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**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 root causes 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 the Human Rights Council resolution 47/1, in which the Council decided to hold, during its fiftieth session, a panel discussion on the root causes of human rights violations and abuses against Rohingya Muslims 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-second session. The present report contains a summary of the panel discussion, which was held on 15 June 2022.



I. Introduction

1. Pursuant to its resolution 47/1, on 15 June 2022, during its fiftieth session, the Human Rights Council held a panel discussion on the root causes of human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar.
2. The panel discussion was chaired by the President of the Human Rights Council. An opening statement was given by the United Nations High Commissioner for Human Rights.
3. The panel discussion provided an opportunity for States, international organizations and other relevant stakeholders to discuss human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar and recommendations aimed at addressing the root causes thereof. The panel discussion was made accessible to persons with disabilities through the provision of International Sign interpretation and real-time captioning.
4. The panellists were Thyn Zar Oo, Co-Founder and Programme Director of the Public Legal Aid Network; Laetitia van den Assum, former member of the Advisory Commission on Rakhine State; Wai Wai Nu, Founder and Executive Director of the Women's Peace Network; and Imtiaz Ahmed, Professor of International Relations and Director of the Centre for Genocide Studies at the University of Dhaka.

II. Background

5. The root causes of human rights violations against Rohingya and other minorities in Myanmar are varied, complex, multidimensional and long-standing. They have been documented for years by the Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations entities, human rights treaty bodies and special procedures of the Human Rights Council. In a report presented to the Council at its forty-third session,¹ the High Commissioner identified the following as some of the root causes of human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar: (a) historical legacies; (b) a legal regime that institutionalized discrimination against minorities, the most notable being the 1982 Citizenship Law; (c) armed conflicts, displacement and poverty; (d) structural democratic deficits and weaknesses in the rule of law and institutions, including the judiciary; (e) actions by Buddhist ultranationalists; and (f) the entrenched impunity of the military.
6. While the successive military Governments of Myanmar suppressed and restricted democratic rights and freedoms for all people in the country, ethnic and religious minorities, in particular the Rohingya, bore the brunt of some of the worst human rights violations. These violations, ingrained in the history and fabric of society, have affected the whole range of civil, cultural, economic, political and social rights, perpetuating a cycle of marginalization, systemic discrimination and poverty. The institutionalized and long-standing persecution of the Rohingya has led to serious violations and abuses of their human rights, including their mass forced displacement, in particular since 2012. In addition, long-standing armed conflicts have led to serious violations and abuses of the human rights of persons from ethnic minorities in other states of Myanmar, including enforced disappearance, extrajudicial killings, arbitrary arrest and detention, torture, trafficking, forced labour, sexual and gender-based violence, and extensive forced displacement.
7. Of particular concern has been the situation of women and girls from Rohingya communities and other minorities, in the light of profoundly entrenched gender inequality and patriarchal attitudes and some aspects of traditional culture and religious practices perpetuating discriminatory norms, as well as sexual and gender-based violence and discriminatory laws, policies and practices.
8. In its resolution 47/1, the Human Rights Council reiterated its deep concern at the escalating violence, as well as violations and abuses of the human rights of Rohingya Muslims and the continuing forced displacement of civilians, including Rohingya Muslims and other ethnic minorities. The Council expressed its concern that recent developments

¹ [A/HRC/43/18](#).

resulting from the declaration of the state of emergency by the Myanmar military posed serious challenges to the voluntary, safe, dignified and sustainable return of forcibly displaced Rohingya Muslims and all internally displaced persons, including those displaced since 1 February 2021. The Council stressed the need to address the root causes of the crisis in Rakhine State and reaffirmed the necessity of an immediate cessation of the use of military force that would lead to the further displacement of Rohingya Muslims and other minorities.

