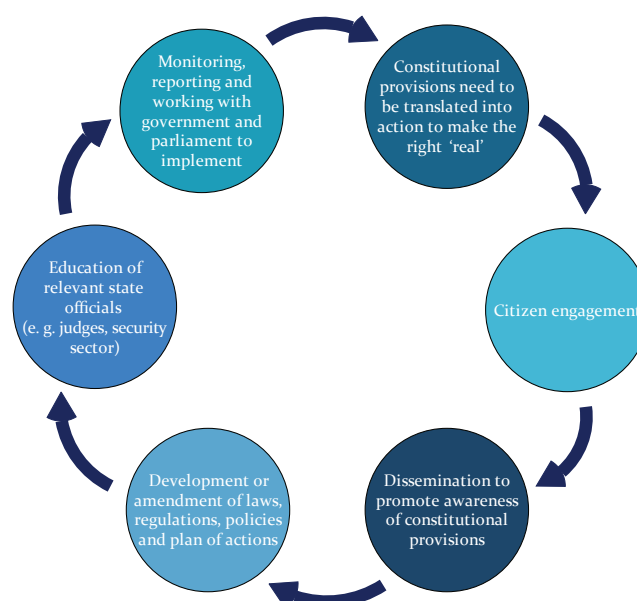
Advocacy is the act or process of supporting a cause, or a principle, a political or social change, or a policy initiative (referred to as a policy proposal). It can be about anything: ensuring children with learning impairments are given equal access to mainstream education; mobilizing to stop the removal of a park or green space from a crowded city neighbourhood; pushing for violence against women and girls to be recognized as a crime; or changing a constitution to ensure it contains provisions that promote the place of women in public institutions, such as gender quotas. Coming out in support of a cause or proposal—publicly or in more discreet ways—means you are being an advocate.

Constitutional advocacy relates to changing or implementing a constitution. Constitutions are universally regarded as supreme law. There is a high threshold for change, and reform is difficult to achieve. When constitutional reform is on the agenda, advocates of gender equality and inclusion can make significant gains in advancing provisions that are reflective of women and men as equal (gender-sensitive) and can be implemented in ways that make a difference for ordinary women and men (gender-responsive). Gender advocates in Kenya, Nepal, Rwanda, South Africa and Tunisia have all advanced gender equality in their constitutions but there are also other, more accessible entry points for political change towards progress and to get more women into public institutions (Kimani 2020; Maingi 2011; Tamaru, Holt-Ivry and O'Reilly 2018). The practice of *constitutional advocacy for gender equality* is when people or groups work to change the constitution to be more

gender-sensitive—integrating the rights of women, men, boys and girls in equal measure—or to ensure that gender-sensitive principles, and more specifically provisions, of a constitution are fully implemented.

Constitutional advocacy is, however, about more than changing constitutions. It is multifaceted. For example, if the constitution guarantees access to justice, then non-governmental organizations (NGOs) providing legal aid and ensuring that this constitutional guarantee is realized in practice is a form of advocacy: these organizations are leading by example to ensure that the constitution is implemented, and that governments and other actors are inspired, and sometimes pressured, to do better in fulfilling these guarantees themselves. A similarly broad interpretation should be applied to constitutional advocacy for gender equality. If a constitution recognizes the principle of gender equality—as Myanmar’s does—then technically all work being done in the country to advance gender equality could be considered constitutional advocacy in that it brings those constitutional commitments to reality. Figure 1 illustrates the various dimensions of bringing constitutions to life and highlights that it is a constant process.

Figure 1. The cycle of constitutional advocacy



When you are thinking about becoming a constitutional advocate for gender equality and women’s rights, there are some key points to consider that will help you to be as effective as possible. This brief provides eight tips to support you. Prior to the tips, this brief also covers who can be a constitutional advocate and when.

2. Who can be a constitutional advocate for women’s equality?

Put simply, anyone can be a constitutional advocate for women’s equality because everyone has an interest in ensuring the ideals and principles in constitutions that promote equality are realized.

