



# General Assembly

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## Seventy-seventh session

### Third Committee

Agenda item 68 (c)

#### **Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives**

**Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Central African Republic, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, North Macedonia, Pakistan,\* Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden and Ukraine: revised draft resolution**

#### **Situation of human rights of Rohingya Muslims and other minorities in Myanmar**

*The General Assembly,*

*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights,<sup>1</sup> the International Covenants on Human Rights<sup>2</sup> and other relevant international law and human rights law instruments,

*Recalling* that States have the primary responsibility to respect, protect and fulfil human rights,

*Recalling also* its previous resolutions on the situation of human rights in Myanmar, the most recent of which being resolutions [76/180](#) of 16 December 2021, [75/287](#) of 18 June 2021, [75/238](#) of 31 December 2020, [74/246](#) of 27 December 2019, [73/264](#) of 22 December 2018 and [72/248](#) of 24 December 2017, and recalling the resolutions and decisions of the Human Rights Council, the most recent of which being resolutions [50/3](#) of 7 July 2022,<sup>3</sup> [49/23](#) of 1 April 2022,<sup>4</sup> [47/1](#) of 12 July 2021,<sup>5</sup>

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\* On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation.

<sup>1</sup> Resolution [217 A \(III\)](#).

<sup>2</sup> Resolution [2200 A \(XXI\)](#).

<sup>3</sup> *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 53 (A/77/53)*, chap. VIII, sect. A.

<sup>4</sup> *Ibid.*, chap. VI, sect. A.

<sup>5</sup> *Ibid.*, *Seventy-sixth Session, Supplement No. 53 (A/76/53)*, chap. VII, sect. A.



46/21 of 24 March 2021,<sup>6</sup> S-29/1 of 12 February 2021,<sup>7</sup> 43/26 of 22 June 2020,<sup>8</sup> 42/3 of 26 September 2019,<sup>9</sup> 39/2 of 27 September 2018,<sup>10</sup> 37/32 of 23 March 2018<sup>11</sup> and S-27/1 of 5 December 2017,<sup>12</sup> the presidential statements issued by the Security Council on 6 November 2017<sup>13</sup> and 10 March 2021,<sup>14</sup> and the press statements of the Security Council on the situation in Myanmar of 9 May 2018,<sup>15</sup> 4 February 2021<sup>16</sup> and 1 and 30 April 2021, as well as Security Council resolution 2467 (2019) of 23 April 2019,

*Condemning in the strongest terms* all violations and abuses of human rights against civilians, including Rohingya Muslims and other minorities in Myanmar, including before and following the unjustified declaration of the state of emergency on 1 February 2021 and its later extension,

*Expressing its concern* that recent developments resulting from the declaration of the state of emergency by the Myanmar military pose serious challenges to the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya Muslims and all internally displaced persons,

*Condemning in the strongest terms* the arbitrary detention, arrest and politically motivated convictions, sentencing and executions, including of opposition activists, as well as violent acts including extrajudicial killings, sexual and gender-based violence, and torture committed against the civilian population, including medical doctors, teachers, students, lawyers, artists, journalists and many others, which exacerbates the polarization and violence and worsens the humanitarian situation in the country,

*Expressing deep concern* at the indiscriminate use of violence and ongoing escalation of the conflict, which seriously undermines the enjoyment of human rights of civilians in Myanmar, especially those of women, children and older persons, as well as those of persons belonging to ethnic and religious minorities, including Rohingya Muslims, owing to the heavy militarization of Myanmar aggravated by the continued access to arms,

*Underlining* the urgency for the Myanmar military to end all acts of violence without further delay and to unconditionally and immediately release all those arbitrarily detained,

*Expressing its unequivocal support* for the people of Myanmar and their democratic will and interests, as well as for the need to rebuild and strengthen democratic institutions and processes, to refrain from violence and arbitrary detentions and to respect fully human rights, fundamental freedoms and the rule of law,

*Welcoming* the work of the Special Envoy of the Secretary-General on Myanmar, and encouraging her to continue her engagement and inclusive dialogue with all relevant stakeholders, including civil society and affected populations, in

<sup>6</sup> Ibid., chap. V, sect. A.

<sup>7</sup> Ibid., chap. IV.

<sup>8</sup> Ibid., *Seventy-fifth Session, Supplement No. 53 (A/75/53)*, chap. IV, sect. A.

<sup>9</sup> Ibid., *Seventy-fourth Session, Supplement No. 53A (A/74/53/Add.1)*, chap. II.

<sup>10</sup> Ibid., *Seventy-third Session, Supplement No. 53A (A/73/53/Add.1)*, chap. II.

<sup>11</sup> Ibid., *Supplement No. 53 (A/73/53)*, chap. IV, sect. A.

<sup>12</sup> Ibid., chap. III.

<sup>13</sup> S/PRST/2017/22; see *Resolutions and Decisions of the Security Council, 2017 (S/INF/72)*.

<sup>14</sup> S/PRST/2021/5.

<sup>15</sup> SC/13331.

