



**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

Summary record of the 865th meeting (Chamber A)

Held at the Palais des Nations, Geneva, on Monday, 3 November 2008, at 3 p.m.

Chairperson: Ms. Šimonović (Croatia)

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Second and third periodic report of Myanmar (continued) (CEDAW/C/MMR/3; CEDAW/C/MMR/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Myanmar took places at the Committee table.*

Articles 7-9 (continued)

2. **Ms. Kyi** (Myanmar) said that the Myanmar Women's Affairs Federation (MWAFF) was a non-governmental organization (NGO) with its own constitution, terms of reference and decision-making procedures. The Federation's senior office-holders were also members of the Myanmar National Committee for Women's Affairs (MNCWA), which included representatives of two women's organizations: the Myanmar Maternal and Child Welfare Association (MMCWA) and the Myanmar Women Entrepreneur Association (MWEA). The MNCWA coordinated cooperation between the MWAFF and ministry units assisting the Federation. After taking appropriate action, the ministries, to which complaints related to violence against women were referred, reported to the MWAFF.

3. In providing counselling and training, the MWAFF drew on the human resources of ministries and other bodies, such as universities. Research had shown that women in Myanmar were more frequently subjected to mental rather than physical violence. The number of MWAFF counselling centres for victims of violence against women had increased from 59 in 2005 to 77 in 2006 and 71 in 2007. During those years, the Federation had carried out, respectively, 3,027, 7,980 and 5,775 awareness-raising activities.

4. **Mr. Aye** (Myanmar) said that the Government cooperated extensively with the Office of the United Nations High Commissioner for Refugees (UNHCR) on the issue of the Rohingya group in the northern Rakhin region. Those returnees were not and had never been nationals of Myanmar, whose population comprised 135 other nationalities. Since 1992, nationals had been certified by the authorities and issued registration cards on the basis of an exact identification of their parents, grandparents and great-

grandparents; the Government exercised extreme caution in that area because Myanmar was located between India and China, the world's most populous countries.

5. **Ms. Chutikul** asked whether the children of Myanmar women who married foreigners automatically remained citizens of Myanmar; whether their foreign husbands could obtain Myanmar citizenship; what the status of the child of a Myanmar citizen and a stateless person, such as a member of the northern Rakhin minority would be; and whether undocumented migrant workers in Myanmar could register in order to have access to basic social benefits. Noting that the Government reportedly did not recognize statelessness, she wondered what the delegation's views on how undocumented persons should be treated were.

6. **Mr. Aye** (Myanmar) said that although he was not an expert on immigration law, he thought on the basis of Myanmar culture that an application for citizenship could be filed for a child born in Myanmar and having one parent who was a Myanmar citizen, provided that both parents requested a birth certificate for the child. There were no stateless persons in the country; anyone who did not speak a Myanmar language and whose Myanmar descent could not be traced was deemed to fall under the responsibility of another State, such as Thailand. The situation of such persons should be examined by both the States concerned. Birth certificates were necessary because they permitted a national who travelled or moved between two places to be deleted from the records of the place of origin and registered at the place of destination.

7. **Ms. Chutikul** asked by what authority the State could impose on non-nationals, such as members of the northern Rakhin minority, restrictions related to, inter alia, marriage, pregnancy and number of children.

8. **Mr. Aye** (Myanmar) replied that he was not certain of the situation regarding marriage in the Rakhin region because he had never been there. The question raised a legal issue related to the rights of the individual.

Articles 10-14

9. **Ms. Simms** suggested that teaching minority children their mother tongue in the early years and the majority language as a second language would boost their sense of identity, including national identity, and increase the willingness of minority groups to accept, for instance, temporary special measures for the advancement of women. She also proposed that women from remote areas should be trained as physicians with a view to gender equality in health care.

10. **Ms. Tavares da Silva** observed that according to paragraph 109 of the report (CEDAW/C/MMR/3), women had “the privilege of equal right to education with men”; however, education was not a privilege but a basic right. She would welcome specific data regarding issues on which the report provided only general information. Accordingly, she enquired as to the number of women students in science and technology courses, the percentage of women and men in higher education and the drop-out rates for boys and girls. In view of reported shortages of trained teachers and educational supplies, particularly in rural and conflict-affected areas, she would like to know what percentage of the national budget was allocated to education in comparison to other sectors, including national defence.

