

**The Republic of the Union of Myanmar  
Myanmar National Human Rights Commission**



**Activities of the Myanmar National Human Right Commission**

**(5 September 2011 to 31 January 2012)**

Date : 31 January 2012

Yangon

*Dr. Nyen Zau*

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**Activities of the Myanmar National Human Rights Commission  
since its creation on 5 September 2011  
until 31 January 2012**

**Formation of the Commission**

The Myanmar National Human Rights Commission was established on 5 September 2011 by Notification No. 34/2011 of the Government of the Republic of the Union of Myanmar with a view to promoting and safeguarding the fundamental rights of the citizens enshrined in the Constitution of the Republic of the Union of Myanmar. Its establishment was based on the principles relating to the status of national institutions ( Paris Principles ) contained in United Nations General Assembly Resolution A/ Res/ 48/ 134. Taking into consideration the principle of pluralism, the Commission was formed with the following fifteen retired persons from different professions and various national races as members:

- |  |                |
|--|----------------|
| 1. U Win Mra<br>Ambassador (Rtd.)  | Chairman       |
| 2. U Kyaw Tint Swe<br>Ambassador(Rtd.)   | Vice- Chairman |
| 3. U Tun Aung Chein<br>Professor (Rtd.), History Department                    | Member         |
| 4. U Hla Myint<br>Ambassador (Rtd.)  | Member         |
| 5. U Than Swe<br>Director-General (Rtd), Forestry Department                   | Member         |
| 6. Dr. Nyan Zaw<br>State Medical Officer (Rtd.)                                | Member         |
| 7. Dr. Daw Than Nwe<br>Professor (Rtd.), Law Department                        | Member         |
| 8. Daw Saw Khin Gyi<br>Professor (Rtd.),<br>International Relations Department | Member         |
| 9. U Tin Nyo<br>Director-General (Rtd.),<br>Basic Education Department         | Member         |

10. U Khwah Htiyo State Attorney ( Rtd.)	Member
11. U Khin Maung Lay Director (Rtd.) Labour Department	Member
12. U Lahpai Zau Goone Minister-Counsellor (Rtd.) Ministry of Foreign Affairs	Member
13. U Nyunt Swe , Deputy Director-General (Rtd.) Ministry of Foreign Affairs	Member
14. Daw San San Director (Rtd.), Labour Department	Member
15. U Sit Myaing Director- General (Rtd.) Social Welfare Department	Secretary

### Mandate of the Commission

Under Notification No. 34/2011 dated 5 September 2011 of the Government of the Republic of the Union of Myanmar, the Myanmar National Human Rights Commission is vested with the following responsibilities and competence;

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

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 vested under Notification No. 34/2011.

The Commission Chairman and its members have the same term of office as the President and can serve for a second term.

The Commission is the first national level independent human rights body established in Myanmar. It is independent of the Government in implementation of its responsibilities and supported by a secretariat composed of the following five divisions.

1. Planning and Finance Division
2. Human Rights Policy and Legal Division
3. Human Rights Protection Division
4. International Relations Division
5. Human Rights Promotion and Education Division

The Members of the Commission are specifically assigned to provide guidance to these divisions to ensure effectiveness and impact in their work.

### **Funding**

The Commission receives its funding from the government adequately in grant form. However, it is independent in its decision on use of the fund. It may receive funding from outside sources without any conditions attached for the purpose of financing its work to promote and protect human rights. Although the Commission is not subject to financial control, the use of funding shall be systematically accounted for according to the existing financial rules and regulations.

### **The functioning of the Commission**

As per the above-mentioned mandate, the Commission has drawn up its rules of procedures and complaint and investigation procedures. The plenary is the highest organ and is held once in a month. It consists of all members of the Commission. Two thirds of the membership constitutes a quorum if some members are not able to attend due to unavoidable circumstances. Being the highest authority, the Plenary takes all the important decisions on both procedure and substance. The Plenary operates on the basis of an agenda, agreed to by the Commission. Special and emergency meetings can be held if required. If the circumstances require urgent action by the Commission, a group led by the Chairman or the Vice-Chairman or the Secretary takes necessary action and report it to the nearest meeting of the Commission. Besides Plenary sessions, daily meetings are held to handle complaints. Four members of the Commission are assigned by rotation to sit in the daily meetings presided over by the Chair or the Vice-Chairman or the Secretary. Being open-ended, the daily meetings can be attended by other members as well. The Commission held its inaugural meeting on 12 September 2011 and has held a total of 9 Plenary meetings and has held a total of 44 daily meetings until December 2011.

