



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Myanmar*

I. Introduction

1. The Committee considered the initial report of Myanmar (CRPD/C/MMR/1) at its 479th and 480th meetings (see CRPD/C/SR.479 and 480), held on 28 and 29 August 2019. It adopted the present concluding observations at its 502nd meeting, held on 16 September 2019.

2. The Committee welcomes the initial report of Myanmar, which was prepared in accordance with the Committee's reporting guidelines. It regrets, however, that the State party's written replies (CRPD/C/MMR/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/MMR/Q/1) were received much too late to be taken into account before the dialogue.

3. The Committee appreciates the constructive dialogue held during the consideration of the report and commends the State party for its delegation, which included representatives of the various departments of the Government responsible for the implementation of the Convention on the Rights of Persons with Disabilities. The Committee appreciates the clarifications provided in response to the questions posed orally by the Committee.

II. Positive aspects

4. The Committee welcomes the information about the adoption of legislative and policy measures taken to develop different aspects of the Convention. It commends in particular the adoption of the Child Rights Law of 2019, which provides for universal and free birth registration, including for children with disabilities. Furthermore, it welcomes the adoption of the Strategy on Development of Persons with Disabilities (2016–2025) as an effort to implement the Convention.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

General obligations (art. 4)

5. The Committee is concerned about:

* Adopted by the Committee at its twenty-second session (26 August–20 September 2019).



(a) The fact that the Convention has not been sufficiently incorporated into national law;

(b) The fact that the concept of disability in the State party's legislation is incompatible with the Convention as it is based on the medical model of disability;

(c) The derogatory terminology referring to persons with disabilities in legislation, regulations and policy documents, particularly in the Lunacy Act, the Code of Criminal Procedure, the Prisoners Act and the Burma Army Act, such as "criminal lunatic", "lunatics" and "insane";

(d) The lack of concrete and effective measures taken in all policy areas and sectors at all levels to implement the State party's obligations under the Convention.

6. The Committee recommends that the State party, with the full and effective participation of persons with disabilities through their representative organizations:

(a) **Ensure the full incorporation of the Convention into its national legal system to harmonize national laws with the human rights model of disability and bring them fully into line with the Convention;**

(b) **Align the concept of disability with the human rights model of disability set out in the Convention, and eliminate the term "suffering" from the Law on the Rights of Persons with Disabilities of 2015;**

(c) **Eliminate from legislation, regulations and policy documents all derogatory terminology concerning persons with disabilities;**

(d) **Take concrete and effective measures for the full implementation of the Convention across all policy areas, sectors and levels.**

7. The Committee notes with concern the absence of meaningful consultation and effective participation mechanisms to ensure that the views, opinions and concerns of persons with disabilities, including women and children with disabilities, persons with intellectual or psychosocial disabilities, persons affected by leprosy, and persons with disabilities from ethnic or religious minorities, are included at all stages of decision-making processes by public authorities at all levels.

8. The Committee recommends that the State party establish formal mechanisms to ensure the effective and meaningful participation of and consultation with persons with disabilities, through their representative organizations, including their participation in the implementation of the Convention, in line with general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention.

9. The Committee is concerned that the State party has not yet ratified the Optional Protocol to the Convention.

10. The Committee recommends that the State party consider ratifying the Optional Protocol to the Convention.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

11. The Committee is concerned about the lack of:

(a) Legal provisions in the Constitution and laws of the State party that explicitly prohibit disability-based discrimination in accordance with the Convention, including multiple and intersectional forms of discrimination and the denial of reasonable accommodation;

(b) A comprehensive anti-discrimination policy that provides appropriate protection from disability-based discrimination in all areas of life, including multiple and intersectional forms of discrimination and the denial of reasonable accommodation;

(c) Accessible complaints and redress mechanisms for victims of disability-based discrimination.

