

Views

Discrimination at home and abroad

THERE was finally some good news this week when Malaysia and Indonesia agreed to grant refuge to thousands of refugees and migrants from Myanmar and Bangladesh adrift at sea in dire conditions.

The state of the men, women and children who made it to shore – some of whom I met on land in Malaysia, and others I saw crying and pleading as their boat was towed back to sea between Thai and Malaysian waters – was harrowing.

The scale of the humanitarian crisis that has unfolded in the Bay of Bengal and Andaman Sea over the past few weeks in many ways transcends specific gender issues. The starvation, violence and abuse suffered by those at sea – many of them from the Muslim community who call themselves Rohingya and are fleeing rights abuses and poverty in Rakhine – has been horrifying.

The initial response of regional governments, particularly Thailand, Malaysia and Indonesia, who repeatedly forced boats back out to sea, was shameful. While at the time of writing it is unclear whether Malaysia and Indonesia will actively help people ashore – vital if lives are to be saved – let us hope their offer of assistance is acted upon swiftly.

Yet the recent crisis has highlighted issues particular to the women refugees that must now be considered by those offering to support them.

For the Rohingya women who have been caught up in this tragedy, additional suffering has been inflicted on them, and not only by the traffickers in whose hands their lives were entrusted.

On May 19, a day before Malaysia and Indonesia agreed to take people in, a joint statement from senior UN officials and the International Organization of Migration reported that women on board boats were being raped and suffering sexual violence.



FIONA
MACGREGOR

fionamacgregor@hotmail.co.uk

These women, who were trapped in close confines with their attackers for weeks and even months, will require particular medical and psychological support as soon as possible. That is something those coordinating relief measures on land should provide urgently.

It is unclear who the perpetrators of this sexual violence were. Survivors of trafficking camps in Thailand have reported being raped by their captors. If this was also the case on board the boats, then every effort should be made to ensure those responsible are charged with those crimes as well as under trafficking laws.

Violence is also reported to have broken out between different groups of passengers sharing boats – a mix of people from Myanmar and Bangladesh. If fellow passengers were involved in sexual attacks, then women should be protected from those responsible when moved to shelters on land.

But the women at sea have also reportedly suffered traditional gender discrimination from those within their own communities.

Chris Lewa of the Arakan Project, a Rohingya rights group that records boats leaving from the Bay of Bengal, said that when her team made phone contact with those on board, they had been told that the men “were taking all the food and the women could not get the food. They were only getting the little bits left over.”

Officers on board the Thai Navy vessel which towed a boat of Rohingya refugees out to sea on May 16 – for the second time in three days – also told me how they had been concerned that



A Rohingya girl from Myanmar holds her younger sibling at a newly established confinement area at Bayeun in Indonesia's Aceh Province yesterday. Photo: AFP

women and children had not received their fair share of food delivered by the navy on their first contact with the boat. The Thai officers said on their second contact with those on board, they had done their best to see supplies also reached the women.

This treatment suggests those setting up refugee camps in Malaysia

The recent crisis has highlighted issues particular to the women refugees that must now be considered by those offering support.

and Indonesia will need to ensure aid delivery is distributed in a way that prevents this inequality continuing on shore. A number of the refugee women I saw held in Langkawi were breast-feeding infants. It is important their nutritional needs are met as quickly as possible.

Meanwhile, Rohingya women in Myanmar, whose hopes of fleeing – even under the most desperate conditions – have apparently been stalled due to the current crisis at sea, are set to face worsening discriminations and rights abuses here.

Concerned observers and rights activists have consistently warned that the legislation known as the population control bill – which will allow authorities to restrict women to leaving a three-year birth gap between children – is specifically targeted at Rohingya. This is an accusation that the government has avoided responding to.

This week, however, the extremist

monk U Wirathu cleared up any doubt, telling reporters the bill is aimed at protecting women's health and “stopping the Bengalis”, the name by which many in Myanmar, including the government, refer to those who call themselves Rohingya.

“If the bill is enacted, it could stop the Bengalis that call themselves Rohingya, who are trying to seize Rakhine State,” said the monk, who is closely associated with the nationalist Buddhist organisation known as the Ma Ba Tha. The body proposed the original bill as part of a package of legislation aimed at “protecting race and religion”.