### **Types of complaints handled and how**

Complaints began to reach the Commission within a few days after establishment. The Commission's establishment had generated a great deal of interest both inside and outside the country and raised hopes for improving the situation of human rights in the country. The Commission's mandate is not confined to a particular set of human rights and enables it to handle complaints about all violations of fundamental and human rights enshrined in the Constitution of the Republic of the Union of Myanmar. On 4 October, the

Commission made an announcement in the newspapers on how complaints may be lodged with the Commission and on the type of complaints which the Commission is competent to handle and the requirements for a complaint to be admissible. Arrangements for accepting a complaint are made, based on the principle of easy and expeditious access to the Commission. Not only a direct victim of violations, but any person or a group of persons or a body with direct or reliable knowledge of the violations can send a complaint to the Commission. The complaint, however, must be fully substantiated with supporting photos, relevant documents and, where there had been interviews, transcripts of them as well. A complaint received at the Commission by post, or by fax or through personal delivery is systemically registered by Human Rights Protection Division and submitted to the daily meeting of assigned Commission members for consideration. A complaint is not considered if it is under the proceedings of a court of law or it has been finally decided by a court.

If the subject matter of the complaint under investigation by the Commission is brought before a court, the Commission ceases its ongoing investigations. Nevertheless, the Commission can address such complaints if they are violations of fundamental and human rights or breach of due process of law. After consideration by the Commission, the complaint is sent to the Ministry concerned, with the comments of the Commission through the Office of the Union Government for necessary corrective action.

As its mandate shows, the Commission has the power to investigate, which includes, among others,

- visits to scenes of violations,
- questioning those implicated and complainants and
- claiming necessary documents, except those specially classified by the State.

The investigation of a complaint is done in accordance with the Evidence Act and the Code of Criminal Procedure and the Code of Civil Procedure.

Based on the findings of the investigation, the Commission puts up appropriate recommendations to the Ministry or the body concerned through the prescribed channels. Despite its mandate to investigate, the Commission has no enforcement power and it is the responsibility of the Government to act upon the recommendations. In cases of complaints against an individual or a private entity such as an organization or a company, the Commission has two options. The first option is to mediate between the two sides and, where the actions of

the accused party are related to a Government Ministry, to convey its findings to that particular Ministry.

From 30 September to 30 December 2011, the Commission received 1037 complaints, out of which, 665 complaints had been considered at the time of reporting. The Commission had already communicated and coordinated with the Ministries, bodies and individuals concerned on 405 out of 655 complaints that had been considered by the Commission. Out of 1037 complaints,

- 71 complaints concerned the Union Government Ministries, Region or State Governments, and
- 334 complaints were against individuals and private entities.

250 complaints were merely copies of those sent to other destinations such as the President's Office, the Office of a Chief Minister etc. Consequently they were placed on record. At the time of this report, 382 complaints remained to be examined by the Commission.

The majority of the complaints received during the period under report are complaints about disputes over various types of land such as paddy fields, pasture land, garden land, virgin land and alluvial land. The purposes of the complaints are to regain possession of the land confiscated by the Tatmadaw or private companies or to be fully compensated or to be provided with substitute land.

Some complaints concerned the matters which were under the proceedings of a law court or which had been finally decided. Such complaints mostly concerned misdeeds by both judges and attorneys or breach of due process of law.

The complaints against township and district level government authorities were equally large in number.

In addition, the Commission received complaints on the following:-

- Problem between landlords and tenants
- Wrong treatment, medical malpractices and resultant suspicious deaths at private clinics
- Disputes between land holders, tenants and construction companies and contractors, and transgression of land
- Grievances about pension rights
- Maltreatment of students at schools
- Appeal for the release of some particular prisoners

- Appeal by those dismissed during the 1988 crisis for reemployment
- Confiscation of agricultural land
- Coercion and maltreatment by village and ward authorities in certain Regions and States
- Dismissal from work at Government Departments without the required Preliminary Enquiry and Departmental Enquiry
- Disputes among fishermen over auction of lakes
- Dispute over severance pay and terms at an NGO

The complaints received at the Commission also included anonymous letters, unsigned complaints and complaints on nuptial problems.

In handling complaints, the Commission ensures above all that action of the Commission is expeditious and serves the best possible interest of a complainant under the prevailing circumstances.

#### **Activities of the Commission**

In the current context, the Commission was able to focus only on urgent issues and major concerns. In the interest of aggrieved complainants, complaints are regarded as urgent issues and they were accordingly examined as quickly as possible. The issue of prisoners, including what the international community refers to as "prisoners of conscience" and ethnic situation, in particular, the situation in the Kachin state are considered as issues of both domestic and international concern. The Commission, therefore, had explored all avenues to be able to play an effective role on them.

- On 10 October 2011, the Commission requested the President of the Republic of the Union of Myanmar in an open letter for the release of those prisoners who do not pose a threat to the stability of State and public tranquility in the interest of national races so that they can participate in whatever way they can in the nation-building tasks of the present.
- The President had granted amnesty to 6359 prisoners on 11 October 2011.
- On 12 November 2011, the Commission sent another open letter to the President. The letter mentioned, among others :-
  - That there had been assertion by the Secretary-General of the United Nations and a number of countries that there

were nearly 2000 of what is referred to as "prisoners of conscience" and that out of 6359 prisoners released, there were approximately 200 prisoners in the said category and

- That after enquiry by the Commission with the relevant ministries, of the nearly 2000 prisoners referred to as "prisoners of conscience" only about 500 were actually in the prisons. Out of the approximately 500 on that list, some 200 were released under the amnesty.
- The Commission finally appealed in that letter that the said prisoners be included in a subsequent amnesty.

