



Plenary sitting

B9-0501/2021

5.10.2021

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 The Human rights situation in Myanmar, including the situation of religious and ethnic groups
(2021/2905(RSP))

Miguel Urbán Crespo
on behalf of The Left Group

B9-0501/2021

European Parliament resolution on The Human rights situation in Myanmar, including the situation of religious and ethnic groups (2021/2905(RSP))

The European Parliament,

- having regard to its previous resolutions on Myanmar/Burma and on the situation of the Rohingya,
 - having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Prevention and Punishment of the Crime of Genocide,
 - having regard to the Statement by the Special Rapporteur on the situation of Human Rights in Myanmar, on Myanmar: UN expert says current international efforts failing, calls for “change of course”, of 22 September 2021,
 - having regard to the UN Human Rights Council (HRC) report of 16 September 2021 (A/HRC/48/67) on the Situation of human rights in Myanmar,
 - 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 statement by the EEAS of 3 Marc 2021,
 - having regard to Rule 144 of its Rules of Procedure,
- A. Whereas, on 1 February 2021, the military of Myanmar/Burma, known as the Tatmadaw, seized power over the legislative, judicial and executive branches of government through a coup d'état, and issued a one-year state of emergency; whereas the military detained the leadership of the civilian governmental authorities, including the State Counselor, Aung San Suu Kyi, and the President; whereas in August 2021 the commander-in-chief, Min Aung Hlaing announced he was appointing himself Prime Minister and announced that the state of emergency, would be extended until August 2023;
- B. whereas a National Unity Government (NUG) was formed on 16 April by members of the National League for Democracy (NLD), along with other supporters, including representatives of ethnic armed groups, ethnic political parties and civil society organisations;
- C. whereas since February, a mass protest movement has taken to the streets and protested for a return to a democratically elected civilian government; whereas various groups took part, including the Civil Disobedience Movement (CDM); whereas protesters employed peaceful forms of protest, such as acts of civil disobedience, labour strikes, a military boycott campaign, and public protests; whereas security forces used excessive and lethal force against the demonstrators; whereas the popular resistance has continued and the violence by the Tatmadaw daily increased;

- D. whereas the same military units implicated in the 2017 genocide against Rohingyas have been deployed in the streets of Myanmar/Burma since the coup; whereas in 2018, the UN Fact-Finding Mission (UNFFM) called for Senior General Min Aung Hlaing to be investigated and prosecuted for genocide, crimes against humanity and war crimes;
- E. whereas since February military authorities have once again perpetrated crimes against humanity, war crimes, and other serious violations of human rights and international humanitarian law; whereas they have violated the rights to life, liberty and security of the person, the prohibition against torture, the right to a fair trial, as well as the rights to freedom of expression, freedom of association and peaceful assembly; whereas they have killed protesters, tortured people to death while in detention, have committed enforced disappearance, rape and other forms of sexual violence; whereas across the country, security forces have repeatedly used lethal force, including live ammunition, mortar shells, and grenades, while using so-called less-lethal weapons indiscriminately and excessively;
- F. whereas the last report from the UN Human Rights Office states that since the coup, more than 1,120 people have been killed and military authorities have also arrested over 8,000 people, including hundreds of politicians, activists, and civil servants; whereas the courts have sentenced 312 people, out of them, 26 have been sentenced to death including two children; whereas at least 120 people have reportedly died in custody; whereas as of July, the junta had killed at least 75 children;
- G. whereas women have been at the forefront of Myanmar/Burma's resistance movement; whereas women human rights defenders are particularly at risk in remote rural areas and are often beaten and kicked before being sent to prison where they can face torture and sexual violence with no medical care provided;
- H. whereas the right to health was being undermined; whereas the junta has shut down hospitals and targeted medical professionals, leading to a collapse of the health system as COVID-19 surges across the country; whereas troops have destroyed medical supplies and equipment, and have occupied dozens of medical facilities, which has prompted the people to stay away from medical facilities for fear of being detained or shot; whereas communities across the country have been devastated by a surge in Covid-19 cases; whereas the junta has used the administration of vaccines to crack down on CDM, denying access to the vaccine to those who supported the CDM;
- I. whereas Schools, banks, and much of the local administration are all closed as a sign of public disapproval against the coup;
- J. whereas civilian-led "People's Defense Forces" (PDFs), have been formed; whereas the National Unity Government has declared a "defensive war" against the junta and its forces; whereas the UN High Commissioner for Human Rights, Michelle Bachelet, stated that the spiral of violence showing signs of escalation "into a widespread civil war";
- K. whereas armed violence is intensifying across Myanmar/Burma, reportedly resulting in heavy civilian casualties and massacres; whereas according to Bachelet attacks on

