

The Plight of the Rohingya People in Myanmar: A Human Rights and Humanitarian Crisis



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1. INTRODUCTION

In the heart of Southeast Asia lies a tragic tale that has gripped the world's attention – the relentless suffering of the Rohingya people in Myanmar. Their story epitomises one of the most pressing and complex human rights and humanitarian crises of our time.¹ For decades, the Rohingya minority has faced systemic discrimination, violence, and displacement within their homeland, driving them to flee as refugees to neighbouring countries, including India and Bangladesh.² The Rohingya are a predominantly Muslim ethnic group residing in the Rakhine State of western Myanmar.³ Denying them citizenship and basic human rights, the Myanmar government has effectively rendered the Rohingya stateless, leaving them vulnerable to a range of abuses.⁴ This situation has escalated into a brutal cycle of violence, displacement, and human suffering that continues to unfold before the eyes of the international community.⁵

Myanmar, a nation of diverse ethnic groups, has been grappling with internal conflicts for decades.⁶ A backdrop of historical tensions and unresolved conflicts have fuelled a state-sanctioned campaign of violence against the Rohingya. The core issues faced by the Rohingya people are deeply rooted in discrimination, prejudice, and political complexities.⁷ They have been subjected to an alarming cycle of systemic oppression: systematic denial of citizenship, severe restrictions on

¹ Nguyen, Vy. 'The Rohingya Crisis in Myanmar: Rethinking International Engagement Toward Better Humanitarian Protection.' (2018) <<https://repositories.lib.utexas.edu/bitstream/handle/2152/68393/VyNguyen.pdf?sequence=2>> accessed on 6 April 2024.

² Sudheer, Nivedita, and Debanjan Banerjee. 'The Rohingya refugees: a conceptual framework of their psychosocial adversities, cultural idioms of distress and social suffering.' *Global Mental Health* 8 (2021) <<https://www.cambridge.org/core/services/aop-cambridge-core/content/view/F4D229807D4ED7667EA16195FDE5C787/S2054425121000431a.pdf/the-rohingya-refugees-a-conceptual-framework-of-their-psychosocial-adversities-cultural-idioms-of-distress-and-social-suffering.pdf>> accessed on 6 April 2024.

³ Al Jazeera. 'Who are the Rohingya?' *Al Jazeera*. (18 April 2018) <<https://www.aljazeera.com/features/2018/4/18/who-are-the-rohingya>> accessed on 6 April 2024.

⁴ Eleanor Albert and Lindsay Maizland. 'The Rohingya Crisis.' *Council on Foreign Relations* (23 January 2023) <<https://www.cfr.org/background/rohingya-crisis>> accessed on 6 April 2024.

⁵ *ibid* nr 1; *ibid* nr 4; *ibid* nr 3.

⁶ *ibid* nr 1; *ibid* nr 4; *ibid* nr 3.

⁷ *ibid* nr 4; Walton, Matthew J. 'Ethnicity, conflict, and history in Burma: The myths of Panglong.' *Asian Survey* 48, no. 6 (2008): 889-910 (17 March 2016) <<https://www.caritas.org/2016/03/myanmar-looks-to-the-future-with-hope/>> accessed on 6 April 2024; Leider, Jacques P. 'History and victimhood: Engaging with Rohingya issues.' *Insight Turkey* 20, no. 1 (2018): 99-11

<https://www.jstor.org/stable/pdf/26301070.pdf?casa_token=PEVGFMvodRsAAAAA:53Q341vfJJp1BBwNIDMPHwG5yh8AC5T3Ok2QORXRblb8oL7N1W0IRb3KYMTMDuw7q7jeqS-yO7F_wttDdRm7GPPJC-YEDs-hffv1zeZ4sfOZPsAt9_A> accessed on 6 April 2024; Ullah, AKM Ahsan, and Diotima Chatteraj. 'Roots of discrimination against Rohingya minorities: Society, ethnicity and international relations.' *Intellectual Discourse* 26, no. 2 (2018): 541-565 <<https://fass.ubd.edu.bn/staff/docs/AU/journals/Ullah-Chatteraj-2018.pdf>> accessed on 6 April 2024.

movement, pervasive discrimination and prejudice, arbitrary arrests and detentions, forced labour and exploitation, brutal violence and extrajudicial killings, sexual and gender-based violence, and the deliberate destruction of their property.⁸

During recent times, three major waves of violence unleashed against the Rohingya can be identified: 2012, 2016, and 2017. One of the most notorious chapters of this crisis unfolded in August 2017, when Myanmar's military launched a brutal crackdown on the Rohingya population. These horrifying events forced hundreds and thousands of Rohingya to flee for their lives, crossing treacherous borders into neighbouring countries in search of safety and refuge.

