



# General Assembly

Distr.: General  
5 January 2024

Original: English

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## Human Rights Council

### Fifty-fifth session

26 February–5 April 2024

Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

## **Summary of the 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**

### **Report of the United Nations High Commissioner for Human Rights\***

#### *Summary*

The present report is submitted pursuant to Human Rights Council resolution 50/3, in which the Council decided to hold, during its fifty-third session, a 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 and other minorities in Myanmar. Also in that resolution, the Council requested the United Nations High Commissioner for Human Rights to submit a report on the panel discussion to the Council at its fifty-fifth session. The present report contains a summary of the panel discussion, which was held on 21 June 2023.

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\* The present document was submitted late owing to additional time required for its finalization.



## I. Introduction

1. Pursuant to Human Rights Council resolution 50/3, the Council, during its fifty-third session, convened a 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.<sup>1</sup>
2. The panel discussion, held on 21 June 2023, provided an opportunity for members and observers of the Human Rights Council, experts and other stakeholders, including representatives of the Rohingya and other minorities in Myanmar, to discuss the situation of human rights of Rohingya and other minorities in Myanmar, and to identify potential measures and durable solutions to the Rohingya crisis, with a particular emphasis on ways to work towards the sustainable return of refugees in safety and dignity.
3. The discussion was opened by the United Nations Deputy High Commissioner for Human Rights. The panellists were Yasmin Ullah, Chair of the Board of the Alternative Association of Southeast Asian Nations (ASEAN) Network on Burma; Chris Lewa, Founder of the Arakan Project; Kyaw Win, Executive Director of Burma Human Rights Network; and Mohshin Habib, Adjunct Professor at Laurentian University (Ontario, Canada).

## II. Background

4. Violations against ethnic and religious minorities in Myanmar affect the entire spectrum of civil, cultural, economic, political and social rights. The Rohingya minority of Myanmar has, over generations, been subjected to institutionalized persecution, denial of identity and extreme discrimination that together have created a cycle of marginalization and led to serious violations of their human rights, which may amount to international crimes, including mass forced displacement. It continues to be deprived of citizenship and civil documentation, faces extreme restrictions on freedom of movement, has very limited access to health and education services, and to livelihood opportunities. Long-standing armed conflicts have also led to gross violations of the human rights of ethnic minorities in other States, including extrajudicial killings, arbitrary arrests and detention, torture, forced labour, sexual and gender-based violence, and extensive forced displacement.
5. Since the military coup of 1 February 2021, Myanmar has been caught in a downward spiral of violence, characterized by the widespread violations committed by the Myanmar military of international human rights law and international humanitarian law, including the widespread use of indiscriminate airstrikes and artillery attacks in populated areas, the raiding and burning of villages, arbitrary arrests, the use of torture, extrajudicial killings and sexual violence. This catastrophic situation of human rights has also further affected the Rohingya and other minorities, causing further refugee movements to neighbouring countries and unprecedented internal displacement within Myanmar.
6. The situation of human rights of the Rohingya and of other minorities in Myanmar has been extensively documented by the United Nations High Commissioner for Human Rights in several recent reports submitted to the Human Rights Council<sup>2</sup> as well as in the reports of successive holders of the mandate of Special Rapporteur on the situation of human rights in Myanmar<sup>3</sup> and of the independent international fact-finding mission on Myanmar.<sup>4</sup> More recently, in June 2022, pursuant to Human Rights Council resolution 47/1, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a panel discussion at the fiftieth session of the Council on the root causes of human rights violations

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<sup>1</sup> The majority of the members of the Rohingya community, but not exclusively, are of Muslim faith. As such, the present report refers only to Rohingya, rather than Rohingya Muslim, in order to be inclusive of non-Muslim Rohingya.

<sup>2</sup> A/HRC/45/5, A/HRC/49/72, A/HRC/52/21 and A/HRC/54/59.

<sup>3</sup> See [www.ohchr.org/en/documents-listing?field\\_content\\_category\\_target\\_id%5B182%5D=182&field\\_entity\\_target\\_id%5B1300%5D=1300](http://www.ohchr.org/en/documents-listing?field_content_category_target_id%5B182%5D=182&field_entity_target_id%5B1300%5D=1300).

<sup>4</sup> A/HRC/39/64 and A/HRC/42/50.

and abuses against Rohingya and other minorities in Myanmar. Participants in the panel discussion identified the lack of accountability for the human rights violations of the Rohingya and other minorities and the continuing impunity enjoyed by the Myanmar military as the root causes of the current crisis.<sup>5</sup> Addressing root causes of discrimination and human rights violations against ethnic and religious minorities in Myanmar and ensuring accountability for serious crimes committed were essential to achieve durable peace and to build a society on the basis of the principles of equality and non-discrimination. Supporting long-term grass-roots initiatives aimed at strengthening intercommunity and interreligious dialogues, addressing hate speech and providing human rights education to young people were also essential.

7. At the international level, efforts to ensure legal accountability are ongoing at the International Court of Justice and the International Criminal Court. Meanwhile, steps to that end have also been taken at the national level in third States with relevant jurisdiction. The Independent Investigative Mechanism for Myanmar has been providing key support to such efforts.

8. From August to November 2022, fighting between the Myanmar military and the Arakan Army in Rakhine State further exposed the Rohingya community to grave risks and violations. Battles were fought in and around Rohingya villages, resulting in casualties and displacement. OHCHR had also received credible reports of the use of sexual violence against Rohingya women and girls by both parties. The Myanmar military had also imposed further restrictions on humanitarian access and on movement. Rohingyas were required to obtain temporary travel authorization for movement between townships in Rakhine State. Anyone – including children – caught undertaking unauthorized travel faced arrest and imprisonment. These had significantly affected the Rohingya community and exacerbated their protection risks and vulnerabilities.

