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Report of the Human Rights Council on its twenty-ninth special session

Vice-President and Rapporteur: Monique T.G. Van Daalen



I. Resolution adopted by the Human Rights Council at its twenty-ninth special session

S-29/1. Human rights implications of the crisis in Myanmar

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, reaffirming the Universal Declaration of Human Rights, and recalling the International Covenants on Human Rights and other relevant instruments,

Expressing deep concern at the declaration of the state of emergency imposed in Myanmar by the military on 1 February 2021,

Deploing the arbitrary detention of democratically elected members of the Government, including State Counsellor Aung San Suu Kyi and President Win Myint, and other persons arbitrarily detained,

Expressing concern at the restrictions on civil society, journalists and media workers,

Emphasizing that States have the primary responsibility for the promotion and protection of human rights and that the Myanmar military and other security forces and authorities should respect the right to peaceful assembly and refrain from using any unnecessary or excessive force against the public,

Emphasizing also the need for continued support for the democratic transition in Myanmar, and stressing the need to uphold democratic institutions and processes,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Myanmar,

Reiterating its strong support for regional organizations, in particular the Association of Southeast Asian Nations, for their initiatives and efforts to respond to the recent developments in Myanmar, and welcoming the statement made by the Association's Chairman on 1 February recalling the purposes and principles enshrined in the Charter of the Association, including adherence to the principles of democracy, the rule of law and good governance, and respect for and the protection of human rights and fundamental freedoms,

Taking note of the press statement issued by the Security Council on 4 February 2021 on the situation in Myanmar,

1. *Deplores* the removal of the Government elected by the people of Myanmar in the general election held on 8 November 2020, and the suspension of mandates of members of all parliaments, and calls for the restoration of the elected Government;

2. *Calls urgently for* the immediate and unconditional release of all persons arbitrarily detained, including State Counsellor Aung San Suu Kyi and President Win Myint, and others, and the lifting of the state of emergency;

3. *Stresses* the need to refrain from violence and to fully respect human rights, fundamental freedoms and the rule of law;

4. *Strongly calls upon* the Myanmar military and other security forces and authorities to take steps immediately to protect the rights to freedom of opinion and expression, religion or belief, association and peaceful assembly in accordance with international human rights law, and to ensure that members of civil society organizations and the media are able to operate freely and without fear of violence, harassment or intimidation;

5. *Calls for* the immediate lifting of restrictions on the Internet, telecommunications and social media, in accordance with international human rights law;

6. *Also calls for* safe and unimpeded humanitarian access to all people in need, including through the re-establishment of United Nations relief flights;

7. *Strongly encourages* the pursuance of dialogue and reconciliation in accordance with the will of the people of Myanmar, and recalls the role of the Special Envoy of the Secretary-General on Myanmar in this regard;

8. *Stresses* the need to address the root causes of the crisis in Rakhine State and to create the conditions necessary for the safe, voluntary, sustainable and dignified return of displaced persons, including of Rohingya Muslims and other minorities;

9. *Requests* the United Nations High Commissioner for Human Rights and the Special Rapporteur on the situation of human rights in Myanmar to assess the current situation of human rights in Myanmar, and to provide updates thereon in their reports to the Human Rights Council, calls upon the Myanmar authorities to engage and cooperate with United Nations human rights mechanisms, and requests the Secretary-General to provide the High Commissioner and the Special Rapporteur with increased assistance and the resources and expertise necessary to enable them to discharge their mandates fully;

10. *Decides* to remain seized of this matter.

*2nd meeting
12 February 2021*

[Adopted without a vote.]