As regards the issue of prisoners, to sum up, the Commission was able to strive for their release as well as to ascertain the number of those prisoners referred to as "prisoners of conscience".

- A four-member team of the Commission headed by its Secretary visited the Kachin State from 8 to 10 December 2011 in order to observe firsthand the civil population who were displaced as a result of armed skirmishes that had occurred since June 2011 with a view to ascertain their condition in camps that were under the supervision of the Kachin State Government and also to make a needs assessment. The team went to Myitkyina, Waing Maw and Bamaw townships and met with the responsible authorities, visited Buddhist monasteries and Christian Churches, met and interviewed the displaced persons, visited the Myitkyina Generable Hospital and interviewed the patients. The team also visited the Myitkyina Prison and met the prisoners in every prison ward. Particularly important is the fact that the team was able to liaise and coordinate with the concerned authorities and persons to enable the distribution of humanitarian assistance by the Kachin State Government, UN agencies and Civil Society Organizations to the displaced persons in and around Laiza. The findings of the team during the visit were released in a statement on 13 December 2011 that was published in the State newspapers. The statement carried the following important recommendations:-

that the use of landmines which cause grievous harm to innocent civilians be avoided,

that business enterprise in the Kachin state makes donations, that the armed groups strive for the restoration of security and stability to the region, that congestion issue in the Myitkyina prison be addressed at the earliest opportunity, that programmes for all religions be provided in the prison in addition to the current programmes, that the peace negotiations be continued until a successful conclusion is reached, and that the Kachin Independence Army(KIA) respond in equal measures to the President's instruction to the Tatmadaw to cease offensive operations against the KIA.

On 27 December 2011, an eight-member team from the Commission led by the Chairman visited Insein Prison. The team was first briefed by the prison authorities on:-

number of inmates  
types of prisoners  
strength of the prison staff  
accommodation of the prisoners  
daily provision of meals  
provision of health care services, and  
activities being carried out in the interest of the inmates, such as arrangement of meditations sessions, provision of language training and computer training.

Afterwards, the team toured the premises of the prison and observed prison cells, cooking shed, clinic, workshop, meditation sessions in progress, in-prison basic education classes, language training classes, computer classes and also the so-called "dog cells". During the tour, the team had the opportunity to interview some prisoners.

After the tour the team met three prisoners who were among the recent hunger strikers. The team frankly asked them in connection with the allegations that:-

they were deprived of drinking water and maltreated during the strike, and if they were subjected to any acts of torture.

They denied all the allegations though they stated that there were some instances of these acts while they were being interrogated in detention.

On 28 December, the team visited Hlay Hlaw Inn Yebet Prison Labour Camp. Prisoners were gathered in one building and met by the Commission team. They expressed their grievances and inconveniences openly and fearlessly in the presence of the camp authorities. The Commission members therefore were able to make appropriate suggestions to the authorities who in the prisoners' presence assured the Commission members that they would take the necessary corrective action as immediately as possible.

The findings of the Commission on the visits, together with its observations and recommendations were published in the Commission's statement issued on 30 December 2011. In the statement, the Commission expressed the hope for further release of prisoners. Also recommended in the Statement are the following, among others:-

The Commission finds that the prison congestion is an important source of grievances which should be addressed in a timely manner.

Bible studies for Protestants and Confessional and Communion services for Catholics and suitable religious programmes for Muslims and Hindus should also be organized.

Concerning the allegations on "dog cells", the Commission categorically stated in its statement that they were untrue and the hunger strikers were each held in cells measuring 10 feet by 20 which were clean and properly ventilated.

On promotion of human rights, the Commission conducted many activities such as visits to foreign countries, conduct of workshops, meetings with visiting foreign dignitaries, ambassadors and United Nations and INGOs representatives concerning the work of the Commission and its potential role both in promotion and protection of human rights and in contributing to the current reform and democratization process of the country.

From 20 to 24 November, Chairman U Win Mra and members U Hla Myint, Dr. Daw Than Nwe, U Kwha Hti Yo and U Khin Maung Lay paid a study visit to the Philippines under the sponsorship of UNICEF in Myanmar. The Commission Delegation met and had discussions with the following organizations of the Philippines.

- ❖ The Commission on Human Rights of the Philippines.
- ❖ The Presidential Human Rights Committee.
- ❖ Ateno Human Rights Centre.

- ❖ Council for Welfare of the Children.
- ❖ CRC – NGO Coalition.
- ❖ CEDAW Watch Network.
- ❖ Humanitarian Legal Assistance Foundation.
- ❖ Women and Gender Institute.

The Commission is making every effort to set up contacts with domestic and foreign organizations engaged in human rights field. Since its inception, the Commission received the following delegations and exchanged views with them to begin cooperation with them on human rights.

