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Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Resolution adopted by the Human Rights Council on 14 July 2023

53/26. Situation of human rights of Rohingya Muslims and other minorities in Myanmar

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities and other relevant international human rights law,

Recalling relevant resolutions of the General Assembly and the Human Rights Council, the most recent being Assembly resolution 77/227 of 15 December 2022 and Council resolutions 29/21 of 3 July 2015, 34/22 of 24 March 2017, S-27/1 of 5 December 2017, 37/32 of 23 March 2018, 39/2 of 27 September 2018, 40/29 of 22 March 2019, 42/3 of 26 September 2019, 43/26 of 22 June 2020, 46/21 of 24 March 2021, 47/1 of 12 July 2021, 49/23 of 1 April 2022, 50/3 of 7 July 2022 and 52/31 of 4 April 2023, and Council decision 36/115 of 29 September 2017,

Welcoming the reports of the United Nations High Commissioner for Human Rights on the root causes of the human rights violations and abuses faced by the Rohingya and other minorities in Myanmar to the Human Rights Council at its forty-third session¹ and on the implementation of the recommendations of the independent fact-finding mission on Myanmar, including those on accountability, and on progress in the situation of human rights in Myanmar, including of Rohingya Muslims and other minorities, submitted to the Council at its forty-fifth session,² and reiterating the urgency of the full implementation of the recommendations contained in both reports,

Noting the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, while deeply regretting the continued non-cooperation of Myanmar with

¹ A/HRC/43/18.

² A/HRC/45/5.



the mandate and the denial of access to Myanmar since December 2017, and urging Myanmar to extend full cooperation to the Special Rapporteur,

Noting also the work of the successive special envoys of the Secretary-General on Myanmar, which is imperative for engagement and inclusive dialogue with all relevant stakeholders, including civil society, and affected populations, in particular women, children and youth,

Welcoming the ongoing work and reports of the Independent Mechanism for Myanmar, established by the Human Rights Council in its resolution 39/2 of 27 September 2018, to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law, including international humanitarian and human rights law, committed by Myanmar since 2011, including its fourth report submitted to the Human Rights Council,³ while expressing regret at the continued lack of access for and cooperation with the Mechanism,

Recalling the significant work done by the independent international fact-finding mission on Myanmar and its reports, including its final report⁴ and its papers 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,⁵ and deeply regretting the lack of cooperation of Myanmar with the fact-finding mission,

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

Condemning strongly the gross human rights violations and abuses perpetrated by the security and armed forces of Myanmar against Rohingya Muslims and other minorities, as evidenced by the findings of the independent international fact-finding mission on Myanmar, and regretting the lack of tangible progress in Myanmar in creating conditions conducive to the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya Muslims from Bangladesh to Myanmar,

Reiterating its deep concern over the violence as well as violations and abuses of human rights against Rohingya Muslims and other minorities, and the continuing forced displacement of civilians, including of Rohingya Muslims and other ethnic minorities, thus still posing challenges to the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of all refugees and forcibly displaced persons to Myanmar, including Rohingya Muslims and other minorities,

Expressing its concern that developments resulting from the declaration and subsequent extensions of the state of emergency by the Myanmar military pose serious challenges to the voluntary, safe, dignified and sustainable return of all forcibly displaced persons, including Rohingya Muslims and all internally displaced persons, including those displaced since 1 February 2021, in this regard stressing the need to address the root causes of the crisis in Rakhine State, and reaffirming the necessity of an immediate cessation of the use of military force to prevent further displacement and human rights violations against civilians, including Rohingya Muslims and other minorities, both internally and across borders,

Expressing its concern also at the restrictions, both online and offline, on civil society, journalists and media and humanitarian workers that may exacerbate further the plight of Rohingya Muslims and other ethnic minorities in Myanmar,

³ A/HRC/51/4.

⁴ A/HRC/42/50.

⁵ Available at www.ohchr.org/EN/HRBodies/HRC/RegularSessions/session42/Pages/ListReports.aspx.

