



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-sixth session

SUMMARY RECORD OF THE 959th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 26 May 2004, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Myanmar (continued) (CRC/C/70/Add.21; CRC/C/Q/MMR/2; CRC/C/RESP/58)

1. At the invitation of the Chairperson, Ms. Aye Aye Mu, Mr. Ba Hla Aye, Ms. Khin Aye Win, Mr. Khin Maung Lay, Ms. Khin Myo Myint, Mr. Kyaw Thu Nyein, Ms. May May Yi, Mr. Mya Than, Mr. Myint Thu, Mr. San Shwe Win, Mr. Sit Aye, Mr. Sit Myaing, Mr. Tha Aung Nyun, Mr. Tin Nyo and Mr. Win Mra (Myanmar) took places at the Committee table.
2. Ms. MAY MAY YI (Myanmar) said that since Myanmar had acceded to the Convention on the Rights of the Child in 1991, children's rights had become a major government priority, as attested to in particular by the promulgation of the Children's Act in 1993 and the creation in September 1993 of the National Committee on Children's Rights, entrusted with implementation of the provisions of the Convention and of the Children's Act. Shortly afterwards, working groups had been established throughout the country in the various States, territorial divisions, districts and municipalities. Lastly, a subcommittee on follow-up and evaluation had been established in May 1999.
3. In order to increase public awareness, the National Committee on Children's Rights had distributed free of charge some 50,000 copies of the Children's Act in English and in the various languages spoken in Myanmar, at the community level. Brochures, notices, pamphlets and calendars portraying the principles set forth in the Convention had also been printed and distributed. Mobile teams made up of experts from the Department of Social Protection, in partnership with the United Nations Children's Fund (UNICEF), organized programmes to promote awareness of the provisions of the Convention in remote border regions. Education and training programmes in children's rights had also been established by the National Committee on Children's Rights.
4. So as to successfully implement the Convention, both the Convention and the Children's Act had been included in training programmes by the Department of Social Protection, the Civil Service Institute and the Myanmar Red Cross Society, publicity workshops had been organized, and Myanmar had taken an active part in other workshops and seminars organized within the country and abroad. From the school year 2004/05, education in human rights would be incorporated into secondary school curricula.
5. With regard to education, the Government was making every effort to ensure that children had access to primary education. A long-term basic education development plan (2001-2031) had been launched, a system for ongoing monitoring of educational levels and progress had been established in 1991, and a "school enrolment week" had been initiated in 1999 to ensure that all children attended school, to improve the quality of education and to reduce repeat rates. As a result, primary school attendance rates had risen from 91 per cent in 1999 to 95.05 per cent in 2003/04. The opening of "post-primary schools" throughout the country had also allowed a significant number of pupils to continue their studies at the local level.

6. The Ministry of Education cooperated with other ministries, as well as with the Japanese International Cooperation Agency and United Nations bodies, to open schools suited to the needs of children in municipalities and to offer, in the school environment, child-based education in healthy living and prevention of HIV/AIDS. A system of extra-curricular education had also been established.

7. With regard to health, attention should be drawn to the efforts made by Myanmar, in partnership with UNICEF, the World Health Organization (WHO) and other international agencies, to attain the objectives relating to child health established in the document entitled "A world fit for children", adopted by the United Nations General Assembly in 2002. In that connection the Government had formulated and implemented a national programme of action and national health plans for the survival, protection and development of children. All children in Myanmar, irrespective of race, religion, social status, culture, birth or sex, now had the right to receive primary health care, with priority given to those living in remote areas.

8. With regard to mother and child health care, the holistic approach adopted towards a woman's life cycle had led to reductions in maternal, neonatal and child mortality. Morbidity and mortality rates associated with malaria had also fallen as a result of early treatment and preventive and educational activities.

9. Since 1990 all babies and pregnant women had systematically been vaccinated against tetanus. Over 90 per cent of children under 5 had been vaccinated against poliomyelitis; on 13 February 2003 that disease had been declared officially eradicated; leprosy had similarly been declared officially eradicated. In addition, the Government had launched a wide-ranging national programme to include iodide in salt, with a view to eliminating iodide deficiency illnesses by 2005.

10. Myanmar was actively engaged in efforts to combat trafficking in and the sexual exploitation of women and children. The law severely punished trafficking in people: traffickers were liable to a prison term of up to 10 years. Children under 18 who were victims of sexual exploitation, prostitution or trafficking were offered counselling and rehabilitation. Myanmar had also recently become party to the United Nations Convention against Transnational Organized Crime and its additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Government was currently working on the drafting of a law to combat trafficking in persons, which it hoped to promulgate in 2004.

