



# MYANMAR

## The Myanmar National Human Rights Commission – A Lesson in Failure

Compiled by Progressive Voice on behalf of the CSO Working Group on Independent National Human Rights Institution (Burma/Myanmar)<sup>1</sup>

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## Introduction

The Myanmar National Human Rights Commission (MNHRC) was formed in 2011 and mandated by its enabling law, the Myanmar National Human Rights Commission Law, in 2014. It was graded as a status 'B' national human rights institution (NHRI) in November 2015 by the Global Alliance of National Human Rights Institutions' Sub-Committee on Accreditation (GANHRI-SCA). This status indicates the MNHRC's failure to fully comply with the Paris Principles. The GANHRI-SCA listed seven problematic aspects of the Commission because of which it got this grading: 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.<sup>2</sup>

“ Since the 2015 accreditation process there have been several emblematic cases that demonstrate the MNHRC's lack of independence, effectiveness, and pluralism.

One example is the 2016 Ava Tailoring case, in which a prominent tailoring family business in downtown Yangon was found to have abused and tortured two teenage maids and forced them to work with little or no pay.<sup>3</sup> After the case came to light and was reported to the MNHRC, rather than pursuing legal action or setting accountability, the MNHRC pressured the families of the two victims to accept money from the tailoring family.

Moreover, in conflict-affected parts of Myanmar, the MNHRC has proven to be particularly ineffective. This can be seen in its consistent adherence to the military's narrative during the investigations into civilian deaths in Kachin State in 2018 and Rakhine State in 2019, as well as its complete silence over the Rohingya genocide in 2017.<sup>4</sup> It is also important to note that, between 2016 and 2018, there were no women commissioners in the MNHRC.

The MNHRC has utterly failed to address the magnifying human rights crisis in Myanmar after the military's attempted coup on 1 February 2021. The military junta has torn up the previous tenuous agreement between the civilian government of the National League for Democracy and the Myanmar military by attempting to subvert the democratic will of the people of Myanmar, as expressed in the 2020 national elections.

“ The junta has been waging an all-out assault against the people of Myanmar, and the country is now in a state of full-blown nationwide war. The illegal junta has also enacted or amended several laws that further suppress and violate the fundamental human rights of the people of Myanmar.

This includes legalising military interception of electronic communications, expanding Section 505(A) of the Penal Code to criminalise the expression of dissent such as protesting, and amending the Electronic Transactions Law to criminalise online criticism of the military junta.<sup>5</sup>

1 The CSO Working Group on Independent National Human Rights Institution (Burma/Myanmar) advocates for the establishment of a new National Human Rights Institution (tentatively named the Union Human Rights Commission) to replace the illegitimate Myanmar National Human Rights Commission (MNHRC), which has aligned itself with the illegal military junta. The Working Group was previously known as 'CSO Working Group on MNHRC Reform'. Currently, it consists of 20 Myanmar civil society organisations. From its founding in 2019 until the attempted coup in February 2021, the Working Group has consistently advocated for an effective MNHRC that demonstrates a commitment to the international standards set forth in the Paris Principles.

2 "Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)", GANHRI, 16-20 November, 2015, <https://ganhri.org/wp-content/uploads/2019/11/SCA-FINAL-REPORT-NOVEMBER-2015-English.pdf>.

3 San Yamin Aung, "Four MNHRC Members Resign Over Tailor Shop Abuse Case," *The Irrawaddy*, October 6, 2016, <https://www.irrawaddy.com/news/burma/four-mnhrc-members-resign-tailor-shop-abuse-case.html>.

4 "Myanmar: A Little Less Conversation, A Little More Action Please," Myanmar Civil Society Organisations and ANNI, Myanmar Chapter of the 2019 ANNI Report, November 2019, <https://progressivevoicemyanmar.org/wp-content/uploads/2019/12/20191119-Myanmar-A-little-Less-Conversation-A-Little-More-Action-Please-FINAL-Web-ready.pdf>.

5 "Myanmar: Post-Coup Legal Changes Erode Human Rights," Human Rights Watch, March 2, 2021, <https://www.hrw.org/news/2021/03/02/myanmar-post-coup-legal-changes-erode-human-rights> and "Myanmar: Military Coup d'état violates principles of rule of law, international law and Myanmar's Constitution," International Commission of Jurists, February 8, 2021,

<https://www.icj.org/myanmar-military-coup-detat-violates-principles-of-rule-of-law-international-law-and-myanmars-constitution/>.

