



Home Office

Country Policy and Information Note

Burma: Rohingya

Version 1.0

November 2017

Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

Contents

Policy guidance	5
1. Introduction.....	5
1.1 Basis of claim.....	5
1.2 Points to note.....	5
2. Consideration of issues.....	5
2.1 Credibility.....	5
2.2 Assessment of risk.....	5
2.3 Protection.....	7
2.4 Internal relocation.....	7
2.5 Certification.....	8
3. Policy summary.....	8
Country information	9
4. Background.....	9
4.1 Origin of the term “Rohingya”.....	9
4.2 Demography.....	10
4.3 Language/culture.....	11
4.4 Burmese names.....	12
5. Legal rights.....	13
5.1 Citizenship.....	13
5.2 Identity documents.....	14
5.3 Marriage and the ‘two-child policy’.....	16
6. State treatment and attitudes – Rakhine state.....	18
6.1 Sources.....	18
6.2 General socio-economic conditions.....	18
6.3 Pre-October 2016 human rights violations.....	19
6.4 Clashes with security forces – October 2016.....	19
6.5 Response to October 2016 attacks.....	21
6.6 Arrest and detention following October 2016 attacks.....	24
6.7 Clashes – August 2017.....	25
6.8 Violence against women.....	27
6.9 Extortion and harassment.....	28
6.10 Accountability.....	29
6.11 Avenues of redress.....	32
7. Societal treatment and attitudes.....	32
7.1 Sources.....	32

7.2	Inter-communal violence	32
7.3	Anti-Muslim rhetoric and Buddhist nationalism	34
8.	Humanitarian situation	36
8.1	Internally displaced persons (IDPs)	36
8.2	Humanitarian aid	38
9.	Access to services	38
9.1	Restrictions.....	38
9.2	Education	39
9.3	Healthcare	39
10.	Freedom of movement.....	40
10.1	Restrictions.....	40
11.	Rohingyas outside Rakhine State.....	43
12.	Rohingyas in Bangladesh	43
12.1	Demography.....	43
12.2	Cross-border travel and “push-backs”	44
12.3	Refugee and unofficial camps	45
12.4	Documentation and legal rights	47
13.	Rohingya in Malaysia and Thailand	48
14.	Fraudulent documents	49
	Version control and contacts.....	50

Policy guidance

Updated 9 November 2017

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by Burmese state actors because the person identifies as a member of the Rohingya ethnic minority.

1.2 Points to note

1.2.1 This note predominantly deals with the situation of Rohingya in Burma. It also provides limited country information on the situation of Rohingya in other countries, namely [Rohingyas in Bangladesh](#) and [Rohingya in Malaysia and Thailand](#).

1.2.2 Most Rohingya from Burma are de facto stateless (see [Citizenship](#)). Where a person does not qualify for asylum or humanitarian protection, it is open to the person to apply for leave to remain as a stateless person. This cannot be done at the same time as the asylum claim is being pursued (see the [Statelessness guidance](#)).

1.2.3 The military regime in Burma changed the name of the country to Myanmar in 1989, following the violent suppression of a popular democratic uprising in 1988. Since the UK Government did not recognise the legitimacy of the Burmese military regime it did not acknowledge the military-led name-change of the country from Burma to Myanmar, or of the main city of Rangoon to Yangon. Internationally, both names are recognised and are used interchangeably in the sources cited in the country information section.

[Back to Contents](#)

2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#).

2.1.3 Decision makers should also consider the need to conduct language analysis testing see the [Asylum Instruction on Language Analysis](#). (See also [Language/culture](#)).

[Back to Contents](#)

2.2 Assessment of risk

a. General points

2.2.1 The Rohingya, estimated to number about 2 million, are a self-identified Muslim minority living predominantly in Burma's northern Rakhine state. The

majority are Sunni Muslim. The Rohingya are regarded as illegal immigrants from Bangladesh and the Burmese authorities refer to them as ‘Bengali’, implying they are non-indigenous or “illegal immigrants” (see [Background](#)).

2.2.2 The Rohingya are not recognised as Burmese citizens unless they can prove residence in the country prior to 1948. As a result, their rights to study, work, travel freely, marry, practise their religion and access health services are severely restricted (see [Legal rights](#), [Access to services](#) and [Freedom of movement](#)).

b. Rakhine state

2.2.3 Rohingya in Rakhine State face widespread official discrimination. The vast majority of Rohingya remain undocumented and, due to lack of citizenship rights, are effectively stateless. An estimated 120,000 Rohingya live in poor standard internally displaced persons (IDP) camps in Rakhine and have limited access to employment, education and healthcare. They are also subject to restrictions on practising their religion, marriage and the number of children a married couple can have, as well as severe restrictions on freedom of movement within Burma (see [Legal rights](#), [State treatment and attitudes – Rakhine state](#) and [Freedom of movement](#)).

2.2.4 Many Rohingya are reported to be subject to extortion and harassment by the authorities including in IDP camps (see [Extortion and harassment](#)). Inter-communal violence and societal discrimination against Rohingya in Rakhine State is widespread. Anti-Muslim sentiment, compounded by an increase in hate-speech by extreme Buddhist nationalists, has exacerbated religious and ethnic tensions, particularly against those who identify as Rohingya (see [Societal treatment and attitudes](#)).

2.2.5 In October 2016 there were violent attacks on a border guard post in Rakhine state, which the Burmese authorities stated were carried out by the Aqa Mul Mujahidin (Harakah al-Yaqin also known as Arakan Rohingya Salvation Army) and intended to promote violent ideology among the Rohingya population in the area (see [Clashes with security forces – October 2016 attacks](#)). During the subsequent security operations in Rakhine State there were consistent reports of systematic human rights abuses against Rohingya by state actors. Reports and eyewitness accounts indicate the deliberate targeting of civilians with reports of human rights abuses including torture, indiscriminate killings, burning of houses and rape (see [Government response to October 2016 attacks](#)).

2.2.6 In August 2017, further fighting took place following an attack on police posts and an army base in Rakhine by the Arakan Rohingya Salvation Army. The ensuing clashes and counter-military offensive caused hundreds of civilian deaths and forced hundreds of thousands of Rohingya to cross the border into Bangladesh (see [Clashes – August 2017](#) and [Rohingyas in Bangladesh](#)).

2.2.7 To date there have been very limited efforts by the Burma authorities to investigate reports of human rights violations (see [Accountability](#)).

- 2.2.8 Discrimination on racial grounds will amount to persecution if a person's human dignity is affected to such an extent as to be incompatible with the most elementary and inalienable human rights.
- 2.2.9 In general, the level and cumulative effect of the denial of rights and state discrimination against the Rohingya population in Rakhine State is such that it amounts to persecution.

c. **Outside Rakhine state**

- 2.2.10 Outside of Rakhine State Rohingya are reported to face less discrimination provided they maintain a low profile. They are typically able to obtain identity documentation as 'Burmese Muslims' which allows them to live and work without facing the high levels of discrimination otherwise experienced by Rohingya. Burmese Muslims hold national ID cards and residency documents, which gives them a legal right to a passport. Muslims or people of South Asian appearance in Burma are not subject to local orders as other Rohingya are in northern Rakhine State (see [Rohingyas outside Rakhine State](#)).
- 2.2.11 The level of discrimination faced by Rohingya is lower outside of Rakhine State, provided people keep a low profile. However, it may, in individual cases, amount to persecution. In line with [HJ Iran](#), a person cannot be expected to live discreetly on account of their ethnicity or religion. If a material reason why the person will live discreetly is that they genuinely fear that otherwise they will be persecuted, it will be necessary to consider whether that fear is well founded.
- 2.2.12 Decision makers will need to consider each such case on its facts, with the onus on the person to demonstrate that their personal circumstances are such that they would face a level of discrimination that would amount to persecution.
- 2.2.13 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#)

[Back to Contents](#)

2.3 **Protection**

- 2.3.1 If the person's fear is of persecution or serious harm at the hands of the state, they will not be able to obtain protection.
- 2.3.2 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.4 **Internal relocation**

- 2.4.1 If the person's fear is of persecution or serious harm at the hands of the state, internal relocation is not a reasonable option. Furthermore, identity documents and travel permits are required for internal movement and the ability for a Rohingya to obtain such documents is severely restricted (see [Freedom of Movement](#)).
- 2.4.2 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.5 Certification

- 2.5.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.5.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

[Back to Contents](#)

3. Policy summary

- 3.1.1 Official and societal discrimination against Rohingya in Burma is widespread. Denial of citizenship severely restricts their rights to study, work, move freely, marry, practise their religion and access health services. In security operations, there have been consistent allegations of Rohingya been victims of torture, indiscriminate killings, burning of houses and rape by the security forces and other state actors.
- 3.1.2 In general, the level and cumulative effect of the denial of rights and state discrimination against the Rohingya population in Rakhine State is such that it amounts to persecution.
- 3.1.3 Rohingya who live outside of Rakhine State may also be able to demonstrate a need for international protection depending on their personal circumstances.
- 3.1.4 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded'.

[Back to Contents](#)

Country information

Updated 21 September 2017

4. Background

4.1 Origin of the term “Rohingya”

- 4.1.1 The origin of the term Rohingya, and its usage in relation to being an ethnic group, is complex and contested.
- 4.1.2 Leading Rakhine historian, Jacques P. Leider, noted in a paper dated January 2014 that the word Rohingya, meaning “Rakhine” in the local Muslim language, appeared for the first time as “Rooinga” in a report on the languages of Burma by Francis Hamilton-Buchanan, published at the end of the 18th century¹. In an interview with The Irrawaddy, Leider spoke of an emerging Muslim community in Burma in the 15th century, and a further community of Muslims arriving from Bengal during the colonial era, who settled in Rakhine².
- 4.1.3 Both the Burmese government and Rakhine Buddhist representatives explained to the Special Rapporteur during her January 2015 mission to Burma that the term “Rohingya” has no historical or legal basis. In her report to the Human Rights Council, the Special Rapporteur commented on ‘... the right of Rohingya to self-identification according to international human rights law. She believes the ongoing focus on the terminology used to describe this group has paralysed progress on addressing important human rights issues and achieving durable solutions.’³
- 4.1.4 The US Department of State’s Human Rights Report for 2015 stated:
‘The name Rohingya is used in reference to a group that self-identifies as belonging to an ethnic group defined by religious, linguistic, and other ethnic features. Rohingya do not dispute their ethnogeographic origins from present-day Bangladesh but hold that they have resided in what is now Rakhine State for decades, if not centuries. Authorities usually referred to Rohingya as “Bengali,” claiming that the Muslim residents of northern Rakhine State are irregular migrants from Bangladesh or descendants of migrants transplanted by the British during colonial rule.’⁴

¹ Leider, Jacques, P., ‘Rohingya: The name. The movement. The quest for identity’, (page 8), 28 January 2014, http://www.burmalibrary.org/docs21/Jacques-P-Leider-2014-01-28-Rohingya-The_Name-The_movement-The_quest_for_identity-en.pdf. Accessed: 25 April 2017

² The Irrawaddy, ‘History Behind Arakan State Conflict’, 9 July 2012, <https://www.irrawaddy.com/in-person/interview/history-behind-arakan-state-conflict.html>. Accessed: 25 April 2017

³ UN Human Rights Council, ‘Report of the Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee’ [A/HRC/28/72], (paragraph 46), 23 March 2015 (available at ecoi.net) http://www.ecoi.net/file_upload/1930_1427812907_a-hrc-28-72-en.doc. Accessed: 25 April 2017

⁴ US Department of State, ‘Country Report on Human Rights Practices for 2015 – Burma’, (Section 2d), 23 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252751>. Accessed: 13 December 2016.

- 4.1.5 For more detailed historical background on the Rohingya in Burma, see the International Crisis Group's 2014 report '[The Politics of Rakhine State](#)'⁵ and the 2012 Human Rights Watch (HRW) report '[The Government Could Have Stopped This](#)'⁶.

[Back to Contents](#)

4.2 Demography

- 4.2.1 The Rohingya are an ethnic minority living predominantly in Burma's north-western Rakhine state (historically known as Arakan)⁷ and account for most of the population in the 3 northernmost townships: Maungdaw; Buthidaung; and Rathedaung⁸. The Australian Department of Foreign Affairs and Trade (DFAT) noted in its January 2017 Country Information Report Myanmar that credible sources informed them that those who identified as Rohingya made up around 85-95 per cent of the population of the townships of Maungdaw and Buthidaung. DFAT also noted 'There are smaller communities of Rohingya in many other townships in Rakhine State, including Sittwe, Pauktaw and Myebon.' The majority of Rohingya are Sunni Muslim⁹. Rohingya speak a Bengali dialect¹⁰, reportedly similar to the southern dialect of Chittagonian¹¹. (See also [Language/culture](#)).
- 4.2.2 An estimated 1 million Rohingya account for around 30 per cent of Rakhine's population¹², whilst their total numbers in Burma reportedly exceed 2 million¹³. However, official estimates of the size of the population were not available as Rohingya are not recognised as citizens and were excluded

⁵ International Crisis Group, 'The Politics of Rakhine State', 22 October 2014, available at http://www.ecoi.net/file_upload/1002_1414163665_261-myanmar-the-politics-of-rakhine-state.pdf. Accessed: 9 December 2016.

⁶ Human Rights Watch, "The Government Could Have Stopped This" Sectarian Violence and Ensuing Abuses in Burma's Arakan State', (page 46), August 2012, https://www.hrw.org/sites/default/files/reports/burma0812webwcover_0.pdf. Accessed: 13 December 2016.

⁷ Balazo, P., 'Truth & Rights: Statelessness, Human Rights, and the Rohingya', The Undercurrent Journal, Volume XI, (page 6), Winter 2015, <http://undercurrentjournal.ca/wp-content/uploads/2015/01/Undercurrent-Issue-Winter-2015.pdf>. Accessed: 9 December 2016.

⁸ Fortify Rights, 'Policies of Persecution: Ending Abusive State Policies Against Rohingya Muslims in Myanmar', (page 5), February 2014, http://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf?bcsi_scan_14cf79d043f374a1=0&bcsi_scan_filename=Policies_of_Persecution_Feb_25_Fortify_Rights.pdf. Accessed: 13 December 2016.

⁹ Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report Myanmar', (paragraphs 3.8 and 3.9), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

¹⁰ Al Jazeera, 'Who are the Rohingya', 28 October 2015, <http://www.aljazeera.com/indepth/features/2015/10/rohingya-151024202611276.html>. Accessed: 13 December 2016.

¹¹ Ethnologue, 'Languages of the World', (Chittagonian), 2016, Nineteenth edition, online version: <https://www.ethnologue.com/language/ctg>. Accessed: 13 December 2016.

¹² Council on Foreign Relations, 'The Rohingya Migrant Crisis', 19 September 2016, <http://www.cfr.org/burmamyanmar/rohingya-migrant-crisis/p36651>. Accessed: 9 December 2016.

¹³ Balazo, P., 'Truth & Rights: Statelessness, Human Rights, and the Rohingya', The Undercurrent Journal, Volume XI, (page 6), Winter 2015, <http://undercurrentjournal.ca/wp-content/uploads/2015/01/Undercurrent-Issue-Winter-2015.pdf>. Accessed: 9 December 2016.

from the 2014 census¹⁴. (Burma's population totals over 55 million – July 2016 estimate¹⁵).

4.2.3 The International Crisis Group reported in October 2014 that 'The largest group in the state are the Rakhine Buddhists, who make up about 60 per cent of the 3.2 million total population. Muslim communities, including the Rohingya, are about 30 per cent, and the remaining 10 per cent consist of Chin (who are Buddhist, Christian or animist) and a number of other small minorities, including the Kaman (also Muslim), Mro, Khami, Dainet and Maramagyi.'¹⁶

4.2.4 In parts of Rakhine State, members of some communities were not counted in the 2014 census because they were not allowed to self-identify as Rohingya as this group was not recognised by the government.¹⁷ The Council on Foreign Relations noted that '... after Buddhist nationalists threatened to boycott the census, the government decided the Rohingya could only register if they identified as Bengali...'¹⁸ implying they were immigrants from Bangladesh¹⁹.

