



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Initial report submitted by Myanmar under
article 35 of the Convention, due in 2014*, ****

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Abbreviations and acronyms

APCD	Asia and Pacific Development Centre
ASEAN	Association of Southeast Asian Nations
CRPD	Convention on the Rights of Persons with Disabilities
CBR	Community-based Rehabilitation
DPOs	Organisations of Persons with Disabilities
DSW	Department of Social Welfare
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
INGOs	International Non-Governmental Organisations
JICA	Japan International Cooperation Agency
MNHRC	Myanmar National Human Rights Commission
MSWRR	Ministry of Social Welfare, Relief and Resettlement
NGOs	Non-Governmental Organisations
OCHA	Office for the Coordination of Humanitarian Affairs
SEA	South East Asian
ToT	Training of Trainers
UNDP	United Nations Development Programme
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNHABITAT	United Nations Human Settlement Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WFP	World Food Programme

Part I.

Introduction

1. The Republic of the Union of Myanmar ratified the Convention on the Rights of Persons with Disabilities (hereinafter “Convention”) on 7 December, 2011. As a State Party to the Convention, the Republic of the Union of Myanmar is pleased to hereby submit this initial report to the Committee on the Rights of Persons with Disabilities, in accordance with Article 35 (1) of the Convention. The report has been prepared based on the Committee’s reporting guidelines (CRPD/C/2/3).

General information

2. The Republic of the Union of Myanmar is located in South East Asia Region. It borders with People’s Republic of China and Lao People’s Democratic Republic in north, Thailand, Bangladesh, India, and Admen Sea in south and Bay of Bengal in west.

3. The Republic of the Union of Myanmar is a State where over 100 multi-national races collectively reside. According to the Constitution of the Union of Myanmar 2008 (hereinafter “the Constitution”), the Union practices genuine, disciplined multi-party democratic system and comprises with seven regions and seven states. The Union also has six Self-Administered Zones and Self-Administered Regions. The Union practices active and non-aligned foreign policy and market economy system.

4. In Myanmar, the Department of Social Welfare (DSW) under the Ministry of Social Welfare, Relief and Resettlement conducted the First Myanmar National Disability Survey (2008-2009) in conjunction with the support of the Leprosy Mission International, currently known as the Leprosy Mission Myanmar. According to the survey, there are 1.3 million (2.32%) persons with disabilities out of 58.37 million total population of Myanmar. The Department of Social Welfare is a focal point to take necessary measures on the rights of persons with disabilities in the Republic of the Union of Myanmar. It coordinates and engages with the concerned government departments, international and local social organizations, non-governmental organizations, organizations of /for persons with disabilities, and the public for the same.

5. Article 32 (a) of the Constitution states that the Union shall care for mothers and children, orphans, fallen Defence Services personnel’s children, the aged and the disabled. The first Myanmar Disability Employment Act was enacted in 1958. In 2011, drafting rights of the persons with disabilities law by the leading of Department of Social Welfare under the Ministry of Social Welfare, Relief and Resettlement is initiated in order to protect the rights of persons with disabilities enshrine in the Convention, has drafted jointly with organizations of /for persons with disabilities, concerned government departments, international and local non-governmental organizations. The draft law is in the process of tabling in the parliament at a time of preparing this report.

6. Myanmar has been implementing the rehabilitation of persons with disabilities since 1875, colonial period. Myanmar Training School for the Blind, the first institution for persons with disabilities was established in 1914 with three staffs, which is presently known as the Training School for the Persons with Visual Disabilities. The rehabilitation for the persons with disabilities has been included in lying down the social welfare policies since 1954, after regaining Myanmar’s independence.

7. The development programmes for promoting social participation, ensuring job opportunities, and accessing social services for persons with disabilities have gained momentum since 2008. Such programmes have been done with the involvement, participation and contribution of persons with disabilities. Disability Technical Working Group was formed in 2010 with different practitioners to provide technical assistance for the efforts on the improvement of persons with disabilities.

8. Questionnaires on disability data and information based on Washington Group were included in conducting First Myanmar National Census within 30 year from 30th March to 10th April, 2014.
9. The Department of Social Welfare is working collaboratively with Social Policy and Poverty Research Group (SPPRG) to conduct research on disability issues and persons with disabilities. Till the end of 2013, the group had conducted disability related studies for six times.
10. The department carried out Emergency Plan of Action for Person with Disabilities in 2008. Then, the National Plan of Action for Person with Disabilities (2010-2012) was implemented to ensure full participation persons with disabilities in the society. Now, the National Strategy on the Development and Rights of Persons with Disabilities (2015-2020) is under development which takes into stock such lessons as weakness, strength, opportunity, and treats from the implementation of Plan of Action (2010-2012).
11. Protection of the rights of persons with disabilities, empowering persons with disabilities and organizing disability awareness campaigns for the public are included in the implementation of Myanmar National Comprehensive Development Plan.
12. The Inclusive Education for All (2003-2015) programs targeting the primary to higher education level has been currently underway. It provides persons with disabilities to attend the basic education schools. Department of Social Welfare and other organizations working for the rights of persons with disabilities have also been providing essential components for special education on the basis of individual needs of children with disabilities.
13. The Ministry of Health has taken in the area of rehabilitation, reproductive health, and providing prosthesis and orthosis services for the persons with disabilities. The ministry has been undertaking community based health care services since 1982. Moreover, the Ministry of Defence is planning health related rehabilitation services including providing prosthesis and orthosis services.
14. The draft law on the rights of persons with disabilities states to form committees on the rights of persons with disabilities at national, states and regions level with the purpose of protecting the rights and improving the life quality of persons with disabilities. Accordingly, the nationwide implementation of the rights of persons with disabilities will be made to respect and accomplish the rights of persons with disabilities enshrine in the Convention.

Part II.

