



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined second and third periodic report of Myanmar at the Committee's forty-second session, held in October-November 2008. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/MMR/CO/3). You may recall that in the concluding observations, the Committee requested Myanmar to provide, within one year, further information regarding the specific areas of concern identified by the Committee in paragraphs 29 and 43 of the concluding observations.

The Committee welcomes the follow-up report and additional information submitted by Myanmar on 14 June 2010, 25 October 2010, 31 August 2011 and 27 August 2013, on time or ahead of the time limit set by the Committee, under the CEDAW follow-up procedure. At its fifty-seventh session, held in February 2014 in Geneva, the Committee examined the additional information provided on 27 August 2013 (CEDAW/C/MMR/CO/3/Add.4) and adopted the following assessment.

Regarding the recommendation to “improve access of persons living in northern Rakhine State, especially women and girls, to primary health care and basic education, in collaboration with UNESCO”: The State party indicated that, with the collaboration of UNICEF and UNHCR, training courses and medical services were conducted in northern Rakhine State (para.6 of the State parties' additional information). The Committee notes the various activities undertaken by the State party to improve access to health and education in the northern Rakhine. As regard the general access of persons living in northern Rakhine State, the Committee considers that the recommendation has been **partially implemented**. However, information before the Committee mention the limited access to health and education by Muslim women in northern Rakhine as well as the important lack of access to health services and education by Muslim internally displaced women. As regard access to primary health care and basic education by Muslim people, including Muslim women, in the northern Rakhine, the Committee considers that the recommendation has **not been implemented**.

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Regarding the recommendation to “eliminate all forms of violence and discrimination against women in northern Rakhine State”: The State party mentioned measures taken to eliminate violence and discrimination against women in the Northern Rakhine, such as the establishment of counselling centres for women who have social problems, awareness-raising activities on existing laws on the protection of women (para.12 of the State parties’ additional information). The Committee welcomes the numerous actions mentioned by the State party towards eliminating discrimination and violence against women in general in Northern Rakhine. In this regard, the Committee considers that the State party has taken some steps and that the recommendation has been **partially implemented**. However, regarding discrimination and violence against Muslim women, the Committee is deeply concerned about reports that, in May 2012, violence displaced nearly 75,000 persons, mostly Rohingya, in nine overcrowded camps and in October, violence displaced an additional 35,000 persons, mostly Rohingya. The Committee is further concerned about information that up to 1,000 people are thought to have died in inter-communal violence, the majority of them being Muslim. The Special Rapporteur on the situation of human rights in Myanmar reported that, on 4 July 2013, police allegedly fired live ammunition into a crowd of Rohingyas protesting in Pa Rein village, Rakhine State, reportedly causing the death of three women and injuring five others. The High Commissioner for Human rights indicated that the United Nations has received credible information that, on 13 January at least 40 Rohingya Muslim men, women and children were killed in Du Chee Yar Tan village by police and local Rakhine. The Committee considers that the recommendation concerning the elimination of violence against Muslim women in the northern Rakhine has **not been implemented**.

Regarding the recommendations to “alleviate the heavy restrictions on the movement of residents within northern Rakhine State, especially women and girls”: The State party indicated that “most of the Bengalis residing in Maungdaw and Buthidaung townships are not Myanmar national races and are mixed with blood of foreigners and suspected foreigners”. It added that, “as such, their travels are being screened, on security grounds, by the respective Immigration and National Registration Department and also with a view to establishing whether they are legal residents or not and preventing illegal entry of foreigners” to the country. “After the screening process, travel permit recommendation Form 4 is issued to eligible persons and they are allowed to travel beyond township/region/state” (paragraph 18 of State party’s additional information). The Committee notes the absence of action taken to alleviate the restrictions on movement of the Muslims, including Muslim women, in the northern Rakhine. Therefore, it considers that the recommendation has **not been implemented**.

Regarding the recommendation to “lift the orders concerning marriage authorization and restriction of pregnancy, which violate the human rights of women in northern Rakhine”: The State party indicated that the Department of Health, hospitals/dispensaries are taking care of women regardless of race or religion (paragraph 21 of the State party’s additional information) but it also indicated that local order 1/2009 dated 11 August 2009 was issued by the Border Immigration Head Quarter of Maungdaw concerning travelling, voluntary relocation of residing areas, marriages, birth, separation from principal family registration list for the residents in Buthidaung and Maungdaw Townships and that such administrative measures are necessary to safeguard national security and interest given the complicated demographic and vulnerable geographic situation of the region (paragraph 22 of the State party’s additional information). The Committee considers that the State party failed to lift the orders concerning marriage authorization and restriction of pregnancy for Muslim women in the northern Rakhine and that the recommendation has **not been implemented**.

Regarding the recommendation to “continue to collaborate with the international community, especially UNHCR and the UNFPA, in those efforts”: The State party mentioned various programme undertaken in collaboration with UNHCR, UNFPA and UNICEF. While noting that further collaboration is needed, the Committee considers that, for the period under review, the recommendation has **been implemented**.

The Committee recommends that the State party provide, **in its next periodic report**, information on actions taken to:

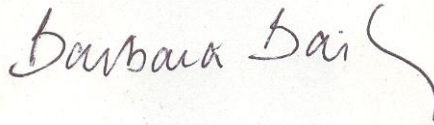
- 1) Put an end to and urgently and duly investigate alleged acts of violence by the police against Muslim people, including Muslim women, in the northern Rakhine;
- 2) Ensure that Muslim women in the northern Rakhine, including internally displaced women, have access to basic services, including health and education and enjoy freedom of movement; and
- 3) Lift the orders concerning marriage authorization and restriction of pregnancy.

The Committee recommends that the State party seek technical support, if needed, from the international community and in particular from OHCHR, for the implementation of the Committee's recommendations.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Myanmar on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Barbara Bailey
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women