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Human rights situation that require the Council's attention

Compilation of all recommendations made by the Independent International Fact-Finding Mission on Myanmar, to the Government of Myanmar, armed organizations, the UN Security Council, Member States, UN agencies, the business community and others.

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1. This conference room paper (A/HRC/42/CRP.6) provides the full list of the Mission's recommendations to the Government of Myanmar, armed organizations, the UN Security Council, Member States, UN agencies, the business community and others. This document contains the 141 recommendations (excluding sub-recommendations) from the Mission's two official reports: A/HRC/39/64 and A/HRC/42/50 and four additional detailed reports that the Mission produced as conference room papers under its Human Rights Council mandate (resolutions 34/22 and 39/2).

2. As the Mission concludes its mandate, it recognizes that the human rights crisis in Myanmar continues, the military retains enormous unchecked powers, armed conflicts are taking the lives of civilians, hundreds of thousands of people are displaced from their homes, and hateful and discriminatory laws and policies are inflicting severe inhumane suffering.

3. Most of the Mission's recommendations, including those made in September 2018, remain relevant. For this reason, they continue to remain essential in assisting the people of Myanmar realize their aspirations for a democratic transition from military rule, ending the country's structural human rights crises, providing justice to victims, and ensuring that States, intergovernmental organizations, private actors and others do not directly or indirectly contribute to the suffering of the people of Myanmar. The Mission therefore implores in its final report for the Government of Myanmar, the United Nations and the international community to use the Mission's recommendations as a roadmap for the protection of human rights in Myanmar and to monitor progress thereon.

4. The recommendations in this document originally appeared in:

- Report of the Independent International Fact-Finding Mission on Myanmar, August 2018 (A/HRC/39/64)
- Report of the Independent International Fact-Finding Mission on Myanmar, August 2019 (A/HRC/42/50)
- Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar, September 2018 (A/HRC/39/CRP.2)
- The economic interests of the Myanmar military, August 2019 (A/HRC/42/CRP.3)
- Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts, August 2019 (A/HRC/42/CRP.4)
- Detailed findings of the Independent International Fact-Finding Mission on Myanmar, September 2019 (A/HRC/42/CRP.5)

5. Each recommendation in this document is labelled with the relevant document code indicating in which report it first appeared. The Mission deleted duplicate recommendations and the few recommendations that are no longer relevant. However, the Mission has not updated the respective status of implementation of each recommendation.

I. To the Government of Myanmar

6. The Government of Myanmar, including the civilian authorities and the Tatmadaw as relevant, should act without delay to re-structure the Tatmadaw and transform its role. That should begin with replacing the current leadership of the Tatmadaw. Through a constitutional amendment process, the Government should further pursue the removal of the Tatmadaw from Myanmar's political life (A/HRC/39/CRP.2);

7. Halt all current military and security operations that are unlawful, unnecessary or disproportionate, especially where they target civilians or take insufficient precaution to safeguard their wellbeing (A/HRC/39/CRP.2);

8. Issue clear, public and unequivocal instructions to all branches of the Tatmadaw and other security forces that torture, rape, sexual violence, grave violations against children and other human rights violations are prohibited absolutely; order all security forces to

comply with international human rights law and international humanitarian law, as applicable (A/HRC/39/CRP.2);

9. Permit and facilitate free and unfettered access to all parts of Myanmar, especially Kachin, Rakhine and Shan States and all other conflict or crisis areas, for national and international humanitarian actors to provide relief and for journalists and national and international human rights monitors to investigate and report on human rights compliance (A/HRC/39/CRP.2);

10. End all harassment and prosecution of human rights defenders, lawyers, journalists, peace campaigners, democracy activists and other members of civil society, for the peaceful exercise of their rights to freedom of expression, association and assembly, including by releasing and pardoning all political prisoners (A/HRC/39/CRP.2*);

11. Unequivocally condemn and end intolerant, divisive and discriminatory rhetoric based on ethnic, racial or religious grounds, both from State actors and non-State actors, and actively promote an inclusive national vision based on the equal respect and protection of human rights (A/HRC/39/CRP.2);

12. Suspend the citizenship verification process based on the 1982 Citizenship Law; acknowledge the arbitrary deprivation of nationality of the Rohingya community and restore their citizenship rights through a speedy administrative process developed through meaningful consultation with the Rohingya community (A/HRC/39/CRP.2);

13. Ensure that the repatriation of Rohingya and other refugees is safe, dignified and voluntary, in accordance with international standards; that adequate human rights protections are in place; that Rohingya refugees are expressly permitted to return to their places of origin, providing reparation for losses sustained and support in rebuilding their lives; that Rohingya are consulted on decisions about their future; and that the best interests of the child are the primary consideration with respect to children, particularly unaccompanied minors (A/HRC/39/CRP.2);

14. Remove from Rakhine State all divisions, battalions and units of security forces responsible for perpetrating violations of international law before starting the repatriation of refugees, not allowing them any role in the repatriation process or the provision of security to returnees (A/HRC/39/CRP.2);

15. Allow for international human rights monitors on the ground, to observe and advise on ways to ensure the human rights compliance of the repatriation process, including the resettlement and reintegration of the Rohingya, and to respect, protect and fulfil the human rights of all communities in Rakhine State (A/HRC/39/CRP.2);

16. Ensure that any infrastructure plans for Rakhine State do not frustrate the safe and sustainable return of Rohingya to their places of origin; accordingly, suspend all terrain clearance in and around villages formerly occupied by Rohingya; only resume activities after (1) consultation with and approval of the original residents; and (2) prior examination by forensic, human rights and criminal experts (A/HRC/39/CRP.2);

17. In parallel, the Government of Myanmar, including the civilian authorities and the Tatmadaw as relevant, should immediately commence a coordinated and genuine effort to address the root causes of the recurrent cycles of violence and associated human rights violations and atrocity crimes. Doing so will require action in the following areas (A/HRC/39/CRP.2):

Human rights compliance

18. The Government of Myanmar, including the civilian authorities and the Tatmadaw as relevant, should act immediately to ensure full compliance with international human rights law and international humanitarian law where applicable. It should (A/HRC/39/CRP.2):

- (a) ensure the enjoyment of human rights for all, based on full equality and regardless of citizenship or “national race” status; to that effect, replace the concept of citizenship based on “national race” with a citizenship regime based on objective, non-discriminatory criteria; ensure that all individuals in Myanmar have

