

MYANMAR NATIONAL HUMAN RIGHTS COMMISSION



STRATEGIC PLAN

2014 - 2016

STRATEGIC PLAN

Foreword by Chairperson



U Win Mra
Chairperson
Myanmar National Human
Rights Commission

The MNHRC which was established by the government's notification No.34/2011 of 5 September 2011 has completed its second year of existence.

In consonance with the functions spelt out in the mandate, the Commission endeavored to the best of its ability to initiate activities for the promotion and protection of the fundamental rights of the citizens enshrined in the Constitution of the Republic of the Union of Myanmar during the two-year period.

Through the complaint mechanism the Commission sought to protect human rights abuses. It also made field investigatory trips to areas where there had been alleged violation of human rights and issued press statements, reporting its findings reflecting the Commission's recommendations as well.

For dissemination of human rights knowledge and capacity building, the Commission organized workshops on human rights related subjects with the collaboration of RWI and OHCHR. The Commissioners and staff members also took part in the regional human rights workshops and training programmes.

During the two-year period, delegations from the Commission visited neighbouring NHRIs in Thailand, Malaysia, Indonesia, the Philippines, India and European NHRIs in Denmark, Germany and Strasbourg, France and Australia and New Zealand in the Asia Pacific Region to interact with them and learn from their best practices. The MNHRC became a member of SEANF in September 2012 and an associate member of APF in November of the same year.

The Commission also organized a training workshop for the staff with the RWI with which the Commission had established a two-year programme for the capacity building of the Commission.

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The time has now come to adopt a more comprehensive plan. It is my pleasure to present the Strategic Plan of the MNHRC for 2014-2016 facilitated by the APF secretariat.

The Plan focuses on five strategic goals:-

- 1- To increase awareness of and support for human rights
- 2- To assist and encourage parliament and government to ensure that all laws, policies and programs are human rights compliant
- 3- To monitor and investigate human rights violations and assist victims to obtain remedies
- 4- To initiate and encourage the development of human rights law and mechanisms internationally and domestically.
- 5- To develop the MNHRC's structures, processes and to train staff so that it is as effective an NHRI as possible.

The Strategic Plan amply demonstrates the determination of the MNHRC to make a positive contribution to the establishment of a Myanmar Society in which human rights are respected, promoted, protected and fulfilled.

The Enabling Law which the Commission started to draft in March 2012 with the assistance of the experts from the APF Secretariat, RWI and OHCHR and participation of the government stakeholders, after more than a year of consultation in the drafting process, is now before the Parliament for consideration. After enactment of the Enabling Law, the MNHRC will be reconstituted.

Notwithstanding the reconstitution, the Strategic Plan can serve as a useful guideline for implementation of the goals contained in the Plan or as a menu from which projects can be chosen for implementation and for seeking donor support.



Win Mra

Chairperson

Myanmar National Human Rights Commission

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The Role and Mandate of the MNHRC

The Myanmar National Human Rights Commission (MNHRC) was established in September 2011 by Presidential Ordinance 34/2011 to promote and protect human rights. It has fifteen members appointed by the President of the Republic of the Union of Myanmar, drawn from the diversity of ethnicities and religions that make up Myanmar's people. Its responsibilities and functions are:

- (1) to receive communications on the violations of the fundamental rights of citizens enshrined in the Constitution of the Republic of the Union of Myanmar, to investigate them and to convey the findings to the relevant government departments and bodies for necessary action.
- (2) on receipt of information on violations of the fundamental rights of citizens, to verify the information and to convey the findings of the investigation to the relevant government departments and bodies for necessary action.
- (3) to examine whether the rights under the international human rights instruments to which Myanmar is a State party are fully enjoyed and to advise on the reports of Myanmar submitted to the international human rights treaty bodies.
- (4) to study international instruments on human rights to which Myanmar has not yet been a party to, and to submit recommendations on signing of and accession to appropriate instruments.
- (5) to communicate with the UN organizations and foreign and domestic bodies engaged in the promotion and protection of human rights.
- (6) to extend thematic assistance in promotion of and research into human rights.
- (7) to provide leadership and assistance in the activities on enhancing the public awareness and knowledge of human rights promotion and protection.

