



## **Bangladesh - Researched and compiled by the Refugee Documentation Centre of Ireland on Monday 21 & Tuesday 22 May 2018**

### **Information on the Rohingya including: current treatment and in the past few years;**

*BDNews* in May 2018 states:

“Bangladesh will relocate 100,000 Rohingyas from refugee camps in Cox’s Bazar to a remote island, Bhasan Char, in Noakhali within two months, a senior official has said. Disaster Management and Relief Secretary Md Shah Kamal revealed the information while speaking to the media during a drill for disaster preparedness at a refugee camp in Ukhia on Saturday. He said 133,000 families have taken shelter in Cox’s Bazar and 32,000 of these families were in danger of natural disasters like flood, cyclone and landslide during the monsoon” (*BDNews* (19 May 2018) *Bangladesh plans to relocate 100,000 Rohingyas to remote island in two months*).

In May 2018 the *Financial Express* notes that:

“...the influx of Rohingya people from Myanmar into Bangladesh is still continuing. According to border sources, about 50 new Rohingyas enter Bangladesh through Anjumanpara and Shahporir Dweep border points every day. More than 750,000 Rohingyas have fled violence in Rakhine state of Myanmar and taken shelter in Ukhia, Teknaf and Naikhongchhari upazilas since August 2017” (*Financial Express* (19 May 2018) *BGP forcing Rohingyas to leave no-man’s land*).

A publication released in May 2018 by the *International Crisis Group* notes that:

“Little suggests Bangladeshi authorities are inclined to force refugees back to Myanmar. Sympathy for the Rohingya among the Bangladeshi populace remains widespread, and the government calculates that pressure on the refugees to return would be ill advised in an election year...” (*International Crisis Group* (16 May 2018) *The Long Haul Ahead for Myanmar’s Rohingya Refugee Crisis*, p.11).

In April 2018 the *Guardian* notes that:

“Members of the UN security council have expressed dismay at the “overwhelming” suffering they encountered in the refugee camps in Bangladesh, home to hundreds of thousands of Rohingya fleeing Myanmar” (*Guardian* (29 April 2018) *UN security council overwhelmed by suffering at Rohingya camps*).

A document issued in April 2018 by the *Inter Sector Coordination Group* points out that:

“Since 25 August 2017, extreme violence in Rakhine State, Myanmar, has driven an estimated 693,000 Rohingya refugees across the border into Cox’s Bazar, Bangladesh...Months later, refugees remain forced to rely upon humanitarian assistance for their basic needs. They live in congested sites that are ill-equipped to handle the early rains, monsoon and cyclone seasons. Many refugees have

expressed anxiety about their future in light of media reports of discussions on returns, explaining that they would not agree to return until questions of citizenship, legal rights, access to services, justice and restitution are addressed” (Inter Sector Coordination Group (26 April 2018) *ISCG Situation Report: Rohingya Refugee Crisis, Cox’s Bazar*, p.2).

In March 2018 the *United Nations Human Rights Council* states in a report that:

“According to latest estimates, as at 28 September 2017, more than half a million Rohingya refugees had arrived in Bangladesh from Rakhine State, Myanmar. The massive influx of people seeking safety had outpaced response capacities. The emergency was characterized by enormous and acute humanitarian needs in a country that was already hosting an estimated 350,000 Rohingya refugees and was trying to cope with pressing needs and challenges of its own...” (United Nations Human Rights Council (19 March 2018) *Compilation on Bangladesh; Report of the Office of the United Nations High Commissioner for Human Rights*, p.10).

A report released in March 2018 by the *Asean Parliamentarians For Human Rights* states that:

“Overcrowding is a serious concern, with nearly 1 million Rohingya refugees squeezed onto approximately 5,300 acres of land. The cramped conditions, combined with poor sanitation, have contributed to several disease outbreaks...” (Asean Parliamentarians For Human Rights (6 March 2018) *The Rohingya Crisis: Past, Present, and Future - Summary Report of Findings from Fact-Finding Mission to Bangladesh, 21-24 January 2018*, p.5).