Expressing its unequivocal support for the people of Myanmar and their democratic aspirations and for the democratic transition in Myanmar as well as for the need to strengthen democratic institutions and processes, to refrain from violence and to fully respect human rights, fundamental freedoms and the rule of law,

Reiterating the urgent need to ensure that all those responsible for 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 to refer cases to the International Criminal Court,

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

Recognizing the complementary and mutually reinforcing work of the various United Nations mandate holders and mechanisms, including international justice and accountability mechanisms, working on Myanmar to improve the humanitarian situation and the situation of human rights in the country, noting with concern the lack of sufficient humanitarian access, in particular to areas with internally displaced persons, and to the affected areas from which many people have been and continue to be forcibly displaced and in which many others are living in precarious conditions, such as Rohingya Muslims, thereby exacerbating the humanitarian crisis, and calling upon all parties, including the armed forces of Myanmar, to allow access for international humanitarian agencies and aid workers for the provision of safe, timely and unhindered humanitarian assistance to all in need, including to persons displaced by the conflict,

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

Noting also that the International Criminal Court has authorized its Prosecutor to investigate alleged crimes within the Court's jurisdiction relating to the investigation Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar,

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

Welcoming also the order of the International Court of Justice of 22 July 2022 rejecting the preliminary objections of Myanmar in the case lodged by the Gambia against Myanmar on the application of the Convention on the Prevention and Punishment of the Crime of Genocide and finding the application of the Gambia to be admissible,

Re-emphasizing the right of all refugees and the importance of all displaced persons being able to return home, and that such returns should be in safety and with dignity and in a voluntary and sustainable manner, and calling upon the international community urgently to take collective responsibility in handling forcibly displaced persons in the region,

Noting that the Independent Commission of Enquiry established by 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 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 the Myanmar security forces were involved, while regretting that the full report of the Commission at present remains unpublished,

Underlining the urgency of making greater efforts to fully implement the recommendations of the Advisory Commission on Rakhine State that remain relevant and of action to address the root causes of the crisis, including ending the persecution of and granting citizenship to Rohingya Muslims, freedom of movement, the elimination of systematic segregation and all forms of discrimination, and inclusive and equal access to health services and education, and birth registration, in full consultation with members of all ethnic minorities and persons in vulnerable situations, including Rohingya Muslims, including on matters of citizenship for Rohingya, and affirming the importance of the call by the Secretary-General in this regard,

Underscoring the need for the implementation of and subsequent follow-up to the status of implementation of the memorandum of understanding signed by Myanmar, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees on assistance in the repatriation process for all persons displaced from Rakhine State, including Rohingya Muslims, and calling upon Myanmar to grant United Nations agencies unfettered access to northern Rakhine State so that they can engage meaningfully with the process,

Alarmed at the continued influx to Bangladesh over the past four decades of more than 1.1 million Rohingya Muslims from Myanmar, with more than 902,000 currently living there, most of whom have arrived since 25 August 2017 in the aftermath of atrocities committed by the security and armed forces of Myanmar, as reported by multiple United Nations mechanisms,

Recognizing that other States members of the Organization of Islamic Cooperation, especially in South-East Asia, continue to host a large number of Rohingya Muslim refugees who have fled the crisis in Myanmar,

Noting with grave concern that, despite the unprecedented generosity of host countries and donors, the gap between needs and humanitarian funding continues to grow, and recalling in this context the need for equitable burden- and responsibility-sharing,

Underlining that the need for humanitarian assistance for the Rohingya has increased following Cyclone Mocha, and noting that the cyclone has had particular consequences on the living conditions of the Rohingya,

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, welcoming in this regard 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 Bhasan Char, and recognizing the extensive investments that the Government of Bangladesh has made in its Bhasan Char project, including in facilities and infrastructure,

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

Stressing the imperative that Myanmar make genuine efforts to address the situation in Rakhine State by creating conditions conducive to voluntary, safe and dignified repatriation in a sustainable manner, in accordance with its bilateral agreements with Bangladesh,

Acknowledging the importance of the initiatives to facilitate the right of all Rohingya refugees and forcibly displaced Rohingya Muslims to voluntarily return to their homeland in Myanmar in safety and with security and dignity,

Expressing deep concern that prolonged uncertainty over the repatriation has been leading Rohingya Muslims temporarily sheltered in Bangladesh to despair, and may be having spillover effects on regional peace and stability,

