

It's Time to Share Responsibility: The Rohingya Crisis Five Years On



Photo by Mohammadul Hassan bin Roshid, Geutanyoe Malaysia.

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INTRODUCTION

“After more than 40 years of persecution, with no solutions in sight, and no clear political leadership, we are all complicit in the ongoing marginalisation of the Rohingya, and we must all begin to accept, and share, responsibility if we hope that situation to change.”

- Hafsar Tameesuddin

This call to action was emphasised by Hafsar Tameesuddin, Asia Pacific Refugee Rights Network (APRRN) Chair, and former Rohingya refugee displaced from Myanmar, through Malaysia, and now settled in New Zealand.

There are often calls to address root causes with a common plea about how, “the solution lies in Myanmar”.¹ There are repeated calls for States in the Asian Region, and ASEAN in particular, to step up their capacity and role.² The international community is frequently demanded to do more.³ Individual States are also each subject to appeals for responsibility sharing. In fact, these calls are all accurate and appropriate, and yet they are all flawed at the same time. They are all correct in the sense that the solution demands responsibility sharing among each of these stakeholders. They are each incorrect to the extent that they call for responsibility of one stakeholder, but not another, and they are particularly problematic when they demand the responsibility of others without accepting any shared responsibility themselves.

This briefing note takes an empirical rather than a theoretical approach to the ongoing Rohingya refugee crisis, drawing attention to the realities they face on the ground and certain key issues, including: the dearth of solutions and the lack of responsibility-sharing; the deteriorating protection environment over time; the fact of Rohingya vilification, marginalisation, and abuse in nearly every jurisdiction in which they are hosted; and the loss of attention due to new crises and the protracted situation. The marginalisation includes, importantly, the exclusion of the Rohingya themselves from decision-making, leadership, coordination, advocacy, and service delivery. This exclusion exacerbates the situation, as children are denied an education, youth are forced into idle and hopeless situations, refugees are thrown into arbitrary and prolonged detention, and xenophobia is incited to the general detriment of communities. The result is that the situation becomes worse rather than better, with ongoing conflict, onward movement, and protracted displacement. Analysing the reality of the protection environment in each of the countries where large numbers of Rohingya refugees are physically located, this briefing note highlights the inadequacy in each of these contexts, the failure to afford even the bare minimum of human rights to the Rohingya, the repeated cycle of forced displacement, and the normalisation of their denigration and disempowerment.

The containment of the Rohingya in appalling circumstances, and in conditions in which they are denied even the bare minimum of their human rights represents the current status quo, which all

¹ United Nations, [‘Address root causes of the Rohingya refugee crisis, urges UN chief,’](#) 26 August 2020.

² Samina Akhter, [‘Cambodia, Asean need to step up in Rohingya crisis’](#), Bangkok Post, 3 August 2022.

³ Shafi Md Mostofa, [‘Rohingya Refugees Need Sustained Support from International Community,’](#) The Diplomat, 1 June 2022.

States are complicit in sustaining through silence and neglect, failure to share responsibility, or in some cases, even additional infliction of abuse. The situation described in this briefing note is not new, nor is it only five years old. The situation has been decades in the making. In every context explored in this paper, Rohingya continue to be marginalised through a lack of legal documentation, including both citizenship in Myanmar and legal documentation as refugees across the region. They also continue to face a lack of access to basic services such as healthcare and education and are not permitted to work legally. In such circumstances, it is neither surprising nor blameworthy that the Rohingya seek to move away from the abuses, daily insecurity, and enforced lack of opportunity that they are forced to endure. Yet, without access to legal migration channels, boats carrying Rohingya men, women and children are regularly pushed back to sea, while a lack of legal documentation puts them at constant risk of arrest and detention wherever they are.

As dire and protracted as the situation is, and as frustrating as it is that no solutions are in sight, this briefing note, nevertheless, calls for a “whole-of-society approach” to the Rohingya refugee crisis, with all possible durable solutions on the table: voluntary return and repatriation in safety and dignity, local integration, resettlement, and additional migration pathways; and seeks to catalyse a stronger call for protection and integration everywhere that the Rohingya in fact find themselves.⁴ For its part, APRRN will remain committed to protection of Rohingya refugees and will continue to call for their recognition as refugees, grants of asylum, assurance of their human and refugee rights, for improved State systems that include collaborative and well-capacitated referral networks of governmental and non-governmental service providers, and for the meaningful participation and leadership of the Rohingya themselves. APRRN will make itself available to any and all stakeholders, and importantly States, seeking to develop such systems, so that, in the long-term, we contribute to improved protection outcomes for refugees generally, and for stateless Rohingya refugees in particular.

International attention wanes, and the Rohingya refugee crisis has been progressively relegated to a back stage, shifting to the COVID pandemic, then to the military coup, and more recently to the Russian invasion of Ukraine. Consequently, funding resources to address Rohingya’s humanitarian needs have also dwindled. The two humanitarian response plans for 2022 in Bangladesh and Myanmar are grossly underfunded – on 15 August, the Joint Response Plan in Bangladesh (JRP) had only received 24.8% donors’ commitments and the Humanitarian Response Plan (HRP) for Myanmar, including Rakhine State, was only 24.1% funded as of 5 August 2022⁵.

This briefing paper provides an overview of the current situation and protection needs of the Rohingya with a discussion of the conditions in Myanmar and in countries in the region where they have taken refuge. It will then identify key issues of concern that collective advocacy should target. Finally, it will list a number of recommendations to improve protection for the Rohingya in view of the lack of any realistic solution to their long-standing persecution in Myanmar, and stigmatization globally, regionally, nationally in countries of refuge.

⁴ Brian Barbour, Lilianne Fan, and Chris Lewa, A Whole-of-Society Approach to the Rohingya Refugee Crisis: Strengthening Local Protection Capacity in South and South-East Asia, 2021, 22 Asia-Pacific Journal on Human Rights and the Law 28-48

⁵ UN OCHA, ‘Financial Tracking Services,’ Global Funding Overview (by country). Available at <https://fts.unocha.org/global-funding/overview/2022>

BACKGROUND

On this fateful morning of 25 August 2017, the greatest tragedy in Rohingya's history began to unfold in northern Rakhine State of Myanmar – ironically, just hours after the Advisory Commission on Rakhine State, headed by the late Kofi Annan, released its report, *“Towards a peaceful, fair and prosperous future for the people of Rakhine”*⁶ in Yangon.

The Myanmar military responded with overwhelming brutality to coordinated attacks by rag-tag militants from the Arakan Rohingya Salvation Army (ARSA) on some 30 police posts, mostly wielding sticks and knives. Over a period of several weeks, soldiers spread terror, gang raping hundreds of Rohingya women, killing thousands of Rohingya villagers, including children, and setting on fire entirely or partially 354 Rohingya villages⁷. By early 2018, the military bulldozed 55 emptied villages and constructed new Army camps and villages for other non-Muslim minorities, erasing all traces of the Rohingya existence⁸.

