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Exploring the human rights of the Rohingya

**-A case study of Kutupalong refugee camp in
Bangladesh-**

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Abstract

The thesis explores the human rights of Muslim ethnic group from Myanmar, the Rohingya. The research focuses on what happened to the Rohingya in Myanmar, what their current living conditions are in the refugee camp in Bangladesh, and what they hope for their future. It analyzes Rohingyas' human rights in Myanmar and in the refugee camp in Bangladesh, and their rights of future generations.

The Rohingya are stateless since Myanmar does not give citizenship to them despite the fact that they have been living in Rakhine province in Western Myanmar for generations. The Rohingya have been faced with discrimination including: founding a family, the kinds of economic activities they could carry out, access to education and ability to travel. Over many years the Rohingya faced with discrimination and violence have used Bangladesh as a safety zone. The Myanmar military's crackdown in late August 2017 led to more than half a million Rohingyas fleeing into Bangladesh. At the outbreak of the crisis, the Rohingya who survived from the violence had to walk for a few days in a rain, struggled to climb mountains in order to reach neighboring Bangladesh. There the Rohingya have settled in large numbers in the refugee camp of Kutupolong. The research explores their past in Myanmar, their present situation in the refugee camp in Bangladesh and their future from a human rights perspective.

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Chapter 1. Introduction

The world is now witnessing the highest level of displacement on record. There are around 66 million people who have been forced from home around the world and among them are nearly 23 million refugees (UNHCR, 2017). Approximately 10 million people are stateless and they have been denied a nationality and access to basic rights such as education, healthcare, employment and freedom of movement (UNHCR, 2017). The Rohingya, a Muslim ethnic group of the Rakhine state in western Myanmar are one such group of stateless people. Although Rohingyas have lived in Myanmar for generations, the Myanmar government identifies them as illegal Bengali migrants from Bangladesh and as such refuse to grant them citizenship. Since the military came to power in 1962, Rohingyas have not been treated as citizens of their own country and their economic livelihood has been dismantled (Ibrahim, 2016). Rohingyas do not have a right to found a family freely as they have to ask the government for a permission to marry with a fee and they are restricted to have more than two children (Fortify Rights, 2014).

The persecution against this ethnic group has led to a large flow of Rohingya refugees into Bangladesh. More than half a million Rohingya people have fled from persecution and the destruction of their homes for Bangladesh since the military crackdown on 25 August 2017 (UNHCR, 2017). Rohingya insurgents attacked more than 30 police posts in northern Rakhine which led to a brutal security crackdown backed by local Buddhist mobs (BBC News, 2017). The UNHCR (2017) calls this exodus the world's fastest growing refugee crisis and a major humanitarian emergency in its speed and scale. The Myanmar military has launched a brutal campaign against Rohingyas and the UN Human Rights Council describes the security operation targeting Rohingya Muslims in Myanmar as "a textbook example of ethnic cleansing" (BBC News, 2017).

Myanmar and Bangladesh agreed on the repatriation plan that Myanmar will accept

1,500 Rohingyas each week with the aim of returning all Rohingya refugees to Myanmar within two years (BBC News, 2018). However, it is not as of yet clear when and how the repatriation will be done. The Rohingya exile communities including Japan, Norway, Australia and other 18 organizations made a joint statement on January 17th regarding the repatriation agreement. The statement (Joint Statement by Rohingya Organizations, 2018) consists of imperative measures for the repatriation such as:

- 1) the UNHCR and the representatives of Rohingyas' involvement in the process of repatriation
- 2) the recognition of their self-identity as Rohingyas
- 3) voluntary repatriation and full compensation for houses, lands, and properties for Rohingyas
- 4) creation of UN safe zone in Northern Rakhine state
- 5) ensuring citizenship and all rights and freedoms for Rohingyas
- 6) the recognition of the "Rohingya ethnicity" and their collective rights
- 7) The amendment of the Myanmar Citizenship Law of 1982
- 8) Necessary punishment for all perpetrators and prohibition of all forms of racism
- 9) granting access for humanitarian aids, media and rights groups to Northern Rakhine state
- 10) compensation for the offspring of rapes and rape victims

It calls upon Myanmar to guarantee Rohingyas' life and property security and peaceful-coexistence as equals with all other people in Rakhine state and Myanmar before repatriation.

This research aims to explore the human rights of Rohingyas and focuses on what Rohingyas in the refugee camp in Bangladesh have experienced, how their current living conditions are and what they hope for their future.

1.1 Background

1.1.2 General information of Myanmar

Myanmar, officially the Republic of the Union of Myanmar and also referred to as

Burma, is a nation in South East Asia, bordered by India and Bangladesh to its west, Thailand and Laos to its east and China to its north and northeast. The country has an estimated 51.5 million people and it is a multi-ethnic country with at least 135 ethnic groups recognized by the government but Rohingyas are not included. The predominant ethnic group is Burmese and it consists 68% of the Myanmar population. The population of Myanmar are: Burmese 68%, Shan 9%, Karen 7%, Rakhine 3.5%, Chinese 2.5%, Mon 2%, Kachin 1.5%, Indians 1.3%, Chin 1%, Kayah 0.8%, and others 5% (UNFPA Myanmar, 2016). Myanmar is divided into regions and states and the regions are predominantly inhabited by Burmese while the states are dominated by ethnic minorities. Most of the states are named after the main ethnic groups who inhabit the area. According to the 2014 Myanmar Census (UNFPA Myanmar, 2016), Buddhism is practiced by 87.9% of the population, 6.2% of the population identifies as Christian, 4.3% as Muslim, 0.8% as followers of tribal religions, 0.5% as Hindus, 0.2% as followers of other religions, and 0.1% follow no religion (UNFPA Myanmar, 2016). However, the government classification system is deeply flawed because it counts ethnic groups by geography rather than by linguistic or genetic features. For example, the Kokang are under the Shan ethnicity, although they are a Han-Chinese sub group. In addition, a large number of Rohingyas in Rakhine state and some population in the states of Kachin and Kayin were not counted in the 2014 Census.

1.1.3 Political system of Myanmar

Myanmar is still in the process of a democratic transition since the introduction of democratic reforms in 2011 headed by President Thein Sein which ended five decades of military dictatorship. The democratization process began in 2003 when the military government introduced the “roadmap to a discipline-flourishing democracy” which contains several stages with the aim of building a “modern, developed and democratic” nation (Nilsen, 2013). However, the military remains a veto actor and still wield significant political power.

Aung San Suu Kyi is a State Counsellor and also a Nobel Peace Prize laureate and she has been receiving a lot of criticism internationally for being silent on the plight of Rohingya. She is a democratic symbol of Myanmar and people have a lot of expectations for her achievements in democratization in Myanmar. However, the political system favoring the military regime poses numerous restrictions against democratization and rights of minorities in Myanmar.

Currently, there are two parties: the military-created Union Solidarity and Development Party (USDP) and the opposition the National League for Democracy (NLD) led by Aung San Suu Kyi. Although the NLD seeks to be multi-ethnic and multi-confessional, its electoral base remains the Burmese ethnic communities and it has expelled most of its Muslim members (Ibrahim, 2016). The electoral system in Myanmar is made to favor for the military since 25 percent of the seats in the parliament are reserved for the USDP under the 2008 constitution. The 2008 constitution ensured the privileges of the military and it prevents Aung San Suu Kyi from becoming a president. In chapter 3, it specifically mentions that the president must be someone who “he himself, one of the parents, the spouse, one of the legitimate children or their spouses not owe allegiance to a foreign power” (Union of Myanmar, 2008). This means Aung San Suu Kyi cannot become president because her two sons are both British citizens. It also demands the president to have military experience and Aung San Suu Kyi has no such military experience. Furthermore, as the military retains 25 percent of seats in both houses, they have a veto over any move to change the constitution.

1.1.4 Minorities in Myanmar

In contrast with the dominating majority of Burmese population, the ethnic minority groups in Myanmar face a lot of difficulties. Until British annexation of Burma as an Indian province in 1886 the country had never existed as a unified nation state (Ekeh, 2007). There were geographical boundaries encompassing 100 different nationalities and centralized government

administration (Ekeh, 2007). In 1947 General Aung San, leader of the Burma Independence Army, outlined the government's commitment to minority rights known as the Panglong agreement and stated that "citizens of the Frontier Areas shall enjoy rights and privileges which are regarded as fundamental in democratic countries", thus ensuring ethnic minorities the same rights and treatment as ethnic Burman citizens, and granted "full autonomy in internal administration for the Frontier Areas" (UN peacemaker, 1947). However, this agreement was never realized after Aung San and most of his dominated cabinet were assassinated in 1947. The new government led by Prime Minister U' Nu failed to heed minority demands and eventually took up arms against them (Ekeh, 2007). The spirit of the Panglong agreement, aiming for an independent Burma by bringing together Burma proper and the frontier areas vanished and the Communist Party of Burma (CPB) and some Arakanese groups rebelled only months after independence (Nilsen, 2013). In 1949 the Karen National Union (KNU) also took up arms and since then there have been continuous armed conflicts and civil war in Myanmar (Nilsen, 2013). In 1962, in the name of the territorial identity of the Union of Burma, a military coup was launched by General Ne Win of the Burmese Socialist Program Party which led to crackdown on ethnic minority political leaders and pro-democracy activists (Ekeh, 2007). To date, the minority issues remain and their rights are not fully protected.

1.2 Historical background of Rohingyas

In order to understand the complexity of this Rohingya refugee crisis, we need to look at its historical background. Most of the Rohingya people have been living in Rakhine state in western Myanmar for generations. Rakhine state is one of the poorest area in Myanmar and was previously called Kingdom of Arakan until the Konbaung Dynasty conquered it in 1784 (Ibrahim, 2016). The Kongaung Dynasty (1752-1885) saw the emergence of Burma as a major regional power (Ibrahim, 2016). The origin of Rohingyas is highly disputed but it is likely that an Indo-Aryan language-speaking group that migrated from Northern India to Arakan in around 3000BC

are the ancestors of Rohingyas (Ibrahim, 2016). Until 18th century, Arakan and Myanmar had a separate history.

1.2.1 History of Arakan kingdom

The Arakan region in the west has always been isolated from the rest of Burma by high and difficult-to-traverse coastal mountains (Ibrahim, 2016). Hence, for most of its early history, the Arakan region had a closer link with the regions across the Bay of Bengal to India rather than with the rest of Burma regarding ethnic make-up and political-economic interaction (Ibrahim, 2016). The earliest rulers of Arakan were mostly Hindus, reflecting the links to India, and Islam arrived in the seventh century via trading links to India and Arabia, but the region remained multi-confessional, with Hindus, Buddhists and Muslims living together (Ibrahim, 2016). Under these influences, the Rohingya's language evolved with the adoption of Arabic and Persian words, and the script adapted to more closely resemble that of Bengali (Ibrahim, 2016). However, the isolated state of Arakan region changed from around 1000AD, when the Rakhine ethnic group who incidentally share a Tibeto-Burmese ancestry with the Burmans moved from central Burma to Arakan (Ibrahim, 2016). From then until late in the 1700s, Arakan had periods of dependence on the rulers of Burma with some periods of independence (Ibrahim, 2016). When Arakan was independent from Burma, the Mrauk-U was the capital of the Arakan kingdom from 1429-1785. The Arakan kingdom consisted of a multi-ethnic mix of the various Chin ethnic groups (Mru, Sak, Kumi), Rohingyas and the Rakhine, and a multi-religious mix of Hindu, Muslim and Buddhist beliefs (Ibrahim, 2016). Islam was already significant in the region and during the Mrauk-U dynasty it became dominant among the descendants of Rohingyas (Ibrahim, 2016).

