



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

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

**Report submitted by Myanmar under the exceptional
reporting procedure***

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* The present document is being issued without formal editing.



Introduction

1. The Government of Myanmar, as a responsible member of the CEDAW, is pleased to provide the following information regarding the situation of Muslim women and girls in Northern Rakhine in response to the questionnaire posed by the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW).

Nomenclature

2. In keeping with the nomenclature adopted by the Advisory Commission on Rakhine State led by Mr. Kofi Annan, the former UN Secretary-General of the United Nations, this report refers to the Muslim population in Northern Rakhine as “Muslims” or “the Muslim community in Rakhine”. This group does not include the Kaman Muslims. They are simply referred to as “Kaman”. As in the Annan report, neither “Bengali” nor “Rohingya” is used in referring to the Muslim community.

Background

3. The Government of Myanmar is committed to finding a sustainable solution to the situation in Rakhine State. It set up the Central Committee for Implementation of Peace, Stability and Development of Rakhine State headed by the State Counsellor on 30 May 2016 to address the complex issues in Rakhine and bring peace, stability and sustainable development for all communities in the State.

4. The Government took the initiatives to set-up the Advisory Commission on Rakhine State headed by Mr. Kofi Annan on 5 September 2016 to seek the advice of the international community on finding a lasting solution in resolving the issue of Rakhine State. The Government of Myanmar welcomed the recommendations of the Commission in its final report submitted on 24 August 2017. It has implemented over 81 recommendations out of the 88 contained in the report and remains committed to carrying out the outstanding ones as expeditiously as possible.

5. Notwithstanding the goodwill demonstrated by the Government of Myanmar and its unremitting efforts to bring peace, stability and development to Rakhine in keeping with the valuable advice and recommendations of the Annan commission, progress was rudely disrupted when ARSA¹ coordinated attacks on police outposts in Northern Rakhine in October 2016 and August 2017 leaving a trail of death and destruction behind them. In the months leading up to the attacks, ARSA had been carrying out a campaign of terror, targeting one ethnic minorities, including Rakhine, Daing-net, Mro, thet, Mramagyi as well as Muslims in northern Rakhine who they deemed to be supporters of the government. The seeds of fear sown by the terrorists led to massive displacement of people internally and to neighbouring Bangladesh.

6. In light of the unprovoked attacks and the reign of terror directed by ARSA, the security police forces were compelled to use force to restore law and order and ordered to exercise maximum restraint in dealing with the situation. Troops were withdrawn once the situation in the affected areas returned to normal.

7. The attacks by ARSA have been orchestrated in pursuit of propaganda. They carefully timed their attacks to coincide with the UN General Assembly to garner maximum attention, which in turn undermines the government’s credibility and gains them legitimacy in the eyes of sympathizers. The irony is that the international community while understanding the propaganda value of terrorism, continues to give

¹ Arakan Rohingya Salvation Army.

credence to the less than objective narratives spread by Muslim extremists, in Cox's Bazaar in Bangladesh and biased media.

8. The Government of Myanmar does not condone human rights violations. Nor does it espouse a policy of ethnic cleansing and genocide. It has therefore established an Independent Commission of Enquiry to establish the facts concerning the situation in Rakhine. The Commission is comprised of two international personalities who are well-versed in matters of human rights and Myanmar nationals with judicial background and vast experience in international organizations on 31 August 2018 to investigate the violations of human rights and related issues following the ARSA terrorist attacks in Rakhine State. The Commission is tasked to investigate allegations of human rights violations and related issues following the terrorist attacks by the Arakan Rohingya Salvation Army in Rakhine State with a view to seeking accountability and formulating recommendations on steps to be taken to ensure peace and stability in Rakhine State. The ICoE has now invited complaints or accounts with supporting data and evidence related to allegations of human rights violations in Rakhine State. ICoE call for submission which was actual to from 31 August 2019 to 28 February 2019.

9. The Government has, time and again, reiterated its principled position of the need to promote rule of law, justice and accountability. Myanmar is both willing and able to investigate any crimes and violations of human rights which took place on its territory.

