

Critical Evaluation of Basic Human Rights Violations on Rohingya Refugees.

SHYAMAL.M. DAVE

Professor at the Faculty of Law,¹

The Maharaja Sayajirao University of Baroda, Vadodara, India.

Abstract: The paper talks about what is the position of Rohingya, who are they and how are they been treated in the Myanmar and other countries. The paper also focuses on the situation of how Myanmar treating them inhuman way and the reason behind it. The paper also focuses on the Nobel Peace Prize Award Winner Aung San Sun Kyi and her actions that she has taken in during this all situations. The Paper will also focus on the World Leaders and their Lack of interest to resolve this issue. The Paper will also focus on the rights of the Rohingya as refugee and their life situation in various nations especially in Myanmar and Bangladesh.

I. INTRODUCTION

Living in the year 2018, in the developing state like India, we only tend to think about those problems that are effecting us, like the domestic laws and situations and not think about other situation or problems. We as Human Beings are concerned with only things that are affecting us and not anything else, it isn't a problem until its affecting us. While on the same planet we are busy thinking about Social Media and Updating Status, while on same planet and not in Parallel Universe there are People who don't get enough food, water, nor are aware what education is, this is problem but unfortunately even bigger problems and worst situation is being faced by the Rohingya people.

Rohingya are those people who are inhabiting in the mountainous region of Rakhine State in Myanmar. They are ethnic group of people who are Muslims. Since they are in small group of people who are following the same customs and traditions majority are residing near the western Coastal State of Rakhine and are not allowed to leave with government permission, there is similar situation that is North -Korea but for all of its Citizens.

The Problem isn't only that they are living the poor country or the lack of basic services and opportunities but it's the victimisation of these people being targeted to these people on the bread of the religion.

Rohingya Muslims have been residing in Myanmar from as early as 12th Century, when the British rule did take over Undivided India before Partition, there was significant amount of migration of labourers and due to which there many rohingaaya Muslims found in different parts of southern eastern countries of ASIA. Problem was that not that but the problem began when after Myanmar got its independence in 1948 and after which it viewed that migration that had taken place during the time of British rule as Illegal and on that basis that they refused citizenship to the Majority of rohingya. After the independence the Government viewed that the migration that took place during the British Rule "illegal and it is on this basis that they refused the citizenship to the majority of Rohingya"²

Now this step by the government was deciding the faith of those people of those act which they had done or were forced to do under the British Rule.... Which didn't make sense at all.

According 2015 Report by the International Human Rights Clinic at Yale Law School, when Myanmar got its independence in 1948 the union citizenship Act was passed which were defining ethnicities could gain citizenship and in which rohingya were not included. The Act however, did allow those families who had been living in the Myanmar for at least 2 generations to apply for the identity cards.

So Rohingya were provide these Identity Cards or even citizenships in some cases under the generational provision and many of them also did serve the parliament of the State.

¹ (TTA)

² Human Rights Watch Report in the year 2000

Things however change with the passage of Time but not for better, in 1962 Military Coup in Myanmar, things change and all citizens were required to obtain a National Registration cards. The Rohingya were also issued but they were issued Foreign identity cards, which limited their jobs and educational opportunities compared to the rest of citizens of the Myanmar.

Again in 1982, A new citizenship law was passed, which effectively rendered the Rohingya Stateless, in this law Rohingya were again not recognised as one of the country's 135 ethnic group. The law established 3 level of citizenship, in order to obtain the most basic level, "naturalised" there must be proof that the person's family lived in Myanmar Prior to 1948 as well as fluency in one of the national language. Many rohingya lack such paper work because it was either unavailable or denied to them, so even after 30-40 years after the independence their status as to their relationship still stand the same as it was before, eve if did Manage to get through all the government demands and identified as "Naturalised" as opposed to rohingya, and limits are placed on them entering the Profession, like Medicine, law or running for office.

So let's review this after decades of struggle to get their status as the citizen they are not able to get the even "Naturalised" status and by even if they did however jump all the hoops and all demands of the government they even if they get Naturalised status they are still "Restricted" not to follow or practise in the field of law, medicine, or politician. So as the years go by for this rohingya the situation went from Bad-to-worst not only to treat as inhuman condition in their camps they are also not allowed to travel the country live in, not allowed to study, and not allowed to practiced few professions like law, medicine or represent them as politician.... it just isn't right

Due to this reason many of the rohingya have fled the states to nearby country like Bangladesh, India and Bhutan.

