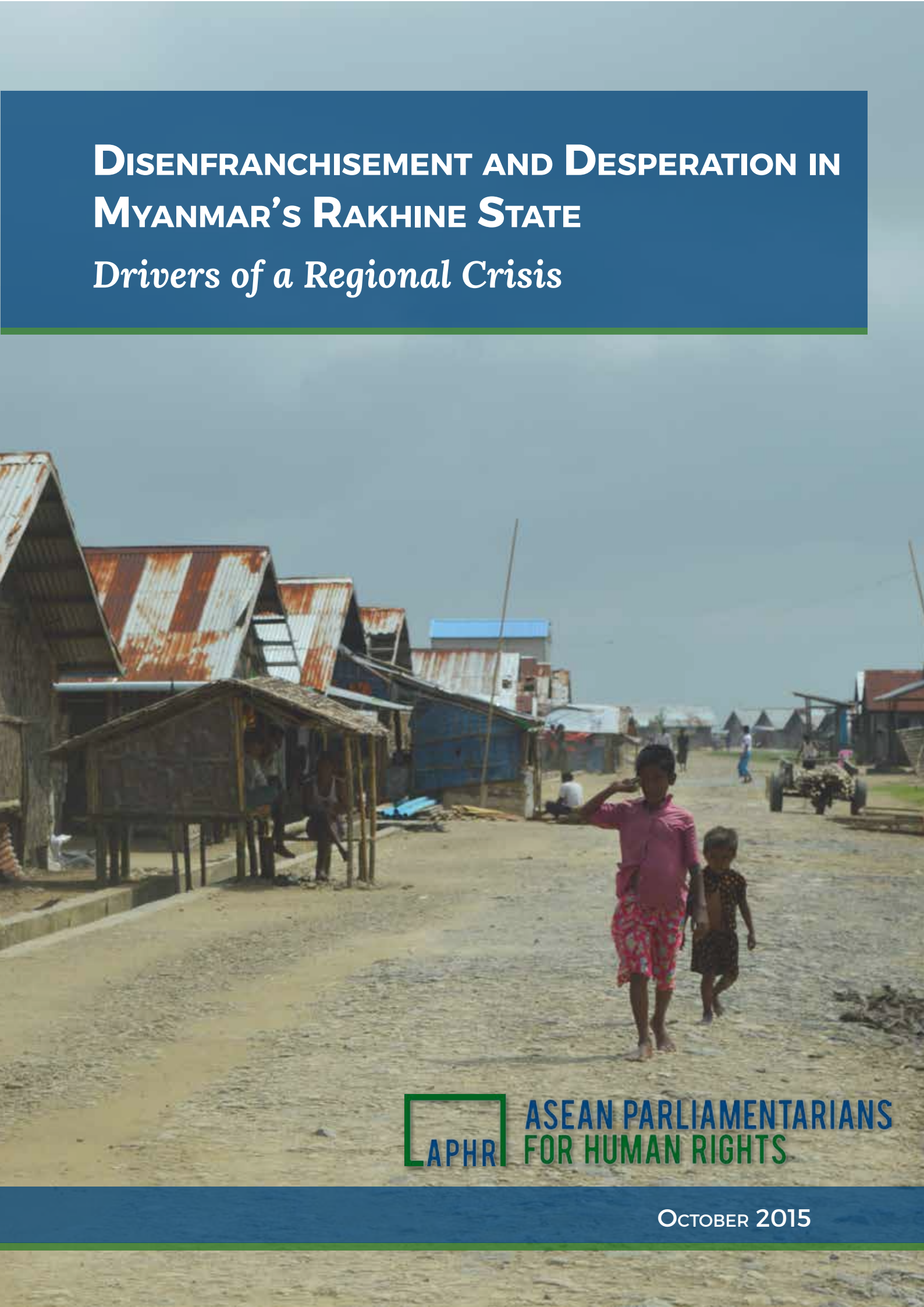
Disenfranchisement and Desperation in Myanmar's Rakhine State

Drivers of a Regional Crisis



APHR ASEAN PARLIAMENTARIANS FOR HUMAN RIGHTS

October 2015

Disenfranchisement and Desperation in Myanmar's Rakhine State

Drivers of a Regional Crisis

A Report By

October 2015

Cover Phtoto: Rohingya in an internally displaced persons (IDP) camp in Sittwe, Rakhine State, Myanmar, August 2015.

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ASEAN PARLIAMENTARIANS FOR HUMAN RIGHTS

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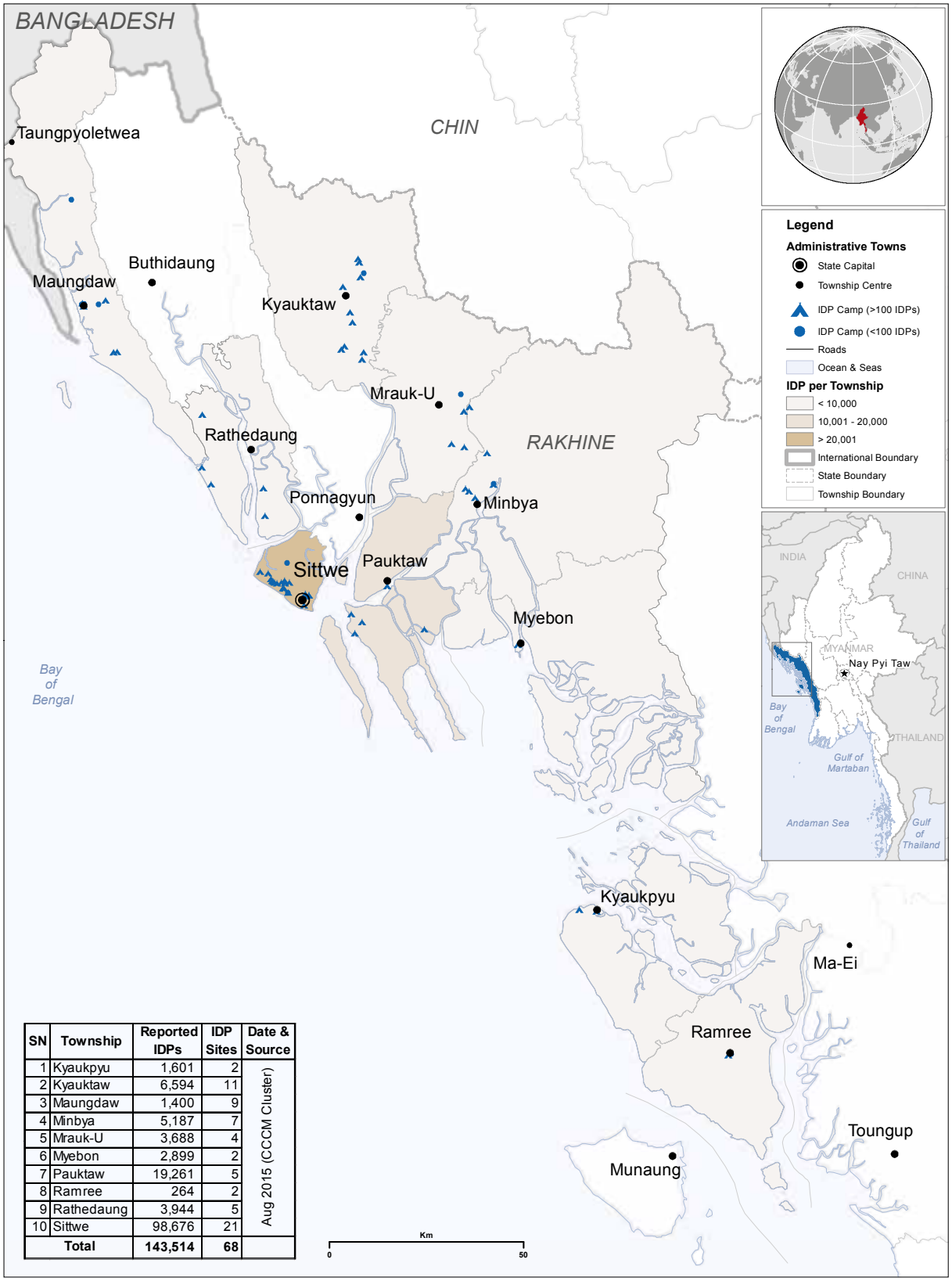
About ASEAN Parliamentarians for Human Rights

ASEAN Parliamentarians for Human Rights (APHR) is a human rights intervention force of parliamentarians and other influential persons, who use their unique positions and innovative means to prevent discrimination, uphold political freedom, and promote democracy and human rights throughout the region. APHR supports the work of civil society and human rights defenders and encourages sustainable solutions that increase pressure on governments and multilateral bodies to ensure accountability and uphold and enforce international human rights laws.

