

Physicians for  
Human Rights

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## Where There is Police, There is Persecution

Government Security Forces and  
Human Rights Abuses in  
Myanmar's Northern Rakhine State

**PHR**

Physicians for  
Human Rights



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*An immigration officer inspects Rohingyas' paperwork  
at a checkpoint in Rakhine State.*

# About Physicians for Human Rights



For 30 years, Physicians for Human Rights (PHR) has used science and medicine to document and call attention to mass atrocities and severe human rights violations.

PHR is a global organization founded on the idea that health professionals, with their specialized skills, ethical duties, and credible voices, are uniquely positioned to stop human rights violations.

PHR's investigations and expertise are used to advocate for persecuted health workers and medical facilities under attack, prevent torture, document mass atrocities, and hold those who violate human rights accountable.

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Bangladesh

Myanmar  
Chin State

Myanmar  
Rakhine State

Maungdaw

Buthidaung

Sittwe



Key

- Checkpoint
- City
- Government Clinic

In Myanmar's northern Rakhine State, ethnic Rohingyas have been subjected to decades of government-perpetrated human rights abuses, which have severely impacted their ability to survive, to access health care, and to provide for their families. Security forces have penetrated into nearly all parts of the state and Rohingyas cannot travel far without encountering a security post, where they routinely risk assault, detention, and extortion. As this map illustrates, security posts are positioned on most of the access routes to government clinics, and many of the Rohingyas surveyed by Physicians for Human Rights said that they had often decided not to seek advanced medical care because of fear of passing through these checkpoints.

# Introduction



*A Rohingya man talks to a census worker at his house compound in Rakhine State. The government of Myanmar views Rohingyas as migrants from Bangladesh and refuses them citizenship; it has required them instead to register as "Bengali."*

*Photo: Soe Than Win/AFP/Getty Images*

In Rakhine State, in western Myanmar, the government has committed human rights violations against the population for decades, including forced evictions, arbitrary detention, restrictions on freedom of movement, denial of the right to citizenship, and discrimination in access to health care, work, housing, and basic amenities. These violations have continued after the transition to the current democratically-elected government, and they have affected all ethnic minorities in the state. Human rights violations perpetrated by the government are an often-overlooked root cause of the anti-Muslim violence that wracked the region in 2012, and they continue to be an obstacle to reconciliation and economic development.

Between November 2015 and May 2016, Physicians for Human Rights (PHR) documented the manner in which the minority Rohingya population in the state are particularly targeted for these violations, and charted the effect the violations have on the health and livelihood of an already impoverished population. PHR found that restrictions on movement, forced labor, nighttime raids, land confiscations, and the consequential extortion, taxation,

and bribes have severe impacts on households in Rakhine State. Land confiscations from the predominantly agrarian population take away a resource that is crucial for generating income and producing food. Extortion (being forced to pay bribes to security forces) can remove a significant proportion of this needy population's income. As a result, households may not be able to afford to buy enough food, send children to school, or travel for medical care. The onerous restrictions on movement further limit people's ability to access medical care and to transport crops to sell in the market. Moreover, these rights abuses cause poor health outcomes.

The population studied for this report – the Rohingyas – are a Muslim ethnic group of about one million people and one of the world's largest stateless populations. In Myanmar, they have rarely been free from government scrutiny. Village administrators, informers, and the high number of security outposts scattered across Rakhine State, where most Rohingyas live, ensure that Rohingyas' daily lives are closely monitored. This surveillance dramatically increases the chances of rights violations and extortion – Rohingyas cannot do anything without the government knowing about it. In

other conflict-affected ethnic areas of Myanmar, the presence of state security forces, most often the Tatmadaw (Myanmar Armed Forces), is associated with increased rights abuses and impacts on health and livelihoods. In a 2012 household survey in Karen State, PHR found that for each hour's hiking distance closer to a military outpost that a village was located, households in that village had a 23 percent increased risk of having experienced a human rights violation and a seven percent increased risk of food insecurity.<sup>1</sup>

In Rakhine State, too, any encounter with state security personnel brings the risk of rights abuses. The high presence there of security outposts means these encounters are common.

But the Rohingyas are not the only group to have suffered from government repression in Myanmar. The narrative of abuses against Rohingyas often overshadows reports of abuses against another ethnic group, the Buddhist Rakhines, when, in fact, Rakhine people have also suffered human rights violations such as forced labor, forced displacement, arbitrary arrests and killings, and theft of food and other basic amenities.<sup>2</sup> Around the

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*In northern Rakhine State, Rohingyas are subjected to a wide range of abuse, restrictions, and penalties which severely impact their ability to survive, to access health care, and to provide for their families.*

tourist destinations of Mrauk U and Ngapali, the military has repeatedly seized Rakhine villagers' land over the last two decades to make room for hotels. Rakhines have also had their land taken by the military to expand bases as well as for officers' personal use. Land confiscations around the Kyauk Phyu Special Economic Zone and the China-Myanmar pipeline have not been resolved. The military also abuse Rakhine people by confiscating food and using them for forced labor and to serve as porters in conflict areas in the central part of the state. Two thousand Rakhines fled their homes in 2015 and 2016 around the towns of Kyauk Taw and Ponnagyun to escape these abuses. A 2015 report identified more cases of land confiscation among the ethnic Rakhine population in southeastern Rakhine State than in any other ethnic state in the country.<sup>3,4</sup>

Furthermore, government health and education services across Rakhine State have suffered decades of neglect from military regimes; northern Rakhine State in particular is largely overlooked by international humanitarian aid groups and was for decades mostly off-limits to foreigners.<sup>5</sup> The poor health and economic situation in Rakhine State increases vulnerability to the impacts of human rights abuses, as documented in this report.

The primary goal of the research presented here was to identify the extent to which government entities – including the Myanmar military – employ discriminatory policies and practices to curb freedom of movement and access to health care, housing, and work in Rakhine State. To this end, the research documented human rights

violations committed against Rohingya people living outside of internally displaced person (IDP) camps, in two townships in northern Rakhine State.

To investigate abuses, PHR investigators surveyed 112 Rohingya migrants in Bangladesh and interviewed 58 other people, including Rakhines, international aid workers, and Rohingyas in both Bangladesh and Myanmar about the situation in Rakhine State.

PHR's findings show that, in northern Rakhine State, Rohingyas are subjected to a wide range of abuse, restrictions, and penalties which severely impact their ability to survive, to access health care, and to provide for their families. PHR found evidence of routine and severe violations of the rights to freedom of movement, to choose one's residence, and to be free from discrimination of any kind. We also found evidence of abuse and extortion perpetrated by security forces with impunity, in violation of the rights to privacy, security of person, and equal protection under the law.

To contextualize the findings, the report also summarizes two decades of corroborating studies that document abuses against both Rakhines and Rohingyas in Rakhine State.

There is little hope for efforts to promote peace and development in Myanmar as long as government policies and practices targeting specific populations for exclusion continue. Understanding the wider scope of past and ongoing violations, and the role of the government in perpetrating them, is important for peacebuilding, development, and humanitarian aid programming, as well as to inform efforts aimed at supporting international human rights standards in Rakhine State.

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## Rakhine State

Rakhine State is in western Myanmar, on the Indian Ocean and bordering Bangladesh. Ethnic conflict in Rakhine State started decades, if not centuries, before the outbreak of fighting in Sittwe in 2012, which left hundreds dead and displaced 140,000 Rohingyas and Rakhines into IDP camps. Ethnic Rakhine people – who number about 2.1 million and are the most populous group in the state – trace their roots to the Arakan and Dynawaddy kingdoms that ruled the region starting in about 300 AD. Although Rakhines are Buddhist, they have a different language and culture from the Burman people who inhabit the central part of the country and have tended to control the government and military. The Rohingya number about 1.1 million in Rakhine State, tend to be Sunni Muslim, and trace their roots to merchants and soldiers who served the Arakan kingdoms starting in the 1400s. Conflict between ethnic groups and the government after World War II shifted the distribution of ethnic groups across Rakhine State; the population in the northern part of the state now comprises 90-95 percent Rohingya, while the southern part of the state is mostly Rakhine. Although Buddhists and Muslims have lived in Rakhine State for centuries, since the colonial period waves of migration, forced displacements, fighting between Rohingya and Rakhine insurgent groups and the government, and periodic bouts of violence between the communities, as well as government abuses, have driven tensions between the two groups.

# Methodology

## Methodology

From November 2015 to May 2016, in Bangladesh and Myanmar (Rakhine State and Yangon), Physicians for Human Rights (PHR) researchers interviewed a total of 170 people about the situation in Rakhine State; 48 of these were key informants in Myanmar and Bangladesh who were interviewed with open-ended questions, 10 were Rohingya migrants in Bangladesh who participated in in-depth interviews, and 112 were Rohingyas who had recently crossed into Bangladesh who were interviewed using a mixed-methods survey tool. Of these 112 Rohingyas, 18 were students, 23 were migrant workers, 65 were seeking health care, and six were in the process of fleeing to a third country.

