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**Human Rights Council
Twenty Seventh Special Session
05 December 2017**

A/HRC/S-27/.....Situation of human rights of Rohingya Muslims and other minorities in Myanmar

The Human Rights Council,

PP1. *Guided by* the purposes and principles of the Charter of the United Nations;

PP2. *Reaffirming* the Universal Declaration of Human Rights, and recalling the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the Convention on the Right of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women, and their Optional Protocols, as well as, the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international human rights law;

PP3. *Also Recalling* previous UNGA resolutions on the human rights situation in Myanmar, the most recent of which is resolution, A/C.3/72/L.48 of 16 November 2017, those of the Human Rights Council, the most recent of which is resolution 34/22 of 24 March 2017 constituting a Fact-Finding Mission to establish fact and circumstances of alleged violence and human rights violations and abuses, and Decision 36/115 of 29 September 2017 extending the mandate of the Mission till 39th session of the HRC respectively, and also reaffirming Human Rights Council Resolution 29/21 of June 2015;

PP4. *Recalling* United Nations Security Council Presidential Statement S/PRST/2017/22 of 06 November 2017;

PP5. *Stressing that* States have the primary responsibility for the respect, promotion and protection of human rights;

PP6. *Noting* the importance of the role of regional organizations in efforts to achieve pacific settlement of local disputes as stipulated in the Chapter VIII of the UN Charter;

PP7. *Expressing grave concern at* the recent reports of serious violations and abuses of human rights in Myanmar, in particular in Rakhine State, as well as in Kachin and northern Shan States;

PP8. *Recalling* the reports of the Special Rapporteur on the situation of human rights in Myanmar, including the report submitted to the Council in its 34th session (March 2017) and the report submitted to the UN General Assembly on 08 September 2017, and welcoming the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of her visits to some parts of the country on June/July 2016, January 2017, and, most recently, on July 2017, and echoing her concerns regarding limitations on access;

PP9: Welcoming the oral update by the Fact-Finding Mission in September 2017;

PP10. *Noting* with deep concern the flash report of the OHCHR on 3 February 2017 entitled “Interviews with Rohingyas fleeing from Myanmar since 9 October 2016”, prepared following a mission to Bangladesh and the September 2017 report of the OHCHR entitled “Mission report of OHCHR rapid response mission to Cox’s Bazar, Bangladesh”;

PP11. *Alarmed* by the statements and reports from United Nations system on grave human rights violations and abuses in a systematic, targeted and deliberate manner by security forces assisted by non-state actors in the Rakhine State through disproportionate use of force, extrajudicial and summary killings including that of children, sexual violence including rape, indiscriminate firing of weapons and the planting of landmines, destruction of property, livelihoods and futures, , disappearances, , torture and other cruel, inhuman or degrading treatment or punishment, attacks on places of worship and religious intolerance, resulting in large scale forced displacement and indicating the very likely commission of crimes against humanity;

PP12. *Acknowledging*

PP13. *Highly alarmed* at the outbreak of violence in Myanmar's Rakhine State in October 2016 and August 2017 that had caused displacement of hundreds of thousands of Rohingya civilians to Bangladesh rising to total more than 600,000 Rohingyas, mainly women, children and the elderly, who then joined hundreds of thousands of previously displaced Rohingya population from Myanmar in Bangladesh who fled violence in Myanmar in phases over the years;

PP14. *Noting with deep concern* that according to UNICEF nearly 60 percent of the Rohingya population who have been forced to flee to Bangladesh are children, a large number being unaccompanied, separated and orphaned;

PP15. *Concerned* that in spite of Rohingya population, specially Muslims, having lived in Myanmar for generations prior to the independence of Myanmar and having no ties to anywhere but Myanmar, they were made stateless since the enactment of the 1982 Citizenship Law and since have been subjected to restrictions on access to education, health services, and livelihoods , underscoring that the lack of citizenship status and related civil and political rights to Rohingya Muslims and others, including voting rights, is a serious human rights violation;

PP16. *Welcoming* the formation of the Advisory Commission on Rakhine State(Kofi Annan Commission) by the Government of Myanmar, that submitted its final report in August 2017, and the commitment of the Government of Myanmar to implement the Commission’s recommendations and to address underlying causes of the situation in Rakhine;

PP17. *Noting* that the Government of Myanmar has established an investigation commission, led by Vice-President U Myint Swe, and encouraging the publication of a credible, independent and impartial investigation report on allegations of human rights violation without delay;

PP18. *Noting with serious concern* over reports of incitement to racial or religious hatred leading to violence, including the fueling of inter-communal tension in central Rakhine, and calling upon the Government of Myanmar to take all measures necessary, while fully respecting human rights and fundamental freedoms, to combat any incitement to hatred, tension or violence by publicly condemning such acts, while welcoming the Government of Myanmar's efforts to promote interfaith dialogue in the country;

