



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

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**Committee on the Elimination of Discrimination
against Women**
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Summary record of the 1668th meeting

Held at the Palais des Nations, Geneva, on Friday, 22 February 2019, at 3 p.m.

Chair: Ms. Gbedemah

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The meeting was called to order at 3 p.m.

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

Report of Myanmar submitted under the exceptional reporting procedure (CEDAW/C/MMR/4-5/Add.1)

1. *At the invitation of the Chair, the delegation of Myanmar took places at the Committee table.*
2. **Mr. Win Myat Aye** (Myanmar) said that, in the light of the importance that the Government attached to the rights of women and girls, the Myanmar National Committee for Women's Affairs had been restructured to include seven leading civil-society and non-governmental organizations (NGOs) that actively promoted gender equality and the empowerment of women. In addition to strengthening the country's legal framework with a view to promoting gender equality, the National Committee was taking steps to protect women from all forms of violence, raise women's awareness of the laws protecting them and implement the Sustainable Development Goals, the Convention and the commitments arising from the World Conferences on Women. The National Strategic Plan for the Advancement of Women (2013–2022) had been reviewed by the National Committee and a new strategic plan for the period 2019–2022 had been drafted. Gender would be mainstreamed in the various mechanisms that would be established to streamline the use of development aid. A gender equality and women's empowerment coordination group had been set up to provide technical support aimed at facilitating the implementation of the National Strategic Plan. At present, four technical working groups, responsible for women and peace and security, the prevention of violence against women, women's participation in politics and the economy, and gender mainstreaming, were working to implement the National Strategic Plan.
3. In order to strengthen the legal protection of women, a bill on the protection of women against violence had been drafted and steps were being taken to replace the existing Suppression of Prostitution Act with a new law on prostitution. The existing law on children had been reviewed and strengthened and a new law on children's rights was being discussed in the parliament. On 7 January 2019, the Government had established a committee on the prevention of grave violations against children in armed conflict and, in December 2018, it had signed a joint communiqué with the Special Representative of the Secretary-General on Sexual Violence in Conflict following her visit to the country.
4. Since assuming office, the Government had striven to bring peace, stability and socioeconomic development to Rakhine State. However, the terrorist attacks committed by the Arakan Rohingya Salvation Army in 2016 and 2017 had undermined the progress that had been made. As part of its efforts to seek sustainable solutions for Rakhine State, the Government had embarked on a joint programme, in collaboration with UN-Women and the United Nations Development Programme (UNDP), entitled "Inclusive Development and Empowerment of Women in Rakhine State". Actions taken under that programme included the delivery of services to women victims of violence, the provision of training, including vocational training, on women's leadership, gender and women's economic empowerment, and capacity-building programmes for justice officials in Rakhine State.
5. The Government remained committed to implementing the recommendations issued by the Advisory Commission on Rakhine State. Those recommendations were being implemented by ministries through specific action plans. In order to promote social cohesion in Rakhine State, intercommunal dialogues, and dialogues between communities and the local authorities, were being carried out.
6. Efforts to repatriate verified former residents of Myanmar from Bangladesh to Myanmar were ongoing. The Government had invited the secretariat of the Association of Southeast Asian Nations (ASEAN) and the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management to cooperate in the process of repatriating persons displaced from Rakhine State. The ASEAN Emergency Response and Assessment Team had been deployed in the north of Rakhine State to conduct needs assessments in relation to the repatriation process. The Myanmar Red Cross Society was collaborating with the

International Committee of the Red Cross (ICRC), and the International Federation of Red Cross and Red Crescent Societies, to provide humanitarian assistance in Rakhine State. To supplement the Government's repatriation efforts, assistance from the private sector had been sought through the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine, which was a national movement for rebuilding the state and providing humanitarian assistance to all its communities.

7. Following the terrorist attacks committed by the Arakan Rohingya Salvation Army, the Government had established an independent commission of inquiry to investigate allegations of human rights violations and ensure that the perpetrators of such violations were held to account. The Commission had called on any persons with evidence of human rights violations in Rakhine State to submit that evidence for further investigation. As part of its efforts to bring peace and stability to everyone in Myanmar, the Government was seeking to establish an agreement on the Union Accord, an instrument that would set out the basic principles for the establishment of a democratic federal union in Myanmar. Under the Union Accord, the rights of all persons would be respected, irrespective of their race, religion, gender or any disability that they might have.

