



Testimony of the Honorable Eric Schwartz
President
Refugees International

**House Committee on Foreign Affairs
Subcommittee: Asia, the Pacific, and Nonproliferation
“An Update on the Rohingya Crisis”**

August 3, 2020

Thank you Chairman Bera, Ranking Member Yoho, and Members of the subcommittee for holding this important and timely hearing.

August 25, 2020 will mark three years since the coordinated attacks by the Myanmar military that led to the mass expulsion of more than 700,000 Rohingya—the majority of the Rohingya population that had been living in western Myanmar at the time. By September 5, 2017, Refugees International had already seen and known enough to declare publicly that the Myanmar military was responsible for crimes against humanity. In mid-September 2017, I traveled to Bangladesh to bear witness to what was occurring. I saw tragic evidence of those crimes as I witnessed hundreds of people streaming by foot from Myanmar to Bangladesh. And I visited with refugees in many make-shift locations who told me of unspeakable abuses that forced their flight from Myanmar.

Refugees International is a non-profit, non-governmental organization that advocates for lifesaving assistance and protection for displaced people in parts of the world impacted by conflict, persecution, and forced displacement. We conduct fact-finding missions to research and report on the circumstances of displaced populations globally. We do not accept any government or United Nations funding, which helps ensure that our advocacy is impartial and independent. Refugees International has been reporting on the Rohingya population for many years, focusing on host country conditions for Rohingya refugees, protection measures for Rohingya women and girls, and other humanitarian and human rights issues.

The Rohingya people remain one of the most persecuted populations in the world. Nearly 900,000 Rohingya refugees remain in crowded camps in Bangladesh. Some 600,000 Rohingya remain in Myanmar facing ongoing abuse. In the midst of a global pandemic, the Rohingya remain among the most vulnerable. In recent weeks, monsoon rains have brought high winds, flooding, and landslides that have affected the shelters of tens of thousands. Hundreds of desperate Rohingya refugees have been stranded at sea after being turned back from the shores of Malaysia and Bangladesh, and many are feared to have drowned.

The humanitarian needs of the Rohingya demand the world’s attention. But we cannot forget why the Rohingya in Bangladesh and other host countries find themselves in such desperate circumstances. The

state of Myanmar has persecuted the Rohingya for years, leading tragically to the operations in 2017 and thereafter that amount to crimes against humanity and genocide.

In my testimony, I will address four issues: (1) the COVID-19 pandemic and the humanitarian challenges in the camps in Bangladesh; (2) the ongoing abuses and high risk of atrocities in Myanmar; (3) the issue of genocide, and (4) the broader humanitarian imperatives around a COVID-19 response to assist vulnerable populations globally.

COVID-19 and the Humanitarian Challenge: The Camps in Bangladesh

As is the case with many populations in the global south, relatively small numbers of Rohingya refugees in camps in Bangladesh have tested positive for the COVID-19 virus. As of last week, there were 65 confirmed cases of COVID-19 in the camps and six confirmed deaths. But this is hardly the whole story. Testing has been limited, partially due to capacity constraints and partially due to distrust and misinformation flowing through the camps and discouraging Rohingya from coming forward to be tested. The population density in the camps – four times that of New York City – and underlying health conditions among many of the refugees living there make the Rohingya in the camps especially vulnerable to the spread of disease. While the actual number of individuals infected with the virus is not known, there is very good reason to believe that the worst is yet to come.

Beyond the direct threat of COVID-19, the indirect effects of the pandemic have already worsened conditions in the camps in Bangladesh. The Bangladesh government has reduced the presence of aid workers in the camps by 80 percent even as needs increase during the monsoon season.¹ This reduction leaves gaps in areas such as food insecurity, monsoon preparation, and emergency shelter repair.

As Refugees International will indicate in a report to be issued this week, we also have deep concerns about the pandemic's impact on efforts to address gender-based violence (GBV). Prior to the pandemic, screening data suggested that one in four Rohingya women and girls in Cox's Bazar—the district in Bangladesh with settlements that host the world's largest population of refugees—experienced GBV. However, most did not seek help. Of those who did, more than 80 percent were seeking assistance because they experienced intimate partner violence (IPV). Since the COVID-19 pandemic has locked down the camps, reporting has dropped by an estimated 50 percent, but it is unlikely that this reflects any decrease in IPV. Rather, lockdowns have almost certainly made it far more difficult for survivors to report abuse.² In fact, GBV service providers are confident that IPV is actually increasing despite reporting declines.

