



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

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## Committee on the Elimination of Discrimination against Women

Forty-second session

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### Concluding observations of the Committee on the Elimination of Discrimination against Women

#### Myanmar

1. The Committee considered the combined second and third periodic reports of Myanmar (CEDAW/C/MMR/3) at its 864th and 865th meetings, on 3 November 2008 (see CEDAW/C/SR.864 and 865). The Committee's list of issues and questions is contained in CEDAW/C/MMR/Q/3 and the responses of Myanmar are contained in CEDAW/C/MMR/Q/3/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its combined second and third periodic reports, which follow the Committee's guidelines for the preparation of reports and take into account the Committee's previous concluding observations. However, the Committee regrets that the information provided in the report in many aspects was too general and lacked the disaggregated data pertaining to, inter alia, the various ethnic groups, as requested in the previous concluding observations, necessary to permit the Committee to evaluate the specific situation of women. The Committee expresses its appreciation to the State party for the oral presentation, the written replies to the list of issues and questions raised by its pre-session working group and the further clarifications with respect to the questions orally posed by the Committee, but it regrets that not all of those questions were answered.

3. The Committee commends the State party for its delegation, headed by the Permanent Representative of Myanmar to the United Nations at Geneva. The Committee notes that the delegation was composed of representatives from various governmental departments as well as a representative of the Myanmar Women's Affairs Federation (MWAFF), and it appreciates the constructive dialogue that took place between the delegation and the members of the Committee.

**Positive aspects**

4. The Committee welcomes the establishment and ongoing activities of several agencies and organizations focused on women's rights, including the Myanmar National Committee for Women's Affairs (MNCWA), the Myanmar National Working Committee for Women's Affairs (MNWCWA) and MWAFA.

5. The Committee commends the State party for the measures carried out to combat trafficking in women and girls, including the enactment of the 2005 Law to combat trafficking in persons, the adoption of the Myanmar Five-Year National Plan of Action to combat Human Trafficking (2007-2011), the establishment of the central body to combat trafficking in persons, and its accession, in 2004, to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. In addition, the Committee commends the State party for its bilateral, regional and international cooperation in this respect, including in the context of the memorandum of understanding on the Asia Regional Trafficking in Persons project and the memorandum on the Coordinated Mekong Ministerial Initiative against Trafficking.

**Principal areas of concern and recommendations**

**6. The Committee recalls the State party's obligation to systematically and continuously implement all of the provisions of the Convention, and views the concerns and recommendations identified in the present concluding observations as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding observations to all relevant ministries, the National Assembly and the judiciary, so as to ensure their full implementation.**

**National Assembly**

**7. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government and it invites the State party to encourage the National Assembly, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and the Government's next reporting process under the Convention.**

**Definition of discrimination against women**

8. While noting the statement by the delegation that the Convention is directly applicable, the Committee is concerned that the new State Constitution, which was approved in May 2008, does not include a provision concerning the applicability of international treaties, including the Convention. The Committee notes that the Constitution formally indicates women's equality with men and includes sex as a ground of discrimination. However, the Committee is concerned that the Constitution does not include an effective constitutional guarantee of substantive

equality and that the definition of discrimination is not in accordance with the definition of discrimination contained in article 1 of the Convention, which prohibits direct and indirect discrimination and discrimination in the public and private spheres.

