

# Apartheid Before Genocide

By Abdul Malik Mujahid

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*Amnesty International calls it apartheid. Human Rights Watch has noted a number of “crimes against humanity.” Fortify Rights speaks of the “mounting evidence of genocide.” Similarly, the United Nations human rights chief has called for a full investigation of suspected “acts of genocide.” For the Rohingya, it’s an ongoing reality while waiting for the world to act.*

## STATE OF DISCRIMINATION

The Muslim Rohingya and the Buddhist Rakhine population have a long history of coexistence, mutual respect, and even marital relationship. However, in 1962 a military regime took over and methodologically worked to change that. Government authorities within Myanmar refer to the Rohingya as ‘Bengali’, differentiating them from the Buddhist ‘Burmese.’ The majority Buddhist population historically enjoyed social and economic privileges that

eventually became codified within their government as laws. As a result, “ethnic Burmese groups enjoy certain privileges compared to those labeled as non-Burmese.”<sup>1</sup>

In his book, “The Laws of Genocide: Prescriptions for a Just World,” Thomas W. Simon states that “Discriminatory attitudes held largely by individuals take on an entirely different form when they become sanctioned, reinforced, and promoted by organizations, particularly by state organizations.”<sup>2</sup> Indeed, this seems to be the case within Myanmar. The military policies have led “led to an institutionalization of differential treatment for Burmese vs. non-Burmese populations.”<sup>3</sup>

Many of the Buddhist monks are not ashamed of their desire for a ‘pure’ Buddhist state. Monk Ashin Wirathu says the Rohingya within Myanmar, “are like the African carp. They breed quickly and they are very violent and they eat their own kind.”<sup>4</sup> Similarly, the editor-in-chief of ultranationalist Buddhist group Ma Ba Tha says that Muslims will “swallow our country.”<sup>5</sup> Even though Rohingyas are indigenous people living in their ancestral lands, Myanmar officials and Buddhist monks claim the Rohingya are illegal immigrants from Bangladesh.<sup>6</sup> The denial of the

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<sup>1</sup> Quereshi, Aurangzeb. “How Institutionalized Racism Fuels the Rohingya Genocide.” *Al Arabiya English*, September 28, 2017, <http://english.alarabiya.net/en/perspective/features/2017/09/28/How-institutionalized-racism-fuels-the-Rohingya-genocide.html>

<sup>2</sup> Simon, Thomas W. “The Laws of Genocide: Prescriptions for a Just World.” (Praeger, June 2007), 84.

<sup>3</sup> Walton, Matthew J. “The ‘Wages of Burman-ness:’ Ethnicity and Burman Privilege in Contemporary Myanmar.” *Journal of Contemporary Asia* 43, no. 1 (2012).

<sup>4</sup> Kyaw, Tin Aung. “Buddhist Monk Wirathu Leads Violent National Campaign Against Myanmar’s Muslims.” *GlobalPost: Public Radio International*, June 21, 2013, <https://www.pri.org/stories/2013-06-21/buddhist-monk-wirathu-leads-violent-national-campaign-against-myanmars-muslims>

<sup>5</sup> Freeman, Joe. “Can Anyone Stop Burma’s Hardline Buddhist Monks?” *The Atlantic*, September 6, 2017, <https://www.theatlantic.com/international/archive/2017/09/can-anyone-stop-burmas-hardline-buddhist-monks/538992/>

<sup>6</sup> Kristof, “Myanmar’s Appalling Apartheid.”

Rohingya identify and the irrational fear of being “swallowed” by Muslims are two major factors in the ongoing violence, even though Muslims constitute less than 4% of Myanmar.

It may not be only religious differences that fuel the discrimination. Physical and cultural differences mark the Rohingya as unlike the majority population, and they also speak another language. A Myanmar government official in Hong Kong wrote a letter in 2009 that calls Rohingya “ugly as ogres” with “dark brown skin.”<sup>7</sup> Rakhine and other Buddhists call Rohingyas “kalar” a derogatory term referring to their skin color, similar to the offensive term used for African Americans. Professor Michael Jerryson of Youngstown State University says that racism is a defining factor of the issue:

In Myanmar, the ethnic Burmans have had privileges political, economically, and socially for decades. They are positioned as superior to those that are on the opposite extreme, the Rohingya. [...] Racism thus works well to describe the ways in which those in power in Myanmar, the Buddhist Burmans, have treated and view their ‘untouchables,’ the ones who they refuse to acknowledge by name: the Rohingya.<sup>8</sup>

Human rights activist Jamila Hanan agrees saying, “Since they are of a darker color, follow a different religion, and speak a different language to the rest of the population in Myanmar, it is no surprise that they fall victim to prejudice and hatred. But the military in Myanmar have used and encouraged these hostilities for their own power grabbing agendas.”<sup>9</sup>

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<sup>7</sup> Bengali, Shashank. “In Myanmar, Hatred for Rohingya Muslims Runs so Deep that a Diplomat Called Them ‘Ugly as Ogres’—and Got Promoted. *LA Times*, December 26, 2017.

<http://www.latimes.com/world/asia/la-fg-myanmar-rohingya-hate-20171225-story.html>

<sup>8</sup> Quereshi, “How Institutionalized Racism Fuels the Rohingya Genocide.”

<sup>9</sup> Quereshi, “How Institutionalized Racism Fuels the Rohingya Genocide.”

The rampant prejudice combined with discriminatory laws have caused Amnesty International to accuse Myanmar of apartheid against the Rohingya, a conclusion that many have agreed is apt. Amnesty International states in a report:

Apartheid is a crime against humanity. It is conduct imposing and maintaining a regime of systematic oppression and domination by one racial group over another within a country. It's a system that's upheld by legislative and administrative measures, policies and practices all designed to isolate a racial group – in this case the Rohingya – to deny their human rights and to stop them from participating in the political, social and economic life of a country. In practice, acts of open violence such as rape, torture and unlawful killings have also been used as tools of oppression and domination.<sup>10</sup>

The Myanmar government revoked citizenship from the Rohingya in 1982 and has refused to restore it, making the Rohingya stateless. Describing Rakhine state as an “open air prison,” Amnesty International describes how Rohingya are restricted from traveling and denied access to medical care.<sup>11</sup> In addition, Rohingya children are not allowed to attend school. Many restrictions are codified in Myanmar law, including a two-child policy for legally married couples; women who are not married are prohibited from having children.<sup>12</sup>

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<sup>10</sup> “Myanmar: Rohingya Trapped in Dehumanizing Apartheid Regime.” *Amnesty International*, November 21, 2017. <https://www.amnesty.org/en/latest/news/2017/11/myanmar-rohingya-trapped-in-dehumanising-apartheid-regime/>

<sup>11</sup> “Myanmar: Rohingya Trapped in Dehumanizing Apartheid Regime.” *Amnesty International*.

