



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

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**Committee on the Elimination of Discrimination
against Women**
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Summary record of the 451st meeting

Held at Headquarters, New York, on Friday, 21 January 2000, at 3 p.m.

Chairperson: Ms. González

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Initial report of Myanmar (continued)

1. *At the invitation of the Chairperson, the delegation of Myanmar took places at the Committee table.*

Article 5

2. **Ms. Ferrer** said that, in a country where there were more than 135 ethnic groups and several religions, it was difficult to ensure that women could effectively exercise equal rights at all levels of society. It was clear from the information provided by the Government of Myanmar that discriminatory attitudes towards women were widespread in that country. It was not enough to legislate for equal rights; what happened in practice was more important.

3. The report mentioned legislation which specifically benefited mothers; the Government should provide more information on that legislation. It was clear from the report that girls and women were still very much restricted to traditional female roles. The existence of beauty contests in which the winners could obtain important advantages such as scholarships was also discriminatory, and greater efforts should be made to overcome practices of that kind. She wondered what action was being taken by the National Committee for Women's Affairs to deal with such problems, what part the mass media were playing in efforts to disseminate a more appropriate image of women and whether sex education was available so that women could exercise their sexual and reproductive rights.

4. **Ms. Ryel**, referring to the information given in the report concerning women serving prison sentences, requested details, such as the number of women inmates, the crimes for which they had been imprisoned, the gender ratio among prisoners, whether there were separate prisons for women and the nature of the "privileges" for women prisoners referred to it in the report. She also wished to know in what circumstances prisoners were sentenced to hard labour and how many women were sentenced to death each year.

Article 6

5. **Ms. Hazelle** noted that the report gave a considerable amount of information on women's rights legislation but said little about the implementation of such legislation or its practical impact on the lives of women and children. The reporting State should provide more details of the activities of the National Committee for Women's Affairs, particularly its subcommittees on the girl child and violence against women. Also, in the absence of statistical data, it was difficult to evaluate the impact of the various activities described in the report.

6. She would welcome additional information on the Task Force for Trafficking in Women and Children, set up in August 1998, the incidence of such trafficking, the outcome in particular cases and whether the police were being given training to make them more sensitive to the issue. The report referred to a baseline study of marital violence and a course for data collection on protecting women against violence; she requested additional information on those two activities.

7. **Ms. Khan** noted that the State party had to contend with a number of problems which aggravated the phenomenon of trafficking in women: poverty, internal displacement, refugee camps, armed insurgency, long borders and disputes with neighbouring countries over border control. She wished to know more about any practical measures taken to control trafficking in women along Myanmar's borders with its five neighbours, and, in particular, how the authorities enforced the prohibition on women between the ages of 16 and 25 years crossing the border unless accompanied by a legal guardian, in a situation where so many families were divided. The State party should give further details of efforts by the Ministry of Immigration and Population to monitor immigration and emigration flows with a view to controlling trafficking in women and its coordination to that end with the Ministry of Progress of Border Areas and National Races and Development Affairs and the Task Force for Trafficking in Women and Children. She asked whether the Task Force was headed by a woman and whether it ran shelters for rape victims. It would also be helpful to have data on the number of persons convicted of rape or trafficking in women under the Penal Code; the involvement of members of the armed forces in cases of sexual exploitation and the procedure followed in such cases; and the number of women involved in the sex industry, including estimates of the

number of victims of trafficking, both within Myanmar and in neighbouring countries. She wished to know whether victims of trafficking could be penalized for engaging in prostitution and whether psychological help was provided to them free of charge. Lastly, she asked whether Myanmar planned to ratify the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which it had thus far only signed.

8. **Ms. Regazzoli** asked what measures the State party had taken to reintegrate victims of trafficking in society, and to control the transmission of acquired immunodeficiency syndrome (AIDS) by prostitutes, both within the country and across its borders.

9. **Ms. Corti** reiterated the request for information on any practical measures taken to control trafficking in women, particularly along Myanmar's borders. The amendments made to the Suppression of Prostitution Act 1949 seemed very weak and she wondered whether the Myanmar authorities planned to take further action in that regard.