**9. The Committee calls on the State party to consider including a strong substantive equality guarantee in its Constitution and amending the existing definition of discrimination to encompass both direct and indirect discrimination and discrimination in the public and private spheres, in accordance with article 1 of the Convention. The Committee further calls on the State party to explicitly provide in its Constitution or other appropriate legislation that the provisions of international human rights agreements, in particular the Convention, be directly applicable and prevail over conflicting legislation.**

#### **State Constitution and discriminatory laws**

10. The Committee notes with concern that various provisions in the new Constitution may be incompatible with the Convention. Chapter 8 of the Constitution includes a prohibition of discrimination on the basis of sex in the appointment of Government posts or duties but adds that “nothing in this section shall prevent appointment of men to the positions that are naturally suitable for men only”. The Constitution also includes provisions guaranteeing that the *Tatmadaw* (military), which may consist mainly of men, will be entitled to one fourth of the seats in each house of the legislature (110 out of 440 seats). The Committee is further concerned that the Constitution includes repeated references to women as mothers, which may reinforce the stereotype that a woman’s primary role is that of a mother and that women are in need of protection. In addition, the Committee is concerned that the State party has not yet introduced a provision for temporary special measures in the Constitution or domestic legislation that would assist women in achieving equality. Furthermore, the Committee is concerned that legislation and customary laws that discriminate against women and are incompatible with the Convention remain in force in Myanmar, in particular with regard to discrimination on the grounds of ethnicity and within the ethnic groups.

**11. The Committee urges the State party to raise the awareness of legislators about the need to give priority attention to legislative reforms in order to achieve de jure equality for women and compliance with the State party’s international treaty obligations. In this respect, the Committee calls upon the State party to formulate organic laws which would make the Constitution fully compatible with the Convention, review all the existing domestic laws that are not in compliance with the Convention and formulate new laws that would ensure the practical application of gender equality. The State party should consider introducing provisions providing for temporary special measures that would assist women in achieving equality. The Committee recommends that the State party seek technical support, if needed, from the international community in this regard.**

#### **Visibility of the Convention**

12. The Committee is concerned that there is inadequate knowledge of the rights of women under the Convention, its concept of substantive gender equality and the

Committee's general recommendations, within society in general, including in all branches of the Government and among the judiciary at all levels, as indicated by the absence of information on any court decisions that refer to the Convention. It is further concerned that women themselves are not aware of their rights under the Convention and thus lack the capacity to claim them.

**13. The Committee urges the State party to take the necessary measures to ensure that the Convention is sufficiently known and applied by all branches of Government as a framework for all laws, court verdicts and policies on gender equality and the advancement of women. The Committee calls upon the State party to ensure that the Convention and related domestic legislation are made an integral part of education and training for all, including members of the legal profession, law enforcement officers and the judiciary. The Committee also recommends that the State party ensure that judges at all levels be adequately trained in human rights and the provisions of the Convention, and that women have access to the courts on equal terms with men. It further urges the State party to ensure that information on the Convention is provided to women through the use of all appropriate measures, including the media as well as oral tradition, to ensure that such information reaches all areas of the country, including the rural and remote areas.**

#### **Legal complaints mechanisms, including a national human rights institution**

14. The Committee notes the establishment in 2000 of the Myanmar Human Rights Committee, which was renamed the Myanmar Human Rights Body in November 2007, and that women who wish to complain about gender-based discrimination can send complaint letters to MAAF. However, the Committee is concerned that the State party does not have a more comprehensive and effective legal system for receiving complaints, especially from women of ethnic groups, and it regrets the lack of data on and analysis of complaints filed with MAAF and their outcome. The Committee takes note of the information provided by the delegation that the State party plans to establish a national human rights institution in compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles (General Assembly resolution 48/134, annex)).

**15. The Committee urges the State party to strengthen its legal complaints system to ensure that women, especially women of ethnic groups, have effective access to justice. The State party is encouraged to accelerate the process of establishing a national human rights institution in accordance with the Paris Principles. The State party should ensure that this institution will be provided with a broad mandate in respect of human rights, as well as sufficient human, financial and technical resources for its effective functioning, and that its composition and activities will be gender-sensitive and fully address the issue of women's human rights. Furthermore, the Committee calls upon the State party to collect data on the number of complaints filed with MAAF and classify the types of complaints received, as well as information on their outcome. The State party should provide such information in its next periodic report.**

**National machinery for the advancement of women**

16. While noting the establishment of a number of agencies and organizations focusing on women's issues, the Committee is concerned that those organizations are somewhat restricted in terms of the issues and activities they address and their role as extension-of-government structures. The Committee reiterates its concern that those organizations do not receive sufficient budget allocations from the State party, despite their policymaking, coordinating and implementation responsibilities pertaining to women's issues, and that they are made up exclusively of voluntary members. It is further concerned that such inadequacies could prevent them from effectively carrying out their mandates. The Committee is also concerned about the lack of information on their mutual relationships.

