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Country Policy and Information Note

Burma: Rohingya (including Rohingya in Bangladesh)

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the basis of claim section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general:**

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), Researching Country Origin Information – Training Manual, 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a terms of reference which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

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

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the gov.uk website.

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Assessment

Updated: 6 February 2019

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution and/or serious harm by state actors because the person is Rohingya.

1.2 Points to note

1.2.1 This note predominantly deals with the situation of Rohingya in Rakhine state, Burma. It also provides limited country information on the situation of Rohingya outside Rakhine state and in other countries, namely Rohingyas in Bangladesh and Rohingya in Indonesia, Malaysia and Thailand.

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

1.2.3 The government of Burma unilaterally changed the name of the country to Myanmar in 1989, following the violent suppression of a popular democratic uprising in 1988. Since the UK Government did not recognise the legitimacy of the Burmese military regime it did not acknowledge the military-led name change of the country from Burma to Myanmar, or of the main city of Rangoon to Yangon. The UK Government have always held that it should be for a democratically elected government to make a final decision on the name of the country. Internationally, both names are recognised.

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the Asylum Instruction on Language Analysis).

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2.2 Exclusion

2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

2.2.2 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instruction on Exclusion: Article 1F of the Refugee Convention and the Asylum Instruction on Restricted Leave.

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2.3 Convention reason

2.3.1 A person's actual or imputed ethnicity and/or religion.

2.3.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their actual or imputed convention reason.

2.3.3 For further guidance on Convention reasons see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.4 Risk

a. General points

2.4.1 The Rohingya, estimated to number between 1 and 2 million, are a self-identified Muslim minority living predominantly in Burma's northern Rakhine state. The majority are Sunni Muslim. The Rohingya are regarded as illegal immigrants from Bangladesh and the Burmese authorities refer to them as 'Bengali', implying they are non-indigenous or 'illegal immigrants' (see Background).

2.4.2 The Rohingya are not recognised as Burmese citizens unless they can prove residence in the country prior to 1948. Many Muslims face a high degree of discrimination in obtaining citizenship documentation. As a result, their rights to study, work, travel freely, marry, practise their religion and access health services are severely restricted (see Legal rights, Access to services in Rakhine state, Freedom of movement in Rakhine state and Rohingyas outside Rakhine state).

b. Rakhine state

2.4.3 Rohingya in Rakhine State face widespread official discrimination. The vast majority of Rohingya remain undocumented and, due to lack of citizenship rights, are effectively stateless. Following violence in 2012, an estimated 120,000 Rohingya live in low standard internally displaced persons (IDP) camps in Rakhine and have limited access to employment, education and healthcare. They are also subject to restrictions on practising their religion, marriage and the number of children a married couple can have, as well as severe restrictions on freedom of movement within Burma (see Legal rights, State treatment and attitudes – Rakhine state, Internally displaced persons (IDPs) and Freedom of movement in Rakhine state).

2.4.4 Rohingya are reported to be subject to extortion and harassment by the authorities including in IDP camps (see Extortion and harassment). Inter-communal violence and societal discrimination against Rohingya in Rakhine state is widespread. Anti-Muslim sentiment, compounded by an increase in hate-speech by extreme Buddhist nationalists, has exacerbated religious

and ethnic tensions, particularly against those who identify as Rohingya (see Societal treatment and attitudes).

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

2.4.6 In August 2017, following an attack on police posts and an army base in Rakhine by the ARSA, a counter-military offensive began. Reports have revealed a level of pre-planning of the attacks against the Rohingya by the Burmese military (the Tatmadaw). Numerous human rights violations occurred during the so-called 'clearance operations' including indiscriminate killings, rape, torture, and destruction of property. Thousands of civilian deaths and injuries were reported. The clearance operations forced hundreds of thousands of Rohingya to cross the border into Bangladesh (see Attacks – August 2017 and Rohingyas in Bangladesh).

2.4.7 Discrimination on racial grounds will amount to persecution if a person's human dignity is affected to such an extent as to be incompatible with the most elementary and inalienable human rights.

2.4.8 The level and cumulative effect of the denial of rights, state discrimination and human rights violations against the Rohingya population in Rakhine state is such that it amounts to persecution and/or serious harm.

c. Outside Rakhine state

2.4.9 Muslims or people of South Asian appearance in Burma are not subject to local orders as other Rohingya are in northern Rakhine State. However, anti-Muslim sentiment in Burma is deep-rooted and widespread, especially outside of major cities (see Rohingyas outside Rakhine state and Societal treatment and attitudes).

2.4.10 There are reports that Rohingya in Rangoon are registered as 'Burmese Muslims', thus allowing them to obtain documentation and greater legal rights. However, according to some sources, Muslims are not allowed to indicate on their ID cards that they are from Burma; immigration officials reportedly insist they are listed as 'Bengali', 'Pakistani' or 'Indian', or all three. Rohingya throughout Burma face challenges accessing legal documentation which can lead to restrictions on free movement, access to education, healthcare and other services (see Identity documents and Rohingyas outside Rakhine state).

2.4.11 The level of discrimination faced by Rohingya outside of Rakhine state, particularly in Rangoon, is lower than that within Rakhine, provided people keep a low profile. However, a person should not be expected to conceal their religion and/or ethnicity if they are not willing to do so. If the person

would conceal his or her religion, religious activities and/or ethnicity for reasons other than for a fear of persecution and/or serious harm, then the person would have no basis for their claim for international protection.

2.4.12 Decision makers will need to consider each such case on its facts, with the onus on the person to demonstrate that their personal circumstances are such that they would face a level of discrimination that would amount to persecution and/or serious harm.

2.4.13 For further guidance on assessing risk, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.5 Protection

2.5.1 Where the person's fear is of persecution and/or serious harm by the state, they will not be able to avail themselves of the protection of the authorities.

2.5.2 Whilst numerous national commissions have been set up to investigate the reported human rights violations against the Rohingya in Rakhine state, none are known to have led to any effective prosecution of security forces or to any redress to victims or their families (see Domestic accountability and Avenues of redress).

2.5.3 For further guidance on assessing the availability of state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.6 Internal relocation

2.6.1 Where the person's fear is of persecution and/or serious harm by the state, they will not be able to relocate to escape that risk. Furthermore, identity documents and travel permits are required for internal movement and the ability for a Rohingya to obtain such documents is severely restricted (see Freedom of Movement in Rakhine state and Identity documents).

2.6.2 For further guidance on internal relocation, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.7 Certification

2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further guidance on certification, see Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).

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Country information

To note: the UN Human Rights Council (UNHRC) regularly convenes to discuss, amongst others, the human rights situation in Burma. Relevant documents can be accessed here.

Section 3 updated: 6 February 2019

3. Background

3.1 Origin of the term "Rohingya"

3.1.1 The origin of the term Rohingya, and its usage in relation to being an ethnic group, is complex and contested.

3.1.2 Leading Rakhine historian, Jacques P. Leider, noted in a paper dated January 2014 that the word Rohingya, meaning "Rakhine" in the local Muslim language, appeared for the first time as "Rooinga" in a report on the languages of Burma by Francis Hamilton-Buchanan, published at the end of the 18th century[1]. In an interview with The Irrawaddy, Leider spoke of an emerging Muslim community in Burma in the 15th century, and a further community of Muslims arriving from Bengal during the colonial era, who settled in Rakhine[2].

3.1.3 Both the Burmese government and Rakhine Buddhist representatives explained to the Special Rapporteur during her January 2015 mission to Burma that the term "Rohingya" has no historical or legal basis[3]. It should be noted that this is the position taken by the Burmese government and Rakhine Buddhist representatives and is not a universally accepted viewpoint[4] [5] [6]. In her report to the Human Rights Council, the Special Rapporteur commented on '... the right of Rohingya to self-identification according to international human rights law. She believes the ongoing focus on the terminology used to describe this group has paralysed progress on addressing important human rights issues and achieving durable solutions.'[7]

3.1.4 The US State Department's (USSD) Human Rights Report for 2015 stated:

'The name Rohingya is used in reference to a group that self-identifies as belonging to an ethnic group defined by religious, linguistic, and other ethnic features. Rohingya do not dispute their ethnogeographic origins from present-day Bangladesh but hold that they have resided in what is now Rakhine State for decades, if not centuries. Authorities usually referred to Rohingya as "Bengali," claiming that the Muslim residents of northern Rakhine State are irregular migrants from Bangladesh or descendants of migrants transplanted by the British during colonial rule.'[8]

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[1] Leider, Jacques, P., 'Rohingya: The name. The movement.', 28 January 2014, url.
[2] The Irrawaddy, 'History Behind Arakan State Conflict', 9 July 2012, url.
[3] UNHRC, 'Report of the Special Rapporteur', (paragraph 46), 23 March 2015, url.
[4] HRW, 'Burma: Government Plan Would Segregate Rohingya', 3 October 2014, url.
[5] TIME, 'Why Burma Is Trying to Stop People', 9 May 2016, url.
[6] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 460), 17 September 2018, url.
[7] UNHRC, 'Report of the Special Rapporteur', (paragraph 46), 23 March 2015, url.
[8] USSD, 'Country Report on Human Rights Practices for 2015', (Section 2d), 23 April 2016, url.

3.1.5 For more detailed historical background on the Rohingya in Burma, see the International Crisis Group's (ICG) 2014 report 'The Politics of Rakhine State'[9] and the 2012 Human Rights Watch (HRW) report 'The Government Could Have Stopped This'[10].

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3.2 Demography

3.2.1 The Rohingya are an ethnic minority living predominantly in Burma's north-western Rakhine state (historically known as Arakan)[11] and account for most of the population in the 3 northernmost townships: Maungdaw; Buthidaung; and Rathedaung[12]. The Australian Department of Foreign Affairs and Trade (DFAT) noted in its January 2017 Country Information Report Myanmar that credible sources informed them that those who identified as Rohingya made up around 85-95% of the population of the townships of Maungdaw and Buthidaung. DFAT also noted 'There are smaller communities of Rohingya in many other townships in Rakhine State, including Sittwe, Pauktaw and Myebon.' The majority of Rohingya are Sunni Muslim[13]. Rohingya speak a Bengali dialect[14], reportedly similar to the southern dialect of Chittagonian[15]. (See also Language/culture).

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

3.2.3 In parts of Rakhine State, members of some communities were not counted in the 2014 census because they were not allowed to self-identify as Rohingya as this group was not recognised by the government[17]. The Council on Foreign Relations noted that '... after Buddhist nationalists threatened to boycott the census, the government decided the Rohingya could only register if they identified as Bengali...'[18] implying they were immigrants from Bangladesh[19].

3.2.4 Prior to August 2017, an estimated one million Rohingya accounted for around 30% of Rakhine's population[20], whilst their total numbers in Burma reportedly exceed 2 million[21]. However, official estimates of the size of the population were not available as Rohingya are not recognised as citizens

[9] ICG, 'The Politics of Rakhine State', 22 October 2014, url.
[10] HRW, '"The Government Could Have Stopped This", (page 46), August 2012, url.
[11] Balazo, P., 'Truth & Rights: Statelessness, Human Rights, and the Rohingya', (page 6), 2015, url.
[12] Fortify Rights, 'Policies of Persecution', (page 16), February 2014, url.
[13] DFAT, 'Country Information Report Myanmar', (paragraphs 3.8 and 3.9), 10 January 2017, url.
[14] Al Jazeera, 'Who are the Rohingya', 28 October 2015, url.
[15] Ethnologue, 'Languages of the World', (Chittagonian), 2018, url.
[16] ICG, 'The Politics of Rakhine State', (page 1), 22 October 2014, url.
[17] ICG, 'The Politics of Rakhine State', (page 1, footnote 1), 22 October 2014, url.
[18] Council on Foreign Relations, 'The Rohingya Crisis', 5 December 2018, url.
[19] IRIN, 'Bribes and bureaucracy: Myanmar's chaotic citizenship system', 31 October 2016, url.
[20] Council on Foreign Relations, 'The Rohingya Crisis', 5 December 2018, url.
[21] Balazo, P., 'Truth & Rights: Statelessness, Human Rights, and the Rohingya', (page 6), 2015, url.

and were excluded from the 2014 census[22]. (Burma's population totals over 55.5 million – July 2018 estimate[23]).

3.2.5 In a humanitarian brief, dated September 2018, the UN Office for the Coordination of Humanitarian Affairs (OCHA) noted:

'According to UNHCR, up to 600,000 stateless Rohingya (about 60 per cent of whom are children) are estimated to remain in Rakhine State following the armed attacks and subsequent security operations that led to the exodus of over 725,000 refugees to Bangladesh since August 2017. UNHCR's estimate that some 600,000 stateless Rohingya remain in Rakhine State is based on the best information currently available, noting limitations including lack of authorization to conduct assessments, inability to verify information independently, and other restrictions.'[24]

3.2.6 The OCHA added that 'Approximately 128,000 people (the majority of whom are stateless Rohingya and 53 per cent of whom are children) remain in camps or camp-like settings in central Rakhine. They have been in these camps since the violence in 2012 when many houses were burned. The remaining estimated 470,000 non-displaced stateless Rohingya are spread across ten townships in northern and central Rakhine.'[25]

See Attacks – August 2017, Internally displaced persons (IDPs) and Rohingyas in Bangladesh.

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3.3 Language/culture

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

'According to UNHCR (Bangladesh), the Rohingya language is not a written language and the Rohingya people are in general not very literate. Their Rohingya language is very similar to the Chittagonian dialect of Bangla spoken in the area. There are few words which may differ in the two languages depending on how close to the Bangladesh border the Rohingya were residing in. Given that many Rohingya have been residing in Bangladesh for many years, it becomes difficult to distinguish a Rohingya from a Bangladeshi at times. On occasion, a local person might be able to distinguish the Rohingya language from the language spoken by local Bangladeshis.'[26]

[22] The Republic of the Union of Myanmar, 'Census Report Volume 2', May 2015, url.
[23] CIA, 'The World Factbook – Burma', (People and society), updated 8 January 2019, url.
[24] UNOCHA, 'Myanmar Humanitarian Brief', September 2018, url.
[25] UNOCHA, 'Myanmar Humanitarian Brief', September 2018, url.
[26] Danish Immigration Service, 'Rohingya refugees', (pages 10-11), May 2011, url.

3.3.2 The Danish FFM 2011 report stated that, according to all sources consulted, the cultural and religious practices performed by the Rohingya were similar to local Bangla practices[27].

See also Rohingyas in Bangladesh.

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3.4 Burmese names

3.4.1 A guide to culture and customs published in 2013 stated that 'From the mid-1960s to the present day, the trend has been for children to have only Myanmar names, as anything of a foreign nature has been strongly discouraged by the government.'[28] Instances were found of Rohingya using both a Burmese and Rohingyan alias. A few examples are listed below:

- U Jangir (alias) U Aung Myo Min (Burmese)[29];
- 'The other candidates for Maungdaw township are Aung Zaw Win, alias Zahir Ahmed (Upper House), Htay Win, alias Zahidur Rahman (Lower House), and Jahin Gir Alam, alias Aung Myo Myint (State Parliament)'[30];
- U Kyaw Min alias Master Shamsul Anowarul Hoque[31];
- Mohamed Sayed (alias Hla Maung Thein)[32];
- Mohamed Salim alias Than Htun[33].

3.4.2 As a result, documentation processes in Burma commonly request the provision of aliases in application forms. For example, to request birth certificates applicants must provide a copy of their identity card, family registration documents, and, amongst other details, all names and aliases[34]. Burmese names do not have a family name / surname[35].

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Section 4 updated: 6 February 2019

4. Legal rights

4.1 Citizenship

4.1.1 Many, though not all, Rohingya were in practice recognised as citizens under the 1947 Constitution[36] and Union Citizenship Act 1948[37], either by virtue of having resided in Burma for three generations (Article 4(2) of the 1948 Act) or having applied to naturalise on the basis of 5 years residence in Burma

[27] Danish Immigration Service, 'Rohingya refugees', (page 12), May 2011, url.
[28] Saw Myat Yin, 'Culture Shock!', (page 64), 31 December 2013, url.
[29] The European Rohingya Council, 'Burmese president meets Rohingya', 5 October 2013, url.
[30] Kaladan Press Network, 'Rohingyas and the forthcoming election', 6 November 2010, url.
[31] Asian Tribune, 'U Kyaw Min: An Imprisoned: Rohingya MP without Citizenship', 5 March 2009, url.
[32] RARC, 'Rakhine ministers try to build Buddhist community hall', 13 March 2012, url..
[33] Kaladan Press Network, '129 prisoners released from northern Arakan', 20 October 2011, url.
[34] USSD, 'Burma Reciprocity Schedule', (Birth, death, Burial certificates), n.d., url.
[35] Khine, C.M., 'Myanmar's Unique Naming System', 20 July 2012, url.
[36] Constitution of the Union of Burma, 24 September 1947, url.
[37] Union Citizenship Act, 1948, url.

(Article 7 of the 1948 Act)[38] [39]. The 1982 Burma Citizenship Law designates three categories of citizens: full citizens; associate citizens; and naturalised citizens[40].

4.1.2 Nick Cheesman, a research fellow at the Australian National University discussed Burma's 1982 Citizenship Law and its effect on those identifying as Rohingya. Whilst the said law does not include specific sections to deny the Rohingya citizenship, violation and selective application of the law effectively rendered the Rohingya stateless. The law also made membership of one of the country's 8 'national races' the primary basis for citizenship, declaring 'Kachin, Karenni, Karen, Chin, Burman, Mon, Arakanese, Shan and other national races and ethnic groups who resided in an area of the state as their permanent home anterior to 1823AD are Burmese citizens.'[41] Former British diplomat, Derek Tonkin, appeared to support Cheesman's assertion in his contribution to a 2018 publication on citizenship in Burma[42].

4.1.3 Most Rohingya were unable to prove to the state 'conclusive evidence of their lineage', effectively making them stateless[43]. Section 42 of the 1982 Citizenship Act, states that 'Persons who have entered and resided in the State anterior to 4th January, 1948, and their offspring born Within the State may, if they have not yet applied under the Union Citizenship Act, 1948, apply for naturalized citizenship to the Central Body, furnishing conclusive evidence.'[44] Al Jazeera reported that 'To get citizenship, [the Rohingya] need to prove they have lived in Myanmar for 60 years, but paperwork is often unavailable or denied to them. As a result, their rights to study, work, travel, marry, practise their religion and access health services are restricted.'[45]

4.1.4 In March 2017, the UN Human Rights Council established the Independent International Fact-Finding Mission on Myanmar, which focused on the situation in Kachin, Rakhine and Shan States since 2011. Field missions were undertaken between September 2017 and July 2018. In its final report (UN Mission report), the UN Human Rights Council (UNHRC) concluded, regarding the denial of legal status and identity for the Rohingya, that:

'The Rohingya have gradually been denied birth registration, citizenship and membership of the political community. This lack of legal status and identity is the cornerstone of the oppressive system targeting the Rohingya. It is the consequence of the discriminatory and arbitrary use of laws to target an ethnic group and deprive its members of the legal status they once possessed. It is State-sanctioned and in violation of Myanmar's obligations under international law because it discriminates on the basis of race, ethnicity and religion.'[46]

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[38] Gibson, T., et al, 'Rohingyas – Insecurity and Citizenship in Myanmar', (pages 80-82), 2016, url.
[39] Email correspondence with Laura Draper, legal and country advisor, 23 February 2019, Annex A.
[40] Burma Citizenship Law, 15 October 1982, url.
[41] Cheesman, N., 'Problems with facts about Rohingya statelessness', 8 December 2015, url.
[42] Tonkin, D., 'Exploring the Issue of Citizenship in Rakhine State', (pages 226-227), 2018, url.
[43] Balazo, P., 'Truth & Rights: Statelessness, Human Rights, and the Rohingya', (page 8), 2015, url.
[44] Burma Citizenship Law, 15 October 1982, url.
[45] Al Jazeera, 'Who are the Rohingya', 28 October 2015, url.
[46] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 491), 17 September 2018, url.

