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The Rohingya: Discrimination in Burma and Denial of Rights in Bangladesh

The Burmese military regime carries out systematic repression and human rights violations against the Rohingya ethnic minority living in Burma's northern Rakhine State.

The Rohingya also continue to be denied Burmese citizenship under the 1982 Citizenship Law which renders them stateless. Consequently many Rohingya asylum seekers flee to neighboring Bangladesh where the government, fearing a "pull-factor," has become increasingly reluctant to harbor them.

Today Bangladesh hosts approximately 28,000 Rohingya refugees in the two camps of Kutupalong and Nayapara in its southern Cox Bazaar district. These are the Rohingya remaining from a wave of a quarter of a million who fled to Bangladesh in the early 1990s due to brutal persecution by the Burmese authorities. About 230,000 from that group were repatriated to Burma, with reports indicating many involuntary repatriations. The Rohingya currently living in the two camps refuse to go back to Burma citing fear of severe reprisals. There is also a large Rohingya population living outside the camps, estimated to be between 100,000-200,000. It is believed that many among this non-camp population returned to Bangladesh after being repatriated to Burma. The Rohingya who have come to Bangladesh after the large exodus of the early 1990s are denied entry to the camps and are not recognized as refugees by the government.

Recent Rohingya arrivals living outside the camps reveal that they continue to flee from Burma because the situation for them has not improved much since the early 1990s. They report coming to Bangladesh to escape arbitrary cases launched against them by local authorities. They also cite an inability to make a living due to severe travel restrictions that prevent them from leaving their villages to access employment, markets, education and medical care. The

Rohingya are required to carry out compulsory sentry duty at night, for which no compensation is provided, and have to do forced labor during the day. For Rohingya youth getting married is a huge problem as they first need permission from local authorities. The permission is usually granted after payment of large bribes of 50,000-100,000 Kyats [US\$ 50-100], which are too much for most people to pay, and sometimes after a promise that the married couple will have no more than two children. The ability of the largely Muslim Rohingya to practice their religion is also limited.

At present, four UN agencies and seven international NGOs are providing humanitarian assistance to the Rohingya community in Burma. Asylum seekers interviewed in Bangladesh stress that the presence of international humanitarian agencies and their expatriate staff in northern Rakhine State is the chief protection they have against the Burmese authorities and border security force. The Rohingya say that the Office of the UN High Commissioner for Refugees (UNHCR) in particular plays a pivotal role in their lives and can enhance protection by increasing its expatriate staff presence.

Currently, UNHCR only has two expatriate staff in northern Rakhine State who are based in the townships of Maundaw and Buthidaung. Rohingya far away from these areas cannot reach them due to travel restrictions, and the agency's local staff face intimidation from the Burmese authorities and thus are generally not in a position to assist people facing violations. A Rohingya man who was repatriated to Burma in 2003 and returned to Bangladesh two years later to escape an arbitrary case told Refugees International, "I

believe that if I could reach UNHCR's expatriate staff, and have them investigate the problem I had been facing, local authorities would have stopped harassing me and I would not have to leave everything behind and flee to Bangladesh." But there are few UNHCR field offices in northern Rakhine State, and even if local staff meet with Rohingya to discuss protection concerns the meetings often taken place in tea shops where the atmosphere is not conducive to discussing sensitive issues.

In Bangladesh, the situation of the camp-based Rohingya is unbearable, largely due to the attitude of the government. Bangladeshi authorities prevent international agencies from carrying out improvements in the camp facilities fearing that a humane camp environment would attract more Rohingya to their country. Shelters have not been repaired for years; the huts have been eaten by termites and shrink more into the ground each year. In desperation, refugees break away latrine doors to prop up their huts. They complain of lack of ventilation and stifling heat in the shelters, which are contributing to a number of skin diseases. The Government of Bangladesh has been opposed to UNHCR's plan of building semi-permanent structures for the refugees, but has approved a pilot project to test new, improved shelters in one of the camps.

