

**SURVIVING STATELESSNESS
AND TRAFFICKING:
A ROHINGYA CASE STUDY
OF INTERSECTIONS
AND PROTECTION GAPS**

BRIEFING PAPER

JUNE 2023

SURVIVOR

by Maung Abdul Khan

In the battlefield
I am a survivor

On the sand
I am a traveller
alone,
surviving
painful heat.

On the sampan,
in the risky waves,
I am a traveller
surviving.

Under the rain,
I am a traveller
umbrella-less
surviving.

In the noise,
I am a traveller
feeling
alone
in the crowd,

searching
the deep breath
of
peace.

This poem was first published in James Byrne & Shehzar Doja (eds), 2019, 'I am a Rohingya: Poetry from the camps and beyond', Arc Publications. It is reproduced with the permission of the author, Maung Abdul Khan.

ACKNOWLEDGEMENTS

Written by: Natalie Brinham, Vera Karanika, Kathy Win and Samanwita Paul.

Samanwita Paul is a Doctoral Student at Jawaharlal Nehru University, New Delhi. Her research centres on the Displacement and Politics of Representation of the Rohingya women refugees in India. Prior to this she has done her M.Phil. on Women's Political Participation in Grassroots democracy in India. Her areas of interest include Feminist Studies, Political Geography and Refugee Studies.

Kathy Win is pursuing a MRes. in Social Science as part of her PhD programme at the University of East Anglia. She holds an MSc. in Violence, Conflict and Development Studies from SOAS University of London. She was a research fellow of the CARA's fellowship programme and worked at the Department of Development Studies, SOAS University of London from 2021-2022.

Research co-ordinated by Natalie Brinham with support from Nay San Lwin, Ali Johar and Vera Karanika.

Field research by: Kathy Win (Myanmar and Bangladesh), Samanwitha Paul (India), Razia Sultana (Bangladesh), one anonymous Rohingya woman researcher (Bangladesh), and four anonymous Rohingya researchers in Rakhine State Myanmar.

Additional expert consultations with: Sharifah Shakira from Rohingya Women Development Network (Malaysia), anonymous Rohingya man (Malaysia), anonymous Rohingya woman (India) and Khin Maung from the Rohingya Youth Association (Bangladesh).

This paper is a joint publication of the Free Rohingya Coalition, Rohingya Women Development Network, Rohingya Youth Association and Institute on Statelessness and Inclusion.

About the Institute on Statelessness and Inclusion and this initiative.

The Institute on Statelessness and Inclusion (ISI) is the first and only human rights NGO dedicated to promoting the right to a nationality and the rights of stateless people globally. ISI envisions a world in which everyone's right to a nationality is respected, securing inclusion, equality and rights for all. The root causes of the deprivations and marginalization endured by the Rohingya community over multiple decades, are based on racist, discriminatory and xenophobic ideologies, laws and policies. While Myanmar is the source of these deprivations, other countries have also failed to provide meaningful protection, status or rights to Rohingya who have either fled to these countries or been born in them. In this context, a principled and sustained human rights framing of the challenges, which is rooted in the information, expertise and solutions put forward by Rohingya activists, and which challenges and shapes responses to the crisis by states, UN agencies, humanitarian actors and others, is much needed. This initiative aims to provide such a framing, through the production of briefing papers and other interventions on different human rights challenges.

This is the sixth paper to be produced in this series since August 2020. This paper builds directly on the research and themes of the previous ISI briefing papers:

- Dangerous Journeys through Myanmar: Insecurities and Immobilities for Rohingya and Muslim Women in Post-Coup Myanmar
- Failure to Protect: The Denial of Status, Detention and Refoulment of Rohingya Refugees in India



We are very grateful to all the Rohingya women and men who shared their time, knowledge, analysis and experiences for the purpose of this paper.

We extend special respect and thanks to the Rohingya women and men who contributed their research skills and expert analysis but cannot be named due to safety concerns in Myanmar, Bangladesh, India and Malaysia. Their quiet and important work cannot be credited, but it is acknowledged and appreciated.

We would also like to thank Siobhan Mullally, UN Special Rapporteur on Trafficking in Persons Especially Women and Children for her participation in focus groups associated with this paper, and for her careful and attentive listening.

We hope that this paper will contribute at least in a small way to Rohingyas' quest for justice, peace and safety.

SUMMARY AND RECOMMENDATIONS

The Rohingya community has survived genocide in Myanmar. They also continue to face an onward struggle to survive the debilitating socio-economic conditions of refugee and IDP camps, further persecution and discrimination, and the risks associated with travelling in search of physical and socio-economic security. They are vulnerable to trafficking for different forms of exploitation and to human rights violations resulting from a lack of state protections. This paper considers the additional layers of vulnerability that arise from the discriminatory and arbitrary denial of citizenship in their home country, Myanmar, and denial of legal status in the countries to which they fled. Based on qualitative research in Myanmar, Bangladesh, India and Malaysia, the paper joins up the issues across different country contexts, revealing that each family's search for peace and security often spans multiple countries and multiple generations.

This paper finds that statelessness should not simply be viewed as a cause or consequence of trafficking. Rather it is an intersectional factor that compounds the risks of exploitation and other human rights abuses at the hands of both brokers and state authorities. This includes abduction, extortion, forced labour and other forms of labour exploitation, sexual exploitation, torture, death, arbitrary arrest, indefinite detention and *refoulement*. Further, the intergenerational nature of Rohingya displacement and statelessness creates barriers to securing durable solutions. The risks of further exploitation or trafficking are therefore sustained across lifetimes and across different generations. The research indicates that statelessness increases the likelihood of trafficking outcomes; compounds the negative impact of experiences of exploitation; and leaves victims exposed to continued risks and vulnerabilities to further trafficking.

This paper is divided into two parts. Part 1 outlines six issues that lie at the intersections of statelessness and trafficking experiences: persecution; socio-economic insecurities; lack of access to regular and safe migration; lack of legal protections and detention; lack of access to safe and decent work; and intergenerational statelessness. Part 2 explores the experiences of Rohingyas in different country contexts: Myanmar; Bangladesh; India; and Malaysia. The paper's recommendations highlight the importance of ensuring that the specific vulnerabilities of stateless people are factored into anti-trafficking initiatives and international protection frameworks.

Methodology

This research is collaborative and centres the knowledge and analysis of local and Rohingya researchers and community workers. Data was collected and analysed from qualitative research amongst Rohingya populations in four countries. This includes: 30 in-depth interviews with Rohingyas in Bangladesh, Myanmar, India and Malaysia; detailed observations and reports over six months from four Rohingya researchers living in four different areas of Rakhine State Myanmar; and the analysis of Rohingya key workers in Malaysia, Bangladesh, India and in diaspora. It further draws on discussions from two multi-country focus groups with Rohingya community workers organised by ISI in support of the [2023 report](#) of the United Nations Special Rapporteur on Trafficking in Persons especially women and children.

Our research includes a focus on the gendered experiences of both statelessness and trafficking. The majority of interviews were with women, conducted in women-only spaces by other women in Rohingya, Burmese or Hindi languages. Interviews were carefully designed to be sensitive to experiences of trauma and as such to not ask women to recount personal experiences of trauma. Since the research was conducted in conflict-affected areas and refugee settings, we developed a strong ethical framework to minimize risk. We ensure the security of data, and the anonymity of research participants and, where necessary, researchers.

Background

The Rohingya are an ethnic community belonging to Rakhine State in Myanmar, whose histories in Rakhine, now in the territory of Myanmar, long pre-date modern nation-states and borders. The Rohingya's arbitrary and discriminatory deprivation of nationality by Myanmar, which was initiated under military rule, is a key element in the decades-long persecution and genocide perpetrated against the community. The persecution of Rohingya in Myanmar and their lack of protection as refugees outside Myanmar are strongly linked to Myanmar's systematic imposition of statelessness on Rohingyas. Myanmar's 1982 ethno-centric and exclusionary Citizenship Law, together with the arbitrary implementation of citizenship rules, provided a

domestic framework that sanctioned discrimination, persecution and expulsion. The clear exclusion of Rohingya from access to citizenship by right - as opposed to a highly discretionary and arbitrary naturalisation procedure - was a deliberate next step towards the ratcheting up of abuses against the group. As such, Rohingya have fled structural discrimination and persecution in Myanmar over decades resulting in a large and scattered refugee population world-wide. It is estimated that three quarters of the Rohingya population currently live outside Myanmar.

There are now approximately one million Rohingya refugees in Bangladesh and hundreds of thousands of Rohingya in other countries, such as Saudi Arabia and elsewhere in the Middle East; India, Pakistan and elsewhere in South Asia; Malaysia, Thailand, Indonesia and elsewhere in Southeast Asia. A smaller number of Rohingyas have settled in Australia, Europe and North America. Within the contexts of the Middle East, South and Southeast Asia, Rohingyas have experienced inter-generational statelessness and continue to live in situations of protracted displacement without access to legal status or the legal right to work. This has prevented children and youth from accessing formal education and training and has driven men and women into precarious work in the informal sectors of the economy with few safety standards, often exposed to exploitation and with no access to social safety nets. In times of external shocks, including the COVID-19 pandemic, humanitarian disaster and conflict, Rohingya families are at heightened risk of hunger, illness and violence.¹ Family members in Myanmar and elsewhere who rely on remittances from those working overseas are also increasingly vulnerable to these impacts.

Exposure to violence, structural discrimination, movement restrictions and socio-economic hardship in both Myanmar and Bangladesh drive onwards migration. There are currently two main routes from Bangladesh and Myanmar to other countries of Southeast Asia and beyond: by boat across the Andaman Sea to Malaysia, Indonesia and elsewhere; and by land through Myanmar, across the border into Thailand and onwards to Malaysia and elsewhere. According to the United Nations High Commissioner for Refugees (UNHCR), more than 3,500 Rohingyas attempted sea crossings in the Andaman Sea and the Bay of Bengal in 2022. This figure represents a 360 per cent increase and signals increasing desperation compared to 2021 when around 700 individuals were recorded to have made similar journeys. Regarding the death toll, around 348 individuals are believed to have died or gone missing at sea making 2022 one of the deadliest years for the sea journey since 2014.

Nearly 45 per cent of those rescued were women and children.² Routes across land are also risky. In many situations, travellers never reach their destination. They may be arrested, abandoned, or die en route. Others are abused or exploited.

Experiences of abuse and exploitation en route include:³

- Extortion from brokers such as:
 - Transportation fees rising four or five-fold after departure or demands of extra money for passengers to disembark boats or complete the journey.
 - Threats, violence and sometimes abduction of family members in different countries to recover debts/extra costs.
- Violence, torture or rape by brokers and security forces.
- Being 'sold on' to other syndicates on route for the purpose of extortion.
- Forced labour on route, including portering for brokers.
- Food and water shortages, ill-equipped, overcrowded vehicles and unseaworthy boats.
- Injury and death resulting from abuse and inhumane conditions.

Experiences of exploitation at the destination include:⁴

- Forced/abusive marriage including early marriage.
- Commercial sexual exploitation.
- Domestic servitude.
- Debt-bondage.⁵
- Child labour.
- Unsafe and unregulated work.
- Unpaid wages/wage theft.

Rights violations and abuses by state security forces en route and at destination include:⁶

- Failure to provide humanitarian assistance to passengers on boats in distress.
- 'Push-backs' of boats into high seas and international/neighbouring country waters.
- Denying passenger disembarkation.
- Lack of access to asylum procedures or identification of trafficking victims and stateless people.
- Detention on arrival, denial of access to UNHCR in detention, detention for indefinite periods, inhumane detention conditions for example in Malaysia and India.
- *Refoulement* to Myanmar following 'rescue' at sea, even where they are refugees registered in Bangladesh.
- Arrest and detention en route through Myanmar,

often without access to legal assistance and with insufficient finances to secure release.