<sup>16</sup> SC/14430.

particular women and youth, and urging the Myanmar military to extend full cooperation with the Special Envoy,

*Welcoming, also* the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, while deeply regretting the non-cooperation of the Myanmar military with the mandate, and urging them to extend full cooperation to the Special Rapporteur,

*Welcoming further* the report of the United Nations High Commissioner for Human Rights on the root causes of the human rights violations and abuses Rohingya and other minorities in Myanmar are facing,<sup>17</sup> and reiterating the importance of fully implementing the recommendations contained in the report,

*Recalling* the work done by the independent international fact-finding mission on Myanmar, including its final report<sup>18</sup> and all its other reports, including the reports on the economic interests of the Myanmar military and on sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts, and furthermore deeply regretting the lack of cooperation of Myanmar with the fact-finding mission,

*Alarmed* by the findings of the independent international fact-finding mission on Myanmar of evidence of the most serious human rights violations and abuses suffered by Rohingya Muslims and other minorities, perpetrated by the security and armed forces of Myanmar, which, according to the fact-finding mission, undoubtedly amount to the gravest crimes under international law,

*Expressing deep concern* at the limited progress on the implementation of the fact-finding mission's recommendations to conduct prompt, effective, thorough, independent and impartial investigations and to hold perpetrators accountable for crimes committed across Myanmar,

*Concerned* that, contrary to the fact-finding mission's recommendations, laws, orders, policies and practices at all levels limiting freedoms of movement, expression, association and assembly, or which are discriminatory in their application or impact, continue to be utilized to stifle freedom of association, speech and the press,

*Welcoming* the work of the Independent Mechanism for Myanmar, established by the Human Rights Council in its resolution 39/2, to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, in particular but not limited to Rakhine, Kachin and Shan States, making use of the information handed over by the independent international fact-finding mission, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have, or may in the future have, jurisdiction over these crimes, in accordance with international law,

*Welcoming also* the reports of the Independent Mechanism for Myanmar, established by the Human Rights Council in its resolution 39/2, to the General Assembly, including the fourth report submitted to the General Assembly on 12 July 2022,<sup>19</sup> and encouraging the Mechanism to continue its efforts to advance its public outreach, in order to explain its mandate and work process to victims and other stakeholders,

*Welcoming further* the cooperation extended by the Government of Bangladesh with the Independent Mechanism for Myanmar, and underlining, in this regard, the

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<sup>17</sup> A/HRC/49/72.

<sup>18</sup> A/HRC/42/50.

<sup>19</sup> A/HRC/51/4.

call of the Mechanism to other Member States to extend full and meaningful cooperation, allowing the Mechanism to fully deliver on its mandate,

*Recognizing* the complementary and mutually reinforcing work of the various United Nations mandate holders and mechanisms, including international justice and accountability mechanisms working on Myanmar to improve the situation of human rights in Myanmar,

*Recognizing also* the importance of the role of regional organizations in efforts to achieve pacific settlement of local disputes, as stipulated in Chapter VIII of the Charter, while noting that such efforts do not preclude action under Chapter VI of the Charter,

*Recognizing further* the important role of the Association of Southeast Asian Nations, in facilitating the creation of an environment in Myanmar that is conducive to the voluntary, safe, dignified and sustainable return of forcibly displaced persons, including Rohingya Muslims, to Myanmar, and reiterating the need to work in close coordination and in full consultation with Rohingya Muslims, as well as with all relevant United Nations agencies and international partners, and to address the root causes of the crisis and displacement so that affected communities can rebuild their lives after their return to Myanmar,

*Welcoming* the statement made by the Chair of the Association of Southeast Asian Nations at its Leaders' Meeting, held on 24 April 2021 in Jakarta,<sup>20</sup> in which the Chair, inter alia, encouraged the Secretary-General of the Association to continue to identify possible areas that could effectively facilitate the repatriation process for displaced persons from Rakhine State, noting that these conditions are currently not met, and underscoring the importance of efforts to address the root causes of the situation in Rakhine State, and the importance of the five-point consensus of the Association, including its full and timely implementation,

*Acknowledging* the efforts of the Organization of Islamic Cooperation, alongside relevant international efforts, aimed at bringing peace and stability to Rakhine State and other states and regions of Myanmar, including through the work of the Special Envoy for Myanmar of the Secretary-General of the Organization of Islamic Cooperation,

*Underlining* the importance of close coordination between the Special Envoy of the Secretary-General on Myanmar with all other respective envoys,

*Recognizing* the role of civil society in highlighting the most serious violations and abuses of human rights and violations of international humanitarian law in Myanmar, as relevant,

*Welcoming* the report of the Secretary-General,<sup>21</sup>

*Welcoming also* the ongoing processes to ensure justice and accountability in respect of alleged crimes committed against Rohingya Muslims and other minorities in Myanmar,

*Noting* that the International Criminal Court has authorized its Prosecutor to investigate alleged crimes within the Court's jurisdiction related to the situation in Bangladesh/Myanmar and welcoming the cooperation provided by Bangladesh to the Office of the Prosecutor,

*Welcoming* the order of the International Court of Justice of 22 July 2022 rejecting the preliminary objections of Myanmar in the case lodged by the Gambia

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<sup>20</sup> [A/75/868](#), annex.

