

**The Republic of the Union of Myanmar**

**DPOs Report Reflecting on the State  
Implementation of UNCRPD Initial  
Report**

*Submitted to :*

Committee on the Rights of Persons with Disabilities

*Submitted by :*

Myanmar Federation of Persons with Disabilities *and*  
Myanmar Disabled People Organizations

## Myanmar Federation of Persons with Disabilities (MFPD)

(Formerly, Myanmar Council of Persons with Disabilities - MCPD)

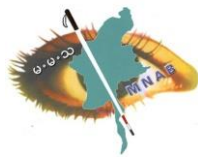


MFPD is a national level umbrella organization which is recognized by the Rights of Persons with Disabilities Law (2015) and it was founded as MCPD with (21) members who represented four types of disabilities in 2014. ([www.mfpd.myanmar.org](http://www.mfpd.myanmar.org))

### Representatives of Partner Organizations

1. *Mr. Ko Min*

**Myanmar National Association of the Blinds (MNAB)**



The National Association of the Blind was founded in 1996. ([www.mnab-myanmar.org](http://www.mnab-myanmar.org))

2. *Mr. La Jar*

**Wan Sein Bawa Thit Arman School for the Blind**



The school for persons with visual disability was founded in 2005.

3. *Mr. Sut Naung*

4. *Mr. Zaw Zaw Oo*

5. *Ms. Chit Thet Wai*

**Myanmar Physical Handicapped Association (MPHA)**



A physical handicapped association was founded in 2002. ([www.myanmarmpha.org](http://www.myanmarmpha.org))

6. *Mr.Min ZawOo*
7. *Ms.Khin Aye Naing*
8. *Ms.Khaing Saw Mon*

**Shwe Minn Thar Foundation Myanmar (SMTF)**



The foundation is for all types of Disabilities; was founded in 2008.

([ShweMinnThar Foundation \(Myanmar\) - Facebook Page](#))

9. *Mr. Tin Than Win*
10. *Mr. Tin Htoo*
11. *Ms. Khin Thet Wai*

**Myanmar Independent Living Initiative (MILI)**



The organization in which all types of persons with disabilities involved and was founded in 2011. ([www.mili.org.mm](http://www.mili.org.mm))

12. *Ms.L Jar Baw*

**Myanmar Christian Fellowship for the Blinds (MCFB)**



This organization for the persons with visual disability was founded in 1975.

([www.mcfblind.org](http://www.mcfblind.org))

13. *Mr. Maung Myint*
14. *Mr. San Myoh*
15. *Ms. Cho Cho Mar*

**Disabled People's Development Organization (DPDO)**



An organization of all types of persons with disabilities was founded in 2003.  
([Disabled People's Development Organization Myanmar](#) - Facebook Page)

16. *Mr. Thawng Hnin*  
**Chin Disability Organization (Htantalan)**

17. *Mr. Joshua*  
18. *Ms. Lain Za Cing*  
**Disability Development Initiative (DDI)**



This organization for persons with physical and intellectual disability was founded in 2007.

19. *Mr. Saw AungThein Tin*  
20. *Mr. KyawWai Lin*  
21. *Ms. NawThaeThaeThein*  
**Karen Mon Association of Persons with Disabilities (KAPD)**



The organization of all types of persons with disabilities was founded in 2013.

22. *Ms. Thuzar Win*  
**New Light Disabled Self Help Group**



The group for all types of persons with Disabilities was founded in 2006.

23. *Ms. Thaw Tar Win*  
24. *Ms. Su Su*  
**Morning Stars**



This organization for the children with disabilities was founded in 2011.

25. Ms.Khin San Win

### **Shining Stars**

The organization of parents of persons with intellectual disability was founded in 2016.

## **Disabled People Organizations**

### **(1) Eden Centre for Disabled Children**



This centre for children with intellectual and physical disabilities was founded in 2000.  
([www.edencentre.org](http://www.edencentre.org))

### **(2) Myanmar Autism Association (MAA)**



The association is for Autism, founded in 2011. ([Myanmar Autism Association](#)- Facebook Page)

### **(3) Myanmar Down Syndrome Association (MDSA)**



The association for children with Down syndrome was founded in 2015.  
([Down Syndrome Association Myanmar](#)- Facebook Page)

### **(4) Future Stars Self Advocacy Organization of Persons with Intellectual Disabilities**



The organization is for persons with intellectual disabilities, founded in 2010.  
([Future Stars Self Advocacy Group](#)- Facebook Page)

**(5) Home For LIFE Intellectual Disabilities Development Center**



The intellectual Disabilities Development Center was founded in 2011.

**(6) Myanmar Deaf Society (MDS)**



This organization for persons with hearing disabilities in Mandalay was founded in 2015.

**(7) Myanmar Deaf Community Development Association (MDCDA)**



An organization for persons with hearing disabilities was founded in 2009.  
([Myanmar Deaf Community Development Association](#) - Facebook Page)

**(8) Yangon Association of Hearing Disabilities (YAHD)**



An organization for persons with hearing disabilities was founded in 2012.  
([Yangon Association of Hearing Disabilities](#) - Facebook Page)

**(9) Mary Chapman School for the Deaf**



A school for children with hearing disabilities was founded in 1920.  
([Mary Chapman School for the Deaf Myanmar](#)- Facebook Page)

**(10) Disabled Peoples Organization (Hmawbi Township)**



A collective SHG organization for all types of disabilities.

**(11) Disabled Peoples Organization (Hlaing Tharyar Township)**



A collective SHG organization for all types of disabilities.

**(12) Disabled People's Organization (Dala Township)**

A collective SHG organization for all types of disabilities.

**(13) Rays of Light (Shwe Pyi Thar Township)**

A collective SHG organization for all types of disabilities.

**International Consultant:** Ms. Allison Defranco  
Disability Rights Advisor  
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**Project Team:**

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(3) Research Officer  
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Bachelor of Community Health (B.Comm.H)

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## **Abbreviations and Acronyms**

1. MFPD - Myanmar Federation of Persons with Disabilities
2. DPOs - Disabled People Organizations
3. PWDs - Persons with Disabilities
4. CRPD - United Nations Convention on the Rights of Persons with Disabilities
5. MSWRR - Ministry of Social Welfare, Relief and Resettlement

## **Acknowledgement**

Firstly, we would like to express our gratitude to Professor Hyung Shik Kim, member of the United Nations Convention on the Rights of Persons with Disabilities Committee, for encouraging to submit DPOs' Report with respect to fully participation of DPOs in Myanmar; and we are also thankful to World Learning for arranging his visit. Moreover, we highly value the effort with commitment of Myanmar Council of Persons with Disabilities (MCPD), currently known as Myanmar Federation of Persons with Disabilities (MFPD) for initiating the report. Without the accountability and valuable support of Project Management Board and MFPD Committee Members, this report will not be accomplished. We would like to express our thanks to Disability Rights Fund (DRF) for funding. Similarly, we acknowledge the collaboration of DPOs' representatives in data collection process from Ten States and Regions of Myanmar as well as those who participated as respondents by means of interviews, focus group discussions and case studies. In addition, we pay our great honors to the DPOs' leaders and respective PWDs for their contribution of critical ideas and constructive suggestions in our report to be comprehensive. Our gratitude goes to the freelance translator Mr. Aung Ni Oo and editor Ban William from Volunteer Service Overseas for their generous help. Especially, we count the credible assistance of Ms. Allison Defranco, United States International Council of Disabilities for the CRPD training and technical support. Finally, we highly appreciate the great effort of the advisor Mr. Salai Vanni Bawi and our project team in developing the report.

## **Executive Summary**

This report is the collective attempt of the DPOs in Myanmar and funded by the Disability Rights Fund (DRF). In the beginning, it was planned to submit an Alternative Report reflecting the socio-economic situation of the persons with disabilities, initiated by Myanmar Federation of Persons with Disabilities as submission of a comprehensive report by the government was overdue. But after the data and information had been collected, it became known that the State had already submitted report to the United Nations. Thus, the trend of this report is changed to be a Shadow Report.