4.2 Identity documents

4.2.1 A joint report by Smile Education and Development Foundation (SEDF) and Justice Base, dated December 2017, gave a brief overview of the different types of documentation that individuals may hold as evidence of legal identity, and in some cases, of citizenship status:

Citizenship documentation

- National Registration Card: NRCs, also called three-folded cards, are green in colour for men and pink for women. Issued pursuant to the Burma Residents Registration Act 1949 and 1951 Resident Registration Rules, NRCs were collected by the government in the late 1980s and, for many citizens, were replaced by Citizenship Scrutiny Cards (CSCs). The government continues to issue NRCs in certain circumstances.
- Citizenship Scrutiny Card: CSCs, pink cards, or “naing” cards, indicate full citizenship and are issued under the 1982 Citizenship Law and 1983 Procedures Act. Under the Procedures Act, children apply for a CSC at age 10, and CSC holders must renew their cards at the ages of 18, 30, and 45. As a result, CSCs are sometimes referred to by the age the applicant was supposed to apply to the card, e.g. a 10-year card.
- Naturalized Citizenship Scrutiny Card: NCSCs, or green cards, indicate naturalized citizenship and are issued under the 1982 Citizenship Law and 1983 Procedures Act.
- Associate Citizenship Scrutiny Card: ACSCs, or blue cards, indicate associate citizenship and are issued under the 1982 Citizenship Law and 1983 Procedures Act.

Residency documentation

- Foreign Registration Certificate: FRCs are issued pursuant to the 1940 Registration of Foreigners Act and under Rule 6 of the 1948 Registration of Foreigners Rules after a foreigner informs authorities of his/her address and provides proof of identity as required by Rules 5 and 8. A foreigner is a “person who is not a citizen of the Union” as defined under the 1864 Burma Foreigners Act.
- Temporary Registration/Identification Certificate: TRCs or TICs, also called white cards, were invalidated by Presidential Notification No. 19/2015 on 11 February 2015, which set cards to expire on 31 May 2015. TRCs were issued pursuant to 1949 Registration of Residents Act Section 4 and 1951 Resident Registration Rules Section 13(1)(c) to certain Muslims groups and many individuals of Chinese and Indian background in the early 1990s after their NRCs were collected. TRCs do not indicate citizenship status but only provide proof of identity and residence.
- Identity Card for National Verification: INVCs/NVCs or turquoise cards were introduced as of 1 June 2015 and later issued pursuant to State Counsellor’s Office Notification dated 27 December 2016 based on 1949 Registration of Residents Act Section 5(2)(d). NVCs are being issued to former TRC/TIC holders and FRC holders.

- Household List: a household registration form or family registration list, also known as Form 66/6, is a document that records the biographical data of the registered residents who are part of a given family and is issued under the 1949 Residents of Myanmar Registration Act.

Other

- Birth Certificate: Certificate issued by the Ministry of Health upon the birth of a child[47].

4.2.2 Due to their lack of recognition as citizens, the majority of Rohingya have no legal documentation[48]. The International Crisis Group (ICG) noted in its October 2014 report that:

'After 1951, citizens over the age of twelve were issued with "national registration cards" (NRCs); many Rakhine Muslims [Rohingya and non-Rohingya], including those in northern Rakhine State, held these cards, while others – as was the case in remote areas across the country – never registered. In cases where NRCs were lost or defaced, citizens were issued with "temporary registration certificates" (TRCs, also known as "white cards"), intended to be temporary documents pending the issuance of a new NRC.'[49]

4.2.3 Although treated as de facto citizenship cards, a national registration cards/certificate (NRC) does not denote proof of citizenship, only explicit proof of residency[50]. NRCs were issued pursuant to the Burma Residents Registration Act 1949 and Burma Residents Registration Rules 1951, while by contrast foreigners received Foreigner Registration Certificates (FRCs) pursuant to the Registration of Foreigners Act 1940 and the corresponding 1948 Rules[51]. A working paper on the citizenship of Rohingya, published by the International Migration Institute (IMI), University of Oxford, noted 'The Emergency Immigration Act of 1974 stripped the Rohingya of their national registration certificates and replaced them with foreign registration cards.'[52]

4.2.4 The ICG reported:

'In 1989, a citizenship inspection process was carried out, and those found to meet the new requirements under the 1982 law had their NRCs replaced with new "citizenship scrutiny cards" (CSCs). The majority of Rakhine Muslims surrendered their NRCs, but were never issued with CSCs. This was not in accordance with [international] law, due process was not followed, and it appears to constitute an arbitrary deprivation of citizenship, rendering them stateless.'[53]

[47] SEDF/Justice Base, 'Access to Documentation', (pages 17-18), December 2017, url.
[48] Council on Foreign Relations, 'The Rohingya Crisis', 5 December 2018, url.
[49] ICG, 'The Politics of Rakhine State', (page 11), 22 October 2014, url.
[50] Email correspondence with Laura Draper, legal and country advisor, 23 February 2019, Annex A.
[51] Email correspondence with Laura Draper, legal and country advisor, 23 February 2019, Annex A.
[52] IMI, 'Is Citizenship the Answer?', (page 14), October 2013, url.
[53] ICG, 'The Politics of Rakhine State', (page 11), 22 October 2014, url.

4.2.5 HRW reported in 2012 that CSCs are colour-coded according to citizenship status: full citizens = pink; associate citizens = blue; and naturalised citizens = green[54].

4.2.6 In 1995 the government began to issue Temporary Registration Certificates (TRCs) to Rohingyas in Northern Rakhine State[55]. A briefing by the Burmese Rohingya Organisation UK reported that 'Temporary Registration Certificates (White Cards) are issued to residents in Burma (not resident foreigners) under Article 13 of the Residents of Burma Registration Rules (1951). Despite Rohingya now only having these temporary registration cards, they were able to take part in the 2008 referendum on Burma's Constitution, and the 2010 elections.' However, on 11 February 2015, the then President Thein Sein, announced that TRCs would expire on 31 March 2015, and should be returned to the authorities by the end of May 2015, thus preventing the Rohingya from voting in the 2015 constitutional referendum or the November 2015 elections[56]. The Foreign and Commonwealth Office (FCO) 2015 Burma Human Rights Priority Country report noted that '... the Rohingya community was disenfranchised and prospective Muslim candidates were disproportionately excluded' from the 2015 general elections[57]. An estimated 1.5 million white card holders faced having no identity documents once their white cards were rescinded[58].

4.2.7 In June 2015, Rakhine State's Immigration and Population Department began issuing green [turquoise] cards[59], or National Verification Certificates (NVCs)[60]. DFAT understood that around 1,000 people were issued with an 'identity card for national verification' ([later rebranded as a National Verification Card (NVC)[61]], also known as a "turquoise card")', and that a small number of Rohingya were issued with the card, although they had to identify as Bengali to receive one[62]. According to DFAT, despite some Rohingya holding an NVC, there was no change to their access to services or freedom of movement[63]. This was reaffirmed by the UN Mission report, which stated '[…] the Minister for Labour, Immigration and Population indicated in April 2018 that travel for NVC holders in Rakhine State would remain limited to travel within their townships, reportedly stating, "the information that NVC holders are entitled to travel to any place in the country is not true at all. We can't allow that to happen. I want to stress that the rights, entitlements and restrictions stipulated at the time of issuing NVCs remain unchanged".'[64]

[54] HRW, '"The Government Could Have Stopped This", (page 46), August 2012, url.
[55] Gibson, T., et al, 'Rohingyas – Insecurity and Citizenship in Myanmar', (page 75), 2016, url.
[56] Burmese Rohingya Organisation UK, 'The Rohingya, the Citizenship Law,', April 2015, url.
[57] FCO, 'Human Rights and Democracy 2015', (page 37), April 2016, url.
[58] The Irrawaddy, 'Winners and Losers of the White Card's Demise', 9 March 2015, url.
[59] Myanmar Times, 'New 'green cards' meet resistance', 18 June 2015, url.
[60] The Irrawaddy, 'Rohingya Reject New Citizenship Verification Cards', 10 June 2016, url.
[61] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 485), 17 September 2018, url.
[62] DFAT, 'Country Information Report Myanmar', (paragraph 3.13), 10 January 2017, url.
[63] DFAT, 'Country Information Report Myanmar', (paragraph 3.13), 10 January 2017, url.
[64] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 487), 17 September 2018, url.

4.2.8 According to a notification by the Office of the President, as of 16 January 2017, 6,202 people had been issued with an NVC[65]. The Irrawaddy reported in April 2017 that, according to an immigration official, 4,600 people had accepted the NVC since the project was launched in 2014. The report also indicated that Rohingya Muslims, who accepted NVCs, were sometimes threatened or targeted by an 'unknown armed group'.[66] Because of the low uptake rates, the majority of Rohingya remain undocumented (apart from their household registration lists) – or holding receipts for their TRCs – and are effectively stateless, not being recognised as citizens of Myanmar[67].

4.2.9 Holding an NVC does not mean that a person is recognised as a citizen. Holders of NVCs are still de facto stateless unless they are later issued with a scrutiny card after undergoing a verification process. NVCs are considered to be the first stage in the citizenship scrutiny process for anyone who is not considered to be a citizen[68] [69]. No information on how many NVC holders have later been granted citizenship scrutiny cards (CSCs), following scrutiny under the 1982 Citizenship Law, could be found in the sources consulted at the time of writing this CPIN (see Bibliography).

4.2.10 Despite being informed that the turquoise cards would allow holders to travel more freely, some Rohingya were resistant to accepting the new cards – in exchange for their white cards – as they refused to identify as Bengali[70]. The Irrawaddy reported in June 2016 that Rohingya residents of one village told officials they '"wouldn't agree [to accept the new cards] unless you first put our race and religion [Rohingya Muslim] on the cards." The officials responded that "there are no Rohingya in Arakan [Rakhine] State" and soon left the village.'[71]

4.2.11 The Advisory Commission on Rakhine State, a national commission mandated to examine the complex challenges facing Rakhine State and to propose responses to those challenges, noted in its Final Report, dated August 2017:

'Muslims […] object to the NVC as an interim step that will subsequently qualify holders to apply for citizenship at some point in the future. They are worried that this procedure follows a familiar pattern of successive Myanmar governments issuing documents with a promise that citizenship will follow, with the latter repeatedly failing to materialize. Many are also reluctant to hand in their existing documents for fear of being left undocumented. Others have lost their previous identification documents, and are apprehensive that a process which is not based on bona fide will simply be used against them. Trust is also undermined by the lack of tangible benefits for those who successfully go through the process, as verified Muslim citizens continue to face travel restrictions and other forms of discrimination.'[72]

[65] Ministry of Information, 'Formation of the Steering Committee', 8 February 2017, url.
[66] The Irrawaddy, 'Man Killed in Buthidaung After Talking to Journalists', 2 April 2017, url.
[67] DFAT, 'Country Information Report Myanmar', (paragraph 3.15), 10 January 2017, url.
[68] HRW, 'Burma: Government Plan Would Segregate Rohingya', 3 October 2014, url.
[69] Ministry of Information, 'Formation of the Steering Committee', 8 February 2017, url.
[70] VOA, 'Few Rohingya Want New Myanmar ID Cards', 13 July 2015, url.
[71] The Irrawaddy, 'Rohingya Reject New Citizenship Verification Cards', 10 June 2016, url.
[72] Advisory Commission on Rakhine State, 'Final Report', (page 27), August 2017, url.

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

'[T]he issuance of identification documents to members of the Rohingya Muslim ethnic group, still uses the outdated Citizenship Law of 1982, which is discriminatory since it results in the arbitrary deprivation of nationality. The Committee … notes with concern that Rohingya women and girls in Rakhine State are being deprived of their nationality and, therefore, rendered stateless, by the Citizenship Law of 1982. The Committee also notes with concern that members of the Rohingya ethnic group, including women and girls, who refused to identify as "Bengali" have been arbitrarily excluded from the verification process, which was first piloted in June 2014.'[73]

4.2.13 The UN Mission Report noted regarding birth registration and certificates:

'According to credible reports the authorities stopped issuing birth certificates to Rohingya children in northern Rakhine in the 1990s, with no official reason given for this change of policy. Since then, the only "registration" of birth for Rohingya children in northern Rakhine is their inclusion in the so-called "household list". Such inclusion is a pre-requisite for obtaining identity documents, travel authorizations, marriage permissions, and enrolment in most government schools. Upon the request of parents, the village administrator or the "representative person from the village tract" can issue a "certificate of proof of birth". The cost of this procedure varies from one location and one family to another. Parents must then approach the immigration authorities and request that their household list be updated, paying another arbitrary fee.'[74]

See also Fraudulent documents, Freedom of movement in Rakhine state and Rohingyas outside Rakhine state.

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4.3 Marriage and the 'two-child policy'

4.3.1 The UN Mission Report noted that 'On 13 August 2018, the Union Government issued an announcement abolishing eight local orders mainly targeting the Rohingya, including six issued by the NaSaKa.' Among the orders abolished was the permission for marriage. Whilst the Mission welcomed the announcement, it added '… the extent to which this announcement will be implemented on the ground remains to be seen.'[75]

4.3.2 The following information reflects the position prior to August 2018.

4.3.3 The US Department of State noted in its Human Rights (USSD HR) report for 2017 that:

'[…] in Rakhine State, local authorities required members of the Rohingya minority to obtain a permit to marry officially, a step not required of other ethnicities. Waiting times for the permit could exceed one year, and bribes usually were required. According to human rights organizations, in April 2016 Border Guard Police in Buthidaung Township issued new instructions to

[73] UN CEDAW, 'Concluding observations … Myanmar', (paragraph 32), 25 July 2016, url.
[74] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 463), 17 September 2018, url.
[75] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 582), 17 September 2018, url.

village administrators outlining additional requirements for members of the Rohingya community to obtain a permit to marry. The new required documents included: a letter from the district immigration authorities verifying the couple were of legal age to marry; a letter from a station commander showing the couple was free of criminal offenses; a letter from a health assistant assuring the couple was free of communicable diseases; and a letter from village administrators confirming the individuals were single, unmarried, and that any previous marriage was dissolved at least three years prior. Unauthorized marriages could result in prosecution of Rohingya men under the penal code, which prohibits a man from "deceitfully" marrying a woman, and could result in a prison sentence or fine.'[76]

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

'To obtain marriage licenses, men and women must adhere to rules that conflict with Rohingya religious beliefs. The rules require that men shave their beards for their license photographs. Similarly, the rules prohibit women from wearing religious head and face coverings. The NaSaKa [a security force consisting of police, military, intelligence, customs officers, and riot police] have reportedly touched Rohingya women to determine if they are pregnant. Authorities have required Rohingya women to take pregnancy tests before issuing marriage permits. The NaSaKa, at various points in the marriage-license process, have also demanded bribes that can total more than the equivalent of three months' salary.'[77]

4.3.5 Although the NaSaKa was disbanded in July 2013, the Border Guard Police (BGP), the Committee for Prevention of Illegal Immigration of Foreigners (MaKhaPa) and General Administration Department (GAD) continued to enforce the restrictions on marriages[78].

4.3.6 Regarding the 'two-child policy', Fortify Rights reported:

'Since at least 2005, the government has allowed some Rohingya couples to obtain marriage licenses only if they agree to have no more than two children. Women in legal marriages who have more than two children and women who have children out of wedlock are subject to possible prison sentences of up to ten years. State-level authorities in Rakhine State issued a policy document in 2008 titled "Population Control Activities," specifying how law enforcement officials in Rakhine State should force people to "use pills, injections and condoms for birth control at every [NaSaKa] regional clinic, township hospitals, and their own regional hospitals".'[79]

4.3.7 The USSD HR Report 2017 noted that 'In Rakhine State local authorities prohibited Rohingya families from having more than two children, although this prohibition was inconsistently enforced.'[80]

[76] USSD, 'Country Report on Human Rights Practices for 2017', (Section 1f), 20 April 2018, url.
[77] Fortify Rights, 'Persecution of the Rohingya Muslims', (page 12), October 2015, url.
[78] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 595), 17 September 2018, url.
[79] Fortify Rights, 'Persecution of the Rohingya Muslims', (page 12), October 2015, url.
[80] USSD, 'Country Report on Human Rights Practices for 2017', (Section 1f), 20 April 2018, url.

4.3.8 A May 2015 report by the Simon-Skjodt Center for the Prevention of Genocide noted that the '... two-child policy enforced in the northern Rakhine townships of Maungdaw and Buthidaung ... only applies to Rohingya. Although the policy is enacted at the local level, politicians at the national and state level support the measure and describe the population control method as necessary and even beneficial for Rohingya. Penalties for disobeying the orders include fines or imprisonment.'[81]

4.3.9 The Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern, in its Concluding observations, dated 25 July 2016, about the restrictive legislation and local orders in Rakhine state on the maximum two-child limit and spacing between births of at least 36 months[82].

4.3.10 The UN Mission Report noted:

'Some Rohingya children were added to a separate "black-listed children form" or "illegitimate children form". This included children whose parents had not received official marriage permission, children whose parents were not present at the household list updating exercise, adopted children, and children born in contravention of the local order limiting the number of children in Rohingya families to two. In April 2013, it was assessed that there were 5,111 "black-listed" children. It is believed that the number of children who were placed on these "black lists" is much higher.'[83]

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Section 5 updated: 6 February 2019

5. State treatment and attitudes – Rakhine state

5.1 General socio-economic conditions

5.1.1 Rakhine state was reported to be the poorest state in Burma and, as cited by the UN Special Rapporteur following her visit to the country in June/July 2016, faced 'long-standing social and economic underdevelopment, including malnutrition, low incomes, poverty and weak infrastructure, compounded by natural hazards.'[84] The UN Secretary General reported in August 2016 that '... little progress was made in improving the desperate conditions faced by the Muslim population in Rakhine, including those who continued to identify themselves as Rohingya. Many of them continued to languish in camps for internally displaced persons and, along with those outside the camps, have borne the brunt of institutionalized discrimination from the majority community.'[85]

See also Internally displaced persons (IDPs).

5.1.2 The UN Mission report noted the Rohingya faced restricted access to food, livelihood, healthcare, education, exacerbated by restrictions on movement

[81] United States Holocaust Memorial Museum, 'They want us all to go away', (page 6), May 2015, url.
[82] UN CEDAW, 'Concluding observations … Myanmar', (paragraph 44d), 25 July 2016, url.
[83] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 466), 17 September 2018, url.
[84] UN General Assembly, 'Situation of human rights in Myanmar', (paragraph 58), 29 August 2016 url.
[85] UN General Assembly, 'Situation of human rights in Myanmar', (Summary), 5 August 2016, url.

and discriminatory policies and further compounded by violence and security operations[86].

5.1.3 The OCHA reported, in September 2018, that:

'In central Rakhine, Rohingya and Kaman Muslims are increasingly isolated. They have been segregated since 2012 and continue to face severe restrictions on their freedom of movement, limiting their access to livelihoods and essential services, including formal education and healthcare. This has exposed them to a wide range of protection risks and it has left them heavily dependent on humanitarian assistance.'[87]

See also Humanitarian situation.

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5.2 Pre-October 2016 human rights violations

5.2.1 The United Nations High Commissioner for Human Rights (UNHCHR) noted in its June 2016 report on the 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar' that 'Patterns of human rights violations against the Rohingya have been documented by successive Special Rapporteurs since 1992. Many result from national, State or local laws, policies and practices targeting the Rohingya owing to their ethnicity, race or religion, either directly or through selective, discriminatory implementation.'[88]

5.2.2 A 2015 report by the International State Crime Initiative, a cross-disciplinary research centre institutionally supported by Queen Mary University of London and partnered with Harvard University, the University of Hull and the University of Ulster, noted that in 2012 in Rakhine state, 'Organised massacres [sparked by the murder and rape of a Buddhist woman] left over 200 Rohingya men, women and children dead. Up to 60 Rakhine were also killed during the June violence. Hundreds of homes, the vast majority belonging to Rohingya, were destroyed.'[89] The Global Centre for the Responsibility to Protect provided a chronological list of important responses and actions from national and international actors following the eruption of anti-Muslim violence in June 2012[90].

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5.3 Clashes with security forces – October 2016

5.3.1 For a timeline of events in Rakhine state between 9 October and 18 November 2016 see Time.com.

5.3.2 As reported by the International Crisis Group (ICG), on 9 October 2016, a series of attacks on border-guard posts in Maungdaw and Rathedaung townships in northern Rakhine state killed 9 police officers. The ICG noted that according to government statements and local sources, at least 250

[86] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 569), 17 September 2018, url.
[87] UNOCHA, 'Myanmar Humanitarian Brief', September 2018, url.
[88] UNHCHR, 'Situation of human rights of Rohingya Muslims', (paragraph 25), 29 June 2016, url.
[89] Green, P., et al, 'Countdown to Annihilation: Genocide in Myanmar', 2015, url.
[90] Global Centre for the Responsibility to Protect, 'Timeline of International Response, n.d., url.

assailants – reportedly Rohingya Muslims – led the attacks, also fleeing with guns and ammunition. Further clashes between the group and security officials occurred in subsequent days. A major security operation was launched following the attacks[91].

