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## Burma

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### European Parliament resolution of 20 May 2010 on the situation in Burma/Myanmar

(2011/C 161 E/23)

The European Parliament,

- having regard to its previous resolutions on Burma/Myanmar,
- having regard to Articles 18 to 21 of the Universal Declaration of Human Rights (UDHR) of 1948,
- having regard to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) of 1966,
- having regard to the statement made by UN Special Rapporteur Tomás Ojea Quintana on 5 May 2010,
- having regard to the Council Conclusions on Burma/Myanmar adopted at the 3009th Foreign Affairs Council meeting held in Luxembourg on 26 April 2010,
- having regard to the statement made by High Representative Catherine Ashton on 1 March 2010 on the rejection of Aung San Suu Kyi's appeal by the Supreme Court of Burma/Myanmar,
- having regard to the Chairman's Statement issued at the 16th ASEAN Summit held in Hanoi on 9 April 2010,
- having regard to the European Council Conclusions - Declaration on Burma/Myanmar of 19 June 2009,
- having regard to the Council Conclusions on Burma/Myanmar adopted at the 2938th General Affairs Council meeting held in Luxembourg on 27 April 2009,
- having regard to the EU Presidency Statement of 23 February 2009 calling for all-inclusive dialogue between the authorities and the democratic forces in Burma/Myanmar,
- having regard to UN Secretary-General's report of 28 August 2009 on the situation of human rights in Burma/Myanmar,
- having regard to the resolution of the UN Human Rights Council of 26 March 2010 on the situation of human rights in Burma/Myanmar,
- having regard to the Declaration issued by the Presidency on behalf of the European Union on 14 May 2009 on the arrest of Aung San Suu Kyi,
- having regard to Rule 122(5) of its Rules of Procedure,
- A. having regard to the announcement by the Burmese authorities of national elections in 2010, the first since 1990,

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- B. whereas in their published form the five electoral laws and the four decrees violate all democratic principles and make the holding of free elections impossible, in particular by excluding the country's 2 200 known political prisoners; whereas members of religious orders in Burma/Myanmar, including an estimated 400 000 Buddhist monks, are explicitly banned from voting, highlighting the perpetual discrimination by the military junta on the basis of religion or status,
- C. whereas these laws violate the basic principles of freedom of expression and right of association; whereas Burmese news media based abroad, which constitute the main source of news for the Burmese people, are still banned from operating within Burma/Myanmar,
- D. whereas these laws are based on the 2010 Constitution, which guarantees impunity for the crimes committed by the current regime and provides for the complete suspension of fundamental rights during the state of emergency, for an indefinite period; whereas Burma/Myanmar's new constitution is designed to maintain a dictatorship in a civilian guise, and does not grant any human rights or offer any prospect of genuine change,
- E. whereas any expression of dissident political views is systematically and brutally repressed (for example by means of arbitrary arrests, unfair trials, imprisonment, torture and extrajudicial killings),
- F. whereas elections cannot be considered free and fair if the opposition is not involved,
- G. whereas the National League for Democracy (NLD), the clear victor in the last democratic elections, has decided to boycott the elections announced for 2010, in the light of the conditions imposed on participation; whereas the NLD was disbanded by law on 6 May 2010, after not registering for the elections,
- H. having regard to the declaration issued at the 16th ASEAN Summit stressing the importance of reconciliation and the holding of free, regular general elections open to everyone,
- I. whereas the United Nations Special Rapporteur on Burma/Myanmar has condemned 'gross and systematic' human rights abuses committed by Burma/Myanmar's dictatorship, stating that they constitute 'a state policy that involves authorities in the executive, military and judiciary at all levels', and has called for the establishment of a United Nations commission of inquiry into war crimes and crimes against humanity committed by the dictatorship,
- J. whereas the Government of Burma/Myanmar continues to refuse the EU Special Envoy on Burma permission to visit the country and engage in dialogue, despite repeated requests over many months,
- K. whereas since 2003 the Government of Burma/Myanmar has rejected every single proposal by the United Nations and the international community to revise its seven-stage 'roadmap to democracy',
- L. whereas there are currently 2 200 known political prisoners being detained for engaging in peaceful activities in Burma/Myanmar, and whereas more than 140 political prisoners are being deliberately denied medical treatment, including 88 Generation Student leader Ko Mya Aye, who has a life-threatening heart condition,
- M. whereas the military continues to perpetrate human rights violations against civilians in ethnic conflict areas, including extrajudicial killings, forced labour and sexual violence,
- N. whereas attacks against ethnic minority civilians in eastern Burma/Myanmar continue, resulting in hundreds of thousands of displaced persons, many of whom, owing to restrictions on humanitarian assistance by the dictatorship, can only be reached by cross-border aid from neighbouring countries,

