



Home Office

# **Country Policy and Information Note**

## **Myanmar: Rohingya (including Rohingya in Bangladesh)**

**Version 3.0**

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# Executive summary

Updated on 15 June 2023

In general, the nature, repetition, and cumulative effect of the denial of rights, state discrimination and human rights violations against the Rohingya is such that it amounts to persecution and/or serious harm. However, each case must be considered on its facts.

The Rohingya are a self-identified minority of around 600,000 residing predominantly in Myanmar's northern Rakhine State. The majority are Sunni Muslim. There are estimated to be around 140,000 Rohingya living in displacement camps in Rakhine State following violence in 2012. Security operations in Rakhine State in 2017, described by the UN and international governments as ethnic cleansing, forced over 700,000 Rohingya to flee to Bangladesh where they remain in refugee camps in Cox's Bazar with limited prospects of safe return to Myanmar.

The Rohingya are not recognised as citizens of Myanmar unless they can prove residence in the country prior to 1948. In practice, the discriminatory and arbitrary application of the 1982 Citizenship Law has denied citizenship rights to Rohingya, effectively rendering them stateless and undocumented. As a result, their rights to study, work, travel freely, marry, practise their religion and access health services are severely restricted.

For those who establish a well-founded fear of persecution from the military regime, protection is unavailable and internal relocation is not reasonable.

Security forces act with impunity, with no information to suggest the investigation, prosecution or punishment of acts committed against Rohingya. In general, the state is able but is not willing to offer effective protection from persecution and/or serious harm by non-state actors.

Identity documents and travel permits are required for internal movement and the ability for a Rohingya to obtain such documents is severely restricted. In general, it will not be reasonable to expect a Rohingya to internally relocate.

Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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# Assessment

## About the assessment

This section considers the evidence relevant to this note – that is information in the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**:

- a person is reasonably likely to face a real risk of persecution/serious harm by state or non-state actors because they are Rohingya
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

### Other points to note

The names Myanmar and Burma are both used internationally. Sources in this document sometimes refer to the military regime in Myanmar as the ‘government’. The inclusion of this reference in these sources is not an indication of the UK Government's position. The UK Government has a longstanding policy and practice of recognising States, not Governments.

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## 1. Material facts, credibility and other checks/referrals

### 1.1 Credibility

1.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).

1.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

1.1.3 In cases where there are doubts surrounding a person’s claimed place of origin, decision makers should also consider language analysis testing, where available (see the [Asylum Instruction on Language Analysis](#)).

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## 1.2 Exclusion

- 1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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## 2. Convention reason(s)

- 2.1.1 Actual or imputed race or religion.
- 2.1.2 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the person has a well-founded fear of persecution on account of their actual or imputed convention reason.
- 2.1.3 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

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## 3. Risk

- 3.1.1 In general, the nature, repetition, and cumulative effect of the denial of citizenship rights, state discrimination and human rights violations against the Rohingya is such that it amounts to persecution and/or serious harm. However, each case must be considered on its facts.
- 3.1.2 The Rohingya are a self-identified minority living predominantly in Myanmar's northern Rakhine State. The majority are Sunni Muslim. The Myanmar military regime do not recognise them as one of the country's 135 official ethnic groups, but refer to them as 'Bengali', incorrectly implying they are migrants from Bangladesh (see [Origin of the Rohingya](#) and [Citizenship](#)).
- 3.1.3 The Rohingya have faced systematic discrimination and human rights violations, including torture, indiscriminate killings, rape and forced displacement, particularly since 2012 (see [Inter-communal violence](#)). Security operations in 2016 and 2017, which forced over 700,000 Rohingya

to flee to Bangladesh where they remain in refugee camps in Cox's Bazar, has been recognised as ethnic cleansing by the UN and international governments, including the UK (see [Human rights violations](#) and [Rohingya in Bangladesh](#)).

- 3.1.4 Follow the mass exodus, there are estimated to be around 600,000 Rohingya remaining in Myanmar, the majority of whom live in Rakhine State, with up to 140,000 living in displacement camps without adequate access to food, health care, education and livelihoods, and where widespread discrimination persists (see [Demography](#), [Human rights violations](#) and [Internally displaced persons \(IDPs\)](#)).
- 3.1.5 General anti-Muslim sentiment exists throughout Myanmar. The Australian Government's Department of Foreign Affairs and Trade and UNHCR indicate that Rohingyas outside of Rakhine State also face significant discrimination and are subject to the increased targeting of ethnic and religious minorities since the 2021 coup (see [Rohingyas outside Rakhine state](#)).
- 3.1.6 The Rohingya are not recognised as citizens of Myanmar unless they can prove residence in the country prior to 1948. In practice, the discriminatory and arbitrary application of the 1982 Citizenship Law has denied citizenship rights to Rohingya, effectively rendering them stateless and undocumented. As a result, their rights to study, work, travel freely, marry, practise their religion and access health services are severely restricted (see [Legal rights](#), [Freedom of movement](#), and [Access to services](#)).
- 3.1.7 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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#### **4. Protection**

- 4.1.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.
- 4.1.2 Security forces act with impunity, with no information to suggest the investigation, prosecution or punishment of acts committed against Rohingya (see [Accountability](#)).
- 4.1.3 In general, the state is able but is not willing to offer effective protection from persecution and/or serious harm by non-state actors.
- 4.1.4 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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#### **5. Internal relocation**

- 5.1.1 Where the person has a well-founded fear of persecution or serious harm from the state, it is unlikely to reasonable to expect a Rohingya to internally relocate to escape that risk. Furthermore, identity documents and travel permits are required for internal movement and the ability for a Rohingya to obtain such documents is severely restricted (see [Identity documents](#) and [Freedom of movement](#)).
- 5.1.2 For further guidance on considering internal relocation and factors to be

taken into account see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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## **6. Certification**

- 6.1.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 6.1.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

## About the country information

This contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the [research methodology](#). It provides the evidence base for the assessment.

The structure and content of this section follow a [terms of reference](#) which sets out the general and specific topics relevant to the scope of this note.

Decision makers must use relevant country information as the evidential basis for decisions.

See also [Other points to note](#) regarding sources' use of both 'Myanmar' and 'Burma', as well as the UK Government's position where sources in this document sometimes refer to the military regime in Myanmar as the 'government'.

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Section updated: 29 June 2023

## 7. Background

### 7.1 Political context

- 7.1.1 For background information on the past and present governance of Myanmar, see the [Country Policy and Information Note on Myanmar: Critics of the military regime](#).

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### 7.2 Origin of the Rohingya

- 7.2.1 The Council on Foreign Relations (CFR), an American think-tank specialising in U.S. foreign policy and international relations, reported in an article dated 23 January 2020:

'The Rohingya trace their origins in the region to the fifteenth century, when thousands of Muslims came to the former [Arakan Kingdom](#). Many others arrived during the nineteenth and early twentieth centuries, when Rakhine was governed by colonial rule as part of British India. Since independence in 1948, successive governments in Burma, renamed Myanmar in 1989, have refuted the Rohingya's historical claims and denied the group recognition as one of the country's [135 official ethnic groups](#). The Rohingya are considered illegal immigrants from Bangladesh, even though many trace their roots in Myanmar back centuries.

'Neither the central government nor Rakhine's dominant ethnic Buddhist group, known as the Rakhine, recognize the label "Rohingya," a [self-identifying term](#) that surfaced in the 1950s, which experts say provides the group with a collective political identity. Though the etymological root of the word is disputed, the most widely accepted theory is that Rohang derives from the word "Arakan" in the Rohingya dialect and ga or gya means "from." By identifying as Rohingya, the ethnic Muslim group asserts its ties to land that was once under the control of the Arakan Kingdom, according to Chris

Lewa, director of the Arakan Project, a Thailand-based advocacy group.<sup>1</sup>

7.2.2 The November 2022 DFAT report on Myanmar noted ‘The Rohingya trace their origins to Muslim traders and bodyguards who lived in north-western Myanmar since the Mrauk-U period (1430-1784), although many migrated from Bangladesh more recently, especially during the British colonial period (1784-1948).’<sup>2</sup>

7.2.3 Encyclopaedia Britannica’s entry on Rohingya, dated 27 March 2023, noted: ‘The use of the term Rohingya is highly contested in Myanmar. Rohingya political leaders have maintained that theirs is a distinct ethnic, cultural, and linguistic community that traces its ancestry as far back as the late 7th century. However, the broader Buddhist populace in general rejected the Rohingya terminology, referring to them instead as Bengali, and considered the community to be largely composed of illegal immigrants from present-day Bangladesh. During the 2014 census—the first to be carried out in 30 years—the Myanmar government made an 11th-hour decision to not enumerate those who wanted to self-identify as Rohingya and would count only those who accepted the Bengali classification. The move was in response to a threatened boycott of the census by Rakhine Buddhists.’<sup>3</sup>

7.2.4 According to Reuters, reporting on 17 August 2018, ‘The government refuses even to use the word “Rohingya,” instead calling them “Bengali” or “Muslim.”’<sup>4</sup>

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### 7.3 Demography

7.3.1 Myanmar (Burma) is located in south-eastern Asia, situated between Bangladesh and Thailand. It also shares borders with China, India, and Laos, and has a coastline stretching 1,930 km<sup>5</sup>. The total population is estimated to be 58 million<sup>6</sup>.

7.3.2 The United Nations Human Rights Council (UNHRC), Report of the detailed findings of the Independent International Fact-Finding Mission (FFM) on Myanmar, 17 September 2018, noted:

‘Rakhine State is located in western Myanmar. It extends some 560 km along the Bay of Bengal and shares a border with Bangladesh. It is geographically remote – much of its internal borders with other states of Myanmar are mountainous and infrastructure links to the rest of the country are limited. Despite its strategic location and fertility, the state remains one of Myanmar’s poorest, with an estimated 44 per cent of the population living below the poverty line. All communities in the state are affected by scarcity of livelihood opportunities and it scores poorly on many social development indicators.

‘The state comprises various ethnic and religious groups. The majority of the

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<sup>1</sup> CFR, ‘[The Rohingya Crisis](#)’, 23 January 2020

<sup>2</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraph 3.5), 11 November 2022

<sup>3</sup> Chan, E, Encyclopaedia Britannica, ‘[Rohingya](#)’, 27 March 2023

<sup>4</sup> Reuters, ‘[The Rohingya lists: refugees compile their own record of those killed ...](#)’, 17 August 2018

<sup>5</sup> CIA, ‘[World Factbook: Burma](#)’ (Geography), 2 May 2023

<sup>6</sup> CIA, ‘[World Factbook: Burma](#)’ (People and Society), 2 May 2023

population is ethnic Rakhine and Buddhist. Muslims constitute the second largest religious group, the majority of whom are Rohingya, with a smaller proportion of Kaman. There are also a number of other minorities such as Chin, Daingnet, Khami, Maramagi, Mro, Thet and Hindus. The distribution of ethnic and religious minorities in the state varies by region, with Rohingya constituting a large majority in the northern district of Maungdaw, and ethnic Rakhine in most remaining districts. Estimates of Rohingya remaining in Rakhine State after the mass exodus to Bangladesh of 2016 and 2017 vary between 200,000 and 240,000 in the northern townships and 332,000 and 360,000 for central Rakhine State.<sup>7</sup>

- 7.3.3 The CFR article of 23 January 2020 noted ‘There are an estimated 3.5 million Rohingya dispersed worldwide. Before August 2017, the majority of the estimated one million Rohingya in Myanmar resided in Rakhine State, where they accounted for nearly a third of the population. They differ from Myanmar’s dominant Buddhist groups ethnically, linguistically, and religiously.’<sup>8</sup>
- 7.3.4 The November 2022 DFAT report on Myanmar noted ‘An estimated 1.2 million Rohingya lived in Myanmar before August 2017, when a military crackdown drove around 700,000 to flee to Bangladesh.’<sup>9</sup>
- 7.3.5 According to the US Department of State human rights report for 2022 (USSD HR Report 2022), ‘... up to 600,000 Rohingya were estimated to remain in Rakhine State.’<sup>10</sup>
- 7.3.6 The November 2022 DFAT report on Myanmar noted:  
‘There are a number of distinct Muslim communities living throughout Myanmar, including the Kaman, Pantay, Pashu, Rohingya and Zerbadee. Most follow the Sunni sect. According to the 2014 census, Muslims made up approximately 4 per cent of the population, although this figure undercounts Rohingya Muslims, who were effectively excluded from participating. The majority of Muslims live in northern Rakhine State, but there are also Muslim communities in Yangon, Ayeyarwady, Magway, and Mandalay.’<sup>11</sup>
- (See [Internally displaced persons \(IDPs\)](#) and [Rohingyas in Bangladesh](#))

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## 7.4 Language/culture

- 7.4.1 Al Jazeera reported in an article dated 18 April 2018 that ‘The Rohingya speak Rohingya or Ruaingga, a dialect that is distinct to others spoken throughout Myanmar.’<sup>12</sup>
- 7.4.2 The United Nations High Commissioner for Refugees (UNHCR), in its 2018 report - Culture, Context and Mental Health of Rohingya Refugees: A review for staff in mental health and psychosocial support programmes for Rohingya refugees, stated:

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<sup>7</sup> UNHRC, ‘[Report of the detailed findings of the ...](#)’ (paragraphs 405 to 406), 17 September 2018

<sup>8</sup> CFR, ‘[The Rohingya Crisis](#)’, 23 January 2020

<sup>9</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraph 3.5), 11 November 2022

<sup>10</sup> USSD, ‘[2022 Country Report on Human Rights Practices: Burma](#)’ (section 2G), 20 March 2023

<sup>11</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraph 3.27), 11 November 2022

<sup>12</sup> Al Jazeera, ‘[Who are the Rohingya?](#)’, 18 April 2018

'The Rohingya language (Ruáingga or Rohingya) is an Indo-Aryan language that is closely related to the Chittagonian (Chittagong) dialect of Bengali (Bangla) which is spoken by the Bangladeshi host population around Cox's Bazar. The Rohingya language is primarily an oral language and does not have a standardized and internationally recognized written script. Various scripts are used to capture the Rohingya language in written form: Arabic, Urdu, Rohingyalish (a simplified Rohingya script using Latin letters), and Hanifi that is named after its developer Maulana Mohammed Hanif. The Rohingya language may also be transliterated at times using the Burmese alphabet, but even native speakers who are fluent in Burmese and English still struggle to read Rohingya in this form. Many Rohingya have low levels of education and even those who can read and write continue to face challenges in reading and writing Ruáingga due to inconsistencies and differences between different language systems.'<sup>13</sup>

