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Human rights situations that require the Council's attention

Progress made in the implementation of follow-up action to the recommendations of the “A Brief and Independent Inquiry into the Involvement of the United Nations in Myanmar from 2010 to 2018” to strengthen the prevention capacity of the United Nations system*

Report of the Secretary-General

Summary

In resolution 73/264 on the “Situation of Human Rights in Myanmar”, the UN General Assembly noted “the recommendation by the fact-finding mission on the conduct of a comprehensive, independent inquiry into the involvement of the United Nations in Myanmar since 2011 and encourage[d] the United Nations system to follow up on the issues raised and to ensure that all engagement with Myanmar takes into account, and addresses, human rights concerns.” Pursuant to General Assembly resolution 73/264 of 22 December 2018, and to resolution 39/2 Adopted by the Human Rights Council, the Secretary-General appointed Mr. Gert Rosenthal in December 2018 to conduct an independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018. Following oral presentations to the Human Rights Council on the findings and implementation of the recommendations of Mr. Rosenthal’s review in 2020 and 2021, Human Rights Council resolution 46/21 (March 2021) invited the Secretary-General to provide a written report on progress made in the implementation of follow-up action to enable more effective work in the future and to strengthen the prevention capacity of the United Nations system.

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I. Introduction

1. In resolution 73/264 on the “Situation of Human Rights in Myanmar”, the UN General Assembly noted “the recommendation by the fact-finding mission on the conduct of a comprehensive, independent inquiry into the involvement of the United Nations in Myanmar since 2011 and encourage[d] the United Nations system to follow up on the issues raised and to ensure that all engagement with Myanmar takes into account, and addresses, human rights concerns.”¹ Pursuant to General Assembly resolution 73/264 of 22 December 2018,² and to resolution 39/2 Adopted by the Human Rights Council,³ the Secretary-General appointed Mr. Gert Rosenthal in December 2018 to conduct an independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018.

2. Mr. Rosenthal’s observations can be categorised as three sets of interrelated areas and challenges to be addressed: (i) UN structures, coordination, information sharing and decision-making; (ii) interaction with the host government; (iii) interaction with other Member States (both within UN bodies and bilaterally) and the wider international community, including international NGOs.

3. Following oral presentations to the Human Rights Council on the findings and implementation of the recommendations of Mr. Rosenthal’s review in 2020 and 2021, Human Rights Council resolution 46/21⁴ (March 2021) invited the Secretary-General to provide a written report on progress made in the implementation of follow-up action to enable more effective work in the future and to strengthen the prevention capacity of the United Nations system.

4. Since Mr. Rosenthal’s review, the Secretary-General launched his Call to Action for Human Rights (Call to Action), which promotes a transformative vision of human rights across the United Nations system, recognising human rights as offering solutions and tools, and as speaking to the aspirations of every human being. The initiative underlines that “human rights are the responsibility of each and every United Nations actor and that a culture of human rights must permeate everything we do, in the field, at regional level and at Headquarters”.⁵ It also makes clear the link between human rights protection and prevention. The present report should be read in conjunction with efforts underway in the context of the Call to Action, as well as Our Common Agenda,⁶ launched by the Secretary-General in September 2021. Our Common Agenda contains recommendations across four broad areas, including a new social contract anchored in human rights.

5. Together, the Call to Action and Our Common Agenda provide the UN system with the necessary frameworks, coherence, and momentum, to ensure that human rights is placed at the centre of our efforts across the three pillars, as envisaged in Mr. Rosenthal’s review.

II. UN structures, coordination, and decision-making

A. A new generation of UN Country Teams (UNCTs), under the leadership of an empowered, independent Resident Coordinators (RCs)

Implementation of the reinvigorated RC system

6. Mr. Rosenthal’s review noted the opportunities and challenges posed by the advent of a “new generation” of UNCTs and of an empowered RC with the “potential to improve

¹ A/RES/73/264, para. 6.

