



Plenary sitting

B8-0297/2018

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

Miguel Urbán Crespo, Younous Omarjee, Sofia Sakorafa, Patrick Le Hyaric, Paloma López Bermejo, Merja Kyllönen, Xabier Benito Ziluaga, Tania González Peñas, Lola Sánchez Caldentey, Estefanía Torres Martínez, Dimitrios Papadimoulis, Stelios Kouloglou, Marie-Christine Vergiat

on behalf of the GUE/NGL Group

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

The European Parliament,

- having regard to its numerous resolutions on Myanmar/Burma and the Rohingyas, in particular those of 14 December 2017, 16 September 2017, 15 December 2016, 7 July 2016 and 21 May 2015 on the mass graves discovered in Thailand,
- having regard to its reports of 13 June 2017 on statelessness in South and South East Asia,
- having regard to the Universal Declaration of Human Rights,
- having regard to the 1966 International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights,
- having regard to the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol thereto,
- having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to the New York Convention relating to the Status of Stateless Persons,
- having regard to the Convention on the Rights of the Child,
- having regard to the United Nations Convention against Transnational Organised Crime,
- having regard to the Convention on the Elimination of All Forms of Discrimination against Women,
- having regard to United Nations Security Council Resolution 1325 on women and peace and security,
- having regard to the Global Action Plan to End Statelessness 2014-2024 of the United Nations High Commissioner for Refugees (UNHCR),
- having regard to the Declaration on Human Rights Defenders,
- having regard to the Report of the Secretary-General on conflict-related sexual violence released on 23 March 2018,
- having regard to UN General Assembly Third Committee (16 November 2017) and the HRC (5 December 2017),

- having regard to the EU Council statement on 26 February 2018,
- having regard to EU Commissioner for Humanitarian Aid and Crisis Management, Christos Stylianides, press release following his visit to northern Rakhine State in May 2017,
- having regard to EU Commissioner for Humanitarian Aid and Crisis Management, Christos Stylianides, press release following his visit to northern Rakhine State in May 2017,
- having regard to the statement by Federica Mogherini, Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 25 May 2018,
- having regard to the EU-Myanmar/Burma investment protection agreement currently being negotiated,
- having regard to the recurrent reports by NGOs on the human rights situation in Myanmar/Burma, and in particular on the Rohingya,
- having regard to Rule 123(2) of its Rules of Procedure,

- A. whereas the Rohingya of Myanmar/Burma constitute the world's largest group of stateless persons; whereas the persecution, violence and discrimination against this muslim minority continue to intensify;
- B. whereas since August 2017, nearly 700,000 Rohingya, fled extrajudicial killings, rape, torture and arson from Myanmar army, police or Buddhist paramilitary and sought refuge in Bangladesh, one the planet's poorest region;
- C. Whereas about a million Rohingya and other minorities, including women and children, now reside in very dense refugee camps in Bangladesh's Cox's Bazar district,
- D. Whereas the International Organization for Migration (IOM) coordinates the humanitarian response plan for Rohingya refugees in Bangladesh, involving several NGOs and humanitarian organizations. ; whereas the massive increase in the number of refugees in Cox's Bazar is overwhelming existing water, sanitation, and hygiene facilities;
- E. Whereas Rohingya people also face discrimination in Bangladesh; whereas on 8 January 2018, a Bangladesh court upheld a government ruling from 2014 banning marriage between its citizens and Rohingya in order to prevent hundreds of thousands of refugees from seeking Bangladesh citizenship ; whereas women and children often fall victim to sex trafficking networks ;
- F. Whereas the latest UN report on conflict-related sexual violence, issued in March, charged that members of the Myanmar Armed Forces, at times acting jointly with local militias, used rape, gang rape, forced public nudity and other sexual attacks as part of a strategy to drive the Rohingya from their homes ; Whereas according to UNHCR, 40,000 women expect to give birth in the coming weeks and, according to UNICEF, many of these babies are the result of sexual violence against Rohingya women; whereas there is a lack of access to adequate medical services to address those future needs ;