**17. The Committee recommends that the State party expeditiously strengthen its national machinery in order to ensure strong institutional mechanisms for the promotion of gender equality. In particular, the Committee urges the State party to revise existing funding allocation policies and ensure the provision of the necessary authority and adequate human, financial and technical resources to the national machinery to coordinate implementation of the Convention and work effectively for the promotion of gender equality. The composition of such organizations should include full-time women professionals at both the State and local levels. The Committee encourages the State party to mainstream gender equality and establish gender focal points in the ministries.**

**Non-governmental organizations**

18. The Committee is concerned at reports that Myanmar-based civil society and women-focused organizations with an emphasis on women's equality and empowerment are faced with constraints in their ability to openly comment on Government policy and/or advocate for change. The Committee is also concerned at reports that very few non-governmental organizations (NGOs), including local organizations, are afforded the opportunity to officially register, thereby compromising their ability to implement programmes and often putting staff and colleagues at risk when implementing strategies and activities, and that the registration process and criteria are unclear.

**19. The Committee urges the State party to take concrete steps to create and ensure an enabling environment in which civil society and women's groups focused on gender equality and women's empowerment can conduct programmes and activities without restrictions or fear of reprisal. The State party should also take effective steps to encourage and facilitate the active participation of civil society in the full implementation of the Convention, including in the follow-up to concluding observations, for the promotion and protection of women's human rights. In addition, the Committee urges the State party to review its regulations for registration of and support for NGOs. In this respect, the Committee recommends that the State party recognize the value and contributions made by unregistered organizations, as well as simplify the registration process for local and national organizations, including by providing clear criteria for such registration, and minimize any barriers to working and registering as an NGO in Myanmar.**

**Negative cultural practices and stereotypes**

20. While recognizing the importance of the activities of MAAF related to the appreciation of cultural diversity and cultural solidarity, the Committee is concerned about the persistence of adverse cultural norms, practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life, especially within some ethnic groups. The Committee is concerned that such customs and practices perpetuate discrimination against women and girls, as reflected in their disadvantageous and unequal status in many areas, including in public life and decision-making and in marriage and family relations, and the persistence of violence against women and that, thus far, the State party has not taken sustained and systematic action to modify or eliminate stereotypes and negative cultural values and practices.

**21. The Committee requests the State party to view its cultures as dynamic aspects of the country's life and social fabric and as subject, therefore, to change. It urges the State party to put in place without delay a comprehensive strategy, including review and formulation of legislation, to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts to raise awareness of this subject, targeting women and men at all levels of society, which should be undertaken in collaboration with civil society. The Committee encourages the State party to effectively use innovative measures to strengthen understanding of the equality of women and men and to work with the media to enhance a positive and non-stereotypical portrayal of women. The Committee urges the State party to use all forms of education (formal, non-formal and informal), including the socialization process through parenting and community social interaction, to eradicate negative stereotypes, attitudes and practices. The State party is encouraged to carry out studies on this subject, including among the ethnic and religious groups, and to seek assistance, if needed, from the international community for this purpose.**