² <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/464/82/PDF/N1846482.pdf?OpenElement>

³ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/293/69/PDF/G1829369.pdf?OpenElement>

⁴ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/074/28/PDF/G2107428.pdf?OpenElement>

⁵ United Nations, António Guterres, “The highest aspiration: a call to action for human rights”, page 4. Available at:

https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/2020_sg_call_to_action_for_hr_the_highest_aspiration.pdf

⁶ <https://www.un.org/en/content/common-agenda-report/>

coordination of system-wide goals in contrast to the narrower goals of each of the entities belonging to a Country Team.” Mr. Rosenthal underlined the importance of “getting it right” in terms of “addressing and managing complex situations in the future, such as the one encountered in Myanmar by, among other aspects, fostering trans-pillar coordination”.⁷

7. The UN Development System (UNDS) Reform included the roll-out of the reinvigorated RC system at the global, regional and country level, supporting 162 countries and territories. As anticipated by Mr. Rosenthal’s review, the reform included significant enhancements to the capacities of UNCTs to conduct coordinated responses when addressing complex situations. The Management and Accountability Framework highlights the shared responsibility of RCs and UNCTs to ensure that the delivery of the 2030 Agenda leads to results that advance human rights as a core purpose set out in the Charter, as also reflected in RC job descriptions. RCs have a role as promoters and advocates for the fundamental values, standards and principles of the UN Charter, including respect for and protection of human rights, gender equality and the SDG commitment to leave no one behind (LNOB) in achieving the Sustainable Development Goals (SDGs).

8. The reinvigorated RC system has helped UNCTs assist Governments better in their efforts to respect and fulfil their human rights obligations and commitments. The UN Sustainable Development Cooperation Framework Internal Guidance includes key criteria to ensure human rights principles are integrated into Common Country Analyses (CCAs) and inform country programming.

9. UN Sustainable Development Cooperation Frameworks (Cooperation Frameworks) are nationally owned, anchored in national development priorities, the 2030 Agenda and the principles of the UN Charter. As such, they outline the UN development system’s contributions sought by national stakeholders to reach the SDGs in an integrated manner, with a commitment to LNOB, and fulfil human rights and other international standards and obligations.

10. The reform has transformed the way UNCTs respond to human rights issues on the ground, including prevention-related issues. By way of example, in Chile in 2019, in light of reports of excessive use of force by police during demonstrations, the RC, supported by the UNCT, jointly advocated with the national authorities for the strict adherence to international human rights standards. With the UNCT’s support, police revised internal protocols in responding to public demonstrations.

11. In the Philippines, the UNCT is working closely with the Government, the Commission on Human Rights of the Philippines, and civil society organisations, to implement a UN Joint Programme on capacity building and technical cooperation in six areas outlined in Human Rights Council resolution 45/33, including in strengthening domestic accountability mechanisms, gathering data on alleged police violations, strengthening the capacity of civil society and the Commission on Human Rights, the National Mechanism on Reporting and Follow-up, and in bringing a rights-based approach to drug control and counter-terrorism efforts.

12. In Mexico, the Government and the UNCT have jointly reviewed and integrated international human rights commitments and recommendations made to the country by the human rights mechanisms into their Cooperation Framework, helping ensure that the UN’s actions in the country contribute to both achieving the SDGs and the implementation of the country’s human rights obligations (which are themselves anchored to the 2030 Agenda).

13. In Sri Lanka, the UNCT introduced several risk analysis and early warning tools to help mainstream prevention across its programming and engagement with stakeholders, including through conflict sensitive approaches in the CCA and Cooperation Framework. The insights from risk analysis are now being leveraged in programme design and for dialogue with a wide range of national stakeholders, including government, opposition and minority parties, civil society and the private sector. Emerging programming also addresses

⁷ Gert Rosenthal, “A Brief and Independent Inquiry into the Involvement of the United Nations in Myanmar from 2010 to 2018”, page 25. Available at: <https://www.un.org/sg/sites/www.un.org.sg/files/atoms/files/Myanmar%20Report%20-%20May%202019.pdf> Review

new risks such as online hate speech through partnerships with civil society and social media platforms.

