

**The University of  
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## **Dear Reader,**

Thank you for picking up a copy of *The University of Chicago Journal of Human Rights*, The University of Chicago Amnesty International Chapter's first annual human rights journal.

In this edition, you will find the stories of people around the world whose basic rights are denied. Whether you read about victims of torture or Rohingya refugees in Burma, we hope you will not only gain a deeper appreciation of your own security and wellbeing, but also a stronger sense of urgency to end the suffering of your fellow human beings.

Headlines announce the misery and death of other humans so often that we often become desensitized to these tragedies. Just the other day, I caught myself absentmindedly scrolling past the headline, "Dozens drown off Greek islands in deadliest January for refugees," without thinking twice.

We challenge you to look at human rights abuses with fresh eyes, open to the sadness, anger, or frustration that they may cause, and to use your emotions as motivation to help end the cycle of human violence. If everyone put in the effort to empathize with one another, as we now ask you to, we firmly believe that the headlines would not read as they now do.

— Julian Duggan, Editor-In-Chief

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Julian Duggan

#### **Editors:**

Maia O'Meara

Jacqueline Ortiz

Emma Preston

#### **Layout Editor:**

Elisabeth Huh

#### **Outreach:**

Julian Duggan

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# Torture: A Necessary Evil?

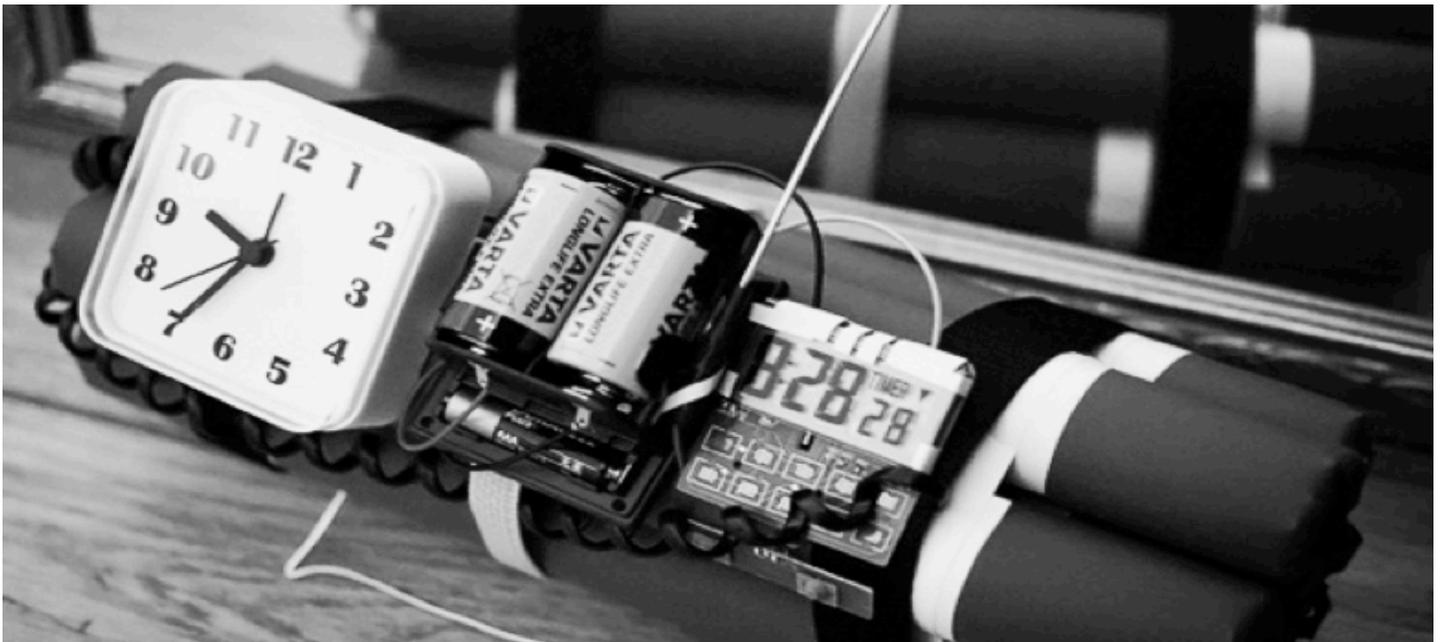
By Elisabeth Huh

Can we really live in a world without torture? International law certainly aspires to abolish the age-old practice. Since 1984, 155 states have ratified the UN Convention Against Torture (CAT), which declares, “No exceptional circumstances whatsoever, whether a state of war or a threat or war, internal political instability or any other public emergency, may be invoked as a justification of torture.”<sup>1</sup> Moreover, even individuals residing in states that have not ratified the CAT

are subject to prosecution for torture. International legal norms consider the prohibition against torture a *jus cogens*—a fundamental law that establishes a universal jurisdiction over torture, entitling every state the authority to investigate, prosecute, punish or extradite anyone who perpetrates torture, no matter the circumstance.<sup>2</sup>

This fortification of laws suggests that torture only continues rarely, in secrecy, hidden in shadows behind closed doors and extorting cries in caged underground chambers. However, Amnesty International has found torture in at least 141 countries over the last five years, and countries like the United States and France refuse to enforce international law by trying their own officials who have sanctioned torture.<sup>3</sup>

These stunning facts beg a series of questions: How does torture persist if it receives universal condemnation? Is torture actually a necessary evil? If so, should we amend the CAT to make exceptions for torture in exceptional circumstances? How else can we bring about greater fidelity to international law? I will begin by presenting the argument for torture as necessary evil. I will start by describing



Time Bomb by Dirk Knight/ © Some rights reserved. Licensed under a Creative Commons Attribution-NonCommercial license.

an idealized version of the ‘ticking time-bomb’ thought-experiment, which presents exceptional conditions that appear to morally justify torture. Next, I will show how torture supporters argue that certain real-life situations match the conditions in the theoretical scenario, thereby legitimizing tough but necessary decisions to torture. After presenting these arguments, however, I will reanalyze the ‘ticking time bomb’ scenario and refute its purported real-life parallels, arguing that the CAT’s prohibition on torture should remain absolute for four main reasons: 1) making exceptions for torture in the CAT will grant states the leeway to justify unnecessary and ineffective uses of torture, 2) experts have claimed that torture is not a reliable means of extracting accurate information, 3) in reality, it is impossible to objectively validate whether torture will create more overall good than harm, and 4) the absolute prohibition on torture rests on principles that form the bedrock of the entire international human rights regime. I will conclude by argu-

ing that action should be taken against the Bush administration officials who sanctioned torture during the War on Terror.