Purpose, definition, principles, general obligations

15. The purpose of the Convention, article 1, states to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. According to article 6 (a) of Constitution states Myanmar is striving toward enhancing the eternal principles of Justice, Liberty and Equality in the Union. Thus, all Myanmar citizens including persons with disabilities are entitled to fully enjoyment of all human rights and fundamental freedoms guaranteed by the Constitution.
16. In Myanmar, Department of Social Welfare has already developed the rights of the persons with disabilities law. The draft law contains following definitions of disability and persons with disabilities:
- **“Disability”** means the limited participation of an individual with physical, visual, hearing, intellectual, mental, and/or sensual impairments in the society where they encounter environmental and attitudinal barriers;
 - **“Persons with Disabilities”** mean the persons who experience environmental or attitudinal barriers due to their long-term physical, visual, hearing, intellectual, mental, and/or sensual impairments by birth or after birth.

17. Consistent with the National Plan of Action (2010-2012), Myanmar has classified the disability into four types; visual disability, hearing disability, physical disability, and intellectual disability. Some government departments have their own classification depending on the nature of their work.

18. Reasonable accommodation is making appropriate adjustments for the persons with disabilities to accessing the services provided for the public, transportation, information and communication sectors, and work and job opportunities, and public buildings/places, broadcasting sign language interpretation for person with hearing disabilities, designing web accessibility for persons with visual disabilities, creating workable environments focus on individual type of disability.

19. However, there is a need to enhance the knowledge and understanding of different stakeholders including relevant government officials, private sector and general public on reasonable accommodation through education, awareness and sensitization.

20. National Strategy on the Development and Rights of Person with Disabilities (2015-2020) is developing in order to effectively uphold and implement the general principles and general obligations contain in the article 3 and 4 of the Convention. In addition, the measures on the rights preserve in the Convention will be promoted after enacting the rights of persons with disabilities law.

21. Presently, the Ministry of Social Welfare, Relief and Resettlement is implementing education and awareness raising on disability and UNCRPD, development of community based programmes, promoting job opportunities for persons with disabilities, capacity building for service providers including persons with disabilities as per Five Years action plan (2011-2016) of the department of social welfare.

22. The awareness raising programmes are conducting to fully understand the rights of persons with disabilities and discrimination on the basis of disability by the leading of Ministry of Social Welfare, Relief and Resettlement with the cooperation of DPOs and NGOs across different sectors.

23. While drafting the rights of persons with disabilities law, there was no limitation based on gender equality since the Government consulted with all persons with disabilities including women with disabilities and their organizations. Further, the organizations for women with disabilities in Myanmar closely cooperate with gender equality network for enhancing and empowering the living status of women with disabilities. Likewise, women with disabilities are not sidelined in workshops, forum and national level policy dialogues on the rights of women and elimination of violence against women, nevertheless, active participation of women with disabilities is still needed to enhance.

Part III.

Equality and non-discrimination

24. Article 347 of Constitution (2008) states that the Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection. For that reason, the union pays attention on equal access to justice for all citizens without discrimination on the basis of disability. Similarly, in accordance with article 348 of the Constitution, the Union shall not discriminate any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, official position, status, culture, sex and wealth.

25. In order to ensuring equal rights and fundamental freedoms of persons with disabilities, human rights and fundamental freedoms of persons with disabilities including inherent right, right to life, freedom of expression and religion, right to education, right of access to information and health care, and right to claim necessary accommodations for having equal prosecution, defending, and witnessing powers, prohibiting the acts or behaviors affect the physical and mental integrity of persons with disabilities, and supporting basic needs of persons with disabilities who are not able to work in line with the degree of disability are widely included in the draft rights of persons with disabilities law.

26. Existing laws in Myanmar simply states the usage of “everyone” that show there is no such distinction between person with disability and person without disability. Despite the article 349 of the Constitution (2008) and other related laws are being revealed all citizens including persons with disabilities have equal justice without discrimination, persons with disabilities are still facing some forms of discrimination because of the ritual beliefs, traditional practices and in rural areas and some far-flung areas where the knowledge about disability is minimum level.

Awareness raising

27. Celebration on the ratification of UNCRPD was jointly held with Ministry of Social Welfare, Relief and Resettlement, UNESCAP, APCD, and Myanmar Independent Living Initiative in June 27, 2012 that officially announced Myanmar is a State party to the UNCRPD for the government ministries and the public.

28. The English-Myanmar dual version, easy read in Myanmar version, pocket booklets, pamphlets had also published in 2013 to understand the UNCRPD among public.

29. As a State party to the UNCRPD, awareness activities on UNCRPD for the States and Regions are included in 5 years (2011-2016) development plan of the Ministry of Social Welfare, Relief and Resettlement. To achieve successful of awareness activities on UNCRPD, the Department of Social Welfare (DSW) conducted two Training Courses for Trainers programmes with 70 participants from DSW, DPOs, INGOs, and NGOs in all States and Regions.

30. The department of social welfare could educate 20,000 people concerning the rights of persons with disabilities and understanding disability joining hands with DPOs, INGOs and NGOs in 2012. Furthermore, a module on understanding UNCRPD is integrated in refresher courses for the teachers from basic education, Ministry of Education. In 2012, totally 15,000 teachers were instructed in ten refresher courses while 1,500 participants per course. In addition, disability awareness programmes are being broadcasting regularly through soft and hard media since 2013. The persons with disabilities are being involved in disability awareness short video clips, documentaries, and interviews.

Accessibility

31. The draft Rights of Persons with Disabilities Law includes provisions that require development of guidelines on renovating and designing public buildings and their environments to ensure physical safety and mental satisfaction of persons with disabilities, architectural development to guarantee accessible and barrier free environments for persons with disabilities with their mobility devices in public places, arranging necessities for persons with disabilities in order to access the public transportations like automobiles, crafts, trains, and airplanes, accommodating assistive technologies such as signs, symbols, alarms at intersection traffics, crossing lines, corners and the ebb and flow of the roads, providing accommodations for the persons with disabilities in reaching and using the physical environments including public housing, hospital, school and communication, information and public relation sector.

