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*Plenary sitting*

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**B9-0050/2019**

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))

**Anna Fotyga, Karol Karski, Raffaele Fitto, Ruža Tomašić, Jadwiga Wiśniewska, Valdemar Tomaševski, Veronika Vrecionová, Assita Kanko, Jan Zahradil**

on behalf of the ECR 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 the Rohingya;
- having regard to previous Foreign Affairs Council conclusions on the situation in Myanmar;
- having regard to statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the situation in Myanmar;
- having regard to the Geneva Convention of 1949 and the additional protocols thereof;
- having regard to the International Covenant of Civil and Political Rights of 1966;
- having regard to the UN Convention on the Rights of the Child of 1989;
- having regard to the Universal Declaration of Human Rights of 1948;
- having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief of 1981;
- having regard to the Rome Statute of the International Criminal Court;
- having regard to the 1951 UN Convention on 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 Final Report of the Advisory Commission on Rakhine State;
- having regard to the European Parliament report on Statelessness in South and South East Asia of 13 June 2017;

- having regard to the Memorandum of Understanding between Myanmar and Bangladesh on the repatriation of Rohingya people signed on 23 November 2017;
  - having regard to the Joint Response Plan (JRP) for the Rohingya humanitarian crisis issued in March 2018 by the United Nations and partner organisations;
  - having regard to Rule 144 of its Rules of Procedure;
- A. whereas Rakhine State in Myanmar has been home to close to 1,3 million Rohingya, a predominantly Muslim minority group facing repression and continued serious human rights violations, including threats to life and security, denial of the rights to health and education, forced labour, sexual violence and limitation of their political rights; whereas the Rohingya are considered one of the largest stateless groups; whereas institutional discrimination against the Rohingya still continues today; whereas the crisis has exacerbated the already dire humanitarian situation in a region which is already considered one of the poorest in the world;
- B. whereas since August 2017 more than 900 000 Rohingya, 534 000 of them children, have fled the violence against them and have sought refuge in Bangladesh while fearing for their lives; whereas there is very limited access to healthcare in the refugee camps in Bangladesh;
- C. whereas Rohingya children have experienced or witnessed traumatic events, including in many cases the loss of one or both parents, separation from their families, physical abuse, psychological distress, malnutrition, illness, sexual exploitation and witnessing crimes against humanity in Rakhine State, including the systematic burning of homes, physical attacks and rape perpetrated against Rohingya;
- D. whereas those living in refugee camps in Bangladesh face a communications blackout after the government ordered a ban on mobile phone services and sim cards in September 2019;
- E. whereas on 22 August 2019, alleged Rohingya refugees killed Omar Faruk, a local leader of the ruling Awami League’s youth wing in Teknaf; whereas law enforcement officers then killed four Rohingya refugees who they said were involved in the murder; whereas in recent months, more than 40 Rohingya have been killed, amid concerns that some refugees are involved in smuggling illegal drugs to Myanmar;
- F. whereas in August 2019 a second attempt to start repatriating Rohingya refugees failed, after none of the 3,450 people approved by Myanmar to return agreed to do so

because the refugees believe that the current conditions in Myanmar make their return unsafe;

- G. whereas reportedly entire Muslim Rohingya villages in Myanmar have been demolished and replaced by police barracks, government buildings and refugee relocation camps;
- H. whereas the absence of any realistic prospect of safe and voluntary return and the lack of political progress in resolving the crisis in Myanmar suggest that this situation will not be resolved in the short term and therefore requires a sustainable approach;
- I. whereas the ongoing fighting between the Myanmar military and the Arakan Army has displaced more than 46,000 people in Rakhine and southern Chin States; whereas UN human rights experts have expressed grave concerns about the use of incommunicado detention by the military in Myanmar, along with allegations of torture and ill-treatment and deaths in custody since the outbreak of armed conflict in December 2018 in northern Rakhine and Chin; whereas there is an ongoing disruption of internet services imposed on four townships in Rakhine and Chin States, making it increasingly difficult to document and verify new abuses and monitor the situation of Rohingya who remain in Rakhine State;
- J. whereas reports and updates from OHCHR, the UN Special Rapporteur all point to a pattern of gross human rights violations which suggest a widespread and systematic attack against the Rohingya community by the Myanmar military and security forces, possibly amounting to crimes against humanity and in the case of the ongoing fighting against the Arakan Army to war crimes;
- K. whereas the Rome Statute of the International Criminal Court (ICC) affirms that the most serious crimes of concern to the international community as a whole, in particular genocide, crimes against humanity and war crimes, must not go unpunished; whereas in April 2018 the ICC prosecutor asked the court to rule on whether the ICC can exercise jurisdiction over the alleged deportations of Rohingya from Myanmar to Bangladesh; whereas a ruling affirming the ICC's jurisdiction was delivered on 6 September 2018;
- L. whereas Myanmar has so far refused to allow a fact-finding mission of the UN Human Rights Council to enter the country, and has barred the UN Special Rapporteur on the human rights situation in Myanmar, rejecting nearly all allegations of atrocities committed by its security forces in Rakhine;
- M. whereas on 2 September 2019 the European Commission has announced a new humanitarian aid package worth EUR 9 million to address the needs of families affected by violence in Myanmar; whereas this comes on top of the EUR 91 million

