



---

*Plenary sitting*

---

**B9-0143/2022**

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))

Pedro Marques, Andrea Cozzolino, Evin Incir  
on behalf of the S&D Group

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

*The European Parliament,*

- #— having regard to its previous resolutions on Myanmar, in particular those of 7 July 2016<sup>1</sup>, 15 December 2016<sup>2</sup>, 14 September 2017<sup>3</sup>, 14 June 2018<sup>4</sup>, 13 September 2018<sup>5</sup>, 19 September 2019<sup>6</sup>, 11 February 2021<sup>7</sup> and 7 October 2021<sup>8</sup>,
- having regard to the Council Regulation (EU) 2022/238 of 21 February 2022 amending Regulation (EU) No 401/2013 concerning restrictive measures in view of the situation in Myanmar/Burma,
- having regard to the declaration on Myanmar/Burma by the Vice President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on behalf of the European Union of 31 January 2022,
- having regard to the declaration by the High Representative on behalf of the EU of 30 April 2021 on the outcome of the ASEAN Leaders' Meeting,
- having regard to the statements by the Spokesperson of the European External Action Service of 3 March 2021 on continued human rights violations by the military, and of 23 May 2021 on the latest developments in Myanmar,
- having regard to the Council Decision (CFSP) 2021/711 of 29 April 2021 concerning restrictive measures in view of the situation in Myanmar/Burma<sup>9</sup>,
- having regard to the EU guidelines on the promotion and protection of freedom of religion or belief,
- having regard to the Association of Southeast Asian Nation's Five Point Consensus of 24 April 2021,
- having regard to the ASEAN Chairman's Statement on the Situation in Myanmar of 2 February 2022,
- having regard to the report of the UN Special Rapporteur on the situation of human rights in

---

<sup>1</sup> OJ C 101, 16.3.2018, p. 134.

<sup>2</sup> OJ C 238, 6.7.2018, p. 112.

<sup>3</sup> OJ C 337, 20.9.2018, p. 109.

<sup>4</sup> OJ C 28, 27.1.2020, p. 80.

<sup>5</sup> OJ C 433, 23.12.2019, p. 124.

<sup>6</sup> OJ C 171, 6.5.2021, p. 12.

<sup>7</sup> Texts adopted, P9\_TA(2021)0054.

<sup>8</sup> Texts adopted, P9\_TA(2021)0417.

<sup>9</sup> OJ L 147, 30.4.2021, p. 17.

- Myanmar of 22 February 2022 entitled ‘Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military’,
- having regard to the report of the UN Secretary-General of 31 August 2021 entitled ‘Situation of human rights of Rohingya Muslims and other minorities in Myanmar’,
  - having regard to Resolution 75/287 of 18 June 2021 of the UN General Assembly on the situation in Myanmar,
  - having regard to the reports of the UN Special Rapporteur on the situation of human rights in Myanmar, the Office of the High Commissioner for Human Rights, and the reports of the International Labour Organization supervisory mechanism,
  - having regard to the report of the Office of the UN High Commissioner for Human Rights of 16 September 2021 on the situation of human rights in Myanmar,
  - having regard to the 2022 UNOCHA Humanitarian Needs Overview - Myanmar of December 2021<sup>10</sup>;
  - having regard to the Security Council Press Statement on the Situation in Myanmar of 2 February 2022,
  - having regard to the press note of Spokesperson for the UN High Commissioner for Human Rights of 10 December 2021;
  - having regard to the statements by the UN High Commissioner for Human Rights on Myanmar of 23 September 2021,
  - having regard to the Statement of the United Nations Special Envoy of the Secretary-General on Myanmar, Noeleen Heyzer of 27 December 2021,
  - having regard to the statement by the UN Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, of 22 September 2021
  - having regard to the UN Human Rights Council reports on Myanmar and the situation of the human rights of Rohingya Muslims and other minorities,
  - having regard to the report of the Independent Investigative Mechanism for Myanmar of 1 July 2021,
  - having regard to the final report and recommendations of the Advisory Commission on Rakhine State (Annan Report),
  - having regard to the order of the International Court of Justice of 23 January 2020 on the request for the indication of provisional measures submitted by the Republic of the Gambia in the case concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide (*The Gambia v. Myanmar*),
  - having regard to the Universal Declaration of Human Rights of 1948,

