



Rights and Justice for Stateless Rohingya in Bangladesh

Práva a spravodlivosť pre Rohingov bez štátnej príslušnosti v Bangladéši

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Abstract:

Rohingya refugees face numerous challenges in their daily lives in the world's most densely populated refugee camps. International refugee laws are not operative due to the domestic laws and the legal aspects of refugee management when Bangladesh is non-signatory to any conventions related to refugees. The article argues that the practice of international laws on refugee conventions is essential for rights and opportunities for refugees to build prospects. The study found inadequate policies and programs on human rights and opportunities for Rohingya in refugee camps hampering their inclusive development long run. Limited service on health, education, and other basic needs potentially affects their livelihoods now and then. This paper calls for international solidarity and implementation of international laws for their rights and opportunities and smooth operations of local and global humanitarian agencies. The time for justice and actions is now for Rohingya to live, prosper, and safely return to Myanmar all while ensuring accountability for justice-related efforts.

Keywords: Rohingya refugee, Governance, Justice, Myanmar, Bangladesh

Abstrakt:

This abstract is intended for Slovak readers and, if submitted in English will be translated into the Slovak language.



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Rohingskí utečenci čelia vo svojom každodennom živote mnohým výzvam v najhustejšie obývaných utečeneckých táboroch na svete. Medzinárodné zákony o utečencoch nie sú účinné z dôvodu domácich zákonov a právnych aspektov riadenia utečencov, keď Bangladéš nie je signatárom akýchkoľvek dohovorov týkajúcich sa utečencov. Článok tvrdí, že uplatňovanie medzinárodných zákonov o utečeneckých dohovoroch je nevyhnutné pre práva a príležitosti pre utečencov vybudovať si perspektívu. Štúdia zistila, že neadekvátne politiky a programy v oblasti ľudských práv a príležitostí pre Rohingov v utečeneckých táboroch dlhodobo bránia ich inkluzívnemu rozvoju. Obmedzené služby v oblasti zdravia, vzdelávania a iných základných potrieb môžu občas ovplyvniť ich živobytie. Tento dokument vyzýva na medzinárodnú solidaritu a implementáciu medzinárodných zákonov pre ich práva a príležitosti a hladké fungovanie miestnych a globálnych humanitárnych agentúr. Teraz je čas na spravodlivosť a činy, aby Rohingovia žili, prosperovali a bezpečne sa vrátili do Mjanmarska, a to všetko pri zabezpečení zodpovednosti za úsilie súvisiace so spravodlivosťou.

Kľúčové slová: *Rohingský utečenec, vláda, spravodlivosť, Mjanmarsko, Bangladéš*

Introduction

The Rohingya refugees are wrestling with a mob of challenges, although several being lessened by well-structured policies and governance, many more aggravated by contemporary global crises. These crises have intensified the vulnerability of these large refugee populations. The Rohingya refugees face distinct and dire challenges stemming from a history of persecution, ethnic cleansing, and genocide [1, 2, 3, 4]. As a result, the lives and safety of the Rohingya become jeopardized, although it is critical to recognize the efforts that have been taken so far, the different individuals and institutions, local and global, to support the Rohingya community to encounter substantial obstacles in their camps.

This situation became complicated when it was compounded by the various legal and international instruments and support systems under different jurisdictions. In the 21st century, a distinctive feature is that refugees are being hosted by countries that aren't accustomed to the obligations outlined in the Refugee Convention, and they often haven't ratified global conventions relating to refugees that bring brought unique challenges.

According to the United Nations High Commissioner for Refugees (UNHCR), a staggering 70 percent of refugees find themselves in countries where they are denied the right to work, 66 percent experience restricted freedom of movement, and 47 percent are unable to access or possess bank accounts [5]. This reality warrants legal and instrumental support which became inevitable for creating a favorable environment within the refugee camps that expatiates their ultimate repatriation or migration for a durable solution.

The political instability, which has been deeply rooted since the British left, ethnic conflict, and irregular regime change without a democratic process paved the lives of mass people into a political turmoil where Rohingya became left behind from everything. They become political parasites and are forced to leave their homelands by the political decisions and actions taken by the ruling power of Myanmar. As a result, these people seek asylum or refugee in their neighboring countries for their safety and security. Besides, their transition is troubled with ambiguity and cruces on a mob of dynamics connected to local, regional, and global politics that ultimately influence the lawful complications of intercontinental migration settings [6]. This epoch of

transition is making their lives even more terrifying and infuriating due to their inability to control their circumstances. Therefore, the existence and execution of international mechanisms are crucial to simplify an easier, faster, and more protected migration of refugee and displaced people, proposing the rights and security they deserve, as well as the potential for organized resettlement.

Besides, refugee crisis management is shifting from a humanitarian model to an enabling model through education, self-reliance, skill, and entrepreneurship development. This process can embolden both the refugees and the host society for further resettlement. However, the process becomes challenging for several reasons when international laws are increasingly challenged as a practice matter for refugee rights, protection, and development because of the countries; policies that deal with the refugees. At the same time, refugees in camps are not allowed “legal protections enshrined in international, regional, and domestic laws” [7] as they are waiting to relocate.

