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**Promotion and protection of human rights: human rights
situations and reports of special rapporteurs and representatives**

Situation of human rights of Rohingya Muslims and other minorities in Myanmar

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution [75/238](#) and covers the period from 15 August 2020 to 14 August 2021. In addition to the human rights situation of Rohingya Muslims and other minorities, the report focuses on the country's democratic transition and the disruption of that process in the wake of the military takeover, on 1 February 2021, by the country's armed forces, or Tatmadaw, following tensions over the general election held on 8 November 2020. Concerns are highlighted about violence that has escalated across the country since then and serious human rights violations, as well as the wider implications, including for the region, of the political crisis and political violence consisting largely of the brutal repression carried out by security forces. It is urgent to mount a unified international and regional response to help to put Myanmar back on the path to democratic reform. Such an effort must be accompanied by the immediate release of President Win Myint, State Counsellor Aung San Suu Kyi and other government officials, as well as by immediate humanitarian access and assistance, especially to vulnerable communities, among them the Rohingya Muslims, many of whom are living in exile in Bangladesh and elsewhere. The present report highlights that the opportunity to prevent the military from entrenching its rule could be narrowing and underscores the importance of supporting the democratic aspirations of the people of Myanmar. Finally, the Secretary-General reiterates his call for all sides to act in the greater interest of the country's democratic reform, engage in meaningful dialogue, refrain from violence and fully respect human rights and fundamental freedoms.

* [A/76/50](#).



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [75/238](#), in which the Assembly requested the Secretary-General to continue to provide his good offices and to pursue discussions relating to Myanmar, involving all relevant stakeholders, and to offer assistance to the Government of Myanmar, as well as to submit the report of the Special Envoy of the Secretary-General on Myanmar, Christine Schraner Burgener, on all relevant issues addressed in the resolution to the Assembly at its seventy-sixth session. The present report covers the period from 15 August 2020 to 14 August 2021.

2. The reporting period was characterized by the military takeover of 1 February 2021, following which the country's armed forces, or Tatmadaw, aimed to consolidate power, causing massive disruption to the country's democratic transition. This event stood in contrast to the hope underlying the previous report of the Secretary-General that the general election of 8 November 2020 would further build on the important gains of recent times and become a unifying process. Ahead of the polls, the Secretary-General had advocated for peaceful, orderly and credible elections, which he described as an important opportunity to help to advance inclusive sustainable development, humanitarian action, human rights and democratic reforms, including civilian control over the military. He expressed the hope that the election would also help to pave the way for sustainable refugee returns in safety and dignity.

3. The election gave the incumbent National League for Democracy (NLD) a strong mandate. Tensions escalated between the civilian Government and the Tatmadaw, as the military contested the electoral process and outcome. On 1 February, on the eve of the swearing in of the newly elected legislative body, the Tatmadaw declared a state of emergency. This takeover meant a significant setback in key areas covered by the General Assembly in its resolution [75/238](#).

4. Before the military takeover, on 28 January, the Secretary-General had appealed to all actors to desist from any form of incitement or provocation, demonstrate leadership, adhere to democratic norms and respect the outcome of the election. He urged the resolution of all electoral disputes through established legal mechanisms. The Tatmadaw detained political leaders and other civilians, including civil society leaders and journalists. Since 1 February, repression has ensued and escalated on various fronts, resulting in hundreds of civilians killed, and many more wounded, thousands of arrests with no apparent due process and severe restrictions on fundamental rights for the population. These actions of the Tatmadaw have created instability throughout the country, with major implications, including for the region.

5. Throughout the reporting period, the United Nations has upheld its commitment to providing humanitarian assistance to people in need, including support for preventing the spread of the coronavirus disease (COVID-19). However, the United Nations has been faced with increased restrictions hampering life-saving aid from reaching vulnerable communities, notably those in conflict-affected areas. Since February, previous efforts by the Organization to promote an inclusive response to the COVID-19 pandemic and amplify the Secretary-General's call for a global ceasefire with a collective new push for peace and reconciliation in Myanmar have been severely undermined.

6. The Secretary-General has repeatedly called on the military to respect the will of the people, to refrain from violence and repression, and to act in the greater interest of peace and stability. The same was emphasized by the Security Council in its presidential statement of 10 March, in which the Council condemned the violence against peaceful protesters and called for the release of all detained, as well as in a press statement of 4 February. In its resolution [75/287](#), adopted on 18 June 2021, the

General Assembly called upon the Myanmar armed forces to respect the will of the people, to immediately release President Win Myint, State Counsellor Aung San Suu Kyi and all individuals arbitrarily detained, and to engage with the Association of Southeast Asian Nations (ASEAN) to realize an inclusive, peaceful dialogue among all stakeholders. In the resolution, the Assembly also called on all Member States to prevent the flow of arms into the country.

7. Brutality by the security forces against people opposing the military takeover and the self-declared State Administrative Council, including those participating in the civil disobedience movement, has been wide-ranging. Those expressing opposition to the military and joining democratic movements, as well as their relatives and associates, have been subject to arbitrary killings and detentions, disappearances, night raids, intimidation, and torture. There have been numerous reports of sexual and gender-based violence perpetrated by the security forces. There have also been numerous reports of acts of violence targeted at the security forces, such as the killing of individuals suspected of collaborating with the military. The Secretary-General has called for maximum restraint by all sides.

8. Since February, tensions have increased throughout the country, including in areas covered by the 2015 Nationwide Ceasefire Agreement and where there was relative peace before 1 February. Mostly in states and regions along the borders with Thailand, China and India, armed clashes have erupted between the Tatmadaw, ethnic armed organizations and newly formed civilian people's defence forces, raising concern about regional implications of the crisis and the potential for a large-scale armed conflict.

