



Human Rights Council**Fifty-second session**

27 February–4 April 2023

Agenda item 4

Human rights situations that require the Council's attention**Resolution adopted by the Human Rights Council
on 4 April 2023****52/31. Situation of human rights in Myanmar***The Human Rights Council,*

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming all relevant General Assembly and Human Rights Council resolutions and decisions on the situation of human rights in Myanmar,

Welcoming Security Council resolution 2669 (2022) of 21 December 2022, the Security Council statements on Myanmar of 4 February, 10 November, 8 December and 29 December 2021 and of 2 February 2022, the statement by the President of the Security Council on Myanmar of 10 March 2021, the meetings of the Security Council held on 2 February and 5 March 2021 and the briefing convened by the General Assembly with the Special Envoy of the Secretary-General on Myanmar on 16 March 2023,

Reaffirming its commitment to the sovereignty, political independence, territorial integrity and unity of Myanmar,

Condemning in the strongest terms the military coup by the Myanmar military on 1 February 2021, and the continuation of the state of emergency, including the extension on 1 February 2023, the declaration of martial law and its expansion on 1 February 2023, the suspension of the parliament and the arbitrary detention, arrest and politically motivated conviction and sentencing of President Win Myint, State Counsellor Aung San Suu Kyi, other government officials and politicians, human rights defenders, journalists, civil society members, local and foreign advisers, religious leaders and many others,

Condemning also in the strongest terms the arbitrary detention, arrest and politically motivated convictions, sentencing and executions, including of pro-democracy activists, as well as violent acts, including extrajudicial killings, systematic sexual and gender-based violence, and torture committed against civilians, including health-care workers, children, teachers, students, lawyers, artists, journalists, human rights defenders and many others, which exacerbate the polarization and violence and worsens the humanitarian situation in the country,

Expressing deep concern at the ongoing use of violence and the escalation of the conflict by the Myanmar military, which seriously undermine the enjoyment of human rights of individuals 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 by the Myanmar military, and at the deaths and many injuries as a consequence of the increase in the indiscriminate use of lethal force against civilians by the Myanmar armed forces and police,

Underlining the need to uphold the rule of law and to fully respect human rights, stressing in particular the need to fully protect the enjoyment of human rights by women and children, stressing the importance of accountability, and expressing deep concern at restrictions on medical and humanitarian personnel, civil society, labour union members, journalists and media workers,

Expressing deep concern at the increasing military build-up and use of military force throughout the country, in particular in the south-eastern, central, north and north-western parts of the country, which is making de-escalation and the provision of humanitarian aid even more challenging,

Expressing grave concern at the attacks against and the harassment of journalists and other media workers, including arbitrary arrests, enforced disappearance, torture and other ill-treatment, killings and surveillance, and Internet shutdowns and other restrictions on and interruptions to the Internet and social media, including the amendment to the law on television and radio broadcasting, and the proposed revival of the law on cybersecurity, which unnecessarily and disproportionately restricts the right to freedom of opinion and expression, including the freedom to seek, receive and impart information, the right to freedom of peaceful assembly and association and the right to privacy, as set forth in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights,

Expressing grave concern also at the ongoing conflicts between the Myanmar armed forces and other armed groups, at the increased use of violence by the Myanmar armed forces against civilians, including sexual and gender-based violence, and grave violations and abuses against children, at airstrikes killing civilians and destroying civilian infrastructure, at the burning of villages, at the continuing forced displacement of civilians, including of ethnic and religious minorities, at reports of violations and abuses of human rights, including abductions, arbitrary detentions, arrests and killings, and other violations involving the use of facilities functioning as schools, hospitals and houses of worship for military purposes, the use of landmines and at the enduring impunity that exists in Myanmar, particularly in the Myanmar armed and security forces,

Reiterating the obligation of Myanmar to respect, protect and fulfil the rights of the child in accordance with its obligations under the Convention on the Rights of the Child, including the right to education and the right to the enjoyment of the highest attainable standard of health, and 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 also the responsibility of the Myanmar armed forces to ensure the protection of the human rights of all persons in Myanmar, including persons belonging to ethnic, religious and other minorities, including the Rohingya, and reiterating the urgent need to undertake a full, transparent, impartial and independent investigation into all reports of violations and abuses of international human rights law, violations of international humanitarian law and crimes under international law, to ensure that perpetrators are held accountable in fair, independent and impartial criminal proceedings, including in domestic courts or tribunals, in accordance with international law standards, and to ensure that victims and their families have access to effective remedy, including by prompt, effective and independent casualty recording and guarantees of non-recurrence,

