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Rohingya refugees in Bangladesh and Thailand

Fact finding mission to Bangladesh and Thailand

4 to 17 February 2011



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Abbreviations

APRRN	Asia Pacific Refugee Rights Network
ARNO	Arakan Rohingya National Organisation
BDR	Bangladesh Defence Rifles (since 2009 officially renamed Border Guards of Bangladesh or BGB)
CiC	Camp in Charge
COI	Country of Origin Information
DC	District Commissioner
DIS	Danish Immigration Service
ECHO	Humanitarian Aid department of the European Commission
EU	European Union
GoB	Government of Bangladesh
IOM	International Organization for Migration
MFA	Ministry of Foreign Affairs
MRC	Master Registration Card
NaSaKa	(Nay-Sat Kut-kwey) Burma's border security forces
NFI	Non Food Item
NGO	Non Governmental Organisation
NRC	National Registration Card
RRRC	Refugee Relief and Repatriation Commissioner
RSO	Rohingya Solidarity Organisation
TRC	Temporary Registration Card
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

Introduction and methodology

This fact finding report has been produced by the Documentation and Project Division, Danish Immigration Service (DIS) for use by officials involved in the asylum determination process. The information included in the report was gathered during a fact finding mission to Dhaka and Cox's Bazar in Bangladesh and Bangkok in Thailand between 4 February and 17 February 2011.

The mission was undertaken in order to investigate various issues related to the situation of the Rohingya people mainly in Bangladesh, including cultural features, language issues, social and economic situation as well as documents and the situation at the border crossing to Burma. As some of the organizations working with the Rohingya are based in Thailand, the mission also visited Bangkok and included information related to the situation for the Rohingya people in Thailand/the South East Asian region. It should be noted that the purpose of the mission was not to investigate the situation for the Rohingya people in North Rakhine State (Arakan) in Burma, as their situation and protection needs as refugees outside Burma are already well documented and not an issue for discussion in the Danish asylum system. Most asylum applications related to Rohingya people received in Denmark come from people who claim to be Rohingya and have had a long stay in Bangladesh. The main purpose of this mission was therefore to collect background information to assess such cases.

In Bangladesh the delegation had meetings in Dhaka as well as in Cox's Bazar. The delegation also obtained permission visit the refugee camps in Ukhia and Teknaf. The condition for this visit was that no meetings with the refugees would be held. A visit was also made to the Gundum border point between Bangladesh and Burma. In Thailand the delegation visited Bangkok.

The terms of reference for the mission were created by DIS and include comments from the Danish Refugee Appeals Board as well as other partners. The Terms of Reference is included as Annex 1.

In the scope of compiling this report, the delegation consulted a range of sources in Bangladesh and Thailand consisting of local authorities, diplomatic missions, international organisations, local NGOs and academia. The sources were contacts established prior to departure as well as sources suggested by relevant international and national partners working with country of origin information (COI).

Before each meeting, all sources were briefed that the information they provided would be for public use in accordance with Danish legislation. The interviews were recorded in handwritten form. Each source was offered to review his or her own statements in the records written by the delegation. Six sources wanted to review the record of their respective meetings whereas the other sources agreed to be quoted at the discretion of the delegation.

Each source was asked for permission to be quoted by name. Some sources abstained from this request either because they had concerns for their diplomatic relations with the Government of Bangladesh or because they had concerns for those they were assisting (the Rohingya). Most sources agreed to be quoted by name, however, some sources wished to remain partly anonymous with e.g. only type of organization/mission being published and one source wished to remain totally anonymous. (Reference is made to Organisations, authorities and persons consulted).

In addition, it should be noted that the sources use different terms to refer to Burma or Myanmar and to Rhakine State or Arakan. Likewise, the sources used different terms to refer to the Rohingya people such as Myanmarese nationals and Muslim people from North Rakhine State. Furthermore, the distinction between Rohingya people in the refugee camps and Rohingya outside the camps were referred to as documented and undocumented people as well as registered and unregistered people. In this report the terms used are the ones used by the individual interlocutor.

This report is not a detailed or comprehensive survey of all issues concerning the Rohingya or their situation in Bangladesh and Thailand. The information provided in this report is the information of most direct relevance to typical asylum claims made in Denmark.

In the report, care is taken to present the views of the various interlocutors as accurately and transparently as possible. It is inevitable that this report will contain some seemingly contradictory statements. However, it should be noted that the report has been produced to accurately reflect, as far as possible, the information communicated to the delegation in the various meetings and does not contain any opinions or policies held by DIS.

The delegation would like to express its gratitude for the assistance and extensive support provided by UNHCR in Bangladesh during its field visit to Cox's Bazar and the refugee camps, as well as the assistance provided by the Royal Danish Embassy in Dhaka, Bangladesh and Bangkok, Thailand during its preparations for the mission.

The mission delegation and editorial team comprised Chief Adviser Else Øllgaard and Regional Adviser Rikke Blaaberg Jensen, the Danish Immigration Service.

Historical background

The Muslim population from the Northern Rakhine State in Burma is known as Rohingya.

In Burma, there are approximately 750,000 stateless Rohingya in Northern Rakhine State. Approximately 28,000 Burmese Rohingya are registered as living in two official refugee camps in Bangladesh, and more than 200,000 unregistered Rohingya live in surrounding towns and villages outside of the two camps. Malaysia hosts more than 90,000 refugees and asylum seekers, primarily in urban areas, 91% of whom are from Burma. Chin and Rohingya comprise the largest groups of this population.¹

Influx of refugees from Arakan/NRS to Bangladesh (up to 1992)

Several sources state that the Rohingya is a Muslim minority that has been living in Arakan (today named Northern Rakhine State (NRS)) in Burma for a period of centuries. During these centuries the Rohingya have migrated in and out of Rakhine State.

During the 15th Century the link between the rulers of the then Arakan and the Bengal was solidified by military cooperation, trade and religion.² During the 15th and 16th Centuries the infiltration of Muslims from Bengal to Arakan took place. According to Professor Ahmed this constituted the beginning of the history of Arakan with two people – the Burmese Rakhines and the Muslim Rohingya.³

Since that period the sources are referring to four main flows of refugees from Arakan/NRS:

- In 1784 the Burmese King Bodawpaya invaded and annexed Arakan to the then Kingdom of Ava (central Burma). As a consequence refugees from Arakan began to flee to the area of Cox's Bazar.⁴ Many of these refugees never returned to Burma but settled and became integrated with the local community. The British colonized Burma in 1824 and allowed for a relative degree of local autonomy. Until the Second World War there were few recorded incidents of uprising. During the British reign migration from Bangladesh to Burma was considered internal movement, however, the migration that took place during that period is considered illegal by the Burmese government and it is one of the reasons why they refuse citizenship to the Rohingya.⁵
- When the Japanese forces invaded Burma in 1942 it caused the retreat of the British and the flight of approx. 22,000 Rohingya to the Cox's Bazar area. The British tried to seek support from the Muslims in Arakan and promised them an independent state. In 1948 when Burma became independent a group of Muslims from Arakan began an armed rebellion demanding

¹ U.S. Department of State, *Background Note: Burma*, July 2010

² Human Rights Watch, BURMESE REFUGEES IN BANGLADESH: STILL NO DURABLE SOLUTION, May 2000 Vol 12., No. 3 (C) <http://www.hrw.org/legacy/reports/2000/burma/burm005-01.htm>

³ Imtiaz Ahmed, *The Plight of the Stateless Rohingya*, page 14

⁴ Imtiaz Ahmed states that 50,000 Rohingya crossed the border and that 100,000 were killed: *The Plight of the Stateless Rohingya*, page 15

⁵ Human Rights Watch, BURMESE REFUGEES IN BANGLADESH: STILL NO DURABLE SOLUTION, May 2000 Vol 12., No. 3 (C) <http://www.hrw.org/legacy/reports/2000/burma/burm005-01.htm>

an independent state.⁶ The rebellion did not succeed, at the contrary it entrenched the distrust of the Burmese Government that still exists today.⁷

- The third flow of refugees from Arakan to Bangladesh took place in 1978 under General Ne Win. The Burmese immigration and military authorities conducted what they called Operation Dragon King in which citizens were registered and foreigners were screened out in a process prior to a national census. These events provoked the flight of more than 200,000 Rohingya⁸ to Bangladesh. The refugees reported that the Burmese army had forcibly evicted them and clamped down on people with brutality, rape and murder.⁹ Immediately after the arrival of the refugees in Bangladesh GoB and the UN urged the Burmese government to allow repatriation of the Rohingya refugees to which the Burmese government finally consented.¹⁰
- The fourth and most comprehensive flow of Rohingya refugees to Bangladesh took place during 1991 and 1992. The State Law and Order Restoration Council (SLORC) increased its military presence in northern Rakhine State. The junta justified the exercise as a fortification against Rohingya Muslim extremist insurgents. Construction of military establishments and roads sprawled throughout northern Rakhine and the border with Bangladesh. The build-up was accompanied by compulsory labour, land and property confiscation, and forced relocation, as well as rape, summary executions, and physical torture. Mosques were destroyed, religious activities were banned, and Muslim leaders were harassed.¹¹

Major developments in the situation for the Rohingya in Bangladesh since 1992

At present, some 29,000 Muslim refugees from Northern Rakhine State in Burma, known as Rohingya, reside in two camps in the south-eastern district of Cox's Bazar in Bangladesh. They represent the residual population of the 250,000 refugees who arrived in 1991, most of whom subsequently repatriated. In addition, the Government of Bangladesh has estimated that another 200,000 unregistered persons from Burma live in Bangladesh without any legal status, mostly in the villages outside the camps. Their quality of life remains very poor.¹²

