

Observations and Topics to be Included in the List of Issues

On the occasion of Myanmar's Combined Fourth and Fifth Periodic Reports on the Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women

Submitted by:



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Women Peace Network – Arakan (WPNA) is a Myanmar (Burma)-based organization founded by a group of Rohingya women in 2012. It is dedicated to promoting and protecting the rights of women from marginalized communities in Arakan (Rakhine) State and elsewhere in Myanmar and empowering them so that they can enjoy justice, equality, and peace. WPNA’s activities include civic education trainings, women’s empowerment programs, English classes, vocational trainings, advocacy and youth engagement related to peace, and research regarding conditions in Arakan State. The observations described in this submission are supported by WPNA research conducted by coordinators on the ground in Arakan State and reports from news media, NGOs, and UN agencies.¹

Observations Regarding Violations of CEDAW with Regard to Rohingya Women in Myanmar

The Rohingya, a Muslim ethnic minority group that has been residing in Arakan State in western Myanmar for generations, has been described as one of the most persecuted groups in the world. As has been highlighted by many local and international NGOs, women throughout Myanmar face discrimination, violence, and other forms of abuse. Thus, Rohingya women face multiple, overlapping, and reinforcing forms of discrimination based on their ethnicity, religion, and gender. Additionally, given the segregated, squalid, and insecure conditions in Arakan State, Rohingya women are particularly vulnerable to abuse.

Restrictions on Marriage and Family Planning

Local authorities in northern Arakan State apply burdensome requirements to Muslim marriages and limit the number of children Muslim families are allowed to have. Rohingya homes are subject to “spot checks” during which officials enter people’s homes at night and arrest those they deem to be not in compliance. These draconian enforcement measures have led many Rohingya to flee from the country and many Rohingya women to attempt unsafe abortions. Furthermore, the discriminatory Race and Religion Protection laws have now all been adopted. These laws include a law placing restrictions on interfaith marriage between Buddhist women and non-Buddhist men and a law empowering local officials to impose birth spacing requirements. WPNA fears that these laws will exacerbate and expand to other parts of the country the abusive restrictions on women’s rights to marry and form a family that have been operating in Arakan State.

¹ See, e.g., Human Rights Watch, *World Report: Burma* (2015); The International Crisis Group, *Myanmar: The Politics of Rakhine State*, Asia Report No. 261 (22 October 2014); Fortify Rights, *Policies of Persecution* (25 February 2014); UN Office for the Coordination of Humanitarian Affairs (UNOCHA), “Myanmar: Internal Displacement in Rakhine State as of November 30, 2013”; Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, UN General Assembly, September 23, 2013, A/68/397; Physicians for Human Rights, *Patterns of Anti-Muslim Violence in Burma: A Call for Accountability and Prevention* (August 2013); Jason Szep, *Special Report: Buddhist monks incite Muslim killings in Myanmar*, Reuters (April 8, 2013); Human Rights Watch, *All You Can Do is Pray* (2013); Human Rights Watch, “The Government Could Have Stopped This,” <http://www.hrw.org/reports/2012/07/31/government-could-have-stopped>; “Burma: Discriminatory Laws Could Stoke Communal Tensions” (23 August 2015); Associated Press, “Myanmar Defends Decision Barring Rohingya From Voting” (24 Sep 2015).

Denial of the Right to a Nationality

Rohingya women are denied the right to a nationality. Starting in the 1980s, the government began stripping Rohingya of their citizenship rights by collecting their national registration cards. The government recently went a step further and rendered Rohingya documentless by expiring and collecting the temporary registration cards (known as “white cards”) they held for the last two decades. They are now trying to force them to take part in a “naturalization” process using “green cards” that in effect would deprive them of their nationality and give them, at best, an opportunity to obtain a second-class version of citizenship. Additionally, Rohingya children whose parents are alleged to have violated restrictions on marriage or birth rate or committed other unapproved acts have been “blacklisted” and denied birth certificates. This lack of documentation has made it difficult, if not impossible, for them to provide the requisite documentation needed to register for any kind of identification, let alone citizenship, and has prevented them from accessing many basic services. Since 2012, the number of children denied birth certificates has been said to have increased.

Denial of Political Rights

For the first time in history, a majority of Rohingya have been denied the right to vote in the November general elections and almost all Rohingya candidates were rejected by the election commission. Rohingya women are thus being denied the right to vote and have their voice heard in the political process.

Denial of Education, Health Care, Livelihood

Local authorities have written policies in certain townships in northern Arakan State that require Rohingya to acquire special travel permits to leave their townships and make it difficult to obtain authorization to travel outside of the state. The Myanmar government’s report concedes the existence of restrictions on Rohingya, who they refer to as being “persons whose citizenship status is yet not clear”² despite the fact that Rohingya citizenship status should be clear since they have lived in Myanmar for generations and were previously recognized as citizens. Rohingya living in IDP camps are even more restricted in their ability to travel anywhere outside of the camps. Such restrictions place discriminatory and unjustified restrictions on Rohingya women’s movement and burden their ability to seek medical care, education, and economic opportunity.