⁸ Cheesman, Nick. 'How in Myanmar "national races" came to surpass citizenship and exclude Rohingya.' *Journal of Contemporary Asia* 47, no. 3 (2017): 461-483
https://www.tandfonline.com/doi/pdf/10.1080/00472336.2017.1297476?casa_token=RY4Dm7yEXiUAAAAA:d2HMIcusTVtcmmUbUxMzxpBWRJKDRpUOo4I2hOoz79ZX0W8pE3ewaPnxelUBqSAz0nBGdLOVr8kk accessed on 6 April 2024; Mohajan, Haradhan. 'History of Rakhine State and the origin of the Rohingya Muslims.' (2018): 19-46
https://mpira.ub.uni-muenchen.de/88186/1/MPRA_paper_88186.pdf accessed on 6 April 2024; Ullah, Akm Ahsan. 'Rohingya refugees to Bangladesh: Historical exclusions and contemporary marginalization.' *Journal of Immigrant & Refugee Studies* 9, no. 2 (2011): 139-161
https://www.tandfonline.com/doi/pdf/10.1080/15562948.2011.567149?casa_token=Zh_WnXKJy6sAAAAA:S4BWKSuT-UVvO5O1yIQTMfYfUZJPxclvup6S5qyPRZprSzNSHn0_g8LpmJRcrQI4RS-DOvilsYf8t accessed on 6 April 2024; Parmar, Parveen K., Rowen O. Jin, Meredith Walsh, and Jennifer Scott. 'Mortality in Rohingya refugee camps in Bangladesh: historical, social, and political context.' *Sexual and reproductive health matters* 27, no. 2 (2019): 39-49
<https://www.tandfonline.com/doi/pdf/10.1080/26410397.2019.1610275> accessed on 6 April 2024; Lewa, Chris. 'North Arakan: an open prison for the Rohingya in Burma.' *Forced Migration Review* 32 (2009): 11
<https://www.proquest.com/docview/236516719?pq-origsite=gscholar&fromopenview=true> accessed on 6 April 2024; Zawacki, Benjamin. 'Defining Myanmar's Rohingya Problem.' *Human Rights Brief* 20 (2012): 18
https://heinonline.org/HOL/Page?handle=hein.journals/huribri20&div=38&g_sent=1&casa_token=sjBJ89tOljAAAAA:QIcNFG4HPfjaSN3WuLn6va3bxT7PU0X8u0fkCSd1npfCYX5f-Enwmw9G0ofe-cFWdwGNBFqq&collection=journals accessed on 6 April 2024; ibid nr 4; Wekke, Ismail; Suardi, M. MAWARDIN, Suyatno Ladiqi, and Mohd Afandi Salleh. 'MUSLIM MINORITY IN MYANMAR: A CASE STUDY OF MYANMAR GOVERNMENT AND ROHINGYA MUSLIMS.' *Walisongo: Jurnal Penelitian Sosial Keagamaan* 25, no. 2 (2017)
https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/2017-00-00MUSLIM_MINORITY_IN_MYANMAR_A_CASE_STUDY-en-red.pdf accessed on 6 April 2024; Uddin, Nasir. 'Ethnic cleansing of the Rohingya people.' *The Palgrave Handbook of Ethnicity* (2019): 1575-1591
https://www.researchgate.net/profile/Iqthyer-Zahed/publication/354529356_The_Rohingyas_Inside_Myanmar's_Hidden_Genocide_by_Azeem_Ibrahim_London_Hust_Company_2018_239_pp_paperback_ISBN_9781849049733/links/613ea6814e1df2710631bce6/The-Rohingyas-Inside-Myanmars-Hidden-Genocide-by-Azeem-Ibrahim-London-Hust-Company-2018-239-pp-paperback-ISBN-9781849049733.pdf accessed on 6 April 2024; Sohel, Md Salman, 'The Rohingya crisis in Myanmar: Origin and emergence.' *Saudi J. Humanities Soc. Sci* 2 (2017)
<http://cgsdu.org/wp-content/uploads/2019/03/SJHSS-211A1007-1018.pdf> accessed on 6 April 2024; Mohajan, Haradhan Kumar, 'The Rohingya Muslims in Myanmar are Victim of Genocide!.' *ABC Journal of Advanced Research* 7, no. 2 (2018): 95-108
<https://i-proclaim.my/journals/index.php/abcjar/article/view/82> accessed on 6 April 2024; Tulga, Ahmet Yiğitalp. 'Human rights violations in Myanmar: Rohingya case.' *International Journal for Advance Research and Development* 3, no. 11 (2018): 54-58. https://www.academia.edu/40714516/Human_rights_violations_in_Myanmar_Rohingya_case accessed on 6 April 2024.

Bangladesh and India have been the primary destinations for Rohingya refugees escaping Myanmar's violence. The Cox's Bazar district in Bangladesh, home to the world's largest refugee camp, Kutupalong, has become a symbol of the desperation and endurance of the Rohingya people.⁹ In India, Rohingya refugees face an uncertain future, often residing in informal settlements and facing the risk of deportation due to the lack of legal recognition and protection.¹⁰ As refugees, the Rohingya confront further adversities, including limited legal protection, inadequate living conditions, heightened risks of exploitation and trafficking, xenophobia, psychological trauma, family separation, lack of documentation, and the fear of forced repatriation to Myanmar, compounding their dire situation.

These systemic abuses have created an environment where the Rohingya are subjected to severe human rights violations. The international community has reacted with a mixture of condemnation, humanitarian aid, and diplomatic efforts to address the Rohingya crisis. However, challenges persist as key players struggle to find lasting solutions that uphold the rights and dignity of this persecuted minority. Human rights organisations, non-governmental organisations (NGOs), international organisations and activists have rallied together to shed light on the crisis, advocate for the Rohingya's rights, and demand accountability for the atrocities committed against them.¹¹

This report sheds light on the harrowing issues faced by the Rohingya community, exploring the deeply rooted factors contributing to their plight, the atrocities inflicted upon them, and the desperate journeys they undertake in search of safety.¹² As this report delves into the multifaceted issues faced by the Rohingya people, it offers a comprehensive understanding of the human rights violations and humanitarian challenges that have plagued their lives for generations. By examining the root causes, historical context, and current realities of this crisis, we can collectively strive to foster empathy, raise awareness, and promote actions that uphold the dignity and rights of the Rohingya people. Only through concerted global effort can we hope to bring an end to their suffering and pave the way toward a more just and compassionate world.

2. RELEVANT FACTS

As the most persecuted population, the Rohingya issue in Myanmar is one of the most urgent and lasting humanitarian crises of our time.¹³ Originating from a history of marginalisation, discrimination, and violence, the ethnic conflict has led to widespread displacement and loss of life in

⁹ UNHCR, Bangladesh <<https://www.unhcr.org/countries/bangladesh>> accessed on 6 April 2024.

¹⁰ Amy Kazmin, 'India's Rohingya refugees face new deportation threat' *Financial Times* (10 September 2017) <<https://www.ft.com/content/6df8f4ea-946e-11e7-a9e6-11d2f0ebb7f0>> accessed on 6 April 2024.

¹¹ ISCG '2022 Joint Response Plan: Rohingya Humanitarian Crisis' (2023) <<https://reporting.unhcr.org/rohingya-humanitarian-crisis-joint-response-plan-2022>> accessed on 6 April 2024.

¹² *ibid* nr 7 (Ullah); *ibid* nr 4.

¹³ *ibid* nr 1.

recent years.¹⁴ The plight underscores the complexities of ethnicity, religion, politics, and human rights, with its roots stretching back decades.¹⁵

2.1 Contemporary Background

For many years, the Rohingya people in Myanmar have faced a distressing ordeal marked by a series of violent and devastating events that have been widely condemned as acts of genocide and crimes against humanity.¹⁶ One of the most prominent and horrifying episodes occurred in 2017, when the Myanmar military launched a brutal crackdown in response to attacks by Rohingya militants on security posts. This military operation, euphemistically described as "clearance operations," unleashed a wave of unspeakable violence.¹⁷ Numerous accounts from survivors and eyewitnesses have revealed the horrors of this campaign. The Rohingya people have been systematically denied citizenship in Myanmar, rendering them stateless and depriving them of fundamental civil and political rights.¹⁸ The Rohingya are subjected to strict limitations on their movement within the Rakhine State, making it difficult for them to access basic services, education, and healthcare.¹⁹ Widespread societal discrimination and prejudice against the Rohingya have resulted in their exclusion from social, economic, and political life, perpetuating a cycle of marginalisation.²⁰ Rohingya individuals are often arrested arbitrarily and subjected to prolonged detentions without proper legal procedures, infringing upon their right to a fair trial.²¹ The Myanmar military and security forces have been implicated in numerous incidents of violence against the Rohingya, including extrajudicial killings, summary executions, and acts of brutality.²² Rohingya women and girls have been targeted for sexual violence, including rape and sexual slavery, as a weapon of intimidation and control.²³ The deliberate destruction of Rohingya villages and homes by the military and extremist groups has forced many to flee, resulting in mass displacement within the country.²⁴

¹⁴ Lindsay Maizland 'Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict' *Council on Foreign Relations* (31 January 2022)

<<https://www.cfr.org/background/myanmar-history-coup-military-rule-ethnic-conflict-rohingya>> accessed on 6 April 2024.

