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**TEXTS ADOPTED**

*Provisional edition*

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**P8\_TA-PROV(2016)0506**

**The situation of the Rohingya minority in Myanmar**

**European Parliament resolution of 15 December 2016 on the situation of the Rohingya minority in Myanmar (2016/3027(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Myanmar and on the situation of Rohingya Muslims, in particular that of 7 July 2016<sup>1</sup>,
- having regard to the Council conclusions on the EU strategy with Myanmar/Burma of 20 June 2016,
- having regard to the joint communication by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament and the Council, entitled ‘Elements for an EU strategy vis-à-vis Myanmar/Burma: A Special Partnership for Democracy, Peace and Prosperity’,
- having regard to the statement by Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) Federica Mogherini on the entry into office of the new Government of the Union of Myanmar,
- having regard to the Statement by the Spokesperson of the VP/HR on the recent escalation of violence in Myanmar of 2 December 2016,
- having regard to the joint press release on the third EU-Myanmar Human Rights Dialogue of 25 November 2016,
- having regard to the Council conclusions on Statelessness of 4 December 2015,
- having regard to the recent briefings of the United Nations High Commissioner for Human Rights (OHCHR) and the UN Special Rapporteur on the situation of human rights in Myanmar of 29 and 18 November 2016 respectively, on the deteriorating human rights situation in northern Rakhine State,
- having regard to the report of the United Nations High Commissioner for Human Rights entitled ‘Situation of human rights of Rohingya Muslims and other minorities in

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<sup>1</sup> Texts adopted, P8\_TA(2016)0316.

Myanmar', of 20 June 2016,

- having regard to the resolution adopted by the United Nations Human Rights Council on 24 March 2016 (31/24), entitled 'Situation of human rights in Myanmar',
  - having regard to the report of the UN Special Rapporteur on the situation of human rights in Myanmar of 18 March 2016,
  - 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 UN High Commissioner for Refugees (UNHCR) Global 2014-24 Action Plan to End Statelessness,
  - having regard to Articles 18-21 of the Universal Declaration of Human Rights (UDHR) of 1948,
  - having regard to the International Covenant on Civil and Political Rights of 1966 and the International Covenant on Economic, Social and Cultural Rights of 1966,
  - having regard to the ASEAN Charter,
  - having regard to the report of the 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 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 restrictions 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; whereas John McKissick, the head of the UN refugee agency's office in the Bangladeshi town of Cox's Bazar has recently gone on record as stating that Myanmar is attempting to 'ethnically cleanse the Muslim Rohingya minority from its territory'; whereas the human rights violations against the Rohingya minority amount to collective punishment;
- B. whereas on 9 October 2016 gunmen attacked three police outposts near the Bangladesh border, leaving nine police officers dead and many weapons missing; whereas the Government of Myanmar claimed the gunmen were Rohingya militiamen and, following this, declared Maungdaw district an 'operation zone' with curfews and other severe restrictions, including for journalists and outside observers, who are not allowed to access the area;

