

# MYANMAR: About the Rohingya crisis

*Paper presented by HRWF at a conference on “Rohingya refugees in Bangladesh” at the European Parliament.*

By Hans Noot, *Human Rights Without Frontiers*

HRWF (08.11.2019) – Freedom of Religion or Belief has been legally guaranteed by most nations. However, it's rare for these legal protections to be fully implemented or complied with. Increasingly, converting or changing religions, sharing religious or non-religious beliefs, and being a member of a religious community that is not mainstream is resulting in workplace discrimination and unemployment. Moreover, legal remedies are often not accessible or effective when people are harassed by fellow citizens or local magistrates on the basis of their ethnicity, tradition, or religious affiliation. In extreme cases, States themselves structurally sponsor discrimination or commit genocide against certain religious or ethnic groups.

One such case is that of the Rohingya in Myanmar (Burma). Since the 1960s, more than a million Muslims living in Myanmar have fled to neighbouring countries. Over the past few years alone, 200 thousand Rohingyas fled to Saudi Arabia; 10 thousand to the United Arab Emirates; 350 thousand to Pakistan; 40 thousand to India; 5 thousand to Thailand; 150 thousand to Malaysia; 100 to Indonesia; and 890 thousand to Bangladesh, which greatly overstretched the country's already insufficient resources. This has been described as the world's

fastest growing refugee crisis. Half a million of Rohingya are currently living in makeshift camps with inadequate facilities, meager food, and a bare minimum of medical assistance.

The latest outburst of atrocities began in August 2017 when local Buddhist extremists in Rakhine province, supported by the military, began what the then-UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein described as a "textbook example of ethnic cleansing". There was looting, burning shops and villages, torture, arbitrary detentions, forced labor, forcible recruitment, extortion, gang rapes, trafficking, beatings, and mass killings with an estimated 36 thousand people literally thrown into fire. More than 43 thousand Rohingya parents have been reported lost since then, and are presumed dead.

State-sanctioned discrimination began in 1982 with the so-called Burma Citizenship Law. This law denies people of Rohingya ethnicity, the majority of Myanmar's Indian and Chinese population, and other so called "Bengali", their legal status at citizens which is a fundamental human right. For the Rohingya, this is particularly illogical as they have lived in Myanmar for centuries. This citizenship law renders them stateless and thus refugees within their own country of birth. The consequences of this law is that they are severely restricted from accessing basic human rights. Without citizenship, it is nearly impossible to study, work, travel, marry, practice Islam, access health services, vote, practice medicine or law, or run for office in Myanmar. They have no National Registration Cards, nor ID numbers, which deprives them of the ability to buy or sell goods and services.

Freedom of movement, too, is a fundamental human right. However, Rohingya are not allowed to leave their village to find work, trade, fish, attend the funeral of a relative, or even visit a doctor without permission from military officials which is often at the cost of steep bribes. They are disproportionately over-taxed on their belongings and anything they catch, produce, buy or sell. This includes taxes for the birth of a child or the death of a family member. Such discrimination and restrictions make them vulnerable to confiscation of land, extortion, theft, rape, torture, arson, displacement, and even murder, without avenues for retribution. Additionally, Myanmar has been using forced labor to build the infrastructure of the North Arkan state, and specifically targets the Rohingya population for this. Many thousands of those workers have died of malnutrition. According to Amnesty International, sixty percent of the 650 thousand that fled the Rakhine State recently are school aged children, many of them without living parents.

The Myanmar government has denied both the severity of the situation as well as its contribution to it. The army chief told Pope Francis in November 2017 that there was “no discrimination in this country”, and praised the military for maintaining peace and stability. Surprisingly, the country’s de facto civilian leader and Nobel Peace Prize laureate Aung San Suu Kyi, declined to discuss the plight of the Rohingya and instead blamed the whole matter on a “huge iceberg of misinformation”. Simultaneously, in January 2018, the government proposed that tens of thousands of Rohingya should be “forcefully relocated” to the uninhabitable island of Thengar Char in the Bay of Bengal. This proposal is illogical and concerning since this island floods each year during the monsoon season.

