



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of Myanmar\*

#### A. Purpose and general obligations (arts. 1–4)

##### General obligations (art. 4)

1. Please inform the Committee about the measures taken to harmonize national legislation, in particular the Law on the Rights of Persons with Disabilities of 2015, with the Convention and to repeal the Lunacy Act of 1912. Please provide information on the concept of disability used in the State party and on the recognition of the barriers faced by persons with disabilities, particularly persons with intellectual or psychosocial disabilities, and explain the definition of persons with disabilities in the disability assessment and certification mechanism. Please also provide information about the plan of action to implement the 2015 Law on the Rights of Persons with Disabilities.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

2. Please provide information on the measures taken to review the Constitution and the Penal Code to unequivocally prohibit discrimination on the basis of disability, including denial of reasonable accommodation.

##### Women with disabilities (art. 6)

3. Please provide information on the measures taken to eliminate multiple and intersectional discrimination against women with disabilities, especially those belonging to ethnic and religious minorities, in all spheres of their life including education, employment and health.

##### Children with disabilities (art. 7)

4. Please provide information on the measures taken to ensure the human rights of children with disabilities, especially children in vulnerable situations such as in street situations or extreme poverty, children affected by or involved in armed conflict, orphans, children belonging to ethnic and linguistic minority or indigenous communities and refugee and internally displaced children. Please indicate what measures exist to ensure physical and psychological support for children with disabilities.

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\* Adopted by the pre-sessional working group at its eleventh session (8–11 April 2019).



**Awareness-raising (art. 8)**

5. Please provide information on the measures taken to raise awareness throughout society, particularly among persons with disabilities, their parents and families and relevant professional groups, regarding persons with disabilities, their rights and dignity and to combat stereotypes, prejudice and harmful practices against them in all aspects of life.

**Accessibility (art. 9)**

6. Please provide information on the measures taken to:

(a) Amend the Procurement Law, adopt the National Building Code and the Ministry of Construction's standards to guarantee full accessibility for persons with disabilities and ensure access for persons with disabilities to transportation and buildings open or provided to the public;

(b) Promote access to information and communication technologies for persons with disabilities.

**Situations of risk and humanitarian emergencies (art. 11)**

7. Please provide information on the measures taken to develop disaster risk reduction strategies with the participation of organizations of persons with disabilities. Please indicate what measures exist to strengthen the protection and safety of persons with disabilities, including those belonging to ethnic and religious minorities, in the context of humanitarian response efforts in conflict-affected areas, particularly in northern Rakhine, Shan and Kachin States, or during emergencies.

**Equal recognition before the law (art. 12)**

8. Please provide information on the measures taken to:

(a) Amend the Code of Criminal Procedure, the Prisoners Act and the Burma Army Act to harmonize them with the Convention, especially to eliminate the concepts of "lunatic" and "criminal lunatic";

(b) Recognize before the law all persons with disabilities, including the full legal capacity of persons with intellectual or psychosocial disabilities, and to implement supported decision-making instead of substituted decision-making;

(c) Reduce the number of persons with disabilities under guardianship, particularly persons with psychosocial or intellectual disabilities, and inform the Committee about the number of persons that remain under full or partial guardianship as well as those whose legal capacity has been fully reinstated.

**Access to justice (art. 13)**

9. Please provide information on the measures taken to:

(a) Ensure that persons with disabilities, particularly persons with psychosocial or intellectual disabilities, are guaranteed access to the justice system, including through the provision of procedural accommodation;

(b) Provide appropriate training for the personnel and officials working in the judicial system and law enforcement agencies to ensure effective access to justice for persons with disabilities.

**Liberty and security of the person (art. 14)**

10. Please provide information on the measures taken to:

(a) Prohibit the deprivation of liberty and forced treatment on the basis of actual or perceived impairment, and to ensure that any medical treatment is based on the free and informed consent of the individual concerned;

(b) Establish a system to record data about the deprivation of liberty of persons with disabilities on the basis of impairment, including the average duration of such

deprivations of liberty, in particular involuntary stays at mental health-care facilities and asylums.

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

11. Please provide information on the measures taken to:

(a) Ensure that persons with disabilities are protected from torture or cruel, inhuman or degrading treatment in all settings, in particular prisons;

(b) Establish a monitoring and review mechanism to record situations of torture or cruel, inhuman or degrading treatment, including involuntary treatment and injuries caused as a result thereof.

**Freedom from exploitation, violence and abuse (art. 16)**

12. Please provide information on the measures taken to:

(a) Prevent and combat exploitation, violence and abuse, including domestic and sexual violence, of or against persons with disabilities, in particular persons with disabilities belonging to ethnic and religious minorities;

(b) Provide the necessary recovery, rehabilitation and social reintegration services to victims;

(c) Create a safe environment for the reporting, investigation and prosecution of cases of the exploitation of, violence against or abuse of persons with disabilities.

