



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Sixty-fourth session

4-22 July 2016

Item 4 of the provisional agenda

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

### List of issues and questions in relation to the combined fourth and fifth periodic reports of Myanmar

#### Constitutional, legislative and institutional framework

1. In the light of the Committee's previous recommendations ([CEDAW/C/MMR/CO/3](#), para. 9), please indicate the steps taken or planned to amend the Constitution and other relevant legislation to incorporate the principle of equality between women and men and to define and prohibit all forms of discrimination against women, including direct and indirect discrimination in the public and private sectors, in line with article 1 of the Convention. The State party indicates in its combined fourth and fifth periodic reports that it has amended or enacted eight laws relevant to women's rights ([CEDAW/C/MMR/4-5](#), paras. 9-16).<sup>1</sup> Please provide information on whether those laws are fully compliant with the Convention, as well as the human and financial resources allocated for their implementation and monitoring and the mechanisms in place for that purpose. Please also update the Committee on progress made in reviewing the Constitution and other existing legislation and customary laws that discriminate against women, including on the grounds of ethnicity and within ethnic groups, as previously identified by the Committee (see [CEDAW/C/MMR/CO/3](#), paras. 10-11). In particular, please specify the steps taken to ensure the compliance of the four so-called "laws on the protection of race and religion" with the Convention.

2. The Committee notes the efforts by the State party to ensure that the Convention is known among ministerial and Hluttaw representatives (paras. 25-28). In the light of the Committee's previous recommendations ([CEDAW/C/MMR/CO/3](#),

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*Note:* The present document is being circulated in English, French and Spanish only.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the combined fourth and fifth periodic reports of the State party.



para. 13), please specify the efforts to educate and raise the awareness of law enforcement officers and members of the judiciary regarding the provisions enshrined in the Convention. Please also provide more detailed information on how the State party is enhancing the awareness and knowledge of women in general about their rights under the Convention and relevant national legislation. In this context, please provide information on cases in which the provisions of the Convention have been invoked in court.

### **Access to justice**

3. It is indicated in the report that the Myanmar National Committee for Women's Affairs, the Myanmar Women's Affairs Federation and the Myanmar National Human Rights Commission and its Women and Child Subcommittee receive complaints relating to violations of women's rights (para. 19). Please provide details on the status, mandates and mutual relationship of those mechanisms and on the number and types of cases of gender/sex-based discrimination, including violence against women, that have been received and processed by them, including information on their outcome and any redress provided. Please also provide information on the legal aid currently available to support women who are victims of discrimination, including violence, through the formal justice system, as well as on gaining access to justice and describe how customary justice mechanisms function and their relationship to the formal justice system.

### **National machinery for the advancement of women**

4. It is stated that, in response to the Committee's previous concluding observations, the Myanmar National Committee for Women's Affairs was reformed in 2011 (para. 30). Please indicate the extent to which the changes have strengthened the national machinery for the advancement of women in terms of its authority, human and financial resource allocations, effectiveness and capacity to coordinate and monitor action at the national and local levels for the advancement of women and the promotion of gender equality. Please also clarify its responsibilities as compared with those of the Enhancing of Gender Equality and Women's Empowerment Sector Working Group, which, according to the State party, handles women's rights affairs in the country (para. 34). Moreover, please indicate the institution responsible for monitoring the implementation of the Convention.

5. The Committee welcomes the adoption of a national strategic plan for the advancement of women covering the period 2013-2022. Please provide further information on its scope and objectives, the measures taken and envisaged to ensure its effective implementation, including resource allocations and mechanisms of evaluation, such as the gender situational analysis mentioned in paragraph 48 of the report, and the results obtained to date in its implementation. It is also stated that the Myanmar National Committee for Women's Affairs, the Enhancing of Gender Equality and Women's Empowerment Sector Working Group and several ministries, through their newly established gender units, are responsible for the implementation of the national strategic plan (paras. 31, 33 and 36). Please clarify their responsibilities and how effective coordination is ensured.