*Human Rights Watch* in February 2018 states that:

“Since late August 2017, Bangladesh has received an influx of over 655,000 Rohingya refugees from across the border with Myanmar. As Bangladesh struggles to assist this population, it is important that it provides and protects basic human rights, facilitates access to international humanitarian agencies, and complies with international refugee protection standards...Human Rights Watch, and others, including the UN Secretary-General’s Special Representative for Sexual Violence in Conflict, have documented widespread gang rape and other sexual violence against Rohingya women and girls in northern Rakhine State, Myanmar, during the Myanmar military’s ethnic cleansing campaign that began in August 2017...However, Rohingya women and girls, who are often denied access to all forms of sexual and reproductive health care in Myanmar because of discriminate state policies and practices, still face significant barriers in the Bangladesh refugee camps” (Human Rights Watch (14 February 2018) *Submission to the Committee on Economic, Social and Cultural Rights concerning Bangladesh*, p.5).

A report released in February 2018 by the *Department of Foreign Affairs and Trade of Australia* notes that:

“The overwhelming majority of both new and previous Rohingya arrivals are located in Cox’s Bazar district, adjacent to the Myanmar border, which is one of Bangladesh’s poorest districts. In addition to high rates of poverty, crime, malnutrition and poor food security, the district is highly vulnerable to flooding caused by cyclones and the monsoon season. Over half of the new arrivals have sought shelter in and around two existing Rohingya refugee camps and in makeshift sites that existed before the influx. The unprecedented volume of new arrivals, coupled with the high

numbers of earlier arrivals, has placed immense strain on infrastructure, services, the environment and the host population” (Department of Foreign Affairs and Trade of Australia (2 February 2018) *Dfat Country Information Report Bangladesh*, p.13).

In April 2018 the *United States Department of State* released a report commenting on events of 2017 notes that:

“Starting on August 25, the country experienced an influx of more than 646,000 Rohingya migrants from Burma, more than doubling the existing refugee and undocumented migrant population in the refugee camps and makeshift settlements in Cox's Bazar, near the Burmese border. The government had a mixed record of cooperation during the year with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern. For example, the government restricted UNHCR access in the first eight months of the year to only the 33,000 registered Rohingya refugees and did not allow UNHCR access to the undocumented Rohingya population, estimated to be 200,000-500,000 individuals prior to August. They lived in the towns and villages outside the two official refugee camps in Cox's Bazar District. The government also initially denied UNHCR unrestricted access to the new influx of Rohingya refugees during the post-August 25 mass influx. Following advocacy from UNHCR and the international community, the government agreed in late September to allow UNHCR to provide protection and assistance to the full population of Rohingya in Cox's Bazar. The government allowed access to International Organization for Migration (IOM) and other UN agencies to provide services to both the registered and undocumented Rohingya populations in Cox's Bazar, as well as the new arrivals, after August 25” (United States Department of State (20 April 2018) *2017 Country Reports on Human Rights Practices: Bangladesh*, p.13

This report also states that:

“Prior to September the government and UNHCR provided temporary protection and basic assistance to approximately 33,000 registered Rohingya refugees from Burma living in two official camps (Kutupalong and Nayapara), while the government and IOM provided assistance to approximately 200,000 undocumented Rohingya living in makeshift settlements in Cox's Bazaar. As of December the government and UNHCR estimated that 900,000 to one million undocumented Rohingya were in the country, including more than 655,000 Rohingya who entered the country seeking refuge from violence that erupted in Rakhine State, Burma, on August 25. Most of these undocumented Rohingya lived in makeshift settlements and in unofficial sites among the local population in Teknaf and Ukhiya subdistricts of Cox's Bazar District. Led by the Ministry of Foreign Affairs, the government continued to implement a national strategy on Rohingya with six key elements: border management, security, humanitarian assistance, strengthened engagement with Burma, internal coordination on Rohingya problems, and a survey of the undocumented Rohingya” (ibid, p.15).

A report issued in 2018 by *Freedom House* reviewing events of 2017 notes that:

“Bangladesh has hosted roughly 270,000 ethnic Rohingyas who fled from Myanmar beginning in the 1990s. The vast majority do not have official refugee status; suffer from a complete lack of access to health care, employment, and education; and are subject to substantial harassment. In response to a sharp escalation in violence directed against Rohingyas in Rakhine state in August 2017, hundreds of thousands

poured across the border into Bangladesh, creating a humanitarian crisis, with an estimated 650,000 arrivals by December 2017” (Freedom House (2018) *Freedom in the World 2018, Bangladesh*, p.7).