1. Background and Rationale of the Study

Rohingya refugees have started to come into Bangladesh since its independence in 1971. However, the number was less, and the culture of repatriation was active at the end of the 20th century, but the massive flow of Rohingya in 2017 created anxiety for both the refugee and the hosting Bangladesh. Bangladesh is the leading refugee-hosting country where almost all refugees are Rohingya. Their rights and security are also challenged in Bangladesh. Bangladesh is one of those countries that are non-signatory to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol that resulted in a very restricted commitment to refugee assistance which created numerous challenges for humanitarian organizations and refugees. Their present and future support for safety and security for rights and opportunities become partial. As Bangladesh is not a signatory to those refugee-related international laws and protocols, it generates anxiety for refugees; on the other hand, it has preserved its rights to impose arbitrary rules against these vast displaced communities. This problem creates two folded crises in general and yields more suffering in particular. On one side, it doesn't allow inclusive and comprehensive support opportunities for Rohingya; on the other hand, it also restricts and limits international and local humanitarian assistance. The first document in the history of international human rights entitled the opportunity for every human to have the right to look for and enjoy asylum in other countries from persecution [8]. The government of Bangladesh recognized the Rohingya as refugees in 1991 with the cooperation of UNHCR and supported them under the Foreigners Act 1946. The writing attempts to identify the refugee Convention's influencing factors to ensure the rights and protection of refugees for their development in Bangladesh as a nonsignatory. The study anticipates offering a comprehensible and brief glimpse of the refugee management landscape from a non-signatory state. It clarifies the role its institutions have played and the likelihood it holds, the policies that are currently under planning, and what further might be done for more accessible, inexpensive, and healthier upshots for refugees to encounter the existing challenges.

2. Research Methodology

The study is based on secondary sources of data, especially previously published research articles, books, journals, reports, and other online sources including daily and weekly newspapers published in English home and abroad. This method is followed to overview the existing rights and opportunities for the Rohingya who are confined in the largest refugee camps in the world. Besides, it is also beneficial for the author to amalgamate them from the existing literature so far published in various sources after the persecution of the Rohingya, however, this method has limitations that the author acknowledges to conduct this study.

3. Findings on the Rights and Opportunities of Rohingya Refugee

3.1. Government Initiatives for Rohingya

Rohingya refugees have been protected by the government of Bangladesh with domestic laws along with the support of international conventions and covenants related to human rights under the umbrella of the United Nations. Hosting refugees is not only the issue to protect their lives but also to provide the opportunities that enshrined in international law to enable their right to well-being. Widespread facilities have been underpinned by the insufficient legal framework for their status, equity, and opportunities. Although refugee people need education and economic inclusion for a long and durable solution and resettlement in and outside of the host country, it will not constrain or avert voluntary repatriation [9]. Nevertheless, Rohingya are restricted in the world's largest refugee camps deprived of free movement, education, and the right to work which refutes the existing international refugee management approach that aims to enable refugees to self-reliance and self-determination.

3.2. International Organizations for Refugee Crisis Management

International organizations including donor and humanitarian organizations are managing a great deal of refugee support in various parts of the world. However, the support services have become challenging for them owe to the direction of the host country which developed a legal burden for them to provide support services to the refugee people and contradict their operational values to help the refugee. However, Bangladesh ratified a few international legal instruments (i.e., CEDOW, CRPD, CRC partly) but all not (i.e., ICCPR, ICESCR, CAT, ICMW) [10], which are conducive for managing refugees in Bangladesh where the 1951 convention and 1967 protocol are not operational. The regional and global humanitarian organizations are supporting their vulnerability under these laws. They provide support in the form of food, housing, and healthcare, with a special emphasis on education, particularly for more than half who are children. The lack of educational facilities exposes them to certain risks, i.e., child trafficking, early marriage, the abuse of girls, forced labor, and exploitation. The educational support can widen their horizons, delivering them with the knowledge and skills essential to empower themselves and generate more opportunities, thus boosting their confidence for a brighter future. It is needless to say both national and international agencies have to work together to make it happen. This can help reduce their inequality and equip them with a wide range of skills and competencies necessary to navigate the challenges they face in various political

systems on their journey. At the same time, there is a pressing need to give more attention to expanding the limited opportunities for self-reliance among refugees in Bangladesh.

3.3. Successful international Initiatives

The international organizations and the local refugee support institutions and organizations have had a profound impact on the well-being of both the refugee people and the host community concentrating on various socio-economic and environmental challenges while providing essential protection. These instances work as an encouragement for others who are dealing with refugee crises. The intervention of Information and Communication Technology (ICT) in refugee crisis management has effectively connected them with the wider society and enhanced their openness to others. Notwithstanding the fragmented refugee data, it produces dual benefits both for the refugee people to rebuild their own data for the refugee crisis management by the institutions and organizations who are dealing with them to manage the crisis and secure their data for privacy. This, in turn, has drastically heightened the protection of their lives, simplified family reunification, aided biometric registration, and offered identity cards to protect their livelihoods. Furthermore, the data assist global agencies in scrutinizing their well-being and upholding human rights within the camps, especially, when these people are living in a country that is not a part of any recognized refugee conventions. To further ease their lives, these individuals also receive ATM cash cards and organized food supplies in the refugee camps, alongside basic medical services and essential household groceries. The implementation of a Skills Development Framework has been established to ensure cross-sectoral and inter-agency collaboration for ongoing operations. Despite not being a signatory state to the 1951 convention, the government of Bangladesh has allowed local and international NGOs to work on refugee issues, prioritizing their safety and betterment, even in the absence of formal education and significant economic opportunities.