Alarmed at the continued attacks on medical and humanitarian personnel, on medical facilities and on transport and equipment, and at the lack of humanitarian access, and calling upon all parties, in particular the Myanmar armed forces, to abide by international law, including international human rights law and international humanitarian law, and to allow and facilitate safe, timely and unhindered humanitarian access across the entire country for local and international staff of humanitarian and other relevant international agencies to provide humanitarian assistance independently, neutrally and impartially to all in need, in particular to persons displaced by the conflict,

Reiterating its grave concern that the Rohingya and persons belonging to other minorities were in effect made stateless by the enactment of the 1982 Citizenship Law, dispossessed from previously held rights and eventually disenfranchised, from 2015, from the electoral process, and reaffirming that the denial of their citizenship status and related rights, including voting rights, is a serious human rights concern,

Recognizing the complementary and mutually reinforcing work of the United Nations system, including the various United Nations mandate holders working on Myanmar, to improve the humanitarian situation and the situation of human rights in the country, noting with concern the lack of sufficient humanitarian access, in particular to areas with internally displaced persons and to the affected areas from which many people continue to be forcibly displaced and are at risk of human trafficking and in which many others are living in precarious conditions, thereby exacerbating the humanitarian crisis, and urging the Myanmar military to allow and facilitate, in accordance with international humanitarian law, free, safe and unhindered humanitarian access to all persons in need, including displaced persons in all parts of the country,

Commending the ongoing humanitarian efforts and commitments that the Government of Bangladesh, in cooperation with United Nations agencies and the international community, including all humanitarian actors, has extended to those fleeing human rights violations and abuses in Myanmar, and the memorandum of understanding between the Government of Bangladesh and the Office of the United Nations High Commissioner for Refugees to provide humanitarian assistance to the Rohingya relocated to Bhashan Char,

Expressing deep concern at the recent announcement by the World Food Programme of the reduction in food aid because of the inadequate and ever-decreasing international financial support for the Rohingya temporarily sheltered in Bangladesh,

Expressing gratitude to the Government of Bangladesh for facilitating the visits of the Special Rapporteur on the situation of human rights in Myanmar, the Independent Investigative Mechanism for Myanmar and the Prosecutor of the International Criminal Court, as well as to other Governments that facilitated such visits, and underlining that such visits contribute to ensuring justice and accountability,

Recalling that States have the primary responsibility to respect, protect and fulfil all human rights, to comply with relevant obligations to prosecute those responsible for crimes under international law, in particular international humanitarian law, as applicable, and international human rights law, and to provide access to an effective remedy and to reparation for persons whose rights have been violated or abused, with a view to ending impunity and ensuring accountability and access to justice,

Recalling also that the Independent Commission of Enquiry established by the Government of Myanmar on 30 July 2018, notwithstanding the limits of its terms of reference and modus operandi, recognized in the executive summary of its final report, which has not yet been made public in its entirety, that war crimes, serious human rights violations and violations of domestic law had been committed and that there were reasonable grounds to believe that members of Myanmar security forces were involved,

Reiterating the urgent need for justice and accountability and to end impunity for all violations and abuses of human rights and violations of international humanitarian law by ensuring that all those responsible for crimes relating to these violations and abuses throughout Myanmar are held to account through credible, competent and independent national or international criminal justice mechanisms, while recalling the authority of the Security Council to refer the situation in Myanmar to the International Criminal Court, and reiterating also its invitation to Myanmar to become a party to the Rome Statute of the International Criminal Court or to accept the exercise of jurisdiction of the Court in accordance with article 12 (3) of the Rome Statute,

Recognizing that the International Criminal Court has authorized an investigation into alleged crimes within the Court's jurisdiction relating to the situation in Bangladesh and Myanmar,