It is often thought that advocacy is limited to organizations that lobby the government on a specific concern. This is a misconception. Every sector of society and every individual can be an advocate. This includes, for example, the media, which in its traditional sense should look for the truth and provide access to information. In Myanmar this is most important after years of media censorship. Journalists can play a powerful role in building evidence behind an advocacy cause, asking the right questions and investigating corruption, human rights violations, or other issues that implicate constitutional provisions and actors. They can help reveal and explain an issue to the public, and other organizations can build on this work.

Researchers and academics can be advocates in similar ways—providing detailed data and analysis, and a deeper understanding of evidence for use by advocates. Private sector actors can also play a major role by showcasing good practice in human resource management, investment, respect for diversity, safe workplaces, and the like. For example, a business can ensure paid maternity leave and employment protection for women in line with constitutional guarantees and international law such as the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), of which Myanmar is a signatory. Maternity-related protections such as this are *special measures* permissible under international law, yet many countries fail to ensure this right is guaranteed to women in practice.

Public servants or officials can be advocates for women's equality by influencing how certain issues are interpreted within their institutions. So too can elected officials: for example, a parliamentarian who presents a bill and champions (provides decisive leadership on) women's right to live free from violence, or a minister or president making a public statement about the importance of gender parity in their cabinet.

Citizens can be the most important and most powerful advocates, especially when a mass movement is formed to advance (or sometimes stop) a specific cause or practice. For example, in recent years women's marches and the #MeToo movement have shone a light on sexual harassment, violence and intimidation in many countries.

3. Is there a specific time to be a constitutional advocate?

Constitutional advocacy is needed all the time.

Constitution-building is a much broader process than constitution-making (or the writing of a constitution). While being a constitutional advocate has heightened importance in moments of formal constitutional change, it is vital that advocacy continues throughout the whole lifetime of a constitution, even a contested one such as in Myanmar. A constitution and the rights and principles it contains are starting points, not end points. A constitution provides a baseline for advancing rights, including gender equality. An effective constitutional advocate regularly monitors how a constitution is performing and seeks better, more innovative and more responsive implementation.

Constitutions can and do change at many points after promulgation (formal agreement and entry into force). This change comes in two main forms:

1. *Formal constitutional change* includes, for example, the making of a new constitution (repeal or replacement) or changing a constitution (amendment).
2. *'Informal' or 'sub-constitutional' change* occurs as a constitution is being implemented—for example, through the establishment of institutions, changing interpretations of the constitution by a judiciary, new government behaviours or processes, and building a 'culture of constitutionalism' under which all actors, private and public, accept that the constitution is the highest law of the land.

The two forms are closely related. The tips in this brief will help you to navigate both formal and informal opportunities for change.

Figure 2. Hierarchy of entry points for advocacy



Informal means of constitutional change—outside of repeal, replacement and amendment—are critical for constitutional advocates. They can be highly effective ways of pushing for revisiting and reinterpreting constitutional principles over time to ensure that a constitution can adapt to changing circumstances without having to be constantly formally amended, which can be destabilizing. Most importantly, however, these informal forms of change provide excellent entry points as formal constitutional change processes can be difficult to initiate and time-consuming, and are often under government control. Informal change can be closer to the people and therefore realized more quickly, as well as being more obtainable. Figure 2 shows the different levels and layers of change.