These atrocities triggered a mass exodus, driving out over 740,000 Rohingya to Bangladesh, one of the world's largest and fastest refugee crises in recent times. At the height of the crisis, thousands of traumatised, exhausted, hungry and sick Rohingya arrived in Bangladesh daily. Most had trekked for days through jungles and mountains, or braved dangerous sea crossings across the Naf River on small boats and rafts. Nearly 200 had already drowned by the end of October 2017.⁹

They joined another 300,000 Rohingya refugees who had fled to Bangladesh earlier. In 1979, and again in 1991-1992, Bangladesh had already experienced two mass outflows of about 250,000 Rohingya refugees, who were eventually repatriated under duress. The Rohingya have been caught in a repeated cycle of forced displacement for decades.

Five years on, the Rohingya are more than ever in need of protection, everywhere. There are no easy solutions to their predicament. Ultimately, root causes have to be addressed in Myanmar. No progress has been made over the past five years; on the contrary, conditions for Rohingya still residing in Rakhine State has worsened, affected by armed conflict between the Arakan Army and the Tatmadaw since 2018.

⁶ Myanmar, Advisory Commission on Rakhine State, [‘Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine: Final Report of the Advisory Commission on Rakhine State’](#), August 2017.

The Advisory Commission on Rakhine State was established upon Daw Aung Suu Kyi's request, shortly after she assumed power as State Counsellor following the National League for Democracy's victory in the 2015 elections. It was mandated to analyse the complex challenges facing Rakhine State and to propose recommendations to address them. It was a domestic initiative and a national entity with most of its members from Myanmar, and had started its work in September 2016.

⁷ Human Rights Watch, [‘Burma: 40 Rohingya Villages Burned Since October,’](#) 17 December 2017.

⁸ Human Rights Watch, [‘Burma: Scores of Rohingya Villages Bulldozed,’](#) 23 February 2018.

⁹ Reuters, [‘A Deadly Crossing,’](#) 1 November 2017.

The Military Coup and its Aftermath

Nothing can be expected from the Army Chief Min Aung Hlaing, the topmost architect of the 2017 violence, who took charge after overthrowing the National League for Democracy (NLD) and staging a military coup on 1st February 2021. The junta established itself as the State Administration Council (SAC) with Min Aung Hlaing as Prime Minister. By 16 April, a group of NLD lawmakers elected in November 2020 formed a shadow government, the National Unity Government (NUG), seeking international recognition as the only legitimate government in Myanmar. The junta's takeover was met with strong nationwide popular resistance, but peaceful protesters and strikers were attacked with brutal force, and Myanmar has now spiralled into widespread violence. As of 31 July 2022, 866,400 people have been newly displaced across the country since the military coup¹⁰ - adding to 346,600 already in protracted displacement before 1 February 2021, which include 150,000 Rohingya in Rakhine State.

¹⁰ UN OCHA, ['Myanmar Humanitarian Update No.20'](#) 31 July 2022.

THE ROHINGYA IN MYANMAR

In the aftermath of the mass exodus of some 742,000 to Bangladesh¹¹, it is estimated that today around 600,000 Rohingya still reside in Rakhine State, including over 150,000 confined to displacement camps for the past ten years¹².

Decades of Persecution

For decades, the Rohingya have been facing long-standing persecution, denial of basic human rights, institutionalised discrimination and targeted violence in Myanmar on the basis of their ethnic and religious identity. Successive governments have referred to them as ‘Bengali’ portraying them as ‘illegal immigrants from Bangladesh’. In 1982, a new Citizenship Law made it difficult for unrecognised ethnic groups to access citizenship, and most Rohingya were subsequently issued with temporary registration cards (white cards), instead of national ID cards, turning them into the world’s largest stateless population. From the mid-1990s, discriminatory policies were progressively introduced through local orders imposing restriction of movement, official marriage permission, a limit in the number of children a couple may have and denial of birth certificates. They were also subject to arbitrary taxes and excessive forced labour, greatly affecting their livelihood. As non-citizens they were barred from employment in the civil service, with poor access to health care and education. And, in addition to state-sponsored persecution, the Rohingya have endured hostility from the Rakhine Buddhist population who perceive them as an existential threat, as well as vilification from the general public in Myanmar.

During the Thein Sein government (2010 - 2015), the Rohingya were further disenfranchised as they were excluded from the 2014 national population census, and their temporary ID cards were cancelled, precluding them from participating in the 2015 elections. Immigration authorities started implementing a new scheme compelling Rohingya to apply for a National Verification Card (NVC) as a prerequisite to access citizenship, but most Rohingya rejected the NVC as it further marginalised them. Moreover, the very few who accepted the NVC, and subsequently applied for citizenship, either did not receive any response or were only granted naturalised citizenship, which provides lesser rights and can be revoked any time.

In the five years leading up to the 2017 mass atrocities, the Rohingya had already been afflicted by two severe episodes of violence. In 2012, two waves of intercommunal violence targeting the Rohingya, and tacitly supported by the military, broke out in Sittwe and Central Rakhine as Rakhine nationalists burnt down Rohingya villages and wards. As a result, State authorities forcibly moved about 120,000 Rohingya, ostensibly for their protection, to segregated Internally Displaced Persons (IDP) camps, where they still remain confined today. Then, in October 2016, the Myanmar military spearheaded ruthless clearance operations in Maungdaw in retaliation to a first attack by ARSA on three police posts, in which soldiers committed rape, arson, killings and torture, prompting an

¹¹ UNHCR, ‘Rohingya Emergency’ Figures as of 31 July 2019. Available at <https://www.unhcr.org/rohingya-emergency.html>

¹² UN OCHA, ‘[Myanmar Humanitarian Update No.19](#)’, 28 June 2022.

estimated 70,000 Rohingya to flee to Bangladesh¹³ in October and November 2016. This was a rehearsal of what was to come on a much larger scale in August 2017.

Developments After the 2017 Exodus

From November 2018, and for the next two years, armed conflict erupted between the Arakan Army and the Tatmadaw in Central and North Rakhine, resulting in further displacement for both communities, as well as death and injuries caused by military air raids and exposure to landmines. Although not party to the conflict, the Rohingya were trapped in-between.

Shortly after the national elections in November 2020, won by the NLD, an informal ceasefire was negotiated between the warring parties in Rakhine state, which put a temporary halt to armed clashes. The truce provided opportunities to the military to deploy its forces elsewhere in Myanmar to launch the coup and crackdown on popular resistance; and to the Arakan Army, to extend its control over large swaths of Rakhine State and establish its governance system and justice mechanism. The Arakan Army has its own nationalist agenda for achieving self-determination in Rakhine State. They did not join the anti-coup uprising spreading in other regions of Myanmar, nor have they so far considered actively cooperating with the NUG in the struggle against the same enemy, the Myanmar military.

As a positive development, the Arakan Army and its political wing have changed their rhetoric with regard to the Rohingya and promote inclusiveness¹⁴. They have included them in their administration system by forming Village Committees. In some areas they have also taken initiatives designed to improve social cohesion between the two communities and have succeeded in reducing tensions to some extent, particularly in areas of Central Rakhine.

In practice however, the dual governance system has impacted the Rohingya negatively. Caught between a rock and a hard place between the Myanmar military and the Arakan Army, they face abuses and taxations from both sides forced to report on Arakan Army activities and movements to the Myanmar military and vice versa. Since April 2022, tensions have been mounting between the two rival forces with several armed clashes breaking out near the Bangladesh border in July and August. So far, they have not escalated into full-fledged war, but the Rohingya are fearful that open conflict could resume at any time.