III. Opening session

9. Opening the panel, the High Commissioner highlighted that the event had been organized just prior to the fifth anniversary of the widespread and systematic campaign of violence carried out by the Myanmar military that had driven more than 1 million Rohingya Muslims from their homes in Rakhine State in Myanmar to seek refuge in neighbouring Bangladesh. In the wake of the military coup in February 2021, violent repression in many other parts of Myanmar had been reported, with campaigns targeting all ethnic and religious groups, including the Bamar majority, dramatically setting back any progress and engulfing the country in a new wave of violence and repression.

10. The High Commissioner recalled that, over many years, the Human Rights Council had sought to respond to those grave violations and abuses, appointing or recommending the creation of new mechanisms to investigate and document them, while pursuing accountability. She stressed the need for decisive measures to ensure genuine accountability for past and present violations and abuses.

11. The High Commissioner added that the Council had also sought to look more deeply at the root causes of violations and abuses against Rohingya and other minorities, hoping to identify new pathways to transformative reforms and a more peaceful and inclusive future for the people of Myanmar. Referring to her report submitted to the Council at its forty-third session,² she noted that discrimination and exclusion against ethnic and religious minorities had been the hallmark of the laws and policies of Myanmar for over half a century. She highlighted the historical legacies of colonialism and military rule, including the progressive “Burmanization” of the State. She stressed that minorities had suffered exclusion under different laws and policies, in particular the 1982 Citizenship Law, which had rendered many people stateless. In addition, as a result of decades of conflict and displacement, minorities had endured gaps in the enjoyment of their rights to health, education and development.

12. The High Commissioner noted that, in the age of social media, minorities had faced new waves of racism, xenophobia and hate speech; in the absence of civilian democratic oversight and an independent judiciary, they had few channels of protection or redress. She lamented that women from minorities faced particular vulnerability and exclusion despite their enormous potential to play leadership roles in and on behalf of their communities.

13. The High Commissioner stated that the transformative discussions about the future of Myanmar that had begun within and between various ethnic, religious and social groups since the 2021 coup had brought hope in terms of the potential to sow the seeds for longer-term reconciliation and sustainable peace. She stressed the need to support the aspiration of the people of Myanmar for the establishment of an inclusive, prosperous and peaceful society and to focus on addressing the root causes of violations and abuses against ethnic and religious minorities in the country, including Rohingya Muslims, as the only way that sustainable peace and development would be achieved.

14. The High Commissioner made several recommendations. She called for constitutional, legal and policy reforms, including the repealing of the 1982 Citizenship Law, to ensure respect for equality and foster greater space for diversity. She urged the international community to stand united in pressuring the military to halt its ongoing repressive campaigns against the people of Myanmar. She stressed the need for Member States to use their influence to restore a legitimate and independent civilian Government with no military oversight of the executive, legislative and judicial powers. She called for dialogue and engagement with the National Unity Government and organizations representing ethnic

² Ibid.

minorities, as well as the genuine participation of representatives of civil society in any political process; in particular, young people and women from minorities should have a leading role. Lastly, she urged the Council to consider the adoption of a comprehensive and inclusive road map to implement recommendations addressing the root causes of human rights violations against ethnic and religious minorities in Myanmar.

IV. Summary of the panel discussion

15. The President of the Human Rights Council opened the panel discussion and invited the panellists to make their statements.

A. Contributions of panellists

16. Ms. Oo, in her video statement, identified five root causes of human rights violations of ethnic and religious minorities in Myanmar. First, she described the propaganda narrative surrounding the perpetrators' perception of their own "victimhood" and their justification for genocidal acts. Second, she identified the residual colonial attitude of fear of invasion, land grab and erasure of culture and religious identities, which had been a cause of hate speech and hate crimes. Third, she identified the failed governance of the previous regime, which had resorted to scapegoating as a way of distracting the attention of the people of Myanmar away from the true causes of the country's problems. Fourth, she indicated that the financing model of the genocide economy had allowed the military to profit from the crackdown on Rohingya Muslims. Fifth, she underlined that the systemic nature of discrimination against various groups had created a cycle of retaliation against other groups when they gained power.