12. Recalling its general comment No. 6 (2018) on equality and non-discrimination, the Committee recommends that the State party:

(a) **Take the necessary legal measures, including reviewing the Constitution and laws to prohibit disability-based discrimination in accordance with the Convention, including multiple and intersectional forms of discrimination on the grounds of disability, sex, age, ethnicity, religion, gender identity, sexual orientation and any other status, and the denial of reasonable accommodation, in all areas of life;**

(b) **Adopt and implement a comprehensive anti-discrimination policy to provide appropriate protection against disability-based discrimination, including multiple and intersectional discrimination and the denial of reasonable accommodation;**

(c) **Establish accessible and effective mechanisms, including judicial and administrative procedures, for victims of disability-based discrimination, and provide them with comprehensive redress, including compensation, rehabilitation and sanctions against the perpetrator.**

Women with disabilities (art. 6)

13. The Committee is concerned that:

(a) Multiple and intersectional discrimination against women and girls with disabilities persists, especially against women with disabilities belonging to ethnic or religious minorities, in all spheres of life;

(b) The rights of women and girls with disabilities are not systematically mainstreamed in specific policies on gender equality or disability.

14. The Committee recalls its general comment No. 3 (2016) on women and girls with disabilities and recommends that the State party:

(a) **Adopt and implement effective legislation and policy measures, including specific measures, to address exclusion of and multiple and intersectional discrimination against women and girls with disabilities, in particular against those belonging to ethnic or religious minorities, in all spheres of life;**

(b) **Mainstream the rights of women and girls with disabilities in gender equality and disability policies.**

Children with disabilities (art. 7)

15. The Committee is concerned about:

(a) The absence of specific policies and programmes to protect and promote the rights of children with disabilities;

(b) The prevalent stigma, discrimination and harmful stereotypes against children with disabilities, and the barriers that hinder their access to education, health and other services.

16. The Committee recommends that the State party:

(a) **Adopt and implement a comprehensive action plan and strategy for the promotion and protection of the rights of children with disabilities, allocating sufficient human, technical and financial resources for its implementation;**

(b) **Take measures to address stigma, discrimination and harmful stereotypes against children with disabilities, and ensure their access to education, health and other services without discrimination, on an equal basis with other children.**

Awareness-raising (art. 8)

17. The Committee is concerned about the lack of comprehensive awareness-raising programmes on the rights of persons with disabilities across the State party. It notes with concern the persistence of negative stereotypes, prejudices and stigma against persons with disabilities, including that they “might be cursed with something bad” based on traditional superstition.

18. The Committee recommends that the State party, in collaboration with organizations of persons with disabilities, develop and implement comprehensive awareness-raising programmes that address negative stereotypes, prejudices and stigma against persons with disabilities, including those based on ritual beliefs, customs and superstitions, often targeting children with disabilities. It also recommends that the State party promote the human rights of persons with disabilities across the State party, targeting the media, public officials, judges, lawyers, the police, social workers and the general public, including ethnic and religious minorities.

Accessibility (art. 9)

19. The Committee is concerned about accessibility barriers faced by persons with disabilities to the physical environment, transportation, information and communications, including information and communications technology and systems, and other facilities and services open or provided to the public. It is also concerned about the lack of:

(a) Provisions on accessibility in legislation, including in the Procurement Law and the National Building Code, which is still awaiting adoption;

(b) Accessibility standards and guidelines, and effective measures to enforce them, including policy measures and sanctions for non-compliance.

20. Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party, in consultation with organizations of persons with disabilities:

(a) **Take the necessary measures, including amending the Procurement Law and expediting the adoption of the National Building Code, to facilitate access for persons with disabilities to the physical environment, transportation, information and communications, including information and communications technology and systems, and other facilities and services, open or provided to the public, in both urban and rural areas;**

(b) **Adopt accessibility standards and a comprehensive national action plan on their implementation, with sufficient technical and financial resources, indicators to assess improvements in accessibility, and sanctions for non-compliance.**

Situations of risk and humanitarian emergencies (art. 11)

21. The Committee is concerned that:

(a) The rights and the specific requirements of persons with disabilities in situations of risk and humanitarian emergencies are not sufficiently taken into account in the Natural Disaster Management Law or the Action Plan on Disaster Risk Reduction, and there is a lack of protocols, plans and measures with respect to persons with disabilities in these situations;

(b) Persons with disabilities, especially women and girls with disabilities and those belonging to ethnic and religious minorities, face heightened risks in areas affected by conflict and humanitarian emergencies, including where stateless, internally displaced and returnee populations are resident or hosted in northern Rakhine, Shan and Kachin States.

