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Agenda item 4

Human rights situations that require the Council's attention

Resolution adopted by the Human Rights Council on 24 March 2021

46/21. Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming all relevant Human Rights Council and General Assembly resolutions and decisions on the situation of human rights in Myanmar, the most recent being Assembly resolution 75/238 of 31 December 2020 and Council resolutions S-27/1 of 5 December 2017, 37/32 of 9 April 2018, 39/2 of 27 September 2018, 40/29 of 22 March 2019, 42/3 of 26 September 2019 and 43/26 of 22 June 2020,

Welcoming the Security Council statement on the situation in Myanmar of 4 February 2021, the statement by the President of the Security Council on Myanmar of 10 March 2021,¹ the meetings of the Security Council held on 2 February and 5 March 2021 and the briefing convened by the General Assembly with the Special Envoy of the Secretary-General on Myanmar on 26 February 2021,

Recalling its resolution S-29/1, adopted by the Human Rights Council at its special session on the human rights implications of the crisis in Myanmar, held on 12 February 2021,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Myanmar,

Condemning in the strongest terms the deposition of the elected civilian Government by the Myanmar armed forces on 1 February 2021,

Condemning in the strongest terms also the declaration of the state of emergency, the suspension of the parliament and the arbitrary detention and arrest of President Win Myint, State Counsellor Aung San Suu Kyi, other government officials and politicians, human rights defenders, journalists, civil society members, local and foreign advisers and others,

Expressing deep concern at attacks against and arrests and harassment of journalists and media workers and the restrictions on and interruptions to the Internet and social media, which unnecessarily and disproportionately restrict the right to freedom of opinion and expression, including the freedom to seek, receive and impart information and the right to freedom of association,

¹ S/PRST/2021/5.



Expressing deep concern also at the violent acts, including killings, committed against peaceful demonstrators exercising their right to freedom of expression, association and peaceful assembly, which have led to deaths and many injuries, including of children and medical staff, in several cities and towns, as a consequence of the indiscriminate use of lethal force against a crowd and the misuse of less-lethal weapons by the Myanmar armed forces and police,

Expressing deep concern further at reports of several laws being and having been amended since the deposition of the elected civilian Government and the suspension of the parliament, which remove rights with respect to liberty and security of person and due process,

Expressing deep concern that the results of the election and the expressed democratic wishes of the people of Myanmar have not been honoured, and welcoming the conduct of general elections on 8 November 2020, despite the health and security challenges, which marked an important milestone in the State's transition towards civilian and democratic rule, while noting with concern the disenfranchisement of certain ethnic and religious minorities, including the Rohingya, and the continuing restrictions on the right to freedom of expression online and offline, including the freedom to seek, receive and impart information,

Reiterating its grave concern that the Rohingya were in effect made stateless by the enactment of the 1982 Citizenship Law, dispossessed from previously held rights and eventually disenfranchised, from 2015, from the electoral process,

Welcoming the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, including his report submitted to the Human Rights Council at the present session,² while deeply regretting the non-cooperation of Myanmar with the Special Rapporteur and the denial of access to Myanmar since December 2017 and the ongoing non-cooperation of the Myanmar armed forces,

Welcoming also the conclusions on children and armed conflict in Myanmar of the Working Group on Children and Armed Conflict of the Security Council,³ and noting the concerns expressed by the Working Group about the grave violations committed against children, and the concern expressed by the Secretary-General in his sixth report on children and armed conflict in Myanmar,⁴

Welcoming further the work and the reports of the Independent Investigative 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 Chin, Kachin, Kayin, Rakhine 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 in particular its report submitted to the Human Rights Council at its forty-fifth session,⁵

Encouraging the Independent Investigative Mechanism for Myanmar to continue its efforts to advance its public outreach, in order to explain its mandate and work process to victims and other stakeholders,

Welcoming the work of the Special Envoy of the Secretary-General on Myanmar, and encouraging her further engagement and dialogue involving all relevant stakeholders, including civil society, as requested by the General Assembly in its resolution 72/248 of 24 December 2017,

² A/HRC/46/56.

³ S/AC.51/2019/2.

⁴ S/2020/1243.

⁵ A/HRC/45/60.