civilians occurred in 12 of the country's 15 states; whereas the Tatmadaw has attacked entire villages using airstrikes, sieges and mass arson; whereas they has also starved access to aid, food and supplies to civilian populations; whereas the junta and its forces have forcibly displaced more than 230,000 civilians, bringing the total number of internally displaced persons in Myanmar/Burma to well over half a million;

- L. whereas since the coup, there are reports of increasing fighting between the military and ethnic armed groups, particularly in Karen, Karenni, Chin, Kayin, Shan and Kachin States; whereas the military has carried out indiscriminate airstrikes and artillery barrages, killing civilians including children, sexual and gender based violence, destruction of religious buildings and other violations of human rights and humanitarian law which amount to war crimes; whereas the military regularly committed abuses against civilians during the periods of fighting with ethnic armed groups;
- M. whereas human rights violations, in particular against Rohingya, have continued; whereas the junta continues to park the Rohingya ethnic minority, denying them citizenship, freedom of movement and other fundamental rights; whereas some 600 000 Rohingya are estimated to remain in Rakhine State, and are being subjected to persistent discriminatory policies and practices, systematic violations of their fundamental rights, arbitrary arrests, confinement in overcrowded camps and severely limited access to education and healthcare; whereas the oppressive conditions imposed on the Rohingya amount to the crimes against humanity of persecution, apartheid, and severe deprivation of liberty;
- N. whereas the European Parliament decided in September 2020 to formally exclude Aung San Suu Kyi from all activities of the Sakharov Prize laureate community as a reaction to her inaction and her acceptance of ongoing crimes against the Rohingya community;
- O. whereas in January 2020, the International Court of Justice (ICJ), unanimously ordered Myanmar/Burma to prevent genocide against the Rohingya; whereas the Pre-Trial Chamber III of the International Criminal Court decided on 14 November 2019 to authorise an investigation into the crime of deportation of Rohingya people from Myanmar/Burma to Bangladesh;
- P. whereas Michelle Bachelet affirmed that “there is no sign of any efforts by the military authorities to stop these violations nor implement previous recommendations to tackle impunity and security sector reform,”; whereas in the past, the Government of Myanmar/Burma has repeatedly violated basic civil, political and social rights, and failed to hold the country’s security forces accountable for atrocities committed;
- Q. whereas the Tatmadaw and its generals are deeply involved in the economy of Myanmar/Burma, since they own powerful conglomerates, control the country’s trade in precious jade and timber, manage infrastructure such as ports and dams, and run banks, insurance, hospitals, gyms and the media; whereas in May, the junta-run Myanmar Timber Enterprise (MTE) sold almost 10,300 tons of timber, with plans to auction off another 14,181 tons, from a stockpile of 200,000 tons previously confiscated by the NLD government; whereas in June, the junta-controlled Myanmar Gems Enterprise (MGE) held a secret meeting with gem industry leaders and according

to different sources, some exporters planned to falsify certificates of origin and sell stones in Thailand, to evade UK and US sanctions on MGE;

