

Burma/Myanmar
Joint Submission to the UN Universal Periodic Review
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Myanmar National Human Rights Commission

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This submission is a joint submission by The CSO Working Group on MNHRC Reform (“The Working Group”). The Working Group was formed in January 2019 and advocates for reform of the Myanmar National Human Rights Commission so it is an effective, independent, and transparent national human rights institution that promotes and protects the rights of all people of Myanmar in line with the Paris Principles. The Working Group is comprised of 22 Myanmar civil society organizations from diverse backgrounds.¹

¹ Action Committee for Democracy Development, Assistance Association for Political Prisoners, Association of Human Rights Defenders and Promoters, Athan – Freedom of Expression Activist Organization, Burma Monitor (Research and Monitoring), Equality Myanmar, Future Light Center, Generation Wave, Genuine People’s Servants, Human Rights Educator’s Network, Human Rights Foundation of Monland, Kachin Women’s Association Thailand, Karen Human Rights Group, Karenni Human Rights Group, Loka Ahlinn (Social Development Network), Metta Campaign – Mandalay, Myanmar People Alliance (Shan State), Progressive Voice, Synergy (Social Harmony Organization), Ta’ang Women’s Organization, The Seagull:Human Rights, Peace & Development, Yangon Watch.

Introduction

1. This joint submission specifically addresses key aspects of the performance of the Myanmar National Human Rights Commission (MNHRC) in relation to recommendations made by member states during the 2nd cycle of the Universal Periodic Review (UPR). It covers issues related to its enabling law – the Myanmar National Human Rights Commission Law – and how the MNHRC operates in practice, using the Principles Relating to the Status of National Human Rights Institutions (henceforth referred to as the Paris Principles). It covers issues related to selection and appointment of commissioners, the MNHRC performance in situations of armed conflict and unrest, pluralism, adequate funding and financial independence, interaction with the international human rights system, monitoring places of deprivation of liberty, and the protection of human rights defenders (HRDs). This submission concludes with recommendations on how Myanmar can implement the recommendations made by member states during the 2nd cycle of the UPR.

Recommendations from the UPR Second Cycle

2. During the second cycle of the UPR, Myanmar received several recommendations regarding the MNHRC, mostly urging compliance with the Paris Principles. They were as follows:¹
 - Continue the strengthening of the national human rights institutions and mechanisms (Nepal); **Source of position:** A/HRC/31/13 - Para. 143
 - Take steps towards establishing a National Human Rights Institution in line with the Paris Principles (Egypt); **Source of position:** A/HRC/31/13 - Para. 143
 - Grant the National Human Rights Commission autonomy and independence in accordance with the Paris Principles (Chile); **Source of position:** A/HRC/31/13 - Para. 143
 - Allow the National Human Rights Commission to fully exercise its functions, in line with the Paris Principles (Senegal); **Source of position:** A/HRC/31/13 - Para. 143
 - Ensure that the National Human Rights Commission is able to discharge its functions fully, in accordance with the Paris Principles, as previously recommended (Portugal); **Source of position:** A/HRC/31/13 - Para. 143
 - Take steps to ensure that the National Human Rights Commission is given a mandate in conformity with the Paris Principles (Sierra Leone); **Source of position:** A/HRC/31/13 - Para. 143
 - Ensure that human rights agencies, including the Myanmar National Human Rights Commission and the Myanmar Press Council, are able to function as effective and independent agencies (Thailand); **Source of position:** A/HRC/31/13 - Para. 144 & A/HRC/31/13/Add.1 - Para. 6
 - Provide all necessary assistance in order that the national human rights institution is able to operate at full capacity and continue judicial reforms, including the increased capacity building of judicial institutions (Republic of Korea); **Source of position:** A/HRC/31/13 - Para. 143

Myanmar *supported* the above recommendations.

Background and Context

3. The MNHRC was established on 5 September, 2011² by Presidential Decree and formalised through the passage of the enabling law – the Myanmar National Human Rights Commission Law (MNHRC Law) – in March 2014. The MNHRC has persistently suffered a public legitimacy deficit with concerns over the transparency of the selection process, the closeness of commissioners to the previous military regime, a perceived lack of effectiveness, and lack of a human rights mindset.³ In January 2020, a complete new set of commissioners was appointed, replacing long-serving members, some of whom had served since 2011, including Chair, U Win Mra.⁴