9. Since 2017, more than one million Rohingya in refugee camps in Bangladesh had been living in difficult conditions, facing serious security, economic and human rights challenges. Lack of adequate security in the camps had led to threats, beatings, kidnappings and numerous killings of Rohingya refugees. Owing to dwindling funding, food assistance had been reduced by 30 per cent, making life in the camps even more difficult. Gender-based violence remains high, with high rates of domestic violence and risks of trafficking in women and girls.

10. As a result of the systemic discrimination, crippling restrictions and rising hardships, an increasing number of Rohingya had been taking immense risks to flee Myanmar and Bangladesh. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), in 2022 alone, 3,545 Rohingya — a 360 per cent increase over the number in 2021 — attempted dangerous sea journeys to other countries in order to seek protection, security, family reunification and livelihoods, with 348 people believed to have died or gone missing at sea.<sup>6</sup> Those intercepted at sea and returned to Myanmar faced imprisonment. The number of Rohingya arrested for unauthorized travel within Myanmar, namely seeking to travel outside Rakhine State, doubled in 2022 to around 2,000 cases.

11. The gravity of the situation had also drawn the attention of the Security Council. At the end of 2022, while expressing concern at the recent developments in Myanmar and underlining the risks that the Rohingya situation poses for the wider region, the Council adopted resolution 2269 (2022), its first resolution on the situation in Myanmar, in which it underscored, among other things, the need to address the root causes of the crisis in Rakhine State and to create the conditions necessary for the voluntary, safe, dignified and sustainable return of Rohingya refugees and internally displaced persons.

12. On 14 May 2023, Cyclone Mocha devastated Rakhine State, disproportionately affecting Rohingya communities, especially those who had been displaced. There were reports of disproportionate numbers of deaths of Rohingya and extensive damage to their dwellings. The dire consequences of the cyclone had been exacerbated by the actions of the Myanmar military directed at preventing humanitarian access to the affected areas and its

<sup>5</sup> See [A/HRC/52/22](#).

<sup>6</sup> [UNHCR, \*Protection at Sea in South-East Asia – 2022 in Review\* \(2023\)](#).

failure, over the years, to create conditions conducive for sustainable returns. The military had suspended travel authorizations for all relief operations for several weeks and ordered that all disaster relief responses and supplies be directly managed by its own personnel. The military had not allowed the Rohingya to freely move to seek assistance, and also obstructed the relief efforts of local civil society groups through threats and arrests of those delivering aid or raising funds for relief efforts.

### **III. Opening session**

13. Opening the panel discussion, the Deputy High Commissioner for Human Rights recalled that the Rohingya and other minorities in Myanmar had endured decades of persecution and systematic discrimination. Eleven years after the 2012 violence in Rakhine State, followed by the crises of 2016 and the 2017 military operations that had killed thousands and forcibly displaced hundreds of thousands of Rohingya, more than one million still languished in refugee camps in Bangladesh. An estimated 600,000 Rohingya remained in Myanmar, largely confined to Rakhine State, where they continued to be deprived of their basic rights. She added that other ethnic and religious minorities, who had pinned their hopes on ceasefire agreements and the promise of a federal and democratic future for Myanmar, had once again become victims of violence as a result of the military coup in February 2021. The coup had seen violent repression in many parts of Myanmar and inflicted more suffering on minority communities, including the Rohingya.

14. The Deputy High Commissioner furthermore recalled that Cyclone Mocha – the most powerful storm to hit the region in a decade – had raged through the country in May. More than 100 Rohingya had died, while thousands had their homes destroyed and their lives upended, rendering them even more vulnerable. She highlighted the unequivocal obligation of the Myanmar military to provide full, safe and unimpeded humanitarian access to all persons in need. Despite this obligation, the military had instead 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. People were reportedly living in forests and improvised shelters without any access to life-saving services, such as medicines and, at times, food.

15. The Deputy High Commissioner also made several recommendations. To achieve an inclusive future, she called upon the Myanmar military to restore a fully democratic, representative and accountable political system, to repeal all discriminatory legislation, to undertake inclusive and constructive dialogue aimed at national reconciliation and to implement measures that ensure the respect and protection of the human rights and dignity of each and every person without discrimination. She highlighted, as a fundamental step, the full legal recognition of the right to citizenship of all Rohingya people and issuance to them of appropriate civil documentation, which would allow for their full and equal access to basic services, including education and health, economic opportunities and freedom of movement. She also emphasized that any dialogue and deliberation about the future of the Rohingya – including any possibility for their return to Myanmar – must include their full, effective and meaningful participation.

16. The Deputy High Commissioner expressed solidarity with and support to Bangladesh for providing refuge to more than one million Rohingya refugees throughout the protracted crisis. She also commended countries in the region that had allowed safe disembarkation and provided assistance to Rohingya arriving by boat, noting that such assistance must continue. She acknowledged the significant humanitarian pressure placed on those countries, notably Bangladesh, as well on humanitarian actors, in ensuring delivery of services in the refugee camps in Bangladesh. Since March 2023, the World Food Programme (WFP), owing to shortfalls in funding, had twice been forced to sharply reduce food rations in the camps, which had further compounded the hardship of refugees. The 2023 joint response plan for the Rohingya humanitarian crisis had also been severely underfunded. In this regard, the Deputy High Commissioner called upon the international community to provide robust and sustained financial support to Rohingya refugees by fully funding the joint response plan. She highlighted the importance of building resilience and self-reliance, stating that ensuring access to education, lifelong learning, skills development and livelihoods in the refugee

camps was critical, also to prevent total dependence on humanitarian assistance and to be fully prepared to rebuild their lives in Myanmar once they could return in dignity.