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5.4 Response to October 2016 attacks

5.4.1 Amnesty International (AI) stated in its December 2016 report that following the border post attacks:

'The government immediately tightened security throughout northern Rakhine State. Large numbers of soldiers were immediately deployed in the region and began search operations to apprehend the attackers and recover the weapons seized by them. A curfew in Maungdaw and Buthidaung Townships in place since 2012 was extended, and people were ordered not to leave their villages. The government sealed off the area, forcing the suspension of humanitarian aid and precluding access by journalists and rights monitors... In the past two months, the government has repeatedly insisted that their security operations are aimed at apprehending "violent attackers" and are being conducted "in accordance with the law". However, the evidence … suggests that security forces in their response to the 9 October attacks, have perpetrated widespread and systematic human rights violations against the group including by deliberately targeting the civilian populations with little, or no, regard for their connection to militants. While some unknown number of Rohingya participated in the 9 October attacks and subsequent clashes with security forces, the overwhelming majority did not.'[92]

5.4.2 The ICG reported that the group claiming responsibility for the attacks '...refers to itself as Harakah al-Yaqin (HaY, "Faith Movement" in Arabic). The government calls it Aqa Mul Mujahidin, a generic Arabic phrase meaning "communities of fighters" ...'[93] Radio Free Asia (RFA) reported that according to the security forces, who interrogated 4 of the alleged perpetrators, the attacks were intended to promote extremist violent ideology among the majority Muslim population in the area. RFA added that 'Aqa Mul Mujahidin has links to the Rohingya Solidarity Organization (RSO), a small militant group active in the 1980s and the 1990s until the Myanmar government launched a counteroffensive to expel its insurgents from the border area with Bangladesh. The group was believed to be defunct.'[94] HaY publicly refers to itself as the Arakan Rohingya Salvation Army (ARSA)[95] [96]

5.4.3 Further attacks against the security forces by HaY took place on 12 November 2016 and, according to the ICG, several hundred villagers supported the attackers by taking up weapons (knives and farming

[91] ICG, 'Myanmar Border Attacks Fuel Tensions with Rohingya Muslim Minority', 12 October 2016, url.
[92] AI, 'Myanmar: "We Are At Breaking Point"' (page 8), 19 December 2016, url.
[93] ICG, 'Myanmar: A New Muslim Insurgency in Rakhine State', (chap. V.A), 15 December 2016, url.
[94] RFA, 'Myanmar Says Islamic Terrorist Organization', 14 October 2016, url.
[95] RFA, 'Who Are the Arakan Rohingya Salvation Army?', 1 September 2017, url.
[96] ICG, 'Myanmar Tips into New Crisis after Rakhine State Attacks', 27 August 2017, url.

implements). After a lieutenant colonel was shot dead, air support was called in and armed helicopters reportedly fired indiscriminately at villagers[97].

5.4.4 Whilst condemning the attacks against border security posts, the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, added that '... accounts we have received suggest that security forces may have imposed collective punishment on an entire community, with reprisals against already vulnerable Rohingya Muslims continuing more than two months after the border post attacks, causing some 27,000 people to flee across the border into Bangladesh.'[98]

See also Internally displaced persons (IDPs) and Rohingyas in Bangladesh.

5.4.5 HRW cited in its Annual Report 2017, covering 2016 events, that following the border-post attack, '... the government initiated "clearance operations" to locate the alleged attackers while locking down the area, denying access to humanitarian aid groups, independent media, and rights monitors.

'The security operations led to numerous reports of serious abuses by government security forces against Rohingya villagers, including summary killings, rape and other sexual violence, torture and ill-treatment, arbitrary arrests, and arson. The military employed helicopter gunships during a series of clashes beginning on November 11 [2016]. At time of writing, the government said it had arrested over 300 alleged suspects. Local groups reported the use of torture and a number of deaths in custody.'[99]

5.4.6 Evidence collected by Amnesty International (AI), including eyewitness accounts, also indicated excessive use of force by the security forces[100].

See Arrest and detention following October 2016 attacks.

5.4.7 On 15 February 2017, it was reported that the military's clearance operation in Rakhine state had ended. Reuters quoted a government official statement, in which it was announced 'The situation in northern Rakhine has now stabilized. The clearance operations undertaken by the military have ceased, the curfew has been eased and there remains only a police presence to maintain the peace.'[101]

5.4.8 However, a military spokesman told The Irrawaddy a day after the announcement '"We will not stop clearance operations. There will be regular security operations. Ceasing military operations [in northern Arakan State] is information I am not aware of".'[102]

See Freedom of movement.

5.4.9 Reporting on events following the October 2016 attacks, the OCHA stated:

'Numerous reports have emerged about serious human rights violations including summary executions, torture and rape perpetrated by the security forces against the Muslim population. It has been difficult for the UN to verify

[97] ICG, 'Myanmar: A New Muslim Insurgency in Rakhine State', (chap. V.C), 15 December 2016, url.
[98] OHCHR, '"Callous" approach to northern Rakhine … – Zeid', 16 December 2016, url.
[99] HRW, 'World Report 2017', (Abuses against Rohingya), 12 January 2017, url.
[100] AI, 'Myanmar: "We Are At Breaking Point"' (pages 18-21), 19 December 2016, url.
[101] Reuters, 'Myanmar says military operation in troubled Rakhine has ended', 15 February 2017, url.
[102] The Irrawaddy, 'Have Burma Army Operations in Northern Arakan State..', 25 February 2017, url.

these allegations due to the continued restrictions on access to communities in northern Rakhine. Many people arriving in Bangladesh have testified to human rights violations in Rakhine. The UN has expressed its deep concern at the reports and a group of UN Human Rights experts urged the Government to address the growing reports of violations. The Government of Myanmar has refuted most of the allegations.'[103]

5.4.10 The Foreign and Commonwealth Office (FCO) reported 'There were widespread allegations of torture, ill treatment, extrajudicial killing, arson, mass rape and other forms of sexual violence committed by security forces.'[104] On 1 December 2016 the FCO responded to a petition to suspend the Myanmar Ambassador for genocide (as defined by the 1948 UN Convention) of the Rohingya in Burma. Whilst stating allegations of genocide were for the courts to decide, the response said 'The British Government remains deeply concerned by the situation in Rakhine and the persecution of the Muslim minority Rohingya community. It is clear that the Muslim Rohingya minority are being persecuted and denied fundamental rights.'[105]

5.4.11 At the 34th session of the Human Rights Council the UK stated its concern over '... the response of the security forces in Rakhine State to the 9 October attacks, in particular widespread reports of conflict-related human rights violations. The devastating impact on civilians, in particular the Rohingya, has been well-documented by NGOs and the OHCHR.'[106]

5.4.12 HRW reported that 'Satellite imagery in November [2016] revealed widespread fire-related destruction in Rohingya villages, with a total of 430 destroyed buildings in three villages of Maungdaw district.'[107] Eyewitnesses interviewed by Amnesty International stated that their villages were destroyed by the military[108].

5.4.13 The UN Special Rapporteur stated in her End of Mission Statement, dated 20 January 2017, that Government officials informed her it was the villagers who had burnt down their own houses as a way of getting international actors to build them better houses, or to put the security forces in a bad light. No evidence was offered to support this, and the Special Rapporteur did not find these arguments credible[109].

5.4.14 From 8 to 23 January 2017, the UN Office of the High Commissioner for Human Rights (OHCHR) undertook a mission to Bangladesh to interview Rohingyas who had entered Bangladesh from northern Rakhine State (nRS) in the aftermath of the 9 October 2016 attacks. According to testimonies gathered from 204 persons interviewed the following types of violations were reported and experienced frequently in the so-called 'lockdown zone' or the 'area clearance operation zone', located in northern Rakhine State, halfway between Taungpyoletwea and Maungdaw:

[103] UNOCHA, 'Humanitarian Bulletin Myanmar', October 2016 - January 2017, url.
[104] FCO, 'Human Rights and Democracy 2016', (page 34), July 2017, url.
[105] UK Gov Petitions, 'Suspend the Myanmar Ambassador', closed 3 May 2017, url.
[106] Gov.uk, 'Human Rights Council 34', 13 March 2017, url.
[107] HRW, 'World Report 2017', (Abuses against Rohingya), 12 January 2017, url.
[108] AI, 'Myanmar: "We Are At Breaking Point"' (page 9), 19 December 2016, url.
[109] OHCHR, 'End of Mission Statement by Special Rapporteur', 20 January 2017, url.

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

'All of the eyewitness testimonies the team gathered referred to violations allegedly perpetrated by either the Myanmar security forces (Tatmadaw, Border Guard Police and/or the regular police force, operating both separately and through joint operations) or by Rakhine villagers (either acting jointly with security forces or at least with their acceptance)... the team gathered several testimonies indicating that Rakhine villagers from the area have recently been given both weapons and uniforms, which bodes ill for the future relation and trust between the two communities.'[110]

See also Inter-communal violence.

5.4.15 The OHCHR report further noted:

'The testimonies gathered by the team – the killing of babies, toddlers, children, women and elderly; opening fire at people fleeing; burning of entire villages; massive detention; massive and systematic rape and sexual violence; deliberate destruction of food and sources of food – speak volumes of the apparent disregard by Tatmadaw and BGP officers that operate in the lockdown zone for international human rights law, in particular the total disdain for the right to life of Rohingyas.'[111]

5.4.16 Reuters reported on 8 February 2017 that UN officials estimated that more than 1,000 Rohingya may have been killed in the crackdown. However, the same source noted that 'Myanmar's presidential spokesman, Zaw Htay, said the latest reports from military commanders were that fewer than 100 people have been killed in a counterinsurgency operation against Rohingya militants who attacked police border posts in October.'[112]

5.4.17 As reported by The Independent, the Burmese government '... has repeatedly denied persecuting the minority Rohingya Muslim group, dismissing evidence of killings as "propaganda".'[113] Win Htein, a close aide of Aung San Suu Kyi, claimed that UN accounts of abuses against the Rohingya were "biased" and "unfair", whilst Chief of the General Staff General Mya Tun Oo described the allegations as "lop-sided", adding that 76 "Bengalis" had been killed and not the hundreds claimed by the UN[114].

See also Domestic accountability and International accountability.

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[110] OHCHR, 'Report of OHCHR mission to Bangladesh', (pages 40-41), 3 February 2017, url.
[111] OHCHR, 'Report of OHCHR mission to Bangladesh', (page 41), 3 February 2017, url.
[112] Reuters, 'Exclusive: More than 1,000 feared killed in Myanmar', 8 February 2017, url. 7
[113] The Independent, 'Burma says UN claims of crimes against humanity', 10 March 2017, url.
[114] AFP, 'Myanmar govt swats away 'biased' UN abuse claims', 2 March 2017, url.

5.5 Arrest and detention following October 2016 attacks

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

'[A]rrested and "taken legal action" against 485 people since 9 October 2016. Among them are village leaders, business owners, religious leaders and Arabic teachers as well as ordinary villagers. In some instances, men failed to return after being summoned to security force headquarters, while others were arrested by state security forces during village sweeps to find suspected assailants and stolen weapons. Relatives have told Amnesty International they do not know where their loved ones are being detained, what they have been charged with or whether they have access to any lawyer.'[115]

5.5.2 In her End of Mission Statement, dated 20 January 2017, the UN Special Rapporteur stated that, during her recent 12-day visit to Burma, she had met with some of those arrested and detained for their alleged involvement with the border post attacks. She noted that they did not seem informed of any charges brought against them. Some had no communication with their families and neither were the families informed of their arrest or place of detention[116].

5.5.3 According to testimonies collected by Amnesty International:

'[S]ome arrests have been accompanied or followed by torture and other ill-treatment. In October [2016], two young Rohingya men from northern Maungdaw Township were beaten by state security forces for 30 minutes before being taken away. In November, soldiers and police officers beat a man from Kyet Yoe Pyin village with rods to get him to disclose the location of suspected militants. A video posted online in December also showed police beat a Rohingya boy during a security sweep. According to state media six people have died in custody since 9 October, including Kalim Ullah, a 58-year-old former UN worker, who died three days after being arrested in Ridar village on 14 October.'[117]

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5.6 Attacks by militant Rohingyas and state response – August 2017

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

'[T]he Arakan Rohingya Salvation Army (ARSA) – mounted coordinated attacks on 30 police posts and an army base in the north of Myanmar's Rakhine state, in the townships of Maungdaw, Buthidaung and Rathedaung. The government reports that the attackers, equipped with hand-held explosive devices, machetes and a few small arms, killed ten police officers, a soldier and an immigration official. Reportedly, 77 insurgents also were killed and one captured. In response, the military is conducting "clearance

[115] AI, 'Urgent Action: Torture fears for hundreds Rohingya detained', 12 January 2017, url.
[116] OHCHR, 'End of Mission Statement by Special Rapporteur', 20 January 2017, url.
[117] AI, 'Urgent Action: Torture fears for hundreds Rohingya detained', 12 January 2017, url.

operations" across the area and police in rural outposts have moved to more secure locations in case of further attacks.'[118]

5.6.2 The UN Mission Report noted 'ARSA is commonly regarded as a poorly armed and poorly trained group, with a small number of partly trained members but principally relying on untrained villagers to conduct attacks with sticks and knives.'[119]

5.6.3 According to Human Rights Watch (HRW), at the end of August 2017, satellite data showed widespread fires burning in at least 10 areas in Rakhine state[120]. Al Jazeera reported on 30 August 2017 that residents and activists blamed soldiers for shooting indiscriminately at unarmed Rohingya men, women and children, as well as arson attacks[121]. On 4 September 2017 Reuters reported that at least 400 people had been killed in the clashes and counter-military offensive[122].

5.6.4 On 19 September 2017, HRW reported that satellite imagery from Burma's Rakhine State showed the near total destruction of 214 villages in Maungdaw and Rathedaung Townships. Security forces blamed the ARSA and Rohingya villagers of burning down their own homes, whilst Rohingyas described arson, killing, and looting by the Burmese military, police, and ethnic Rakhine mobs[123].

5.6.5 The UN Special Rapporteur for Burma expressed concern at the deteriorating situation in Rakhine state[124]. A UN official at the human rights council in Geneva cited the Rohingya situation as a 'textbook example of ethnic cleansing'.[125] As reported by the UN News service on 19 September 2017, an estimated 415,000 people had crossed the border into Bangladesh since late August[126]. Later estimates put the number of Rohingyas crossing into Bangladesh at over 700,000[127]. BBC News reported that a number of people had drowned as they attempted to escape the violence by boat[128]. There were also reports of landmines being laid across a section of the Burma-Bangladesh border, posing a threat to those fleeing the country[129] [130]

See also Rohingyas in Bangladesh.

5.6.6 Both quantitative and qualitative data, based on human rights' documentation initiatives and fact-finding missions, was gathered in the months prior to and following the events in northern Rakhine state in August/September 2017. Due to lack of access to Burma, this data was collected predominantly, though not exclusively, from the most recently arrived Rohingya citizens residing in refugee camps in the Cox's Bazar

[118] ICG, 'Myanmar Tips into New Crisis after Rakhine State Attacks', 27 August 2017, url.
[119] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 55), 17 September 2018, url.
[120] HRW, 'Burma: Satellite Data Indicate Burnings in Rakhine State', 29 August 2017, url.
[121] Al Jazeera, 'HRW: Satellite data show fires burning in Rakhine state', 30 August 2017, url.
[122] Reuters, 'Explosions rock Myanmar area near Bangladesh border', 4 September 2017, url.
[123] HRW, 'Burma: Satellite Data Indicate Burnings in Rakhine State', 29 August 2017, url.
[124] OHCHR, 'Myanmar: Worsening cycle of violence in Rakhine', 31 August 2017, url.
[125] The Guardian, 'Myanmar treatment of Rohingya', 11 September 2017, url.
[126] UN News, 'UN scaling up assistance', 19 September 2017, url.
[127] ISCG, 'Situation Report: Rohingya Refugee Crisis, Cox's Bazar', 29 November 2018, url.
[128] BBC News, 'Myanmar Rakhine: Rohingya refugees drown', 31 August 2017, url..
[129] Reuters, 'Exclusive - Myanmar laying landmines near Bangladesh border', 6 September 2017, url.
[130] Amnesty International, 'Myanmar Army landmines along border', 9 September 2017, url.

region of Bangladesh. Some resulting reports have revealed a degree of planning of the attacks against the Rohingya by the Burmese military (the Tatmadaw).

5.6.7 In March and April 2018, the Public International Law & Policy Group (PILPG), undertook a fact-finding mission in the refugee camps and settlement areas in Eastern Bangladesh to investigate and document human rights abuses against the Rohingya in Rakhine state. The investigation found that:

'[…] the military and police presence in and around Rohingya villages across northern Rakhine State increased noticeably in the weeks before the major systematic attacks of August–September 2017. This buildup of forces was accompanied by increasingly common raids and searches of Rohingya homes, seizures of cooking knives and other potential "weapons", public attacks on Rohingya women and religious leaders, mass detentions and beatings of young Rohingya men, regular interrogations and instances of torture, the removal of fences that might impede the progression of Myanmar armed forces, and a marked increase in killings, beatings, and other violent acts against the Rohingya.

'Then, in late August 2017, after months of military buildup and escalating violence, Myanmar armed forces launched widespread and systematic attacks against Rohingya civilians across northern Rakhine State. These major attacks included large-scale and coordinated ground assaults that were sometimes accompanied by aerial support and typically involved dozens or hundreds of Myanmar armed forces personnel attacking Rohingya villages, burning homes, and killing or driving away the Rohingya inhabitants.'[131]

5.6.8 The PILPG report noted:

'The Myanmar armed forces claimed that these attacks were part of a "clearing operation" designed to target the Arakan Rohingya Salvation Army (ARSA) following ARSA attacks on an army base and border guard police posts on August 25, 2017. However, the chronology, speed, and widespread scope of the attacks, as well as the systematic and exclusive targeting of all Rohingya people suggest that the Myanmar armed forces were carrying out a planned, coordinated, and systematic attack against the Rohingya for which the ARSA attacks provided a convenient justification.'[132]

5.6.9 A July 2018 report by Fortify Rights corroborated this view, finding strong evidence that the military had been systematically planning the attacks. For instance, having already limited access to northern Rakhine state for humanitarian organisations since October 2016, in the months leading up to the attacks in August 2017, the government further suspended aid activities including food supplies, thus physically and mentally weakening Rohingya civilians, and removing international observers from the region. In addition, accounts stated that the military tore down fences surrounding Rohingya housing settlements, confiscated sharp and blunt objects from Rohingya civilians, armed and trained non-Rohingya residents of Rakhine, and

[131] PILPG, 'Factual Findings Report', (pages v-vi), September 2018, url.
[132] PILPG, 'Factual Findings Report', (pages vi-vii), September 2018, url.

deployed additional troops to the region in the months between November 2016 and August 2017. Fortify Rights viewed these as preparatory measures for the coordinated, systematic attacks which took place from August 2017[133].

