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## Seventy-sixth session

Agenda item 74 (c)

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

## Resolution adopted by the General Assembly on 16 December 2021

[*on the report of the Third Committee (A/76/462/Add.3, para. 34)*]

### 76/180. Situation of human rights of Rohingya Muslims and other minorities in Myanmar

*The General Assembly,*

*Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,<sup>1</sup> the International Covenants on Human Rights<sup>2</sup> and other relevant international law and human rights law instruments,*

*Recalling that States have the primary responsibility to respect, protect and fulfil human rights,*

*Recalling also its previous resolutions on the situation of human rights in Myanmar, the most recent of which being resolutions 75/287 of 18 June 2021, 75/238 of 31 December 2020, 74/246 of 27 December 2019, 73/264 of 22 December 2018 and 72/248 of 24 December 2017, and recalling the resolutions and decisions of the Human Rights Council, the most recent of which being resolutions 47/1 of 12 July 2021,<sup>3</sup> 46/21 of 24 March 2021,<sup>4</sup> S-29/1 of 12 February 2021,<sup>5</sup> 43/26 of 22 June 2020,<sup>6</sup> 42/3 of 26 September 2019,<sup>7</sup> 39/2 of 27 September 2018,<sup>8</sup> 37/32 of 23 March 2018<sup>9</sup>*

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<sup>1</sup> Resolution 217 A (III).

<sup>2</sup> Resolution 2200 A (XXI).

<sup>3</sup> *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 53 (A/76/53),* chap. VII, sect. A.

<sup>4</sup> *Ibid.*, chap. V, sect. A.

<sup>5</sup> *Ibid.*, chap. IV.

<sup>6</sup> *Ibid.*, *Seventy-fifth Session, Supplement No. 53 (A/75/53)*, chap. IV, sect. A.

<sup>7</sup> *Ibid.*, *Seventy-fourth Session, Supplement No. 53A (A/74/53/Add.1)*, chap. II.

<sup>8</sup> *Ibid.*, *Seventy-third Session, Supplement No. 53A (A/73/53/Add.1)*, chap. II.

<sup>9</sup> *Ibid.*, *Supplement No. 53 (A/73/53)*, chap. IV, sect. A.



and [S-27/1](#) of 5 December 2017,<sup>10</sup> the presidential statements issued by the Security Council on 6 November 2017<sup>11</sup> and 10 March 2021,<sup>12</sup> and the press statements of the Security Council on the situation in Myanmar of 9 May 2018,<sup>13</sup> 4 February 2021<sup>14</sup> and 1 and 30 April 2021, as well as Security Council resolution [2467 \(2019\)](#) of 23 April 2019,

*Expressing its grave concern* at all violations and abuses of human rights in Myanmar, including before and following the declaration of the state of emergency on 1 February 2021 and its later extension by two years,

*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 rebuild and strengthen democratic institutions and processes, to refrain from violence and arbitrary detentions and to respect fully human rights, fundamental freedoms and the rule of law,

*Welcoming* the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, while deeply regretting the non-cooperation of Myanmar with the mandate, and urging Myanmar to extend full cooperation to the Special Rapporteur,

*Welcoming also* the work of the Special Envoy of the Secretary-General on Myanmar,

*Welcoming further*, in this regard, the appointment of the new Special Envoy, and encouraging her engagement and inclusive dialogue with all relevant stakeholders, including civil society, and affected populations,

*Welcoming* the report of the United Nations High Commissioner for Human Rights on the root causes of the human rights violations and abuses Rohingya and other minorities in Myanmar are facing,<sup>15</sup> and reiterating the importance of fully implementing the recommendations contained in the report,

*Recalling* the work done by the independent international fact-finding mission on Myanmar, including its final report<sup>16</sup> and all its other reports, including the reports on the economic interests of the Myanmar military and on sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts, and furthermore deeply regretting the lack of cooperation of Myanmar with the fact-finding mission,

*Alarmed* by the findings of the independent international fact-finding mission on Myanmar of evidence of gross human rights violations and abuses suffered by Rohingya Muslims and other minorities, perpetrated by the security and armed forces of Myanmar, which, according to the fact-finding mission, undoubtedly amount to the gravest crimes under international law,

*Expressing deep concern* at the limited progress on 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,

*Concerned* that, contrary to the fact-finding mission's recommendations, laws, orders, policies and practices at all levels limiting freedoms of movement, expression,

<sup>10</sup> Ibid., chap. III.

