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## TEXTS ADOPTED

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### **P8\_TA(2016)0316**

#### **Myanmar, notably the situation of the Rohingya**

##### **European Parliament resolution of 7 July 2016 on Myanmar, in particular the situation of the Rohingya (2016/2809(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Myanmar/Burma and the Rohingya, in particular those of 20 April 2012<sup>1</sup>, 13 September 2012<sup>2</sup>, 22 November 2012<sup>3</sup>, 13 June 2013<sup>4</sup> and 21 May 2015<sup>5</sup>, and to its resolution of 23 May 2013 on reinstatement of Myanmar/Burma's access to generalised tariff preferences<sup>6</sup>,
- having regard to the report of the UN High Commissioner for Human Rights of 20 June 2016 entitled 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar',
- having regard to the resolutions of the UN Human Rights Council of 24 March 2016 on the situation of human rights in Myanmar and of 3 July 2015 on the situation of human rights of Rohingya Muslims and other minorities in Myanmar,
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 1 June 2016 entitled 'Elements for an EU strategy vis-à-vis Myanmar/Burma: A Special Partnership for Democracy, Peace and Prosperity' (JOIN(2016)0024),
- having regard to the Council conclusions of 20 June 2016 on an EU strategy vis-à-vis Myanmar/Burma,
- having regard to the EU Guidelines on Human Rights Defenders,
- having regard to the EU Human Rights Guidelines on Freedom of Expression Online and Offline,

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<sup>1</sup> OJ C 258 E, 7.9.2013, p. 79.

<sup>2</sup> OJ C 353 E, 3.12.2013, p. 145.

<sup>3</sup> OJ C 419, 16.12.2015, p. 189.

<sup>4</sup> OJ C 65, 19.2.2016, p. 157.

<sup>5</sup> Texts adopted, P8\_TA(2015)0211.

<sup>6</sup> OJ C 55, 12.2.2016, p. 112.

- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 18 May 2015 entitled ‘The EU and ASEAN: a partnership with a strategic purpose’ (JOIN(2015)0022),
  - having regard to the ‘Sustainability Impact Assessment (SIA) in support of an investment protection agreement between the European Union and the Republic of the Union of Myanmar’, published in April 2016,
  - having regard to the Universal Declaration of Human Rights of 10 December 1948,
  - having regard to the International Covenant on Civil and Political Rights of 1966,
  - having regard to the International Covenant on Economic, Social and Cultural Rights of 1966,
  - having regard to the 1951 UN Convention on the Status of Refugees and the 1967 Protocol thereto,
  - having regard to Burma/Myanmar’s Right to Peaceful Assembly and Peaceful Procession Law of 2012 and the amendments thereto of 2014, and to its new Peaceful Assembly and Peaceful Processions Law of 31 May 2016,
  - having regard to the report of Association of Southeast Asian Nations (ASEAN) Parliamentarians for Human Rights of April 2015 entitled ‘The Rohingya Crisis and the Risk of Atrocities in Myanmar: An ASEAN Challenge and Call to Action’,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Myanmar has taken significant steps to reform its economy and political system, and whereas wide-ranging reforms have been initiated since 2011;
- B. whereas on 9 November 2015 the National League for Democracy (NLD), under the leadership of Nobel Peace Prize and Sakharov Prize winner Aung San Suu Kyi, overwhelmingly won the elections, and whereas Htin Kyaw became the first civilian president in 50 years; whereas despite Ms Suu Kyi’s personal popularity she was barred from the presidency by the 2008 constitution drafted by the military, but is de facto now heading the state under the title of State Counsellor;
- C. whereas the Rohingya are an ethno-religious Muslim minority who have for decades suffered brutal oppression, systematic persecution, segregation, exclusion, discrimination and other serious human rights violations;
- D. whereas the Rohingya represent the largest percentage of Muslims in Myanmar, with the majority living in Rakhine State;
- E. whereas the approximately one million Rohingya are one of the world’s most persecuted minorities, and have been officially stateless since the 1982 Burmese Citizenship Law; whereas the Rohingya are unwanted by the Myanmar authorities and by neighbouring countries, although some of the latter host large refugee populations; whereas ongoing clashes in Rakhine State are resulting in continued human suffering and undermining confidence in the peace process;

- F. whereas UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein, in his report of 20 June 2016, described the continued serious rights violations against the Rohingya, including arbitrary deprivation of nationality, which renders them stateless, severe restriction of freedom of movement, threats to life and security, denial of the rights to health and education, forced labour, sexual violence and limitations on their political rights, 'which may amount to crimes against humanity'; whereas Mr Al Hussein indicated that Rohingya are excluded from numerous professions and need special paperwork to access hospitals, which has resulted in delays and in the deaths of babies and their mothers during childbirth;
- G. whereas, according to ASEAN Parliamentarians for Human Rights, some 120 000 Rohingya remain in more than 80 internal displacement camps in Rakhine State, with limited access to humanitarian aid, while more than 100 000 others have fled by sea or land, often at the hands of human traffickers, to other countries in recent years; whereas many thousands risk their lives every year in an attempt to flee by land or sea and many have perished on the way;
- H. whereas the new government has inherited a situation where laws and policies are in place which are designed to deny minorities their fundamental rights and where impunity for serious violations against the Rohingya has encouraged further violence against them;
- I. whereas Ms Suu Kyi announced in a meeting with the UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, that the government will not use the word Rohingya (a continuation of the policy practised under the military dictatorship), as it is considered inflammatory, as is the word 'Bengali', and that it is instead suggesting the new term 'Muslim community in Rakhine State'; whereas the Arakan National Party (ANP), representing the hardline Rakhine Buddhists, rejected the new term, accusing the government of indirectly accepting that the Rohingya are natives of Rakhine State, which the ANP rejects, and whereas in recent days thousands have taken to the streets in protest against the government; whereas Ms Suu Kyi has taken on the posts of State Counsellor, Foreign Minister and Minister for the President's Office in a civilian government;
- J. whereas Myanmar is in a political transition but is still, in practice, a stronghold of the military, with some ministries, court judge posts and parliamentary seats being reserved for military appointees; whereas the level of corruption within the authorities is still perceived as being very high;
- K. whereas there are still serious problems with Myanmar's legislation, with several key laws being in violation of international human rights conventions, including the Penal Code, the Peaceful Assembly and Peaceful Processions Law, the Telecommunications Law, the News Media Law and the four bills on the protection of race and religion;
- L. whereas, in a recent outbreak of violence against Myanmar's Muslim community, two mosques have been burned down in less than a week;
- M. whereas the Rohingya population (both inside and outside Rakhine State) is the target of violent, aggressive and discriminatory propaganda and actions perpetrated by a number of radical Buddhist groups in Myanmar;
- N. whereas in recent years many political prisoners have been released, but numerous human rights defenders, journalists, critics of the government and the military, and others have