5.6.10 The UN Mission Report noted:

'The nature, scale and organization of the operations suggests a level of preplanning and design on the part of the Tatmadaw leadership consistent with the vision of the Commander-in-Chief, Senior-General Min Aung Hlaing, who stated at the height of the operations, "The Bengali problem was a long-standing one which has become an unfinished job despite the efforts of the previous governments to solve it. The government in office is taking great care in solving the problem".'[134]

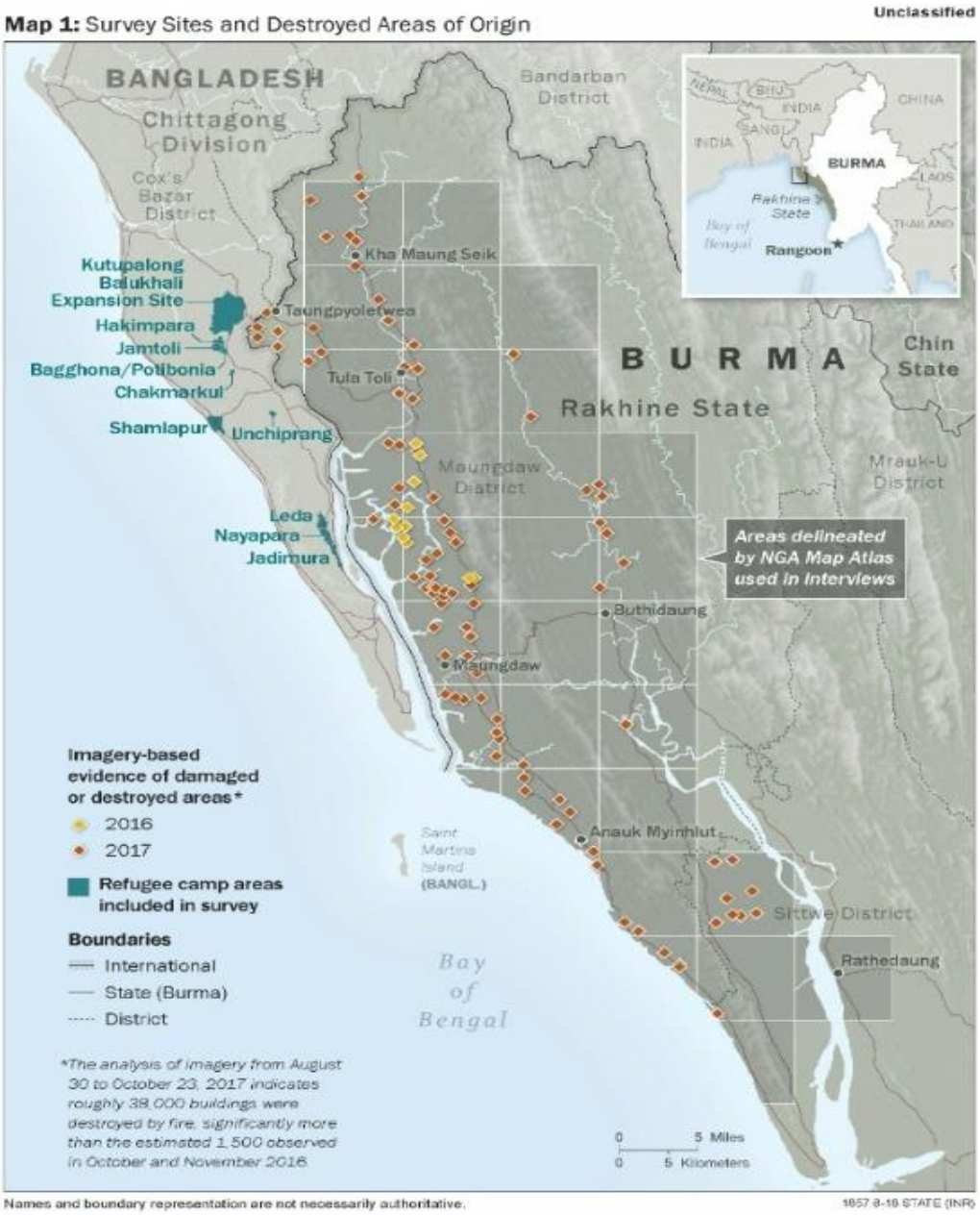
5.6.11 The UN Mission Report detailed numerous human rights violations that occurred during the 'clearance operations', which took place over several days in numerous villages in northern Rakhine state[135]. The Report noted:

'The operations had a devastating impact on the Rohingya civilian population, which was targeted, brutalised and terrorised. Thousands of Rohingya villagers were killed and injured. Women and girls were subjected to rape and other forms of sexual violence, and frequently then killed. Children were attacked deliberately and callously and subjected to grave violations. Men and boys were disappeared, probably killed. The arduous journey to Bangladesh caused further death and injury. Rohingya-populated areas across the three townships of northern Rakhine State were deliberately destroyed, in a targeted manner.'[136]

5.6.12 Amnesty International came to similar conclusions, stating that the military-led operations 'amounted to an orchestrated campaign of murder, rape, torture, and destruction aimed at punishing the Rohingya population in northern Rakhine State and at driving them out of the country.'[137]

5.6.13 A survey, conducted by the Bureau of Intelligence and Research (INR), in spring 2018, documented atrocities committed against residents in Burma's northern Rakhine State over the past 2 years. The resulting data was analysed and provided in the map below[138]:

[133] Fortify Rights, 'They Gave them Long Swords', (Summary; section I), July 2018, url.
[134] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 753), 17 September 2018, url.
[135] UNHRC, 'Fact-finding mission on Myanmar', (pages 178-205), 17 September 2018, url.
[136] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 883), 17 September 2018, url.
[137] AI, '"We Will Destroy Everything"', (page 167), 27 June 2018, url.
[138] USSD, 'Documentation of Atrocities in Northern Rakhine State', 24 September 2018, url.



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5.7 Extortion and harassment

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

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

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

harassed after being accused of hiding a Bangladeshi SIM card in her undergarments.'[139]

5.7.2 DFAT also noted that:

'People in [IDP] camps also face a risk of extortion or other forms of corruption from members of their camp management committee (CMC). CMCs are typically managed by camp members chosen by local authorities. This results in representatives who are generally not reflective of the broader camp community, which is often made up of people from different villages across Rakhine State. There have been credible allegations of corruption, with CMC members seeking payment or sexual favours in return for allocations of resources such as food and accommodation.'[140]

See Internally displaced persons (IDPs).

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5.8 Domestic accountability

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

- 'On 1 December 2016, Myanmar's President Htin Kyaw established a 13-member investigation commission led by Vice-President Myint Swe, a former army general, to probe "the truth" in relation to violent attacks that occurred on 9 October and 12-13 November 2016 in Maungdaw Township. Its members include the current Chief of Police and a number of former government officials. The commission's preliminary findings, published on 3 January 2017, dismissed claims of misconduct by Myanmar security forces, having found insufficient evidence to take legal action in response to alleged violations, religious persecution, and allegations of genocide. As the UN Special Adviser on the Prevention of Genocide Adama Dieng noted on 6 February, this commission "is not a credible option" to investigate abuses against Rohingya.'[141]

5.8.2 The investigation commission's final report was released on 6 August 2017; it dismissed allegations of human rights abuses[142].

- 'Two commissions, formed by the army and the Ministry of Home Affairs (also controlled by the military) on 9 February and 11 February 2017 respectively, have been tasked with investigating human rights violations committed by military and police personnel during the 'clearance operations'. These commissions, made up of military and police officers,

[139] DFAT, 'Country Information Report Myanmar', (paragraph 3.22), 10 January 2017, url.
[140] DFAT, 'Country Information Report Myanmar', (paragraph 3.23), 10 January 2017, url.
[141] HRW, 'Joint Letter to UNHRC Members Re: Human Rights Violations', 2 March 2017, url.
[142] Reuters, 'Myanmar rejects allegations of human rights abuses', 6 August 2017, url.

lack the independence and impartiality necessary to investigate violations committed by security forces.'[143]

5.8.3 The Commission formed by the army released its final report on 23 May 2017 and concluded that no abuses had occurred. Subsequently HRW said that 'The Burmese army's denials of well-documented abuses shows unvarnished contempt for truth, accountability, and respect for human rights.'[144]

- 'An 11-member commission appointed by the Rakhine State Parliament on 24 October 2016, composed predominantly of ethnic Rakhine members from the Arakan National Party (ANP), was tasked with investigating the 9 October attacks on the three police border post[s] but excluded any probe into human rights violations against the Rohingya population. The commission's chairman, ANP MP Aung Win, claimed in an interview with the BBC that rape of Rohingya women could not have occurred because they are "very dirty" and "they are not attractive so neither the local Buddhist men or the soldiers are interested in them".'[145]

5.8.4 The Advisory Commission on Rakhine State was established in September 2016 by State Counsellor, Aung San Suu Kyi, as a "neutral and impartial body" with aims to "propose concrete measures for improving the welfare of all people in Rakhine state". It consisted of six local and three international experts, chaired by former UN Secretary-General Kofi Annan[146]. However, as confirmed by Annan at a press conference on 8 September 2016 the commission's purpose was not to investigate reports of human rights violations[147].

5.8.5 The final report of the Advisory Commission on Rakhine State was submitted to the Burmese authorities on 23 August 2017. The reported highlighted the risk of further violence and radicalisation, and made several recommendations on citizenship verification, rights and equality before the law, documentation, the situation of the internally displaced and freedom of movement[148].

5.8.6 According to the USSD HR Report for 2016 that:

'In Rakhine State police failed to investigate crimes motivated by intercommunal tension and in some instances discouraged family of the victims from pursuing legal action. On August 18, soldiers in Sittwe, Rakhine State, found an unconscious Rohingya woman named Raysuana outside their compound. They called village leaders to take the woman to a clinic, where she died. Clinic attendants reportedly noted injuries suggesting rape, but police refused to investigate and instead ordered villagers to bury Raysuana without a post mortem examination.'[149]

[143] HRW, 'Joint Letter to UNHRC Members Re: Human Rights Violations', 2 March 2017, url.
[144] HRW, 'Burma: Army Investigation Denies Atrocities', 24 May 2017, url.
[145] HRW, 'Joint Letter to UNHRC Members Re: Human Rights Violations', 2 March 2017, url.
[146] Advisory Commission on Rakhine State, (website), url.
[147] The Irrawaddy, 'Kofi Annan…', 8 September 2016, url.
[148] Advisory Commission on Rakhine State, 'Final Report', (page 27), August 2017, url.
[149] USSD, 'Country Report Burma 2016', (Section 1d), 3 March 2017, url.

5.8.7 Reuters reported on 28 October 2016 that, according to the office of President Htin Kyaw, an investigation was underway following the death in custody of a 60-year-old Rohingya known as Khawrimular. According to a report in the state-run Global New Light of Myanmar newspaper, whilst being transferred to a police station "...the suspect grabbed a firearm from a soldier. Responsible personnel managed to subdue Khawrimular, but he lost consciousness as a result". The report added that Khawrimular died on his way to hospital[150].

5.8.8 On 2 January 2017, it was reported that several police officers were arrested over a video that appeared to show officers beating members of the Rohingya community during security operations in Rakhine state in November 2016[151].

5.8.9 The Independent reported on 22 February 2017 that, according to a police report seen by Reuters and interviews with 2 senior security officials, Burma's Home Affairs Ministry was investigating the deaths in custody of 2 Rohingyas in Rakhine state. The investigation, denied by the Ministry, was compiled by Border Guard Police (BGP) in northern Rakhine and concerned the arrest and detention of 2 men on 18 October 2016, held on suspicion of aiding insurgents, and whose deaths were apparently concealed by BGP officers. Initial reports indicated the men, a father and son, died from asthma. Phil Robertson, deputy director of HRW's Asia division, said cover-ups of abuses by security forces were common in Burma[152].

5.8.10 A Committee for the Implementation of The Recommendations on Rakhine State was formed on 12 September 2017, with an aim 'to implement the report of the Maungdaw Region Investigation Commission and the recommendations contained in the final report of the Advisory Commission on Rakhine State'[153]. An Advisory panel to the Committee was established on 14 December 2017[154]. US Diplomat Bill Richardson resigned from the panel in January 2018, citing the panel as a 'whitewash'[155]. Another senior member, Kobsak Chutikul, resigned in July 2018, 'citing a lack of progress and expressing frustration at the lack of any independent mechanism by which to monitor implementation of the panel's recommendations'.[156]

5.8.11 The government appointed a Commission of Inquiry in August 2018 to investigate allegations of human rights abuses in Rakhine state, announcing that it would report back in a year. Whilst the effectiveness of this Commissionis not yet known, Phil Robertson of Human Rights Watch commented that the Burma government 'has a record of creating do-nothing commissions that absolve state forces of human rights violations, and lack

[150] Reuters, 'Myanmar probes Rohingya Muslim's death in custody', 28 October 2016, url.
[151] BBC News, 'Myanmar detains police officers over Rohingya beating video', 2 January 2017, url.
[152] The Independent, 'Burma probing police 'cover up' of deaths', 22 February 2017, url.
[153] President Office, 'Establishment of the Committee…', 9 October 2017, url.
[154] President Office, 'Establishment of the Advisory Board', 14 December 2017, url.
[155] BBC News, 'Rohingya crisis: US diplomat quits advisory panel', 25 January 2018, url.
[156] The Irrawaddy, ''With Departure from Rakhine Advisory Panel', 24 July 2018, url.

independence and expertise. Moreover, little is clear about this specific commission other than its members and vague expressions of its mission.'[157]

5.8.12 The International Commission of Jurists (ICJ) has also reported very serious doubts about the likely effectiveness of the Commission, noting 'None of the previous Government-commissioned inquiries since 2011 is known to have led to any effective prosecution of security forces for gross human rights violations, or to any redress to victims or their families.'[158]

5.8.13 In one of its concluding comments, the UN Mission Report noted 'The authorities of Myanmar, both military and civilian, have failed to condemn, investigate or punish perpetrators of gross human rights violations. Rather, they have categorically denied violations, created legal obstacles to accountability, destroyed evidence of crimes and actively nurtured and perpetuated a climate of impunity that has emboldened perpetrators.'[159]

See also Response to October 2016 attacks and Avenues of redress.

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5.9 International accountability

5.9.1 On 4 April 2017 UN News reported:

'The UN's main human rights body is assembling a team to probe alleged atrocities against Myanmar's Rohingya, even as the government appears set to deny investigators access to areas where crimes against humanity may have occurred. While the resolution sponsored on 24 March [2017] by the European Union at the UN Human Rights Council called for "ensuring full accountability for the perpetrators and justice for victims", Myanmar has no obligation to cooperate with the fact-finding mission and has strongly signaled that it won't... In the meantime, letters to the Myanmar government are being prepared and a team of specialists – including experts in forensics and gender-based violence – will be assembled in Geneva to support the mission in establishing the facts and circumstances of alleged human rights violations by security forces in Rakhine State. The resolution says the scope of the probe will include, but not be limited to, "arbitrary detention, torture and inhuman treatment, rape and other forms of sexual violence, extrajudicial, summary or arbitrary killings, enforced disappearance, forced displacement and unlawful destruction of property".'[160]

5.9.2 In a press release, dated 6 September 2018, the International Criminal Court (ICC) opened investigations into Burma after deciding that it holds jurisdiction over the alleged deportation of Rohingya to Bangladesh[161].

5.9.3 The UNHRC Independent International Fact-Finding Mission on Myanmar released its final report (UN Mission Report) in September 2018. A UNHRC news article noted 'The report […] makes dozens of recommendations, including to the United Nations and the international community and to the

[157] Frontier Myanmar, 'Rakhine Commission of Enquiry to report back in a year', 17 August 2018, url.
[158] ICJ, 'Myanmar: New Commission of Inquiry', (page 1), 7 September 2018, url.
[159] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 1620), 17 September 2018, url.
[160] UN News, 'UN convenes Rohingya abuse investigation', 4 April 2017, url.
[161] ICC, 'Pre-Trial Chamber I rules that the Court may exercise jurisdiction', 6 September 2018, url.

Government of Myanmar. It reiterates the Fact-Finding Mission's call for the investigation and prosecution of Myanmar's Commander-in-Chief, Senior General Min Aung Hlaing, and his top military leaders for genocide, crimes against humanity and war crimes.'[162]

5.9.4 The Burma government rejected the findings of the UN Mission. Al Jazeera reported that the state-run Global New Light of Myanmar newspaper cited a government spokesperson as saying '"We didn't allow the FFM (the UN Fact-Finding Mission) to enter into Myanmar, that's why we don't agree and accept any resolutions made by the Human Rights Council",' adding that Burma 'has "zero tolerance for human rights violations", [and] that his country has an "accountability and responsibility framework regarding human rights issues".'[163]

5.9.5 On 18 September 2018, the 39th Session of the Human Rights Council held an interactive dialogue with the UN Fact-Finding Mission. Permanent Representative of Burma, Ambassador U Kyaw Moe Tun, responded to the report, dismissing its mandate and findings and questioning the report's impartiality and objectivity[164].

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5.10 Avenues of redress

5.10.1 Reporting on access to justice for women survivors of gender-based violence, a November 2016 briefing paper, by Women's League of Burma (WLB) and Asia Justice and Rights (AJAR), noted:

'Despite the recent semi democratic transition in Burma, impunity for military and government officials is de facto entrenched in the 2008 Constitution. The controversial amnesty clause in Article 445 has always been interpreted by successive military regimes as providing regime officials blanket amnesty for all crimes committed in the course of their official duties, including acts of gender-based violence. However, this article should be interpreted restrictively and exclude immunity for "serious criminal acts", such as those that violate national or international law and that by definition are outside the scope of "their respective duties".

'The Constitution further institutionalizes impunity by providing for military control over its own judicial processes, especially by making the decision of the Commander-in-Chief of the Defence Services a "final and conclusive" one, thus allowing the Commander-in Chief to arbitrarily overturn any verdict. Additionally, the opaque and partial court-martial system, which gives military courts competence over all Defense Services personnel with no civilian oversight, hinders victims' access to justice and perpetuates the belief for state officials that they are above the law.'[165]

5.10.2 The WJB/AJAR report noted:

'Reports of state perpetrators' control and influence over police investigations and court proceedings are all too common: Police

[162] UNHRC, 'Myanmar: UN Fact-Finding Mission releases its full account', 18 September 2018, url.
[163] Al Jazeera, 'Myanmar rejects UN findings in Rohingya genocide report', 29 August 2018, url.
[164] Global New Light of Myanmar, 'Permanent Representative of Myanmar', 21 September 2018, url.
[165] WLB/AJAR, 'Briefing paper', (page 2), 24 November 2016, url.

investigators refuse to investigate cases, offenders remain at large or are conveniently transferred to remote units, files get stuck at the police station or in court, evidence conveniently disappears, etc. When police officers are accused of abuses against civilians, the Home Affairs Ministry largely uses opaque internal disciplinary administrative sanctions instead of investigating and trying them via ordinary criminal process, thus denying justice to victims.'[166]

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

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

'Access to legal representation and to the court system in Rakhine State is limited. Civil disputes are typically managed by (Rakhine Buddhist) local administrators. Criminal matters must be supported by local police if they are to proceed.'[167]

5.10.4 In September 2018 the International Commission of Jurists (ICJ) reported that 'Since 2011, after formation of the first parliament under the 2008 Constitution, the Government has commissioned several special inquiries into allegations of human rights violations, in different parts of Myanmar. These inquiries have clearly been inadequate as mechanisms for accountability or redress.'[168]

5.10.5 The UN Mission Report noted the lack of effective complaint mechanisms and avenues for justice, stating:

'There are no effective avenues for justice within the civilian administration. Neither the justice system nor the Myanmar National Human Rights Commission is a realistic option for pursuing accountability for gross human rights violations. Myanmar has not recognized the competence of any of the individual complaints mechanisms under the international human rights framework either.

'The Myanmar judiciary has been systematically undermined, weakened and neglected during the long period of military dictatorship. Despite some progress reported since 2011, it is consistently assessed as lacking independence, poorly trained and resourced, inefficient, and prone to corrupt practices. […]

'In short, there is no rule of law in Myanmar and accountability at the domestic level is currently unattainable'[169]

[166] WLB/AJAR, 'Briefing paper', (page 4), 24 November 2016, url.
[167] DFAT, 'Country Information Report Myanmar', (paragraphs 5.19-5.20), 10 January 2017, url.
[168] ICJ, 'Myanmar: New Commission of Inquiry', (page 3), 7 September 2018, url.
[169] UNHRC, 'Fact-finding mission on Myanmar', (paras 1585-1586, 1621), 17 September 2018, url.

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Section 6 updated: 6 February 2019

6. Women and girls

6.1 Discrimination

6.1.1 DFAT reported

'Women that identify as Rohingya in Rakhine state face multiple levels of discrimination. In addition to the official and societal discrimination faced by Rohingya people in general..., Rohingya society is generally conservative and women often face familial or community-based restrictions on their movements and activities. Rohingya girls over the age of 13 are often prevented from leaving their homes until they are married; women in northern Rakhine State typically wear full facial coverings and gloves when in public. Violence against women is reportedly highly prevalent, particularly intimate partner violence.'[170]

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6.2 Sexual violence

6.2.1 Following the attacks in October 2016 (see Clashes with security forces – October 2016 attacks) OHCHR cited testimonies, by women and girls, of rape, gang rape, and sexual assault by members of the security forces, as well as by Rakhine villagers[171]. HRW and Amnesty International (AI) also cited incidences of sexual violence against Rohingya women and girls[172] [173]. HRW stated 'Survivors and witnesses, who identified army and border police units by their uniforms, kerchiefs, armbands, and patches, described security forces carrying out attacks in groups, some holding women down or threatening them at gunpoint while others raped them. Many survivors reported being insulted and threatened on an ethnic or religious basis during the assaults…'[174]

6.2.2 On 19 September 2017, the UN News service reported:

'... the Secretary-General's Special Representative on Sexual Violence in Conflict, Pramila Patten, said her office has been closely monitoring reports of sexual violence committed during the insurgency operations. She is particularly concerned about the security of women and girls who constitute the majority of those crossing the border. "More than half of the Rohingya women interviewed in early 2017 in a refugee camp in Bangladesh reported experiencing rape or other forms of sexual violence, but due to the acute social stigma, such cases are significantly under-reported," said a statement issued by the Special Representative.