14. Programme country Governments have recognised and welcomed such changes, along with the broader shift in approach. Compared with before 1 January 2019, when the new RC system was put in place, programme country Governments have indicated that RCs have displayed strengthened leadership (81 per cent), impartiality (67 per cent), coordination capacity (73 per cent) and more of a focus on common results (78 per cent). Some 78 per cent of the programme country Governments see the RC as a genuine access point to the United Nations system at the country level⁸. In terms of improving coherence across United Nations pillars, according to the survey conducted by the Department of Economic and Social Affairs, 76 per cent of programme country Governments agreed that, in 2020, RCs contributed to building stronger improved synergies across development, humanitarian and/or peacebuilding interventions.

UNCT roles and responsibilities

15. There is also strong evidence that the value of the RC system – in terms of improved leadership, coordination and convening – is translating into a strengthened and more tailored contribution from UNCTs to the overall objective of advancing the 2030 Agenda and enhancing synergies between humanitarian, development and peace and security related actions, underpinned by human rights. Feedback from programme country Governments in 2019 and 2020 shows that Governments overwhelmingly agree (91 per cent) that, since the launch of the reform in 2018, UNCTs are more relevant to their development needs and work more collaboratively (77 per cent), including in the context of the COVID-19 response efforts.

16. This recognition from programme country Governments indicates that only through a more collaborative, accountable and demand-driven United Nations presence can we ensure the kind of transformative support that helps countries to achieve the SDGs. The UN development system is now well advanced in this transition, and we welcome the call in the 2020 quadrennial comprehensive policy review for UNCTs to contribute their expertise, tools and platforms more effectively, as agreed in the Cooperation Framework and equivalent planning frameworks to advance the 2030 Agenda, and for all entities of the United Nations development system to assist Governments in their efforts to respect and fulfil their human rights obligations and commitments under international law, including in the context of the COVID-19 pandemic recovery.

17. Despite considerable progress made, there is room to further enhance what the UN can offer on the ground, under the leadership of the RC, and in support of the 2030 Agenda. In particular, in terms of improving collaboration across development, peace, and humanitarian operations, underpinned by human rights, United Nations development system entities report challenges regarding the definition of “collective outcomes” and how they should be featured in current planning tools, such as Cooperation Frameworks, humanitarian response plans and integrated strategic frameworks. In his report on the Review of the RC System, the Secretary-General noted that this needed to be addressed and is essential to ensure adequate financing and address the “silo approach” of donors to funding channels for humanitarian, development and peace actions.

The role and responsibilities of the UNCT in Myanmar

18. The UNCT in Myanmar consists of 18 resident agencies in Myanmar, with four other non-resident agencies including the Office of the High Commissioner for Human Rights (OHCHR) functioning remotely from Bangkok. The UNCT includes 2,600 personnel, of which some 350 are international, with presence in all the country’s fifteen states and regions. Since the military takeover in February 2021, the UNCT committed to “stay and deliver” with a focus on humanitarian assistance and priority development needs at the local level,

⁸ Source: Department of Economic and Social Affairs survey of programme country Governments, 2020.

and strived to leverage all available channels and put systems in place to ensure human rights remain a key priority in all its programmes and activities.

Translating Human Rights imperatives: Key UNCT -level mechanisms and strategies

19. In 2019, Mr. Rosenthal’s review concluded that there were “systemic and structural failures” which impeded the United Nations’ response to a deteriorating situation in Myanmar. In 2020, the UNCT undertook a number of initiatives to ensure that United Nations activities in Myanmar effectively supported the promotion and protection of human rights, including by taking into account the recommendations of Mr. Rosenthal’s review. Under the leadership of the RC/HC, the UNCT actively sought to implement the ‘Human Rights Up Front’ action plan, and the subsequent Call to Action. The Human Rights Strategy adopted in July 2020, sets out a common framework for engagement by the UNCT on human rights with various stakeholders in coordination with other relevant entities of the United Nations system.

20. An Independent Fact-Finding Mission on Myanmar (IFFMM) was established in March 2017 by the Human Rights Council [Resolution 34/22], to establish the facts and circumstances of the alleged human rights violations by military and security forces in Myanmar, in particular in Rakhine State. In September 2020, OHCHR delivered a report to the Human Rights Council detailing its assessment of the human rights situation in the country and an assessment of implementation of the IFFMM’s recommendations. A separate report was delivered in September 2021. The UN in Myanmar has proactively sought to ensure that the principles of human rights-based approach (HRBA), Gender Equality and Women’s Empowerment (GEWE) and LNOB are systematically applied in all of its activities and programmes, as envisaged in the SDGs.