<sup>12</sup> “Policies of Persecution: Ending Abusive State Policies Against Rohingya Muslims in Myanmar.” *Fortify Rights*, February 2014, 24. [http://www.fortifyrights.org/downloads/Policies\\_of\\_Persecution\\_Feb\\_25\\_Fortify\\_Rights.pdf](http://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf)

Exacerbating this situation are the restrictions on marriage for Rohingya couples. They must go through a lengthy process that is “often humiliating and financially prohibitive.”<sup>13</sup>

All these conditions are reminiscent of apartheid in South Africa, where institutionalized racism entrenched white superiority. The South African government “passed a series of increasingly oppressive laws,” including restrictions on marriage.<sup>14</sup> Apartheid—the Afrikaans word for apartness—fittingly describes the situation the Rohingya are in: restricted to a separate state with different laws compared to the rest of the population. In fact, the United Nations takes it even further, describing the Myanmar’s military 2017 security operation as “a textbook example of ethnic cleansing.”<sup>15</sup> During this operation, over 270,000 Rohingya fled to Bangladesh in less than three weeks,<sup>16</sup> leading to a total of 656,000 recent refugees in Bangladesh.

How did this happen? What led Rakhine Buddhists to drive such a brutal campaign against Rohingya Muslims? The region’s history may shed some light on the current turmoil.

## THE BUILDUP OF DISCRIMINATION BEFORE 1982

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<sup>13</sup> “Policies of Persecution,” *Fortify Rights*, 10.

<sup>14</sup> Person, Michael and Cohen, Tom. “Life Under Apartheid: Demeaning, Often Brutal.” *CNN*, December 6, 2013. <http://www.cnn.com/2013/12/06/world/africa/mandela-life-under-apartheid/index.html>

<sup>15</sup> Al-Hussein, Zeid Ra’ad. “Darker and More Dangerous: High Commissioner Updates the Human Rights Council on Human Rights Issues in 40 Countries.” *Office of the United Nations High Commissioner on Human Rights*, September 11, 2017.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041&LangID=E>

**\*Author’s Note\*** *Ironically there is no text book of law which mentions any crime named “ethnic cleansing.” Gregory Stanton states that “ethnic cleansing’ is a term invented by Slobodan Milosevic. It’s a euphemism for forced displacement and genocide. It’s an insidious term because there is no international treaty law against it, whereas there are international laws against forced displacement and genocide.” For more, see: <http://www.thedailystar.net/opinion/politics/call-it-genocide-149354s>*

<sup>16</sup> Al-Hussein, Zeid Ra’ad. “Darker and More Dangerous.”

1982 is a threshold year for the build-up of apartheid, but it was not the beginning. Rohingyas were citizens of Burma until 1982, when the military forced a constitution on Myanmar that revoked Rohingya citizenship. Before that, the military Junta had been in power since 1962 and had disbanded many Rohingya social and political organizations. Then, in 1977, the military launched Operation Nagamin, or Dragon King.<sup>17</sup> In this systematic, large-scale operation, military forces and Rakhine Buddhists attacked Rohingya, and the military was accused of raping and murdering civilians. Over 200,000 Rohingya fled to Bangladesh as a result.<sup>18</sup>

An international effort resulted in the establishment of the Rohingya as refugees and the assistance of the United Nations High Commissioner for Refugees (UNHCR). After pressure from the Bangladeshi government and the United Nations, Myanmar leadership allowed the Rohingya to return to Myanmar. At first, repatriation was slow, but “the number increased when the Bangladeshi government allowed camp conditions to decline and restricted food rations.”<sup>19</sup>

The pattern of forced expulsion to Bangladesh and repatriation back to Myanmar continues to this day, with mass exodus events in 1992, 2012, and 2016.

### **RESTRICTIONS ON RELIGIOUS FREEDOM**

There are several indications of the religious aspect to the discriminatory laws and forced deportation. Soldiers of the Myanmar Army have “purposefully destroyed dozens of

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<sup>17</sup> “Burmese Refugees in Bangladesh,” *Human Rights Watch*.

<sup>18</sup> “Burmese Refugees in Bangladesh,” *Human Rights Watch*.

<sup>19</sup> “Burmese Refugees in Bangladesh,” *Human Rights Watch*.

mosques”<sup>20</sup> and authorities delay or deny requests to repair and rebuild mosques.<sup>21</sup> Mosques built or repaired without permission may be demolished. In Sittwe, the capital of Rakhine State, “most mosques are abandoned and in a state of gradual decay, blocked off to the public by barbed wire fences and guarded by police.”<sup>22</sup>

Many Rohingya are restricted by curfews that prevent them from praying together, and “they risk arrest, or more often extortion, if they are caught disobeying the rule.”<sup>23</sup> In some townships, local laws prohibit gatherings of more than five people in mosques and schools. Amnesty International found that, in practice, “the restriction of assembly is only enforced against the Muslim population.”<sup>24</sup> Religious leaders also describe an order requiring “persons with responsibility at mosques and religious buildings” to obtain permission before teaching. This has effectively closed many mosques and madrasas in northern Rakhine State.<sup>25</sup>

### ANTI-MUSLIM LAWS

Much discrimination stems from the 1982 Citizenship Law that “denies Rohingya equal access to citizenship and the rights it entails.”<sup>26</sup> By calling Rohingya “illegal immigrants,” any

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<sup>20</sup> “They Tried to Kill Us All: Atrocity Crimes against Rohingya Muslims in Rakhine State, Myanmar.” *Fortify Rights & United States Holocaust Memorial Museum*, November 2017, 12. [http://www.fortifyrights.org/downloads/THEY\\_TRIED\\_TO\\_KILL\\_US\\_ALL\\_Atrocity\\_Crimes\\_against\\_Rohingya\\_Muslims\\_Nov\\_2017.pdf](http://www.fortifyrights.org/downloads/THEY_TRIED_TO_KILL_US_ALL_Atrocity_Crimes_against_Rohingya_Muslims_Nov_2017.pdf)

<sup>21</sup> “Caged Without a Roof: Apartheid in Myanmar’s Rakhine State.” *Amnesty International*, November 21, 2017, 84. <https://www.amnesty.org/en/documents/asa16/7484/2017/en/>

<sup>22</sup> “Caged Without a Roof,” *Amnesty International*, 83.