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- (8) to carry out tasks occasionally assigned by the President in connection with promotion and protection of human rights.
- (9) to submit annual reports to the President on the activities of the Myanmar National Human Rights Commission and developments in the field of human rights.

In addition, in performing its responsibilities, the MNHRC is empowered:

- to summon and question the individuals concerned
- to claim and examine relevant documents except those specially classified as required by the State
- to visit and examine scenes of violations.

The MNHRC is to be re-constituted under a law of the Parliament of Myanmar.

Situational Analysis

After more than 50 years of authoritarian rule Myanmar is undergoing a rapid transformation to democracy. In this new political landscape, actors in the fledgling democratic state have demonstrated a strong commitment to improving the human rights situation in Myanmar since parliament convened in 2011.

Some of the first pieces of legislation enacted by the parliament specifically addressed matters relating to human rights. The Peaceful Gathering and Demonstration Law and the Labour Organisations Law were amongst the first to be passed by the Parliament and signed by the President after being drafted in consultation with the International Labor Organisation. The government has continued to consult and cooperate with international organisations, experts and civil society, seeking their input in drafting legislation and formulating policies that relate to human rights. For example, working with UNICEF in the revision of the Child Law, with civil society and UN organisations on the Anti-Violence Against Women Law and the National Strategic Plan for the Advancement of Women. Other initiatives include bringing forced labour and the recruitment of child soldiers to an end.

Despite these reforms human rights concerns are being raised frequently in Myanmar in relation to inter-communal conflict, lack of accountability for violations, land confiscations, the rule of law and its implementation, violence against women, gender inequality and other issues.

The MNHRC's **strengths** lie in its independence and legitimacy as a national human rights institution established under the law of Myanmar. Its wide mandate under Presidential Ordinance 34/2011 extends to the promotion and protection of all human rights, civil, cultural, economic, political and social. It is accepted domestically, regionally and internationally as the principal human rights institution in Myanmar. Its members have diverse

ethnic and religious backgrounds and include men and women with experience in many different areas of government and academia and with different skills and expertise. It has earned credibility, confidence and the trust of people through its work over the past two years in investigating and resolving complaints, undertaking educational and awareness raising activities and advocacy with government.

As a new institution in a society in transition the MNHRC continues to face many **challenges**. There had been little national experience in Myanmar in promoting and protecting human rights and so the Commissioners had to begin to build the MNHRC and its work from nothing. They have had to recruit and train staff who would have to acquire expertise and experience in human rights work. They have had to develop systems and procedures for the work of the MNHRC, including complaint investigation and resolution, monitoring, education and awareness raising, and advocacy. They have had to find ways of reaching out to people in a large country with a diverse population. They have had to educate and advocate about human rights in a country where the concepts and language of human rights have been little known, understood and discussed. These challenges of the MNHRC's first two years remain.

The transitional nature of Myanmar's political system presents **opportunities** for the MNHRC. The country is undergoing a rapid movement towards a democratic society in which human rights are respected. Both government officials and people in the broader community desire to know and understand human rights better. Parliament's enactment of a law for the MNHRC will enhance its status and legitimacy even further. It will enable the MNHRC to obtain international recognition as a national human rights institution that complies fully with the relevant international standards, the Paris Principles. It will open new opportunities for it to engage with all levels of the state, including government officials, the military and police, and the judiciary, and with civil society and the broader community.

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There are also **risks** to the MNHRC's work and its effectiveness. Its success is closely linked with the process of democratisation and reform in Myanmar. That process has been rapid and confident, in spite of the emergence of complex inter-community tensions and conflicts and the difficulty of holding violators of human rights accountable for their actions. It has raised expectations of the MNHRC that are difficult to meet quickly. Limited public knowledge and understanding of human rights can lead to the work of the MNHRC being misunderstood. Inadequate laws and weak institutions take time to be strengthened. In this difficult situation the MNHRC's leaders and staff need to maintain their strong commitment to the promotion and protection of human rights.

The Vision, Mission and Goals of the MNHRC

VISION STATEMENT

The vision of the MNHRC is:

“A Myanmar society in which human rights are respected, promoted, protected and fulfilled.”

