



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

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the report of Myanmar submitted under the exceptional reporting procedure\*

1. The Committee considered the report of Myanmar submitted under the exceptional reporting procedure ([CEDAW/C/MMR/EP/1](#)) at its 1668th meeting ([CEDAW/C/SR.1668](#)), held on 22 February 2019. The Committee's list of issues and questions prior to the submission of the report is contained in [CEDAW/C/MMR/QPR/EP/1](#).

#### A. Introduction

2. Following the consideration of the combined fourth and fifth periodic reports of Myanmar ([CEDAW/C/MMR/4-5](#)) at its 1407th and 1408th meetings ([CEDAW/C/SR.1407](#) and [CEDAW/C/SR.1408](#)), held on 7 July 2016, the Committee requested the State party to submit by July 2018 written information on the steps taken to implement the Committee's recommendations to ensure birth registration of Rohingya and those belonging to other ethnic minority groups and remove all obstacles faced by Rohingya women and girls with regard to citizenship and to urgently establish an independent body to investigate allegations of violence, including sexual and other forms of gender-based violence, against women and girls belonging to ethnic minority groups and prosecute alleged perpetrators and, if convicted, punish them with appropriate sanctions ([CEDAW/C/MMR/CO/4-5](#), paras. 45 (d) and (f) and 54). On 14 January 2019, the Committee sent a reminder to the State party.

3. By its decision 68/II, in accordance with article 18 (1) (b) of the Convention and its decision 21/I, the Committee decided to request the Government of Myanmar to submit an exceptional report by May 2018 on the ongoing situation of Rohingya women and girls in northern Rakhine State (see [A/54/38/Rev.1](#), part two, chap. I; and [A/73/38](#), part two, chap. I). The Committee expresses its appreciation to the State party for the exceptional report submitted on 1 February 2019 but regrets that the report contained limited and vague information and did not adequately address all the questions posed by the Committee.

4. The Committee commends the State party on its high-level delegation, which was headed by Win Myat Aye, Union Minister, Ministry of Social Welfare, Relief and Resettlement, and included representatives from the Ministry of Defence, the Police

\* Adopted by the Committee at its seventy-second session (18 February–8 March 2019).



Force from the Ministry of Home Affairs, the Ministry of Foreign Affairs and the Permanent Mission of the Republic of the Union of Myanmar to the United Nations and other international organisations in Geneva.

## **B. Context**

5. The Committee regrets the systematic and widespread acts of violence specifically targeting Rohingya women and girls during the military security “clearance operations”, which followed the 25 August 2017 attacks on border posts in northern Rakhine State and led to the mass displacements of over 745,000 Rohingya to Bangladesh. It notes that the sexual violence against women and girls included rape, gang rape, sexual slavery, forced nudity, sexual humiliation, mutilation and sexual assault and in some cases the victims were subsequently killed. The Committee is deeply concerned that similar patterns of abuses have been reported for at least three decades, with no evidence of measures taken to effectively prevent and address the human rights violations committed. It notes that authorities of the State party continue to deny that any sexual violence has been committed, which leads to the conclusion that no genuine efforts have been taken to hold perpetrators accountable. The Committee is gravely concerned about the situation of about 596,000 stateless Rohingya who remained in northern Rakhine State, of which over 120,000 are newly internally displaced. Furthermore, the continuous arrival of Rohingya refugees in Bangladesh to December 2018 and their testimonies lead the Committee to conclude that women and girls continue to be at risk of gender-based violence, including sexual violence.

6. The Committee notes that, in recent decades, Rohingya women and girls have been victims of at least four incidences of mass violence, with widespread killings, arrests, torture, rapes, forced labour and other abuses resulting in waves of mass displacement. In 1977, the government programme known as *Nagamin* (dragon king) resulted in 200,000 Rohingya seeking refuge from violence in Bangladesh. In 1991, 250,000 Rohingya escaped once again to Bangladesh. In 2012, almost 200,000 Rohingya were confined in internally displaced persons camps in and around Sittwe. In 2016 and 2017, military security “clearance operations” led to an influx of over 800,000 refugees to Bangladesh.