**Non-governmental organizations and women human rights defenders**

6. According to information received by the Committee, women human rights defenders continue to face threats. Please provide information on specific steps taken to ensure an enabling environment in which women human rights defenders, as well as civil society and women's groups focused on gender equality and women's empowerment, can conduct activities without restrictions or fear of reprisals, as previously recommended by the Committee (see [CEDAW/C/MMR/CO/3](#), para. 19). It is indicated that an organization registration law was enacted on 18 July 2014 (para. 16). Please provide information on the criteria for registration of non-governmental organizations and measures taken to eliminate barriers faced by them when registering and working in the State party.

**Stereotypes and harmful practices**

7. It is indicated that the State party is currently compiling research on cultural norms, social practices and gender equality. It is also reported that an assessment survey was to be conducted in the regions and states (except in Nay Pyi Union Territory) and finished in 2014 (para. 44). Please provide updated information on whether that research or other types of research and assessments has been carried out. If they have, please include information on their results and on any measures taken. Please also provide information on steps taken or envisaged to put in place a comprehensive strategy, including review and formulation of legislation, awareness-raising, cooperation with the media and education, to modify and eliminate cultural practices and stereotypes that discriminate against women, as previously recommended by the Committee (see [CEDAW/C/MMR/CO/3](#), para. 21).

**Violence against women**

8. It is indicated that the Department of Social Welfare under the Ministry of Social Welfare, Relief and Resettlement is drawing up a law against violence against women (para. 17). Please provide updated information on the legislative protection available to women who are victims of violence, including the current status of the bill, the time frame for its adoption and whether it includes a definition of rape, criminalizes all forms of violence against women, prohibits marital rape, covers sexual violence perpetrated by military personnel and provides remedies for victims, including compensation and reparations. Please also indicate the evidentiary requirements in cases of sexual violence against women. Please further provide information on the specific measures taken to address underreporting of these crimes and out-of-court settlements. In addition, please provide updated information on the current situation with regard to support services and shelters available to women and girls in all regions (para. 50) and the plans to provide capacity-building to police officers, judicial personnel, social workers and health personnel who are working on the prevention of violence against women on a nationwide scale (para. 45).

9. The Committee notes that there is a zero-tolerance policy against any sexual misconduct by military personnel (para. 52). Please indicate any specific steps taken or envisaged to eliminate sexual and other forms of violence in armed conflict perpetrated by members of the armed forces, such as human rights education and gender-sensitization training for military personnel, as previously recommended by the Committee (see [CEDAW/C/MMR/CO/3](#), para. 25). Please also provide

information on protection mechanisms and support available to victims, including internally displaced persons. In addition, please supply updated information on the number of complaints, investigations and prosecutions (specifying the offences), convictions and sentences handed down by military and civil courts, disaggregated by year and military rank and by age and ethnic origin of the victims, as well as the types of protection and compensation provided to victims. In this context, please describe the Government's activities relating to the implementation of Security Council resolution 1325 (2000) and the development of a national action plan.

#### **Trafficking and sexual exploitation**

10. Please explain the challenges and achievements in the implementation of the first and second five-year national plans of action to combat trafficking in persons (para. 64) and indicate any progress with regard to the intent of the State party to review the legislation against trafficking in persons (para. 62) in order to better align it with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Please provide further information on the allocation of financial resources for the implementation of the national plan of action and expand on the role of the Fund-Finding and Supervisory Committee and the Treasury-Controlling Committee for Prevention and Protection of Trafficking in Persons, Repatriation and Rehabilitation of Trafficked Women, both established in 2012 (para. 60). Please also describe the measures taken to ensure the early identification and address the root causes of trafficking in women. Moreover, please clarify the specific measures taken to ensure that the anti-trafficking legislation and directives are not misused by the authorities to impose increased restrictions on communities or to falsely arrest and charge innocent people, in particular women from ethnic groups, as previously recommended by the Committee (see [CEDAW/C/MMR/CO/3](#), para. 27).

