

Distr.: General
22 July 2016

Original: English

ADVANCE UNEDITED VERSION

Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fourth and fifth periodic reports of Myanmar*

1. The Committee considered the combined fourth and fifth periodic reports of Myanmar (CEDAW/C/MMR/4-5) at its 1407th and 1408th meetings, on 7 July 2016 (see CEDAW/C/SR.1407 and 1408). The Committee's list of issues and questions are contained in CEDAW/C/MMR/Q/4-5 and the responses of Myanmar are contained in CEDAW/C/MMR/Q/4-5/Add.1.

A. Introduction

2. The Committee appreciates that the State party submitted its combined fourth and fifth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by its pre-session working group. It welcomes the oral presentation of the delegation and the further clarification provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party for its delegation, which was headed by His Excellency Mr. U Maung Wai, Permanent Representative of the Permanent Mission of Myanmar to the United Nations Office and other International Organisations at Geneva and comprised representatives from various Ministries and government agencies including the Ministry of Foreign Affairs; the Ministry of Home Affairs; the Ministry of Social Welfare, Relief and Settlement; and the Committee for Women's and Children's Rights of Amyotha Hluttaw, Yangon region.

B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2008 of the State party's combined second and third periodic reports (CEDAW/C/MMR/3) in undertaking legislative reforms, in particular the adoption of:

(a) The Minimum Wage Law of 22 March 2013, which provides that both women and men are entitled, without discrimination, to be paid minimum wages as stipulated by law;

* Adopted by the Committee at its sixty-fourth session (4-22 July 2016).

(b) The Employment and Skills Development Law of 31 August 2013, which provides for the creation of internal job opportunities and the enhancement of disciplines and capabilities of workers without discrimination on the basis of sex; and

(c) The Social Security Law of 31 August 2012, which ensures that women and men enjoy on an equal basis the benefits of new insurances, including the provision of maternity insurance for women.

5. The Committee welcomes the State party's efforts to improve its policy framework aimed at accelerating the elimination of discrimination against women and advancing women's rights, such as the adoption of the following:

(a) The National Strategic Plan for the Advancement of Women, 2013-2022;

(b) The Five Year Strategic Plan for Reproductive Health, 2014-2018; and

(c) The 30-Year Long Term Health Development Plan, 2001-2030.

6. The Committee welcomes the State party's accession to the following international instruments since the consideration of its previous periodic report:

(a) The Convention on the Rights of Persons with Disabilities, in 2011; and

(b) The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, in 2012.

C. Principal areas of concern and recommendations

Parliament

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with Parliamentarians, adopted at the forty-fifth session in 2010). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

Legal status of Convention, visibility

8. The Committee recalls its previous concluding observations (CEDAW/C/MMR/3, para. 8) and notes that there is still a lack of clarity on the applicability of the Convention in the State party. The Committee remains concerned that the Constitution does not include an effective guarantee of substantive equality. The Committee is also concerned that:

(a) Notwithstanding the State party's efforts to raise awareness including through the media, the provisions of the Convention are not sufficiently known in the State party; and

(b) The Committee's previous recommendations (CEDAW/C/MMR/CO/3) have not been fully implemented by the State party.

9. The Committee recommends that the State party:

(a) Fully domesticate the provisions of the Convention;

(b) Intensify existing programmes to raise awareness of the Convention and the Committee's General Recommendations and of women's human rights among relevant stakeholders, including government officials, parliamentarians, the legal profession, law enforcement officers and community leaders; and

(c) Adopt a national action plan on the implementation of the Committee's present concluding observations with clear targets and indicators to ensure effective monitoring and evaluation of progress.

Definition of discrimination against women

10. The Committee remains concerned at the lack of a comprehensive definition of discrimination against women, which encompasses both direct and indirect discrimination in both the public and private spheres in line with article 1 of the Convention. It recalls that the lack of such a definition constitutes an impediment to the full application of the Convention in the State party.