1.2.2 The colonial era

The Burmese conquest of Arakan and following the British colonization made histories of Arakan and Burma inseparable. Burma conquered Arakan in 1784 and people in Arakan began

to rebel against Burmese oppression which led to a state of continual disorder (Farzana, 2015). The Burmese king reportedly put thousands of people into forced labor in the brickfields and construction sector (Farzana, 2015). This oppression of Burma made thousands of people including both Muslims and Buddhist Rakhines flee Arakan during the brief forty years of Burmese rule (Ibrahim, 2016).

The Burmese conquest of Arakan provoked a conflict with British-ruled India and the First Anglo-Burmese War began in 1824 (Ibrahim, 2016). In the First Anglo-Burmese War, Britain annexed Arakan in 1826 and after two more wars, by 1886 all of Burma was ruled by the British (Ibrahim, 2016). When the British used Arakan as a buffer zone to invade Burma, Arakanese Muslims (Rohingyas) were employed into the colonial armed forces, which solidified the boundaries between the ethnic Burmese and Rohingyas (Farzana, 2015). The British recruitment policy – hiring more minorities while excluding Burmese- into the colonial armed forces divided between ethnic minorities and Burmese (Farzana, 2015). By 1925, the British had completely excluded Burmese from their military forces by including Rohingya, Chin, Shan, Kachin, Karen and other minorities (Farzana, 2015). This British recruitment policy gave the Burmese a sense of threat of being controlled by other ethnic minorities and created a tense and conflictual relationship between the Burmese and ethnic minorities (Farzana, 2015). The link between anti-British sentiment, religion, and ethnicity had a profound influence on the dynamics of the independence movement which led to the emergence of Myanmar today (Ibrahim, 2016). The independent movement sometimes had a confessional and ethnic character such as the anti-colonial riots of 1938 that were as much aimed at the Muslim community as at British power (Ibrahim, 2016).

When the Japanese invaded Burma in 1942, the situation got even worse. Initially, their arrival was welcomed by some Burmese nationalists but Rohingyas remained loyal to the British,

which led to significant ethnic strife between the Rohingyas and Rakhine ethnic communities in 1942(Ibrahim, 2016). Some 307 villages were estimated to be destroyed, around 100,000 Rohingyas lost their lives and it resulted in a further 80,000 Rohingyas fleeing the region (Ibrahim, 2016). The British had promised partial independence to Rohingyas and the creation of a Muslim national Area in exchange for their contribution to the war effort, but the British renounced their promise with Rohingyas once the war was over (Ibrahim, 2016).

In 1947 some Rohingyas formed their own army and sought the incorporation of northern Arakan into the newly created East Pakistan which is now Bangladesh (Ibrahim, 2016). Although this initiative failed, after Burma gained its own independence in 1948, some Arakanese Muslims went on to petition the Constituent Assembly in Rangoon for the integration of Maungdaw and Buthidaung districts into Bangladesh, which led to dire long-term consequences for Rohingyas (Ibrahim, 2016). This petition made the Burmese authorities regard the Muslim population of Arakan as hostile to the new regime and to see them as outsiders who held loyalty for Bangladesh (Ibrahim, 2016).

1.2.3 After independence

The persecution against Rohingyas started gradually. Unlike most of the ethnic groups in Myanmar, Rohingyas were not given full citizenship in the constitution of 1948 which established Myanmar as an independent nation (Ibrahim, 2016). However, Prime Minister U Nu mentioned that “Rohingyas has the equal status of nationality with Kachin, Kayah, Karen, Mon, Rakhine and Shan” and there was an ongoing recognition of Rohingyas in the 1961 census (Ibrahim, 2016). This relative tolerance started to fade once the military seized power in 1962 and a Buddhist nationalist ideology was enforced. The 1974 Constitution of the Socialist Republic of the Union of Burma removed the status Rohingyas had been granted and insisted that Rohingyas are allocated identity cards of “Foreigners” (Ibrahim, 2016). This led to a period of violence

against Rohingyas and a large overflow of refugees, mostly to Bangladesh. Furthermore, the 1982 Burmese Citizenship Law stated that Rohingyas are now foreigners because they did not recognize Rohingyas' existence in Arakan before 1823 (Ibrahim, 2016). The 2008 Constitution strengthened the 1982 Constitution's denial of citizenship to Rohingyas, which is even more restrictive than the 1974 Act, as it restricts citizenship to people already deemed to be citizens or children born to parents who are already citizens (Ibrahim, 2016).

1.2.4 The persecution of Rohingyas

Deprivation of nationality worsen the situation of Rohingyas. The conflict between Rakhine Buddhists and Rohingyas was sparked off by the violence in 2012 when widespread rioting and clashes brought about 120,000 Rohingyas being internally displaced (Kesavan, 2018). The 2014 census excluded "alien" minorities; nearly a third of Rakhine's population went uncounted because Rohingya people refused to identify as Bengali Muslim (Ibrahim, 2016). Refusing to accept this designation implied the regime confiscated remaining identity cards that entitled Rohingyas to health and education services and, until recently, to the right to vote and it forced Rohingyas without identification into the internal refugee camps (Ibrahim, 2016). The census was used to compile the new electoral rolls for the country's first democratic elections in 2015 and it led to the total absence of Muslims from Myanmar's parliament for the first time since independence (Kesavan, 2018). The persecution of Rohingyas and the denial of the most basic of their human rights were led not only by the Myanmar military but also by the alliance of extremist Buddhist monks, the old military regime, and the systematic discrimination by the Myanmar government (Ibrahim, 2016).

The question why this persecution against Rohingyas began still remains unanswered. Ibrahim (2016) argues that the persecution and discrimination against Rohingyas were not a particular feature of Myanmar as independence as there is ample evidence from the 1950s and

1960s that the Rohingyas were just one of many ethnic groups who faced discrimination, but were also accepted in the ethnic patchwork. However, the situation has changed after the Burmese Road to Socialism was initiated with an economic treatise written in 1962, which greatly increased poverty and isolation in the 1970s in Myanmar. Ibrahim (2016) argues that the regime needed an easily identifiable group to victimize and construct wider discrimination, and the Rohingyas fitted this role as they were unarmed, ethnically easily identifiable, spoke a non-Burmese language and were Muslims. The Myanmar military regime used the concept of Buddhist identity as the basis of citizenship to deny rights to minorities in Burma. In the early 1960s, it was applied in a limited way as the regime used Buddhism as one pillar of its legitimacy, however they needed to find internal 'enemies' as the economy worsened (Ibrahim, 2016).

Aung Tin who is from the Burmese Rohingya Association in Japan (BRAJ) and who himself is Rohingya shared his thoughts (Tosupo, 2018). After Myanmar gained independence in 1948, several minority groups were also seeking independence including Rakhine and the situation was unstable. As the Myanmar government had discriminatory policies against non-ethnic-Burmese, the frustration among minority groups was building up. Aung Tin states that the government used Rohingya as a scapegoat to divert people's frustration so that they can suppress the other minority groups. In addition, China might have been playing a role in the military's campaign against Rohingyas (Tosupo, 2018). China and Burma agreed to construct oil and gas pipeline at Kyaukpyu in Rakhine and it has been operating since 2015. This pipeline enabled China to import massive amounts of energy resources from the Indian Ocean, not through the Strait of Malacca under the US surveillance against pirates. China might have been backing up the military's campaign against Rohingyas since the security and stability in Rakhine is also a big concern for China (Tosupo, 2018).

Chapter 2. Conceptual framework & literature review

2.1 The human rights of Rohingyas

This study aims to explore the human rights of Rohingya refugees in Kutupalong camp in Cox's Bazar Bangladesh. The deprivation of nationality and the persecution against Rohingyas violate basic principles of human rights. According to the article 15 of the Universal Declaration of Human Rights (UDHR) (1948), everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality. The scope of arbitrariness includes the prohibition against ethnic discrimination and the prohibition against statelessness (Adjami & Harrington, 2008). The prohibition of racial and ethnic discrimination is stated in article 2 of the UDHR and in every international and regional human rights instrument (Adjami & Harrington, 2008). Hence, these instruments limit states from depriving nationality and any deprivation of nationality based on racial or ethnic discrimination will be judged as arbitrary (Adjami & Harrington, 2008).

The UDHR also declares that all human beings are entitled to all the rights and freedoms without distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. International human rights law applies not only to the citizens of a state, but to everyone including migrants regardless if they are documented or undocumented. International law recognizes the right of everyone to leave any country and to return to their own country (Inter-Parliamentary Union et al., 2015). UN 1961 Convention on the Reduction of Statelessness: "A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless." (UNHCR, 2014). The government in Myanmar is aware of the implications of these policies and has said: "Through international media, Bengali groups (Rohingyas) are widely publicizing the extent of government controls over them. Whilst the government deems such measures as necessary in the context of the country's situation and non-citizen status of this group, the international community condemns these measures as violations of fundamental rights. This has undermined the country's reputation and affected its

international relations.” (The Rakhine Inquiry Commission 2013, as cited in Ibrahim, 2016, p.57)

The critique of the UDHR is that it is not a treaty, therefore it is not legally binding by itself. Ironically, in most cases, the state authorities are responsible for violations committed against human rights whereas they are obliged to ensure their protection under the Declaration on human rights. The effective implementation of international human rights law and other legal norms that constrain state sovereignty over nationality matters are required to realize aspiration of the article 15 (Adjami & Harrington, 2008). The law is contained especially in the International Covenant on Economic Social and Cultural Rights (ICESCR) and the Covenant on Civil and Political Rights (ICCPR) which are the core human rights treaties. Myanmar signed the ICESCR in 2015 and finally ratified it in October 2017. It means that Myanmar has an obligation to ensure economic, social and cultural rights without discrimination for its citizens. In Article 2 of the ICESCR, the States has to guarantee that the rights in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (UN Human Rights, 1976).

2.2 The special session on the Rohingya issue by the UN Human Rights Council

The UN Human Rights Council held a special session on crimes committed against Rohingyas in Myanmar in December 2017. The session was convened following a request by Bangladesh and Saudi Arabia and supported by 73 UN member States. With paragraph 10 of General Assembly resolution 60/251, the Council is able to hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council (The UN, 2006). The Council has adopted nearly 20 resolutions and other texts addressing the human rights situation in Myanmar since 2006 and there was also a special session on the general human rights situation of Myanmar in 2007. The resolution on the situation of human rights of Rohingyas was first launched in 2013 with Presidential Statement 23/1 in

Pakistan and the December 2017 session was a continuation of the 2013 resolution (Universal Rights Group, 2017). In the session, the High Commissioner reported that the patterns of human rights violations against the Rohingya have been documented by successive Special Rapporteurs since 1992 and he expressed his concern over Myanmar's refusal to grant the international community access to Rakhine State (The UN Human Rights Council, 2017). The Chair of the Coordination Committee of Special Procedures of the Human Rights Council expressed her concern over the repatriation agreement signed between Myanmar and Bangladesh, that does not make reference to the recommendations of the Rakhine Advisory Commission and that does not acknowledge the root causes of the situation (Universal Rights Group, 2017).