The population surveyed was mostly male, and all interviews were conducted in Bangladesh because PHR felt that we could not guarantee the safety of respondents in Myanmar from repercussions from the government. Approximately 20 percent of the migrant workers and 30 percent of people seeking health care who were approached refused to be interviewed. Most said they were afraid to discuss rights abuses because of possible repercussions from the Myanmar government when they returned to Myanmar.<sup>6</sup>

## Key Informant Interviews

From November 2015 to May 2016, PHR researchers spoke with 48 people from international organizations, universities, community groups, journalists, women's groups, peacebuilding groups, and others who are familiar with the history, human rights, and political situations in Rakhine State. These interviews, which were conducted in Myanmar (Rakhine State and Yangon) and Bangladesh, helped to focus the research questions, establish connections with contacts in our research areas, contextualize our findings, and form recommendations.

## Survey of Migrants

PHR trained two Rohingya researchers who were based in Bangladesh to administer a semi-structured interview to Rohingya migrants and people seeking health care who had crossed the border during the month prior to the interview, and also students who attended school in Bangladesh but whose families lived in Myanmar. The interview questions covered the location of the migrants' home village, checkpoints they passed in travelling to Bangladesh, why they came to Bangladesh, and types of human rights abuses encountered in northern Rakhine State – with a focus on extortion, restrictions on movement, forced labor, land confiscation, and how government abuses affected livelihoods as well as access to health facilities, schools, and markets.

This research was done between March and May 2016. PHR decided to undertake the interviews in Bangladesh both because access to northern

Rakhine State is limited, and because security forces are so pervasive that it would have been impossible to control for the security risk to the interviewee if PHR had conducted the interviews in northern Rakhine State. Even taking the precaution of conducting interviews beyond the reach of the security forces and with security measures in place, as noted above, intense fear still precluded some potential witnesses from engaging with PHR.

PHR researchers identified Rohingyas in three urban areas in southeast Bangladesh using several methods:

First, PHR researchers used “brokers” to refer migrants for the study. Brokers are Rohingyas living in Bangladesh who find migrant workers jobs and places to stay, direct people seeking health care to clinics and hostels, and help Rohingyas through the process of moving to third countries.

Second, PHR researchers identified migrants at hostels used by people seeking health care.

Third, PHR researchers interviewed secondary school students (if they were over age 18) at two private madrassas which Rohingya students are known to attend. Students were recruited through snowball sampling, in which one respondent identifies other respondents who fit the criteria for the research. Initial respondents were identified through brokers.

### Open-Ended Interviews

In March 2016, PHR researchers interviewed 10 Rohingya migrants in Bangladesh about their experiences living in northern Rakhine State. Migrants were identified using the same methods described above, and interviewed with the same semi-structured questionnaire but with probing questions about household searches and other violations. PHR also interviewed two brokers about patterns of migration and characteristics of people who were crossing the border.

### Informed Consent and Ethical Approval

Researchers obtained informed consent from everyone who was interviewed. The informed consent process conformed with PHR's ethical research standards. PHR's Ethics Review Board (ERB) approved this research. PHR has had an ERB since 1996 to ensure the protection of human subjects in its research and investigations. PHR's ERB regulations are based on Title 45 CRF Part 46 provisions,<sup>7</sup> which are used by academic Institutional Review Boards. All of PHR's research and investigations involving human subjects must be approved by the ERB and conducted in accordance with the Declaration of Helsinki as revised in 2000.

### Mapping Project

PHR researchers in Bangladesh corroborated the checkpoint data from the surveys and open-ended interviews by interviewing by telephone key informants based in northern Rakhine State who had knowledge of checkpoints, bases of security forces, health clinics, markets, and schools. PHR then took the names of the villages where sources reported checkpoints or other places of interest and identified their GPS locations using GIS data files from the Myanmar Information Management Unit database, run by the UN.

### Limitations

This research has several limitations. The sampling method used does not permit a generalization of the findings to anywhere in northern Rakhine State. The population surveyed were migrants, students, and people seeking health care in Bangladesh, and this population may not be representative of the population that is living in northern Rakhine State – for one thing, respondents were almost exclusively male because nearly all migrant workers are male. Most females travelling for health care were accompanied by males, who, due to cultural norms, did most of the talking to PHR researchers; the PHR researchers were male and it would have been culturally inappropriate to ask Rohingya men to leave the room while the researchers interviewed women. Finally, the population surveyed may have had more money, knowledge, or connections that enabled them to travel to the border and cross into Bangladesh. The data thus represent a collection of individuals' experiences from northern Rakhine State.

The main focus of this report is on government abuses against Rohingyas in two townships in northern Rakhine State, and specific data collected in this region may not necessarily apply elsewhere in the state. Government policies regulating restrictions on movement and other rights violations directed at Rohingyas vary by township; this has been reported since before 2012. Rohingyas living in Sittwe, Myebon, Kyauk Taw, and other townships may report different experiences.

The methods do not permit a causal relationship to be established, for example, between abuses and the poverty and malnutrition in northern Rakhine State. We did not interview people from every village in northern Rakhine State, and it is likely that we missed checkpoints and roadside camps. Furthermore, because many of these checkpoints and camps are not stationary and shift over time, it is possible that the total number could decrease or increase over time. Recall bias is also possible, especially for events that happened further in the past. Finally, it is possible that respondents, fearing reprisal from the government, were reluctant to report their concerns about abuses in northern Rakhine State. It is also possible that respondents exaggerated abuses and other problems faced if they felt this would contribute to stronger advocacy. PHR attempted to minimize both of these biases in several ways. First, surveyors assured respondents that the survey was anonymous and personal or household identifiers were not collected. Second, during the surveyor training, PHR stressed to surveyors the importance of accurately reporting data.

Resource limitations precluded an in-depth assessment of violations against Rakhine people in northern Rakhine State and in other parts of the state; PHR's research was limited to key informant interviews and desk review. PHR's interviews, supported by previously published studies, indicates that violations against Rakhine people are of a different nature than those affecting Rohingyas, but that they are widespread. More research on land confiscations, forced relocation, forced labor, and forced portering (conscription to serve as porters for the military), as well as violations of economic, social, and cultural rights of Rakhine people is needed to create a more complete assessment of the human rights situation in Rakhine State.

## Background

*Rohingyas are subjected to such systematic denial of rights on discriminatory grounds that it pervades nearly every aspect of daily life.*



*Rohingya children and elders gather during a meeting with former UN secretary-general Kofi Annan at a displacement camp in Sittwe, Rakhine State. Annan is leading a multi-sector advisory commission on Rakhine State to find a lasting solution to the stateless Rohingya, whom Myanmar has refused to recognize as citizens.*

*Photo: Romeo Gacad/AFP/Getty Images*

Rakhine State has seen cycles of human rights violations, poverty, and migration over the last two decades. These tensions have been fueled by continued clashes over identity and citizenship rights.<sup>8</sup> A key point of contention is the term “Rohingya;” the minority Muslim population, the Rohingya, claim it is within their right to self-identify.<sup>9</sup> But in 1982, the Burma Citizenship Law<sup>10</sup> was passed that omitted Rohingya from a list of “national races.” Subsequent government propaganda served to turn national public opinion against the Rohingya by insisting it was a made-up term to describe illegal immigrants from Bangladesh.<sup>11</sup>

Following these policy changes to effectively revoke Rohingyas’ citizenship, the group was increasingly subjected to human rights violations and common violence without recourse to justice.<sup>12</sup>

Anti-Muslim violence in 2012 brought international attention to Myanmar’s Rakhine State, where most of the Rohingyas live. Two waves of violence in and around the state capital, Sittwe, displaced about 125,000 Rohingya Muslims and 15,000 Rakhine Buddhists<sup>13</sup> into internally displaced person (IDP) camps. International human rights organizations and media organizations documented systematic discrimination,<sup>14</sup> forced displacement,<sup>15</sup> and even alleged genocide.<sup>16</sup>

But there is more to the human rights story in Rakhine State. An estimated 1.1 million Rohingyas<sup>17</sup> are living in villages *outside* the IDP camps, with most of these living in the two northernmost townships in Rakhine State, Buthidaung and Maungdaw, about 50 miles north of Sittwe. These Rohingyas are subjected to such systematic denial of rights on discriminatory grounds that it pervades

nearly every aspect of daily life. The totalitarian control that state security forces have enjoyed for decades in northern Rakhine State has resulted in political disenfranchisement,<sup>18</sup> restrictions on movement,<sup>19</sup> land confiscations,<sup>20</sup> destruction of mosques,<sup>21</sup> forced labor,<sup>22</sup> extortion,<sup>23</sup> arbitrary arrests,<sup>24</sup> sexual violence,<sup>25</sup> extrajudicial killings,<sup>26</sup> discriminatory requirements for licenses to work and for permission to get married,<sup>27</sup> and restrictions on education that forbid Rohingyas from attending university.<sup>28</sup> These unlawful restrictions on Rohingyas have enabled widespread extortion by state security forces, as documented in this report. Rohingyas are arrested for minor infractions of arbitrary and discriminatory regulations; the way to avoid imprisonment is to pay a bribe, which again severely impacts the impoverished population’s household economies.