Noting the “go and see” visit, the first of its kind since the mass exodus of Rohingya back in 2017, by Rohingya themselves to Rakhine State to ascertain whether the situation in Rakhine State is conducive to return, and to identify challenges to return,

Underscoring the urgency of the implementation of the national strategy for the sustainable closure of camps for internally displaced persons in Myanmar, in full consultation with United Nations agencies, humanitarian and development actors and displaced persons, to ensure their voluntary, safe, dignified and sustainable return and resettlement in line with international standards and to guarantee non-discriminatory access to citizenship, the reassertion of those persons’ control over their original land and safety and security, freedom of movement, unimpeded access to livelihoods and essential services, including health services, education and shelter, and compensation for all losses,

Recalling that States have the primary responsibility to respect and protect human rights, and have the responsibility to comply with their relevant obligations to prosecute those responsible for crimes involving violations of international law, including international humanitarian law and international human rights law, and for abuses of human rights law, and to provide an effective remedy to any person whose rights have been violated, such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence, with a view to ending impunity and ensuring accountability and justice,

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

Welcoming the statement made by the Chairman of the Association of Southeast Asian Nations on the Leaders’ Meeting held in Jakarta on 24 April 2021, in which the Chairman, inter alia, encouraged the Secretary-General of the Association to continue to identify possible areas that could effectively facilitate the repatriation process for displaced persons from Rakhine State, while underscoring the importance of efforts to address the root causes of the situation in Rakhine State,

Acknowledging the efforts of the Organization of Islamic Cooperation, alongside relevant international efforts, aiming to bring peace and stability to Rakhine State and other states and regions of Myanmar, including through the work of the special envoy for Myanmar of the Secretary-General of the Organization of Islamic Cooperation,

1. *Expresses its grave concern* at continuing reports of serious human rights violations and abuses in Myanmar, in particular against Rohingya Muslims and other minorities, including those involving arbitrary arrests, deaths in detention, torture and other cruel, inhuman or degrading treatment or punishment, the deliberate killing and maiming of children, forced labour, the use of school buildings for military purposes, indiscriminate shelling in civilian areas, the destruction of places of worship, buildings, homes and civilian properties, socioeconomic exploitation, forced displacement, including the forced displacement of more than 1.5 million Rohingya and other minorities to Bangladesh and across the region, hate speech and incitement to hatred, and 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, of expression and of peaceful assembly, in particular in Rakhine, Chin, Kachin, Shan, Kayah and Kayin States and Sagaing, Magway and Mandalay regions;

2. *Expresses its concern* about those who were arbitrarily detained, charged or arrested during and in the aftermath of 1 February 2021;

3. *Calls for* engagement in a constructive and peaceful dialogue and reconciliation, in accordance with the will and interests of the people of Myanmar, including Rohingya Muslims and other ethnic minorities;

4. *Strongly condemns* all violations and abuses of human rights in Myanmar, including those related to and following the declaration of the state of emergency on 1 February 2021, and calls upon Myanmar to end immediately all violence and violations of international law in Myanmar, to ensure full protection of the human rights and fundamental freedoms of all persons in Myanmar, including Rohingya Muslims and other minorities, in an equal, non-discriminatory and dignified manner in order to prevent further instability and insecurity and alleviate suffering, to address the root causes of the crisis, including by repealing or reforming all discriminatory legislation, to forge a viable, lasting and durable solution to the crisis by ensuring repatriation, to take all measures necessary to provide justice to victims, and to ensure full accountability and end impunity for all violations of human rights by undertaking a full, transparent and independent investigation into reports of all violations of international human rights law and international humanitarian law;

5. *Reiterates* the importance of conducting international, independent, fair and transparent investigations into gross human rights violations and abuses in Myanmar, including those involving sexual and gender-based violence and abuses against women and children and alleged war crimes, and of holding accountable all those responsible for brutal acts and crimes against all persons, including Rohingya Muslims, in order to deliver justice to victims using all appropriate legal instruments and domestic, regional and international judicial mechanisms, including the International Court of Justice and the International Criminal Court, as applicable;

