



Republic of the Union of Myanmar
National Unity Government
Ministry of Human Rights



HRC53: Briefing paper on the human rights situation of the Rohingya

(21st June 2023)

1. Introduction

The Ministry of Human Rights of the National Unity Government of the Republic of the Union of Myanmar has prepared this briefing paper as a resource for delegations at the Human Rights Council's 53rd regular session.

The paper addresses the current situation of the Rohingya and some of the human rights issues impacting them. It also sets out actions taken by the National Unity Government to support the Rohingya, examines the role of the United Nations (UN) in Myanmar, and presents recommendations to the Human Rights Council and to UN Member States.

The information that follows is drawn from members of the Rohingya community, UN experts and entities, human rights organisations and civil society groups, open sources including the media, and confidential information shared with the Ministry of Human Rights.

The National Unity Government recognises the Rohingya people as an integral part of Myanmar and as Myanmar nationals. Yet the persecution of the Rohingya remains pervasive and entrenched. The Rohingya in Myanmar have long suffered discrimination, repression, marginalisation and extreme poverty, have been refused their identity, and have been subjected to state policies and practices that have systematically denied them their rights, freedoms and opportunities for advancement.

This same treatment paved the ways for repeated waves of atrocity crimes against the Rohingya, most recently in 2016 and 2017 when the Myanmar military launched a deliberate and systematic offensive of mass murder, disappearances, gang rape, arson and forced displacement against the Rohingya in Rakhine state. These attacks displaced an estimated 86,000 people in 2016 and over 700,000 between 2017 and 2018, many of whom were driven into Bangladesh.

The Independent International Fact-Finding Mission on Myanmar (IIFMM) determined in 2018 that these military 'clearance operations' against the Rohingya warranted the investigation and prosecution of senior military officials, including Commander-in-Chief Senior General Min Aung Hlaing, for crimes against humanity, war crimes and genocide.¹ In

¹ See UN Human Rights Council, Report of the independent international fact-finding mission on Myanmar, A/HRC/39/64, 2018.

2022, the United States Department of State determined that the military's attacks against the Rohingya were widespread and systematic and comprised crimes against humanity and genocide.²

Despite ongoing proceedings under the *Convention on the Prevention and Punishment of the Crime of Genocide* before the International Court of Justice and rare cases in national courts using universal jurisdiction, the Rohingya continue to be denied access to justice or reparations for the grave human rights violations, war crimes and crimes against humanity to which they have been subjected.

Consistent with its democratic mandate and its international obligations, the National Unity Government accepts its responsibility to promote, protect and fulfil the human rights of the Rohingya and all other Myanmar minorities.

As the legitimate representative of Myanmar, the National Unity Government also remains committed to fully implementing the recommendations of the Advisory Commission on Rakhine State as well as relevant recommendations of the IIFFMM and successive Special Rapporteurs on Myanmar.

2. The situation of the Rohingya, including recent developments

2.1 The situation of the Rohingya in Myanmar

There are approximately 600,000 Rohingya in Rakhine State. They continue to live on the margins, pushed outside the state system to the sidelines of society. The Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, has comprehensively reported on ongoing oppression and discrimination against the Rohingya and their denial of fundamental rights and freedoms.³

The COVID-19 pandemic and recent Cyclone Mocha (addressed below) have also disproportionately impacted the Rohingya, exacerbating their dire humanitarian situation and further diminishing their access to and enjoyment of human rights.

Since its attempted coup d'état in February 2021, the illegal military junta has escalated its atrocity crimes against civilians across Myanmar, including the Rohingya. In addition to its deliberate, systematic and widespread atrocities against the Rohingya people, the junta continues to attack and kill high-profile Rohingya individuals and their relatives in targeted reprisals, including for supporting the Spring Revolution.

The junta also denies the existence of the Rohingya identity. In a statement issued on 6 March 2023 after the HRC52 interactive dialogue with the UN High Commissioner for Human Rights

² US Department of State, Secretary Antony J. Blinken on the Genocide and Crimes Against Humanity in Burma, available at: <https://www.state.gov/secretary-antony-j-blinken-at-the-united-states-holocaust-memorial-museum/>.