9. The spread of violence has increased displacement in a country already grappling with a significant population of internally displaced persons. At the same time, the country's health infrastructure has nearly come to a standstill following the military takeover of 1 February, against the backdrop of an already challenged system stretched by the COVID-19 pandemic. Together, COVID-19 and the takeover have paralysed the economy and led to millions of children and young people missing school.

10. In the current crisis, several actors advocating for the restoration of the country's path to democratic reform have emerged. On 5 February 2021, representatives of NLD and other parties elected November 2020 formed the Committee Representing Pyidaungsu Hluttaw to conduct parliamentary affairs (Pyidaungsu Hluttaw is the name of the country's bicameral parliament), and announced the formation of the National Unity Government. The National Unity Government notably affirmed its commitment to seeking and coordinating humanitarian aid and engaging with the international community on behalf of the people of Myanmar. It also committed to promoting fundamental human rights, including greater inclusion of Rohingya, and stated on 3 June that it would repeal the 1982 citizenship law and base citizenship on birth in Myanmar or birth anywhere as a child of Myanmar citizens.

11. On 1 February, ASEAN encouraged dialogue, reconciliation and a return to normalcy in accordance with the will and interests of the people of Myanmar. On 24 April, ASEAN leaders meeting in Jakarta adopted what is known as the five-point consensus. They agreed that there should be an immediate cessation of violence, that a constructive dialogue should commence among all parties, that a special envoy of the ASEAN Chair should facilitate mediation of the dialogue process, and that ASEAN should provide humanitarian assistance through the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management.

12. Members of the Security Council and the General Assembly have highlighted their support for ASEAN and its five-point consensus. The Security Council also underlined its full support for the work of the Special Envoy of the Secretary-General

for Myanmar and encouraged complementarity of her work to that of ASEAN. The Secretary-General has repeatedly urged a robust international solution grounded in regional efforts, and stressed the need for a timely and comprehensive implementation of the ASEAN five-point consensus. He has also urged the release of all detainees and full respect for human rights and fundamental freedoms. Continued and strong complementarity between ASEAN and the United Nations is vital in helping to bring an end to the violence. The Secretary-General has also urged regional actors to leverage their influence to prevent further deterioration and find a peaceful way out of this crisis.

13. In support of that goal, the Special Envoy of the Secretary-General has pursued active discussions with domestic and international leaders, in particular those in the region, to help to prevent further deterioration and find a political solution to the crisis. In follow-up to her engagement earlier in the reporting period, she visited the region from 9 April to 29 May.

14. Already vulnerable communities, particularly the Rohingya, need to be protected and it is critical that Member States continue to advocate for humanitarian access and provide support for humanitarian assistance.

15. To achieve national reconciliation and political stability, it remains essential to address impunity and ensure accountability for serious human rights violations. In the immediate term, it will be vital to provide full support for humanitarian activities such as bringing essential services to remaining Rohingya communities.

16. It is crucial that the United Nations country team and humanitarian partners have safe and unimpeded access to the populations in need of life-saving humanitarian assistance. In addition, the sustainable closure of displacement camps consistent with international norms and practice is critical. As always, the Organization's humanitarian response in Myanmar will be guided by the internationally recognized principles of neutrality, impartiality, independence and humanity.

II. Context and political developments

A. Political situation

General election of November 2020

17. The general election of 8 November 2020 was a significant moment in the country's transition to democracy. The voter turnout was 71 per cent, which reflected considerable support for democracy among the people.

18. The ruling NLD won around 80 per cent of the elected seats in the upper and lower houses of Parliament. The military-backed Union Solidarity and Development Party maintained a de facto veto through the minimally required 25 per cent allocation of seats mandated under the 2008 Constitution, which was drafted by the military. The elections saw a higher participation of women with 16 per cent female candidates, compared with 13 per cent in the 2015 election.

19. Despite restrictions on gatherings related to the COVID-19 pandemic, there were reports of electoral violence between supporters of rival parties that led to a number of fatalities and the destruction of campaign materials and property. There was also the reported intimidation of personnel of the Union Election Commission. However, national and international election observers such as Asian Network for Free Elections and the People's Alliance for Credible Elections reported that, broadly speaking, the elections were conducted in a peaceful and orderly manner and reflected the will of the Myanmar people writ large.

20. The same observers commended the efforts of the election administration, contestants, observers, media and voters to overcome pandemic-related challenges to the conduct of the polls.

21. Increased use was made of social media. On social media, divisive language based on race and religion appeared, as did hate speech towards minorities, especially Muslims. This underlined the need for strengthened reforms, including through the country's agreement to address those issues under the initiative to counter hate speech, which is supported by the Peacebuilding Fund, and by promoting social cohesion in accordance with the United Nations Strategy and Plan of Action on Hate Speech.

22. Following the election of 8 November 2020, the Secretary-General congratulated State Counsellor Aung San Suu Kyi and noted that Myanmar faced a real opportunity to emerge as an inclusive and harmonious democracy that derived strength from its diversity. He highlighted that the United Nations had an array of comparative expertise to offer, including in support of the comprehensive implementation of the recommendations of the Advisory Commission on Rakhine State, which was critical for durable, inclusive solutions and the political representation of all communities.

23. In the lead-up to the election, the preponderant role of the Tatmadaw in political affairs and electioneering fuelled existing civilian-military tensions. The Union Solidarity and Development Party insisted that, for the sake of public security, the elections should be postponed or cancelled in conflict- and pandemic-affected areas. The NLD argued against any postponement, citing a potential political crisis if polls did not proceed as planned. The Union Election Commission eventually rejected calls to postpone the elections, noting that postponement could worsen the political crisis. Measures were prepared to mitigate the risk of fuelling the pandemic, such as an increase in the number of voting stations to avoid overcrowding.