8. **Ms. Haidar** said that, in 2015, the international community had welcomed the election of the first non-military president of Myanmar in over 50 years. Since the election, however, that community's hopes had been dashed by continuing reports of declining media freedom and intimidation and harassment of human rights defenders. In 2016, following the Committee's review of the State party's combined fourth and fifth periodic reports (CEDAW/C/MMR/4-5), the Committee had requested the State party to provide information on any measures taken to ensure the birth registration of Rohingya and other ethnic groups, establish an independent body to investigate allegations of violence against ethnic minority women and girls and punish the perpetrators of such acts (CEDAW/C/MMR/CO/4-5, paras. 45 (d) and (f)). The Committee was extremely concerned that acts of violence, including sexual violence, continued to be perpetrated against Rohingya women and girls and that similar human rights violations had been reported for at least three decades, with no evidence that any perpetrators had been held to account.

9. In view of the situation described, she would welcome information on any measures being taken, including the promotion of birth registration, to address the problem of statelessness among the Rohingya people. She wished to know what was being done to lift restrictions on the freedom of movement that arbitrarily restricted the Rohingya people's access to basic services, including emergency health care and education, and adversely affected their ability to earn a living.

10. The Committee would welcome information on any specific measures taken to ensure that United Nations humanitarian agencies and other humanitarian partners enjoyed unrestricted access to Rakhine State for the purpose of conducting needs assessments and providing humanitarian assistance to persons affected by the conflict.

11. **Ms. San San Aye** (Myanmar) said that the Government's decision to submit a special report to the Committee and appear before it was a sign of its commitment to promoting the rights of women and cooperating with the United Nations. The Government was working together with United Nations agencies and international NGOs to promote the creation of income-generating opportunities. Where access to education was concerned, all children were able to attend school on an equal footing, irrespective of their religion or ethnicity.

12. **Mr. Thurein** (Myanmar) said that, under legislation on citizenship, all undocumented persons living in Myanmar were required to verify their identity by applying for a national verification card. Once that process was complete, holders of the card became eligible to apply for naturalization. Certified citizens of any kind were able to enjoy the rights set out in national law. As of 2018, national verification cards had been issued to over 13,000 persons in Rakhine State. Of those persons, around 600 had become naturalized citizens and over 500 children of naturalized citizens had themselves acquired that status. Steps were being taken to raise the public's awareness of the identity verification process and interpreters were being employed to ensure that the language

barrier did not prevent individuals from verifying their identity. Plans were in place to establish a complaints mechanism at the grass-roots level to tackle corruption in the verification process.

13. Persons who wished to travel outside Rakhine State were required to submit their request forms to the temporary travel authorization committee, which was empowered to issue temporary travel authorization certificates. Holders of citizenship scrutiny cards enjoyed freedom of movement throughout Myanmar whereas holders of national verification cards enjoyed freedom of movement in Maungdaw district or other parts of the state or country, in accordance with the rules and regulations in force. Muslims who complied with the national verification process were not subject to any restrictions on their freedom of movement.

14. **Mr. Tun** said that the Government was working with ICRC and UNDP to ensure that humanitarian workers were able to enter Rakhine State. In order to ensure such access, the Government had signed a memorandum of understanding with the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNDP. Under the terms of the memorandum, quick-impact projects and needs assessments were being conducted. Owing to the security situation in the north of the state, however, several projects had been postponed. A number of senior United Nations officials had visited Myanmar, including the Special Envoy of the Secretary-General on Myanmar, the United Nations High Commissioner for Refugees and the UNDP Regional Director for Asia and the Pacific.

15. **Ms. Chalal** said that Rohingya women and girls had great difficulty obtaining access to health-care services in Rakhine State because of the restrictions imposed on their freedom of movement, their fear of military checkpoints, the lack of information and the indiscriminate acts of violence and harassment to which they were subjected. It had also been extremely difficult for humanitarian aid to enter Rakhine State since the blockade imposed on the state in 2017. The maternal mortality rates of women living in areas affected by the conflict were significantly higher than in the State party as a whole. In view of that situation, she asked whether the Government would consider lifting the restrictions on the freedom of movement of Rohingya women and girls and ensure that they were able to move around freely, particularly when they required emergency medical assistance.

