

Rohingya and Other Myanmar Minorities Reclaim the Human Rights Council's Attention

7 July 2025

The Special Advisory Council for Myanmar (SAC-M) welcomes the Human Rights Council's adoption of its <u>latest resolution</u> on the situation of human rights of Rohingya Muslims and other minorities in Myanmar. Adopted without a vote, the resolution ratchets up pressure on the military junta.

SAC-M now calls on the UN General Assembly to seize on this momentum by adopting a new plenary resolution on the situation in Myanmar as well as a strengthened annual resolution on the Rohingya and other Myanmar minorities.

The Council's new resolution, an Organisation of Islamic Cooperation (OIC) initiative, caps off a June session where the UN High Commissioner for Human Rights Volker Türk and UN Special Rapporteur on Myanmar Tom Andrews jointly briefed the Council on the dire human rights situation in Myanmar.

The High Commissioner presented his new <u>future focused report</u> on Myanmar, which sets out the people's "vision of the future, and pathways to get there." Communities consulted during the report's development "were united in one message: that the military must play no role in public life. People yearn for a peaceful, inclusive and democratic society, grounded in accountability and human rights."

Special Rapporteur Tom Andrews in his <u>oral update</u> condemned the military junta's exploitation of the catastrophic March earthquake by using "aid as a weapon" and cynically declaring a ceasefire while accelerating airstrikes on villages. He also slammed the junta's planned sham election for later this year: "you cannot hold a democratic election when you arrest, detain, torture and execute opposition leaders—when it is illegal for journalists to report the truth or for people to freely express their opinions." The Special Rapporteur added that the Rohingya Humanitarian Crisis Joint Response Plan remains only 22 percent funded, reflecting system-wide funding cuts that set "a terrible trajectory that is both tragic and dangerous".

Civil society representatives also addressed the Council. <u>Bo Kyi</u>, a former political prisoner and joint secretary of the <u>Assistance Association For Political Prisoners</u>, demanded the unconditional release of all political prisoners and shared a stark



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message: "living in Myanmar and its prisons is like hell - the military junta does not care who lives or dies." <u>Zue Padonmar</u>, member of the Karenni State Interim Executive Council (IEC), described Karenni State as a junta "killing field" yet spoke of the IEC's critical role as a "people-led governance structure" and a "decentralized interim government that prioritizes community participation and decision-making at all levels while ensuring 35% of leadership roles [are] filled by women." <u>Noor Azizah</u>, a Rohingya refugee advocate, recounted her recent visit to Cox's Bazar while pressing that conditions for safe, dignified and voluntary returns of Rohingya to Myanmar do not exist: "return without rights is not a solution".

In the interactive dialogue, the European Union-penholder on the <u>March Myanmar</u> <u>resolution</u>-condemned the junta for acts that "stand not only as gross violations of human rights, but may also constitute war crimes and crimes against humanity", and called for "stability, peaceful reconciliation, and for the swift establishment of a transparent, inclusive and credible democratic process, including through dialogue between all stakeholders".

Malaysia, current ASEAN Chair, called for continued support from the international community and for a "durable and peaceful resolution that is Myanmar-owned and Myanmar-led" and "achieved through a genuine trust building process and inclusive national dialogue".

The OIC expressed its alarm "at the diminishing global attention to the humanitarian needs of Rohingya" as well as its hope that the <u>High-level Conference on the Situation</u> <u>of Rohingya Muslims and Other Minorities in Myanmar</u> to be held in New York on 30 September "will provide a clear pathway for the expedited solution of the Rohingya crisis in a sustainable manner".

The OIC's resolution on Rohingya Muslims and other minorities in Myanmar contains strong new language, including:

- condemnation of the military junta's gross, deliberate, widespread and indiscriminate human rights violations and abuses against Rohingya Muslims and other minorities, and of reported violations and abuses including the burning of villages, forced displacement, the deliberate targeting of civilians, forced conscription and arbitrary detention
- condemnation of the military's deliberate obstruction of humanitarian assistance and systematic restrictions of humanitarian access, including the arrest, detention





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and killing of humanitarian workers and the occupation of aid infrastructure

- acknowledgement of the ICC Prosecutor's filing of an application for a warrant of arrest for senior general Min Aung Hlaing, based on the conclusion that there are reasonable grounds to believe he bears criminal responsibility for the crimes against humanity of deportation and persecution of Rohingya committed in Myanmar and in part in Bangladesh
- recognition of steps taken by States to investigate and prosecute the most serious crimes under international law committed in Myanmar
- a call on States to protect Myanmar nationals within their borders and to respect the principle of non-refoulement
- encouragement of the UN system to actively engage in the process leading to the High-Level Conference in order to improve its efficiency and ability to provide support and assistance
- welcome new references to reparations.

The resolution for the first time acknowledges the National Unity Government's <u>"Policy position on the Rohingya in Rakhine State"</u>, which recognises that Rohingya are entitled to Myanmar citizenship and pledges to dismantle discriminatory legal frameworks.

It also calls on all parties in Myanmar to immediately cease all forms of violence and violations and abuses of international human rights law and international humanitarian law, and urges OHCHR and the <u>Independent Investigative Mechanism</u> for Myanmar to expand their investigative efforts to include recent atrocities.

The resolution's timing offers strong momentum in the lead up to the UN General Assembly's 80th session, which in addition to the High-Level Conference will see the EU and the OIC run their annual resolution on the human rights of Rohingya Muslims and other minorities in Myanmar.

The General Assembly must also act in the face of continued Security Council deadlock by adopting a broader resolution on the situation in Myanmar. **"Alarmingly, more than four years have passed since the General Assembly's last plenary resolution on Myanmar,"** said Yanghee Lee of SAC-M. **"In that time, the dire situation in Myanmar has descended into a humanitarian and human rights catastrophe"**.