mobilised in 2017 and 2018; whereas the United States is the leading contributor of humanitarian assistance in response to the Rohingya crisis, providing nearly 542 million USD since the outbreak of violence in August 2017; whereas in March 2018 the UN launched an appeal for USD 951 million to aid the Rohingya refugees for the rest of 2018, but only around 25 % of that target sum has been received to date;

N. whereas on 29 April 2019, the Council prolonged the restrictive measures in place on Myanmar for one year;

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1. Condemns the violence against Rohingya men, women, and children since August 2017, including grievous human rights violations, including mass rapes, targeted killings and the destruction of civilian property;
2. Regrets that two years since the violence against and forced migration of the Rohingya people of Myanmar there appears to be no realistic, sustainable, peaceful solution to the crisis, or for their safe return home, while the circumstances on the ground in Rakhine have deteriorated significantly;
3. Demands that the Myanmar authorities grant immediate and unfettered access to the UN, independent monitors, international human rights organisations, journalists and other international observers with the aim of conducting independent and impartial investigations in to allegations of serious human rights violations against the Rohingya community;
4. Notes that as a consequence of the violence the presence of up to one million refugees in Bangladesh is placing a significant strain on local resources and communities already contending with their own domestic challenges;
5. Praises the Government and people of Bangladesh for their humanitarian response to the Rohingya crisis, and encourages further international support to those communities hosting the refugees, including in addressing domestic social, educational, economic and healthcare challenges; calls on the Bangladesh government to revoke the ban on mobile phone services in the refugee camps;
6. Further praises the work of the humanitarian aid agencies in supporting the Rohingya community; calls on the Myanmar authorities to grant humanitarian aid organizations sustained and unfettered access to all displaced populations in need of assistance, including those located in armed opposition territory;
7. Reminds the Myanmar authorities that international humanitarian and human rights law prohibits the targeting of individuals or groups based on religious or ethnic

identity, as well as attacks against civilians not taking part in hostilities, and individuals bringing humanitarian aid to those trapped by the conflict;

8. Stresses that all efforts must be made to ensure that the conditions are met for a safe, voluntary, dignified and sustainable return of refugees from Bangladesh to Rakhine State;
9. Calls for transparent and verifiable implementation of the full range of recommendations by the Advisory Commission on Rakhine State relating to human rights, including by establishing clear a timeline, specific targets, and indicators of success, identifying necessary financial, human and technical resources and a providing regular public reporting on progress;
10. Raises its concern about the lack of independence, impartiality, and competence of International Commission of Enquiry (ICOE) and calls on Myanmar to cooperate with international efforts to ensure accountability, including by allowing the newly operational Independent Investigative Mechanism for Myanmar (IIMM) access to the country; encourages the relevant UN bodies to move rapidly on operationalisation of this mechanism, that should operate in full recognition of the jurisdiction of the International Criminal Court and cooperate closely with any investigation by the ICC pertaining to the most serious crimes committed by the military and security forces in Myanmar;
11. Calls on the government of Myanmar to restore full internet access that is critical for freedom of expression, for the population's safety and the work of aid agencies;
12. Urges Aung San Suu Kyi to restore her moral authority and to continue her efforts to build a genuine, transparent democracy in Myanmar, to have effective civilian control over the military, to make peace among the ethnic groups, and to build a country where people's lives steadily improve and where ethnic cleansing is unthinkable; stresses that the democracies, including the countries of the EU, should be prepared to give every assistance in this;
13. Urges a reinvigoration of the Myanmar-EU Human Rights Dialogue to specifically discuss issues relating to the Rohingya community and violence against other minority groups;
14. Welcomes the prolongation of restrictive measures by the Council in place against those responsible for violence and crimes against the Rohingya people where credible evidence supports such measures;
15. Instructs its President to forward this resolution to the Government and Parliament of Myanmar, 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 EU Member States, the Government and Parliament of Bangladesh, the Government and Parliament of Myanmar, 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.