<sup>21</sup> [A/77/255](#).

against Myanmar on the application of the Convention on the Prevention and Punishment of the Crime of Genocide, and finding the application of the Gambia to be admissible,

*Recalling the order* of the International Court of Justice of 23 January 2020 indicating provisional measures in the case lodged by the Gambia against Myanmar on the application of the Convention on the Prevention and Punishment of the Crime of Genocide,<sup>22</sup> which found that the Rohingya in Myanmar appeared to constitute a “protected group” within the meaning of article 2 of the Convention and that there was a real and imminent risk of irreparable prejudice to the rights of the Rohingya in Myanmar, and calling upon Myanmar to fully comply with the order,

*Noting* the publication of the executive summary of the report of the Independent Commission of Enquiry established by Myanmar in 2018, which, notwithstanding its limitations, acknowledges that war crimes, serious human rights violations and violations of domestic law had been committed by multiple actors and that there were reasonable grounds to believe that members of Myanmar security forces were involved, and regretting that the full report of the Commission at present remains unpublished,

*Condemning* all violations and abuses of human rights in Myanmar, including against Rohingya Muslims and other minorities, as well as the use of excessive force and violence by the Myanmar armed forces, including torture and sexual and gender-based violence, which has led to injuries and fatalities in many cases, against peaceful demonstrators, as well as members of civil society, women, young people, children, minorities and others, and expressing its deep concern at undue restrictions to the activities of medical and humanitarian personnel, all other representatives of civil society, labour union members, journalists and media workers, and calling for the immediate release of all those detained arbitrarily, including foreign nationals,

*Reiterating its deep concern* at the excessive use of force by Myanmar security and armed forces, taking place in most states and regions, the continuing forced displacement of civilians, including of minorities, the recruitment and use of children, abductions, arbitrary detentions, killings and maiming, attacks on schools, hospitals and places of worship and civilian gatherings, and the use of facilities functioning as hospitals and schools for military purposes and for committing crimes, as well as reports of violations and abuses of human rights, including those involving the use of landmines, making conditions in Rakhine State unsuitable for the voluntary, safe, dignified and sustainable return of all refugees and forcibly displaced persons, including Rohingya,

*Underlining* the urgent need to promote mine clearance, the clearance of explosive remnants of war and mine-risk education programmes for civilians, and to prioritize victim assistance and stockpile destruction, including prior to any movement by internally displaced persons back to contaminated areas,

*Alarmed* that children continue to be subjected to the six grave violations against children during armed conflict, and that the scale and recurrent nature of such violations and abuses will affect generations to come,

*Reiterating* the urgent need to ensure that all those responsible for crimes related to violations and abuses of international law throughout Myanmar, including international human rights law, international humanitarian law and international criminal law, are held to account through credible and independent national, regional or international justice mechanisms, while recalling the authority of the Security Council in this regard,

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<sup>22</sup> Resolution 260 A (III), annex.

*Expressing deep concern* that, in Rakhine, more than 600,000 Rohingya Muslims remain largely segregated and discriminated against with respect to accessing citizenship and enjoying their human rights and fundamental freedoms, a large number of whom remain confined in camps with no freedom of movement and grossly restricted access to basic services, including health care and education, as well as livelihoods,

*Expressing its deep concern* at the escalating conflicts in Rakhine, including the growing military activities of Myanmar security forces close to the Bangladesh-Myanmar border, including repeated firing across the border and violations of the airspace of Bangladesh resulting in casualties and panic among the civilians on both sides of the border,

*Expressing its concern* that Rohingya Muslims and other minorities, in particular women and girls, remain at significant risk of sexual and gender-based violence, notably in the context of the ongoing conflict between the security and armed forces and the Arakan Army,

*Expressing its deep concern* at the reports of violence by the security and armed forces, which has disproportionately affected civilians, including Rohingya Muslims and other minorities in Myanmar, where schools, religious sites and homes have been targeted,

*Reiterating its deep concern* at the escalating violence and the continuing forced displacement of civilians, as well as violations and abuses of human rights against those belonging to Rohingya Muslim and other minorities, thus making conditions unsuitable for the voluntary, safe, dignified and sustainable return of all refugees and forcibly displaced persons to Myanmar, including Rohingya,

*Continuing to underline* the need for the security and armed forces of Myanmar and other armed groups to cease all actions that run counter to the protection of all persons within the country, including those belonging to the Rohingya community, by respecting international law, including international human rights law and international humanitarian law, and ending the violence, including sexual violence, and calling for urgent steps to ensure justice in respect of all human rights violations and violations of international humanitarian law so that those displaced by violence are able to voluntarily return in safety and dignity to their places of origin or to a place of their choice in a sustainable manner,

*Alarmed* at the continued attacks on medical and humanitarian actors and the lack of safe and unhindered humanitarian access, and calling for all sides, in particular the Myanmar armed forces, to abide by international law, including international humanitarian law in this matter, and to enable humanitarian actors to deliver humanitarian aid independently, neutrally and impartially,