Recalling the order of the International Court of Justice of 23 January 2020 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, in which the Court concluded that, *prima facie*, it had jurisdiction to deal with the case, 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 indicated provisional measures, and welcoming the order of the Court of 22 July 2022 in which it rejected the preliminary objections of Myanmar and found the application of the Gambia to be admissible,

Welcoming the work of the independent international fact-finding mission on Myanmar, and in particular its final report¹ and the detailed findings and recommendations therein, and recalling the recommendation of the mission on requesting the Office of the United Nations High Commissioner for Human Rights to focus on ensuring accountability for human rights violations and abuses in Myanmar,

Alarmed by the findings of the independent international fact-finding mission of evidence of gross, widespread and systematic 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 mission, undoubtedly amount to the gravest crimes under international law,

Welcoming the work of the Independent Investigative Mechanism for Myanmar to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, making use of, among other things, 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, and welcoming also the reports of the Mechanism, in particular the report submitted to the Human Rights Council at its forty-eighth session,² 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, and encouraging all States, including Myanmar and its neighbours, to cooperate with and allow access to the Mechanism to carry out its mandated activities,

Welcoming also the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar,³ while deeply regretting the continued non-cooperation of the Myanmar military with the Special Rapporteur and the denial of access to Myanmar since December 2017,

Welcoming further the reports of the United Nations High Commissioner for Human Rights on the situation of human rights in Myanmar, including the report on the root causes of the human rights violations and abuses faced by the Rohingya Muslim minority and other persons belonging to minorities in Myanmar,⁴ as well as the initial activities carried out by the Special Envoy of the Secretary-General on Myanmar, and encouraging her further engagement and dialogue involving all relevant stakeholders, including civil society,

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, and expressing concern at the continued attempts by the Myanmar military to restrict civic space, including through the so-called Organization Registration Law, which unnecessarily and disproportionately affect the right to freedom of association,

Recalling General Assembly resolution 75/287 of 18 June 2021, and expressing deep concern that the sale, diversion and unregulated or illicit transfers of arms to Myanmar seriously undermine the enjoyment of human rights, especially those of women, as well as those of persons belonging to minorities, including the Rohingya, children, older persons, persons with disabilities and other persons in vulnerable situations,

¹ A/HRC/42/50.

² A/HRC/48/18.

³ See, for example, A/HRC/49/76.

⁴ A/HRC/43/18.

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

Welcoming as an important first step the pronouncements of the National Unity Government articulated in the "Policy position on the Rohingya in Rakhine State" released on 3 June 2021, its recognition that the Rohingya are entitled to citizenship as articulated, in particular its acceptance of the final recommendation of Advisory Commission on Rakhine State, chaired by Kofi Annan, and its commitment to a new citizenship act to replace the 1982 Citizenship Law,

Recalling the recommendation made by the independent international fact-finding mission that no business enterprise active in Myanmar or trading with or investing in businesses in Myanmar should enter into or remain in a business relationship of any kind with the security forces of Myanmar, in particular the Myanmar military, or any enterprise owned or controlled by them, including subsidiaries, or their individual members, until and unless they are restructured and transformed,

Expressing its full support for the central role of the Association of Southeast Asian Nations in facilitating a peaceful solution in the interest of the people of Myanmar and in facilitating constructive dialogue among all parties, as well as in the provision of humanitarian assistance,

Underscoring the need to address the root causes of the crisis in Rakhine State and to create conditions necessary for the voluntary, safe, dignified and sustainable return of Rohingya refugees and internally displaced persons, encouraging diplomatic efforts between the parties concerned to help to address the issues facing the Rohingya, and stressing the importance of providing continued protection and assistance to refugees and displaced persons,

1. *Condemns in the strongest terms* the military coup carried out in Myanmar and the deposition of the elected civilian Government by the Myanmar armed forces on 1 February 2021, which constitutes an unacceptable attempt to forcibly overturn the results of the general elections of 8 November 2020, a halt in the democratic transition of Myanmar and a serious threat against the respect for and protection of human rights, the rule of law and good governance and democratic principles;

