

According to international reaction, the fact that MNHRC is fifth national human rights institution in ASEAN has enhanced image of country

NAY PYI TAW, 27 March—*The Myanmar National Human Rights Commission issued its Statement No 2/2012 today.*

The full text of the Statement is as follows:-

The Statement of the Myanmar National Human Rights Commission on its establishment and its current status of functioning (Statement No 2/2012)

On 16 March 2012, the Speaker of the Pyidaungsu Hluttaw, based on the opinion of the Joint Bill Committee that the establishment of the Myanmar National Human Rights Commission (MNHRC) is not consistent with the Constitution and existing laws, decided that the Myanmar National Human Rights Commission is not part of the Leading Bodies of the State and that the request for the budget appropriations for the Commission is revoked.

This item of news was widely reported both inside and outside the country and led to the public assumption that the Commission has become defunct and resulted in various comments and queries. There were also expressions of concern both inside and outside the country.

The Commission was established in order to promote and protect the fundamental rights of the citizens of Myanmar enshrined in the Constitution as well as to interact with the United Nations and other international organizations. This is to enable the enhanced enjoyment of human rights and to contribute to the current democratization process both in form and essence.

Here it is pertinent to examine all the relevant provisions of the Constitution. It is found that under these provisions, every citizen shall enjoy the rights of equality, the right of liberty and the right of justice and necessary laws shall be enacted to make citizens' freedom, rights, benefits, responsibilities and restrictions effective, steadfast and complete.

It is found that, subject to the provisions of the Constitution, the executive power of the Union extends to administrative matters over which the Pyidaungsu Hluttaw has power to make laws. It is also found that, subject to the provisions of the Constitution, the executive power of the Union is vested in the President. The Commission is of the view that it is as part of the exercise of that executive power that the President had established the MNHRC. The establishment of the Commission under the present circumstances is not only appropriate

and timely but also has resulted in positive benefits for the citizens and the State. The Commission is an institution formed by the President under the executive power vested in him. The fact that it is not part of the Leading Bodies of the State and that its budget had been revoked has no effect on the existence and functioning of the Commission.

The MNHRC is an institution founded to promote and protect the human rights of citizens in a sustainable manner. The Commission is of the view that, in order to fully comply with the Paris Principles and act as an independent institution, it needs to become an institution established under an act of Pyidaungsu Hluttaw. Under the Paris Principles, to enable the Commission to function independently, adequate funding should be provided to it. The Commission will systematically utilize the funding provided by the Government as well as other sources.

Indonesia, Malaysia, the Philippines and Thailand from ASEAN and many countries of the world have established national human rights commissions to promote and protect human rights. In the initial stages of establishing their commissions, many of the countries established them under a Presidential decree or decree by the Prime Minister. Subsequently enabling acts of national human rights commissions were enacted and those commissions functioned in accordance with those acts. According to international reaction, the fact that the MNHRC is the fifth national human rights institution in ASEAN has enhanced the image of the country. For these reasons, to strengthen the MNHRC in the long run, the Commission, pursuant to the guidance of the President of the Republic of the Union of Myanmar, is already drafting an enabling national human rights institution act. The Commission will submit the draft to the President and, if approved, present to the Pyidaungsu Hluttaw for adoption.

The Myanmar National Human Rights Commission, in accordance with its mandate, will continue to promote and protect the fundamental rights of citizens enshrined in the Constitution with added momentum.

The Myanmar National Human Rights Commission

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Yangon