During the session, the draft resolution S27/L.1 on the situation of human rights of Rohingyas was presented. The draft resolution aimed to set out the human rights violations against Rohingyas and call upon Myanmar to respect human rights and fundamental freedoms, and to end any incitement to hatred and violence and condemnation of such acts and the prosecution of the perpetrators (Universal Rights Group, 2017). The resolution calls upon Myanmar to fully cooperate with the Fact-Finding Mission established by the resolution 34/22 and grant access for the Fact-Finding Mission as well as to allow full, immediate, safe, unconditional and unhindered access to the UN agencies and other international humanitarian actors (Universal Rights Group, 2017). Moreover, the Council calls upon Myanmar to address the root causes of the Rohingya crisis including granting the full citizenship and related rights to Rohingya population and urges the government to create conducive atmosphere for safe, voluntary, dignified and sustainable return to their places of origin in Myanmar (Universal Rights Group, 2017). It was adopted by a vote of 33 in favour, 3 against and 9 abstentions.

2.3 Ethnocratic singularism

Although Myanmar finally ratified the ICESCR, Rohingya people have been suffering

from systematic discrimination for decades. The Myanmar government's discrimination against Rohingyas is ethnocentric singularism (Butenschon, Davis & Hassassian, 2000, p.19) in principles of distribution of rights. An ethnocentric singularism is a state that allocates citizenship discriminatorily according to specific ethnic criteria (Butenschon et al., 2000). When large numbers of individuals belonging to minorities are denied citizenship, it can seriously weaken the functioning of democracy which is supposed to ensure peaceful settlements of conflicts through effective participation by all groups (Butenschon et al., 2000).

Myanmar authorities have the ethnonationalistic idea that only members of the same ethnic group should have a place within the territory (Butenschon et al., 2000). Rohingyas are restricted to move freely within Myanmar. Ethnonationalism emphasizes state borderlines on grounds of ethnicity and this preference gives rise to ethnic cleansing at its worst (Butenschon et al., 2000). Alternative modes of ethnic cleansing are to make it difficult for members of ethnic groups to obtain citizenship while reserving rights to people who belong to the hegemonic ethnic groups (Butenschon et al., 2000). This practice is absolutely against the principles of equality and nondiscrimination, which is at the very foundation of human rights (Butenschon et al., 2000).

2.4 Advisory Commission on Rakhine State

In September 2016, following a request from Aung San Suu Kyi, the Kofi Annan Foundation and the Office of the State Counsellor established an Advisory Commission on Rakhine State. The commission aims to propose concrete measures for improving the welfare of 'all people' in Rakhine state (Advisory Commission on Rakhine state, 2017). As this commission is a national entity, they are very careful of not using the term 'Rohingyas'. On August 23rd 2017, the Commission had submitted its final report to national authorities (Advisory Commission on Rakhine state, 2017). The report included several recommendations focused specifically on Rohingyas' citizenship verification, rights and equality before the law, documentation, the

situation of internally displaced and freedom of movement (Advisory Commission on Rakhine state, 2017). However, only two days after the report was submitted, the brutal military crackdown began and the large number of Rohingya refugees fled to Bangladesh. Many people have been killed while they were escaping, and those who have survived from the attack had to walk for a few days to the border to Bangladesh and took a boat to Bangladesh.

2.5 The living conditions of Rohingyas in refugee camps in Bangladesh

The survivors from the persecution who fled to Bangladesh are sent to the refugee camps in Cox's Bazar by the Bangladesh military. After they get registered in the camp, they receive a registration card and the shelters are allocated and they can receive handouts. According to the article 25 of UDHR (1948), everyone has the right to a standard of living adequate for the health and well-being of himself, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, or other lack of livelihood in circumstances beyond his control.

However, the livelihood of Rohingyas who managed to flee to Bangladesh is also at a risk in Bangladesh. The UN warns that human trafficking and exploitation are rife among Rohingya refugees who fled to Bangladesh (2017). Interviews and community focus groups by IOM show that men, women and children are recruited with false offers of work in various types of job including fishing, small commerce, begging and, in the case of girls, domestic work (UN News, 2017). Some reports say a number of adolescent girls who were promised work as domestic helpers in Cox's Bazar and Chittagong, were forced into prostitution (UN News, 2017).

The living condition in the camp is challenging for refugees. International Organization for Migration (IOM) (2017) describes, Rohingyas have settled on overcrowded and inhospitable hilly terrain with insufficient drainage and little or no road access, which makes it extremely difficult to provide the support and services they need. There is a threat of landslides on the newly

de-forested land where many shelters were built on steep hillsides. The limited space in the camp is also problematic. According to the guidelines for the density of a refugee camp by UNHCR (2018), the recommended “acceptable” space per person is 35 square meters. In Kutupalong camp, the space is 18 square meters and only 8 square meters in Kutupalong makeshift settlement (Reuters, 2017).

As the Committee on Economic, Social and Cultural Rights (CESCR) formulated the human rights to water and sanitation, clean drinking water and sanitation are essential to the realization of all human rights. Bangladesh has ratified International Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights. Although states are not obliged to implement their policies immediately due to limited available resources, they have to work for its implementation progressively (ACF-France, 2009). In disaster relief and emergency assistance including assistance to refugees, priority should be given to Covenant rights, including the provision of adequate water (UN Economic and Social Council, 2003). General Comment 15 declares that states are required to ensure that everyone has access to adequate sanitation which is not only fundamental for human dignity and privacy, but also for protecting water quality (UN Economic and Social Council, 2003). Sanitation must be safe, physically accessible, affordable, culturally sensitive, non-discriminatory and accountable (UN Economic and Social Council, 2003).

Due to a rapid expansion of the camp, more latrines and water facilities need to be installed. Sanitation must be safe, physically accessible, affordable, culturally sensitive, non-discriminatory and accountable (UN Economic and Social Council, 2003). There are 7,839 latrine blocks in the Kutupalong camp cluster, with up to five latrines per block (Reuters, 2017). According to the UNHCR (2018), communal latrine should be used by no more than 20 people during the emergency phase of a camp, however many sites are operating beyond the guideline.

The location of latrines is also an issue in the camp. The UNHCR guideline (2018) says, refugee households should be within 50 meters of a latrine and not closer than 6 meters so that latrines are close enough to encourage their use but far enough to prevent problems with smells and pests. In Kutupalong camp, few areas are more than 50m away from toilets and some shelters were too close to the latrines (Reuters, 2017).

Access to clean water is vital for refugees. The right to water is defined as the right for everyone to have “sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use” (UN Economic and Social Council, 2003). It is specifically mentioned that refugees and returnees must have access to adequate water whether they stay in camps or in urban and rural areas, and refugees should be granted the right to water on the same conditions as granted to nationals (UN Economic and Social Council, 2003). By mid-October 2017, more than 4,800 tube wells with hand pumps were installed, but as of the end of November, a third of wells were broken or dried up (Reuters, 2017). Health experts are also concerned that some wells in the refugee camps are too shallow and too close to latrines which make them susceptible to contamination (Reuters, 2017). The WHO and Bangladesh Department of Public Health collected 1,018 samples from tube wells and households in the Kutupalong and Balukhali camps and its extension sites between September 18 and November 1, 2017 (Reuters, 2017). The samples showed that more than 86 percent of water were contaminated with feces (Reuters, 2017).

Refugee illnesses are often related to poor hygiene and harsh living conditions. The refugees also often arrived to the camps in a weakened condition and they are already vulnerable to disease. Epidemic diseases such as cholera, measles and diphtheria are also serious problems for Rohingya refugees in Bangladesh. Due to a dense population in the camp, epidemic diseases spread quickly. At least 5,068 suspected cases of the highly infectious respiratory disease have been reported untreated, up to half of diphtheria cases can be fatal (UNHCR, 2018). From August

25 to November 4, 2017, there were 143 reported deaths and most of the deaths were related to respiratory infections and diarrhea (Reuters, 2017). Acute watery diarrhea and skin infections are also common in the camp.

2.6 Research Questions

The main objective in this research is to explore the human rights of Rohingyas living in Kutupalong refugee camp. This study has three research questions based on my research objective.

1. What happened to Rohingyas in Myanmar and what made them flee to Bangladesh?
2. How are Rohingya refugees' livelihoods in Kutupalong camp?
3. What do Rohingya refugees hope for their future?
4. Can a human rights approach alleviate their situation?

It analyzes the Rohingyas' human rights in Myanmar and in the refugee camp in Bangladesh, and the rights of their future generations.

2.7 Area of study

Cox's Bazar is located in South East of Bangladesh and famous for the longest natural sea beach in the world. Kutupalong refugee camp is one hour drive south from the center of Cox's Bazar and the largest government-run refugee camp in Bangladesh. More than 688,000 Rohingya refugees fled to Bangladesh and the Kutupalong camp cluster accounts for more than the half of the Rohingya population in the Cox's Bazar area (Medecines Sans Frontieres, 2018). Kutupalong camp has been expanding as more refugees arrive and settle down in makeshift camps. The size of Kutupalong camp is difficult to know as the makeshift camp has been expanded rapidly. It is also not clear when this camp was established. According to UNHCR (2008), a large number of Rohingyas fled Myanmar to Bangladesh in 1991 and there was already a refugee camp in Cox's

Bazar.

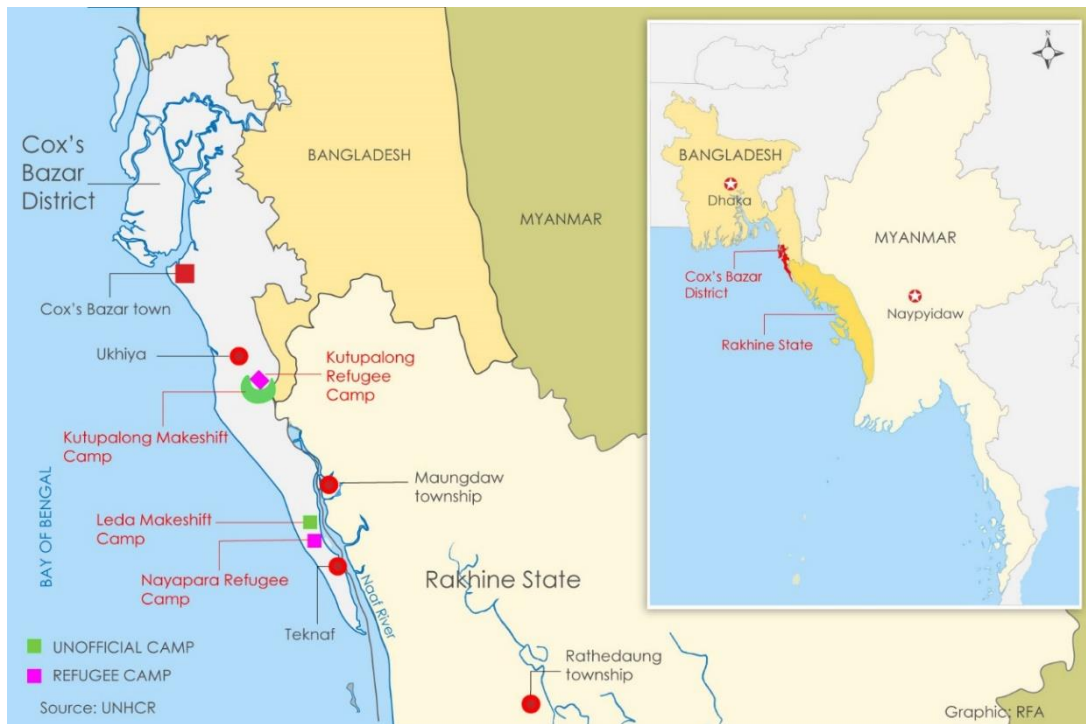


Figure 1: Map of Rohingya refugee camps of Bangladesh (Benar News, 2018)