24. For its part, the United Nations advocated for inclusive polls through the Special Envoy and the United Nations country team, among others, in addition to the above-mentioned project supported by the Peacebuilding Fund. In her active engagement with political parties in Myanmar, the Special Envoy promoted greater political participation by and representation of women. At the request of the Union Election Commission, the United Nations Development Programme (UNDP) procured indelible ink for use on election day.

25. Against a backdrop of ongoing fighting between the Tatmadaw and ethnic armed organizations, the decision of the Union Election Commission to suspend voting fully or partially for security reasons in 56 townships in the states of Rakhine, Shan, Kachin, Kayin, Mon and Chin and in the region of Bago resulted in the disenfranchisement of over one million registered voters. These cancellations disproportionately affected ethnic minority populations.

26. In Rakhine, the Rohingya and other "non-national races" suffered a continuation of the disenfranchisement due to an increasingly narrow interpretation of the proof-of-citizenship documents needed to vote and stand for election. At least eight Rohingya and Muslim candidates were disqualified. Citizen and international observers pointed to those issues but concluded that, in the words of the Asian Network for Free Elections, the integrity of the vote had not been affected.

27. Yet the Tatmadaw and some actors affiliated with the military claimed that there had been widespread election fraud and used that as justification for declaring a state of emergency on 1 February and forcibly removing the elected Government led by NLD. The allegations centred around 10.4 million alleged fraudulent voter records that the Tatmadaw claimed to have found by scrutinizing the voter lists.

28. Under the country's election laws, any voter or candidate can lodge a complaint about the results. Such complaints are ruled upon by election tribunals operating under the exclusive constitutional mandate of the Union Election Commission to resolve election disputes. The election tribunals had been scheduled to start their work on 1 February. The Tatmadaw did not contest the results using established mechanisms.

Disruption of democratic transition

29. Based on the allegations of electoral fraud, the Tatmadaw placed President Win Myint and State Counsellor Aung San Suu Kyi under house arrest in Nay Pyi Taw on 1 February, along with several cabinet members, prominent NLD leaders, the leadership of the Union Election Commission, government officials and civil society activists. It was the day on which the new parliament had been scheduled to convene for the first time. The Tatmadaw then appointed First Vice-President Myint Swe as acting President, who proceeded to convene a meeting of the National Defence and Security Council and declare a state of emergency for one year. It was reported that all legislative, executive and judicial powers were transferred to the commander-in-chief. The Tatmadaw subsequently established a series of administrative structures under the State Administrative Council.

30. Immediately following the takeover of 1 February, the Secretary-General strongly condemned the actions of the military and expressed his grave concern at the transfer of all legislative, executive and judicial powers to the Tatmadaw. This was a serious blow to the country's democratic reforms.

31. The President and State Counsellor have been charged with a range of alleged offences, most notably sedition and violations of COVID-19 protocols, and have been given limited access to legal counsel. Various additional charges have been levelled at the State Counsellor, such as possession of unlicensed walkie-talkies, violating the Official Secrets Act and corruption. These developments run counter to calls from the Security Council and the Secretary-General for the release of all detained. The State Administrative Council also appointed a new Constitutional Tribunal and established three committees for the peace process, which are led by the military. An election commission appointed by the State Administrative Council, declared the elections of November 2020 null and void.

32. On 3 February, a group of medical professionals appealed to civil servants and other workers in key sectors to join a civil disobedience movement and stop working in opposition to the takeover of the Tatmadaw. On 5 February, a group of 289 elected members of Parliament, mostly made up of NLD members, established the Committee Representing Pyidaungsu Hluttaw. On 6 February, peaceful protests began spreading across the country.

33. The Committee Representing Pyidaungsu Hluttaw declared the Constitution of 2008 annulled and on 31 March released a federal democratic charter as the basis for a future federal constitution, reportedly following consultations with various actors opposing the military, among them leaders of the civil disobedience movement, protesters opposed to the military takeover, the general strike committees, ethnic armed organizations and ethnic political parties. On 16 April, the Committee announced the establishment of the National Unity Government, approximately 30 per cent of the high-level posts of which are occupied by women. In terms of ethnic representation, the key positions of Vice President and Prime Minister of the National Unity Government are held by an ethnic Kachin and Karen, in addition to other high-level posts allocated to ethnic Bamar, Chin, Kachin, Karen, Kayah, Kayan, Kayaw, Mon, Shanni and Ta'ang. Among the more than 100 ethnic groups, ethnic Shan, Rakhine or Rohingya do not occupy any high-level posts.

34. On 3 June, the National Unity Government committed to repealing the 1982 citizenship law, paving the way for Rohingya citizenship, and stated its commitment to the voluntary repatriation of the Rohingya in safety and with dignity.

35. There have been reports of widespread violence and serious human rights violations. For instance, between 1 February and 14 August, the Assistance Association for Political Prisoners (Burma) documented the killing of over 971 people by the security forces, including at least 53 children. The United Nations has documented various instances of disproportionate use of force against protesters, including use of military-style weapons, the deployment of soldiers and snipers to urban areas and extra-judicial killings, with women and children among the victims.

36. While designating the Committee Representing Pyidaungsu Hluttaw and the National Unity Government as terrorist organizations, the State Administrative Council also scaled up detentions and arrests, with over 7,200 people arrested thus far, according to the Assistance Association for Political Prisoners (Burma). Those arrested range from political leaders to civil servants, artists, journalists, students, celebrities, social media influencers and civil disobedience movement demonstrators and their relatives. The whereabouts and status of many are unknown, which could mean that the arrests constitute enforced disappearances. Some have died while in custody, their bodies showing signs of torture.

37. Overall progress on the implementation of the 2015 Nationwide Ceasefire Agreement has been limited. A fourth round of the Union Peace Conference was held from 19 to 21 August 2020. In 2020, some progress was made in reviving the process. That led to a series of agreements intended to chart a path for continuing dialogue to advance the peace process after the November election that would include actors that had not signed the Nationwide Ceasefire Agreement, so-called non-signatories. At the fourth Union Peace Conference, female representation was only 17 per cent, even though women and young people have historically played a central role in mobilizing the democratic movement.