17. The Deputy High Commissioner expressed the full support of OHCHR to ongoing accountability efforts at the international level to end the impunity of the Myanmar military for past and present violations against the Rohingya and other minorities. The application brought by the Gambia against Myanmar at the International Court of Justice was an important step in this direction, as was the ongoing investigation of the Prosecutor of the International Criminal Court. She called for the Human Rights Council to redouble its support for accountability initiatives. Lastly, she urged the Council to work collectively on a road map towards durable solutions – solutions that were anchored in the hopes and the human rights of the Rohingya and other minorities.

## **IV. Summary of the panel discussion**

### **A. Contributions of panellists**

18. Yasmin Ullah drew from her own experience as a Rohingya woman, having fled from the violence and systemic oppression in Myanmar as a young child along with her family in 1995. She explained her first-hand experience of the consequences of what she described as the genocide of and mass atrocities against her people, the Rohingya community. For decades, they had been driven out of Rakhine State, their ancestral homeland, by the oppressive and arbitrary policies and practices of the Myanmar authorities. There were more than 1.3 million Rohingya refugees worldwide, lacking protection, legal status and a way out of their plight.

19. Ms. Ullah made two recommendations to achieve sustainable peace in Myanmar. First, she highlighted the importance of Myanmar recognizing Rohingya identity. In her view, the Rohingya crisis could not be solved solely with changes to the citizenship status of the Rohingya. In the context of Myanmar, different tiers of citizenship had meant different levels of protection and different opportunities for political participation. To the present day, some Rohingya had held citizenship, but without official recognition of their ethnicity. They continued to be subjected to violence and discriminatory policies and practices, and to be systematically erased and excluded as a collective group from social, economic and political participation. She hoped that the Rohingya could be acknowledged for who they were and had always been: an indigenous ethnic nationality of Myanmar. Such a status had served as a negotiating tool for many other recognized ethnic groups across Myanmar and could act as a protection measure against atrocity crimes, discrimination and other violations of the rights of the Rohingya.

20. Second, Ms. Ullah underlined the need for a truth and reconciliation commission in Myanmar. In the absence of transitional justice, successive generations of Rohingya had suffered a recurrence of atrocity crimes against them; the 2021 military coup and 2017 genocidal campaign against the Rohingya were the two most recent examples. The denial of truth and failure to create institutional reforms, such as judicial, educational, economic, social and political reforms, had led to further violations of the fundamental rights of the Rohingya in Myanmar. A truth and reconciliation commission would provide the necessary guidance for structural and institutional reforms so that no atrocities, further human rights violations, or discriminatory policies and practices would be possible in Myanmar again with impunity.

21. Ms. Ullah concluded by saying that no repatriation of the Rohingya should proceed without these two recommendations in place and operationalized. Forcing Rohingya to return to Myanmar without ensuring conditions conducive to their safety and security meant that they were traded from one refugee camp to a concentration camp in their own homeland. There would be no solution to the crisis without the Rohingya being able to forge their own path and carve out their own space in Myanmar.

22. Chris Lewa described the increasing persecution against the Rohingya over the years. The violence in 2012 had displaced 150,000 Rohingya to internment camps in Rakhine and, in 2017, atrocities perpetrated by the military in northern Rakhine had triggered a mass

exodus of 740,000 to Bangladesh. Moreover, from late 2018, Rohingya villagers had been trapped in armed clashes between the Arakan Army and the Myanmar military. The conditions for a voluntary return to Myanmar in safety and dignity were not in place and therefore repatriation should not be promoted at the present time. The issue of citizenship and other root causes of human rights violations against the Rohingya had not been addressed. Restrictions on movement had increased and, since the coup in February 2021, the Myanmar military had arrested and sentenced more than 3,500 Rohingya for unauthorized travel within the country. Ms. Lewa highlighted the dire situation of internally displaced Rohingya in Myanmar. Since 2012, many of them had been confined to camps. Those who attempted to rebuild their houses in the burned villages had been ordered to dismantle them. According to Ms. Lewa, durable solutions for internally displaced persons in Myanmar should be a precondition before any repatriation from Bangladesh could proceed. She added that, despite the temporary truce brokered between the Arakan Army and the Myanmar military in November 2022, tensions in the region remained high. The Myanmar military had brought in more troops and military hardware, suggesting that hostilities could resume at any time.

23. Ms. Lewa furthermore argued that the bilateral pilot repatriation plan for about 1,100 Rohingya, which had been discussed in 2023 between Bangladesh and Myanmar, did not guarantee their right to return to their village of origin. The 15 relocation sites where the Rohingya would reportedly be resettled were all situated in North Maungdaw. Meanwhile, some of those cleared by the Myanmar authorities to return were from other villages, such as Buthidaung. She referred to the “go and see” visit undertaken in May 2023 for 20 Rohingya refugees who, upon their return, expressed their dissatisfaction and unwillingness to return under those conditions.<sup>7</sup> She underlined the importance of upholding the right of the Rohingya to return to their homeland based on an informed and free choice; to that end, UNHCR in Bangladesh should assess the voluntary nature of decisions taken on return by refugees and counsel them on the risks.

