

# **THE ARAKAN PROJECT**

## **KEY ISSUES CONCERNING THE SITUATION OF STATELESS ROHINGYA WOMEN AND GIRLS IN RAKHINE STATE, MYANMAR**



### **SUBMISSION TO THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW)**

**For the Examination of the combined 4<sup>th</sup> and 5<sup>th</sup> periodic State Party  
Reports (CEDAW/C/MMR/4-5)**

**- MYANMAR -**

**Updated on 30 June 2016**

## **SUBMISSION TO THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW)**

**Key Issues on the situation of stateless Rohingya women and girls in Rakhine State, Myanmar**

**The Arakan Project, June 2016**

Research funded by the National Endowment for Democracy (NED), USA

### ***The Arakan Project***

*The Arakan Project is a human rights organisation based in the Asian region which, since 1999, has specialized in monitoring and documenting the situation of the Rohingya Muslims, an ethnic, religious and linguistic minority in Rakhine State of Myanmar. The Arakan Project regularly submits its findings to relevant UN Treaty Bodies and UN Special Procedures, including the Special Rapporteur on the human rights situation in Myanmar and other thematic experts.*

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All photographs of Rohingya women and girls have been taken in internally displaced people's camps near Sittwe, Rakhine State, Myanmar.

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**Rohingya women and girls in IDP camps near Sittwe (May 2016)**



## RECOMMENDATIONS TO THE CEDAW COMMITTEE

### **The Committee should urge the Government of Myanmar:**

- To take immediate steps to eradicate all discriminatory policies and practices against the Rohingya population;
- To combat all acts of incitement to discrimination, hostility or violence against religious and ethnic minorities, in particular against the Rohingya, condemn such acts publicly and take swift legal action against perpetrators;
- To take all necessary measures to establish the rule of law in Rakhine State, end impunity, and provide security and equal protection of the law to all, including Rohingya women;
- To engage in a confidence-building process with all communities in Rakhine State, inclusive of women, and to promote interfaith and intercommunal dialogue;
- To ensure that any Action Plan for Peace and Reconciliation in Rakhine State is in line with international human rights principles, especially those relating specifically to women;

### ***On Citizenship and birth registration:***

- To review the 1982 Citizenship Law in accordance with international standards in order to prevent and eradicate statelessness in Myanmar, to bring Myanmar law into compliance with the universally respected prohibition of racial discrimination and with Myanmar's obligations under Article 7 of the Convention on the Rights of the Child (CRC) with the intention of granting citizenship and associated rights to the Rohingyas;
- To urgently resolve the legal status of Rohingyas through a transparent process that will provide incentives to all stakeholders to participate in the process in order to grant citizenship and associated rights to the Rohingyas;
- To issue birth certificates to all Rohingya children born in Myanmar in compliance with domestic law and Myanmar's obligations under the CRC (Article 7.1);
- To immediately register all Rohingya children by removing burdensome requirements which make it difficult to insert their names in their parents' family list.
- To abolish without delay all local orders restricting movement and marriage, and which seek to limit the number of children a family can have, orders which are exclusively applied on the Rohingya in Rakhine State

### ***On freedom of movement:***

- To revise and repeal all orders and regulations that restrict the freedom of movement of the Rohingya;
- To lift the curfew still in place in Maungdaw and Buthidaung Townships;
- To establish conditions conducive to the voluntary return of the displaced Rohingyas to their place of origin or to other places of voluntary resettlement in safety and dignity, and to ensure adequate reintegration and security;



***On access to livelihood and basic services:***

- To substantially improve access to quality health care and education services to Rohingya children, in IDP camps as well as in all other locations;
- To guarantee unhindered humanitarian access to all Rohingya communities in Rakhine State;
- To withdraw the Population Control Healthcare Bill in particular, as this law could result in new restrictions targeting Rohingya women as it allows authorities to impose 3-year birth spacing in any region of the country, in particular as it could further increase discrimination against Rohingya women;
- To conduct extensive teacher training among Rohingyas, including for women, and to restore access to higher education, including university education, to Rohingya students;
- To ensure access to food and eradicate malnutrition so that women and children can meet their physical and mental needs and responsibilities;

***On violence against women and access to justice:***

- To establish support mechanisms for women victims of all forms of violence, including sexual and gender-based abuses;
- To increase training, capacity-building and awareness-raising for all actors involved in assisting women subject to violence, including police forces, health practitioners and teachers, community volunteers and other service providers;
- To provide legal aid and effective access to justice to encourage women victims of violence to seek redress;
- To take legal action against perpetrators of sexual violence against women, and, in particular, investigate and prosecute members of State authorities committing rape and sexual harassment against Rohingya women.

***On ratifying other international human rights treaties:***

- To accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;
- To become a State Party to the Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women; and,
- To accede to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All forms of Racial Discrimination (ICERD) and other relevant human rights instruments.

## THE SITUATION OF ROHINGYA WOMEN AND GIRLS IN MYANMAR

For the examination of Myanmar's combined fourth and fifth periodic reports to CEDAW, The Arakan Project highlights **four priority areas of concern** affecting Rohingya women and girls in Rakhine State: **citizenship and birth registration; freedom of movement; access to livelihood, food and basic services; and, violence against women and access to justice.**

### IMPLEMENTATION OF CEDAW RECOMMENDATIONS

The Government of Myanmar has ignored the specific recommendations made by the Committee related to citizenship (paras 31 and 33) and elimination of violence and discrimination against women in Northern Rakhine State (para 43) in its Concluding Observations (CEDAW/C/MMR/CO/3) adopted on 7 November 2008.

### THE ROHINGYA: TOWARD TOTAL EXCLUSION

The Rohingya constitute an ethnic, linguistic and religious minority group in Rakhine State, Myanmar – professing Islam and sharing cultural features with the Chittagonian population in Bangladesh. In Rakhine State, the Myanmar Government estimates the Rohingya population at 1,090,000<sup>1</sup>, of whom about 750,000 reside in northern Rakhine State adjacent to the Bangladesh border (where they represent a majority population in Maungdaw and Buthidaung Townships). The rest live elsewhere across the State, of whom 120,000 are today internally displaced.

The Rohingya have been subject to long-standing State-sponsored policies of discrimination and exclusion on the basis of their ethnic and religion identity. Rendered stateless, severe restrictions have been imposed on them through local orders, and gross human rights abuses are perpetrated by the authorities with impunity, which have resulted in hundreds of thousands fleeing to Bangladesh and other countries over the past decades.

#### ***Sectarian violence against the Rohingya and the Government's response***

In 2012, two waves of sectarian violence broke out, mostly targeting the Rohingya. More than 200 people, most of them Rohingyas, were killed and dozens of Rohingya women were raped. The authorities then transferred 140,000 Muslims (Rohingya and Kaman<sup>2</sup>) to segregated displacement camps. A massive maritime exodus towards Malaysia ensued.

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<sup>1</sup> Myanmar Ministry of Immigration and Population, Department of Population, 'The 2014 Population and Housing Census', "The Union Report", May 2015, page 12. The Rohingya were not counted during the 2014 Census, but the Government estimate that 1,090,000 persons (536,700 male and 553,300 female) were not enumerated in Rakhine State. However, some Rohingya reportedly agreed to participate without listing their ethnicity as Rohingya.

<sup>2</sup> The Kaman is an ethnic group in Rakhine State, of Muslim faith, listed as one of the 135 'national races' recognized by the Government and recognized as citizens.

In August 2012, the Thein Sein Government set up a 'Rakhine Inquiry Commission on the Sectarian Violence in Rakhine State' whose report was released in April 2013<sup>3</sup>, and later established a Rakhine State Peace and Development Committee to implement the report's recommendations. A draft Rakhine State Action Plan<sup>4</sup> prepared by this Committee was leaked to the media in October 2014, which Human Rights Watch described as a blueprint for 'permanent segregation and statelessness'<sup>5</sup>. Although the Government had claimed that the Plan was being revised<sup>6</sup>, no updated version has been made publicly available. In its replies to CEDAW questions dated 3 May 2016<sup>7</sup>, the NLD-led government confirmed that a Peace and Development Plan of Rakhine State is being implemented.

### ***Exclusion from the 2014 population census and from the 2015 elections***

In response to protests by extremists and attacks against humanitarian agencies in Sittwe in March 2014, the Government prohibited self-identification as Rohingya in the national population census. As Rohingya refused to be enumerated as Bengali, they were not counted in the census<sup>8</sup>. Again bowing to pressure from hardliners, President Thein Sein declared the cancellation of the temporary ID card (white cards) on 11 February 2015<sup>9</sup>, which disenfranchised the Rohingya, denying them the right to vote in the 2015 elections, but also leaving them without individual identity documents issued under the Myanmar legal framework.

### ***NLD-led government initial response***

Previous Myanmar governments consistently referred to the Rohingya as Bengali, implying they are illegal migrants from Bangladesh. State Counsellor Daw Aung San Suu Kyi requested the US Ambassador and the international community to refrain from using the term "Rohingya" but she also instructed her government not to use the term "Bengali" in May 2016 and refer to them as the "Muslim community in Rakhine State".