32. In January 2014, national level advocacy workshop on accessibility policies and guidelines was conducted to develop such policies to effect the implementation of the Convention. The workshop could support the participants, especially from the disability related government organizations to realize the concepts of disability, rights of the persons with disabilities, inclusive development, universal design, and operation management on rehabilitation programs, tourism and disability.

33. Though the Ministry of Construction is yet to develop the standards to promote barrier free environments for the public buildings, development of accessible measures such as installing ramps, reconstructing disability-friendly washroom and toilets are include in interior environment and accessibility chapters of the draft Myanmar National Building Code (2012).

34. Although the existing laws, rules and regulations governing Posts and Telecommunications Department, Ministry of Communications and Information Technology are yet to be reformed in the line with CRPD, particularly focusing on the accessibility of persons with disabilities to public services and facilities provides. Some software and hardware programmes being developed and designed are to ensure the access of persons with disabilities.

35. In order to reduce the communication difficulties of persons with hearing impairments, the DSW led and published Myanmar Standardized Sign Language Dictionary Volume I and II in 2007. The department of social welfare, with the support of Japan International Cooperation Agency (JICA), implemented Support for Social Welfare Administration — Project on Promoting Social Participation of the Deaf Community in order to develop sign language and sign language interpretation. Activities on standardizing sign language, developing and publishing Myanmar standardized sign language conversation book with the involvement of persons with hearing impairments, and awareness-raising on the nature of persons with hearing impairments and sign language were carried out under the first of the project stretched from 2007 to 2010. Under the second phase of the same project (2011-2014), advance trainings for trainers and the first batch of 18-month sign language supporter training for 24 trainees were conducted resulting into strengthened sign language interpretation system. It is further aimed to produce 100 sign language interpreters within five years (2014-2018). Likewise, awareness raising activities on the use of sign language have been implemented in line with the action plan (2014-2015) by the department of social welfare.

36. Sign language interpretation was broadcasted as pilot program in opening ceremonies of 27th SEA Games held in 2013 in Nay Pyi Taw and 7th ASEAN Para Games in 2014 in Nay Pyi Taw through public media including Myanmar Radio and Television. It is also planned to release sign language interpretation in regular television and news programs.

37. Barrier free campaigns for persons with disabilities were conducted at highway stops, public markets and on highway buses in 2012 for four times by the organizations of persons with disabilities (led by Myanmar Independent Living Initiative) with the purpose of creating barrier free environments. The campaigns also focused on:

- (a) Encouraging the persons with severe disabilities to access public places;
- (b) Increasing knowledge and social relations of persons with disabilities through interactions with the people without disabilities;
- (c) Realizing the communication barriers of persons with disabilities by the public;
- (d) Understanding the physical barriers of persons with disabilities in accessing public places, and
- (e) Taking accessibility measures on pathways, public buildings and transportations for persons with disabilities through recognition of their right to live independently.

38. In 2012, the organizations working for the community-based rehabilitation programmes planned and implemented activities towards creating barrier free environments programmes in 128 target areas. Besides, Yangon City Development Committee is also measuring programmes for persons with disabilities such as installing accessible toilets/washrooms at high way stations, building accessible platforms, and celebrating International White Cane Day annually.

Right to life

39. Article 352 of the Constitution states that “nothing shall, except in accord with the existing laws, be detrimental to the life and personal freedom of any person”. This applies to persons with disabilities as well. Regarding the right to life of children with disabilities,

article 9(a) of Child Law (1993) states every child has the right to life that highlights the children with disabilities have the same right as the other children.

40. In addition, according to Myanmar cultural norms the parents always attempt to value the right to life of their children with or without disabilities. Consequently, that cultural practice does not hinder the right to life of children with disabilities.

Situations of risk and humanitarian emergencies

41. Sub-section (b) of article 13 of Chapter 6 under the Natural Disaster Management Law (2012) requires the department, organization or person that has been assigned responsibility under this law shall give priority and protect infants, the elderly, the disabled, and women (especially pregnant women or mothers and sucking mother) in carrying out the functions of natural disaster management plans such as preparatory and preventive measures for natural disaster risk reduction in pre-disaster period, emergency responses including research and rescue during natural disaster, and rehabilitation and reconstruction activities for improving better living standard in post disaster period and conservation of the environment that has been affected by natural disaster. Additionally, emergency action plan for the persons with disabilities has been developed and implemented based on the experiences and lessons learnt after the occurrence of Nagris Cyclone in 2008 to support people with disabilities when disasters occur.

42. The Working Group on disaster risk reduction, led by Department of Relief and Resettlement under MSWRR, is currently developing disaster preparedness programmes, organizing trainings for trainers on disability inclusive disaster management and publishing pamphlets and wall posters about persons with disabilities and disaster in collaboration with organizations of/for persons with disabilities. The Working Group is represented by the relevant UN agencies, such as OCHA, WFP, UNDP, UNHABITAT and national and international development organizations, including DPOs.

43. The rescue teams set up by the Fire Services Department under Ministry of Home Affairs is planning to develop disability related rescue procedures. Moreover, the draft Rights of Persons with Disabilities Law recognizes the needs of persons with disabilities for rescue, protection, safety and recovery of persons with disabilities in the time of emergency situations caused by natural disasters.

