



Plenary sitting

**B9-0050/2019 }
B9-0081/2019 }
B9-0086/2019 }
B9-0087/2019 }
B9-0091/2019 }
B9-0092/2019 } RC1**

18.9.2019

JOINT MOTION FOR A RESOLUTION

pursuant to Rules 144(5) and 132(4) of the Rules of Procedure

replacing the following motions:

B9-0050/2019 (ECR)
B9-0081/2019 (Verts/ALE)
B9-0086/2019 (S&D)
B9-0087/2019 (Renew)
B9-0091/2019 (GUE/NGL)
B9-0092/2019 (PPE)

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

Michael Gahler, Tomáš Zdechovský, David Lega, Antonio López-Istúriz White, Loránt Vincze, Vladimír Bilčík, David McAllister, Željana Zovko, Arba Kokalari, Lefteris Christoforou, Loucas Furlas, Romana Tomc, Karoline Edtstadler, Ivan Štefanec, Michaela Šojdrová, Vangelis Meimarakis, Milan Zver, Manolis Kefalogiannis, Isabel Wiseler-Lima, Tomasz Frankowski, Sandra Kalniete, Esther de Lange, Stanislav Polčák, Stelios Kypourouopoulos, Francisco José Millán Mon, Rosa Estaràs Ferragut, Inese Vaidere, Andrey Kovatchev
on behalf of the PPE Group
Kati Piri, Agnes Jongerius

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PE637.818v01-00 }
PE637.819v01-00 }
PE637.824v01-00 }
PE637.825v01-00 }
PE637.829v01-00 }
PE637.830v01-00 } RC1

on behalf of the S&D Group

Urmas Paet, Atidzhe Alieva-Veli, Abir Al-Sahlani, Andrus Ansip, Petras Auštrevičius, Phil Bennion, Izaskun Bilbao Barandica, Sylvie Brunet, Olivier Chastel, Katalin Cseh, Chris Davies, Anna Júlia Donáth, Laurence Farreng, Fredrick Federley, Valter Flego, Klemen Grošelj, Christophe Grudler, Irena Joveva, Ondřej Kovařík, Ilhan Kyuchyuk, Nathalie Loiseau, Karen Melchior, Javier Nart, Lucy Nethsingha, Bill Newton Dunn, Dragoș Pîslaru, Frédérique Ries, María Soraya Rodríguez Ramos, Michal Šimečka, Susana Solís Pérez, Nicolae Ștefănuță, Ramona Strugariu, Hilde Vautmans, Marie-Pierre Vedrenne, Chrysoula Zacharopoulou

on behalf of the Renew Group

Heidi Hautala, Hannah Neumann, Ernest Urtasun, Saskia Bricmont, Klaus Buchner, Bronis Ropé, Ville Niinistö, Catherine Rowett, Erik Marquardt, Anna Cavazzini, Viola Von Cramon-Taubadel, Kim Van Sparrentak, Tineke Strik, Ellie Chowns

on behalf of the Verts/ALE Group

Anna Fotyga, Karol Karski, Raffaele Fitto, Ruža Tomašić, Witold Jan Waszczykowski, Evžen Tošenovský, Valdemar Tomaševski, Assita Kanko