11. The Act on organ donation, promulgated on 19 February 2004, categorically prohibited organ donation by children under 18. An anti-smoking law, currently under study in the Office of the Attorney-General, would soon prohibit the sale of tobacco to minors and by minors, as well as all publicity for tobacco, and would mandate the provision of non-smoking areas in public places.

12. The 1974 Act on national defence services and Instruction No. 13/73 of the War Council provided that new recruits to the armed forces must be at least 18. A committee to combat the recruitment of child soldiers had recently been established, under the chairmanship of the

Secretary of the National Council for Peace and Development; its membership included the various ministries concerned, the Attorney-General, and two senior officials from the Ministry of Defence. At its first meeting, on 16 January 2004, measures to ensure strict compliance with the legislation had been discussed.

13. The government authorities in Myanmar were fully committed to the full and comprehensive realization of the rights of the child; the delegation intended to cooperate closely with the members of the Committee to promote the welfare of children.

14. Mr. MYA THAN (Myanmar) said that since consideration of the initial report considerable progress had been made, in particular the promulgation in December 2001 of decrees for the implementation of the Children's Act; the creation in April 2002 of the National Committee on Human Rights, currently chaired by the Minister of Internal Affairs and comprising 20 members, and destined to become a national institution for the protection of human rights; the organization with the assistance of the Australian Government of a series of human rights workshops, including three on the rights of the child, in several regions throughout the country; and the establishment of the Committee against the recruitment of child soldiers.

15. Notwithstanding the progress made, problems remained. Since achieving independence in 1948, Myanmar, where some 135 ethnic groups lived together, had experienced several decades of insurrection, which had had an impact on its level of socio-economic development such that the country was still among the least developed. Despite a relatively high annual growth rate, Myanmar was falling behind other States in the region. The lack of foreign exchange and financial resources constituted additional obstacles. The country, which in 1988 had moved from a socialist economic system to a market economy, was today in need of international aid and cooperation so as to achieve its objectives more quickly. Globalization and the sanctions imposed unilaterally by certain countries merely resulted in a worsening in the situation of the most vulnerable groups, including children. A developing country, such as Myanmar, could not be expected to attain overnight the level of economic development and democratization that Western countries had taken centuries to achieve.

16. The authorities were seeking to remove the obstacles hindering the implementation of programmes for children and to correct the weaknesses in those programmes, in cooperation with United Nations bodies, including the Commission on Human Rights. The authorities would take into account the observations and recommendations formulated by the members of the Committee, and would make every effort to advance the cause of children.

17. He invited the two country rapporteurs for Myanmar to visit the country to obtain a better understanding of the situation.

18. Ms. YANGHEE LEE, country rapporteur for Myanmar, said that 23 per cent of the inhabitants of Myanmar lived below the poverty line. The country was still in thrall to domestic conflict and as a result some regions were not under government control. Those were daunting difficulties for a country which was seeking to make progress towards the realization of children's rights.

19. The Committee welcomed the progress made, in particular with the adoption of the national HIV/AIDS campaign (2003-2005), the national plan of action on health (1996-2001) and a joint action plan for the elimination of forced labour, while deploring the fact that certain recommendations made by the Committee in its previous concluding observations had not been implemented, in particular those relating to the reform of domestic legislation, national coordination machinery, children in the armed forces, and children in conflict with the law.

20. Regarding international human rights instruments, it should be noted that Myanmar had acceded to only two of the major instruments: the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. The State party had not ratified the two protocols to the Convention on the Rights of the Child or the Hague conventions concerning children.

21. It would be useful to have further information on the 1993 Children's Act, in particular on the implementing decrees, and to know to what extent that Act and the National Committee on Human Rights were familiar to children and the public at large. The delegation should also indicate whether the Act on flogging remained in force and the reasons why the Act on villages and towns, which authorized the Government to conscript women for compulsory labour, was still being implemented, despite the serious consequences that it could have for young girls. Any additional information on participation by civil society, in particular national and local non-governmental organizations, and by children, in the drafting of the report, would be welcome.

22. The delegation should also provide clarification regarding budget allocations, since the figures provided were somewhat contradictory and it was difficult to determine what funding was effectively devoted to children. It was regrettable that under 1 per cent of the national budget was allocated to education. The delegation should also provide statistics on young people between 16 and 18 years of age.

23. Noting that article 14 of the Children's Act, which concerned discrimination, did not mention disability, she enquired as to the general attitude on the part of society towards children with disabilities, and noted that the distinction drawn in the report between "normal" children and disabled children was very discriminatory.