The uniqueness of this report is that all data and facts on the socio-economic situations of the persons with disabilities were collected by the PWDs themselves. The qualitative methodology was used in the survey including KII (Key Informant Interviews), FGD (Focused Group Discussions), case studies; and respondents are persons with disabilities and their family members and representatives of disabled people organizations in 10 states and regions of the country. Moreover, other reports concerned with disability issues were reviewed and referred.

The facts and citations of Constitution and Laws and implementations of relevant ministries mentioned in the State's initial report were scrutinized and responded based on the data collected. This report is arranged in line with all the articles in the same order as the Convention on the Rights of the Persons with Disabilities such as Policy and Laws, Information, Services, Awareness Raising, Accessibility, Access to Justice and Equal Recognition before the Law.

This report also recommends reviewing and amending the existing Laws to be aligned with the UNCRPD and to include Persons with Disabilities in the public programs and activities as beneficiaries or participants. In fact, the Union should and must make a great effort to value disability as a part of a diverse society, and to raise awareness in the society that persons with or without disabilities are all human beings born with equal rights and dignity, and these rights and dignity must be respected and valued. Also, for the benefits of persons with disabilities, the Union should and must endeavor to manage policies and law in accordance with the CRPD, by establishing disability services in all ministries, by ensuring barrier-free environment for persons with disabilities in the community, by monitoring and evaluating affairs of PWDs and by smoothing the flow of information for PWDs. The Union must and should implement these recommendations to fulfill the rights of all PWDs including women and children with disabilities.

## **Part-I**

### **1.1. Introduction**

The Republic of the Union of Myanmar is a country where rich ethnicity and various languages are used in the community. It gained its independence from the British with equal effort of Burmese people and other ethnic people, but civil war broke out after independence and small-scale warfare has continued between the government and ethnic armed groups until now in the purpose of equality. The instability, unrest and chaotic administration and policy disorder have contributed to make Myanmar one of the poorest countries of the world. Under these conditions, the situations of persons with disabilities are not taken into consideration or they are totally neglected. Besides, PWDs are assumed to be ones who require medical care; and according to traditional superstition, they are assumed to be fated by something bad.

The Republic of the Union of Myanmar ratified the Convention on the Rights of Persons with Disabilities (hereinafter “CRPD”) on 7 December, 2011. As a State Party of the Convention, the initial report to the Committee on the Rights of Persons with Disabilities, in accordance with Article 35(1) of the Convention, was submitted by the Republic of the Union of Myanmar on 17 November, 2015.

After forming Myanmar Council of Persons with Disabilities in June 2014, MCPD (currently known as Myanmar Federation of Persons with Disabilities) initiated to submit alternative report to UN Committee on the Rights of Persons with Disabilities with the support of Disability Rights Fund (DRF) and with the coalition of Persons with Disabilities (PWDs) and Disabled People Organizations (DPOs) in 2015 by the encouragement of Professor Hyung Shik Kim from UN Disability Rights Committee, during his visit to Myanmar. The coalition between MFPD and DPOs was initiated in October, 2015 and project activities such as an advocacy workshop with Department of Social Welfare and a cooperative workshop with other organizations working on research and disability issues were conducted by the project team.

Data collection was performed with the questionnaire designed and based on qualitative research methodology, especially about the personal experiences and real conditions of PWDs by the collaboration with DPOs and PWDs in ten states and regions of Myanmar. Moreover, technical supports and suggestions from local and international experts and organizations are also applied to be more accurate and reliable.

The following steps were consequently conducted in the process of developing this report.

### ***Step (1): Deciding Research Methodology and Developing the Questionnaire***

In the developing process of this report, an in-depth study of parallel reports from other countries was also made to prepare the questionnaire with the use of qualitative method reflecting the life of PWDs in Myanmar. Then those questions were edited and revised by pilot testing and discussion with DPOs. A Disability Rights Advisor from United States International Council of Disabilities (USICD) provided technical assistance during the process of developing the questionnaire. Interviews were conducted with PWDs and their respective parents or custodians in person to better understand how PWD realize their rights. In addition, direct interviews were carried out to the key persons of DPOs to investigate the cooperation and support of the government. Case studies were documented to record the violations of human rights and ignorance of the rights of PWDs. Focus group discussions (FGDs) were held in ten states and regions to better understand access to public services for the PWDs in those areas. Related reports and research articles from other associations in Myanmar were also used as some sources of information for this report.

### ***Step (2): Selection of Research Areas***

For the coverage of the full involvement of PWDs in the whole of Myanmar, DPOs themselves decided to choose ten states and regions with these criteria: (a) the accountability and cooperation of DPOs in the area; (b) the establishment of such associations in such area; (c) the ability of such associations to reach various kinds of PWDs in the region; and (d) feasibility within budget limitation. The memorandum of partnership with those DPOs on the implementation and cooperation for the report was signed. The selected states and regions are;

- 1) Mandalay Region
- 2) Sagaing Region
- 3) Magway Region
- 4) Ayeyarwaddy Region
- 5) Bago Region
- 6) Kachin State
- 7) Mon/ Karen State
- 8) Chin State
- 9) Rakhine State
- 10) Shan State

A data collection team of twenty-five representatives was chosen and approved by DPOs from respective regions.

***Step (3): Systematic Training of Data Collection Team***

Two trainings were conducted for the data collection team on using the questionnaire, including practice with PWD respondents in the field. Then, pilot test interviews were also held.

***Step (4): The Data Collection***

In ten States and Regions, with cooperation of local DPOs, the data collection was done by the following: (a) questionnaire conducted with 190 respondents with disabilities and their respective parents and custodians numbering 112 (b) some in-depth interviews with key persons of 21 DPOs were also conducted, (c) Five case studies were documented and (d) Focus group discussions were carried out in each of the ten states and regions. In conducting the data collection, a suitable sample of respondents residing in the towns and villages, gender proportion, age-group classification and types of PWDs were laid as norms for the coverage of the report. The respondents with disabilities were selected by the local DPOs with the criteria on the level of disability and its respective types.

***Step (5): Compiling and Analyzing the Data***

Data were analyzed and validated with the stakeholders. The main findings from the analysis were compared with Government Initial Report with the help of advices and appraisals of the DPOs.

***Step (6): Writing the Report***

The report was written following workshops and discussions with PWD leaders and DPOs. It was scrutinized and approved by MFPD members.

***Step (7): Submission and Distribution of the Report***

A true and exact report about the real conditions of the PWDs in Myanmar will be submitted to the United Nations Committee on the Rights of Persons with Disabilities. It will also be distributed to the related government organizations, all DPOs in Myanmar, local and international partner organizations, embassies, media and interest audience through a launching ceremony.

## **1.2. General Information**

Myanmar is situated in Southeast Asia region, and is the second largest of the ASEAN countries. Myanmar is sandwiched between the ASIA's giants- China and India, and shares borders with Laos, Thailand and Bangladesh. The Bay of Bengal lies to the west and the Andaman Sea in the south. Myanmar has an area of 261,227 square miles. Within the country, there are great mountain ranges in the western, northern and eastern parts, and four major rivers: the Ayeyarwaddy, Chindwin, Sittaung and Thanlwin. It is estimated that there are over a hundred ethnic groups and more than 113 dialects. Ethnic groups live mainly in the hilly regions.

After decades of military rule in Myanmar, multi-party elections were held in 2010. From the beginning of its independence in 1948 there have been conflicts and civil wars breaking out. The new government led by Daw Aung San Suu Kyi is trying to negotiate with other local armed forces, especially ethnic ones, for peace and for developing a new constitution based on federalism by means of 21<sup>st</sup> Century Panglong Peace Conference. In 2014, population census was carried out by the government and it was the only one taken after 30 years.

