UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

FACTSHEET

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ROHINGYA REFUGEES

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To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

By Patrick Greenwalt, Researcher

Introduction

Since the 1970s, the Rohingya people have repeatedly faced violence and persecution perpetrated by Burmese authorities, as documented by the United States Commission on International Religious Freedom (USCIRF) in multiple *reports*. In 1982, the government *revoked* their citizenship, and continues to prevent Rohingya from participating in elections, including the upcoming November 2020 elections. On August 27, 2017, the Burmese military launched yet another widespread and brutal attack on the Rohingya. The United Nations (UN) Special Rapporteur on the situation of human rights in Myanmar *(UN Special Rapporteur on Myanmar)* documented instances of Burmese military units involved in indiscriminate killings of civilians, mass rape, disappearances, arbitrary arrests, looting, and property destruction. As noted in USCIRF's *2020 Annual Report*, both government authorities and nonstate actors also shuttered and destroyed mosques; prevented Rohingya from worshipping; desecrated Qur'ans; and targeted imams for detention, torture, and killings.

Well over a million Rohingya were forced out of their homes in Rakhine State due to the brutal and horrific violence perpetrated by the Burmese military; more than *742,000* Rohingya sought refuge in Bangladesh, while 120,000 are internally displaced in camps within Rakhine State. The Rohingya have also sought refuge in Southeast Asian countries, particularly Indonesia, Malaysia, and Thailand. Yet authorities in these Southeast Asian countries often refuse them entry, stranding Rohingya refugees at sea. In early summer 2020, an *estimated* 1,400 were stranded at sea, with both Thailand and Malaysia refusing to grant disembarkation. By early August 2020, the number still at sea was estimated to be roughly 100–200. Human rights advocates fear a repeat of the 2015 crisis, when hundreds of Rohingya trying to escape violence in Burma died at sea off the coast of Thailand in what the UN *termed* "floating coffins."

This factsheet focuses on the Rohingya who sought, or are seeking, refuge in Southeast Asia. First, it explains the role of the Association of Southeast Asian Nations (ASEAN) in addressing the refugee crisis. Next, it summarizes the religious freedom and humanitarian conditions facing the Rohingya people in Indonesia, Malaysia, and Thailand. Finally, the factsheet concludes with recommendations to the U.S. government to support Rohingya forced out and unable to return to their homeland in Burma.

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Refugee Convention & UN Refugee Agency

The *1951 Refugee Convention* outlines a state's obligations to refugees and its commitment to work with the UN High Commissioner for Refugees (UNHCR) in order to ensure that the rights of refugees are respected and protected. The convention initially only applied to those individuals displaced within Europe before January 1, 1951; the *1967 Protocol Relating to the Status of Refugees* removed this temporal and geographic limitation. Indonesia, Malaysia, and Thailand are not parties to the 1951 Refugee Convention or the 1967 Protocol, but in practice all three governments do coordinate with and rely on the expertise of UNHCR in order to address flows of migrants and refugees within their countries.

ASEAN

Founded on August 8, 1967, the Association of Southeast Asian Nations is a regional intergovernmental organization composed of ten member states from Southeast Asia. Its intended aim is to promote regional stability and cooperation, including by accelerating economic growth, social progress, and cultural development. Although it is an important forum for discussing regional initiatives, its consensus-driven decision-making and respect for state sovereignty mean that it has little power to enforce international human rights standards on member states.

During the past decade, ASEAN has sought to coordinate law enforcement practices to reduce human trafficking in Southeast Asia (human trafficking is a primary means by which Rohingya arrive throughout Southeast Asia). Yet, ASEAN has done little to establish regional operational capacity to address humanitarian crises, including flows of refugees and asylum seekers. Following the July 2, 2015, Emergency ASEAN Ministerial Meeting on Transnational Crime Concerning the Irregular Movement of Persons in the Southeast Asia Region, ASEAN set up a *Trust Fund for Humanitarian Relief Efforts* to support emergency humanitarian and relief efforts for states addressing irregular migration. In 2017, it was *confirmed* that this trust fund could be used to assist Rohingya refugees. In May 2019, the ASEAN Emergency Response and Assessment Team (ERAT) conducted a preliminary needs assessment with the aim of repatriating displaced Rohingya refugees back to Rakhine State in Burma from abroad. This preliminary assessment was prematurely *leaked* to the press and was criticized by civil society groups and international organizations for not assessing refugee needs adequately. For example, it claimed—unrealistically—that 500,000 Rohingya refugees would be repatriated in the following two years. In December 2019, ERAT *visited* Cox's Bazar in Bangladesh to discuss repatriation plans, but no further actions have been taken.