Current Situation

4. In November 2015, the Global Alliance of National Human Rights Institutions' (GANHRI) Sub-committee on Accreditation (SCA) gave the MNHRC 'B' status, which means that the commission does not fully comply with the Paris Principles. The SCA listed seven aspects of the Commission and its mandate that were problematic: a) selection and appointment, b) performance in situations of civil unrest or armed conflict, c) pluralism, d) adequate funding and financial independence, e) monitoring places of deprivation of liberty, f) interaction with the international human rights system, and g) annual report.⁵
5. In August 2019, the CSO Working Group on MNHRC Reform ("Working Group") released a briefing paper outlining key areas of the law that do not comply with the Paris Principles and needs reform in order for the MNHRC to better promote and protect human rights. Key issues highlighted were: a) selection and appointment of commissioners, b) dismissal procedure of MNHRC's members, c) operational independence and powers of the MNHRC, d) funding, e) accountability and publication of findings and reports, f) engagement with civil society, g) inspection of prisons, jails, detention centers and places of confinement and h) MNHRC's staff.⁶
6. Both the Working Group and GANHRI's SCA are consistent in the issues highlighted and how the MNHRC does not comply with the Paris Principles, and therefore Myanmar has failed to adequately implement the recommendations that it supported during the second cycle of the UPR. The remainder of this submission will detail these failings and make recommendations for a more effective MNHRC.

Selection and Appointment of Commissioners

7. The selection and appointment mechanism is one of the most important ways to guarantee the independence and pluralism of national human rights institutions (NHRIs). It must afford necessary guarantees to ensure representation of the diversity of society and must be implemented in a transparent and inclusive process so the public can access information on how candidates were selected. Yet the selection process for the MNHRC, as noted by both the SCA and the CSO WG on MNHRC Reform, does not guarantee independence from either the executive or the all-powerful military.

8. According to the MNHRC Law, the Selection Board adopts procedures for nominating prospective commissioners and submits a list of thirty nominees to the President in accordance with the MNHRC Law. In consultation with the Lower and Upper House Speakers, the President selects and appoints suitable members of the Commission, including the Chairperson and Vice-Chairperson. The Selection Board, however, comprises of people in positions that are mostly aligned to either the government or the military. This includes a military appointee, the Minister of Home Affairs. It also does not adequately include civil society representatives, stipulating that civil society members of the Selection Board must be registered, a problem in Myanmar where many rights-based civil society organizations are not registered due to restrictive legislation.
9. Furthermore, the selection process lacks transparency. There have been previous reshuffles and appointments of commissioners, but this has not been conducted publicly or with civil society consultation. For example, in the wake of a scandal involvement the mishandling of a case of tortured domestic workers, four commissioners resigned in 2016. When the appointment of three new commissioners was announced through a short statement on the Facebook page of the President's Office, there were no details regarding the selection process.⁷ For example, there was no clear indication regarding whether or not the Selection Board had been convened to appoint new commissioners or if it had been instituted in a top-down process by then-President Thein Sein, or by another authority. This contradicts the explicit stipulation in the General Observation of the Paris Principles that there must be "a clear, transparent, merit-based and participatory selection and appointment process".⁸
10. The background of the commissioners for most of this period has been problematic. Two of whom were former military personnel, and their links with the old regime in other roles such as in the Foreign Service or as civil servants, has long hampered civil society's trust in the commission. Given their background, many human rights defenders question if the commissioners had a human rights mindset and what previous experience of human rights qualifies them for this work. The new commissioners, while not yet given sufficient time in their roles, come mostly from long civil service backgrounds, and thus maintain long links with the ruling regime. Again, the lack of transparency in the selection process, despite many calls from civil society for an open, transparent process in which the public and civil society could be involved, has resulted in disappointment in the selection of commissioners with no real human rights background.⁹ In January 2020, it was announced that all of the MNHRC Commissioners were to be replaced. A list of the new commissioners includes all former civil servants with very little human rights experience.