Armed conflict and national reconciliation

38. The conflict between the non-signatory Arakan Army and the Tatmadaw in Rakhine State continued to escalate until a truce was negotiated on 25 November 2020. However, casualties among women and young people increased as fighting spread across central and northern Rakhine State. The conflict represented additional risks of conflict-related sexual violence. As displacement surged in other parts of the country after 1 February, the date of the military takeover, so did risks of sexual and gender-based violence and protection concerns.

39. A truce was brokered with the support of Japan to enable elections by late January in Rakhine constituencies where the electoral commission had cancelled voting on security grounds.

40. The instability throughout the country that has ensued since February has further entrenched the impasse in the peace process, although the de facto truce in Rakhine has been maintained. On 20 February, the Peace Process Steering Team, the umbrella organization of the ethnic armed organizations that have signed the Nationwide Ceasefire Agreement, announced the suspension of the political dialogue with the State Administrative Council. It called for the immediate and unconditional release of detainees and condemned the violent crackdown on peaceful protests. Later, the Peace Process Steering Team declared that the common objective of its members was to end the dictatorship and build a federal union.

41. Some ethnic armed organizations unilaterally denounced the military's actions. The Karen National Union, a signatory to the Nationwide Ceasefire Agreement, was

particularly vocal in its opposition and has supported the pro-democracy movement. This prompted an intensification of clashes between the Tatmadaw and the Karen National Union that started early in March, mostly in Kayin State and Bago Region and since late May in Kayah State with the Karenni People's Defence Forces. The Tatmadaw conducted indiscriminate air strikes in which it killed and injured civilians, and destroyed houses, at least two schools and means of livelihood. The total number of displaced persons because of violence, armed clashes and insecurity since 1 February is reported to be around 144,200 in southeastern Myanmar alone.

42. Intense fighting also continues in Kachin State. The Kachin Independence Organization, a key actor that did not sign the Nationwide Ceasefire Agreement, responded forcefully after security forces violently cracked down on protesters in Kachin State on 8 March. Since then, there have been more than 310 clashes affecting at least 14 townships, which stands in stark contrast to the relative stability that had reigned in Kachin State since 2018. The United Nations has documented air strikes that may have been indiscriminate and artillery fire killing and injuring civilians.

43. In northern Shan State, intraethnic armed conflict as well as fighting between ethnic armed organizations and the Tatmadaw has displaced thousands of people and has reportedly been accompanied by abductions, the burning of villages and forced recruitment.

44. Since January, more than 24,950 people across Shan State have been internally displaced owing to clashes between the Tatmadaw and ethnic armed organizations, or among ethnic armed organizations themselves. Most have returned, but 5,000 remain displaced. In Kachin State, armed conflict between the Tatmadaw and the Kachin Independence Army resumed in mid-March following a lull in hostilities that had persisted since mid-2018; that led to the displacement of around 11,510 people, of whom 7,800 currently remain displaced. The newly displaced communities have added to the 105,000 internally displaced persons who remain in protracted displacement in camps across Kachin State and the northern part of Shan State. In addition, more than 18,000 people were displaced in Chin State and neighbouring areas owing to the escalation of clashes between the Tatmadaw and the Chinland Defence Forces in May.

45. The spread of armed combat and unrest to areas that had largely been spared from conflict up to 1 February points to the real risk of a large-scale armed conflict. The emergence of armed actors ostensibly linked to the pro-democracy movement was galvanized by the declaration of the National Unity Government on 5 May that it was establishing a people's defence force. As at July, some 109 local civil defence groups had surfaced throughout the country, most notably in predominately Bamar areas where there had been no armed resistance in the past.

46. Locally formed armed groups have launched attacks against the Tatmadaw in several parts of the country, resulting in casualties among military personnel. The Tatmadaw has responded to those attacks with heavy force that has caused civilian casualties and massive displacement.

47. Prior to 1 February, there were around 336,000 internally displaced persons in conflict-affected areas across Myanmar. Since that date, more than 220,000 people have been internally displaced by the escalation of conflict and violence. In addition, more than 15,000 people are estimated to have crossed the border into India. A further 7,000 people crossed into Thailand, all of whom have returned and remain internally displaced in Myanmar.

48. In the face of the escalating violence and the risk of further ramifications for Myanmar and the region, the Special Envoy has given five briefings to the Security Council since February in which she appealed for urgent, unified action to prevent

further bloodshed and promote negotiations as a way out of the crisis. She has maintained close contact with all stakeholders since the military takeover but has been denied access to the detained leaders, despite repeated requests.

B. Human rights issues

Fundamental freedoms

49. The State Administrative Council has revised various legal provisions, effectively limiting basic rights and civil liberties and contravening fundamental rule of law principles. Most notably, in amendments to the Penal Code and Criminal Procedure Code, it has expanded the definitions of high treason and sedition, added new offences such as disrupting the work of the military, law enforcement agencies and government employees, and expanded and added new sections on statements and other actions that may cause unrest directed against the State. Some of those offences are punishable by death.

50. Between 1 February, the date of the military takeover, and late July, there have been at least 150 instances in which security forces reportedly used lethal force against unarmed protesters, which has raised concern that the right to freedom of peaceful assembly and the right to life are being violated. Security forces predominantly fired live ammunition and used automatic firearms and sniper rifles. There were also many reported instances of security forces relying on mortar rounds, rocket-propelled grenades and fragmentation grenades. The security forces frequently used flash grenades, batons, rubber bullets and tear gas against protesters, which has resulted in many injuries.