The military junta faces fierce resistance, both civil and armed, from the nationwide Civil Disobedience Movement, the emergence of People's Defence Forces, and the long-standing Ethnic Resistance Organisations. Long-established ethnic governance entities and structures, service providers, and newly established people's administration bodies govern significant parts of the country.<sup>6</sup> The National Unity Government (NUG) is the government formed of elected Members of Parliament from the 2020 elections and ethnic and civil society leaders. The NUG is the overarching government that the people of Myanmar view as their legitimate governing institution.

The military junta has responded to the resistance with disproportionate levels of violence, including targeted killings of civilians, massacres, airstrikes, arbitrary arrests, extra-judicial killings, sexual and gender-based violence, and relentless persecution of political figures and human rights defenders.<sup>7</sup> As of 22 September 2023, the junta has killed over 4,100 people (including 457 children); arbitrarily arrested nearly 25,000 civilians (about 20,000 of whom remain in detention), and sentenced around 150 dissenters to death.<sup>8</sup> The junta continues to commit war crimes against civilians (including children) and crimes against humanity at will, often targeting places of worship, schools, and hospitals.

One of the worst massacres occurred in April 2023, where an aerial bombing, followed by helicopter attacks, killed at least 170 people in Pa Zi Gyi Village in Sagaing Region as they gathered to celebrate the opening of a new administration department. The Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews, repeated his determination to the UN Human Rights Council in June 2022 that the junta's daily attacks amount to war crimes and crimes against humanity.<sup>9</sup>

6 "Briefing Paper: Effective Control in Myanmar. Special Advisory Council for Myanmar", September 5, 2022, <https://specialadvisorycouncil.org/2022/09/briefing-effective-control-myanmar/> and "Situation Maps: The Burma Army's Authority Deteriorates as it Struggles to Maintain Control Within the Country," Free Burma Rangers, April 24, 2023, <https://www.freeburmarangers.org/2023/04/24/situation-maps-the-burma-armys-authority-deteriorates-as-it-struggles-to-maintain-control-within-the-country/>.

7 "Launch of a Briefing Paper Humanitarian Crisis in Myanmar's Dry Zone," Progressive Voice, August 31, 2022, <https://progressivevoicemyanmar.org/2022/08/23/media-advisory-launch-of-a-briefing-paper-on-the-humanitarian-crisis-in-myanmars-dry-zone/> and "Anatomy of Impunity – UN Must Finally Establish a Jurisdiction for Grave Crimes in Myanmar," Progressive Voice, March 10, 2022, <https://progressivevoicemyanmar.org/2022/03/10/anatomy-of-impunity-un-must-finally-establish-a-jurisdiction-for-grave-crimes-in-myanmar/>.

8 "Daily Briefing in Relation to the Military Coup," Assistance Association for Political Prisoners, September 22, 2023, <https://aappb.org/?p=26296>.

9 "UN Expert Releases New Report Documenting Military Junta's Impact on Myanmar's Children, Urges Immediate Coordinated Action to Prevent 'A Lost Generation,'" OHCHR, June 14, 2022, <https://www.ohchr.org/en/press-releases/2022/06/un-expert-releases-new-report-documenting-military-juntas-impact-myanmars>.

## MNHRC's Failure to Exercise Its Mandate to Promote and Protect Human Rights

The CSO Working Group on Independent National Human Rights Commission (Burma/Myanmar) (Working Group), previously known as the CSO Working Group on MNHRC Reform, published an analysis paper on the MNHRC's complicity in the junta's grave human rights violations and atrocity crimes between the attempted coup of February 2021 and the end of 2022.<sup>10</sup> Most of the information in this chapter draws from the analysis paper. It demonstrates how, amid the ongoing violations of human rights since the illegal coup attempt, the MNHRC has aligned and cooperated with the military junta, even joining part of its propaganda offensive. It must be noted here that according to the General Observations of the GANHRI-SCA, the MNHRC is required to conduct itself with "a heightened level of vigilance and independence."<sup>11</sup>

10 "Accessory to the Junta's Crimes," ANNI and the Working Group, February 27, 2023, <https://progressivevoicemyanmar.org/2023/02/27/accessory-to-the-juntas-crimes-analysis-of-the-myanmar-national-human-rights-commissions-complicity-with-the-military-junta-since-the-failed-coup-detat-of-1-february-2021/>.