16. She wondered whether the Government would consider allowing international organizations to provide Rohingya women and girls with the various forms of aid that they so urgently required. Given that teenage pregnancy rates were relatively high among the Rohingya community, and that access to affordable contraception was limited, she asked what was being done to combat teenage pregnancy and increase access to contraception. In the light of the limited availability of contraception, it would be interesting to learn how the Government justified its policy of prosecuting and imposing custodial sentences on Rohingya women who had more than two children. The Committee would be interested to learn whether the Government would conduct investigations into reports that a regional directive issued several years previously had encouraged doctors to forcibly sterilize Rohingya women. It would also welcome information on any measures taken to provide care to Rohingya victims of gender-based violence and promote their access to sexual and reproductive health care.

17. **Ms. San San Aye** (Myanmar) said that, in 2016, the Government had launched a national strategic plan on social protection with a view to reducing the maternal mortality rate. Under the plan, a cash transfer programme had been set up to tackle the health problems that most commonly affected pregnant women, new mothers and infants in each state. In Rakhine State, for instance, malnutrition had been identified as a problem requiring urgent attention. In order to benefit from the programme, women were required to have received antenatal care.

18. **Mr. Thurein** (Myanmar) said that, between 25 August 2017 and 10 January 2018, no reports had been received of Muslim women dying during childbirth in Maungdaw township. All clinics and hospitals in Maungdaw township provided reproductive health services without any discrimination based on race, religion, ethnicity or citizenship status. Since 2017, the Ministry of Health and Sports had appointed a significant number of new health-care staff in Rakhine State, including surgeons, assistant surgeons, doctors, nurses,

midwives and public health supervisors. Some 39 mobile clinics provided health-care services in the north of Rakhine State, including in camps for internally displaced persons. The World Health Organization (WHO) and the United Nations Population Fund (UNFPA) gave technical assistance to the public health services of Rakhine State. In January 2018, obstetricians, gynaecologists and other specialists from other states in the region had provided health-care services to over 2,000 people in Buthidaung township. In 2018, with the support of the Japanese Government, a number of United Nations agencies had signed an agreement with the Government to provide essential, life-saving services to the population in Rakhine State. As a result, health services had been provided to over 15,000 people and 10,000 hygiene kits had been distributed to women and girls. In Buthidaung township, under a programme aimed at reducing the maternal mortality rate by increasing the number of hospital births, pregnant women were reimbursed for the cost of their travel to hospital.

19. **Ms. Haidar** said that, in considering the high levels of statelessness among the Rohingya population, it was necessary to bear in mind that the problem had historical roots. Although, prior to 1970, the Rohingya had been issued with national registration cards, the Citizenship Act of 1982 had required them to exchange those cards for temporary registration cards, rendering the majority of them stateless. Restrictions on freedom of movement were imposed only on the population in the north of Rakhine State and the procedure for travelling outside that state was complex and costly. With regard to the issue of equal access to education, the Committee wished to know whether the Rohingya people were able to pursue higher education on an equal footing with the rest of the population.

20. **Ms. Chalal** said that, in view of the high levels of sexual violence reportedly suffered by Rohingya women, it would be interesting to learn whether the Government would consider decriminalizing abortion in cases of rape, incest and fetal impairment.

21. **Ms. Rana** said that, while the State party was to be commended for its efforts to implement the recommendations contained in the report of the Advisory Commission on Rakhine State, multiple sources, including the independent international fact-finding mission on Myanmar, had nevertheless documented that the security forces had committed acts of violence, including sexual violence, against Muslim women and girls and that Rohingya women and girls had been systematically targeted on account of their ethnicity and religion.