#### ‘Ticking Time Bomb’ Thought-Experiment

I start by describing a situation that utilitarian philosophers would argue makes torture a necessary evil. In this scenario, the C.I.A. has discovered that a ticking time bomb has been set to destroy a U.S. city in one hour. The C.I.A. has captured the terrorist who planted the bomb, and they know that he is the only one who knows the bomb’s location. If the terrorist reveals the location of the bomb, the C.I.A. will be able to disable it and save thousands of lives. The C.I.A. has a torture expert who can make any person spill any secret, and the terrorist has so far refused to respond to all other efforts to compel him to reveal the location of the bomb.

Most utilitarian moralists would argue that if all other means have failed, we should resort to torture. If the C.I.A. chose not to torture the terrorist out of respect for his human

rights, thousands of innocent civilians would certainly die. If, on the other hand, the torture expert tortured the terrorist and consequently received the correct location of the bomb, it seems that the thousands of innocent lives the act of torture would save would ultimately justify the terrorist’s suffering. Under a calculus that aims to produce the greatest good for the greatest number, it appears wrong not to use torture to save thousands of innocent lives.

It is difficult to imagine this exact scenario unfolding outside of a movie theater. However, many states, including the U.S., have argued that certain wars against terrorists and guerilla fighters present similar conditions that necessitate the use of torture. For example, the retired U.S. General Joseph P. Hoar has argued that torture tactics allowed French forces to win the Battle of Algiers in the Algerian War of Independence between 1954 and 1962.<sup>4 5</sup> During the war in Afghanistan in the early 2000s, Bush Administration officials argued that hide-and-seek guerilla tactics justi-



Maher Arar Speaks by Matthew Burpee/ © Some rights reserved. Licensed under a Creative Commons Attribution-NonCommercial license.

further defended the practice by arguing that people who kill innocent lives and disregard common rules of morality become “illegal combatants” who have forfeited rights protections by the Geneva Conventions.<sup>6</sup> These arguments lead to a grim conclusion: so long as certain evils exist we must use torture to defend ourselves. Through this perspective, the CAT is an impractical, aspirational declaration that states are often right to defy; to meet the exigencies of cruel, hard reality, it seems we ought to amend the CAT to sanction the use of torture against terrorists who possess critical information regarding other terrorists and terror-related activities.

This conclusion utterly fails to perceive how such an amendment to the CAT would engender problems and dangers of much greater magnitudes. One false premise in the argument for legalizing torture is that a torturer can truly know who to torture in a trade-off for security. As the philosopher David Luban has argued, we often

use torture precisely because we are unsure whether a person is actually a terrorist; and yet, torturers always start their act by presuming the guilt of their victims.<sup>7</sup> This mentality leads us not too far astray of the mad logic of the Salem Witch trials. Indeed, more often than governments choose to admit, they simply take a gamble in deciding who is and is not a threat—as over eighty falsely imprisoned and tortured detainees in Guantanamo can attest.<sup>8</sup> Yet, even when a moral consequentialist rulebook points to clear culpability, states evade responsibility for their actions.

#### **When Torture Goes Wrong**

A case in point is Canadian citizen Maher Arar, whom U.S. courts continue to refuse to compensate for wrongful torture. In September 2002, U.S. government officials interrogated Arar at JFK airport on his way home to Canada, and, suspecting him of working for Al Qaeda, they detained him for two weeks, denied him access to legal counsel on the grounds

that he was not a U.S. citizen, and finally issued him to Syria, where he was left to suffer at the hands of torturers for over 10 months.<sup>9</sup> Though Arar has tried for years to receive compensation for the violation of his rights to due process and bodily protection, U.S. courts have refused to even take up his case, arguing that doing so would expose sensitive state secrets and endanger national security.<sup>10</sup> If the CAT were amended to make exceptions for torture, cases like Maher’s could only occur more frequently; furthermore, it would be even more difficult for victims to prosecute perpetrators and receive retributive justice, because states would be able to defend their actions under the aegis of international law.

#### **A False Sense of Heroism**

The second reason we should not amend the CAT is that there is little reason to believe that states would not try to exploit this legal provision to justify torturing their enemies. All torturers believe their



Witness Against Torture: Feet by Justin Norman/ © Some rights reserved. Licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives license.

would allow cruel and inhumane punishment to continue to hide under the banner of ‘the common good,’ fabricated and waved about by a psychological shield of ‘heroism,’ and all at the cost of innocent lives.

### **Torture Is Not Effective**

Still another reason we should not amend the CAT is the wealth of evidence that shows torture is not effective and often causes more harm than good. After the White House Counsel Alberto Gonzales wrote a memorandum in 2002 justifying the use of torture against detainees in Afghanistan, various military officials, lawyers, and veteran F.B.I. and C.I.A. agents spoke out against the decision; they argued that though torture may help to achieve short-term goals, it endangers troops, lowers morale, and ultimately undermines the war effort.<sup>11</sup>

Torture expert Darius Rejali has also provided substantial evidence that torture is an ineffective means of acquiring information. In his paper, “Does Torture Work?,” Rejali argues one

cannot practice torture scientifically; pain tolerances change over time and vary from person to person, so any ‘expert’ claims to ‘professional’ knowledge of the amount of pain necessary to make a person crack should be disregarded as a charlatan mysticism (447-450). Rejali also cites evidence from the U.S. Army Study of American POWs to show that torture may often “intensify, rather than weaken, the resistance of the prisoner,” thoroughly undermining its purpose (452). Finally, even if victims were to cave and divulge information, Rejali argues medical experts claim that intense suffering often results in lapses in memory and illusions of knowledge, compromising the efforts of torturers to gain useful intelligence (461). Finally, many military experts argue that the best source of information for combating terrorists is public cooperation (458). However, torture tactics transform military and law enforcement officers into cruel and inhuman monsters in the eyes of the public, giving citizens more

reason to refuse to cooperate.