- G. Whereas the humanitarian crisis is beginning to be exacerbated by a health crisis and a risk of disease outbreaks; whereas cases of severe acute malnutrition have been discovered; whereas Unicef, the World Health Organisation and the Bangladeshi authorities launched a large-scale vaccination campaign; ; whereas thousands of suspected cases of diphtheria were noted and 28 death were caused by the disease, amongst which 24 children ;
- H. Whereas civilian camp management, education and protection activities remain crucial to guard against abuse or exploitation in an extremely chaotic environment;
- I. Whereas there is also need for urgent and continued support to severely affected host communities, including long term development assistance to support the government of Bangladesh's response and mitigate impacts on the local population ;
- J. Whereas the UN called for international assistance to address the crisis in Bangladesh ; whereas, to date, only 21% of the funding needs have been met by the international community, of which only 6.2% by the European Commission;
- K. Whereas Rohingya have fled Myanmar, mainly to Bangladesh, but also to Pakistan, Saudi Arabia and Malaysia as well as Thailand and Indonesia since years ; whereas none have signed the UN refugee convention ;
- L. Whereas Bangladesh and Myanmar/Burma signed an agreement on 23 November 2017; whereas that agreement covers the voluntary repatriation of Rohingya displaced since October 2016;
- M. Whereas the UN and the government of Myanmar signed on June 6 a new agreement for the voluntary return of the Rohingyas to Myanmar; whereas the conditions for return are the recognition of citizenship and the end of violence, as advised by the Advisory Commission led by former UN Secretary-General, Kofi Annan,
- N. Whereas a UN Security Council delegation to Myanmar convened with Myanmar authorities to include UNHRC in the investigations into the perpetrators of violence against the Rohingya, who may potentially be guilty of genocide;
- O. Whereas, for the moment, the conditions in northern Rakhine State are still conducive, following the wave of military repression in the past months ; whereas access to this main muslim region of Myanmar remains largely restricted for NGOs, independent observers and journalists;
- P. Whereas, according to Amnesty International, the state of Rakhine is being militarized and the authorities are demolishing the Rohingya villages that had previously burned and building bases for the army and border police; whereas new roads and structures are also being built on burned Rohingyas lands and villages, reducing the likelihood that refugees will return to their homes; whereas the destruction of the Rohingya villages and the environment may be contributing to the destruction of evidence of crimes against humanity committed against the Rohingya population, which could impede future investigations;
- Q. Whereas non-Rohingya people are living in new towns built in recent months on Rohingya's burned houses and farmlands; whereas the authorities have previously resettled members of other ethnic groups in the Rakhine state in the context of development

initiatives in the region;

- R. Whereas monsoon rains, the threat of a cyclone striking the area added to the fact that it is very unlikely that Rohingya will return to Myanmar anytime soon considering the clampdown, makes it even more imperative to support adequate and durable housing for the refugees;
- S. Whereas children constitute at least 61% of the recent arrivals of refugees in Bangladesh according to Amnesty International ; whereas, according to the UNICEF, 16 000 babies were born in the camps since last September ; whereas most of them are left with no legal identification or birth registration ; whereas this situation will severely hinder their access to health care, education and family reunification right;
- T. Whereas in Myanmar especially, with the 1982 law barring Rohingya citizenship rights, it has become more and more difficult to register newborn Rohingya babies, even on so-called household lists, which is often the only way for families to prove their residence in Myanmar and related rights ;
- U. Whereas access to education for the Rohingya is extremely limited ; whereas across Myanmar, Rohingya children are no longer allowed to attend schools they previously went to alongside their Rakhine peers; whereas in many areas government teachers have refused to come to schools in Muslim villages, citing fears for their safety;
- V. whereas Articles 7 and 8 of the Convention on the Rights of the Child, to which Myanmar/Burma is a signatory, enshrine the right to be registered immediately after birth and other obligations under applicable international instruments in this area, in particular in cases where the child would otherwise be stateless; whereas other articles provides that a child shall not be separated from his or her parents and that Nations shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment;
- W. Whereas Rohingya women who already fled violent repression and sexual abuses from Myanmar military forces and paramilitary groups, and now in Bangladeshi camps, are often victims sexual violence and rape is prevalent;
- X. Whereas situation in Myanmar continues to be deeply worrying ;whereas at least five Human right defenders have been killed over the past 18 months and, in most cases, no effective investigations have been conducted; whereas a decision by a Myanmar court to press forward with the criminal case against Reuters journalists, Wa Lone and Kyaw Soe Oo, is a further proof of a will to stifle voices criticizing operations and clampdown in Rakhine state;
- Y. Whereas the Burmese army still wields disproportionate power over the country's affairs; whereas certain articles of the Constitution enshrine impunity for military and civilian leaders; whereas, nonetheless, some statements and interventions of the State Counsellor, Aung San Suu Kyi are unworthy of a winner of the Nobel Peace Prize and Sakharov Prize and that she has committed to bringing to justice all the perpetrators of human rights violations and other criminal acts;