17. In her recommendations, she stressed that the only way forward was a change of mindset, a need for clear information and genuine reform, to ensure access to justice, freedom and inclusivity.

18. Ms. van den Assum delivered a video statement in which she drew attention to the dire situation and unfavourable prospects in Rakhine State and in the refugee camps in Bangladesh. After almost 20 months of relative peace, tensions in Rakhine State were high and there was a real risk of the military regime of Myanmar and the Arakan Army resuming fighting. At the same time, in Bangladesh, Rohingya refugees were facing increasing restrictions imposed by the Government.

19. She highlighted that, as a result of the military coup, intercommunal tolerance had grown; ethnic groups were recognizing each other as victims and had found a common enemy in the military, as the entire population had suffered from its brutality. In the meantime, the Rohingya continued to face the restrictions of the harsh apartheid state that they had known since 2012, including confinement to camps with subhuman conditions and lack of freedom of movement.

20. She stressed the importance of recognizing that people were suffering all over Myanmar and not only in Rakhine State. She expressed her view that the military coup of February 2021 had failed, as the military had not been able to establish control over the country. Despite the ongoing killings and destruction on a massive scale, more analysts were expressing doubt that the regime could win. As a result, more international actors had started to engage with representatives of the nationwide resistance, in particular the National Unity Government. The struggle of the Rohingya and other minorities needed to be considered against the background of the nationwide catastrophe that was unfolding.

21. She reiterated the importance of the report of the Advisory Commission on Rakhine State and the findings and recommendations contained therein on the root causes of violations against Rohingya Muslims. In the report, released in 2017, three crises had been identified in Rakhine State: (a) a development crisis; (b) human rights crisis; and (c) a security crisis. Those three crises remained relevant and had to be addressed comprehensively, not only for the Rohingya, but for all the ethnic minority communities in Rakhine State, including the Rakhine, the Kaman, the Chin, the Mro, the Kami and the Maramagyi.

22. She noted that the informal ceasefire between the military and the Arakan Army had allowed the United League of Arakan to extend its administrative and judicial mechanisms and had brought positive changes for the Rohingya. However, progress was uneven and dependent on local leadership. Much more needed to be done to reduce the trust deficit between communities. The Arakan Army still faced many challenges, including a crowded governance stage in Rakhine State. Despite suggestions that a by-election might help to bring about a better sense of the support for various parties, it was evident that a by-election conducted under the supervision of an election commission controlled by the military regime would not be credible.

23. She concluded by making recommendations focused on how to dismantle the existing apartheid structures. Firstly, she stressed the critical need to ensure increasing interaction between all ethnic groups and to end ethnic segregation, as reintegration, and not segregation, was the best path to stability and development. Secondly, she recommended the reintroduction of ethnically mixed schools, which would be a significant step towards building trust while ensuring equal access to education. Thirdly, she recommended engaging in a debate about a new citizenship law; if Myanmar did not bring its citizenship legislation into line with international standards, its problems would continue to grow. It was critically important to facilitate the return of the Rohingya refugees in Bangladesh, who had rightly insisted that they did not want to return unless their citizenship was guaranteed. Lastly, she recalled the importance of criminal accountability and the international community's responsibility to ensure that those responsible for international crimes such as crimes against humanity, war crimes and genocide were brought to justice.

24. Ms. Nu, in her video statement, said that addressing the root causes of the decades-long human rights violations in Myanmar was more vital than ever. She indicated that the Myanmar military and security forces were intensifying their brutality, including through airstrikes, arbitrary arrests and detention, torture, sexual violence and killing across the country. In addition, she highlighted the military authorities' recent use of the death penalty against four prominent democracy activists.