on behalf of the ECR Group

Marisa Matias, Younous Omarjee, Stelios Kouloglou, Dimitrios Papadimoulis

on behalf of the GUE/NGL Group

Fabio Massimo Castaldo, Miroslav Radačovský

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 the Rohingya, notably those of 21 May 2015¹, 7 July 2016², 15 December 2016³, 14 September 2017⁴, 14 June 2018⁵ and 13 September 2018⁶,
- having regard to the Council conclusions of 26 February 2018 on Myanmar/Burma and to those of 10 December 2018,
- having regard to the Fifth European Union-Myanmar Human Rights Dialogue held in Nay Pyi Taw, Myanmar on 14 June 2019,
- having regard to the 1951 UN Convention on the Status of Refugees and the 1967 Protocol thereto,
- having regard to the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide,
- having regard to the final report and recommendations of the Kofi Annan-led Advisory Commission on Rakhine State,
- having regard to the UN Security Council report of the Secretary-General on conflict-related sexual violence, released on 23 March 2018 (S/2018/250),
- having regard to the UN Human Rights Council (HRC) report of 8 August 2018 (A/HRC/42/50) on the detailed findings of the Independent International Fact-Finding Mission on Myanmar (UNIFFM), UN HRC Resolution of 3 October 2018 on the situation of human rights of Rohingya Muslims and other minorities in Myanmar (A/HRC/RES/39/2) and the UN HRC report of 7 August 2019 on the UN Independent Investigative Mechanism for Myanmar (A/HRC/42/66),
- having regard to the report of the UNIFFM of 22 August 2019 on sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts (A/HRC/42/CRP.4),
- having regard to the Geneva Convention of 1949 and the additional protocols thereto,
- having regard to the Universal Declaration of Human Rights of 1948,

¹ OJ C 353, 27.9.2016, p. 52.

² OJ C 101, 16.3.2018, p. 134.

³ OJ C 238, 6.7.2018, p. 112.

⁴ OJ C 337, 20.9.2018, p. 109.

⁵ Texts adopted, P8_TA(2018)0261.

⁶ Texts adopted, P8_TA(2018)0345.

- having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas since 2017, more than 700 000 Rohingya have fled Myanmar for safety in neighbouring Bangladesh following repression, continued serious human rights violations, including widespread killings, rape and the burning of villages committed by the Myanmar armed groups in Rakhine State, which had been home to over 1 million Rohingya;
- B. whereas the Rohingya are widely considered one of the most persecuted minorities and constitute the largest stateless group, with many of them now living in the largest refugee settlement in the world, Kutupalong, in Cox’s Bazar, Bangladesh;
- C. whereas the refugee camps in Bangladesh are overcrowded and blighted by unsanitary conditions, provide limited access to maternal care and healthcare for women and children and are extremely vulnerable to natural disasters, including landslides and floods; whereas the Rohingya population living in the refugee camps still face grave threats and are, owing to poor-quality food and water, at serious risk of various diseases and infections; whereas Rohingya children still lack sufficient access to formal education; whereas in the last few weeks the Rohingya refugees in Bangladesh have suffered 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;
- D. whereas some 600 000 Rohingya are estimated to remain in Rakhine State, who are being subjected to ongoing discriminatory policies and practices, systematic violations of their fundamental rights, arbitrary arrests, confinement in overcrowded camps, a lack of freedom of movement and severely limited access to education and healthcare;
- E. whereas since June 2019, the authorities of Myanmar have imposed a telecommunications blackout on northern and central Rakhine State and Paletwa in Chin State; whereas there are tight military controls in place limiting access to and media coverage in Rakhine State;
- F. whereas Myanmar and Bangladesh have announced repatriation plans, which were cancelled owing to a lack of guarantees; whereas the refugees have been severely traumatised and fear going back; whereas all returns must be safe, voluntary, dignified, sustainable and in line with the principle of non-refoulement;
- G. whereas on 27 August 2018 the UNIFFM published its report, which concluded that the most serious of human rights violations and gravest crimes under international law, including crimes against humanity and likely genocide, were committed against the Rohingya; whereas on 10 December 2018 the Council expressed deep concern over the findings of the UNIFFM; 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;
- H. whereas according to the latest report of the UNIFFM of 16 September 2019, the actions of the Myanmar Government 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, furthermore, in its report of 22 August 2019, the UNIFFM reported severe and ongoing deliberate acts of sexual and gender-based violence, including systematic rape, gang rape and forced sexual acts committed by the Myanmar military and security forces against Rohingya women, children and transgender people as part of a cleansing campaign to terrorise and punish ethnic minorities; whereas sexual violence is used to divide entire communities and deter women and girls from returning to their homes; whereas in the camps rape victims may have to face social exclusion by their communities;