22. The Committee recommends that the State party:

(a) **Design and adopt specific legislation, protocols, plans and measures for the protection and safety of all persons with disabilities in situations of risk and in**

humanitarian emergencies, which take into account the specific requirements of all persons with disabilities;

(b) Strengthen the humanitarian protection for persons with disabilities affected by conflict and humanitarian emergencies, including those belonging to ethnic and religious minorities, particularly in northern Rakhine, Shan and Kachin States.

Equal recognition before the law (art. 12)

23. The Committee is concerned about the legislation in the State party that restricts the legal capacity of persons with disabilities on the basis of actual or perceived impairment, such as the Guardians and Wards Act or the Lunacy Act, which provide for substituted decision-making regimes.

24. Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party enact legislation recognizing the full legal capacity of persons with disabilities, abolishing substituted decision-making regimes, including guardianship, and introducing supported decision-making regimes that respect the autonomy, will and preferences of persons with disabilities.

Access to justice (art. 13)

25. The Committee is concerned about:

(a) The lack of access to justice by persons with disabilities, in particular persons with psychosocial or intellectual disabilities, as a result of barriers, including the lack of free legal aid or gender- and age-appropriate procedural accommodation;

(b) Reported cases of women and girls with disabilities who are survivors of gender-based violence not being able to gain access to justice owing to multiple barriers, such as stigmatization of victims, fear of reprisals and difficulties in producing evidence;

(c) The insufficient understanding and awareness among the judiciary and law enforcement officials about the rights of persons with disabilities, the diversity among persons with disabilities and individual accommodation.

26. The Committee recommends that the State party:

(a) Adopt measures to provide legal assistance and gender- and age-appropriate procedural accommodation for persons with disabilities to enable their participation in all legal procedures on an equal basis with others, including by facilitating the use of the communication method of their choice in judicial interactions, such as sign language, Braille, Easy Read, captioning, augmentative and alternative communication devices, and all other accessible means, modes and formats of communication;

(b) Remove barriers that women and girls with disabilities who are survivors of gender-based violence face in gaining access to justice, including stigmatization of victims, fear of reprisals and difficulties in producing evidence;

(c) Ensure regular training programmes and awareness-raising campaigns for lawyers, court staff, judges, prosecutors and law enforcement officers, including police and prison officers, on the rights of persons with disabilities, the diversity among persons with disabilities and individual accommodation.

Liberty and security of the person (art. 14)

27. The Committee is concerned about:

(a) The legislative provisions allowing for deprivation of liberty of persons with disabilities and their involuntary placement in residential care institutions on the grounds of their actual or perceived impairment;

(b) The lack of procedural and gender- and age-appropriate accommodation for persons with disabilities suspected of having committed a crime at all stages of the judicial process;

(c) The lack of the necessary statistical data, disaggregated by age, gender and disability, on persons with disabilities who are currently hospitalized or institutionalized without their consent, to assess the enjoyment of the right to liberty and security of persons with disabilities in the State party.

28. The Committee recommends that the State party, guided by the Committee's guidelines on the right to liberty and security of persons with disabilities (A/72/55, annex I):

(a) Repeal all legislation that allows for deprivation of liberty on the grounds of actual or perceived impairment or that authorizes institutionalization or involuntary hospitalization of persons with disabilities;

(b) Provide for procedural and gender- and age-appropriate accommodation for persons with disabilities suspected of having committed a crime, at all stages of the judicial process, including interrogation, prosecution, trial and detention;

(c) Put in place mandatory guidelines for admission in order to respect the dignity, integrity, will and preferences of persons with disabilities and to ensure that they are not deprived of their liberty, and provide in its next periodic report statistical data, disaggregated by age, gender and disability, on progress over time regarding the number of persons with disabilities who are still hospitalized or institutionalized without their consent.

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

29. The Committee is concerned about:

(a) Delays to the adoption of the draft law on the prevention of violence against women;

(b) The lack of specific legislation, policies and programmes to protect persons with disabilities, particularly women and children with disabilities and persons with intellectual or psychosocial disabilities, from all forms of exploitation, violence and abuse, including gender-based violence and corporal punishment;

(c) The inadequate services for the physical and psychological recovery and rehabilitation of persons with disabilities, particularly women and children with disabilities, who are survivors of exploitation, violence or abuse;

(d) The absence of effective measures for identifying, investigating and prosecuting cases of exploitation, violence and abuse against persons with disabilities and the lack of disaggregated data on related reports, investigations and prosecutions in line with article 16 (3) of the Convention.