Equal recognition before the law

44. Myanmar citizens including all persons with disabilities have the same and equal recognition before the law as article (347) of the Constitution states that the Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection and draft rights of the persons with disabilities law also mentions to bestow equal protection of the law and to prohibit discrimination on the basic of disability for the persons with disabilities. But still, persons with disabilities are limited due to the procedures and standards regulate by some private organizations and government departments. Therefore, Myanmar has to endeavor for tackling such procedures and standards since these are affecting the job opportunities and psychological feature of persons with disabilities. National level awareness and advocacy meetings on UNCRPD, empowerment programmes for persons with disabilities, and campaigns for importance aspect on inclusion of persons with disabilities in building sustainable development for the nation will be undertaking to be able to effectively address for the said challenges.

Access to justice

45. In accordance with article 21 (a) of the Constitution, every citizen shall enjoy the right of equality, the right of liberty and the right of justice, as prescribed in this Constitution.

46. The draft Rights of Persons with Disabilities Law includes provisions that provide for persons with disabilities the right to claim necessary assistances from the court in relation to their right to sue, defend, witness and to be a witness. Similarly, section 119 of the Law of Evidence requires provision of sign language interpretation and oral evidence or mute evidence (written type) to be provided to the persons with disabilities. Chapter 10 of the Child Law (1993) requires taking into consideration the needs of children, including children with disabilities during the trial of juvenile cases. Judges, lawyers and prison officials often included among the beneficiaries of the awareness raising and training workshop on disability rights conducted by the department of social welfare. However, there is a need to design and expand more specific and exclusive educational, awareness and capacity-building programmes targeting the justice sector and the prison department.

Liberty and security of person

47. Article (353) of the Constitution states that nothing shall, except in accord with existing laws, be detrimental to the life and personal freedom of any person. Article 354 (a) states the right to express and publish freely their convictions and opinions. Article (356) states the Union shall protect according to law movable and immovable properties of every citizen that are lawfully acquired. And, article (357) provides that the Union shall protect the privacy and security of home, property, correspondence and other communications of citizens under the law subject to the provisions of this Constitution. Therefore, the persons with disabilities are not discriminated to have the same rights on an equal basis with others.

48. The draft law on the rights of the persons with disabilities describes that the persons with disabilities are entitled to the fundamental freedoms. Despite such legislative measures as rules, regulations, and instructions related to the prohibition of forced institutionalization and any act prevents the freedoms of persons with disabilities were not adopted, there are provisions of alternative care which are now being implemented.

49. According to Burma Jail Manual (1894), prisoners with disabilities have the same entitlements and protection without discrimination in the jails administer by the prison department. Now, the process is being made to revise Burma Jail Manual (1894). According to paragraph (359) of the manual, the prisoners with disabilities are given the same accommodations such as sleeping berths with others on an equal basis.

50. In line with paragraph (398), all prisoners including prisoners with disabilities are equally furnished with full jail equipment and are brought before the medical officer to register health on admission as per paragraph (399). According to sub-paragraph (4) under paragraph 925, medical subordinates provide necessities for the prisoners with disabilities and convalescents such as medicines, food, clothing, bedding and rest ordered for them. Whilst, the medical doctor may recommend any weak or convalescent prisoner including prisoners with disabilities to employ light work and untasked work suitable to their condition as outlined in paragraph (935). In addition to this, if medical officer determines, a special diet scale such as better rice quality, extra meat, fish, milk or potatoes is being provided apart from regular scale as described by paragraph (936).

51. Paragraph (439) of the manual outlines every convicted prisoner including persons with disabilities desiring to appeal, and entitled to do so, shall be granted every facility for appealing, and a request to be allowed to appeal, made at any time within the period prescribed by law for appealing (vide paragraph 446), shall be attended to at once. It is acknowledged that the prisoners with disabilities have equal rights to enjoy remission and special remission as others indicated by paragraph (838) for former and paragraph(848) for latter. The prisoners with disabilities can enjoy occasional amnesty by the State.

52. Prisoners with disabilities are allowed to utilize mobility devices depending on their requirements. They can also participate in meditation session for psychological change and reading, writing, arithmetic sessions.

Freedom from torture or cruel, inhuman or degrading treatment or punishment

53. Wherein taking effective measures on freedom from torture or, cruel, inhuman or degrading treatment or punishment, the draft rights of persons with disabilities law states the elimination of discrimination on the ground of disability, protection from torture, discrimination, neglect, and abuse, accessing to services, and prohibition of physically and mentally harmful practices and manners against person with disabilities. Particularly, it takes into account the need of women with disabilities who have the right to be protected from all forms of violence and discrimination. Furthermore, it states that wilfully maltreating a child is an offence as per section 66, sub-section (d) of the Child Law (1993).

Freedom from exploitation, violence and abuse

54. One of the objectives of the draft rights of the persons with disabilities law is to protect the persons with disabilities in particular women and children with disabilities from violence including all forms of domestic violence, abuse, and exploitation. Also, prohibition chapter of the drafted law highlights that nobody is allowed to purposefully discriminate, neglect, devalue, commit violence, exploit, impose forced labor and take advantage of persons with disabilities on the ground of disability.

55. Self-reliance organizations of the persons with disabilities and other disability related groups have been implementing and broadcasting educational clips, distributing pamphlets, booklets and flyers on CRPD, broadcasting new concepts of disability and disability rights through radio for the public, conducting disability awareness training and discussion and, information sharing sessions with persons with disabilities. They have been also organizing meetings to brainstorm disability and inclusive development and community based rehabilitation programmes so as to ensure all forms of abuse, violence, exploitation, oppression against persons with disabilities in domestic and public.

Protecting the integrity of the person

56. The draft rights of the persons with disabilities law states that every person with disability has a right to respect their own integrity. Department of health conducted national workshop on reproductive health sector in 2012 and laid down future plans for building family life of persons with disabilities. Department of health has formed ethical committee and the medical doctors are following the medical ethics. Nonetheless, further measures to ensure integrity of persons with disabilities are yet to be taken.