11. The Committee reiterates its previous recommendation (CEDAW/C/MMR/CO/3, para. 8) that the State party urgently adopt a comprehensive definition of discrimination against women in national legislation, such as its Anti-Discrimination bill, in line with article 1 of the Convention, with a view to ensuring that women are protected against both direct and indirect discrimination in all spheres of life.

Women, peace and security

12. The Committee notes the State party's commendable efforts in seeking to end armed conflict in the State party such as the signing of the Nationwide Ceasefire Agreement between the government and eight armed ethnic groups on 15 October 2015. It also notes that the State party is making efforts to enter into a ceasefire agreement with the remaining armed groups and that the Union Peace Conference will be held in August 2016. However, the Committee notes with concern:

(a) The absence of a national action plan on the implementation of United Nations Security Council resolution 1325 (2000) and subsequent resolutions on women, peace and security, to guide conflict and post-conflict processes in the State party; and

(b) The underrepresentation of women in the peace negotiations and post-conflict processes.

13. The Committee urges the State party to:

(a) Give due consideration to the Committee's General Recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations by developing a comprehensive National Action Plan on the implementation of United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security to address all areas of concern in order to ensure durable peace in the State party;

(b) Fully involve women at all stages of the post-conflict reconstruction process, including in decision-making, in line with Security Council resolution 1325 (2000), and take into consideration the full spectrum of the Council's women, peace and security agenda as reflected in Security Council resolutions 1820 (2008), 1888 (2009), 1889 (2009), 2122 (2013) and 2202 (2010) as well as in the Committee's General Recommendation No. 30 (2013); and

(c) Include in its next periodic report, information on its legal framework, policies and programmes to ensure the human rights of women in conflict prevention, conflict and post-conflict situations, and further to provide information on its implementation of the Security Council agenda on women, peace and security in line with the Committee's General Recommendation No. 30 (2013).

Constitution, discriminatory laws and lack of legal protection

14. The Committee commends the State party for establishing a parliamentary Commission for the Assessment of Legal Affairs and Special Issues, which is currently

reviewing over 140 domestic laws to ensure compliance with international human rights treaties. The Committee regrets that its previous recommendations regarding existing discriminatory provisions (CEDAW/C/MMR/CO/3, para. 10) have not been fully addressed notwithstanding efforts to repeal and amend all laws that discriminate against women. The Committee is particularly concerned that:

(a) The Constitution still contains references to women as mothers, which may reinforce the stereotype that women's primary role is childbearing;

(b) Chapter 8, section 352 of the Constitution, despite its prohibition of discrimination on the basis of sex in the appointment to government posts, still provides that "nothing in this section shall prevent the appointment of men to the positions that are naturally suitable for men only";

(c) In May and August 2015, the State party adopted the Buddhist Women's Special Law, the Population Control and Healthcare Law, the Religious Conversion Law and the Monogamy Law, which discriminate against women and negatively impact the enjoyment of their rights under the Convention; and

(d) The revision and enactment of several laws, which would promote gender equality, are still pending such as the Anti-Discrimination bill, the Prevention and Protection of Violence against Women bill, the Penal Code, the Electoral Code and the 1982 Citizenship Law.

(e) There is no comprehensive law guaranteeing the protection against forced displacement and programmes focusing on women, who are vulnerable to forced evictions, particularly those belonging to ethnic minority groups such as the Rohingya.

15. The Committee reiterates its previous recommendations (CEDAW/C/MMR/CO/3, para. 11) that the State party, without delay:

(a) Amend the Constitution in order to remove stereotypical references on the roles of women and men in the family and in society, as well as all other discriminatory provisions, including regarding appointment to the civil service;

(b) Amend or repeal the Buddhist Women's Special Law, the Population Control and Healthcare Law, the Religious Conversion Law and the Monogamy Law in order to ensure full compliance with the provisions of the Convention;

(c) Enact comprehensive legislation that protects women from forced displacement, particularly women belonging to various ethnic minority groups such as the Rohingya; and

(d) Expedite the revision of all discriminatory laws and provisions, and the adoption of new laws to promote gender equality.