11 "General Observations of the Sub-Committee on Accreditation," GANHRI, 2018. G.O. 2.5, [https://ganhri.org/wp-content/uploads/2019/11/EN\\_GeneralObservations\\_Revisions\\_adapted\\_21.02.2018\\_vf.pdf](https://ganhri.org/wp-content/uploads/2019/11/EN_GeneralObservations_Revisions_adapted_21.02.2018_vf.pdf).



### *Lack of Independence in Practice:*

As per the Paris Principles,<sup>12</sup> NHRIs must “promote and protect human rights”. GANHRI notes that “the accreditation process assesses an NHRI’s compliance with the Paris Principles in law and practice”.<sup>13</sup> Since the coup attempt, the MNHRC has taken no steps to address or prevent the litany of human rights violations committed by the military junta. On the contrary, it has either stayed completely silent on some of the most pressing human rights issues or has actively praised the military junta by describing it as “humanitarian”<sup>14</sup> or “forward-looking”.<sup>15</sup> In a statement of support in April 2022 for the military’s so-called “Year of Peace”, the MNHRC praised the junta leader, Min Aung Hlaing, and his superficial offering of peace talks. In this statement, the MNHRC expressed that:

The initiative of the Chairman of the State Administration Council Prime Minister Commander-in-Chief of Defence Services to engage in peace talks with ethnic armed organizations in person, therefore, is a gigantic and forward-looking step in the right direction and the rarest chance of its kind to be seized by all peace-loving people.<sup>16</sup>

Yet there has not been an MNHRC statement condemning the almost daily airstrikes launched by the military junta and the blocking and weaponisation of humanitarian aid, nor on the repeated massacres of civilians as a form of collective punishment to demoralise the resistance movement.

The MNHRC has also consistently praised prisoner releases. For example, in its November 2022 statement, it described the “humanitarian actions” of Min Aung Hlaing, even though he is the leader of the Myanmar military that stands accused of genocide against the Rohingya in 2017 and crimes against humanity against other ethnic minorities. He has been presiding over the atrocities that are being committed by the junta since the coup attempt.<sup>17</sup> In another instance in July 2021, on the release of human rights and democracy activists charged under Section 505(A) of the Penal Code, the MNHRC stated that it was “heartened” and believed that their release will also “hearten international and regional human rights organizations”.<sup>18</sup> The statement also expressed that it is a “a very significant measure from the humanitarian and human rights perspective” and “welcomes the fact that the released journalists are urged in the Myanmar Press Council Announcement 6/2021 to uphold the media ethics and standards required for the development of the Fourth Pillar”. The statement did not address the fact that the military junta arbitrarily arrested these people in violation of their fundamental freedom. The statement also ignored the fact that prisoners face routine torture, sexual and gender-based violence, executions, extrajudicial killings, deprivation of food and water, and are forced to live in cramped and unsanitary conditions.<sup>19</sup>

<sup>12</sup> “Principles Relating to the Status of National Human Rights Institutions (The Paris Principles)”, adopted by the United Nations General Assembly (A/RES/48/134), 20 December, 1993, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N94/116/24/PDF/N9411624.pdf?OpenElement>.

<sup>13</sup> “Information for NHRIs,” GANHRI, <https://ganhri.org/information-for-nhris/>.

<sup>14</sup> “Myanmar National Human Rights Commission. Statement No. (4/2022),” November 18, 2022, <https://mnhrc.org.mm/statements/en/print/80>.

<sup>15</sup> “Statement of the Myanmar National Human Rights Commission on the Peace Initiative,” Statement No. (2/2022), April 28, 2022, <https://mnhrc.org.mm/statements/en/print/17>.

<sup>16</sup> “Statement of the Myanmar National Human Rights Commission on the Peace Initiative, Statement No (2/2022),” April 28, 2022, <https://mnhrc.org.mm/statements/en/print/17>.

