

The Myanmar National Human Rights Commission Must Be Reinvigorated for Better Human Rights Promotion and Protection

[Yangon – 9 October, 2018] The mandate laid out in the Myanmar National Human Rights Commission Law and the mindset of the current commissioners hinders the effective promotion and protection of human rights, and at its worst is being used as a shield to protect the Myanmar military said 12 civil society organizations in a new report released today. The new report calls for the reform of the Myanmar National Human Rights Commission (MNHRC).

“So far, the MNHRC has failed to take decisive action in almost all critical human rights cases and situations,” said Thwin Linn Aung, Director of Genuine People’s Servants. “Myanmar is facing a critical time in its history, with various human rights crises around the country. Now more than ever we need a strong, capable, and principled human rights institution that is independent from the Government and the military,” he continued.

“Return to Sender - MNHRC Enabling Law Must be Returned to Parliament for Structural Reform,” is the Myanmar chapter of the regional Asian NGO Network on National Human Rights Institutions (ANNI) 2018 report. It analyzes the performance of the MNHRC since its inception in 2011 based on the international standards for the functioning of national human rights institutions – the Paris Principles. The criteria set out in the Paris Principles are: mandate and competence, autonomy from the government and independence guaranteed by statute or constitution, pluralism, adequate resources, and adequate powers of investigation.

“The MNHRC has significant flaws that hinder a transparent and open selection process of commissioners that is free of executive influence.” said Alex Moodie, Research Director of Progressive Voice. “Parliament needs to amend the law to ensure its compliance with the international standards set out in the Paris Principles so that it is independent and effective,” he continued.

The report also finds that when in situations of armed conflict or violence, the MNHRC has refrained from publicly criticizing or doing anything to ruffle the feathers of the Myanmar armed forces, suggesting that it is still under its influence as the failures of the MNHRC in the cases of Brang Shawng and Ko Par Gyi demonstrate.

“The Myanmar military commits some of the worst widespread and systematic human rights abuses against civilians in conflict-affected ethnic areas, such as in Rakhine, Kachin and Shan States,” said Aung Khaing Min, Executive Director of Progressive Voice. “Yet the MNHRC has not taken any decisive action against the perpetrators or the institution that is committing these crimes,” he continued.

The report points to the lack of a human rights mindset of the commissioners whose backgrounds include two former military personnel. “How can the current commission effectively promote and protect human rights when they have no background or fundamental understanding of human rights issues.” said Thinzar Shunlei Yi, Advocacy Coordinator of Action Committee for Democracy

Development. “The terms of the current commissioners end in 2019, and it is time to reinvigorate the commission with more principled and experienced human rights figures,” she continued.

The 12 authors of the report strongly recommend that the Parliament makes crucial amendments to the MNHRC Law in order to increase the independence and effectiveness of the body. Furthermore, they recommend MNHRC be more proactive and conflict-sensitive in promoting and protecting human rights, including when it is the military that is implicated in abuses.

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Editor’s note

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