- appropriate documentation of their legal identity, including birth registration and proof of citizenship; allow all individuals, including Rohingya, to self-identify in line with international human rights standards;
- (b) dismantle the systems of oppression and discrimination of ethnic and religious minorities, with an urgent focus on the situation of the Rohingya; review, amend or repeal all laws, orders, policies and practices, at all levels of government, that are discriminatory in nature or effect, including for example the Protection of Race and Religion Laws; consequently, immediately lift all restrictions on movement, access to livelihood, food, humanitarian assistance, education and health services for the Rohingya in Rakhine State; ensure that announcement 88/2018 issued by the Union Government on 13 August 2018 and the abolishment of eight local orders targeting the Rohingya is immediately and consistently implemented;
 - (c) review, repeal or revise all policies, tactics, rules of engagement and training of the Tatmadaw and other security forces to ensure their full compliance with international human rights law and international humanitarian law, in particular the principle of non-discrimination and equal protection of all civilians regardless of race, religion or nationality; ensure that security forces receive regular, repeated and mandatory training on human rights, the protection of civilians, the prohibition of torture and sexual and gender-based violence, underscoring the principles of command responsibility for such acts;
 - (d) comply as a matter of priority with its obligations, under both national and international law, to promote and protect the rights of children, with particular regard to its obligations under the Convention on the Rights of the Child; address all six grave violations against children in armed conflict, seeking cooperation with non-State armed groups operating within Myanmar to ensure full protection of children;
 - (e) strengthen the independence, powers and capacity of the Myanmar National Human Rights Commission, in accordance with the Paris Principles on national human rights institutions;
 - (f) ratify all international human rights treaties not yet ratified, including the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and their optional complaints procedures;
 - (g) engage and fully cooperate with international human rights mechanisms, including the United Nations Special Rapporteur on the situation of human rights in Myanmar, who should be permitted to resume regular monitoring visits, with free and unfettered access to all parts of Myanmar and with guarantees of non-reprisal; seek advice and support from the United Nations Office of the High Commissioner for Human rights, including through the establishment of a country office in Myanmar with a comprehensive mandate.

Accountability

19. The Government of Myanmar, including the civilian authorities and the Tatmadaw as relevant, should act, without delay, to end impunity and ensure full accountability for violations of international human rights law, international humanitarian law, and serious crimes under international law. It should (A/HRC/39/CRP.2):

- (a) pursue all credible allegations of human rights violations and abuses and crimes under international law through prompt, effective and thorough, independent and impartial investigations, bringing perpetrators to account in line with international human rights norms and standards; include a specific focus on the investigation, prosecution and punishment of direct perpetrators and their superiors for acts of sexual and gender-based violence and grave violations against children;
- (b) ratify the Rome Statute of the International Criminal Court and accept the jurisdiction of the Court as of its entry into force (1 July 2002);

- (c) reform the domestic judicial sector by strengthening the independence of judges and the qualifications and expertise of judges, prosecutors and lawyers;
- (d) transfer to civilian courts jurisdiction over all military and other security personnel alleged to have violated international human rights law, international humanitarian law, or committed crimes under international law, in particular violations against civilians;
- (e) incorporate into domestic law criminal sanctions for serious crimes under international law, as well as other serious human rights violations or violations of international humanitarian law;
- (f) develop and implement a comprehensive action plan towards accountability for human rights violations in Myanmar, including redress for victims;
- (g) prohibit amnesties and pardons for alleged perpetrators of serious crimes under international law and other serious human rights violations;
- (h) report publicly on the status of all military personnel convicted of offences against civilians, providing details about the offence, the sentence received, the sentence implemented, and any pardon that may have been given;
- (i) adopt a comprehensive policy and package of measures regarding the fulfilment of the right to reparation of victims of serious human rights violations.

20. Cooperate with all accountability mechanisms, including the International Criminal Court, the International Court of Justice and the newly-established Independent Investigative Mechanism for Myanmar, with a view to expediting accountability for serious crimes under international law and reparations for victims of those crimes (A/HRC/42.CRP.5);

21. Introduce complementary and credible national accountability measures to investigate and prosecute crimes under international law, including crimes of genocide, and do so in accordance with international fair trial standards (A/HRC/42.CRP.5);

22. Ensure that any accountability process provides full and effective remedies for victims of human rights violations in the appropriate form of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition (A/HRC/42.CRP.5).

Obligations under the Genocide Convention

23. Conduct effective investigations into the underlying acts of genocide documented in the Mission's 2018 report and, where appropriate, prosecute and punish those guilty (A/HRC/42.CRP.5);

24. Enact the domestic legislation necessary to punish the crimes of genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide and complicity in genocide and to provide effective penalties for persons guilty of those crimes (A/HRC/42.CRP.5);

25. Repeal or amend laws, including Constitutional provisions, that permit those guilty of crimes of genocide to evade punishment (A/HRC/42.CRP.5);

26. Take all necessary measures, including legislative and other measures, to deter those harbouring genocidal intent and the serious risk of genocide to the Rohingya people (A/HRC/42.CRP.5).

Access to medical and psychosocial support and other services

27. The Government of Myanmar, including the civilian authorities and the Tatmadaw as relevant, should act, without delay, to ensure that victims of serious human rights violations and abuses have adequate access to medical, psychosocial and other support and services. In addition to ensuring care for survivors of sexual violence as noted under the sexual and gender-based violence recommendations, it should (A/HRC/39/CRP.2):

- (a) Ensure effective access of all children, including associate, naturalised and non-citizen children, to all essential public services, including education and

healthcare; have particular regard for those children who have lost their primary carers in conflict and those children who are born as a result of rape by Myanmar security forces; provide psychological support and mental health assistance to children affected by conflict as a priority.

Search for the missing and disappeared

28. The Government of Myanmar, in collaboration with the International Committee of the Red Cross (ICRC) and with the assistance of the Government of Bangladesh, should seek to identify persons killed or missing as a result of the events in northern Rakhine State since October 2016 and to assist persons, especially children, separated from family members to locate relatives. The Government of Myanmar, including the Tatmadaw, should make household registration photographs and data available to the ICRC for these purposes. Other organizations, including Rohingya community-based organizations, should be supported to develop a comprehensive, accurate and reliable assessment of casualties, in line with a clearly established methodology, for use by any future accountability mechanisms (A/HRC/39/CRP.2);

29. The Government of Myanmar should immediately establish a procedure whereby individuals can report disappearances, ensuring that reports are investigated independently from the Tatmadaw, the victim is traced, and any perpetrators held to account (A/HRC/39/CRP.2).

