

# **Statement Calling for a Transparent and Participatory Drafting Process of the Myanmar National Human Rights Commission's Enabling Law**

**May 10, 2012**

We, the undersigned civil society, community-based organizations and networks, welcome the decision made by the Myanmar National Human Rights Commission to become an institution established under an act of the Parliament in order to fully comply with the Paris Principles and act as an independent institution.

We believe that independence is the key attribute for the legitimacy, credibility and effectiveness of a National Human Rights Institution (NHRI). The Paris Principles provide that the enabling law of an NHRI should clearly sets out its role and powers in order to guarantee the institution's permanence and independence.

The enabling law of the Myanmar National Human Rights Commission (MNHRC) must also reflect all the Paris Principles' requirements including a broad mandate based on universal human rights principles, pluralism of members, adequate financial resources and power of investigation and encompass representation of civil society.

In order to work together towards an independent and effective National Human Rights Commission that can best serve the people of Burma and that complies with the Paris Principles, we call on the Myanmar National Human Rights Commission and the Government of the Union of Myanmar to ensure that the drafting process of its enabling law is transparent and participatory.

The Paris Principles recognize that relationships with civil society can help National Human Rights Institutions to protect their independence and pluralism, and enhance their effectiveness by deepening their public legitimacy. The Paris Principles also encourage full and regular consultation at every stage, from planning to implementation and evaluation, as a way to ensure that civil society organizations support the work of the National Human Rights Institution.

We believe that if the Government of the Union of Myanmar is serious about creating a commission that complies with the Paris Principles it must broadly involve the civil society in order to ensure transparency, foster human rights and ensure that the commission meets the needs of the people of Burma.

Therefore, in order to guarantee transparency and meaningful participation from the public and civil society we recommend implementing the following steps to ensure that the drafting process of the Myanmar National Human Rights Commission's enabling law is credible, inclusive, transparent and consistent with the Paris Principles:

- To widely publicize and disseminate the draft of the enabling law in Burmese and other ethnic nationalities languages, especially through the media, and allow enough time so that the public can meaningfully participate in the drafting process and make recommendations on its content;
- To publicly identify a focal person within the government and within the MNHRC to oversee the drafting process as well as a parliamentary committee to facilitate broad based consultation and communication with the public;
- To enable input at all stages of the drafting process including into the initial draft of the law and when the draft law is discussed in the Parliament;
- To ensure pluralism through an inclusive consultation process with all relevant stakeholders, including both registered and non-registered civil society and community-based organizations as well as grassroots people and communities throughout the country and especially those from ethnic areas and women's groups, as well as media;
- To ensure enough resources are allocated to the consultation process to enable it to be effective, inclusive and comprehensive;
- To seek technical assistance from international experts and the regional network of National Human Rights Institutions on the consultation process and the draft enabling law.

### **Endorsed By**

1. Arakan Human Rights and Development Organisation (AHRDO)
2. Arakan Labor Campaign (ALC)
3. Burma Lawyers' Council (BLC)
4. Burma Partnership (BP)
5. Back Pack Health Worker Team (BPHWT)
- 6. Forum for Democracy in Burma (FDB)**
  - i. All Burma Federation Students Union - FAC (ABFSU-FAC)
  - ii. All Burma Students Democratic Front (ABSDF)
  - iii. Burmese Women's Union (BWU)
  - iv. Network for Democracy and Development (NDD)
  - v. Democratic Party for a New Society (DPNS)
  - vi. People Defense Force (PDF)
  - vii. Yangon Chi Oo Workers Association (YCOWA)
7. Karen Rivers Network
8. Maukka Education Magazine
- 9. Network for Human Rights Documentation - Burma (ND-Burma)**
  - i. Assistance Association for Political Prisoners – Burma (AAPP-B)
  - ii. All Arakan Students and Youth's Congress (AASYC)
  - iii. Burma Issues (BI)
  - iv. Chin Human Rights Organization (CHRO)
  - v. Earth Rights International (ERI)
  - vi. Human Rights Documentation Unit (HRDU)
  - vii. Human Right Educational Institute of Burma (HREIB)
  - viii. Human Rights Foundation of Monland (HURFOM)

- ix. Kachin Women's Association Thailand (KWAT)
- x. Lahu Women's Organization (LWO)
- xi. Palaung Women's Organization (PWO)
- xii. Taang Students and Youth Organization (TSYO)
- xiii. Yoma3 News Service

**10. Student and Youth Congress of Burma (SYCB)**

- i. All Arakan Students and Youth's Congress (AASYC)
- ii. All Burma Students Democratic Front (ABSDF)
- iii. All Kachin Students and Youth Union (AKSYU)
- iv. Arakan League for Democracy - Youth Wing (Exile)
- v. Democratic Party for a New Society - Youth (DPNS-Y)
- vi. Karen Youth Organization (KYO)
- vii. Kayan New Generation Youth (KNGY)
- viii. Kuki Students Democratic Front (KSDF)
- ix. Mon Youth Progressive Organization (MYPO)
- x. Naga National League for Democracy – Youth (NNLD-Y)
- xi. National League for Democracy - Liberated Areas (Youth) (NLD-LA-Y)
- xii. Pa-O Youth Organization (PYO)
- xiii. Tavoyan Youth Organization (TYO)
- xiv. Taang Students and Youth Organization (TSYO)
- xv. Zomi Students and Youth Organization (ZSYO)

11. Shwe Gas Movement (SGM)

12. Youth for Social Change Myanmar

**13. Women League of Burma (WLB)**

- i. Burmese Women's Union (BWU)
- ii. Kachin Women's Association-Thailand (KWAT)
- iii. Karen Women's Organization (KWO)
- iv. Karenni National Women's Organization (KNWO)
- v. Kayan Women's Organization (KyWO)
- vi. Kuki Women's Human Rights Organization (KWHRO)
- vii. Lahu Women's Organization (LWO)
- viii. Palaung Women's Organization (PWO)
- ix. Pa-O Women's Union (PWU)
- x. Rakhaing Women's Union (RWU)
- xi. Shan Women's Action Network (SWAN)
- xii. Tavoy Women's Union (TWU)
- xiii. Women's Rights and Welfare Association for Burma (WRWAB)