MNHRC Performance in Situations of Armed Conflict and Unrest

11. Several member states, including the Russian Federation, Ecuador, and Ethiopia, gave recommendations that Myanmar supported regarding protection of civilians in armed conflict, peace and national reconciliation. Yet given the devastating violence that Myanmar has seen during this review period, the performance of the MNHRC is gravely disturbing. Worse than simply staying silent, it consistently issues statements in defence of the military, absolves them of any serious wrongdoing and is thus a shield for its worse abuses. The SCA report of November 2015 noted how "in times of internal conflict or unrest, NHRIs are expected to conduct themselves with a heightened level of vigilance and independence, and to promote and ensure respect for the human rights of all individuals in all circumstances and without exception."¹⁰

12. For the Rohingya, however, this is not the case. The MNHRC simply does not recognize the identity of the Rohingya and has expressed this in various forums.¹¹ This means that the MNHRC has never addressed this issue despite the most serious crimes being committed against the Rohingya and has instead sought to deflect criticism of the violence. This delegitimizes the MNHRC as a national human rights institution. The UN-mandated Fact-Finding Mission on Myanmar, which in its final report found that the Myanmar military leaders should be investigated and prosecuted of genocide for the wave of violence in late 2017 against the Rohingya, condemned the role of the MNHRC:

At no point during these six years, however, did the MNHRC call for or conduct a full, independent investigation of the alleged human rights violations committed by the security forces. Nor did it address the systemic discrimination against Rohingya, despite this falling within its mandate.¹²

13. It is difficult to reconcile the current MNHRC and its role to promote and protect human rights with its rejection to condemn the most horrific human rights violations committed against ethnic minorities and its refusal to even recognize the identity of the Rohingya.
14. Not only has MNHRC undertaken no meaningful action in relation to the violence against the Rohingya. In terms of armed conflict, particularly in Rakhine and Kachin States, two examples illustrate how the MNHRC serves to shield the military.
- a) In May 2019, in the context of armed conflict between the Arakan Army (AA) and the Myanmar military in Rakhine State, six ethnic Arakanese men, who were part of a mass detention of 275 men from Kyauk Tan village in Rathedaung Township, were shot and killed by the Myanmar military.¹³ An initial statement by the MNHRC merely echoed the Myanmar military's narrative, that the six men were shot in self-defense after they tried to grab the soldier's guns.¹⁴ The Working Group decried the MNHRC's lack of effective action with a statement urging an independent investigation.¹⁵ This created public pressure and the MNHRC *did* respond by investigating the case. Ultimately, the MNHRC continued to unquestioningly follow the military's narrative, and absolved the soldiers of responsibility.¹⁶ This is despite statements from villagers and witnesses who say that the military fired upon the villagers without provocation.¹⁷
 - b) The MNHRC issued a similar statement to Parliament in May 2018, when two Kachin men who, according to witnesses, were arrested while tending to buffalo in January 2018, were later found buried after being executed by the Myanmar military.¹⁸ A Kachin Independence Army (KIA) uniform had been put on one of the men. Despite medical reports that said they could have been tortured, the MNHRC explained that they were in fact KIA soldiers, and had been killed in battle, contradicting all reports and testimony from the people on the ground that they were merely civilians and that the Myanmar military had taken them away while they were in the fields.¹⁹

Pluralism

15. Myanmar is a hugely diverse country in terms of religion, ethnicity, language and culture, and the Myanmar military domination by the ethnic and religious majority, Burman Buddhists, has been a key factor in the ongoing civil wars and persecution of minorities such as the Rohingya. It is thus vital that the Selection Board ensures an ethnically, religiously diverse commission that is gender-balanced to move towards a more accurate representation of the country's population. While the

MNHRC Law does set out requirements for diversity, in practice, these have not been followed. For a long period of time – between October 2016 and April 2018 – there were no female commissioners. This was the situation since the Ava Tailoring case in 2016 in which MNHRC commissioners pressured the families of two domestic workers who were tortured at the hands of a tailoring shop family to accept financial compensation rather than seek criminal justice.²⁰ After public outcry over the MNHRC's handling of the case, four commissioners resigned, including the only two female commissioners. It took eighteen months since this occurred for three new commissioners to be appointed, which included just one woman.²¹

16. Furthermore, concerns around the law have been expressed by civil society in terms of diversity and pluralism of staffing as well as commissioners. There is no such provision in the law and it is urged that the requirements set out in Section 7²² of the MNHRC Law for the plurality of the commissioners such as gender balance, ethnic and minority representation, and human rights experience must also be added as requirement for staff.

Adequate Funding and Financial Independence

Budgetary autonomy and financial independence

17. One area which the MNHRC has improved in relation to the Paris Principles is its autonomy regarding its budget. Previously, the annual budget was submitted to the President's Office for approval. This was an issue raised by the GANHRI-SCA, which noted that the MNHRC "...must be provided with an appropriate level of funding in order to guarantee its independence and its ability to freely determine its priorities and activities. It must also have the power to allocate funding according to its priorities."²³ In a positive development, however, since the 2016-2017 fiscal year, its budget is submitted to and allocated by the Parliament, thus giving the MNHRC financial autonomy from the Executive. However, the MNHRC Law must be amended to institutionalise this procedure and also require that a specific line in the national budget be added for the MNHRC.