¹⁵ *ibid* nr 7 (Walton).

¹⁶ *ibid* nr 8 (Uddin); USDS 'Rohingya people in Myanmar have faced a harrowing ordeal marked by a series of violent and devastating events that have been widely condemned as acts of genocide and crimes against humanity' (2023)

<<https://www.state.gov/burma-genocide/>> accessed on 6 April 2024.

¹⁷ Azeem Ibrahim 'World must not abandon the Rohingya to their fate' *Arab News* (28 August 2022)

<https://www.arabnews.com/node/2152036/spa/ajax/page_view_timing/aggregate> accessed on 6 April 2024; Nadira Kourt 'The Rohingya Genocide and the ICJ: The Role of the International Community' *Just Security* (28 July 2020)

<<https://www.justsecurity.org/71552/the-rohingya-genocide-and-the-icj-the-role-of-the-international-community/>> accessed on 6 April 2024.

¹⁸ *ibid* nr 8 (Cheesman); *ibid* nr 8 (Mohajan); *ibid* nr 8 (Ullah).

¹⁹ *ibid* nr 8 (Mohajan); *ibid* nr 8 (Parmar); *ibid* nr 8 (Lewa).

²⁰ *ibid* nr 8 (Zawacki); *ibid* nr 4; *ibid* nr 8 (Wekke).

²¹ *ibid* nr 8 (Uddin); *ibid* nr 8 (Sohel).

²² *ibid* nr 8 (Mohajan); *ibid* nr 8 (Mohajan II); *ibid* nr 8 (Tulga); *ibid* nr 8 (Sohel).

²³ *ibid* nr 8 (Mohajan); *ibid* nr 8 (Mohajan II).

²⁴ *ibid* nr 8 (Mohajan II).

As a result, hundreds of thousands of Rohingya fled their homes in desperation, seeking refuge across the border in Bangladesh, as well as India.²⁵ However, living as refugees has not significantly improved the standards of living for Rohingya individuals. Rohingya refugees often are deprived from entry to the justice system²⁶ and lack legal recognition and protection in host countries, leaving them vulnerable to exploitation, detention, and deportation.²⁷ Refugees often struggle to access adequate healthcare and education services, resulting in compromised well-being and limited future prospects.²⁸ They also tend to live in overcrowded settlements, lacking proper sanitation, clean water, and adequate shelter.²⁹ Desperate to escape dire conditions, they can be susceptible to human trafficking and smuggling networks, leading to further exploitation and danger.³⁰ Moreover, in host countries, Rohingya refugees may face xenophobia, discrimination, and hostility from local communities, exacerbating their social isolation.³¹ Restricted access to formal employment opportunities leaves many Rohingya refugees lacking means to work legally, and reliant on informal low-paying jobs, once again exacerbating their vulnerability to exploitation.³² They are frequently subjected to forced labour, particularly in agriculture and construction, where they endure harsh conditions and receive little to no pay.³³ The trauma of fleeing violence, witnessing atrocities, and living in dire conditions can lead to severe psychological distress among Rohingya refugees.³⁴ The chaotic circumstances of flight and displacement can result in the separation of families, adding to the emotional and logistical challenges faced by refugees.³⁵ The fear of forced repatriation to Myanmar, where they face continued persecution, further adds to their uncertainty and anxiety.³⁶

Despite international outcry and efforts by various human rights organisations and governments to draw attention to the plight of the Rohingya, their situation remains dire.³⁷ While some repatriation efforts have been attempted, concerns about the safety and dignity of returning Rohingya persist due to the lack of accountability for the atrocities committed.³⁸ The Rohingya crisis underscores the urgent need for international action to hold the perpetrators accountable for their actions and to ensure justice for the victims.

²⁵ UNHCR 'Rohingya Refugee Crisis Explained' (13 July 2022) <<https://www.unrefugees.org/news/rohingya-refugee-crisis-explained/#~:text=The%20Rohingya%20have%20suffered%20decades,to%20seek%20refuge%20in%20Bangladesh>> accessed on 6 April 2024; ibid nr 2.

²⁶ ibid nr 11 (Tay).

²⁷ ibid nr 4; ibid nr 11 (Crabtree); ibid nr 11 (Akhter).

²⁸ ibid nr 11 (Niza); ibid nr 11 (Tay).

²⁹ ibid nr 11 (Milton); ibid nr 11 (Akhter II); ibid nr 11 (Wali).

³⁰ ibid nr 11 (Gjerdigen); ibid nr 11 (Wahab); ibid nr 11 (Szep).

³¹ ibid nr 11 (Selvarajah); ibid nr 11 (Zhang); ibid nr 11 (Rahapsari).

³² ibid nr 11 (Akhter); ibid nr 11 (Akhi).

³³ ibid nr 11 (Hoque).

³⁴ ibid nr 2; ibid nr 11 (Tay).

³⁵ ibid nr 11 (Wali); ibid nr 11 (Prodip).

³⁶ ibid nr 11 (Mallick); ibid nr 11 (HRW).

³⁷ ibid nr 13.

³⁸ ibid nr 13; HRW 'Myanmar: No Justice, No Freedom for Rohingya 5 Years On' (24 August 2023)

<<https://www.hrw.org/news/2022/08/24/myanmar-no-justice-no-freedom-rohingya-5-years>> accessed on 6 April 2024.

3. WHAT ARE THE MAIN HUMAN RIGHTS VIOLATIONS?

3.1 Human Rights Obligations

Myanmar, India, and Bangladesh have all ratified a multitude of international human rights conventions, affirming their commitment to upholding fundamental human rights principles. These conventions encompass a range of rights, from civil and political freedoms to economic, social, and cultural rights. Notable among these agreements are the UN Charter³⁹; International Covenant on Civil and Political Rights (ICCPR)⁴⁰; the Convention on the Rights of the Child (CRC)⁴¹; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁴²; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)⁴³; International Covenant on Economic, Social and Cultural Rights (ICESCR)⁴⁴; International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)⁴⁵; and the Rome Statute⁴⁶. These nations are obligated to respect, protect, and fulfil the rights enshrined in these agreements for all individuals under their jurisdiction.

The Rohingya refugee crisis presents a significant challenge for these countries in upholding human rights commitments. Myanmar's adherence to its obligations necessitates addressing the humanitarian crisis that led to the displacement of Rohingya populations. India's commitment to human rights treaties requires it to ensure that Rohingya refugees within its borders are treated with dignity, are not subjected to discrimination, and have access to basic human rights. Bangladesh, a party to the CRC and the ICCPR, shoulders a considerable responsibility in ensuring the safety and well-being of Rohingya refugees on its territory.

As members of the United Nations, these countries have pledged to uphold the fundamental human rights enshrined in the Charter. They are obligated to respect the dignity and worth of all individuals without discrimination, promoting social progress, and fostering better standards of living.

³⁹ United Nations 'List of Member States' <<https://www.un.org/en/about-us/member-states#gotoB>> accessed on 6 April 2024.