*Current and past government abuses against Rakhines have driven many of them into poverty and fueled their mistrust of the central government, which has indirectly exacerbated tensions with Rohingyas.*

Ongoing human rights violations against Rohingyas have eroded trust in government peacebuilding initiatives<sup>29</sup> and have sent a message to extremist groups that anti-Muslim rhetoric and action will be tolerated, with impunity for most perpetrators. The systematic persecution, combined with dire economic conditions and low food security in Rakhine State, has also been a driver of flight: researchers estimate that several million Rohingyas are living abroad.<sup>30</sup> Rakhine people also suffer the effects of rights violations and are fleeing the state. An estimated 150,000 Rakhines have left to work in the jade mines in northern Myanmar,<sup>31</sup> countless others have fled to third countries.

### **Government Abuses Against Rakhine People**

Although the primary focus of this report is abuses perpetrated against Rohingya people living in Maungdaw and Buthidaung, it is extremely important to note that Buddhist Rakhine people have also been victims of human rights violations by the military government. This is important for understanding the divide-and-rule policies of the military regimes that have exacerbated tensions in the region, as well as to acknowledge that the current government continues to be a driver of the insecurity in Rakhine State, rather than a neutral party or a broker of peace.

Like the Rohingya and most other ethnic groups in the country, Rakhine people were forced to adopt the Burman language and culture,<sup>32</sup> and mounted an armed resistance against these policies. In the 1970s and 80s, and again in the 2010s, Rakhine civilians were subjected to forced labor, forced displacement, theft of food and other supplies, and arbitrary arrests and extrajudicial killings by the Myanmar army. The most recent abuses occurred in early 2016 during

fighting between the Tatmadaw and the insurgent Arakan Army; 2,000 Rakhine civilians fled the fighting.<sup>33</sup>

Rakhine civilians have also lost land to military land confiscations. A report from 2015 that documented land confiscations in ethnic states found that eastern Rakhine State had more cases of land confiscation than any other ethnic state in Myanmar<sup>34</sup> – and these confiscations are continuing.

Current and past government abuses against Rakhines have driven many of them into poverty and fueled their mistrust of the central government, which has indirectly exacerbated tensions with Rohingyas.<sup>35</sup> Physicians for Human Rights (PHR) has undertaken research into the adverse effects that land grabs elsewhere in Myanmar have had on food security and livelihoods; we have been able to document negative human rights impacts after only a few months – impacts that actually increase over time.<sup>36</sup>

Although many peacebuilding and reconciliation processes in Rakhine State focus on Rakhine-Rohingya relationships, few address the severe human rights abuses that the government has committed against these populations and the legacy of mistrust and violence it has created. As these abuses are contributing factors to the unrest in Rakhine State, any proposed solutions must address these abuses.

The way forward for ending rights violations in Rakhine State, however, is difficult. Multiple branches of the government have been involved in simultaneously creating and trying to solve the problems in Rakhine State. In 2016, the mostly<sup>37</sup> democratically-elected parliament was dominated by the long-time opposition political party the National League for Democracy

(NLD), which has engaged in dialogue on Rakhine State but has not yet made significant policy changes to address issues there.<sup>38</sup> Indeed, human rights abuses have continued in Rakhine State since the transition to the current NLD-controlled government.

The military, which controls the security forces implicated in abuses in this report, still holds ultimate political authority in Myanmar. A clause in the Constitution permits the military to take control of the government in case of national emergencies, and provides a means for the military to impose martial law.<sup>39</sup> The Constitution also gives the military control of several key government ministries, such as border affairs, immigration, and home affairs, including the General Administration Division (GAD), which also enables ongoing abuses in Rakhine State. Political analysts view the military's constitutional powers as restricting the governing NLD from pushing too hard with democratic reforms or addressing present and past rights abuses, which might carry some risk of the military taking over again.<sup>40</sup>

Even without the ethnic tension, it is unlikely that the political parties can solve the human rights problems in Rakhine State. The security forces and local authorities have been responsible for the majority of the human rights violations documented in this report – including the GAD, township and village administrators, police, Border Guard Police, immigration, military, and military intelligence. These groups are under the control of the military,<sup>41</sup> which operates independently of the civilian government, as stipulated in the 2008 Constitution. Thus, while parliament or the president could encourage state security forces to stop human rights violations, only the military commander can order them to stop.

## Findings

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*An immigration officer inspects Rohingyas' paperwork and Form 4 Travel Authorizations at a checkpoint in northern Rakhine State.*

Physicians for Human Rights' (PHR) research found that, in northern Rakhine State, Rohingyas are subjected to a wide range of restrictions and penalties which severely impact their ability to survive, to access health care, and to provide for their families.

The government abuses described in this section are drivers of a cycle of poverty. Most abuses involve bribes for permission to travel or work, or to avoid penalties or imprisonment. These bribes represent significant, if not catastrophic, expenses for households in northern Rakhine State. To contextualize the data presented in the following sections, average monthly household incomes in northern Rakhine State range between 20,000 and 120,000 Myanmar kyats (MMK) (\$16 - \$98) per month (for details, see "Impacts on Livelihoods" section, below). Rakhine State is

consistently ranked among the poorest states in Myanmar. The fines, bribes, and fees described in this section further reduce incomes that are already severely limited; a single bribe may easily exceed a month's wages. As discussed in the "Impacts of Human Rights Violations" section below, these abuses severely limit a household's ability to procure enough food to eat, educate children, and access health care.

PHR found evidence of routine and severe violations of the right to freedom of movement and to be free from discrimination of any kind. We also found evidence of abuse and extortion perpetrated by security forces with impunity, in violation of the rights to privacy, security of person, and equal protection under the law.



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**“The intention of the checkpoint is to discriminate against us and humiliate us.”**

*Rohingya man, 37*

### **Arbitrary, Illegal, and Discriminatory Limitations of Movement**

Myanmar security forces, under the control of the ministries of defense and interior, enforce discriminatory and abusive regulations aimed at restricting the freedom of movement of Rohingyas. Several orders limiting travel between villages and townships, as well as requirements for obtaining permission to spend the night outside of one’s registered home, were issued over the last several decades by military commanders and supported by military officers serving in parliament and the executive branch under the previous government.<sup>42</sup> These orders continue to be the basis for abuse in 2016.

PHR asked migrants about locations of checkpoints, bases of security forces, and roadside and riverside camps of security forces. In this report we will refer to any of these types of locations as “security posts.”

PHR has identified a total of 86 security posts in northern Rakhine State, but unconfirmed reports from the area suggest that the number of checkpoints is greater than those documented in this report. On average, this is more than one post for every 10 villages (see map on page 1). Most Rohingyas in northern Rakhine State must pass through checkpoints to access clinics, schools, or markets; thus, encountering security forces and assuming the consequent risks is a regular part of a Rohingya’s life.

The 112 Rohingyas surveyed said they encountered between one and seven security posts between their village and the Bangladesh border, not counting the immigration post at the border, creating a total dataset of 371 person-security post experiences; that is, the 112 people surveyed by PHR had passed through security posts 371 times on their way to Bangladesh. The 112 people travelled from 54 different villages in Maungdaw and Buthidaung townships, and many of these people passed through the same security post; of these 371 cases, PHR identified 56 unique posts staffed by Border Guard Police (BGP), Tatmadaw (Myanmar Armed Forces), Immigration Department, SaRaPa (the Burmese acronym for military intelligence), and police.

PHR’s research indicates that security forces disproportionately target Rohingyas for stops. Rohingyas surveyed by PHR said that security forces at roadblocks only checked Rohingyas’ documents; they specifically noted that the forces did not check documents of Rakhines or Hindus, two other ethnic groups that are populous in the area. In the PHR interviews, of 371 times Rohingyas described passing through security posts, Rohingyas had to show documents and pay money in 139 cases. Of these 139 cases, there were 115 cases in which people from other ethnic groups were present, but interviewees said there was not one case in which people from the other groups had to pay money or show documents.

A subset of 28 Rohingyas (all of those surveyed in April and May 2016) were asked survey questions specifically about the actions of security forces at the checkpoints. These people passed through checkpoints 84 times on their way to Bangladesh. In all cases, the Rohingyas said they were not asked about carrying weapons or drugs – in other words, they were not asked questions that might justify a security check. They also told PHR that only Rohingyas had to show identification papers, and that, in some cases, security forces appeared to be racially profiling who to stop by “looking at our faces.”