Since U Wirathu has made his low opinion of women abundantly clear in numerous previous comments, proper support of female reproductive health is unlikely to be one of his motivations for pushing the law.

But it is safe to assume he is serious about wanting to cut Rohingya birth rates. Rohingya women in some Rakhine communities have in the past faced restrictions on how many children they were allowed to have. This legislation could allow a similar policy to operate across the state if agreed by the president.

U Wirathu's comments make clear this legislation is part of a concerted aim to rid Myanmar of its Rohingya population by any means – even if that means breaching basic human rights.

As events at sea have brought the Rohingya's plight to world attention, many have asked what has forced them to take such risks in order to escape Myanmar. State-sanctioned rights abuses such as the population control bill help to answer that question.

International organisations should offer particular support to Rohingya female refugees who have arrived in Malaysia and Indonesia. But it is equally important that scrutiny is applied to treatment of the hundreds of thousands who remain in Myanmar, and those responsible for promoting rights abuses are challenged.

Royal Porcelain
www.royalporcelain.co.th

Royal Bone China

Royal Fine China

THE TASTE THAT LASTS

ARKAR TUN TRADING COMPANY LIMITED
www.myanmarroyalporcelain.com

Head Office : No.105, Thameinbayan Road (ShweHmi Furniture Mart),
Tamwe Township, Yangon, Myanmar. 01-546820, 09-5031694, 095021192
Email : theinhtoo24@gmail.com

Views



The sun sets as a couple walk with a dog at the sea side of Sittwe, Rakhine State March 3, 2014. Photo: EPA

Parties need to articulate policies to win votes

STEVE CIMA
scima@iri.org

THE November 8 election promises to be a landmark in Myanmar's political transition. While the waters recede from some of the worst flooding the country has seen in decades, political parties have been given 60 days to convince voters that they are worthy of their vote. With 92 political parties submitting candidate nominations for the election, it is shaping up to be the country's most competitive election in 25 years.

Political parties' campaigns will have a significant influence on voters' choices and this influence will ultimately determine which party commands a majority of seats in the next parliament. The campaigns will play a crucial role in affecting what voters know, whether they will vote and, if so, for whom they will cast their ballot. If political parties are to find a pathway to victory they will need to develop campaign strategies that will simultaneously inform voters about the importance of the election, educate about the electoral process, and deliver convincing, issue-based messages that will motivate and persuade those eligible to vote on November 8.

While elections are often important milestones and barometers of a country's democratic direction, campaigns provide the moments in political life when representatives and constituents interact most directly. Campaigns can galvanise interest in existing concerns or spark interest in new issues. Identifying and bundling interests in society remains one of the critical functions of political parties, no matter where in the world they are located.

Campaigns have the ability to encourage voters to learn more about and exercise choice on the important decisions before them. Combining the long-term interests of political and economic reform while also addressing the immediate bread-and-butter issues remains a challenge faced by many parties in transitional environments.

In Myanmar, this challenge is acute as parties seek to build a collective future. While voters are waiting to hear how each party will improve their daily lives, they also need clear, articulate party policies and platforms to enable them to make choices that will establish the pattern for the path of the country's political and economic future. These choices will provide a mandate to parties to transform their policies and platforms into legislative priorities and build coalitions to bring these priorities to fruition.

Parties now have a great opportunity in front of them to chart the course for the next five years. This work begins in earnest as they make their case in the coming weeks.

Steve Cima is director for Myanmar at the International Republican Institute, a non-profit, non-partisan organisation committed to advancing freedom and democracy.

Monogamy law takes aim at Muslims, not expats



FIONA
MACGREGOR

fionamacgregor@hotmail.co.uk

IF women around Yangon have found their expat boyfriends less than enthusiastic between the sheets over the past week, I fear it may be partly my fault.

My column last week on how the newly enacted protection of race and religion law on monogamy seriously impinges on various rights opens the door for political abuse appears to have given at least one of the city's foreign male residents the holy horrors.

Consider an email I received, entitled "Extramarital sex":

"As a single man, living with two other single men, the news of the recent laws pertaining to sex out of wedlock is quite terrifying, especially for a couple of friends dating local girls," writes the worried reader.