10. The Government wishes to respond to the twelve questions raised by the CEDAW Committee based on the information obtained from its resources as follows:

1. The number of reported cases of sexual violence, including rape, against Muslim women and girls – resident of the Rakhine State by State Security forces:

11. Despite repeated accusations that Myanmar Security Forces committed a campaign of rape and violence against Muslim women and girls residing in Rakhine State, there is no evidence to support these wild claims.

12. There were a total of six alleged rape cases filed at Ngakura Police Station in Maungtaw Township. The complaints were made by three Muslim women from Oo Shay Kya village and three Muslim women from KyarrKhaungTaung village against the security forces on 23 February 2017 and 30-31 March 2017 respectively.

2. The number of women and girls who have been killed or have died due to other non-natural causes

13. A total of **36 women and 8 girls** (15 Muslims, 23 Hindus, 3 Daing Nets and 3 Mros) have been reportedly killed in Maungtaw during the period of 2016–17.

Two cases of murder

Incident	The security forces discovered 4 dead bodies of 3 Muslim women and one girl underneath the ground at Lu Phan Pyin and Do Tan villages during its security operation aftermath of terrorist attacks on the Kyikanpyin Border Guard Police Headquarters, 2 police outposts and 1 security post on 9 October 2016.
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Two cases of murder

Number of deaths	Three Muslim women from Lu PhanPyin village One Muslim girl from Do Tan village
Date	9 October 2016
Findings	The result of post-mortem examination showed that one woman and one girl died of unknown cases and the other two women died due to puncture wounds.
Actions	The case of Lu PhanPyin village was filed at Ngakura Police Station on 16 February 2017 and the case of Do Tan village on 2 March 2017 was filed with at the same police station. The investigations are still underway to apprehend the murderers to bring them to the court.

10 cases of death

Incident 1	One decayed body of an unknown Muslim woman was found without external injuries at edge of Kanyin creek near the Labozar bridge in Maungdaw township on 1 November 2016. One dead body of Muslim woman with bleeding from ear, nose and mouth was found at the sea shore line of west of Laeyinkwin village in Maungdaw township on 1 February 2017.
Incident 2	One Muslim woman, died from consuming toxicants at Lathar village in Maungdaw township on 1 March, 2017 One Muslim woman died from consuming toxicants made in Bangladesh at Dotan (1) village in Butheedaung Township on 13 May, 2017
Incident 3	One decayed body of Muslim woman which is assumed as the body of 55 years old Daw May Kaw Nuu Kae Bar was found buried underneath the ground at Yay Ket Chaung Kae Sone village in Maungdaw township on 12 November, 2016
Incident 4	Ma Jaw Naw Taryar, a Muslim woman who live in Phon Nyo Lake Village in Butheedaung township, died from diabetes and asthma during her 12 years imprisonment in Butheetaung Prison.
Incident 5	The drowned body of 15 years old Ma Yar Sane Far Tay Mar who live in Phoe Chaung village in Butheedaung township was found at shore line on 9 October 2017. Two death bodies, 9 years old Ma Arr Ti Khar who live in Myo Ma KaNyin Tan village in Maungdaw township and 20 years old unknown woman, were found. Drowning would be considered as a possible cause of their death on 28 September, 2018.