7.4.3 The November 2022 DFAT report on Myanmar noted 'The Rohingya are a predominantly Sunni Muslim ethnic group, the vast majority of whom live in Rakhine State in north-western Myanmar. They speak an Indo-Aryan language closely related but not identical to the dialect of Bengali spoken in the Chittagong region of Bangladesh.'<sup>14</sup>

7.4.4 The DFAT Country Information Report: Bangladesh, 30 November 2022, noted that there are some linguistic and cultural differences between Rohingya and Bangladeshi's from Cox's Bazar, but DFAT was told by several sources that: '...some Rohingya are motivated to lessen these [differences] in order to obtain informal employment. Over time these cultural or linguistic distinctions sometimes simply diminish due to living in close proximity with Bangladeshis. Conversely, Rohingya customs can easily be adopted by non-Rohingya who are seeking aid or migration opportunities. Some Rohingya are also visually similar to some Indigenous groups in Bangladesh.'<sup>15</sup>

7.4.5 The 2018 UNHCR report added:

'Rohingya women typically dress in traditional clothing, such as a sarong (also called ta-mi, ta-ine, or a female longyi) which is a large cut of fabric, often wrapped around the waist. Men often dress in longyi (a sheet of cloth wrapped around the waist extending to the feet that is widely worn in Myanmar). Rohingya women wear a hijab (head covering veil) or a niqab (face covering veil). Many Rohingya use the term burqa to refer to a black dress/robe worn over the longyi and blouse. Women wear this outside their house or place of work, but there are important regional differences. Due to remoteness and restrictions on movement, Rohingya in rural areas in the northern townships of Rakhine State tend to be more conservative than those in the central townships (i.e. Sittwe, Pauk Taw, Min Bya, Mrauk Oo and Kyauk Taw) which are more urbanized and where people have easier access to higher levels of education. In the central townships, women do not necessarily wear the full hijab while women in the northern townships of

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<sup>13</sup> UNHCR, '[Culture, Context and Mental Health of Rohingya Refugees: A review ...](#)' (page 20), 2018

<sup>14</sup> DFAT, '[Country Information Report: Myanmar](#)' (paragraph 3.5), 11 November 2022

<sup>15</sup> DFAT, '[Country Information Report: Myanmar](#)' (paragraph 3.31), 30 November 2022

Rakhine may, in addition to the hijab, also wear a burqa and niqab.<sup>16</sup>

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## 7.5 Myanmar names

### 7.5.1 The UNHCR report of 2018 stated:

‘Rohingya do not have surnames and names do not change when individuals get married. The use of names is dictated by custom, for example, it is cultural practice that younger persons do not address older persons by their name, but according to their age, gender, and position in the family and society. In Myanmar, particularly in central Rakhine, Rohingya may have two names, one Muslim and one Burmese. Rohingya often abbreviate names: for example, Mohamed will be pronounced as “Mammad”, Hussein as “Hussaun” or “Hussinya”, Ahmed as “Ammad”, Mohamed Ullah as “Madullah” and Hafiz as “Habes”.<sup>17</sup>

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Section updated: 29 June 2023

## 8. Legal rights

### 8.1 Citizenship

#### 8.1.1 Article 345 of Myanmar's Constitution of 2008 states:

‘All persons who have either one of the following qualifications are citizens of the Republic of the Union of Myanmar:

‘a. person born of parents both of whom are nationals of the Republic of the Union of Myanmar;

‘b. person who is already a citizen according to law on the day this Constitution comes into operation.’<sup>18</sup>

#### 8.1.2 According to Al Jazeera, reporting in an article dated 18 April 2018, Rohingya are ‘not considered one of the country’s 135 official ethnic groups and have been denied citizenship in Myanmar since 1982, which has effectively rendered them stateless.’<sup>19</sup>

#### 8.1.3 Fortify Rights, a US-based non-profit human rights organisation, stated in its report - “Tools of Genocide”: National Verification Cards and the Denial of Citizenship of Rohingya Muslims in Myanmar, 3 September 2019:

‘The terms “citizenship” and “nationality” under international law are used interchangeably. Under international law, the right to nationality is a fundamental human right, known as the “right to have rights.” Everyone holds this right without distinction, and it includes the right of each individual to acquire, change, and retain a nationality. The right to nationality is found in most human rights treaties, several of which Myanmar has ratified, and is a norm of customary international law.’<sup>20</sup>

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<sup>16</sup> UNHCR, ‘[Culture, Context and Mental Health of Rohingya Refugees: A review ...](#)’ (page 19), 2018

<sup>17</sup> UNHCR, ‘[Culture, Context and Mental Health of Rohingya Refugees: A review ...](#)’ (page 20), 2018

<sup>18</sup> Constitute, ‘[Myanmar's Constitution of 2008 with Amendments ...](#)’ (Article 345), 27 April 2022

<sup>19</sup> Al Jazeera, ‘[Who are the Rohingya?](#)’, 18 April 2018

<sup>20</sup> Fortify Rights, ‘[“Tools of Genocide”: National Verification ...](#)’ (page 68), 3 September 2019



8.1.4 Article 346 of the Constitution provides that citizenship, naturalisation and revocation of citizenship shall be prescribed by law<sup>21</sup>. The UNHRC Report of the FFM on Myanmar noted that ‘No laws have been adopted since the 1982 Citizenship Law, so this regime still applies.’<sup>22</sup>

8.1.5 The Global Citizenship Observatory (GLOBALCIT), Report on Citizenship Law: Myanmar, October 2017, stated:

‘The 1982 Citizenship Law created three categories of citizens, whereby only full citizens enjoyed full citizenship rights and the other two types were disenfranchised. The categories are as follows:

‘a) Full citizens. These consist primarily of the members of eight ethnic groups presumed to have settled in Myanmar’s territory before 1823 (the First Anglo-Burmese War). These eight ethnic groups [which does not include Rohingya<sup>23</sup>] were later categorised into 135 sub-types through an administrative instruction. Full citizenship is also accessible for a) persons who were citizens on the date the law entered into force, b) persons both of whose parents hold a category of citizenship (including at least one parent full citizen), c) third generation offspring of associate and/or naturalised citizens.

‘b) Associate citizens: associate citizens are those who applied for citizenship under the 1948 Union Citizenship law and before the enactment of the 1982 Citizenship Law, but do not belong to the abovementioned 135 groups.

‘c) Naturalised citizens: these are persons who do not belong to the recognised ethnic groups and acquired citizenship after 1982.’<sup>24</sup>

8.1.6 The UNHRC Report of the FFM on Myanmar noted that:

‘Despite this legal framework being discriminatory in intent and purpose, Rohingya are not necessarily fully excluded from citizenship. First, the Constitution and the law provide that whoever was a citizen at its entry into force would remain a citizen. Second, while it is disputed whether the Rohingya are a “national race” and automatically entitled to full citizenship on that ground, many Rohingya would have at least qualified for “associate” or “naturalised” citizenship. Their third generation offspring would have been full citizens by now. Third, the law also explicitly authorizes the State to confer any of the three categories of citizenship on any person “in the interests of the State”.

‘In reality, however, the law has been implemented in a discriminatory and arbitrary manner. The authorities commenced enforcement of the law only after the SLORC [State Law and Order Restoration Council] took power in 1988.’<sup>25</sup>

8.1.7 Justice Base, a UK registered legal advice charity, described the different citizenship and residency documents, in a report dated December 2018:

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<sup>21</sup> Constitute, [‘Myanmar’s Constitution of 2008 with Amendments ...’](#) (Article 346), 27 April 2022

<sup>22</sup> UNHRC, [‘Report of the detailed findings of the ...’](#) (page 115, footnote 1060), 17 September 2018

<sup>23</sup> UNHRC, [‘Report of the detailed findings of the ...’](#) (paragraph 477), 17 September 2018

<sup>24</sup> GLOBALCIT, [‘Report on Citizenship Law: Myanmar’](#) (page 8), October 2017

<sup>25</sup> UNHRC, [‘Report of the detailed findings of the ...’](#) (paragraphs 478 to 479), 17 September 2018

‘In Myanmar, statelessness poses a serious risk for many due to the interpretation and application of the 1982 Citizenship Law, which forms the central pillar of the current citizenship regime. As a result, millions of people in Myanmar lack identity documents today...

‘The current laws and their discriminatory implementation have made access to citizenship and identity documentation difficult, particularly for ethnic and religious minorities. A defining feature of the 1982 Law is that it created a hierarchy of three distinct classes of citizenship - full citizenship, associate citizenship, and naturalised citizenship - with the latter two classes unable to access the full rights and duties of citizens. The law prioritizes full citizenship for taing-yin-tha (“national races”). Although non-taing-yin-tha minorities may also qualify for full citizenship, the lesser categories of associate and naturalised citizenship only apply to individuals from non-taing-yin-tha minority groups. As a result, individuals from minority groups in particular face discrimination in accessing citizenship and identity documentation even when they qualify for citizenship under the law.’<sup>26</sup>

8.1.8 Fortify Rights, in its report of 3 September 2019, noted:

‘Myanmar’s 1982 Citizenship Law is discriminatory in its intent, purpose, and implementation. The law limits access to citizenship rights based on categories of ethnicity and provides the state with arbitrary discretion to determine which ethnic groups qualify for citizenship. By predicating the basis for determining citizenship on ethnicity, the 1982 Citizenship Law deprives certain ethnic groups of nationality rights in violation of the principle of non-discrimination.

‘The government also has the authority to revoke the citizenship rights of associate and naturalized citizens without providing a reason, providing the foundations for the arbitrary loss or deprivation of nationality.

‘The NVC [National Verification Card – see [Identity documents](#)] process further facilitates the arbitrary and discriminatory loss of citizenship for Rohingya. While Rohingya are eligible to apply for naturalized citizenship, a host of legal and extralegal barriers prevent them from doing so. By design, the NVC process is one of the only pathways to legal status in Myanmar for Rohingya, which requires Rohingya to identify as “Bengali” or another foreign identity. By requiring Rohingya to obtain NVCs, including Rohingya recognized by previous governments as full citizens, the process appears, at best, intended to administratively erase the Rohingya identity and deprive Rohingya of equal nationality rights. The Government of Myanmar has also failed to identify a legitimate purpose for restricting Rohingya rights to nationality, and the restrictions are neither narrowly construed nor proportionate to justify the loss. Therefore, the process is also arbitrary. Moreover, both the 1982 Citizenship Law and the NVC process have led to situations of statelessness, contravening international law.’<sup>27</sup>

8.1.9 The CFR article of 23 January 2020, noted however, that:

‘The government refuses to grant the Rohingya citizenship, and as a result most of the group’s members have no legal documentation, effectively

<sup>26</sup> Justice Base, [‘A Legal Guide to Citizenship and Identity ...’](#) (page 1), December 2018

<sup>27</sup> Fortify Rights, [“Tools of Genocide”: National Verification ...’](#) (pages 68-69), 3 September 2019

making them stateless. Myanmar's 1948 citizenship law was already exclusionary, and the military junta, which seized power in 1962, introduced another law twenty years later that stripped the Rohingya of access to full citizenship. Until recently, the Rohingya had been able to register as temporary residents with identification cards, known as white cards, which the junta began issuing to many Muslims, both Rohingya and non-Rohingya, in the 1990s. The white cards conferred limited rights but were not recognized as proof of citizenship.<sup>28</sup> (See also [Identity documents](#))

8.1.10 In March 2021, the Migration Policy Institute (MPI), reported:

'Myanmar's 1982 Citizenship Law is the central legal instrument behind Rohingyas' statelessness, implemented in a manner that particularly targets the Rohingya community. Their stateless condition has reinforced the state's narrative that they are foreigners - or, in the government's terminology, "illegal immigrants" - who are unworthy of state protection. Officially, most Rohingya are not citizens of Myanmar but "resident foreigners." As such, the Rohingya are positioned as a group with no history or connection to their country. Powerful nationalist voices outright deny that there is such a thing as a Rohingya ethnic group, and instead refer to them as "Bengali."<sup>29</sup>

8.1.11 The November 2022 DFAT report on Myanmar noted 'Since the 1962 military coup, successive governments have claimed the Rohingya are illegal migrants from Bangladesh, marginalising them and progressively stripping them of their rights.'<sup>30</sup>

8.1.12 Arab News, reporting on 20 March 2023, stated 'Myanmar does not recognize the Rohingya as an indigenous ethnic group. Most were rendered stateless under the country's 1982 Citizenship Law and had been excluded from the 2014 census. Many in the Buddhist-majority country refer to members of the community as Bengalis, suggesting they belong in Bangladesh.'<sup>31</sup>

8.1.13 For further information on citizenship, including the historical context see:

- Fortify Rights, "[Tools of Genocide": National Verification Cards and the Denial of Citizenship of Rohingya Muslims in Myanmar](#)", 3 September 2019
- Justice Base, '[A Legal Guide to Citizenship and Identity Documents in Myanmar](#)' (pages 10-18), December 2018
- UN Human Rights Council (UNHRC), '[Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar](#)' (paragraphs 472-479), 17 September 2018

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## 8.2 Identity documents

8.2.1 The November 2022 DFAT report on Myanmar noted:

'Up until the late 1980s, many Rohingya held National Registration Cards

<sup>28</sup> CFR, '[The Rohingya Crisis](#)', 23 January 2020

<sup>29</sup> MPI, '[Stateless and Persecuted: What Next for the Rohingya?](#)', 18 March 2021

<sup>30</sup> DFAT, '[Country Information Report: Myanmar](#)' (paragraph 3.6), 11 November 2022

<sup>31</sup> Arab News, '[Rohingya refugees ask for citizenship, rights guarantee before ...](#)', 20 March 2023



(NRCs) identifying them as Burmese citizens, but following a “citizenship scrutiny” exercise in 1989, these were replaced with Citizenship Scrutiny Cards (CSCs), of which very few were issued to Rohingya. In 1995, the government began issuing Temporary Registration Cards (TRCs, also known as “white cards”) to the Rohingya, but these were declared invalid in 2015, leaving most Rohingya undocumented and effectively stateless.’<sup>32</sup>

