



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Fifty-ninth session

16 January–3 February 2012

## Consideration of reports submitted by States parties under article 44 of the Convention

### Concluding observations: Myanmar

1. The Committee considered the combined third and fourth periodic report of Myanmar (CRC/C/MMR/3-4) at its 1675th and 1676th meetings (see CRC/C/SR.1675 and CRC/C/SR.1676) held on 19 January 2012, and adopted, at its 1697th meeting, held on 3 February 2012, the following concluding observations.

#### I. Introduction

2. The Committee welcomes the submission of the combined third and fourth periodic report of the State party (CRC/C/MMR/3-4) and the written replies to its list of issues (CRC/C/MMR/Q/3-4/Add.1). The Committee appreciates the constructive dialogue held with a cross-sectoral delegation of the State party.

#### II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee notes as positive the adoption of the Anti-Trafficking in Persons Law in 2005.

4. The Committee also welcomes the ratification of or accession to the following international human rights treaties:

- (a) Optional Protocol to the Convention of the Rights of the Child on the sale of children, child prostitution and child pornography, in 2012;
- (b) Convention on the Rights of Persons with Disabilities, in 2011; and
- (c) Charter of the Association of the Southeast Asian Nations (ASEAN), in 2008.

5. The Committee also notes the following institutional and policy measures:

(a) The establishment of the Central Body for Suppression of Trafficking in Persons in 2006;

(b) The establishment of a mechanism by which the National Committee on the Rights of the Child can pursue complaints on acts committed against children; and

(c) The development of the National Plan of Action for Children (2006–2015), the National Child Health Strategic Plan (2010–2014), the National Plan of Action (2003–2015) “Education for all”, the Education Activities in the Framework of Rural Development and Poverty Alleviation Plan (2011–2015), the National Strategic Plan for Adolescent Health, the Plan of Action aimed at Eliminating Child Labour, the Five-Year National Plan of Action to Combat Human Trafficking (2007–2011), and the plan to organize a special police force for child protection.

6. The Committee notes as positive the invitation by the State party to the Special Rapporteur on the situation of human rights in Myanmar in 2010 and 2011.

### III. Main areas of concerns and recommendations

#### A. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)

##### The Committee’s previous recommendations

7. The Committee, while welcoming the State party’s efforts to address some of the concerns and recommendations made upon consideration of the State party’s second report (CRC/C/15/Add.237), notes with regret that most of its recommendations have been insufficiently addressed or not addressed at all.

**8. The Committee urges the State party to take all necessary measures to address the recommendations from the concluding observations of the second periodic report that have not been implemented, particularly those related to children involved in armed conflicts, discrimination and access to health and education. The Committee also urges the State party to, concomitantly, provide adequate follow-up to the recommendations contained in the present concluding observations.**

##### Legislation

9. While noting the indication given by the State party that the 1993 Child Law is being reviewed to integrate some provisions of the Convention, the Committee is concerned that all principles and provisions of the Convention have not yet been fully incorporated into domestic law and that legal provisions contrary to the Convention remain in force. The Committee also expresses its concern about the application of different sources of law, namely codified and customary laws, which may undermine the State party’s efforts to harmonize its legislation with the Convention.

**10. The Committee urges the State party to promptly amend the 1993 Child Law and ensure that it incorporates all principles and provisions of the Convention and undertake a comprehensive review of domestic legislation, namely codified and customary laws, in order to ensure that it is brought into compliance with the Convention.**

##### Coordination

11. While noting that the National Committee on the Rights of the Child (NCRC), inactive for a long period, was reactivated recently, the Committee is concerned about its

sustainability, its mandate and the resources allocated to its functioning. Furthermore, the Committee is concerned about the lack of collaboration between the different ministries involved in the implementation of activities related to the Convention; the decentralization process, which is not yet in place in all states, divisions and districts; and about the small number of operational bodies established at township level.

**12. The Committee urges the State party to ensure that NCRC is operational on a sustainable basis and reiterates its recommendation to provide NCRC with the necessary authority and resources to coordinate all activities related to the implementation of the Convention, in an effective manner, both horizontally across ministries and vertically, from the national level down to the divisions, districts and townships.**

### **National Plan of Action**

13. While noting the existence of a national strategy expressed in the National Plan of Action for Children (2006–2015), the Committee is concerned that the various existing sectoral plans of action related to children, such as the National Child Health Strategic Plan (2010–2014), the National Strategic Plan for Adolescent Health, and the National Plan of Action (2003–2015) “Education for all”, are not sufficiently coordinated with the National Plan of Action for Children. The Committee is also concerned about reports that the National Plan of Action for Children has not been sufficiently disseminated, that limited human and financial resources are allocated to implement it and that there is no proper mechanism to monitor its implementation.

**14. The Committee recommends that the State party take all necessary measures to ensure that the National Plan of Action for children coordinates the various sectoral action plans covering all aspects of the Convention. The Committee also recommends that the National Plan of Action for children be appropriately resourced in human, technical and financial terms. It further recommends that the systems for implementation and monitoring of the plan be put in place.**

### **Independent monitoring**

15. The Committee notes the establishment in October 2011 of the National Human Rights Commission, which comprises a special division for children’s rights. However, the Committee is concerned about:

- (a) The absence of a law establishing the Commission;
- (b) The status of the members of the Commission, who are Government and former Government officials;
- (c) The current financial resources of the Commission that do not ensure its independence and efficiency; and
- (d) The lack of visibility of the special division for children’s rights.

**16. The Committee encourages the State party to:**

- (a) **Adopt a law establishing an independent human rights institution with a status and a mandate in compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), taking into account the Committee’s general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child;**
- (b) **Seek technical assistance from, inter alia, OHCHR National Institutions and Regional Mechanisms Section in this respect;**

(c) Ensure that this national mechanism is provided with independent and sufficient human, technical and financial resources; and

(d) Ensure that the independent human rights institution has a special division for children's rights headed by a commissioner for children in order to make this institution's role regarding the Convention as visible and as strong as possible.

