



HUMAN RIGHTS COUNCIL - 46th SESSION

Interactive dialogue with the Special Rapporteur on the situation of human rights in Myanmar (11-12 March 2021)

Mr. Thomas Andrews, Special Rapporteur on the situation of human rights in Myanmar:

Summary of the report: [A/HRC/46/56](#)

- The report mainly reflects on the **human rights situation before and after the military coup** in Myanmar and makes recommendations to protect and promote human rights in the country. It focuses on demonstrating that **even prior to the military coup, the Myanmar government and military violated people's rights to freedom of expression, assembly and association, and right to life, liberty, and security of person.**
- Additionally, it contains the Special Rapporteur's **examination of the extent to which international businesses and Member States** heeded the call to **end business interests with Myanmar military-owned enterprises** and to **cease arms transfers to the military.**
- The Special Rapporteur's recommendations after the restoration of a legitimate government focus on initiating a process to consider fundamental changes to the Constitution whereby the military is fully accountable to a **legitimate democratically elected government.**

The Special Rapporteur further emphasized that **70 people have been murdered by Myanmar's security forces** most of whom are **young people under the age of 25.** There has also been an increase in the **number of arbitrary arrests and violence against peace protesters** as recorded on video as well as systematic **destructions of legal protections**, and violations regarding **freedom of expression, assembly, association, and the right to privacy.** Also, that the country's current leadership has **perpetrated the atrocity crimes** and should be the focus of the **charge of genocide** before the **International Court of Justice.** The Myanmar military are engaging in violations that amount to **crimes against humanity.** With regards to the **Rohingya people**, crimes have increased against them including **Myanmar security forces engaging in torture, murder, and enforced disappearances.**

The Special Rapporteur called on the fact that the **Security Council's** condemnation of violence in Myanmar is **not sufficient** and that the **international community** should **develop concrete supportive actions.** In this sense, there's a need for **coordinated actions of nations** that include **sanctions against the military junta** in Myanmar. These **sanctions will only be truly effective** if they are **unified and coordinated.**

Member States should therefore commit to taking **strong, decisive, and coordinated actions** as a **coalition of nations** – the **Coalition for the People of Myanmar**, through five immediate steps: 1) **Stopping the flow of revenue into the illegals junta's coffers**, both to senior leaders and their major sources of revenue. 2) **Outlaw the export of arms to the Myanmar military** 3) **initiate investigations of these ongoing crimes** and make **preparations to file charges against Myanmar's senior security officials** 4) **Stop the flow of humanitarian and development aid through the junta** and **work directly with civil society** 5) **Deny recognition of the military junta** as the legitimate government representing the people of Myanmar precisely because they are not.

Finally, the Special Rapporteur highlighted the importance of the **nonviolent civil disobedience movement (CDM)** as it represents Myanmar's democracy, effectively drawing its organic power from the **unflinching commitment of the Myanmar people.**

Delegation of Myanmar (Speaking as the country concerned):

Myanmar **opposed country-specific mandates** which run **contrary to the principles of universality, impartiality, objectivity, non-selectivity and non-politicization** in addressing human rights issues of the country concerned. Due to a violation of the **code of conduct** by the previous Special Rapporteur, **Ms. Yanghee Lee**, Myanmar decided **not to cooperate with the mandate.** If the Special Rapporteur wishes to **cooperate with Myanmar in the future**, it is crucial that the Myanmar situation is **understood on the ground** and **through constructive evaluation and analysis.**

The delegation referred to the fact that the **Tatmadaw made complaints to the UEC several times** to address the **issue of voter list irregularities for the November 2020 elections** and the **request was rejected by the UEC.** It was in light of the **failure of the UEC** that the acting president **declared a State of Emergency for one year on 1 February** in accordance with the **State Constitution** and **transferred the legislative, executive and judicial powers**



to the **commander-in-Chief of the Defence Services**. Subsequently, the commander-in-Chief **formed the State Administration Council (SAC)** which is composed different from the type of military administration as it includes **both civilian people and national races**. In this sense, the **SAC did not abolish the State Constitution (2008)** and it has made a solid commitment to **consolidate the genuine, disciplined multi-party democratic system that suits the prevailing situation of the country as aspired to by the people of Myanmar**. Likewise, the SAC's programme has **prioritized restoring lasting peace in the entire nation through effective implementation of the Nationwide Ceasefire Agreement (NCA)**; and **handing over the State responsibilities to a winning party via holding of a free and fair multi-party democratic general election**. The SAC already **expressed its commitment to restore the democratic system** and maintain the democratic transition in **accordance with the existing State Constitution**.

Furthermore, Myanmar will **continue cooperating with the UN, ASEAN, the WFP and the ICRC**. With regards to the security situation, authorities have been forced to **maintain law and order to restrain violent protests following national and international standards**. Myanmar will uphold the **sovereignty, political independence, territorial integrity, national unity and social stability throughout the country**. The delegation emphasized that more **understanding and constructive engagement** is needed in order to develop a **democratic transition** in the country in an orderly manner.