Combating hate speech

30. The Government of Myanmar, including the civilian authorities and the Tatmadaw as relevant, should immediately take credible action to combat hate speech, in particular where it amounts to advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. It must (A/HRC/39/CRP.2):

- (a) act swiftly to end all intolerant, divisive or discriminatory public commentary that reinforces hate speech and false narratives, especially those targeting Rohingya and Muslims in general;
- (b) develop and implement a public communication strategy focused on countering hate speech and false narratives and the fostering of an enabling, inclusive and tolerant environment in which the human rights of all are respected; involve all relevant stakeholders in its development, including Rohingya, other Muslim groups, and Rakhine;
- (c) dismiss and otherwise hold accountable public officials, whether serving in the Government or military, found to be spreading hate speech or false narratives, in particular where it amounts to the incitement to violence, hostility or discrimination;
- (d) develop a comprehensive policy and action plan, in line with Human Rights Council resolution 16/18, on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, and also based on race, ethnicity and nationality; ensure that the policy and action plan are developed through a transparent and inclusive consultation with all relevant civil society organizations and other stakeholders, including Rohingya and other Muslim groups; ensure that the policy and plan include implementation of the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence;
- (e) design and implement a curriculum for nationwide human rights education at all levels, especially in schools; ensure that such curriculum promotes tolerance and respect among Myanmar's ethnic and religious communities, including the Rohingya; and teaches about the dangers of hate speech and incitement to hostility, discrimination and violence;

- (f) ensure that all relevant legislation to combat hate speech including the proposed Bill for Protection against Hate Speech, is consistent with the narrow conditions for restrictions on freedom of expression under international human rights law.

Democratisation

31. The Government of Myanmar, including its executive and legislative arms, should undertake full democratic reform of the Myanmar constitutional and political system. It should (A/HRC/39/CRP.2):

- (a) revise the constitution to ensure consistency with democratic rights and freedoms and the protection of all human rights for all people of Myanmar; fully protect and respect the rights to freedom of expression, association and peaceful assembly; widen the space for civil society activity and respect and protect the work of human rights defenders;
- (b) encourage and accept public scrutiny and criticism of Government action; legislate for freedom of access to government information to enable greater scrutiny of government activity, in line with international standards; establish independent State institutions to monitor and oversee the government, to ensure accountability to the public and to deal with the grievances of people in Myanmar in relation to administrative decision making and actions;
- (c) allow free and unfettered access to all parts of Myanmar for journalists, national and international human rights monitors, diplomats and United Nations officials.

32. In view of the great fragility of Myanmar's transition to democracy, the Government of Myanmar should take urgent action to support the basic means of democratic activity and the work of democratic actors. It should (A/HRC/39/CRP.2*):

- (a) repeal or amend provisions in laws unduly restricting the interrelated rights to freedom of opinion and expression, association, and peaceful assembly, including sections 143-147, 499-502 and 505(b) of the Penal Code, the Official Secrets Act, sections 66(d) and 77 of the Telecommunications Act, and section 17(1) of the Unlawful Associations Act;
- (b) pending legislative amendments to end criminal defamation, stop government officials from making criminal defamation complaints, including under section 66(d) of the Telecommunications Act;
- (c) issue clear public statements welcoming public scrutiny of government performance and, in particular, publicly recognising the important role of independent media and journalists in holding the government to account for its actions, including in conflict areas.

33. The Government of Myanmar should provide that all persons eligible to vote in the 2010 general election, and their children who have turned 18 since then, are eligible to vote in the 2020 general election. Member States and organizations, including the United Nations, should make this a key consideration in, and integral to, the provision of support to the Government of Myanmar in the organization of elections (A/HRC/39/CRP.2).

Security sector reform

34. The Government of Myanmar, including the civilian authorities and the Tatmadaw as relevant, should immediately undertake significant security sector reform. It should (A/HRC/39/CRP.2):

- (a) abolish the quota for military seats in the legislature, the authority of the Tatmadaw to appoint vice-presidents and ministers and the military's control over certain ministries;
- (b) place the security sector, including the Tatmadaw, fully under civilian control and oversight;
- (c) abolish the Commander-in-Chief's role in relation to military justice;

- (d) require parliamentary approval for the appointment of the Commander-in-Chief;
- (e) require the National Defence and Security Council to have a clear majority of members who are not and have not been military officers and specify the functions and responsibilities of the National Defence and Security Council;
- (f) require parliamentary approval of all funding for the Tatmadaw and prohibit any income for the Tatmadaw that is not under parliamentary control; consequently, remove the Tatmadaw from Myanmar's economic life, prohibiting it by law from engaging in any form of economic activity and prohibiting serving Tatmadaw officers from having a controlling interest in any economic ventures.

35. An independent and impartial system of military justice should be established by law to deal with disciplinary matters. Conduct amounting to alleged violations of international human rights law, international humanitarian law, or international crimes should be tried in the civilian judicial system. This system of military justice should be independent from the Commander-in-Chief. There should be a process of appeal from the military courts to a civilian appeals court (A/HRC/39/CRP.2);

36. An independent, external body should be established to receive, investigate and determine complaints and allegations, from civilians or from members of the Tatmadaw or other security forces, of wrongdoing by them without fear of reprisals (A/HRC/39/CRP.2);

37. The Police should be re-established as a professional civilian entity independent of the Tatmadaw with responsibility for the maintenance of law and order internally in Myanmar. The Directorate of People's Militia and Border Forces should similarly be removed from the Tatmadaw structure and placed under civilian authority. The law should clearly define and distinguish between military responsibilities and police responsibilities and prescribe the conditions under which the Tatmadaw may take action instead of or alongside the police (A/HRC/39/CRP.2);

38. The Tatmadaw should adopt rules of engagement that require it to protect and safeguard civilian life and property and ensure the humane treatment of opponents, in line with international law. Military strategies that entail the targeting of civilians or their property, should be prohibited. All military and other security forces' policies, rules of engagement and training should be reviewed and revised to ensure full consistency with international human rights law and international humanitarian law obligations. They should be published and disseminated widely (A/HRC/39/CRP.2);

39. Military and police personnel should be subject to stringent human rights vetting. All current security sector personnel should be vetted to ensure that anyone who is subject of credible allegations of serious human rights violations is, at minimum, removed from positions of authority and is not eligible for promotion or for appointment to a civil service position or to an international representative role. All prospective security sector personnel should be subject to human rights vetting as part of the recruitment process (A/HRC/39/CRP.2);