- R. whereas Gas revenues are the military's largest source of foreign currency income, adding up to an estimated \$1 billion annually in duties, taxes, royalties, fees, tariffs, and other profits; whereas nineteen internationally operating banks have invested over US\$65 billion in 18 companies that have either direct and longstanding commercial ties to Myanmar/Burma's military or to state entities that the military is attempting to control as a result of the coup;
 - S. whereas people throughout Myanmar/Burma are calling and supporting boycotts of products produced by military-owned companies as well as boycotts of payment of energy bills and taxes;
 - T. whereas the UN General Assembly must decide whether or not to reject the credentials of the military government and whether to leave the UNG ambassador in place; whereas June UN General Assembly has adopted a non-binding resolution condemning the Coup; whereas it is report adopted last August, the UN calls for the "immediate release of President Win Myint, Aung San Suu Kyi and other state officials" as well as "immediate humanitarian access and assistance, particularly for vulnerable communities, including Rohingya Muslims";
1. Denounces the military coup in Myanmar/Burma and urges to rescind the "state of emergency" and all abusive orders, decisions, and policies adopted by the National Security and Defence Committee and State Administrative Council since February 1; urges to respect the results of the 8 November 2020 elections and to immediately reinstate the civilian government;
 2. Condemns all human rights violations committed by military junta, including killings, extrajudicial executions, sexual violence, acts of torture and other cruel, inhuman or degrading treatment, arbitrary detentions, judicial and administrative harassment, as well as violations of press freedom, freedom of association and freedom of expression; denounces that the broad-based and consistent nature of the crackdown reflects a countrywide policy of the junta;
 3. Expresses its support for the people of Myanmar/Burma in their struggle for democracy, freedom and human rights;
 4. Recognizes and engages with the National Unity Government as the legitimate governing body of Myanmar/Burma, and calls on the EU and its member states to do the same;
 5. Urges Myanmar/Burma's security forces to immediately stop crimes under international law and other human rights violations and to stop harassing, intimidating, arresting, detaining, prosecuting or imprisoning human rights defenders, journalists, bloggers, lawyers, political activists, members of the opposition, trade unionists, minorities groups and others for merely exercising their human rights; calls to remove blockage of independent media websites and social media platforms and immediately lift internet

restrictions;

6. Calls for the immediate and unconditional release of Aung San Suu Kyi, government ministers, regional chief ministers, activists and all other civilians arbitrarily detained for exercising their right to freedom of expression and demonstration; demands that the charges against them be immediately dropped or cancelled and to rescind all warrant of arrest issued against protesters and dissidents;
7. Demands respect for the right to freedom of expression, assembly, and association guaranteed by international norms and United Nations treaties;
8. Condemns the repression of the workers and the denial of the right to strike and demands that the military authorities respect this right;
9. Strongly condemns and rejects that sexual and gender-based violence perpetrated by the military as part of a deliberate strategy to intimidate, terrorise and punish a civilian population including ethnic minorities; condemns all forms of violence against women which constitute a serious violation of the human rights and dignity of women and girls;
10. Condemns the attacks perpetrated by the military authorities to medical professionals and facilities, and their response to the COVID-19 pandemic; highlights that health and access to healthcare and vaccination is a universal human right; asks to ensure that the measures taken to respond to the health emergency are proportional, necessary, non-discriminatory;
11. Reiterates its strong condemnation of all past and present human rights violations and the systematic and widespread attacks, which amount to genocide, war crimes and crimes against humanity, perpetrated by the armed forces against the Rohingya;
12. Denounces that the military units implicated in the 2017 genocide against the Rohingyas are now implicated in the repression of the demonstrator and the ongoing deterioration of fundamental freedoms and the rule of law in the country; affirms that impunity protects those responsible for the abuses and encourages them to continue committing these acts;
13. Draws attention to the discrimination against other minorities in Myanmar (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; calls on Myanmar, as suggested in the Kofi Annan report, to ensure equal access to citizenship rights;
14. Calls for an immediate, rigorous, independent and transparent investigation of the crimes committed in the country and for their perpetrators to be held to justice; urges to suspend immediately from frontline duties anyone suspected of responsibility for crimes under international law and other serious violations of international human rights law;
15. Urges Myanmar to cooperate with international efforts to ensure accountability, including by finally granting the IIMM full access to the country; 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; recalls that