[Back to Contents](#)

4.3 Language/culture

4.3.1 Between 4 February and 17 February 2011, the Danish Immigration Service conducted a fact-finding mission (FFM) to Dhaka and Cox's Bazar in Bangladesh and Bangkok in Thailand to investigate various issues related to the situation of the Rohingya people. According to various sources consulted by the FFM team the language of the Rohingya and the local Bangladeshi population in the border area of Burma and Bangladesh was very similar and that 'distinguishing the Rohingya from the local population in the Chittagong area is very difficult.' The Danish FFM 2011 report noted:

'According to UNHCR (Bangladesh), the Rohingya language is not a written language and the Rohingya people are in general not very literate. Their Rohingya language is very similar to the Chittagonian dialect of Bangla spoken in the area. There are few words which may differ in the two languages depending on how close to the Bangladesh border the Rohingya

¹⁴ Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report Myanmar', (paragraph 3.8), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

¹⁵ CIA, 'The World Factbook – Burma', (People and society), updated 10 November 2016, <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html>. Accessed: 9 December 2016.

¹⁶ International Crisis Group, 'The Politics of Rakhine State', (page 1), 22 October 2014, available at http://www.ecoi.net/file_upload/1002_1414163665_261-myanmar-the-politics-of-rakhine-state.pdf. Accessed: 9 December 2016.

¹⁷ International Crisis Group, 'The Politics of Rakhine State', (page 1, footnote 1), 22 October 2014, available at http://www.ecoi.net/file_upload/1002_1414163665_261-myanmar-the-politics-of-rakhine-state.pdf. Accessed: 9 December 2016.

¹⁸ Council on Foreign Relations, 'The Rohingya Migrant Crisis', 19 September 2016, <http://www.cfr.org/burmamyanmar/rohingya-migrant-crisis/p36651>. Accessed: 9 December 2016.

¹⁹ IRIN, 'Bribes and bureaucracy: Myanmar's chaotic citizenship system', 31 October 2016, <https://www.irinnews.org/feature/2016/10/31/bribes-and-bureaucracy-myanmar%E2%80%99s-chaotic-citizenship-system>. Accessed: 13 December 2016.

were residing in. Given that many Rohingya have been residing in Bangladesh for many years, it becomes difficult to distinguish a Rohingya from a Bangladeshi at times. On occasion, a local person might be able to distinguish the Rohingya language from the language spoken by local Bangladeshis.²⁰

- 4.3.2 The Danish FFM 2011 report stated that, according to all sources consulted, the cultural and religious practices performed by the Rohingya were similar to local Bangla practices²¹.

See also [Rohingyas in Bangladesh](#).

[Back to Contents](#)

4.4 Burmese names

- 4.4.1 A guide to culture and customs published in 2013 stated that 'From the mid-1960s to the present day, the trend has been for children to have only Myanmar names, as anything of a foreign nature has been strongly discouraged by the government.'²² Instances were found of Rohingya using both a Burmese and Rohingya alias. A few examples are listed below:

- U Jangir (alias) U Aung Myo Min (Burmese)²³;
- 'The other candidates for Maungdaw township are Aung Zaw Win, alias Zahir Ahmed (Upper House), Htay Win, alias Zahidur Rahman (Lower House), and Jahin Gir Alam, alias Aung Myo Myint (State Parliament)'²⁴;
- U Kyaw Min alias Master Shamsul Anowarul Hoque²⁵;
- Mohamed Sayed (alias Hla Maung Thein)²⁶;
- Mohamed Salim alias Than Htun²⁷.

²⁰ Danish Immigration Service, 'Rohingya refugees in Bangladesh and Thailand', (pages 10-11), May 2011, 1/2011, available at: <http://www.refworld.org/docid/4dd0d6f72.html>. Accessed: 2 February 2017.

²¹ Danish Immigration Service, 'Rohingya refugees in Bangladesh and Thailand', (page 12), May 2011, 1/2011, available at: <http://www.refworld.org/docid/4dd0d6f72.html>. Accessed: 2 February 2017.

²² Saw Myat Yin, 'Culture Shock! Myanmar: a Survival Guide to Customs and Etiquette', (page 64), 31 December 2013, Accessed: 30 December 2016

²³ The European Rohingya Council, 'Burmese president meets Rohingya and Rakhine in Maungdaw', 5 October 2013, <http://www.theerc.net/2013/10/burmese-president-meets-rohingya-and-rakhine-in-maungdaw/>. Accessed: 20 December 2016

²⁴ Kaladan Press Network, 'Rohingyas and the forthcoming election', 6 November 2010, http://www.kaladanpress.org/v3/index.php?option=com_content&view=article&id=2884:rohingyas-and-the-forthcoming-election-&catid=106:kpn&Itemid=48. Accessed: 20 December 2016.

²⁵ Asian Tribune, 'U Kyaw Min: An Imprisoned: Rohingya MP without Citizenship', 5 March 2009, <http://www.asiantribune.com/?q=node/15905>. Accessed: 20 December 2016.

²⁶ Rohingya Arakanese Refugee Committee, 'Rakhine ministers try to build Buddhist community hall on Rohingya's resident', 13 March 2012, <http://arrcinfo.blogspot.co.uk/2012/03/rakhine-ministers-try-to-build-buddhist.html>. Accessed: 20 December 2016.

²⁷ Kaladan Press Network, '129 prisoners released from northern Arakan, no prominent Rohingya politician', 20 October 2011, http://www.kaladanpress.org/v3/index.php?option=com_content&view=article&id=3408:129-prisoners-released-no-prominent-rohingya-politician&catid=141:october-2011&Itemid=2. Accessed: 20 December 2016.

- 4.4.2 As a result, documentation processes in Burma commonly request the provision of aliases in application forms. For example, to request birth certificates applicants must provide a copy of their identity card, family registration documents, and, amongst other details, all names and aliases²⁸. Burmese names do not have a family name / surname²⁹.

[Back to Contents](#)

5. Legal rights

5.1 Citizenship

- 5.1.1 Though recognised as citizens under the 1947 Constitution and Union Citizenship Act 1948³⁰, the 1974 Emergency Immigration Act stripped many Rohingya of their Burmese nationality by replacing their national registration certificates with foreign registration cards³¹. The 1982 Burma Citizenship Law designates three categories of citizens: full citizens; associate citizens; and naturalised citizens³².
- 5.1.2 Nick Cheesman, a research fellow at the Australian National University discussed Burma's 1982 Citizenship Law and its effect on those identifying as Rohingya. Whilst the said law does not include specific sections to deny the Rohingya citizenship, violation and selective application of the law effectively rendered the Rohingya stateless. The law also made membership of one of the country's 8 "national races" the primary basis for citizenship, declaring "Kachin, Karenni, Karen, Chin, Burman, Mon, Arakanese, Shan and other national races and ethnic groups who resided in an area of the state as their permanent home anterior to 1823AD are Burmese citizens".³³ Former British diplomat Derek Tonkin appeared to support Cheesman's position in his comment following an article in New Mandala on the Rohingyas citizenship status³⁴.
- 5.1.3 Most Rohingya were unable to prove to the state 'conclusive evidence of their lineage', effectively making them stateless³⁵. Al Jazeera reported that

²⁸ US Department of State Bureau of Consular Affairs, 'Burma Reciprocity Schedule', undated, <https://travel.state.gov/content/visas/en/fees/reciprocity-by-country/BM.html>. Accessed: 20 December 2016.

²⁹ Khine, C.M., 'Myanmar's Unique Naming System', 20 July 2012, available at Global Voices <https://globalvoices.org/2012/07/20/myanmars-unique-naming-system/>. Accessed: 4 September 2017.

³⁰ Gibson, T., et al, 'Rohingyas – Insecurity and Citizenship in Myanmar', (pages 80-82), 2016, <http://www.iid.org/uploads/6/2/0/6/6206024/rohingya.pdf>. Accessed: 20 July 2017

³¹ Pugh, C. L., 'Is Citizenship the Answer? Constructions of belonging and exclusion for the stateless Rohingya of Burma', (page 14), October 2013, <https://www.imi.ox.ac.uk/publications/wp-76-13>. Accessed 20 July 2017

³² Burma Citizenship Law, 15 October 1982, available at: <http://www.refworld.org/docid/3ae6b4f71b.html>. Accessed: 9 December 2016.

³³ Cheesman, N., 'Problems with facts about Rohingya statelessness', E-International Relations, 8 December 2015, <http://www.e-ir.info/2015/12/08/problems-with-facts-about-rohingya-statelessness/>. Accessed 21 April 2017

³⁴ New Mandala, 'Diplomatic protection for the stateless Rohingya', (Responses – Derek Tonkin), 22 March 2017, <http://www.newmandala.org/diplomatic-protection-stateless-rohingya/>. Accessed: 26 April 2017

³⁵ Balazo, P., 'Truth & Rights: Statelessness, Human Rights, and the Rohingya', The Undercurrent

'To get citizenship, [the Rohingya] need to prove they have lived in Myanmar for 60 years, but paperwork is often unavailable or denied to them. As a result, their rights to study, work, travel, marry, practise their religion and access health services are restricted.'³⁶

[Back to Contents](#)

5.2 Identity documents

5.2.1 Due to their lack of citizenship status, the majority of Rohingya have no legal documentation³⁷. The International Crisis Group noted in its October 2014 report that:

'After 1951, citizens over the age of twelve were issued with "national registration cards" (NRCs); many Rakhine Muslims [Rohingya and non-Rohingya], including those in northern Rakhine State, held these cards, while others – as was the case in remote areas across the country – never registered. In cases where NRCs were lost or defaced, citizens were issued with "temporary registration certificates" (TRCs, also known as "white cards"), intended to be temporary documents pending the issuance of a new NRC.

'In 1989, a citizenship inspection process was carried out, and those found to meet the new requirements under the 1982 law had their NRCs replaced with new "citizenship scrutiny cards" (CSCs). The majority of Rakhine Muslims surrendered their NRCs, but were never issued with CSCs. This was not in accordance with the law, due process was not followed, and it appears to constitute an arbitrary deprivation of citizenship, rendering them stateless.'³⁸

5.2.2 HRW reported in 2012 that CSCs are colour-coded according to citizenship status: full citizens = pink; associate citizens = blue; and naturalised citizens = green³⁹.

5.2.3 In 1995 the government began to issue Temporary Registration Certificates (TRCs) to Rohingyas in Northern Rakhine State⁴⁰. A briefing by the Burmese Rohingya Organisation UK reported that 'Temporary Registration Certificates (White Cards) are issued to residents in Burma (not resident foreigners) under Article 13 of the Residents of Burma Registration Rules (1951). Despite Rohingya now only having these temporary registration cards, they

Journal, Volume XI, (page 8), Winter 2015, <http://undercurrentjournal.ca/wp-content/uploads/2015/01/Undercurrent-Issue-Winter-2015.pdf>. Accessed: 9 December 2016.

³⁶ Al Jazeera, 'Who are the Rohingya', 28 October 2015, <http://www.aljazeera.com/indepth/features/2015/10/rohingya-151024202611276.html>. Accessed: 13 December 2016.

³⁷ Council on Foreign Relations, 'The Rohingya Migrant Crisis', 19 September 2016, <http://www.cfr.org/burmamyanmar/rohingya-migrant-crisis/p36651>. Accessed: 9 December 2016.

³⁸ International Crisis Group, 'The Politics of Rakhine State', (page 11), 22 October 2014, available at http://www.ecoi.net/file_upload/1002_1414163665_261-myanmar-the-politics-of-rakhine-state.pdf. Accessed: 9 December 2016.

³⁹ Human Rights Watch, "'The Government Could Have Stopped This" Sectarian Violence and Ensuing Abuses in Burma's Arakan State', (page 46), August 2012, https://www.hrw.org/sites/default/files/reports/burma0812webwcover_0.pdf. Accessed: 13 December 2016.

⁴⁰ Gibson, T., et al, 'Rohingyas – Insecurity and Citizenship in Myanmar', (page 75), 2016, <http://www.iid.org/uploads/6/2/0/6/6206024/rohingya.pdf>. Accessed: 20 July 2017

were able to take part in the 2008 referendum on Burma's Constitution, and the 2010 elections.' However, on 11 February 2015, the then President Thein Sein, announced that TRCs would expire on 31 March 2015, and should be returned to the authorities by the end of May 2015, thus preventing the Rohingya from voting in the 2015 constitutional referendum or the November 2015 elections⁴¹. The Foreign and Commonwealth Office Burma Human Rights Priority Country report noted that '... the Rohingya community was disenfranchised and prospective Muslim candidates were disproportionately excluded' from the 2015 general elections⁴². An estimated 1.5 million white card holders faced having no identity documents once their white cards were rescinded⁴³.

5.2.4 In June 2015, Rakhine State's Immigration and Population Department began issuing green cards⁴⁴, or National Verification Certificates (NVCs)⁴⁵. However, despite being informed that the green cards would allow holders to travel more freely, some Rohingya were resistant to accepting the new cards – in exchange for their white cards – as they refused to identify as Bengali⁴⁶. The Irrawaddy reported in June 2016 that Rohingya residents of one village told officials they "wouldn't agree [to accept the new cards] unless you first put our race and religion [Rohingya Muslim] on the cards." The officials responded that "there are no Rohingya in Arakan [Rakhine] State" and soon left the village.⁴⁷

5.2.5 In July 2016, the UN Committee for the Elimination of Discrimination against Women (CEDAW) noted its concern that:

'[T]he issuance of identification documents to members of the Rohingya Muslim ethnic group, still uses the outdated Citizenship Law of 1982, which is discriminatory since it results in the arbitrary deprivation of nationality. The Committee ... notes with concern that Rohingya women and girls in Rakhine State are being deprived of their nationality and, therefore, rendered

⁴¹ Burmese Rohingya Organisation UK, 'The Rohingya, the Citizenship Law, temporary registration, and implementation of the Rakhine State Action Plan', April 2015, <http://burmacampaign.org.uk/media/BROUK-White-Card-Briefing.pdf>. Accessed: 9 December 2016.

⁴² Foreign and Commonwealth Office, 'Human Rights and Democracy: The 2015 Foreign & Commonwealth Office Report', (page 37), April 2016, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/518658/FCO755_Human_Rights_Report_2015_-_WEB.pdf. Accessed: 15 August 2017.

⁴³ The Irrawaddy, 'Winners and Losers of the White Card's Demise', 9 March 2015, <http://www.irrawaddy.com/news/burma/winners-and-losers-of-the-white-cards-demise.html>. Accessed: 13 December 2016.

⁴⁴ Myanmar Times, 'New 'green cards' meet resistance', 18 June 2015, <http://www.mmtimes.com/index.php/national-news/15082-new-green-cards-meet-resistance.html>. Accessed: 15 December 2016.

⁴⁵ The Irrawaddy, 'Rohingya Reject New Citizenship Verification Cards', 10 June 2016, <http://www.irrawaddy.com/news/burma/rohingya-reject-new-citizenship-verification-cards.html>. Accessed: 15 December 2016.

⁴⁶ Voice of America, 'Few Rohingya Want New Myanmar ID Cards', 13 July 2015, <http://www.voanews.com/a/few-rohingya-want-new-myanmar-idenitification-cards/2859878.html>. Accessed: 15 December 2016.