Map of Rakhine State

including IDP camps and displaced population statistics as of September 2015



SN	Township	Reported IDPs	IDP Sites	Date & Source
1	Kyaukpyu	1,601	2	Aug 2015 (CCCM Cluster)
2	Kyauktaw	6,594	11	
3	Maungdaw	1,400	9	
4	Minbya	5,187	7	
5	Mrauk-U	3,688	4	
6	Myebon	2,899	2	
7	Pauktaw	19,261	5	
8	Ramree	264	2	
9	Rathedaung	3,944	5	
10	Sittwe	98,676	21	
Total		**143,514**	**68**	

Disclaimers: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations. **Map data source(s):** MIMU, OCHA, CCCM Cluster. **Date:** 8 Sept 2015.

Source: UNOCHA

Executive Summary

The situation in Myanmar's Rakhine State is driving a regional crisis. Systematic discrimination against Rohingya Muslims has contributed to the largest regional outflow of asylum seekers by sea in decades. Humanitarian conditions in Rohingya villages and internally displaced persons (IDP) camps are dire, and Rohingya suffer frequent abuses at the hands of Myanmar authorities.

In May 2015, the region was forced to grapple with the results of these conditions, as thousands of Rohingya asylum seekers were stranded on boats in the Andaman Sea, making international headlines. ASEAN leaders met at the time in the hopes of resolving the crisis, but failed to craft a regional response to the drivers of the outflow, which are rooted in Rakhine State.

In the months since, these underlying drivers have been compounded by an increasing sense of desperation among Rohingya, driven principally by political exclusion. The disenfranchisement of an estimated one million Rohingya voters, as well as the rejection of dozens of Rohingya parliamentary candidates in advance of the 8 November general election, has led many Rohingya to believe that there is little hope for their future in Myanmar. With no opportunity to take part in perhaps the most consequential election in Myanmar's history and no hope of any political representation, Rohingya feel they are being forced out of the country.

Furthering this perception is the proliferation of anti-Muslim hate speech and sentiment across Myanmar and the government's failure to address this growing threat. If left unchecked, Buddhist extremists will continue to vilify Rohingya for political purposes, and further episodes of inter-communal violence could erupt in Rakhine State and other areas, driving still more Rohingya to flee their homes.

During 2015, ASEAN Parliamentarians for Human Rights (APHR) undertook two fact-finding missions to Myanmar to assess the situation and further investigate the root causes of the Rohingya exodus. APHR's team of parliamentarians and researchers met with government officials, religious leaders, civil society representatives, and UN agencies, as well as Rohingya and Rakhine community members and IDPs.

The findings were clear: ASEAN risks another full-blown crisis as a result of unresolved conditions in Myanmar. Unless serious steps are taken to address the situation of deprivation and despair in Rakhine State, many Rohingya will have no other option but to flee in search of asylum elsewhere.

The next wave of refugees is coming. Tens of thousands of Rohingya have already fled by sea, but nearly a million more are still undergoing heavy persecution throughout Rakhine State. When the remaining Rohingya begin to leave, they will be extremely vulnerable to human trafficking to Thailand, Malaysia, and Indonesia.

The events in May 2015 shined a spotlight on ASEAN's lack of preparedness to deal with this looming threat. With sailing season set to begin in the coming weeks, regional governments must act urgently to ensure safe and legal means for seeking asylum. Should they fail to do so, Rohingya will face further humiliation, rights abuses, and even death as they are forced to flee intolerable conditions in Rakhine State.

Fundamentally, ASEAN policy must be aimed at ensuring that the factors driving Rohingya to flee Myanmar are properly addressed. In addition to providing humanitarian aid, ASEAN and its individual member states must pressure the Myanmar government to end human rights abuses and systematic discrimination against Rohingya. They must also ensure that people seeking asylum are able to access fair refugee status determination procedures and humanitarian assistance.

Other international actors, including the UN, the EU, and the United States, have a role to play as well. In addition to pressuring the Myanmar government to end its policies of oppression, they must work to convince ASEAN member states to more robustly address the drivers themselves.

Rohingya in Aung Daw Gyi IDP camp in the Rakhine State capital, Sittwe. Nearly 140,000 Rohingya live in IDP camps throughout the state, many with extremely limited access to essential services.

Methodology

In late August 2015, MPs from Cambodia, Indonesia, and Malaysia travelled to Myanmar as part of a fact-finding mission organized by APHR. A portion of the delegation visited Sittwe, the capital of Rakhine State, to investigate causes of the regional refugee crisis and to identify solutions. They met with IDPs in the camps around Sittwe, as well as Myanmar government officials, UN representatives, NGOs, Rohingya and Rakhine community leaders, and other key stakeholders with knowledge of the situation for Rohingya IDPs and Rohingya living in villages in northern Rakhine State.

This report is based on the findings from that mission, combined with additional ground research and a review of existing data on the situation in Rakhine State. It builds upon APHR's April 2015 report, The Rohingya Crisis and the Risk of Atrocities in Myanmar: An ASEAN Challenge and Call to Action, which examined the current human rights situation in Myanmar through the United Nations' Framework on Analysis of Atrocity Crimes. That analysis followed an APHR fact-finding mission to Mandalay, Myanmar, which also informs this report.

Except where secondary sources are explicitly cited, all data is derived from field observations and interviews conducted by APHR parliamentarians and staff. For the security of those interviewed, many names of specific interviewees, in addition to certain other identifying information, are omitted. Some interviews were conducted in English. Others were conducted in Burmese, Rakhine, and Rohingya languages, with English interpretation.

The policy recommendations included in this report were developed by APHR members – lawmakers in parliaments across Southeast Asia, who possess unique expertise and knowledge of the policymaking process in ASEAN countries.

Rohingya wait for monthly rations in Dapaing IDP camp, Sittwe. Freedom of movement restrictions prevent many Rohingya, particularly those displaced, from accessing livelihoods.

Introduction

In May 2015, a crisis unfolded in the Andaman Sea as more than 4,000 Rohingya fleeing persecution in Myanmar (along with several thousand migrants from Bangladesh) were left stranded on fishing boats, abandoned by human traffickers. Following intense international scrutiny and diplomatic pressure, the governments of Indonesia and Malaysia eventually conceded to accept some of the asylum seekers.[1] But ASEAN leaders failed to agree on how to address the drivers of the crisis, which have their roots in persecution in Myanmar.

For decades, major refugee movements have paralleled government persecution and disenfranchisement of vulnerable groups in Myanmar. Military campaigns against ethnic minorities and crackdowns against pro-democracy movements drove waves of civilians to flee the country over the last three decades. At least one million exiles and migrants from Myanmar are estimated to be living in border areas of neighboring countries today.[2] Despite a transition to a nominally civilian government in 2011, many groups in Myanmar, especially Rohingya Muslims, continue to be the victims of similar oppressive state policies.

Numbering between 800,000 and 1.1 million,[3] Rohingya live primarily in Rakhine State near the Bangladesh border. Violence instigated by nationalist groups and condoned by the Myanmar government in 2012 displaced an estimated 140,000 people in Rakhine State, most of whom were Rohingya. These Rohingya are now confined in internally displaced persons (IDP) camps in the central parts of the state, concentrated around the state capital, Sittwe. While Rohingya in the camps are subjected to human rights abuses that include limits on movement and denial of humanitarian aid, rights abuses documented against nearly a million Rohingya living in villages in northern Rakhine State have even more severe impacts. These abuses include arbitrary arrest, extrajudicial killings, extortion, severe restrictions on movement, and physical and sexual assault.[4]

Underlying and exacerbating these acute abuses is the total exclusion of all Rohingya from political processes.

Underlying and exacerbating these acute abuses is the total exclusion of all Rohingya from political processes. Amidst a backdrop of rising anti-Muslim sentiment, dozens of Rohingya and other Muslim candidates have been deliberately excluded from Myanmar's November elections and hundreds of thousands of Rohingya have been stripped of voting rights, leaving them with little hope that the upcoming elections will change anything.