On 30 May 2016, President Htin Kyaw announced the formation of a Central Committee on Implementation of Peace, Stability and Development of Rakhine State<sup>10</sup>, with 27 members led by State Counsellor Daw Aung San Suu Kyi, and four Working Committees<sup>11</sup>. It includes ministers but no Rohingya representative. Details of the mandate and tasks of this senior-level Rakhine State Committee have not been published.

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<sup>3</sup> Final report of Inquiry Commission on Sectarian Violence in Rakhine State, English translation published on 8 July 2013 (the original version in Burmese was published on 22 April 2013).

<sup>4</sup> Rakhine State Action Plan, Draft summary in English dated 7 July 2014.

<sup>5</sup> Human Rights Watch, 'Burma: Government Plan Would Segregate Rohingya - Forced Resettlement, Discriminatory Citizenship Creates Dangers', 3 October 2014.

<sup>6</sup> *Myanmar Times*, 'Action plan being reviewed: Government', 9 January 2015

<sup>7</sup> CEDAW List of issues and questions in relation to the combined fourth and fifth periodic reports of Myanmar, Addendum, Replies of Myanmar, ref. CEDAW/C/MMR/Q/4-5/Add.1 dated 3 May 2016

<sup>8</sup> UNFPA statement, 'UNFPA Concerned about Decision Not to Allow Census Respondents to Self-Identify as Rohingya', 1 April 2014

<sup>9</sup> Myanmar President's Office, Notification 19/2015 dated 11 February 2015

<sup>10</sup> Myanmar President's Office, Notification 23/2016 dated 30 May 2016

<sup>11</sup> Myanmar President's Office, Notification 24/2016 dated 30 May 2016



## Part A - PRIORITY AREAS OF CONCERN

### 1. CITIZENSHIP AND BIRTH REGISTRATION

#### 1.1 - Legal Framework

The 1982 Citizenship Law<sup>12</sup>, essentially based on *jus sanguinis* criteria, identifies three categories of citizens: (*Full*) Citizens, *Associate* Citizens and *Naturalized* Citizens, who are issued with colour-coded ID cards, carrying different sets of rights. (*Full*) citizens are citizens by birth (section 3) belonging to one of 135 'national races' settled in Burma/ Myanmar before 1823, the start of the British colonisation of Arakan, as well as those already recognised as citizens under the previous "1948 Union Citizenship Act" (section 6). *Associate citizens* were those whose application to citizenship under the 1948 Act was still pending when the 1982 Law entered into force. Access to *naturalised citizenship* requires two sets of qualifying criteria: evidence of long term residence in Myanmar since 4 January 1948 (section 42) or descent from, or marriage to, a person who held or holds a form of Myanmar citizenship (section 45), and fulfilling stringent requirements such as fluency in one of the recognised national languages, to be of sound mind and of good character (section 44). The Government can also limit rights to which naturalised citizens are entitled (section 53(c)) through various laws and regulations – for example, naturalised citizens are not allowed to stand for election, form or lead a political party, or to study medicine and other subjects.

In addition, Section 8(b) of the 1982 Law stated that all forms of citizenship, except (*full*) citizenship by birth, can be revoked at any time. Although it does not provide for differential treatment based on gender, the 1982 Citizenship Law does not conform to international standards due to its discriminatory content based on ethnicity, its provisions for arbitrary deprivation of citizenship; and it does not comply with Myanmar's obligations under Article 7 of the Convention on the Rights of the Child guaranteeing the right to a nationality to every child born in Myanmar.

A proposal to reform the 1982 Citizenship Law in accordance with international standards was submitted to the Parliament on 6 November 2012 but was turned down and, in July 2013, President Thein Sein confirmed that there would be no amendment to the Citizenship Law. The new NLD-led Government has yet to indicate whether it would review this Law in line with international principles.

Even so, under its current form, the 1982 Citizenship Law does provide two paths for Rohingyas to access citizenship: under Section 6, stating that those already granted citizenship under the previous 1948 Citizenship Act remain citizens, or through application for naturalised citizenship. These two avenues, however, could leave behind a significant proportion of the Rohingya population unable to submit documentary evidence and/or meet language requirements necessary to qualify.

Until the promulgation of the 1982 Citizenship Law, the Rohingya, as all Burmese citizens, were issued National Registration Cards (NRCs) under the 1949 Burma Residents Registration Act. When the 1982 Law and its 1983 rules were

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<sup>12</sup> The 1982 Burma Citizenship Law can be accessed at: <http://www.refworld.org/docid/3ae6b4f71b.html>

implemented, most NRC holders had their card replaced by a Citizens Scrutiny Card (CSC) but, in Rakhine State, the Rohingyas were issued with temporary ID cards<sup>13</sup> (“white cards”) from 1995. While these white cards constitute a proof of identity and residence, they do not confirm citizenship. White card holders were nevertheless allowed to vote in the 2008 Constitutional Referendum and the 2010 National Elections.

However, on 11 February 2015, bowing to protests opposing voting rights for the Rohingyas, President Thein Sein announced that the white cards would expire on 31 March 2015, and must be handed over by 31 May 2015<sup>14</sup>. According to Rakhine officials, 392,259 temporary cards were surrendered in Rakhine State<sup>15</sup>. In exchange, holders were issued with a receipt and expected to apply for citizenship under a Citizenship Verification process.

## **1.2 - Citizenship Verification Process**

The Government first attempted to collect data and assess Rohingyas’ citizenship in late 2012 and again in 2013, encountering widespread resistance. On 15 June 2014, the Thein Sein Government launched a Citizenship Verification<sup>16</sup> programme in Rakhine State based on the 1982 Citizenship Law and requiring the Rohingya to self-identify as Bengali to apply.

A draft Rakhine State Action Plan dated 7 July 2014 leaked to the media stipulated that those who refuse to participate in the verification process as well as those who do not meet required criteria would be relocated to camps or deported elsewhere.

### ***Pilot Citizenship Verification in Myebon***

In June 2014, a pilot citizenship verification exercise started in Taung Paw IDP camp in Myebon, where displaced Rohingyas survive in a particularly hostile environment and where they had accepted to self-identify as Bengali during the 2014 population census. The Immigration team encountered protests by local Rakhine. Applicants were not required to submit documentary evidence. Based on a 3-generation family tree verification of descent back to the grandparents in government records was sufficient to establish ‘full citizenship’<sup>17</sup>. Out of 1,280 initial applications, 105 were granted full citizenship and 459 naturalised citizenship as of July 2015<sup>18</sup>, but at least 14 were rejected, 8 for being mentally unsound and 6 on language grounds. Children of those issued with citizenship documents were also granted citizenship, making a total of over 1,000 individuals. Remaining applications are still pending a decision on eligibility.

Successful applicants were included in the voter list for the 2015 election. However, their citizenship has not improved their situation as they remain confined to the IDP

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<sup>13</sup> Temporary Registration Certificates (TRCs) were also issued under provisions of the 1949 Burma Residents Registration Act and its 1951 rules.

<sup>14</sup> Myanmar President’s Office, Notification 19/2015 dated 11 February 2015. The cancellation of TRCs referred to rules 13(3) and 13(4) of the 1951 Burma Residents Registration Rules.

<sup>15</sup> *Myanmar Times*, ‘Rakhine officials collect nearly 400,000 ‘white cards’ by deadline’, 1 June 2015

<sup>16</sup> *Myanmar Times*, ‘Citizenship program reinforces divisions in Rakhine State’, 27 June 2015

<sup>17</sup> International Crisis Group, ‘Myanmar: The Politics of Rakhine State’, 22 October 2014

<sup>18</sup> These figures were based on the voter list published in July 2015. No recent information has been made available to The Arakan Project.

camp for “security reasons”, without any freedom of movement. Similar constraints on movement also apply to displaced Kamans, a Muslim group among the 135 ethnic groups recognised as citizens by the Government.

On 1 January 2015, the Government announced that the Citizenship Verification was extended nationwide.

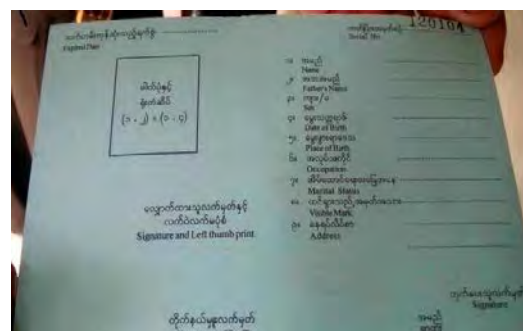
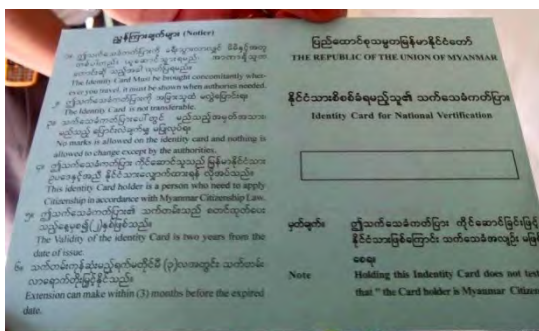
### **Citizenship Verification after the annulment of white cards and the NVC**

As of 5 June 2015, those who had surrendered their expired white cards were told to exchange the receipt for a turquoise (green/blue) card called “Identity Card for Nationality Verification” (ICNV or NVC) and then proceed with an application for citizenship verification. The NVC does not display ethnicity and religion, but does not provide any legal status to the holder. In 2015, the application form for NVCs, however, did require self-identification as Bengali. As a result, most Rohingyas declined to apply for a NVC. Reportedly, just over 1,000 Rohingyas in Rakhine State had volunteered by the end of 2015.

