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

## **Situation of human rights of Rohingya Muslims and other minorities in Myanmar**

### **Report of the Secretary-General**

#### *Summary*

The present report is submitted pursuant to General Assembly resolution [77/227](#) and covers the period from 15 August 2022 to 14 August 2023. In addition to the human rights situation of Rohingya Muslims and other minorities, the report focuses on the continued deterioration of the political, humanitarian and security situation in Myanmar following the military takeover in February 2021, including further restrictions of human rights and the worsening of socioeconomic conditions. There is an urgent need for safe, full and unhindered humanitarian access to vulnerable communities in line with international principles. That urgency has been compounded by the devastation caused by Cyclone Mocha in May 2023. The report highlights the continued brutal repression by the military. Thousands have been killed since February 2021, including children, with reports of increased sexual and gender-based violence committed by the military while civic space continues to shrink. The multifaceted crisis in Myanmar continues to yield serious regional implications, including displacement and the proliferation of illicit activities. Since February 2021, more than 64,000 people have fled and remain outside of Myanmar. More than 1.6 million people have been internally displaced. Rohingya people remained displaced domestically and abroad, including nearly 1 million Rohingya in Bangladesh. While peaceful opposition to the military persisted, armed resistance expanded, adding to an already precarious situation. There has been no meaningful action by the military to address the root causes that led to the forced displacement of the Rohingya population. The United Nations will continue to stand in solidarity with the people of Myanmar and to support their democratic aspirations for an inclusive, peaceful and just society and the protection of all communities, including the Rohingya. As part of this effort, the Organization will seek to further strengthen cooperation with the Association of Southeast Asian Nations towards de-escalating the violence and reaching a sustainable political solution in line with relevant General Assembly resolutions and Security Council resolution [2669 \(2022\)](#).

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\* [A/78/150](#).



## I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [77/227](#), in which the Assembly requested the Secretary-General to continue to provide his good offices and pursue discussions relating to Myanmar, involving all relevant stakeholders, and to offer assistance to Myanmar, and to submit a report to the General Assembly on all relevant issues addressed in the resolution at its seventy-eighth session. The present report covers the period from 15 August 2022 to 14 August 2023.
2. During the reporting period, the political, security, humanitarian and human rights situation in Myanmar deteriorated further, and socioeconomic conditions worsened, affecting regional stability, in particular in terms of increased illicit activities. Armed conflict and violence continued to intensify, displacing communities across Myanmar, with many seeking asylum across borders. The devastation caused by Cyclone Mocha in May 2023 and access constraints compounded multiple vulnerabilities in conflict-affected areas.
3. Myanmar remains extremely vulnerable to natural disasters, including cyclones, flooding, extreme temperatures and droughts, disproportionately affecting the most vulnerable. The collapse of many rule of law and regulatory safeguards since the military takeover has also resulted in the illegal exploitation of natural resources.
4. The Secretary-General and his Special Envoy continued to condemn all forms of violence and reiterated calls for the military to respect the will of the people, to refrain from repression and to act in the greater interest of peace and stability in Myanmar and the region. In a statement ahead of 1 February 2023, which marked two years since the military takeover, the Secretary-General expressed his ongoing solidarity with the people of Myanmar in support of their democratic aspirations for an inclusive, peaceful and just society and the protection of all communities, including the Rohingya. He called for the release of all those arbitrarily detained, including President Win Myint and State Counsellor Aung San Suu Kyi.
5. The Secretary-General has called for neighbouring countries and other Member States to leverage their influence over the military leadership. The Secretary-General drew global attention to Myanmar as the multifaceted crisis continued to unfold, including through his strong condemnation of large-scale aerial attacks by the military and his expression of deep concern about the ongoing political repression.
6. On 21 December 2022, the Security Council adopted resolution [2669 \(2022\)](#), in which it demanded an immediate end to all forms of violence throughout the country and urged restraint and de-escalation of tensions, while acknowledging the central role of the Association of Southeast Asian Nations (ASEAN), including its five-point consensus on Myanmar. The Council further urged the military to immediately release all arbitrarily detained prisoners, including President Win Myint and State Counsellor Aung San Suu Kyi, and reiterated its call to uphold democratic institutions and processes and to pursue constructive dialogue and reconciliation in accordance with the will and interests of the people of Myanmar. The Council also requested the Secretary-General, in coordination with the ASEAN Special Envoy, to report orally to the Council by 15 March 2023. The Council convened a private meeting on 13 March 2023 and heard briefings from the Minister for Foreign Affairs of Indonesia, in her capacity as the representative of the ASEAN Chair, and from the Special Envoy of the Secretary-General. The Council also met twice in closed consultations to consider the situation in Myanmar during the reporting period.
7. The International Court of Justice continued its proceedings in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* which was lodged by the Gambia against Myanmar in 2019.