#### **Allocation of resources**

17. The Committee reiterates its deep concern about the extremely low level of resources allocated to the social sectors, in particular education, health and nutrition, at the severe lack of financial resources for the protection and promotion of children's rights, and conversely at the disproportionately high allocation of public financial resources to the military and State-owned enterprises. Furthermore, the Committee is concerned about the absence of transparency in the budgetary process.

18. In the light of its previous recommendation (CRC/C/15/Add.237, para. 20), the Committee urges the State party to:

(a) Allocate adequate budgetary resources in accordance with article 4 of the Convention for the implementation of the rights of children and in particular increase the budget allocated to the social sectors, including, but not exclusively, education, health and nutrition, and to all areas of child rights;

(b) Introduce a child right's budget system with specific budget lines and indicators that will allow monitoring and evaluating budget allocations for children;

(c) Define strategic budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures, especially children from ethnic and religious minority groups, children from remote and border areas, internally displaced children, children in street situations, children affected by HIV/AIDS, children with disabilities, orphans and children in situation of poverty, and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;

(d) Ensure transparent and participatory budgeting through public dialogue, especially with children and the civil society; and

(e) Take into account the Committee's recommendations during its day of general discussion in 2007 on "Resources for the Rights of the Child - Responsibility of States".

#### **Corruption**

19. The Committee is concerned that corruption remains pervasive in the State party and that misuse of public resources continues to divert resources that could enhance the implementation of the rights of the child.

20. The Committee urges the State party to take immediate measures to combat corruption, including by developing and implementing an anti-corruption law and policy, carrying out anti-corruption campaigns and building institutional capacities to effectively detect, investigate and prosecute cases of corruption.

#### **Child rights and the business sector**

21. While noting aspects of the State party's legislation regarding labour standards, the Committee notes the absence of a legislative framework regulating the prevention of, protection against and reparation of the adverse impacts of activities by private and State-owned companies, mainly in the extractive and large-scale energy-related sectors. The

Committee is especially concerned at the effects of child labour, particularly forced and hazardous labour, living conditions of children, environment degradation, health hazards and barriers to their freedom of movement.

**22. The Committee urges the State party to:**

**(a) Establish the necessary regulatory framework and policies for business and industry, in particular with regard to extractive industry (oil and gas) and large-scale development projects such as dams and pipelines, to ensure that they respect and protect the rights of children; and**

**(b) Comply with international and domestic standards on corporate social and environmental responsibility with a view to protecting local communities, particularly children, from any adverse effects resulting from business operations, in line with the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework and the business and human rights framework that were adopted by the Human Rights Council in 2008 and 2011, respectively.**

#### **Data collection**

23. While noting some initiatives by the State party to improve interdepartmental information systems and progress made in collecting national level data on the socio-economic situation and health and education status of the child population, the Committee is concerned at the lack of methodological coherence in the undertaking of data collection and the absence of disaggregated data on areas covered by the Convention.

**24. The Committee encourages the State party to set up a comprehensive data collection system with the support of its partners and to analyse the data collected as a basis for assessing progress achieved in the realization of child rights and for helping design policies and programmes to implement the Convention. The data should be disaggregated by age, sex, geographic location, ethnicity and socio-economic background to facilitate analysis on the situation of all children. The Committee also recommends prioritizing capacity development of institutions at the national and subnational levels to be able to design, conduct, analyse and use evidence to monitor, evaluate and influence policies and programmes.**

#### **Dissemination and awareness-raising**

25. While noting that awareness-raising and training workshops have been conducted and copies of the Convention have been disseminated, the Committee is concerned that the outreach of awareness-raising on the Convention and human rights remains in general limited. The Committee is further concerned about the absence of a system to ensure that the Convention is widely known.

**26. The Committee urges the State party to:**

**(a) Systematically incorporate child rights issues into all curricula of the different education levels and strengthen awareness-raising programmes, including campaigns on the Convention, among children, adolescents, families and communities; and**

**(b) Develop a national plan of action for human rights education, as recommended in the framework of the World Programme for Human Rights Education.**

**Training**

27. The Committee is concerned that awareness of the Convention remains limited among service providers working with and for children, including in the education, health, social welfare, justice and security sectors, juvenile facilities and in all forms of alternative care.

28. **The Committee recommends that all professional groups working for and with children be adequately and systematically trained on children's rights, in particular judges, lawyers, the police and the army, health personnel, social workers, teachers and personnel working in all forms of alternative care.**

**Cooperation with civil society**

29. While noting the recent progress made in cooperation with the civil society, the Committee is concerned that civil society participation, and in particular children's participation, remains limited in the formulation of policies and programmes. The Committee is also concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention and that a high level of distrust between civil society and the Government remains. In addition, the Committee expresses its concern about reports that individuals and organizations are punished for carrying out human rights education and engaging with the international human rights mechanisms.

30. **The Committee strongly urges the State party to:**

(a) **Facilitate the participation of civil society organizations and children in all aspects of implementation of the Convention, including policy and programme development, monitoring and evaluation;**

(b) **Take concrete steps to give legitimate recognition to human rights defenders and their work and to facilitate that work, including those defenders who report child rights violations for appropriate State party action and ensure that non-governmental organizations (NGOs) can safely carry out their functions, including in remote and border areas, in a manner consistent with the principles of a democratic society; and**

(c) **Promptly put an end to the repression of human rights defenders, including those carrying out human rights education and ensure that no one is detained in relation to their legitimate and peaceful activities in defence of human rights.**

**International cooperation**

31. Notwithstanding recent positive political developments in the State party, the Committee remains concerned that limited international assistance for the realization of child rights has been provided as a result of, among others, the lack of improvement of the human rights situation in the country.

32. **The Committee encourages the State party to make all necessary efforts to improve the human rights situation in the country, including using its resources to the greatest extent for the realization of child rights, thus providing the basis for increased international cooperation.**

**B. Definition of the child (art. 1 of the Convention)**

33. While noting the existence of a draft amendment to the Child Law raising the age of a child, the Committee is concerned about the current distinction between a child (up to the

age of 16 years) and a youth (between 16 and 18 years); the absence of a minimum age for marriage for boys; and the legality of the marriage of girls as young as 14 years with parental consent.