⁴⁷ The Irrawaddy, 'Rohingya Reject New Citizenship Verification Cards', 10 June 2016, <http://www.irrawaddy.com/news/burma/rohingya-reject-new-citizenship-verification-cards.html>. Accessed: 15 December 2016.

stateless, by the Citizenship Law of 1982. The Committee also notes with concern that members of the Rohingya ethnic group, including women and girls, who refused to identify as “Bengali” have been arbitrarily excluded from the verification process, which was first piloted in June 2014.⁴⁸

- 5.2.6 DFAT understood that around 1,000 people were issued with an ‘identity card for national verification’ (ICNV, also known as a “turquoise card”), and that a small number of Rohingya were issued with the card, although they had to identify as Bengali to receive one. According to DFAT, despite some Rohingya holding an NVC, there was no change to their access to services or freedom of movement⁴⁹.
- 5.2.7 The Irrawaddy reported in April 2017 that, according to an immigration official, 4,600 people had accepted the NVC since the project was launched in 2014. The report also indicated that Rohingya Muslims who accepted NVCs, cooperated with the authorities, or spoke to the media or diplomats were sometimes threatened or targeted by ‘unknown groups’.⁵⁰ Because of the low uptake rates, the majority of Rohingya remain undocumented (apart from their household registration lists) – or holding receipts for their TRCs – and are effectively stateless, not being recognised as citizens of Myanmar⁵¹. See also [Fraudulent documents](#) and [Freedom of movement](#).

[Back to Contents](#)

5.3 Marriage and the ‘two-child policy’

- 5.3.1 The US Department of State noted in its Human Rights (USSD HR) report for 2016 that:

‘In northern Rakhine State, local authorities required members of the Rohingya minority to obtain a permit to marry officially, a step not required of other ethnicities. Wait times for the permit could exceed one year, and bribes usually were required. According to human rights organizations, on April 28 [2016], Border Guard Police in Buthidaung Township issued new instructions to village administrators outlining additional requirements for members of the Muslim community to obtain a permit to marry. The government referred to the revised procedures as “matters related to marriage of Bengali race.” The new required documents included: a letter from the district immigration authorities that the couple were of legal age to marry; a letter from a station commander showing the couple was free of criminal offenses; a letter from a

⁴⁸ UN Committee on the Elimination of Discrimination Against Women (CEDAW), ‘Concluding observations on the combined fourth and fifth periodic reports of Myanmar’, (paragraph 32), 25 July 2016, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgOTxO5cLIZ0CwAvhyns%2byKPrKA2t8J89bRNf6MASfOCDXtpmeBlp6nw6lBoTpR5Q%2fhZzxKixl0q4v09CV8dXhMWhiRipl6zvuuqRky8JEwpz>. Accessed: 19 December 2016.

⁴⁹ Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report Myanmar’, (paragraph 3.13), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

⁵⁰ The Irrawaddy, ‘Man Killed in Buthidaung After Talking to Journalists’, 2 April 2017, <https://www.irrawaddy.com/news/burma/127736.html>. Accessed: 20 April 2017

⁵¹ Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report Myanmar’, (paragraph 3.15), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

health assistant assuring the couple was free of communicable diseases; and a letter from village administrators confirming that the individuals were single, unmarried, and that any previous marriage was dissolved at least three years prior. Unauthorized marriages could result in prosecution of Rohingya men under the penal code, which prohibits a man from “deceitfully” marrying a woman, and could result in a prison sentence or fine. The law prohibits the adoption of children by non-Buddhist families.’⁵²

5.3.2 Fortify Rights, a non-profit human rights organisation investigating and reporting human rights abuses, noted in a report dated October 2015 that couples who marry under Islamic law, cohabiting couples, or even those in a relationship but not living together, risk arrest. The report added:

‘To obtain marriage licenses, men and women must adhere to rules that conflict with Rohingya religious beliefs. The rules require that men shave their beards for their license photographs. Similarly, the rules prohibit women from wearing religious head and face coverings. The NaSaKa [a security force consisting of police, military, intelligence, customs officers, and riot police] have reportedly touched Rohingya women to determine if they are pregnant. Authorities have required Rohingya women to take pregnancy tests before issuing marriage permits. The NaSaKa, at various points in the marriage-license process, have also demanded bribes that can total more than the equivalent of three months’ salary.’⁵³

5.3.3 As regards the ‘two-child policy’, Fortify Rights reported:

‘Since at least 2005, the government has allowed some Rohingya couples to obtain marriage licenses only if they agree to have no more than two children. Women in legal marriages who have more than two children and women who have children out of wedlock are subject to possible prison sentences of up to ten years. State-level authorities in Rakhine State issued a policy document in 2008 titled “Population Control Activities,” specifying how law enforcement officials in Rakhine State should force people to “use pills, injections and condoms for birth control at every [NaSaKa] regional clinic, township hospitals, and their own regional hospitals”.’⁵⁴

5.3.4 The USSD HR Report 2016 noted that the Burmese authorities ‘... limited the registration of children to two per family, but local enforcement of the two-child policy was inconsistent. For the most part, authorities registered additional children beyond the two-child limit for Rohingya families, yet there were cases of authorities not doing so.’⁵⁵

⁵² US Department of State, ‘Country Report on Human Rights Practices for 2016 – Burma’, (Section 1f), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265324>. Accessed: 6 March 2017

⁵³ Fortify Rights, ‘Persecution of the Rohingya Muslims: Is Genocide Occurring in Myanmar’s Rakhine State? A legal analysis’, (page 12), October 2015, http://www.fortifyrights.org/downloads/Yale_Persecution_of_the_Rohingya_October_2015.pdf. Accessed: 15 December 2016.

⁵⁴ Fortify Rights, ‘Persecution of the Rohingya Muslims: Is Genocide Occurring in Myanmar’s Rakhine State? A legal analysis’, (page 12), October 2015, http://www.fortifyrights.org/downloads/Yale_Persecution_of_the_Rohingya_October_2015.pdf. Accessed: 15 December 2016.

⁵⁵ US Department of State, ‘Country Report on Human Rights Practices for 2016 – Burma’, (Section 2d), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=>

- 5.3.5 A May 2015 report by the Simon-Skjodt Center for the Prevention of Genocide noted that the ‘... two-child policy enforced in the northern Rakhine townships of Maungdaw and Buthidaung ... only applies to Rohingya. Although the policy is enacted at the local level, politicians at the national and state level support the measure and describe the population control method as necessary and even beneficial for Rohingya. Penalties for disobeying the orders include fines or imprisonment.’⁵⁶
- 5.3.6 The Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern, in its Concluding observations, dated 25 July 2016, about the restrictive legislation and local orders in Rakhine state on the maximum two-child limit and spacing between births of at least 36 months⁵⁷.

[Back to Contents](#)

6. State treatment and attitudes – Rakhine state

6.1 Sources

- 6.1.1 Note that between 27 February and 24 March 2017 the UN Human Rights Council convened to discuss amongst other things the human rights situation in Myanmar/Burma. Relevant documents and reports submitted ahead and after the meeting are available on the [UN HRC website](#).

[Back to Contents](#)

6.2 General socio-economic conditions

- 6.2.1 Rakhine state was reported to be the poorest state in Burma and, as cited by the UN Special Rapporteur following her visit to the country in June/July 2016, faced ‘long-standing social and economic underdevelopment, including malnutrition, low incomes, poverty and weak infrastructure, compounded by natural hazards.’⁵⁸ The UN Secretary General reported in August 2016 that ‘... little progress was made in improving the desperate conditions faced by the Muslim population in Rakhine, including those who continued to identify themselves as Rohingya. Many of them continued to languish in camps for internally displaced persons and, along with those outside the camps, have borne the brunt of institutionalized discrimination from the majority community.’⁵⁹

[2016&dlid=265324](#). Accessed: 6 March 2017

⁵⁶ The United States Holocaust Memorial Museum, Simon-Skjodt Center for the Prevention of Genocide, ‘They want us all to go away’, (page 6), May 2015, <https://www.ushmm.org/m/pdfs/20150505-Burma-Report.pdf>. Accessed: 2 February 2017.

⁵⁷ UN Committee on the Elimination of Discrimination Against Women (CEDAW), ‘Concluding observations on the combined fourth and fifth periodic reports of Myanmar’, (paragraph 44d), 25 July 2016, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgOTxO5cLIZ0CwAvhyns%2byKPrKA2t8J89bRNf6MAsfOCDXtpmeBlp6nw6lBoTpR5Q%2fhZzxKixl0q4v09CV8dXhMWHiRipl6zvugRky8JEwpz>. Accessed: 19 December 2016.

⁵⁸ UN General Assembly: Situation of human rights in Myanmar [A/71/361], (paragraph 58), 29 August 2016 (available at ecoinet) http://www.ecoi.net/file_upload/1226_1478087528_n1627260.pdf. Accessed: 2 February 2017.

⁵⁹ UN General Assembly, ‘Situation of human rights in Myanmar, Report of the Secretary General’, (Summary), 5 August 2016, available at: <http://www.refworld.org/docid/57d9421a4.html>. Accessed: 14

See also [Internally displaced persons \(IDPs\)](#).

[Back to Contents](#)

6.3 Pre-October 2016 human rights violations

- 6.3.1 The United Nations High Commissioner for Human Rights noted in its June 2016 report on the ‘Situation of human rights of Rohingya Muslims and other minorities in Myanmar’ that ‘Patterns of human rights violations against the Rohingya have been documented by successive Special Rapporteurs since 1992. Many result from national, State or local laws, policies and practices targeting the Rohingya owing to their ethnicity, race or religion, either directly or through selective, discriminatory implementation.’⁶⁰
- 6.3.2 A 2015 report by the International State Crime Initiative, a cross-disciplinary research centre institutionally supported by Queen Mary University of London and partnered with Harvard University, the University of Hull and the University of Ulster, noted that in 2012 in Rakhine state, ‘Organised massacres [sparked by the murder and rape of a Buddhist woman] left over 200 Rohingya men, women and children dead. Up to 60 Rakhine were also killed during the June violence. Hundreds of homes, the vast majority belonging to Rohingya, were destroyed.’⁶¹ The [Global Centre for the Responsibility to Protect](#) provided a chronological list of important responses and actions from national and international actors following the eruption of anti-Muslim violence in June 2012.

[Back to Contents](#)

6.4 Clashes with security forces – October 2016

- 6.4.1 For a timeline of events in Rakhine state between 9 October and 18 November 2016 see [Time.com](#).
- 6.4.2 As reported by the International Crisis Group (ICG), on 9 October 2016, a series of attacks on border-guard posts in Maungdaw and Rathedaung townships in northern Rakhine state killed 9 police officers. The ICG noted that according to government statements and local sources, at least 250 assailants – reportedly Rohingya Muslims – led the attacks, also fleeing with guns and ammunition. Further clashes between the group and security officials occurred in subsequent days. A major security operation was launched following the attacks⁶².
- 6.4.3 Amnesty International stated in its December 2016 report that following the border post attacks:

December 2016.

⁶⁰ United Nations High Commissioner for Human Rights, ‘Situation of human rights of Rohingya Muslims and other minorities in Myanmar’, (paragraph 25), 29 June 2016, http://www.ecoi.net/file_upload/1930_1484061108_g1613541.pdf. Accessed: 30 December 2016.

⁶¹ Green, P., Macmanus, T., de la Cour Venning, A., ‘Countdown to Annihilation: Genocide in Myanmar’, International State Crime Initiative, (pages 15 and 74), 2015, <http://statecrime.org/data/2015/10/ISCI-Rohingya-Report-PUBLISHED-VERSION.pdf>. Accessed: 23 March 2017

⁶² International Crisis Group, ‘Myanmar Border Attacks Fuel Tensions with Rohingya Muslim Minority’, 12 October 2016, <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-border-attacks-fuel-tensions-rohingya-muslim-minority>. Accessed: 15 December 2016.

'The government immediately tightened security throughout northern Rakhine State. Large numbers of soldiers were immediately deployed in the region and began search operations to apprehend the attackers and recover the weapons seized by them. A curfew in Maungdaw and Buthidaung Townships in place since 2012 was extended, and people were ordered not to leave their villages. The government sealed off the area, forcing the suspension of humanitarian aid and precluding access by journalists and rights monitors... In the past two months, the government has repeatedly insisted that their security operations are aimed at apprehending "violent attackers" and are being conducted "in accordance with the law". However, the evidence ... suggests that security forces in their response to the 9 October attacks, have perpetrated widespread and systematic human rights violations against the group including by deliberately targeting the civilian populations with little, or no, regard for their connection to militants. While some unknown number of Rohingya participated in the 9 October attacks and subsequent clashes with security forces, the overwhelming majority did not.'⁶³ (See [Government response to October 2016 attacks](#)).

- 6.4.4 The ICG reported that the group claiming responsibility for the attacks '...refers to itself as Harakah al-Yaqin (HaY, "Faith Movement" in Arabic). The government calls it Aqa Mul Mujahidin, a generic Arabic phrase meaning "communities of fighters" ...'⁶⁴ Radio Free Asia (RFA) reported that according to the security forces, who interrogated 4 of the alleged perpetrators, the attacks were intended to promote extremist violent ideology among the majority Muslim population in the area. RFA added that 'Aqa Mul Mujahidin has links to the Rohingya Solidarity Organization (RSO), a small militant group active in the 1980s and the 1990s until the Myanmar government launched a counteroffensive to expel its insurgents from the border area with Bangladesh. The group was believed to be defunct.'⁶⁵ HaY publicly refers to itself as the Arakan Rohingya Salvation Army (ARSA)⁶⁶
- 6.4.5 Further attacks against the security forces by HaY took place on 12 November 2016 and, according to the ICG, several hundred villagers supported the attackers by taking up weapons (knives and farming

⁶³ Amnesty International, 'Myanmar: "We Are At Breaking Point" - Rohingya: Persecuted In Myanmar, Neglected In Bangladesh', (page 8), 19 December 2016, <https://www.amnesty.org/download/Documents/ASA1653622016ENGLISH.PDF>. Accessed: 26 January 2017.

⁶⁴ International Crisis Group, 'Myanmar: A New Muslim Insurgency in Rakhine State', (Chapter V. A), 15 December 2016, <https://www.crisisgroup.org/asia/south-east-asia/myanmar/283-myanmar-new-muslim-insurgency-rakhine-state>. Accessed: 26 January 2017.

⁶⁵ Radio Free Asia, 'Myanmar Says Islamic Terrorist Organization Behind Deadly Border Raids in Rakhine State', 14 October 2016, <http://www.rfa.org/english/news/myanmar/myanmar-says-islamic-terrorist-organization-behind-deadly-border-raids-in-rakhine-state-10142016164041.html>. Accessed: 15 March 2017

⁶⁶ Radio Free Asia, 'Who Are the Arakan Rohingya Salvation Army?', 1 September 2017, <http://www.rfa.org/english/commentaries/arsa-commentary-09012017155658.html>; International Crisis Group, 'Myanmar Tips into New Crisis after Rakhine State Attacks', <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-tips-new-crisis-after-rakhine-state-attacks>. Accessed: 4 September 2017.

implements). After a lieutenant colonel was shot dead, air support was called in and armed helicopters reportedly fired indiscriminately at villagers⁶⁷.

- 6.4.6 Whilst condemning the attacks against border security posts, the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, added that '... accounts we have received suggest that security forces may have imposed collective punishment on an entire community, with reprisals against already vulnerable Rohingya Muslims continuing more than two months after the border post attacks, causing some 27,000 people to flee across the border into Bangladesh.'⁶⁸

See also [Internally displaced persons \(IDPs\)](#) and [Rohingyas in Bangladesh](#).

- 6.4.7 On 15 February 2017, it was reported that the military's clearance operation in Rakhine state had ended. Reuters quoted a government official statement, in which it was announced 'The situation in northern Rakhine has now stabilized. The clearance operations undertaken by the military have ceased, the curfew has been eased and there remains only a police presence to maintain the peace.'⁶⁹

- 6.4.8 However, a military spokesman told The Irrawaddy a day after the announcement "'We will not stop clearance operations. There will be regular security operations. Ceasing military operations [in northern Arakan State] is information I am not aware of.'⁷⁰

See [Freedom of movement](#).