51. More than half the victims killed by security forces appear to have been shot with live ammunition under various circumstances. Live ammunition appears to have been used against those fleeing protest sites, bystanders or passers-by and neighbourhood watch groups trying to impede police raids. Deaths in custody have been reported as well, whether resulting from alleged ill-treatment during interrogation or from not receiving proper medical care for injuries.

52. According to the Assistance Association for Political Prisoners (Burma) around 5,604 people remained in detention as at 14 August. Only 255 of those individuals have thus far been tried and sentenced on politically motivated charges. Another 118 individuals have been sentenced in absentia. A further 1,984 people have gone into hiding following the issuance of arrest warrants. Almost 1,200 women and 80 children have allegedly been detained arbitrarily by security forces.

53. Every day for most of April, the military authorities announced criminal charges against individuals on national television exposing their names, home addresses and Facebook details, raising concerns about their right to privacy.

54. In 2020, the NLD Government ordered telecommunications companies to block access to ethnic media websites, referring to fake news as a justification for censorship. Actions of that kind were harbingers of measures that the State Administrative Council would use with greater frequency following the military takeover. At least eight media outlets have been banned since 1 February. By late July, 96 journalists had been arrested, 44 of whom remain in detention, while another 33 reporters had gone into hiding after being charged with incitement and dissemination of false news, offences introduced by the State Administrative Council.

55. Since 1 February, the State Administrative Council has severely limited the fundamental freedoms of the population by restricting Internet access across the country. Mobile data connectivity was cut off in mid-March, and all Internet access was subject to a night curfew until late in April, when the service was reinstated. On

2 April, wireless broadband Internet access was shut down across the country. On 5 May, the State Administrative Council banned satellite television, which until then had allowed access to foreign television broadcasts. To date, access to social media sites such as Facebook and Twitter remains blocked.

56. These measures disproportionately affected people living in rural and remote areas, as they commonly lack the infrastructure for fibre-optic Internet connections. More broadly, the measures have been a major impediment for access to information, including information on the response to the COVID-19 pandemic.

57. The right to education has suffered substantially during the reporting period. In the second part of 2020, educational institutions remained closed as part of the restrictions related to COVID-19. This put learners in poor, remote and rural areas at a disadvantage, because they had few alternative channels to education at their disposal such as remote learning and private tutoring, and thus disproportionately affected members of ethnic minorities and rural communities.

58. Opponents of the military takeover, including students and education staff, have been a primary target of repression. The Myanmar Teachers' Federation reports that at least 70 students and 5 teachers have been killed by the security forces, that 775 students and 76 teachers have been detained, and that more than 125,000 schoolteachers and 13,000 staff in higher education institutions have been suspended or dismissed.

Accountability

59. During the reporting period, progress in ending impunity and seeking redress for victims of serious international crimes and violations of international law, including human rights violations, remained limited. Cooperation with international entities in that regard, notably the Independent Investigative Mechanism for Myanmar and the Special Rapporteur on the situation of human rights in Myanmar, was minimal. Neither mandate-holder has had access to the country.

60. The Government led by NLD had expressed its commitment to implementing the provisional measures indicated by the International Court of Justice in the case *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Gambia v. Myanmar)*. It had also recognized the recommendations of its independent commission of enquiry and promised to launch criminal investigations into the war crimes that had possibly been committed in August 2017. Yet little concrete action was taken in the reporting period to disseminate, amplify and implement the presidential directives issued pursuant to the provisional measures of the International Court of Justice. While the summary and certain annexes are available, the full report of the independent commission of enquiry has not been released and no specific information concerning the methodology, criteria for findings or other detailed data are publicly available. A handful of court martials have been held.

61. The Tatmadaw continued to take military action in Rakhine State without taking measures to protect civilians. The armed forces have continued to target civilians by using them as human shields and by reportedly burning villages either as a form of punishment or to assist the military in seizing and repurposing land.

62. Since the state of emergency has been declared, formal justice mechanisms and institutions have, to a large extent, ceased to function. Judicial officers have been replaced, democratic law-making processes have been replaced by rule by fiat, martial law has been instituted in several townships, and restrictions have been introduced on access to legal aid.

63. By late July, the Independent Investigative Mechanism for Myanmar had collected and processed for analysis more than 1.3 million items of information, prioritizing the collection of evidence of crimes involving sexual and gender-based violence and crimes against children. The Mechanism is closely monitoring the military's seizure of power. As at 15 June, the Mechanism has received more than 210,000 items of information related to allegations of the most serious international crimes and violations of international law.

Sexual and gender-based violence

64. The number of reported incidents of sexual and gender-based violence increased with pandemic-related lockdowns and movement restrictions. That increase was compounded by the increased domestic demands on women and girls, many of whom have been disproportionately affected by job losses in the garment sector and elsewhere. Furthermore, the lack of confidence in State institutions, particularly law enforcement, means that many survivors may not have reported the incidents. The United Nations will help to identify current challenges through a rapid impact assessment on service provision for sexual and gender-based violence survivors.

65. Rohingya and other ethnic minorities, in particular the women and girls, remained at significant risk of sexual violence, notably in the context of the protracted conflict between the Tatmadaw and the Arakan Army. Risk of forced marriage and pregnancy, sexual exploitation, detention and forced labour are common among women and girls living in camps for internally displaced persons and in conflict-affected areas. Such reports are particularly concerning and require greater access so that the United Nations can independently verify the allegations.

66. Severe poverty has pushed many women and girls into negative and dangerous situations, including trafficking in persons. On several occasions, the people who end up in jail are those being trafficked. In many cases, women have no access to legal assistance.

67. The United Nations Independent International Fact-Finding Mission on Myanmar has documented sexual violence committed by the Tatmadaw against women from ethnic and religious minority groups, as well as against individuals on the basis of their sexual orientation and gender identity. These reports are particularly concerning, and require greater access for the United Nations to independently verify the allegations.

