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

Resolution adopted by the General Assembly on 31 December 2020

[*on the report of the Third Committee (A/75/478/Add.3, para. 39)*]

75/238. Situation of human rights of Rohingya Muslims and other minorities in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,¹ the International Covenants on Human Rights² and other relevant international law and human rights law instruments,

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

Reaffirming its previous resolutions on the situation of human rights in Myanmar, the most recent of which being resolutions 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 43/26 of 22 June 2020,³ 42/3 of 26 September 2019,⁴ 39/2 of 27 September 2018,⁵ 37/32 of 23 March 2018⁶ and S-27/1 of 5 December 2017,⁷ the presidential statement issued by the Security Council on 6 November 2017⁸ and the

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI).

³ *Official Records of the General Assembly, Seventy-fifth Session, Supplement No. 53 (A/75/53), chap. IV, sect. A.*

⁴ *Ibid., Seventy-fourth Session, Supplement No. 53A (A/74/53/Add.1), chap. II.*

⁵ *Ibid., Seventy-third Session, Supplement No. 53A (A/73/53/Add.1), chap. II.*

⁶ *Ibid., Supplement No. 53 (A/73/53), chap. IV, sect. A.*

⁷ *Ibid., chap. III.*

⁸ S/PRST/2017/22; see *Resolutions and Decisions of the Security Council, 2017* (S/INF/72).



Security Council press statement of 9 May 2018,⁹ as well as Security Council resolution [2467 \(2019\)](#) of 23 April 2019,

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

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

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

Welcoming the work done by the independent international fact-finding mission on Myanmar, including its final report¹⁰ 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 the Government 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 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 of Government limiting freedoms of movement, expression, 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 second report of the Independent Mechanism for Myanmar, established by the Human Rights Council in its resolution [39/2](#), to the General Assembly,¹¹

⁹ SC/13331.

¹⁰ [A/HRC/42/50](#).

¹¹ [A/HRC/45/60](#).

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,

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

Welcoming the report of the Secretary-General,¹²

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,¹³ 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 its report in response to the Court's order on 22 May 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 the Government of 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,

Condemning all violations and abuses of human rights in Myanmar, including against Rohingya Muslims and other minorities, in particular in Rakhine, Chin, Kachin and Shan States, and expressing deep concern at the reports of ongoing human rights violations, as also noted by the United Nations High Commissioner for Human Rights,

Reiterating its deep concern at the violence between the Myanmar armed forces and the Arakan Army in Rakhine and Chin States, the continuing forced displacement of civilians, including of ethnic 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 unsuitable for the voluntary, safe, dignified and sustainable return of all refugees and forcibly displaced persons, including Rohingya,

¹² A/75/295.

¹³ Resolution 260 A (III), annex.

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 at the reports of violence by the Tatmadaw, which disproportionately affects the Rohingya civilians in Rakhine State, where schools, religious sites and homes have been targeted,

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 calling for all sides to abide by international law in this matter,

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

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

Recalling the Secretary-General's call for a global ceasefire, as supported by Security Council resolution [2532 \(2020\)](#) of 1 July 2020, and regretting that the Myanmar armed forces and the Arakan Army have not succeeded to date in establishing a bilateral ceasefire in conflict areas in Rakhine and Chin States, while stressing the need for continued de-escalation and an enduring ceasefire throughout the whole country, best achieved by dialogue between all parties, and encouraging them to announce a new ceasefire,

Welcoming the organization of the fourth session of the Union Peace Conference in August 2020, while calling upon the Government of Myanmar and non-State armed groups to accelerate progress in the peace process,

Reiterating its grave concern that, in spite of the fact that Rohingya Muslims 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 being able to return home and that such returns should be in safety and dignity and in a voluntary and sustainable manner,

Expressing concern at the recent increase in 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 plight,

Alarmed by the continued influx to Bangladesh over the last four decades of 1.1 million Rohingya Muslims from Myanmar, including the 860,000 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,

Noting the extension for one year of the memorandum of understanding between Myanmar and the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees on assistance in the repatriation process of displaced persons from Rakhine State, and calling upon Myanmar to grant United Nations agencies unfettered access to northern Rakhine State so that they can carry out this assistance,

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

Reiterating its deep concern over the continued spread of false news, hate speech and inflammatory rhetoric, in particular through social media, not fully addressed by the authorities of Myanmar,

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

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

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

Inviting the Government of Myanmar to learn from the challenges of holding the 2020 election and create an ongoing system to ensure free, fair, credible, inclusive and transparent elections, ensuring equal opportunity for the representation and the full, equal and meaningful participation of the Rohingya, other minorities and internally displaced persons, candidates and voters and that all people of Myanmar are able to cast their vote, allowing all candidates to contest elections fairly,

Welcoming the dialogue between the Government of Myanmar and the United Nations on addressing children and armed conflict as well as conflict-related sexual and gender-based violence in Myanmar, and the Myanmar National Human Rights Commission Strategic Plan (2020–2024),

Welcoming also the establishment by the Government of Myanmar of a committee for the prevention of grave violations against children in armed conflict, looking forward to its concrete results, including the development of a joint action plan to end and prevent further killing and maiming of children and rape and other forms of sexual violence against children, and welcoming the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,¹⁴ and calling all parties to end violations against children in armed conflict,

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

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, 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,

Recognizing the efforts of the Government of Myanmar to contain the spread of the COVID-19 virus and to balance the severe socioeconomic effects of the pandemic by setting up a COVID-19 economic relief plan and providing financial assistance to people especially affected by the crisis, while expressing its concern that the capacity of humanitarian and development actors to implement their programmes has been significantly reduced at a time when vulnerable parts of the population are in particular need of assistance and that, therefore, resources may be shifted away from Myanmar, and stressing the need to ensure access to COVID-19-related information, supplies and medical services,

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 against Rohingya and other minorities, in particular in Kachin, Rakhine, southern Chin and Shan States, 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, indiscriminate shelling in civilian areas, destruction and burning of homes, deprivation of economic and social rights, the forced displacement of over 860,000 Rohingya and other minorities to

¹⁴ United Nations, *Treaty Series*, vol. 2173, No. 27531.