34. **The Committee reiterates its previous recommendation (CRC/C/15/Add.237, para. 26) that the State party review its legislation to define the child as any person below 18 years of age and establish the minimum legal age for marriage for boys and girls at 18 years.**

## **C. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

35. The Committee reiterates its concern (CRC/C/15/Add.237 para. 27) about the multiple forms of discrimination that persist in the State party, particularly those against girls and children in vulnerable and disadvantaged situations, such as children from ethnic and religious minority groups (including Rohingya children), children from remote and border areas, internally displaced children, children in street situations, children affected by HIV/AIDS, children with disabilities, orphans and children in situation of poverty.

36. **The Committee urges the State party to:**

(a) **Undertake the necessary legislative changes to ensure non-discrimination on the basis of sex, ethnicity or religion and explicitly incorporate the principle of non-discrimination on any grounds in all newly developed legislation and policies;**

(b) **Adopt and implement measures to prevent and eliminate discrimination against individual children and specific groups of disadvantaged children;**

(c) **Carry out public awareness-raising campaigns on the detrimental impacts of discrimination; and**

(d) **Include information in its next periodic report on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party in the follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.**

### **Best interests of the child**

37. While noting that the principle of the best interests of the child is mentioned in article 27 of the Child Law, the Committee is concerned that the knowledge of this principle remains insufficient and no action has been taken by the State party to include it in any other legislation or budgets, or to ensure that it is sufficiently applied in the judicial and administrative decisions.

38. **The Committee urges the State party to strengthen its efforts to ensure that the principle of the best interests of the child is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and all policies, programmes and projects relevant to and with an impact on children. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle.**

**Respect for the views of the child**

39. The Committee reiterates its concern (CRC/C/15/Add.237, para. 32) that traditional attitudes towards children in society continue to limit respect for their views and that the State party has not taken sufficient measures to ensure that the views of the child are given due consideration, especially in courts, schools, relevant administrative and other processes and within the family, other institutions and society at large.

40. **In the light of article 12 of the Convention and the Committee's general comment No. 12 (2009) on the right of the child to be heard and of its previous recommendation (CRC/C/15/Add.237, para. 33), the Committee encourages the State party to ensure that children's views are given due consideration in courts, schools, relevant administrative and other processes and in the home, other institutions and society at large in all matters concerning them. This may be achieved through, inter alia, the adoption of appropriate legislation, the training of professionals working with and for children and educational information and communication strategies intended to, inter alia, parents, educators, Government administrative officials, the judiciary and society at large on children's right to have their views taken into account and to be heard in all matters affecting them.**

**D. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)****Nationality**

41. The Committee is concerned about:

(a) The large number of people without citizenship and the lack of legislation granting nationality to children born in the territory of the State party or to nationals of the State party living abroad, who would otherwise be stateless;

(b) The very restricted requirement of having both parents as nationals of the country for citizenship, which will render some people stateless;

(c) The three different categories of citizenship established by the Citizenship Law of 1982, possibly resulting in some categories of children and their parents being discriminated against, stigmatized and/or denied certain rights; and

(d) The mention of religion and ethnic origin on the identity card.

42. **The Committee recommends that the State party:**

(a) **Address gaps in the current citizenship legislation, which lead to statelessness;**

(b) **Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;**

(c) **Abrogate the legal provisions providing for different categories of citizenship; and**

(d) **Remove any indication of ethnic origin on identity cards.**

**Birth registration**

43. The Committee notes the establishment of a birth registration system called Modified Vital Registration System; the engagement of the State party to carry out advocacy and awareness for birth registration; the review of the status of a large number of children born of parents who were unable to obtain marriage authorization in the northern



Rakhine State, with a view to regularization; and the plan to conduct a nationwide population census in 2014. However, the Committee is concerned that a large number of children, including Rohingya children, remains unregistered as a result of insufficient awareness-raising on the importance of birth registration; a non-user-friendly system; a lengthy process to obtain birth certificates at the township level; unofficial fees associated with the birth registration system; the existence of the local order restricting marriages for Rohingya people; and the practice aimed at reducing the number of their children.

44. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to ensure effective registration of all children born in the State party, regardless of their origin and without any discrimination;**

(b) **Implement special measures for improving the birth registration system, greater access to registry services and sensitization and training for registry officials, with a view to ensuring that all children, including children born in remote areas, and displaced and stateless children, especially Rohingya children, are duly registered at birth and provided with birth certificates and identity cards;**

(c) **Develop a plan to provide birth registration to all children up to 18 years of age who have not yet been registered;**

(d) **Remove practical restrictions to ensure that all children are registered at birth without discrimination; and**

(e) **Abolish the local order restricting marriages for Rohingya people and cease practices which restrict the number of children of Rohingya people.**

#### **Freedom of thought, conscience and religion**

45. The Committee is concerned that the right of the child to freedom of thought, conscience and religion, although provided by the Child Law, is not respected or protected in practice. The Committee is further concerned about reports that some children are placed in Buddhist monasteries and converted to Buddhism without their parents' knowledge or consent and that the Government seeks to induce members of the Naga ethnic group, including children, in Sagaing Division to convert to Buddhism.

46. **In the light of article 14 of the Convention, the Committee urges the State party to ensure full respect for the right to freedom of thought, conscience and religion for all children. The Committee recommends that the State party cease placing children in Buddhist monasteries and converting them to Buddhism without their parents' knowledge or consent, and inducing members of the Naga ethnic group, including children, to convert to Buddhism.**

#### **Freedom of expression, association and peaceful assembly**

47. While welcoming the release of political prisoners, the Committee is concerned about reports that children were kept political prisoners. The Committee is further concerned that the rights to freedom of expression and association, which also affect children, are severely limited in practice and that little space has been created for children to assemble or form associations outside the framework of Government-controlled NGOs.

48. **The Committee urges the State party to:**

(a) **Ensure that no child is made a political prisoner;**

(b) **Ensure the full implementation of the rights to freedom of expression and freedom of association and peaceful assembly, in accordance with articles 13, 15 and 17 of the Convention; and**

(c) **Take measures to encourage children to form associations on their own initiatives outside the framework of Government-controlled NGOs.**

#### **Access to appropriate information**

49. While noting the recent steps taken to lift censorship, the Committee is concerned about the very limited access of children to internet, new technologies and appropriate information. The Committee is further concerned that young people continue to be prevented from freely accessing information and communicating with others.

