

Myanmar's Controversial Census, Discriminatory Laws Further Stoke Atrocity Fears July 2014

[Read the blog on the ICRtoP blog site here.](#) Myanmar's Rohingya population currently faces a worrisome combination of grave human rights conditions and a dire humanitarian crisis. For decades, the Muslim minority have been marginalized under the military junta and remain so since the country began [undertaking](#) some democratic reforms beginning in 2011. However, since 2012 the situation has become markedly worse following the violence and forced displacement inflicted upon them by Buddhist mobs in Rakhine state. An ICRtoP [post](#) from August of last year provides an overview of the deadly violence, detailing government participation and the response of civil society organizations.

Since last covering the crisis, the situation remains largely unimproved and indeed appears to be worsening.

[140,000](#)

Rohingya have been forced into cramped displacement camps, criticised by international aid groups for their languid conditions. Some observers have even evoked the imagery of a ["concentration camp"](#)

to describe them. Many more Rohingya have [fled](#)

, embarking on perilous journeys to neighbouring Malaysia and Thailand where they are exposed to the dangers of trafficking and other abuses.

Violent attacks continue, as for instance in January of 2014, when 40 men, women and children were

[killed](#)

in northern Rakhine, and as

[recently](#)

as a week ago when Buddhists mobs looted and attacked Muslim shops and mosques in Mandalay, killing 2 and injuring many more. Compounding all of this is the government's decision to order the

[suspension](#)

of Médecins Sans Frontières'(MSF) operations in Rakhine State, cutting off a major source of humanitarian assistance and health care for displaced Rohingya. Other aid groups have since come under

[attack](#)

, further limiting assistance to populations in need.

Marginalization and persecution also continue, as Rohingya are denied the right to citizenship by the state.

[Restrictions](#)

on freedom of movement and policies for population control, including a two-child policy, also feature as official state decree. Such treatment is enforced by the state security forces and endorsed by the country's majority Buddhist population, encouraged by extreme nationalist factions such as the

[969 movement](#)

who are convinced that Muslims threaten to overtake Buddhists as the dominant religious group.

Proposed Laws and the National Census Exacerbate Human Rights Concerns

The most recent Report of the Special Rapporteur on the Situation of Human Rights in Myanmar continued to express deep concern for the situation of the Rohingya. Recent developments do little to assuage such concerns. First, the government recently sponsored a discriminatory bill advocated by the 969 movement through way of petition that received 2.5 million signatures, many of which are

[believed](#)

to have been obtained forcefully. The bill places restrictions on religious conversion and inter-faith marriage, both policies seen to be aimed at

[placating](#)

the anti-Muslim sentiments of the 969 movement by unlawfully preventing the further spread of Islam. In response, the United Nations Special Rapporteur on Religious Freedom and Belief has

[called](#)

on the government to scrap the bill, claiming "State interferences into the right to change one's religion or belief are per se illegitimate and incompatible with international human rights standards."

Furthermore, the

[recent](#)

national census has now added to the potential discord, due to its controversial inclusion of data on religion, ethnicity and citizenship that groups such as International Crisis Group (ICG)

[warned](#)

would exacerbate inter-ethnic and inter-religious tensions. A last minute government

[decision](#)

to remove "Rohingya" as an official ethnicity, instead allowing the option to identify as "Bengali," was the result of such tensions. The decision was largely taken due to

[threats](#)

of violence and census boycotts by Rakhine state Buddhists and the 969 movement, who objected to the Rohingya's inclusion. Bowing to this pressure and labelling Rohingya as Bengali has been a common method used to paint the group as illegal immigrants from neighbouring Bangladesh. Speaking to this, The Global Centre for the Responsibility to Protect

[criticised](#)

the decision, stating that "Denying Rohingyas the ability to self-identify on the

census...reinforces the dangerous perception that Rohingya are ethnic outsiders.”

Civil Society Warns of Myanmar's “March to Genocide”

Many NGOs are raising alarm bells over the abuses being committed in Myanmar. For example, Bangkok-based ICRtoP member Alternative ASEAN Network on Burma (ALTSEAN-BURMA) has done valuable work documenting human rights abuses through publications such as their “monthly bulletin”. The bulletin for the month of

[June, 2014](#)

warns that “In Arakan [Rakhine] State, regime security forces and extremist Buddhist Rakhine continued discriminatory policies and open attacks on Rohingya communities.” The bulletin lists a number of incidents involving unlawful arrests, looting, and physical violence committed against Rohingya and their property.