8. On 15 December 2022, the annual General Assembly adopted by consensus resolution [77/227](#) on the situation of human rights of Rohingya Muslims and other minorities in Myanmar.
9. The Special Envoy briefed the General Assembly on 25 October 2022 and 16 March 2023, and called for regional unity and international coherence in support of a process led by Myanmar to end the violence and return to the path of democracy. The Special Envoy also emphasized the need for the delivery of humanitarian assistance through all available channels and the protection of civilians.
10. The Special Envoy visited Myanmar from 16 to 18 August 2022 and met with the Commander-in-Chief of the Myanmar armed forces, Senior General Min Aung Hlaing, to press for full and unimpeded humanitarian access and stress that progress depended on an end to the violence and visible and significant improvements in the lives of the people of Myanmar. Following the execution of pro-democracy activists in late July 2022, which the Secretary-General strongly condemned, the Special Envoy urged the Senior General to impose a moratorium on executions. She also reiterated the call of the Secretary-General for the release of all political prisoners. The Special Envoy further highlighted the responsibility of Myanmar to create conditions conducive to the voluntary, safe, dignified and sustainable return of refugees. Her visit was preceded by consultations with a range of stakeholders, including the National Unity Government and key ethnic armed organizations.
11. The Special Envoy visited Bangladesh from 22 to 26 August 2022 to engage with refugees in Cox's Bazar and highlight the need for greater responsibility-sharing, while recognizing the continued generosity of that country. On 21 and 22 February 2023, the Special Envoy visited Saudi Arabia to discuss potential cooperation with the Organization of Islamic Cooperation on educational opportunities for Rohingya refugees. The Special Envoy also visited Indonesia from 4 to 6 April to strengthen cooperation with the ASEAN Chair and the ASEAN Special Envoy on Myanmar. She visited China and India from 1 to 3 May and on 9 and 10 May, respectively, to call for strengthened regional unity to respond to the crisis in Myanmar.
12. The Secretary-General and his Special Envoy repeatedly cautioned against proceeding with any electoral process without a genuine, inclusive political dialogue and conditions that permitted citizens to freely exercise their political rights without fear or intimidation, as this risked further exacerbating violence and instability.
13. On 11 November 2022, ASEAN leaders attending the fortieth and forty-first ASEAN Summits reaffirmed the need to implement the five-point consensus "in its entirety" and requested ASEAN foreign ministers to develop "an implementation plan that outlines concrete, practical and measurable indicators with a specific timeline". In his address to ASEAN leaders, the Secretary-General reiterated his support for ASEAN playing a vital role in contributing to multilateral solutions to respond to the political, security, human rights and humanitarian situation in Myanmar.
14. ASEAN leaders met again from 9 to 11 May 2023 and, in a statement by the Chair, reiterated their "unified position" that the ASEAN five-point consensus remained their "main reference" in addressing developments in Myanmar, and supported the Chair's continued engagement with all stakeholders in Myanmar to find a peaceful and durable solution. In a statement following their meeting of 11 and 12 July 2023, ASEAN foreign ministers "urged all parties involved to take concrete action to immediately halt indiscriminate violence, denounce any escalation, and create a conducive environment for the delivery of humanitarian assistance and inclusive national dialogue".
15. The United Nations is committed to staying in Myanmar and addressing the multiple vulnerabilities arising from the actions of the military since February 2021.

Humanitarian and community resilience needs increased significantly during the reporting period, while the United Nations and other operational partners faced greater constraints and risks in delivering assistance. Despite these factors, the United Nations continued to deliver support to the people of Myanmar and scaled up the response, reaching 4.4 million people in 2022 and a further 1.8 million people in the first six months of 2023. The State Administration Council continued to limit access to affected populations in many parts of the country, including in the wake of Cyclone Mocha, which caused significant damage in many parts of Myanmar. In May, unidentified assailants attacked an ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management convoy under military escort, underscoring the challenges in delivering assistance in a complex security environment. Since February 2021, the military has enacted numerous measures, including an extension of the state of emergency and the introduction of martial law in 47 townships as of the end of February 2023, alongside Internet shutdowns in over 20 townships, eroding civic space and restricting the exercise of human rights, such as the rights to freedom of opinion and expression and freedom of peaceful assembly and association. During the reporting period, the introduction of an organization registration law established new, cumbersome administrative steps to register and re-register civil society organizations and international non-governmental organizations, and imposed severe criminal penalties for non-compliance, including prison sentences.

16. Elections initiated by the State Administration Council appear unlikely to occur this year. The military had pledged elections as part of its five-point road map, but the efforts of the State Administration Council to consolidate control included revisions to the election law that led to the dissolution of some of the most popularly supported political parties, including the ousted National League for Democracy. The extension of the state of emergency, and the sustained offensive against the resistance, including ongoing aerial bombardment in civilian populated areas, continued to drive conflict and violence throughout the country.

17. The State Administration Council continued its engagement with select ethnic armed organizations signatory to the Nationwide Ceasefire Agreement, inviting their leaders to what it described as peace talks in Nay Pyi Taw. Key ethnic armed organizations, especially those engaged in active conflict, including several signatories to the Agreement, declined to participate. The State Administration Council has excluded key resistance movements, including the National Unity Government, as well as the National Unity Consultative Council and the Committee Representing Pyidaungsu Hluttaw, foreclosing the opportunity for genuine and inclusive dialogue. The State Administration Council continues to designate the National Unity Government, the Committee Representing Pyidaungsu Hluttaw, and the People's Defence Forces as "terrorist organizations".

18. Ethnic states in border areas, as well as central Myanmar regions, including Sagaing and Magway, remain among the most affected by armed conflict, reflecting sustained opposition to the Myanmar military. Resistance forces, including self-declared People's Defence Forces in these areas, have increased their collaboration with established ethnic armed organizations, and some of these forces have grown increasingly sophisticated, utilizing new technologies and accessing regional arms markets. Some resistance groups are also carrying out attacks on targets they perceive as pro-military as the State Administration Council continues to support and reportedly increasingly rely on militias that work alongside security forces. Such groups include the Pyu Saw Htee militia, which includes military veterans and supporters active in Sagaing and Magwe, as well as several other militias allegedly responsible for targeted killings, notably of civilians, elsewhere in the country.