Moreover poverty levels and high illiteracy and unemployment rates in the district, are contributing to a growth of hostility towards the refugees, affecting the unregistered population in particular. This has resulted in more than 28,000 unregistered persons settling spontaneously outside the Kutupalong camp.¹³ During 2010 there was a wave of intensifying violence and discrimination against Rohingya refugees in Bangladesh, and the refugees were driven out of communities and into

⁶ Human Rights Watch, BURMESE REFUGEES IN BANGLADESH: STILL NO DURABLE SOLUTION, May 2000 Vol 12., No. 3 (C) <http://www.hrw.org/legacy/reports/2000/burma/burm005-01.htm>

⁷ *10 YEARS FOR THE ROHINGYA REFUGEES IN BANGLADESH: PAST, PRESENT AND FUTURE*, Médecins Sans Frontières-Holland, March 2002

http://www.doctorswithoutborders.org/publications/reports/2002/rohingya_report.pdf

⁸ Imtiaz Ahmed states that 300,000 Rohingya fled the country, *The Plight of the Stateless Rohingya*, page 16

⁹ Human Rights Watch, BURMESE REFUGEES IN BANGLADESH: STILL NO DURABLE SOLUTION, May 2000 Vol 12., No. 3 (C) <http://www.hrw.org/legacy/reports/2000/burma/burm005-01.htm>

¹⁰ Ibid

¹¹ *10 YEARS FOR THE ROHINGYA REFUGEES IN BANGLADESH: PAST, PRESENT AND FUTURE*, Médecins Sans Frontières-Holland, March 2002

http://www.doctorswithoutborders.org/publications/reports/2002/rohingya_report.pdf

¹² 2011, UNHCR Country operations profile - Bangladesh

¹³ 2011, UNHCR Country operations profile - Bangladesh

makeshift camps. According to Human Rights Watch¹⁴ Bangladeshi authorities did little to prevent this situation.

Current situation in North Rakhine State in Burma

According to the UN Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, the Muslim community in Northern Rakhine State, known as the Rohingya, are faced with systematic and endemic discrimination.¹⁵ This discrimination, which is framed as an immigration problem, leads to basic and fundamental human rights being denied to this population. Measures taken against this population include the restriction of movement, limitations on permission to marry, and forced labour.¹⁶ The Special Rapporteur notes that it is important to understand that discrimination against the Rohingya leads to increased forced labour, exacerbated by their location along the border where there is a strong military presence including NaSaKa, the Myanmar border security force. Discrimination also leads to forced deportation and restriction of movement owing to the enduring condition of statelessness which is the result of the Rohingya's historic difficulty in obtaining citizenship, particularly following the enactment of the 1982 Citizenship Act. Acts of land confiscation, forced relocation and eviction through violent means are also widespread and systematic.¹⁷

¹⁴ HRW, *World Report 2011 - Bangladesh*

¹⁵ *The report of the UN Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, A/65/368, 15 September 2010, page 17-18*

¹⁶ Ibid.

¹⁷ Ibid

I. Distinctive cultural features of the Rohingya

Asked about distinctive cultural features of the Rohingya, Ms. Ishrat Jahan Ahmed, Director, Ministry of Foreign Affairs (MFA) mentioned that this group of Myanmarese nationals [Rohingya] look like Bangladeshi people from that area, they speak the same dialect and understand the language although there are some differences. Furthermore they have the same culture and the same religion. According to the Director of MFA, even people from Bangladesh are confused and cannot distinguish the two groups. The language is the only salient feature as it differs somehow from Bengali, but the Myanmarese who have stayed for some time in Bangladesh pick up the local language.

The Deputy Refugee Relief and Repatriation Commissioner, Mr. Shah Ariar informed that distinguishing the Rohingya from the local population in the Chittagong area is very difficult. Local people can distinguish their language from the Chittagonian Bangla, but they have the same complexion as the Bangladeshis, look the same way and their language is very similar.

A well informed diplomatic source (1) said that there is no difference in ethnicity and language between Rohingya and the local Bangladeshi population in the border area. In the North of Bangladesh a Rohingya would “stand out”, but not in the border area. However, in the villages everybody will know who is a Rohingya which make them vulnerable as they are not citizens. Between 150,000 and 300,000 live in villages and the source assumes they are integrated and has no reason to believe they are excluded from mosques etc., but they are not Bangladeshi citizens.

Another well informed diplomatic source (2) mentioned that some Rohingya will “pass” themselves as Bangladeshis as it is in their interest to do so and because they are well integrated into the Bangladeshi society.

I.1. Language issues

As regards primary education in the refugee camps the Camp in Charge (CiC) of Nayapara Refugee Camp, Mr. Saiful Islam explained that a total of 22 schools are running in the two camps out of which one is a school for adults, teaching is in Bangla and following the Bangladeshi national curriculum. Burmese language is taught as extra lessons. There is no teaching in the Rohingya language. In Nayapara camp a school for adult refugees teaching basic reading and writing in Bangla is running, too.

According to UNHCR (Bangladesh), the Rohingya language is not a written language and the Rohingya people are in general not very literate. Their Rohingya language is very similar to the Chittagonian dialect of Bangla spoken in the area. There are few words which may differ in the two languages depending on how close to the Bangladesh border the Rohingya were residing in. Given that many Rohingya have been residing in Bangladesh for many years, it becomes difficult to distinguish a Rohingya from a Bangladeshi at times. On occasion, a local person might be able to distinguish the Rohingya language from the language spoken by local Bangladeshis.

UNHCR (Bangladesh) further informed that there are 21 schools in the camps (11 in Kutupalong and 10 in Nayapara), which provide primary education. The education programme includes formal education up to grade five under the Government of Bangladesh curriculum. Children cannot

officially pursue further education either in the camps or outside due to restrictions placed upon them. In Nayapara camp an adult/adolescent literacy programme was established in early 2009.

UNHCR (Bangladesh) underlined that around 60% of the camp population are born in the camps. Many children speak English and the motivation to learn English has increased after the resettlement programme started in 2006. According to UNHCR, Rohingya are often trying to assimilate their language to Bangla proper, in order not to “stand out” and some children also manage to go to secondary Bangla schools outside the camps, although it is not officially permitted.

IOM, Bangladesh informed that there are no distinctive physical features between Rohingya and Bangladeshis in the Cox’s Bazar area. The Rohingya speak a Chittagonian dialect, but they have no difficulties in understanding the local language. Few words in the Rohingya language are different from the Chittagong dialect and IOM works with interpreters who speak Chittagonian Bangla. Young Rohingya children also speak English. The resettlement programme has further motivated the children to learn English in the schools inside the camps. IOM commented that after the resettlement started there seems to be more motivation for education among the refugees.

Mr. Andrew Barnard, First Secretary, EU-delegation to Bangladesh, informed the delegation that it is relatively difficult to distinguish between Rohingya and Bangladeshi citizens. The main distinctive factor is the language, which is similar but different. However, many Rohingya have been living in Bangladesh for 18 years and learned the Chittagonian Bangla dialect in order to assimilate and to avoid discrimination and the stigma of being a Rohingya.

According to Ms. Chris Lewa, it is very difficult to distinguish the language spoken on the Bangladeshi side of the border in Teknaf (Chittagong Bangla) and the language spoken on the Burmese side in Maungdaw. Ms. Chris Lewa found that the spoken Rohingya language would be used within the family also if you live in Bangladesh and it is a general feature for Rohingya that they will be in contact with other Rohingya when migrated abroad. Rohingya who lived in Bangladesh for many years will be able to switch into the Chittagong Bangla, if convenient.

A Bangladeshi researcher who studied the Rohingya explained that it is “next to impossible” to distinguish between a Rohingya and a local Bangladeshi from the border area. The only distinctive feature is the differences in the spoken language and there are no other issues which distinguish the two groups. The Bangladeshi researcher further pointed at the fact that if you are a Rohingya living in Bangladesh, you would try to assimilate your language because it has an added value to appear Bangladeshi. People born in Bangladesh would have more Bangla words in their vocabulary, and the parents bringing them up would probably also try to make them feel accepted by the local society.

A diplomatic source who works with Rohingya across East Asia stated the Rohingya speak a Chittagonian Hill Tracts dialect similar to that used by Bangladeshis from the Teknaf Peninsula.

Professor Imtiaz Ahmed, Dhaka University, similarly explained that the Rohingya speak Bengali with a Chittagonian dialect. According to him the Rohingya language is not a separate language but there are separate words. The Rohingya language changed in the camps over the years in the sense that the refugees no longer speak exactly the way they do in Rakhine State where they originally came from. Professor Ahmed stated that one cannot determine a Rohingya only by analyzing the language.

Mr. Tin Soe who is himself a Rohingya informed the delegation that in the camps the refugees speak Rohingya. Mr. Tin Soe found that people will keep their language, however, the ones who went to school will be influenced by the Bangladeshi dialect. In the camps for the unregistered Rohingyas they will also speak Rohingya.

A well informed civil society source informed that some NGO's working in the area use local interpreters to deal with the Rohingya as Bangladeshis from Dhaka would not be able to understand their language. As regards the Rohingya children's language the same source explained that it is not necessarily pure Rohingya language since the parents do not intend to go back to Myanmar to settle. Regarding education the source informed that only Rohingya in the registered camps will have the opportunity to send their children to school. In the makeshift camps there are only madrassa schools.