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- O. whereas Aung San Suu Kyi, leader of the opposition NLD, has been under house arrest since 2003; whereas on 14 May 2009 the authorities arrested her on charges that she had breached the terms of her house arrest by permitting the visit of an American, John Yettaw; whereas on 11 August 2009 a criminal court inside Insein prison in Rangoon sentenced Aung San Suu Kyi to three years' imprisonment for violating her house arrest, a sentence which was subsequently reduced to 18 months' house arrest; whereas on 1 March 2010 the Supreme Court of Burma/Myanmar rejected Aung San Suu Kyi's appeal against the unjust sentence imposed on her in 2009,
- P. whereas the EU remains a major donor to Burma/Myanmar and stands ready to increase its assistance to the people of the country, in order to improve their social and economic conditions,
- Q. whereas ECHO has reduced funding for refugees on the Thailand-Burma border, despite the number of refugees remaining almost the same, and has ended funding for boarding schools in refugee camps,
- R. whereas the United Nations Security Council, the United Nations General Assembly, the United Nations Human Rights Council, the European Union and many governments have said that the solution to Burma's problems is proper tripartite dialogue between Aung San Suu Kyi and the NLD, genuine ethnic representatives and the Government of Burma/Myanmar, and whereas the Government of Burma/Myanmar is still refusing to enter into such dialogue,
1. Reaffirms its unwavering commitment to the people of Burma/Myanmar;
  2. Condemns the holding of elections under completely undemocratic conditions and on the basis of rules which exclude the main democratic opposition party and deprive hundreds of thousands of Burmese citizens of their right to vote and stand for election, in a clear attempt to exclude the country's entire opposition from the ballot;
  3. Deplores the fact that, under the new constitution, the military will be guaranteed at least 25 % of the seats in parliament and will have the power to suspend civil liberties and legislative authority whenever it deems that to be necessary in the interests of national security;
  4. Strongly urges the Government of Burma/Myanmar to take without delay the steps needed to ensure a free, fair and transparent electoral process, including the participation of all voters, all political parties and all other relevant stakeholders in the electoral process, and agree to the presence of international observers; calls for the electoral laws published in March 2010, which make the holding of free and transparent elections impossible, to be repealed;
  5. Calls on the authorities of Burma/Myanmar to heed the appeals of the international community to allow Aung San Suu Kyi and all other prisoners of conscience to participate in the political process;
  6. Urges the international community to make every effort to ensure that free and democratic elections are held;
  7. Strongly urges the Government of Burma/Myanmar to lift restrictions on freedom of assembly, association, movement and expression, including for free and independent media, in part by making Internet and mobile telephone services openly available and accessible and ending the use of censorship;
  8. Strongly condemns the ongoing systematic violations of the human rights, fundamental freedoms and basic democratic rights of the people of Burma/Myanmar; calls on the authorities of Burma/Myanmar to put an end to violations of international human rights and humanitarian law;
  9. Urges the Government of Burma/Myanmar to release all prisoners of conscience without delay, unconditionally and with full restoration of their political rights and to refrain from further politically motivated arrests;

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10. Calls on the High Representative and the Member States publicly to support the recommendation of the United Nations Special Rapporteur on Burma/Myanmar that the United Nations establish a commission of inquiry into war crimes and crimes against humanity in Burma/Myanmar, and to include this request in the draft resolution to be discussed at the United Nations General Assembly in 2010;
  11. Emphasises that the political and socioeconomic challenges facing Burma/Myanmar can only be addressed through genuine dialogue between all stakeholders, including ethnic groups and the opposition;
  12. Reaffirms the essential importance of a genuine process of dialogue and national reconciliation for a transition to democracy; calls on the Government of Burma/Myanmar immediately to open a genuine dialogue with all parties and ethnic groups; welcomes, in this context, the mediation efforts by the UN Secretary-General and the UN Special Rapporteur on Burma/Myanmar;
  13. Urges the governments of China, India and Russia to use their considerable economic and political leverage with the Burmese authorities in order to bring about substantial improvements in Burma/Myanmar and to stop supplying the country with weaponry and other strategic resources; calls on the governments of the ASEAN countries and of China, which have a 'privileged relationship' with Burma/Myanmar, to use their good offices in particular to try to reverse Burma's policy of ethnic cleansing against the Rohingya, which is resulting in hundreds of thousands fleeing over the border into Bangladesh and increasing the hardship of the ultra-poor living in the Cox's Bazaar district;
  14. Expresses its strong support for the continued work of the EU Special Envoy and invites the Burma/Myanmar authorities to cooperate fully with him;
  15. Welcomes the Council's decision to extend the restrictive measures provided for in the current EU decision by another year and emphasises its readiness to revise, amend or strengthen the measures already adopted in the light of developments on the ground;
  16. Calls on the Commission to reverse cuts in funding for refugees on the Thailand-Burma border and immediately start funding cross-border aid, especially medical assistance;
  17. Reiterates its call for a solution to the problem of the Rohingya refugees in Bangladesh; urges the Bangladesh Government to authorise their official registration as refugees and the Burma/Myanmar authorities to halt all forms of persecution of the Rohingya and fully to respect their fundamental rights as a religious and ethnic minority;
  18. Welcomes the European Union's support for a global arms embargo and urges European governments and the Commission actively to start working to build a global consensus in favour of such a ban;
  19. Supports the mediation mission undertaken by the UN Secretary-General and welcomes his commitment to solving this problem;
  20. Instructs its delegations for relations with ASEAN, China, Russia, the USA, India, the countries of South Asia and Japan to place Burma/Myanmar on the agenda for their meetings with their counterparts and discussion partners in those countries;
  21. Instructs its President to forward this resolution to 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 EU Special Envoy for Burma, the Burmese State Peace and Development Council, the governments of the ASEAN and ASEM member states, the ASEM secretariat, the ASEAN Inter-Parliamentary Myanmar Caucus, Daw Aung San Suu Kyi, the UN Secretary-General, the UN High Commissioner for Human Rights and the UN Human Rights Special Rapporteur on Burma/Myanmar.
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