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ANNEX F



Council of the
European Union

**Brussels, 26 February 2018
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**COASI 38
ASIE 9
CFSP/PESC 167
RELEX 148
COHOM 31
COHAFA 11
CIVCOM 22
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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	6119/18
Subject:	Myanmar/Burma - Council conclusions (26 February 2018)

Delegations will find in the annex the Council conclusions on Myanmar/Burma as adopted by the Council at its 3598th meeting held on 26 February 2018.

ANNEX**Council conclusions on Myanmar/Burma**

1. The Council took stock of the situation in Myanmar/Burma, in particular in Rakhine State, which remains extremely serious. The Council condemns ongoing widespread, systematic grave human rights violations committed by Myanmar/Burma military and security forces, including rape and killings. It also reiterates its condemnation of attacks by the Arakan Rohingya Salvation Army (ARSA) and other militant groups.
2. More than 680 000 people, mostly Rohingya, fled their homes in Rakhine State and sought refuge in Bangladesh. The EU commends Bangladesh for sheltering these people and will continue to provide humanitarian and other assistance, in line with its longstanding engagement and its pledges during the donor conference that it co-hosted in Geneva on 23 October 2017.
3. Recalling priority issues set out in its conclusions of 16 October 2017, the EU deplors the fact that continued human rights violations, a climate of fear, insecurity, impunity and lack of rule of law continue to prevail in Rakhine State resulting in further, albeit smaller, refugee flows to Bangladesh and that humanitarian and development as well as media access to Rakhine State remains restricted. The EU stresses the importance of the roadmap established by the UNSC Presidential Statement of 6 November 2017 for the resolution of the crisis and will continue to raise the issue with the UN and key international stakeholders
4. The EU welcomes the signature by the governments of Myanmar/Burma and Bangladesh of an "Arrangement on return of displaced persons from Rakhine" (23 November 2017) and of a "Physical arrangement for repatriation of displaced Myanmar residents from Bangladesh" (16 January 2018) as very important first steps to address the ongoing refugee crisis. The EU invites both parties to fully associate the UNHCR with the process and to allow independent monitoring in order to ensure an effective implementation of these arrangements in accordance with international law.

5. The EU urges Myanmar/Burma to create conditions for voluntary, safe and dignified return of displaced persons to their places of origin. Particular attention needs to be placed on the increased protection needs of female-headed households, victims of sexual and gender based violence and children, including unaccompanied minors and orphans. In this context, the Government of Myanmar/Burma should carry out a rigorous needs assessment in Rakhine State and establish a time-bound Action Plan regarding the full implementation of the recommendations of the Advisory Commission on Rakhine State to improve the living conditions and human rights situation there, including addressing the issue of physical security, statelessness and discrimination against the Rohingya. Returnees' access to appropriate shelter, services and livelihoods is crucial, along with providing proper rehabilitation for victims, in particular children and women and will require easing of the current restrictions on Rakhine State. The EU welcomes the intention expressed by the Government of Myanmar/Burma to undertake steps towards closing IDP camps in central Rakhine State and underlines the importance of an inclusive, transparent and consultative process in accordance with international standards. Myanmar/Burma should refrain from setting up new IDP camps for returnees from Bangladesh.

6. While noting the admission of some extrajudicial killings by the Myanmar military, the EU expects the Government of Myanmar/Burma and the armed forces to allow credible and independent investigations into alleged serious and systematic human rights violations as reported by various UN bodies, the UN Human Rights Council (HRC)'s Fact-Finding Mission and international human rights organisations. Perpetrators of such crimes must be brought to justice without delay. In line with relevant resolutions of the UN General Assembly Third Committee (16 November 2017) and the HRC (5 December 2017), the EU reiterates its calls on the Government of Myanmar/Burma to cooperate with the HRC's Fact-Finding Mission and to allow it full access to Myanmar in order to be able to investigate properly, taking also into account views of all communities of Rakhine State.