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

7. *Also welcomes* the order of the International Court of Justice on 22 July 2022, in which the preliminary objections of Myanmar challenging the court's jurisdiction in the case brought by the Gambia under the Convention on the Prevention and Punishment of the Crime of Genocide were rejected and the applications of the Gambia were found to be admissible;

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

9. *Stresses* the importance of strict enforcement of the ceasefire and the cessation of violence and restraint by Myanmar security and armed forces and other armed groups with a view to ensuring the safety, security and protection of civilians, including those who are displaced and willing to return;

10. *Calls for* the immediate cessation of fighting and hostilities, of the targeting of civilians and of all violations and abuses of international human rights law and international humanitarian law, and the implementation of an inclusive and comprehensive national political dialogue and nationwide reconciliation process while ensuring the full, effective and meaningful participation of all ethnic groups, including Rohingya Muslims and other minorities, women and young people, and persons with disabilities, as well as civil society and religious leaders, with the objective of achieving lasting peace, and also calls for a peaceful resolution through dialogue towards national unity;

11. *Calls upon* Myanmar to end immediately all violence and all violations of international law in the country, 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, and calls for the release of the report of the Independent Commission of Enquiry established in 2018 in full, or the sharing of its findings with relevant international mechanisms;

12. *Reiterates* its urgent call upon Myanmar to take the measures necessary to promote the inclusion, human rights and dignity of all people living in Myanmar, to address the spread of discrimination and prejudice, and to take credible steps to end legal and factual discrimination against ethnic and religious minorities, including Rohingya Muslims;

13. *Calls upon* Myanmar to combat incitement to hatred and hate speech against Rohingya Muslims and other minorities, online and offline, by publicly condemning such acts and enacting necessary anti-hate speech and crime laws, in accordance with international human rights law, and by promoting interfaith dialogue in cooperation with the international community, and encourages political, religious and community leaders in the country to work towards national unity through dialogue;

14. *Also calls upon* Myanmar to lift the shutdown of Internet and telecommunications services fully in all areas in Myanmar, including Rakhine State, and to repeal article 77 of the Telecommunications Act in order to avoid any further cutting of Internet and telecommunications access and the stifling of the rights to freedom of opinion and expression, including the freedom to seek, receive and impart information, in accordance with international human rights law;

15. *Further calls upon* Myanmar to protect the rights of all children, including Rohingya children, to acquire citizenship in order to eliminate statelessness, in accordance with the obligations of Myanmar under the Convention on the Rights of the Child, to ensure the protection of all children in armed conflict and to end the illegal recruitment and use of children in forced labour;

16. *Urges* 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 Special Envoy of the Secretary-General on Myanmar, the Independent Mechanism for Myanmar established by the Human Rights Council in its resolution 39/2, referred to by the Secretary-General as the Independent Investigative Mechanism for Myanmar in his terms of reference for the Mechanism, 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 without fear of reprisal, intimidation or attack, and expresses deep concern that international access to affected areas, including northern Rakhine State, remains severely restricted for the international community, including for United Nations agencies, humanitarian actors and international media;

17. *Welcomes* the work of the Independent Mechanism for Myanmar, established by the Human Rights Council in its resolution 39/2, to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, in particular in Rakhine, Kachin and Shan States, making use of the information handed over by the independent international fact-finding mission, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have, or may in the future have, jurisdiction over these crimes, in accordance with international law, and its reports submitted to the Human Rights Council;

18. *Calls for* close cooperation between the Independent Mechanism for Myanmar and any ongoing or future investigations pertaining to serious international crimes and violations of international law in Myanmar by national, regional or international courts or tribunals;

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

States, in particular those in the region, judicial authorities and private entities to fully cooperate with the Mechanism, including by granting it access, including access to witnesses where applicable, and by providing it with every assistance in the execution of its mandate;

20. *Reiterates* the importance of the implementation of the recommendations contained in the reports of the independent international fact-finding mission, and urges Myanmar and the international community to give due consideration in this regard;

21. *Also reiterates* the importance of the full implementation of all recommendations of the Advisory Commission on Rakhine State to address the root causes of the crisis, including those on the right to nationality and equal access to citizenship, 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 religious minorities and persons in vulnerable situations, including Rohingya Muslims, and with civil society;