**Violence against women**

22. While noting the adoption of a National Action Plan in 2002 and the activities undertaken by the subcommittee on violence against women of MNCWA, the Committee expresses concern at the high prevalence of violence against women and girls, such as widespread domestic violence and sexual violence, including rape. The Committee is also concerned that such violence appears to be socially legitimized and accompanied by a culture of silence and impunity, that cases of violence are thus underreported and that those that are reported are settled out of court. The Committee is concerned that geographical areas of particular concern include northern Rakhine State and those areas affected by Cyclone Nargis, as well as other areas where women and girls are particularly vulnerable and marginalized. It is also concerned at information that victims of sexual violence are forced under the law to report to the police immediately, prior to seeking health care, and that as a consequence such victims choose to not seek health, psychological and legal support. The Committee regrets the absence of data and information on violence against women, disaggregated by age and ethnic group, as well as studies and/or surveys on the extent of such violence and its root causes.

23. The Committee urges the State party to give priority attention to combating violence against women and girls and to adopt comprehensive measures to address all forms of violence against women and girls, in accordance with its general recommendation 19. It requests the State party to raise public awareness, through the media and education programmes, of the fact that all forms of violence against women are a form of discrimination under the Convention and therefore in violation of women's human rights. The Committee calls upon the State party to ensure that violence against women and girls, including domestic violence and all forms of sexual abuse, constitutes a criminal offence; that perpetrators are prosecuted, punished and rehabilitated; and that women and girls who are victims of violence have access to immediate means of redress and protection. The Committee requests the State party to remove any impediments faced by women in gaining access to justice and recommends the implementation of training for the judiciary and public officials, in particular law-enforcement personnel and health-service providers, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate gender-sensitive support to victims. It also recommends the establishment of high-quality counselling services and shelters for victims of violence. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and girls and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence, disaggregated by age and ethnic group. The Committee recommends that the State party undertake studies and/or surveys on the extent of such violence and its root causes.

#### **Sexual violence in armed conflict**

24. The Committee expresses its deep concern at the high prevalence of sexual and other forms of violence, including rape, perpetrated by members of the armed forces against rural ethnic women, including Shan, Mon, Karen, Palaung and Chin women. The Committee is also concerned at the apparent impunity of the perpetrators of such violence — although a few cases have been prosecuted — and at reports of threats against and intimidation and punishment of the victims. The Committee regrets the lack of information on mechanisms and remedies available to victims of sexual violence as well as measures to bring perpetrators to justice.

25. The Committee urges the State party to take immediate steps to put an end to those violations, to prosecute and punish the perpetrators, including military personnel, and to carry out human rights education and gender-sensitization training for all law-enforcement and military personnel. The Committee urges the State party to document cases of rape and sexual assault, including all complaints filed, investigations, prosecutions and convictions. Such information, especially when it involves military and senior officials, would facilitate a better understanding of the situation. The State party should take due account of Security Council resolutions 1325 (2000) on women and peace and security and 1820 (2008) on sexual violence in armed conflict and is encouraged to put in place an action plan for the full implementation of those resolutions, taking into account article 2, article 4, paragraph 1, articles 5, 7 and 8 of the Convention. The Committee requests the State party to include

**information on the steps taken to eliminate sexual violence, including the results achieved, in the next periodic report.**

#### **Trafficking**

26. While noting the measures referred to in paragraph 5 above, as well as the training-of-trainers programme for protection against trafficking in persons, the Committee expresses concern at the persistence of trafficking and sexual exploitation of women and girls in the country. The Committee is also concerned at reports that the 2005 anti-trafficking law has been abused and that some innocent people have been arrested on false trafficking charges. It is further concerned at the inadequate protection procedures granted for returned trafficked victims from abroad, especially from China, along the border areas, and at the State party's failure to address the root causes of migration in and from Myanmar, and its consequent inability to seriously address the trafficking problem.