³ See Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, 2021 Report (A/HRC/46/56), 2022 Report (A/77/494), 2023 Report (A/HRC/52/66).

on the situation in Myanmar, the junta stated that ‘it does not recognize the politically created term “Rohingya” that has never existed in legal and historical records of Myanmar’.⁴

The following sub-sections explore specific human rights issues affecting the Rohingya.

(a) Lack of legal recognition and citizenship

The Rohingya have been subjected to sustained state efforts to deny them recognition and citizenship. They were effectively denied citizenship under the *Citizenship Law* 1982, which failed to recognise them as a distinct ethnic group in Myanmar. The subsequent National Verification Card program, which saw identification cards issued to Rohingya, was used in practice to categorise Rohingya as foreigners, specifically as “Bengalis”. Consequently, the Rohingya people comprise one of the world’s largest stateless populations.

The junta also continues to carry out its *Swet Tin Sitt* (‘Map, Register, Check’) operations targeting the Rohingya. These involve demeaning physical checks of Rohingya, including photographs with number boards, which have the continued effect of labelling them as illegal non-nationals.

(b) Fundamental freedoms

The Rohingya in Rakhine State face continued restrictions on their freedom of movement. Internally displaced Rohingya who reside in camps in central Rakhine State face are subjected to a discriminatory and unlawful travel authorization system enforced by the junta. They are required to obtain a time-limited authorisation to leave Rakhine and to travel outside their villages and townships. This authorisation is extremely difficult to obtain in practice.

Since the attempted coup in 2021, the Rohingya have continued to be subjected to unlawful ‘arrest’ for undocumented travel.⁵ This in turn has denied them access to a broad range of human rights including education, healthcare, employment and economic opportunities.

Rohingya are also deprived of their freedom of association and assembly, and cannot enjoy freedom of religion or belief in practice due to junta restrictions on religious practice and cultural heritage.

Repressive and discriminatory laws, such as the *Race and Religion Protection Laws* of 2015, have directly targeted the Rohingya and other religious and ethnic minorities. Added to this are discriminatory administrative procedures governing marriage authorisation, restrictions on the number and spacing of children, and the denial of equal access to birth registration for Rohingya children.

(c) Access to basic services

The movement restrictions enforced on Rohingya in Rakhine State, as mentioned above, severely impact access to basic services such as education and healthcare.⁶

⁴ See ‘Response on the Interactive Dialogue on the United Nations High Commissioner for Human Rights’ report on Myanmar at the 52nd Session of the Human Rights Council (Geneva, 6 March 2023)’.

⁵ See Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews 2022 Report (A/77/494).

⁶As above.

The Special Rapporteur on Myanmar has documented how disastrous restrictions and night-time curfews can be on access to healthcare, particularly for persons with life-threatening conditions or who require acute medical treatment. The outbreak of diarrhoea in camps for internally displaced persons has, for example, led to deaths that could have been prevented with timely medical treatment.⁷

The majority of Rohingya in Rakhine State rely on humanitarian aid. However, the delivery of assistance by humanitarian organisations has been repeatedly restricted by the illegal junta. In September 2022, the junta blocked the access of UN agencies and non-governmental organisations to Rakhine State⁸. As addressed below, this ban has since been reinstated.

(d) Participation in public life

As a consequence of their discriminatory treatment and denial of basic rights, Rohingya participation in public life is predictably limited. Rohingya have historically been denied a platform to advocate for the needs of their communities, to freely participate in decision-making processes, or to shape public policy.⁹ This also presents significant challenges to Rohingya activists, human rights defenders and community leaders.¹⁰

State policies, programs and laws have actively served to disenfranchise the Rohingya and other minority groups. This has included direct political disenfranchisement, with Rohingya candidates denied the right to vote or to run for office in state and national elections. As recently as 2020, Rohingya candidates were excluded from the general election and referred to as “Bengalis.”

(e) Cyclone Mocha

On 14 May 2023, Cyclone Mocha made landfall in Rakhine State. One of Myanmar’s worst cyclones on record, it left a trail of death and destruction through Rakhine State and other areas including Bago, Chin, Magway, Mandalay, Sagaing, Shan, Yangon and Ayeyarwaddy.