'Interviews with victims and witnesses indicate "disturbing patterns" of rape, gang rape and other forms of sexual violence, such as invasive body

[170] DFAT, 'Country Information Report Myanmar', (paragraph 3.64), 10 January 2017, url.
[171] OHCHR, 'Report of OHCHR mission to Bangladesh', (pages 20-25), 3 February 2017, url.
[172] HRW, 'Burma: Security Forces Raped Rohingya Women, Girls', 6 February 2017, url.
[173] AI, 'Myanmar: "We Are At Breaking Point"', (pages 8, 24-26), 19 December 2016, url.
[174] HRW, 'Burma: Security Forces Raped Rohingya Women, Girls', 6 February 2017, url.

searches. “Survivors have described sexual violence being used as a calculated tool of terror to force targeted populations to flee. They describe the perpetrators as mainly members of the military, with the police and Rakhine villagers also identified, in some cases,” added the statement.’[175]

6.2.3 The UN Special Rapporteur noted credible allegations of widespread sexual violence against women and girls by the security forces during the August 2017 attacks on the Rohingya[176]. PILPG and Fortify Rights reported numerous incidents of rape, gang rape and other sexual violence of women and girls by the security forces and in some cases by Rakhine civilians, in the run-up to and during the days following the August/September 2017 attacks[177] [178].

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Section 7 updated: 6 February 2019

7. Humanitarian situation

7.1 Internally displaced persons (IDPs)

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

‘An estimated 120,000 people in Rakhine State remain internally displaced in 39 camps or camp-like settings following the intercommunal violence that erupted in 2012. Successive rainy seasons and floods, as well as Cyclone Komen in 2015, have taken a serious toll on shelter in the camps, which were originally built to last a maximum of three years. Work has begun to repair some structures, but significant needs remain. While more than 20,000 internally displaced persons were returned or resettled from camps in Rakhine in 2015, a durable solution for the other 120,000 remains out of reach. In addition, more than 330,000 other vulnerable people in Rakhine remain in need of humanitarian assistance.’[179]

7.1.2 The US Department of State’s Human Rights Report for 2015 (USSD HR Report) noted that the displacement following the 2012 violence affected Rohingya and Kaman Muslims, ethnic Rakhine, and Maramagyi Buddhists[180]. The USSD HR Report for 2017 noted:

‘Nearly 90,000 Rohingya IDPs lived in Sittwe’s rural camps, displaced since 2012, where they relied on assistance from aid agencies. Humanitarian agencies provided access to clean water, food, shelter, and sanitation in most IDP camps. The government limited health and education services and livelihood opportunities through severe and systematic restrictions on movement. Conditions in Aung Mingalar, the sole remaining Muslim quarter in Sittwe, remained poor, with Rohingya allowed to leave the fenced and

[175] UN News, ‘UN scaling up assistance’, 19 September 2017, url.
[176] UNHRC, ‘Report of the Special Rapporteur’, (paragraph 48), 9 March 2018, url.
[177] PILPG, ‘Factual Findings Report’, (pages 35-40), September 2018, url.
[178] Fortify Rights, ‘They Gave them Long Swords’, (IV: Rape and sexual violence), July 2018, url.
[179] UN General Assembly, ‘Situation of human rights in Myanmar’, (para 30), 5 August 2016, url.
[180] USSD, ‘Country Report on Human Rights Practices for 2015’, (Section 2d), 23 April 2016, url.

guarded compound only to shop for necessities at nearby markets or to visit outside health clinics if they paid a fee to security services.'[181]

See also Freedom of movement and Access to services.

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

'[I]n a camp visited by DFAT, a mobile clinic provides services four days per week for three hours per day, with limited facilities. […] People in IDP camps are often reluctant to go to hospital (a process which requires a police escort and transportation costs), meaning treatment is often delayed, leading to higher death rates. This in turn makes people even more reluctant to seek hospital care. Those Rohingya who have sufficient funds will occasionally travel to Bangladesh or, less often, Yangon to seek medical treatment.'[182]

See also Healthcare.

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

'The conditions in the camps for internally displaced persons visited by the Special Rapporteur have not significantly improved since her previous visits, with a number of continuing problems, including overcrowding, the deterioration of temporary shelters and housing and the lack of proper sanitation facilities. She remains concerned about the dire housing conditions of the majority of internally displaced persons, including those in camps around Sittwe.'[183]

7.1.5 In September 2018, the OCHA commented on the deplorable living conditions for displaced people confined to camps in central Rakhine, noting 'Overcrowding and poor environmental health conditions in the camps have a disproportionate impact on women and children. Despite the wishes of displaced people to return to their places of origin, this is not being permitted and there remains a risk of permanent segregation of the stateless Rohingya community in Rakhine State.'[184]

7.1.6 In its Humanitarian Bulletin, covering the period October 2016 to January 2017, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that '[M]ore than 23,000 (over 12,300 women/girls and over 11,100 men/boys) are estimated by the UN to remain displaced inside Maungdaw north. The majority of those displaced are Muslims who identify themselves as Rohingya, however members of other communities were also displaced.'[185]

7.1.7 In March 2017, the Advisory Committee established by Aung San Suu Kyi (see Domestic accountability) recommended the closure of IDP camps in Rakhine state to allow the inhabitants – Kaman Muslims, ethnic Rakhine people, and Rohingya Muslims – to return to their homes. The IDPs have

[181] USSD, 'Country Report Burma 2017', (Section 2d), 20 April 2018, url.
[182] DFAT, 'Country Information Report Myanmar', (paragraph 3.18), 10 January 2017, url.
[183] UN General Assembly, 'Situation of human rights in Myanmar', (para 49), 29 August 2016 url.
[184] UNOCHA, 'Myanmar Humanitarian Brief', September 2018, url.
[185] OCHA, 'Humanitarian Bulletin Myanmar', (page 1), October 2016 - January 2017, url.

lived in the camps since 2012 when they were displaced by communal violence[186].

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7.2 Humanitarian aid

7.2.1 Amnesty International (AI) reported on 25 January 2017 that following the October 2016 border post attacks (see Clashes with security forces – October 2016 attacks), '[t]he Myanmar authorities suspended all humanitarian operations in northern Rakhine State, affecting 150,000 people who were previously reliant on the aid. The majority of those affected were from the ethnic Rohingya minority, including thousands of newly displaced people.'[187]

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

'After a three month interruption to most of the services being provided by UN agencies and humanitarian organizations in northern Rakhine, the Government has been permitting an incremental resumption of some activities, but with national staff only. International staff still face severe movement restrictions. While they have been permitted to observe some Government-led food distributions and while some high level visits are being permitted, most international staff based in northern Rakhine remain confined to the township capitals (Maungdaw and Buthidaung towns).'[188]

7.2.3 In its July 2018 report, Fortify Rights noted:

'At the time of writing, Myanmar authorities continue to be responsible for avoidable deprivations of humanitarian aid in northern Rakhine State. Only a limited number of national staff of aid agencies are reportedly permitted access to affected areas. Moreover, many pre-existing aid projects in northern Rakhine State remain suspended at the time of writing, and relevant ministries under the control of the civilian government continue to fail to issue and renew travel authorizations for aid workers.'[189]

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Section 8 updated: 6 February 2019

8. Access to services in Rakhine state

8.1 Restrictions

8.1.1 Discussing the position in Rakhine state, the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern, in its Concluding observations, dated 25 July 2016, 'That local requirements that women and girls receive permits before travelling place undue restrictions on their movement, which poses significant obstacles for women and girls in

[186] Advisory Commission on Rakhine State, 'Interim Report', (page 12), March 2017, url.
[187] AI, 'Urgent Action: Aid services slowly resume in North Rakhine', 25 January 2017, url.
[188] OCHA, 'Humanitarian Bulletin Myanmar', (page 1), October 2016 - January 2017, url.
[189] Fortify Rights, 'They Gave them Long Swords', (page 71), July 2018, url.

gaining access to education, health care and emergency medical care and other basic services...'[190]

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8.2 Education

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

'In Rakhine State, members of the Rakhine community around Sittwe highlighted the long distances that had to be travelled to reach a secondary school. In camps for Muslim communities around Sittwe, there is only one secondary school, leaving many without access to formal education. The Special Rapporteur notes that small numbers of Muslim students are now able to attend Sittwe University, but underlines the need to dramatically expand access to education at all levels, irrespective of religion or ethnicity.'[191]

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8.3 Healthcare

8.3.1 In June 2016, the United Nations High Commissioner for Human Rights (UNHCHR) reported that the 'availability, accessibility, affordability and quality of health facilities, goods and services are extremely poor across Rakhine State', adding:

'In townships surrounding Sittwe, including Pauktaw and Myebon, Muslims have no free access to township hospitals; emergency cases must be referred to Sittwe General Hospital through an onerous and time-consuming referral process, which entails boat travel and police escorts. Muslim patients are confined to a segregated ward, where allegations and rumours of discriminatory treatment persist. The situation leads to a general reluctance to seek care at the facility. In northern Rakhine State, patients have access to township hospitals but are required to obtain costly and time-consuming travel authorizations, pass through checkpoints and face additional limitations imposed by the curfew, which in some cases may lead to serious and life-threatening delays in an emergency situation. Delays in seeking or receiving emergency obstetric treatment can have particularly devastating consequences and are a major cause of death of babies and for women experiencing complications during pregnancy and childbirth.'[192]

8.3.2 The UN Special Rapporteur noted in her August 2016 report that there was

'… a need to improve access to health care, particularly in rural and conflict-affected areas. This is especially true in Rakhine State, where Muslim communities in several townships can seek emergency medical treatment only at Sittwe hospital. This requires an onerous referral process, several hours' travel in many cases and, often, a police escort. Delays in accessing emergency treatment have resulted in preventable deaths...'[193]

[190] UN CEDAW, 'Concluding observations … Myanmar', (paragraph 44b), 25 July 2016, url.
[191] UN General Assembly, 'Situation of human rights in Myanmar', (para 77), 29 August 2016 url.
[192] UNHCHR, 'Situation of human rights of Rohingya Muslims', (paragraphs 38-39), 29 June 2016, url.
[193] UN General Assembly, 'Situation of human rights in Myanmar', (para 78), 29 August 2016 url.

8.3.3 DFAT reported in January 2017 that:

'Access to healthcare is severely impacted by imposed restrictions on movement for Rohingya. This includes those living in IDP camps as well as those in northern Rakhine State. Poor access to healthcare is partly driven by the generally poor healthcare services in Rakhine State and underdeveloped transport infrastructure, and exacerbated by the movement restrictions for Rohingya and discrimination in the delivery of services. For example, Rohingya living in IDP camps near Myebon are not permitted to attend the local hospital in the Myebon town centre, a short drive away. Instead, these people must travel by boat to Sittwe, a journey that takes between five and seven hours.'[194]

8.3.4 The same source added 'Sittwe hospital does not allow Rohingya access to the general medical services provided to the rest of the population. Access to the hospital for Rohingya is limited to emergency cases, and this group are treated in a separate ward at the hospital, which has a limited number of beds and lower-standard facilities compared to the rest of the hospital.'[195]

See also Internally displaced persons (IDPs).

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Section 9 updated: 6 February 2019

9. Freedom of movement in Rakhine state

9.1 Restrictions

9.1.1 The USSD HR report for 2017 noted that:

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

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

[194] DFAT, 'Country Information Report Myanmar', (paragraph 3.17), 10 January 2017, url.
[195] DFAT, 'Country Information Report Myanmar', (paragraph 3.18), 10 January 2017, url.

the INRD or the township, district, and state officials. While Rohingya could change residency, the government would not register them on a new household registration list in that new location. This practice effectively prevented persons from changing residency.'[196]

See Identity documents.

9.1.2 On 8 March 2016, the UN Special Rapporteur on human rights in Myanmar expressed her concern about:

'... highly discriminatory policies and practices against the Rohingya and other Muslim communities in Rakhine. In practice, these policies deny the affected population some of their most fundamental rights. Of particular importance is the need to restore freedom of movement for all, which in turn could facilitate the process of return and reintegration of communities. Ongoing discriminatory restrictions to freedom of movement are largely used to control the Rohingya population; as a consequence, movement is restricted within and between townships, and people must obtain specific authorization to travel outside Rakhine State. These restrictions severely affect all aspects of their life, including access to livelihood, and hamper interactions between the Rakhine and Muslim communities.'[197]

9.1.3 DFAT also reported that 'Rohingya are required to obtain travel approval to move even short distances; credible sources told DFAT that obtaining travel approval documents and then using these documents to pass through checkpoints requires them to pay "informal fees" at every stage. The size of these informal payments can vary and can be linked to the perception of an individual's capacity to pay.' The same source added 'It is estimated that there are nearly 200 checkpoints in northern Rakhine State alone. Credible sources told DFAT that Rohingya faced systematic levels of extortion in central and northern Rakhine State.'[198]

See Extortion and harassment.

9.1.4 DFAT noted that the restrictions on freedom of movement, that followed the inter-communal violence of 2012, disproportionately affected the Rohingya and remained in place at the time of publication of its report in January 2017[199]. The UN Mission Report of September 2018 confirmed that curfews in place since 2012 still operated[200]. DFAT further noted that in northern Rakhine state the Border Guard Police (BGP) maintained checkpoints that restricted movement, sometimes even within village tracts within a township. A sealed security zone was established in northern Rakhine following the October 2016 border post attacks, making movement in and out of the zone extremely limited[201].

9.1.5 In the past year there have been a number of reports of Rohingya residents of Rakhine being arrested and charged for failing to obtain permission to

[196] USSD, 'Country Report Burma 2017', (Section 2d), 20 April 2018, url.
[197] UNHRC, 'Report of the Special Rapporteur', (paragraph 39), 8 March 2016, url.
[198] DFAT, 'Country Information Report Myanmar', (paragraphs 3.16 and 3.21), 10 January 2017, url.
[199] DFAT, 'Country Information Report Myanmar', (paragraph 3.16), 10 January 2017, url.
[200] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 509), 17 September 2018, url.
[201] DFAT, 'Country Information Report Myanmar', (paragraph 3.16), 10 January 2017, url.

travel, and that outstanding applications for permission to travel are not processed promptly, if at all[202]. The UN Mission Report also noted 'According to credible reports, when Rohingya or Kaman try to move in central Rakhine beyond locally accepted boundaries, they are frequently arrested and subjected to ill-treatment.'[203]

See also Clashes with security forces – October 2016 attacks.

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Section 10 updated: 6 February 2019

10. Societal treatment and attitudes

10.1 Inter-communal violence

10.1.1 The International Crisis Group (ICG) reported in October 2014 that 'Muslim communities in Rakhine State have over the years been progressively marginalised from social and political life. Apart from the Kaman, the rest have been denied full citizenship, with significant consequences for their livelihoods and well-being.'[204]

See also Citizenship.

10.1.2 In November 2014, IRIN reported that 'Two bouts of communal violence between Buddhist ethnic Rakhines and Muslim Rohingyas in June and October 2012 killed 176 and destroyed more than 10,000 homes and buildings.'[205] HRW reported that the violence was sparked by the rape and murder of a Rakhine Buddhist woman by 3 Muslim men on 28 May 2012. Killings and arson were committed by both Muslims and Buddhists and led to thousands fleeing their homes. The report noted 'While the state security forces initially did nothing to halt the violence, they soon joined in with Arakanese [Rakhine] mobs to attack and burn Muslim [Rohingya and Kaman] neighborhoods and villages.'[206]

10.1.3 According to HRW, the violence that occurred in October 2012 was more organised and planned. The report stated:

'For months, local Arakanese political party officials and senior Buddhist monks publicly vilified the Rohingya population and described them as a threat to Arakan State. On October 23, thousands of Arakanese men armed with machetes, swords, homemade guns, Molotov cocktails, and other weapons descended upon and attacked Muslim villages in nine townships throughout the state. State security forces either failed to intervene or participated directly in the violence. In some cases attacks occurred simultaneously in townships separated by considerable distance.'[207]

10.1.4 The UN reported they had credible information that further communal clashes in early January 2014 led to the deaths of at least 48 Rohingya men,

[202] The Irrawaddy, 'Muslim Teacher Falls Victim to Travel Restrictions in Rakhine', 1 June 2018, url.
[203] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 513), 17 September 2018, url.
[204] ICG, 'The Politics of Rakhine State', (page 19), 22 October 2014, url.
[205] IRIN, 'No easy solution for Myanmar's Rakhine crisis', 4 November 2014, url.
[206] HRW, '"All You Can Do is Pray"', 22 April 2013, url.
[207] HRW, '"All You Can Do is Pray"', 22 April 2013, url.

women and children[208]. The government rejected the claims and only acknowledged the death of a Rakhine police officer, reportedly killed by Rohingya villagers[209].

10.1.5 The report of the UN Secretary General noted that during the reporting period, from 8 August 2015 to 1 August 2016, 'No major outbreak of communal violence was reported in Rakhine State or elsewhere... Government-led and grass-roots and civil society efforts at promoting social cohesion and intercommunal harmony have also been promoted, with successful results.'[210]

10.1.6 DFAT noted in its January 2017 report that, although there were reduced opportunities for societal violence due to the limitations on freedom of movement for the Rohingya, it assessed that high levels of religious and ethnic tensions remained between Muslims and Buddhists[211].

10.1.7 The UN Mission Report noted:

'A number of incidents took place in northern Rathedaung Township in July and August 2017 that contributed to the rapidly escalating tensions across Rakhine State. These were not isolated events but took place in close proximity to each other, in a series of neighbouring village tracts. These incidents were well publicized, reported on by Rakhine media as well as in national and international media. In a public statement, ARSA stated that these incidents were "pre-planned and organized crimes" which it viewed as being aimed at causing intercommunal violence in Rakhine State "to trigger a repeat of 2012-style violence".'[212]

10.1.8 In a briefing note on the crisis in Rakhine state, the International Commission of Jurists (ICJ) reported, in November 2017 'Credible reports suggest that groups of individuals who are not members of security forces have carried out acts of violence and arson in northern Rakhine State, allegedly with active involvement or acquiescence by security forces.'[213]

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10.2 Anti-Muslim rhetoric and Buddhist nationalism

10.2.1 According to a May 2015 report by the Simon-Skjodt Center for the Prevention of Genocide, staff of whom visited Rakhine state in March 2015:

'The Buddhist extremist nationalist movement, led by monks and supported by various government officials, has spearheaded anti-Muslim campaigns in Burma. The extremists have led sermons and public speeches against Rohingya and other Muslims, orchestrated efforts to boycott Muslim shops, and distributed anti-Muslim stickers that people could post on their homes

[208] UN News, 'Top UN officials call for probe into latest violence', 23 January 2014, url.
[209] BBC News, 'Burma violence: UN calls for Rohingya deaths inquiry', 24 January 2014, url.
[210] UN General Assembly, 'Situation of human rights in Myanmar', (para 23), 5 August 2016, url.
[211] DFAT, 'Country Information Report Myanmar', (paragraph 3.10), 10 January 2017, url.
[212] UNHRC, 'Fact-finding mission on Myanmar', (paragraphs 1158-1159), 17 September 2018, url.
[213] ICJ, 'Myanmar: Questions and answers on human rights law', (page 10), November 2017, url.

and businesses. Hate speech is disseminated through public rallies as well as online through social media platforms.'[214]

10.2.2 In November 2015, a publisher and four others were charged and fined under the Printing and Publishing Law for printing a calendar which represented Rohingyas as a legitimate ethnic minority of Myanmar[215] [216]. According to published research linking Ma Ba Tha's inflammatory speeches and publications with outbreaks of violence, after intervention by Ma Ba Tha monks in the calendar case, the four men were rearrested and charged under the Criminal Code[217].

10.2.3 Ma Ba Tha (in English – the Committee for the Protection of Nationality and Religion) is a Buddhist nationalist movement that, as cited in the Myanmar Times, 'rose to prominence in the wake of the 2012 communal violence between Rakhine State Buddhists and Rohingya Muslims...'[218] Whilst they initially gained sympathy from the Buddhist majority for their views against Burma's Muslim minority, the government has made efforts to distance itself from the group[219] [220].

