



MYANMAR NATIONAL HUMAN RIGHTS COMMISSION (MNHRC)

**A REPORT TO THE UNITED NATIONS COMMITTEE ON THE ELIMINATION
OF DISCRIMINATION AGAINST WOMEN**

**ON THE IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION
OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)**

IN MYANMAR

Myanmar National Human Rights Commission (MNHRC)

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Myanmar National Human Rights Commission

I. Background

1. Before the promulgation of the Myanmar National Human Rights Commission Law, the Myanmar National Human Rights Commission (MNHRC) was initially formed with (15) members on 5 September 2011 by Presidential decree. On 28 March 2014, the Myanmar National Human Rights Commission Law was enacted by *Pyidaungsu Hluttaw* (Parliament). Following the enactment of this law, the Myanmar National Human Rights Commission (MNHRC) was formed comprising (11) members from different professional backgrounds including national races and two women members.

2. As it is the mandate of the Myanmar National Human Rights Commission to promote and protect human rights under the Myanmar National Human Rights Commission Law, the Commission conducted human rights talks and gave lectures to law enforcement officers, judicial officers, police and military personnel. In addition, workshops were conducted on the question of UNSC resolutions 1325 on women, peace and security.

3. In accordance with the duties and powers vested by the Law, the Myanmar National Human Rights Commission conducts inquiries in respect of complaints and allegations of human rights including violations of women's rights, visit and inspection of prisons, jails and detention centers.

II. Constitutional, legislative and institutional framework

4. The Constitution does not make any qualifications in relation to the principle of equality. Section 347 of the Constitution states that the Union (State) shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection. Section 348 clearly and importantly prohibits discrimination. An interpretation can therefore be made that section 348 includes all forms of discrimination including discrimination against women which also covers direct and indirect discrimination in the public and private sectors.

5. On the whole, the Constitution itself contains sections which guarantee the right to enjoy the principle of equality, and prohibit any discrimination.

6. Legislative measures should be taken to embrace the concept of gender equality.

III. Access to Justice

7. One of the mandates of the Myanmar National Human Rights Commission is to protect human rights including women's rights and accordingly, it helps women to have access to justice.

8. As Myanmar is a party to CEDAW, Myanmar needs to promulgate a Law on the Prevention and Protection of Violence against Women.

9. Under the criminal laws of Myanmar, the concept of providing redress does not exist except that a suit for damages can be sought and instituted in a court. There is also an existing law in Myanmar namely, the Legal Aid Law enacted in January 2016 in which there are provisions relating to establishment of the Central Committee, among others. The Rules relating to the Legal Aid Law are yet to be issued. It is recommended that the Central Committee should be formed as soon as possible and the Rules relating to the Legal Aid Law be issued.

IV. Violence against women

10. With regard to violence against women, a crisis center that deals with cases of violence and which provides one stop service where victims of violence against women can seek justice, medical treatment and psychological support need to be established.

V. National machinery for the Advancement of Women

11. The National Strategic Plan for the Advancement of Women which specified 12 critical areas for the advancement of women covering the period from 2013 to 2022 was adopted and launched in October 2013. Implementation of the National Strategic Plan started in 2013 and up to now although it has been in existence for three and a half years, its implementation has not been fully effective for the advancement of women. As Myanmar is now moving forward under the democratic government it is necessary to reflect new political vision and commitments in the Plan and makes effective implementations of the goals.

VI. Trafficking and sexual exploitation

12. Regarding trafficking in persons, a member of the Myanmar National Human Rights Commission is included as a member of the Central Body for Suppression of Trafficking in Persons in an advisory capacity. As a member of ASEAN, Myanmar should consider the ratification of the ASEAN Convention against Trafficking in Persons.

VII. Participation in political and public life

13. The Myanmar National Human Rights Commission and UN Women jointly organized a senior official workshop on UN Security Council Resolution 1325 and related resolutions on Women, Peace and Security.

14. The workshop recommended that the government together with national NGOs and the international Community formulate an action plan on UNSC Resolution 1325 on Women, Peace and Security with gender sensitive targets and indicators. These strategies and plans should prioritize activities which empower women economically, promote women's leadership in political processes, introduce quotas for women in different spheres, promote gender sensitive reforms including gender sensitive capacity building for their personnel (police, military, border guard forces, judges, lawyers, etc) at all levels and increase recruitment of women into those sectors and support inclusion of women's priorities and 30% representation of women in all structures and processes in the political dialogue.

VIII. Education

15. Myanmar enacted the National Education Law in 2014 and its amendment law in 2015. "Education for all" under the national action plan is an ongoing activity which includes all girl child whether they are poor or disabled or in any difficult situation. Economic and social difficulties for girl child should be assisted to enable them to pursue their right to education.

IX. Optional Protocol of the CEDAW

16. As the Optional Protocol of the Convention guarantees women rights and creates the mechanism to assist in the implementation of the Convention on the Elimination of All Forms

of Discrimination against Women (CEDAW), the Government should consider ratification of the Optional Protocol.

X. Article 29 of CEDAW

17. Myanmar has reservation on Article 29 of the Convention on the Elimination of All Forms of Discrimination against Women. In order to have effective protection for women's rights, the Government should consider the removal of reservation of Article 29.