

FINDING HUMANITY

A PODCAST SHARING TRUE STORIES OF COURAGE AND PURPOSE

FINDING HUMANITY PODCAST EDUCATION TOOLKITS Season 2: Seeking Justice on the Frontlines

EPISODE 8

Displaced: A Rohingya Family's Struggle for Freedom in Myanmar | Wai Wai Nu

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Our goal is to share our insights, research, policy analysis and key findings with hopes to inspire continued engagement and learning around the podcast episodes and the substantial content and topics unearthed in each episode.

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About the Finding Humanity Podcast | Season 2:

For some, fighting for change means risking it all, one's own life. As history has taught us, fighting grave injustice requires courage, perseverance and grit. In season 2 of Finding Humanity Podcast, we unpack the stories of people on the frontlines of change. People who put their bodies on the line to create an equitable and just world. [Learn More.](#)

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EPISODE

Main topics in Episode: Rohingya, Myanmar, Stateless People, Crimes Against Humanity

Short Description of Episode: Wai Wai Nu was born in Rakhine State, located on the western coast of Myanmar where most Rohingya reside. A predominantly Buddhist country, the Rohingya are a Muslim minority in Myanmar who have been rendered stateless since 1982. Through the lens of a young woman whose family was imprisoned and displaced to internment camps, this episode unravels the ongoing conflict in Myanmar and the military crackdown on Rohingya civilians.

Ongoing violence against the Rohingya has resulted in the fastest refugee outflow since the Rwandan genocide, with over 742,000 Rohingya fleeing to neighboring Bangladesh.

This episode dives into the problematic citizenship laws of Myanmar and the allegations of atrocities against the Rohingya, which many in the international community are calling a crime of genocide. On the podcast, we also discuss statelessness, its causes, and the important action required to prevent human rights abuses.

Statelessness: Overview

Statelessness is a problem of global proportions. It affects people all over the world and can have a harmful impact on them, their families and the wider community. Statelessness is a man-made phenomenon and bringing it to an end is - in theory - entirely feasible. Yet, resolving situations of statelessness around the globe does present a formidable challenge.

Quantifying statelessness is a complicated task. One of the biggest challenges is definitional issues - the definition of statelessness is not as straightforward as it appears to be. The term has been authoritatively interpreted as being both a question of fact and law. Consequently, there are persons who would legally be eligible for a particular nationality, who are nonetheless not considered as nationals by the state, and whose statelessness is consequently hidden. In addition, many stateless persons do not see themselves as being stateless. Even if they do, there is often reluctance to draw attention to this.

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More than 15 million people are affected by statelessness globally adds weight to the argument that this is a widespread international phenomenon which demands attention. In terms of international issues: if size matters, statelessness matters. Indeed, **if all stateless persons were to be counted together as a single “country” group, it would come in as the 70th largest.** But size is not the only reason that statelessness matters - there are other, perhaps even more pressing reasons, such as the undeniable reality that statelessness is an entirely man-made problem, making it both our collective responsibility but also within our collective power to resolve. Ultimately though, the most important motivation for understanding, responding to and ending statelessness continues to be the devastating impact of statelessness on individuals’ lives and its destructive effect with respect to other major issues of international concern, such as the well-being of children, maintaining peace and stability, realising equitable development for all and promoting peace, democracy and the rule of law.

WHAT DOES IT MEAN TO BE A STATELESS PERSON?

THE ASEAN POST

- Often denied access to education, healthcare and other services
- May have to join the work force at an early age
- Exposure to harassment, discrimination and predatory practices
- No right to a passport; unable to legally cross international borders
- The status of statelessness may be passed down to their children
- Uncertain future and exposure to other forms of insecurity

Source: *Institute on Statelessness and Inclusion*

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Sources/Extracted from:

Institute on Statelessness and Inclusion, The World's Stateless, [link](#)

Quick Facts & Data

Stateless people:

- Estimated 10 million people are stateless worldwide, however lack of data is a significant challenge in addressing statelessness. [1]
- Usually **persons who are stateless are not refugees**. They usually remain in their country of habitual residence and have not been displaced by war, by persecution and that's why many of them are not known to international media, to international agencies and even, sometimes, to states themselves because population censuses are not taking place. [2]
- In absolute numbers, statelessness is documented as affecting far more people in **Asia and the Pacific** than in any other region of the world, with UNHCR reporting a total of 1,422,850 persons under its statelessness mandate in Asia. There are six countries in which the number of stateless persons is reported to be over 10,000 and a further nine which are currently marked by an asterisk in UNHCR's statistics. [3]
- In contrast, the **Americas** currently reports the lowest number of stateless persons (at just over 200,000) and is indisputably the region with the fewest people affected by statelessness. This demonstrates the advantages of a jus soli approach to nationality (i.e. conferral of nationality at birth to all children born in the territory), the norm in the Americas, as this prevents statelessness being passed on to the next generation. [3]
- In (sub-Saharan) **Africa**, statelessness has proven to be exceedingly difficult to accurately quantify. Only four out of 47 countries in this region were accounted for in UNHCR's end-2013 statistics. [3]
- By comparison, statelessness is more comprehensively mapped in **Europe** than any other region. The total figure reported by UNHCR is 670,828, some 85% of whom can be found in just four countries (Latvia, the Russian Federation, Estonia and Ukraine) – in all cases as a product of the dissolution of the Soviet Union. [3]

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- UNHCR reports a total of 444,237 persons under its statelessness mandate in the **Middle East and North Africa** (MENA). On the basis of what incomplete data there is, it is apparent that the UNHCR statistics for statelessness in the MENA significantly underrepresented the problem and (excluding stateless Palestinians and refugees such as the Rohingya) the lowest estimate for how many stateless persons are currently unreported is 100,000 persons. [3]