11. No information is provided on the situation of exploitation of prostitution in the State party. Please supply information on the applicable legal framework and on measures taken to prevent the exploitation of women and girls in forced prostitution. Please indicate whether measures exist to support women in prostitution who wish to have alternative means of livelihood.

#### **Participation in political and public life**

12. Please provide information on measures taken or envisaged to amend the electoral law with a view to increasing the political participation of women, as previously recommended by the Committee (see [CEDAW/C/MMR/CO/3](#), para. 29). According to information before the Committee, the representation of women in the State party at all parliamentary levels and in local governance remains very low, and there are many obstacles, such as discriminatory cultural and traditional beliefs, gender stereotypes and limited skills and experience of women, that prevent them from participating in political and public life. Please provide information on measures taken, including temporary special measures and campaigns to raise awareness of the importance of the full and equal participation of women in leadership positions, to accelerate the increase in the representation of women in political and public life, in particular in the parliament and other decision-making bodies at both the local and national levels. Please also include information on the participation of women in the peace process, in particular the political dialogue, and

indicate how the inclusion of women's rights issues and gender perspectives in the discussions and outcomes is ensured.

### **Nationality law**

13. In the light of the Committee's previous recommendations ([CEDAW/C/MMR/CO/3](#), para. 31), please provide information on the steps taken to review the citizenship law of 1982 in order to bring it fully into compliance with article 9 of the Convention, ensuring the entitlements of women regarding acquisition of citizenship based on their marital status and transfer of citizenship to their children born outside the country and children with non-national or unknown fathers. Please also provide information on birth registration and the issuance of birth certificates, in particular for children of Muslims in northern Rakhine State. According to information before the Committee, the State party has rolled out a citizenship verification process in Rakhine State since 1 January 2015. Please provide information on the process and the results achieved, as well as on the requirements to be met in order to be granted citizenship. Please also comment on the information received by the Committee that, during the election year, some 390,000 Rohingya had to surrender their temporary identity certificates, with the result that the vast majority of persons have no official identity card. Please further provide information on the criteria for obtaining an identity card for national verification and how it is linked to the citizenship verification process.

### **Education**

14. According to information before the Committee, the State party has introduced several reforms, including the adoption of an amended national education law, the launch of a policy for early childhood care and development and the development of a new basic education curriculum. Please provide information on those efforts, as well as on the implementation of the Myanmar education for all national action plan covering the period 2013-2015 (para. 88), in particular how a gender perspective, adequate funding and systematic evaluation are ensured. It is indicated that the State party intends to conduct research and establish workplans to ensure women's and girls' access to education and retention in school (para. 90). Please update the Committee on any steps taken in this regard, including concerning urban and rural disparities and girls in conflict-affected areas. In the light of the Committee's previous recommendations ([CEDAW/C/MMR/4-5](#), para. 35), please indicate what specific steps have been taken to overcome traditional gender stereotypes that constitute obstacles to education for women and girls, increase the number of qualified teachers and provide adequate educational infrastructure, in particular in rural and remote areas. Please also provide information on whether any gender analysis and revision of educational materials have been conducted and expand on sexual and reproductive health and rights education, including whether a gender perspective has been introduced (para. 118). Please further comment on the information before the Committee that differential admission criteria are applied at the university level, based on the applicant's gender and specialization (para. 91).

### **Employment**

15. According to information received by the Committee, the Ministry of Labour, Employment and Social Security has identified 17 pieces of outdated and discriminatory labour legislation for reform, including the social security law.

