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In March 2014 the Myanmar Hluttaw, or Parliament, enacted the Myanmar National Human Rights Commission Law, which provided a statutory basis for a national human rights body in Myanmar. The Myanmar government declared to the United Nations Human Rights Council that the Enabling Law was compliant with the United Nations Paris Principles that set international standards for national human rights institutions. Despite the claims of the Myanmar government, however, critics charge the Enabling Law is insufficient, with detractors claiming the law leaves the MNHRC with anaemic powers incapable of advancing human rights. This paper responds to such issues by conducting an independent evaluation of the MNHRC Enabling Law under the Paris Principles. In doing so, the analysis treats the Enabling Law as a case study demonstrating how the Paris Principles can be exercised by third parties as the UN-supported international standards for national human rights institutions.

Keywords
Myanmar, Enabling Law, MNHRC, Paris Principles, OHCHR, NHRI, ICC Subcommittee

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1. Introduction

In March 2014, the Myanmar Hluttaw, or Parliament, enacted the Myanmar National Human Rights Commission Law (hereinafter Enabling Law),\(^1\) which provided a statutory basis for a national human rights body in Myanmar. The Enabling Law superseded a previous presidential order establishing the Myanmar National Human Rights Commission ("MNHRC") and reconstituted the MNHRC with more explicit terms regarding its membership, powers, duties, support, and structure.\(^2\) This served to institutionalize the MNHRC, moving the commission’s existence from an expression of presidential discretion via decree to a product of broader parliamentary deliberation and attendant legislation.

The Myanmar government declared to the United Nations Human Rights Council ("UNHRC") that the Enabling Law was compliant with the UN Paris Principles that set international standards for national human rights institutions.\(^3\) The declaration is supportive for the United Nations Human Rights Office of the High Commissioner ("OHCHR") to help the MNHRC design and draft the Enabling Law,\(^4\) and so presumably guide it towards compliance with the UN guidelines. As a result, the Enabling Law would represent a larger effort by Myanmar’s government to work with the UN human rights system, thereby reflecting an intent to meet international expectations regarding human rights.

Despite the claims of the Myanmar government, however, critics charge the Enabling Law is insufficient, with detractors claiming the law leaves the MNHRC with anaemic powers incapable of advancing human rights.\(^5\) Such organizations

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5. See generally All the President’s Men, Burma Partnership (2014) [hereinafter Burma Partnership 2014], available at http://www.burmapartnership.org/2014/09/all-the-presidents-men; B. O’Toole, Rights Body Shake-up Under