National human rights institution

16. The Committee recalls its previous concluding observations (CEDAW/C/MMR/CO/3, para. 14) and remains concerned that the Myanmar Human Rights Commission (MNHRC) does not fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) due to concerns regarding the appointment of its members. The Committee is concerned at reports that the MNHRC fails to adhere to confidentiality when address complaints under its legal complaints mechanism and at the lack of adequate funding for its activities.

17. The Committee recalls its previous recommendation (CEDAW/C/MMR/CO/3, para. 15) to address concerns regarding the funding and appointment of members to the MNHRC to ensure that it is in full compliance with the Paris Principles (General Assembly resolution 48/134 of 20 December 1993, Annex). It also calls the State party

to address concerns regarding breaches of confidentiality in the handling of claims, including claims submitted by women alleging violations of their rights.

Access to justice

18. The Committee notes with concern the limited access of women to justice with the provision of legal aid largely limited to criminal defendants in cases punishable by the death penalty. It is particularly concerned at reports of judicial corruption and executive interference in the judiciary, which has eroded women's trust in the administration of justice. The Committee is also concerned about social and cultural stigma which deters women and girls victims of sexual and gender-based violence from reporting. It is further concerned that women, particularly rural women and those belonging to ethnic minority groups, face additional obstacles to access justice, relating to language, geography and fear of reprisal.

19. **Recalling its General Recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Ensure that adequate funding is provided for legal aid, free of charge, and remove all barriers faced by women in accessing justice so that they have effective access to justice in all parts of the State party, including in rural areas, particularly women belonging to ethnic minority groups;**

(b) **Enhance women's legal literacy and raise the awareness of women and men in order to eliminate the stigmatization faced by women and girls who claim their rights; and**

(c) **Initiate necessary reforms to ensure that the judiciary is independent, impartial, professional and gender sensitive, as a means of safeguarding women's rights.**

National machinery for the advancement of women

20. The Committee commends the State party for establishing the Myanmar National Committee for Women's Affairs (MNCWA) in 2011, which coordinates the national machinery for the advancement of women. The Committee is, however, concerned at the lack of institutional position and budgetary and human resources of the MNCWA to ensure its effective monitoring and evaluation of the implementation of laws and policies concerning women's rights. The Committee notes that the National Strategic Plan for the Advancement of Women (NSPAW), whose implementation the MNCWA is mandated to monitor, needs to be revised to adapt it to the legal and political changes that have taken place in the State party, and it lacks implementation plans. The Committee is also concerned at the lack of clarity on the cooperation between the MNCWA and the Women's Affairs Federation (MWAFF) as well as the departmental Gender Units.

21. **The Committee recommends that the State party provide the Myanmar National Committee for Women's Affairs with adequate resources and institutional role to be able to coordinate activities as a national machinery for the advancement of women in the State party. It also recommends that the State party continue to strengthen the MNCWA by clarifying its cooperation with the Women's Affairs Federation and the Gender Units of different departments to enable the MNCWA to effectively undertake its activities, including gender mainstreaming and gender-budgeting. The Committee further recommends that the results of the on-going assessment of the impact of the National Strategic Plan for the Advancement of Women should inform policy changes that need to be undertaken to ensure that the MNCWA can effectively coordinate the implementation of the NSPAW.**

Temporary special measures

22. The Committee is concerned at the State party's lack of understanding of temporary special measures aimed at accelerating substantive equality between men and women. In particular, it is concerned at the absence of temporary special measures, including statutory quotas, to address the under-representation of women, including ethnic and other minority women in decision-making positions in the public and private sectors, as well as in political life.

23. The Committee calls upon the State party to use temporary special measures, such as statutory quotas, in accordance with article 4 (1) of the Convention and the Committee's General Recommendation No. 25 (2004) on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality of women and men, in particular to enhance the rights of ethnic minority women, including Rohingya, and women with disabilities, in all relevant areas of the Convention.