25. She stressed that military impunity had enabled atrocities to be carried out against Rohingya Muslims and persons from ethnic minorities, and that those atrocities amounted to crimes against humanity, war crimes and genocide. Owing to the lack of recognition of the historical ties of the Rohingya to the country by successive Governments of Myanmar, the Rohingya had been systematically deprived of their human rights and dignity and had been subjected to acts of State-sponsored persecution, including sexual violence and restrictions on marriage and birth. Those acts spanned the decades prior to what she described as the 2017 genocide, when the Myanmar military murdered, raped and forcibly displaced hundreds of thousands of Rohingya, and torched their villages. June 2022 marked 10 years since the 2012 wave of State-sponsored violence against the Rohingya in Rakhine State. Over 600,000 Rohingya continued to live in apartheid-like conditions, and at least 140,000 remained forcibly segregated in internally displaced person camps, where they were denied access to basic services and livelihoods.

26. In what Ms. Nu referred to as an attempted coup, the Myanmar military had intensified its policies with the intention of destroying the existence and identity of the Rohingya and had further restricted the community's basic human rights, including by requiring Rohingya to obtain permission to travel within and outside of Rakhine State and arresting those who allegedly violated that discriminatory policy. In addition to the "*SweTinSit*," which she described as an abusive family checking process, military authorities were requiring Rohingya to show national verification cards, which did not confer citizenship and identified Rohingya as "Bengali", to conduct their daily activities, including travelling for medical treatment and to attend school.

27. She highlighted the situation that her cousins were facing in Rakhine State, which they described as comparable to living in an open prison. Nearly 1 million Rohingya remained confined in neglected refugee camps and detention centres in neighbouring countries. In all those areas, women, girls and LGBTQ+ people in particular, many of whom had survived sexual violence by the military, remained at heightened risk of being raped, sexually harassed and exploited, and forcibly trafficked. Despite surviving the genocide in

Myanmar, many Rohingya were retraumatized through the denial of access to education and livelihoods as refugees.

28. She emphasized that all Rohingya wanted justice and a safe and dignified return home to Myanmar with an assurance of their security, full citizenship and the return of their lands. She also emphasized the need to end the impunity that had emboldened perpetrators and placed the Rohingya at a heightened risk of being subjected to further atrocities. She stressed the critical need for the international community to pursue concerted and comprehensive actions to hold the military accountable.

29. Ms. Nu made several recommendations to Member States. She called upon them to establish a court of law to prosecute the military while the Independent Investigative Mechanism for Myanmar was collecting evidence and preparing cases. She also called upon the Security Council to uphold its mandate and to refer the situation of Myanmar to the International Criminal Court.

30. She stated that all Governments and other parties should refrain from engaging with the Myanmar military authorities. The international community should instead support the country's grass-roots movements that upheld international human rights norms, in particular women human rights defenders and organizations, by providing them with moral, financial and material support.

31. She applauded the United States of America for recognizing, earlier in 2022, the Rohingya genocide and emphasized the importance of recognizing the Rohingya genocide and consulting Rohingya civil society and community members in matters related to their future. She expressed the hope that the States members of the Human Rights Council would stand with the Rohingya and other ethnic minorities as they fought for a country in which peace, justice and human rights could be genuinely enjoyed.

32. Mr. Ahmed, in his video statement, stressed that most of the over 1.1 million stateless Rohingya had entered and settled in Bangladesh in less than three months after facing what the independent international fact-finding mission on Myanmar had termed "genocidal intent" at the hands of the Myanmar military in Rakhine State in August 2017. The United States had also joined in calling the Rohingya crisis a genocide. Mr. Ahmed stated that the reasons that had prompted the Myanmar military to commit genocide and expel the Rohingya into Bangladesh were not as complex as they seemed; he identified three root causes of the Rohingya crisis.

33. The first cause was the lack of recognition of the Rohingya identity. Nevertheless, the 2021 coup had brought about changes in the national discourse in terms of recognition of the Rohingya, with the exiled National Unity Government now ready to recognize them as Rohingya. The non-recognition had always been motivated by political rather than ethnic or religious factors. The second cause was the Constitution of Myanmar, which enshrined and gave a legal expression to the "unspoken racial feelings" held by the military and civilian elite of the country that had gradually disenfranchised and dehumanized the Rohingya. The third cause was the fear of Rohingya "autonomy" in northern Rakhine State.