*Sample of documentation:*

*Right: Receipt issued in lieu of white cards*

*Below: NVC below (outside and inside)  
(Courtesy of Rohingya Vision)*



The NVC is only the **first step**<sup>19</sup> permitting holders to undergo citizenship verification, which applies to former white cards' holders. It remains unclear how those who are undocumented and those who hold NRCs would be able to enter the verification process without NVC.

Stalled temporarily around the 2015 elections, the Citizenship Verification process resumed under the new Rakhine State Committee led by Daw Aung San Suu Kyi established on 31 May 2016. The new Government already confirmed that the process will continue to be based on the 1982 Citizenship Law.

<sup>19</sup> The ‘Identity Card for National Verification’ (referred to as NVC by the Government) is a replacement of the now cancelled white card with the difference that the TRC/TIC was issued under the 1949 Burma Residents Registration Law whereas the NVC does not appear to have any legal basis.

### **Citizenship verification under the NLD Government**

On 7 June 2016, a new pilot exercise for NVC application was conducted in isolated Rohingya communities in three townships – a village in Ponnagyun and two IDP camps, Kyauk Ta Lone IDP camp in Kyaukphyu and again Taung Paw IDP camp in Myebon respectively. This pilot project was similar to the earlier exercise, except that the NVC application no longer requires self-identification as Bengali (but does not allow to self-identify as Rohingya) in line with Aung San Suu Kyi's instructions.

However, this exercise is opaque, lacks transparency both in terms of process and on its expected outcome and has not incorporated any trust-building and consultations with affected communities. In Kar Di village of Ponnagyun, Rohingyas refused to participate. According to recent government figures, around 2,000 Rohingyas applied for NVC in total, from 2015 till 29 June 2016<sup>20</sup>.

On 23 June, the Government extended the scheme to four villages in Maungdaw as well as to Thet Kay Pyin and Aung Mingalar in Sittwe, but the Rohingya community reportedly did not come forward to apply for NVCs. In June 2016, there has been no report of coercion or pressure by the authorities to take part in this exercise. As for citizenship decisions, about 2,000 (including children) were issued with citizenship documents in 2015 but, to date there has been no new application for citizenship and no new decision has yet been issued by the government.

This citizenship verification exercise will remain futile if the Rohingya are not guaranteed any benefits from applying and as long as trust-building and open communication strategies are not implemented.

### **1.3 - Birth certificate**

Since the mid-1990s, Rohingya new-born childrens have not been issued with a birth certificate. However, according to Rohingya sources, a few Rohingyas have recently obtained a Myanmar birth certificate but only in Maungdaw and Buthidaung Towns, possibly in the context of a UNICEF campaign for universal birth registration. Details on the circumstances under which such certificates have been delivered are still unclear.

### **1.4 – Child registration in household list and marriage authorisations**

The Rakhine Inquiry Commission roughly estimated that about 60,000 children were unregistered in Rakhine State in 2013<sup>21</sup>.

In northern Rakhine State, local orders have been issued targeting the Rohingya community since the mid-1990s. Pursuant to such orders, Rohingya couples must apply for official permission to marry and newly married couples have to sign a declaration that they will not have more than two children. The NaSaKa (former border security forces) supervised implementation. Couples engaged in a

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<sup>20</sup> As cited by the Myanmar Ambassador at the UN Human Rights Council session on 29 June 2016 in response to the report of the High Commissioner for Human Rights on the “Situation of human rights of Rohingya Muslims and other minorities in Myanmar”, ref. A/HRC/32/18.

<sup>21</sup> Rakhine State Inquiry Commission Report of 2013, English translation dated 8 July 2013, page 67 (see footnote 4). The report does not clearly state it but implies that these 60,000 are Rohingya children.



relationship without official marriage authorisation could be prosecuted and sentenced to up to 5 years imprisonment. A third or fourth child or a child born out of wedlock was often either blacklisted or left unregistered. Blacklisted babies are those recorded by the authorities without their names being added to their family list.

After the dissolution of the NaSaKa in July 2013, Village Administrators are now responsible for issuing marriage permission, which made the process easier. The 2-child policy is no longer implemented in practice, but **these local orders have not been abolished**. Children previously blacklisted or unregistered have still not been registered. Moreover, the Population Control Healthcare Bill enacted in 2015 as part of a legislative package of four ‘race and religion’ laws could lead to new restrictions targeting the Rohingya as it allows authorities to impose 3-year birth spacing in any region of the country<sup>22</sup>.

Since January 2016, the MaKaPa, the Immigration team for the Prevention of Illegal Immigration of Foreigners, have been conducting an annual population check to update Rohingya family lists in NRS and have also announced a new procedure to insert new-born babies into the household list.

The new birth registration process requires the parents to initiate the procedure and approach the MaKaPa through the Village Administrator (VA). Parents have to submit a 5-page application form (GAD<sup>23</sup> Form 1/A) along with the birth certificate issued by a government health centre or a government-appointed midwife, the marriage authorisation and the family list (both father and mother must be registered on the same household list which is not always the case). This document must be accompanied by statements signed by two witnesses (neighbours or village elders), the VA and the local police/Border Guard Police (BGP). Two copies of the application set are to be submitted to the local MaKaPa and the local police and then forwarded to the BGP/MaKaPa Headquarters in Kyi Kan Pyin for approval. Once approved, the application will be returned to the local MaKaPa who will then insert the new-born child in the original family list.

Most poor families, particularly in rural areas, would be unable to satisfy these cumbersome requirements, including payment of associated costs and bribes, and their children are likely to remain unregistered, which in turn will further perpetuate statelessness.

Four years after the 2012 violence, the Government has yet to officially register the 120,000 Rohingyas currently displaced and confined to IDP camps. Consequently, no birth registration or family list updating has been conducted for displaced Rohingyas since 2012<sup>24</sup>.

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<sup>22</sup> Amnesty International and International Commission of Jurists, Joint Statement ‘Myanmar: Parliament must reject discriminatory ‘race and religion’ laws, 3 March 2015.

<sup>23</sup> General Administration Department (GAD)

<sup>24</sup> The Arakan Project does not have information on birth registration in Rohingya villages beyond NRS.

## **2. FREEDOM OF MOVEMENT**

Since the mid-1990s, local orders have been issued to control movement of the Rohingyas, with penalties for non-compliance. These orders were strictly imposed in northern Rakhine State but, since the 2012 communal violence, severe restrictions of movement have been extended to Central Rakhine. Rohingyas' lack of mobility has devastating consequences for them, limiting their access to markets, livelihood opportunities, health facilities and higher education, but it also hampers visits to relatives and friends, visits to relatives in prison, etc.

Travel authorisations (TAs) are required for Rohingyas, which include a Village Departure Certificate for travelling between villages within the same township and a Form 4 to move between townships. Former TRC holders have so far been able to apply for travel permission with the receipt issued in exchange for the white cards.

### **2.1 – Restrictions on movement in northern Rakhine State**

In northern Rakhine State, travel permission with a Form 4 is restricted to movement between townships *within* NRS only. A Village Departure Certificate is required to travel between villages although this is not consistently applied. If a Rohingya stays overnight in a different village, the host has to report the guest with the authorities<sup>25</sup>. Furthermore, the establishment of many new road check-posts after the 2012 violence has led to an increase in arbitrary taxes, fines or arrests. A curfew imposed in Maungdaw and Buthidaung Townships (NRS) in June 2012 is extended every two months (from 11pm to 4am) and only applies to the Rohingya, not other communities. The curfew prevents them from fishing, going to their fields or seeking urgent medical treatment at night. Harassment at road check posts, especially of women, and curfew regulations have further reduced freedom of movement for the Rohingya community.

Rohingya women also reported that they could not obtain travel authorisation for their unregistered children, and were thus forced to leave them behind with relatives or risk travelling with them without permission.