- Torture and abuse in custody.
- Lack of social support and re-integration services for separated children (often where adults are imprisoned), survivors of sexual violence, and other trafficking survivors.
- Failure to provide household registration to returnees, leading to ongoing abuse and vulnerabilities.

RECOMMENDATIONS

Based on this paper's findings, we recommend that anti-trafficking prevention and protection initiatives are more inclusive of stateless people and targeted to their specific needs and vulnerabilities. For example, initiatives to prevent trafficking should focus on ensuring access to basic rights and socio-economic rights for stateless people. Additionally, preventing trafficking in refugee and IDP situations, and protecting survivors of trafficking from refugee and IDP backgrounds, requires measures that are situated within a broader framework that factors in the need for protection not just from criminal syndicates, but also from perpetrating states and state actors. Accordingly, we recommend that relevant actors committed to preventing trafficking of stateless Rohingya and protecting Rohingya victims of trafficking:

- Promote the right to work for stateless people and refugees; provide access to livelihoods and decent work.

- Increase access for stateless refugees to durable solutions such as resettlement, integration, and safe and voluntary repatriation, including by providing specific pathways and routes to overcome the barriers encountered by stateless people.

- For Rohingyas, promote their right to citizenship in Myanmar as an integral component of securing safe repatriations.

- Provide access to safe and regular migration routes for stateless people (including through bypassing the role of the state of origin in proving identity)

- Increase access to family reunion and reunification through safe and regular routes for stateless people, including by reducing the evidentiary requirements to establish family ties.

- Promote access to civil registration, including birth registration, in countries of refuge with a view to providing pathways to regularise legal status and citizenship for those experiencing intergenerational statelessness.

- For stateless children, provide access to formal education, accreditation, and development opportunities to enable them to access decent work in future and lift themselves out of the cycles of poverty and exploitation.

- Incorporate refugee and statelessness protection into search and rescue operations including providing access to UNHCR, ensuring the right to apply for asylum and *non-refoulement*.

- Improve the identification of refugees, victims of trafficking and stateless people and provide them with appropriate protection services.

- Provide UNHCR with access to detention centres.

PART 1

STATELESSNESS & TRAFFICKING: THE INTERSECTIONS

“

What the Rohingya community is facing in terms of trafficking, detention and exploitation is linked to the statelessness that has been forced on them. The dangerous sea and land journeys Rohingyas are compelled to or forced to take are just because the Rohingyas don't have travel documents. And they don't have livelihood opportunities in Myanmar or Bangladesh. They also don't have development opportunities including education or life skills development in refugee camps in Bangladesh or Myanmar. For example, many women who are being trafficked to Malaysia go there just to get married. If they had a travel document from Myanmar, they wouldn't have to take risky journeys. They are forced to. That's where the exploitation begins.”

ROHINGYA HUMAN RIGHTS DEFENDER, INDIA

Findings from our research show that statelessness:

- increases the likelihood of trafficking outcomes;
- compounds the negative impact of experiences of exploitation; and
- leaves victims exposed to continued risks and vulnerabilities to further trafficking.

Part 1 of this paper explores these findings by examining six intersections between statelessness and trafficking.

1.1 Persecution

They (Arakan Army and Myanmar security forces) do not want Rohingyas in Rakhine State and they cannot drive us out. So, many people feel that is why they are helping those human smugglers if the Rohingyas want to go outside.

ROHINGYA MAN, SITTWE

Both the denial of Rohingya citizenship in Myanmar, and experiences of trafficking, are strongly linked to broader patterns of persecution. The lack of citizenship in Myanmar is not only linked to Rohingyas lack state protection, it also restricts them to geographical pockets in Rakhine state where they are subjected to a legal framework of persecution

and apartheid.⁷ In 2017, Rohingyas suffered forms of state violence that are widely accepted to amount to genocide.⁸ Citizenship and recognition of their ethnic identity by the state is understood by Rohingya communities to be inextricably linked to safety and security. As such restoration of Rohingya citizenship has been consistently articulated by refugee leaders as a pre-condition of voluntary repatriation from Bangladesh to Myanmar.⁹ The restrictions of movement in Myanmar and the denial of citizenship documents, together with endemic corruption enables conditions in which smuggling within and out of Myanmar is a lucrative business, and exploitation and abuse by both state actors and other brokers/agents goes unchallenged.¹⁰ Only approximately 20-30% of Rohingyas attempting to leave Bangladesh or Rakhine across land for Malaysia or elsewhere in Southeast Asia make it as far as the Thai-Myanmar border.¹¹ Many are either abandoned by brokers or arrested

en route. There are more than 3,000 Rohingyas in detention in Myanmar from attempting these routes. Approximately 700 have been charged and sentenced under draconic immigration rules, receiving prison sentences of 2-5 years. Those who have travelled from Bangladesh usually receive the longer sentences as they are also charged with illegally crossing an international border.¹²

Currently there is a conflict in Rohingya areas of Rakhine State with large swathes of territory falling under the military and administrative control of the Arakan Army (AA) and their administrative wing, the United League of Arakan (ULA). Rohingyas are doubly persecuted by both sets of parallel authorities.¹³ Further, according to findings from our research, both the Myanmar security forces, and Arakan Army are implicated in human smuggling and trafficking, both facilitating travel and abusing Rohingya travellers en route. The pressures and impacts of living under formal and informal authorities in Rakhine, both of which effectively treat Rohingya as noncitizens, has increased insecurities and financial hardships.¹⁴ It is vital that Rohingya survivors of genocide, have safe routes within and out of the country, should they choose to escape ongoing structural discrimination and persecution, or build better lives elsewhere. Whilst travel routes are a vital lifeline for some, for others they have become fraught with violence, abuse and risk to life.

Further, there is a strong link between the deprivation of Rohingyas' citizenship in Myanmar and the denial of the right of return. Since the 1990s, those that have left the country have had their names struck from household registers, effectively erasing their permanent residence. Thus, migration, in most cases, is permanent. Many are concerned that the facilitation of travel out of the country assists broader strategies to permanently remove Rohingya from Rakhine State, and at the same time generates revenue for state-like structures.

The treatment of Rohingyas returned to or transiting through Myanmar by both state authorities and non-state actors, sometimes following experiences of trafficking, is also understood by many as a form of persecution due to their ethnicity, religion and lack of legal status. On 5 December 2022, 13 dead bodies of Rohingya were found on the roadside close to Yangon. The bodies were photographed and bore the signs of severe beatings and torture. The victims had reportedly been abducted by a Buddhist ultranationalist militia group connected to the military government, called Pyu Saw Htee, while they were attempting to travel to Southeast Asia. When brokers

failed to pay the ransom, they were reportedly beaten to death. The bodies were not released till after post-mortem and were not given an Islamic funeral.

1.2 Socio-economic insecurities

Many families know the journey to another country has huge risks, but they try it anyway. People think if they are lucky on their journey, their families in Rakhine will have support to survive. The risk of being arrested on the route and sentenced to two to five years in prison does not stop them. The risk of rape does not stop them. Even the risk of death does not stop families from making these decisions. It's the limitations and restrictions here that makes them take the risks.

ROHINGYA WOMAN, TEACHER, SITTWE¹⁵

At the centre of the insecurities and vulnerabilities faced by Rohingyas, is a lack of legal status as citizens in Myanmar, and as residents, refugees and stateless persons elsewhere. In Myanmar, following the 2021 military coup, greater restrictions of movement, checkpoints and administrative costs have been imposed on those who do not have citizenship documents. Conflict has created new layers of financial and physical insecurity for Rohingya households, driving them into poverty and leaving them vulnerable to human rights abuses from state and quasi-state bodies.¹⁶

Since the mass exodus of Rohingya from Myanmar to Bangladesh in 2017, more restrictions on movement and livelihoods have been placed on Rohingyas living in the camps of Bangladesh. The presence of cross-border armed gangs, including but not limited to the Arakan Rohingya Salvation Army (ARSA), has increased violence in the camps. This includes frequent shootings and gun battles, assassinations, arson, abductions and enforced disappearances.¹⁷ In India, the legal status of Rohingyas has become increasingly precarious, leaving them at risk of forced repatriation or *refoulement* to Myanmar as well as arbitrary arrest and indefinite detention. This erosion of Rohingyas' legal status and protections in India has impacted living conditions and access to services leading to increasing insecurities and vulnerabilities.¹⁸ Rohingyas in Malaysia do not have the right to work or a formal legal status in the country. As such, they work in the informal economy and are vulnerable to unsafe and exploitative conditions in the workplace,

as well as arrest and detention. Since the Covid-19 pandemic and beyond, border restrictions and immigration raids have increased. There has been a sharp rise in hate speech, discrimination and increased incidents of violence against Rohingyas, including in and on the way to workplaces.¹⁹ This has made access to livelihoods increasingly difficult and compounded financial hardship for Rohingyas living in Malaysia. With so many Rohingya households in Myanmar and Bangladesh dependent on remittances from abroad, deteriorating socio-economic conditions in Malaysia and other countries have a knock-on effect for Rohingya families and communities elsewhere. This in turn, pushes more Rohingyas in Bangladesh and Myanmar to undertake risky journeys in search of physical and financial security for their families.²⁰

Exposure to violence and experiences of increasing movement restrictions as well as insecurities and deteriorating living conditions in Myanmar and abroad cause Rohingyas to take dangerous journeys out of desperation and with inadequate funds and preparations, further increasing the risks of exploitation. The costs of journeys often rise sharply during times of crisis and conflict.²¹ According to Rohingya women activists and researchers, Rohingya women and girls are particularly at risk of trafficking as lack of safety and security combined with a lack of recourse to support services and legal remedies for cases of sexual and gender-based violence present a crucial gendered driver of forced migration in and outside of Myanmar.²²

1.3 Lack of access to safe migration routes

My father's family is in Bangladesh. I have a cousin there living in the camps of Cox's Bazar. She says it is becoming so difficult to live there because they are getting less and less aid with each passing day. There are security issues as well. She wants to come here. Her family also wants to send her here because they want her to get married to a boy in India but then the problem is that we don't have the money. The brokers have also started charging much more. The rate keeps increasing each year. They say there are very high risks involved now in crossing borders. The Bangladesh and Indian border forces have become very vigilant in the last few years and it is becoming increasingly difficult. She also says that the security around the camps in Cox's Bazar has increased so

much... there are multiple checkpoints in Bangladesh itself which need to be bypassed in order to travel.

**20-YEAR-OLD,
ROHINGYA WOMAN, NEW DELHI**

Without any citizenship, the vast majority of Rohingyas are unable to obtain travel documents. As such when they need to move across international borders in search of safety and security, they cannot travel through regular channels. Across generations, stateless Rohingyas often have had no other options but to travel irregularly using networks of brokers, which are much more costly and expose them to the risks of abuse and exploitation in transit and in the destination country. Additionally, a lack of legal status leaves them excluded from formal banking and financial systems, making them dependent on informal and unregulated money lenders and transfer systems that leave them without recourse if they experience exploitation, extortion or abuse.²³

In Myanmar and other neighbouring countries, for some people it is possible to obtain travel documents through irregular means, such as bribery or through unregistered agents. Both the risks, and costs of these bribes and services are much higher for Rohingyas who lack the required supporting documents, making the likelihood of extortion and swindling higher. Further local travel restrictions imposed on Rohingyas due to their lack of citizenship and legal status in Myanmar, Bangladesh and elsewhere, can mean they must pay additional bribes to secure local travel permission or to evade local checkpoints. The costs can be insurmountable for stateless people. In other situations, the costs can cripple household finances and increase family debt. If Rohingyas do obtain travel documents through irregular means, it can cause problems for them in future. For example, they risk arrest and charges for obtaining fraudulent documents, their identity as Rohingya may be challenged when they claim asylum in another country, or they may be refused visas and entry to other countries even after they have refugee status.²⁴

Lack of identification documents and travel documents also presents barriers to acquiring family reunion visas for Rohingyas with family members who have reached safe countries and secured a legal status. Without legal identities and without proof of family relationships, it can be difficult to meet the evidentiary requirements for family reunion. This further blocks safe and regular migration routes, resulting in high-risk journeys.²⁵

Refugee resettlement and refugee sponsorship schemes

have enabled a small proportion of registered Rohingya refugees to resettle from Malaysia, Bangladesh and other countries to third countries such as Canada, the USA, Sweden, the UK, Ireland and others. However, some states such as India and, in the past, Bangladesh have also blocked resettlement processes by refusing to issue exit visas/permits.²⁶ Further, very limited quotas are provided from receiving countries. Small numbers of Rohingya survivors of trafficking have secured resettlement to safe third countries from Sri Lanka, Thailand and elsewhere.²⁷

1.4 Lack of legal protections and detention

My sister was arrested and detained last year. She has been living in a detention camp ever since. It is really bad there. They do not give her proper food. She has become so weak. Her kids are really small and they stay with us. Our family has grown so much and now the responsibility to support her kids has also fallen on my shoulders. I am unable to provide for them properly. I am the only earning member of the family with 7 dependents, so it has been really tough for all of us. On top of that every month, I keep some money aside because I visit my sister and take food and other stuff for her. She says that in the detention camps there are horrible things that happen to women and because they do not want such incidents to be exposed in the open, they mix contraceptive pills and other medicines along with the food so that women cannot conceive inside the detention centres.

