

U.S. House of Representatives
Tom Lantos Human Rights Commission

Hearing : Indigenous Peoples in Asia

July 26, 2011

10:00 AM, Rayburn House Office Building Room B-318

Testimony of Jennifer Quigley
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Co-chair McGovern, Co-chair Wolf and Members of the Commission,

Thank you very much for holding this hearing today. For decades, the Rohingya people have been victims of systematic and widespread human rights violations at the hands of the military junta. In a recent report released by the Irish Center for Human Rights, an expert on international human rights law claimed that these mass atrocities perpetrated by Burma's military regime against the Rohingya minority in the country's western region may constitute crimes against humanity. Overlooked for years, their plight and the root causes of their dire situation remain under-examined.

Brief history of Burma's Rohingya Minority

The Rohingya are a Muslim ethnic minority living in northern Arakan state in western Burma. They face religious discrimination at the hands of Burma's military regime, which doesn't recognize the Rohingya as citizens of Burma. The regime does not consider the Rohingya people as one of 135 legally recognized ethnic minority groups in Burma, leaving the Rohingya stateless, homeless and rights-less.

The first Rohingya people arrived in Burma as early as 7th century. These early migrants were known to be Arab sailors and merchants who traveled to Burma for economic pursuits. To this day, Burma's military regime maintains that the Rohingya immigrated to Burma from India while under British colonial rule, flagrantly omitting their earlier arrivals and settlements in the region.

Today, Rohingya Muslims constitute 1/3 of the total population of Arakan State, where their population numbers around 725,000. The remaining population are Buddhist Arakanese.

As early as 1942, the Rohingya have been the target of state-sponsored persecution. In 1942, an estimated number of 100,000 Rohingya were slaughtered by Burmese nationals, local Arakanese communists and Japanese occupiers. In 1978, the Burmese Army launched a military offence, named Dragon King, to root out these so-called 'foreigners'. Hundreds were arrested, tortured, raped and killed. In the following months of the military operation, over 300,000 Rohingya fled into Bangladesh. The Bangladeshi government refused to provide food supplies and other necessities to the Rohingya refugees, leaving many of them to die from starvation and disease.

Again in 1991, the Burmese Army launched another military operation to drive out more Rohingya from Burma's lands. More than 268,000 Rohingya fled to Bangladesh. The Bangladeshi government forcibly repatriated back into Burma over 60% of those who fled, with full knowledge of their heightened vulnerability to persecution, discrimination, and insecurity.

Mass Atrocities Against Rohingya: Loss of Land and Rights

The Rohingya are denied fundamental human rights and freedom, and the military regime consistently perpetrates human rights violations against this vulnerable population. The regime refuses to issue identification cards to Rohingya, which are necessary to be able to travel, as well as to obtain passports and enroll in higher education. They are denied land ownership and property rights. The land on which they live can be taken away at any given time. Furthermore, they must seek permission to marry, a process that may take months or years and may involve considerable bribes and requirements to renounce their religion. Moreover, restrictions on movement can prevent the Rohingya from accessing healthcare and education, or from working as civil servants. In many cases, the Rohingya are denied healthcare, or required to pay arbitrary fees. In addition, their non-legal status makes it extremely difficult for the Rohingya to find employment. Acute and chronic malnutrition is rife among the Rohingya minority.

Furthermore, the Rohingya are victims of modern-day slavery and are used for various forms of forced labor. These people are forced to work without pay on construction sites for roads, railways, as well as building army barracks. Because they are forced into these construction projects with no compensation, they cannot generate any income to feed themselves and their families.

Land confiscation has become a common practice, as the regime forces the Rohingya to evict from their lands in preparation for development projects such as gas/oil pipelines and hydropower plants. Amongst several other development projects in the region, the regime is also building the Shwe gas pipeline through Arakan State. It is likely the Rohingya will be further subjected to these abuses upon the beginning of this construction project.

Stateless and Unwanted

As if their home government does not treat them badly enough, the Rohingya do not find welcome in other countries where they seek refuge. Hundreds of thousands of Rohingya have fled to Bangladesh, Thailand, and Malaysia to escape persecution and adversity only to fall into even greater trials. Currently, over 30,000 Rohingya live in squalid refugee camps in Bangladesh where they are denied access to food supplies, medical aid, and education. Those in the camps are recognized as refugees and benefit from meager protection from the UNHCR. However, it is estimated up to 200,000 live in deplorable outside the camps in Bangladesh as illegal immigrants.

Many Rohingya people also fled to Thailand and Malaysia, with the hope of finding refuge and a life beyond misery and poverty. However, they are subjected to dehumanizing treatments by both Thai and Malaysian authorities. In December 2009, it was reported that Thai officials towed a boatful of Rohingya refugees back into international waters in a motorless barge, where they were at the mercy of the shark-infested sea.

The plight of Rohingya will continue in its miserable state until Burma is willing to recognize them as citizens. There needs to be greater international attention to also address the immediate humanitarian needs.

The United States should work with ASEAN and other regional powers to urge Burma:

To immediately amend or repeal the 1982 Citizenship Law, with the effect of granting citizenship and accompanying rights to the Rohingya in Rakhine State.

To issue birth certificates to all Rohingya born in Burma in compliance with domestic and international law.

To take immediate steps to eradicate all discriminatory policies and practices against the Rohingya population, including restriction on movements and arbitrary detention.

To eliminate forced labour and other coercive measures.

The United States should:

Work with the Bangladeshi government and UNHCR to register undocumented Rohingya refugees in order to strengthen protection and humanitarian assistance and reduce sexual and gender-based violence.

Develop a large-scale, needs-based assistance program to assist impoverished local communities hosting Rohingya refugees.