[1] Reuters, "Malaysia, Indonesia to let 'boat people' come ashore temporarily," 21 May 2015, http://uk.reuters.com/article/2015/05/20/uk-asia-migrants-indonesia-idUKKBN0O501920150520.

[2] Martin Smith, *Ethnic Groups in Burma: Development, Democracy and Human Rights* (1994), Anti-Slavery International, http://www.ibiblio.org/obl/docs3/Ethnic_Groups_in_Burma-ocr.pdf.

[3] The exact number of Rohingya in Rakhine State is unknown, but the most common figure cited is 800,000. One of the earliest reports that used the figure is: Irish Centre for Human Rights, *Crimes against Humanity in Western Burma: The Situation of the Rohingyas* (2010). Recently available results from the 2014 census in Myanmar suggest that the real number is higher. Most Rohingya refused to participate in the census because they were not allowed to self-identify as Rohingya, and in the initial census summary, demographers estimated that 1,090,000 people in Rakhine state were "not enumerated," suggesting that these could be Rohingya. Census data on ethnicity and religion, which could help to confirm the estimates, have not yet been released.

[4] Human Rights Watch, *"All You Can Do Is Pray": Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State* (April 2013), http://www.hrw.org/sites/default/files/reports/burma0413webwcover_0.pdf.

A displaced Rohingya family in Sittwe collects their WFP rations for the month. Stripped of their rights and without access to work, many Rohingya are dependent on international aid for survival.

Earlier this year APHR assessed the ongoing state-sponsored abuses and systematic discrimination against Rohingya and concluded that they indicate a high risk of genocide, war crimes, and crimes against humanity.[5] The situation in Rakhine State has only deteriorated since. Disenfranchisement, combined with economic depression, lack of access to livelihoods, and dire humanitarian conditions, will drive increasing numbers of Rohingya to flee the country.

Another crisis looms if ASEAN leaders and their international counterparts fail to act to prevent it.

This report examines in detail the factors driving Rohingya to flee Myanmar's Rakhine State, and explores steps that can be taken by the Myanmar government and other ASEAN governments to help mitigate those factors.

The refugee crisis in May marked a peak in numbers of Rohingya fleeing Myanmar and clearly demonstrated that the situation in Rakhine State is one with a significant regional impact. Based on APHR's findings, it is clear that another crisis looms if ASEAN leaders and their international counterparts fail to act to prevent it.

[5] APHR, *The Rohingya Crisis and the Risk of Atrocities in Myanmar: An ASEAN Challenge and Call to Action* (May 2015), http://aseanmp.org/wp-content/uploads/2015/08/The-Rohingya-Crisis-and-the-Risk-of-Atrocities-in-Myanmar-An-ASEAN-Challenge-and-Call-to-Action.pdf.

Key Findings

Rights abuses stifle the ability to survive

> ***"We are stuck here in a big prison."***
> *–Rohingya IDP from Sittwe*

The Myanmar government has limited Rohingya freedom of movement for the last several decades by establishing checkpoints along roads and major waterways and preventing Rohingya from traveling to Yangon and other parts of Myanmar. Since the violence in 2012, government restrictions on movement have intensified, particularly for those displaced, and have been accompanied by death threats from nationalist groups for Rohingya found outside of camps in Sittwe and surrounding areas. The limits on movement prevent access to schools, clinics, and places of work, stifling livelihoods.

The checkpoints are a constant reminder to Rohingya that the government does not want them in Myanmar.

Rohingya can pass through checkpoints by paying bribes, and a number have done so in order to escape to Yangon and elsewhere. Most, however, cannot afford to pay. These restrictions factor into decisions to take a sick family member to a clinic and cut into farmers' profits when they transport rice to market, weakening family economies and limiting access to essential health services.

For Rohingya living in villages in the northern Rakhine State townships of Maungdaw and Buthidaung, restrictions on movement are even more intense than for those living in camps elsewhere in the state. In many cases, checkpoints and regulations prevent Rohingya from traveling between villages in these areas. The checkpoints are a constant reminder to Rohingya that the government does not want them in Myanmar.

Arbitrary taxation further weakens household economies already damaged by restrictions on movement. Rohingya (but not other ethnic groups) in Rakhine State are required to pay fees to obtain marriage, birth, and death certificates. They also must pay authorities in order to gain permission to build or repair homes and mosques, cut and sell firewood, transport goods to market, and engage in numerous other basic activities.[6] Community leaders told APHR that the aggressive system of enforcing these taxes through checkpoints and raids on homes and businesses further alienates Rohingya.

> ***"Maungdaw is much worse than Sittwe. There are roadblocks at every village."***
> *–Rohingya IDP*

Reports from northern Rakhine State also suggest that arbitrary arrests have increased since 2011. The Arakan Project reported that increasing numbers of Rohingya are being detained for allegedly violating a number of laws and arbitrary regulations, including marrying without government permission, travel to Bangladesh, construction without a

[6] Irish Centre for Human Rights, *Crimes against Humanity in Western Burma: The Situation of the Rohingyas* (2010), http://burmaactionireland.org/images/uploads/ICHR_Rohingya_Report_2010.pdf.

permit, possessing a mobile phone, and receiving remittances from overseas.[7] Rohingya said that payments to avoid imprisonment ranged from 100,000 to 7 million kyat (80 to 5,450 USD), depending on the charges.[8] Arakan Project researchers documented arrests of 260 Rohingya in late 2014 alone, as well as the deaths of five Rohingya—two tortured to death while in custody, two beaten to death during household raids, and one shot.[9]

APHR learned of several additional arrests that occurred just before the organization's second field investigation. Key informants told APHR that on 5 August, 14 people, including four children and two elderly women, were sentenced to one and a half years in prison each for traveling to Bangladesh to receive medical treatment. In a similar case on 23 August, 25 people traveling from Rathedaung Township to Sittwe to attend school, receive medical treatment, and visit relatives in prison, were detained and held by the authorities.

> ***"We are all human beings. Despite being a Myanmar citizen, I cannot move beyond the checkpoints."***
>
> *–Kaman Muslim IDP from Kyaukpyu*

Land confiscation and forced relocation, which were widely documented under Burmese military dictatorships, are also continuing today. Rohingya told APHR in 2015 that the government has taken land, including property belonging to Rakhine Buddhists, to use for gas and oil fields, and is blaming Rohingya for the loss of Rakhine land.

The pattern of widespread land confiscation parallels government policy from before the transition to nominal civilian rule in 2011. Beginning in the 1990s, the Immigration and Manpower Department managed a program of moving Buddhist settlers from Rakhine State and other parts of the country into Rohingya villages, forcing Rohingya residents to move out and give their houses and rice fields to the newcomers. On some occasions Rohingya were forced to build new houses for the settlers. Dozens of these "model villages" were created in Rakhine state throughout the 2000s.[10]

Persecution of Rohingya by authorities is encouraged by official government policy. Regional orders dating to 2005, which are still in effect today, place restrictions on marriage and the number of children residents of Maungdaw and Buthidaung Townships are allowed to have. Union government orders dating to 1993 detail additional restrictions on marriage, specifically for Rohingya, and on freedom of movement. The orders also specify fines and imprisonment for non-compliance.[11] The continued implementation of these policies was justified as "necessary" by the Rakhine Inquiry Commission,[12] a government body tasked with investigating causes of the 2012 violence in Rakhine State.

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[7] Arakan Project, *Forced Labour Still Prevails* (30 May 2012), http://www.burmalibrary.org/docs13/AP-Forced_Labour_prevails.pdf; Arakan Project, *Arbitrary Arrests and Beatings in North Rakhine State from 25 September to 31 December 2014* (2015).
[8] Arakan Project, *Arbitrary Arrests and Beatings in North Rakhine State from 25 September to 31 December 2014* (2015).
[9] Arakan Project, *Arbitrary Arrests and Beatings in North Rakhine State from 25 September to 31 December 2014* (2015).
[10] Amnesty International, *The Rohingya Minority: Fundamental Rights Denied* (May 2004), https://www.amnesty.org/en/documents/ASA16/005/2004/en/.
[11] Fortify Rights, *Policies of Persecution: Ending Abusive State Policies Against Rohingya in Myanmar* (February 2014), p. 36-7, http://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf.
[12] Rakhine Inquiry Commission, *Final Report,* pg. 26, cited in: Fortify Rights, *Policies of Persecution: Ending Abusive State Policies Against Rohingya in Myanmar* (February 2014), p. 40, http://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf.