Liberty of movement and nationality

57. Article (345) of the Constitution (2008) states that all persons who have either one of the following qualifications are citizens of the Republic of the Union of Myanmar: (a) person born of parents both of whom are nationals of the Republic of the Union of Myanmar; and (b) person who is already a citizen according to law on the day this Constitution comes into effect. That article also provides that every citizen shall have the right to settle and reside in any place within the Republic of the Union of Myanmar according to law that assure liberty of movement of the persons with disabilities. In addition, the persons with disabilities have the equal right to nationality as prescribe in Myanmar Citizenship Law (1982).

58. Article 9 (b) of the Child Law (1993) states that the parents or guardian shall register the birth of the child in accordance with the law. So, the children with disabilities are registered at birth. Article (10) state every child shall have the right to citizenship in accordance with the provisions of the existing law.

Living independently and being included in the community

59. There is no restriction or as per law in Myanmar to live independently so that the persons with disabilities have the right to choose for their personal assistance. The department of social welfare has been encouraging and providing support to disability organizations to organize technical support and trainings for the personal assistance to persons with disabilities. To live in the community as a dignified person, in-house services for mobility supports are providing through community based rehabilitation projects and home care programmes are as well planning by disability resource centers.

60. The access of persons with disabilities to social and economic services providing for the community is lower if compared to the persons without disabilities in the community. So, awareness campaigns have been launched to promote the inclusion and accessibility of persons with disabilities in community development programmes.

Personal mobility

61. In Myanmar, it is crucial to make more efforts on assisting the personal mobility of persons with disabilities, including the use of signal indicators and street signs for accessibility. The draft rights of persons with disabilities law require to take accessibility measures for the mobility of persons with disabilities, applying universal design to fulfill the accessible needs of persons with disabilities in the public buildings, transports, hospitals, and schools as well as, arranging necessary accommodations to access information, and communication for the persons with disabilities.

62. With the support of international experts, in 2012, mobility aids trainings (ToT) for the training schools for persons with disabilities conducted two times with (40) trainees while trainings for the public were also conducting two times for (30) trainees.

63. In case of prosthesis and orthosis, there are (8) workshops produced (1672) prosthesis and orthosis in 2012. The process is being made to establish centre on prosthesis and orthosis at Medical College (Yangon) with the help of Nippon Foundation. Nippon Foundation also provided scholar for one person in 2012 and 3 persons in 2013 to pursue 3 years ToT course.

Freedom of expression and opinion, and access to information

64. The persons with disabilities in Myanmar have the right to timely information release for the public without any discrimination. It is arranged and progress in to broadcast the news with sign language interpretation. Regarding the languages of persons with disabilities, the drafted rights of the persons with disabilities law formally recognizes and mentions the definition of language in line with UNCRPD.

65. Web accessibility for the persons with disabilities in Myanmar still has to be enhanced since audio software in Myanmar language is yet to develop. However, the department of social welfare and the Leprosy Mission Myanmar jointly invented Braille software with Myanmar fonts that make persons with visual impairments enable to access information on internet. At present, the department is developing audio software in coordination with the Leprosy Mission Myanmar and Myanmar Blind Association.

Respect for Privacy

66. Article (354)of the Constitution (2008) states every citizen shall be at liberty in the exercise of the following rights, if not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquility or public order and morality:

- (a) to express and publish freely their convictions and opinions;
- (b) to assemble peacefully without arms and holding procession;
- (c) to form associations and organizations;

(d) to develop their language, literature, culture they cherish, religion they profess, and customs without prejudice to the relations between one national race and another or among national races and to other faiths.

67. Article (357) also mentions the Union shall protect the privacy and security of home, property, correspondence and other communications of citizens under the law subject to the provisions of this Constitution.

68. In Myanmar, some families have over protection on persons with disabilities and some do not want to show their family member with disabilities. To this end, disability awareness and education programmes are conducting and releasing through public media such as documentary videos, radio, and journals. Also, the capacities and outstanding performances of the persons with disabilities are frequently presented to the public.

Respect for home and the family

69. Persons with disabilities are free, right to choose marriage and family life with their own consents as prescribe in religious and customs practices and laws.

70. It is necessary to expand awareness programmes regarding family planning, reproduction health and adoption or fostering of persons with disabilities since such programmes are not mainly focused in community based health care activities. Reviewing the cooperation among different stakeholders including government organizations, international and local organizations in order to broaden and strengthen the better reproductive health care for the persons with disabilities and inclusion of the representatives from organizations of/for persons with disabilities in working committee on reproductive health under Ministry of Health are included future plans of reproductive health. Inclusion of reproductive health of persons with disabilities, development law, policy, guideline on reproductive health in line with the UNCRPD, promoting health awareness programmes for the public including service providers from different sectors to reduce misperceptions and myths about disability and discrimination practices on persons with disabilities, planning accessible reproductive health care services for the persons with disabilities will be considered in developing reproductive health strategic plan (2014-2019).

71. All children including children with disabilities are protected by the law since article (12) of Child Law (1993) states that every child:

(a) shall have the right to live with and be brought up by both parents or any one parent if they are alive;

(b) shall not be separated forcibly from his or her parents, except, in a case where in accordance with law, separation is necessary for the best interests of the child.

Education

72. Article (366) of the Constitution describes every citizen, in accord with the educational policy laid down by the Union:

(a) has the right to education;

(b) shall be given basic education which the Union prescribes by law as compulsory;

(c) have the right to conduct scientific research explore science, work with creativity and write to develop the arts and conduct research freely other branches of culture.

73. Article 18 (a), sub paragraph (i) of Child Law (1993) reveals a mentally or physically disabled child has the right to acquire basic education (primary level) or vocational education at the special schools established by the Social Welfare Department or by a voluntary social worker or by a non-governmental organization.

