

ISTANBUL INTERNATIONAL OMBUDSMAN CONFERENCE

Key Note Speech by Kazi Reazul Hoque

Chairman of the National Human Rights Commission Bangladesh

**Title: Fight against Racism, Xenophobia and Hate Speech: A case study of
Rohingya**

Honourable Chairperson, distinguished Ombudsmen, panellist, ladies and gentlemen,

Assalamu'alaikum and very good morning to you all.

Allow me to start by conveying greetings from the National Human Rights Commission Bangladesh. I am very pleased to be a part of this endeavour . Let me thank the organizers for inviting me and also for their warm reception and gracious hospitality.

Today I would like to present you a case study which contains all the ingredients of racism, xenophobia and hate speech. I do not find any issue other than Rohingya crisis in the contemporary world that could do the full justice to the title of this particular session.

Before I proceed with my deliberations, allow me to place it on record our heartfelt appreciation and deep gratitude to the people of Turkey, His Excellency the President of the Republic of Turkey, Mr. Recep Tayyip Erdoğan and the First Lady, for their overwhelming support towards addressing the Rohingya crisis.

Ladies and Gentlemen,

The documentary you have just witnessed carries the footage of persecution of Myanmar Army and Security Forces on the Muslim ethnic community of Rakhaine State of Myanmar. This is extreme violation of human rights/ crime against humanity. In my opinion, crime against humanity is only possible when Racism, Xenophobia and Hate Speech are practiced in extremely high doses. The case study I have chosen to discuss today has all these ingredients. In fact, the High Commissioner for Humanitarian Rights termed the plight of Rohingya as a 'Text-Book Example of Genocide'. The UN Secretary General has also called it a Text Book example Ethnic cleansing.

In 2017 August – September influx, more than 430,000 Myanmar Muslims/Rohingya fled Myanmar for Bangladesh. Another more or less 100,000 are also in the pipeline. Prior to that another 400,000 Rohingya entered Bangladesh on different occasions because of persecutions. In all Bangladesh will have to take the load of 1 million Rohingya which is very difficult for a lower mid income and densely populated country like Bangladesh. Despite all these constraints the Prime Minister of Bangladesh Sheikh Hasina gave them shelter and committed to extend all basic necessity from human rights perspective for which she was acclaimed by the world community.

Ladies and Gentlemen,

Following the recent influx, I led a four-member team on an emergency fact-finding mission from 9 to 11 September 2017. In fact, this was the Commission's second visit to camps during the recent influx.

We interviewed several Rohingya refugees and heard horrendous stories – stories of torture, cruelty and degrading inhuman treatment. We gathered report of shocking narrations of brutality and observed the marks of bullet wounds and burn injuries. We gathered reports of physical and mental tortures, tribulations as well as rapes and beatings. Some spoke of their homes being set ablaze alleging that all these atrocities were carried out by the Myanmar military.

Let me give you a summary of few incidents we have documented that will provide a better understanding of the ground realities;

1. We interviewed a Rohingya young woman who mentioned her name as Mobashera, and she was 20-year-old. She narrated that the Myanmar military killed her two brothers and tortured her sister including her. She managed to run away and after running for a very long time finally managed to reach the Bangladesh border. She still does not know the whereabouts of her sister.
2. We interviewed Rashida who was a girl of 12 years and she narrated that the Myanmar army burnt down their house and killed her parents in front of her. She narrowly escaped but sustained bullet injuries. She received initial medical care while arrived in Bangladesh.
3. Mohammed Kayes isa 15-year-old boy who narrated that both his parents were shot dead by the Myanmar military. He also received bullet shot but managed to escape with severe injuries.

National Human Rights Commission Bangladesh expresses its disappointment with the continued and on-going extreme violations of human rights of Rohingya by Myanmar Army and Security Forces. We strongly condemn this arbitrary and indiscriminate killing of Rohingya including children and women and raping the of Rohingya ladies. We urge the OIC and ASEAN member states and UN organs to consider referring the matter to the International Court of Justice or International Criminal Court, as it deems fit, through appropriate channels for a durable and sustainable solutions of Rohingya crisis.

Ladies and Gentlemen,

We observed that most of these refugees, particularly, women and children were traumatized. They were traumatized to the extent that they had gone emotionless. They were more concerned about safety rather than food. In fact, some of the Rohingya refugees showed desperate attempt of knowing the religious leaning of persons helping them. They felt more comfortable, relaxed and assured while finding many of the social workers and members of the host community were Muslims. They seemed to be valuing the social protection that Bangladesh is offering to them. This, in my opinion, is a clear indication of the impact of racial discrimination. The extent of discrimination was so high that there is a general sense of fear prevailing among Rohingya community for persons/community who do not share common religious sentiments.

