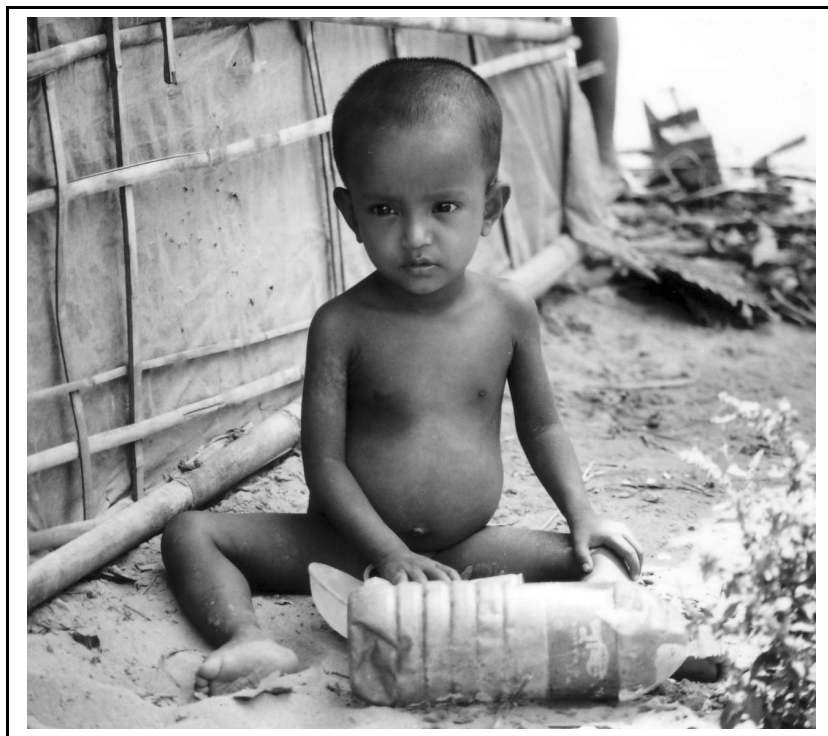




**ISSUES TO BE RAISED CONCERNING
THE SITUATION OF
ROHINGYA CHILDREN IN MYANMAR (BURMA)**



SUBMISSION TO THE COMMITTEE ON THE RIGHTS OF THE CHILD

**For the Examination of the 2nd periodic State Party Report
-MYANMAR-**

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By Chris Lewa

ISSUES TO BE RAISED CONCERNING THE SITUATION OF ROHINGYA CHILDREN IN MYANMAR (BURMA)

Submission to the Committee on the Rights of the Child

FORUM-ASIA wishes to draw the attention of the Committee on the Rights of the Child to the situation of Rohingya children in Rakhine State, Myanmar¹, and hopes that these issues will be addressed during the examination of Myanmar's second periodic report.

The Rohingya: Exclusion and discrimination

The Muslim population of Rakhine State, known as Rohingya² and closely related to the Chittagonian people of Southern Bangladesh, is being discriminated against on the basis of their ethnicity and religion. They have been excluded from the nation-building process in Myanmar and the military regime has implemented policies of exclusion and discrimination against this group aimed at encouraging them to leave the country. These systematic policies have maintained underdevelopment and have been the driving force behind two mass refugee exoduses to Bangladesh, in 1978 and again in 1991/92. The combination of human right violations the Rohingya face -- from the denial of legal status to restriction of movement and economic constraints -- creates food insecurity and makes life in Northern Rakhine State untenable for many.

Rohingya children, in particular, are innocent victims suffering from the debilitating consequences of these government policies, which dramatically affect their physical and mental development, and will have long-lasting effects for the future of the Rohingya community.

The following points are some of the issues of concern to be raised with regard to fundamental human rights denied to Rohingya children and enshrined in the Convention on the Rights of the Child, under which the Government of Myanmar has international obligations.

1. Right to a nationality

Rohingya children are born stateless.

The Rohingyas have been rendered stateless through the Citizenship Act of 1982, which states that citizens are those belonging to one of 135 "national races", among which the Rohingyas do not feature, or those whose ancestors settled in the country before 1823, the start of the British colonisation of Rakhine State. In 1998, in a letter

¹ In this report, Burma is referred to as Myanmar, as used by the UN Committee on the Rights of the Child.

