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**Refugees International
Statement for the Record
Tom Lantos Human Rights Commission Hearing
Human Rights of the Rohingya People
March 17, 2017**

The Rohingya ethnic minority in Myanmar is one of the most persecuted groups in the world. More than one million Rohingya are living in Myanmar today, mostly in the state of Rakhine in the west, and facing wide-ranging restrictions on their rights to move, work, marry, and even have children. More than 140,000 Rohingya were displaced by violence in 2012 and another 100,000 have been forced to flee their homes during a military crackdown over the last six months, 70,000 of which have fled across the border to Bangladesh. Despite heavy restrictions on access for international observers and journalists, severe human rights abuses have been documented by groups accessing Rohingya who have fled recently to Bangladesh, including by Fortify Rights, the Unitarian Universalist Service Committee, and the U.S. Holocaust Museum's Simon Skodjt Center for the Prevention of Genocide. A UN report in February 2017 concluded that the range of abuses may amount to crimes against humanity.

Refugees International (RI) shares the grave concerns over these widely covered severe human rights abuses. For this statement we would like to additionally highlight our deep concern over violations of international humanitarian law, namely in the restriction of aid, and for the conditions of the hundreds of thousands of Rohingya living outside of Myanmar. While the focus in addressing the plight of the Rohingya must ultimately be on the root causes within Myanmar, RI missions to Southeast Asia in recent years have shown that there are far too many gaps in the protection of Rohingya in other countries where the international community does have ample access. While there are limits to the access and influence of international actors to address treatment of Rohingya in Myanmar, there is much more that can and should be done to protect the most vulnerable Rohingya who have fled beyond its borders.

RI would like to highlight three main sets of recommendations for the U.S. Government:

- Engage, and pressure where necessary, the Government of Myanmar, toward providing unfettered humanitarian access and allowing an independent international inquiry into abuses in Rakhine state. In the longer term, Myanmar should recognize citizenship of the Rohingya. Failure to make progress should include the consideration of restoration of recently lifted sanctions.

- Support the efforts of Southeast Asian countries to apply diplomatic pressure on Myanmar to address the plight of the Rohingya and to advance planning and cooperation in tackling current and future flows of refugees, whether by land or sea.
- Maintain, and consider expanding, rather than cutting, the U.S. refugee resettlement program and foreign assistance that helps refugees and displaced persons abroad.

Background

The Rohingya people are a Muslim ethnic minority living mostly in western Myanmar. They have faced decades of persecution under the previously military regime in Myanmar. Recent reforms in Myanmar that brought Aung San Suu Kyi and her National League for Democracy party into power, have, at the same time, led to a worsening of the situation for the Rohingya. Violence between Muslim Rohingya and Buddhist Rakhine in Rakhine State in 2012 led to 140,000 people, mostly Rohingya, being displaced. Some 120,000 continue to live in poor conditions in displacement camps.

Since October 2016, a blanket military crackdown, following a raid on police stations and border posts by a group of Rohingya that killed 9 officers, has led to horrific accounts of rape, torture, and murder. Around 100,000 Rohingya have been displaced, including more than 70,000 who have fled across the border to Bangladesh. The blocking of aid to northern Rakhine State led to spiking rates of malnutrition, as noted by the United Nations.

Despite the Government of Myanmar announcing an end to the security crackdown, reports of abuses continue as do restrictions on access for international observers and aid. A state investigation led by a former general has been denounced as less than credible and the government continues to deny widespread abuses despite a wealth of accounts from Rohingya interviewed by independent observers in Bangladesh. Following the February 2017 UN report warning that abuses may amount to crimes against humanity the UN High Commissioner for Human Rights and the UN Special Rapporteur for Human Rights both called for a UN commission of inquiry.

In addition to the most recent refugee flows, decades of persecution and increased abuses in recent years have led hundreds of thousands of Rohingya to flee Myanmar for other countries. More than 100,000 Rohingya have taken to sea to escape conditions in Myanmar in recent years, many in the hands of human traffickers as highlighted in the discovery of mass graves in jungle trafficking camps and the ensuing May 2015 boat crisis, discussed further below.

May 2015 Boat Crisis and Regional Responses

The choices for Rohingya facing persecution in Myanmar was highlighted most dramatically in May 2015 when thousands of Rohingya along with Bangladeshis were abandoned at sea on rickety boats by human traffickers. They languished at sea for weeks as neighboring countries including Indonesia, Malaysia, and Thailand refused to take them ashore even actively pushing their boats back out to sea in what was described at the time as human ping pong.

Mounting international pressure and a regional meeting hosted by Thailand eventually led to an agreement for Malaysia and Indonesia to take in those who had been abandoned for one year. A series of regional meetings led to plans and pledges to better prevent and respond to future mass refugee flows. Many good ideas for collaboration have been discussed, but few have been implemented. Among

those which are most promising are proposals to identify and agree upon preselected disembarkation points for those abandoned at sea and formal adoption of a trust fund to provide for designated shared regional resources for taking on migrants and asylum-seekers. Nearly two years later, little has been realized.