MISSION STATEMENT

The mission of the MNHRC is:

“To achieve our vision we work proactively to ensure respect for human dignity, social justice, non-discrimination and the rule of law through the promotion and protection of human rights.”

GOALS

To achieve its vision and mission, between 1 January 2014 and 31 December 2016, the MNHRC will focus on the following five strategic goals:

- Goal 1: to increase awareness of and support for human rights
- Goal 2: to assist and encourage parliament and government to ensure that all laws, policies and programs are human rights compliant
- Goal 3: to monitor and investigate human rights violations and assist victims to obtain remedies
- Goal 4: to initiate and encourage the development of human rights law and mechanisms internationally and domestically
- Goal 5: to develop the MNHRC's structures, processes and staff so that it is as effective an NHRI as possible.

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Strategies, Activities, Results and Indicators

GOAL	STRATEGIES	ACTIVITIES	RESULTS	INDICATORS
1. to increase awareness of and support for human rights	1.1 Provide human rights information and education to the general public 1.2 provide information and education to government officials on human rights obligations 1.3 encourage the development of curriculum to educate students on human rights 1.4 encourage a high media profile for human rights issues	<ul style="list-style-type: none"> ♦preparation and dissemination of explanatory materials on the Commission and its functions ♦preparation and dissemination of materials on human rights ♦preparation and dissemination of human rights information in the States and Regions, through educational seminars and workshops and the publication of materials ♦dissemination of human rights information through radio/TV programs ♦promotion of human rights through news stories in the public media ♦translation of key international human rights instruments and international human rights jurisprudence into Myanmar ♦working with appropriate education authorities to introduce human rights into 	<ul style="list-style-type: none"> ♦increased awareness of and support for human rights among participants in MNHRC training programs ♦more people understanding their rights and respecting the rights of others ♦more people supporting and taking action to improve human rights 	<ul style="list-style-type: none"> ♦increased provision of human rights education in schools and universities ♦increased positive coverage of human rights issues in the media

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GOAL	STRATEGIES	ACTIVITIES	RESULTS	INDICATORS
		primary, secondary and tertiary curricula ♦ human rights awareness raising and education for government officials, the judiciary, the police, the military and civil society		
2. to assist and encourage parliament and government to ensure that all laws, policies and programs are human rights compliant	2.1 establish institutionalised relationships with parliament and government 2.2 review existing and proposed legislation, policies and programs for consistency with international human rights norms 2.3 provide advice to parliament and government on matters relating to human rights.	♦ review of proposed legislation to assess consistency with international and domestic human rights law ♦ development and implementation of a program to review existing legislation to assess consistency with international and domestic human rights law ♦ provision of advice to the government and parliament at their request on matters relating to human rights in Myanmar ♦ research and preparation of advice on human rights issues identified by the Commission as issues of priority and concern, including women's	♦ MNHRC work influences the development of law, policy and practice consistent with international human rights norms	♦ MNHRC views and recommendations are increasingly reflected in the laws, policies and programs of parliament and government

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GOAL	STRATEGIES	ACTIVITIES	RESULTS	INDICATORS
		rights, violence against women, the rights of people with disability, torture prevention, migrant workers, and business and human rights		
3. to monitor and investigate human rights violations and assist victims to obtain remedies	<p>3.1 engage and coordinate with civil society organisations in monitoring human rights compliance and in improving public access to the MNHRC complaints mechanism</p> <p>3.2 provide an effective complaint handling mechanism that ensures remedies for victims, based on the study of best practices of other NHRIs' complaint handling and public inquiries mechanisms</p> <p>3.3 undertake visits to areas of alleged human rights violations and to places of detention</p>	<p>♦ investigation of and inquiry into alleged violations of civil, political, economic, social and cultural rights, including women's rights, violence against women, the rights of people with disability, torture prevention, migrant workers and business and human rights, through research, public consultations and hearings, human rights education on the issues under investigation or inquiry, drafting reports and recommendations, and advocacy for acceptance and implementation of recommendations</p> <p>♦ investigation of and inquiry into situations of alleged violations of civil, political, economic, social and cultural rights, through research,</p>	<p>♦ more victims of human rights violations obtain remedies</p> <p>♦ MNHRC complaints mechanism reflects international best practice</p> <p>♦ significant human rights violations are identified and addressed through MNHRC monitoring and investigation</p>	<p>♦ victims of human rights violations are satisfied with the effectiveness of the MNHRC</p> <p>♦ MNHRC views and recommendations resulting from visits to areas of all alleged human rights violations and places of detention are increasingly accepted and implemented</p>