A report released in October 2017 by *Amnesty International* notes that:

“Members of Myanmar’s mainly Muslim Rohingya minority community have arrived into Bangladesh since at least the 1970s, fleeing violence, persecution and discrimination in Myanmar. Cox’s Bazaar District which has been hosting these arrivals...has seen an influx of more than 650,000 Rohingya refugees...While Bangladesh has been extraordinarily generous in accommodating the Rohingya, Amnesty International remains concerned that the physical arrangement for the repatriation of the Rohingya by the governments of Bangladesh and Myanmar, may not be sufficiently robust to ensure safe, voluntary and sustainable returns...The refugees have constructed thousands of shelters on whatever empty land they could find. On 16 September 2017, the government of Bangladesh announced that new settlements would be built in October 2017 on 2,000 acres in the Cox’s Bazar District, including the construction of 14,000 shelters led by the military and supported by international agencies. However, the government has also announced restrictions on the inhabitants of the planned settlements. Rohingya are not permitted to leave the camp, including to live with family or friends. They are also barred from travelling by vehicle within the country and landlords are prohibited from renting to them; only those registered as refugees will qualify for official assistance” (Amnesty International (1 October 2017) *Bangladesh: Deteriorating human rights situation: Amnesty international submission for the UN Universal Periodic Review, 30th session of the UPR Working group, May 2018*, p.11).

In July 2017 *Refugees International* states in a report that:

“Nine months ago, the first of more than 74,000 ethnic minority Rohingya streamed into Bangladesh, seeking refuge from abuses in Myanmar. The influx of refugees and the harrowing stories they carried brought needed international attention to the abuses taking place in Myanmar. But less focus has been given to the humanitarian crisis and inadequate support the situation exposed not only for the new arrivals, but also for the 33,000 Rohingya officially recognized as refugees and as many as 500,000 undocumented Rohingya already living in Bangladesh” (Refugees International (July 2017) *Reluctant Refuge: Rohingya Safe But Not Secure In Bangladesh*, p.2).

This report also states that:

“Over the decades of persecution in Myanmar, more Rohingya have gone to neighboring Bangladesh than to any other country. Ahead of the latest inflows last year, an estimated 200,000 to 500,000 Rohingya were living in Bangladesh (an estimate made difficult by their unofficial status). Only 33,000 Rohingya are officially recognized as refugees, those living in one of two official camps set up in the 1990’s (Kutupalong and Nayapara)” ) (ibid, p.4).

This report also notes that:

“The influx of 74,000 new Rohingya into Bangladesh starting in October 2016 exposed the extent of inadequacy in the humanitarian coordination structure and the consequences of the prevailing political fears around “pull factors.” As one

humanitarian worker told RI, "The status quo had endured so long that the level of dysfunction was not apparent until the crisis hit." " (ibid, p.7).

A report issued by *UNHCR* in April 2017 states that:

"New refugee arrivals in Bangladesh have also faced a variety of protection concerns inside Bangladesh. The absence of a protection-sensitive refugee registration process puts them in a precarious protection situation in which they remain highly mobile, seeking shelter wherever they can find it" (*UNHCR (April 2017) 2016 Report on Mixed Movements in South-East Asia*, p.3)

*UNHCR* in May 2017 notes that:

"At a glance, Mostafa and Sohel\* have a lot in common. As a young man in 1992, Mostafa fled violence in the northern part of Rakhine state in Myanmar to seek refuge in Bangladesh. Twenty-five years later Sohel took the same journey. After weeks of violence amid a security operation in his village, the 22-year-old had to be carried across the Naf River to safety earlier this year, his body burnt and swollen. Pointing to the scars on his feet, Sohel said: "They beat us senseless and left us to die in a ditch. We were five people in the group, only three survived." Both men found refuge in Bangladesh, where Mostafa recently guided Sohel to a hospital to received treatment for his injuries. But despite their common Rohingya background and circumstances, Mostafa and Sohel are being treated very differently. As part of the influx of refugees in the early 1990s, Mostafa is among 33,000 registered refugees living in two government-run camps serviced by UNHCR, the UN Refugee Agency, and its partners in south-eastern Bangladesh. He has a home in Kutupalong camp and access to basic services including food assistance, healthcare and education for his wife and three children. Now in his 50s, he has learnt to speak English well and is working as a photographer in the camp. In contrast, Sohel has no legal status in Bangladesh as one of more than 70,000 Rohingya new arrivals who are believed to have fled a security operation between October 2016 and February 2017. He lives with people from his home village and keeps a low profile. He receives ad hoc assistance if he is lucky. A third category consists of an estimated 200,000 to 500,000 undocumented Rohingya who arrived in Bangladesh between the two influxes. They live in makeshift sites and local villages, and until recently had no access to humanitarian aid" (*UNHCR (20 March 2017) UNHCR seeks equal treatment for all Rohingya in Bangladesh*).