Rohingya:

- The total estimated Burmese Rohingya population is 1.3 million. [4]
- Over 890,000 refugees have fled to Bangladesh since 2017. [5]
- Around 1 million Rohingya now live around the city of Cox's Bazar. [6]
- The refugee camp at Kutupalong is the largest on the planet. [6]
- 80% of those who have found refuge in Bangladesh are women and children. Fertility rates are high, child marriage is common. Marrying off young girls is sometimes seen as a way to ward off violence and sexual attacks. [6]
- The number of refugee camps is 34. [5]
- 75% of the Rohingya refugees who fled during the latest crisis arrived in Bangladesh in September 2017. [7]
- With a population of over 600,000 the mega-settlement called the Kutupalong-Balukhali Expansion Site, has a larger population than Lyon, France's third largest city, and was built in only five months. [7]
- 93% of the population lives below the UNHCR emergency standard of 45 square meters per person. In some areas of the Kutupalong-Balukhali Expansion site space is as low as 8 square meters. [7]

[1] Reliefweb, Statelessness, [link](#)

[2] UNHCR, Stateless people need help, [link](#)

[3] UNHCR, Rohingya emergency, [link](#)

[4] Global Conflict Tracker, Myanmar, [link](#)

[5] WHO, Rohingya crisis, one year on, [link](#)

[6] World Food Programme, Numbers to understand the Rohingya crisis, [link](#)

[7] Institute on Statelessness and Inclusion, The World's Stateless, [link](#)

Topical Background Information & Context

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STATELESS PEOPLE

The international legal definition of a stateless person is “a person who is not considered as a national by any State under the operation of its law”. In simple terms, this means that a stateless person does not have a nationality of any country. Some people are born stateless, but others become stateless.

Today, millions of people around the world are denied a nationality. As a result, they often aren't allowed to go to school, see a doctor, get a job, open a bank account, buy a house or even get married. Stateless people may have difficulty accessing basic rights such as education, healthcare, employment and freedom of movement. Without these things, they can face a lifetime of obstacles and disappointment.

Governments establish who their nationals are. This makes them responsible for legal and policy reforms that are necessary to effectively address statelessness. But UNHCR, other agencies, regional organizations, civil society and stateless people all have roles to play in supporting their efforts.

CAUSES FOR STATELESSNESS

- 1) Statelessness can occur for several reasons, including **discrimination against particular ethnic or religious groups, or on the basis of gender; the emergence of new States and transfers of territory between existing States; and gaps in nationality laws.** Whatever the cause, statelessness has serious consequences for people in almost every country and in all regions of the world.
- 2) **Gaps in nationality laws are a major cause of statelessness.** Every country has laws which establish under what circumstances someone acquires nationality or can have it withdrawn. If these laws are not carefully written and correctly applied, some people can be excluded and left stateless. An example is children who are of unknown parentage in a country where nationality is acquired based on descent from a national. Fortunately, most nationality laws recognize them as nationals of the state in which they are found.
- 3) Another factor that can make matters complicated is **when people move from the countries where they were born.** A child born in a foreign country can risk becoming stateless if that country does not permit nationality based on birth

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alone and if the country of origin does not allow a parent to pass on nationality through family ties. Additionally, the rules setting out who can and who cannot pass on their nationality are sometimes discriminatory. The laws in 27 countries do not let women pass on their nationality, while some countries limit citizenship to people of certain races and ethnicities.

- 4) Another important reason is the **emergence of new states and changes in borders**. In many cases, specific groups can be left without a nationality as a result and, even where new countries allow nationality for all, ethnic, racial and religious minorities frequently have trouble proving their link to the country. In countries where nationality is only acquired by descent from a national, statelessness will be passed on to the next generation.
- 5) Finally, **statelessness can also be caused by loss or deprivation of nationality**. **In some countries**, citizens can lose their nationality simply from having lived outside their country for a long period of time. States can also deprive citizens of their nationality through changes in law that leave whole populations stateless, using discriminatory criteria like ethnicity or race.

INTERNATIONAL LAW ON STATELESSNESS

The 1954 Convention relating to the **Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness** are the key international conventions addressing **statelessness**. They are complemented by international human rights treaties and provisions relevant to the right to a nationality. The 1954 Convention relating to the Status of Stateless Persons establishes the legal definition for stateless persons. A person can also lose citizenship and nationality in a number of ways, including when a country ceases to exist or a country adopts nationality laws that discriminate against certain groups.

The 1954 Convention is designed to ensure that stateless people enjoy a minimum set of human rights. It establishes **the legal definition of a stateless person as someone who is “not recognized as a national by any state under the operation of its law.”** Simply put, **this means that a stateless person is someone who does not have the nationality of any country**. The 1954 Convention also establishes minimum standards of treatment for stateless people in respect to a number of rights. These include, but are not limited to, the right to education, employment and housing. Importantly, the 1954 Convention also

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guarantees stateless people a right to identity, travel documents and administrative assistance.

The 1961 Convention aims to prevent statelessness and reduce it over time. It establishes an international framework to ensure the right of every person to a nationality. It requires that states establish safeguards in their nationality laws to prevent statelessness at birth and later in life. Perhaps the most important provision of the convention establishes that children are to acquire the nationality of the country in which they are born if they do not acquire any other nationality. It also sets out important safeguards to prevent statelessness due to loss or renunciation of nationality and state succession. The convention also sets out the very limited situations in which states can deprive a person of his or her nationality, even if this would leave them stateless.