10. **Ms. Manalo** expressed the hope that, in its next report, the Government would be able to give details of a mental health programme for women victims of rape, prostitution and trafficking.

Article 7

11. **Ms. Manalo** asked what practical steps the Government was taking to reconcile the current situation of Ms. Aung San Suu Kyi with the international agreements to which Myanmar was a party and with its constitutional commitment to enable women to vote and run for office.

12. **Ms. Feng Cui** asked how many women in Myanmar had exercised their constitutional right to vote and to run for office and what was the ratio to women to men in political parties, Parliament, the civil service and government organs such as the State Peace and Development Council.

13. **Ms. Corti** asked what encouragement and support were being given to women to exercise their rights to vote and to run for office and what temporary special measures were being adopted to encourage political parties to increase the number of women candidates. She also wished to know how article 7 of the Convention was being implemented, in view of the fact that Ms. Aung San Suu Kyi, leader of the winning

party in free elections, had been prevented from taking office and placed under house arrest.

14. The report acknowledged that women had been very active in student and ethnic protests in Myanmar. She wondered what had happened to the women involved in such protests and why a number of women who had been successful candidates in free elections had subsequently had to resign.

15. **Ms. Ryel** said that, according to non-governmental sources, there were hardly any women in the country's Parliament or Cabinet. She wondered whether the Government saw that as a problem and whether it had any strategy for remedying the situation.

16. **Ms. Goonesekere** noted that, despite political strife and conflict, Myanmar had managed to establish a State Peace and Development Council. That seemed to reflect recognition of the fact that peaceful conflict-resolution and good governance were the keys to economic development and the advancement of society. Throughout the report, reference was made to Myanmar's egalitarian democratic traditions, which were based on Buddhism. Women's strong tradition of participation in public life reflected the commitment of many women in Myanmar to participate in conflict resolution and contribute to peaceful development projects. She therefore wished to know what steps were being taken to bring women such as Aung San Suu Kyi into the peace and development process.

17. **Ms. Myakayaka-Manzini** requested specific statistics, such as the number of women directors-general in the civil service and the number of women managing directors in business, as well as information on women's participation in the judiciary as judges, magistrates, etc. Such data were essential for assessing the advancement of women.

18. **Ms. Schöpp-Schilling**, referring to article 7 (c), asked about the conditions under which women were permitted to form non-governmental organizations, whether there was a registration process and, if so, what that entailed.

19. The report referred to a number of women's organizations which had been established since 1991 and formed part of the national machinery for the advancement of women. She wondered whether there were other organizations, such as the Myanmar Women's Development Association established in 1947, that did not form part of the national machinery.

She asked whether any woman who had a specific concern, for instance, in connection with the Convention, could freely establish a women's association in order to lobby for the Convention, and whether there were any restrictions on such activities.

20. While recognizing Myanmar's difficulties in collecting data and statistics, she wished to indicate possible areas for future consideration. For instance, she would like to have data on the number of women, as compared to men, involved in independent non-governmental organizations and to know whether there were any overt or covert discriminatory mechanisms that might keep women from entering such associations and being active in them.

21. **Ms. Regazzoli** enquired about programmes, projects and laws to promote women's participation in political life and questioned the sincerity of such initiatives in a climate where elections had been invalidated when a woman won them and where a woman awarded the Nobel Peace Prize had been placed under house arrest. She wished to know how many women held high-level positions in the Government of Myanmar.

22. **Ms. Hazelle** endorsed for the statements and questions formulated by Ms. Corti and Ms. Feng Cui.

Article 8

23. **Ms. Regazzoli** requested statistics on the number of women appointed to the Ministry of Foreign Affairs since the Beijing Conference, together with details as to their posts and promotions, and on the number of Myanmar women serving in international organizations and bodies.

Article 9

24. **Ms. Goonesekere** noted that the report did not address the substance of article 9, namely, whether Myanmar women enjoyed the same rights as men in terms of transmitting their nationality to their children and obtaining nationality for a foreign spouse. She would appreciate information on that subject from the State party.