*Expressing its deep concern* at the lack of access given to the International Committee of the Red Cross to prisons, which has grave consequences on the ability of families to be informed about the health and conditions of prisoners, as well as on prisoners' access to necessary health care,

*Reiterating its deep distress* at reports that unarmed individuals in Rakhine State have been subjected to the excessive use of force and violations of human rights and international humanitarian law by the military and security and armed forces, including extrajudicial, summary or arbitrary killings, systematic rape and other forms of sexual and gender-based violence, arbitrary detention, enforced disappearance and government seizure of Rohingya lands from which Rohingya Muslims were evicted and their homes destroyed, and remaining concerned by the previous large-scale destruction of homes and systematic evictions in northern

Rakhine State, including the use of arson and violence, as well as the unlawful use of force by non-State actors,

*Expressing concern* that, in northern Rakhine State, the implementation of policies under the guise of economic development and reconstruction by the Myanmar military and the heavy militarization of the area have resulted in the alteration of the demographic structure, which further prevents the members of the displaced Rohingya Muslim population from returning to Rakhine State,

*Stressing* the need for de-escalation and an enduring ceasefire throughout Myanmar, best achieved by dialogue between all parties,

*Underlining* the need for the resumption of peace-building efforts and their relevance for inclusive State- and nation-building,

*Emphasizing* the importance of supporting women's leadership and participation in inclusive State- and nation-building, especially by amplifying their potential in Myanmar as multipliers of peace, promoting social cohesion across different ethnic and religious communities, and thus welcoming the development of the women and peace and security platform in Myanmar, co-facilitated by the Special Envoy of the Secretary-General on Myanmar and the Minister for Foreign Affairs of Indonesia,

*Reiterating its grave concern* that, in spite of the fact that the Rohingya minority has lived in Myanmar for generations prior to the independence of Myanmar, held full documentation and participated actively in government and civic life, they were made stateless by the enactment of the 1982 Citizenship Law and were eventually disenfranchised, from 2015, from the electoral process,

*Reaffirming* that the denial of citizenship status and related rights to Rohingya Muslims and other minorities, including voting rights, is a serious human rights concern,

*Re-emphasizing* the right of all refugees and the importance of internally displaced persons to be able to return home and that such returns should be in safety and dignity and in a voluntary and sustainable manner, and reminding the international community of its collective responsibility in handling forcibly displaced persons in the region,

*Expressing concern* at the irregular maritime movement of Rohingya, risking their lives in perilous conditions at the hands of exploitative smugglers, which highlights their desperate situation and the urgent need to address the root causes of their vulnerability,

*Alarmed* by the continued influx to Bangladesh over the last four decades of 1.1 million Rohingya Muslims from Myanmar, including over 940,000 currently living there, most of whom arrived since 25 August 2017 in the aftermath of atrocities committed by the security and armed forces of Myanmar,

*Recalling* the bilateral arrangement of return concluded between the Government of Bangladesh and the Government of Myanmar on 23 November 2017 in Nay Pyi Taw and the formation of the 30-member joint working group on 19 December 2017 to facilitate the repatriation of displaced Rohingyas to Myanmar, and regretting that no repatriation could commence under the arrangement owing to the continued absence of a conducive environment in Rakhine State,

*Underscoring* the need for the implementation of and subsequent follow-up to the status of the implementation of the memorandum of understanding between Myanmar and the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees on assistance in the repatriation process of all displaced persons from Rakhine State, including Rohingya Muslims,

and calling upon relevant stakeholders in Myanmar to grant United Nations agencies unfettered access to northern Rakhine so that they can meaningfully engage with the process,

*Reiterating its deep concern* over the continued spread of false news, hate speech and inflammatory rhetoric, in particular through social media, notably targeting Rohingya Muslims and other minorities,

*Reiterating its deep concern also* at the restrictions and attacks on civil society, journalists and media workers, including restrictions on seeking, receiving and imparting information, including Internet shutdowns in Myanmar, that may also exacerbate further the plight of Rohingya Muslims and other minorities,

*Underlining* the importance of the call by the Secretary-General for increased efforts to implement the recommendations of the Advisory Commission on Rakhine State, to address the root causes of the crisis, including those on access to citizenship for Rohingya, freedom of movement, the elimination of systematic segregation and all forms of discrimination, and inclusive and equal access to health services and education, and birth registration, in full consultation with members of all ethnic and minority groups and persons in vulnerable situations, including on matters of citizenship for Rohingya,

*Acknowledging* the pronouncements of the National Unity Government articulated in the “Policy position on the Rohingya in Rakhine State” released on 3 June 2021,

*Recalling* the commitment of the Secretary-General to implementing the recommendations made by the independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018, and underlining the need to implement relevant recommendations to enable more effective work in the future and to strengthen the prevention capacity of the United Nations system,

*Expressing its concern* that recent developments since 1 February 2021 pose serious challenges to the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya Muslims and all internally displaced persons, and in this regard stressing the need to address the root causes of the crisis in Myanmar, including Rakhine State, and reaffirming the necessity of an immediate cessation of the use of force that would lead to further displacement of Rohingya Muslims and other minorities, both internally and across borders,