Cyclone Mocha’s destruction of homes, crops and critical infrastructure and its triggering of floods and landslides compounded the extreme suffering of the people of Myanmar, close to two million of whom were already internally displaced by the illegal junta’s atrocity operations.

The cyclone has disproportionately impacted the most vulnerable communities in Myanmar, including the Rohingya, and has been manipulated by the junta for military gain and to sustain its persecution of minorities.

At time of writing, more than a million people in Rakhine State required life-saving aid including food, drinking water and shelter supplies. Yet, in a move that the UN Resident Coordinator a.i. in Myanmar has labelled as “unfathomable” and “devastating”,¹¹ the junta has blocked the delivery of humanitarian assistance to Rakhine by cancelling travel authorizations.

⁷ See note 5.

⁸ NUG Internal Report: ‘Rohingya Crisis and Situation Update’.

⁹ As above.

¹⁰ See Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, 2022 Report (A/77/494).

¹¹ See <https://myanmar.un.org/en/235958-humanitarian-access-suspended-cyclone-ravaged-rakhine-state>.

The Spokesperson for the UN Secretary-General stated that the suspension would impact hundreds of thousands of men, women and children in Rakhine and coincided with the monsoon's arrival, 'when urgent scale-up of the response is needed in the impact zone'.¹²

This blocking of UN agencies from delivering aid to Rakhine came after the junta had earlier prevented communities, including the Rohingya, from relocating to safety before the cyclone hit. As with Cyclone Nargis in 2008, the military has put its own interests above people's survival. To UN High Commissioner for Human Rights Volker Türk, the cyclone's "damage and loss of life was both foreseeable and avoidable – and is clearly linked with the systematic denial of human rights."¹³

(f) Displacement and the right to return

The National Unity Government remains committed to bringing the Rohingya home in voluntary, safe, dignified and sustainable ways. At the same time, the Government joins UN experts and officials in recognising the grave threat that the junta continues to present to the Rohingya.

On 8 June 2023, the Special Rapporteur on Myanmar called on Bangladesh to immediately suspend a pilot repatriation project for Rohingya returns to Myanmar. The project, conceived before Cyclone Mocha, proposed the return of an initial group of 1,140 Rohingya refugees and a total of 6,000 by the end of this year. To the Special Rapporteur, these refugees would 'face serious risks to their lives and liberty' by the junta if they were returned.¹⁴

(g) Lack of Accountability

The Rohingya continue to be denied access to justice and reparations for the grave human rights violations, war crimes and crimes against humanity to which they have been subjected. This lack of accountability has not only perpetuated a culture of impunity in Myanmar, it laid the ground for the illegal junta's subsequent countrywide atrocities.

There has been some limited progress in the form of ongoing proceedings under the *Convention on the Prevention and Punishment of the Crime of Genocide* initiated by The Gambia before the International Court of Justice. The National Unity Government continues to extend its full cooperation to *The Gambia v. Myanmar* case and welcomes the Court's issuance of provisional measures requiring Myanmar to prevent all genocidal acts against the Rohingya, to take steps to preserve evidence related to the case, and to ensure that security forces do not commit acts of genocide.¹⁵

The International Criminal Court also has a continuing investigation into Bangladesh/Myanmar centred on the military's 2016 and 2017 atrocities against the Rohingya. However, it is geographically limited to Rakhine State.¹⁶

¹² See <https://press.un.org/en/2023/db230906.doc.htm>.

¹³ See <https://www.ohchr.org/en/statements/2023/05/turk-there-should-be-un-human-rights-office-everywhere>.

¹⁴ See <https://www.ohchr.org/en/press-releases/2023/06/bangladesh-must-suspend-pilot-project-return-rohingya-refugees-myanmar-un>.

¹⁵ See <https://www.icj-cij.org/sites/default/files/case-related/178/178-20200123-PRE-01-00-EN.pdf>.

¹⁶ See <https://www.icc-cpi.int/victims/bangladesh-myanmar>.