"Needless to mention, my need to fully understand this new law is more than a benign curiosity, it's absolutely crucial...! We all know the horror stories when laws work against you, ie poor Phil Blackwood. "Would you please be kind enough to let me know exactly what this law means for foreigners sleeping with / dating local women? And how it is going to be enforced? Does it only govern local women or would it be illegal to sleep with a foreigner out of wedlock? And is the woman equally as punishable, both local and foreign?"

"Any info you can shed would be really kind."

Now, far be it from me to judge the kind of man who feels the need to use a solidus to distinguish between dating/sleeping with someone. After all, as his letter insists, the writer is asking on behalf of "a couple of friends".

The point I considered "absolutely crucial" to make last week is that the new monogamy law provides yet another weapon in the arsenal of those in power who, if it suits their personal or political ambitions, can use people's personal lives to bring them down through the courts.

My principal concern was for Myanmar's political activists, civil society campaigners and human rights defenders - too many of whom have already fallen victim to existing laws that clearly breach basic rights by giving authorities the power to punish people and interfere in their lives over who they spend time with, where and when.

Nevertheless, while the somewhat overwrought language of my correspondent in relation to the impact of the new legislation on expats' casual sexual encounters may seem a little out of perspective in that wider context, his letter highlights just why the law concerned is so insidious.

If I have inadvertently promulgated the xenophobic agenda of U Wirathu and contributed to a climate of fear by pointing out the law's inherent rights, I feel I ought to revisit the issue.

Note: I am no more a legal expert than I am an Agony Aunt and take absolutely no responsibility if anyone follows my advice here and it all goes horribly wrong.

Indeed, that is one of the key concerns about not only the monogamy law, but also other legislation

included in the protection of race and religion bills, particularly the population control bill. It is extremely unclear exactly how they will be implemented and it is their vagueness that leaves them open to being interpreted in ways that could be used to suit various political agenda.

I would however suggest that the writer "as a single man living with two other single men" is fairly safe from falling victim to the new monogamy law, which principally affects those cohabiting with someone if one or both of the parties involved are considered legally married to someone else.

What is concerning, though, is that I thought I'd made the cohabitation and married contingents of the monogamy law clear in my original column.

If the writer's job title is indicative - he works in investment - he is well-educated, probably with some understanding of legal systems.

Like any expat, he also has a choice whether to live here, and has really just the one - albeit highly disturbing - case of an expat imprisoned on religious-political grounds: New Zealander Phil Blackwood, who is currently in jail for having used an image of the Buddha to promote a bar.

Yet he was panicked into misunderstanding the new legislation and appears genuinely frightened - "terrified" as he puts it - that he could end up in jail if he were to be in breach of the law. With a 10-year sentence at stake, it's not a minor matter.

Think then how genuinely terrifying the new law must be for people born and raised in this country - where hundreds of people have been

incarcerated and abused as political prisoners - and who fear they may be the target of religious or political vendettas.

There is no doubt that the monogamy law is aimed directly at Myanmar's Muslim communities, some members of which practise, as is accepted under their faith, polygamy. But as I pointed out last week, there are a variety of cohabitation arrangements to which it could be applied: including, potentially, married foreigners cohabiting with someone other than their spouse.

The person who wrote to me does not appear to fall under those categories, and it is unfortunate that a misunderstanding of my column caused him such personal concern. But I hope it will have encouraged him and other expats to raise the issue internationally, including with would-be investors, of newly emerging rights abuses in Myanmar, the increasingly institutionalised bullying of the Muslim population and the rising number of political prisoners.

One final word of caution to my correspondent: while I think it unlikely the monogamy law, with its emphasis on cohabitation, will be used against foreigners involved in sporadic overnight encounters, he might want to check out the 2012 Word or Village Tract Administration Law, before he engages in another sleepover.

That one, which requires any resident to inform local officials when visitors spend the night in their home - has been used against foreigners and locals. It has mainly targeted journalists or activists staying in what have been considered sensitive areas - but you never know when a "midnight inspection" might strike...

Views

Military skirts issue of powerful women



FIONA
MACGREGOR

f.macgregor@mmtimes.com

THE Myanmar military is not renowned for its self-deprecating wit. But the news this week that a young woman has been incarcerated over an online joke involving the army's new uniform and Daw Aung San Suu Kyi's skirt suggests a degree of self-aggrandisement that would be funny were it not for the fact that someone is currently behind bars.