Several Rohingyas told PHR in interviews that when a shared jeep, taxi, or boat stops at a checkpoint, the security forces order all Rohingyas out of the vehicle, usually by saying specifically, “All kalar<sup>43</sup> out of the car.” People from other ethnic groups stay in the vehicle and watch the process. Rohingyas are then lined up and asked to produce their travel permits, which are stamped after a fee is paid (see “Severe Restrictions on Movement of Rohingyas,” below). Rohingyas interviewed by PHR said they paid from 500 to 5,000 MMK for the stamp. Searches for weapons, drugs, or other contraband appeared arbitrary. One Rohingya told PHR that security forces occasionally asked about or checked for drugs, weapons and contraband, but several others interviewed by PHR said they had never seen this. The data suggest that the security forces were engaging in profiling of Rohingyas as a form of harassment.

## Findings

continued

*They (Rohingyas) said the only thing that was certain was that if you are Rohingya, you will be stopped, you will be forced to pay a bribe, and you will be subjected to harassment.*



*A checkpoint in northern Rakhine State.*

**They can do anything [at the checkpoint] – beat us anytime or accuse us of anything. So many people are tortured and killed at these checkpoints. This happened to me two times – they [Border Guard Police] held me upside down and hit me with sticks. It would take days for me to tell you all the incidents I have witnessed.”**

*Rohingya man, 47*

### **Arbitrariness of the Security Posts**

Not only did PHR find evidence that the security posts were used primarily to harass and humiliate the Rohingya as opposed to provide security, but security forces that camp permanently by the roads set up road blocks at random, without justification, and use these ad hoc checkpoints to demand bribes of traveling Rohingya. Interviewees and key informants said that security forces sometimes set up as many as four or five roadblocks on different paths on one day, while on other days they did not set up any.

Of the 86 security posts identified by PHR's research, only 16 stopped Rohingyas and checked documents every time they passed; the others only did so inconsistently, but still posed a risk of harassment, humiliation, and the necessity to pay bribes for Rohingyas who passed them. Interviewees noted that the unpredictability of the security checks added to their feeling of humiliation and discrimination, and impacted their livelihoods. Those who were traveling could not gauge how long their trip would take, how many bribes they would have to pay, or how many times they would be stopped.

They said the only thing that was certain was that if you are Rohingya, you will be stopped, you will be forced to pay a bribe, and you will be subjected to harassment.

The ongoing militarization of opposition groups in Rakhine State, including open conflict with the Arakan Army that intensified in 2015, could certainly justify the presence of security forces in the area and present a legitimate objective for checkpoints to ensure security for the people living in northern Rakhine State. However, security checkpoints cannot be used to enforce discriminatory laws against a minority, to demand bribes, or to threaten civilians with arbitrary arrest or violence. Data collected by PHR about checkpoints in northern Rakhine State suggests that these checkpoints are indeed sites of discriminatory and abusive practices, and that they do not serve to improve security.

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**“If you cannot pay the money, then you will be beaten.”**

*Rohingya man quoting checkpoint personnel, 50*

### **Illegal or Discriminatory Fines at Checkpoints**

The Rohingyas PHR interviewed were routinely subjected to fines by security forces at checkpoints, often without reference to infractions or tolls that might justify payment, and certainly without the fines being leveled against other ethnic groups. Sometimes the payment was described as a toll or infraction with some reference to existing regulations, but the amount demanded was arbitrary. Sometimes it was described as a fine for not having the “proper documents” or some other petty violation. Sometimes it appeared to be a blatant bribe or outright theft – for example, when a Rohingya had to pay a security officer to avoid being beaten.

### **The Right to Freedom of Movement**

The right to freedom of movement is contained in Article 13 of the Universal Declaration of Human Rights and in Article 12(1) of the International Covenant on Civil and Political Rights (ICCPR). The ICCPR clarifies that any restrictions to the right to freedom of

movement must be provided by law; be necessary to protect national security, public order, public health or morals, or the rights and freedoms of others; and be consistent with the other rights recognized in the Covenant – such as, for example, the right to freedom from discrimination on any grounds. The onus falls on the state to prove that these three conditions for a legal restriction of the right to freedom of movement have been fulfilled.

Indeed, the Human Rights Committee, which oversees the implementation of the ICCPR, has specifically noted that any regulation or law which authorizes restrictions on the right to freedom of movement “should use precise criteria and may not confer unfettered discretion on those charged with their execution.”<sup>44</sup> In northern Rakhine State, the inconsistent and arbitrary implementation of security checks implies either discrimination or randomness, both of which would preclude the authorization of restrictions.

### **Punishment for Petty Offenses**

Many of the Rohingyas PHR interviewed reported that security forces routinely accused Rohingyas of various petty crimes without evidence and then fined or detained them. Several interviewees told PHR that arguing against the accusations or verbally defending oneself resulted in physical beating by security forces, or worse.

Rohingyas told PHR that common accusations were possessing a Bangladesh SIM card<sup>45</sup> – those who own them are accused of being connected with insurgent groups<sup>46</sup> – being a member of the defunct insurgent group Rohingya Solidarity Organization, and not having the correct travel papers.

Merely traveling without proper documentation is an actual infraction, but it is an administrative infraction that should not be subject to potential criminal sanctions such as detention. Rohingyas reported that, besides making sure they have the correct travel documents, there is little they can do to avoid discrimination, extortion, or even violence at checkpoints. All the Rohingyas PHR spoke with had had a bad experience themselves, had seen beatings at checkpoints, or knew someone who had been beaten or arrested at a checkpoint. Because of this, the Rohingyas we spoke with described great fear and anxiety when passing through security posts.



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*This Rohingya man, interviewed in Bangladesh, told PHR he was dragged out of a car at a checkpoint by Myanmar officials who interrogated him and ripped his shirt.*

## Findings

continued

### Proportionality in Sanctions

Beatings and humiliation at checkpoints are counter to international protections against cruel, inhuman, and degrading treatment, and any allegation of such abuse must be promptly investigated by the authorities, with a view to bringing those responsible to justice and providing full reparations for the victims.

In addition, international law applies the principle of proportionality as an essential means for safeguarding fundamental human rights – including, specifically, the requirement for proportionality in sanctions for legal infractions. The Universal Declaration of Human Rights provides a rationale for this in its Article 29(2): “In the exercise of his rights and freedoms, everyone

shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”

In the context of restrictions on the right to freedom of movement, the Human Rights Committee has stated that “restrictive measures must conform to the principle of proportionality; they must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve the desired result; and they must be proportionate to the interest to be protected.”<sup>47</sup>

### Severe Restrictions on Movement of Rohingyas

In addition to the high presence of uniformed government security forces and security posts in Rakhine State, each village has an administrator who reports to the township General Administration Division (GAD), as is the case for all villages in the country.

The GAD is the bureaucratic backbone of the government; it regulates taxes, finance, and land administration as well as registration of civil society organizations and non-governmental organizations, runs the day-to-day activities of the township, and serves as a link to the central government.<sup>48</sup> Per the 2008 Myanmar Constitution, the GAD is under the Ministry of Home Affairs, which is effectively controlled by the Myanmar Armed Forces.<sup>49</sup> Democracy activists have criticized this arrangement as a serious encroachment of military control into civilian affairs;<sup>50</sup> in Rakhine State, it has certainly contributed to the encroachment on Rohingyas’ rights to freedom of movement, nondiscrimination, and equality under the law, as documented below.

The Rohingyas PHR interviewed said that they, but not other ethnic groups, were required to obtain permission from the village administrator in order to leave their village, and those who wanted to leave the township were required to obtain the “Form 4” Travel Authorization from township authorities.



*Staff at an immigration office in northern Rakhine State issuing a Form 4 Travel Authorization, which Rohingyas must obtain in order to leave their townships.*

Every one of the 112 Rohingyas surveyed by PHR said that they had to pay their village administrator to get permission every time they wanted to leave their village. ... [They had to pay] for licenses to register fishing nets, and for permission to cut wood or bamboo to repair their houses. ... Rohingyas also have to pay for permission to kill and butcher goats and cows for household consumption.

Every one of the 112 Rohingyas surveyed by PHR said that they had to pay their village administrator to get permission every time they wanted to leave their village; this had cost them between 500 and 5,000 MMK, with most people reporting the cost around 1,000 MMK. One Rohingya said every time he asked permission to leave he had to bring a chicken to the village administrator, and if the administrator approved, which sometimes took days, he also had to pay the fee. Several Rohingyas PHR spoke to said that when they were away from their villages for long periods of time, especially if they were earning money somewhere else, they had to pay extra money to the village administrator when they returned. If a Rohingya was spending the night in a village other than his or her own, then he or she had to register with the village administrator there; this costs 500 to 1,000 MMK. Rohingyas who did not register with the village administrator were at risk of arrest and high fees if they were caught by BGP in a nighttime household raid (see below). The requirement for Myanmar people to register foreigners staying in their homes (in Rakhine State, Rohingyas are considered foreigners) is included in the *Ward or Village Tract Administration Law*.<sup>51</sup> This law was repealed in September 2016 by the government, although at the time of writing this report it is too soon to know if local authorities will acknowledge the change or what effects this will have on Rohingyas in northern Rakhine State.