2. *Welcomes* Security Council resolution 2669 (2022), in which the Council demanded an immediate end to all forms of violence, the protection of civilians and the respect for human rights, stresses the need to uphold democratic institutions and processes in accordance with the will and interests of the people of Myanmar, urges the Myanmar military to immediately release all arbitrarily detained prisoners, including President Win Myint and State Counsellor Aung San Suu Kyi, and calls for concrete and immediate action, noting the military's commitments to the leaders of the Association of Southeast Asian Nations to effectively and fully implement the five-point consensus reached at the Leaders' Meeting of the Association of Southeast Asian Nations held on 24 April 2021;

3. *Reiterates* its full support for the people of Myanmar and their aspirations for democracy and civilian government;

4. *Condemns unequivocally* the execution of four political prisoners on 25 July 2022 following trials widely reported as lacking the minimum guarantees required by international human rights law, and calls upon the Myanmar armed forces to immediately cease and refrain from all other use of the death penalty contrary to international human rights law;

5. *Condemns* the deliberate, widespread, indiscriminate and disproportionate use of force against civilians, including by air strikes and by the indiscriminate and continuous use of lethal force and misuse of less-lethal weapons, by the Myanmar armed and security forces, and the violent acts, including killings, torture and other ill-treatment and bodily

injury, and sexual and gender-based violence, committed against the people of Myanmar, including against peaceful demonstrators exercising their rights to freedom of expression, of peaceful assembly and association, which have led to deaths and many injuries, including of children and medical staff, in several cities and towns;

6. *Calls upon* the Myanmar armed forces to respect the democratic will of the people as expressed by the results of the general elections of 8 November 2020, to end the declaration of martial law, to return to the democratic transition in Myanmar and to end all obstruction to the democratic process in Myanmar, including by working towards bringing all national institutions, including the armed forces, under a democratically elected fully representative civilian government;

7. *Calls upon* all States to respect their international commitments and all relevant United Nations resolutions and to cease the illicit transfer and diversion of arms, munitions and other military equipment to Myanmar, in order to prevent further violations of international humanitarian law and violations and abuses of human rights, as well as to refrain, in accordance with applicable national procedures and international norms and standards, from the export, sale or transfer of surveillance goods and technologies and less-lethal weapons when they assess that there are reasonable grounds to suspect that such goods, technologies or weapons might be used to violate or abuse human rights, including in the context of assemblies;

8. *Calls for* the immediate and unconditional release of President Win Myint, State Counsellor Aung San Suu Kyi and all those who have been arbitrarily detained, charged, arrested, convicted or sentenced on specious grounds, in particular since 1 February 2021, including government officials and politicians, human rights defenders, journalists and other media workers, civil society representatives, legal practitioners, religious and community leaders, health-care workers, aid workers, academics, teachers, local and foreign advisers, and members of student unions and trade unions and for the military to refrain from future reprisals against released detainees;

9. *Also calls for* an end to the unjustified use of military tribunals to try civilians, and reiterates the prohibition of torture, inhuman or degrading treatment, the necessity to respect for such civilians the right to a fair trial, including the presumption of innocence, the prohibition of being tried or punished again for offences of which one has already been convicted or acquitted, the right to be brought promptly before a judge to exercise judicial power, the right to be present at trial and to review of one's sentence or conviction by a higher tribunal according to law, the right to a trial by a competent, independent and impartial tribunal established by law and the right to adequate time and facilities to prepare a defence;

10. *Further calls for* the Myanmar armed forces to ensure full protection of the human rights of all persons in Myanmar, including the Rohingya and other persons belonging to minorities, to refrain from excessive use of force, to exercise the utmost restraint and to seek a peaceful resolution to the crisis, recalling that the Myanmar armed forces have a responsibility to respect democratic principles and are obliged to respect the rule of law and human rights, in accordance with international human rights law, including the rights to life, freedom of peaceful assembly and association, and of opinion and expression, including the freedom to seek, receive and impart information, and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