24. Ms. Lewa also noted some positive developments. In what she referred to as a breakthrough, she explained that, in 2021, the National Unity Government of Myanmar had issued a policy statement recognizing the entitlement of the Rohingya to Myanmar citizenship, and had appointed a Rohingya adviser as its deputy Minister for Human Rights. Whether the policy was a genuine commitment or merely a campaign tool to seek international recognition, however, remained to be seen. On the other hand, she noted that the Arakan Army and its political wing had also altered their rhetoric concerning the Rohingya and now seemed to promote inclusiveness. In the administration systems they had established in rural areas under their control, they had formed Rohingya “village committees”. Ms. Lewa reminded members of the Human Rights Council that such developments should be monitored and supported, and that all stakeholders, including the National Unity Government, the Arakan Army and the Rohingya themselves, should be meaningfully engaged in finding solutions.

25. Given that the prospects of voluntary repatriation were remote, Ms. Lewa underlined the importance of attending to the short- and medium-term needs of Rohingya refugees in host countries. She explained that overcrowding, restrictions on movement, lack of access to livelihood and education, and insecurity in the refugee camps in Bangladesh were drivers for onward movements in the region and should be addressed. Funding shortfalls had forced WFP to reduce monthly food rations in March, and further in June, exacerbating the situation for a population where children were already severely malnourished. Under the principle of responsibility-sharing, Ms. Lewa urged the international community to come forward with adequate funding to meet the basic humanitarian needs of Rohingya refugees. A robust regional protection framework should be developed, while the practices of pushbacks at sea and of indefinite immigration detention should cease across the region. Lastly, she recommended that alternative durable solutions, such as resettlement to third countries and complementary pathways, should be vigorously pursued.

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<sup>7</sup> An initiative by the Myanmar military and Bangladesh officials for 20 Rohingya refugees to visit Rakhine State in May 2023 and to see for themselves the conditions there and preparations for the implementation of the pilot repatriation plan.

26. Kyaw Win described anti-Muslim policies and practices in Myanmar. He explained that there were various Muslim groups in the country, including the Bengali, the Malay and the Rohingya. The 1982 Citizenship Law had strengthened the basis for anti-Muslim policies and practices, including what Mr. Win described as genocide against the Rohingya. Pursuant to the law, Muslims were deprived of, inter alia, their rights to Myanmar citizenship, freedom of movement and political participation.

27. Mr. Win's organization, the Burma Human Rights Network, had been documenting human rights violations in Myanmar against six different Muslim groups. Since the military coup in February 2021, it had recorded an increasing number of cases of looting, burning and the destruction of properties, shops and places of worship of Muslim communities. As an example, nearly 1,000 houses in Muslim villages in Central Myanmar had been burned down by the Myanmar military. The number of Muslim individuals that had been arbitrarily detained and tortured had also been steadily increasing. Mr. Win added that a particularly worrying trend was the issue of hate speech in Myanmar; since February 2021, the Burma Human Rights Network had documented more than 612 incidents of hate speech targeting Muslim minorities, including the Rohingya, by supporters of the Myanmar military on social media, including Facebook and Telegram, and in military-backed journals.

28. Mr. Win underlined the importance of accountability as part of any durable solution to the crisis. So long as the military enjoyed complete impunity for its actions, the unyielding oppression of the Rohingya and other minorities would continue unabated. He urged the Security Council either to refer the full situation in Myanmar to the International Criminal Court or to establish a separate criminal tribunal to investigate and prosecute the full spectrum of atrocities committed in Myanmar. He also recommended that the Council impose a global arms embargo and targeted sanctions to ensure revenues to the Myanmar military were cut. In the same vein, he called upon States Members of the United Nations to impose targeted economic sanctions on the Myanmar military. Lastly, he encouraged neighbouring countries, including Bangladesh, India, Indonesia and Thailand, to devise a comprehensive regional response to the refugee crisis, to provide protection, support and humanitarian and legal aid to all refugees fleeing Myanmar, and to authorize emergency cross-border aid to internally displaced persons in Myanmar.

29. Mohshin Habib pointed to four decades of systematic discrimination in Myanmar, and nationalism-fuelled and State-sponsored racism against the Rohingya, making them the world's most persecuted minority. Mr. Habib argued that the recurring exodus and multiple failed repatriation attempts reflected the uncooperative behaviour of the Myanmar authorities. The coup in February 2021 had further exacerbated the situation, making attempts for the successful repatriation of Rohingya even more difficult; meanwhile, the refugee camps in Bangladesh had become one of the most densely populated areas globally, causing environmental degradation and posing significant economic, health and reputational consequences for the host country. There was also evidence of human and drug trafficking syndicates operating on the Bangladesh-Myanmar border.

30. Mr. Habib argued that repatriation to Myanmar still appeared to be the most durable solution to the crisis, but only if a holistic approach could be adopted: one that would allow the Rohingya to uphold their human rights and dignity and enable them to build and sustain their socioeconomic lives. In this regard, in his research as an academic, he had identified security, economic, and education and social capital as the preconditions to repatriation.

31. Mr. Habib elaborated on his research findings in 2018. A sense of vulnerability, fear of ethnic violence, pre- and post-war experience with the Myanmar military and the presence of war criminals influenced the attitudes of Rohingya refugees to repatriation. A total of 94 per cent of respondents (of 3,300 interviewed) demanded that the security situation be improved before they would agree to repatriation to Myanmar. Regarding the economic dimension, he pointed out the importance of financial reparations, alongside legal and moral accountability, on the part of Myanmar authorities. The Rohingya should be financially compensated for their loss of livelihood and material assets, as well as their trauma, which would provide a means for them to resettle, rehabilitate and restore their original state of economic life when they returned to Myanmar. Lastly, Mr. Habib recalled that there were growing concerns about lack of educational and employment opportunities for Rohingya refugees in refugee camps, their loss of skills, and the challenges to their sense of community.