As for the 150,000 Rohingya IDPs confined to segregated camps since 2012, they continue to languish in squalid conditions in Central Rakhine, mostly dependent on international aid for the past ten years. In December 2019, the Myanmar Government unveiled its “National Strategy on resettlement of IDPs and closure of IDP camps”. This plan contains serious shortcomings: it prioritises closing IDP camps over durable solutions, ambiguously refers to resettlement - not return to area of origin, and it does not specify the need for consultations with affected displaced communities, nor voluntariness. A few IDP camps were declared as closed but the closure process only involved the upgrading of shelters within existing IDP camps or on adjacent sites. The displaced

¹³ Vivian Tan (UNHCR Malaysia), [‘UNHCR seeks equal treatment for all Rohingya in Bangladesh.’](#) 20 March 2017.

¹⁴ Kyaw Hsan Hlaing, [‘Arakan Army Seeks to Build ‘Inclusive’ Administration in Rakhine State.’](#) The Diplomat, 31 August 2021.

IDPs are not consulted, nor are they allowed freedom of movement to access jobs, schools and other services. Such ‘camp reclassification’ would entrench segregation. In Kyauk Phyu Township, most Rohingya in the Kyauk Ta Lone IDP camp refused to move to the designated relocation site, which is flood-prone, away from their area of origin and with few livelihood opportunities. Durable solutions for and the voluntary return of IDPs in Rakhine should be a precondition before any repatriation from Bangladesh takes place.

Humanitarian access by the UN, international and national NGOs, whether to villages and IDP camps, has been irregular and unpredictable, hampered by burdensome bureaucracy. Since the coup, aid agencies are facing more obstacles to obtain visas and travel authorisations, project approvals, and to access funding due to new banking regulations on foreign currency transactions.

In the past five years, there have been no structural changes that would benefit the Rohingya in Rakhine State. Citizenship and other root causes have not been addressed, and local orders have not been abolished. Restrictions on movement have in fact tightened as new road checkpoints continue to be set up. Since the coup, the junta have reinstated prison sentences of up to five years to Rohingya for unauthorised travel outside their township of residence. To date, as many as 2,000 Rohingya have already been arrested since the coup, while on their way to Yangon in their attempts to be smuggled to Malaysia overland.

Positive Developments

As a post-coup progressive development, a change of attitudes has emerged from the opposition groups resisting the military takeover. Groups of young activists have expressed regret to the Rohingya for having been brainwashed and racially prejudiced toward them. Anti-coup protesters have also posted messages of solidarity with Rohingya refugees on social media, who have reciprocated with messages of encouragement.

The NUG, as a parallel government, has also taken positive steps, unheard of in the past. A NUG cabinet minister publicly apologised for ignoring the Rohingya’s suffering and held meetings with Rohingya activists¹⁵. On 3 June 2021, the NUG issued a policy statement¹⁶ recognising the Rohingya are entitled to Myanmar’s citizenship committing to enact a new Citizenship Law guaranteeing citizenship based “on birth in Myanmar or birth anywhere as a child of Myanmar parents”. The NUG also pledged to abolish the NVC process, to implement the 88 recommendations of the Advisory Commission on Rakhine State and to honour the bilateral agreement with Bangladesh and finally, to work together with all stakeholders for the repatriation of all Rohingya when conditions permit.

The NUG also appointed a Rohingya adviser to their Ministry of Human Rights, and a Rohingya woman activist has been invited to join the National Unity Consultative Council (NUCC), formed as a broad-based platform for dialogue and consultations among democratic forces. While she was

¹⁵ July Myo, [‘Junta Brutality Gives Myanmar’s Majority a Taste of Ethnic Minorities’ Plight.’](#) Radio Free Asia, 23 April 2021.

¹⁶ Republic of the Union of Myanmar, National Unity Government, [Policy Position on the Rohingya in Rakhine State](#), 3 June 2021.

included for gender representation, based on her work with a women's organization rather than for ethnic representation of the Rohingya community, the inclusion is nevertheless significant.

The NUG overture to the Rohingya is an important breakthrough. But not everyone in Myanmar has welcomed it, including some among NUG's own supporters. Rakhine activists have also complained that the NUG had not consulted them when drafting their policy statement; others have squarely rejected it. And some Rohingya have questioned whether this policy is a genuine commitment to non-discrimination and inclusion, or a campaign tool to attain international recognition, or they remain doubtful as to whether this policy could ever be implemented in practice.¹⁷

So far, Rakhine State has not been embroiled in the nationwide post-coup turmoil as a result of the informal ceasefire brokered between the Arakan Army and the Myanmar military in November 2020. Nevertheless, the security situation is extremely fragile and, as tensions have gradually been growing between the two sides, a resumption of armed conflict is looming, and likely inevitable. For the Rohingya, prospects for repatriation to their homeland with basic rights and security, and with their grievances and the root causes of discrimination being genuinely addressed, remain remote.

¹⁷ Frontier Myanmar, [‘The NUG’s Rohingya policy: ‘Campaign statement’ or genuine reform?’](#) 15 July 2021.

THE ROHINGYA IN COUNTRIES OF REFUGE

Rohingya are also marginalised and in need of protection as refugees in countries of refuge outside of Myanmar. The imposition of statelessness in Myanmar and related human rights abuses has deprived generations of Rohingya education, and squeezed them economically, pushing many into dire poverty and into irregular migration.

This legacy has stigmatised them. Political rhetoric by State institutions and public discourse by local communities in countries of refuge, has at times bent towards bigotry, framing the Rohingya as a threat to national security or as a burden, rather than as victims of persecution in need of, and owed, protection.

Surges in anti-Rohingya xenophobia and hatred has worsened since the Covid-19 pandemic. In media and social media they are increasingly demonised and portrayed as associated with transnational crimes such as terrorism and human trafficking. Irregular maritime arrivals and their connection to smuggling and trafficking syndicates, and risks of radicalisation among needy and desperate refugees have been of particular concern to governments in the region, threats that would be minimised if the same governments provide legal status, education for children and work opportunities to the Rohingya refugees in their country.

Government rhetoric often still speaks of the presence of refugees as temporary, until they eventually return to their homeland or are resettled in a third country, attempting to remove 'local integration' from the negotiating table. Yet, the Rohingya remain stateless in Myanmar, with many arbitrarily confined to IDP camps, and with the root causes that led to the 2017 mass exodus unaddressed. Conditions are, therefore, not conducive to safe, voluntary, dignified, and sustainable repatriation and integration. Nor are those conditions currently being developed. Furthermore, resettlement may only be available to very few. No solution can legitimately be taken off of the table, but regardless of any long-term solution, respecting and protecting their rights and providing them with adequate services and opportunities will help the Rohingya to build a future, and to contribute positively to the communities among whom they in fact live.