An informed anonymous source told the delegation that according to local sources, there is no difference between the Rohingya language and Chittagong Bangla. As regards schools for Rohingya children, the source informed that there are no schools in the Leda Site, however, there are informal madrassa schools for both boys and girls. There is no access to schools outside the camp. As regards schools for Rohingya children in the villages, the same source informed the delegation that there are very little classes to attend since the teachers are often absent due to the fact the many teachers in Bangladesh who are appointed to work in Chittagong are reluctant to go there because it is a poor area. The source also pointed at the fact that the free basic classes given in the morning and supportive lessons for which a fee is charged take place in the afternoon. Rohingya cannot afford to pay for education.

I.2 Cultural and religious practices

All the sources stated that the cultural and religious practices performed by the Rohingya are similar to the local Bangla practices.

According to UNHCR, the Rohingya are ethnically and culturally very similar to the local Bangladeshis in the South East of Bangladesh. The Rohingya follow the same cultural and religious practices as the local Muslim Bangladeshi population and there are no obvious differences between the two communities culturally or religiously. Inside the camps, the Rohingya have their own mosques and there are madrassa schools for both boys and girls teaching the Koran in Urdu language.

As regards differences in religious practices, Mr. Fabrizio Senesi, Programme Manager, EU-delegation to Bangladesh, said the Rohingya in the camps stick more to the Islamic rules than the Bangladeshi population and besides they appear more conservative than the local Bangladeshi population especially the women who are more often wearing a burka than local women. Outside the camps these differences will be less clear since it would expose the Rohingya as illegal immigrants if they tried to preserve their distinctive character.

An informed anonymous source likewise stated that the culture of the Rohingya and the Bangladeshis is the same, and she does not know of any distinct practices for Rohingya. The source added that both sides (of the border) are very traditional, for instance do women not walk alone in the streets.

A diplomatic source who works with Rohingya across East Asia stated that Rohingya who have lived in Bangladesh for many years are well-integrated. Their appearance is very similar to Bangladeshis and it is difficult to differentiate them. The Rohingya struggle for survival has, in many cases, eclipsed their cultural or religious practices, making it difficult to differentiate their unique practices.

I.3 Economic and social situation, including access to employment and mobility

Most sources (incl. UNHCR, British High Commission, EU, a well informed diplomatic source, a well informed civil society source and Mr. Tin Soe) stated that registered as well as unregistered Rohingya refugees do not have the right to take up work outside the camps. The sources agreed that Rohingya receive a lower salary than the local Bangladeshi population, around 100 to 250 Taka¹⁸ per day. The sources mentioned the following typical type of jobs for Rohingya in Bangladesh: workers in the forest, in salt factories, in agriculture, in fishing industry, in construction sites, in restaurants, in carpentering, as kulis and as rickshaw pullers.

UNHCR informed that officially the registered Rohingya do not have freedom of movement and the right to work outside the camps but it is known that some of them do go out for work. There are various activities inside the registered camps to maintain livelihood, including vocational training in tailoring skills, floor mat making, soap production (laundry/bath), carpentry, mobile phone and rickshaw repairs. According to UNHCR there are also small shops in the camps selling various commodities and offering repair services.

According to UNHCR, the undocumented Rohingya are residing in the area of Ukhia, Teknaf and Bandarban. Although the employment rate for local Bangladeshis is low in the area, some Rohingya are known to work for less wages than the local people (estimated around 180-250 Taka per day for a Rohingya compared with 300 Taka a day for a local Bangladeshi) and therefore they manage to get jobs informally especially at construction sites, in fisheries (which is often a risky job), in agriculture, as rickshaw pullers and as day labourers in various other sectors. In this connection UNHCR mentioned that between October 2009 and March 2010, a number of Rohingya were arrested and detained and this created problems for the local labour market. Some of the Rohingya had therefore been released after intervention by their employers.

UNHCR informed that there had been a growing pressure on the Rohingya from GOB since late 2009, including questioning their livelihood activities, their competition for jobs at the local labour market and the media has reported regularly of deportations of the undocumented Rohingya (commonly referred to as 'push backs' by the local media).

IOM, Dhaka similarly informed that officially, it is illegal for the refugees – registered or unregistered – to take up employment outside the camps. There are some training and work arrangements inside the registered camps, but it is not unusual to go out of the camps for jobs. Some go as far as the Chittagong Hill Tracts to work in the forest, which has been documented by their health record as some of them had achieved malaria. It is the impression of IOM that Rohingyas do not go to urban areas in big numbers because the Rohingya are not urban people according to IOM.

¹⁸ 100 Taka = 7,50 DKK

As regards access to employment for registered Rohingya refugees, Ms. Jannat, the British High Commission informed that there are no opportunities inside the camps and it is formally forbidden to leave the camps. Nevertheless, Rohingyas manage to leave the camps and find work for which they are generally underpaid, approximately less than 1 EUR per day which is half the amount a Bangladeshi in a similar job would make. According to Ms. Jannat it is still easier for the Rohingya to get at job in Bangladesh than in Burma.

According to the political officer of the Embassy of USA, the educational level of the Rohingyas is very low. Typically Rohingya living inside as well as outside the camps are being engaged in jobs as day labourers and construction work.

Mr. Andrew Barnard, First Secretary, EU-delegation to Bangladesh emphasized that the Rohingya are not economic migrants but political refugees and that the area they have taken refuge in is not attractive but one of the poorest areas in the world where the Rohingya will only have the possibility to get casual jobs. Mr. Barnard further informed the delegation that the Rohingya are concentrated in the Cox's Bazar area where their language is spoken and that they would "stand out" if they migrated to other areas of Bangladesh.

Mr. Fabrizio Senesi Programme Manager, EU-delegation to Bangladesh, informed the delegation that Rohingya are involved in the labour market in the Cox's Bazar area. Some of them are exploited by their employer and are working for free. As regards access to public services, Mr. Fabrizio Senesi explained that in the local health services provided by GoB in the area, 40 % of the users are Rohingya. Some Rohingya children are tolerated in the local schools depending on the discretion of the headmaster, however, as a rule they cannot take part in the official examination. The legal services are in general not accessible to Rohingya and they cannot defend themselves if they get a court case.

According to a well informed diplomatic source (2) some Rohingya have moved up to Chittagong where they can blend in with the local population because they are speaking with the same dialect. The same source found that Rohingya would not move up to Dhaka as that would make them more vulnerable as they would "stand out" compared to the local population. The source, however, added that most of the Rohingya community has stabilized around Teknaf and Cox's Bazar.

Another well informed diplomatic source (1) said that the Rohingya have access to low paid jobs only. There is no high economic incentive for them to come, but they can exist. The source further emphasized that in this connection, it has to be recognised that between 200,000 - 400.000 Rohingya are living in Bangladesh without receiving support from anybody.

According to Ms. Chris Lewa people move a lot in the region. Earlier the movements of the Rohingya were limited to the area around Cox's Bazar, but now many also move up to Chittagong for jobs. Generally, the Rohingya have few connections in Dhaka and would rarely move that far. Ms. Chris Lewa explained that some rich Rohingya have settled in Chittagong city and that they also engage other Rohingya in jobs.

Asked if Ms. Chris Lewa was aware of any cases where a Bangladeshi family/employer would pay a ticket to Europe for a Rohingya who had been employed for many years within the family, she replied that she never heard of any such cases and that it would be highly unlikely.

A Bangladeshi researcher who studied the Rohingya explained that the Rohingya being undocumented people work in the informal job market and their wages are very low. As many of them work only 6 months a year they constitute the hardcore poor. According to the Bangladeshi researcher, the Rohingya are facing a steep economic struggle to survive. Socially, they are considered with disrespect and their identity is being seen as somebody who is in conflict with the law due to their illegal status. The Bangladeshi researcher further explained that the Rohingya are considered to be competitors at the local job market and that there are debasing and stigmatized concepts regarding them. As for example there are allegations that the Rohingya women are “flirtatious” and work in “prostitution”- However these should not be taken as general facts. In reality, being irregular migrants and often being single parents the Rohingya women are exposed to higher risk of gender based violence.

Asked if it would be likely that a Rohingya who was employed for housework in a Bangladeshi family would receive food and shelter rather than cash as salary, the Bangladeshi researcher answered that if employed locally in rural setups a cash income would be rare. The source added that it would be a generous employer who on top of the daily salary would pay for a trip to Europe but it could happen in a rare situation.

The researcher further explained that the Rohingya normally migrate with their whole family to Bangladesh which is the reason why they are settling in the border area/Cox’s Bazar area. Had they been individuals, they would probably try to move on. Some Rohingya rickshaw pullers have been found in Dhaka city but there is not really any information on how widespread this phenomenon is according to the researcher. The Rohingya constitute a rural community according to the Bangladeshi researcher for which reason they hang on to areas close to the camps. Only young people, men between 20 and 35 years, may set out to other countries and the whole community could collectively organise funds and contribute to the migration of one person. According to the Bangladeshi researcher the Rohingya can either give up their identity as a Rohingya or try to assimilate themselves into the Bangladeshi mainstream or they can try to migrate to other countries.

A well informed civil society source similarly informed that the unregistered Rohingya are working illegally in the Cox’s Bazar area. They are competing with the local population for jobs. According to the source there is a local interest in keeping the Rohingya marginalized in order to keep the cheap labour. The source further informed the delegation that there are some Rohingya groups living in Chittagong but whether there are some in Dhaka was unknown to the source.

Mr. Tin Soe explained that many rickshaw pullers are Rohingya even though many of them would deny being Rohingya if asked about it because they work illegally. Mr. Tin Soe added that 30% of the Rohingya refugees in the Leda Site work in the Teknaf harbour. Mr. Tin Soe further added that during the caretaker government 2006-08 and under the previous government the Rohingya could leave the camps and go out to work, but this is now more difficult. Mr. Tin Soe said that most of the Rohingya stay in the border area around Cox’s Bazar and only few would go to Dhaka.