11. **Ms. Zou** requested an explanation of the drop in the net primary school enrolment rate of girls by 15 percentage points between the academic years 2005 and 2006, based on data provided in the report, and between 2006 and 2007, based on data provided in the replies to the list of issues and questions (CEDAW/C/MMR/Q/3/Add.1). Future reports should supply information on primary and secondary school enrolment, retention and drop-out rates by region, race and gender. Lastly, it would be interesting to know whether textbooks were screened for content that perpetuated gender stereotypes, whether pupils were made aware of the importance of gender equality and human rights and whether teachers received any training in that regard.

12. **Mr. Lwin** (Myanmar) said that in Myanmar, ethnic minorities were referred to as “national races”. In line with the country’s name, “Union of Myanmar”, 17 of the 18 insurgent indigenous groups had concluded peace agreements with the Government and participated in drafting the new Constitution, putting an end to conflicts traceable to the colonial “divide and

rule” policy that had been an obstacle to development. The eighteenth group was welcome to join the national consensus if it so desired. In order to consolidate public confidence and strengthen the remote and mountainous regions, the Government had defined about 25 special zones and established the Ministry for the Development of the Border Areas and National Races. In the border areas alone, 855 primary schools, 90 middle schools and 92 high schools had been built. Although the national races implemented their own educational programmes and were free to have their language taught in their schools, emphasis was currently being placed on literacy in the Myanmar language throughout the country in order to facilitate communication.

13. **Ms. Kyi** (Myanmar) said that admission to university was based on the candidates’ grades. Male students of medicine were offered incentives to practise in remote areas because they had been unwilling to do so in the past. That policy, however, did not impose any restrictions on female medical students. Human rights education was provided at the primary and secondary levels. At the university level, the role of the United Nations and the International Declaration of Human Rights were examined in law and international relations courses.

14. **Ms. Tin** (Myanmar) said that women from the remote areas were being trained as midwives, a policy that necessitated translating health education material, including information on HIV/AIDS, into the languages of the national races.

15. **Ms. Halperin-Kaddari** observed that the information provided in the periodic report with regard to women and employment was too general. She asked whether an explicit, comprehensive prohibition of gender-based discrimination in respect of employment was in force and requested the delegation to identify Myanmar’s legislation on equal pay and on the protection of women against sexual harassment in the workplace. She would also welcome specific information regarding women’s participation in the workforce, their unemployment rate and the horizontal and vertical stratification of jobs by sex; the unemployment rates for men and women provided in the report were less than half the figures obtained from a United Nations body. She wondered whether the Government used inspectors to monitor compliance with any existing legislation for the protection of men and women workers.

16. **Ms. San** (Myanmar) stated that during the period 2004 to 2005, women's labour force participation and unemployment rates had been, respectively, 48.4 and 4.6 per cent; those figures had been published by the International Labour Organization (ILO). Myanmar had ratified 19 ILO conventions and promoted the rights, privileges and employment conditions of women and men workers on the basis of equality in accordance with international law. Domestic law had been amended accordingly with a view to meeting ILO standards regarding such matters as employment, training and paid leave. The Ministry of Labour provided services in the area of negotiation and arbitration between workers and employers, including through tripartite committees set up in the various townships. Minimum wage regulations were effectively enforced. In addition to the ILO and Association of Southeast Asian Nations (ASEAN) standards, moral rules regarding conduct in the workplace were necessary. Employers and male and female workers were free to conclude employment agreements.

17. In order to improve labour productivity, the Ministry of Labour conducted training programmes for which workers were selected on the basis of their occupation, age and skill level. Workers could also receive training abroad within the framework of agreements with organizations located in other ASEAN countries, such as Singapore. In the event that employers did not comply with minimum wage or paid leave provisions, male and female workers could seek redress through the local labour committees.