---

<sup>10</sup> [https://reliefweb.int/sites/reliefweb.int/files/resources/mmr\\_humanitarian\\_needs\\_overview\\_2022.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/mmr_humanitarian_needs_overview_2022.pdf)

- having regard to the Geneva Conventions of 1949 and the additional protocols thereto,
  - having regard to the UN Convention on the Prevention and Punishment of the Crime of Genocide of 1948,
  - having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas on 1 February 2021, the military of Myanmar, known as the Tatmadaw, in a clear violation of the constitution of Myanmar and of the electoral results of November 2020, arrested President Win Myint and State Counsellor Aung San Suu Kyi, as well as leading members of the government, seized power over the legislative, judicial and executive branches of the government by means of a coup d'état, and declared a one-year state of emergency; whereas in August 2021, the military junta commander-in-chief, Min Aung Hlaing, announced that he was appointing himself Prime Minister and that the state of emergency would be extended until August 2023;
  - B. whereas in response to the military takeover, peaceful protests and demonstrations broke out in various cities in Myanmar; 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 UN Special Rapporteur on the situation of human rights in Myanmar indicated in a formal statement that the Army's widespread, systematic attacks against the people of Myanmar likely amount to crimes against humanity and war crimes under international law; whereas the UN Special Rapporteur explicitly stated that the architects and perpetrators of the coup and the violations should be held accountable;
  - D. whereas on 24 April 2021 ASEAN leaders met Myanmar's military junta chief Min Aung Hlaing in Jakarta and reached a five-point consensus, encompassing “the immediate cessation of violence in Myanmar”, “a constructive dialogue among all parties concerned (...) to seek a peaceful solution in the interests of the people” and “humanitarian assistance”; whereas as of today the military Junta has taken no action to implement the ASEAN five-point consensus; whereas since adoption of the ASEAN five-point consensus violence has even escalated and dramatically increased;
  - E. whereas according to the EU VP/HR, since the military takeover, “more than 1 500 people have been killed, over 8 600 are currently under detention and 80 people sentenced to death”; whereas according to local NGOs, the number of killed and arrested people would be even much higher;
  - F. whereas torture is widely used against the people held in custody for taking part in pro-democracy demonstrations; whereas methods of torture include beatings, mock executions with guns, cigarette burns, and rape and threats of rape; whereas torture by the police has been a problem in Myanmar before, but the Tatmadaw is now using a systematic threat of torture as a part of its efforts to oppress the opposition;
  - G. during the first 11 months since the military takeover (1 February–31 December), there were 7 686 armed clashes and attacks on civilians (in every administrative area of the country), a 715% increase from the same period in 2020 (943);

- H. whereas in ethnic States, the Army engaged in asymmetrical warfare with civilian resistance groups; shelled and torched villages; targeted civilian premises such as churches, schools, and hospitals; attacked health and humanitarian aid workers; used civilians as porters and human shields; tortured and killed detainees; raped women; and committed perfidy;
- K. whereas according to the UN in December 2021 several unarmed people, have been killed by the Army including five minors burned alive;
- L. whereas since December 2021 the military junta has increased the number of airstrikes against villages in the ethnic States, tragically involving at least 200,000 civilians;
- M. whereas there are over 453 000 newly displaced people most of whom women and children still trapped in the conflict zones, in addition to other 370.400 people already living in protracted displacement before February 2021 and almost one million Myanmar refugees in neighbouring countries;
- N. whereas the UN estimated that there are 14.4 million people across Myanmar in need of humanitarian assistance of which 5 million are children and 13.3 million people at risk of food insecurity and hunger, up from 2.8 million prior to the military take-over; whereas in December 2021 the UNOCHA released the 2022 Humanitarian Response Plan (HRP), which requests US\$826 million to reach 6.2 million people in need of life-saving humanitarian support;
- O. whereas the Army has, in parallel, been increasing its crackdown on the media in Myanmar, with a growing number of journalists having been arbitrarily arrested, detained and charged in order to silence the media and eradicate freedom of expression; whereas the junta is increasingly making use of tools of surveillance and censorship through restrictions on telecommunications and the internet;
- P. whereas since the military takeover there have been increasing labour rights violations, notably in and around garment facilities; whereas several trade unions and labour rights organisations were declared illegal in March 2021 and prohibited to continue their activities; whereas all collective agreements have been cancelled and factories deploy military forces in front of their gates, threatening workers who are obliged to do forced non paid overtime and work without respect of fundamental ILO Conventions; whereas prominent human rights defenders and labour rights organisers are under threat, in jail or just released after months of imprisonment.
- Q. whereas violations of the freedom of religion or belief and other human rights are being perpetrated against religious and ethnic minorities in Myanmar;
- P. whereas the roughly 600 000 Rohingya who remain in Rakhine State 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 crimes against humanity;
- R. whereas the UN Secretary-General has warned that ‘the risk of a large-scale armed