States lack effective, efficient, fair and sustainable systems for the protection of displaced persons, and generally address the needs of refugees in an ad hoc manner or leave them unaddressed and neglected. States described below have all accepted legal obligations under international and domestic law that require them to respect and protect the human rights of refugees on their territory. In practice they have laws, policies, practices, or systems that are used, or can be used, to meet protection needs. States also recognise the mandate of the UNHCR and permit them to register and assist refugees in their territory. Moreover, there is ongoing progress among local civil society actors who are developing local protection capacity, and refugees themselves have always been the first and last responder, with the greatest capacity and willingness to address their own needs.

The failure of States in South and South-East Asia to respond in a timely and appropriate manner to refugees seeking refuge on their territory is often explained by reference to the absence or inadequacy of refugee protection law and policy, and in particular the fact that none of the States described below have acceded to the Refugee Convention or enact specific national legislation.

Indeed, legal frameworks and effective institutions and systems are critical to effective protection. But States in the region do have the capacity should they choose to engage it; and there are existing laws, policies, practices and systems, including those coordinated among local non-governmental actors that can be better harnessed to improve the situation for refugees, communities, and governments alike. The primary barrier is the lack of political will, but that should not prevent mobilization of non-governmental actors to fill the gaps left by the inaction of States in the region.¹⁸ The starting point must be understanding the local context, including the needs of stateless Rohingya refugees themselves in that context, and of host communities, and then determining how those needs can be met collaboratively among governmental and non-governmental stakeholders.

Bangladesh

For the 936,733 Rohingya refugees¹⁹ taking shelter in Bangladesh, living conditions and protection remain extremely precarious due to overcrowding, lack of safety against gang violence and natural disasters, and further exacerbated by new restrictions on movements imposed by Bangladesh authorities and by rising tensions with host communities.

Bangladesh is to be commended for its important role in hosting such a massive number of refugees, including during the two previous exoduses - in 1979 and 1991/92. Bangladesh refers to the Rohingya as 'Forcible Displaced Myanmar Nationals' (FDMN) not as 'refugees', as opposed to those Rohingya who fled in 1991/92. To call refugees something else does not change the fact that they are refugees, nor does it change their rights, or the legal obligations of States and other actors, but the concern is not only semantic. As the situation has become protracted, Bangladesh's response has increasingly focused on securitisation. Barbed-wire fences were constructed in and around the camps, additional road checkpoints were set up, and regular arrests if outside camps, have further limited refugees' mobility. They are also prohibited to engage in livelihood activities, including in the camps, as thousands of refugee shops were destroyed earlier this year.²⁰

Heightened insecurity has plagued the camps. Rival gangs involved in killings, abductions for ransom, rape, robberies, or in drug and human trafficking, are reportedly roaming around the camps at night, harassing and assaulting refugees. Responses by security forces have been inadequate, concentrated on containing refugees with fences and roadblocks, and, when arrested, culprits are rarely prosecuted. On 29 September 2021, Mohibullah, a prominent and moderate refugee leader and human rights activist, was coldly assassinated by members of ARSA²¹. Women and children are particularly at risk of gender-based violence and trafficking.

Refugees are exposed to natural disasters, particularly floods and landslides during the monsoon season, sometimes cyclones, and fires during the hot and dry season. In 2021 alone, 150 fires were

¹⁸ Brian Barbour, Lilliane Fan, and Chris Lewa, A Whole-of-Society Approach to the Rohingya Refugee Crisis: Strengthening Local Protection Capacity in South and South-East Asia, 2021, 22 Asia-Pacific Journal on Human Rights and the Law 28-48.

¹⁹ UNHCR – population data as of 31 July 2022: <https://data.unhcr.org/en/documents/download/94807>

²⁰ Human Rights Watch, 'Bangladesh: New Restrictions on Rohingya Camps,' 4 April 2022.

²¹ Bd24news.com, 'Police say ARSA killed Rohingya leader Mohib Ullah to stop refugee repatriation,' 14 June 2022.

reported, the largest one killing 15 refugees and burning down 10,000 shelters²². In July 2021, monsoon rains and strong winds caused flash floods and landslides which killed six and destroyed 2,500 shelters²³.

About half of the refugees are children. According to UNICEF, the refugee population include 400,000 school aged children and adolescents, who have remained without any formal education. In 2020, Bangladesh approved the use of the Myanmar curriculum, but learning centres were closed for nearly two years during the pandemic²⁴. A Myanmar Curriculum pilot project was finally launched by UNICEF in November 2021 and has enrolled 10,000 children by May 2022²⁵. Recruiting and training teachers to provide quality education in Myanmar language will prove a challenge. Concurrently, Bangladesh forcibly closed and dismantled about 30 refugee community-led schools²⁶ depriving Rohingya children of alternative education.

The mass influx of Rohingya refugees has adversely affected host communities due to environmental degradation, pressure on public services, infrastructures, access to land, as well as inflation and competition for livelihoods. Initial solidarity has gradually given way to anti-refugee sentiments as the situation has become protracted, and as resources have declined. As of 15 August 2022, the Joint Response Plan (JRP) for 2022 was only 24.8% funded²⁷ and humanitarian actors are concerned about donors' fatigue. Tensions with host community is also observed in Bangladesh's media reframing; from being depicted as Muslim brethren victims of the Myanmar military in 2017, Rohingya refugees are increasingly coined as an economic burden, a social security threat, or as victims of international inertia.

Relocation to Bhasan Char Island

In December 2020, the Bangladesh authorities started relocating large groups from the refugee camps in Cox's Bazar District to Bhasan Char, a remote silt island in the Bay of Bengal about 60 km from the mainland. Infrastructures to ultimately accommodate 100,000 refugees were built by the Bangladesh Navy. By May 2022, some 28,000 Rohingya have already been transferred²⁸. Bangladesh's claim that relocation was voluntary is questionable, as many refugees signed up without informed consent, lured by promises of enhanced services and means of livelihood²⁹, which have not materialised. While better shelters and open space were available, they found no education facilities, poor health care, food shortages, limited livelihood opportunities, and no

²² Kristy Siegfried (UNHCR), '[Rohingya refugees lead response to fire threat in Bangladesh camps](#),' 10 June 2022.

²³ UNHCR, '[Deadly floods and landslides hit Rohingya camps in Bangladesh](#),' 28 July 2021.

²⁴ Kristy Siegfried (UNHCR), '[Rohingya and Bangladeshi teachers pair up to tackle education hurdles in camps](#),' 20 July 2022.

²⁵ UNICEF, '[Education milestone for Rohingya refugee children as Myanmar curriculum pilot reaches first 10,000 children](#),' 1 May 2022.

²⁶ Amnesty International, '[Bangladesh: Restore and strengthen capacity of community-led schools in Rohingya camps](#),' 28 April 2022.

²⁷ UN OCHA, 'Financial Tracking Service,' Bangladesh Country Summary. Available at <https://fts.unocha.org/countries/19/summary/2022>

²⁸ UNHCR, '[UNHCR's Grandi urges redoubled support for Rohingya refugees, host communities in Bangladesh](#),' 25 May 2022.

²⁹ Human Rights Watch, '[An Island Jail in the Middle of the Sea](#),' 7 June 2021.

freedom of movement. As a result, hundreds have paid smugglers to return to the mainland. On 14 August 2021, a fishing boat carrying refugees attempting to return clandestinely to the refugee camps capsized, leaving eleven dead and 16 missing³⁰.