ROHINGYA REFUGEE, INDIA

None of the major destination countries of Rohingya travellers are signatories to the 1951 Refugee Convention. Further none have statelessness determination procedures. Processes to identify victims of trafficking and provide adequate protections are patchy and poorly implemented.²⁸

UNHCR operates in these countries, providing some services and registration procedures for asylum seekers and refugees. However, UNHCR cards only provide limited protections since holders are not officially recognised as refugees under domestic laws. As such, they are often treated as ‘irregular migrants.’ This insecure status means that refugees can be arrested and detained. Whilst all refugees face these insecurities, the combination of being stateless and

a refugee can make the problems more acute and more protracted. Stateless people are more likely to cross borders without documents or through irregular routes, increasing the likelihood of arrest en route and on arrival. Without recognition of citizenship in their home country, failed attempts to make deportation arrangements can result in lengthy and indefinite detention. Further their lack of legal status in the countries in which they are detained creates barriers to securing release. If they return to Myanmar, they face further problems due to their lack of legal status there. In Myanmar and India, stateless Rohingya are often sentenced for immigration offenses. In India, they often remain in detention long after their sentences are served.²⁹

In Bangladesh, registered refugees are contained in refugee camps and movement outside can result in arrest and detention. In Malaysia, since 2020, there have been increasing immigration sweeps specifically targeting areas where Rohingyas live and work.³⁰ Since 2017, in India, UNHCR registration no longer entitles Rohingyas to long-term visas. Since then, Rohingyas have been under increased threat of arrest, detention and deportation to Myanmar, with immigration sweeps and registration drives specifically targeting Rohingya communities and government announcements stating the intention to deport Rohingyas.³¹ Detainees in all these countries have limited or delayed access to UNHCR and, if they are not registered already, struggle to apply for asylum.³² Rohingyas arriving in Malaysia including women and children are often detained on arrival. In detention as new arrivals they currently have no access to UNHCR and are unable to claim asylum.³³ Detention can be indefinite and lengthy. Two community workers estimated that an average time for immigration detention is two years. The conditions are overcrowded, with limited access to health care or adequate sanitation.³⁴ In April 2022, 528 members of the Rohingya community attempted to escape a detention centre in Kedah, Malaysia, leading to a large immigration operation targeting the homes of Rohingyas, and the death of six individuals including two children in a road accident while fleeing.³⁵ There are risks of abuse and death while in custody in all these countries.³⁶ In India families are often separated in detention. Women and children are often detained in social welfare facilities.³⁷

Girls are kept in correctional homes, mostly. There it is scary. They are separated from their families and kept in an entirely new environment. Most of them come back shaken and scared from such correctional centres. Sometimes their families refuse to accept

them. Sometimes the men that they are supposed to marry allege that they have been sexually abused while in correctional homes and refuse to accept them as their wives.

**ROHINGYA WOMAN,
HARYANA INDIA**

In Malaysia, children are detained in immigration detention centres. In Myanmar, children charged with immigration offences are separated from their families and detained in youth detention centres.³⁸

In all these countries, there are no statelessness determination procedures. As such the increased likelihood of indefinite detention and the barriers to removal are not identified or factored in. Further, the specific protection needs of stateless refugees are not identified.

Lack of access to asylum and statelessness determination procedures is compounded by limited screening to identify victims of trafficking.³⁹ Domestic and regional anti-trafficking policies mean that in principle victims of trafficking should be identified and provided with legal protections and access to appropriate services.⁴⁰ However, in practice Rohingya arrivals and detainees are rarely screened or formally identified as victims of trafficking. As such they struggle to secure legal protections and have little access to support services. In Myanmar, returned victims of trafficking have no access to reintegration services and are sometimes unable to register or secure a legal status, increasing the likelihood of being arrested on immigration charges or being re-trafficked.⁴¹ In India, Rohingyas in situations of bonded labour are unable to register with UNHCR. Trafficked women and children are often detained in social welfare facilities.⁴² In Bangladesh, Rohingya victims of trafficking have not been allowed to return to their families and support structures in the refugee camps, but instead have been forcibly relocated to refugee facilities on Bhasan Char Island.⁴³ In Malaysia, victims of trafficking are rarely identified. Those who have been identified, have limited access to specialised support. Welfare is ad-hoc and usually provided by the Rohingya and refugee community in Malaysia, with limited access to resources and safe-housing.⁴⁴

Rohingya who are not identified as refugees or victims of trafficking and therefore have no access to related legal protections are at increased risk of *refoulement*. In December 2022, 154 Rohingya - including 40 women and 31 children - who left Bangladesh were rescued by the Vietnamese Navy after drifting at sea for a week. They were handed over to the Myanmar Navy.⁴⁵ A few days later they were transferred to Sittwe in Rakhine

State. Since then, Rohingya community members have been unable to locate them. It is presumed they have been detained on immigration charges.

1.5 Lack of access to safe and decent work

Me and my husband are old. We don't have any income - only WFP [World Food Programme] aid...It is not enough for us. Before we could sell some of our rice, oil... and we could buy my medicine. Now it's not possible. My son had a small shop inside the camp. It was demolished. Our aid is less now, and we are not allowed to do anything for work or income. Our son is now thinking how to go to Malaysia, because in the camp he is not able to do anything to support the family. So how will our family survive?

**60-YEAR-OLD, ROHINGYA
REFUGEE WOMAN, BANGLADESH**

Refugees do not have the right to work in Bangladesh, Malaysia or India. Without citizenship, Rohingyas are unable to obtain visas/work permits or access migrant worker schemes. Amnesties or legalisation schemes for irregular workers require nationality verification from consulates, making these schemes inaccessible for stateless people.⁴⁶ Rohingyas often need to secure work through informal networks and consortiums. They often end up in unregulated, low status jobs where they can encounter unsafe working conditions, unpaid wages, and other forms of labour exploitation.

In Bangladesh and Myanmar, movement restrictions and restrictions of livelihoods further limit household incomes. In Myanmar, increased securitisation due to conflict after the 2021 coup has made local travel permissions and identity documents harder to obtain, further limiting livelihoods. Meanwhile inflation and rapidly rising costs of living compounded by conflict and state collapse, increase strains on households. There are also cuts in humanitarian aid due to a lack of access for aid agencies.⁴⁷ In Bangladesh, increased movement restrictions prevent people leaving the camps for daily labour in the informal sector to supplement their incomes. Income generating activities within the camps have also been restricted.⁴⁸ For example, thousands of small shops have been demolished.⁴⁹ Meanwhile budget shortfalls have resulted in aid reductions placing households under increased financial hardship.⁵⁰ In India, Rohingyas (including children) work in the informal economy.

They are often in low paid and unsafe work. An increasingly hostile environment for Rohingya and other Muslim refugees, including harassment by local communities, and increased monitoring and surveillance by state and local authorities place Rohingya families under increased pressure.⁵¹ Some families and individuals are in situations of bonded labour in factories and other workplaces.⁵² In Malaysia, refugees do not receive aid or financial support and must work in the informal economy to support themselves and their families. Many Rohingyas work in the construction industry. Safety standards in the unregulated sector are low, and there are many incidents where workplace injuries have resulted in disabilities.⁵³ Since Rohingyas do not have insurance, they often receive no compensation for these injuries. There are also many incidents of wage theft/unpaid and underpaid work.⁵⁴

Income earning opportunities for women and girls are even more limited. Security concerns combine with social norms to limit women's access to the public sphere. Lack of income increases household financial pressures and creates impetus for families to seek early marriage for their daughters or to take risks in sending them abroad.⁵⁵ Rape is reportedly extremely common while en route to Southeast Asia or India. Often girls and women travel for marriage. If they are raped, or become pregnant as a result of rape, they are often rejected for marriage on arrival.⁵⁶ Some Rohingya women in India and Bangladesh have been trafficked into commercial sex work. Women and girls can be more vulnerable to these forms of sexual exploitation if they have past experiences of sexual assault.⁵⁷

1.6 Intergenerational Statelessness

The lack of education and lack of livelihood makes people vulnerable to trafficking.

Intergenerational statelessness in Malaysia means that Rohingya children are not given access to formal education, and they do not have the right to work. This means that livelihoods are not sustainable in Malaysia which leaves them vulnerable to different forms of exploitation and some people decide to move again. This creates the scenario where people are vulnerable to trafficking.

ROHINGYA EXPERT CONSULTANT, MALAYSIA

With few pathways to regularise their legal status

or access citizenship, Rohingya communities are impacted by intergenerational statelessness in multiple national contexts including Bangladesh, Malaysia, Pakistan, Saudi Arabia, Thailand, Indonesia and elsewhere. Where parents have a precarious legal status, there can be barriers and risks associated with registering the births of their children and other civil registration procedures that are a first step towards securing a legal identity. Further, where there are no pathways available to regularise legal status, there are few benefits to undertaking the bureaucratic challenges of securing documentation for children. Unable to establish a legal status over generations, stateless Rohingya can become caught in multi-generational cycles of legal precarity; with limited access to education, healthcare and state protections; working in unregulated sectors of the economy; and crossing checkpoints and international borders irregularly in search of safety and security.⁵⁸

With very limited education options and financial pressures, it can be difficult for children of stateless Rohingya to lift themselves out of this cycle. In Rakhine state, Rohingyas face significant challenges accessing to schooling, higher education and professional training.⁵⁹ Security concerns, school closures, difficulty obtaining travel permission, discrimination within schools, language barriers and financial pressures all contribute to low education levels compared to the rest of Myanmar, particularly for women and girls.⁶⁰ In Bangladesh, there is no access to formal schooling. Refugee schools do not provide certificates recognised in Bangladesh, Myanmar or elsewhere. Gaining access to further training or education or to skilled work is therefore difficult. Since the exodus of 2017, Rohingya children in Bangladesh have been referred to as the 'lost generation' due to the lack of formal education.⁶¹

The vast majority of Rohingya children born into situations of protracted displacement elsewhere are also unable to access formal education or training. In India for instance, stateless Rohingya children struggle to access formal education because of their lack of legal status, security concerns and the need for children to contribute to limited household incomes.⁶² In Malaysia, public education is reserved for Malaysian citizens, excluding stateless children. Children sometimes attend non-formal refugee schools, madrassas and small private schools run from homes or apartments. The certificates provided by these schools are not officially recognised and do not provide access to skilled work, further training or higher education. As such, school enrolment and school attendance are low and drop-out rates are high.⁶³

Girls especially have limited access to formal and non-formal education. With such limited income earning opportunities available to girls and women, there are few direct benefits to parents if they invest in girls' education. Security concerns and social norms also limit girls and women's access to education, training and work.

