



Plenary sitting

B8-0916/2016

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 the discrimination of the Rohingya people
(2016/2809(RSP))

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on behalf of the ALDE Group

B8-0916/2016

**European Parliament resolution on Myanmar and the discrimination of the Rohingya people
(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 of 28 June 2016;
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- 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';
- having regard of the conclusion of the Council of the European Union of 20 June 2016 on Myanmar/Burma;
- having regards of the resolution on the Situation of Human Rights in Myanmar adopted at the 31st session of the UNHCR;
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- having regard of Joint HR HR-Commission Communication: 'The EU and ASEAN: a partnership with a strategic purpose';
- having regard to the statement of EU Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, Kristalina Georgieva, of 9 August 2012 on the situation of Rohingya Muslims;
- having regard of the Human Rights Watch report of June 2016 on the Criminalization of Peaceful Expression in Burma;
- having regard to the Universal Declaration of Human Rights of 10 December 1948;
- having regard to 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 Relating to the Right of Peaceful Assembly and Peaceful Procession and the 2014 amendments to that law;
- having regard to the new Peaceful Assembly and Peaceful Processions Law of May 31, 2016;
- having regard to the UNHCR call of 13 November 2012 upon governments in Southeast Asia to keep their borders open to people fleeing Burma by sea;

- the Myanmar Telecommunications Act of 2013;
 - having regard to the report of the United Nations Special Rapporteur of 6 March 2013 on the situation of human rights in Burma/Myanmar, as well as his statement of 11 June 2013 that ‘the human rights violations being committed against Rohingya in Rakhine State are widespread and systematic’;
 - having regard to Rule 135 of the Rules of Procedure;
- A. whereas Myanmar has been governed by the military for over 50 years; whereas observers indicated that under previous president, Thein Sein, who was in power from 2011 to 2015, the power of the military remained;
 - B. whereas on 9 November 2015 the National Liga for Democracy (NLD), won the elections and Htin Kyaw became the first civil president in 50 years who is not affiliated with the military;

Criminalisation of protest

- C. whereas the Peaceful Assembly Law has been used extensively in recent years to detain peaceful protesters speaking out on matters of public interest;
- D. whereas in the end of February 2016, 166 people were facing trial under the Peaceful Assembly Law for political protests and at least 22 were serving prison sentences after being convicted under this law;

Rohingya people

- E. whereas, in Myanmar the Rohingya people are a Muslim minority, living in the Rakhine State in a country with an overwhelming Buddhist population; whereas the previous Myanmar government views the Rohingya as illegal citizens and have encouraged discrimination against these peoples for many years; whereas the previous government referred to the group of Rohingya as “Bengalis” implying they are illegal immigrants from Bangladesh, even though many have lived in Myanmar for generations; whereas thousands of Rohingya people are fleeing Myanmar after a series of violent attacks and continuous oppression;
- F. whereas Zeid Ra’ad Al Hussein, UN high commissioner for Human Rights, described the serious right violations against Rohingya and other minorities in Myanmar in a report publish on 20 June 2016; 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;
- G. whereas 120,000 Rohingya are displaced in squalid camps since the fighting erupted in Rakhine State in 2012, after which thousands fled persecution and poverty;
- H. whereas the new Government has inherited a situation where laws and policies are in place which are designed to deny fundamental rights from minorities and where impunity for serious violations against the Rohingya has encouraged further violence against them;

- I. whereas Myanmar State Counsellor Aung San Suu Kyi has, in a meeting with UN human rights investigator, Yanghee Lee, reiterated her stance that the word Rohingya will be avoided by the government as it is considered controversial;
- J. whereas in June 2016, five people have been convicted for printing a calendar which states that Rohingya people have historical roots in Myanmar;
- K. whereas around 300 Arakenese nationalists, monks and civil society organizations in the Arakan state have indicated to launch a poster campaign to air their dissatisfaction with the government's decision to use the term "the Muslim community in Arakan State" to refer to the Rohingya people instead of Bengali; whereas the Arakan National Party (ANP) secretary and anti Rohingya campaign leader, Htun Aung Kyaw, has stated that he calls on the government to refer to Rohingya as Bengali;

Restrictions on internet use and laws against the media

- L. whereas Section 66d of the Telecommunications Act allows the imposition of criminal penalties of up to three years in prison for "extortion of any person, coercion, unlawful restrictions, defamation, interfering, undue influence or intimidation using a telecommunications network;
 - M. whereas this law was used by the Thein Sein government to prosecute internet users of whom they considered the messages to be insulting to the government or the military; whereas Patrick Khum Jaa Lee, a humanitarian worker, has been sentenced to six months in prison in January 2016 for a Facebook post which was considered to be insulting towards the military commander in chief.
 - N. whereas Chaw Sandi Tun has been sentenced to six months imprisonment in December 2015 for "defaming" the military by comparing the new uniforms of the soldiers to the clothing of Aung San Suu Kyi;
 - O. whereas poet Maung Saungkha has served 6 months in prison for a poem online that implied that he had a tattoo of the president on his penis and was released in May 2016;
 - P. whereas journalists and free press are still under constant pressure by the government; whereas the overly broad Official Secrets Acts is used against journalists writing about activities of the military;
1. welcomes the competitive elections in November 2015 and positively notes the peaceful transfer of power to the first non-military president of the country since 1962;
 2. repeats the European Council by calling for the building of effective democratic institutions, including an independent and impartial judiciary and a strong civil society, and the promotion of good governance to make Myanmar into a vibrant democracy with full respect for the rule of law and fundamental rights;

3. calls on the elected government to develop an open democracy in which the human rights are fully respects and the peoples are guaranteed the freedom of expression and assembly, free of any form of discrimination;
4. urges the Government of Myanmar to immediately implement the recommendations of the resolution on the situation of human rights in Myanmar as adopted in the 31st session of the UNHCR;
5. Calls for the immediate release of all persons who have been unjustly convicted or facing trial for peaceful political protests;
6. Calls for the immediate release of all persons who are unjustly facing trial or have been convicted for criticising the government or military in any way;
7. takes a positive note of the efforts of the government of Myanmar to begin work towards addressing the challenges of the Rohingya; Calls on the Government of Myanmar to prioritise reversing discrimination to halt ongoing violations and prevent further ones from taking place against all of Myanmar's ethnic and religious minorities;
8. calls on the government of Myanmar to fully recognise the Rohingya people and safeguard them from any form of discrimination and remove impunity of violations against the Rohingya; Reminds the long overdue statement of 18 May 2015 by the spokesperson for Aung San Suu Kyi's party, the National League for Democracy (NLD), that the Government of Burma/Myanmar should grant citizenship to the Rohingya minority
9. encourages the Association of South East Asian Nations (ASEAN) to discuss the problems concerning discrimination of Rohingya people; looks forward to cooperating strengthening the regional integration process of the ASEAN on the basis of the EU-ASEAN enhanced partnership;
10. 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;
11. 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.