Rare cases are being prosecuted in national courts using universal jurisdiction. These include welcome developments in Argentina¹⁷ and Türkiye¹⁸. A larger number of States with universal jurisdiction should use their courts to prosecute persons accused of atrocity crimes in Myanmar, in coordination with the Independent Investigative Mechanism for Myanmar (IIMM) which is preparing case files.

2.2 The situation of the Rohingya in Bangladesh and other locations

The National Unity Government estimates that more than one million Rohingya are presently in Bangladesh. Their humanitarian conditions are dire. Large Rohingya diaspora communities are also located in India, Indonesia, Malaysia, Saudi Arabia and Thailand.

Many Rohingya refugees lack access to basic education, healthcare services and temporary worker rights, which are crucial for livelihoods opportunities.

According to UNHCR, the vast majority of Rohingya refugees in Bangladesh are women and children. More than 40 per cent are aged under 12 years. Nearly all Rohingya who arrived in Bangladesh between 2016 and 2018 are located in and around the refugee settlements of Kutupalong and Nayapara in Cox's Bazar.¹⁹ These refugees are confined to camps that have been described as resembling 'open-air prisons',²⁰ with their movement heavily restricted.

Rohingya refugees remain reliant on their host countries for basic services and, in many cases, access to humanitarian assistance. Consequently, international funding shortfalls are having a severe impact. For example, as of 1 June 2023 a UN Appeal for USD 876 million dollars to support Rohingya refugees in Cox's Bazar was only 24.6 per cent funded, resulting in deep reductions in daily food rations.²¹ The UN in Bangladesh also appealed for USD 42.1 million dollars following Cyclone Mocha. The cyclone severely affected all 33 refugee camps in Cox's Bazar as well as surrounding Bangladeshi villages.

The Special Rapporteur on the right to food, Michael Fakhri, and the Special Rapporteur on Myanmar have warned that further food ration cuts would have 'catastrophic consequences' given that '[a]cute malnutrition levels remain high, and chronic malnutrition is pervasive among the Rohingya refugee population in Bangladesh, with more than a third of children stunted and underweight.'²²

¹⁷ See for instance, 'Argentina comes to the aid of Myanmar Rohingyas' (<https://www.justiceinfo.net/en/85392-argentina-comes-aid-myanmar-rohingyas.html#:~:text=On%20November%2026%2C%20the%20Argentine,the%20crimes%20of%20the%20junta.>).

¹⁸ See for instance, 'Rights Group Files Torture Case Against Myanmar Junta in Turkey', (<https://www.voanews.com/a/rights-group-files-torture-case-against-myanmar-junta-in-turkey/6517695.html>).

¹⁹ See UNHCR, Rohingya emergency, <https://www.unhcr.org/emergencies/rohingya-emergency>.

²⁰ See <https://www.hrw.org/news/2019/11/26/bangladesh-turning-refugee-camps-open-air-prisons>.

²¹ <https://bangladesh.un.org/en/234253-un-bangladesh-appeals-immediate-funding-rohingya-refugees-face-new-cuts-food-aid>.

²² See UNHCR, Bangladesh: UN experts appeal for immediate funding to avert food ration cuts for Rohingya refugees, available at: <https://www.ohchr.org/en/press-releases/2023/02/bangladesh-un-experts-appeal-immediate-funding-avert-food-ration-cuts>.

The Special Rapporteur on Myanmar has also highlighted security concerns and acts of violence within the camps in Cox's Bazar as an issue affecting Rohingya refugees.²³ Furthermore, human rights organisations have reported instances of extortion and harassment by criminal gangs and armed groups in the camps, as well as by police.²⁴

In September 2022, as fighting between the junta and the Arakan Army intensified in Rakhine State, Bangladesh sealed its border with Myanmar. According to the Special Rapporteur on Myanmar, data from the Border Guard Bangladesh indicates that 537 individuals were forced back to Myanmar in 2022.²⁵

These circumstances have forced some Rohingya refugees to attempt treacherous sea voyages, resulting in numerous deaths. A sharp spike in boat departures from Bangladesh in November 2022 shows how desperate the Rohingya people are, restricted to camps and denied any foreseeable prospect of a return to their homes, communities and livelihoods in Myanmar.