74. The Ministry of Social Welfare, Relief and Resettlement led to develop and adopt Myanmar Policy for Early Childhood Care and Development Policy (2013). Among ten strategies of this policy, developing a strong transition programme for children from 4 to 5 years of age from home and preschool to inclusive kindergarten and primary school, building barrier free environments for children with disabilities in pre-primary and primary school settings, creating learning opportunities for children with disabilities focus on individual development type, expanding disability services for children with disabilities in States and Regions, integrating disability subject in ECCD pre job trainings are included concerning the development of children with disabilities,.

75. The department of social welfare operates (2) training schools for the visual disability, (1) training school each for the hearing disability and children with disability. The training schools provide necessary arrangements to ensure education of all persons with disabilities such as primary level as special education by employing disability teaching methods, and middle, higher and university levels as inclusive education. In addition, other civil societies and private organizations also run and provide education opportunities in (6) training schools for the visual disability, one for the hearing disability, (6) special schools for the children with intellectual disability and physical disability. In 2012, there are (1513) persons with disabilities were trained. Among them, (1306) persons with disabilities attended to education classes and (207) participated in vocational trainings. The department of social welfare is in progress to establish new training school each for children with intellectual disability and hearing disability in 2014.

76. In implementing the inclusive education, Ministry of education yet to make specific skills-training for education staffs in dealing with disabilities and develop curriculum on special education methods based on specific requirements of each type of disability for ToT, college, and universities. Now, the ministry is considering assigning more teachers who are able to teach the persons with disabilities.

77. According to the survey (2008-2009), only 47 percent of disability population attended to schools and 2 percent are graduated from the universities. In case of gender equality, it is found out that there is no much difference between men and women with disabilities; 55.9 percent of men with disabilities and 49.2 percent of women with disabilities. Civil societies, disabled organizations, government organizations, voluntary organizations are providing needed measures for the education of children with disabilities while programming community based rehabilitation in their targeted areas.

78. Persons with disabilities, their families and other public are not aware of the right to education although persons with disabilities have education opportunities. Likewise, failure to create accessible schools and scarcity of professionals to develop special education systems for all types of disabilities are founded to be addressed. Thus, the Ministry of education will continue efforts to promote the role of persons with disabilities in education sector and system.

Health

79. Article (367) of the Constitution denotes that every citizen shall, in accord with the health policy laid down by the Union, have the right to health care.

80. In relation to the health of persons with disabilities, drafted rights of the persons within disabilities specifies one chapter in which early detection and intervention of disability, participation of persons with disabilities in classifying the degree of disability, and measuring the same quality of affordable health care for the persons with disabilities are included.

81. Myanmar has to set early detection programme as a regular task. Children with disabilities frequently receive health care and medical supports in community level health care centers. In this connection, it is highly noted the needs to undertake early intervention services in such community level health care centers.

82. Policy strategy (3), early childhood intervention services (for 0-5 years age group) of Myanmar Policy for Early Childhood Care and Development Policy (2013) portray on

developing, improving, and expanding early childhood intervention and rehabilitation services to help each child achieve his or her full potential, and to prevent the discrimination and stigmatization of children with disabilities and to support families as well.

83. Five years rehabilitation project (2008-2013), joint cooperation of Ministry of health and Japan International Cooperation Agency that included and conducted (16) training for trainers programmes for (1665) medical staffs focusing on special care of cerebral palsy, stroke patients and persons with spinal cord injury. In relation to caring physical disability, over 180,000 educational journals on awareness and treatment about physical disability were distributed to medical staffs in rural area. Rehabilitation conferences were conducted for six times and upgrading the National Rehabilitation Hospital has also achieved.

84. Ministry of health has been implementing community based health care services since 1982. In 2012, about 1 million people including persons with disabilities in 785 villages of 31 townships were benefited through such services. Educational talks and presentations are being made for preventing the cause of disability due to rheumatic disorders.

85. It is arranged planning health insurance in Myanmar health care system. Accessibility for persons with hearing and visual disability yet to be fully implemented in health education activities.

86. Sign language programmes for nurses and medical staff who get assignments in rural areas organized one time each in Yangon and Mandalay in 2013.

Habilitation and rehabilitation

87. In Myanmar, rehabilitation programmes are running through two approaches; institution based and community based. Vocational training, training activities of daily living training, primary education as special education training, social relations training are providing in institution based rehabilitation. Community based rehabilitation programmes are operating in line with the CBR guidelines while monitoring and evaluation meeting on CBR programmes was held in March, 2014.

Work and employment

88. Article (349) of the Constitution states citizens shall enjoy equal opportunity in carrying out the occupation functions. Progresses are being made to ensure the employment opportunities of persons with disabilities on an equal footing with others since article (370) of the Constitution states every citizen has, in accord with the law, the right to conduct business freely in the Union, for national economic development.

89. Drafted rights of the persons with disabilities law describes separate chapter for employment opportunity of persons with disabilities to have same job opportunity, to create job vacancies, to against forced labor, to obtain equal wages and other entitlements, to learn vocational programmes, to ensure job placement by means of quota system in all public and private sectors, to adopt policies on accessible work place, and to implement action plans on ensuring work and employment of persons with disabilities.

90. However, persons with disabilities are still facing difficulties to get the employment opportunities. Thus, the department of social welfare included conducting advanced vocational trainings and pre-job trainings in its National Comprehensive Development Plans in order to promote the job opportunities of persons with disabilities. To get interest and attention of private sector on job placement for persons with disabilities, job fair was organized as pre celebration of International Day for Persons with Disabilities (2012).

91. Drafted rights of the persons with disabilities included ensuring work opportunities of persons with disabilities. At present, persons with visual disabilities are getting better job opportunities in private sector because of their blind massage skills, meanwhile, private sector show maximum contribution.

Adequate standard of living and social protection

92. To ensure adequate standard of living and social protection, the rights to own and transfer cash, properties, buildings according to law and the right to residency and ownership of housings are included in drafted rights of persons with disabilities law.