30. The Committee recommends that the State party:

(a) Expedite the adoption of the draft law on the prevention of violence against women and ensure its full compliance with article 16 of the Convention so as to tackle gender-based violence against women and girls with disabilities;

(b) Adopt and implement legislation, policies and programmes to protect all persons with disabilities, particularly women and children with disabilities and persons with intellectual or psychosocial disabilities, from all forms of exploitation, violence and abuse, including gender-based violence and corporal punishment;

(c) Ensure that persons with disabilities who are survivors of exploitation, violence and abuse are provided with effective redress, including compensation and comprehensive protection, recovery, rehabilitation and social reintegration services, and ensure that victims have access to age- and gender-appropriate reporting channels that respect their privacy;

(d) **Promptly conduct investigations into cases of exploitation, violence and abuse against persons with disabilities, prosecute suspects, duly sanction perpetrators and collect disaggregated data on abuse, exploitation and violence against persons with disabilities, and on the outcomes of related complaints.**

31. The Committee is concerned that persons with disabilities have become victims of conflict-related violence and that such violence, including sexual and gender-based violence, has led to physical, psychosocial and other disabilities, disproportionately affecting a large number of Rohingya women and girls. The Committee is also concerned about the absence of an investigation of the serious rights violations and prosecution of the perpetrators. Furthermore, it is concerned about the lack of support and services for persons with disabilities who are survivors of conflict-related violence.

32. **The Committee recommends that the State party promptly investigate and prosecute security personnel, including senior officials, for serious international crimes, crimes against humanity, war crimes and conflict-related violence, taking into consideration the findings of the independent international fact-finding mission on Myanmar (see A/HRC/39/64). The Committee further recommends that the State party cooperate with the Governments of countries in the region, United Nations entities and other international and national partners to provide the necessary specialized, inclusive, accessible and gender- and age-appropriate support and services to persons with disabilities who are survivors of conflict-related violence.**

Protecting the integrity of the person (art. 17)

33. The Committee is concerned about the lack of information on concrete measures taken to protect persons with disabilities, especially persons with intellectual or psychosocial disabilities against forced medical procedures and interventions, including sterilization and castration.

34. **The Committee recommends that the State party strengthen the legal and policy provisions to ensure that all medical and psychiatric treatment and interventions are done on the basis of own free and informed consent. It also recommends that the State party take all measures necessary to eliminate the forced sterilization or castration of persons with disabilities, especially persons with psychosocial or intellectual disabilities, and those still deprived of their legal capacity.**

Liberty of movement and nationality (art. 18)

35. The Committee is concerned that the Child Rights Law of 2019 does not guarantee the right to a nationality to children belonging to ethnic minority groups and those who are internally displaced, including children with disabilities, which hinders their access to education, health care and other public services. The Committee is also concerned about barriers in gaining access to administrative facilities and proceedings for birth registration, civil documentation and citizenship, including the inaccessibility of buildings, official and unofficial fees, and communication barriers for persons with disabilities from ethnic minority groups.

36. **The Committee recommends that the State party take the legal and other measures necessary to guarantee the right to a nationality without discrimination, and take effective policy measures to remove all barriers for persons with disabilities, including those from ethnic minority groups, to the enjoyment of their rights to a nationality, birth registration and civil documentation, to enable them to exercise all the rights enshrined in the Convention.**

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

37. The Committee is concerned about:

(a) The persistence of institutionalization of persons with disabilities and the emphasis on so-called institution-based rehabilitation;

(b) The segregation or exclusion of persons with disabilities from the community, including owing to stigmatization and attitudinal barriers, in particular against persons affected by leprosy and persons with intellectual or psychosocial disabilities;

(c) The inadequate services and provision of personal assistance to promote independent living of persons with disabilities, especially in remote and rural areas, to enable their inclusion and full participation in the community.