19. Despite efforts by the Myanmar armed forces to assert control, popular support for the resistance persisted, which also affected key allies, including the Border Guard

Forces. In June, armed personnel from the military-aligned Border Guard Forces in Kayah State broke ranks and fought alongside resistance forces against military targets. The defection, assessed by some as the first substantial defection from the Border Guard Forces since the military takeover, reflected the competing pressures faced by some allies of the Myanmar armed forces.

20. Throughout the reporting period, there continued to be credible reports of aerial bombardments, large-scale burning of villages, killings of civilians, and sexual and gender-based violence by the Myanmar armed forces. There were also reports of resistance groups using violence and committing human rights abuses. The Secretary-General has called on all sides to exercise maximum restraint and to desist from any form of violence and focus on reducing the suffering of the people as a prerequisite for sustainable peace.

21. Reflective of growing social cohesion across ethnic and political party lines, several key ethnic armed organizations, the National Unity Government and civil society organizations articulated several proposals aimed at fostering domestic political coherence and responding to the increasing humanitarian and protection needs of the most vulnerable communities, including by working with the United Nations, ASEAN and neighbouring countries.

22. For example, National Unity Government and National Unity Consultative Council members, including representatives of women's groups, labour groups and ethnic armed organizations, formed a joint coordination committee on humanitarian assistance to coordinate policy in relation to the delivery of aid to communities affected by human-made and natural disasters. The National Unity Government and several key ethnic armed organizations, including the Chin National Front, the Karen National Union and the Karenni National Progressive Party, conducted a joint humanitarian assessment of the most vulnerable areas of Myanmar and shared it with international actors. This group, together with humanitarian civil society organizations, continued to promote an inclusive humanitarian forum led by Myanmar aimed at addressing vulnerabilities through all channels, including credible, locally led organizations.

23. In Rakhine State, there was some incremental improvement in freedom of movement for the Rohingya owing to improved intercommunal relations in certain areas. However, no discernible efforts were noted on the part of the military to address the structural issues that impede the peace and prosperity of Rakhine State and that disproportionately affect Rohingya communities.

24. Civil and citizenship documentation remained inaccessible for the vast majority of the Rohingya owing to complicated and lengthy procedures, as well as prohibitive costs. Citizenship application remains contingent on possessing the National Verification Card or Identity Card for National Verification, which continue to designate Rohingya as "Bengali". Rohingya communities continued to face significant challenges in registering the births of their children and updating household lists, which affects their freedom of movement, access to services, school enrolment and civil and other key documentation, including with regard to housing, land and property.

25. Cyclone Mocha caused significant damage in Rakhine State, with Rohingya in internally displaced persons camps among the worst affected. The Office for the Coordination of Humanitarian Affairs estimated that almost 5.4 million people were in the cyclone's path in Rakhine and north-west Myanmar. In response, humanitarian partners issued a flash appeal to assist 1.6 million people in the affected areas, including 1.1 million already targeted as part of the Myanmar humanitarian response plan for 2023. The combined humanitarian response plan and flash appeal for 2023 would assist 5 million people and require \$887 million. As at 14 August 2023, the combined response plan was only 25 per cent funded.

26. The retraction by the State Administration Council of initial approval for the cyclone-related distribution and transportation plans of the United Nations and the temporary suspension of travel authorizations for humanitarian organizations in Rakhine impeded the humanitarian response and compounded the already dire living conditions of the cyclone-affected population. Despite restrictions, humanitarians reached almost 607,000 people with food assistance in Rakhine, and more than 274,000 people with shelter support, while support was provided in other areas, including health care, nutrition, and short- and long-term recovery and community-based resilience support. The Resident Coordinator and Humanitarian Coordinator ad interim for Myanmar called on the State Administration Council to urgently reconsider its decision to deny access.

27. The Special Envoy of the Secretary-General on Myanmar, Noeleen Heyzer, concluded her assignment on 12 June 2023. The Secretary-General is thankful to Ms. Heyzer for her tireless efforts on behalf of peace and the people of Myanmar.

## **II. Context and political developments**

### **A. Situation on the ground**

28. More than two years after the military takeover deposed the elected civilian government in Myanmar, the State Administration Council continues to struggle to assert control amid the worsening conflict situation across the country. On 1 February, the National Defence and Security Council further extended the state of emergency until 31 July 2023 – beyond the two-year limit provided by the 2008 Constitution – citing exceptional circumstances. On 1 August, the state of emergency was extended again by six months.

29. During the reporting period, the State Administration Council also announced the expansion of martial law to 8 additional States and regions out of 15 that had seen a marked increase in arrests, patrols, military movement and inspections, as well as additional movement restrictions and an overall intensification of fighting.

30. Meanwhile, President Win Myint and State Counsellor Aung San Suu Kyi remained arbitrarily detained, convicted and sentenced to lengthy prison terms (12 and 33 years, respectively) under various charges widely viewed as politically motivated. Many people in Myanmar expressed their continued support for the detained State Counsellor on her seventy-eighth birthday. The General Assembly and the Security Council have urged the military regime to immediately release all arbitrarily detained prisoners, including President Win Myint and State Counsellor Aung San Suu Kyi. On 24 July, the State Counsellor was reportedly transferred from prison to a government building in Nay Pyi Taw. On 1 August, the sentences of the President and State Counsellor were reduced (by two and six years, respectively).

31. In his New Year's speech, the Acting President of the National Unity Government stated that 2023 was an important year in the fight against the military, and urged ethnic armed organizations, "revolutionary forces" and the people to continue the "revolution". The National Unity Consultative Council, comprising representatives from a range of opposition groups and one of the most inclusive bodies in Myanmar, emphasized the importance of defeating the military and establishing a federal democratic union that would guarantee the rights of ethnic nationalities and the equality and self-determination of the nation's States. The Committee Representing Pyidaungsu Hluttaw, which includes 20 parliamentarians from different political parties elected in November 2020, seeks to carry out the duties of the dissolved legislature of Myanmar.