Stereotypes and harmful practices

24. The Committee remains concerned at the persistence of patriarchal attitudes and discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society. It is particularly concerned at the persistence of such stereotypes in educational textbooks, which may have an impact on educational choices and the sharing of family and domestic responsibilities between women and men. The Committee is further concerned at:

(a) The lack of a comprehensive strategy to eliminate patriarchal attitudes and discriminatory stereotypes, which are partly fomented by religion;

(b) The lack of data on child marriages and other harmful practices in the State party; and

(c) Discriminatory stereotypes faced by ethnic minority women, particularly among Muslim women in Rakhine State.

25. The Committee reiterates its previous recommendation (CEDAW/C/MMR/CO/3, para. 21) that the State party:

(a) Adopt a comprehensive strategy aimed at eliminating discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society as well as harmful practices such as child marriage;

(b) Intensify its efforts to change social norms that reinforce traditional roles of women and men and promote positive cultural traditions that strengthen the human rights of women and girls;

(c) Review educational textbooks and materials to eliminate discriminatory gender stereotypes;

(d) Provide disaggregated data on the incidence of child marriages in the next periodic report; and

(e) Regularly monitor and assess the impact, through an independent expert body, of measures taken to eliminate discriminatory stereotypes and prejudices against women, particularly ethnic minority and Muslim women in the Rakhine state.

Gender-based violence against women

26. The Committee notes that the State party is undertaking efforts to review its laws. However, it is concerned at the lack of information on steps taken to review the Penal Code in order to address various issues including (a) the restrictive definition of the crime of rape, which requires penile penetration; and (b) the crime of marital rape, which only

applies when a married woman is under 15 years. The Committee particularly expresses its concern at:

(a) Continuing sexual violence perpetrated by the military and armed groups against rural women and ethnic minority women, particularly in Rakhine, Kachin, Kayah, Mon and Karen states, and wide spread impunity enjoyed by perpetrators of such violence as well as threats and re-victimisation of women who attempt to report such cases; and the low rate of prosecution of perpetrators of gender-based violence against women, particularly when such crimes are committed by the military and armed groups, and the conferment of immunity on perpetrators of crimes of sexual violence;

(b) The prevalence of domestic violence and the lack of information on the legal procedures for issuing protection orders as well as the lack of shelters for women and girls who are victims of violence, including domestic violence;

(c) Information that women and girls, particularly women in rural areas and ethnic minority women who are victims of violence, including domestic violence, are reluctant to report cases to the authorities due to fear of reprisals; and

(d) The lack of information on the timeframe for the adoption of the bill on the Prevention and Protection of Violence against Women and the use of traditional justice mechanisms which often perpetuate gender-based violence against women, which, inter alia, order marriage between the rapist and the victim.

27. Recalling its General Recommendation No. 19 (1992) on violence against women, and its previous concluding observations (CEDAW/C/MMR/CO/3, para.25), the Committee recommends that the State party:

(a) Make full use of the Convention and the Committee's General Recommendation No. 19 (1992), as well as its jurisprudence, when reforming domestic laws including the Penal Code, to ensure that the definition of rape and marital rape are in full compliance with the Convention;

(b) Repeal all laws that perpetuate impunity for sexual violence committed during and after conflict and expedite the investigation and prosecution of crimes of sexual violence perpetrated by the military and armed groups;

(c) Investigate and punish cases of threat and re-victimisation of women who file complaints about sexual violence against members of the military and armed groups, and ensure that comprehensive and effective victim and witness protection programmes are in place;

(d) Provide information in the next periodic report on the legal procedure for the issuance of protection orders and provide data disaggregated by age, ethnicity and relationship between the victim and perpetrator regarding the use of such protection orders;

(e) Encourage reporting by victims of all forms of gender-based violence against women and girls, particularly ethnic minority women, and ensure that shelters are available and adequately equipped for women victims of violence;

(f) Ensure training of law enforcement and relevant personnel on the strict application of relevant criminal law provisions and on gender-sensitive handling of complaints about gender-based violence against women, including domestic violence; and

(g) Ensure that the Prevention and Protection of Violence against Women bill complies with the Convention and is adopted without further delay; and curb the use of traditional justice mechanisms, which do not provide effective redress for women and girls who are victims of violence.