7. The multiple and credible reports by United Nations human rights mechanisms, including the Office of the United Nations High Commissioner for Human Rights, the independent international fact-finding mission on Myanmar, the Special Rapporteur on the situation of human rights in Myanmar, the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative of the Secretary-General on Sexual Violence in Conflict, have documented a pattern of widespread atrocities perpetrated against Rohingya women and girls, who have been systematically targeted due to their ethnicity and religion. Evidence indicates that sexual violence was commanded, orchestrated and perpetrated by the armed forces of Myanmar, with the involvement of the border guard police and militias.

8. The Committee is concerned about the government structures specific to northern Rakhine State, with the border guard police holding both security and administrative authority over the townships with predominantly Rohingya populations. That unique arrangement has resulted in myriad local orders restricting freedom of movement, including to places of livelihood, and access to health services, including sexual and reproductive services, education and housing for Rohingya women and girls in the State party. The Committee recalls that the State party’s accountability with respect to implementing its obligations under article 2 is engaged through acts of commission and omission of all branches of Government. The

decentralization of power does not absolve the State party of its responsibility to fulfil its obligations to all women within its jurisdiction.

9. The Committee notes the establishment by the State party establishment of a series of national commissions to address the situation in northern Rakhine State, among which have been the Inquiry Commission on Sectarian Violence in Rakhine State, in August 2012, the Investigation Commission for the Du-Chee-Yar-Tan incident and related events, in 2014, the Advisory Commission on Rakhine State, chaired by Kofi Annan, in September 2016, the State-level committee on violence in Maungdaw, in October 2016, the Maungdaw Region investigation commission, in December 2016, the military board of inquiry on violence in Maungdaw, led by Lieutenant-General Aye Whin, in February 2017, the departmental inquiry conducted by the police on violence in Maungdaw, in February 2017, and the Independent Commission of Enquiry, chaired by Rosario Manalo, a member of the Committee on the Elimination of Discrimination against Women serving in her personal capacity, in 2018. The Committee deeply regrets that each of those investigative commissions found that no human rights violations had taken place, and that consequently no one was held accountable, and regrets the absence of independent and credible national justice institutions in the State party.

10. In its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee considers that States parties are under an obligation to act with due diligence to investigate all crimes, including that of sexual violence perpetrated against women and girls, to punish perpetrators and to provide adequate compensation without delay. The Committee recommends specific punitive, rehabilitative, preventive and protective measures that States parties should introduce to fulfil that obligation.

### **C. Positive aspects**

11. The Committee welcomes the steps taken towards the adoption of the draft law for the prevention of violence against women and the protection of women from violence and the technical cooperation established between the Government and United Nations agencies to ensure its compliance with the Convention.

12. The Committee welcomes the signature by the State party of a joint communiqué with the Special Representative on Sexual Violence in Conflict, in the context of the implementation of Security Council resolution 2106 (2013), on 7 December 2018, identifying six priority areas for cooperation, including supporting legal reforms to respond to sexual violence, training and capacity-building of the justice and security sectors, providing assistance to survivors of sexual violence, ensuring that prevention of sexual violence is included in peace agreements and transitional justice and that perpetrators are excluded from amnesty and mitigating conflict-related trafficking for the purpose of sexual exploitation.

### **D. Legal reform**

13. The Committee is concerned that the Constitution of Myanmar of 2008 affords immunity to government officials and guarantees the autonomy of the military, which perpetuates impunity, given that it, inter alia:

(a) Grants the defence services the right to independently administer and adjudicate all affairs of the armed forces, under chapter I, article 20 (b);

(b) Exempts the Commander-in-Chief from legal constraints, under chapter XI, article 419;

(c) Prohibits proceedings against any member of the Government, in respect of any act done in the execution of their respective duties, under chapter XIV, article 445;

(d) Confers on the President the power to grant amnesty in accordance with the recommendation of the National Defence and Security Council, under chapter V, article 204 (b).