10.2.4 The UN High Commissioner for Human Rights (UNHCHR) reported in June 2016 that 'Since 2012, incidents of religious intolerance and incitement to hatred by extremist and ultra-nationalist Buddhist groups have increased across the country. The Rohingya and other Muslims are often portrayed as a "threat to race and religion".'[221] The UN Special Rapporteur noted in her August 2016 report that 'Ultranationalist groups and religious movements have spread misinformation and further fuelled tensions between communities. As one example, fears about population increases in Aung Mingalar, a Muslim enclave in Sittwe, resulted in a headcount, conducted in May 2016. The count ultimately showed no appreciable change in population numbers.'[222]

10.2.5 The DFAT report dated January 2017 stated that 'Anti-Muslim sentiment in Myanmar is widespread and entrenched, especially outside of major cities... laws allowing for greater freedom of speech have led to an increase in hate-speech, which has incited violence, particularly against those that identify as Rohingya and other minority groups.'[223]

10.2.6 A Malaysian ship carrying aid for Rohingyas was greeted by Buddhist protesters as it docked in Rangoon (Yangon) on 9 February 2017. According to Al Jazeera, dozens of Buddhist monks and demonstrators waited outside the docking area waving national flags and signs reading 'No Rohingya'.[224] Aid organisers, who were denied access to dock in Rakhine's capital, Sittwe,

[214] United States Holocaust Memorial Museum, 'They want us all to go away', (page 9), May 2015, url.
[215] Myanmar Times, 'Publisher, four others jailed over calendar', 25 November 2015, url.
[216] The Irrawaddy, 'Five men detained, charged over "Rohingya calendar"', 25 November 2015, url.
[217] C4ADS, 'Sticks and Stones', (page 27), 5 February 2016, url.
[218] Myanmar Times, 'Ma Ba Tha a 'divisive' minority, other monks say', 21 July 2016, url.
[219] RFA, 'Myanmar's Ministry of Religious Affairs Backs Journalist', 5 April 2017, url.
[220] Frontier Myanmar, 'Can the government manage the challenge…?', 2 April 2017, url.
[221] UNHCHR, 'Situation of human rights of Rohingya Muslims', (paragraph 9), 29 June 2016, url.
[222] UN General Assembly, 'Situation of human rights in Myanmar', (para 64), 29 August 2016 url.
[223] DFAT, 'Country Information Report Myanmar', (paragraph 3.36 and 3.49), 10 January 2017, url.
[224] Al Jazeera, 'Malaysian ship with aid for Rohingya docks in Myanmar', 9 February 2017, url.

said they trusted the Burmese government to deliver the 2.5 tonnes of supplies[225].

10.2.7 The UN Mission Report noted in its concluding observations on the prevalence of hate speech targeting Muslims, particularly the Rohingya, that the authorities in Burma:

'… have created an enabling environment for radical individuals and associated organizations, including 969 and MaBaTha, to openly disseminate hate speech and incite violence, hostility and discrimination against certain groups. The authorities have condoned these developments and, although generally using less inflammatory language, their rhetoric has mirrored and promoted the radical narratives. The Myanmar authorities, including both the Government and the Tatmadaw, have fostered a climate in which hate speech thrives, human rights violations are legitimised, and incitement to discrimination and violence facilitated. They have emboldened those who preach hatred and intolerance, and silenced those who stand for tolerance and human rights.'[226]

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Section 11 updated: 6 February 2019

11. Rohingyas outside Rakhine State

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

'There are a number of Rohingya people living outside of Rakhine State, particularly in Yangon. The size of the Rohingya population in Myanmar outside Rakhine State is unclear, as these people generally do not publicise their ethnicity. Rohingya outside Rakhine State typically have higher incomes and better access to resources than those in Rakhine State, and are typically able to obtain identity documentation that allows them to live and work without facing the high levels of discrimination otherwise experienced by Rohingya in their day-to-day life. Typically, Rohingya in Yangon are registered as "Burmese Muslims". Burmese Muslims hold national ID cards and residency documents, which gives them a legal right to a passport. Rohingya who maintain a low profile outside of Rakhine State face a similar level of discrimination to that faced by other Muslims or people of South Asian appearance in Myanmar, although they are not subject to local orders as other Rohingya in northern Rakhine State.'[227]

11.1.2 Conflicting information, cited below, indicated that most Rohingya have no legal documentation (see Identity documents).

11.1.3 A joint report by Smile Education and Development Foundation (SEDF) and Justice Base noted in its key findings, based on a study of individuals during 2016 and 2017, that:

[225] VOA, 'Malaysian Aid for Myanmar's Rohingya Arrives at Yangon Dock', 9 February 2017, url.
[226] UNHRC, 'Fact-finding mission on Myanmar', (paragraph 1358), 17 September 2018, url.
[227] DFAT, 'Country Information Report Myanmar', (paragraph 3.27), 10 January 2017, url.

'Applicants reported being unable to list either their ethnic or religious group of their choice, with immigration officials determining their identity based on officials' perception or bias. Muslim participants most commonly reported being censored by immigration officials, with the notable trend of officials insisting that applicants be listed as "Bengali," "Pakistani" or "Indian" or all three under ethnicity, often because officials said that Muslims could not have "Myanmar" as their ethnicity.'[228]

11.1.4 Similarly, the 2018 Annual Report of the US Commission on International Religious Freedom (USCIRF) stated 'Muslims are not allowed to indicate on their ID cards that they are from Burma, but rather must list a foreign country of origin, such as India or Pakistan, which often makes it difficult to obtain a bank loan, rent an apartment, or get a civil service job.'[229]

11.1.5 The SEDF and Justice Base report also noted there were significant delays in receiving identity documents, in some cases more than 10 years, alongside requests for bribes[230].

See also Identity documents and Societal treatment and attitudes.

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Section 12 updated: 6 February 2019

12. Rohingyas in Bangladesh

12.1 Population

12.1.1 According to the DFAT Country Information Report on Bangladesh, dated February 2018 'The overwhelming majority of both new and previous Rohingya arrivals are located in Cox's Bazar district, adjacent to the Myanmar border, which is one of Bangladesh's poorest districts.'[231] As at the end of January 2019, UNHCR cited the refugee population in Cox's Bazar at just over 909,000. Population figures included the 34,172 registered refugees living in Kutupalong refugee camp and Nayapara refugee camp. Some refugees lived in host communities[232]. Over 16,500 Rohingya arrived in Bangladesh in 2018, most of whom were from Burma. In the first 2 weeks of 2019, 620 Rohingya arrived from India[233].

See Attacks – August 2017.

12.1.2 According to the English-language daily newspaper, New Age, a June 2016 census on undocumented Rohingya indicated the Rohingya resided in almost all of Bangladesh's 64 districts[234].

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12.2 Cross-border travel

12.2.1 DFAT's January 2017 Country Information Report on Burma noted that:

[228] SEDF/Justice Base, 'Access to Documentation', (page 5), December 2017, url.
[229] USCIRF, 'Annual Report 2018', (page 4), 25 April 2018, url.
[230] SEDF/Justice Base, 'Access to Documentation', (page 5), December 2017, url.
[231] DFAT, 'Country Information Report Bangladesh', (paragraph 3.14), 2 January 2018, url.
[232] UNHCR, 'Population factsheet', 31 January 2019', url.
[233] UNHCR, 'Operational update', (pages 1 and 5), 1-15 January 2019, url.
[234] New Age, 'Rohingya refugee census', 13 December 2016, url.

'While travel within Rakhine State – and Myanmar in general – is severely restricted for Rohingya, several credible sources told DFAT that this group in northern Rakhine State are more easily able to travel to and from Bangladesh, despite neither country recognising the Rohingya as citizens. Prior to the security operations following the October 2016 attacks against BGP outposts, people from northern Rakhine State were able to take these trips for trading purposes or to access healthcare services. Myanmar immigration and customs officials issue an official document – known as a "blue book" – that allowed regularised movements of people, including Rohingya, between Myanmar and Bangladesh. Information on the card includes the holder's name and address and a record of their trips. The cards allowed for multiple entries across a certain period of time. Since the commencement of security operations, one way, irregular people movement from Myanmar to Bangladesh has dramatically increased, but regular movement between the two countries has been restricted.'[235]

12.2.2 In December 2016, Amnesty International reported that the Border Guard Bangladesh (BGB) had pushed back thousands of Rohingya attempting to cross the border following the October 2016 attacks in Burma (see Clashes with security forces – October 2016 attacks). The report added that the Bangladesh authorities had attempted to keep its border with Burma sealed, forcing many Rohingya to flee via dangerous and irregular routes[236].

12.2.3 However, at the end of November 2016 it was reported that Bangladeshi authorities were allowing some vulnerable refugees, particularly women and children, into the country on a humanitarian basis. This was confirmed by a government official[237].

12.2.4 Following the eruption of violence in August 2017 against the Rohingya in Rakhine state, which culminated in the exodus of Rohingya across the border into Bangladesh, it was reported in an Inter Sector Coordination Group (ISCG) Situation Report that 'The people and Government of Bangladesh welcomed the Rohingya refugees with resounding generosity and open borders.'[238]

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12.3 Refugee and unofficial camps

12.3.1 According to the USSD HR Report 2017 for Bangladesh:

'Prior to September [2017] the government [of Bangladesh] and UNHCR provided temporary protection and basic assistance to approximately 33,000 registered Rohingya refugees from Burma living in two official camps (Kutupalong and Nayapara), while the government and IOM provided assistance to approximately 200,000 undocumented Rohingya living in makeshift settlements in Cox's Bazaar. As of December the government and UNHCR estimated that 900,000 to one million undocumented Rohingya were in the country, including more than 655,000 Rohingya who entered the

[235] DFAT, 'Country Information Report Myanmar', (paragraph 3.19), 10 January 2017, url.
[236] AI, 'Myanmar: "We Are At Breaking Point"', (page 41), 19 December 2016, url.
[237] AI, 'Myanmar: "We Are At Breaking Point"', (page 42), 19 December 2016, url.
[238] ISCG, 'Situation Report: Rohingya Refugee Crisis, Cox's Bazar', 29 November 2018, url.

country seeking refuge from violence that erupted in Rakhine State, Burma, on August 25. Most of these undocumented Rohingya lived in makeshift settlements and in unofficial sites among the local population in Teknaf and Ukhiya subdistricts of Cox's Bazar District.'[239]

12.3.2 UNHCR provided profiles of the refugee camps in Cox's Bazar, with details of the size and population on the camps and the services provided[240] [241].

12.3.3 The USSD HR Report 2017 noted:

'Working with UNHCR, the government [of Bangladesh] continued to improve aspects of the official refugee camps following findings in recent years that sanitation, nutrition, and shelter conditions had fallen below minimum international standards. Some basic needs remained unmet, and the camps remained overcrowded, with densities on par with the country's urban slums; this worsened after the August 25 influx.'[242]

12.3.4 The USSD HR Report 2017 also stated 'Government authorities did not allow registered or unregistered Rohingya formal and regular access to public health care. Instead, UNHCR and NGOs provided basic health services in the official camps to registered refugees, and IOM provided health services to the unregistered Rohingya in the makeshift sites and access to local hospitals as needed.' [243]

12.3.5 Following a visit, in May 2018, to Rohingya refugees in the Kutupalong-Balukhali Expansion Camp (also known as the 'mega camp') and the Leda Makeshift Settlement, Human Rights Watch (HRW) reported 'The mega camp is severely overcrowded. The average usable space per person is 10.7 square meters per person, whereas the recommended international standard for refugee camps is 45 square meters per person. Densely packed refugees are at heightened risk of communicable diseases, fires, community tensions, and domestic and sexual violence.'[244]

12.3.6 The USSD HR Report 2017 noted that freedom of movement for Rohingya in Bangladesh was restricted, stating that 'According to the 1993 memorandum of understanding between Bangladesh and UNHCR, registered refugees are not permitted to move outside of the two [Kutupalong and Nayapara] camps. After the August 25 influx, police set up checkpoints on the roads to restrict Rohingya travel beyond the government-designated areas.'[245]

12.3.7 The Dhaka Tribune reported, in February 2017, on the Bangladesh government plans to move Rohingya refugees to the remote and volatile island of Thengar Char[246]. Reuters reported 'The island is two hours by boat from the nearest settlement. There are no buildings, mobile phone reception or people. During the monsoon it often floods and, when the seas are calm, pirates roam nearby waters hunting for fishermen to kidnap for ransom.'

[239] USSD, 'Country Report Bangladesh 2017', (Section 2d), 20 April 2018, url.
[240] UNHCR, 'Bangladesh: Camp Profiles - November 2018', 12 December 2018, url.
[241] UNHCR, 'Population factsheet', 31 January 2019', url.
[242] USSD, 'Country Report Bangladesh 2017', (Section 2d), 20 April 2018, url.
[243] USSD, 'Country Report Bangladesh 2017', (Section 2d), 20 April 2018, url.
[244] HRW, '"Bangladesh is not my country"', (Summary), 5 August 2018, url.
[245] USSD, 'Country Report Bangladesh 2017', (Section 2d), 20 April 2018, url.
[246] Dhaka Tribune, 'Thengar Char for Rohingya rehabilitation', 9 February 2017, url.

Critics said the island was uninhabitable[247]. According to the Dhaka Tribune, reporting on 29 January 2019, the building project on Thengar Char, also known as Bhashan Char, was due to be completed in 2019 although, at the time of writing, it was not known when Rohingya refugees would be relocated[248].

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12.4 Documentation and legal rights

12.4.1 UNHCR reported, in January 2019, that through the joint Government of Bangladesh/UNHCR Phase 2 registration/verification exercise, 43,000 individuals had been registered and verified. The report noted 'An identity card, commonly referred to by refugees as the "smart card", is issued to all refugee women, men, girls and boys above the age of 12 and replaces two existing cards that they already possess – a Ministry of Home Affairs (white) card and a Refugee Relief and Repatriation Commissioner (yellow) family counting card.'[249] According to Reuters, smart cards identify an individual as a "forcibly displaced Myanmar national" and not as Rohingya[250].

12.4.2 DFAT reported in its Country Information Report Bangladesh, dated January 2018, that registered Rohingya refugees 'possess several forms of identification, including UNHCR Identity Cards, birth certificates and World Food Programme Food Cards, which list primary and secondary household recipients. The government also reportedly maintains a 'Rohingya Family Book', which contains the details of all documented Rohingya in Bangladesh.'[251] In 2011, sources indicated to the Danish FFM team that Rohingya refugee documents have been traded with, or falsified by, local Bangladeshis[252]. (See Fraudulent documents).

12.4.3 The USSD HR Report 2017 on Bangladesh noted that 'Senior government ministers stated that the new arrivals would not be recognized as refugees, referring to them as "forcibly displaced Myanmar nationals".'[253]

12.4.4 DFAT noted that:

'Regardless of their arrival date in Bangladesh, Rohingya are not eligible for citizenship (including through marriage) and are not legally entitled to work. DFAT understands that many Rohingya who arrived before 25 August 2017 have been able to work informally in Bangladesh using fraudulent identity documents, including National Identity Cards (see Fraudulent documents). Local sources have reported that law enforcement agencies generally do not actively seek to enforce legal provisions restricting Rohingya access to employment, although Rohingya generally receive lower wages and poorer conditions than those available to locals.'[254]

[247] Reuters, 'Pirates, cyclones and mud', 3 February 2017, url.
[248] Dhaka Tribune, 'Inside the Bhashan Char plan for Rohingyas', 29 January 2019, url.
[249] UNHCR, 'Operational update', (page 5), 1-15 January 2019, url.
[250] Reuters, 'Bangladesh faces refugee anger over term "Rohingya"', 26 November 2018, url.
[251] DFAT, 'Country Information Report Bangladesh', (paragraph 5.28), 2 January 2018, url.
[252] Danish Immigration Service, 'Rohingya refugees', (page 41), May 2011, url.
[253] USSD, 'Country Report Bangladesh 2017', (Section 2d), 20 April 2018, url.
[254] DFAT, 'Country Information Report Bangladesh', (paragraph 3.15), 2 January 2018, url.

12.4.5 DFAT reported that, in June 2016, the Bangladesh Government conducted a census of undocumented Rohingyas. The report added:

'In November 2016, authorities extended the census to include a large number of recent arrivals. DFAT understands that those participating in the census received a laminated biometric identification card. Authorities are reportedly undergoing a large-scale project to document the more than 600,000 Rohingya who have arrived in Bangladesh since 25 August 2017, and are in the process of issuing them the same laminated biometric identification card. In line with an agreement with Myanmar authorities, Bangladesh will also shortly commence processing new verification forms submitted on behalf of family units that do not require participants to specify their nationality or provide identification documents.'[255]

12.4.6 The census, which was voluntary, took place in 6 districts – Cox's Bazar, Chittagong, Patuakhali, Khagrachari, Bandarban and Rangamati[256].

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12.5 Repatriation

12.5.1 As reported by the ICG on 12 November 2018, 'Myanmar and Bangladesh agreed to a procedural framework for repatriation in November 2017, which was supposed to start on 23 January [2018]. But no Rohingya refugee has returned through official channels.' The report added that under a repatriation agreement, agreed between Burma and Bangladesh on 30 October 2018, 485 Rohingya families (a total of 2,260 people) were due to be returned to Burma starting on 15 November[257]. However, repatriations did not commence as, according to a report in the East Asia Forum, 'the first group of refugees refused to go back on the grounds that they would not yet be safe.'[258]

12.5.2 The ISCG Situation Report on Rohingya refugees in Cox's Bazar, covering the period 13-26 November 2018, noted:

'During the reporting period, the community continued to express unwillingness to return, representing that they would not agree to go back to Myanmar without security, basic human rights and citizenship being ensured to them. UNHCR has stated repeatedly at different levels that the repatriation of refugees should be premised "upon the free and informed decision by refugees, on an individual basis, to return". Refugee returns should only take place at their freely expressed wish and based on relevant and reliable knowledge of the conditions within the country of origin and the area of return.'[259]

12.5.3 At the time of writing, repatriations had not begun and, according to the Dhaka Tribune, reporting on 31 January 2019, 'Instead of creating a conducive environment for the return of the Rohingyas, the Myanmar security forces are actually creating a situation to force the remaining

[255] DFAT, 'Country Information Report Bangladesh', (paragraph 5.29), 2 January 2018, url.
[256] Dhaka Tribune, 'Final Rohingya census report by Nov', 20 June 2016, url.
[257] ICG, 'The Danger of Forced Rohingya Repatriation', 12 November 2018, url.
[258] East Asia Forum, 'Rohingya repatriation destined to fail', 14 December 2018, url.
[259] ISCG, 'Situation Report: Rohingya Refugee Crisis, Cox's Bazar', 29 November 2018, url.

Rohingyas out of Rakhine, top officials of the government and United Nations officials told the Dhaka Tribune.'[260]

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12.6 Fraudulent documents

12.6.1 In 2011, sources in Bangladesh indicated to the Danish FFM delegates that the falsifying and fraudulent use of Rohingya refugee, and other Burmese documents, was known to occur within the refugee community and with Bangladeshis[261].

12.6.2 The Immigration and Refugee Board of Canada (IRB), reporting on the availability of fraudulent documents in Bangladesh between 2011 and 2015, stated 'Sources report that several individuals of Rohingya origin ... were arrested while attempting to use fake Bangladeshi passports to travel abroad in 2012... and 2013...'[262]

12.6.3 Sources consulted during the UK Home Office Fact Finding Mission (FFM) to Bangladesh in May 2017 noted, regarding Rohingya refugees in Bangladesh, that official refugees possess a biometric UNHCR/MDMR (Ministry of Disaster Management and Relief) card, which enabled access to some services. The UNHCR can reissue lost cards. Refugees may also possess a family ration book but these are no longer re-issued; since August 2014 they have been replaced by food ration cards, which contain biometric data and for which there exists a computerised record[263].

12.6.4 During the FFM, the Department for International Development (DfID) noted that the World Food Programme issued vouchers to women. UNHCR/International Organization for Migration (IOM) said that the paper slip completed by those participating in the 2016 census was envisaged as a route to some kind of temporary identification card, although this would not confer national identity. The National Human Rights Commission (NHRC) had not heard that there was a market in Rohingya documentation, as only UNHCR officials would have access to such documentation. However, the source did observe one example when a Bangladeshi national in Malaysia avoided deportation because he had Rohingya documentation. A human rights organisation opined that, while he did not know, he thought it likely that there were more cases of Bangladeshis using Rohingya documentation. UNHCR/IOM observed that food cards were sometimes pawned but as they contain biometric information they were only useful to the owner. UNHCR was unaware of forged or fraudulent cards being used. Transparency International (TI) claimed that there had been undocumented stories of Rohingya refugees using Bangladeshi documents to travel abroad[264].

