

December 2014

## The situation of persons with disabilities

Myanmar has a population of 60 million people, of which 70 per cent are living in rural areas. The First Myanmar National Disability Survey conducted by the Department of Social Welfare and the Leprosy Mission International in 2010, indicated that a total of 2.3% of Myanmar's population have some form of disability, translating to approximately 1.3 million persons living with disability. The World report on Disability (2011) estimated a 6.4 % prevalence rate as more realistic (3.8 million persons). Of this, 68.2% are persons with physical impairment, 13.3% are persons with visual impairment, 10.4% are persons with hearing impairment and 8.1% have some form of intellectual disability. Landmine Monitor has identified over 3,450 landmine casualties in Myanmar/Burma from 1999 through the end of 2013. When compared to previous years, landmine casualties in Myanmar during 2013 and early 2014 have decreased. The decrease in landmine casualties is directly linked to less armed conflict within the country since the beginning of national ceasefire negotiations. When compared to other countries, Myanmar has produced the third largest number of known casualties due to antipersonnel landmines, globally, over the past eight years (International Campaign to Ban Landmines).

The socio economic status of people living with disabilities is considerably lower than the national average, only 15 per cent reporting any current livelihood, with less than 10 per cent attending high school or having access to health care. People living with disability also have limited opportunities to participate in community life and activities, and are excluded from the benefits of programmes which could improve their quality of life. The government has in the past five years increased their policy level efforts in the area of disability rights and joined regional and UN agreements and programmes. In 2014, new draft disability legislation is expected along with a new disability policy, a first report to the UN Committee on the rights of persons with

disabilities is being prepared and [a new census is planned](#) to gain further knowledge on the situation for persons with disabilities. According to reports, access to medical and rehabilitative assistance to mine survivors, and other persons with disabilities, in Myanmar increased significantly during 2013 and early 2014, but remains inadequate.

Also during 2014, a Council of Persons with Disabilities was established to work towards adoption and implementation of laws, policies and programmes in line with the UN Convention on the Rights of Persons with Disabilities.

## Legal and policy frameworks

The government of Myanmar has taken some legislative and policy steps that indicate commitment to advancing the rights of persons with disabilities. In terms of international instruments, these steps include:

Myanmar has ratified some of the UN Human Rights treaties, including the CRC in 1991, CEDAW in 1997 and the UN Convention on the Rights of Persons with Disabilities (CRPD) in December 2011. The country has still to ratify the Optional Protocol of the CRPD which would allow persons with disabilities whose rights have been violated to bring complaints to the Committee on the Rights of People with Disabilities. The [CRPD](#) is the first international, legally binding treaty aimed at protecting the human rights of persons with disabilities.

Myanmar has not yet ratified the Mine Ban Treaty and its optional Protocol. In April 2014, the UN Special Rapporteur on the situation of human rights in Myanmar again called on the government of Myanmar to accede to the Mine Ban Treaty and noted that the, "use of landmines has decreased significantly, although there has been limited progress in mine surveying and clearance, marking or fencing." However, Myanmar continued to abstain from voting on the annual UN General Assembly (UNGA) Resolution which calls for universalisation of

the Mine Ban Treaty. It has abstained each year regarding this annual UNGA resolution since 1997.

Signing *Bali Declaration on The Enhancement of The Role and Participation of The Persons with Disabilities in ASEAN Community (2011-2020)*.

Signatories pledge their commitment to developing effective policy and programmes at national, sub-regional and regional levels aimed at systematically improving the conditions of persons with disabilities and harnessing their full development potential.

Myanmar is also aiming at achieving the targets set in the Biwako Millennium Framework for Action and Biwako Plus Five: Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and Pacific (2003-2012). Both of them form regional policy guidelines for the Asian and Pacific Decade of Disabled Persons, which in June 2012 was extended to 2022.

In terms of **national laws and policies** pertaining to persons with disabilities, the following are the most important:

- The new constitution (2008) stipulates that the Union shall “a) care for mothers and children, orphans, fallen Defence Services personnel’s children, the aged and the disabled; b) ensure disabled ex-Servicemen a decent living and free occupational training.” The Constitution also Myanmar stipulates the right to education for all children.
- The Child Law from 1993 stipulates that children with “mental or physical disabilities” have a right to free primary education or vocational training and a right to special care and assistance from the state.
- A law on Rehabilitation and Employment of persons with disabilities was first enacted in 1958, and has since been revised and amended.
- However, most laws and policies are still not adapted to the CRPD, but there have been on going processes since 2011 to address these gaps. A new comprehensive, “Persons with Disability Rights Law” is expected to be presented by end of 2014. Several operational constraints

have been identified, including the limited capacity of agencies, particularly given the “extreme” needs, lack of financial resources, few employment opportunities for people with a disability and the limited number of agencies willing to focus on disability issues in Myanmar.