*Underlining* the need for a peaceful solution for Myanmar, through an inclusive and peaceful dialogue between all parties, in accordance with the will and interests of the people of Myanmar,

*Stressing* the importance of ensuring equal opportunity for the representation and the full, equal and meaningful participation of Rohingya, other minorities and internally displaced persons, candidates and voters in democratically organized general elections, and that all people of Myanmar are able to cast their vote, allowing all candidates to contest elections fairly,

*Welcoming* the conclusions on children and armed conflict in Myanmar of the Working Group on Children and Armed Conflict of the Security Council,<sup>23</sup> and noting the concerns expressed by the Working Group about the grave violations committed against children and the concern about children and armed conflict in Myanmar expressed by the Secretary-General in his report,

*Commending* the ongoing humanitarian efforts and commitments that the Government of Bangladesh, in cooperation with United Nations agencies and the

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<sup>23</sup> S/2022/493.

international community, including all humanitarian actors, has extended to those fleeing human rights violations and abuses in Myanmar, welcoming in this regard the memorandum of understanding between the Government of Bangladesh and the Office of the United Nations High Commissioner for Refugees, on behalf of the United Nations, to provide humanitarian assistance to the Rohingyas relocated to Bhashan Char, and recognizing the extensive investments that the Government of Bangladesh has made in its Bhashan Char project, including in the facilities and infrastructure, while noting the importance of efforts to ensure the sustainability of the project,

*Recognizing* that many member States of the Organization of Islamic Cooperation continue to host a large number of Rohingya Muslim refugees who fled the crisis,

*Welcoming* the statements made by the Chair of the Association of Southeast Asian Nations on 1 February and 2 March 2021, in which the Chair recalled the purposes and principles of the Charter of the Association, notably the principle of democracy, adherence to the rule of law, good governance and respect for and protection of human rights and fundamental freedoms, and called upon all parties to exercise utmost restraint and seek a peaceful solution through constructive dialogue and practical reconciliation in the interests of the people and their livelihoods,

*Expressing deep concern* that there has been no substantive progress on the implementation of the Association of Southeast Asian Nations five-point consensus, noting the Association's view that the execution of opposition activists was highly reprehensible and presented a gross lack of will to support the efforts of the Chair of the Association, and reiterating its call for concrete actions to effectively and fully implement the five-point consensus,

*Emphasizing* the importance of timely, equitable and unhindered access to safe, affordable, effective and quality medicines, vaccines, diagnostics and therapeutics and other health-care products and technologies necessary to ensure an adequate and effective response to the coronavirus disease (COVID-19) pandemic, including for persons in the most vulnerable situations, those affected or displaced by armed conflicts in the country and persons belonging to minorities, such as Rohingya,

1. *Expresses grave concern* at continuing reports of serious human rights violations and abuses by the military and security forces as well as violations of international humanitarian law in Myanmar, notably against Rohingya and other minorities, including those involving arbitrary arrests, deaths in detention, torture and other cruel, inhuman or degrading treatment or punishment, deliberate killing and maiming of children, recruitment and use of children for forced labour, attacks on schools, hospitals and places of worships and protected persons in relation to schools and/or hospitals, indiscriminate shelling in civilian areas, destruction and burning of homes, deprivation of economic and social rights, forced displacement, including the forced displacement of more than 1.5 million Rohingya and other minorities to Bangladesh and across the region, rape, sexual slavery and other forms of sexual and gender-based violence, as well as restrictions on exercising the rights to freedom of religion or belief, expression and peaceful assembly, and restrictions on media freedom and full Internet access and other restrictions;

2. *Condemns in the strongest terms* all violations and abuses of human rights in Myanmar, against civilians, including Rohingya Muslims and other minorities in Myanmar, including before and following the unjustified declaration of the state of emergency on 1 February 2021 and its later extension, and emphasizes the importance of conducting international, independent, fair and transparent investigations into the most serious human rights violations in Myanmar, including sexual and gender-based violence and violations and abuses against women and children, and of holding

accountable all those responsible for brutal acts and crimes against all persons, including Rohingya, in order to deliver justice to victims using all legal instruments and domestic, regional and international judicial mechanisms, including the International Court of Justice and the International Criminal Court, as applicable;

3. *Calls upon* the security and armed forces of Myanmar to respect the democratic aspirations of the people of Myanmar, to end violence, to fully respect human rights, fundamental freedoms and the rule of law, and to end the state of emergency declared on 1 February 2021;

4. *Calls upon* the security and armed forces of Myanmar and other armed groups to end all hostilities and violence and calls for the immediate release of all those detained arbitrarily, including foreign nationals;

5. *Stresses the importance* of agreeing on and enforcing an enduring ceasefire, including in Rakhine, a cessation of violence, and restraint by Myanmar security and armed forces and other armed groups, with a view to ensuring safety, security and protection of civilians, including those who are displaced and willing to return;

6. *Calls upon* all parties to the conflict to increase their engagement with the United Nations, and with the Special Representative of the Secretary-General on children and armed conflict, to strengthen the protection of children, including through the signature of concrete time-bound commitments;

