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RELUCTANT REFUGE:

ROHINGYA SAFE BUT NOT SECURE IN BANGLADESH

Daniel Sullivan

Introduction

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. The Government of Bangladesh has long refused to recognize the vast majority of Rohingya in the country as refugees and has been reluctant to do more to address their humanitarian needs or to accept international assistance to do so. The response has improved in recent months, but significant gaps remain, particularly regarding needs for food, adequate shelter, and protections against gender-based violence and trafficking risks. Many Rohingya continue to live in crowded conditions in makeshift shelters vulnerable to the high winds and heavy rains of the ongoing monsoon season, some within heartbreaking sight of their homeland. Recent pledges by the Government of Bangladesh on the global stage are encouraging and should be implemented along with ideas for better coordination being discussed by international humanitarian agencies. For more durable solutions, bilateral and multilateral engagement along with pressure when necessary on the Government of Myanmar on issues of safe returns, accountability, and citizenship will be crucial for addressing the root causes of the plight of the Rohingya.

Recommendations

To the Government of Bangladesh:

- Expand protection services to Rohingya in Bangladesh by:
 - Establishing temporary police outposts and developing camp management systems to protect and support Rohingya in makeshift settlements;
 - Expanding the UN Refugee Agency's (UNHCR) mandate beyond official refugee camps in order to provide protection by presence activities and counseling services in the makeshift settlements, with a particular focus on gender-based violence (GBV), including by opening a UNHCR field office in the city of Teknaf in southern Bangladesh;
 - Promoting access to the legal system for all persons in line with Bangladesh's constitution, along with training local officials and conducting awareness campaigns on access to the legal system and the risks of human trafficking.
- Approve a longstanding World Food Programme (WFP) request to expand its electronic food voucher system beyond refugees to the so-called Undocumented Myanmar Nationals (UMN) community and new arrivals who entered in late 2016, to ensure more equal and efficient distribution of aid.
- Lift restrictions on the use of more durable building materials in the makeshift camps and provide training so that makeshift shelters are better able to withstand the high winds and heavy rains of the monsoon season. Ensure contingency plans are in place for rapid replenishment of shelter materials in emergency cases.
- Release the results of the census of Rohingya in Bangladesh carried out in 2016 and conduct further surveys to update information as needed to better identify requirements and best use of resources.
- Fulfill a pledge made at the Leaders' Summit on Refugees at the United Nations in 2016 to deliver information cards to Rohingya in Bangladesh that provide protection and access to basic services, including freedom of movement, access to livelihood, and informal education opportunities.

Front cover photo: This Rohingya girl in Shamlapur told RI her father was shot, and she had to flee Myanmar when security forces attempted to rape her. | Photo to right: Kutupalong Makeshift Settlement.

- Ratify the 1951 Refugee Convention and 1967 Protocol and extend protections to the Rohingya population in Bangladesh by recognizing them as refugees or ensuring access to a Refugee Status Determination (RSD) Process and resuming resettlement to third countries – especially for particularly vulnerable individuals.
- Support the UN Human Rights Council’s fact-finding mission by allowing access to recently arrived Rohingya for collection of reports of treatment experienced in Myanmar.
- Continue to pursue high-level engagement, and pressure where necessary, with the Government of Myanmar on the treatment of the Rohingya, particularly on the issues of safe repatriation, accountability of abuses, and ultimately a path to citizenship.

To international organizations and others supporting the humanitarian response:

- Encourage the Government of Bangladesh to support a more equitable and efficient needs-based sectoral approach to supporting Rohingya in Bangladesh. This should include a focus on vulnerabilities among persons of concern rather than the current allocation of aid based on government-imposed distinctions between government-recognized refugees, Undocumented Myanmar Nationals (UMN), and “new arrivals.”
- Increase emergency food rations during the monsoon season (June-October) and improve surveying and coordination of food distribution to ensure individuals in need are not overlooked and to avoid duplication of efforts.
- Work with the Government of Bangladesh to expand educational opportunities for Rohingya in Bangladesh by increasing the number of learning centers, providing a path to higher education through the accreditation of the informal education system, and allowing Rohingya access to local Bangladeshi public schools.

To the U.S. Government:

- Provide additional funding to address the most immediate needs and greatest protection risks faced by both new arrivals and longer-term Rohingya populations in Bangladesh, including funds for food assistance, shelter, and health, and means of addressing threats of GBV and human trafficking.
- Urge the Government of Bangladesh to meet its pledge to provide information cards and expand protection for the Rohingya, to resume third country resettlement, especially among the most vulnerable, and establish a more efficient needs-based humanitarian approach toward Rohingya in the country.
- Press the Government of Myanmar to ensure accountability for abuses, safe returns of Rohingya to Rakhine State, and ultimately a path to citizenship; link any further enhancements in U.S.-Myanmar relations to concrete and verifiable progress in each of these areas.



Background

The Rohingya ethnic minority has faced decades of persecution in Myanmar, living with heavily restricted rights, including on their freedom of movement, marriage, and even their ability to have children. Despite the presence of Rohingya in the country for several generations and past recognition of Rohingya rights to vote and serve in high political office, the Government of Myanmar refuses to recognize them as citizens. The 1982 Citizenship Law failed to list Rohingya among the 135 recognized ethnic groups, and the current government continues unreasonably to view the Rohingya as illegal migrants from Bangladesh. The lack of citizenship renders the Rohingya one of the largest stateless populations in the world, a status which leaves them particularly vulnerable to exploitation, detention, and abuse.