The Problem was not only the bad treatment by the state itself but also the lack of sufficient intervention by the United Nation Organisation that was just being a Spectator, even if u look closely to the United Nations Organisation Operation they are mostly active on the in African Continent, to be fair they also need Assistance but the situation of the Rohingya is going from Long time without any positive results and loss of innocent lives.

In one of the recent situation where the Myanmar Military has imposed crackdown on the country's Rohingya population after police posts and an army base were attacked in late August, in which the witness describes the scene where the troops were firing Rohingya men, women and innocent children in which the government told that nearly 100 people were killed after the Armed Men from the Arakan Rohingya Salvation Army Launched a raid on the Police Outposts in the Region.

More than 5,00,000 People have fled the Violence, with thousands trapped in no-man's land between two countries,³ according UN refuge agency .

The UN has also said that Hundreds of Civilians who have tried to enter the Bangladesh have been Pushed back by the Patrols and some of them have been detained and return to the Myanmar. The Problem on the Other hand as of today in the month of October 2017 as of now is that Millions of Rohingya Refuges have approached the Bangladesh Border and UNO has requested Bangladesh to let them Enter.

Let's understand the number of the rohingya have fled Myanmar according to the most recent data available from the United Nations more than 1,68,000 have fled Myanmar since 2012, further the violence that happened in the previous year more then 87,000 Rohingya have fled the Country from October 2019 till this year, according to the International Organisation for migration.

The Reason is simple the People fear for their lives every day more and more because there being Targeted by their Religion they are born into, which is just unhuman, even before the Violence broke out last year, UN estimates that there are as many as 4,20,000 Rohingya refugees in the Southeast Asia.

Somewhat the situation of the Rohingya is the same as the Syrians the only difference is that they are fleeing their country because of terrorism whereas the rohingya are being targeted because of their religion, it's a sad truth of Humanity in this age of modern science and humanity, where we should seek help and assistance to grow as human being and help humanity.

II. NOBEL PEACE PRIZE AWARDED WINNER IN THE COUNRTY & STILL SUCH INHUMANITY?

The question that comes to mind during this entire scenario inhumanity why were the world leader were silent on this aspect? And as for Myanmar you didn't even have to look to other because the Nobel Peace Prize Laureate Aung San Sun Kyi didn't do anything concrete that could have been done.

³ UNHCR

The Nobel Peace Prize Winner and her Government does not recognise the Rohingya as an ethnic group and have blamed violence in Rakhine and subsequent military crackdowns. In the recent report by the United Nations Reported that the Government troops have “Very Likely” Committed crime against Humanity ⁴ for this inhuman Act the country had its defence ready which was that they had the right to defend the country by Lawful means against increasing terrorist activities.

The problem is not only that People with power not acting upon the crises on hand but adding more salt to the burn, Myanmar has blocked all the United Nations aid agencies from delivering Vital supplies of food, water and medicines to thousands of desperate civilians at the centre of a bloody military campaign against the country’s Muslim Rohingya Minority.⁵

The country of Myanmar is known for speaking lies and showing a good front, but in reality it’s just a House of Cards. Whether it may be lying to the Pope Francis Visit in 2017 November that there was “No discrimination” ⁶

III. AN ACT BY THE NOBEL PEACE PRIZE WINNER...

Now usually when a person awarded a NOBEL Peace Prize Award Winner a person is expected to be true and honest and work for the people but that isn’t a case in this situation. Aung San Sun Kyi is passed acts have shown otherwise in the year 2016 UN Chief Kofi Annan she was entrusted by Aung San Suu Kyi in relation to finding ways to heal the long standing division in the region. All that glitters isn’t gold, same was here in this situation too last year August, Azeem Ibrahim a Senior Fellow at the center for the Global Policy argued that basically it was a just a way for Aung San Suu Kyi “pacify the global public opinion and try to demonstrate to the international community that she is doing what she can to resolve the issue”.⁷

However, the commission recommended government to end the highly militarised crackdown in the neighbourhoods where Rohingya live as well as scrap restriction on movement and citizenship. Following the release of the 2017 August report the government welcomed the commission recommendation and “that it would give full consideration with the view of carrying out the recommendations to the fullest extent ... in line with the situation on the ground”⁸

The problem of the people that they have forgotten the basic humanity that one person should treat other even if that person is your enemy and that’s what unfortunately happening in Myanmar with Rohingya.