7. The EU strongly regrets the fact that Myanmar/Burma decided on 20 December 2017 to discontinue its cooperation with the UN Special Rapporteur on human rights in Myanmar. The EU fully supports the UN Special Rapporteur and calls on the Government of Myanmar/Burma to reverse its decision. Given the gravity of the alleged crimes against humanity the EU invites Myanmar/Burma to become a party to the Rome Statute or to accept the exercise of jurisdiction of the International Criminal Court in accordance with Article 12 (3) of the Rome Statute.
8. The EU also reiterates its concern about the continued deterioration of the human rights and security situation in Kachin and Shan States, with increased fighting, reports of civilian casualties and more than 100.000 internally displaced persons (IDPs), many of them extremely vulnerable.. The EU recalls that all parties to the conflict must facilitate rapid and unimpeded humanitarian access to civilians in need.
9. The EU looks forward to the 4th session of the EU-Myanmar Human Rights Dialogue led for the EU by its Special Representative for Human Rights and envisaged for 5 March 2018 in order to discuss issues related to the respect of human rights and fundamental freedoms, including freedom of expression and media, the situation in Rakhine, Kachin and Shan States and cooperation of Myanmar/Burma with UN human rights mechanism and special procedures.

10. The EU and its Member States reconfirm their strong engagement in support of Myanmar/Burma's democratic transition, peace and national reconciliation process and inclusive socio-economic development. In this context, the EU stands ready to i) step up its humanitarian assistance, as needed; ii) further operationalise the humanitarian and development nexus, with focus on equal access to basic social services as well as on reconstruction, service infrastructure and rehabilitation of livelihoods in Rakhine State and other conflict-affected areas; iii) support the implementation of the recommendations of the Advisory Committee on Rakhine State; and iv) continue its support to the peace and national reconciliation process and to ongoing reforms, including in the education sector. A strong role for the UNHCR in the refugee repatriation process and the tackling of the root causes by the Government of Myanmar/Burma, are essential for addressing the Rohingya crisis in a sustainable manner.
11. The EU calls on the Government of Myanmar/Burma and the security forces to ensure that security, the rule of law and accountability prevail in Rakhine, Kachin and Shan States. In light of the disproportionate use of force and widespread and systematic grave human rights violations committed by the military and security forces including sexual and gender based violence and killings and the continuous climate of impunity, fear and insecurity in Rakhine State, the Council confirms the relevance of the existing embargo on arms and equipment which can be used for internal repression and invites the High Representative to make a proposal for the extension thereof and to present concrete options for its strengthening without delay. As regards practical defence cooperation with Myanmar/Burma, the EU and its Member States intend to reduce it to the strict minimum with the sole purpose of strengthening democratic principles, the respect of human rights and the rule of law.
12. The Council invites the High Representative to make proposals for targeted restrictive measures against senior military officers of the Myanmar armed forces (Tatmadaw) responsible for serious and systematic human rights violations without delay.

13. The Council recalls that the respect of human rights and fundamental freedoms is a crucial part of the EU's trade policy and underpins the granting of trade preferences to Myanmar under "Everything But Arms" (EBA). The Council invites the Commission to continue monitoring the situation and to step-up engagement with Myanmar in light of the provisions of Regulation (EU) No. 978/2012.
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TEXTS ADOPTED

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Situation of Rohingya refugees, in particular the plight of children

European Parliament resolution of 14 June 2018 on the situation of Rohingya refugees, in particular the plight of children (2018/2756(RSP))