More than a million Rohingya live in Myanmar today, with another million estimated to be living in other countries. Since 2012, despite broader democratic reforms, the situation of the Rohingya in Myanmar has deteriorated, with 120,000 displaced in 2012 still living in squalid displacement camps in the country and another 168,000 estimated to have fled, many by sea to Malaysia. Refugees International (RI) has covered these dynamics in past missions to Myanmar, Malaysia, and Thailand. For further background see RI's past reports.¹

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). The Government of Bangladesh officially refers to the remainder of Rohingya in the country as Undocumented Myanmar Nationals (UMN), considered illegal foreigners under Bangladeshi law.

In October 2016, Rohingya began fleeing to Bangladesh in the newest flow of refugees, an exodus sparked by a widespread crackdown by Myanmar's security forces. The crackdown came in reaction to an attack by a previously



unknown group of Rohingya militants on border guard posts, resulting in the deaths of nine officers. The response by the Myanmar security forces was disproportionate and brutal, affecting the entire population of northern Rakhine State, the vast majority of which has never engaged in violence of any sort. Access to the area was heavily restricted both to humanitarian aid and outside journalists and officials. But a series of reports by independent international human rights groups, based on interviews with Rohingya who had fled to Bangladesh and satellite images of burned villages, revealed a series of abuses, including torture, disappearances, wholesale destruction of villages, and mass rapes.² A February 2017 report by the UN Office of the High Commissioner for Human Rights warned of abuses that may amount to crimes against humanity, spurring the UN Human Rights Council to establish a fact-finding mission in March 2017.³ The security crackdown officially ended in February 2017, but abuses continue to be reported and the Government of Myanmar continues to restrict access and deny that widespread abuses took place.

By February 2017, more than 74,000 Rohingya had fled to Bangladesh, straining the ability of the government and international humanitarian actors to respond and revealing persistent political barriers and coordination deficiencies in the humanitarian response. The 74,000 Rohingya who arrived after October 2016 are referred to by the Government of Bangladesh and international humanitarian actors as “new arrivals,” effectively creating three distinct groups of Rohingya in the country: the 33,000 government-recognized refugees, the 200,000 to 500,000 UMN, and the 74,000 new arrivals (though new arrivals are also considered UMN).

The lack of citizenship renders the Rohingya one of the largest stateless populations in the world, a status which leaves them particularly vulnerable to exploitation, detention, and abuse.

In May 2017, RI carried out a mission to Bangladesh to assess the humanitarian situation for both the new arrivals and the hundreds of thousands of Rohingya already living in Bangladesh prior to October 2016. RI visited a number of the Rohingya makeshift settlements and camp-like settings, interviewing dozens of Rohingya. Most of those interviewed were recent arrivals (some having arrived just within a few days), but RI also interviewed longer term residents, including some living in official refugee camps for more than 20 years. RI also met with a variety of humanitarian actors and experts, including UN officials and representatives of international non-governmental organizations.

Precarious Existence for Rohingya in Bangladesh

Rohingya have long faced a precarious existence in Bangladesh. 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. The makeshift shelters in which most live are barely inhabitable in the heat of summer and vulnerable to the high winds and heavy rains of the monsoon season.

Even for the relatively small number of refugees officially recognized by the government, prospects are grim. While they have better shelters and services, a majority have lived their entire lives in the camps and have no obvious alternative in the near future. Bangladesh is not a party to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol, and it suspended resettlement of refugees to third countries in 2010.

The people of Bangladesh have often shown a sense of solidarity with Rohingya fleeing Myanmar, assisting new arrivals and living peacefully alongside longer term residents. But the large numbers have also brought tensions and created political opposition. The reluctance of the Government of Bangladesh to recognize Rohingya as refugees, despite their fleeing violence and persecution, stems largely from a fear of creating “pull factors” that would bring more Rohingya into an already densely populated country. Rohingya are often perceived and portrayed as illegal migrants stealing the jobs of the host population. The many Rohingya living in makeshift settlements near the beaches in Cox’s Bazar and Teknaf are seen by the government as a detriment to plans to develop the tourist industry.

Despite these concerns, the Government of Bangladesh appears to have recognized humanitarian imperatives surrounding this population and has improved its response in ways that longtime observers say were barely imaginable some years ago. A 2014 “National Strategy on Myanmar Refugees and Undocumented Myanmar Nationals (UMN)” overseen by the National Task Force, made up of 22 ministries and agencies, has led to expanded access and protection services to UMN in



This Rohingya couple told RI about the crowded conditions, heat, and lack of food in Kutupalong Makeshift Settlement.

makeshift settlements, particularly through the International Organization for Migration (IOM), which has been designated by the government as its chief implementing partner.⁴ International humanitarian agencies, under an Inter Sector Coordination Group (ISCG) led by IOM, have been developing a new strategy to improve coordination and response. Nonetheless, the political will of the government to do more for Rohingya in the country remains limited and the humanitarian coordination structure is inefficient and disjointed.