- A National Plan of Action for Persons with Disabilities (2010-2012) was launched in 2010 with the objective to improve opportunities for persons with disabilities to contribute to the country’s development. This Plan of Action contains a nationwide focus on persons with disabilities. Its main goals are to increase mobility, accessibility and opportunities for persons with disabilities in order to render them able to enjoy equal rights and to actively contribute to the economic and social development of the state as “responsible citizens”. A part of the strategy is dedicated to inclusive disaster prevention and preparedness. A new Plan of action is being drafted in 2014. On the [government web site](#), there is a summary in English of the government position and its cooperation with other actors in the disability field.

### Implementing agencies

The Ministry for Social Affairs Relief and Resettlement is the governmental coordinating body for disability issues. The objectives for its disability efforts are:

- To protect the rights of persons with disabilities;
- To alleviate the discrimination based on the ground of disability;
- To promote dignity, ability, and capability the Persons with Disabilities;  
To enhance equal and full participation of the Persons with Disabilities in the national development task;
- To upgrade the socio economy of Persons with Disabilities

Within the Ministry, the Department of Social Welfare is responsible for “medical rehabilitation, social rehabilitation, and vocational rehabilitation for persons with disabilities and for rendering relief and resettlement services to victims of natural disasters such as earthquakes, storms, floods and fire

disasters". Among other things, the Department has implemented a project on "Supporting Social Welfare Administration - Promotion of Social Participation of the Deaf Community", with support of the Japan International Cooperation Agency (JICA). In Phase 1 of the project (2008-2010), Standardizing Myanmar Sign Language, Distribution of Basic Myanmar Sign Language Conversation Book and Sign Language Awareness Programmes was carried out. Training of trainers for Myanmar Sign Language and Trainings for Sign Language Supporters is on going 2011-13. The Department has also initiated community-based initiatives in collaboration with the Leprosy Mission International (Myanmar) and others.

The Ministry of Education is responsible for the implementation of the "Education for all National Action Plan, 2003-2015". It is an ambitious plan with the overall objective to introduce Inclusive Education, although with a lot of difficulties to overcome: Lack of skilled teachers, of tutorial materials and awareness in general. There are a few special schools and vocational training centres for different kinds of disabilities, most of them located in urban areas. The Ministry is also working with some of the NGOs to develop inclusive education pilot projects (e.g. Myanmar Independent Living Initiative). Mostly children with disabilities are still enrolled in special schools or institutions. According to the Ministry of Education report from 2010-11, "there were 801 disabled children in formal schools, 1450 children in special schools for the blind and the deaf, 30 disabled students in universities and colleges and 6 disabled students in master degree courses". This is a very small number as the population of school age children with disabilities is estimated at 460 000 according to government figures (2.32 %) and even more if using the World Disability Report figures.

The Ministry of Health is mainly responsible for prevention of disabilities, such as mother and child health care and vaccinations. The Ministry of health is however also engaged in the running of some rehabilitation centres and in health aspects of community rehabilitation projects.

The division of responsibilities between the Department of Social Welfare and the Ministries of

Health and Education concerning persons with disabilities does not seem very clear. Also it is not clear how other on going development processes should link up with the community based disability inclusive development initiatives, for example:

- The Rural Development and Poverty Reduction Strategy, in which the target of reducing poverty levels to 16 per cent by 2015. In the area off socioeconomic reforms, priority is given to education, health, transportation, safe drinking water and irrigation. However, persons with disabilities are not specifically mentioned or targeted in the PRS, despite that they and their families make out a significant proportion to people living in poverty. There are no indicators related to disability in the Myanmar Millennium Goals or the PRS.
- The national multi-sectorial strategy to respond to HIV 2011-2015 is focusing on populations at risk and their sexual partners. Persons with disabilities are not specifically included, although it well known that women with disabilities are severely exposed to sexual abuse.

In 2014, a Council of Persons with Disabilities was established to work towards adoption and implementation of laws and policies in line with the UN Convention on the Rights of Persons with Disabilities. The council consists of both government and NGO representatives. The formal mandate in terms of its powers is not clearly spelt out in the documents reviewed.