93. The inclusion of persons with disabilities is considered in developing national social protection policies and programmes. Social security law was enacted in 2012 that includes provisions related to disability benefits such as insurance on invalidity benefits, job placements and rehabilitation.

94. In Myanmar, whilst State is making efforts on poverty reduction to guarantee job placement for all as an obligation, there are none of particular programs designed for persons with disabilities, nevertheless, they are not left out throughout the process. The Social Policy and Poverty Research Group is formed and doing researches for poverty reduction programs and related activities for persons with disabilities.

Participation in political and public life

95. The description in State's Constitution (2008) of article (38) said that every citizen shall have the right to elect and be elected in accord with the law. Again, in article (391) (a) In electing people's representatives to the Hluttaws (Parliament) every citizen who has attained 18 years of age on the day on which the election commences, who is not disqualified by law, who is eligible to vote, and person who has the right to vote under the law, shall have the right to vote. Since, the mentioned rights are universal rights for all citizens; persons with disabilities have equal entitlement by means of the constitution.

96. Persons having contracted leprosy and being seriously ill are listed as who are unable to come to the polling booth to vote in person desire to vote, the Ward or Village-tract Sub-commission concerned shall arrange for them to vote with advance ballot papers as stated in article 48 (c) of the Pyithu Hluttaw Election Law (2010). Such provision highlights the persons with disabilities have the right to vote. During 2010 elections, the persons with disabilities faced difficulties in voting since there were failures to create disability sensitive polling booths and to raise awareness on right of choosing personal assistance. So, the department of social welfare and Myanmar independent living initiative jointly conducted awareness programme on persons with disabilities and election during by-elections as a pilot in three townships of Yangon region in 2012 to provide necessary measures. The meetings with representatives of Pyithu Hluttaw, Amyotha Hluttaw, Region or State Hluttaw were organized three times in 2012. workshops on awareness about election and persons with disabilities held at Yangon region in 2012 for the candidates from respective constituencies for by-election and handbook of election and rights of the persons with disabilities were publicized. In 2013, Myanmar Independent Living Initiative provided the awareness training on election and persons with disabilities for responsible persons from Union Election Commission, coordinated and convinced them to create barrier free environments at polling booths as well.

Participation in cultural life, recreation, leisure and sport

97. The drafted rights of the persons with disabilities law describes the right to participation in cultural life, recreation, leisure and sport, to take appropriate measures to ensure the involvement of persons with disabilities in traditional cultural events, entertainments, sports and competitions.

98. With the guidance of the department of social welfare, Immense Spectrum Myanmar Arts Festival of Disabled Artists was successfully managed by alliance disability organizations at Yangon from October 17 to 19, 2013. The objectives of the festival were to show the abilities of persons with disabilities to the public through art performances, to promote social participation, and to produce outstanding artists with disabilities, and to ensure livelihood prospects of persons with disabilities artistically.

99. With a view to upgrade physical and mental fitness of persons with disabilities through sports programmes, the Ministry of Sports formed Myanmar Disability Sports Federation in 1989. The Ministry has been annually organizing National Disability Sports Competition since 1990. The Ministry is arranging necessary supports for the outstanding sportsmen with disabilities in order to take part in disability sports competition at South East Asia level, Asia level, and International level. In 2014, the Ministry opened training camp for sportsmen with disabilities at Yangon to provide and facilitate for effective training sessions. At training camp, camping for the sportsmen with disabilities and opening different types of trainings are being implemented. By the leading of Myanmar Disability Sports Federation, national disability sport competitions are being holding annually and producing men of the matches to participate in international disability sport competitions. As a result, they could uphold the dignity of the nation with their fame. The 7th ASEAN Para Games (2014) with twelve kinds of sports was proudly hosted in Myanmar from 14th January to 20th January, 2014. Para games had 1482 participants including coaches, managers, and sportsmen. The theme of the games was friendship, equality, and unity. The game had 269 sportsmen with disabilities from Myanmar and won (34) gold medals, (26) silver medals, (36) bronze medals and attained fifth runner-up.

Part IV.

Women with disabilities

100. Article (350) of the Constitution states that women shall be entitled to the same rights and salaries as that received by men in respect of similar work. Article (351) also mentions mothers, children and expectant women shall enjoy equal rights as prescribed by law. And, article (352) expresses the Union shall, upon specified qualifications being fulfilled, in appointing or assigning duties to civil service personnel, not discriminate for or against any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, and sex.

101. Drafted rights of the persons with disabilities law mentions to ensure the participation of women with disabilities by focusing on gender equality perspectives in developing and implementing all action plans for the persons with disabilities and women with disabilities have the same entitlements to the strategies measure for women in Myanmar.

102. Gender Equality Network and Myanmar Disabled Women Association are working together for enhancing the access to rehabilitation opportunities and humanitarian aids that ensure the social participation of women with disabilities within the society in line with the United Nations Human Rights Declaration, United Nations Convention on the Elimination of Discrimination against Women and United Nations Convention on the Rights of Persons with Disabilities. The working committees on health care, education, livelihood, social care and participation, mental health care, dermatology, HIV/AIDS, humanitarian aids are formed in order to eradicate discriminatory practices and to boost the capacity of women with disabilities. But, it is found out that the participation of women with disabilities still has to be enlarged in programmes on disability and persons with disabilities. Programmes of giving priority to care the women with disabilities and empowering women with disabilities and the organizations of the women with disabilities will be upgraded in the future.

Children with disabilities

103. According to the First Myanmar National Disability Survey (2008-2009), there is 0.08 percent of children with disabilities among general population of children in the under 5 age group and 2.25 percent in 5-16 age group.

