



Plenary sitting

B8-1363/2016

13.12.2016

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 the situation of the Rohingya minority in Myanmar
(2016/3027(RSP))

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on behalf of the S&D Group

European Parliament resolution on the situation of the Rohingya minority in Myanmar (2016/3027(RSP))

The European Parliament,

- having regard to its previous resolutions on Myanmar particularly on the situation of Rohingya Muslims, notably the one of 21 May 2015, and July 2016,
- having regard to the statement by the Spokesperson of the EEAS on the recent escalation of violence in Myanmar 02 December 2016,
- having regard to recent briefings of the United Nations High Commissioner for Human Rights (OHCHR) on Myanmar and the UN Special Rapporteur on the human rights situation in Myanmar of 29 and 18 November respectively, on the deteriorating human rights situation in northern Rakhine State,
- having regard to the UN Human Rights Council resolution on ‘Human rights and arbitrary deprivation of nationality’ of 15 July 2016 and on ‘Situation of human rights in Myanmar’ of 24 March 2016,
- having regard to the concluding observations on the combined fourth and fifth periodic reports UN convention on the elimination of all forms of discrimination against women of Myanmar of 25 July 2016,
- having regard to the joint communication by the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament and the Council: ‘Elements for an EU strategy vis-à-vis Myanmar/Burma: A Special Partnership for Democracy, Peace and Prosperity’ of 1 June 2016,
- having regard to the statement by the EU HR/VP Federica Mogherini on the entry into office of the new Government of the Union of Myanmar of 30 June 2016,
- having regard to the Council Conclusions on the EU strategy vis-à-vis Myanmar/Burma of 20 June 2016,
- having regard to the report of the United Nations High Commissioner for Human Rights: ‘Situation of human rights of Rohingya Muslims and other minorities in Myanmar’ of 29 June 2016,
- having regard to Article 3 of the Treaty on European Union (TEU) stating that in ‘its relations with the wider world’, the EU must contribute to the ‘eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter’,

- having regard to the report of the United Nations High Commissioner for Human Rights: ‘Situation of human rights of Rohingya Muslims and other minorities in Myanmar’ of 29 June 2016,
 - having regard to the 2014 UNHCR’s Campaign to End Statelessness by 2024,
 - having regard to the UN Resolution on ‘Elimination of all forms of intolerance and of discrimination based on religion or belief’ of 16 March 2009,
 - having regard to other UN instruments on statelessness and the right to nationality, such as the UN High Commissioner for Refugees (UNHCR) executive committee’s Conclusion No. 106 on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons of 6 October 2006,
 - having regard to Article 123 of its Rules of Procedure,
- A. Whereas ending the pro-military Union for Solidarity and Development Party’s (USDP) domination, Myanmar in November 2015 elected a new national Parliament and a democratically elected national Government was installed in March 2016 being the first fair and peaceful transition of power seen by the country since the military seized power in 1962 ;
 - B. whereas despite the overwhelming progress inspired by the NLD’s victory and the relatively balanced and fair nature of the 2015 elections, one aspect that has left many of Myanmar citizens disenfranchised is Myanmar’s Muslims were excluded from running as candidates on the 2015 ballot, and the Rohingya, one of the country’s most oppressed and persecuted ethnicities, were not allowed to vote;
 - C. whereas on 9 October 2016, violent attacks against Border Guard Police posts in Maungdaw township near the Bangladesh border of northern Rakhine State, security operations had both civilians and security personnel killed, and thousands of people were displaced and lost their livelihoods; whereas regular humanitarian assistance has been disrupted for many weeks, putting at risk over 150.000 vulnerable people; reports also indicate a marked deterioration of the human rights situation in northern Rakhine State;
 - D. whereas the Burmese government asserts the attack on October 9, was carried out by a Rohingya group, and made off with dozens of weapons and thousands of rounds of ammunition, the actual responsibility remains still unclear while a second attack on a border guard post that resulted in the death of a police officer reportedly occurred on November 3 2016;
 - E. whereas immediately after the October 9 attack, government forces declared Maungdaw district an “operation zone” and began sweeps of the area to find the attackers and lost weapons, which severely restricted the freedom of movement of

local populations and imposed extended curfews, which still remain, and the area sealed off to observers;