[Back to Contents](#)

6.5 Response to October 2016 attacks

- 6.5.1 Reporting on events following the October 2016 attacks, the OCHA stated that:

'Numerous reports have emerged about serious human rights violations including summary executions, torture and rape perpetrated by the security forces against the Muslim population. It has been difficult for the UN to verify these allegations due to the continued restrictions on access to communities in northern Rakhine. Many people arriving in Bangladesh have testified to human rights violations in Rakhine. The UN has expressed its deep concern at the reports and a group of UN Human Rights experts urged the

⁶⁷ International Crisis Group, 'Myanmar: A New Muslim Insurgency in Rakhine State', (Chapter V. C), 15 December 2016, <https://www.crisisgroup.org/asia/south-east-asia/myanmar/283-myanmar-new-muslim-insurgency-rakhine-state>. Accessed: 26 January 2017.

⁶⁸ UN Human Rights Office of the High Commissioner, "'Callous" approach to northern Rakhine may have grave repercussions – Zeid', 16 December 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21042&LangID=E>. Accessed: 19 December 2016.

⁶⁹ Reuters, 'Myanmar says military operation in troubled Rakhine has ended', 15 February 2017, <http://www.reuters.com/article/us-myanmar-rohingya-army-idUSKBN15V0BI>. Accessed: 3 March 2017

⁷⁰ The Irrawaddy, 'Have Burma Army Operations in Northern Arakan State Really Ended?', 25 February 2017, <https://www.irrawaddy.com/news/have-burma-army-operations-in-northern-arakan-state-really-ended.html>. Accessed: 3 March 2017

Government to address the growing reports of violations. The Government of Myanmar has refuted most of the allegations.⁷¹

- 6.5.2 The Foreign and Commonwealth Office (FCO) reported ‘There were widespread allegations of torture, ill treatment, extrajudicial killing, arson, mass rape and other forms of sexual violence committed by security forces.’⁷² In May 2017 the FCO responded to a petition to suspend the Myanmar Ambassador for genocide (as defined by the 1948 UN Convention) of the Rohingya in Burma. Whilst stating allegations of genocide were for the courts to decide, the response said ‘The British Government remains deeply concerned by the situation in Rakhine and the persecution of the Muslim minority Rohingya community. It is clear that the Muslim Rohingya minority are being persecuted and denied fundamental rights.’⁷³
- 6.5.3 At the 34th session of the Human Rights Council the UK stated its concern over ‘... the response of the security forces in Rakhine State to the 9 October attacks, in particular widespread reports of conflict-related human rights violations. The devastating impact on civilians, in particular the Rohingya, has been well-documented by NGOs and the OHCHR.’⁷⁴
- 6.5.4 HRW cited in its Annual Report 2017, covering 2016 events, that following the border-post attack, ‘... the government initiated “clearance operations” to locate the alleged attackers while locking down the area, denying access to humanitarian aid groups, independent media, and rights monitors.

‘The security operations led to numerous reports of serious abuses by government security forces against Rohingya villagers, including summary killings, rape and other sexual violence, torture and ill-treatment, arbitrary arrests, and arson. The military employed helicopter gunships during a series of clashes beginning on November 11 [2016]. At time of writing, the government said it had arrested over 300 alleged suspects. Local groups reported the use of torture and a number of deaths in custody.’⁷⁵ Evidence collected by Amnesty International, including eyewitness accounts, also indicated excessive use of force by the security forces⁷⁶.

⁷¹ UN Office for the Coordination of Humanitarian Affairs, ‘Humanitarian Bulletin Myanmar’, (page 3), Issue 4 2016, October 2016 - January 2017,

<http://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar%20Humanitarian%20Bulletin-%20October%202016-Jan%202017.pdf>. Accessed: 2 February 2017.

⁷² Foreign and Commonwealth Office, ‘Human Rights and Democracy: The 2016 Foreign & Commonwealth Office Report’, (page 34), April 2016,

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630623/Human_Rights_and_Democracy_Report_2016_accessible.pdf. Accessed: 15 August 2017.

⁷³ UK Government and Parliament, Petitions: ‘Suspend the Myanmar Ambassador for Genocide of Rohingya Muslims’, Government responded, 3 May 2017,

<https://petition.parliament.uk/petitions/170740>. Accessed: 4 September 2017.

⁷⁴ Human Rights Council 34: UK statement on the human rights situation in Burma, 13 March 2017, available at: <https://www.gov.uk/government/news/human-rights-council-34-uk-statement-on-the-human-rights-situation-in-burma>. Accessed 15 August 2017

⁷⁵ Human Rights Watch, ‘World Report 2017’ Burma – events of 2016, 12 January 2017, <https://www.hrw.org/world-report/2017/country-chapters/burma>. Accessed: 26 January 2017.

⁷⁶ Amnesty International, ‘Myanmar: “We Are At Breaking Point” - Rohingya: Persecuted In Myanmar, Neglected In Bangladesh’, (pages 18-21), 19 December 2016, <https://www.amnesty.org/download/>

See [Arrest and detention following October 2016 attacks](#).

- 6.5.5 HRW reported that ‘Satellite imagery in November [2016] revealed widespread fire-related destruction in Rohingya villages, with a total of 430 destroyed buildings in three villages of Maungdaw district.’⁷⁷ Eyewitnesses interviewed by Amnesty International stated that their villages were destroyed by the military⁷⁸.
- 6.5.6 The UN Special Rapporteur stated in her End of Mission Statement, dated 20 January 2017, that Government officials informed her it was the villagers who had burnt down their own houses as a way of getting international actors to build them better houses, or to put the security forces in a bad light. No evidence was offered to support this and the Special Rapporteur did not find these arguments credible⁷⁹.
- 6.5.7 From 8 to 23 January 2017, the UN Office of the High Commissioner for Human Rights (OHCHR) undertook a mission to Bangladesh to interview Rohingyas who had entered Bangladesh from northern Rakhine State (nRS) in the aftermath of the 9 October 2016 attacks. According to testimonies gathered from 204 persons interviewed the following types of violations were reported and experienced frequently in the so-called ‘lockdown zone’ or the ‘area clearance operation zone’, located in northern Rakhine State, halfway between Taungpyoletwea and Maungdaw:

‘Extrajudicial executions or other killings, including by random shooting; enforced disappearance and arbitrary detention; rape, including gang rape, and other forms of sexual violence; physical assault including beatings; torture, cruel, inhuman or degrading treatment or punishment; looting and occupation of property; destruction of property; and ethnic and religious discrimination and persecution...

‘All of the eyewitness testimonies the team gathered referred to violations allegedly perpetrated by either the Myanmar security forces (Tatmadaw, Border Guard Police and/or the regular police force, operating both separately and through joint operations) or by Rakhine villagers (either acting jointly with security forces or at least with their acceptance)... the team gathered several testimonies indicating that Rakhine villagers from the area have recently been given both weapons and uniforms, which bodes ill for the future relation and trust between the two communities.’⁸⁰

[Documents/ASA1653622016ENGLISH.PDF](#). Accessed: 26 January 2017.

⁷⁷ Human Rights Watch, ‘World Report 2017’ Burma – events of 2016, 12 January 2017, <https://www.hrw.org/world-report/2017/country-chapters/burma>. Accessed: 26 January 2017.

⁷⁸ Amnesty International, ‘Myanmar: “We Are At Breaking Point” - Rohingya: Persecuted In Myanmar, Neglected In Bangladesh’, (page 9), 19 December 2016, <https://www.amnesty.org/download/Documents/ASA1653622016ENGLISH.PDF>. Accessed: 26 January 2017.

⁷⁹ OHCHR, ‘End of Mission Statement by Special Rapporteur on the situation of human rights in Myanmar’, 20 January 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21107&LangID=E>. Accessed: 26 January 2017.

⁸⁰ UN Office of the High Commissioner for Human Rights (OHCHR), ‘Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016’, (pages 40-41), 3 February 2017, available at: <http://www.refworld.org/docid/5899cc374.html>. Accessed: 14 February 2017

See also [Inter-communal violence](#).

6.5.8 The OHCHR report further noted:

‘The testimonies gathered by the team – the killing of babies, toddlers, children, women and elderly; opening fire at people fleeing; burning of entire villages; massive detention; massive and systematic rape and sexual violence; deliberate destruction of food and sources of food – speak volumes of the apparent disregard by Tatmadaw and BGP officers that operate in the lockdown zone for international human rights law, in particular the total disdain for the right to life of Rohingyas.’⁸¹

6.5.9 Reuters reported on 8 February 2017 that UN officials estimated that more than 1,000 Rohingya may have been killed in the crackdown. However, the same source noted that ‘Myanmar’s presidential spokesman, Zaw Htay, said the latest reports from military commanders were that fewer than 100 people have been killed in a counterinsurgency operation against Rohingya militants who attacked police border posts in October.’⁸²

6.5.10 As reported by The Independent, the Burmese government ‘... has repeatedly denied persecuting the minority Rohingya Muslim group, dismissing evidence of killings as “propaganda”.’⁸³ Win Htein, a close aide of Aung San Suu Kyi, claimed that UN accounts of abuses against the Rohingya were “biased” and “unfair”, whilst Chief of the General Staff General Mya Tun Oo described the allegations as “lop-sided”, adding that 76 “Bengalis” had been killed and not the hundreds claimed by the UN⁸⁴.

See also [Accountability](#).

[Back to Contents](#)

6.6 Arrest and detention following October 2016 attacks

6.6.1 Amnesty International reported on 12 January 2017 that, according to a governmental Investigation Commission, the Burmese authorities had:

‘[A]rrested and “taken legal action” against 485 people since 9 October 2016. Among them are village leaders, business owners, religious leaders and Arabic teachers as well as ordinary villagers. In some instances, men failed to return after being summoned to security force headquarters, while others were arrested by state security forces during village sweeps to find

⁸¹ UN Office of the High Commissioner for Human Rights (OHCHR), ‘Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016’, (page 41), 3 February 2017, available at: <http://www.refworld.org/docid/5899cc374.html>. Accessed: 14 February 2017

⁸² Reuters, Exclusive: More than 1,000 feared killed in Myanmar army crackdown on Rohingya - U.N. officials, 8 February 2017, <http://www.reuters.com/article/us-myanmar-rohingya-idUSKBN15N1TJ>. Accessed: 3 March 2017

⁸³ The Independent, ‘Burma says UN claims of crimes against humanity against Rohingya Muslims are “exaggerated”’, 10 March 2017, <http://www.independent.co.uk/news/world/asia/burma-un-rohingya-muslims-crimes-against-humanity-united-nations-exaggerated-claims-aung-san-suu-kyi-a7622331.html>. Accessed: 15 March 2017

⁸⁴ Agence France Presse, ‘Myanmar govt swats away ‘biased’ UN abuse claims’, 2 March 2017, available at <http://www.mizzima.com/news-domestic/myanmar-govt-swats-away-%E2%80%98biased%E2%80%99-un-abuse-claims>. Accessed: 3 March 2017

suspected assailants and stolen weapons. Relatives have told Amnesty International they do not know where their loved ones are being detained, what they have been charged with or whether they have access to any lawyer.⁸⁵

6.6.2 In her End of Mission Statement, dated 20 January 2017, the UN Special Rapporteur stated that, during her recent 12-day visit to Burma, she had met with some of those arrested and detained for their alleged involvement with the border post attacks. She noted that they did not seem informed of any charges brought against them. Some had no communication with their families and neither were the families informed of their arrest or place of detention⁸⁶.

6.6.3 According to testimonies collected by Amnesty International:

‘[S]ome arrests have been accompanied or followed by torture and other ill-treatment. In October [2016], two young Rohingya men from northern Maungdaw Township were beaten by state security forces for 30 minutes before being taken away. In November, soldiers and police officers beat a man from Kyet Yoe Pyin village with rods to get him to disclose the location of suspected militants. A video posted online in December also showed police beat a Rohingya boy during a security sweep. According to state media six people have died in custody since 9 October, including Kalim Ullah, a 58-year-old former UN worker, who died three days after being arrested in Ridar village on 14 October.’⁸⁷

[Back to Contents](#)

6.7 Clashes – August 2017

6.7.1 As reported by the International Crisis Group, on 25 August 2017:

‘[T]he Arakan Rohingya Salvation Army (ARSA) – mounted coordinated attacks on 30 police posts and an army base in the north of Myanmar’s Rakhine state, in the townships of Maungdaw, Buthidaung and Rathedaung. The government reports that the attackers, equipped with hand-held explosive devices, machetes and a few small arms, killed ten police officers, a soldier and an immigration official. Reportedly, 77 insurgents also were killed and one captured. In response, the military is conducting “clearance operations” across the area and police in rural outposts have moved to more secure locations in case of further attacks.’⁸⁸

⁸⁵ Amnesty International, ‘Urgent Action: Torture fears for hundreds Rohingya detained’, 12 January 2017, available at http://www.ecoi.net/file_upload/1226_1484293172_asa1654632017english.pdf. Accessed: 26 January 2017

⁸⁶ OHCHR, ‘End of Mission Statement by Special Rapporteur on the situation of human rights in Myanmar’, 20 January 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21107&LangID=E>. Accessed: 26 January 2017

⁸⁷ Amnesty International, ‘Urgent Action: Torture fears for hundreds Rohingya detained’, 12 January 2017, available at http://www.ecoi.net/file_upload/1226_1484293172_asa1654632017english.pdf. Accessed: 26 January 2017

⁸⁸ International Crisis Group, ‘Myanmar Tips into New Crisis after Rakhine State Attacks’, 27 August 2017, <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-tips-new-crisis-after-rakhine-state-attacks>. Accessed: 4 September 2017.

- 6.7.2 According to Human Rights Watch (HRW), at the end of August 2017, satellite data showed widespread fires burning in at least 10 areas in Rakhine state⁸⁹. Al Jazeera reported on 30 August 2017 that residents and activists blamed soldiers for shooting indiscriminately at unarmed Rohingya men, women and children, as well as arson attacks⁹⁰. On 4 September 2017 Reuters reported that at least 400 people had been killed in the clashes and counter-military offensive⁹¹.
- 6.7.3 On 19 September 2017, HRW reported that satellite imagery from Burma's Rakhine State showed the near total destruction of 214 villages in Maungdaw and Rathedaung Townships. Security forces blamed the ARSA and Rohingya villagers of burning down their own homes, whilst Rohingyas described arson, killing, and looting by the Burmese military, police, and ethnic Rakhine mobs⁹².
- 6.7.4 The UN Special Rapporteur for Burma expressed concern at the deteriorating situation in Rakhine state⁹³. A UN official at the human rights council in Geneva cited the Rohingya situation as a 'textbook example of ethnic cleansing'.⁹⁴ As reported by the UN News Service on 19 September 2017, an estimated 415,000 people had crossed the border into Bangladesh since late August⁹⁵. BBC News reported that a number of people had drowned as they attempted to escape the violence by boat⁹⁶. There were also reports of landmines being laid across a section of the Burma-Bangladesh border, posing a threat to those fleeing the country⁹⁷ (see also [Rohingyas in Bangladesh](#)).

⁸⁹ Human Rights Watch, 'Burma: Satellite Data Indicate Burnings in Rakhine State', 29 August 2017, <https://www.hrw.org/news/2017/08/29/burma-satellite-data-indicate-burnings-rakhine-state>. Accessed: 4 September 2017.

⁹⁰ Al Jazeera, 'HRW: Satellite data show fires burning in Rakhine state', 30 August 2017, <http://www.aljazeera.com/news/2017/08/hrw-satellite-data-show-fires-burning-rakhine-state-170829065457014.html>. Accessed: 4 September 2017.