### **2.2 – Displacement, segregation and restriction of movement in Central Rakhine State**

In conflict-affected areas of Central Rakhine, more than 120,000 Rohingyas (and Kamans) are strictly confined in segregated displacement camps, unable to access means of livelihood and basic services, making them dependent on international aid. Even those who are not displaced and still residing in their villages of origin do not enjoy any freedom of movement, ostensibly for security issues, which stems from a combination of instructions by authorities, harassment at check posts, threats from the Rakhine population and fear of being attacked. 25,000 internally displaced Rohingyas (IDPs) were relocated by the government in 2015, some involuntarily, and they also face similar restriction on their movements. In addition, for the past four

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<sup>25</sup> A bill removing overnight guest registration requirements from the Ward and Village Tract Administration Law was approved by the Amyotha Hluttaw on 3 June 2016 and will be sent to the Pyithu Hluttaw (*The Global New Light of Myanmar*, 4 June 2016)

years, the 4,000 residents of Aung Mingalar, a Muslim ghetto in Sittwe town, have been obliged to arrange a police escort to access a market in the Sittwe IDP camps. Sittwe town is off-limit and considered as a “Muslim-free area”. The segregation only applies to Rohingya and Kaman -- Rakhine and other non-Muslim residents are allowed into the IDP camps where some engage in economic activities.

Travel to Yangon is sometimes authorised for emergency medical treatment. A special permission to travel beyond Rakhine State, usually valid for 45 days, is costly and requires two guarantors to ensure the person will return.

The capsizing of a boat due to bad weather on 19 April 2016, in which at least 21 drowned, including women and children, illustrates the deadly consequences of restrictions on movement. The boat carried IDPs, travelling with permission, from Pauktaw to buy basic supplies in the Sittwe camps through the open seas in the absence of safer travel alternatives.

Rohingyas from Rakhine State have no legal option to travel abroad.

### **2.3 – Penalties and prosecution for unauthorised travel**

Unauthorised travel can lead to arrest, detention and prosecution under the 1949 Burma Residents Registration Act with prescribed penalties of up to 2 years imprisonment or under Section 13(1) the 1947 Burma Immigration (Emergency Provisions) Act and its 1990 amendment, punishable with a minimum of 6 months to a maximum of 5 years imprisonment. Although the Immigration Act applies to unauthorised travel outside Myanmar, a number of Rohingya were sentenced for violating the Immigration Act for travelling without permission *within* Myanmar. In northern Rakhine State, such Court verdicts have been based on the assumption that the accused had been to Bangladesh illegally, even when this was not the case.

On 1 September 2013, two women from Buthidaung Township were sentenced to 6 months in jail. They failed to produce a travel permit (Form 4) and were arrested on 21 August in Ywet Nyoe Taung Village Tract, Maungdaw North.

Travel permission is also used as a tactic for extortion. On 25 January 2015, a woman and her son were held by the Anti-Trafficking police in Alel Than Kyaw for travelling to Bangladesh illegally, even though she had an official border pass. The police confiscated her documents and threatened to charge her unless she paid 800,000 Kyat (about US\$800) to be released.

Similarly, Rohingya women were threatened with arrest on the grounds that their husbands had left the country by boat without informing the authorities. On 19 November 2014, four women from Uo Daung Village, Maungdaw South, were summoned for these reasons and forced to pay 450,000 Kyat to avoid detention.

However, after the Myanmar Navy rescued two boatloads of Rohingyas and Bangladeshis abandoned by smugglers during the May 2015 crisis, all Rohingyas residing in Rakhine State were ultimately allowed to return to their village without punishment, as they were deemed to be victims of trafficking.

### 3. ACCESS TO LIVELIHOOD, FOOD AND BASIC SERVICES

As a direct consequence of severe constraints on movement, stateless Rohingya face enormous difficulties to access income, food, health care and education, whether in northern Rakhine or in IDP camps elsewhere — conditions that further deteriorated following the 2012 sectarian conflict.

#### 3.1 – Access to livelihood and malnutrition

Lack of access to livelihood is the primary driver behind the maritime exodus of Rohingyas. Scarcity of employment options and poverty are further aggravated by physical restrictions enforced by local orders. In northern Rakhine State, restrictions on fishing, official prohibition to gather firewood and other forest resources, and the imposition of informal taxes, combined with constraints on movement, have a dramatic economic impact on already impoverished communities. Restricting their access to livelihood and draining their assets through institutionalised extortion appear to be deliberate strategies to persuade Rohingyas to leave their homeland.

In displacement camps, access to food was cited as a major problem by IDP women during a field visit by The Arakan Project at the end of May 2016. Confinement and segregation have made Rohingya IDPs largely dependent on international aid. Alternative income available within camp perimeters is far too little to maintain a family. Food rations provided by the World Food Programme only consist of rice, pulses, cooking oil and salt, and are distributed unevenly as some IDP households are not recorded in the official distribution list. Moreover, families often sell part of their food allowance in order to purchase other essential items.

Food insecurity has a lasting impact on nutrition and health. Action Contre la Faim (ACF) conducted a SMART<sup>26</sup> Nutrition Survey in Maungdaw and Buthidaung Townships in September/October 2015 and found high prevalence of Global Acute Malnutrition (GAM) and Global Chronic Malnutrition (stunting), well above the WHO emergency thresholds of 15% and 40%, slightly lower than in nutrition surveys undertaken over the past decade. The national stunting rate in Myanmar is 35%.

#### ***Prevalence of malnutrition for children aged 6 to 59 months***

Indicator	Maungdaw	Buthidaung	WHO threshold
Global Acute Malnutrition (GAM)	19%	15.1%	15%
Severe Acute Malnutrition (SAM)	3.9%	2%	2%
Global Chronic Malnutrition	45.7%	46.6%	40%
Severe Chronic Malnutrition	21%	19.1%	

*Source: Action against Hunger (ACF), Preliminary Report, SMART Nutrition Survey in Maungdaw and Buthidaung Townships in September and October 2015.*

In the IDP camps outside Sittwe and Pauktaw, Save the Children International (SCI) carried out a SMART survey in January 2015 and found an improved rate of acute malnutrition, but a high prevalence of chronic malnutrition (stunting).

<sup>26</sup> SMART: Standardized Monitoring and Assessment of Relief and Transition is a methodology used to assess the severity of a humanitarian crisis.



### ***Prevalence of malnutrition for children aged 6 to 59 months***

Indicator	Sittwe IDP camps	Pauktaw IDP camps
Global Acute Malnutrition (GAM)	8.6%	11.8%
Severe Acute Malnutrition (SAM)	1.3%	1.5%
Global Chronic Malnutrition	46.4%	51.7%

*Source: Save The Children International (SCI), Survey and Barrier Analysis for Infant and Young Child Feeding Practices, Sittwe and Pauktaw Townships, May and June 2015.*

### **3.2- Access to health care**

Access to adequate health care is abysmal. As non-citizens, Rohingyas are barred from employment in the government health sector and have to rely on Buddhist medical practitioners who regularly discriminate against Rohingya patients.

In northern Rakhine State, township hospitals are neglected and ill-equipped and rural villages have very few public health facilities and services. Medication has to be paid for. Moreover, travel permission and bribes demanded at checkpoints further complicate access to medical facilities, especially in case of emergency. Access to reproductive health care is minimal for Rohingya women. Those who can afford it prefer to seek treatment in Bangladesh. Several INGOs provide primary health care services but their national staff are also restricted in their movements.



*Sick young woman lying in her shelter in an IDP camp near Sittwe (Copyright © Carlos Sardiña Galache)*

In displacement camps, medical care is even more problematic. In March 2014, Médecins sans Frontières (MSF) and Malteser International were expelled following attacks by Rakhine extremists on UN and INGO premises. Ten mobile clinics and just one station hospital with 8 beds in Thet Kay Pyin Village, staffed by four nurses and attended by two medical doctors during weekdays, provide basic health services to about 100,000 Rohingyas in Sittwe IDP camps and surrounding villages. Other IDP camps in Pauktaw, Myebon and other IDP camps rely solely on mobile medical teams organized by INGOs.

For emergency referrals, Sittwe Hospital has a 14-bed ward allocated to Rohingya patients which is under police supervision. Patients have to be transferred under police escort, which they have to pay for, and can only be accompanied by one

relative. Attendance and medical treatment is inadequate. Rohingyas are generally too scared to be referred to Sittwe Hospital and often accept a transfer when it is too late. Most Rohingya patients receiving treatment in Sittwe Hospital are women with complicated pregnancies and severely malnourished children. Emergency medical treatment in Yangon is occasionally granted for 45 days at high cost but, since April 2016, permission first requires a recommendation from Sittwe Hospital<sup>27</sup>.

In Pauktaw and Myebon, even though a hospital is situated nearby, Rakhine hardliners continue to prevent access to Rohingya patients, and a time-consuming emergency evacuation has to be arranged by car and boat to Sittwe Hospital. This situation has resulted in many preventable deaths, including of pregnant women.

### 3.3- Access to education

Since June 2012, Rohingya youths and children have had little access to education. Moreover, socio-religious practices traditionally keep girls out of school once they reach puberty. Girls' education is not valued.

In northern Rakhine State, teachers are generally Rakhine Buddhists, as stateless Rohingyas cannot be employed in the government education sector. Education for Rohingyas has always been neglected, with a lack of qualified teachers and school buildings, overcrowded classrooms, absenteeism among teaching staff and shortage of school materials. Discrimination against Rohingya students has been widely reported.