1. Expresses its deep concern over the humanitarian situation in Myanmar/Burma and Bangladesh, and urges the Government of Myanmar/Burma to end the excessive use of force and the discrimination and violence which have devastated the Rohingya in Rakhine State; reiterates its call for full and unconditional humanitarian access without delay;
2. Appreciates the constructive role played by Bangladesh under difficult circumstances; urges the authorities to provide more land to reduce overcrowding and improve the squalid conditions in the camps; urges the authorities to ease the bureaucratic restrictions they are imposing on humanitarian organisations, including in respect of work permits, visas and project approvals; stresses that freedom of movement is key to allowing access to basic services and education opportunities;
3. Notes the agreement reached between Myanmar and Bangladesh last year; reiterates its concerns; underlines that the EU Council insisted on voluntary, safe and dignified return of displaced persons to their places of origin ; supports the position of the High Commissioner for Refugees, who considers that, at present, the conditions are not in place to 'enable safe and sustainable returns'; stresses the need to respect the principle of non-refoulement in all circumstances; commends recent agreement between UN and Myanmar and insists on the UNHCR being systematically involved in the work of the Joint Working Group;
4. Draws attention to the particular needs to be placed on the increased protection of female-headed households, victims of sexual and gender based violence and children, including unaccompanied minors and orphans and on providing proper rehabilitation for victims, in particular children and women ;
5. calls on Member States and the EU to encourage Bangladesh to facilitate unhindered access to refugees for humanitarian and UN agencies and increase their international support in order to help local health care, psychosocial support, education programming and other programs; underlines that they should be all developed in dialogue with the refugees as well as host populations, in partnership with, and under the supervision of, the UN High Commissioner for Refugees (UNHCR), IOM and OHCHR ;
6. Considers of the utmost importance that Myanmar, Pakistan, Saudi Arabia and Malaysia sign the UN refugee convention so as to grant refugee status to the Rohingya;
7. Welcomes the UN campaign to end statelessness by 2024 ; Recalls that the Rohingya are an integral part of the Burmese population and that they must therefore be recognized as such by law as recommended by the Advisory Commission;
8. Reminds its support to the full implementation of the recommendations of the Advisory Commission on Rakhine State ; underlines that education and access to social services for all have been pointed out as a crucial tool to fight communal tensions, hatred and prejudices ;
9. Draws to the attention to the authorities that accountability is a pre-condition for returning to Myanmar and that women and girls who have been raped also need to see that justice is served ;

10. Recommends, in view of that long-last challenge, increasing EU resettlement quotas for Rohingya refugees who have been chronically displaced from Myanmar for decades in other parts of Southeast Asia;
11. Commands the EU Council decision following its recommendation for the extension to the existing embargo on arms and equipment on Myanmar ; recommends to further extend this decision to the provision of military or Border Guard Police (BGP) training and other military assistance;
12. Expresses its full support the UN Special procedures ; reiterates its calls on the Government of Myanmar/Burma to cooperate with the HRC's Fact-Finding Mission and to allow it full access to Myanmar in order to be able to investigate properly ; strongly regrets the decision to stop cooperation with the Special Rapporteur on Human Rights and hopes the government will revert the decision ; highlights the discrimination, expulsions, abuse, mass killings and incitement to hatred against the Rohingya by the Burmese state, which in legal terms are tantamount to a 'crime against humanity';
13. Draws attention to the discrimination against other minorities in Myanmar/Burma (Tamil, Hindu, Kaman, Chinese, etc.); considers that the 1982 citizenship law provides fertile ground for division by introducing the iniquitous concept of different citizenship 'statuses', as well as selective application, with multiple levels of bureaucracy and endemic corruption;
14. Calls on the Myanmar authorities to immediately cease all human rights violations, including those constituting crimes against humanity and war crimes, in Rakhine, Kachin and Shan States as well as other parts of the country, fueling the conflict and migration flows ;
15. Calls on Members States and the EU to guarantee that any international aid (including development and financial assistance) in Rakhine State are explicitly and specifically conditioned on non-discrimination, non-segregation and equality and that measures are in place to ensure this is condition respected in practice. In particular, any ongoing or planned police or security assistance to Myanmar must be fully human rights compliant;
16. Calls on all the countries in the region to fulfill their international obligations as regards the rights of refugees, notably by signing the Convention Relating to the Status of Refugees (Geneva Convention) and the 1967 Protocol thereto, and the New York Convention relating to the Status of Stateless Persons, to open their borders to asylum-seekers;
17. Underlines, in accordance with United Nations recommendations, that all children should be registered at birth, free of charge and without discrimination ;
18. Calls on the Burmese authorities to guarantee full respect for the right to freedoms of expression, assembly, association and the media, to end arbitrary arrests and detentions and to stop imposing disproportionate sentences on those who exercise these rights, including civil society actors and journalists trying to protect the rights of minorities, who are regularly subjected to intimidation and harassment;
19. Calls on Myanmar/Burma to ratify five of the eight key agreements already signed, in

particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child;

20. States that negotiations on an investment protection agreement between the European Union and Myanmar/Burma should remain suspended until a sustained improvement in the situation has been achieved; points out that access to the European Generalised System of Preferences (GSP) is subject to respect for fundamental freedoms and human rights, and that, in the event of widespread and systematic violations of basic human rights or labour rights standards, it may be withdrawn; urges the Council to consider this measure;
21. 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 of Myanmar/Burma, the ASEAN Member States, the Secretary-General of the United Nations and the General Assembly of the United Nations.