As a final point, even if torture were an effective means of acquiring information, in most cases, it would still be difficult to determine whether this knowledge would outweigh its far-reaching negative consequences. Torture afflicts not only the body of the target, but the entire social fabric: it entraps innocent family members and friends of torture victims in a web of horror and silence; it renders them “deaf and blind and mute,” paralyzed by fear and uncertainty.<sup>12</sup> The torturer himself also fails to escape unscathed: with every lash of his whip, he too loses more of his humanity. The act forces him to dehumanize his victim and harden his own heart and mind against mercy and moral reflection. Torture offers, at best, dubious security benefits, while inflicting unquestionable harm onto the victim, the victim’s social community, and even the perpetrator.

### **Do We Want To Protect Human Rights?**

The final reason we should



Protest against George W. Bush speaking at Beth El synagogue in St. Louis Park by Fibonacci Blue/ © Some rights reserved. Licensed under a Creative Commons Attribution license

categorically refuse to accept exceptions to torture is that such a decision would undermine the philosophical basis of the entire human rights regime. Today, the legitimacy of the human rights legal order often falls into question: arguments for moral relativism and disagreements about what actually constitutes a basic human right challenge its claim to universality.<sup>13</sup> However, many scholars have tried to resolve the debate by arguing that certain basic rights—like the right to physical security—are fundamental, universal, and philosophically justified.<sup>14</sup> If we begin to make exceptions to this fundamental right—if we argue that it may be conditioned on one’s specific identity, on one’s presumed actions, or on the need to achieve some greater end—then we have accepted that human rights are indeed violable and alienable.

Unfortunately, the current state of international affairs does appear to support this attitude. The U.S.’s ability to get away with torture spells not only negative political consequences

in the international sphere—its stained human rights reputation weakens its leverage for human rights advocacy abroad—but also casts an ominous outlook on hopes for international justice.<sup>15</sup> So long as Bush Administration officials who sanctioned the use of torture in Guantanamo and Afghanistan suffer no negative repercussions, the skeptical realist theory of international politics holds true: “powerful states are able to disregard international rules at will.”<sup>16</sup> Might makes right.

#### **An Ideal to a Reality**

The international community must unequivocally prosecute those who violate the absolute ban on torture. As human rights law skeptics such as University of Chicago Law Professor Eric Posner argue, the international community’s inability to reliably enforce the prohibition on torture spells doom the regime as a whole.<sup>17</sup> Though President Obama has tried to close the door on torture in the U.S. by claiming that C.I.A. black sites have been shut down, these

measures are not enough to restore the U.S.’s international reputation or to help legitimize the human rights regime overall.<sup>18</sup> To demonstrate that the duty to respect human rights is truly universal, human rights defenders must try the Bush Administration officials who sanctioned torture.

Even if the officials ultimately do not suffer imprisonment or other serious repercussions, their trial would serve as a public admission of wrongdoing and finally give victims of torture the opportunity to receive reparations and retributive justice. The law of universal jurisdiction grants any state or international court the ability to charge the officials, and one must step up to do so if U.S. courts refuse to do so themselves. For it is only by firmly refusing to make exceptions for basic human rights, regardless of circumstances or the convenience of the world’s great powers, that an international human rights regime can meaningfully exist.

# INTERNATIONAL

## To Help:

Donate to the Torture Abolition and Survivor Support Coalition. Based out of Washington, DC, this group helps torture survivors seeking asylum in the US acquire basic necessities and counseling, raises awareness about the prevalence of torture at home and abroad, and advocates on Capitol Hill for legislation that helps put an end to torture everywhere.

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# Clearing up Misconceptions: The Realities of Sex Trafficking In The U.S.

By Gigi Ortiz

“When we hear the words ‘sex trafficking,’ as Americans we immediately think of women and children overseas who are being forced into the sex trade or who are brought into the United States for the purpose of sexual exploitation,” says Tina Frundt, Street Outreach Coordinator for Polaris Project and a survivor of sex trafficking. “We don’t usually think closer to home — Americans trafficked by Americans.”<sup>1</sup> Despite these misconceptions, sex trafficking is hardly a problem that only happens abroad. Just last year, 3,598 cases of sex trafficking were reported in the US according to the National Human Trafficking Resource Center.<sup>2</sup> The International Labor Organization (ILO) estimates that the sex trafficking industry is worth \$32 billion in the US alone.<sup>3</sup> However, numbers and statistics do little in the way of helping one understand the enormity of sexual slavery in the US since it is such a surreptitious crime and finding reliable statistics is nearly impossible.

Regardless of the available data, it is important to recognize that sex trafficking is a problem in the US and the first step to combating it is to make the nation as a whole more aware of the issue. Sex trafficking violates some of the most basic human rights, including those outlined in articles 4, 5, 23, 24, and 25 of the Universal Declaration of Human Rights,<sup>4</sup> and although new legislation has been passed in the last 15 years to combat it, the crime is still extremely



Human traffic, Piccadilly Circus, London by chrisjohnbeckett / © Some rights reserved. Licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives license.



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under-reported. The number of trafficked persons in the US remains unknown, but the ILO has estimated that there are 20.9 million victims of trafficking worldwide.<sup>5</sup> Given this, it is likely that hundreds of thousands of Americans face fear, rape, and violence every single day. Every individual deserves to live a life free from these evils, and should be able to make their own choices about their sexual partners, their bodies, and their health. By eliminating misconceptions about sex trafficking, increasing awareness, and learning how to recognize and report trafficking, we can work to decrease the amount of sexual exploitation in the US and begin to ensure that all individuals have control over their own bodies.