Welcoming also the reports of the United Nations High Commissioner for Human Rights on the situation of human rights of Rohingya Muslims and other minorities in Myanmar,⁶

Welcoming further the work of the independent international fact-finding mission on Myanmar, and in particular its final report,⁷ and the detailed findings and recommendations therein,⁸ and recalling the recommendation of the independent international fact-finding mission on requesting the Office of the United Nations High Commissioner for Human Rights to focus on ensuring accountability for human rights violations and abuses in Myanmar, including by enhanced monitoring, documentation, analysis and public reporting on the situation of human rights, raising awareness among civil society and other actors engaged in documenting human rights violations about relevant international standards, working with victim communities to raise awareness about justice options, and supporting comprehensive rule of law and security sector reform in Myanmar in accordance with international human rights norms and standards, and to that end, for appropriate resources to be allocated,

Welcoming the ongoing humanitarian efforts and commitments that the Government of Bangladesh, in cooperation with United Nations agencies, the international community and all humanitarian actors, has extended to those fleeing human rights violations and abuses in Myanmar, including the Rohingya,

Recognizing the complementary and mutually reinforcing work of the various United Nations mandate holders working on Myanmar to improve the humanitarian situation and the situation of human rights in the country, and noting with concern the lack of sufficient humanitarian access, in particular to areas with internally displaced persons, and to the affected areas from which many people continue to be forcibly displaced and in which many others are living in precarious conditions, thereby exacerbating the humanitarian crisis,

Emphasizing the right of return of all refugees and internally displaced persons, and the importance of meeting the conditions necessary for safe, voluntary, sustainable and dignified return, in accordance with international standards,

Noting that the International Criminal Court has authorized an investigation into alleged crimes within the Court's jurisdiction in the situation in Bangladesh and Myanmar,

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

Noting further that Myanmar submitted two reports, in May and November 2020, to the International Court of Justice, in compliance with the order of 23 January 2020,

Noting that the Independent Commission of Enquiry established by the Government of Myanmar on 30 July 2018, notwithstanding the limits of its terms of reference and modus operandi, recognized in the executive summary of its final report, which has not yet been made public in its entirety, that war crimes, serious human rights violations and violations of domestic law had been committed and that there were reasonable grounds to believe that members of Myanmar security forces were involved,

Recalling that States have the primary responsibility to respect, protect and fulfil human rights, and have the responsibility to comply with their obligations to prosecute those responsible for crimes under international law, including gross violations of human rights, in particular under international humanitarian law, international human rights law and

⁶ A/HRC/43/18 and A/HRC/45/5.

⁷ A/HRC/42/50.

⁸ See the detailed findings of the independent international fact-finding mission on Myanmar (A/HRC/42/CRP.5), available from www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/ReportHRC42thSession.aspx.

international refugee law, and for abuses of human rights law, and to provide an effective remedy to any person whose rights have been violated and access to a remedy for those whose rights have been abused, with a view to end impunity,

Reiterating the urgent need to ensure that all those responsible for crimes relating to violations of international law, including international humanitarian law, international human rights law and international refugee law, and abuses of human rights law throughout Myanmar are held to account through credible, competent and independent national or international criminal justice mechanisms, while recalling the authority of the Security Council to refer the situation in Myanmar to the International Criminal Court, and reiterating its invitation to Myanmar to become a party to the Rome Statute of the International Criminal Court or to accept the exercise of jurisdiction of the International Criminal Court, in accordance with article 12 (3) of the Rome Statute,

Reiterating its deep concern at the conflicts in Kachin, Kayin, Rakhine, Shan and southern Chin States, the violence between the Myanmar armed forces (the Tatmadaw) and the Arakan Army in Rakhine and southern Chin States, including sexual and gender-based violence and grave violations and abuses against children, the continuing forced displacement of civilians, including of ethnic minorities, abductions, arbitrary detentions, arrests and killings, and the use of facilities, functioning as schools, for military purposes, as well as reports of violations and abuses of human rights, including the use of landmines, making conditions unsuitable for the voluntary, safe, dignified and sustainable return of all refugees and internally displaced persons, including the Rohingya,