<sup>17</sup> “Myanmar National Human Rights Commission. Statement No. (4/2022),” November 18, 2022, and July 5, 2021, <https://mnhrc.org.mm/statements/en/print/80>.

<sup>18</sup> “The Statement of the Myanmar National Human Rights Commission (MNHRC) on the Dismissal and Release of Prisoners Prosecuted Under Section 505-A of the Penal Code Statement No. (10/2021),” July 5, 2021, <https://mnhrc.org.mm/statements/en/print/27>.

<sup>19</sup> “Myanmar: High Commissioner Details Severe Violations Amid Shocking Violence” Volker Türk, UN High Commissioner for Human Rights, delivered at the 52nd Session of the Human Rights Council, March 6, 2023, <https://www.ohchr.org/en/statements-and-speeches/2023/03/myanmar-high-commissioner-details-severe-violations-amid-shocking>.

## Monitoring Places of Deprivation of Liberty:

Following the attempted coup, the MNHRC conducted prison inspections after which it made unfounded claims about prisons complying with human rights obligations. This is despite overwhelming evidence of torture, ill-treatment, and murder of prisoners, which has widely been reported by news media and civil society.<sup>20</sup> Consequently, the military used these statements for their propaganda in their media mouthpiece, highlighting the “successful” prison inspections by the MNHRC.<sup>21</sup>

However, testimony from a former prisoner who was released on 3 May 2023 to one of this chapter’s authoring organisations sheds light on the actual prison inspections. Before the MNHRC visits, prison authorities warned prisoners not to speak badly of their treatment and conditions and were threatened with transfer if they did speak out. Then, during visits, MNHRC commissioners simply urged prisoners to pray, rather than the commissioners conducting more comprehensive inspections, or reflecting on the reality of the often violent and inadequate conditions, as well as the discrimination faced by Christian and Muslim prisoners.

The MNHRC has, in effect, endorsed the military junta’s (and in some cases, military troops’) prison administration and condoned its human rights violations through its ineffectual prison monitoring. Through the MNHRC, the junta attempts to conceal its crimes by having a so-called human rights institution inspect and report on prisons, so as to fend off probes and criticism from the international community.<sup>22</sup>

20 “Statement on the Severe Violences against the Female Political Prisoners in Mandalay Central Prison (Oo Bo),” Anti Junta Forces Coordination Committee – Mandalay, March 2023, <https://twitter.com/PVamplify/status/1633721923892043777/photo/1>.

21 “MNHRC Member Inspects Prisons, Court Detention Centres in Kengtung, Tachilek,” *Global New Light of Myanmar*, January 13, 2022, <https://www.gnlm.com.mm/mnhrc-member-inspects-prisons-court-detention-centres-in-kengtung-tachilek/>.

22 “Myanmar National Human Rights Commission Press Release on Complaints Submitted to the Commission and Inspection of Prisons and Detention Centres,” Press Release No. (1/2022), February 8, 2022, <https://mnhrc.org.mm/statements/en/print/16> and Statement No. 10/2021, <https://mnhrc.org.mm/statements/en/print/27>.

## Composition and Pluralism:

Another aspect of the MNHRC that is clearly in breach of the Paris Principles is related to the identity of commissioners. Two of the present commissioners are former military personnel. Commissioner Tin Aung is a former Brigadier General, who served in the Myanmar military until 2019, before his appointment to the Commission in January 2020. He was a high ranking military officer when the UN-mandated Independent International Fact-Finding Mission on Myanmar’s investigation recommended that the Myanmar military be investigated for genocide for atrocities committed during its “clearance operation” against the Rohingya in 2017.<sup>23</sup> Paw Lwin Sein, who is the current Chair, is also a former military personnel and served as a junior officer to the Military of Defence, albeit between 1978 and 1980.<sup>24</sup> It is telling that the profiles of the commissioners have been taken down from the MNHRC’s website and accessing their information necessitates an online tool.<sup>25</sup> None of the other commissioners have strong ties or experience within Myanmar civil society, nor were they selected as a result of transparency, inclusive dialogue, or consultation with civil society and the Myanmar public. This was pointed out by civil society in the previous selection process, as well as by the GANHRI-SCA in its previous accreditation process of Myanmar in 2015.<sup>26</sup> The commissioners’ background and opaque selection process have become even more problematic in light of the coup attempt.