According to this census, the total population of Myanmar is 51.4 million and there are 2.3 million PWDs (4.6%) among them. According to National Disability Survey, 52% of PWDs do not attend school, and only 1% can access higher education. According to UNICEF Report, 67 % of children with disabilities are out of formal education system. Compared to the drop-out rate of normal school children which is only 11%, their lack of rights to education is significantly high.

World Bank Report (2017) states that Myanmar has the shortest life expectancy among other ASEAN countries. Moreover, the National Disability Survey shows that 50.4% of families with PWDs make their living on random jobs, and 28.8% of them live on agriculture.

With the political changes since 2010, Myanmar has undergone economic reforms which have shaped a wider market economy. Various foreign investments have come into Myanmar after the new government was elected in 2015 and its state parliament (Pyihtaungsu Hluttaw) passed many economic laws, involving a new investment law. Economy of Myanmar is mainly based on agriculture. The main income is from its exports of rice and rice related goods, various kinds of peas, flora and fauna, oil and gas, minerals and fresh and salt water products.

Myanmar has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Nevertheless, it has yet to prescribe laws on the prohibition of discrimination on women. It ratified the Convention on the Rights of the Child (CRC) in 1989, and The Child Law was enacted on 14 July 1993.

Myanmar Disability Employment Act was enacted in 1958, and is intended only for soldiers with disabilities, but not for civilian ones resulting in no rights to enjoy. Then, the United Nations Convention on the Rights of Person with Disabilities (CRPD) was ratified on 7 December 2011. Also on 30 March 2012, Families of Disabled and Deceased Soldiers Supporting Act was enacted. The purpose of this Act is to exclusively support disabled defense service personnel. According to the CRPD, Myanmar Persons with Disability Rights Law was enacted on 5 June, 2015 but by-law is still in progress and have not yet been enacted.

After Cyclone Nargis in 2008, Department of Social Welfare (DSW) and The Leprosy Mission Myanmar (TLMM) collaboratively implemented the Emergency Plan of Action for Persons with Disabilities (2010-2012). The plan was not fully implemented because of the lack of participation of PWDs and insufficient budget. Natural Disaster Management Law was enacted on 31 July, 2013. However, in this act, PWDs are recognized only as prioritized people to be provided with aid and assistance in times of natural disaster without specifically mentioning on other sectors.

Though the CRPD was ratified in 2011, ‘disability’ is not clearly defined in The Social Security Law (2012). It only describes the support for temporary and permanent disability of persons injured in workplace. The Social Protection Strategy was prescribed in November, 2014 and it includes social protection procedures, but identification of types and levels of disability, registration and analysis of the specific needs of people with different disabilities are excluded from the strategy.

The “Plan for Standardization of Building Code” was introduced by the Ministry of Construction. Technical working group composed of Myanmar Engineering Society, UN-Habitat, specialists from universities, other related departments, individual engineers and architects was formed resulting in the release of Myanmar National Building Code in 2016. It has yet to be approved by the union government for using in construction of building.

In the Myanmar National Building Code, the “Accessibility” section is for PWDs especially for those who use wheel-chairs, persons with visual disability and deaf and hard of hearing people. The section provides specifications for wheel chair lanes and ramps, tactile paths for persons with visual disabilities, etc. Although these are mentioned in the Code to



meet the convenience for all types of PWDs, there is a need to revise the code with the participation of PWDs before enactment and implementation of the code.

Disability issue is included as one of the 10 main functions of the Ministry of Social Welfare, Relief and Resettlement (MSWRR). For implementing the disability function, the ministry is structured as follows: under the Ministry, the Department of Social Welfare (DSW) is one of the two departments and Rehabilitation Section is one of the five sections of DSW, then Disability Rehabilitation sub-section is one of three sub-sections of Rehabilitation Section. DSW aims to promote the contribution of persons with disabilities so as to fully participate in the developmental tasks of the nation as a supportive force. The objectives of DSW are:

- a. To protect the rights of persons with disabilities;
- b. To alleviate and eliminate the discrimination based on disability;
- c. To promote dignity, ability, and capability of the Persons with Disabilities;
- d. To enhance equal and full participation of the Persons with Disabilities in the national development task; and
- e. To upgrade Socio-economic status of Persons with Disabilities

In the Disability Rehabilitation sub-section, they are implementing these objectives in two ways: training-based and community-based rehabilitation.

#### **Training Schools and Institutes for PWDs run by the State in Myanmar**

<b>No.</b>	<b>Established Year</b>	<b>Name of the Institute</b>	<b>State/ Region</b>	<b>Capacity</b>
1.	1963	School for the Blind	Yangon	200
2.	2003	School for the Blind	Sagaing	100
3.	1981	School for the Deaf	Mandalay	200
4.	2014	School for the Deaf	Yangon	200
5.	1971	Training School for the Children with Intellectual Disability	Yangon	150
6.	2014	Training School for the Children with Intellectual Disability	Mandalay	100
7.	1978	Vocational Training School for the Adult with Physical Disability	Yangon	50
8.	2006	Children with Disability Care Unit	Yangon	100

The state puts more focus on training-school based rehabilitation. For community based rehabilitation, there is no effective program except some medical based rehabilitation for persons with physical disabilities by the Ministry of Health. That means the basic needs and rights of all PWDs in the community are not fulfilled.

## **Part - II**

### **2.1. Purpose, Definitions, Principles and General Obligations**

Although Article 6 (e) in the Constitution of the Republic of the Union of Myanmar (2008) states that Myanmar is striving towards enhancing the principles of Justice, Liberty and Equality in the Union, and Article 32 (a) states “The Union shall care for mothers and children, orphans, children of fallen defense services personnel’s, the aged and the disabled.” It means that there are no aspects of respect, protection and empowerment of PWDs because the word “care” does not convey these aspects. In fact, the CRPD article (1) states to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities.

Before the Rights of Persons with Disabilities Law, there had been no definition of disability except for medical-based description of the Ministry of Health, adopted by World Health Organization. The Rights of Persons with Disabilities Law defines disability in accordance with the definition of CRPD. But according to the 2014 Census and National Disability Survey, there were four kinds of disabilities: physical, visual, hearing and intellectual, not including others such as psycho-social disability. No definition of reasonable accommodation is included.

The Rights of Persons with Disabilities Law does not mention general principles separately, but in the purpose section of the Law, descriptions are enshrined in accordance with the general principles of CRPD although the principles of accessibility and independence are not defined.

Most Laws are not in line with the Rights of Persons with Disabilities Law in Myanmar. Some policies directly contradict the Rights of Persons with Disabilities Law. Currently, the entry regulations of educational colleges, vocational schools and universities, and recently, a job announcement for Electoral Commission directly discriminated against PWDs. MFPD declared an objection to discrimination of this job announcement at one of its press conferences on 2<sup>nd</sup> February 2017. (See response at <https://www.facebook.com/100012437017079/videos/254032305021335/?id=100012437017079>)

There are no definite policies, instructions and implementation for PWDs in community works. In the process of disability-related functions such as drafting Law and policy led by DSW, only some DPOs that could afford transportation fees can participate, but not others. The advice and appraisals of the participants with disabilities and DPOs were not fully considered in policy-making process. Also, PWDs and DPOs were not consulted in drafting the initial report on UNCRPD.

“According to Situation Analysis of Children with Disabilities in the Republic of the Union of Myanmar (2016), almost all parents of children with disabilities (99%) have never been advised on the use of assistive technological devices.” It means that no government organizations have given such support. Public awareness and services to PWDs are usually done by the support of DPOs and some NGOs.

There is no transparency of government’s budget allowance and annual expenditure. The Department of Social Welfare (DSW), under Ministry of Social Welfare Relief and Resettlement (MSWRR), which mainly deals with the affairs of PWDs is run by only a dozen staff members. After the Rights of Persons with Disabilities Law had been enacted in 2015, the purpose and objectives of DSW changed; the implementation for PWDs has delayed until now because of the lack of human resource and budget limitations of the government. The sub-department for the rehabilitation for PWDs is being run only in eight rehabilitation centers for PWDs in Yangon, Mandalay and Sagaing, which cannot cover the whole population of PWDs in the country.