The Form 4 Travel Authorization is required<sup>52</sup> for Rohingyas to travel between townships. Rohingyas told PHR that they must obtain this form from the township immigration office; they are required to leave their identification card as collateral, give the authorities a list of family members in their household, and also pay a fee. Rohingya interviewees told PHR that they paid between 2,000 and 8,000 MMK for their Form 4, and were told their household members would be required to pay heavy fines if the traveler didn't return. They were also told that if the Rohingya was planning to leave the country permanently, then he or she had to pay an additional 15-20,000 MMK to make sure their name would not be added to a list the township immigration office kept of those traveling. Names were checked off the list when Rohingyas returned home; if they never returned and their name remained on the list, then their family members faced imprisonment and high fines. The Form 4 had to be stamped at specific checkpoints on the road between Maungdaw and Buthidaung. If the Rohingya returned to immigration to redeem his or her ID card but had no stamps on the Form 4, then more fines were imposed.

Rohingyas in Myanmar can travel legally to Bangladesh at the border crossing at Maungdaw. This is a lengthy process in which Rohingya travelers are generally expected to make several payments or bribes that do not apply to other travelers. Several Rohingyas told PHR

that these payments consisted of a one-time fee of approximately 45,000 MMK to become a member of the "border trade association," 1,000 MMK per trip to the border trade association, 5,000 MMK to get a pass book from immigration, 2,000 MMK to the BGP for a serial number to give to the immigration office, and 2,000 MMK to get the border pass book stamped. The pass was good for three days in Bangladesh; additional days cost more money. If the Rohingya were leaving permanently, the cost was 500,000 MMK or more to have their name taken off the register book and to prevent authorities from harassing family members who remained in Myanmar.

Key informants explained that travel to Sittwe using the Form 4 had not been regularly permitted for Rohingyas since 2000, except for university students and emergency medical cases, which required a recommendation letter and certified letter from a physician. All travel to Sittwe was banned in 2012, after the violence. Travel to Yangon was not permitted, and had to be arranged with special permission from high levels of government.



*Members of a Rohingya household are photographed for an official household list. All household members are required to be present when authorities conduct household inspections.*

### **Permissible Limitations to Freedom of Movement**

As noted above, international human rights law allows for some limitations to the right to freedom of movement, though they must fulfill strict criteria contained in the standards. The Human Rights Committee has been clear that any restrictions not only must serve the permissible purposes (including national security), “they must also be necessary to protect [the stated interest . . . and] be proportionate to the interest to be protected.”<sup>53</sup> Moreover, the Committee noted, states must ensure that “any proceedings relating to the exercise or restriction of [freedom of movement] rights are expeditious and that [legitimate] reasons for the application of restrictive measures are provided.”<sup>54</sup>

In its 1999 detailed explanation of the right to freedom of movement, the Human Rights Committee listed grave concern with “the manifold legal and bureaucratic barriers unnecessarily affecting the full enjoyment of the rights of the individuals to move freely, to leave a country, including their own, and to take up residence,” including “provisions requiring individuals to apply for permission to change their residence or to seek the approval of the local authorities of the place of destination, as well as delays in processing such written applications.”<sup>55</sup> The Committee warned states to ensure that any such provisions were in full compliance with the International Covenant on Civil and Political Rights.



**“BGP [Border Guard Police] surrounds a house, and if your family has five members, then five members must be present. If anyone is missing, you will be fined 50,000 MMK. I am very much afraid of getting raided, I do not dare to stay anywhere else.”**

*Rohingya man, 50*

In the context of the restriction on freedom of movement of Rohingyas in Rakhine State, the reasons for the restrictive measures were rarely, if ever, provided, and when reasons were given, they were not compatible with the narrow definition of allowable restrictions under international human rights law. Many of the types of bureaucratic barriers to movement raised by the authorities in Rakhine State have been cited as particularly problematic by the Human Rights Committee.

### **Raids, Arbitrary Fines and Fees, and Other Human Rights Violations by Security Forces**

Rohingyas who spoke with PHR said that, in addition to restrictions on movement, nighttime household raids, requirements to pay for licenses to fish, repair houses, and collect firewood, and obligatory night guard duty (a form of forced labor) were common and had major impacts on their lives. They said that land confiscation was also widespread, though most of the confiscation had happened in the past.

#### **Nighttime Raids**

Rohingyas told PHR researchers that BGP frequently conduct nighttime raids of houses in northern Rakhine State, mostly looking for people who are absent from the village without permission, or people who are sleeping in the village without permission. BGP use household lists with photographs for the assessment. Rohingyas said that fines for missing or extra people were around 40,000 to 50,000 MMK. Rohingyas also said that even if the

household list checks out, BGP can ask for money anyway. Common reasons are accusations that a household member is an illegal immigrant from Bangladesh or that a person is connected to an insurgent group.

PHR surveyed 28 (of the 112) migrants (all of those surveyed in April and May, 2016) specifically about night raids. Everyone said their village had been raided in the past, and 18 people said their village was raided between three and 30 times in the year before the survey (May 2015 - May 2016). Eleven respondents said their home had never been raided, six said they were raided more than one year prior to the survey, and 11 said they were raided sometime in the year before the survey, including four who had been raided at least three times in that year. Respondents to the survey commented that raids were even more frequent before NaSaKa<sup>56</sup> border immigration forces<sup>57</sup> were disbanded in 2013. All of the eleven households that had been raided in the past year were raided by BGP, and seven had to pay fines or bribes. One respondent said BGP found nothing out of order but forced him to give them a large chicken. The other six households had to pay between 20,000 and 70,000 MMK, mostly because people who were on the household list were absent, although one had to pay because “my daughter who is married and living in another house was not present,”<sup>58</sup> another had to pay because “a small kitchen knife was found,”<sup>59</sup> and a third had to pay “for wood I collected to build my house.”<sup>60</sup>

#### **License Fees**

Rohingyas described having to pay BGP or local government authorities for licenses to register fishing nets, and for permission to cut wood or bamboo to repair their houses and to slaughter animals. These costs seriously impacted interviewees’ ability to provide for themselves. Rohingyas told PHR that costs to register fishing nets range from 10,000 MMK per year for a small net to 50,000 for a larger net. Fines for getting caught with an unregistered net range from 50,000 to 100,000 MMK “to avoid torture in the BGP camp.”<sup>61</sup> Some families own more than one fishing net, and the 66 Rohingyas interviewed by PHR who said their family fished said the costs to register all the nets in their households ranged from 10,000 to 200,000 per year. All of these 66 people interviewed said that only Rohingyas, and not other ethnic groups, had to pay these fees.

Rohingyas also have to pay for permission to kill and butcher goats and cows for household consumption. Several Rohingyas told PHR that these fees are not fixed, but others said they ranged from 10,000 to 40,000 MMK, depending on the size of the animal. These fees are normally paid to Rohingya or Rakhine brokers who obtain the license from the township or municipal department.

Rohingyas also described having to pay BGP, township, and village administrators fees to repair or build houses. Rohingyas said they had paid 100,000 to 500,000 MMK to build walls, fix roofs, or start new construction. The government did not charge to build or fix latrines, wells, or boreholes. Four Rohingyas said that both Rohingya and Rakhine people had to pay for these licenses, while 36 Rohingyas said that only Rohingyas had to pay these fees.

## Findings

continued

Rohingyas also said they had to pay for permission to cut bamboo or firewood in the forest. They said that BGP usually charged a percent of the bamboo or wood that was cut – for example, five pieces of bamboo or one large log per trip.

### Right to Choose One's Place of Residence

International human rights law does not allow random, arbitrary, or discriminatory restrictions on the right to freedom of movement, including the right to choose one's place of residence.<sup>62</sup> Even if restrictions on Rohingyas' choice of residence or access to underlying determinants of health and survival were provided for by law and necessary to protect national security or public order – which the Myanmar government has not demonstrated – nighttime raids and economically crippling fines could not be considered the least intrusive instrument to achieve the desired result.

Where security personnel torment, extort, or otherwise abuse the local population, the state must take action to promptly investigate alleged crimes, and to bring those responsible to justice. Failure to do so constitutes a violation of the rights to privacy, security of person, and protection under the law.<sup>63</sup>

**“Our house needs repairs every year after the rainy season. Township administration takes 100,000 MMK to start any repairs, then 300,000 MMK if we want to build a wall, 300,000 if we want to add a metal roof to our house.”**

*Rohingya man, 55*

### Guard Duty

Rohingyas described being forced to do nighttime guard duty around their villages and security posts. The village administrator or security forces asked Rohingyas to stay awake all night and patrol the village for thieves or insurgents. If they refused to do it they could be fined or beaten.

