



Not your body, not your business

Decoding efforts to address non-consensual
pornography in Myanmar's digital space

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K4DM was launched in 2017 by Global Affairs Canada and IDRC. It nurtures a new generation of young actors to promote inclusion, gender equality, respect for diversity, and prosperity for all in Myanmar. Making use of online courses, fellowships and research on digital spaces, the initiative supports diverse students and researchers primarily in the Myanmar diaspora and research institutions outside the country.

The authors of this research paper are Myanmar citizens, all under 35, living both inside and outside the country. They have used pseudonyms due to the risk environment in Myanmar.



Abstract

Non-consensual pornography has become a growing public concern worldwide, linked to the transformative growth in mobile phone penetration and internet access. Myanmar is no exception to this trend. Our research brings focus to an unspoken concern: non-consensual pornography is a growing problem in Myanmar, further exacerbated by the military coup. The research finds that civil society actions against non-consensual pornography are not as developed as needed, given the limited attention to the issue and the limited institutional capacity to address the problem. To address the issue, we should understand non-consensual pornography as part of the struggle for human rights and women's rights. Seeing the issue through the lens of "human rights" rather than as a privacy issue or a "lack of digital literacy and security knowledge" is urgently needed in Myanmar, where a victim-blaming culture is engrained.

Keywords: non-consensual pornography; women's rights; human rights; Myanmar.

Executive summary

Non-consensual pornography has become a growing public concern worldwide, linked to the transformative growth in mobile phone penetration and internet access. Myanmar is no exception to this trend: A growing number of groups, pages, accounts, and channels have sprouted up on Facebook, Twitter, Telegram and other platforms, all publishing and sharing non-consensual pornography targeting hundreds of women and girls, from celebrities to ordinary teenage girls.

However, the problems deriving from this trend often go unnoticed. Women and girls facing sexual violence and online harassment do not often seek help because of a culture of silence in Myanmar. Victims of non-consensual pornography in Myanmar have hesitated to contact the police due to the complicated process for registering complaints. The military coup further exacerbated this problem, as there is no rule of law or an independent judiciary system that can protect the human rights of people in Myanmar. Moreover, women's rights and women's role in Myanmar society have backslidened due to the military's long history of patriarchal oppression.

This research is our attempt to bring attention to the problem of non-censual pornography distributed online. It finds that institutional capacity to deal with the problem is limited. Social media platforms may have community standards but still need to address some key challenges, especially in respecting human rights. In addition, there are also gaps in how these standards are enforced and turned into sound practices. Civil society's response against the problem is growing in volume but not yet where it should be in generating results. To be more effective in struggling against non-consensual pornography, we should understand the issue as a part of the struggle for human rights and women's rights. In doing so, seeing the case through the lens of "human rights" rather than a "privacy framework" or "lack of digital literacy and security knowledge" is urgently needed in Myanmar, where victim-blaming culture is engrained. In addition, some possible options can be considered in the short and long terms.

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Introduction

In recent years, non-consensual pornography has become a public concern worldwide, and public awareness of non-consensual pornography has risen due to high-profile leaks of sexual images and videos involving celebrities and public figures. Governments have enacted legislation that specifically criminalises the non-consensual sharing of intimate or sexual photos and videos. In Southeast Asia, only the governments of the Philippines and Singapore have passed legislation that criminalises non-consensual pornography.

Following the 2010 democratic transition in Myanmar, there has been transformative growth in internet access, from around 1% penetration in 2011 to an estimated 44% in 2023. This rapid adoption of internet infrastructure and mobile penetration in Myanmar has created new opportunities not only for public education, including sexual and reproductive education, but also for public engagement on social media platforms about sex, politics, religion, and feminism – this in a country with a patriarchal society and a sexually and religiously conservative culture.

However, any positive aspects must consider that non-consensual pornography on social media platforms has become a growing problem in Myanmar since its first exposure to social media, and the rapid growth in internet penetration has exacerbated this issue.¹ A rising number of groups, pages, accounts, and channels have sprouted up on Facebook, Twitter, Telegram, and other platforms, publishing and sharing non-consensual pornography targeting hundreds of women and girls in Myanmar, from celebrities to ordinary teenage girls. Women and girls facing sexual violence and online harassment often do not seek help because of a culture of silence in Myanmar. They struggle to find legal support and justice in Myanmar's law enforcement and court system, which is ineffective and corrupt.² Victims of non-consensual pornography in Myanmar have hesitated to go to the police due to the complicated process for registering complaints at police stations.