A UN delegation was invited to visit the island in March 2021 after multiple requests to the Bangladesh Government. A Memorandum of Understanding was signed with the UNHCR on 9 October 2021, permitting UN agencies to deliver assistance and services. A subsequent food security assessment by the World Food Program (WFP) released in July 2022 revealed that 92% were highly vulnerable and completely dependent on humanitarian assistance, and only 35% of households were consuming adequate nutritious food³¹. Although the JRP budgeted US\$100 million for assistance on Bhasan Char, only 2% was secured by May 2022 as donors were reluctant to support humanitarian programmes amid reports of coercion. On 4 August 2022, the United States and Canada finally decided to pledge financial assistance allowing for much needed scale-up³².

³⁰ Human Rights Watch, [‘Bangladesh: Fleeing Rohingya Die at Sea,’](#) 24 August 2021.

³¹ World Food Program, [‘Bhasan Char Rapid Food Security Assessment,’](#) July 2022.

³² BD24news.com, [‘US and Canada agree to help Bangladesh manage Rohingya in Bhasan Char,’](#) 4 August 2022

Malaysia

For decades, Rohingya have sought refuge in Malaysia and they have for years comprised the largest refugee population in the country. In July 2022, out of 184,980 refugees and asylum seekers registered with UNHCR, 105,250 were Rohingya³³. In addition to this, there is an unknown number of unregistered Rohingya. Rohingya refugees are present in every state in Peninsular Malaysia, and mostly reside in urban or peri-urban areas.

Malaysia has been the most outspoken country in the region condemning the systematic violence against the Rohingya and calling for root causes of the crisis to be addressed in Myanmar, including citizenship, and has taken the strongest stand within ASEAN against the Myanmar military since the 1 February 2021 coup. However, Rohingya refugees are still not formally protected in Malaysia, and the country lacks a legal framework that recognises refugees and grants them rights. Thus, Rohingya, like other refugees in Malaysia, continue to lack legal documentation, do not have the right to formal employment, and cannot access education through the national education system.

While Malaysia has periodically considered ways of granting more rights and protection to Rohingya refugees, such as a 2017 pilot project on Rohingya work rights in the plantations and manufacturing sector³⁴, these have yet to translate effectively into broader policies. Without formal protections, Rohingya continue to work informally in low-skilled jobs such as cleaners, grass cutters, construction workers, and in wholesale markets, but are often subjected to arrest and detention for lack of documentation and for working illegally.

Rohingya children are also at a high risk of growing up without access to structured education. While there are a number of alternative learning centres run by NGOs, these do not meet the needs of all Rohingya children in the country and the majority of Rohingya children who are receiving some form of education attend learning centres run by the refugee community, where the quality of teaching is often poor, and funding is not sustainable. Refugees registered with UNHCR can access government healthcare facilities but have to pay half the foreigners' rate, which many, surviving hand to mouth, cannot afford.

Covid-19 pandemic restrictions had a profound impact on the economic survival of refugee communities, many of whom lost employment and daily income. To curb the spread of Covid-19, Malaysia declared a Movement Control Order (MCO) and took strict measures to prevent the entry of foreigners into the country. In the early months following the announcement of the MCO, Malaysian maritime enforcement agencies pushed back several Rohingya boats to the high seas. While some ultimately landed in Indonesia, a few came ashore in Malaysia. Although initially threatened to be sent back to Bangladesh, hundreds of Rohingya were detained from these boats and continue to be held in overcrowded immigration detention centres to date. The arrival of these boats were met by an orchestrated xenophobic anti-Rohingya campaign that suddenly went viral online. Hate speech against Rohingya refugees spread online, and even translated in physical

³³ UNHCR Malaysia, 'UNHCR Malaysia Figures at a Glance,' (July 2022), Available at: <https://www.unhcr.org/figures-at-a-glance-in-malaysia.html>

³⁴ Beh Lih Yi, '[Malaysia in pilot scheme to allow Rohingya refugees to work](#),' Reuters, 24 November 2016.

harassment, as refugees were suddenly expelled from their accommodation, and a few were attacked in the streets.

Detention of refugees and asylum seekers is a major issue of concern in Malaysia. Since August 2019, UNHCR has been denied access to immigration detention centres, therefore unable to secure the release of those in need of international protection. On 20 April 2022, 528 Rohingya detainees broke out of a temporary immigration detention centre in Kedah following the death of an inmate. While fleeing, six of them, including several children, died in road accidents as they attempted to cross a highway. The authorities re-arrested many of them in the following days. The Director-General of Immigration revealed in the aftermath of the breakout that there were around 2,200 Rohingya detainees held across the country since August 2019³⁵. Human rights lawyers and refugee advocacy groups have questioned the legal basis for prolonged detention, especially given that Rohingya cannot be deported to Myanmar. In the meantime, in February 2022 the Malaysian government officially launched an Alternatives to Detention (ATD) for unaccompanied and separated children pilot project³⁶, but it excludes Rohingya children. The impact of prolonged detention is detrimental to the physical and mental health of detainees and makes families of detainees much more vulnerable, creating a significant number of female-headed households, with many Rohingya women struggling to find means of survival and protection.

Thailand

Thailand has primarily been a transit country for Rohingya heading to Malaysia by boat or overland. Small numbers, estimated between 2 to 5,000, settled in different provinces: some arrived decades ago and obtained renewable temporary documentation, whereas more recent arrivals remain undocumented, essentially because they do not have access to UNHCR refugee status determination. Denial of access to any legal status puts them at high risk of arrest, detention and exploitation.

Since 2006, Rohingya have regularly arrived on Thai shores in rickety boats escaping from Rakhine State or Bangladesh camps to find better conditions or seeking family reunification in Malaysia. After reaching Thailand on boats, smugglers acting in collusion with Thai officials, transported them by road and on foot to jungle camps at the Thai-Malaysian border, where they were detained by smugglers and traffickers and abused until their relatives pay a ransom fee before being taken into Malaysia.

As of 2008, the Thai Government tasked the Internal Security Operational Command (ISOC), operating under the Prime Minister's Office, to handle the Rohingya issue.

ISOC has a long-standing three-pronged action plan³⁷:

- 1) The Thai Navy will intercept Rohingya boats approaching Thai territorial waters;
- 2) Upon interception, these boats will be provided with fuel, food, and water to sail onwards to another country, or they will be escorted out of Thai waters;

³⁵ Samadi Ahmad, '[60 tahanan JIM masih diburu,](#)' Harian Metro, 9 May 2022.

³⁶ International Detention Coalition, '[IDC & ECDN Welcomes Launch of ATD Pilot in Malaysia,](#)' 15 March 2022.

³⁷ Sunai Phasuk, '[Thailand Needs to Stop Inhumane Navy 'Push-Backs,](#)' The Bangkok Post, 22 September 2017.

3) Any boat that manages to land on Thai soil will be seized, passengers arrested, and held in indefinite detention.

The Thai Navy have engaged in push backs, including of vessels in distress. In early 2009, passengers from Rohingya boats intercepted at sea were gathered on a remote island before being forced onto engineless barges, towed out for two days to the high seas, and finally left adrift. As a result, more than 300 Rohingya perished at sea abandoned on drifting boats. Again in 2015, as Thailand adopted new anti-trafficking measures, smugglers were unable to organise disembarkation and abandoned the boats at sea. The Thai Navy provided some food and water, but escorted them out of Thai waters, even with a broken engine and dying passengers aboard.