It is a clear sign of insecurity if you aren't able to laugh at yourself. But the overreaction to this case is not just a matter of dented military pride. It is also a matter of dented male pride. And it highlights a fundamental misogyny that underlies so many of the problems faced by women in Myanmar.

The joke in question was made about an image being circulated on Facebook which featured a photo of Daw Aung San Suu Kyi dressed in a traditional *htamein*. The picture is set next to photos of military Commander-in-Chief Senior General Min Aung Hlaing addressing men wearing the recently restyled Myanmar army uniforms. The images highlight the

similarity between the mint-green hue of the garments involved.

The arrested woman, 25-year-old Ma Chaw Sandi Htun, a National League for Democracy activist from Maubin township, shared the image and wrote the following observation, "If you love her so much, wrap pieces of her *htamein* around your head [as a bandana]."

For those unfamiliar with Myanmar traditions, there is a belief that women's lower parts, and the garments that cover them, have the power to neutralise men's *phon* - a Burmese word for a concept that roughly translates as a "masculine power".

It is considered particularly important that women's *phon*-zapping underwear and skirts are not put in places where men have to pass under them - creating all sorts of challenges, like where you hang your washing.

So, with that belief in force, the idea of the senior general or his men wearing pieces of his political nemesis' skirt around their heads is about as humiliating as could be imagined. The comment was very insulting.

Ma Chaw Sandi Htun is reported to have been charged under section 34(d), which prohibits defamation and spreading misinformation about organisations on the internet. This law, which appears to allow an extremely wide interpretation of what constitutes defamation, has been used

on numerous occasions to suppress comments that those in power find offensive, and to imprison activists.

It is reported she could be sentenced to up to five years in prison. For a joke.

The case highlights how political activists continue to suffer "legal" harassment in Myanmar. If Ma Chaw Sandi Htun is convicted and jailed, it will make another mockery of President U Thein Sein's vow to free all political prisoners.

However, the case also highlights the insidious nature of a tradition which is used to reinforce the idea that women are dirty and inferior. If the joke had involved NLD vice chair U Tin Oo's longyi, it seems unlikely anyone would have got so upset.

It is not appropriate to ridicule another's cultural traditions, but when beliefs lead to discrimination it is fair to hold them up for scrutiny. Many Myanmar women have told me how offensive they find it that they are considered "dirty" because they menstruate, which is how the *htamein* taboo is often explained.

The inherent idea of female inferiority that accompanies this consistently undermines women who seek equality in the workplace and in wider society. However, the concept of *phon* and the power of women to rob men of it is fascinating. Looked at in a different way, the perceived ability of women to weaken men by a mere wave of

their skirts or underwear makes them extremely powerful indeed.

A friend from the delta region told me how her grandmother - an independent old lady who lived alone at her farm in the jungle much of the time - ties her *htamein* along the fence around her house at night, because she believes they can ward off marauding elephants.

The perceived power of women to weaken men by a mere wave of their skirts or underwear makes them extremely powerful indeed.

That's a pretty impressive power to be able to bestow on a piece of cloth merely by having it in close quarters with your nether regions. No wonder the military is apparently so panicked by the idea of what Daw Suu's skirt might be able to do to them.

After the 2007 Saffron Revolution, campaigners embraced the idea of this

kind of feminine power, and "panty protests" were launched which encouraged women around the world to send their underwear to Myanmar embassies in their countries as a protest against the regime.

Interestingly, the distaste which *htamein* can engender among Myanmar men did not stop senior figures, including then-senior-general Than Shwe, donning the garments for a public appearance in 2011 - an event believed to have been prompted by the advice of a fortune-teller who suggested it would prevent Daw Suu coming to power. Presumably, however, the *htamein* in question were brand new and therefore unsullied by female parts.

Perhaps after November 8 we will finally be able to see whether the powers of those particular *htamein* worked.

But whether the *phon*-robbing power of other *htamein* is a genuine phenomenon, Ma Chaw Sandi Htun's case proves just how much power women have to upset and scare men in authority. It is reported that following a complaint from the military, around 20 police were sent to arrest Ma Chaw Sandi Htun at a meditation centre she was visiting with her mother. That's a lot of men to bring in one young woman.