- F. whereas local sources reported that government forces committed serious human rights abuses, including torture, rape, extrajudicial executions, and widespread destruction of buildings, including mosques; whereas Myanmar government has repeatedly denied allegations of abuse and has said the situation on the ground is being carried out within the parameters of the rule of law;
- G. whereas journalists and outside observers have been restricted from accessing the military operation zones, making human rights groups' allegations of abuses against the Rohingya and the government's counter-claims impossible to verify; whereas scores have been killed and detained in the crackdown;
- H. whereas according to the UN refugee agency, as many as 10,000 Muslim residents of Rakhine State who self-identify as Rohingya have fled to neighbouring Bangladesh over the past few weeks, it is estimated that 30,000 people in northern Rakhine State have been displaced by the violence, half of them over a two-day period when dozens died after the military brought in helicopter gunships;
- I. whereas in the wake of the upsurge, UN refugee agency in Malaysia said more than 54,000 Rohingya are registered and worried that the spill-over effect of the humanitarian crisis facing the Rohingya could impact the safety, security and standing of Malaysia, as Myanmar's ASEAN neighbour;
- J. whereas Malaysia's prime minister Mr Najib followed through on a pledge and joined a demonstration against treatment of Muslim Rohingya on the December 04 in Kuala Lumpur, where he described the violence in Rakhine State as "genocide" and encouraged Muslim-majority Indonesia to also join the protests; whereas the Malaysian Foreign Ministry had a day earlier issued a statement in relation to the issue which read, "The fact that only one particular ethnicity is being driven out is by definition ethnic cleansing";
- K. whereas at regional parliamentary session in Mandalay in August 2015, the region's minister of border and security affairs, Dr. Myint Kyu, called on police to arrest gay people saying "The existence of gay men who assume they are women is unacceptable and must therefore be detained at police stations, to educate them, and then hand them back to their parents." He also indicated that the authorities had "checked on" and arrested nine gay men for "acting inappropriately";
- L. whereas Malaysia and Myanmar have been engaged in a war of words, that escalated when Malaysian Prime Minister Najib Razak attended a rally on 04 December in Kuala Lumpur where, around 500 people staged a protest outside Myanmar's embassy condemning the treatment of the Rohingya Muslim minority in Rakhine; whereas he's called on the Burmese government to take necessary actions to address the "alleged ethnic cleansing in northern Rakhine State," in a statement issued by Malaysia's Ministry of Foreign Affairs;

- M. whereas Malaysia summoned the Myanmar ambassador in Kuala Lumpur Malaysia to also abruptly pulled out of two scheduled football matches against Myanmar in a last-minute cancellation announced on November 30 and cited the handling of the Rakhine State crisis as the reason Malaysia would not compete in the December 9 and 12 matches;
- N. whereas UN's Rakhine State Advisory Commission head and former UN secretary general Kofi Annan has urged the government to focus on restabilising Rakhine State amid ongoing violence that has freshly displaced thousands and driven a further "wedge" between Buddhist and Muslim communities;
- O. whereas Kofi Annan, the former UN secretary general and chair of the Rakhine State Advisory Commission, reportedly told lawmakers that between the two communities in Rakhine State- the Muslim community is cooperating with the Rakhine State Advisory Commission but the Rakhine community's cooperation with the Advisory Commission has been weak;
- P. whereas another outbreak of violence reportedly began on November 11, where the Burmese military said that helicopter gunships called in to provide air support to its troops were attacked by hundreds of militants; whereas Burmese government reported the deaths of 69 alleged militants and 17 security force personnel, local groups reported significant civilian casualties, but the lack of access makes all casualty reports difficult to verify;
1. Deplores the loss of livelihoods and shelter, and reported disproportionate use of force by the armed forces to push many, particularly women and children, to seek refuge in neighbouring countries of Bangladesh and Malaysia,
 2. Welcomes the announcement by the Government of Myanmar on the establishment of a Commission of Inquiry into the recent violence in Rakhine State and while recognising the long-standing solidarity and hospitality of the Government and the people of Bangladesh, stress that it is important to keep its border open and ensure to those fleeing violence in Myanmar are not deported or turned back, at least until a satisfactory and dignified solution for their situation has been found;
 3. Calls on the Burmese government to urgently allow for United Nations assisted investigation in the recent events in Rakhine State's Maungdaw district, to examine the deadly attacks on border guard posts on October 9, and allegations that government security forces subsequently committed summary killings, sexual violence, arson, and other rights abuses against ethnic Rohingya villagers in the district;
 4. Calls on the Burmese government to immediately allow humanitarian aid from international and domestic sources to areas where conflict and displacement are making thousands vulnerable, and permit outside observers, including United Nations agencies, foreign diplomats, nongovernmental human rights organizations, and the media unhindered and unaccompanied access to areas of conflict, including the area around Maungdaw in Rakhine State;