PP19. *Noting* those developments in Myanmar that contribute positively towards political and economic reform, democratization, national reconciliation, good governance and the rule of law and the efforts made to respect, protect and fulfill human rights and combat corruption, and *encouraging* the Government of Myanmar to take further steps to address outstanding concerns, in particular those reflected in this resolution as well as in HRC resolution 34/22;

PP20: *Noting* the recently concluded bilateral instrument entitled "Arrangement on Return Of Displaced Persons from Rakhine State" between Bangladesh and Myanmar;

PP21. *Deeply concerned* by the current climate of non-cooperation towards United Nations and International NGOs including international humanitarian actors as demonstrated by government restrictions on access to northern Rakhine and the recent attempts by local mobs to prevent urgent aid from reaching those in need, and by the fact that humanitarian access remains restricted in Rakhine State and is discriminatory against Rohingya community ;

PP22. *Alarmed* by the significant impact of the huge Rohingya influx towards Bangladesh, in the form of socio-economic and demographic pressures, as well as insecurities related to potential radicalization to violence of the community;

PP23. *Highly appreciating* the generosity shown by the Government and the people of Bangladesh even under difficult circumstances, through affording temporary shelter, humanitarian assistance and protection to the forcibly displaced Rohingya population;

PP24. *Deeply concerned* over the restrictions on freedom of movement of the persons belonging to Rohingya Muslim community and other minorities throughout Rakhine State, including the confinement of approximately 120,000 people in IDP camps – most of whom without access to livelihood;

PP25. *Recalling* that Human Rights council resolution 34/22 established an International Independent Fact Finding Mission and Human Rights Council Decision 36/115 extended its mandate, deeply concerned at the Myanmar Government's lack of cooperation with and denial of access to the International Independent Fact Finding Mission, which hinders independent, fair and credible investigation of allegations of human rights violations and abuses;

1. *Strongly condemns* the alleged systematic and gross violations of human rights and abuses committed in Myanmar, in particular in the Rakhine State, notably against persons belonging to Rohingya Muslim community and other minorities, including women and children;
2. *Also condemns* the attacks against Myanmar police and military posts on 25 August 2017 and all acts of violence against Security Forces, and stresses that challenges facing Rakhine State, and other areas in Myanmar, can only be resolved through peaceful means;
3. *Calls upon* the Government of Myanmar to ensure the protection of human rights of all persons in Myanmar including of persons belonging to the Rohingya Muslim community and to other minorities;
4. *Urges* the government of Myanmar to take all necessary measures to prevent the destruction of the places of worship, cemeteries, infrastructure and commercial and residential buildings belonging to all people, and to facilitate the rebuilding of those that have already been destroyed;
5. *Calls upon* the Government of Myanmar to take all necessary measures to provide justice to victims, ensure full accountability of perpetrators and to end impunity for all violations and abuses of human rights, including in particular against persons belonging to Rohingya Muslim community and other minorities, by facilitating a full, transparent and independent investigation into reports of all violations and abuses of human rights and violations of international humanitarian law when applicable;
6. *Expresses* grave concern at consistent allegations of widespread sexual violence, including rape and gang rape, calls for allegations to be investigated and for those found responsible to be held to account and to ensure victims of human rights violations, including victims of rape and other forms of sexual violence, killings and other attacks, to have access to long-term health services and psycho-social support;
7. *Strongly calls upon* the Government of Myanmar to fully cooperate with the Fact Finding Mission established by HRC resolution 34/22 and to grant unfettered access for the Fact-Finding Mission, other human rights mechanisms and the United Nations, and to ensure that individuals have unhindered access to and can communicate with the United Nations and others on human rights entities, without reprisal, intimidation or attack and other type of harassment, or the fear thereof;
8. *Expresses* deep concern that humanitarian access remains severely restricted in northern Rakhine State and unpredictable in other parts of Rakhine State;
9. While noting the initial steps taken by the government of Myanmar and humanitarian agencies to provide assistance to individuals in Rakhine State, *urges* the Government of Myanmar to allow full, immediate, safe, unconditional and unhindered access to the UN agencies and other international humanitarian actors, including regional organizations like ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre), to carry out need assessment and to resume delivery of primary and life-saving humanitarian assistance to all affected persons and

communities without discrimination throughout Myanmar, and particularly in Rakhine State, including northern and central Rakhine State;

10. *Highly appreciates* the efforts of the Government of Bangladesh, strongly supported by the international community, to provide safety and assistance to those who have fled violence and encourages the Government of Bangladesh to continue to do so until conditions in Myanmar are conducive for safe, voluntary, sustainable and dignified return of those who have fled violence;