A report published by *Amnesty International* in December 2016 notes that:

"Rohingya refugees from Myanmar have arrived in Bangladesh in waves since at least the 1970s. Arrival numbers have increased significantly during periods of unrest in Myanmar, such the 1978 violence and during the 1991 military campaign, when tens of thousands of refugees have poured across the border in short spaces of time..." (*Amnesty International (19 December 2016) Myanmar: "We are at breaking point"-Rohingya: Persecuted in Myanmar, Neglected in Bangladesh*, p.14).

This document also states that:

"Undocumented Rohingya refugees live in extremely poor conditions, with limited access to food, water and basic services. With few employment opportunities, some resort to illegal activities to make a living, including the drug trade or human trafficking, as many Rohingya make irregular journeys to other countries from Bangladesh in search of livelihood..." (ibid, p.14).

This report also points out that:

“In Bangladesh, the constant risk of arrest and deportation has forced newly arrived Rohingya refugees into hiding. They are by and large living in extremely poor conditions without adequate access to food, health care and other basic services, as the government has provided limited aid to the new arrivals, apparently in order to avoid creating conditions that would lead to even more refugees arriving” (ibid, p.40).

In November 2016 *Amnesty International* states that:

“The Bangladeshi authorities have cracked down on the flow of Rohingya refugees and asylum-seekers from Myanmar. Over the past week, the Bangladesh Border Guards have detained and forcibly returned hundreds. The move is a violation of the principle of non-refoulement – an absolute prohibition under international law on forcibly returning people to a country or place where they would be at real risk of serious human rights violations” (Amnesty International (24 November 2016) *Bangladesh pushes back Rohingya refugees amid collective punishment in Myanmar*).

**treatment prior to 1992; &**

*Human Rights Watch* in January 2018 notes that:

“...in the past, the Bangladeshi government has not respected the rights of Rohingya refugees. In the 1970s and 1990s, the government carried out forced repatriations of Rohingya refugees who had fled persecution and violence in Burma. In 1978, thousands of Rohingya refugees starved to death after Bangladeshi authorities reduced rations in camps to force refugees back” (Human Rights Watch (24 January 2018) *Burma/Bangladesh: Return Plan Endangers Refugees*).

A report released in January 2018 by *Odhikar* points out that:

“About half a million Rohingyas already entered Bangladesh at different periods since the 1960s...” (Odhikar (12 January 2018) Bangladesh Annual Human Rights Report 2017 ,p.47).

In December 2017 a report released by the *European Asylum Support Office* notes that:

“Up to mid-2016, estimates of the number of Rohingya refugees in Bangladesh ranged from 200,000 to 500,000, as only 33,000 were officially registered...” (European Asylum Support Office (20 December 2017) *Bangladesh, Country Overview*, p.78).

A report issued in December 2017 by the *Assessment Capacities Project* notes that:

“The earliest record of significant displacement from Myanmar in the 20th century was in 1942 when over 20,000 Rohingya fled to Bengal in the then pre-partition India. The largest population movements to Bangladesh before 2017 were in 1978 and 1991-1992, when over 200,000 Rohingya entered Bangladesh each time” (Assessment Capacities Project (December 2017) *Review - Rohingya influx since 1978*, p.1).

This report also states that:

“Over 200,000 people fled to Cox’s Bazar between 1977 and May 1978, following reported evictions from their homes in Rakhine state by the Myanmar military. These evictions took place during efforts to register citizens and screen out foreigners for a national census. Alleged widespread human rights violations against the Rohingya population during this period led them to flee to Bangladesh...The Rohingya population who fled to Bangladesh settled in 13 camps established with UN assistance on the border in Cox’s Bazar, as well as one additional camp in Bandarban in the Chittagong Hill Tracts...Negotiations between the GoB and the then junta government of Myanmar led to the start of a repatriation program in July 1978, only a few months after the arrivals. While few refugees wanted to return in the early stages of repatriation, the proportion wishing to return increased as camp conditions in Bangladesh began to decline and food rations were restricted...The situation in the settlements is reported to have motivated the return of the Rohingya population: around 107,300 of the Rohingya population had returned to Myanmar by March 1979. In total, 180,000 people returned between 1978-1979...” (ibid, p.2).