Recalling the Secretary-General's call for a global ceasefire, as supported by Security Council resolution 2532 (2020) of 1 July 2020, and urging all parties to cease hostilities, to commit to or to renew their commitments towards peace and reconciliation, and to agree to a permanent ceasefire, while noting with concern the reported breaches of the ceasefire agreement in Kayin and northern Shan States and their devastating impact on civilians,

Expressing deep concern at the fact that diversion and unregulated or illicit arms transfers may seriously undermine human rights, especially those of women, as well as persons belonging to minorities, children, the elderly, persons with disabilities and other vulnerable groups,

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 coronavirus disease (COVID-19) pandemic, including for persons in the most vulnerable situations, affected or displaced by armed conflicts in the country, and persons belonging to ethnic and other minorities, such as the Rohingya,

Recalling the recommendation made by the independent international fact-finding mission on Myanmar that no business enterprise active in Myanmar or trading with or investing in businesses in Myanmar should enter into or remain in a business relationship of any kind with the security forces of Myanmar, in particular the Tatmadaw, or any enterprise owned or controlled by them, including subsidiaries, or their individual members, until and unless they are restructured and transformed,

1. *Condemns in the strongest terms* the deposition of the elected civilian Government by the Myanmar armed forces on 1 February 2021, which constitutes an unacceptable attempt to forcibly overturn the results of the general elections of 8 November 2020 and a major step back in the democratic transition of Myanmar, and a serious threat against the respect for and protection of human rights, rule of law and good governance, and democratic principles;

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

3. *Calls upon* the Myanmar armed forces to respect the will of the people as expressed by the results of the general elections of 8 November 2020, to end the state of emergency and to restore the elected civilian Government by opening the newly elected parliament to allow the sustained democratic transition of Myanmar, including by working

towards bringing all national institutions, including the armed forces, under a democratically elected, fully representative civilian Government;

4. *Calls for* the immediate and unconditional release of President Win Myint, State Counsellor Aung San Suu Kyi and all those who have been arbitrarily detained, charged or arrested on specious grounds during and in the aftermath of 1 February 2021, including government officials and politicians, human rights defenders, journalists, civil society members, medical staff, academics, teachers, and local and foreign advisers, and also calls for engagement in a peaceful dialogue among all stakeholders aimed at restoring democratic governance;

5. *Encourages* the pursuance of constructive dialogue and reconciliation, in accordance with the will and interests of the people of Myanmar;

6. *Condemns* the disproportionate use of force, including the indiscriminate use of lethal force, by the Myanmar armed forces and police;

7. *Calls for* the Myanmar armed forces to refrain from excessive use of force, to exercise utmost restraint and to seek a peaceful resolution to the crisis, recalling that the Myanmar armed forces are obliged to respect democratic principles, the rule of law and human rights, in accordance with international human rights law, including the rights to life, freedom of expression, association and assembly, including the freedom to seek, receive and impart information, and the prohibition of torture and other cruel, inhuman and degrading treatment or punishment;

8. *Expresses grave concern* at continuing reports of human rights violations and abuses in Myanmar, including sexual and gender-based violence and violations and abuses against children, in particular in Chin, Kachin, Kayin, Rakhine and Shan States, and calls upon all parties and armed groups, in particular the Myanmar armed and security forces, to end immediately violence and all violations of international law, including of international human rights law and international humanitarian law, and human rights abuses in Myanmar;

9. *Also expresses grave concern* at the ongoing conflict in Kachin, Kayin, Rakhine, Shan and southern Chin States between the Myanmar armed forces and other armed groups, the impunity that exists in the Myanmar armed and security forces, and the continuing forced displacement of civilians, mass and systemic human rights violations and abuses, and killings, and the dire humanitarian situation due to the conflict, calls for the clearing of deployed landmines and the cessation of their use in all circumstances, and calls upon all parties to show restraint and cease conflict, to respect their relevant obligations under international human rights law and international humanitarian law, to ensure the safety and protection of civilians, to hold perpetrators accountable, including in independent and impartial domestic accountability processes ensuring justice and reparations to victims and survivors, and to show readiness to re-engage in dialogue;