conflict requires a collective approach to prevent a multi-dimensional catastrophe in the heart of Southeast Asia and beyond’;

- S. whereas the humanitarian situation in Myanmar has also been worsened by the junta’s negligent handling of the COVID-19 crisis; whereas the arbitrary mass detention of protesters, crowded prisons and the overall neglect of prisoners’ health have also contributed to an increase in the number of COVID-19 infections;
  - T. whereas the Tatmadaw and its generals are illegally securing funds through the illegal sale of timber, gems, gas and oil, and are faced with widespread allegations of corruption; whereas there are not yet adequate due diligence measures in place to determine the sources of the precious stones European business and consumers buy;
  - U. whereas as of today the Commission has not launched yet an investigation pursuant to Article 19(1)(a) of the GSP Regulation with a view to suspending the trade preferences that Myanmar, as formally requested at very large majority by the European Parliament in June 2018, in September 2018, in September 2019, in February 2021, and in October 2021;
1. Strongly condemns the heinous atrocities, mass killings and widespread human violations against the Myanmar population committed by the Junta’s security forces since the military takeover;
  2. Is appalled by the Tatmadaw’s crimes against ethnic and religious groups in Myanmar; strongly condemns the attacks by the Tatmadaw in the states of Kayah, Kayah, Kachin, Shan and Chin and Magwe and Sagaing Regions, which have led to large-scale displacement, the death of civilians, including children, the destruction of religious buildings, and other violations of human rights and humanitarian law;
  3. Reiterates its condemnation of the human rights violations and systematic and widespread attacks against the Rohingya population; underlines that the EU will continue to closely monitor the actions of the military leadership towards minorities in the country, in particular the Rohingya;
  4. Reaffirms that the Tatmadaw should fully respect the outcome of the democratic elections of November 2020 and immediately reinstate the civilian government, end the state of emergency, end the military attacks and the use of violence against peaceful protesters and ethnic minorities;
  5. Reiterate its call for the immediate release of all those who remain arbitrarily detained, including State Counsellor Aung San Suu Kyi and President Win Myint; considers the release of all political leaders and prisoners the first essential step towards a peaceful solution to the crisis and the restoration of the legitimate authorities;
  6. Supports the CRPH and the NUG and the NUCC National Unity Consultative Council as the only legitimate representatives of the democratic wishes of the people of Myanmar, and calls on the Association of Southeast Asian Nations (ASEAN) and the international community to include and involve them in genuine and inclusive political dialogue and efforts aimed at the peaceful resolution of the crisis based on respect for the rule of law;