This document also notes that:

“An increase in the presence of the Myanmar military in Rakhine state in 1990 prompted the exodus of an estimated 250,000 of the Rohingya people to Bangladesh...Following political turmoil surrounding the failed democratic election of 1990, the GoM increased its military presence in northern Rakhine state on the grounds that Islamist insurgent groups in Rakhine state had growing military capacity. The military build-up was accompanied by reports of forced labour, forced relocation and human rights abuses toward the Rohingya population...250,000 of the Rohingya population were received in 19 camps in Cox’s Bazar. Restricting movement and settling people in camps limited integration with the host population and ensured that return not long-term settling, remained the aim. Repatriation began in April 1992. In May 1993, a memorandum of understanding (MoU) was signed between the GoB and UNHCR to facilitate further repatriation. Between 1993–1997 over 230,000 Rohingya returned to Myanmar...” (ibid, pp.2-3)

It is also stated in this document that:

“Registered refugees have been highly reliant on food aid. Food shortages have been a recurrent issue in camps and have been exacerbated by limited humanitarian operations as well as food being used as a tool to further repatriation. Following the 1978 influx, humanitarian assistance in camps was provided in the form of food distributions, health and nutritional facilities, tube-wells and latrines. Food distributions were estimated to be 1,910 kcals, and included rice, wheat flour, fish protein concentrate, vegetable oil, sugar, salt, and tea. Children below 12 years old received half rations. Despite this, around 10,000-12,000 Rohingya died in the settlements between July 1978–March 1979...Manipulation of food distributions is reported to have been a major contributor to the fatality rate. Food supplies were sometimes cut, and rations were in reality less nutritious than calculated. For vulnerable groups however, who may have also had more difficulty obtaining food on the ground, these rates were not sufficient...In addition to low food rations since 1992, there have been reports of illicit practices in aid distribution and lack of formal complaint mechanisms...” (ibid, p.4).

In October 2017 the *Economist* states that:

“Previous influxes of Rohingyas, in 1978 and then 1991, involved repatriation which some NGOs feared was forced rather than voluntary. Bangladesh abetted this by allowing conditions in the camps to deteriorate. According to a paper published in 1979 by Alan Lindquist, then head of the UN's refugee arm in southern Bangladesh, "the objective of the Bangladesh Government from the beginning was that the refugees should go back to Burma [Myanmar] as quickly as possible, whatever they might feel about it." In that instance, some 11,900 died in camps after the Rohingyas' movement was restricted and food rations failed to arrive. Camps to house the internally displaced in Myanmar, which were meant to be temporary, have become permanent and squalid human sinkholes. In Bangladesh, at least, things have improved. Refugees who have lived in the Nayapara camp since the 1990s say that in 2006, when the government allowed international NGOs to operate more freely, their lives improved dramatically. Many left the camps too: some to become Bangladeshi citizens or to travel to Saudi Arabia, Malaysia or Nepal with false documents. Some luckier ones were resettled as refugees in Britain, America and elsewhere” (Economist (21 October 2017) *The half-million Rohingya refugees in Bangladesh will not leave soon; The Rohingyas*).

*Bangladesh Business News* in May 2015 points out that:

“In 1978, the Burmese army staged a military operation that drove over 250,000 Rohingya into neighboring Bangladesh, who forcibly returned many of them soon afterward. The Rohingya have been denied full citizenship rights because the discriminatory 1982 Citizenship Law made it almost impossible for Rohingya to prove their claims to citizenship. In 1991, Burmese security forces again violently expelled hundreds of thousands of Rohingya into Bangladesh. In 1995, Bangladesh forcibly returned many Rohingya to Burma, where they have lived predominantly in Buthidaung and Maungdaw townships along the border, under restrictive conditions that severely curtail their freedom of movement, ability to seek work, and access to basic social services, and curbs on the right to religion” (Bangladesh Business News (27 May 2015) *Stop Rohingya persecution: HRW to Bangladesh, Myanmar*).

A report released in July 2012 by *Deutsche Welle* notes that:

“In 1991, following alleged persecution by military junta in another wave tens of thousands of Rohingyas crossed over to Bangladesh. Bangladesh stopped granting Rohingyas refugee status in 1992. But the trickle from across the border continued, resulting in the number of Rohingya refugees reaching 300,000 in Bangladesh. While 28,000 of them live in two UNHCR-sponsored camps, others live as illegal refugees in numerous decrepit camps scattered across south eastern Bangladesh. In the illegal Rohingya colonies where electricity and sanitation facilities are absent, the refugees live in extreme poverty. In over-populated and poverty-stricken Bangladesh, local people do not welcome the Rohingyas” (Deutsche Welle (17 July 2012) *Bangladesh keeps door firmly shut on Rohingyas*).