<sup>23</sup> “Caged Without a Roof,” *Amnesty International*, 81.

<sup>24</sup> “Caged Without a Roof,” *Amnesty International*, 82.

<sup>25</sup> “Caged Without a Roof,” *Amnesty International*, 82.

<sup>26</sup> “Policies of Persecution,” *Fortify Rights*, 11.

limitations can be imposed upon them in the name of national security.<sup>27</sup> Without citizenship, many of the tools that could be used to break the cycle of discrimination are out of reach.

Not only are Rohingya denied citizenship, they are also deprived of any legal status and documentation. Rohingya children are not issued birth certificates<sup>28</sup> (the government stopped in the early 1990s), and adults never received new identity cards created under a 1982 law. Those who had submitted their old cards along with the application for a new card did not have their old cards returned. Many Rohingya were issued Temporary Registration Cards (TRCs or white cards) in 1995. These were revoked by then President Thein Sein in March 2015 and card holders were issued a Temporary Approval Card instead.<sup>29</sup> Currently, Rohingya are encouraged to apply for a National Verification Card (NVC), “a temporary identity card valid for two years, while authorities would determine what, if any, type of citizenship each individual was entitled to.”<sup>30</sup>

Many Rohingya are reluctant to undertake this verification process, as they already consider themselves citizens and fear they could be labeled Bengali or be forced to identify as Bengali.<sup>31</sup> Amnesty International reported that Rohingya were being coerced to undergo the verification process, quoting a leaflet that said “If you want to go to Bangladesh, get the NV card first. If you want do fishing, apply for the NV card first. For social and economic activities, hold the NV card.”<sup>32</sup>

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<sup>27</sup> “Policies of Persecution,” *Fortify Rights*, 11.

<sup>28</sup> “Caged Without a Roof,” *Amnesty International*, 34.

<sup>29</sup> “Caged Without a Roof,” *Amnesty International*, 29.

<sup>30</sup> “Caged Without a Roof,” *Amnesty International*, 30.

<sup>31</sup> “Caged Without a Roof,” *Amnesty International*, 30.

<sup>32</sup> “Caged Without a Roof,” *Amnesty International*, 32.

The ability to vote is affected by this as well. Rohingya have always voted and elected their representative. However, the 2015 law that revoked registration cards denied them the opportunity to participate in Myanmar's first free election in 25 years. Further, all Muslim candidates for office were disqualified.<sup>33</sup> Restrictions on movement have made it almost impossible for Rohingya to "gather, mobilize, and advocate collectively for their rights."<sup>34</sup> There are also no Muslim civic organizations in Rakhine and all applications have been rejected by the government.<sup>35</sup>

In addition, a collection of laws and policies affects every aspect of Rohingya life: education, employment, family relationships, and travel. As in Apartheid South Africa, those in power have created a second-class of citizens who are continually repressed. An investigation by Fortify Rights uncovered government documents that outlined laws and policies against the Rohingya that have been around since at least 2005. More recently, the "Race and Religion Protection Laws" were adopted in 2015. Though they apply to everyone in the country, they seem to be aimed at Muslims. Buddhist monks spearheaded the movement that led to the adoption of these laws that put further restrictions on the Rohingya.<sup>36</sup>

## I. MARRIAGE

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<sup>33</sup> McLaughlin, Timothy. "For Myanmar's Muslims, Little to Cheer About in Historic Election." *Reuters*, November 5, 2017. <https://www.reuters.com/article/us-myanmar-election-rohingya/for-myanmars-muslims-little-to-cheer-about-historic-election-idUSKCN0SV08V20151106>

<sup>34</sup> "Caged Without a Roof," *Amnesty International*, 85.

<sup>35</sup> "Caged Without a Roof," *Amnesty International*, 85.

<sup>36</sup> "Burma: Four 'Race and Religion Protection Laws' Adopted." *Global Legal Monitor*, September 14, 2015. <http://www.loc.gov/law/foreign-news/article/burma-four-race-and-religion-protection-laws-adopted/>

One government policy states that “action must be taken against those who are married unofficially and live together.”<sup>37</sup> The marriage law in place is no simple registration requirement. Couples must “present themselves to law enforcement officials multiple times, alongside their parents and other witnesses.”<sup>38</sup> In addition, the marriage application asks for a photograph with the man cleanly shaven and the woman without a head covering—both requirements in opposition to commonly practiced Muslim customs. They must also present themselves without hijab or beard in front of authorities. In practice, the marriage application process requires steep bribes as well.<sup>39</sup>

The 2015 race and religion laws further restricted the right to marriage. Buddhist activists have often voiced fear of Buddhist women being forced to convert to Islam, and the Buddhist Women’s Special Marriage Law is in direct response to that.<sup>40</sup> This law states that marriage applications between Buddhist women and non-Buddhist men must be publicly posted for two weeks. The marriage may only proceed if there are no objections—from any member of the public.<sup>41</sup> Couples who wish to circumvent this law by changing religion face another obstacle, the Religious Conversion Law. Anyone who wishes to convert to a new religion must receive approval from a state-appointed registration board for religious conversion.<sup>42</sup>

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<sup>37</sup> “Policies of Persecution,” *Fortify Rights*, 31.

<sup>38</sup> “Policies of Persecution,” *Fortify Rights*, 30.

<sup>39</sup> “Policies of Persecution,” *Fortify Rights*, 30.

