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Climate Justice and Global Health Equality

Human Rights Council

The Situation Of Human Rights In Myanmar



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Introduction

During recent years the treatment of ethnic minorities has become a priority to the public and to many western countries, something that used to be considered acceptable simply isn't anymore. During these recent years the newly established burmese government has discriminated against, and carried out massive campaigns against the Rohingya people in their state. These people are not recognized as Burmese citizens and thus, stand without a state and without a legal framework. They can't leave the country due to a risk of prosecution in other countries due to illegal immigration. They also don't have any legal documentation proving their Burmese descent which further complicates the process. Meanwhile, they can't stay in Myanmar with the current situation since they risk death by merely existing. It's a complicated situation that calls for a solution through collaboration and allyship, it's important that every state in the Human Rights Council (HRC) is able to work towards, what they consider to be, a solution.

Note that Myanmar used to be called Burma, its peoples and governments are still referred to as Burmese, however, the country will be referred to as Myanmar throughout the entire report for the sake of clarity.



Definition of Key Terms

Genocide

Genocide is defined as: “the deliberate killing of a large number of people from a particular nation or ethnic group with the aim of destroying that nation or group”, by the Oxford dictionary.

Ethnic cleansing

Is defined as, “the mass expulsion or killing of members of one ethnic or religious group in an area by those of another”, by the Oxford dictionary.

Statelessness

Statelessness refers to those who don't have sufficient documentation to prove a national identity and/or don't have a national identity. This can be due to discrimination in the birth country as well as other factors.

Colony

This is defined as “a country or area under the full or partial political control of another country and occupied by settlers from that country.” by the Oxford dictionary. Colonialism has, historically, caused oppression of the local, indigenous communities.

Democracy

Democracy is defined as, “a system of government by the whole population or all the eligible members of a state, typically through elected representatives”, by the Oxford dictionary.



Rohingya people

The Rohingya people are a stateless ethnic group who follow Islam and historically mainly reside in Myanmar. They have been persecuted and discriminated against since, at least, the 1970s.



Background Information

Colonial history

Myanmar has only been independent since 1948, before the country gained independence it was ravaged by wars and oppressive colonisers. After three anglo-burmese wars it became one of Britain's colonies in the year of 1885. The territory was annexed and split into two parts, upper and lower Burma, which became provinces of the bigger and highly regarded Indian colony.

The annexation was followed by British reforms, the monarchy was dismantled and the separation of religion and the state was introduced, depriving the prestigious monkhood of its former glory. It is obvious that the annexation and uprooting of ancient traditions did not come easy to the Burmese people. For years the colony was ravished by guerrilla warfare, a rebellion quickly formed and village leaders were united with royal soldiers. This did, however, not impact the British rule, who quickly adopted a strategy to deal with these uprisings. There were some long lasting consequences of this, cheaper, Indian, labour took over many jobs that used to be held by Burmese citizens. Very few Burmese people were able to keep their jobs and many lost the rights to land they had previously held. Something that has come to influence the state's immigration policies to date.

Independence

In 1943 Myanmar was invaded by the Japanese, who claimed to want to liberate them from British rule, this however didn't turn out to be the truth. The Japanese set up a puppet government that was led by their government, this caused resistance groups to form, which, together with their allies, were able to expel the Japanese. A temporary colonial government was then set up by Britain in order to reinstate law and order, something that proved easier said than done in a country ravished by war and crisis. A few years later the London Agreement was signed, which promised Myanmar independence and the fight to unify the states that had formed within it during the years of war could start.



Ever since Myanmar was unified the country had been plagued by high crime rates and the government struggled to rectify this. In light of this there was a coup that established the first Burmese military dictatorship, however the protests were persistent, since this new government was also unable to rectify the many problems that haunted the country. These protests led to the big 1988 uprising, a new government was established and Myanmar was no longer known as Burma. Merely a few years later general elections were held which the National League for Democracy (NLD) won, and Aung San Suu Kyi appointed as prime minister, however she was swiftly put under house arrest by the military government, who resumed their rule. This process was repeated in 2015, when the NLD, again, won elections and Aung San Suu Kyi became prime minister. This time she was able to rule the country, with influence from the military government, since they, per the constitution, hold 25% of the seats in parliament, until 2021 when a one year state of emergency was proclaimed and the military government took charge.