40. No Tatmadaw or other security forces personnel should be eligible for a United Nations peacekeeping or policing role until and unless the Tatmadaw and other security forces are re-structured, vetted and transformed in accordance with these recommendations (A/HRC/39/CRP.2);

41. Military and police personnel should be trained in international human rights law and international humanitarian law, in particular in relation to the treatment and protection of civilians; police training should focus on civilian police functions, including community policing and crime prevention and investigation. It should include specific training modules on the use of force in compliance with international human rights norms and standards, including in the context of the management of protests and demonstrations. All military and police training manuals should be public documents to promote accountability and transparency (A/HRC/39/CRP.2);

42. The Tatmadaw must end the systemic practice of forced labour. Any persons currently held for forced labour should be released immediately and returned safely to their homes (A/HRC/39/CRP.2);

43. The Government should regularly report on progress in implementing the Mission's recommendations, including through, but not limited to, the United Nations human rights mechanisms (A/HRC/42.CRP.5*);

44. Seek the support of the United Nations, its funds and programmes, to implement these recommendations, as necessary (A/HRC/42.CRP.5).

Ethnic conflicts

45. Take measures to protect civilian populations from the effects of the ethnic conflicts, including through strict adherence to international humanitarian law and international human rights law (A/HRC/42.CRP.5);

46. Grant unfettered humanitarian access, for UN and other inter-governmental agencies and national and international non-government agencies, to all parts of Myanmar, in particular Rakhine, Chin, Kachin and Shan States (A/HRC/42.CRP.5);

47. Ensure the safe, voluntary, dignified and sustainable return of refugees and internally displaced people to their original lands or places of their choice, in full consultation with the affected communities and by ensuring informed consent (A/HRC/42.CRP.5);

48. Minimize the use and effects of landmines, IEDs and ERW, and ensure that civilians are informed of their presence, including by marking contaminated areas and otherwise informing the populations in affected areas, and undertake mine clearance operations as soon as hostilities abate (A/HRC/42.CRP.5).

Situation of the Rohingya

49. Take all necessary steps to ensure and expedite the safe, voluntary, dignified and sustainable return of the Rohingya to their homes and lands, in accordance with international standards (A/HRC/42.CRP.5);

50. Restore their citizenship rights and suspend the NVC process, while identifying alternative ways to ensure that Rohingya can apply directly for and receive full citizenship, including from abroad, through an effective and prompt process (A/HRC/42.CRP.5);

51. Remove all movement restrictions in Rakhine that are specifically applicable to Rohingya and that are applied in a discriminatory manner to them (A/HRC/42.CRP.5);

52. Ensure to all persons in Rakhine State, including Rohingya, full enjoyment of human rights and fundamental freedoms on the basis of equality (A/HRC/42.CRP.5).

Economic interests and the Tatmadaw

53. Place the Tatmadaw fully under civilian control and oversight through the adoption of necessary laws and policies, including through the amendment of the Constitution (A/HRC/42/CRP.3);

54. Following a full restructuring of the Tatmadaw, as well as an amended Constitution that ensures civilian control over the military, require parliamentary approval of all funding for the Tatmadaw and prohibit any income for the Tatmadaw that is not under parliamentary control. Consequently, remove the Tatmadaw from Myanmar's economic life, prohibiting it by law from engaging in any form of economic activity and prohibiting serving Tatmadaw officers from having a controlling interest in any economic ventures or sitting on the boards of economic enterprises (A/HRC/42/CRP.3);

55. In the interim, implement measures ensuring that MEHL and MEC comply with all tax, accounting and financial rules, and fully disclose all information on their financial activities and operations, and those of their subsidiaries (A/HRC/42/CRP.3);

56. Develop a robust policy and legislative framework that requires companies involved in natural resource extraction, including MEHL, MEC and their subsidiaries, to comply with financial reporting requirements and disclose details of beneficial ownership, in line with the government's commitments under the Extractive Industries Transparency Initiative (A/HRC/42/CRP.3);

57. Ensure no person or entity who has cooperated with the Mission is subject to reprisals, intimidation or any other form of harassment. Take all appropriate steps to prevent, investigate, punish and redress human rights violations through effective policies, legislation, regulations and adjudication of business related activities and require businesses to respect human rights, and periodically assess the adequacy of such laws and address any gaps; perform due diligence and provide effective guidance to businesses on how to respect human rights throughout their operations; and encourage and, where appropriate, require businesses to communicate how they address their human rights impacts of their operations (A/HRC/42/CRP.3).

Sexual and gender-based violence

58. Cease the perpetration of sexual and gender-based violence by Myanmar security forces against women, girls, men and boys, as well as the unlawful or arbitrary detention of women and children, and release them; put in place and effectively enforce a zero-tolerance policy on sexual and gender-based violence (A/HRC/39/CRP.2);

59. Acknowledge the role of the Tatmadaw and other security forces in the perpetration of gross human rights violations, including sexual and gender-based violence and grave violations against children (A/HRC/39/CRP.2);

60. Promptly investigate and prosecute Tatmadaw and other security personnel, including senior officials in the Tatmadaw's chain of command, for sexual and gender-based violence, including as serious crimes under international law, such as crimes against humanity, war crimes and genocide (A/HRC/42/CRP.4);

61. Ensure that the Tatmadaw's Commander-in-Chief of the military issues military orders expressly prohibiting rape and all forms of sexual violence (A/HRC/42/CRP.4);

62. Ensure that reports of alleged sexual and gender-based violence by the Tatmadaw, and other security personnel, results in credible investigations, fair trials and appropriate sanctions, such as imprisonment and dismissal (A/HRC/42/CRP.4);

63. Undertake the necessary legislative reform to protect people of all genders, including children of all ethnic groups, including Rohingya, from sexual and gender-based violence, including by (A/HRC/42/CRP.4):

- (a) amending the Constitution to remove provisions that grant government officials, including military and security personnel, immunity from prosecution for human rights violations and to establish civilian jurisdiction over human rights violations, including by military and security personnel;
- (b) amending the Penal Code of 1861 to adopt a definition of violence against women, including rape and other forms of sexual and gender-based violence, in accordance with the Convention on the Elimination of Discrimination against Women and international standards;
- (c) amending the Penal Code of 1861 to criminalise sexual and gender-based violence against men and criminalise male rape;
- (d) ensuring civilian courts have jurisdiction over the military for sexual and gender-based violence against women, men and children;
- (e) enacting promptly the Prevention and Protection of Violence against Women Law (PoVAW) and ensuring that it fully complies with international standards, covers conflict-related sexual violence, provides adequate protection and support to victims and witnesses of sexual violence, and establishes civilian jurisdiction over these crimes, including when perpetrated by military or other security personnel;
- (f) effectively criminalize in domestic law serious crimes under international law, including genocide, crimes against humanity and war crimes, such as conflict-related sexual violence, with civilian jurisdiction over these crimes;
- (g) providing redress and reparations to victims and survivors of sexual and gender-based violence.