10 cases of death

Incident 6	Ma Shu Nar May (38 years), a Muslim woman who live in Shidar ward, Maungdaw township, died from infectious disease on 22 February ,2017
Mass killings by ARSA and Muslim extremists	
Incidents	A total of 29 women and girls belong to ethnic minorities and Hindu communities were among the people killed by ARSA terrorists in different locations in August 2017.
Number of victims	21 Hindu women and 2 Hindu girls One Daing-Net woman and 2 Daing-Net girls 3 Mro women
Findings	ARSA killed 45 Hindu people including 20 female in Yebaukkyia and Oedwin villages in Maungtaw. Their bodies were recovered in the ravine nearby the hill between Bawtalar and Hlaingthi villages during the search operation on 25 August 2017. In addition, 6 dead bodies of Hindu people were found buried at the compound of new district court in YazaB village, Maungtaw. Amongst them were one Hindu woman and 2 Hindu girls. They all were also killed by ARSA terrorists. Likewise, one Daing Net woman and two Daing Net girls, who fled Yan Khar Zayti village to Aung Zan village, were found killed by ARSA terrorists near Caungto village on 25 August 2017. Two Mro women were also reportedly killed while the Khone Taing Mro village was burnt down by ARSA terrorist on 28 August 2017. The terrorists attempted to kill eight Mro women at northern forest of Bawdalar village on 4 April 2017. In that incident, one woman was killed while other 7 escaped.
Actions	The killers are still at large.

3. The number of investigations, arrests, prosecutions, convictions and sentences or disciplinary measures imposed on perpetrators, including members of the armed forces, found guilty of such crimes

14. As mention earlier, there were four cases of mass killings and one murder case committed by ARSA and its affiliates as well as extremists. In these cases, many women and girls from ethnic and Hindu communities were victimized. The offenders are still at large and apparently fled to a neighboring country.

15. In addition, there were also a total of 6 cases of alleged rape and 2 cases of murder in affected areas of Maungdaw. Investigations are still underway for the complaints of those cases and the authorities have been seeking evidence in order to bring offenders before the law.

16. The Government has affirmed consistently that anyone who commits a crime, including sexual violence or killing and any violation of human rights, will be brought to court and will be convicted if there is sufficient evidence.

However, while there have been alleged cases and accusations against members of the security forces, there have been no evidence and sufficient grounds to convict anyone. Actions cannot be based on narratives and rumors of unreliable sources.

17. The ICoE has now invited complaints or accounts with supporting data and evidence related to allegations of human rights violations in Rakhine State.

4. The designation of the battalions, and under whose command, that have undertaken area clearance operations in northern Rakhine State since 25 August 2017

18. The exceptional report looks into the violation of the rights of women and girl. It is found that the question is neither related to sexual violence against women and girls nor killing them. The question is irrelevant and should not be included in this report.

5. The findings of the final report of the Tatmataw investigation team led by Lieutenant-General Aye Win concerning the conduct of the armed forces during the security clearance operations

19. The exceptional report looks into the violation of the rights of women and girl. The findings of the final report of the Tatmataw investigation team led by Lieutenant-General Aye Win concerning the conduct of the armed forces during the security clearance operations is related to national security issues. It is not pertain to the rights of women and girls. Therefore, the question is irrelevant and should not be included in this report.

6. Whether instructions have been or are being issued to all branches of the State security forces that torture, gender-based violence, including rape and other forms of sexual violence, expulsions and other human rights violations are prohibited and that those responsible will be prosecuted and punished

20. The Tatmadaw does not condone any breach of law including committing crimes and other human rights violations.

21. With regard to the alleged offences, victims can register complaints to prove the offences and can report to the authorities at any time. Offenders shall be liable to be punished through criminal proceedings.

22. In the case of rape, it has been publicly announced that the Central Committee for the Implementation of Peace and Development in the Rakhine State has a mechanism where anyone can lodge a complaint.

23. In Myanmar, the Penal Code was enacted in 1861. It establishes a legal framework in order to protect and eliminate crimes, including sexual assaults, rapes, human trafficking, domestic violence and other offences against women and girls.

24. In addition, preventive measures have also been taken to any harm and danger to the local people in Rakhine State. Rule of Engagement (RoE) in printed form are

given to the security forces. The points mentioned in RoE are in conformity with the International Human Rights Law, Humanitarian Law and the existing laws of the land.

25. The Tatmatawhas “Zero Tolerance” policy regarding to human rights violations committed by military personnel against women and girls, including sexual violence, regardless of its extent. The Tatmataw is a disciplined organization and military personnel of every rank found guilty of committing sexual violence against women is liable to maximum punishment following a court martial.

