



Plenary sitting

B8-0912/2016

5.7.2016

MOTION FOR A RESOLUTION

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

pursuant to Rule 135 of the Rules of Procedure

on Myanmar and notably the situation of Rohingyas
(2016/2809(RSP))

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on behalf of the Verts/ALE Group

B8-0912/2016

European Parliament resolution on Myanmar and notably the situation of Rohingyas (2016/2809(RSP))

The European Parliament,

- having regard to its previous resolutions on Burma/Myanmar, the Rohingya, in particular those of 20 April 2012, 13 September 2012 and 22 November 2012, 13 June 2013 and 19 May 2015;
 - having regard of the report of the United Nations High Commissioner for Human Rights on 'the Rohingya Muslims and other minorities in Myanmar' of 29 June 2016;
 - having regard of the Joint HR-Commission Communication: 'Elements for an EU strategy vis-a-vis Myanmar/Burma: A Special Partnership for Democracy, Peace and Prosperity' of 1 June 2016;
 - having regard of the conclusion of the Council of the European Union of 20 June 2016 on Myanmar/Burma;
 - having regard to the 'Sustainability Impact Assessment (SIA) in support of an investment protection agreement between the European Union and the Republic of the Union of Myanmar' published in April 2016
 - having regards of the resolution on the Situation of Human Rights in Myanmar adopted at the 31st session of the UNHCR;
 - having regard of Joint HR HR-Commission Communication: 'The EU and ASEAN: a partnership with a strategic purpose';
 - having regard to the Universal Declaration of Human Rights of 10 December 1948 and the International Covenant on Civil and Political Rights (ICCPR) of 1966;
 - having regard to the 1951 UN Convention on the Status of Refugees and the 1967 Protocol thereto;
 - having regard to the 2012 Law on the Right to Peaceful Assembly and Peaceful Procession and its 2014 amendments, and the new Peaceful Assembly and Peaceful Processions Law of May 31, 2016;
 - having regard to Rule 135 of the Rules of Procedure;
- A. Whereas on 9 November 2015 the National League for Democracy (NLD) under the leadership of Aung San Suu Kyi overwhelmingly won the elections and Htin Kyaw became the first civil president in 50 years; whereas despite Suu Kyi's personal popularity, she was barred from the presidency by the 2008 constitution drafted by the military, but is de facto now heading the state under the term of State Councilor;
- B. Whereas the military nevertheless continues to exercise a dominant role in certain ministries, including the ministry for Home Affairs, 4 out of 7 Supreme Court Judges are military appointees with no legal background and 25 % of the seats in the parliament remain reserved for appointed military representatives;

- C. Whereas in Myanmar not unlike in many contemporary societies, including European, radical chauvinistic forces are instigating mass movements towards persecution of minorities and socio-cultural antagonism
- D. Whereas these tendencies aggravate Myanmar's legacy of discriminatory practices against its Muslim minority, in particular against the Rohingya, living in the Rakhine State; whereas while the ethnic group of some 1 million people calls itself 'Rohingya', previous governments referred to the group as "Bengalis" implying they are illegal immigrants from Bangladesh, even though most have lived in Myanmar for generations; whereas tens of thousands of Rohingya have been fleeing Myanmar after violent attacks and continuous oppression
- E. Whereas Zeid Ra'ad Al Hussein, UN high commissioner for Human Rights, in his report of 20 June 2016, described the continued serious rights violations against the Rohingya, including arbitrary deprivation of nationality- rendering them stateless, severe restriction of freedom of movement, threats to life and security, denial of rights to health and education, forced labor, sexual violence and limitations to their political rights "which may amount to crimes against humanity" ; whereas Zeid indicated that Rohingya are excluded from numerous professions and need special paperwork to access hospitals which has resulted in delays and deaths of babies and their mothers during childbirth;
- F. Whereas 120,000 Rohingya continue to be displaced in squalid camps since the violent attacks in Rakhine State in 2012, after which thousands fled persecution and poverty;
- G. Whereas the new Government has inherited a situation where laws and policies are in place which deny particularly Muslim minorities fundamental rights and reforms will take time, but regrettably impunity for extremely serious violations in particular against the Rohingya has continued unhampered under the new government and has encouraged further violence against them;
- H. Whereas Aung San Suu Kyi has announced in a meeting with UN Special Rapporteur on Human rights in Myanmar, Yanghee Lee, that the word Rohingya will not be used by the government – in continuation of the practiced policy under the military dictatorship - as it is considered inflammatory as well as the word 'Bengali' and is instead suggesting a new term 'Muslim community in Rakhine state'; whereas the Arakan National Party, representing the hardline Rakhine Buddhists, rejected the new term, accusing the government of indirectly accepting that the Rohingya are natives of Rakhine state, which the ANP rejects and whereas in recent days thousands took to the streets in protest against the government;
- I. Whereas the EU ambassador to Myanmar who has been publicly supporting the government policy, stands accused by human rights activists to play into the hands of those who want to deny Rohingyas their ethnic and cultural identity;
- J. Whereas despite the repeal of the 1975 State Protection Law and the proposed amendments to the Peaceful Gathering and Demonstration Law and the Ward or Village-Tract Administration Law, many repressive laws that have been used under the military regime continue to be used, or risk being used to arbitrarily detain activists, human rights defenders, and member of ethnic and religious minorities;
- K. Whereas the "Labour organisations Law", in force since March 2012 allowing the establishment and operation of trade unions, as well as the "Settlement of Disputes Law" enacted on 28 March 2012 represent substantial progress, the freedom for workers to associate and to collectively bargain is however still far from being guaranteed;

