



**Myanmar National Human Rights  
Commission**

# **CAPACITY ASSESSMENT REPORT**

**December 2018**



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## Executive Summary

In May 2018, His Excellency, U Win Mra, Chairperson of the Myanmar National Human Rights Commission (MNHRC) asked the Asia Pacific Forum of National Human Rights Institutions (APF) to assist the Commission to undertake a Capacity Assessment (CA).

The MNHRC was first established by Presidential decree in 2011. It was placed on a more secure foundation by legislation enacted on 28 March 2014, The Myanmar National Human Rights Commission Law. With four years of experience working in a very challenging environment, the Chairperson and Commissioners agreed that a capacity assessment would provide them with the information they needed to further strengthen the MNHRC's promotion and protection of human rights.

This report, The Myanmar National Human Rights Commission Capacity Assessment 2018, records the results of the capacity assessment undertaken between Monday 5 and Friday 16 November 2018.

### Capacity Assessment Process

The CA was conducted by the MNHRC, with facilitators from APF, the United Nations Development Programme (UNDP) Bangkok Regional Hub and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

The objective of the capacity assessment was to provide the Commissioners and the Acting Director General with a rigorous review of the MNHRC's current strengths and weaknesses and the extent to which it has the necessary elements to meet its mandates in a very challenging human rights environment. It proposes strategies and actions for strengthening capacity and filling capacity gaps and identifies the critical priorities.

The CA process included:

- Analysis of relevant documents and reports
- Interviews with the Chairperson, Commissioners
- Focus group discussions with the Acting Director-General/Secretary and Directors, Deputy Directors, Assistant Directors and all staff members, in the Central Office in Yangon and the two Branch Offices in Mandalay and Nay Pyi Taw. Note: Staff interviews were generally in functional groups, with opportunities for a number of women only groups
- Interviews with parliamentary committees, government agencies, civil society organisations (CSOs) and non-governmental organisations (NGOs) in Yangon and Nay Pyi Taw
- Identification of core capacity issues – 18 in all – on the basis of the group discussions

- Self-assessment questionnaire for the 18 specific key capacity issues, through which 86 MNHRC Commissioners and staff members provided quantitative capacity ratings and qualitative comments.

## Key findings

During interviews and the discussion groups MNHRC leaders and staff identified institutional **strengths** that demonstrated the progress since its establishment in 2011. These included:

- MNHRC statute
- Status of Chairperson as Union Minister, Commissioners as Deputy Ministers
- Full-time Commissioners
- Consensus decision-making by Commissioners
- Committed staff who want to learn more and do more
- Improved financial independence – separate budget line
- Beginning establishment of branch offices
- Relationship with Parliament
- Awareness-raising & human rights education in all regions and states
- Detention monitoring & improved conditions
- Election monitoring
- Respect for MNHRC complaints processes by Government agencies
- President’s responsiveness to legal and policy recommendations
- Member of National Level Committees on Women, Child Rights, Disability Rights & Human Trafficking & Rule of Law
- Engagement with UPR
- Membership of SEANF, APF & GANHRI.

Discussions with Commissioners, staff and external stakeholders also identified a number of **challenges** facing the MNHRC.

Myanmar is in transition to democracy. There is still fear of repercussions if people complain or speak out against authorities. The level of human rights knowledge is low in the community and amongst government agencies.

While basically sound, the MNHRC’s legal mandate requires further strengthening. Within the Commission there is:

- Lack of gender balance and limited diversity among Commissioners
- Gender imbalance in staff management positions
- Lack of diversity among staff
- Difficulty recruiting and retaining well qualified staff
- Lack of policy research capacity.

The MNHRC also:

- Lacks a current strategic plan and prioritisation
- Has a limited public profile
- Uses limited promotion and awareness raising methodologies and materials
- Receives few complaints from states.

There is low trust between the MNHRC, civil society and NGOs.

The interviews and focus group discussions identified 18 core capacity issues for further examination through the questionnaire. They were grouped under four headings:

- Mandate and leadership
- Staff, equipment and resources
- Functions
- Relationships and cooperation.

## Questionnaire

The 18 core capacity issues that made up the questionnaire were

1	MNHRC is trusted, respected and perceived as independent by all the people of Myanmar
2	MNHRC has the sufficient legal mandate to effectively protect and promote human rights
3	MNHRC Commissioners have the capacity for efficient, timely and informed decision making
4	MNHRC has a strategic plan so that Commissioners and staff have clear directions for their work
5	MNHRC reflects gender balance in its leadership and its staff, and effectively protects and promotes gender equality throughout its work
6	The diverse ethnic and religious groups of Myanmar are fairly reflected in its leadership and staff, and MNHRC promotes non-discrimination and equality
7	MNHRC has a sufficient number of well-qualified staff which enable it to fulfil its mandate
8	MNHRC has the capacity to attract and retain excellent staff through offering adequate remuneration and benefits, provisions for staff security and welfare, and opportunities for staff development