32. All States and regions across the country continued to be affected by the armed clashes involving the Myanmar armed forces, ethnic armed organizations and resistance forces, including People's Defence Forces.

33. Conflict actors, especially the Myanmar armed forces, continued to use tactics designed to instil fear not only among enemy combatants but also among the civilian population in and around areas affected by conflict. Reports of beheadings and dismemberment allegedly perpetrated by the Myanmar armed forces, mostly in the Sagaing Region, are part of this trend. The number of mass killings, in which 10 or more people were killed, also increased substantially, according to the Institute for Strategy and Policy – Myanmar. At least 19 such incidents were reported to have taken place between 1 February 2021 and the end of June 2023, with at least 13 such incidents occurring during the reporting period. According to the Assistance Association for Political Prisoners, 3,927 people have been killed by the military and its affiliated militias, 24,257 have been arrested and 148 have been sentenced to death by courts that do not respect fair trial rights.

34. The State Administration Council pardoned several thousand prisoners during the reporting period, including as reflected in the 3 May announcement of the release of 2,153 detainees serving sentences under section 505 (a) of the Penal Code, which criminalizes dissent against the military, who were freed to mark a Buddhist festival. The release of prisoners, common on major holidays, occurred as the State Administration Council continued to detain political leaders and other civilians and restrict access to those detained, including by prisoners' relatives and counsel. There are credible reports that detainees are also beaten, forced to do hard labour and subjected to other punishments, including sexual and gender-based violence. During her visit to Nay Pyi Taw, the Special Envoy amplified the call of the Secretary-General for the release of all political prisoners, in particular children.

35. Continued air strikes and bombardments by the Myanmar armed forces resulted in many civilian casualties. The United Nations High Commissioner for Human Rights assessed that "overall, the military increased air strikes against civilian locations by 141 per cent in the second year of the military takeover. Its artillery shelling of communities, including hospitals, schools and places of worship, increased by over 100 per cent".<sup>1</sup> On 11 April 2023, air strikes in Pazigy village, Kanbalu Township, in Sagaing Region reportedly killed many people (mostly civilians, including dozens of children), marking the highest death toll from a single incident since 1 February 2021. The military takeover has resulted in more than 1.6 million persons being internally displaced, for a total of over 1.9 million internally displaced persons in Myanmar.

36. In addition to air strikes, arson attacks continued to increase. According to OHCHR, nearly 82,000 civilian structures, including homes, clinics, schools and places of worship, have been burned over the past two years, mostly in the Sagaing Region, with a dramatic increase between mid-2022 and mid-2023 compared with the prior 12-month period.

37. Rakhine State saw renewed intense clashes between the Myanmar armed forces and the Arakan Army in the second half of 2022, with incidents of cross-border mortar fire and airspace violations in Bangladesh. Fighting ceased in November 2022 after an informal agreement was reached between the parties to enable the provision of humanitarian assistance to affected populations. Both parties have since continued to

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<sup>1</sup> Oral update of United Nations High Commissioner for Human Rights Volker Türk on the situation of human rights in Myanmar to the Human Rights Council at its fifty-second session, 6 March 2023.

exert administrative territorial control, with communities subjected to parallel governance systems.

38. The renewed state of emergency maintained the control of the State Administration Council, at least in parts of the country and over much of the public administration at the Union level, against competing claims of authority and public administration services by ethnic armed organizations, the National Unity Government, the Committee Representing Pyidaungsu Hluttaw and National Unity Consultative Council.

39. The State Administration Council has signalled it would move forward with organizing elections in line with the 2008 Constitution, with the Commander-in-Chief of the Myanmar armed forces reiterating in February 2023 that “free and fair multiparty democratic elections” remained key to the five-point road map of the military, even as the extension of the state of emergency effectively delayed polls.

40. While a date has not been announced for an electoral process, a new regulation for political parties (the so-called Political Party Registration Law) led to the dissolution of 40 political parties by the military-appointed Union Election Commission in late March. To note, these parties won a combined 421 seats (representing 88.45 per cent of total bicameral seats) in the Pyidaungsu Hluttaw in the 2020 general elections. The largest parties affected were the Shan Nationalities League for Democracy and the National League for Democracy, which, during the 2020 polls, won nearly 900 seats at the Union and State/region levels, or about 80 per cent of elected posts.

41. Other regulations enacted by the military authorities similarly continued to disenfranchise much of the population and further limit civic space, including online through added restrictions on social media and enforced criminal liability over the use of virtual private networks.

42. The deterioration of safety and security, as well as the socioeconomic and humanitarian situation in Myanmar, has had a particularly devastating impact on women and girls. Lack of employment opportunities and insecurity continued to threaten those in conflict-affected areas and expose women and girls to human trafficking, as well as arbitrary arrest and detention, compounding the threats to their physical security. Violence against women has increased sevenfold since the start of the coronavirus disease (COVID-19) pandemic.<sup>2</sup> The detention of women human rights defenders, abuse during detention and increased societal gender-based violence, including in the online space, represent additional threats to women’s security.

43. Women and girls residing in internally displaced persons camps and conflict-affected areas are particularly vulnerable to forced marriage and pregnancy, sexual exploitation, detention and forced labour. Incidents of sexual violence against girls and boys are believed to have increased during the reporting period. However, verification of cases and effective assessment of trends on the ground have been hampered by fear of retaliation following the military takeover, which compounded the fear of stigmatization and shame within the communities, as well as limited social services, rule of law mechanisms and support structures for victims.

