



# HUMAN RIGHTS COUNCIL - 48<sup>th</sup> SESSION

## Item 4: Interactive dialogue on the report of the High Commissioner on the situation of human rights in Myanmar

*Situation of human rights in Myanmar: Report of the High Commissioner for Human Rights (A/HRC/48/67)*

**Opening Remarks by H.E. Ms. Michelle Bachelet, United Nations High Commissioner for Human Rights:** since the last update to the HRC, the human rights situation in Myanmar has deteriorated significantly, impacts of the military coup continue to devastate lives across the country. The military power faces resistance from large segments of the society. **Over 1,100 individuals have reportedly now died since the coup.** Over 8,000 individuals – including children – have been arrested since the coup, with over 4,700 remaining in detention. More than 120 detainees have died in custody – some within 24 hours of their arrest. **Over 260 attacks on health-care facilities and personnel** have been reported since February, including confiscation of COVID-19 vaccines and oxygen. The report documents many serious violations of human rights and international humanitarian law, several of which may amount to war crimes or crimes against humanity. **A movement of armed resistance is growing**, peaceful protests have taken place for seven months. **Local self-defence groups have taken up arms**, and many have joined the so-called **Defence Force movement**. In September 2021 the interim President of the National Unity Government issued a **call for nation-wide armed uprising against the military**. Armed clashes now occur regularly. Recently the Tatmadaw has been conducting offensives in Magway and Sagaing Regions and in Chin State, reportedly killing villagers and burning houses. In border areas (Kachin, Shan, Kayin, and Kayah states) ethnic armed organisations have assisted People's Defence groups. Ms. Bachelet appealed to all armed actors to respect human rights and ensure that civilians are protected. She also urged members of the HRC to actively support a political process that engages all parties to this crisis. ASEAN's initiative should urgently be accompanied by other influential Member States, using a mix of incentives and disincentives to reverse the military coup. Ms. Bachelet encouraged all parties to allow unrestricted access to humanitarian assistance, including vaccination. Medical personnel must be protected. **There should be an immediate release of all political prisoners, including Daw Aung San Suu Kyi.** The crimes committed by the Tatmadaw today are built upon the impunity regarding the shocking violence against the Rohingya four years ago. The expanded work of the Independent Investigative Mechanism for Myanmar (IIMM) has become even more important. **Steps taken to engage the ICC and other bodies may also open new avenues for accountability.** The international community must redouble its efforts to restore democracy and prevent wider conflict before it is too late.

### Interactive dialogue

#### Delegations that took the floor during the Interactive Dialogue (22 statements):

European Union – EU, Lithuania *on behalf of Nordic-Baltic countries* – NB8 (Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Sweden), Pakistan *on behalf of Organization of Islamic Cooperation* – OIC, Germany, France, Australia, Bangladesh, Indonesia, Japan, Albania, Viet Nam, Russian Federation, Malaysia, Mauritania, Libya, New Zealand, Philippines, United Kingdom, Romania, Jordan, Iran, Sudan

EU called on Myanmar to provide OHCHR with full and unhindered access; reiterated the support to the mandate of the IIMM and to the work of the ICC; agreed that the effective and meaningful implementation of the Five-Point Consensus is imperative. Welcomed the appointment of ASEAN Special Envoy Erywan Yusof. *What is the role of cooperation between OHCHR and the Special Envoy in facilitating an end to violence and initiating a peaceful dialogue-driven process?* **Lithuania on behalf of NB8** called upon the Myanmar military leadership to immediately release arbitrarily detained, to end discrimination of ethnic and religious minorities, SGBV, and to ensure humanitarian access. Meaningful implementation of the ASEAN's Five-Point Consensus is important. **Pakistan on behalf of OIC** expressed grave concern that Rohingyas in Myanmar continue to be the victims of human rights violations; deeply regretted that Rohingyas have been excluded from Myanmar's COVID-19 vaccination programmes; urged Myanmar to