In addition, ASEAN has yet to address the root causes of the conflict in Burma. On June 26, 2020, the chairman of the 36th ASEAN Summit—held virtually due to the coronavirus pandemic—*hailed* Burma's efforts at "ensuring safety and security for all communities in Rakhine State," despite *concerns* expressed by the UN Special Rapporteur on Myanmar, senior U.S. government officials, and human rights advocates about the ongoing poor conditions in Rakhine State.

The Bali Process

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) was established in 2002 as an international forum to coordinate discussion and information sharing on smuggling, trafficking, and transnational crime. It is co-chaired by Australia and Indonesia and now comprises 49 members, including Burma, Indonesia, Malaysia, and Thailand, as well as UN agencies that deal with refugee and migrant issues such as UNHCR and the International Organization for Migration (IOM).

In response to the 2015 "floating coffins" crisis, the Bali Process conducted a *review* and member states pledged to coordinate and conduct search and rescue operations within the Andaman Sea. The review also called upon member states to coordinate with the UNHCR and IOM in providing shelter, food, water, and health services to Rohingya refugees in Indonesia, Malaysia, and Thailand. Finally, the review led to the establishment of a Task Force on Planning and Preparedness (TFPP) to harmonize detection, search and rescue, disembarkation, and shelter practices for those refugees at sea.

The Bali Process allows the co-chairs to convene additional meetings on an emergency basis. However, in May 2020, both Australia and Indonesia *were reluctant* to pursue emergency talks to address the influx of Rohingya floating at sea, despite pressure from the UNHCR.

Indonesia

Rohingya refugees have been present in Indonesia in low numbers since the 1970s; it was not until 2015 that Indonesia received its first large-scale arrivals by sea. In May 2015, two boats arrived after monsoon season, carrying a combined total of more than 800 refugees. The government initially struggled to accommodate these refugees, but a robust civil society, in conjunction with UNHCR, addressed their needs. Local Indonesian communities have often been very supportive of Rohingya refugees, as both are predominantly Muslim. On July 23, 2020, there were an estimated 643 Rohingya in Indonesia.

Many of these Rohingya refugees have ended up in Aceh, the westernmost province of Indonesia and a religiously conservative region governed by Shari'a law. On June 24, the local community of Lhokseumawe in Aceh towed a Rohingya refugee boat ashore, leading Indonesian authorities to admit the 99 refugees aboard. *Reports* indicated they had been at sea for more than 120 days. On July 10, 2020, the Indonesian government permitted Lhokseumawe municipal authorities to move the refugees from temporary to long-term shelters. The municipality works with a local coalition of civil society groups, as well as international actors such as IOM and UNHCR, to *provide* for these refugees. On September 7, another boat with 296 Rohingya aboard was allowed to *disembark* in Aceh—the largest influx of Rohingya Muslims to Indonesia since 2015. Since landing, at least three have *died* from illnesses and injuries sustained at sea.

Despite accepting Rohingya refugees for temporary protection, the Indonesian government has refused to allow them to permanently resettle in the country. The government has either sought the safe repatriation of Rohingya refugees back to Burma or their eventual settlement to third-party countries, most often Malaysia. Indeed, within two years of arriving in Indonesia, an unknown number of Rohingya refugees moved on to Malaysia.

In 2016, Indonesian President Joko Widodo signed a *presidential decree* that *outlines* the Indonesian government's commitment to refugees and asylum seekers. The decree directed that refugees to be processed in immigration centers, connected local governments to provide for their basic needs, and codified into law that the government would not forcibly repatriate refugees or asylum seekers back to a country in which they might face persecution (non-refoulment). The decree did not address refugees found in international waters, nor did it establish the right of refugees to education and to work. During the 36th ASEAN summit, Foreign Minister Retno Marsudi emphasized Indonesia's focus on the eventual repatriation for Rohingya refugees.

Malaysia

Malaysia hosts the largest number of Rohingya refugees in Southeast Asia. As of June 2020, 177,940 refugees and asylum seekers were *registered* with the UNCHR in Malaysia. The majority (153,190) came from Burma, including 101,320 Rohingya. These numbers do not include those in detention centers and others who are awaiting review by UNHCR for designation as refugees. Rohingya have lived in Malaysia for decades, and many have integrated with the local communities.