### **What is Sex Trafficking?**

Before action can be taken to reduce it, one must understand what exactly qualifies as sex trafficking. According to the Trafficking Victims Protection Act of 2000 (TVPA), sex trafficking is: “the recruitment, harboring, transportation, provision,

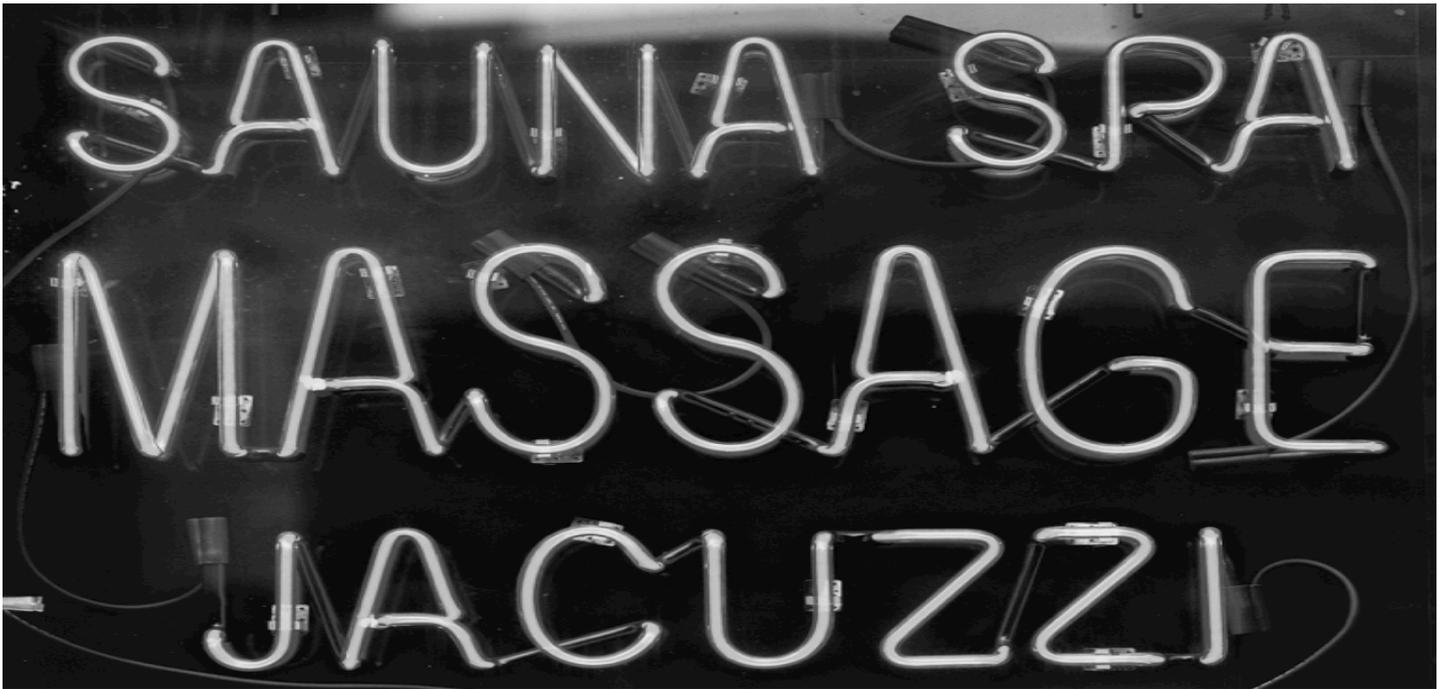
or obtaining of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age.”<sup>6</sup> Sex trafficking victims are often mistaken as sex workers and may face social stigma and prostitution charges, making them reluctant to seek help.

It is important to note that sex workers are those that are voluntarily involved in the sex industry and can freely leave if they wish to, while individuals who are forced into commercial sex and cannot leave due to threats of violence or dependency on their trafficker (even if they initially consented but later faced force, fraud, or coercion) are considered sex trafficking victims. All persons under the age of 18 who are involved in commercial sex, even if they consent without force, fraud, or coercion, are considered sex trafficking victims as well.<sup>7</sup> While there is considerable overlap between sex trafficking and prostitution – sex trafficking

entails prostitution but not necessarily the other way around – it is important to recognize the difference to avoid victim-blaming and falsely charging victims as well as to provide victims with the resources and support that they may need.

### **The Victims**

There are several prevalent misconceptions about who the victims of sex trafficking in the US are that may prevent Americans from realizing how widespread of a problem domestic sex slavery is. First, it is often believed that victims are only young women. Men, women, girls, boys, and LGBT+ individuals of all ages are victims of sex trafficking here in the US, although women and children are targeted more frequently. Another misconception is that all victims are foreign nationals or undocumented immigrants. There are actually many victims of sex trafficking in the US who are citizens, permanent residents, or visa holders. According to NHTRC 2014 Annual Report, 43.8% of the reported



Sauna Spa Massage Jacuzzi by Thomas Hawk / © Some rights reserved. Licensed under a Creative Commons Attribution-NonCommercial license.

cases involved US citizens or permanent legal residents while only 12.9% cases were reported to involve foreign nationals.<sup>8</sup> It is also commonly believed that all victims of sex trafficking are face severe poverty. Although poverty may make an individual more susceptible to becoming a victim, people from all socioeconomic backgrounds can become the targets of sex trafficking, as traffickers may prey upon persons with other vulnerabilities as well.

Essentially anyone can become a victim of sex trafficking, but there are specific characteristics that put certain individuals at a higher risk than others. Runaway and homeless youth are commonly targeted by sex traffickers since they lack the traditional support systems that most children have. According to the National Center for Missing and Exploited Children, in 2014, one out of six endangered runaways were likely victims of sex trafficking.<sup>9</sup> A child may be considered an endangered runaway as a result of the circumstances they are fleeing from

(e.g. domestic violence, molestation, drug abuse), the broader environment they live in (e.g. high crime rates), the history of the person that they ran away with, their age (under 13 years old), their physical ailments or a drug addiction, their risk for suicide, or any other circumstance that may put the child's life and wellbeing at risk. Another study based in Chicago found that 56% of prostituted women were initially runaway youth.<sup>10</sup> Those who have experienced past trauma – such as domestic violence, sexual assault, or social discrimination – may be more at risk because they have come to expect abuse or remain emotionally vulnerable.<sup>11</sup>

