

## **THE ROLE OF UNITED NATIONS HUMAN RIGHTS TREATY-BASED MONITORING MECHANISM IN MYANMAR**

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### **Abstract**

This paper presents the current mechanism obliged by human rights treaties especially in Myanmar. Treaties create legal obligations to State parties under International Law. Obligations are mentioned already in treaties and thus, state has to follow after ratifying. The enforcement of international human rights law is the responsibility of the Nation State, and it is the primary responsibility of the State to make human rights in a reality. This paper focuses the implementation of the protection of human rights in Myanmar in line with human rights treaties. This paper includes the different mechanisms set up UN human rights treaties, the key components of the context of Myanmar, and the gaps and challenges in relation to the human rights in Myanmar. This paper is an attempt to discuss the various facets of human rights, their legal, social, political and economic aspects of protection and enforcement at International as well at National levels.

**Keywords:** human rights / Monitoring / treaty-based mechanism.

### **Introduction**

The protection and enforcement of human rights has been guaranteed by the establishment of the United Nations (UN) in 1945 and thereafter with the adoption of a resolution on the Universal Declaration of Human Rights (UDHR) in December, 1948.<sup>1</sup> Although being a resolution it does not impose legal obligations upon the member states, rather it sets a common standard of achievement for all people and all nations so that they strive to promote respect for human rights and fundamental freedoms by teaching and educating and by adopting progressive measures in this regard. The expression “human rights” denotes all those rights which are inherent in our nature and without which we cannot live as human beings.<sup>2</sup>

Human rights treaties are now mostly taken on by the human rights treaty bodies, the UN body that manages human rights issues. Human rights treaties are normally drafted by a UN body which, when completed, is opened for signature to member States. Once a State signed a treaty, it meant the State agreed the terms of the treaty and showed not to break the objects and purposes of the treaty. However, it did but not yet legally binding to the State. States become legally bound to a treaty only after they have ratified it. The State party can leave out some of treaty obligations by making reservation or making an understanding that detail how the State will interpret the article or rights. International human rights treaties are legally binding, but only on those States that ratify it. Myanmar has ratified four international human rights treaty and two Optional Protocol : Convention on the Rights of the Child (CRC) in 1991, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 28 Sep 2015, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child phonography in 16 Jan 2012, Convention of the Elimination of All Forms of Discrimination against Women (CEDAW) in 1997, Convention on the Rights of Person

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<sup>1</sup> Dr. Chandra, Human Rights, Seventh Edition, Allahabad Law Agency Publications, 2007, p - 25.

<sup>2</sup> Teaching Human Rights, United Nations, New York, 1989, p - 5.

with Disabilities (CRPD) in 2011 and International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2017.

### **Research Method**

The study used documentary legal analysis and literature review. The relevant data has collected through not only Myanmar Government's reports but also other reports such as initial reports, periodic reports and concluding observations of treaties committees under which Myanmar ratified.

### **Research Questions**

How does the human rights treaty-based monitoring system improve domestic legal framework and policy framework in Myanmar?

### **International supervisory mechanisms for human rights**

This section is a brief introduction with the overall mechanisms established under UN, including Chartered-based bodies, and Treaty-based bodies. After the establishment of UN, according to the preamble and purposes of the UN Charter, UN has main responsibilities for the protection and promotion of human rights of the people. Thus, first of all UN adopted UDHR in 1948.

Since the adoption of the Universal Declaration of Human Rights in 1948, a wide array of human rights norms has been developed, and mechanisms for their promotion and protection have been established at international, regional and national levels.<sup>1</sup> Many UN organs have a role to play in the field of human rights such as Human Rights Council, Office of High Commissioner of Human Rights, and Economic and Social Council.<sup>2</sup> The United Nations Charter provided for the creation of six principal organs mandated to carry out the overall work of the United Nations. As mentioned earlier, since UN play main role in promotion and protection of human rights. UN's works and they are six principles organs carry on commonly referred to as Charter-based organs.<sup>3</sup>

### **Charter based procedures**

Under UN charter-based system, there are three main monitoring systems (i) Universal Period Review (UPR) (ii) special procedures (iii) complaint procedure. In order to be non-selective and to ensure equal treatment for every country, a new process called the Universal Periodic Review (UPR) was created in 2006. It involves a review of the human rights record of all 193 UN Member States once every four and a half years. The UPR is a State-driven process, under the auspices of the Human Rights Council (HRC), in which each State's human rights performance is assessed by other States with the ultimate aim of improving the human rights situation on the ground. At the time of writing, the second cycle of the UPR was about to be

<sup>1</sup> Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Asia - Europe Foundation, p - 5.

