

Summary of Myanmar CSO Shadow Report on Thematic Issues: Violence against Women

To 64th Session of UN CEDAW Committee

In relation to Myanmar Combined Fourth and Fifth Periodic Report of State Party, 23rd February 2015 (CEDAW/C/MMR/4-5)

Key Issues on Violence Against Women

This CEDAW Shadow Report is written by CEDAW Action Myanmar (CAM). This working group is established in 2012 and consists of 15 local organizations, network and individuals. The report consists of perceptions of 309 (with 226 women and 83 men) respondents who participated in a survey; along with news from print and social media.

Myanmar has undergone revolutionary changes in its democratization process in 2010. The new people-led government came to power recently in April 2016, aims to push for fundamental transformation. Myanmar is also considered one of the world's worst human rights abusers, and in particular rape and other sexual and gender based violence are widespread across the country. During this reporting period (2015 -2016), there are still many issues on socio-economic status and political situation which has also continued to contribute to form of institutional violence across the country. During the reporting period (2015-2016), the number of cases reported has increased. With the new Government taking charge, people of Myanmar rightly expect restoration of Human Rights in the country. Though the State acceded CEDAW on 22nd July, 1997 and submitted initial report and periodic reports to CEDAW Committee, the government so far has failed in its obligation to eliminate all forms of discrimination against women.

There are three key issues regarding Violence against Women.

1. Sexual Violence, particularly rape and sexual harassment
2. Domestic Violence
3. Institutional Violence, particularly rape, other forms of sexual assault perpetrated by military personnel and armed groups, uprising of current communal conflict and poverty issues

There are number of **barriers** in implementing CEDAW. Women are not aware of their rights, the Institutions who are expected to support women survivors of violence are not sensitive towards women due to existing gender stereotypes. The outreach of Government initiative is limited and Civil Society has to comply to many government rules so that their work gets affected.

State Interventions: CAM observes that the State has initiated certain processes and mechanisms which, if properly implemented should contribute to implementation of CEDAW. The initiatives listed below have just began and need committed efforts from Government of Myanmar to fulfil the objectives. CAM’s critical review on these initiatives is as follows.

1. State has assigned Gender Focal Department to Department of Social Welfare and assigned its staff to respond to violence against women in collaboration and coordination with Myanmar Women Affairs Federation (MWAF) and other INGOs/ NGOs. However, the State needs to plan appropriate actions like Review Legal definition of Rape; Review existing legal procedures in the light of how they impact lives of women; Sensitization of Rural and Poor women about how the laws can bring in positive change in their life regarding violence.
2. Efforts for capacity building of to its public officials on awareness of Violence against Women (VAW). However, the efforts need to be intensified and outreach should be increased.
3. It is learned that the State has implemented activities on ending violence against women through research, capacity building and legal supports (CEDAW/C/MMR 4-5 and CEDAW/C/MMR/Q/4-5/Add.1, para 21 to 33). The State also worked on GBV awareness raising through ethnic TV and other local radio programs as well as news journal but most of CAM’s surveyed respondents explained that they have not received GBV awareness through either media or in person. There are also temporary shelters for survivors of trafficking in three bordering townships but no shelter exists for survivors of sexual violence.
4. The state states that there were awareness raising trainings on VAW incorporation with UNFPA and other agencies (CEDAW/C/MMR 4-5, para 45). The frequency of trainings and number of attendance are still low compared to the target population.
5. Between May 2015 and August 2015, Parliament adopted four laws aimed at “protecting race and religion”, originally proposed by hard line Buddhist nationalist groups. The laws¹² – the Religious Conversion Law, the Buddhist Women’s Special Marriage Law, the Population Control Healthcare Law and the Monogamy Law – were passed despite containing provisions that violate human rights, including by discriminating on religious and gender grounds and it is not cover for all women citizens. Given that the adoption of special marriage law for Buddhist women neglect the diversity and pluralism itself. The state does not show its concern over other women who confess other religions.

Recommendations by CAM:

A) Regarding Sexual Violence particularly rape and sexual harassment

- a. The State on priority should review the legal definition of rape and all operational lacunas in its legal procedures and adapt applicable one. The State should declare a schedule for these important strategic decisions. The State needs to evolve new mechanism in a participatory manner so that women's perceptions are taken into consideration.
 - b. Medical examination of the rape survivor should be conducted in a more sensitive manner. Counseling facilities and medical treatment to survivors should be integral part of Medical Examination.
 - c. The State should accommodate survivors and provide counseling for rape survivors.
 - d. To train medical persons, police officers, judges and forensic doctors who have responsibilities to implement law and provide support to rape survivor.
 - e. To strictly follow the Human Rights Treaties ratified by State and disseminate to all the levels of the Government and Implementation staff.
 - f. To review the customary law and take action especially on rape cases as well as sexual violence in accordance with CEDAW and GR 19 and 33.
 - g. As CEDAW GR 28, the state should review its obligation and reinforce practical actions to realization of women's rights. Establishing provincial committees to review – with participation from Civil Society
 - h. The state should include GBV and legal awareness programme in its educational curriculum. Trainings on GBV, CEDAW and rights awareness to all teachers, and integrating GBV and rights awareness to its existing curriculum are essential.
 - i. The state should review the existing law related to sexual harassment and amend in accordance with (GR – 28 and 33) and make sure whether it is included in the development of PoVAW law.
- B) Regarding Domestic Violence*
- a. To enact PoVAW law in consultation and collaboration with nongovernmental organisations, women led organisations and relevant actors. The law should include the explicit definition of Violence against women, in accordance to GR19, specific procedures, accessible service centers Clear implementing and accountability mechanisms
 - b. Sensitization the PoVAW law to the cases handling authorities, police, civil servants and to the public after adoption.
 - c. Specific law to prevent and protect domestic violence should be enacted and sensitized.

- d. National Budget allocation for counseling center and temporary shelter for Intimate Partner Violence (IPV) survivors and their spouses as well as capacity building and awareness-raising tools development.
- e. State should demolish the existing special marriage law for Buddhist women
- f. To create and establish accessible and applicable one-stop service for Intimate Partner Violence (IPV) survivors and its spouses in all states and divisions.
- g. Budget, capacity building plans for all different levels and awareness-raising tools (example, developing learning tools for illiterate women in illustration with different ethnic languages, education sessions through radio, TV channel) should be set in order to fulfill GR 28.
- h. State should sign the Optional Protocol to CEDAW
- i. The state should have a protection and prevention mechanism, law and measures for all kinds of women regardless of their religions, cultures and traditions. It is hoping to include the applicable definition on violence against women for both public and private sectors in its Protection of violence against women law.

C) Regarding Institutional Violence

- a. State should review on the treaty recommended by CEDAW committee on GR 30, para 87 (c) and adopt to ensure zero tolerance on violence against women and sexual harassment in conflict-affected areas.
- b. Law enforcement and enhanced rule of law are badly in need in both conflict affected and non-conflict areas.
- c. The state should provide special measures on ending violence against women and sexual harassment in during conflict or post conflict situation and sensitize all service providers, state and non-state actors.
- d. The trial process should be transparent and should be conducted in public domain.