The government does not accept the figure of 28,000 refugees, although a recent UNHCR verification exercise indicates this to be the approximate number of refugees in the camp. Bangladeshi authorities officially recognize only 21,000 refugees and deny the unregistered refugees access to assistance. The authorities also turn a blind eye to the abuses going on in the camps, and it is believed that they encourage such abuse. A number of aid workers interviewed by RI said that the situation in the camps has become a serious human rights problem due to the policies and practices supported by the Government of Bangladesh.

Refugees have been receiving rations from the World Food Program since their arrival in Bangladesh. However, because the government prohibits refugees from engaging in income generating activities, many refugees sell part of their rations to the local Bangladeshi community living near the camps in order to purchase spices, vegetables and meat. Rations are also sold to meet non-food needs such as clothing and medical expenses. The refugees are often at a disadvantage during the ration trade and are vulnerable to exploitation by local strongmen who have a monopoly on purchasing rations at low prices.

The malnutrition rates for a population that receives full rations are very high. A recent mortality and nutrition survey showed that acute malnutrition was prevalent in 16.8% of 6-59 month old children, with 2.8% severe cases; chronic malnutrition was present in 51.9% of the children. The underlying causes of malnutrition include poor water and sanitation, lack of access to complementary food and non-food items, and the poor socio-economic conditions of the refugees.

Despite a rapidly increasing population of children in the camps, there is a huge gap in the education sector. The size of the average Rohingya family in the camps is estimated at 6.8 and around 650 children are born in the camps each year. Due to government policy, education does not extend beyond the fifth standard and there are severe shortages of qualified teachers and books. The literacy rate in the camps is 12%. Also, there are virtually no recreational or skills training activities for the camp residents. Bangladesh's decision to deny children formal basic education is not only creating a lost generation but also depriving the Rohingya of the opportunity to gain skills that would help anchor them upon return to Burma. It is possible that many Rohingya who go back without education and skills will return to Bangladesh before long.

Earlier this year, the refugees stressed that medicines were in short supply and not easily available at the camp clinics, and doctors were referring only a few patients to hospitals outside the camps. As the result of a disagreement between UNHCR and the Government of Bangladesh over the terms of their annual sub-agreement, which contained unnecessary overheads and administrative costs, local Bangladeshi officials of the Refugee Relief and Repatriation Commission at Cox Bazaar prevented UNHCR-procured medicines from reaching the camps for several weeks, despite instructions from the Ministry of Food and Disaster Management in Dhaka, which led to the deaths of two refugees.

Women's ability to participate in camp life is restricted as the Rohingya's traditions limit the engagement of women in activities outside the home. The Government of Bangladesh has resisted efforts by WFP and UNHCR to encourage the issuing of ration cards in the names of women. Early marriage is common among the refugees and there is little spacing between children. The impact of women's health and nutrition is measurable, with anemia among pregnant women at 59.8 %. As in all camp situations, Rohingya women are at risk of sexual and gender based violence.

The government prohibits the refugees from establishing their own management committees to oversee service delivery in key sectors like food management, water, sanitation, health and education. Instead the government appoints unelected mahjees or camp volunteers to act as refugee leaders and to maintain links with the camp management. Efforts by UNHCR and WFP to promote refugee participation, especially of refugee women, in camp committees have been resisted by camp authorities. As a result, the refugees feel marginalized and disempowered.

Although forced repatriations have come to a halt in the camps, the exploitation of the camp population is ongoing. The refugees lack freedom of movement, but a large number still leaves the camps, often to work outside. They are at the mercy of camp guards who charge them a fee for entering and exiting the camps. Additionally, they continue to be harassed by local elements and mahjees. Under the terms of a Memorandum of Understanding between the government and UNHCR dating back to 1993, UNHCR staff is not allowed to remain in the camps after 5:00 p.m. when much of the abuse takes place.

An absence of international NGOs operating in the camps has created a void not only in terms of better services but also in protection. The Government of Bangladesh refuses to grant international agencies permission to start operations in the camps. In a positive move, the UN Country Team has decided to make the Rohingya refugee issue one of its priority areas, but more UN agencies such as UNICEF and UNFPA need to become involved in camp activities. UN agencies should also provide services to the local Bangladeshi population living near the camps so that the host community benefits from their presence in the area.