Article 15 of the Universal Declaration of Human Rights states that everyone has the right to a nationality and that no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. Yet, there are more than 15 million people across the globe who face a life without a nationality and every ten minutes, another child is born stateless.

Without nationality, stateless people do not have the same protections as individuals who do hold a nationality. The stateless are vulnerable to discrimination and unequal treatment. They are denied access to education, healthcare, housing, employment, social welfare and documentation, as well as the right to own property, travel, be safe, free and equal, participate politically and have their voices heard.

Some of the other articulations of the right to a nationality:

- International Covenant on Civil and Political Rights, 1966 [Article 24 (3)]
- Convention on the Elimination of All Forms of Racial Discrimination, 1965 [Article 5 (d) (iii)]
- Convention on the Elimination of All Forms of Discrimination against Women, 1979 [Article 9]
- Convention on the Rights of the Child, 1989 [Article 7 & 8]
- Convention on the Rights of Persons with Disabilities, 2006 [Article 18]

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GLOBAL ACTION PLAN TO END STATELESSNESS

In October 2013, the UN High Commissioner for Refugees called for the **“total commitment of the international community to end statelessness.”**

The Global Action Plan to End Statelessness: 2014 – 2024 (Global Action Plan), developed in consultation with States, civil society and international organisations, sets out a guiding framework made up of 10 Actions that need to be taken to end statelessness within 10 years. Provided that there is adequate leadership and effective implementation of the Global Action Plan, statelessness can be ended within a decade.

The Global Action Plan includes Actions to: **resolve existing situations of statelessness; prevent new cases of statelessness from emerging; and better identify and protect stateless persons.**

The 10 Actions to end statelessness are:

- Action 1: Resolve existing major situations of statelessness.
- Action 2: Ensure that no child is born stateless.
- Action 3: Remove gender discrimination from nationality laws.
- Action 4: Prevent denial, loss or deprivation of nationality on discriminatory grounds.
- Action 5: Prevent statelessness in cases of State succession.
- Action 6: Grant protection status to stateless migrants and facilitate their naturalization.
- Action 7: Ensure birth registration for the prevention of statelessness.
- Action 8: Issue nationality documentation to those with entitlement to it.
- Action 9: Accede to the UN Statelessness Conventions.
- Action 10: Improve quantitative and qualitative data on stateless populations.

On the UNHCR website, viewers can sign the #IBelong campaign in order to show support. If successful, this will not only grant millions of men, women and children a nationality, but it will also grant increased access to clean food and water, healthcare, jobs, education and so much more.

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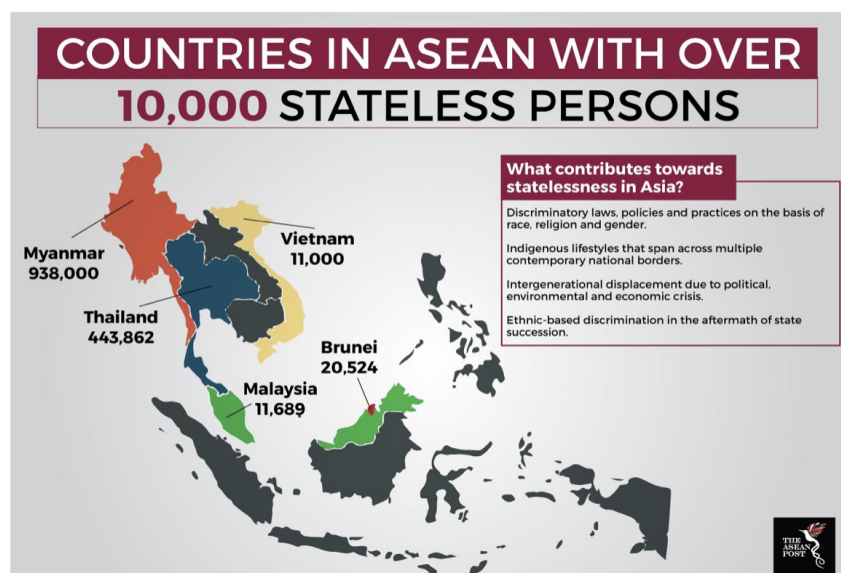
STATELESSNESS GLOBALLY

The exact number of stateless people is not known, but UNHCR estimates that there are many millions globally – of which approximately one third are children.

Areas that have experienced large-scale displacement have also been significantly affected by statelessness. In West Africa, the estimated stateless population in Côte d'Ivoire is 700,000, many of whom were migrants of Burkinabé descent who were not eligible for Ivorian nationality after the country's independence from France in 1960.

Statelessness due to the dissolution of former states also continues to affect many people, including some 600,000 people in Europe alone.

4.2 million stateless people are reported in the new data published, which covers 76 countries. As the Global Trends report explains, “fewer than half of all countries in the world submit any data and some of the most populous countries in the world with large suspected stateless populations do not report on statelessness at all”. UNHCR concludes that “the true extent of statelessness is estimated to be much higher”, but does not provide a concrete projection. Nor is the state of statelessness in the world addressed in the Trends at a glance section or the web-based summary report, reducing the visibility of the issue. Since there have been no developments on such a scale to suggest that there has been a major shift in the aggregate numbers, ISI continues to use its estimate of at least 15 million stateless people globally. Following developments in Assam, India, in 2019, there is however a real risk that the number will grow, as 1.9 million people's citizenship has been cast into



Source: Institute on Statelessness and Inclusion

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doubt. This emerging context is not flagged in the Global Trends narrative, but reporting data as the situation unfolds will be critical to tracking the impact on the overall global picture.

