



News Release

Myanmar: Abolish Abusive Restrictions & Practices Against Rohingya Muslims

Myanmar

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Leaked Documents Implicate Government Actors in Crimes Against Humanity

(Bangkok, February 25, 2014)— Leaked government documents reveal severe violations of human rights of Rohingya Muslims in Myanmar, including restrictions on the freedom of movement, marriage, childbirth, and other aspects of daily life in northern Rakhine State, Fortify Rights said in a new report released today. The report implicates state and central government officials as perpetrators of the crime against humanity of persecution. Crimes against humanity are among the most serious crimes under international law.

“The impacts of these restrictions are severe and have been well-documented for decades, but the official orders have been kept out of the public domain until now,” said Matthew Smith, executive director of Fortify Rights. “This architecture of abuse contributes to political instability and violence and must be lifted immediately.”

The 79-page report, *Policies of Persecution: Ending Abusive State Policies Against Rohingya Muslims in Myanmar*, is based primarily on the analysis of 12 leaked official documents and a review of public records, as well as interviews with Rohingya and others in Myanmar and Thailand. The documents published in the report reveal restrictions that deny Rohingya basic human rights, including the rights to nondiscrimination, freedom of movement, marriage, family, health, and privacy. All of the restrictions and enforcement methods described in the report appear to be in effect at the time of writing.

“Regional Order 1/2005,” obtained by Fortify Rights, lays the foundation for a two-child policy enforced in Maungdaw and Buthidaung townships, requiring



Rohingya “who have permission to marry” to “limit the number of children, in order to control the birth rate so that there is enough food and shelter.” This order—which in practice translates to a strict two-child policy—also prohibits Rohingya from having children out of wedlock.

Confidential enforcement guidelines, also obtained by Fortify Rights, authorize security forces to use abusive methods to implement these “population control” measures. One document instructs officials to confirm women are the birth mothers of infants and to accurately record the number of children in each family when entering private homes unannounced. The guideline urges the authorities to force Rohingya women to breastfeed infants in their presence “if there is suspicion of someone being substituted” in the family registry.

Some state and central government officials showed public support for the Rohingya two-child policy in northern Rakhine State last year, while others offered the international community categorical denials that childbirth restrictions ever existed. Information obtained by Fortify Rights not only confirms the policies existed but also indicates they are still in effect.

Birth restrictions violate the human rights of Rohingya couples to marry, found a family, and determine for themselves the number and spacing of their children. Fears of penalties for unsanctioned pregnancies have caused Rohingya to flee the country or undergo illegal and unsafe abortions, often leading to untreated health consequences and even death, Fortify Rights said.

“The government is systematically persecuting Rohingya on the basis of ethnicity, religion, and at times gender,” Matthew Smith said. “Rohingya women in particular find themselves in the crosshairs of these targeted policies, facing severe discrimination because they’re women as well as Rohingya Muslims.”



Confidential documents published in Policies of Persecution reveal that official orders issued by Rakhine State authorities from 1993 to 2008 outline a consistent state policy of restrictions on Rohingya marriage. Rohingya couples cannot live together unless they are married, and they must meet ten administrative requirements before the authorities will consider issuing permission to marry. The authorities typically require applicants to pay high fees as well.

Other policies curtail Rohingya freedom of movement. Rohingya in Rakhine State are barred from travelling within or between townships without authorization, and they are only permitted to travel outside the state in rare circumstances with additional, difficult-to-obtain authorizations. Restrictions on movement severely inhibit livelihoods and access to healthcare, even in medical emergencies, impinging upon their right to health.

Government policies described in this report explicitly provide criminal punishments for Rohingya who violate the restrictions, with penalties including up to several years in prison, fines, or both.

The abuses resulting from the policies of persecution explained in this report are central to the forced migration of Rohingya in Southeast Asia, Fortify Rights said. The policies appear to be designed to make life so intolerable for Rohingya that they will leave the country, and indeed many have. Hundreds of thousands of Rohingya have fled to Bangladesh, Thailand, Malaysia, and elsewhere over the last two decades, in many cases risking death at sea and abuses by human traffickers, including killings and ill treatment.

Policies of Persecution explains how the abuses taking place in Rakhine State rise to the level of persecution as a crime against humanity, implicating the involvement of state and central government authorities. Three “regional orders” from Rakhine State—dated 1993, 2005, and 2008—are signed by state-level government officials and copied to various departments falling under state and central government jurisdictions. Rakhine State government officials and



ministers of the central government have also discussed on record the restrictions against Rohingya since at least 2011.

In 2011, the Minister of Defense at the time, Lieutenant-General Hla Min, approvingly referenced and explained in Myanmar's parliament the restrictive policies against Rohingya. On July 31, 2012, Myanmar's Minister of Home Affairs Lieutenant-General Ko Ko told parliament that the authorities were "tightening the regulations [against Rohingya] in order to handle travelling, birth, death, immigration, migration, marriage, construction of new religious buildings, repairing and land ownership and [the] right to construct building[s]...."

"The reality is that the official state policies and practices against Rohingya are plainly abusive," said Matthew Smith. "The international community should unequivocally condemn these policies and practices and work with the government of Myanmar to ensure they're abolished."

Fortify Rights is calling for an independent investigation by international and Myanmar actors into human rights abuses in Rakhine State, including into abusive restrictions against Rohingya.

Background

There are at least 1.33 million Rohingya in Myanmar; all but 40,000 are stateless due to the country's 1982 Citizenship Law, which denies Rohingya equal access to citizenship rights. The government refers to Rohingya as "Bengali" and regards them as "illegal immigrants" from Bangladesh, despite the fact that they have lived in Myanmar for generations. The restrictions imposed on Rohingya are ostensibly framed by the government of Myanmar as a response to an "illegal immigration" problem and threats to "national security." Tensions between Rakhine Buddhists—also a repressed ethnic minority of Myanmar—and Rohingya Muslims have existed for decades. In 2012, significant waves of violence and



well-coordinated arson attacks erupted, disproportionately affecting the Rohingya population and other Muslim communities, and in some cases involving killings by state-security forces. More than 140,000 Rohingya have been displaced to under-resourced internal displacement camps. International health and aid workers face threats and obstructions to their work from members of the local Rakhine population.

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