I can venture out of the camps. It has been many years now that I have been working outside the house. But most women cannot. I do not even let my daughters leave the camp alone. It is not safe at all. Since our camp is located a little off the highway, the road from the highway to the camp is usually deserted. The local boys are usually lingering on the roadside and whenever they see young girls, they taunt them, pass comments and sometimes even harass them. It is very scary. They do that to older people like me, but then I can resist or not pay heed. For younger girls it is a real problem. This is the reason why so many families are scared of sending their daughters to school. The nearest government school is far off from this camp and it is not safe for young girls to travel alone.

**ROHINGYA WOMAN WORKING
AS A VOLUNTEER, HARYANA**

These factors, combined with demographic change due to sustained forced migration of young men from Myanmar, and dowry systems changed by social upheaval, also contribute to incidents of early (child) marriage, and trafficking in girls across international borders.⁶⁴

Multiple generations of Rohingya live in situations of protracted displacement, perpetuated by their statelessness. They have very limited access to the durable solutions promoted for refugee populations, including repatriation, integration and resettlement.⁶⁵ At the root of this problem are the challenges in securing citizenship and safe, dignified and voluntary repatriations to Myanmar over many decades. Many Rohingyas have been repatriated to Rakhine State and have fled again due to problems registering on household lists and resultant persecution and human rights abuses.⁶⁶ At the heart of the continued cycles of forced migration out of Myanmar is the denial of citizenship in Myanmar. Rohingyas call for citizenship as a pre-condition for return to Myanmar is based on collective past experiences that connect insecurity and citizenship denial.⁶⁷ Without viable repatriation plans, there is a lack of political will in other countries to provide adequate complementary durable solutions such as integration in the country of refuge or

resettlement to a third safe country. As such, stateless people endure a vicious cycle of denial of legal status, structural discrimination, trafficking, and human rights abuse. Some Rohingyas do manage to survive by lifting themselves out of poverty, indebtedness and exploitation. Most however, cannot.

PART 2

STATELESSNESS AND TRAFFICKING IN DIFFERENT COUNTRY CONTEXTS

2.1 Myanmar⁶⁸

Due to internal restrictions on movement and increasing insecurities in Rakhine and Myanmar, Rohingyas in Rakhine State Myanmar and in the camps of Bangladesh increasingly turn to networks of brokers to travel across Myanmar towards Southeast Asia in search of safety and security. During these journeys in which their movement is criminalised, they are particularly vulnerable to:

- Arrest and detention, often without access to legal assistance and with insufficient finances to secure release.
- Extortion from brokers.
- Food and water shortages, ill-health, injury and death.
- Violence and rape by security forces and brokers.

Systems of impunity and an absence of psychosocial support structures within the community compound the vulnerability of Rohingyas to these forms of abuse. Rohingyas and others from Rakhine State who are not recognised as citizens of Myanmar are usually not permitted to travel outside the state. The 'Form 4' travel permits generally only allow them to travel between townships in Rakhine State. Travel through Myanmar on route to Southeast Asia or elsewhere therefore requires using networks of brokers to facilitate movement.

The criminalisation of these internal movements through Myanmar, places Rohingya women and men at increased risk. These risks are from two main groups of perpetrators - firstly the risk of arrest, detention and abuse by the 'state' or State Administration Council (SAC) security forces, and secondly by networks of non-state agents and brokers. Overland journeys often include long walks through forested areas. Interviewees, including those with links to brokers or smugglers, noted that SAC and ULA-

AA control movement through and out of Rakhine State and, as such, receive payments to facilitate travel. With competition and tension between the two bodies - including relating to revenue - the routes are reportedly vulnerable to exposure from informants, resulting in many Rohingya travellers being arrested while travelling within the state.

In some cases, travellers are required to pay up-front in full, in other situations they make a partial payment upfront and the rest at the half-way point or final destination. Sometimes, the costs of travel can spiral with demands made to families for more money at the half-way point or before the final destination. Children living in IDP camps in Rakhine are sometimes targeted by the traffickers who promise to find them work in Malaysia, Thailand or elsewhere. Whilst they are still en route in Myanmar, money is extorted from their families.

I know of many trafficking cases. Brokers shared misinformation to children aged around 13, 14 and 15 years old. Children do not want to live in the camp and the brokers ask them to come with them. They did not need to pay money to brokers. At the half-way point, the brokers asked them to call their family to transfer money. Then they started threatening the family until they transfer money.

ROHINGYA WOMAN, SITTWE

Many travellers never reach their destination. It is estimated only 20-30% make it into Thailand.⁶⁹ They may be arrested, abandoned, or die en route.

Prior to the coup of 2021, Rohingyas travelling through Myanmar were intercepted and arrested. However, if intercepted outside of Rakhine State, they were often released and immediately transported back to

their homes in Rakhine. Rohingya refugees travelling through Myanmar from the camps in Bangladesh towards Southeast Asia were often sent to Rakhine State, issued with National Verification Cards (NVC) (a form of IDs for non-nationals) and allowed to stay with relatives. Since the coup, many more Rohingyas have been arrested by the police for travelling without permission either between the townships of Rakhine State or on their way to Yangon, Irrawaddy or Myawaddy divisions. They are not returned to their homes in Rakhine State but are instead sentenced to 2-5 years for immigration violations. Those who have set off from Bangladesh usually receive the longest sentences as they are also charged with crossing an international border illegally. Some children have also been detained with their parents. Unaccompanied children under 16 have also been sentenced and some have been sent to youth detention facilities, including Hnget Awe San Youth Detention Centre in the Yangon region. They have not been screened as potential victims of trafficking and have no access to support services.

Rohingya have been sentenced to several years and children have been sent to youth detention camps. Actually, they should release them as they are underage. Some United Nations (UN) agencies have tried to help those children to get released, but the police do not allow UN agencies to help children who may be victims of human trafficking.

**MYANMAR SUPPORT WORKER
FOR DETAINEES, MALE**

There are widespread reports of torture and ill-treatment in prisons and youth detention centres. CJ Platform, a grassroots media outlet, reported that over 300 young women are detained at the Youth Correctional Training Centre of Women's Care and Development Centre in Twande Township, Yangon. They reported that on 8 February 2023, staff at the training centre took 20 young Rohingya women from their dormitory and forced them to strip naked in a public area visible from the centre's gate. They were then made to kneel on stones as a form of punishment.

When Rohingyas are detained, high fees must be paid to obtain their release. Many families cannot afford the release fee. In such situations, there is very little legal assistance and financial support available to them. The lack of support services available to women and children both in detention and upon return to their homes, together with the lack of procedures to identify and protect them as victims of trafficking, can

result in dire financial consequences for their families and the potential for girls to be sent again on these dangerous journeys.

A few months ago, there was a 22-year-old woman from Buthidaung - her family sent her to Malaysia, and she was arrested during her travels within the township. They had to pay 10 Lakh Myanmar Kyat (563 US dollars) to the police and the police released her. She was crying and asking the community to host her in Buthidaung temporarily as she did not want to go to Malaysia. The community leaders in Buthidaung town advised her father not to send her to Malaysia and look for a marriage in Rakhine. The father agreed. Two months later the family sent her to Malaysia again. We heard that her father decided to send her as they had already received money from the husband for her travel and had made promises to him. She was arrested again in Yangon last month.

**ROHINGYA WOMAN,
RAKHINE STATE**

Rohingyas who attempt to travel to Malaysia do not always receive accurate information about the conditions, safety and security and duration of the journey. Men, women and children are at high risk of food and water shortages, exhaustion and health issues. Interviewees for this study reported incidents of untreated illness that prevented them from completing the journey – most commonly malaria and diarrhoea. There were other reports of both men and women being beaten or sustaining serious injuries during the journey.

A few months ago, 30 Rohingya women from Sittwe and 20 from different parts of Rakhine attempted to travel to Malaysia. First, the brokers told them it would take only three days to reach Malaysia. We didn't hear any updates for two months. They went from Thandwe to Yangon and some of them died during their journey due to lack of food and water. One of my cousins who was 23 years old was also with them - he died during the journey. The brokers only informed us one month later. They said he died due to diarrhoea. Some Rohingya women told us afterwards that the brokers did not provide food during the 10 days that they passed the mountains of Rakhine and some died due to starvation. The brokers left some women in the forest as they couldn't walk anymore.

ROHINGYA WOMAN, SITTWE

Families of travellers in Rakhine State also reported that the broker networks failed to communicate effectively with them, sometimes not receiving information for several months at a time. One resident from Buthidaung township shared her experience that they did not receive any information from smugglers for two to three months about their family members, including in cases of death:

In November, one of my neighbours, who was 35 years old, died during the journey, in the forest. We got the information about her death two months later when we followed up with brokers. The brokers refused to talk with us, and they did not inform us of anything. We had to try many times. Later the brokers told us that she died because of a fall in the mountains. But when we managed to ask survivors who were on the journey with her, they told us she had been raped and beaten by the Rakhine brokers. They said she got brain injuries and died in the forest near Thandwe township. Her 11-year-old daughter was found by the locals in the forest in Thandwe. Later the police sent her back to Buthidaung - but we could not ask her anything as she started crying when we asked about her mother.

ROHINGYA WOMAN, RAKHINE STATE

Multiple factors combine to establish systems of impunity and prevent trafficking survivors from accessing support after their experiences. Rohingyas in Rakhine state, with their diminished legal and social status, have, for decades, been victimised by the law and received extremely weak legal protections from state authorities. This has led to an ongoing system of impunity including with regard to offences committed by the security forces and/ or government employees. Corruption, discrimination, and arbitrariness are prevalent throughout Myanmar's judicial and administrative system.

2.2 Bangladesh⁷⁰

Overview: In 2016 and 2017, around three quarters of a million Rohingyas fled to Bangladesh due to mass violence perpetrated predominantly by Myanmar security forces. Some Rohingya refugees have lived in Bangladesh since the 1990s. As such, multiple generations of Rohingyas have been born and living

in the refugee camps. Since 2017, Rohingyas are registered by UNHCR. They are currently provided with biometric cards which are issued jointly by the Government of Bangladesh and UNHCR. They are not formally recognised as refugees, but instead are referred to as 'Forcibly Displaced Myanmar Nationals.' There are no formal pathways for Rohingyas to naturalise or acquire citizenship in Bangladesh. Births are registered, but through separate procedures from Bangladeshi nationals.⁷¹ Other durable solutions are scarce. Since the 2017 exodus, large-scale voluntary repatriations to Myanmar have not been possible despite there being MoUs in place between Bangladesh and Myanmar. Moreover, the conditions in Rakhine State are not conducive to safe and sustainable returns. There are continued rights abuses and conflict between SAC and AA. Rohingya refugees in Bangladesh are insistent that they should be able to return directly to their lands and should be provided with citizenship. Between 2006 and 2010, 940 Rohingyas were resettled from the camps to safe third countries. However, the resettlement programmes were halted by the Bangladesh government, due to concerns that they would create a 'pull factor'. Only a small number of exit visas for resettlement have been recently issued to refugees at risk in the camps.

More than one million Rohingya currently live in the refugee camps of Bangladesh. Due to the socio-economic and physical insecurities in both Bangladesh and Myanmar, many of them take risky onwards journeys on boats or across land. Whilst some make it to their destination, many are exploited or abused in transit or at the destination, resulting in trafficking outcomes. There are frequent reports of abductions of both girls and boys from the camps.⁷² Others are given false information about the journey, destination, and travel costs. For example, interviewees reported that Rohingya men, especially young men, as well as women and girls were persuaded by brokers to travel to Malaysia through Rakhine or by boat on the understanding that they would not need to pay any fees until they arrived at their destinations. However, when they arrived at Rakhine or Teknaf, they were beaten and told to call their families to transfer money. They endured physical violence until the money was received by the brokers. Families had to pay around 100,000 Taka (USD 923). If the family was unable to pay, girls were reportedly sold on to brothels in Cox's Bazar. Some families tried to lodge a complaint with the Bangladesh police, but no action was taken by the authorities. Rohingya refugees who travel from Bangladesh camps and are 'rescued' or intercepted by state authorities during the journey, are often not able to return to their families in the camps. Some have been separated from their families and returned

to Rakhine State and others are relocated to Bhasan Char - a remote island utilised as a refugee camp.