104. Children with disabilities are not facing discrimination since Child Law (1993) has recognized the rights of children with disabilities. According to the article (18) of the Child Law (1993), a mentally or physically disabled child has the right to acquire basic education

(primary level) or vocational education and has the right to obtain special care and assistance from the state. The article (18) also urge the department of social welfare shall lay down and carry out measures as may be necessary in order that mentally or physically disabled children may participate with dignity in the community, stand on their own feet and promote self-reliance.

105. In Myanmar, all children including children with disabilities have the right to attend primary education. However, there are some changes needed as building barrier free environments and supporting assistive devices based on the types of disabilities in the primary schools, monastery based education centers and private schools to achieve better education attainments of the children with disabilities. However, National Education Law has recently drafted in which ensuring equal access to education and promote education standards of children with disabilities are included in order to fulfill the mentioned requirements.

106. The Department of Social Welfare has undertaken action plans concerning child protection, including children with disabilities, since 2007 in conjunction with UNICEF. Accordingly, awareness programmes on early detection and caring for the children with disabilities are implementing. Information about types and causes of children with disabilities, prevention of disability in pre-natal period, pregnancy period and post-natal period are providing at the regional conferences on early childhood care and development. Additionally, basic training courses on early childhood care and development including caring methods related to the children with disabilities are providing for the teachers from private and voluntary pre-primary schools.

107. Peace building workshop on children was jointly organized with the UNICEF to value the peace since childhood, to realize diversity, to respect, understand, kind the children at national, community, individual level in Yagon from 7 October to 11 October where the advices of children with disabilities are involved.

108. The department of social welfare is organizing mine risk education workshops and trainings, conducting mine risk reduction programmes, arranging counseling sessions for persons with disabilities including children with disabilities, and providing prosthesis and orthosis and other supports are planned through collaboration with UNICEF, World Vision, Danish Church Aid, Norwegian People's Aid, and UNHCR.

Part V.

Statistics and data collection

109. The First Myanmar National Disability Survey (2008-2009) was jointly conducted with the Leprosy Mission Myanmar, formerly known as the Leprosy Mission International across 108000 households in the states and regions. The outcomes of survey were compiled and published in 2010. The survey is useful and supportive tool for the current implementation measures on the development of persons with disabilities.

110. The data on types of disabilities in line with internationally recognized Washington Group questionnaires that could be widely supportive in taking more effective measures for the rights and development of persons with disabilities was included in National Census data collection process.

111. Conducting trainings, distributing video tapes, awareness for the persons with disabilities to participate in data collection, tow multiplier courses for the statisticians and interviewers were measured to be able to identify the types of disabilities in collecting National Census.

International cooperation

112. To promoting the international cooperation regarding the rights of persons with disabilities, drafted rights of the persons with disabilities law reveals concerned government

organizations, international and local non-governmental organizations have to include the protection of the rights of persons with disabilities in shaping on social development programmes for ensuring the participation of persons with disabilities based on their abilities and capacities on an equal footing with others in national development tasks. Besides, the department of social welfare is implementing rights of the persons with disabilities in cooperation with (7) international non-governmental organizations which are agreed Memorandum of Understandings with the department.

113. The department of social welfare is getting momentum in close partnerships with the international community, for instance, implementation of Support for Social Welfare Administration — Project on Promoting Social Participation of the Deaf Community with Japan International Cooperation Agency (JICA), supporting senior volunteer and volunteer services on disability issues by Japan and Korea, conducting special education trainings in cooperation with Wolverhampton University (Britain).

114. In Myanmar, the organizations of persons with disabilities are also joining hands with government organizations, voluntary organizations and UN agencies in carrying out the development measures for the persons with disabilities. In Myanmar, (15) organizations of persons with disabilities are actively contributing in programmes of capacity building, awareness raising, community based rehabilitation, creating barrier free environments, and supporting assistive devices.

115. The organizations of persons with disabilities and civil society organizations built up the capacities of 2260 persons with disabilities through organizing capacity building trainings and conferences.

116. To fully and effectively participate in the society and build barrier free environments for the persons with disabilities, the department of social welfare is operating APCD-JAIF project on Non-Handicapping Environments together with Asia and Pacific Development Centre on Disability (APCD) in Pyapon Township, Ayeyawaddy Region. Furthermore, the department joined hand in hand with the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) to function the First Decade for the Persons with Disabilities in Asia and the Pacific (1993-2002) and Second Decade for the Persons with Disabilities in Asia and the Pacific (2003-2012) which is also known as Biwako Millennium Framework. At present, the department is continuing its fine cooperation with the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) to successfully realize the Third Decade for the Persons with Disabilities in Asia and the Pacific (2013-2022), the (10) Incheon strategies which are employing as the core value in developing National Plan of Action on Persons with Disabilities (2014-2019).

117. As Myanmar is a member of ASEAN, the department of social welfare will enhance the regional cooperation with ASEAN nations in order to effectively carry out the provisions of Bali Deceleration on the Enhancement of the Role and Participation of the Persons with Disabilities in ASEAN Community and fundamental principles and 15 major priority areas of ASEAN Decade of Persons with Disabilities (2011-2020).

National implementation and monitoring

118. Rights of the persons with disabilities law has already drafted for ensuring the rights of persons with disabilities and improving the life quality of persons with disabilities. Formation, obligations and powers of national, state and region level committees on the rights of persons with disabilities and national disability center are included in this drafted law.

Conclusion

119. Though Myanmar was implementing the activities for persons with disabilities it is learnt there are still needs to be carried out for the persons with disabilities after experienced Nargis Cyclone. Consequently, Myanmar has made its utmost efforts for the persons with disabilities to live their life longer with dignity. After ratification to the United

Nations Convention on the Rights of Persons with Disabilities by the new government, Myanmar will continue its concreted and concerted efforts to make that the rights of persons with disabilities are in real, fundamental and importance to all round development of the persons with disabilities.