II. Organization of work of the twenty-ninth special session

1. Pursuant to paragraph 10 of General Assembly resolution 60/251, and in accordance with rule 6 of the rules of procedure of the Human Rights Council as contained in the annex to Council resolution 5/1, the Council shall hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council.
2. On 8 February 2021, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva, jointly with the European Union, requested the convening of a special session of the Human Rights Council on 11 February 2021 to address the human rights implications of the crisis in Myanmar (see A/HRC/S-29/1).
3. The above-mentioned request was supported by 19 States members of the Human Rights Council, namely, Argentina, Austria, the Bahamas, Brazil, Bulgaria, Czechia, Denmark, France, Germany, Italy, Japan, Malawi, the Marshall Islands, Mexico, the Netherlands, Poland, the Republic of Korea, Ukraine and the United Kingdom of Great Britain and Northern Ireland. The request was also supported by 28 observer States of the Council, namely, Australia, Belgium, Canada, Croatia, Cyprus, Estonia, Finland, Greece, Hungary, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, New Zealand, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and the United States of America.
4. Subsequently, the request was also supported by Member States Fiji, Libya and Uruguay, and observer States Costa Rica and Montenegro.
5. As more than one third of the membership of the Human Rights Council supported the above-mentioned request, the President of the Council, following consultations with the main sponsors, decided to convene an open-ended informative consultation on the conduct and organization of the special session on 11 February 2021, and the special session on 12 February.

A. Opening and duration of the session

6. The Human Rights Council held its twenty-ninth special session at the United Nations Office at Geneva on 12 February 2021. It held two meetings during the session.
7. The twenty-ninth special session was opened by the President of the Human Rights Council.

B. Attendance

8. The special session was attended by representatives of States members of the Human Rights Council, observer States of the Council, observers for non-Member States of the United Nations and other observers, and observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations.

C. Officers

9. The following members of the Bureau of the Human Rights Council appointed for the fifteenth cycle also served as officers for the twenty-ninth special session:

<i>President</i>	Nazhat Shameem Khan (Fiji)
<i>Vice-Presidents</i>	Keva Lorraine Bain (Bahamas)
	Ali Ibn Abi Talib Abdelrahman Mahmoud (Sudan)
	Yuri Borissov Sterk (Bulgaria)
<i>Vice-President and Rapporteur</i>	Monique T.G. Van Daalen (Netherlands)

D. Organization of work

10. Pursuant to paragraph 124 of the annex to Human Rights Council resolution 5/1, an open-ended informative consultation was held on 11 February 2021 in preparation for the twenty-ninth special session.

11. At its first meeting, on 12 February 2021, the Human Rights Council considered the organization of its work, including speaking time limits, which would be 2 minutes and 30 seconds for States members of the Council and 1 minute and 30 seconds for observer States of the Council and other observers.

12. At the same meeting, the Human Rights Council decided to endorse extraordinary measures and modalities proposed by the Bureau of the Council in the annexes to the minutes of the Bureau meeting of 10 February 2021 for the twenty-ninth special session in the light of the coronavirus disease (COVID-19) pandemic. The measures included encouraging parties to deliver their statements remotely or by pre-recorded video message, and allowing delegations to raise points of order remotely and the virtual exercise of the right of reply. The Council also approved extraordinary modalities, as contained in annex II to the minutes of the Bureau meeting, for virtual voting (via Zoom) by roll call.

13. Also at the same meeting, the Human Rights Council, given that the measures required to address the COVID-19 pandemic precluded in-person participation of non-governmental organizations, adopted a decision to allow, exceptionally, non-governmental organizations in consultative status with the Economic and Social Council the opportunity to submit pre-recorded video statements for the special session. The number of non-governmental organizations to be included in the list of speakers for the special session was set at 18, in accordance with the average number of non-governmental organizations that had participated in the three previous special sessions, held in 2018, 2017 and 2016.

14. The special session was conducted in accordance with the relevant provisions contained in the annex to Human Rights Council resolution 5/1.

E. Resolution and documentation

15. The resolution adopted by the Human Rights Council at its twenty-ninth special session is reproduced in chapter I of the present report.

16. The list of documents issued for the twenty-ninth special session is contained in the annex to the present report.

F. Statements

17. At the first meeting, on 12 February 2021, the United Nations Deputy High Commissioner for Human Rights made a statement.

18. At the same meeting, in the light of the subject of the special session, the Special Rapporteur on the situation of human rights in Myanmar made a statement by video message on behalf of the Coordination Committee of the Special Procedures of the Human Rights Council.