22. With regard to the joint communiqué between the State party and the Special Representative of the Secretary-General on Sexual Violence in Conflict, she wished to know what specific time-bound commitments had been made and implemented to combat sexual violence, including the issuance of clear orders through chains of command prohibiting sexual violence and accountability for breaching those orders and the prohibition of sexual violence in codes of conduct and military and police field manuals. In addition, she would appreciate an update on the commitment made by the State party to appoint an interministerial committee to oversee the implementation of the joint communiqué and to draft an action plan for that process. What time frame had been set for the establishment of the committee and the appointment of its members?

23. It would be useful to learn how the State party planned to ensure respect for international humanitarian and human rights law, including the obligation to allow civilians to seek safety in another part of the country and access humanitarian assistance, and whether it would address the findings of the independent international fact-finding mission on Myanmar. She wondered whether the State party would consider promoting women's leadership and involvement in humanitarian action and peace and development processes in accordance with Security Council resolutions 1325 (2000) and 1820 (2008) and subsequent resolutions on women and peace and security and the Committee's general recommendation 30 (2013) on women in conflict prevention, conflict and post-conflict situations. Would the State party consider developing and implementing an action plan on women and peace and security?

24. **Ms. San San Aye** (Myanmar) said that the Government had a zero-tolerance approach towards violence against women in the territory of Myanmar. There was no impunity for the perpetrators of serious offences such as rape. However, the collection of evidence often presented an obstacle to the administration of justice. It was necessary to collect DNA evidence and carry out a physical examination soon after an incident of sexual violence, but some were not reported for several months. There were various mechanisms in place to encourage victims to come forward.

25. Myanmar had made efforts to implement the measures provided for in the joint communiqué signed on 7 December 2018. The Department of Social Welfare and the Lutheran World Federation of Myanmar had held a workshop on the Convention, the National Strategic Plan for the Advancement of Women and gender and human rights from 10 to 12 January 2019. Male and female police officers from various units had participated in the workshop. The Government planned to establish a mechanism for the implementation of the joint communiqué with representatives from relevant ministries. That process had been discussed during the visit to Myanmar of Pramila Patten, the Special Representative of the Secretary-General on Sexual Violence in Conflict, in February 2019.

26. **Mr. Zeya** (Myanmar) said that the police had responded to complaints of sexual violence in Rakhine State by attempting to gather the necessary evidence in accordance with its internal procedures, albeit ultimately without success. Sexual violence was a serious crime that was strictly prohibited in Myanmar. However, legal action could not be taken in the absence of the necessary evidence. All branches of the police force were required to carry out their activities in accordance with an internal code of ethics and in accordance with the law. The police force had its own internal oversight mechanisms. A police officer found guilty of an offence would be punished in accordance with the Myanmar Police Force Maintenance of Discipline Law and the Criminal Code.

27. **Ms. San San Aye** (Myanmar) said that the Department of Social Welfare and the Myanmar National Committee for Women's Affairs conducted awareness-raising work on women and peace and security.

28. **Ms. Bethel** said that, although peace and stability in Rakhine State depended on full accountability for human rights violations and justice for victims through the prosecution of crimes under international law, none of the national commissions established to that end had identified any wrongdoing or human rights violations on the part of the security services. In that connection, she wished to know what measures would be taken to ensure that the members of the Independent Commission of Inquiry established in July 2018 had no actual or perceived conflicts of interest, that the Commission conducted its work in an impartial manner and that its investigations complied with international human rights standards. Information on its mandate and terms and the ways in which it was victim- and survivor-centred and had a human rights framework would also be welcome. It would be useful to learn how complainants and witnesses would be heard, what time frame had been set for the Commission's work and what steps would take place after the investigation. What would be done to ensure that senior officials in the security forces were prosecuted for serious international crimes in the event that there was sufficient evidence against them? Would the prosecutions be conducted in a civilian court? She wondered what measures would be taken to guarantee the protection and safety of victims and witnesses from reprisals and further violence and why a complainant would risk coming forward in an environment seemingly biased towards the perpetrators.

29. Lastly, she would be grateful if the delegation could indicate which battalions had taken part in clearance operations in northern Rakhine State since 25 August 2017 and provide detailed information on the commander of the 22nd Light Infantry Division in particular.

30. **Mr. Tun** (Myanmar) said that he could not comment on the activities of the Independent Commission of Inquiry because, as its name suggested, it was independent of the Government, and its report was not due until July 2019.