**14. The Committee recommends that the State party take the measures necessary to amend the provisions of the Constitution that grant government officials, including military and security officers, immunity for human rights abuses and to establish civilian jurisdiction over human rights violations.**

15. The Committee remains concerned that the Penal Code of 1861 does not establish adequate provisions and sanctions to protect women and girls from violence, including rape, sexual assault, other forms of gender-based violence and trafficking.

**16. Recalling its general recommendation No. 35, the Committee recommends that the State party amend the Penal Code to adopt a definition of violence against women, including rape and other forms of sexual and gender-based violence, in accordance with the Convention and international standards, and ensure that civilian courts have jurisdiction over the military for the prosecution of crimes of violence against women and girls.**

17. While welcoming the progress made towards the adoption of the draft law for the prevention of violence against women and the protection of women from violence, the Committee is concerned about delays in its adoption. In particular, it is concerned about the lack of information on:

(a) The scope of the criminal offences covered and the protection and support provided to victims and witnesses of sexual violence, including conflict-related sexual violence, under the draft law;

(b) Whether it allows for security forces to be investigated and prosecuted for conflict-related sexual violence and, if so, under which jurisdiction.

**18. The Committee recommends that the State party promptly adopt the draft law for the prevention of violence against women and the protection of women from violence and ensure that it covers conflict-related sexual violence, provides adequate protection and support to victims and witnesses of sexual violence and establishes civilian jurisdiction over those crimes, including when perpetrated by military or other security forces. The Committee also recommends that the State party circulate it for public consultation and seek the technical cooperation of the United Nations, including the United Nations country team and the Special Representatives on Sexual Violence in Conflict and for Children and Armed Conflict, to ensure its compliance with the Convention and international standards.**

19. The Committee regrets the continued absence of a comprehensive law guaranteeing protection against forced displacement and programmes focusing on women who are vulnerable to forced evictions, in particular those belonging to ethnic minority groups, such as the Rohingya.

**20. The Committee reiterates its previous recommendation (CEDAW/C/MMR/CO/4-5, para. 15 (c)) that the State party enact comprehensive legislation that protects women, in particular women belonging to various ethnic minority groups such as the Rohingya, from forced displacement.**

21. The Committee is concerned that, although the State party has ratified the Convention on the Prevention and Punishment of the Crime of Genocide, it has not

yet incorporated the crime of genocide into its Penal Code. It is also concerned that the State party has not criminalized serious international crimes, such as crimes against humanity and war crimes.

**22. The Committee recommends that the State party promptly review its Penal Code to criminalize serious international crimes, including genocide, crimes against humanity and war crimes, such as conflict-related sexual violence, and establish civilian jurisdiction over those crimes.**

#### **Nationality**

23. The Committee remains deeply concerned that the State party has been repeatedly cautioned about the discriminatory and outdated provisions of the Citizenship Law of 1982 and about the multiple citizenship verification exercises conducted in northern Rakhine State, which resulted in the arbitrary deprivation of nationality and statelessness of Rohingya women and girls. It is also concerned that members of the Rohingya ethnic group, including women and girls, who refused to identify as “Bengali” have been arbitrarily excluded from the verification process.