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[260] Dhaka Tribune, 'Rohingya repatriation deal', 31 January 2019, url.
[261] Danish Immigration Service, 'Rohingya refugees', (page 42), May 2011, url.
[262] IRB,' Bangladesh: Reports of fraudulent documents (2011-2015)', 20 August 2015, url.
[263] UK Home Office, 'FFM to Bangladesh', (Section 9.5), September 2017, url.
[264] UK Home Office, 'FFM to Bangladesh', (Section 9.5), September 2017, url.

Section 13 updated: 6 February 2019

13. Rohingya in Indonesia, Malaysia and Thailand

13.1.1 For information on the position of Rohingya in Malaysia and Thailand see: Refugees International Field Report – 'Still Adrift: Failure to Protect Rohingya in Malaysia and Thailand', November 2016 and Fortify Rights and Burma Rohingya Organisation UK – '"Everywhere is Trouble" A Briefing on the Situation of Rohingya Refugees from Myanmar in Thailand, Malaysia, and Indonesia', March 2016.

13.1.2 In an update on the Rohingya crisis, dated 5 December 2018, the Council on Foreign Relations provided a brief overview of the position of Rohingyas in Malaysia, Thailand and Indonesia:

'Malaysia: As of October 2018, eighty thousand Rohingya were in Malaysia, according to the United Nations, though tens of thousands of others are in the country unregistered. Rohingya who arrive safely in Malaysia have no legal status and are unable to work, leaving their families cut off from access to education and health care.

'Thailand: Thailand is a hub for regional human smuggling and serves as a common transit point for Rohingya. Migrants often arrive there by boat from Bangladesh or Myanmar before continuing on foot to Malaysia or by boat to Indonesia or Malaysia. The military-led Thai government has cracked down on smuggling rings after the discovery of mass graves in alleged camps where gangs held hostages. But some experts say that while punishing traffickers disrupts the networks, it does not dismantle them.

'Indonesia: The Rohingya have also sought refuge in Indonesia, although the number of refugees from Myanmar there remains relatively small because they are treated as illegal immigrants. Indonesia has rescued migrant boats off its shores and dispatched humanitarian aid and supplies to Bangladesh's camps. Indonesian President Joko Widodo pledged more help during a visit to refugee camps in Bangladesh in January 2018.'[265]

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[265] Council on Foreign Relations, 'The Rohingya Crisis', 5 December 2018, url.

Annex A

Excerpts from email correspondence between the Home Office and Laura Draper (independent legal and country adviser), 19 and 23 February 2019.

[Laura Draper noted:]

‘Many, though not all, Rohingya were in practice recognised as citizens under the 1947 Constitution and Union Citizenship Act 1948, either by virtue of having resided in Burma for three generations (Article 4(2) of the 1948 Act) or having applied to naturalise on the basis of 5 years residence in Burma (Article 7 of the 1948 Act).’

And

‘Although treated as de facto citizenship cards, national registration cards/certificates (NRC) do not denote proof of citizenship, only explicit proof of residency.

‘(It may be worth adding a footnote to say that NRCs were issued pursuant to the Burma Residents Registration Act 1949 and Burma Residents Registration Rules 1951, while by contrast foreigners received Foreigner Registration Certificates (FRCs) pursuant to the Registration of Foreigners Act 1940 and the corresponding 1948 Rules.)’

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the country information section. The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Background
    - Origin of the term "Rohingya"
    - Demography
    - Language/culture
    - Burmese names
- Legal rights
    - Citizenship
    - Identity documents
    - Marriage and the 'two-child policy'
- State treatment and attitudes – Rakhine state
    - General socio-economic conditions
    - Pre-October 2016 human rights violations
    - Clashes with security forces – October 2016
    - Response to October 2016 attacks
    - Arrest and detention following October 2016 attacks
    - Attacks – August 2017
    - Extortion and harassment
    - Domestic accountability
    - International accountability
    - Avenues of redress
- Women and girls
    - Discrimination
    - Sexual violence
- Humanitarian situation
    - Internally displaced persons (IDPs)
    - Humanitarian aid
- Access to services in Rakhine state
    - Restrictions

    - Education
    - Healthcare
- Freedom of movement in Rakhine state
    - Restrictions
- Societal treatment and attitudes
    - Inter-communal violence
    - Anti-Muslim rhetoric and Buddhist nationalism
- Rohingyas outside Rakhine State
- Rohingyas in Bangladesh
    - Population
    - Cross-border travel
    - Refugee and unofficial camps
    - Documentation and legal rights
    - Repatriation
    - Fraudulent documents
- Rohingya in Malaysia and Thailand

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Bibliography

Sources cited

Advisory Commission on Rakhine State,

‘Interim Report and Recommendations’, March 2017, http://www.rakhinecommission.org/app/uploads/2017/03/Advisory-Commission-Interim-Report.pdf. Last accessed: 30 January 2019

‘Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine – Final Report of the Advisory Commission on Rakhine State’, August 2017, http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf. Last accessed: 15 January 2019

Website, http://www.rakhinecommission.org/. Last accessed: 28 January 2019

Agence France Presse (AFP), ‘Myanmar govt swats away ‘biased’ UN abuse claims’, 2 March 2017, available at: https://tribune.com.pk/story/1342823/myanmar-govt-swats-away-biased-un-abuse-claims/. Last accessed: 25 January 2019

Al Jazeera,

‘Malaysian ship with aid for Rohingya docks in Myanmar’, 9 February 2017, http://www.aljazeera.com/news/2017/02/malaysian-ship-aid-rohingya-docks-myanmar-170209090106480.html. Last accessed: 5 February 2019

‘HRW: Satellite data show fires burning in Rakhine state’, 30 August 2017, http://www.aljazeera.com/news/2017/08/hrw-satellite-data-show-fires-burning-rakhine-state-170829065457014.html. Last accessed: 25 January 2019

‘Myanmar rejects UN findings in Rohingya genocide report’, 29 August 2018, https://www.aljazeera.com/news/2018/08/myanmar-rejects-findings-rohingya-genocide-report-180829070211806.html. Last accessed: 29 January 2019

‘Who are the Rohingya’, 28 October 2015, http://www.aljazeera.com/indepth/features/2015/10/rohingya-151024202611276.html. Last accessed: 14 January 2019

Amnesty International (AI),

‘Myanmar Army landmines along border with Bangladesh pose deadly threat to fleeing Rohingya’, 9 September 2017, https://www.amnesty.org/en/latest/news/2017/09/myanmar-army-landmines-along-border-with-bangladesh-pose-deadly-threat-to-fleeing-rohingya/. Last accessed: 25 January 2019

‘Myanmar: “We Are At Breaking Point” - Rohingya: Persecuted In Myanmar, Neglected In Bangladesh’, 19 December 2016, https://www.amnesty.org/download/Documents/ASA1653622016ENGLISH.PDF. Last accessed: 24 January 2019

‘Urgent Action: Torture fears for hundreds Rohingya detained’, 12 January 2017, available at: http://www.ecoi.net/file_upload/1226_1484293172_asa1654632017english.pdf. Last accessed: 25 January 2019

‘Urgent Action: Aid services slowly resume in North Rakhine’, 25 January 2017, available at http://www.ecoi.net/file_upload/1226_1485418316_asa1655462017english.pdf. Last accessed: 5 February 2019

‘“We Will Destroy Everything”: Military Responsibility for Crimes Against Humanity in Rakhine State, Myanmar’, 27 June 2018, https://www.amnesty.org/en/documents/asa16/8630/2018/en/. Last accessed: 30 January 2019

Asian Tribune, ‘U Kyaw Min: An Imprisoned: Rohingya MP without Citizenship’, 5 March 2009, http://www.asiantribune.com/?q=node/15905. Last accessed: 14 January 2019

Australian Government, Department of Foreign Affairs and Trade (DFAT),

‘DFAT Country Information Report Bangladesh’, 2 February 2018, https://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf. Last accessed: 31 January 2019

‘DFAT Country Information Report Myanmar’, 10 January 2017, https://dfat.gov.au/about-us/publications/Documents/country-information-report-myanmar.pdf. Last accessed: 15 January 2019

Balazo, P., ‘Truth & Rights: Statelessness, Human Rights, and the Rohingya’, The Undercurrent Journal, Volume XI, Winter 2015, https://web.archive.org/web/20150906120024/http://undercurrentjournal.ca/wp-content/uploads/2015/01/Undercurrent-Issue-Winter-2015.pdf. Last accessed: 14 January 2019

BBC News,

‘Burma violence: UN calls for Rohingya deaths inquiry’, 24 January 2014, http://www.bbc.co.uk/news/world-asia-25866350. Last accessed: 5 February 2019

‘Myanmar detains police officers over Rohingya beating video’, 2 January 2017, http://www.bbc.co.uk/news/world-asia-38487067. Last accessed: 28 January 2019

‘Myanmar Rakhine: Rohingya refugees drown as exodus mounts’, 31 August 2017, http://www.bbc.co.uk/news/world-asia-41105292. Last accessed: 25 January 2019

‘Rohingya crisis: US diplomat quits advisory panel’, 25 January 2018, available at: https://www.bbc.co.uk/news/world-asia-42810776. Last accessed: 29 January 2019

Burma Citizenship Law, 15 October 1982, available at: http://www.refworld.org/docid/3ae6b4f71b.html. Last accessed: 15 January 2019

Burmese Rohingya Organisation UK, ‘The Rohingya, the Citizenship Law, temporary registration, and implementation of the Rakhine State Action Plan’, April 2015, http://burmacampaign.org.uk/media/BROUK-White-Card-Briefing.pdf. Last accessed: 15 January 2019

C4ADS Innovation for Peace, ‘Sticks and Stones: hate speech narratives and facilitators in Myanmar’, 5 February 2016, http://static1.squarespace.com/static/566ef8b4d8af107232d5358a/t/56b41f1ff8baf3b237782313/1454645026098/Sticks+and+Stones.pdf. Last accessed: 5 February 2019

Central Intelligence Agency (CIA), 'The World Factbook – Burma', updated 8 January 2019, https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html. Last accessed: 14 January 2019

Cheesman, N., 'Problems with facts about Rohingya statelessness', E-International Relations, 8 December 2015, http://www.e-ir.info/2015/12/08/problems-with-facts-about-rohingya-statelessness/. Last accessed: 15 January 2019

Constitution of the Union of Burma, 24 September 1947, https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/79573/85699/F1436085708/MMR79573.pdf. Last accessed: 21 January 2019

Council on Foreign Relations, 'The Rohingya Crisis', updated 5 December 2018, http://www.cfr.org/burmamyanmar/rohingya-migrant-crisis/p36651. Last accessed: 14 January 2019

Danish Immigration Service, 'Rohingya refugees in Bangladesh and Thailand', May 2011, 1/2011, available at: https://www.refworld.org/docid/4dd0d6f72.html. Last accessed: 14 January 2019

The Dhaka Tribune,

'Final Rohingya census report by Nov', 20 June 2016, https://web.archive.org/web/20170302051937/http://archive.dhakatribune.com/bangladesh/2016/jun/20/final-rohingya-census-report-nov. Last accessed: 5 February 2019

'Inside the Bhashan Char plan for Rohingyas', 29 January 2019, https://www.dhakatribune.com/bangladesh/rohingya-crisis/2019/01/29/inside-the-bhashan-char-plan-for-rohingyas. Last accessed: 4 February 2019

'Rohingya repatriation deal: Nothing in sight even a year after passage of deadline', 31 January 2019, https://www.dhakatribune.com/bangladesh/rohingya-crisis/2019/01/31/rohingya-repatriation-deal-nothing-in-sight-even-a-year-after-passage-of-deadline. Last accessed: 5 February 2019

'Thengar Char for Rohingya rehabilitation', 9 February 2017, http://www.dhakatribune.com/bangladesh/law-rights/2017/02/09/thengar-char-rohingya-rehabilitation/. Last accessed: 5 February 2019

Draper, Laura, Independent legal and country advisor. Email exchange with Home Office, 19 and 23 February 2019. Annex A.

East Asia Forum, 'Rohingya repatriation destined to fail', 14 December 2018, http://www.eastasiaforum.org/2018/12/14/rohingya-repatriation-destined-to-fail/. Last accessed: 5 February 2019

Ethnologue, 'Languages of the World', 2018, Twenty-first edition, online version: https://www.ethnologue.com/language/ctg. Last accessed: 14 January 2019

The European Rohingya Council, 'Burmese president meets Rohingya and Rakhine in Maungdaw', 5 October 2013, http://www.theerc.net/2013/10/burmese-president-meets-rohingya-and-rakhine-in-maungdaw/. Last accessed: 14 January 2019

Foreign and Commonwealth Office (FCO),

'Human Rights and Democracy: The 2015 Foreign & Commonwealth Office Report', April 2016, https://www.gov.uk/government/uploads/

system/uploads/attachment_data/file/518658/FCO755_Human_Rights_Report_2015_-_WEB.pdf. Last accessed: 15 January 2019

'Human Rights and Democracy: The 2016 Foreign & Commonwealth Office Report', July 2017, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630623/Human_Rights_and_Democracy_Report_2016_accessible.pdf. Last accessed: 24 January 2019

Fortify Rights,

'Persecution of the Rohingya Muslims: Is Genocide Occurring in Myanmar's Rakhine State? A legal analysis', October 2015, http://www.fortifyrights.org/downloads/Yale_Persecution_of_the_Rohingya_October_2015.pdf. Last accessed: 16 January 2019

'Policies of Persecution: Ending Abusive State Policies Against Rohingya Muslims in Myanmar', February 2014, https://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf. Last accessed: 14 January 2019

'They Gave them Long Swords: Preparations for Genocide and Crimes Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar', July 2018, https://www.fortifyrights.org/downloads/Fortify_Rights_Long_Swords_July_2018.pdf. Last accessed: 28 January 2019

Frontier Myanmar,

'Can the government manage the challenge posed by Ma Ba Tha?', 2 April 2017, http://frontiermyanmar.net/en/can-the-government-manage-the-challenge-posed-by-ma-ba-tha. Last accessed: 5 February 2019

'Rakhine Commission of Enquiry to report back in a year', 17 August 2018, https://frontiermyanmar.net/en/rakhine-commission-of-enquiry-to-report-back-in-a-year. Last accessed: 29 January 2019

Gibson, T., et al, 'Rohingyas – Insecurity and Citizenship in Myanmar', Thaksin University Press, 2016, http://www.iid.org/uploads/6/2/0/6/6206024/rohingya.pdf. Last accessed: 15 January 2019

Global Centre for the Responsibility to Protect, 'Timeline of International Response to the Situation of the Rohingya and Anti-Muslim Violence in Burma/Myanmar', n.d., https://reliefweb.int/sites/reliefweb.int/files/resources/timeline-of-international-response-to-burma-9.pdf. Last accessed: 24 January 2019

The Global New Light of Myanmar, 'Permanent Representative of Myanmar to Geneva responds during Interactive Dialogue with Fact-Finding Mission on Myanmar', 21 September 2018, http://www.globalnewlightofmyanmar.com/permanent-representative-of-myanmar-to-geneva-responds-during-interactive-dialogue-with-fact-finding-mission-on-myanmar/. Last accessed: 29 January 2019

Gov.uk, 'Human Rights Council 34: UK statement on the human rights situation in Burma', 13 March 2017, https://www.gov.uk/government/news/human-rights-council-34-uk-statement-on-the-human-rights-situation-in-burma. Last accessed: 25 January 2019

Green, P., Macmanus, T., de la Cour Venning, A., 'Countdown to Annihilation: Genocide in Myanmar, International State Crime Initiative, 2015,

http://statecrime.org/data/2015/10/ISCI-Rohingya-Report-PUBLISHED-VERSION.pdf. Last accessed: 24 January 2019

The Guardian, 'Myanmar treatment of Rohingya looks like 'textbook ethnic cleansing', says UN', 11 September 2017, https://www.theguardian.com/world/2017/sep/11/un-myanmars-treatment-of-rohingya-textbook-example-of-ethnic-cleansing. Last accessed: 25 January 2019

Human Rights Watch (HRW),

'"All You Can Do is Pray" Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State,' 22 April 2013, https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims. Last accessed: 5 February 2019

'"Bangladesh is not my country": The plight of Rohingya refugees from Myanmar', 5 August 2018, https://www.hrw.org/report/2018/08/05/bangladesh-not-my-country/plight-rohingya-refugees-myanmar#. Last accessed: 5 February 2019

'Burma: Army Investigation Denies Atrocities', 24 May 2017, https://www.hrw.org/news/2017/05/24/burma-army-investigation-denies-atrocities. Last accessed: 28 January 2019

'Burma: Government Plan Would Segregate Rohingya', 3 October 2014, https://www.hrw.org/print/263387. Last accessed: 16 January 2019

'Burma: Satellite Data Indicate Burnings in Rakhine State', 29 August 2017, https://www.hrw.org/news/2017/08/29/burma-satellite-data-indicate-burnings-rakhine-state. Last accessed: 25 January 2019

'Burma: Security Forces Raped Rohingya Women, Girls - New Eyewitness Accounts Show Systematic Attacks Based on Ethnicity, Religion', 6 February 2017, available at: http://www.ecoi.net/local_link/335674/465121_en.html. Last accessed: 28 January 2019

'Joint Letter to UNHRC Members Re: Human Rights Violations in Rakhine State', 2 March 2017, https://www.hrw.org/news/2017/03/02/joint-letter-unhrc-members-re-human-rights-violations-rakhine-state. Last accessed: 28 January 2019

'"The Government Could Have Stopped This" Sectarian Violence and Ensuing Abuses in Burma's Arakan State', August 2012, available at https://www.refworld.org/docid/50211c9a2.html. Last accessed: 14 January 2019

'World Report 2017: Burma – Events of 2016', 12 January 2017, https://www.hrw.org/world-report/2017/country-chapters/burma#. Last accessed: 24 January 2019

Immigration and Refugee Board of Canada (IRB), 'Bangladesh: Reports of fraudulent documents (2011-2015)', BGD105263.E, 20 August 2015, available at: http://www.refworld.org/docid/560b92654.html. Last accessed: 5 February 2019

The Independent,

'Burma probing police 'cover up' of deaths of two Rohingya Muslims', 22 February 2017, http://www.independent.co.uk/news/world/asia/burma-

rohingya-muslims-police-cover-up-death-two-mass-rape-genocide-minority-group-un-amnesty-a7592841.html. Last accessed: 28 January 2019

'Burma says UN claims of crimes against humanity against Rohingya Muslims are "exaggerated"', 10 March 2017, http://www.independent.co.uk/news/world/asia/burma-un-rohingya-muslims-crimes-against-humanity-united-nations-exaggerated-claims-aung-san-suu-kyi-a7622331.html. Last accessed: 25 January 2019

Inter Sector Coordination Group (ISCG), 'Situation Report: Rohingya Refugee Crisis, Cox's Bazar' (covering 13 – 26 November), 29 November 2018, https://reliefweb.int/report/bangladesh/iscg-situation-report-rohingya-refugee-crisis-cox-s-bazar-29-november-2018. Last accessed: 28 January 2019

International Commission of Jurists (ICJ),

'Myanmar: New Commission of Inquiry Cannot Deliver Justice or Accountability, International Response Required', 7 September 2018, https://www.icj.org/wp-content/uploads/2018/09/Myanmar-COI-cannot-deliver-justice-or-accountability-Advocacy-Analysis-brief-2018-ENG.pdf. Last accessed: 29 January 2019

'Myanmar: Questions and Answers on Human Rights Law in Rakhine State - Briefing Note', November 2017, http://www.burmalibrary.org/docs23/ICJ-2017-11-Rakhine-Advocacy-Briefing-Paper-2017-en-.pdf. Last accessed: 29 January 2019

International Criminal Court (ICC), 'ICC Pre-Trial Chamber I rules that the Court may exercise jurisdiction over the alleged deportation of the Rohingya people from Myanmar to Bangladesh', 6 September 2018, https://www.icc-cpi.int/Pages/item.aspx?name=pr1403. Last accessed: 29 January 2019

International Crisis Group (ICG),

'Bangladesh-Myanmar: The Danger of Forced Rohingya Repatriation', 12 November 2018, https://www.crisisgroup.org/asia/south-east-asia/myanmar/b153-bangladesh-myanmar-danger-forced-rohingya-repatriation. Last accessed: 5 February 2019

'Myanmar: A New Muslim Insurgency in Rakhine State', (Chapter V. A), 15 December 2016, https://www.crisisgroup.org/asia/south-east-asia/myanmar/283-myanmar-new-muslim-insurgency-rakhine-state. Last accessed: 24 January 2019