In June 2012 the *Financial Express* states:

“In 1978 and 1991, Rohingya refugees were allowed to cross into Bangladesh and take shelter here. This time Dhaka has stood firm not to open its border for the fleeing Rohingyas despite appeals from some international quarters” (Financial Express (18 June 2012) *Bangladesh's 'no' to open border for Rohingyas*).

A report released in May 2011 by the *Danish Immigration Service* notes that:



“The third flow of refugees from Arakan to Bangladesh took place in 1978 under General Ne Win. The Burmese immigration and military authorities conducted what they called Operation Dragon King in which citizens were registered and foreigners were screened out in a process prior to a national census. These events provoked the flight of more than 200,000 Rohingya...to Bangladesh. The refugees reported that the Burmese army had forcibly evicted them and clamped down on people with brutality, rape and murder...Immediately after the arrival of the refugees in Bangladesh GoB and the UN urged the Burmese government to allow repatriation of the Rohingya refugees to which the Burmese government finally consented...” (Danish Immigration Service (11 May 2011) *Rohingya refugees in Bangladesh and Thailand; Fact finding mission to Bangladesh and Thailand 4 to 17 February 2011*, p.8).

In November 2009 the *Economist* states that:

“For years the fear of a large-scale exodus from Myanmar, as happened in 1978 and again in 1991-92, has scuppered efforts by international agencies to nudge Bangladesh's government into improving the lot of the Rohingyas. Its attitude has softened in recent years, say the agencies. But this is largely confined to improving the lives of registered refugees” (Economist (7 November 2009) *Fenced in; Bangladesh and Myanmar*).

In August 2002 the *Agence France Presse* states that:

“Bangladesh is home to some 21,000 Rohingya Muslims who fled 10 years ago claiming ill-treatment from Myanmar troops. Hundreds of thousands of Rohingya had fled to Bangladesh in two exoduses in 1978 and the 1990s, but most were repatriated” (Agence France Presse (8 August 2002) *Myanmar dissidents protest in Bangladesh on anniversary of uprising*

A report issued in March 2002 by *Médecins Sans Frontières* points out that:

“In 1977, the Burmese military government launched an operation called Naga Min, or Dragon King, to register the citizens and prosecute the illegal entrants. The nationwide campaign started in Rakhine State, and the mass arrests and persecution, accompanied by violence and brute force, triggered an exodus in 1978 of approximately 200,000 Rohingyas into Bangladesh. Within 16 months of their arrival, most were forced back after bilateral agreements were made between the governments of Burma and Bangladesh. Some 10,000 refugees died, mostly women and children, due to severe malnutrition and illness after food rations were cut to compel them to leave” (Médecins Sans Frontières (March 2002) *10 Years for the Rohingya Refugees in Bangladesh: Past, Present, and Future*, p.10).

The *Inter Press Service* in May 2000 points out that:

“By 1950, some Rohingyas launched an armed insurgency which was put down only four years later. After the military seized power in Burma in 1962, repression of the Rohingyas was stepped up, so that, by 1978, more than 200,000 had fled to Bangladesh which tried to have as many as possible repatriated” (Inter Press Service (30 May 2000) *Rights-Burma/Bangladesh: Ethnic Rohingya Still Need Protection*).

A publication issued in May 2000 by *Human Rights Watch* states that:

“Shortly after General Ne Win and his Burma Socialist Programme Party (BSPP) seized power in 1962, the government began to dissolve Rohingya social and political organizations...In 1977, Burmese immigration and military authorities conducted what they called Operation Nagamin (Dragon King), a national effort to register citizens and screen out foreigners prior to a national census...By May 1978, more than 200,000 Rohingya had fled to Bangladesh: this, the Burmese authorities claimed, signified the Rohingyas illegal status in Burma. Refugees reported that the Burmese army had forcibly evicted them and alleged widespread army brutality, rape and murder...The International Committee of the Red Cross and the Bangladeshi government supplied emergency relief but were quickly overwhelmed. The Bangladeshi government requested assistance from the United Nations and soon thirteen camps for the refugees were established along the border. Almost immediately upon the refugees arrival, the Bangladeshi government engaged its Burmese counterpart in a discussion on their repatriation. Bangladeshi authorities complained of the economic and social burden the presence of the Rohingya placed on the local community and insisted that there would be no local integration...” (Human Rights Watch (1 May 2000) *Burma/Bangladesh, Burmese Refugees In Bangladesh: Still No Durable Solution*, p.7).