### **Trafficker's Tactics**

The methods that traffickers use to lure individuals into the commercial sex industry are also frequently misunderstood. People often think that traffickers import all of their victims from foreign countries or that they exclusively target young, foreign girls who are alone

and force them into a van. Although these tactics are used by some traffickers, they are not the most common ways that individuals are brought into the commercial sex industry since many trafficked individuals are US citizens or legal residents.<sup>12</sup> Traffickers prey on individuals by manipulating a much broader array of vulnerabilities. One way a trafficker or pimp might lure victims is by befriending them or becoming romantically involved with them—likely targeting those that have faced abuse or hardship in the past. They may begin by being very affectionate and offering gifts, a place to live, compliments, and promises of a future together, all so that their victims believe that the pimp is someone who cares for them. After gaining their victims' trust, the pimp will begin to isolate them from the people they know, use violence and rape, withhold money or identification, or use debt-bondage to gain control. They may force individuals to live within a residential brothel— an apart-



NCIS agent prepares sting operation by US Navy/ No rights reserved.

a residential brothel— an apartment building, condo, home, or trailer where commercial sex occurs – and they may never be allowed to leave the brothel. Some pimps may make arrangements with customers and bring each victim to a hotel or motel to provide commercial sex as well. Another method that traffickers use to bring individuals into the commercial sex industry is falsely advertising a job— such as an escort service, nightclub, strip club, or fake massage parlor – and promising the victim employment and high pay. Traffickers will lie about what the job entails and only after the victims agree to work for the trafficker will they learn that they have been tricked into the commercial sex industry, at which point it is too late to change their minds and leave. At this point, the pimp may begin to use force, violence, and threats so the victim does not try to escape, call the police, or inform anyone of their whereabouts. Trafficked persons are often times forced to live within these fake business

buildings 24/7, making it difficult for them to contact help and break free from their trafficker. In all of these situations, victims are met with violence and rape, and they certainly do not receive any pay for the acts they are coerced to do. Victims of sex trafficking are often forced to meet a trafficker’s quotas, which can be between \$500 and \$1000 a night and must continue to sell commercial sex until they meet these demands.<sup>13</sup> A trafficker may beat their victims for not earning enough money, and if injured, they have no way of receiving medical care.

### **Combating Sex Trafficking**

Amnesty International has recently voted to adopt a policy to protect the rights of sex workers by decriminalizing sex work. In theory, this policy works to shift the public’s mindset away from victim-blaming and criminalization of those who are sexually exploited. In practice, though, it completely ignores the strong, inseparable link between consensual sex work and sex traf-

ficking and thus fails to hinder sexual exploitation. Amnesty International makes the point that there is a clear difference between decriminalization and legalization – decriminalization means that those partaking in sex work would not be outside of the law, but there would be no new laws and policies to regulate the sex industry.<sup>14</sup> Therefore, by only decriminalizing sex work, this policy would take no initiative to ensure that the sex work is consensual in practice and that sex workers are working free of violence.

This policy assumes that fear of contacting law enforcement is what is stopping trafficked persons from leaving their pimps. But as discussed previously, traffickers use violent and extreme tactics to keep their victims from escaping. Decriminalizing prostitution would not change their treatment of those they traffic, but instead make it easier for traffickers to not get caught. Thus, decriminalization would only help protect pimps and johns by allowing



My Brother, Your Brother Jacuzzi by John W. Iwanski/ © Some rights reserved. Licensed under a Creative Commons Attribution-NonCommercial license.

them to exploit individuals with even more ease than before.

Sex trafficking is a form of modern day slavery that exists because of the high demand for commercial sex, the high profits, and the low risk of traffickers being caught. By decriminalizing sex work, the demand would increase, profits would increase, and the risk of being caught would be lower than ever. What is necessary is a system where traffickers are held accountable and convicted, and victims are given access to the resources they need to recover without being criminalized. The first step towards actively combatting sex trafficking is raising awareness everywhere. A general lack of awareness about who the victims of sex trafficking are, where sex trafficking occurs, and what sex trafficking looks like, has allowed it to persist everywhere in the US. Sex trafficking occurs in all 50 states in the US

and in every type of community – making it crucial to teach everyone to recognize the signs of sexual exploitation. Some of the major indicators that one is trapped within the commercial sex industry are: 1) working long and unusual hours, 2) having little control over their own money and possessions, 3) being unable to explain where they live or what city they are in, 4) often appearing anxious, fearful, or tense, and 5) appearing malnourished and showing signs of abuse and violence.<sup>15</sup>

Anyone can become a victim of sex trafficking, and it can occur in any type of community regardless of the misconceptions society holds. By teaching law enforcement, and even average citizens, how to recognize sex trafficking and how to report it when they see it in their communities, traffickers can be taken off the streets. Ensuring that there are measures taken to stop businesses – such as hotels, advertising business-

es, and travel services – from knowingly or unknowingly facilitating sex trafficking is another step that would make it even more difficult for traffickers manipulate individuals for profit.

The sex trafficking industry would not exist if there were no buyers and no demand for commercial sex. Increasing awareness about what happens to those in the commercial sex industry and educating Americans that, 1) these individuals did not choose to do this, 2) they are unable to leave, and 3) they do not personally profit from selling their bodies', is necessary to prevent Americans from fueling the commercial sex industry. Awareness would also help relieve some of the stigma and victim-blaming surrounding those that are prostituted and make it easier for them to seek the help that they may need to leave a trafficker or build their life after they have escaped the commercial sex industry.



# POLARIS PROJECT

## FOR A WORLD WITHOUT SLAVERY

### To Help:

Donate to the Polaris Project, a group that “systemically disrupts the human trafficking networks that rob human beings of their lives and their freedom.” To learn more, check out their website at <https://polarisproject.org/>.

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A lifeline for undocumented Rohingya refugees in Bangladesh by EU/ECHO/Pierre Prakash/ © Some rights reserved. Licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives license.

# The Plight of Burma's Rohingya People

**Amy Qin**

Tensions in Burma's Rakhine state between the Buddhist majority and the Rohingya, an ethnic Muslim minority that constitutes about one third of the state's population, have existed for decades. But a new wave of violent outbreaks has worsened the instability.