22. *Calls upon* Myanmar to make serious 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, repealing and replacing the 1982 Citizenship Law, which has led to the deprivation of human rights; by ensuring everyone's right to a nationality and equal access of all people in Myanmar, in particular Rohingya Muslims, 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 the rights to freedom of movement and access to civil registration, health and education services and livelihoods;

23. *Expresses its deep concern* over the lack of progress by Myanmar in the implementation of the five-point consensus reached at the Leaders' Meeting of the Association of Southeast Asian Nations held in Jakarta on 24 April 2021, reiterates its urgent call upon Myanmar to fully, swiftly and effectively implement the five-point consensus to facilitate a peaceful solution through inclusive dialogue and the immediate cessation of violence in the interests of the people of Myanmar and their livelihoods, including of Rohingya Muslims and other ethnic minorities, to that end calls upon all stakeholders in Myanmar to cooperate with the Association and the special envoy of the Chairman of the Association, and expresses its support for these efforts;

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

25. *Recognizes* the work and engagement of the Special Envoy of the Secretary-General on Myanmar towards dialogue with Myanmar and all other relevant stakeholders, including civil society, and affected populations, such as Rohingya Muslims and other minorities in Myanmar, aimed at the early resolution of the crisis in Myanmar;

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

27. *Calls for* an immediate end to the reclassification of areas where Rohingya villages were previously located, and to the removal of the names of villages from official maps, potentially altering how the land may be used, and to stop, without delay, the construction of military facilities in those villages;

28. *Urges* Myanmar to take all measures necessary to reverse and abandon policies, directives and practices that marginalize Rohingya Muslims and other minorities, to prevent the destruction of places of worship, cemeteries, infrastructure and commercial or

residential buildings belonging to all people, to ensure that all displaced persons, including Rohingya Muslims and persons belonging to other minorities, in Rakhine State and throughout Myanmar, including the 128,000 Rohingya and Kaman Muslims who have been confined in camps in central Rakhine State since 2012, can return to their homes and properties with freedom of movement and unimpeded access to livelihoods and essential services, to review relevant laws and to address the root causes of their vulnerable situations and forced displacement;

29. *Calls upon* Myanmar to dismantle the camps for internally displaced persons in Rakhine State with a clear timeline, ensuring that the return or relocation of internally displaced persons is carried out in accordance with international standards and best practices, including those set forth in the Guiding Principles on Internal Displacement,⁶ in cooperation with the United Nations and the international community;

30. *Also calls upon* Myanmar, in line with the bilateral instruments on repatriation signed by Bangladesh and Myanmar, to take concrete steps towards the creation of an environment conducive to the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya Muslims and other minorities of Myanmar temporarily sheltering in Bangladesh, and to disseminate authentic information, in partnership with the United Nations and other relevant actors, on the conditions in Rakhine State in order to reasonably address the core concerns of Rohingya Muslims;

31. *Further calls upon* Myanmar to build trust among Rohingya Muslims in camps in Bangladesh for their return to Myanmar through confidence-building measures, including direct communication between Rohingya representatives and Myanmar authorities and by arranging “go and see” visits to Rakhine State by Rohingya representatives, and thereby encourage them to return to their places of origin in Myanmar;

32. *Urges* Myanmar to immediately commence the voluntary, safe, dignified and sustainable repatriation and subsequent reintegration of all forcibly displaced Rohingya Muslims and other minorities from Bangladesh, recalling the bilateral arrangement on the return of displaced persons from Rakhine State concluded between Bangladesh and Myanmar in November 2017, and of those residing in other host States, to Myanmar, including by extending full cooperation to the Government of Bangladesh and the United Nations, in particular the Office of the United Nations High Commissioner for Refugees and, as applicable, the Coordinating Centre for Humanitarian Assistance on Disaster Management of the Association of Southeast Asian Nations, with the assurance of providing returnees with freedom of movement and unimpeded access to livelihoods and social services, including health services, education and shelter, and compensating them for all losses;

33. *Calls upon* the United Nations and encourages other international agencies to provide all support necessary for the Government of Bangladesh and Myanmar to expedite the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya Muslims and other minorities from Myanmar, including internally displaced persons;