50. **The Committee recommends that the State party improve children's access to information, inter alia by providing greater access to newspapers, libraries, radio, television and Internet, and to ensure that children are protected from harmful information. The Committee also urges the State party to ensure that children have the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, through any media of the child's choice.**

#### **Torture or other cruel, inhuman or degrading treatment or punishment**

51. The Committee is deeply concerned about reported cases of torture of children political prisoners, and cases of children victims of cruel, inhuman or degrading treatment or punishment when arrested.

52. **In the light of article 37 (a) of the Convention, the Committee urges the State party to:**

(a) **Take all necessary measures to prevent, prohibit and protect children from all forms of torture or other cruel, inhuman and degrading treatment or punishment in all settings;**

(b) **Ensure prompt, independent and effective investigation of all alleged cases of torture or ill-treatment of children and, as appropriate, prosecute offenders;**

(c) **Provide care, recovery, compensation and rehabilitation for victims; and**

(d) **Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment.**

#### **Corporal punishment**

53. While noting the legal provisions prohibiting corporal punishment in schools and welcoming the ongoing discussion in the State party with a view to prohibiting corporal punishment in all settings, the Committee is concerned that corporal punishment is still lawful within the family and in alternative care settings and is a disciplinary measure in prisons, including for children under 16 years of age.

54. **With reference to the Committee's general Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recalls its previous concluding observations (CRC/C/15/Add.237) and urges the State party to:**

(a) **Ensure that legal provisions prohibiting corporal punishment in school are effectively implemented and that legal proceedings are systematically initiated against those responsible for ill-treating children;**

(b) **Withdraw provisions of the Child Law and the Penal Code authorizing corporal punishment and prohibit unequivocally by law and without any further delay corporal punishment in all settings, including the family, penal institutions, and alternative care settings;**

(c) Strengthen sustained public education, awareness-raising and social mobilization programmes involving children, families, communities and religious leaders on both the physical and psychological harmful effects of corporal punishment with a view to changing the general attitude towards this practice and promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment; and

(d) Ensure the involvement and participation of the whole society, including children, in the design and implementation of preventive strategies against violence and other forms of abuse.

**E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

**Children deprived of a family environment**

55. While noting that the Department of Social Welfare developed Minimum Standards on Care and Protection of Children in Residential Care (2008), the Committee expresses its concern about the increase in the number of children in residential care facilities; the lack of regulation of private and religious organizations that run residential institutions for children; and reports of physical abuse of children in residential institutions.

56. **The Committee recommends that the State party:**

(a) **Develop a strategy for the deinstitutionalization of children with a clear time frame and budget, which includes the reintegration of children with their families, as far as possible, while taking into account the best interests and the views of the child;**

(b) **Ensure that all residential institutions for children that are run by private and religious organizations are registered and officially authorized to exert as alternative care institutions;**

(c) **Develop clear guidelines in order to ensure that children's rights are respected throughout the entire process of placement in alternative care, with priority given to family-type and community-based measures; in doing so take into account the Guidelines for the Alternative Care of Children;**

(d) **Ensure systematic periodic review of the quality of care and regular training, including in child rights, of its relevant professionals; and**

(e) **Establish mechanisms for receiving complaints, investigations and prosecutions for child abuse in alternative care settings and ensure that victims of abuse have access to complaints procedures, counselling, medical care and other recovery assistance as appropriate.**

**Adoption**

57. The Committee is concerned that adoption is regulated by different sources of law, namely codified and customary laws, which may undermine the State party's efforts to ensure that provisions on adoption conform fully to the principles and provisions of the Convention. The Committee is particularly concerned about the lack of application of the Child Law provisions on adoption and the different forms of customary adoption under the 1939 Registration of Kittima Adoptions Act, which only applies to Myanmar Buddhists. The Committee is further concerned about the absence of a thorough agreed monitoring system of adoptions.

58. The Committee reiterates its recommendation (CRC/C/15/Add. 237, para. 47) that the State party undertake a review of its system of adoption with a view to ensuring that existing legislation on adoption, namely the 1993 Child Law and the 1939 Registration of Kittima Adoptions Act, is brought into compliance with the Convention. The Committee further recommends that the State party set up a monitoring mechanism to ensure that adoption procedures are in accordance with the Convention and are rigorously monitored, and that records are kept. The Committee also recommends that the State party ratify the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

**Violence against children, including abuse and neglect**

59. While noting that the 1993 Child Law contains various provisions on violence against children, the Committee remains concerned about the widespread violence against and abuse of children, and reiterates its concern (CRC/C/15/Add.237, para. 48) at the lack of appropriate measures, mechanisms and resources to prevent and combat domestic violence, including physical and sexual abuse and the neglect of children; the limited access to services for abused children; and the lack of data on the aforementioned.

60. The Committee recommends that the State party, taking into account the Committee's general comment No. 13 (2011) on the right of the child to freedom from all forms of violence:

(a) Prioritize the elimination of all forms of violence against children, including by ensuring the implementation of the recommendations of the United Nations study on violence against children (A/61/299), taking into account the outcome and recommendations of the Regional Consultations for South Asia (held in Islamabad, 19–20 May 2005), and paying particular attention to gender aspects;

(b) Provide information concerning the implementation by the State party of the recommendations of the above-mentioned study in its next periodic report, particularly those highlighted by the Special Representative of the Secretary-General on violence against children, namely:

(i) The development in each State of a national comprehensive strategy to prevent and address all forms of violence against children;

(ii) The introduction of an explicit national legal ban on all forms of violence against children in all settings; and

(iii) The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence against children;

(c) Ensure that administrative measures reflect Government obligations to establish policies, programmes, monitoring and oversight systems required to protect the child from all forms of violence; and

(d) Cooperate with the Special Representative of the Secretary-General on violence against children and seek technical assistance, inter alia, from the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the World Health Organization (WHO), the International Labour Office (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNODC), and NGO partners.