Putting aside accusations of government complicity in ethnic cleansing, there are many questions regarding underlying issues within this current human rights crisis. Why would Myanmar deny millions of their own people the right of citizenship and other basic human rights? How does the government explain the large numbers of men, women and children who risk their lives on hazardous roads with landmines laid by the military, or on the treacherous waters of the Bay of Bengal and the Andaman Sea, just to escape? Why does the international community seem relatively powerless when it concerns ethnic cleansing, a severe crime against humanity? Where are the trials that the UNHCR High Commissioner has called for to bring justice to the generals responsible for alleged acts of genocide? Why are journalists and aid workers not allowed to enter the Rakhine state? Why are UN investigators denied visas to investigate the violence there? Where is the outcry and media campaigns in the West that makes the general public aware of these atrocities? Many are unaware of the Rohingya crisis and most people are deeply shocked to hear the extent of the atrocities that have occurred.

That being said, it is important to point out the enormous sums of money donated by various UN agencies, the EU, the USA, and some States, as well as the efforts of neighboring countries such as Bangladesh, India, and Pakistan in receiving the influx of Rohingya. Despite official denial of the government that there is a crisis, the Myanmar government responded across Ministries and agencies by designating land for the Rohingya, coordinating relief, and allowing private individuals to donate. As a result of international cooperation, almost 100 thousand people have been treated for malnutrition, and hundreds of thousands of children have been vaccinated for diphtheria, tetanus and whooping cough. Meanwhile, the US House of Representatives has exerted great

political pressure, declaring the crisis in Myanmar as a genocide. The EU Parliament has raised concerns with its resolution 2576 of 14 June 2018, and some Fact Finding Missions have been conducted.

However, more action is needed such as: the lifting of limitations for journalists and other monitors; large scale media attention to raise awareness; supplies, such as food and clean water, feminine hygiene products, and cooking utensils; maternity care, cyclone resistant shelters, sanitation facilities; basic medicine and hospital facilities to treat and avoid measles, diarrhea, and cholera. Schooling is needed for the estimated 300 thousand children who were displaced. Additional immediate assistance should include financial support to help rebuild homes, and coordination with neighboring countries to combat the trafficking of Rohingya women. Lastly, Bangladesh, which has taken in the highest number of Rohingya refugees, needs more assistance from the international community.

Creating stability and sustainable peace in Myanmar must go beyond these short-term measures. The Rohingya population urgently need to receive legal recognition. This would allow them to settle permanently and enter the formal labour market, which would boost the economy, something that is sorely needed. Additionally, the Myanmar government would legitimise its authority over the Rankine and other states where the Rohingya outcasts settled centuries ago. Another long-term action would be investigating Myanmar's top military brass, including General Ming Aung Hliang, for genocide, crimes against humanity, and war crimes. Furthermore, the government needs an overhaul with the aim of creating a political climate that respects human rights. Stockholm needs to re-think their refusal to strip certain laureates of the Nobel Prize such as

Myanmar's Aung San Suu Kiy unless it is willing to risk losing its credibility.

The crisis and suffering in Myanmar highlight the need for a regional commission that would be organised at the top level and have a clear and strong mandate to act, facilitate, coordinate, and inform regarding the Rohingya crisis. This proposed regional commission would consist of government representatives from the neighboring countries and would need the backing of global powers such as the UN, EU, USA, and the OSCE. It would create pressure on Myanmar to adhere to international law and would design and help implement a long-term road map to resolve the issue.