Insecurity: Overcrowded camps, lack of decent work and medical care, poor living conditions, insecurity and limited education opportunities are an everyday reality in Bangladeshi refugee camps. According to Rohingya interviewees, the ARSA and other armed gangs control many areas of the camps. These armed gangs and the Bangladesh Armed Police Battalion (APBN), oppress, harass and abuse men and women, impose movement restrictions and crackdowns on religious rituals, demand bribes and exert violence. Due to security concerns, especially arson attacks, killings and kidnappings, community members patrol the camps at night but families with no male household members need to pay money to the *Mahjis* (community leaders) for protection. Power struggles between different armed gangs reportedly increased in 2022. Sometimes Rohingya refugees find it difficult to verify who belongs to which group. This situation increases both security threats and movement restrictions and contributes to decisions to embark on risky journeys out of the camps.

The authorities have increased movement restrictions inside the camp. It is really unsafe for both women and men to move around the camp due to the ARSA and other criminal gangs. For a while, the camp situation seems quieter, but now gang movements are increasing inside the camp again and we hear of killings and abductions of Rohingya who are against them.

43-YEAR-OLD, ROHINGYA VOLUNTEER TEACHER, MALE, COX'S BAZAR

The existence of gangs inside the camps also limits women's income earning and development opportunities. For example, religious leaders affiliated with ARSA reportedly issued fatwas restricting education and work outside the home for women. Rohingya women and men reported being threatened and assaulted if they continued to work or supported girls' education. In order to find a job to support their parents and siblings, some Rohingya women are trafficked through brokers to Malaysia.

We hear of violence and killings almost every day due to competition between gang groups. They threaten women who want to divorce and who are active on women rights. In 2019 and 2020, I taught the Burmese curriculum to women aged around 10 to 40. It is very

important for us to understand, to read, speak and write for our repatriation and to integrate with the Rakhine and Burmese community in future. ARSA supporters threatened me and threw stones onto my shelter while I was teaching. Later I had to close down the home class due to the security of women and girls at night.

26-YEAR-OLD ROHINGYA VOLUNTEER, FEMALE, COX'S BAZAR

Financial pressures: The financial crisis has led to increased food prices and food shortages while most families have very limited incomes. Households face food insecurity and children are suffering from malnutrition. Poverty also leads to increased levels of stress, psychological issues, internal family conflicts and gender based violence, which are all aggravated by the restrictions, lack of future prospects, and loss of hope.

Our freedom of movement within the camp is blocked, our self-organised schools were shut down, our men's work is now limited, even our food is now almost half. How can we survive in the future if nothing will happen and not ensure repatriation? Our children are growing, how can they survive in this camp?

50-YEAR-OLD, ROHINGYA WOMAN, REFUGEE CAMP IN COX'S BAZAR AREA

Concerns about sexual violence in the camps, together with the financial pressures on households, has led to increased incidents of early marriage and forced marriages inside and outside the camps. Getting married abroad is perceived as a way to escape the camp as the woman's family usually does not need to offer dowry for overseas marriages.

Now the ARSA and other gang groups are growing again, and many families are concerned. So many families are planning to send their daughters to Malaysia.

25-YEAR-OLD, ROHINGYA WOMAN REFUGEE, BANGLADESH

Education: Lack of access to education is a major issue for Rohingya children in the camps. Schooling does not provide formal qualifications recognised beyond the camps or a foundation for skilled work, further training or a regular income in future. Rohingya girls receive less schooling than boys. They often stop attending school after they turn 12 years

old or when they start menstruating. Since December 2021, Bangladesh authorities shut down all the schools led by Rohingya volunteer teachers. The few learning centres that remain have limited capacity. Hoping to join school in Rakhine state upon return, the majority of students and parents think that the learning centres provided by agencies are not effective as children are not able to learn the Burmese language and follow the Burmese curriculum. As such there is low enrolment and high drop-out rates. According to a volunteer teacher, due to oppression and lack of education and job opportunities, girls and boys are looking for ways to leave the camps and are often targeted by traffickers. Feeling there is no future for their children in the camps, no proper education and job opportunities, parents also take risks in trusting brokers to take their children from the camp to Malaysia with hopes for a better life.

There is no education, no job opportunity and men oppress women in camps. Women and girls are always looking for ways to leave the camps. That's why many have been targeted by the traffickers. Sometimes Rohingya brokers ask for money, then just take them to other camps. For example, if they are living in Ukhia the brokers take them to another camp which is a bit far from their camp. They leave them there and tell them they arrived in Rakhine. Women do not know anything as they do not have any experience. If they travel far away from their camps they often face cheating from brokers.

23-YEAR-OLD, ROHINGYA VOLUNTEER TEACHER, MALE, REFUGEE CAMP

Female-headed households: Members of female-headed households are reportedly at increased risk of exploitation and often targeted by brokers. These households sometimes face social exclusion since their members may need to leave the home for work or other tasks. Widows and single mothers report experiencing abuse on the way to access healthcare or volunteer work.

Communities do not accept women to lead households. They are against this. Women headed families face the most abuse and are sometimes abandoned by people in the camp block because they are able to manage themselves.

50-YEAR-OLD, ROHINGYA WOMAN, REFUGEE CAMP

Interviewees also expressed concern that some girls and women from female-headed households become targets for sexual exploitation both inside and outside the camps. There are reports that some girls have been sold for sex work at hotels and brothels.

Many households who do not have male members face exploitation from the host community. Many women and girls including under aged girls who do not have a father or male family members are taken to be prostitutes at the Cox's Bazar hotels. There is no protection for those women. Women do not tell their neighbours even if they face abuse from the host community.

40-YEAR-OLD, ROHINGYA VOLUNTEER TEACHER, MALE

Travel risks: Risks of physical abuse and financial exploitation during the journey and at the destination are high. Almost all interviewees reported cases of people who have been detained, abused, exploited or died.

Some of my neighbours - the whole family - is now in a Malaysia detention centre. One of my friends died while on the journey in Pyay Township but we do not know why. One of my relatives has been arrested near Yangon and the family bribed police to release her. She has been released and she tried again to travel to Malaysia and is now sentenced 5 years at Sittwe prison.

26-YEAR-OLD, ROHINGYA VOLUNTEER, FEMALE, COX'S BAZAR

2.3 India⁷³

The situation for Rohingyas in India right now is like a tinderbox – ready to blow at any time. We face increasing harassment, arbitrary detention, and threats of deportation. The protection crisis has become so intense that we even feel unsafe to identify as Rohingya in public. It's dehumanising.

ROHINGYA HUMAN RIGHTS DEFENDER, INDIA

Legal Status: Rohingyas have sought refuge in India in small numbers for decades. Most of the 18,000 Rohingyas currently registered with the UNHCR in India entered the country after 2012, following a wave of extreme violence against the community in Myanmar.⁷⁴ From around 2012, Rohingyas in India have been able to access Refugee Status Determination (RSD) with UNHCR and receive UNHCR Refugee Cards. Rohingyas are not recognised by the Indian government as “refugees” (the country does not have a domestic asylum law), though for several years they were a tolerated refugee group permitted to live freely and receive assistance from UNHCR and non-governmental humanitarian organisations.⁷⁵ Between 2012-2017, the government granted Long Term Visas (LTVs) to the Rohingyas who had been issued UNHCR Refugee Cards.⁷⁶ These were renewable annually and, as with other refugee groups, provided Rohingyas with legal permission to be in the country, which protected them from detention and deportation as “illegal migrants”. LTVs are also key documents for accessing other important identification documents, such as *Aadhaar* cards (with a unique number based on biometric data), and basic public and private services. With LTVs and *Aadhaar* cards, refugees were able to access more opportunities for house rental, purchase SIM cards, and open bank accounts. Since 2017, UNHCR-registered Rohingyas have not had their LTVs renewed or new ones issued. They have also been explicitly excluded from holding *Aadhaar* cards, though this biometric identification card does not denote citizenship and can be obtained by other non-refugee foreigners with relevant national identity documents.⁷⁷

Protection for Rohingya refugees in India deteriorated further from August 2017 onwards. On 9 August 2017, the then-Minister of State in the Ministry of Home Affairs, Kiren Rijju, told Parliament that there were around 40,000 Rohingyas in India (a disputed figure that remains in circulation without a clear source) and that “powers to identify, detain and deport illegally staying foreign nationals, including Rohingyas, have [...] been delegated to State Governments/UT [Union Territory] Administrations”.⁷⁸ A day earlier, the Indian Government issued a notice to all state governments outlining the need to identify Rohingyas in anticipation of deportation to Myanmar.⁷⁹ In this context, any removal of Rohingya to Myanmar amounts to *refoulement*. Two Rohingyas petitioned the Supreme Court of India, challenging the deportation order on 30 August 2017, but a subsequent interim order from the Court (8 April 2021) upheld the deportation policy.⁸⁰

Under the 1946 Foreigners Act and the 1920 Passport

(Entry into India) Act, any foreigner without a valid visa proving “legitimate” entry and stay in India is at risk of detention and deportation. After the 2017 declaration of Rohingya entry into India as “illegal”, the number of Rohingyas detained in India has steadily increased. Exact numbers are hard to verify as Rohingyas are frequently unaccounted for in the penal system, unknown to UNHCR and advocates. However, community led organisations claim that around 600 individuals have been detained, according to their records.⁸¹

Current Situation: ISI’s [2021 briefing paper](#) documented the deteriorating protection situation, increased harassment and arrests faced by Rohingya in India. Below is an update on the situation, with a focus on trafficking.

Rohingyas are trafficked into and within India. Some Rohingyas have been trafficked into bonded labour, domestic servitude, sex work, and for marriage. Socio-economic pressures, increased restrictions and threats to security, and experiences of xenophobia and islamophobia have also driven a ‘reverse migration’ of Rohingyas attempting to flee India to Bangladesh or sometimes Myanmar. To travel within India and to cross international borders without documents, they must turn to brokers. Sometimes the brokers and money lenders exploit or abuse them. Other times, they are arrested and detained in India, where they are at risk of indefinite detention or *refoulement*.

In India people are extremely scared and with all the bulldozing of homes that is happening, people are scared that like in Burma, the day is not far off when they will also be persecuted in India. This has scared people to such an extent that they are leaving India and travelling elsewhere. Most people think that Bangladesh is better and leave for Bangladesh. Now that the Government of Bangladesh is also creating problems for them, they really do not have anywhere to go. Even in Bangladesh they are unable to go and live in the camps. Other than Bangladesh, they are travelling to Malaysia and the Gulf countries.

ROHINGYA MAN, NEW DELHI

Arrests and Detention:

Indian police are asking to see travel documents from us. We are stateless in

Myanmar. How shall we get Burmese passports or Indian visas?

ROHINGYA HUMAN RIGHTS DEFENDER, INDIA

ISI's 2021 briefing paper documents how Rohingya communities in India were arrested arbitrarily *en masse* during registration drives. It also shows how Rohingyas travelling to other parts of India, often in search of safety and security, have faced increasing harassment, and arrest. In 2022-2023, Rohingya activists and community leaders were targeted for harassment, arrest and interrogation. Rohingya community leaders reported being physically beaten and assaulted while under arrest and being refused access to legal representation.⁸² This has generated an atmosphere of fear among the Rohingya community and targeting prominent Rohingyas is understood to be a strategy to intimidate the broader community, leaving many concerned about their own fates given their lack of social and legal connections.