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GOAL	STRATEGIES	ACTIVITIES	RESULTS	INDICATORS
		<p>public consultations and hearings, human rights education on the issues under investigation or inquiry, drafting reports and recommendations, and advocacy for acceptance and implementation of recommendations</p> <ul style="list-style-type: none"> ♦ conduct of visits to areas of alleged human rights violations ♦ development of a "best practice" complaint handling procedures manual for use by Commission staff in investigating and resolving complaints of human rights violations ♦ implementation of a complaint handling management system, including a database for the registration and tracking of complaints and for the evaluation of the effectiveness of the complaint handling service ♦ production of information material on the Commission's complaint handling service and procedures ♦ research and drafting of an annual report on the human rights situation in Myanmar 		

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GOAL	STRATEGIES	ACTIVITIES	RESULTS	INDICATORS
		<ul style="list-style-type: none"> ♦ preparation of an annual report on the Commission's activities ♦ development of a "best practice" procedures manual for the inspection of places of detention for use by Commission staff ♦ development and implementation of a program of inspections of places of detention in Myanmar and preparation of reports of each inspection 		
4. to initiate and encourage the development of human rights law and mechanisms internationally and domestically	<p>4.1 provide advice to the government in the preparation of its reports under international human rights monitoring mechanisms and contribute information to those mechanisms</p> <p>4.2 provide advice and assistance to the relevant government ministries on the ratification of human rights treaties and the development of domestic human rights laws</p> <p>4.3 seek full status and full participation in the ICC and APF</p>	<ul style="list-style-type: none"> ♦ review of international human rights treaties not yet ratified by Myanmar to consider the priority for ratification among the treaties, to assess the extent to which Myanmar currently complies with the provisions, and to determine what steps Myanmar needs to take prior to and upon ratification ♦ activity related to the reports under the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child and its protocols, and the Convention on the Elimination of All Forms of Discrimination Against Women, including 	<ul style="list-style-type: none"> ♦ international human rights mechanisms make accurate findings and useful recommendations on the human rights situation in Myanmar ♦ Myanmar progressively ratifies all core human rights treaties and incorporates those treaties into domestic law ♦ MNHRC achieves "A" status accreditation from the ICC and full membership of the APF 	<ul style="list-style-type: none"> ♦ MNHRC views and recommendations are increasingly reflected in the views and recommendations of international human rights monitoring mechanisms ♦ the number of core human rights treaties ratified by Myanmar and incorporated into domestic law ♦ MNHRC achieves "A" status accreditation from the ICC and full membership of the APF

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GOAL	STRATEGIES	ACTIVITIES	RESULTS	INDICATORS
		<p>assisting the Government in the preparation of the State reports, preparing the Commission's own parallel reports, attending the Committee's examination of the State reports and briefing the Committee, promoting the Committee's Concluding Observations and Recommendations, and following up and promoting implementation</p> <p>♦ activity related to Myanmar's examination under the Universal Periodic Review, to take place in 2015 including assisting the Government in the preparation of the State report, preparing the Commission's own parallel report, attending the Human Rights Council Working Group's examination of the State report, attending and (if accredited with "A" status) addressing the Human Rights Council plenary session to adopt the draft report, promoting the UPR Report and Recommendations, and following up and promoting implementation</p>		