21. In line with the recommendations of Mr. Rosenthal’s review to coherently leverage and calibrate different UN mandates, channels and areas of expertise for constructive engagement with Member States, the UNCT also took steps to leverage the UN human rights mechanisms, including the UPR process.

UNCT Monitoring & Informing

22. In line with the recommendations of Mr. Rosenthal’s review, the RC’s Office, (RCO) in close coordination with OHCHR and the Office of the Special Envoy on Myanmar, ensures timely provision of information, analysis and advice on human rights as well as conflict dynamics.

23. The Country Taskforce for Monitoring and Reporting (CTFMR) on grave child rights violations, and the Monitoring and Reporting Arrangements (MARA) on conflict-related sexual violence, convened meetings within a month of the military takeover, and continue to work within their mandates towards the protection of children and those exposed to conflict-related sexual violence, despite difficulties and access restraints due limited travel authorizations from the authorities.

24. The Monitoring and Reporting Mechanism (MRM) on the six Grave Violations against Children per United Nations Security Council Resolution 1612, has been operating in Myanmar since 2007. It informs the international community of the status of these violations and supports holding account those who are responsible through the implementation of concrete time-bound action plans to end and prevent grave violations against children. The CTFMR oversees the documentation and verification of all six Grave Violations by all parties to the conflict.

The role and challenges of the RC/HC in Myanmar

25. A central role for the RC/HC has been to formulate a common position for the UNCT regarding engagement with the military authorities. Immediately following the takeover, the RC/HC brought together the UNCT with a view to securing the UN’s continued provision of lifesaving humanitarian assistance, address human rights issues, and support COVID-19 prevention and response measures and deliver urgent development aid – despite the increasingly complicated ground realities.

26. One of the key challenges going forward will be to ensure that the UN continues to provide urgently needed humanitarian assistance to those in need. The RC/HC has adopted an approach of calibrating different components of the Organisation, leveraging different mandates and areas of expertise, both within and outside Myanmar. Further implementation of the human rights due diligence policy to guide programmatic development and implementation is critical in this regard. This system-wide approach, that encourages different parts of the UN system to use both private and public advocacy in a complementary manner will continue to be critical in responding to the human rights crisis in Myanmar.

B. System-wide decisions and communication lines

Ensuring system-wide coherence with strategic decisions and fundamental human rights principles

27. Since Mr. Rosenthal's review, mechanisms within the UN system have been enhanced to ensure the participation of representatives in the field, allowing for principal-level guidance and coordinated support from Headquarters to senior field management in particularly complex situations and on short notice, and ensuring that issues of concern are brought to the attention of senior decision-makers, as soon as needed.

28. The Secretary-General's Call to Action, launched in February 2020, sets out the Secretary-General's vision of human rights as at the centre of the work of the entire United Nations system, and commits the system to make fuller use of its human rights tools and entry points. Specifically, the Call to Action "continue[s] to enhance our organisational culture, building upon existing initiatives – including Human Rights Up Front and follow-up to Mr. Rosenthal's review – which emphasise prevention, protection and human rights in our awareness, decision-making and programming at field, regional and Headquarters levels".⁹ In 2020, an inter-agency working group (IAWG) comprising 35 UN entities was established to implement the Call to Action, alongside seven thematic inter-agency task teams, each including representatives from headquarters and the field. These fora also support the sharing of information, views, and developments across the three pillars, and serve as further channels through which information and analysis originating in the field can be relayed to headquarters, and vice-versa.

29. Building on the substantial efforts made under Human Rights up Front, the Call to Action broadens the scope of human rights to demonstrate both its relevance and applicability to global contemporary challenges, such as the climate crisis civic space, gender equality, and rights in the digital sphere. The core principles of the initiative call for the embedding of human rights principles in analysis, planning and programming across the system. The Call to Action sets out concrete areas of engagement for entities to jointly develop tools and mechanisms in this respect. The second phase of implementation focuses on field-level implementation, supported by a dedicated outreach effort.