immediately halt human rights abuses against Rohingyas, comply with ICJ's provisional measures, implement recommendations of Advisory Commission on Rakhine State, cooperate with Bangladesh to commence repatriation. **Germany** supports the ASEAN efforts to find a peaceful solution through meaningful dialogue; stressed the importance of OHCHR monitoring and reporting with a particular focus on accountability. **France** called for the lifting of the state of emergency, the cessation of violence, the release of all arbitrarily detained, reestablishment of the rule of law, full and safe humanitarian access. **Australia** called for the immediate release of arbitrarily detained, including Australian Professor Sean Turnell; unhindered access for UN agencies and humanitarian organisations to those in need. **Bangladesh:** the 15-page report contains only two paragraphs on Rohingyas. Expected that adequate focus on Rohingyas will be reflected in the report to the next HRC session. Amid its own challenges and with limited resources, Bangladesh continues to host Rohingyas. The international community should guarantee justice for the victims and ensure repatriation of forcibly displaced Rohingyas. Called on Myanmar to take back all forcibly displaced Rohingyas from Bangladesh. **Indonesia:** *Could the High Commissioner elaborate on the recommendation on collaboration between ASEAN and the UN, particularly between the ASEAN ICHR and OHCHR?* **Japan:** has used its own channels to strongly urge the Myanmar military to immediately stop the violence; will work closely with ASEAN to realize the dispatch of the Special Envoy and dialogue among all stakeholders; highly commends Bangladesh for accepting the displaced. **Viet Nam:** works with fellow ASEAN members to implement the five-point consensus on Myanmar. **Russian Federation:** concerned about the growth of extremist sentiments among the opposition. The attempts of individual states to use the UN platform to politicize the Myanmar issue are regrettable; highly appreciated the balanced position of the ASEAN member states. Key factor in normalizing the situation in the Rakhine Region is the further promotion of direct dialogue between Naypyidaw and Dhaka. **Malaysia:** full support for the ASEAN's Five-Point Consensus and welcomed the appointment of ASEAN's Special Envoy. Addressing the root causes of the Rohingya problem remains imperative. **Mauritania:** need to implement all recommendations of the Rakhine State Advisory Committee. **Libya:** called the HRC, the international community, and international and human rights organizations to take measures to protect Muslim minorities. **New Zealand:** *what should be the international community's top priorities when addressing Myanmar's challenges?* **Philippines:** called for the release of Daw Aung San Suu Kyi. *Questions: (1) how the OHCHR can render concrete support to the region, and (2) how the roles of the multiple mandate on Myanmar could be evolved to ensure coherence and impact, in light of the Rosenthal report.* **UK:** *What can the international community do to ensure that people are able to express their political opinions without fear or threat of violence?* **Jordan, Iran, Sudan:** called for the protection of rights of the Rohingyas as a Muslim minority, commended the efforts made by Bangladesh to host refugees from the Rohingyas minority.

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

Asian Forum for Human Rights and Development, International Commission of Jurists, Article 19, Edmund Rice International Limited, International Bar Association (*Joint Statement*), Asian Legal Resource Center, Center for Civil and Political Rights, Christian Solidarity Worldwide, Amnesty International, The Next Century Foundation

**Asian Forum for Human Rights and Development:** the UN and international community must not rely on ASEAN to resolve the Myanmar crisis. **International Commission of Jurists:** no possibility exists for the accountability for the gross human rights violation in Myanmar at the national level; called the UN OHCHR to continue monitoring the situation, support the work of the IIMM; called on States to exercise universal jurisdiction in respect of cases committed in Myanmar and the UN Security Council to refer the situation in Myanmar to the ICC. **Article 19:** request the High Commissioner to assess how the new legislation impacts the implementation the right to freedom of expression in Myanmar. **Edmund Rice International:** called HRC to urge Myanmar to immediately stop all acts of violence against civilians and allow to effective delivery of humanitarian assistance, including free access to COVID-19 vaccines. **International Bar Association (Joint Statement):** highlighted the high level of impunity, called the HRC and international community to ensure that the systematic and large-scale abuses are investigated with the assessment whether they amount to crimes against humanity. **Asian Legal Resource Center:** the lessons learned from



Myanmar's continued degeneration of institutions should trigger effective enforcement of inclusiveness and protection of human rights in all other jurisdictions. **Center for Civil and Political Rights:** *What role could OHCHR play to effectively facilitate and coordinate the actions taken by UN Member States, the different bodies set up under the HRC and other UN and regional bodies?* **Christian Solidarity Worldwide:** urged the HRC to condemn the military coup. **Amnesty International:** international community has the responsibility to protect people of Myanmar. Businesses must respect human rights in Myanmar and stop enabling perpetrators. *What practical steps should states take to ensure that companies remaining in Myanmar are not complicit in the commission of international crimes?* **The Next Century Foundation** asked the UN to enter into immediate peaceful discussions with the military government of the Republic of the Union of Myanmar to discuss allowing UNHRC and WHO staff and other humanitarian organizations to enter the country and provide COVID-19 assistance directly.

**Concluding Remarks of the H.E. Ms. Michelle Bachelet:** *answering the question of New Zealand:* there is a need to bring an end to the cycle of violence and bring humanitarian assistance. Important to create incentives but not to lose long-term sight. Regarding the *comments of Indonesia and Philippines:* ASEAN must take a transparent and consultative approach by engaging with all different stakeholders. OHCHR can support ASEAN Special Envoy in many ways. There are different levels of possible cooperation. *Answering the UK question:* important to amplify the voice of civil society and independent media in Myanmar. Pressure should be put on military authorities. Ms. Bachelet also highlighted the situation regarding Rohingya refugees and IDPs from/in Myanmar. Military authorities in Myanmar seem to be not willing to repeal the discriminatory legislation of the Rohingyas. It is critical for the international community to support Bangladesh on the issue of hosting refugees from Myanmar and press Myanmar to accept the responsibility and create condition for the return. *Regarding the comment of the Amnesty International:* OHCHR raised awareness in the domain of private sector. Ms. Bachelet appealed to Member States, especially those with direct interest, to work together to reverse this tragic cycle of violence and restore democracy and hope for the people of Myanmar.

*Video recording of the meeting is available on the [UN Web TV](#)*