Trafficking and exploitation of prostitution

28. The Committee commends the State party for the adoption of the Five-Year National Plan of Action to Combat Trafficking in Persons (2012-2016) and the establishment of the Anti-Trafficking in Persons Division in 2013. The Committee notes that the Anti-Trafficking in Persons Act, 2005, and the Prostitution Act, 1949, are currently under review. It also welcomes efforts by the State party to combat trafficking by signing memoranda of understanding with China and Thailand. However, the Committee notes with concern that the State party remains a source country for trafficking in persons, in particular women and girls, for purposes of sexual and labour exploitation. The Committee is particularly concerned that:

- (a) Women and girls continue to be trafficked to neighbouring and other countries for sexual and labour exploitation;
- (b) Limited progress has been made to address the root causes of trafficking, such as poverty, illiteracy and domestic violence;
- (c) There is no national referral mechanism on trafficking in persons; and
- (d) Data on the exploitation of prostitution is not available notwithstanding reports that women who engage in prostitution face violence and exploitation, including at the hands of the police.

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

- (a) Expedite the review of the Anti-Trafficking in Persons Law, 2005 and ensure that the new anti-trafficking legislation is comprehensive and in line with international norms and standards;**
- (b) Intensify efforts to address the root causes of trafficking in women and girls; and ensure the rehabilitation and social integration of victims, including by providing them with access to shelters, legal, medical and psychosocial assistance;**
- (c) Establish a National Referral Mechanism and intensify awareness-raising efforts aimed at promoting the reporting of trafficking crimes and early detection of women and girls who are victims of trafficking as well as their referral to appropriate services;**
- (d) Intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information with other countries in the region and harmonizing legal procedures to prosecute traffickers, particularly with neighbouring States and other relevant States in the Association of Southeast Asian Nations (ASEAN); and**
- (e) Provide information in the next periodic report on the exploitation of prostitution and exit programmes for women in prostitution and on measures taken to combat violence against them.**

Participation in political and public life

30. The Committee notes the State party's efforts to promote the participation of women in political and public life following the general elections held in 2015. However, the Committee remains concerned at:

- (a) The low representation of women at the legislative, ministerial, local government (village committee) levels as well as in the judiciary, the military, the diplomatic service and in academia;
- (b) The lack of temporary special measures, including statutory quotas, aimed at guaranteeing and accelerating substantive equality of women and men in political and public life; and

(c) The lack of information on the representation of women with disabilities and ethnic minority women such as the Rohingya Muslim women in decision making positions.

31. The Committee reiterates its previous recommendation (CEDAW/C/MMR/CO/3, para. 29) that the State party:

(a) Adopt measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's General Recommendations No. 25 (2004) on temporary special measures and No. 23 (1997) on women in political and public life, in order to guarantee and accelerate women's full and equal participation at all levels including in Parliament and local government (village committees), ministerial posts, as well as in the judiciary, the military, the diplomatic service and in academia; and

(b) Provide information in the next periodic report on specific measures taken, including temporary special measures, to promote the representation of women with disabilities, ethnic minority women such as the Rohingya, Kaman, Kachin and other ethnic minority groups in decision-making positions.

Nationality

32. The Committee notes that in January 2015, the State party reinstated the citizenship verification exercise in order to address issues regarding citizenship in the northern Rakhine State. However, the Committee is concerned that the exercise, which entails the issuance of identification documents to the Rohingya Muslim ethnic group, still uses the outdated 1982 Citizenship Law, which is discriminatory as it results in arbitrary deprivation of nationality. The Committee recalls its previous concluding observations (CEDAW/C/MMR/CO/3, paras. 30 and 32) and notes with concern that Rohingya women and girls in Rakhine State are deprived of their nationality and, therefore, rendered stateless by the 1982 Citizenship Law. The Committee further notes with concern that members of the Rohingya, including women and girls, who refused to identify as "Bengali" were arbitrarily excluded from the verification process, which was first piloted in June 2014.