¹ "Rohingya Camps in Bangladesh Under Complete Virus Lockdown," RFI, April 9, 2020, <https://www.rfi.fr/en/international/20200409-rohingya-camps-in-bangladesh-in-complete-coronavirus-lockdown-risk-spread-covid-19>.

² Laurence Gerhardt, Stephen Katende and Marcus Skinner, "The Shadow Pandemic: Gender-Based Violence among Rohingya refugees in Cox's Bazar," International Rescue Committee, May 2020, <https://www.rescue-uk.org/sites/default/files/document/2247/theshadowpandemicbangladesh.pdf>.

An NGO staff member who provides psychosocial counseling to survivors of IPV in Cox's Bazar explained to Refugees International:

“We know that the lockdown is increasing violence within homes—it is inevitable. The problem is we cannot show this with numbers because the reporting has gone down and we can no longer conduct home visits. Colleagues of mine doing similar work around the world have said the same thing. I feel so helpless knowing that this is going on and not being able to get to the women and girls who are suffering.”

Misinformation about COVID-19 is also running rampant in the camps, discouraging refugees from seeking medical assistance. UN surveys show that many residents believe that only “bad” Muslims can contract the virus or that infected people will be put to death.³ The ability to counter these rumors, and to monitor and report possible cases, has been impacted by ongoing government limitations on phone and internet access for refugees in the camps.

Restrictions on the rights of Rohingya in the camps was a concern even prior to the pandemic. In February of this year, Refugees International urged the government of Bangladesh to reverse limitations on internet access and mobile communications, and to take other measures to provide Rohingya refugees with opportunities to play a greater role in decisions that impact their lives.⁴

It is encouraging that some Rohingya civil society groups and volunteer networks have been stepping in to fill gaps in COVID-19 humanitarian response and awareness raising. But these efforts come in the context of ongoing government restrictions that remain of great concern.

Refugees International also remains alarmed by government of Bangladesh plans to move Rohingya refugees to Bhasan Char, an island in the Bay of Bengal. Some 300 Rohingya who had been rescued at sea in recent weeks are already on the island. As Refugees International has warned, serious questions about the safety and voluntariness of such a relocation remain unanswered.⁵ Before any move to relocate Rohingya, the government of Bangladesh should first allow thorough and independent technical and protection assessments by the UN Refugee Agency (UNHCR) and other international actors to determine the feasibility and safety of such a move. That has still not happened.

Ongoing Abuses and High Risk of Atrocities in Myanmar

The ultimate solution for the humanitarian crisis faced by Rohingya in Bangladesh – and the one they themselves seek – is a return to their homes in Myanmar. However, conditions for safe, voluntary, dignified, and sustainable returns are far from being realized.

³ “COVID-19 Explained: Overview of Rohingya Perceptions,” UN Migration (IOM) and ACAPS, Edition #1, March 26, 2020,

https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/covid-19_explained_edition1.pdf.

⁴ Dan Sullivan, “A Voice in Their Future: The Need to Empower Rohingya Refugees in Bangladesh,” Refugees International, February 5, 2020, <https://www.refugeesinternational.org/reports/2020/2/5/a-voice-in-their-future-the-need-to-empower-rohingya-refugees-in-bangladesh>.

⁵ “Refugees International Warns Against Relocating Rohingya to Bhasan Char Island,” Refugees International, March 28, 2019, <https://www.refugeesinternational.org/reports/2019/3/28/refugees-international-warns-against-relocating-rohingya-to-bhashan-char-island>.

In fact, Refugees International remains deeply concerned that the human rights situation in Rakhine State continues to be unacceptable. Over the past year, the Myanmar military has been fighting an ethnic armed group known as the Arakan Army. That fighting has affected civilians across the state, including both ethnic Rakhine and Rohingya. In June, warnings by the military of “clearance operations” caused tens of thousands (mostly ethnic Rakhine) to flee their homes. “Clearance operations” were the same term used ahead of the mass expulsion of the Rohingya.