A disproportionate amount of aid activities are dedicated to government-recognized refugees, even though they constitute only about 10 percent of the population in need of aid.

In fact, the reluctance of the Government of Bangladesh to recognize Rohingya as refugees has led to a humanitarian response structure unlike any other in the world, one in which the national structure is not aligned with the international response and the international response not consistent with global best practices. On the government side, the 33,000 Rohingya recognized by the government as refugees are in two camps with a camp management structure overseen by a dedicated Refugee, Relief and Repatriation Coordinator (RRRC) within the Ministry of Disaster Management and Relief. But the vast majority of Rohingya, those deemed UMN, fall under the purview of the Ministry of Foreign Affairs, living in makeshift settlements and among host communities without a management structure dedicated to overseeing their needs. On the international side, UNHCR, which is mandated globally with leading refugee responses, is restricted to coordinating services for just the 33,000 government-recognized refugees. IOM, in accordance with the Bangladesh government's preference to view Rohingya as migrants, is mandated with implementing the broader UMN response. The lack of a dedicated management structure for UMN in makeshift settlements on the government side and lack of clear coordination among international humanitarian actors, has resulted in a lack of clarity in responsibility and standards for gathering of information related to the various needs typical of any humanitarian response (nutrition, health, shelter, protection etc.). The upshot has been significant inefficiencies, including an excess of field level coordination meetings, cases of service gaps in some areas, and duplication of services in others.

The government's distinction between refugees and UMN has also led to unequal responses. Under the existing structure, humanitarian aid is not based on

need, in line with international standards, but rather on group distinctions. A disproportionate amount of aid activities are dedicated to government-recognized refugees, even though they constitute only about 10 percent of the population in need of aid. While refugees in the official camps face their own protection gaps, their living conditions and opportunities are distinctly better than those of the UMN. Refugees in the official camps have more educational opportunities and better protection, including official identity cards to help avoid arrest and exploitation. They also benefit from the presence of police and UNHCR protection officers in their camps. Likewise, children in the refugee camps have access to learning centers up to the eighth grade, while UMN have more limited opportunities, going only until the fifth grade.

Flawed Initial Response

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.”

At the start of the October 2016 crisis, the Government of Bangladesh kept the border closed, and border guards actively intercepted boats carrying Rohingya refugees, violating the international principle of non-refoulement by pushing back more than 5,000 Rohingya to Myanmar between October 2016 and January 2017.⁵ Appeals by the international community, including by UNHCR and human rights groups, to open the borders were ignored.⁶ International humanitarian agencies and non-governmental organizations (NGOs) were unable to provide help to those Rohingya who did manage to arrive, forced instead to await official permission to extend much needed emergency humanitarian aid. UNHCR was not permitted to play the role it does in other refugee crises, such as registering new arrivals and identifying the greatest needs and most vulnerable. As a result, new arrivals made their own way to disparate locations, making an adequate needs assessment impossible.



300,000 – 500,000
Undocumented Rohingya
in Bangladesh

33,000
Government-recognized
Rohingya Refugees

74,000+ “New Arrivals”
Rohingya who have arrived in
Bangladesh since October 2016

In the absence of a formal response, initial food and shelter needs were met in an ad hoc manner, with Rohingya already in the country and the local Bangladeshi host communities acting as the first line of response. Many new arrivals found their way to family members or former neighbors already living in official camps or makeshift sites. This put an obvious strain on already limited living space and resources. Even before the crisis, the region faced great strains. Just before October 2016, IOM’s director of emergency operations visited Bangladesh and observed, “The humanitarian situation here is fragile, and is not getting the global attention it requires...Tens of thousands of people are at risk of malnutrition, disease and violence, due to the insufficient water and sanitation facilities and the overall vulnerability of the displaced community.”⁷

As a result of the new influx, food distribution and water and sanitation systems were overwhelmed, leading to a doubling of cases of malnutrition and the spread of communicable diseases, including outbreaks of measles



Rohingya boy helping to repair shelter in Kutupalong Makeshift Settlement.

and acute watery diarrhea. The number of patients seen monthly in established health centers rose from around 15,000 pre-crisis to around 21,000 today.

Tens of thousands of other new arrivals began constructing new shelters in unoccupied public lands, using mud and basic materials like bamboo, string, and plastic sheets bought or donated by the local host population. The Ministry of Environment and Forests dismantled several of these shelters and eventually restricted new construction to the outskirts of existing makeshift sites or one new site. The Balukhali makeshift settlement in Cox's Bazar district sprang up from a previously unoccupied and recently deforested hill, at times doubling in size in the space of a week. It now houses an estimated 15,000 people. The Government of Bangladesh restricts the use of materials considered permanent for new constructions, meaning that shelters are made mostly of mud, sticks, and plastic. The materials that are allowed are either given or sold by IOM or the local host community. These structures are often fragile, unbearably hot in the summer, and vulnerable to the high winds and heavy rains of the

monsoon season. The lack of developed water and sanitation systems in the new sites added further to increased health risks.

Ongoing Needs

Following the initial border closures and the chaotic initial responses, the Government of Bangladesh, in cooperation with international humanitarian agencies, took a number of steps to address the crisis. By late November 2016, border restrictions were unofficially loosened, and by January 2017, the borders had been effectively, if not officially, opened. Emergency food access was unofficially granted starting in early December 2016, shelter materials were distributed, and the health response supplemented.