If they could do that to xxx bhai, can you imagine what will happen to us?! xxx bhai is well-educated and everyone knows him and despite that he was detained. What will happen if they come to detain us tomorrow? There is absolutely no way we can stop them.

ROHINGYA MAN IN HIS 40S, NEW DELHI

In April 2022, the police conducted a 'verification drive' in Nuh. This is where residents within particular communities are rounded up and required to submit their biographical and biometric details to state authorities. During this process, almost 30 vehicles (including vans and e-rickshaws) were confiscated and 13 people were arrested.⁸³ The loss of vehicles resulted in families losing their only source of income, thereby pushing families into greater financial hardships. In some families, the absence of male members due to arrest and detention has put additional responsibility on women to be present at the police stations and courts while also generating income for the family.

This came off the back of arrests during previous verification drives. In March 2021, police arrested 168 Rohingya and detained them in Hiranagar sub-jail in Jammu, which was turned into a 'holding centre', claiming that the identity cards issued by the UNHCR were invalid. The arrests experienced by Rohingyas were largely arbitrary.⁸⁴

During COVID, they called us at the stadium. They rounded up everyone at the camp and asked us to assemble at the stadium. We thought that it was for COVID testing. They kept us there all day. Then in the evening, they asked some of us to go back and loaded the rest on their jeeps and took them to Hiranagar. My mother was also one of them. She is 65 years old and has the same UNHCR card as I do.

26-YEAR-OLD, ROHINGYA WOMAN

The fear and insecurities that such incidents instil in Rohingya communities have a profound impact on socio-economic conditions.

After the detentions, most residents have stopped stepping out of the camp for work. They want to put all of us behind bars. We do hard work to fill our bellies but now they have created such a situation that we can't even sleep at night. Due to fear, we don't go outside or to work. We left Myanmar and came to India to save our lives. Now, we don't feel safe here either.

65-YEAR-OLD, ROHINGYA WOMAN

In March-April 2021, 72 Rohingya refugees who were displaced from Jammu were detained by the Foreigner Regional Registration Office (FRRO) in Delhi's VIKASPURI. They camped outside the UNHCR office, seeking protection.⁸⁵ Similar instances of arrest and detention took place across the country in West Bengal, Delhi and Hyderabad. The Supreme Court refused to grant relief to those detained at Jammu and initiated their deportation to Myanmar as per the prescribed order.⁸⁶ Between March 2021 and March 2022 authorities detained 261 Rohingya in Jammu alone including children, women and elderly people. 93 refugees in Delhi, 21 in Uttar Pradesh, 14 in Telangana, and dozens more in states next to the borders such as West Bengal, Assam, Tripura, Manipur and others.

In 2021, we provided legal support to a group of 14 Rohingya detained in West Bengal. The group included 3 children and 8 women and girls. After they were released, for one of the girls, a 19-year-old, we found relatives only after two months. When she was travelling to Hyderabad with her cousin brother, she and her cousin were detained from a railway

station in Delhi. Since then, both of them are locked in a deportation center in Delhi, provided no access to legal assistance and trial. Both of them have UNHCR registration.

ROHINGYA HUMAN RIGHTS DEFENDER, INDIA

Those who are detained are often held without trial and remain in limbo inside such holding centres for years. They face numerous barriers to accessing legal representation and to UNHCR protection. Such detentions have a profound impact not only on the individual, but also on families who are left behind with additional financial strains and insecurities, and on communities who struggle to access legal and institutional support.

I have made pleas with the UNHCR and with several other lawyers as well. But they are all of the opinion that nothing can be done unless the Indian government plans to proceed with trial. Till then we only have to wait and hope for the best. My only fear is that those who are inside shall perish before they get another chance to experience life outside the holding centre.

55-YEAR-OLD, ROHINGYA WOMAN

Risk of refoulement: On March 2022, Hasina Begum, a Rohingya woman holding UN refugee status, was deported to Myanmar from Kashmir without her husband and three children.⁸⁷ Among those who were detained in March 2021, Begum was the first to be deported. Despite the unsafe conditions in Myanmar, Begum was deported to Rakhine State, Myanmar, the place she had fled in 2012. The deportation took place despite an order by the Manipur State Human Rights Commission asking to put the deportation on hold.⁸⁸ Begum's deportation violated international law which prohibits the forced return of refugees to places where their lives or freedom would be threatened. She was able to flee once again to Bangladesh, where she was reunited with her family.

In 2021, India deported an unaccompanied 14-year-old Rohingya refugee girl from Assam to Myanmar two years after she was detained trying to enter India. She is believed to have been a victim of trafficking but was not identified as such and was denied access to protection, support services or family reunion processes. Her parents and family were living in the camps of Bangladesh, having fled the genocide of 2017. However, instead of attempting to reunite her with her family in Bangladesh, Indian authorities attempted to remove her to Myanmar. At the border,

Myanmar refused to accept her back. She remains detained in Assam where she has been since 2019.⁸⁹

Beyond high profile cases of deportation, members of the Rohingya community believe that other deportations have taken place silently, without media attention.

Most people know about Haseena Begum. She could at least escape from Myanmar into Bangladesh and that is a happy ending, so far as people like us are concerned. There is another man, and he was also deported around the same time as Haseena. The Myanmar government refused to acknowledge him as a Burmese citizen and have put him in prison. He has been there ever since and there has been no news, so far.

39-YEAR-OLD, ROHINGYA MAN

In August 2022, Hardeep Singh Puri (India's Minister for Housing and Urban Affairs) stated on Twitter that, "...Rohingya Refugees would be shifted to EWS [Economically Weaker Section] flats in the Bakkarwala area of Delhi. They would be provided with basic amenities, UNHCR IDs and round-the-clock Delhi police protection." This spearheaded massive hate campaigns by the Vishwa Hindu Parishad (an extremist group) who opposed the move and called for the deportation of Rohingya refugees from India. The same day, the official twitter account of the Ministry of Home Affairs (MHA) rejected earlier claims made by Hardeep Singh Puri and stated that the MHA has not given any such directives to move the Rohingya refugees to EWS flats until and unless the Government of Delhi declares those as detention centres. It reinstated its earlier position on the deportation of Rohingya refugees to their home country and urged the Ministry of External Affairs to expedite the process.⁹⁰

Fleeing India: Reverse Migration. Due to the heightened insecurity and fear in the community following the arrests and detentions, some Rohingyas have attempted to flee India back into Bangladesh.⁹¹ Since May 2022, some 2000 Rohingya who had taken refuge in India crossed over to Bangladesh.⁹²

Rohingyas who have been working as domestic help, construction laborers and small-time shop keepers have been slowly moving back to Bangladesh. The fear of separation from families and random arbitrary detention is forcing India's Rohingya refugees to flee in large numbers.

Recent deportations have scared the refugees living in Jammu, and they are leaving in large numbers because they don't want to go back to a place where they were butchered. Especially, nobody wants to be separated from their families, and hence they are leaving these camps en masse.

ROHINGYA MAN IN HIS 30S

Not all attempts to flee back to Bangladesh have been successful. Some Rohingyas have been detained in other states while traveling. In May 2022, at least 26 Rohingya refugees were detained in Assam and 24 in Tripura.⁹³ Most of them were reportedly travelling from Jammu.

We would have fled as well. But my parents are in Hiranagar [holding centre]. How can we flee whilst they are here?! This is no place for us anymore. This country had once welcomed us but not anymore. I think it would have been the best if we left. But they are not even allowing my parents to leave. We cannot leave India without them.

44-YEAR-OLD, ROHINGYA MAN

Bangladesh's Home Minister Asaduzzaman Khan Kamal said that they have "informed the Indian government about the development," and that they have given directions to the border guards to "push them [refugees] back to India."⁹⁴

The police have arrested the male breadwinners of many Rohingya families. Those families are in miserably impoverished conditions, I worried that my family would face extreme miseries if they sent me to jail or deported me to Myanmar. With my wife and four children, I left Jammu and after a week we managed to sneak into Bangladesh.

36-YEAR-OLD, ROHINGYA MAN

Rohingya women in India:

When women travel to India, there is a different set of challenges. The first would be the fear of getting arrested and detained. Sometimes the brokers are very corrupt. They take the money and then they disappear. Sometimes they just help them in crossing the

border from Bangladesh and then abandon them in Kolkata (West Bengal). There have been numerous cases like this. Most of these girls would be travelling outside their homes for the very first time. They do not know anything about the outside world. So sometimes they fall prey to trafficking groups.

ROHINGYA MAN, NEW DELHI

Sudden raids, enquiries at workplaces and increased surveillance have forced many Rohingyas to give up on viable sources of income-generation. Many have been forced to flee their shelters for prolonged periods resulting in increased absences, lack of pay and loss of jobs. The detention and arrest of male family members has forced many women to look for income-generating opportunities outside their homes. In some cases, extreme poverty and threat to their survival have forced them to borrow heavily from local moneylenders and brokers, trapping them in situations of bonded labour and debt traps.

Both my parents and my husband have been detained. They are very old. My mother is over 60 years and my father is older than her. He is sick. Sometimes I fear that my father is never going to be free. I visit them every month and take food and medicines for them. I earn Rs6000/- a month and have to spend almost Rs2000-Rs3000/- a month on them. I have small children and it is becoming increasingly difficult for me to make ends meet.

28-YEAR-OLD, ROHINGYA WOMAN

The financial pressures that detention of family members places on women can be acute. One woman interviewed had her sister's children living with her and was supporting them. Another sixty-five-year-old woman had four grandchildren aged between ten to two years left in her care. With her son and daughter-in-law detained, there was nobody else to care for the children. Due to financial pressure the children had to drop out of school. Visits to their parents involved an expensive and cumbersome process of seeking permission, with no guarantees of visitation permission being granted.⁹⁵ Another woman in her 40s, living in Bengaluru, described how she has seen her three children only once since April 2017. Her husband and sons were detained by police at a railway station, nearly 70 km from Kolkata, for entering India. The family had plans of reaching Delhi, and then Jammu. She worked as a waste picker to try to

save the Rs 100,000 [USD 1.214] to get her husband released.

It took me three years to collect the money. I begged and borrowed money from other Rohingyas in Delhi, Hyderabad, Jammu and Bengaluru, but have not been able to release my children.

Her husband, was released from Dum Dum central jail after he got bail in May 2020, but their three children are still detained in a childcare institution in West Bengal.⁹⁶

2.4 Malaysia⁹⁷

According to community members' testimonies, civil society actors and media outlets, Rohingya who are apprehended upon arrival in Malaysia are held indefinitely in overcrowded and unhygienic detention centres, with no access to adequate food and healthcare. They are denied access to UNHCR, or access to refugee or statelessness determination procedures, and are not screened to be identified as trafficking victims. These arrivals have no support services except those provided on an ad-hoc basis by members of the Rohingya community. Detention upon arrival, torture and abuse in custody, inhumane conditions, gang violence and indefinite detention are a common practice in Malaysia.⁹⁸ In April 2022, 528 members of the Rohingya community attempted to escape a detention centre in Kedah, Malaysia, leading to the deaths of six individuals including two children in a road accident while fleeing.⁹⁹ In December 2022, Médecins Sans Frontières (MSF) urged the Malaysian government to allow the safe disembarkation of a boat carrying around 160 refugees, most likely Rohingya people, drifting at sea near Malaysian waters.¹⁰⁰ Rohingya rights groups have reported that at least 20 people have died of hunger or thirst on the boat.¹⁰¹

Whilst some Rohingya are 'tricked' by brokers or given a false sense of hope regarding safety and access to livelihoods in countries such as Malaysia, others undertake dangerous journeys with knowledge of the risks. Increased vulnerabilities for Rohingya women and girls compel them to leave from Myanmar and Bangladesh to Malaysia for the purposes of marriage, to join other family members, and/or to access income earning opportunities. According to the director of Rohingya Women Development Network, young girls

come to Malaysia to get married and are sometimes misled and compelled to marry abusive or older men. When these girls try to escape, they face violence and a lack of recourse to support services and legal remedies.