### Impacts of Human Rights Violations in Rakhine State

Restrictions on movement, forced labor, nighttime raids, land confiscations and the consequential extortion, taxation, and bribes have severe impacts on households. Land confiscations from the predominantly farming population take away a resource that is crucial for generating income and producing food. Extortion can remove a significant proportion of this impoverished population's income. As a result, households may not be able to afford to buy enough food, send children to school, or travel for medical care. The restrictions on movement further limit people's ability to access medical care, as well as to transport crops to sell in the market.

**“We feel very bad, but what can we do? We are helpless.”**

*Rohingya man, 35*

### Impacts on Livelihoods

It is difficult to determine average income in northern Rakhine State, but multiple data sources suggest it is very low. In 2014, Rakhine State had the second-highest rate of poverty in Myanmar, with an estimated 78 percent of households living below the poverty line.<sup>64</sup> Assuming four adults in each household (in northern Rakhine State, the average household size is 6.2 people<sup>65</sup>), this means that 78 percent of households are making less than 125,000 MMK per month.<sup>66</sup> These calculations are based on state-wide data and may overestimate local average monthly incomes in the northern part of the state. A 2014 report on a discussion in parliament suggests that the average income in northern Rakhine State is closer to 40,000 to 70,000 MMK per month.<sup>67</sup> Rohingyas interviewed by PHR said that monthly incomes are in this range: they estimated the average household incomes in their villages range from 20,000 to 80,000 MMK per month. In this context, a family that has to pay 500 or 1,000 MMK to pass through a checkpoint, and especially one that is fined 20,000 to 70,000 for having a visitor stay the night without government permission, is losing a significant proportion of its income. These government abuses likely contribute to a cycle of debt, poverty, food insecurity, poor health, and migration.



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Rohingyas in a Bangladesh hospital waiting area. Rohingyas interviewed by PHR said that widespread discrimination in Myanmar government clinics had driven them to seek medical care in Bangladesh.

# Findings

continued



A Rohingya man waits at a checkpoint in Myanmar's northern Rakhine State with his ID papers and Form 4 Travel Authorization, which Rohingyas are required to obtain in order to leave their townships.

## Impacts on Household Economies and Food Security

About half of the Rohingyas surveyed said that restrictions on movement affected their household's ability to buy or sell food or other goods at the market. Only six Rohingyas of 112 surveyed said they had to cross permanent checkpoints and pay (500 - 10,000 MMK) on the way to a market. But approximately half of the Rohingyas surveyed said they had been stopped randomly in the past by security forces (including military and BGP) on the way to sell crops or produce at the market. Most of these people said they had to pay fines ranging from 1,000 to 100,000 MMK and that these fines were large compared to the income they earned from selling crops at the market. Most Rohingyas told PHR that these fees made it difficult to "run their family life," including paying for food and children's education.

## Impacts on Health

More than half of the Rohingyas surveyed said that restrictions on movement affected their ability to travel to a health clinic. The problem most discussed in follow-up questions was difficulties in obtaining travel permission from the village administrator in order to go to a clinic or hospital, including the Form 4 and permission to stay overnight, if needed. Rohingyas said there was no expedited process for medical emergencies, and that if they did not wait to get the proper permissions they would be harassed, arrested, and fined at checkpoints. Many Rohingyas said that they had often decided not to seek advanced medical care because of fear of passing through checkpoints.

A third of the Rohingyas interviewed by PHR spoke of discrimination in government health clinics. This discrimination including getting "scolded" and facing other types of discriminatory treatment from clinical staff. Rohingyas also perceived the quality of services at government clinics to be lower than in private clinics or at clinics run by international non-governmental organizations (NGOs). They said they would only go to government hospitals in medical emergencies, including complications arising during childbirth.

International human rights law protects the right to the highest attainable standard of health without any type of discrimination. The state obligation to the right to the highest attainable standard of health is one of progressive realization, recognizing that some governments may not be in the position to fulfill all elements of the right to health immediately. However, the right to nondiscrimination creates an immediate obligation upon the state.<sup>68</sup>

Many Rohingyas said that they had often decided not to seek advanced medical care because of fear of passing through checkpoints.

As a result of suffering or hearing about persistent discrimination in public health clinics, several Rohingyas surveyed by PHR said that they preferred to go to private clinics, traditional healers, or international NGO clinics because they trusted these providers more than government clinics, where some services are free. For some families, this had a severe impact on family finances, further compounding barriers to accessing care.

Rohingyas who had come to Bangladesh for health care said that they did so because there was no advanced or “good” treatment available in Myanmar. The specific health concern mentioned most frequently was hepatitis C; about a quarter of the people who were seeking health care said they were in Bangladesh for treatment for hepatitis C.<sup>69</sup>

A Form 4 Travel Authorization. These forms severely limit Rohingyas’ movements and can cost up to 10 percent of a household’s monthly income in northern Rakhine State.

ပုံစံ(၄)

ယာယီခရီးသွားလာခွင့်လက်မှတ်  
(ယာယီသက်သေခံလက်မှတ်ခေါ်ပြီးသူများသာသုံးစွဲရန်ဖြစ်သည်)

[Redacted] / ၂၀၁၆

ရက်စွဲ ၂၀၁၆-ခုနှစ်၊ ဇန်နဝါရီလ ( [Redacted] ) ရက်

၁။ အမည် \_\_\_\_\_

၂။ အဘအမည် \_\_\_\_\_

၃။ လူမျိုး/အသက်/ကျား/မ \_\_\_\_\_ ဘင်္ဂလီ/ဟိန္ဒူ ( [Redacted] ) ခုနှစ်၊ ကျား/မ \_\_\_\_\_

၄။ ယာယီသက်သေခံလက်မှတ်အပ်နှံပြီးကြောင်းလက်မှတ်အမှတ် \_\_\_\_\_

၅။ လက်ရှိနေရပ်လိပ်စာ \_\_\_\_\_ ရပ်ကွက်/ကျေးရွာအုပ်စု \_\_\_\_\_ ကျေးရွာ၊ ဘူးသီးတောင်မြို့ \_\_\_\_\_

၆။ သွားရောက်မည့်ဒေသ \_\_\_\_\_ ရပ်ကွက်/ကျေးရွာအုပ်စု \_\_\_\_\_ ကျေးရွာ၊ မောင်တောင်မြို့ \_\_\_\_\_

၇။ သွားရောက်မည့်ကိစ္စ \_\_\_\_\_

၈။ ခွင့်ပြုသည့်ရက်ပေါင်း \_\_\_\_\_ [Redacted] ၉ - ၂၀၁၆ [Redacted] ၄ - ၉ - ၂၀၁၆ ထိ

ဤလက်မှတ်သည် ( ၁၅ ) ရက်ထိသာ သုံးစွဲခွင့်ရှိသော ယာယီခရီးသွားလာခွင့် လက်မှတ်ဖြစ်သည်။

မှတ်ချက်။ ယာယီခရီးသွားလာခွင့်လက်မှတ်အား ရက်ပြည့်သောအချိန်တွင် ဤမြို့နယ်ဦးစီးဌာနမှူးရုံးသို့ ကာယကံရှင်ကိုယ်တိုင်ပြန်လည်အပ်နှံရမည်။

[Redacted] ၆/ [Redacted] ၉/၂၀၁၆

မြို့နယ်ဦးစီးမှူး  
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ဘူးသီးတောင်မြို့

ယာယီသက်သေခံလက်မှတ် \_\_\_\_\_ ကိုင်ဆောင်သူ \_\_\_\_\_

သည် \_\_\_\_\_ မြို့နယ် \_\_\_\_\_ ရပ်ကွက်/ကျေးရွာအုပ်စုသို့

ရက်နေ့ \_\_\_\_\_ အချိန်တွင်ရောက်ရှိကြောင်းသတင်းပို့ပြီး \_\_\_\_\_

ရက်နေ့ \_\_\_\_\_ အချိန်တွင်ပြန်လည်ထွက်ခွာသွားပါသည်။ \_\_\_\_\_

## Discussion

This research found that, in 2016, both Rohingya and Rakhine people are continuing to be subjected to human rights violations in Myanmar's Rakhine State. Rakhine people in the southeastern parts of the state are subjected to land confiscations, forced labor, forced displacement, and other violations, mostly perpetrated by the military. In Maungdaw and Buthidaung townships in the north, Rohingyas are subjected to severe restrictions on movement, arbitrary taxation, night raids and household checks, constant threat of arrest, exorbitant fines for violating laws, and outright extortion. These abuses heavily impact people's ability to survive. Physicians for Human Rights (PHR) documented that the loss of land, restrictions on movement, and financial impact of extortion limit people's ability to provide for their families and create barriers to accessing health care.