27. **The Committee urges the effective implementation of the National Action Plan to Combat Human Trafficking, including the prevention of trafficking and the timely prosecution and punishment of traffickers, both those who are directly or indirectly involved in trafficking and those who are negligent in dealing with or preventing trafficking cases, as well as the provision of protection from traffickers/agents and support to victims. The Committee recommends that information and training on the anti-trafficking legislation be provided to the judiciary, law-enforcement officials, including border police, immigration officers, public officials and social workers in all parts of the country. The State party should ensure that the anti-trafficking legislation and directives are not misused by authorities to impose increased restrictions on communities or falsely arrest and charge innocent people, particularly women of ethnic groups. In addition, the Committee recommends that the State party conduct comparative studies on trafficking, covering both cross-border and rural-to-urban trafficking, and address the root causes of trafficking, including migration, in order to eliminate the vulnerability of girls and women to sexual exploitation and traffickers and to undertake efforts for the rehabilitation and social integration of women and girls who are victims of exploitation and trafficking. In this respect, the State party should take the necessary steps to ensure that trafficked women and girls have access to quality medical care, counselling, financial support, adequate housing and opportunities for further training, as well as access to free legal services. The State party should also allocate the necessary budgetary funds for the effective implementation of the 2005 anti-trafficking law and other relevant measures. The Committee calls upon the State party to ensure systematic monitoring and periodic evaluation in this respect, including collection and analysis of data.**

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

28. While noting that the majority of university graduates are women, the Committee is concerned at the very low rate of participation of women in all areas of public, political and professional life, including in the National Assembly and the realms of government, diplomacy, the judiciary, the military and public administration, especially at senior levels. The Committee also regrets the low number of women in senior management in general. In this respect, the Committee



takes note of the information provided by the delegation that the State party is in the process of formulating a new electoral law.

**29. The Committee recommends that the State party pursue sustained policies aimed at the promotion of women's full and equal participation in decision-making in all areas of public, political and professional life. It recommends that the State party fully utilize general recommendation 23, concerning women in public life, and calls upon the State party to further adopt, wherever necessary, temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, in order to accelerate women's full and equal participation in public and political life, in particular at high levels of decision-making. This includes women in international and diplomatic positions of responsibility, beyond attending international meetings. It recommends the implementation of awareness-raising activities about the importance of women's participation in decision-making for society as a whole and the development of targeted training and mentoring programmes for women candidates and women elected to public office. It further recommends that the State party offer training programmes on leadership and negotiation skills for current and future women leaders. The Committee urges the State party to carefully monitor the effectiveness of measures taken and results achieved. The Committee calls upon the State party to use the formulation of its new electoral law as an opportunity to include women, in accordance with the provisions on non-discrimination in its Constitution, and to increase women's political participation. The State party is encouraged to use targets and quotas, as appropriate, in this respect.**

#### **Discriminatory nationality law**

30. The Committee regrets the limited information provided on the entitlements to acquire Myanmar citizenship under the 1982 citizenship law, including with respect to women acquiring citizenship based on their marital status and passing citizenship to their children born outside the country, as well as children with non-national fathers.

**31. The Committee calls upon the State party to review the 1982 citizenship law and repeal or amend it, as appropriate, in order to bring it fully into compliance with article 9 of the Convention. It also calls on the State party to provide more information on Myanmar citizenship rights, including on birth certificates of children born in Myanmar, in particular children of ethnic groups, in its next periodic report.**

32. While noting the State party's issuance of temporary registration certificates to the Muslim minority in northern Rakhine State, the Committee is concerned that, under the 1982 citizenship law, the members of that minority group, including returnees, have been denied Myanmar citizenship, which has seriously curtailed the full exercise of their civil, political, economic, social and cultural rights and led to various discriminatory practices. It is also concerned that their entitlement to such citizenship is unclear and notes that this continuing discrimination is in violation of article 9 of the Convention.

