



Plenary sitting

B9-0142/2022

8.3.2022

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, one year after the coup
(2022/2581(RSP))

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on behalf of the Verts/ALE Group

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**European Parliament resolution on Myanmar, one year after the coup
(2022/2581(RSP))**

The European Parliament,

- having regard to its previous resolutions on Myanmar and on the situation of the Rohingya,
- having regard to the Council decisions on restrictive measures over the military coup and subsequent repression, including the latest decision for a fourth round of EU sanctions on 21 February 2022, imposing restrictive measures on 22 individuals and 4 entities in view of the situation in Myanmar having regard to the *joint statement by the High Representative and the Foreign Ministers of Albania, Australia, Canada, New Zealand, Norway, Republic of Korea, Switzerland, the United Kingdom and the United States, on the one year anniversary of the military coup in Myanmar from 1 February 2022,*
- having regard to the declaration by the High Representative on behalf of the European Union from 31 January 2022 and the statements by the High Representative/Vice-President on escalation of violence in Myanmar from 30 December 2021
- Having regard to the conference room paper of the Special Rapporteur on the situation of human rights in Myanmar from 22 February 2022 revealing weapons transfer to the military junta by UN Member States Russia and China, fuelling spike in military attacks on civilians
- having regard to the declaration by the High Representative on behalf of the EU on the outcome of the ASEAN Leaders' Meeting of 30 April 2021,
- having regard to the UN Human Rights Council (HRC) reports on Myanmar and the situation of human rights of Rohingya Muslims and other minorities,
- 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 reports of the Special Rapporteur on the situation of Human Rights in Myanmar, the Office of the High Commissioner for Human Rights, and the reports of the ILO supervisory mechanism,
- having regard to the statement by the Special Rapporteur on the situation of Human Rights in Myanmar of 22 September 2021,
- having regard to United Nations Security Council resolution S/RES/1820 (2008), on sexual violence as a weapon of war;
- having regard to the Geneva Convention of 1949 and the additional protocols thereto,

- having regard to the Universal Declaration of Human Rights of 1948,
 - 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 Rule 144 of its Rules of Procedure,
- A. whereas the Myanmar Armed Forces, also known as Tatmadaw, have established a violent and illegitimate rule in Myanmar; whereas more than one year ago, on 1 February 2021 the Tatmadaw arrested political leaders, including State Counsellor Aung San Suu Kyi and President Win Myint, in a coup against the legitimate civilian government in Myanmar; whereas the military extended the unlawful “state of emergency” to August 2023; whereas only Win Myint, as the President of Myanmar, is authorised under the constitution to enact a state of emergency;
 - B. whereas the Committee Representing the Pyidaungsu Hluttaw (CRPH) and the National Unity Government (NUG) were formed to represent the democratic wishes of the people of Myanmar;
 - C. whereas the junta has committed killings, enforced disappearance, torture, rape and other sexual violence; whereas as of January 2022 the junta has arbitrarily detained 11.838 civilians in Myanmar, including civil society activists, human rights defenders, journalists; whereas as of 21 Jan 2022, the junta had jailed 649 opposition National League for Democracy (NLD) members and 14 died in detention; whereas junta troops destroyed and blocked humanitarian aid, shelled and conducted airstrikes on towns, burned civilians alive, and destroyed hundreds of homes;
 - D. whereas armed violence is intensifying across Myanmar, both in ethnic minority areas long affected by armed conflicts and in the broader central and urban areas, reportedly resulting in heavy civilian casualties and massacres;
 - E. whereas the junta pursues a violent crackdown on any kind of opposition including peaceful protests and actions by the Civil Disobedience Movement;
 - F. whereas the junta is increasingly making use of tools of surveillance and censorship through restrictions on telecommunications and the internet;
 - G. whereas the humanitarian crisis in Myanmar is worsening; whereas an estimated 441,500 remained internally displaced across Myanmar as of January 2022 in addition to the 370,400 people living in protracted displacement before February 2021; whereas three million people in need of humanitarian aid, a number which has tripled in the last eight months, and with half the population, approximately 20 million people, living below the poverty line;

