

Information provided by the Myanmar National Human Rights Commission (MNHRC) - UPR Submission - Republic of the Union of Myanmar - November 2015

A. Background and framework

1. The Myanmar National Human Rights Commission was established by the Presidential Ordinance in September 2011. The Commission was formed with fifteen members from different professions and various national races. In order to be more in compliance with the Paris Principles, the enabling law- the Myanmar National Human Rights Commission Law- was enacted by the Parliament on 28 March 2014 as Law No. 21/2014. One of the objectives of the law is to create a society where human rights are respected and protected in recognition of the Universal Declaration of Human Rights. In accordance with the enabling law, the MNHRC was reconstituted with eleven members on 24 September 2014 and it is now carrying out its mandate for the promotion and protection of human rights effectively.

2. Since its establishment under Presidential Ordinance, the MNHRC has carried out activities for both promotion and protection of human rights. It has conducted human rights talks and lectures in 54 townships to disseminate human rights knowledge among the people living in those townships. In 2014, the MNHRC conducted human rights education programme for the government officials in seven States of the country with the collaboration of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (Sweden). In addition, workshops and training workshops on core international human rights treaties and UPR process were held in cooperation with international human rights institutions, such as Office of the High Commissioner for Human Rights, Raoul Wallenberg Institute and Asia Pacific Forum of National Human Rights Institutions.

3. In the area of protection, soon after it was established, the MNHRC publicly announced how complaints could be lodged with it. From September 2011 to February 2015 the MNHRC received more than 7000 complaints and those

complaints were given careful consideration. When necessary, investigation teams were formed and special investigations conducted on the cases. Findings and recommendations were submitted to the President and made known to the public through issuance of statements. It also visited prisons and areas affected by conflict to look into the human rights and humanitarian situations and made public statements to inform the public of its findings.

B. Cooperation with human rights mechanism

4. Referring to the Recommendations 104.22 to 104.28 on engagement with international human rights mechanism, it is noted that the Government is cooperating its best with international human rights mechanism not only in special procedures but also in treaty bodies. The MNHRC recommends the Government to continue its cooperation with them.

C. Implementation of international human rights obligations

5. Referring to the Recommendations 106.23 to 106.30 on establishment of national human rights institution, the Myanmar National Human Rights Commission has been established in compliance with Paris Principles. The MNHRC commends the Government's initiative to establish the NHRI in implementing the recommendations made at the first cycle of UPR.

6. Referring to the Recommendations 104.1 to 104.4 and 104.6 to 104.7 on the ratification or accession to the core international human rights treaties, the MNHRC welcomes that the Government has acceded to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The MNHRC has recommended the Government to accede to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and is looking forward that the Government will do so accordingly. In addition, the MNHRC recommends the

Government to consider acceding to the remaining core international human rights treaties as recommended during the first cycle of UPR.

7. Referring to the Recommendations 104.34, 104.35 and 105.9 on the prevention of using child soldiers, the MNHRC welcomes the signing of the Plan of Action for Prevention against Recruitment of the Under-aged Children for Military Service between the Government of Myanmar and the United Nations in June 2012. It is also noted that the Government is carrying out the plan of action. In this regards, the MNHRC recommends the Government to consider the possible accession to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

8. Referring to the Recommendation 105.1 on the political process and free and democratic elections, it is noted that Myanmar has made wide-ranging reforms in transition to democracy. The MNHRC urges the Government not to relent in its efforts and to continue its democratization process taking into due consideration human rights principles contained in the Constitution of the Republic of the Union of Myanmar, Universal Declaration of Human Rights and international human rights instruments applicable to Myanmar. It is also noted that the Election Commission is preparing for ensuring free, fair and transparent elections to be held in November 2015. The MNHRC urges the Election Commission to fulfill its commitment in holding free, fair and transparent elections. The MNHRC also recommends it to consider inviting the local and international observers to monitor the elections and to hold the elections in collaboration with international bodies including the relevant United Nations agencies.

9. Referring to the Recommendation 104.50 on the development activities in Northern Rakhine State, it is noted that the Central Committee for Implementation of Stability and Development in Rakhine State was established in March 2013, headed

by the Vice President and seven sub-committees were also formed under the Central Committee. The MNHRC urges the sub-committees to continue to fully implement the policies and programmes laid down by the Central Committee.

10. Referring to the Recommendations 104.11, 104.32, 104.36, 104.39, 105.3, 105.8 and 105.10 on violence against women, it is noted that the Prevention of Violence Against Women Law is being drafted. The MNHRC urges the Government to deal with the matter expeditiously for enactment of the law.

11. Referring to the Recommendation 104.10 on right to freedom of expression, association and assembly, it is noted that the Law relating to the Right of Peaceful Assembly and Peaceful Procession was enacted in 2011 and its Amendment Law was enacted in 2014. The MNHRC urges those concerned to abide by the law. The censorship on press and media publications has also been terminated. The MNHRC appeals to the press and media people to uphold the press and media ethics.

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