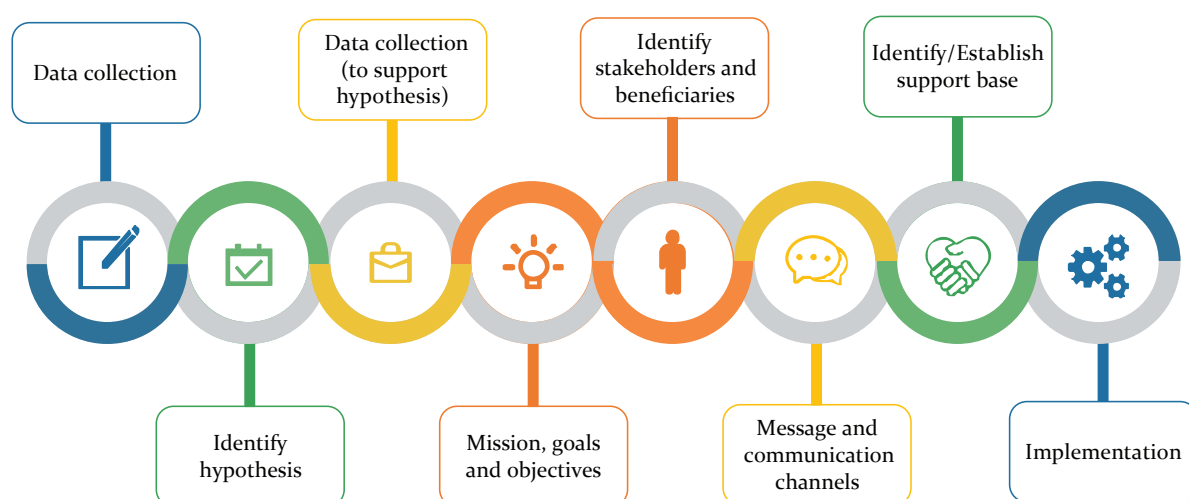
Constitutional advocacy is ongoing and incremental. It requires stamina. Informal constitutional change can provide opportunities for tangible results, the absence of which can be demoralizing for advocates and their constituencies. It can be more effective to advocate for a new law or policy, which strengthens the case for constitutional change at a later point, than to advocate for immediate formal changes to the constitution. This does not mean that advocates should give up on formal constitutional change, nor should they have to choose between focusing their efforts on formal or informal constitutional change. The two forms of change are intimately related and practising the advocacy tips in this brief on easier-to-obtain objectives, such as a new law or policy, is essential preparation for when a moment to influence the constitution itself arises.

As the world-famous feminist and anti-racism advocate Angela Davis has reflected: ‘One never knows when conditions may give rise to a conjuncture . . . that rapidly shifts popular consciousness and suddenly allows us to move in the direction of radical change. If one does not engage in the on-going work when such a moment arises, we cannot take advantage of the opportunities to change’ (Davis 2020).

4. Suggestions for effective advocacy

It is important to recognize that, in line with the definition above, advocacy is a process. A single event, such as a protest, can be part of an advocacy strategy but does not on its own count as advocacy. It has to be clearly tied to support for a cause or proposal, so the ‘advocacy’ would not only be the protest but all the work around it, targeting the messages and identifying the audiences, ensuring the timing is right and convincing people to join in.

Figure 3. The iterative process of advocacy



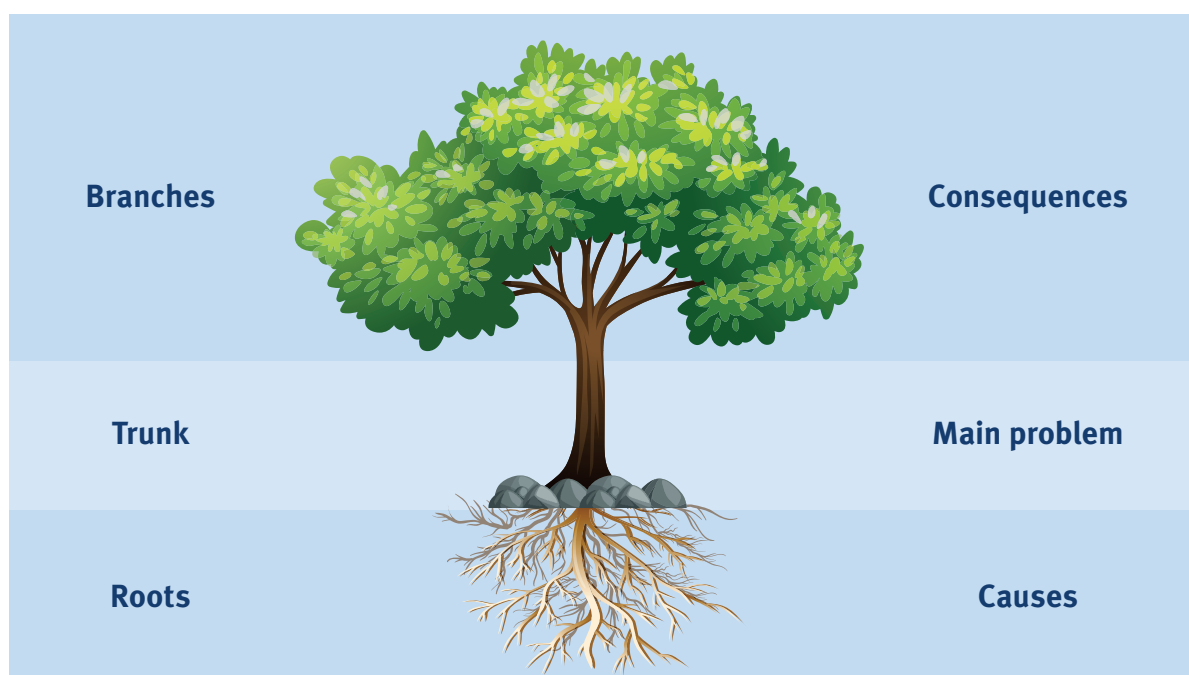
However, advocacy is not only a process; it is an *iterative* process. This means it is not linear or stagnant in time, and it should involve a constant reassessment of messages, issues, audiences and facts. As such, the tips laid out in this brief are not necessarily meant to be taken as chronological ‘steps’ in an advocacy process. While it is suggested, and in some cases necessary, to complete some of the steps below before others—knowing the issue and audience before crafting your advocacy message, for example—the iterative nature of advocacy will mean that you may have to revisit them: as you advocate using your message, you have to assess the message’s effectiveness and, in doing so, you are likely to learn new things about your issue and audience, which might necessitate a readjustment of your message. As an advocate you should always be open to learning and adjusting. Advocacy requires flexibility and responsiveness, both to those you’re advocating for and to your target audience. Figure 3 highlights the many necessary steps that make up the iterative advocacy process and, as some organizations will naturally be better suited to different roles and tasks than others, these steps can be used to help identify a sensible division of labour.