- I. whereas the EU has consistently called for those responsible for such crimes to be held to account and presented and sponsored the resolutions adopted at the UN Human Rights Council on 27 September 2018 and at the UN General Assembly Third Committee on 16 November 2018; whereas the authorities in Myanmar refuse to seriously investigate human rights violations against the Rohingya and hold their perpetrators to account; whereas Myanmar continues to deny that these rights violations ever occurred; whereas the most senior military figures who supervised the attacks against the Rohingya remain in their posts; whereas the authorities refuse to cooperate with the UN mechanisms;
- J. whereas on 29 April 2019, the Council extended the restrictive measures on Myanmar by one year until 30 April 2020, including asset freezes and travel bans on 14 senior military, border guard and police officials in Myanmar responsible for human rights violations committed against the Rohingya population, ethnic minority villagers and civilians in Rakhine, Kachin and Shan States;
- K. whereas the Rohingya people have been officially stateless since the enactment of the 1982 Burmese citizenship laws, which deprive the Rohingya of basic civil, political and socio-economic rights such as freedom of movement, political participation, employment and social welfare; whereas an estimated 1.1 million Rohingya are denied access to citizenship; whereas Rohingya who do return would be forced to sign national verification cards, which would deprive them of citizenship of Myanmar;
1. Reiterates its strong condemnation of all past and present human rights violations and the systematic and widespread attacks, including killings, harassment, rape and the destruction of property which, according to the records of the UNIFFM and the Office of the UN High Commissioner for Human Rights, amount to genocide, war crimes and crimes against humanity perpetrated by the armed forces against the Rohingya population; strongly condemns the disproportionate response of the military and the security forces; stresses that the military has constantly failed to respect international human rights law and international humanitarian law;
2. Expresses its gravest concern about the ongoing conflict, violations and reported sexual and gender-based violence against the Rohingya in Myanmar by the armed forces; condemns such violations of international humanitarian and human rights law and reiterates its calls on the Government of Myanmar, under the leadership of Aung San Suu Kyi, and on the security forces to put an immediate stop to the ongoing violations, killings, and sexual and gender-based violence against Rohingya people and other

ethnic groups;

3. Condemns the ongoing discrimination against the Rohingya and the severe restrictions imposed on their freedom of movement and the deprivation of their basic services in Myanmar; underlines that media freedom and critical journalism are essential pillars of democracy and essential for promoting good governance, transparency and accountability; calls on the Government of Myanmar to allow full and unhindered access to Rakhine, Kachin and Shan States for international observers, including the UN Special Rapporteur on the situation of human rights in Myanmar, independent monitors and human rights and humanitarian organisations so as to ensure independent and impartial investigations into allegations of serious human rights violations by all parties and to lift the internet blackout in the remaining four townships of Ponnagyun, Mrauk-U, Kyuaktaw and Minbya;
4. Calls on the authorities of Myanmar to create conditions and guarantees for the safe, voluntary, dignified and sustainable return, under the oversight of the UN, of those Rohingya who wish to return to their native land; urges the governments of both Myanmar and Bangladesh to fully abide by the principle of non-refoulement; urges the Government of Myanmar to acknowledge and recognise the full citizenship of the Rohingya, including the corresponding rights and constitutional safeguards, and to fully implement the recommendations of the Rakhine Advisory Commission without delay; further calls on the Government of Myanmar to enter into dialogue with Rohingya officials and to recognise the Rohingya as one of the 135 ethnic groups recognised by law in Myanmar;
5. Acknowledges the work of the Fifth European Union-Myanmar Human Rights Dialogue; notes that discussions covered a wide range of human rights issues, including accountability for human rights violations, the situation in Rakhine, Kachin and Shan States, including humanitarian access, fundamental rights and freedoms, the needs of displaced persons, economic and social rights, migration and human rights cooperation in multilateral fora; regrets the fact that the dialogue has had no effect on the situation on the ground;
6. Calls on the Government and the armed forces of Myanmar to allow credible and independent investigations into the alleged serious and systematic human rights violations; stresses that the perpetrators of such crimes must be brought to justice without delay;
7. Reiterates its call on the European External Action Service (EEAS) and the Member States to seek accountability in multilateral fora for the perpetrators of crimes in Myanmar; welcomes, in that regard, the leadership shown by the EU in establishing the UN Independent Investigative Mechanism for Myanmar (IIMM) in order to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations committed in Myanmar since 2011; calls on Myanmar to cooperate with international efforts to ensure accountability, including by allowing access to the country for the newly operational IIMM; calls for the EU, its Member States and the international community to ensure that the IIMM has the requisite support, including financial support, to execute its mandate;