Exclusionary policies imply no positive future

> ***"There are no Rohingya in this country."***
> *–Myanmar President U Thein Sein in a September 2015 Facebook video message touting successes of his presidency*[13]

The government's responses to the 2012 violence, both on the ground and in public communications, suggest that it is instigating, rather than resolving, problems in Rakhine State. During the 2012 violence, some government forces were reported to have fired into crowds of Rohingya to disperse them so that Rakhine civilians could burn their homes.[14] Government forces were also reported to have destroyed mosques, hampered humanitarian aid, and conducted violent mass arrests.[15]

The government then used the violence as an excuse to further marginalize Rohingya. In July 2012, shortly after the initial large-scale violence, President Thein Sein said, "We will take care of our own ethnic nationalities, but Rohingyas who came to [Myanmar] illegally are not of our ethnic nationalities and we cannot accept them here [...] If there are countries that would accept them, they could be sent there."[16] Other statements from government officials also marginalized Rohingya by denying their existence and denying government involvement in abuses during the violence.[17]

The government's responses to the 2012 violence suggest that it is instigating, rather than resolving, problems in Rakhine State.

An official statement from the Myanmar National Human Rights Commission (MNHRC), following a formal investigation in July 2012, contained no mention of human rights abuses by government forces or otherwise and implied that humanitarian needs were being met.[18] In discussions with APHR in September 2015, MNHRC members, including Chairman Win Mra, described Rohingya as "outsiders," and praised the Commission's investigation of the violence.

Additional government officials conveyed similar points to APHR in meetings in 2015. Rakhine State Security and Border Affairs Minister Col. Htein Lin told APHR that the violence in 2012 was "a riot between communities" caused by religion. He further said that "there is no Rohingya, and the state government does not recognize the name 'Rohingya.'" These statements echo the nationalist narrative that Rohingya are not native to Rakhine State, but are illegal immigrants from Bangladesh.

[13] Associated Press, "Myanmar Leader Seeks to Capitalize on Anti-Muslim Sentiment," 17 September 2015, http://bigstory.ap.org/article/68de284a4c6c426794a47668f731efe3/myanmar-leader-seeks-capitalize-anti-muslim-sentiment.
[14] Physicians for Human Rights, *Patterns of Anti-Muslim Violence in Burma: A Call for Accountability and Prevention* (August 2013), p. 18, http://physiciansforhumanrights.org/library/reports/patterns-of-anti-muslim-violence-in-burma.html.
[15] Human Rights Watch, *"All You Can Do Is Pray": Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State* (April 2013), http://www.hrw.org/sites/default/files/reports/burma0413webwcover_0.pdf.
[16] Radio Free Asia, "Call to Put Rohingya in Refugee Camps," 12 July 2012, http://www.rfa.org/english/news/rohingya-07122012185242.html.
[17] For a complete analysis of the government response to violence in Rakhine State, see: Human Rights Watch, *"All You Can Do Is Pray": Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State* (April 2013), http://www.hrw.org/sites/default/files/reports/burma0413webwcover_0.pdf.
[18] New Light of Myanmar, "Statement No. (4/2012) of Myanmar National Human Rights Commission concerning incidents in Rakhine State in June 2012," 11 July 2012, http://www.burmalibrary.org/docs13/NLM2012-07-11.pdf.

Rakhine State officials also explained to APHR that measures taken against Rohingya, including restrictions on movement, were in place because Rohingya were not citizens. The officials told APHR that citizenship verification processes were ongoing, and that cooperation was needed to move the process forward.

> ***"During 2012 violence, I was badly attacked by the government and by Rakhine. I want justice. But where can I get justice?"***
> *—Rohingya IDP from Sittwe*

A Rohingya woman and her child stand outside a food distribution center in the Sittwe IDP camps. Rohingya IDPs are concerned about starvation as they struggle with little to no access to government services.

Statements like these from government officials reinforce existing perceptions among Rohingya that there is no hope for their future in Myanmar. Rohingya told APHR that they have little trust in the government, citing their lack of access to citizenship, ongoing rights abuses perpetrated by government forces, and the absence of the rule of law. In practice, they are also excluded from government service. There are few, if any, Rohingya working in local government in northern Rakhine State, even though Rohingya make up between 90 and 95 percent of the population there.[19]

Many Rohingya feel that the government was the cause of the violence in 2012, and that it did nothing to stop attacks then and is doing nothing to promote peace in Rakhine State now. This sentiment was echoed by several Rakhine community members with whom APHR spoke. Both Rohingya and Rakhine felt that the government was benefiting from the violence, and thus doing little to prevent or resolve it. Rohingya IDPs told APHR they believed that the government has no intention of helping them, suggesting that authorities are not interested in finding a solution and want Rohingya to flee.

[19] Thomson Reuters Foundation, "Facts and figures about Myanmar's Rohingya," 25 Jul 2015, http://www.trust.org/item/20140725075214-vrpmu/.

Rohingya Identity and Citizenship

Citizenship was stripped from Rohingya by a 1982 law that limited full citizenship eligibility to an arbitrarily defined 135 "national races" of Myanmar.[1] Rohingya were omitted from that list, effectively rendering them stateless. Rohingya were given temporary identification documents (so-called "white cards," which have since been revoked) conferring no rights, except, occasionally, to vote. Government propaganda against Rohingya reinforced their isolation and questioned their identity.[2]

> ***"We believe that the name [Rohingya] will come with free movement, business opportunities, and a good life."***
> *– Rohingya IDP*

Because the citizenship statute places such importance on indigenous ethnic status, many Rohingya are intent on proving that they are an indigenous race deserving of full citizenship rights. Nationalists argue against this. Government spokespeople and officials, including those APHR met with, avoid use of the word "Rohingya," and instead prefer "Bengali" (which implies Rohingya immigrated from Bangladesh), or simply "Muslim." Rohingya feel that the government's refusal to allow them to self-identify is one of the core problems in Rakhine State, and most refused to participate in a 2014 census that required them to identify as "Bengali."

This question of self-identification has also played out in citizenship verification processes initiated by the government. In a pilot project in IDP camps in Myebon Township, the government offered naturalized citizenship — a lower class of citizenship under the 1982 law, which confers fewer rights — to IDPs who could show documentation that their family has resided in Rakhine State for a set period of time. In order to participate in the verification process, IDPs were required to accept the label of "Bengali." The project was initially touted as a success since over 200 Rohingya were granted some form of citizenship.[3]

Complaints arose, however, as some groups pointed out that living conditions in the Myebon camps were much worse than elsewhere, and that their particularly dire circumstances made the IDPs there the most compliant population to target. Many Rohingya who fled their homes during the violence in 2012 lost proof of ancestors' residency in the state and thus were not eligible for any citizenship. Those who refused to participate in the verification process (because it meant identifying as "Bengali") had their food rations cut. Those who participated and received citizenship saw no improvement in rights.

This was the case for several IDPs who spoke with APHR in camps in Sittwe. They were members of a group of around 80 families that relocated from the Myebon camps. One married couple, who had received government-issued ID cards as a result of their participation in the Myebon pilot project, told APHR that they initially resisted taking part. The government's promise that they would be able to move freely if they accepted naturalized citizenship eventually convinced them to participate. Even when they completed the process, however, the government continued to restrict their movement and prevent them from leaving the camp in Myebon. The couple had to be smuggled out in order to reach camps in Sittwe, where conditions are marginally better.

According to international organizations with extensive knowledge of the situation in Rakhine State, any citizenship process that ignores the Rohingya identity and does not confer rights is doomed to fail.

[1] Pyithu Hluttaw Law No. 4 of 1982, *Burma Citizenship Law*, 15 October 1982. Unofficial English translation available at: http://www.refworld.org/docid/3ae6b4f71b.html.
[2] See, for example: New Light of Myanmar, "Rohinja is not Myanmar national race, nor is in Myanmar," 8 Feb 2009, http://www.burmalibrary.org/docs6/NLM2009-02-08.pdf.
[3] Reuters, "Myanmar to Give Citizenship to 209 Displaced Muslims, Including Rohingya," 22 September 2014, http://www.reuters.com/article/2014/09/22/us-myanmar-rohingya-idUSKCN0HH1BZ20140922

Appalling living conditions drive Rohingya to flee

> ***"If the situation stays the way it is, then more people will try to leave."***
> *–Rohingya IDP in Sittwe*

Rohingya told APHR that because of international pressure following the boat crisis in May 2015, they expected the government to try to stop people from leaving. But IDPs and Rohingya community members said that if conditions in camps and villages do not show signs of imminent improvement, people will continue to leave anyway.