Article 10

25. **Ms. Schöpp-Schilling** said that the right to education was a fundamental human right and that women and girls should not be discriminated against in

that area. The report and the oral presentation had described some of the efforts being made in Myanmar and had mentioned the high literacy rate. However, the statistics seemed to refer mostly to townships. She asked what the literacy rate was for rural women and the primary school enrolment rate for girls in rural areas.

26. She asked whether primary education was in fact free and, if not, how funds for needy students were allocated, in particular, whether more funding went to young girls and their parents in order to counteract the tendency to give priority to the education of boys.

27. It would be interesting to see the results of the study on further education for girls who had not completed primary school, and any measures and policies resulting from it. Information on rural areas would also be welcome, as well as information on women in universities. She wondered whether present conditions were causing the closure of schools and universities and whether such closure had a disproportionately negative impact on women and girls. She asked whether it was true that some universities, such as the Engineering University, imposed more stringent admission criteria on female students and that the Forestry University did not accept women at all.

28. **Ms. Kim Yung-Chung** noted from the oral presentation and the report that there was no discrimination against women in education. However, the high cost of education, combined with the traditional notion that women did not require an education in order to do housework, meant that low-income families were less likely to send girls to school; there was also a high drop-out rate. She would therefore like to see some basic, accurate and comprehensive statistics on education.

29. Under the "Education for All" project, funding was being provided for free textbooks, clothing and stationery for needy students, as well as tuition grants and stipends. She asked how many girls and female students were taking advantage of that project. Data should be provided for both sexes and should include statistics for remote areas and ethnic minorities.

30. The vocational training programmes offered as part of the human development initiative programme seemed to focus on traditionally female skills such as sewing and embroidery. She would welcome information on women's access to training in science

and modern technology. Reference had been made to the provision of computer and auditing classes at affordable prices for young girls. She would like more detailed information on the number of girls who had taken advantage of such classes and gone on to careers in the areas concerned.

31. Even if equal opportunities were available in education, the content of that education remained crucial. She asked whether school textbooks had been revised with a view to eliminating gender stereotypes. She requested statistics on the ratio of women to men in the teaching profession. There were usually more women than men in primary education, but it would be interesting to see the figures for secondary and tertiary education. It was also customary for women to work in medicine, but information on other professions, such as architecture and engineering, would be welcome.

Article 11

32. **Ms. Schöpp-Schilling** said that while the report clearly recognized the importance of article 11, it failed to provide any statistics. To start with, some approximate figures on the numbers of women and men working in the informal and formal sectors would be welcome. If no statistics were currently available, they should be included in the next report.

33. She asked whether employment legislation applied only to the formal sector and whether women working in the informal sector were eligible for maternity leave and social security benefits.

34. Since equal pay was guaranteed in the formal sector, she wondered what enforcement mechanisms were available and whether women had to go to court to demand equal pay or had access to enforcement mechanisms in the workplace. She asked how many complaints about wage inequalities there had been. She also requested a description of the sanctions applicable to firms or even government bodies that discriminated against women with regard to pay, promotion or recruitment.

35. She was very concerned that no time-use studies had been carried out for women, although it was assumed that they worked more hours per week than men. That also amounted to discrimination under article 12, as women's health might be endangered by overwork. Women's long working hours were also a social concern that went beyond their impact on individual women, since they could have long-term

detrimental effects on women's childbearing and maternal functions. She would welcome details of any plans by the Government or the national machinery to examine women's work and see how women's economic contribution in the informal sector and in the home could be reflected in the national accounts. The Organisation for Economic Cooperation and Development (OECD) had conducted several studies on how such work, whose value was difficult to measure, could be recognized. It seemed likely that many cases of discrimination were occurring, and protective legislation was doubtless needed.

36. **Ms. Khan** asked whether Myanmar's labour laws were in line with article 11 of the Convention and with International Labour Organization (ILO) standards. She requested data on the employment status of women, including the number of working women and the sectors where they worked. The report stated that over 75 per cent of the population lived in rural areas; that percentage presumably applied to women as well as men.