34. He insisted that, without putting pressure on the military authorities, including economic and political sanctions, nothing would change the tragic fate of the Rohingya. He regretted that, despite the coup in February 2021, the flow of international investment into Myanmar had increased by 17 per cent. As an alternative to withdrawing investments and imposing sanctions, he suggested "decoupling" the Rohingya issue from Member States' economic and strategic interests. Such "decoupling" could include providing recognition to the Rohingya in line with the International Court of Justice provisional judgment, providing support to the Rohingya and their diaspora to form a civil entity and giving them a platform at the international level, including within the United Nations.

B. Interactive discussion

35. During the plenary discussion, statements were made by the representatives of Bangladesh, Canada, Denmark, on behalf of the Nordic and Baltic countries, Egypt, the European Union, on behalf of the European Union and its member States, France, Indonesia,

Iran (Islamic Republic of), Ireland, Luxembourg, Malaysia, the Netherlands, Pakistan, on behalf of the Organization of Islamic Cooperation, Saudi Arabia, Senegal, Türkiye, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of).

36. Representatives from the following national, international and non-governmental organizations also took the floor: Asian Forum for Human Rights and Development, CIVICUS: World Alliance for Citizen Participation, Human Rights Watch, International Commission of Jurists, International Bar Association and International Human Rights Council.

37. Several speakers expressed concern over the deterioration of the human rights situation in Myanmar since the coup in 2021. The representative of Canada lamented that gains towards the achievement of the Sustainable Development Goals had been lost, egregious human rights violations had been committed and over 14.4 million people were in need of humanitarian assistance. The representative of the European Union strongly condemned all the human rights violations and abuses perpetrated by the military across the country, the disproportionate use of violence, including sexual and gender-based violence and torture, and the deliberate targeting of civilians. The representative of Türkiye called for the steps necessary for a return to democracy and the rule of law, as well as for the release of all elected leaders, politicians, officials and civilians who had been arbitrarily imprisoned, to be taken swiftly.

38. During the discussion, the critical need for safe and unimpeded humanitarian access to affected communities was highlighted. The representative of France denounced restrictions by military authorities on the humanitarian activities of United Nations entities and urged them to ensure safe and unimpeded access for such activities.

39. An aggravation of the specific situation of the Rohingya was highlighted by many speakers. The representative of Human Rights Watch indicated that 600,000 Rohingya remained in Rakhine State, 135,000 of whom were detained in camps, all living under the military authorities' system of apartheid and persecution and receiving scarce international attention. The representative of the Asian Forum for Human Rights and Development denounced the arrest and convictions of hundreds of Rohingya on what she described as false allegations of harbouring those resisting the coup on 1 February 2021 or travelling outside their communities. She also voiced concerns that the coup had diminished the prospect of a durable solution for internally displaced persons and the safe, dignified, sustainable and voluntary return of Rohingya refugees.

40. Speakers emphasized that the need for accountability for grave international crimes remained critical; the failure to hold the Myanmar military accountable remained one of the primary root causes of the ongoing human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar. The representative of Egypt expressed support for all efforts at the regional and international levels aimed at ensuring accountability. The representative of Australia stressed that the coup on 1 February 2021 should not distract States in their efforts to ensure justice and accountability for ongoing crimes committed against the Rohingya and other minorities and reiterated the support of Australia for the important work of the Independent Investigative Mechanism for Myanmar to hold accountable those responsible for international crimes and violations of international law since 2011.