### **Accountability measures**

The most important accountability mechanism in Myanmar is the **National Human Rights Commission** <http://www.mnhrc.org.mm/en/>, which is being supported by Swedish Raoul Wallenberg Institute (with Swedish funding). So far a workshop on the rights of persons with disabilities is the only reported action taken in the disability area (2014). Otherwise monitoring is mainly done by international organisations such as UN, Amnesty and Human Rights Watch. None of them have focussed on disability rights so far. Since the Optional Protocol of the CRPD has not yet been signed, the UN bodies do not have a formal right to receive complaints.

The **Council of Persons with Disabilities**, which was established in 2014 to work towards adoption and implementation of laws and policies in line with the UN Convention on the Rights of Persons with Disabilities, has a mandate to coordinate and oversee implementation of the laws and policies. It is not clear what kind of powers it has towards the various Ministries.

The **Human Rights Education Institute of Burma** <http://www.hreib.com/> is a nongovernmental organisation that facilitates a broad range of human rights training and advocacy programs for grassroots organisations and community leaders.

### Main civil society actors

In the area of community based rehabilitation and disability inclusive development, the most important NGOs are:

- The Leprosy Mission International (Myanmar) <http://www.leprosymission.org/myanmar.html> supports disability rehabilitation services and community-based disability inclusive development for leprosy and disability-affected people through a network of Disability Resource Centres (DRCs); support the expansion of prevention of disability programmes in the DRCs and encourage the inclusion of people with leprosy and other disabilities into mainstream programmes; work in partnership with other NGOs around issues such as vulnerable groups, food security and education, advocating for full inclusion of people with disabilities; and treble the coverage of DRCs in strategic areas. In recent years the Leprosy Mission (TLM) Myanmar's programme has grown in size and is now recognised by the government, the UN and international non-governmental organisations (NGOs) as a key stakeholder in the disability field in Myanmar. CBM (Christoffel Blindenmission) has entered into a partnership with TLM around the community-based programme.
- Association for Aids and Relief (AAR-Japan) <http://www.aarjapan.gr.jp/english/>
- New Humanity FOCSIV

- Myanmar Disabled Peoples' Organization (MDPO). MDPO is an umbrella organisation of disability organisations in Myanmar formed in 2004 and a member of the Asian and Pacific Disability Forum and DPI.
- Eden Centre for Disabled Children. Eden Centre for Disabled Children, <http://www.edencentre.org> is an organisation for children with physical and intellectual disabilities. The centre promotes equalisation of opportunities and is offering physiotherapy, special education, awareness raising and CBR programmes.
- ShweMinnTha Foundation

In the area of disability policy and advocacy a range of local disability organisations are active. These generally lack resources and knowledge and experience, especially in influencing government and donors and their planning and monitoring frameworks. DPOs are mainly concentrated in urban areas. According to the Government web page the most important NGOs in the disability policy field are the following:

- Myanmar Independent Living Initiative (MILI)
- Myanmar Disabled Women Association, an active partner in the women's movement and signatory of many petitions for women's rights and democratic governance.
- Su PaungArman Blind Workers Association
- Saint Mary Shelter for the Blind
- Myanmar Disabled Peoples' Organization (MDPO), which is an umbrella organisation formed in 2004 and a member of the Asian and Pacific Disability Forum.
- Mandalay Deaf Association and Home for the Deaf Mandalay
- Myanmar Physically Handicapped Association <http://www.myanmarmpha.org/index.htm>
- Myanmar Christian Blind Fellowship. The objectives are to raise and develop the education level of visually impaired persons, to make them able to earn a living on their own and to be

independent, capable persons who can participate fully on equal basis with others in the society.

- Myanmar National Association for the Blind <https://www.facebook.com/mnabmyanmar>
- Blind Massage Development Foundation
- Yangon Deaf Association and Resource centre. Deaf Association and resource centre maintains and develops the role of Myanmar sign language, upgrades the education level and literacy rate of the deaf people, supports the needy deaf in terms of money, moral, knowledge and human resources, promotes and advocates for the rights of the deaf people. YDA is a member of World Federation of the Deaf.
- Family Support Network for Intellectual Disability
- Unity Group of Intellectual Disability
- Network for Myanmar Disabled People (NMDP)
- Myanmar Paralympic Sports Federation and Special Olympic Myanmar

In addition, international agencies such as UNDP, UNESCAP, The Leprosy Mission International (TLMI), JICA, Latter Days Saint Charity, World Vision, Asia Mind, Action Aid, Triangle GH and Japan Heart are also participating in the implementation of disability programmes.