He highlighted the need to establish quality educational services and initiatives to instil a sense of community and solidarity among the Rohingya. Any initiative to this end should aim to improve the welfare of the Rohingya community, in line with the pledge to “leave no-one behind”.

## **B. Interactive discussion**

32. During the plenary discussion, statements were made by the representatives of Australia, Bangladesh, Costa Rica, Egypt, the Gambia, Indonesia, Iran (Islamic Republic of), Kuwait, Luxembourg (on behalf of Belgium, Luxembourg and the Kingdom of the Netherlands), Malaysia, Mauritania, Norway (on behalf of the Nordic Baltic countries), Pakistan (on behalf of the Organization of Islamic Cooperation), the Russian Federation, Senegal, South Africa, Türkiye, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of), as well as the European Union (on behalf of the European Union and its member States).

33. Representatives from national, international and non-governmental organizations also took the floor, including the Asian Forum for Human Rights and Development, Association Ma'onah for Human Rights and Immigration, Human Rights Watch, the International Network of Human Rights, the International Bar Association, the Islamic Human Rights Commission, iuventum e.V. and Lidskoprávní organizace Práva a svobody občanů Turkmenistánu z.s..

34. Many speakers expressed deep concern at the deteriorating human rights and humanitarian situations in Myanmar since the coup in February 2021, and called for an immediate cessation of violence. The representative of Australia observed that the ongoing repression and violence by the Myanmar military had had devastating consequences for the people of Myanmar, including the Rohingya and other minorities, which had implications for regional stability and prosperity. The representative of Norway condemned the military's indiscriminate use of force against civilians, including women and children, and called upon it to immediately end all violence against civilians. The representative of South Africa denounced the total disregard of the Myanmar military for its obligations under international human rights and humanitarian law. He highlighted mounting evidence that crimes against humanity and war crimes had been intensifying in the country, including widespread and systematic attacks being perpetrated against civilians, including Rohingya and other ethnic minorities. He urged the international community to remain united in pressuring the military to halt its ongoing repressive campaigns against the people of Myanmar and to restore the rule of law and democracy.

35. Full, safe and unimpeded humanitarian access to all people across Myanmar was strongly urged by many speakers, including the representatives of Australia, Luxembourg, Malaysia, Senegal, the United Kingdom and the European Union. The representative of Costa Rica referred to the particular vulnerability of the Rohingya community to natural disasters. In the aftermath of Cyclone Mocha that had devastated many areas in its path, including Rakhine State, the Myanmar military had blocked access of humanitarian aid, causing thousands of Rohingya to live without access to food, drinking water and shelter. The representative of Human Rights Watch shared reports that many Rohingya were facing massive levels of unaddressed needs, including waterborne illnesses, hunger and malnutrition, and sheltering in tents made of debris. She deplored the military's deliberate obstruction of aid, which was emblematic of its long-standing so-called “four cuts” strategy<sup>8</sup> designed to maintain control of an area by isolating and terrorizing the population. The representative of Türkiye called upon the Myanmar authorities to work with United Nations agencies, ASEAN and humanitarian aid organizations to help to alleviate the consequences of the cyclone.

36. The long-standing and systematic persecution of the Rohingya community was repeatedly raised throughout the interactive discussion. The representative of Mauritania denounced the human rights violations perpetrated against the Rohingya, including the denial

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<sup>8</sup> See A/HRC/52/21, footnote 2.



of citizenship rights and civil documents and the restrictions on freedom of movement, access to health and education services, and access to livelihood opportunities. According to the representative of Türkiye, the deteriorating security and humanitarian situation in Myanmar since the military coup in February 2021 continued to have severe repercussions for the most vulnerable groups, particularly the Rohingya. The representative of Indonesia pointed out that, as long as the ongoing political crisis and violence in Myanmar was not resolved, the fundamental rights and freedoms of the Rohingya, including women and children, would not be fulfilled. Many speakers in turn called upon the Myanmar military to put an end to the violations and to provide the Rohingya community with the necessary protection of their rights, and to identify and implement a durable solution to the crisis.

37. Many speakers recalled that addressing the root causes was vital to achieving a durable solution to the Rohingya crisis. One recurring recommendation concerned the issue of citizenship for the Rohingya. The representative of the International Network of Human Rights emphasized that persecution of the Rohingya would continue unless Myanmar recognized them as citizens in the same way that it recognized other ethnic groups, and failure to do so might lead to more genocidal acts against the group. The representative of Pakistan called upon Myanmar to take immediate measures to implement all recommendations of the Advisory Commission on Rakhine State, including restoring citizenship of the Rohingya by amending the 1982 Citizenship Law. Such an amendment, as the representative of iuventum e.V. noted, would be necessary to grant equal rights and ensure their legal protection and access to basic services, such as education, health care and employment.

38. The representative of Bangladesh referred to multiple United Nations reports that identified institutionalized discrimination, long-standing armed ethnic conflicts and ultra-nationalist ideology of “Burmanization” as root causes of human rights violations against the Rohingya and other minorities. This view was supported by the representative of the International Bar Association, who expressed her concern at the rampant anti-Rohingya narratives circulating in Myanmar. She warned about the widespread use of hate speech and misinformation to fuel interethnic and interreligious tensions in Myanmar. Both the representative of Senegal and the representative of Lidskoprávní organizace Práva a svobody občanů Turkmenistánu z.s. raised the importance of an inclusive dialogue among the different ethnic and religious communities in Myanmar, with a view to resolving intercommunity tensions and conflicts and promoting social cohesion.