The government of Myanmar has also restricted internet access to large areas of northern Rakhine State. Access for international humanitarian organizations has long been restricted in the area. Last month, a group of humanitarian organizations working in Rakhine State warned that recent fighting between the military and the Arakan Army, including reports of burning of villages and arbitrary detention of civilians, “will likely cause greater hunger, displacement and human suffering at a time when populations are dealing with COVID-19 and heavy rains from the monsoon season.”⁶

More than 100,000 Rohingya in Rakhine State remain in internal displacement camps that are effectively open-air prisons. Rohingya homes have been destroyed, and Rohingya lands have been populated by other ethnic groups. Implementation of plans to shut down some of the camps has amounted to little beyond moving the displaced to structures next to the camps and labeling the structures “villages.”

Even for those Rohingya not in camps, restrictions on movement and access to healthcare and education remain. Reports of arbitrary arrests and sexual violence at the hands of security forces continue to emerge. Such abuses are not restricted to the Rohingya, but extend to several ethnic minority groups including the Chin, Kachin, Karen, Rakhine, and Shan.

COVID-19 also looms as a threat to ethnic minorities in Myanmar. The underlying conditions of displacement and disenfranchisement leave the Rohingya particularly vulnerable.

In short, the abuses of the Rohingya and other ethnic minorities are not a thing of the past in Myanmar. As an independent UN Fact Finding Mission has warned, “The State of Myanmar continues to harbour genocidal intent and the Rohingya remain under serious risk of genocide.”⁷ Likewise, the International Court of Justice, currently hearing a case of genocide against Myanmar, has found sufficient concerns to release provisional measures in January 2020 requiring Myanmar to show that it is preserving evidence of abuses and taking steps to prevent genocide.⁸

Why a Genocide Determination Matters

As you may know, Refugees International, supported by some 80 organizations and an array of legal scholars, is engaged in a campaign to encourage the Secretary of State to determine and declare that

⁶ “Myanmar: INGOs concerned upsurge in fighting in Rakhine State will cause greater hunger, displacement and vulnerability,” Reliefweb, June 30, 2020, <https://reliefweb.int/report/myanmar/myanmar-ingos-concerned-upsurge-fighting-rakhine-state-will-cause-greater-hunger>.

⁷ “Detailed findings of the Independence International Fact-Finding Mission on Myanmar,” United Nations Human Rights Council, September 16, 2019, <https://www.ohchr.org/en/hrbodies/hrc/myanmarffm/pages/index.aspx>.

⁸ “Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar) – Provisional Measures,” International Court of Justice, January 23, 2020, <https://www.icj-cij.org/en/case/178/provisional-measures>.

the state of Myanmar is responsible for the crime of genocide. We are disappointed that a State Department review of abuses by the state of Myanmar has not yet led to this finding, as we believe it is highly justified. As reflected in our statement on the issue,⁹ we are convinced that the state of Myanmar is responsible for the killing of thousands of Rohingya, among other abuses proscribed in the Genocide Convention, with the “intent to destroy, in whole or in part” this population.

We ask that Refugees International’s statement on genocide cited above be included in the record.

Even—and especially—as the world confronts the COVID-19 pandemic, there are several reasons why such a declaration is critically important.

First, it would recognize a crime for what it clearly is and would bolster accountability efforts. As Refugees International has stated in our own genocide determination, this is not a conclusion we reached lightly, “but the evidence of the widespread, systematic nature of the attacks on the Rohingya and the intent reflected in the rhetoric and actions of the Myanmar military leads inevitably to this conclusion.”