Following the violence in 2012, many government teachers fled, concerned for their security, and did not return to their posts, and the authorities shut down all Muslim religious education institutions, even *maktabs* where young children learn the basic tenets of Islam. Today, government schools rely heavily on community-paid and mostly untrained Rohingya teachers, who represent 43% of the teaching staff. Classes often run in several shifts due to overcrowding. The teacher-student ratio in Maungdaw Township rose to 1:123 and 1:83 in Buthidaung Township<sup>28</sup>. *Maktabs* restarted operating clandestinely in villagers' houses whereas many *madrassahs* are still closed.

An estimated 60,000 displaced Rohingya children aged 3 to 17 are deprived of formal education<sup>29</sup>. Learning centres have been established in displacement camps by UNICEF and INGOs but face a severe shortage of qualified teachers. Schools in hosting communities are under enormous pressure.

University education is now off-limit to all Rohingyas. In 2014, only about 150 Rohingya students successfully passed high school matriculation in Maungdaw and Buthidaung Townships (out of a total population of more than 750,000) but they cannot pursue higher studies as Muslim students are barred from Sittwe University and are not allowed to travel to and enrol anywhere else in the country. Only distance learning is available but Rohingyas are not issued with university diplomas.

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<sup>27</sup> *The Irrawaddy*, 'New Travel Restrictions Limit Rohingya Access to Healthcare', 27 April 2016

<sup>28</sup> REACH and Plan International, Joint Education Sector Needs Assessment in North Rakhine State, Nov. 2015

<sup>29</sup> REACH and Plan International, Ibid.

## **4. VIOLENCE AGAINST WOMEN AND ACCESS TO JUSTICE**

Rohingya women and girls are exposed to multiple forms of gender-based violence perpetrated by State agents, Rakhine individuals, within their community and in the domestic realm. Cases are widely under-reported as the issue is taboo and women do not have access to judicial remedies, leaving perpetrators to act in total impunity.

Within the Rohingya community, women and girls experience harmful gender-based traditional practices generally approved by conservative socio-religious norms in a male-dominated society. Women and adolescent girls are commonly isolated within their homes, excluded from the economic sphere and from decision-making in community matters. The practice of dowry - gifts in kind or in cash paid by the girl's family to the groom - has become customary among Rohingyas in recent decades, despite not being supported by Muslim laws. It compromises women's rights, pushing families with daughters into heavy debts and preventing young women from getting married. The flight of many marriageable young Rohingya men by boat has recently exacerbated the problem of finding a suitable husband as dowry demands have increased.

Arranged marriages often work out positively among Rohingyas, but forced marriages are also common, sometimes for the purpose of trafficking. Some young unmarried women and girls who sailed prior to the 2015 maritime crisis were sent by their parents for marriage in Malaysia in deals negotiated through brokers, putting them at risk of being trafficking during the journey or upon arrival.

Many Rohingya women do not have control over their reproductive health, whether in accessing birth control or in terminating a pregnancy. Girls' education is not valued and they are generally forced to interrupt schooling at puberty. Divorced women and widows are held in contempt, vulnerable to sexual harassment and abandoned with little community support.

### **4.1 – Rape**

The 2012 communal riots were triggered by an allegation of rape of a young Rakhine Buddhist woman by two Muslim men in Kyauk Ni Maw, Ramree Township, on 30 May 2012. False allegations of rape were also used to incite violence in Mandalay.

In northern Rakhine State, although mostly committed on Rohingya women by members of their own community, rape incidents increased from June 2012, perpetrated by State actors -- police or soldiers, sometimes along with Rakhine civilians. Researchers from the UN Office of the High Commissioner for Human Rights (OHCHR) received credible accounts of at least 100 rape cases that occurred in June and July 2012, which appeared to be committed as retaliation for the alleged rape of the Buddhist woman on 30 May<sup>30</sup>. Furthermore, two other incidents of mass rape of Rohingya women, some gang-raped, took place in Maungdaw Township: 11 allegations in Doe Than village in February 2013 and, at least another 11 alleged cases during the attack on Du Chee Yar Tan village in January 2014.

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<sup>30</sup> OHCHR, 'Internal Report on the findings of OHCHR's rapid response deployment in support of the humanitarian response in Rakhine State, Myanmar', April 2013

None of the rape incidents have been investigated and prosecuted. The Rakhine Commission report<sup>31</sup> extensively cited the alleged rape of a Rakhine woman triggering communal riots, but did not allude to the mass rape of Rohingya women that ensued in Maungdaw Township. Similarly, the report of the Presidential Commission appointed to investigate attacks and alleged killings in Du Chee Yar Tan Village in January 2014<sup>32</sup> made no reference at all to incidents of rape.

Since then, six rape cases were reported to The Arakan Project, of which five were committed by police and Border Guard Police (BGP) against a Rohingya woman in detention. The 6<sup>th</sup> case involved a girl child raped by a soldier in a field.

- On 25 March 2014, a woman aged 25 from Inn Din Village Tract (Maungdaw South) was arrested on allegation of illegally possessing a Bangladeshi SIM card to communicate with her husband who fled to Malaysia. She was detained overnight in the police camp and raped, and was released the following day after her relatives paid 200,000 Kyat (about US\$200). She reportedly went to Maungdaw town to lodge a complaint.
- On 31 October 2014, BGP raided a house in Nga Kyin Tauk Village (Buthidaung). The head of household was arrested for having an unregistered guest. He and his 15-year daughter were detained in the BGP camp. The girl was separated from her father and raped overnight, which was the aim of arresting her. Upon her release she sought medical treatment for her injuries.
- On 23 December 2014, police arrested two Rohingya women in Hlaing Thi Village (Maungdaw North) on allegations that their absconding husbands had returned to the village and that they had sheltered them without informing the authorities. They were raped for three nights until their release on 26 December after relatives paid a ransom of 4.5 million Kyat (about US\$4,500).
- On 6 January 2015, a 12-year old girl was raped by a soldier while tending cows in Kha Maung Seik (Maungdaw North). Alerted by other children her parents found her later lying bleeding in the bushes.
- On 6 July 2015, BGP raided a house at night in Ta Man Thar Village (Maungdaw North). As the husband had fled they arrested his wife aged 25 on the allegation of selling cannabis. She was raped in BGP custody. Upon her release the next day she sought medical treatment in Maungdaw Hospital.

These cases match similar patterns found by the Arakan Project in research on rape incidence in 2010, which identified three situations when women are at serious risk of being raped: (a) in detention by law-enforcement agencies (with arrest sometimes a setup with a village leader for the purpose of rape); (b) during night-time house checks of women with absentee husbands; or (c) in isolated locations in daytime when women or girls are out collecting firewood, grazing cows or tending their fields.

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<sup>31</sup> Final report of Inquiry Commission on Sectarian Violence in Rakhine State, English translation published on 8 July 2013 (the original version in Burmese was published on 22 April 2013).

<sup>32</sup> Summary Report of the Investigation Commission for the Du-Chee-Yar-Tan incident of January 2014 and related events, February 2014 (English translation)



Rape in the IDP camps is not uncommon, however rarely reported as being perpetrated by State actors. In addition to fear of retaliation and stigmatisation by their community, IDP women have no access to justice mechanisms to report a rape case, let alone to obtain reparation, and nowhere safe where they could go.

#### **4.2 – Domestic violence**

Cases of intimate partners' violence have mostly come to the attention of humanitarian agencies. While the concept of marital rape is alien to the Rohingya, beating an insubordinate wife is an accepted norm. However, spousal abuses are exacerbated by the stressful conditions and environment in which families have to survive. Alcohol and drug abuse among unemployed men contribute to gender-based violence.

Temporary shelters in the IDP camps are bamboo long-houses, divided into 8 rooms, each room accommodating one family, and were constructed in 2012. They are overcrowded, with a total lack of privacy. At the time the international community was reluctant to build more permanent structures so as not to entrench segregation. But, 4 years later, the shelters are falling apart and are in urgent need of replacement. Latrines have sometimes been taken apart as some displaced Rohingyas dismantle them to procure building materials to fix their shelters, forcing women to wait for darkness in order to urinate or defecate in a nearby field, increasing their vulnerability to sexual harassment.

Rohingya women victims of marital assaults have few options and usually return to live with their abusive partner. In some cases, community leaders intervene by scolding the husband. Women have no recourse to file a legal complaint. Support afforded by NGOs is limited to medical care and psychosocial counselling, in addition to awareness-raising.

#### **4.3 - Other forms of abuses against women**

Rohingya women have also been victims of other types of abuses by State authorities pursuing male relatives. Women have been beaten, their valuables looted, and harassed by police to reveal the whereabouts of an absconding husband or son. Allegations of illegally using a Bangladesh SIM card and threats of arrest, even on fabricated charges, are often a means for extortion.