44. The situation of Rohingya women remains largely unchanged. Sexual violence continues to be used as a tool of repression and control, with women and girls unable to receive effective protection and assistance. Incidents of sexual violence continued to be reported over the past 12 months, with the most notable case involving a male supervisor in the camp management team in an internally displaced persons camp

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<sup>2</sup> See <https://myanmar.actionaid.org/publications/2020/reporting-myanmars-covid-19-first-wave-and-its-impact-civic-and-political-space>.

located in Sittwe Township, Rakhine State, who was charged with the alleged rape and sexual harassment of more than 40 Rohingya women and girls over a period of 10 years between 2012 and 2022. Restrictions on mobility, systemic discrimination and extortion practices continue to hinder freedom of movement and the access of women and girls to services, especially health services, which is particularly concerning for victims of sexual violence and those in need of urgent reproductive care.

45. With the deteriorating humanitarian situation in the country, women's rights organizations and women-led organizations have facilitated humanitarian assistance delivery in their communities. These local organizations have unique access and knowledge, enabling the delivery of humanitarian assistance, including in the hardest-to-reach areas, as well as through cross-border assistance.

46. In 2022, grave violations against children increased by 147 per cent, with the United Nations verifying 1,226 grave violations against 939 children (601 boys, 225 girls and 113 sex unknown) during the year, in addition to violations against 39 children that occurred in previous years and were verified in 2022, and education and health-care opportunities were limited by attacks on schools and health facilities. The rising number of unaccompanied children in Rakhine State after Cyclone Mocha is a major concern. While child abduction increased dramatically, verified instances of recruitment and use of children – often underreported – decreased by 4 per cent. Security forces were responsible for 72 per cent of those incidents.

47. Children faced arbitrary arrest and detention for political reasons, lack of documentation and irregular migration, and to pressure family members. The country task force on monitoring and reporting and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict engaged with parties to the conflict, including the Myanmar armed forces, to address the six grave violations against children.

48. Violence and displacement disrupted safe learning opportunities for children, especially in Sagaing Region. As of October 2022, more than 3.7 million children had restricted or no access to learning.

49. Young people have emerged as key leaders in resistance movements since the military takeover. This has also meant that organizational structures or gatherings led by or involving young people are targets for investigation by the State Administration Council, as well as arrest and attack. Young people, including LGBTQIA+ and ethnic youth, have been forced to operate underground, limiting their access to funding and established partnerships. Furthermore, the collapse of the economy, mistrust in the public education system, and lack of access to skills development have had a direct negative impact on opportunities for youth, their mental health and their psychosocial well-being.

50. Young people are increasingly vulnerable to exploitation, including forced recruitment into the military or armed groups. For example, the United Nations Population Fund and its partners have observed increased difficulties in accessing quality education and learning opportunities and that most young people in Myanmar are concerned about their ability to earn a living, leading to increased interest among young people in moving to another country in search of a job. Security is also a major concern among young people, who feel unsafe at home, at school or work, and in their community.

## **B. Human rights**

### **Fundamental freedoms and repression of democratic movements**

51. The conditions faced by members of the Rohingya community remain dire, as they continue to face widespread and systemic discrimination in all aspects of life. In Rakhine State, while the situation remains fragile, there have been some reports of gradual improvement of intercommunal relationships and the economic and social integration of Rohingya people, such as their ability to visit some towns without being intimidated and harassed, greater intercommunal interactions in various social and religious events, and more measured expressions on social media on issues surrounding Rohingya people. In September 2022, Rohingya students were allowed back to Sittwe University for the first time in 10 years, but only to study certain subjects. However, students had to commit to accepting National Verification Cards, a tool rejected by the community at large, which effectively forced them to decide between their right to education and citizenship.

52. An independent and vigilant media played a critical role in the earlier democratic transition in Myanmar, helping to inform public opinion and hold leaders accountable. The military has revoked the licences of at least 14 independent press outlets and nine publication and printing houses, further restricting civic space and freedom of opinion and expression. Credible sources report the arrests of 194 journalists, including 29 women, since February 2021; 56 of those, including 6 women, remain in detention, with reports of physical and psychological abuse during interrogations. Numerous media workers have gone underground or abroad, negatively affecting independent reporting from within Myanmar.

53. People in both cities and villages have continued to voice their dissent, including through nationwide silent strikes, which demonstrates the limits of violence as a means to assert control. Organizers and protesters have routinely been threatened and arrested for their activism. Similarly, trade unionists, workers and labour activists have been punished and harassed for protesting, prompting the Governing Body of the International Labour Office in March 2022 to establish a commission of inquiry on violations of the right to freedom of association. The commission's report is expected in late 2023.

54. Villagers and small farmers, including women and displaced persons, especially in ethnic minority areas, continue to suffer the consequences of serious housing, land and property rights violations. Challenges prior to the military takeover regarding housing, land and the protection of property rights have persisted, while new threats have worsened the situation considerably, which has led to a general decrease in the security of land tenure.

55. Additional threats to housing, land and property rights in the ethnic States include forcible displacement, increased land grabs, punitive property confiscation or destruction targeting political opponents, wilful destruction of residential property, and increased restrictions on civil society organizations providing legal aid to displaced persons and other vulnerable groups.

### **Accountability**

56. During the reporting period, the Secretary-General stressed that perpetrators of all international crimes committed in Myanmar should be held accountable and that justice for victims would contribute to a sustainable and inclusive political future for the country and its people.