Please provide information on steps taken or envisaged to revise the laws and incorporate gender equality and women's rights provision into labour legislation, in particular in areas in which the employment of women is currently prohibited or severely limited (para. 97). Please provide further information on measures taken to eliminate horizontal and vertical segregation in the labour market, reduce the wage gap in the public and private sectors and oblige employers to ensure a working environment free from sexual harassment. Please indicate any steps taken to ensure access to social protection and benefits for women in the informal sector, as previously recommended by the Committee (see [CEDAW/C/MMR/CO/3](#), para. 37). Please also provide information on coordination and accountability mechanisms, such as the complaint mechanism centres (para. 100), in place for complaints of discriminatory practices with regard to employment.

### **Health**

16. Please describe the content of the newly adopted population control health-care law, in particular how it ensures the protection of the sexual and reproductive rights of women, such as to freely choose whether to have children, and effectively guarantees non-discrimination, in particular for women from minority groups, and indicate the criteria for designating an area for conducting health-care activities. Please describe the specific measures taken to increase women's access to high-quality health care, including adequate sexual and reproductive health services, in particular in rural areas, so as to reduce the high incidence of maternal and infant mortality. Please further indicate steps taken or envisaged to legalize abortion, at least in cases of threats to the health of the pregnant woman, rape, incest and serious impairment of the fetus. According to information before the Committee, negative social attitudes and discriminatory practices continue to exist for persons living with HIV, in particular women, such as limited employment opportunities and double service fees. Please provide information on measures taken to adopt specific legislation to protect HIV-positive women from discrimination and to address stigma and discrimination against them. Please provide further information on the content and implementation of the five-year national strategic plan on HIV/AIDS (2011-2015) and any results achieved (para. 124).

### **Women in Rakhine State**

17. It is indicated that the State party is implementing a Rakhine peace and development plan (para. 164). Please indicate how a gender perspective is ensured in implementing the plan, any results achieved and whether an evaluation of the measures taken has been carried out. Please update the Committee on any steps taken or envisaged to lift the orders concerning marriage authorization and restriction on pregnancies and reproductive rights for Muslim women in Rakhine State and on specific measures taken to ensure that Muslim women, including internally displaced women, in Rakhine State enjoy freedom of movement. Please also provide updated information on the investigations of the alleged acts of violence by the security forces against Muslim women in Rakhine State after 2012.

### **Rural women**

18. It is indicated that the State party undertook eight tasks of rural development and poverty alleviation and six tasks of socioeconomic development (paras. 135-136). Please describe how women can participate in and benefit from those measures, as

well as how a gender perspective is ensured in their implementation. Please also provide information on the specific measures taken by the State party to: enhance the economic empowerment of rural women and female heads of household, including rural women's access to loan facilities and credit; improve their access to health care, education and social services; ensure their access to land and land ownership, in particular steps taken to include women's names in farmland registration documents and the timeline for adoption and content of the draft national land-use policy; and ensure that opium eradication is carried out together with the development of sustainable alternative livelihoods.

#### **Marriage and family relations**

19. Please indicate what steps have been taken or are envisaged by the State party to harmonize its civil, religious and customary law with article 16 of the Convention and to complete legal reform in the area of marriage and family relations in order to bring its legislative framework into compliance with articles 15 and 16 of the Convention, as previously recommended by the Committee (see [CEDAW/C/MMR/CO/3](#), para. 47). In this context, please include information on the content of the new special marriage law for Buddhist women, which exclusively regulates the marriage of Buddhist women, and in particular indicate how it guarantees the right to choose a partner and freely enter into marriage for all women. Please also indicate whether research has been conducted on marriage and its dissolution and family relations, including inheritance. If it has, please specify the outcome and any corrective measures taken. Please further provide information on the legal framework regulating polygamy and on the content and purpose of the recently adopted monogamy law, in particular how it guarantees that provisions on adultery are not applied in a discriminatory way against women.

#### **Optional Protocol and amendment to article 20 (1) of the Convention**

20. Please indicate any progress made with regard to the ratification of the Optional Protocol to the Convention and the amendment to article 20 (1) of the Convention.

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