7. *Takes note* of the order of the International Court of Justice of 23 January 2020 indicating provisional measures, and urges Myanmar, in accordance with the Court's order in relation to members of the Rohingya in its territory, to take all measures within its power to prevent the commission of all acts within the scope of article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, to ensure that its military and any irregular armed units that may be directed or supported by it and any organizations and persons that may be subject to its control, direction or influence do not commit, inter alia, any such acts, to prevent the destruction and ensure the preservation of evidence and to report to the Court as ordered on all measures taken to give effect to the order;

8. *Notes* that the International Court of Justice on 22 July 2022 rejected the preliminary objections of Myanmar challenging the court's jurisdiction in the case brought by the Gambia under the Genocide Convention, and found the applications of the Gambia to be admissible;

9. *Expresses deep concern* that, despite the provisional measures ordered by the International Court of Justice on 23 January 2020, Rohingya Muslims in Myanmar, including women and children, continue to suffer from targeted killings, indiscriminate violence and serious injuries, including by indiscriminate fire, shelling, landmines or unexploded ordnance;

10. *Expresses grave concern* about the ongoing restrictions on humanitarian access in all conflict areas across Myanmar, including in Rakhine and Chin States, as well as the limited steps taken to ensure access to health care for Rohingya, and urges the granting of full, unrestricted and safe access to all humanitarian actors and all United Nations mandate holders and human rights mechanisms, including the Special Rapporteur on the situation of human rights in Myanmar, the Special Envoy of the Secretary-General on Myanmar, the United Nations country task force on monitoring and reporting grave violations committed against children, the Independent Mechanism for Myanmar, established by the Human Rights Council in its resolution 39/2, and relevant United Nations agencies and international and regional human rights bodies to independently monitor the situation of human rights and to ensure that individuals can cooperate without hindrance with these mechanisms and without fear of reprisal,

intimidation or attack, and expresses deep concern that international access to affected areas of northern Rakhine State and other areas affected by violence remains severely restricted for the international community, including for United Nations agencies, humanitarian actors and international media;

11. *Calls upon* the United Nations to ensure that the Independent Mechanism for Myanmar, as established by the Human Rights Council in its resolution 39/2, is afforded the flexibility that it needs in terms of staffing, location and operational freedom so that it can deliver as effectively as possible on its mandate, and be able to brief Member States on its activities, and urges Myanmar, Member States, judicial authorities and private entities to cooperate fully with the Mechanism, including by granting it access, including access to witnesses where applicable, and by providing it with every assistance in the execution of its mandate;

12. *Expresses grave concern* at the potential re-traumatization of survivors of human rights violations and abuses, particularly child survivors and sexual violence survivors, and calls upon all actors engaging in documentation to follow the “do no harm” principle for evidence-gathering in order to respect the dignity of survivors and to avoid re-traumatization, and calls for fully addressing the needs of victims and survivors and their right to effective remedy, including through prompt, effective and independent casualty recording and guarantees of non-recurrence;

13. *Underlines* the importance of consulting with survivors and families of victims, including Rohingya and other minorities, and including them in advancing justice and accountability, as appropriate;

14. *Reiterates* the urgent call upon Myanmar or Myanmar Military where applicable:

(a) To end immediately all violence and all violations of international law in Myanmar, to ensure the protection of the human rights of all persons in Myanmar, including of Rohingya and persons belonging to other minorities, and to take all measures necessary to provide justice to victims, to ensure full accountability and to end impunity for all violations and abuses of human rights law and violations of international humanitarian law, starting with a full, transparent and independent investigation into reports of all these violations, and calls for the release of the report of the Independent Commission of Enquiry established in 2018 in full or to share its findings with relevant international mechanisms;

(b) To ensure through concrete actions the voluntary, safe, dignified and sustainable return and reintegration of Rohingya Muslims in Myanmar;

(c) To engage in inclusive, constructive and peaceful dialogue and reconciliation, in accordance with the will and interests of the people of Myanmar, including Rohingya Muslims and other minorities;

(d) To create the conditions necessary for the voluntary, safe, dignified and sustainable return of all refugees, including Rohingya Muslim refugees, regretting the fact that not a single Rohingya so far has returned through a bilaterally set up mechanism for repatriation between Bangladesh and Myanmar owing to the failure of Myanmar to create such conditions in Rakhine State;

(e) To build trust among Rohingya Muslims in camps in Bangladesh through confidence-building measures, including by arranging “go and see” visits to Rakhine State by Rohingya representatives;

(f) To ensure full protection of the human rights and fundamental freedoms of all persons in Myanmar, including Rohingya Muslims and other minorities, in an equal, non-discriminatory and dignified manner, in order to prevent further instability and insecurity, alleviate suffering, address the root causes of the crisis, including by

repealing or reforming discriminatory legislation, and forge a viable, lasting and durable solution;

(g) To fulfil its human rights obligations and commitments to protect the right to freedom of expression, including online, and the rights to freedom of association and peaceful assembly, to create and maintain a safe and enabling environment for civil society and independent media;