- ◆ The Delegation led by Indonesian Foreign Minister
- ◆ Special Advisor of the United Nations Secretary-General
- ◆ Assistant Secretary of State of the United States
- ◆ Special Envoy and Coordinator for Myanmar of the United States
- ◆ Delegation from the European Union
- ◆ Delegation from the Raoul Wallenberg Institute, Sweden
- ◆ Delegation from the Netherland Foreign Ministry
- ◆ Delegation from Frierdrich Ebert Stifutung

The following ambassadors and UN and INGO representatives called on the Chairman of the Commission;

- ▣ The British Ambassador to Myanmar
- ▣ The French Ambassador to Myanmar
- ▣ The Australian Ambassador to Myanmar
- ▣ The Chinese Ambassador to Myanmar
- ▣ The Brazilian Ambassador to Myanmar
- ▣ Canadian Ambassador to Myanmar, resident in Bangkok
- ▣ Charge'd'affairs, United States Embassy
- ▣ UNICEF, UNHCR Representatives in Yangon
- ▣ Representatives of International Labour Organization
- ▣ Representative from ICRC
- ▣ Director, Human Rights Watch, Washinton
- ▣ Representative of Save the Children
- ▣ Representative from Centre for Humanitarian Dialogue

On 30 January 2012, Chairman of the Commission also received Mrs. Janalle Saffing, Member of Australian Parliament.



To raise awareness of human rights in the country, the Commission actively participated in the conduct of workshops on human rights by UN agencies. From 14 to 15 November 2011, the Commission participated in organizing a Human Rights Workshop for Myanmar Government Officials in Sedona Hotel, Yangon under the sponsorship of Regional Office for South-East Asia of the United Nations High Commissioner for Human Rights Office, Bangkok. Thirty two officials from various ministries attended the workshop. Sponsored by UNICEF in Yangon, another workshop on child rights and human rights education was held in Trader Hotel, Yangon from 16 to 18 January 2012. Plans are being made to organize another workshop on national human rights institutions (NHRIs) in April 2012.

#### Future plans

In the Commission's future plans, to build up the capacity of the Commission is a matter of priority. Having learnt valuable experiences of the Commission on Human Rights of the Philippines and the active and effective role being played by the NGOs in the Philippines, the Commission plans to engage the NGOs and INGOs in Myanmar which are involved in the field of Human Rights. As part of this plan, arrangements are being made to organize talks on human rights at the Office of the Myanmar National Human Rights Commission with representatives from NGOs and INGOs periodically. The Commission will visit Thailand and Malaysia in February 2012 and Indonesia and India in March with a view to learning the experience and effective practices of those human rights commissions. The Commission also plans to identify appropriate international human rights instruments with a view to recommending to the Government to accede to them.

The Commission's establishment is part of the political, economic and social reforms currently taking place in the country. The Commission, in its capacity as an independent national level body on human rights, is determined to contribute to that process by taking initiatives and acting proactively to improve the human rights situation in the country. Concerning the issue of prisoners, the Commission has consistently appealed for their release. In line with the present policy of good governance, rule of law and respect for human rights, the President demonstrated its political will and magnanimity to respond to the wish of the international community and the Myanmar people. On January 2012, the sentences of the prisoners in various prisons were commuted through a

presidential amnesty order. On 13 January 2012, 651 prisoners were released, including those whose release had been advocated by the United Nations Secretary General and some western countries. The Commission is heartened by the outcome and resolved to strive for the improvement of human rights situation in the country.

Myanmar National Human Rights Commission

Date: 31 January 2012

**Open letters, statements and announcement**  
**by**  
**the Myanmar National Human Rights Commission**

**The Republic Of the Union of Myanmar**  
**Myanmar National Human Rights Commission**  
**Accepting of Complaints**

1. The Myanmar National Human Rights Commission has been established to promote and protect the fundamental rights of citizens enshrined in the Constitution of the Republic of the Union of Myanmar and it has opened its office at No.27, Pyay Road, Hlaing Township, Yangon.
2. Any citizen may send complaint to the Myanmar National Human Rights Commission when his or her fundamental rights in the Constitution of the Republic of the Union of Myanmar are violated. The following facts must be stated completely in the complaint:-
  - (a) Complainant's name, full address and contact address (If any, phone, fax and e-mail),
  - (b) Full account of how the Complainant's rights were violated, and
  - (c) Signed admission that the facts stated in the complaint are true.
3. The complaint, attached with copy of the Complainant's national registration card, must be addressed to the Secretary of the Myanmar National Human Rights Commission and may be either sent by registered mail or delivered to the Commission in person.
4. The facts under above-mentioned paragraph 2 (a), (b) and (c) are necessary to be mentioned completely so that the Commission will be able to deal with the complaint effectively.
5. Matters that have been brought before a court or under the proceedings of a court of law and matters that have been finally decided by a court are not relevant under this announcement.
6. In its examination of the complaints which are received, the Commission will, if and when necessary, interview the complainant.
7. If the Commission concludes that the alleged violations of the fundamental rights in the Constitution against a citizen are true, it will take steps in accordance with its rules of procedure to promote and safeguard the fundamental rights.