<sup>40</sup> Carroll, Joshua. “Buddhists Monks in Myanmar Celebrate Repressive Laws.” *Al Jazeera*, September 23, 2015. <http://www.aljazeera.com/indepth/features/2015/09/buddhist-monks-myanmar-celebrate-repressive-laws-150922111750765.html>

<sup>41</sup> “Burma: Four ‘Race and Religion Protection Laws’ Adopted.” *Global Legal Monitor*.

<sup>42</sup> “Burma: Four ‘Race and Religion Protection Laws’ Adopted.” *Global Legal Monitor*.

Another law passed as a part of these measures was the monogamy law that forbids having more than one spouse, as well as living with another person while married. The law also bans “extramarital affairs,” a move that criminalizes “consensual sexual relations between adults” and violates the right to privacy.<sup>43</sup>

Religious marriage officiated by an Imam has been the only means of solemnizing a marriage among Rohingyas for centuries. These marriage laws essentially invalidate the religiously officiated marriage and therefore declares those living without official marriage certificate as “extramarital affairs,” and their children “illegal” without a birth certificate.

## II. FAMILY

A regional order discovered by Fortify Rights delineates a two-child policy that only applies to Rohingyas.<sup>44</sup> The order says that those “who have permission to marry must limit the number of children, in order to control the birth rate so that there is enough food and shelter.”<sup>45</sup> Newly married Rohingya couples are required to “sign a statement saying they will not have more than two children.”<sup>46</sup> Since the order is restricted to those who have “permission to marry,” it effectively outlaws having children out of wedlock.

Women’s health is profoundly impacted by the two-child policy and restrictions on giving birth outside of marriage. Without access to safe birth control options, many pregnant women try to leave Rakhine, either by sea to neighboring countries, or on foot to refugee

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<sup>43</sup> “Burma: Discriminatory Laws Could Stoke Communal Tensions.” *Human Rights Watch*, August 23, 2015, <https://www.hrw.org/news/2015/08/23/burma-discriminatory-laws-could-stoke-communal-tensions>

<sup>44</sup> “Policies of Persecution,” *Fortify Rights*, 24.

<sup>45</sup> “Policies of Persecution,” *Fortify Rights*, 24.

<sup>46</sup> “Policies of Persecution,” *Fortify Rights*, 24.

camps in Bangladesh. Some women also resort to illegal and risky abortions; this has “resulted in death and harmful medical repercussions.”<sup>47</sup>

Myanmar’s 2015 Race and Religion Laws also affected family planning. The Population Control Law states that women in certain regions must space children 36 months apart. These regions are determined by state-appointed bodies, based on the reproductive rates of specific areas.<sup>48</sup> With the rampant discrimination present in much of the regional and state authorities who oversee implementation of this law, many fear Rohingya women will be subject to forced abortions and sterilization.<sup>49</sup>

Another aspect that affects family life is the “household list”—a document required for every household in Myanmar that names all the household’s permanent residents. Since many Rohingya find it difficult or impossible to obtain identification cards, this list is often their only documentation. These lists were updated during annual visits by local officials. However, in 2016 officials stopped adding newborns and instead required families to apply to add their child’s name. This is a lengthy, complicated, expensive process that often involves bribes.<sup>50</sup> Without being registered on these household lists, children may not be able to access education or healthcare down the road.<sup>51</sup>

### III. TRAVEL

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<sup>47</sup> “Policies of Persecution,” *Fortify Rights*, 28.

<sup>48</sup> “Burma: Four ‘Race and Religion Protection Laws’ Adopted.” *Global Legal Monitor*.

<sup>49</sup> “Myanmar: Parliament Must Reject Discriminatory ‘Race and Religion’ Laws.” *Amnesty International and the International Commission of Jurists*, March 3, 2015, 5.  
<https://www.amnesty.org/en/documents/asa16/1107/2015/en/>

<sup>50</sup> “Caged Without a Roof,” *Amnesty International*, 35.

<sup>51</sup> “Caged Without a Roof,” *Amnesty International*, 37.

There is essentially a travel ban on Rohingyas in Rakhine state. Rohingya in Rakhine state cannot travel between villages and towns without a “travel certificate.” Police check posts on each road stop Rohingyas to verify if they have a “certificate” to travel away from their village. This certificate is not easy to obtain. It also requires two guarantees that they will return to their village. It’s been reported that only the very rich can afford a travel authorization through bribes.

Night raids at homes check to see if there is anyone in any home who does not have a permit to be there. In one case, this author interviewed a family visiting their grandfather in another village without a permit. In a night raid called ‘spot checking’ they were arrested and imprisoned along with their 18-month-old daughter. Even those travelling with a permit are required to report to the local authorities upon arrival. Failure to do so is a criminal offence.

According to Fortify Rights research, there are “six discriminatory requirements for Rohingya married couples to obtain ‘permission’ from the authorities for ‘moving in the same territory,’ seven requirements for ‘moving to a different territory,’ and five requirements for ‘moving out.’”<sup>52</sup>

#### **IV. MEDICAL CARE**

The restrictions on freedom to travel prevent Rohingyas from being able to access proper medical care, only available in larger towns. Rohingya must apply for permission to visit hospitals and health clinics and a curfew prevents them from traveling at night.<sup>53</sup> Reaching the

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<sup>52</sup> Policies of Persecution,” *Fortify Rights*, 33

<sup>53</sup> “Caged Without a Roof,” *Amnesty International*, 60.

Sittwe General Hospital, a better-equipped facility, is even harder. An international non-governmental organization can refer a patient to the hospital, but they must “obtain authorization from the Township Medical Officer and Sittwe General Hospital and organize for the patient’s pick-up by boat.”<sup>54</sup> In the rare instances a Rohingya patient is able to access the hospital, they are kept in segregated wards, refused access to mobile telephones, are abused by hospital staff, and subjected to extortion.<sup>55</sup> The travel restrictions were initially introduced in 2001.<sup>56</sup> In 2016, permission to travel to Yangon—the largest city in Myanmar—for health reasons was denied.<sup>57</sup>

## V. FORCED DISPLACEMENT

Additionally, Rohingya who were forcibly displaced often cannot return to their home village. The approximately 120,000 Rohingya from the capital city of Sittwe who were marched to internally displaced person (IDP) camps by Burmese military are essentially being held in open air prisons.<sup>58</sup> They cannot leave these camps. Fortify Rights interviewed a 48-year-old Rohingya man in October of 2013 who said:

“The usual way should be that everyone is free to travel from one place to another. This does not exist in our country for us. For the Rakhine, it’s no problem; for the Hindu, no problem; Bengali-Hindu, no problem; but we are particularly targeted. Freedom of

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<sup>54</sup> “Caged Without a Roof,” *Amnesty International*, 61.