The Rohingya people

The Rohingya people are an indigenous muslim group originating from southeast asia, they face prosecution in many countries, including Myanmar. The UNHCR estimates that more than 600,000 Rohingya people reside in Myanmar. However, the Burmese government does not officially recognize these people as Burmese citizens, but claims that they are of Bangladeshi descent, something the Bangladeshi government rejects. Within Myanmar the Rohingya people cannot move freely and live in special camps in the countryside and/or areas in the outskirts of the cities. Furthermore, they don't have access to education, sanitation or medical care and face legal prosecution as well as public hatred, since they are viewed as dangerous intruders by the general population. Some buddhist leaders have spoken up about it and say that the Rohingya should "go back to their own country", referring to Bangladesh, and also claim that they are the reason for so many of the recent uprisings, fires and protests.

There have been multiple "crackdowns" against the Rohingya people with long campaigns sweeping the country, seemingly aiming to eliminate any Rohingya people from the territory. Those who have managed to flee have described incidents where army officials systematically raped, tortured and killed Rohingya people, without any



sense of humanity. Their homes are burnt down and those surviving, thus have nothing to return to. These acts have caused the burmese government to be taken to the International Court of Justice (ICJ) for Genocide against the Rohingya people. The ICJ ordered them to stop these acts immediately, something that has yet to be realised.

In desperation to find a safe place many of the Rohingya people turn to illegal traffickers, who promise to help them cross the border and flee to safe countries where they will get work and be able to send money home so that the rest of their family can follow. The families save up, but often get tricked by the traffickers. Those sent are often taken to rural areas of either Malaysia or Thailand. They have to pay the traffickers in order to be freed, and are forced to call home for money, money which their families do not have.

Ever since the 1982 citizenship law the Rohingya people have been stateless, this law recognizes up to 130 different ethnicities as burmese, but the Rohingya have been excluded. The citizenship act is a discriminating and dividing law, since it creates three different types of citizens, effectively giving the “true” Burmese people more rights and freedoms than other ethnicities. If someone is not recognized under this act they have no way of gaining citizenship, only those with clear ties to the country pre-1982 may gain citizenship, but it takes at least three generations to gain the highest “ranking” citizenship, known as full citizens. The then military leader said in a speech that “I have no desire to hurt anybody in recounting this recent history. However, the truth might perhaps hurt somebody sometimes”.



Major parties Involved

Myanmar

The current, military, rule of Myanmar has carried out countless, illegal, attacks against the Rohingya people. They have authorised and ordered soldiers to attack, rape and kill Rohingya people as well as burn their homes. Effectively carrying out a genocide.

Aung San Suu Kyi

The leader of the NLD party which was in power between 2015 and 2021, she has received the nobel peace prize for her efforts as the first democratic leader of Myanmar. This is, however, controversial in light of the fact that Rohingya genocide was carried out under her rule, however it has been argued that it was the fault of the military and not the fault of her and her party, and that they had no way of influencing these decisions.

Bangladesh

Bangladesh is one of Myanmar's, geographically, closest neighbours. It is also the country which the Myanmar government claims the Rohingya to be descendants of, something they disagree with. Bangladesh has been forced to take on many Rohingya refugees, they live in refugee camps, many of which were destroyed by the cyclone Mocha in May 2023.

Malaysia

Malaysia was once one of the most welcoming countries for the Rohingya people, something that has changed in recent years. Those who get to the country often do so illegally causing them to face prosecution, if they want to access healthcare, education or be a part of the workforce they stand the risk of being reported to the authorities.



This leaves them in a legal limbo, since the Malaysian officials can't send them back to Myanmar (it won't accept them since they don't recognize Rohingya people as citizens) they often end up in indefinite detention.

Thailand

Thailand is one of the countries which faces the most trafficking of Rohingya people, there has been revolutions of mass graves deep in the jungle. These people are most likely Rohingya people who have been promised a good life, jobs, and opportunities to make money, but then have been tricked into going to Thailand, where the traffickers hold them ransom for any money they or their families have, by holding them for ransom.

In the past Thailand has hosted up to 90,000 Rohingya people in refugee camps, but recently more people have fled. These people have stayed in informal refugee camps and are now being pushed back into Myanmar, despite the fatal consequences this might have for them.