The Rohingya are known as "the world's most persecuted minority", and have been subjected to crimes against humanity at appalling levels. Every nation, aid organization, religious community, and human being should be alarmed by this situation and take action. The Rohingya need to be given their home back in a situation that guarantees their long-term safety and be given ample opportunity to thrive. While this may not be the first case of structural and severe mass suffering, we must strive that it be the last. We fail all of humankind when we do not act to uphold human dignity.

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**WORLD :            US            condemns            10**

# **countries for severe religious freedom violations**

By Jennifer Hansler

CNN (11.12.2018) – <https://cnn.it/2Erh0kr> – Secretary of State Mike Pompeo on Tuesday announced the US has deemed 10 countries guilty of severe religious freedom violations.

The nations – China, Eritrea, Iran, Myanmar (also known as Burma), North Korea, Pakistan, Sudan, Saudi Arabia, Tajikistan and Turkmenistan – were categorized “Countries of Particular Concern” under the International Religious Freedom Act of 1998. They were found to have engaged or tolerated “systematic, ongoing, (and) egregious violations of religious freedom.”

“In far too many places across the globe, individuals continue to face harassment, arrests, or even death for simply living their lives in accordance with their beliefs. The United States will not stand by as spectators in the face of such oppression,” Pompeo said in a statement. “Protecting and promoting international religious freedom is a top foreign policy priority of the Trump Administration.”

“These designations are aimed at improving the lives of individuals and the broader success of their societies. I recognize that several designated countries are working to improve their respect for religious freedom; I welcome such initiatives and look forward to continuing the dialogue,” he

added.

Ambassador at Large for International Religious Freedom Sam Brownback, in a call with reporters on Tuesday, cited a catalog of religious freedom violations perpetrated by some of these nations. They included Pakistan's blasphemy laws, specifically the case of Asia Bibi, Myanmar's mass violence against the Rohingya population and China's imprisonment of the Uyghurs and its treatment of Christians and Buddhists.

"China isn't backing away from the religious persecution, it seems to be expanding," he said. "This is obviously very troubling to the administration."

According to the State Department's Bureau of Democracy, Human Rights, and Labor, such "egregious violations" include "torture, degrading treatment or punishment, prolonged detention without charges, abduction or clandestine detention, or other flagrant denial of the right to life, liberty, or the security of persons."

Congress is notified of the designations annually, and sanctions to pressure the country to change its behavior may be imposed if all non-economic means have been used.

According to Brownback, such sanctions are "double-hatted" – meaning the countries are sanctioned in other areas but also considered sanctioned as Countries of Particular Concern. China, Eritrea, Iran, Myanmar, North Korea and Sudan are all being sanctioned as such, but Saudi Arabia, Pakistan,



Tajikistan and Turkmenistan have had their sanctions waived due to "national interest," Brownback said.

In addition to the Countries of Particular Concern designation, Pompeo "placed Comoros, Russia, and Uzbekistan on a Special Watch List for governments that have engaged in or tolerated 'severe violations of religious freedom,' " and designated al Nusra Front, al Qaeda in the Arabian Peninsula, al Qaeda, Al-Shabaab, Boko Haram, the Houthis, ISIS, ISIS-Khorasan and the Taliban as "Entities of Particular Concern," according to the statement.

Pompeo made the designations in late November.

The US Commission on International Religious Freedom, an independent, bipartisan federal government commission established by the 1998 law, said the designation "demonstrates America's strong and active support for freedom of religion and belief worldwide."

"We are particularly gratified that, after years of documenting systematic, ongoing, egregious violations of religious freedom in Pakistan, the State Department has finally added that country to the list of the world's worst violators for the first time," Chairman Tenzin Dorjee said in a statement to CNN. "We also welcome the new addition of Russia as a severe violator on the Special Watch List, but question whether Uzbekistan has sufficiently improved to be moved from the CPC list to the Special Watch List. In April 2018 USCIRF recommended that both of those countries should be designated as CPCs."

Brownback said Uzbekistan had made “substantial changes.”