4.1. Eight tips for effective advocacy

Tip 1: Know the issue

Before you can begin advocating, you need to understand the cause or proposal, which means having a detailed grasp of the problem and the options for action. It is important to break down the issue or problem into manageable pieces to help you to define your advocacy goals and objectives and to prioritize them effectively. There are many ways of doing this, but all are built around the core task of *context or problem analysis* (see Figure 4). One helpful way to begin is with an exercise that looks not only at the issue itself, but also at the underlying causes that led to it and its impacts/consequences. This exercise can take the form of a map or tree, and can help to (a) break down the issues and more clearly see the connections and contradictions; (b) identify your objectives; (c) prioritize your objectives effectively; and (d) identify and chart the target audience or audiences for your work.

Figure 4. Problem analysis tree



Tip 2: Articulate the gains and harms

With a more thorough understanding of the issue, you can begin to identify gains and harms. ‘Gains’ refers to the positive impacts that adoption of the cause or proposal would have on society or a community while ‘harms’ refers to the negative impacts that would result from inaction or from different decisions. Harms are not necessarily physical and can instead be discrimination and discriminatory practices that limit human rights—for example, reducing women’s opportunities to participate in public life, or women being unable to access or pass down citizenship. In the case of the latter, your legal issue might be the citizenship clause in the constitution but in order to explain why it is problematic and gain support for your cause, you have to explain not only why the provision is problematic but *how it impacts human lives*. In that particular case, you could conduct research to find out how many women lack citizenship or have had difficulties passing it on to their children. You could interview some of these women and create a story or portrait of the harm to make the case for change clearer to decision-makers and other actors. In articulating the harms and gains, you might consider:

1. Is the harm singular (one event) or systematic and ongoing?
2. Is the harm individual (affecting individual people) or collective (affecting society as a whole)?
3. Does it affect thousands or tens of thousands or even hundreds of thousands of people?
4. Are there trends you can recognize? For example, do women from a specific geographic area or ethnic group face higher barriers than others?
5. Can you connect the issue to wider national politics or economics?
6. Is there a relevant comparison from another country?
7. What benefits or difference would this bring to Myanmar?

In understanding the potential gains, and the current or potential harms, you will begin to get a sense of the scale and scope of the issue you want to address and you will also build an evidence base for your advocacy, which is critical to maintaining your legitimacy (discussed below). This work can also create channels of communication between yourself and those directly impacted by the issue you are working on, lending credibility to your arguments and claims to representation.