37. She asked whether the 1949 Minimum Wages Act, which needed updating, applied to women working in the informal sector. A large number of women working in the informal sector were not wage-earners, for instance, self-employed women and those working for a family business or in agriculture. In view of the situation in Myanmar, she wondered whether there were situations where women other than unpaid family workers, were working to survive without being paid.

38. Equal access to employment required equal access to training, but most of the training provided to women seemed rather outdated, although some modern vocational courses were available. She asked about the language of instruction for vocational courses; if only the majority language was used, that would exclude a large number of minority groups. She also asked about the language of instruction at the primary and secondary levels and in rural areas.

39. She requested detailed information on wage labour, unwaged labour and the self-employed. In view of the country's new development and relocation programmes, she also asked about land policy, whether families received financial compensation for agricultural land that was taken over and whether basic infrastructures were already in place in the townships

to which the population were being relocated, so that women could find employment on arrival.

40. **Ms. Taya** said that Myanmar was to be congratulated on presenting its initial report such a short time after ratifying the Convention. Her questions under article 11 concerned the practice of requiring forced labour as a sort of tax paid in kind. The justification given was the need to build infrastructure despite budgetary constraints. It was pertinent to the Committee's concerns to know how many women were involved and in what kinds of labour, how they were recruited and how the work was allotted. She would welcome information on any laws that regulated the conditions of forced labour. Although Myanmar did have minimum wage, social security and other labour laws, she wondered how effectively they had been implemented, since military expenditures accounted for half the national budget and forced labour was widespread.

41. **Ms. Cartwright** said that, since most of the labour laws applicable to women's employment were some 40 to 50 years old, it was unlikely that they met the standards of the Convention. She wished to know whether the Government had plans to review its legislation and, if so, when. Reports including an ILO report dated 21 May 1999, on forced labour in Myanmar, indicated that many women were obliged to work for the armed forces without pay as domestic servants, porters and food growers. Forced labour was a violation of fundamental human rights and was contrary to the Convention. It led to further abuses and had a serious impact on the welfare of those involved and their families. The State party should tell the Committee what steps it planned to take to control the practice.

Article 12

42. **Ms. Abaka** said that she had been pleased to learn that doctors in Myanmar practised traditional as well as Western medicine and that midwives were widely used; those were useful ways of reaching a larger proportion of the population. Another important way in which the Government had fostered women's health was by refusing to tolerate wife abuse and by severely penalizing it.

43. On the negative side, the maternal mortality rate was still very high. That was especially tragic because maternal mortality was avoidable with adequate

preventive care, which could be provided even with limited resources. The Government should review its many maternal health programmes to determine why they were not achieving their objective.

44. Preventive care should include safe ways of dealing with unwanted pregnancies. Some of the causes of maternal mortality cited, such as sepsis, haemorrhage and obstetric trauma, could very well be the result of unsafe abortions. Given the country's stringent anti-abortion laws, she wondered what provision was made for women and girls who became pregnant as a result of rape or incest. Although Myanmar had entered almost no reservations to the Convention, she had the impression that it had tacit reservations, including some on health issues.

45. The wealth of information given in the report and the oral presentation concerning article 12 related almost exclusively to maternal health. The next report should provide fuller information, including statistics, on such areas as adolescent health, causes of death other than maternity, cancer screening programmes, human immunodeficiency virus (HIV)/AIDS and blood-screening for HIV, women's mental health and drug and substance abuse. The State party should refer to the Committee's General Recommendation No. 24 to obtain a clearer idea of what information the Committee was seeking.

46. **Ms. Corti** endorsed the request for fuller reporting under article 12.

47. **Ms. Schöpp-Schilling** said that she would appreciate specific information on the size of the health budget and the percentage devoted to women's needs as compared with men's. She would also like to know whether the health budget had increased in proportion to population growth and how much of it was allocated to dealing with HIV/AIDS. She joined other Committee members in stressing that article 12 dealt with all stages of a woman's life, not just her reproductive years.

Article 13

48. **Ms. Regazzoli** noted that Myanmar had made commendable efforts to encourage women's participation in sports. She requested statistics showing whether women had real access to credit, bank accounts, home ownership and the like.