## **F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

### **Children with disabilities**

61. The Committee notes with appreciation that the State party ratified the Convention on the Rights of Persons with Disabilities; conducted the National Disability Survey in 2010; completed the National Plan of Action for Persons with Disabilities 2010–2012; and is drafting a law to protect the rights of persons with disability. However, the Committee is concerned about remaining widespread stigma and discrimination against persons with disabilities, the lack of dissemination of the findings of the National Disability Survey; and the lack of adequate resources for the implementation of the National Plan of Action for Persons with Disabilities. The Committee is also concerned that efforts made by the State party to facilitate the inclusion of children with disabilities into the educational system and society at large are insufficient, especially in rural and remote areas, and that only children with mild impairment in sight, hearing and speaking, particularly those living in cities, are included in inclusive education programmes.

**62. The Committee recommends that the State party, taking into account the general comment No. 9 (2006) on the rights of children with disabilities, continue to strengthen measures to protect and promote the rights of children with disabilities. The Committee recommends in particular that the State party:**

**(a) Widely disseminate the findings of the survey and the National Plan of Action for Persons with disabilities to raise public awareness, and include children with disability in these awareness-raising and social change interventions to address widespread stigma and discrimination;**

**(b) Undertake greater efforts to make available financial resources for the implementation of the National Plan of Action for Persons with Disabilities 2010–2012, especially at the local level;**

**(c) Pursue efforts to ensure that all children with disabilities exercise their right to education and allocate sufficient resources in order to integrate them, as much as possible, into a system of inclusive education in regular schools; and**

**(d) Consider ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities.**

### **Health and health services**

63. The Committee notes that the State party has developed the National Child Health Strategic Plan 2010–2014 and the National Reproductive Health Strategic Plan 2009–2013 and that the maternal mortality rate has declined. However, the Committee remains deeply concerned about the low percentage of the gross domestic product (GDP) spent on health and the lack of human and financial resources for and accessibility to health services, particularly in remote areas. The Committee is further concerned about the high prevalence of preventable common illnesses, such as acute respiratory infections, pneumonia, diarrhoea and malaria; the high under-5 mortality and infant mortality rates; the high number of children chronically malnourished; and the high prevalence of underweight and stunted children under 5 years. The Committee is further concerned that only 15 per cent of infants are exclusively breastfed.

**64. The Committee urges the State party to:**

**(a) Increase the allocation of financial and human resources to the health sector, and in particular:**

- (i) **Allocate adequate resources to fully implement the Health Strategic Plan 2010–2014, in particular with regard to maternal and newborn care and treatment of common illnesses such as acute respiratory infections, pneumonia, diarrhoea and malaria to further reduce infant and child mortality, and**
- (ii) **Increase resources for reproductive health, including access to emergency obstetric care;**
- (b) **Strengthen its efforts to reduce infant, child and maternal mortality;**
- (c) **Strengthen its programmes to reduce and eventually eliminate child malnutrition;**
- (d) **Take appropriate steps to ensure free and equal access to primary health care in all areas of its territory, including in remote areas;**
- (e) **Improve access to safe drinking water and sanitation; and**
- (f) **Strengthen its efforts to promote exclusive breastfeeding until 6 months of age by raising the awareness of health personnel and the public of the importance of exclusive breastfeeding.**

#### **Adolescent health**

65. While welcoming the development of a National Strategic Plan for Adolescent Health, the Committee is concerned about the general lack of knowledge among adolescents of sexual and reproductive health, which has an impact on the number of early pregnancies and abortions among girls below the age of 18. The Committee is further concerned about the limited access by adolescents to contraceptives.

66. **Referring to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee recommends that the State party raise awareness among adolescents about sexual and reproductive health and the negative impact of early pregnancies and abortion, and provide access to contraceptives.**

#### **HIV/AIDS**

67. The Committee notes the relatively low HIV infection rate and welcomes the fact that the new national Strategic Plan on HIV/AIDS (2011–2015) includes a strategic priority for orphans and vulnerable children infected and affected by HIV. However, the Committee remains concerned that children are still largely absent from the HIV control programme agenda and by the low antiretroviral therapy availability to children and mothers in need.

68. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:**

- (a) **Increase its efforts to prevent the spread of HIV/AIDS, with an emphasis on prevention among young people, provide protection and support for orphans and vulnerable children, and ensure universal and cost-free access to antiretroviral therapy;**
- (b) **Undertake studies and systematic data collection to control the spread of HIV; and**
- (c) **Seek technical assistance from, inter alia, the United Nations Joint Programme on HIV/AIDS (UNAIDS) and UNICEF.**

**Standard of living**

69. While noting the development of the Poverty Alleviation Plan for 2011–2015, the Committee is concerned about the persistently high rate of poverty among children and the lack of information received on the resources allocated to implement this plan. The Committee is further concerned about the significant income disparities between urban and rural areas, which affect the standard of living of children, as well as regional disparities in poverty which result, for example, in the Eastern Shan State having 20 per cent and the Chin State having 40 per cent, respectively, food poverty compared to the national average of 10 per cent. In addition, the Committee expresses concern about serious gaps in the supply of safe drinking water, especially in schools and rural areas, and inadequate sanitation facilities, which affect the health of and the ability to retain children in school.

70. **The Committee recommends that the State party:**

(a) **Ensure that adequate resources are allocated to the fight against poverty, especially child poverty, including by increasing resources to the most disadvantaged families and areas;**

(b) **Take necessary measures to improve the standard of living for all children within its territory, with particular focus on remote and border areas, and address income disparities between urban and rural areas, which also affect children;**

(c) **Study and address the root causes of child poverty; and**

(d) **Develop and implement policies relating to safe drinking water and sanitation, especially in rural areas, and ensure that children in schools have equitable access.**

**Children in prison with their mothers**

71. The Committee is deeply concerned that children detained in jails and prisons with their mothers are denied adequate health care and nutritious food, and their mothers are often denied assistance during childbirth. The Committee is also concerned about the absence, for these children, of everyday stimuli and educational material, which hampers their social and emotional development. The Committee is further concerned about numerous cases of lack of contact between detainees and their families, including their children.