Since the beginning of the military coup, there has no rules of law or an independent judiciary system to protect the human rights of people in Myanmar. Moreover, women's rights and women's role in Myanmar society have backslidened due to the Myanmar military's long history of patriarchal oppression. During the military coup in Myanmar, "social punishment" pages that emerged on Facebook doxxed personal information and shared non-consensual sexual images and videos of women and girls who were labelled as sympathisers of the military regime. Additionally, many public Telegram channels owned by pro-military supporters, pro-military social influencers, and members of ultra-nationalist groups doxxed and shared non-consensual sexual images and videos of "politically active" women and girls.

While social media companies have taken down some non-consensual sexual images and videos of women and girls, hundreds of such images and videos remain on these platforms. Thus, the question is to what extent are human rights, digital rights and technology policy communities making efforts to combat the issue? In addition, we should also look into government's institutional capacity and platform's practices, which may need strengthening and/or better implementation. It is urgent and important to understand the efforts being made to address non-consensual pornography in the country's digital space, especially the works of civil society against this issue, given the violence and harassment it so often

¹ <https://www.consult-myanmar.com/2016/10/07/as-tech-spreads-myanmar-women-become-victims-of-revenge-porn/>

² <https://www.frontiermyanmar.net/en/revenge-porn-on-the-rise/>

accompanies. This research aims to investigate the extent to which efforts are being made to address this growing issue in Myanmar, identify any barriers preventing effective action, and outline some possible options to improve the efforts being made.

A brief note on method: data collection and analysis

This research draws primarily on online semi-structured interviews with various experts and practitioners working on digital rights, women's rights and gender issues. By employing a purposive sampling technique, a total of nine experts and practitioners from these fields were interviewed. Additionally, secondary data sources such as reports, social media posts, open-source news reports, and academic papers complement the interview data. These were also purposively selected based on their relevance to the focus of the study.

Thematic analysis is employed to examine the collected data and address the research questions. This allows us to identify key themes and patterns that emerge from the data, providing insights into the efforts being made to address non-consensual pornography in digital spaces in Myanmar and the gaps for improvement.

What is non-consensual pornography?

The term non-consensual pornography (NCP) is mostly understood as the leaking of private images or videos by an ex-partner for revenge purposes. Literature on the issue informs us that this portrayal is very problematic as it cannot elucidate the whole picture of the problem. It is also conceptualised as, for example, “the habitual abuse of images by intimate partners, child sex abusers, rapists, and sex traffickers to blackmail, control and humiliate victims; to describe the actions of hackers who break into photo storage accounts, scammers who extort victims for money, and voyeurs who covertly capture images in private and public” (Maddocks, 2018). The issue is moreover contextualised with different terms, such as:

1. **Non-consensual pornography:** “sexually explicit images and video disclosed without consent and for no legitimate purpose” (Franks 2017, 1258).
2. **Image-based sexual abuse:** “the non-consensual creation and/or distribution of private, sexual images” (McGlynn and Rackley 2016, 1).
3. **Technology-facilitated sexual violence:** “a range of criminal, civil, or otherwise harmful sexually aggressive and harassing behaviours that are perpetrated with the aid or use of communication technologies” (Henry and Powell 2016, 1–2).
4. **“Non-consensual dissemination of intimate information, control and manipulation of information, and exposure of intimacy”** (Maddocks, 2018, 351).

As such, NCP should be understood as not a mere the leaking of sexually explicit images and videos by ex-partners for revenge purposes. Although defining NCP can have implications for finding a policy solution, we attempt to pay attention to the efforts to fight against the full range of the NCP practices in Myanmar.

Myanmar digital landscape and prevalence of non-consensual pornography

The rapid rise of digital usage in Myanmar introduced new opportunities for communication and information-sharing but also brought significant challenges. For example, there was a significant rise in Facebook users in Myanmar in the 2010s: from 1.2 million users in 2014³ to 21 million users in 2019⁴. Because of such rapid spread, Facebook became a critical source of news and communication for much of the population.

Social media is widely seen as having a significant role in stoking violence in Myanmar. State and non-state actors used social media for propaganda purposes, including outright calls for violence. For example, there were cases where Myanmar's military personnel used Facebook as a tool for driving ethnic cleansing, targeting the Rohingya people.⁵ Reuters has found hundreds of posts, comments and pornographic images targeting the Rohingya and Muslims on Facebook.⁶ While also using nationalist sentiments, non-state actors spread disinformation against the political opposition, the National League for Democracy in particular, and the Muslim community in Myanmar (Smith & Smith, 2022).