- C. whereas according to human rights organisations, local sources report serious human rights abuses by government forces in the so-called operation zone; whereas the Government of Myanmar has reported the deaths of 69 alleged militants and 17 members of the security forces, a claim which cannot be independently verified due to access restrictions;
- D. whereas on 3 November 2016 a second attack on a border guard post resulted in the death of a police officer;
- E. whereas human rights organisations, notably Human Rights Watch, using satellite imagery, have reported large-scale destruction of homes and other types of buildings in parts of northern Rakhine State currently inaccessible to NGOs and independent observers;
- F. whereas the Government of Myanmar conducted a government-supervised tour of some impacted sites in Maungdaw on 2 and 3 November 2016 with a nine-member delegation of foreign ambassadors, including the UN Resident Coordinator, which confirmed that they saw burned structures in several towns;
- G. whereas in recent weeks at least 25 000 Rohingya have fled into neighbouring Bangladesh, and an estimated 30 000 residents of Rakhine State have been displaced by the violence; whereas more than 56 000 Rohingya are currently registered with the UNHCR in Malaysia;
- H. whereas since 2011 Myanmar has taken steps to reform its economy and political system; whereas, however, the army still has a disproportionate hold on the country's affairs; whereas in November 2015 a new national parliament was elected and in March 2016 a democratically elected national government was installed;
- I. whereas in response, the EU and other global players have lifted sanctions and allowed Myanmar to reintegrate into global political and economic structures; whereas the EU and its Member States have played a significant role in the reform and opening-up process and have contributed with, among other things, significant development aid, training and technical cooperation, promotion of an inclusive Nationwide Ceasefire Agreement and trade under the Everything But Arms (EBA) facility; whereas the EU and Myanmar hold annual human rights dialogues;
- J. whereas many problems persist, however, including in the area of human rights and in particular regarding the situation of the Rohingya Muslim minority; whereas the more than one million Rohingya Muslims have lived in Myanmar for generations, but are currently one of the world's most persecuted minorities; whereas they have been officially stateless since the 1982 Burmese Citizenship Law; whereas the Rohingya are unwanted by the authorities of Myanmar and by neighbouring countries, although some of those host large refugee populations; whereas Myanmar's legal framework institutionalises discrimination against minorities and in particular renders the Rohingya stateless, as their temporary identity cards (white cards) were declared to have expired in March 2015 and they have been unable to obtain birth certificates for their children since 2012;
- K. whereas the authorities of Myanmar continue to deny the Rohingya their most basic rights; whereas, according to a report from April 2015 by the ASEAN Parliamentarians

for Human Rights, at the time of writing some 120 000 Rohingya remained 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 and many die during these perilous journeys;

- L. whereas rape is reportedly widely used in Myanmar by the armed forces as a weapon of war to intimidate ethnic minorities, with devastating consequences for the victims; whereas the UN Special Representative of the Secretary-General for Sexual Violence in Conflict, Zainab Hawa Bangura, has expressed her grave concerns in this regard; whereas the International Criminal Court includes rape and other forms of sexual violence on its list of war crimes and acts that constitute crimes against humanity; whereas it should be stressed in particular that Rohingya women are victims of multiple forms of discrimination, including sexual abuse and forced sterilisation;
- M. whereas serious concerns exist regarding the situation of the LGBTI community in Myanmar, including Rohingyas, who are still prosecuted and criminalised under the pretext of a colonial-era provision, Section 377 of the Penal Code, and who continue to face arbitrary arrest and detention, intimidation, physical and sexual assault and the denial of health services;
- N. whereas Aung San Suu Kyi announced in a meeting with the UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, that the term ‘Rohingya’ will not be used by the government – in continuation of the policy in practice under the military dictatorship – as it is considered inflammatory, as is the term ‘Bengali’, and is instead suggesting a new term: ‘Muslim community in Rakhine State’;
- O. whereas Myanmar has made some efforts to advance the peace process, in addition to its preparations for a national peace 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. Is extremely concerned about the reports of violent clashes in northern Rakhine State and deplores the loss of lives, livelihoods and shelter and the reported disproportionate use of force by the armed forces of Myanmar; confirms that the Myanmar authorities have a duty to investigate the 9 October 2016 attacks and prosecute those responsible, but that this must be done in accordance with human rights standards and obligations;
  - 2. Urges the military and security forces to stop immediately the killings, harassment and rapes of the Rohingya people, and the burning of their homes;
  - 3. Welcomes the announcement by the Government of Myanmar of the establishment of a Commission of Inquiry into the recent violence in Rakhine State; asks the Government of Myanmar to allow the UN and other outside observers to assist in investigating recent events in Rakhine State’s Maungdaw district, including the 9 October 2016 attacks and the government actions following them; underlines the need to appropriately prosecute those responsible, and to provide adequate redress for victims of violations;
  - 4. Insists that this only be the first step in a broader commitment to end impunity for

crimes against the Rohingya minority; is particularly appalled at reports of sexual violence as a means of intimidation and a weapon of war in the suppression of the Rohingya minority and demands prosecution of the perpetrators of these crimes;