11. *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 the Rohingya and other persons belonging to minorities, including those involving arbitrary arrests, deaths in detention, torture and other cruel, inhuman or degrading treatment or punishment, the deliberate killing and maiming of children, the recruitment and use of children in armed conflict, as well as for child labour and forced labour, the use of schools and universities for military purposes in contravention of international law, attacks on schools and universities, hospitals and houses of worship and protected persons in relation to schools, hospitals and houses of worship, the indiscriminate shelling in civilian areas, the destruction and burning of homes, the deprivation of economic, social and cultural rights, the forced displacement of more than 923,000 Rohingya and other

persons belonging to minorities to Bangladesh, human trafficking, forced labour and rape, sexual exploitation and other forms of sexual and gender-based violence;

12. *Calls upon* the Myanmar military to immediately cease all air strikes, the use of anti-personnel landmines and the use of arson attacks, and condemns in the strongest terms the attack and killings of 23 October 2022 in Kachin State, as well as any attacks directed against civilians and civilian infrastructure, and indiscriminate attacks;

13. *Condemns in the strongest terms* the attack on a school and killings of 16 September 2022 in Sagaing Region, as well as any indiscriminate attacks against children by the Myanmar military, and calls upon all parties, and in particular the Myanmar armed and security forces, to end violations and abuses against children, to ensure accountability for these violations and abuses, to guarantee protection to all children in armed conflict, including by stopping and preventing their recruitment into armed forces, and to provide survivors with access to adequate assistance, including access to education and psychosocial and mental health support, justice and reparations;

14. *Calls upon* all parties to the conflict in Myanmar, in particular the Myanmar armed and security forces, to cease all attacks on schools, universities, students, teachers and education administrators in contravention of international humanitarian law and to mitigate and avoid the use of schools by armed forces, as appropriate, including by taking measures, such as considering implementing the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, and ensuring safe, non-violent, inclusive, effective and enabling learning environments and quality education for all;

15. *Calls upon* the Myanmar armed forces to cease the arbitrary and unlawful arrest and detention of children, to release all children detained in interrogation centres and prisons immediately and unconditionally, and to ensure their rehabilitation and reintegration into their families and communities;

16. *Calls upon* all parties to the conflict in Myanmar, in particular the Myanmar armed and security forces, to immediately end violence, including sexual and gender-based violence, and all violations of international law, including of international human rights law and international humanitarian law, and human rights abuses in Myanmar, to hold perpetrators of violations and abuses accountable, including in independent and impartial domestic accountability processes ensuring justice and reparations to victims and survivors, to respect and protect civilians, to allow humanitarian access to affected populations, to show restraint, to cease the conflict and to show readiness to re-engage in dialogue and constitutional reform;

17. *Encourages* the swift establishment of constructive, inclusive and peaceful dialogue among all parties, in accordance with the will and interests of the people of Myanmar, aimed at restoring democratic governance;

18. *Urges* Myanmar, in accordance with the order of the International Court of Justice of 23 January 2020 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 armed forces 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;

19. *Stresses* the need to effectively address the root causes of human rights violations and abuses against persons belonging to ethnic and religious minorities, including the Rohingya, reiterates the importance of the full implementation of all recommendations made by the Advisory Commission on Rakhine State, including those on access to citizenship, freedom of movement, the elimination of systematic segregation and all forms of discrimination and inclusive and equal access to health services, education, livelihood opportunities, basic services and birth registration, in full consultation with all ethnic and religious minority groups, including the Rohingya, and persons in vulnerable situations, as

well as civil society, and calls for regular reports to the United Nations documenting concrete steps taken to implement each of the Commission's 88 recommendations;

20. *Also stresses* the need to expedite efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, in particular relating to the Rohingya, by, inter alia, reviewing and reforming the 1982 Citizenship Law, which has led to the deprivation of human rights, complete disenfranchisement and forced displacement, 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;

21. *Further stresses* the need to restore full citizenship status and related civil and political rights of the Rohingya and others, including voting rights and their free and fair participation in elections and other democratic processes;

22. *Calls for* the establishment of the conditions that would allow for the safe, voluntary, dignified and sustainable return of internally displaced persons to places of origin or places of their choosing and for a guarantee of unrestricted humanitarian access to persons in need, including all internally displaced persons, throughout the country, including by implementing the national strategy on the resettlement of internally displaced persons in accordance with international standards, in full consultation with the persons concerned and the local population, and in consultation also with the United Nations system and relevant civil society organizations, and encourages efforts to ensure consultation with and the representation of women at all levels of decision-making relating to the camp-closure strategy and its implementation;