31. **Mr. Wai** (Myanmar) said that clearance operations were a regular part of the work of the military. Such operations were quite routine, and his delegation was not apprised of their details. In any case, he could not see their relevance to the Convention.

32. **Ms. Narain** said that the State party was to be commended for signing the joint communiqué with the Special Representative of the Secretary-General on Sexual Violence in Conflict. With regard to its first priority area, namely support for legal reforms to strengthen the overall rule of law response to sexual violence, she wished to know to what extent the judiciary was independent of the executive and legislative branches and of the military, whether the State party would ensure that all offences of sexual violence were tried before independent civilian courts, irrespective of whether the accused was a member of the military or the police force, and whether the State party would amend the law in order to prevent any member of the Government, the armed forces or police force from enjoying immunity from prosecution for serious crimes, including offences of sexual violence, or amnesty in respect of such crimes.

33. It would be helpful to know whether a time frame had been set for the finalization and adoption of the bill on the prevention of violence against and protection of women and whether its provisions had been revised to ensure compliance with the Convention and the Committee's general recommendations, in particular No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992), the Committee's related jurisprudence and relevant international human rights standards, especially with regard to the definitions of rape and marital rape and the protection and support to be extended to victims and witnesses of sexual violence, including conflict-related sexual violence. She would be grateful if the delegation could clarify the scope of the criminal offences covered by the bill and indicate whether it made provision for the prosecution of members of the security forces for conflict-related sexual violence before civilian courts and whether the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict would be given the opportunity, through its team of experts, to review the bill and confirm its compliance with international law and standards. The Committee would suggest that a review of that kind could be one of the specific measures to be included in the action plan under the joint communiqué.

34. She wondered whether the State party planned to amend its laws to ensure that perpetrators of genocide, crimes against humanity, war crimes and aggression could be tried before civilian courts, whether it would accede to the Rome Statute of the International Criminal Court and whether it would agree to set up a special tribunal under the auspices of an independent authority in order to investigate the serious crimes, including sexual violence, allegedly committed by the armed forces and security forces against Rohingya women and girls.

35. **Mr. Tun** (Myanmar) said that, with regard to the use of the term "genocide", he wished to recall the comments made by Kofi Annan, the former Secretary-General of the United Nations, who had chaired the Advisory Commission on Rakhine State, namely that genocide was a "very serious charge" that required "legal review and judicial determination". Myanmar would take action against perpetrators of human rights violations provided that there was sufficient evidence against them. The Independent Commission of Inquiry had issued a press release indicating that it had received a number of submissions, and its report was expected later in 2019.

36. **Ms. San San Aye** (Myanmar) said that various actors, including relevant ministries, the Myanmar National Committee for Women's Affairs and NGOs, were working on a bill on the prevention of violence against and protection of women in preparation for its submission to the Cabinet.

37. **Mr. Naing** (Myanmar) said that article 11 of the Constitution provided that the three branches of sovereign power, namely the legislative, executive and judicial, were separate to the extent possible and exerted reciprocal control, checks and balances. The Union Judiciary Law of 2010 reaffirmed the principle of the independence of the judiciary and set out the requirements for eligibility for the position of Supreme Court judge. Supreme Court judges could not be removed from office unless they were impeached. The courts were organized into four levels. The President appointed judges to the courts in the upper two

levels, namely the Supreme Court and high courts, and the Chief Justice appointed judges to the lower two, namely district and township courts. Article 293 of the Constitution set out the structure of the court system in greater detail.

38. **Mr. Zaw** (Myanmar) said that, if a complaint of sexual violence was made against a member of the military, he would be investigated by a superior officer. If found guilty, he would be sentenced in accordance with military law. The penalty for rape was 20 years' imprisonment or death if the victim had also been murdered. Such prosecutions were initiated without delay and conducted in a transparent manner. Human rights violations, including acts of sexual violence against women, could be reported to the Office of the President or to the Myanmar National Human Rights Commission. The media also played a role in bringing incidents to light in the public interest. Campaigns had been conducted to raise awareness of human rights violations, including sexual violence against women, at military training facilities.