² The term "Rohingya" to refer to the Muslim population of Rakhine State is not acknowledged by the Government of Myanmar. Many Muslims of Northern Rakhine State identify themselves as such and the term is also used by international organisations. Therefore, the author has adopted it throughout the text.

to the then UNHCR High Commissioner, Mrs. Ogata, Lt-Gen. Khin Nyunt, Secretary No. 1 of the State Peace and Development Council, wrote that: "Suffice it to say that the issue is essentially one of migration, of people seeking greener pastures. These people are not originally from Myanmar but have illegally migrated to Myanmar because of population pressures in their own country. ... They are racially, ethnically, culturally different from the other national races in our country."

The Citizenship Act was promulgated shortly after the repatriation of 1978, and was clearly aimed at excluding the Rohingya from citizenship rights. Their present legal status amounts, in international law, to *de facto* statelessness.

Rohingya children are therefore discriminated against on the basis of their ethnicity from birth and are deprived of the rights inherent to citizenship. Despite efforts by UNHCR to address their lack of status with the Myanmar Immigration authorities, no progress has been achieved to date.

The right to citizenship is fundamental to the enjoyment of other rights. As a consequence of their statelessness, Rohingya children face discrimination with regard to education, health care and employment.

In addition, a series of measures has been imposed to control birth and to limit expansion of the Rohingya population. Unlike other people of Myanmar, Rohingya couples must apply for permission to get married, which is only granted in exchange for high bribes and can take up to several years to obtain. To register their children's birth, parents are charged fees that have significantly increased since 2002.

2. Right to be free from forced labour

Rohingya children are subject to forced labour

As documented by the ILO in early 2003³, forced labour is far from being eradicated in Northern Rakhine State. Compulsory labour continues to be exacted by the army and the NaSaKa⁴ for construction and maintenance of their camps, portering, sentry duty, the establishment of villages for new settlers, for military-owned shrimp farms and plantations, for brick-baking, for collection of wood and bamboo, etc. The poor cannot pay bribes to avoid it and are thus compelled to perform not only their own stint of work, but also that of those who had paid off the authorities.

Children are particularly affected by forced labour in Northern Rakhine State. Cultural practices in the Rohingya community prevent women from participating in activities outside of their homes, and, therefore, they are generally not selected to work on forced labour projects. As male adults are busy earning the daily wage to feed the family, the burden of carrying out forced labour duties often falls on children.

3. Right to freedom of movement

³ In relation to ILO Liaison Officer's visit to Northern Rakhine State in January 2003, the ILO Governing Body report GB.286/6 of March 2003 stated in paragraph 7: "*While it is her impression that there is probably less use of forced labour in central parts of Myanmar, the situation in areas near to the Thai border where there is continuing insecurity and a heavy presence of the army, as well as in northern Rakhine State, is particularly serious and appears to have changed little.*"

⁴ The NaSaKa is the Border Administration Force and comprises five different government agencies: the police, military intelligence (MI), Lone Htein (riot police), customs, and immigration.

Rohingya children and their parents need permission to travel to another village.

Rohingya children as well as their parents are subject to severe restriction of movement. They are virtually confined to their village tracts. They need to apply for a travel pass even to visit a neighbouring village, which their parents have to pay for. Since February 2001, Sittwe, the capital city of Rakhine State, has remained off-limits for them. As a result, those whose families could afford it are no longer able to seek medical treatment in Sittwe hospital and Muslim students from Northern Rakhine State who have completed basic education face many difficulties in accessing university studies only available in Sittwe. The lack of mobility also has devastating consequences on their parents, limiting their access to markets and employment opportunities, and thus seriously affecting the livelihood and food security of the family as well as the growth of children.

4. Right to food

More than 60% of Rohingya are suffering from chronic malnutrition

Limiting access to food through a series of constraints is the main strategy of the military regime to encourage departure and is a major root cause of the ongoing exodus to Bangladesh. Starvation triggers their decision to leave after all other coping mechanisms have been exhausted. Food insecurity is the direct consequence of the discriminatory policies and human rights violations the Rohingya face in Myanmar, such as forced labour, extortion, restrictions of movement, etc.

More than 60% of the Rohingya children in Northern Rakhine State suffer from chronic malnutrition, exposing them to disease and hampering their physical and mental development. Food security continues to deteriorate steadily. Over the last year, increased pressures through arbitrary taxation, tighter control of the local economy, as well as restricted access to forest resources, have led to a crisis, which urgently requires direct food assistance to be delivered to the most vulnerable segment of the population, estimated at one third of the total Rohingya population of Northern Rakhine State.

5. Right to health

Due to their lack of freedom of movement, Rohingya children and their parents face restrictions in reaching health services. Moreover, geographical and infrastructure constraints further reduce accessibility and some remote areas remain completely isolated during the rainy season.