<sup>11</sup> [S/PRST/2017/22](#); see *Resolutions and Decisions of the Security Council, 2017* ([S/INF/72](#)).

<sup>12</sup> [S/PRST/2021/5](#).

<sup>13</sup> SC/13331.

<sup>14</sup> SC/14430.

<sup>15</sup> [A/HRC/43/18](#).

<sup>16</sup> [A/HRC/42/50](#).

association and assembly, or which are discriminatory in their application or impact, have not been reviewed, amended or repealed,

*Welcoming* 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,

*Welcoming also* the reports of the Independent Mechanism for Myanmar, established by the Human Rights Council in its resolution [39/2](#), to the General Assembly, including the third report submitted to the General Assembly on 5 July 2021,<sup>17</sup> and expressing its regret at the continued lack of access for and cooperation with the Mechanism,

*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 situation of human rights in Myanmar,

*Recognizing also* the importance of the role of regional organizations in efforts to achieve pacific settlement of local disputes, as stipulated in Chapter VIII of the Charter, while noting that such efforts do not preclude action under Chapter VI of the Charter,

*Recognizing further* 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 Chair of the Association of Southeast Asian Nations at its Leaders' Meeting, held on 24 April 2021 in Jakarta,<sup>18</sup> in which the Chair, 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, noting that these conditions are currently not met, and underscoring the importance of efforts to address the root causes of the situation in Rakhine State, and of the five-point consensus,

*Acknowledging* the efforts of the Organization of Islamic Cooperation, alongside relevant international efforts, aimed at bringing peace and stability to Rakhine State and other states and regions of Myanmar, including through the work of its Secretary-General's special envoy for Myanmar,

*Welcoming* the report of the Secretary-General,<sup>19</sup>

<sup>17</sup> [A/HRC/48/18](#).

<sup>18</sup> [A/75/868](#), annex.

<sup>19</sup> [A/76/312](#).

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

*Noting* that the International Criminal Court has authorized its Prosecutor to investigate alleged crimes within the Court's jurisdiction related to the situation in Bangladesh/Myanmar,

*Welcoming* the order of the International Court of Justice of 23 January 2020 indicating 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,<sup>20</sup> 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 taking note that Myanmar submitted two reports in response to the Court's order in May and November 2020, and measures adopted in this regard,

*Noting* the publication of the executive summary of the report of the Independent Commission of Enquiry established by Myanmar in 2018, which, notwithstanding its limitations, acknowledges that war crimes, serious human rights violations and violations of domestic law had been committed by multiple actors and that there were reasonable grounds to believe that members of Myanmar security forces were involved, and regretting that the full report of the Commission at present remains unpublished,

*Condemning* all violations and abuses of human rights in Myanmar, including against Rohingya Muslims and other minorities, as well as the use of excessive force and violence by the Myanmar armed forces, including torture and sexual violence, which has led to injuries and fatalities in many cases, against peaceful demonstrators, as well as members of civil society, women, young people, children, minorities and others, and expressing its deep concern at undue restrictions to the activities of medical personnel, all other representatives of civil society, labour union members, journalists and media workers, and calling for the immediate release of all those detained arbitrarily, including foreign nationals,

*Reiterating its deep concern* at the excessive use of force by Myanmar security and armed forces, taking place in most states and regions, the continuing forced displacement of civilians, including of minorities, the recruitment and use of children, abductions, arbitrary detentions and killings, and the use of facilities functioning as schools for military purposes and for committing crimes, as well as reports of violations and abuses of human rights, including those involving the use of landmines, making conditions in Rakhine State unsuitable for the voluntary, safe, dignified and sustainable return of all refugees and forcibly displaced persons, including Rohingya,

*Reiterating* the urgent need to ensure that all those responsible for crimes related to violations and abuses of international law throughout Myanmar, including international human rights law, international humanitarian law and international criminal law, are held to account through credible and independent national, regional or international justice mechanisms, while recalling the authority of the Security Council in this regard,