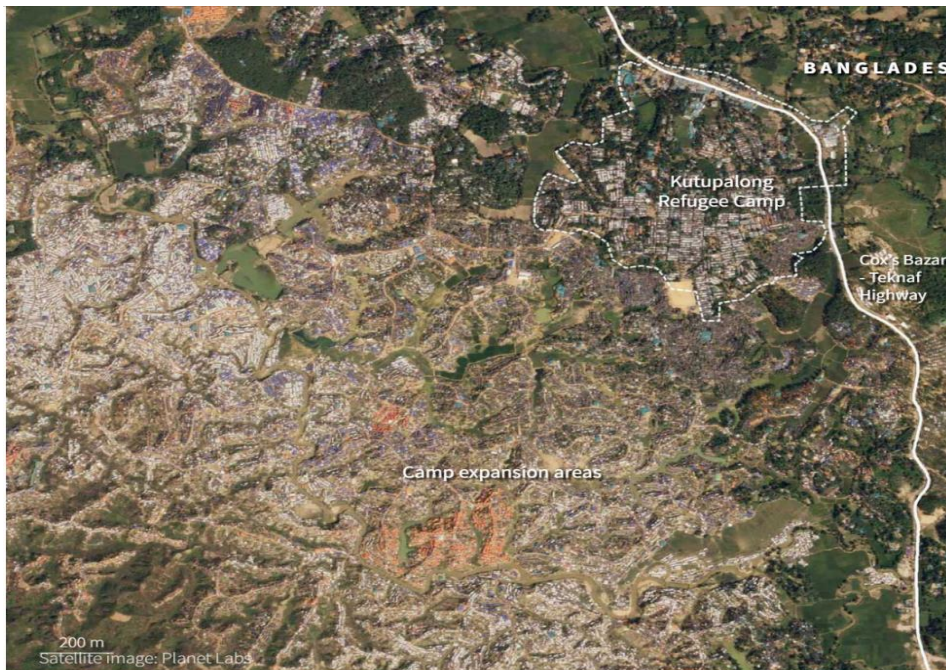


Figure 2: The satellite image of Kutupalong Camp (Reuters, 2017)

Chapter 3. Methodology

3.1. Choice of Methodology

To investigate the human rights of Rohingya refugees in Kutupalong camp in Bangladesh, a qualitative research is intended. As qualitative research tends to emphasize words rather than quantification in the collection of data, I wanted to focus on what each interviewee experienced and how they perceived their realities and how they expressed it.

3.2 Choice of a study area

My first thesis plan was to do interviews with Rohingya people and human rights organizations in Japan to investigate the livelihood of Rohingyas and the role of human rights organizations in Japan. First, I met Professor Nemoto from Sophia University who is familiar with Myanmar politics and Rohingya issues to get some information. However, he strongly recommended me to do a fieldwork in a refugee camp in Cox's Bazar Bangladesh instead of in Japan. He explained that Rohingya people in Japan already settled down in Japan and they have a stable life, however, many researchers visit them and ask the same questions over and over and they never come back after their research is done. He suggested that doing a field work in a refugee camp would be more meaningful for my future rather than researching an oversaturated field in Japan. After meeting Professor Nemoto, I had a meeting with Aung Tin from the Burmese Rohingya Association in Japan (BRAJ) and who himself is Rohingya. He told me that he was planning to visit his school in the Rohingya refugee camp in Cox's Bazar in January so I could come along with him. Judging by Professor Nemoto's suggestion and the advantage that I could visit a camp with Rohingya Japanese, I came to the conclusion that a fieldwork in a refugee camp in Bangladesh would be more meaningful and interesting than a field work with Rohingya people in Japan.

When I arrived in Cox's Bazar Bangladesh, I contacted my translator B and we discussed which camp we should choose to do my research. He suggested to visit Kutupalong

refugee camp because it's the biggest registered camp and as he grew up there himself he was also familiar with it. While several official and unofficial Rohingya refugee camps exist in Cox's Bazar, Kutupalong camp accounts for more than a half of Rohingya population in Cox's Bazar. Considering the advantage that my translator B was familiar with Kutupalong camp, I chose Kutupalong camp to conduct my research.

Although I did not need to seek permission from the Bangladesh military in order to conduct my research there, they were not pleased with my intention to carry out the study. At one point, the Bangladesh military came to see what we were doing, so we had to stop our interviews and leave the camp because my translator told me that we would not be able to do interviews in the camp again if they spotted us. B said that the Bangladesh military often check if people do not say something against Bangladesh government and even though my interview did not have anything to do with anti-government activities, I might have been prohibited to enter the camp again.

After my research was completed, Bangladesh has heightened scrutiny of people who enter the camp without an official permission or VISA. After the 23rd of January when the repatriation plan was supposed to begin, a Japanese NGO worker was denied to enter the camp without any explanation. In addition, the reports said that some charities were promoting their religious beliefs among the refugees and the government added more strict scrutiny among aid workers. It is reported that more than 350 Rohingya Muslims have converted to Christians and the Bangladesh police has interrogated a Dhaka-based Catholic charity (Irrawaddy, 2018). Bangladesh authorities placed aid workers in the refugee camps of Cox's Bazar under a strict scrutiny to root out groups working without proper visas or promoting religion (Irrawaddy, 2018).

While most of the interviews were conducted in Kutupalong camp, some interviews were conducted in Subrang village in Teknaf district in Cox's Bazar which is close to the border

with Myanmar. As most of the new arrivals from Myanmar were first kept in a temporary shelter in Subrang, I intended to meet Rohingya refugees who just fled from Myanmar and Bangladeshi fishermen who helped Rohingya refugees there. Unfortunately, when I visited there, new arrivals were already allocated to neighboring camps, so I could only meet Bangladeshi fishermen who were working by the shore.

3.3 Translator

I asked a Japanese university student who was also going to visit the refugee camp in Cox's Bazar if he knew some translator there, and through him I was introduced to B who is Rohingya himself and who was studying in Cox's Bazar International University. He got to know B through Zaw Min Htut from BRAJ. B was born in Kutupalong refugee camp and his family still lives there today. B taught English in a school sponsored by Save The Children in Kutupalong and had saved up to acquire a Bangladeshi ID and to enroll in the university. He hid his identity as Rohingya and he feared that Bangladeshi people would discriminate him if they found out, so he did not want to talk about our research in public places.

He was relatively proficient in English even though he often made mistakes and he had some problems with pronunciation. I also got to know a Bangladeshi guy who offered me to be my translator in Cox's Bazar and his level of English was slightly better than B's. However, considering the fact that he was not himself Rohingya and he asked me for a relatively high fee, I chose B as my translator.

In addition to B, when I visited the camp with Aung Tin, he supported me during my interviews and he translated from Rohingya language to Japanese. I also conducted interviews in English with NGOs, doctors and a psychologist who worked in the camp and also some Rohingyas who could speak English. Even though their vocabulary was limited, I could communicate with interviewees directly and it worked out well.

3.4 Data collection

The data collection was carried out from the 11th of January until the 22nd of January 2018. To collect data, I conducted semi-structured group interviews in Kutupalong refugee camp and Subrang village, Cox's Bazar, Bangladesh. At first, I intended to do individual interviews, however due to lack of personal space in the camp, all the interviews turned out as group interviews.

The focus group method has advantages and disadvantages. The weakness is that their ideas might have been influenced by each other and also by the fact their voices were being heard by others. People also sometimes start interrupting while others are speaking. When it comes to sexual abuses, women might have been reluctant to speak about their experiences and they might have not said what they have experienced honestly. In addition, reticent people are likely to refrain from saying their opinions while some particular people continue speaking. There is also evidence that, as a group comes to share a certain point of view, group members feel reluctant to disagree with it (Jania 1982, as cited in Bryman, 2016).

On the other hand, with the focus group method, researchers can get a large amount of information at one time, so it saves a lot of time. Moreover, interviewees can help each other to say their opinions and add remarks. One person's comment can trigger a response from another person. As an interviewee listens to others' answers, he or she may want to modify a view which might turn out that he or she would not have thought of without the opportunity of hearing the views of others (Bryman, 2016). In addition, interviewees might feel more comfortable to be interviewed in a group compared to individual interviews.

3.5 Interview questions

The interview guide (Appendix) was used to conduct interviews. I also asked follow-up questions depending on their gender. For women, I asked if they had been sexually abused in

Myanmar. On the other hand, I asked male interviewees if they were having small jobs in the camp and what was their job in Myanmar. I recorded all the interviews on my phone and took some notes. After conducting all the interviews, I started transcribing from the recordings.

I chose to ask each question for following reasons.

-When, why, and with whom did the refugees come to the camp?

I wanted to know how long the interviewee had been living in the camp and what made them flee to Bangladesh. I supposed the time and the reason why they fled were somehow related. I also wanted to know where the interviewee's family was and whether they were safe or not.

-How was the journey to come to the camp from Myanmar?

I wanted to know how they fled to Bangladesh and what they have experienced and seen on their way to the camp.

-What have they seen and experienced in Myanmar?

The intention of this question was to understand what happened in Myanmar and what made Rohingyas to flee here.

-How is their life in the camp?

This question was asked in order to grasp their perception of their life in the camp.

-What are their challenges?

I wanted to know what challenges the interviewees were facing in the camp and if the aid is enough for them.

-Would they like to go back to Myanmar? If so, under what conditions?

Regarding the agreement of repatriation between Bangladesh and Myanmar, I wanted to know how they feel about going back to Myanmar. I also wanted to know if they were willing to go back to Myanmar even though Rohingyas have been discriminated and persecuted in their home country for a long time.

3.6 Selection of respondents

Samples of this research include Rohingya refugees, staff from NGOs, doctors and a psychologist who work in Kutupalong camp. In addition, Bangladesh fishermen who helped Rohingya refugees flee to Bangladesh from Myanmar by their boats are also included in the samples.

The interviewees from Kutupalong refugee camp include 13 Rohingya men, 14 Rohingya women, 6 different NGOs, 2 doctors, and 1 psychologist. In addition, I interviewed 2 Bangladesh fishermen in Sabrang village. I decided to interview not only Rohingya refugees but also people from NGOs and Bangladeshi fishermen in order to have a bigger picture of this exodus with different perspectives.

3.7 Sample method

The sample method that was used in this research was a combination of purposive and random sampling. The sampling was conducted with reference to the research questions, but I collected samples randomly because the research questions did not suggest particular categories of people. I told my translator that both male and female samples of refugees were ideal, so the samples were chosen randomly but to be relevant to my research. My translator and I walked around the camp and asked people randomly if we can interview them for the purpose of writing a master's thesis on Rohingya refugees. Everyone who we talked to was willing to share their stories and one of the respondents told me that she was grateful for being able to speak out after the interview was concluded.

3.8 Data analysis

For analysis, grounded theory has been used throughout this study. In grounded theory, method, data collection and theories are closely related. The data was systematically gathered and analyzed throughout the research process and transcription has been done continuously (Bryman,

2016).

