



Plenary sitting

**B9-0502/2021 }
B9-0503/2021 }
B9-0504/2021 }
B9-0505/2021 }
B9-0506/2021 } RC1**

6.10.2021

JOINT MOTION FOR A RESOLUTION

pursuant to Rules 144(5) and 132(4) of the Rules of Procedure

replacing the following motions:

B9-0502/2021 (Verts/ALE)

B9-0503/2021 (Renew)

B9-0504/2021 (S&D)

B9-0505/2021 (PPE)

B9-0506/2021 (ECR)

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

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Kalniete, Isabel Wiseler-Lima, Inese Vaidere, Michaela Šojdrová,
Magdalena Adamowicz, David Lega, Krzysztof Hetman, Tom
Vandenkendelaere, Adam Jarubas, José Manuel Fernandes, Elżbieta
Katarzyna Łukacijewska, Miriam Lexmann, Peter Pollák, Christian
Sagartz, Tomáš Zdechovský, Maria Walsh, Vladimír Bilčík, Ivan Štefanec,
Gabriel Mato, Eva Maydell, Paulo Rangel, Vangelis Meimarakis, Stelios**

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PE697.968v01-00 }
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PE697.970v01-00 }
PE697.971v01-00 } RC1

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Antonio López-Istúriz White, Andrey Kovatchev**

on behalf of the PPE Group

Andrea Cozzolino, Pedro Marques, Evin Incir

on behalf of the S&D Group

Urmas Paet, Petras Auštrevičius, Izaskun Bilbao Barandica, Olivier

Chastel, Svenja Hahn, Karen Melchior, Javier Nart, María Soraya

Rodríguez Ramos, Nicolae Ștefănuță, Ramona Strugariu

on behalf of the Renew Group

Heidi Hautala

on behalf of the Verts/ALE Group

Anna Fotyga, Karol Karski, Ryszard Antoni Legutko, Jadwiga

Wiśniewska, Valdemar Tomaševski, Bogdan Rzońca, Ryszard Czarnecki,

Ladislav Ilčić, Angel Dzhambazki, Raffaele Fitto, Bert-Jan Ruissen, Eugen

Jurzyca, Jan Zahradil, Adam Bielan, Alexandr Vondra, Assita Kanko

on behalf of the ECR Group

Fabio Massimo Castaldo

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 and on the situation of the Rohingya, in particular those of 22 November 2012¹, 20 April 2012², 20 May 2010³, 25 November 2010⁴, 7 July 2016⁵, 15 December 2016⁶, 14 September 2017⁷, 14 June 2018⁸, 13 September 2018⁹, 19 September 2019¹⁰ and 11 February 2021¹¹,
- having regard to the Council conclusions of 22 February 2021 on Myanmar
- having regard to the statements of the Vice President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 23 March 2021 on the escalation of violence in Myanmar, and of 19 April 2021, 30 April 2021, 12 May 2021 and 27 July 2021 on the situation in Myanmar,
- 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 Council Decision (CFSP) 2021/1000 of **21 June 2021** amending Decision 2013/184/CFSP concerning restrictive measures in view of the situation in Myanmar/Burma¹²,
- having regard to the Council decision of 29 April 2021 concerning restrictive measures in view of the situation in Myanmar/Burma¹³,
- having regard to the EU guidelines on the promotion and protection of freedom of religion or belief,

¹ OJ C 419, 16.12.2015, p. 189.

² OJ C 258 E, 7.9.2013, p. 79.

³ OJ C 161 E, 31.5.2011, p. 154.

⁴ OJ C 99 E, 3.4.2012, p. 120.

⁵ OJ C 101, 16.3.2018, p. 134.

⁶ OJ C 238, 6.7.2018, p. 112.

⁷ OJ C 337, 20.9.2018, p. 109.

⁸ OJ C 28, 27.1.2020, p. 80.

⁹ OJ C 433, 23.12.2019, p. 124.

¹⁰ OJ C 171, 6.5.2021, p. 12.

¹¹ Texts adopted, P9_TA(2021)0054.

¹² OJ L 219 I, 21.6.2021, p. 57.

¹³ OJ L 147, 30.4.2021, p. 17.

- having regard to Article 34 of the 2008 Constitution of Myanmar recognising the freedom of religion or belief and guaranteeing citizens the ‘right to freely profess and practice religion’,
- having regard to the Association of Southeast Asian Nation’s Five Point Consensus of April 24 2021,
- 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 report of 22 August 2019 of the UN Independent International Fact-Finding Mission on Myanmar entitled ‘Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts’,
- 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 statements by the UN High Commissioner for Human Rights on Myanmar of 23 September 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,
- 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, 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 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 the UN Special Rapporteur on the situation of human rights in Myanmar indicated in a formal statement that the military junta'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;
- C. whereas in May 2021, the military junta took initial steps to dissolve the political party of Aung San Suu Kyi, which was in government until the coup d'état of February 2021;
- D. 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;
- E. whereas in response to the coup, peaceful protests and demonstrations broke out in various cities in Myanmar; whereas since 1 February 2021, politicians, government officials, civil society representatives, religious actors, peaceful protestors and writers have been unlawfully arrested or put under house arrest; whereas the latest report from the Office of the UN High Commissioner for Human Rights states that since the coup, more than 1 120 people have been killed and military authorities have arrested over 8 000 people, including hundreds of politicians, activists and civil servants; whereas the courts have sentenced 312 people, 26 of whom have been sentenced to death, including two children; whereas at least 120 people have reportedly died in custody; whereas as of July 2021, the junta had killed at least 75 children;
- F. whereas the military 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;
- G. 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;