The hostilities started in 2012 after the purported rape of a Buddhist woman by several Muslim men spurred Buddhist activists to bomb a bus carrying dozens of Rohingyas.<sup>1</sup> Since then, groups of Buddhist nationalists have burned countless Rohingya homes, killed over 280 people, and conspired with government officials who arbitrarily arrested and beat hundreds of Rohingyas.<sup>2</sup> Human Rights Watch has reported crimes against humanity in the dire situation. Rohingyas who have not already fled their homes are violently expelled and forced to flee to squalid refugee camps in neighboring areas. Conditions in these refugee camps, which currently house over 120,000 internally displaced peoples (IDPs), are creating a severe humanitarian crisis as "thousands of children are at risk of dying from acute malnutrition while tens of thousands are with-



Fishing Boat on Bay of Bengal by Unknown/ © Some rights reserved. Licensed under a Creative Commons Attribution-ShareAlike license.

out water, shelter, or sanitation.”<sup>4</sup> The situation is bleaker than ever as many aid organizations including Doctors Without Borders (MSF), have been evicted by authorities.<sup>5</sup> These actions contribute to the already critical lack of basic necessities and the quickly escalating death toll.

The camps are guarded around their peripheries by security guards, barring not only aid organizations from entering but also refugees from leaving. One such refugee recounted that he was heavily fined and beaten for leaving the camp to fish in a nearby river.<sup>6</sup> Strict segregation along ethnic lines and the daily human rights violations have led some to argue that these camps should truly be considered concentration camps. The human rights group Fortify Rights has declared, “The Rohingya are facing something greater than persecution – they’re facing existential threats.”<sup>7</sup>

Since the beginning of this year, over 30,000 Rohingya have fled their homes by way of the Bay of Bengal, boarding boats operated by traffickers.<sup>8</sup> Refugees are locked in the un-

derbellies of these vessels for months at a time and fed through peepholes.<sup>9</sup> Some abandon the refugee camps of their own volition while others are forced out by armed Rakhine Buddhists in their campaign to rid their state of all Rohingya. If they make it to Thai or Malaysian shores, most Rohingya exiles fall into the hands of more smugglers who further abuse and extort them for money.<sup>10</sup> Local government officials either choose to turn a blind eye or are complicit in profiting from the refugee crisis.<sup>11</sup> Sometimes, the boats transporting refugees are refused dock on foreign shores and are left out at sea for months on end.<sup>12</sup>

Despite the urgency of the situation, it is important to understand that the humanitarian crisis is only a symptom of a much more complex problem with political and historical roots. Tensions have existed ever since Burma’s annexation as a province of British India. Considering the conflict in light of its historical background can illuminate how the Rakhine Buddhist majority and the Burmese government justify their current

persecution of the Rohingya.

Although the international community tends to cast off the Rakhine Buddhists as violent extremists who persecute religious minorities, they too have been subjected to systematic discrimination. Physically isolated from the mainland by a formidable mountain range, they have been largely disintegrated from Burmese society and discounted as an ethnic minority. As a result, the mass migration of Rohingyas into the Rakhine state has made the Rakhine feel increasingly vulnerable, fearful of becoming a minority in their own state. Thus, much of their animosity stems not from religious causes but demographic ones.<sup>13</sup>

During World War II, a prominent leader of the Burmese independence movement named General Aung San saw an opportunity for Burma in fighting alongside its Japanese invaders.<sup>14</sup> The Japanese promised to grant Burma independence once the British were driven out.<sup>15</sup> Despite a united national front, the Rakhine state was divided: most Muslims were pro-British and most Bud-



Myanmar: Urgent humanitarian needs in Rakhine State by Mathias Eick EU/ECHO/ © Some rights reserved. Licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives license.

dhists were pro-Japanese.<sup>16</sup> Both groups formed militias, and countless massacres ensued, driving the Rohingya to the northern part of the state and beginning a long tradition of animosity and segregation.<sup>17</sup>

Although Burma became a parliamentary democracy in 1947 under the leadership of Aung San, the authoritarian General Ne Win came into power after a military coup in 1962. He instigated hundreds of repressive policies, including the 1982 Nationality Act that denied the Rohingya citizenship by refusing to include them as one of the eight “national races.”<sup>18</sup> This legislation left them permanently stateless, legally vulnerable, and dehumanized as the vermin of society. Negative public sentiment has also fueled countless state-sanctioned abuses, from restricting their freedom of movement, a violation of Article 13 of the Universal Declaration of Human Rights, to mass arrests.<sup>19</sup> Forced labor is now common, and officials often threaten both adults and children with physical abuse

or death unless they work on labor-intensive infrastructure projects in non-Muslim communities.<sup>20</sup> Oftentimes, workers go weeks without pay or food.<sup>21</sup> Moreover, the state seizes the majority of the resources used for construction and for feeding soldiers from Rohingya property.<sup>22</sup> These facts convey only a few of the ways in which the Rohingya face discrimination in their homeland, and are only a few of the reasons so many have no choice but to flee on the refugee boats.

The Burmese government could not make it more apparent that they despise the Rohingya, and the military backed parliament has made no effort to curb discriminatory policies. One such policy, the Population Healthcare Control Law, imposes rigid restrictions to “address rapid population growth” of the Muslim community.<sup>23</sup> Women are allowed only two children, who are to be born no less than 36 months apart. If a woman becomes pregnant before getting official approval, she is heavily fined or arrested.<sup>24</sup> Most wom-

en in that situation cannot afford the fines and have no access to abortion services (Burmese law penalizes all instances of abortion except life-saving ones), and they must resort to unsafe, illegal, or self-induced abortions to avoid punishment.<sup>25</sup> Awareness about modern methods of contraception is also severely limited in Rohingya communities— a UN survey reported that only 32 percent of women use any form of modern contraception.<sup>26</sup> Moreover, their access to contraceptives, which are mainly available in government hospitals, is limited because they lack citizenship.<sup>27</sup>

Despite criticism from various human rights groups, the Burmese government continues to insist it is passing reforms that will expand the rights of groups like the Rohingya.<sup>28</sup> At first glance, it appears that they are delivering on their word. The parliament recently commenced an initiative to offer a path to citizenship by providing green cards to replace the white cards that most Rohingya have, which label them non-citizens.<sup>29</sup> How-



Bogyoke Aung San inspecting the army parade by Burma Democratic Concern/ © Some rights reserved. Licensed under a Creative Commons Attribution license.

ever, the green cards still do not identify them as “Rohingya” but refer to them as “Bengalis” (people from neighboring Bangladesh), stripping away one of the last vestiges of their dignity and identity.<sup>30</sup> In addition, a green card only grants a lower level of semi-citizenship to its holder.<sup>31</sup> Thus, the Rohingya remain segregated and persecuted.

