

UN Human Rights Council resolution on Myanmar strengthens UN mechanisms on Myanmar but stops short of going further

(Geneva, 23 March 2018) Today the UN Human Rights Council adopted a resolution on Myanmar with 35 states voting in favour 5 against and 10 abstaining in the 47 member body.¹ The resolution maintains and strengthens existing human rights mechanisms on Myanmar which is a positive development. However, despite the dire situation on the ground, the resolution merely extends a cautious acknowledgement of proposals for accountability measures, including the authority of the Security Council to refer the situation to the International Criminal Court.

‘While it helps in laying some groundwork for future accountability and strengthens mechanisms the resolution fails to change the status quo on what has been described by UN experts as a situation that bears the hallmarks of genocide,’ says R. Iniyon Ilango of the Asian Forum for Human Rights and Development (FORUM-ASIA). ‘Despite strong rhetoric, UN Member States have stalled on decisive action and passed the buck between various UN Mechanisms and Bodies in New York and Geneva, allowing for serious violations to continue in the meanwhile. The Human Rights Council is the only UN body that has been able to take some action and in this context strengthening of human rights mechanisms on Myanmar is welcome.’

‘While minorities continue to suffer gravely from human rights violations committed by the Myanmar Army, and civil society space and press freedom continue to shrink, there are no independent and effective domestic mechanisms to investigate and seek justice for the victims and hold perpetrators accountable. International accountability mechanisms are the only viable way to seek justice and end impunity in Myanmar,’ says Aung Khaing Min of Progressive Voice.

The resolution requests the UN Secretary-General to allocate the necessary resources to ensure that evidence on human rights violations collected by the Independent International Fact-finding Mission on Myanmar is ‘fully documented, verified, consolidated and preserved in order for the material to be effectively shared, accessed and used by credible justice mechanisms.’ This would allow the Fact-Finding Mission to receive additional funds to complete its documentation and help preserve collected evidence for follow-up accountability initiatives. The resolution also extended the mandate of the UN Special Rapporteur on the situation of human rights in Myanmar for an additional year.

It further stressed the importance of accountability for gross violations and noted two proposals by UN experts for the establishment of a UN mechanism to collect evidence for future judicial proceedings and a field based structure in Cox’s Bazar to document evidence.

¹ In favour: Afghanistan, Australia, Belgium, Brazil, Chile, Cote d’Ivoire, Croatia, Egypt, Georgia, Germany, Hungary, Iraq, Kyrgyzstan, Mexico, Nigeria, Pakistan, Panama, Peru, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland, Togo, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States; Against: Burundi, China, Cuba, Philippines, Venezuela (Bolivarian Republic of); Abstentions: Angola, Democratic Republic of Congo, Ecuador, Ethiopia, Japan, Kenya, Mongolia, Nepal, Senegal, South Africa

While the resolution was being negotiated, the UN Special Rapporteur on the situation of human rights in Myanmar told the Council that the situation bears the hallmarks of genocide, while the UN High Commissioner for Human Rights stressed that ethnic cleansing continues and that his office has serious suspicions of genocide. The Council also heard of continuing atrocities in Rakhine, Kachin and Northern Shan States in Myanmar from experts and civil society groups. The number of refugees crossing into Bangladesh from Northern Rakhine State has been reported as close to 900,000 and the figures continue to increase. In the meanwhile, violations and large scale displacement of civilians have been reported in Northern Shan and Kachin States as a result of renewed conflict.

'The Government of Myanmar has refused to cooperate with the Fact-Finding Mission and has stopped granting access to the Special Rapporteur. This unwillingness to cooperate shows that the international community needs to take stronger action,' says John Samuel of FORUM-ASIA, 'More needs to be done to prevent reprisals and the increasing threats against human rights defenders and those who cooperate with the UN and its mechanisms.'

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratisation.

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