been arrested under broad, vaguely worded provisions as they peacefully exercised their democratic rights;

- O. whereas Myanmar has made clear efforts to advance the peace process, in addition to its preparations for a national peace conference (the 21st-Century Panglong Conference); whereas it is essential to maintain the national ceasefire and to include all ethnic armed groups in order to ensure peace, prosperity and unity in the country;
1. Welcomes the credible, competitive elections of November 2015, and takes positive note of the peaceful transfer of power to the country's first non-military president since 1962;
2. Welcomes the Council conclusions of 20 June 2016 on an EU strategy vis-à-vis Myanmar; emphasises that the EU has a strategic interest in strengthening its relationship with Myanmar; believes that the new government has a historic opportunity to consolidate democracy and to achieve peace, national reconciliation and prosperity;
3. Welcomes the decision of the Government of Myanmar to make peace and national reconciliation a key priority; stresses that fighting must cease immediately, and that disputes need to be resolved through negotiation;
4. Understands that reforms take time, but stresses that the gravity of the continuing persecution of certain minorities, as documented in the recent report of the UN High Commissioner for Human Rights entitled 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar', demands immediate remedies, and calls on the government to act on the report's recommendations, including those to abolish discriminatory 'local orders' in Rakhine State, to remove restrictive measures in respect of emergency medical treatment and to lift restrictions on freedom of movement;
5. Urges the government and the relevant authorities of all countries in the region to fully comply with the principle of non-refoulement and to protect Rohingya refugees, in line with their international obligations and with international human rights standards;
6. Reiterates its deepest concern about the plight of Rohingya refugees in South-East Asia and calls for regional and international mobilisation to provide them with urgent assistance in their extremely vulnerable situation; expresses its condolences to the families of victims of human traffickers, violence and lack of protection from official authorities in destination countries;
7. Emphasises that the EU has taken positive note of the efforts of the Government of Myanmar to begin work on addressing the challenges facing Rakhine State, including the situation of the Rohingya;
8. Insists that the authorities should, as a matter of urgency, ensure free and unimpeded access to Rakhine State for humanitarian actors, the UN, international human rights organisations, journalists and other international observers;
9. Calls on the Myanmar Government to condemn unequivocally all incitement to racial or religious hatred, to take concrete steps to end such hatred immediately, and to implement specific measures and policies to prevent direct and indirect discrimination against the Rohingya in the future;
10. Echoes the European Council in calling for the building of effective democratic institutions, including an independent and impartial judiciary and a strong civil society,

and for the promotion of good governance with a view to making Myanmar into a democracy with full respect for the rule of law and fundamental rights;

11. Calls on the elected government to develop an open democracy in which human rights are respected and all people are guaranteed freedom of expression, assembly and movement, free from any form of discrimination;
12. Urges the Government of Myanmar to implement immediately the recommendations set out in the resolution adopted at the 31st session of the UN Human Rights Council (UNHRC) on the situation of human rights in Myanmar;
13. Calls on the Government of Myanmar to safeguard the Rohingya people from any form of discrimination and to end impunity for violations against the Rohingya; recalls the long-overdue statement of 18 May 2015 by the spokesperson for Ms Suu Kyi's party, the NLD, that the Government of Myanmar should grant citizenship to the Rohingya minority; calls on Ms Suu Kyi, a winner of the Sakharov Prize, to use her key positions in the Government of Myanmar to improve the situation of the Rohingya minority;
14. Calls on the Government of Myanmar to reform the 1982 Citizenship Law and to restore the Rohingya minority's citizenship; urges the Government of Myanmar and the Rakhine State authorities to immediately start registering all children at birth; asks the Government of Myanmar to repeal all discriminatory provisions;
15. Calls for the EU to continue to support the UNHRC in its efforts to help Rohingya refugees in the South and South-East Asia region;
16. Calls for the EU and its Member States to support the UNHRC Global 2014-24 Action Plan to End Statelessness;
17. Urges the Government of Myanmar to release immediately all political prisoners and those arrested on charges that violate international human rights law and norms;
18. Calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy to address the situation of the Rohingya at the highest possible political level in her contacts with Myanmar and with other ASEAN member countries;
19. Calls for caution on the conclusion of the planned EU-Myanmar investment agreement, as it could endanger the future socially balanced development of Myanmar as long as legislation on corporate social and environmental responsibilities and liabilities, labour rights, land ownership and anti-corruption measures are still largely absent, and urges both sides to take account of these concerns;
20. 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 and Parliament of Myanmar, the Secretary-General of the Association of Southeast Asian Nations, 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, the UN Human Rights Council and the governments and parliaments of other states in the region.