Tip 3: Connect your issue or concern to a constitutional provision or principle

Not all issues faced by a community or constituency will amount to legal or rights violations. However, finding a link between your issue and a constitutional or other legal provision can significantly strengthen your efforts. Advocates are not asking the government for a favour where they are calling for a constitution or law to be implemented correctly. Saying ‘Under our constitution we have the right to gender equality and the current system is not delivering it’ is more powerful than saying ‘We want gender equality’.

You can also think about the links between your issue and the international treaties of which Myanmar is a signatory. If the issue is linked to an internationally recognized right—for example, the right to maternity protection that was mentioned previously—international advocacy might also be possible. When you can use domestic and international advocacy together, you can effectively put pressure on government actors from both above and below simultaneously, which may further increase your chances of success.

Tip 4: Develop plans with clear goals and objectives

High-impact advocacy is almost always associated with planning and clear objectives and goals. There is no one correct way to set goals but it is important to make sure that you break down your advocacy issue into manageable pieces; having a broad goal such as ‘greater equality for women’ will not give you or your allies a clear sense of the actions that need to be taken to achieve it, while clear goals and objectives will underpin powerful coalition-building and a suitable division of labour.

Before setting goals and objectives it is helpful to create a *mission statement*, which provides a general direction—for example, ‘To have a constitution and laws that support women’s substantive equality’. This mission statement is like an umbrella, and all of your more specific goals and objectives should fit underneath it (see Figure 5).

Figure 5. Mission statement, goals and objectives



It is good practice to write your advocacy plan down. Doing this collectively with your team and other stakeholders helps to refine it and to build support for it. It is vital to revisit and update your plan regularly and to use it to hold both yourself and others to account.

Goals should provide specific direction and a commitment to action. Taking the mission statement above, one goal might be ‘To increase the full and meaningful participation of women in local democracy’. Other goals might focus on substantive equality in other areas, such as economic and social rights.

Objectives come next and are specific outcomes to secure the achievement of your goals. For example, an objective could be to ‘Develop evidence on the low levels of women’s participation in local democracy’. Achieving this would help you move towards increasing the participation

of women, which is your goal. As you set objectives and goals, it is helpful to think about the ‘SMART’ acronym:

Specific: The goal or objective articulates clearly what needs to be achieved. Goals and objectives should be specific, not broad, or general. Narrow your focus and ensure that the goal can easily be communicated to various audiences.

Measurable: The goal is amenable to evaluation and it will be clear when it has (or has not) been accomplished. Tracking progress is critical to being able to adapt objectives, and perhaps goals too, as circumstances change.

Achievable: You have a reasonable chance of success. This helps to mobilize people around your cause and attract resources and other forms of support. It is critical that your goals are achievable in the context in which you are working—even if it may take a long time and generational change. This is particularly important to keep in mind when considering whether to pursue advocacy that immediately targets formal constitutional amendment or focus efforts on more achievable informal changes.

Relevant: All goals and objectives should be relevant to the mission statement of the project and to the context in which you are working. This is important in ensuring that the issue gains traction.

Time-bound: The objective has an end date. Develop a timeline that moves you towards achieving your goals and mission statement. This can be updated and changed if necessary, but it helps to hold yourself and others accountable and to plan your advocacy strategy in a way that takes account of major events—both ones to avoid (e.g. election periods) and ones to capitalize on (e.g. International Women’s Day).

Tip 5: Build your case carefully

Being able to support your advocacy positions with evidence that is relatively objective, reliable and verifiable is critical to maintaining your legitimacy. The more objective and reliable the evidence, the harder it will be for people to reject your position as biased and the more seriously you will be taken by your audiences.

You should gather both qualitative and quantitative information to support your advocacy strategy and its messaging. Make a list of what type of data is needed. There are a number of different techniques that you can use to gather evidence, including but not limited to: surveys and opinion polls; focus group discussions; key informant interviews; desk research on legal frameworks and key cases; and community consultations.

To create a strong case, you will need evidence which you can layer. Layering evidence means taking multiple sources of evidence and presenting them in connection to each other to support your case. For example, you could talk to the people directly affected by the issue you are working on and gather stories from them to complement the data you’ve found through desk research.