64. Provide all military and security personnel with mandatory in-depth training regarding sexual and gender-based violence (A/HRC/42/CRP.4);
65. Establish an effective, accessible gender sensitive and safe mechanism to report incidents of rape and other forms of sexual and gender-based violence to appropriate authorities and tribunals for investigation, prosecution, redress and reparations (A/HRC/42/CRP.4);
66. Create an enabling and gender sensitive climate for reporting to authorities on sexual and gender-based violence, including by providing the necessary legal aid for victims (A/HRC/42/CRP.4);
67. Act without delay to ensure that victims of serious human rights violations and abuses have adequate access to medical, psychosocial and other support and services in both government and non-government controlled areas; to this end the Government should provide unrestricted access for humanitarian relief agencies and (A/HRC/42/CRP.4):
 - (a) ensure that survivors of sexual violence have unrestricted access to free, confidential medical support, including psychological and psychosocial support, or mental healthcare as needed and integrate such support into broader long-term social care and support provided by the State to vulnerable persons;
68. Carry out community education programmes aimed at empowering women and men who want to report violence, in a manner that does not jeopardize their safety, and carry out awareness raising in the communities to combat stigma and ostracism of survivors (A/HRC/42/CRP.4);
69. Ensure the availability of sexual and reproductive health services, as well as preventative and emergency healthcare, under the principles of inclusion and accessibility, to ethnic minority women and girls, including obstetric, prenatal and postnatal care, contraceptive information and services, emergency contraception, safe abortion and psychological health services, for victims and survivors of rape and other forms of sexual and gender-based violence, in a safe environment free of stigma and reprisals (A/HRC/42/CRP.4);
70. Ensure the participation of women and girls from ethnic minority groups in the development and implementation of programmes related to sexual and reproductive health services; set up monitoring mechanisms to ensure access to and quality of those services; and eliminate discriminatory practices by health care personnel (A/HRC/42/CRP.4);
71. Fully involve ethnic women and girls at all stages of the post-conflict reconstruction process, including in decision-making (A/HRC/42/CRP.4).

II. To all armed organizations in Myanmar

72. Take measures to protect civilian populations from the effects of the ethnic conflicts, including through strict adherence to international humanitarian law (A/HRC/42.CRP.5) and by ordering their members to comply fully with international humanitarian law, in particular to protect civilians and to respect the human rights of all individuals within their control or areas of operation (A/HRC/39/CRP.2);
73. Minimize the use and effects of landmines, IEDs and ERW, and ensure that civilians are informed of their presence, including by marking contaminated areas and otherwise informing the populations in affected areas, and undertake mine clearance operations as soon as hostilities abate (A/HRC/42.CRP.5);
74. Respond positively and speedily to any initiative by the Government of Myanmar, including the Tatmadaw, to halt military operations, either temporarily or permanently, with a view to declaring a full ceasefire (A/HRC/39/CRP.2);
75. Participate in good faith in negotiations with the Government of Myanmar to develop a comprehensive resolution of conflict within the framework of an inclusive, pluralistic, democratic nation that respects the human rights of all people (A/HRC/39/CRP.2);

76. Fully cooperate with any credible effort to hold perpetrators of serious human rights violations and abuses, as well as crimes under international law, accountable, including by non-State actors (A/HRC/39/CRP.2);

77. Cooperate with international accountability mechanisms, including the International Criminal Court, the International Court of Justice and the Independent Investigative Mechanism for Myanmar (A/HRC/42/CRP.5).

Sexual and gender-based violence

78. Order their members to comply fully with international human rights law and international humanitarian law, in particular by prohibiting rape and all forms of sexual violence (A/HRC/42/CRP.4);

79. Cooperate fully with any credible effort to hold perpetrators of serious violations and abuses of international human rights law and violations of international humanitarian law, as well as crimes under international law, accountable, including by non-State actors (A/HRC/42/CRP.4).

III. To Myanmar civil society, including religious leaders and organizations

80. Myanmar civil society organizations should play a leadership role in promoting an inclusive, pluralistic, democratic Myanmar in which the human rights of all are fully respected, protected and fulfilled. They should work jointly and with the Government to present a positive vision of Myanmar's future and to address and oppose action and speech that incites hatred, violence and discrimination. They should participate in Government initiatives, such as the development and implementation of a policy and action plan on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on ethnicity, race, nationality or religion or belief (A/HRC/39/CRP.2);

81. Religious leaders and organizations should lead initiatives for interfaith and intercommunal dialogue and confidence-building. Buddhist, Muslim and Christian leaders and communities, including the Rohingya, should all be involved in interfaith dialogue initiatives with respect for each other. They should model and demonstrate good interfaith and intercommunal relations based on mutual respect and acceptance (A/HRC/39/CRP.2).

IV. To the Security Council

82. Ensure accountability for crimes under international law committed in Myanmar, preferably by referring the situation to the International Criminal Court or alternatively by creating an ad hoc international criminal tribunal;

83. Impose targeted financial sanctions, including travel bans and asset freezes, against senior officials of the Tatmadaw responsible for violations of international human rights law and violations of international humanitarian law (A/HRC/42/CRP.3 and A/HRC/39/CRP.2*);

84. Impose targeted financial sanctions against all Tatmadaw-owned companies, especially MEHL, MEC and their subsidiaries, while respecting human rights and significantly mitigating any adverse socio-economic impact of sanctions (A/HRC/42/CRP.3);

85. Impose a comprehensive arms embargo on Myanmar and establish a mechanism to monitor and enforce it (A/HRC/42/CRP.3).

Sexual and gender-based violence

86. Adopt a resolution referring the situation of Myanmar to the International Criminal Court or mandating an ad hoc criminal tribunal (A/HRC/42/CRP.4);

87. Adopt a resolution or presidential statement on the situation in Myanmar and include language to urge the national authorities and ethnic armed organizations to ensure women's meaningful participation, including in decision-making roles, in national peace conferences, bilateral negotiations and the monitoring of the existing nation-wide ceasefire agreement (A/HRC/42/CRP.4);

88. Apply political and diplomatic influence, as well as financial resources, to provide a path for justice for the women and girls affected by the conflict (A/HRC/42/CRP.4);

89. Expand the services supporting Rohingya, in particular women and girls, in refugee camps, including access to formal education, skills development and livelihood opportunities (A/HRC/42/CRP.4).