33. The Committee reiterates its previous concluding observations (CEDAW/C/MMR/CO/3, paras. 31 and 33) and recommends that the State party amend the Citizenship Act of 1982 in order to grant citizenship to residents in the State party, particularly women and girls in the northern Rakhine State, to enable them to freely enjoy all human rights. It further recommends compulsory birth registration of children born in camps for internally displaced persons in order to protect them from being rendered stateless.

Education

34. The Committee commends the State party for its efforts to ensure equal access for women and girls to all levels of education and the increase in girls' participation in primary and secondary education. However, the Committee notes with concern:

(a) Discriminatory admission criteria that require women to attain specific grades, which is not the case for men, in order to enrol in tertiary education for certain traditionally male dominated courses such as engineering;

(b) The lack of an adequate budget for the education sector which, coupled with discriminatory stereotypes on women's and girls' education, limits their access to education, particularly in rural areas;

(c) Low literacy levels among women in all states of the State party, particularly in rural areas, and that vocational training is highly feminised;

(d) The lack of disaggregated data on the educational status of ethnic minority women and girls; and

(e) The lack of information on the impact of age-appropriate education on sexual and reproductive health and rights.

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

(a) **Remove all discriminatory admission criteria for women to enrol for certain traditionally male dominated studies such as engineering; and intensify career guidance activities to encourage girls to pursue studies in non-traditional fields and raise awareness among teaching personnel on the importance that girls complete tertiary education;**

(b) **Increase the budget allocation for the education sector in order to improve access to education by girls;**

(c) **Ensure that the National Education Strategic Plan 2016-2021, which is being finalised, provides for programmes aimed at improving literacy among women in all parts of the State party, including through the provision of adult education;**

(d) **Provide data in the next periodic report on the educational status of ethnic minority women and girls, and review the curriculum for vocational training in order to remove gender stereotypes and ensure diversification of fields of studies for women and girls; and**

(e) **Intensify the provision of age-appropriate education on sexual and reproductive health and rights and ensure that it is systematically integrated into school curricula.**

Employment

36. The Committee welcomes the State party's efforts since 2008 to increase the participation of women in the labour market and the introduction of minimum wages in 2013. However, it is concerned at the wide gender wage gap, the limited implementation and monitoring of the principle of equal pay for work of equal value and women's concentration in the informal sector of employment. The Committee is also concerned at the limited disaggregated data on cases of sexual harassment in the workplace and measures taken to address them. It notes with concern that the right to maternity leave is not applicable in all sectors of employment; and that information on women domestic workers is lacking. The Committee further notes with concern that the State party has not ratified ILO Convention No. 100 concerning equal Remuneration, ILO Convention No. 111 concerning discrimination in respect of employment and occupation, and ILO Convention No. 189 concerning decent work for domestic workers.

37. **The Committee urges the State party to:**

(a) **Intensify efforts to gradually transform and reduce the informal sector of employment and to eliminate structural inequalities and occupational segregation; and to reduce the gender pay gap by enforcing the principle of equal pay for work of equal value;**

(b) **Take appropriate sanctions to deter sexual harassment at the work place; and ensure women's access to justice in cases of discrimination in employment, including on grounds of pregnancy;**

(c) **Conduct regular labour inspections aimed at enforcing compliance with labour laws;**

(d) **Provide data in the next periodic report on the status of women domestic workers in the State party; and**

(e) **Consider ratifying ILO Convention No. 100 concerning equal Remuneration, ILO Convention No. 111 concerning discrimination in respect of**

employment and occupation and ILO Convention No. 189 (2011) concerning decent work for domestic workers.