30. In 2020, OHCHR led the development, in consultation with UN partners, of practical guidance on how to maximise the use of the UPR as a central engagement tool in the UN's country-level approach to human rights.¹⁰ This complements the UNSDG Guidance Note on Human Rights for RCs and UNCTs, which aims to provide both RCs and UNCTs with the tools and resources they need to fulfil their responsibilities in promoting and protecting human rights.¹¹

⁹ United Nations, António Guterres, "The highest aspiration: a call to action for human rights", page 6. Available at: https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/2020_sg_call_to_action_for_hr_the_highest_aspiration.pdf

¹⁰ Maximizing the use of the Universal Periodic Review at country level - PR ACTICAL GUIDANCE https://www.ohchr.org/Documents/HRBodies/UPR/UPR_Practical_Guidance.pdf

¹¹ <https://unsdg.un.org/resources/unsdg-guidance-note-human-rights-resident-coordinators-and-un-country-teams>

Improving system-wide information gathering, analysis and dissemination

31. Also at the field level, the new generation of Cooperation Frameworks and CCAs have paved the way for more comprehensive and cross-pillar information sharing, analysis and programming, further enabling the adoption of a preventive posture by the United Nations.

32. The Call to Action makes clear that mandate implementation and/or engagement by RCs and UNCTs should be informed by a human rights risk and opportunity analysis, including gender specific analysis, and encourages expanded deployment of Human Rights Advisers (HRAs) to RC Offices, with the approval of the host government. The number of HRAs increased from 34 in 2018 to 54 in 2021. HRAs are increasingly working in coordination with Peace and Development Advisers (PDAs); where PDAs are deployed alone, they should support RCs in identifying and addressing human rights risks early on.

33. Efforts to ensure greater coherence and integration of information and analysis from the three pillars of the UN system are being made by the UN Operations & Crisis Centre (UNOCC) through daily reporting, the issuance of rapid alerts as well as ad hoc crisis reporting, as necessary, which integrates human rights dimensions.

C. Member State engagement

UN engagement with Member States and wider International Community

34. Mr. Rosenthal's recommendations underlined the need for greater coordination in the United Nations' actions and greater engagement with Member States, particularly to foster more effective and rights-based prevention of crises. Regular engagement with Member States is envisaged under the second phase of implementation of the Call to Action's 'collective action' area of focus. Under the 'rights in times of crisis' focus area of the Call to Action, the Secretary-General expressly calls for a more strategic engagement with concerned Member States as part of prevention efforts. Either directly or through his Special Representatives and Special Envoys, the Secretary-General has consistently leveraged his good offices to prevent the eruption of conflicts or mediate between conflict parties.

35. Under the 'rights in times of crisis' focus area of the Call to Action, the Secretary-General also underscores the importance of strategic engagement with the Security Council, as well as the use of the full spectrum of other tools and channels, including leverage with other regional and international actors, to raise awareness and prevent crises. The Call to Action states that the UN must "[r]egularly provide human rights analysis and information to the Security Council and the General Assembly on current and potential human rights and humanitarian crises."¹²

36. Cooperation with regional organisations has long been a touchstone of the work of the United Nations, as recognised in Chapter VIII of the UN Charter and numerous resolutions of the General Assembly and the Security Council. The United Nations and regional organisations have unique and complementary capacities that, when properly coordinated, can contribute decisively to the prevention and management of armed conflict.

37. In recent years, these relationships have strengthened and deepened across a wide spectrum of activities, including peacebuilding and crisis mediation, peacekeeping, and humanitarian assistance. In support of this growing cooperation in the field, the Secretary-General has convened a number of high-level meetings and retreats with the heads of regional organisations to ensure coordination and mutual understanding, with prevention of conflict at the forefront of such cooperation.