<sup>2</sup> Magdalena Sepulveda, Theo van Banning, Gudrun D. Gudmundsdottir, Christine Chamoun and Willem J.M van Genugten, Human Rights Reference Handbook, University for Peace, 2004, p - 79.

<sup>3</sup> HUMAN RIGHTS: A Basic Handbook for UN Staff, United Nations, p - 24.

completed. All UN Member States will then have been reviewed twice.<sup>1</sup> Recently, all countries on second cycle UPR were done. Third cycle is now commencing in some countries already. UPR of UN is to check for the implementation of human rights situation in national of UN member states. It is exposed an opportunity for the performance of human rights matters, such as international framework, national framework, related department strategy, country programme, MoU, MoA and recommendations, directly related performance from systematic compilation writing of human rights development of states to the world.

The special procedures system of the Human Rights Council (HRC) is made up of independent human rights experts with mandates to report and advice on human rights from a thematic or country-specific perspective. The system is a central element of the United Nations human rights machinery and covers all human rights: civil, cultural, economic, political and social. The HRC has progressively established new country mandates, of which there were few initially, on the situation of human rights. As of July 2016, there were 41 thematic and 14 country mandates.<sup>2</sup> Special procedure assists to improve the actual conditions against human rights issue area.

The HRC established a new complaint procedure that largely resembles the old Commission's confidential "1503 procedure" for individual complaints. It also aims to "address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances". Two working groups, the Working Group on Communications and the Working Group on Situations, have been established and are responsible, respectively, for examining written communications and bringing consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms to the attention of the Human Rights Council (HRC).<sup>3</sup> A new complaint procedure requires more knowledge to individual in international community and it far-fetched from UN and individual.

### **Treaty based procedures**

Ten treaties bodies<sup>4</sup> are generally considered to comprise the core of the UN human rights treaty system, and under each of the treaties, a committee of experts is established to monitor implementation by States parties.<sup>5</sup> Treaty bodies adopt and publish general comments or general recommendations concerning the provisions and obligations contained in their respective treaties. These documents reflect the committees' experience in the reporting procedure and constitute an authoritative source of interpretation of human rights instruments.<sup>6</sup> All except one of the treaty bodies review periodic reports submitted by States, and other functions performed

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<sup>1</sup> Human Rights Handbook for Parliamentarians, Inter-Parliamentary Union and the United Nations (Office of the High Commissioner for Human Rights), 2016, p - 69.

<sup>2</sup> <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>.

<sup>3</sup> <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>.

<sup>4</sup> Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of All Forms of Racial Discrimination, Committee on the Elimination of All Forms of Discrimination against Women, Committee on the Rights of the Child, Committee against Torture, Committee on Migrant Workers, Subcommittee on Prevention of Torture, Committee on the Rights of Persons with Disabilities, Committee on Enforced Disappearance.

<sup>5</sup> The Committee on Economic, Social and Cultural Rights was established by the UN Economic and Social Council.

<sup>6</sup> Human Rights Handbook for Parliamentarians, Inter-Parliamentary Union and the United Nations (Office of the High Commissioner for Human Rights), 2016, p.56.

by treaty bodies, although not common to all committees, include adoption of general comments or recommendations regarding the provisions of the various treaties, consideration of individual communications, and initiation of inquiry procedures.<sup>1</sup>

The various supervisory procedures established in human rights treaties can be divided into four main groups:

- Reporting procedure;
- Inter-state complaint procedure;
- Individual complaint procedure; and
- Inquiries and other procedure.<sup>2</sup>

State Parties are required to submit their reports under each treaty that they have signed and ratified, as a process of self-evaluation. Reporting procedure is the management to show the progressive realization of the fulfill obligations by ratified states. Reporting time frame can different from one treaty to another. For example, although Article 16 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) asks, States Parties to submit reports every five years, Article (18) of the CEDAW, Article 35 of CRPD and Article 44 of the CRC require state parties to submit in every also five years.