19. Also at the same meeting, the representative of Myanmar made a statement as the State concerned.

20. At the same meeting, the following made statements:

(a) Representatives of States members of the Human Rights Council: Argentina, Austria (video statement), Bangladesh, Brazil (video statement), Bulgaria (video statement), China, Czechia (video statement), Denmark (video statement), Eritrea, France, Germany (video statement), India (video statement), Indonesia, Italy, Japan, Libya (video statement), Marshall Islands, Mexico (video statement), Namibia (video statement), Nepal, Netherlands (video statement), Pakistan, Philippines (video statement), Poland (video statement), Portugal (on behalf of the European Union) (video statement), Republic of Korea (video

statement), Russian Federation (video statement), Sudan, Ukraine, United Kingdom of Great Britain and Northern Ireland (also on behalf of Iceland), United Kingdom of Great Britain and Northern Ireland (video statement), Venezuela (Bolivarian Republic of) (video statement);

(b) Representatives of observer States: Australia, Belarus (video statement), Belgium (video statement), Botswana (video statement), Brunei Darussalam, Canada, Croatia (video statement), Ecuador, Estonia (video statement), Finland (video statement), Greece (video statement), Iceland (video statement), Ireland (video statement), Israel (video statement), Jordan, Lao People's Democratic Republic, Liechtenstein, Lithuania (video statement), Luxembourg (video statement), Malaysia (video statement), Maldives, Malta (video statement), New Zealand, Norway (video statement), Qatar, Romania (video statement), Sierra Leone, Singapore, Slovakia (video statement), Slovenia (video statement), South Africa, Spain, Sweden (video statement), Switzerland, Tunisia (video statement), Turkey, United States of America (video statement), Viet Nam, Holy See (video statement);

(c) Observer for United Nations entities, specialized agencies and related organizations: United Nations Children's Fund.

21. At the 2nd meeting, on the same day, the following made statements:

(a) Observers for non-governmental organizations: Alliance Defending Freedom (video statement), Amnesty International (video statement), Article 19: International Centre against Censorship (video statement), Asian Forum for Human Rights and Development (video statement), Caritas Internationalis (video statement), Christian Solidarity Worldwide (video statement), CIVICUS: World Alliance for Citizen Participation (video statement), Human Rights Watch (video statement), International Commission of Jurists (video statement), International Federation for Human Rights Leagues (video statement), Maat Foundation for Peace, Development and Human Rights (video statement).

G. Action on the draft proposal

22. At the 2nd meeting, on 12 February 2021, the representatives of Austria (on behalf of the European Union) and the United Kingdom of Great Britain and Northern Ireland introduced draft resolution A/HRC/S-29/L.1, sponsored by Portugal, on behalf of the European Union, and by the United Kingdom of Great Britain and Northern Ireland, and co-sponsored by Australia, Canada, Iceland, Liechtenstein, Monaco, New Zealand, Norway, the Republic of Korea, Switzerland and Turkey. Subsequently, Albania, Bosnia and Herzegovina, Costa Rica, the Dominican Republic, Ecuador, Georgia, Japan, Libya, Malawi, the Marshall Islands, Montenegro, North Macedonia, Somalia, Ukraine and the United States of America joined the sponsors.

23. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland orally revised the draft resolution.

24. Also at the same meeting, the representative of Myanmar made a statement as the State concerned.

25. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution. The Chief of the Finance and Budget Section of Programme Support and Management Services of the Office of the United Nations High Commissioner for Human Rights made a statement on the budgetary implications of the draft resolution as orally revised.

26. Also at the same meeting, the Human Rights Council adopted the draft resolution as orally revised without a vote (for the text of resolution S-29/1, see chapter I).

27. At the same meeting, the representatives of Bolivia (Plurinational State of), China, the Philippines, the Russian Federation and Venezuela (Bolivarian Republic of) made statements in explanation of vote after the vote to disassociate their States from the consensus on the adopted resolution.

III. Report of the Human Rights Council on its twenty-ninth special session

28. At its 2nd meeting, on 12 February 2021, the Human Rights Council adopted the report on its twenty-ninth special session ad referendum and entrusted the Rapporteur with its finalization.

Annex

Documents issued for the twenty-ninth special session of the Human Rights Council

In the general series

A/HRC/S-29/1 Letter dated 8 February 2021 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva addressed to the President of the Human Rights Council

A/HRC/S-29/2 Report of the Human Rights Council on its twenty-ninth special session

In the limited series

A/HRC/S-29/L.1 Human rights implications of the crisis in Myanmar