An informed anonymous source stated that some of the women living in the makeshift camps must work to sustain their lives although it is officially not allowed to leave the camp. Some of these women are working in construction sites for which they are not given a proper salary. According to the source the Cox’s Bazar area is one of the least developed in Bangladesh and there are not many job opportunities, but the tourism sector needs cheap labour. Some of the Rohingya men are

migrating to Chittagong and maybe Dhaka and Sylhet for work while the women are staying in the camps.

Professor Imtiaz Ahmed, Dhaka University, similarly explained that most Rohingya would stay near the Cox's Bazar area. In the study carried out by some of his students from Chittagong, Rohingya were also found in the slums in Chittagong.

As regards their economic situation, Professor Ahmed referred to his book in which he explains that Rohingya are doomed to work in the informal job market due to official restrictions. As examples it is mentioned that some Rohingya are involved in smuggling of Chinese goods across the border and as regards the registered Rohingya they are trading off a part of their food rations that they are given in the camps.¹⁹

It is further stated that there is a high unemployment rate among the Rohingya for reasons of illiteracy and official restrictions. The restrictions regard trade and self-employment as well. Rohingya do not have the right to own property. Professor Ahmed also points at the high birth rate as a reason to unemployment since large families put the local economy under pressure. It was added that Rohingya are the cheapest labour at the local labour market and due to the influx of the Rohingya the price of land has increased which implies increasing food prices as well.²⁰

Professor Ahmed said that the students who studied the Rohingya reported that the Rohingya seemed to be living in fear. It is a common feature for many Rohingya that they had experiences of trauma in Myanmar. While living in Myanmar they were subject to rape, forced labour, displacement, physical torture and statelessness. Rape as a weapon of terror was systematically used against the Rohingya according to Professor Ahmed.²¹ Moreover, there are many social problems among the Rohingya living in Bangladesh such as drug abuse, prostitution, rape and domestic violence. Besides, there is very limited access to education.²² The most common identity of the Rohingya is that they are an ethnic group from the Northern Rakhine State of Myanmar and they are Muslims.²³

Ms. Chris Lewa explained that after the voter registration in 2007/08 and the verification of the voter registration in 2010 which rejected many Rohingya (ref. also IV.2), people are more vulnerable and there is a fear and a feeling of insecurity which may also contribute to their movements from one area to another. Ms. Chris Lewa added that women would normally stay back in the camps and that it is not common for women to travel on their own for work.

1.3.1 Child labour

In a few known cases to UNHCR, a child was taken care of by another family (Bangladeshi or Rohingya) and the child's parents are paid a small amount of money. In return the child may be required to work for the family as s/he grows up. UNHCR has intervened in such matters to stop these practices. It noted, however, that this practice is not specific to the Rohingya only.

¹⁹ *The Plight of the Stateless Rohingyas: Responses of the State, Society & the International Community*, by Professor Imtiaz Ahmed, Dhaka: University Press Limited, 2010, page 77-80

²⁰ Ibid. page 77-80

²¹ Ibid, page 48

²² Ibid., page 80-82

²³ Ibid., page 57-58

Asked if it was common for Rohingya parents to place their children (“sell them”) in Bangladeshi families for work, Ms. Chris Lewa similarly replied that this phenomenon is a cultural problem which is not limited to the Rohingya community but also seen among the poorer section of the Bangladeshi society. Children and young girls are often used as housemaids and in general children are seen as income generating.

1.4 Family organization and social relations between the Rohingya refugees

UNHCR (Bangladesh) informed that the family size of the Rohingya varies and some live in nuclear families, others as an extended family and some men have 2-4 wives. A profiling exercise undertaken by UNHCR in 2009 revealed that there are some separated children living in the camps. UNHCR informed that there are examples of children whose fathers have migrated for work in Malaysia and whose mothers died and other examples of children who does not live with their parents but with other family members in an extended family.

Ms. Chris Lewa informed that Rohingya families usually have strong family ties but not community ties. Rohingya keep contact to other Rohingya but not in an organized manner. There is little social cohesion among the Rohingya. There are some leaders of the community as for instance A.K.F. Jilani, Dr. Yunus in Chittagong, Bangladesh and Nurul Islam in London. A.F.K. Jilani and Nurul Islam belong to ARNO²⁴, and Dr. Yunus used to be linked to RSO²⁵, and they are well known in the Rohingya society, but otherwise the community is not very well organized. Ms. Chris Lewa added that among the second generation Rohingya in Bangladesh many would not be able to tell the name of their family’s village in Northern Rakhine State/Arakan. Many among them will not even be able to tell their age.

Ms. Chris Lewa further informed that the family organization is very similar to the local Bangladeshi way of organizing extended families. However, among the Rohingya the tendency of polygamy -used to be more widespread than in Bangladesh until the marriage permission was made a requirement in Burma.

Mr. Ahmed Abid, Team Leader, People’s Empowerment, stated that Rohingya live in extended families similarly to the Bangladeshis. The father is the head of the household. Sometimes families separate when the son of the family marries.

Mr. Tin Soe explained that the Rohingya are living in extended families to a larger extend than in communities.

A diplomatic source who works with Rohingya across East Asia commented that child marriage is still common among the Rohingya and polygamy is also widespread. Most Rohingya live in extended family households, common to Southeast Asian families in general. Rohingya birthrates

²⁴ ARNO – the Arakan Rohingya National Organisation – is a resistance group with an armed wing called Rohingya National Army (RNA) which has merged previous Rohingya organizations’s fight for the right to self-determination of the Rohingya people into one organization. The main component was ARIF (Arakan Rohingya Islamic Front). ARNO has no longer any military activities since the early 2000s.

²⁵ RSO – Rohingya Solidarity Organisation – is another armed resistance group formerly headed by Dr. Mohammed Yunus. It is unknown whether they still have active militants. It was the main Rohingya armed opposition in the early 1990s.

are high and many couples have many more than the two children permitted by the Burmese authorities.

A Bangladeshi researcher who studied the Rohingya similarly informed the delegation that Rohingya are living in extended families and that men have multiple wives in order to gain money. The Bangladeshi researcher further explained that temporary migration among Rohingya is common, for instance the father in a family would find employment in Teknaf and at the same time the mother would work in Cox's Bazar while the children are selling small things at the beach or begging.

Asia Pacific Refugee Rights Network (APRRN) mentioned that the Rohingya belong to a Muslim community and live in extended families. In Arakan it is difficult for them to get permission to marry. According to APRRN, the Rohingya have conservative Muslim traditions and for that reason they have many conflicts with the Burmese authorities. They are not allowed to get together in bigger groups and therefore have no tradition to do so.

I.5. Mixed marriages between Rohingya and Bangladeshis

Mixed marriages between Rohingya and local people are not unusual according to UNHCR. There is no known difference between the numbers of women marrying local men or local men marrying Rohingya women.

The Deputy Refugee Relief and Repatriation Commissioner, Mr. Shah Ariar, informed the delegation that before 2009 it was easier for the Rohingya to have their marriage registered in Bangladesh as some of them had been able to acquire a Bangladeshi ID card. According to the source mixed marriages are officially not allowed but actually it happens quite often. Mr. Shah Ariar further informed that refugees registered in the camps have specific certificates for marriage and that they will have their marriage approved by the Camp-in-Charge. There is a trend for early marriage among the Rohingya, i.e. girls at an age of 13-14 years old, but this trend is also found among the local Bangladeshi population in Cox's Bazar.

Asked about mixed marriages between Rohingya and the local Bangladeshis, Mr. Fabrizio Senesi, Programme Manager, EU-delegation to Bangladesh said that there is a social cohesion between Rohingya and local Bangladeshis and that intermarriages exist. According to the source, the Bangladeshis are quite open towards the Rohingya. It used to be more common with inter-marriages in the past (the 1990'ties) where the Bangladeshis were showing a great hospitality and even sometimes sharing their houses with Rohingya refugees.

According to Ms. Chris Lewa, mixed marriages are quite common. Rohingya men are marrying Bangladeshi women in order to be able to protect their children in Bangladesh. In this connection Ms. Chris Lewa explained that a new law introduced in Bangladesh, the Citizenship (Amendment) Act 2009, entitling a Bangladeshi woman to transmit citizenship to her children, is allowing women to transfer their nationality to their children, even if the father is not a Bangladeshi citizen.

Similarly, Mr Tin Soe stated that mixed marriages between Rohingya and Bangladeshis are quite common both for Rohingya men as well as for women. Previously, it was also possible for the Rohingya to have their marriage registered with the Bangladeshi authorities, but after the last elections (2008) and the change of the ID registration system, this is no longer possible.

A well informed diplomatic source likewise emphasized that in the border area the two groups have been mixed for 100 years for which reason mixed marriages is a common practice.

According to a Bangladeshi researcher who studied the Rohingya, there are Rohingya families who have stayed in Bangladesh for decades and who have married their daughters and sons to Bangladeshis. In fact, for some Rohingya families it has been a strategy to marry under aged girls (even as young as 13-14 years old) into Bangladeshi families. When the girl is married she will move over to the in-laws' house and her entire family can then move near to her as a "migrant" family. However, the Bangladeshi researcher also mentioned that it is less prestigious to a Bangladeshi to marry a Rohingya and more so for Rohingya men marrying Bangladeshi woman. However, no authentic data in this regard are available.