72. **The Committee urges the State party to ensure that:**

(a) **Detained children are provided with enough food and access to health and education services;**

(b) **The living conditions in detention meet the needs of the children, including access to water and sanitation facilities and access to education, and are compatible with the rights under the Convention; and**

(c) **Detainees are allowed to see their children on a regular basis.**

**G. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)****Early childhood development**

73. While noting that the National Plan of Action “Education for All” contains a strategy for children aged 0–5 to develop to their fullest potential, the Committee is

concerned about the absence of a budget for early childhood development activities and well-planned and comprehensive early childhood care and development programmes.

74. The Committee draws the attention of the State party to the Committee's general comment No. 7 (2005) on implementing child rights in early childhood and recommends that the State party allocate adequate human, technical and financial resources to the implementation of a policy on early childhood care and development that will lay a solid foundation for the educational development of the children of Myanmar. This policy should involve the parents and include health, nutrition, education and emotional development of children from 0 to school age.

#### **Education, including vocational training and guidance**

75. While noting the statement of the delegation that resources allocated to education will increase, the existence of a National Plan of Action (2003–2015) "Education for all", the Education Activities in the Framework of the Rural Development and Poverty Alleviation Plan (2011–2015) and the construction of schools in the framework of the border-area development programme, the Committee remains concerned about:

- (a) The allocation of only 0.9 per cent of GDP on education, which meets only a fraction of the overall costs;
- (b) The absence of a ministry in charge of education;
- (c) The limited length of compulsory education, which ends at fifth grade;
- (d) The low primary school enrolment, the high repetition and dropout rates in the educational system at a very early stage and the disparity in access to education in different states and divisions;
- (e) The payment by the families of indirect costs despite the provision for a "fee-free" entitlement and the low salary of teachers;
- (f) The shortage of teachers and schools, especially in rural areas and regions affected by armed conflict; and
- (g) The absence of teaching in other languages than Myanmar.

76. The Committee recommends that the State party, taking into account the general comment No. 1 (2001) on the aims of education:

- (a) Increase the budget allocated to education to reflect regional and international standards;
- (b) Ensure leadership in the governance of the education sector, notably by establishing a ministry of education that is well-funded, decentralized and not bureaucratic;
- (c) Extend compulsory education to 16 years of age and take all the necessary measures to ensure that children enrol in and complete primary and secondary school, including children living in remote and border areas;
- (d) Ensure that primary education is free for all without secondary costs;
- (e) Enable teachers to teach by paying them reasonable salaries and provide good-quality teaching and learning materials through a thorough review and reform of the curricula and pedagogy methods involving professional experts in education;
- (f) Increase the number of schools, particularly in remote areas; and
- (g) Adapt the school curriculum to suit the particular situation of the local communities, make use of local teachers to help children who are experiencing



**language difficulties and revise the language-instruction policy to reflect international standards regarding cultural rights.**

## **H. Special protection measures (arts. 22, 30, 32–36, 38–40 and 37 (b)-(d) of the Convention)**

### **Internally displaced children**

77. The Committee is deeply concerned about children and their families obliged to flee conflict-affected areas and also expresses its concern about the negative impact on children of forced evictions of families from their homes for the purpose of extractive industry and large-scale development projects.

78. **The Committee urges the State party to:**

- (a) **Acknowledge and address the issues of internally displaced persons, including children, due to conflict or forced evictions;**
- (b) **Prevent situations which force children and their families to be displaced;**
- (c) **Promptly put an end to forced evictions; and**
- (d) **Take all measures to guarantee the rights and well-being of internally displaced children, including by providing access to clean water, adequate sanitation, food and shelter to the internally displaced population, and paying due attention to their needs in terms of health and education.**

### **Children in situations of migration**

79. The Committee is deeply concerned about reported serious violations of human rights committed at the borders against deported Myanmar migrants, including girls being sold to brothels or brokers and boys being conscripted; the existence of children aged 15–17 years of age within the workforce of Myanmar migrants; and the prohibition on the return of Rohingya people, including children, who fled the country.

80. **The Committee strongly recommends that the State party:**

- (a) **Take the necessary measures to eliminate human rights violations against migrant boys and girls;**
- (b) **Implement comprehensive measures to address the root causes of migration, which include armed conflict, discrimination and deprivation of economic, social and cultural rights; and**
- (c) **Allow Rohingya people, including children, who fled Myanmar to return to the country, and assist them in their reintegration.**

### **Children involved in armed conflict**

81. The Committee notes the efforts of the Government of Myanmar and the Committee on the Prevention of Military Recruitment of Underage Children to prevent and halt the recruitment and use of child soldiers. The Committee also notes that the State party cooperated with ILO to return underage recruits. However, the Committee is deeply concerned by:

- (a) **Reliable reports of the ongoing recruitment of child soldiers, both in the military and by non-State actors, and the estimates of thousands of underage soldiers;**

(b) The State party's responses, which have not reached children reported to be present in the listed non-State armed groups; and

(c) The refusal to allow the international community access to the listed non-State armed groups; and

(d) The use of forced labour of children in support of military garrisons or military operations and of non-State armed groups, in activities such as portering, sentry or guard duty and camp-security-fence construction, in particular in ethnic or religious minority regions.

**82. The Committee urges the State party to:**

**(a) Strengthen its activities aimed at preventing the use of children in armed conflict by the military, releasing and reintegrating existing child soldiers, and extend these activities to non-State ceasefire groups;**

**(b) Require that a national registration card or original birth certificate be the minimum age verification criteria accepted by the Armed Forces and cease the system of offering incentives to those enlisting new recruits;**

**(c) Identify all children within the ranks of the Armed Forces, register and demobilize them with full family tracing, reunification and reintegration support from UNICEF and other child protection partners;**

**(d) Take the appropriate measures to systematize, institutionalize and strengthen disciplinary processes and/or action against those responsible for aiding and abetting the recruitment of child soldiers, in particular ensure that all persons, including senior officials, who have sponsored, planned, incited, financed or participated in military or paramilitary operations using child soldiers are prosecuted by independent and impartial courts;**

**(e) Facilitate contact between armed groups operating in Myanmar and the United Nations in order to prevent recruitment of children;**

