

Rosalind Croucher AM
Chairperson
Level 3, 175 Pitt Street
Sydney NSW 2000
Australia

Open Letter from Myanmar CSOs and Asian NGO Network on NHRIs regarding APF's statement on the situation in Myanmar

We, the CSO Working Group on MNHRC Reform and the Asian NGO Network on National Human Rights Institutions (ANNI), welcome the Asia Pacific Forum on National Human Rights Institutions' (APF) [statement](#) condemning the attempted coup in Myanmar and subsequent violence.

We find that the continuing inaction from the Myanmar National Human Rights Commission (MNHRC) demonstrates that it condones the actions and supports the illegitimate military junta. We urge the APF to temporarily suspend the MNHRC from its membership until the MNHRC is reconstituted, while also recognizing the National Unity Government (NUG) as the legitimate, interim government of Myanmar. We also call on the Global Alliance of National Human Rights Institutions (GANHRI) and the Southeast Asia National Human Rights Institution Forum (SEANF) to take similar action against MNHRC.

The APF, in its [statement](#) released on 10 May 2021 after three months of the violence by the illegitimate military junta, rightly condemns the coup, subsequent violence, and calls for an end to the violence, the release of political prisoners, and a return to democracy. The APF statement also highlights how “the people of Myanmar should be able to depend on a robust and vigilant NHRI to effectively monitor and take action on the alleged human rights violations taking place during the current state of emergency.”

The MNHRC has not only completely failed to carry out this function, but through its continued silence, is complicit in the military's atrocities.

Amid the mounting evidence of the most egregious human rights violations including extrajudicial killings, torture, rape and sexual violence, arbitrary arrest, and violent crack downs on freedom of expression, association and assembly by the junta, which [according](#) to the Special Rapporteur on the situation of human rights in Myanmar, likely amount to crimes against humanity, the MNHRC has remained completely silent.

To date, the MNHRC has made no public statement, comment, or even signal that it opposes the military coup or the subsequent human rights and humanitarian crisis. Rather, it has resorted to suspending its own staff for joining the Civil Disobedience Movement (CDM). As a result, on 11 March, 2021, the CSO Working Group on MNHRC Reform, as well as 56 local and regional CSOs and networks, [called](#) for the suspension of the MNHRC from all regional and global platforms of national human rights institutions, including the APF.

The APF statement also refers to its concern “about the current inability of the MNHRC to perform its mandated functions in line with Paris Principles” and how MNHRC commissioners “should not face reprisals for performing their role.”

We agree that there are risks involved in publicly condemning the coup. The 807 martyrs who have been killed by the junta since the 1 February coup are testament to the fatal consequences of standing against military rule. So are the thousands locked up in prison for exercising their right to peacefully protest as well as

individuals and families in hiding as the junta mercilessly chases activists, CDM participants, strike leaders and supporters, abducting their family members, including young children.

Still, the fact that the MNHRC has remained silent and failed to perform its mandated functions in protecting and promoting human rights when it is needed the most, yet again reveals the structural flaws in its establishment and composition, a trust deficit from the people, and weaknesses in its operation.

Quite simply, the MNHRC has no legitimacy as an NHRI. The APF's own reputation continues to be tarnished by its continued association with the MNHRC and its failure to take immediate and appropriate action to suspend the MNHRC from its membership. We reiterate that the NUG must be recognized as the legitimate government of the people and until the MNHRC is reconstituted, there is no legitimate Myanmar NHRI.

Therefore, we call on the APF to:

- Immediately suspend the MNHRC from membership;
- Readmit the MNHRC only when it is reconstituted;
- Recognize the NUG as the legitimate government of Myanmar.

Sincerely,

CSO Working Group on MNHRC Reform
Asian NGO Network on National Human Rights Institutions (ANNI)

For further information, please contact:

- Nang Zun Moe, info@progressive-voice.org
- ANNI Secretariat, FORUM-ASIA, anni@forum-asia.org
- Nai Aue Mon, Human Rights Foundation of Monland, auemon@gmail.com
- Ma Thinzar Shunlei Yi, thinzarshunleiyi@protonmail.com

About the CSO Working Group on MNHRC Reform:

The CSO Working Group on MNHRC Reform consists of 22 diverse Myanmar civil society organizations that works to advocate for the reform of the MNHRC so it is an effective, independent, and transparent NHRI that promotes and protects the rights of all people of Myanmar in line with the Paris Principles – the international standards for NHRIs. reformmnhrc@gmail.com

About the Asian NGOs Network on National Human Rights Institutions (ANNI):

The Asian NGOs Network on National Human Rights Institutions (ANNI) was established in December 2006. It is a network of Asian non-governmental organisations and human rights defenders working on issues related to National Human Rights Institutions (NHRIs). ANNI has members that are national organisations from all over Asia. ANNI currently has 33 member organisations from 21 countries or territories. The work of ANNI members focuses on strengthening the work and functioning of Asian NHRIs to better promote and protect human rights as well as to advocate for the improved compliance of Asian NHRIs with international standards, including the Paris Principles and General Observations of the Sub-Committee on Accreditation (SCA) of the Global Alliance of NHRIs (GANHRI). The Asian Forum for Human Rights and Development (FORUM-ASIA) has served as the Secretariat of ANNI since its establishment in 2006. <http://l.forum-asia.org/ANNI>