In December 2017, Pompeo designated China, Eritrea, Iran, Myanmar, North Korea, Sudan, Saudi Arabia, Tajikistan, Turkmenistan and Uzbekistan as Countries of Particular Concern and placed Pakistan on the Special Watch List for severe violations of religious freedom.

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## **Pope Francis in Myanmar: To**

# say or not to say 'Rohingya'

HRWF (30.11.2017) – Pope Francis received a special plea this month in the Vatican from Cardinal Charles Maung Bo of Myanmar, the overwhelmingly Buddhist nation where the pope has just made a politically very perilous visit: **Don't say "Rohingya."**

The international media has diversely covered his silence.

## ***Pope Francis meets Suu Kyi in Myanmar, avoids mention of Rohingya***

By Claudio Lavanga and Alastair Jamieson

NAYPYITAW, Myanmar (28.11.2017) – <http://nbcnews.to/2jw0vlo> – Pope Francis met with Myanmar leader and Nobel laureate Aung San Suu Kyi Tuesday, but avoided any public mention of the country's Muslim Rohingya minority who the U.S. says are being subjected to "ethnic cleansing."

Francis spent his first full day in the Buddhist-majority country meeting its civilian leader, a day after hosting the military general in charge of the mission to drive Rohingya from the northern Rakhine state.

In a speech, he said Myanmar's future depended on respecting the rights of all ethnic groups – a veiled reference to the crackdown that has sent more than 620,000 Rohingya into neighboring Bangladesh from where they have reported entire villages were burned and looted, and women and girls were raped.

He previously has prayed for "our Rohingya brothers and sisters," lamented their suffering and called for them to enjoy full rights, but the term "Rohingya" is avoided inside Myanmar because the ethnic group is not a recognized minority.

Several high-profile figures, including former U.N. Secretary

General Kofi Annan and Myanmar Cardinal Charles Maung Bo, urged Francis not to utter the term, fearing a potential blow against Myanmar's tiny Catholic community.

The pope said Myanmar's future "must be peace, a peace based on respect for the dignity and rights of each member of society, respect for each ethnic group and its identity."

He also called for a "democratic order that enables each individual and every group – none excluded – to offer its legitimate contribution to the common good."

Human Rights Watch expressed dismay after the speech, saying the treatment of Rohingya was part of a pattern of "shameless religious discrimination against minority religions like Christianity and Islam" in the country.

"The pope missed an important opportunity to tell Myanmar that every group has the right to self-identify, and to publicly refute the unconscionable pressure by Aung San Suu Kyi and the Myanmar military to deny the Rohingya their identity," said Phil Robertson, the group's Deputy Director, Asia Division.

Earlier, the pope met the commander responsible for the crackdown, Gen. Min Aung Hlaing.

The Vatican didn't provide details of the contents of the 15-minute "courtesy visit," except to say that "they spoke of the great responsibility of the authorities of the country in this moment of transition" and that the pair exchanged gifts.

Rohingya Muslims have long faced state-supported discrimination in Myanmar, and were stripped of citizenship in 1982, denying them almost all rights and rendering them stateless. They cannot travel freely, practice their religion, or work as teachers or doctors, and they have little access to medical care, food or education.

Myanmar's army denies accusations of rape, torture, murder and

forced displacement.

The latest violence erupted in August, when Myanmar security forces responded to militant attacks with a scorched-earth campaign that has sent many Rohingya fleeing to Bangladesh, where the pope will also visit on his trip.

In 2015, Pope Francis angered Turkey when he used the word “genocide” to describe the World War I mass killings of Armenians by Ottoman Turks. The Turkish government, which denies that the deaths constituted a genocide, recalled its ambassador to the Vatican in protest.