Trafficking

In response to the dire conditions in Arakan State, over 100,000 Rohingya have been forced to flee to neighboring countries since 2012. Many of those who flee fall victim to traffickers, who often act with the support of government officials, and face perilous conditions at sea and detention and abuse abroad, as highlighted by the “boat crisis” in May, in which thousands of Rohingya were discovered to be stranded at sea. WPNA is concerned by the development that while previously the individuals fleeing on boats were primarily men, more and more women and children have recently been fleeing by boat as well.

² Myanmar, Combined fourth and fifth periodic reports of States parties due in 2014, Consideration of reports submitted by States parties under article 18 of the Convention, Committee on the Elimination of Discrimination against Women, para. 161 (23 February 2015) (hereinafter “Myanmar State Report”).

Sexual Harassment, Rape, and Other Forms of Violence Against Women

Rohingya women have been subjected to rape and sexual harassment by state security forces in Arakan State in recent years. Na Sa Ka, a notorious security force that has since been replaced by Ma Ka Pa, had a well-documented history of raping Rohingya women, which continued through 2013 when it was disbanded. Furthermore, Rohingya women who were victims in the incidents of mass anti-Muslim violence in 2012 and 2014 were denied protection of state authorities, and the perpetrators, some of whom were state actors, have not been held accountable. Thus, women in Arakan State are denied access to justice and the right to an effective remedy.

In light of the above facts, we recommend that the Committee request that Myanmar provide information on the following issues:

- Provide information on any restrictions, procedures, or orders related to marriage in Arakan State, especially when one or more members of the couple is Muslim, and the legal basis thereof.
- Provide information on any population control measures in place in Arakan State, including any limits on the number of children Muslim or other women may have, how the measures are enforced, and the legal basis thereof.
- Provide information regarding the implementation of the Race and Religion Protection Laws, including detailed information disaggregated by gender, ethnicity, religion, and state/region, regarding individuals who have already been detained or prosecuted under the laws, and how the government intends to enforce the laws in the future.
- Describe the "[m]easures [that] are being taken for all school-age children in the townships of Rakhine State to have access to education,"³ including in which townships and villages these measures have taken place, and provide detailed information, disaggregated by gender and age, on how many children do not regularly attend school and the barriers to their attendance.
- Describe any efforts to ensure that students who are qualified and wish to attend higher education institutions are able to regardless of gender, ethnicity, or religion, including any Rohingya university students who have not been permitted to return to or begin their studies for the last three years.
- Describe the steps Rohingya women in Arakan State, including those whose documentation has been seized and those living in camps, must take to access health care, especially focusing on permissions required to access reproductive, maternal, and emergency health care and the legal basis thereof.
- Describe any efforts to decrease barriers to access to health care for Rohingya women.
- Explain the basis for the restrictions on movement in northern Arakan State described in the government's report⁴ and exactly to whom they apply. Explain in detail the procedures used to determine that those women whose movement is being restricted have "not clear" citizenship status. Provide the number of individuals, disaggregated

³ Myanmar State Report, para. 153.

⁴ Myanmar State Report, para. 161.

by gender, age, ethnicity, and religion, who are subject to such restrictions on movement and how many of those individuals (or their parents, if under the age of 40) previously held national registration cards or were otherwise regarded as citizens.

- Provide information on any efforts to investigate, prosecute, or prevent sexual harassment, assault, and rape in northern Arakan State, including in regards to such crimes committed by security forces, such as police, Border Guard Police, military, and Ma Ka Pa.
- Describe the government's activities related to the implementation of UN Security Council Resolution 1325 and the development of a national action plan along with any proposals or requests made by civil society or NGOs to increase women's participation in issues of peace and security.
- Provide data on birth certificates issued in Arakan State, including the number of birth certificates issued and denied, disaggregated by gender, religion, and ethnicity, and the grounds for any denials.
- Provide data on the gender, religion, and ethnicity of government employees in Arakan State and any initiatives to ensure equal opportunity for employment within the state.
- Describe any efforts to restore full citizenship rights of Rohingya women to secure their right to a nationality and improve their ability to challenge denials of health care, education, and employment rights.
- Explain why Rohingya women were not mentioned in the government's report⁵ despite the fact that Rohingya make up a significant percentage of the population in northern Arakan State. If the term "Bengali"⁶ was used to refer to Rohingya, explain the basis for the shift in the government's terminology, despite historical recognition of Rohingya and the rejection of the term Bengali among the Rohingya community as a label for themselves.
- Provide the contents of the "Action Plan for Peace, Stability and Development in Rakhine State"⁷ referenced in the Myanmar government's report and describe its implementation to date, focusing in particular on its impact on women.
- Provide the contents of the "Rakhine Peace and Development Plan"⁸ referenced in the Myanmar government's report and its implementation to date, focusing in particular on its impact on women.

Conclusion

We urge the Committee to incorporate our observations into the list of issues that will be presented to Myanmar.

⁵ See Myanmar State Report, para.147-168.

⁶ See, e.g., Myanmar State Report, para. 147, 151, 162, 163, 167.

⁷ Myanmar State Report, para. 159.

⁸ Myanmar State Report, para. 164.