38. The Committee recalls its general comment No. 5 (2017) on living independently and being included in the community and recommends that the State party:

(a) **Introduce and implement a strategy, with a clear time frame, to ensure the transition from institutions to full independent living and being included in the community for all persons with disabilities, in close consultation with representative organizations of persons with disabilities, and ensure the allocation of the resources necessary for the implementation of that strategy;**

(b) **Promote the rights of persons with disabilities, particularly persons affected by leprosy and persons with intellectual or psychosocial disabilities, to live independently and be included in the community, including by raising awareness among the general public to tackle stigmatization and attitudinal barriers;**

(c) **Allocate sufficient resources to provide personal assistance and ensure that support services in the community are available, accessible, affordable and of high quality across the State party, including in remote and rural areas.**

Personal mobility (art. 20)

39. The Committee is concerned about the challenges faced by persons with disabilities in acquiring and maintaining the mobility aids and assistive devices, technologies and services necessary for their personal mobility.

40. The Committee recommends that the State party ensure that persons with disabilities can acquire quality and affordable or free of charge mobility aids and assistive devices, technologies and services necessary for their personal mobility, as well as appropriate information and training on how to use and maintain them. The Committee further recommends that the State party ensure that the technology and services necessary for the repair of mobility aids and assistive devices are available locally and at an affordable cost.

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

41. The Committee is concerned about:

(a) The shrinking space for the enjoyment of the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas, which affects persons with disabilities;

(b) The insufficient provision of information intended for the general public to persons with disabilities in accessible formats and technologies, in both public and private media outlets;

(c) The lack of access to information and communications technology and the absence of accessible websites for persons with disabilities;

(d) The lack of relevant professionals trained in the use of sign language and tactile, Braille and Easy Read formats, particularly for persons who are deaf, deafblind, blind or visually impaired and persons with intellectual disabilities.

42. The Committee recommends that the State party:

(a) **Take all measures necessary to ensure that persons with disabilities are able to enjoy the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas, including in its efforts to achieve Goal 16 of the Sustainable Development Goals;**

(b) **Adopt and implement legislative and policy measures to ensure that information provided to the general public is available to persons with disabilities in accessible formats, such as Easy Read, plain language, captioning, sign language, Braille, audio-description and tactile, augmentative and alternative means of communication;**

(c) **Ensure access to information and communications technology, taking into account the diversity of persons with disabilities, including by ensuring that websites are accessible and comply with the standards developed by the Web Accessibility Initiative of the World Wide Web Consortium;**

(d) **Develop a pool of qualified sign language interpreters and other relevant professionals trained in the use of tactile, Braille and Easy Read formats, in consultation with organizations of persons with disabilities.**

Respect for home and the family (art. 23)

43. The Committee is concerned about:

(a) The fact that the sexual and reproductive health and rights of women with intellectual or psychosocial disabilities is subject to the consent of their parents or guardians, under article 27 (f) of the Law on the Rights of Persons with Disabilities;

(b) The limited support for the parents and families of children with disabilities and for parents with disabilities to ensure their right to a family life and prevent involuntary family separation on the basis of disability.

44. **The Committee recommends that the State party:**

(a) **Repeal the legislation that allows for non-consensual intervention regarding the sexual and reproductive rights of women with disabilities, and take all legal and policy measures necessary to ensure that all persons with disabilities, including those with intellectual or psychosocial disabilities, may enter into marriage, exercise parental responsibilities and adopt children, on the basis of free and full consent, on an equal basis with others;**

(b) **Abolish the practice of involuntary family separation on the basis of disability and provide the necessary support, including financial support, counselling, and community-based support and services for children with disabilities, their parents and families, as well as for parents with disabilities, to guarantee the enjoyment, on an equal basis with others, of their rights with respect to family life.**

Education (art. 24)

45. The Committee is concerned about:

(a) Legislation providing for a dual education system in segregated schools, which excludes children with disabilities from mainstream education, and an overreliance on informal education for children with disabilities;

(b) The low rate of enrolment of children with disabilities in schools at all levels, owing to, among other things, the lack of individualized accommodation for children in the mainstream education system.

46. **Recalling its general comment No. 4 (2016) on the right to inclusive education, the Committee recommends that the State party, in close consultation with organizations of persons with disabilities:**

(a) **Revise its legislation to expressly recognize the right to inclusive education for all children, and address overreliance on informal education for children with disabilities, including by undertaking information campaigns to promote their enrolment in mainstream schools at all levels;**

(b) **Adopt and implement a national action plan on inclusive education, involving all line ministries and stakeholders, with sufficient budgetary allocations, to ensure that all children with disabilities have access to quality inclusive education in**

the mainstream education system at all levels, including by providing individualized accommodation, including classroom support and accessible learning environments, teaching methods and materials.