*Expressing deep concern* that, in Rakhine, 600,000 stateless Rohingya Muslims remain largely segregated and discriminated against in accessing citizenship and other fundamental rights, a large number of whom remain confined in camps with no

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<sup>20</sup> Resolution 260 A (III), annex.

freedom of movement and grossly restricted access to basic services, including health care and education, as well as livelihoods,

*Expressing its concern* that Rohingya Muslims and other minorities, in particular women and girls, remain at significant risk of sexual violence, notably following the conflict between the security and armed forces and the Arakan Army,

*Expressing its deep concern* at the reports of violence by the security and armed forces, which has disproportionately affected the Rohingya civilians and other minorities in Myanmar, where schools, religious sites and homes have been targeted,

*Reiterating its deep concern* at the escalating violence and the continuing forced displacement of civilians, as well as violations and abuses of human rights against Rohingya Muslims and other minorities, thus making conditions unsuitable for the voluntary, safe, dignified and sustainable return of all refugees and forcibly displaced persons to Myanmar, including Rohingya Muslims,

*Continuing to underline* the 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 the violence, including sexual violence, and calling for urgent steps to ensure justice in respect of all human rights violations and violations of international humanitarian law so that those displaced by violence are able to voluntarily return in safety and dignity to their places of origin or to a place of their choice in a sustainable manner,

*Alarmed* at the continued attacks on humanitarian actors and the lack of access, and calling for all sides to abide by international law in this matter,

*Expressing its deep concern* at the lack of access given to the International Committee of the Red Cross to prisons, which has grave consequences on the ability of families to be informed about the health and conditions of prisoners, as well as on prisoners' access to medicine,

*Reiterating its deep distress* at reports that unarmed individuals in Rakhine State have been subjected to the excessive use of force and violations of human rights and international humanitarian law by the military and security and armed forces, including extrajudicial, summary or arbitrary killings, systematic rape and other forms of sexual and gender-based violence, arbitrary detention, enforced disappearance and government seizure of Rohingya lands from which Rohingya Muslims were evicted and their homes destroyed, and remaining concerned by the previous large-scale destruction of homes and systematic evictions in northern Rakhine State, including the use of arson and violence, as well as the unlawful use of force by non-State actors,

*Expressing concern* that, in northern Rakhine State, the implementation of policies under the guise of economic development and reconstruction by Myanmar and the heavy militarization of the area have resulted in the alteration of the demographic structure, which further prevents the members of the displaced Rohingya Muslim population from returning to Rakhine State,

*Recalling* the Secretary-General's call for a cessation of hostilities, as supported by Security Council resolution [2532 \(2020\)](#) of 1 July 2020, while stressing the need for continued de-escalation and an enduring ceasefire throughout the whole country, best achieved by dialogue between all parties,

*Recalling also* the organization of the fourth session of the Union Peace Conference in August 2020, and underlining its relevance for inclusive State- and nation-building,

*Reiterating its grave concern* that, in spite of the fact that Rohingya Muslims have lived in Myanmar for generations prior to the independence of Myanmar, held full documentation and participated actively in government and civic life, they were made stateless by the enactment of the 1982 Citizenship Law and were eventually disenfranchised, from 2015, from the electoral process,

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

*Re-emphasizing* the right of all refugees and the importance of internally displaced persons to be able to return home and that such returns should be in safety and dignity and in a voluntary and sustainable manner, and reminding the international community of its collective responsibility in handling forcibly displaced persons in the region,

*Expressing concern* at the irregular maritime movement of Rohingya, risking their lives in perilous conditions at the hands of exploitative smugglers, which highlights their desperate situation and the urgent need to address the root causes of their vulnerability,

*Alarmed* by the continued influx to Bangladesh over the last four decades of 1.1 million Rohingya Muslims from Myanmar, including over 902,000 currently living there, most of whom arrived since 25 August 2017 in the aftermath of atrocities committed by the security and armed forces of Myanmar,

*Recalling* the bilateral arrangement of return concluded between the Government of Bangladesh and the Government of Myanmar on 23 November 2017 in Nay Pyi Taw and the formation of the 30-member joint working group on 19 December 2017 to facilitate the repatriation of displaced Rohingyas to Myanmar, and regretting that no repatriation could commence under the arrangement owing to the lack of a conducive environment in Rakhine State,