RI's conversations with humanitarian actors and both newly-arrived refugees and long displaced Rohingya revealed the greatest remaining gaps that require attention.

Nine months after the first wave of the new arrivals reached Bangladesh... the emergency needs continue to grow, even as longer term planning is required to address the likely protracted crisis.

In dozens of interviews with new arrivals, food was consistently cited as the primary concern. WFP was eventually allowed to supply emergency rations of 25 kilograms of rice per family every two weeks, a practice which continues at the time of writing this report. Despite this and supplementary nutrition kits distributed by NGOs, the new arrivals, lacking livelihood opportunities, continue to struggle to find enough food. The added demand also forced WFP to cut its rations across all nutrition programs in Cox's Bazar by 50 percent. Imperfect coordination under the current humanitarian structure has also led to missed food deliveries and an unknown number of people being overlooked, according to aid workers and Rohingya with whom RI met during the mission. As a result, malnutrition rates remain high, especially for new arrivals, with children age six months to five years facing emergency levels of global and severe acute malnutrition.⁸ A WFP assessment in March indicated that only 18 percent of new arrivals reported an acceptable Food Consumption Score (WFP's standard for adequate food consumption), compared with 59 percent of the UMN who were in Bangladesh prior to October 2016. As coping mechanisms, many new arrivals spend time foraging in the jungle, collecting vegetables or leaves to eat. Mohammed Ullah, a 42-year-old father from Buthidaung told RI, "I can live without food. I don't mind. But I don't want to see my children without food. This is a tragedy."

WFP runs an electronic voucher program in the official camps for those recognized by the government as refugees, and money is transferred to cards for refugees to spend in special local shops, allowing better tracking of food assistance and more choice for refugees. WFP is seeking to expand the program for targeted food assis-

tance in the makeshift settlements housing UMN and new arrivals, but at the time this report was written, WFP was still awaiting approval from the Bangladesh government. With the rainy season, livelihood opportunities shrink even further. The Government of Bangladesh should allow WFP to implement this request and the international humanitarian community should supplement food aid during the rainy season.

Inadequate shelter was another widely mentioned concern, both for the UMN and new arrivals. "We live in a jungle place with plastic on the ground and a black plastic roof," Robi Alom, a 22-year-old man in Kutupalong makeshift settlement told RI. "There is just enough room to lay down." Shobika, age 27, added, "We want to live in dignity. We don't want to live like dried fish in this heat."

Following initial delays, IOM began providing emergency tarpaulins ("tarps"), providing more than 15,000 tarps and 4,000 canvas floor coverings in three makeshift settlements and within host communities ahead of the monsoon season. But the Government of Bangladesh limits building materials to non-permanent items, meaning that most structures consist only of mud, bamboo, and old plastic sheeting. Newer structures in the Balukhali camp, which houses new arrivals, are particularly vulnerable.

Shelters were also cited by refugees and aid workers as the most common source of conflict in the makeshift settlements. How a shelter is built or altered may result in drainage run-off into a neighboring shelter or a new adjustment may encroach on the neighbor's space. The lack of a protection presence and of developed governance structures, particularly among new arrivals, means that the simplest of communal conflicts risk going unresolved and spiraling into violence. These shelter-related protection gaps can be filled by developing camp management structures, allowing use of more durable building materials, and having contingency plans for rapid replenishment of materials in the case of emergencies, particularly during the monsoon season. The durability of structures can also be enhanced by distributing shelter kits, which include nails, washers, ropes, and other materials to better secure tarps, as well as by providing training on how to best secure makeshift settlements.⁹

The health responses, also initially slow, quickly ramped up. By mid-March, Médecins Sans Frontières (MSF) had opened a satellite clinic at the new Balukhali camp and IOM had opened one at Kutupalong. Fortuitously, a new 10-bed IOM hospital in Leda had been under construction and was able to open in November. The Leda clinic now sees 100-150 patients a day for general consultations. MSF's monthly caseload in the month before RI's visit had more than doubled from pre-October levels. Overall, the previous number of daily cases seen by the eight health facilities that existed before October 2016 spiked from 15,000 per month to 21,000 patients seen by the current 11 health facilities today.

One of the most positive aspects of the emergency response has been the cooperation of the Government of Bangladesh and NGOs in carrying out immunization campaigns. Given the measles outbreak and the threat of cholera, the government worked closely and quickly to reach tens of thousands of people. The coordinated response stems from previous cooperation. The govern-

ment has long allowed medical treatment to all people in the country whether documented or not and has worked closely with the UN and NGOs to allow immediate care and to establish a referral system for cases that require further attention.

But as in other areas, much room for improvement remains in the area of health. Bureaucratic misunderstandings have led to temporary shut downs of clinics or barriers to necessary expansion of services. As one health worker said when asked about the working relationship with the government, "We are trying our best." Sanitation infrastructure and practices also continue to be poor, increasing risks of disease outbreaks. Community visits by NGOs trying to foster hygiene awareness and sanitation infrastructure improvements continue but will need ongoing support.