⁴⁰ OHCHR 'ICCPR list of signatures and ratifications' <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en> accessed on 6 April 2024.

⁴¹ United Nations 'CRC list of signatures and ratification' <https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-11&chapter=4&clang=en> accessed on 6 April 2024.

⁴² OHCHR 'CEDAW list of signatures and ratifications' <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en> accessed on 6 April 2024.

⁴³ United Nations 'CAT list of signatures and ratifications' <https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-9&chapter=4&clang=en> accessed on 6 April 2024.

⁴⁴ United Nations 'ICESCR list of signatures and ratifications' <https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-3&chapter=4&clang=en> accessed on 6 April 2024.

⁴⁵ United Nations 'ICERD list of signatures and ratifications' <https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-2&chapter=4&clang=en> accessed on 6 April 2024.

⁴⁶ ICC 'Rome Statute list of signatures and ratifications' <<https://asp.icc-cpi.int/states-parties>> accessed on 6 April 2024.

This includes safeguarding the rights of vulnerable populations like the Rohingya refugees and ensuring that their human rights are protected and upheld.

Moreover, many of the human rights enshrined in various international conventions are recognised as part of international customary law, a set of norms and principles that are widely accepted and practised by the international community. These customary norms exist independently of formal treaty commitments and hold considerable weight in international law. Myanmar, India, and Bangladesh, as responsible members of the international community, are expected to comply with these customary norms. This means that even beyond their treaty obligations, these countries are required to respect and protect human rights as recognised and accepted by the international community at large. Upholding these principles not only aligns with their commitments but also reinforces their position as responsible stakeholders in promoting global human rights standards.

These nations must work collaboratively and comprehensively to ensure the human rights of Rohingya refugees are upheld. This includes providing access to basic services, ensuring freedom from discrimination, and addressing issues of citizenship and legal status. By honouring their commitments under these international conventions, Myanmar, India, and Bangladesh have an opportunity to demonstrate their dedication to the protection of human rights and the well-being of all individuals, including Rohingya refugees, within their borders.

<i>Source/Country</i>	Myanmar	India	Bangladesh
<i>UN Charter</i>	19.04.1948	30.10.1945	17.09.1974
<i>ICCPR</i>	Not a party	Ratified: 10.04.1979	Ratified: 6.09.2000
<i>ICESCR</i>	Ratified: 6.10.2017	Ratified: 10.04.1979	Ratified: 5.10.1998
<i>CRC</i>	Ratified: 15.07.1991	Ratified: 11.12.1992	Ratified: 3.08.1990
<i>CEDAW</i>	Ratified: 22.07.1997	Ratified: 9 Jul 1993	Ratified: 6.11.1984
<i>CAT</i>	Not a party	Signed: 14.10.1997	Ratified: 2.10.1998
<i>ICERD</i>	Not a party	Ratified: 3.12.1968	Ratified: 11.07.1979
<i>Rome Statute</i>	Not a party	Not a party	Ratified: 10.03.2010
<i>1951 Refugee Convention</i>	Not a party	Not a party	Not a party

Table 1: a list of some relevant international law instruments (not) ratified by the relevant countries.

3.2 Human Rights Violations Faced by Rohingya in Myanmar

3.2.1 Denial of Citizenship⁴⁷

The denial of citizenship to the Rohingya people in Myanmar is a grave human rights issue that has garnered international attention. This systematic denial has rendered the Rohingya community stateless, stripping them of their basic civil and political rights and subjecting them to a life of insecurity, discrimination, and vulnerability.

For decades, a significant portion of Burma's population, particularly the Rohingya ethnic minority, found themselves entwined in a distressing narrative of exclusion. Despite being active contributors to Burmese society for generations, their citizenship rights were systematically eroded by discriminatory laws and policies. From the 1982 Citizenship Law, which effectively rendered many Rohingya stateless, to targeted measures restricting their access to education, healthcare, and political participation, the Rohingya faced a relentless assault on their rights. This gradual stripping away of citizenship, compounded by systemic discrimination and violence, not only denied them their fundamental human rights but also deepened their marginalisation within Burmese society, perpetuating a cycle of injustice and suffering.

In this situation, human rights abuses are complex. Primarily, the Rohingya are denied their right to nationality, going against Article 15 of the Universal Declaration of Human Rights (UDHR) and Article 24 of the ICCPR, which ensure everyone's right to a nationality and forbid arbitrary deprivation of it. Myanmar's restrictive citizenship laws and policies have created a situation where the Rohingya are denied legal recognition and thus are unable to access essential rights associated with citizenship, such as the right to participate in government and the right to travel freely within their country.

Moreover, the denial of citizenship provides a basis for a cycle of poverty and marginalisation, making it difficult for the Rohingya to access basic services and improve their living conditions. The Rohingya's lack of citizenship contributes to the violation of their other fundamental rights, such as the right to education, healthcare, and employment. Discriminatory practices and violence against the Rohingya, often perpetuated by state actors and exacerbated by their stateless status, infringe upon their right to life, liberty, and security of person (UDHR, Article 3), their right to be free from torture and cruel, inhuman, or degrading treatment (UDHR, Article 5), and their right to non-discrimination (ICCPR, Article 2). These will be further elaborated on below.

Many members of the Rohingya community have fled Myanmar due to fear of prosecution, but as a result of the aforementioned issues concerning obtaining citizenship in neighbouring

⁴⁷ ibid nr 8 (Mohajan); ibid nr 8 (Ullah).

countries, the Rohingya are more likely to be forced to return to Myanmar. This directly violates the principle of non-refoulement, a binding principle enshrined in both treaty and customary international law that obliges states not to turn back persons seeking asylum back to their country of origin; when the same would result in imminent risk to their life and freedoms. The persecution and violence faced by the Rohingya community in Myanmar has led to a massive displacement of Rohingya refugees across the region, particularly to neighbouring Bangladesh.

3.2.2. Restrictions on Movement⁴⁸

The imposition of stringent movement restrictions upon the Rohingya people within Myanmar's Rakhine State constitute a grave violation of their human rights. At the core of this issue lies the violation of the right to freedom of movement, as articulated in Article 13 of the UDHR and Article 12 of the ICCPR. These provisions enshrine every individual's right to move freely within their country and choose their residence. The severe restrictions placed upon the Rohingya community by the Myanmar authorities blatantly contravene these rights, effectively confining them to designated areas and depriving them of the ability to make essential life choices.

By restricting movement, the Rohingya are further denied access to basic services, including education and healthcare. The right to education, a fundamental right recognised in the UDHR (Article 26) and the CRC (Article 28), is compromised as Rohingya children and youth are often unable to attend schools located outside the designated areas. Similarly, the limitations on movement obstruct their access to healthcare services, contravening the right to the highest attainable standard of physical and mental health, as established in the UDHR (Article 25) and the ICESCR (Article 12).