The evidence of crimes against humanity and genocide has only grown since that time. Doctors Without Borders¹⁰ and Physicians for Human Rights carried out surveys and conservatively estimated at least 6,000 Rohingya were killed during the attacks.¹¹ The U.S. Department of State conducted a survey of 1,024 Rohingya refugees and found that nearly 40 percent of those surveyed witnessed rape committed by Myanmar security forces.¹² The study concluded that the violence was “extreme, large-scale, widespread, and seemingly geared toward both terrorizing the population and driving out the Rohingya residents.” The scope and scale indicated the military operations were “well-planned and coordinated.” An independent UN Fact Finding Mission found that a history of racist and derogatory language, along with the brutality of the attacks, the widespread use of sexual violence, and the organized nature of the attacks collectively “demonstrate a pattern of conduct that infers genocidal intent on the part of the State to destroy the Rohingya, in whole or in part, as a group.”¹³

Second, a genocide finding would bring much needed global attention that could help prevent further atrocities. The Rohingya remain at high risk of genocide. A key risk indicator for atrocity crimes is the lack of outside attention. At a moment in which there are serious concerns about ongoing abuses, a genocide determination would put Myanmar clearly on notice that it is being watched.

⁹ Refugees International statement on genocide against the Rohingya, April 30, 2020, accessible at <https://www.refugeesinternational.org/reports/2020/4/27/a-call-to-action-on-myanmars-genocide-against-the-rohingya>.

¹⁰ “MSF surveys estimate that at least 6,700 Rohingya were killed during the attacks in Myanmar,” Doctors Without Borders, December 12, 2017, <https://www.msf.org/myanmarbangladesh-msf-surveys-estimate-least-6700-rohingya-were-killed-during-attacks-myanmar>.

¹¹ Parveen K Parmar, Jennifer Leigh, Homer Venters, Tamaryn Nelson, on behalf of the PHR Rohingya Study Group, “Violence and mortality in the Northern Rakhine State of Myanmar, 2017: results of a quantitative survey of surviving community leaders in Bangladesh,” Physicians for Human Rights, March 1, 2019, [https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(19\)30037-3/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(19)30037-3/fulltext).

¹² “Documentation of Atrocities in Northern Rakhine State,” U.S. Department of State, September 24, 2018, <https://www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/documentation-of-atrocities-in-northern-rakhine-state/>.

¹³ “Detailed findings of the Independence International Fact-Finding Mission on Myanmar,” United Nations Human Rights Council, September 16, 2019, <https://www.ohchr.org/en/hrbodies/hrc/myanmarffm/pages/index.aspx>.

Third, a designation would help to sustain and increase international attention, and could rally international pressure, including additional multilateral targeted sanctions. The United States has levied sanctions on Senior General Min Aung Hlaing and other top generals, but other countries have not followed. A statement of genocide would help to convey the seriousness with which the United States views the crimes by the state of Myanmar. This attention could also play a role in deterring further abuses, as nearly all governments seek to avoid being shamed. Over time, it could also help to pressure the government and military of Myanmar to create conditions that might eventually permit return of the Rohingya. This sensitivity to outside opinion was in fact reflected in the appearance of Aung San Suu Kyi before the International Court of Justice in its genocide proceeding last December 2019.¹⁴

Finally, a U.S. designation of genocide against Myanmar would signal solidarity with countries, like Bangladesh, hosting Rohingya refugees, and with Rohingya still in Myanmar. The government of Bangladesh has taken in hundreds of thousands of refugees and is struggling to host them. A show of concerted pressure on Myanmar would go a long way in showing that Bangladesh is not alone in the effort to support the Rohingya, and could help to promote more constructive policies toward Rohingya refugees as long as they must remain in the country.

COVID-19 and the Global Humanitarian Response

Finally, if I may return to the issue of COVID-19, and broaden the discussion from the camps in Bangladesh and the humanitarian needs of the Rohingya to the concerns of vulnerable populations around the world. I would be remiss if I did not address this concern in any forum considering the impact of the COVID-19 pandemic in a humanitarian setting. I would also be remiss if I didn't underscore the imperative of a generous U.S. contribution to the international COVID-19 humanitarian response effort—in particular, an additional \$20 billion in emergency supplemental funding for international assistance focused on the COVID-19 response.

Mr. Chairman, you participated last month in a Center for Strategic and International Studies webinar in which the UN's Emergency Relief Coordinator and Undersecretary General for Humanitarian Affairs graphically described the critical importance of a generous global response. Based on analysis and research of his UN office, the Emergency Relief Coordinator said that COVID-19, if left unmitigated, could infect over 600 million people in the world's most vulnerable countries. He emphasized the indirect impacts of the pandemic—on efforts to address HIV, tuberculosis, and malaria, and the specter of multiple famines. And he highlighted the tragic fact that, to use his words, "COVID-19 is still only getting going—we are still months away from the peak."