There are many different tools to help you to develop a strong evidence-based position as a constitutional advocate. Two examples are listed below:

1. *International IDEA* has a methodology for analysing constitutional performance that has been used to develop an evidence base for advocating for constitutional reform and review in the Philippines and South Africa—*Constitutional Performance Assessment of the 1987 Philippine Constitution* (Atienza et al 2020) and *Assessing the Performance of the South African Constitution* (Bilchitz et al 2016), respectively.
2. *Constitution Assessment for Women’s Equality (CAWE)* includes comparative practice from constitutions around the world (Allen 2016). When you seek to advocate on an issue related to, for example, women’s participation in politics, you can use it to see how Myanmar’s Constitution compares with others and to help you develop constitutional and legal language for your proposals.

Tip 6: Stakeholder awareness

Advocacy involves engaging different audiences to build support. It is important to understand the needs and interests of the different audiences and adjust your messaging accordingly. Tailoring your messaging can improve the strength of your arguments and ensure that messages are relevant and impactful for the intended audience. To develop appropriate messaging for your audience or audiences you can carry out *stakeholder analysis or audience mapping*, a process which identifies the key stakeholders for your cause, what their interests are in relation to the cause and the relationship between the different stakeholders.

To truly understand different stakeholder positions, you must consult directly with people and institutions on all sides of the debate. This includes the constituencies you are representing in your advocacy efforts, and the real daily impacts they experience, as well as the institutions that might feel threatened by your efforts or resist them in some way. For example, if some men think that advocating for greater inclusion will mean fewer positions for them, this is an issue that you need to be aware of and sensitive to in your messaging and advocacy efforts.

Develop different messages for your different audiences and work to refine them. Know your messages well and how to support them with the evidence you have gathered. Advocacy messages should be clear, consistent in tone and content, and ideally succinct.

One exercise that can help with this is practising an ‘elevator pitch’ where you try to verbalize your message in under 60 seconds. You can conduct this exercise for different messages, when you are speaking with a decision-maker (e.g. a government official) or a decision-shaper (e.g. a business leader or journalist). Your message should always include a clear ask: how can your audience support your efforts or take actions towards your cause?

Tip 7: Build coalitions

Building coalitions between and among like-minded organizations, institutions and actors can strengthen your advocacy movement. Be sure to partner strategically and to think about the comparative advantages of each member of the coalition. For example, if you are looking to survey women representatives in local government, NGO might have good networks to reach these people, but there may also be an association of women in local government that an NGO could partner with. Academics and researchers could be helpful in designing and conducting research to gather evidence, and the media could support the amplification of your messages.

Coalitions are also about building *horizontal alliances* between organizations working across the full spectrum of an issue. Perhaps you are leading a women’s rights organization and are interested in conducting a campaign against gender stereotyping and discriminatory practices. There might be other organizations working on discrimination too—perhaps associated with the LGBTQIA+ community, ethnic or racial groups or people with disabilities. When organizations present a united advocacy approach and message on a core issue, it can help generate widespread support and attention from the public and the government.

The private sector can also be an incredibly effective ally. For example, in the United States in 2020 there was a movement to change the name of a high-profile football team because it was discriminatory. Many organizations came out in support of the name change and so too did the public, but the team’s management was resistant. After Nike pulled all the sportswear branded with this team’s old logo from its retail shops and other private sector actors involved in providing food and beverages during their games also began to withdraw their support, the name was changed within two weeks. This was mostly due to the financial consequences the team suffered on account of the boycott.

Tip 8: Understand different tones and advocacy styles

Attitudes and behaviours related to carrying out advocacy actions and plans are extremely important and underpin all of these tips. The goal of advocacy is to build bridges, and it can often result in gains for all stakeholders. As an advocate, first impressions and perceptions matter. If you want to be welcome in circles of influence—where advocacy is most effective—you need to be an ally. Different forms of advocacy are relevant at different times. It need not be antagonistic. Being regarded as an asset by seeking to help others do their job better, rather than reprimanding and blaming, can wield influence too. Having a solid evidence base and well-defined messaging will help with this. It is also critical to engage in active listening and to make stakeholders that might be initially opposed to, or unsure of, your advocacy proposal feel heard.