Myanmar National Human Rights Commission

Date: 6 October 2011

**Request submitted in open letter by members**  
**of the Myanmar National Human Rights Commission**  
**to the President of the Republic of the Union of Myanmar**

Mr. President,

1. In a series of steps you have taken in fulfillment of the hopes of the people for good governance, clean government, flourishing of democratic practices, fundamental rights of citizens, rule of law, transparency and accountability, one perceptible step is the establishment of the Myanmar National Human Rights Commission on 5 September 2011. It is believed that its establishment is welcomed and supported by the people of Myanmar.
2. The establishment of the Commission is based on the principles relating to the status of national institutions (Paris Principles) contained in United Nations General Assembly resolution A/RES/48/134. Our Commission is the fifth of its kind in the ten-member countries of ASEAN.
3. Myanmar National Human Rights Commission is formed with a view to promoting and safeguarding fundamental rights of citizens enshrined in the Constitution of the Republic of the Union of Myanmar. It is vested with the competence and responsibilities which include receiving complaints on violations of fundamental rights of citizens, investigating them and communicating its findings to the relevant departments and bodies of the Government for further action. Since its inception, the Commission is fully resolved to perform its responsibilities to promote and protect the fundamental rights of citizens.
4. The establishment of the Myanmar National Human Rights Commission is meant to promote and protect the fundamental rights of citizens enshrined in the Constitution. It can also be regarded as fulfilling the hope and aspiration of the international community.
5. Furthermore, the expectation of the Secretary-General of the United Nations and a number of countries is the release of what is referred to as "prisoners of conscience". The Commission recognizes and appreciates the position of the Government that these are prisoners who have been sentenced to imprisonment for contravening the existing laws.
6. The release of those prisoners, convicted for breach of the existing laws, who do not pose a threat to the stability of state and public tranquility in the

interest of national races will enable them to participate in whatever way they can in the nation-building tasks.

7. For these reasons, Myanmar National Human Rights Commission humbly requests the President, as a reflection of his magnanimity, to grant amnesty to those prisoners and release them from the prisons.

Respectfully

Sd/

(for) Members of Myanmar National Human Rights Commission

( Win Mra )

Chairman

10 October 2011

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**Open Letter to the President of the  
Republic of the Union of Myanmar  
by the Myanmar National Human Rights Commission**

Mr. President,

1. Myanmar National Human Rights Commission had in an open letter dated 10, October, 2011 submitted an appeal for the release of prisoners by granting amnesty to them. In our submission, Myanmar National Human Rights Commission humbly requested the President, as a reflection of his magnanimity to grant amnesty to those prisoners, convicted for breach of existing laws, who do not pose a threat to the stability of State and public tranquility, in the interest of national races to enable them to participate in whatever way they can in the nation-building tasks.

2. The Commission is greatly heartened that the President on 11 October 2011 granted amnesty to 6359 prisoners.

3. The fact that the Myanmar National Human Rights Commission had made a submission for amnestying the prisoners and that the Government had granted the amnesty received widespread support and welcome both domestically and internationally. It has, in our opinion, generated greater interest in and recognition of the Myanmar National Human Rights Commission.

4. At the same time, there had been assertion by the Secretary General of the United Nations and a number of countries that there were nearly 2000 of what is referred to as "Prisoners of Conscience". It has also been asserted that out of 6359 prisoners released, there were approximately 250 prisoners in the said category.

5. In this regard, Myanmar National Human Rights Commission had made enquiries with the relevant ministries. The result of the enquiries is that the relevant ministries had asked for a list from the United Nations Special Rapporteur on the Situation of Human Rights in Myanmar Mr. Thomas Ojea Quintana and upon checking, it was learnt that of the nearly 2000 prisoners on the list only 526 were actually in prison. We are therefore heartened that out of the 526 prisoners on that list, some 250 were released under the amnesty.

6. The release of the remaining prisoners, convicted for breach of existing laws who do not pose a threat to the stability of State and public tranquility, in the interest of national races, will not only enable them to participate in whatever

way they can in the nation-building tasks but also will in a way help promote national unity.

7. Accordingly, the Myanmar National Human Rights Commission again humbly requests the President as a reflection of his magnanimity to include those prisoners when a subsequent amnesty is granted.

Respectfully,

Win Mra  
Chairman  
(for) Members of the Myanmar National  
Human Rights Commission

Date: 12 November, 2011  
Yangon.

**Republic of the Union of Myanmar**  
**Myanmar National Human Rights Commission**  
**Yangon**

**STATEMENT BY THE MYANMAR NATIONAL HUMAN RIGHTS COMMISSION**

The Myanmar National Human Rights Commission whole-heartedly welcomes the decision by the Heads of State or Government of the Member States of ASEAN that the Republic of the Union of Myanmar will take up the rotating Chair of the Association of Southeast Asian Nations in 2014. This decision is in line with the Charter Provision that "Member States shall have equal rights and obligations under this Charter".