- H. whereas the junta is increasingly relying on the use of collective punishment, including the abduction of the family members of those who have been issued with arrest warrants, but who the police and military forces are unable to locate; whereas children, including toddlers, have also been killed or abducted, presumably to force their parents to turn themselves in to the authorities;
- I. whereas ethnic minorities practice Christianity (6.3 %, particularly the Chin, Kachin and Karen people), Islam (2.1 %, particularly the Rohingya, Malays, people from Yangon and other minorities), and Hinduism (0.5 %, particularly Burmese Indians);
- J. whereas violations of the freedom of religion or belief and other human rights are being perpetrated against religious and ethnic minorities in Myanmar;
- K. whereas churches have been shelled and raided, and priests and pastors have been arrested; whereas military troops have also set up camps in church compounds, thus further undermining their role as sanctuaries for people in need;
- L. whereas there are numerous ethnic groups in Myanmar; whereas internal conflicts have led to the tragic loss of thousands of lives over the past decades;
- M. whereas Myanmar's Citizenship Law declares the Rohingya 'non-national' or 'foreign residents' and therefore deprives them of citizenship, which further exacerbates their precarious situation; whereas the persecution of the Rohingya minority has not ended, despite numerous calls by the international community;
- N. 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;
- O. whereas the Rohingya and other ethnic minorities, in particular women and girls, remain at significant risk of sexual violence, notably in the context of the protracted conflict between the Tatmadaw and the Arakan Army;
- P. whereas the humanitarian crisis in Myanmar is worsening, with more than 210 000 people internally displaced this year alone, three million people in need of humanitarian aid, a number which has tripled in the last eight months, and half the population, approximately 20 million people, living below the poverty line;
- Q. 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';
- R. whereas the World Food Programme estimates that 6.2 million people across Myanmar are at risk of food insecurity and hunger, up from 2.8 million prior to the military coup;
- S. whereas the humanitarian situation in Myanmar has also been worsened by 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 **military has used COVID-19 measures to crack down on pro-democracy activists**, human rights defenders and journalists; whereas the right to health is being undermined; whereas the junta has shut down hospitals and targeted medical professionals, leading to the 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 of Myanmar to stay away from medical facilities for fear of being detained or shot;
- U. 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;
- V. whereas according to the **UN**, the 2021 UN Myanmar Humanitarian Response Plan has received only **46 % of the requested funds to date** and humanitarian operations are suffering as a result of a major funding shortfall;
1. Strongly condemns the coup d'état of 1 February 2021 executed by the Tatmadaw under the leadership of commander-in-chief Min Aung Hlaing; calls on the Tatmadaw to fully respect the outcome of the democratic elections of November 2020 and to immediately reinstate the civilian government, end the state of emergency, end the use of violence against peaceful protesters, respect the right to freedom of expression and association, and allow all elected parliamentarians to assume their mandates; calls on Myanmar's military to release all political detainees, to reverse restrictions on the freedom of expression, assembly and association, and to respect the freedom of religion or belief;
 2. Calls for the immediate and unconditional release of President Win Myint, State Counsellor Aung San Suu Kyi and all others who have been arrested on unfounded accusations; 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;
 3. Expresses its support for the people of Myanmar in their struggle for democracy, freedom and human rights;
 4. Denounces the Tatmadaw's widespread violent response to any kind of protest and the gross human rights violations it has committed and continues to commit against the people of Myanmar, including against ethnic and religious minorities, **which amount to crimes against humanity**; expresses its deep concern at the frequent attacks on churches, mosques, schools and medical facilities, and the arrests of religious leaders;
 5. **Supports the CRPH and the NUG 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;