⁹¹ Reuters, 'Explosions rock Myanmar area near Bangladesh border amid Rohingya exodus', 4 September 2017, <http://uk.reuters.com/article/uk-myanmar-rohingya/explosions-rock-myanmar-area-near-bangladesh-border-amid-rohingya-exodus-idUKKCN1BF0F7>. Accessed: 4 September 2017.

⁹² Human Rights Watch, 'Burma: Satellite Imagery Shows Mass Destruction', 19 September 2017, <https://www.hrw.org/news/2017/09/19/burma-satellite-imagery-shows-mass-destruction>. Accessed: 21 September 2017

⁹³ OHCHR, 'Myanmar: Worsening cycle of violence in Rakhine must be broken urgently, UN expert warns', 31 August 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22018&LangID=E>. Accessed: 4 September 2017.

⁹⁴ The Guardian, 'Myanmar treatment of Rohingya looks like 'textbook ethnic cleansing', says UN', 11 September 2017, <https://www.theguardian.com/world/2017/sep/11/un-myanmars-treatment-of-rohingya-textbook-example-of-ethnic-cleansing>. Accessed: 21 September 2017

⁹⁵ UN News Service, UN scaling up assistance as number of Rohingya refugees grows to over 400,000, 19 September 2017, available at: <http://www.refworld.org/docid/59c297434.html>. Accessed: 21 September 2017

⁹⁶ BBC News, 'Myanmar Rakhine: Rohingya refugees drown as exodus mounts', 31 August 2017, <http://www.bbc.co.uk/news/world-asia-41105292>. Accessed: 4 September 2017.

⁹⁷ Reuters UK, 'Exclusive - Myanmar laying landmines near Bangladesh border: government sources in Dhaka', 6 September 2017, <https://uk.reuters.com/article/uk-myanmar-rohingya-bangladesh-landmines/exclusive-myanmar-laying-landmines-near-bangladesh-border-government-sources-in-dhaka-idUKKCN1BH04B>; Amnesty International, 'Myanmar Army landmines along border with

6.8 Violence against women

6.8.1 DFAT reported

'Women that identify as Rohingya in Rakhine state face multiple levels of discrimination. In addition to the official and societal discrimination faced by Rohingya people in general..., Rohingya society is generally conservative and women often face familial or community-based restrictions on their movements and activities. Rohingya girls over the age of 13 are often prevented from leaving their homes until they are married; women in northern Rakhine State typically wear full facial coverings and gloves when in public. Violence against women is reportedly highly prevalent, particularly intimate partner violence.'⁹⁸

6.8.2 Following the attacks in October 2016 (see [Clashes with security forces – October 2016 attacks](#)) OHCHR cited testimonies, by women and girls, of rape, gang rape, and sexual assault by members of the security forces, as well as by Rakhine villagers⁹⁹. HRW and Amnesty International also cited incidences of sexual violence against Rohingya women and girls^{100 101}. HRW stated 'Survivors and witnesses, who identified army and border police units by their uniforms, kerchiefs, armbands, and patches, described security forces carrying out attacks in groups, some holding women down or threatening them at gunpoint while others raped them. Many survivors reported being insulted and threatened on an ethnic or religious basis during the assaults...'¹⁰²

6.8.3 On 19 September 2017, the UN News Service reported:

'... the Secretary-General's Special Representative on Sexual Violence in Conflict, Pramila Patten, said her office has been closely monitoring reports of sexual violence committed during the insurgency operations. She is particularly concerned about the security of women and girls who constitute the majority of those crossing the border. "More than half of the Rohingya

Bangladesh pose deadly threat to fleeing Rohingya', 9 September 2017, <https://www.amnesty.org/en/latest/news/2017/09/myanmar-army-landmines-along-border-with-bangladesh-pose-deadly-threat-to-fleeing-rohingya/>. Accessed: 21 September 2017

⁹⁸ Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report Myanmar', (paragraph 3.64), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

⁹⁹ UN Office of the High Commissioner for Human Rights (OHCHR), 'Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016', (pages 20-25), 3 February 2017, available at: <http://www.refworld.org/docid/5899cc374.html>. Accessed: 14 February 2017

¹⁰⁰ Human Rights Watch, 'Burma: Security Forces Raped Rohingya Women, Girls - New Eyewitness Accounts Show Systematic Attacks Based on Ethnicity, Religion', 6 February 2017, available at http://www.ecoi.net/local_link/335674/465121_en.html. Accessed: 14 February 2017

¹⁰¹ Amnesty International, 'Myanmar: "We Are At Breaking Point" - Rohingya: Persecuted In Myanmar, Neglected In Bangladesh', (page 9), 19 December 2016, <https://www.amnesty.org/download/Documents/ASA1653622016ENGLISH.PDF>. Accessed: 26 January 2017.

¹⁰² Human Rights Watch, 'Burma: Security Forces Raped Rohingya Women, Girls - New Eyewitness Accounts Show Systematic Attacks Based on Ethnicity, Religion', 6 February 2017, available at http://www.ecoi.net/local_link/335674/465121_en.html. Accessed: 14 February 2017

women interviewed in early 2017 in a refugee camp in Bangladesh reported experiencing rape or other forms of sexual violence, but due to the acute social stigma, such cases are significantly under-reported,” said a statement issued by the Special Representative.

‘Interviews with victims and witnesses indicate “disturbing patterns” of rape, gang rape and other forms of sexual violence, such as invasive body searches. “Survivors have described sexual violence being used as a calculated tool of terror to force targeted populations to flee. They describe the perpetrators as mainly members of the military, with the police and Rakhine villagers also identified, in some cases,” added the statement.’¹⁰³

[Back to Contents](#)

6.9 Extortion and harassment

6.9.1 As well as extracting bribes to allow travel in Rakhine state (see also [Freedom of movement](#)), DFAT reported in its Country Information Report, January 2017, that:

‘There are reports of BGP [Border Guard Police] officials carrying out night-time raids on Rohingya households, under the pretext of searching for weapons or other contraband. These raids are used to further extract payment from the Rohingya population.

‘There are also accusations of BGP officials planting Bangladeshi mobile phone SIM cards on the persons of Rohingya; while it is not illegal to possess a Bangladeshi SIM card under Myanmar law, there are local orders in northern Rakhine State against holding these cards. Credible sources confirmed to DFAT reports of a woman being strip-searched and sexually harassed after being accused of hiding a Bangladeshi SIM card in her undergarments.’¹⁰⁴

6.9.2 DFAT also noted that:

‘People in [IDP] camps also face a risk of extortion or other forms of corruption from members of their camp management committee (CMC). CMCs are typically managed by camp members chosen by local authorities. This results in representatives who are generally not reflective of the broader camp community, which is often made up of people from different villages across Rakhine State. There have been credible allegations of corruption, with CMC members seeking payment or sexual favours in return for allocations of resources such as food and accommodation.’¹⁰⁵

See [Internally displaced persons \(IDPs\)](#).

¹⁰³ UN News Service, UN scaling up assistance as number of Rohingya refugees grows to over 400,000, 19 September 2017, available at: <http://www.refworld.org/docid/59c297434.html>. Accessed: 21 September 2017

¹⁰⁴ Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report Myanmar’, (paragraph 3.22), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

¹⁰⁵ Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report Myanmar’, (paragraph 3.23), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

6.10 Accountability

6.10.1 A joint letter, from several NGOs, to Members and Observer States of the United Nations Human Rights Council, dated 3 March 2017, cited the official commissions that were set up to investigate the situation in Rakhine State. The letter noted ‘Regrettably, all of them lack the independence, impartiality, human rights and technical expertise, and mandate necessary to conduct a credible and effective investigation’:

- ‘On 1 December 2016, Myanmar’s President Htin Kyaw established a 13-member investigation commission led by Vice-President Myint Swe, a former army general, to probe “the truth” in relation to violent attacks that occurred on 9 October and 12-13 November 2016 in Maungdaw Township. Its members include the current Chief of Police and a number of former government officials. The commission’s preliminary findings, published on 3 January 2017, dismissed claims of misconduct by Myanmar security forces, having found insufficient evidence to take legal action in response to alleged violations, religious persecution, and allegations of genocide. As the UN Special Adviser on the Prevention of Genocide Adama Dieng noted on 6 February, this commission “is not a credible option” to investigate abuses against Rohingya.’¹⁰⁶

6.10.2 The national commissions final report was released on 6 August 2017; it dismissed allegations of human rights abuses¹⁰⁷.

- ‘Two commissions, formed by the army and the Ministry of Home Affairs (also controlled by the military) on 9 February and 11 February 2017 respectively, have been tasked with investigating human rights violations committed by military and police personnel during the ‘clearance operations’. These commissions, made up of military and police officers, lack the independence and impartiality necessary to investigate violations committed by security forces.’¹⁰⁸

6.10.3 The Commission formed by the army released its final report on 23 May 2017 and concluded that no abuses had occurred. Subsequently HRW said that ‘The Burmese army’s denials of well-documented abuses shows unvarnished contempt for truth, accountability, and respect for human rights.’¹⁰⁹

¹⁰⁶ Human Rights Watch, ‘Joint Letter to UNHRC Members Re: Human Rights Violations in Rakhine State’, 2 March 2017, <https://www.hrw.org/news/2017/03/02/joint-letter-unhrc-members-re-human-rights-violations-rakhine-state>. Accessed: 3 March 2017

¹⁰⁷ Reuters, ‘Myanmar rejects allegations of human rights abuses against Rohingya’, 6 August 2017, <https://www.reuters.com/article/us-myanmar-rohingya/myanmar-rejects-allegations-of-human-rights-abuses-against-rohingya-idUSKBN1AM0DU>. Accessed 4 September 2017.

¹⁰⁸ Human Rights Watch, ‘Joint Letter to UNHRC Members Re: Human Rights Violations in Rakhine State’, 2 March 2017, <https://www.hrw.org/news/2017/03/02/joint-letter-unhrc-members-re-human-rights-violations-rakhine-state>. Accessed: 3 March 2017

¹⁰⁹ Human Rights Watch, ‘Burma: Army Investigation Denies Atrocities’, 24 May 2017, <https://www.hrw.org/news/2017/05/24/burma-army-investigation-denies-atrocities>. Accessed: 4

- ‘An 11-member commission appointed by the Rakhine State Parliament on 24 October 2016, composed predominantly of ethnic Rakhine members from the Arakan National Party (ANP), was tasked with investigating the 9 October attacks on the three police border post[s] but excluded any probe into human rights violations against the Rohingya population. The commission’s chairman, ANP MP Aung Win, claimed in an interview with the BBC that rape of Rohingya women could not have occurred because they are “very dirty” and “they are not attractive so neither the local Buddhist men or the soldiers are interested in them”.¹¹⁰

6.10.4 The Advisory Commission on Rakhine State was established in August 2016 by State Counsellor, Aung San Suu Kyi, as a “neutral and impartial body” with aims to “propose concrete measures for improving the welfare of all people in Rakhine state”. It consisted of six local and three international experts, chaired by former UN Secretary-General Kofi Annan¹¹¹. However, as confirmed by Annan at a press conference on 8 September 2016 the commission’s purpose was not to investigate reports of human rights violations¹¹².

6.10.5 The [final report](#) of the Advisory Commission on Rakhine State was submitted to the Burmese authorities on 23 August 2017. The report highlighted the risk of further violence and radicalisation, and made several recommendations on citizenship verification, rights and equality before the law, documentation, the situation of the internally displaced and freedom of movement¹¹³.

6.10.6 According to the USSD HR Report for 2016 that:

‘In Rakhine State police failed to investigate crimes motivated by intercommunal tension and in some instances discouraged family of the victims from pursuing legal action. On August 18, soldiers in Sittwe, Rakhine State, found an unconscious Rohingya woman named Raysuana outside their compound. They called village leaders to take the woman to a clinic, where she died. Clinic attendants reportedly noted injuries suggesting rape, but police refused to investigate and instead ordered villagers to bury Raysuana without a post mortem examination.’¹¹⁴

September 2017.

¹¹⁰ Human Rights Watch, ‘Joint Letter to UNHRC Members Re: Human Rights Violations in Rakhine State’, 2 March 2017, <https://www.hrw.org/news/2017/03/02/joint-letter-unhrc-members-re-human-rights-violations-rakhine-state>. Accessed: 3 March 2017

¹¹¹ Advisory Commission on Rakhine State, <http://www.rakhinecommission.org/>. Accessed: 3 March 2017

¹¹² The Irrawaddy, ‘Kofi Annan: Commission Will Not Do ‘Human Rights Investigation’ in Arakan State’, 8 September 2016, <https://www.irrawaddy.com/news/burma/kofi-annan-commission-will-not-do-human-rights-investigation-in-arakan-state.html>. Accessed: 3 March 2017

¹¹³ Advisory Commission on Rakhine State, ‘Towards a peaceful, fair and prosperous future for the people of Rakhine: Final Report of the Advisory Commission on Rakhine State’, August 2017, http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf. Accessed: 4 September 2017.

¹¹⁴ US Department of State, ‘Country Report on Human Rights Practices for 2016 – Burma’, (Section 1d), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=>

- 6.10.7 Reuters reported on 28 October 2016 that, according to the office of President Htin Kyaw, an investigation was underway following the death in custody of a 60-year-old Rohingya known as Khawrimular. According to a report in the state-run Global New Light of Myanmar newspaper, whilst being transferred to a police station “...the suspect grabbed a firearm from a soldier. Responsible personnel managed to subdue Khawrimular, but he lost consciousness as a result”. The report added that Khawrimular died on his way to hospital¹¹⁵.
- 6.10.8 On 2 January 2017, it was reported that several police officers were arrested over a video that appeared to show officers beating members of the Rohingya community during security operations in Rakhine state in November 2016¹¹⁶.
- 6.10.9 The Independent reported on 22 February 2017 that, according to a police report seen by Reuters and interviews with 2 senior security officials, Burma’s Home Affairs Ministry was investigating the deaths in custody of 2 Rohingyas in Rakhine state. The investigation, denied by the Ministry, was compiled by Border Guard Police (BGP) in northern Rakhine and concerned the arrest and detention of 2 men on 18 October 2016, held on suspicion of aiding insurgents, and whose deaths were apparently concealed by BGP officers. Initial reports indicated the men, a father and son, died from asthma. Phil Robertson, deputy director of HRW’s Asia division, said cover-ups of abuses by security forces were common in Burma¹¹⁷.
- 6.10.10 On 4 April 2017 UN News Service reported:
- ‘The UN’s main human rights body is assembling a team to probe alleged atrocities against Myanmar’s Rohingya, even as the government appears set to deny investigators access to areas where crimes against humanity may have occurred. While the resolution sponsored on 24 March [2017] by the European Union at the UN Human Rights Council called for “ensuring full accountability for the perpetrators and justice for victims”, Myanmar has no obligation to cooperate with the fact-finding mission and has strongly signaled that it won’t... In the meantime, letters to the Myanmar government are being prepared and a team of specialists – including experts in forensics and gender-based violence – will be assembled in Geneva to support the mission in establishing the facts and circumstances of alleged human rights violations by security forces in Rakhine State. The resolution says the scope of the probe will include, but not be limited to, “arbitrary detention, torture and inhuman treatment, rape and other forms of sexual violence,

[2016&dclid=265324](#). Accessed: 6 March 2017

¹¹⁵ Reuters, ‘Myanmar probes Rohingya Muslim’s death in custody during military operation’, 28 October 2016, <http://www.reuters.com/article/us-myanmar-rohingya-idUSKCN12S10X>. Accessed: 15 March 2017

¹¹⁶ BBC News, ‘Myanmar detains police officers over Rohingya beating video’, 2 January 2017, <http://www.bbc.co.uk/news/world-asia-38487067>. Accessed: 6 March 2017

¹¹⁷ The Independent, ‘Burma probing police ‘cover up’ of deaths of two Rohingya Muslims’, 22 February 2017, <http://www.independent.co.uk/news/world/asia/burma-rohingya-muslims-police-cover-up-death-two-mass-rape-genocide-minority-group-un-amnesty-a7592841.html>. Accessed: 15 March 2017

extrajudicial, summary or arbitrary killings, enforced disappearance, forced displacement and unlawful destruction of property”.¹¹⁸

See also [Government response to October 2016 attacks](#).