Adequate resources

18. The GANHRI-SCA General Observations on the Paris Principles stipulates that "to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its independence and its ability to freely determine its priorities and activities".²⁴ The MNHRC Law states that "The State shall provide the Commission with adequate funding"²⁵ yet the commission believes it is underfunded, especially as regards staffing with Vice-Chair, Sitt Myaing claiming in 2017 that they needed 300 staff to fulfil their mandate but only could afford to hire 57.²⁶
19. In the 2016 Annual Report the MNHRC stated its intention to open regional offices in Mandalay, Naypyidaw and one other unspecified location.²⁷ As the GANHRI-SCA General Observations points out, "Another means of increasing the accessibility of NHRIs to vulnerable groups is to ensure that their premises are neither located in wealthy areas nor in or nearby government buildings. This is particularly important where government buildings are protected by military or security forces. Where an NHRI's offices are too close to government offices, this may not only compromise the perceived independence of the Institution but also risk deterring complainants."²⁸ The current office is in Yangon, the wealthiest part of the country and is difficult to access for those marginalised communities of the country.

20. Thus, it is a welcome move to make access to the Commission easier by opening more offices. However, Naypyidaw, the custom-built and heavily militarised city for government, would likely deter victims from approaching the Commission. The proposed opening of a regional office is thus unlikely to serve any purpose, rendering it unnecessary. Funds should be prioritised elsewhere. In Myanmar, the most marginalised populations and those that experience the most severe and regular human rights violations are in ethnic minority areas in the ‘borderlands’ of the country. In order to be more effective, the MNHRC must prioritise the opening of offices in each of the regional state capitals and advocate for funding for full staffing and adequate resources for these offices.

Interaction with the International Human Rights System

21. As part of the mandate for NHRIs, the MNHRC has undertaken engagement with the international human rights mechanisms, such as the second cycle of the Universal Periodic Review (UPR) process and the Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW). It submitted a report to CEDAW in June 2016 and to the UPR in November 2015. However, despite the MNHRC’s assertion that they did submit independent reports to CEDAW and the UPR, the GANHRI-SCA raised questions about the MNHRC’s autonomy regarding state submissions to international human rights mechanisms, noting that, “while it is appropriate for the NHRIs to provide information to the government in the preparation of the State report, NHRIs must maintain their independence and where they have the capacity to provide information to human rights mechanisms should do so in their own right”.²⁹

22. The MNHRC has also recommended that the Myanmar government accede to the International Covenant on Economic, Social, and Cultural Rights which Myanmar did ratify in October 2017.³⁰ While this push to the government is welcome, given that Myanmar has only ratified the Convention on the Rights of the Child, CEDAW, and the Convention on the Rights of Persons with Disabilities, the MNHRC must now continue to push for the ratification of the remaining core international human rights treaties, including optional protocols. Ratifying core international human rights treaties was a recommendation given by several member states during the 2nd Cycle of the UPR, including, but not limited to, Nicaragua, Japan, Switzerland, Belarus, Latvia and Paraguay, and the Myanmar State supported this. Thus, MNHRC should remind the Myanmar government of its support.

Monitoring Places of Deprivation of Liberty

23. The SCA noted that while the MNHRC can visit prisons, and detention centres, it cannot do so unannounced and recommends for this to change as it would limit opportunities for detaining authorities to hide human rights violations and facilitates greater scrutiny.³¹

Protection of Human Rights Defenders

24. The work of the MNHRC itself is much more focused on promotion rather than protection and human rights defenders feel that the MNHRC is not an effective ally when they are conducting their legitimate but dangerous work. One of the stipulations in the enabling law that constrains the MNHRC is Article 37 which states that the commission shall not inquire into any complaint that

involves current proceedings before the court.³² In addition, Article 37(b) stipulates that the MNHRC also cannot inquire into cases that have been finally determined by any court.³³ To acknowledge the complementarity of the commission and the court system and to broaden the powers of the MNHRC, Article 37 should be amended by law so that the commission, with authorization of the court, can inquire into matters pending before it. Civil society organizations have noted how the MNHRC's hands are tied once court case begins.