57. A culture of impunity continues unabated in Myanmar. The military continued to maintain effective control over judicial processes, circumventing legal procedures

and shielding its soldiers from legal repercussions for criminal acts. There have been reports that some People's Defence Forces have committed human rights abuses and failed to adhere to the code of conduct of the National Unity Government, and that the perpetrators have not yet been brought to justice. The National Unity Government has established township courts in its controlled areas, although there is no concrete evidence of accountability for crimes committed by members of armed groups. United Nations reports indicate that all parties are implicated in the perpetration of sexual violence, including military-affiliated Pyu Saw Htee militia and ethnic armed organizations.

58. Under the principle of universal jurisdiction, on 29 March 2022, a complaint concerning crimes committed by the military following the takeover was submitted by the Myanmar Accountability Project to a Turkish court. As of the end of the reporting period, the Turkish court had yet to announce whether it would accept the complaint. Similarly, on 20 January 2023, 16 applicants from Myanmar supported by the non-governmental organization Fortify Rights submitted a criminal complaint to the Federal Public Prosecutor General of Germany against senior military officials and others. A decision on whether to accept the complaint and exercise jurisdiction is pending.

59. The Independent Investigative Mechanism for Myanmar continues to gather and analyse evidence and prepare case files to facilitate justice in national and international courts and tribunals. To date, the Mechanism has engaged with over 700 partners and sources and collected and processed millions of information items, including over 200 witness statements and screening notes. In relation to crimes committed against Rohingya, the Mechanism has prepared over 100 evidence packs and analytical documents that are available for sharing, including for ongoing investigations or proceedings related to crimes against the Rohingya in Myanmar at the International Criminal Court, the International Court of Justice and the Office of the Federal Prosecutor in Argentina under universal jurisdiction.

### **C. Vulnerable communities and national and regional implications of the political crisis**

#### **Internally displaced persons**

60. As at 14 August 2023, more than 1.9 million persons remained internally displaced and affected by conflict, with over 1.6 million fleeing their homes since the military takeover, and more than 328,000 people remained in protracted displacement situations from other conflicts prior to 2021. Of those, over 1 million were displaced in north-west Myanmar (Sagaing and Magway Regions and Chin State). Significant displacement has also occurred in the north (Kachin and Shan States) and south-east (Kayah, Kayah and Mon States and Bago and Tanintharyi Regions).

61. Further, the operational expansion of the military, and security forces' increasing levels of brutality, triggered secondary displacement with no foreseeable prospects for sustainable return for most parts of Myanmar. The State Administration Council also issued instructions for the premature closure of internally displaced persons camps and sites that existed prior to 2021 in Kachin, Shan and Rakhine States, without supporting access to services and livelihoods and ensuring protection against violations of fundamental rights. While the application of the instructions to close these sites has been irregular, the lack of durable solutions for displaced communities has the potential to heighten vulnerabilities among the internally displaced persons who have no viable places to return or relocate. For internally displaced persons across the country, protection risks remain grave, with increasing incidents of injury due to unexploded ordnance; regular reports of arbitrary arrest and detention;

incidents of forced recruitment, forced labour and use of human shields; and widespread arson, as well as greater risks of domestic and gender-based violence, trafficking, and exploitation and abuse, against a backdrop of increasing lawlessness and limited means of accessing formal justice systems.

62. Access to displaced populations and conflict-affected areas continued to be severely challenged by ongoing violence and restrictions imposed by the military and other parties to the conflict. Communities of internally displaced persons were left increasingly isolated due to shortages of basic goods and services, roadblocks, movement restrictions and curfews, and Internet and telecommunication shutdowns.

63. In parallel, 630,000 Rohingya people (including 156,000 displaced since 2012) across Rakhine State continued to experience structural discrimination, marginalization, extortion and human rights violations. Their dire situation was exacerbated by Cyclone Mocha, which caused a storm surge in the Rohingya internally displaced persons camps situated along the coast. While the cyclone affected all communities, initial reports suggest Rohingya people nearest to the waterline suffered a disproportionate impact due to structural discrimination, geographic marginalization, distrust, lack of transport, insufficient cyclone shelters and limited clarity of risks.

#### **Voluntary, safe, dignified and sustainable repatriation of refugees**

64. More than 1 million Rohingya refugees remain in Bangladesh and the region, the majority of whom desire to return to Myanmar should conditions be in place for their safe, voluntary, sustainable and dignified return.

65. The situation in Cox's Bazar is unsustainable for the refugees, the Government of Bangladesh and host communities against a backdrop of dwindling international support. Senior United Nations officials have made repeated attempts to focus international attention on the plight of Rohingya people, including through field visits and sustained advocacy by the United Nations High Commissioner for Human Rights, the Special Envoy, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on extreme poverty and human rights. Nonetheless, the Bangladesh joint response plan in 2022 was funded at 63.4 per cent (down from 72 per cent the previous year) and the joint response plan in 2023 has been funded at only 30 per cent. Insufficient funding forced the World Food Programme to reduce food rations twice this year, from \$12 to \$8 per person per month.

66. In these difficult circumstances, preparations by the Government of Bangladesh and the State Administration Council to implement the pilot project on refugee returns have been progressing with facilitation from the Government of China. In addition to several bilateral and trilateral discussions on the return, the State Administration Council conducted a verification exercise for refugees for the pilot project in Cox's Bazar, organized a "go-and-see" visit for a small group of Rohingya refugees to northern Rakhine and conducted a "come-and-tell" visit for State Administration Council officials to inform the refugees about the return process.