Perhaps women's skirts cannot really zap men of their strength and powers, but it appears their words and jokes can.

Free iPhone
Focus, Fiesta, Ecosport

WITH



One Year
FREE SERVICE

SAVE
3,000,000 MMK

Only Selected Car Model

- New Leather Seat (Except Fiesta)
- Only For October 2015

CAPITAL AUTOMOTIVE LIMITED

No(3), Ward(12), Insein Main Road, Hlaing Township,
Yangon, Myanmar

Ph: +95(0)1521 959

Ford-Myanmar.com | sales@ford-myanmar.com

No(55), Corner Of 78th Street & 10 Street, Kywe Ser Kan,
Pyi Gyi Tagon Township, Mandalay

Ph: +95(0)258014 - 18

Ford Myanmar



Go Further

Views

That which shall not be mentioned

It was good news and bad for female body parts this week. The bad news was that I discovered vaginas don't exist in Myanmar. At least, none to speak of.

This has left me more than a little confused regarding the nature of reproduction and childbirth here. I presume there are a lot of busy storks.

More worryingly, I presume there are a lot of very confused women in Myanmar who are pretty sure they have something that is considerably more complex and wonderful than, say, the featureless "front bottom" one might expect to find on a Barbie doll.

The startling revelation of the apparent lack of a key reproductive part followed a most unexpected outcry provoked by a small article in this paper about snacks with unusual names.

While not offensive when used to describe the snack, the name for one of the delicacies featured - which translates as "lid" or "cover" - is also a homophone for a crude term for a woman's genitalia. This paper, in a bid to conform to family values, translated the joke using the word "vagina", which is a polite and medically accepted term in the English language.

Unfortunately, as has now emerged, there is simply not a polite term in Myanmar language to precisely describe the part in question. To emphasise the point, the Myanmar reporter whose byline appeared on the article and the English-speaking section editor were subjected to a barrage of critical emails.

Linguistically at least, vaginas do not exist in the Myanmar language, and - according to their critics - the young women involved had overstepped the mark by suggesting they do.

Clearly this kind of response, which gives the message that vaginas are somehow considered so dirty and shameful they should never be named directly, is damaging to efforts to promote equality and women's rights, and prevent gender subjugation. The lack of specific, neutral terminology also

raises concerns in relation to issues such as the poor state of reproductive and maternal health, and how to address sexual violence. These are major problems, and ones which Myanmar is worse at dealing with than many countries.

Whether it was appropriate for an upstanding organ like *The Myanmar Times* to indulge in such schoolboy (or schoolgirl) humour is a matter of debate. Personally I found it quite entertaining, as did a large number of Myanmar people and foreigners who commented on social media, but I can understand that some people considered it to be in poor taste.

However, the degree of anger and insults expressed by others who responded was remarkable. Those involved were told their reputation as women had been "ruined forever" by being

publicly associated with such a word.

Pretty unpleasant stuff.

But when people get so upset it is always worth trying to understand why. So I spoke to professionals working in reproductive health and women's rights, as well as an expert in the Myanmar language, to try and find out more.

Everybody I spoke to confirmed there is not a polite or formal word in Myanmar that directly refers to the vagina. This is not the case, I understand, for a number of ethnic languages in Myanmar, which do have specific words and fewer if any taboos in using them. It is important to remember when considering such issues in ethnically diverse Myanmar that in attempting to work around the sensitivities of one culture you might be ignoring those of another.

In terms so prosaic they may douse forever any passionate thoughts one might have regarding the anatomical



FIONA
MACGREGOR

fionamacgregor@hotmail.co.uk

feature concerned, the Oxford Dictionary of English defines vagina as "the muscular tube leading from the external genitals to the cervix of the uterus in women and most female mammals".

But the closest one gets in Myanmar's official language is a phrase that translates as "woman's body".

One can see where things might go wrong on a visit to the doctor.

When the term "woman's body" is used, the context ensures it is generally understood which body part is being referred to.

But professionals working in health and development describe how difficult it is to openly address women's concerns because they simply don't have the vocabulary to describe what it is they need or want to discuss.

Such linguistic reticence can hardly help Myanmar's woeful maternal health record. According to the United Nations Population Fund, around 18 women die every week from birth-related complications. Far more investment is needed in maternal healthcare, but perhaps if more women felt able to discuss their bodies without fear of being judged it would also help reduce that tragic statistic.