Children and armed conflict

68. From August 2020 to the end of January 2021, the United Nations country task force on monitoring and reporting, and the Special Representative of the Secretary-General for Children and Armed Conflict accelerated their engagement with the NLD Government and the Tatmadaw to eradicate the recruitment and use of children in situations of armed conflict, including the ad hoc use of children in non-combat roles. The Tatmadaw consequently issued four orders prohibiting the use of children and developed a roadmap with the United Nations on the issue. Recruitment and use by the Tatmadaw nevertheless remained alarmingly high and in June, the Tatmadaw was relisted in the annexes to the annual report of the Secretary-General on children and armed conflict. Seven ethnic armed organizations remain listed for the recruitment and use of children.

69. Since February, the number of violations against children has been significant. The killing and maiming of children, attacks on and military use of schools and hospitals, and the detention of children are worrisome. Monitoring by the United Nations of grave violations has been hampered because of security and access constraints. The country task force on monitoring and reporting has remained in

contact with several ethnic armed organizations that renewed their commitment to collaborating with the United Nations, but the signing of new action plans has been delayed. On 31 March, the military announced a revision of the country's Child Rights Act, which includes a chapter on children in situations of armed conflict. Separately, the de facto Ministry of Social Welfare Relief and Resettlement has indicated its intention to restrict the possibility of individuals with Myanmar citizenship to adopt non-citizens.

C. Vulnerable communities, and national and regional implications of the political crisis

Humanitarian access

70. At the beginning of 2021, around 1 million people in Myanmar needed humanitarian assistance. Since February, conflict, the disruption of basic services and rising food insecurity caused by the military takeover have pushed more communities into distress and humanitarian needs, with an additional 2 million people now targeted for humanitarian assistance and protection services. Restrictions on access to rural areas in Rakhine State and the southern part of Chin State remained largely in place, affecting aid and service delivery to more than 100,000 people. In Kachin and Shan, around 40,000 internally displaced persons in camps remained cut off from international assistance because of restrictions on access to areas controlled by non-State armed actors. The highly bureaucratic travel authorization system, now under the control of the Tatmadaw, remained in place. In the southeast, growing movement restrictions continue to hinder the efforts of humanitarian partners to deliver assistance, including in areas bordering Thailand.

71. On 3 June, the President of the International Committee of the Red Cross visited Myanmar to share his organization's concerns about the humanitarian situation and reinforce ongoing efforts to ensure space for neutral and impartial humanitarian action. He emphasized the importance of resuming purely humanitarian visits and activities, and of broadening humanitarian access in Chin, Kachin, Kayah, Kayin, Shan and Rakhine States.

72. Needs assessments and monitoring were prevented owing largely to travel authorization processes. COVID-19 measures were another factor that rendered monitoring and verification efforts of the United Nations country task force on children and armed conflict difficult; nonetheless, the task force verified a number of grave violations committed against children during the reporting period.

73. Since 1 February, conflict has exacerbated displacement; there have been an increasing number of reports that humanitarian partners are being targeted or threatened by security forces and that bureaucratic impediments are put in their way, which further hampers the delivery of humanitarian assistance.

Voluntary, safe, dignified, and sustainable repatriation of refugees

74. As the Secretary-General has continued to highlight in public, the creation of conditions conducive to the safe, voluntary, dignified and sustainable return of refugees remains the utmost priority. Bangladesh continues to generously host some 860,000 Rohingya refugees under conditions designed for temporary shelter. Continued international support is vital, including through the joint response plan for the Rohingya humanitarian crisis, concurrent with concrete and sustainable change in Myanmar to allow refugees to return voluntarily in safety and dignity. More needs to be done by the international community to support Bangladesh while creating the

conditions for return to Myanmar. National, regional and international discussions on the matter must involve the Rohingya themselves.

75. In Rakhine, 600,000 stateless Rohingya remain largely segregated, and discriminated against in accessing citizenship and other fundamental rights. 126,000 Rohingya remain confined in camps with no freedom of movement and grossly restricted access to basic services, including health care and education, as well as livelihoods. Freedom of movement remains extremely limited. There has been minimal progress on the implementation of the national strategy to support the closure of camps for internally displaced persons consistent with international norms and best practice, and no tangible evidence of an intention on the part of the military to support genuine returns to places of origin or of their own choosing for internally displaced Rohingya.

76. In addition to the population of internally displaced Rohingya, conflict between the Tatmadaw and the Arakan Army continued to drive significant displacement in Rakhine and Chin States until late in 2020. As at 14 August, more than 90,000 people from different communities remained displaced in 198 sites and host communities in Rakhine and Chin States as a result. Around a quarter of those displacement sites remained inaccessible before and after the military takeover of 1 February.

77. The cessation of hostilities between the Tatmadaw and the Arakan Army in Rakhine in November 2020 did provide the space for a small number of internally displaced persons to return to northern and central Rakhine, including after the events of February, following the announcement of incentive packages. However, the overall number of people returning remained low, and the majority of persons recently displaced internally remain in displacement sites.

78. To facilitate the sustainable return of displaced persons to their places of origin, the Office of the United Nations High Commissioner for Refugees and UNDP have implemented two pilot projects in two village tracts in Maungdaw Township in Rakhine State, under which internally displaced Rohingya returning to their original houseplots and their communities received multi-sector assistance. There is an urgent need for the expansion of these pilot projects to internally displaced Rohingya living in difficult conditions in northern Rakhine, but they are on hold as a result of the military takeover and the violence associated with it.

Regional ramifications

79. Rohingya continue to undertake risky journeys across the Bay of Bengal and Andaman Sea. In June, a boat carrying dozens of Rohingya refugees reached Aceh, Indonesia, after leaving Bangladesh or Myanmar – engine failure caused it to remain adrift in the Andaman Sea for several months, leading to the deaths of some refugees. Another boat was rescued by the Indian Coast Guard in February.