As regards mixed marriages between Rohingya and Bangladeshis, Professor Ahmed, Dhaka University, said that there is no social bar to it. However, you do not hear much about it and there will be very little marriage profit from a Rohingya girl, for which reason a Rohingya girl is not attractive.

A well informed diplomatic source (2) likewise found that mixed marriages are rare as most Rohingya would rather go for a family reunification with relatives in Burma or marry a Rohingya in Bangladesh. In this connection the source mentioned that Rohingya in the registered camps and outside the camps marry each other. This is particularly significant for the Rohingya in the Kutupalong camp and makeshift camp according to the source. In this way the unregistered Rohingya outside the camps are connected to the registered residents.

The political officer of the Embassy of the United States of America informed that since people do not leave the camps that easily and because of the hatred between the local population and the Rohingya he doubted that mixed marriages take place.

According to a well informed civil society source, GOB does not encourage assimilation and does not appreciate mixed marriages between Rohingya and local Bangladeshis.

1.6 Existence of local and/or international networks

According to UNHCR, Bangladesh the Rohingya are not well organised in Bangladesh. They do not have any political leadership which is significant for this group of people that claims to have been persecuted during different occasions since the 1930's. The group has, however, links to Rohingya in other countries through family members which is evident from the remittances that are sent back to the community/camps in Bangladesh as well as to Rohingya in the Rhakine State of Myanmar, especially from Saudi Arabia where a large number of Rohingya are apparently working.

A diplomatic source who works with Rohingya across East Asia informed the delegation that Rohingya outside Burma maintain strong connections with Rohingya in the Northern Rakine State and have detailed knowledge of the current status of the situation in Northern Rakine.

Ms. Chris Lewa informed that many Rohingya men have travelled to Malaysia for work, in the construction sector in Penang for example. With the introduction of the cheap airline flights (AirAsia and Malaysian Airlines), it has become quite common to send Rohingya brides from Burma and Bangladesh to single men in Malaysia as arranged marriages. Rohingya staying illegally in Malaysia will not be able to return to Myanmar as their names have been deleted from their family lists in Myanmar. This made these brides vulnerable as the bride and the groom would never

have met prior to the marriage. Ms. Chris Lewa added that in total the Rohingya community in Malaysia is estimated to be around 30,000. In addition, Rohingya sources claim that approximately 500,000 Rohingya are living in Saudi Arabia. However, according to Ms. Chris Lewa the official number is 120,000, and the majority is living in Jeddah, Medina and Mecca.

As regards connections to family members outside Bangladesh, Professor Ahmed, Dhaka University, similarly commented that there will be connections to Myanmar, Saudi Arabia and Malaysia. According to Professor Ahmed there are approximately 20,000 Rohingya in Malaysia and 700,000 in different Arab countries.

Mr. Ahmed Abid, Team Leader, People's Empowerment, further said that in Rahkine State people are not allowed to organize, as it is prohibited to gather more than 12 people at the time. For this reason the community is not used to organize themselves and is not connected to Rohingya organizations overseas.

APRRN found that the Rohingya are not exactly united and mentioned that they do not speak with a unified voice. It is extremely difficult to come up with a "Rohingya position" as it is an extremely fragmented group. Some of the Rohingya who have left Burma many years ago do not mingle with new comers. Other exiled Burmese groups are more organized and speak with one voice as for instance the Chin and Karen people. In general, Rohingya are not politically active. They try to adjust and adapt to the surrounding context. Religiously and culturally, they have no high profile. According to APRRN the Rohingya have had a difficult life, they keep a low profile and lead a quiet way of life. APRRN further mentioned that the Rohingya are competing for their survival.

II. Situation for Rohingya registered in refugee camps in Bangladesh

The Deputy Refugee Relief and Repatriation Commissioner (Dy RRRC) explained initially that Bangladesh has hosted the Rohingya refugees for a long period, and it is still unknown for how long it will continue, as it depends on the situation in Myanmar and the Myanmar government. In Bangladesh the refugees are maintained as per international standard according to the Dy RRRC.

The Deputy Refugee Relief and Repatriation Commissioner further informed that there is a gap between the number of refugees registered by GOB and by UNHCR. At the moment, the so called "linked family members" registered by UNHCR and not by GOB are qualified to receive health care and attend education facilities but cannot receive food rations. He further informed that GOB and UNHCR recently have undertaken an exercise to equalize the numbers, and GOB is now considering how to deal with this issue.

The Camp-in-charge (CIC) of Nayapara Refugee Camp, Mr. Saiful Islam, explained that the present refugee population is the residual part of more than 250,000 refugees who were sheltered in Bangladesh during the 1992-influx. Nayapara and Kutupalong refugee camps were originally two camps out of 20 after the influx of refugees in 1991-92. Now they are the only remaining camps with a total of 24, 797 refugees (14,701 in Nayapara and 10,096 in Kutupalong), according to CiC. The Kutupalong camp is situated 37 km South of Cox's Bazar and Nayapara is situated another 48 km further South, 5 km from the Bangladesh- Myanmar land border. (See map in annex 2).

According to UNHCR (Bangladesh) there are in total 29,050 registered refugees in two camps - Kutupalong (11,476) and Nayapara (17,574) as of 31 January 2011. However, there is a discrepancy between the number registered with UNHCR and the Government of around 5,000 persons.

UNHCR is presently working with the GOB to merge their data with the GOB registration. UNHCR informed that the Government of Bangladesh (GOB) has been, since October 2010, reviewing its policy on the refugees from northern Rakhine State of Myanmar, commonly referred to as the Rohingya.

II.1 Organisation of the camps

The Camp-in-charge (CiC) explained that he is the representative of GoB in the refugee camps and is responsible for implementation of government policies on refugee matters. The overall activities of the two camps are coordinated by the Refugee Relief and Repatriation Commissioner's office at Cox's Bazar. A Camp management committee and block committee activities are established with elected inhabitants of the camps.²⁶ As a rule, the refugees are not allowed to leave the camps, however, permission can be granted at various occasions, as for instance a court case, a day in advance. It is government policy to train the refugees in self reliance activities, including sewing, carpentry, mushroom cultivation, soap making etc.

According to the CIC, the camps are densely populated and are half size of the UN recommended standards (20 squaremeters/person whereas UN standard is 45 squaremeters/person). Even though new shelters were built, some refugees are still living outside shelters. In Nayapara Refugee Camp there is no underground water, instead there is a dam (surface water and a treatment plant) for distribution of water two times daily. As regards primary education in the camps a total of 21 schools for children are running in the two camps and a school for adults, teaching is in Bangla and following the Bangladeshi national curriculum. (Ref.also I.2.)

UNHCR (Bangladesh) similarly informed that the camps are administered by the GOB. Specifically, a resident Camp-in-Charge of each camp works under the Refugee Relief and Repatriation Commissioner (RRRC) in Cox's Bazar. The RRRC reports to the Ministry of Food and Disaster Management. As regards the local organisation of the registered camps UNHCR mentioned that formerly the power structure of the camps was in the hands of so-called *Majhees* who helped manage the camps. However, the system became corrupt over the years. In 2007, the system was disbanded by the GOB and UNHCR although former *Majhees* still exert power as they are economically better off than the average Rohingya. Currently, the new refugee representation system has a committee of refugees representing each block in the camps. Over and above that, a camp management committee represents the interest of each camp. UNHCR added that they were trying to improve this system as the leadership remains weak.

The political officer from the US Embassy found that conditions in the camps are poor. People are not allowed to leave the camps and are not allowed to work officially, however some of them do. They work as day labourers at construction sites.

The Programme Manager for Governance and Human Rights of the EU Delegation, Mr. Fabrizio Senesi, similarly explained that the power structure in the camps used to be dominated by the *Majhees* which is a mafia system. The *Majhees* in the registered camps are now replaced by committees elected by the refugees since 2008. Mr. Senesi further informed the delegation that GoB

²⁶ The defined tasks of the committees are coordinating among UNHCR, gov. agencies and refugees, mediating conflict and arbitrating of petty nature of complaint, taking preventive measures to stop violence, and motivating refugees to develop the camp.

made a remarkable change in attitude towards registered Rohingya since 2007 in the sense that there is a new concept of self reliance imposed in the camps. The refugees in the registered camps are being trained in order to start up small businesses in the camps. Moreover, it became possible to rebuilt houses, and a football court was let built. At the same time, the mobility in and out of the camps for the refugees increased even though it is still not officially permitted for the registered Rohingya. The increased mobility created tensions with the local Bangladeshi society with regard to competition on the labour market in the Cox's Bazar area which is one of the poorest areas in Bangladesh.

II.2. Relation between camp refugees and Rohingya living outside the camps

UNHCR (Bangladesh) informed that many of the Rohingya in the camps who registered before in 1991 and 1992 have relatives living outside the registered camps. Many of those residing outside the camps are among the 230,000 who repatriated between 1993 and 2005 but have since returned to Bangladesh. For this reason, there is a close network between some of the camp residents and the Rohingya residing outside the camps.

Asked if there is any connection between the registered and unregistered Rohingya, the Political Officer of the Embassy of USA, Mr. Partha Mazumdar similarly replied that there are tight connections between the three groups, registered, unregistered and the Rohingya living in the villages. People are walking in and out of the camps bringing food and other necessities.

II.3. Possession of ID documents from Burma

UNHCR (Bangladesh) informed that the most common document among the Rohingya who were in Myanmar is the Temporary Residence Cards –TRC. Individual birth certificates are not generally used.

A well informed diplomatic source (2) mentioned that Rohingya who have resided in the refugee camps in addition to their Family Book could have documents from Burma like a marriage certificate (the ones who get married in the camp get a marriage certificate and an affidavit), inheritance documents or maybe a family household list.