Health

38. The Committee commends the State party for its successful programmes aimed at preventing mother to child transmission of HIV/AIDS. However, it remains concerned at the prevalence of HIV/AIDS and unsafe abortions, which have contributed to the increase in the maternal mortality ratio. The Committee is particularly concerned that while abortion is permissible when the life of the pregnant woman is in danger, it is criminalized in cases of rape, incest and severe foetal impairment. The Committee is also concerned at the high incidence of infant mortality. The Committee is further concerned at reports regarding women's limited access to sexual and reproductive health services and products, particularly access to contraceptives.

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

(a) Intensify efforts to combat HIV/AIDS, particularly preventive strategies, and increase the provision of free antiretroviral treatment to all women and men living with HIV/AIDS, in particular pregnant women in order to prevent mother-to-child transmission;

(b) Amend its legislation to legalise abortion not only in case of threats to the life of a pregnant woman but also in all cases of rape, incest and severe foetal impairment and to decriminalise abortion in all other cases;

(c) Strengthen the programme for the reduction of maternal, new-born and child mortality and ensure the full implementation of the programme for free obstetric care, with wider geographical coverage, by providing adequate financial and human resources;

(d) Strengthen the training of midwives and nurses to improve women's and girls' access to adequate health care;

(e) Ensure women's and girls' access to information, and sexual and reproductive health and rights as well as to services in this field, including contraceptives; and

(f) Adopt a comprehensive plan with clear targets and indicators aimed at eradicating infant mortality.

Economic and social benefits

40. The Committee notes the State party's efforts to develop strategies for poverty reduction through income-generating activities and access to microcredit. It is, however, concerned that some customs and traditions affect women's social life and their access to economic resources. The Committee is also concerned at the lack of information on the applicability of the Social Security Law, 2012, to women in the informal sector of employment. It is further concerned at the lack of information on the participation of women in the development of economic development plans and at their limited access to credit and loan facilities.

41. **The Committee recommends that the State party intensify its efforts aimed at poverty reduction and sustainable development by facilitating the participation of women in the development of economic development plans and their access to credit and loan facilities. It also recommends that the State party further intensify its efforts to eliminate all customs and traditions which affect women's access to economic resources. The Committee requests the State party to provide in its next periodic report information on the applicability of the Social Security Law, 2012, to women in the informal sector of employment as well as proper legal remedies to contest the**

granting of concessions and/or to obtain adequate compensation for the loss of their lands.

Rural women

42. The Committee notes the State party's efforts aimed at promoting rural development including the issuance of Farmland Use Certificates to "women who lead the agriculture turnaround process by using farmland". The Committee is, however, concerned at the low participation of rural women in decision making, particularly in the formulation of policies and their limited access to education, employment and health. The Committee is particularly concerned that rural women face difficulties in accessing basic services due to conflict in certain rural areas. It also notes with concern reports of forced evictions from land, mainly by the military, which is then granted to foreign companies under concession.

43. The Committee recommends that the State party eliminate all barriers which restrict rural women's participation in policy formulation; and expand programmes aimed at facilitating their access to education, employment and health in order to promote their economic empowerment. The Committee also recommends that the State party ensure effective consultations with affected communities before granting concessions for the economic exploitation of lands and territories traditionally occupied or used by women to companies or third parties, and to secure the free, prior and informed consent of affected women.

Women in northern Rakhine State and other ethnic minorities

44. The Committee recalls its previous concluding observations (CEDAW/C/MMR/CO/3, para. 42) and notes with concern that the situation of women in northern Rakhine State has not improved. The Committee is particularly concerned that:

(a) The protracted displacement of women and girls, mainly Rohingya and Kaman, and their oppressive living conditions with limited access to basic services, including education, employment and health and their inability to move freely;

(b) Due to local orders, women and girls face undue restrictions on movement as they are required to apply for travel permits, which poses significant obstacles for women and girls to access education, health and emergency medical care and other basic services;

(c) Women and girls are subjected to acts of gender-based violence in the context of armed conflict and communal violence;

(d) Due to legislation and local orders, women face restrictions on pregnancy and child spacing, such that they are required to have only two children and have to adhere to a spacing of thirty-six months;

(e) Limited access to birth registration and identification paper virtually renders many women and girls stateless due to the application of the outdated 1982 Citizenship Law;