The refugees say they have no place to live in dignity: their lives would be in jeopardy if they were to return to Burma and life in the camps is miserable. UNHCR has been exploring the possibility of local integration for the population, but this is unlikely anytime in the near future due to strong opposition from the Government of Bangladesh. Any solution to the protracted refugee situation of the camp-based Rohingya would likely involve a burden-sharing arrangement under which at least some of the refugees would have to be accepted by a third country for resettlement. The resettlement of some refugees from the camps may help reduce pressure from Bangladeshi authorities on the remaining population.

While the international community grapples with the dilemma of finding a durable solution for the population in Kutupalong and Nayapara camps, a makeshift Rohingya

Bazaar. According to some estimates, this camp has at least 6,000 people. The population is made up of Rohingya who recently arrived as well as those who have lived in Bangladesh for some time but were evicted from their homes over the last few years. The informal camp is located between the Naf River and a highway. The river is expected to flood during the rainy season and could wash away homes and people's belongings. Some camp children have been killed by vehicles while trying to cross the highway. Women living in the makeshift camp mention problems such as harassment by the local population when they go to collect water or firewood.

The UN Country Team has declared this site a humanitarian emergency because of the poor shelters, quality and access of water, inadequate healthcare, and scarcity of food. Recently Médecins Sans Frontières-Holland has received permission from the Government of Bangladesh to provide relief to the general population of that area. A clinic has been established that is open to everyone from the locality. While this may be of some help to the makeshift camp population, the government must allow UN agencies and international NGOs to assist the Rohingya living in this camp.

REFUGEES INTERNATIONAL RECOMMENDS:

The Government of Bangladesh

- Recognize that the camp population cannot go back to Burma anytime in the near future and has a right to live with dignity in Bangladesh with complete access to basic services.
- As a member of the UN Human Rights Council prove its commitment to the refugees' protection by taking immediate action to end their abuse and exploitation.
- Hold accountable those officials responsible for deaths of refugees due to denial of medicine.
- Permit more UN agencies and international NGOs access to the camps as well as the makeshift camp population. Allow international organizations to implement better facilities for the camp refugees and support the establishment of better educational and skills training programs in the camps.
- Allow refugees to engage in income generating activities.
- Grant refugees freedom of movement.
- Provide UNHCR access to camps in the evenings.
- Enable refugees, including refugee women, to become involved in the camp management and allow refugees to elect their own representatives.

UNHCR

- Appoint more expatriate staff and establish more field offices in Burma's northern Rakhine State.
- Initiate partnerships with international NGOs and encourage them to become involved in the provision of assistance in the camps in Bangladesh.
- Continue to seek durable solutions for the refugees in the camps.
- Maintain existing programs and full involvement in camps until durable solutions have been agreed to by all parties.
- Ensure the provision of complementary food and essential non-food items to the refugees.

Other UN Agencies

- Consider working in the camps with their own funding.
- Seek permission to work with the makeshift camp population and the Bangladeshi local community near the camps.

The US Government

- Support the position of UNHCR and the European Commission in their refusal to accept a sub-agreement with unjustified overhead costs.

Donors

- Pressure the Government of Burma to end the repression of the Rohingya and permit more expatriate staff to be based in northern Rakhine State.
- Allocate adequate funds for UNHCR operations in northern Rakhine State.
- Continue to fund the Rohingya operations in Bangladesh while urging the government to control mistreatment of the refugees by local elements and authorities.
- Provide more funding for shelters once the pilot project is concluded and shelters are replaced on a wider scale.
- Pursue resettlement options for the camp based Rohingya, especially the most vulnerable.

Human Rights Organizations

- Undertake efforts to highlight in international forums the human rights violations faced by the Rohingya in both Burma and Bangladesh.

Advocates Kavita Shukla and Nicole Mailman assessed the situation for the Burmese Rohingya refugees in Bangladesh in April 2006.