¹² United Nations, António Guterres, "The highest aspiration: a call to action for human rights", page 12. Available at: https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/2020_sg_call_to_action_for_hr_the_highest_aspiration.pdf

Intergovernmental support and collaboration

38. Prevention of conflict, peacebuilding and sustaining peace are central to the work of the United Nations, as elaborated in the Charter. The proposed “new agenda for peace,” with greater emphasis and investment in prevention and peacebuilding, also builds on the Secretary-General’s preventive agenda to enhance the Organisation’s capacity to “help countries to avert the outbreak of crises that take a high toll on humanity, undermining institutions and capacities to achieve peace and development.”¹³

39. Given the interconnected nature of today’s conflicts and crises, the work, discussions and outcomes of intergovernmental bodies and mechanisms across the three pillars are mutually reinforcing and complementary, enriching understanding of and informing responses to issues of global or country-specific significance. The 2016 and 2020 resolutions of the General Assembly and Security Council on sustaining peace (A/RES/70/262-S/RES/2282 and A/RES/75/201-S/RES/2558) and Human Rights Council (HRC) resolutions 38/18 and 45/31 on its contribution to the prevention of human rights violations, affirmed the centrality of this three-pillar approach and the need for greater coherence and collaboration across relevant bodies and mechanisms.

40. Additionally, as the Secretary-General’s Call to Action makes clear, the United Nations system continuously enhances coordination to work more closely together to take early action, prevent conflict, and protect rights in times of crisis. In reiterating the well-established correlation between the enjoyment of human rights and resilience to crisis, the Call to Action affirms that human rights actions are part of the collective toolbox of the United Nations system and international community – the utilisation of which ensures the effectiveness and sustainability of development and conflict prevention efforts. The Call to Action highlights the clear linkage between the objectives of prevention and protection, while noting that “there is no better guarantee of prevention than for Member States to meet their human rights responsibilities.”¹⁴

41. The HRC and its mechanisms routinely consider country situations and thematic issues that cut across the work of other intergovernmental bodies, including the General Assembly’s Third Committee, Economic and Social Council, Security Council and the Peacebuilding Commission. Since Mr. Rosenthal’s review, and even more so since the emergence of the COVID-19 pandemic, the HRC has significantly increased its workload and has become more agile in addressing situations of urgent concern.

42. A process of reflection on the role of human rights bodies and mechanisms in prevention is also underway. HRC resolution 38/18 (2018) recognises its crucial role in the prevention of violations and the identification of protection gaps which, if addressed, could help build more resilient societies and sustain development and peace. The ensuing report (A/HRC/43/37) contains proposals for operationalising the HRC’s prevention mandate and fostering closer collaboration across the United Nations system. On this basis and as follow-up, HRC resolution 45/31 (2020) calls for the strengthening of OHCHR’s human rights early warning and action capacity and formalises institutional collaboration among United Nations bodies and closer linkages between the human rights and peace and security pillars on prevention, including through an annual briefing to the HRC by the Chair of the Peacebuilding Commission.

43. The resolution also calls upon the High Commissioner for Human Rights to continue to bring information of human rights violations that point to a heightened risk of a human rights emergency to the HRC’s attention. The HRC may also resort to formats that enhance dialogue and cooperation with the State and region concerned, with the aim of addressing the root causes, preventing further human rights violations, and responding promptly to human rights emergencies. OHCHR is implementing the resolution to strengthen system-wide

¹³ United Nations, António Guterres, “Meeting Prevention Challenge”. See: <https://www.un.org/en/chronicle/article/meeting-prevention-challenge>

¹⁴ United Nations, António Guterres, “The highest aspiration: a call to action for human rights”, page 5. Available at: https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/2020_sg_call_to_action_for_hr_the_highest_aspiration.pdf

coherence and cross-pillar approaches on long-term and structural prevention, early warning and early response to crises, as mandated by the HRC.

44. Other HRC resolutions have underscored the interlinkages between the three pillars, including inter alia, resolution 44/23 (2020) on the contribution of respect for all human rights and fundamental freedoms to achieving the purposes and upholding the principles of the United Nations Charter, and resolution 45/28 on promoting and protecting the human rights of women and girls in conflict and post-conflict situations on the occasion of the twentieth anniversary of Security Council resolution 1325.

45. Over the past several years, there has been greater interaction between the New York-based intergovernmental bodies across the peace and security and development pillars (Security Council, Economic and Social Council and Peacebuilding Commission), and with the Human Rights Council and its mechanisms in various forms. Such interaction, however, could be further enhanced.