II.4. ID documents for camp residents

UNHCR (Bangladesh) provided a detailed historical overview of the developments in the Rohingya Refugee documents, including the following documents:

II.4.1 1991-1992 'The Pink Form'

This registration form was introduced as the first document used for Rohingya refugees after the main influx coming from Burma in 1991-1992. It contained three copies: one for the refugee, one for UNHCR and the third for the GoB. The Master Registration Card (MRC) number was introduced in this registration form referred to as 'pink form' due to the colour of the sheet. Individual family members and their respective basic bio-data were also mentioned on the form. The pink form was replaced by the family book.

II.4.2 1992 Family Book (FB)

UNHCR explained that FB was introduced as a registration form of Rohingya refugees in Bangladesh. FB was issued by GoB authorized by Camp in Charge (CiC) with office seal and signature. The issuance of FB ended in 1992, however they are still in use in the camps and is the

basis for registered Rohingya refugees to receive food rations in the camps. UNHCR informed that FB is a government document and only Government staff/CIC can make changes to the FB. On the cover page of FB, the name of the camp and Master Registration Card (MRC) number are stated. On the following pages rules on the registration is listed in Bengali language. FB further contains information on family composition, serial number, name, age, gender, and relationship, for instance “HoF” Head of Family. The approval of CiC is stated by his seal in Bengali and English and by his signature. Moreover, each FB contains a record of all food rations given to the family. The dates of distribution (bi-weekly) as well as the signature of the distributor are mentioned. Finally, there is a health information page where individual treatment is listed. New born family members are added in the FB. If only one of the parents is a registered refugee, the child will not be registered in the FB and therefore not be entitled to food rations.

FB of repatriated refugees: The Rohingya who repatriated to Burma could bring their FB with them to Burma as their property, however, the camp administration cut a corner of the FB in order to be able to identify repatriated refugees. FB of resettled refugees: The Rohingya refugees who resettled in third countries are required to return their family books to the government before departing. UNHCR assists with this process.

UNHCR mentioned that given that the family books are old, they are in a poor condition. Further, given that they do not have any security features, many of them have been tampered with, or names have been added or removed depending on the Camp in Charge, or they may have even been sold to non-registered refugees in the past who may also use this to file claims for asylum in third countries.

CIC similarly explained that the Family Book is the property of the refugees. When a registered Rohingya family has repatriated, the authorities used to cut a corner of the family book to state that the document is no longer valid which was practice during 1995-98. Such a family is entitled to keep the book (corner cut). Some of the repatriated families left some relatives behind in the camps who are then keeping the book that is being referred to as split families.

The family book can be sold to other Rohingya or to Bangladeshis and according to the CIC there have been examples of this practice in the past, but now it is more difficult. A photograph of the refugees entitled to use the family book was taken in 2007. Until then it was difficult to identify the persons eligible to be given rations on the background of the family book. A personal ID card was introduced in 2008 which makes it even easier to identify the right people but food rations are still distributed on the FB alone. The FB does not include a photograph of the family members which makes it easy to sell and to be taken over by other people.

The CIC also mentioned that a new system to distribute food rations have been proposed and is under consideration.

CiC further explained that changes to the family book can be made only by CiC. Newborn babies are added based on a birth certificate. The birth certificate is issued by the medical staff. Death certificates are also issued in the camp and CIC will delete deceased persons as well as persons who migrated from the FB. The CIC keep a list of persons who have been deleted from the Family Books. CIC further informed that the list of persons registered in the camps are now kept in a computerized system.

According to the CIC, a Rohingya who repatriated and returned to the camp cannot be reinstated in the family book. CiC further explained that UNHCR includes such a person in their figure on the total number of registered refugees which is one of the explanations of the discrepancy in the numbers registered by UNHCR and by the government. These persons can stay in the camps and receive medical service and other services provided to the camp residents, but they are not entitled to a food ration. CiC mentioned that the authorities and UNHCR are working on a joint process to harmonize their respective list of registered refugees.

The Deputy Refugee Relief and Repatriation Commissioner (DyRRRC) similarly explained that the system with the Family Books (FB) is difficult to change. The books do not have any security features and it cannot be assured that fraud cannot happen according to the Dy RRRC. The Dy RRRC emphasized that it is only the Camp-in-Charge who is allowed to make changes in the Family Book. The FB is kept with the refugees and those who repatriated will still have the books. In cases in which a registered Rohingya repatriates, he or she will normally not be re-registered in the FB, according to Dy RRRC.

II.4.3 2007 Non Food Item (NFI) distribution sheet, Yellow Sheet

The NFI sheet was issued in mid 2007 to all refugee families registered in the UNHCR database. Among the registered refugees around 5,000 were identified as only registered on UNHCR's list but not in GoB's list. This group is only receiving non food items which are noted in the NFI sheet. The key element in this document is the individual photograph (with the exception of newborns). NFI sheets are due to their colour also referred to as 'yellow sheet'. It has basic individual bio-data (serial number, name, age, gender, relationship, refugee status) and other information such as camp address and linked MRC numbers. NFI sheets contain a round seal of UNHCR. Some fraud with NFI sheets was discovered in attempts to copy the seal, replace photographs, MRC numbers etc.

II.4.4 2007 Medical Data Sheet

This sheet was issued in July 2007 to all refugee families registered in UNHCR proGres database. The sheet shows individual photograph (with the exception of newborns) similar to the NFI sheet. The Medical Data Sheet has basic individual bio-data (serial number, name, age, gender, relationship, refugee status) and other information such as camp address and linked MRC numbers.

II.4.5 2008 Refugee ID Cards

The individual ID cards for the refugees were issued in July 2008 to all refugee individuals (5 years and above) registered in UNHCR database. On the front page of the card there is a plastic layer which includes a security hologram that consists of several UNHCR logos laminated on the ID card. At the bottom of the photo there is a unique 11 digit individual number which starts either with 742 (if registered by GoB and UNHCR) or 287 (if only registered by UNHCR).

The basic information on the refugee card is MRC number, name, gender, year of birth, country of origin and, issuance year. On the reverse side some other information is mentioned (including address of UNHCR written in English and Bengali).

II.4.6 Proposed Ration Card

UNCHR has developed a proposal for a ration card to the refugees in order to replace FB and NFI sheet which will link the food distribution to the database. It has one unique serial number which is updated in proGres database. It will be distributed family wise. After each distribution a cell on the

card will be punched as proof of food and non-food items distribution. UNHCR plans to issue this shortly, preferably after the harmonization of the data between the GOB and UNHCR is complete.

II.4.7 UNHCR Updating of registers

1994 An update of all the registered refugees was undertaken in 1994. This update is in the UNHCR data base.

1998-1999 Individual Family Questionnaire (IFQ): Interviews based on a questionnaire were undertaken during 1998 and 1999. In this document the first photographs of the refugees were introduced. One photo with all family members is included in the file with the questionnaire. On the photo the MRC number can be identified and the name of the head of family. At the back of the photo there is a UNHCR square stamp along with date and camp address. The UNHCR database (Coxtree) was updated in **2001** with the information in these files.

2005 Profiling Exercise: During this exercise data on individual refugees were updated and individual photos were taken and stored in the database. The exercise included new lists of families, including newborns. Some newborns, who were only registered by UNCHR and not by the government, were only eligible for non food items. The purpose of this exercise was aimed at ensuring a more credible database of refugees in the camps. Based on these data the new UNHCR proGres database was updated.

2009 Profiling Exercise: In 2009, another more comprehensive profiling exercise was conducted using the UNHCR Hightened Risk Assessment Tool with a view to better identify vulnerable refugees and also to verify family relations in the camps. Following this, in 2010, the Government of Bangladesh and UNHCR agreed to merge the UNHCR data with the GOB registration and to solve the discrepancy of 5,000 refugees who are registered with UNHCR and not with GOB and 1,600 who are on the GOB list and not on the UNHCR list. It was a joint exercise with UNHCR and GOB staff which took 9 months to complete. UNHCR is at present awaiting a decision by the GOB on the outcome of this exercise.

II.5. Procedure for verifying registration in the camps

When foreign governments request verification of a refugee who claims to have registered with UNHCR earlier, UNHCR requires, at the very least, the MRC number under which the person was registered under, his/her names and the names of family members who also registered and if possible, the time when the person registered (and if relevant, when s/he may have repatriated). The MRC number will be checked as well as consistency of family names in the 1992 register as well as in the 1994 update. The updated information from 2001, 2005/2006 and 2009 in the UNHCR databases will also be checked where relevant. It should be noted that the database includes information on repatriated families as well as separated families²⁷. Information registered until 2001 can be checked in the Coxtree database and information up to the present can be checked in the proGres database. It is worth noting that as family photographs were only taken in 1999 and individual photos were only taken in 2005, it may not be always possible to conclusively verify that the person in third countries is the person who registered with UNHCR.

²⁷ By 'separated families' is meant that some families split up in the sense that a part of the family repatriated, whereas another part of the family stayed in the refugee camps.

II.6 Resettlement of Refugees from Bangladesh

The Deputy Refugee Relief and Repatriation Commissioner (DyRRRC), Mr. Shah Ariar, found that the main modus for solving the refugee situation is repatriation of the refugees. In this connection he mentioned that the Minister of Foreign Affairs from Bangladesh visited Myanmar in May 2009 in order to negotiate with the Government of Myanmar. In 2005 the Government of Myanmar agreed to take back 9,000 refugees. Now another 6,000 refugees are under negotiation. Mr. Shah Ariar further explained that the Government of Bangladesh is also interested in resettling the refugees in foreign countries and that the Ministry of Foreign Affairs is at present consulting with other ministries in order to coordinate the resettlement programme.