Rohingya captured on Thai shores, in smugglers' vehicles or in safe houses, are routinely apprehended and transferred to police stations and immigration detention centres where they are held indefinitely. Women and children, often screened as victims of trafficking, are placed but confined in government-run shelters without freedom of movement³⁸. Despite Thailand having signed an MOU on Alternatives to Detention, under which children in immigration detention would be moved to shelters, UNHCR reported that, at the end of 2020, 12 Rohingya children were still held in police stations for over a year³⁹. In June 2022, Human Rights Watch (HRW) reported that more than 470 Rohingya were kept in indefinite immigration detention and shelters across Thailand⁴⁰.

The Thai Cabinet approved a regulation to establish a National Screening Mechanism (NSM) in December 2019, which entered into effect on 22 June 2020, to manage 'aliens' who cannot return to their homeland due to persecution. A Committee was formed to determine criteria of eligibility and procedures to operationalise it. The mechanism has yet to be implemented, and uncertainty remains as to whether the Rohingya would be excluded, in view of Thailand's practice of denying access to registration to certain ethnicities on the ground of national security issues. Moreover, Thailand's response to the Myanmar crisis raises serious concerns as thousands of Karen fleeing fighting were summarily returned across the border.

Indonesia

About 800 Rohingya refugees are residing in Indonesia in July 2022⁴¹. However, Indonesia has become an unintended place of disembarkation for Rohingya boatloads heading to Malaysia but pushed back by other countries in the region (Malaysia, India and Thailand). Acehese fishermen have for many years played a crucial role in rescuing Rohingya in distress at sea, using their traditional customary law (Hukum Adat Laot) as a legal and moral foundation for such rescues even when the Indonesian security forces have tried to push boats back.

³⁸ Save the Children, '[No Safe Haven: The Plight of Rohingya Children Across Asia](#),' June 2021.

³⁹ UNHCR, 'UNHCR Submission for the Universal Periodic Review – Thailand – UPR 39th Session (2021)', February 2021, Available at <https://www.refworld.org/docid/61951b547.html>

⁴⁰ Human Rights Watch, '[Thailand: Allow Newly Arrived Rohingya Access to Asylum](#),' 7 June 2022.

⁴¹ UNHCR Indonesia, 'Monthly Statistical Report, July 2022,'

While not a party to the 1951 Refugee Convention, following the maritime crisis in 2015, Indonesia issued a Presidential Decree in December 2016 with provisions for disembarkation for boats in distress and for the coordination of humanitarian assistance for refugee new arrivals.

However, in June 2020, Indonesia was initially reluctant to let a group of 99 Rohingya, including women and children, brought near the shore by Acehese fishermen but local communities protested and literally carried them ashore in defiance. It was later found that three fishermen had negotiated the pick-up of these 99 passengers from the mother vessel in exchange for monetary compensation. The three were later sentenced to five years imprisonment for people's smuggling. This incident had implications as fishermen were ordered not to tow Rohingya boats ashore and instead to inform the Coast Guards, making disembarkation more uncertain.

In late December 2021, another boat in distress, escorted out of Indian waters, was stranded at sea in the Straits of Malacca. Acehese fishermen provided them with food and water but dare not pull them ashore. It took three days until the Indonesia Government finally issued permission to bring them to shore and disembark exhausted passengers.

Indonesia has also adopted alternatives to detention, transitioning from immigration detention centres to community housing facilities for refugees in asylum seekers. Maritime arrivals in Aceh, however, are often sheltered in makeshift camps in district government buildings before being transferred to these housing facilities in other provinces.

Most Rohingya arriving by boat in Aceh, however, quickly move on to Malaysia, their intended destination, where they have relatives (including many women and girls who are being brought as brides for Rohingya men in Malaysia) and community support networks help them access livelihoods are better, in order to first reimburse debts paid to smugglers for their journey.

For Rohingya refugees who do end up staying for longer periods of time in Indonesia, livelihood options are very limited. Indeed, Rohingya regularly travel irregularly to Malaysia using the same channels that Indonesian migrants take to seek employment there. Indonesia has, however, shown some flexibility with access to education, allowing refugee children to enrol in national schools provided there is space in the school. UNHCR reported that as of July 2022, there were 850 refugee children currently enrolled in accredited national schools.

Indonesia has also been vocal on the persecution of Rohingya in Myanmar and will be chairing ASEAN in 2023, and it will be important to further engage with Indonesia on Rohingya refugee protection.

India

Around 20,000 Rohingya are registered with UNHCR in India⁴², but the Indian Government consistently cites a figure of 40,000 Rohingya. There has been a constant trickle of Rohingya arriving from northern Rakhine to India via Bangladesh over the years, especially after 2012 and following the military operations in northern Rakhine in 2016 and 2017. The main Rohingya settlements are located in Jammu, Hyderabad and around Delhi. More live in destitution, earning income from manual labour, as waste pickers or scrap metal collectors.

Some among new arrivals were apprehended when they entered India from Bangladesh, and ended up in indefinite detention, mostly in the bordering States of Assam, Tripura and West Bengal, men spending years in jails and women and children in shelter homes under government's supervision. They had no access to UNHCR, although legal aid provided by UNHCR partners have occasionally succeeded in getting a few of them released.

The protection environment for Rohingya refugees rapidly deteriorated after the Hindu nationalist party, the Bharatiya Janata Party (BJP) came to power in 2014. In 2016, Hindu extremists started organising anti-Rohingya hate campaigns in Jammu, India's largest Rohingya settlements, demanding their eviction.

In August 2017, the Home Ministry issued a directive to all State Governments to identify and deport 'illegal foreign nationals from Rakhine State' as they aggravate security challenges in the country⁴³. Subsequently, in 2018, police stations were instructed to collect biometric data of Rohingya residents in their areas, as well as personal details on a bilingual form from the Myanmar Embassy⁴⁴ titled, 'National Verification.' This exercise spread anxiety among Rohingya refugee communities across India.

On 1 October 2018, India announced the imminent deportation of seven Rohingya who had already been detained in Assam for several years. An interim plea was filed to stay the deportation order but, on 4 October, judges at the Supreme Court dismissed the petition, allowing for the first ever deportation to Myanmar to take place.

Suspicion over biometric data collection and fear of deportation triggered an exodus of several thousand Rohingya from India to Bangladesh. Between October 2018 and October 2019, at least 20 Rohingya, all in held prolonged detention, were deported back to Rakhine State in Myanmar.

During the Covid-19 period in India, lockdowns severely impacted Rohingya livelihood as they lost their meagre daily income, unable to work. Xenophobia among local communities also rose against Rohingya, even preventing local NGOs from delivering food assistance in their settlements.

On 6 March 2021, authorities called about 170 Rohingya for a verification process in Jammu, but they were instead detained for the purpose of deportation. A year later, in March 2022, one of the

⁴² BBC India, '[Rohingya and CAA: What is India's refugee policy?](#),' 19 August 2022.