Moving from emergency to more sustained response needs, education is another gap often mentioned by the Rohingya during interviews with RI. For officially



This Rohingya woman in Kutupalong Makeshift Settlement told RI her husband disappeared just before she left Myanmar and she still doesn't know where he is.

recognized refugees, education is provided up to the eighth grade and enrollment and attendance are estimated at 70 to 80 percent. For UMN, options are much more limited. Madah Khatu, a 43-year-old new arrival and mother of six lamented, “My children cannot study. They don’t do anything in the camps. I worry for them.” Even for those who complete their educational opportunities in the official camps, the certificates they receive are not recognized by the Government of Bangladesh, so they are unable to pursue further education. There are some cases of Rohingya refugees finding their way into higher education, but those cases are rare.

In the context of the ISCG’s coordination efforts prior to the crisis, UNICEF had already begun expanding beyond its host community programs to provide pre-school and first grade classes in learning centers in the makeshift settlements. With the onset of the crisis, these efforts were accelerated, including the establishment of child safe spaces and community-based child protection networks in the makeshift settlements and the opening of a UNICEF office in Cox’s Bazar in June 2017.

As durable solutions are unlikely in the short to medium term, UNICEF’s opening of new learning centers in the makeshift settlements should be sustained and expanded. But even those who complete the informal education programs are not officially recognized and have no access to higher education. To address these gaps, the Government of Bangladesh should recognize certificates earned through informal education and explore expanding access to local Bangladeshi public schools. Community outreach will also be important to overcome cultural barriers among the Rohingya, cited by protection officers, like the common practice of keeping girls at home and not allowing them to attend schools past fifth grade.

Spotlight on Protection

Beyond the immediate food, shelter, and medical concerns, protection gaps loom large and deserve particular attention, especially as many security needs remain under-recognized and inadequately addressed. Rohingya with whom RI spoke generally expressed a feeling of relative safety in the camps, but that was usually

expressed in comparison to the overt threats they had fled in Myanmar. As Shahida, a 16-year-old living in Kutupalong told RI, “Here we don’t have enough food, but we are safe. There we had no food and we were not safe.”

“Here we don’t have enough food, but we are safe. There we had no food, and we were not safe”.

— *Shahida, 16-year-old living in Kutupalong*

Underneath this veneer of safety teem a broad range of protection concerns ranging from protection from common crime and intra-communal conflict to vulnerability to gender-based violence (GBV) and organized human trafficking networks.

On the day-to-day level, amid the broader stories of solidarity and welcoming of friends and relatives into shelters, are also the realities of crime and domestic abuse among an often desperate population with little to no formal security presence. Several refugees referenced recent theft, robbery, or beatings, including one of an old man by thieves just days before they spoke with RI. Humanitarian workers monitoring the community closely told RI that domestic abuse is also prevalent in the makeshift settlements, increased by the lack of livelihood opportunities. While the government-recognized refugee camps have a formal management team, police presence, and dedicated UNHCR protection officers, the makeshift settlements have little to no protection presence or recourse for abuses.

Tensions have also arisen between newer arrivals and Rohingya who have been in the country longer, particularly among government-recognized refugees as well as UMN and the local host communities. Most Rohingya with whom RI spoke expressed gratitude toward the host communities and denied tensions. But further discussions with community leaders and international NGO representatives who have been carrying out house to house surveys make clear that the strains of additional people living in crowded conditions with limited resources have led to increasing concerns over inter-communal tensions.

These tensions have been exacerbated by the inequalities in service under the current system. “New arrivals” have been effectively added as a third distinct group from government-recognized refugees and UMN. Emergency aid since October 2016 has been largely restricted to them, though longer term UMN and the host communities are also facing new strains and may have equal or greater immediate needs. This not only goes against international best practices but also breeds ill will. UMN and new arrivals seek the legal status, protections, and relatively better shelters and facilities enjoyed by official refugees, while government-recognized refugees, to a certain extent, resent the attention and new aid received by new arrivals. Meanwhile, UMN often feel lost in between.

Protection concerns are especially elevated for the new arrivals given that 57 percent are children and some 80 percent women or children.

Some 25 percent of households among new arrivals are female headed households, meaning that a large proportion of the population is more vulnerable to exploitation and acts of GBV. In recognition of the threats women and children face, especially at night, solar grids have been set up at new shelters to provide the added protection of lighting. IOM and NGOs have set up safe spaces for women and have conducted door to door outreach to raise awareness of GBV threats and provide initial care to both new arrivals and other UMN.

Still, the risks of gender-based violence remain high. During its recent mission, RI was told of cases of GBV. Women and girls, in particular, expressed fear of going out to gather food, water, or firewood or to go to the latrines, especially at night. Between December 2016 and April 2017, nearly 200 GBV cases were received by the ISCG protection group in four settlements housing around 120,000 new arrivals and other UMN. At the time of RI’s visit, the threat was highlighted by aid workers who were dealing with a horrific case of a gang rape of a 10-year-old girl who had been out gathering firewood. Though the mother is bravely pursuing the case, she

has faced threats and a lack of seriousness on the part of local officials.

When crimes do take place, Rohingya in Bangladesh often lack access to justice mechanisms, despite the fact that, according to the Bangladeshi constitution, all persons in Bangladesh enjoy protection under the law.¹⁰ This rarely plays out in reality, however.