So what is to be done about this human rights disaster? An obvious answer is to push the Burmese government to grant citizenship to the Rohingya so they at least have legal and political agency. But this measure is unlikely given the current regime’s track record and the fact that the Rohingya have never been included in a national census. Although citizenship is a necessary step to securing Rohingya rights, it is still insufficient. The Kamen, another ethnic minority in Burma, are full citizens and a recognized indigenous group, but they still face persecution and are forced to reside in government-designated displacement camps.<sup>32</sup> Their predicament is therefore not unlike

the situation the Rohingya face.

Hopes were high for change in 2010 when President Thein Sein (who deems himself a civilian, rather than military, leader) was voted in, but the military junta’s iron grip on parliament has greatly reduced the likelihood of achieving any kind of improvement through policy. A constitutional amendment requires a 75 percent parliament majority vote to pass, and given that Article 436 guarantees the military at least 25 percent of those seats, it is impossible to pass anything without at least one vote from a military appointee.<sup>33</sup> Congressman Joseph Crowley remarks, “Burma’s military has in effect created an entirely separate ballot box in which they reserve every single vote for a constitutional veto-wielding bloc in parliament, allowing them to maintain a grip on power.”<sup>34</sup>

If political forces within Burma’s government are defective, political forces from outside may not be. The Burmese government craves the approval of the international community, especially Western nations. Its 2008 con-

stitutional referendum showed just how desperate the regime was to prove it was a popular democratic government when it reported 98.12% turnout and 92.48% “yes” votes.<sup>35</sup> Those percentages would be inconceivably high, even for the U.S., and were obviously fabricated. However, the international community raised no serious concerns and was quick to applaud Burma’s “democratic” efforts in its 2010 civilian elections by lifting decades-long sanctions.<sup>36</sup>

A long-term solution to end the oppression of the Rohingya demands more international pressure on Burma. As of now, many of the nation’s international relationships are structured so that, “the Burmese government wins increased favors from other countries, no matter if they address Rohingya issues or not.”<sup>37</sup> With a government that is both repressive and politically dysfunctional, a large burden rests on the international community to be more involved. Foreign investment to developing nations often accompanies an expansion of programs dedicat-



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ed to investing in human capital, especially for poor governments like Burma's. For example, the U.S. cited the 2010 election of Thein Sein and a new parliament as the major reasons it lifted sanctions on investment into Burma. If countries choose to link investing and aid policies to Burmese policies that respect Rohingya rights, it would send a clear signal that respect for Rohingya rights is necessary for the Burmese government to attain legitimacy in the eyes of the international community.

The international community cannot expect the Burmese government to respond swiftly (or at all) to the Rohingya humanitarian situation without their intervention. It is therefore imperative that other countries take a more aggressive stance to help the Rohingya refugees. They should also organize a regional refugee search and rescue system. ASEAN, the regional organization of countries in South-east Asia, has so far made little

to no effort on this front.<sup>38</sup> Only three countries in ASEAN are currently parties to the Protocol Relating to the Status of Refugees, which regulates countries' treatment of refugees under international law.<sup>39</sup> For the remaining countries, ASEAN has no binding legal structure for their treatment of refugees, other than a vague clause to promote their "full potential and dignity" under domestic laws.<sup>40</sup> This has permitted neighboring countries to avoid taking responsibility for refugees. International organizations and Western nations therefore must pressure ASEAN to work with countries like Thailand to find refugees, provide them with necessary resources, and return them to a safe area to call home.

It's very clear at this point that there is no quick fix to the Rohingya refugee crisis, much less the systematic oppression that they face. But one thing is for sure: in order for any meaningful change to occur, a national dia-

logue that promotes greater acceptance of religious minorities needs to start. While external actors can alleviate the crisis, a permanent solution can only come to fruition once attitudes toward the Rohingya in Burma change, thereby making the repeal of their discriminatory policies possible. The whole world is eagerly awaiting the democratic transition of Burma, but as one Rohingya leader stresses, "the changes with a transition will not be sustainable if they do not include the Rohingya people."<sup>41</sup>

### **To Help:**

Talk to Washington!

The House of Representatives passed H.Res 418, a bipartisan resolution that urges the Government of Burma to end the persecution of the Rohingya people and respect internationally recognized human rights for all ethnic and religious minorities in Burma. Urge your senators to cosponsor the resolution to help pass it in the Senate!



Washington Capitol Hill by Arend/ © Some rights reserved. Licensed under a Creative Commons Attribution license.

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Police roundup, Yangon, Myanmar by Timothy Neesam/ © Some rights reserved. Licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives license.

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Sahel Food Crisis 2012: Drawing water from a well in the community of Natriguel, Mauritania by Oxfam International/ © Some rights reserved. Licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives license.

# Dirty Water And Its Consequences

By Emma Preston

The foundation of humanity dwells deep beneath the topsoil. If you dig down carefully, methodically, tirelessly, you can find it. The process will likely require equipment and tools if its product is to be of any use, but with enough grit and a pinch of luck, perhaps your efforts will be rewarded. There are lakes beneath our feet, and from them we draw life. In first world countries, citizens seldom witness this miracle. We turn on the tap, and from it water spills. It fills our empty cups, cleanses us underneath faucets, keeps our gardens healthy, and provides us with indoor plumbing. When we sit down



Pool Fizzy Water by Markus Spiske / © Some rights reserved. Licensed under a Creative Commons Attribution license.

to eat, we can look at the food on our plates and understand that it was the culmination of irrigation and industrial agriculture. Water is a source of power and thermoelectricity. We have so much of it that we even use it recreationally; on a hot August afternoon, we might take a dip in a local swimming pool.