There is no community-based rehabilitation for PWDs supported by the MSWRR but some DPOs and NGOs are carrying out some of such rehabilitation programs for PWDs. However, it is not possible to run such programs in rural areas owing to weak coordination between the government, DPOs and NGOs.

There are no public education or awareness programs concerning attitudes and behaviors, no norms or policies set by the government. PWDs are treated and regarded as weird and humorous characters in films and stage performances.

## **Part - III**

### **3.1. Equality and Non-discrimination**

In respect of equality and non-discrimination, the Government’s Initial Report states (according to articles 347, 348 and 349 of 2008 Constitution) that the Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection. This general statement cannot conceal the fact that there is still discrimination in government

laws and policies. Moreover, although article 349 states ‘equal opportunity’, it is contrary to the data collected from states and regions for this report. The data disclose that some PWDs have no opportunity to be a citizen and consequently lose their civil rights as they are denied to get national identity cards, or even prohibited to be enlisted in the birth registration forms.

In reality, PWDs face many forms of marginalization. Persons with Disabilities are charged equally for the services they enjoy from any private and government enterprises and they need to pay the same amount of tax for every public service. However, the same level of support, provision and services are not available for PWDs as they are for persons without disabilities. PWDs cannot get the equal opportunities as the result of inaccessibility to public transportation, public buildings and places.

Ritual beliefs, customs and superstitions, traditional practices, habitual attitudes and behaviors such as degradation, underestimation, over-protection leads to discrimination on PWDs, and they cannot enjoy the communal environment and atmosphere as much as persons without disabilities.

### **3.2. Women with Disabilities**

In respect of women with disabilities, the Government’s Initial Report states, according to the 2008 Constitution, Articles 350, 351 and 352 that women shall be entitled to the same rights as men. But, in reality there are no laws which implement that statement. Even in the sector for women, there is no description about specific requirements for women with disabilities.

According to the data collected for this report, women with disabilities suffer more violence and sexual abuses than women without disabilities. Apart from being vulnerable to violence and sexual abuses, they lose justice in many legal cases. In a case study for this report, a woman with hard of hearing became a sex victim of her village administrator because she could not call for help or express what had happened, she said:

“When I went to the police station, they said, because he was a village administrator, I could not accuse him”.

“As a hard of hearing woman was abused with sexual violence, I contested a legal suit at the time of five month pregnancy until my child became one and a half year old. After the case, I had no help or support.”

Most women with disabilities have no guarantee for their dignity and security for life, and there is no program or policy ensuring it.

Also, women with disabilities cannot participate in education, work opportunities and health services as those without disabilities can do. Many women with disabilities, in their girlhood, can attend schools with the help of their parents or relatives. Nevertheless, the older they become the harder the situation is for them to continue their schooling for many reasons. For instance, the family's concept that education is not important for women. Neither can they get adequate support from the government. According to UNICEF report, PWDs especially women with disabilities cannot finish their basic education (primary level).

### **3.3. Children with Disabilities**

In respect of children with disability, the Government's Initial Report states, according to the 2008 Constitution article 18, that a mentally or physically disabled child has the right to acquire basic education (primary level) or vocational education, and has the right to obtain special care and assistance from the State. This general statement excludes other types of children with disabilities. Besides, it urges children with disabilities to attend schools with special care so it neglects the right of choice for the children with disabilities. This makes it difficult for children with disabilities to attend mainstream schools and cannot be involved in an inclusive education system.

According to the data collected for this report, there is no early detection and intervention for children with disabilities to get the utmost development like other children. The result is that parents know nothing about their children on time; nor do they know how to deal with it. And even if they know they cannot cope with it. Some parents who have little knowledge about caring follow the traditional remedies based on superstition (because some believe their children are captivated or they come from other supernatural world). According to UNICEF report, one child with disabilities out of four (27%) has no birth registration so such ones are deprived of the right to education, citizenship and other related rights.

There is no effective habilitation and rehabilitation program for children with disabilities. Some do not have financial support from their family to attend school. (For many of them, acquiring proper education is out of their reach due to financial problem of their parents and guardians.) Most of them get marginalized and literally face obstacles to attend schools by themselves. They have been facing barriers in commuting to school and school edifices are not barrier-free designed and in consequently causing them to become dropouts. Moreover, there are no programs or policies to protect and secure their life.

### **3.4. Awareness Raising**

According to the data collected for this report, PWDs are regarded as persons to get medical treatment and care. Furthermore, they are assumed as useless people for the society and a burden for the family. The Rights of Persons with Disabilities Law was enacted on 5 June 2015, which not only protects the dignity and rights of PWDs but also describes the correct definition on disability. However, there is no effective awareness program relating to this law and disability. Only some DPOs and other organizations working on disability issues are carrying out the public awareness activities in several sectors. Due to the limited awareness programs on CRPD and the Rights of Persons with Disabilities Law, many PWDs are facing difficulties in reporting violations that have been committed against them.

### **3.5. Accessibility**

The Government Initial Report states that the Building Codes are still pending to be approved and consequently there are difficulties in related Ministries to make instructions and set up policies. There are no accessible and barrier-free environments for PWDs with their mobility devices in public places such as schools, office buildings, shops, pagodas, markets, cinemas and playgrounds, etc. Indeed, there is no accessibility for all PWDs inside the buildings and the compounds of the focal ministry, the Ministry of Social Welfare, Relief and Resettlement. There are also no arrangements for necessities of PWDs to access to public transportation and assistive technologies such as signs, symbols, signals, lightings and alarms. Furthermore, there is no accessibility for PWDs to public services, which persons without disabilities can enjoy. PWDs in Myanmar need to access to important everyday services. For example, electronic broadcasting systems like sound signals for every stop of commute for persons with visual impairment; visual symbols or sign language instructions for deaf and hard of hearing people on buses and trains. There is no arrangement and provision to access to information for the different types of disabilities via public media and internet websites whose target audience is citizens.

There are necessities for standards and instructions for every type of PWDs, and still no monitoring and assessment systems for the effectiveness of the accessibilities. Because the by-laws of the Rights of Persons with Disabilities Law have not yet been enacted, budget allotments of ministries are not possible resulting in no policy making nor implementation of planned tasks.

### **3.6. Right to Life**

In respect of the right to life, according to the 2008 Constitution, Article 353 and Article 9 of Child Law, the right to life of children with disabilities is protected by the law. Parents always attempt to value the right to life of their children with or without disabilities. Some parents, however, hold unreasonable or superstitious attitudes towards their children with disabilities. Some have so much anxiety for the burden of caring such children that they tend to decide to give up their loved ones with disabilities. It is found that the uncertainty of the right to life of children with disabilities is due to the lack of programs which can contribute to support and share knowledge for caring these children, financial assistance and social security for them.

### **3.7. Situations of Risk and Humanitarian Emergencies**

The Natural Disaster Management Law was enacted on 31 July 2013. In respect of situations of risk and humanitarian emergencies, article 13 (b) of the above law includes the provision that the disabled are given priority for protection. Despite the fact that the Myanmar Action Plan on Disaster Risk Reduction (2012), includes PWDs in a special interest group, it does not take into account disability in other chapters. Moreover, PWDs are not aimed in training and policy making processes, according to the data collected for this report, the result is lack of preparation for PWDs in the risky situations, rescue plans and emergency programs in time of disasters, distribution of humanitarian aid to them, protection, security plans and information system for them.

There are no standardized procedures for PWDs in rehabilitation systems. It is found out that it is very difficult for PWDs to get the disaster information, especially for deaf and hard of hearing people and persons with intellectual disabilities. Fortunately, more DPOs have had opportunities to participate in reviewing the action plan, and MFPD also collaborates with them for the inclusiveness of PWDs. Still, only a little consideration on PWDs is found in humanitarian aid programs in situations of arm conflicts.