25. Although not limited by its enabling law, the leadership of the MNHRC has decided to focus disproportionately on 'long-term' human rights promotion which comes at the expense of the type of protection needed. This lack of protection is demonstrated in the case of the two *Reuters* journalists:

Reuters journalists

26. After the arrest of the two Reuter's journalists, Kyaw Soe Oo and Wa Lone in December 2017, the MNHRC released a statement urging *"the authorities concerned to ensure that they enjoy human rights they are entitled to, including non-infliction of torture, provision of health care and allowing access to visits by family and lawyer during detention."*³⁴
27. Following the court case of the two journalists at Yangon Northern District Court, the MNHRC then released a second statement upon their seven year sentencing, stating *"According to the Myanmar National Human Rights Commission Law, the Commission has no particular comment on the sentencing of the two journalists."*³⁵ Given that the police set up the two journalists on orders from their superiors, and that this was a planned sting operation to stop them reporting on the atrocities against the Rohingya, the trial itself represents a grave miscarriage of justice. Any statement by the MNHRC should have, at the very least, pointed out the legitimacy of their work as journalists, and how the charges and subsequent trial and sentencing were a violation of their human rights including to freedom of expression and a fair trial. A stronger statement may have added it had the appearance of a politically targeted case against two people uncovering grave violations by the military. It was, however, simply a weak statement to a gross miscarriage of justice. This case reflects deeper problems within the MNHRC, that it is still beholden to the all-powerful military, and that it lacks the political will and/or ability to publicly defend people such as Kyaw Soe Oo and Wa Lone. It also reflects other concerns raised during the 2nd Cycle of the UPR, including freedom of expression, a recommendation made by New Zealand³⁶ and supported by Myanmar, as well as Fair Trial Rights, as recommended by Singapore³⁷ among others, and supported by Myanmar.

Conclusion

28. The recommendations from the UPR 2nd cycle related to the MNHRC, which Myanmar supported, mostly relate to the compliance of the MNHRC with the Paris Principles. This submission has demonstrated that the MNHRC does not comply with the Paris Principles, five years after these recommendations were accepted. It is also nearly five years since the GANHRI-SCA accredited the MNHRC with a 'B' status – meaning it is not in full compliance with the Paris Principles. Since then, the only progress that has been made to be fully compliant is a change in budgeting process. The major problems – selection and appointment process, pluralism, performance in situations of armed conflict and violence – remain prescient. While some of these issues may be addressed as regards legislative amendments, a major obstacle to the MNHRC's fulfilling its mandate to protect human

rights was the background and mindset of its commissioners. The MNHRC was keen to propagate the benefits of the human rights talks that it gave, extolling the benefits of its human rights promotion work. Yet people who have attended such talks report of commissioners speaking out to defend and even promote the deeply illegitimate 2008 Constitution. This is a document which entrenches the political power of the Myanmar military, an institution that has committed war crimes, the crime of genocide, and crimes against humanity. It also ensures that the military is the ultimate arbiter of the abuses that it itself commits.³⁸ The defense of the 2008 Constitution is not the perspective of an institution working to protect the rights of the people of Myanmar. This echoes civil society complaints that the MNHRC is unable and/or unwilling to protect human rights if the violator is the Myanmar military. While the recent reshuffle may result in a commission with more will to tackle pressing and serious human rights issues, the background of the new commissioners, similar to the background of previous commissioners does not bode well. Thus, it is vital that reform of the commission, both structurally/legislatively and in terms of personnel, go hand in hand.

Recommendations

To the Myanmar Government:

- To propose amendments on reform of the MNHRC Law to:
 - Explicitly mandate the MNHRC to investigate human rights violations in conflict zones and to allow it unrestricted access to active conflict and ceasefire areas;
 - Expand the composition of the Selection Board to include civil society representatives from non-registered NGOs;
 - Establish a quota for different criteria to ensure pluralism, such as by specifying that at least a third of both the body's membership and staff are women and are from ethnic and religious minorities respectively, as well as from civil society with human rights experience;
 - Establish an independent mechanism for dismissal of Commissioners with clear procedural rules and criteria to determine if commissioners are unable to fulfill their mandate;
 - Ensure the selection process is transparent, follows due process, with a requirement to publicize the members of the Selection Board;
 - Remove executive influence from the formation of the Selection Board including ensuring that the two parliament representatives of the Selection Board are selected by the Parliament itself rather than the President;
 - Ensure staff recruitment procedures are open, transparent, and positions are advertised publicly;
 - Remove all clauses requiring prior notification to allow for unannounced visits to prisons, jails, detention centres and places of confinement;
 - Allow the MNHRC to initiate an investigation into a case if a case is under trial before any court or if a Myanmar court has "finally determined on a case";
 - Set out procedures for the Selection Board for nominating potential members of the MNHRC, which should include broad consultations with civil society;
 - Give the MNHRC authority to take concrete action if the response provided by relevant ministries is not satisfactory or if there is no response at all;
 - Specifically stipulate that the funds for the MNHRC should be allocated through parliamentary vote;