The Office of the UN Resident coordinator in the Myanmar said that deliveries has been suspended “because the security situation and the Government Field –visit restrictions rendered us unable to distribute assistance”

The UN World Food Programme also stated that it had suspended to distribution to other parts of the state, leaving more than 2,00,000 people without the food.

IV. BANGLADESH THE LAST HOPE FOR ROHINGYA?

In small and developing country like Bangladesh, it’s the only hope for Rohingya, due to which the country has been a host to about Half-Million People of Rohingya Refugees. It’s not like the country has not been good host and being host has some limitation after all its cost money. Previous year the country did try to resurrected plan to relocate thousands of people back remote island that is Prone to Flooding and has also been called “Inhabitable” by the Bangladesh Foreign Minister labelled the Violence against the Rohingya as “Genocide”. Bangladesh Prime Minister Sheikh Hasina visited Rohingya Refugee Camp in September and called on the UN and international community to pressure Myanmar Government to allow return of thousands of Rohingya Refugees. Further she said that Bangladesh would offer the Refugee Temporary shelter and aid, but that Myanmar should take their nationals back.

V. IF THERE IS NO ACTION AGAINST THEM, IT MEANS YOU ARE WITH THEM

In May 2017 Myanmar de-facto leader and Human Rights Activist Aung San Suu Kyi lead conference try to end War that Myanmar has been fighting within, with its people and international issues but only if it was that simple and easy. It’s not easy to change the people thinking those who are special in control of running various situations especially the Myanmar Military which has set its mind on Torturing the Rohingya people. This is kind of thinking and action is used against Ethnic Groups and Communities. In December, footage surfaced online showing state security forces in Rakhine State beating ethnic Rohingya Men in a similar fashion, still Aung

⁴ Devastating Cruelty against Rohingya (children, women and men) UN Human Rights Report

⁵ Reported on 4th Sep. as reported in “The Guardian” online

⁶ <http://www.aljazeera.com/news/2017/11/pope-francis-meet-leader-aung-san-suu-kyi-171128092255288.html>

⁷ <http://www.aljazeera.com/news/2017/08/thousands-rohingya-flee-myanmar-bangladesh-170823193439077.html>

⁸ www.aljazeera.com/news/2017/08/commission-urges-myanmar-rohingya-restrictions-170824083520877.html

San Sun Kyi government announced that they will block a United-Nation Fact Finding mission aimed at Holding those responsible to account.⁹ The Fact that the Myanmar leader are clearly working AGAINST the United Nations that proves that they are not interest in settling out. The Sad truth is that A Nobel Peace Award winner is completely against the title she has received.

VI. WORLD, ROHINGYA & CONCLUSION

This might one of the worst situation in the current circumstance where you have targeted just because you have taken birth in Rohingya Community... the Problem is that those who have Power are basically illiterate people and small thinking that has lead to this "HELL ON EARTH" situation

The Un has also said Myanmar Military has committed a grave Human Right abuse in Rakhine. It's not like the United Nations has done investigations in various aspect but lack co-ordinations by the Myanmar has led to things stand-still.

Human Rights have WARNED that Myanmar Government that they are walking on Egg Shells and they are the verge on getting bracked with "PARIAH STATES" like North Korea and Syria if it did not allow the UN to investigate alleged crimes.

UNHRC Chief Zeid Ra'ad al Hussein told Myanmar to end its "Brutal Security Operation against Rohingya in Rakhine calling it a "Textbook example of Ethnic Cleaning" Myanmar are acting more like Hitler targeting people because of their Cast, in here because of their citizen, which is really Sad.

The World has to understand that the people are suffering and Dying, World Leaders and All people should not think of Cast or Creed or Sex of the people when helping the other Human Being. The Reason that Rohingya Situation is still Helpless it's because the World leaders are not putting in required efforts also the People in power in Myanmar have to understand that torturing, victimisation of people on basis of the any platform is not worth and all should be treated equally. Furthermore, Myanmar should actually lead this situation in good way and lead by examples of many countries in Europe which have intake many of the Syrians Refugee have given them the same rights as that of their citizen. Also its not all the Myanmar is doing but the Rohingya Refugee have also control the anger and acts opposite against the nation they are residing in. both are at fault whether it may be refugee or the country but they have to come at peace someday, the sooner they understand, the sooner will be the progress of the Country and of Humanity.