The lack of proper identification adds to uncertainty and reluctance for victims of crimes to come forward. Seen as illegal migrants, the Rohingya can face criminal charges for being in the country or, as stateless persons, can face indefinite detention. Indeed, there are several cases of Rohingya who have been held for years with no certainty as to when or even if they will be released. The Government of Bangladesh has been reluctant to provide any sort of identification for fear of making the stay of Rohingya more permanent or acting as a “pull factor” for more migrants and asylum-seekers to come into the country.

Perhaps the most troubling and under-recognized protection threat is that of human trafficking. This was a concern mentioned by every protection-related humanitarian aid worker with whom RI spoke, but rarely by the Rohingya population. Bangladesh was recently downgraded to a Tier 2 “Watch List” country in the U.S. State Department’s annual Trafficking in Persons Report, reflecting increased concerns about government efforts to combat trafficking. The report cited the “stateless status and inability to receive aid and work legally” as increasing the vulnerability of Rohingya in Bangladesh, noting that many among the new arrivals “are at elevated risk of being subjected to trafficking.”¹¹ One worrying way that this has played out is in increasing numbers of children abducted or effectively sold into exploitative domestic servant positions. Action Contre La Faim (ACF) has reported the disappearance of 16 children since January 2017. According to humanitarian officials with whom RI spoke, Rohingya have also fallen victim to drug and sex trafficking.

In some cases, women have found themselves forced to turn to survival sex as a coping mechanism. One humanitarian recounted asking a focus group of women if they were aware of survival sex taking place inside the camps and all said that it was. Another negative coping



Rukia arrived in Kutupalong Makeshift Settlement with her five children just days before RI spoke with her.

mechanism, at times tied up in trafficking, is the increased number of child brides among Rohingya. This takes place both within the camps and across borders as recently reported in Malaysia.¹²

Women, adolescent girls in particular, are also vulnerable to falling into sex trafficking networks. In some cases, women are taken and exploited by local criminal networks as sex workers overnight, then returned to the makeshift settlements during the day. In others, as one humanitarian official told RI, women may fall into sex trafficking networks that extend to India or on to the Middle East. The ability to investigate the full extent of the trafficking problem has been constrained by limited capacity and mandates, but several different humanitarian officials expressed to RI that they believe it is taking place with increasing frequency. As one official told RI, “Trafficking is clearly increasing, and I fear the little we actually know is just the tip of the iceberg”.

Several practical steps can and should be taken to address the many protection concerns for Rohingya in Bangladesh. First, the Government of Bangladesh should expand UNHCR’s mandate beyond just the official camps to provide further protection expertise and services, including protection by presence, GBV case management and counseling, and legal services. This should include the opening of a UNHCR sub-office in Teknaf to be closer to areas where trafficking risks are believed to be the highest.

Temporary police outposts should also be opened in the makeshift settlements. To be sure, the presence of law enforcement can create fears and risk of abuse, but this can be mitigated by setting up camp management systems similar to those in the official refugee camps, led by an official in charge and with clear procedures for filing complaints and recourse to justice. The Government of Bangladesh should further work with humanitarian actors to develop internal community governance structures within the camps and promote and provide education to UMN and local authorities on the dangers of trafficking and access to justice. And the Government of Bangladesh should provide some form of identification based on the results of the census but should also carry out efforts to update results to better reflect the most recent realities on the ground.



Rohingya man repairing his shelter in Kutapalong Makeshift Settlement.

New Opportunities to Address the Gaps

The ISCG has developed a significant strategy for improving the humanitarian response which has been endorsed, at least tacitly, by the Government, as well as by the broader UN, NGO, and Donor policy group overseeing humanitarian response in Bangladesh. An early draft of the strategy seen by RI aimed to put the response to UMN and refugees more in line with global best practices, while at the same time adjusting to the unique structures of the Bangladesh government. For example, clear sectoral leads among the international humanitarian actors, with designated counterparts in the government, will coordinate responses and provide information to the ISCG and the UN, NGO, and Donor policy group, which will coordinate with the relevant national authorities, whether

in the Ministry of Foreign Affairs or the Ministry of Disaster Management and Relief. If properly implemented, this strategy could have an important impact in addressing current gaps in humanitarian response and in enhancing trust between government officials and aid providers.

Another primary aim of the plan is to base aid not on official status, but rather on the needs and vulnerabilities of all persons of concern, including refugees, UMN, new arrivals, and the host communities. The strategy further moves to a more formalized sectoral approach, in line with international cluster principles, in which various partners oversee distinct aspects over which they have particular expertise (WFP-food security, UNICEF-education; IOM-shelter). This formalized structure will allow for better coordination and the collection and dissemination of timely assessments and other information to ensure more efficient responses that avoid overlap or

gaps. This could address concerns about individuals missing distribution of food, tarps, or other assistance materials. One sticking point is government reluctance to allow UNHCR to lead the protection sector beyond the government-recognized refugee camps. Discussions between the ISCG and the Bangladesh government on this point are ongoing. An expanded role for UNHCR should continue to be pursued even as implementation of the new coordination strategy begins.