39. Ensuring accountability was identified by many speakers as critical for upholding the human rights of the Rohingya and other minorities in Myanmar and a key factor in achieving a durable solution to the crisis. According to the representative of the European Union, the Independent Investigative Mechanism for Myanmar and the investigations and proceedings conducted by national, regional or international courts or tribunals, including by the International Court of Justice and the International Criminal Court, had an important role to play in ensuring that victims had access to justice and remedy and that perpetrators were held accountable. The representatives of Luxembourg and Pakistan specifically called for full compliance with the order issued by the International Court of Justice for provisional measures and cooperation with all ongoing judicial and accountability mechanisms. The representative of the Asian Forum for Human Rights and Development also specifically called for referral of the situation in Myanmar to the International Criminal Court.

40. Inclusive dialogues involving all stakeholders were identified by many speakers as fundamental. The representative of Iran (Islamic Republic of) stressed that finding a durable solution to the Rohingya crisis required the involvement of all parties. This view was supported by the representative of Venezuela (Bolivarian Republic of), who deemed it indispensable to push for a broad, constructive and inclusive dialogue towards national reconciliation, in accordance with the will and interests of the people of Myanmar, including the Rohingya and other minorities. In this regard, many speakers reiterated the importance of putting the Rohingya at the centre of all discussions to address the crisis. The inclusive and meaningful participation of the Rohingya community was a precondition to the durability of any solution.

41. Some speakers placed special importance on the role of regional, intergovernmental and international organizations in facilitating the achievement of a durable solution to the crisis. According to the speakers from Indonesia and Malaysia, ASEAN continued to engage

all stakeholders in Myanmar in pursuit of an inclusive dialogue by placing the five-point consensus as its main reference. The representative of Egypt also referred to the centrality of the role played by the Organization of Islamic Cooperation in this issue. Other speakers also showed support for the efforts made by the Special Envoy of the Secretary-General on Myanmar.

42. As a consequence of the ongoing crises, as highlighted by the representative of Association Ma'onah for Human Rights and Immigration, more than a million Rohingya had been forced to flee Myanmar, seeking safety and refuge in neighbouring countries, which increased the socioeconomic and political pressure on those countries owing to the lack of resources to respond in an adequate manner. The representative of Kuwait pointed out that, according to the latest global report of UNHCR, the number had reached 1.3 million people, with women comprising a quarter of this number and children half of it. In the camps in Bangladesh, Rohingya refugees lived with limited education and livelihood opportunities and only remote prospects for immediate durable solutions. The situation had deteriorated since the reduction in already-meagre food rations as a result of shortfalls in funding for WFP. It was for that reason that, under the principle of common and shared responsibility towards refugees, many speakers called upon the international community to provide support to the countries hosting Rohingya refugees, notably Bangladesh, and to boost their humanitarian assistance for Rohingya refugees, including through the 2023 joint response plan for the Rohingya humanitarian crisis. With regard to the continuously increasing number of asylum-seekers and refugees from Myanmar, the representative of the Islamic Human Rights Commission appealed particularly to States in the region to allow refugees and asylum-seekers into their countries, to protect them and to fully uphold the principle of non-refoulement. The representative of Malaysia also urged signatories of the Convention on the Status of Refugees to uphold their international legal obligations and to accept more refugees for resettlement or relocation.

43. The representatives of Bangladesh, Kuwait, Mauritania, Pakistan and the Russian Federation welcomed the dialogue between Bangladesh and the Myanmar authorities on a pilot repatriation project of Rohingya refugees from Bangladesh to Myanmar, considering it a crucial step towards finding a durable solution to the Rohingya crisis. Meanwhile, many States and representatives of national, international and non-governmental organizations expressed their concern that any repatriation should be safe, dignified, voluntary, sustainable and should proceed only when conditions were conducive to return. They stressed that such conditions did not currently exist in Myanmar. The representative of the United Kingdom stated that, until conditions improved in Myanmar, the United Kingdom would continue to support the Rohingya living in camps in Bangladesh. The representative of Luxembourg expressed gratitude to Bangladesh for its extensive efforts to support the Rohingya and other refugees under enormously difficult circumstances, but reminded the Human Rights Council that any return to Myanmar must be on a purely voluntary basis. The representative of the Asian Forum for Human Rights and Development also expressed concern that the repatriation of Rohingya refugees at the time when the same military continued to commit mass atrocities on a national scale offered no durable solution to the crisis.

44. Speakers asked the panellists a number of questions, for example, on the measures necessary to address the root causes of the persecution of the Rohingya, to prevent the recurrence of atrocities against them and to promote durable solutions to the Rohingya crisis. The panellists were also asked about specific measures that could be taken to improve the situation of human rights of the Rohingya and other minorities in Myanmar, including those in camps for internally displaced persons, and to adequately support Rohingya refugees in neighbouring countries, particularly Bangladesh. Questions were asked about how the international community could end impunity and ensure accountability of perpetrators of human rights violations against the Rohingya and other minorities, and how the genuine and meaningful participation of the Rohingya in any discussion about durable solutions to the crisis could be ensured. The representative of Luxembourg asked the panellists about their expectations regarding further ASEAN engagement, and what countries that maintained ties with the Myanmar military could do to alleviate the plight of the Rohingya and other minorities in Myanmar. The representative of Norway pointed out that intercommunal dialogue and shared suffering had seemingly fostered a greater understanding among some

ethnic groups and democratic forces in Myanmar, and asked what priority actions could be taken by external actors in the short and medium term.