### **HRWF Footnote**

Coverage of the Pope’s visit in Myanmar and the Rohingya issue:

Pope Francis’ Dilemma in Myanmar: Whether to Say ‘Rohingya’

<https://www.nytimes.com/2017/11/26/world/asia/pope-francis-myanmar-rohingya.html>

Pope’s Myanmar speech to avoid reference to Rohingya

<http://www.bbc.com/news/world-asia-42152146>

Pope fails to mention Rohingya in Myanmar speech

<https://www.theguardian.com/world/2017/nov/28/pope-francis-to-meet-aung-san-suu-kyi-on-first-full-day-in-myanmar>

Pope Francis avoids mention of Rohingya in Myanmar speech

<http://edition.cnn.com/2017/11/28/asia/pope-speech-rohingya-myanmar/index.html>

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## **WORLD: A right for all: Freedom of religion or belief in ASEAN**

APPG (27.09.2017) – <http://bit.ly/2xvPgCZ> – A new report from USCIRF emphasises the strategic importance of robust U.S. engagement on these issues with ASEAN as a collective and the 10 individual Member States: Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, and Vietnam.

The countries of Southeast Asia—bound together in the regional bloc known as the Association of Southeast Asian Nations (ASEAN)—are vastly diverse in their geographic size, governing systems, economies, and cultural and societal heterogeneity.

Also, each country is different in its degree of adherence to international human rights standards and its protection (or denial) of the freedoms therein, including the universal freedom of religion or belief.

In ASEAN's 50th year, the U.S. Commission on International Religious Freedom (USCIRF) presents *A Right for All: Freedom of Religion or Belief in ASEAN*. The report documents ASEAN's and the Member States' approaches to this fundamental right, underscores the religious freedom-related challenges in the region that transcend country borders, and emphasizes the strategic importance of robust U.S. engagement on these issues.

ASEAN's approach to human rights often has been diminished by two competing interests: the Member States' desire to integrate as a bloc and their deeply embedded reliance on independence and non-interference in one another's affairs. In an increasingly interdependent, interconnected community such as ASEAN, it is vital that governments and societies recognize—both within and across their borders—when the right to freedom of religion or belief is being abused and take steps to protect individuals and groups whose rights are violated.

ASEAN and the individual Member States have an inconsistent record protecting and promoting human rights, and even more so with respect to freedom of religion or belief. Often, ASEAN countries have lacked cohesion and a strong will to act in response to serious violations within their own borders and among the other members of the bloc.

***Key findings about freedom of religion or belief in the 10 Member States include:***

**Brunei:** The identification of the state and the public sphere with Islam in the person of the sultan sometimes challenges the religious freedom of non-Muslims or heterodox Muslim residents, whose communities may be banned or ruled by Shari'ah despite their affiliation.

**Burma:** While the year 2016 marked a historic and peaceful transition of government in Burma, outright impunity for

abuses committed by the military and some non-state actors and the depth of the humanitarian crisis for displaced persons continue to drive the ill treatment of religious and ethnic groups.

**Cambodia:** Cambodia has few internal challenges with freedom of religion or belief, but could do more to uphold its human rights commitments, particularly under the Refugee Convention.

**Indonesia:** The Indonesian government often intervenes when religious freedom abuses arise, particularly if they involve violence. Non-Muslims and non-Sunni Muslims, however, endure ongoing difficulties obtaining official permission to build houses of worship, experience vandalism at houses of worship, and are subject to discrimination as well as sometimes violent protests that interfere with their ability to practice their faith.

**Laos:** In some areas of Laos, local authorities harass and discriminate against religious and ethnic minorities, and pervasive government control and onerous regulations impede freedom of religion or belief.

**Malaysia:** Malaysia's entrenched system of government advantages the ruling party and the Sunni Muslim Malay majority at the expense of religious and ethnic minorities, often through government-directed crackdowns on religious activity, expression, or dissent.

**Philippines:** With the strong influence of the Catholic Church, as well as the needs of other religious groups, the Philippines grapples with the separation of church and state, and also with the violence that continues to dominate relations with Muslims on the island of Mindanao.