Another promising development is the pledge made by Bangladesh at the Leaders' Summit on Refugees at the UN in September 2016, in which Bangladesh said it would issue information cards that would provide protection and access to basic services, including freedom of movement, access to livelihood, and informal education opportunities.¹³

The information cards would be issued as a result of the first census of Rohingya in Bangladesh, carried out in June 2016, and extended following the post-October 2016 entry of Rohingya. The results of that census are expected within weeks of the writing of this report. Already, this exercise may provide some form of protection; aid workers told RI of cases in which possession and presentation of a census receipt to the authorities have helped Rohingya avoid arrest.

While the census was generally viewed as a positive step, especially with the government's decision to extend it to cover new arrivals, some concerns were expressed by aid workers. One pointed out that the accuracy of the census was subject to challenge, since it took place in June, during Ramadan and the rainy season, and while the locations and movements of new arrivals was still somewhat chaotic. He suggested efforts to update the census should be carried out, particularly in the interest of getting a more accurate picture of humanitarian needs.

New opportunities for progress co-exist with continuing challenges, including ambiguous signals from the government. For example, there are reports of renewed discussion of largely condemned plans to relocate Rohingya to an uninhabited island prone to flooding through much of the year. The idea to move Rohingya to Thengar Char, an island in the Bay of Bengal formed just within the last

decade by silt build ups, was first suggested in 2015, and was raised again in January 2017. It was again met by widespread condemnation by the international community, but reportedly continues to be mentioned in government meetings. The government should end such discussions.

The Added Challenge of Trauma

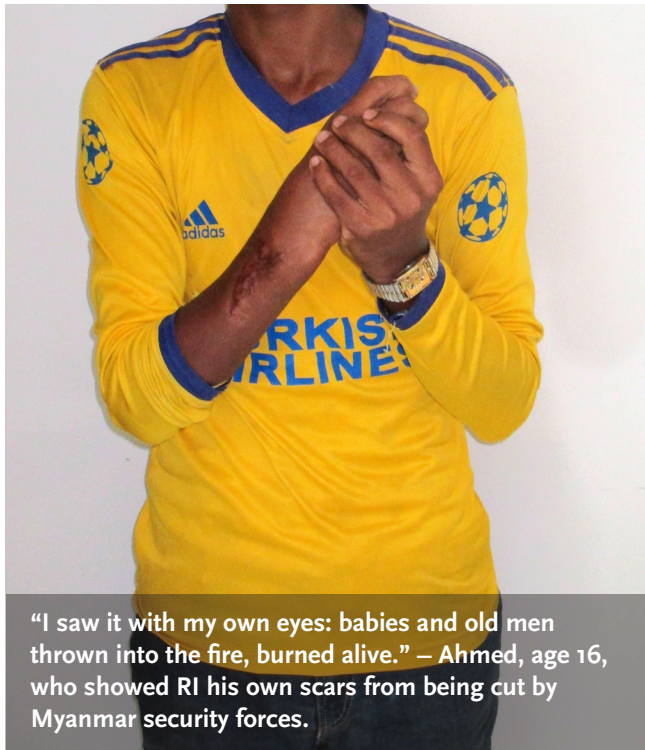
Adding to the fundamental humanitarian challenges has been the adverse impact of the trauma experienced by the Rohingya. The new arrivals brought with them not only horrendous stories but also the physical and mental scars of the abuses they experienced or witnessed in Myanmar. Even months later, several of the refugees with whom RI met had scars or burns from attacks suffered at the hands of security forces in Myanmar. All of them said they had experienced or witnessed abuses directly. Many new arrivals told of burned villages and houses or of large numbers of men arrested, many not to be seen again. Ahmed, a 16-year-old boy from a village in Maungdaw, told RI, "I saw it with my own eyes, babies and old men thrown into the fire, burned alive." Several women said they had witnessed or been victims of rape. Many sought treatment upon arrival in Bangladesh.



Farida's Story

Farida*, a 30-year-old mother from northern Rakhine State, told RI that her village was burned to the ground in the span of three hours. Her grandfather and brothers were killed straightaway by Myanmar security forces. Her aunts and many other women were raped. Her husband was taken away by the military, and she still doesn't know where he is or if he is alive. She lost two of her five children when they were pushed into a burning building. She fled by night across the border into Bangladesh and the Kutupalong makeshift settlement, where she has lived for the past six months. "Day to day I face painful memories. I do lots of praying," she told RI. "Remembering is a kind of disease."

**Name changed for the purpose of protection.*



General evidence of abuses has been corroborated not only by numerous eye witness accounts but also the physical results of the abuses. Health workers in Bangladesh described to RI a spike in treatments for gunshot and stab wounds and, to an even greater extent, for sexual abuse and depression directly related to what happened in Rakhine State. Rohingya in Bangladesh also live agonizingly close to their home, some within sight of the border from their makeshift shelters. As Ahmed, the 16-year-old from Maungdaw said, “Whenever I see the other side of the Naf River, I cry and miss my homeland.” One health worker told RI he has seen several children who witnessed killings and who, as a result of that trauma, often refuse to eat. As Farida*, a 30-year-old mother, (see story box) put it more poignantly, “Remembering is a kind of disease.”