This seems likely to happen: conditions APHR observed in IDP camps around Sittwe are dire, and according to aid workers APHR spoke with, conditions in camps and villages in other parts of the state are even worse.[20] APHR also found no indication that conditions will soon improve. This conclusion is rooted in government rhetoric about the situation, which suggests that officials either are ill informed about conditions in the camps or they have consciously decided not to take action to improve them.

> ***"I am sure that this year, many people will leave for Malaysia. The government will try to stop them, but they will go anyways."***
> *–Kaman Muslim IDP in Sittwe*

Rohingya IDPs are concerned about starvation. Community leaders in Say Tha Mar Gyi IDP Camp told APHR that only about half of the IDPs there are registered with the World Food Programme and eligible to receive food aid. In all of the camps APHR visited, the rations for August 2015 did not arrive until the end of the month, and families had to cope for several weeks of severe shortages. IDP families complained that rations were insufficient and that they had to find other food with which to supplement them. Because very few people have a source of income, families must sell some of their rice ration to pay for other types of food and necessary items like firewood for cooking. The family-level monetization of food aid further decreases the amount of nutrition available.

Rohingya IDPs stand outside makeshift shelters in Dapaing IDP camp, Sittwe. Many shelters are inadequate in the camps, one of a number of hardships faced by displaced Rohingya.

[20] APHR was not able to access Maungdaw Township, where the majority of Rohingya depart from Rakhine State, due to government restrictions. APHR learned of conditions in Maungdaw from conversations with Rohingya leaders and activists, in addition to aid providers working in those areas. The analysis here, however, focuses on IDP camps in Sittwe where APHR parliamentarians and researchers had direct access.

Proper shelter continues to be a problem as well. IDPs complained of leaking roofs, flimsy construction materials, and a lack of privacy in longhouses into which several families are crammed. APHR observed IDPs living in shelters in dire need of repair, as well as longhouses and huts in some areas crowded so densely that proper sanitation was impossible. IDPs, who expressed a strong desire to return to their original homes outside the camps, are entering their fourth year of living in these makeshift temporary shelters.

Rohingya in IDP camps also lack access to education. The Myanmar government and international NGOs operate schools in the camps, but most are grossly understaffed and serve only part of the population. Many IDP children live far from the nearest school and must pay for daily transportation if they wish to attend. Several parents of displaced children told APHR that they could not afford the 1,000 kyat per day (about 0.78 USD) to send their children to school because they had no source of income. Attending university is impossible. Rohingya are not permitted to travel to other parts of the country, and they are banned from attending Sittwe University, which is located just outside the cluster of camps where Rohingya IDPs are confined.

> ***"The government confiscated Rohingya land and built Sittwe University, but Rohingya are not allowed to attend."***
> *–Rohingya IDP, camp committee member*

Health services in camps are inadequate, and a major concern expressed by Rohingya IDPs APHR spoke with was access to healthcare. One man told APHR that in the three years he had been living in the camps, he had not seen a doctor. The Myanmar Red Cross and some international NGOs operate clinics in the camps, but Rohingya complained that some clinics are rarely open and others require significant travel, which costs money. Some people prefer instead to go to local "pharmacists" – people who sell medicines in the market. One such pharmacist told APHR that he sees at least 50 people per day, and that they trust him more than the staff at the clinics, even though he had a limited selection of medicines.

Parents' protective instincts are powerful forces that factor into decisions to flee the country.

A common theme in interviews with IDPs was that they were concerned for their children. IDPs told APHR that children were entirely dependent on the food aid, which was insufficient, and that this drove parents to seek work in Thailand or Malaysia so that they could feed their families. IDPs also assessed the temporary shelters in terms of how they affected children. For example, they explained to APHR that the poor ventilation and overcrowding was making children sick. One father told APHR that educating his son was his highest priority. The limited access to education may therefore push more Rohingya to flee to other countries so that their children might attend school. Parents' protective instincts are powerful forces that factor into decisions to flee the country. As living conditions worsen, increasing numbers of parents could decide to leave on boats out of a sense of responsibility and in hopes of finding better lives for their families.

Disenfranchisement compounds a sense of hopelessness

> ***"Rohingya, along with most other Muslims in Myanmar, are being deliberately targeted for exclusion."***
>
> *–Rohingya MP U Shwe Maung*

Recent developments, particularly in relation to the upcoming general election, have exacerbated existing feelings among Rohingya that their situation is hopeless. The Myanmar government's decisions to strip Rohingya of voting rights and to effectively deny the community any political representation have reinforced the prevailing belief that Rohingya are unwanted and have no positive future in the country.

During the 2010 general election, Rohingya were allowed to vote, a right which constituted one of the community's few remaining connections to political life.[21] In February 2015, however, this right was effectively revoked when President Thein Sein issued an executive order invalidating temporary identification documents (known as "white cards") held by most Rohingya.[22] This decision, which also deprived Rohingya of any form of official documentation, was reinforced by a ruling from the country's Constitutional Tribunal and subsequent legislation explicitly denying former white card holders suffrage.[23] Voter lists released in June confirmed the disenfranchisement of former white card holders, including Rakhine State's Rohingya population.[24]

Rohingya that spoke with APHR in August and September 2015 feel that nationalist groups want a "Muslim-free" parliament and that there is no hope for the ability of Rohingya to participate in elections or the national political process in any meaningful way. These concerns are not unfounded. In late August 2015, election authorities in Rakhine State blocked 25 parliamentary candidates from running for office, including 19 in northern Rakhine State, on grounds that their parents were not citizens.[25] The rejected group included sitting Rohingya MP U Shwe Maung, who represents Buthidaung Township in the Lower House of Myanmar's National Parliament and is also a member of APHR. Despite multiple appeals, in which he was denied the opportunity to present evidence in his defense, Shwe Maung remains barred from standing for election. More rejections followed in the subsequent weeks, with Muslims appearing to be the principal targets. In total, at least one third of the 124 candidates who were rejected by election authorities across the country were Muslim.[26] APHR also learned that many other Rohingya in Rakhine State did not bother to try to run for office because they felt the government would prevent them from doing so.

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[21] International Crisis Group, *Myanmar's Electoral Landscape* (28 April 2015), p. 14, http://www.crisisgroup.org/~/media/Files/asia/south-east-asia/burma-myanmar/266-myanmar-s-electoral-landscape.pdf.
[22] CNN, "Myanmar gives Rohingya voting rights, backtracks immediately," 12 February 2015, http://edition.cnn.com/2015/02/12/asia/myanmar-rohingya-voting-rights/.
[23] Irrawaddy, "Court Deems White Card Holders' Vote Unconstitutional, Sends Law Back to Parliament," 17 February 2015, http://www.irrawaddy.org/election/news/court-deems-white-card-holders-vote-unconstitutional-sends-law-back-to-parliament; Irrawaddy, "Lower House Passes Laws Nixing 'White Card' Suffrage," 25 May 2015, http://www.irrawaddy.org/election/news/lower-house-passes-election-laws-nixing-white-card-suffrage.
[24] Myanmar Times, "Former white-card holders cut from Rakhine voter lists," 24 June 2015, http://www.mmtimes.com/index.php/national-news/15191-former-white-card-holders-cut-from-rakhine-voter-lists.html.
[25] Radio Free Asia, "Myanmar Election Body Rejects Muslims Candidates," 1 September 2015, http://www.rfa.org/english/news/myanmar/election-body-rejects-muslim-parliamentary-candidates-09012015161036.html; Myanmar Times, "Election commission rejects Muslim candidates en masse," 1 September 2015, http://www.mmtimes.com/index.php/national-news/16240-election-commission-rejects-muslim-candidates-en-masse.html.
[26] Myanmar Times, "More than 100 scrubbed from final candidate list," 14 September 2015, http://www.mmtimes.com/index.php/national-news/16457-more-than-100-scrubbed-from-final-candidate-list.html.

Rakhine Voices

Rakhine people, like all ethnic minority groups in Myanmar, have suffered decades of oppression and discrimination at the hands of the Myanmar government. Rakhine State is the second-poorest state in the country — the result, in part, of decades of government neglect.[1] It is therefore a cruel irony to many Rakhine that they are seen as a dominant ethnic group, oppressor, and cause of violence in their state.