Furthermore, these movement restrictions exacerbate the precarious living conditions and discrimination faced by the Rohingya community. Without access to essential services, the Rohingya people are inevitably isolated from other parts of society, unable to integrate into social structures or alleviate their economic situations. Being left vulnerable and in a constant state of poverty not only violates their right to an adequate standard of living, as outlined in the ICESCR (Article 11), but also infringes upon their right to non-discrimination (ICCPR, Article 2) and, in extreme cases, the right to be free from torture and cruel, inhuman, or degrading treatment (UDHR, Article 5).

3.2.3. Discrimination and Prejudice⁴⁹

The entrenched societal discrimination and prejudice against the Rohingya population has created a deeply troubling human rights issue, manifesting in their exclusion from various aspects of

⁴⁸ ibid nr 8 (Mohajan); ibid nr 8 (Parmar); ibid nr 8 (Lewa).

⁴⁹ ibid nr 8 (Zawacki); ibid nr 4; ibid nr 8 (Wekke).

social, economic, and political life. At the heart of this issue is the violation of the right to non-discrimination, which is a foundational principle enshrined in Article 2 of the UDHR and echoed in various international treaties. This principle stipulates that every individual should be entitled to the same rights and freedoms, without any form of distinction, exclusion, or restriction based on factors such as race, ethnicity, or nationality. The widespread societal discrimination and prejudice faced by the Rohingya starkly contradicts this principle, as they experience exclusion and unequal treatment based solely on their ethnic identity.

The consequences of this discrimination and prejudice are far-reaching. The Rohingya's exclusion from social, economic, and political life infringes upon their right to participate in the cultural, social, and political affairs of their country, as affirmed in the ICCPR (Article 27) and the ICESCR (Article 15). Their marginalisation in these spheres is compounded by economic disparities, limited access to education and healthcare, and restricted opportunities for gainful employment, effectively denying them the enjoyment of their rights to work (ICESCR, Article 6) and education (ICESCR, Article 13). Furthermore, societal discrimination and prejudice contribute to their vulnerability to violence and other forms of abuse. The Rohingya's exclusion from protection and support mechanisms makes it difficult for them to seek help when facing human rights violations. This exacerbates their vulnerability to exploitation and violence, violating their rights to life, liberty, and security of person (UDHR, Article 3), as well as their right to be free from torture and cruel, inhuman, or degrading treatment (UDHR, Article 5).

The international human rights framework underscores the importance of addressing discrimination and prejudice in all their forms and manifestations. The CERD provides a comprehensive legal framework for combating racial discrimination, to which Myanmar is a party. Moreover, the UDHR and various treaties emphasise the need for states to ensure the equal enjoyment of rights for all individuals, irrespective of their ethnicity or nationality.

3.2.4 Arbitrary Arrests and Detentions⁵⁰

The recurring pattern of arbitrary arrests and prolonged detentions of Rohingya individuals directly infringes upon their right to a fair trial. This practice not only disregards due process and legal protections but also furnishes a cycle of injustice, eroding the very foundations of a just and equitable society.

The right to a fair trial is enshrined in Article 10 of the UDHR and Article 14 of the ICCPR. These provisions guarantee that every individual is entitled to a fair and public hearing by an independent and impartial tribunal, as well as the presumption of innocence until proven guilty. The

⁵⁰ *ibid* nr 8 (Uddin); *ibid* nr 8 (Sohel).

Rohingya people are arrested and detained often without lawful reasoning, and then denied the opportunity to defend themselves, challenge evidence, and receive a fair judgment. The denial of these rights violates their right to effective legal representation, as recognised in the ICCPR (Article 14) and the Basic Principles on the Role of Lawyers. Additionally, it hampers their ability to seek redress for grievances and challenges faced during their detention, compromising their right to an effective remedy (ICCPR, Article 2).

The consequences of such arbitrary practices are profound. Prolonged detentions without proper legal procedures not only undermine the dignity of individuals but also foster a culture of impunity, eroding public trust in the justice system. Moreover, throughout these unlawful procedures, detainees are very likely to be subjected to abuse, including an increased risk of facing torture, ill-treatment, or other forms of human rights violations.

The international legal framework is unequivocal in its emphasis on the importance of ensuring the right to a fair trial. The ICCPR and other international treaties provide detailed guidelines on the due process rights of individuals in detention, emphasising the necessity of procedural fairness and impartiality.

In conclusion, the arbitrary arrests and prolonged detentions of Rohingya individuals undermine their right to a fair trial and, by extension, their broader human rights. By denying them due process and the opportunity to contest their charges, these practices perpetuate a cycle of injustice and vulnerability. Addressing this issue requires a concerted effort by the international community to hold Myanmar accountable and ensure that the rights of the Rohingya people to a fair trial and procedural justice are upheld and protected according to established international human rights standards.

3.2.5. Violence and Extrajudicial Killings⁵¹

The documented instances of violence perpetrated by the Myanmar military and security forces against the Rohingya community, including extrajudicial killings, summary executions, and acts of brutality, constitute a grave violation of their human rights. These atrocities not only undermine the right to life but also foster an environment of fear, insecurity, and profound injustice.

Article 3 of the UDHR and Article 6 of the ICCPR safeguard every individual's inherent right to life and prohibit arbitrary deprivation of life. The violence and extrajudicial killings perpetrated against the Rohingya entirely disregard the sanctity of human life and subject them to grave harm, in direct contravention of the aforementioned articles.

⁵¹ ibid nr 8 (Mohajan); ibid nr 8 (Mohajan II); ibid nr 8 (Tulga); ibid nr 8 (Sohel).

The documented incidents of violence also violate the prohibition against torture and cruel, inhuman, or degrading treatment or punishment, as enshrined in Article 5 of the UDHR and the CAT. The brutality of the physical and psychological harm inflicted upon the Rohingya further compound their suffering.

Additionally, the extrajudicial nature of these killings and acts of brutality deny the Rohingya community their right to have cases adjudicated by competent, independent, and impartial tribunals, as stipulated in the ICCPR (Article 14). The lack of accountability and transparency surrounding these incidents violates their right to justice, instead subjecting them to a discriminatory justice system that completely disregards their human rights.

The international legal framework, including the Rome Statute of the International Criminal Court, clearly establishes that extrajudicial killings, summary executions, and acts of brutality are serious violations of human rights and may constitute crimes against humanity. States are obligated to prevent and punish such acts, ensuring accountability and justice for the victims.

3.2.6. Sexual and Gender-Based Violence⁵²

The deliberate targeting of Rohingya women and girls for sexual violence, including rape and sexual slavery, represents a deeply disturbing human rights violation, with devastating physical, psychological, and social consequences. This reprehensible practice not only constitutes a gross violation of their right to physical and mental integrity but also serves as a brutal tool of intimidation and control. Firstly, this conduct violates the right to be free from torture and cruel, inhuman, or degrading treatment or punishment, as outlined in Article 5 of the UDHR and the CAT. The sexual violence inflicted upon Rohingya women and girls constitutes a particularly heinous form of cruelty that violates their inherent dignity and subjects them to severe physical and psychological harm.

