**“Issue of discrimination against women in Law and in practice” submitted to 41st session of the Human Rights Council**

**Justice System**

1. **What are the main causes for women coming into conflict with the law and facing the associated deprivation of liberty, including pre-trial detention? Which are the groups of women who are most vulnerable and why? Please list the types of offenses for which women, or any particular group of women, are typically charged with, including administrative offenses.**

Ans. Women don’t know the complaint mechanism for their being offended, and they have less knowledge of law and legal decision on child abuse. When they are faced with the child abuse, they cannot do well their business because they need to go to District Court. Some perpetrators are overwhelming them with the property, some are living under the same house or some are neighbors. Based on these situations, the survivors avoid to go to the court.

As per the existing child law, vulnerable women groups include women under 16, disable women, pregnant women, older person women and women who are facing the disaster.

The types of offenses for which women, or any particular group of women, are typically charged with, including administrative offenses are that some cases are solved with compensation and with traditional stereotyping.

1. **Please indicate if there are cases of women facing detention in relation to civil law suits and identify the particular groups of women mostly affected.**

Ans. In Myanmar prisons, there is no woman prisoner facing detention in relation to civil law. However, there are women prisoners who are detained prisons according to the criminal case because they broke the existing law of State. The types of offences of incarcerated women prisoners are selling drug, using drug, theft, burglary, human trafficking, murder and act of arms. Common crimes are selling drug and holding drug. Second is using drug and third is human trafficking.

**3. What have been the main drivers for the increasing or decreasing of the female prison population in your country in the past decade? To what extent are non-custodial measures used, in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules)?**

Ans. In Myanmar, the number of female prisoner has been increasing in the past decade. The main drivers for the increasing of female prisoners are slow economic development of State, inadequate educated people, insufficient of job opportunity and the costs for current consumer goods and personal goods are so expensive by comparing with the income of one year/one month. Breaking through from all-round to developing countries by rich countries is the pressure for developing countries. Therefore, the areas of society, economy and administration will be ruined and destroyed severely.

**Other Institution**

**1. What other institutions outside the justice system exist in your country wherein women and girls are institutionalized on grounds such as care, correction, protection and prevention against potential harms,etc,? Please list groups of women and girls who are most concerned in each situation.**

Ans. Ministry of Social Welfare, Relief and Resettlement

Myanmar National Human Rights Commission

Myanmar National Committee on Women (MNCW)

Gender Equality Network (GEN)

Women Organization Network (WON)

Myanmar Women’s Affairs Federation (MWAF)

Myanmar Women Entrepreneur Association (MWEA)

Myanmar Women and Children Development Foundation (MWCDF)

Myanmar Maternal and Child Welfare Association (MMCWA)

Association for Prevention, Care and Protection of Abandoned Children (APCPAC)

Young Women Christian Association (YWCA)

NGO Gender Group (NGOGG)

World Vision

2. **Please explain the decision-making process for the institutionalization of women and girls in each situation, including the role of women and girls themselves in the decision on institutionalization. Please highlight any good practices in terms of enabling women to exercise agency within institutional systems, with due respect to their rights?**

Ans. Women organizations are implementing awareness raising programmes, legal assistance and health care in cooperation with Local Government together in line with line ministries.

**Forced Confinement in private contexts**

**1. What forms of forced confinement of women and girls exist in a private or social context sanctioned by family, community or group of individuals such as abduction, servitude, guardianship and “honor” practices, trafficking, home detention, “witch camps”, widowhood rites, etc?**

Ans. In respective prisons of Myanmar, un-sentenced women offenders and sentenced women offenders are detained. There is no any form of forced confinement of women and girls exist in prisons sanctioned by family, community. However, there are detained female prisoners who committed human trafficking according to the order of court.

**2. Please identify the groups of women and girls who are most affected by these situations.**

Ans. The groups of women and girls who are most affected by these situations are generally the people who are not convenient in living, sheltering and food, the people who believe that they will get much money from the job doing with inadequate education, unequal with salary and expenditures of family.

**3. What is the role of law and policy (including customary law and authorities) in your country these types of confinement?**

Ans. Trafficking in Persons Law and Child Law are used for trafficking and selling persons. Myanmar National Committee on Women (MNCW) is the National Machinery responsible for gender equality and women’s empowerment. Myanmar develops Myanmar National Strategic Plan for the Advancement of Women (NSPAW) 2013-2022. The MNCW provides policy leadership and overall coordination for the implementation of NSPAW across government.

To implement effectively (12) priorities of Myanmar National Strategic Plan for the Advancement of Women (NSPAW) for the next (5) years (2018-2022), four technical working groups namely Violence against Women, Women Participation, Women, Peace and Security, Gender Mainstreaming are formed in 2017, September in cooperation with relevant departments, CSOs and Development Partners.

Concerning with Women and Livelihood Priority area, Department of Social Welfare (4) Home Science Schools are established in Yangon, Mandalay, Myitkyina, Pathein, Tgoo , Mawlamyein, Phaypone, Sittwe, Harkhar. The schools are for displaced persons in Rakhein State and Kachin State. Moreover, in other states and regions, the schools are providing tailoring trainings, cooking, knitting course, bakery, florist course and fruit jam trainings so that women and men can earn livings with their skillful home science, to be skillful employees and access to opportunities of employment, to reduce poverty with social economic development.

Vocational Training for Women in Yangon, Mandalay, Myeik and Kyeiton are established for women who need to mend their ways, trafficked women and women in violence. In corporation with the Prison Department and Health Department, Center for Women Cares are established in Yangon CWC and Mandalay CWC. The Centers accept prisoner women with HIV/ AIDS. From 2007 to 2017, (2504) prison of women can send to their respective parents. In the centers, health care, counseling, vocational trainings, reintegration and follow up services are provided. In these two centers, over 18 women with HIV/AIDS who are referred from the Prison Department are provided the protection. Vocational education, counseling, sports, knowledge, polite skill, civics, religion and music and arts are also trained in the centers. The nurses from the Health Department take the rotate duty for health care, and general treatment and emergencies are provided in Insein Prison hospital and Mandalay Prison Hospital. Total (2400) persons from Centers for Women Care could be supported to earn their living.

In accordance with the policies of current government, the policies of MNCW have been developed to get gender equality in all sectors of social, economic and politics. To use effectively the existing law, to develop necessary laws, to prevent and protect violence against women, to understand the law and to get the knowledge of law, to implement SDGs of UN and recommendations of CEDAW, Prevention of violence against women Law and Prostitution Law have been drafted.

**Migration and crisis situation**

1. **What are the specific risks of detention and confinement encountered by women on the move in the context of asylum seeking, internal displacement and migratory processes?**

Ans. The people, who broke the existing law of State, who are sentenced for committing criminal case are detained in prisons by the order of the court in accordance with the prison acts. External conditions and records before prison do not connect with prison administration.

**2. What is the policy relating to the administrative detention of women migrants including pregnant women with children?**

Ans. In Myanmar prisons, un-sentenced female offenders and convicted female prisoners are detained according to the order of court. The infants the un-sentenced/sentenced pregnant offenders and mother with children are kept in prison. The children are allowed to stay with their mother until 4 years or 6 years old with the permission of the Superintendent. If the prisoners haven’t completed the basic high school, they can learn in the prison and when they pass the matriculation exam, they can release from prison. There is no accepting and keeping in terms of migrated women. The policy related to the incarceration of migrated women is not concerned with prison administration and keeping.