These circumstances also place Rohingya refugees at pronounced risk of human trafficking, debt-bondage, forced labour, and other forms of exploitation and abuse. Girls and young women are at particular risk of trafficking for the purpose of forced marriage.²⁶

The Special Rapporteur on Myanmar has also documented the situation of Rohingya asylum seekers and refugees in India, Indonesia, Malaysia and Thailand.²⁷

3. National Unity Government efforts

The National Unity Government continues to advance its implementation of its 'Policy Position on the Rohingya in Rakhine State'. This has seen the Cabinet approve the replacement of the *Citizenship Law* 1982 with a new law that protects against statelessness and bases citizenship on birth in Myanmar or birth anywhere to Myanmar citizens. The Ministry of Human Rights is developing a blueprint for the new law that will continue to be shaped by consultations with minority communities and their representatives, including the Rohingya. The National Verification Card system will be scrapped.

On broader law reform, the Ministry of Human Rights is preparing to lodge a submission to the Committee Representing Pyidaungsu Hluttaw (CRPH) requesting the repeal of the *Race and Religion Protection Laws* of 2015 to ensure freedom of religious belief. This forms part of a larger program to overhaul laws that are discriminatory, chauvinistic, and that have been historically used to curb the exercise of fundamental freedoms and to stifle dissent.

The Cabinet has also approved the Deputy Minister for the Ministry of Human Rights who will be Rohingya. The Deputy Minister will advance the National Unity Government's commitments under its Rohingya Policy Position, will formalise consultative mechanisms with

²³ See Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews 2022 Report (A/77/494).

²⁴ See Human Rights Watch, Bangladesh: Rampant Police Abuse of Rohingya Refugees, <https://www.hrw.org/news/2023/01/17/bangladesh-rampant-police-abuse-rohingya-refugees>.

²⁵ See Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, 2023 Report (A/HRC/52/66).

²⁶ As above.

²⁷ See note 25.

Rohingya communities, and will work across ministries to ensure that Rohingya perspectives and concerns inform the development and review of Government policies and programs.

Serving within the Ministry of Human Rights, the Deputy Minister will also support justice for the Rohingya, including through advocacy with courts and accountability mechanisms. Further, they will represent the National Unity Government in National Unity Consultative Council (NUCC) and CRPH discussions and forums on Rohingya-related issues and support the passage of relevant legislation. At time of writing, the appointment process was nearing finalisation.

The National Unity Government remains committed to bringing the Rohingya home in voluntary, safe, dignified and sustainable ways, and is working closely with Rohingya representatives, ethnic partners and civil society to regularly assess the conditions in Rakhine State and to take practical steps to support returns. Yet, as addressed above, the Government joins UN experts in recognising the grave threat that the junta continues to pose to the Rohingya.

The National Unity Government therefore continues to engage with Myanmar's neighbours and ASEAN Members to ensure that the rights of Rohingya asylum-seekers and refugees in their countries are protected and that non-refoulement is respected at all times. The Government urges States to support the UN's Rohingya Response Appeal in Bangladesh, as well as its Cyclone Mocha appeal to support severely affected refugee camps in Cox's Bazar and surrounding Bangladeshi villages.

The National Unity Government allocated an initial USD 1 million to Cyclone Mocha emergency relief and response activities in Myanmar, with disbursements directed to Rakhine state, Chin State and Sagaing and Magway regions. The Ministry of Humanitarian Affairs and Disaster Management, in coordination with local organisations and humanitarian volunteers, also provided cash support to cyclone-affected Rohingya communities and to the United League of Arakan. At time of writing, emergency food provision had reached 1,527 households in Maungdaw and Gwa Townships while shelter support had been provided to 14,314 Rohingya households in Minbya, Mrauk-U and Kyauktaw Townships. Furthermore, 2,117 households in Ponnakyun Township had been provided with cash for temporary shelter. Preparedness kits for vulnerable families had also been distributed to Rohingya refugees in Cox's Bazar in partnership with a community-based organisation in Bangladesh.