<sup>55</sup> “Caged Without a Roof,” *Amnesty International*, 64-65

<sup>56</sup> “Myanmar/Burma – Muslims and Rohingya.” *Minority Rights Group International*.

<http://minorityrights.org/minorities/muslims-and-rohingya/>

<sup>57</sup> <https://reliefweb.int/report/myanmar/new-travel-restrictions-limit-rohingya-access-healthcare>

<sup>58</sup> “Policies of Persecution,” *Fortify Rights*, 34.

movement, freedom of speech, freedom of writing, freedom of social affairs, healthcare, business, education— all are restricted.”<sup>59</sup>

Border Guard Police (BGP) often demand bribes from Rohingya traveling through checkpoints for various reasons, including not having proper documentation and unclear handwriting on travel permits.<sup>60</sup> So even after obtaining the often expensive permits, Rohingya must pay even more on the road. Some Rohingya have also had their identity documents confiscated by township immigration authorities once they reached their destination, making travel a very risky undertaking.<sup>61</sup>

## VI. EDUCATION

The Rakhine state overall has a literacy rate of 84.7%. However, approximately 80% of Rohingyas in the state are illiterate. How did that happen? 1982 and 2012 marked two major years in which Rohingya education was restricted. Since their citizenship was taken away in 1982, Rohingyas were generally no longer allowed in public schools. According to a former chair of Tula Toli, in rare cases where they were allowed in public school (as in Tula Toli elementary school), they were dismissed within an hour by Buddhist teachers.<sup>62</sup>

Not every village in Rakhine state has a school, so many Rohingyas need a travel permit to attend. This is impossible due to the high cost of the bribery to obtain one. In addition, Rohingya children are “not allowed to attend mixed government schools with ethnic Rakhine

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<sup>59</sup> “Policies of Persecution,” *Fortify Rights*.

<sup>60</sup> “Caged Without a Roof,” *Amnesty International*, 82.

<sup>61</sup> “Caged Without a Roof,” *Amnesty International*, 33.

<sup>62</sup> <insert name> (Former Chair, Tula Toli Village Council) in discussion with the author, November 27, 2017.

children.”<sup>63</sup> One administrator claimed that the separation was necessary to avoid conflict.<sup>64</sup> Other legal restrictions coincide to hinder or block access to education. School teachers must be citizens, so most Rohingya are barred from that profession. This means that teachers are mainly Buddhists who refuse to work in Muslim majority areas.<sup>65</sup> Also, as noted earlier, Rohingya children who are not listed on household lists may not be able to enroll.<sup>66</sup>

As far as higher education is concerned, Rohingyas were declined admission to Yangon University even before their citizenship was taken away in 1982. They were to attend the Sittwe University. But after 1982 the rights to higher education were restricted to citizens only. In 2012, Rohingya were banned from even setting foot on the campus.<sup>67</sup>

Faced with the government restrictions on educational opportunities, Rohingyas expanded their religious educational system called Madrasah, literally, a place of education. Most literate Rohingya this author encountered in refugee camps were educated in this Madrasah system of education. Since June 2012, however, all Madrasah and Mosques were officially closed, effectively stopping any formal education to the Rohingya.<sup>68</sup>

## VII. EMPLOYMENT

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<sup>63</sup> “Caged Without a Roof,” *Amnesty International*, 67.

<sup>64</sup> “Caged Without a Roof,” *Amnesty International*, 67.

<sup>65</sup> Carrol, Joshua. “Myanmar’s Rohingya Deprived of Education.”

<sup>66</sup> “Caged Without a Roof,” *Amnesty International*, 70.

<sup>67</sup> Carrol, Joshua. “Myanmar’s Rohingya Deprived of Education.” *Al Jazeera*, August 4, 2014. <http://www.aljazeera.com/indepth/features/2014/08/myanmar-rohingya-deprived-education-201484105134827695.html>

<sup>68</sup> Maulana Abdul Ghafoor (last surviving Imam of Tula Toli) in discussion with the author, November 27, 2017. \*Author’s Note\* *Almost all Rohingya refugees I interviewed in the camps sited that date for closer of Madrasahs.*

Similar to education, a combination of laws and policies combine to severely restrict Rohingya access to employment. Without citizenship, Rohingya are unable to work within the government, public schools, or healthcare organizations. Since many Rohingya are denied access to education, they do not have the credentials necessary for higher level jobs. Travel restrictions limit employment opportunities to those available within their own town.

## VIII. ENFORCEMENT

These laws have teeth. Security forces perform spot checks to ensure the marriage and two child policies are being followed, comparing the residents within a household against the numbers in official registries. Law enforcement officials are instructed to take photos of families and compare them against family pictures, to determine the correct number of people registered per household. Women are also forced to “breastfeed infants in the presence of soldiers,”<sup>69</sup> as a way of checking to see if the women are really birth mothers, and not concealing someone who violated the two-child policy. Young children may also be questioned separately, to evaluate the accuracy of the family registry. Women who disobeyed childbirth restrictions—either by having more than two children, having a child out of wedlock, or by having a child in an unofficial marriage—are punishable by “imprisonment up to 10 years, fines, or both.”<sup>70</sup>

Defying marriage restrictions is also a criminal act, with the same punishment of 10 years in prison and/or fines.<sup>71</sup> Traveling without proper authorization or failure to notify

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<sup>69</sup> “Policies of Persecution,” *Fortify Rights*, 28.

<sup>70</sup> “Policies of Persecution,” *Fortify Rights*, 28.