The European Parliament,

- having regard to its previous resolutions on Myanmar and on the situation of the Rohingya,
- having regard to its previous resolutions on Bangladesh,
- having regard to the Council conclusions of 20 June 2016 on EU strategy with Myanmar/Burma,
- having regard to the Council conclusions of 26 February 2018 on Myanmar/Burma,
- having regard to the EU Guidelines for the Promotion and Protection of the Rights of the Child, adopted by the Council on 6 March 2017,
- having regard to the statement of 30 March 2016 by Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy Federica Mogherini on the entry into office of the new Government of the Union of Myanmar,
- having regard to the joint press release on the fourth EU-Myanmar Human Rights Dialogue of 5 March 2018,
- having regard to the 1951 UN Convention on the Status of Refugees and to the 1967 Protocol thereto,
- having regard to the UN Convention on the Rights of the Child,
- having regard to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness,
- having regard to the UN Refugee Agency (UNHCR) Global 2014-24 Action Plan to End Statelessness of November 2014,
- having regard to the Universal Declaration of Human Rights of 1948,

- having regard to the final report of the Advisory Commission on Rakhine State of August 2017,
 - having regard to the Charter of the Association of South-East Asian Nations (ASEAN),
 - having regard to the UN Security Council Report of the Secretary-General on conflict-related sexual violence released on 23 March 2018,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas 720 000 Rohingya children in Bangladesh and Myanmar are in dire need of humanitarian assistance and protection;
- B. whereas Rakhine State in Myanmar has been home to close to 1,3 million Rohingya, a predominantly Muslim minority group facing repression and continued serious human rights violations, including threats to life and security, denial of the rights to health and education, forced labour, sexual violence and limitation of their political rights; whereas Rohingya Muslims are considered to be the world's most persecuted minority and the largest stateless group;
- C. whereas since August 2017 more than 900 000 Rohingya, 534 000 of them children, have fled the violence against them and have sought refuge in Bangladesh while fearing for their lives; whereas it is estimated that around 1 000 Rohingya children under the age of five were killed in the violence in Myanmar; whereas, according to ASEAN Parliamentarians for Human Rights (APHR), 28 300 Rohingya children have lost at least one parent, while an additional 7 700 have reported having lost both parents, putting the number of lost parents as high as 43 700;
- D. whereas more than 14 000 children under the age of five are suffering from severe acute malnutrition; whereas Rohingya children have experienced or witnessed traumatic events, including in many cases the loss of one or both parents, separation from their families, physical abuse, psychological distress, malnutrition, illness, sexual exploitation and witnessing crimes against humanity in Rakhine State, including the systematic burning of homes, physical attacks and rape perpetrated against Rohingya;
- E. whereas the UN High Commissioner for Human Rights, Zeid Ra'ad al-Husseini, has described the Myanmar government operations as a 'textbook example of ethnic cleansing' and a 'cynical ploy to forcibly transfer large numbers of people without possibility of return';
- F. whereas crises often impact women and girls more severely and in different ways than men and boys by reinforcing, perpetuating and exacerbating pre-existing persistent gender inequalities, gender-based violence and discrimination;
- G. whereas the Myanmar military are using rape as a tool in their campaign of ethnic cleansing in Rakhine State; whereas sexual violence is used to divide entire communities and deter women and girls from returning to their homes; whereas in the camps rape victims may have to face social exclusion by their communities; whereas the UNHCR has requested information on the responsibility of the Myanmar military concerning widespread rape of Rohingya women and girls;