These actions run counter to the universally recognized rights to freedom of movement, to choose one's residence, to be free from cruel, inhuman, and degrading treatment, and to be free from discrimination of any kind. They fail to fulfil the requirements for permissible limitations of these rights. In addition, state failure to investigate crimes allegedly committed by security personnel, and to bring those responsible to justice, constitutes a violation of the human rights to privacy, security of person, and protection under the law.

Multiple human rights reports from Rakhine State dating from 1992 corroborate PHR's findings. More than 50 reports document restrictions on movement,<sup>70</sup> confiscation of property,<sup>71</sup> arbitrary taxation and fees,<sup>72</sup> threat of arrest<sup>73</sup> or fines for violating laws,<sup>74</sup> and night raids and household checks.<sup>75</sup>

These reports also indicate that the military government ordered security forces to specifically target Rohingyas, which corroborates PHR's findings. A human rights report from 2000 details travel permits required for Rohingyas to travel, based on a 1940 law,<sup>76</sup> and a second human rights report from 2014 describes government orders dating from 1997 that describe permissions that Rohingyas must obtain to travel, move to a new house (for married couples), and travel between townships.<sup>77</sup> Government orders from 2008 encourage spot checking of Rohingyas' documents and encourage that action be taken against Rohingyas in violation of travel policies.<sup>78</sup> The government documents further state that Rohingyas who fail to report their movements to authorities can face criminal charges, including fines, imprisonment, or both.<sup>79</sup>

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*A Muslim man sits in a building burned during anti-Muslim violence in Rakhine State in 2013. PHR's research suggests government violations of human rights contribute to poverty, which is often cited as a driver of conflict in Rakhine State. Photo: Soe Than Win/AFP/Getty Images*



## **Rights Abuses Cause Poor Health Outcomes**

Associations between militarization, human rights violations, access to land, and poor health outcomes have been documented across Myanmar<sup>80</sup> and in Rakhine State.<sup>81</sup> PHR showed that exposure to human rights violations increased a family's risk of food insecurity and difficulties in accessing health care in analysis of data from household surveys done in Chin, Karen, and Shan states and Yangon division.<sup>82</sup> In Karen State, PHR found that villagers who lived closer to military bases had higher risks of human rights abuses, food insecurity, and inability to access health care.<sup>83</sup>

PHR's research in northern Rakhine State suggests that human rights violations, poverty, low access to land, food insecurity, malnutrition, sickness, and low access to health care form a vicious cycle that drives people to flee the region. Reports from other organizations confirm these findings. In 2011, a report by the UN High Commissioner for Refugees concluded that "these [abuses] continued to exert severe negative consequences on their livelihoods, access to education including higher education, access to health care, their health status and overall quality of life."<sup>84</sup> The Convention on the Elimination of all Forms of Discrimination Against Women stated in 2007, "The Committee expresses its deep concern at reports that Muslim women and girls in Northern Rakhine State endure multiple restrictions and forms of discrimination which have an impact on all aspects of their lives, including severe restrictions on their freedom of movement; restricted access to medical care, food and adequate housing; forced labour; and restriction on marriages and pregnancies."<sup>85</sup>

More recently, a needs assessment by the Center for Diversity and National Harmony concluded that "there is a consensus among humanitarian practitioners that ongoing tensions have prevented equal and adequate access to basic services and livelihoods opportunities. Moreover, the Muslim residents of Rakhine State face significant restrictions on their freedom of movement, which further constrains their access to health, education, and other essential services."<sup>86</sup>

## **Restrictions on Movement and Extortion Impact the Economy and Drive Poverty**

PHR's research suggests that restrictions on movement impact Rohingyas' ability to access markets, and thus depress household economies. Research by other groups draw similar conclusions. A market survey from Maungdaw and Buthidaung in 2013 corroborates these findings, concluding that "increased restrictions on movement for Muslim populations and a continuing climate of fear between Rakhine Buddhist and Muslim villagers seriously disrupts the ability of local populations to secure food, cultivate crops, render services and assure themselves of a subsistence income."<sup>87</sup> The report cites survey data indicating a 20 to 50 percent decrease in household income in Buthidaung township between 2012 and 2013, likely due to increased restrictions on movement and impact on trade.<sup>88</sup> It states that "facilitating services," or fees required to travel or pass through checkpoints, had depressed markets: "Not only have income levels gone down significantly, expenditures on all essential items have been reduced, groups have less access to credit and loans, employment opportunities have become more scarce as debts have increased and disposable incomes have dried up and the overall security situation and imposition of travel restrictions for Muslims limits people's

ability to move and seek livelihood opportunities. In addition, local authorities have increased levies and taxes, such as a new tax on firewood collection and the level of 'facilitating services' has also increased at all check points and transport hubs."<sup>89</sup>

These findings are echoed in surveys elsewhere in Rakhine State. The World Food Programme (WFP) concluded from an analysis of survey data from villages around Sittwe that "the lack of labour caused by conflict-related population movements and restrictions on mobility has limited productivity and income opportunities,"<sup>90</sup> and the Food and Agriculture Organization (FAO) concluded from a similar survey that "restrictions to access markets resulted in reduced production and a reversion to subsistence production patterns."<sup>91</sup> In surveys in the Sittwe internally displaced person (IDP) camps and surrounding areas, the UN Office for the Coordination of Humanitarian Affairs concluded that "poor food security is largely linked to restrictions of movement. These continued restrictions on IDPs and surrounding communities are preventing them from resuming livelihood activities in Sittwe Town or from accessing markets. This has a direct negative impact on their food security status, which will continue to deteriorate unless this matter is solved."<sup>92</sup> Although these reports are from eastern and not northern Rakhine State, the same population, same government, and similar restrictions are present in northern Rakhine State, food insecurity and malnutrition are widespread in the northern part of the state, and the abuses cited above as likely to be driving food insecurity are also widespread.

These reports support PHR's findings that restrictions on movement, as well as arbitrary fees and extortion, are driving people into poverty and food insecurity.

# Discussion

continued



*An immigration office in northern Rakhine State. Rohingyas interviewed for this report told PHR that fear of checkpoints and the process of obtaining permission to travel from immigration authorities created major obstacles to accessing health care.*

## Land Confiscations Drive Food Insecurity

Compounding the impact of restrictions on movement are low rates of land ownership, in part a result of widespread land confiscations by the government.<sup>93</sup> Research done by PHR and other human rights organizations documented past and ongoing confiscations of land from Rohingya and Rakhine people; several other assessments have shown that land ownership is important for preventing poverty. The United Nations Population Fund reported in June 2011 that, in Myanmar, the size of a family's farm was inversely correlated with poverty, and that landlessness was correlated with poverty.<sup>94</sup> People in Myanmar who are not farmers but have access to land frequently supplement their income and nutrition by gardening. As a key component in food and income production, access to land is closely linked to livelihoods and food security.<sup>95</sup>

The FAO defines food security as the conditions "when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food ... for an active and healthy life."<sup>96</sup> In northern Rakhine State, WFP reported in 2011 that about 40 percent of households had access to land, but half of these did not own enough land to grow all of their own food. The report concluded that access to land was protective against food insecurity.<sup>97</sup> Households in northern Rakhine State have low food security, meaning that most of the time they do not have enough food to eat. A 2012 report suggested that 61 percent of households in northern Rakhine State were "highly food insecure,"<sup>98</sup> and a second survey suggested that only 25.3 percent of households indicated being food secure all year round.<sup>99</sup> The WFP report also noted that households that had family abroad, and sending remittances, had better food security than those that did not,<sup>100</sup> suggesting that food insecurity may be a driver of migration. The same report stated that households that were in debt were more likely to report food insecurity.<sup>101</sup>

## Food Insecurity Impacts Health

Household food insecurity, driven in part by the kind of human rights violations described above, increases the risk of child malnutrition, which impacts child health. WFP noted that child malnutrition became worse in northern Rakhine State in 2013, "to levels far exceeding emergency thresholds;"<sup>102</sup> this deterioration occurred after increased restrictions on movement and trade in Buthidaung that began in 2012, and the resulting impact on household incomes.<sup>103</sup> Malnutrition is an underlying cause of more than half of child deaths, as malnourished children have weakened immune systems and are more susceptible to disease;<sup>104</sup> children who have severe acute malnutrition, as defined by the World Health Organization (WHO), are 10 times more likely to die than children who are properly nourished.<sup>105</sup>

A 2013 survey in northern Rakhine State found that, in the two weeks preceding the survey, 70.7 percent of children were sick with diarrhea, acute respiratory infection, fever, or other ailments.<sup>106</sup> The same survey estimated the prevalence of severe child malnutrition at three percent in Maungdaw and 3.7 percent in Buthidaung, and global acute malnutrition at 20 percent in Maungdaw and 21.4 percent in Buthidaung;<sup>107</sup> it also estimated that 47.6 percent of children in Maungdaw and 58.6 percent of children in Buthidaung were stunted,<sup>108</sup> suggesting that children were malnourished for long periods of time. This can result in poor school performance and increased risks of hypertension, diabetes, and obesity.<sup>109</sup>

Child malnutrition rates in northern Rakhine State have remained at high levels for at least a decade.<sup>110</sup> A 2012 report citing five years of nutrition survey data in northern Rakhine State



states that “Global and Moderate Acute Malnutrition rates overtime seem to resist all efforts made to appease them, revealing a structural situation of undernourishment with an invariable size of vulnerable children recurrently getting within and without acute malnutrition episodes.”<sup>111</sup> PHR’s research suggests that human rights abuses are one of the drivers of this chronic emergency.