7. Is of the view that the ASEAN five point consensus have not led to any result yet and calls on the ASEAN leaders to increase their pressure on Junta in view of the immediate cessation of violence and to facilitate humanitarian access for all humanitarian actors;
8. Calls for immediate and regular access for the International Committee of the Red Cross to detainees and prisons, as covered by the Geneva Conventions; calls on the military and police forces to provide the families of all individuals detained in connection with the security force operations across Myanmar prior to and in the aftermath of 1 February 2021 with full information about their fate and whereabouts;
9. Calls on the EU, its Member States and the other international donors to urgently meet their financial obligations to the 2022 UN Myanmar Humanitarian Response Plan; asks the Commission to redirect and step up humanitarian aid, including healthcare support, through cross-border channels, local humanitarian networks, ethnic service providers, and community-based and civil society organisations; asks the Commission to analyse how best to pursue development projects with these groups and to direct development assistance accordingly;
10. Urges the junta to stop the military airstrikes against the population and calls EU and its Members States to pressure the Security Council of the United Nations to urgently declare and ensure a no-fly zone in Myanmar;
11. Expresses strong concern about the findings of the February 2022 report by the UN Special Rapporteur on Myanmar documenting arms transfers from UN member states, including EU member countries and candidate countries; solemnly recalls that under these circumstances the sale of arms to the Myanmar Army and security force is incompatible with the EU accession and membership; urges the Security Council to impose a comprehensive arms embargo and targeted economic sanctions against the Myanmar military or, at the very least, to immediately propose a resolution to stop the flow of weapons that are actively being used by the military junta to attack Myanmar civilians and commit human right violations;
12. Encourages the EU to make full use of the new Global Human Rights Sanctions Regime and welcomes the recent rounds of sanctions imposed by the Council against members of the Tatmadaw and their businesses, including the state-owned Myanmar Oil and Gas Enterprise (MOGE); calls on Member States to swiftly and thoroughly enforce all existing sanctions with the aim of cutting off the funds of the junta; rejects any derogation allowing EU oil and gas operators remaining in Myanmar to pursue financial transactions with MOGE; 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; stresses that this would require imposing specific asset freezes and bans on international financial transfers to the two state-owned banks, the Myanmar Foreign Trade Bank and the Myanmar Investment and Commercial Bank, through which all foreign currency is collected;
13. Reiterates its call on EU-based businesses with operations or supply chains in Myanmar to conduct heightened human rights due diligence and to ensure that 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;

14. Condemns the increasing labour rights violation, notably in the garment sectors, and the attacks and abuses against trade unions and labour rights defenders;
15. Condemns the attacks perpetrated by the Army against healthcare workers and facilities, and the negligent response of Junta to the COVID-19 pandemic; highlights that health and access to healthcare and vaccinations are universal human rights;
16. Supports the UN High Commissioner and UN Special Rapporteur's continued monitoring and assessment of the grave human rights situation in Myanmar while exploring what further steps and resources the UN and its member states need to provide to support continued fact-finding and the pursuit of accountability;
17. Calls on ASEAN, its members and particularly its Special Envoy to Myanmar to make more proactive use of their special role in Myanmar, to cooperate with the UN Special Envoy and to engage with all parties involved, notably with the NUG and representatives of civil society, in particular women and ethnic groups, in order to promote, at a minimum, the effective and meaningful implementation of the five-point consensus with a view to achieving the sustainable and democratic resolution of the current crisis in the near future;
18. Urges EU and its 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 States 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.
19. Reiterates its call on the Commission to swiftly launch an investigation pursuant to Article 19(1)(a) of the GSP Regulation with a view of a potential temporarily suspension of the trade preferences that benefit Myanmar, especially regarding specific sectors where companies owned by or closed to the Army operate, or alternatively to duly justify its decision to the European Parliament;
20. Calls on the VP/HR and the Member States to vigorously address the situation in Myanmar, and calls on the VP/HR to report back to Parliament, in particular to its Committee on Foreign Affairs, on a regular basis, including on the situation of religious and ethnic groups, in order to ensure adequate parliamentary dialogue on this important and worrying situation;
21. Instructs its President to forward this resolution to the legitimate President and National Unity Government of Myanmar, the Committee Representing the Pyidaungsu Hluttaw,



the State Counsellor of Myanmar, the Tatmadaw, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the governments and parliaments of the Member States, the governments and parliaments of the United States, Bangladesh, the United Kingdom, Japan, India, Australia, Canada, the Member States of ASEAN, the governments and parliaments of Russia and China, the Secretary-General of the United Nations, 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.

#