Some human rights instruments allow states parties to initiate a procedure against another state party, which is considered not to be fulfilling its obligations under the instrument. In most cases, such a complaint may only be submitted if both the claimant and the defendant state have recognized the competence of the supervisory body to receive this type of complaint.<sup>3</sup> International Covenant on Civil and Political Rights (ICCPR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention for the Protection of All Persons from Enforced Disappearance (CED), Convention on the Rights of Person with Disabilities (CRPD) and International Convention on the Rights of Migrant Workers and Members of their Families (ICRMW) provide for inter-State complaints procedures, under which a State Party is entitled to submit a complaint to the relevant committee, claiming that another State Party is not fulfilling its treaty obligations. The procedure is based on the principle that every State Party to a human rights treaty has a legal interest in the fulfilment of the obligations of every other State Party.<sup>4</sup>

Individual complaint mechanisms are found of five conventions: in the 1<sup>st</sup> Optional Protocols of ICCPR, CEDAW, CRPD, ICESCR, and CRC allowed the committees to recognize the competency of individual complaints. CAT, CERD, ICMW, CED allowed the committees' competency to recognize the individual complaints unless the article reserves.<sup>5</sup> Individual

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<sup>1</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), *The United Nations: Human Rights Treaty System: An introduction to the core human rights treaties and treaty bodies* (Fact Sheet No. 30).

<sup>2</sup> Magdalena Sepulveda, Theo van Banning, Gudrun D. Gudmundsdottir, Christine Chamoun and Willem J.M van Genugten, *Human Rights Reference Handbook*, University for Peace, 2004, p - 54.

<sup>3</sup> *Ibid*, p - 56.

<sup>4</sup> *Human Rights Handbook for Parliamentarians, Inter-Parliamentary Union and the United Nations* (Office of the High Commissioner for Human Rights), 2016, p - 59.

<sup>5</sup> <https://www.ohchr.org/Document/Publications/Factsheet.7Rev.2pdf>.

complaints under one of the above-mentioned treaties can be brought only against a state that has recognized the competence of the committee established under the relevant treaty or become party to the relevant optional protocols. In the case of the ICCPR and the CEDAW, a state recognizes the Committees' competence by becoming a party to an optional protocol, which has been added to the ICCPR and the CEDAW. In the case of the CAT and the CERD, states recognize the Committees' competence by making an express declaration under Articles 22 and 14 respectively. Anyone under the jurisdiction of a state party can lodge a complaint with a committee against a state that satisfies this condition, claiming that his or her rights under the relevant treaty have been violated. There is no formal time limit after the date of the alleged violation for filing a complaint under the relevant treaties, but the victim should submit a complaint as soon as possible after having exhausted domestic remedies.<sup>1</sup> Everyone has a chance to submit their rights violation individually and they get remedy to something from individual complaint mechanism.

A procedure of inquiry is an additional mechanism allowing treaty bodies to initiate investigations into treaty violations. The procedure is triggered in cases where a particular human rights committee receives information relating to "grave and systematic violations" of the convention. The Committee is empowered to invite the cooperation of the State Party in question to submit its observations. Thereafter, the Committee reviews the information submitted by the State Party and other reliable information submitted by other parties. The Committee may choose to authorize one or more of its members to conduct an inquiry and report "urgently" to the Committee. Such an inquiry may include a visit to the territory of the State Party, subject to that state's consent. The findings of any such inquiry are sent to the State Party, along with Committee views, recommendations and comments. The State Party is given an opportunity to respond within six months. The procedure is confidential; accordingly, the proceedings are entirely closed and the written findings are not made public. Follow-up procedures in relation to communications or inquiry mechanisms enhance compliance with recommendations and other measures.<sup>2</sup>

In developing the meaning of specific human rights norms, many Committees also rely heavily on procedures known as general recommendations or general comments. These are published interpretations of the content of human rights provisions. Often, NGOs have input into the creation of these important documents, both through invited participation in thematic discussions and other meetings with Committees, and through writing their own parallel documents. Recommendations often provide guidance to states on the content of their reports. While some recommendations interpret existing provisions of a treaty, others address new topics. The main value of recommendations is that they contribute to the interpretation of the human rights conventions and in so doing influence the progressive development of human rights treaty obligations.<sup>3</sup>

Treaty bodies typically over several additional avenues for NGOs, UN specialized agencies and other organizations to have influence on the development and implementation of human rights norms. These may take the form of thematic discussions, held on a regular basis or

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<sup>1</sup> Magdalena Sepulveda, Theo van Banning, Gudrun D. Gudmundsdottir, Christine Chamoun and Willem J.M van Genugten, *Human Rights Reference Handbook*, University for Peace, 2004, pp - 57 - 58.

<sup>2</sup> Julie A. Mertus, *The United Nations and Human Rights: A guide for a new era*, Second Edition, 2009, p - 77.