USA

The United States of America is one of the nations which supported Myanmar's journey to democracy loudly and happily, they used it as an example of a success story when a nation transitions from military rule to a democracy. This, however, has proved not to be the case and. Since the USA has placed sanctions on, for example, a state owned oil company in order to restrict their access to american capital.

China

China is one of Myanmar's most important allies when it comes to military aid. And has generally supported the military government since it came into power in 2021. It has also played an important role when it comes to mediating in the recent uprisings between the military government and ethnic minorities, rebels and other groups who



are discontent with their ruling of the state. China has also supported and endorsed initiatives that would send Rohingya people who currently reside in Bangladeshi refugee camps back into Myanmar.

China has also been accused of various human right abuses, such as genocide, through placing various people from ethnic minorities in so called re-education camps or “vocational training centres”.

The United Nations High Commissioner on Refugees

The United Nations High Commissioner on Refugees has continuously provided aid and help to the Rohingya people, both within the Myanmar borders as well as in Bangladesh, Thailand and Malaysia.

The International Court of Justice

The International Court of Justice (ICJ) has the authority to prosecute governments for, among other things, breaking the declaration of human rights. It has held a trial against the Burmese government, where it was divided that they are to seize any genocide acts against the Rohingya people.



Timeline of Events

Date	Description of event
1885	Burma is annexed by Britain
1943	Myanmar was invaded by the Japanese
1948	Myanmar Independence from Britain
1982	The citizenship law is introduced
1988	The big uprising
1990	First general elections
2015	Second general election
2021	One year state of emergency was called



Relevant UN Treaties and Events

- “International Bill of Human Rights”, 10 December 1948 **A/RES/217 (III)**
- “Convention on the Prevention and Punishment of the Crime of Genocide”, 9 December 1948
- “Observations by Myanmar on the report of the Special Rapporteur on the Situation of Human Rights in Myanmar”, 9 March 2016 **A/HRC/31/71/Add.1**
- **ICJ**: Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)
- “implementation of Human Rights Council Resolution A/HRC/RES31/36”
A/HRC/53/L.24/Rev.1
- “Situation of human rights of Rohingya Muslims and other minorities in Myanmar”
A/HRC/53/L.30/Rev.1
- “Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to all forms of violence against women and girls in criminal justice detention” **A/HRC/53/L.5/Rev.1**



Previous Attempts to Solve the Issue

The UN has adopted a number of resolutions specifically in response to the situation of the rohingya people in Myanmar, exact resolution numbers can be found under “Relevant UN Treaties and Events”, this has meant realising previously subjective and/or abstract resolutions to the specific situation of Myanmar and the Rohingya people.

Furthermore, as stated previously, Myanmar is a country ravished by violent protests and uprisings, and among other things, these protests are fighting for the Rohingya people to be treated more fairly. This has, however, had a very small to no impact on legislation and attitudes in the country. It has caused a negative outlook on the Rohingya people in the general population, seeing them as the root cause to these uprisings and general violence in the society.



Possible Solutions

There are a range of numerous possible solutions, these are some suggestions, but you are encouraged to think “outside of the box” and come up with your own solutions. Think about your ideas and how, when, where and how they can be used and implemented. It may also be a good idea to consider what other countries would support them.

Finding host countries for the Rohingya people; currently the Rohingya people cannot reside safely in Myanmar, thus, it is important to find a safe place for them to stay while the situation is being resolved. Some countries in the HRC may be taking on a disproportionate amount of the Rohingya refugees and some may be open to taking care of more. This is something that states have tried to do, however, the main conflict has been that it’d mean “sweeping under the rug” the crimes that Myanmar has committed.

Sending aid from NGOs and IGOs to refugee camps as well as the Rohingya people still in Myanmar. Many of the Rohingya people live in horrible conditions, without water for drinking, sanitation or any food security. It is important that the base-line needs of these people are met, that their human rights are respected.

It is also important to find a way of resolving the increasing issue when it comes to trafficking of the Rohingya people. This may be done through preventative actions, through helping them leave the country of Myanmar safely and without unsafe third parties. It can also be done directly through crackdowns on trafficking, better border patrol and other similar measures.



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