Despite currently functioning as a destination country for trafficked Rohingyas, Malaysia is gradually becoming a source of trafficking. The erosion of Rohingya's legal status leaves them at risk of forced repatriation or refolement to Myanmar as well as arbitrary arrest and indefinite detention. This impacts their living conditions and access to rights and services such as education and livelihood, leaving them vulnerable to different forms of abuse and exploitation. Compounded by the increased hatred towards Rohingyas due to scapegoating and the low resettlement rate to destinations such as Canada and the United States, many Rohingyas decide to travel irregularly, which can expose them to new risks of abuse and exploitation in transit and in their destination country.¹⁰²

ENDNOTES

- ¹ Institute on Statelessness and Inclusion, Together we Can, The Covid-19 Impact On Stateless People & A Roadmap For Change, June 2021, Available at: https://files.institutesi.org/together_we_can_report_2021.pdf [Accessed 1 June 2023]
- ² United Nations High Commissioner for Refugees (UNHCR), Protection at Sea in South East Asia - 2022 in Review, January 2023, Available at: <https://data.unhcr.org/en/documents/download/98170> [Accessed 1 June 2023]
- ³ This is a summary of the issues identified in observations, interviews and focus groups.
- ⁴ This is a summary of the issues identified in observations, interviews and focus groups.
- ⁵ This is a common outcome for Rohingyas in India. Information collected by Rohingya community workers in India.
- ⁶ This is a summary of the issues identified in observations, interviews and focus groups.
- ⁷ See: Institute on Statelessness and Inclusion, Locked In And Locked Out: The Impact Of Digital Identity Systems On Rohingya Populations, November 2020, Available at: https://files.institutesi.org/Locked_In_Locked_Out_The_Rohingya_Briefing_Paper.pdf, Fortify Rights, Policies of Persecution, Ending Abusive State Policies Against Rohingya Muslims in Myanmar, February 2014, Available at: https://fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf and Amnesty International, “Caged Without A Roof”, Apartheid In Myanmar’s Rakhine State, 2017, Available at: <https://www.amnesty.org.uk/files/CagedwithoutaRoof-ApartheidMyanmar-AIreport.pdf> [Accessed 1 June 2023]
- ⁸ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, Genocide, Crimes Against Humanity and Ethnic Cleansing of Rohingya in Burma, Available at: <https://www.state.gov/burma-genocide/> [Accessed 1 June 2023]
- ⁹ Radio Free Asia, Rohingya stand firm on citizenship after day-trip to Rakhine state, 8 May 2023, Available at: <https://www.rfa.org/english/news/myanmar/rohingya-rakhine-05082023040942.html> [Accessed 1 June 2023]
- ¹⁰ For more information on the links between corruption and access to citizenship see: Institute on Statelessness and Inclusion, October 2021, Navigating with a Faulty Map: Access to Citizenship Documents and Citizenship in Myanmar, Available at: https://files.institutesi.org/Access_to_Citizenship_in_Myanmar_Executive_Summary.pdf [Accessed 1 June 2023]
- ¹¹ Estimate based on research in Myanmar with Rohingya groups providing support for detainees.
- ¹² Based on information collected in Myanmar. Sources withheld.
- ¹³ 6 months of reports from 4 different areas of Rakhine State by Rohingya researchers for ISI, show clear patterns of persecution by both ULA-AA and security forces under the military junta. This includes those who have been returned to Myanmar following experiences trafficking and may be unregistered in Myanmar.
- ¹⁴ For further information on the impact of living under parallel authorities, See: Institute on Statelessness and Inclusion, Dangerous Journeys through Myanmar: Insecurities and Immobilities for Rohingya Women in Post-coup Myanmar, April 2022, Available at: https://files.institutesi.org/Rohingya_Women_in_Post-Coup_Myanmar.pdf [accessed 1 June 2023]
- ¹⁵ Quote taken from ISI’s Dangerous Journeys paper
- ¹⁶ See: Institute on Statelessness and Inclusion, Dangerous Journeys through Myanmar: Insecurities and Immobilities for Rohingya Women in Post-coup Myanmar, April 2022, Available at: https://files.institutesi.org/Rohingya_Women_in_Post-Coup_Myanmar.pdf [accessed 1 June 2023]
- ¹⁷ Rohingya Women Development Network (RWDN), Free Rohingya Coalition (FRC), Institute on Statelessness and Inclusion (ISI), Joint Submission to the Special Rapporteur on Trafficking in persons, especially women and children, February 2023, Available at: https://files.institutesi.org/Submission_SP_Trafficking.pdf [accessed 1 June 2023]
- ¹⁸ Institute on Statelessness and Inclusion, Failure to Protect: The Denial of Status, Detention and Refoulement of Rohingya Refugees in India, August 2021, Available at: https://files.institutesi.org/Rohingya_Refugees_in_India_Briefing_Paper.pdf, [accessed 1 June 2023]
- ¹⁹ Institute on Statelessness and Inclusion, Human Rights And Covid-19: What Now For The Rohingya?, August 2020, Available at: https://files.institutesi.org/Covid19_The_Rohingya_Briefing_Paper.pdf [accessed 1 June 2023], Updates to the current deteriorating situation with regards to hate speech, discrimination and violence were provided by RWDN and another Rohingya community organisation in Malaysia, the identity of which is

withheld due to security concerns.

²⁰ Finding from interviews with Rohingyas in Bangladesh related to the reasons people undertake journeys to Southeast Asia.

²¹ Rohingya Focus Group with Siobhan Mullally, UN Special Rapporteur on trafficking in persons, especially women and children, in collaboration with the Institute on Statelessness and Inclusion and representatives from the Rohingya community working on anti-trafficking, March 2023

²² This is a summary of issues identified through interviews, focus groups and observations.

²³ Interviews with Rohingya community workers for the purpose of this research.

²⁴ Interviews with diasporic Rohingya leaders conducted for this research.

²⁵ Interviews with diasporic Rohingya leaders conducted for this research.

²⁶ Interviews with diasporic Rohingya leaders conducted for this research.

²⁷ Interviews with diasporic Rohingya leaders conducted for this research.

²⁸ Information from Focus Groups.

²⁹ Information from field observations in Rakhine State, and interviews with Rohingya and Myanmar community workers and legal aid providers in Myanmar. India information obtained from interviews, observations and from information provided by Ali Johar.

³⁰ Institute on Statelessness and Inclusion, Human Rights And Covid-19: What Now For The Rohingya?, August 2020, Available at: https://files.institutesi.org/Covid19_The_Rohingya_Briefing_Paper.pdf [accessed 1 June 2023]

³¹ Institute on Statelessness and Inclusion, Failure to Protect: The Denial of Status, Detention and Refoulement of Rohingya Refugees in India, August 2021, Available at: https://files.institutesi.org/Rohingya_Refugees_in_India_Briefing_Paper.pdf, [accessed 1 June 2023]

³² Ibid.

³³ Interviews with Rohingya community leaders from Malaysia and focus groups.

³⁴ Rohingya Focus Group with Siobhan Mullally, UN Special Rapporteur on trafficking in persons, especially women and children, in collaboration with the Institute on Statelessness and Inclusion and representatives from the Rohingya community working on anti-trafficking, March 2023

³⁵ Free Malaysia Today, 6 of 528 Rohingya detainees fleeing immigration depot die in accident, 20 April 2022, Available at: <https://www.freemalaysiatoday.com/category/nation/2022/04/20/528-rohingya-detainees-escape-from-sungai-bakap-immigration-depot/>, [accessed 1 June 2023]

³⁶ Reuters, Malaysia pressed to probe deaths of 150 foreigners in detention last year, 23 February 2023, Available at: <https://www.reuters.com/world/asia-pacific/malaysia-pressed-probe-deaths-150-foreigners-detention-last-year-2023-02-23/>, [accessed 1 June 2023]

³⁷ Interviews with Rohingya community leaders from Malaysia and focus groups.

³⁸ Information obtained from observations in Rakhine State, interviews with Rohingya community members including those supporting Rohingya detainees.

³⁹ Institute on Statelessness and Inclusion, Dangerous Journeys through Myanmar: Insecurities and Immobilities for Rohingya Women in Post-coup Myanmar, April 2022, Available at: https://files.institutesi.org/Rohingya_Women_in_Post-Coup_Myanmar.pdf [accessed 1 June 2023]

⁴⁰ Asia Displacement Solutions Platform, Refugee protection, human smuggling, and trafficking in Bangladesh and Southeast Asia, Available at: <https://adsp.ngo/publications/research-reports/research-report-refugee-protection-human-smuggling-and-trafficking-in-bangladesh-and-southeast-asia/> [accessed 1 June 2023]

⁴¹ Observations and reports from four anonymous researchers in Rakhine.

⁴² Six interviews with Rohingya community members in India.

⁴³ Information provided by Razia Sultana.

⁴⁴ Rohingya Focus Group with Siobhan Mullally, UN Special Rapporteur on trafficking in persons, especially women and children, in collaboration with the Institute on Statelessness and Inclusion and representatives from the Rohingya community working on anti-trafficking, March 2023

⁴⁵ Reuters, Vietnam vessel saves 154 Rohingya from sinking boat transfers to Myanmar navy, 9 December 2022, Available at: <https://www.reuters.com/world/asia-pacific/vietnam-vessel-saves-154-rohingya-sinking-boat-transfers-myanmar-navy-2022-12-09/> [accessed 1 June 2023]

⁴⁶ Burma Human Rights Network, Burma Reinforces Muslims' Statelessness as Thai Migrant Registration Deadline Looms, June 2018, Available at: <https://bhrn.org.uk/report/1052-burma-reinforces-muslims-statelessness-as-thai-migrant-registration-deadline-looms.html> [accessed 1 June 2023]

⁴⁷ From observations by Rohingya researchers in Rakhine State and interviews with Rohingyas in Rakhine State for the purpose of this research. See also: https://files.institutesi.org/Rohingya_Women_in_Post-Coup

[Myanmar.pdf](#)

⁴⁸ Information from Focus groups.

⁴⁹ Guardian, Thousands of Rohingya shops demolished in Bangladesh, leaving refugees desperate, 5 January 2022, Available at: <https://www.theguardian.com/world/2022/jan/05/thousands-of-rohingya-shops-demolished-in-bangladesh-leaving-refugees-desperate#:~:text=Thousands%20of%20Rohingya%20shops%20demolished%20in%20Bangladesh%2C%20leaving%20refugees%20desperate,-This%20article%20is&text=Bangladesh%20authorities%20have%20bulldozed%20more,their%20dismay%20at%20the%20demolitions.> [accessed 1 June 2023]

⁵⁰ Al Jazeera, Rohingya in Bangladesh camps decry ‘devastating’ UN food aid cuts, 3 March 2023, Available at: <https://www.aljazeera.com/news/2023/3/3/rohingya-in-bangladesh-camps-decry-devastating-un-food-aid-cuts>, [accessed 1 June 2023]

⁵¹ Institute on Statelessness and Inclusion, Failure to Protect: The Denial of Status, Detention and Refoulement of Rohingya Refugees in India, August 2021, Available at: https://files.institutesi.org/Rohingya_Refugees_in_India_Briefing_Paper.pdf, [accessed 1 June 2023]

⁵² Information from Focus groups.

⁵³ Interviews with Sharifah Shakira and anonymous community worker in Malaysia.

⁵⁴ Interviews with Sharifah Shakira and anonymous community worker in Malaysia.

⁵⁵ Interviews with women and community workers in Bangladesh, Rakhine, and India.

⁵⁶ Dangerous Journeys through Myanmar: Insecurities and Immobilities for Rohingya Women in Post-coup Myanmar, April 2022, Available at: https://files.institutesi.org/Rohingya_Women_in_Post-Coup_Myanmar.pdf [accessed 1 June 2023]

⁵⁷ Interviews with community workers in Rakhine, India and Bangladesh.