The District Commissioner (DC) mentioned that UNHCR has facilitated resettlement of some of the camp residents. According to the DC, the resettlement programme needs to be transparent. The resettlement programme offering the Rohingya the chance to get to foreign countries is attracting more Rohingya to come to Bangladesh according to the DC.

IOM, Bangladesh informed that GOB is closely monitoring the resettlement process. IOM is working with UNHCR for resettlement of the 28,000 registered refugees. On 28 October 2010 the resettlement programme was temporarily suspended by GOB which according to IOM officially was explained by a lack of coordination and that MFA needed more information. GOB is now revising the policy for resettlement and a new version is expected soon. IOM informed that a total number of 926 refugees have been resettled in the period 2006-2010, most of them in Australia (242), Canada (309) and the UK (190), ref. also annex 3. IOM is involved with arrangements for exit permits, logistics related to movements of the refugees and cultural orientation courses.

The Political Officer of the Embassy of the USA, Mr. Partha Mazumdar, similarly explained that within the last 3-4 months Bangladesh has temporarily changed policy on the Rohingya by suspending resettlement also in concrete cases in which the refugees were to be resettled for medical reasons. It is not clear in which direction the government policy is moving but the government is concerned about the pull factor of the resettlement programme.

The British High Commission informed that a resettlement programme for Rohingya is co-ordinated in the UK and 196 Rohingya refugees have been resettled under the refugee resettlement programme. In 2008 in total 63 Cases, in 2009 86 cases and 47 cases in 2010. The decisions were made by the UK Border Agency in the UK. In 2011 113 refugees were chosen via paper assessment; however GoB cancelled the resettlement program. The source added that since 2006 only around 900 Rohingya had been resettled by UNHCR in third countries and that it is a slow process.

III. Situation for unregistered/ illegal Rohingya in Bangladesh

III.1 Unregistered Rohingya outside the camps

The Director in the Ministry of Foreign Affairs (MFA), Ms. Ishrat Jahan Ahmed emphasized that according to the Government of Bangladesh (GOB) the Rohingya inside the refugee camps are Myanmarese refugees whereas the Rohingya people staying outside the camps are undocumented Myanmarese nationals. Ms. Ishrat Jahan Ahmed further informed that there is no exact figure on the number of undocumented people, but there may be 300,000 or more.

The Deputy Refugee Relief and Repatriation Commissioner, Mr. Shah Ariar similarly informed the delegation that thousands of Rohingya are staying outside the refugee camps, and some Rohingya have stayed more than 50 years in Bangladesh. Mr. Shah Ariar further said that there are more than 250,000 undocumented Rohingya in Cox's Bazar and other places including Chittagong as well as few in Dhaka. According to Mr. Shah Ariar only the best educated will move further than Cox's Bazar. Mr. Shah Ariar informed the delegation that the government is considering whether there should be any registration of these undocumented Rohingya. Mr. Shah Ariar also mentioned that before the latest general elections in 2008, many unregistered people were removed from the voters' list. In Cox's Bazar alone, more than 30,000 people were excluded from the list. According to Mr. Shah Ariar, the excluded people were not all Rohingya but there were many.

UNHCR (Bangladesh) informed the delegation that the organisation had not been permitted to register newly arriving Rohingya since mid-1992, but according to GOB an estimated 200,000-400,000 undocumented Rohingya are currently residing in various villages and towns outside the refugee camps in the Cox's Bazar district. They include many refugees who had initially fled to Bangladesh in 1991, but subsequently returned to Myanmar. According to UNHCR 236,618 Rohingya who sought safety in Bangladesh and registered as refugees with UNHCR in 1991-92 had repatriated to Myanmar as of December 2005, most of them within a few years of arriving. No repatriation has taken place since.

UNHCR pointed out that since mid-1992, as UNHCR was prevented from registering Rohingya, a number of them remain undocumented. Further, that UNHCR is not allowed to work with the undocumented Rohingya and that the group had survived without any support/assistance from the international community. UNHCR noted that the majority of the Rohingya would reside in the districts of Cox's Bazar and Chittagong. However, as it does not have access to them, it cannot verify exactly where they are and how many there are. Further, it does not know how many undocumented Rohingya are settled elsewhere in the country.

IOM, Bangladesh underlined that it is difficult to assist the unregistered Rohingya as they are undocumented migrants according to GOB. Some NGO's are working with assistance to the non-registered Rohingya and their programmes include the local Bangladeshi population as well as the Rohingya. According to IOM there are 200-400.000 un-registered Rohingya in Bangladesh, but data on the actual numbers is a grey area. Un-documented Rohingya do not share information due to their fragile situation, and it is difficult to get information on the group outside the camps.

Similarly, Mr. Andrew Barnard, First Secretary, EU Delegation underlined that the vast majority of the Rohingya are not in the camps. There are 200,000 to 500,000 undocumented Rohingya in Bangladesh. They are in general tolerated by the local people. Asked if there have been any efforts to register the unregistered Rohingya, Mr. Andrew Barnard said that GoB is reluctant to do so because they are afraid of the pull factor. According to the source there is a competition for jobs at the local labour market, but there is also an interest by some powerful people to have cheap labour available.

A well informed diplomatic source (1) informed the delegation that the Government of Bangladesh (GOB) accepts its responsibility towards the Rohingya, however, it is concerned about providing assistance to the unregistered refugees as GOB does not want to create a "pull factor". Many of the 250,000 Rohingya who were repatriated after 1992 have come back to Bangladesh but the exact number is not well known. Between 200,000 and 400,000 is the estimated number according to the

source. According to the source the Rohingya are coming as a combination of “push” and “pull” factors – conditions in Burma are pushing them out and they hope to be able to integrate and get assistance in Bangladesh. Support for the Rohingya is complicated and could be a pull factor from the point of view of the GOB. Some NGO’s are working in the area with support to the local population as well as unregistered Rohingya. The areas where the Rohingya are settling – districts in Cox’s Bazar and in Chittagong - are already some of the poorest parts of the country. Supporting the Rohingya would put them in a better position than local Bangladeshi people according to the source.

Similarly another well informed diplomatic source (2) found that the GOB is concerned about the pull factor related to the Rohingya’s arrival for which reason the government does not want to provide assistance to development activities targeting the Rohingya. For the same reason the resettlement program has also come under review as the GOB is concerned about expectations created by this program. The source further informed that there has not been any security incidents involving arms related to the Rohingya but that the Teknaf area is an underdeveloped area for which reason any assistance provided to the refugees would not be considered appropriate by the local population. According to the source, there has been a hardening in the government’s attitude to the Rohingya within the last 6-7 months which has caused a growing population in the Kutupalong makeshift camp. Finally, the source stated that the solution to an improved situation for the Rohingya has to be found within Burma in the North Rhakine State.

An informed anonymous source said that some of the Rohingya have managed to “disappear” in the host community and are living in the villages around the border. Some of them managed to get Bangladeshi ID-cards but after the latest voter registration in 2008 some have lost their ID-cards and are now living under poor conditions.

A Bangladeshi researcher who has studied the Rohingya explained that the unregistered Rohingya constitute an invisible community outside the camps. On the other side the Bangladeshi researcher mentioned that they are not pushed back to Myanmar. The source further mentioned that if the Rohingya are not recognised as such, they are going into the mainstream Bangladeshi society but staying illegally, they will be criminalised. If the Rohingya are subject to violence or other forms of criminal activities as for instance traffickers, they will not be able to go to the police or to have their case taken to the court.

According to a well informed civil society source, some international NGO’s are working with various forms of assistance, including health care, in the Cox’s Bazar area since 2009. The beneficiaries of the project are the local population but as it is very difficult to distinguish between the Rohingya and the local Bangladeshis, the project also benefits the Rohingya outside the registered refugee camps. The source explained that GOB is considering any assistance to the Rohingya as problematic be it to the refugee camps or outside as the government is concerned that the assistance will be a pull factor for more Rohingya to come. The source found that one of the push factors for the Rohingya to leave Burma is the fact that it is difficult for them to marry, they are not allowed to have more than two children, and they can worship but are not allowed to maintain their mosques. The same source found that normally you cannot really talk about “pull factors” in Bangladesh.

III.2. Situation in the makeshift camps

The Deputy Refugee Relief and Repatriation Commissioner, Mr. Shah Ariar explained that there are two so called makeshift camps with a number of 55,000 Rohingya in the Kutupalong makeshift camp and 13,600 in the Leda site. At present, the rate of new arrivals to the camps is a bit reduced. During the latest verification of the voter registration in 2010, there were many new arrivals to the Kutupalong makeshift camp. There are still new arrivals every day but in reduced numbers since the elections in Myanmar in November 2010, in which Rohingya were allowed to register.

UNHCR (Bangladesh) explained that the makeshift site outside the Kutupalong refugee camp is a symptom of a bigger problem that the undocumented Rohingya face, and that the numbers in the makeshift site have grown and shrunk. The population in the site was around 34,000 in early 2010 and was around 20,000 in late 2010. UNHCR underlined that the undocumented Rohingya are, to a large extent, “invisible” and face a number of challenges. In 2008, following the Government’s initiative to register voters for the upcoming elections, many undocumented Rohingya were forced to leave the villages by local village chairpersons where they were residing for several years. According to UNHCR some of them (currently 20,000) spontaneously settled in the makeshift site outside the Kutupalong refugee camp. UNHCR further informed the delegation that around 9,000 unregistered Rohingya residing on the banks of a tidal river in Teknaf had, after the intervention of UNHCR and other international agencies, been allowed to relocate to a safer location in Leda in mid-2008 by the government. The move was facilitated by the NGO Islamic Relief after they constructed the new site with support from ECHO and UNICEF. According to UNHCR there are at present 13,000 undocumented Rohingya in Leda.

