



Plenary sitting

B8-0292/2018

12.6.2018

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 refugees, in particular the plight of children (2018/2756(RSP))

Barbara Lochbihler, Jean Lambert, Heidi Hautala, Judith Sargentini, Bodil Valero, Jordi Solé, Igor Šoltés, Maria Heubuch
on behalf of the Verts/ALE Group
Fabio Massimo Castaldo, Ignazio Corrao

European Parliament resolution on the situation of the Rohingya refugees, in particular the plight of children (2018/2756(RSP))

The European Parliament,

- having regard to its previous resolutions on Myanmar and on the situation of Rohingya Muslims, in particular those of 14 December 2017¹, 14 September 2017², 7 July 2016³ and 15 December 2016⁴, and of 13 June 2017 on statelessness in South and South East Asia⁵,
- having regard to the Council conclusions on Myanmar/Burma of 16 October 2017, and of 26 February 2018,
- having regard to the remarks by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, in Cox's Bazar, Bangladesh on 19 November 2017,
- having regard to the statement of 6 September 2017 by the VP/HR on the situation in Rakhine State, to the statement of 11 September 2017 by the VP/HR on the latest developments in Rakhine State, Myanmar and the border region in Bangladesh,
- having regard to the Joint Statement by the VP/HR and UNICEF Executive Director on the EU and UNICEF: Partners for Children of 25 May 2018,
- having regard to the UN Office of the High Commissioner for Human Rights report of the Special Rapporteur on the situation of human rights in Myanmar of 9 March 2018,
- having regard to the joint communication of 1 June 2016 by the Commission and the VP/HR to the European Parliament and the Council entitled 'Elements for an EU strategy vis-à-vis Myanmar/Burma: A Special Partnership for Democracy, Peace and Prosperity' (JOIN(2016)0024),
- having regard to the joint press release on the fourth EU-Myanmar Human Rights Dialogue of 5 March 2018,
- having regard to the Council conclusions on statelessness of 4 December 2015,
- having regard to the Memorandum of Understanding between Myanmar and Bangladesh on the repatriation of Rohingya people from Bangladesh to Myanmar, signed on 23 November 2017, and to the 'Physical Arrangement' on the repatriation of Rohingya people signed on 18 January 2018,

¹ Texts adopted, P8_TA(2017)0500.

² Texts adopted, P8_TA(2017)0351.

³ Texts adopted, P8_TA(2016)0316.

⁴ Texts adopted, P8_TA(2016)0506.

⁵ Texts adopted, P8_TA(2017)0247.

- having regard to the 27th special session of the UN Human Rights Council on the human rights situation of the minority Rohingya Muslim population and other minorities in Rakhine State, Myanmar,
 - having regard to the 1951 UN Convention Relating to the Status of Refugees and the 1967 Protocol thereto,
 - having regard to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness,
 - having regard to the UNHCR Global Action Plan to End Statelessness 2014-2024,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the UN Convention on the Rights of the Child,
 - having regard to the Final Report of the Advisory Commission on Rakhine State,
 - having regard to the International Covenant on Civil and Political Rights of 1966 and the International Covenant on Economic, Social and Cultural Rights of 1966,
 - having regard to the ASEAN Charter,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Rakhine State in Myanmar is home to approximately one million Rohingya, a predominantly Muslim minority group facing repression and continued serious human rights violations, including threats to life and security, denial of the right to health and education, malnutrition and food insecurity, forced labour, sexual violence and limitations on their political rights;
- B. whereas the Rohingya are one of the most persecuted minorities in the world, and whereas they are denied full citizenship rights and rendered stateless under Myanmar's 1982 Citizenship Law; whereas the Rohingya are largely confined to camps with severe restrictions placed on free movement within and outside Rakhine State;
- C. whereas since August 2017 more than 700 000 Rohingya have fled for safety to neighbouring Bangladesh; whereas the total number of Rohingya refugees in Bangladesh has now exceeded 1 million of which approximately 400,000 are children; whereas the murder, rape and torture of Rohingya and the burning down of their villages in Rakhine are used as a tool to permanently damage the social structure of the Rohingya and to traumatise the population; whereas Rohingya women who are pregnant or who have small children have travelled many miles afoot, arriving to the refugee camps sick from mental and physical stress, starvation and injury;
- D. whereas the attacks on security posts in August 2017 provoked an overwhelmingly disproportionate response from the Myanmar military, which committed severe human rights violations against the Rohingya people;
- E. whereas according to recent estimations by UNICEF, more than 16,000 babies have been born in appalling conditions in refugee camps and informal settlements in Cox's