Interactive Dialogue

The majority of States expressed their support for the Special Rapporteur's report and its mandate. They **harshly condemned the military coup's systematic human rights violations** and emphasized that the result of the **November 2020 General Election**, must be respected and **democracy must be restored** in the country. Also, they requested the **immediate release** of all persons **arbitrarily detained** (including President Win Mynt), all government officials, politicians, journalists, human rights defenders, and civil society members, and the **lifting of the state of emergency**. They also condemned the **brutal repression against peaceful protesters, freedom of expression, association and assembly as well as access to information**, and expressed concerns towards the increase in **internally displaced people**, especially the Rohingya. They urged States to **support the mandate** of the **Independent Investigative Mechanism for Myanmar** so that it continues **collecting evidence and building criminal case files of serious international crimes** being committed in the country. Countries must **support the victims** and call on the Military junta to provide **unhindered humanitarian access**.

Several states mentioned that violations may amount to **crimes against humanity** as they are being committed as **part of a widespread or systematic attack on a civilian population**

The **European Union** specifically mentioned that it is ready to **adopt restrictive measures** targeting those directly responsible, while **avoiding measures which could adversely affect the people of Myanmar**.

Several states expressed their concerns for the grave **human rights situation of Rohingya Muslims** and their exclusion from **democratic processes including during the last elections** and demanded the country to immediately **commence repatriation of the forcibly displaced Rohingyas** (Japan thanked **Bangladesh** for its generous acceptance of displaced persons).

The Russian Federation condemned the use of violence by both sides and highlighted the need for a mutual reconciliation and the establishment of a dialogue. Along with **China** and **Venezuela**, they emphasized the values of **sovereignty, non-interference, neutrality, self-determination of people, and international solidarity and that** the Special Rapporteur should respect the code of conduct being impartial and avoiding politicization of the issue. **Venezuela** claimed the report was **biased, unbalanced and contained unverified information**.

Malaysia and **Indonesia** mentioned that as a result of an informal **ASEAN Ministerial Meeting** held on the 2nd of March 2021 to address developments in Myanmar, they are closely cooperating with the country and call for the **release of political leaders, reconciliation**, the retrain in the use of force, and the guarantee of freedom of expression. They will work closely with Myanmar in finding a peace and sustainable resolution highlighting the importance of the values of **non-interference** in the country.

Delegations that took the floor during the Interactive Dialogue (46 country delegations):

United Kingdom, European Union, Lithuania (on behalf of the Nordic-Baltic countries Denmark, Estonia, Finland, Iceland, Latvia, Norway, and Sweden), Pakistan (on behalf of OIC), Germany, Libya, Russian Federation, Philippines, France, Maldives, Malaysia, Saudi Arabia, Japan, Australia, Netherlands, Sweden, Indonesia, Venezuela, Switzerland, Belgium, Republic of Korea, India, United States of America, Thailand, Lao's People's Democratic Republic, Spain, Croatia, Albania, China, Sierra Leone, Luxembourg, Malawi, New Zealand, Bangladesh, Romania, Ireland, Czech Republic, Canada, Italy, Marshall Islands, Singapore, Mauritania, Turkey, Cambodia, Austria, Vietnam.



NGOs that took the floor during the Interactive Dialogue (10):

Amnesty International, Article 19 - International Centre Against Censorship, The Asian Forum for Human Rights and Development, CIVICUS - World Alliance for Citizen Participation European Centre for Law and Justice, European Centre for Law and Justice, International Commission of Jurists, International Federation for Human Rights Leagues, Lawyers' Rights Watch Canada, Physicians for Human Rights, Christian Solidarity Worldwide.

NGOs representatives mentioned that the Myanmar military has escalated their assault on their people, using increasingly **lethal tactics and weapons normally seen on the battlefield against peaceful protesters and bystanders** across the country. They fear the **repetition of past crimes against ethnic minorities in Rakhine, Chin, Kachin and Northern Shan States**, given the Military's long history of committing atrocities with impunity. Also, there are confirmed cases of **extrajudicial killings, arbitrary arrests** as well as violations regarding **freedom of expression and access to information** (the military have repeatedly shut off the Internet and cut access to major social media sites). **Attacks and displacement of Rohingyas** continues. Therefore, they urge all states to move beyond statements of concern and take **concrete actions to halt violations and hold perpetrators accountable** making the **Security Council refer** the situation to the ICC and develop a **comprehensive global arms embargo** as well as **targeted financial sanctions** on senior **Military officials**. Also, States should urgently seek for an **accountability system** as it will never be established at the national level.

To watch full ID with the Special Rapporteur on the situation of human rights in Myanmar, refer to UN Web TV, [Part 1](#) (11 March) – [Part 2](#) (12 March).