### C. Responses and concluding remarks

45. The Deputy High Commissioner urged parties, in the short term, to focus on ensuring immediate support and humanitarian access to the Rohingya in Myanmar in the wake of the cyclone. She stressed that any transition from the closed camps in Rakhine should be undertaken in full coordination with the community itself, and that their freedom of movement, livelihood and access to basic services should be guaranteed. She also called for more humanitarian funds to be provided for Rohingya in Bangladesh. In the medium and longer term, the Deputy High Commissioner reminded the Human Rights Council of the recommendations made by the Advisory Commission on Rakhine State and the Independent International Fact-Finding Mission on Myanmar. Specifically, she reiterated the importance of the amendment to the 1982 Citizenship Law, the creation of conditions for the safe, dignified, sustainable and voluntary return of Rohingya refugees, the increase in resettlement options and complementary pathways, especially for the most vulnerable groups, and crucially, the pursuit of accountability.

46. Ms. Ullah concurred with the Deputy High Commissioner's remarks on the need to support Rohingya in Myanmar, as a priority, in a dignified manner. In responding to the question on ASEAN engagement, she highlighted the importance of advocating for and expanding the five-point consensus so that it truly delivered and remedied the situation, including with regard to access to cross-border aid and support and assistance to women peacebuilders, building on the women and peace and security framework of the Security Council. She urged States to ensure that the Rohingya community was at the centre of all conversations about Myanmar with relevant stakeholders, including civil society, the National Unity Government and the Myanmar military.

47. Ms. Ullah called upon the Human Rights Council to push the National Unity Government and civil society from within Myanmar to recognize the Rohingya as an indigenous ethnic group that belonged to Myanmar, and to reintegrate the Rohingya into all aspects of social, economic and political participation. As she had emphasized in her opening remarks, in order to attain durable solutions, transitional justice should be at the centre of all future planning, and a truth and reconciliation commission could serve as a blueprint for necessary social change. She echoed the remarks made by many speakers that repatriation should not proceed if the Rohingya had to return to face the perpetrators of the abuses against them, who had to date faced no consequences for their crimes.

48. Ms. Lewa described some concrete actions that the National Unity Government could take with a view to building trust with the Rohingya community. The National Unity Government should create a space for dialogue between its members and the Rohingya community. Aside from the National Unity Government, Ms. Lewa urged parties also to engage with ethnic armed organizations, which played a crucial role in the resistance against the Myanmar military, such as the Arakan Army. She noted the improvement in the position of Arakan Army and its relationship with the Rohingya over the years; for instance, while the Myanmar military had blocked access to the delivery of humanitarian assistance, the Arakan Army had visited and provided assistance in at least two Rohingya villages. Ms. Lewa emphasized that such positive gestures should continue, while actions that endangered the Rohingya, such as by assuming positions of attack from their villages and retaliation by the Myanmar military, should cease.

49. Ms. Lewa stressed that conditions for the safe, dignified and voluntary return of Rohingya refugees to Myanmar were not in place. The 20 refugees who had been involved in the "go and see" initiative were, on their return, very clear that they did not wish to be repatriated under the current conditions – and those voices must be heard. Nevertheless, she emphasized that the right of refugees to return should be guaranteed as long as they chose to do so voluntarily, on the basis of informed consent. In the meantime, Ms. Lewa urged for more protection and access to education for refugees in Bangladesh. She also recommended

that the practice of indefinite immigration detention of asylum-seekers and Rohingya refugees across the region be ended.

50. Mr. Win described the anti-Muslim policies that the Myanmar military had put in place for decades since 1962, which had permeated the discriminatory attitudes of the authorities, civil servants and the general population in Myanmar. The Muslim communities in Myanmar had continued to face the consequences of such anti-Muslim sentiment, which Mr. Win described as a “ticking time bomb”, given the risks of genocide, mass atrocities and further influx of displaced persons to neighbouring countries. With thousands of civilians killed, hundreds tortured and many more arbitrarily arrested since the coup, what was currently happening in Myanmar no longer constituted the internal affairs of Myanmar. Mr. Win called upon the international community to, as a priority, impose a global arms embargo on the Myanmar military in order to stop it from killing more civilians. He also reiterated the importance of cross-border humanitarian aid to reach everyone in Myanmar, particularly those in camps for internally displaced persons, including Rohingya.

51. Mr. Win urged the international community to strengthen its efforts to end the impunity of the Myanmar military by, inter alia, supporting the ongoing case at the International Court of Justice and backing referral of the full situation in Myanmar to the International Criminal Court. The long-term goal was to build and empower Muslim minorities, including the Rohingya, by ensuring their access to citizenship, education and political participation in Myanmar. Mr. Win also reminded the Human Rights Council of the importance of meaningfully engaging all Muslim minorities in any discussion or decision-making process about them.

52. Mr. Habib had two types of recommendations. Firstly, regarding external policy measures, he called upon the international community to increase pressure on the Myanmar military by imposing trade sanctions and an arms embargo, and to support the ongoing case at the International Court of Justice and possible financial reparations. He also urged neighbouring countries, including members of ASEAN, to do more in this regard. He suggested that ASEAN consider suspending Myanmar from the organization as a possible step. Secondly, regarding internal measures, durable solutions could only be attained with political and legal reforms in Myanmar. Mr. Habib called upon the Myanmar military to show accountability and upon the National Unity Government to recognize the Rohingya as an ethnic minority of Myanmar. Like other panellists, he recalled the importance of the genuine participation of the Rohingya community in all matters affecting it, and called upon the National Unity Government to ensure that.