(h) To take the measures necessary to address the spread of discrimination and prejudice and to combat the incitement of hatred against Rohingya Muslims and persons belonging to other minorities, and to publicly condemn such acts and combat hate speech, while fully respecting international human rights law, as well as to promote interfaith dialogue in cooperation with the international community and encourage political and religious leaders in the country to work towards reconciliation among communities and national unity through dialogue, and to implement the Peacebuilding Fund project to address hate speech;

(i) To protect all persons and communities, in line with international humanitarian law and human rights law, including the Rohingya Muslims and other minorities;

(j) To expedite efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of all minorities, in particular relating to Rohingya Muslims, by, inter alia, reviewing and reforming the 1982 Citizenship Law, which has led to deprivation of human rights, by ensuring equal access to full citizenship through a transparent, voluntary and accessible procedure and to all civil and political rights, by allowing for self-identification, by amending or repealing all discriminatory legislation and policies, including discriminatory provisions of the set of “protection of race and religion laws” enacted in 2015 covering religious conversion, interfaith marriage, monogamy and population control, and by lifting all local orders restricting rights to freedom of movement and access to civil registration, health and education services and livelihoods;

(k) To dismantle the camps for internally displaced persons in Rakhine State with a clear timeline and without further delay, ensuring that the return and relocation of internally displaced persons is carried out in accordance with international standards and best practices, in cooperation with the United Nations and the international community, including as set forth in the Guiding Principles on Internal Displacement;<sup>24</sup>

(l) To accelerate full implementation of all the recommendations of the Advisory Commission on Rakhine State to address the root causes of the crisis;

(m) To ensure that Rohingya, other minorities and internally displaced persons have an equal opportunity for representation and the full, equal and meaningful participation as candidates and voters in all general elections;

(n) To end and prevent the unlawful recruitment and use of children by all armed and security forces, including by implementing all activities of the joint action plan on children and armed conflict in coordination with the United Nations, and to address protection gaps by engaging with the task force on monitoring and reporting violations committed against children, notably by developing a joint action plan on killing and maiming and rape and other forms of sexual violence committed against children;

(o) To cooperate with the Special Envoy of the Secretary-General on Myanmar, including by facilitating unconditional visits to Myanmar and her

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<sup>24</sup> E/CN.4/1998/53/Add.2, annex.

meaningful engagement with all stakeholders, including Rohingya Muslims and those arbitrarily detained;

(p) To cooperate and engage meaningfully with the Special Rapporteur on the situation of human rights in Myanmar, the Independent Mechanism and other United Nations mandate holders and mechanisms working on Myanmar, including by facilitating visits and granting unrestricted access throughout the country;

(q) To allow the resumption of family visits, grant immediate access, without undue restrictions, to appropriate international organizations and provide medical services to detainees and detention facilities;

(r) To review and repeal the amendments made in 2018 to the Vacant, Fallow and Virgin Lands Management Law, and to establish an inclusive land governance framework and to resolve issues of land tenure, in full consultation with affected populations, including ethnic and religious minority communities, in particular Rohingya Muslims;

(s) To end the reclassification of areas where Rohingya villages were previously located, and the removal of the names of villages from official maps, potentially altering how the land may be used, and stop, without delay, the construction of military facilities in those villages;

(t) To swiftly implement the five-point consensus reached at the Leaders' Meeting of the Association of Southeast Asian Nations held on 24 April 2021 to facilitate a peaceful solution in the interest of the people of Myanmar and their livelihoods, and to that end calls upon all stakeholders in Myanmar to cooperate with the Association and the Special Envoy of the Chair of the Association, and expresses its support for these efforts;

(u) To take concrete steps to strengthen institution-building and structural reforms to uphold the rule of law, human rights and democratic principles, through a participatory and inclusive approach, including efforts to ensure the independence of the judiciary, and by reforming the security sector to enhance civilian control;

(v) To facilitate independent, impartial and thorough investigations into all allegations of violations of international humanitarian law, including into conduct that may constitute war crimes and crimes against humanity, including the use of starvation as a weapon of war, in Rakhine and Chin States, crimes of sexual violence and allegations of human rights violations, and ensure that the perpetrators are brought to justice through transparent and credible processes;

15. *Underscores* the importance of providing protection and assistance, including non-discriminatory access to services such as medical and psychosocial care, specifically tailored to women and girls, especially those who are victims of sexual and gender-based violence and human trafficking;

16. *Reiterates its deep concern* at the continued plight of Rohingya, and commends the commitment of Government of Bangladesh and other Member States to provide temporary shelter, humanitarian assistance and protection to them;

17. *Encourages* Myanmar to continue to work with Bangladesh, in line with the bilateral instruments on repatriation signed by Bangladesh and Myanmar, in order to expedite the creation of a conducive environment for the voluntary, safe, dignified and sustainable return of the forcibly displaced Rohingya in Bangladesh, with the full support and meaningful involvement of the international community, including the United Nations and its funds, programmes and agencies, and stresses the importance of meaningfully engaging with civil society;