### **3.8. Equal Recognition before the Law**

In respect of equal recognition before the law, the 2008 Constitution Article 347 states that the Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection. In daily life of PWDs, however, there are no plans nor instructions in most government ministries to cover every type of PWDs, and consequently some PWDs are facing challenges such as rejection to open bank account, no rights for

inheritance, ineligibility to apply for citizenship registration, no right of self-decision, and no proper facilities for them to make a lawsuit.

### **3.9. Access to Justice**

In respect of access to justice, the 2008 Constitution Article 21 (a) states that every citizen shall enjoy the right of equality, the right of liberty and the right of justice. The usage “citizen” means the same as “nationality” and it conveys the meaning that the one who has the nationality shall enjoy such rights. Some PWDs are not allowed to register for national identity cards and they are not recognized as citizens and they have no opportunity to enjoy these rights. Judicial departments such as courts and public security departments lack awareness and training on disability, and there are no policies and regulations regarding disability.

PWDs are more likely to be vulnerable to various crimes, and when they get victimized, there are no proper legal resources and facilities for them. Moreover, in some cases, PWDs face violation of laws upon them based on their disability. For example, according to the interviews recorded for this report,

A deaf and hard of hearing woman who was sexually abused said,

“The police did not accept the case because the accused was the village administrator. Some of my statement before the court were got rid of and concealed just within the two weeks before the judgment of my case... My sign language interpreter was my mother and it was all right until the accused complained about it and she was replaced and I had difficulties.

In another case, a man with visual disability who was victim of violence said,

“I went to the police station for four times. They asked me the accused person’s age, his father’s name and the model and registration number of car to make a lawsuit against him. As a man with visual disabilities, I could not do that and so it was out of the question.”

### **3.10. Liberty and Security of Person**

In respect of liberty and security of persons, the 2008 Constitution Article 353, 354, 356 and 357 the liberty, security and properties of the citizens are protected. However, the existing laws that guarantee the liberty, security and properties are not aligned with the Rights of Persons with Disabilities Law and there are no policies or systems to address them. PWDs face insecurity and lack of physical and mental freedom due to inaccessibility of environment.



### **3.11. Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment and Exploitation, Violence and Abuse**

Although Article 77 of the Rights of Persons with Disabilities Law highlights that nobody is allowed to discriminate, neglect, devalue and commit violence to PWDs. PWDs have limited protection from the law because by-laws have not been approved yet, and there is no link between the Rights of Person with Disabilities law and other existing laws. PWDs face difficulties in gaining access to justice if they become the victims of violence because legal and public security personnel are not aware of the Rights of Persons with Disabilities Law.

PWDs face violence, exploitation and abuse in their workplaces and society on the grounds of disability. Also, disability is neglected in some working places and some PWDs face forced labor. The following are extracts from the interviews with PWDs:

“We are discriminated at work. Sometimes we have got no payment or sometimes payment is reduced because of being PWDs.”

“We are forced to do more than our ability, for example, every staff member has to clear 4 acres of woodland and I am a person with physical impairments and I cannot do that though I am one of the staff members. They say that every employee is obliged to clear 4 acres of land. If I cannot do, I need to hire someone else to do that for me. I cannot afford to hire someone and so I have to do it myself”.

“Some parents tied their children with disabilities with ropes when they go to work for the reason that their children will do something wrong while they are away.”

“They rudely shouted at me, ‘you damn blind woman’ and they beat me in a group.”

“I (a woman of deaf and hard of hearing) was raped and when I was pregnant, he didn’t take any responsibility for it and tried to get rid of it.”

### **3.12. Protecting the Integrity of the Person**

Article 8 of the Rights of Persons with Disabilities Law states that dignity of every person with disabilities should be respected; and article 10 includes prohibition of physically and mentally harmful practices and manners against persons with disabilities. The data collected for this report, however, points out that some people have a low opinion of PWDs; some speak ill of them; some discriminate them; some do not respect them; that makes PWDs mentally hurt:

“Some make fun of me with manner, mimicking my way of walking, bending their knees.”

“My neighbors do not invite me to their ceremonial events, especially to weddings because I was supposed to bring bad luck to their occasion as a PWD...” [Wedding ceremony is regarded as an auspicious one in Myanmar culture and PWDs are regarded to be inauspicious.]

### **3.13. Liberty of Movement and Nationality**

In respect of liberty of movement and nationality, the Government Initial Report states that 2008 Constitution article 325 and Child Law article 9 (6) and 10 include provisions that everyone born of parents both of whom are nationals of the Republic of the Union of Myanmar has the right to get the nationality, and every child shall have the right to get citizenship in accordance with the provisions of the existing law. There are no plans, policies or ordinance to ensure children with disabilities to be able to attain citizenship. On the other hand, some families hold superstitious beliefs and neglect their children with disabilities by denying their rights to access to job openings and family inheritance.

### **3.14. Living Independently and Being Included in the Community**

In respect of living independently in the community, the government emphasizes an institution-based rehabilitation strategy. For example, persons with psycho-social disabilities get rehabilitation services only in psychiatric hospitals, persons with disabilities as the result of complication of leprosy infection and their family have to settle in a segregated place. This is not in line with CRPD article 9, which states that persons with disabilities should have the opportunity to choose their place of residence and companions whom they live with on equal basis like others, and are not obliged to live in a particular living arrangement. There is a personal assistant center providing sign language supporters to promote fully participation of persons with hearing disabilities in the community. This is a good example of a service to help people live more independently, but it is run by a few staff members and is based only in Yangon. Providing support to such services for every type of disabilities all over the country means persons with disabilities would have more opportunity to be involved in the community.

Although there is no restriction in Myanmar to live independently or be involved in community, as a result of inaccessibility to public places and services, there are barriers in the community for persons with disabilities in their daily life. Family and community attitudes

towards disability are also key factors for PWDs to be included in community. As a consequence of such barriers, persons with disabilities suffer from inferiority complex and living dependently for their whole life and become a burden not only for their families but for the country as well.

### **13.15. Personal Mobility**

For the personal mobility of persons with disabilities, some services are provided by Myanmar Red Cross Society and International Committee of the Red Cross in land-mined areas where armed conflicts exist. They established rehabilitation centers in those areas and opened a 50-bed National Rehabilitation Hospital in Yangon only for persons with physical disability, but not for other types of disability. Through collaboration between DPOs in Myanmar and other international organizations, assistive devices including mobility aids have been provided for various types of PWDs - though not sufficient to cover the entire disabled population in Myanmar.

Persons with disabilities in Myanmar face difficulties in personal mobility under such conditions. There are no mobility and communication trainings. It is difficult to have personal assistants and there is no suitable training for these assistants, and PWDs have to pay for personal assistants and their assistive devices, such as wheelchairs.

### **3.16. Freedom of Expression and Opinion, and Access to Information**

It is found out that PWDs cannot fully enjoy freedom of expression and opinion, and access to information because of traditional cultural barriers within families and society. Most persons with disabilities have no right to participate in family affairs. Most of the data collected for this report reflects this:

“Our parents do not take into consideration of what we said in family matters. They always think that we are intellectually disabled.”

Although the software mentioned in the State’s initial report which jointly published by Department of Social Welfare and the Leprosy Mission Myanmar is just a reversible converter from Myanmar text to Braille but not a means to be able to use internet and it still requires to be developed. Moreover, the Braille converter from Myanmar fonts to Braille created in 2011, but still needs to be upgraded. Also, Myanmar National Association of the Blind and Myanmar Christian Fellowship of the Blind respectively developed Myanmar Screen-reader Software, but it has to be completely developed because of technological and financial needs. There are many limitations on accessing to information for visual disability

because there are few persons who can use Braille, and web accessibility is not convenient for persons with visual disabilities, and levels of ICT technologies for them in this country are also inadequate.

News has been broadcast in sign language on MRTV's evening news program and MNTV's weekly summary news program since late 2014, which are state-sponsored channels. However, the broadcast news is not fully absorbed by deaf and hard of hearing people because the standard sign language is not used broadly and there is no plan to review sign language and the interpreters do not have a good command of language. For deaf and hard of hearing people who rely solely on written form of language and for persons with intellectual disability, it is difficult for them in accessing to information owing to lack of captions on the screen for broadcast news. It is found out that persons with disabilities have difficulty in receiving public information by means of accessible ways and methods.