18. **Ms. Arocha Dominguez** asked what the rates of HIV/AIDS infection among men and women were. The figures provided in the report implied that more than 85 per cent of pregnant women did not take any HIV/AIDS test; she enquired as to the annual number of children who were born infected with the virus. She would welcome information on any reduction in the number of adolescent pregnancies since 2003, when a plan had been launched for improving reproductive health in that age bracket; and on any special or emergency measures that had been or would be adopted, especially in rural and remote areas, in order to reduce maternal mortality — one third of which was due to post-partum haemorrhage — and to increase the availability of qualified medical assistance at childbirth. It would also be interesting to know the annual number of abortions and the percentages of spontaneous and induced termination of pregnancy. In

view of the high incidence of anaemia among women in general and pregnant women in particular, information on measures taken to ensure food security and supplementation would also be welcome.

19. **Ms. Tin** (Myanmar), referring to the Prevention of Mother-to-Child Transmission Programme (PMCT), implemented in community-based form in nearly 115 townships and in institutional form in 37 hospitals at the state, division and district levels, said that such activities were carried out with the help of United Nations agencies, including the United Nations Children's Fund (UNICEF), and NGOs. In 2007, 240,079 expectant mothers had received PMCT services and 136,486 pregnant women had been tested for HIV/AIDS. Detailed data regarding infected children and women were available in Myanmar's 2006 progress report on the National Strategic Plan against HIV/AIDS. As the relevant statistics referred to women aged 15 to 45, no information regarding adolescent pregnancies was readily available although the infection rate for that group had probably declined considerably as a result of extensive sex education programmes and initiatives carried out in cooperation with, inter alia, UNICEF.

20. A number of projects were being implemented with a view to lowering the maternal mortality rate through proper care by health professionals, including midwives, and improved nutrition designed to reduce the incidence of iron deficiency anaemia among the female population. The MNCWA was instrumental in organizing and funding demonstrations of the use of local and affordable foodstuffs rich in vitamins and micronutrients.

21. **Ms. Tan**, noting that conditions in the agricultural sector were crucial to the well-being of rural women, stressed the importance of that sector to the national economy and asked how much money had been budgeted for health, education, social services and development programmes in that sector in 2006, 2007 and 2008; who controlled the considerable wealth of the primary sector; how much of the revenue received from natural resource exploitation concessions had been reinvested in rural areas; and whether mining and logging were conducted in compliance with adequate environmental and health protection regulations. In particular, she would welcome information on any assessment of the outcome of initiatives launched since 1989 in the special zones established with a view to encouraging

development of the border areas and national races; and on any plans to foster the development of other regions, particularly in the areas of literacy, education and safe drinking water.

Articles 15-16

22. **Ms. Halperin-Kaddari** asked how many women served in the judiciary at all levels, including the Supreme Court; whether there was a special court for family matters; and, if so, whether any of its posts were held by women. She also wondered whether the customary or religious laws applicable to the various population groups were part of the country's legal system and what the scope of the respective jurisdictions was. It would be useful to know whether the provisions on divorce and family property described in the report applied to all men and women in Myanmar, or to only one group; whether property acquired during a marriage and supposed to be shared equally by the spouses upon divorce included assets with a future value, such as savings, insurance, pension and severance payment rights acquired by either spouse; and whether the reduced earning capacity of a spouse who had focused on household work and raising children was taken into consideration. Lastly, she asked whether the Penal Code's stipulation that intercourse with one's wife could never constitute rape was based on the assumption that a married woman was constantly and completely willing to have sexual relations with her husband.

23. **Ms. Tan**, referring to the plethora of customary laws governing the various population groups, asked whether Myanmar had, or planned to draw up, a codified legal framework compatible with article 16 of the Convention. She wondered whether the delegation was aware of the trials and tribulations that Rohingya couples in the Rakhin region had to endure when applying to Myanmar's border security forces, the Nasaka, for authorization to marry and of the dire consequences of marrying or becoming pregnant without such permission and what the grounds for the decree compelling the Rohingya to seek such authorization were.

24. She would welcome information on the treatment reserved for perpetrators of acts of domestic violence and for army officers who committed rape or gang rape; and on measures taken by the authorities in order to provide the victims of such crimes with medical assistance and psychological support and to ensure a

secure environment for young girls attending school and for women, young and old, in their daily activities.

25. **Mr. Thein** (Myanmar) said that the Master Plan for Development of Border Areas and National Races provided for the construction of new roads, hospitals, hydroelectric power units, police stations, water supply facilities and telephone and television infrastructures. Schools, a university and various specialized training centres had been set up and school enrolment had significantly increased in the areas concerned. Those projects were carried out by the Ministry for the Development of the Border Areas and National Races and monitored by a central committee.