34. *Expresses grave concern* at the continuing restrictions on humanitarian access, in particular in Rakhine, Chin, Kachin, Shan, Kayah and Kayin States, as well as areas devastated by Cyclone Mocha, calls upon Myanmar to ensure full respect for international humanitarian law and to allow the full, safe and unhindered access of humanitarian personnel to all areas in Myanmar, and to provide humanitarian assistance, taking into account the vulnerable situation of women, children, older persons and persons with disabilities as well as the delivery of supplies and equipment, and to ensure the full protection, safety and security of humanitarian and medical personnel in order to allow such personnel to perform efficiently their tasks of assisting the affected civilian populations, including internally displaced persons, and encourages it to grant access to the diplomatic corps, independent observers and representatives of the national and international independent media, without fear of reprisals;

35. *Expresses concern* at the continued irregular maritime movement of Rohingya Muslims who risk their lives in perilous conditions at the hands of exploitative smugglers

⁶ E/CN.4/1998/53/Add.2, annex.

and human traffickers, which highlights their desperate situation and the urgent need to address the root causes of their plight, and calls upon the international community to effectively address such irregular maritime movements of Rohingya Muslims, in cooperation with the relevant United Nations agencies, and to ensure international burden- and responsibility-sharing, especially by the States parties to the Convention relating to the Status of Refugees;

36. *Calls upon* Myanmar to effectively address the root causes of human rights violations and abuses against ethnic minorities, including the Rohingya, in Rakhine State and 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, to date, not a single Rohingya has returned through a bilaterally set-up mechanism for repatriation between Bangladesh and Myanmar owing to the failure of Myanmar to create such conditions in Rakhine State;

37. *Encourages* the international community, in the true spirit of interdependence and equal burden- and responsibility-sharing, to continue to assist Bangladesh in the provision of humanitarian assistance to forcibly displaced Rohingya Muslims and other minorities until their return to Myanmar, and to assist Myanmar in the provision of humanitarian assistance to all affected persons of all communities displaced internally in Myanmar, including in Rakhine State, taking into account the vulnerable situation of women, children, older persons and persons with disabilities;

38. *Calls upon* States and other stakeholders that have not yet contributed to burden- and responsibility-sharing to do so with a view to broadening the support base, in a spirit of international solidarity and cooperation, and acknowledges and expresses appreciation for the efforts of the Government of Bangladesh to provide humanitarian assistance to the displaced Rohingya Muslims and other minorities thus far;

39. *Calls upon* the international community to continue to make adequate financial contributions for the forcibly displaced Rohingya temporarily sheltered in Bangladesh to avoid the irreversibility of the devastating impact of measures such as the ration reductions by the World Food Programme until the time that they return to Rakhine State;

40. *Urges* humanitarian partners to come forward to reduce the gap between the amounts pledged and the amounts received, notably under the joint response plan for the Rohingya humanitarian crisis, and to prioritize sectors covering basic necessities, such as food, health, site management and shelter, as part of their contributions;

41. *Calls upon* United Nations agencies and regional bodies to conduct extended humanitarian operations, and for full humanitarian access to be granted to all humanitarian actors in Rakhine State;

42. *Encourages* all business enterprises, including transnational corporations and domestic enterprises operating in Myanmar, to implement the Guiding Principles on Business and Human Rights;

43. *Requests* the United Nations High Commissioner for Human Rights to monitor and follow up on the implementation of the recommendations made by the independent international fact-finding mission, including those on accountability, and to continue to track progress in the situation of human rights in Myanmar, including of Rohingya Muslims and other minorities, with the support of specialist experts and in complementarity to the work of the Independent Mechanism for Myanmar and the reports of the Special Rapporteur, and to present an oral update to the Human Rights Council at its fifty-eighth session and a report at its fifty-ninth session, each to be followed by an interactive dialogue, and a report to the General Assembly at its seventy-ninth session;

44. *Calls upon* relevant United Nations bodies to continue to make concrete recommendations for action to resolve 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 in this regard;

45. *Decides* to remain seized of the matter on the basis of, inter alia, the reports of relevant United Nations mechanisms.

37th meeting
14 July 2023

[Adopted without a vote.]