⁴³ India, Ministry of Home Affairs, 'Advisory on Illegal Migrant,' (New Delhi 2017). Available at https://www.mha.gov.in/sites/default/files/advisoryonillegalmigrant_10092017_2.PDF

⁴⁴ The Quint World, '[Rohingya Refugees in Delhi Are Scared of the Govt and the Media](#),' 16 October 2018.

detained women, Hasina Begum, was suddenly taken out of the holding centre and deported to Myanmar, despite having UN refugee status, leaving her husband and three minor children behind in Jammu.⁴⁵ Moreover, her village of origin in Maungdaw Township in Rakhine State had been completely burnt down in 2017 and no longer exists. Another Rohingya man, also registered with UNHCR, was arrested in Jammu days later and hastily deported to Myanmar on 4 May. These deportations prompted another exodus of nearly 2,000 Rohingya from Jammu to Bangladesh, including family members of the two deportees. Both eventually arrived safely in Maungdaw town with nowhere else to go. Hasina managed to reunite with her children in Bangladesh, but the other deportee was arrested while attempting to cross the Naf River, and is now jailed in Myanmar.

At the end of June 2022, UNHCR reported that 291 Rohingya were in detention in India, 263 in the Jammu holding centre, and 33 in a Welfare centre in Delhi, most if not all holding a UNHCR card, and UNHCR continue to face challenges to release them⁴⁶. This figure does not include at least 100 Rohingya detained in Assam and Tripura in India's North-East in the past few months⁴⁷. Risks of detention, deportation and fear of family separation have increased stress and vulnerabilities. Recently, the Indian authorities have also stopped issuing exit visas to refugees, therefore blocking access to resettlement.

Rohingya boats had occasionally been rescued by the Indian Coast Guards in the vicinity of the Andaman Island, whilst sailing toward Malaysia. These vessels were usually discovered in a situation of distress due to engine failure, leakage, or being lost at sea without food and water for days, some passengers in need of medical care. The Coast Guards had launched rapid rescue operations and swiftly provided first aid to the survivors aboard. Thereafter, they were pushed back out of India's territorial waters.

On 22 February 2021, 81 Rohingya, including women and children, were rescued in a broken boat, and provided with humanitarian assistance. They were held up at sea for more than three months, and were then escorted out to international waters in another boat in better condition and with a working engine. They eventually washed ashore in Aceh on 4 June. More concerning is the case of the boat with 105 passengers found drifting off Indonesia in late December 2021. This vessel was initially spotted near India adrift with a damaged engine. As attempts at fixing it failed, the Indian Coast Guards towed them out to the Malacca Strait and abandoned it in stormy weather, with only a tarpaulin to be used as a sail. This latest pushback by India could have led to loss of lives aboard had Acehnese fishermen not traced it. After three days of negotiations, Indonesia brought them ashore and allowed them to disembark.

At Every Level: Need for Meaningful Refugee Participation

The absence of meaningful participation and inclusion of Rohingya refugees is prevalent at all stages of the response: decision making, leadership, coordination, programming, service delivery, advocacy and repatriation. In Myanmar, there is clearly no space for participation and in all other refugee settings the lack of structured Rohingya leadership is frequently used as an excuse by stakeholders for underrepresentation. Rohingya are often framed as victims, uneducated and incapable of

⁴⁵ Human Rights Watch, '[India: Rohingya Deported to Myanmar Face Danger](#),' 31 March 2022.

⁴⁶ UNHCR India, 'UNHCR India Fact Sheet June 2022,' Available at <https://reporting.unhcr.org/document/2955>

⁴⁷ North-East Live, '[2 Rohingya migrants arrested in Assam](#),' 21 May 2019.

participating or contributing in the very decisions that shape their future, despite the presence of many robust Rohingya leaders, and nascent civil society in the form of refugee-led organisations and activists.

None of the three different MOUs relating to the repatriation of Rohingya signed by Bangladesh, Myanmar, UNHCR and UNDP respectively included explicit consultations with the Rohingya, and in fact did not mention 'Rohingya'. Neither does Myanmar's strategy for the resettlement of IDPs.

In Bangladesh, Rohingya voices are mostly absent from everyday camp matters, restricting their ability to address and resolve challenges. And ongoing securitisation measures implemented by camp authorities to tackle violence have involved confiscation of phones, SIM cards and the building of fences, creating physical barriers to representation.⁴⁸

Rohingya women's ability to access essential services, claim their rights and take on active roles in their communities is greatly inhibited. Pre-existing gendered norms within the Rohingya community impact women's mobility, their roles within the household and the wider community. Men naturally take responsibility for leadership inside and outside of the household, and therefore do so in places of exile. Rohingya women and girls are consistently absent from consultations and decision-making processes and as a result face extreme vulnerabilities. Living in hot, crowded shelters with up to twelve family members, women struggle to maintain dignity amidst cooking, sleeping and bathing. When forced to leave the shelters to collect water, visit sanitation facilities or health clinics, Rohingya women feel unsafe with physical and sexual abuse common occurrences. In countries of exile, Rohingya women are confined to crowded apartments in unfamiliar cities, unable to move around independently due to language barriers and constant fear of arrest.⁴⁹

Justice and Accountability

In August 2018, a UN International Fact-Finding Mission concluded that they found sufficient evidence "to warrant the investigation and prosecution of senior officials in the Tatmadaw chain of command, so that a competent court can determine their liability for genocide in relation to the situation in Rakhine State."⁵⁰ Several accountability mechanisms were initiated in 2019 – a case was filed by The Gambia against Myanmar under the Genocide Convention at the International Court of Justice (ICJ); the International Criminal Court (ICC) started an investigation for alleged atrocities committed against the Rohingya, primarily limited to the crime of forced deportation regarding to mass deportation to Bangladesh as Myanmar is not a party to the Rome Statute; and Argentina's Federal Court is also investigating alleged crimes perpetrated against the Rohingya under universal jurisdiction. Furthermore, the UN Human Rights Council established an Independent Investigative Mechanism for Myanmar (IIMM) mandated to collect evidence of the most serious international crimes and prepare files for criminal prosecution. In March 2022, the US Government made its own determination that members of the Myanmar's military committed genocide against the Rohingya.

⁴⁸ Daniel Sullivan, Refugees International, '[A Voice in Their Future: The Need to Empower Rohingya Refugees in Bangladesh](#),' 5 February 2020.

⁴⁹ Oxfam, '[Voices Rising: Rohingya Women's Priorities and Leadership in Myanmar and Bangladesh](#),' 1 April 2020.

⁵⁰ OHCHR-IFFMM, '[Myanmar: Tatmadaw leaders must be investigated for genocide, crimes against humanity, war crimes](#),' 27 August 2018.

These legal actions are welcome. Achieving justice and accountability for crimes committed against the Rohingya must remain a priority. At the same time, these proceedings are likely to continue for a long period of time and will not provide immediate relief to the Rohingya in Myanmar, or protection for Rohingya refugees outside of Myanmar. Therefore, the international community must also accept its responsibility to protect stateless Rohingya refugees as victims of mass atrocity. Meanwhile, containment policies, immigration enforcement as a pretext for unlawful exclusion or expulsion, boat pushbacks, and other denials of asylum or human rights, need to be critiqued and good faith responsibility-sharing arrangements should be pursued.