'Myanmar Border Attacks Fuel Tensions with Rohingya Muslim Minority', 12 October 2016, https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-border-attacks-fuel-tensions-rohingya-muslim-minority. Last accessed: 24 January 2019

'Myanmar Tips into New Crisis after Rakhine State Attacks', 27 August 2017, https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-tips-new-crisis-after-rakhine-state-attacks. Last accessed: 24 January 2019

'The Politics of Rakhine State', 22 October 2014, available at http://www.ecoi.net/file_upload/1002_1414163665_261-myanmar-the-politics-of-rakhine-state.pdf. Last accessed: 14 January 2019

International Migration Institute (IMI), ‘Is Citizenship the Answer? Constructions of belonging and exclusion for the stateless Rohingya of Burma’, Pugh, C. L., October 2013, https://www.imi.ox.ac.uk/publications/wp-76-13. Last accessed: 15 January 2019

IRIN,

‘Bribes and bureaucracy: Myanmar’s chaotic citizenship system’, 31 October 2016, https://www.irinnews.org/feature/2016/10/31/bribes-and-bureaucracy-myanmar%E2%80%99s-chaotic-citizenship-system. Last accessed: 14 January 2019

‘No easy solution for Myanmar's Rakhine crisis’, 4 November 2014, http://www.irinnews.org/report/100793/no-easy-solution-myanmars-rakhine-crisis. Last accessed: 5 February 2019

The Irrawaddy,

‘Five men detained, charged over “Rohingya calendar”’, 25 November 2015, http://www.irrawaddy.com/burma/five-men-detained-charged-over-rohingya-calendar.html. Last accessed: 5 February 2019

‘Have Burma Army Operations in Northern Arakan State Really Ended?’, 25 February 2017, https://www.irrawaddy.com/news/have-burma-army-operations-in-northern-arakan-state-really-ended.html. Last accessed: 24 January 2019

‘History Behind Arakan State Conflict’, 9 July 2012, https://www.irrawaddy.com/in-person/interview/history-behind-arakan-state-conflict.html. Last accessed: 14 January 2019

‘Kofi Annan: Commission Will Not Do ‘Human Rights Investigation’ in Arakan State’, 8 September 2016, https://www.irrawaddy.com/news/burma/kofi-annan-commission-will-not-do-human-rights-investigation-in-arakan-state.html. Last accessed: 28 January 2019

‘Man Killed in Buthidaung After Talking to Journalists’, 2 April 2017, https://www.irrawaddy.com/news/burma/127736.html. Last accessed: 15 January 2019

‘Muslim Teacher Falls Victim to Travel Restrictions in Rakhine’, 1 June 2018, https://www.irrawaddy.com/news/burma/muslim-teacher-falls-victim-to-travel-restrictions-in-rakhine.html. Last accessed: 31 January 2019

‘Rohingya Reject New Citizenship Verification Cards’, 10 June 2016, http://www.irrawaddy.com/news/burma/rohingya-reject-new-citizenship-verification-cards.html. Last accessed: 15 January 2019

‘Winners and Losers of the White Card’s Demise’, 9 March 2015, http://www.irrawaddy.com/news/burma/winners-and-losers-of-the-white-cards-demise.html. Last accessed: 15 January 2019

‘With Departure from Rakhine Advisory Panel, Kobsak Sends a “Warning Signal”’, 24 July 2018, available at: https://www.irrawaddy.com/in-person/with-departure-from-rakhine-advisory-panel-kobsak-sends-a-warning-signal.html. Last accessed: 29 January 2019

Kaladan Press Network,

‘129 prisoners released from northern Arakan, no prominent Rohingya politician’, 20 October 2011, http://www.kaladanpress.org/v3/index.php?option=com_content&view=article&id=3408:129-prisoners-released-no-prominent-rohingya-politician&catid=141:october-2011&Itemid=2. Last accessed: 14 January 2019

‘Rohingyas and the forthcoming election’, 6 November 2010, http://www.kaladanpress.org/v3/index.php?option=com_content&view=article&id=2884:rohingyas-and-the-forthcoming-election-&catid=106:kpn&Itemid=48. Last accessed: 14 January 2019

Khine, C.M., ‘Myanmar’s Unique Naming System’, 20 July 2012, available at https://globalvoices.org/2012/07/20/myanmars-unique-naming-system/. Last accessed: 14 January 2019

Leider, Jacques, P., ‘Rohingya: The name. The movement. The quest for identity’, 28 January 2014, http://www.burmalibrary.org/docs21/Jacques-P-Leider-2014-01-28-Rohingya-The_Name-The_movement-The_quest_for_identity-en.pdf. Last accessed: 14 January 2019

Ministry of Information (Republic of the Union of Myanmar), ‘Formation of the Steering Committee for issuance of National Verification Card (NVC) in Rakhine State for those who will undergo verification for citizenship’, 8 February 2017, https://www.moi.gov.mm/moi:eng/?q=announcement/14/11/2018/id-9873. Last accessed: 16 January 2019

Myanmar Times,

‘Ma Ba Tha a ‘divisive’ minority, other monks say’, 21 July 2016, http://www.mmtimes.com/index.php/national-news/yangon/21494-ma-ba-tha-a-divisive-minority-other-monks-say.html. Last accessed: 5 February 2019

‘Publisher, four others jailed over calendar’, 25 November 2015, http://www.mmtimes.com/index.php/national-news/17814-publisher-four-others-jailed-over-calendar.html. Last accessed: 5 February 2019

New Age, ‘Rohingya refugee census: Refugees spread across Bangladesh’, 13 December 2016, http://www.newagebd.net/article/4749/rohingya-refugee-census-refugees-spread-across-bangladesh. Last accessed: 5 February 2019

Public International Law and Policy Group (PILPG), ‘Factual Findings Report: Documenting Atrocity Crimes Committed Against The Rohingya In Myanmar's Rakhine State’, September 2018, https://static1.squarespace.com/static/5900b58e1b631bffa367167e/t/5bd8bdabf950b7e10b575111/1540930993999/PILPG+-+Documenting+Atrocity+Crimes+Against+Rohingya+-+Factual+Findings+Report+-+September+2018.pdf. Last accessed: 25 January 2019

Radio Free Asia (RFA),

‘Myanmar Says Islamic Terrorist Organization Behind Deadly Border Raids in Rakhine State’, 14 October 2016, http://www.rfa.org/english/news/myanmar/myanmar-says-islamic-terrorist-organization-behind-deadly-border-raids-in-rakhine-state-10142016164041.html. Last accessed: 24 January 2019

‘Myanmar’s Ministry of Religious Affairs Backs Journalist Facing Defamation, Religious Insult Lawsuits’, 5 April 2017, http://www.rfa.org/english/news/myanmar/ministry-04052017134854.html. Last accessed: 5 February 2019

‘Who Are the Arakan Rohingya Salvation Army?’, 1 September 2017, http://www.rfa.org/english/commentaries/arsa-commentary-09012017155658.html. Last accessed: 24 January 2019

The Republic of the Union of Myanmar,

President Office, ‘The Establishment of the Advisory Board for the “Committee for Implementation of the Recommendations on Rakhine State”’, 14 December 2018, http://www.president-office.gov.mm/en/?q=briefing-room/announcements/2017/12/15/id-8146. Last accessed: 29 January 2019

President Office, ‘Establishment of the Committee for Implementation of the Recommendations on Rakhine State’, 9 October 2017, http://www.president-office.gov.mm/en/?q=briefing-room/orders/2017/10/12/id-7748. Last accessed: 28 January 2019

‘The 2014 Myanmar Population and Housing Census’, The Union Report, Census Report Volume 2, May 2015, https://myanmar.unfpa.org/sites/default/files/pub-pdf/Census%20Main%20Report%20%28UNION%29%20-%20ENGLISH_0.pdf. Last accessed: 14 January 2019

Reuters,

‘Bangladesh faces refugee anger over term 'Rohingya', data collection’, 26 November 2018, https://www.reuters.com/article/us-myanmar-rohingya-bangladesh/bangladesh-faces-refugee-anger-over-term-rohingya-data-collection-idUSKCN1NV1EN. Last accessed: 5 February 2019

‘Exclusive: More than 1,000 feared killed in Myanmar army crackdown on Rohingya - U.N. officials’, 8 February 2017, http://www.reuters.com/article/us-myanmar-rohingya-idUSKBN15N1TJ. Last accessed: 25 January 2019

‘Exclusive - Myanmar laying landmines near Bangladesh border: government sources in Dhaka’, 6 September 2017, https://uk.reuters.com/article/uk-myanmar-rohingya-bangladesh-landmines/exclusive-myanmar-laying-landmines-near-bangladesh-border-government-sources-in-dhaka-idUKKCN1BH04B. Last accessed: 25 January 2019

‘Explosions rock Myanmar area near Bangladesh border amid Rohingya exodus’, 4 September 2017, http://uk.reuters.com/article/uk-myanmar-rohingya/explosions-rock-myanmar-area-near-bangladesh-border-amid-rohingya-exodus-idUKKCN1BF0F7. Last accessed: 25 January 2019

‘Myanmar probes Rohingya Muslim's death in custody during military operation’, 28 October 2016, http://www.reuters.com/article/us-myanmar-rohingya-idUSKCN12S10X. Last accessed: 28 January 2019

‘Myanmar rejects allegations of human rights abuses against Rohingya’, 6 August 2017, https://www.reuters.com/article/us-myanmar-rohingya/myanmar-rejects-allegations-of-human-rights-abuses-against-rohingya-idUSKBN1AM0DU. Last accessed: 28 January 2019

‘Myanmar says military operation in troubled Rakhine has ended’, 15 February 2017, http://www.reuters.com/article/us-myanmar-rohingya-army-idUSKBN15V0BI. Last accessed: 24 January 2019

‘Pirates, cyclones and mud: Bangladesh's island solution to Rohingya crisis’, 3 February 2017, http://www.reuters.com/article/us-myanmar-rohingya-bangladesh-idUSKBN15I0QG. Last accessed: 5 February 2019

Rohingya Arakanese Refugee Committee (RARC), ‘Rakhine ministers try to build Buddhist community hall on Rohingya’s resident’, 13 March 2012, http://arrcinfo.blogspot.co.uk/2012/03/rakhine-ministers-try-to-build-buddhist.html. Last accessed: 14 January 2019

Saw Myat Yin, ‘Culture Shock! Myanmar: a Survival Guide to Customs and Etiquette’, 31 December 2013, https://books.google.co.uk/books?id=JRaJAAAAQBAJ&printsec=frontcover#v=onepage&q&f=false. Last accessed: 14 January 2019

Smile Education and Development Foundation (SEDF) and Justice Base, ‘Access to Documentation and Risk of Statelessness’, December 2017, http://justicebase.org/wp-content/uploads/2018/03/2017-Report-on-Access-to-Documentation-and-Risk-of-Statelessness.pdf. Last accessed: 16 January 2019

TIME,

‘Something Shocking Is Happening to Burma's Rohingya People. Take a Look at This Timeline’, 21 November 2016, http://time.com/4576079/burma-myanmar-arakan-rakhine-rohingya-tatmadaw-suu-kyi/. Last accessed: 24 January 2019

‘Why Burma Is Trying to Stop People From Using the Name of Its Persecuted Muslim Minority’, 9 May 2016, http://time.com/4322396/burma-myanmar-rohingya-us-embassy-suu-kyi/. Last accessed: 14 January 2019

Tonkin, D., ‘Exploring the Issue of Citizenship in Rakhine State’ in South, A. and Lall, M. (eds), Citizenship in Myanmar: Ways of Being in and from Burma, ISEAS Publishing Singapore, 2018, https://books.google.co.uk/books/about/Citizenship_in_Myanmar.html?id=etZFDwAAQBAJ&printsec=frontcover&source=kp_read_button&redir_esc=y#v=onepage&q&f=false. Last accessed: 15 January 2019

UK Government and Parliament, Petitions: ‘Suspend the Myanmar Ambassador for Genocide of Rohingya Muslims’, Government responded (1 December 2016), date closed 3 May 2017, https://petition.parliament.uk/petitions/170740. Last accessed: 25 January 2019

UK Home Office, ‘Report of a Home Office Fact-Finding Mission (FFM) Bangladesh, conducted 14-26 May 2017’, September 2017, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/655451/Bangladesh_FFM_report.pdf. Last accessed: 5 February 2019

United Nations (UN),

UN Committee on the Elimination of Discrimination Against Women (CEDAW), ‘Concluding observations on the combined fourth and fifth periodic reports of Myanmar’, 25 July 2016,

https://www.ecoi.net/en/file/local/1164431/1930_1484735889_n1623314.pdf. Last accessed: 15 January 2019

UN General Assembly:

'Situation of human rights in Myanmar', A/71/308, 5 August 2016, available at: http://www.refworld.org/docid/57d9421a4.html. Last accessed: 13 December 2018

'Situation of human rights in Myanmar', A/71/361, 29 August 2016, available at: https://www.ecoi.net/en/file/local/1210373/1226_1478087528_n1627260.pdf. Last accessed: 18 December 2018

UN High Commissioner for Refugees (UNHCR):

'Bangladesh: Camp Profiles - November 2018', 12 December 2018, https://data2.unhcr.org/en/documents/details/67248. Last accessed: 4 February 2019

'Bangladesh, Operational Update', 1-15 January 2019, https://data2.unhcr.org/en/documents/download/67736. Last accessed: 31 January 2019

'Population factsheet', 31 January 2019, https://data2.unhcr.org/en/documents/download/67800. Last accessed: 4 February 2019

'Refugee Response in Bangladesh', last updated 15 January 2019, https://data2.unhcr.org/en/situations/myanmar_refugees. Last accessed: 31 January 2019

UN High Commissioner for Human Rights (UNHCHR), 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar', A/HRC/32/18, 29 June 2016, http://www.ecoi.net/file_upload/1930_1484061108_g1613541.pdf. Last accessed: 24 January 2019

UN Human Rights Council (UNHRC):

'Myanmar: UN Fact-Finding Mission releases its full account of massive violations by military in Rakhine, Kachin and Shan States', 18 September 2018, https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23575&LangID=E. Last accessed: 29 January 2019

'Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar', A/HRC/39/CRP.2, 17 September 2018, https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_CRP.2.pdf. Last accessed: 13 December 2018

'Report of the Special Rapporteur on the situation of human rights in Myanmar', A/HRC/28/72, 23 March 2015, available at: http://www.ecoi.net/file_upload/1930_1427812907_a-hrc-28-72-en.doc. Last accessed: 14 January 2019

'Report of the Special Rapporteur on the situation of human rights in Myanmar', A/HRC/31/71, 8 March 2016, available at: http://www.refworld.org/docid/56ead91d4.html. Last accessed: 13 December 2018

'Report of the Special Rapporteur on the situation of human rights in Myanmar', A/HRC/37/70, 9 March 2018, available at:

https://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-37-70.pdf. Last accessed: 13 December 2018

UN News,

'Top UN officials call for probe into latest violence in Myanmar's Rakhine state', 23 January 2014, https://news.un.org/en/story/2014/01/460282-top-un-officials-call-probe-latest-violence-myanmars-rakhine-state. Last accessed: 5 February 2019

'UN convenes Rohingya abuse investigation, but Myanmar says it won't cooperate', 4 April 2017, available at: http://www.refworld.org/docid/58e744564.html. Last accessed: 29 January 2019

'UN scaling up assistance as number of Rohingya refugees grows to over 400,000', 19 September 2017, available at: http://www.refworld.org/docid/59c297434.html. Last accessed: 25 January 2019

UN Office for the Coordination of Humanitarian Affairs (OCHA):

'Humanitarian Bulletin Myanmar', Issue 4, 2016, October 2016 - January 2017, http://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar%20Humanitarian%20Bulletin-%20October%202016-Jan%202017.pdf. Last accessed: 24 January 2019

'Myanmar Humanitarian Brief', September 2018, https://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Myanmar%20Humanitarian%20Brief%20-%20September%202018.pdf. Last accessed: 6 February 2019

UN Office of the High Commissioner for Human Rights (OHCHR):

'"Callous" approach to northern Rakhine may have grave repercussions – Zeid', 16 December 2016, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21042&LangID=E. Last accessed: 24 January 2019

'End of Mission Statement by Special Rapporteur on the situation of human rights in Myanmar', 20 January 2017, http://www.ecoi.net/local_link/335242/463848_en.html. Last accessed: 13 December 2018

'Myanmar: Worsening cycle of violence in Rakhine must be broken urgently, UN expert warns', 31 August 2017, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22018&LangID=E. Last accessed: 25 January 2019

'Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016', 3 February 2017, available at: http://www.refworld.org/docid/5899cc374.html. Last accessed: 25 January 2019

US Commission on International Religious Freedom (USCIRF), 'Annual Report 2018 – Burma', 25 April 2018, https://www.uscirf.gov/sites/default/files/Tier1_BURMA.pdf. Last accessed: 31 January 2019

US Department of State (USSD),

Bureau of Consular Affairs, 'Burma Reciprocity Schedule', n.d., https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/Burma.html. Last accessed: 14 January 2019

'Country Report on Human Rights Practices for 2015 – Burma', 23 April 2016, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252751. Last accessed: 14 January 2019

'Country Report on Human Rights Practices for 2016 – Burma', 3 March 2017, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265324. Last accessed: 28 January 2019

'Country Report on Human Rights Practices for 2017 – Burma', 20 April 2018, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dlid=277069. Last accessed: 18 December 2018

'Country Report on Human Rights Practices for 2017 – Bangladesh', 20 April 2018, http://www.state.gov/j/drl/rls/hrrpt/humanrights report/index.htm?year=2017&dlid=277277. Last accessed: 4 February 2019

'Documentation of Atrocities in Northern Rakhine State', 24 September 2018, https://www.state.gov/j/drl/rls/286063.htm. Last accessed: 29 January 2019

The United States Holocaust Memorial Museum, Simon-Skjodt Center for the Prevention of Genocide, '"They want us all to go away" – Early Warning Signs of Genocide in Burma', May 2015, https://www.ushmm.org/m/pdfs/20150505-Burma-Report.pdf. Last accessed: 18 January 2019

Union Citizenship Act, 1948, http://www.ibiblio.org/obl/docs/UNION_CITIZENSHIP_ACT-1948.htm. Last accessed: 15 January 2019

Voice of America (VOA),

'Few Rohingya Want New Myanmar ID Cards', 13 July 2015, http://www.voanews.com/a/few-rohingya-want-new-myanmar-idenitification-cards/2859878.html. Last accessed: 15 January 2019

'Malaysian Aid for Myanmar's Rohingya Arrives at Yangon Dock', 9 February 2017, http://www.voanews.com/a/malaysian-aid-myanmar-rohingya-arrives-yangon-dock/3717308.html. Last accessed: 5 February 2019

Women's League of Burma (WLB) and Asia Justice and Rights (AJAR), 'Briefing Paper: Access to Justice for Women Survivors of Gender-based violence committed by state actors in Burma', 24 November 2016, http://www.asia-ajar.org/files/VAW%20Briefing%20Paper-%20English%20Version.pdf. Last accessed: 29 January 2019

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Sources consulted but not cited

Amnesty International (AI), 'Amnesty International Report 2017/18 – Myanmar', 22 February 2018, https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/. Last accessed: 19 December 2018

Foreign and Commonwealth Office (FCO), 'Human Rights and Democracy: the 2017 Foreign and Commonwealth Office report', 18 July 2018, https://www.gov.uk/government/publications/human-rights-and-democracy-report-2017/human-rights-and-democracy-the-2017-foreign-and-commonwealth-office-report. Last accessed: 19 December 2018

Frontier Myanmar, ‘For Muslims across Myanmar, citizenship rights a legal fiction’, 29 December 2017, https://frontiermyanmar.net/en/for-muslims-across-myanmar-citizenship-rights-a-legal-fiction. Last accessed: 23 January 2019

Nyi Nyi Kyaw, ‘Unpacking the Presumed Statelessness of Rohingyas’, Journal of Immigrant & Refugee Studies, 25 August 2017, available at: http://scholarbank.nus.edu.sg/bitstream/10635/140930/1/10.108015562948.2017.1330981.zip. Last accessed: 24 January 2019

Jose Maria Arraiza & Oliver Vonk, ‘Report on Citizenship Law: Myanmar’, October 2017, available at: http://cadmus.eui.eu/bitstream/handle/1814/48284/RSCAS_GLOBALCIT_CR_2017_14.pdf?sequence=1. Last accessed: 24 January 2019

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Version control

Clearance

Below is information on when this note was cleared:

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