10. *Takes note* of the order of the International Court of Justice of 23 January 2020, 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 armed forces and any irregular armed units that may be directed or supported by it and any organizations and persons that may be subject to its control, direction or influence do not commit, inter alia, any such acts, to prevent the destruction and ensure the preservation of evidence, and to report to the Court as ordered on all measures taken to give effect to the order;

11. *Reiterates* the responsibility of the armed forces of Myanmar to ensure the protection of the human rights of all persons in Myanmar, including persons belonging to ethnic and other minorities, including the Rohingya, and also reiterates the need for justice and accountability, to end impunity for all violations and abuses of human rights, to undertake a full, transparent, impartial and independent investigation into all reports of violations and abuses of international human rights law and international humanitarian law, and to ensure that perpetrators are held accountable in fair, independent and impartial criminal proceedings, including in domestic courts or tribunals, in accordance with international law standards;

12. *Stresses* the imperative to fully recognize and address the needs of victims and survivors, and their families, and their right to effective remedy, including by prompt, effective and independent casualty recording, and guarantees of non-recurrence;

13. *Deplores* the release in November 2019, after only nine months of detention, of the members of the Myanmar armed forces who were convicted by court martial of the unlawful killing of Rohingya civilians in Inn Din, Rakhine State, and repeats its call that the necessary measures be taken to ensure accountability and to end impunity for those crimes;

14. *Reiterates* its call for the immediate and unconditional release of all journalists, media workers, human rights defenders, faith and belief leaders, civil society members, local and foreign advisors, medical staff, academics, teachers and activists arbitrarily detained, charged and arrested on political grounds, and for their full rehabilitation, allowing them to work without fear of reprisals, intimidation or attack;

15. *Calls for* the Independent Investigative Mechanism for Myanmar to continue to discharge its mandate, making use of the information collected by the independent international fact-finding mission and other credible sources, and for close and timely cooperation between the Mechanism and any future investigations or proceedings by national, regional or international courts or tribunals, including by the International Criminal Court or the International Court of Justice;

16. *Calls upon* the United Nations to ensure that the Independent Investigative Mechanism for Myanmar is afforded the necessary support and resources in terms of staffing, location and operational freedom so that it can deliver as effectively as possible on its mandate, and urges all relevant actors in Myanmar and Member States to cooperate with the Mechanism, to grant it access and to provide it with every assistance in the execution of its mandate and with other sources of information, and the appropriate protection of confidentiality, security and support for victims and witnesses to fully respect and comply with the principle of “do no harm”;

17. *Stresses* the need to effectively address the root causes of human rights violations and abuses against persons belonging to ethnic and religious minorities, including the Rohingya, and reiterates the importance of the full implementation of all recommendations made by the Advisory Commission on Rakhine State,⁹ including those on access to citizenship, freedom of movement, the elimination of systematic segregation and all forms of discrimination, and inclusive and equal access to health services, education, livelihood opportunities and basic services, and birth registration, in full consultation with all ethnic and religious minority groups, including the Rohingya, and persons in vulnerable situations, as well as civil society, and calls for regular reports to the United Nations documenting concrete steps taken to implement each of the Commission’s 88 recommendations;

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

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

⁹ See Advisory Commission on Rakhine State, “Towards a peaceful, fair and prosperous future for the people of Rakhine”, August 2017.

20. *Stresses* the need to ensure that all communities in Rakhine State, the Rohingya and persons belonging to other ethnic and religious minorities, have equal access to education, and to remove discriminatory practices and movement restrictions that reduce access to education, including higher education;

21. *Calls for* concrete steps towards the creation of a conducive environment for the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya residing 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 the Rohingya, thereby enabling them to return to their places of origin or their place of choosing in a voluntary, safe and dignified manner, including through the 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 in June 2018;

22. *Encourages* the international community, in the true spirit of interdependence and burden-sharing, to continue to assist Bangladesh and other host countries in the provision of humanitarian assistance to forcibly displaced Rohingya and other minorities until their voluntary, safe, dignified and sustainable return to their places of origin or their place of choosing in Myanmar, and to assist in the provision of humanitarian assistance to all affected persons of all communities displaced internally in Myanmar, taking into account women, children, older persons, persons with disabilities and others marginalized or in vulnerable situations;

23. *Calls upon* the international community to effectively address the increasing irregular maritime movements of the Rohingya, 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;

