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Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 June 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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MYANMAR: ENDING DISCRIMINATION AND VIOLENCE AGAINST THE ROHINGYA

The election of a new government in Myanmar has created high expectations that the human rights situation in the country will significantly improve. Yet the new administration will need to address a range of complex human rights issues, while it is still politically constrained by the country's 2008 Constitution.

One major challenge is to improve the situation of the country's Rohingya population. Discrimination against this community stretches back decades under successive governments, and has been consistently documented by the Special Rapporteur on the situation of human rights in Myanmar.¹ At present, the new administration's plans to improve their situation remain unclear.

While there are no quick solutions to the problems the Rohingya face, there are immediate and concrete actions the government can take to end entrenched discrimination against them and alleviate their suffering. UN Member States have an important role to play in this regard, and must place the human rights and dignity of the Rohingya at the centre of their engagement with the new government.

The information presented below draws on Amnesty International's recent first-hand research in Rakhine State. This information may aid the Council in its follow-up discussions on Resolution A/HRC/29/21. The Council should also pay attention to Myanmar's other ethnic and religious minorities, who are routinely subjected to discrimination and other human rights abuses.

RESTRICTIONS ON THE ROHINGYA POPULATION

The situation of the Rohingya has deteriorated significantly in recent years, especially following the waves of violence which spread across Rakhine State during 2012. Four years later, tens of thousands of people, mainly Rohingya, remain displaced in squalid IDP camps. The vast majority lack adequate access to humanitarian assistance. Restrictions on their movement mean they are confined to the camps and effectively segregated from other communities. The long-term future of this community, and whether they will be able to return to their homes in safety and dignity, remain unclear.

The situation of over a million other Rohingya living outside IDP camps is also disturbing. In northern Rakhine State – specifically in Maungdaw and Buthidaung Townships – local authorities invoke local orders and regulations which place severe restrictions on the Rohingya in every aspect of their lives.

At the heart of these restrictions is the Rohingyas' inability to move freely. They must go through cumbersome and overly bureaucratic processes to obtain official permission to travel between villages and townships in northern Rakhine State. Amnesty International has learned that the authorities do not permit Rohingyas to travel elsewhere in Rakhine State unless there is a serious medical emergency. Their travel is also hampered by fees, first to obtain the permit and then to pass through checkpoints between towns and villages.

Restrictions on the Rohingyas' movements limit their access to livelihoods, healthcare, food security and education. Since 2012, Rohingya students have not been permitted to travel to attend university in Sittwe, the state capital. Without comprehensive access to education, it is hard to build a better life for themselves and their families.

Rohingya couples in northern Rakhine State must apply for specific permission from the local administration before they can marry. Often they are required to sign a document agreeing to limit the number of children they would have to no more than two, although it is unclear to what extent this policy is enforced in practice.

Despite the lifting of the state of emergency in Maungdaw and Buthidaung townships in March 2016, a curfew that includes a ban on more than four people from gathering in a public place remains in effect. This effectively prevents many Rohingya from practising their religion and receiving religious education in madrasas. Local orders in northern

¹ Most recently in *Report of the Special Rapporteur on the situation of human rights in Myanmar*, UN Doc: A/HRC/31/71, 18 March 2016, paras. 35-44.

Rakhine State also place restrictions on repairs to mosques, many of which have remained closed since they were damaged in the 2012 violence.

Restrictions on the Rohingya in northern Rakhine State are enforced by the security forces, especially the Border Guard Police, the army, and the township administration. Amnesty International's research indicates that use of local orders by the authorities facilitates a system marked by extortion of bribes from the Rohingya population. Reports also continue of arbitrary arrest and violence, torture and other ill-treatment at the hands of the security forces, with almost total impunity.

In other townships in Rakhine state, Amnesty International's research paints a similarly bleak picture of a community facing debilitating restrictions on their freedom of movement and other rights. Some Rohingya told Amnesty International that they have not dared leave their villages for almost four years, either because they were threatened with arrest by local authorities, or else feared reprisals from the local ethnic Rakhine community. One of the worst consequences of this confinement is an almost complete lack of access to adequate healthcare, exacerbated by the fact that international aid groups are largely absent in these areas.

The discrimination the Rohingya face across Rakhine state raises serious concerns about efforts to return or resettle displaced persons, as once out of the IDP camps they are likely to face similar human rights violations.

ROHINGYA CITIZENSHIP AND EXCLUSION

Many of the abuses the Rohingya face stem from their lack of citizenship. The 1982 Citizenship Act limits access to full citizenship to certain groups on the basis of their ethnicity. Under the Act's discriminatory provisions, the vast majority of Rohingyas are ineligible for full citizenship. Other categories of citizenship established by the Act do not guarantee full rights and can be revoked arbitrarily.

In the past two years, the authorities have also put in place measures which further embedded the Rohingya's exclusion. In March 2014, during final preparations for the first census since 1983, the government backtracked on a promise to allow them to call themselves Rohingya. The government also barred them from voting in the November 2015 general election despite the fact that they were able to vote in previous elections.

WIDER CONTEXT AND IMPLICATIONS

The continuing exclusion of the Rohingya, coupled with pervasive discrimination and restrictions, have pushed growing numbers to flee Myanmar. The UN Refugee Agency estimates that 33,600 people, many of whom are believed to be Rohingya, fled the Bay of Bengal in 2015 alone. The abuses the Rohingya are subjected do not end at Myanmar's shores.

It is important for the Council to acknowledge that the situation of the Rohingya takes place in a broader context of growing religious intolerance in Myanmar, where advocacy of hatred and incitement to discrimination, hostility, and violence by ultra-nationalist groups remain largely unaddressed by the authorities. People who speak out against hard-line religious and nationalist views may face retaliation from state and non-state actors, in the form of threats, harassment, and arrest.

While the situation in Myanmar remains fragile and the new administration faces serious human rights challenges as it embarks on reform efforts, it is important to stress that for these reforms to be complete, the government must make human rights a reality for all people in the country, including the Rohingya.

Amnesty International recommends that Members and Observer States of the Human Rights Council call on the Government of Myanmar to:

- Revoke all local orders and policies which place arbitrary and discriminatory restrictions on Rohingya, in particular on their freedom of movement;

- Amend the 1982 Citizenship Act to ensure that citizenship is granted free of any discrimination such as on the basis of race, colour, ethnic origin, sex, language or religion, and ensure that this principle is implemented in practice;
 - Allow Muslim Rohingya and other Muslims the freedom to manifest their religion through worship, observance, practice and teaching, both publicly and privately;
 - Guarantee the safe, voluntary and dignified return of displaced communities to their homes or to permanent resettlement in adequate alternative housing elsewhere in the country;
 - Ensure free and unimpeded access to Rakhine State by humanitarian actors, international human rights organizations, journalists and other international observers;
 - Undertake independent investigations into all human rights violations and abuses, including incidents of anti-Muslim violence, and ensure that suspected perpetrators – including those with command responsibility – are brought to justice in fair proceedings, without recourse to the death penalty;
 - Condemn unequivocally all incitement to racial or religious hatred and take concrete steps to end it;
 - Ratify and effectively implement international human rights treaties, in particular the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;
 - Co-operate fully with the Special Rapporteur on the situation of human rights in Myanmar, and ensure that she is provided with full and unfettered access to all parts of the country, including Rakhine State, in order to discharge her mandate; and
 - Facilitate the establishment of a country office of the OHCHR able to operate throughout Myanmar with a full promotion and protection mandate.
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