The Commission has taken the position that Myanmar is willing and able to take up its role as Chairman of the Association. The decision of Heads of State or Government will certainly contribute to the promotion of greater political, security, economic and socio-cultural cooperation among the Member States of ASEAN. The decision, in our view, is also the recognition by the international community that the elected government of the Republic of the Union of Myanmar has made concrete steps in implementing its policy of good governance, rule of law and respect for human rights in the process of building a democratic society in Myanmar.

The Commission is also heartened by the decision of the United States of America to send its Secretary of State Mrs. Hillary Clinton to Myanmar. The country is at a critical juncture in its effort to build a democratic society by enhancing national unity, economic prosperity, and the promotion of human rights for its people. The support and encouragement by the international community would certainly contribute to this process and must be welcomed.

The Commission hopes that the first visit of the U.S Secretary of State in 50 years will pave the way for promoting bilateral relations and provide positive impulses towards the building of a democratic society in the Republic of the Union of Myanmar.

Myanmar National Human Rights Commission  
Dated- 27 November 2011

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## Statement

### by the Myanmar National Human Rights Commission on International Human Rights Day, 10 December 2011.

1. The atrocities committed during the Second World War and resultant large-scale violations of human rights shocked and galvanized the world community into embarking on serious efforts to create a world organization "to save succeeding generations from the scourge of war". These efforts led to the creation of the United Nations Organization. The provisions set out in Article 55 of the United Nations Charter include "universal respect for, and observance of human rights and fundamental freedoms for all". The efforts of the international community to realize this purpose of the Charter resulted in the adoption of the Universal Declaration of Human Rights.

2. Myanmar, which became the 58<sup>th</sup> member of the United Nations in April, 1948, voted for the Universal Declaration of Human Rights when it was adopted at the United Nations General Assembly held in Paris on 10 December 1948, the date which has now become known as International Human Rights Day. The Declaration constitutes a common standard of achievement for all peoples and nations. In other words, the human rights standards set in the Declaration are to be achieved by all nations. Its adoption was the very first step in the common efforts of the international community to set standards and norms in promotion and protection of human rights. Accordingly it is the source of inspiration and has been the basis for drawing up two important instruments on human rights; namely the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and other existing international human rights instruments. In addition, many nations of the world use the Universal Declaration of Human Rights as basis for human rights provisions in their respective constitutions. The Constitution adopted on 29 May, 2008 overwhelmingly by the people of the Republic of the Union of Myanmar also enshrines these fundamental human rights.

3. Since the adoption of the Declaration, the international community has relentlessly taken steps to establish a global system of human rights protection. In doing so it has always supported and encouraged the establishment of national human rights institutions (NHRIs) for they can serve as national monitoring system concerning violations of human rights and can advise the competent

authorities in seeking remedies to them and in disseminating human rights information. Those states committed to human rights establish national human rights infrastructure, including national human rights institutions, to promote and protect human rights.

4. The Myanmar National Human Rights Commission, which is also national human rights institution, was established on 5 September 2011, by Notification no. 34/2011 of the Government of the Republic of the Union of Myanmar with a view to promoting and safeguarding the fundamental rights enshrined in the Constitution. It is the first national level human rights body in Myanmar and the fifth of its kind in ASEAN. It was formed on the basis of Paris Principles, with fifteen experienced retired officials from different professions and various national races as members.

5. The Commission held its inaugural meeting on 12 September and has been functioning in full swing since then. Regarding protection of human rights, an announcement was made on 4 October for accepting complaints on violations of human rights. The complaints received are being examined with the utmost sensitivity on a daily basis.

6. Concerning promotion of human rights, the Commission is trying to set up contact with the relevant organizations inside and outside the country. It has received a delegation from Raoul Wallenberg Institute of Sweden, which has been arranging human rights training courses for over ten years and offers institutional support to a wide range of human rights institutions in developing countries. The Commission was actively engaged in organizing a Human Rights Seminar for officials of the Myanmar Government on 14-15 November by the Regional Office for Southeast Asia, Office of the United Nations High Commissioner for Human Rights, Bangkok. The success of the Seminar received encouraging responses from the United Nations High Commissioner for Human Rights, when she said that these officials, many of them from an emerging younger generation, were very positive, interested and energized. At present, the Commission is planning to organize another workshop on awareness of child rights and human rights education in January 2012 in cooperation with UNICEF in Myanmar. Plans are also underway to organize a similar workshop with special focus on national human rights institutions (NHRIs) in February 2012. In late November, under the sponsorship of UNICEF, Yangon, five members of the Commission visited the Philippines to study its national infrastructure for

human rights promotion and protection, including the Philippines Commission on Human Rights.

7. During three months after establishment, The Commission has finished drawing up its draft rules of procedure and draft complaint and investigation procedure.