67. Despite these efforts, refugees expressed the view that critical factors to enable their safe and dignified return had not been addressed. Those included citizenship rights, the right to return to their places of origin, and guarantees of safety and protection upon return. United Nations mandate holders also expressed concerns that current conditions were not conducive to the safe, dignified and sustainable repatriation of Rohingya refugees. The Office of the United Nations High Commissioner for Refugees (UNHCR) further emphasized that every refugee had a right to return to their home country based on a fully informed and voluntary decision, but that no refugee should be forced to do so.

68. In order to create conditions conducive to the dignified and sustainable return of Rohingya refugees, structural issues related to citizenship and fundamental rights and freedoms, including equality before the law, must be addressed in line with the recommendations of the Advisory Commission on Rakhine State,<sup>3</sup> as reiterated by the General Assembly in paragraph 14 of its resolution 77/227.

69. In an effort to create conducive conditions for the sustainable return of both internally displaced persons and refugees, including by promoting social cohesion, the United Nations Development Programme (UNDP) and UNHCR continued to implement quick impact projects in northern Rakhine. To date, 81 quick impact projects have been implemented there by UNHCR and UNDP and another 22 community-based projects have been implemented by UNHCR in central Rakhine, focusing on the construction and rehabilitation of community infrastructure, water supply, income generation, peaceful coexistence, support to people with specific needs, and the environment.

### **Regional ramifications**

70. The Secretary-General has urged countries in the region to maintain open borders and provide protection and assistance to refugees from Myanmar. No refugee should be forced to return to danger.

71. UNHCR estimates that 3,545 Rohingya people, about 20 per cent of them children, travelled or attempted to travel by sea from Bangladesh and Myanmar in 2022, more than triple the total number of attempted sea journeys in 2021. At least 348 people died or went missing during sea journeys in 2022. In 2023, 1,665 people have embarked on sea journeys, with 79 reported dead or missing. UNHCR continues to work with regional platforms such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime to highlight the importance of a predictable and equitable mechanism for the disembarkation of refugees in distress at sea. UNHCR also advocates for the importance of protection-sensitive entry mechanisms for vulnerable persons arriving by sea, many of whom have been smuggled or are victims of trafficking. In line with efforts to enhance coordination and regional response to maritime movements, the second consultative mechanism of the Bali Process was activated on 17 and 18 April 2023.

72. Since 1 February 2021, there have been an estimated 108,000 movements of refugees throughout the region, of whom 55,297 remained in India and 9,983 in Thailand as at 31 July. This is in addition to over 90,000 refugees that Thailand has been hosting for decades along its border with Myanmar. UNHCR also reported that tens of thousands are displaced along the Thailand-Myanmar border, where humanitarian actors have limited access or capacity to respond. The Government of Malaysia forcibly returned hundreds of Myanmar nationals in 2022 and early 2023, including people seeking international protection, despite imminent threats of persecution upon their return. UNHCR continues to advocate that all States should ensure access to territory and asylum for Myanmar nationals fleeing the country, and for an end to the practice of indefinite detention of asylum-seekers and refugees from Myanmar.

73. As of August 2023, the International Organization for Migration estimates that approximately 40,000 Myanmar nationals were leaving the country each month for economic, conflict-related and other reasons through regular and irregular pathways.

<sup>3</sup> See [www.kofiannanfoundation.org/app/uploads/2017/08/FinalReport\\_Eng.pdf](http://www.kofiannanfoundation.org/app/uploads/2017/08/FinalReport_Eng.pdf).

74. The number of individuals at risk of trafficking has increased since the military takeover. Disrupted livelihoods, deteriorating economic and security conditions, and increased mobility have also heightened protection concerns as people resort to unsafe and high-risk migration strategies, posing a greater risk of compounding trafficking, exploitation or abusive recruitment practices.

75. Casinos in the border areas of Myanmar are increasingly at the centre of a regional online gambling and scamming industry, involving a growing number of people from countries in the region and beyond, many of whom are trafficked into compounds or prevented from leaving. The compounds also continue to play a major role in money-laundering, including the use of cryptocurrencies. Regional linkages of the businesses involved suggest that crackdowns in other parts of the region will lead to further concentration in the border areas of Myanmar.

76. Amid socioeconomic disruptions and the decline of the rule of law, other illicit activities have thrived and significantly expanded, increasingly feeding the conflict economy within Myanmar. Seizures of synthetic drugs in East and South-East Asia, predominantly originating in Shan State, reached approximately 151 tons in 2022, although analysis suggests that the increasing use of maritime trafficking routes has led to significant shipments passing undetected. Falling wholesale and street prices point to a greater availability of illicit drugs, including within Myanmar itself, leading to increased reports of addiction within the country.

77. The United Nations Office on Drugs and Crime 2022 Myanmar Opium Survey showed a 33 per cent increase in the area used for cultivation, a reversal of the downward trend observed since 2014. Combined with greater sophistication and concentration in hotspot areas, potential opium output increased by 88 per cent compared with the previous year.

#### **D. Socioeconomic situation**

78. The economy of Myanmar remains subject to significant volatility and uncertainty. Business operations have been disrupted by conflict, electricity outages, trade and foreign exchange restrictions, shortages of some key inputs and frequently changing rules and regulations. Although some businesses are showing signs of resilience, domestic demand remains weak. The depreciating kyat, combined with increases in global prices and ongoing logistics constraints, has fuelled inflation, which reached almost 20 per cent at the end of 2022. This has exacerbated household budget constraints and affected economic activity.