24. *Urges* the implementation of the national strategy on the resettlement of internally displaced persons in strict accordance with international standards, in full consultation with the concerned persons and the local population and by promoting their voluntary, safe, dignified and sustainable return to places of origin or places of choosing and the removal of any restrictions on movement in Chin, Kachin, Rakhine and Shan States, as well as in consultation with the United Nations system and relevant civil society organizations, and encourages efforts to ensure consultation with and the representation of women at all levels of decision-making relating to the camp-closure strategy and its implementation;

25. *Calls for* immediate, full, unrestricted and unmonitored access for all United Nations mandate holders and human rights mechanisms, including the Independent Investigative Mechanism for Myanmar, the Special Rapporteur on the situation of human rights in Myanmar, the Special Envoy of the Secretary-General on Myanmar, the Office of the United Nations High Commissioner for Human Rights and relevant United Nations agencies and international and regional courts, tribunals and human rights bodies to independently monitor the situation of human rights, and to ensure that civil society organizations, human rights defenders, lawyers, victims, survivors, witnesses and other individuals have unhindered access to and can communicate with the United Nations and other human rights entities without fear of reprisals, intimidation or attack;

26. *Calls upon* the armed forces of Myanmar to ensure full respect for international humanitarian law and to allow free and unhindered access to the entire country for local and international staff of humanitarian and other relevant international agencies to provide humanitarian assistance, including age-, disability- and gender-responsive assistance, and the delivery of supplies and equipment, by ensuring proportionate health and safety rules to prevent the spread of COVID-19, allowing the said personnel to perform efficiently their tasks of assisting affected civilian populations, including internally displaced persons;

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

28. *Welcomes* the statement of 1 February 2021 of the Chair of the Association of Southeast Asian Nations, in which the Chair recalled the purposes and the principles enshrined in the Charter of the Association, including adherence to the principles of democracy, the rule of law and good governance, and respect for and the protection of human rights and fundamental freedoms, and also recalled the holding of an informal ministerial meeting by the Association on 2 March 2021;

29. *Stresses* the importance of the involvement of the Association of Southeast Asian Nations in expressing concern for current developments in Myanmar, and supports its efforts to facilitate and launch political dialogue, and encourages regional players to work in that direction;

30. *Calls for* stronger support from relevant United Nations agencies with the Association of Southeast Asian Nations in creating an environment that is conducive to the voluntary, safe, dignified and sustainable return of displaced persons and in addressing the root causes of the crisis in Rakhine State in compliance with international law, including international humanitarian law, international human rights law and refugee law;

31. *Stresses* the urgent need to safeguard those who report violations and abuses, amend or repeal restrictive laws, and to end restrictions on the rights to the freedoms of religion or belief, expression, association and peaceful assembly, both online and offline, which are essential to ensure a safe and enabling environment for all, notably for civil society, journalists and media workers, human rights defenders, casualty recorders, lawyers, environmental and land rights activists and other civilians;

32. *Calls for* the protection of the right to freedom of expression and opinion online, including by fully and permanently restoring Internet services, lifting the ban on the websites of media outlets and withdrawing the proposed cybersecurity law;

33. *Expresses concern* at the continued erosion of the right to freedom of expression and media freedom, and urges the reform of the Media Law, the review, repeal or reform of all relevant legislation, including the Official Secrets Act, the Unlawful Associations Act, the Peaceful Assembly and Peaceful Procession Law, articles 66 (d), 77 and 80 (c) of the Telecommunications Act, the Law Protecting the Privacy and Security of Citizens, and articles 500 and 505 (a) and (b) of the Penal Code, and the enactment of comprehensive data protection legislation in line with international human rights law and standards;

34. *Calls for* necessary measures to be taken to promote the inclusion, human rights and dignity of all people living in Myanmar, to address sexual and gender-based violence, discrimination and the spread of prejudice, including the spread of disinformation, hate speech and inflammatory rhetoric also through social media, and to combat incitement to hatred and violence against ethnic, religious and other minorities, including the Rohingya, in accordance with the Rabat Plan of Action, also in line with recommendation 9 of the executive summary of the Independent Commission of Enquiry;