Myanmar is under the obligation to comply with the provisional measures order of the International Court of Justice;

16. Calls on the Myanmar/Burma military authorities to provide immediate humanitarian access throughout the country, including in Rakhine, Kachin, and Shan States, including by allowing UN, international, and national humanitarian organizations to assess and monitor the needs of displaced persons and others in need and to deliver assistance to them;
17. Encourages ASEAN to play an active role in mediating the current crisis in Myanmar; condemns the junta for rejecting dialogue until the violence ends and demands that dialogue is initiated immediately;
18. Calls on the EU to continue programmes that help the country's citizens and to step up support where necessary in the light of the current crisis, including humanitarian assistance; asks the EU and its Members States to ensure that any international aid, development projects, or financial assistance to Myanmar/Burma does not benefit the military and support the commission of more human rights violations; calls for provision of cross-border humanitarian aid and direct support to local civil society organizations (CSOs), particularly the ethnic organizations;
19. Calls on the member states to maintain the embargo on the direct and indirect supply, sale, and transfer, including transit, shipment and brokering, of all weapons, munitions, and other military, security and surveillance equipment and systems, as well as the provision of training, maintenance and other military and security assistance; in that sense calls on the UN Security Council to decide on an effective response to the military coup, such as an comprehensive arms embargo on Myanmar/Burma;
20. Asks to block payments to the junta and state-owned enterprises from foreign-financed oil and gas projects, such as those operated by Italy's Eni, France's Total, and Nederland's Shell; calls on banks to act by divesting from companies linked to the military;
21. Stresses the need for all EU Member States to enforce the targeted measures imposed by the Council on 21 June 2021 against the State-run Myanmar Timber Enterprise, and the Forest Products Joint Venture to restrict the junta's ability to profit from Myanmar's natural resources; urges the European Commission to ensure that measures adopted against the junta-run Myanmar Timber Enterprise (MTE) and the junta-controlled Myanmar Gems Enterprise (MGE), are effective;
22. Calls on the EU to impose additional targeted sanctions against military enterprises and military assets responsible for the military coup; calls to assure that these sanctions do not adversely affect the population and workers;
23. Stresses that local and multinational businesses operating in Myanmar/Burma must respect human rights and stop enabling perpetrators; in that sense strongly urges EU-based businesses to ensure they have no ties with Myanmar/Burma's security forces, their individual members, or entities owned or controlled by them, and that they are not contributing, directly or indirectly, to the military's crackdown on democracy and human rights; calls on EU-based undertakings, including parent holdings and

subsidiaries, to urgently suspend any relationships with companies linked to the military;

24. Recalls the multi-ethnic nature of Myanmar/Burma and urges the Tatmadaw to fully respect each ethnicity's inalienable rights; expresses its deep concern over the ongoing discrimination, severe restrictions on movement and deprivation of basic services imposed on the remaining 600 000 Rohingya confined to camps and villages in Rakhine State; calls on the authorities of Myanmar/Burma to protect all civilians without discrimination and to halt indiscriminate attacks and other violations of international humanitarian law and human rights law;
25. Stresses that conditions in Rakhine State and in the country as a whole are not conducive for safe, voluntary, dignified, and sustainable returns from Bangladesh and insists that the principle of non-refoulement be upheld in all circumstances; calls for further international support to be given to those communities hosting refugees from Rakhine State, including by addressing domestic social, educational, economic and healthcare challenges; calls on the EU and its Member States to facilitate access to European asylum for Burmese asylum seekers and to guarantee them rights and safe passage;
26. Instructs its President to forward this resolution to the Council, the Commission, the VP of the Commission / HR of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Government of Myanmar/Burma, the Association of Southeast Asian Nation Member States, the Secretary-General of the United Nations and the General Assembly of the United Nations.