8.2.2 The DFAT Report described the different citizenship and residency documents:

- ‘National Registration Card (NRC): Often referred to as the “three-folding card”, NRCs were issued under the 1949 Registration of Residents Act from 1949 to 1989. NRCs offer full access to citizenship rights and do not record ethnicity or religion. They were later replaced by CSCs. In 2017, the government launched a pilot project to replace paper-based NRCs with an electronic card in Nay Pyi Taw, Mandalay and Yangon regions, and Rakhine State. Rohingya and Rakhine Muslims who surrendered their NRCs as part of the citizenship scrutiny process in the early 1990s did not receive CSCs in return.
- ‘Temporary Registration Card (TRC): Known as the “white card”, the TRC was intended as a temporary replacement for people whose NRC was lost or damaged. However, from 1995 Myanmar authorities began issuing TRCs to Rohingya and other minorities not officially recognised in the eight national races of the Burma Citizenship Act of 1982, supposedly while their citizenship status was being determined. TRCs were revoked in 2015, and replaced with a Temporary Approval Card (TAC) or “white card receipt”. The TAC’s legal basis is unclear, and it does not confer any citizenship rights.
- ‘Citizenship Scrutiny Card (CSC): Introduced under the Burma Citizenship Act of 1982, CSCs were issued in accordance with the three categories of citizenship: full (“pink card”), associate (“green card”) and naturalised (“blue card”). CSCs include ethnicity and religion information. Very few CSCs have been issued to Rohingya.
- ‘National Verification Card (NVC): Previously known as Identity Cards for National Verification (ICNVs), NVCs (“turquoise card”) have been issued since 2016 to people undergoing citizenship verification, but are not considered an identity document or proof of citizenship. The NVC does not include ethnicity or religion information. UNHCR have reported that although many Hindus are eligible for naturalised CSCs, many remain undocumented, and those who are documented are generally required by the government to obtain an NVC. Biometric data has been collected with the issuance of NVCs since October 2017. NVCs have been issued in Rakhine State by the Immigration and National Registration Department, accompanied by security forces. This has largely been implemented through a door-to-door process, as many Muslims remain reluctant to approach authorities directly and apply for the card. Many Rohingya continue to be unwilling to engage in the NVC process, due to a deep distrust of the government. DFAT is aware of reports of individuals who

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<sup>32</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraph 3.6), 11 November 2022

did not voluntarily participate in the process being issued NVCs.<sup>33</sup>

8.2.3 Freedom House (FH), in its 2023 Freedom in the World report, noted:

‘The majority of the mainly Muslim Rohingya were rendered stateless by the 1982 Citizenship Law, which also dictates that only those who are descended from ethnic groups deemed to be native to the country prior to 1823 are considered full citizens. A 2015 presidential decree revoked the temporary identification cards that had allowed Rohingya to vote, and most of the 600,000 Rohingya remaining in Myanmar were unable to vote in the 2020 elections...Muslims face systematic discrimination in obtaining identity cards...’<sup>34</sup>

8.2.4 For further information on identity documents see:

- Fortify Rights, [“Tools of Genocide”: National Verification Cards and the Denial of Citizenship of Rohingya Muslims in Myanmar](#), 3 September 2019
- Justice Base, [‘A Legal Guide to Citizenship and Identity Documents in Myanmar’](#) (pages 6 to 9), December 2018

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### 8.3 Marriage and the ‘two-child policy’

8.3.1 The UNHRC, Report of the FFM on Myanmar, 17 September 2018, noted:

‘Rohingya in northern Rakhine have faced targeted and discriminatory restrictions related to marriage and birth for many years. These have been implemented by the General Administration Department as well as by law enforcement officials. To officially register a marriage, Rohingya have to undergo a complex and lengthy procedure which is arbitrary and subject to extortion [See [Extortion and harassment](#)]. They must also comply with discriminatory requirements related to the number and spacing of children. Contravention is subject to criminal penalties. These procedures have not applied elsewhere in Rakhine State. However, in 2015, the local provisions were supplemented by national legislation directed towards “non-Buddhists” generally in Myanmar...

‘Although not uniformly enforced, credible reports indicate that the practice of restricting the marriages of Rohingya in northern Rakhine continued after the disbandment of the NaSaKa [Border Area Immigration Control Headquarters] in 2013. It was enforced by the BGP [Border Guard Police], MaKaPha and the General Administration Department. On 28 April 2016, the BGP in Maungdaw issued a new instruction on marriage permission. Although it is not known whether this new instruction was applied throughout northern Rakhine State, it is alleged that similar instructions were issued in various BGP sectors across Maungdaw and Buthidaung. The instruction on “marriage related matters of Bengali races” imposes additional requirements for marriage permission. The introduction states:

‘The population density (...) is greater than international standard. For that reason, in our sector jurisdiction, the movement of the Bengali races and

<sup>33</sup> DFAT, [‘Country Information Report: Myanmar’](#) (paragraph 5.29), 11 November 2022

<sup>34</sup> FH, [‘Freedom in the World – Myanmar’](#) (B4 & D2), 2023

population increasing rate has been controlled through the household list updating exercise.<sup>35</sup>

8.3.2 The CFR article of 23 January 2020, noted:

‘The Myanmar government has effectively institutionalized discrimination against the ethnic group through restrictions on marriage, family planning, employment, education, religious choice, and freedom of movement... Rohingya must also seek permission to marry, which may require them to bribe authorities and provide photographs of the bride without a headscarf and the groom with a clean-shaven face, practices that conflict with Muslim customs.’<sup>36</sup>

8.3.3 The UN FFM Report noted that:

‘In May 2013, the authorities in Rakhine State announced the reinforcement of the rule limiting to two the permissible number of children in Maungdaw and Buthidaung. The spokesperson of the Rakhine State Government reportedly recognized that the two-child policy was only applicable to the Rohingya:

‘Regarding family planning, they [the Rohingya] can only get two children. (...) The rule is only for certain groups (...). For Buddhist people, we don’t need that rule, because Buddhist people only have one wife. It is being implemented to control the population growth, because it is becoming too crowded there.’<sup>37</sup>

8.3.4 The USSD HR Report 2022, noted: ‘In Rakhine State, local authorities prohibited Rohingya families from having more than two children, although some Rohingya with household registration documents reportedly circumvented the law.’<sup>38</sup>

8.3.5 For information on the registration of the marriages and divorces of Rohingya refugees in Bangladesh see:

- Population Council, ‘[Marriage and sexual and reproductive health of Rohingya adolescents and youth in Bangladesh: A qualitative study](#)’, 2018
- UNHCR, ‘[Rohingya refugee crisis: Registration of the marriages and divorces of refugees](#)’, 29 January 2019

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Section updated: 29 June 2023

## 9. State treatment and attitudes

### 9.1 General socio-economic conditions

9.1.1 The Council on Foreign Relations (CFR), noted in its report - Myanmar’s Troubled History: Coups, Military Rule, and Ethnic Conflict, 31 January 2022: ‘Myanmar has long been poorer than most of its neighbors due to isolationist

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<sup>35</sup> UNHRC, ‘[Report of the detailed findings of the ...](#)’ (paragraphs 589 & 595), 17 September 2018

<sup>36</sup> CFR, ‘[The Rohingya Crisis](#)’, 23 January 2020

<sup>37</sup> UNHRC, ‘[Report of the detailed findings of the ...](#)’ (paragraph 597), 17 September 2018

<sup>38</sup> USSD, ‘[2022 Country Report on Human Rights Practices: Burma](#)’ (section 6), 20 March 2023

policies favored by the military junta in the 1960s and 1970s, economic mismanagement since then, and ongoing conflict, among other issues. Much of the population relies on agriculture to make a living. Poverty has remained high in rural areas, where most people live. The country's significant mineral deposits, particularly of jade and rubies, and natural gas reserves have drawn international attention. But some countries, including the United States, have sanctions on exports of many types of gems from Myanmar, because gems, natural gas, and other resources are often directly controlled by military-dominated firms or by firms close to the armed forces.<sup>39</sup>

- 9.1.2 The UN Human Rights Council (UNHRC) report - *Illegal and Illegitimate: Examining the Myanmar military's claim as the Government of Myanmar and the international response*: Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar, 31 January 2023, stated:

'The military's attack on the people of Myanmar has led to an economic and humanitarian disaster, displacing over 1.1 million people since the coup [in February 2021]. 17.6 million people are expected to be in need of humanitarian assistance in 2023, a third of whom are children. This is a dramatic increase from the 1 million people who were in need of humanitarian aid before the coup. The SAC [State Administrative Council] has decimated the economy, with the World Bank reporting that "Myanmar last year [2021] experienced one of the worst economic contractions in the world . . . unwinding nearly a decade of progress on poverty reduction." Nearly half of Myanmar's population is now living below the poverty line - a poverty rate Myanmar has not experienced in 15 years - and access to life saving medicines is increasingly restricted.'<sup>40</sup>

- 9.1.3 An article published by UNHCR Australia, dated 23 March 2023, noted that 'The Rohingya live in particularly precarious conditions after decades of being denied basic rights, including citizenship, freedom of movement and access to basic services such as education and health care. While improvements to living conditions have been made in the last decade, there has been no tangible progress in the areas of citizenship and documentation.'<sup>41</sup>

- 9.1.4 For more information on the social-economic situation for Rohingya, see [Internally displaced persons \(IDPs\)](#)

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## 9.2 Human rights violations

- 9.2.1 The UNHRC report, *Summary of the panel discussion on the root causes of human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar*, 19 December 2022, noted:

'The root causes of human rights violations against Rohingya and other minorities in Myanmar are varied, complex, multidimensional and long-standing. They have been documented for years by the Office of the United

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<sup>39</sup> CFR, '[Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict](#)', 31 January 2022

<sup>40</sup> UNHRC, '[Illegal and Illegitimate: Examining the Myanmar ...](#)' (paragraph 2), 31 January 2023

<sup>41</sup> UNHCR, '[Young people in Myanmar's Rakhine State tackle ethnic divisions](#)', 23 March 2022

Nations High Commissioner for Human Rights (OHCHR), United Nations entities, human rights treaty bodies and special procedures of the Human Rights Council. In a report presented to the Council at its forty-third session, the High Commissioner identified the following as some of the root causes of human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar: (a) historical legacies; (b) a legal regime that institutionalized discrimination against minorities, the most notable being the 1982 Citizenship Law; (c) armed conflicts, displacement and poverty; (d) structural democratic deficits and weaknesses in the rule of law and institutions, including the judiciary; (e) actions by Buddhist ultranationalists; and (f) the entrenched impunity of the military.

‘While the successive military Governments of Myanmar suppressed and restricted democratic rights and freedoms for all people in the country, ethnic and religious minorities, in particular the Rohingya, bore the brunt of some of the worst human rights violations. These violations, ingrained in the history and fabric of society, have affected the whole range of civil, cultural, economic, political and social rights, perpetuating a cycle of marginalization, systemic discrimination and poverty. The institutionalized and long-standing persecution of the Rohingya has led to serious violations and abuses of their human rights, including their mass forced displacement, in particular since 2012.’<sup>42</sup>

#### 9.2.2 The UNHRC Report dated 2 March 2023, noted:

‘In 2022, 10 years after the 2012 violence and 5 years after the military operations in Rakhine State that killed thousands and displaced over 700,000 Rohingya, the estimated 600,000 community members still residing in central and northern Rakhine State remain exposed to grave risks and violations. Conditions remain un conducive for safe return and persistent security concerns worsened between August and November when fighting resumed between the military and the Arakan Army. Interviews confirmed that battles were fought in and around Rohingya villages, resulting in casualties and displacement.

‘On 23 September, the Arakan Army took up positions around Gu Dar Pyin village, Buthidaung Township, with confrontations that lasted for over two weeks. In the end, 2,000 Rohingya were forced to flee and many houses were reportedly destroyed...

‘The human rights situation of the Rohingya community, both before and after hostilities, remains dire. Systemic discrimination persists, with no progress on the restoration of citizenship rights. Rohingya newborns are usually not registered, deepening the spiral of exclusion.’<sup>43</sup>

#### 9.2.3 The UK Foreign, Commonwealth and Development Office (FCDO) recognised the 2017 security operations against the Rohingya as ‘ethnic cleansing’ and said in a statement dated August 2022 that ‘The 600,000 Rohingya remaining in Rakhine State have been stripped of their citizenship and face systemic discrimination restricting the freedom of movement and

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<sup>42</sup> UNHRC, ‘[Summary of the panel discussion on the root ...](#)’ (paragraphs 5, 6), 19 December 2022

<sup>43</sup> UNHRC, ‘[Situation of human rights in Myanmar since ...](#)’ (paragraphs 39 and 40), 2 March 2023



access to healthcare.<sup>144</sup>

9.2.4 The November 2022 DFAT report on Myanmar noted: ‘Throughout Rakhine, Rohingya are vulnerable to people trafficking and exploitation by criminal gangs, as well as violence at the hands of security forces and other ethnic groups. Freedom of movement is highly restricted [See [Freedom of movement in Rakhine state](#)], and land disputes between Rohingya and other ethnic groups are common.’<sup>145</sup>

9.2.5 The UNHCR Report of the Special Rapporteur of 9 March 2023, noted: ‘Rohingya seeking to leave Rakhine State have been arrested by SAC [State Administration Council] officials and charged with immigration offenses resulting in sentences of two to five years’ imprisonment. The risks associated with these journeys were highlighted by the discovery of the bodies of 13 Rohingya men and boys in Yangon in December 2022. The bodies had been abandoned near a trash pile and showed signs of trauma. The victims presumably died while in the custody of smugglers or traffickers.’<sup>146</sup>

(See [Internally displaced persons \(IDPs\)](#))

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### 9.3 Military operations in 2016 / 2017

9.3.1 In October 2016 the Arakan Rohingya Salvation Army (ARSA) insurgent group attacked the Border Guard Police (BGP) facilities in Maungdaw Township, northern Rakhine State. Security forces led by the military, responded by launching a “clearance operation”, sealing off a large area of northern Maungdaw, restricting the movement of the Rohingya population through curfews and checkpoints<sup>47</sup>. According to DFAT, there were ‘widespread and systematic arson attacks against Rohingya villages, with over 1,500 buildings destroyed between October and December 2016’<sup>48</sup>.

9.3.2 DFAT also reported that a UN fact finding mission (FFM) found that the security forces conducted serious human rights violations to the Rohingya population, including ‘arbitrary arrests, ill-treatment and torture, forced disappearances and sexual violence’<sup>49</sup>.

9.3.3 Further clashes broke out in August 2017 when the ARSA attacked police and army posts in Rakhine State. In response, the military launched a campaign which destroyed hundreds of Rohingya villages<sup>50</sup>. The violent clashes displaced an estimated 890,000 Rohingya<sup>51</sup> and over 700,000 were forced to leave the country, mostly to Bangladesh<sup>52</sup>.