According to the data collected for this report, many deaf and hard of hearing people cannot fully understand the education program on voting for election broadcast on TV. They said,

“MRTV broadcasted voter education program in sign language, but the interpreter was not competent enough for us to know how to stamp on the ballot”.

### **3.17. Respect for Privacy**

In respect for privacy, Article 357 of the 2008 Constitution states that the Union shall protect the privacy and security of home, property, correspondence and other communications of citizens under the law. However, according to the findings, there is over-protection and interference on persons with disabilities by their families because of their concerns and low opinions.

### **3.18. Respect for Home and the Family**

Article 27 (f) in Chapter (6) of the Rights of Persons with Disabilities Law states that reproduction of women with intellectual disability is controlled, if necessary, with the consent of parents or custodians in accordance with the reproductive health care policies. There is no consideration of the consent of the women with intellectual disability in this statement. Moreover, there are no provisions for persons with other types of disabilities to found a family life and reproductive health care. Women with disabilities face difficulties during pregnancy and while birthing owing to lack awareness programs regarding family planning

and reproductive health care that cope with all types of disabilities, which is an obligation of the Ministry of Health.

The collected data of this report reflects this: “Women with disabilities have not met with any advice such as conception and birth-control, and the number and spacing of children, as medical service.”

“As a woman with hearing disability, I have met many difficulties. I couldn’t speak to them and they couldn’t understand my gesture”.

Some of the children with disabilities are being hidden at home and abandoned because the families do not receive comprehensive information, services and welfare support from the government.

### **3.19. Education**

The Amendment of 2015 Myanmar National Education Law states that basic education is compulsory for every citizen. In the chapter concerning basic education of National Education Sector Plan (NESP) (2016-2021) ratified in 2017, inclusion of persons with disabilities is emphasized, but there is no provision about inclusion of PWDs in other sectors like technical and vocational training, higher education and teachers training. However, the Child Law (1993) article 18(a), sub-paragraph (1) states that a mentally or physically disabled child has the right to acquire basic education (primary level) or vocational education at special schools. Likewise, the Department of Social Welfare, as the focal agency for PWDs, mainly emphasizes institution-based rehabilitation approaches.

There are no policies or guidelines to implement inclusive education though it is emphasized in the National Education Law. It was found out that in many cases, children with disabilities were refused enrollment in schools because school authorities and teachers lack awareness about disability as it is not included in teachers training programs. The opportunity for CWDs to attend school often depends on the attitudes and decisions of school principals or the township level education officers (TEOs).

It was also discovered that some schools allow children with disabilities to attend classes, but do not register them in the enrollment list. Article 23 of the Rights of Persons with Disabilities Law includes the provision that except for the requirements of the subject-discipline, there shall be no refusal on the ground of disability. However, in reality, students with disabilities are refused enrollment in universities though they have all qualifications which meet the entry requirements. Moreover, schools and universities attended by students with disabilities lack reasonable accommodation and accessibilities in school buildings,

toilets, pathways in the school and university premises. According to a UNICEF report, 55% of schools and 74% of school toilets are not accessible for children with disabilities in Myanmar.

Children with disabilities have no rights to participate like other students in general development programs such as sports and ICT programs, etc. There is no adjustment in the curriculum and suitable teaching aids and methods for respective types of disabilities. Besides, the examination system is also a barrier for some types of disabilities that leads them to discontinue their schooling.

### **3.20. Health**

Article 367 of 2008 Constitution states that every citizen shall, in accord with the health policy laid down by the Union, have the right to health care. Moreover, Persons with Disabilities Rights Law states that PWDs have the right to access to all the health services by the provision of Ministry of Health in accord with the guideline of National Disability Rights Committee. However, there is no adjustment in the policies of related ministries and their departments to cope with the rights of persons with disabilities as stated in the Rights of Persons with Disabilities Law. Some necessary requirements such as classifying the degrees of disability, early detection and intervention in order to get full access to health services are delayed because of no specific instructions and implementing rules and regulations. There is no reasonable accommodation or removal of barriers for PWDs with specific needs to access to health services because the Ministry and its staff still have only medical perspective on disability. The data collected for this report reflects this:

“We (doctors and persons with hearing disability) cannot communicate with each other. Doctors cannot know how we feel and what we want to say.”

“When he went to the clinic, the doctor could not understand what he wanted to say. The one accompanying him did not know what is happening to him well. He only gets some kind of pain killer, and he could not walk just now. It is a great difficulty for the deaf and hard of hearing people to consult with a doctor.”

Through experience, a person with cerebral palsy said, “I went to the clinic when I was ill, but the doctor hesitated as he assumed it was a police case because my head leant to one side and it seemed to have been beaten”

A man with a hearing disability found difficulty while undergoing a surgery in a public hospital.

“The interpreter was not allowed in the operation theatre. Doctor and nurses showed me the position in gesture, but I did not know how to do so before local anesthetic was injected. They demonstrated it to me three times. During the operation, the effect of the drug faded. I started to feel extremely painful and caught hold of the doctor’s hand, but they did not know why I did it. They bound my hands tightly and I had to endure the agony.”

Article 27 (d) of the Rights of Persons with Disabilities Law includes provision that access to qualified health care and services for PWDs at an affordable price or free of charge in all areas, including rural ones. But in reality, PWDs could not have such services.

According to the experience of a woman with physical disability:

“Caesarean section fee is one hundred thousand (100,000) kyats at the government hospital. I had to try to borrow that money. People always want to suppress PWDs. They want to get the same payment from us, but do not give us the same right.”

Persons with disabilities have no easy access to health information in accordance with their type of disabilities. Persons with disabilities have difficulties to access to health services because of lack of disability health awareness or disability health service training programs for medical service providers.

### **3.21. Habilitation and Rehabilitation**

Although Chapter (9) of the Rights of Persons with Disabilities Law clearly states the region of the responsibility of policy making, planning and implementing for National Disability Rights Committee, Ministry of Social Welfare, Relief and Resettlement and Ministry of Health and Sports, there are no obvious description of community-based habilitation programs which are relevant to the country’s situations. Implementation is also institution-based, and that leads to the situation that PWDs all over the country have no access to habilitation and rehabilitation services, and become dependent on their families. Also, there are mental hospitals in Yangon and Mandalay which cannot cover the services for cases throughout the country. Chapter (9) of the Rights of Persons with Disabilities Law also includes provision that funding shall be rendered to DPOs. In reality, implementation work of most DPOs are carried out by self-funded means and sharing of knowledge and technologies.

Myanmar has experienced a long-running civil wars according to UN surveys, and it has the third highest number of land mines in the world. In 2015, 31 people were killed and 128 injured by the land mines. At least 300 skilled professionals for prosthesis and orthosis are needed for rehabilitation of mine-disabled persons, but there are still no more than 30

professionals for the case of prosthesis and orthosis. There is no implementation of training programs for skillful staff for other types of disabilities.

### **3.22. Work and Employment**

The Government Initial Report states, according to article 349 (a) of the Constitution, that citizens shall enjoy equal opportunity in carrying out the occupation functions. Chapter (10) of the Rights of Persons with Disabilities Law also includes provision to ensure job placement by means of a quota system in the public and private sectors according to the National Disability Rights Committee. After two years of the enactment of the Rights of Persons with Disabilities Law and up to now, the National Disability Rights Committee has not been founded and so it cannot ensure the employment of persons with disabilities. Moreover, discrimination on PWDs is still found in job opening announcements of some Ministries. For example, there is discrimination against students with disabilities in enrollment announcements for colleges and institutes of technologies. A vacancy announcement for computer programmers at the Union Election Commission is another recent example of marginalization. (See response at <https://www.facebook.com/100012437017079/videos/254032305021335/?id=100012437017079>)

Some of the employees with disabilities have their labor rights violated without reasonable accommodation: getting lower wages, no job status and having to work below their potentials, being exploited on the ground of disabilities. PWDs have no equal rights to vocational training and programs for a living. Therefore, they have fewer employment opportunities and become low-paid workers, having to work in domestic and random jobs.