3.4. Education and Educational Crisis for Today and Tomorrow

The Rohingya were flown from their homeland due to the persecution of military Janta that started from decades. The most of Rohingya, especially the women and children are passing traumatic time since persecution which need to be addressed to recover them. There is no formal education offered to the Rohingya refugee children while informal education is provided to them under the UNICEF curriculum which is far behind from the existing education system. This is not good enough for them to emancipation from the curse that they are carrying since the generations. At present, there are 3,329 learning centers in addition to 2,855 community-based learning facilities, along with 67 cross-sectoral shared learning spaces available within the refugee camps. International and local organizations are delivering educational services within the camps and consistently advocating for the introduction of formal education, complete with a structured curriculum, for the refugee children. The Bangladeshi government initially resisted this effort, but eventually, they approved pilot educational programs for adolescents, covering 10,000 students in the refugee camps, in collaboration with UNICEF. This decision came at a critical juncture when 89 percent of adolescents lacked access to education.

The Covid-19 pandemic presents the Rohingya, like other refugees, with a multifaceted crisis encompassing health, socio-economic challenges, and protection

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concerns. This situation places significant pressure on humanitarian agencies and the lives of refugees globally, primarily due to a substantial reduction in global funding for refugee assistance. This reduction in funding has the potential to exacerbate vulnerabilities among refugees, given their lack of access to national social security systems. Travel restrictions and recurring lockdowns further impede aid management, repatriation, and the pursuit of asylum in third countries, which can be devastating for many refugees and their prospects. Rohingya are not aware of and willing to test Covid during the pick as they experienced any such syndrome, but the awareness programs by NGOs and health-providing agencies succeeded in building awareness among them while the infection rate is comparatively lower than in the host community. There is a myth among both the children and parents about the learning centers that these are not effective and cannot change their lives as it is informal when they are fascinated with sending their kids to Quami Madrasa to learn religious education.

3.5. Mental Health of Rohingya Refugees

The mental health of Rohingya children is supported by different programs successfully running to minimize the trauma among the youth and children. This program is conducted with the children leading by themselves through an organized structure to build their leadership capacity to transmit to other family members to recover, whereas additional investment is required with policy and practices. The NGOs are working on education with the Government of Bangladesh (GoB), and UNICEF. As an innovative model in every learning center, different corners are organized for various purposes for the children like music, playing, drawing, and reading, making them happy and out of danger in the street and getting counseling from professionals. There is an urgent need to build new centers for these highly traumatized children as they already passed three years of persecution. The number of skilled physicians is also required to increase health-related facilities as they have many vulnerabilities with communicable and non-communicable diseases.

Discussion and Conclusion

Progress in disaster preparedness, education, and healthcare services, particularly for pregnant women and children, as well as sanitation facilities in refugee camps, has been modest. However, the assurance of a decent and secure life remains elusive, as there are numerous additional measures required to promote their well-being. These measures encompass more robust educational institutions with a well-structured curriculum, specialized medical services, and social safety nets to shield them from potential hardships on the horizon. The limited opportunities for economic integration, compounded by their lack of qualifications for decent employment, continue to hinder their economic prospects within the camps. Only a handful of income-generating opportunities are available to them within their camp environments.

Education and economic inclusion are interconnected and interdependent, while one is imperfect without the other. Rohingya in Bangladesh are in a vicious cycle of deprivation. Bangladesh has sanctioned only informal education and restricted economic opportunities for them, which is piling suffering in the long run among the refugees. As a non-signatory to the 1951 convention and 1967 protocols, Bangladesh

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has stayed out of these offerings to the Rohingya where justice is required to ensure a decent life with dignity and rights even after migration, integration, or repatriation. When Bangladesh is unwilling to integrate these refugees, the refugees must migrate or repatriate for their future which is viable to open a new opportunity. International aid agencies and Bangladesh have to take responsibility for administering the route as refugees do not have the institutional machinery to boost and navigate the path. Only live-saving support is not sufficient for individuals, while rights and opportunity are crucial for human and community development where NGOs can support driving the whole process.

It will not be too late if action can be taken immediately, although the challenges persist in Rohingya refugee camps both for the refugees and aid agencies. Bangladesh is a non-signatory, but a comprehensive policy and programs within the framework can at least develop the situation to broaden the scope of refugee life and security for further improvement. The willingness of Bangladesh is essential to refugee life and prosperity, while new marginalizing policy avoidance and multisectoral coordinated efforts can also support them in their perilous journey. The international community's continuous demand for education and economic inclusion can also foster the situation and expand integration or repatriation.

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