[Back to Contents](#)

6.11 Avenues of redress

6.11.1 DFAT assessed that the police could not be relied upon to protect the Rohingya from communal violence. The report noted:

‘Police complaint processes require official identity documents to lodge complaints. As non-citizens, those that identify as Rohingya are often unable to make police complaints (see [Citizenship](#)). Local administrators and police in Rakhine State are almost exclusively drawn from the Rakhine Buddhist community. Credible sources suggest that the police in Rakhine State carry societal prejudices against Rohingya people. Reports of police standing by when faced with anti-Muslim communal violence are widespread and credible (see [Inter-communal violence](#)).

‘Access to legal representation and to the court system in Rakhine State is limited. Civil disputes are typically managed by (Rakhine Buddhist) local administrators. Criminal matters must be supported by local police if they are to proceed.’¹¹⁹

[Back to Contents](#)

7. Societal treatment and attitudes

7.1 Sources

7.1.1 Note that between 27 February 2017 to 24 March 2017 the UN Human Rights Council convened to discuss amongst other things the human rights situation in Myanmar/Burma. Relevant documents and reports submitted ahead and after the meeting are available on the [UN HRC website](#).

[Back to Contents](#)

7.2 Inter-communal violence

7.2.1 The International Crisis Group reported in October 2014 that ‘Muslim communities in Rakhine State have over the years been progressively marginalised from social and political life. Apart from the Kaman, the rest have been denied full citizenship, with significant consequences for their livelihoods and well-being.’¹²⁰

¹¹⁸ UN News Service, ‘UN convenes Rohingya abuse investigation, but Myanmar says it won’t cooperate’, 4 April 2017, available at: <http://www.refworld.org/docid/58e744564.html>. Accessed: 7 April 2017

¹¹⁹ Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report Myanmar’, (paragraphs 5.19-5.20), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

¹²⁰ International Crisis Group, ‘The Politics of Rakhine State’, (page 19), 22 October 2014, available at http://www.ecoi.net/file_upload/1002_1414163665_261-myanmar-the-politics-of-rakhine-state.pdf. Accessed: 9 December 2016

See also [Citizenship](#).

- 7.2.2 In November 2014, IRIN reported that ‘Two bouts of communal violence between Buddhist ethnic Rakhines and Muslim Rohingyas in June and October 2012 killed 176 and destroyed more than 10,000 homes and buildings.’¹²¹ HRW reported that the violence was sparked by the rape and murder of a Rakhine Buddhist woman by 3 Muslim men on 28 May 2012. Killings and arson were committed by both Muslims and Buddhists and led to thousands fleeing their homes. The report noted ‘While the state security forces initially did nothing to halt the violence, they soon joined in with Arakanese [Rakhine] mobs to attack and burn Muslim [Rohingya and Kaman] neighborhoods and villages.’¹²²
- 7.2.3 According to HRW, the violence that occurred in October 2012 was more organised and planned. The report stated:
‘For months, local Arakanese political party officials and senior Buddhist monks publicly vilified the Rohingya population and described them as a threat to Arakan State. On October 23, thousands of Arakanese men armed with machetes, swords, homemade guns, Molotov cocktails, and other weapons descended upon and attacked Muslim villages in nine townships throughout the state. State security forces either failed to intervene or participated directly in the violence. In some cases attacks occurred simultaneously in townships separated by considerable distance.’¹²³
- 7.2.4 The UN reported they had credible information that further communal clashes in early January 2014 led to the deaths of at least 48 Rohingya men, women and children¹²⁴. The government rejected the claims and only acknowledged the death of a Rakhine police officer, reportedly killed by Rohingya villagers¹²⁵.
- 7.2.5 The report of the UN Secretary General noted that during the reporting period, from 8 August 2015 to 1 August 2016, ‘No major outbreak of communal violence was reported in Rakhine State or elsewhere... Government-led and grass-roots and civil society efforts at promoting social

¹²¹ IRIN, ‘No easy solution for Myanmar’s Rakhine crisis’, 4 November 2014, <http://www.irinnews.org/report/100793/no-easy-solution-myanmars-rakhine-crisis>. Accessed: 13 December 2016

¹²² Human Rights Watch, ‘“All You Can Do is Pray” Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma’s Arakan State,’ 22 April 2013, <https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims>. Accessed: 15 December 2016

¹²³ Human Rights Watch, ‘“All You Can Do is Pray” Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma’s Arakan State,’ 22 April 2013, <https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims>. Accessed: 15 December 2016

¹²⁴ UN News Centre, ‘Top UN officials call for probe into latest violence in Myanmar’s Rakhine state’, 23 January 2014, <http://www.un.org/apps/news/story.asp?NewsID=46987#.WFK9RPM8PMo>. Accessed: 15 December 2016

¹²⁵ BBC News, ‘Burma violence: UN calls for Rohingya deaths inquiry’, 24 January 2014, <http://www.bbc.co.uk/news/world-asia-25866350>. Accessed: 15 December 2016

cohesion and intercommunal harmony have also been promoted, with successful results.¹²⁶

- 7.2.6 The Australian Department of Foreign Affairs and Trade (DFAT) noted in its January 2017 report that, although there were reduced opportunities for societal violence due to the limitations on freedom of movement for the Rohingya, it assessed that high levels of religious and ethnic tensions remained between Muslims and Buddhists¹²⁷.

[Back to Contents](#)

7.3 Anti-Muslim rhetoric and Buddhist nationalism

- 7.3.1 According to a May 2015 report by the Simon-Skjodt Center for the Prevention of Genocide, staff of whom visited Rakhine state in March 2015: 'The Buddhist extremist nationalist movement, led by monks and supported by various government officials, has spearheaded anti-Muslim campaigns in Burma. The extremists have led sermons and public speeches against Rohingya and other Muslims, orchestrated efforts to boycott Muslim shops, and distributed anti-Muslim stickers that people could post on their homes and businesses. Hate speech is disseminated through public rallies as well as online through social media platforms.'¹²⁸
- 7.3.2 In November 2015, a publisher and four others were charged and fined under the Printing and Publishing Law for printing a calendar which represented Rohingyas as a legitimate ethnic minority of Myanmar¹²⁹. According to recently published research linking Ma Ba Tha's inflammatory speeches and publications with outbreaks of violence, after intervention by Ma Ba Tha monks in the calendar case, the four men were rearrested and charged under the Criminal Code¹³⁰.
- 7.3.3 Ma Ba Tha (in English – the Committee for the Protection of Nationality and Religion) is a Buddhist nationalist movement that, as cited in the Myanmar Times, 'rose to prominence in the wake of the 2012 communal violence between Rakhine State Buddhists and Rohingya Muslims...'¹³¹ Whilst they

¹²⁶ UN General Assembly, 'Situation of human rights in Myanmar, Report of the Secretary General', (paragraph 23), 5 August 2016, available at: <http://www.refworld.org/docid/57d9421a4.html>. Accessed: 14 December 2016

¹²⁷ Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report Myanmar', (paragraph 3.10), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

¹²⁸ The United States Holocaust Memorial Museum, Simon-Skjodt Center for the Prevention of Genocide, 'They want us all to go away', (page 9), May 2015, <https://www.ushmm.org/m/pdfs/20150505-Burma-Report.pdf>. Accessed: 2 February 2017

¹²⁹ The Myanmar Times, 'Publisher, four others jailed over calendar', 25 November 2015, <http://www.mmtimes.com/index.php/national-news/17814-publisher-four-others-jailed-over-calendar.html>; The Irrawaddy, 'Five men detained, charged over "Rohingya calendar"', 25 November 2015, <http://www.irrawaddy.com/burma/five-men-detained-charged-over-rohingya-calendar.html>. Accessed: 7 March 2017

¹³⁰ C4ADS Innovation for Peace, 'Sticks and Stones: hate speech narratives and facilitators in Myanmar', (page 27), 5 February 2016, <http://static1.squarespace.com/static/566ef8b4d8af107232d5358a/t/56b41f1ff8baf3b237782313/1454645026098/Sticks+and+Stones.pdf>. Accessed: 7 March 2017

¹³¹ Myanmar Times, 'Ma Ba Tha a 'divisive' minority, other monks say', 21 July 2016,

initially gained sympathy from the Buddhist majority for their views against Burma's Muslim minority, the government has made efforts to distance itself from the group^{132 133}.

- 7.3.4 The United Nations High Commissioner for Human Rights reported in June 2016 that 'Since 2012, incidents of religious intolerance and incitement to hatred by extremist and ultra-nationalist Buddhist groups have increased across the country. The Rohingya and other Muslims are often portrayed as a "threat to race and religion".'¹³⁴ The UN Special Rapporteur noted in her August 2016 report that 'Ultranationalist groups and religious movements have spread misinformation and further fuelled tensions between communities. As one example, fears about population increases in Aung Mingalar, a Muslim enclave in Sittwe, resulted in a headcount, conducted in May 2016. The count ultimately showed no appreciable change in population numbers.'¹³⁵
- 7.3.5 The DFAT report dated January 2017 stated that 'Anti-Muslim sentiment in Myanmar is widespread and entrenched, especially outside of major cities... laws allowing for greater freedom of speech have led to an increase in hate-speech, which has incited violence, particularly against those that identify as Rohingya and other minority groups.'¹³⁶
- 7.3.6 A Malaysian ship carrying aid for Rohingyas was greeted by Buddhist protesters as it docked in Rangoon (Yangon) on 9 February 2017. According to Al Jazeera, dozens of Buddhist monks and demonstrators waited outside the docking area waving national flags and signs reading 'No Rohingya'.¹³⁷ Aid organisers, who were denied access to dock in Rakhine's capital, Sittwe, said they trusted the Burmese government to deliver the 2.5 tonnes of supplies¹³⁸.

<http://www.mmtimes.com/index.php/national-news/yangon/21494-ma-ba-tha-a-divisive-minority-other-monks-say.html>. Accessed: 26 April 2017

¹³² Radio Free Asia, 'Myanmar's Ministry of Religious Affairs Backs Journalist Facing Defamation, Religious Insult Lawsuits', 5 April 2017, <http://www.rfa.org/english/news/myanmar/ministry-04052017134854.html>. Accessed: 26 April 2017

¹³³ Frontier Myanmar, 'Can the government manage the challenge posed by Ma Ba Tha?', 2 April 2017, <http://frontiermyanmar.net/en/can-the-government-manage-the-challenge-posed-by-ma-ba-tha>. Accessed: 26 April 2017

¹³⁴ United Nations High Commissioner for Human Rights, 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar', (paragraph 9), 29 June 2016, http://www.ecoi.net/file_upload/1930_1484061108_g1613541.pdf. Accessed: 30 December 2016

¹³⁵ UN General Assembly: Situation of human rights in Myanmar [A/71/361], (paragraph 64), 29 August 2016 (available at ecoi.net) http://www.ecoi.net/file_upload/1226_1478087528_n1627260.pdf. Accessed: 2 February 2017.

¹³⁶ Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report Myanmar', (paragraphs 3.36 and 3.49), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

¹³⁷ Al Jazeera, 'Malaysian ship with aid for Rohingya docks in Myanmar', 9 February 2017, <http://www.aljazeera.com/news/2017/02/malaysian-ship-aid-rohingya-docks-myanmar-170209090106480.html>. Accessed: 7 March 2017

¹³⁸ Voice of America, 'Malaysian Aid for Myanmar's Rohingya Arrives at Yangon Dock', 9 February 2017, <http://www.voanews.com/a/malaysian-aid-myanmar-rohingya-arrives-yangon-dock/3717308.html>. Accessed: 7 March 2017

8. Humanitarian situation

8.1 Internally displaced persons (IDPs)

8.1.1 The report of the UN Secretary General, August 2016, noted as regard IDPs in Rakhine state, that:

'An estimated 120,000 people in Rakhine State remain internally displaced in 39 camps or camp-like settings following the intercommunal violence that erupted in 2012. Successive rainy seasons and floods, as well as Cyclone Komen in 2015, have taken a serious toll on shelter in the camps, which were originally built to last a maximum of three years. Work has begun to repair some structures, but significant needs remain. While more than 20,000 internally displaced persons were returned or resettled from camps in Rakhine in 2015, a durable solution for the other 120,000 remains out of reach. In addition, more than 330,000 other vulnerable people in Rakhine remain in need of humanitarian assistance.'¹³⁹

8.1.2 The US Department of State's Human Rights Report for 2015 (USSD HR Report) noted that the displacement following the 2012 violence affected Rohingya and Kaman Muslims, ethnic Rakhine, and Maramagyi Buddhists¹⁴⁰. The USSD HR Report for 2016 added:

'Nearly 90,000 Rohingya IDPs lived in Sittwe's rural camps, where they relied on assistance from aid agencies. Humanitarian agencies provided access to clean water, food, shelter, and sanitation in most IDP camps. The government limited health and education services and livelihood opportunities through systematic restrictions on movement. Rakhine State authorities and security officials imposed severe and disproportionate restrictions on movements of Rohingya IDPs. Conditions in Aung Mingalar, the sole remaining Muslim quarter in Sittwe, remained poor, with Rohingya allowed to leave the fenced and guarded compound to shop for necessities at nearby markets or to visit outside health clinics if they paid a fee to security services. There were reports that some Rohingya were able to engage in limited commercial activities outside Aung Mingalar. While restrictions on movement remained in place, local residents reported some easing of restrictions on their movements.'¹⁴¹

See also [Freedom of movement](#) and [Access to services](#).

8.1.3 DFAT noted in its January 2017 report that levels of healthcare provided in IDP camps was very basic. Giving an example, the report noted that:

¹³⁹ UN General Assembly, 'Situation of human rights in Myanmar, Report of the Secretary General', (paragraph 30), 5 August 2016, available at: <http://www.refworld.org/docid/57d9421a4.html>. Accessed: 14 December 2016

¹⁴⁰ US Department of State, 'Country Report on Human Rights Practices for 2015 – Burma', (Section 1f), 23 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252751>. Accessed: 13 December 2016

¹⁴¹ US Department of State, 'Country Report on Human Rights Practices for 2016 – Burma', (Section 2d), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265324>. Accessed: 6 March 2017

'[I]n a camp visited by DFAT, a mobile clinic provides services four days per week for three hours per day, with limited facilities. Sittwe hospital does not allow Rohingya access to the general medical services provided to the rest of the population. Access to the hospital for Rohingya is limited to emergency cases, and this group are treated in a separate ward at the hospital, which has a limited number of beds and lower-standard facilities compared to the rest of the hospital. People in IDP camps are often reluctant to go to hospital (a process which requires a police escort and transportation costs), meaning treatment is often delayed, leading to higher death rates. This in turn makes people even more reluctant to seek hospital care. Those Rohingya who have sufficient funds will occasionally travel to Bangladesh or, less often, Yangon to seek medical treatment.'¹⁴²

See also [Healthcare](#).

- 8.1.4 As noted in the UN Special Rapporteur's report of August 2016, following her visit between 20 June to 1 July 2016:

'The conditions in the camps for internally displaced persons visited by the Special Rapporteur have not significantly improved since her previous visits, with a number of continuing problems, including overcrowding, the deterioration of temporary shelters and housing and the lack of proper sanitation facilities. She remains concerned about the dire housing conditions of the majority of internally displaced persons, including those in camps around Sittwe.'¹⁴³

- 8.1.5 In its Humanitarian Bulletin, covering the period October 2016 to January 2017, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that '[M]ore than 23,000 (over 12,300 women/girls and over 11,100 men/boys) are estimated by the UN to remain displaced inside Maungdaw north. The majority of those displaced are Muslims who identify themselves as Rohingya, however members of other communities were also displaced.'¹⁴⁴

- 8.1.6 In April 2017, the Advisory Committee established by Aung San Suu Kyi (see [Accountability](#)) recommended the closure of IDP camps in Rakhine state to allow the inhabitants – Kaman Muslims, ethnic Rakhine people, and Rohingya Muslims – to return to their homes. The IDPs have lived in the camps since 2012 when they were displaced by communal violence¹⁴⁵.