5. Expresses serious concerns over the situation of LGBTI people in Myanmar, who are still criminalised under Section 377 of the Penal Code, and continue to face arbitrary arrest and detention, intimidation, physical and sexual assault, and denial of health services; encourages the authorities to amend section 377 to apply only to instances of non-consensual sex;
6. Calls on the EU and its members states to maintain scrutiny of Burma/Myanmar under item 4 of the Human Rights Council until key reform benchmarks met, including non-discrimination against Rohingya, support international involvement in investigation into violations in Rakhine State and establishment of OHCHR country office,
7. Calls for thorough, prompt, and impartial investigations of all alleged violations of human rights and humanitarian law, appropriately prosecute those responsible, and provide adequate redress for victims of violations and to ensure there is no retribution or retaliation whatsoever against anyone who speaks to or otherwise communicates with such outside observers;
8. Calls on Sakharov Prize laureate Aung San Suu Kyi to use her key positions in the Government of Myanmar to improve the situation of the Rohingya minority;
9. Request the Burmese government to investigate all allegations of human rights violations by the military against civilians and to take all necessary measures to ensure that the military abides by the laws of war while engaged in armed conflict against ethnic armed groups, including Common Article 3 to the Geneva Conventions of 1949 and customary laws of war;
10. Believes the Burmese government has the right and responsibility to defend its people, but insists that such actions must be conducted in accordance with respect for human rights and the rule of law;
11. Calls on the international community also to help the Myanmar refugees in neighbouring countries; and urges the EU Member States to set up immediately a credible and holistic European system to manage the migration routes from Sub-Saharan Africa to the Middle-East and Northern Africa, offer sustainable development solutions to the origin countries such as Nigeria and bring an end to the human tragedies taking place on these routes;
12. Invite the Office of the United Nations High Commissioner for Human Rights (OHCHR) to open an office with a full mandate and adequate staff;
13. Believes that the Burmese government can only preserve its international standing by responding concretely to the concerns of the international community in resolving the crises by taking a strong stance against hardliners, and the adoption of a proactive approach to providing security to the local population rather than the generally defensive method currently in use;
14. Urges the governments of the countries presently coping with the influx of Rohingya

refugees, particularly Bangladesh, Pakistan, Thailand and Malaysia, to cooperate closely with UNHCR which has the technical expertise mandate to protect refugees and stateless people;

15. Calls on the EU to support the UNHRC in its efforts to help Rohingya refugees in the South and Southeast Asia region and the EEAS to continue the regular bilateral human rights dialogue on the situation regarding problematic legislation and discrimination of minorities, in particular the Rohingyas, in detail and to report back to the European Parliament regarding the outcome of these discussions;
16. Calls on the EU and its Member States to maintain scrutiny of Burma/Myanmar under item four of the Human Rights Council until key reform benchmarks met, including non-discrimination against Rohingya, support of international involvement in investigation into violations in Rakhine State and establishment of OHCHR country office;
17. Instructs Myanmar President to forward this resolution to the Parliament of Myanmar, the HR/VP, the Commission, the governments and parliaments of the EU and its Member States, 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 and the UN Human Rights Council.