80. Myanmar remains the world's largest producer of methamphetamine. In 2020, the volume of the drug seized in Myanmar was double that of 2019. Precursor chemicals required for the manufacturing of illicit drugs continued to be trafficked to Myanmar from neighbouring countries.

81. Opium poppy cultivation continues to be an integral part of the country's economy, mostly in Shan and Kachin States. In addition, in the post-February context there has been an increase in the illegal extraction of timber, which continues to cause serious environmental damage.

82. In September, the United Nations Office on Drugs and Crime visited the border between Thailand and Myanmar in September and confirmed that illicit trafficking linked to transnational criminal activity was increasing despite COVID-19 restrictions. Recent record seizures of synthetic and other drugs have further

confirmed the rise of illicit trafficking from Myanmar with far-reaching consequences for other countries in Southeast Asia and beyond.

Engagement with the Association of Southeast Asian Nations and other regional organizations

83. ASEAN leaders met in Jakarta on 24 April and adopted a five-point consensus on Myanmar. Following that meeting, the Chair and the Secretary General of ASEAN visited Myanmar in the beginning of June, where they discussed the implementation of the five-point consensus with the commander-in-chief of the armed forces.

84. On 4 August 2021, the ASEAN Foreign Ministers adopted a joint statement in which they confirmed the appointment of Erywan Yusof, Second Minister for Foreign Affairs of Brunei, as Special Envoy of the ASEAN Chair on Myanmar. The Secretary General welcomed the appointment as an important step toward the implementation of the five-point consensus. In line with Security Council calls for United Nations-ASEAN complementarity, the United Nations remains prepared to support ASEAN and the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management their efforts in Myanmar because coherent, regional action is required urgently. The Special Envoy of the ASEAN Chair on Myanmar maintains close consultations with States members of ASEAN, the ASEAN secretariat and other regional stakeholders.

85. The Special Envoy of the Secretary-General for Myanmar continued to engage closely with other regional organizations including the European Union and the Organization of Islamic Cooperation (OIC), in particular the OIC Contact Group on the Rohingya Muslim Minority, with a view to complementing the efforts of the United Nations to address the Rohingya crisis and broader political and humanitarian developments.

D. Coronavirus disease pandemic, public health and socioeconomic developments

86. In mid-August 2020, a rapid rise in local transmission of COVID-19 started in Rakhine State, with cases subsequently surging in all states and regions. As at 14 August, Myanmar had more than 351,605 recorded cases and more than 513,078 deaths. Actual numbers are deemed to be significantly higher than official numbers as testing and case management capacity remains minimal.

87. The public health system in Myanmar, which was already overstretched, has had to cope with additional stress and challenges since 1 February. There has been a significant reduction in testing and treatment capacity in the face of attacks and threats from the armed forces against health-care facilities and personnel. This has affected the COVID-19 response and caused an almost complete shutdown of the country's health and immunization programming. In addition, the planned roll-out of COVID-19 vaccinations has been stalled. In July, the Delta variant of the SARS-CoV-2 virus caused a large-scale outbreak in Myanmar that the country is poorly equipped to manage under the current circumstances. This gives rise to serious risks not only for Myanmar, but for the region as well.

88. The arbitrary mass detention of protesters, the crowded prisons and the overall neglect of prisoners' health have also contributed to an increase in the number of COVID-19 infections.

89. COVID-19 and the instability induced by the military's actions have reversed many socioeconomic gains made in recent years. The pandemic has disproportionately affected the most vulnerable, in particular those with limited

economic resilience, those in vulnerable employment and those in displacement and conflict zones, thereby compounding pre-existing marginalization, inequalities, and vulnerabilities, disproportionately affecting women. More than 400,000 migrant workers have returned to their home communities, resulting in a significant loss of remittances for their families.

90. The military's actions have crippled the economy, largely as a result of mass strikes by workers in a wide range of sectors including in the transport and logistics sectors, which has disrupted imports and exports, affected supply chains and contributed to increases in prices of fuel and food items. There have also been wider implications, such as a cash crisis because account holders have been withdrawing their savings for fear of a banking collapse. The World Food Programme estimates that 3.4 million people across Myanmar are at risk of food insecurity. Internet shutdowns and restrictions have stifled the emerging digital economy, affecting mobile money, e-commerce and online delivery services. The World Bank has estimated that the country's economy will shrink by 18 per cent in 2021.

91. The military takeover has resulted in job losses and has reduced income for hundreds of thousands of workers as factories and shops closed down and several international companies withdrew from the country or stopped ordering goods and services from Myanmar. By July, at least 64,615 civil servants who had gone on strike as part of the civil disobedience movement had either been dismissed or suspended from their jobs. About 48,000 of those were women. They lost their source of income and, in many cases, were forcibly evicted from their public housing units.

92. Increasingly scarce employment opportunities in the country's formal economy, coupled with the disruption of labour migration due to border restrictions, are likely to push more and more individuals towards informal employment and illicit activities.

93. A combination of reduced income and increases in commodity prices are likely to lead to a significant rise in poverty and food insecurity. UNDP has estimated that the poverty rate is likely to double from 24.8 per cent in 2017 to 48.2 per cent by 2022 owing to the compounded effects of the COVID-19 pandemic and the crisis brought on by the Tatmadaw.

III. Observations

94. I have repeatedly called on the military to respect the will of the people, to refrain from violence and repression, and to act in the greater interest of peace and stability in the country. The Security Council has expressed deep concern at the arbitrary detention of members of the Government, including President Win Myint, State Counsellor Aung San Suu Kyi and others, and called for the immediate release of all those detained arbitrarily, while condemning the ongoing violence. The Security Council has also emphasized its continued support for the democratic transition in Myanmar and stressed the need to uphold democratic institutions and processes, refrain from violence, fully respect human rights and fundamental freedoms and uphold the rule of law. Neighbouring countries could leverage their influence over the military and call on it respect the will of the people and to act in the greater interest of peace and stability in the country and region. The Tatmadaw's actions have resulted in the death of hundreds of civilians and in thousands of arbitrary arrests and other human rights violations. It is imperative to restore the constitutional order and uphold the results of the 2020 elections, in line with the rule of law and established norms of democratic governance.

