



Plenary sitting

B9-0081/2019

17.9.2019

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 144 of the Rules of Procedure

on Myanmar, notably the situation of the Rohingya
(2019/2822(RSP))

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on behalf of the Verts/ALE Group

European Parliament resolution on Myanmar, notably the situation of the Rohingya (2019/2822(RSP))

The European Parliament,

- having regard to its previous resolutions on Myanmar and on the situation of Rohingya people, notably those adopted on 13 September 2018, 14 June 2018, 14 December 2017, 14 September 2017, 7 July 2016 and 15 December 2016,
- having regard to the Council conclusions on Myanmar of 16 October 2017, of 26 February 2018 and of December 2018;
- having regard to the reports of the Independent International Fact-Finding Mission on Myanmar of the United Nations Human Rights Council of 8 August 2019 and 24 August 2018;
- having regard to the Final Report of the Advisory Commission on Rakhine State;
- having regard to international humanitarian law, the Geneva Conventions and the Protocols thereto and the Rome Statute of the International Criminal Court (ICC),
- having regard to the prosecutor of the International Criminal Court's request of Pre-Trial Chamber III for authorization to open an investigation into the crime of deportation from Myanmar to Bangladesh and any other crimes which are linked to these events,
- having regard to the decision of Pre-Trial Chamber I of the ICC of 6 September 2018,
- having regard to the UN Security Council report of the Secretary-General on conflict-related sexual violence of 23 March 2018,
- having regard to Rule 144 of its Rules of Procedure,

A. 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 the estimate of up to 10 000 deaths is considered by experts to be conservative;

B. whereas 600 000 Rohingya are estimated to remain in the Rakhine State, including 126 000 Rohingya who remain in camps for internally displaced persons in central Rakhine, living in appalling conditions and with no plan for their return to their hometowns;

D. whereas the Rohingya population in Myanmar is subject to severe discriminatory policies and practices, 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;

E. whereas Myanmar's Citizenship Law declares the Rohingya "non-national" or "foreign residents", depriving them of citizenship; whereas as a result the Rohingya population does not enjoy basic civil, political and socio-economic rights such as freedom of movement, political participation, employment or social welfare;

F. whereas women and girls were systematically abducted, detained and raped in military and police compounds, often amounting to sexual slavery; whereas rape and other forms of sexual violence were perpetrated on a massive scale; whereas rape is considered as a tactic of war and a threat to international security, as referred to in UNSC Resolution 1820;

G. whereas on 24 August 2018 the Independent International Fact-Finding Mission on Myanmar published its report which contains evidence according to which actions from Myanmar's armed forces, known as Tatmadaw, amounted to the gravest crimes under international law, this is, genocide, crimes against humanity and war crimes; whereas the Mission has drawn up a non-exhaustive list of alleged perpetrators of crimes under international law, which it has further updated in its report of August 2019;

H. whereas according to the latest report of the Independent International fact-finding mission, Myanmar Government's acts continue to be part of a widespread and systematic attack that amounts to persecution and other crimes against humanity against the remaining Rohingya in Rakhine State; whereas the report further states that there is a strong inference of genocidal intent on the part of the State, that there is a serious risk that genocidal actions may recur, and that Myanmar is failing in its obligation to prevent genocide, to investigate genocide and to enact effective legislation criminalizing and punishing genocide;

I. 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 the UN Special Rapporteur on the human rights situation in Myanmar, Yanghee Lee, rejecting nearly all allegations that its security forces committed atrocities in Rakhine;

J. whereas impunity is deeply entrenched in Myanmar's political and legal system; whereas none of the ad hoc inquiry commissions and boards created by Myanmar authorities meets the standard of an impartial, independent, effective and thorough human rights investigation;

L. whereas in April 2018, 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 the ICC confirmed on 8 September 2018 that the Court may exercise jurisdiction over the alleged deportation of the Rohingya people from Myanmar to Bangladesh;

M. whereas international companies, including a number of EU companies, have not stopped business with Myanmar's military, even after the findings of the Independent International fact-finding mission were made public;

N. whereas social media platforms have been used in Myanmar to spread smear campaigns and conspiracy theories targeting Rohingya and Muslims in the country; whereas the United Nations Special Rapporteur on the situation of human rights in Myanmar Yanghee Lee

warned that the agitation against Rohingya on social media had increased massively and was inflaming the conflict;

O. whereas in the last weeks the Rohingya refugees in Bangladesh have suffered from restrictions on their rights to freedom of expression, peaceful assembly and association; whereas curfews and communications shutdowns could facilitate further serious human rights abuses against them;

1. Expresses profound outrage and strong condemnation of Myanmar army's acts which amount to crimes against humanity, genocide and war crimes against the Rohingya population, 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 situation and the continuous violations of human rights;

2. Urges the Government of Myanmar and the security forces to put an immediate end to the ongoing violations, killings, destruction of property and sexual violence against the Rohingya people, and to abide by human rights standards and the respect to the rule of law;

3. Calls on the authorities of Myanmar to grant immediate and unfettered access into Rakhine state to independent monitors, in particular the UN Special Rapporteur and the members of the Independent Investigative Mechanism, to ensure further independent and impartial investigations into allegations of serious human rights violations by all parties;

4. Strongly welcomes the decision of the UN Human Rights Council to establish a dedicated Independent Investigative Mechanism to collect, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011; commends the EU's role on its establishment and calls on its Member States to provide the necessary support, including financial one, that the Independent Investigative Mechanism might require;

5. Welcomes the decision by the ICC regarding its jurisdiction over the deportation of the Rohingya people from Myanmar; welcomes the decision by Chief Prosecutor Fatou Bensouda to open a preliminary investigation in this regard; stresses the need for accountability with respect to the rest of atrocity crimes which have been committed in Myanmar; urges the UNSC to take action and to refer the situation to the ICC or to create an ad hoc international criminal tribunal; 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 convinced that justice is a fundamental component of a sustainable solution to ensure the return of Rohingya;

6. Urges the UNSC to adopt targeted individual sanctions, including travel bans and asset freezes, against those who appear responsible for serious crimes under international law, and 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;

7. Recalls that in past resolutions the European Parliament welcomed 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, that the Government of Myanmar has not taken the necessary steps to allow for the return of the Rohingya refugees to the country;

8. 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;

9. Welcomes the Council's decision to adopt additional designations for restrictive measures against senior military and border guard police officers responsible for human rights violations; expects a constant review of the individuals under the sanctions regime, particularly taking into account the latest compilation made by the Independent International Fact-Finding mission and the companies that are contributing to or are benefitting economically from their business contracts with Myanmar's military;

10. Urges the European Commission to swiftly launch an investigation under the mechanisms provided for in the Everything But Arms scheme with the view of suspending the trade preferences that Myanmar benefits of and to keep the EP duly informed of the steps to take;

11. Asks the EU and its Member States to promote the adoption of a resolution at the next Human Rights Council which would inter alia request the Office of the High Commissioner for Human Rights to produce a database of business companies that are contributing to or are benefitting economically from their business contracts with Myanmar's military;

12. 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;

13. 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.