9.3.4 For more information on the military operations in Rakhine state in 2016 and

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<sup>44</sup> FCDO, ‘[Fifth anniversary of the Rohingya crisis in Myanmar: UK statement](#)’, 25 August 2022

<sup>45</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraph 3.11), 11 November 2022

<sup>46</sup> UNHRC, ‘[Situation of human rights in Myanmar: Report of the ...](#)’ (paragraph 57), 9 March 2023

<sup>47</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraph 3.8), 11 November 2022

<sup>48</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraph 3.8), 11 November 2022

<sup>49</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraph 3.8), 11 November 2022

<sup>50</sup> CFR, ‘[The Rohingya Crisis](#)’, 23 January 2020

<sup>51</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraph 3.8), 11 November 2022

<sup>52</sup> CFR, ‘[The Rohingya Crisis](#)’, 23 January 2020

2017, see the [Country Policy and Information Note on Burma: Rohingya, March 2019](#)

(See also [Rohingyas in Bangladesh](#) and [Rohingya in India, Indonesia, Malaysia and Thailand](#))

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## 9.4 Extortion and harassment

9.4.1 The United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Myanmar Humanitarian Needs Overview 2023, 15 January 2023, noted:

‘Incidents of extortion have been reported, with stateless people being most susceptible when they attempt to access livelihoods, education, food, nutrition, or health care, particularly because of the permissions and authorizations required. According to protection monitoring, since January 2021, most of those affected by extortion were Rohingya people targeted when crossing security checkpoints or accessing public services...

‘Extortion remains a widespread protection concern in Rakhine and is increasingly becoming an issue in other regions and states affected by conflict. According to the Protection Incident Monitoring System (PIMS), some 94 per cent of reported extortion incidents were from Rakhine, while others occurred across the Northeast and Southeast, however this may be swayed by the more established humanitarian monitoring presence in Rakhine and may not be fully representative of relative risk across the country. IDPs are clearly indicated as being most vulnerable to this risk.

- In the third quarter of 2022 alone, for the reported incidents where the location is verified, at least 32 per cent of reported extortion incidents took place within IDPs camps, followed by 31 per cent at checkpoints, 13 per cent in the villages and rural areas.
- About 49 per cent of those affected were IDPs, 31 per cent were host community members, 19 per cent were stateless people, and others are unknown’

‘This pervasive protection risk occurs within a climate of legal impunity. Extortion is occurring also during the settlement of disputes, while accessing health care, travelling, during displacement, and when obtaining civil documentation and citizenship, thereby increasing the vulnerability of people and hindering their access to basic services, including protection and livelihoods.’<sup>53</sup>

9.4.2 The UNHRC Report dated 2 March 2023, noted:

‘..., Rohingya also reported being victimized by the Arakan Army, with sources in villages in northern and central Rakhine stating they must pay protection fees to avoid reprisals. Arakan Army personnel have reportedly ordered Rohingya to monitor and report on movements by the military, thus exposing them to retaliation. Moreover, the Rohingya as well as other minority groups have consistently asserted that Arakan Army-administered judicial and administrative systems are heavily biased against them,

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<sup>53</sup> OCHA, [‘Myanmar Humanitarian Needs Overview 2023’](#) (pages 60 & 69), 15 January 2023

particularly in disputes involving ethnic Rakhine.<sup>54</sup>

(See also [Rohingyas in Bangladesh - Refugee and unofficial camps](#))

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## 9.5 Anti-Muslim rhetoric and Buddhist nationalism

- 9.5.1 The US State Department 2021 Report on International Religious Freedom: Burma (USSD IRF), 2 June 2022, noted ‘According to local and international NGOs, there continued to be almost complete impunity for regime security forces that had committed or continued to commit abuses, including what the NGOs said was genocide and crimes against humanity against Rohingya, most of whom are Muslim.’<sup>55</sup>
- 9.5.2 The International Commission of Jurists’ (ICJ) reported in its briefing paper, Violations of the freedom of religion or belief since the military coup d’état in Myanmar, October 2022, that ‘Myanmar’s military and the notion of Burmese Buddhist nationalism promoting Buddhism as a superior religion to other religions or beliefs have been intertwined for decades. Following the coup [in February 2021], the emergence of new extreme nationalist threats to marginalized and at-risk communities, especially ethnic Rohingya’<sup>56</sup>
- 9.5.3 The November 2022 DFAT report on Myanmar noted:  
‘Anti-Muslim sentiment is prevalent in Myanmar and is circulated through social media, state institutions and mainstream news websites. Muslims are often called by racial slurs and subject to hate speech. Since 2011, ultranationalist Buddhist movements such as Ma Ba Tha (the Association for the Protection of Race and Religion) and the 969 Movement (an anti-Islamic religious group) have been influential in fomenting anti-Muslim hatred in Myanmar. During that time, Ashin Wirathu, a prominent monk and leader of the Ma Ba Tha movement, repeatedly incited violence against Muslims in speeches and online, including by spreading conspiracy theories that Muslims were planning to take over the country by marrying and converting Buddhist women... [In] November 2020 [he] ... was arrested for “exciting disaffection against the government”. The military regime released him in September 2021.’<sup>57</sup>
- 9.5.4 The US Commission on International Religious Freedom (USCIRF) in its December 2022 report on Myanmar, stated that ‘In March 2022, U.S. Secretary of State Anthony Blinken announced that the United States had officially determined the Tatmadaw’s and the Burmese authorities’ actions against the Rohingya to have constituted genocide and crimes against humanity.’<sup>58</sup>
- 9.5.5 Freedom House (FH), in its report - Freedom in the World – Myanmar, 2023, noted that ‘... “Muslim-free” villages have been established with the complicity of the authorities, who have at times amplified hate speech. The officially illegal Buddha Dhamma Parahita Foundation, formerly known as

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<sup>54</sup> UNHRC, ‘[Situation of human rights in Myanmar since ...](#)’ (paragraph 41), 2 March 2023

<sup>55</sup> USSD IRF, ‘[2021 Report on International Religious ...](#)’ (Section II), 2 June 2022

<sup>56</sup> ICJ, ‘[Violations of the freedom of religion or belief since the military ...](#)’ (page 22), October 2022

<sup>57</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraph 3.30), 11 November 2022

<sup>58</sup> USCIRF, ‘[Policy Update: Burma](#)’ (page 3), December 2022



Ma Ba Tha, urges boycotts against Muslim-run businesses and disseminates anti-Muslim propaganda.<sup>59</sup>

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## 9.6 Accountability

9.6.1 Five years after the Myanmar military started a massive military campaign in northern Rakhine State on August 25, 2017, which led to more than 730,000 Rohingya escaping to flood-prone camps in Bangladesh and leaving about 600,000 under 'oppressive rule' in Myanmar, Rohingya Muslims were still waiting for justice and the preservation of their rights according to HRW, reporting in August 2022<sup>60</sup>.

(See [Rohingyas in Bangladesh](#))

9.6.2 Reuters reported on 4 August 2022 on a cache of documents, spanning the period 2013 to 2018, collected by the Commission for International Justice and Accountability (CIJA), a non-profit organisation founded by a veteran war crimes investigator and staffed by international criminal lawyers, which '... give unprecedented insight into the persecution and purge of the Rohingya from the perspective of the Burmese authorities, especially two "clearance operations" in 2016 and 2017 (See [Military operations in 2016 / 2017](#)).'<sup>61</sup> The documents were reviewed by Reuters, who reported that they '... reveal discussions and planning around the purges of the Rohingya population and efforts to hide military operations from the international community. The documents show how the military systematically demonized the Muslim minority, created militias that would ultimately take part in operations against the Rohingya, and coordinated their actions with ultranationalist Buddhist monks.'<sup>62</sup> Reuters stated that the CIJA hoped the evidence could be used to secure convictions in an international criminal court<sup>63</sup>.

9.6.3 Amnesty International (AI), in its Press release of 24 August 2022, reported that the International Criminal Court [ICC] was investigating crimes against the Rohingya community that occurred in 2016 and 2017<sup>64</sup>. DFAT reported that the ICC heard first-hand confessions by former soldiers of their roles in the mass killings and rape of Rohingya civilians, as well as the burial of bodies in mass graves<sup>65</sup>. Despite Myanmar's refusal to ratify the ICC's statute, the court is looking into suspected crimes that may have taken place in Bangladesh and other countries as well. In order to conduct an inquiry into all crimes committed in Myanmar, Amnesty requested that the UN Security Council refer the situation in Myanmar to the ICC Prosecutor. Under the tenet of universal jurisdiction, an inquiry into crimes in Myanmar is likewise being conducted in Argentina<sup>66</sup>.

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<sup>59</sup> FH, 'Freedom in the World – Myanmar' (D2), 2023

<sup>60</sup> HRW, '[Myanmar: No Justice, No Freedom for Rohingya 5 Years On](#)', 24 August 2022

<sup>61</sup> Reuters, '[New evidence shows how Myanmar's military planned its brutal purge ...](#)', 4 August 2022

<sup>62</sup> Reuters, '[New evidence shows how Myanmar's military planned its brutal purge ...](#)', 4 August 2022

<sup>63</sup> Reuters, '[New evidence shows how Myanmar's military planned its brutal purge ...](#)', 4 August 2022

<sup>64</sup> AI, '[Myanmar: no high-ranking military officials held to account for attacks on ...](#)', 24 August 2022

<sup>65</sup> DFAT, '[Country Information Report: Myanmar](#)' (paragraph 3.9), 11 November 2022

<sup>66</sup> AI, '[Myanmar: no high-ranking military officials held to account for attacks on ...](#)', 24 August 2022

- 9.6.4 HRW, in its World Report 2023 – Myanmar, 12 January 2023, noted: ‘The UN-backed Independent Investigative Mechanism for Myanmar (IIMM), mandated to build case files for criminal prosecution of individuals responsible for serious crimes, [reported in July](#) that it had collected and analyzed evidence that “reinforces the Mechanism’s assessment ... that crimes against humanity continue to be systematically committed in Myanmar.”’<sup>67</sup>

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## 9.7 Avenues of redress

- 9.7.1 The ICJ Submission, 9 July 2020, stated ‘The MNHRC has the primary mandate to investigate alleged human rights violations and abuses whether upon complaint or on its own initiative. Despite this authority, it has not proactively investigated allegations of serious human rights violations since its establishment, with a few exceptions’<sup>68</sup>

- 9.7.2 The November 2022 DFAT report on Myanmar noted that, under the then civilian government:

‘Myanmar established the government-funded Myanmar National Human Rights Commission (MNHRC) in 2011, with a broad legal mandate to protect and promote human rights. The Myanmar National Human Rights Commission Law (2014) enables the MNHRC to receive public complaints, investigate human rights abuses, hold the government accountable for the treaties and conventions to which Myanmar is a party, and make recommendations on additional treaties and conventions for accession. It also allows MNHRC to undertake inspections to prisons, detention centres and other places of confinement. Following its investigations, the MNHRC refers its recommendations to the relevant government department for action but has no power to ensure recommendations are implemented. When last reviewed by OHCHR in 2015, the MNHRC was given ‘B’ status, meaning it was partially in compliance with the Paris Principles on best practice for national human rights institutions.’<sup>69</sup>

- 9.7.3 The USSD HR Report 2022, noted:

‘The law allows complainants to use provisions of the penal code and laws of civil procedure to seek civil remedies for human rights abuses. Individuals and organizations may not appeal an adverse decision to regional human rights bodies but may make complaints to the regime-controlled Myanmar National Human Rights Commission. The ability of complainants to raise human rights abuses through the judicial system or the commission remained limited. In July [2022], the regime-controlled Supreme Court introduced procedures on court-led mediation in civil suits with limited transparency on the details.’<sup>70</sup>

- 9.7.4 In February 2023, the Working Group on Independent National Human Rights Institution for Burma/Myanmar and the Asian NGO Network on

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<sup>67</sup> HRW, ‘[World Report 2023 – Myanmar](#)’ (Key International Actors), 12 January 2023

<sup>68</sup> ICJ, ‘[International Commission of Jurists’ Submission to ...](#)’ (paragraphs 9,11,13 &14), 9 July 2020

<sup>69</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraph 2.28), 11 November 2022

<sup>70</sup> USSD, ‘[2022 Country Report on Human Rights Practices: Burma](#)’ (section 1E), 20 March 2023

National Human Rights Institutions (ANNI) described the MNHRC as a proxy-body of the Myanmar military that is complicit in human rights violations and crimes committed by the military against the people of Myanmar<sup>71</sup>.

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Section updated: 29 June 2023

## 10. Women and girls

### 10.1 Discrimination

- 10.1.1 The Report of the UN Special Rapporteur, dated 3 October 2022, noted that Rohingya women and girls in Rakhine state were ‘... especially isolated, suffering both from official repression and from discriminatory beliefs and practices within the Rohingya community. This isolation increases the risk of abuse and exploitation, including human trafficking.’<sup>72</sup>
- 10.1.2 The UNHRC Report of 19 December 2022, noted: ‘Of particular concern has been the situation of women and girls from Rohingya communities and other minorities, in the light of profoundly entrenched gender inequality and patriarchal attitudes and some aspects of traditional culture and religious practices perpetuating discriminatory norms, as well as sexual and gender-based violence and discriminatory laws, policies and practices.’<sup>73</sup>

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### 10.2 Sexual violence

- 10.2.1 The UNHRC, Report of the Fact-Finding Mission on Myanmar, 17 September 2018, noted:
- ‘The Mission found that the Tatmadaw has targeted civilians, especially women and girls but also men. Women have been subjected to abduction, rape, including gang rape, and other sexual violence. There are also credible reports of forced marriage and sexual slavery. In many cases, sexual violence was accompanied by degrading behaviour, including insults and spitting. When women did escape, Tatmadaw soldiers would frequently search for them, threaten and physically abuse their family, and destroy or steal their property. Sexual violence against men has been inflicted as a means of torture, including to obtain information or confessions from detainees.’<sup>74</sup>
- 10.2.2 The Borgen Project, a US based non-profit organisation addressing poverty and hunger and working towards ending them, reported in September 2021:
- ‘Accusations emerged that the Myanmar military committed widespread rape against women and girls in the months following the initial purge of Rohingya from the Rakhine state as a means of intimidating the population and instigating fear. In an annual watch list of security forces and armed groups suspected of using rape and sexual violence in conflict, the U.N. listed Myanmar’s army in 2018. Responding to the aftermath of the August 2017

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<sup>71</sup> FORUM-ASIA, [‘Analysis of the Myanmar National Human Rights ...’](#) (page 9), 28 February 2023

<sup>72</sup> UNHRC, [‘Report of the Special Rapporteur on the situation of...’](#) (paragraph 78), 3 October 2022

<sup>73</sup> UNHRC, [‘Summary of the panel discussion on the root ...’](#) (paragraph 7), 19 December 2022

<sup>74</sup> UNHRC, [‘Report of the detailed findings of the ...’](#) (paragraph 188), 17 September 2018

violence, Médecins Sans Frontières reported that at least 230 survivors of sexual violence in the camps, including up to 162 rape victims.<sup>75</sup>

#### 10.2.3 The November 2022 DFAT report on Myanmar noted:

‘The military has long been accused of gender-based violence and using rape as a weapon of war. Human Rights Watch reported “dozens or sometimes hundreds” of cases of rape by Tatmadaw soldiers during the 2017 violence against the Rohingya in Rakhine State, and actual figures were likely much higher. In June 2021, the UN Special Representative on Sexual Violence in Conflict expressed grave concern over “patterns of sexual violence perpetrated by the military against women from ethnic and religious minority groups, as well as against individuals on the basis of their sexual orientation and gender identity” including in Chin, Kayah and Rakhine States... Soldiers who commit sexual violence are rarely prosecuted, and sources told DFAT a culture of “extreme impunity” prevailed.