Mr. Lowcock estimated that the cost of protecting the most vulnerable from the worst effects of COVID-19 was about \$90 billion.

On one level—on almost any level—that is a lot of money. But tellingly, he also estimated that this would represented less than one percent—less than one percent—of the amount of world stimulus packages that the rich countries of the world have begun to implement. In other words, to protect the poorest ten percent of the world's population from the worst effects of the pandemic would require a

¹⁴ Daniel Sullivan, "Aung San Suu Kyi's Defense of Genocide," *Fair Observer*, December 13, 2019, <https://www.refugeesinternational.org/reports/2019/12/16/aung-san-suu-kyis-defense-of-genocide>.

global investment of less than one percent of what wealthy countries are already spending. With that frame, \$90 billion is a reasonable overall expectation—in fact, it may be low—and a \$20 billion contribution from the United States would not only be reasonable and consistent with the U.S. expressed commitment to humanitarian leadership, but also in the interests of the United States in light of the simple reality that this virus knows no borders.

Let me also not miss the chance to emphasize the importance of access to affordable and effective treatment for COVID-19, as well as access to a vaccine after one or more are developed. As was noted in Refugees International’s July issue brief on COVID-19,¹⁵ in April the UN General Assembly passed a resolution calling for “equitable, efficient and timely access to any vaccine developed to fight the pandemic.”¹⁶ The WHO has set up an initiative with member states and private foundations to produce and distribute both therapeutics and a “people’s vaccine.”¹⁷ But the WHO effort remains massively underfunded. Countries like China and the United States have yet to contribute. Meanwhile, governments with deep pockets are making deals with major pharmaceutical companies to mass produce vaccines for domestic consumption. All this suggests some of the world’s most needy will be left out. So far, those insisting on equity of access to a vaccine have focused primarily on distribution across countries. However, for a future vaccine plan to be truly effective, it will also need to prioritize equitable access for vulnerable populations and to accommodate distribution in humanitarian crisis zones.

¹⁵ Hardin Lang, “COVID-19 and the Other One Percent: An Agenda for the Forcibly Displaced Six Months into the Emergency,” Refugees International, July 15, 2020, <https://www.refugeesinternational.org/reports/2020/7/14/covid-19-and-the-other-one-percent-an-agenda-for-the-forcibly-displaced-six-months-into-the-pandemic>.

¹⁶ “International cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19,” United Nations General Assembly Resolution, April 15, 2020, <https://www.un.org/pga/74/2020/04/15/international-cooperation-to-ensure-global-access-to-medicines-vaccines-and-medical-equipment-to-face-covid-19/>.

¹⁷ “Equitable access to covid-19 vaccine for all must include refugees and migrants”, *thebmjopinion*, May 19, 2020, <https://blogs.bmj.com/bmj/2020/05/19/equitable-access-to-covid-19-vaccine-for-all-must-include-refugees-and-migrants/>.

Recommendations

On each of these critical issues, there is much that the Congress can do.

On humanitarian issues in Bangladesh, we would urge that you press the administration to continue U.S. leadership in funding for the Joint Response Plan in the Rohingya Humanitarian Crisis and request progress reports from the administration on funding, on efforts to encourage other donors to come forward, and on key humanitarian implementation issues involving the government of Bangladesh. These issues include –

- Lifting of restrictions on internet access and mobile communications in the camps,
- Refraining from relocating refugees to Bhasan Char until serious concerns are addressed and Rohingya refugees are properly informed about conditions they would face there;
- Promoting participation of Rohingya groups in the camps in the overall humanitarian response;
- Recognizing Rohingya refugee rights, including access to justice, health services, cash and livelihoods, as well as freedom of movement.

On human rights and genocide-related issues, we urge that you press the administration to issue a finding of genocide, and support international accountability efforts underway at the ICJ and in other fora, and that you continue to support targeted sanctions measures against the government of Myanmar including against military-owned enterprises.

On the COVID-19 response globally, we strongly urge that you support supplemental assistance of \$20 billion, as outlined in our testimony.