In the findings section, the data is presented from the Rohingya refugees, NGOs and Bangladeshi fishermen. In the refugees' section, the data is first divided into categories from their experiences in Myanmar, present situation in Kutupalong camp and their future. In each category, the data is presented according to their experiences such as sexual abuses and loss of family. In contrast to the Findings chapter, chapter 5 shows my discussion and interpretations in aiming to answer research questions.

3.9 Limitations and challenges

The limited amount of literature on Kutupalong refugee camp was a challenge. Although there were a few books about Rohingyas, there was a quite limited amount of literature specifically on Kutupalong.

Interpretation challenge always arise when a translator is needed in research as the translator may interpret in a different way. In addition, it was difficult to find someone who spoke Rohingya language and English in Cox's Bazar and my translator B's English was also limited. When Aung Tin from BRAJ helped my interviews, he translated from Rohingya to Japanese and later I translated from Japanese to English. I have to say that the nuance and meanings might have been a bit changed from the original words due to the double translation. Moreover, I noticed that Aung Tin sometimes added his own opinion in translation as himself had so much to say.

Having a male translator made interviews with female respondents about sexual abuse challenging. As I could not find a female translator, it was difficult to let female Rohingya refugees speak about their experiences. In addition, due to a lack of space, all the interviews turned out to be group interviews which made female respondents feel reluctant to speak about their problems. An individual interview style would have been ideal when asking about sexual abuse.

I also had an impression that people sometimes chose what to say because it might

impact on their situation. For example, one of the female respondents asked me money after she explained her difficult living condition. In addition, the presence of the Bangladesh military in the camp might have affected what the respondents could say about Bangladesh since they were watching over the anti-government activities in the camp.

Chapter 4. Findings

The data and findings have been collected in Kutupalong refugee camp and Sabrang village near the border with Myanmar. I have in total conducted 27 semi-structured interviews. The interviews were based on an interview guide including open-ended as well as follow-up questions (Appendix). Interviews with refugees started from questions about their past experiences to the current situation and ended with questions about their future. Some follow-up questions were gender-based.

4.1 What happened in Myanmar

Most of the respondents fled to the camp after the military's crackdown in Rakhine state started on August 25th, 2017. A 20 year-old female respondent arrived in the camp in November 2017. On the other hand, a 43 year-old male respondent fled to Bangladesh in 1992 after the 8888 Uprising which is a people's democracy movement that started on August 8th 1988. The respondent joined in the students' movement against the government's oppressive regime. However, the government started arresting and killing those students and he fled to Bangladesh alone while his family stayed in Myanmar. The majority of the respondents fled to Bangladesh to save their life from worsening persecution against Rohingyas in Myanmar. Some respondents moved from one village to another village every time the Myanmar military attacked them and in the end they fled to Bangladesh because they had no other option. Most respondents expressed that it was too dangerous to stay in Myanmar and they could have died while they were escaping.

4.1.2 Journey to Bangladesh

When there was a large flow of Rohingya refugees to Bangladesh after August 25th 2017, it was during the rainy season and many respondents described their flight as harsh. A 70 year-old male respondent expressed that he hadn't suffered more than that journey in his life. Most of the respondents had to walk around 2-4 days without water or food. They saw the burnt villages and heard the bullets and people's screams that frightened them. Some of the respondents had to climb the mountains in rain and it was quite challenging for children and the older people. A 45 year-old female respondent left her mother in Myanmar because she was too old to bear that journey. A majority of the respondents could not bring anything as many of them had to carry their children and help old people. A 55 year-old female respondent stated that it took her 4 days to walk to Bangladesh with her other 5 small grandchildren and her legs got swollen after this harsh journey.

4.1.3 Injuries

Seven respondents had been injured by the bullets or the attack by the military and 10 respondents lost some of their family members. A 7 year-old girl was shot in the leg while she was escaping with her father who was also shot in his chest and died (Figure 1).

A 55 male year-old respondent was also shot in the arm by the Myanmar military while he was running away and his parents were also shot and killed. The Myanmar military told him and his neighbors: "You guys are illegal immigrants. If you don't leave, you will be all killed here". His neighbors carried him and it took 3 days to arrive to the camp. Bangladeshi fishermen helped him cross the river to Bangladesh and he witnessed many people especially women and children who died in the river. Some Bangladeshi fishermen were also shot by the Myanmar military by saving Rohingyas. The respondent stated that there were so many injured people who he wished he could have helped. The respondent was sent to a hospital in Teknaf and 2 months later he came to the camp and reunited with his wife and 2 children. The respondent's village was

attacked by aerial bombs and the Myanmar military shot people who tried to escape and set fire to houses. The military blocked the exit of the mosques while people were praying and the bombs were dropped on to the mosques. They blocked the exit of schools as well while children were studying and set fire to the schools. According to several respondents, not only the Myanmar military attacked Rohingyas but Buddhist monks and civilians also collaborated with the military and killed Rohingyas who tried to escape.



Figure 3: A 7 year-old girl who was shot in her leg (Photo: Researcher 19.01.2018)

4.1.4 Loss of family

10 respondents lost some family members in Myanmar. A 20 year-old female respondent came to the camp with her two children, younger brother and sister in November 2017. The military came into her house and asked her and her family to kneel down and shot her parents, husband and two younger brothers and they died. She saw many neighbors were killed especially

old people who could not run. A 45 female year-old respondent did not know if her son and husband were still alive after the Myanmar military arrested them a year ago. When her husband and son were burning trash in front of their shop, the Myanmar military told them that they were not allowed to do that and the military charged them 4 chickens as fine. However, they only gave the military 2 chicken, so the military arrested her husband and son. A few days later, the respondent went to the military prison and asked where her husband and son were. However, the military said they did not know their whereabouts and arrested the respondent for 2 days. She was beaten and tortured by the military for 2 days until her relatives paid 50000 BDT* to the military. Three other respondents lost their husbands or parents by being killed by the Myanmar military and Buddhist monks.

*BDT=Bangladesh Taka. 10 BDT is equivalent to 0.95NOK (01.05.2018).

4.1.5 Arbitrary arrest

There were several cases where family members were arrested by the military. A 33 year-old male respondent was also arrested on suspicion of being a member of Arakan Rohingya Salvation Army (ARSA) which is a Rohingya insurgent group in northern Rakhine state in Myanmar. He was arrested and put in prison for 6 months where he was tortured. The respondent witnessed approximately 900 Rohingyas including many children and women in the prison and they were tortured badly. When the bombs were dropped in some villages, around 150 women were caught in their houses and sent to the prison as hostages in an exchange of their husbands. According to the respondent, everyone was too scared to go to the prison to pick up their wives. In the prison, people were provided with a little food and they could barely take a shower. The respondent saw someone died at least every 1 or 2 weeks. His 70 year-old mother said she was sure that her son would have been killed in the prison as there were many such cases. Another female respondent's husband was also arrested and he never came back. A 75 year-old respondent

stated “Because of ARSA, all the Rohingyas had to flee here”.

4.1.6 Sexual abuse

It was challenging to ask Rohingya female refugees about their experience of sexual abuse in Myanmar. A Bangladeshi male doctor at a primary health care center in the camp told a story in which he saw an old woman and her grandson at his center in the camp. He asked the old woman: “Where is his mother?” and she answered “She was killed when we were escaping”. So the doctor asked her “How?” and she told him “She died because of her beauty”. The doctor understood that she was probably raped and killed.

According to a Bangladeshi female doctor from Society for Health Extension and Development (SHED) in the camp, she saw at least nearly 75 rape victims who wanted abortion in 2 months. She said that Rohingya people are very conservative and religious, therefore it is particularly challenging for those rape victims because they are stigmatized and discriminated. In most of the cases, they will never be able to get married.

A female respondent from Buthidaung village was arrested by the military for 2 days and she stated that she was raped by the Myanmar military in the prison. She also witnessed that other people were abused and killed by the military there. Many of the respondents witnessed that neighbors were raped.

According to a female psychologist from the mental health service center in the camp, Rohingya females are reluctant to talk about their issues even among Rohingya female friends because of their religious values.

4.1.7 History of Rohingyas

Several respondents expressed that Rohingya people used to live peacefully in Myanmar and they previously had a good relationship with Buddhist monks and non-Rohingya people. Rohingya people invited Buddhist monks and non-Rohingya people to their homes and vice-versa.

According to a 40 year-old male respondent, Rohingyas used to have their own radio station and TV channel for Rohingyas before 1965. Everyone called them ‘Rohingya’ as Rohingyas were then included in official ethnic groups in Myanmar. There were also Rohingya representatives in a national assembly. However, after 1965, Rohingya media and even use of Rohingya language were prohibited and their identification was deprived. The 1982 Burma citizenship law denied Rohingyas’ citizenship and since then discrimination against Rohingyas has escalated. According to the respondent, the military started to arrest innocent Rohingya people, to enslave and torture them, to take their lands or livestock, to restrict marriages and to ban some activities such as fishing and farming. After some Buddhist young people killed Rohingya religious leaders, a tension between Rohingyas and Buddhist Rakhine people has rapidly increased.

According to the 70 year-old male respondent who was a chairman in a national assembly between 1958-1962, the Myanmar military started attacking Rohingya villages within a few hours after the Advisory Commission on Rakhine state chaired by Kofi Annan submitted the report on August 23rd 2017. He expressed that the attack was strategically planned to launch on the same day when the report was submitted which included some demands for rights of Rohingyas. A 44 year-old respondent argued that on August 25th 2017, the military suddenly attacked Rohingya villages and the crisis began. This collision on August 25th amount to a large flow of refugees to Bangladesh from Rakhine state in Myanmar. The 45 year-old female respondent showed her disappointment to Aung San Suu Kyi of NLD. She stated: “We supported and loved her and NLD. But she destroyed us and killed our families and relatives. This crisis started just after she became a NLD leader”.

4.2 The livelihoods of Rohingyas in the camp

4.2.1 Life and challenge

According to UNHCR (2018), one-third of the families in the camp are vulnerable. 16

percent are single mothers with little support in harsh camp conditions while others are struggling with serious health problems and disabilities (UNCHR, 2018). A majority of the respondents were facing challenges and they were not satisfied with their life in the camp. The 55 year-old female respondent felt like she was just passing her life as an animal rather than human such as living in a plastic tent, eating the same food every day and sleeping on a hard floor. She did not know what to do in the camp as she had nothing.

Quite a few respondents said they felt comfortable and safe living in the camp thanks to Bangladeshi and International aid. They stated that they could sleep safely at night in the camp unlike in Myanmar. The 70 year-old male respondent expressed how thankful he was to Bangladesh with tears in his eyes.

In contrast, a Bangladeshi doctor at a primary health care center in Kutupalong camp held a different opinion concerning the living condition of Rohingya refugees there. He argued that living conditions of Rohingyas in the camp were actually better than their life in Myanmar because they were provided with shelters to live, food and education while they had not been entitled to receive education in Myanmar.

4.2.2 Lack of aid

The primary challenge for refugees was lack of aid. According to the respondents, the refugees were provided with 25 kilos of rice, 2 liters of oil, a half kilo of salt, 2 kilos of dahl, a half kilo of sugar from The World Food Program (WFP) every 15 days or every month depending on the size of families. Blankets and bamboo mats were also provided. 13 respondents answered that they needed vegetables, fish and chicken in addition to the provided staple food. The 40 year-old male respondent said his children started to have diarrhea after eating the same food for 3 days. The 55 year-old female respondent was also feeling sick and she said her diet without vegetables and fish made her sicker. In order to get other necessities that are not provided from

international aid, refugees ended up selling their provided aid in black markets to get cash. I observed almost all kinds of aid being sold in markets outside of the camp by local Bangladeshi. A Bangladeshi boy was selling a bag of rice carrying the WFP logo in the local market and he said he bought it with 100 BDT and wanted to sell it with 130 BDT. He did not identify who he had bought it from.