V. To Member States, and relevant regional and international intergovernmental organisations

90. The international community, through the United Nations, should use all diplomatic, humanitarian and other peaceful means to assist Myanmar in meeting its responsibility to protect its people from genocide, crimes against humanity and war crimes. It should take collective action in accordance with the United Nations Charter, as necessary (A/HRC/39/CRP.2);

91. The Human Rights Council should continue to support the mandates of the Special Rapporteur on Myanmar and the High Commissioner for Human Rights, and ensure they have adequate resources to maintain a strong focus on the human rights crisis in Myanmar (A/HRC/39/CRP.2).

92. The Human Rights Council should specifically request OHCHR to focus on ensuring accountability for human rights violations and abuses in Myanmar, including by enhanced monitoring, documentation, analysis and public reporting on the human rights situation; raising awareness among civil society and other actors engaged in documenting human rights violations about relevant international standards; working with victim communities to raise awareness about justice options; and supporting comprehensive rule of law and security sector reform in Myanmar in line with international human rights norms and standards. Appropriate resources must be allocated (A/HRC/39/CRP.2).

93. The United Nations should urgently adopt a common strategy to ensure that all engagement with Myanmar takes into account, and addresses, human rights concerns, in line with the Human Rights Up Front Action Plan. This should guide all United Nations engagement in Myanmar, particularly in relation to Rakhine State, and include policies and public advocacy stances. All United Nations support to Myanmar authorities should undergo a full Human Rights Due Diligence analysis (A/HRC/39/CRP.2);

94. The United Nations and international community must ensure that the repatriation of refugees and return of internally displaced persons only occurs when safe, voluntary and dignified, with explicit human rights protections in place, including citizenship. In the current circumstances, returns are not possible (A/HRC/39/CRP.2).

95. The United Nations should establish a trust fund for victim support, through which victims can receive psychosocial support, legal aid, livelihood support, and others means of assistance. All trust fund projects should be designed in consultation with victims (A/HRC/39/CRP.2).

Monitoring and reporting

96. Remain seized of the human rights situation in Myanmar, through continued close monitoring and public reporting, discussion in international human rights fora and dialogue and cooperation with the Government of Myanmar (A/HRC/42.CRP.5);

97. Provide the necessary mandate and allocate adequate resources to the Office of the High Commissioner for Human Rights and to the Special Rapporteur on human rights in Myanmar, for regular human rights reports, including to the Human Rights Council, on human rights in Myanmar and on follow-up to the Mission's recommendations, in

particular an annual report on progress in implementation of all recommendations (A/HRC/42.CRP.5);

98. Mandate through the Human Rights Council and/or General Assembly further human rights investigations on the human rights situation in Myanmar to contribute towards the prevention of human rights violations and respond promptly to human rights emergencies (See General Assembly resolution 60/251, para. 5 (f)) with appropriate resources allocated (A/HRC/42.CRP.5);

99. Mandate through the Human Rights Council and/or General Assembly further investigations into the human rights situation of other ethnic conflicts in Myanmar, including the situations of the ethnic Karen and Kokang, with appropriate resources allocated (A/HRC/42.CRP.5);

100. Ensure that future Commissions of Inquiry and fact-findings missions contain, as part of their terms of reference, a requirement to “report back” to affected communities whose human rights situations they investigated, with a view to ensuring accountability towards victims (A/HRC/42.CRP.5).

Accountability

101. Should the Security Council be unwilling to refer the situation of Myanmar to the International Criminal Court or to establish an ad hoc international criminal tribunal in respect of crimes under international law in Myanmar, the General Assembly should consider using its powers within the scope of the Charter of the United Nations to advance such a tribunal (A/HRC/42.CRP.5);

102. Member States should exercise jurisdiction to investigate and prosecute alleged perpetrators of serious crimes under international law committed in Myanmar (A/HRC/39/CRP.2), including officials of corporations (A/HRC/42/CRP.3);

103. Encourage and support States parties to the Genocide Convention to bring a case to the International Court of Justice against Myanmar for breaches of its obligations under the Genocide Convention (A/HRC/42.CRP.5);

104. Relevant regional organizations, including the European Union and ASEAN, should develop strategies to ensure accountability for perpetrators of crimes under international law in Myanmar, including through sustained engagement with Myanmar and support for an international justice mechanism (A/HRC/39/CRP.2);

105. Implement targeted individual sanctions, including travel bans and asset freezes, against individuals publicly identified as perpetrators of violations of international human rights law and international humanitarian law by the Mission, as well as family members and associates of identified individuals, where they may act as surrogate business owners or be used as proxies by identified individuals to evade sanctions, while respecting human rights (A/HRC/42/CRP.3);

106. Implement targeted individual sanctions and asset freezes against the owners of Tatmadaw conglomerates, and their subsidiary companies, while respecting human rights and significantly mitigating any adverse socio-economic impact of sanctions (A/HRC/42/CRP.3);

107. Implement targeted sanctions against legal persons, entities or bodies contributing economically to or benefitting economically from the Tatmadaw and its operations as well as family members and associates of identified individuals, where they may act as surrogate business owners or be used as proxies by identified individuals to evade sanctions, while respecting human rights (A/HRC/42/CRP.3);

108. Implement arms transfer sanctions, as an integral part of a coordinated multilateral approach to accountability, justice and ending the human rights crisis in Myanmar (A/HRC/42/CRP.3 and A/HRC/39/CRP.2);

109. Take appropriate legislative and other measures to ensure that all business activities taking place in whole or in part within their territory or under their jurisdiction, and having a direct and reasonably foreseeable impact on the human rights of individuals in the context

of the Myanmar human rights crisis, are consistent with their human rights obligations, including the right of victims to obtain an effective remedy (A/HRC/42/CRP.3);

110. Adopt a moratorium on domestic and international business, investment and development assistance in Rakhine State, unless and until the remaining Rohingya population is able to enjoy all human rights fully, free from discrimination and on the basis of equality. Ensure it does not have adverse socio-economic impacts on Rohingya and other communities in Rakhine State that would result in further harm. The moratorium must not prevent life-saving programmes and services from being provided (A/HRC/42.CRP.5);

111. Bring the Mission's report Economic interests of the Myanmar Military to the attention of any companies domiciled in their territory doing business in Myanmar (A/HRC/42/CRP.3);

112. Support any individuals subjected to reprisals, or who would face the risk of reprisals, as a result of having cooperated with the Mission, especially where the State has a diplomatic presence in Myanmar or neighbouring countries (A/HRC/42/CRP.3);

113. Assist consumers to avoid dealing with MEHL, MEC and their subsidiaries and any other company owned or influenced by the Tatmadaw, including by identifying whether goods exported from Myanmar are produced, sold or exported without any association, directly or indirectly, with the Tatmadaw.