In addition, there is a general neglect of the available facilities. Health care is almost non-existent outside the towns and large villages. In Northern Rakhine State, there are one hospital per township, four station hospitals, 13 rural health centres and 53 rural health sub-centres. These hospitals are poorly equipped as, for instance, only Buthidaung hospital has a working X-ray machine. The 3 township hospitals only are manned by one experienced medical doctor. In total, there are 10 graduated private and government doctors for 680,000 people. One rural health sub-centre is

supposed to cover around 5 village tracts but they are all short-staffed. UNHCR and other agencies have attempted to improve the health delivery system by rehabilitating health centres and providing training to health workers. However, obstacles were encountered as Rohingyas do not have access to medical studies and cannot apply for any government posts. There are very few Muslim health staff. The majority are Buddhist Rakhine. In principle, there are enough health personnel, but it proves difficult to attract Rakhines to isolated, rural areas dominated by Rohingyas. Some of the newly-built facilities therefore remain unused.

The high prevalence of chronic malnutrition (60%) among Rohingya children in Northern Rakhine State is alarming and seriously affects children's health conditions. Malnutrition is associated with poor mental and psychomotor childhood development and with exposure to preventable diseases.

6. Right to education

Northern Rakhine State is plagued by an extremely high level of illiteracy among children as well as adults.

Most village tracts have at least one primary school (1 to 4th Standard) but in remote areas access is impaired by distance and lack of communication during the rainy season. But widespread poverty keeps many children out of school, as they need to contribute to the survival of their family. At most, parents will send their children for religious education in *madrassah* and *maktab* to learn the Koran in Arabic. Moreover, teaching is only imparted in Burmese language, which most children do not speak.

Only 35 middle schools (5th to 8th Standard) and 6 high schools (9th and 10th Standard) are available in Maungdaw and Buthidaung Townships. In addition, there are also some self-supported schools where student's families and villagers pay the teachers in paddy. Very few Rohingya children reach 10th Standard and complete basic education.

Access to higher education is even more restricted. Sittwe has the only university in Rakhine State. Since a travel ban to Sittwe has been enforced on the Rohingya population in February 2001, Rohingya students are not allowed to join university on a full-time basis. They can only study university level courses through distance education and they have been facing serious difficulties in obtaining permission to pass their examination in Sittwe.

Education levels are also worsened by the lack of teachers in rural areas and the poor quality of teaching. International agencies have engaged in improving educational facilities by rehabilitating government-run schools and have also organised teachers' training courses. However, Rohingya teachers, being denied citizenship, cannot be employed as civil servants, and are not allowed to teach in government schools. In some areas they have been able to teach but in such cases they were paid either by international organisations or by the villagers themselves in paddy. In Northern Rakhine State, about 85% of the schoolteachers are Buddhists (Rakhine or Burmese) and the remaining 15% are Muslims. Government teachers are always Buddhists and "paddy teachers" generally Muslims. There should be

enough trained teachers, but Rakhine Buddhists are generally not inclined to teach Muslim children and often neglect their function. Besides, teachers receive a minimal remuneration and are compelled to supplement their income through other means.

CONCLUSION

Rohingya children bear the full brunt of the military regime's policies of exclusion and discrimination towards the Muslim population of Rakhine State. The combination of the factors listed above, which deny them fundamental human rights, gravely damage their childhood development and will affect the future of the Rohingya community.

With regard to Rohingya children, the State Peace and Development Council has failed to implement most of the rights enshrined in the Convention on the Rights of the Child, which Myanmar ratified in 1991. The Government has also ignored the suggestions and recommendations provided by the Committee in 1997, in particular, paragraph 28 in which "The Committee recommends that the Citizenship Act be repealed" and paragraph 34 which stated: "In the field of the right to citizenship, the Committee is of the view that the State Party should, in light of articles 2 (non-discrimination) and 3 (best interests of the child), abolish the categorization of citizens ..." and that "all possibility of stigmatisation and denial of rights recognized by the Convention should be avoided"

RECOMMENDATIONS

With reference to the provisions of the Convention and the Concluding Observations adopted by the Committee in January 1997 (CRC/C/15/Add. 69),

FORUM-ASIA recommends that the Committee urge the Government of Myanmar:

- To amend or repeal the 1982 Citizenship Act, with the effect of granting citizenship and accompanying rights, to the Muslim population of Rakhine State
- To end all discriminatory policies and practices towards this population in order to create an environment conducive to children's development.

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