24. She expressed concern at the discrimination of which Muslim and children of certain ethnic groups were victims, in particular the recording of religion and ethnic origin on the identity card. The Act on nationality distinguished between three categories of citizens, and questions inevitably arose as to the discrimination that might ensue from such classification. The delegation should also thus provide clarification concerning procedures for obtaining nationality to be followed by certain ethnic groups that could not prove their presence in the country before 4 January 1948. Lastly, it would be useful to obtain an explanation of the disparities between regions regarding the rate of registration of births.

25. Ms. VUCKOVIC-SAHOVIC, country rapporteur for Myanmar, regretted the fact that certain recommendations previously formulated by the Committee had not been implemented, in particular those concerning measures for children affected by military activities or in conflict with the law.

26. She welcomed the establishment of the National Committee on Children's Rights, but questioned its capacity to coordinate all activities relating to implementation of the Convention, and requested clarification of the activities it undertook. Myanmar seemed to focus on sectoral plans of action rather than a general plan, as proposed in the document entitled "A world fit for children".

27. She also questioned the ability of the subcommittee on follow up and evaluation of the Committee on Human Rights to evaluate the situation of children. The delegation should indicate whether the Committee on Human Rights was independent, whether it was serviced by a unit dealing specifically with children, and whether children could approach it in the event of violation of their rights.

28. It would be interesting to know whether laws existed to regulate and protect the activities of civil society organizations and to what extent the sanctions imposed on Myanmar by the international community affected the situation of children and implementation of the Convention.

29. The continued use of corporal punishment was disquieting; the Government should make every effort to end the practice, even though it was undeniably very difficult to question the values of a culture in which the first duty of a child was obedience. It would be useful to have clarification concerning the ill-treatment to which children in detention had reportedly been subjected.

30. Mr. AL-SHEDDI asked to what extent the decrees adopted in 2001 complemented and revised the 1993 Children's Act. The delegation should indicate whether non-governmental organizations were represented on the National Committee on Children's Rights and whether activities undertaken by the private sector on behalf of children were monitored and evaluated.

31. Ms. CHUTIKUL requested clarification regarding the composition of the National Committee on Children's Rights, the appointment of its members, the formulation of its programme of work and the scope of its activities, as well as on the functions of its working group and the role of the various subcommittees. The delegation should also state whether the national children's commission which it was anticipated establishing would be in conformity with the Paris Principles, whether it would be competent to receive complaints, whether it would have adequate resources, and whether it would be represented at the local level.

32. She asked whether children and civil society in general were invited to participate in formulating the national programme of action and whether efforts were being made to facilitate their understanding of the text of the Convention. It would also be useful to know whether Myanmar intended to take into account the concluding observations to be formulated by the Committee following its consideration of the periodic report. Lastly, she asked the delegation to indicate what legal provisions applied in the case of a stateless child.

33. Mr. FILALI asked whether the State party intended to ratify the Convention relating to the Status of Refugees, International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment, and ILO Convention No. 182 concerning the

Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. He asked whether civil society organizations had participated in drafting the periodic report, and whether anybody was specifically responsible for collecting information and coordinating activities for children.

34. Ms. SMITH asked whether the general principles set forth in the Convention were incorporated in legislation in Myanmar and, in particular, what weight was given to the opinion of the child, since the Children's Act provided that children should be heard only "where necessary". The delegation should provide clarification concerning the machinery for processing complaints relating to acts committed against children and indicate whether children could themselves bring complaints.

35. Mr. CITARELLA asked for clarification of the status of the Convention, which seemed to be only a reference instrument without any real application and which could not be invoked before the courts. He regretted the fact that children between 16 and 18 were considered to be adults, particularly under criminal law, and stated that the minimum age of criminal liability, set at 7, was far too young.

36. Ms. KHATTAB expressed concern at the ongoing de facto discrimination, in particular with regard to access by certain ethnic minorities to education, the situation doubtless being attributable in part to the very low percentage of public expenditure devoted to education, notwithstanding an increase in State revenues. There was a need for a large number of schools to be built in rural areas, where enrolment rates were well below the average, and to reduce the financial burden of registration fees.

37. Muslims were themselves also victims of discrimination, in that there were 60 per cent malnutrition and illiteracy rates, and they were compelled to pay to register births and to request authorization to marry, and were also on occasion obliged to emigrate to Bangladesh. The delegation should indicate the measures taken to assist and protect those population groups, as well as to aid and protect the "giraffe women" of the Padaung ethnic group, who, by tradition, were compelled to wear metal rings around their necks that were detrimental to their health.