Figure 4: The international aid being sold in a local market (researcher 19.01.2018)

4.2.3 Shelter, weather and medical care

Another challenge that Rohingya refugees were facing was their housing facilities and cold weather. Six respondents said their shelters were too small for their family. The cold weather was also affecting Refugees as Bangladesh recorded its lowest temperature in January 2018 in five decades. Most of the temporary shelters were made by bamboo and plastic tents and refugees slept on thin bamboo mats. Many respondents said it was too cold in the camp and many people caught a cold.

In addition, people were not receiving enough medical support. The 55 year-old female

respondent said she needed to queue for medicines for a long time at the health care center and they only gave her primary medicines such as paracetamol for 2-3 days. She said she would get sicker if she queued so she did not.



Figure 5: The temporary shelters and the wells (researcher 19.01.2018)

4.2.4 Work

Thirdly, being not able to work was most refugees' challenge. As refugees are not allowed to work, people have a hard time making their living in the camp as aid is limited. The 25 year-old male respondent was teaching Burmese and English to children as a volunteer for 5 days a week. He received some incentives from teaching but not enough to support his parents and his 10 other younger brothers and sisters, so he hopes that his family can also work and he can get a higher wage. The 29 year-old male respondent who used to teach in a middle school in

Myanmar answered that he was dependent on his savings from Myanmar and he was willing to teach children again. Most of people who used to teach in Myanmar said they were eager to teach again in the camp even if they would not get paid but there were not enough facilities.

4.2.5 Safety and education

Finally, some respondents shared their concern about safety and children's education. The 80 year-old male respondent was worried about safety for young girls in the camp as some children have been kidnapped. The 43 year-old male respondent who has been in the camp since 1992 said it was unsafe to live in the camp between 2004 and 2006 because people had come to the camp to kidnap young girls. As the UN (2017) warns, human trafficking and exploitation are rife among Rohingya refugees.

On the other hand, the 45 year-old female respondent was worried about the repatriation plan that was agreed between Myanmar and Bangladesh. The respondent was frightened if they would be sent back to Myanmar without any solution and she said "It would be better if the Myanmar military kill us here. Let them kill us here." In addition, the 29 year-old male respondent shared his concern about elephants. A few times elephants roamed around the camp and broke the tents, which resulted in at least 10 deaths in Kutupalong. Accordingly, UNHCR and the International Union for Conservation of Nature (IUCN) launched a project to prevent dangerous encounters with elephants.

Concerning children's education, the Bangladesh government has not allowed to build higher education facilities than primary schools in the camp. Therefore, the 43 year-old male respondent was concerned that there was no opportunity to receive higher education for children. My translator B mentioned that some Rohingya children study in local schools outside of the camps while they hide their identities as Rohingyas. However, it is possible only if their parents can afford to buy Bangladeshi identification for their children.

4.2.6 Aung Tin's school

Aung Tin from BRAJ built the primary school at his own expenses in Kutupalong camp in October. In the beginning, he expected around 200 children would come to study in his school, however it turned out approximately 400 children studying Burmese, English and math in his school. The age of the students were from 7 – 12 years old. In addition, adults also came to learn because they did not have a right to study while they were in Myanmar. Therefore, teachers in the school decided to open the school for adults in the evening after children left for home. Aung Tin stated: “When I asked children what they missed about Myanmar, they said they missed studying Burmese. So, I decided to build a school for them”. There were five teachers who were teaching in the school as volunteers. Some of the children in the school lost their parents by the military attack in Myanmar. Aung Tin argued that they needed more schools in the camp, especially middle schools and high schools because there are only primary schools due to the Bangladesh government's restriction.

4.3 Future of Rohingyas

4.3.1 Repatriation

18 respondents were eager to go back to Myanmar with some conditions while 2 respondents did not want to go back to Myanmar. The respondents who want to go back suggested conditions for repatriation such as 1) granting citizenship 2) giving fundamental rights such as freedom of movement and education 3) giving dignity and ensuring safety 4) compensating the houses and lands. The majority said that they fled to the camp just to save their life not to settle down in Bangladesh. The 70 year-old male respondent mentioned that they would not go back without any justice and a third party such as the UN and international communities need to intermediate this conflict. He also claimed that the British government should show the proof about Rohingyas during their occupation in Myanmar to clarify that Rohingyas were not illegal

Bengali immigrants as Myanmar has insisted. He used a metaphor to describe the situation of Rohingyas and Myanmar: “We Rohingyas fled from Myanmar many times but we always came back. Myanmar is playing a game with us again by saying ‘We will accept Rohingyas’. For example, if my daughter married a bad guy who beats her and she comes back to me, I will not let my daughter go back to him again without any solutions. It’s same with us and Myanmar. How will we go back without justice?”. He demanded the Myanmar government to take back their statement that Rohingyas were terrorists. Many of the respondents said they wanted to go back because Myanmar was their ‘home country’ and they had strong emotional attachment to their lands.

On the other hand, the 20 year-old female respondent feared the military because her family was killed by them so she was negative about repatriation. The 80 year-old male respondent who was a military representative said it was difficult to live in Myanmar for Muslims while he felt more familiar with Bangladesh because most of people were Muslims there.

4.4 NGOs

There were several NGOs working in Kutupalong camp including both international and local NGOs. Interviewing those people helped this study have another perspective of Rohingya refugees’ living conditions.

All the volunteer staff who I interviewed were Bangladeshis, yet some of them were different ethnicities. A female volunteer staff from a women’s training center was an Arakanese but a Bangladesh citizen. Cox’s Bazar has an Arakanese population that has been living in Cox’s Bazar as Bangladesh citizens as many years as Rohingya people have been living in Myanmar. Their tradition and customs were the same as with people in Myanmar and there was even a Burmese market in Cox’s Bazar.

When I was walking in the camp, a volunteer staff from BRAC which is a Bangladeshi

NGO spoke to me and asked where I was from and if I was Buddhist. He was Chakma who are one of the Chittagong hill tribes in Bangladesh. There have been conflicts between the indigenous tribes in Chittagong hill and the Bangladesh government for decades, and the conflicts have made a large number of indigenous people refugees. Volunteer workers with a variety of backgrounds were working for Rohingya refugees in the camp.

4.4.1 Mental health care

There was a mental health service center in the camp which provided both individual and group counseling for Rohingya refugees. The female Bangladeshi psychologist from the center said that many Rohingya refugees suffered from depression, PTSD, and some kinds of stress and anxiety disorders. She described that Rohingya people suffered trauma with periodic stages. First, they suffered from serious anxiety and PTSD from their experience in Myanmar when they arrived to the camp. After a few months when they settled down in the camp, people started suffering from another stage of trauma. People started having anxieties about their next day whether they could receive enough food or how they could collect money to buy vegetables.

The Psychologist said that mental health issues were not well recognized among Rohingya people and due to their conservative cultural and religious values they did not often talk about their problems. The center offers counseling services but Rohingya people do not consider sharing their experiences as a healing process. Therefore, it is challenging to raise awareness of mental health issues and let people come to the center. The psychologist encountered some challenges concerning people's religious value. To begin with, most of the Rohingya refugees were not educated or they had mainly studied in Quran schools, therefore they did not understand the value of education. Secondly, Rohingya women's participation in social activities was quite low as a majority of Rohingya women had never been to school and they were not allowed to work. When volunteers from the center visited houses and told Rohingya women that they would

recruit female volunteers, people were simply not interested.

They offer both individual and group counselling service depending on the patients. A group session is normally conducted with 6-7 patients. First, they introduce each other and start asking what their pains or difficulties are. Second, they start discussing how they can try to solve their issues. Third, a counselor introduces them to distraction techniques such as remembering positive events in their life. Finally, practical information about the center and other NGOs activities are shared.

Individual counselling is organized for patients with severe mental health issues. For refugees who have anxieties about their daily life and their future, they sometimes use supportive psychotherapy techniques which the counselor and the patient share and accept their pain and discuss how to live with pain. They also ask if the patients know any kinds of handwork so that they can collect some money from small jobs.

Besides counselling, the center provides refugees with information about the value of education, how to receive education, why they should take some vaccinations and why they should have a family planning including the methods of contraception. People also can get information about NGOs who work in the camp and they can enjoy their services. The psychologist also mentioned that they also helped some families reunite with missing family members by using NGOs networks in the camp.

4.4.2 Health care

A doctor from the health center by IOM stated that he saw many patients who suffered from skin diseases, diarrhea, pneumonia, and diphtheria. Diphtheria was especially quite prevalent in the camp and he saw around 30-40 diphtheria patients everyday. The doctor stated that due to a poor sanitation system in the camp, skin diseases have been one of the most common diseases especially among children. On the other hand, another doctor from a malnutrition health

care center and a pediatrician said both nutrition and sanitation levels have been improving for the last few months. A pediatrician has been telling his patients about the importance of putting clothes on children as many Rohingya children stayed naked. It is difficult to change their habits but he believes that the knowledge will spread gradually. A Bangladeshi staff from Oxfam also mentioned that changing their habits was a big challenge when it comes to teaching a hand-washing practice. They hold workshops about diphtheria, cholera and other water borne diseases, vaccination and hand washing in the camp. However, the camp was densely populated, so even if one family was conscious about hygiene and they practiced a hand-washing as they were taught, if surrounding families were not, it was difficult to keep their habits, according to the staff from Oxfam.

4.4.3 Women's training center

There was a women's training center where Rohingya women were learning how to sew and they were sewing panties and sanitary napkins to give out for Rohingya refugees. A Bangladeshi worker from the center stated that this training center just opened recently so everything had just started. When I visited the center again after a few days, more sewing machines had arrived and around 40-50 Rohingya women were working there.

4.4.4 Challenges of NGOs

NGOs in the camp were facing several challenges such as lack of aid and a language barrier between refugees and volunteers. Bangladesh Red Crescent was working on prevention of epidemics such as measles and diphtheria in the camp. A volunteer staff at Bangladesh Red Crescent was concerned that during monsoon season, it will be critical to prevent epidemics in the camp. A staff from ADRA was also worried about landslides in the camp in monsoon season while he also explained about the danger of fire during the dry season. Many new refugees have built plastic tents on the hills or slopes that were susceptible to landslides, and when it rains, the

street will get muddy and it will be quite difficult to walk. According to UNHCR (2018), UNHCR, the Bangladesh government and other organizations were preparing for the upcoming monsoon season and 623 families living in flood-prone areas of Kutupalong were relocated to safer parts of the camp in March.

The female doctor in the camp shared her concern about Rohingyas and Bangladesh: “Bangladesh is a poor country and we don’t have a capacity to keep helping millions of Rohingya refugees. This Kutupalong camp used to be a jungle but trees were being cut down to make more and more temporary houses. I am afraid that Rohingyas are involved in antisocial activities such as selling yaba (drugs), stealing and hijacking. What if international aid is stopped someday? What if Rohingyas were mixed in Bangladesh? And what will happen to their nationality? How long can we keep them?”.