9	MNHRC has the capacity to involve staff in decision-making and enable them to take responsibility in the delivery of programmes and services
10	MNHRC staff are provided with all office equipment required to discharge their functions
11	MNHRC has adequate financial resources to perform its mandate throughout Myanmar
12	MNHRC has the capacity to undertake effective awareness raising and human rights education that enables it to reach out across all states and regions of Myanmar
13	MNHRC has the capacity to undertake prompt, professional and impartial human rights investigations, and resolve them in a timely manner
14	MNHRC has the capacity to conduct high-quality policy research and analysis, and advocate for their recommendations
15	MNHRC has a strong communications strategy, including through social media, in Myanmar and other ethnic languages
16	MNHRC has strategies to build effective engagement with Parliaments, judiciary and government agencies at Union, state and regional levels to promote a human-rights based approach to legislation, planning and policy
17	MNHRC has the capacity to engage and cooperate with CSOs and NGOs at union, regional and state levels
18	MNHRC has the capacity to effectively engage with the UN human rights system, and with regional and international human rights organisations

The questionnaires asked respondents to indicate (on a scale from 0 to 5) the MNHRC's current capacity in relation to each individual issue and the required future capacity, in five years' time, on that issue. After calculating the average rankings for current and desired future capacity based on the scores from 86 questionnaires, the CA team then calculated the difference between current capacity and desired future capacity for each issue, to produce a "capacity gap" score for each issue – the amount of improvement needed to progress from the current level to the desired future level.

The questionnaires also provided an opportunity for comment on current capacities, and to provide suggestions on how to improve in order to reach desired future capacities.

The responses to the questionnaires, both quantitative and qualitative, are completely consistent with what was said in the discussion groups.

## Summary of questionnaire results

The five issues with the **lowest-ranked current capacities** are:

Ranking	Capacity issue	Current capacity
1	MNHRC has the capacity to attract and retain excellent staff through offering adequate remuneration and benefits, provisions for staff security and welfare, and opportunities for staff development	1.72
2	MNHRC has a strong communications strategy, including through social media, in Myanmar and other ethnic languages	2.37
3	MNHRC has a sufficient number of well-qualified staff which enable it to fulfill its mandate	2.49
4	MNHRC has the capacity to involve staff in decision-making and enable them to take responsibility in the delivery of programmes and services	2.60
5	MNHRC has adequate financial resources to perform its mandate throughout Myanmar	2.76

The six core capacity issues with the highest-ranked desired future capacities – in other words, the six issues which MNHRC considers **most important to do well in future**– are:

Issue number	Capacity issue	Desired future capacity
1	MNHRC Commissioners have the capacity for efficient, timely and informed decision making	4.44
2	MNHRC has the capacity to effectively engage with the UN human rights system, and with regional and international human rights organisations	4.32
3	MNHRC has the capacity to undertake effective awareness raising and human rights education that enables it to reach out across all states and regions of Myanmar	4.30
4	MNHRC has the capacity to engage and cooperate with CSOs and NGOs at union, regional and state levels	4.30
5	MNHRC has the sufficient legal mandate to effectively protect and promote human rights	4.28
6	MNHRC is trusted, respected and perceived as independent by all the people of Myanmar	4.25

And the five largest capacity gaps – in other words, **the areas with the biggest need for improvement** are:

Ranking	Capacity issue	Capacity gap
1	MNHRC has the capacity to attract and retain excellent staff through offering adequate remuneration and benefits, provisions for staff security and welfare, and opportunities for staff development	1.70
2	MNHRC has a sufficient number of well-qualified staff which enable it to fulfill its mandate	1.40
3	MNHRC has a strong communications strategy, including through social media, in Myanmar and other ethnic languages	1.23
4	MNHRC has adequate financial resources to perform its mandate throughout Myanmar	1.20
5	MNHRC has a strategic plan so that Commissioners and staff have clear directions for their work	1.15

On the basis of the results of the individual interviews, focus groups and the questionnaire results the CA team proposed four strategies with 18 recommended actions for implementation.

The four priority strategies on which the MNHRC should focus over the next 3-5 years are:

- **Priority 1 – Mandate & Leadership:** Build trust in the MNHRC as an independent NHRI
- **Priority 2 – Staff, Equipment & Resources:** Build a team of well-qualified, highly competent staff at all levels of the organisation
- **Priority 3 – Functions:** Increase the MNHRC’s capacity to effectively promote and protect human rights in every region and state
- **Priority 4 – Relationships and Cooperation:** Deepen the MNHRC’s capacity to cooperate and engage nationally, regionally and internationally.