Supporting education, the NUG has launched online learning platforms for Rohingya youth and continues to identify additional forms of support in consultation with the Rohingya community. On 9 September 2022, the Minister of Education and the Minister of Human Rights met with Rohingya leaders to progress discussions on higher education and vocational programmes for Rohingya youth, including those in refugee camps.

On healthcare provision, the Ministry of Health met with Rohingya representatives on 27 February 2023 to advance cooperation on the delivery of services to Rohingya communities.

Supplementary areas of partnership will include health education, basic healthcare training and mental health support.

On accountability, the National Unity Government is committed to securing justice for survivors of historic and continuing military atrocities and accountability for perpetrators, including through cooperation with international mechanisms. As stated above, the National Unity Government continues to extend its full cooperation to *The Gambia v. Myanmar* case before the International Court of Justice. Consistent with the Article 12(3) Declaration that it submitted in July 2021, the Government maintains its call on the International Criminal Court to expand its current investigation to cover all of Myanmar's territory.

The National Unity Government also encourages States to engage with the IIMM with a view to prosecuting persons accused of atrocity crimes in Myanmar in their national courts, and continues provide information and corroborative materials to the IIMM to support its preparation of case files for prosecutions.

Finally, the National Unity Government remains committed to fully implementing the recommendations of the Advisory Commission on Rakhine State as well as relevant recommendations of the IIFFMM and successive Special Rapporteurs on Myanmar.

4. Role of the UN Country Team

The National Unity Government has put significant effort into cultivating an effective relationship with the UN in Myanmar. It is engaging constructively with the UN Country Team (UNCT) and it partners with a number of entities including OHCHR, UN Women and UNICEF. Union Ministers have met with senior UN officials including the former and current High Commissioners for Human Rights and the now former Special Envoy of the Secretary-General on Myanmar.

The National Unity Government has expanded its programming with UN entities since Cyclone Mocha, and welcomes the UN Humanitarian Country Team's launch of a Flash Appeal seeking \$333 million to fund assistance.²⁸ The delivery of urgently needed humanitarian assistance to all communities in need, including the Rohingya in Rakhine State, remains a race against the clock. The UN in Myanmar must urgently redirect and upscale its humanitarian assistance to and through established ethnic and civil society networks in Rakhine and in neighbouring states and regions.

At the same time, the National Unity Government holds strong concerns that select UN entities have acted in ways that contravene the UNCT's 'programmatic engagement guidelines', that fail to meet their obligations under the 'Secretary-General's Call to Action for Human Rights', and that risk legitimising the junta.

On 19 March 2023, UNHCR issued a public statement confirming that it had provided 'logistical support' to junta representatives to 'cross into Bangladesh' to advance the 'technical verification process' for Rohingya refugees as part of a pilot project on possible returns. This

²⁸ See <https://reliefweb.int/attachments/d2546d5f-a93c-4328-a059-54d971ac66ce/Myanmar%20Flash%20Appeal%20-%20Cyclone%20Mocha%20-%202023%20May%202023.pdf>.

statement was issued after media reported the leaked content of an email sent by the Resident Coordinator a.i. that said that UNHCR and WFP had made their boats available to junta members in answer to “a very firm request”.

This acquiescence saw UN entities provide travel assistance to representatives of the group responsible for atrocity crimes against the Rohingya. Furthermore, this assistance enabled junta representatives to participate in a Rohingya ‘verification process’ that is firmly at odds with UNHCR’s own conclusion that conditions in Rakhine State are not currently conducive to the voluntary, safe, dignified or sustainable return of Rohingya refugees.

The UN Secretary-General should commission an independent inquiry into whether the UNCT in Myanmar and its individual entities are taking adequate steps to avoid a repeat of past failures and to implement the Rosenthal report’s recommendations. This inquiry should also examine whether the UNCT and UN entities are meeting their obligations under the Secretary-General’s ‘Call to Action for Human Rights’. A public report with clear findings and recommendations should follow.