114. All Member States should ensure that engagement with Myanmar, and support for aid, development and reform projects, take into account and address human rights concerns, and explicitly conform to the principles of non-discrimination and equality. They should ensure that humanitarian organizations working on Myanmar are appropriately funded. States should cease operational support to the Tatmadaw and other security forces until there is (1) demonstrable commitment to genuine reform, (2) international assistance in implementing reform and (3) acceptance of and cooperation with international mechanisms to hold those responsible accountable for crimes under international law (A/HRC/39/CRP.2);

Sexual and gender-based violence

115. Support civil society organizations throughout Myanmar, and in States hosting those affected by the conflicts in Myanmar, to report on human rights violations, especially those involving sexual and gender-based violence, provide services to survivors of gender-based violence, and support women's participation and representation in decision-making, including in the upcoming elections (A/HRC/42/CRP.4);

116. Establish a trust fund in line with Human Rights Council resolution 39/2 for survivors of sexual and gender-based violence and their families to support their medical and psychosocial care, including for transgenerational trauma (A/HRC/42/CRP.4);

117. Work with development and humanitarian agencies to lay the foundation for justice and accountability, including, but not limited to, reparations, through their work – building the confidence of survivors in the justice system and creating a safe platform for survivors and civil society to advocate for their justice demands (A/HRC/42/CRP.4).

Additional to the United Nations, including its funds, programmes and agencies:

118. Do not provide assistance and programming that may prejudice the goals of accountability for international human rights law and international humanitarian law violations in relation to Myanmar (A/HRC/42/CRP.3);

119. The UN country team in Myanmar should continue to assess its engagement with all government partners, to ensure the engagement is not directly or indirectly contributing to the confiscation or misappropriation of, or profiteering from Rohingya lands, indirectly or directly keeping Rohingya off their lands or from returning to their lands, or consolidating the effects of the Government's "clearance operations" of 2016 and 2017 (A/HRC/42.CRP.5);

120. Place the specific needs of women and children at the forefront of UN humanitarian, development and reconstruction planning and implementation (A/HRC/42/CRP.3);

121. Undertake further investigations into the following areas with respect to the economic interests of the Myanmar military (A/HRC/42/CRP.3):

- (a) Companies owned by the Tatmadaw directly, as well as MEHL, MEC, their subsidiaries, and Myanmar Northern Star Company;
- (b) MEHL, MEC and other Tatmadaw companies' past and present leadership;
- (c) Tatmadaw-owned real estate projects;
- (d) Companies owned by Tatmadaw leadership and the immediate family members of high-ranking officials, including Tatmadaw officers linked to crimes under international law in Rakhine, Kachin and Shan States;
- (e) Assets of identified perpetrators;
- (f) Loans to and capital invested in Tatmadaw-owned companies and banks;
- (g) Companies and States facilitating the sale and transfer of arms and related items to the Tatmadaw;
- (h) Commercial and/or financial links between the Tatmadaw and Buddhist nationalist organizations, including the Ma Ba Tha (Patriotic Association of Myanmar), in connection with Ma Ba Tha calls to action and mobilization around the "clearance operations" that began in August 2017 in northern Rakhine, incitement to, and other involvement in, anti-Rohingya violence, endorsement of Tatmadaw crimes;
- (i) The role of ethnic armed organizations and their business interests in Myanmar in relation to the contribution they made and continue to make to Myanmar's human rights crisis.

VI. To investors and businesses

122. All business enterprises active in Myanmar or trading with or investing in businesses in Myanmar should demonstrably ensure that their operations are compliant with the United Nations Guiding Principles on Business and Human Rights. They should respect human rights, avoiding infringing on the human rights of others and addressing the adverse human rights impacts with which they are involved. They should have (A/HRC/39/CRP.2):

- (a) a policy commitment to meet their responsibility to respect human rights;
- (b) a human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights;
- (c) processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.

123. No business enterprise active in Myanmar or trading with or investing in businesses in Myanmar should enter into or remain in a business relationship of any kind with the security forces of Myanmar, in particular the Tatmadaw, or any enterprise owned or controlled by them (including subsidiaries) or their individual members, until and unless they are re-structured and transformed as recommended by the Mission. These enterprises include in particular MEHL and MEC and all of their subsidiaries and business relationships. Relevant business relationships include granting loans to these companies or investing capital into their operations and procuring services from Tatmadaw related companies (including real estate rental). With respect to companies owned or controlled by family members of Tatmadaw leaders, business enterprises should exercise extreme caution and only enter into such relationships if they have assured themselves after heightened due diligence, that it is a legitimate business not linked to or supporting the Tatmadaw. Businesses active in Myanmar or trading with or investing in businesses in Myanmar or considering doing so should use credible information, including this report, its list of companies in the Annexes (and any updated information as it becomes available), and the Mission's 2018 report when carrying out their due diligence assessments (A/HRC/42/CRP.3);

124. Prohibit all contributions and donations to, and other funding of the Tatmadaw directly or through business relationships with Myanmar companies (A/HRC/42/CRP.3);

125. Conduct all investment, including foreign investment, in conflict-affected areas, especially in Kachin, Shan, and Rakhine States, in line with the UN Guiding Principles for Business and Human Rights and subject all investments that are not already precluded from the recommendations above to heightened due diligence, given the Mission's findings (A/HRC/42/CRP.3);

126. Any business enterprise purchasing natural resources from Myanmar highlighted in this report, and in particular, jade and rubies, and timber from Kachin and Shan States, should conduct heightened due diligence to ensure that the resources were not produced or sold by enterprises owned or influenced by the Tatmadaw (including subsidiaries and joint ventures) or individual members of the Tatmadaw. If so, they should not purchase or use, directly or indirectly, the resources. The OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas provides useful guidance in this regard (A/HRC/42/CRP.3);

127. Businesses buying goods from Myanmar should apply rigorous standards of due diligence to their supply chains, to ensure that none of their products are coming from Tatmadaw-related businesses. Businesses should also make the origins of their products clear, to allow consumers to make informed choices (A/HRC/42/CRP.3).