18. *Recognizes* that the continuing multifaceted crisis that has arisen following the declaration of the state of emergency on 1 February 2021, inter alia, the cross-border displacement and prolonged delay in the repatriation of Rohingya, has serious negative impacts on the peace and stability of the region, particularly for the neighbouring countries of Myanmar, and stresses the urgent need for concrete action towards a sustainable solution to the crisis in line with the will of the people of Myanmar;

19. *Recognizes with appreciation* the assistance and support of the international community, including regional organizations, in particular the Association of Southeast Asian Nations, and the countries neighbouring Myanmar;

20. *Calls upon* the international community to effectively address irregular maritime movements of Rohingya, in cooperation with the relevant United Nations agencies, as well as ensure international burden- and responsibility-sharing, especially by the States parties to the 1951 Convention relating to the Status of Refugees;<sup>25</sup>

21. *Emphasizes* the need for Myanmar to continue to cooperate fully with the Government of Bangladesh and with the United Nations, in particular the Office of the United Nations High Commissioner for Refugees, and in consultation with the populations concerned to enable the voluntary, safe, dignified, sustainable and well-informed return of all refugees and forcibly displaced persons and internally displaced persons to their places of origin in Myanmar, and to ensure protection of returnees and give them freedom of movement and unimpeded access to livelihoods, social services, including health services, education and shelter, and to compensate them for all losses;

22. *Calls for* the continued and effective implementation of the memorandum of understanding signed by the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme with Myanmar, to support the creation of conditions for the return of refugees from Bangladesh;

23. *Underlines* the urgent need for the expansion of the pilot projects by the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees under which the internally displaced Rohingya, living under difficult conditions in northern Rakhine State, can return to their original house plots and their communities can receive multisectoral assistance;

24. *Encourages* the international community in the true spirit of interdependence and equal burden- and responsibility-sharing to (a) assist Bangladesh in providing humanitarian assistance to Rohingya refugees and forcibly displaced persons until such time as they are voluntarily repatriated to Myanmar in safety and dignity; and (b) assist in the provision of humanitarian assistance in Myanmar to all affected persons of all communities displaced internally in Myanmar, including in Rakhine State, taking into account the vulnerable situation of women, children, older persons and persons with disabilities;

25. *Welcomes* the implementation of recommendations of the preliminary needs assessment by the Association of Southeast Asian Nations to provide effective humanitarian assistance, facilitate the repatriation process and promote sustainable development in Rakhine State, and recognizes the need for closer engagement with the Rohingya refugee community, while encouraging close cooperation with all relevant United Nations agencies and international partners, and the need to address the root causes of the conflict, so that affected communities can rebuild their lives there;

26. *Urges* the international community to support the 2022 joint response plan for the Rohingya humanitarian crisis to ensure adequate resources for addressing the humanitarian crisis;

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<sup>25</sup> United Nations, *Treaty Series*, vol. 189, No. 2545.

27. *Encourages* all business enterprises, including transnational corporations and domestic enterprises operating in Myanmar, to respect human rights in accordance with the Guiding Principles on Business and Human Rights<sup>26</sup> and the recommendations made by the independent international fact-finding mission in its report on the economic interests of the Myanmar military;

28. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions relating to Myanmar, involving all relevant stakeholders, and to offer assistance to Myanmar;

(b) To extend the appointment of the Special Envoy on Myanmar and to submit the report of the Special Envoy covering all relevant issues addressed in the present resolution to the General Assembly at its seventy-eighth session;

(c) To provide all assistance necessary to enable the Special Envoy on Myanmar to effectively discharge her mandate and to report to Member States every six months, or as warranted by the situation on the ground, including through a workplan for the Special Envoy's work in Myanmar;

(d) To identify ways in which the existing mandates can more effectively deliver in their respective areas of responsibility concerning Myanmar and can complement each other's work through enhanced coordination;

(e) To ensure that all in-country programmes incorporate a human rights-based approach and undergo due diligence processes;

(f) To call the continued attention of the Security Council to the situation in Myanmar with concrete recommendations for action towards resolving the humanitarian crisis, promoting the voluntary, safe, dignified, and sustainable return of Rohingya refugees and forcibly displaced persons and ensuring accountability for those responsible for mass atrocities and human rights violations and abuses;

(g) To support the implementation of the recommendations of the independent international fact-finding mission on Myanmar and assist the work of the ongoing Independent Mechanism, including by facilitating a dialogue between the General Assembly and the Mechanism during the seventy-eighth session of the Assembly;

(h) To fully implement the recommendations contained in the report of the independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018 in order to ensure more effective work in the future and to strengthen the prevention capacity of the United Nations system;

(i) To support the implementation of the memorandum of understanding signed between Myanmar and the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme and to include a part dedicated to the implementation of the memorandum of understanding in his annual report;

29. *Requests* that the Special Envoy continue to participate by way of an interactive dialogue in the seventy-eighth session of the General Assembly;

30. *Decides* to remain seized of the matter, inter alia, on the basis of the reports of the Secretary-General, the independent international fact-finding mission on Myanmar, the Independent Mechanism, the Special Rapporteur on the situation of human rights in Myanmar and the Special Envoy of the Secretary-General on Myanmar.

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<sup>26</sup> A/HRC/17/31, annex.