38. Mr. KRAPPMAN said that, in its report on attainment of the objectives established in the World Summit for Children, the State party had indicated that relations between parent and child were imbued with "love, fear and respect", whereas it was essential for that relationship to be based also on exchange and communication, so that awareness campaigns should be conducted to promote a change in attitudes in both institutions and families. The delegation should explain how Myanmar was implementing article 12, regarding participation by children, a provision of the utmost importance.

39. Ms. OUEDRAOGO said that the State party distinguished between three categories of citizen, and asked what that was based on and whether it did not constitute discrimination. She noted with concern that Rohingyas were born stateless, in that they did not appear among the 135 national races catalogued, and that, contrary to the rest of the population, they were required to pay to register births. In that connection the delegation should indicate whether a registration exercise had been concluded since the preparation of the report and whether, according to the most recent information available, the birth registration rate had improved.

40. With regard to participation by children, she asked for additional information on organizations dealing with children's issues, in the activities of which children had a right to participate. She also asked whether the competitions organized in the context of Children's Day provided an opportunity to focus attention on the Convention.

41. She was astonished to read in paragraph 88 that the protection against ill-treatment guaranteed by the Children's Act did not apply to parents, teachers or other persons having the right to admonish and control the child for his or her own good, and invited the delegation to specify what protection children then had with respect to their parents and teachers. In any event, it should be possible to complain about any ill-treatment.

The meeting was suspended at 11.35 a.m. and resumed at 11.55 a.m.

42. Ms. MAY MAY YI (Myanmar) said that some questions and recommendations formulated following consideration of the previous report had not met with any response, but in no case had that been intentional, and that, as adviser for women's affairs to the Prime Minister, she would ensure that there was no recurrence.

43. Mr. MYA THAN (Myanmar) emphasized that the very large number of international instruments ratified by Myanmar in recent years in various areas, such as control of smoking or drug trafficking, were a faithful reflection of Myanmar's attachment to the primacy of law. The next steps were accession to the Optional Protocol on the involvement of children in armed conflict and to the International Covenant on Economic, Social and Cultural Rights, which were the subject of inter-ministerial meetings and preparatory workshops. Ratification was expected shortly.

44. Ms. SARDENBERG said that priority should be given to the seven major United Nations system human rights instruments, which constituted an indivisible and interdependent whole.

45. Mr. MYA THAN (Myanmar) said that much had been done to amend the legislation on towns and villages that authorized compulsory labour to bring it into conformity with ILO Convention No. 29 concerning Forced or Compulsory Labour. Two regulations strictly prohibiting forced labour and setting out the corresponding penalties had been adopted, and the commission of inquiry established to review respect by Myanmar of ILO Convention No. 29 had taken note of them. In addition, Myanmar had adopted a comprehensive plan of action for the elimination of forced labour, which had been welcomed by the International Labour Conference.

46. Mr. KOTRANE expressed the hope that, having ratified ILO Convention No. 29, Myanmar would also ratify ILO Conventions No. 105 concerning the Abolition of Forced Labour, No. 138 concerning Minimum Age for Admission to Employment, and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

47. Mr. MYA THAN (Myanmar) said that the National Committee on Human Rights and the National Committee on Children's Rights were not fully independent in that they included representatives of various ministries and were headed by a minister, but should be viewed as intermediate stages on the road to establishing bodies for the protection of human rights that were in full conformity with the Paris Principles.

48. Regarding the wearing of copper rings around the neck by “giraffe women”, it should be made clear that those women could live completely normally - most of them in fact exercised a professional activity - and that it was a completely voluntary practice that only education could combat. Over time traditions changed, and fewer and fewer young women, now better educated, were willing to accept and perpetuate traditional practices that were harmful to their health.

49. Mr. WIN MRA (Myanmar) said that the ratification process was becoming quicker, as illustrated by the fact that Myanmar was already party to 11 of the 12 United Nations conventions and protocols against terrorism. The question of ratification of the International Covenant on Economic, Social and Cultural Rights was taken very seriously, and a whole range of activities had been undertaken to prepare the country to take that step, including inter-ministerial debates, seminars and training programmes for diplomats.

50. Ms. KHIN AYE WIN (Myanmar) said that the Government was conducting awareness campaigns to persuade parents to relinquish corporal punishment and engage in dialogue with their children. To that end the Government made use of radio and television, and also sent teams to villages comprising representatives of the Ministry of Social Protection, the Ministry of Education, and non-governmental organizations, which, with the cooperation of UNICEF, organized meetings and showed video cassettes on the subject.