<sup>3</sup> *Ibid* p - 78.

called to address a particular concern. In the case of the Committee on the Rights of the Child, a theme is chosen for “Days of Discussion,” an event which occurs annually coinciding with the annual meeting of the Committee. The CRC’s Days of Discussion on Children with Disabilities provides a good illustration as to the link between the treaty system and activism and coalition-building, and the crucial role of fora like the Days of Discussion in this process.<sup>1</sup>

Myanmar has not ratified Optional Protocols of ICESCR, Optional Protocol of Article 1-5 CRPD for individual communications and Article 6-7 for inquiries or other procedures, Optional Protocol Article 1-7 of CEDAW for individual communications and Article 29 for inter-state communications are not using against Myanmar. Myanmar only submits state-reporting procedure under UN human rights treaty-body system. Treaty Committees received state reports and review which issue concluding observations and general comments.

### **Myanmar’s compliance on human rights mechanism**

Myanmar submitted state-reports relating three human rights treaties except ICESCR and optional protocol of CRC. Committee on the Elimination of Discrimination against Women on concluding observations on the combined fourth and fifth periodic reports of Myanmar<sup>2</sup>, the progress achieved since the consideration in 2008 of Myanmar’s combined second and third periodic reports<sup>3</sup> in undertaking legislative reforms, in particular the adoption of the following legislation:

- (a) Minimum Wage Law of 22 March 2013, which provides that both women and men are entitled, without discrimination, to be paid the legal minimum wage;
- (b) Employment and Skill Development Law of 31 August 2013, which provides for the creation of internal job opportunities and the enhancement of worker skills, without discrimination on the basis of sex;
- (c) Social Security Law of 31 August 2012, which ensures that women and men enjoy, on an equal basis, the benefits of new insurance programmes, including the provision of maternity insurance for women.
- (d) The Labour Organization Law of 11 Oct 2011, which protect the rights of workers, to have good relations among the workers or between the employer and the worker, and to enable to form and carry out the labour organizations systematically and independently.
- (e) The Settlement of Labour Dispute Law of 28 Mar 2012, which safeguard the rights of workers of having good relationship between employer and workers and making peaceful workplace or obtaining the rights fairly, rightfully and quickly by settling the dispute of employer and worker justly.
- (f) Civil Service Personnel Rules of 26 Mar 2014, which enjoy those female service personnel, maternity leave: shall be entitled for six months from the date of the leave.

Myanmar has revised not only the legal framework but also policy framework for the improvement of HRs in domestic level as follow. State party’s effort to improve its policy

<sup>1</sup> Sydney D. Bailey, *The UN Security Council and Human Rights*, (New York: St. Martin’s Press), 1994, p- 123.

<sup>2</sup> Adopted by the Committee at its sixty-fourth session (4-22 July 2016).

<sup>3</sup> CEDAW/C/MMR/3

framework aimed at accelerating the elimination of discrimination against women and advancing women's rights, such as the adoption of the following:

- (a) National strategic plan for the advancement of women, covering the period 2013-2022;
- (b) Five-year strategic plan for reproductive health, covering the period 2014-2018;
- (c) Thirty-year long-term health development plan, covering the period 2001-2030.

Similarly, after Myanmar ratified CRPD, it has evidenced that Myanmar has enacted the Law on the Rights of Person with Disabilities in 2015. Quota system for working opportunity was established.

Committee on the Rights of Persons with Disabilities on list of issues in relation to the initial report of Myanmar <sup>1</sup> provides information on the measures taken to:

- (a) Amend the Code of Criminal Procedure, the Prisoners Act and the military to harmonize them with the Convention, especially to eliminate the concepts of "lunatic" and "criminal lunatic";
- (b) Recognize before the law all persons with disabilities, including the full legal capacity of persons with intellectual or psychosocial disabilities, and to implement supported decision-making instead of substituted decision-making;
- (c) Reduce the number of persons with disabilities under guardianship, particularly persons with psychosocial or intellectual disabilities, and inform the Committee about the number of persons that remain under full or partial guardianship as well as those whose legal capacity has been fully reinstated.

Myanmar efforts to address some of the concerns and recommendations made upon consideration of the State party's second report,<sup>2</sup> notes with regret that most of its recommendations have been insufficiently addressed or not addressed at all. Myanmar need to take all necessary measures to address the recommendations from the concluding observations of the second periodic report that have not been implemented, particularly those related to children involved in armed conflicts, discrimination and access to health and education. The Committee also urges the State party to, concomitantly, provide adequate follow-up to the recommendations contained in the present concluding observations.