- Ensure that the budget is transparent and publicly available, for instance by adding a line in the national budget for the MNHRC budget; and
- Ensure regular, wide and systematic publication of the MNHRC's reports and findings;
- Refrain from interfering in the MNHRC's investigations and demonstrate the political will to respect and undertake recommendations from the Commission; and
- Amend the 2008 Constitution to bring the military under civilian control, end impunity and include the MNHRC as a constitutional body to enshrine its mandate of independence and impartiality to protect human rights.

To the Myanmar Parliament:

- Encourage meaningful, regular debate on the role of the MNHRC, and on its annual report, in parliamentary sessions, and as required where urgent and/or necessary matters arise;
- Hold public hearings on the MNHRC, including on amendments of the MNHRC Law; and
- Table a motion to amend the MNHRC Law as described above.

To the MNHRC:

- Interpret the MNHRC Law in a "*broad, liberal, purposive*"³⁹ manner that is more consistent with the Paris Principles;
- Be more proactive in pressuring the Government and Parliament to reform the enabling MNHRC Law in accordance with the Paris Principles;
- Actively encourage the Parliament to sign and ratify international conventions, especially the core international human rights treaties which Myanmar is still not a party to, and cooperate with international mechanisms and treaty bodies;
- Review and implement the recommendations made by the GANHRI-SCA;
- Ensure that the work of the MNHRC adheres to international agreements relevant to NHRIs such as the Paris Principles, the Merida Declaration, Marrakech Declaration and the Belgrade Principles;⁴⁰
- Take the initiative to seek out and act upon information about human rights abuse, rather than waiting for a complaint to be filed to the Commission;
- Ensure discretion and confidentiality when sharing information between the Executive, Parliament, the Myanmar Military and branches of law enforcement to ensure that complainants and relevant witnesses are protected from reprisal;
- Accompany human rights investigations and recommendations with public pressure to ensure that relevant parties, especially government ministries, respect and implement them;
- Support programs that provide long-term, systematic support and rehabilitation for the victims of human rights violations;
- Solicit assistance from civil society on how to deal with some aspects of human rights protection, including receiving complaints and carrying out investigations;
- Open more branch offices in the rural areas with sufficient resources to educate marginalized, vulnerable, particular ethnic and religious minority communities about the MNHRC's mandates to protect and promote human rights;
- Ensure all materials produced are translated into as many non-Myanmar ethnic languages as possible and are distributed widely to respective communities; and
- Engage in more outreach activities with smaller civil society organizations and grassroots community-based organizations.

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²⁸ General Observations of the SCA, Section 1.10.

²⁹ Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA). Section 2.3.

³⁰ The Myanmar National Human Rights Commission Annual Report 2016 (English).

³¹ Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA). Section 2.3

³² The Myanmar National Human Rights Commission Law, 28 March, 2014. Section 3.

³³ Ibid.

³⁴ 'Statement by the Myanmar National Human Rights Commission on the arrest of two journalists,' *MNHRC*, 21 December 2017. Available at: <http://www.mnhrc.org.mm/st-146300-2/>.

³⁵ 'Statement on the sentencing of journalists Ko Wa Lone and Ko Kyaw Soe Oo of Reuters News Agency,' *MNHRC*. 4 September, 2018, available at: <http://www.mnhrc.org.mm/en/statement-on-the-sentencing-of-journalists-ko-wa-lone-and-ko-kyaw-soe-oo-of-reuters-news-agency-statement-no-92018/>.

³⁶ See Report of the Working Group on the Universal Periodic Review, A/HRC/31/13, para. 145.

³⁷ See Report of the Working Group on the Universal Periodic Review, A/HRC/31/13, para. 143.

³⁸ 'Myanmar – Tatmadaw Leaders Must be Investigated for Genocide, Crimes against Humanity, War Crimes – UN Report,' *UN Independent International Fact-Finding Mission on Myanmar*, 27 August, 2018, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23475&LangID=E>.

³⁹ Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA). Section 2.3.

⁴⁰ The Merida Declaration describes the role of NHRIs in implementing the Sustainable Development Goals and the Belgrade Principles outline how NHRIs and legislative bodies should work together.