## PRIORITY 1: MANDATE & LEADERSHIP

### Build trust in the MNHRC as an independent NHRI

1. Strengthen the MNHRC's legal mandate by proposing amendments to the law, including to:
  - Increase transparency in the procedure for selecting Commissioners, and ensure gender balance and greater diversity of backgrounds including human rights expertise
  - Remove the requirement of prior notification for visits to places of detention
  - Enable the MNHRC to appear as amicus curiae in court cases.
2. Develop a 3-5 year strategic plan with wide consultation both among staff and with external stakeholders, including budget, clear targets of achievement and a transparent process for implementation, monitoring and evaluation
3. Raise the public profile of the office by adopting a communications and advocacy strategy including:
  - Establishing a baseline of public awareness of human rights and the MNHRC
  - Issuing more frequent public statements on human rights issues
  - Producing a range of information materials in Burmese and ethnic languages (including for radio, TV and social media)
  - Building relationships with all forms of media.
4. Extend the MNHRC's presence and reach throughout the country by:
  - Appointing a focal Commissioner for each state and region
  - Progressively establishing branch offices in all states and regions, building on pilots in Mandalay and Nay Pyi Taw and adding a third pilot in a state, with staffing reflecting the communities they serve.

## **PRIORITY 2: STAFF, EQUIPMENT & RESOURCES**

*Build a team of well-qualified, highly competent staff at all levels of the organisation*

5. Design and implement a comprehensive staff development programme by:
  - Providing orientation seminars for new employees to ensure that all staff will have basic knowledge on human rights and the mandate of the MNHRC at the beginning of their employment
  - Conducting a personnel capacity assessment and adopting a human resource development program that will provide a progressive training for each staff member to equip them with the necessary skills in their respective function
  - Reviewing how best to provide access and encourage staff to undertake English language training.
6. Develop and provide for staff welfare by establishing programs and guidelines equivalent to those enjoyed by civil servants, including:
  - Staff welfare benefits to include pension, housing, health care and emergency assistance
  - Overtime pay and travel security during field visits.
7. Enhance office performance by providing sufficient and functional office equipment such as computers, copiers, facsimile, and others.
8. Develop human resources policies and procedures, prioritising:
  - Equal opportunities policies, including monitoring mechanisms to strengthen women's participation with regard to leadership, decision-making, hiring and promotion, and professional advancement
  - Policies and procedures against bullying, harassment and discrimination in the workplace including effective complaint mechanisms which protect complainants against victimisation, in accordance with international best practices, and train all staff on them.
9. Increase the involvement of staff in the planning, implementation and monitoring of the Commission's strategic programs by:
  - Expanding their functional responsibilities and accountability through formal delegations; and
  - Providing opportunities for participation and effective feedback mechanisms through the conduct of regular staff meetings.
10. Proactively engage in a resource mobilisation strategy to obtain the required financial resources from the State budget and technical assistance from international partners.

## PRIORITY 3: FUNCTIONS

*Increase the MNHRC's capacity to effectively promote and protect human rights in every region and state*

### Promotion

11. Ensure that the MNHRC's awareness-raising and human rights education programme:
  - Targets specific communities across Myanmar most at risk of human rights violations and key government agencies
  - Employs modern learner-centred adult education methodologies
  - Develops accessible and attractive standardised public promotional materials, in all major languages in Myanmar and using diverse media, on the role and mandate of the MNHRC and human rights principles and standards
  - Develops standardised human rights education curricula for and in collaboration with government, security and justice sector agencies, providing concrete guidance on the application of human rights in their daily work
  - Develops a strategy for incorporation of human rights into schools and of human rights education into curricula at all levels, in collaboration with the Ministry of Education.

### Protection

12. Develop:
  - Standardised procedures on complaints handling and investigation, and on visits to places of detention
  - Systematic and standardised training for all investigators that should include human rights monitoring, documentation, interviewing, reporting, including through a gender sensitive lens and while conducting prison and detention facilities visits.

### Policy

13. Develop the capacity to conduct research and analysis into systemic human rights issues (including undertaking national inquiries where warranted), drawing on data and findings from complaints and investigations, and using the findings to inform advocacy, human rights education and awareness raising.
14. Explore the option of providing expert human rights advice to the courts in strategic cases with a human rights dimension.

## **PRIORITY 4: RELATIONSHIPS AND COOPERATION**

*Deepen the MNHRC's capacity to cooperate and engage nationally, regionally and internationally*

### **Government**

15. Develop capacity to demonstrate linkages between human rights and the Sustainable Development Goals (SDGs) and proactively identify entry points for engagement with Government on human rights through the SDGs.
16. Ensure branch offices engage with local government, judicial and security agencies, as well as NGOs at state and regional levels, including cooperation with Rule of Law Centres and local legal aid providers, in relation to training, awareness raising and legal assistance, based on the priority human rights issues in the locality.

### **Parliament**

17. Deepen the relationship with the Citizens' Fundamental Rights Committees of the Pyithu and Amyotha Hluttaws in order to strengthen their combined advocacy for human rights policies and legislation.

### **CSOs**

18. Increase engagement with a diverse range of civil society organisations, including human rights defenders, through different initiatives such as:
  - Establishment of an MNHRC-NGO network which meets at least once every two months
  - Consultations with NGOs to collect their inputs and suggestions in relation to draft legislation.





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