



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

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**Committee on the Elimination of Discrimination  
against Women**

**Pre-session working group**

**Forty-second session**

20 October-7 November 2008

**List of issues and questions with regard to the consideration of  
periodic reports**

**Myanmar\***

The pre-session working group examined the combined second and third periodic report of Myanmar (CEDAW/C/MMR/3).

**General**

1. Please provide further information on the process of preparation of the combined second and third periodic report of Myanmar. This information should include which Government departments and institutions were involved in the preparation of the report and whether non-governmental organizations - particularly women's organizations - were consulted. Please clarify whether the report was presented to, and approved by, the Cabinet of the State Peace and Development Council.
2. The report contains limited statistical data disaggregated by sex on the situation of women in several areas covered by the Convention, including different groups of women. Please provide information on how the Government intends to improve the collection of data disaggregated by sex and age, urban and rural women, pertaining to the areas of the Convention.
3. In its previous concluding observations, the Committee requested the Government of Myanmar to widely disseminate the concluding observations in respect of the initial report. Please provide information on the measures undertaken to make administrators, officials and

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\* The present report is being issued without formal editing.



politicians, as well as the general public and women themselves, including rural women and women of different ethnic and minority groups, aware of the steps taken to guarantee *de jure* and *the facto* equality between women and men.

4. Please provide information on the events in Myanmar in September and October 2007 and their immediate and long-term impact on women in relation to employment, health, violence perpetrated against women and their safety and security. Please provide information on the number of women arrested in connection with these events, including pregnant women, nuns, political activists and human rights defenders and the present treatment and status of these women.

### **Constitutional, legislative and institutional framework and status of the Convention**

5. The report does not provide information on the status of the Convention vis-à-vis the Constitution and other national laws. Please provide information on whether the Convention is directly applicable and whether there are cases where the Convention has been cited in courts and the outcome of such cases.

6. The report indicates that detailed basic principles for a new Constitution were laid down by the National Convention held on 27 October, 2006 (para. 29). Please provide updated information on the constitutional drafting process and the anticipated time-frame for the adoption of a new Constitution. According to the report, equality between men and women was prescribed in the previous two State constitutions and the detailed basic principles and existing domestic law embody the principle of equality in various provisions, hence a legal definition of “discrimination against women” is unnecessary in the various legislative acts of Myanmar (para. 31). Please update the Committee on any plans to include a definition of “discrimination” in accordance with article 1 of the Convention in the future Constitution, as recommended by the Committee in its previous concluding observations.

7. The Committee, in its previous concluding observations, urged the Government to revise existing funding allocation policies to ensure that the national machinery, including the Myanmar National Committee for Women’s Affairs, had sufficient financial and human resources to effectively carry out its mandate. According to the report, the Department of Social Welfare provides both financial and human resources to MNCWA which, as an inter-ministerial national committee, can also draw on the human resources and other facilities of other ministries and departments (para. 41). Please elaborate on the mandate of the “Myanmar Women’s Affairs Federation”, established on 20 December 2003 (para. 45), and its relationship with the MNCWA, and provide information on the allocation of financial and human resources for the effective functioning of these national mechanisms.

8. Please describe what mechanisms and remedies are available to women who wish to complain about gender-based discrimination. Please provide statistical information on the use of such mechanisms by women and the remedies obtained. Furthermore, please indicate if

Myanmar is considering establishing an independent national human rights institution in accordance with the Paris principles (GA Resolution 48/134 of 20 December 1993).

### **Stereotypes and discriminatory cultural practices**

9. The report indicates that one of the objectives of the MWAF is “to instil and foster in Myanmar women a greater appreciation of their cultural heritage, traditions and customs” (para. 45) and that Myanmar women keep and abide by two doctrines, i.e. “the Shame” and “the Fear” which may be termed *Hiri-oattapa* (para. 101). Please provide information on whether such objectives and doctrines are in line with the Convention and the extent to which they are being practised. The report also refers to the existence of customary law in Myanmar (para. 69). Please elaborate on the content of such customary law, the fields in which it is applied and how it affects women.

### **Violence against women and trafficking**

10. According to the report, a national plan on women’s development and the elimination of violence against women has been adopted and is being implemented from the central level to subcommittee level (para. 43). Please provide information on the content and status of implementation of this national plan, how implementation is monitored and evaluated and its impact in terms of achieving the goals of the Convention. In line with the Committee’s general recommendation No. 19, please provide information on the magnitude of all forms of violence against women and legislative and other measures taken to combat such violence. Please also provide information on the availability of health and social services for the victims and the introduction of capacity-building and awareness-raising programmes for various groups (including the police, lawyers, health workers and the judiciary) and the public at large. Please provide, if available, statistics concerning the number of complaints, investigations, prosecutions, convictions and penalties imposed on the perpetrators and any compensation awarded to the victims or their families.

11. According to a report of the Special Rapporteur on Violence against Women (E/CN.4/2003/75/Add.1, para. 1098), spousal rape is considered a crime only if the wife is under 12 years of age. Please indicate if the State party envisages the criminalization of marital rape. Please provide more information on existing legislation in respect of the crime of rape, including the definition of rape.