Bazar in the nine months since the spike in violence in Rakhine; whereas, according to estimates reported by UNICEF, only 18 per cent of mothers currently give birth in health centres; whereas there is a high risk that new-borns remain unregistered, which would further increase their vulnerability;

- F. whereas, of all the babies born in the camps since September, only about 3,000 – or 1 in 5 – were delivered in health facilities; whereas children fleeing Myanmar are particularly affected by life threatening malnutrition and have faced severe trauma, including loss of one or both parents, separation from family, physical abuse, sexual exploitation and witnessing crimes against humanity; whereas children in the refugee camps only have access to education activities that only provide very basic tuition;
- G. whereas Rohingya children and women are extremely exposed to the risk of being trafficked into prostitution as well as to the risk of sexual harassment and violence in the refugee camps in Bangladesh;
- H. whereas, according to the UN, around 200,000 of refugees in the camps would be in danger during the approaching monsoon season as shelters are very vulnerable to landslides and flooding;
- I. whereas in March this year the United Nations launched an appeal for USD 951 million to help the Rohingya refugees for the rest of 2018, which is currently funded only by around 20%;
- L. whereas the Governments of Myanmar and Bangladesh have signed a non-binding memorandum of understanding and a second implementation agreement on 18 January 2018 with a view to guaranteeing the safe return of the Rohingya refugees who fled to Bangladesh; whereas since the signature of the repatriation deals only a few dozen refugees have reportedly returned; whereas the vast majority of the long-persecuted and stateless minority refusing to go back unless their safety, freedom of movement and religion and citizenship are secured;
- M. whereas Myanmar has so far refused to allow a fact-finding mission set up by the UN Human Rights Council to enter the country and has barred UN Special Rapporteur on the human rights situation in Myanmar, Yanghee Lee, rejecting nearly all allegations that its security forces committed atrocities in Rakhine;
- N. whereas the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, announced on 10 September 2017 that the situation in Myanmar 'seems like a textbook example of ethnic cleansing' and on 5 December 2017 that an act of genocide against Rohingya Muslims by state forces in Myanmar cannot be ruled out; whereas Amnesty International has described the situation for minorities in Rakhine State as one of 'apartheid' and whereas the UN Human Rights Council has condemned 'the very likely commission of crimes against humanity' in Myanmar;
- O. whereas in April, the International Criminal Court's (ICC) prosecutor Fatou Bensouda asked the court to rule on whether the ICC can exercise jurisdiction over alleged deportation of the Rohingya people from Myanmar to Bangladesh; whereas a ruling affirming such jurisdiction could pave the way for the ICC to investigate Myanmar for crime against humanity or deportation;

- P. whereas a tripartite memorandum of understanding was signed between Myanmar, UNHCR and UNDP on 6 June, which is not yet public; whereas UNHCR stated that this agreement is the first and necessary step to support the government's effort to change that situation and is also intended to support recovery and resilience-based development for the benefit of all communities living in Rakhine state; whereas UNHCR and UNDP declared that the MoU will allow them to enter the Rakhine state, including to refugees' places of origin and potential new settlement areas; whereas, on the same occasion, UNHCR also stated that that the conditions for voluntary return are not conducive yet;
1. Expresses profound outrage and strong condemnation of Myanmar army's acts of crimes against humanity in Rakhine state and conveys profound dismay at the Myanmar government's refusal to cooperate with the UN Fact-finding Mission and the UN Special Rapporteur; expresses grave concern at the increasing gravity of the humanitarian and human rights situation;
 2. Commends the efforts made by Bangladesh in the face of the magnitude and complexity of such humanitarian crisis and in particular the decision to keep the border with Myanmar open; welcomes the protection Bangladesh has provided for Rohingya people fleeing Myanmar and encourages it to continue offering support in cooperation with the UNHCR;
 3. Expresses grave concern at the potentially catastrophic humanitarian situation facing the refugee camps as the monsoon season intensifies and acknowledges the efforts made by the Government of Bangladesh, UNHCR, IOM and NGOs to relocate the most vulnerably-housed refugees and increase preparedness in the camps;
 4. Urges the international community and international donors to step up their engagement and to make available without delay the necessary funding in order to continue providing adequate humanitarian aid and assistance as well as support to the local and hosting communities in Bangladesh as long as needed;
 5. Recalls the need for medical and psychological assistance to be provided in the refugee camps particularly tailored for vulnerable groups including women and children; calls for increased support services for victims of rape and sexual assault; stresses the importance of providing access to information and services on sexual and reproductive health including contraception and safe abortion;
 6. Deplores the trafficking and sexual exploitation of women and children; stresses the need for ongoing vigilance and protection in the camps to ensure that child and women-friendly spaces are maintained; urges the authorities of Bangladesh and Myanmar to work with the UNHCR, human rights organisations and the international community to uncover sex trafficking networks, bring those responsible to justice and provide comprehensive medical and psychological support to affected women and children;
 7. Is concerned at the limited level of education Rohingya children are allowed to access in the refugee camps; underlines the importance of allowing full access to education as can be provided in school facilities by UN agencies and NGOs, so that all children are