### **3.23. Adequate Standard of Living and Social Protection**

After the Union of Myanmar ratified CRPD in 2011, it enacted the Social Security Law in 2012, but disability is not clearly defined in it and it only includes provision to support temporary and permanent disability caused by workplace-related injury. According to this law, only the persons who have registered Social Security or persons who get injured in workplaces that have registered insurance can benefit from Social Security Law; there is no inclusion of other disabilities.

Article 10 in Chapter (4) of the Rights of Persons with Disabilities Law (2015), includes provisions that the Union shall support for the basic needs of PWDs whose disability is not fit for any employment, but there is no inclusion of all persons with disabilities. The Ministry of Social Welfare, Relief and Resettlement developed the Social Security Strategy



(2014) in November 2014. Action plans for the social security of persons with disabilities are taken into account and implemented, but persons with disabilities get no benefits from them because the main actions such as classifying the degree of disability and registration, and classification needs according to types of disabilities are not established.

Data collected for this report found that families of PWDs have low living-standard because of lack of life skill and career trainings in accordance with their types of disabilities to attain quality of life in equal basis with others. In addition, PWDs are excluded from development programs like poverty reduction program, tax benefits, disability subsidy and they are not granted financial support and social protection. The data reflects this:

“One of the family members needs to take care of the one with disability and he/she has no time to work and as a result family’s financial and social status becomes lower...”

“I live a comfortable life with my mother now. But, I am afraid of continuing the life without my mother after she has died.”

“They need special care. Persons with disabilities are burdens of their families.”

### **3.24. Participation in Political and Public Life**

Chapter (8) of the Rights of Persons with Disabilities Law (2015), includes provision of rights of persons with disabilities to elect and be elected, and preparations of reasonable accommodation for persons with disabilities. In the Union Election Commission Law, every person with disabilities has the right to vote freely in person or the right to choose personal assistance and also disability term is defined in accordance with the law. Among 40,141 polling stations in the 2015 General Election, only ten of them were allowed to be prepared as disability-friendly form. However, Election Law states that people with psycho-social disabilities are not eligible to vote. Therefore, some persons with intellectual disabilities and all persons with psycho-social disabilities lost their right to vote. Most PWDs who were allowed to vote also faced difficulties because there were no education and information programs for election voting to all types of disabilities and no preparations for reasonable accommodation for PWDs at polling stations. Some did not go voting for above reasons. Furthermore, participation in political and public life of PWDs is limited by the negative attitude of the public. The data collected for this report reflects this:

“I was not allowed to be elected for an administrator because I have no complete limbs.”

“I am a person with visual disability. So I am not allowed to participate in village administration. (e.g., street representative, assistant village administrator.)”

### **3.25. Participation in Cultural life, Recreation, Leisure and Sport**

Article 31 (b) in Chapter (8) of the Rights of Persons with Disabilities Law (2015) describes the right to participation in cultural life, recreation, leisure and sport; to take appropriate measures to ensure the involvement of persons with disabilities in traditional cultural events, entertainments, sports and competitions. Myanmar Disabled Sports Federation was established in 1989 and has held sports and competitions for persons with disabilities in Yangon ever since then, but events have not been held countrywide. PWDs have not taken fully participated in cultural life, recreation, leisure and sport because public recreation places such as parks, gardens; religious premises and cultural places and public edifices are not accessible for PWDs. Moreover, negative attitude of the public limits the participation of PWDs in cultural events.

In sports and physical fitness programs, there is lack of materials and apparatus, trainings and methods and enough coaches, so athletes with disabilities face difficulties. One says,

“The one who participated in international disability sport competition has faced with lack of related sport materials. She had to hire an artificial leg at the competition, that didn’t fit for her, and as a result, she didn’t win.”

Another says,

“There are no training places and facilities for athletes with disabilities, so there is limitation to be outstanding in sport.”

### **3.26. Statistics and Data Collection**

The National Disability Survey was not nationwide and it focused on four types of disabilities. It is still necessary for including other types of disabilities and all socio-economic data to get more detailed information of every individual with disability. In the 2014 National Census data collection process, although Washington Group questionnaires were used to collect data of persons with disabilities, interviewers were not competent. Therefore, more precise data on socio-economy of persons with disabilities is still needed for effective implementation.

### **3.27. International Cooperation**

In the Rights of Persons with Disabilities Law (2015), the functions of the National Committee include support for local and international organizations as well as DPOs implementing program for rights of persons with disabilities. There is no specific provision of

functional processes or procedure for cooperation with regional and international organizations mentioned in CRPD. It is found out that there has been an improvement of international cooperation after the CRPD was ratified. To access assistive devices, technologies and cooperation from international organizations, policies need to be amended to allow imported materials to be exempted from import duties. Otherwise, a result, DPOs cannot access to technological support to apply in training and capacity building activities

### **3.28. National Implementation and Monitoring**

The Ministry of Social Welfare, Relief and Resettlement is mainly responsible for disability affairs in Myanmar. With the leadership of the Ministry, the CRPD was ratified but optional protocol has not been ratified yet. Moreover, the Ministry played a vital role to enact the Rights of Persons with Disability Law in June, 2015. However, the National Level Disability Rights Committee - the mechanism of monitoring the implementation of the rights of persons with disabilities and problem solving where necessary has not been formed at the time of writing.

### **3.29. Reports by State Parties**

After the ratification of CRPD on 7 December, 2011, Myanmar submitted its Initial Report on 17 November 2015, later than the due time. In drafting the Initial Report, persons with disabilities and DPOs were not invited to cooperate, and even the submission of the Initial Report was not publicized and not distributed in local language to the public.

## **PART-IV**

### **4.1 Recommendations**

1. According to Article 4 of the CRPD and Article 7(a) of the Rights of Persons with Disabilities Law, Parliament should approve By-law in March 2018.
2. According to Article 9, 19, 20 of the CRPD and Article 28 of the Rights of Persons with Disabilities Law, Parliament should enact Building Codes in 2018.
3. According to Article 69 (a) of the Rights of Persons with Disabilities Law, Parliament should promote budget allocation for Ministry of Social Welfare, Relief and Resettlement, Ministry of Education, Ministry of Health and Sports, Ministry of Transport and Communications, Ministry of Construction and Myanmar National Disability Rights Committee from 2018.

4. According to Article 4 (1.b) and 5 (2) of the CRPD and Article 7(a) and (v) of the Rights of Persons with Disabilities Law, upcoming new laws and amendments should be enacted in line with The Rights of Persons with Disabilities Law and CRPD with the collaboration of Myanmar National Disability Rights Committee starting from April 2018.
5. According to Article 9, 19, 20 of the CRPD and Article 28 of The Rights of Persons with Disabilities Law, related Ministries should implement and redesign the 25 % of old buildings such as police stations, markets, shopping centers, platforms, streets and roads, parks, religious buildings, cinemas, stadiums, bus stations, railway stations and harbors in 2 year period and 100% in 8 years with the collaboration of Myanmar National Disability Rights Committee.
6. According to Article 24(1,3,5) of the CRPD and Article 20, 23, 24 of The Rights of Persons with Disabilities Law, Ministry of Education should proclaim ordinances that ensure the attendance of PWDs in mainstream schools starting from 2018.
7. According to Article 24(4) of the CRPD and Article 21 and 22 of The Rights of Persons with Disabilities Law, Ministry of Education should prepare and organize supplement sheets for upgraded guidelines. At present, preparations of new curriculum guideline for Grade 3 for the academic year 2018 is in progress and so it needs to include a chapter on how to deal children with different types of disabilities.
8. According to Article 24(4) of the CRPD and Article 22 of The Rights of Persons with Disabilities Law, an inclusive education module should be included in teachers training courses from 2018 by Ministry of Education.
9. According to Article 7(1), 18(2), 25(b), 26(1-a) and 28(2) of the CRPD and Article 27 (c) of The Rights of Persons with Disabilities Law, Ministry of Health and Sports should define the types of disability according to Myanmar Disability Rights Law, classify degrees of disability, early detection and intervention programs in collaboration with Ministry of Social Welfare, Relief and Resettlement within four years (2018-2021).
10. According to Article 8, 25(d) of the CRPD and Article 7 (k, p), 27(d) of The Rights of Persons with Disabilities Law, Ministry of Health and Sports should give Disability Awareness Trainings (DAT) and Disability Equality Trainings (DET) to health service providers with the cooperation of Myanmar National Disability Rights Committee from 2018.
11. According to Article 25(a, e), 28(2-a) of the CRPD and Article 26, 27 (b, d) of The Rights of Persons with Disabilities Law, Ministry of Health and Sports should provide assistive devices and personnel such as sign language interpreter free of charge or at affordable costs, plus accessible design in Health Service Centers and Hospitals from 2018.