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

*Reiterating its deep concern* over the continued spread of false news, hate speech and inflammatory rhetoric, in particular through social media, notably targeting Rohingya Muslims and other minorities,

*Reiterating its deep concern also* at the restrictions and attacks on civil society, journalists and media workers, including restrictions on seeking, receiving and imparting information, including Internet shutdowns in Myanmar, that may also exacerbate further the plight of Rohingya Muslims and other minorities,

*Underlining* the importance of the call by the Secretary-General for increased efforts to implement the recommendations of the Advisory Commission on Rakhine State, to address the root causes of the crisis, including those on access to citizenship for Rohingya, freedom of movement, the elimination of systematic segregation and all forms of discrimination, and inclusive and equal access to health services and education, and birth registration, in full consultation with members of all ethnic and minority groups and persons in vulnerable situations, including on matters of citizenship for Rohingya,

*Recalling* the commitment of the Secretary-General to implementing the recommendations made by the independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018,

*Expressing its concern* that recent developments since 1 February 2021 pose serious challenges to the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya Muslims and all internally displaced persons, and 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 force that would lead to further displacement of Rohingya Muslims and other minorities, both internally and across borders,

*Underlining* the need for a peaceful solution for Myanmar, through an inclusive and peaceful dialogue between all parties, in accordance with the will and interests of the people of Myanmar,

*Stressing* the importance of ensuring equal opportunity for the representation and the full, equal and meaningful participation of Rohingya, other minorities and internally displaced persons, candidates and voters in all general elections, and that all people of Myanmar are able to cast their vote, allowing all candidates to contest elections fairly,

*Welcoming* the conclusions on children and armed conflict in Myanmar of the Working Group on Children and Armed Conflict of the Security Council,<sup>21</sup> and noting the concerns expressed by the Working Group about the grave violations committed against children and the concern about children and armed conflict in Myanmar expressed by the Secretary-General in his report,

*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 recently concluded 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 Rohingyas relocated to Bhashan Char, and recognizing the extensive investments that the Government of Bangladesh has made in its Bhasan Char project, including in the facilities and infrastructure,

*Welcoming* the statements made by the Chair of the Association of Southeast Asian Nations on 1 February and 2 March 2021, in which the Chair recalled the purposes and principles of the Charter of the Association, notably the principle of democracy, adherence to the rule of law, good governance and respect for and protection of human rights and fundamental freedoms, and called upon all parties to exercise utmost restraint and seek a peaceful solution through constructive dialogue and practical reconciliation in the interests of the people and their livelihoods,

*Welcoming also* the humanitarian assessments undertaken in northern Rakhine State by the Association of Southeast Asian Nations through its Coordinating Centre for Humanitarian Assistance on Disaster Management in May 2019, and the establishment of its ad hoc support team to implement the recommendations of the preliminary needs assessment of repatriation conditions in Rakhine State, and recognizing the need for closer engagement with the Rohingya refugee community, while encouraging close cooperation with all relevant United Nations agencies and international partners, and the need to address the root causes of the conflict, so that affected communities can rebuild their lives there,

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<sup>21</sup> S/AC.51/2019/2.

*Noting with concern* the exacerbation of the existing humanitarian situation and the negative impact on the human rights situation in Myanmar, including access to education, following the global coronavirus disease (COVID-19) pandemic, and the declaration of the state of emergency on 1 February 2021, and stressing that measures to address the COVID-19 pandemic must be targeted, necessary, transparent, non-discriminatory, time-bound, proportionate and in accordance with obligations under applicable international human rights law,

*Emphasizing* the importance of timely, equitable and unhindered access to safe, affordable, effective and quality medicines, vaccines, diagnostics and therapeutics and other health-care products and technologies necessary to ensure an adequate and effective response to the COVID-19 pandemic, including for persons in the most vulnerable situations, those affected or displaced by armed conflicts in the country and persons belonging to minorities, such as the Rohingya,

1. *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 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 forced labour, attacks on schools and hospitals and protected persons in relation to schools and/or hospitals, indiscriminate shelling in civilian areas, destruction and burning of homes, deprivation of economic and social rights, the forced displacement of over 902,000 Rohingya and other minorities to Bangladesh, rape, sexual slavery and other forms of sexual and gender-based violence, as well as restrictions on exercising the rights to freedom of religion or belief, expression and peaceful assembly, and restrictions on media freedom and full Internet access and other restrictions;