- H. whereas the international aid support is not sufficient with missing resources and access to reach those in need;
- I. whereas the humanitarian crisis has been exacerbated by a deteriorating COVID-19 situation in the country;
- J. whereas the European Parliament, on numerous occasions, has expressed its condemnation of human rights violations and the systematic and widespread attacks against the Rohingya population; whereas the junta in Myanmar refuses to seriously investigate human rights violations against the Rohingya and hold their perpetrators to account; 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; whereas impunity is deeply entrenched in Myanmar's political and legal system;
1. Strongly condemns the military junta's violent and illegitimate rule in Myanmar which attempts to overturn the Myanmar people's strong attachment to democracy and bases on an unlawful coup against the civilian government having resulted in an alarming humanitarian situation and a human rights crisis in the country with widespread impunity;
 2. Urges the military junta to immediately and unconditionally release all political leaders, civil society activists and all those detained or imprisoned solely for the peaceful exercise of their human rights; calls for the immediate end of the unlawful state of emergency and end of impunity in the country, the restoration of the civilian government, the re-establishment of a path towards democracy and a swift opening of parliament with the participation of all elected representatives;
 3. Condemns any use of violence by the junta against its citizens as well as other forms of harassment especially towards human rights defenders, civil society activists, and journalists; deplores restrictions to the right to freedom of expression and other human rights; urges the junta to remove any restrictions on telecommunications and the internet, including the blockage of independent media websites and social media platforms; is appalled by the recent act of violence by the military regime in Kayah State on 24 December 2021, killing and burning more than 35 people, including women and children, as well as humanitarian workers;
 4. Is appalled by the Tatmadaw's crimes against ethnic minorities in Myanmar which have been extensively documented; strongly condemns attacks by the Tatmadaw in Karen, Karenni, Kachin, Shan and Chin States leading to large-scale displacement, death of civilians including children, destruction of religious buildings and other violations of human rights and humanitarian law; reiterates its condemnation of human rights violations and the systematic and widespread attacks against the Rohingya population; condemns the killing of Mohib Ullah, a Rohingya Muslim leader from the Arakan Rohingya Society for Peace and Human Rights, in a refugee camp outside the port of Cox's Bazar in Bangladesh;

5. Condemns pushbacks of refugees by neighbouring countries back to Myanmar which are in contravention of the principle of non-refoulement; urges the governments of Thailand, India and China to ensure that authorities do not deny anyone to cross the border seeking refuge; calls on these governments to ensure that aid organisations and local civil society organizations are allowed to access areas with internally displaced people along their borders with Myanmar;
6. Notes with grave concern that the humanitarian crisis is exacerbated by the COVID-19 pandemic in Myanmar with particularly worrying coronavirus spreads among the most marginalised populations, including those in the country's overcrowded and unsanitary prisons; urges the junta to re-establish a containment strategy and a contact-tracing system, and to ensure that the people have access to healthcare services and vaccines; asks the Commission to step up its support in this regard and to guarantee that it reaches the citizens, including by providing doses of COVID-19 vaccines;
7. Urges all parties to the crisis in Myanmar to facilitate safe and unhindered access for humanitarian assistance and to grant access to humanitarian workers; calls on the Commission to disengage from working relations with the junta in the provision of humanitarian assistance, preventing them from weaponising humanitarian aid; welcomes UNHCR's announcement from 11 February 2022 to step up humanitarian aid for displaced people in Myanmar; asks the Commission to redirect and step up humanitarian aid, including healthcare support, through cross-border channels, local humanitarian networks, ethnic service providers, community-based and civil society organizations; asks the Commission to analyse in which way development projects can be pursued with these groups and to direct development assistance accordingly;
8. Urges the Council to include the State Administrative Council (SAC) as an entity instead of its individual members on the list of natural and legal persons, entities and bodies subject to restrictive measures, in order to ensure that all entities under the control of the SAC are included within this designation and financial flows from the European Union to their benefit are prohibited;
9. Welcomes the four rounds of EU sanctions over the military coup and subsequent repression; welcomes the decision by the EU to add MOGE (Myanmar Oil and Gas Enterprise) - a state-owned enterprise that has fallen under the control of the military junta since last year's coup - to the list of sanctioned entities; notes with concern however, that the sanction regime includes a derogation explicitly allowing EU oil and gas operators remaining in Myanmar to pursue financial transactions with MOGE; considers the derogation, which seems to have been a tailor-made measure to the benefit of TotalEnergies a huge missed opportunity for the EU, its member states and its business sector to uphold their international human rights obligations; calls on the Council to reverse the derogation from the imposed sanctions and urges member states to refrain from implementing the derogation; urges the Commission and EU Member States to ensure that the withdrawal of EU companies complying with sanctions does not benefit the junta, in line with the UN Guiding Principles on Business and Human Rights, including by clarifying that companies' shares cannot be sold or transferred to MOGE or other junta enterprises under the sanctions enforcement; highlights that it is essential to target the military junta's economic interests and require further international coordination with like-minded jurisdictions; calls on the Council in a

further round of sanctions to also target the central bank reserves stresses that this would require imposing assets freezes and bans on international financial transfers to the two state-owned banks, Myanmar Foreign Trade Bank (MFTB) and Myanmar Investment and Commercial Bank (MICB);