<sup>71</sup> “Policies of Persecution,” *Fortify Rights*, 31.

immigration authorities upon arrival at their destination brings prison time, a fine, or both.<sup>72</sup>

The newer Race and Religion Laws include stiff penalties as well. Those found in violation of the religions conversion law could face up to two years in prison, while breaching the monogamy law carries a penalty of up to seven years in prison and a fine.<sup>73</sup>

### **DENIAL OF THE BASIC NECESSITIES OF LIFE**

These laws and restrictions go beyond citizenship, education, and other areas to threaten even the most basic necessities. Travel and employment restrictions have caused all communities in Rakhine state to “suffer from poor levels of food security.”<sup>74</sup> Many Rohingya cannot travel to markets and they are also unable to access “fields, forests, rivers and coastal areas” to farm and fish.<sup>75</sup> If they are able to reach those areas, they often have to pay bribes to fish or collect wood.<sup>76</sup>

With the unsurmountable difficulties in obtaining food, many Rohingya rely on humanitarian assistance. However, that too has been compromised. In October of 2016, Myanmar authorities “first suspended and then severely restricted humanitarian access to northern Rakhine state.”<sup>77</sup> Despite several warnings from international organizations about the necessity of aid, “the UN and international humanitarian organizations have been largely unable to access northern Rakhine State to assess needs of the population still living there.”<sup>78</sup>

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<sup>72</sup> “Policies of Persecution,” *Fortify Rights*, 33.

<sup>73</sup> “Burma: Discriminatory Laws Could Stoke Communal Tensions.” *Human Rights Watch*.

<sup>74</sup> “Caged Without a Roof,” *Amnesty International*, 77.

<sup>75</sup> “Caged Without a Roof,” *Amnesty International*, 75.

<sup>76</sup> “Caged Without a Roof,” *Amnesty International*, 75.

<sup>77</sup> “Caged Without a Roof,” *Amnesty International*, 78.

<sup>78</sup> “Caged Without a Roof,” *Amnesty International*, 79.

According to Amnesty International, this denial intentionally caused “great suffering, or serious injury to body or to mental or physical health.”<sup>79</sup>

Myanmar’s Ministry of Health and Sports released a report in 2017 that found “the nutritional status of children in Rakhine State is the worst in the country, with 38% of children stunted (18% severely stunted), 14% wasted, and 34% underweight.”<sup>80</sup> It also noted that approximately 80,500 children under five “would require treatment for malnutrition in the following 12 months.”<sup>81</sup> Adults faced food insecurity and malnutrition as well, with the report finding “one third of the households faced extreme experiences of food insecurity, such as no food of any kind in the household (28%), went to bed hungry (34%), or went for the whole day and night without eating (28%).”<sup>82</sup>

### **ARBITRARY DETENTION & FORCED DISAPPEARANCE**

Rohingya abuse doesn’t end with discriminatory laws and restrictions. In January 2017, Myanmar security forces admitted that they arrested and detained 406 men and boys in northern Rakhine state in November 2016. The reason given was that the detainees were connected to attacks on police stations in October 2016, but there is no evidence of a connection to the attacks. Eyewitnesses described an “arbitrary mass detention” of Rohingya men and boys, blindfolded with hands tied behind their backs.<sup>83</sup> Witnesses also said that many more than 406 were arrested and not released, and these men have not been heard from since.

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<sup>79</sup> “Caged Without a Roof,” *Amnesty International*, 79.

<sup>80</sup> “Caged Without a Roof,” *Amnesty International*, 77.

<sup>81</sup> “Caged Without a Roof,” *Amnesty International*, 78.

<sup>82</sup> “Caged Without a Roof,” *Amnesty International*, 78.

<sup>83</sup> “They Tried to Kill Us All,” *Fortify Rights & United States Holocaust Memorial Museum*, 11.

The Myanmar Army has continued to make arbitrary arrests, with many detainees never heard from again.

### **MASSACRE, MURDER, & RAPE**

Human Rights Watch has detailed satellite images that reveal ongoing, unimaginable destruction of many villages by the Myanmar military. Images from September 16, 2017 show the “destruction of tens of thousands of homes across Maungdaw and Rathedaung Townships.”<sup>84</sup> Images from December 2017 show an additional 40 villages burned since October. By their count, 354 villages have been partially or completely destroyed since August 25, 2017.<sup>85</sup>

This mass destruction came with murders, massacres, and rapes committed by soldiers and witnessed by hundreds of Rohingya that fled. A report by Fortify Rights documents how:

“Myanmar state security forces and civilian perpetrators committed mass killings. State security forces opened fire on Rohingya civilians from the land and sky. Soldiers and knife-wielding civilians hacked to death and slit the throats of Rohingya men, women, and children, and Rohingya civilians were burned alive.”<sup>86</sup>

Human Rights Watch talked to a 25-year-old woman who had been left for dead by soldiers after they cut her throat. She was forced to watch as soldiers killed her 28-day old baby, along with two other infants. After soldiers slashed at her with knives and machetes she

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<sup>84</sup> “Burma: Satellite Imagery Shows Mass Destruction.” *Human Rights Watch*, September 19, 2017. <https://www.hrw.org/news/2017/09/19/burma-satellite-imagery-shows-mass-destruction>

<sup>85</sup> “Burma: 40 Rohingya Villages Burned Since October.” *Human Rights Watch*, December 17, 2017. <https://www.hrw.org/news/2017/12/17/burma-40-rohingya-villages-burned-october>

<sup>86</sup> “They Tried to Kill Us All,” *Fortify Rights & United States Holocaust Memorial Museum*, 1

lost consciousness, and woke up in a burning, locked house—yet she still managed to escape and tell her story.<sup>87</sup>

Survivors of the Tula Toli massacre in Rakhine State describe how almost everyone in their village was killed on August 30, 2017. Hundreds of soldiers combined with ethnic Rakhine villagers to attack Rohingya villagers. The Rohingya were trapped against the banks of a river and systematically murdered. Children were killed and thrown into the river. One survivor recounted how her one-year old daughter was taken from her arms and thrown, alive, onto a fire. Women were taken into houses and raped, then the houses were locked and set on fire as the soldiers left.<sup>88</sup>

This was not an isolated incident. A few days earlier, the military “summarily executed several dozen Rohingya Muslims in Maung Nu village” in Rakhine state. Residents had “gathered for safety in a residential compound” where soldiers found them and beat, stabbed, and shot them.<sup>89</sup>