‘Reports suggest that since the coup [in February 2021], women who are detained by the security forces for opposing the regime are frequently subjected to sexualised threats and sexual harassment, and in some cases to sexual assault, rape and torture.’<sup>76</sup>

#### 10.2.4 The UNHRC Report dated 2 March 2023, noted:

‘OHCHR also received reports of use of sexual violence against Rohingya women and girls by both parties. Independent verification remains challenging, however, due to the imposition of blanket restrictions on humanitarian access to the eight townships since mid-August and localized Internet shutdowns. Notably, on 20 October, a spokesperson for the Arakan Army stated that two soldiers were sentenced to 20 years in prison for raping a Rohingya woman in Buthidaung Township.’<sup>77</sup>

#### 10.2.5 REDRESS, ‘an international human rights organisation that delivers justice and reparation for survivors of torture, challenges impunity for perpetrators, and advocates for legal and policy reforms to combat torture and provide effective reparations’, in its report - Beyond Survival: Myanmar study on opportunities for reparations for survivors of conflict-related sexual violence, 20 March 2023, noted:

‘Rohingya women have also been the subject of other extremely brutal forms of sexual violence. Evidence collected by Fortify Rights in 2018 indicates that soldiers have killed Rohingya women and mutilated their bodies after raping them, including by “cutting off breasts and cutting vaginas and stomachs with long knives”. Rohingya survivors have testified being subjected to “beatings, suffocation, stabbing, burns, scalding with hot water, jeering, threats, and other physical mutilations, including biting the victims’ breasts”. Rohingya survivors have also testified that soldiers took photographs of naked women before or following rape and forced family members to watch the rapes of their relatives...

‘In Rakhine State, sexual violence has been used against the Rohingya

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<sup>75</sup> The Borgen Project, ‘[Violence Against Rohingya Women](#)’, 15 September 2021

<sup>76</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraphs 3.80-3.81), 11 November 2022

<sup>77</sup> UNHRC, ‘[Situation of human rights in Myanmar since ...](#)’ (paragraph 39), 2 March 2023

since the campaign of ethnic cleansing in 2016–2017. Rapes were carried out as Rohingya women and girls fled Myanmar for Bangladesh, were detained in military detention camps or police compounds, as well as in public spaces. Rohingya men and boys were also subjected to sexual violence during this campaign. The majority of the cases of sexual violence against Rohingya men and boys took place in government detention facilities. The forms of sexual violence included rape, gang rape, genital mutilation, forced nudity and other forms of sexual violence, sometimes leading to death. Sexual violence was used against men and boys in detention to obtain information or elicit confessions from the Rohingya accused of being aligned with the ARSA, as punishment, or to discriminate against the Rohingya.<sup>78</sup>

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## 11. Humanitarian situation

### 11.1 Internally displaced persons (IDPs)

#### 11.1.1 According to the International Crisis Group, reporting in 22 August 2022:

‘For the estimated 600,000 Rohingya still in Myanmar, nearly all of whom live in Rakhine State, the situation remains bleak, but there are at least some signs that popular attitudes toward them are shifting [See [General societal treatment and attitudes towards Rohingya](#)]... Around 120,000 live in displacement camps that were set up following an outbreak of communal violence in 2012. They are almost entirely dependent on international aid [see [Humanitarian aid](#)].’<sup>79</sup>

#### 11.1.2 The OCHA, providing a humanitarian update in March 2023, noted ‘An informal ceasefire, signed at the end of November between the MAF [Myanmar Armed Forces] and the AA [Arakan Army], ended four-months of intense fighting in Rakhine and southern Chin. It brought huge relief to affected communities and displaced people with some choosing to return home.’<sup>80</sup> In a further update dated 6 April 2023, the OCHA stated: ‘Overall, the total number of IDPs from past and present AA-MAF conflict stands at around 80,000 in Rakhine and southern Chin, as of 3 March [2023]. In addition, 140,000 Kaman and Rohingya IDPs remain in formal camps established after inter-communal violence 2012.’ HRW, in its report, “An Open Prison without End”: Myanmar’s Mass Detention of Rohingya in Rakhine State, 8 October 2020, noted:

‘The central Rakhine camps violate international human rights law and contravene international standards on the treatment of internally displaced persons (IDPs), ...

‘Living conditions in the 24 camps and camp-like settings are squalid, described in 2018 as “beyond the dignity of any people” by then-United Nations Assistant Secretary-General Ursula Mueller. Severe limitations on access to livelihoods, education, health care, and adequate food or shelter

<sup>78</sup> REDRESS, ‘[Beyond Survival: Myanmar study on opportunities ...](#)’ (pages 20 & 22), 20 March 2023

<sup>79</sup> ICG, ‘[Five Years On, Rohingya Refugees Face Dire Conditions and a Long ...](#)’, 22 August 2022

<sup>80</sup> OCHA, ‘[Myanmar Humanitarian Update No. 27](#)’ (page 2), 4 March 2023



have been compounded by increasing government constraints on humanitarian aid, which Rohingya are dependent on for survival. Fighting between the Myanmar military and Arakan Army since January 2019 has triggered new aid blockages across Rakhine State.

‘Camp shelters, originally built to last just two years, have deteriorated over eight monsoon seasons. The national and Rakhine State governments have refused to allocate adequate space or suitable land for the camps’ construction and maintenance, leading to pervasive overcrowding, high vulnerability to flood and fire, and uninhabitable conditions by humanitarian standards.

‘A UN official described her visit to the camps: “The first thing you notice when you reach the camps is the stomach-churning stench. Parts of the camps are literally cesspools. Shelters teeter on stilts above garbage and excrement. In one camp, the pond where people draw water from is separated by a low mud wall from the sewage.”

‘These conditions are a direct cause of increased morbidity and mortality in the camps. Rohingya face higher rates of malnutrition, waterborne illnesses, and child and maternal deaths than their Rakhine neighbors. An assessment of health data by the International Rescue Committee (IRC), a humanitarian organization working in the camps, found that tuberculosis rates are nine times higher in the camps than in the surrounding Rakhine villages.’<sup>81</sup>

#### 11.1.3 The same HRW report added:

‘None of the camps meets the minimum amount of space per person of 45 square meters defined by the Humanitarian Charter and Minimum Standards in Humanitarian Response (Sphere standards). The average is 23 square meters per person, half the recommended amount. In the most crowded camp, Thae Chaung, 12,400 Rohingya have an average of just 7 square meters per person.

‘About 68 percent of Rohingya in the Sittwe camps have less than 3.5 square meters of living space per person, the minimum amount defined in the Sphere guidelines; 16 percent have less than 2 square meters. The densely packed conditions lead to a heightened risk of communicable diseases, fires and flooding, community tensions, psychosocial stressors, and domestic and sexual violence.’<sup>82</sup>

#### 11.1.4 In December 2021, HRW further reported:

‘About 600,000 ethnic Rohingya are confined to camps and villages in Rakhine State, denied freedom of movement under a system of apartheid, without adequate access to food, health care, and education. An estimated 130,000 Rohingya have been arbitrarily held in open-air detention camps in central Rakhine State since 2012... Food shortages in the camps and villages grew after June, when the World Food Programme had to halt its monthly cash allowance and food ration distributions...

‘Displaced people’s severe lack of access to water, sanitation, and hygiene in Myanmar – underscored by recent humanitarian data – is life-threatening.

<sup>81</sup> HRW, [“An Open Prison without End”: Myanmar’s Mass Detention ...](#) (Summary), 8 October 2020

<sup>82</sup> HRW, [“An Open Prison without End”: Myanmar’s Mass ...](#) (Overcrowding), 8 October 2020

UN agency documents stated that “AWD [acute watery diarrhoea] cases were reported in 2021 due to the reduction of WASH in many camps in Rakhine and Kachin states.” In late May, at least nine Muslim children reportedly died in central Rakhine State following a month-long outbreak of acute diarrhea.<sup>83</sup>

11.1.5 The November 2022 DFAT report on Myanmar noted:

‘As of 2022, about 130,000 Rohingya were living in “temporary” camps in central Rakhine, having been there since state-sponsored violence displaced them in 2012. Multiple sources told DFAT conditions in these camps were dire, shelter was inadequate and deteriorating, and residents were entirely dependent on limited outside aid for food, medical care and education. COVID-19 and the coup have both reportedly contributed to a decrease in external monitoring of these camps, as well as the withdrawal of key humanitarian donors, although some monitoring trips were taken in late 2021 and early 2022.

‘Another 100,000 or so Rohingya live in isolated villages in central Rakhine, surrounded by security forces and other, often hostile, ethnic communities. Rohingya living in these areas are among the most vulnerable populations in Myanmar. They are not allowed in towns and cannot access markets, schools or healthcare, except through onerous permit procedures. Employment opportunities are scarce, and workers including fishermen are required to pay bribes to be allowed to work. A further 400,000 or so Rohingya live in northern Rakhine, where they make up the majority of the population. Rohingya in these areas are not allowed to enter other townships, but they can travel within their own townships and have some access to education and healthcare.’<sup>84</sup> [See [Access to services in Rakhine state](#)]

11.1.6 The OCHA report of 15 January 2023 noted:

‘In 2021 and 2022, protracted and new IDPs have experienced a general deterioration in their living standards, initially due to the lingering impacts of the COVID-19 pandemic and later the political crisis and related conflict. This has been compounded by rising fuel, transport, and commodity prices; devaluation of the Myanmar Kyat; higher banking fees and transfer charges; withdrawal limits; and internet and phone blackouts that limit access to mobile money and information on assistance. Livelihood activities and job opportunities are limited across conflict areas due to the overall security situation and landmine contamination in many areas.

‘This has resulted in IDPs being unable to meet basic needs due to degraded access to scarce essential services, including food, livelihoods, primary health care, nutritional support, shelter, relief items, WASH facilities, formal and non-formal education, protection, including child protection and GBV services, psychosocial support and mental health care, and specialized services for people with specific needs. Humanitarians are faced with reduced access to displaced people overall, undermining the quality and

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<sup>83</sup> HRW, ‘[Myanmar: Junta Blocks Lifesaving Aid](#)’, 13 December 2021

<sup>84</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraph 3.10), 11 November 2022

quantity of assistance available, and resulting in unmet needs.<sup>85</sup>

11.1.7 On 5 January 2023, Myanmar Now reported:

‘Junta officials initiated the shutdown of 25 temporary settlements for internally displaced persons (IDPs) near Sittwe, Rakhine State, last week, demanding that the inhabitants sign pledges to leave, according to an IDP staying at one of the camps. The military summoned representatives of the IDP communities on December 29 to notify them of the intended closures. IDPs were reportedly required to sign and submit a letter to the township administration office..., after choosing from among three options: to move to a new place of their own choice, live in a place assigned by the military council, or return home...

“There is not a single person that doesn’t want to return home, and no one wants to live in hardship at the IDP camp, but there isn’t a home to return to anymore!” an IDP at one of the camps said. “There’s a direction on those forms saying we must choose one of the options, so I opted to stay at a place they assigned.” He added that the form said the military would provide 600,000 kyat (\$280) and two bags of rice to each IDP who opted for a place of resettlement assigned by the military, but there would be no support for those who resettled according to their own plans. Most IDPs opted to move where the military sent them, he said.<sup>86</sup>

(See [Access to services in Rakhine state](#) and [Freedom of movement in Rakhine state](#))

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## 11.2 Humanitarian aid

11.2.1 The HRW report of 24 August 2022, noted ‘The junta has imposed new movement restrictions and aid blockages on Rohingya camps and villages, increasing water scarcity and food shortages, along with disease and malnutrition.’<sup>87</sup>

11.2.2 The Irrawaddy, reported on 16 September 2022:

‘Myanmar’s military regime has ordered the United Nations (UN) and international NGOs operating in six townships of Rakhine State to halt their operations, as access to those areas has been temporarily blocked due to escalating clashes between junta forces and local ethnic armed organization the Arakan Army (AA). An internal memo sent to an aid agency working in western Myanmar’s Rakhine State said that access to the townships of Buthidaung, Maungdaw, Rathedaung, Mrauk-U, Minbya, and Myebon has been temporarily blocked by the junta since Thursday “until further notice”.