Rakhine people told APHR that they blame the government for violence between communities. They said the government could have easily stopped riots in 2012, but authorities stood by and let them happen. They also felt that the government was not effective in terms of arrangements for IDPs, security, or humanitarian assistance.

> ***"Rakhine people don't have any political power."***
> *–Rakhine community member*

Rakhine people were particularly angry about the 2010 election, in which the government permitted Rohingya to vote, knowing that they would vote against Rakhine political parties. In addition to curtailing Rakhine-held seats in Parliament, this move stoked animosity against Rohingya.

Rakhine people told APHR in 2015 that they are concerned about citizenship and voting rights for Rohingya and fairness in development interventions and aid distribution. They opposed Rohingya being considered a national race, as well as the use of the term "Rohingya." They also expressed the belief that radical ideas were being taught in schools in IDP camps and that Rohingya are leaving the camps to steal from Rakhine people. While some Rakhine believed that reintegration might be possible, none that APHR spoke with believed the communities were yet ready to live together again.

Many Rakhine who spoke with APHR said they were not aware of the government abuses against Rohingya, especially restrictions on freedom of movement. This may contribute to their perceptions that Rohingya are receiving preferential treatment from international NGOs. One Rakhine community leader told APHR, for example, that while shelters may be worse in the Rohingya IDP camps, "overall conditions" were better than in Rakhine camps because they were getting more NGO support.

International NGOs and UN officials with whom APHR spoke told a different story. They emphasized that they were following the humanitarian principles of impartiality, and were not giving Rohingya preferential treatment. They also said Rohingya were receiving greater attention because their needs were greater — in both villages and camps.

> ***"If we put communities together now, they will be afraid of each other."***
> *–Rakhine community member*

A few Rakhine expressed moderate views when discussing the future. They cited villages where Rakhine and Rohingya still live together in peace and told APHR that Muslims deserve rights. Most Rakhine APHR spoke with, however, feel that the 1982 Citizenship Law should remain in place, and that Rohingya could try to become naturalized citizens in accordance with that law.

[1] UNOCHA, *Rakhine Response Plan July 2012 – December 2013*, http://www.unicef.org/eapro/2013_Aug_12_Snapshot_Rakhine_OCHA.pdf.

The country's main opposition party, the National League for Democracy (NLD), also excluded Muslims from its list of more than 1,000 candidates who will contest the election.[27] Although after bad publicity and international pressure, the Union Election Commission (UEC) reinstated 11 of the rejected Muslim candidates,[28] the UEC's apparent effort to keep Muslims out of elected office, in conjunction with similar actions by political parties like the NLD, serve to further isolate the community and dash any remaining hopes of finding a way to live in Myanmar.

This explicit political exclusion has come in the context of intensifying anti-Muslim sentiment nationwide, driven by a growing trend of extreme Buddhist nationalism. Rohingya have been targeted by Buddhist extremists groups like the Association for the Protection of Race and Religion (Ma Ba Tha), which have increasingly influenced mainstream political discourse. The Myanmar government has failed to counter such hate speech and incitement to violence, and in some cases has facilitated it, leading to a dangerous situation that threatens increased extremism and violence nationwide.

Without any meaningful path for political recourse or representation, Rohingya increasingly feel they have no other option but to flee.

These powerful forces of political exclusion compound the effects of longstanding rights abuses, systematic discrimination, and appalling conditions faced by Rohingya. Without any meaningful path for political recourse or representation, Rohingya increasingly feel they have no other option but to flee.

The cycle of persecution and flight has continued for decades

The cycle of government oppression and Rohingya flight is not new. It has been a regular feature of Myanmar's political landscape for the last six decades. Regional governments and international agencies have consistently failed to act to stop the abuses that are driving Rohingya to flee, and for the last four decades they have been burdened by outflows of asylum seekers from Myanmar.

Successive military regimes in Myanmar labeled Rohingya as foreigners, separatists, and insurgents, and used them as political pawns to control Rakhine Buddhists and other groups. Thus, Rohingya were particularly frequent targets of military campaigns, citizenship revocation, and subsequent rights violations. These abuses, combined with divide-and-rule policies employed by the Myanmar government in Rakhine State, widened the rift in Rakhine-Rohingya relations and kept Rohingya in a precarious position both politically and economically.

An early example of one of these campaigns is from 1977, when the Burmese army implemented an operation against Rohingya in Rakhine State that included assault, rape, extrajudicial killing, and the destruction of mosques.[29] By the end of the operation, the

[27] Irrawaddy, "NLD Blocked Muslim Candidates to Appease Ma Ba Tha: Party Member," 31 August 2015, http://www.irrawaddy.org/election/news/nld-blocked-muslim-candidates-to-appease-ma-ba-tha-party-member.
[28] Myanmar Times, "Under pressure on all sides UEC reinstates 11 Muslim candidates," 25 September 2015, http://www.mmtimes.com/index.php/national-news/16693-under-pressure-on-all-sides-uec-reinstates-11-muslim-candidates.html.
[29] Martin Smith, "The Muslim Rohingyas of Burma," delivered at Conference of Burma Centrum Nederland, 11 Dec 1995, http://www.netipr.org/policy/downloads/19951211-Rohingyas-of-Burma-by-Martin-Smith.pdf.

army had displaced or forcibly transferred about 200,000 Rohingya to Bangladesh.[30] In 1991, an increased presence of security forces again resulted in widespread rights abuses and the displacement of around 270,000 Rohingya.[31]

In 1996, still more Rohingya fled to Bangladesh. Newly arrived refugees there told Human Rights Watch at the time that forced labor, lack of freedom of movement, and forcible disappearance of family members were the reasons why they left Myanmar.[32] They reported that the Myanmar government's Border Administration Force was the main perpetrator. The International Federation for Human Rights (FIDH) estimates that between 1996 and 2000, 100,000 Rohingya left Rakhine State for Bangladesh because of "a deliberate policy of ethnic cleansing."[33]

In recent years, Rohingya have increasingly taken to fleeing Rakhine State by sea, in hopes of seeking refuge in Malaysia, Indonesia, and other ASEAN states. In 2009, the Thai Navy found several fishing boats filled with starving Rohingya off the coast of Thailand. These individuals were towed back out to sea and later arrived on the Indian-held Andaman Islands.[34] The Arakan Project estimated that a total of 6,000 Rohingya fled Rakhine State on boats in 2008.[35]

Boats docked near Aung Daw Gyi IDP camp in Sittwe. In recent years, Rohingya have increasingly taken to fleeing Rakhine State by sea, often falling into the hands of human traffickers.

[30] For a timeline of persecution of Muslims in Myanmar, see: Physicians for Human Rights, *Patterns of Anti-Muslim Violence in Burma: A Call for Accountability and Prevention* (August 2013), http://physiciansforhumanrights.org/library/reports/patterns-of-anti-muslim-violence-in-burma.html.
[31] Irish Center for Human Rights, *Crimes against Humanity in Western Burma: The Situation of the Rohingyas* (2010) http://burmaactionireland.org/images/uploads/ICHR_Rohingya_Report_2010.pdf.
[32] Human Rights Watch, *The Rohingya Muslims: Ending a Cycle of Exodus?* (September 1996), http://www.hrw.org/reports/pdfs/b/burma/burma969.pdf.
[33] FIDH, *Burma: repression, discrimination and ethnic cleansing in Arakan* (April 2000), https://www.fidh.org/IMG/pdf/arakbirm.pdf.
[34] Human Rights Watch, *Perilous Plight: Burma's Rohingya Take to the Seas* (25 May 2009), https://www.hrw.org/report/2009/05/26/perilous-plight/burmas-rohingya-take-seas.
[35] Chris Lewa, "Asia's New Boat People," Forced Migration Review (April 2008), http://www.fmreview.org/FMRpdfs/FMR30/40-41.pdf.

The numbers have grown dramatically since then. The UN Refugee Agency (UNHCR) estimates that around 94,000 people left on boats from Rakhine State and Bangladesh between January 2014 and June 2015,[36] and aid workers told APHR they estimate that about half of those were Rohingya.

Fleeing Rohingya risk their lives

> ***"The Myanmar government is squeezing Rohingya to get us to flee by boat."***
> *–Rohingya community leader*

The discovery of mass graves of mostly Rohingya trafficking victims along the Thai-Malaysian border in early May 2015, which precipitated the refugee crisis that engulfed the region, thrust the ongoing exodus of Rohingya from Rakhine State into the international spotlight.[37] The events also brought into sharp relief the problem of regional human trafficking and the perils faced by Rohingya who attempt to flee Rakhine State by sea.