⁵⁸ See: Institute on Statelessness and Inclusion, Dangerous Journeys through Myanmar: Insecurities and Immobilities for Rohingya Women in Post-coup Myanmar, April 2022, Available at: https://files.institutesi.org/Rohingya_Women_in_Post-Coup_Myanmar.pdf [accessed 1 June 2023]

⁵⁹ Observations from 4 areas of Rakhine State, interviews in Rakhine State, Bangladesh, India and Malaysia.

⁶⁰ Norwegian Refugee Council, 2020 Rakhine Youth-Led Assessment Report, 2020, Available at: <https://www.nrc.no/globalassets/pdf/reports/myanmar-youth-led-assessment-overview/myanmar-yla-report-rakhine-state-2020.pdf> [accessed 1 June 2023]

⁶¹ J. Olney, N. Haque, R. Mubarak, Peace Research Institute Oslo (PRIO), We Must Prevent a Lost Generation, Community-led education in Rohingya refugee camps, 2019, Available at: [https://www.prio.org/download/publicationfile/1838/Olney,%20Haque,%20Mubarak%20-%20We%20Must%20Prevent%20a%20Lost%20Generation%20-%20PRIO%20Paper%202019%20\(1\).pdf](https://www.prio.org/download/publicationfile/1838/Olney,%20Haque,%20Mubarak%20-%20We%20Must%20Prevent%20a%20Lost%20Generation%20-%20PRIO%20Paper%202019%20(1).pdf) [Accessed 1 June 2023]

⁶² Interviews and focus groups.

⁶³ Interviews with Rohingya refugees in India, and interviews with Rohingya community leaders in Malaysia.

⁶⁴ Interviews in Rakhine State and interviews in Bangladesh.

⁶⁵ Interviews in India, interviews in Malaysia.

⁶⁶ Open Democracy, N. Brinham, Breaking the cycle of expulsion, forced repatriation, and exploitation for Rohingya, September 2017, Available at: <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/breaking-cycle-of-expulsion-forced-repatriation-and-exploitation-for-r/> [accessed 1 June 2023]

⁶⁷ Reuters, R. Paul, Rohingya say will not go home to Myanmar to be stuck in camps, May 2023, Available at: <https://www.reuters.com/world/asia-pacific/rohingya-say-they-wont-return-myanmar-be-stuck-camps-2023-05-06/> [accessed 1 June 2023]

⁶⁸ The Myanmar section of this paper summarises the main findings from ISI’s 2021 paper about the trafficking of women in and through Myanmar, written by Kathy Win and Natalie Brinham. Available at: https://files.institutesi.org/Rohingya_Women_in_Post-Coup_Myanmar.pdf

⁶⁹ Estimates based on information gathered by Nay San Lwin.

⁷⁰ This section was written by Kathy Win with research support from Razia Sultana, an anonymous Rohingya researcher in Bangladesh, and Vera Karanika.

⁷¹ EUDO Citizenship Observatory, Robert Schuman Centre for Advanced Studies, Edinburgh University Law School, Report on Citizenship Law: Bangladesh, December 2016, Available at: https://cadmus.eui.eu/bitstream/handle/1814/44545/EudoCit_2016_14Bangladesh.pdf?sequence=1&isAllowed=y [accessed 1 June 2023]

⁷² Information provided by Razia Sultana.

⁷³ The India section builds on ISI’s earlier briefing paper about protection, detention and refoulement of Rohingyas in India. <https://www.institutesi.org/resources/rohingya-refugees-in-india-briefing-paper> The

overview draws directly from that briefing paper that was written by Jessica Field, Maung Thein Shwe and Natalie Brinham. The rest of the section is researched and drafted by Samanwita Paul.

⁷⁴ There are also some Rohingya refugees who are not registered with UNHCR India, although exact numbers are impossible to verify. Refugees may face barriers to registration or may choose to remain anonymous within a host country's towns and cities –especially where humanitarian assistance is limited and/or where authorities are known to target refugee groups for harassment, persecution and refoulement.

⁷⁵ United Nations High Commissioner for Refugees (UNHCR), M. B. Morand, J. Crisp, Destination Delhi: A review of the implementation of UNHCR's urban refugee policy in India's capital city, July 2013, Available at: <https://www.unhcr.org/media/destination-delhi-review-implementation-unhcrs-urban-refugee-policy-indias-capital-city> [accessed 1 June 2023]

⁷⁶ Ibid

⁷⁷ Tibetan refugees residing in India have reportedly also been issued these biometric IDs. Press Trust of India, Haryana to give govt benefits to children of Tibetan refugees, February 2021, Available at: <https://www.outlookindia.com/newscroll/haryana-to-give-govt-benefits-to-children-of-tibetan-refugees/1728027> [accessed 1 June 2023]

⁷⁸ R. Sabha, Written Answers to Unstarred Questions, August 2017, Available at: https://rsdebate.nic.in/bitstream/123456789/677607/1/IQ_243_09082017_U2615_p206_p207.pdf [accessed 1 June 2023]

⁷⁹ Government of India, Ministry of Home Affairs, Identification of illegal migrants and monitoring thereof – regarding, MHA Doc No. 24013/29/Misc./2017.CSR.III (i), August 2017, Available at: https://www.mha.gov.in/sites/default/files/advisoryonillegalmigrant_10092017_2.PDF [accessed 1 June 2023]

⁸⁰ Mohammad Salimullah v. Union of India, WP (C) 793/2017, Available at: <https://drive.google.com/file/d/1-dAephwtJxx98odeV5qZ5SETWBsw-AB5/view> [accessed 1 June 2023]

⁸¹ Information by an anonymous Rohingya community worker in India.

⁸² Rohingya activists were interviewed for the purpose of this research. Their names have been removed due to on-going security concerns.

⁸³ The Wire, Verification Drive or Raid? Rohingya in Haryana Accuse Cops of Harassment and Brutality, 7 August 2022, Available at: <https://thewire.in/communalism/rohingya-refugees-haryana-police> [accessed 1 June 2023]

⁸⁴ The Wire, Nearly 150 Rohingya Detained in Jammu, Raising Spectre of Deportation, 7 March 2021, Available at: <https://thewire.in/rights/nearly-150-rohingya-detained-in-jammu-raising-spectre-of-deportation> [accessed 1 June 2023]

⁸⁵ Al Jazeera, Dozens of Rohingya camping outside UNHCR office in India detained, 11 March 2021, Available at: Dozens of Rohingya camping outside UNHCR office in India detained | Rohingya News | Al Jazeera [accessed 1 June 2023]

⁸⁶ [LawLive.in](https://www.liveline.in), Dozens of Rohingya camping outside UNHCR office in India detained, 8 April 2021, Available at: Supreme Court Allows Deportation Of Rohingyas To Myanmar As Per Procedure Prescribed ([liveline.in](https://www.liveline.in)) [accessed 1 June 2023]

⁸⁷ The Guardian, Deportation of Rohingya woman from India sparks fear of renewed crackdown, 14 April 2022, Available at: <https://www.theguardian.com/global-development/2022/apr/14/deportation-rohingya-woman-india-myanmar-fear-crackdown> [accessed 1 June 2023]

⁸⁸ [Scroll.in](https://www.scroll.in), Manipur human rights panel stays deportation of Rohingya woman to Myanmar, 22 March 2022, Available at: <https://scroll.in/latest/1020060/manipur-human-rights-panel-stays-deportation-of-rohingya-woman-to-myanmar> [accessed 1 June 2023]

⁸⁹ [Scroll.in](https://www.scroll.in), India moves to deport 14-year-old Rohingya girl but Myanmar refuses, 2 April 2021, Available at: India moves to deport 14-year-old Rohingya girl but Myanmar refuses: Reports ([scroll.in](https://www.scroll.in)) [accessed 1 June 2023]

⁹⁰ Opindia, Rohingyas and EWS flats controversy: All you need to know about the issue and the Modi government's position on it, 17 August 2022, Available at: <https://www.opindia.com/2022/08/rohingyas-and-ews-flats-controversy-all-you-need-to-know/> [accessed 1 June 2023]

⁹¹ The Diplomat, Why Are Rohingya Refugees Returning From India To Bangladesh?, 3 June 2022, Available at: <https://thediplomat.com/2022/06/why-are-rohingya-refugees-returning-from-india-to-bangladesh/#:~:text=India's%20plans%20to%20put%20them,is%20driving%20the%20reverse%20exodus.&text=Rohingya%20Refugees%20in%20Silchar%2C%20Assam,India%2C%20June%202022%2C%202022.&text=Over%20the%20past%20several%20years,illicitly%20from%20Bangladesh%20to%20India.> [accessed 1 June 2023]

⁹² [Scroll.in](https://www.scroll.in), 'Fear has intensified': Why Rohingya refugees are fleeing India for Bangladesh, 27 January 2019,

Available at: <https://scroll.in/article/910836/fear-has-intensified-why-rohingya-refugees-are-fleeing-india-for-bangladesh> [accessed 1 June 2023]

⁹³ Outlookindia, Rohingya Refugees Choosing To Flee To Bangladesh Over Risking Separation, Detention In India, 6 July 2022, Available at: <https://www.outlookindia.com/national/rohingya-refugees-choosing-to-flee-to-bangladesh-over-risking-separation-detention-in-india-news-207036> [accessed 1 June 2023]

⁹⁴ Voanews, India Crackdown Forces Rohingya Refugees to Go Underground, Flee to Bangladesh, 7 June 2022, Available at: <https://www.voanews.com/a/india-crackdown-forces-rohingya-refugees-to-go-underground-flee-to-bangladesh/6606459.html> [accessed 1 June 2023]

⁹⁵ Article 14, Families Splintered, Days In Detention Turn Into Months For Rohingya Refugees In India's Capital, 4 January 2022, Available at: <https://article-14.com/post/families-splintered-days-in-detention-turn-into-months-for-rohingya-refugees-in-india-s-capital-61d3bca6956b8>, [accessed 1 June 2023]

⁹⁶ India Spend, Children Separated From Mothers: Rohingyas in India Fear Detention, Deportation, 19 April 2022, Available at: <https://www.indiaspend.com/welfare/children-separated-from-mothers-rohingyas-in-india-fear-detention-deportation-813642> [accessed 1 June 2023]

⁹⁷ Malaysia section written by Vera Karanika.

⁹⁸ Reuters, Malaysia pressed to probe deaths of 150 foreigners in detention last year, 23 February 2023, Available at: <https://www.reuters.com/world/asia-pacific/malaysia-pressed-probe-deaths-150-foreigners-detention-last-year-2023-02-23/>, [accessed 8 May 2023]

⁹⁹ Free Malaysia Today, 6 of 528 Rohingya detainees fleeing immigration depot die in accident, 20 April 2022, Available at: <https://www.freemalaysiatoday.com/category/nation/2022/04/20/528-rohingya-detainees-escape-from-sungai-bakap-immigration-depot>, [accessed 8 May 2023]

¹⁰⁰ Medecins Sans Frontieres, Safe Disembarkation of Boat Carrying Rohingya Refugees Necessary to Prevent Loss of Lives, 12 December 2022, Available at: <https://msf.org.au/article/statements-opinion/safe-disembarkation-boat-carrying-rohingya-refugees-necessary-prevent>, [accessed 8 May 2023]

¹⁰¹ Reuters, At least 100 Rohingya stranded in boat, many dead, activists say, 21 December 2022, Available at: <https://www.reuters.com/world/asia-pacific/least-100-rohingya-stranded-boat-off-indias-coast-many-dead-activists-say-2022-12-21/>, [accessed 8 May 2023]

¹⁰² Rohingya Focus Group with Siobhan Mullally, UN Special Rapporteur on trafficking in persons, especially women and children, in collaboration with the Institute on Statelessness and Inclusion and representatives from the Rohingya community working on anti-trafficking, March 2023