8. Welcomes the adoption of sanctions by the EU's Foreign Affairs Council on 24 June 2018 and 21 December 2018 against military and officials from the Myanmar Armed Forces (Tatmadaw), border guard and police responsible for serious human rights violations against the Rohingya population and expects those individuals to be the subject of constant review under the sanctions regime; reiterates its call on the UN Security Council to impose a comprehensive arms embargo on Myanmar and to adopt targeted sanctions against those natural and legal persons who appear to be responsible for serious human rights violations;
9. Reminds the Government of Myanmar that it must fulfil its obligations and commitments in relation to democratic principles and fundamental human rights, which are an essential component of the Everything But Arms (EBA) scheme; expects the Commission to launch an investigation in this regard; regrets the fact that the Commission has not yet launched such an investigation;
10. Welcomes the decision of the International Criminal Court (ICC) regarding its jurisdiction over the deportation of Rohingya people from Myanmar and the decision of the ICC Chief Prosecutor to open a preliminary investigation into crimes committed against the Rohingya population under the court's jurisdiction since October 2016; calls on the authorities of Myanmar to cooperate with the ICC; calls on Myanmar to becoming a signatory of the Rome Statute of the ICC; calls on the UN Security Council to refer the situation in Myanmar to the ICC, including all crimes under its jurisdiction committed against the Rohingya, or to create an hoc international criminal tribunal; reiterates its call for the EU and its Member States to take the lead on the UN Security Council on the request to refer the situation in Myanmar to the ICC; further calls for the EU and its Member States to join and support efforts to open a case on Myanmar's possible violation of the UN Genocide Convention before the International Court of Justice;
11. Calls for the EU and its Member States to promote the adoption of a resolution on Myanmar at the next session of the UN Human Rights Council;
12. Commends the efforts undertaken by the Government and people of Bangladesh to provide refuge and security for Rohingya refugees and encourages them to continue to provide humanitarian assistance to refugees from Myanmar; calls on the authorities of Bangladesh to guarantee full and discrimination-free access to quality education for Rohingya children, to lift restrictions on access to the internet and online communications and to freedom of movement, and to ensure that the security forces operating in the camps uphold all standards to protect refugees' personal security;
13. Welcomes the EU's disbursement, in early September 2019, of EUR 2 million in food aid to the UN World Food Programme for the Rohingya camps in Cox's Bazar, but asks the Council and the Commission, in view of the needs on the ground, to continue their efforts in this regard; recalls that financial responsibility for assisting the refugee population should not fall disproportionately on Bangladesh; calls for further international support for those communities hosting the refugees, including by addressing domestic social, educational, economic and healthcare challenges;

14. Recalls the need, furthermore, for medical and psychological assistance to be provided in the refugee camps and for it to be specifically tailored to vulnerable groups, including women and children; calls for greater support services for the victims of rape and sexual assault;
15. Instructs its President to forward this resolution to the Government and Parliament of Myanmar, State Counsellor Aung San Suu Kyi, 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 EU Member States, the Secretary-General of the Association of Southeast Asian Nations (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.