Health (art. 25)

47. The Committee is concerned about:

(a) The barriers faced by persons with disabilities in accessing health-care services, especially in rural areas, including physical, communication and financial barriers;

(b) The lack of systematic training of health-care personnel on the rights of persons with disabilities.

48. **The Committee recommends that the State party:**

(a) **Adopt and implement a strategy, with sufficient human, technical and financial resources, to remove the physical, communication and financial barriers faced by persons with disabilities in accessing health-care services, and guarantee their access to disability- and gender-sensitive health-care services and information, especially in rural areas;**

(b) **Provide systematic training to medical personnel on the rights of persons with disabilities, including the human rights model of disability and alternative communication methods.**

Habilitation and rehabilitation (art. 26)

49. The Committee is concerned about the lack of availability of comprehensive and community-based habilitation and rehabilitation programmes for persons with disabilities, particularly in rural areas.

50. **The Committee recommends that the State party adopt and implement laws and regulations that promote comprehensive habilitation and rehabilitation of persons with disabilities, particularly in rural areas, taking into account the human rights model of disability, such as community-based inclusive development programmes.**

Work and employment (art. 27)

51. The Committee is concerned about:

(a) Discrimination against persons with disabilities regarding employment, including unequal treatment in recruitment, the denial of reasonable accommodation, lower salary scales and less favourable employment benefits;

(b) The absence of effective incentives and specific measures to promote the inclusion of persons with disabilities in the open labour market, both in the public and private sectors;

(c) The lack of data, disaggregated by age, sex, disability and level of employment, on persons with disabilities in employment.

52. **The Committee recommends that the State party, in close consultation with organizations of persons with disabilities:**

(a) **Adopt and implement laws and policies to eliminate discrimination against persons with disabilities, including the denial of reasonable accommodation in employment in the public and private sectors, to ensure the provision of individual accommodation, and provide adequate training to employers;**

(b) **Take effective affirmative action measures to increase the rate of employment of persons with disabilities, particularly women and young persons with disabilities, in the open labour market, and promote measures to ensure that the open labour market is inclusive and accessible;**

(c) **Provide, in its next periodic report, data, disaggregated by age, sex, disability and level of employment, on the progress made in the inclusion of persons with disabilities in employment in the public and private sectors.**

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

53. The Committee is concerned about:

(a) The limited access to social protection schemes and support for persons with disabilities, including under the Social Security Law of 2012 and the Social Security Strategy of 2014;

(b) The fact that the disability assessment and certification procedures are not in line with the Convention, which leads to some persons with disabilities being excluded from social protection schemes;

(c) The high rate of poverty and deprivation among persons with disabilities, including owing to the challenges that many persons with disabilities may face in meeting the additional costs related to disability.

54. **The Committee recommends that the State party:**

(a) **Take the measures necessary to ensure access to social protection and support for persons with disabilities;**

(b) **Take legislative and policy measures to ensure that any assessment procedures are in line with the Convention and do not lead to discriminatory treatment in gaining access to social protection schemes;**

(c) **Establish social protection and poverty reduction schemes with adequate budgetary allocations to guarantee an adequate standard of living for persons with disabilities, and provide them with allowances to meet disability-related expenses.**

Participation in political and public life (art. 29)

55. The Committee is concerned that:

(a) The Pyithu Hluttaw Election Law excludes persons with intellectual or psychosocial disabilities from electoral processes;

(b) Polling stations, electoral materials and information are not accessible to persons with disabilities throughout the State party;

(c) The measures taken to assist voters with disabilities may, in fact, hinder their access to secret ballots;

(d) Representation of persons with disabilities, including women with disabilities, in political and public decision-making remains low.