‘Regime forces and the AA have been fighting in northern Rakhine State and neighboring Paletwa Township in Chin State since last month. “They [the regime] indicated that no movement or distribution will be allowed in those townships. In other townships, only the distribution of Non-Food Items (NFIs) will be allowed,” the memo said, adding that the block on humanitarian

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<sup>85</sup> OCHA, ‘[Myanmar Humanitarian Needs Overview 2023](#)’ (page 54), 15 January 2023

<sup>86</sup> Myanmar Now, ‘[Military plans to force IDPs out of 25 camps in Rakhine State](#)’, 5 January 2023

<sup>87</sup> HRW, ‘[Myanmar: No Justice, No Freedom for Rohingya 5 Years On](#)’, 24 August 2022



operations will have huge implications for the local population and that there are also staff safety and security concerns.’<sup>88</sup>

11.2.3 In February 2023, the European Commission reported on its website: ‘In 2023, the EU has so far allocated €18 million in humanitarian aid funding to address the immediate needs of the most vulnerable people in Myanmar, including displaced and conflict-affected communities. The funding helps to provide food, nutrition, clean water and sanitation, shelter and emergency preparedness/response, healthcare, education, as well as protection services, including mine education to those affected by conflict.’<sup>89</sup>

11.2.4 The OCHA, providing a humanitarian update in March 2023, noted that following the ceasefire at the end of November 2022:

‘The assistance that has been provided so far includes food and other relief items. For instance, in December 2022, 45 longhouses for about 2,145 IDPs in Kaman and Rohingya camps were constructed, and reconstruction of 60 longhouses for more than 2,600 Rohingya IDPs in Sittwe township is underway. Shelter and NFIs kits were provided to IDPs in Sittwe, Ponnagyun, Kyauktaw and Mrauk-U townships in Rakhine. In addition, WASH partners organized 394 hygiene promotion sessions and provided critical WASH supplies to 91 of the 151 AA-MAF displacement sites across 8 townships in Rakhine, reaching almost 49,000 IDPs in December 2022 and nearly 54,000 IDPs in January 2023... Formal, and informal educational activities have also resumed in Rakhine, and humanitarians were able to visit several townships to assess the situation facing affected and displaced people.’<sup>90</sup>

(See [Freedom of movement in Rakhine state](#))

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## 12. Access to services

### 12.1 Overview

12.1.1 In June 2022, ICG reported that ‘The rise of the Arakan Army [in opposition to the military] has brought positive changes for some hitherto ostracised Rohingya. While the overall situation for the Rohingya remains dire, some communities have improved access to public services and some are enjoying greater freedom of movement because of the Arakan Army’s non-enforcement of restrictions imposed by Naypyitaw.’<sup>91</sup>

12.1.2 The November 2022 DFAT report on Myanmar noted:

‘Due to their exclusion from citizenship the Rohingya are denied fundamental rights and basic services in Myanmar, including access to healthcare and education, employment opportunities, freedom of movement, freedom to choose the timing and number of their children, freedom to marry whom they choose, and freedom to run for political office. The Rohingya are particularly

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<sup>88</sup> The Irrawaddy, ‘[Myanmar Junta Blocks UN and Humanitarian Access in ...](#)’, 16 September 2022

<sup>89</sup> European Commission, ‘[European Civil Protection and Humanitarian Aid ...](#)’, 1 February 2023

<sup>90</sup> OCHA, ‘[Myanmar Humanitarian Update No. 27](#)’ (page 3), 4 March 2023

<sup>91</sup> ICG, ‘[Avoiding a Return to War in Myanmar’s Rakhine State](#)’ (Executive Summary), 1 June 2022

affected by the Burma Citizenship Act of 1982 and the Race and Religion Laws, which simultaneously exclude them from citizenship and single them out for discrimination.<sup>92</sup>

- 12.1.3 The UNHRC, Report of the Special Rapporteur, 9 March 2023, stated that ‘The situation in Rakhine State remains dire, with the Rohingya population suffering systematic discrimination, extreme deprivation, severe restrictions on movement, and scant access to livelihoods, education, and health care.’<sup>93</sup>

(See [Freedom of movement in Rakhine State](#) and [Humanitarian aid](#))

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## 12.2 Education

- 12.2.1 The UNHRC Report dated 2 March 2023, noted: ‘After 10 years, Rohingya students, who were allowed back to Sittwe University, but only in certain subjects, had to agree to sign up for national verification cards, a tool rejected by the community at large as it effectively forces them to decide between their rights to citizenship and education.’<sup>94</sup>

- 12.2.2 The OCHA, Myanmar Humanitarian Update No. 28, 6 April 2023, reported: ‘In Rakhine, partners have identified a critical need for educational support for 3,229 IDP students from 17 locations in Paletwa and Kyauktaw townships - 11 urban and 6 rural sites. Priority education needs include basic infrastructure for learning facilities in camps, teaching and learning materials, student kits and school uniforms.’<sup>95</sup>

- 12.2.3 For information about education generally across Myanmar see:

- Australian Government Department of Foreign Affairs and Trade (DFAT), ‘[DFAT Country Information Report: Myanmar](#)’, (paragraphs 2.16 – 2.18), 11 November 2022

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## 12.3 Healthcare

- 12.3.1 The DFAT Country Information Report: Myanmar, 11 November 2022, when referring about healthcare generally across Myanmar, noted: ‘The overall quality and availability of healthcare in Myanmar is low; the Lancet’s Healthcare Access and Quality Index ranks Myanmar’s healthcare system 143 out of 189 countries, one of the worst results in Asia... There is significant inequality in access to healthcare. Poor people and people living in rural areas are much less likely to be able to access or afford adequate healthcare.’<sup>96</sup>

- 12.3.2 Frontier Myanmar, a news and business magazine published in Yangon, Myanmar, noted in an online article dated 17 October 2023:

‘Most domestic and international NGOs [Non-Governmental Organisations] and UN agencies are limited to offering a small number of health services in

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<sup>92</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraph 3.7), 11 November 2022

<sup>93</sup> UNHRC, ‘[Situation of human rights in Myanmar: Report of the ...](#)’ (paragraph 59), 9 March 2023

<sup>94</sup> UNHRC, ‘[Situation of human rights in Myanmar since ...](#)’ (paragraph 40), 2 March 2023

<sup>95</sup> OCHA, ‘[Myanmar Humanitarian Update No. 28](#)’ (page 6), 6 April 2023

<sup>96</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraphs 2.11 and 2.12), 11 November 2022

urban areas of Maungdaw and Buthidaung townships in northern Rakhine, with access to rural areas largely prevented by an onerous regime of travel authorisations. Although the International Committee of the Red Cross [ICRC] and the UN World Food Programme have been granted permission to provide basic humanitarian relief, such as food, shelter and clothing, in rural areas, many communities are not receiving the life-saving support they need.

‘Local government officials in northern Rakhine have claimed that healthcare needs in rural areas are being adequately met by mobile clinics operated by the Ministry of Health and Sports and the Myanmar Red Cross, with the support of the ICRC. However, the ministry’s mobile clinics are often inadequately staffed and have limited supplies of medicine. At least one international NGO has recently been allowed to run mobile clinics in a small number of rural locations, but a life-threatening gap remains.

‘The time and work constraints on the mobile clinics mean that most can visit villages only about once every four to six months, which is inadequate to meet the needs of residents. The clinics are also limited to day visits, which means they sometimes have only three hours for consultations in remote villages before having to return to their bases...

‘The Rohingya face other, more formidable financial barriers to care and one is the cost of blood transfusions. There is no blood bank and the donation networks and black markets for blood discriminate on ethnic lines... A specialist at Maungdaw Hospital told me that there are many hepatitis C patients in northern Rakhine, where the sources of infection are diverse. They include the lack of screening, the risk of infection in communities’ daily habits, such as sharing tooth brushes and re-using razors, and inadequate hygiene awareness among traditional midwives or quacks.’<sup>97</sup>

- 12.3.3 According to Bertelsmann Stiftung's Transformation Index (BTI) 2022 Country Report – Myanmar, 23 February 2022, Rohingya communities who are confined in IDP camps in Rakhine state, lacked access to health care<sup>98</sup>.

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## 13. Freedom of movement

### 13.1 Restrictions

- 13.1.1 Reporting on the freedom of internal freedom of movement and foreign travel for citizens across Myanmar, the USSD HR Report 2022, noted:

‘The law does not protect freedom of internal movement, foreign travel, emigration, or repatriation. Local regulations limit the rights of citizens to settle and reside anywhere in the country...

‘Limitations on freedom of movement for Rohingya in Rakhine State were unchanged. Rohingya may not move freely; they must obtain travel authorization to leave their township. In contrast to the pre-coup rule that Rohingya traveling without documentation could return to their homes

<sup>97</sup> Frontier Myanmar, ‘[Health access denied in northern Rakhine](#)’, 17 October 2019

<sup>98</sup> BTI, ‘[BTI 2022 Country Report – Myanmar](#)’ (page 25), 23 February 2022

without facing immigration charges, the regime's General Administration Department issued a directive resuming legal actions against Rohingya traveling without permission in Sittwe and Kyauktaw Townships, Rakhine State.<sup>99</sup>

- 13.1.2 According to Ms Wai Wai Nu, Founder and Executive Director of the Women's Peace Network, since the military coup in February 2021:
- '... the Myanmar military had intensified its policies with the intention of destroying the existence and identity of the Rohingya and had further restricted the community's basic human rights, including by requiring Rohingya to obtain permission to travel within and outside of Rakhine State and arresting those who allegedly violated that discriminatory policy. In addition to the "SweTinSit," which she described as an abusive family checking process, military authorities were requiring Rohingya to show national verification cards, which did not confer citizenship and identified Rohingya as "Bengali", to conduct their daily activities, including travelling for medical treatment and to attend school.'<sup>100</sup>
- 13.1.3 According to the US State Department, 2021 Report on International Religious Freedom: Burma, 2 June 2022, 'In September, regime security forces arrested 30 Rohingya traveling without documentation and sentenced them to two years in prison.'<sup>101</sup>
- 13.1.4 HRW reported on 24 August 2022 '... Since the coup, security forces have arrested an estimated 2,000 Rohingya, hundreds of them children, for "unauthorized travel." Many have been sentenced to the maximum five years in prison. Increased fighting between the Myanmar military and ethnic Arakan Army has also left Rohingya caught in the middle.'<sup>102</sup>
- 13.1.5 The ICJ briefing paper of October 2022, stated:
- 'The junta's forces have strictly criminalized the Rohingya's right to exercise freedom of movement. Since the February 2021 coup, according to the Women's Peace Network, at least 856 Rohingya people, including more than 464 women and 101 children – have been arrested as some of them had tried to relocate or attempt to go overseas, while some had been domestically trafficked within Myanmar. Of 856, 265 were arrested by the junta's police forces between December 2021 and May 2022, according to the Women's Peace Network.'<sup>103</sup>
- 13.1.6 On 11 January 2023, The Guardian reported:
- 'More than 110 Rohingya have been sentenced to prison by a military-backed court in Myanmar for attempting to escape refugee camps without the proper paperwork. The group, which include 12 children, was arrested last month on the shores of the Ayeyarwady region ... Sentences for the group ranged from two to five years, depending on whether they left camps in Bangladesh or Rakhine. The children were sent to "training schools". Local media reports suggest that since December 2021, some 1,800

<sup>99</sup> USSD, '[2022 Country Report on Human Rights Practices: Burma](#)' (section 2D), 20 March 2023

<sup>100</sup> UNHRC, '[Summary of the panel discussion on the root ...](#)' (paragraph 26), 19 December 2022

<sup>101</sup> USSD IRF, '[2021 Report on International Religious ...](#)' (Section II), 2 June 2022

<sup>102</sup> HRW, '[Myanmar: No Justice, No Freedom for Rohingya 5 Years On](#)', 24 August 2022

<sup>103</sup> ICJ, '[Violations of the freedom of religion or belief since the ...](#)' (pages 21 to 22), October 2022

Rohingya, including children, have been arrested as they attempt to flee camps...

‘Since military forces seized control of Myanmar in a coup in 2021, Aung Kyaw Moe, a human rights adviser to Myanmar’s government-in-exile, the National Unity Government, said treatment of the Rohingya had worsened. “There are additional restrictions imposed with local orders from freedom movement within the township [and] access to humanitarian assistance is heavily affecting the survival of remaining Rohingya in Rakhine,” he said.’<sup>104</sup>

13.1.7 The OCHA report of 15 January 2023, noted: ‘...almost 130,000 Rohingya people are internally displaced, the vast majority of whom are confined to closed IDP camps where they live severely restricted lives in overcrowded conditions. Those confined to camps face administrative barriers when traveling to other villages, within and between townships, and are not able to move freely to work or go to school.’<sup>105</sup>

13.1.8 The UNHRC Report dated 2 March 2023, noted:

‘Rohingya interviewees confirmed that their freedom of movement to access services and livelihood opportunities have been further restricted. In March, the military announced that citizenship scrutiny cards were mandatory for internal travel, and in July, local authorities reinstated “form 4”, a mandatory temporary travel document for those without documents. As a result, the Rohingya are forced by officials to pay exorbitant fees or to provide other forms of compensation in order to obtain travel authorizations to cross checkpoints and are increasingly pressured to apply for the national verification card.’<sup>106</sup>

13.1.9 The OCHA, providing a humanitarian update in March 2023, noted ‘Since December 2022, humanitarian partners have been able to gradually resume their operations and deliver lifesaving assistance to people in need. The lifting of travel restrictions has permitted the transportation of vital medicines and medical supplies, which had been blocked during the fighting in Rakhine.’<sup>107</sup>

(See also [Humanitarian aid](#), [Access to services in Rakhine state](#) and [Cross-border travel](#))

13.1.10 For further information the restrictions on freedom of movement faced by individuals and communities in Rakhine State, see the report by the Independent Rakhine Initiative’s March 2020 report, ‘[Freedom of Movement in Rakhine State](#)’.

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Section updated: 29 June 2023

## 14. Societal treatment and attitudes

### 14.1 General societal treatment and attitudes towards Rohingya

<sup>104</sup> The Guardian, ‘[More than 100 Rohingya refugees jailed for trying to flee ...](#)’, 11 January 2023

<sup>105</sup> OCHA, ‘[Myanmar Humanitarian Needs Overview 2023](#)’ (page 31), 15 January 2023

<sup>106</sup> UNHRC, ‘[Situation of human rights in Myanmar since ...](#)’ (paragraph 41), 2 March 2023

<sup>107</sup> OCHA, ‘[Myanmar Humanitarian Update No. 27](#)’ (page 2), 4 March 2023



#### 14.1.1 The ICG, reported in an article dated 22 August 2022:

‘Beyond Rakhine State, the coup [in February 2021] ... appears to have triggered something of a shift in the way at least some within the broader Myanmar population view the Rohingya. The vast majority among the country’s Burman majority population had accepted the military’s claims that its 2017 operations against the Muslim minority were a legitimate response to a terrorist attack, in part because the immensely popular Aung San Suu Kyi had also propagated this narrative. After the coup, though, many experienced or witnessed for the first time the military’s capacity for inflicting extreme violence on civilians, something that had until then been largely confined to ethnic minority regions.

‘The junta’s brutality against Burman communities appears to have prompted some to reassess the events of 2017, concluding that the military did indeed commit atrocities against the Rohingya. Manifestations of this change in sentiment emerged in numerous apologies and public expressions of support for the Rohingya both online and at demonstrations against the coup, something that would have been previously unimaginable.’<sup>108</sup>

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#### 14.2 Inter-communal violence

##### 14.2.1 The ICG reported in August 2020:

‘Ethnicity and conflict are inextricably linked in Myanmar, creating a vicious cycle of violence that continues to escalate. The state’s inability to address ethnic minority grievances or provide adequate security to communities has created a literal arms race among minority groups...