**24. The Committee recalls its previous recommendation (CEDAW/C/MMR/CO/4-5, para. 33) and recommends that the State party amend the Citizenship Law to remove discriminatory provisions based on ethnicity, use objective criteria to determine citizenship, such as descent, and restore citizenship to Rohingya women and girls. It also recommends that the State party ensure that Rohingya children are registered, provided with birth certificates and have the right to acquire a nationality where otherwise they would be stateless, in accordance with article 7 of the Convention on the Rights of the Child. It further recommends that the State party recognize the right of Rohingya to self-identity, ensure that any citizenship verification programme is implemented in a non-arbitrary and non-discriminatory basis and grant the Rohingya national citizenship documents within a reasonable time frame.**

### **E. Accountability, investigation and the judicial process**

25. The Committee regrets that, in its report, the State party indicated that, “despite repeated accusations that Myanmar Security Forces committed a campaign of rape and violence against Muslim women and girls residing in Rakhine State, there is no evidence to support these wild claims” (CEDAW/C/MMR/EP/1, para. 11) and that “while there have been alleged cases and accusations against members of the security forces, there [has] been no evidence and sufficient grounds to convict anyone. Actions cannot be based on narratives and rumours of unreliable sources” (ibid., para. 16). The Committee is concerned that the State party’s authorities have, on multiple occasions, denied allegations of violence, including rape and other forms of sexual violence, against Rohingya women and girls by security forces, contradicting considerable evidence to the contrary, including photographic evidence and the testimony of thousands of witnesses collected by United Nations human rights bodies and others. The Committee is deeply concerned about the following:

(a) The derogatory and humiliating statements made by senior officials against Rohingya women, such as those attributed to Colonel Phone Tint, the Rakhine State Minister for Border Security who, in September 2017, said: “Look at those women who are making these claims; would anyone want to rape them?”;

(b) The fact that there have been no meaningful, independent and impartial investigations into violence, including conflict-related sexual violence, committed by security forces in northern Rakhine State, nor arrests, prosecutions or convictions, in

recent years and in particular since the massive security “clearance operations” of August 2017;

(c) The lack of information about the measures taken to effectively implement the joint communiqué regarding the timely investigation of alleged crimes of sexual violence against Rohingya women and girls.

**26. The Committee urges the State party to promptly investigate and prosecute security personnel, including senior officials in the Tatmadaw chain of command, with regard to the serious international crimes, crimes against humanity, war crimes and conflict-related sexual violence that have been perpetrated, taking into consideration the findings of the independent international fact-finding mission on Myanmar providing sufficient information capable of constituting evidence in that regard.**

27. The Committee is concerned about the State party’s unwillingness to identify military officers, notwithstanding the well-founded testimony of victims and witnesses who have identified the presence in northern Rakhine State, during the military “clearance operations” in 2017, of the Western Command, headed by Major Maung Maung Soe until November 2017, the 33rd Light Infantry Division, headed by Brigadier General Aung Aung, the 99th Light Infantry Division headed by General Than Oo and the border guard police commanded by Brigadier General Thura San Lwin between October 2016 and October 2017 and, since then, by Brigadier General Myint Toe. The Committee takes note of reports that, as at January 2019, the 99th Light Infantry Division returned to northern Rakhine, accompanied by the 22nd Light Infantry Division.

**28. The Committee recommends that the State party take the measures necessary to identify and record the military, police and border guard units, their elements and chain of command, that were or still are present in northern Rakhine State since the security “clearance operations” August 2017 and make that information available to national and international investigative bodies, including those investigating human rights violations and international crimes. The Committee also recommends that the State party ensure that victims and witnesses, in and outside the country, who participate in judicial procedures are given physical protection and protection from reprisals.**

29. Regarding the Independent Commission of Enquiry established on 30 July 2018 to investigate the allegations of human rights violations and related issues, the Committee regrets the lack of information about: how the State party will ensure its independence and impartiality and avoid any conflict of interest; its mandate, terms of reference and timeframe; the procedure for the hearings and the steps following the investigations; the jurisdiction that will address its finding and recommendations; the mechanisms in place to ensure the protection of victims and witnesses; and how it will operate in accordance with international human rights standards. The Committee notes that a member of the Committee, Ms. Manalo, is serving as chair of the Commission of Enquiry in her individual capacity.