Root Causes

Finally, and perhaps most importantly, the Government of Bangladesh’s engagement with Myanmar has been and will continue to be central to addressing the challenge of Rohingya in Bangladesh. It is the treatment of Rohingya in Myanmar which has been the primary cause of arrival of Rohingya in Bangladesh and return of refugees and

UMN to Myanmar is the ultimate goal of Bangladesh and most of the Rohingya themselves. Stated differently, more pronounced than any feared “pull factors” in Bangladesh are “push factors” from Myanmar. As one humanitarian official told RI, of the new arrivals, “None came to Bangladesh willingly. All left something – property, family, cows.” Or as Nur Mohammed, 27 and living in Balukhali for six months, told RI, “Even if you give us a gold house, we want to go home.”

Myanmar and Bangladesh have a long history of disagreement and contention over displacement and return of Rohingya, including periods in the 1970’s and 1990’s when tens of thousands of Rohingya were repatriated. Following the recent crisis, Myanmar sent a high-level envoy to Bangladesh to discuss the matter in January 2017, and a lower level team of Myanmar officials has reportedly visited some of the Rohingya settlements in Bangladesh. In an interview with the BBC in April 2017, Myanmar’s Aung San Suu Kyi stated that the Rohingya who have fled since October 2016 were welcome to return and would be safe.

Talks between the Governments of Myanmar and Bangladesh should of course be encouraged, but return should only take place in conditions of safety and dignity, with an outcome that ensures the rights of the Rohingya within Myanmar are upheld and protected.

Thus, while recognizing their responsibility to provide refuge to a community that has suffered such brutal treatment at the hands of the authorities in Myanmar, the Government of Bangladesh should continue to engage with Myanmar’s leadership and urge it to address the plight of the Rohingya. This should be done primarily through further high-level talks but also through less direct engagement such as educational and cultural exchanges and regular interaction of officials with similar mandates at the provincial and local levels, especially those likely to be on the frontlines of any further population movements - namely border guards.

Meanwhile, the Government of Bangladesh should continue to work with multilateral partners on issues surrounding the Rohingya, including by allowing access for the UN fact-finding mission to collect statements from Rohingya who fled violence in Myanmar.

Conclusion

The abuses in Myanmar and the humanitarian emergency in Bangladesh since October 2016 exposed significant gaps in the political will and humanitarian structure intended to assist Rohingya in Bangladesh but also unleashed an outpouring of compassion and reflection. The increased international attention should be taken as an opportunity to improve coordination of aid and response preparedness at the same time that it reinforces bilateral and multilateral efforts to address the root causes of the plight of the Rohingya in Myanmar.

While the long term goal for Rohingya in Bangladesh will remain return to their homeland, intermediate steps must be taken to protect them as long as they seek refuge in Bangladesh. A start would be to recognize the Rohingya in Bangladesh as refugees. Under any circumstances, the Government of Bangladesh must find ways to provide status to the Rohingya population and must work with the international community to strengthen assistance to and resilience in displaced communities through a new approach focused on needs and vulnerabilities rather than generalized group distinctions. In the immediate term, the ongoing heightened protection risks through the ongoing monsoon season and under-addressed trafficking threats will require a protracted emergency response even as longer term planning moves forward.

Just two days after RI concluded its mission in Bangladesh, Cyclone Mora hit the country, leaving a path of devastation that exposed the numerous continuing vulnerabilities faced by Rohingya in Bangladesh. At least seven people were killed and high winds and flooding wrought havoc across large portions of Bangladesh and Myanmar. The makeshift Rohingya settlements were particularly susceptible to damage. An estimated 70 to 80 percent of shelters in the makeshift camps were damaged or destroyed and 20 percent of structures, including health centers in the official camps, were destroyed.

Destroyed water and sanitation infrastructure and standing water have created a higher risk of cholera outbreak. Loss of electricity and solar grid lighting increase other protection concerns. Heavy rains also bring the risk of

mud slides, a deadly risk highlighted by the deaths of some 160 Bangladeshis in June in the deadliest mudslide in the country's history.

In addition to the immediate emergency needs created, Cyclone Mora highlighted the broad range of ongoing requirements of the Rohingya population and host communities in Bangladesh. The failure to address these needs will create substantial vulnerabilities that could result in massive loss of life in another crisis. While Bangladesh and other governments must continue their pressure on the government of Myanmar to end the root causes of the Rohingya refugee crisis, they must also maintain and augment efforts to make life bearable for the Rohingya who have fled their country of origin. The presence of 20-year-old official camps, in which a majority of the population has lived their entire lives, should act as a reminder and a cautionary tale. As one humanitarian officer told RI, "Their trauma is not over. They need some hope, need to know they are not forgotten by the international community."

Daniel Sullivan traveled to Bangladesh in May 2017 to assess the humanitarian situation for Rohingya in the country. RI extends special thanks to Tun Khin of the Burma Rohingya Organization UK (BROUK) for his assistance with this mission and to the Rohingya refugees who shared their stories.



Balukhali Makeshift Settlement sprang up after October 2016 and now houses an estimated 15,000 new Rohingya arrivals.

Endnotes

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A young Rohingya boy pumps water in the Kutupalong Makshift Settlement.

REFUGEES INTERNATIONAL

2001 S Street, NW · Suite 700 · Washington, DC 20009

PHONE: [202] 828-0110 · FACSIMILE: [202] 828-0819 · E-MAIL: ri@refintl.org

www.refugeesinternational.org



Refugees International



@RefugeesIntl