STATELESS GROUPS IN THE WORLD TODAY - examples

Some people are born stateless; other groups become stateless if their government does not establish them as nationals that have representation under state law.

THE ROMA

While the exact origin of Roma is unknown, it is certain that this group of people arrived in Europe prior to the ninth century. Historically, many Roma were forced into slavery and sentenced to death throughout the medieval era for being “heathens.” They, alongside the Jews, were persecuted and forced into labor camps during World War II. Today, millions of Roma live in isolated slums without running water or electricity. There is a great health disparity among the population, but governments have kept them at the brink of death without offering help.

THE NUBIANS

The Nubians, originally from Sudan, were brought to Kenya over 150 years ago when the British government asked them to fight in the colonial army; since then, they haven’t been able to return home. Today, Kenya will not grant Nubians basic citizenship rights so this group lives in one of the largest slums on Earth despite trying to receive title rights to land and seeking solutions to their disparity.

THE BIDOON

In the state of Kuwait, the Bidoon is one of the stateless groups attempting to break free from the status of “illegal residents.” The Bidoon are descendants of the Bedouin people, a desert-dwelling Arabian ethnic group. They have tried and failed dozens of times to gain official recognition in Kuwait; instead of citizenship, they are told to seek residency elsewhere.

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THE YAO

The Yao is one of many Thailand hill tribes that don't have a Thai citizenship. This means they can't vote, buy land or seek legal employment. The Thai government has previously granted temporary citizenship to a select few, but this is after they go through a strenuous process to prove they should be granted a pass.

However, the biggest stateless groups are the Rohingya, discussed below.

Sources/Extracted from:
UNHCR, Statelessness, [link](#)
UNHCR, Ending statelessness, [link](#)
Borgen Project, Stateless groups, [link](#)
UNHCR, Handbook on Global Action Plan to End Statelessness, [link](#)

Related to the episode: Rohingya people

THE ROHINGYA PEOPLE

The Rohingya people are an ethnic group from Myanmar, once called Burma. Most live in Rakhine State on Myanmar's western coast. **Myanmar is a majority-Buddhist state, but the Rohingya people are primarily Muslim**, though a small number are Hindu. The ethnic minority is considered **"the most persecuted minority in the world"** by the **United Nations**.

The Rohingya, who numbered around one million in Myanmar at the start of 2017, are one of the many ethnic minorities in the country. Rohingya Muslims represent the largest percentage of Muslims in Myanmar, with the majority living in Rakhine state. They have their own language and culture and say they are descendants of Arab traders and other groups who have been in the region for generations.

UN officials say the government has created **a de-facto apartheid state by keeping Rohingya Muslims, who experienced genocidal violence at the hands of state forces in 2017, in resettlement camps.**

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History

The main **reason for clashes** and violent attacks occurring between the Myanmar government and the Rohingya people **lies solely in their differing religious and ethnic identities.**

The story of that persecution has its roots in Britain's colonization of Burma, and modern-day Myanmar's refusal to recognize the existence of a people who have existed for thousands of years. In 1948, when Myanmar achieved independence from the British, violent conflicts broke out among various segments of its more than one hundred ethnic and racial groups. After independence, the Rohingya asked for the promised autonomous state, but officials rejected their request. Calling them foreigners, they also denied them citizenship.

These animosities continued to grow. Many in Myanmar saw the Rohingya as having benefited from colonial rule. A nationalist movement and Buddhist religious revival further contributed to the growing hatred. In 1950, some Rohingya staged a rebellion against the policies of the Myanmar government. They demanded citizenship; they also asked for the state that had been promised them. Ultimately the army crushed the resistance movement.

Almost all **Rohingya** in Myanmar are **stateless, unable to obtain "citizenship by birth" in Myanmar because the 1982 Citizenship Law did not include the Rohingya on the list of 135 recognized national ethnic groups.** The law had historically been arbitrarily applied in relation to those, such as the Rohingya, who did not fall strictly within the list of recognized ethnic nationalities. Since 2012, other developments, including a series of proposed legislative measures (some of which were passed by Myanmar's parliament), resulted in further restrictions on the limited rights of the Rohingya.

Since the last quarter of the 20th century, many Rohingya have periodically been forced to flee their homes—either to other areas in Myanmar or to other countries—because of intercommunal violence between them and the Buddhist community in Rakhine state or, more commonly, campaigns by Myanmar's army, of which they were the target. Significant waves of displacement have occurred, including those in 1978, 1991–92, 2012, 2015, 2016, and 2017.

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ROHINGYA PERSECUTION

Since the 1970s, Rohingya have migrated across the region in significant numbers. Estimates of their numbers are often much higher than official figures.

In the last few years, before the latest crisis which started in 2017, thousands of Rohingya made perilous journeys out of Myanmar to escape communal violence or alleged abuses by the security forces. In 2012 tensions between the Rohingya and the majority Rakhine population – who are predominantly Buddhist - erupted into rioting, driving tens of thousands of mainly Rohingya from their homes and into squalid displacement camps. Those living in the camps are confined there and segregated from other communities.

In October 2016, following lethal attacks on police outposts by armed Rohingya in northern Rakhine State, the Myanmar army launched a military crackdown targeting the community as a whole. Amnesty International has documented wide-ranging human rights violations against the Rohingya including unlawful killings, arbitrary arrests, the rape and sexual assault of women and girls and the burning of more than 1,200 buildings, including schools and mosques. At the time, Amnesty International concluded that these actions may amount to crimes against humanity.