In May 1992 a report issued by the *Agence France Presse* notes that:

“The Rohingya are crowded into 13 refugee camps in Bangladesh administered by the underfunded U.N. High Commissioner for Refugees...In 1978, some 10,000 Burmese starved to death in Bangladeshi camps before all the refugees decided to return home” (Agence France Presse (6 May 1992) *Burmese military junta driving Rohingya Moslems out of country*).

The *Inter Press Service* in March 1992 notes that:

“In 1978, 300,000 Burmese Rohingyas fled into Bangladesh to escape government persecution. More than 200,000 were returned to Burma after Dhaka and Rangoon reached agreement on their status” (Inter Press Service (3 March 1992) *Refugees: Burmese Moslems Continue To Flood Into Bangladesh*).

### **information on Rohingya leaving and living in Bangladesh but remaining stateless and with no legal status**

A report released in May 2018 by the *International Crisis Group* notes that:

“Most refugees in the camps have had little time to consider the future. They have been focused on daily survival. Now they are preparing for the rains many arrived at the tail end of the last monsoon season and are aware of the impending challenges, and there have already been some storms. Most count on international concern translating into real improvements in their prospects for return. A major fear remains the possibility of forced repatriation, which occurred following the 1978 and 1991-1992 exoduses, exacerbated by the diplomatic manoeuvring between Bangladesh and Myanmar described above” (International Crisis Group (16 May 2018) *The Long Haul Ahead for Myanmar's Rohingya Refugee Crisis*, p.6).

This report also notes that:

“Bangladesh has always insisted that the refugees must return to Myanmar, and it has rejected the idea of local integration” (ibid, p.11).

This document also notes that:

“Authorities now restrict marriages between refugees and locals, and because Bangladesh IDs are now biometric, they are more difficult and expensive to obtain on the black market than they were previously. Some refugees have avoided entering the camps and being registered, to make it easier to move around and to leave but their number appears to be very small...” (ibid, p.13).

In April 2018 the *Office of the United Nations High Commissioner for Human Rights* notes in a report that:

“The Committee, nevertheless, is deeply concerned that these Rohingya do not have legal status in the State party, which restricts their movement outside of the camps to access health-care services, education and other basic services” (Office of the United Nations High Commissioner for Human Rights (18 April 2018) *Committee on Economic, Social and Cultural Rights: Concluding observations on the initial report of Bangladesh\**, p.5).

In March 2018 the *Asean Parliamentarians For Human Rights* states in a report that:

“Most Rohingya, including those who arrived in recent months, are not formally recognized as refugees by the Bangladeshi government. This lack of formal status creates barriers to obtaining some government services and limits their access to livelihoods” (Asean Parliamentarians For Human Rights (6 March 2018) *The Rohingya Crisis: Past, Present, and Future - Summary Report of Findings from Fact-Finding Mission to Bangladesh, 21-24 January 2018*, p.5).

In February 2018 the *International Crisis Group* notes in a report that:

“Bangladesh has traditionally refused to grant stateless Rohingya refugees rights; in fact, the government refuses to call them refugees and threatens to move some to a flood-prone island in the Bay of Bengal” (International Crisis Group (7 February 2018) *Myanmar/Bangladesh: A Humanitarian Calamity and a Two-country Crisis*, p.3).

A report issued in April 2018 by the *United States Department of State* commenting on events of the preceding year notes that:

“The government is not a party to the Convention and Protocol Relating to the Status of Refugees. The government restricted most of the Rohingya population to the official and makeshift camp areas in Cox's Bazar. It established checkpoints on major routes to stop movement from the border with Burma to the settlement areas and the established camp areas” (United States Department of State (20 April 2018) *2017 Country Reports on Human Rights Practices: Bangladesh*, p.14).

In November 2017 *Deutsche Welle* states in a report that:

“A 1954 UN convention on the legal status of stateless persons stipulates that stateless individuals cannot be treated worse than foreigners with a nationality. A 1961 convention was intended to help prevent statelessness by proposing rules for granting nationality and making it more difficult to remove. Both Myanmar and Bangladesh are not parties to the convention and despite UN conventions, countries that impose statelessness on populations are not violating international law, per se”

(Deutsche Welle (2 November 2017) *Rohingya crisis demonstrates consequences of statelessness*).