26. If a member of the military is charged with violation of human rights of a civilian or such an act is reported, a systematic procedure is followed. A Court Martial consisting of senior officials is formed. If he is found guilty after careful examination, he will have action taken according to law. He is also liable to have action taken according to civil law.

27. The Ministry of Social Welfare, Relief and Resettlement, in cooperation with the relevant ministries, has a 24 hours Help Line service in order to effectively investigate and address any complaints including crimes relating to sexual violence, human trafficking, domestic violence, etc. for the entire country.

7. The gender-specific measures taken by the State party to rehabilitate and compensate Muslim women and girls who are victims/survivors of such violence

28. A Joint Communique of the Republic of the Union of Myanmar and the United Nations on Prevention and Response to Conflict-Related Sexual Violence was signed on 7 December, 2019 between the Permanent Representative of Myanmar to New York and Ms. Pramila Patten, Under-Secretary-General and Special Representative of the Secretary-General on Sexual Violence in Conflict. According to Joint Communique, the following preventive measures are included as priority areas for cooperation;

(a) Supporting legal reforms strengthen the overall rule of law response to sexual violence.

(b) Training and capacity building of justice and security sector actors(including Tatmadaw, Military Police, Border Guards Police and Myanmar Police Forces) particularly on investigation and prosecution of sexual violence; and on International Humanitarian Law including the Protection of Civilians;

(c) Ensuring effective access to strengthen service delivery for survivors of sexual violence, including medical, psychosocial, legal and livelihood support particularly in conflict areas;

(d) Negotiating that the prevention of sexual violence is reflected in specific provisions of any peace and/or repatriation agreements, including those related to security arrangements, transitional justice mechanisms;

(e) Ensuring that perpetrators of sexual violence crimes are excluded from amnesty;

(f) Putting in place risk mitigation measures against conflict-related trafficking for the purposes of sexual exploitation/violence, including awareness raising of Border Guard Police and immigration officials, in line with Security Council resolution [2331\(2016\)](#).

8. The remedies available to Muslim women and girls to claim violations of their rights

29. If women and girls, whose rights were violated, seek justice (including compensation where such compensation is specified by law), the court will decide, based on evidence of the case.

30. Myanmar National Human Rights Commission officially transmitted complaints on violation of human rights it receives to the authorities concerned to take follow-up action in line with regulations and procedures of relevant laws.

31. Furthermore, if there is any violation against the rights of women and girls, the persons concerned can submit complaints to the Rakhine State Peace, Stability and Development Committee. The Committee will then take necessary actions depending on the admissibility of the complaints.

32. The Government also affirms that it will help Muslim displaced persons who have fled to Bangladesh to file cases concerning alleged human rights abuses. Those wishing to file grievances may do so from their current location but will be required to attend a trial in Myanmar. The Government will assist them in so doing.

33. In addition, the Ministry of Social Welfare, Relief and Resettlement has opened a 24 hours Help Line service in order to effectively investigate and address any complaints regarding the gender-based violence for the entire country.

9. The number of Muslim women and girls currently detained by State Security Force

34. There were a total of 42 Muslim women currently detained by the State Security Forces as follows:

	<i>Number of Muslim Women</i>
Persons who entered into Myanmar illegally	6
Travelers without official document and permission	3
Drug dealers	30
Unlicensed weapons carriers	1
Persons who aided and involved in the production of explosive devices	2
Total	42

Remarks: Among them, 16 received prison terms and 26 are undergoing trial.

10. The number of Muslim women and girls died during childbirth

35. According to the official records, there was no report of death of Muslim women during their childbirth in Maungtaw Township, Rakhine State for the period from 25 August 2017 to 10 January 2018.

36. Department of Social Welfare through Township General Administration Department and Village Tract Administrators are providing cash to pregnant women and children in Maungtaw, Rakhine. A total of 78,555,000 kyats were provided to 2180 pregnant women and their under two-year children on 4 February 2018. Such programmes were conducted on 2 April 2018 spending 340,605,000 kyats for 3878 persons.