The exodus began on 25 August 2017 after Rohingya Arsa militants launched deadly attacks on more than 30 police posts. Tensions between Buddhist and Muslim communities in Myanmar's Rakhine State have escalated dramatically since late August 2017. A series of attacks by a group of Rohingya militants calling itself the Arakan Rohingya Salvation Army (ARSA) on military and police outposts killed more than seventy people, including twelve Burmese security forces personnel. In response, the military launched a brutal crackdown on Rohingya villages, causing over seven hundred thousand people to flee across the border to Bangladesh since August 2017. Widespread reports indicate indiscriminate killings and burning of Rohingya villages, escalating to the point that the UN Human Rights Commissioner called the situation in Rakhine State “a textbook example of ethnic cleansing.” The violence has led to a growing humanitarian crisis in neighboring Bangladesh, where nearly one million Rohingya now reside in refugee camps along the border.

It was August 2017 that triggered by far the largest and fastest refugee influx into Bangladesh. Since then, an estimated 745,000 Rohingya—including more than 400,000 children—have fled into Cox's Bazar. In Myanmar, entire villages were burned to the ground, families were separated and killed, and women and girls were gang raped. Most of the

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people who escaped were severely traumatized after witnessing unspeakable atrocities. These people found temporary shelter in refugee camps around Cox's Bazar, Bangladesh, which is now home to the world's largest refugee camp.

The Rohingya have fled to a variety of countries. While Bangladesh has undoubtedly seen the highest number of refugees, the Rohingya have spread out across Asia by water, risking death, hunger and disease along the way. In 1978, the first flight of refugees began, leading many to cross waters by boat to southeast Asia and beyond. The Rohingya reside in the following countries:

- Bangladesh
- Thailand
- Philippines
- Malaysia
- Indonesia
- The Gambia
- India
- The United States

ROHINGYA REFUGEE SITES IN BANGLADESH

The Rohingya, a mostly-Muslim minority ethnic group in predominantly Buddhist Myanmar, **are escaping what the United Nations has described as genocidal violence that follows decades of persecution and human rights abuses.**

Today, about 860,000 stateless Rohingya refugees live in the world's largest and most densely populated refugee camp, Kutupalong. About half of the refugees are children.

As of March 2019, over 909,000 stateless Rohingya refugees reside in Ukhiya and Teknaf Upazilas. The vast majority live in 34 extremely congested camps, including the largest single site, the Kutupalong-Balu Khali Expansion Site, which is host to approximately 626,500 Rohingya refugees.

After fleeing violence in Myanmar, Rohingya refugees are living in rudimentary conditions. With 40,000 people per square kilometer, the camps are one of the most crowded places on Earth. Five family members or more live in cramped, 10-by-16-foot shelters with only one

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room. Up to 20 people share a single outdoor latrine. They must wait in line for water for washing, cooking, and bathing.

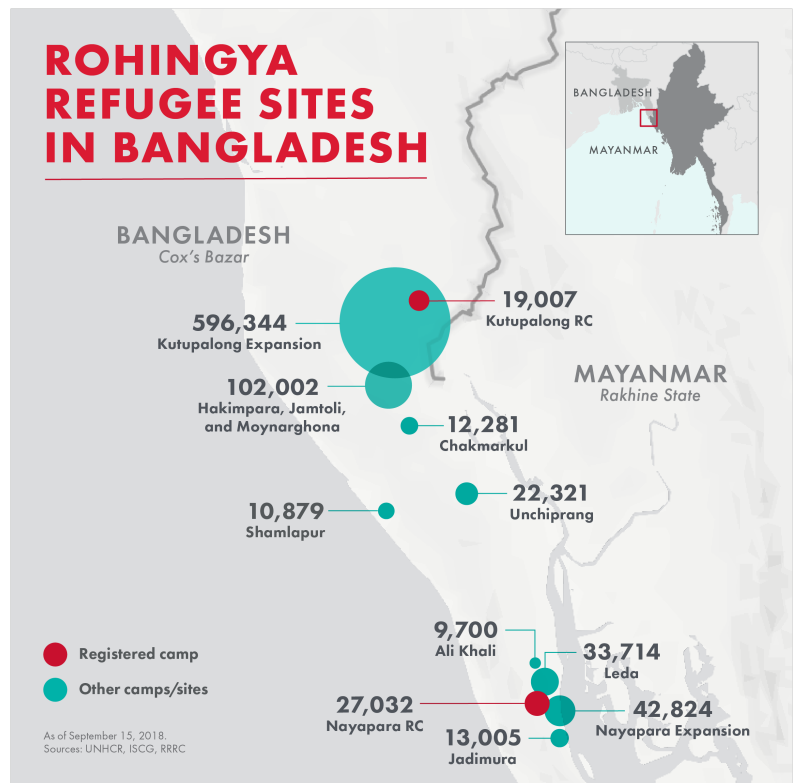
During seasonal monsoon rains from April to November, refugees' makeshift shelters are at risk from floods and landslides, making living conditions worse. Given the hot, humid weather in southern Bangladesh and frequent windblown dust, respiratory infections are common among refugee children and adults. Acute watery diarrhea is another frequent ailment. It's especially dangerous in combination with malnutrition, which is widespread.

Refugees receive monthly food rations that include rice, lentils, and oil. Although the rations are nutritious, it's difficult to eat the same food day after day. About half of the refugee population now receives e-voucher cards to buy meat and fresh produce from World Food Programme stores, but dietary diversity and balanced nutrition remains a challenge.

The Rohingya also suffer from psychosocial stress made worse by overcrowded conditions. The Rohingya are a culturally conservative community. Women and teenage girls are expected to stay home and to be homemakers, not breadwinners. They lack control over household finances, and their dependence makes them vulnerable to assault, domestic violence, child marriage, exploitation, and trafficking.