41. The lack of accountability further emboldened the Myanmar military to continue widespread human rights violations with total impunity. The representative of the International Commission of Jurists stressed that the large-scale impunity was in itself both a root cause and a driver of further violations, as the lack of accountability translated into an absence of preventive deterrents against the recurrence of violations. Several speakers stressed the importance of referring Myanmar to the International Criminal Court, initiating criminal proceedings and using the universal jurisdiction principle, and of more Member States joining the case before the International Court of Justice. The representative of the Netherlands expressed support for the Rohingya and all international actors, such as the United Nations and the Independent Investigative Mechanism for Myanmar, in their pursuit

of accountability, and commended Bangladesh for hosting a mission of the Independent Investigative Mechanism for Myanmar.

42. Speakers underlined the importance of referring back to the different mechanisms already put in place to address the situation in Myanmar. Implementing the recommendations of the report of Advisory Commission on Rakhine State was highlighted by many speakers, including the representative of Malaysia. In addition, many speakers expressed support for the Five-Point Consensus of the Association of Southeast Asian Nations (ASEAN) and acknowledged the need to engage in dialogue with all stakeholders. The findings of the independent international fact-finding mission on Myanmar and the Independent Investigative Mechanism on Myanmar were also recognized as key reports, to be viewed in conjunction with the Advisory Commission's recommendations. Lastly, speakers called upon OHCHR and Member States to increase communication and work with the various special envoys to facilitate dialogue with Myanmar and the directly affected populations, such as the Rohingya Muslims.

43. Several speakers stressed the need for targeted sanctions and to end all arms flows to the Myanmar military, acknowledging the difficulties that that proposal faced within the Security Council. The representative of the European Union called upon all Member States to end the supply, sale and transfer of arms to the Myanmar military and security forces. The representative of Luxembourg stressed that part of the responsibility for the genocide and other crimes against the Rohingya lay with the small number of countries that continued to support the military authorities and the private companies identified by the Special Rapporteur on the situation of human rights in Myanmar and the independent international fact-finding mission on Myanmar in their reports. Others reiterated the call for a global arms embargo on the Myanmar military and to impose sanctions on all enterprises from which the military directly profited. There were also calls for targeted sanctions on individuals responsible for the atrocities linked to the Rohingya crisis. Lastly, it was noted that Member States should explore options for reparations for the victims, in particular in terms of repurposing frozen assets to provide reparations for victims of sexual violence.

44. The denial of citizenship and the 1982 Citizenship Law was reiterated by some speakers as a key root cause of the Rohingya crisis. Renewed calls were made to pressure the authorities in Myanmar to repeal or review the Law to bring it into line with international human rights standards. There was a renewed call to grant the right to citizenship to the Rohingya to ensure their safety and security and allow for the creation of conditions for the safe, dignified, sustainable and voluntary return of Rohingya and other minorities. Some speakers commended the efforts of Bangladesh to aid the humanitarian situation and urged the international community to support Bangladesh and other countries hosting refugees.

45. Speakers reiterated the importance of dialogue and consultations between all stakeholders as a way of addressing the root causes of the crisis. The representative of the Bolivarian Republic of Venezuela expressed appreciation for the efforts of the Special Envoy of the Secretary-General on Myanmar and the ASEAN special envoy to Myanmar in facilitating dialogue between the authorities in Myanmar and the directly affected populations, such as the Rohingya Muslims. Other speakers highlighted the importance of conducting interfaith dialogues at the local and international levels, possibly facilitated by those special envoys, to promote a constructive and peaceful framework. Some speakers stressed that the willingness of all political parties was critical to address the root causes of the human rights violations; the Myanmar authorities must therefore demonstrate their willingness to improve the treatment of minorities to prevent further displacement and mistreatment of Rohingya Muslims.

46. Speakers asked panellists a number of questions, for example on the measures that the Human Rights Council could take to encourage its member States to ensure criminal accountability for the military authorities' actions, including any additional measures that could be used to ensure the inclusion of the Rohingya and other minorities in the international judicial processes currently under way. The panellists were also asked what could be done to meet the needs of the most vulnerable and marginalized communities in Myanmar. The representative of Indonesia asked how the United Nations system and Member States could best sustain the initiatives on the ground in strengthening intercommunity and interreligious dialogues and addressing hate speech. Questions were also asked concerning the

revitalization of the role of ASEAN and on how a democratic transition could be achieved to advance the rule of law and respect for human rights.