“Even though the MNHRC’s selection and appointment process is enshrined in its enabling law, the Commission was once described as a “club for former civil servants”.”<sup>27</sup>

23 “Report of the International Investigative Mechanism for Myanmar,” *United Nations Human Rights Council*, July 12, 2022, <https://iimm.un.org/wp-content/uploads/2022/08/A-HRC-51-4-E.pdf>.

24 In August 2023 former Chairperson Hla Myint was forced to resign and was replaced by Paw Lwin Sein, who had been serving as a commissioner.

25 ‘Wayback Machine’ was used for the purpose of the submission to extract information regarding the MNHRC commissioners.

26 “Selection Process of New Commissioners for the MNHRC Must be Transparent and Inclusive,” *CSO Working Group on MNHRC Reform*, July 25, 2019, <https://forum-asia.org/?p=29344> and Nyein Nyein, “Reform of Myanmar Human Rights Commission Lacks Transparency, Critics Say,” *The Irrawaddy*, January 15, 2020, <https://www.irrawaddy.com/news/burma/reform-myanmar-human-rights-commission-lacks-transparency-critics-say.html> and “Report and Recommendations of the Session of the Sub-Committee on Accreditation,” *International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights*, November 2015, Page. 11, [https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/SCA\\_FINAL\\_REPORT\\_-\\_NOVEMBER\\_2015-English.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/SCA_FINAL_REPORT_-_NOVEMBER_2015-English.pdf).

27 Nyein Nyein, “Reform of Myanmar Human Rights Commission Lacks Transparency, Critics Say,” *The Irrawaddy*, January 15, 2020, <https://www.irrawaddy.com/news/burma/reform-myanmar-human-rights-commission-lacks-transparency-critics-say.html>.



The current iteration of commissioners was selected before the coup attempt and the lack of pluralism makes the MNHRC unsuited to the promotion and protection of human rights in today's emergency situation. The Commission's activities are no longer publicised as much; something that used to be prominently done on social media. This information has now become less transparent and publicly accessible. Since the coup attempt, the MNHRC has not been very active on social media and only updates its activities through its website or the military-controlled newspaper, the Global New Light of Myanmar.

Furthermore, at the time of this report, the MNHRC listed the Myanmar National Portal (the junta's propaganda website, which frequently depicts the NUG and peaceful protesters as terrorists<sup>28</sup>) as a partner, alongside the UN Office of the High Commissioner for Human Rights (OHCHR), GANHRI, Asia Pacific Forum (APF), and Southeast Asia National Human Rights Institutions Forum (SEANF).<sup>29</sup>

## Way Forward: A New National Human Rights Institution for Myanmar

As the GANHRI-SCA noted in 2015, the enabling law around selection, appointment, and independence should empower the MNHRC to effectively promote and protect human rights. However, in reality, it has enabled the MNHRC to become a tool of the junta to obfuscate its serious atrocities and grave human rights violations. This was iterated in the UN High Commissioner for Human Rights' March 2023 report, which stated: "The judiciary of Myanmar and the National Human Rights Commission have effectively been subsumed under military control, thus eliminating any element of independence and credibility".<sup>30</sup>

“ Despite the fact that the MNHRC has never been independent nor impartial, and continues to be complicit in the junta's atrocities, it has managed to secure platforms at regional and international forums to peddle the military junta's propaganda and falsely claimed legitimacy.

The Working Group has been urging international and regional NHRI bodies to stop their engagement with the MNHRC and to suspend, remove, or expel it from GANHRI, APF, and SEANF.<sup>31</sup> Allowing the junta-controlled MNHRC to attend regional and international human rights forums (or even extending invitations to such a body) is antithetical to the promotion and protection of human rights.

28 "In Thanbyuzayet and Ayardaw Townships, Armed Terrorists Wantonly Kill Administrative Officials Government Employees and Civilians Who Live Peacefully," Ministry of Home Affairs, May 27, 2023, [https://myanmar.gov.mm/news-media/news/latest-news/-/asset\\_publisher/idasset354/content/in-thanbyuzayet-and-ayardaw-townships-armed-terrorists-wantonly-kill-administrative-officials-government-employees-and-civilians-who-live-peacefully](https://myanmar.gov.mm/news-media/news/latest-news/-/asset_publisher/idasset354/content/in-thanbyuzayet-and-ayardaw-townships-armed-terrorists-wantonly-kill-administrative-officials-government-employees-and-civilians-who-live-peacefully).