So what can be done about it? Is it possible to find a more precise and "polite" word with the neutrality of "vagina" - a word which, rather sweetly, shares its Latin root with the word "vanilla". Another snack-related coincidence!

It might prove tricky.

Linguistic experts inform me there is in fact an "etymologically basic word" in Myanmar for the vagina, but it is the equivalent of the four-letter English word beginning with "c" that dates back to at least the 13th century. This Myanmar word does not even appear in dictionaries.

This omission is apparently as frustrating to linguists as it is to those concerned with women's rights.

There are also some more technical terms which equate to "inner female genitalia", "birth canal" and "women's reproductive organs". However, from what I've been told these are usually only used in "legal settings" and don't quite have the same precision as vagina.

My linguist friend tells me some dictionaries do include the Sanskrit/Pali word *yonis* or *yawni*, and has been

But as the furore over the snack debacle proved, for many in Myanmar it is extremely difficult to accept there could be any polite word for that body part, because to them it is inherently disgraceful.

This is incredibly sad. It is detrimental to women and to society as a whole if women are forced to deny, ignore or feel ashamed of any part of their bodies - particularly one that plays such a vital role in the creation of future generations - to the extent they are not allowed a name for it.

This is a debate that needs to be had in public, however uncomfortable that might make some people feel. Any Myanmar people who are interested in promoting women's health and equality and finding a solution to the issue should be supported and encouraged to look at this issue and how it can be addressed. They should not face criticism for doing so. And it is important the media serves as a platform for that debate, even if it upsets some readers.

Before I sign off, the good news: I received a fascinating response to my previous column regarding the mystical powers of clothing that has been in contact with women's nether regions to destroy masculine powers, and why it is generally considered taboo. I have been told this is not the case when the garments belong to a man's mother.

According to my correspondent, Myanmar soldiers normally keep a small cutting of their mother's *htamein* (longyi) inside their army hat or tied with their shirt before going to the front lines to protect them from danger.

So while Myanmar military chiefs may have been so upset by a Facebook comment comparing their uniforms to Daw Aung San Suu Kyi's *htamein* that they had a person arrested, as my correspondent pointed out, "It is most likely all these big generals had worn a piece of *htamein* of their mothers when they were sent to the battlefields."

Powerful stuff indeed.

Royal Porcelain
www.royalporcelain.co.th

Royal Bone China

ROYAL FINE CHINA

THE TASTE THAT LASTS

ARKAR TUN TRADING COMPANY LIMITED
www.myanmarroyalporcelain.com

Head Office : No.105, Thameinbayan Road (ShweHmi Furniture Mart),
Tamwe Township, Yangon, Myanmar. 01-546820, 09-5031894, 095021192
Email : theinhtoo24@gmail.com

Views

Minding your Ps and Qs when discussing procreative parts in court



FIONA
MACGREGOR

f.macgregor@mmtimes.com

*In Insein there's a young
Myanmar resident*

*Wrote a poem for which he's
impenitent*

He described a tattoo

In a place out of view

*And caused outrage
he'd set a bad precedent*

In a remarkable twist of already ludicrous legal proceedings, it emerged this week that the lawyer defending poet U Maung Saungkha against defamation charges has asked for the young female judge to be taken off the case because the trial will involve the use of words "unsuitable" for womanly ears.

U Maung Saungkha spent a month on the run after authorities were alerted in early October to a poem he had posted online which used the P-word - or more accurately, two different P-words, in close succession.

One of the words is the title given to the head of state in Myanmar and other countries around the world. The other refers to a prominent part of male genitalia.

The fanciful ditty, which led to U

Maung Saungkha's eventual arrest just days before last month's election, describes the distraught reaction of his wife on discovering on their wedding night that her new husband had an image of the former tattooed upon his latter.

While the writer - who in reality has neither a wife nor a genital tattoo - did not specify which particular political leader his poetic imagination had inked upon his manhood, the poem entitled "Image" caught the attention of the director of the current Myanmar President's Office, U Zaw Htay. He didn't find it funny.

The 23-year-old poet and activist is now being charged under section 66(D) of the Telecommunications Law, which pertains to defamation and threats. It carries a sentence of up to three years in jail. He says he did not name any particular leader in his poem and has not broken the law.