56. **The Committee recommends that the State party:**

(a) **Repeal or amend legislation that denies persons with disabilities, particularly persons with intellectual or psychosocial disabilities, their right to participation in political and public life, including the rights to vote and stand for election;**

(b) **Ensure the accessibility of polling stations, electoral materials and information for the diversity among persons with disabilities, including in the Union election in 2020;**

(c) **Ensure that measures taken to assist voters with disabilities guarantee their right to cast their votes in a truly secret manner;**

(d) **Promote the participation of persons with disabilities, including women with disabilities, in political life and public decision-making at all levels.**

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

57. The Committee is concerned that:

(a) The participation of persons with disabilities, particularly children with disabilities, in cultural life, and recreational and sports activities remains low;

(b) The State party has not ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

58. **The Committee recommends that the State party:**

(a) **Eliminate social and environmental barriers hindering the participation of persons with disabilities, in particular children with disabilities, in cultural life, and recreational and sports activities, and encourage their participation on an equal basis with others;**

(b) **Take all appropriate measures to ratify and implement 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)

59. The Committee is concerned about the absence of the systematic collection of quality, timely and reliable data on persons with disabilities, disaggregated by disability, sex, age, ethnicity, nationality, religion, geographical location, socioeconomic status and employment status, as well as data on the barriers that persons with disabilities face in gaining access to their rights under the Convention.

60. **The Committee recommends that the State party collect, analyse and disseminate quality, timely and reliable data, disaggregated by disability, sex, age, ethnicity, nationality, religion, geographical location, socioeconomic status and employment status, on the fulfilment of the rights of persons with disabilities in all areas covered by the Convention, in collaboration with representative organizations of persons with disabilities. The Committee also recommends that the State party adhere to the Convention in its efforts to achieve Goal 17 of the Sustainable Development Goals, in particular target 17.18, and take into consideration the Washington Group short set of questions on disability when collecting information about the situation of persons with disabilities and the barriers to the exercise of their rights.**

International cooperation (art. 32)

61. The Committee is concerned that the State party does not sufficiently involve representative organizations of persons with disabilities in the planning, implementation, monitoring and evaluation of international cooperation activities.

62. **The Committee recommends that the State party adopt measures to ensure the effective participation, inclusion and consultation of persons with disabilities, through their representative organizations, in the planning, implementation, monitoring and evaluation of international cooperation programmes, including the efforts aimed at the achievement of the 2030 Agenda for Sustainable Development, the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific, and the Association of Southeast Asian Nations (ASEAN) Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities.**

National implementation and monitoring (art. 33)

63. The Committee is concerned about:

(a) The limited independence of the Myanmar National Human Rights Commission and its lack of an explicit mandate and sufficient resources to promote and protect the rights of persons with disabilities under the Convention;

(b) The insufficient human, technical and financial resources allocated to the National Committee on the Rights of Persons with Disabilities, which prevents it from fulfilling its mandate effectively;

(c) The limited participation of all persons with disabilities, through their representative organizations, in the implementation and monitoring of the Convention.

64. Recalling general comment No. 7 and the guidelines on independent monitoring frameworks and their participation in the work of the Committee on the Rights of Persons with Disabilities (CRPD/C/1/Rev.1, annex), the Committee recommends that the State party:

(a) **Ensure that the Myanmar National Human Rights Commission fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by ensuring its full independence and by providing it with an explicit mandate and sufficient human, technical and financial resources to promote and protect the rights of persons with disabilities;**

(b) **Strengthen the capacity of the National Committee on the Rights of Persons with Disabilities, including by allocating sufficient human, technical and financial resources so that it can fulfil its mandate effectively;**

(c) **Take the measures necessary to strengthen consultation with and the effective and meaningful participation of persons with disabilities through their representative organizations, including those that represent women and children, persons with intellectual or psychosocial disabilities and persons with disabilities in rural areas, in the implementation and monitoring processes.**

Cooperation and technical assistance

65. Under article 37 of the Convention, the Committee can provide technical guidance to the State party on any queries addressed to Committee members through the secretariat. The State party can also seek technical assistance from United Nations specialized agencies with offices in the country or the region.

IV. Follow-up

Dissemination of information

66. **The Committee emphasizes the importance of all recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the attention of the State party to the recommendations contained in paragraphs 6, on national legislation and implementation, and 12, on equality and non-discrimination.**

67. **The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, devolved administrations, local authorities, organizations of persons with disabilities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.**

68. **The Committee strongly encourages the State party to involve and grant financial or other assistance to civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.**

69. **The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in**

accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

70. The Committee requests the State party to submit its combined second, third and fourth reports by 7 January 2025 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.
