



OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS



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Convention Abbreviation: CRC
COMMITTEE ON THE RIGHTS OF THE CHILD
Thirteenth session
Pre-sessional Working Group
10-14 June 1996

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

List of issues to be taken up in connection
with the consideration of the initial report of
Myanmar
(CRC/C/8/Add.9)

General measures of implementation
(arts. 4, 42 and 44 para. 6 of the Convention)

1. Please provide information on the status of the Child Law adopted on 14 July 1993 in relation to other domestic legislation relating to the rights of the child. In addition, to what extent have the principles and provisions of the Convention on the Rights of the Child been taken into account by the National Convention which began its work on 9 January 1993 to lay down basic principles for drafting a new constitution?
2. Has the Government considered the possibility of becoming a party to other major international human rights instruments?
3. With reference to the information contained in paras. 30 and 33 of the report please indicate how many committees on the rights of the child have been formed at the State, division, district and township levels. Concerning the duties and functions vested in the National Committee on the Rights of the Child, please provide details of this Committee's reporting activities to the Government, namely the frequency of such reporting and any recommendations contained in these reports, including with respect to improvements to be made for the effective monitoring of the implementation of the Convention.
4. Please provide further information on the steps taken in relation to the implementation of article 4 of the Convention with regard to the allocation "to the maximum extent of available resources for the rights of the child". How is this principle being effectively implemented at the central, regional and local levels? Do development plans for the rights of the child exist at these different levels, which detail, inter alia, the allocation of resources for the rights of the child?

5. Please provide further statistical data and other information, disaggregated by region, urban/rural areas, ethnic group and gender, on the implementation of the rights of the child. To what extent is such disaggregated data and information used as a basis for designing programmes to implement the Convention?

6. In light of the provisions of article 45 of the Convention, please provide further information on the application in practice of the policies in place to encourage international cooperation for the implementation of the Convention on the Rights of the Child with international organizations and non-governmental organizations.

7. Please provide further information, especially from the results of any recent evaluation undertaken, as regards the scope and effectiveness of the training programmes developed for volunteer child supervisors and officers of the Department of Social Welfare as well as government personnel engaged in child-caring services. (Paras. 32 and 36 of the report) To what extent are training programmes on the rights of the child available for other government officials as well as for military personnel, law enforcement officials and personnel in prisons, training centres and temporary care stations?

8. Please provide information on the measures which have been taken or are foreseen to make the State party's report widely available to the public at large in light of article 44 para.6 of the Convention. Please indicate whether the text of the report and the Convention has been or is intended to be translated and disseminated in any of the main ethnic minority languages.

Definition of the child
(Article 1 of the Convention)

9. Please provide clarification as to the minimum age of criminal responsibility in Myanmar. (Para. 45 of the report). In addition, please provide information on the criteria used to determine whether a child under 12 years of age has gained sufficient maturity of understanding to judge the nature and consequences of his/her conduct, so as to decide whether the child is or is not to be exempted from penal action.

General principles
(Arts. 2, 3, 6 and 12)

10. Please give details of the concrete measures taken to prevent, eliminate and combat discrimination against girls, children in rural areas, children belonging to religious or ethnic minorities, children born out of wedlock and disabled children.

11. Please indicate what measures have been taken or are being considered to provide mother tongue education at the various levels of schooling to children belonging to ethnic minorities.

12. Please provide further information on the ways in which the participation of children is ensured in the family, and in the educational, social, and cultural life of the country, including in light of the information contained in para. 73 of the report.

Civil rights and freedoms
(Arts. 7-8, 13-17 and 37 (a) of the Convention)

13. In view of the information contained in paras. 57 to 59 of the report, please provide further details of the plans for registration of births and deaths being adopted, with the collaboration of UNICEF.

14. Has the Government undertaken a review of the national legislation relating to citizenship to ensure that its application in practice is in full conformity with the principles and provisions of the Convention, in particular those of its articles 2, 3, and 7? Has Myanmar considered becoming a State party to the Convention on the Reduction of Statelessness? Would technical assistance from UNHCR be considered useful in this regard?

15. In light of the information contained in paras. 62 to 64 of the report, is the Government in need of international cooperation as regards the implementation of the provisions of article 17 of the Convention?