Current situation

In March 2019, Bangladesh announced it would no longer accept Rohingya fleeing



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Myanmar. While an agreement for the return of refugees was reached in early 2018, none returned. They said they would not consider going back to Myanmar unless they were given guarantees they would be given citizenship.

The 600,000 Rohingya remaining in Myanmar's Rakhine State face severe repression and violence, with no freedom of movement or other basic rights. Desperate Rohingya who fled Myanmar face severe risks seeking refuge throughout the region.

Some have been stranded at sea for weeks or months, with hundreds feared dead on boats that disappeared after Malaysia and Thailand illegally pushed them back using the Covid-19 pandemic as justification. Malaysia has detained arriving Rohingya refugees, denied them access to the UN refugee agency, and prosecuted some for illegal entry. Despite pledges, the Bangladesh government has yet to allow UN officials to assist the over 300 Rohingya refugees rescued at sea and currently detained on the insecure silt island of Bhasan Char.

INTERNATIONAL RESPONSE

Reportedly, the international community's response to the violence has been woefully inadequate. The UN, the United States and the Organisation of Islamic Cooperation have issued standard condemnations and Muslim-majority Indonesia has been the most active, sending their foreign minister for urgent talks with Myanmar.

United Nations High Commissioner for Refugees

On 16 March 2018, the UN and its partners launched a Joint Response Plan (JRP) for the Rohingya Humanitarian Crisis calling for US\$951 million to continue delivering lifesaving assistance from March to December 2018. As of early August 2018, the JRP remains just 32 per cent funded. UNHCR is appealing for US\$238.8 million as part of its Supplementary Appeal for 2018 to continue to respond to the needs of hundreds of thousands of refugees.

International fact-finding mission on Myanmar - Human Rights Council

The mission says it has evidence that jailers committed sexual violence against Rohingya prisoners detained in Buthidaung, a northern township, as recently as 2018. Investigators say these abuses, which include beatings, rape, and genital torture, amount to crimes

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against humanity.

Rohingya continue to live amid severe movement restrictions and segregation, which investigators say is one of the clearest signs of ongoing persecution. Rohingya still in Rakhine face daily curfews, forced labour, extortion threats, and arbitrary arrest. Refugees who left Myanmar more recently reported being barred from working their land or having their crops or fishing gear destroyed – eliminating their only means of food and income.

Investigators say sexual and gender-based violence against the Rohingya was so severe that it amounts to evidence of “genocidal intent”. They say sexual violence is still being used to “punish” minorities in Kachin and northern Shan – but notably not in the military’s ongoing conflict with the Arakan Army in Rakhine State.

Special Rapporteur on the situation of human rights in Myanmar

In 2020 Report, the Special Rapporteur found out that Crimes against humanity, war crimes and genocide may have been perpetrated against the Rohingya in northern Rakhine in 2016 and 2017. The Special Rapporteur has received information regarding ongoing violence, forced labour, extortion and looting of Rohingya in northern Rakhine, as well as continuing movement restrictions and low access to food, livelihoods, healthcare and education.

International Court of Justice

The case against Myanmar was brought to the ICJ in November by The Gambia, on behalf of the Organization of Islamic Cooperation (OIC), arguing that the mainly-Muslim Rohingya had been subjected to genocide.

In its ruling, the ICJ imposed “provisional measures” against Myanmar, ordering the country to comply with obligations under the Convention on the Prevention and Punishment of the Crime of Genocide. Myanmar is urged to “take all measures within its power” to prevent the killing of Rohingya, or causing bodily or mental harm to members of the group, including by the military or “any irregular armed units”. The country also has to submit a report to the ICJ within four months, with additional reports due every six months “until a final decision on the case is rendered by the Court.”

Last December, Myanmar’s de facto leader, Aung San Suu Kyi, testified at the start of court

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proceedings on behalf of her country and described the case as “an incomplete and misleading factual picture” of events in Rakhine state. She told the court military leaders would be put on trial if found guilty, stressing that “if war crimes have been committed, they will be prosecuted within our own military justice system.” The court’s orders will be passed on for consideration by the UN Security Council, although a final court judgement in the case is expected to take years, according to news reports.

Genocide denial

Rohingya refugees accused former Myanmar pro-democracy icon Aung San Suu Kyi of lying to the International Court of Justice in testimony in which she denied that her country’s armed forces were guilty of genocide against the Muslim minority group. Suu Kyi, who is now Myanmar’s leader, told the court that the exodus of hundreds of thousands of Rohingya Muslims to neighboring Bangladesh was the unfortunate result of a battle with insurgents. She denied that the army had killed civilians, raped women and torched houses in 2017. Critics describe the actions by the army as a deliberate campaign of ethnic cleansing and genocide that forced more than 700,000 Rohingya to flee. Suu Kyi accused Gambia of providing a misleading and incomplete account of what happened in Myanmar’s Rakhine state in August 2017. Her appearance at the court was striking in that she was defending the same military that kept her under house arrest for about 15 years. She was awarded the 1991 Nobel Peace Prize in absentia for championing democracy and rights under Myanmar’s then-ruling junta. Buddhist-majority Myanmar has consistently denied violating human rights and says military operations in Rakhine state, where most Rohingya lived, were justified in response to attacks on security posts by Rohingya insurgents.

