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

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, North Macedonia, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Arab Emirates* and United Kingdom of Great Britain and Northern Ireland: 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,¹ the International Covenants on Human Rights² and other relevant international law and human rights law instruments,

Reaffirming its previous resolutions on the situation of human rights in Myanmar, the most recent of which being resolutions [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 [42/3](#) of 26 September 2019,³ [39/2](#) of 27 September 2018,⁴ [37/32](#) of 23 March 2018⁵ and [S-27/1](#) of 5 December 2017,⁶ and the presidential statement issued by the Security

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

¹ Resolution [217 A \(III\)](#).

² Resolution [2200 A \(XXI\)](#).

³ *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 53A (A/74/53/Add.1)*, chap. II.

⁴ *Ibid.*, *Seventy-third Session, Supplement No. 53A (A/73/53/Add.1)*, chap. II.

⁵ *Ibid.*, *Supplement No. 53 (A/73/53)*, chap. IV, sect. A.

⁶ *Ibid.*, chap. III.



Council on 6 November 2017,⁷ as well as Security Council resolution [2467 \(2019\)](#) of 23 April 2019,

Welcoming the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, while deeply regretting the decision of the Government of Myanmar to discontinue cooperation with the Special Rapporteur and to deny her access to the country since January 2018,

Welcoming also the work of the Special Envoy of the Secretary-General on Myanmar, and encouraging her further engagement and dialogue with the Government of Myanmar and other relevant stakeholders and affected populations,

Welcoming further the first report to the General Assembly of the ongoing independent mechanism established by the Human Rights Council in its resolution [39/2](#),⁸ and its operationalization, as well as the appointment of its head,

Welcoming the work of the independent international fact-finding mission on Myanmar, including its final report⁹ 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 that the Government of Myanmar did not cooperate with the fact-finding mission,

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

Noting 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,

Acknowledging the efforts of the Organization of Islamic Cooperation, alongside relevant international efforts, aimed at bringing peace and stability to Rakhine State, including through the appointment by the Organization of a new special envoy to Myanmar,

Welcoming the report of the Secretary-General,¹⁰

Condemning all violations and abuses of human rights in Myanmar, including against Rohingya Muslims and other minorities in Rakhine, Kachin and Shan States, and expressing deep concern at the reports of ongoing human rights violations, as also noted by the United Nations High Commissioner for Human Rights in her oral update on 10 July 2019, as well as at the ongoing non-cooperation of the Government of Myanmar and the denial of access to United Nations mechanisms, including the Special Rapporteur on the situation of human rights in Myanmar and the Independent Investigative Mechanism for Myanmar,

Continuing to underline the need for the security and armed forces of Myanmar 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

⁷ [S/PRST/2017/22](#).

⁸ See [A/74/278](#).

⁹ [A/HRC/42/50](#).

¹⁰ [A/74/311](#).

safety and dignity to their places of origin or to a place of their choice in a sustainable manner,

Calling for an immediate cessation of fighting and hostilities, of targeting of civilians and of all violations and abuses of international human rights law and international humanitarian law in northern Myanmar, and recognizing the need for continued de-escalation and an enduring ceasefire, best achieved by dialogue between all parties, as a necessary means of improving the human rights situation,

Reiterating its grave concern that, in spite of the fact that Rohingya Muslims lived in Myanmar for generations prior to the independence of Myanmar, they were made stateless by the enactment of the 1982 Citizenship Law and were eventually disenfranchised, in 2015, from the electoral process,

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

Reiterating its deep distress at reports that unarmed individuals in Rakhine State have been and continue to be 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,

Recalling the responsibility of States to comply with their relevant obligations, to prosecute those responsible for violations of international law, including international humanitarian law, international human rights law, international criminal law and international refugee law, as well as abuses of human rights, and to provide an effective remedy to any person whose rights have been violated, with a view to ending impunity,

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,

Recalling the establishment of an independent commission of inquiry by the Government of Myanmar on 30 July 2018 with a view to ensuring accountability for the human rights violations and abuses committed in Rakhine State, reiterating that the commission should conduct its work with independence, impartiality, transparency and objectivity, and encouraging the commission to issue an initial report and to cooperate with all relevant United Nations mandate holders,