**33. The Committee urges the State party to grant citizenship to residents, in particular, on the basis of their long-standing ties to Myanmar, to the Muslims of northern Rakhine State and to allow them, in particular the women, the full**

**enjoyment of their human rights. The State party is encouraged to continue to collaborate with the international community, especially the Office of the United Nations High Commissioner for Refugees (UNHCR), in those efforts.**

### **Education**

34. While noting the adoption of the 30-Year Long-Term Education Plan (2001-2031), the Committee is concerned at the lack of information on the specific budgetary allocations for the education sector, including the implementation of the Plan. The Committee is concerned at the lack of a comparative analysis of education enrolment rates, dropout rates and literacy rates by sex, ethnic group and/or religion as well as at the state/division level. It also expresses its concern at the inadequate educational infrastructure and teaching materials, the limited number of qualified teachers and the marked difference in the quality of and access to education between urban and rural or remote areas, including conflict-affected areas. The Committee is further concerned about traditional attitudes that constitute obstacles to girls' education, as well as about girls' dropout rates due to their involvement in domestic chores. The Committee notes that education is a key to the advancement of women and that the low level of education of women and girls remains one of the most serious obstacles to their full enjoyment of their human rights. The Committee notes with concern that, while a curriculum for human rights education does exist, it reportedly refers to "human opportunities" rather than "human rights" and that the curriculum is not implemented in all schools.

**35. The Committee urges the State party to enhance its compliance with article 10 of the Convention and ensure that "education for all" is realized. It encourages the State party to take steps to overcome traditional attitudes that in some rural areas constitute obstacles to girls' and women's education. The Committee recommends that the State party implement measures to ensure equal access of girls and women to all levels of education and retain girls in school. The State party should take the necessary steps to increase the number of qualified teachers, including through providing appropriate and continuous training, and to ensure the provision of an adequate educational infrastructure, especially in rural and remote areas, and sufficient supplies of teaching materials and textbooks that are not sex-discriminatory. The Committee urges the State party to allocate the necessary budget for the implementation of various projects and programmes. It also requests the State party to provide information in its next report on the measures taken and on their gender impact. It also calls upon the State party to review and improve its statistics in the area of education and to carry out human rights education in all schools.**

### **Employment**

36. The Committee regrets the limited data contained in the report on the situation of women in the labour force, as well as the insufficient information provided during its dialogue with the delegation, which prevented it from obtaining a clear picture with regard to women's participation in the labour force in urban and rural areas, unemployment rates, the gender wage gap and vertical and horizontal labour-force segregation. It also regrets the lack of information on women's labour rights, including protection from sexual harassment.

37. **The Committee requests the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. It calls on the State party to review its labour laws and ensure that employment legislation applies to and is enforced in the public and private sectors. The Committee also calls upon the State party to provide a regulatory framework for the informal sector, with a view to providing access to social protection and benefits. It calls on the State party to provide, in its next report, detailed information, including data disaggregated by sex; analysis on the situation of women in the field of employment, in both the formal and informal sectors, and trends over time; and information about measures taken and their impact on realizing equal opportunities for women in the employment sectors, including in new fields of employment and entrepreneurship. The Committee also requests the State party to provide in its next periodic report detailed information about legal provisions and their monitoring and enforcement; equal pay for work of equal value; and existing complaints mechanisms, as well as statistical information concerning their use by women and their outcomes.**

#### **Health**

38. While noting the activities undertaken by MNCWA in the area of health, the approval of the Myanmar reproductive health policy in 2003 and the training of auxiliary midwives, the Committee expresses its concern at the lack of information about the specific budgetary allocations for the health sector and regrets that maternal mortality and infant mortality rates remain very high, especially in rural ethnic areas. The Committee is also concerned at the number of deaths — largely preventable — that are being caused mainly by infectious diseases, malnutrition, and maternal complications. The Committee expresses concern at women's lack of access to quality sexual and reproductive health services and regrets the lack of information on existing sex education programmes. The Committee is further concerned about the unmet demand for family planning services and the low level of contraceptive use. Furthermore, it regrets reports that the State party does not encourage the participation of the international community and civil society in health-related activities inside Myanmar.