12. The report provides some information on investigations conducted with regard to allegations of 175 rape cases in the southern, eastern and northern parts of the Shan State (paras. 59 and 60). In the light of the Committee’s previous concluding observations and the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.237, para. 40), please provide information on sexual violence, including rape, committed against women and girls by law enforcement and military personnel and measures taken to bring perpetrators to justice.

13. The report provides scant information on the situation of women in custody. Pursuant to the Committee's previous concluding observations, please provide further information on the situation of women in prison and police custody, including data on custodial violence and the protection of the human rights of the women in custody. This should include information on the treatment of women political prisoners in detention. Please also provide information on measures undertaken to improve the conditions of detention for women, including suitable infrastructures and access to adequate medical care, and of any concrete legislative plans and budget allocations relevant to addressing this problem in the future.

14. According to the report, an Anti-Trafficking in Persons Law was enacted on 13 September 2005 (para. 78) and various national mechanisms have recently been set up to combat trafficking (para. 81). Please provide more information on these mechanisms, including their mandates, the human and financial resources allocated for their effective functioning, as well as their relationship and cooperation. Does the State party envisage adopting a national plan of action to combat trafficking? Please provide further information on the prevalence of trafficking and for what purposes. Please also provide further information on the Government's recovery and reintegration initiatives for women who wish to leave prostitution. In this respect, please indicate if the Government as a sending country has entered into bilateral agreements with relevant transit and destination countries for rescue and recovery of victims of trafficking. Please identify the countries and the number of cases of rescue and recovery, if any to date, disaggregated by sex and age.

### **Participation in political and public life and decision-making**

15. Given the significant underrepresentation of women in decision-making positions in public and political life and in international activities, what concrete measures have been carried out and what measures are envisaged to achieve women's full and equal participation and representation at all levels of Government, in Parliament and the judiciary, as well as at the international level, taking into account the Committee's general recommendation No. 25, on article 4, paragraph 1 of the Convention, and general recommendation No. 23, on women in public life? In particular, please describe awareness-raising and capacity-building programmes or policies in place or envisaged to encourage and facilitate Myanmar women's further participation in public and political life. Please clarify whether it is a requirement for the high-level positions of leadership in the Government that the candidate has served in the military service.

### **Education**

16. The report refers to the adoption of the National Action Plan on educational development (para. 108). Please provide information on the implementation of the National Action Plan, how implementation is monitored and evaluated and its impact in terms of achieving the goals of the Convention. Please provide sex-disaggregated data on education by age, educational levels, ethnicity, rural and urban sectors, including literacy rates. With reference to the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.237, para. 19) which

expressed deep concern at the dramatic decrease of resources allocated to social sectors, notably health and education, please elaborate on the consequences of this decrease of resources in respect of the health and education of women and girls. Please provide updated information on budgetary allocations to the health and education programmes related to women and girls, including the annual percentages of the total national budget allocated since the consideration of the initial report in January 2000 to date.

17. Pursuant to the Committee's previous concluding observations and in the light of articles 10 (b) and (c) of the Convention, please indicate if any steps have been taken to modify the policies on restricted admission of women to certain courses in higher education. Please provide more information on the "education promotion projects" referred to in paragraph 11 and explain how the lessons on the CEDAW Convention referred to in paragraph 65 are included in the school curricula. Please provide information on formal and non-formal vocational training programmes for women and men and on pre-school programmes, including day-care centres, to assist working mothers and fathers.

## **Health**

18. Please provide information on financial and human resources allocated to "the Myanmar Maternal and Child Welfare Association" (para. 22). The report states that a Reproductive Health Policy was approved by the Ministry of Health in 2003 (para. 133). Please provide more information on the content and implementation of this policy, including details on progress, challenges and gaps in implementation, as well as on monitoring and evaluation mechanisms of the policy, and on results achieved.

19. The report indicates that, in accordance with the Penal Code and Myanmar culture, if a woman becomes pregnant from rape, the perpetrator will be prosecuted under Article 376 of the Penal Code of Myanmar but that those women usually refrain from carrying out an abortion but give birth to a child (para. 62). Please provide information on whether these women have a right to terminate a pregnancy resulting from sexual violence, as requested by the Committee in its previous concluding observations. Please comment on the findings of the Special Rapporteur on Violence against Women (E/CN.4/2003/75/Add.1, para. 1101) that the incidence of illegal abortion is believed to be very high, and unsafe abortions account for approximately 50 per cent of maternal deaths. Please also elaborate on the concept of "non-criminal abortion" as referred to in paragraph 165 of the report.

20. Please provide data on the maternal mortality rate, disaggregated by age of the women and urban or rural sectors since the consideration of the initial report in 2000 to date. Please also provide data on the infant mortality rate, disaggregated by sex, age and cause of death of the infant.