‘Fraught relations between the dominant Rakhine and these minority groups are not new. Tensions between the Rakhine and Rohingya have erupted into communal violence, particularly in 2012...

‘Men and women interviewees from non-Rakhine minority groups experience discrimination at the hands of Rakhine in different ways. Several men pointed to examples of being excluded from political or social activities because of their ethnicity, while a woman said she felt discriminated against because of her appearance and socio-economic status.

‘The growing conflict has only frayed these relationships further. Although the Arakan Army’s leadership publicly stresses the group’s respect for all ethnic groups in Rakhine and human rights more broadly, the lived experience on the ground is often quite different. Non-Rakhine community leaders told Crisis Group that such statements from the Arakan Army are routinely ignored by their soldiers, who demand intelligence, supplies and labour. Arakan Army soldiers – and many ethnic Rakhine civilians – are also deeply suspicious of non-Rakhine minorities, who they believe provide information and supplies to the Tatmadaw...

‘Regardless of ethnic identity, all members of non-Rakhine minority groups to whom Crisis Group spoke expressed a strong and growing feeling of insecurity as a result of the conflict. Neither the Arakan Army nor the

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<sup>108</sup> ICG, [‘Five Years On, Rohingya Refugees Face Dire Conditions and a Long ...’](#), 22 August 2022

Tatmadaw has been able to offer them adequate protection, although those interviewed generally claim to feel safer dealing with the Tatmadaw. One reason is that the Arakan Army has been declared an unlawful association, so they could be arrested for contacts with the group. But there is also a strong sense that its forces act with greater impunity, and victims of abuses by Arakan Army forces have no recourse.<sup>109</sup>

14.2.2 The OCHA report of 15 January 2023 noted:

‘Following inter-communal violence that caused widespread internal displacement in 2012, and the 2017 crisis that led to large-scale departures of Rohingya refugees into Bangladesh, the remaining stateless Rohingya people in Rakhine continue to face significant challenges in accessing basic identity documents and being counted in household list exercises, health care, education and livelihoods due to longstanding discrimination, marginalization, and extortion. This has resulted in ongoing restrictions on their freedom of movement, poverty, inter-communal tensions and other factors, prolonging the need for and reliance on humanitarian assistance. Processes that were in place for the Ministry of Education (MoE) to take over responsibility for education of displaced children, including Rohingya children in the 2012 camps and sites, have also halted.’<sup>110</sup>

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Section updated: 29 June 2023

## 15. Rohingyas outside Rakhine State

15.1.1 UNHCR noted in an article dated 23 March 2022:

‘There have been several waves of violence and displacement since the early 1990s. Among the most significant were intercommunal violence in 2012 and, five years later, the crisis that forced more than 740,000 Rohingya to flee across the border to Bangladesh. In total, some 1.6 million Rohingya are living as refugees, mainly in Bangladesh, Malaysia and India. Another 148,000 out of 600,000 Rohingya remaining in Myanmar are displaced across Rakhine State.’<sup>111</sup>

15.1.2 The November 2022 DFAT report on Myanmar noted: ‘Some Rohingya outside Rakhine are able to improve their situation by obtaining documentation identifying them as “Bamar Muslim” or Kaman, but they still face significant discrimination on the basis of their skin colour and religion.’<sup>112</sup>

15.1.3 However, the UNHRC report of 19 December 2022 noted that ‘In the wake of the military coup in February 2021, violent repression in many other parts of Myanmar had been reported, with campaigns targeting all ethnic and religious groups, including the Bamar majority, dramatically setting back any progress and engulfing the country in a new wave of violence and repression.’<sup>113</sup>

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<sup>109</sup> ICG, ‘[Identity Crisis: Ethnicity and Conflict in Myanmar](#)’, 28 August 2020

<sup>110</sup> OCHA, ‘[Myanmar Humanitarian Needs Overview 2023](#)’ (pages 15-16), 15 January 2023

<sup>111</sup> UNHCR, ‘[Young people in Myanmar’s Rakhine State tackle ethnic divisions](#)’, 23 March 2022

<sup>112</sup> DFAT, ‘[Country Information Report: Myanmar](#)’ (paragraph 3.11), 11 November 2022

<sup>113</sup> UNHRC, ‘[Summary of the panel discussion on the root...](#)’ (paragraph 9), 19 December 2022

(See [Rohingyas in Bangladesh](#) and [Rohingya in India, Indonesia, Malaysia and Thailand](#))

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Section updated: 29 June 2023

## 16. Rohingyas in Bangladesh

### 16.1 Population

16.1.1 According to UNHCR, reporting in July 2022, there are 919,000 Rohingya refugees living at the Kutupalong and Nayapara refugee camps in Bangladesh's Cox's Bazar region<sup>114</sup>. UNHCR noted: 'Approximately 75 percent of those living in the Cox's Bazar region arrived in September 2017. They joined more than 200,000 Rohingya who had fled Myanmar in previous years. More than half of those who have arrived are women and children.'<sup>115</sup>

16.1.2 The ICG, reporting in an article dated 22 August 2022, noted:

'Nearly all of the approximately 730,000 Rohingya who fled Myanmar in the second half of 2017 remain in sprawling refugee camps in southern Bangladesh's Cox's Bazar. The total number of Rohingya refugees in Bangladesh – including both those displaced by the 2017 atrocities and the several hundred thousand who sought refuge earlier – is close to one million. To date, not a single refugee has returned to Rakhine State through the formal repatriation mechanism that Myanmar and Bangladesh set up in November 2017, soon after the exodus started...

'Almost 30,000 Rohingya have also relocated to Bhasan Char, a small silt island in the Bay of Bengal that the Bangladesh government has spent hundreds of millions of dollars developing specifically to host up to 100,000 refugees. Prime Minister Sheikh Hasina has been pushing Bhasan Char as a "temporary solution", insisting that it offers refugees better facilities than the overcrowded camps where most still reside... Although it opened its borders to the desperate refugees in 2017, Bangladesh made clear from the beginning that it would not allow them to stay indefinitely and that it expected international support to both host the Rohingya and facilitate their return to Myanmar.'<sup>116</sup>

(See [Refugee camps](#) and [Repatriation](#))

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### 16.2 Cross-border travel

16.2.1 Refugees International reported on 1 March 2023:

'The worsening human rights and humanitarian catastrophe in Myanmar and dire conditions in the refugee camps in Bangladesh have contributed to a precipitous rise in the number of Rohingya escaping by sea from 2022. According to the United Nations Refugee Agency (UNHCR), more than 3,600 Rohingya took to sea in 2022, of which nearly 350 are believed to have lost their lives. This marks an approximately 360-percent increase in

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<sup>114</sup> UNHCR, '[Rohingya Refugee Crisis Explained](#)', 13 July 2022

<sup>115</sup> UNHCR, '[Rohingya Refugee Crisis Explained](#)', 13 July 2022

<sup>116</sup> ICG, '[Five Years On, Rohingya Refugees Face Dire Conditions and a Long ...](#)', 22 August 2022



the number of Rohingya attempting such an escape compared to 2021... smugglers, ... routinely subject these Rohingya to severe abuses ranging from torture to killing [sic]. Women and girls in particular are targeted with sexual harassment [sic], sexual exploitation, rape, and other forms of sexual violence by their vessels' captains and crew members...

'Additionally, traffickers, especially those in Bangladesh, frequently kidnap Rohingya and extort their relatives for their release while subjecting them to brutal, violent detention conditions on land and sea. Rohingya women and girls in particular are often sold by these traffickers into marriage, including child marriage, or forced into domestic servitude especially in Malaysia and Thailand. Sexual violence is also frequently committed against these women and those taken hostage in human-trafficking camps along the Malaysia-Thailand border...

'Rohingya attempting to escape risk arrest and detention by Bangladesh authorities, who have already detained at least 200 Rohingya, mostly women and children, for this alleged crime, and forcibly returned many of them to the camps and Bhasan Char. Such conditions have rendered women and girls particularly vulnerable to further abuses.'<sup>117</sup>

- 16.2.2 The UNHCR Report of the Special Rapporteur of 9 March 2023, noted: 'In September 2022, as fighting between the military and the Arakan Army intensified in Rakhine State, Bangladesh's Foreign Minister stated that the government had sealed its border with Myanmar, adding, "We won't take any more Rohingya people." Data from the Border Guard Bangladesh (BGB) indicates that 537 individuals were forced back to Myanmar by the BGB in 2022.'<sup>118</sup>

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### 16.3 Refugee camps

- 16.3.1 According to the ICG, reporting in an article dated 22 August 2022: 'Living conditions for the refugees are poor and worsening. Most live in Kutupalong [Cox's Bazar], the largest refugee camp in the world. They have few job opportunities and little access to formal education, while crime and violence, including killings of Rohingya community leaders, are on the rise.'<sup>119</sup>

- 16.3.2 HRW reported on 17 January 2023:

'Bangladesh's Armed Police Battalion (APBn) is committing extortion, arbitrary arrests, and harassment of Rohingya refugees already facing violence from criminal gangs and armed groups, Human Rights Watch said today...

'The Armed Police Battalion took over security in the Rohingya camps in July 2020. Refugees and humanitarian workers report that safety has deteriorated under the APBn's oversight due to increased police abuses as well as criminal activity. Some refugees allege collusion between APBn officers and armed groups and gangs operating in the camps...

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<sup>117</sup> Refugees International, '[The Situation of the Rohingya and Deadly Sea Crossings](#)', 1 March 2023

<sup>118</sup> UNHRC, '[Situation of human rights in Myanmar: Report of the ...](#)' (paragraph 47), 9 March 2023

<sup>119</sup> ICG, '[Five Years On, Rohingya Refugees Face Dire Conditions and a Long ...](#)', 22 August 2022

'Human Rights Watch interviewed more than 40 Rohingya refugees in October and November 2022 and reviewed police reports, documenting more than 16 cases of serious abuse by APBn officers...

'Almost every case Human Rights Watch investigated involved extortion either directly by APBn officers or communicated through majhis, the camp community leaders. Police generally demanded 10,000-40,000 taka (US\$100-400) [£75.00<sup>120</sup> - £299.00<sup>121</sup>] to avoid arrest, and 50,000-100,000 taka (\$500-1,000) [£373.00<sup>122</sup> - £747.00<sup>123</sup>] for the release of a detained family member. Families often had to sell gold jewelry [sic] or borrow money for bribes or legal costs. Many worried about the harm to their reputation.'<sup>124</sup>

### 16.3.3 Refugees International reported on 1 March 2023:

'The camps' deteriorating infrastructure and growing isolation, such as in Bhasan Char, are threatening this population with an escalating risk of sexual violence from community members and the Bangladesh authorities. Moreover, women often face domestic and intimate partner violence by community members; as well as threats, harassment, extortion, and kidnapping often committed by affiliates of militant groups or gangs in the camps for attempting to volunteer for aid agencies and pursue other opportunities for advocacy and leadership. While the country's authorities have taken measures to address this concern, they have yet to guarantee Rohingya defendants a fair trial or due process of law as was demonstrated by their responses to the assassination of Mohibullah, a prominent activist, in September 2021, and recent killings of other community leaders in the camps.'<sup>125</sup>

### 16.3.4 The US Agency for International Development (USAID), in its Burma and Bangladesh – Regional Crisis Response Fact Sheet #3, Fiscal Year (FY) 2023, 4 April 2023, reported that due to insufficient funding, the World Food Programme (WFP) had to reduce 'the value of its monthly food vouchers for Rohingya refugees in Cox's Bazar camps from \$12 to \$10 per person'. The decrease '...is expected to exacerbate food security concerns...'<sup>126</sup>

### 16.3.5 The US Commission on International Religious Freedom (USCIRF), 2023 Annual Report, April 2023, noted:

'In November [2022], USCIRF traveled to Cox's Bazar ... [and] learned that the Bangladesh government had approved recent initiatives to provide a Burmese curriculum to children within the Rohingya refugee community as well as livelihood and skills training for youths and adults... In 2022, Bangladesh only permitted humanitarian funds for Rohingya refugee programs, insisting that development and other forms of funding would both imply and establish permanence for the refugees' presence in Cox's Bazar.'<sup>127</sup>

<sup>120</sup> Xe.com, '[10,000 BDT to GBP - Convert Bangladeshi Takas to British Pounds](#)', 5 May 2023

<sup>121</sup> Xe.com, '[40,000 BDT to GBP - Convert Bangladeshi Takas to British Pounds](#)', 5 May 2023

<sup>122</sup> Xe.com, '[50,000 BDT to GBP - Convert Bangladeshi Takas to British Pounds](#)', 5 May 2023

<sup>123</sup> Xe.com, '[100,000 BDT to GBP - Convert Bangladeshi Takas to British Pounds](#)', 5 May 2023

<sup>124</sup> HRW, '[Bangladesh: Rampant Police Abuse of Rohingya Refugees: Donors ...](#)', 17 January 2023

<sup>125</sup> Refugees International, '[The Situation of the Rohingya and Deadly Sea Crossings](#)', 1 March 2023

<sup>126</sup> USAID, '[Burma and Bangladesh – Regional Crisis Response Fact Sheet...](#)' (page 3), 4 April 2023

<sup>127</sup> USCIRF, '[2023 Annual Report](#)' (page 15), April 2023

## 16.4 Documentation and legal rights

### 16.4.1 The USSD HR Report 2022 for Bangladesh noted that:

‘After the 2017 arrival of more than 750,000 additional Rohingya refugees, the government started to register the refugees biometrically and provided identity cards with their Burmese addresses. Despite this documentation system, the lack of formal refugee status for Rohingya and clear legal reporting mechanisms in the camps impeded refugees’ access to the justice system. UNHCR continued to operate registration centers to update individual and family status due to marriages, divorces, births, and deaths.’<sup>128</sup>

### 16.4.2 The November 2022 DFAT report on Bangladesh noted in regard to Rohingya living in camps in Bangladesh, that:

‘Rohingya are not permitted to work. In practice some do work, for example in small shops or home-based enterprises in the camps, or through joining the local informal economy. Sources told DFAT that daily exit/entry for work outside the camps happens but there are fences and checkpoints around the camps that aim to prevent this. Some Rohingya are considered “missing”, assumed to have taken jobs in the informal sector in Cox’s Bazar or elsewhere in Bangladesh, or to have travelled onwards by boat to Malaysia. Some Rohingya “volunteer” through programs run by aid agencies in the camps. These programs are small but do provide limited cash-for-work opportunities for some Rohingya.’<sup>129</sup>