39. **The Committee calls upon the State party to strengthen its efforts in the area of health, including by allocating the necessary resources for the implementation of various projects and programmes, and to reduce, as a matter of priority, the incidence of maternal and infant mortality, as well as deaths caused by infectious diseases, malnutrition and maternal complications. It urges the State party to make every effort to increase women's access to health-care facilities and medical assistance by trained personnel, especially in rural and remote areas. It also recommends the strengthening and expansion of efforts to increase knowledge of and access to affordable contraceptive methods throughout the country so that women and men can make informed choices about the number and spacing of children. It further recommends that sex education be widely promoted and targeted at adolescent girls and boys, with special attention to the prevention of early pregnancy and the control of sexually transmitted infections, and that family planning education programmes take due account of traditions and physical barriers facing women in rural areas. In addition, the Committee recommends that the State party continue to seek financial and technical support from the international**

**community and civil society in order to implement measures to improve women's health.**

#### **HIV/AIDS**

40. While noting the adoption of the five-year national strategic plan 2006-2010 in the area of HIV/AIDS, the Committee is concerned that the State party faces a serious epidemic and that women and girls may be particularly susceptible to infection owing to gender-specific norms. The Committee is especially concerned that the persistence of unequal power relations between women and men and the inferior status of women and girls hamper the ability of women and girls to negotiate safe sexual practices and increases their vulnerability to infection. It regrets the high infection rates for pregnant women. It is also concerned that current policies and legislation may not adequately take into account gender-specific vulnerabilities or adequately protect the rights of women and girls affected by HIV/AIDS.

**41. The Committee recommends continued and sustained efforts to address the impact of HIV/AIDS on women and girls, as well as its social and family consequences. It urges the State party to enhance its focus on women's empowerment and to include, clearly and visibly, a gender perspective in its policies and programmes on HIV/AIDS, and to increase the role of men in all relevant measures. The State party is encouraged to undertake awareness-raising campaigns among Government personnel in prevention, protection and the maintenance of confidentiality in order to systemize and integrate approaches for multiple Government sectors. The Committee recommends that the State party report on measures taken in this respect, as well as obstacles encountered and results achieved, in its next report.**

#### **Women in northern Rakhine State**

42. The Committee expresses its deep concern at reports that Muslim women and girls in northern Rakhine State endure multiple restrictions and forms of discrimination which have an impact on all aspects of their lives, including severe restrictions on their freedom of movement; restricted access to medical care, food and adequate housing; forced labour; and restrictions on marriages and pregnancies. The Committee is also concerned that the population in northern Rakhine State, in addition to being subject to policies imposed by the authorities, maintains highly conservative traditions and a restrictive interpretation of religious norms, which contribute to the suppression of women's and girls' rights.

**43. The Committee urges the State party to urgently eliminate all forms of violence and discrimination against women in northern Rakhine State and, in particular, to alleviate the heavy restrictions on the movement of residents within northern Rakhine State, especially women and girls. The Committee further urges the State party to lift the orders concerning marriage authorization and restriction of pregnancy, which violate the human rights of those women. The State party should also take effective measures to improve their access to primary health care and basic education. The State party is encouraged to continue to collaborate with the international community, especially UNHCR and the United Nations Population Fund, in those efforts.**

### **Rural women**

44. While noting the adoption of the 30-year master plan for the development of border areas and national races (from fiscal year 2001/02 to fiscal year 2030/31) and various development projects initiated by the State party in the rural areas, including microfinancing programmes implemented by MWAF, the Committee expresses its concern at the disadvantaged position of women in rural and remote areas — the majority of women in Myanmar — which is characterized by poverty, illiteracy, difficulties in access to health care, education and social services and a lack of participation in decision-making processes at the community level. It is also concerned that the various development projects may not always include a gender perspective. The Committee is further concerned that traditional female stereotypes are most prevalent in the rural communities and that rural women are often relegated to tasks related to farming and raising children and have no opportunity for wage employment. In addition, the Committee is concerned at reports that State drug eradication programmes, involving the banning of opium-growing without substituting sustainable alternatives, have also led to large-scale food shortages and migration.