CONCLUSION

While Rohingya have for decades faced a systematic denial of human rights, crimes against humanity, dispossession, and displacement, the vulnerability of their situation has been compounded by a glaring dearth of solutions and lack of effective approaches across the region to advance their protection and empowerment. The lack of durable solutions and coordinated approaches to build a protective environment for the Rohingya both reflects and reinforces a normalisation of violence against and marginalisation of Rohingya across the region and in every context— in Rakhine, in the camps in Bangladesh, on dangerous boat journeys, in detention, and in the struggle for basic rights in every aspect of their lives.

In every country examined in this paper, Rohingya continue to be stigmatized and disaffected through a lack of legal status, including both citizenship in Myanmar and legal documentation as refugees across the region. They also continue to face a lack of access to basic services such as healthcare and education, and are not permitted to work legally. Without access to legal migration channels, boats carrying Rohingya men, women and children are regularly pushed back to sea, while a lack of legal documentation puts them at constant risk of arrest, detention and criminalisation.

In addition to this structural disempowerment, the lack of specific policies at national levels to manage Rohingya refugees and promote social harmony with local host communities has contributed to a deteriorating protection environment for Rohingya refugees. Rohingya are often vilified and vulnerable to xenophobia, hate speech and negative stereotyping, and a general rising on intolerance towards them, which has at times sparked harassment, including eviction and, in some incidents, physical attacks. Rohingya themselves also remain excluded from decision-making, leadership, coordination, advocacy, and service delivery in every context. This exclusion further weakens the links that could be built between Rohingya communities, local host communities, local authorities, and civil society to strengthen the protection landscape for Rohingya.

At the same time, the Rohingya crisis also faces a loss of attention and financing, due to the emergence of new crises, the lack of progress addressing root causes in Myanmar, and weak political will across the region. Countries in the region remain reluctant to develop policies to grant basic rights, protection and access to services for fear of creating a “pull factor” and look to resettlement countries to “solve” the Rohingya refugee crisis.

Indeed, in spite of the protracted nature of the crisis, an effective and sustained multilateral and multi-stakeholder platform to discuss responsibility sharing and a range of possible solutions and approaches to address the many dimensions of Rohingya protection has yet to be established. Ultimately, addressing the Rohingya crisis effectively will require a paradigm shift that puts Rohingya lives, rights, and futures at the centre, and mobilises leadership, vision and commitment at all levels.

RECOMMENDATIONS AND ADVOCACY MESSAGES

1. **Responsibility-sharing:** Begin diplomacy and negotiations towards adoption of more far-reaching and long-term responsibility-sharing arrangements among the international community. Promote responsibility-sharing among each and every State for the Rohingya within their jurisdiction, and for those outside of their jurisdiction with unresolved legal status living both as stateless and as refugees in protracted displacement. The most likely solution is a multilateral one with a shared commitment from many stakeholders (not only Myanmar, not only regional governments, and not only States), one where everyone shares responsibility.
2. **Promote and pursue ALL traditional durable solutions:** permit no durable solution to be taken off of the table: voluntary return and repatriation in safety and dignity, local integration, and resettlement. This means promoting and advocating for root causes in Myanmar (continue to pursue justice and accountability for past and ongoing atrocities, and support progress towards a more peaceful, stable, and inclusive Myanmar that respects and protects human rights); seeking to catalyse a stronger call for protection and local integration everywhere that the Rohingya in fact find themselves; and stepping up resettlement, opening up pathways for large, not small, numbers of Rohingya to resettle permanently. Durable solutions are also needed for the voluntary return of IDPs confined to IDP camps in Rakhine, and this should be a precondition before any repatriation from Bangladesh takes place.
3. **Strengthen national protection frameworks, including legal frameworks:** develop a stronger regional protection framework in ASEAN in particular, and support the development of harmonised and sustainable state systems among Asian States more generally that prioritise protection over immigration enforcement.
4. **End boat push-back practices, discuss and develop protection-based disembarkation protocols:** provide immediate assistance to persons rescued at sea including addressing medical needs and preventing harm; guarantee access to a place of safety where risks are mitigated, needs are met, and legal status can be determined; respect customary laws and practices and respect the humanitarian imperative among non-governmental actors.
5. **Reject the normalisation of Rohingya vilification and marginalisation:** the deteriorating protection environment must be recognized and reversed. The fact of Rohingya vilification, marginalisation, and abuse in nearly every jurisdiction in which they are located is unacceptable. States and other actors must speak out against xenophobia, and take a proactive approach to welcome the Rohingya into communities and include them in all decision-making bodies, coordination mechanisms, and service provision schemes that affect the Rohingya.
6. **Keep the Rohingya on the agenda:** the loss of attention due to new crises and the protracted situation may result in fatigue, and reduction in resources which were never satisfactory to begin with. Deterioration of the protection environment is inevitable if we accept this de-prioritisation.
7. **Improve existing conditions for Rohingya refugees:** In Bangladesh, recognize and address the deteriorating protection environment in refugee camps and on Bashan Char; in India, address

the rampant xenophobia targeting the Rohingya and end the unlawful directive to detain and deport Rohingya refugees; in Thailand and Malaysia, end prolonged detention; in Indonesia, ensure adequate implementation of the 2016 Presidential Decree including disembarkation protocols and registration and protection for those disembarked; and in every context ensure access to education for all children, and access to employment so that no Rohingya refugee is forced to endure destitution or exploitation.

8. **Embrace a “whole-of-society” approach:** The needs of stateless Rohingya refugees are not being met. They are marginalised and at risk and generally find themselves in particularly vulnerable circumstances everywhere. It is unrealistic for any single actor to deliver protection alone, even if they are a State or an international institution like UNHCR. Instead, what must happen in practice is that a large number of stakeholders must collaborate through referrals networks: identifying needs, vulnerabilities and risks and making referrals to each other on the basis of capacities to address those needs.
9. **Civil society leadership:** Civil society, including importantly, refugee-led initiatives, are filling the gap left by the failure of State responsibility, and should continue to do so, and these actors must be supported financially, and must be supported also by local governments (removing bureaucratic hurdles, recognizing their role and capacity, and engaging with them as partners)
10. **Ensure meaningful participation and leadership of the Rohingya:** The resilience of the Rohingya community is unparalleled, coping with unimaginable difficulties and without access to basic rights and services. The Rohingya have developed strong community networks and innovative coping strategies and capacities. Rohingya participation in all coordination structures must be guaranteed. Decisions should not be made about Rohingya refugees, without Rohingya refugee participation. Their engagement will lead to more effective protection with shared ownership of outcomes. Inclusion of the Rohingya also means encouraging and supporting financially and in-kind the work of refugee-led initiatives. In all such efforts, stakeholders should seek to create a safe space for such engagement.

Asia Pacific Refugee Rights Network

The Asia Pacific Refugee Rights Network (APRRN) is a network of over 220 civil society organisations and individuals from 29 countries committed to advancing the rights of refugees in the Asia Pacific region. APRRN aims to advance the rights of refugees and other people in need of protection through joint advocacy, capacity strengthening, resource sharing and outreach.

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