(f) Women and girls are vulnerable to trafficking and smuggling due to lack of basic services and the undue restrictions on their movement;

(g) Notwithstanding the Nationwide Ceasefire Agreement, attacks continue to take place that adversely affect women and girls, including recent attacks on a Mosque, a Muslim cemetery and other properties in Bago Central Myanmar as well as a Muslim prayer hall in Kachin Northern Myanmar; and

(h) Notwithstanding the establishment of the National Committee on Peace and Reconciliation, which is chaired by the State Counsellor, and the upcoming 21st Century Panglong Peace Conference in August 2016, there is no indication that ethnic minority women groups are represented on the National Committee on Peace and Reconciliation.

45. Recalling its previous concluding observations (CEDAW/C/MMR/CO/3, para. 43), the Committee recommends that the State party:

(a) Repeal all local orders that unduly restrict the freedom of movement of women in Rakhine northern State that prevent them from fully enjoying their rights to education, employment, health and emergency medical care in a timely manner, in particular emergency and life-threatening cases, as well as repeal those local orders that restrict child birth and spacing;

(b) Promptly investigate and prosecute cases of gender-based violence targeting Rohingya women and other ethnic minority women, and ensure that those convicted are punished with appropriate sanctions;

(c) Ensure that internally displaced women and girls have access to basic services, including education and health care; and intensify efforts for their resettlement in the context of the Rakhine State Government Resettlement Plan;

(d) Ensure birth registration of Rohingya and other ethnic groups as well as remove all obstacles faced by Rohingya women and girls with regard to citizenship;

(e) Intensify efforts to address the root causes of trafficking by, inter alia, providing access to basic services to Rohingya women and girls, including education, employment and healthcare;

(f) Urgently establish an independent body to investigate allegations of violence against ethnic minority women and girls, including sexual and gender based violence; prosecute alleged perpetrators and, if convicted, punish them with appropriate sanctions; and

(g) Take specific measures aimed at ensuring that representatives of ethnic minority women groups participate in the peace process, including conflict and post-conflict processes.

Marriage and family relations

46. The Committee notes that the State party's laws related to marriage are varied and depend on the religious faith of the parties who enter into marriage. However, it is concerned at the adoption in 2015 of the four "Laws on the Protection of Race and Religion", which discriminate against women and girls based on, inter alia, their ethnicity and religion. The Committee is particularly concerned that:

(a) The Buddhist Women's Special Law, imposes restrictions on Buddhist women who wish to marry outside their faith;

(b) The Monogamy Law imposes penalties for unmarried couples who cohabit, whose implementation might have a disproportionate impact on women;

(c) The Population Control Healthcare Law restricts women's right to freely choose the number and spacing of children can be used to further restrict child birth among ethnic minority women, particularly the Rohingya women in the northern Rakhine State; and

(d) Marriage of girls under the age of 14, with parental consent, is legal.

47. The Committee urges the State party to:

(a) Amend or repeal the Buddhist Women's Special Law, the Monogamy Law and the Population Control Healthcare Law in order to ensure that marriage laws comply with articles 2 and 16 of the Convention; and

(b) Raise the minimum legal age of marriage with parental consent in order to eliminate child marriage and ensure that women who enter marriage under customary and religious laws are afforded protection.

Optional Protocol to the Convention

48. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

49. The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.

2030 Agenda for Sustainable Development

50. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

Dissemination

51. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliament and to the judiciary, to enable their full implementation.

Ratification of other treaties

52. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and other core human rights treaties that it has not ratified.

Technical Assistance

53. The Committee recommends that the State party consider seeking international assistance and cooperation and availing itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations as well as the Convention as a whole. The Committee also calls upon the State party to continue its cooperation with specialized agencies and programmes of the United Nations system.

Follow-up to concluding observations

54. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 15(a)&(d) and 45(d)&(f) above.

Preparation of the next report

55. **The Committee invites the State party to submit its sixth periodic report in July 2020.**

56. **The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3 and Corr.1).**