39. **Mr. Zeya** (Myanmar) said that, much like the military, the police force had its own court system. Police officers who committed acts of sexual violence would initially be sentenced by a police court before being referred to a civilian court for a further sentence.

40. **Ms. Leinarte** said that the Government had a responsibility to resolve the situation in Rakhine State as a matter of the utmost urgency. In view of the fact that the remedies available to Rohingya women and girls who had been subjected to violence, displacement or economic hardship tended to be provided by United Nations agencies and NGOs, which did not have access to northern Rakhine State, she would appreciate an update on access to that part of the country. Given the continued dependence of victims of sexual violence on informal justice and remedy systems, she wondered whether the legislative framework provided for adequate legal protections and remedies for conflict-related sexual violence.

41. It was unclear what measures had been taken to improve the provision of health-care services for survivors. It would be useful to learn how the Government was empowering Rohingya women and girls, including by increasing their participation in education, political governance and economic life. Specific statistics on the enrolment of Rohingya girls in education would be particularly welcome. For example, how many Rohingya women were currently studying at the tertiary level? She would also urge the Government to ensure that families, in particular families headed by women, were not forced to resettle on land that was significantly inferior to the land on which they had previously lived.

42. **Ms. San San Aye** (Myanmar) said that the Ministry of Social Welfare, Relief and Resettlement had implemented a protection policy that sought to forge a society based on respect for human rights, democratic norms and human dignity through sustainable social protection measures. In 2016, the Ministry had launched a 24-hour telephone helpline in order to facilitate the submission of complaints by women and girls, including complaints of sexual violence. In 2017 and 2018, a total of 721 complaints had been received, including 455 from women. The Ministry took action on cases that came under its mandate and referred those that did not to other ministries. Survivors could be provided with an interpreter so as to facilitate communication. Persons who did not have access to a telephone could file complaints directly with the case managers who reported to the Department of Social Welfare. There were 188 case managers on the ground. The Department of Social Welfare was developing standard operating procedures for gender-based violence and child protection cases in close collaboration with the United Nations Children's Fund and UNFPA.

43. Psychosocial support was provided both at facilities operated by the Department of Social Welfare and on the ground, in areas affected by natural and human-made disasters, including in the camps for internally displaced persons in Rakhine State. Between September 2017 and December 2018, the Department of Social Welfare had implemented a psychosocial support programme for internally displaced persons in Rakhine State. In 2017, social workers who reported to the Department had provided psychosocial support to 901 families and households in the camps in Rakhine State. Consideration had been given to the possibility of designing a psychosocial support curriculum in collaboration with relevant United Nations agencies and the Johns Hopkins University. The Department of Social

Welfare would subsequently conduct train-the-trainer training for its front-line social workers in collaboration with relevant United Nations agencies.

44. Between 2017 and January 2019, there had been over 900 reported cases of violence against women. The Government had implemented a support programme for victims. It had included psychosocial support, health care, legal aid, financial assistance to enable victims to attend court hearings and livelihood support.

45. **Mr. Thurein** (Myanmar) said that, in collaboration with WHO, health-care professionals had been provided with psychosocial support training with a specific focus on disaster and conflict situations. With technical support from UNFPA, training on gender-based violence had also been provided. In the previous one or two months, a larger number of women had become members of the camp coordination and management committees in Rakhine State. The International Red Cross and Red Crescent Movement was providing humanitarian assistance, and young people from across Myanmar travelled to Rakhine State to offer their support as part of a dedicated youth volunteer programme.

46. **Ms. San San Aye** (Myanmar) said that, while girls enjoyed equal access to education in principle, boys tended to make up the majority of schoolchildren in camps for internally displaced persons in Rakhine State.

47. **Mr. Tun** (Myanmar) said that, in 2018, Muslim students from various townships had taken the examination for entrance to Yangon University of Distance Education at an examination centre in Sittwe. The Ministry of Education continued to implement a human resources development policy based on the principle of non-discrimination and sought to open up learning opportunities.

