

## ROHINGYA IN BANGLADESH: MAINTAINING THE STATUS QUO; SQUANDERING A RARE OPPORTUNITY

For decades, Burmese Rohingya fleeing persecution have sought refuge in Bangladesh. June's inter-communal violence in Burma's Rakhine State, as well as subsequent state-sponsored persecution and targeted attacks against Muslim populations, have cast an international spotlight on this neglected population, and offered an opportunity to resolve the status of both stateless Rohingya inside Burma and those Rohingya who are refugees in neighboring countries. This could be an opportunity for Bangladesh to engage fully on this issue and develop its long-awaited refugee policy. Instead, the nation is rallying against the Rohingya by refusing entry to refugees and restricting humanitarian assistance. This response, besides representing a breach of international law, will weaken Bangladesh's ability to secure international support as discussions of the Rohingya's plight intensify. The governments of Bangladesh and Burma should be engaging in bilateral – and perhaps multilateral – discussions about how to protect the rights of the Rohingya community.

### A GOVERNMENT POLICY ON REFUGEES IS ESSENTIAL

When Refugees International (RI) visited Bangladesh in February 2011, the team was informed that the Government of Bangladesh would soon produce a comprehensive refugee policy, and that no decisions would be taken concerning refugees while the policy was pending. Nearly two years later, there is no sign that development of a refugee policy is moving forward. Meanwhile, refugees are waiting in limbo. Resettlement cases have been frozen since October 2010. There has been no movement toward providing work permits and food vouchers for registered refugees, and there is still no clarity on who is responsible for ensuring that the basic needs of unregistered refugees are met.

Similarly, the Bangladesh government is refusing to live up to its obligation to protect refugees who would face serious human rights violations if returned to their home country. Since June's inter-communal violence in Burma's Rakhine State, thousands of Rohingya have fled ongoing persecution and crossed the Naf River into Bangladesh. Despite their obvious desperation, many of these refugees have been turned back

by Bangladeshi authorities. The RI team met with Rohingya refugees in Bangladesh who had suffered horrific experiences in Burma. One Rohingya refugee woman, who had Burma with her two young children, had lost both her husband and her brother during the June violence. She said that she had fled not only because her family lived in fear of the NaSaKa

### POLICY RECOMMENDATIONS

#### The Government of Bangladesh should:

- Respect the international principle of non-refoulement by ceasing the forced return of Rohingya, who face serious human rights violations in Burma;
- Develop a comprehensive refugee policy that facilitates protection, assistance, resettlement, voluntary repatriation, and local integration when appropriate;
- Commence registration of undocumented Rohingya refugees and ensure that they and their host communities receive sufficient humanitarian assistance;
- Identify opportunities for self-reliance among registered refugees, and progressively replace food distribution with food vouchers that provide refugees with more flexibility and give a direct boost to economically distressed villages in need of revival.

(Burmese border patrol), but also because new restrictions on movement meant her family could not work to support her children. She also said that she was not receiving any humanitarian assistance because the Burmese government stopped all aid to northern Rakhine State after the June clashes. “Our people are killed if they try to go out of the village to work,” she told the RI team. “We were tortured; that’s why we fled here. It’s safer here in Bangladesh. I don’t know how I will live here but my children and I are alive and I thank God for this.”

While the Bangladeshi government argues that it has no responsibility to protect refugees because it has not ratified the United Nations Refugee Convention, the obligation to prevent returns of people at risk of serious human rights abuses is a matter of customary international law, which means no nation can abdicate its responsibilities. Furthermore, all people resident in a nation have the right to access basic services, such as emergency health care and education, which may be supplied through the government or delegated to humanitarian organizations.

## **WORSENING CONDITIONS OF UNREGISTERED REFUGEES**

As RI noted in its 2011 report, hundreds of thousands of unregistered Rohingya refugees in and around Cox’s Bazar are suffering amid a silent crisis. These refugees receive no food assistance and have no work permits, so they take what work is available or beg to survive. They risk exploitation by employers and arrest by government officers coupled with long periods of detention, which can become indefinite because Burma will not accept their return. The situation for unregistered refugees has not improved since RI’s February 2011 visit; in fact it has deteriorated. Due to the government’s July instruction order barring non-governmental organizations (NGOs) from assisting unregistered refugees, there has been a steep reduction in the already minimal services being provided. This reduction, which includes nutrition services and assistance for survivors of sexual and gender-based violence, affects the extremely poor host population as much or more than the refugee population.

If it is the government’s intention to halt the work of NGOs currently serving these communities, it cannot do so without first ensuring that another agency or set of organizations is equipped to take up this life-saving work. The last nutrition survey in October 2011 in Kutapalong makeshift camp, where thousands of unregistered refugees live, documented a global acute malnutrition rate of 26% - almost double emergency levels. If the minimal services in existence are closed without a contingency plan, a public health emergency is likely to affect both the host and refugee populations.

Another negative consequence of the June crisis in Rakhine State was the expulsion of many unregistered Rohingya refugee children from schools in Cox’s Bazar District. Without access to public schools, the majority of Rohingya refugee children in the district now receive only Islamic education in local madrasas.

In Leda camp, which shelters thousands more unregistered refugees, the decrease in NGO services has reduced the number of security staff available. The 20 Bangladeshi security officers (known as *ansar*) who previously worked in the camp have now left and the camp’s only security is provided by 36 untrained host community members. While security has long been inadequate, when RI spoke with refugees in September 2012 they described an uptick in violence since the *ansar* were withdrawn, including cases of women being kidnapped and sexually-assaulted, and three cases of people being beaten and severely injured. Refugees said that Leda has become a more aggressive environment, with fights breaking out and an increase in violence against women. Without registration or any legal status in Bangladesh, refugees who fall victim to such violence have no legal recourse.

The Bangladeshi government is understandably concerned about crime in Cox’s Bazar, and it often alleges that refugees are among the perpetrators. For example, the government alleged that Rohingya refugees were involved in the recent attacks on Buddhist communities in Cox’s Bazar. This concern may be best addressed by registering the 200,000 to 500,000 undocumented Rohingya refugees who live in Bangladesh. This would also provide much-needed data to humanitarian organizations as they attempt to provide adequate shelter, food, and medical care to the Rohingya and their host communities.

## **MUST MOVE TOWARD SELF-RELIANCE AND FOOD VOUCHERS FOR REGISTERED REFUGEES**

Although better off materially than the unregistered refugees, registered Rohingya refugees are caught in a type of limbo as well, having been reliant on humanitarian assistance for decades with no durable solutions in sight. If refugees were permitted to take up work, develop small businesses, and move toward self-reliance, this would also better prepare them for voluntary repatriation should that option become available. Transitioning from dependence on food distribution to food vouchers could smooth the refugees’ path toward self-reliance while also stimulating the economy of the impoverished communities nearby.

*Melanie Teff and Sarnata Reynolds assessed the humanitarian situation of Rohingya refugees from Rakhine State in Bangladesh in September 2012.*