The sexual violence also constitutes a grave violation of the right to non-discrimination and gender equality. The CEDAW and the UN Declaration on the Elimination of Violence Against Women stress the importance of protecting women and girls from all forms of violence, including sexual violence. The targeted nature of these acts, perpetrated against Rohingya women and girls due to their ethnic identity, highlights the intersectionality of discrimination that compounds their suffering. Moreover, the deliberate use of sexual violence as a weapon of intimidation and control reflects an attempt to undermine the agency, autonomy, and social fabric of the Rohingya community. Such practices are tantamount to crimes against humanity, constituting grave breaches of customary international law, as well as violations of international humanitarian law.

⁵² *ibid* nr 8 (Mohajan); *ibid* nr 8 (Mohajan II).

Addressing this issue requires a multifaceted approach that encompasses legal accountability, psychosocial support, and comprehensive care for survivors. The international community, in accordance with its obligations under international law, must ensure that perpetrators of sexual violence are held accountable and brought to justice through both national and international mechanisms. Moreover, survivors must be provided with necessary medical, psychological, and social support, recognising their rights to justice, reparations, and dignity.

3.2.7. Destruction of Property and Forced Displacement⁵³

The deliberate destruction of Rohingya villages and homes by both the military and extremist groups represents a severe violation of human rights and has resulted in widespread forced displacement within Myanmar. This practice not only robs individuals and families of their homes but also inflicts lasting trauma, instability, and insecurity, creating a humanitarian crisis of immense proportions. It violates their right to adequate housing and the prohibition against forced displacement. The right to adequate housing, recognised in Article 25 of the UDHR and the ICESCR (Article 11), guarantees individuals and communities the right to live in security, peace, and dignity. The deliberate destruction of villages and homes strips the Rohingya population of this right, leaving them without a safe place to live, and their communities destroyed.

Furthermore, forced displacement has a profound impact on the Rohingya's right to self-determination and participation in their country's political, economic, and social life. The Guiding Principles on Internal Displacement and other international frameworks underscore the importance of ensuring that internally displaced persons can exercise their rights without discrimination or exclusion. The destruction of communities not only renders individuals homeless but also severs their ties to their land, culture, and way of life.

As has already been discussed, the mass displacement of the Rohingya people exacerbates their vulnerability to abuse. Internally displaced individuals often lack access to basic services, including shelter, clean water, and healthcare, leading to deteriorating living conditions that violate their rights to an adequate standard of living (ICESCR, Article 11).

The international legal framework, including customary international law and treaties such as the Geneva Conventions, condemns the targeting of civilian populations and the deliberate destruction of civilian objects, including homes and villages.⁵⁴ These acts may constitute war crimes or crimes against humanity, highlighting the gravity of such actions under international law.

⁵³ *ibid* nr 8 (Mohajan II).

⁵⁴ Geneva Convention Arts. 10-11, Arts. 13-14, Art. 16, Arts. 56, 53

3.3 Human Rights Violations Faced by the Rohingya as Refugees

3.3.1 Lack of Legal Protection⁵⁵

The Rohingya refugees residing in countries like India and Bangladesh, are often stripped of adequate legal recognition and protection, particularly when it comes to accessing legal avenues, representation, and fair judicial processes. This deficiency in legal safeguards leaves them vulnerable to exploitation, arbitrary detention, and even deportation.

Once again, this leaves the Rohingya without access to justice, a human right established in Article 8 of the UDHR and Article 14 of the ICCPR. These provisions emphasise every individual's entitlement to a fair and public hearing by an independent and impartial tribunal, as well as the right to legal assistance. The lack of proper legal recognition deprives Rohingya refugees of these vital rights, making them unable to challenge arbitrary detention, seek legal remedies, or defend themselves against potential abuses.

The absence of legal recognition also exacerbates the vulnerability of Rohingya refugees to exploitation and abuse. Without legal status, they are often marginalised and excluded from the formal economy, leaving them susceptible to exploitation in informal labour markets and human trafficking. Moreover, the lack of official recognition makes them targets for extortion, bribery, and other forms of corruption, further eroding their dignity and rights.

The deprivation of legal recognition and protection also impedes access to essential services, including healthcare, education, and employment. This is rendered more difficult by the lack of identification documents, leading to denial of basic services, restricting their ability to lead dignified lives. This amounts to violation of their rights to education (UDHR, Article 26), work (ICESCR, Article 6), and an adequate standard of living (ICESCR, Article 11).

The international legal framework emphasises the importance of ensuring access to justice for all, regardless of their legal status. The UN Guiding Principles on Internal Displacement and various human rights treaties reiterate the need to guarantee the rights of refugees and internally displaced persons, including their access to legal protection and remedies.⁵⁶

3.2.2 Limited Access to Healthcare and Education⁵⁷

Rohingya refugees, residing in countries like India and Bangladesh, confront significant barriers to accessing essential healthcare and education services, which in turn severely impairs their

⁵⁵ *idid* nr 11 (Tay); *ibid* nr 4; *ibid* nr 11 (Crabtree); *ibid* nr 11 (Akhter).

⁵⁶ OCHA 'Guiding Principles on Internal Displacement'

<<https://api.internal-displacement.org/sites/default/files/publications/documents/199808-training-OCHA-guiding-principles-Eng2.pdf>> accessed on 6 April 2024.

⁵⁷ *ibid* nr 11 (Niza); *ibid* nr 11 (Tay).

overall well-being and future prospects. In particular, this violates their right to education and the right to the highest attainable standard of health, as articulated in Articles 26 and 25 of the UDHR, respectively. These provisions assert that individuals are entitled to quality education and comprehensive healthcare services without discrimination. The limited access to healthcare and education services for Rohingya refugees directly contradicts these rights, contributing to compromised health and diminished prospects.

Without proper access to healthcare services, Rohingya refugees are more susceptible to severe illness and disease. In particular, insufficient medical care increases the risk of preventable diseases spreading among the refugee populations. Moreover, without access to medical care, they are unable to maintain the highest attainable standard of health in accordance with the International Covenant on Economic, Social and Cultural Rights (ICESCR, Article 12).

Similarly, the challenges faced in accessing education compromise the future prospects of Rohingya refugee children and youth. Education is a fundamental right recognised in the UDHR (Article 26) and the CRC (Article 28). Denying Rohingya children the opportunity to receive an education not only deprives them of knowledge and skills but also hampers their ability to break free from cycles of poverty and vulnerability.

The international legal framework underscores the importance of ensuring access to healthcare and education for all individuals, including refugees. Moreover, although non-binding, nevertheless influential guiding principle is the 2030 Agenda for Sustainable Development, particularly Goal 3 (Good Health and Well-being) and Goal 4 (Quality Education), emphasises the need to ensure inclusive and equitable access to healthcare and education for vulnerable populations, including refugees.

3.2.3. Overcrowded and Inadequate Living Conditions⁵⁸

Rohingya refugees, seeking shelter in countries like India and Bangladesh, confront dire challenges related to overcrowded and makeshift living conditions that lack essential amenities such as sanitation, clean water, and proper shelter. These conditions not only infringe upon their basic human rights but also expose them to heightened health risks.