APHR spoke with several victims, who ultimately returned to IDP camps in Sittwe. APHR parliamentarians have also spoken with trafficking victims in other ASEAN countries, including Malaysia. These individuals suffered enslavement, starvation, and abuse, and women, who face a unique set of threats while being trafficked, reported being brutally raped. Having already fled intolerable conditions in Rakhine State, Rohingya are thus subjected to additional pain and misery at the hands of regional traffickers.

Rohingya IDPs who spoke with APHR in Rakhine State believe that the Myanmar government is supporting the efforts of traffickers in order to force Rohingya out of the country. One IDP told APHR that he believed the Myanmar Navy was protecting trafficking ships, which often remain stationed off the coast of Rakhine State for several months while they fill with people. Rohingya community leaders in Sittwe said that they had given names of traffickers to police, but that police refused to respond. They also told APHR that police have even arrested individuals who informed on traffickers. These findings echo those from a 2014 brief by Fortify Rights, which described state security forces taking payments from Rohingya for access to trafficking boats, as well as bribes from traffickers to police, army, and navy personnel for permission to put their ships to sea.[38]

> ***"They encourage human traffickers—police, everybody."***
> *–Rohingya IDP from Sittwe*

Rohingya know the risks of death and slavery associated with fleeing by boat, but increasing numbers see no other choice and are willing to take those risks. Rohingya are also aware of difficulties facing them if they survive to reach third countries and are not enslaved. One man told APHR that three of his adult children reached Thailand, evaded traffickers, and crossed into the jungles in Malaysia. Despite being free, however, they are

[36] UNHCR, *Southeast Asia Mixed Maritime Movements April-June 2015*, http://www.unhcr.org/53f1c5fc9.pdf.
[37] Human Rights Watch, "Thailand: Mass Graves of Rohingya Found in Trafficking Camp," 1 May 2015, https://www.hrw.org/news/2015/05/01/thailand-mass-graves-rohingya-found-trafficking-camp.
[38] Fortify Rights, "Myanmar: Authorities Complicit in Rohingya Trafficking, Smuggling," 7 November 2014, http://www.fortifyrights.org/publication-20141107.html.

The Horrors of Trafficking

APHR spoke with several Rohingya in camps in Sittwe, who had spent time on trafficking ships. One 27-year-old woman's husband left in 2012 to try to earn money to support the family. Earlier in 2015, she and her four young children attempted to join him in Malaysia. Because she had very little money, she contacted traffickers, who arranged for a small fishing boat to take her and her children from the IDP camp in Sittwe to a larger transport ship lying offshore, slowly filling with people. Hundreds of people, mostly from Maungdaw Township in northern Rakhine State and from Bangladesh, were crammed on board. Food supplies on the ship were low, and her children cried often from hunger. She said this annoyed the traffickers, who burned the children with cigarettes and beat them to try to keep them quiet.

After 40 days of deprivation and abuse, community members from her IDP camp collected money to pay the traffickers in order to secure her release. Despite the harrowing ordeal, she told APHR that if possible, she will try again to go to Malaysia. "There will be no peace in the future here," she said. "I must think about my children's future."

APHR also spoke with a married couple in their 20s, who attempted to flee to Malaysia in April 2015. The wife was five months pregnant at the time. The husband told APHR that his parents urged him not to go because of the risks involved. "I knew that the trip to Malaysia [would be] dangerous," he told APHR, "but life in the camps is so bad." Before being displaced by the violence in 2012, the husband was a mason's assistant in downtown Sittwe. Now he has no job in the camp and is sharing a single room with his large extended family. While some friends he knew had reached Malaysia and gotten jobs, others had died on the journey. Despite the risks, the couple decided to go.

Traffickers charged 50,000 kyat (about 42 USD) per person to get to the transport ships lying offshore, with an understanding that the couple would pay more once they got to Malaysia. The couple spent more than a month on the transport ship, where conditions were bad, food was very limited, and the crew regularly beat Rohingya. The husband recounted being beaten several times by the traffickers and taking measures to protect his pregnant wife from the same fate. As a result of the crackdown on trafficking networks in Thailand, the boat never left for its destination, and eventually, the traffickers sent the couple back to the IDP camp, where they remain with little hope for a better future.

now undocumented, unemployed, and living in refugee camps in need of government or UNHCR aid. Several other Rohingya reported relatives reaching Malaysia but not finding work.

Despite this, Rohingya still want to leave. IDPs told APHR that if they could survive the voyage to Thailand, Malaysia, or Indonesia, they felt their lives would be improved. Nevertheless, they also said that they would prefer to stay in Myanmar if they had more support to make their lives better. Humanitarian and development aid in Rakhine State, security, freedom of movement, and inclusion in political processes for Rohingya would therefore likely prevent another refugee crisis.

ASEAN's response has been insufficient to stop the cycle

> ***"If we have more support, we can stop people from fleeing by boat by making lives better here."***
>
> *—Rohingya IDP in Sittwe*

ASEAN's responses to the crisis that erupted in May 2015 have demonstrated a lack of preparedness to deal with the looming threat of another mass exodus from Rakhine State. Following intense international pressure, Indonesia and Malaysia conceded to temporarily accept 7,000 of the stranded boat people.[39] Regional governments also convened several high-level international meetings, including the 29 May Special Meeting in Bangkok on Irregular Migration in the Indian Ocean, which focused primarily on coordinating rescue and anti-trafficking efforts.[40] Despite these moves, however, regional governments have so far failed to undertake meaningful initiatives in law, policy, or practice to adequately prevent or prepare for the next large-scale exodus of asylum seekers.

Principally, ASEAN leaders have failed to agree on how to address the drivers of the crisis, which are rooted in Rakhine State. The Myanmar government's explicit refusal to discuss conditions for Rohingya at regional meetings, along with ASEAN's misguided commitment to its non-interference principle in this case, has prevented the regional grouping from developing sustainable solutions.[41]

At a special meeting in Kuala Lumpur, Malaysia on 2 July, aimed at addressing transnational crime related to irregular migration, ASEAN ministers vowed to share intelligence on trafficking rings, adopt an ASEAN convention against trafficking, and ensure that all member states are "well-equipped to prosecute perpetrators of the heinous crimes."[42] However, they avoided discussion of rights abuses perpetrated by the Myanmar government, which drive individuals into trafficking networks. While efforts to combat trafficking are an important component of an overall ASEAN response, as long as there is a supply of desperate asylum seekers, criminals will find ways to traffic them.

ASEAN also lacks a regional framework for dealing with refugees. The decisions by Indonesia and Malaysia to temporarily take in a limited number of boat people were a stopgap measure and did not address fundamental flaws in states' approaches to dealing with asylum seekers. A binding ASEAN convention on refugees, if effectively formulated and implemented, could go a long way toward improving regional responses to irregular migration.

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[39] Reuters, "Malaysia, Indonesia to let 'boat people' come ashore temporarily," 21 May 2015, http://uk.reuters.com/article/2015/05/20/uk-asia-migrants-indonesia-idUKKBN0O501920150520.

[40] Ministry of Foreign Affairs of the Kingdom of Thailand, "Summary: Special Meeting on Irregular Migration in the Indian Ocean," 29 May 2015, http://www.mfa.go.th/main/en/media-center/14/56880-Summary-Special-Meeting-on-Irregular-Migration-in.html; Al Jazeera, "UN and Myanmar spar over Rohingya at migrant talks," 29 May 2015, http://www.aljazeera.com/news/2015/05/thailand-hosts-talks-regional-migrant-crisis-150529032927779.html.

[41] Al Jazeera, "UN and Myanmar spar over Rohingya at migrant talks," 29 May 2015, http://www.aljazeera.com/news/2015/05/thailand-hosts-talks-regional-migrant-crisis-150529032927779.html.

[42] ASEAN, "Chairman's Statement: Emergency ASEAN Ministerial Meeting on Transnational Crime Concerning Irregular Movement of Persons in Southeast Asia," 2 July 2015, http://www.asean.org/news/asean-secretariat-news/item/asean-ministers-meet-on-irregular-movement-of-persons.