**45. The Committee calls upon the State party to take the necessary measures to increase and strengthen the participation of women in designing and implementing local development plans and pay special attention to the needs of rural women by ensuring that they participate in decision-making processes and have improved access to, inter alia, health care, education and social services. Furthermore, the State party should ensure that development projects are implemented only after gender impact assessments involving rural women have been undertaken. In addition, the State party should ensure that opium eradication is carried out together with the development of sustainable alternative livelihoods with local communities, where rural women are most affected. The Committee requests the State party to include in its next report information on the achievements of constructive governmental interventions and comprehensive data on the situation of rural women in all areas covered by the Convention.**

### **Family relations**

46. The Committee expresses its concern at the multiple marital systems that apply in the State party. It is particularly concerned that, although polygamy is discouraged, it is not prohibited. The Committee is also concerned that other discriminatory customary practices persist, especially in ethnic communities, with regard to, inter alia, marriage and its dissolution, as well as family relations, including inheritance. The Committee is further concerned that marital rape is not recognized as a criminal offence.

**47. The Committee urges the State party to harmonize its civil, religious and customary law with article 16 of the Convention and to complete a law 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. That process should involve local community and religious leaders, as well as women from civil society, and include a participatory approach. The Committee further calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation 21 on**

equality in marriage and family relations, and to ensure that marital rape constitutes a criminal offence. In addition, the Committee recommends that the State party undertake comparative research on marriage and its dissolution and family relations, including inheritance, which would facilitate a better understanding of the situation.

#### **Data collection and analysis**

48. While noting that certain statistics were provided in the report, the Committee is concerned that it did not provide sufficient statistical data on the situation of women in all areas covered by the Convention. The Committee is also concerned about the lack of information on the impact of measures taken, obstacles encountered and results achieved in various areas of the Convention.

49. **The Committee calls upon the State party to strengthen its system of data collection, including the use of measurable indicators to assess trends relating to the situation of women and progress towards women's de facto equality, and to allocate sufficient budgetary resources for that purpose. The Committee invites the State party, as necessary, to seek international assistance for the development of such data-collection and analysis efforts. The Committee also requests the State party to include in its next report statistical data and analysis, disaggregated by sex, ethnic group, rural and urban areas and state and division level, indicating the impact of policy and programmatic measures, obstacles encountered and results achieved.**

#### **Optional Protocol and amendment to article 20, paragraph 1**

50. While noting that the Optional Protocol to the Convention has been translated into the Myanmar language and distributed for in-depth study, the Committee calls upon the State party to sign and ratify the Optional Protocol to the Convention and invites the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

#### **Preparation of next report**

51. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next report, as well as to consult with non-governmental organizations during that phase.

#### **Beijing Declaration and Platform for Action**

52. The Committee urges the State party, in its implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

#### **Millennium Development Goals**

53. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the

provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals, and requests the State party to include information thereon in its next periodic report.

#### **Dissemination**

54. The Committee requests the wide dissemination in Myanmar of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee recommends that such dissemination should include the local community level, and the State party is encouraged to organize a series of meetings to discuss progress achieved in the implementation of these observations. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

#### **Ratification of other treaties**

55. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Myanmar to consider ratifying the treaties to which it is not yet party, that is, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

#### **Follow-up to concluding observations**

56. The Committee requests the State party to provide, within one year, written information on the steps undertaken to implement the recommendations contained in paragraphs 29 and 43 above. The Committee also requests the State party to consider seeking technical cooperation and

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

**assistance, including advisory services, if necessary and when appropriate, for implementation of the above recommendations.**

**Date of next report**

**57. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which is due in August 2010, and its fifth periodic report, which is due in August 2014, in the form of a combined report in 2014.**

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