6. 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;
7. Recalls the multi-ethnic nature of Myanmar; urges the Tatmadaw to fully respect each ethnicity's inalienable rights; calls for an immediate, rigorous, independent and transparent investigation into the crimes committed in the country by the military and for their perpetrators to be brought to justice ;
8. 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 Kayin, Kayah, Kachin, Shan and Chin, 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;
9. Condemns the persecution of Christians in the country; urges the Tatmadaw to stop killing and arresting Christians and to end the shelling and raiding of churches; stresses that the international community has expressed its deep concerns about the violent targeting of Christian communities in Myanmar;
10. 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; reiterates its call on the authorities of Myanmar to establish conditions and guarantees for the safe, voluntary, dignified and sustainable return, under the oversight of the UN, of those Rohingya who wish to return to their native land;
11. Strongly condemns the ongoing discrimination against ethnic minorities, whose freedom of movement is severely restricted and who are deprived of basic services in Myanmar;
12. Condemns any use of violence by the junta against its citizens, as well as other forms of harassment, in particular towards human rights defenders, civil society activists and journalists; urges the junta to remove any restrictions on telecommunications and the internet, including independent media websites and social media platforms;
13. **Calls for an immediate end to the violence towards labourers and unions, and for the rights of unions and their members to be protected, including the right to operate freely;**
14. Calls for immediate humanitarian access to and assistance for vulnerable communities, including women, children and ethnical minorities, and for the empowerment of civil society organisations and ethnic community-based organisations, in order to ensure that humanitarian aid effectively reaches those in need; 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;

15. Notes with grave concern that the humanitarian crisis has been exacerbated by a third wave of COVID-19 in Myanmar, with particularly worrying transmission levels 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 people have access to healthcare services and vaccines; asks the Commission to step up its support in this regard and to guarantee that this support reaches the citizens, including by providing doses of COVID-19 vaccines;
16. Is appalled by the attacks, harassment, detainment and torture of healthcare workers, especially during the ongoing COVID-19 healthcare crisis; calls on the junta to guarantee the security and safety of all healthcare workers and to immediately cease all harassment and attacks against these people; stresses the responsibility of the Myanmar authorities to guarantee full access to healthcare;
17. Condemns the attacks by the military authorities against medical professionals and facilities, and the response of these authorities to the COVID-19 pandemic; highlights that health and access to healthcare and vaccinations are universal human rights;
18. Calls on the Tatmadaw to stop denying the right of the population to protection against and proper treatment for COVID-19, which could cause significant loss of life in Myanmar;
19. Urges the governments of the neighbouring countries to ensure that their authorities do not prevent anyone from crossing the border in search of refuge; calls on these governments to ensure that aid organisations and local civil society organisations are allowed to access areas with internally displaced people along their borders with Myanmar;
20. Reiterates its support for civil society and democracy advocates in Myanmar and calls for the EU and its institutions to continue efforts aimed at civil society advancement, despite the current and possibly ongoing limitations imposed by the current military government;
21. 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;
22. Further calls on China and Russia to actively engage in international diplomacy and live up to their responsibility as permanent members of the UN Security Council; expects

them to play a constructive role when scrutinising the situation in Myanmar;

23. Urges Myanmar to cooperate with international efforts to ensure accountability, including by finally granting the Independent Investigative Mechanism for Myanmar (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 to execute its mandate; recalls that Myanmar is under the obligation to comply with the provisional measures order of the International Court of Justice;
24. Welcomes the recent rounds of **sanctions** imposed by the Council against members of the Tatmadaw and their businesses, and calls on the Council to continue imposing targeted and robust sanctions, with the aim of cutting off the lifelines of the junta while ensuring that the people of Myanmar come to no harm; is of the opinion that the international community must continue to take additional action against, and impose costs on, the military and its leaders until they reverse course and provide for a return to democracy; stresses the need for all EU Member States to strengthen and enforce sanctions imposed against any state-run Myanmar businesses, notably in the timber and gem industry; urges the Commission to ensure that national penalties imposed on Member States and associated countries for breaching EU sanctions are effective; 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, and adding to the sanctions list the state-owned Myanmar Oil and Gas Enterprise, which generates the junta's single largest foreign currency inflow;
25. Calls on the Council to continue to impose targeted sanctions against those responsible for the coup of February 2021 and to consider other possible measures; urges the Council to include the State Administrative Council as an entity instead of its individual members, on the list of natural and legal persons, entities and bodies subject to restrictive measures;
26. 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;
27. Reiterates its call to continue implementing targeted sanctions against those who are responsible for the atrocities against the Rohingya;
28. Reiterates its call on the Commission to **swiftly launch an investigation into the trade preferences that benefit Myanmar, especially regarding companies owned by members of the Myanmar military,** in specific sectors and to keep 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 the creation of jobs in the garment sector, which has benefited women in particular;

underlines, however, that the enhanced engagement process had already been established in 2018, focusing on compliance with international human rights conventions and labour rights, and that the coup reversed the progress made during the democratisation process, thereby undermining the conditions for granting EBA preferences;

29. Calls on the EU delegation to 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;
30. Calls on the Member States and associated countries 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**; **highlights the need for the further investigation of the situation by the International Criminal Court;**
31. Warns of the risk of an even larger humanitarian emergency as a consequence of the escalation of violence and of the country's severe economic crisis, poverty and number of displaced people; calls for the EU, its Member States and the international community to urgently meet their financial obligations to the 2021 UN Myanmar Humanitarian Response Plan;
32. Calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (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;
33. 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.