The military coup worsened the issue. The political turmoil and government crackdowns further restricted access to information and limited freedom of expression. This environment facilitated the spread of harmful content, including non-consensual pornography, with fewer mechanisms in place to address and combat the issue effectively. A recent report shows "the overwhelming majority of abusive posts were authored by male-presenting profiles supportive of Myanmar's military coup and targeted women who opposed the coup." In which "language that sexualises women is used to shame and humiliate women in an attempt to silence them. Sexualised disinformation narratives are used to undermine politically active women, consistent with narratives perpetuated by the official SAC media of pro-opposition women as morally corrupt and racially impure."⁷

³ <https://wearesocial.com/blog/2014/01/social-digital-mobile-apac-2014/>

⁴ <https://www.statista.com/statistics/193056/facebook-user-numbers-in-asian-countries/>

⁵ <https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html>

⁶ <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>

⁷ <https://www.myanmarwitness.org/reports/digital-battlegrounds>

Interpreting efforts to fight against non-consensual pornography

Institutional capacity

There are some loopholes in Myanmar's legal system that limits the efforts to address non-consensual pornographic images and videos on social media platforms. To investigate the cases related to non-consensual pornographic images and videos, legal organisations lack knowledge on how to carry out digital investigations. There are very limited regulations on procedures for digital investigation.⁸ In Myanmar, only the police take responsibility for investigating cases related to non-consensual pornography.⁹

Despite some cyber security developments in Myanmar, police have limited technical capacity to investigate non-consensual pornography on social media platforms.¹⁰ Instead of focusing on this criminal behaviour, anecdotal evidence showed, police only monitor the individual accounts and pages of activists and journalists on social media platforms.¹¹

Women's organisations and legal aid networks find it difficult to provide legal support on the cases where the digital evidence collected from the victims of non-consensual pornography is not too strong, and/or the survivors mostly choose to be silent.¹²

In the Evidence Act of Myanmar, digital evidence such as images and videos can be submitted to the court. Furthermore, Article 66 D of Myanmar Telecommunication Law can be used to address non-consensual pornography.¹³ This article states: "anyone found guilty of extorting, coercing, restraining wrongfully, defaming, disturbing, causing undue influence or threatening any person by using any telecommunications network shall be punished with a maximum three years in prison, a fine or both." However, Section 66 D of the Telecommunication Law in Myanmar has been misused to silence political dissidents. Rarely if ever has it been seen in cases of abuse or harassment of a sexual nature.¹⁴

Since the public trust in Myanmar's legal system has decreased significantly, there are no complaints filed against the non-consensual pornographic images and videos at the police stations.¹⁵ This was the case even before the coup and worsened after it (Coonan, 2016; Thiha, 2021). Most legal aid organisations in Myanmar support only criminal defences because there is always a law officer (government prosecutor) on the complainant's side. The organization Legal Clinic Myanmar organisation supports complainants¹⁶ and complainants' lawyers work under the supervision of the government prosecutors.¹⁷ Thus, the

⁸ Interview with respondent

⁹ Interview with respondent

¹⁰ Interview with respondent

¹¹ Interview with respondent

¹² Interview with respondent

¹³ Interview with respondent

¹⁴ Interview with respondent

¹⁵ Interview with respondent

¹⁶ Interview with respondent

¹⁷ Interview with respondent

expertise and legal knowledge of the government prosecutors is important in investigating cases related to non-consensual pornographic images and videos.¹⁸

According to our interview, even activists and civil society groups are not aware of laws and protection mechanisms for the victims of non-consensual pornography. Instead of protecting the rights of women, many laws, such as “the Race and Religion Protection Laws¹⁹” actually contain provisions that oppress women and their personal freedom. Meanwhile, there is a rapid growth in calls for offline violence against women (physical and sexual harassment and abuse).²⁰

The government in recent years paid more attention to digital literacy education with efforts to integrate digital literacy into classroom curricula. For example, with the help of companies such as Telenor and Facebook, digital literacy training was provided to youth.²¹ However, these digital literacy curricula are largely focused on digital skills education.²² In terms of digital literacy education in schools, Myanmar ranks lowest among the ASEAN countries, with only a minority of young people receiving digital literacy education.²³

Intermediaries’ practices

Many platforms, especially Facebook, may indeed have policies in place to combat non-consensual pornography, but their effectiveness can be limited by a lack of concrete implementation plans. In some cases, the issue of non-consensual pornography may not be as prominently addressed as other forms of harmful content, i.e. hate speech and misinformation, and there may be a gap in how these policies are enforced.²⁴ It is often the case that the majority of attention and resources are focused on addressing issues like child pornography, which are universally condemned and subject to strict policies and enforcement across major platforms. In contrast, non-consensual pornography, while also a serious problem, may not receive as much attention or have well-defined implementation plans. Only on a case-by-case basis do the platforms seem to practice content take-down approaches.²⁵