Fortify Rights' February 2014

[report](#)

examined leaked documents that confirm and detail state-supported policies of persecution, primarily targeting the Rohingya. Their findings led them to conclude that:

“The government policies...systematically single-out Rohingya as a group on the basis of their ethnicity, religion, and at times gender, stripping them of a range of human rights, including the rights to non-discrimination, health, nationality, and freedom of movement. The degree of deprivation is so severe that it would qualify as “persecution” as a crime against humanity under international law”

In March, 2014, ICRtoP member United to End Genocide also commissioned a report, ominously titled

[“Marching to Genocide in Burma”](#)

based on a recent fact-finding mission. After witnessing the suffering of the country's Rohingya, they made the alarming claim that “Nowhere in the world are there more known precursors to genocide than in Burma today.”

In yet another instance, Human Rights Watch [reported](#) in April of 2013 that “The Burmese government engaged in a campaign of ethnic cleansing against the Rohingya that continues today through the denial of aid and restrictions on movement.”

The Responsibility to Protect in Myanmar

These findings make it clear that the government of Myanmar is failing its primary obligations to protect the Rohingya from a series of atrocity crimes. Sustained pressure and response from both national and international actors can convince the government to change course, end

restrictive, discriminatory policies, and play a more active role in mitigating violence and hatred towards the Rohingya.

ICRtoP member U.S. Campaign for Burma has taken the initiative to encourage the U.S. government to use its rapprochement with Myanmar as an entry point to influence change. Such advocacy led the House of Representatives to pass

[House Resolution 418](#)

, urging the Burmese government to end the persecution of ethnic minority Rohingya Muslims.

Likewise, United to End Genocide has launched a

[public campaign](#)

aimed at the U.S. President and Congress. The campaign calls on the U.S. government to pressure the Myanmar government to rescind their expulsion of MSF, demand a credible and independent investigation into violence against the Muslim minority in lieu of the

[flawed](#)

Rakhine Inquiry Commission, and to update their sanctions list to include those responsible for the most recent violence. The campaign seems to have resonated in Congress, as the chairman of the House Foreign Affairs Committee recently

[called](#)

for a range of punitive measures against the government of Myanmar that includes visa bans, an end to U.S.-Myanmar military cooperation, and potential economic sanctions.

The broader international community also has a key role to play. Given the potential for the census results to inflame further violence,

[ICG](#)

recommends that census donors accept responsibility for their lack of due diligence in ensuring a sound process, and encourage Myanmar's government to reconsider the release of the results, given the sensitive political realities. Refugees International has also

[recommended](#)

donors establish a "crisis cell" in cooperation with Myanmar's Minister of Immigration and Population, Minister for the President's Office, and the UN resident humanitarian coordinator to respond to any crisis associated with the census.

In addition,

[Fortify Rights](#)

has called on the international community to urge the government to abide by recommendations of the UN Rapporteur on Human Rights, abolish local orders that restrict the basic human rights of Rohingya, and communicate to all national, local and community authorities that these practices are not to be encouraged or enforced.

Importantly, they also recommend the provision of "financial, technical, and advocacy support" for local human rights defenders. This constituent could be crucial in changing the government's

current course, and indeed a [growing swell of civil society resistance](#) from prominent groups such as the 88 Generation Student Group is increasing domestic pressure to end abusive and discriminatory practices.

There is some indication that this pressure is working, as the government has introduced a [pilot program](#) for validation of citizenship that may offer Rohingya a path to naturalization. However, the viability of this program is in question after controversy over the census. It has also been [noted](#) that such support runs the risk of putting these groups in danger, as overt assistance may be seen as reinforcing the Buddhist narrative that their way of life is under threat from both Muslims and the international community. Therefore, donors should be calculated in their support programming.

Myanmar's Democratic Transition: Entry Point for Assistance?

Given the democratic transition occurring in Myanmar, it is easy to focus on this good news story and forget about the conditions making life for the country's Rohingya insufferable. However, just as the country's political opening has created the space for extremist voices; it also provides opportunity to foster a true democratic culture. The international community's reengagement can be used as an entry point to provide assistance under the second pillar of RtoP, thus providing incentives and capacity-building for the government of Myanmar to uphold its primary responsibility. Addressing the question of citizenship and abolishing all current and proposed government policies that limit basic human rights would be a positive first step.

For more information on the crisis in Myanmar and how the Responsibility to Protect applies, visit our [crisis page](#) and our '[At a Glance](#)' feature.