12. According to Article 6, 25(a) of the CRPD and Article 17 (a, c) of The Rights of Persons with Disabilities Law, Ministry of Health and Sports should consider including women with disabilities in health services and programs delivered for women in community level from 2018 with reporting system.
13. According to Article 25(d), 26(2) of the CRPD and Article 33 (a, d) of The Rights of Persons with Disabilities Law, Ministry of Health and Sports should promote the rehabilitation professionals for other types of disability as existing rehabilitation professional programs for physical disability, with the collaboration of Ministry of Social Welfare, Relief and Resettlement from 2018.
14. According to Article 26(g, h) of the CRPD and Article 35 (a) of The Rights of Persons with Disabilities Law, Ministry of Labor, Immigration and Population should develop the guidelines and regulations for implementation of quota system of job placement and reasonable accommodation in the work place by business sector with the collaboration of Myanmar National Disability Rights Committee from 2018.
15. According to Article 27(b) of the CRPD and Article 15 of the Rights of Persons with Disabilities Law, Ministry of Labor, Immigration and Population should revise and develop the guidelines and policies to ensure the benefits for PWDs in Social Security services and programs and to enforce every employer to exercise these guideline and policies from 2018.
16. According to Article 18 (1.b) of the CRPD and Article 8 of The Rights of Persons with Disabilities Law, Ministry of Labor, Immigration and Population should pass the ordinance that ensures PWDs to access to National Identity Cards and the community outreach programs should be inclusive for them from 2018.
17. According to Article 4(f), 9 of the CRPD and Article 28 (b, c, d) of The Rights of Persons with Disabilities Law, Ministry of Transport and Communications should develop guidelines for accessible public transportation and to apply them in importing new vehicles and constructing new terminals as well as redesigning 25% of the existing vehicles and terminals within two years and 100 % in eight years with the collaboration of Myanmar National Disability Rights Committee.
18. According to Article 20(a) of the CRPD and Article 7 (w) of The Rights of Persons with Disabilities Law, Ministry of Transport and Communications should develop policy in which PWDs can access public transportation with free of charge or affordable prices within 2018.
19. According to Article 13(1), 15(2), 16(1, 2) of the CRPD and Article 7 (d), 17 (d) of The Rights of Persons with Disabilities Law, Myanmar National Disability Rights Committee should establish Hotline and reporting mechanism to respond the violence, abuse or

exploitation against PWDs, and engage in rehabilitation or women support programs or services to be accessible for PWDs who become victims within 2018.

20. According to Article 32 (b, c, d) of the CRPD and Article 7 (x) of The Rights of Persons with Disabilities Law, Myanmar National Disability Rights Committee should establish the technical assistance team with other experts for their effective implementation in 2018.

21. According to Article 13 of the CRPD and Article 14 (d) of The Rights of Persons with Disabilities Law, Ministry of Home Affairs should create a system to support reasonable accommodation according to most convenient of PWDs in the police stations and courts by the engagement with Ministry of Social Welfare, Relief and Resettlement within 2018.

22. According to Article 29 of the CRPD and Article 29, 30, 31 (a) of The Rights of Persons with Disabilities Law, the Union Election Commission should revise electoral system to ensure the inclusion of persons with mental disability and promote the polling stations to be accessible for PWDs within two years, starting from 2018.

23. According to Article 9(c), 20(b), 21(b, e) of the CRPD and Article 21, 33 (d) of The Rights of Persons with Disabilities Law, Ministry of Social Welfare, Relief and Resettlement should promote the training of certified sign language interpreters and designate them in suitable workplace (for example; media, educational sectors, Health service centers, hospitals, etc..) from 2018.

24. According to Article 8 of the CRPD and Article 7 (k, p) of The Rights of Persons with Disabilities Law, Ministry of Social Welfare, Relief and Resettlement should promote public awareness raising program about The Rights of Persons with Disabilities Law, CRPD and information on the disability services or programs to the community from 2018.

25. According to Article 4(i), 33(1) of the CRPD, Ministry of Social Welfare, Relief and Resettlement should promote recruiting of human resources for their departments and enhance the capacity of staff who are implementing disability issues within two years from 2018.

26. According to Article 11, 26 of the CRPD and Article 11, 12 (b) of The Rights of Persons with Disabilities Law, Ministry of Social Welfare, Relief and Resettlement should carry out the effective plan and implementation on humanitarian aids, social protection and rehabilitations to ensure the safety of PWDs in the situation of disaster risks and arm conflicts within two years from 2018.

27. According to Article 23(5), 28 of the CRPD and Article 11, 12 (b) of The Rights of Persons with Disabilities Law, Ministry of Social Welfare, Relief and Resettlement should

carry out social protection program such as retirement pension at the same time with disability registration program in 2018.

28. According to Article 6, 23(b), 25(a) of the CRPD and Article 17 (a, c) of The Rights of Persons with Disabilities Law, Ministry of Social Welfare, Relief and Resettlement should carry out women empowering programs which ensure inclusion of women with disabilities with specific numbers of reservation from 2018.

29. According to Article 26 of the CRPD and Article 27 (d, e), 33 (a) of The Rights of Persons with Disabilities Law, Ministry of Social Welfare, Relief and Resettlement should carry out community- based habilitation and rehabilitation programs for PWDs including proactive rehabilitation services for victims of various violence with the collaboration of Ministry of Health and Sports within two years (2018 and 2019).

30. According to Article 4 (a), 33(1) of the CRPD, Ministry of Social Welfare, Relief and Resettlement should increase budget estimation for the implementations of disability rights and Ministry of Education, Ministry of Health and Sports, Ministry of Transport and Communications, Ministry of Construction should also consider budget line/ logistics for inclusion of PWDs in their programs or services from 2018.

31. According to Article 4(g), 31 of the CRPD and Article 7 (f, g) of The Rights of Persons with Disabilities Law, Ministry of Social Welfare, Relief and Resettlement should conduct a survey to measure socio-economic status of PWDs within four years from 2018 with the collaboration of related ministries such as Ministry of Home Affairs, Ministry of Health and Sports, Ministry of Education, Myanmar National Disability Rights Committee etc.

32. According to Article 4(g), 9(1-b, 2-g, h) and 21 of the CRPD and Article 14 (a) of The Rights of Persons with Disabilities Law, Ministry of Information should make sure all the information accessible for persons with hearing disability with the provision of caption and sign language interpretation in the broadcasting programs from 2018.

33. According to Article 4(g), 8(1-a), 2(a-ii, iii), 9(1-b,2-g,h), 17, 21 of the CRPD and Article 7 (a) of The Rights of Persons with Disabilities Law, Ministry of Information should establish guidelines which are in lined with CRPD and The Rights of Persons with Disabilities Law to support and encourage mass media and local media in presenting the image of persons with disabilities with the collaboration of Myanmar National Disability Rights Committee within 2018.

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