8. National Human Rights Institutions (NHRIs) are an integral part of a democratic society. As such, on this important occasion of the anniversary of human rights, the Commission would like to stress its commitment to effectively fulfill its mandate of promoting and protecting human rights and to contribute to the democratization process of the country to the best of its capacity.

Date: 10 December 2011

Yangon

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### **Statement by the Myanmar National Human Rights Commission**

1. A four-member team of the Myanmar National Human Rights Commission headed by its Secretary visited Kachin State from 8 to 10 December 2011 in order to observe at first hand the civil population who were displaced as a result of armed skirmishes that occurred from June 2011, with the view to ascertain their condition in camps that are under the supervision of the Kachin State Government and also to make a need assessment.

2. The team went to Myitkyina, Waing Maw and Bamaw townships and met with the responsible authorities and visited Buddhist monasteries and Christian Churches and met and interviewed the displaced persons. They also visited the Myitkyina General Hospital and again interviewed the patients. There are 59 camps in 11 townships where 14,113 people are cared for under the auspices of the State Government. 51 schools in 10 townships with a student population of 7,872 have to be temporarily closed. The State Government, however, has been able to make arrangements for all students that have arrived at the camps to continue their studies. Currently, there are 3,153 students studying in schools in various vicinities.

3. Under coordination by the Kachin State Government, humanitarian assistance by various government organizations, Civil Society Organizations and UN agencies were systematically distributed to the population in the camps and their basic necessities were provided for. However, with the coming of the cold weather, there is a need for warm clothings and blankets. Families were randomly put together in temporary accommodations which pose a challenge to families, particularly, those with young children. From individual interviews, it was evident that almost all wanted to return to their own villages. The children appear to be suffering from psychological trauma and the adults seem to experience a sense of insecurity and diminished confidence.

4. The team from the Commission was able to liaise and coordinate with the concerned authorities to enable the distribution of humanitarian assistance by the Kachin State Government, UN agencies and Civil Society Organizations to the displaced persons in and around Laiza.

5. The Myanmar National Human Rights Commission will similarly continue to exert all efforts for enhancing assistance to the displaced persons in the Kachin State.

6. The Commission wishes to make the following observations and recommendations.

- It acknowledges the effective role of the Kachin State Government in providing basic humanitarian needs to over 14,000 displaced persons that have arrived at their camps.
- It is particularly gratified that the State Government has been able to distribute in an efficient and systematic manner the material and monetary assistance provided by government organizations, UN agencies, international organizations and the national civil societies.
- It is happy to note that the children of the displaced persons are able to continue their studies.
- It acknowledges that the State Government has been able to provide basic health facilities to the displaced persons and 177 patients in the hospital, including the victims of landmines who were given proper medical attention, thereby, saving their lives. The Commission urges the avoidance of the use of landmines which cause grievous harm to innocent civilians.
- It notes that the donations in cash and kind, provided by the government organizations, Hluttaw Representatives, UN agencies, international organizations and Civil Society Organizations from 9 June to 9 December 2011, amounted to over 1.4 billion Kyats. This is in addition to the donations made by religious and social organizations as well as individuals from the region. The Commission urges those business enterprises which have not yet donated to follow suit.
- It is cognizant that the over 14,000 displaced persons in the camps as well as those in Laiza and Maija Yang near the Myanmar-China border had to leave behind their homes and worldly possessions which adversely affected their economic, social and spiritual well-being. The Commission, therefore, strongly urges the armed groups to strive for the restoration of security and stability to the region.
- It also visited Myitkyina Prison on the morning of 9 December 2011 and was able to meet the prisoners in every prison ward. It was found that the prisoners are provided with proper health care

and nutrition and the prison sanitary conditions are adequate. The prisoners were able to avail themselves of TV and library facilities. It is found that the prison population exceeds the maximum capacity. The Commission would like to recommend that this condition be redressed at the earliest opportunity. Apart from the religious programs currently provided, programs for all religions should be included.

- It is privileged to acquaint itself with the ongoing peace efforts by both sides which were made possible by the invitation of the Union Government for peace negotiations. The Commission strongly urges that the peace negotiations which would result in the cessation of hostilities, ending of conflicts and bring about peace throughout the nation be carried out to its successful conclusion.
- The Commission accordingly, strongly welcomes and supports the latest news that the President of the Republic of the Union of Myanmar has instructed the Tatmataw for the government military forces in the Kachin State not to engage in offensive operations against the KIA and observe a unilateral ceasefire except in self defence. The Commission strongly urges the KIA to reciprocate in the same manner.

Myanmar National Human Rights Commission

Date: 13 December 2011

Yangon.



**Statement**  
**by the Myanmar National Human Rights Commission**  
**on its visits to the Insein Prison and**  
**Hlay-Hlaw-Inn Yebet Prison Labour Camp**

1. An eight-member team of the Commission, headed by its Chairman visited the Insein Prison on 27 December 2011 and the Hlay-Hlaw-Inn Yebet Prison Labour Camp in Hlegu Township on 28 December 2011. Earlier a four-member team of the Commission visited Myitkyina Prison on 9 December 2011. The visits provided a valuable opportunity to observe at firsthand the daily lives of the prisoners and the general conditions in which they are serving their respective prison terms. In this regard, the Commission is grateful for the full cooperation extended by the prison authorities.