Recalling also some steps taken by the Government of Myanmar to create the conditions necessary for refugees and other forcibly displaced persons to return to their places of origin or to a place of their choice voluntarily, in safety and dignity, but regretting, however, that the situation has not improved in Rakhine State to create the conditions necessary for refugees and other forcibly displaced persons to return to their places of origin voluntarily, safely and with dignity,

Expressing concern that in northern Rakhine State, the implementation of policies under the guise of economic development and reconstruction by the Government of Myanmar 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,

Re-emphasizing the right of all refugees and the importance of internally displaced persons being able to return home in safety and dignity and in a voluntary and sustainable manner,

Noting the extension for one year 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 displaced persons from Rakhine State, and calling upon Myanmar to grant United Nations agencies unfettered access to northern Rakhine State so that they can carry out this assistance,

Expressing deep concern at the continued armed conflict and violence and abuses in a number of areas in Myanmar, affecting tens of thousands of people, most notably in Rakhine State, causing their forced displacement, and recognizing the need for continued de-escalation and an enduring ceasefire as a necessary means of improving the human rights situation,

Alarmed by the continued influx to Bangladesh over the last four decades of 1.1 million Rohingya Muslims, including the 744,000 who arrived since 25 August 2017 in the aftermath of atrocities committed by the security and armed forces of Myanmar,

Expressing deep concern over the virulent and rapid spread of false news, hate speech and inflammatory rhetoric, in particular through social media, tolerated by the authorities of Myanmar,

Noting the steps taken by the Government of Myanmar towards establishing a national strategy for the sustainable closure of camps for internally displaced persons in Myanmar,

Alarmed by the findings of the independent international fact-finding mission on Myanmar of evidence of gross 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,

Underlining the urgency 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 the 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 all ethnic and minority groups and persons in vulnerable situations, including on matters of citizenship for Rohingya Muslims,

Welcoming 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,

Reiterating its urgent call upon the Government of Myanmar to sustain the democratic transition of Myanmar by bringing all national institutions, including the military, under the democratically elected civilian Government,

Welcoming the involvement of the Association of Southeast Asian Nations in addressing the situation in Rakhine State, including through carrying out humanitarian assessments in northern Rakhine State through its Coordinating Centre for Humanitarian Assistance on Disaster Management, and recognizing the need for

close engagement with the Rohingya refugee community, while encouraging close cooperation with all relevant United Nations agencies and international partners and to address the root causes of the conflict, so that affected communities can rebuild their lives there,

1. *Expresses grave concern* at continuing reports of serious human rights violations and abuses as well as violations of international humanitarian law in Myanmar against Rohingya Muslims and other minorities in Kachin, Rakhine and Shan States, including those involving arbitrary arrests, deaths in detention, torture and other cruel, inhuman or degrading treatment or punishment, forced labour, deprivation of economic and social rights, the forced displacement of more than a million Rohingya Muslims to Bangladesh, rape, sexual slavery and other forms of sexual and gender-based violence against women and children, as well as restrictions on exercising the rights to freedom of religion or belief, expression and peaceful assembly;

2. *Strongly condemns* all violations and abuses of human rights in Myanmar, and calls upon Myanmar, in particular its security and armed forces, 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 Muslims 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;

3. *Emphasizes* the importance of conducting international, independent, fair and transparent investigations into the gross human rights violations in Myanmar, including sexual and gender-based violence against women and children, and of holding accountable all those responsible for brutal acts and crimes against all persons, including the Rohingya Muslims, in order to deliver justice to victims using all legal instruments and domestic, regional and international judicial mechanisms;

4. *Expresses grave concern* about the increasing restrictions on humanitarian access, in particular in Rakhine State, and urges the Government of Myanmar to cooperate fully with and to grant full, unrestricted and unmonitored access to all United Nations mandate holders and human rights mechanisms, including the Special Rapporteur on the situation of human rights in Myanmar, the Independent Investigative Mechanism for Myanmar 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 remains severely restricted for the international community, including for United Nations agencies, humanitarian actors and international media;

5. *Calls upon* the United Nations to ensure that the Independent Investigative Mechanism for Myanmar is afforded the flexibility that it needs in terms of staffing, location and operational freedom so it can deliver as effectively as possible on its mandate;