37. Likewise, healthcare services to mothers and children are being provided in Rakhine State. Basic Emergency Obstetric and Newborn Care (BEmONC) Trainings are being conducted for all basic health staff, especially midwives in all townships in Rakhine State in order to undertake prompt and effective treatment in emergency situations during pregnancy, delivery and post-natal periods and to do timely referral services. The Learning and Performance Improvement Centre was also established in Sittwe General Hospital where healthcare providers can do their services effectively, particularly maternal and child health care services, by improving their performance and sustainable midwifery practices.

38. To eliminate preventable maternal mortality, Maternal Death Surveillance and Response System are being implemented while providing appropriate responses in every stage of healthcare services and analyzing undue delays and root causes which is leading to maternal mortality.

39. In addition, efforts are being made in order to provide health care services that include sending mobile clinic teams, expanding and upgrading Sittwae Hospital, supporting drugs and tools, appointing the medical staffs and training health workers.

11. The number of clinics providing obstetric services and the ratio of doctors and midwives to the Muslim population

40. According to current figures, the following is the ratio of doctors and midwives to the Muslim population in Maungtaw District compared to the Union Figure:

		<i>Maungtaw, Rakhine</i>		<i>Union Figure</i>	
	Number	Ratio	Number	Ratio	
Doctor	Medical Superintendent 1	Muslim: Doctor 10,000: 1.2	Doctors who are working as clinicians in public Hospital under Department of Medical Care Services – 7,796	Population: Doctor 10,000: 1.5	
	Consultant Specialist – 4				
	Civil Assistant Surgeon – 4				
	Temporarily assigned				
	Civil Assistant Surgeon – 3				
	Station Medical Officer 1				
Total		13			
Nurse	Sister 1	Muslim: Nurse 10,000: 2.7	Nurses who are working as clinicians in public Hospital under Department of Medical Care Services – 20,022	Population: Nurse 10,000: 4	
	Staff Nurse 15				
	Trained Nurse 13				
Total		29			
Midwives		Muslim: Midwives 10,000: 5			
Total		51			

<i>Clinics providing for maternity services in Maungtau Township</i>	
50 bedded District Hospital	1
16 bedded Station Hospital	4
	(Alay Than Kyaw, Koin Chung, Taungpyo, Aung Tha Pyay)
Rural Health Center	8
	(MyinHlut, NgaKhu Ra, Ta Man Thar, Tha Yet Ouk, Myo Thu Gyi, Alay Than Kyaw, Koin Chung, Taungpyo)
Rural Health Sub Center	21
	(Inn Din, Kyauk Pa Du, Chan Pyin, Yae Myat Taung, Doe Dan, Min Kha Maung, Kha Maung Seik, Thet Kaing Nyar, Mingalar Gyi, Hpar Wat Chaung, Ywet Nyo Taung, Shwe Yin Aye, Kayay Myaing, Italea, Aung Thar Yar, Thu Ka Myaing, Laung Don, Done Paik, Tha Yay Kone Baung, Kaing Gyeec, Taung Phyoyar)
Total	34

12. The number of Muslim families displaced by the violence, disaggregated by sex, and measures taken by the Government of Myanmar to ensure their voluntary and safe return, economic reintegration for loss of land or property

Efforts taken for repatriation and resettlement

41. As for the efforts for repatriation and resettlement process, the Myanmar side has been ready to receive the verified returnees since 23 January 2018, the date first mutually agreed between Myanmar and Bangladesh to commence the repatriation.

42. The Rakhine State government has prepared to receive verified returnees at two reception centres in Taung Pyo Let We and Nga Khu Ya, and will transfer them to Hla Phoe Khaung Transit Camp before resettling them at their respective places. A total of 625 housing with water, electricity and toilet system have been constructed at the Hla Phoe Khaung Transit Camp and structures at the TaungPyo Let We and Nga Khu Ya reception camps have been completed.

43. Myanmar side has put in tremendous efforts in the process of repatriation in accordance with the bilateral agreement with Bangladesh, However, there were some delays. This said displaced persons can enter into Myanmar via reception centers on their own violation and arrangement.