## V. Conclusions and recommendations

53. Throughout the panel discussion, speakers stressed that addressing the root causes of the violations of the human rights of the Rohingya and other minorities in Myanmar was fundamental to achieving durable solutions to the ongoing human rights and humanitarian crises. The recognition of the Rohingya as an ethnic minority of Myanmar and resolving the issue of citizenship were indispensable to that end. Promoting social cohesion between the different ethnic and religious groups, ensuring accountability for human rights violations, and inclusive dialogue involving all stakeholders, with the meaningful participation of the Rohingya and other minorities, were all necessary steps for a peaceful and inclusive future in Myanmar. Meanwhile, the international community must also step up and provide greater humanitarian support to host countries, such as Bangladesh, and provide more assistance to the Rohingya who had fled Myanmar in search of safety.

54. Many speakers reiterated their view that the repatriation of Rohingya refugees to Myanmar could proceed only if conditions in Myanmar were conducive to a safe, dignified, voluntary and sustainable return. Given the deteriorating human rights and humanitarian situations in Myanmar since the military coup in February 2021 and the long-standing and continued persecution against Rohingya and other ethnic minorities, such conditions currently did not exist. Nevertheless, Rohingya refugees must be

allowed to realize their right to return to their places of origin when they chose to do so, based on free and fully informed consent.

55. During the panel discussion, representatives of several States and other stakeholders recommended that the Myanmar military:

(a) Immediately cease violence and end all human rights violations against the people of Myanmar, in accordance with its commitment under the ASEAN five-point consensus, to restore democracy and the rule of law and democracy, and implement Security Council resolution 2269 (2022) on Myanmar and the recommendations of both the Advisory Commission on Rakhine State and the International Independent Fact-Finding Mission on Myanmar;

(b) Ensure full, safe and unimpeded humanitarian access to all persons in need across Myanmar, including Rakhine State, which had been devastated by Cyclone Mocha;

(c) Engage in inclusive and meaningful dialogue with all stakeholders and ensure the genuine participation of the Rohingya and other minorities in all discussions concerning Myanmar;

(d) Address the root causes of the Rohingya crisis, including by acknowledging the Rohingya as an ethnic minority of Myanmar and resolving their citizenship status;

(e) Cease all forms of discrimination against and abuse, including the spread of misinformation and hate speech, of the Rohingya and other minorities, and protect, promote and fulfil their human rights and fundamental freedoms in Myanmar;

(f) End impunity for past and ongoing human rights violations by fully cooperating with all ongoing justice and accountability mechanisms, including the International Court of Justice, the International Criminal Court, the Independent Investigative Mechanism for Myanmar and other relevant mechanisms;

(g) Create conditions conducive to the voluntary, safe, dignified and sustainable return of the Rohingya and other displaced persons;

(h) Ensure that any repatriation of Rohingya refugees to Myanmar was truly voluntary and based on their free and informed consent.

56. With respect to ending all forms of human rights violations and abuses against Rohingya and other minorities in Myanmar, panellists and representatives of several States recommended that States and other stakeholders:

(a) Maintain a global and priority focus on the plight and situation of the Rohingya and other minorities in Myanmar;

(b) Urge the Myanmar military to grant protection and guarantee the human rights and fundamental freedoms of all Rohingya and other minorities in Myanmar;

(c) Demand that the Myanmar military acknowledge the identity of the Rohingya as an ethnic minority of Myanmar;

(d) Disavow systematic discrimination against the Rohingya and recognize the need for new citizenship legislation, in accordance with international human rights norms and standards;

(e) Urge the Myanmar military to ensure access to humanitarian assistance for internally displaced Rohingya and other minorities, and guarantee their freedom of movement and access to livelihoods and to basic services;

(f) Actively ensure the inclusive and meaningful participation of the Rohingya and other minorities in Myanmar in all deliberations about their future;

(g) Facilitate inclusive dialogue between different ethnic and religious communities in Myanmar, including the Rohingya, with a view to resolving intercommunity tensions and conflicts and promoting social cohesion.

57. To ensure accountability for human rights violations, panellists and representatives of States recommended that States and other stakeholders:

(a) Continue to support accountability efforts at both the national and international levels, including through the International Court of Justice and the International Criminal Court, and to provide ongoing support to the Independent Investigative Mechanism for Myanmar and other relevant mechanisms;

(b) Support the establishment of a truth and reconciliation commission in Myanmar as part of transitional justice measure in Myanmar where conditions permit;

(c) Support the full implementation of the ASEAN five-point consensus;

(d) Impose economic sanctions and an arms embargo on the Myanmar military.

58. To support Rohingya refugees, panellists and representatives of States recommended that States and other stakeholders:

(a) Urge the Myanmar military to create conditions conducive to their repatriation and ensure the safe, dignified, voluntary and sustainable return of Rohingya refugees to Myanmar;

(b) Provide, in line with the principle of responsibility-sharing, a greater humanitarian response to reverse cuts in food rations and to address other urgent needs of Rohingya refugees, in particular the most vulnerable groups, in host countries, notably Bangladesh, including by funding the 2023 joint response plan for the Rohingya humanitarian crisis;

(c) Devise a robust regional response to the refugee crisis, including by allowing the entry of asylum-seekers and refugees into their territory, refraining from push-back practices at sea, indefinite immigration detention and returning them to places where they are at risk of persecution, providing humanitarian assistance and protection, and guaranteeing their access to basic services;

(d) Pursue alternative durable solutions for the most vulnerable Rohingya refugees, such as by providing resettlement opportunities and complementary pathways.

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