C. Responses and concluding remarks

47. After the interactive discussion, the President of the Human Rights Council invited the panellists to make concluding remarks.

48. Ms. Oo stressed the need for Member States to continue focusing on the situation of the Rohingya to help prevent the crisis from escalating further. She drew attention to the fact that, since June 2022, victims of trafficking in persons had been charged under section 6263 of the Residents of Burma Registration Act of 1949, which she described as a return to old discriminatory practices. She reiterated the importance of OHCHR, the Council and other United Nations entities paying careful attention to the current situation, as trafficking in persons networks were facilitated and operated by high-level State and military personnel.

49. As situations and patterns started to change, efforts needed to be coordinated at the regional level. She reiterated the importance of the attention of the Human Rights Council, United Nations entities and non-governmental organizations and of the need for the Rohingya to be at the forefront of the discussion and involved in accountability processes, such as through the International Court of Justice and the International Criminal Court.

50. Ms. van den Assum stated that the conversation surrounding the underlying causes of the crisis and ways that the international community could address it had been redundant for the previous few years. The only difference with previous conversations surrounding the Rohingya crisis was the illegitimate regime, which made dialogue and reconciliation more difficult. She reminded members of the Human Rights Council that the Advisory Commission on Rakhine State had already identified all the underlying causes of the crisis in its report and had made recommendations in line with international norms and standards. Many of the questions from Member States were answered in the report of the Advisory Commission.

51. She recommended that the United Nations consider the report of the Advisory Commission on Rakhine State in the context of the current reality and consider how its recommendations could be operationalized, in terms of what had already been done and what could be done. She stressed the importance of having the voices of the Rohingya heard while operationalizing the recommendations contained in the report and of reviewing the declaration made in January 2021 by the diverse and united communities of Arakan, including the Rohingya. That declaration had been presented two weeks before the coup; it had not been examined since. With respect to criminal accountability, she stressed the need for the International Criminal Court to speed up its preliminary investigations and give them a higher priority.

52. Ms. Nu discussed a positive development from the previous year, as understanding of the Rohingya's plight and acknowledgment of their suffering had grown among the population of Myanmar. She called upon Member States to use the present panel discussion to support the democratic and human rights movement in Myanmar to build a more inclusive future. It would be impossible for the Rohingya to return safely to Rakhine State in the light of the current and rampant impunity and in the absence of concrete and effective accountability mechanisms. Finding solutions to the root causes of the impunity enjoyed by the military was key and that, as long as the military were in power, the root causes would not be addressed. She therefore urged the Human Rights Council and Member States to work on holding the military accountable by establishing an ad hoc tribunal or referring the situation of the Rohingya to the International Criminal Court through the Security Council. It was also critical that an arms embargo be implemented and that sanctions be imposed on the military and its businesses.

53. She reiterated that legislative changes would only be possible through democratic political leadership and that it was therefore critical for Member States to support the democratic movement in Myanmar. Given the direct link between increased military action and the continuation of genocidal policies in Rakhine State, she stressed the need for

Governments in the region and ASEAN member States to hold Myanmar accountable. That should include coordinated regional efforts to put protective mechanisms and frameworks in place to provide safety for Rohingya who had fled. Lastly, she urged all Member States to truly listen to the voices of the Rohingya to understand their suffering.

54. Mr. Ahmed indicated that the coup of February 2021 had emboldened the Myanmar military, as international investments had increased by 17 per cent. He emphasized that severe economic and political sanctions were needed and should not be limited to an arms embargo. He saw no reason why sanctions could not be imposed on the Myanmar military, as sanctions were even more relevant in today's international context. He stressed the need for the international community to invest in Rohingya civil entities. He expressed hope that other Member States would follow the United States in identifying the Rohingya crisis as genocide and implement subsequent actions, as failing to do so would enable genocide.