This, again, constitutes a violation of the right to an adequate standard of living, including housing, as defined in Article 25 of the UDHR. This provision asserts that individuals have the right to live in conditions that ensure their health, well-being, and dignity. The overcrowded and inadequate living conditions faced by Rohingya refugees fundamentally undermine this right, denying them access to proper shelter, sanitation, and clean water.

⁵⁸ *ibid* nr 11 (Milton); *ibid* nr 11 (Akhter II); *ibid* nr 11 (Wali).

The inadequate living conditions also undermine the right to privacy, dignity, and family life. Overcrowded settlements often lack proper separation between families and offer limited privacy, undermining their dignity and well-being. Moreover, the absence of suitable shelter impacts their physical and mental health, eroding their resilience and ability to rebuild their lives.

The international framework, including the non-binding 2030 Agenda for Sustainable Development and the Guiding Principles on Internal Displacement, emphasises the importance of ensuring adequate living conditions for all, especially vulnerable populations like refugees.

3.2.4. Human Trafficking and Smuggling⁵⁹

Rohingya refugees, during their voyage to find a safer place in neighbouring countries, often face the grave threat of human trafficking and smuggling networks, known to take advantage of their desperation. As a result, refugees are subjected to violations of the right to be free from slavery, forced labour, and trafficking, as emphasised in Article 4 of the UDHR and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). These provisions underscore the inherent right of individuals to be protected from modern forms of slavery, including trafficking and exploitation. The vulnerability of Rohingya refugees to human trafficking and smuggling networks directly contravenes these rights, subjecting them to coercive practices that strip them of their dignity and agency.

Moreover, the engagement with these networks exposes Rohingya refugees to grave human rights abuses, including sexual exploitation, forced labour, and inhumane treatment. The lack of legal protection and the desperation to escape dire conditions create an environment where traffickers and smugglers can operate with impunity, further eroding the refugees' rights and safety.

The international legal framework, through the Palermo Protocol and other relevant instruments, strongly condemns human trafficking and smuggling, emphasising the necessity of preventing, combatting, and prosecuting these crimes while safeguarding the rights of victims.

3.2.5. Xenophobia and Discrimination⁶⁰

Rohingya refugees confront significant challenges stemming from xenophobia, discrimination, and hostility from local communities. These negative attitudes exacerbate their social isolation and impede their integration and well-being. In particular, it violates their right to

⁵⁹ ibid nr 11 (Gjerdengen); ibid nr 11 (Wahab); ibid nr 11 (Szep).

⁶⁰ ibid nr 11 (Selvarajah); ibid nr 11 (Zhang); ibid nr 11 (Rahapsari).

non-discrimination and the right to freedom from racial and ethnic prejudice, as highlighted in Article 2 of the UDHR and the International Convention on the ICERD. These provisions underscore that every individual is entitled to equal treatment and protection from discrimination, regardless of their race or ethnicity. The xenophobia and discrimination faced by Rohingya refugees directly contradict these rights, undermining their dignity, inclusion, and social cohesion.

The hostility and discrimination further supports the existence and continuation of a cycle of marginalisation and social isolation for Rohingya refugees, in particular because this environment reinforces negative stereotypes and biases against them. The social exclusion they experience erodes their ability to participate in the cultural, social, and economic fabric of their host countries, violating their right to participation and integration. Additionally, the discrimination faced by Rohingya refugees contributes to their vulnerability to human rights abuses, including exploitation and violence. Their marginalised status makes them easy targets for various forms of abuse, as they often lack access to legal remedies and protections. The ICERD and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, emphasises the need to combat racial and ethnic discrimination and promote the rights and well-being of minority groups.

3.2.6. Limited Economic Opportunities⁶¹

Rohingya refugees, residing in countries like India and Bangladesh, grapple with profound challenges stemming from restricted access to formal employment opportunities. This situation often forces them into informal, low-paying jobs, leaving them vulnerable to exploitation and compromising their human rights. Of particular concern is the frequent occurrence of forced labour, especially in sectors like agriculture and construction, where they endure harsh conditions and receive little or no pay. This may give rise to violations of the right to work and the right to just and favourable remuneration, as established in Articles 23 and 24 of the UDHR. These provisions emphasise every individual's entitlement to work in conditions that are fair, safe, and provide a living wage. The limited economic opportunities available to Rohingya refugees directly infringe upon these rights, pushing them into precarious labour situations that are exploitative and often hazardous.

The prevalence of forced labour among Rohingya refugees compounds their vulnerability. Forced labour, a form of modern-day slavery, is explicitly prohibited under international law, including the ICCPR and the Convention Concerning Forced or Compulsory Labour. The circumstances that lead Rohingya refugees to accept forced labour—due to lack of options, desperation, and limited legal protection—significantly violate their rights and dignity. The lack of access to formal employment opportunities is exacerbated by discrimination and xenophobia, which

⁶¹ ibid nr 11 (Akhter); ibid nr 11 (Akhi); ibid nr 11 (Hoque).

push many Rohingya refugees into the margins of the labour market, where they are likely to be deprived of fair wages and decent working conditions. The international legal framework, including various international labour standards and conventions, condemns forced labour and emphasises the importance of ensuring fair and just working conditions for all individuals, including refugees.

3.2.7. *Psychological Trauma*⁶²

Rohingya refugees are likely to experience severe psychological trauma from the harm inflicted upon them. The experiences of fleeing violence, witnessing atrocities, and enduring dire living conditions take a heavy toll, causing severe psychological distress among the Rohingya community. The right to mental and psychological well-being is an essential aspect of the right to health as outlined in the UDHR (Article 25) and the CRC (Article 24). These provisions emphasise the right of individuals to enjoy the highest attainable standard of health, which includes mental and emotional well-being. The psychological trauma experienced by Rohingya refugees directly contradicts this right, undermining their mental health and overall well-being. The trauma they experience has long-lasting and far-reaching effects on their mental health. The experiences of violence, displacement, and loss can lead to a range of psychological conditions, including post-traumatic stress disorder (PTSD), anxiety, depression, and other forms of psychological distress. The lack of access to proper mental health services and support exacerbates these conditions, leaving refugees without the means to cope with and recover from their trauma. Furthermore, the psychological trauma experienced by Rohingya refugees intersects with various other challenges they face, including discrimination, exploitation, and limited access to essential services. The cumulative impact of these stressors further undermines their mental well-being and hinders their ability to rebuild their lives. The international legal framework, including the UDHR and the CAT, underscores the importance of protecting individuals from psychological harm and ensuring access to mental health care.

3.2.8. *Family Separation*⁶³

Rohingya refugees, often forced to flee their home with little to no notice or planning, confront a pressing human rights challenge arising from family separation. The tumultuous circumstances of flight and displacement can lead to families being torn apart, compounding the emotional and logistical burdens faced by refugees. This violates the right to family unity and protection, which is enshrined in Article 16 of the UDHR and the CRC (Article 9). These provisions

⁶² *ibid* nr 2; *ibid* nr 11 (Tay).

