



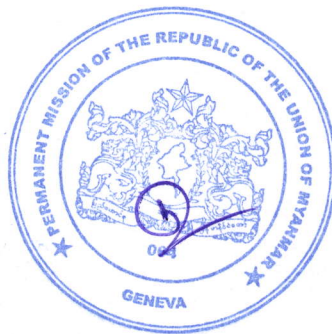
Permanent Mission of the Republic of the Union of Myanmar
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No. 422/3-27/91

The Permanent Mission of the Republic of the Union of Myanmar to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights in Geneva, and has the honour to refer to the latter's note No. G/SO 214 (107-9) dated 11 September 2012, regarding the questionnaire on National Human Rights Institutions and human rights defenders, has the honour to transmit the attached information provided by the Myanmar National Human Rights Commission relating to the said questionnaire.

The Permanent Mission of the Republic of the Union of Myanmar to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights in Geneva the assurances of its highest consideration.

Geneva, 10 October 2012



Office of the United Nations High Commissioner for Human Rights
Geneva.

Fax: 022 917 9006

OHCHR REGISTRY

11 OCT 2012

Recipients : S.P.B......
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Questionnaire on National Human Rights Institutions and human rights defenders

1. *a) Please provide a brief overview of the legislative framework adopted to establish a National Human Rights Institution (hereafter 'the Institution') in your country. Please cite the names of any such laws or regulations in full.*

- The Myanmar National Human Rights Commission (hereafter the Commission) was established by the Notification No. 34/2011 of the Government of the Republic of the Union of Myanmar.

b) Please indicate how these laws and regulations comply with international human rights standards, and in particular, the Paris Principles.

- In order to fully comply with the Paris Principles and act as an independent institution, the Commission is drafting an enabling law to re-establish the Commission by an Act of Parliament.

2. *a) Please provide details outlining the mandate adopted by the Institution in relation to the protection and promotion of human rights and in accordance with the range of competences and responsibilities specified in the Paris Principles.*

- According to the mandate, some of the responsibilities of the Commission are as follows: -

- 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.

- 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.
- 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.
- To communicate with the UN organizations and foreign and domestic bodies engaged in the promotion and protection of human rights.
- To extend thematic assistance in promotion of and research into human rights.
- To provide leadership and assistance in the activities on enhancing the public awareness and knowledge of human rights promotion and protection.

2. *b) Please indicate whether the Institution is mandated to consider and / or adjudicate individual complaints of human rights violations.*

- The Commission is mandated to consider individual complaints and to convey the findings to the relevant departments and bodies for necessary action.

2. *c) If relevant, please indicate whether the mandate is limited to specific rights or whether complaints against the Government, the police and / or the military are permitted and how they are dealt with.*

- The mandate is not limited to specific rights. It covers not only civil and political rights but also economic social and cultural rights. The complaints against the Government, the police and the military are also permitted. They are dealt with according to the Rules of Procedure of the Commission.

2. *d) In this regard, please indicate whether the Institution is empowered to carry out protection related functions including providing remedies to victims of human rights violations, witness protection mechanisms and conducting visits to detention facilities.*

- The Commission is empowered to carry out protection related functions, witness protection mechanism and conducting visits to detention facilities. With regard to providing remedies to victims of human rights violations, the recommendations are conveyed to the department or body concerned.

4. *a) Please indicate whether any member of the Institution's staff has ever been the victim of threats or harassment as a result of work carried out on behalf of the organisation.*

- No member of the Commission's staff has ever been the victim of threats or harassment as a result of work carried out on behalf of the Commission.

4. *b) Please specify what mechanisms, if any, are in place to protect Institution members investigation human rights violations. If applicable, please specify what mechanisms at the Institutional, national, regional and international level have been employed to protect Institution members.*

- The Commission, a Commission member or an individual assigned by the Commission shall not be

prosecuted criminally or judicially for performing in good faith the responsibilities rested under Notification No. 34/2011.

5. a) *Please indicate the main sources of funding for the Institution.*

- The main source of funding for the Commission is Office of the President, which provides the funding as grant. After the enabling law to re-establish the Commission by the Parliamentary Act, the main source of funding will be the Government.

5. b) *In this regard, please indicate whether any challenges exist, particularly in relation to the functional autonomy of the organisation and how this impacts on the work of the Institution.*

- Less challenges exist, particularly in relation to the functional autonomy of the Commission.

6. a) *Please describe the procedures in place relation to the selection and appointment of members of the governing body.*

- The Commission was formed with fifteen retired persons from different professions and various national races as members.