Platform initiatives, sometimes, are strongly aligned with international bodies, such as the United Nations (UN). These organisations, especially Facebook, vigilantly monitor hate and violence issues, and there is a noteworthy trend where platform policies may reflect the recommendations and priorities set forth by these international bodies. A prime illustration of this dynamic was the heightened global focus on the Rohingya crisis following the revelations by organisations regarding Facebook’s involvement in exacerbating the plight of the Rohingya people.²⁶ The company conducted an independent human rights assessment after the reports of the UN’s fact-finding mission in Myanmar.

¹⁸ Interview with respondent

¹⁹ The Race and Religion Protection Laws are a set of four controversial laws passed in Myanmar in 2015. They were drafted in 2013 and pushed by the Committee for the Protection of Nationality and Religion, or Ma Ba Tha. The laws include The Population Control Law, The Monogamy Law, The Religious Conversion Law, and The Interfaith Marriage Law (also called the Special Marriage Law).

²⁰ Interview with respondent. Amnesty International claims these laws play into “harmful stereotypes about women and minorities.”

²¹ <https://about.fb.com/news/2019/03/digital-literacy-in-myanmar/>

<https://www.myanmaritv.com/news/digital-literacy-students-received-digital-literacy-training>

²² <https://www.myanmaritv.com/news/digital-literacy-students-received-digital-literacy-training>

²³ <https://www.unicef.org/eap/reports/digital-literacy-education-systems-across-asean>

²⁴ Interview with respondent

²⁵ Interview with respondent

²⁶ Interview with respondent

Civil society's struggle against non-consensual pornography

Since the 1990s, the struggle for women's rights has gained momentum in Myanmar, along with the political struggle against dictatorship. Following the political transition in 2011, the struggle further grew: there have been growing voices on women's rights and violence against women, on issues such as women's participation in political space, gender mainstreaming, and condemnation of harassment and violence. Through various platforms, including the media, human rights activists, organisations, and political leaders spoke out against violence against women.²⁷ The global #MeToo movement was also locally manifested, pushing boundaries—and shifting the discourse around sexual violence and women's rights (Kyaw & Miedema, 2020). While these efforts have increased, they have largely focused on addressing instances of offline violence against women. Unfortunately, limited attention has been paid to online-based violence, specifically non-consensual pornography (NCP), leading to many cases of NCP going unnoticed.

The interviews find that civil society initiatives are concentrated on, among others, two main fronts: community engagement and policy advocacy. These two paid particular attention to bolstering digital literacy and enhancing digital security knowledge. However, there remains a gap in addressing digital-facilitated harm related to sexual abuse, where efforts have been notably scarce.²⁸

In the early days, much attention was given to education, focusing on the digital landscape; there were, for example, some efforts to monitor and address the spread of misinformation, disinformation, and hateful words.²⁹ In addition, civil society groups were involved in efforts to integrate digital literacy and digital security education into school curricula.³⁰ Some brought these conversations of the non-consensual pornography issue to the public, with occasional positive responses or impacts.

Along with the rising internet penetration in the country, civil society and other individuals started using digital platforms to share their experiences, seek support, and advocate for change. The digital space has become a significant avenue for civil society, survivors and allies to disclose instances of GBV, including NCP, creating a dynamic and evolving discourse. With the rise in social media usage, more individuals are coming forward to report gender-based violence and NCP online. The localised #MeToo moment also shifted the discourse around sexual violence and women's rights (Kyaw & Miedema, 2020), debunking commonly held assumptions about gender-based violence against women.

In terms of seeking support from civil society organisations for non-consensual, sexually explicit, image-based abuses, some organisations want to avoid supporting these cases.³¹ Some women's rights organisations after 2015 started seeking justice and speaking out for even rape cases by providing legal support to victims in collaboration with legal clinics in Myanmar and legal aid organisations.³²

However, most of the time, survivors of non-consensual, sexually explicit, image-based abuses are afraid to speak out and be open about their abuses. Society takes a victim-blaming approach instead of supporting action against perpetrators and seeking justice for survivors.³³ A growing number of victims experience devastating social and psychological impacts, for instance, causing girls and women to retreat from public life.

²⁷ These can be assessed, for example, in the works of gender equality networks on violence against women.