16. Please provide further information on the "admonitions of a child by a parent, teacher or guardian" which are admissible under section 66 of the Child Law. Please provide clarification as to whether corporal punishment is permitted in schools as well as further information on whether school disciplinary measures, in general, are implemented in a manner consistent with the child's dignity.

17. Please indicate whether widespread public information and awareness-raising campaigns are in place for the prevention of the abuse, neglect, maltreatment or exploitation of children and for strengthening the system for protecting such children. Please provide more information on the systems in place for children to complain of their abuse, neglect, exploitation or maltreatment. How effective are such complaint procedures? How many cases of the abuse, maltreatment or exploitation of children have been documented and brought before the national courts?

18. With regard to the right not to be subjected to torture or cruel, inhuman or degrading treatment, please provide further information, in particular, as regards:

- (a) Whether the Penal Code prohibits torture;
- (b) Whether there have been cases of children being tortured;
- (c) What remedies are available in cases of torture;
- (d) Whether campaigns against torture are conducted;
- (e) Whether those responsible for acts of torture are prosecuted; and
- (f) Whether the Government is planning to become a State party to the Convention Against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment?

Family environment and alternative care

(Arts. 5, 18 paras. 1-2, 9-10, 27 para. 4, 20-21 11, 19 and 39 and 25 of the Convention)

19. Has any recent evaluation been undertaken as to the impact of family education programmes, particularly with regard to the common responsibilities of both parents for the upbringing and development of the child?

20. Please provide further information on any procedures, policies and programmes in place with regard to the protection of the right of the child to family reunification.

21. What preventive programmes have been established by the Government to address the issues of the abandonment of children and children deprived of a family environment?

22. What alternatives to institutionalisation are available to children deprived of a family environment? Please provide further information on the mechanisms, systems and procedures in place to monitor the situation of children placed in alternative care institutions. In addition, please provide more details of the application in practice of the mechanisms and procedures for the periodic review of the placement of children in alternative care institutions, training schools, temporary care stations and mental hospitals.

23. Please provide further information on the procedures and practices governing adoption. Has the Government considered the possibility of becoming a State party to the Conventions of the Hague Conference on Private International Law concerning children's rights, including the Hague Convention on the Protection of Children and Cooperation in respect of Inter-country Adoption?

Basic health and welfare

(Arts. 6 para. 2, 23, 24, 26 and 18 para. 3 and 27 paras. 1-3 of the Convention)

24. Please provide more information on the measures taken or planned for the prevention of disability. In addition, what measures are being taken to overcome the lack of specialized staff for the care of disabled children?

25. Has any evaluation been undertaken as to the effectiveness of the birth spacing project and programmes for reducing the maternal mortality rate?

26. How does the government ensure equal and effective access to health services and an equitable distribution of medicines, medical equipment and professional personnel to all health units especially in remote, rural and border areas?

27. In view of the information provided in para. 97 of the report, in particular, please provide details of the measures envisaged by the Government to overcome the constraints identified in implementing the provisions and principles of the Convention in relation to basic health and welfare. In addition, please provide clarification as to whether adequate social security coverage is provided for all families including those working in the private sector.

Education, leisure and cultural activities
(Arts. 28, 29 and 31 of the Convention)

28. Please provide data disaggregated by age, gender and region, in particular, remote, rural and border areas, as to the number of schools available, the number of students attending such schools and the level of drop out from schools.

29. With reference to para. 99 (g) of the report, what is the real cost for the family of having a child in school at the different levels and what is being done to allow for children from the poorest families to continue their education?

30. In light of the provisions of article 29 of the Convention, please include further information on the policies and active measures taken to promote tolerance among all peoples, ethnic and religious groups. In this connection, what measures have been taken to incorporate education about the Convention on the Rights of the Child and human rights in general within the school curricula and to provide for teachers to be adequately trained in this subject matter?

Special protection measures

(a) Children in emergency situations (Arts. 22, 38 and 39 of the Convention)

31. In view of the paucity of information provided in the report on matters relating to the implementation of articles 22 and 38 of the Convention and in the light of the Declaration and Plan of Action adopted by the World Conference on Human Rights which recommends that, whenever so called for, national plans of action should be devised to combat emergencies resulting from national disasters and armed conflicts, has the Government considered the question of the usefulness of developing any such plans?