**Singapore:** Singapore's history of intercommunal violence informs its current policies, which prioritize harmony between the country's major religions, sometimes at a cost to freedom of expression and the rights of smaller religious communities.



**Thailand:** The primacy of Buddhism is most problematic to freedom of religion or belief in the largely Malay Muslim southern provinces, where ongoing Buddhist-Muslim tensions contribute to a growing sense of nationwide religious-based nationalism.

**Vietnam:** Vietnam has made progress to improve religious freedom conditions, but severe violations continue, especially against ethnic minority communities in rural areas of some provinces.

### ***Challenges***

The 10 Member States experience a number of common and crosscutting challenges that underscore how violations of freedom of religion or belief occur across borders and within the context of broader and related regional trends. ASEAN should acknowledge and work to address the following problems: protection gaps for refugees, asylum seekers, trafficked persons, and those internally displaced; the use of anti-extremism and antiterrorism laws as a means to limit religious communities' legitimate activities, stifle peaceful dissent, and imprison people; the use of nationalistic sentiment by individuals and groups who manipulate religion to the detriment of other religious and ethnic groups; arrests, detentions, and imprisonments based on religious belief, practice, or activities; and the existence and implementation of blasphemy laws that are used to incite or inspire violence, generally by members of a majority religious group against those from a religious minority community.

### ***Conclusion***

ASEAN and the individual Member States must understand that the global community of nations is grounded in the premise that everyone observe a rules-based international order, which includes the responsibility to uphold freedom of religion or belief and related human rights. This means ASEAN and the

Member States should take steps to:

adhere to international human rights instruments; welcome visits by international human rights monitors; ensure unfettered access by aid workers, independent media, and other international stakeholders to vulnerable populations and conflict areas; repeal blasphemy and related laws; release prisoners of conscience; and strengthen interfaith relationships.

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## **MYANMAR: Myanmar Muslims face charges for holding Ramadan prayers**

*Police charge three men who prayed in street after school where they used to worship was shut down by nationalists*

The Guardian (02.06.2017) – <http://bit.ly/2rkAhr5> – Authorities in Myanmar have charged three Muslim men for holding Ramadan prayers in the street after the local school where they used to worship was shut down by a nationalist mob.

Police brought the charges after about 50 Muslims gathered to pray on Wednesday on a road in Yangon's Thaketa township, the site of one of a growing number of raids by Buddhist hardliners on Islamic events.

Two nearby Islamic schools were closed in late April after ultra-nationalists complained that local Muslims were illegally using them to conduct prayers.

Authorities have said the closure is temporary, but have given no timeline for when they may be reopened.

"We feel sorry. This month is important for us," said the local Muslim leader Zaw Min Latt, referring to the holy month of Ramadan, which began last week.

"We used those schools for prayer for decades. These restrictions have been brought in after more than 60 years."

Local authorities issued a statement saying the prayer session threatened "stability and the rule of law" in the mainly Muslim neighbourhood in the east of Myanmar's commercial capital.

A police officer who asked not to be named confirmed the charges.

Two officers tried to stop AFP journalists from filming when they visited one of the madrasas on Friday.

"It's our mosque as well as our school. We don't know when it will be reopened," Khin Soe, a local resident in his 50s, said as he set off to pray in another part of town.

The case comes as Myanmar's government has been seeking to

clamp down on hate speech after a spike in anti-Muslim actions by hardliners from the country's Buddhist majority.

Religious tensions have soared since a group of Rohingya Muslims attacked police posts in Rakhine state in October, sparking a bloody military crackdown that has drawn widespread international condemnation.

Last week Myanmar's top Buddhist authority officially banned the Ma Ba Tha, an ultra-nationalist movement affiliated with the firebrand cleric Wirathu, which responded by simply changing its name.

The move came after nationalists this month clashed with Muslims in another Muslim neighbourhood in Yangon, after pushing police to raid a house there in search of illegal Rohingya Muslim hideouts.

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