11. *Urges* the Government of Myanmar to immediately address the conditions that lead to mass displacement, including lack of safety and security, to restore food security, access to livelihood, inclusion and public safety, and to ensure respect for the human rights of Rohingya population in northern Rakhine State in order to take steps to create conducive atmosphere for safe, voluntary, dignified and sustainable return to their places of origin in Myanmar of those who have been forcibly displaced, by ensuring their human rights will be fully respected, including freedom of movement, and by creating the right conditions for them to return to their homes and resume their livelihood activities and income generation without fear, discrimination and restrictions;

12. *Calls upon* the Government of Myanmar to ensure, in conjunction with the international partners and in accordance with international law, safe, dignified, voluntary and sustainable return to their ancestral land in Myanmar, of all displaced Rohingyas, including refugees and persons internally displaced, and to ensure the human rights of those who return;

13. *Calls upon* the Government of Myanmar to immediately start a process for expeditious verification of refugees and forcibly displaced persons in a time-bound manner that accommodates many refugees' and forcibly displaced persons' lack of documentation;

14. *Welcomes* the Government of Myanmar's public commitment to implement recommendations of the Advisory Commission on Rakhine State to the fullest extent and urges the Government of Myanmar to implement them swiftly and in their entirety, to allow reconciliation in Rakhine State, and to commence a process of inclusive development meaningful for all communities, as well as notes the establishment of the "Union Enterprise for Humanitarian Assistance, Resettlement, and Development in Rakhine";

15. *Calls upon* the international community and regional organizations to provide support, including humanitarian and development assistance, to the Government of Myanmar for the implementation of the recommendations of the Advisory commission on Rakhine State, including recommendations regarding inclusive and transparent citizenship verification process, provision of documentation for non-citizens and their equal access to essential social services including education, health care and freedom of movement, and in finding sustainable solutions in building inter-communal harmony towards lasting peace, stability, and prosperity for the benefit of the whole population, and calls upon the Government of Myanmar to provide unhindered access for such humanitarian assistance;

16. *Encourages* the international community, in the true spirit of interdependence and burden sharing, to continue assisting Bangladesh in the provision of humanitarian assistance to the forcibly displaced Rohingya Muslims and other minorities till their return to the places of origin

in Myanmar and to assist Myanmar in the provision of humanitarian assistance to affected persons of all communities displaced internally within Rakhine State, taking particular account of vulnerable position of women and children;

17. *Calls upon* the Government of Myanmar to address the root causes of the Rohingya crisis including through addressing the issue of statelessness of the Rohingya population by ensuring their equal access to full citizenship and related rights, including civil and political rights, and towards these ends, to amend the 1982 Citizenship Law to conform it to universally recognized principles, and to restore citizenship of the Rohingya population through an open, fast, voluntary and transparent process of national verification based on past census and existing data that leaves no individual unregistered nor hinders their access to essential social services including education and health care, and in case of any dispute, involving independent national and international observers for transparency and accountability;

18. *Calls upon* the Government of Myanmar to take all measures necessary while fully respecting human rights and fundamental freedoms, to counter any incitement to hatred or violence by publicly condemning such acts and holding those who conduct such acts accountable under criminal law, while acknowledging the Government of Myanmar's efforts to promote interfaith dialogue in the country;

19. *Encourages* further efforts to promote inter-communal interfaith dialogue to deescalate tension and foster peaceful coexistence among all ethnic and religious groups in Myanmar;

20. *Calls upon* the Government of Myanmar to cooperate with and assist the relevant Special Procedure mandate holders, in the discharge of their respective mandates, to provide them with all necessary information requested by them and to give serious consideration to responding favourably to their requests to visit the country in order to enable them to fulfill their duties effectively, in the context of the human rights situation of the Rohingya population;

21. *Requests* the United Nations High Commissioner for Human Rights to track progress concerning the human rights situation of Rohingya people, and provide oral update, followed by interactive dialogue, in the 38th, 41st and 44th sessions of the Human Rights Council, with a view to reaching a comprehensive solution of the crisis within three years through full implementation of this resolution and the HRC resolution 34/22;

22. *Requests* the United Nations High Commissioner for Human Rights to prepare a comprehensive written report on the situation, including on the level of cooperation and access given to the Fact Finding Mission and other UN human rights mechanisms, the implementation of this resolution, findings and recommendations of the UN system on the situation of human rights of Rohingya people in Rakhine State, recommendations on future course of action, and to present the report to the Human Rights Council, at its 40th session in March 2019, and submit the report to the United Nations General Assembly for consideration;

23. *Decides* to remain seized of the matter.