35. *Stresses* the need to ensure an inclusive response to the COVID-19 pandemic to protect all persons and communities, in accordance with international humanitarian law and human rights law, including the Rohingya and other minorities, and to continue to ensure the access of all to pandemic-related information, supplies and health-care services in a targeted, necessary, transparent, non-discriminatory, time-bound and proportionate manner and in accordance with obligations under applicable international human rights law;

36. *Welcomes* the constructive engagement of Myanmar in the third cycle of the universal periodic review in January 2021, and encourages the ratification of international human rights conventions, in particular the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

37. *Stresses* the need to review and repeal the amendments made in 2018 to the Vacant, Fallow and Virgin Lands Management Law, to establish an inclusive land

governance framework and to resolve issues of land tenure, in full consultation with affected populations, including ethnic minority communities;

38. *Notes* the establishment by the elected civilian Government of Myanmar of a committee for the prevention of grave violations against children in armed conflict and looks forward to its concrete results, welcomes the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, while urging an acceleration in the implementation of the joint action plan to end and prevent the recruitment and use of children by the Myanmar armed forces and to ensure accountability for grave violations against children, emphasizes the need to further protect the right of all children to acquire citizenship in order to eliminate statelessness, in accordance with the State's obligations under the Convention on the Rights of the Child, and to ensure the protection of all children in armed conflict, and calls upon all parties to end violations against children in armed conflict;

39. *Calls for* the elimination of child and forced labour and for amendments to the draft labour organization law, and further amendments to the Settlement of Labour Disputes Law to promote freedom of association in accordance with international labour standards;

40. *Encourages* all business enterprises, including transnational corporations and domestic enterprises operating in Myanmar, to implement the Guiding Principles on Business and Human Rights and the recommendations made by the independent international fact-finding mission on the economic interests of the Myanmar armed forces,¹⁰ and requests the home States of businesses investing in Myanmar or with parts of their supply chains in Myanmar to take appropriate measures so that those businesses conduct enhanced due diligence and that their activities do not contribute to or cause any human rights violations or abuses, in accordance with the Guiding Principles;

41. *Welcomes* the dialogue between the elected civilian Government of Myanmar and the United Nations on addressing conflict-related sexual and gender-based violence in Myanmar, and encourages further action, in accordance with Security Council resolution 1325 (2000) on women and peace and security, and with the full participation of civil society, particularly women from conflict-affected communities, inter alia, to hold perpetrators accountable in domestic accountability processes, to prevent impunity, to ensure reparations, adequate assistance and access to justice to victims and survivors of sexual and gender-based violence, to support legal reforms, including a law on the prevention of violence against women, and to provide training and capacity-building to justice and security sector actors;

42. *Notes* the Myanmar National Human Rights Commission Strategic Plan (2020–2024) and the Commission's reform efforts, and encourages the enablement of the Commission to fulfil its mandate independently and in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and regrets the lack of a transparent selection process for commissioners and a clear intention to ensure that the Commission reflects the country's ethnic, religious, regional and gender diversity and includes human rights expertise;

43. *Calls for* the demilitarization of mining regions, the protection of human rights for workers in natural resource extraction, and the enforcement and enhancement of existing labour and environmental safety standards, and also calls for further work to be done with relevant stakeholders and affected populations to develop inclusive policies for natural resource management and benefit-sharing;

44. *Reiterates* the need to establish a country office of the Office of the United Nations High Commissioner for Human Rights and to issue a standing invitation to all special procedures of the Human Rights Council;

45. *Encourages* the United Nations High Commissioner for Human Rights to strengthen the capacity of the Office of the High Commissioner with respect to the human rights situation in Myanmar, including through enhanced monitoring, documentation, analysis and public reporting, and by supporting comprehensive accountability, rule of law

¹⁰ See "The economic interests of the Myanmar military" (A/HRC/42/CRP.3), available from www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/EconomicInterestsMyanmarMilitary.aspx.

and security sector reform in accordance with international human rights norms and standards until such time as relevant authorities in Myanmar act on previous commitments to open a country office, with a focus on ensuring accountability for human rights violations and abuses in Myanmar;

46. *Encourages* engagement with the Special Envoy of the Secretary-General on Myanmar, allowing her continued access to support the ongoing fulfilment of her mandate and to meet all stakeholders in order to facilitate a dialogue;

47. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar for a further period of one year, requests the Special Rapporteur to present an oral progress report to the Human Rights Council at its forty-seventh and forty-eighth sessions and to submit a written report to the Third Committee of the General Assembly at its seventy-sixth session and to the Council at its forty-ninth session, each to be followed by an interactive dialogue, in accordance with its annual programme of work, and invites the Special Rapporteur to continue to monitor the situation of human rights and to measure progress in the implementation of recommendations;

48. *Recommends* that the General Assembly submit the report of the Special Rapporteur to relevant United Nations bodies for their consideration and appropriate action, taking into account the relevant conclusions and recommendations;

49. *Requests* the Special Rapporteur, supported by additional human rights experts, to assess the situation of human rights since 1 February 2021 and to monitor the implementation of the present resolution, including by seeking an urgent visit to Myanmar, and to provide an oral update in his interactive dialogues with the Human Rights Council at its forty-seventh and forty-eighth sessions, and to make recommendations on additional steps necessary to address the current crisis;

50. *Also requests* the Special Rapporteur to undertake thematic research with a view to monitoring the implementation of the recommendations made by the independent international fact-finding mission on Myanmar, and to provide detailed updates on the issues covered by the mission in its reports and conference room papers;

51. *Calls for* facilitation without delay of cooperation with the Special Rapporteur in the exercise of the mandate, including by facilitating visits and granting unrestricted access throughout the country, and for the resumption of work with the Special Rapporteur to develop a work plan and time frame for the swift implementation of the proposed joint benchmarks identified by the mandate holder in previous reports, and for progress in priority areas of technical assistance and capacity-building;

52. *Requests* the United Nations High Commissioner for Human Rights to monitor and assess the overall situation of human rights in Myanmar, with a particular focus on accountability regarding alleged violations of international human rights law and international humanitarian law, as well as rule of law and security sector reform since 1 February 2021, with the support of specialist experts and in complementarity to the work of the Independent Investigative Mechanism for Myanmar and the reports of the Special Rapporteur, including in monitoring the implementation of the recommendations made by the independent international fact-finding mission in its reports and conference room papers, and recommendations contained in the reports of the High Commissioner on the situation of human rights of Rohingya Muslims and other minorities in Myanmar,¹¹ and to provide to the Human Rights Council an oral update at its forty-seventh session, a written update at its forty-eighth session and a comprehensive report at its forty-ninth session, each to be followed by an interactive dialogue;

53. *Also requests* the Office of the High Commissioner, with the support of experts, to prepare a detailed assessment of the progress made and remaining challenges with regard to the recommendations of the independent international fact-finding mission in its conference room paper on the economic interests of the military and to present updates in its regular reporting to the Human Rights Council and a comprehensive report with its findings

¹¹ A/HRC/43/18 and A/HRC/45/5.

and recommendations to the Council at its fifty-first session, to followed by an interactive dialogue;

54. *Calls upon* the High Commissioner and the Special Rapporteur to monitor patterns of human rights violations that point to a heightened risk of a human rights emergency and to continue to bring that information to the attention of the Human Rights Council in a manner that reflects the urgency of the situation, including intersessionally through ad hoc briefings, and to advise on what further steps may be needed if the situation continues to deteriorate, in furtherance of the Council's prevention mandate, and to inform other United Nations bodies as necessary on progress in that regard;

55. *Welcomes* the Secretary-General's initiative to take concrete action based on the recommendations contained in the report entitled "A brief and independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018", and invites the Secretary-General to provide a written report, with contributions from the United Nations Resident Coordinator in Myanmar, to the Human Rights Council at its forty-ninth session, to be followed by an enhanced interactive dialogue, with the participation of the Resident Coordinator, on progress made in the implementation of follow-up action to enable more effective work in the future and to strengthen the prevention capacity of the United Nations system;

56. *Requests* the Secretary-General to provide the Special Rapporteur, the High Commissioner and the Independent Investigative Mechanism for Myanmar with the increased assistance, resources and expertise necessary to enable them to discharge their mandates fully;

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

*50th meeting
24 March 2021*

[Adopted without a vote.]