¹⁴² Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report Myanmar', (paragraph 3.18), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

¹⁴³ UN General Assembly: Situation of human rights in Myanmar [A/71/361], (paragraph 49), 29 August 2016 (available at ecoinet) http://www.ecoi.net/file_upload/1226_1478087528_n1627260.pdf. Accessed: 2 February 2017

¹⁴⁴ UN Office for the Coordination of Humanitarian Affairs, 'Humanitarian Bulletin Myanmar', (page 1), Issue 4 2016, October 2016 - January 2017, <http://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar%20Humanitarian%20Bulletin-%20October%202016-Jan%202017.pdf>. Accessed: 2 February 2017

¹⁴⁵ Radio Free Asia, 'Myanmar's Rakhine State to Close Three Camps For Refugees From 2012 Violence', 5 April 2017, <http://www.rfa.org/english/news/myanmar/myanmars-rakhine-state-to-close-three-camps-for-refugees-from-2012-violence-04052017155618.html>. Accessed: 26 April 2017

8.2 Humanitarian aid

8.2.1 Amnesty International reported on 25 January 2017 that following the October 2016 border post attacks (see [Clashes with security forces – October 2016 attacks](#)), '[t]he Myanmar authorities suspended all humanitarian operations in northern Rakhine State, affecting 150,000 people who were previously reliant on the aid. The majority of those affected were from the ethnic Rohingya minority, including thousands of newly displaced people.'¹⁴⁶

8.2.2 The OCHA reported in its Humanitarian Bulletin for Burma, covering October 2016 – January 2017, that:

'After a three month interruption to most of the services being provided by UN agencies and humanitarian organizations in northern Rakhine, the Government has been permitting an incremental resumption of some activities, but with national staff only. International staff still face severe movement restrictions. While they have been permitted to observe some Government-led food distributions and while some high level visits are being permitted, most international staff based in northern Rakhine remain confined to the township capitals (Maungdaw and Buthidaung towns).'¹⁴⁷

9. Access to services

9.1 Restrictions

9.1.1 Discussing the position in Rakhine state, the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern, in its Concluding observations, dated 25 July 2016, 'That local requirements that women and girls receive permits before travelling place undue restrictions on their movement, which poses significant obstacles for women and girls in gaining access to education, health care and emergency medical care and other basic services...'¹⁴⁸

¹⁴⁶ Amnesty International, 'Urgent Action: Aid services slowly resume in North Rakhine', 25 January 2017, available at http://www.ecoi.net/file_upload/1226_1485418316_asa1655462017english.pdf. Accessed: 2 February 2017

¹⁴⁷ UN Office for the Coordination of Humanitarian Affairs, 'Humanitarian Bulletin Myanmar', (page 1), Issue 4 2016, October 2016 - January 2017, <http://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar%20Humanitarian%20Bulletin-%20October%202016-Jan%202017.pdf>. Accessed: 2 February 2017

¹⁴⁸ UN Committee on the Elimination of Discrimination Against Women (CEDAW), 'Concluding observations on the combined fourth and fifth periodic reports of Myanmar', (paragraph 44b), 25 July 2016, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgOTxO5cLIZ0CwAvhyns%2byKPrKA2t8J89bRNf6MAsfOCDXtpmeBlp6nw6lBoTpR5Q%2fhZzxKixl0q4v09CV8dXhMWhiRipl6zvugRky8JEwpz>. Accessed: 19 December 2016

9.2 Education

- 9.2.1 The UN Special Rapporteur noted in her August 2016 report that education in displaced communities was a challenge. The report noted:

‘In Rakhine State, members of the Rakhine community around Sittwe highlighted the long distances that had to be travelled to reach a secondary school. In camps for Muslim communities around Sittwe, there is only one secondary school, leaving many without access to formal education. The Special Rapporteur notes that small numbers of Muslim students are now able to attend Sittwe University, but underlines the need to dramatically expand access to education at all levels, irrespective of religion or ethnicity.’¹⁴⁹

[Back to Contents](#)

9.3 Healthcare

- 9.3.1 In June 2016, the United Nations High Commissioner for Human Rights reported that the ‘availability, accessibility, affordability and quality of health facilities, goods and services are extremely poor across Rakhine State’, adding:

‘In townships surrounding Sittwe, including Pauktaw and Myebon, Muslims have no free access to township hospitals; emergency cases must be referred to Sittwe General Hospital through an onerous and time-consuming referral process, which entails boat travel and police escorts. Muslim patients are confined to a segregated ward, where allegations and rumours of discriminatory treatment persist. The situation leads to a general reluctance to seek care at the facility. In northern Rakhine State, patients have access to township hospitals but are required to obtain costly and time-consuming travel authorizations, pass through checkpoints and face additional limitations imposed by the curfew, which in some cases may lead to serious and life-threatening delays in an emergency situation. Delays in seeking or receiving emergency obstetric treatment can have particularly devastating consequences and are a major cause of death of babies and for women experiencing complications during pregnancy and childbirth.’¹⁵⁰

- 9.3.2 The UN Special Rapporteur noted in her August 2016 report that there was ‘... a need to improve access to health care, particularly in rural and conflict-affected areas. This is especially true in Rakhine State, where Muslim communities in several townships can seek emergency medical treatment only at Sittwe hospital. This requires an onerous referral process, several hours’ travel in many cases and, often, a police escort. Delays in accessing emergency treatment have resulted in preventable deaths...’¹⁵¹

¹⁴⁹ UN General Assembly: Situation of human rights in Myanmar [A/71/361], (paragraph 77), 29 August 2016 (available at ecoinet) http://www.ecoi.net/file_upload/1226_1478087528_n1627260.pdf. Accessed: 2 February 2017

¹⁵⁰ United Nations High Commissioner for Human Rights, ‘Situation of human rights of Rohingya Muslims and other minorities in Myanmar’, (paragraphs 38-39), 29 June 2016, http://www.ecoi.net/file_upload/1930_1484061108_g1613541.pdf. Accessed: 30 December 2016

¹⁵¹ UN General Assembly: Situation of human rights in Myanmar [A/71/361], (paragraph 78), 29

9.3.3 DFAT reported in January 2017 that:

'Access to healthcare is severely impacted by imposed restrictions on movement for Rohingya. This includes those living in IDP camps as well as those in northern Rakhine State. Poor access to healthcare is partly driven by the generally poor healthcare services in Rakhine State and underdeveloped transport infrastructure, and exacerbated by the movement restrictions for Rohingya and discrimination in the delivery of services. For example, Rohingya living in IDP camps near Myebon are not permitted to attend the local hospital in the Myebon town centre, a short drive away. Instead, these people must travel by boat to Sittwe, a journey that takes between five and seven hours.'¹⁵²

See also [Internally displaced persons \(IDPs\)](#).

[Back to Contents](#)

10. Freedom of movement

10.1 Restrictions

10.1.1 The US Department of State noted in its Human Rights report for 2016, Burma, that:

'Restrictions on in-country movement of Muslims in Rakhine State were extensive. Authorities required the Rohingya, a stateless population, to carry special documents and travel permits for internal movement in five areas in Rakhine State where the Rohingya ethnic minority primarily resides: Buthidaung, Maungdaw, Rathedaung, Kyauktaw, and Sittwe. Township officers in Buthidaung and Maungdaw townships continued to require Rohingya to submit a "form for informing absence from habitual residence" for permission to stay overnight in another village and to register on the guest list with the village administrator. Obtaining these forms and permits often involved extortion and bribes.

'Restrictions governing the travel of foreigners, Rohingya, and others between townships in northern Rakhine State varied, depending on township, and usually required submission of a document known as "Form 4." A traveler could obtain this form only from the Township Immigration and National Registration Department (INRD) and only if that person provided an original copy of a family list, temporary registration card, and two guarantors. Travel authorized under Form 4 is valid for 14 days. The cost to obtain the form varied from township to township, with payments required to village administrators or to the township INRD office in amounts ranging from 50,000 to 100,000 kyats (\$38 to \$76). Change of residency from one village or township to another in northern Rakhine State required permission from the INRD or the township, district, and state officials. While Rohingya could

August 2016 (available at ecoinet) http://www.ecoi.net/file_upload/1226_1478087528_n1627260.pdf. Accessed: 2 February 2017

¹⁵² Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report Myanmar', (paragraph 3.17), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

change residency, the government would not register them on a new household registration list in that new location. This practice effectively prevented persons from changing residency.¹⁵³

See [Identity documents](#).

- 10.1.2 On 18 March 2016, the UN Special Rapporteur on human rights in Myanmar expressed her concern about:

‘... highly discriminatory policies and practices against the Rohingya and other Muslim communities in Rakhine. In practice, these policies deny the affected population some of their most fundamental rights. Of particular importance is the need to restore freedom of movement for all, which in turn could facilitate the process of return and reintegration of communities. Ongoing discriminatory restrictions to freedom of movement are largely used to control the Rohingya population; as a consequence, movement is restricted within and between townships, and people must obtain specific authorization to travel outside Rakhine State. These restrictions severely affect all aspects of their life, including access to livelihood, and hamper interactions between the Rakhine and Muslim communities.’¹⁵⁴

- 10.1.3 DFAT also reported that ‘Rohingya are required to obtain travel approval to move even short distances; credible sources told DFAT that obtaining travel approval documents and then using these documents to pass through checkpoints requires them to pay ‘informal fees’ at every stage. The size of these informal payments can vary and can be linked to the perception of an individual’s capacity to pay.’ The same source added ‘It is estimated that there are nearly 200 checkpoints in northern Rakhine State alone. Credible sources told DFAT that Rohingya faced systematic levels of extortion in central and northern Rakhine State.’¹⁵⁵

See [Extortion and harassment](#).

- 10.1.4 The International Crisis Group, reporting on an attack against border police in northern Rakhine state on 9 October 2016 (see [Clashes with security forces – October 2016 attacks](#)) stated:

‘Security fears are part of the reason for the continued imposition of a curfew in Maungdaw and Buthidaung townships under section 144 of the Myanmar Code of Criminal Procedure. The 11pm to 4am curfew order was most recently renewed on 8 August 2016 for two months and includes restrictions on gatherings of five or more people in public areas or at mosques. As a result of the latest incident, the curfew has been extended, and now runs from 7pm to 6am. This impacts people’s livelihoods and means that in

¹⁵³ US Department of State, ‘Country Report on Human Rights Practices for 2016 – Burma’, (Section 2d), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265324>. Accessed: 6 March 2017

¹⁵⁴ UN Human Rights Council ‘Report of the Special Rapporteur on the situation of human rights in Myanmar’, Yanghee Lee [A/HRC/31/71], (paragraph 39), 18 March 2016, available at ecoi.net: http://www.ecoi.net/file_upload/1930_1465384791_g1605513.pdf. Accessed: 21 April 2017

¹⁵⁵ Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report Myanmar’, (paragraphs 3.16 and 3.21), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

practice attending Friday prayers is prohibited – a much-resented religious and social restriction.¹⁵⁶

10.1.5 DFAT noted that the restrictions on freedom of movement, that followed the [inter-communal violence](#) of 2012, disproportionately affected the Rohingya and remained in place at the time of publication of its report in January 2017. DFAT further noted that in northern Rakhine state the Border Guard Police (BGP) maintained checkpoints that restricted movement, sometimes even within village tracts within a township. A sealed security zone was established in northern Rakhine following the October 2016 border post attacks, making movement in and out of the zone extremely limited.¹⁵⁷

10.1.6 The Irrawaddy reported on 25 February 2017 that, following an announcement that clearance operations had ceased:

‘Abdu Raman of Maungdaw said Muslim residents of the town are now enjoying the freedom of movement and there is no more security checks in nearby villages – a situation that was quite unlikely until last month.

“We can freely travel in Maungdaw Township, both in northern and southern parts,” he said, adding that trip to the Bangladesh border town of Teknaf is now possible with official documents from Maungdaw authorities.

‘Aung Soe Moe, a villager of Aung Thaya village in northern Maungdaw Township in the heart of the rampant Burma Army manhunt, said there was now no security restrictions in the area.

10.1.7 “You can now travel through Muslim villages there – the situation is stable,” he told The Irrawaddy on Friday. Despite the National Security Advisor’s statement that military operations had ceased in northern Arakan State, this was not accepted by the military command so easily...

‘In fact, Gen. Aung Ye Win – the spokesperson of the military – painted a very different picture of the situation when he spoke to The Irrawaddy the day after the security advisor meeting. “We will not stop clearance operations. There will be regular security operations. Ceasing military operations [in northern Arakan State] is information I am not aware of,” he said.¹⁵⁸

See also [Clashes with security forces – October 2016 attacks](#).

[Back to Contents](#)

¹⁵⁶ International Crisis Group, ‘Myanmar Border Attacks Fuel Tensions with Rohingya Muslim Minority’, 12 October 2016, <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-border-attacks-fuel-tensions-rohingya-muslim-minority>. Accessed: 15 December 2016

¹⁵⁷ Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report Myanmar’, (paragraph 3.16), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

¹⁵⁸ The Irrawaddy, ‘Have Burma Army Operations in Northern Arakan State Really Ended?’ 25 February 2017, <https://www.irrawaddy.com/news/have-burma-army-operations-in-northern-arakan-state-really-ended.html>. Accessed: 3 March 2017

11. Rohingyas outside Rakhine State

11.1.1 DFAT assessed that Rohingya living outside Rakhine State experienced moderate levels of societal discrimination on a day-to-day basis. The DFAT report of January 2017 noted:

‘There are a number of Rohingya people living outside of Rakhine State, particularly in Yangon. The size of the Rohingya population in Myanmar outside Rakhine State is unclear, as these people generally do not publicise their ethnicity. Rohingya outside Rakhine State typically have higher incomes and better access to resources than those in Rakhine State, and are typically able to obtain identity documentation that allows them to live and work without facing the high levels of discrimination otherwise experienced by Rohingya in their day-to-day life. Typically, Rohingya in Yangon are registered as ‘Burmese Muslims’. Burmese Muslims hold national ID cards and residency documents, which gives them a legal right to a passport. Rohingya who maintain a low profile outside of Rakhine State face a similar level of discrimination to that faced by other Muslims or people of South Asian appearance in Myanmar, although they are not subject to local orders as other Rohingya in northern Rakhine State.’¹⁵⁹

[Back to Contents](#)

12. Rohingyas in Bangladesh

12.1 Demography

12.1.1 According to the DFAT Country Information Report on Bangladesh, dated July 2016:

‘... up to 500,000 Rohingyas [from Burma] now live in Cox’s Bazar. Adjacent to the Bangladesh – Myanmar border, Cox’s Bazar is one of the poorest regions in Bangladesh. Many Rohingyas have familial connections in Myanmar along with the majority Bengali population in Bangladesh. Increasing numbers of Rohingyas live in Dhaka and, to a lesser extent, other areas of Bangladesh. Rohingyas are not easily distinguishable from the majority Bengali population in physical appearance. Many speak fluent Bengali and have otherwise assimilated into the local community, including through marriage.’¹⁶⁰

See also [Language](#).

12.1.2 According to the English-language daily newspaper, New Age, a June 2016 census on undocumented Rohingya indicated the Rohingya resided in almost all of Bangladesh’s 64 districts¹⁶¹.