FUTURE PROSPECTS

According to the UN Office for the Coordination of Humanitarian Affairs, more than one year into this multifaceted collaborative response, the situation has gradually begun to stabilize. Basic assistance has been provided, living conditions in the camps have improved somewhat and disaster risk mitigation measures have been largely successful. However, despite progress, the Rohingya remain in an extremely precarious situation. The root causes of their plight in Myanmar have not been addressed and their future is yet uncertain. Refugees have access to the basics, such as food and health care, but they are still

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extremely vulnerable, living in highly challenging circumstances, exposed to the monsoon elements and dependent on aid.

Refugee emergency: the way forward

The priority in Bangladesh is to prevent an emergency within an emergency. The single greatest challenge to refugee protection is the physical environment of the settlements themselves, notably the congestion, access challenges due to a lack of roads and pathways, the high rates of water contamination and the significant risk of epidemics. These risks disproportionately affect the most vulnerable, notably children, pregnant women, single-headed households and people with disabilities. This already dire situation could further deteriorate during the upcoming monsoon season, as large parts of the refugee sites could be devastated by flash floods or landslides and become inaccessible.

Source/Extracted from:

National Geographic, Who are the Rohingya people, [link](#)

Britannica, Rohingya, [link](#)

UNOCHA, Rohingya Refugee Crisis, [link](#)

BBC, Myanmar Rohingya, [link](#)

HRW, Myanmar, [link](#)

International affairs, Rohingya crisis, [link](#)

Report of the independent fact-finding mission on Myanmar, [link](#)

Special Rapporteur on the situation of human rights in Myanmar, [link](#)

UNHCR, Rohingya emergency, [link](#)

Worldvision, Rohingya refugee crisis, [link](#)

Global Conflict Tracker, Myanmar, [link](#)

AP News, Rohingya refugees, [link](#)

Proposed Discussion Questions

- In your opinion, is statelessness always a persecution *per se*? What factors need to be considered in such assessment?
- There are political consequences to calling someone “stateless.” What do you think those are? (*Wai Wai Nu discusses her perspective on this in the episode*)
- Are there any safeguards to protect against a possible arbitrary deprivation nationally in your country?
- Do you think it is possible to achieve the Global Action Plan and to end statelessness by 2024? If not, what was the greatest obstacle to this plan, in your opinion?

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- What is fueling the Rohingya refugee crisis and mistreatment of Rohingya communities? Can we draw any conclusions from the history?
- How should the international community respond to targeted violence committed to Rohingya people?
- How, in your opinion, will the COVID-19 pandemic affect those who are stateless (incl. treatment and access to vaccines)?
- What needs to be done to protect the human rights of those considered “stateless”?

Additional Reading & Follow up

Learn more about our expert guests:

Wai Wai Nu:

- Women Peace Network, [link](#)
- Yangon Youth Centre, Columbia World Projects, [link](#)
- Interview, Financial Times, [link](#)
- Speech to the Oslo Freedom Forum, [link](#)

David Scheffer:

- Profile, Council on Foreign Relations, [link](#)
- Center for the Prevention of Genocide, [link](#)
- Center for Justice and Accountability, [link](#)

Stateless people:

- Institute on Statelessness and Inclusion, The World’s Stateless - A Report, [link](#)
- UNHCR, Handbook on the Protection of Stateless People, [link](#)
- UNHCR, Handbook on Global Action Plan to End Statelessness, [link](#)
- Institute on Statelessness and Inclusion, Report: The World’s Stateless, [link](#)

Rohingya people:

- Profile, World vision, [link](#)
- Profile, Save the Children, [link](#)
- Aid for stranded, Islamic relief, [link](#)

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Episode Speaker Biographies

[Main Story Biography] Wai Wai Nu | Former Political Prisoner, Rohingya Activist & Founder & Executive Director, Women's Peace Network

Wai Wai Nu is a former political prisoner and the founder and Executive Director of the Women Peace Network in Myanmar. She spent seven years as a political prisoner in Burma. Since her release from prison in 2012, Nu has dedicated herself to working for democracy and human rights, particularly on behalf of marginalised women and members of her ethnic group, the Rohingya. Through the Women Peace Network, Nu works to build peace and mutual understanding between Myanmar's ethnic communities and to empower and advocate for the rights of marginalised women throughout Myanmar, and particularly in Rakhine State. Her work also aims to reduce discrimination and hatred among Buddhist and Muslim communities and to improve the human rights of the Rohingya people through documentation, convenings and policy advocacy among key leaders in Myanmar and high-level international fora. To engage youth in the peacebuilding process, Nu founded the Yangon Youth Center – a space where young people from diverse backgrounds can come together to learn, share, and explore their ideas and promote leadership in social, political, and peace-building. Nu organised the My Friend Campaign with youth from different communities to promote tolerance and to reduce discrimination among diverse groups. Through her work, she has been recognised as a Champion of Prevention by the United Nation's Office of the Prevention of Genocide and Responsibility to Protect. In 2014, Nu Co-Founded Justice for Women in Yangon, a legal and advocacy organization that works with victims of gender-based violence and provides pro-bono legal consultation. Nu is the recipient of N-Peace Awards (2014); Democracy Courage Tributes, World Movement for Democracy(2015); Hillary Rodham Clinton award in (2018); Impact Hero (2019). Nu was named as a Young Global Leader by World Economic Forum; among "100 Top Women", BBC (2014); among 100 inspiring women, Salt Magazine (2016); among 100 World Thinkers, Foreign Policy Magazine (2015); Next Generation Leader, Time Magazine (2017); Women of the Year, Financial Times (2018); One of the 16 Women Fighting For Fairness in Asia, Tatler (2020). Nu received her bachelor's degree in law from the University of Yangon in Myanmar and her master's degree in law from the University of Berkeley. She previously served as a visiting scholar with the Human Rights Centre at the University of Berkeley and the University of Michigan's Center for the Education of Women and as an Obama Foundation Scholar at Columbia University of New York. Nu was also a Scholar at the Bush Institute, Liberty and Leadership Forum and Draper Hills Summer Fellow at Stanford University's CDDRL. Currently, Nu is serving as a fellow at the Simon-Skjodt Center for the Prevention of Genocide, U.S. Holocaust Memorial Museum. [Twitter](#): @waiwainu, @WomensPeaceNW, @womenspeacenetwork