A report published in October 2017 by *Amnesty International* states:

“...the government has also announced restrictions on the inhabitants of the planned settlements. Rohingya are not permitted to leave the camp, including to live with family or friends. They are also barred from travelling by vehicle within the country and landlords are prohibited from renting to them; only those registered as refugees will qualify for official assistance” (Amnesty International (1 October 2017) *Bangladesh: Deteriorating human rights situation: Amnesty international submission for the UN Universal Periodic Review, 30th session of the UPR Working group, May 2018*, p.11)

In July 2017 *Refugees International* states in a report that:

“With only 33,000 of the hundreds of thousands of Rohingya recognized as refugees by the government, the vast majority are living without the basic protections afforded to refugees. Without formal identification or access to work, they are living in limbo, struggling to survive and vulnerable to exploitation and abuse. If arrested, their stateless status (not to mention their well-founded fear of return to Myanmar) leaves no obvious place for them to be returned, leaving the constant threat of indefinite detention” (Refugees International (July 2017) *Reluctant Refuge: Rohingya Safe But Not Secure In Bangladesh*, p.5)

A report issued in June 2017 by *Equal Rights Trust* points out that:

“Under the international legal framework, Rohingya in Bangladesh are both refugees and stateless...However, the majority of Rohingya in Bangladesh are denied any legal status” (Equal Rights Trust (16 June 2017) *Legal Status of the Rohingya in Bangladesh: Refugee, Stateless or Status Less. Confined Spaces: Legal Protections for Rohingya in Bangladesh, Malaysia, and Thailand*, p.58).

This document also states that:

“The only Rohingya in Bangladesh who have secured official recognition are those living in the two official camps. These are the Rohingya who entered Bangladesh during the 1991–92 influx and were accepted as refugee on prima facie basis...under executive decisions” (ibid, p.73).

This document also notes that:

“In addition to the Rohingya living in the camps, there are between 200,000 and 500,000 unregistered Rohingya living in villages and towns across Bangladesh who do not have any legal status...” (ibid, p.74).

It is also stated in this report that:

“In the absence of domestic law specifically regulating the status of the Rohingya, the rights of Rohingya to enter and remain in Bangladesh are set out in the Foreigners Act 1946...the Foreigners Order 1951...the Foreigners (Parolees) Order 1965...the Registration of Foreigners Act 1939...the Registration of Foreigners Rules 1966...the Control of Entry Act 1952...and the Passport Act 1920...Entry, exit and stay of non-citizens in Bangladesh are mainly determined by the Foreigners Act. The Act

regulates all foreigners staying in Bangladesh, irrespective of the individual grounds for such stay. For example, it does not differentiate between a foreigner who entered Bangladesh for business purposes and a persecuted asylum seeker. The Act was enacted during the British colonial era for the purpose of managing migration movements initiated by the British plantation owners...Both India and Bangladesh use the law, and it has been a source of constant constitutional debate in the sub-continent..." (ibid, p.75).

It is also stated in this document that:

"Registered Rohingya in Bangladesh face considerable restrictions on their freedom of movement. The restriction on freedom of movement impacts on other rights, most importantly the right to seek a livelihood. In 1993, the Bangladesh government signed a Memorandum of Understanding (MoU) with UNHCR; amongst the conditions in this MoU were that refugees should be restricted to the area of the camps and that refugees should refrain from engaging in economic activities...Refugees can apply for a one-day pass from the Camp in Charge (CiC) to travel to seek medical care or to visit other refugees living in another camp; passes for more than one day are issued infrequently and while passes are free of charge in principle, in practice, refugees are often required to pay for them...For the unregistered stateless Rohingya, there is no official permission or prohibition on their freedom of movement. However, for those living in the makeshift camps, stepping outside of the camp places them at risk of arrest and detention under the Foreigners Act" (ibid, p.82).

This report also notes that:

"Rohingya people are not entitled to move freely under Bangladeshi law. Registered Rohingya living in the camps are "lawfully within territory" and therefore have a right to freedom of movement under the ICCPR. Furthermore, as Rohingya qualify as both refugees and stateless, they should benefit from the protection of the right to freedom of movement. Restricting a large number of people does not serve the "national interest" of Bangladesh; it only serves to exacerbate their suffering and forces them into illegal activity to survive. A simple solution to the problem of irregular movement may be issue a legal "travel document" which will allow stateless Rohingya to move legally" (ibid, p.84).

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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