The COVID-19 pandemic has also hardened public attitudes and increased xenophobia, hostility on social media, and employment discrimination against the Rohingya. On June 26, at the 36th ASEAN Summit, Prime Minister Muhyiddin Yassin *announced* that, due to COVID-19, Malaysia could no longer receive additional refugees. Since May 1, 2020, Malaysian authorities have *turned* away at least 22 boats of Rohingya refugees. Malaysian authorities have *barred* non-Malaysian Muslims, including Rohingya, from religious centers, citing precautions against the spread of COVID-19. Malaysian authorities have *conducted* numerous raids against migrant groups, although Malaysian authorities release those who possess UNHCR identification cards designating them as registered refugees.

Despite this, Rohingya refugees have continued to arrive. In April, the Bangladeshi coast guard *found* approximately two dozen Rohingya dead and 382 others starving after having been refused entry into Malaysia. In June, 40 Rohingya illegally entered the island of Langkawi and were sentenced to seven months in jail. Of the 40, 27 were also sentenced to caning for their actions, but a higher court later *overturned* this punishment. On June 8, Malaysian authorities *accepted* one boat after learning that its engine had failed. All 269 Rohingya on board were detained. Initial reports suggested that the Malaysian government planned to send them all back to sea after the boat's engine was repaired, but it ultimately did not do so. On July 26, another two dozen Rohingya are feared to have *drowned* off the coast of Malaysia.

Bangladesh has taken in the most Rohingya refugees; many reside in camps like these.

The U.S. Embassy in Kuala Lumpur *advocates* for Malaysian authorities to admit those at sea and connect them with UNHCR and IOM. Malaysian civil society has been active in supporting refugee communities. During the government lockdown in response to the pandemic, UNHCR and civil society partners have worked to provide for the needs of vulnerable refugee and immigrant communities, including through an emergency hotline available in the Rohingya language.

Thailand

Only a few hundred Rohingya refugees have arrived in Thailand during the past few years. Thai authorities have refused to treat Rohingya refugees as asylum seekers and have often prevented UNHCR from registering them, effectively denying refugee status to Rohingya detainees. Unlike their treatment of other refugees from Burma, Thai authorities require Rohingya refugees to remain in detention centers. In May 2020, Thai authorities arrested 12 Rohingya after a group *crossed* into Mae Sot, raising the number of Rohingya held in immigration detention centers to 200. Human rights groups have criticized these immigration detention centers for preventing Rohingya from residing in official refugee camps or joining Thai society. Thai authorities do allow UNHCR to visit the Rohingya and report on their conditions.

Thailand has a long history of hosting refugees from Burma fleeing religious persecution and other human rights violations. As of June 2020, Thailand *hosted* 93,412 refugees in nine camps, the *majority* of whom came from Burma, primarily members of the Karen or Karenni ethnic groups (84% and 10% of the total refugee population, respectively). However, since the late 1990s, the Thai government has increasingly imposed limitations on their ability to leave official refugee camps. Those who arrived before 2000 have largely settled into society, although not all have acquired legal status. Thai civil society has been active and effective in advocating on behalf of refugees and providing basic services to refugee camps, particularly through the civil society network known as the Committee for Coordination of Services to Displaced Persons in Thailand *(CCSDPT)*.

Conclusion

In September 2019, the United States Agency for International Development (USAID) *announced* a $127 million aid package for the Rohingya in Bangladesh. With this new *funding*, our total humanitarian assistance for this crisis is nearly $820 million since the outbreak of violence in August 2017. Of this funding, nearly $693 million is for programs inside Bangladesh. USCIRF has *recommended* that the U.S. government work with the governments of Indonesia, Malaysia, and Thailand, as well as appropriate UN agencies, to increase funding assistance and humanitarian support for Rohingya communities in Indonesia, Malaysia, and Thailand. The U.S. government should also consider providing funding and technical assistance to ASEAN's Trust Fund for Humanitarian Relief Efforts to encourage regional cooperation.

In the future, the U.S. government should monitor the movements of vulnerable populations in the Indian Ocean, in particular the Andaman Sea, and attempt to anticipate potential humanitarian crises. It should then press Indonesia and Australia—the co-chairs of the Bali Process—to pursue mechanisms, such as the Bali Process, to monitor, track, and assist refugees, in particular but not exclusively Rohingya, so that they can be safely brought ashore.

In addition to assisting with the capacity of Indonesia, Malaysia, and Thailand to host existing Rohingya refugee communities, the U.S. government should publicly and repeatedly urge those governments to permit entry to additional refugees and refrain from repatriating them to Burma. If necessary, the United States should work more actively with regional partners throughout Asia toward resettlement of refugees in third countries. Ultimately, refugee camps are a temporary solution, and a more sustainable solution to protecting Rohingya communities in Southeast Asia is needed.

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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on threats to religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.

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