



# General Assembly

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## Human Rights Council

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### Human rights situations that require the Council's attention

**Albania,\* Austria,\* Belgium,\* Bulgaria,\* Croatia,\* Cyprus,\* Czechia,\* Denmark,\* Estonia,\* Finland, France, Germany, Greece,\* Hungary,\* Ireland,\* Italy,\* Latvia,\* Liechtenstein,\* Lithuania, Luxembourg, Malta,\* Netherlands, Poland, Portugal,\* Romania,\* San Marino,\* Slovakia,\* Slovenia,\* Spain\* and Sweden\*: draft resolution**

### 49/... 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 Human Rights Council and General Assembly resolutions and decisions on the situation of human rights in Myanmar,*

*Welcoming 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 26 February 2021,*

*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 armed forces (the Tatmadaw) on 1 February 2021, and the continuation of the state of emergency, 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 and many others,*

*Expressing deep concern at the violent acts, including killings, sexual and gender-based violence, and torture, committed against the civilian population, 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,*

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

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\* State not a member of the Human Rights Council.



*Expressing grave concern* at attacks against and harassment of journalists and other media workers, including arbitrary arrests, enforced disappearance, torture and other ill-treatment and killings, 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 against civilians, including sexual and gender-based violence, and grave violations and abuses against children, at the continuing forced displacement of civilians, including of ethnic and religious minorities, and 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 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,

*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 relief personnel, including the attacks and killings of 24 December 2021 in Kayah State, on medical facilities and on transport and equipment, and at the lack of safe and unhindered access for humanitarian organizations, and calling on all parties, in particular the Myanmar armed forces, 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 to all in need, in particular to persons displaced by the conflict,

*Reiterating its grave concern* that the Rohingya 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,

*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, and 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 in which many others are living in precarious conditions, thereby exacerbating the humanitarian crisis, and urging the military authorities 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 gratitude* to the Government of Bangladesh for facilitating the visit of the Special Rapporteur on the situation of human rights in Myanmar in December 2021, earlier visits of the Special Rapporteur and of the Independent Investigative Mechanism for Myanmar and the visit of the Prosecutor of the International Criminal Court, 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, and 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 reparation for persons whose rights have been violated or abused, with a view to ending impunity and ensuring accountability and access to justice,

*Noting* 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 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 related to the situation in Bangladesh/Myanmar,

*Noting* 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, which concluded that, prima facie, the Court had jurisdiction to deal with the case, which found that the Rohingya in Myanmar appeared to constitute a "protected group" within the meaning of article 2 of the Convention, and that there was a real and imminent risk of irreparable prejudice to the rights of the Rohingya in Myanmar, and which indicated provisional measures,

*Welcoming* the work of the independent international fact-finding mission on Myanmar, and in particular its final report,<sup>1</sup> and the detailed findings and recommendations therein, and recalling the recommendation of the independent international fact-finding 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 independent international fact-finding mission, undoubtedly amount to the gravest crimes under international law,

<sup>1</sup> A/HRC/42/50.

*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 others, 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,<sup>2</sup> and encouraging the Mechanism to continue its efforts to advance its public outreach, in order to explain its mandate and work process to victims and other stakeholders,

*Welcoming also* the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar,<sup>3</sup> while deeply regretting the continued non-cooperation of Myanmar with the Special Rapporteur, the denial of access to Myanmar since December 2017 and the ongoing non-cooperation of the Myanmar armed forces,

*Welcoming further* the reports of the United Nations High Commissioner for Human Rights on the situation of human rights in Myanmar, including her 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,<sup>4</sup> as well as the initial activities carried out by the new Special Envoy of the Secretary-General on Myanmar, and encouraging her further engagement and dialogue involving all relevant stakeholders, including civil society,

*Expressing deep concern* that the continued sale and transfer of arms, military equipment and materials, dual-use equipment and technical assistance to the Myanmar armed and security forces greatly undermines prospects for the de-escalation of the conflict and at the fact that diversion and unregulated or illicit arms transfers may seriously undermine the enjoyment of human rights, especially those of women, as well as those of persons belonging to minorities, including Rohingya, children, older persons, persons with disabilities and other persons in vulnerable situations,

*Recalling* General Assembly resolution 75/287 of 18 June 2021 and reiterating the need for all States to prevent the flow of arms into Myanmar, including the direct and indirect supply, sale, or transfer of all weapons, munitions and other military-related equipment to Myanmar,

*Recalling also* the recommendation made by the independent international fact-finding mission on Myanmar 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 Tatmadaw, or any enterprise owned or controlled by them, including subsidiaries, or their individual members, until and unless they are restructured and transformed,

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, rule of law and good governance, and democratic principles;

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

3. *Condemns* the disproportionate use of force, including by air strikes and by 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

<sup>2</sup> A/HRC/48/18.

<sup>3</sup> See, for example, A/HRC/49/76.

<sup>4</sup> A/HRC/43/18.