Many Rohingya girls and women were raped and sexually assaulted by uniformed military personnel, with most women reporting more than one perpetrator.<sup>90</sup> International humanitarian organizations have found that sexual abuse is systemic and widespread. Fortify

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<sup>87</sup> “The Burmese Military is Committing Crimes Against Humanity.” *Human Rights Watch*, September 27, 2017. <https://www.hrw.org/news/2017/09/27/burmese-military-committing-crimes-against-humanity>

<sup>88</sup> “Massacre by the River: Burmese Army Crimes against Humanity in Tula Toli.” *Human Rights Watch*, December 19, 2017. <https://www.hrw.org/report/2017/12/19/massacre-river/burmese-army-crimes-against-humanity-tula-toli>

<sup>89</sup> “Burma: Military Massacres Dozens in Rohingya Village.” *Human Rights Watch*, October 4, 2017. <https://www.hrw.org/news/2017/10/03/burma-military-massacres-dozens-rohingya-village>

<sup>90</sup> “All of My Body Was Pain: Sexual Violence against Rohingya Women and Girls in Burma.” *Human Rights Watch*, November 16, 2017, 2. <https://www.hrw.org/report/2017/11/16/all-my-body-was-pain/sexual-violence-against-rohingya-women-and-girls-burma>

Rights reported that soldiers “gang-raped women and girls in homes, schools, other community buildings, paddy fields, and forested areas, often in plain view of other soldiers and civilians.”<sup>91</sup>

Human Rights watch interviewed rape survivors from 19 different villages, and many women reported seeing their husbands and children killed in front of them. One mother told of how her children had to witness the rape:

“I was crying but they tore off all of my clothes.... They hit my children while raping me.... I went unconscious. The first thing I remember when I woke again was my children screaming that their mother was dead.”<sup>92</sup>

Another rape survivor told of how she and about 20 other women were captured as they tried to flee the attack on their village. Soldiers trapped the women for two days and did not offer food or water. They repeatedly raped the women, sometimes in front of others, sometimes a woman was taken alone. One witness said, “There were so many women ... we were weeping but there was nothing we could do.”<sup>93</sup>

Villagers who manage to flee the attacks face further threats, as the military has planted landmines on roads in Rakhine State, as well as along the border with Bangladesh.<sup>94</sup> The Rohingya who have shared their stories with the international community are often tortured. One Rohingya man told Amnesty International of his treatment after being accused of sharing

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<sup>91</sup> “They Tried to Kill Us All.” *Fortify Rights & United States Holocaust Memorial Museum*, 10.

<sup>92</sup> “All of My Body Was Pain,” *Human Rights Watch*, 18.

<sup>93</sup> “All of My Body Was Pain,” *Human Rights Watch*, 19 – 20.

<sup>94</sup> “Crimes against Humanity by Burmese Security Forces against the Rohingya Muslim Population in Northern Rakhine State since August 25, 2017.” *Human Rights Watch*, September 25, 2017. <https://www.hrw.org/news/2017/09/25/crimes-against-humanity-burmese-security-forces-against-rohingya-muslim-population>

“false” information with international authorities. He was kidnapped and taken to a military camp where:

“My hands were tied behind my back and they punched me in the face. I started bleeding again. Then they took off my trousers and used a stick to beat my thighs. I fell to the floor from the pain, but they didn’t stop, they just kept beating me... After around 30 minutes, they stopped beating me and put me in stocks. The stocks are made of wood and there are five holes so at most, five men can be held, one leg in each hole...”<sup>95</sup>

### CONCLUSION

Hatred towards the Rohingya combined with a network of discriminatory laws generates a culture of oppression for the Rohingya, not to mention a disregard for the human rights enshrined in many international instruments. The discrimination rooted in society has led to forced deportation, destroyed villages, and mass murder. At the very least, it constitutes apartheid. The rights to life, health, nondiscrimination, and freedom of movement have all been violated. Human Rights Watch has found that the violations committed by Burmese military amount to crimes against humanity—in 2012, 2016, and 2017.<sup>96</sup> The United Nations has called it ethnic cleansing, perhaps even genocide.<sup>97</sup>

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<sup>95</sup> “Caged Without a Roof,” *Amnesty International*, 86.

<sup>96</sup> “Crimes Against Humanity by Burmese Security Forces Against the Rohingya Muslim Population in Northern Rakhine State Since August 25, 2017. *Human Rights Watch*, September 25, 2017. <https://www.hrw.org/news/2017/09/25/crimes-against-humanity-burmese-security-forces-against-rohingya-muslim-population>

<sup>97</sup> Cumming Bruce, Nick. “Myanmar’s Rohingya Actions May Be Genocide, UN Official Says.” *The New York Times*, December 5, 2017. <https://www.nytimes.com/2017/12/05/world/asia/myanmar-rohingya-genocide-un.html>

On January 18, 2018, a Rohingya refugee in Bangladesh told England’s Channel 4 News: “We will not go back. We would rather die here than be sent to Myanmar.”<sup>98</sup> It is impossible to comprehend the situation they find themselves in. International rights groups are appealing for the international community to take stronger action; so far, to no avail.<sup>99</sup> The results of nonaction will be profound. Before World War II, Jews “were also often treated as perpetual aliens who were not truly part of the nation.”<sup>100</sup> Apartheid South Africa defended a state built on racism, forcing many to live in substandard conditions and plunging millions into poverty.<sup>101</sup> Ethnic tension in Rwanda eventually led to the slaughter of 800,000 people.<sup>102</sup> The Rohingya people have suffering persecution for at least the last 70 years, and already, thousands have been killed.<sup>103</sup> We can only hope the international community steps in soon, before history repeats itself.