### **CONCLUSION**

The landslide victory of the National League for Democracy in the 8 November 2015 elections and the formation of a new civilian government led by Daw Aung San Suu Kyi on 30 March 2016 provide hopes for positive change and for a genuine transition to democracy in Myanmar, with respect for human rights at the core of policy, law and practice. The road ahead is, however, paved with numerous and complex challenges but the new government has now an important opportunity to address ongoing human rights abuses in Rakhine State with regard to the stateless Rohingyas. Rohingya women and children in particular deserve to enjoy their fundamental human rights in a peaceful environment.

## Rohingya women internally displaced near Sittwe



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## **Part B - ROHINGYA WOMEN IN THEIR OWN WORDS**

### **Three Rohingya women heads of household talk about their life and struggle in Myanmar**

The testimonies of three Rohingya women, all heads of households, told their stories in their own words. Fatima, Khaleda and Senwara talked about their lives in Myanmar, which reflect the daily struggle of many others in a similar situation in Rakhine State.

The Arakan Project met them as they were seeking medical treatment in Bangladesh. All of them currently live in northern Rakhine State. For security reasons, we have omitted their real names as well as the name of their village and we have not included their photographs.

Semi-structured interviews were conducted with open questions covering the key issues addressed in this submission. Our field researcher purposely selected women who are heads of household. Interview transcripts below attempt to capture their own words.



All three women described themselves as widows. However, only Senwara witnessed her husband passing away. Fatima and Khaleda were presumed widows as their husbands disappeared one day, never to be heard of again. Fatima's husband did not return home from forced labour and, in 2014, Khaleda's husband went missing just three months after she gave birth, when he went to work in Bangladesh.

In a separate research project, The Arakan Project carried out interviews with dozens of Rohingya refugee women, whose husband or son (breadwinner for the family) remained traceless after embarking on boats toward Malaysia between January and May 2015. The mass exodus by sea of the past four years left hundreds of Rohingya women as heads of households struggling to support their family alone after their husband vanished.

## **Interview #1: The story of Fatima, 35, widow with 5 children**

<b>Name:</b>	<b>Fatima</b> (not her real name)
<b>Age:</b>	<b>35 years old</b>
<b>From:</b>	<b>xxx Village Tract, Buthidaung Township</b>
<b>Marital Status:</b>	<b>Widow with 5 children</b>
<b>Occupation:</b>	<b>Domestic helper and farm labourer</b>
<b>Date of interview:</b>	<b>15 June 2016</b>
<b>Interview Ref.</b>	<b>#16/05</b>

### **Lack of access to health care**

I came to Bangladesh for medical treatment because I suffer from severe stomach pain. It started after my husband disappeared about 8 years ago. Since then I had to take responsibility for my children and their daily subsistence. I could not eat properly and I became sick. I visited the township hospital in Buthidaung many times but never received proper treatment. At this hospital, all medical staff are Rakhine, including the doctor, and I could vividly see hate and dislike in their gestures, in their eyes and in their conversation. They never gave me any medicine. Then I visited a private clinic but my stomach pain persisted. A fellow villager, who lives here in Kutupalong camp, told me that MSF and IOM provide health care and free medicine. So I decided to come here to Bangladesh and went to the IOM clinic. I received treatment and free medicine for two weeks. The IOM doctor told me to come back after two weeks if the pain continues. But I won't be able to return because of the travel costs.

### **Travel experience**

This is my first time in Bangladesh and I must return today to inform the Village Administration that I am back in my village.

I first tried to obtain a Form-4 [*to travel between townships - from Buthidaung to Maungdaw*] but the process takes too long. Since I was sick and could not wait, I took the risk to come here without proper travel documents. I told our Village Tract Administration office that I wanted to visit my relatives in a village in North Buthidaung. They issued me with a Village Travel Certificate valid for 5 days and demanded 10,000 Ks (US\$12). This is dangerous but I have no other option. A fellow villager is accompanying me and I have to pay his travel expenses as well.

We first went to Buthidaung town – which is near our village and we do not need permission. Then we took a trishaw to the check point on the road to Maungdaw. There, my guide negotiated with a jeep driver to drop us before the 3-mile check-post just before Maungdaw town. The driver did so, and we got off before the checkpoint. We bypassed the check post on foot to reach Maungdaw town and from there we took a small ferry boat across the Naf River to be smuggled the same night to Teknaf in Bangladesh. No one asked me any questions on the way.

The cost of the whole journey from my village and back, including food for both of us, amounts to about 150,000 Kyat. This is very expensive, but a rich man in the village



donated this from the charity fund, so that I can get treatment and look after my children.

### **Husband's disappearance from forced labour**

About 8 years ago our village headman forcibly recruited my husband as a porter for the Army when they were patrolling in the hills. This kind of forced labour was very common. That time, my husband did not return home.

After 7 days I went to our Village Chairman, who is Rakhine. He claimed that he had seen my husband back in the village. When I said that I had waited for him for the past week and that I had no food left in our house, he became angry and replied: "Then, your husband might have fled the country to join insurgent groups in Bangladesh [*fabricated allegations commonly used by authorities for extortion*]. I have to inform the Army. You surely know where he is and you must bring him back or I will have to take action against you." I was so afraid and did not argue.

My entire world was shattered. I had lost my husband and had to take care of my children alone, as a single mother in my mid-20s. I somehow knew that my husband would never return, that he had died or was killed in the hills while portering for the Army. But I had no time to mourn. My eldest daughter was 10, my eldest son only 4 years old and the youngest one was a baby of just 5-months old. With five young children, I did not know how I could feed so many mouths.

Initially people of my village helped me a lot, but slowly their sympathy faded away and I had to fight for myself and the survival of my children.

### **Working conditions**

I started working as a domestic helper in the houses of rich villagers. Some days I even worked in three different houses to make ends meet. Today I still work in houses grinding spices, cleaning, washing clothes and dishes, etc. and I also work on a farm looking after a potato plantation. I receive food from the houses and rice and potatoes at the farm. That is how I have survived since my husband went missing. I started to have stomach pains and the doctor told me that this is caused by tensions and irregular food intake.

While I work, my eldest daughter stays at home looking after her younger siblings. My eldest son, who is now 12, has been working as a farm labourer for a year now, looking after the cattle and paddy fields. Last year, the farmer gave 30 baskets of paddy and 30,000 Kyat (US\$35) in cash as my son's yearly wages. This year, I plan to send my second son to work on a farm too because I need money to marry my two daughters. The life of a widow is not pleasant – my dreams to send my children to school have been shattered.

### **Constant Insecurity**

After losing my husband I feared for my security and still do. But, nowadays, I am especially worried about the safety of my teenaged daughters; both are beautiful and grown up. We could be attacked by the Army, Rakhine or by our own people.

Sometimes soldiers and Rakhine knock on my door at night. We usually remain quiet so that they believe that no one is at home. Before leaving, they kick the door and walls shouting abuse. Recently I decided to send my two daughters to sleep in my brother's house every night. His house is nearby and safer for them.

**Security is our main problem.** I have to return home before sunset. Insecurity increased after the 2012 riots. Rohingya people cannot work full time due to security and the curfew. As a result, our income has decreased. Before the violence I could work after dark. For the first few months after the riots, no one dared to go outside the village. People could not go fishing or collect forest resources and farmers could not watch their paddy fields at night. Now the situation has improved slightly but it still affects our day-to-day life. The most frightening is when monks encourage Rakhines to attack us – this now happens time and again.

We always live in fear of being attacked by Rakhines or of being arrested by the Army or police. We face discrimination and lack of work. In a word – there is no security, no justice and no work for us Rohingyas. If we had security and freedom of movement, we could find better means of livelihood. Security is really the main problem.

### **Food and income**

Apart from that, food is a constant problem. We have spent many days without a proper meal – especially after the riots in 2012 and after the floods last year. I always try to manage to feed my children. That is why I became sick. But one third of the year we can't afford rice and eat only leaves and sweet potatoes. We are often left hungry during the monsoon. Before the violence, I used to receive some rice and dal from the World Food Program (WFP) as a widow, but not anymore.

### **Other problems**

#### **Q – What other problems do you face as a woman and single mother?**

Women in my village have husbands who support them, even if they work abroad, and other widows are older than I with grown-up children helping them. But I have no one except my brother, who also struggles to maintain his own family. As a single mother, I have to take all day-to-day responsibilities for food and security, and I have to find husbands for my two daughters. Nowadays, marrying off a daughter involves huge expenses due to the shortage of grooms *[as many young men have fled to Malaysia and elsewhere]*.

When my husband disappeared, I was younger and received marriage proposals. These proposals came from married men and I rejected them. I did not want to destroy the life of my children, and be used as a second wife.

Access to health care is also a major problem for all women in our village. There is no place to go when we fall ill.

### **Hope in Daw Aung San Suu Kyi**

#### **Q – Do you feel that Burma is your country?**

Of course, Burma is my country. It is a beautiful country but it has become hell for us Rohingyas, because of discrimination and oppression by the Government and hatred from Rakhine people. Our parents and grand-parents told us that they used to enjoy freedom and feel proud of being Burmese nationals. Those were the good days, before the Army moved into Buthidaung, confiscated our land and restricted our movement. Then our people fled to Bangladesh and elsewhere in the world. We slowly lost everything due to the Army and now, since the 2012 riots, due to monks and Rakhines.