- L. Whereas at the end of February 2016, 166 people were facing trial under the Peaceful Gathering and Demonstration Law for political protests and at least 22 were serving prison sentences after being convicted under this law;
- M. Whereas journalists and free press continue to be under pressure by the government; whereas the overly broad Official Secrets Acts is used against journalists writing about activities of the military;
1. Warmly welcomes the successful elections in November 2015 which allowed the peaceful transfer of power to the first non-military president of the country since 1962;
 2. Comments the government for its efforts to advance the peace process in the country, as well as the preparations for a national Peace conference (the 21st Century Panglong Conference)
 3. Encourages the government on its difficult way to building democratic institutions and fighting corruption, including an independent and impartial judiciary and a strong civil society, in the interest of the promotion of good governance, respect for the rule of law and fundamental rights with the aim to achieve a better livelihood for all people living in Myanmar;
 4. Understands that reforms take time, but underlines that the gravity of the continuing persecution of certain minorities as documented in the recent report by the UN Special Rapporteur on "Rohingya Muslims and other Minorities in Myanmar" demand immediate remedy and calls on the government to act upon its recommendations, such as to abolish the discriminatory 'local orders' in Rakhine State, to remove restrictive measures for emergency medical treatment, and to lift the freedom of movement restrictions;
 5. Insists that the authorities should urgently ensure free and unimpeded access to Rakhine state to humanitarian actors, the United Nations (UN), international human rights organisations journalists and other international observers;
 6. Calls on the government to accede without reservation to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;
 7. Appeals to the government and the international community to reverse the current policy of not using the term 'Rohingya' and to recognize the right of Rohingya to self-identification, urges equally to allow for an international investigation into alleged violations of international humanitarian and human rights law in Rakhine state;
 8. Invites the government to start resolute action against hate speech, considering that those inciting hatred and violence against Rohingya, Muslims and other ethnic and religious minorities have continued to do so with impunity;
 9. Calls on the authorities to arrest and prosecute those responsible for the crimes committed against Rohingyas and other members of the Muslim minority particularly since 2012;
 10. Urges the Government of Myanmar to implement the recommendations of the resolution on the situation of human rights in Myanmar as adopted in the 31st session of the UNHCR; calls in this context to amend or repeal laws that are inconsistent with international human rights standards and that continue to be used to arbitrarily detain activists, human rights defenders, and member of ethnic and religious minorities; calls on the government to allow the establishment of an OCHR country office with a full human rights monitoring and protection mandate;

11. Re-iterates its appeal to bring the 1982 citizenship law into line with international law and Myanmar's UN treaty obligations, granting of citizenship on the basis of objective criteria that comply with the principle of non-discrimination, such as birth in the territory and descent;
12. Welcomes the presidential amnesty on 17 April 2016, but recalls that reportedly still some 80 political prisoners remain behind bars and calls for the release of all remaining prisoners of conscience; calls for the removal of restrictions to the right to freedom of expression that are incompatible with international human rights standards;
13. Encourages the Association of South East Asian Nations (ASEAN) in particular its Commission on Human Rights to discuss the problems of the Rohingya persecution;
14. Calls on the EEAS to engage with the Myanmar government on the issues listed above in all exchanges with the Myanmar authorities, including the forthcoming human rights dialogue in November and incorporate a human rights component to programs in Rakhine State and to all advocacy with the government of Myanmar;
15. Calls on the Vice-President / High Representative to address this issue at the highest possible political level in her contacts with Myanmar and with other ASEAN member countries;
16. Considers it inappropriate at this point and even dangerous for the future democratic development of Myanmar to conclude an EU-Myanmar investment agreement while legislation on corporate social and environmental responsibilities and liabilities, labor rights, land ownership and anti-corruption are still largely absent and urges both sides to take account of these concerns;
17. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Government and Parliament of Burma/Myanmar, the Secretary-General of ASEAN, the ASEAN Intergovernmental Commission on Human Rights, the UN Special Representative for Human Rights in Myanmar, the UN High Commissioner for Refugees, the UN Human Rights Council and the governments and parliaments of other states in the region.