### COMPARATIVE CHART OF APARTHEID

	SOUTH AFRICA	BURMA
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<sup>98</sup> “We will not go back. We would rather die here than be sent to Myanmar.” *Channel 4 News*, January 18, 2018. <https://www.facebook.com/Channel4News/videos/10155600548836939/>

<sup>99</sup> Kuok, Lynn. “While the World Sleeps, Myanmar Burns.” *The Brookings Institution*, October 4, 2017. <https://www.brookings.edu/blog/order-from-chaos/2017/10/04/while-the-world-sleeps-myanmar-burns/>

<sup>100</sup> Taub, Amanda. “Myanmar Follows Global Pattern in How Ethnic Cleansing Begins.” *The New York Times*, September 18, 2017. <https://www.nytimes.com/2017/09/18/world/asia/myanmar-rohingya-ethnic-cleansing.html>

<sup>101</sup> Nittle, Nadra Kareem. “A Brief History of South African Apartheid.” *ThoughtCo*, March 6, 2017. <https://www.thoughtco.com/brief-history-of-south-african-apartheid-2834606>

<sup>102</sup> “Rwanda: How the Genocide Happened.” *BBC News*, May 17, 2011. <http://www.bbc.com/news/world-africa-13431486>

<sup>103</sup> “Myanmar/Bangladesh: MSF surveys estimate that at least 6,700 Rohingya were killed during the attacks in Myanmar.” *Medecins Sans Frontieres (MSF)*, December 12, 2017. <http://www.msf.org/en/article/myanmarbangladesh-msf-surveys-estimate-least-6700-rohingya-were-killed-during-attacks>

<p><b>Education</b></p>	<p><b>Summary:</b> A series of laws that racially segregated educational institutions.</p> <p><b>Laws:</b> Bantu Education Act, 1953 Extension of University Education Act, 1959 Coloured Persons Education Act, 1963 Indians Education Act, 1965</p>	<p><b>Summary:</b> Unregistered Rohingya children (often born to mothers in violation of the two child policy) have restricted access to education. Travel restrictions make it difficult to attend middle/high schools and universities. Rohingya are barred from attending Sittwe University, and from earning degrees in certain subjects.</p> <p><b>Laws:</b> Regional Order 1/2005 Government Document Marked for Internal Circulation, 2005 (re-circulated in 2008) Regional Order 1/2009.</p>
<p><b>Marriage &amp; Family</b></p>	<p><b>Summary:</b> Forbidding sex and marriage between white people and people of other races.</p> <p><b>Laws:</b> Immorality Act, 1927 Prohibition of Mixed Marriages Act, 1949 Immorality Amendment Act, 1950</p>	<p><b>Summary:</b> Having more than one spouse is illegal, as is marriage between Buddhist women and non-Buddhist men. Women can only have two children, and in some regions, must space children 36 months apart. Rohingya must ask state for permission to marry and follow complex process. Pre-marital relationships are prohibited. Widows and widowers must wait at least one year to remarry.</p> <p><b>Laws:</b> Monogamy Law, 2015 Interfaith Marriage Law, 2015 Population Control Law, 2015 Regional Order 1/2005 Requirements for Bengalis [Rohingya] who apply for Permission to Marry, 2005 Regional Order 1/2009</p>
<p><b>Travel</b></p>	<p><b>Summary:</b> Also known as “pass laws.” Required black South Africans over 16 to have a “pass book” with them when within white areas. The book included personal information, as well as permission to be in certain areas.</p> <p><b>Laws:</b> Natives Urban Areas Act, 1923</p>	<p><b>Summary:</b> Rohingya in Rakhine state cannot travel between towns without authorization and can only travel outside the state with additional documentation, rarely given. Rohingya must report to immigration authorities upon arrival.</p> <p><b>Laws:</b> Government Document Marked for Internal Circulation, 2005 (re-circulated in 2008)</p>

	<p>Natives Urban Areas Consolidation Act, 1945          Black Natives Laws Amendment Act, 1952          Natives Abolition of Passes and Co-ordination of Documents Act, 1952</p>	<p>Regional Order 1/2009.</p>
<p><b>Geographic Restrictions</b></p>	<p><b>Summary:</b> Laws that restricted where black people could live.  <b>Laws:</b> Prevention of Illegal Squatting Act, 1951          Native Laws Amendment Act, 1952          Native Resettlement Act</p>	<p><b>Summary:</b> Married couples must obtain permission from authorities to move to a different territory.  <b>Laws:</b> Government Document Marked for Internal Circulation, 2005 (re-circulated in 2008)</p>
<p><b>Economics &amp; Employment</b></p>	<p><b>Summary:</b> Laws limited workplaces, prohibited strikes and unions, and reserved many skilled jobs for white workers.  <b>Laws:</b> Mines and Works Act, 1911          Native Building Workers Act, 1951          Native Labour Act, 1953          Industrial Conciliation Act, 1956</p>	<p><b>Summary:</b> Lack of citizenship excludes Rohingya from many jobs, including government employment, public school teaching, and healthcare. Travel restrictions severely curtail employment opportunities.  <b>Laws:</b> Burma Citizenship Law, 1982          Government Document Marked for Internal Circulation, 2005 (re-circulated in 2008)          Regional Order 1/2009.</p>
<p><b>Voting &amp; Representation</b></p>	<p><b>Summary:</b> These laws slowly eroded the voting rights of non-whites, eventually creating separate representation for whites, coloureds, and Indians. After 1959, Blacks were not represented.  <b>Laws:</b> South Africa Act, 1909          Representation of Natives Act, 1936,          South Africa Act Amendment Act, 1956          Promotion of Bantu Self-government Act, 1959          Separate Representation of Voters Amendment Act, 1968          Prohibition of Political Interference Act, 1968</p>	<p><b>Summary:</b> While Rohingya were allowed to vote in the 2008 referendum and 2010 elections, that right was revoked in 2015 when 'white cards' (the identification documents given to Rohingya) were nullified. Rohingya do not have the right to vote, and all Muslim candidates were rejected in the latest election.  <b>Laws:</b>          Residents of Burma Registration Rules, 1951          State Law and Order Restoration Council, 1993</p>

	Republic of South Africa Constitution Act, 1983	
<b>Citizenship</b>	<p><b>Summary:</b> Established separate states, or homelands, for black people, separated by ethnic groups. Blacks were declared citizens of these homelands instead of South Africa, eventually denying South African citizenship to millions.</p> <p><b>Laws:</b> Black States Citizenship Act, 1970</p>	<p><b>Summary:</b> The Rohingya are not a recognized ethnic minority and must provide 'conclusive evidence' of their ancestry to be considered citizens. Effectively, the Rohingya are stateless.</p> <p><b>Laws:</b> Burma Citizenship Law, 1982</p>

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