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

(a) **Take the measures necessary to ensure that the Independent Commission of Enquiry conducts its work in an independent and impartial manner and that none of its commissioners have a conflict of interest;**

(b) **Make publicly available information about the mandate of the Commission of Enquiry, its terms of reference, the time frame and methodology of investigations and the follow-up measures taken with regard to its findings and recommendations, including the eventual criminal investigations and prosecutions of alleged perpetrators;**

(c) **Ensure that the Commission of Enquiry takes a victim/survivor-centred approach and provides guarantees for the protection of victims and witnesses from reprisals;**

(d) **Ensure that the Commission of Enquiry carries out its investigations in accordance with international human rights standards with a view to establishing accountability.**

31. The Committee deeply regrets that the State party did not cooperate with the independent international fact-finding mission on Myanmar and other United Nations human rights mechanisms and refused access to northern Rakhine State, indicating an unwillingness to allow scrutiny and ensure accountability.

**32. The Committee urges the State party to cooperate with and grant unrestricted access to United Nations human rights and accountability mechanisms, including the Office of the United Nations High Commissioner for Human Rights, the independent international fact-finding mission on Myanmar, the independent international fact-finding mission on Myanmar, the Special Rapporteur on the situation of human rights in Myanmar and the Special Representatives on Sexual Violence in Conflict and for Children and Armed Conflict, to investigate human rights violations in northern Rakhine State.**

33. The Committee is very concerned that the State party's national justice systems, both civilian and military, do not have the independence, impartiality and capacity necessary to investigate, prosecute and sanction perpetrators of the serious human rights violations committed against Rohingya women and girls.

**34. The Committee recommends that the State party ratify the Rome Statute of the International Criminal Court and consider setting up a special tribunal under the auspices of an independent international authority to investigate and make determinations with regard to allegations of serious international crimes, crimes against humanity, war crimes and conflict-related sexual violence committed by the Tatmadaw and others against Rohingya women and girls. The Committee also recommends that such a special tribunal be mandated to investigate the responsibility of civilian authorities who, through their acts or omissions, may have contributed to such crimes.**

## **F. Conflict-related sexual violence**

35. The Committee is deeply concerned about the pervasive use of conflict-related sexual violence by the Tatmadaw and other security forces against Rohingya women and girls during and after the security "clearance operations" in northern Rakhine State August 2017 and the very limited protection and support services available to victims/survivors. The Committee regrets the State party's failure to adequately address the concerns raised by the Committee in 2016 regarding impunity of perpetrators ([CEDAW/C/MMR/CO/4-5](#), para. 26 (a)), which could have helped to prevent the current situation.

**36. The Committee recommends that the State party ensure that the Commander-in-Chief of the military issues an order to all security forces detailing a policy expressly prohibiting rape and all forms of sexual violence and that reports of alleged violations will result in a credible investigation, fair trial and appropriate sanctions, such as dismissal and a term of imprisonment. The Committee also recommends that the State party provide all security personnel with in-depth training regarding the new policy and methods for addressing and reporting possible human rights violations and create an enabling climate for reporting.**

37. The Committee is concerned about 6,097 incidents of sexual and other forms of gender-based violence reported from late August 2017 to late March 2018 and that, between 22 and 28 October 2017 alone, 306 cases of gender-based violence were reported, 96 per cent of which involved emergency medical-care services. The Committee notes that those figures can only be indicative of the overall dire situation, given that many victims/survivors do not report such crimes. The Committee regrets that:

(a) Rohingya women and girls in refugee camps in Bangladesh did not have adequate access to post-rape care, including emergency contraception, HIV/AIDS post-exposure prophylaxis, safe abortion and counselling services;

(b) Access to sexual and reproductive health services and maternal health-care support, including psychological counselling services, remains inadequate, including for women and girls who gave birth to children born as a result of rape;

(c) There is an increased number of abandoned infants in refugee camps.