6. *Urges* the Independent Investigative Mechanism for Myanmar to swiftly advance its work and to ensure the effective use of evidence of the most serious international crimes and violations of international law collected by the independent international fact-finding mission on Myanmar;

7. *Urges* the independent commission of inquiry of Myanmar to deliver tangible results on its work carried out so far with independence, impartiality,

transparency and objectivity in order to promote accountability, and to deliver a credible report that acknowledges the human rights violations and mass atrocities committed in Rakhine State and that can lay the groundwork for confidence-building, and encourages the commission to cooperate with all relevant United Nations mandate holders;

8. *Reiterates* the urgent call upon the Government of Myanmar:

(a) To manifest clear political will supported by concrete actions for the safe, dignified, voluntary and sustainable return and reintegration of Rohingya Muslims in Myanmar;

(b) To take the necessary measures 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;

(c) To expedite efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, in particular relating to Rohingya Muslims, by, inter alia, reviewing 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;

(d) 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;¹¹

(e) To ensure full protection of the human rights and fundamental freedoms of all persons in Myanmar, including Rohingya Muslims and persons belonging to 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 and forge a viable, lasting and durable solution;

(f) To build trust among Rohingya Muslims in camps in Bangladesh, through confidence-building measures, including direct communication between the Rohingya representatives and the Myanmar authorities;

(g) To create the conditions necessary for the safe, voluntary, dignified and sustainable return of all refugees, including Rohingya Muslim refugees, particularly in view of the fact that Rohingya Muslims refused to return to Myanmar on two prior occasions that had been bilaterally set up between Bangladesh and Myanmar for repatriation to commence, owing to the failure of the Government of Myanmar to create such conditions in Rakhine State;

¹¹ E/CN.4/1998/53/Add.2, annex.

(h) To ensure the conduct of credible, inclusive and transparent general elections in 2020;

(i) 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;

(j) To fully implement all recommendations of the Advisory Commission on Rakhine State to address the root causes of the crisis;

9. *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;

10. *Reiterates its deep concern* at the continued plight of Rohingya Muslim refugees and forcibly displaced persons living in Bangladesh and in other countries, and appreciates the commitment by the Government of Bangladesh to provide temporary shelter, humanitarian assistance and protection to them;

11. *Notes* the establishment of the Inter-Ministerial Committee for the Prevention of the Six Grave Violations during Armed Conflict on 7 January 2019 by the Government of Myanmar, and of the agreement by Parliament to the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,¹² invites the Government to continue the implementation of the action plan to end and prevent the recruitment and use of children by government forces, and calls upon the Government to engage with the United Nations in developing, adopting and implementing without undue delay comprehensive action plans addressing killing, maiming, rape and other sexual violence for which the Tatmadaw, including the integrated border forces, are listed in the annual report of the Secretary General;

12. *Welcomes* the recent extension for one year of the memorandum of understanding between the Government of Myanmar, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees to associate them to the implementation of bilateral arrangements with Bangladesh on the return of displaced persons from Rakhine State, and emphasizes the need for the Government of 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 safe, voluntary, 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 give returnees freedom of movement and unimpeded access to livelihoods, social services, including health services, education and shelter, and to compensate them for all losses;

13. *Expresses grave concern* at the potential retraumatization 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 retraumatization;

14. *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

¹² United Nations, *Treaty Series*, vol. 2173, No. 27531.

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;

15. *Encourages* the international community 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 Myanmar in the provision of humanitarian assistance to affected persons of all communities who have been internally displaced, including those in camps for internally displaced persons within Rakhine State;

16. *Urges* the international community to support the 2019 joint response plan for the Rohingya humanitarian crisis to ensure adequate resources for addressing the humanitarian crisis;

17. *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, and encourages support for the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of its democratic transition process, inclusive socioeconomic development and sustainable peace, as well as its national reconciliation process involving all relevant stakeholders;

18. *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 the Government of Myanmar;

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

(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 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 safe, dignified, voluntary 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;

(f) 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;

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

20. *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 Investigative Mechanism on Myanmar, the Special Rapporteur on the situation of human rights in Myanmar and the Special Envoy of the Secretary-General on Myanmar.