**(f) Ensure that the protection of children in armed conflicts is included as an important aspect of any comprehensive strategy to negotiate transformation of ceasefire groups to border-guard forces or to resolve conflict with other non-State armed groups;**

**(g) Take immediate and effective measures to eliminate child labour in support of military garrisons and operations and of non-State armed groups, in activities such as portering, sentry or guard duty and camp-security-fence construction, in particular in ethnic or religious minority regions, and take the appropriate measures to systematize and institutionalize disciplinary processes and/or action against the military officers and civilians responsible for recruiting and using child labour;**

**(h) Fully implement the recommendations contained in the mission report of the Special Representative of the Secretary-General for Children and Armed Conflict of 23 April 2011; and**

**(i) Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.**

#### **Children affected by the armed conflict**

**83.** The Committee is deeply concerned about the impact of the armed conflict on children, including that children remain at risk of being shot in open conflict areas; access to humanitarian services is obstructed in conflict-affected areas; children are killed and

maimed by anti-personnel landmines and unexploded ordinance; they are displaced and live in poor economic and social situation; and schools were attacked during the many years of systematic destruction of entire villages by the military carrying out its “four cuts” policy.

**84. The Committee urges the Government to take appropriate measures to:**

(a) Strengthen its efforts to end the armed conflict and to ensure that the protection and promotion of children’s rights are given due consideration in any peace negotiations;

(b) Take all necessary measures to protect children against landmines, including by ending the use of landmines and carrying out mine clearance programmes, programmes for mine awareness and physical rehabilitation of child victims;

(c) Take all measures to guarantee the rights and well-being of internally displaced children;

(d) Take all possible measures to protect schools, their personnel and students in a context of conflict;

(e) Ensure that children affected by the conflict can be reintegrated into the education system, including through non-formal education programmes and by prioritizing the restoration of school buildings and facilities and provision of water, sanitation and electricity in conflict-affected areas; and

(f) Ratify the Rome Statute on the International Criminal Court; the Convention on Cluster Munitions; the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime; the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction; and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (with Protocols I, II and III).

#### **Economic exploitation, including child labour**

**85.** While noting that a plan of action aimed at eliminating child labour has been developed, the Committee is concerned about:

(a) The widespread use of child labour in unacceptable conditions, including at an early age or in dangerous conditions, in the food-processing, street-vending, refuse-collecting and light-manufacturing industries, restaurants, teashops and family agricultural activities, as well as in large-scale development projects in the extractive and energy industries;

(b) The minimum legal age for the employment of children (set at 13 years of age);

(c) The persistence of economic exploitation of children, including low wages, working the same hours as adults and being engaged in dangerous and hazardous forms of work;

(d) The lack of enforcement of the labour laws; and

(e) The absence of systematic labour inspections.

**86. The Committee recalls its previous concluding observations (CRC/C/15/Add.237, para. 69) and strongly recommends that the State party:**

(a) Take immediate and effective measures to eliminate child labour in unacceptable conditions, including at an early age or in dangerous conditions, in food-processing, street-vending, refuse-collecting and light-manufacturing industries, restaurants, teashops and family agricultural activities, as well as in large-scale development projects;

(b) Implement effective measures to address the deep-rooted socio-economic factors that push children into the workforce;

(c) Amend legal provisions to increase the minimum age for the employment of children to 16 years;

(d) Strengthen the enforcement of labour laws and the Child Law to protect children and to ensure prosecution of those who make use of forced labour of children, and provide reparation and sanctions;

(e) Improve labour inspections to ensure that these comprehensively monitor all aspects of the work environment, including the use of child labour;

(f) Continue to seek technical assistance from the ILO International Programme on the Elimination of Child Labour in this regard;

(g) Take the appropriate measures to systematize and institutionalize disciplinary processes and/or action against the military officers and civilians responsible for recruiting and using child labour; and

(h) Ratify the ILO Conventions Nos. 138 (1973) concerning Minimum Age for Admission to Employment and 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

#### **Children in street situations**

87. The Committee is concerned about the lack of reliable information on the number of street children in all the townships; the limited acknowledgement by the Government of the issue of children in street situations; and the limited efforts to improve their situations and reintegrate them with their families.

88. The Committee recommends that the State party:

(a) Undertake a systematic assessment of the conditions of children in street situations in order to obtain an accurate picture of its root causes and magnitude and provide information to the Committee in the next report;

(b) Develop and implement, with the active involvement of the children concerned, a comprehensive policy which should address the root causes in order to prevent and reduce this occurrence;

(c) Provide children in street situations with necessary protection, adequate health-care services, education and other social services;

(d) Support family reunification programmes, when it is in the best interests of the child; and

(e) Provide children with adequate information on how they can protect themselves, and on how they can lodge complaints against those who exploit them.

#### **Sexual exploitation and abuse**

89. The Committee is deeply concerned about:

- (a) Inadequate provisions in the Child Law on the protection of children victims of commercial and sexual exploitation;
- (b) Reports of sexual abuse of girls and boys in the home, in the community, at work, in institutions and in some schools, and reports of girls sold for prostitution by their parents;
- (c) Information on acts of rape and sexual violence committed by military personnel and police officers against young girls and adolescents over the past years; and
- (d) Prosecution of children engaged in prostitution.

90. **The Committee strongly recommends that the State party:**

- (a) **Amend the Child Law to protect children from commercial and sexual exploitation;**
- (b) **Strengthen law enforcement and enhance legal aid for abused and exploited children;**
- (c) **Take all necessary measures to prevent and end sexual abuse and exploitation through a comprehensive strategy, notably by prosecuting perpetrators, holding public debates and conducting public educational programmes, including campaigns organized in cooperation with opinion leaders, families and the media;**
- (d) **Conduct proper investigations and provide justice to the victims of rape committed by military personnel and police officers; and**
- (e) **Ensure that victims of sexual abuse and exploitation are not criminalized and have access to appropriate recovery and reintegration programmes and services.**

**Sale, trafficking and abduction**

91. The Committee notes the State party's overall efforts in combating human trafficking. In particular, the Committee welcomes the accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; the signature of the Memorandum on Coordinated Mekong Ministerial Initiative against Trafficking; the adoption of the Anti-Trafficking in Persons Law in 2005; the adoption of the Five-Year National Plan of Action to Combat Human Trafficking (2007–2011); the establishment of the Central Body for Suppression of Trafficking in persons in 2006 and the plan to organize a special police force for child protection. It also notes the State party's significant efforts to combat international sex trafficking of women and girls and to protect repatriated victims of cross-border sex trafficking. However, the Committee remains concerned that:

- (a) The State party is a source country for men, women and children who are subjected to trafficking in persons, specifically forced labour, and for women and children in forced prostitution in other countries;
- (b) Trafficking and sexual exploitation of women and girls persist in the country for the purpose of prostitution, particularly in urban areas; and
- (c) The State party has made limited efforts to prevent and protect victims of internal trafficking and lacks information on the number of children victims of trafficking.

92. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party:**

- (a) **Strengthen its efforts to combat international and internal child trafficking, including by establishing more rigorous border control;**

- (b) Increase awareness-raising, in particular among children and young people, on the risks associated with trafficking and migration;
- (c) Address the root causes of trafficking;
- (d) Ensure that adequate measures are taken to hold perpetrators of child sale, trafficking and abduction accountable for their offences;
- (e) Strengthen its efforts to ensure physical and psychological recovery and social reintegration of children victims of exploitation and trafficking; and
- (f) Continue to seek assistance from, among others, UNICEF.

#### **Administration of juvenile justice**

93. The Committee notes the progress made in the administration of juvenile justice and the issuance in October 2010 of the Protocols on Child Friendly Police Investigations as a national directive by the police force. However, the Committee is concerned about:

- (a) The provisions of the Child Law setting the age of criminal responsibility at 7 years, which is at a level well below internationally accepted standards;
- (b) The high number of children in pretrial detention;
- (c) The prevalence of physical punishment for children in contact or in conflict with the law;
- (d) The existence of only two specialized juvenile courts covering limited parts of the country and the lack of training provided to specialized judges;
- (e) The conditions of detention in police stations during the arrest and pretrial detention, as well as in the prisons, which are very poor and do not respect strict separation from adults, nor ensure the right to maintain contact with the family; and
- (f) The lack of appropriate measures in the juvenile justice system to facilitate the social reintegration of children.

94. **The Committee recommends that the State party bring the juvenile justice system fully in line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), the Guidelines for Action on Children in the Criminal Justice System and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular, the Committee urges the State party to:**

- (a) Amend the Child law to bring it in conformity with the Convention, in particular by raising the legal age of criminal responsibility to an internationally acceptable level, and in no case below the age of 12 years;
- (b) Ensure that pretrial detention is used only for serious crimes and that alternative measures are used for other crimes;
- (c) Ensure that no child is subject to abuse and ill-treatment when in contact or in conflict with the law;
- (d) Establish specialized juvenile courts with adequate human, technical and financial resources throughout the territory of the State party, introduce specialized judges for children in all the regions and ensure that such specialized judges receive appropriate education and training;

(e) Take measures to prevent that children deprived of liberty in police stations or in detention facilities are kept with adults, and that girls are kept with boys, and to ensure that they have a safe, child-sensitive environment, and that they maintain regular contact with their families;

(f) Make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including UNODC, UNICEF, OHCHR and NGOs and seek technical assistance in the area of juvenile justice from members of the Panel.

#### **Child victims and witnesses of crimes**

95. The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and/or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation and trafficking, are provided with the protection required by the Convention and that it take fully into account the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime.

#### **Children belonging to minority or indigenous groups**

96. The Committee reiterates its concern (CRC/C/15/Add.237, para. 27) that children belonging to ethnic, indigenous, religious and other minority groups, in particular Rohingya children, face multiple restrictions and forms of discrimination and continue to be denied access to basic rights, including the right to food, health care, education, survival and development, as well as the right to enjoy their culture and to be protected from discrimination.

97. The Committee recalls its previous concluding observations (CRC/C/15/Add.237) and urges the State party to gather additional information on all ethnic minorities and other marginalized groups and to elaborate policies and programmes to fully ensure the implementation of their rights without discrimination. The Committee recommends in particular that the State party take effective measures to improve access to education and primary health care for children in the northern Rakhine State. The Committee also recommends that the State party take into account the Committee's general comment No. 11 (2009) on indigenous children and their rights under the Convention.

### **I. Ratification of international human rights instruments**

98. In order to further strengthen the fulfilment of children's rights, the Committee urges the State party to ratify all the core United Nations human rights treaties and their Optional Protocols, namely the:

(a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

(b) International Convention on the Elimination of All Forms of Racial Discrimination;

(c) International Covenant on Economic, Social and Cultural Rights and its Optional Protocol;

(d) International Covenant on Civil and Political Rights and its Optional Protocols;

(e) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(f) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;

(g) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(h) Optional Protocol to the Convention on the Rights of Persons with Disabilities; and the

(i) International Convention for the Protection of All Persons from Enforced Disappearance.

99. It also urges the State party to ratify:

(a) Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations; and the

(b) Convention on the Law Applicable to Maintenance Obligations, and the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children.

## **J. Cooperation with regional and international bodies**

100. The Committee recommends that the State party cooperate with the Association of Southeast Asian Nations (ASEAN) Commission on the Promotion and Protection of the Rights of Women and Children in the implementation of the Convention and other human rights instruments both in the State party and in other ASEAN member States.

## **K. Follow-up and dissemination**

101. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, inter alia, transmitting them to members of the Government, Parliament, relevant ministries, the Supreme Court and to local authorities for appropriate consideration and further action.

102. The Committee further recommends that the third and fourth periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in several languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and its Optional Protocols and of their implementation and monitoring.

## **L. Next report**

103. The Committee invites the State party to submit its combined fifth and sixth periodic report by 13 February 2017 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October



**2010 (CRC/C/58/Rev.2 and Corr.1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the reporting guidelines. In the event a report exceeding the page limitations is submitted, the State party will be asked to review and eventually resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, then translation of the report for purposes of examination of the treaty body cannot be guaranteed.**

**104. The Committee also invites the State party to submit a core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).**

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