**38. The Committee recommends that the State party cooperate with the Government of Bangladesh, United Nations entities and other international and national partners to provide specialized, inclusive and accessible services to Rohingya women and girls who are victims/survivors of conflict-related sexual violence, including access to sexual and reproductive health services, maternal health-care support and psychological counselling. It also recommends that the State party ensure that abandoned children have access to care services and to birth registration.**

39. The Committee is concerned about Rohingya women and girls, including those in refugee camps in Bangladesh, who are at risk of other forms of gender-based violence, including child marriages, forced marriages and trafficking.

**40. The Committee recommends that the State party cooperate with the Government of Bangladesh, United Nations entities and other international and national partners to prevent child marriage and forced marriage and put into place risk mitigation measures against conflict-related trafficking, including awareness-raising and training of the border guard police and immigration officials, in line with Security Council resolution 2331 (2016).**

41. The Committee is deeply concerned that, given the prevalence of rape, sexual and other forms of gender-based violence experienced by Rohingya refugee women and girls, many survivors who remained in northern Rakhine State continue to be at risk of conflict-related sexual violence and lack access to complaint and redress mechanisms and to sexual and reproductive health services, including emergency treatment.

**42. The Committee urges the State party to put an end to conflict-related sexual violence in northern Rakhine State and recommends that the State party take the measures necessary:**

(a) **To establish an effective, accessible and safe mechanism to report incidents of rape and other forms of sexual and gender-based violence to the appropriate authorities for investigation;**

(b) **To carry out community education programmes aimed at empowering women who want to report violence and ensure that they may do so in a manner that does not jeopardize their safety;**

(c) **To ensure the availability of sexual and reproductive health services and preventative and emergency health care, under the principles of inclusion and accessibility, to Rohingya women and girls, including obstetric, prenatal and**

postnatal care, contraceptive information and services, emergency contraception, HIV/AIDS post-exposure prophylaxis, safe abortion services and psychological health services for victims/survivors of rape and other forms of sexual and gender-based violence;

(d) **To ensure the participation of Rohingya women and girls in the development and implementation of programmes related to sexual and reproductive health services, set up monitoring mechanisms to ensure access to and the high-quality of those services and eliminate discriminatory and abusive practices by health-care personnel.**

43. The Committee regrets the limited information provided by the State party about the specific measures taken to implement the joint communiqué, including the time frame for the establishment of the interministerial committee, the scope of its responsibilities, the ministries involved and the appointment of representative members.

44. **The Committee recommends that the State party promptly establish the interministerial committee responsible for the implementation of the joint communiqué, ensure that all relevant ministries are adequately represented, inform the public about the scope of its responsibilities and its plan of action and regularly publish information about its activities.**

## **G. Freedom of movement, humanitarian access and protection**

45. The Committee is deeply concerned about the persistent denial of the right of freedom of movement to Rohingya women and girls in northern Rakhine State, which also severely limits access to health care, education and places of livelihood, such as markets, fields and fishing areas. The Committee notes with concern that the military presence has since 2012 restricted travel outside of Rohingya villages due to permit requirements, curfews and security checkpoints. It also notes with concern that women and girls were also subjected to sexual violence, extortion, arbitrary arrests and detention by security forces. The Committee further notes with concern that those restrictions were compounded by the self-imposed restrictions that kept Rohingya women and girls inside their homes for fear of military violence. It is concerned that the estimated 600,000 Rohingya remaining in northern Rakhine State after the security “clearance operations” of 2016 and 2017 are reportedly experiencing conditions of forced starvation, with security forces denying access to the remaining rice fields and markets.

46. **The Committee recalls its previous recommendation (CEDAW/C/MMR/CO/4-5, para. 45) and recommends that the State party repeal all local orders that unduly restrict freedom of movement, including curfews, checkpoints and travel permit requirements, and ensure that Rohingya women and girls may travel safely and freely to obtain access to health care, education and places of livelihood.**

47. The Committee is deeply concerned that the State party continues to restrict access to northern Rakhine State for humanitarian actors and aid, including life-saving medical care and food, with only the World Food Programme and the International Committee of the Red Cross allowed to carry out aid distribution, but operating under significant access constraints.