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, 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 and other armed groups, in particular in Rakhine, Chin and Shan States, to heed the Secretary-General's calls for a global ceasefire, end all hostilities and address grievances through political dialogue;

4. *Takes note* of the order of the International Court of Justice of 23 January 2020 indicating provisional measures, and urges the Government of 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;

5. *Expresses grave concern* about the ongoing restrictions on humanitarian access in all conflict areas, in particular in Rakhine and Chin States, as well as the limited steps taken to ensure access to health care for the Rohingya, particularly in the time of COVID-19, and urges the Government of Myanmar to cooperate fully with and to grant full, unrestricted and unmonitored access to all United Nations mandate holders and human rights mechanisms, including the Special Rapporteur on the situation of human rights in Myanmar, the 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 remains severely restricted for the international community, including for United Nations agencies, humanitarian actors and international media;

6. *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;

7. *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 upon Myanmar to fully address 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;

8. *Reiterates the urgent call upon the Government of 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 upon the President of Myanmar to release the report of the Independent Commission of Enquiry established by the Government of Myanmar in 2018 in full or to share its findings with relevant international mechanisms;

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

(c) 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 the Government of Myanmar to create such conditions in Rakhine State;

(d) To build trust among Rohingya Muslims in camps in Bangladesh through confidence-building measures, including direct communication between the Rohingya representatives and the Myanmar authorities and by arranging “go and see” visits to Rakhine State by Rohingya representatives;

(e) 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;

(f) 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;

(g) 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;

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

- (i) To expedite efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, in particular relating to Rohingya Muslims, by, inter alia, reviewing 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;
- (j) 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;¹⁵
- (k) To accelerate full implementation of all the recommendations of the Advisory Commission on Rakhine State to address the root causes of the crisis;
- (l) To establish an ongoing system to ensure the conduct of free, fair, credible, inclusive and transparent general elections that enables unimpeded participation of all irrespective of ethnic or religious identity or status, including Rohingya Muslims and other minorities;
- (m) To continue its collaboration with the United Nations to implement the remaining gaps in the joint action plan to end and prevent the recruitment and use of children by all armed forces, including by the Tatmadaw, and to address protection gaps by engaging with the task force on monitoring and reporting grave violations committed against children to develop a joint action plan on killing and maiming and rape and other forms of sexual violence committed against children, while taking note of the ratification by Myanmar of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- (n) To cooperate and engage meaningfully with the newly appointed 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;
- (o) 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;
- (p) 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;
- (q) To continue to ensure access to COVID-19 pandemic-related information, supplies and health-care services to all, in a targeted, necessary, transparent,

¹⁵ E/CN.4/1998/53/Add.2, annex.

non-discriminatory, time-bound, proportionate manner and in accordance with obligations under applicable international human rights law;

9. *Encourages* the Government of Myanmar to consider acceding to international human rights conventions;

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;

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, and calls upon the international community to continue to support the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of its democratic transition process, inclusive socioeconomic development and sustainable peace, as well as its national reconciliation process involving all relevant stakeholders;

15. *Calls upon* the international community to effectively address increasing 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;¹⁶

16. *Welcomes* the recent extension for one year of the memorandum of understanding between the Government of Myanmar, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees to associate them to the implementation of bilateral arrangements with Bangladesh on the return of displaced persons from Rakhine State, and emphasizes the need for the Government of Myanmar to continue to cooperate fully with the Government of Bangladesh and with the United Nations, in particular the Office of the United Nations High Commissioner for Refugees, and in consultation with the populations concerned to enable the safe, voluntary, dignified, sustainable and well-informed return of all refugees and forcibly displaced persons and internally displaced persons to their places of origin in Myanmar, and to give returnees freedom of

¹⁶ United Nations, *Treaty Series*, vol. 189, No. 2545.

movement and unimpeded access to livelihoods, social services, including health services, education and shelter, and to compensate them for all losses;

17. *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 the Government of Myanmar in 2018, as extended in 2019 and 2020, to support the creation of conditions for the return of refugees from Bangladesh;

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

19. *Urges* the international community to support the 2020 joint response plan for the Rohingya humanitarian crisis to ensure adequate resources for addressing the humanitarian crisis;

20. *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 Rights¹⁷ and the recommendations made by the independent international fact-finding mission in its report on the economic interests of the Myanmar military;

21. *Requests* the Secretary-General:

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

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

(c) To provide all assistance necessary to enable the Special Envoy on Myanmar to effectively discharge her mandate and to report to Member States every six months, or as warranted by the situation on the ground;

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

(e) To 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 assisting the work of the ongoing Independent Mechanism;

¹⁷ A/HRC/17/31, annex.

(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;

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

23. *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.

*48th (resumed) plenary meeting
31 December 2020*