⁶³ *ibid* nr 11 (Wali); *ibid* nr 11 (Prodip).

emphasise that individuals have the right to live with their families and not to be arbitrarily separated from loved ones. The family separation experienced by Rohingya refugees directly contradicts these rights, causing distress and disrupting their emotional well-being.

The separation of families further exposes Rohingya refugees to additional risks and vulnerabilities. Separated children, in particular, are at heightened risk of exploitation, abuse, and trafficking. Moreover, the logistical challenges of reunification are exacerbated by the lack of legal recognition and documentation, making it difficult for families to locate and reunite with each other. Furthermore, detention facilities often separate family members, which least to further possibility of separation of families. The international legal framework, including the CRC and the Guiding Principles on Internal Displacement, underscores the importance of protecting families and preventing arbitrary separation, especially in the context of displacement.

3.2.9. Risk of Forced or Involuntary Repatriation⁶⁴

Rohingya refugees, seeking safety in countries like India and Bangladesh, face a grave human rights challenge stemming from the fear of forced repatriation to Myanmar. This fear arises from the realisation that returning to their homeland could expose them to ongoing persecution and danger, intensifying the already high levels of uncertainty and anxiety experienced by the Rohingya community.

Forcible return to a place where refugees face a real risk of persecution, torture, or inhumane treatment, violates the principle of non-refoulement, a bedrock of international refugee law. The apprehension of forced repatriation felt by Rohingya refugees directly clashes with this principle, as they are confronted with the imminent threat of being sent back to a situation where their safety and rights are at grave risk.

The fear of forced repatriation compounds the refugees' vulnerability and psychological distress. The ambiguity surrounding their future and the possibility of returning to a perilous environment amplify the trauma they have already endured. This state of affairs further erodes their sense of security and well-being, making it extremely challenging for them to rebuild their lives. The international legal framework, particularly the 1951 Refugee Convention and its Protocol, underscores the imperative of safeguarding refugees from forced repatriation and ensuring their rights and well-being.

⁶⁴ *ibid* nr 11 (Mallick); *ibid* nr 11 (HRW).

4. WHY IS IT IMPORTANT TO BRING TO LIGHT THESE HUMAN RIGHTS VIOLATIONS?

4.1. Importance of Dealing with Human Rights Violations Within Myanmar

4.1.1. Preventing Recurrence

By acknowledging and addressing the violations, there is a chance to prevent their recurrence in the future. This involves holding accountable those responsible for committing these violations and creating mechanisms to ensure accountability moving forward.

4.1.2. Restoring Dignity and Justice

Recognising and rectifying human rights violations is essential for restoring the dignity of the affected individuals and communities. Justice for victims is not only a moral imperative but also contributes to overall societal healing and reconciliation.

4.1.3. Fostering Stability

Unaddressed human rights violations can lead to grievances, resentment, and instability. Addressing these issues is essential for building a stable society where all citizens' rights are respected, thereby promoting long-term peace and security.

4.1.4. Promoting Rule of Law

Dealing with human rights violations reinforces the importance of the rule of law and the idea that no one is above it. This sends a powerful message that abuses and impunity will not be tolerated, which can contribute to a culture of accountability and respect for rights.

4.2 Importance of Dealing with Human Rights Violations of Rohingya Refugees in Bangladesh and India

4.2.1. Humanitarian Imperative

The international community has a moral obligation to protect the rights and well-being of all individuals, including refugees. Failing to address these violations perpetuates suffering and leaves vulnerable populations without support.

4.2.2. Regional Stability

The presence of vulnerable refugee populations can strain host countries' resources and potentially lead to social tensions. Addressing human rights violations faced by refugees can contribute to regional stability by acknowledging the root causes of displacement.

4.2.3. *Promoting International Cooperation*

Addressing violations of refugees' rights requires international cooperation and coordination. It provides an opportunity for countries to come together, share responsibilities, and work towards solutions that uphold human rights principles.

4.2.4. *Setting a Positive Example*

By taking action to protect the rights of refugees, countries like Bangladesh and India can set a positive example for others. This can inspire a global shift towards recognising and safeguarding the rights of displaced populations.

5. CONCLUSION AND CALL FOR ACTION

The human rights violations faced by the Rohingya people, both within Myanmar and as refugees in neighbouring countries like Bangladesh and India, constitute a grave and ongoing crisis that demands urgent attention from the international community. From the denial of citizenship and severe restrictions on movement to arbitrary arrests, violence, and family separation, these violations not only strip individuals of their fundamental rights but also perpetuate cycles of suffering, vulnerability, and marginalisation.

It is imperative that these violations are brought to light and addressed comprehensively. Recognising and rectifying these violations is not only a matter of moral obligation but also crucial for fostering stability, promoting the rule of law, and preventing future atrocities. Upholding the rights and dignity of the Rohingya people is essential for building inclusive and just societies where all individuals are treated with respect and afforded equal opportunities.

The international community must recognise that human rights are universal and indivisible. Every individual has a role to play in advocating for the rights of those who are marginalised and vulnerable. This can be through supporting organisations that provide aid, raising awareness, advocating for policy changes, and fostering empathy and understanding within our communities. By standing together, we can contribute to a world where human rights are respected, protected, and upheld for everyone.

5.1 Recommendations

- ***Immediate Protection:*** Provide immediate protection to Rohingya refugees in neighbouring countries, ensuring their safety from violence, exploitation, and forced repatriation.

- ***Legal Recognition and Representation:*** Grant legal recognition to Rohingya refugees, ensuring their access to legal avenues, representation, and fair judicial processes.
- ***Access to Essential Services:*** Ensure Rohingya refugees have access to essential services such as healthcare and education, addressing barriers that prevent them from receiving quality care and education.
- ***Prevention of Family Separation:*** Implement measures to prevent arbitrary family separation and facilitate reunification of separated families, prioritising the well-being and protection of children.
- ***Prevention of Forced Repatriation:*** Uphold the principle of non-refoulement and prevent forced or involuntary repatriation of Rohingya refugees to Myanmar, where they face persecution and danger.
- ***International Cooperation:*** Foster international cooperation and coordination to address the root causes of the Rohingya crisis, promote human rights, and support sustainable solutions for refugees.
- ***Accountability and Justice:*** Hold perpetrators of human rights violations accountable through legal mechanisms, ensuring justice for victims and contributing to long-term reconciliation and peace.
- ***Psychosocial Support:*** Provide comprehensive psychosocial support and mental health services to Rohingya refugees, addressing the trauma and psychological distress resulting from their experiences.
- ***Empowerment and Integration:*** Empower Rohingya refugees through opportunities for education, skill development, and meaningful employment, fostering their integration into host communities and promoting self-reliance.
- ***Long-term Solutions:*** Work towards long-term solutions that address the root causes of displacement, including discrimination, marginalisation, and lack of citizenship rights, in Myanmar and the broader region.

By implementing these recommendations and prioritizing the rights and well-being of the Rohingya people, we can take meaningful steps towards ending the cycle of human rights violations and building a more inclusive and equitable future for all.

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