10. Calls on Commission, EEAS, and Member States to enforce adopted sanctions and the EU arms embargo on Myanmar, ensuring that all dual use products, including surveillance, and equipment that can be used by the military in its crackdown on rights and dissent are covered by the embargo;
11. Regrets that the UN Security Council has failed to discuss a draft resolution on Myanmar; calls on the Member States and the EEAS to increase pressure on the UNSC with a view to achieving unity in adopting targeted sanctions, including global travel bans, and asset freezes on the leadership of the junta and military-owned conglomerates, in imposing a global comprehensive arms embargo on Myanmar, suspending all direct and indirect supply, sale or transfer weapons and dual use products, munitions and other military and security equipment, as well as the provision of training or other military and security assistance; condemns Russia and China for continuing to provide the Myanmar military junta with numerous fighter jets, armoured vehicles, and in the case of Russia, the promise of further arms; denounces Serbia's authorisation of rockets and artillery for export to the Myanmar military; calls on Russia, China and Serbia to immediately halt these armament exports to Myanmar;
12. Calls on the EU and Member States to explore all avenues for justice and accountability for grave international crimes committed by the security forces, including crimes against humanity committed in the wake of the coup, as well as crimes against humanity, war crimes, and acts of genocide committed in Rakhine and other ethnic regions for decades, by supporting a Security Council referral of the situation to the ICC, formally supporting the case brought by Gambia against Myanmar before the International Court of Justice concerning the Genocide Convention, and continuing to ensure that the Independent Investigative Mechanism on Myanmar (IIMM) is fully funded and supported;
13. Calls on the Association of Southeast Asian Nations (ASEAN), its members and especially its Special Envoy to more proactively use its special role in Myanmar, to cooperate with the UN special envoy and to engage with CRPH and NUG as well as other relevant groups in order to at least promote an effective and meaningful implementation of the Five-Point Consensus with a view of achieving a sustainable, democratic resolution of the current crisis in the near future; deplors the visit of Cambodian Prime Minister Hun Sen to Myanmar's military ruler Min Aung Hlaing on 7 January 2022, which being the first visit by a head of government to the junta since the coup conferred legitimacy on the latter; notes that the Cambodian Prime Minister's visit neither lead to the reduction of violence in Myanmar nor resulted in positive developments in its aftermath;
14. Calls on the European Commission to closely monitor whether an investigation for EBA withdrawal should be launched with a view of suspending the trade preferences that benefit Myanmar, especially companies of members of the Myanmar military, in

specific sectors and to keep the European Parliament duly informed of the steps to take; acknowledges that improvements have been achieved since Myanmar was reinstated into the Everything But Arms (EBA) scheme in 2013 for example with regard to the creation of jobs in the garment sector, which have particularly benefited women; underlines however that the enhanced engagement process was already launched in 2018 focusing on the compliance with international human rights conventions and labour rights and that the coup restored the state before the democratisation processes and undermines the conditions for granting EBA preferences; aims in this regard within the ongoing revision of the GSP regulation to strengthen the link between trade preferences of the EBA scheme and the implementation of human rights, labour rights and environmental standards;

15. Strongly urges EU based businesses with operations or supply chains in Myanmar to conduct heightened human rights due diligence, and to ensure they have no ties with Myanmar's security forces, their individual members, or entities owned or controlled by them, and that they do not contribute, directly or indirectly, to the junta's crackdown on democracy, and human rights; calls on EU based businesses to publicly disclose their conclusions and to work on continually improving labour conditions and environmental standards within their undertakings in Myanmar;
16. Calls on the EU Delegation in Myanmar and the embassies of the Member States to closely monitor the human rights and health situation in Myanmar and the cases of political leaders and others who are currently detained and imprisoned; calls on these diplomatic missions to strengthen their support for civil society and the work of human rights defenders; asks these diplomatic missions to offer support and possible protection to people at risk of persecution, including by providing safe haven at embassies, and facilitating entry for asylum, the issuance of emergency visas, or temporary refuge;
17. Instructs its President to forward this resolution to NUG and CRPH, the Tatmadaw of Myanmar, the governments of Thailand, India and China, the Secretary-General of ASEAN, the Secretary-General of the United Nations, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, and the governments and parliaments of the Member States.