79. UNDP estimates that the number of people living in poverty has doubled because of the pandemic and military takeover to nearly half of the population of 55 million, and up to 78 per cent in Rakhine State. Amid the increasing poverty across the country, several United Nations entities are increasingly focused on building the resilience of vulnerable communities through support towards sustainable livelihoods and improved access to basic services.

80. The World Bank has warned that the economy of Myanmar faces permanent damage, with a weak and uneven recovery following the deep contraction of 2021 and increasing policy distortions since the military takeover. It predicts that gross domestic product (GDP) will increase by 3 per cent in the year to September 2023. That would leave annual GDP around 10 per cent lower than before the pandemic in 2019. Reflective of the challenges to rural livelihoods since the military takeover, in June the largest microfinance provider in Myanmar, which accounts for 45 per cent of the microfinance market and has 1.1 million rural customers (of whom 99 per cent are women), announced its closure.

81. This socioeconomic strain is reflected in the public health situation in Myanmar. The lack of primary health care in villages, the high cost of accessing secondary health care, and movement restrictions affecting access to tertiary health care in capital cities continue. These restrictions are increasing the mental and psychological burden that the population faces and contributing to preventable deaths from medical emergencies. Minorities and other vulnerable ethnic populations continue to face severe constraints and a fragmented health-care system. Although the deadliest wave of COVID-19 in Myanmar occurred between June and September 2021, the third and fourth waves in 2022 continued to put the health system under strain. Significant shortages of essential medicines, continuing supply chain disruptions, customs restrictions and inflation have limited access to health care, especially in conflict-affected areas. The continued depletion of tax revenues has resulted in budget cuts for the health sector.

### III. Observations

82. I welcome the principled approach of ASEAN through the five-point consensus and urge all countries to seek a unified strategy towards Myanmar, centred on the needs and aspirations of the country's people. The role of ASEAN is more crucial than ever, and I remain committed to close collaboration. The United Nations stands ready to provide its comparative expertise for the implementation of the ASEAN five-point consensus, including on mediation and humanitarian assistance.

83. The people of Myanmar, including the Rohingya, are experiencing mounting vulnerabilities, further compounded by the devastation caused by Cyclone Mocha, and urgently require humanitarian and community-based resilience support. The humanitarian response plan for 2023 remains severely underfunded. I urge Member States to help resolve the political crisis while attending to urgent humanitarian needs.

84. Support to local humanitarian actors and a concerted effort to de-escalate the violence, prevent attacks against civilians and ensure safe, full and unimpeded humanitarian access for delivery through all available channels, including through local administrative structures and networks, are critical. It is imperative that the international community work with stakeholders in Myanmar, including in innovative ways with credible and trusted local organizations, to support all those in need. We must also support the key role of women's rights organizations and women-led organizations in delivering humanitarian assistance in Myanmar. Moving forward, it is critical to increase entry points and channels for women's groups to deliver social services.

85. In line with the recommendations of the Advisory Commission on Rakhine State and those contained in Security Council resolution [2669 \(2022\)](#), the United Nations will also support efforts to create conditions that would be conducive to the safe, dignified and sustainable return of Rohingya refugees in Rakhine State. To that end, it is crucial that UNHCR and partners be provided unimpeded, meaningful and predictable access in Rakhine State in order to support these efforts and ensure that Rohingya refugees can realize their right to return when they choose to do so, based on a fully informed and voluntary decision. In Bangladesh, the United Nations, working with its partners, including the Government, will continue to support the education, the building of transferable skills, the livelihood opportunities and the capacities of refugees that will also facilitate their eventual return and sustainable reintegration in Myanmar. I urge Member States to sustain support for the 2023 joint response plan for the Rohingya humanitarian crisis in Bangladesh, which remains critically underfunded.

86. As the crisis in Myanmar continues, we must not overlook the need for psychosocial support. The trauma of the ongoing conflict and violence carries grievances and wounds that can perpetuate repetition and cycles of violence. Peacebuilding and psychosocial support are deeply interconnected and must be seen as cross-cutting components to our collective humanitarian, peace and development work on the ground.

87. The Myanmar military and all parties to the conflict must respect their obligations under international humanitarian law to protect civilians. Reports of an increase in incidents of sexual violence against women, girls and boys, and in grave violations against children, are particularly alarming. Accountability for serious crimes committed in Myanmar, including against the Rohingya and other minorities, remains essential. I urge full cooperation with relevant mechanisms such as the Independent Investigative Mechanism for Myanmar, including through providing access to Myanmar, witnesses, victims and crime scenes. I further urge Member States, in particular those in the region, where most of the evidence and witnesses are located, to fully cooperate with the Mechanism and ensure that the necessary arrangements are in place to enable it to work in their territory.

88. It is vital that the international community demonstrate stronger unity in solidarity with the people of Myanmar, including the Rohingya. The United Nations is committed to staying and delivering in Myanmar. This requires working with all stakeholders to ensure that urgent lifesaving humanitarian assistance and high-priority public health and development assistance are provided to the people of Myanmar through all available channels and that their human rights are respected.

89. My position has been clear, and I have taken a principled stance that signals support for the democratic aspirations of the people of Myanmar, which the military is attempting to overturn. The collective support of the international community must start with building a common understanding of realities on the ground based on listening directly to people in conflict-affected areas, including women and youth.

90. I encourage Member States to create more opportunities for the voices of the most vulnerable to be heard. The General Assembly and the Security Council remain important platforms to support the people of Myanmar that will be vital in complementing the efforts of ASEAN to help resolve the crisis in Myanmar. The United Nations will prioritize strengthening engagement based on a coordinated strategy across the system in support of the people of Myanmar.