²⁸ Interview with respondent

²⁹ For example, the works of Myanmar ICT for Development Organization (MIDO) focused on digital rights and safety.

³⁰ Interview with respondent

³¹ Interview with respondent

³² Interview with respondent

³³ Interview with respondent

Discussion: grasping the (widening) gap

Growing concerns surrounding non-consensual pornography often go unnoticed. Institutionally, there are some laws³⁴ that are set to protect women from violence, but they are poorly implemented.³⁵ For example, the process of reporting the GBV and NCP is long and complicated; the perceptions of judicial personnel are also questionable.³⁶ There is also “the challenge of updating the policy and legal frameworks to keep pace with technological developments.” The capacity of the bureaucratic mechanism is limited: few have the technical capacity to deal with the growing development of the digital sector and drive policy development (MCRB, 2015).

The platforms may have their standards of conduct but still need to address some key challenges, especially in respecting human rights. In addition, there are also gaps in how these are enforced and turned into sound practices.

Most people have limited knowledge of digital literacy, and there is less public awareness and education about digital literacy.³⁷ Media and information literacy programs remain inadequate and do not effectively integrate with classroom curricula.³⁸ Only a limited number of civil society groups, human rights people or media organisations have an understanding of such human rights issues associated with the digital sector (MCRB, 2015). While some efforts are directed towards enhancing privacy frameworks, there is a noticeable absence of initiatives aimed at reshaping societal perspectives on the issue.

Understanding this issue through the lens of “human rights” is also underrepresented, with limited involvement from women's and gender organisations in addressing the problem. The prevailing discourse on non-consensual pornography primarily revolves around the “lack of digital literacy and security knowledge.” Furthermore, a pervasive victim-blaming culture is deeply ingrained in our society, making discussions and disclosures on this matter taboo. In addressing Myanmar’s sexual gender-based violence and non-consensual pornography, the victim-blaming culture is still deeply rooted in Myanmar’s patriarchal society.³⁹ Therefore, women, the most non-consensual pornography victims, still choose to be silent about non-consensual pornographic images and videos or negotiate silently with those spreading non-consensual pornography on social media platforms instead of complaints against non-consensual pornographic videos and images.⁴⁰

Due to the silent and public shaming cultures in Myanmar, the victims of non-consensual pornography do not speak out about their rights in public or negotiate silently with the abuser. The silent and public shaming cultures in Myanmar, for example, have pushed the victims of rape to marry the abuser, even in rape cases.⁴¹

³⁴ Section 66(d) of the Telecommunications Law; Section 34(d) of the Electronic Transactions Law

³⁵ <https://www.frontiermyanmar.net/en/our-struggle-is-not-a-myth/>

³⁶ <https://www.frontiermyanmar.net/en/revange-porn-on-the-rise/>

³⁷ Interview with respondent

³⁸ Interview with respondent

³⁹ Interview with respondent

⁴⁰ Interview with respondent

⁴¹ Interview with respondent

Moving forward: possible recommendations

The struggle against non-consensual pornography issues is surely growing in Myanmar. Aligning efforts into the struggle for human rights and women's rights would be a good start. With this in mind, there are some possible recommendations to be considered:

1. More legal, psycho-social support should be provided for the victims of non-consensual pornography in Myanmar. This could be developing systematic guidelines and complaint mechanisms for cases of non-consensual pornography, with clear pathways for obtaining counselling support for victims.
2. Policy and legal frameworks protecting women's rights, the right to privacy and freedom from abuse should be updated or developed in line with the growing digital sector, meaning the digital forms of these abuses and problems must be addressed in policy and laws.
3. The public perception and discourse about non-consensual pornographic images and videos should be changed. In the short term, this could be done by providing public awareness and digital literacy and security education programs. In the long term, digital security, information and media literacy should be incorporated into the curricula and taught in schools at a range of levels.
4. Advocating for the platforms to deal with non-consensual pornography through the lens of human rights should not be overlooked. An example of the potential impact can be found in 'Myanmar Witness' raising content concerns to Telegram and having harmful and abusive material removed.

Conclusions

Despite growing concerns, non-consensual pornography has been overlooked in Myanmar. For example, digital rights practitioners think the issue is more concerned with women's rights and feminist organisations; the same is true from the perspectives of the latter. Attention thus needs to be paid to it, and efforts are needed to address the issues involved.

The characteristics and prevalence of non-consensual pornography still need to be explored in more detail. Future investigations could be examining the motivations behind non-consensual pornography and the prevalence of non-consensual pornography cases as part of Myanmar's ongoing civil conflict.

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