



Republic of the Union of Myanmar
National Unity Government
Ministry of Human Rights



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Statement on the consensus resolution on the situation of human rights in Myanmar

MYANMAR

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The Republic of the Union of Myanmar welcomes the Human Rights Council's adoption by consensus of the resolution on the situation of human rights in Myanmar. Myanmar extends its appreciation to the European Union and to cosponsors.

The new resolution is stronger than last year's text and it capitalises on recent momentum, including the UN Security Council's historic 2022 resolution on Myanmar¹ which stressed the need to uphold democratic institutions and processes in Myanmar in accordance with the will of the people. As the Human Rights Council's new resolution confirms, the Myanmar people expressed this democratic will in the general election held on 8 November 2020.

The new resolution also condemns the illegal military junta's deliberate, widespread, indiscriminate and disproportionate use of force against civilians, including airstrikes, killings, torture and sexual and gender-based violence. This established pattern of intentional attacks constitutes likely crimes against humanity in addition to certain war crimes and grave human rights violations and abuses.

It is therefore unfortunate that, despite the best efforts of the EU and likeminded States, Human Rights Council Members could not agree on stronger language to block the export, sale, transfer and diversion of arms, munitions and other military equipment including dual-use items to the criminal junta.

The junta's atrocities also demand accountability. The new resolution expresses strong support for accountability processes, including at the International Court of Justice and through the Independent Investigative Mechanism for Myanmar's (IIMM) preparation of case files. Progress must see the International Criminal Court (ICC) recognise the National Unity Government's article 12(3) declaration issued in July 2021, which accepted the ICC's jurisdiction over international crimes committed in Myanmar since 1 July 2002.

Significantly, the new resolution welcomes the National Unity Government's pronouncement of its "Policy position on the Rohingya in Rakhine State" on 3 June 2021. The Republic of the Union of Myanmar, as represented by the National Unity Government, recognises the Rohingya as Myanmar citizens and remains committed to replacing the 1982 Citizenship Law and to the voluntary, safe, dignified and sustainable return of Rohingya refugees to their homes in Myanmar.

¹ Security Council resolution 2669 (2022) of 21 December 2022.

On ASEAN, the resolution supports the regional group's efforts while expressing deep concern at the lack of progress in implementing the Five-Point Consensus. Accordingly, the Human Rights Council has requested the UN Secretary-General to continue to call the Security Council's attention to the situation in Myanmar. The Security Council should in turn consider all measures at its disposal, including those under Chapter VII of the UN Charter given the threat that the junta poses to peace and security.

The resolution also invites the Secretary-General to 'offer relevant recommendations to enable more effective work in the future and to strengthen the prevention capacity of the United Nations system' in follow-up to the Rosenthal report.² Acting on this invitation, the Secretary-General should commission an inquiry into whether the UN Country Team in Myanmar is taking adequate steps to avoid a repeat of past UN failures and to meet its obligations under the *Secretary-General's Call to Action for Human Rights* and under the UNCT's own 'programmatic engagement guidelines'. A public report with clear findings and recommendations should follow.

Myanmar, as represented by the National Unity Government, supports the Human Rights Council's extension of the mandate of the Special Rapporteur on Myanmar and accepts the call for an OHCHR country office to be opened. Myanmar will also continue to cooperate with the Special Envoy of the Secretary-General on Myanmar, the IIMM and other UN mandate-holders, human rights mechanisms and international and regional courts, tribunals and human rights bodies.

² See "A brief and independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018".