Regarding to the legislation, while noting the indication given by the State party that the 1993 Child Law is being reviewed to integrate some provisions of the Convention, the Committee is concerned that all principles and provisions of the Convention have not yet been fully incorporated into domestic law and that legal provisions contrary to the Convention remain in force. The Committee also expresses its concern about the application of different sources of law, namely codified and customary laws, which may undermine the State party's efforts to harmonize its legislation with the Convention.

The Committee urges the State party to promptly amend the 1993 Child Law and ensure that it incorporates all principles and provisions of the Convention and undertake a comprehensive review of domestic legislation, namely codified and customary laws, in order to ensure that it is brought into compliance with the Convention. In summarize that above,

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<sup>1</sup> Adopted by the pre-sessional working group at its eleventh session (8–11 April 2019).

<sup>2</sup> CRC/C/15/Add.237

Myanmar's obligations link as follows; it may seem odd that a State would voluntarily agree to a treaty that may limit its obvious power. A question arises; why would they do this? There are a number of reasons.

1. States consist of people who prefer to have their rights protected. It is frequently forgotten that States are run by humans who enjoy their rights, or they rely on civil society for their support be to in government. Civil society pressure is a significant force in persuading States to agree to treaties. Indeed, civil society organizations in many countries have organized events to encourage or pressure States to sign on to international conventions. In Myanmar, civil society urges to conclude ICCPR for all can get in line with ICCPR Rights.
2. States already agree with the treaty's object and purpose. In some cases, the treaty creates little extra commitment for the State because they may already have much of the rights in their domestic law.
3. States are concerned about their global image. Reputation matters in the international area, and States that oppose human rights, or are human rights violators, are often named and shamed for their record. Thus, even states that one would assume would disagree with human rights, still sign human rights treaties.
4. International pressure. States can be encouraged (or even forced) to agree to human rights treaties by other States, or by international organizations. For example, it may be in a State's best interests to agree to some treaties in order to receive aid, or to become a member of an organization such as the World Trade Organization (WTO).
5. No intention to comply anyway. Some States may be insincere when agreeing to a treaty: they have no intention to comply, but think it will improve their image so they sign on. However, as research has shown, a false agreement in the long term often results in the State complying anyway, for when people learn of their rights, they may force the State to comply.
6. Following the herd. Many States agree to, or reject, treaties to stay in line with their regional and political partners.<sup>1</sup>

Why states ratify treaty? The answer of this question in two aspects; the states have to chance a check upon their rights and abstain from arbitrary action within international community.

### **Human Rights in Myanmar**

Myanmar revised due to the treaty monitoring mechanism, such as, Child Rights Law 24 July 2019 including 30 chapters and 121 Sections and Protection and Prevention of Violence against Women draft Law with 19 Chapters. The implementation of human rights treaties, Myanmar not reach as well as reporting circle delay and ineffective of inter-state complaint procedure; and individual complaint procedure.

Myanmar has ratified and acceded the obligations of a number of international treaties. By ratifying a treaty, Myanmar is obligated under international law to comply with the provisions

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<sup>1</sup> An introduction to Human Rights in South East Asia, First Edition, p - 45.



of the treaty in good faith and cannot use domestic laws to justify a failure to comply with treaty obligations.<sup>1</sup> The most important treaty that Myanmar is a party to being the UN Charter, which is considered a “super-treaty” because Article 103 of the Charter mandates that any conflict between Charter obligations and those under any other international agreement be resolved in favour of the Charter. A more extensive list of international human rights treaties that Myanmar is party to is below in Schedule 1.<sup>2</sup>

Myanmar participated in human rights treaties with these status in ICESCR - Declaration on Article 1 (Self-determination), CEDAW - Reservation on Article 29 (dispute on interpretation or application of the convention), CRC – Article 15 (Freedom of Expression (FoE) and Freedom of Association and Peaceful Assembly (FoPA), National security), Article 37 (Torture, deprived of liberty unlawfully). Reporting procedure of Myanmar listed below in Schedule 2.

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<sup>1</sup> Article 26 of the Vienna Convention on the Law of Treaties 1969.

<sup>2</sup> Ratification of a treaty notifies the state’s intent to be bound by the terms of the treaty and gives legal effect to the objective and purpose of the treaty. Signatory of a treaty expresses the states which endorse the principles contained within the treaty by signing without having it be legally binding upon them. Accession, though less common, has the same legal effect as ratification; after a treaty has entered into force, a state which did not participate in its drafting can still become a member by acceding to the treaty.