48. **The Committee recommends that the State party grant the United Nations and other humanitarian organizations immediate and unrestricted access to northern Rakhine State to conduct needs assessments, provide humanitarian**

**assistance and protection to the affected population and deliver life-saving services to women and girls affected by the conflict.**

## **H. Safe, voluntary and dignified return and resettlement**

49. The Committee notes the information provided by the State party about the construction of reception centres in Taung Pyo Let We and Nga Khu Ya and a transit camp at Hla Phoe Khaung and its readiness, since January 2018, to receive “verified returnees”. The Committee is seriously concerned that:

(a) The memorandum of understanding of June 2018 between the State party, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees for the safety, reception and reintegration of returnees and the arrangement on the return of displaced persons from Rakhine State signed between the State party and Bangladesh on 23 November 2017 and aimed at guiding the coordination and implementation of the repatriation process are not publicly available documents, and it is unclear to what degree they comply with international human rights and refugee law, in particular the principles of voluntary return in safety and dignity;

(b) The memorandum of understanding and the arrangement require the Rohingya to undergo a citizenship verification process, under the same conditions that led to the statelessness of the majority of the Rohingya community, and to submit documents proving their residence in Myanmar, such as citizenship identity cards, national registration cards or temporary registration cards, to which they have not had access, and that any other document that may prove residence is likely to have been lost during their escape;

(c) The construction of resident centres and transit camps enclosed by high, barbed-wire perimeter fencing resemble internment camps and Rohingya may be at risk of remaining there indefinitely, in a situation reminiscent of the internally displaced persons camps constructed in and around Sittwe in 2012, where Rohingya women and girls remained for years, and that the ones who remained may be forced into confined or segregated communities.

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

(a) **Ensure the voluntary return in safety and dignity of Rohingya women and girls and facilitate gender-inclusive consultations in refugee camps to ensure the full participation of women and girls in the repatriation process;**

(b) **Facilitate the repatriation process by not imposing a discriminatory citizenship verification process on refugee Rohingya women and their families and accept a variety of realistic forms of evidence of residence in Myanmar, including sworn statements;**

(c) **Ensure that refugee and displaced Rohingya women and girls are not forced into segregated camps, which could result in the forcible internment of the Rohingya population in the longer term, and that they may freely choose where they are resettled, ensuring that special efforts are made to ensure the full participation of returned Rohingya women and their families in the planning and management of resettlement programmes.**

51. The Committee is concerned that refugee and internally displaced Rohingya women and girls may not be able to return to their places of origin if they so wish, following the security “clearance operations”, which resulted in the burning of an estimated 300 Rohingya villages, because the Government announced that it would confiscate the land of Rohingya villages under the Natural Disaster Management Law

of 2013, in which natural disasters are defined as “natural or man-made accidents or negligence, such as fire”, in article 2 (b), and which provides that burnt lands become government-managed lands.

**52. The Committee recommends that the State party protect Rohingya land from confiscation by any government entity or private actor, ensure that affected Rohingya women and girls may return and resettle, on a voluntary basis, to their previously inhabited lands and refrain from further implementing the Natural Disaster Management Law in a way that dispossesses Rohingya women and girls of their property.**

53. The Committee is concerned that the provision of protection to returning refugees and internally displaced persons will not be possible without access to northern Rakhine State for United Nations human rights and humanitarian personnel.

**54. The Committee recommends that the State party grant unrestricted access to northern Rakhine State for United Nations human rights mechanisms and humanitarian agencies, funds and programmes to conduct needs assessments and seek their cooperation in the planning and implementation of the safe, voluntary and dignified return and resettlement of refugee and internally displaced Rohingya women and their families, in order to create a climate free from want and fear.**

## **I. Rehabilitation, adequate compensation and economic reintegration**

55. The Committee notes that historical discrimination of the Rohingya community prevents the empowerment of Rohingya women and girls, and it is deeply concerned about the short-term, medium-term and long-term consequences of the violence and displacement endured by Rohingya women and girls, in particular the impact on the enjoyment of their human rights to health care, education, property, participation in community life and access to economic opportunities, and about the lack of information on measures taken to assist with their rehabilitation, including adequate compensation.