4.5 Bangladeshi Fishermen in Subrang village

While most of the interviews were conducted in Kutupalong camp, some interviews were conducted in Subrang village in Teknaf district in Cox’s Bazar which was close to the border with Myanmar. As most of the Rohingya refugees first arrived in Subrang from Myanmar by boats, Bangladeshi fishermen in Subrang helped thousands of Rohingyas flee to Bangladesh by their boats.

There were several fishermen working by shore and they were ferrying local people to another village. They normally charge 20 BDT per a head and only 16 passengers could be accommodated on a boat. However, after the late August 2017, thousands of Rohingya people fled to Bangladesh and fishermen ferried around 30 passengers per boat. During the crisis, they only charged 300 BDT per boat and sometimes they did not charge because it was an emergency. The refugee crisis started during the rainy season. People around the village also came to help refugees walk through the mud because people often slipped and fell. Fishermen also sometimes

fell in mud and got injured by helping refugees. According to a fisherman, some Rohingyas were injured and they were crying and happy to get some food when they arrived to Bangladesh. Sometimes Rohingyas fled without any clothes, so fishermen and local people donated their clothes and food. They also built a toilet for Rohingyas by the shore. The fishermen witnessed fire and heard the bombs from Myanmar: “We often cried to see what was going on on the other side. We could not do anything but to just observe, so we felt so sad. As human beings, how can they do that to other humans?”. One of the fishermen stated: “We were just helping Rohingyas on behalf of our almighty, creator, Allah. Otherwise, no one or no organizations helped them”. However, fishermen said they were also poor “like Rohingyas”. They needed financial support for helping Rohingya refugees.

4.6 On the other side across the Naf river

The Naf river is a river making the border of southeastern Bangladesh and western Myanmar. Most of the Rohingyas had to cross the Naf river to flee to Bangladesh and many people died by drowning during the rainy season. I accompanied Aung Tin from BRAJ to take a ferry to Saint Martin island from Teknaf to observe the Myanmar side from the ferry. Aung Tin is from Maungdaw city and he said “The military burnt everything except the Buddhist temples and the Rakhine people’s houses. There used to be the Rohingya villages and mosques, but now everything is burnt” while he was looking toward his hometown across the river. We could also observe some people living in the plastic tents on the shore outside of the fence on the Myanmar side. Aung Tin stated “Poor Rohingyas. They fled to the shore but they must have not had enough money to take a boat to Bangladesh. They are now stuck there because it is too dangerous to go back inside the fence”.

Chapter 5. Analysis

In this chapter, the empirical findings are discussed and analyzed. The analysis is

divided into three parts in accordance with the research questions. First, it discuss the human rights of Rohingyas in Myanmar with their past experiences. Second, the discussion moves into the human rights of Rohingyas in Bangladesh with their present situation in Kutupalong camp, and finally it analyzes the human rights for their future generation.

5.1 The human rights of Rohingyas in Myanmar

5.1.2 History of Rohingyas

Several respondents stated that Rohingya people were living peacefully in Myanmar before and they were recognized as 'Rohingyas'. The intolerance against Rohingyas gradually began and it escalated into the persecution. One of the respondents was a chairman in a national assembly and another respondent was a military representative. Even Aung Tin's father himself was a department chief of police in Myanmar. Surely, Rohingya people were included in society and they lost all the rights that they had before.

One respondent stated that the military suddenly attacked villages on August 25th 2017 and the crisis began. However, according to BBC News (2017), Rohingya insurgents attacked more than 30 police posts in northern Rakhine on August 25th 2017 and it led to a brutal security crackdown. There was a different understanding about this incident.

Another female respondent condemned Aung San Suu Kyi for her responsibility for persecution against Rohingyas. She stated that Rohingya people supported her when she became a leader of the NLD but this crisis began just after she came to power.

5.1.3 The right to life

Article 3 of the UDHR defines that the right to life, liberty and security is entitled for everyone. It goes without saying that the right to life for Rohingyas has been violated in Myanmar. All the respondents fled to the camp due to the ongoing persecution against Rohingya population in Myanmar. Some of the respondents lost their family members. Five women lost their husbands

or sons and they were killed by the military or Buddhist monks.

Most of the respondents fled to the camp after the military's crackdown in Rakhine state started on August 25th, 2017 except one respondent who fled in 1992 after the 8888 Uprising. The respondent who arrived most recently has been living in the camp since November 2017 and the majority of the respondents had been living in the camp for less than 5 months when the interviews were conducted. The military's crackdown in late August 2017 made a large number of Rohingya refugees flow into Bangladesh.

5.1.4 Flight to Bangladesh

As the rainy season with its accompanying mud and landslides was in progress during the flight to Bangladesh, it contributed to making the journey even more challenging as some of the refugees had to climb mountains while carrying their children or the older people. Several respondents were injured during their flight. After the bombs were dropped in some villages, the military, civilians, and Buddhist monks tried to kill Rohingya people who were fleeing and they burned their houses.

5.1.5 Bangladeshi fishermen

Bangladeshi fishermen helped many Rohingya refugees flee to Bangladesh from Myanmar and two fishermen spoke about the situation of the border during the crisis. The fishermen said they cried to see the fire and to hear the bombs on the other side of the river. Some Rohingya refugees were injured and they were crying and they seemed happy to arrive in Bangladesh and get some food. As one of the Rohingya respondents in the camp stated, some Bangladeshi fishermen were injured by the Myanmar military attack. The fishermen stated that they sometimes got injured when they helped Rohingya refugees walk in mud. The fishermen sometimes did not charge for Rohingya refugees during the crisis and they built a toilet for Rohingyas and sometimes donated their clothes and food for them. The fishermen argued that

they needed financial support because they were also as poor as Rohingyas. As the fishermen have not been receiving any help, they were also in financially difficult situation.

5.1.6 Against arbitrary arrest, detention or exile

There were several cases where family members of the respondents were arrested by the military or themselves were also arrested on suspicion of being a member of ARSA or without any reasonable explanations. According to the Article 9 of the UDHR, it explicitly mentions that noone shall be subjected to arbitrary arrest, detention or exile. Two female respondents were arrested and both tortured, and one of them was raped.

5.1.7 Sexual abuse

The UN Security Council adopted the resolution on sexual abuse in UN peacekeeping in 2016. As sexual abuse is often used as a tool to dehumanize the victims in conflicts, many Rohingyas have also suffered from the sexual abuse. Many respondents testified that they have seen Rohingya women were being raped by the military, but only one respondent shared her experience. When I asked female respondents about sexual abuse, the respondents told children and men to leave except a 80 year-old man who lived in that tent before they started responding to my question. I assume the fact that it was a group interview with a man's presence made the female respondents reluctant to speak about their experience. There might have been more respondents who were sexually abused but I could not collect more data.

5.2 The human rights of Rohingyas in Kutupalong refugee camp in Bangladesh

5.2.1 The right to an adequate standard of living

The Article 11 of International Covenant on Economic, Social and Cultural rights (1966) ensures the right of everyone to an adequate standard of living including adequate food, clothing and housing, and to the continuous improvement of living conditions. A majority of the respondents were facing several challenges in their life in the camp while quite a few people said

they feel comfortable and safe living in a camp compared to Myanmar. On the other hand, some respondents showed their gratitude towards Bangladesh and one respondent started crying when he expressed how thankful he was to Bangladesh. Several respondents thought the aid was provided by the Bangladesh army and not by the international organizations because all the handouts were provided through the army.

5.2.2 The right to food

The aid was apparently insufficient. According to the factsheet from March 2017 by UNHCR, only 31% of aid needs for the camp were met. After the late August 2017, 671,000 Rohingyas were estimated to arrive to Bangladesh and the camp and its make-shift areas expanded dramatically (IOM, 2018). It goes without saying that more aid was needed. In order to get cash to buy vegetables or fish, the refugees were selling their bamboo mats, blankets or any other handouts. The right to food is defined as the right to have regular and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food which ensure a physical and mental, fulfilling and dignified life free of fear (United Nations Human Rights, 2018). Even though most of the respondents have been receiving the adequate amount of food, the food was not qualitatively adequate because the refugees were not provided with vegetables, fish or meat which are important sources of micronutrients, vitamins and proteins. One of the female respondents stated that she was not feeling like living as a human being because she had to eat the same food every day, living in a plastic tent and she had nothing to do. In addition, she also argued that she felt sicker because she could not eat enough vegetables or fish. The Bangladesh government bans the distribution of financial aid to the refugees, therefore a volunteer from Oxfam said the organization was planning to provide E-vouchers for buying things, but it has not been permitted by the government yet.

5.2.3 The right to health

When the research was conducted in January, it was winter and dry season. Due to insufficient warm blankets or mats, the refugees caught a cold, so it was a vicious cycle. I observed that many people in the camp had a cold and they were coughing. After visiting the camp every day and talking to people in the camp, I also got a cold immediately which lasted for a while. I assume that the epidemic disease must spread rapidly among the refugees who were already in a weakened condition and were not vaccinated upon their arrival to the camp.

The 1946 Constitution of the World Health Organization (WHO) states that “the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition. The right to health does not only mean access to health care, but it also includes a wide range of factors that contribute to a healthy life such as safe drinking water and sanitation, adequate nutrition and housing, and even gender equality (OHCHR, 2008). In fact, due to a poor sanitation system, skin diseases have been prevalent in the camp. The household effluents directly flow into the river which was gray and stinky and children were still playing there. It was quite obvious to see a causal relationship with health and adequate sanitation, nutrition and housing.

The right to health includes both physical and mental health and mental health issues are also a serious issue among Rohingyas. After undergoing the persecution in Myanmar, Rohingyas now suffer from the harsh living conditions in the camp. As a Bangladeshi psychologist described that many Rohingya refugees suffered from the periodic trauma, most of the respondents seemed to be in the second stage of trauma. People had anxiety and worries about their next day whether they could receive food or how they could collect money to buy vegetables. However, I could only observed one mental health care center in the large area of Kutupalong camp, so apparently this center cannot provide sufficient support to all the people who suffer from their mental issues. In addition, as the psychologist mentioned that people are not used to talk

about their issues, it is necessary to raise awareness of mental health care among Rohingyas.

5.2.4 The right to adequate housing

The house facilities and cold weather was also challenging for the refugees. The UN human rights (2009) defines some criteria for adequate housing and it includes habitability: it guarantees physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind, and other threats to health and structural hazards. Most of the refugees lived in small plastic tents and in general it was too small for a Rohingya family that tends to have many children. One of the male respondents had 10 siblings and he stated that their shelter was too small. The refugees often cooked inside of the tent and the heat raise the room temperature quite high and the coal produced a lot of smoke, therefore it was quite hot and smoky inside the tents.

As a volunteer staff from ADRA was worried about the danger of a fire, I actually observed several shops were burnt down because of a fire outside of the camp. The shelters in the camp were built closely together, so that a fire might spread rapidly. In addition, as a staff from ADRA also mentioned about the danger of landslides in the rainy season, the shelters were built where the trees were cut down, therefore there is a high risk of landslides. Moreover, it is uncertain that their plastic shelters can withstand the weather during the rainy season.

Regarding the adequate housing, unsafety was also mentioned as a challenge in the camp by several respondents. The respondents were concerned that some children have been kidnapped in the camp. Aung Tin actually witnessed that two men were trying to put a Rohingya child into a bag to smuggle her out in Kutupalong camp in October 2017. People heard the child's screams so these men were caught and the child was rescued into safety. One of the respondents was worried about elephants that were roaming around the camp. Just a few days before the interview was conducted, a Rohingya couple was killed by an elephant inside the camp, which contributed to peoples fear towards the presence of the elephants.