5. Requests, furthermore, that the Government of Myanmar immediately allow humanitarian aid to reach all conflict areas and displaced people;
6. Demands that the Government and the civil authorities of Myanmar immediately end the terrible discrimination and segregation of the Rohingya minority;
7. Calls, therefore, on the Government of Myanmar to reform the 1982 Citizenship Law and to restore citizenship to the Rohingya minority; urges the Government of Myanmar and the Rakhine State authorities to immediately start registering all children at birth;
8. Calls on the Government of Myanmar to lift all unnecessary, discriminatory and disproportional restrictions in Rakhine State;
9. Calls on the Government of Myanmar to combat trafficking of persons and transnational organised crime;
10. Calls on the Government of Myanmar to improve its cooperation with the UN, including the UNHCR and Special Procedures Mandate-holders; urges the Government of Myanmar to implement the recommendations in UN Human Rights Council resolution 31/24 on the situation of human rights in Myanmar; calls on the Government of Myanmar to invite the Office of the UN High Commissioner for Human Rights to open an office in the country, with a full mandate and adequate staff;
11. Calls on the Government of Myanmar to condemn unequivocally all incitement to racial or religious hatred, to take steps to end hate speech, including from radical Buddhist groups, and to combat social discrimination and hostilities against the Rohingya minority; calls, furthermore, on the Government of Myanmar to uphold the universal right to freedom of religion or belief;
12. Calls on Sakharov Prize laureate Aung San Suu Kyi to use her key position in the Government of Myanmar to improve the situation of the Rohingya minority; recalls the statement of 18 May 2015 by the spokesperson of Ms Suu Kyi's party that the Government of Myanmar should restore citizenship to the Rohingya minority;
13. Recommends that the governments of the countries that cope with the influx of Rohingya refugees cooperate closely with the UNHCR, which has the technical expertise to screen for refugee status and the mandate to protect refugees and stateless people; urges those countries to respect the principle of non-refoulement and not to push the Rohingya refugees back, at least until a satisfactory and dignified solution for their situation has been found; calls in particular upon Bangladesh to allow the entry of Rohingya refugees, whilst acknowledging the efforts already made by Bangladesh to host several hundred thousand refugees;
14. Welcomes the Council conclusions of 20 June 2016 on an EU strategy vis-à-vis Myanmar; believes that the EU indeed has a strategic interest in strengthening its relationship with Myanmar; believes that the new government has a historic opportunity as well as a duty to consolidate democracy and to achieve peace, national reconciliation and prosperity; is of the opinion that further deepening of the EU-Myanmar relationship

must be conditional upon real human rights improvements in that country;

15. Echoes, furthermore, the calls in the Council conclusions for the building of effective democratic institutions and a strong civil society, the respect for basic rights and freedoms, and the promotion of good governance;
16. Calls on the European External Action Service to continue the regular bilateral human rights dialogue and to discuss the situation regarding problematic legislation and discrimination of minorities, in particular the Rohingya, in detail and to report back to the European Parliament regarding the outcome of these discussions;
17. Calls for the EU and its Member States to continue their support of the new democratic structures of Myanmar and to focus in particular on technical cooperation to help improve the various state functions;
18. Calls for the EU and its Member States to maintain scrutiny of Myanmar at the UN Human Rights Council under agenda item 4;
19. Calls for the EU to support the UNHCR in its efforts to help Rohingya refugees in the South and Southeast Asia region;
20. Calls for the EU and its Member States to support the UNHCR Global 2014-24 Action Plan to End Statelessness;
21. Instructs its President to forward this resolution to the Government and Parliament of Myanmar, 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 EU Member States, 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.