26. **Mr. Aye** (Myanmar) said that there were women members of the judiciary at the township, district, state and division levels but no women Supreme Court justices. Although Muslims, Christians and Hindus had their own bodies of customary law on marriage, the primary body of law in that area was based on Buddhist marriage law, under which women were free to marry; divorce could be obtained easily by mutual consent but a husband could not divorce his wife without sufficient reason; and spouses were joint owners of family assets, especially those acquired during the marriage. The Rohingya could choose to abide by Islamic law. In the event that a husband was survived by several widows, only his first wife had pension rights. Sexual intercourse with a wife under the age of 13, with or without her consent, constituted rape.

27. **Mr. Lwin** (Myanmar) said that under the current annual budget, the total allocation spent on rural development in the border areas and special zones by 31 August 2008 had amounted to 237,893.46 million kyats, including 14,915.37 million kyats earmarked for education.

28. **Ms. Chutikul** questioned the legitimacy of land confiscations affecting the rural population in general, and rural women in particular, for such projects as biofuel production. She wondered what the prospects for Government-to-Government cooperation in resolving migrant worker issues was; why the Government avoided the use of the term "human rights", employing instead the expression "human opportunities"; whether gender study was offered as a subject at the university level; and how the polygamy practised by some of the national races was treated.

29. **Ms. San** (Myanmar) said that the expulsion of workers to Myanmar by Thailand despite the memorandum of understanding, cooperation treaty and concerted dialogue agreement concluded between the two countries in, respectively, 2003, 2004 and 2005 exemplified the problems that existed with regard to the situation of migrant workers.

30. **Ms. Kyi** (Myanmar) affirmed that the human rights instruction provided as part of the basic education curriculum was comprehensive.

31. **Mr. Lwin** (Myanmar) stated that although, in some cases, a man could marry more than one woman, polygamy was not encouraged in Myanmar society as a whole. Land confiscation for biofuel crop cultivation or other rural development or agricultural projects was handled in accordance with domestic law; there was no illegal confiscation of land.

32. **Ms. Halperin-Kaddari** asked whether there were any criminal law provisions against polygamy and stressed that she had received no reply to her questions regarding the wage gap, job stratification and sexual harassment in the workplace.

33. **Ms. Shin** asked what redress a woman could seek in the event that a ministry failed to take adequate action in response to a violation of her rights.

34. **Mr. Flinterman** said he did not see how the official marriage authorization policy could be compatible with the obligation of State parties to guarantee men's and women's equal right to choose a spouse freely.

35. **Ms. Tan** said that she wondered how customary laws that were inconsistent with article 16 of the Convention could be harmonized with that instrument.

36. **The Chairperson**, speaking as a member of the Committee, enquired as to any national plans for the implementation of Security Council resolutions 1325 (2000) and 1820 (2008) and for repeal of the law on citizenship in order bring domestic law into line with the Convention on that issue, as the State party had been requested to do based on the findings of United Nations Special Rapporteurs.

37. **Ms. Kyi** (Myanmar) said that there was no evidence that any department responsible for taking action on violations of women's rights had failed to do so.

38. **Mr. Aye** (Myanmar) said that, although polygamy was not prohibited by law, any civil servant attempting to practise it would be dismissed. Once the new Constitution took effect, the law on citizenship would be reviewed and the necessary measures would be taken.

39. **Mr. Lwin** (Myanmar) said that in the future, women would be able to participate in all national processes. Legislative measures related to compliance with the Convention would be taken when the Parliament reconvened, according to the Government's timetable. Cooperation with the United Nations was a cornerstone of Myanmar's foreign policy; accordingly, the Government would continue to work with the Committee.

40. **The Chairperson** stressed that, in view of the new legislation to be enacted, Myanmar should use that opportunity and the Committee's concluding comments to introduce additional laws reflecting all provisions of the Convention, including those concerning the definition of gender-based discrimination and the use of temporary special measures to accelerate the advancement of women. A significant percentage of women in Parliament should also be achieved.

The meeting rose at 5.20 p.m.