5.2.5 The right to work

Many of the respondents expressed that incapability of work was a big challenge. As Rohingyas are not allowed to go beyond the police control, they are basically confined in the camp. Moreover, Bangladesh is neither a signatory to the 1951 Convention relating to the Status of Refugees nor to its 1967 Protocol and has not enacted any national legislation on asylum and refugee issues. Therefore, they cannot even seek for asylum in Bangladesh. I observed most of the men were spending everyday sitting and chatting outside of their tent since they had nothing else to do. There were shops selling basic needs such as vegetables, fish, eggs and snacks, small canteens, babershops, and tailor shops in the camp and those who had some savings from Myanmar could start such small businesses.

My translator B also taught English in school sponsored by Save The Children in the camp while living there with his family and he earned 5000BDT per a month. Now he studies Business in Cox's Bazar International University and earns money as a Rohingya translator to pay for his tuition fee and to send money to his family back in the camp. When we took a local bus in Cox's Bazar, we encountered B's former student from the camp by chance. His former student was 14 years old and working as a bus driver's assistant by collecting fees from the passengers. He and his mother somehow managed to get out of the camp and lived in a neighboring village. However, only a small number of people can actually get out of the camp and work as 'Bangladeshi' in local communities.

5.3 The human rights of the future generations of Rohingyas

5.3.1 The Rohingya's hope

A majority of the respondents said they want to go back to Myanmar under several conditions. The conditions for repatriation include 1) granting citizenship 2) giving fundamental rights such as freedom of movement and education 3) giving dignity and ensuring safety 4)

compensating the houses and lands. Their demands are all basic human rights that are supposed to entitle everyone. While most of the respondents wanted to go back to Myanmar, two respondents were reluctant to go back. The former military representative said that it was difficult to live in Myanmar for Rohingyas because of the different religions and he felt more comfortable living in Bangladesh. The female respondent who lost her parents, husband and brothers by the military attack was too scared to go back to Myanmar. She asked me to go back to Myanmar with her so that the military would not kill her. She also asked me to take her to my home country, Japan. It would have been different if I also asked Rohingyas if they would like to be allocated in a third country. In fact, resettlement to a third country from the refugee camps in Bangladesh has been introduced on the initiative of the UNHCR, a few number of Rohingyas were allocated to Canada, New Zealand and the UK.

5.3.2 The right to education

The Article 26 of the UDHR assures the right to education for everyone. For Rohingyas, the right to education was deprived in Myanmar and there was no opportunity to receive higher education than primary schools in the camp as the Bangladesh government does not allow it. As Aung Tin was planning to build his second school, a number of schools in the camp is limited. Not only children but adults also wanted to study and I observed a middle-aged man at the small shop in the camp studying Burmese and English in his notebook while he was waiting for customers. Their illiteracy rate is high especially among women as they have never studied in a primary school. Therefore, the psychologist stated that it was challenging to teach the importance of education for women and ask them to join social activities.

5.3.3 The future of Rohingyas in Bangladesh

The female doctor from SHED shared her concern about Rohingyas and Bangladesh that Bangladesh was a poor country and the government did not have the capacity to keep helping

millions of Rohingya refugees. As my translator B was hiding his identity as Rohingya outside of the camp, there was discrimination against Rohingyas in Bangladeshi society. Several checkpoints by the police and the military were located outside of the camp to keep Rohingya refugees inside. As the female doctor stated, it would be difficult to find Rohingya refugees who mix into Bangladeshi.

5.4 NGOs

5.4.1 NGOs in the camp

When it comes to providing Rohingya refugees with services from NGOs, their religious values and their customs became barriers, aid workers stated. Their religious values restricted refugees from sharing their issues among themselves, especially mental health issues. Therefore, volunteer workers from the mental health care center have been trying to raise awareness of mental health issues and tell the importance of sharing their pain. On the other hand, as a volunteer staff from Oxfam mentioned, Rohingya refugees did not always follow the sanitation practice as they were taught because they did not have the custom. In addition, Rohingya people did not have a custom to put clothes on their small children, hence it was challenging to change their mindset because for Rohingya people clothes were to hide their body not to protect from cold weather or bacteria.

Conversely, we have to keep in mind that all the NGO workers including psychologists and doctors were Bangladeshis and they might have reflected their cultural biases towards Rohingyas. Although many Bangladeshi respondents described Rohingyas as religious and conservative, it is not clear that all the Rohingyas are religious and conservative. A female psychologist explained that Rohingya women are reluctant to work because of their religious belief, however I observed many women participating in volunteering at women's training center and at the Red Crescent.

5.4.2 International Rohingya organizations

Rohingyas organizations worldwide submitted the joint statement regarding the repatriation agreement in January 2018. There is a global network of Rohingyas living in different parts of the world and the joint statement was signed by 21 international Rohingya organizations from Japan, Norway, Denmark, Sweden, Netherlands, Italy, Finland, Switzerland, Germany, Canada, America, UK, Australia, Myanmar, and Malaysia. The importance of the global network of the Rohingya communities is significant in different ways such as providing remittances to family members, contributing funding to refugees, lobbying governments and the UN and involving in political activities. Members of BRAJ have protested in front of the Myanmar embassy in Japan regarding the persecution against Rohingyas in Myanmar and they have also submitted the letters to Ministry of Foreign Affairs of Japan to request a support for Rohingya refugees in Bangladesh. In addition, BRAJ has built a primary school in Balukhali refugee camp in Cox's Bazar. As the Rohingya organizations claimed in their joint statement, Rohingyas should be involved in any negotiations and determination about their future. While engaging in the political activities against the military regime in Myanmar is quite difficult, the Rohingya in other democratic countries can be a voice for the Rohingyas in Myanmar.

5.4.3 Human rights activists in Myanmar

There are also some people inside Myanmar who try to change the situation of the Rohingyas. When I was in Cox's Bazar in January, Thet Swe Win who is a Burmese human rights activist was also planning to visit the refugee camp with another Burmese activist. Thet Swe Win runs the Centre for Youth and Social Harmony in Yangon and he is one of the few pro-Rohingya Buddhists who try to speak out against the atrocity against Rohingyas inside Myanmar. Our group including Aung Tin and Japanese journalists went to pick them up at the airport, however, they never showed up and we lost a contact with them. Two days later, they answered that they were

stopped at Dhaka airport and they were denied to take their flight to Cox's Bazar and were sent back to Yangon. They were also planning to visit the camp with other human rights activists and Buddhist monks from Myanmar in March but it was cancelled due to this incident. Although it is quite difficult to be engaged in political activities supporting the Rohingya in Myanmar, they are still some groups of people who try to make a change.

Chapter 6. Conclusion

What has been happening to Rohingyas in Myanmar is ethnic cleansing and the denial of human rights. The human rights for Rohingyas in the camp in Bangladesh are not yet protected as the refugee camps do not provide the full array of human rights obligations. The conditions for the repatriation that the respondents suggested such as granting citizenship and ensuring safety and dignity are all basic human rights which are supposed to entitle everyone. The deprivation of citizenship is a powerful tool to persecute Rohingyas and the state is responsible for perpetuating the violence against Rohingyas. Although the Advisory Commission on Rakhine state was established due to a request from Aung San Suu Kyi, it is not clear how much impact this commission can have on the current crisis and moreover the military crackdown began two days after the final report was submitted. The interviews of the Rohingyas in the camp showed that not only the military was responsible for the violence but the civilians and the Buddhist monks were also highly engaged in the persecution.

Many of the respondents lost their family members or their family members are still missing after the Myanmar military arbitrarily arrested them. Some of the respondents were also arrested, tortured, and sexually abused. Many Rohingyas are traumatized from their experience and they need an urgent mental health care. The Arabic teacher from Aung Tin's school told me that they lost so many loved ones but they will forgive everything and choose a peace because that's what their god told them to do. However, not everyone agrees with his statement as one of

the respondents stated that he will not go back without any justice.

As my translator B was born in the camp and grew up there, some people have been living in the camp for decades. Although my translator was lucky enough to get out of the camp and to study in the university, it is a quite rare case. Especially after late August 2017, the camp was rapidly expanded because of a large flow of Rohingyas from Myanmar, and the Bangladesh government heightened the security policy so that they can keep Rohingyas in the camp. Many people arrived in the camp to stay temporarily, however, it is not clear when they can go back to their home country. The living condition in the camp must be improved and their right to receive higher education in the camp should be permitted.

6.1 Recommendations

For repatriation of Rohingyas to Myanmar, as the Rohingya exile communities submitted a joint statement, the representatives of Rohingyas must have been included in the process with a support of UNHCR. Moreover, as the respondents suggested the conditions for the repatriation, Bangladesh must not send back Rohingyas to Myanmar without any radical solutions to this issue.

The human rights framework can be an effective tool to discuss about Rohingyas' rights in Myanmar in order for Rohingya refugees to go back to their home country and live a dignified life. However, human rights approach is limited when it comes to practice and a legal obligation. Although Myanmar clearly violates human rights of Rohingyas and international communities have been condemning Myanmar for ethnic cleansing, no one has been able to actually stop these atrocities yet. Although UDHR provides a mechanism of international human rights, it is merely a declaration.

It was a big step for Myanmar to have finally ratified the ICESCR in October 2017 since now Myanmar has obligation to protect economic, social and cultural rights without

discrimination for its citizens. International pressure on the Myanmar government including various sanctions to end the persecution and discrimination against Rohingyas is urgently needed.

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Appendices

Appendix 1

Interview guide: Rohingya refugees in Kutupalong camp

| Questions | Follow-up questions |
|--|---|
| 1: Age of respondent? | |
| 2: Gender of respondent? | To male respondent: Do you have a job here? What was your job in Myanmar? |
| 3: When and why did you flee to a camp? | What have you seen and experienced in Myanmar? To female respondent: Have you encountered any sexual abuse in Myanmar? |
| 4: How and with whom did you come to a camp? | How long and how was the journey to come to the camp from Myanmar? Do you have your family in a camp or Myanmar? |
| 6: How is your life in a camp? | Do you receive enough support? |
| 7: What are your challenges or worries? | |
| 8: Would you like to go back to Myanmar? | If so, under what conditions will you go back? |

Appendix 2

Interview guide: NGOs in Kutupalong Camp

| Questions | Follow-up questions |
|---|---|
| 1. NGO/profession/actor? | |
| 2. How long have you been working in Kutupalong camp? | |
| 3. What kinds of support do you provide to refugees? | To doctors & Psychologist: What kinds of health / mental issues do refugees have? |
| 4. What are your challenges? | Do you have enough aid to provide? |

Appendix 3

Interview guide: Bangladeshi fishermen in Sabrang village

| Questions | Follow-up questions |
|--|--|
| How much do you charge per a passenger on a boat? | |
| How many passengers can be accommodated on a boat? | |
| Have you helped Rohingya refugees flee to Bangladesh by your boat? | How did you help them? |
| How many Rohingyas did you help? | What are Rohingyas' gender and age? |
| How did Rohingyas look? | Were they injured? |
| How were Rohingyas' reaction when they arrived in Bangladesh? | |
| Did you see or hear anything from Myanmar side? | |
| Do you help Rohingyas flee still now? | When was the last time you helped Rohingyas? |
| What are your needs? | |