To consumers:

128. Those considering travelling to Myanmar should avoid dealing with MEHL, MEC and their subsidiaries and any other company owned or influenced by the Tatmadaw, using the list of companies in the Annexes to this report (and any updated information as it becomes available) to inform their consumer choices, given the Tatmadaw companies' involvement in the hotel and tourism industry (A/HRC/42/CRP.3);

129. Refrain from purchasing jade or rubies produced, sold or exported by MEHL, MEC and their subsidiaries and any other company owned or influenced by the Tatmadaw or whose origin is unclear, given the high likelihood of them having originated in Kachin and Shan States in Myanmar, the involvement of Tatmadaw businesses in the jade and ruby mining, and the close association that the mining industry has with Myanmar's human rights crisis (A/HRC/42/CRP.3);

130. Scrutinize goods originating from Myanmar, using the list of companies in the Annexes to this report (and any updated information as it becomes available) to inform consumer choices, and support non-Tatmadaw businesses in Myanmar by purchasing goods from businesses without links to the Tatmadaw (A/HRC/42/CRP.3).

To international financial institutions:

131. Support and encourage investment only in the non-Tatmadaw linked private sector to support the growth of alternative economic actors to the Tatmadaw and associated businesses (A/HRC/42/CRP.3);

132. Implement and deliver development projects in keeping with the human rights-based approach to programming, including participation, empowerment, local ownership, and sustainability (A/HRC/42/CRP.3);

133. Support and deliver development, investment, and reconstruction in a fair, equitable, non-discriminatory, sustainable and non-politicized manner; for this reason, not undertake any economic or development activity, other than emergency humanitarian assistance, in Rakhine State until and unless all restrictions on the remaining Rohingya populations are lifted (A/HRC/42/CRP.3);

134. Follow a human rights, community and protection approach when planning and implementing development projects, especially with regard to where and how development projects and programming are carried out or assistance provided. Projects or assistance must not provide economic or other benefit to parties where there is reason to suspect they

were unlawfully involved in acts that constituted crimes under international law, including war crimes, crimes against humanity, or genocide (A/HRC/42/CRP.3);

135. In development projects in Kachin, Shan and Rakhine States, do not support or engage in activities that destroy or contaminate crime sites or other evidence for the purposes of accountability (A/HRC/42/CRP.3);

136. Ensure that any direct budget support to the Myanmar Government contributes to the fulfilment of the Sustainable Development Goals and the economic and social rights of the entire population in Myanmar in a non-discriminatory manner, to ensure that no one is left behind (A/HRC/42/CRP.3).

VII. Facebook and other social media¹

137. All social media platforms active in Myanmar, including messenger systems, should apply international human rights law as basis for content moderation on their platforms. In doing so, they should respect the rights of their users to freedom of expression and to privacy. The Basic Principles on Business and Human Rights provides a baseline approach that companies should adopt. They should engage with the Office of the United Nations High Commissioner for Human Rights and existing human rights mechanisms, in particular the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/39/CRP.2).

138. Facebook and other social media platforms, including messenger systems, should support the existing research of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on online content moderation. The Mission encourages the Special Rapporteur to explore further the responsibilities of social media companies as carriers of expression that incites violence or discrimination based on race, ethnicity, nationality or religion (A/HRC/39/CRP.2).

139. Facebook and other social media platforms, including messenger systems, should allow for independent and thorough examination of the use of their platform to spread messages inciting to violence and discrimination in Myanmar. The extent to which posts and messages on its platform have led to real-world discrimination and violence should be part of such examination. Their experience in Myanmar should be examined as a situation of great concern in itself and as a case study for their global operations (A/HRC/39/CRP.2).

140. All social media platforms active in Myanmar, including messenger systems, should open themselves up to public accountability and transparency. They should actively track the use of their platform in Myanmar for the spread and promotion of threats and the incitement to violence, hostility and discrimination. They should be transparent about their policies and practices to identify and remove objectionable content. They should publicly release disaggregated data regularly, including the number and type of content violations, the platform used, number of complaints received and average processing time, number of content removals, number of accounts or pages taken down or suspended (A/HRC/39/CRP.2).

141. All social media platforms active in Myanmar, including messenger systems, should enhance their capacity to combat the use of their platforms for the spread and promotion of threats and the incitement to violence, hostility and discrimination. This includes hiring sufficient content moderators who are familiar with the context, background and nuances of Myanmar language and the issue of hate speech in the country, and providing them with training on human rights standards (A/HRC/39/CRP.2).

142. All social media platforms active in Myanmar, including messenger systems, should retain indefinitely copies of material removed for use by judicial bodies and other credible accountability mechanisms addressing serious human rights violations committed in

¹ For updates on this issue, see A/HRC/42/50, paras. 71-74.

Myanmar in line with international human rights norms and standards, including where such violations amounted to crimes under international law (A/HRC/39/CRP.2).

143. All social media platforms active in Myanmar, including messenger systems, should establish early warning systems for emergency escalation, involving all relevant stakeholders. All death threats and threats of harm in Myanmar should be treated as serious and immediately removed when detected. The early warning systems should be developed and operated transparently and in consultation with key stakeholders, including civil society organizations. It should be supported by a formal stakeholder group to provide advice and to monitor performance (A/HRC/39/CRP.2).

144. All social media platforms active in Myanmar, including messenger systems, should actively assist efforts to promote tolerance, peace and the human rights of all the Myanmar people. They should ensure access of all Myanmar users to credible sources of information and alternative views, including by reviewing their advertising models to ensure that they do not adversely affect diversity of opinion and ideas. They should assist users to distinguish verified, credible news from disinformation, particularly on matters of high public interest or carrying a high risk of violence, including by cooperating with initiatives that offer fact-checking services to users (A/HRC/39/CRP.2).

145. Before entering any new market, particularly those with volatile ethnic, religious or other social tensions, Facebook and other social media platforms, including messenger systems, should conduct in-depth human rights impact assessments for their products, policies and operations, based on the national context and take mitigating measures to reduce risks as much as possible (A/HRC/39/CRP.2).