2. *Strongly condemns* all violations and abuses of human rights in Myanmar, including related to and following the declaration of the state of emergency on 1 February 2021, and emphasizes the importance of conducting international, independent, fair and transparent investigations into the gross human rights violations in Myanmar, including sexual and gender-based violence and violations and abuses against women and children, and of holding accountable all those responsible for brutal acts and crimes against all persons, including Rohingya, in order to deliver justice to victims using all legal instruments and domestic, regional and international judicial mechanisms, including the International Court of Justice and the International Criminal Court, as applicable;

3. *Calls upon* the security and armed forces of Myanmar to respect the democratic aspirations of the people of Myanmar and allow the democratic transition, to end violence, to fully respect human rights, fundamental freedoms and the rule of law, and to end the state of emergency declared on 1 February 2021;

4. *Calls upon* the security and armed forces of Myanmar and other armed groups to heed the Secretary-General's calls for a global ceasefire and end all hostilities and violence, and calls for the immediate release of all those detained arbitrarily, including foreign nationals;

5. *Takes note* of the order of the International Court of Justice of 23 January 2020 indicating 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 ensure the preservation of evidence and to report to the Court as ordered on all measures taken to give effect to the order;

6. *Expresses grave concern* about the ongoing restrictions on humanitarian access in all conflict areas, including in Rakhine and Chin States, as well as the limited steps taken to ensure access to health care for Rohingya, particularly in the time of COVID-19, and urges the granting of full, unrestricted and safe 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 United Nations country task force on monitoring and reporting grave violations committed against children, the Independent Mechanism for Myanmar, established by the Human Rights Council in its resolution [39/2](#), and relevant United Nations agencies and international and regional human rights bodies to independently monitor the situation of human rights and to ensure that individuals can cooperate without hindrance with these mechanisms and without fear of reprisal, intimidation or attack, and expresses deep concern that international access to affected areas of northern Rakhine State and other areas affected by violence remains severely restricted for the international community, including for United Nations agencies, humanitarian actors and international media;

7. *Calls upon* the United Nations to ensure that the Independent Mechanism for Myanmar, as established by the Human Rights Council in its resolution [39/2](#), 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, Member States, judicial authorities and private entities to cooperate fully with the Mechanism, including by granting it access and by providing it with every assistance in the execution of its mandate;

8. *Expresses grave concern* at the potential retraumatization of survivors of human rights violations and abuses, particularly child survivors and sexual violence survivors, and calls upon all actors engaging in documentation to follow the “do no harm” principle for evidence-gathering in order to respect the dignity of survivors and to avoid retraumatization, and calls for fully addressing the needs of victims and survivors and their right to effective remedy, including through prompt, effective and independent casualty recording and guarantees of non-recurrence;

9. *Reiterates* the urgent call upon Myanmar:

(a) To end immediately all violence and all violations of international law in Myanmar, to ensure the protection of the human rights of all persons in Myanmar, including of Rohingya 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 to share its findings with relevant international mechanisms;

(b) To ensure through concrete actions the voluntary, safe, dignified and sustainable return and reintegration of Rohingya Muslims in Myanmar;

(c) To engage in inclusive, constructive and peaceful dialogue and reconciliation, in accordance with the will and interests of the people of Myanmar, including Rohingya Muslims and other minorities;

(d) 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 not a single Rohingya so far 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;

(e) To build trust among Rohingya Muslims in camps in Bangladesh through confidence-building measures, including by arranging “go and see” visits to Rakhine State by Rohingya representatives;

(f) 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, alleviate suffering, address the root causes of the crisis, including by repealing or reforming discriminatory legislation, and forge a viable, lasting and durable solution;

(g) To fulfil its human rights obligations and commitments to protect the right to freedom of expression, including online, and the rights to freedom of association and peaceful assembly, to create and maintain a safe and enabling environment for civil society and independent media;

(h) To take the measures necessary to address the spread of discrimination and prejudice and to combat the incitement of hatred against Rohingya Muslims and persons belonging to other minorities, and to publicly condemn such acts and combat hate speech, while fully respecting international human rights law, as well as to promote interfaith dialogue in cooperation with the international community and encourage political and religious leaders in the country to work towards reconciliation among communities and national unity through dialogue, and to implement the Peacebuilding Fund project to address hate speech;