48. **Ms. Eghobamien-Mshelia** said that she would like to know the proportion of Rohingya Muslims who currently held public office and at what levels of government. She wondered what percentage of them were women. She would be interested in hearing about any policies in place to ensure that the Rohingya were fairly represented and to prevent the kinds of human rights violations that the international community had witnessed. Lastly, did the State party intend to introduce any temporary special measures?

49. **Ms. Rana**, noting the head of delegation's call in his introductory statement for international agencies to understand the local context and to provide constructive engagement and positive support, said that she would like to know whether restrictions on the United Nations agencies and international human rights organizations would be lifted so they could work with the affected communities. In addition, she would appreciate a reply to her question concerning the timeline for the establishment of an interministerial committee and action plan to follow up on the joint communiqué with the Special Representative of the Secretary-General on Sexual Violence in Conflict.

50. **Ms. Bethel** said that she wished to know what steps the State party had taken to ensure that victims, complainants and witnesses who came before the Independent Commission of Inquiry were protected from reprisals and violence. She recalled that there had been no prosecutions or convictions to date.

51. **Ms. Leinarte** said that she would like to know what arrangements had been made to encourage and help people who had been forced to flee the country, particularly women with children, to resettle in Myanmar.

52. **Ms. San San Aye** (Myanmar) said that, shortly after the delegation returned to Myanmar, the Government would be forming an interministerial committee composed of all relevant ministries to implement the commitments made under the joint communiqué. The next step would involve capacity-building and work with United Nations agencies. She assured Committee members that the Government had made the necessary preparations for the safe return of women and children to the country.

53. **Mr. Tun** said that the Government worked in cooperation with United Nations agencies, UNDP and UNHCR in addition to other organizations, including ICRC.

54. **Ms. Tisheva** said that she welcomed the Government's expressed commitment to introduce gender-sensitive measures to rehabilitate and compensate victims and survivors of gender-based violence. However, the Committee had evidence that such persons lacked support, in particular Rohingya women who had suffered sexual violence, including various types of rape, and acts that amounted to torture and other serious crimes and violations of *jus cogens* norms.

55. In the light of the foregoing, she wished to know whether the State party had introduced legislation and policies to provide all victims and their children with adequate and accessible rehabilitation services, counselling, medical care, psychological support, legal aid, livelihood assistance, housing and other forms of social support, without any discrimination. She also wished to know how many counselling centres and shelters currently operated or were expected to operate in the affected areas of the country. She would be interested in hearing about the educational, training, employment and entrepreneurship opportunities currently offered to women there. She wondered whether the services for victims of gender-based and sexual violence covered vulnerable women, such as women from ethnic minorities, women with disabilities, single mothers, widows and older women.

56. She would like to know whether steps would be taken to ensure that victims of sexual violence and at-risk victims in the affected region were guaranteed access to humanitarian assistance and whether professional staff involved in providing counselling and other services to victims had been trained to take a non-discriminatory approach to their work, incorporating a gender perspective.

57. It would also be useful to have more information on the legal guarantees for adequate compensation of women survivors of sexual violence and any mechanisms in place to protect plaintiffs against reprisals, judicial stereotyping and revictimization during the proceedings. On that point, she wished to know whether lawyers, judges, police and other professionals received the relevant training with a view to ensuring fair trials. In addition, there must be no period of prescription for victims to assert their right to claim compensation for serious acts of sexual violence and all forms of rape. She would appreciate an account of the legal aid available to women and girls who had experienced sexual and gender-based violence and the extent to which human rights defenders and women's rights NGOs were free to assist women to pursue judicial remedies.

58. Lastly, the State party was under the obligation to make full reparation for the injury caused, in the light of the gravity of the violations committed and in accordance with the standards of the Convention. She therefore asked whether it was prepared to provide victims with adequate compensation and rehabilitation services, acknowledge that the violations had occurred and issue an official apology to the women concerned. In addition, she wished to know whether it would guarantee that such violations would never happen again, by introducing the necessary legislation, including on gender-based violence, with robust provisions on the investigation and prosecution of offenders and the accountability of the military and security forces.