**Q - Do you see any hope for your future and that of your children?**

Yes, we still dream of better days in the future, because Daw Aung San Suu Kyi won the elections. Her father was a good leader and we hope that she will do something positive for us. Although we were not allowed to vote, our prayers were for her victory. We hope that she will not forget us and give us back freedom. We are waiting with a lot of hope that sooner or later we could live in our country like other communities.



## **Interview #2: The story of Khaleda, 27, single mother with a boy**

<b>Name:</b>	<b>Khaleda (not her real name)</b>
<b>Age:</b>	<b>27 years old</b>
<b>From:</b>	<b>xxx Village Tract, Maungdaw Township</b>
<b>Marital Status:</b>	<b>Single mother with one child</b>
<b>Occupation:</b>	<b>Domestic helper and weaver</b>
<b>Date of interview:</b>	<b>17 June 2016</b>
<b>Interview Ref.</b>	<b>#16/06</b>

We are five siblings: four sisters and one brother. I am second in line. My mother died after giving birth to my brother, who is now 12. My elder sister and her husband live separately in our village. At home, I live together with my two sisters, my brother and my father. My father is in his fifties. He used to be healthy, working hard to support us all. But he was severely beaten by the joint forces (Army and Border Guard Police) at the time of the 2012 riots. On his way back home from work, he was stopped and questioned in Burmese, but my father does not understand Burmese. As a result, soldiers and police hit him very badly. He was left lying unconscious on the roadside until the next morning when villagers found him and brought him home. Although he was injured, we could not take him to hospital. Since then, he has been unable to do any hard work. He mostly remains at home, weaving baskets to sell in the local market.

### **About the dowry system**

My two younger sisters are still single and my father worries a lot about their marriage. Who will marry the daughters of a poor and helpless man, unable to pay a good dowry? We are much affected by this system called dowry. Nowadays many Rohingya women are still single at 35, even 40. Dowry is a curse in our society, especially for poor people. This is not part of our culture and not even allowed by our religion. Many young men left the country to find a better life and jobs abroad and to escape from harassment by the authorities. As a result, dowry demands have increased and this made the situation worse.

#### ***Q - Did your father pay the dowry for you and your elder sister?***

For my elder sister, my father spent all his savings. He had to buy cooking pots, utensils, bed, clothes, a gold ring, etc. for her husband. Nowadays, dowry is even more expensive as every young bridegroom expects to receive a motorcycle from the bride's family. Many believe that they can avoid hard physical labour if they own a motorcycle and use it to carry goods and passengers to earn their living.

However, my father did not pay any dowry for my marriage, because my husband-to-be was the son of his best friend from Buthidaung. Both families were very close, visiting each other regularly, and were excited at having marriage ties.

My marriage was arranged in 2010, during the time of the NaSaKa<sup>33</sup>. Both our families applied for marriage permission to the NaSaKa in our respective areas; my

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<sup>33</sup> The NaSaKa was a joint border security force formed in 1992 and disbanded in 2013. The main perpetrator of human rights abuses against the Rohingyas in northern Rakhine State, they used to issue marriage permission.



family in Maungdaw and my husband's family in Buthidaung. We spent a lot of money to speed up the process but our marriage applications did not move forward. Two years passed without any progress.

In early 2012 my father got frustrated and said that the marriage permission would never be issued because we were from two different townships. Both families then agreed to organize a religious marriage without official permission.

After our marriage, my husband started living in my family's house (illegally) but he did not spend much time with us as he used to work in Bangladesh for 2 or 3 months at a time.

We were a happily married couple. In 2014, I gave birth to a healthy baby boy. Our son was born at home with the help of a traditional midwife. Since I had no official marriage permission it would have been impossible to go to a clinic or call a government midwife. The local midwife had been trained by an NGO. She did not ask for any fee but we gave her some clothes.

I enjoyed motherhood and my husband stayed at home with me for three months after delivery. Then, he told me that he had to go back to work as we needed money for our son. Once again, he left to find a job in Bangladesh. He has been missing since then.

I did not worry for the first 2 or 3 months as he used to stay in Bangladesh for such a period of time. Then I became anxious and started searching for him. I contacted my in-laws in Buthidaung and my aunt in Bangladesh but no one had heard from him. We also contacted fellow villagers and relatives in Malaysia but he remained traceless. Perhaps he took a boat to Malaysia or was abducted by human traffickers; who knows? He has been missing ever since. I want to believe that he is still alive, perhaps in jail in another country. We were a very happy couple and we had never had any misunderstanding. Why has he vanished from my world? I still hope that he will come back one day and take care of my son and me.

### **Struggle for survival**

For the past two years I have struggled for survival. My father cannot work regularly due to poor health and my brother is too young to shoulder the whole family. Nevertheless he found work on a farm, where he now lives, and is paid in paddy at the end of the year. This is good as we have one mouth less to feed at home, and he can avoid doing forced labour as a sentry. When the authorities come to recruit sentries at our house, they only find my sick father and our three sisters.

Six months after my husband had left and disappeared, I desperately went out to look for work. I found a job as a domestic helper to clean, wash dishes and clothes, and carry water at a house in our village. But that was not enough to support our family. So I started weaving fishing nets and stringing leaves for roofs. My two younger sisters also helped me weaving and stringing. Recently they started working outside the house as they are now 18 and 20. They also work as domestic helpers in the houses of rich people and they are paid in rice or in cash. This is how we survive. We do not starve, but sometimes we have to reduce our meals. I

always make sure that there is enough food for my father and my son. We live hand to mouth. We cannot buy clothes and we only eat meat and fish when rich families where we work give us leftovers from their dinner parties.

### **Insecurity**

We always live in tension. After sunset anything can happen. The Border Guard Police (BGP) could come any time to our home under the pretext of checking family lists or searching for unauthorized guests. I am not afraid for my own security but for my two younger sisters. If anything bad happened to them, we would face even more problems to marry them off.

I always face the police when they visit our house. So far, nothing had happened to me or to my sisters by the grace of Allah. My father is still traumatized from the beatings he was subject to in 2012 and whenever he hears the sound of boots or the barking of a dog at night, he rushes out of the house to hide. Often, police deliberately touch our bodies or our face as if it was unintentional. We, women, know what they were doing, but we are helpless.

There is no rule of law. Law enforcers often break the law in our country. Some of our own people collaborate with them. Because of lawlessness we feel unsafe and threatened. We know anything could happen to us at any time. That is why we avoid any kind of arguments.

### **Unregistered child**

#### ***Q – What about your son? Is he registered in your household list?***

He is an undocumented child. He is now 2 years and 3 months old. I could not register him since I married without permission. This year, Immigration checked and updated family lists for the first time since he was born. I had to hide my son in a neighbour's house which had already been checked by Immigration so that they would not find him.

#### ***Q - What do you do when BGP comes at night to check the family list?***

That is often a big risk. Luckily my son is always asleep when BGP arrives and they do not check every room in our house. BGP orders us to show our family list and bring everyone in front of them. My father would have already fled and we, three sisters, appear in front of them. We tell them that my father is sick and not at home, that my brother lives on a farm nearby, and that there is no one else in our house. They do not check further. But, one day, they may discover that I have a son who is not recorded in our family list. Then questions will arise as to who the baby's father is – this could turn into a big problem, or they will impose a fine. There are lots of unregistered children in our village, and many mothers often go through the same situation.

#### ***Q - Did you try to do something to register your son?***

No, because I know that it is impossible. The Village Administrator would try to make me believe that he could arrange this to get bribes but, in fact, nothing would happen. The only solution is for the government to change their policy about unregistered children.

***Q – Have you ever thought about starting a new life and re-marry?***

Well, my father-in-law recently visited our house and talked to my father. He no longer believes that his son could be alive, and he has allowed me to start a new life if I want to. However, I think that he may still be alive somewhere in this world. I will definitely wait more time.

But the main issue is: who would want to marry me, a single mother with a son? I don't think I will find anyone, when single girls and women cannot find a husband. If I am lucky and another good man proposes to marry me, the amount of dowry will be too high and unbearable for my family. There is only one option -- a widower coming forward to marry me, but, in those cases, these widowers are usually old men who would marry me only to take care of him and his children. Considering everything -- I have already abandoned the idea of marrying again.

***Q - What are the main problems faced by Rohingya women in your village?***

We have many problems. Women start their day very early in the morning to late at night. We are responsible for cooking, looking after the house, children, domestic cattle, chickens and house yard plantations. Women have no time to think about themselves. Many women in our community are often beaten by their husband. When a man is upset at work or elsewhere, he releases his anger by beating his wife – no matter whether she has done anything wrong or not.

During security raids at night men usually flee but women cannot, because they don't want to leave their house and their children, and they have to face the police alone. At checkpoints there are no female security personnel to check women's bodies; always male police search our bodies. There is no maternity clinic for women or medical care after delivery. There is no food security for widows and single mothers.