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GOAL	STRATEGIES	ACTIVITIES	RESULTS	INDICATORS
		<ul style="list-style-type: none"> ♦ engagement with the Human Rights Council's Special Rapporteur on the situation of human rights in Myanmar, including briefing Special Rapporteur on the Commission's analysis of the situation, meeting with him during country visits and (if accredited with "A" status) addressing the Human Rights Council plenary session when it considers the Special Rapporteur's reports ♦ participation in meetings of the Asia Pacific Forum of National Human Rights Institutions (APF), the South East Asian National Human Rights Institutions Forum (SEANF) and the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) ♦ attainment of "A" accreditation status as a NHRI 		
5. to develop the NHRC's structures, processes and staff so that it is as effective an NHRI as possible	5.1 review and revise the current staffing structure of the MNHRC, including the need for regional offices	<ul style="list-style-type: none"> ♦ conduct of a capacity assessment of the Commission ♦ conduct of a second High Level Dialogue after new Commission members are appointed 	♦ MNHRC staffing structure is the most appropriate and effective in the context of available resources	♦ the development and implementation of annual MNHRC work plans

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GOAL	STRATEGIES	ACTIVITIES	RESULTS	INDICATORS
	5.2 review, revise and develop MNHRC procedures 5.3 strengthen the capacities of the Commission and staff	<ul style="list-style-type: none"> ♦ Commission and staff training and development, including <ul style="list-style-type: none"> □ international Human Rights Law □ English language training at introductory, basic and advanced levels □ training in the use of information technology and computers, including Internet searching □ short-term attachments to other NHRIs □ provision of scholarships for postgraduate studies in human rights □ training in the use of the media for human rights promotion and education □ training in the implementation of procedures manuals and of standard operating procedures ♦ preparation of new standard operating procedures and development of existing standard operating procedures, where necessary ♦ provision of equipment necessary for the implementation of the Commission's mandate, including <ul style="list-style-type: none"> □ appropriate computer equipment 	<ul style="list-style-type: none"> ♦ MNHRC procedures enhance its effectiveness as an NHRI ♦ MNHRC can fulfill its mandate effectively 	<ul style="list-style-type: none"> ♦ the development and implementation of a staff development program ♦ MNHRC maintains effective systems to monitor and evaluate its work including annual internal evaluations, periodic external evaluations, annual reporting and annual staff performance appraisals

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GOAL	STRATEGIES	ACTIVITIES	RESULTS	INDICATORS
		<p>(personal computers or laptops or tablets)</p> <ul style="list-style-type: none"> □ powerpoint projector □ printers and a small printing press □ videoconferencing facilities □ a language training laboratory <ul style="list-style-type: none"> • development and implementation of a strategy for consultation and engagement with relevant civil society, business and labour organisations, national races organisations and minorities, and academic institutions, including identifying relevant organisations, providing the options for consultation and engagement, and describing the nature and frequency of general consultations between the Commission and other organisations • incorporation of community engagement strategies in significant Commission programs and projects, including community awareness raising and education, investigations and inquiries into alleged human rights violation, and human rights monitoring 		

Performance Monitoring and Evaluation

In order to ensure the effective implementation of the MNHRC's Strategic Plan for the period 1 January 2014 to 31 December 2016, annual work plans will be developed for each year of the Strategic Plan that set out the specific activities to be undertaken by the MNHRC towards the fulfillment of its five strategic goals. The annual work plans will link individual activities to the Strategic Plan's results and indicators and highlight the necessary resources required for their implementation.

The MNHRC will undertake a rigorous approach to evaluating its progress in achieving its strategic goals. Monitoring and evaluation mechanisms will be established in order to ensure ongoing performance monitoring and evaluation of the Strategic Plan and the annual work plans. In order to make informed assessments of the MNHRC's performance, quantitative and qualitative measurement tools will be utilized, which will establish benchmarks and the ability to track trends over time.

The performance monitoring and evaluation framework will include:

1. The establishment of a MNHRC Monitoring and Evaluation Committee, comprised of Commissioners, which will coordinate the review and evaluation process in order to assess and measure the implementation of the Strategic Plan.
2. The implementation of a monitoring and evaluation process for each individual activity in the annual work plans in line with expected results and indicators.
3. The implementation of a monitoring and evaluation process for each annual work plan, including an assessment of the annual plans' contribution towards the progressive attainment of the MNHRC's five strategic goals.

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4. At the end of 2016 the MNHRC will engage an external evaluator/auditor in order to assess and evaluate the performance and impact of the MNHRC based on the goals set out in the Strategic Plan.

Myanmar National Human Rights Commission

October 2013