[Expert Biography] David Scheffer | Ambassador // Senior Visiting Fellow, Council on Foreign Relations // Tom A. Bernstein Genocide Prevention Fellow, Simon-Skjodt Center on the Prevention of Genocide, U.S. Holocaust Memorial Museum

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David Scheffer is a Visiting Senior Fellow of the Council on Foreign Relations, the Tom A. Bernstein Genocide Prevention Fellow at the Simon-Skjodt Center for the Prevention of Genocide, U.S. Holocaust Memorial Museum, and Vice-President of the American Society of International Law. He is Clinical Professor Emeritus and Director Emeritus of the Center for International Human Rights of Northwestern University Pritzker School of Law. Scheffer was the first U.S. Ambassador at Large for War Crimes Issues (1997-2001) and was instrumental in the creation of five international criminal tribunals during the 1990s, recounted in his award-winning book, "All the Missing Souls: A Personal History of the War Crimes Tribunals" (2012). His latest book is "The Sit Room: In the Theater of War and Peace" (2019) about decision-making in the Situation Room of the White House during the Bosnian war of the early 1990s when Amb. Scheffer was on the Deputies Committee of the National Security Council. Amb. Scheffer received the 2020 Dr. Jean Mayer Global Citizenship Award of Tufts University, the 2018 Champion of Justice Award of the Center for Justice and Accountability, and the 2013 Berlin Prize of the American Academy in Berlin. He was one of Foreign Policy Magazine's "Top Global Thinkers of 2011." [Twitter](#): @CFR_org

[The Elders Special Segment Guest Biography] Ban Ki-moon | Former United Nations Secretary-General and Deputy Chair of The Elders

Deputy Chair of The Elders, an independent group of global leaders founded by Nelson Mandela in 2007, who work together for peace, justice and human rights. Ban Ki-moon was the UN Secretary-General from 2007-2016. He mobilised world leaders around a new set of challenges and sought to give voice to the world's poorest and vulnerable people. He put Sustainable Development Goals, climate change, and equality for girls and women at the top of the UN agenda; creating UN Women and securing the Paris Agreement. He is a former South-Korean Foreign Minister and diplomat. He is the Chair of the [Global Green Growth Institute](#), Chairman of the [Boao Forum for Asia](#), Commissioner of [The Global Commission on Adaptation](#), and Co-Chair of the [Ban Ki-moon Centre for Global Citizens](#).

[Host Biography] HAZAMI BARMADA | Founder & CEO, Humanity Lab Foundation; co-Executive Producer & Host, Finding Humanity Podcast

Hazami is a social entrepreneur, thought leader, and public affairs and social impact expert recognized by Forbes as an "inspirational agent of change." She has consulted for many leading global brands including the United Nations, United Nations Foundation, Aspen Institute, and the Royal Court of the Sultanate of Oman. Among her posts at the United Nations, she served as the Coordinator for the United Nations Secretary General's World Humanitarian Summit, an Advisor to the first-ever United Nations Secretary-General's Youth Envoy, as a member of the United Nations SDG Strategy Hub for the launch of the 2030 Sustainable Development Agenda. Hazami has a Masters from Harvard University where she was an Edward S. Mason Fellow in Public Policy and Management. She studied

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social and public policy at Georgetown University and has a BA in Anthropology and Sociology. Twitter: @hazamibarmada

PODCAST PRODUCTION ORGANIZATIONS & TEAM

Humanity Lab Foundation is a disruptive empathy-driven movement at the intersection of public policy and people power. As a collective of enablers, the Humanity Lab facilitates public engagement and social innovation to drive progress on human development and create an equitable and just world. Through a diverse portfolio of programs and initiatives, the Humanity Lab enhances global development systems by convening, connecting and collaborating with everyday people to solve complex challenges and drive social change. The Humanity Lab aims to: unlock human potential, break down barriers, provoke thought-leadership and knowledge sharing, facilitate partnerships, catalyze action, and democratize access to the power that shapes the world. The Humanity Lab has collaborated with a large array of partners including the Office of the President of the United Nations General Assembly, United Nations Office of Partnerships, United Nations, Qualcomm, The Elders, Warner Music, MTV and the Washington Diplomat.

Hueman Group Media ("HGM") is an award-winning podcast company for social change. HGM produces impactful and high-caliber podcasts for leading nonprofit organizations, purpose-driven companies and thought leaders, amplifying conversations around today's most important causes and issues — including gender inequality, climate change, racial injustice, and mental health. HGM podcasts cater to diverse, socially conscious, and deeply curious audiences. With the power of storytelling and expert-driven conversations, HGM activates listeners to take action and make a positive impact in their communities. HGM has worked with notable organizations including UN Women, The Elders, SAP, GoDaddy, CORE Response, and MIT Solve.

Podcast Production Team:

Ayesha Amin, Fact-Checking, Policy, Research
Maverick Aquino, Mixing, Editing, Music
Hazami Barmada, Co-Executive Producer & Host
Diana Galbraith, Assistant Producer & Research

Camille Laurente, Co-Executive Producer
Karolina Mendecka, Fact-Checking, Policy, Research
Fernanda Uriegas, Associate Producer

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