Continued attention is needed, as well as support for regional efforts to prepare for and handle current and future refugee flows. Bangladesh is dealing with a sudden influx of more than 70,000 Rohingya refugees and should receive support. But, its announced plans to move Rohingya to an island prone to flooding throughout the year, must be opposed and better access for aid encouraged.

In terms of those caught up in the May 2015 crisis, a small number of Rohingya have been resettled to third countries like the United States, but most remain either in shelters or detention shelters in Indonesia, Malaysia, and Thailand, or in precarious circumstances amid already existing Rohingya communities, mostly in Malaysia.

Rohingya in Malaysia

A large number of the Rohingya caught in the May 2015 boat crisis remain in Malaysia, joining more than 50,000 other Rohingya registered with the UN, who have made their way to the country over the years. Groups working with the population estimate the actual numbers to be much higher. The Rohingya in Malaysia face significant restrictions in their ability to work, to seek education, and to access medical assistance, making the lives of Rohingya in Malaysia better than life in Myanmar only in relative terms.

During RI's missions to Malaysia over the past two years a host of gaps in the protections provided to Rohingya were found. Rohingya asylum-seekers in Malaysia, including many women and children who survived the May 2015 boat crisis, continue to face the threat of detention and restricted access to the most basic human rights, including to livelihoods, healthcare, and education. These are explored in depth in RI's reports from November 2015 and November 2016. In this statement we touch on just three of the main recommendations for addressing the protection gaps faced by Rohingya in Malaysia.

First, the Government of Malaysia should work with the UN Refugee program to better reach the Rohingya population, including through expansion of the number of Rohingya provided with UN identification cards, which many identify as their most important means of protection against exploitation and detention, as well as for access to affordable healthcare. Second, education opportunities should be expanded to refugees, starting with pilot programs and accreditation of "learning centers", which many Rohingya already informally depend upon. Third, Rohingya in Malaysia depend largely on unofficial and short-term work, leaving them vulnerable to exploitation and the constant threat of detention. The Malaysian government has announced its intention to move forward with a pilot program to provide Rohingya with work permits that should be encouraged and expanded. The U.S. government can play a key role in supporting and encouraging these programs.

Humanitarian Restrictions

A final important issue to highlight, facing not only the Rohingya, but other minority ethnic populations in Myanmar, is restriction of humanitarian aid to people in need. Restrictions placed on northern Rakhine state during the security crackdown led to spiked rates of malnutrition. Life-saving aid continues to be restricted. The same is true in Kachin and northern Shan states where recent fighting

between the Myanmar army and ethnic rebel groups has newly displaced tens of thousands. At the same time, international humanitarian groups and UN officials are reporting the worst restrictions on humanitarian access in recent years. Respect for International Humanitarian Law through unfettered access to humanitarian aid throughout Myanmar must be a central point in U.S.-Myanmar relations.

Recommendations for the U.S. Government

The current situation of the Rohingya people in Southeast Asia leads to three sets of recommendations for the U.S. Government regarding Myanmar, Malaysia, and U.S. refugee policy. First, the root cause of the suffering of the Rohingya people must be recognized and addressed, namely, the policies of the government of Myanmar. In the long term, the Government of Myanmar must be encouraged and pressured where necessary to amend its 1981 citizenship law and recognize Rohingya citizenship and lift the current wide-ranging restrictions on their rights. In the short term, Myanmar must allow unfettered humanitarian access and hold accountable those who have committed grave human rights abuses. The former should include both Rakhine state and other areas like Kachin and northern Shan states where, as the UN and humanitarian organizations on the ground report, restrictions on aid access are the worst they have been in years. The latter can be done most credibly through an independent international investigation through a UN Commission of Inquiry, a call already made by the UN's top human rights officials, and one the United States should support. Continued severe human rights abuses and blocking of life-saving aid should be met by a reconsideration of recently lifted sanctions, not to mention giving pause to any plans for increased military to military cooperation in the near future.

Regarding Myanmar's neighbors in Southeast Asia, the U.S. government should continue to engage them toward applying diplomatic pressure on Myanmar to address the Rohingya issue and to prepare for the possibility of future mass exoduses. Bangladesh should be supported in its aid to the new inflow of Rohingya refugees, but also warned against proposed measures to move Rohingya to an island prone to flooding. Congress should further ensure that the U.S. State Department consider the efforts of countries in the region, particularly Thailand and Malaysia, to screen Rohingya in its annual Trafficking in Person's report. Regarding Malaysia, the United States should continue to engage the government and UNHCR toward addressing the gaps in protection of Rohingya, as well as other refugees. The government should be held to and assisted in its commitments to extend work permits to Rohingya.

Finally, the U.S. government should maintain and consider expanding rather than cutting its refugee resettlement program and foreign assistance that helps refugees and displaced persons abroad. This is a necessary measure in the context of the current global displacement crisis, but also specifically for the Rohingya population, as seen most starkly in those caught up in the May 2015 boat crisis.