23. *Calls upon* all parties, in particular the armed forces of Myanmar, to ensure full respect for international humanitarian law and to allow and facilitate free, unhindered access to the entire country for local and international staff members of humanitarian and other relevant international agencies, including in order to properly assess needs and to allow for the unhindered procurement of the necessary supplies and equipment, to repeal the so-called Organization Registration Law, which hampers the delivery of humanitarian assistance, to cease any penalization of individuals and organizations under this framework and to respect and protect humanitarian personnel, including medical personnel, facilities, transport and equipment so that humanitarian organizations are able to offer principled and inclusive humanitarian assistance, including age-, disability- and gender-responsive and assistance related to combating the coronavirus disease (COVID-19) pandemic, to all people in need, including internally displaced persons;

24. *Calls for* the establishment of concrete steps towards the creation of an environment conducive to the safe, voluntary, dignified and sustainable return of all refugees, including the Rohingya and other forcibly displaced persons, residing in Bangladesh, recalling in this regard the bilateral arrangement of return concluded between Bangladesh and Myanmar in 2017, as well as those residing in other host States, and for access to accurate and reliable information, as corroborated by the United Nations and other relevant actors, on the conditions in Rakhine State and in other parts of the country in order to reasonably address the core concerns of all refugees, including the Rohingya and other forcibly displaced persons, thereby enabling them to return to their places of origin or places of their choosing in a voluntary, safe, dignified and sustainable manner;

25. *Encourages* the international community, in the true spirit of interdependence and equal burden- and responsibility-sharing, to 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 to 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;

26. *Calls for* immediate, full, unrestricted and unmonitored access for all United Nations mandate holders and human rights mechanisms and international and regional courts, tribunals and human rights bodies to independently monitor the situation of human rights, including by ceasing Internet shutdowns and lifting all other Internet restrictions, which hinder the flow of information essential for accountability, and to ensure that civil society organizations, human rights defenders, lawyers, victims, survivors, witnesses and other individuals have unhindered access to and can communicate with the United Nations and other human rights entities without fear of reprisals, intimidation or attack;

27. *Also calls for* an end to the reclassification of villages where the Rohingya and other ethnic minorities were previously located and to removing the names of villages from official maps and potentially altering how the land may be used, and for ceasing, without any delay, the construction of military facilities in those villages;

28. *Further calls for* the resumption of family visits and for immediate access, without undue restrictions, to be granted to appropriate international monitoring bodies and medical services to detainees and detention facilities;

29. *Urges* that full and unhindered access be granted to the diplomatic corps, independent observers and representatives of the national and international independent media so that they may conduct their work without fear of reprisals, intimidation or attack;

30. *Stresses* the role and the importance of the involvement of the Association of Southeast Asian Nations in facilitating and launching political dialogue, encourages regional players to work in that direction, and calls upon all States Members of the United Nations to protect Myanmar nationals within their borders, as appropriate, and respect the principle of non-refoulement;

31. *Expresses its deep concern* over the lack of progress by the Myanmar military in the implementation of the five-point consensus of the Association of Southeast Asian Nations, and reiterates the urgent call upon Myanmar to fully, swiftly and effectively implement the five-point consensus, including through constructive dialogue among all relevant parties, to facilitate a peaceful solution in the interest of the people of Myanmar and their livelihoods, to that end calls upon all stakeholders in Myanmar to cooperate with the Association and the Special Envoy of the Chair of the Association on Myanmar, including by granting him access to all stakeholders, and expresses its support for these efforts;

32. *Expresses its support* for further efforts towards the implementation of the five-point consensus of the Association of Southeast Asian Nations, and in this regard welcomes the Association leaders' review and decision on the implementation of the five-point consensus, adopted at the fortieth and forty-first summits of the Association, held on 11 November 2022;

33. *Also expresses its support* for the Special Envoy of the Secretary-General on Myanmar and for her good offices, including her mandate to meet with all parties, and underlines the need for close coordination between the Special Envoy of the Secretary-General on Myanmar and the Special Envoy of the Chair of the Association of Southeast Asian Nations on Myanmar;