U Maung Saungkha is currently incarcerated in Insein Prison, where he - along with activists Patrick Kum Jaa Lee and Chaw Sandi Tun, also arrested over Facebook posts alleged to defame the generals - is being kept with regular criminals and not under the conditions laid out under the law for those deemed political prisoners.

On November 29 it was reported that the poet's legal representative Robert San Aung - a well-known human rights lawyer - had asked for the female judge appointed to the case to be replaced by a man.

"I think the current female judge, who is young and single, is not suitable for the case as one or two verses of the poem are to be questioned at the court. It's not suitable in Myanmar culture. She will not be OK to listen to these things," he was quoted as saying.

On being called to check that the quotes were accurate, Robert San Aung said that yes, indeed they were. The first line of the poem contained the word "penis", he said, and that in Myanmar culture that made it "very difficult" to discuss the matter with a female judge.

"So what would happen in a case involving sexual assault that might also require the use of words and indeed far more graphic and potentially distressing discussion?" I asked him.

In his opinion, such cases are also not suitable for female judges in Myanmar culture. We agreed to meet to discuss this further.

Off-record chats with women working in law in Myanmar suggest that some of them sympathise with Robert San Aung's position on the "P" issue. It would be very uncomfortable for him

to have to discuss such matters with a woman, they acknowledged.

Others suggest that if a person is appointed judge, they ought to be mature and professional enough to retain their composure when faced with a mildly vulgar poem.

In his downtown office, surrounded by law books and a couple of pictures of Daw Aung San Suu Kyi, Robert Aung San was adamant it would be culturally unacceptable and, in this particular case, "The judge is single and I think she will be so shy and she will not allow certain questions, and that will disadvantage my client."

Pushed on whether he had actually discussed this with the judge or whether he was just making assumptions based on her age, gender and marital status, he said he had spoken to her and believed she was too shy. However, he also acknowledged he personally would find it embarrassing to discuss such matters with a woman judge, as would his client who "is only 23".

As a defence lawyer he must of course do his best to ensure his client has the best opportunity to walk free.

Yet should his personal shyness really lead to asking a judge to be taken off a case?

The idea that it is not suitable for women judges to hear sexual assault and rape cases - far more likely to contain graphic and distressing questions and accounts than the poetry case - is particularly concerning. It ignores the potential "cultural" embarrassment of female victims when expected to discuss such matters in front of a male judge.

According to Robert San Aung, around 60 percent of Myanmar's judges are women. While this should

be a matter of celebration for those in favour of gender equality, it hardly helps the legal system if more than half the judiciary are considered culturally too sensitive to deal with key cases.

The lawyer eventually suggested that the best way around this problem would be to ask women judges in advance if they were comfortable with hearing such cases; if they said "yes" it would be less of a problem, which is a more positive attitude.

Yet if it is genuinely the case that some female judges feel uncomfortable about dealing with trials that refer to reproductive organs, then there is clearly a need for urgent training to allow them to do their jobs properly.

However, as one young Myanmar woman with knowledge of the case said, "I think the best training would come on the job."

She suggested that female judges would just as quickly become able to deal with such matters professionally - in the same way that a female doctor might feel shy the first time she had to examine a man but would soon stop seeing individual body parts as anything more than something requiring medical attention.

This seems a sensible and realistic approach - though one that will be difficult to implement if male lawyers continue to reject female judges to avoid personal discomfiture.

Because amid all the ribaldry, what is important here is that this case is not about the use of the word "penis". It is about the abuse of power to suppress free speech and political dissent.

A judge doesn't have to be male to recognise that.

If it is genuinely the case that some female judges feel uncomfortable about dealing with trials that refer to reproductive organs, then there is clearly a need for urgent training to allow them to do their jobs properly.

Royal Porcelain
www.royalporcelain.co.th

Royal Bone China™

ROYAL FINE CHINA

THE TASTE THAT LASTS

ARKAR TUN TRADING COMPANY LIMITED
www.myanmarroyalporcelain.com

Head Office : No.105, Thameinbayan Road (ShweHmi Furniture Mart),
Tamwe Township, Yangon, Myanmar. 01-546820, 09-5031694, 095021192
Email : theinhtoo24@gmail.com