- H. whereas many refugees are women who are pregnant or have small children and have travelled miles on foot, arriving at the displacement camps in a condition of sickness arising from mental and physical stress, starvation and injury;
- I. whereas nine months after the beginning of the assaults on the Rohingya by Myanmar soldiers and militiamen, aid agencies predict that as many as 48 000 babies are expected to be born in the refugee camps;
- J. whereas there is very limited access to healthcare for women and children in the refugee camps in Bangladesh; whereas pregnant women and mothers should receive the critical maternal healthcare services they need, including prenatal care, safe delivery, newborn care, breastfeeding support, and ongoing reproductive healthcare;
- K. whereas Rohingya children and women are highly exposed to the risk of being trafficked into prostitution, as well as to the risk of sexual harassment and violence in the refugee camps in Bangladesh; whereas lost Rohingya children in the refugee camps are the most vulnerable and are likely to become victims of human trafficking;
- L. whereas the Rohingya children do not have sufficient access to formal education; whereas only very young Rohingya children are receiving basic education through informal classrooms in the refugee camps, with older children having little or no access to formal schooling;
- M. whereas the monsoon season has begun in Bangladesh and the situation is expected to deteriorate significantly; whereas at least 200 000 people in the refugee camps are at immediate risk of flooding and landslides; whereas there are grave threats to lives, shelter, and food and water supplies; whereas there is a high risk of the spread of diseases including cholera and hepatitis during monsoon flooding; whereas very few Rohingya refugees have had access to medical assistance or vaccinations prior to arriving in Bangladesh;
- N. whereas Myanmar has so far refused to allow a fact-finding mission of the UN Human Rights Council to enter the country, and has barred the UN Special Rapporteur on the human rights situation in Myanmar, Yanghee Lee, rejecting nearly all allegations of atrocities committed by its security forces in Rakhine;
- O. whereas the Rome Statute of the International Criminal Court (ICC) affirms that the most serious crimes of concern to the international community as a whole, in particular genocide, crimes against humanity and war crimes, must not go unpunished; whereas in April 2018 the ICC prosecutor asked the court to rule on whether the ICC can exercise jurisdiction over the alleged deportations of Rohingya from Myanmar to Bangladesh; whereas a ruling affirming the ICC's jurisdiction could pave the way for it to investigate Myanmar for crimes against humanity or deportation;
- P. whereas in March 2017 China and Russia blocked the adoption of a resolution by the UN Security Council on the situation of the Rohingya minority in Myanmar;
- Q. whereas the absence of any realistic prospect of safe and voluntary return and the lack of political progress in resolving the crisis in Myanmar suggest that this situation will not be resolved in the short term and therefore requires a sustainable approach, especially addressing children's rights and needs;

- R. whereas a tripartite memorandum of understanding was signed between Myanmar, the UNHCR and the UN Development Programme (UNDP) on 6 June 2018; whereas the UNHCR stated that that conditions are not yet conducive to voluntary return;
- S. whereas in May 2018 the Commission released EUR 40 million in humanitarian aid to provide life-saving support to vulnerable Rohingya civilians and host communities in Bangladesh and across Rakhine State; whereas this comes on top of the EUR 51 million mobilised in 2017;
- T. whereas in March 2018 the UN launched an appeal for USD 951 million to aid the Rohingya refugees for the rest of 2018, but only around 20 % of that target sum has been received to date;
1. Strongly condemns the attacks in Myanmar against the Rohingya, which according to the UNHCR amount to ethnic cleansing; is deeply concerned at the increasing gravity and scale of human rights violations, including killings, violent clashes, destruction of civilian property and the displacement of hundreds of thousands of civilians; urges the Myanmar military and security forces to immediately cease the killings, harassment and rape directed against the Rohingya people and the burning of their homes;
 2. Urges the Government of Myanmar to allow full unhindered access to Rakhine State for international observers and human rights and humanitarian relief organisations, including the UN and international NGOs, notably the UN Fact-Finding Mission established by the UNHCR in March 2017, in order to ensure independent and impartial investigations into allegations of serious human rights violations by all parties;
 3. Recalls the need for medical and psychological assistance to be provided in the refugee camps, particularly tailored for vulnerable groups including women and children; calls for greater support services for victims of rape and sexual assault; insists that all women and girls should have access to information and services on sexual and reproductive health, including contraception and safe abortion;
 4. Welcomes the antenatal and post-natal support being provided by agencies and organisations; recalls the importance of establishing registration facilities and certificates for newborn babies, in order to ensure they have documentation, guarantee legal rights and access to basic services, and support family tracing, in line with the commitments made by the Government of Bangladesh to ensure that all births occurring within its territory are registered; recalls that maintaining the family unit is crucial if these children are to access their rights;
 5. Notes with great concern the lack of sufficient educational provision for the Rohingya children in the refugee camps; calls on the authorities of Bangladesh to guarantee the Rohingya children full and sufficient access to quality education in their own language; points out the risk of a lost generation for the entire community if the necessary measures to ensure proper education of children are not taken; underlines the importance of allowing full access to education as it can be provided in school facilities by UN agencies and NGOs, so that all children can develop their potential;
 6. Is extremely concerned at the high incidence in the camps of forced prostitution, human trafficking and sexual violence, including child marriage, partner violence and sexual exploitation and abuse; urges the authorities of Bangladesh and Myanmar to ensure, in