34. *Stresses* the urgent need to safeguard those who report violations and abuses and to immediately cease the killing, torture and other ill-treatment, bodily injury and arbitrary detention of all civil society actors, including journalists and media workers, human rights defenders, casualty recorders, lawyers, environmental and land rights activists, health and humanitarian workers and other civilians;

35. *Calls for* the protection of the rights to freedom of religion or belief, freedom of opinion and expression and freedom of peaceful assembly and association and the right to privacy, as set forth in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, both online and offline, including by fully and permanently restoring all forms of Internet services across the country, lifting all forms of online censorship, including bans on access to the websites of media outlets and virtual private networks, halting all measures to implement online surveillance systems, including unlawful or arbitrary interception of communications, unlawful or arbitrary collection of personal data, unlawful or arbitrary hacking and the unlawful or

arbitrary use of biometric technologies, repealing or reforming, in line with international human rights law and standards, all relevant legislation, including the Official Secrets Act, the Unlawful Associations Act, the Peaceful Assembly and Peaceful Procession Law, articles 66 (d), 68 (a), 77 and 80 (c) of the Telecommunications Act, the law on television and radio broadcasting, the Law Protecting the Privacy and Security of Citizens, the Electronic Transactions Law, articles 124A, 124C, 124D, 153, 295A, 499, 500, and 505 (a) and (b) of the Penal Code and the Ward and Village Tract Administration Law, and enacting comprehensive data protection legislation;

36. *Also calls for* necessary measures to be taken to promote the inclusion, human rights and dignity of all people living in Myanmar, to address sexual and gender-based violence, discrimination and the spread of prejudice, including the spread of disinformation, hate speech and inflammatory rhetoric, including on online platforms, social media and messaging services, and to combat incitement to hatred and violence against ethnic, religious and other minorities, including the Rohingya, in accordance with the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, also in line with recommendation 9 of the executive summary of the Independent Commission of Enquiry, including by refraining from engaging in hate speech or encouraging others to engage in hate speech and refraining from implementing measures purported to address hate speech that do not comply with international standards;

37. *Urges* action to address and document conflict-related sexual and gender-based violence in Myanmar, with the full participation of civil society, particularly women's rights organizations and women from conflict-affected communities, to prevent such violence, to end impunity, to hold perpetrators accountable and to provide survivors with access to adequate assistance, support services, justice and reparations;

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

39. *Calls for* appropriate action to eliminate child and forced labour, to protect the rights of workers in natural resource extraction and to demilitarize mining regions, and urges action to establish an inclusive land governance framework and to resolve issues of land tenure, including by amending relevant legislation, in particular the Vacant, Fallow and Virgin Lands Management Law, in full consultation with relevant groups and ethnic communities, including the Rohingya;

40. *Encourages* all business enterprises, including transnational corporations and domestic enterprises operating in Myanmar or that have parts of their supply chain in Myanmar, to implement the Guiding Principles on Business and Human Rights and the recommendations made by the independent international fact-finding mission on Myanmar on the economic interests of the Myanmar armed forces,⁵ and requests the home States of those enterprises to take enhanced measures so that those businesses conduct enhanced human rights due diligence so that their activities do not contribute to or cause any human rights violations or abuses, in accordance with the Guiding Principles;

41. *Decides* to extend the mandate of Special Rapporteur on the situation of human rights in Myanmar for a further period of one year, requests the Special Rapporteur to present an oral progress report to the Human Rights Council at its fifty-third session and to submit a written report to the Third Committee of the General Assembly at its seventy-eighth session and to the Council at its fifty-fifth session, in accordance with its annual programme of work, and also requests the Special Rapporteur, supported by additional human rights experts, to continue to monitor the situation of human rights in Myanmar and the implementation of the recommendations made by the mandate holder and by the independent international fact-

⁵ See the conference room paper of the independent international fact-finding mission on Myanmar on the economic interests of the Myanmar military, available at www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/EconomicInterestsMyanmarMilitary.aspx.

finding mission and to make recommendations on additional steps necessary to address the ongoing crisis, including through thematic reports and conference room papers;

42. *Encourages* the Special Rapporteur to continue to engage with relevant stakeholders, in the region and beyond, through meetings and conferences relating to human rights in Myanmar;