### 16.4.3 In regard to Rohingya documentation the DFAT Bangladesh report noted that ‘Some earlier Rohingya arrivals who have lived in Bangladesh since the 1990s were registered at the time and have several forms of identification, including UNHCR identity cards, birth certificates, World Food Programme Cards and other documents. A 2016 voluntary census registered many more arrivals and these people received a laminated biometric identity card.’<sup>130</sup>

(See [Fraudulent documents](#))

## 16.5 Repatriation

### 16.5.1 In March 2021, the Migration Policy Institute (MPI), reported:

‘Rohingya refugees in neighboring Bangladesh have said the coup [See CPIN - [Myanmar: Critics of the military regime](#), section 4.2] raised their anxieties about return, seeming to further complicate a new effort to repatriate hundreds of thousands of Rohingya to Myanmar later in 2021. Bangladesh’s previous attempts at repatriation have failed, amid opposition from many Rohingya who feared renewed persecution upon return. In the meantime, thousands of refugees have been controversially relocated by the Bangladeshi government to a remote island in the Bay of Bengal, effectively detained in conditions that may amount to cruel, inhuman, or degrading

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<sup>128</sup> USSD, ‘[2022 Country Report on Human Rights...: Bangladesh](#)’ (section 2E), 20 March 2023

<sup>129</sup> DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.22), 30 November 2022

<sup>130</sup> DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 5.36), 30 November 2022

treatment. Hundreds of thousands remain crowded into ramshackle refugee camps around Cox's Bazar.<sup>131</sup>

16.5.2 According to the ICG, reporting in an article dated 22 August 2022, 'Although it opened its borders to the desperate refugees in 2017, Bangladesh made clear from the beginning that it would not allow them to stay indefinitely and that it expected international support to both host the Rohingya and facilitate their return to Myanmar.'<sup>132</sup>

16.5.3 On 15 March 2023, Reuters reported:

'A Myanmar delegation is visiting Rohingya refugee camps in Bangladesh this week to verify a few hundred potential returnees for a pilot repatriation project, though a Bangladeshi official said it was unclear when they would be going home... Bangladesh's Refugee Relief and Repatriation Commissioner in Cox's Bazar, Mohammed Mizanur Rahman, told Reuters there was a list of 1,140 Rohingya who are to be repatriated through the pilot project, of which 711 have had their cases cleared. The remaining 429 on the list, including some new-born babies, were still being processed.'<sup>133</sup>

16.5.4 Agence France-Presse (AFP) noted that 'A delegation of 17 officials from Myanmar's military regime met with around 480 refugees over the past week in a process brokered by China and partly facilitated by the United Nations. The team were officially there to assess refugees for potential return, based partly on whether they could prove their residence in the country before the 2017 crackdown.'<sup>134</sup>

16.5.5 On 19 March 2023, UNHCR released a statement about the Myanmar bilateral pilot project on returning Rohingya from Bangladesh to Myanmar:

'UNHCR's position on returns of Rohingya refugees to Myanmar remains unchanged. In UNHCR's assessment, conditions in Myanmar's Rakhine State are currently not conducive to the sustainable return of Rohingya refugees. At the same time, we reiterate that every refugee has a right to return to their home country based on an informed choice, but that no refugee should be forced to do so. Bangladesh has consistently reaffirmed its commitment to voluntary and sustainable repatriation since the onset of the current crisis.'<sup>135</sup>

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## 16.6 Fraudulent documents

16.6.1 Sources consulted during the UK Home Office Fact Finding Mission (FFM) to Bangladesh in May 2017 noted, regarding Rohingya refugees in Bangladesh, that official refugees possess a biometric UNHCR/MDMR (Ministry of Disaster Management and Relief) card, which enabled access to some services. The UNHCR can reissue lost cards. Refugees may also possess a family ration book but these are no longer re-issued; since August 2014 they have been replaced by food ration cards, which contain biometric

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<sup>131</sup> MPI, 'Stateless and Persecuted: What Next for the Rohingya?', 18 March 2021

<sup>132</sup> ICG, 'Five Years On, Rohingya Refugees Face Dire Conditions and a Long ...', 22 August 2022

<sup>133</sup> Reuters, 'Myanmar team in Bangladesh camps for Rohingya repatriation pilot ...', 15 March 2023

<sup>134</sup> AFP, 'Myanmar To Take 1,000 Rohingya Refugees In Pilot Programme: Junta', 22 March 2023

<sup>135</sup> UNHCR, 'UNHCR statement on Bangladesh, Myanmar bilateral pilot project...', 19 March 2023

data and for which there exists a computerised record<sup>136</sup>.

16.6.2 During the FFM, the Department for International Development (DfID) noted that the World Food Programme issued vouchers to women. UNHCR/International Organization for Migration (IOM) said that the paper slip completed by those participating in the 2016 census was envisaged as a route to some kind of temporary identification card, although this would not confer national identity. The National Human Rights Commission (NHRC) had not heard that there was a market in Rohingya documentation, as only UNHCR officials would have access to such documentation. However, the source did observe one example when a Bangladeshi national in Malaysia avoided deportation because he had Rohingya documentation. A human rights organisation opined that, while he did not know, he thought it likely that there were more cases of Bangladeshis using Rohingya documentation. UNHCR/IOM observed that food cards were sometimes pawned but as they contain biometric information they were only useful to the owner. UNHCR was unaware of forged or fraudulent cards being used. Transparency International (TI) claimed that there had been undocumented stories of Rohingya refugees using Bangladeshi documents to travel abroad<sup>137</sup>.

16.6.3 The November 2022 DFAT report on Bangladesh noted that:

‘As with all people living in Bangladesh, Rohingya might be able to access false passports, which could ostensibly demonstrate Bangladeshi citizenship. Such passports are also known to be held by Rohingya overseas. These passports are sometimes entirely fraudulent, having been forged by people smugglers, rather than being fraudulently obtained genuine documents. Some applicants arrive in Australia on genuinely issued Bangladeshi passports then claim the document was fraudulently obtained before claiming to be a stateless Rohingya.

‘People smugglers sometimes offer other countries’ false passports, for example Pakistani, Indian or Nepalese passports. These passports allow Rohingya to travel overseas for employment (or potentially be smuggled by people smugglers).’<sup>138</sup>

(See [Documentation and legal rights](#))

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Section updated: 29 June 2023

## 17. Rohingya in India, Indonesia, Malaysia and Thailand

### 17.1 India

17.1.1 The UNHCR Report of the Special Rapporteur of 9 March 2023, noted:

‘India has also detained refugees and asylum seekers from Myanmar. In November 2022, UNHCR reported that nearly 600 Rohingya refugees were detained in India. Many have been detained for two years or more. In January, authorities in Manipur State reportedly arrested approximately 81 people from Myanmar, charging them with illegally entering the country. In

<sup>136</sup> UK Home Office, ‘[FFM to Bangladesh](#)’, (Section 9.5), September 2017

<sup>137</sup> UK Home Office, ‘[FFM to Bangladesh](#)’, (Section 9.5), September 2017

<sup>138</sup> DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraphs 5.37 and 5.38), 30 November 2022



February, a Manipur court ruled that the detained persons are refugees and could not be deported. However, the group remains in detention and one detainee, a 32-year-old man, reportedly died in a detention center in February.<sup>139</sup>

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## 17.2 Indonesia

17.2.1 In a joint report between Asia Displacement Solutions Platform (ADSP), Danish Refugee Council (DRC), Jesuit Refugee Service (JRS), and Mixed Migration Centre (MMC), entitled - Refugee protection, human smuggling, and trafficking in Bangladesh and Southeast Asia, October 2022, published 16 January 2023, noted in regards to Indonesia:

‘Indonesia does not offer a pathway to permanent settlement or citizenship for refugees, though short-term asylum is provided to the 13,170 refugees and asylum-seekers registered with UNHCR. An additional 6,000 refugees and asylum seekers live independently in communities throughout Indonesia. As of June 2022, UNHCR reporting shows 902 registered refugees are from Myanmar and two are from Bangladesh; specific data on the total number of Rohingya refugees in Indonesia is unavailable. The majority of Rohingya who arrive in Indonesia do not stay for long periods of time, and most choose to move on to Malaysia.’<sup>140</sup>

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## 17.3 Malaysia

17.3.1 The joint ADSP, DRC, JRS, MMC report noted:

‘Established community networks, economic prospects, and relative safety are motivations for Rohingya travelling to Malaysia. As of May 2022, UNHCR reported about 182,960 registered refugees and asylum seekers, 60 percent of whom are Rohingya in Kuala Lumpur city and Selangor. This figure does not account for unregistered refugees and asylum seekers, estimated at 500,000 in 2020. Notwithstanding the large Rohingya population, the Government of Malaysia does not grant legal status to Rohingya refugees. Under Immigration Act 1959/63, anyone who enters Malaysia without proper documentation, even if fleeing persecution, is considered an “illegal immigrant”<sup>141</sup>

17.3.2 The UNHCR Report of the Special Rapporteur of 9 March 2023, noted:

‘An unknown number of Myanmar nationals are currently in IDCs [immigration detention centers] in Malaysia. The Ministry of Home Affairs reported there were approximately 1,300 detained Myanmar nationals in August 2022. Conditions in IDCs are reportedly dire... The Special Rapporteur has received credible information that UNHCR-registered refugees or asylum seekers have been held in detention facilities for six years and counting.

‘Malaysian authorities generally release from detention any individual with

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<sup>139</sup> UNHRC, ‘[Situation of human rights in Myanmar: ...](#)’ (paragraphs 60 and 75), 9 March 2023

<sup>140</sup> ADSP, DRC, JRS, MMC, ‘[Refugee protection, human smuggling, ...](#)’ (page 28), 16 January 2023

<sup>141</sup> ADSP, DRC, JRS, MMC, ‘[Refugee protection, human smuggling, ...](#)’ (page 34), 16 January 2023



UNHCR documentation after their identity and documentation have been verified. Previously, UNHCR was able to conduct screening within IDCs and then secure the release of individuals identified as refugees or asylum seekers. However, UNHCR has been denied access to IDCs since 2019 and has not subsequently been able to systematically secure the release of detained refugees and asylum-seekers, including the more than 1,000 Myanmar nationals who were arrested upon their arrival at Malaysia's land or sea borders in 2022. The Special Rapporteur was denied permission to visit IDCs during his May 2022 mission to Malaysia.<sup>142</sup>

17.3.3 The USCIRF, 2023 Annual Report, April 2023, noted:

'In November [2022], USCIRF met in Malaysia with refugees of several Burmese diaspora communities, all having fled persecution in their homeland; they represented various Christian groups primarily from Chin State, including the Zomi people. They indicated some in their communities had attempted to return to Burma during the quasi-democratic period that ended with the 2021 coup, but subsequent violence forced them to flee again. These refugees' lack of formal status in Malaysia has prevented them from accessing healthcare and other essential services in addition to preventing children from attending schools and adults from accessing stable employment opportunities.'<sup>143</sup>

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## 17.4 Thailand

17.4.1 The joint ADSP, DRC, JRS, MMC report noted:

'Despite hosting close to 100,000 refugees, the [sic] Thailand does not have a national legal framework for refugees and does not provide legal status to refugees. Under the Immigration Act of 1979, the Thai government considers asylum seekers and refugees "illegal immigrants." While the Thai government places non-Rohingya refugees from Myanmar in government-operated shelters along the Thailand-Myanmar border, it does not allow Rohingya refugees to stay in these camps. Instead, Rohingya refugees live in urban areas or are held in IDCs and closed shelters indefinitely. As of June 2022, it was estimated that the [sic] Thailand holds over 470 Rohingya in IDCs. In the absence of a mechanism to identify and monitor Rohingya refugees and asylum seekers in Thailand, the exact number of Rohingya in Thailand is difficult to determine.'<sup>144</sup>

17.4.2 The UNHCR Report of the Special Rapporteur of 9 March 2023, noted:

'Rohingya persons in Thailand are generally treated as a security threat and face the possibility of prolonged and indefinite detention. According to credible reports received by the Special Rapporteur, more than 600 Rohingya, including approximately 200 unaccompanied minors, are currently being held in Thai IDCs and shelters. Some have been detained since 2015. Detention centers are reportedly staffed by males, and sexual harassment of

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<sup>142</sup> UNHCR, '[Situation of human rights in Myanmar: ...](#)' (paragraphs 73-74), 9 March 2023

<sup>143</sup> USCIRF, '[2023 Annual Report](#)' (page 15), April 2023

<sup>144</sup> ADSP, DRC, JRS, MMC, '[Refugee protection, human smuggling, ...](#)' (page 22), 16 January 2023

female detainees remains a risk.<sup>145</sup>

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<sup>145</sup> UNHRC, '[Situation of human rights in Myanmar: Report of the ...](#)' (paragraph 72), 9 March 2023

# Research methodology

The country of origin information (COI) in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

All the COI included in the note was published or made publicly available on or before the 'cut-off' date(s). Any event taking place or report/article published after these date(s) is not included.

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources

Wherever possible, multiple sourcing is used and the COI compared and contrasted to ensure that it is accurate and balanced, and provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

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# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of the issues relevant to the scope of this note and forms the basis for the [country information](#).

The Home Office uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Background
  - Origin of the Rohingya
  - Demography
  - Language/culture
  - Myanmar names
- Legal rights
  - Citizenship
  - Identity documents
  - Marriage and the 'two-child policy'
- State treatment and attitudes
  - General socio-economic conditions
  - Human rights violations
  - Clashes with security forces – 2016 / 2017
  - Extortion and harassment
  - Anti-Muslim rhetoric and Buddhist nationalism
  - Accountability
  - Avenues of redress
- Women and girls
  - Discrimination
  - Sexual violence
- Humanitarian situation
  - Internally displaced persons (IDPs)
  - Humanitarian aid
- Access to services
  - Overview
  - Education
  - Healthcare
- Freedom of movement

- Restrictions
- Societal treatment and attitudes
  - General societal treatment and attitudes towards Rohingya
  - Inter-communal violence
- Rohingyas outside Rakhine State
- Rohingyas in Bangladesh
  - Population
  - Cross-border travel
  - Refugee camps
  - Documentation and legal rights
  - Repatriation
  - Fraudulent documents
- Rohingya in Malaysia and Thailand
  - India
  - Indonesia
  - Malaysia
  - Thailand

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# Version control and feedback

## Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **30 June 2023**

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### **Official – sensitive: Not for disclosure – Start of section**

The information on this page has been removed as it is restricted for internal Home Office use.

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## Changes from last version of this note

Updated county information and assessment

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## Feedback to the Home Office

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

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## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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