(i) To ensure an inclusive COVID-19 response, including through universal vaccination, to protect all persons and communities, in line with international humanitarian law and human rights law, including the Rohingya Muslims and other minorities;

(j) To expedite efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of all minorities, in particular relating to Rohingya Muslims, by, *inter alia*, reviewing and reforming the 1982 Citizenship Law, which has led to deprivation of human rights, by ensuring equal access to full citizenship through a transparent, voluntary and accessible procedure and to all civil and political rights, by allowing for self-identification, by amending or repealing all discriminatory legislation and policies, including discriminatory provisions of the set of “protection of race and religion laws” enacted in 2015 covering religious conversion, interfaith marriage, monogamy and population control, and by lifting all local orders restricting rights to freedom of movement and access to civil registration, health and education services and livelihoods;

(k) To dismantle the camps for internally displaced persons in Rakhine State with a clear timeline and without further delay, ensuring that the return and relocation of internally displaced persons is carried out in accordance with international standards and best practices, in cooperation with the United Nations and the international community, including as set forth in the Guiding Principles on Internal Displacement;<sup>22</sup>

(l) To accelerate full implementation of all the recommendations of the Advisory Commission on Rakhine State to address the root causes of the crisis;

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<sup>22</sup> E/CN.4/1998/53/Add.2, annex.

- (m) To ensure that Rohingya, other minorities and internally displaced persons have an equal opportunity for representation and the full, equal and meaningful participation as candidates and voters in all general elections;
  - (n) To end and prevent the recruitment and use of children by all armed forces, including by the security and armed forces, and to address protection gaps by engaging with the task force on monitoring and reporting violations committed against children, notably by developing a joint action plan on killing and maiming and rape and other forms of sexual violence committed against children;
  - (o) To cooperate and engage meaningfully with the Special Rapporteur on the situation of human rights in Myanmar, the Independent Mechanism and other United Nations mandate holders and mechanisms working on Myanmar, including by facilitating visits and granting unrestricted access throughout the country;
  - (p) To cooperate and engage meaningfully with the Special Envoy of the Secretary-General on Myanmar, including by facilitating an immediate and unconditional visit to Myanmar;
  - (q) To swiftly implement the five-point consensus reached at the Leaders' Meeting of the Association of Southeast Asian Nations held on 24 April 2021 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, and expresses its support for these efforts;
  - (r) To take concrete steps to strengthen institution-building and structural reforms to uphold the rule of law, human rights and democratic principles, through a participatory and inclusive approach, including efforts to ensure the independence of the judiciary, and by reforming the security sector to enhance civilian control;
  - (s) To conduct independent, impartial and thorough investigations into all allegations of violations of international humanitarian law, including into conduct that may constitute war crimes and crimes against humanity in Rakhine and Chin States, crimes of sexual violence and allegations of human rights violations, and ensure that the perpetrators are brought to justice through transparent and credible processes;
  - (t) To continue to ensure access to COVID-19 pandemic-related information, supplies and health-care services to all, in a targeted, necessary, transparent, non-discriminatory, time-bound, proportionate manner and in accordance with obligations under applicable international human rights law;
10. *Underscores* the importance of providing protection and assistance, including non-discriminatory access to services such as medical and psychosocial care, specifically tailored to women and girls, especially those who are victims of sexual and gender-based violence and human trafficking;
11. *Reiterates its deep concern* at the continued plight of Rohingya and forcibly displaced persons living in Bangladesh and in other countries, and appreciates the commitment by the Government of Bangladesh to provide temporary shelter, humanitarian assistance and protection to them;
12. *Commends* the Government of Bangladesh for containing the spread of the COVID-19 virus in the Rohingya camps effectively since the beginning of the pandemic and avoiding loss of life with the support of all relevant national and international partners, including the host community, and for including Rohingya in the national vaccination drive;
13. *Encourages* Myanmar to continue to work with Bangladesh, in line with the bilateral instruments on repatriation signed by Bangladesh and Myanmar, in order

to expedite the creation of a conducive environment for the voluntary, safe, dignified and sustainable return of the forcibly displaced Rohingya in Bangladesh, with the full support and meaningful involvement of the international community, including the United Nations and its funds, programmes and agencies, and stresses the importance of meaningfully engaging with civil society;