cooperation with the UNHCR, the security of the Rohingya refugees on their territory, notably by stepping up the fight against trafficking and child prostitution and breaking the existing network;

7. Commends the efforts undertaken by the government and people of Bangladesh to provide refuge and security to Rohingya refugees, and encourages them to continue to provide humanitarian assistance to the refugees coming from Myanmar; calls for further international support to those communities hosting the refugees, including by addressing domestic social, educational, economic and healthcare challenges; insists on the importance of listening to and involving women in the design of humanitarian and resilience-building measures by all stakeholders;
8. Insists that the Government of Myanmar must guarantee the safe, voluntary and dignified return, on a basis of full UN oversight, to those who want to return to their land; urges the governments of both Myanmar and Bangladesh to fully respect the principle of non-refoulement;
9. Welcomes the memorandum of understanding agreed between Myanmar, the UNHCR and the UNDP on 6 June 2018 as a first concrete step towards the full involvement of the UN agencies in the repatriation process; stresses, however, the importance of making the agreement publicly available as soon as possible;
10. Stresses the importance of ensuring that humanitarian actors can provide emergency services, including for sexually transmitted diseases and sexual violence; urges all donors to increase funding so as to make available the full range of maternal healthcare services;
11. Welcomes the UN campaign to end statelessness by 2024; recalls that the Rohingya are an integral part of the population of Myanmar and must therefore be recognised as such in law, as recommended by the Advisory Commission;
12. Recalls that the financial responsibility for assisting the refugee population cannot fall disproportionately on Bangladesh; calls on the international community and international donors to urgently step up their engagement and make the necessary funding available in order to continue providing the necessary humanitarian aid and assistance and to effectively support Rohingya women and children, with particular regard to pregnant women, children and victims of rape, as well as to support the local and hosting communities in Bangladesh;
13. Welcomes the Council's adoption on 26 April 2018 of a framework for targeted measures against officials responsible for serious human rights violations and strengthening the EU's arms embargo; urges that the EU and its Member States enforce all measures without further delay; further calls on the UN Security Council to impose a global comprehensive arms embargo on Myanmar, suspending all direct and indirect supply, sale or transfer, including transit and transshipment, of all weapons, munitions and other military and security equipment, as well as the provision of training or other military and security assistance;
14. Reiterates its call on the Commission to consider consequences in the context of the trade preferences Myanmar enjoys, including considering launching an investigation under the mechanisms provided for in the Everything But Arms provision;

15. Calls on the EEAS and the Member States to seek accountability in multilateral fora for those responsible for committing crimes in Myanmar; takes note of the ICC Chief Prosecutor's request to the court's judges to confirm the ICC's jurisdiction over the crime of deportation of Rohingya from Myanmar to Bangladesh; urges that the EU and the EU Member States take the lead in the UN Security Council and table a dedicated resolution referring the entire situation in Myanmar/Rakhine State to the ICC; urges that the EU Member States take the lead in the UN General Assembly and the UN Human Rights Council and ensure the urgent establishment of an international, impartial, and independent mechanism to support investigations into alleged atrocity crimes;
16. Instructs its President to forward this resolution to the Government and Parliament of Myanmar, State Counsellor Aung San Suu Kyi, the Government and Parliament of Bangladesh, 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.