32. In addition, please provide further information on children in emergency situations, including on the situation of children in the border areas of Myanmar and the Government's policy towards displaced children and its consistency with the principles and provisions of the Convention including those of its articles 2, 3, 6, and 12 relating to non-discrimination, the best interests of the child, the right to life, survival and development and respect for the views of the child.

33. Has the Government considered the possibility of becoming a State party to the 1977 Additional Protocols, I and II, to the Geneva Conventions of 1949? What measures are being taken to ensure that children are not recruited or enlisted into the armed forces?

34. In light of article 39 of the Convention, what measures are being taken to provide for the rehabilitation of children affected by emergency situations?

(b) Children in the system of juvenile justice (Arts. 37, 39 and 40 of the Convention)

35. With reference to information contained in para. 107 (a) of the report, please provide clarification as to whether the provisions of Sections 45 and 71 of the Child Law apply to all children under 18 at the time of the commitment of an offence. In addition, under national legislation can corporal punishment be administered as a disciplinary punishment on children under the age of 18?

36. Please provide more information on the implementation in practice of the provisions of article 40 of the Convention. In particular, please provide more details about the work of the juvenile courts established in accordance with notification order 42/92 of the Supreme Court. In how many instances has the power of a juvenile judge been conferred on a township judge? What special training has been given to juvenile judges in the light of the Convention and other United Nations standards adopted in the field of the administration of juvenile justice?

37. Please provide further information on the actual situation of children in places of detention, including prisons, training centres and temporary care stations, and on the systems in place for the supervision and monitoring of the situation of children in detention. Please indicate whether the conditions for detained women with young children are satisfactory.

38. In addition, please indicate any measures being taken or considered by the Government in response to the recommendation contained in para. 180, part (e) of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar (E/CN.4/1996/65).

(c) Children in situations of exploitation (Arts. 32-36 and 39 of the Convention)

39. Please provide further information on the concrete measures taken or envisaged for the protection of child workers, in particular for those involved in the economic enterprises of their families and in the informal sector. (See, inter alia, para. 111 (b) of the report).

40. With reference to the information contained in paras. 127 and 129 of the report relating to the research being undertaken by the Department of Social Welfare, does this research include matters relating to the effective protection of children's rights as provided for under article 32 of the Convention? In addition, is the Government considering becoming a State party to ILO Convention No. 138 concerning the Minimum Age for Employment? Has the Government considered the possibility of requesting technical assistance from the ILO in respect of these matters?

41. In view of the reports received by the Committee concerning forced labour, please indicate the measures taken to protect the rights of children belonging to families allegedly affected by forced labour for public infrastructure projects, and the results achieved at the level of legislation, policies and programmes in this regard.

42. Please provide further information on the measures being undertaken or planned for the prevention of the sexual exploitation of children, sale trafficking or abduction of children. In this regard, have any awareness raising campaigns for families and the public in general, including government officials, been introduced? Has the Government considered the possibility of undertaking measures to protect child victims of sexual exploitation from being penalized as criminals? What measures have been taken to ensure the rehabilitation of child victims of such exploitation?

43. Has any evaluation been undertaken as to the effectiveness of the educational measures taken for the prevention of HIV/AIDS infection and drug abuse? If so, please provide information on the main conclusions and recommendations. What further measures does the Government consider are necessary to further overcome the problems of drug abuse and HIV/AIDS infection affecting children?

44. What measures are being taken by the Government to prevent the instrumental use of children in organized criminal activities, including as regards drug abuse? Please provide further information on the measures for the treatment and rehabilitation of child victims of drug abuse and exploitation.

(d) Children belonging to a minority or an indigenous group (Article 30 of the Convention)

45. In light of the information provided in paras. 99 and 117-118 of the report, please provide information on the ways in which respect is shown for ethnic affiliation in rural education programmes. Please provide further information on the training of the teachers of children belonging to a minority, including the teacher training programmes developed in the specialized centre mentioned in para. 118 (b) of the report.



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