Conclusion

Rohingya IDPs told APHR they wanted three things: citizenship, the right to return to their homes, and freedom of movement. Sadly, none of these things seem possible for Rohingya in Myanmar in the near future, and the systematic discrimination they face shows no signs of abating. Rohingya are not able to survive on their own because government oppression has severely restricted their livelihoods, and they are not able to do anything to change their situation because they are completely excluded from political processes. As long as these conditions exist for Rohingya in Myanmar, large numbers will continue to flee the country.

The next wave of refugees is coming. Over 100,000 Rohingya have fled Rakhine State since 2012,[43] but nearly a million more are still undergoing heavy persecution in IDP camps in eastern Rakhine State and in villages in northern Rakhine State. When the remaining Rohingya begin to leave, they will be ripe for trafficking to Thailand, Malaysia, and Indonesia.

In a 2000 report documenting human rights abuses against Rohingya and consequent flows of refugees, FIDH concluded, "Once again, in a thundering silence dictated by economic and political interests of all kinds, a people is left abandoned to its fate by the international community."[44] This statement remains painfully relevant 15 years later.

ASEAN must look past stopgap solutions that address only the effects of widespread persecution in Myanmar and begin to address the persecution itself. First and foremost, this means pressuring the Myanmar government to end rights abuses, including freedom of movement restrictions, that stifle Rohingya lives and livelihoods. It also means calling on the Myanmar government to abandon policies of political exclusion and responsibly prosecute those who promote hatred and incite violence against Rohingya communities.

ASEAN must look past stopgap solutions that address only the effects of widespread persecution of people in Myanmar and begin to address the persecution itself.

At the same time, ASEAN member states must also prepare themselves for more refugees. People who flee their country in order to escape the kind of persecution Rohingya face are refugees according to the 1951 Refugee Convention, and the international community, including ASEAN governments, should treat them as such. Regional governments must act urgently to put measures in place to ensure safe and legal means for seeking asylum.

[43] U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *Burma 2014 Human Rights Report*, http://www.state.gov/documents/organization/236640.pdf.
[44] FIDH, *Burma: repression, discrimination and ethnic cleansing in Arakan* (April 2000), https://www.fidh.org/IMG/pdf/arakbirm.pdf.

Recommendations

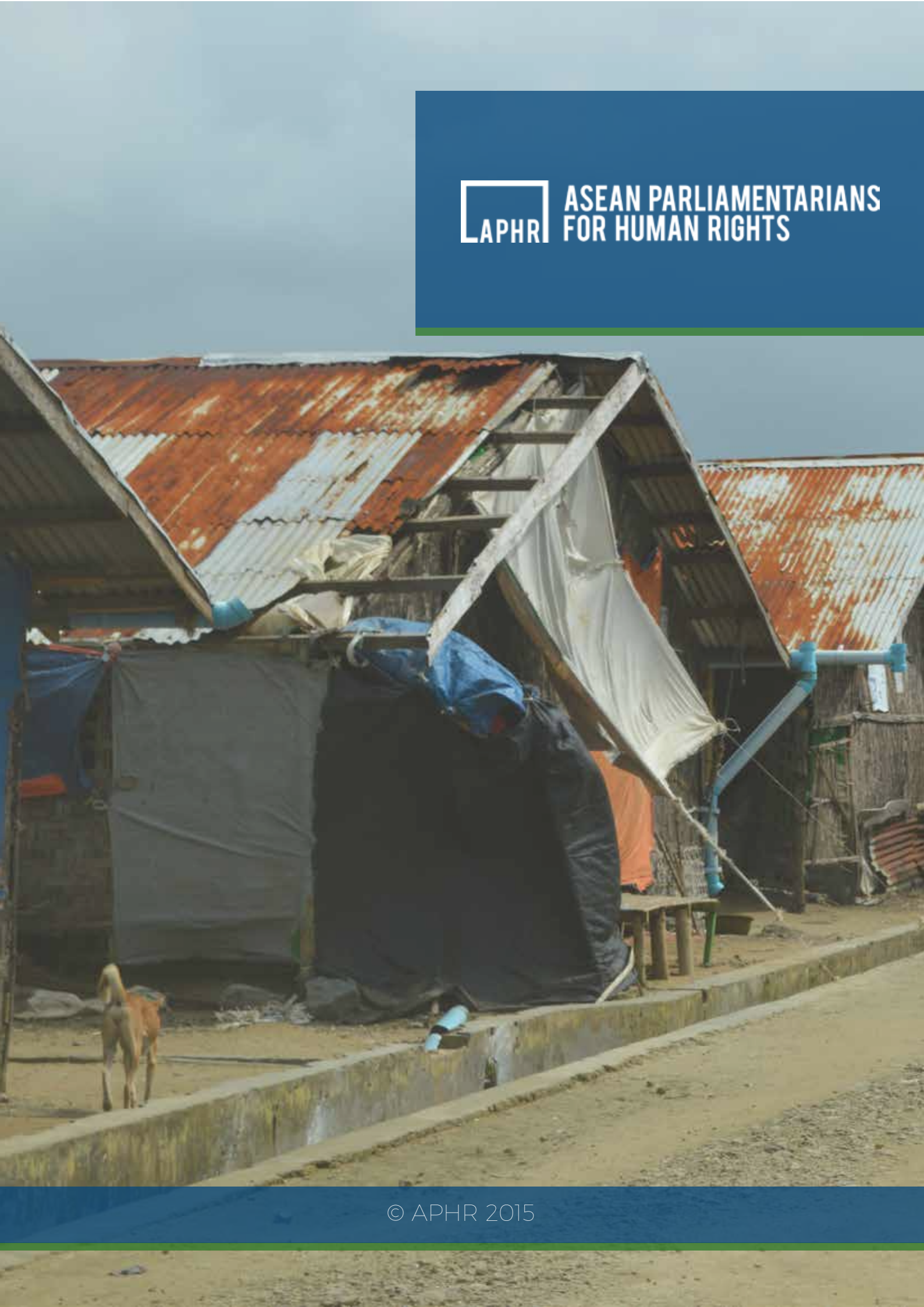
To the Myanmar government:

- Ease freedom of movement restrictions, and embrace a policy that promotes security for Rohingya through protection rather than punishment;
- Provide a safe space for Rohingya and their chosen leaders to participate in the political process;
- Immediately order security forces to end the practices of forced labor, sexual assault, extortion, and other human rights abuses against Rohingya in Rakhine State;
- Establish a process for registration and citizenship, in conjunction with Rakhine and Rohingya community leaders, that is transparent and communicated clearly to all stakeholders;
- In line with international human rights laws safeguarding freedom of expression, prosecute all individuals engaged in hate speech against religious or ethnic groups;
- Allow unfettered access to IDP camps and villages for humanitarian actors;
- Issue government travel authorizations to all parts of Rakhine State in a timely manner for aid workers, journalists, human rights investigators, and UN agencies;
- Allow the UN Office of the High Commissioner for Human Rights (OHCHR) to maintain a permanent presence in Sittwe and Maungdaw, Rakhine State; and
- Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Rohingya women and girls gather in the Sittwe IDP camps. Female IDPs face a unique set of hardships, and in many cases must work to support their children single-handedly.

To ASEAN and member state governments:

- Apply diplomatic pressure to encourage the Myanmar government to adopt the above-listed recommendations;
- Raise the issue of state-sponsored persecution of Rohingya at ASEAN Summits and other regional forums, recognizing that the regional implications of the situation in Rakhine State render it more than an internal affair of Myanmar;
- Form an independent ASEAN commission to investigate the drivers behind regional human trafficking, including the persecution of Rohingya in Rakhine State;
- Facilitate dialogue between local communities and the Myanmar government aimed at alleviating inter-communal tensions and promoting coexistence in Rakhine State;
- Encourage confidence-building initiatives, including education and microcredit programs facilitated by international NGOs and local civil society, to promote long-term economic development that benefits all communities;
- For those countries that have not yet done so, ratify the 1951 Refugee Convention, its 1967 Protocol, and the UN Convention relating to the Status of Stateless Persons;
- Ensure that people seeking asylum are able to access fair refugee status determination procedures and humanitarian assistance with the support of UNHCR, and are provided with effective temporary protection wherever needed;
- Ensure that no refugees or migrants are arbitrarily detained and seek alternatives to their detention;
- Respect the principle of non-refoulement, by ensuring that people are not transferred to any place, including their country of origin, where they would be at risk of serious human rights violations or abuses; and
- Investigate all allegations of human trafficking and undertake coordinated legal action against those responsible as well as ensure that victims have access to an effective remedy.



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