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;

4. *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 and to return to the democratic transition in Myanmar and 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;

5. *Recalls*, in line with the Secretary-General's call for a global ceasefire as supported by the Security Council in its resolution 2532 (2020) of 1 July 2020, the need to de-escalate violence, and in that regard calls upon the international community to suspend all operational support for, and cease the direct and indirect supply, sale or transfer of all weapons, munitions, military equipment and materials, dual-use equipment and technical assistance to, the Myanmar armed and security forces and their representatives, in order to prevent further violations of international humanitarian law and violations and abuses of human rights;

6. *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, civil society representatives, religious and community leaders, medical staff, 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;

7. *Also calls for* the Myanmar armed forces to ensure full protection of the human rights of all persons in Myanmar, including Rohingya and other persons belonging to minorities, to refrain from excessive use of force, to exercise 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;

8. *Expresses grave concern* at continuing reports of serious human rights violations and abuses by the military and security forces, as well as violations of international humanitarian law in Myanmar, notably against Rohingya and other persons belonging to minorities, including those involving arbitrary arrests, deaths in detention, torture and other cruel, inhuman or degrading treatment or punishment, deliberate killing and maiming of children, recruitment and use of children for child labour and forced labour, attacks on schools, hospitals and houses of worship and protected persons in relation to schools, hospitals and houses of worship, indiscriminate shelling in civilian areas, destruction and burning of homes, deprivation of economic, social and cultural rights, the forced displacement of over 923,000 Rohingya and other persons belonging to minorities to Bangladesh, forced labour, and rape, sexual exploitation and other forms of sexual and gender-based violence;

9. *Calls upon* the Myanmar armed forces to cease arbitrary and unlawful arrests and detentions of children and to release all children detained in interrogation centres and prisons immediately and unconditionally;

10. *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; and to show restraint, cease the conflict and show readiness to re-engage in dialogue and constitutional reform;

11. *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;

12. *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;

13. *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, and 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 and 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;

14. *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 deprivation of human rights and complete disenfranchisement, 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;

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

16. *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 choosing and to guarantee 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, as well as in consultation 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;

17. *Calls upon* 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 of humanitarian and other relevant international agencies, including in order to properly assess needs and to allow unhindered procurement of the necessary supplies and equipment, 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 coronavirus disease (COVID-19)-related assistance, to all people in need, including internally displaced persons;

18. *Calls for* the establishment of concrete steps towards the creation of a conducive environment for the safe, voluntary, dignified and sustainable return of all refugees, including Rohingya and other forcibly displaced persons, residing in Bangladesh, recalling 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 Rohingya and other forcibly displaced persons, thereby enabling them to return to their places of origin or their place of choosing in a voluntary, safe dignified and sustainable manner;

19. *Also 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 through the lifting of Internet shutdowns and 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;

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

21. *Urges* that full and unhindered access be granted to the diplomatic corps, independent observers and representatives of the national and international independent media, without fear of reprisals, intimidation or attack;

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

23. *Reiterates* the urgent call upon Myanmar to fully, swiftly and effectively implement the five-point consensus reached at the Leaders' Meeting of the Association of Southeast Asian Nations held on 24 April 2021, including through constructive dialogue among all relevant parties, to facilitate a peaceful solution in the interest of the people of Myanmar and their livelihoods, and to that end calls upon all stakeholders in Myanmar to cooperate with the Association and the Special Envoy of the Chair of the Association, including by granting him access to all stakeholders, and expresses its support for these efforts;

24. *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;

25. *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, 505A, and 505 (a) and (b) of the Penal Code, and the Ward and Village Tract Administration Law, and enacting comprehensive data protection legislation;

26. *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 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;*

27. *Urges action to address 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;*

28. *Also urges action to prevent the recruitment and use of children in armed conflict, to ensure accountability for human rights violations and abuses against children, and to ensure the protection of all children in armed conflict, and calls upon all parties to end violations and abuses against children in armed conflict in Myanmar;*

29. *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;*

30. *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 the economic interests of the Myanmar armed forces,<sup>5</sup> 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;*

31. *Decides to extend the mandate of the 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 fiftieth and fifty-first sessions and to submit a written report to the Third Committee of the General Assembly at its seventy-seventh session and to the Council at its fifty-second 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-finding mission, and to make recommendations on additional steps necessary to address the ongoing crisis, including through thematic reports and conference room papers;*

32. *Calls for immediate and full cooperation by Myanmar with the Special Rapporteur in the exercise of the mandate, including by facilitating visits and granting*

<sup>5</sup> See "The economic interests of the Myanmar military", available from [www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/EconomicInterestsMyanmarMilitary.aspx](http://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/EconomicInterestsMyanmarMilitary.aspx).



unrestricted access throughout the country, and invites all States to facilitate cooperation with the Special Rapporteur, where requested;

33. *Calls upon* the United Nations to ensure that the Independent Investigative Mechanism for Myanmar is afforded the support and resources in terms of staffing, location and operational freedom necessary to deliver on its mandate, and urges 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;

34. *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, with a particular 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 and to make recommendations on additional steps necessary to address the current crisis; to provide to the Human Rights Council an oral update at its fifty-first session, a written update at its fifty-third session, to be followed by an interactive dialogue, and a comprehensive report at its fifty-fourth session, also to be followed by an interactive dialogue;

35. *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-first session, to continue to assess the progress made and remaining challenges with regard to the recommendations of the independent international fact-finding mission contained in its conference room paper on the economic interests of the military and to present updates in her regular reporting to the Human Rights Council;

36. *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;

37. *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;

38. *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;

39. *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 and 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, and 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 that regard;

40. *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;

41. *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 Rohingya, and ensuring accountability for those responsible for mass atrocities and human rights violations and abuses;

42. *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;

43. *Decides* to remain actively seized of this matter.

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