If one were to analyze the International Convention on the Elimination of All Forms of Racial Discrimination, the term "racial discrimination" means any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life , it is clear that Rohingya were severely subject to racial discrimination. It is also to be noted that Myanmar is not a party to ICERD.

In the interest of time let me try to use the rest of my time to explore solutions and provide an update of the Commission's intervention in pursuit of protecting the rights of Rohingya.

To prevent further escalation of the crisis and in the greater interest of human rights, the National Human Rights Commission, Bangladesh has sent out a call for action to many international, regional and local entities which directly and indirectly has a stake in this crisis, including the UN agencies, AICHR, OIC and diplomatic missions operating in Dhaka. The Commission appreciates the role

of OIC Contact Group on Myanmar adopts plan of action on the persecutions of Rohingya.

The call for action has proposed a four-principled formula; '**Triple I + P**'; which stands for;

1. **Immediate end to violence:** We strongly recommend that all forms of violence including mental violence and use of disproportionate force on Rohingya, particularly use of violence on women, children and elderly should immediately stop. It is the unequivocal responsibility of the Government of Myanmar to ensure of protection Rohingya living in Rakhine, regardless of their religion, ethnicity or citizenship status.

2. **Immediate and unhindered access to humanitarian aid:** The Commission is deeply concerned of the lack of access for providing humanitarian assistance in Rakhine. The Commission, makes it clear and loud that that key humanitarian principles- humanity, neutrality and impartiality- as endorsed in the General Assembly resolution 46/182, be upheld at all times and that the Government of Myanmar provide immediate and uninterrupted access of all relevant agencies to deliver humanitarian aid to all affected during the crisis, without any discrimination.

3. **Immediate aid to give access to refugees:** Bangladesh being an overly populated country lacks sufficient resources to meet the basic needs of all Rohingya currently seeking refuge in its territory. Therefore, it is an absolute necessity on the part of the international community to come forward in the support of the distressed to ensure essential supplies such as clean drinking water, food, clothing, basic health facilities and temporary shelter.

4. **Permanent solution:** The Commission urge the United Nations and the international community to mobilise political pressure on the Government of Myanmar to find a durable solution for this crisis. The durable solution must include the right to return to their homeland in a safe, secured and dignified way. The Commission emphasises that all fundamental human rights of the Rohingya should be respected during the process of resolving the current crisis.

To follow up on our call for action we have organized several discussions and will be hosting many more in the future. We are in the process of coordinating with the ASEAN secretariat and the ASEAN Intergovernmental Commission on Human Rights.

The decision of the Government of Bangladesh led by its Prime Minister Sheikh Hasina to place humanity above everything is commendable. Bangladesh is now currently hosting more than 800,000 Rohingya in its soil. The Prime Minister of Bangladesh earmarked 2000 acres of land for temporary shelters and assured all humanitarian assistance and requested all concern to extend support.

The Commission lauds the efforts thus far taken by Government and encourages it to continue its support to Rohingya, despite the fact that Bangladesh is not a State party to the 1951 Convention on Refugees, 1954 Convention on status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness.

Although Rohingya issue is not an issue to be ignored, looking at its dimension of fallout and scale of impacts on the region and beyond, this has, however, not received required attention of the world community in the past. The magnitude of persecution and atrocities being faced by the Rohingyas this time is way above anybody's imagination and that the world cannot afford to overlook it any more.

The Commission firmly believes that the international community must play a critical role in addressing this on-going crisis. And we have the Kofi Annan Commission's Report, which has charted out specific recommendations and actions for the Government of Myanmar in particular and the international community at large. Let me take this opportunity to put forward some recommendations for the International Community.

- Take immediate steps to end atrocities of Myanmar security forces on Rakhaine Muslims
- Provide humanitarian aid in a sustainable and coordinated manner
- Immediately undertake fact finding missions to investigate alleged human rights violations and crimes against humanity committed against the Rohingya
- Advocate for establishing a buffer zone within the territory of Myanmar under the auspices of UN agencies
- Continue lobbying with the Government of Myanmar to find a durable and sustainable solution to address the crisis and if needed initiate discussions on trade /economic sanctions to be imposed on the Government of Myanmar
- Continue advocating for the rights of the Rohingya refugees including the right to return and citizenship
- Support for safe guarding rights of the host community, considering the long-term social, economic, security and environmental impacts of this crisis has on Bangladesh

- Support for immediately realising the recommendations of the Kofi Annan report

Ladies and Gentleman,

Let us sincerely hope that our efforts and deliberations will be fruitful in seeking justice to the world's most persecuted people. Allow me to leave with you a piece of my own thoughts 'human dignity and respect is the very fabric of human rights - each one of us, as a member of humanity must continue to weave this fabric to make it stronger so human rights will not fall through its loops'

Let us all speak, insist and demand justice to uphold Human Rights for all, everywhere, equally!

I thank you for indulgence!