**Schedule 1 - Myanmar's International Human Rights Treaties**

<b>Title</b>	<b>Signature</b>	<b>Ratification</b>	<b>Accession</b>
Convention on the Prevention and Punishment of the Crime of Genocide (New York, 9 Dec 1948)	30 Dec 1949	14 Mar 1956	
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (New York, 18 Dec 1979)			22 July 1997
Convention on the Political Rights of Women (New York, 31 March 1953)	14 Sep 1954		
International Convention for the Suppression of the Traffic in Women and Children (New York, on 12 November 1947)	13 May 1949		
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (New York, 21 March 1950)	14 Mar 1956		
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (New York, 15 November 2000)			30 Mar 2004
Convention on the Rights of Persons with Disabilities (CRPD) (New York, 13 December 2006)			7 Dec 2011
Convention on the Rights of the Child (CRC) (New York, 20 November 1989)			15 Jul 1991
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (25 May 2000)	28 Sep 2015		
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (25 May 2000)			16 Jan 2012
International Covenant on Economic, Social and Cultural Rights (16 December 1966)	16 Jul 2015	6 Oct 2017	
Freedom of Association and Protection of the Right to Organize, ILO Convention 87 (4 July 1950)		4 Mar 1955	

**Schedule 2 - Myanmar and Human Rights Report Procedure**

<b>Conventions</b>	<b>Reporting Cycle Due</b>	<b>Last State Party's Report</b>
CRC	V - VI 13 February 2017	III - VI 15 July 2009
CEDAW	VI 31 July 2020	IV - V Report under Exceptional Reporting Procedure 8 February 2019
CRPD	I	Initial Report 19 November 2015
OP-CRC-SC	Initial Report 15 February 2014	
ICESCR	6 January 2020	

**Myanmar National Human Rights Commission (MNHRC)**

Myanmar National Human Rights Commission (MNHRC) was established in September 2011 by Presidential Ordinance 34/2011 to promote and protect human rights. The MNHRC will undertake a rigorous approach to evaluating its progress in achieving its strategic goals. Monitoring and evaluation mechanism will be established in order to ensure on going performance monitoring and evaluation of the strategic plan and the annual work plan. In order to make inform assessment 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. <sup>1</sup> Myanmar National Human Rights Commission Law enacted in 2014 and the activities of MNHRC are review of proposed legislation to access consistency with international and domestic human rights law, development and implementation of a programme to review existing legislation to access consistency with international and domestic human rights law, investigation of and inquire into alleged violations of civil, political, economic, social and cultural rights including women rights, violence against women, the rights of person with disability, torture prevention, migrant, business and human rights, through research, public consultations and hearings, human rights education on the issue under investigation and inquire, drafting reports and recommendation and advocacy for acceptance and implementation of recommendation, conduct of visit to areas of alleged human rights violations, and activity related to the reports under Conventions of Myanmar's ratified. MNHRC is the main role performance of the human rights situation in treaty body reporting mechanism.

**Finding**

The four International human rights treaties ratified by Myanmar out of nine International Human Rights Treaties are a mile stone for Myanmar human rights situations and Myanmar is tries to sign as a next step to the International Covenant on Civil and Political Rights now. It is the perspective of the implementation of human rights in Myanmar. The most important benefit of ratification human rights treaty is the actual improvement in the human rights of individuals and groups in the ratifying State. Ultimately, a State with a strong commitment to human rights is likely to be a State that is well-governed, secure and stable. Myanmar should to seek international assistance and cooperation and availing itself of technical assistance in the

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<sup>1</sup> Myanmar National Human Rights Commission, Strategic Plan, 2014 – 2015, p – 16.

development, continue to cooperate with specialized agencies and programme of the United Nations system. MNHRC will undertake a rigorous approach to evaluating its progress in achieving its strategic goals.

### **Conclusion**

By ratifying of international human rights treaties, Myanmar should complies with treaty-based monitoring mechanism. State report writing procedure should be cooperating with international expert and technical assistance. Promoting public awareness of human rights and efforts to combat all forms of discrimination through the provision of information and education strengthen by MNHRC. Complaint mechanism, individual those had injured the violation of human rights can access MNHRC's human rights protection functions. MNHRC enhance the function to monitor and investigate human rights abuses and assist victim to obtain remedies. Myanmar should increase progressively ratifies all core human rights treaties and incorporates those treaties into domestic law.

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#### **Internet Website**

CRC/C/15/Add.237

CEDAW/C/MMR/3

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