59. **Ms. Reddock** said that, in August 2017, more than 850,000 Rohingya refugees had fled Rakhine State and sought safety in Cox's Bazar, Bangladesh. Of the more than 350,000 people who remained in Rakhine State, approximately 125,000 were internally displaced persons, mainly from the Rohingya community, living in camps or camp-like settings. Furthermore, nearly 80 per cent of those internally placed persons were women and children.

60. It was her understanding that, in application of the Natural Disaster Management Law, the State intended to take possession of Rohingya property that had been abandoned or burned, especially after the clearance operations that resulted in the destruction of an estimated 300 Rohingya villages. She was concerned about the statement made by the Minister for Social Welfare, Relief and Resettlement, one month after the events in August 2017, that the Maungtaaw region would be redeveloped in accordance with that law. The Minister had attributed the burning of the lands to terrorist acts. Applying that law would seriously affect the return and resettlement of displaced Rohingya and refugees.

61. In the light of the Committee's previous concluding observations ([CEDAW/C/MMR/CO/4-5](#)), she would like to receive data, disaggregated by sex, on the

number of families displaced by the violence and asked what measures the Government had introduced to ensure the voluntary, dignified and safe return to their original homes, their economic reintegration and compensation for loss of land and property. In that connection, she asked how the Government planned to reduce the prevailing climate of fear and lack of trust in the country.

62. **Mr. Thurein** said that the Government had signed a memorandum of understanding with UNHCR and UNDP in 2018 to facilitate a voluntary, safe, dignified and sustainable repatriation process and to secure communities' livelihoods. The Arakan Rohingya Salvation Army leaders had expressed their readiness to cooperate during the process. An independent risk assessment should contribute to building confidence. Returnees would have the right to work on their farmlands and the Government would provide training on agriculture and livestock breeding to promote income-generating activities, in addition to a setting up a cash-for-work programme.

63. **Ms. San San Aye** said that the Government planned to set up one-stop centres providing medical, social and psychological support to women in all states. A pilot project to introduce gender-based violence corners in hospitals had been set up. Hospitals had standard operating procedures for cases of gender-based violence and violence against children. In 2019, a social pension for persons over the age of 85 had been established in all states, including Rakhine State.

64. **Mr. Naing**, with respect to the question raised concerning compensation, said that Myanmar combined a common law with a civil law system. While perpetrators of rape were punishable under the country's criminal law, no compensation was provided for under that law. Victims had to apply to the civil courts in order to claim compensation for such sexual offences. The plaintiff was required to prove that harm had been caused to get compensation.

65. A law on legal aid promulgated in 2016 provided that all persons were entitled to such aid, including women, children, older persons and persons with disabilities.

66. **Ms. Peláez Narváez** said that she would like to know what the Government was doing to ensure that vulnerable segments of the population such as girls and women with disabilities had access to sanitation, health care and drinking water. The terrible violence in the country suffered by women and girls had often led to disabilities, some of which were not apparent. How was the Government identifying the high number of women and girls with disabilities as a result of such violence?

67. **Ms. Reddock** said that she would like to know how the Government intended to address the climate of fear and distrust in order to facilitate the safe and dignified return of those who had fled the country.

68. **Ms. Song** said that she wondered what the biggest challenge was for the Government in its efforts to ensure the voluntary and safe return of Rohingya families.

69. **Ms. Haidar** said that the Committee would be grateful if the delegation would provide answers in writing to the unanswered questions within 48 hours, including the questions concerning the military clearance operations. While she understood that the member of the delegation who answered that question did not have the requisite military background to provide a reply, perhaps the question could be answered by the member of the delegation with military rank.

70. **Ms. San San Aye** said that a law and strategic plan on disabilities were in place and that the Government collected data to classify types of disabilities. Under the national social protection scheme, in all states, the Government provided annual assistance to persons with disabilities.

71. **The Chair** said that she would like the delegation to provide written responses to any unanswered questions within 48 hours.

72. **Mr. Wai** said that, when evaluating the Government's progress, friends and colleagues of Myanmar should fully consider the financial and constitutional constraints faced by the civilian government. His Government had learned the extent of the gap between the perspectives of the Committee and the realities on the ground and it was

necessary to narrow that gap. Some of the Committee's questions were based on allegations and exaggerations, and the delegation could not accept such questions.

The meeting rose at 5.55 p.m.