Engagement with Myanmar as concerned country and Member State and Intergovernmental support towards implementation of mandated activities

46. Before the onset of the COVID-19 pandemic in early 2020, the Special Envoy visited Myanmar and Bangladesh frequently, including Northern Rakhine, from where most Rohingya were forcibly expelled in 2017. She shared more than 30 observations and recommendations on a range of issues with the leadership of Myanmar (prior to the military takeover) regarding human rights, social cohesion, women and peace and security, durable solutions, citizenship, freedom of movement, accountability, humanitarian access, education, housing, and land and property rights. She also continued to help to strengthen system-wide coordination and coherence through close consultation with other United Nations entities and independent mandate holders. On the central issue of accountability, she consistently urged Myanmar to cooperate with United Nations mechanisms such as the Independent Investigative Mechanism for Myanmar and the Special Rapporteur on the situation of human rights in Myanmar.

47. Following the military takeover, the Special Envoy engaged closely with regional organisations, including the Association of Southeast Asian Nations (ASEAN), European Union (EU) and the Organisation of Islamic Cooperation (OIC), with a view to complementing the efforts of the United Nations to address the crisis in Myanmar, the protracted displacement of the Rohingya, and broader political and humanitarian developments.

48. Since the military takeover the Security Council has met eight times on Myanmar, as well as held two Arria-formula meetings, issued five Press Statements, and one Presidential Statement on the evolving situation. The Security Council has consistently called for unhindered humanitarian access and has reiterated its support of the Special Envoy and encouraged her to work in close collaboration with ASEAN, as well as called for swift implementation of the ASEAN Five-Point Consensus¹⁵. Since taking up her role in December 2021, the new Special Envoy has advocated for a Myanmar-led process that reflects the will of the people, grounded in regional unity and supported by a coordinated international strategy, including the support of the Security Council. The Informal Expert Group (IEG) of the Security Council on Women, Peace and Security discussed the situation in Myanmar in June 2019 (S/2019/591) and convened another meeting on 3 March 2021. The Special Envoy briefed in both meetings. The IEG put forward recommendations to the Security Council in terms of securing the safety and security of women and recognised the leading role of women as peacemakers and community builders, calling for their full, equal and meaningful representation and participation in political processes, and highlighting their central role in the peaceful protests following the military takeover.

49. On 18 June 2021, the General Assembly adopted resolution A/RES/75/287, calling for the will of the people to be respected, to end the state of emergency, prevent the flow of arms into Myanmar, respect all human rights and to allow sustained democratic transition,

¹⁵ Chairman's Statement on the ASEAN Leaders' Meeting 24 April 2021, <https://asean.org/wp-content/uploads/Chairmans-Statement-on-ALM-Five-Point-Consensus-24-April-2021-FINAL-a-1.pdf>

including the opening of a democratically elected parliament and by bringing all national institutions under a fully inclusive civilian Government. On 16 December, the General Assembly adopted Resolution A/RES/76/180 on the Situation of human rights of Rohingya Muslims and other minorities in Myanmar, for the first time by consensus.

III. Observations

50. One of the main purposes of the United Nations is promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion, as enshrined in the United Nations Charter. When crises occur, individuals and communities need to be protected. International humanitarian law, international human rights law and international refugee law must be respected.

51. Strengthening cooperation and collaboration on prevention among intergovernmental bodies across the three pillars, remains key for a comprehensive and holistic approach.

52. In this context, I welcome the decision for the Peacebuilding Commission Chair to brief the HRC annually, as mandated by HRC resolution 45/31, in order to foster closer interaction between these two bodies.

53. Bringing the reports of the HRC relevant to prevention to the attention of the relevant bodies of the United Nations as mandated by HRC resolution 45/31, is of particular importance.

54. Field and UN headquarters will continue to strive to further enhance cooperation, ensuring coordination mechanisms are substantive and effective in mobilising senior-level support to RCs.

55. Resident Coordinators would benefit from increased resources in their leadership of UNCTs to respond to human rights challenges and opportunities in a coordinated way.