¹⁵⁹ Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report Myanmar’, (paragraph 3.27), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

¹⁶⁰ Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report Bangladesh’, (paragraph 3.11), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 30 December 2016

¹⁶¹ New Age, ‘Rohingya refugee census: Refugees spread across Bangladesh’, 13 December 2016, <http://www.newagebd.net/article/4749/rohingya-refugee-census-refugees-spread-across-bangladesh>.

- 12.1.3 The FCO Human Rights and democracy report stated ‘The ongoing dispute over citizens rights and desperate living conditions led to an increase in the number of Rohingya leaving Burma.’¹⁶²
- 12.1.4 Over 400,000 Rohingya crossed the border into Bangladesh following clearance operations in Rakhine in August 2017¹⁶³ (see [Clashes – August 2017](#)).

[Back to Contents](#)

12.2 Cross-border travel and “push-backs”

- 12.2.1 The DFAT Country Information Report on Burma, dated January 2017, noted that:

‘While travel within Rakhine State – and Myanmar in general – is severely restricted for Rohingya, several credible sources told DFAT that this group in northern Rakhine State are more easily able to travel to and from Bangladesh, despite neither country recognising the Rohingya as citizens. Prior to the security operations following the October 2016 attacks against BGP outposts, people from northern Rakhine State were able to take these trips for trading purposes or to access healthcare services. Myanmar immigration and customs officials issue an official document – known as a ‘blue book’ – that allowed regularised movements of people, including Rohingya, between Myanmar and Bangladesh. Information on the card includes the holder’s name and address and a record of their trips. The cards allowed for multiple entries across a certain period of time. Since the commencement of security operations, one way, irregular people movement from Myanmar to Bangladesh has dramatically increased, but regular movement between the two countries has been restricted.’¹⁶⁴

- 12.2.2 The USSD HR 2016 report for Bangladesh noted that: ‘Between January and September [2016], according to UNHCR, Bangladeshi authorities forcibly turned back an estimated 3,487 Rohingya to Burma.’¹⁶⁵
- 12.2.3 In December 2016, Amnesty International reported that the Border Guard Bangladesh (BGB) had pushed back thousands of Rohingya attempting to cross the border following the October 2016 attacks in Burma (see [Clashes with security forces – October 2016 attacks](#)). The report added that the

Accessed: 17 February 2017

¹⁶² Foreign and Commonwealth Office, ‘Human Rights and Democracy: The 2015 Foreign & Commonwealth Office Report’, (page 37), April 2016, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/518658/FCO755_Human_Rights_Report_2015_-_WEB.pdf. Accessed: 15 August 2017.

¹⁶³ UN News Service, UN scaling up assistance as number of Rohingya refugees grows to over 400,000, 19 September 2017, available at: <http://www.refworld.org/docid/59c297434.html>. Accessed: 21 September 2017

¹⁶⁴ Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report Myanmar’, (paragraph 3.19), 10 January 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf>. Accessed: 2 February 2017

¹⁶⁵ US Department of State, ‘Country Report on Human Rights Practices for 2016, Bangladesh’, (section 2d), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 7 April 2017

Bangladesh authorities had attempted to keep its border with Burma sealed, forcing many Rohingya to flee via dangerous and irregular routes¹⁶⁶.

- 12.2.4 However, at the end of November 2016 it was reported that Bangladeshi authorities were allowing some vulnerable refugees, particularly women and children, into the country on a humanitarian basis. This was confirmed by a government official¹⁶⁷.

[Back to Contents](#)

12.3 Refugee and unofficial camps

- 12.3.1 According to the US Department of State's Bangladesh Country Report on Human Rights Practices for 2016 (USSD HR Report):

'As of August [2016], the government [of Bangladesh] and UNHCR provided temporary protection and basic assistance to 32,967 registered Rohingya refugees from Burma living in two official camps (Kutupalong and Nayapara). The government and UNHCR estimated that an additional 200,000 to 500,000 undocumented Rohingya lived in various villages and towns outside the two official refugee camps. Most of these undocumented Rohingya lived at unofficial sites among the local population in Teknaf and Ukhyia subdistricts of Cox's Bazar District. These sites included approximately 35,000 at the Kutupalong Makeshift site adjacent to the official Kutupalong refugee camp, 15,000 at a site called Leda, and 10,000 at the Shamlapur site. Starting in October [2016], a new wave of more than 34,000 migrants entered Bangladesh, seeking refuge from violence in Rakhine state...

'According to a June IOM report, 53.5 percent of those surveyed in Rohingya populations living in makeshift settlements also experienced violence. Of those, 50.5 percent said they experienced physical violence, 6.5 percent said they experienced sexual violence, 3.8 percent said they experienced mental abuse, and 2.8 percent said they experienced food deprivation. These reports continued at year's end.

'The government did not fully cooperate with the UN High Commissioner for Refugees (UNHCR) or other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern. For example, the government did not allow UNHCR access to all individuals whom UNHCR deemed persons of concern, particularly the undocumented Rohingya population living in the towns and villages outside of the two official refugee camps in Cox's Bazar district. UNHCR was also not allowed unrestricted access to a new influx of Rohingya migrants during the last three months of the year although the

¹⁶⁶ Amnesty International, 'Myanmar: "We Are At Breaking Point" - Rohingya: Persecuted In Myanmar, Neglected In Bangladesh', (page 41), 19 December 2016, <https://www.amnesty.org/download/Documents/ASA1653622016ENGLISH.PDF>. Accessed: 17 February 2017

¹⁶⁷ Amnesty International, 'Myanmar: "We Are At Breaking Point" - Rohingya: Persecuted In Myanmar, Neglected In Bangladesh', (page 42), 19 December 2016, <https://www.amnesty.org/download/Documents/ASA1653622016ENGLISH.PDF>. Accessed: 17 February 2017

International Organization for Migration (IOM) was allowed to provide services.¹⁶⁸

12.3.2 DFAT reported that:

'Rohingyas in official refugee camps receive basic health, nutrition, educational and vocational services with the support of international humanitarian organisations. According to the International Organisation for Migration (IOM), Rohingyas living in unofficial refugee camps or within the broader community have a growing need for humanitarian services, including health, water, sanitation, hygiene and nutrition. Rohingyas are generally able to move freely in and out of refugee camps.'¹⁶⁹

12.3.3 However, the USSD HR Report 2016, for Bangladesh, noted that freedom of movement beyond the camps was restricted, stating that 'By law, refugees are not permitted to move outside of the two [official] camps [Kutupalong and Nayapara]. Police can punish with detention any movement without valid documentation, including illegal entry and departure from the country.' The report added that despite constraints on movement, '[S]ome refugees worked illegally as manual laborers or rickshaw pullers in the informal economy. Undocumented Rohingya also worked illegally, mostly in day-labor jobs.'¹⁷⁰

12.3.4 U Aye Lwin, a Rakhine State Advisory Commission delegate, who participated in a 3-day visit to Bangladesh at the end of January 2017, described living conditions for Rohingyas arriving in Bangladesh as inhumane and 'inappropriate even for animals'.¹⁷¹

12.3.5 The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported: 'As of 20 February [2017], an estimated 73,000 people have crossed from Rakhine State (Myanmar) into Bangladesh since October 2016. They are residing in registered camps and makeshift settlements in Cox's Bazar, and in Teknaf and Ukhiya host villages. Over the last few weeks, there has been a decrease in the number of the new arrivals, although some cross border movements continue to be observed. New families have been reported in Balukhali, Teknaf and Ukhiya host villages.'¹⁷²

¹⁶⁸ US Department of State, 'Country Report on Human Rights Practices for 2016, Bangladesh', (Section 2d), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252959>. Accessed: 6 March 2017

¹⁶⁹ Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report Bangladesh', (paragraph 3.12), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 30 December 2016

¹⁷⁰ US Department of State, 'Country Report on Human Rights Practices for 2016, Bangladesh', (Section 2d), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252959>. Accessed: 6 March 2017

¹⁷¹ The Irrawaddy, 'Arakan State Advisory Commission Member Describes Inhumane Conditions for Refugees in Bangladesh', 3 February 2017, <http://www.irrawaddy.com/news/burma/arakan-state-advisory-commission-member-describes-inhumane-conditions-for-refugees-in-bangladesh.html>. Accessed: 2 March 2017

¹⁷² UN Office for the Coordination of Humanitarian Affairs, 'Asia and the Pacific: Weekly Regional Humanitarian Snapshot (14 - 20 February 2017)', 20 February 2017, <http://reliefweb.int/report>

- 12.3.6 The Dhaka Tribune reported in February 2017 on the Bangladesh government plans to move Rohingya refugees to the remote and volatile island of Thengar Char¹⁷³. Reuters reported 'The island is two hours by boat from the nearest settlement. There are no buildings, mobile phone reception or people. During the monsoon it often floods and, when the seas are calm, pirates roam nearby waters hunting for fishermen to kidnap for ransom.' Critics said the island was uninhabitable¹⁷⁴.
- 12.3.7 Following the influx of Rohingya into Bangladesh during August/September 2017, aid agencies stated that the lack of food and medical aid were leading to a 'humanitarian catastrophe'¹⁷⁵.

[Back to Contents](#)

12.4 Documentation and legal rights

- 12.4.1 DFAT reported in its Country Information Report Bangladesh, dated July 2016, that 'Many documented Rohingyas possess UNHCR Identity Cards, birth certificates and World Food Program Food Cards (which list primary and secondary household recipients – women and men respectively where possible). The Government also reportedly maintains a 'Rohingya Family Book', which contains the details of all documented Rohingyas in Bangladesh.'¹⁷⁶ In 2011, sources indicated to the Danish FFM team that Rohingya refugee documents have been traded with, or falsified by, local Bangladeshis¹⁷⁷.
- 12.4.2 The USSD HR report for 2016 on Bangladesh noted that:
'The Rohingya in Bangladesh are legally stateless. Government and UNHCR estimates indicate that between 200,000 and 500,000 undocumented Rohingya are present in Bangladesh. They cannot derive citizenship from birth in the country, marriage with local citizens, or any other means... The government did not authorize Rohingya refugees living in the country to work locally... Government authorities did not allow registered or unregistered Rohingya formal and regular access to public health care.'¹⁷⁸

[/philippines/asia-and-pacific-weekly-regional-humanitarian-snapshot-14-20-february-2017](#). Accessed: 3 March 2017

¹⁷³ Dhaka Tribune, 'Thengar Char for Rohingya rehabilitation', 9 February 2017, <http://www.dhakatribune.com/bangladesh/law-rights/2017/02/09/thengar-char-rohingya-rehabilitation/>. Accessed: 26 April 2017

¹⁷⁴ Reuters, 'Pirates, cyclones and mud: Bangladesh's island solution to Rohingya crisis', 3 February 2017, <http://www.reuters.com/article/us-myanmar-rohingya-bangladesh-idUSKBN15I0QG>. Accessed: 26 April 2017

¹⁷⁵ Inter Press Service - News Agency: Rohingya: A Trail of Misfortune, 18 September 2017, http://www.ipsnews.net/2017/09/rohingya-trail-misfortune/?utm_source=rss&utm_medium=rss&utm_campaign=rohingya-trail-misfortune. Accessed: 21 September 2017

¹⁷⁶ Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report Bangladesh', (paragraph 5.29), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 30 December 2016

¹⁷⁷ Danish Immigration Service, 'Rohingya refugees in Bangladesh and Thailand', (page 41), May 2011, 1/2011, available at: <http://www.refworld.org/docid/4dd0d6f72.html>. Accessed: 2 February 2017

¹⁷⁸ US Department of State, 'Country Report on Human Rights Practices for 2016, Bangladesh', (Section 2d), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=>

12.4.3 DFAT noted that:

'Rohingyas are not eligible for Bangladeshi citizenship, including through marriage. They are also not legally entitled to work. However, credible sources have told DFAT that many Rohingyas work informally using fraudulent identity documents such as National Identity Cards [see [Fraudulent documents](#)]. These sources have also indicated that law enforcement agencies do not actively seek to enforce legal provisions restricting Rohingyas' access to employment, although many Rohingyas have been forced to accept lower wages and poorer conditions.'¹⁷⁹

12.4.4 DFAT reported that in June 2016, the Bangladesh Government conducted a census of undocumented Rohingyas as part of its "National Strategy on Myanmar Refugees and Undocumented Nationals in Bangladesh – the Rohingya". Those who choose to register will receive identity cards that will facilitate access to health and education services, and allow them to move freely throughout Bangladesh. It is unclear whether the Government will grant citizenship or residence status to these individuals or seek to settle them in another country.'¹⁸⁰ The census, which was voluntary, took place in 6 districts – Cox's Bazar, Chittagong, Patuakhali, Khagrachari, Bandarban and Rangamati.'¹⁸¹

12.4.5 DFAT further noted that:

'Undocumented Rohingyas who choose to participate in the forthcoming census ... will receive a "Myanmar National in Bangladesh Information Card." These cards will have a photo of the holder, 10-digit barcode, 17-digit identification code and dual IOM and Government of Bangladesh logos, and may contain a microchip. They will also display the holder's name, their father's name, their addresses in Bangladesh and Myanmar, and the issue date, and state that "The holder of this document has participated in the Bangladesh Bureau of Statistics Census of 2016".'¹⁸²

[Back to Contents](#)

13. Rohingya in Malaysia and Thailand

13.1.1 For information on the position of Rohingya in Malaysia and Thailand see: Refugees International Field Report – '[Still Adrift: Failure to Protect Rohingya in Malaysia and Thailand](#)', November 2016; Fortify Rights and Burma Rohingya Organisation UK – '["Everywhere is Trouble" A Briefing on the](#)

[2015&dclid=252959](#). Accessed: 6 March 2017

¹⁷⁹ Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report Bangladesh', (paragraph 3.13), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 30 December 2016

¹⁸⁰ Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report Bangladesh', (paragraph 3.14), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 30 December 2016

¹⁸¹ Dhaka Tribune, 'Final Rohingya census report by Nov', 20 June 2016, <http://archive.dhakatribune.com/bangladesh/2016/jun/20/final-rohingya-census-report-nov>. Accessed: 17 February 2017

¹⁸² Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report Bangladesh', (paragraph 5.30), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 30 December 2016

14. Fraudulent documents

- 14.1.1 In 2011, sources in Bangladesh indicated to the Danish FFM delegates that the falsifying and fraudulent use of Rohingya refugee, and other Burmese documents, was known to occur within the refugee community and with Bangladeshis¹⁸³.
- 14.1.2 The Immigration and Refugee Board of Canada, reporting on the availability of fraudulent documents in Bangladesh between 2011 and 2015, stated 'Sources report that several individuals of Rohingya origin ... were arrested while attempting to use fake Bangladeshi passports to travel abroad in 2012... and 2013...'184
- 14.1.3 According to the Australian Department of Foreign Affairs and Trade (DFAT) Country Information Report on Bangladesh, dated July 2016, 'Credible sources have told DFAT that Rohingyas have obtained fraudulent NICs [Bangladeshi national identity cards] in order to secure informal work in Bangladesh. While it is an offence to forge an NIC, DFAT assesses that people are able to obtain fraudulent NICs with relative ease.'¹⁸⁵

¹⁸³ Danish Immigration Service, Rohingya refugees in Bangladesh and Thailand, (page 42), May 2011, 1/2011, available at: <http://www.refworld.org/docid/4dd0d6f72.html>. Accessed: 20 December 2016

¹⁸⁴ Immigration and Refugee Board of Canada, Bangladesh: Reports of fraudulent documents (2011-2015), 20 August 2015, BGD105263.E, available at: <http://www.refworld.org/docid/560b92654.html>. Accessed: 2 February 2017

¹⁸⁵ Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report Bangladesh', (paragraph 5.27), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 30 December 2016.

Version control and contacts

Contacts

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Clearance

Below is information on when this note was cleared:

- version **1.0**
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Changes from last version of this note

First version of guidance and country information

[Back to Contents](#)