2. During the visits to Insein Prison and Hlay-Hlaw-Inn Yebet Prison Labour Camp, the team was briefed by the prison officials that management of the prison was based on the Myanmar Jail Manual and UN Standard Minimum Rules for Treatment of Prisoners. The team observed the provision of health care and recreational facilities, serving of daily meals, provision of linguistic and computer training, conduct of formal education classes and religious activities carried out in the prison.

3. The Commission had received communications from different chapters of the Amnesty International alleging that the prisoners who recently staged hunger strike were put in "dog cells", maltreated and deprived even of water.

4. During the visit, therefore, the team interviewed three prisoners who took part in the recent strikes.

5. All prisoners interviewed stated that they were not deprived of water and were provided with medical attention both during and after the strikes. The allegations regarding "dog cells" also proved to be untrue. The hunger strikers were each held in cells measuring 10 feet by 22 feet which were clean and properly ventilated.

6. During the visit to Hlay-Hlaw-Inn Yebet Prison Labour Camp, the team observed the camp facilities and interviewed a number of prisoners, who

expressed their views and concerns in a candid manner. The camp authorities took note of them with a view to taking corrective actions.

7. Based on the tour of the prison and the interviews, the Myanmar National Human Rights Commission wishes to make the following observations and recommendations:

- The number of prisoners in the Insein Prison far exceeds its maximum holding capacity. The Commission finds this prison congestion as an important source of grievances which should be addressed in a timely fashion.
- The provision of meditation sessions, in the view of the Commission, has a salutary effect on the prisoners' state of mind in the long term and its continuation is strongly recommended.
- Bible studies for Protestants and Confessional and Communion Services for Catholics and suitable religious programs for Muslims and Hindus should also be organized as appropriate. In this regard, the Commission is pleased to find a chapel, a mosque, a Hindu temple and Buddhist shrine on the prison premises.

8. All prisoners interviewed expressed their ardent hope for the granting of the next general amnesty by the President of the Republic of the Union of Myanmar. In this regard, the Commission would like to recall that it had appealed to the President on 12 November 2011 for the release of the remaining prisoners who do not pose a threat to the stability of the State and public tranquility. The Commission would earnestly like to reiterate this appeal.

Myanmar National Human Rights Commission

30 December 2011

Yangon

## Statement by the Myanmar National Human Rights Commission

1. The Myanmar National Human Rights Commission had made appeals to the President that at a time when the Republic of the Union of Myanmar is building a democratic nation and striving for national unity, those among prisoners who were in various prisons for contravening existing laws, who do not pose a threat to national security, public peace and tranquility and national interest, be given amnesty to enable them to take part in whatever way they can in nation-building tasks.

2. Subsequently, the President had granted amnesty to 6359 prisoners on 11 October 2011 and 2 January 2012, through a presidential amnesty order reduced the sentences of the prisoners in various prisons. Under an amnesty order of the President dated 12 January 2012, 651 prisoners were again released. The Commission welcomes the release of prisoners and greatly appreciates the magnanimity shown by the President.

3. The Commission is gratified that among the 651 prisoners released on 13 January 2012, prisoners whose release had been advocated by the Secretary General of the United Nations and some western countries were included as well. The Commission feels that the release of those prisoners fulfils the expectations by the Secretary General of the United Nations and some western countries.

4. In the interest of enduring peace and national unity, to enable an inclusive political process and on grounds of humanitarian consideration, the President had granted amnesty to the prisoners. In view of the President's magnanimity, the Commission strongly urges those who have been released to peacefully take part in whatever way they can in building national unity and a democratic State.

Myanmar National Human Rights Commission

14 January 2012  
Yangon



### The Definition of the Logo of the Myanmar National Human Rights Commission

- |                           |   |  |
|---------------------------|---|--|
| 1. Blue                   | - | Designated basic colour of the Commission  |
|                           | - | Peace and tranquility; integrity; loyalty  |
| 2. Green                  | - | Represents a healthy environment   |
|                           | - | Freshness and vibrancy   |
| 3. Red                    | - | Brightness; boldness; decisiveness   |
| 4. White                  | - | Pristeen condition; purity.  |
| 5. Red Lotus              | - | Represents human rights  |
|                           | - | Elegance; nobleness.   |
| 6. Water                  | - | Represents political, economic and social situation, meaning that its improvement leads to corresponding improvement in human rights situation like elegance of lotus flower is enhanced as water level rises. |
|                           | - | Coolness, clearness; life-giving; equality; liberty  |
| 7. Two hands              | - | Represents peoples' strength   |
|                           | - | Support; help; protection; promotion.  |
| 8. Two eugenia branchlets | - | Represents social environment  |
|                           | - | Success; unity; companionship.   |