Article 14

49. **Ms. Ouedraogo** said that although the report claimed that rural women enjoyed equal rights with rural men, she feared that the claim was somewhat unrealistic, since it was not backed by statistics. The Committee was concerned not only with legal standards but also with rural women's actual access to education and training, credit and property ownership. It would be interested in information on the illiteracy rate among rural women, the number of rural women who had benefited from farm loans in their own name and the number of rural women who owned their own home or farm. She was pleased that all eight areas of concern mentioned in article 14 had been addressed, but wished to make some suggestions as to the kind of information sought by the Committee. For example, the number of women who had benefited from rural development projects was a more meaningful statistic than the amount of money spent on those projects. The report listed several rural development projects, but failed to indicate their nature or how they had benefited women specifically.

50. She applauded the efforts made to extend the network of rural health centres and welcomed the use of midwives and health visitors to widen health coverage. However, she would like to know why 30 per cent of births were not attended by trained personnel.

51. The report stated that women in Myanmar participated in agriculture, commerce and social affairs. The Committee was interested in gauging the quality of that participation.

52. **Ms. Regazzoli** requested the State party to convert all monetary figures into a currency more familiar to Committee members, and to provide statistics on the number of rural women who had access to the programmes listed under article 14. She would also appreciate information on the types of work carried out by Myanmar's rural women and the percentage of the gross national product which they represented.

53. **Ms. Feng Cui** said that she would have appreciated more information on measures to alleviate poverty among rural women. She wished to commend the work done by the Myanmar Maternal and Child Welfare Association, a voluntary non-governmental organization, in rural areas.

Article 16

54. **Ms. Cartwright** asked whether 20 years was the legal age of marriage for both men and women and whether it was enforced, there had been reports that women below that age were either married or treated as married. In that connection, she suggested that the Myanmar authorities should review the Committee's General Recommendation No. 21, which stressed that women should have reached a sufficiently mature age before marrying, not only for reasons of mental health but also to ensure the proper discharge of marital responsibilities. She had heard that, on occasion, young rape victims were required to marry the offender, and she wondered whether the Government was taking any measures to deter or prohibit such practices, which were contrary to the fundamental principles of human rights. She asked whether there was any legislation on rape within marriage. In general, she would appreciate information on laws concerning rape and on how widely they were endorsed, particularly against members of the armed forces. Referring to General Recommendation No. 19, she enquired about measures to prohibit and prosecute violence against women, particularly domestic violence. It would be useful to know how seriously the Government took such measures, whether they were widely publicized and whether the police were encouraged to enforce them.

55. **Ms. Aouij** said that the information given in the report under article 16 was insufficient. She wished to know whether the various ethnic groups in Myanmar applied their own customary laws concerning marriage and whether women had any recourse in the event of a breach of customary law. The State party should indicate whether there were any courts in rural areas and whether women had easy access to them; who applied the legislation on family relations; whether there were any women magistrates; and whether Buddhism permitted polygamy. She asked whether the consequences of divorce, including alimony and custody, were determined in accordance with the 1974 Constitution, since the report made no mention of subsequent legislation in that area. Indeed, since becoming a State party to the Convention in 1997, Myanmar had taken no steps to harmonize its legislation with the Convention or with the values of modern life and democracy. She strongly recommended legislative reform, which could incorporate customary law where that was beneficial; it was crucial, however, that laws should be in writing. She asked whether the

new Constitution would include a chapter on women's rights and non-discrimination and whether the Myanmar National Committee for Women's Affairs had proposed any amendments or new legislation on women's status within the family.

56. **Ms. Goonesekere** requested details on the functioning in practice of the joint property system and on women's inheritance rights under customary laws which permitted divorce by mutual consent and did not require the drawing up of wills. She wondered whether those rights were guaranteed by the civil courts.

57. **Mr. Mra** (Myanmar) thanked Committee members for their questions and assured them that answers would be provided by the various women experts on the Myanmar delegation.

The meeting rose at 5.10 p.m.