### **What Sweden can do: 7 questions to discuss**

Coherent with the new results strategy for Myanmar 2013-2017, Sweden could discuss the following:

- Could Sweden do more to include disability rights in the dialogue with government on human rights (e.g. ratification on mine ban treaty, including disability aspects in reporting to the UN treaty bodies)?
- Could Sweden do more to bring a disability perspective into joint donor planning meetings with bilateral and multilateral agencies, taking into

consideration that article 32 of the CRPD requires donors to do so? What support and additional information would the embassy need to take such initiative?

- Could Sweden do more to include persons with disabilities and their organisations in local democracy, peace building and human rights efforts? E.g.
  - ✓ Disability and the post-conflict agenda [here](#)
  - ✓ Involvement of Persons with Disabilities in Conflict Resolution and Peace Building Efforts [here](#)
- Could Sweden do more to include disability organisations in CSO capacity development programmes in order to build their capacity to monitor the compliance of the CRPD, to participate meaningfully in PRS and other development processes and to monitor government programs?
- Could Sweden do more to promote inclusion of disability rights monitoring and reporting in the support to human rights institutions and organisations? Especially in relation to follow up on the results of the new legislation and action plan for persons with and the reporting to the Committee on the rights of persons with disabilities (due in 2015). Monitoring tools can be downloaded [here](#).
- Could Sweden do more to include women with disabilities in access to SRHR services and GBV initiatives? In peace building efforts as stipulated in UN resolution 1023?
- Could Sweden do more to enhance its competency in the area of disability rights? E.g. how to include disability in Terms of Reference for pre-planning, tenders, construction and evaluation of programs, how to include disaggregated indicators for persons with disabilities in democracy and HR programmes etc.?



## References

UN Office of the High Commissioner of Human Rights

<http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx>

Action Aid, Myanmar <http://www.actionaid.org/2013/01/myanmar-celebrates-international-day-people-disability#sdfootnote1sym>

Ministry of Social Affairs Myanmar <http://www.dsw.gov.mm/en/rehabilitation/rehabilitation-persons-disabilities>

Bali Declaration <http://www.asean.org/resources/item/bali-declaration-on-the-enhancement-of-the-role-and-participation-of-the-persons-with-disabilities-in-asean-community>

Disability at a Glance 2010: a Profile of 36 Countries and Areas in Asia and the Pacific

UN/ESCAP <http://www.unescap.org/sdd/publications/disability/disability-at-a-glance-2010.pdf>

Mine clearance programs: <http://burma.icbl.org/>

Publications on the rights of persons with disabilities in Myanmar

<http://www.burmalibrary.org/show.php?cat=3080>

Challenges for Myanmar's deaf community <http://uscd.wordpress.com/2012/10/08/existing-challenges-for-myanmars-deaf-community/>

<http://yangon.sites.unicnetwork.org/files/2013/05/Final-UBW-presentation-12-2-12-UBW.pdf> , Ministry of Education Myanmar 2012

Sida's tools on disability: Disability as a human rights issue – conducting dialogue

[http://www.sida.se/English/publications/Publication\\_database/publications-by-year1/2012/june/disability-as-a-human-rights-issue-conducting-a-dialogue/](http://www.sida.se/English/publications/Publication_database/publications-by-year1/2012/june/disability-as-a-human-rights-issue-conducting-a-dialogue/)

Hyogo Framework for Action

<http://www.preventionweb.net/english/hyogo/framework/>

UNICEF Myanmar (2011) Legislative Framework for the Social Protection of Children in Myanmar. Social Policy, Monitoring and Evaluation Section, Submitted to Inter-Agency Working Group for Social Protection of Children, Yangon

Ministry of Health, Government of the Union of Myanmar (2010) Five-Year Strategic Plan for Child Health Development in Myanmar, Naypitaw, (2010–2014)

Integrated Household Living Conditions Survey in Myanmar, Yangon

Myanmar Independent Living Initiative (MILI) <http://www.irrawaddy.org/burma/asean-disability-arts-festival-begin-week.html> and <http://www.irrawaddy.org/burma/project-aims-get-disabled-burmese-children-mainstream-schools.html>

The human rights of persons with disabilities are a Swedish government priority. As a service to staff, briefs have been prepared to provide basic information about the situation of this (often forgotten) group and inspire discussions on what Sweden could do to better include disability rights in diplomacy and programming.