51. The Ministry of Education regularly reminded teachers by means of directives that corporal punishment in schools was prohibited. Teachers who failed to observe that ban were punished.

52. With regard to children afflicted with physical or mental disabilities, it should be noted that a young, 14-year-old, girl, who was severely disabled, had obtained exceptional school results and been designated pupil of the year for 2004, which showed that there was no discrimination on the basis of disability.

53. Myanmar had almost 30,000 associations of various kinds, including social, religious, artistic and sports associations, which children were free to join. Children could also take part in painting and poetry competitions, and freely express their views in the newsletters established for that purpose.

54. Mr. SIT MYAING (Myanmar) said that the National Committee on Children’s Rights comprised representatives of various ministries and non-governmental organizations. It had a working group that oversaw nine subcommittees (legal affairs, education, health, prevention, protection, awareness, sports, economic affairs, follow-up and evaluation). It defined policies to be implemented by the working group and offices in the States/divisions, districts and municipalities.

55. Ms. KHIN AYE WIN (Myanmar) said that any person noting that a child was a victim of ill-treatment in the family could approach the local office of the National Committee on Children’s Rights, which would take the necessary action.

56. Mr. SIT MYAING (Myanmar) said that the report had been prepared by the National Committee on Children’s Rights, which in drafting the final text had taken account of the comments put forward at two public meetings at which the preliminary text had been discussed.

57. Ms. YANGHEE LEE asked how the national plan of action and national health plan had led to improvements in the situation of children, and what strategy had ensued in the health sector following completion of the plan in 2001. The delegation should also indicate to what extent the programme for the integrated management of mother and child illnesses had resulted in reductions in mother and child mortality rates, which were still very high.

58. Further, the delegation should indicate whether the sterilization of HIV-positive mothers was genuinely voluntary, what the passive monitoring system for the collection of statistics on HIV/AIDS consisted of, and how many AIDS orphans were placed in institutions.

59. It would be useful to know what the different categories of disability were, whether learning difficulties, emotional difficulties and behavioural problems were viewed as disabilities, and how many children with disabilities lived with their parents, how many were placed in institutions, how many attended regular schools, and how many attended special schools; the figures in the written replies were not clear.

60. It would also be interesting to know what the aims of education were, why human rights were not taught in primary school, whether compulsory education was completely free, why school dropout rates were so high, what night schools were, what the autonomy programmes being implemented, especially in rural and remote areas, consisted of, why the primary cycle corresponding to compulsory education lasted only five years, what the consequences were for children of the closure of schools, whether all children referred to in paragraph 94 of the report were placed in institutions, which children were placed in training schools referred to in paragraph 116 of the report, and under what conditions mothers serving a term of imprisonment could keep with them children under 5.

61. Ms. VUCKOVIC-SAHOVIC asked what the State party was doing to encourage the placement in foster families of children deprived of a family environment.

62. Ms. AL-THANI asked whether children with disabilities belonging to poor families or living in remote areas had access to State services, whether the State provided all children with high quality primary health care, why more than half of women gave birth at home and not in maternity units, why the health budget was in constant decline, why a quarter of children had low birth weight, whether breastfeeding was encouraged, whether people with mental health problems, in particular teenagers, had access to appropriate services, and what measures the State party was taking to combat teenage pregnancies and prevent drug, alcohol and tobacco abuse and sexually transmitted diseases, in particular mother-child transmission of HIV.

63. Ms. KHATTAB asked whether the State party had ratified the UNESCO Convention against Discrimination in Education, why teaching in minority languages was prohibited, why the school dropout rate was particularly high in minority communities and what measures had been taken to encourage children to express their views at school and in the family.

64. Mr. KRAPPMAN asked why the school dropout rate in primary education was higher for girls than for boys and higher in rural districts than in towns, and whether it was true that textbooks were out of date.

65. Mr. AL-SHEDDI asked why only 7 per cent of children aged 3 to 5 received pre-school education and which ministry was responsible for the education of children with disabilities.

66. Ms. SMITH asked whether the State party had sufficient resources to implement the national plan of action on education for all and what was done to develop the creativity of children in schools and guarantee access by children from poor families to education.

67. Ms. SARDENBERG asked why women had no access to certain disciplines in higher education and if schoolchildren threatened with expulsion could state their views.

68. Mr. LIWSKI asked what funding was allocated for health and education, whether school health programmes existed, at what age a teenager could consult a doctor without parental consent, whether the composition of health teams reflected the ethnic, cultural and linguistic diversity of the country, and whether community organizations were involved in the formulation, implementation and evaluation of health sector activities.

The meeting rose at 1.05 p.m.