14. *Recognizes with appreciation* the assistance and support of the international community, including regional organizations, in particular the Association of Southeast Asian Nations, and the countries neighbouring Myanmar;

15. *Calls upon* the international community to effectively address irregular maritime movements of Rohingya, in cooperation with the relevant United Nations agencies, as well as ensure international burden- and responsibility-sharing, especially by the States parties to the 1951 Convention relating to the Status of Refugees;<sup>23</sup>

16. *Calls for* the renewal of the memorandum of understanding with the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees to associate them to the implementation of bilateral arrangements with Bangladesh on the return of displaced persons from Rakhine State, and emphasizes the need for Myanmar to continue to cooperate fully with the Government of Bangladesh and with the United Nations, in particular the Office of the United Nations High Commissioner for Refugees, and in consultation with the populations concerned to enable the safe, voluntary, dignified, sustainable and well-informed return of all refugees and forcibly displaced persons and internally displaced persons to their places of origin in Myanmar, and to give returnees freedom of movement and unimpeded access to livelihoods, social services, including health services, education and shelter, and to compensate them for all losses;

17. *Also calls for* the prompt implementation of the memorandum of understanding signed by the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme with Myanmar, upon its possible renewal, to support the creation of conditions for the return of refugees from Bangladesh;

18. *Underlines* the urgent need for the expansion of the pilot projects by the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees under which the internally displaced Rohingya, living under difficult conditions in northern Rakhine State, can return to their original house plots and their communities can receive multisectoral assistance;

19. *Encourages* the international community to (a) assist Bangladesh in providing humanitarian assistance to Rohingya refugees and forcibly displaced persons until such time as they are voluntarily repatriated to Myanmar in safety and dignity; and (b) assist in the provision of humanitarian assistance in Myanmar to affected persons of all communities including those who have been internally displaced as well as those in camps for internally displaced persons within Rakhine State;

20. *Urges* the international community to support the 2021 joint response plan for the Rohingya humanitarian crisis to ensure adequate resources for addressing the humanitarian crisis;

21. *Encourages* all business enterprises, including transnational corporations and domestic enterprises operating in Myanmar, to respect human rights in accordance with the Guiding Principles on Business and Human Rights<sup>24</sup> and the

<sup>23</sup> United Nations, *Treaty Series*, vol. 189, No. 2545.

<sup>24</sup> A/HRC/17/31, annex.

recommendations made by the independent international fact-finding mission in its report on the economic interests of the Myanmar military;

22. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions relating to Myanmar, involving all relevant stakeholders, and to offer assistance to Myanmar;

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

(c) To provide all assistance necessary to enable the Special Envoy on Myanmar to effectively discharge her mandate and to report to Member States every six months, or as warranted by the situation on the ground, including through a workplan for the Special Envoy's work in Myanmar;

(d) To identify ways in which the existing mandates can more effectively deliver in their respective areas of responsibility concerning Myanmar and can complement each other's work through enhanced coordination;

(e) To ensure that all in-country programmes incorporate a human rights-based approach and undergo due diligence processes;

(f) To call the continued attention of the Security Council to the situation in Myanmar with concrete recommendations for action towards resolving the humanitarian crisis, promoting the safe, dignified, voluntary and sustainable return of Rohingya refugees and forcibly displaced persons and ensuring accountability for those responsible for mass atrocities and human rights violations and abuses;

(g) To support the implementation of the recommendations of the independent international fact-finding mission on Myanmar and assist the work of the ongoing Independent Mechanism;

(h) To fully implement the recommendations contained in the report of the independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018;

(i) To support, upon its possible renewal, the implementation of the memorandum of understanding signed between Myanmar and the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme and to include a part dedicated to the implementation of the memorandum of understanding in his annual report;

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

24. *Decides* to remain seized of the matter, *inter alia*, on the basis of the reports of the Secretary-General, the independent international fact-finding mission on Myanmar, the Independent Mechanism, the Special Rapporteur on the situation of human rights in Myanmar and the Special Envoy of the Secretary-General on Myanmar.

53rd plenary meeting  
16 December 2021