

HUMAN RIGHTS COUNCIL – 53rd SESSION

Panel discussion on the measures necessary to find durable solutions to the Rohingya crisis and to end all forms of human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar.

21 June 2023

In her opening remarks, **Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights**, reported that Rohingya Muslims and other minorities in Myanmar have endured decades of persecution and systematic discrimination. The Myanmar military has the unequivocal obligation to provide full, safe, and unimpeded **humanitarian access** to all persons in need. Instead, the military has put in place a system of physical and administrative restrictions on the conduct of humanitarian operations, including in assessing casualties and needs on the ground. To achieve an inclusive future, the authorities in Myanmar must ensure a fully democratic, representative, and accountable political system, repeal all discriminatory legislation, undertake inclusive and constructive dialogue aimed at national reconciliation, and implement measures that ensure the respect and protection of the human rights and dignity of each and every person without discrimination. A fundamental step is the full legal recognition of the right to citizenship of all Rohingya people and issuance to them of appropriate civil documentation, allowing for full and equal access to basic services, including education and health, economic opportunity, and freedom of movement. Any possibility for their return to Myanmar must include their **full, effective, and meaningful participation**, in all their diversity.

Mohshin Habib, Adjunct Professor at Laurentian University, affirmed that four decades of systematic discrimination, nationalism-fuelled racism, and state-sponsored violence manipulated by the coercive military regime are evident from the hostility toward Rohingyas. The history of the recurring exodus and multiple failed repatriation attempts manifests the uncooperative behaviour of the Myanmar government. The recent coup has made it impossible for a successful repatriation attempt in both the short- and long-term. He informed the Council about three practical measures as a precondition to repatriation, such as security, economic and education, and social capital theses. The economic thesis supports the compensation of Rohingya for material losses and trauma as a means of achieving some measure of social justice and hopes for refugees. This would represent an acknowledgment of the violation of Rohingya's human rights founded on the principle of 'justice and accountability'. The education and social capital thesis argue for quality educational services and a sense of association among refugees.

Yasmin Ullah, Chair of the Board at Alternative ASEAN Network on Burma (ALTSEAN-Burma), sharing her experience, informed the Council of the kind of impacts genocide and mass atrocities has on her people and others from Myanmar. In this regard, she affirmed that it seems that the international system is built upon complacency and negligence. Moreover, she suggested that two kinds of acknowledgment may facilitate the repatriation, peace, and prosperity: the recognition of Rohingya ethnic status; as well as a drastic reform of Myanmar on the systemic abuse of Rohingya and many other ethnic and minoritized groups.

Kyaw Win, Executive Director of Burma Human Rights Network, stressed that the junta continues to deny the Rohingya the ability to live free and dignified lives by further restricting their freedom of movement, livelihoods, and access to education. Restrictions on movement include requirements for formal permissions to travel, curfews, checkpoints, and restricted zones. This is a clear violation of the International Court of Justice's provisional measures aimed at preventing genocidal acts against the Rohingya. In addition to physical attacks on the Rohingya and other Muslim minorities and their places of worship, this campaign is also being perpetrated through discriminatory laws, policies, and practices. He affirmed that despite the longstanding evidence of widespread and systematic human rights violations, **impunity remains nearly absolute**.

Chris Lewa, Founder of the Arakan Project, stressed that despite numerous UN resolutions raising serious concerns and strongly condemning human rights violations against the Rohingya, no progress has been made. In this context, insistence on expediting Rohingya repatriation is particularly disturbing as conditions for a voluntary return in safety and dignity are not in place: 1) Citizenship and other root causes have not been addressed. Restrictions on movement have increased; 2) Rohingya IDPs in Central Rakhine have been confined to segregated camps since 2012; 3) The temporary truce brokered between the Arakan Army and the Myanmar military in November is still holding, but tensions remain high; finally, 4) The bilateral pilot repatriation plan does not take into account all the origin areas of the refugees. The Rohingya's right to return to their homeland should also be safeguarded, but only with free and informed consent. UNHCR must be able to assess the voluntariness of refugees' decisions. However, she reported **positive developments in Myanmar**, including the policy statement recognizing the Rohingya's entitlement to Myanmar's citizenship, and appointing a Rohingya adviser (2021, National Unity Government); as well as the Arakan Army's administration systems in rural areas under their control. Finally, she proposed **recommendations** to Member States and the international community to advocate for the human rights of Rohingya and their meaningful participation, supporting international accountability. Repatriation to Myanmar must be truly voluntary, based on informed consent, and should not be promoted until root causes are addressed and conditions for return in safety and dignity are in place.

Interactive dialogue

20 country delegations took the floor during the interactive dialogue, the Council expressed concern over the increased human suffering and regression in all areas of human rights, including for the Rohingya and other minorities. In particular, **Norway** condemned the military's indiscriminate use of force against civilians, including women and children; and called for an immediate end to all violence against civilians, for perpetrators to be brought to justice, and for the provision of full, safe, and unhindered humanitarian access. The **EU, Luxembourg, Australia, and Kuwait** stressed that durable solutions to the plight of the Rohingya and other minorities in Myanmar require addressing its root causes. Victims deserve justice and perpetrators must be held accountable. The role of the IIMM, and of investigations or proceedings by national, regional, or international courts or tribunals, including by the ICJ and ICC, is crucial. **Pakistan** affirmed that the international community must create and maintain conditions for a voluntary, safe, dignified, and sustainable return of refugees and internally displaced persons. The current situation in Myanmar does not meet these conditions. The full, safe, and unimpeded humanitarian access to all people in need must be granted. Considering the pilot project, a crucial step towards finding a sustainable solution to the Rohingya crisis, **Bangladesh** was taking all measures necessary to ensure the voluntary return of the Rohingya to their ancestral land in Myanmar.

Russian Federation advocated a depoliticized approach when discussing ways to resolve the problem of displaced persons from the Rakhine National Region of Myanmar. The key factor is to promote direct dialogue and interaction between Myanmar and Bangladesh based on existing bilateral agreements. The international community may support this while respecting the sovereignty of both countries and non-interference in their internal affairs.

NGOs remained concerned over the systematic abuses that amount to the crimes against humanity of apartheid, persecution, and deprivation of liberty faced by the Rohingya and other Muslim minorities. They stressed that over one million Rohingya in exile need durable solutions to live in dignity in the camps and forge a path for their safe return to Rakhine State in Myanmar. **They also** highlighted that recent months have seen how hate speech and misinformation are being used to fuel interethnic tensions in Myanmar. This ultimately targeted ethnoreligious communities and aimed to

exacerbate tensions. Finally, they urged the Myanmar government to end all discriminatory policies that restrict minorities' fundamental rights to movement and to obtain nationality.

Delegations that took the floor during the Interactive dialogue (20 country delegations):

Norway, Pakistan, Luxembourg, EU, Kuwait, Australia, Indonesia, Malaysia, Turkey, Bangladesh, The Gambia, Costa Rica, UK, Venezuela, Senegal, Islamic Republic of Iran, South Africa, Russian Federation, Mauritania, Egypt.

NHRIs and NGOs that took the floor during the Interactive dialogue (9):

Islamic Human Rights Commission, Human Rights Watch, Asian Forum for Human Rights and Development, International Bar Association, Juventum e.V, INHR, Lidskoprávní organizace Práva a svobody občanů Turkmenistánu z.s., Association Ma'onah for Human Rights and Immigration, International Organization for the Elimination of All Forms of Racial Discrimination.

To watch the full meeting refer to [UN Web TV](#).