29 Myanmar National Human Rights Commission, "Partners," <https://mnhrc.org.mm/>.

30 "Situation of Human Rights in Myanmar Since 1 February, 2022 – Report of the United Nations High Commissioner for Human Rights (A/HRC/52/21)," 3 March 2023, <https://www.ohchr.org/en/documents/country-reports/ahrc5221-situation-human-rights-myanmar-1-february-2022-report-united>.

31 "International Partners Must End All Cooperation with the Myanmar National Human Rights Commission", The Working Group, March 1, 2021, <https://progressivevoicemyanmar.org/2021/03/11/international-partners-must-end-all-cooperation-with-the-myanmar-national-human-rights-commission/>.

After two years of repeated calls by the Working Group and the Asian NGO Network on National Human Rights Institutions (ANNI),<sup>32</sup> the GANHRI-SCA made the decision in its March 2023 session to initiate a special review of the MNHRC in its following accreditation session in October 2023.<sup>33</sup> The Working Group and ANNI welcomed this delayed but important step. The Working Group and ANNI further conveyed civil society concerns regarding MNHRC's continuing membership to APF, GANHRI, and to various UN Offices and Missions in Geneva.<sup>34</sup> On 31 May 2023, the Working Group and ANNI made a joint civil society submission to the GANHRI-SCA, ahead of its special review of the MNHRC, with the recommendation to remove the Commission from the world's leading human rights networks.<sup>35</sup>

Moreover, Myanmar's civil society and human rights defenders have been proactively working to establish a new NHRI. Soon after the attempted coup, the Working Group called for the MNHRC to denounce the military junta's coup attempt and stand with the people of Myanmar.<sup>36</sup> In its current state of complete subsumption under the illegal military junta, the MNHRC should not be recognised as legitimate. The Working Group expressed this through a joint statement on 7 August 2022, calling for the MNHRC to be dissolved and for the NUG to establish a new Union Human Rights Commission.<sup>37</sup> On 6 December 2021, the Working Group had already proposed a Union Human Rights Commission Bill to the National Unity Consultative Council (NUCC), the Committee Representing Pyidaungsu Hluttaw (CRPH), and the NUG.<sup>38</sup> It is imperative that these bodies adopt the bill and form a new independent human rights commission to replace the junta-controlled, ineffective MNHRC. Together with ANNI, the Working Group will continue to engage with the NUCC, the CRPH, and the NUG to achieve this goal.

International, regional, and sub-regional networks of NHRIs (including APF, GANHRI, and SEANF) must therefore take a principled stand and implement concrete steps to support and recognise the efforts of civil society organisations to establish a new independent NHRI that respects and upholds the principles of protecting human rights in line with the Paris Principles and will serve to protect the rights of the people of Myanmar.

32 "Myanmar National Human Rights Commission Denounce the Coup, Stand with the People of Myanmar," *The Working Group*, February 11, 2021, <https://progressivevoicemyanmar.org/2021/02/11/myanmar-national-human-rights-commission-denounce-the-coup-stand-with-the-people-of-myanmar/>, and "Myanmar National Human Rights Commission (MNHRC) Must Denounce the Military Coup and Uphold Fundamental Rights of Peoples," ANNI, February 16, 2021, <https://forum-asia.org/?p=33900&nhri=1>, and "International Partners Must End All Cooperation with the Myanmar National Human Rights Commission," *The Working Group*, March 11, 2021, <https://progressivevoicemyanmar.org/2021/03/11/international-partners-must-end-all-cooperation-with-the-myanmar-national-human-rights-commission/>, and "SEANF Must Suspend MNHRC Until NUG Reconstitutes a New Human Rights Commission," *The Working Group*, ANNI and 13 local and regional partners, May 5, 2021, <https://progressivevoicemyanmar.org/2021/05/05/seanf-must-suspend-mnhrc-until-nug-reconstitutes-a-new-human-rights-commission/> and "Open Letter from Myanmar CSOs and Asian NGO Network on NHRIs Regarding APF's Statement on the Situation in Myanmar," *The Working Group*, May 20, 2021, <https://progressivevoicemyanmar.org/2021/05/20/open-letter-from-myanmar-csos-and-asian-ngo-network-on-nhris-regarding-apfs-statement-on-the-situation-in-myanmar/>, and "Myanmar Junta Participation in the Environmental Rights and Climate Change Workshop," *The Working Group*, June 30, 2022, <https://progressivevoicemyanmar.org/2022/06/30/open-letter-myanmar-junta-participation-in-the-environmental-rights-and-climate-change-workshop/>.