Such an inquiry would be in keeping with HRC resolution 52/31 (2023) on the human rights situation in Myanmar, which invited the Secretary-General to offer ‘relevant recommendations to enable more effective work in the future and to strengthen the prevention capacity of the United Nations system ’in follow-up to the Rosenthal report.²⁹

5. Recommendations

The National Unity Government presents the following recommendations at HRC53:

To the Human Rights Council:

- Request the Secretary-General to take the lead on Myanmar. The gravity of the situation and the vacuum created by the recent departure of the UN Special Envoy on Myanmar requires use of the Secretary-General’s own good offices to stop the slaughter, to advance the Myanmar people’s democratic will and interests, and to support justice and accountability including for the Rohingya
- Request the Secretary-General to commission an independent inquiry into whether the UNCT and UN entities in Myanmar are taking adequate steps to avoid a repeat of past failures and to implement the Rosenthal report’s recommendations. This inquiry should also examine whether the UNCT and UN entities are meeting their obligations under the Secretary-General’s ‘Call to Action for Human Rights’. A public report with clear findings and recommendations should follow
- Call on the UN Security Council to formally place the situation in Myanmar on its agenda as a threat to international peace and security, and to urgently address the junta’s failure to comply with Security Council resolution 2669 (2022) on Myanmar including by adopting a follow-up resolution that sets out measures under Chapter VII of the UN Charter.

²⁹ See operative paragraph 51.

To UN Member States:

- Take individual and collective action to immediately end the direct or indirect supply, sale, transfer or diversion of arms, munitions and other military equipment and related materials of all types, dual-purpose technology and aviation fuel to the junta, as well as technical training, financial resources or services, advice, or other services or assistance related to such arms and related materials to the junta. UN Member States should also strip the junta of cash revenues through strengthened economic measures against its business enterprises including its oil and gas interests
- Increase support for the Rohingya in Bangladesh. As at 1 June 2023, the UN's Appeal for USD 876 million dollars was only 24.6 per cent funded, resulting in deep reductions in daily food rations for Rohingya refugees in Cox's Bazar.³⁰ The UN in Bangladesh has also appealed for USD 42.1 million dollars following Cyclone Mocha, which severely affected all 33 refugee camps in Cox's Bazar as well as surrounding Bangladeshi villages
- Support the National Unity Government, its ethnic and civil society partners and Myanmar's neighbours to coordinate the secure cross-border delivery of urgently needed food, aid and medicine to all communities in need
- Encourage the International Criminal Court to expand its current investigation into the situation in Bangladesh/Myanmar to cover all Myanmar territory, in line with the National Unity Government's Article 12(3) Declaration under the Rome Statute
- Encourage the International Court of Justice to recognise the National Unity Government's claim to represent Myanmar in *The Gambia v. Myanmar* case
- Explore the use of universal jurisdiction and national courts to prosecute alleged perpetrators of atrocity crimes committed in Myanmar, including through coordination with the IIMM
- Assist ASEAN Members to develop a Five Point Consensus implementation plan that sets out concrete actions, clear indicators, firm timelines, and enforcement mechanisms for compliance failures, and to also develop a set of escalating punitive measures against the junta to be triggered by continued acts of violence
- Ban all junta members and representatives from attending or participating in UN meetings, conferences and other events.

To the UN in Myanmar:

- Urgently redirect and upscale its humanitarian assistance to and through established ethnic and civil society networks in Rakhine and in neighbouring states and regions
- Expand partnerships with the National Unity Government to facilitate the urgent delivery of humanitarian assistance to all communities in need, including cross-border aid
- Work with Myanmar's neighbours and other States in the region to ensure that the rights of Rohingya asylum-seekers and refugees in their countries are protected and that non-refoulement is respected at all times

³⁰ See <https://bangladesh.un.org/en/234253-un-bangladesh-appeals-immediate-funding-rohingya-refugees-face-new-cuts-food-aid>.

- Adopt an updated UNCT Human Rights Strategy to ensure that all actions by the UNCT and individual UN entities respect, protect and promote international humanitarian, human rights and refugee law, are consistent with the Secretary-General’s ‘Call to Action for Human Rights’, and act on the Rosenthal report’s recommendations. All activities and programmes must be kept under continuous review by applying human rights due diligence and risk assessments
- Halt all “logistical” support to the junta, including in relation to the pilot project on possible Rohingya returns to ensure respect for non-refoulement.

Ministry of Human Rights
National Unity Government