Practise ‘feeding forward’ instead of feedback. With feeding forward, you constructively seek a solution to your issue by putting options on the table for consideration by others. These options should be feasible for the local context but also can draw on comparative examples, like those included in the CAWE (Allen 2016). The ConstitutionNet website created by the Constitute Project and International IDEA also has a wide range of global constitutional examples. The point is not to go to the government and tell them they are failing to deliver on gender equality but rather to say ‘Currently we have X number of women in local government but to move closer towards equal representation with men, we could consider quotas in local constituencies as they do in X country’.

Engaging in an ongoing and sustainable way with government actors is important too. Do not only approach them when you have a clear ask. Part of constructive engagement is to build a close relationship over time, and to open a conversation between yourself and relevant authorities where you can share your insights. This is what generates the spirit of partnership in advocacy, which is the basis for achieving real impact and legal change.

5. Examples of constitutional advocacy in Myanmar

Articles 397 and 409 of Myanmar’s Constitution provide that the Union parliament can enact laws regarding political parties and elections. This opens avenues for advocacy with the Union parliament to amend the electoral laws governing Myanmar’s hluttaws to include reserved seats for women in legislatures and other formal governance mechanisms. Advocates could target electoral law reform to require quotas for women on party candidate lists or the placement of women through so-called ‘zipper’ or ‘zebra’ lists, which include equal numbers of female and male candidates alternating across the list. Alternatively, it may be possible to advocate for the amendment of the political parties’ registration law or party by-laws to require quotas for women on the party lists and parity in the parties’ decision-making bodies. The Women’s League of Burma notes: ‘The state could promulgate an electoral law that political parties are only eligible to contest elections if they submit at least 30% of women candidates. Such a proposal does not mean women can take up positions without being elected, but rather, enables them to get a foot on the first rung of the ladder’ (NIMD et al. 2019: 6).

These measures require astute engagement (e.g. policy briefs, external communications, deployment of ‘champions’ or allies to promote additional message change options, traditional lobbying, workshops and seminars) with different members of parliament and possibly with the Union Election Commission which would be key in enforcing such changes. However, legislative change is more easily achievable than constitutional reform and persuasive evidence-based arguments can be drawn from the CAWE (Allen 2016).

At the legislative level, advocates can also engage directly with political parties to ensure that the policies in their party programmes and election manifestos are gender-inclusive and that legislative or voluntary quotas for party candidates are implemented. Advocates can conduct analysis on:

- party manifestos and policies that reflect the needs of women, girls, men and boys;
- women in senior decision-making roles;
- the number of male and female parliamentarians over the past five years;
- how the party engages women (e.g. dedicated events for women at times that are accessible for women, targeted outreach to women's organizations, etc.); and
- the presence or absence of an active women's wing.

Advocates could raise awareness of the importance of these issues as well as sharing information on which parties are implementing quotas and placement requirements for women on party candidate lists. Leadership bodies of political parties might be more accessible than members of parliament and policy or manifesto change more easily achievable than changing a law or the constitution. Moreover, these types of advocacy strategies could take a 'bottom-up' approach targeting political parties at the state/region level to set a precedent before moving to Union-level parties.

Improving female candidates' access to funding is pivotal as women often do not enjoy the same level of funding as men running for office (UNDP and UN Women 2015; Falguera et al. 2014). Advocates could examine the allocation of party funds by gender and propose fundraising networks or a party fund specifically to support women's campaigns.

Gender advocates, together with civil society organizations, could also raise awareness of the importance of women's participation in politics at the community level, encouraging women to become members of political parties. Practical ways to reduce hurdles for women and strengthen female candidates' positions include organizing skills and knowledge training for potential candidates to develop confidence and techniques in campaign fundraising, leadership, communications and inclusive policy making, or to learn from the experiences of other female politicians. During the election period, advocates could consider organizing campaigns to activate women to register as voters and to vote, as well as campaigns to generate more support for female candidates.

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Colophon

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Triangle Women Organization



Triangle Women Organization is a civil society organization working for women's empowerment at the grassroots level.

MyConstitution



The MyConstitution project works towards a home-grown and well-informed constitutional culture as an integral part of democratic transition and sustainable peace in Myanmar. Based on demand by Myanmar stakeholders, expert advisory services are provided to those involved in constitution-building efforts. This series of Constitution Briefs is produced as part of this effort.



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