My life is dull and lonely but I am used to this, and so are other Rohingya women. We have no leisure, no joy in our life. I think Allah created women to suffer their entire life.

**Access to health care**

***Q - When you are sick where do you go?***

There is only a community health worker (CHW) from Malteser [*an INGO*] in my village. When I feel sick I go to him and, if he cannot identify my health problem, he tells to go to the Malteser clinic in Kyein Chaung. This is the nearest clinic and is about 8 miles away from my village. But this clinic has few facilities. Consequently, Rohingya women try to go to Bangladesh for medical treatment. We avoid government hospitals due to discrimination by health staff. A woman of our neighbouring village needed an urgent blood transfusion; her husband took her along with a blood donor to the Kyein Chaung station hospital. No nurse or doctor attended the woman as if she was untouchable; they did not even put her on a bed. When blood was finally taken from the donor, it was too late and the woman had already died. This is how government hospitals behave with us. The Malteser clinic does not have blood transfusion facilities – so they referred her to the government hospital where she died due to negligence.

The Government has appointed a nurse for every village for primary health care and child-birth but they seldom visit our village.

However, government health workers administer vaccines to every child, even those who are blacklisted or unregistered. They do not check family lists. My son received two injections, one in his arm and one in his thigh. There is no discrimination in vaccination.

***Q - What do you think about your future?***

My future was shattered after my husband went missing. My main duty is to look after my father and my son, and marry off my 2 younger sisters. I cannot think further than that.

***Q - Do you think that better days will come for you and all other Rohingyas?***

This is what we still hope for. We hope that the new government will do something so that we can live in our country like other human beings; that we can move and find work anywhere in the country. We still believe that justice will prevail and equal rights will be given to us one day.

***Q - Is there any change since the NLD took power? .***

A little bit; there has been less harassment in our area over the past two months. But we face severe discrimination, and the Rakhine hate us and consider us as animals – not as human beings.





### **Interview #3: The story of Senwara, 35, widow with 4 children**

<b>Name:</b>	<b>Senwara</b> (not her real name)
<b>Age:</b>	<b>35 years old</b>
<b>From:</b>	<b>xxx Village Tract, Maungdaw Township</b>
<b>Marital Status:</b>	<b>Widow with 4 children</b>
<b>Occupation:</b>	<b>Sewing</b>
<b>Date of interview:</b>	<b>19 June 2016</b>
<b>Interview Ref.</b>	<b>#16/07</b>

I have two reasons to come to Bangladesh: to see a good doctor as I have had various health problems for the past 4-5 years and to visit relatives.

I travelled without documents; in fact I don't have any document now - except my family list. To obtain a travel pass one must show the receipt for the white card, which I don't have, as the NaSaKa lost it and never reissued a new one.

My elder brother accompanied me. He obtained a travel document from our Village Administration office to visit Mee Taik, but instead of going to Mee Taik, we stopped in Taung Pyu and crossed the border from there. We did not take the main road to avoid check posts. In Taung Pyu we paid 1,000 Kyat to the Myanmar Border Guard Police (BGP) and 100 Taka to the Border Guards Bangladesh (BGB) per person.

#### **Marriage, pregnancy and unregistered child**

When I was in my early teens my father had already received marriage proposals from young men's families of my village but he did not want to marry me off so young. When I reached 18, a man started harassing my father to marry me and threatened to report him to the authorities if he refused. My father was worried, decided to immediately marry me to a neighbour and told the suitor that I was already married.

Our wedding took place according to Muslim law and, after marriage, I continue to live in my house and my husband in his house. We then applied for official marriage permission and received it about 14 months later after paying more than 100,000 Kyat in bribes. But I had become pregnant in the first month of our religious marriage and gave birth to a baby girl about 4 months before the official marriage authorisation was issued.

During the annual Immigration check we tried to register our baby girl in our family list but Immigration found out that the date of the marriage permission and the date of birth of my daughter did not match. They fined us 150,000 Kyat. We paid the amount hoping they would register her name in our family list after payment. But they did not. Later I tried many times to register her with the help of our Village Chairman but in vain.

Afterwards I gave birth to three more children: another daughter and two sons. We managed to register the three of them, but not my eldest daughter. Whenever there was an immigration check, I brought my daughter to them but they never registered her.

## **How I lost my ID and became undocumented**

About 8 years ago our Village Chairman told that he had negotiated with the NaSaKa to register my daughter and that I should make a formal application. I did so and submitted all the necessary documents. A few months later, he requested me to deposit my original ID card (white card) and pay 10,000 Kyat. I did whatever he said.

Three years later, I was summoned to the NaSaKa office but the officer told me that it was not possible to add my daughter's name to our family list. I was upset and asked them to return my ID card. The officer then told me that my ID card was missing from their file but promised to issue a new one. But he never did and I became undocumented.

Last year, after the white cards were cancelled, Immigration collected the white cards and issued a receipt. So I told them how my card went missing and I showed my family list and a photocopy of my lost white card. Immigration said they would look into it but they did not issue me with a receipt. As a result, I cannot apply for a travel permit; I cannot travel to Maungdaw town or even to villages within the township. When I need to go to another village, I must take side-roads on foot or by motorcycle to avoid main roads and check-posts. Both my elder daughter and I are now undocumented.

## **Sudden death of my husband**

My husband was employed on a shrimp farm in our village. We were poor but we were happy and what he earned was sufficient to support our family. He was a healthy man. But, one day, about 6 years ago, he returned from night duty at work and suddenly collapsed. We called a village doctor but my husband was already dead. He died from a heart attack. He was only 35. I was pregnant at the time and my youngest son was born 6 months after his death.

## **Struggle for survival**

My hope for a better future was buried with my husband. Initially our relatives were very supportive and comforted me. But soon I was alone to shoulder all the burdens and take care of my children. I wanted to give them some education.

I started planting vegetables and I had a cow and bred chickens. I also started sewing women's clothes to increase my income. My brother registered me as a widow with WFP and I received rice, oil and dal from time to time. This stopped after the 2012 riots. My brother bought school books for my children and my brother-in-law pays monthly tuition fees for them. But due to excessive needle work at night and poor light, I began feeling severe pain in my right arm and my fingers as well as migraine.

## **Education**

Although my daughter is unregistered I managed to send her to school thanks to the help of a Rohingya teacher. She completed primary school and is now in middle

school. Her name is not in the school register but she attends classes and is a brilliant student. I want her to be educated. The Government school teachers are Rakhine but after the riots they hardly come to teach, and we villagers hired three Rohingya teachers for the primary school and three for the middle school. We collect money from students' parents to pay their salaries.

Many people in our village face similar problems with child registration. In our community a Muslim marriage allows a couple to live together. Couples often celebrate a religious marriage before applying for permission. This is illegal. Women become pregnant and the baby is then illegal. There are many unregistered children in my village. The government must do something for these children. But, during the population check this year, no child born since 2012 was registered in a family list. Authorities only put their names on a separate sheet of paper. However, very recently, Immigration has started to register those whose parents submitted the necessary documents.

### **Health care**

Health authorities supply Vitamin A and vaccinations to unregistered children but there is no such program for adults.

The sole health facility for Rohingyas is the Malteser centre, about 9 miles away from my village. There are medicine shops and traditional healers in my village as well as community health workers appointed by Malteser but that is not adequate. Many people go to Bangladesh for medical treatment. There is a government hospital in Kyein Chaung but the Buddhist medical staff ignore us unless we pay a large amount of money for treatment.

### **Gender-based violence against women**

#### ***Q – What about domestic violence?***

When a community continuously lives under pressure and oppression they become mentally sick. Our people have no recreation, no freedom, and are always living in tension. Yes, domestic violence is common in our community. It often starts for a minor thing -- for example, a husband can get angry and beat his wife because the food is not warm or tasty enough. When there are problems between husband and wife, the wife always suffers, even when she is not at fault. Many Rohingya women take this silently because their husbands are breadwinners.

#### ***Q – What about sexual abuse by the authorities?***

It happens sometimes, mostly to women living alone. The Army or BGP come at night on the pretext of checking houses for unauthorized guests. Often, the men flee and women have to face the authorities alone. Sometimes they touch our bodies – this is humiliating. We can't talk or complain about that. However, rape is not common.

#### ***Q – Any other problems?***

Curfew is a problem for all of us. In addition, we have to face sentry duty at night, lack of jobs for our men; no proper education for our children; and insecurity due to aggressive behaviour by Rakhine. There is a Rakhine village close to my village.

Rakhine villagers often come and steal my chickens and vegetables. I told them many times that I am a widow and these are my only means of livelihood but they don't care about us.

***Q – Any improvement under the new Government?***

I can say that we are now a bit better than under previous governments. There is no more forced labour in my village. Arbitrary arrest and extortion have decreased. We don't need to send bamboo and carry water for them to celebrate their Water Festival and officials seems a bit more tolerant. After the election things appear to be slowly changing. We hope that we will be able to live without discrimination and with dignity.