21. The report refers to both a National Strategic Plan (2006-2010) which was approved in 2006 (para. 135) and the National HIV/AIDS Control Programme with twelve strategic areas of prevention, care and control activities which is being implemented by the Ministry of Health

(paras. 135-136). What is the relationship between the Strategic Plan and the Control Programme? Please provide more information on the content of these initiatives and their implementation, including details on progress, challenges and gaps in implementation as well as on monitoring and evaluation mechanisms established, and on results achieved. Kindly indicate whether existing programmes to combat HIV/AIDS integrate a gender perspective. Are there any special measures for prevention in place that target women? The report states that the HIV prevalence in Myanmar has decreased from 1.5 per cent in 2000 to 1.3 per cent in 2005 and that the prevalence among the age group of 15-24 year old pregnant women declined from 2.78 per cent in 2000 to 1.31 per cent in 2005. Please provide additional information, disaggregated by age and urban and rural sectors, on the number of women currently infected with HIV/AIDS and the availability of antiretroviral medication and psychosocial services for women with HIV/AIDS and their children.

### **Employment, rural women, access to property and poverty**

22. In its previous concluding observations, the Committee welcomed an order of the Government, which overruled those provisions of the Towns Act and the Village Act that authorized the Government to extract forced labour from women, but it was concerned that these Acts remained unrepealed and noted its concern at the scarce information about the implementation and enforcement of the order. Please provide more information on the prevalence of forced labour in Myanmar and steps taken by the Government to bring perpetrators to justice. Furthermore, please provide information and data on the implementation process of the order, as previously recommended by the Committee, and confirm whether the Government has repealed the Towns Act and the Village Act.

23. Please provide information on efforts being undertaken by the State party to fully comply with article 11 of the Convention and ensure the de facto equality of women and men on the labour market. How is the State party ensuring full implementation of its labour legislation in both the public and private sector? What mechanism is in place to provide redress to women, victims of discrimination in the field of employment? Please provide details of the sectors where women predominately work and also kindly indicate how occupational segregation, pay inequalities, sexual harassment in the workplace and issues of occupational health and safety of women in both the public and private sector are being addressed. Kindly indicate if a review of the 1964 Law Defining the Fundamental Rights and Responsibilities of Workers is envisaged, in order to bring it fully in line with article 11 of the Convention.

24. The report indicates that in December 2006 a total of 211,296 women were provided with various types of social protection under the Social Security Scheme, including free medical treatment (paras. 162-167). However, the report also states that the total female workforce exceeded ten million in the period 2004-2005 (para. 121). Please elaborate on the situation of the vast majority of women that is not insured. According to the report, a future plan is to extend the Social Insurance Scheme to cover more areas with the ultimate intention to cover the whole working population of the country (para. 166). What measures are being taken to reach this goal and what is the anticipated time-frame for its realization?

25. In the light of the Committee's previous concluding observations, please describe the effect of the measures carried out to improve the situation of rural women, including in the context of the "Five Rural Development Tasks" laid down by the Government (para. 172) and the "Community Development for Remote Township Project" (para. 168). In this regard, please provide data and trends showing the rates of rural women's education levels, health-related issues and access to health services, the nature of their participation in the formal and informal labour sectors, access to loans and financial credit, and their levels of participation in local decision-making.

26. The report states that the 30-year long-term plan for the development of border areas and national races is being implemented starting from the financial year of 2001-2002 to the financial year of 2030-2031 with six five-year medium term plans (para. 173). Please provide more information on the content of this long-term plan, including the six medium term plans, and indicate whether this plan includes a gender perspective. Please provide details on progress, challenges and gaps in implementation as well as on monitoring and evaluation mechanisms of the plan, and on results achieved so far, in particular for women. The report refers to the establishment of the Central Committee and the Working Committee for the Progress of the National Races and Border Areas (para. 13). Please provide more information on these Committees, including their mandates, financial and human resources allocated for their effective functioning, and their mutual relationship, and the number of women sitting on each of these Committees. Please elaborate on the concept of "model villages" (para. 174) and whether it reflects the principle of equality between women and men.

### **Vulnerable groups of women**

27. In its previous concluding observations, the Committee requested the Government to include in its next report more information and data on the situation of women in as many of its 135 ethnic minority groups as possible and on the measures taken by the Government to protect and ensure their human rights under the Convention. Please provide more information on the human rights situation of women belonging to ethnic and minority groups, in particular the Rohingya ethnic minority, in respect of education, employment, health-related issues and access to health services, access to land rights as well as protection from violence. Similar information should be provided in respect of women belonging to other vulnerable groups, including elderly women and disabled women.

### **Marriage and family relations**

28. The report indicates that a Buddhist woman who is not under 14 years may marry under the Buddhist Women Special Marriage and Succession Act (para. 103). Please clarify the legal age of marriage for girls and boys. Please describe any steps taken to raise the minimum age of marriage for girls to 18 years in order to bring it in line with article 16 of the Convention, and the Committee's general recommendation No. 21, and whether a timetable has been established for enacting such an amendment.

**Optional Protocol and article 20, paragraph 1**

29. Please describe progress made towards ratification of or accession to the Optional Protocol to the Convention and acceptance of the amendment to article 20, paragraph 1, of the Convention.

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