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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on conduct of elections in Burma and the release of opposition leader Aung San Suu Kyi

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on behalf of the S&D Group

European Parliament resolution on conduct of elections in Burma and the release of opposition leader Aung San Suu Kyi

The European Parliament,

- having regard to the declaration by the High Representative Catherine Ashton on behalf of the European Union on the elections in Burma/Myanmar, of 7 November 2010
 - having regard to the Statement by the UN Secretary-General of 8 November 2010 on the elections in Burma,
 - having regard to the statements by the President of the European Council Herman Van Rompuy and by EU High Representative Catherine Ashton on the release of Aung San Suu Kyi, of 13 November 2010,
 - having regard to the Statement by the UN Secretary-General of 13 November 2010 on the release of Aung San Suu Kyi,
 - having regard to the EU Council Conclusions on Burma/Myanmar of 26 April 2010 and the Council Common Position renewing restrictive measures against Burma,
 - having regard to its previous resolutions on Burma, in particular those of 11 February 2010 and of 20 May 2010,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas on 7th November the first elections since 1990 took place in Burma/Myanmar;
- B. whereas the elections were based on the 2008 Constitution entrenching the military rule while the election laws promulgated in March 2010 were designed to control the electoral process and bar pro-democracy activists and parties from participating in the polls;
- C. whereas the Burma/Myanmar authorities have introduced several new laws and directives in the run up to the 7 November elections, restricting free speech and criticism of the government, placing severe limitations on political and campaign activities of political parties and cracking down on internal calls for the release of the political prisoners,
- D. whereas hundreds of thousands of Burmese citizens including Buddhist monks and political prisoners were banned from voting or standing for elections;
- E. whereas financial and legal hurdles prevented the opposition forces from fielding a sufficient number of candidates to contest the available seats at all levels of the legislature whilst the prohibitive fees required for filing electoral protests virtually avert any possibility of examining the widespread electoral fraud,

- F. whereas the 2008 Constitution bars Aung San Suu Kyi from public office; whereas the National League for Democracy has decided to boycott the November elections and has been disbanded for failing to register for the elections;
- G. whereas Aung San Suu Kyi has spent more than 15 of the past 21 years under house arrest;
- H. whereas there are more than 2,200 political prisoners in Myanmar still held under vague laws frequently used by the government to criminalize peaceful political dissent;
1. Deeply regrets that the November elections were neither free nor fair and fell short of internationally recognised standards notably concerning the treatment of opposition parties and their candidates, the severe restrictions on freedom of expression and assembly and the freedom of media;
 2. Notes the restricted participation in the ballot of the opposition parties that had to take a difficult decision whether or not to boycott the elections and considers that the participation of opposition and ethnic representatives in both national and regional assemblies, albeit at a very limited level, could constitute a beginning of normalisation and might offer an opportunity for change;
 3. Deplores the lack of transparency in the organisation of the ballot and vote counting, the refusal of the military to accept international observers and delaying the announcement of results;
 4. Welcomes the long due release of Aung San Suu Kyi; stresses that her freshly regained freedom must be unconditional and unrestricted;
 5. Considers that the release of Aung San Suu Kyi is simply the end of an unfair sentence that was illegally extended; deplores that her liberation was deliberately scheduled so as to refrain her from contesting the elections; and stresses that this positive event should not divert the attention of the international community from the sham elections aimed solely to legitimize the military power;
 6. Calls at the same time on the government of Burma/Myanmar to immediately release the remaining 2200 known prisoners of conscience in the country; unconditionally and with full restoration of their political rights and to refrain from further politically motivated arrests;
 7. Joins Aung San Suu Kyi in her appeal to the Burmese authorities to engage in a meaningful dialogue involving all political actors in the country and hopes that such a dialogue would eventually lead to better governance based on the rule of law, respect of human rights and fundamental freedoms and the improvement of social and economic conditions in the country;
 8. Calls on the international community including China and India as the main trading partners of Burma/Myanmar, but also on ASEAN to stop supporting the undemocratic regime that thrives at the expense of its people and to exert more pressure to bring about positive changes in the country; further believes that the ASEAN Charter confers upon the

ASEAN Member States special responsibility and moral obligation to act in the event of systematic violations of human rights in a member country;

9. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Government of the Kingdom of Thailand, the Government of Bangladesh, the Burmese State Peace and Development Council, the NLD, the governments of the ASEAN member states, the United Nations High Commissioner for Refugees and the Secretary-General of the United Nations.