able to develop their potential;

8. Welcomes the memorandum of understanding agreed between Myanmar, UNHCR and UNDP on 6 June as a first concrete step towards a full involvement of UN agencies in the repatriation process; stresses however the importance of making the agreement publicly available as soon as possible; recalls that voluntary, safe and dignified return of the Rohingya people to their places of origin without discrimination of any kind, and with full UN oversight remains an essential condition;
9. Insists that the Myanmar authorities ensure the safe, orderly and legal return of the Rohingya people, under the auspices of the UN, once the conditions for return are fulfilled; reaffirms the principle of non-refoulement and insists that no refugees are forcibly returned to Myanmar; urges the government of Myanmar to fully implement the recommendations of the Rakhine Advisory Commission without delay and to appoint an implementation body as soon as possible; encourages the EU, UN and other international actors to support the process;
10. Recalls that the Myanmar authorities have a duty to protect from abuse all civilians, without discrimination, to investigate grievous human rights violations and to prosecute those responsible, in accordance with human rights standards and obligations;
11. Calls on the authorities of Myanmar to grant immediate and unfettered access into Rakhine state to independent monitors, in particular the UN Fact-Finding Mission established by the UN Human Rights Council and the UN Special Rapporteur, to ensure independent and impartial investigations into allegations of serious human rights violations by all parties; urges all parties to ensure there is no impunity for human rights violations; presses for continued UN Security Council action;
12. Urges Myanmar to commit to tackling the root causes of the crisis, including by implementing the recommendations of the Annan Commission Report, granting citizenship to the Rohingyas and holding those responsible for violence, and atrocities and other crimes to account;
13. Insists that those responsible for atrocity crimes in Rakhine state be held accountable in line with international due process rules; supports the International Criminal Court's Chief Prosecutor's request to ICC judges to confirm the court's jurisdiction over the crime of deportation of Rohingya people from Myanmar into Bangladesh and urges the EU and the EU Member States to take the lead in taking the necessary further steps within the UN Security Council in that respect; is of the view that justice is a fundamental component of a sustainable solution to ensure the return of Rohingya;
14. Urges the EU and the EU Member States to take the lead in the 2018 Autumn sessions of the UN General Assembly and the UN Human Rights Council and ensure the urgent establishment of a dedicated UN International Independent Impartial Mechanism (IIIM) with a mandate to gather, preserve and analyse evidence of serious violations of international law in Rakhine state;
15. Welcomes the recent Council's decision to extend the arms embargo against Myanmar and urges the Council to agree on targeted financial and travel sanctions against those responsible for atrocities, for preventing access to Rakhine state and for obstructing

genuine and impartial criminal investigations, including Commander in Chief Sr. Gen. Min Aung Hlaing; further calls on the UN Security Council to impose a global comprehensive arms embargo on Myanmar, suspending all direct and indirect supply, sale or transfer, including transit and trans-shipment of all weapons, munitions and other military and security equipment, as well as the provision of training or other military and security assistance;

16. Calls on the Commission to consider consequences in the context of the trade preferences Myanmar enjoys, including considering launching an investigation under the mechanisms provided for in the Everything But Arms provisions;
17. Calls on ASEAN and regional governments to continue to take action and to increase pressure on the Government of Myanmar and the country's military to halt rights abuses and protect all civilians in Rakhine state and throughout Myanmar;
18. Instructs its President to forward this resolution to the Government and Parliament of Myanmar, the Government and Parliament of Bangladesh, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the governments and parliaments of the Member States, the Secretary-General of ASEAN, the ASEAN Intergovernmental Commission on Human Rights, the UN Special Rapporteur on the situation of human rights in Myanmar, the UN High Commissioner for Refugees and the UN Human Rights Council.