95. For a process towards a peaceful resolution to take root, all actors must pursue the greater interest of the country's democratic reform, engage in meaningful

dialogue, immediately refrain from violence and fully respect human rights and fundamental freedoms. An inclusive dialogue process in which minorities, young people and women are effectively represented is a viable way out of the current political crisis. Myanmar is facing a prolonged period of insecurity and instability and it is important that concerted efforts are made among domestic, regional and international actors to enable fully civilian rule in line with the will of the people.

96. The risk of a large-scale armed conflict requires a collective approach to prevent a multi-dimensional catastrophe in the heart of South-East Asia and beyond. Grave humanitarian implications, including rapidly deteriorating food security, an increase in mass displacements and a weakened public health system compounded by a new wave of COVID-19 infections require a coordinated approach in complementarity with regional actors. The United Nations will focus its efforts on further strengthening a system-wide coherent approach to providing humanitarian and life-saving assistance to support the people of Myanmar and help to prevent further regional ramifications. This will require strong Member State support, in particular to finance the Interim Emergency Response Plan for Myanmar released on 12 July.

97. I reiterate my call from last year for full and unimpeded humanitarian access to assist those in need. The continued restrictions on access to basic, critical services, including health care, during a global pandemic that disproportionately affects women must be addressed. In the context of COVID-19, priority should be given by all conflict parties to enabling effective testing, prevention and treatment activities.

98. The Tatmadaw and other conflict parties have an obligation under international humanitarian law to protect civilians and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, especially in the face of increasing food insecurity.

99. Most vulnerable communities, including the Rohingya, require protection and it is imperative to address the root causes of the conflict. Structural issues related to citizenship, fundamental rights, equality before the law and fundamental freedoms must be addressed in line with the recommendations of the Advisory Commission on Rakhine State. Accountability for serious crimes committed in Myanmar, including against the Rohingya and other minorities, remains essential. Relevant mechanisms such as the Independent Investigative Mechanism for Myanmar can help to facilitate justice and accountability for past crimes and contribute to the deterrence of further atrocities. I urge full cooperation with those mechanisms, including by giving access to Myanmar. Acting in solidarity with Bangladesh as a major host for refugees is critical, as is the provision of continued support in the spirit of meaningful responsibility-sharing. Any repatriation effort must ensure the informed consent and voluntary cooperation of the refugees involved, while national, regional and international discussions on the matter should involve the Rohingya themselves. The wide regional ramifications of the current crisis demand strong engagement by regional actors, particularly ASEAN, to support a peaceful resolution. I count on Member States to support the United Nations system in this endeavour.

100. The United Nations stands ready to provide its comparative expertise for the implementation of the ASEAN five-point consensus, including on mediation and humanitarian assistance. I reiterate my call for a timely and comprehensive implementation of the five-point consensus to facilitate a peaceful solution in the interest of the people of Myanmar and their livelihoods, and welcome the appointment of the Special Envoy of the ASEAN Chair to facilitate a constructive dialogue among all parties. I also strongly encourage complementarity of my Special Envoy's work with the work of ASEAN. Increased collaboration between the Office for the Coordination of Humanitarian Affairs and the ASEAN Coordinating Centre for

Humanitarian Assistance on Disaster Management will be critical to support life-saving humanitarian assistance to the most vulnerable.

101. The large-scale illicit economy that has taken root in Myanmar is likely to benefit from the current crisis and related governance challenges. Conversely, illicit activities may also further fuel the ongoing instability, with far-reaching effects not only on the country's socioeconomic development, but also on the landscape of its armed conflict. As most of the formal economy shrinks, it is more critical than ever to closely monitor and analyse the linkages between armed conflict, the worsening social and political context, the rapidly evolving illicit drugs market and other sectors of the illicit economy, which are likely to expand.

102. In the aftermath of the military takeover, laws have been instrumentalized to stifle freedom of expression, curb independent media and social media, and arbitrarily detain at least 5,200 people. It is essential to support a free press as a cornerstone of democracy, give space to civil society and allow people to help each other in this trying time exacerbated by COVID-19.

103. The underrepresentation of women and young people in the peace process is concerning given that those groups have borne the brunt of conflict before and since February. In particular, women account for the largest proportion of civil servants and other workers who have joined the civil disobedience movement and have taken part in large numbers in mass protests, including on International Women's Day. I commend the support of women in upholding democratic norms in the country and call for their further empowerment to help to bring a peaceful and sustainable solution for future of Myanmar.

104. Any transition out of the country's far-reaching crisis will present an opportunity to reshape its society free from ethnic divisions and restrictions on fundamental freedoms. A solution leading to sustainable peace should reflect the will of the people. I have been inspired by the growing unity among groups of different religious, ethnic and communal backgrounds, born of common democratic aspirations and common suffering. In Rakhine State, which has been marred by communal tensions and violence, empathy on the part of ethnic Rakhine towards the Rohingya people has been growing. On 18 January, Rakhine communities issued a document entitled "Declaration by the diverse and united communities of Arakan", which included a reference to "Rohingya", a term ethnic Rakhine previously rejected, and in which the Government was urged to address underlying issues affecting them. Only through inclusive democratic institutions can there be any genuine hope to address the root causes of the violence and discrimination. I had hoped to strengthen the cooperation in that regard between the United Nations and the new Government following the November 2020 election. On 26 November, State Counsellor Aung San Suu Kyi had affirmed to me her Government's readiness to work with the United Nations to create a society in which peace, prosperity and respect for human rights would prevail.