44. Up to October 2018, the number of receiving persons is as follows:

No.	Date of Re-entry	Place that the returnees' temporary stay before re-enter	Number of returnees		
			Man	Woman	Total
1.	13-4-2018	Near boundary pillar 34, between the boundary line and border fence	2	3	5
2.	26-5-2018	Persons who were granted amnesty	58	4	62
3.	11-6-2018	Persons of sunken boat from Aung Ba creek near Thar Se Wa village	32	60	92
4.	4-9-2018	From Bangladesh	2	4	6
5.	9-10-2018	Near the Friendship bridge	1	–	1
6.	10-10-2018	Near the Friendship bridge	3	2	5
Total			98	73	171

45. In Kyein Chaung Taung Village, 100 houses for returnees are being built by local construction groups under the supervision of the Infrastructure Task force of the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine (UEHRD). Furthermore, the arrangements are being made to relocate those returnees to their places of origin and nearest places to it.

46. The housings for the returnees are under construction with the funding of UEHRD as well as with the assistance of Government of India and Japan. The measures are also being carried out for construction of houses by Cash for Work program and arrangements are being made for the returnees to stay temporally at the Assembled Board Houses donated by the Government of the People's Republic of China.

47. Additionally, Myanmar is also ready to provide household goods such as clothing, blanket, mosquito net, pillow and soap as well as tents, 20 KVA Generator, solar lantern, tarpaulins, water-proof fabric and kitchen utensils.

Implementation of development plan in Rakhine State

48. The development plans have been implemented in the Rakhine State as pilot projects for the development of the entire nation. As for rebuilding the villages and the battalion of security police forces in Maungtaw, a total of 850.27 acres comprising (495.59) acres of paddy land, (144.62) acres of dry farm land, (121.98) acres of village area, (13.73) acres of road land, (2.02) acres of forest land, (12.65) acres of lake and lagoon and (59.68) acres of other land are to be utilised.

49. The Central Land Management Committee will take necessary action if farmers lost their farmland due to land acquisition for development projects while implementing developments in the Rakhine State. More than 800 households, schools, roads and bridges are being constructed with access to water and electricity for displaced ethnic nationals and ethnic minority groups from 18 village-tracts with the close cooperation and assistance of the Division/ State Governments, Private Business partners, Myanmar citizens resident and abroad as well as friendly nations.

Economic Development in Rakhine State

50. For economic development in the Rakhine State, a total of 59 investment projects were approved during 2017–2018 fiscal year in accordance with Myanmar Investment Law. While establishing Kyauk Phyu Special Economic Zone, all relevant departments have been conducting strategic environment assessment so as to address the impacts on local people, local business and environment.

Crop and Land Compensation

51. The Government of Myanmar granted crop and land compensation to a total of 1,001 people whose land was included in the above project area. The Government also allocated Kyat 48.243 million in 2018–2019 to provide compensation.

Opening Bank Account for cash for selling crops that was cultivated by the displaced local farmers

52. The Rakhine State government had made arrangement to harvest the paddy fields that were cultivated by the displaced local farmers due to the terrorist attacks of August 2017 in Maungtaw District, Rakhine.

53. Furthermore, Bank Account for cash for selling crops has been opened at Myanmar Economic Bank to systematically transfer cash back to the displaced land owner.

Conclusion

54. The complexities and challenges in Rakhine should not be viewed within a narrow lens of human rights for one particular community alone. This may tantamount to discrimination. Myanmar Government's Policy is to look after all communities. It is crucial to promote and protect the human rights of all people from all communities in Rakhine State underlining the fact that various concerns and fears have been embedded in all communities.

The Government of Myanmar is exerting all efforts to resolve the issue of Rakhine State and is implementing 81 out of 88 recommendations of the Rakhine Advisory Commission led by Mr. Kofi Annanin keeping with the situation obtaining on the ground. Myanmar will continue to work together with the international community through constructive approaches in finding a solution for lasting peace, stability and development in Rakhine State.