**Protecting the integrity of the person (art. 17)**

13. Please provide information on the measures taken to prohibit the carrying out of medical procedures, including sterilization, castration and contraception, on persons with disabilities, particularly psychosocial or intellectual disabilities, without their free and informed consent.

**Liberty of movement and nationality (art. 18)**

14. Please provide information on the measures taken to ensure the rights of persons with disabilities to acquire a nationality and that persons with disabilities are not being deprived of their nationality arbitrarily or on the basis of disability. Please also provide information on the measures that exist to ensure that persons with disabilities, especially children with disabilities belonging to ethnic and religious minorities or living in rural and remote areas, such as Tanintharyi Region and Rakhine and Kayin states, have access to birth registration and certificates on an equal basis with others.

**Living independently and being included in the community (art. 19)**

15. Please provide information on the steps taken to ensure the deinstitutionalization of persons with disabilities and to promote their right to live independently and be included in the community.

**Personal mobility (art. 20)**

16. Please provide information on the measures taken to provide quality mobility aids, devices, assistive technology and personal assistance to ensure the personal mobility of persons with disabilities.

**Freedom of expression and opinion, and access to information (art. 21)**

17. Please provide information on the measures taken to:

(a) Ensure access to information and communication, including with regard to public events, television and radio, through accessible means, modes and formats of communication such as sign language, Braille, audio or tactile information, augmentative and alternative communication, Easy Read and pictograms;

(b) Adopt the World Wide Web Consortium Web Accessibility Initiative standards when developing or publishing content on the Internet.

18. Please provide information on the measures taken to promote the adoption of a national sign language in close consultation with the deaf community.

**Respect for home and the family (art. 23)**

19. Please provide information on the measures taken to protect children from being separated from their parents involuntarily on the basis of disability of either the child or one or both of the parents. Please also provide information on the measures that exist to provide appropriate and sufficient support to children with disabilities and their parents and to parents with disabilities to exercise their parental rights and responsibilities.

**Education (art. 24)**

20. Please provide information on the measures taken to:

(a) Review the Child Law of 1993 to ensure that all children with disabilities have access to inclusive education in regular schools at all levels and not limited to primary level or vocational training;

(b) Develop a policy on inclusive education to implement the National Education Law, as amended in 2015;

(c) Provide accessible materials, adaptive learning environments and sufficient individualized accommodation for students with disabilities at all levels.

**Health (art. 25)**

21. Please provide information on the measures taken to:

(a) Ensure the free and informed consent of persons with disabilities, in particular persons with psychosocial or intellectual disabilities, for any form of medical, surgical, invasive or psychiatric treatment or procedure;

(b) Provide training to medical staff on the rights of persons with disabilities.

**Habilitation and rehabilitation (art. 26)**

22. Please provide information on the measures taken to promote comprehensive and community-based rehabilitation programmes for persons with disabilities, including those affected by leprosy, particularly in rural and remote areas.

**Work and employment (art. 27)**

23. Please provide information on the measures taken to:

(a) Prohibit discrimination against persons with disabilities, including the denial of provisions for reasonable accommodation in work and employment, and to promote the employment of persons with disabilities in the open labour market;

(b) Ensure job placement through specific measures, including affirmative actions, for persons with disabilities in the public and private sectors.

**Adequate standard of living and social protection (art. 28)**

24. Please provide information on the measures taken to ensure access to social protection and support for persons with disabilities and to reduce poverty among persons with disabilities, including persons affected by leprosy.

**Participation in political and public life (art. 29)**

25. Please provide information on the measures taken to:

(a) Amend election laws and by-laws to include persons with intellectual or psychosocial disabilities in election processes and ensure fully accessible voting procedures in privacy for persons with disabilities;

(b) Promote the participation of persons with disabilities in political and public decision-making positions at all levels;

(c) Increase awareness of persons with disabilities of their rights to participate in political and public life, in particular their right to vote.

**Participation in cultural life, recreation, leisure and sport (art. 30)**

26. Please provide information on the measures taken to:

(a) Eliminate social and environmental barriers hindering the participation of persons with disabilities in cultural life and in recreational and sports activities;

(b) Ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

**C. Specific obligations (arts. 31–33)**

**Statistics and data collection (art. 31)**

27. Please provide information on persons with disabilities, disaggregated by age, sex, type of disability, ethnicity, geographic location, socioeconomic status and other characteristics relevant in the national context, and the measures taken to increase the availability of quality, timely and reliable data in that regard.

**International cooperation (art. 32)**

28. Please provide information on the measures taken to ensure the full and effective participation of persons with disabilities in the planning and monitoring of international cooperation activities, including with regard to the implementation of the 2030 Agenda for Sustainable Development.

**National implementation and monitoring (art. 33)**

29. Please provide information on the measures taken to ensure the full compliance of the Myanmar National Human Rights Commission with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please inform the Committee about measures to involve organizations of persons with disabilities in processes to monitor the implementation of the Convention.

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