43. *Calls for* immediate and full cooperation by Myanmar with the Special Rapporteur in the exercise of the mandate, including by facilitating visits and granting unrestricted access throughout the country, and invites all States to facilitate cooperation with the Special Rapporteur, where requested;

44. *Calls upon* the United Nations to ensure that the Independent Investigative Mechanism for Myanmar is afforded the support and resources in terms of the staffing, location and operational freedom necessary to deliver on its mandate, and urges all United Nations bodies to collaborate fully with the Mechanism, where possible, and to share evidence to be used in future prosecutions, and all relevant actors in Myanmar and Member States to cooperate with the Mechanism, to grant it access, including access to witnesses and other information providers, and to provide it with every assistance in the execution of its mandate, and the appropriate protection of confidentiality, security and support for victims and witnesses in order to fully respect and comply with the principle of “do no harm”, and urges close and timely cooperation between the Mechanism and any future investigations or proceedings by national, regional or international courts or tribunals, including by the International Criminal Court or the International Court of Justice;

45. *Requests* the United Nations High Commissioner for Human Rights, with the support of specialized experts, to monitor and assess the overall situation of human rights in Myanmar, maintaining focus on accountability regarding alleged violations of international human rights law and international humanitarian law, as well as the rule of law, to monitor the implementation of the present resolution and previous resolutions with the same title, to make recommendations on additional steps necessary to address the current crisis and to provide to the Human Rights Council a written update, at its fifty-sixth session, and a comprehensive report, at its fifty-seventh session, to be followed by an interactive dialogue;

46. *Also requests* the High Commissioner, with the support of experts and in follow-up to the comprehensive report of the Office of the High Commissioner to be submitted to the Human Rights Council at its fifty-fourth session, to focus the assessment on the erosion of the rule of law and the effects of the crisis on the human rights of civilians, in particular journalists, women, children, human rights defenders, detainees and others, to provide technical assistance to persons belonging to those groups in order to increase their protection capacities and to present updates in the context of his regular reporting to the Council;

47. *Recommends* that the General Assembly submit the reports of the High Commissioner and the Special Rapporteur to the relevant United Nations bodies, including the Security Council, for their consideration and appropriate action, taking into account the relevant conclusions and recommendations therein;

48. *Reiterates* the need to establish a country office of the Office of the United Nations High Commissioner for Human Rights in Myanmar and to issue a standing invitation to all special procedures of the Human Rights Council;

49. *Encourages* engagement with the Special Envoy of the Secretary-General on Myanmar, allowing her to fulfil her mandate as set out by the Secretary-General, including by travelling to the country;

50. *Calls upon* the High Commissioner and the Special Rapporteur to monitor patterns of human rights violations that point to a heightened risk of a human rights emergency, where possible, to share evidence of violations with the Independent Investigative Mechanism for Myanmar to support future prosecutions, to continue to bring that information to the attention of the Human Rights Council in a manner that reflects the urgency of the situation, including intersessionally through ad hoc briefings, to advise on what further steps may be needed if the situation continues to deteriorate, in furtherance of

the Council's prevention mandate, and to inform other United Nations bodies as necessary on progress in this regard;

51. *Welcomes* the Secretary-General's initiative to take concrete action based on the recommendations contained in the report entitled "A brief and independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018", and invites the Secretary-General to support this work by offering relevant recommendations to enable more effective work in the future and to strengthen the prevention capacity of the United Nations system;

52. *Requests* the Secretary-General to call the continued attention of the Security Council to the situation in Myanmar and to continue as necessary with concrete recommendations for action towards resolving the humanitarian crisis, establishing the conditions for the safe, dignified, voluntary and sustainable return of all refugees and forcibly displaced persons, including the Rohingya, and ensuring accountability for those responsible for mass atrocities and human rights violations and abuses;

53. *Also requests* the Secretary-General to provide the Special Rapporteur, the High Commissioner and the Independent Investigative Mechanism for Myanmar with the increased assistance, resources and expertise necessary to enable them to discharge their mandates fully;

54. *Decides* to remain actively seized of the matter.

*57th meeting
4 April 2023*

[Adopted without a vote.]