33 "Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)," GANHRI, February and March 2023, <https://ganhri.org/wp-content/uploads/2023/04/SCA-Report-First-Session-2023-EN.pdf>.

34 "Civil Society Welcomes the Special Review of Junta's Myanmar National Human Rights Commission's Status in Global Body," ANNI and the Working Group, May 1, 2023, <https://progressivevoicemyanmar.org/2023/05/01/civil-society-welcomes-the-special-review-of-juntas-myanmar-national-human-rights-commissions-status-in-global-body/>.

35 "Civil Society Makes a Joint Submission to the GANHRI-SCA Ahead of the Special Review of the MNHRC in October 2023," ANNI and the Working Group, June 1, 2023, <https://progressivevoicemyanmar.org/2023/06/01/civil-society-makes-a-joint-submission-to-the-ganhri-sca-ahead-of-the-special-review-of-the-mnhrc-in-october-2023/>.

36 "Myanmar National Human Rights Commission Denounce the Coup, Stand with the People of Myanmar," *CSO Working Group on MNHRC Reform*, February 11, 2021, <https://progressivevoicemyanmar.org/2021/02/11/myanmar-national-human-rights-commission-denounce-the-coup-stand-with-the-people-of-myanmar/>.

37 "Time for the Emergence of a New National Human Rights Commission Representing the People of Myanmar," *The Working Group*, August 7, 2022, <https://progressivevoicemyanmar.org/2022/08/07/time-for-the-emergence-of-a-new-national-human-rights-commission-representing-the-people-of-myanmar/>.

38 "Myanmar Civil Society Proposes New Union Human Rights Commission Law Amid Ongoing Campaign of Terror by the Myanmar Military Junta, Urges its Swift Adoption," *The Working Group*, December 14, 2021, <https://progressivevoicemyanmar.org/2021/12/14/myanmar-civil-society-proposes-new-union-human-rights-commission-law-amid-ongoing-campaign-of-terror-by-the-myanmar-military-junta-urges-its-swift-adoption/>.



## Recommendations

### To International and Regional NHRI Bodies (GANHRI, APF, and SEANF):

- Support the people of Myanmar as they work towards a genuine federal democracy;
- Take the principled stance of disengaging with the MNHRC to avoid legitimising the military junta and its grave violations of human rights and international crimes;
- Suspend or expel the MNHRC from their membership;
- Support Myanmar civil society organisations in their efforts to establish a new independent national human rights commission; and
- Start dialogues with and support the NUG to establish a new human rights commission.

### To International Donors:

- Cease funding directly to the MNHRC and its projects and activities, and direct and indirect funding through the MNHRC's partners;
- Urge GANHRI, SEANF, and APF to suspend or expel the MNHRC from their membership; and
- Support the NUG and civil society to establish a new national human rights commission.

### To the UN and Other International Actors:

- Cease engagement or continue to disengage with the MNHRC and urge other actors to follow suit;
- Cease funding to the MNHRC and its projects or activities;
- Support the NUG and civil society to establish a new independent human rights commission; and
- Support the Myanmar people's struggle for a genuine federal democracy by not lending legitimacy to the military junta, its proxies, or those that tacitly endorse the junta, including the MNHRC.

### To the NUG, CRPH and NUCC:

- Abolish the 2014 MNHRC Law and adopt the new UHRC Law that the Myanmar civil society organisations have drafted to establish a new, independent national human rights commission; and
- Seek support from the UN and other international and regional bodies, including GANHRI and donor governments, to establish the new commission in collaboration with civil society.