### **Restrictions on Movement Affect Families’ Ability to Access Health Care**

In addition to affecting food security, rights abuses also limit people’s ability to access health care in northern Rakhine State. PHR documented that fear of checkpoints and the process of obtaining permission to travel are barriers to health care for Rohingyas in northern Rakhine State. Other surveys confirm PHR’s conclusions: a nutrition survey from Maungdaw in 2014 found that “fear for checkpoints or fear to get out of the hamlet was the main issue highly reported by caretakers of beneficiaries. These fears prevent many beneficiaries from going to the OTP (outpatient treatment program) [to seek health care].”<sup>112</sup> The same survey found that “distance to travel and security problems, mainly meaning fear for checkpoints, remain as major barriers to [health care] access in Maungdaw Township.”<sup>113</sup> The limited ability to access health care exacerbates the poor health caused by underlying malnutrition, low vaccination coverage,<sup>114</sup> and low access to public health services<sup>115</sup> in northern Rakhine State.

### **Rights Abuses by the Government are a Driver of Conflict in Rakhine State**

The data above demonstrate that human rights violations – such as forced labor, restrictions on movement, the unlawful seizure of land, and extortion – can and do affect families’ ability to provide for themselves, access health care, educate their children and avoid poverty. Poverty is the lack of basic human, economic, political, sociocultural, and protective capabilities that are required for living a life with dignity.<sup>116</sup> WHO cites poverty as a cause of low vaccination rates, poor water and sanitation, lack of access to medicines, and maternal mortality.<sup>117</sup> Poverty limits a family’s capacity to pay for transportation to a medical clinic and for the provision of services and medicine, and it can lead to reduced life expectancy, disability, and starvation.<sup>118</sup> The cycle of rights violations driving low incomes and food insecurity and limiting education has repeated itself in northern Rakhine State for decades. PHR’s research, combined with data from other studies presented here, suggests that the actions of government security forces, by impacting household incomes and restricting people’s ability to access work, land, education, and health care, contribute to poverty in Rakhine State.

Poverty is often cited by conflict assessment reports as a driver of the conflict in Rakhine State,<sup>119</sup> though it is as much a symptom of more underlying causes of insecurity and rights abuses by the government and state security forces.<sup>120</sup> Poverty alleviation and development interventions, which are widely recommended for Rakhine State,<sup>121</sup> must recognize that government actions are contributing to poverty, and should include indicators to document rights abuses as barriers to

the success of projects.<sup>122</sup> International donors, especially governments, which are funding programs in Rakhine State should pressure the Myanmar government to stop these abuses in order to increase the chances of success of their programs. More importantly, the government should not be committing these violations, and development organizations and corporations risk being complicit if they do not acknowledge abuses.

The past and ongoing abuses send signals that the new government is not supporting Rakhine or Rohingya people; this drives despair and continues to foster a sense of insecurity that promotes nationalism.<sup>123</sup> For Rohingyas, long-term disenfranchisement and government abuses have shaken trust in the government<sup>124</sup> – trust that is required in order for them to participate in peacebuilding activities and citizenship verification processes, go to clinics and schools, and in general participate in Myanmar society. Rohingyas had high hopes that things would change rapidly with the election of the National League for Democracy, but, as more time passes, these hopes will fade and mistrust will continue.<sup>125</sup> For Rakhine people, the abuses drove their sense of desperation at being confronted by government persecution as well as demographic threats from Rohingyas; their state of impoverishment only increased the sense of desperation.<sup>126</sup> The government abuses that for decades facilitated divide-and-rule policies must be stopped before sustainable peace can be reached.

## Conclusion and Recommendations

Human rights violations are pervasive across Myanmar's Rakhine State. These violations, including severe limits on freedom of movement, impact people's ability to survive in northern Rakhine State. Existing initiatives on reconciliation and peacebuilding – largely funded by external governments and institutions – do not adequately acknowledge the role of the Myanmar government in perpetrating these violations and its responsibility for the devastating human rights impact of such actions.

Physicians for Human Rights makes the following recommendations to address the dire human rights situation in Rakhine State:

### **To the government of Myanmar:**

- Reverse local orders enabling abuses in northern Rakhine State.
  - Denounce advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence (“hate speech”), and investigate crimes based on such advocacy (“hate crimes”) thoroughly.
  - Allow more humanitarian aid groups to access northern Rakhine State, and lift travel authorization requirements for foreigners.
  - Continue to engage Rakhine and Rohingya groups in dialogue on how best to resolve statelessness issues.
  - Acknowledge and condemn all past and ongoing abuses in Rakhine State as a step toward reconciliation and transitional justice.
- Move to rescind or review discriminatory local orders which perpetuate human rights violations.
  - Remove ethnicity and religion documentation from national identification cards. This would help to circumvent the Rohingya identity issue that continues to block progress toward citizenship verification.
  - Revise or repeal the 1982 Citizenship Law to ensure that it cannot be used to discriminate or to enable rights abuses. Modify or remove all national legislation, including the recent race and religion laws, and sections of the Constitution that do not follow international human rights standards.
  - Support independent investigations into rights violations in Rakhine State.



*A Rohingya Muslim elder speaks while a policeman takes notes during a September 2016 meeting with former UN secretary-general Kofi Annan at an IDP camp in Sittwe, Rakhine State. Annan is leading a multi-sector advisory commission on Rakhine State to find a lasting solution for the stateless Rohingya people. Photo: Romeo Gacad/AFP/Getty Images*

**To the military defense services of Myanmar:**

- Instruct military forces to immediately:
  - Follow international guidelines on security checkpoints.
  - Cease nighttime raids.
  - Lift travel restrictions on Rohingyas.
  - Lift the permit system for fishing, fixing houses, and slaughtering livestock.
  - Cease land confiscations and the use of forced porters in all of Rakhine State.
- Initiate human rights trainings for security forces stationed in Rakhine State.
- Disallow discriminatory stops at checkpoints, including racial profiling or basing stops on religion or ethnicity information on national identification cards.
- Maintain checkpoints for security purposes only.
- Investigate and sanction military commanders who are profiting from ongoing violations, including Border Guard Police, police, immigration, and military personnel.

**To international development organizations and corporations:**

- Reconciliation efforts led by outside organizations must include efforts to acknowledge government abuses in Rakhine State and to obtain assurances from the government that these abuses will stop.
- Humanitarian and development programs must include human rights monitoring mechanisms, including integrating indicators for human rights violations into their performance measurement matrices in order to identify barriers to the success of projects.
- Monitor human rights indicators as key to the successful implementation of development projects, and obtain assurances from the government that human rights abuses will stop before further investment can go forward.

**To the diplomatic community:**

- The diplomatic corps must visit Maungdaw and other places in Rakhine State outside of IDP camps in order to better understand the human rights situation there.
- Support increasing numbers of international non-governmental organizations (NGOs) to work in Rakhine State, especially in the north.
- Raise the issue of abuses in northern Rakhine State during meetings with government and military officials.

**To the Advisory Commission on Rakhine State led by former UN secretary-general Kofi Annan:**

- Examine the impacts of past and ongoing government human rights abuses on the economy, food security, health, and education as one of the drivers of unrest in northern Rakhine State.
- Include a complete assessment of government abuses against Rohingya, Rakhine, and other groups in Rakhine State as part of the Advisory Commission's research.
- Document government-imposed limitations on research, especially those that include limits on access to locations and people in northern Rakhine State.

Rohingyas interviewed by PHR said that widespread discrimination in Myanmar government clinics had driven them to seek medical care in Bangladesh, at hospitals like this one.



ROYAL HOSPITAL

রয়েল হসপিটাল (প্রাঃ) লি

চিটাগাং বেল ভিউ লি

BSRM  
নির্দিষ্ট ডাস্টবিনে ময়লা আবর্জনা ফেলুন  
পরিষ্কার পরিচ্ছন্নতা ঈমানের অঙ্গ  
চিটাগাম সিটি কর্পোরেশন

BSRM BSRM  
সাবধানে গাড়ি চালান  
সিটিগাম মেট্রোপলিটন পুলিশ

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