**56. The Committee urges the State party to take urgent measures to provide Rohingya women and girls with access to specialized, inclusive and accessible services for their rehabilitation, including medical, sexual and reproductive health care and psychological counselling, and to education, entrepreneurship and livelihood opportunities.**

**57. The Committee urges the State party to assist Rohingya women and girls in recovering, to the extent possible, their property and possessions left behind or that they were dispossessed of and, when such recovery is not possible, to provide appropriate compensation or other forms of just reparation, including access to compensation schemes, such as crop and land compensation, and provide free legal aid in that regard.**

58. The Committee notes the information provided by the State party about the implementation of development and economic plans in Rakhine State but regrets the absence of participation of Rohingya women and girls in the preparation and implementation of development and investment projects. It also notes the implementation of the maternal and child cash transfer programme in Rakhine State, the establishment of the case management system and the provision of cash assistance to survivors and the opening of the one-stop women support centres to provide social, including psychological, support to survivors in all states and regions, but it regrets the lack of information about how those social programmes will specifically benefit

Rohingya women and girls, including those who are refugees, internally displaced or living in northern Rakhine State.

**59. The Committee recommends that the State party, as part of its rehabilitation and economic reintegration efforts, ensure the full and meaningful participation of Rohingya women and girls in the planning and management of development and investment projects. It also recommends that the State party ensure that Rohingya women and girls, including those who took refuge in Bangladesh or were displaced from their places of residence and remain living in northern Rakhine State, have full access to the social programmes mentioned above, without discrimination.**

60. The Committee, bearing in mind the large number of Rohingya women and girls who are victims of conflict-related violence and that in most cases such violence leads to disabilities, both visible, such as physical or sensory disabilities, and invisible conditions, such as psychosocial disabilities, as a result of mental illness, including post-traumatic disorder, is concerned about the lack of information on the measures taken by the State party to identify cases of acquired disability among Rohingya women and girls and to ensure their rehabilitation.

**61. The Committee recommends that the State party develop and implement programmes specifically for the detection of cases of disabilities among Rohingya women and girls and for providing access to adequate rehabilitation services.**

## **J. Women and peace and security**

62. The Committee remains concerned about the absence of a national action plan for the implementation of Security Council resolution [1325 \(2000\)](#) and subsequent resolutions on women and peace and security to guide conflict and post-conflict processes in the State party and the enduring underrepresentation of women in the peace negotiations and post-conflict processes.

**63. The Committee recalls its previous recommendation ([CEDAW/C/MMR/CO/4-5](#), para. 13) and recommends that the State party give due consideration to the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and that the State party:**

(a) **Develop a comprehensive national action plan for the implementation of the women and peace and security agenda of the Security Council, as reflected in its resolutions [1325 \(2000\)](#), [1820 \(2008\)](#), [1888 \(2009\)](#), [1889 \(2009\)](#), [2122 \(2013\)](#) and [2242 \(2015\)](#), to ensure durable peace in the State party;**

(b) **Fully involve women and girls at all stages of the post-conflict reconstruction process, including in decision-making.**

## **K. Follow-up to the concluding observations**

64. The Committee reminds the State party that its sixth periodic report under article 18 of the Convention is due in 2020. The Committee requests the State party to provide written information on the steps taken to implement the recommendations contained in paragraphs 16 (amendment of the Penal Code), 38 (support to Rohingya in refugee camps in Bangladesh), 50 (b) (repatriation) and 54 (access to northern Rakhine State) above, in either a supplementary report to its sixth periodic report or as a separate submission, within one year, by March 2020.