V. Conclusions and recommendations

55. Throughout the panel discussion, the lack of accountability for the human rights violations against the Rohingya and other minorities and the continuing impunity enjoyed by the Myanmar military were identified as the main root causes of the crisis. Many speakers insisted that addressing the root causes of discrimination and human rights violations against ethnic and religious minorities in Myanmar, ensuring accountability for serious crimes committed and 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 essential to achieve durable peace and to build a society on the basis of the principles of equality and non-discrimination.

56. Speakers raised the lack of recognition of Rohingya identity over the previous decades, in particular the introduction of the 1982 Citizenship Law and national verification cards, as being a key root cause of the crisis. Many speakers and panellists underlined that, given the lack of recognition of the Rohingya identity and the continuing impunity of the Myanmar military, no conditions existed that were conducive to the safe, dignified, sustainable and voluntary return of Rohingya refugees to Rakhine State. Many had highlighted that they would return only upon guarantee of safety and full citizenship rights. The panel discussion clearly showed that the root causes of the Rohingya crisis had yet to be addressed and had been further exacerbated by the military coup in 2021.

57. During the panel discussion, representatives of Member States addressed the following specific recommendations to the Myanmar military:

- (a) To refrain from further violence, immediately and unconditionally release all those arbitrarily detained in relation to the coup and engage in dialogue with all stakeholders, in line with the ASEAN Five-Point Consensus;
- (b) To create conditions to allow the voluntary, safe, dignified and sustainable return of the Rohingya and other displaced persons, in particular women and girls;
- (c) To ensure justice and accountability for past and ongoing human rights violations and abuses;
- (d) To ensure full, safe and unimpeded humanitarian access to all persons in need;
- (e) To resolve the citizenship status of the Rohingya;
- (f) To fulfil its commitment to implementing the recommendations of the Advisory Commission of the Rakhine State.

58. During the discussion, panellists addressed the following recommendations to Member States and other relevant stakeholders to ensure accountability for human rights violations:

- (a) To continue supporting accountability efforts at the international level, including through the International Criminal Court, the Independent Investigative Mechanism for Myanmar and other relevant mechanisms;
- (b) To ensure full implementation of provisional measures and cooperation with the proceedings at the International Court of Justice;
- (c) To support the implementation of the ASEAN Five-Point Consensus and cooperate with its special envoy to Myanmar;
- (d) To implement all recommendations of the Advisory Commission on Rakhine State;
- (e) To impose economic and political sanctions on the Myanmar military and end all supply, sale and transfer of arms to the Myanmar armed and security forces.

59. During the discussion, panellists addressed the following specific recommendations to Member States and other relevant stakeholders with respect to the nationality, identity, and safe return of the Rohingya:

- (a) To pressure the Myanmar authorities to repeal the 1982 Citizenship Law and implement citizenship legislation in line with international human rights norms and standards and to improve the current conditions in Rakhine State, in particular in the field of freedom of movement and access to health and education;
- (b) To urge the Myanmar authorities to create conditions conducive to repatriation and to ensure a safe, dignified, voluntary and sustainable return of Rohingya refugees to Rakhine State;
- (c) To urge the Myanmar authorities and religious leaders to combat extremism and ultranationalism and cease any rhetoric dehumanizing or denigrating Rohingya Muslims, other Muslims and other religious minorities;
- (d) To facilitate interaction between ethnic groups with a view to ending ethnic segregation.

60. During the discussion, panellists addressed the following specific recommendations to Member States and other relevant stakeholders to support the Rohingya community:

- (a) To ensure the participation of Rohingya representatives in all deliberations about their future;
- (b) To support grass-roots movements in Myanmar that uphold international human rights norms and provide them with moral and financial support;
- (c) To characterize the Rohingya crisis as amounting to genocide.