When water is richly available to us, we tend to take it, and the things that come with it, for granted. Across the world, however, people don't have that luxury, and its absence results in far more than a boring summer afternoon or clean hands before dinner.

When a household has no clean running water, women

and children (typically girls) are sent to collect it. This is no small task; in fact, it is so daunting that days are built around it— and at no meager cost. Ultimately, the absence of clean water in impoverished communities completely dictates the lives of women in ways that compromise their most basic rights.<sup>1</sup> Consider the average young woman in Sub-Saharan Africa. As her younger siblings leave for school to pursue their educations, she kneels to pick up her family's empty Jerry Can. Though several years ago she was among the ranks of school-goers, as adolescence overtook her, the school's absence of a hygienic restroom be-

came more problematic. There is no running water, no adequate toilet facility, so when she began menstruating, attending school became a monthly source of embarrassment— particularly in her country, where such bodily affairs remain incredibly and painfully privatized.<sup>2</sup> Now, she stays home to save her family the cost of supplying her with expensive sanitary pads and sanitary wear. Her circumstance and socially condemned womanhood have collaborated to prevent her from ever earning the education she deserves.

Jug in hand, our young woman steps onto the dusty earth outside her family's home and begins her journey to the near-



I walk this lonely road by Jake Stimpson/ © Some rights reserved. Licensed under a Creative Commons Attribution license.

est water source. She walks out of her sleepy village, taking each mile as it comes. As she walks, she is hyper-aware of her surroundings. Each sound breaking the hum of the wind in the foliage could prove to be dangerous. She'd heard the stories, quietly passed down from mother to daughter, generation after generation. She knows to beware of the sound of predators stalking her, lest she be attacked or killed by a lion. She knows also to be aware of the sound of footsteps behind her, lest she become a victim of rape, like many women before her. By the time she reaches her destination, she has walked over three miles.<sup>3</sup> She surveys the swamp in front of her, suspiciously eyeing the water for hippos or crocodiles. Finding none, she wades in carefully until the water reaches her hips. She dunks her Jerry Can underneath the surface, and listens patiently as it empty its air with periodic glugs. Filling the emptiness is water, of course, but other things, too. The swamp area is home to organisms of many sizes, and all of them have left their mark on the water drain-

ing into our protagonist's yellow container; feces, malignant bacteria, and parasites all crowd in, ready to occupy a new host.<sup>4</sup>

A final, exiting bubble pops softly on the water's surface, and with its arrival she returns to land and hoists her container on top of her head. Its forty pounds of contents slosh rhythmically as she walks.<sup>5</sup> She arrives home with her water nearly two hours following her morning departure, and as soon as she steps inside, she hears her youngest brother, just six months old, wailing from dehydration. Intuitively, she pours a cupful of the retrieved water to remedy her brother's tears, and her mother gratefully, exhaustedly uses it to quell his discomfort.

Her brother first became sick several weeks ago, after swallowing a harmful strain of bacteria in his drinking cup. His mother first noticed when she planted a loving kiss on his forehead, only to be met with skin too hot to signify health. Over the following weeks, her son had increasing fevers and diarrhea.<sup>6</sup> The family is now doing the best they can to provide him with enough water to fight the

illness threatening his life, but what they don't realize is that they're doing him more harm than good. His mother holds the cup to her infant's lips as he downs more bacteria and parasites, which will only worsen his condition and lead to more diarrhea, which in turn leads to more dehydration.<sup>7</sup> Despite his family's best efforts, the following afternoon he will become one of the 2,300 people who die that day alone from a water-related illness.<sup>8</sup> These deaths add up, so much so that, according to Charity: Water, "diseases from unsafe water and lack of basic sanitation kill more people every year than all forms of violence, including war."<sup>9</sup> Children are even more susceptible to these diseases, so much so that every 19 seconds, a parent loses their child to an illness contracted from dirty water.<sup>10</sup>

This family's story is a fictional approximation, and yet it is the story of families all over the world, whose unfortunate, chance circumstance forces them to confront tragedy at every turn. We must now consider these families as a whole, as a disenfranchised body of humans, and



# charity: water

understand that their reality is not only somber and challenging but also severely unjust.

This is especially so for women in third world communities. Women and children spend so much time gathering water that they have no time to engage in academic or literary endeavors.<sup>11</sup> As we saw in the above narrative, even the young girls who do attend school face societal pressure to leave as they reach adolescence. The absence of water draws them from school, where there is no water, to travel over beaten trail through rough terrain in order to gather it. They do not learn to read. Instead, they are raised to follow, quite literally, in their mother's footsteps and face danger at every turn. Their isolation on their quest for water exposes them to violent crimes and attacks. It is not uncommon for a woman to be raped, impregnated, and sent into motherhood involun-

tarily at the mere age of 14.<sup>12</sup> As a result of these and other factors, the gender gap is ever prevalent in many developing countries. Not only are women less likely to establish a career due to their lack of education, but they have no time to sustain one; they are too busy providing water for their families. According to an estimate made by the United Nations, the hours spent collecting water in Sub-Saharan Africa alone are the same as the amount of labor that the entire workforce of France conducts during one year.<sup>13</sup> A woman in this environment is not financially independent, nor is she capable of becoming so. Unless, of course, she has our help. To be sure, the absence of accessible water nearby is not the only contributor to this inequality, but it certainly is a large obstacle. Water is essential to life. It is, perhaps, our most basic need. The abilities to earn an

education, seek employment, live healthily and enjoy leisure time are basic human rights, named in the Universal Declaration<sup>14</sup>, and contaminated water obstructs each of them. To neglect our fellow humans when they are experiencing so many ills at the hand of dirty water is unjust and inexcusable, particularly when solutions are simple, effective, and numerous. By contributing to nonprofit organizations, reducing our own water usage, and learning more about the water crisis, each of us can make a difference- one that we have a responsibility to make.

### To Help

Donate to Charity: Water, an organization that has helped over 5.6 million individuals access clean water! Every 30\$ you donate helps 1 more person access the clean water she needs to drink, bathe, and live.

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