Mr. Andrew Barnard, First Secretary, EU Delegation said that the assistance to the makeshift camps is limited as the GOB is concerned about the pull factor such assistance might create for more Rohingya to arrive to Bangladesh. According to the source, a severe malnutrition in the makeshift camps had been reported by some of the NGO’s working in these camps. Mr. Andrew Barnard further said that the Kutupalong makeshift camp surrounds the Kutupalong camp for registered Rohingya. Registered and unregistered Rohingya are walking freely between the registered camp and the unregistered camp. According to the source, there is also food from the official camps being distributed in the makeshift camps. Whether this is done out of generosity by the registered refugees or whether it is a bargaining between the two refugee groups is not always clear. Nevertheless, the vast majority of the unregistered Rohingya lives outside any camp and are “invisible” as they have merged with/ are integrated in the Bangladeshi society whereas the unregistered Rohingya in the makeshift camps – Leda and Kutupalong – are very “visible”. The source further informed that the population of the makeshift camps is growing when there is a pressure in the local community. Whatever tension there is, it is not enough to stop Rohingya from living side by side with the local community.

A well informed diplomatic source (1) found that the makeshift camps are in bad shape and with a very low standard. The makeshift camps are used for safety for families in the sense that the breadwinners go on for work as far north as Chittagong, and few to Dhaka while their families stay in makeshift camps. As women are more vulnerable they stay back in the camp. This phenomenon has become more common when the anti-Rohingya sentiments started in the area. As regards the relation between the Rohingya in the registered camps and the Rohingya in the makeshift camps, the source mentioned that there is a trading of food rations. The source explained that food rations are provided by number of persons in the family, including new born babies, which allow room for

trading the rations. According to the well informed diplomatic source, it is a question whether the trading is done on the basis of generosity or based on providing an income.

An informed anonymous source said that there are 13,000 unregistered Rohingya living in Leda camp and 21,000 in Kutupalong makeshift camp. The number of unregistered refugees in the Leda camp is stable and cannot increase, as it is not allowed to build more shelters. The number of refugees in Kutupalong makeshift camp is subject to fluctuations. There are many female headed households in the Leda camp (40%) according to the source. One of the explanations is that in Myanmar it is forbidden to have more than two children which imply that when a Rohingya woman in Myanmar gets pregnant with her third child she must either choose abortion or flight, in the latter case many pregnant women flee to the makeshift camps in Bangladesh. In many cases the husbands of these pregnant women are still living in Myanmar. In addition, it is difficult for Rohingya to get a permission to marry one another.

An informed anonymous source further said that there are restrictions on people's movement outside the makeshift camps and it is too risky for them to leave the camp. People who are living in the camps are reluctant to leave the camps because they are vulnerable. Rohingya women would rather try to improve their situation in the camps.

A Bangladeshi researcher who has studied the Rohingya similarly informed that many of the households among the unregistered Rohingya are female headed. According to him their employment rate is quite high compared to the employment rate of the local women.

Ms. Chris Lewa informed that most of the people in the Kutupalong makeshift camp are unregistered Rohingya coming from the villages in Bangladesh where they used to live in mixed settlements. As a consequence of the voter registration exercise for the national elections in December 2008 where most Rohingya were excluded from the lists (ref. also IV.2 below), there were eviction threats against them, and the Rohingya started flocking into the makeshift camp. The exercise started creating rumours and fear among the Rohingya and created the first big rise in numbers settling in the makeshift camp. A second rise came in connection with the crackdown starting from October 2009 (ref. also III.3 below).

Ms. Chris Lewa further explained that some of the makeshift camp residents are also new arrivals from Burma. The biggest group of new arrivals came in April 2009 following an incident in The Chaung related to the erecting of a border fence by the Burmese authorities. In this connection, villagers on the Burmese side were attacked by the army who were also stealing their shrimps according to Ms. Chris Lewa. According to Ms. Chris Lewa many of the new arrivals are former repatriated refugees. Among them, many have relatives in Bangladesh, and they also have connections in the area from their previous stay. Some may even have connections to their former employer.

As the population kept increasing, sections of the makeshift camp were demolished by the Bangladesh authorities on three occasions in June and July 2009 according to Ms. Chris Lewa. The population in the Kutupalong makeshift camp was above 30,000 when it peaked. At present, the population is going down and estimated to be around 20,000.

Ms. Chris Lewa further explained that the other unofficial site (Leda camp) was the first makeshift camp to be established near Teknaf back in 2002 in response to threats of eviction. In June 2008 the 10,000 camp residents were relocated to a new site in Leda. This camp has a more or less steady population, as there is no room to increase the camp. According to Ms. Chris Lewa, there is a lack of livelihood activities for the residents of the makeshift camps. Officially, the camp residents are not allowed to work. Some manage to earn a living by collecting firewood and selling it. Others are begging and earning only very little. Many men migrate for work outside the camps, in Cox's Bazar or some travel to Chittagong for jobs.

III.3. Attitude of local authorities towards the unregistered Rohingya group

The Director in the Ministry of Foreign Affairs (MFA), Ms. Ishrat Jahan Ahmed mentioned that MFA and the Government of Bangladesh (GOB) have been very patient with the Myanmar people. GOB has followed the principle of non-refoulement as the government is concerned with the security of the people. However, the Myanmar nationals have to return to their own country and the Government of Bangladesh also has a dialogue with the Government of Myanmar on this difficult issue. According to the Director of MFA, Bangladesh is a peace loving country and has excellent relations with its neighbors, including Myanmar, but it takes a lot of prudence to deal with these refugees.

According to the director, MFA has recently reviewed its policy with regard to the Myanmar nationals. The Cabinet now has to decide how the future policy will be. For the time being, the resettlement programme has been suspended. The Director also mentioned that GOB is concerned that the resettlement programme will attract an influx of people from Myanmar. The director further stated that it is difficult for a poor country like Bangladesh to host all these people and the international community should also get involved in a dialogue with the Government of Myanmar. The Myanmar nationals who have arrived in Bangladesh are desperate people who have been persecuted due to their religion and ethnicity, but Bangladesh is in a dilemma as the Government also has to deal with the existing poverty in Bangladesh. Bangladeshi people in the border area live from hand to mouth and the influx from Myanmar put pressure on local resources, including the environment. There is a competition for jobs and the Myanmar are threatening the security in the area.

The District Commissioner of Cox's Bazar (DC), Mr. Giashuddin Ahmed stated that there are many problems in the area caused by the Rohingya. According to the DC the Rohingya are not all poor, some of them are fighting each other, and some of the Rohingya are engaged in business with illegal drugs. The DC emphasized that Bangladesh is already overpopulated and the presence of the Rohingya create environmental problems as they are destroying the forests by collecting firewood. The DC further informed that Bangladesh is now building a new road to the border area in order to enhance business with Myanmar. According to the DC, this may contribute to stop the illegal activities. The DC further informed that drugs, human trafficking and illegal arms are big problems in the area.

According to UNHCR (Bangladesh) an anti-Rohingya sentiment has been growing over the last couple of years among the local population in Cox's Bazar. Anti-Rohingya committees have been formed and the resistance has become more organised. Some of the sentiments expressed about the Rohingya include that they are creating law and order problems in the district that they are taking jobs that local people should be doing, that they are adversely affecting the environment, that they

are registered as Bangladeshi voters illegally, and that they are using Bangladeshi passports to leave the country. In relation to the law and order problems, according to UNHCR, there have been a few cases in which homemade weapons were found in the camps as well as cases in which drugs and foreign currency were found. These refugees have been charged under the national laws. However, for the most part, there are no serious security issues inside the camps and that most of the residents are women and children. UNHCR has also taken measures to mitigate the impact of refugees on the environment by installing solar street lights, distribution of energy saving stoves and compressed risk husks to replace firewood.

UNHCR (Bangladesh) does not have access to the prisons or the borders. However, based on public documentation, UNHCR noted that there are 407 people from Burma (who are not all Rohingya) detained in Cox's Bazar Jail as of December 2010. Some of them remain imprisoned also after they served their sentence until they can be repatriated to Myanmar. This can take decades.

A well informed diplomatic source (1) found that the anti-Rohingya sentiments starting after 2008 could be related to the voter registration drive for the elections in 2008. Prior to 2008 some Rohingya had managed to get registered for elections which meant they could support local politicians. With the new and more efficient system in place in 2008, Rohingya could no longer get registered and as a consequence were no longer enjoying any protection from local politicians who would not get any votes from them. This situation had created tensions between local people and the Rohingya. There have been riots but the riots have been organised/instigated by local politicians/leaders. These riots were planned and manufactured and was not a spontaneously reaction against the Rohingya. In April 2010 political leaders in Cox's Bazar had made demonstrations against Rohingya. According to the source, there were political reasons behind it and it was a local phenomenon which was not organised by a certain political party. The source further stated that the anti-Rohingya tension is not an ethnic conflict between Rohingya and local Bangladeshis, but a political and economic conflict where nationality is used as an excuse.

Asked about the attitude of the local authorities towards the Rohingya group, the British High Commission (Mr. Fotheringham) informed that they are rarely making any trouble. The source also pointed at the fact that the crime rate has increased which could have led to a negative attitude towards the Rohingya, however, it does not seem to be the case. As regards the crack down on Rohingya that took place in 2008 and 2009, the British High Commission informed that the atmosphere was not very hostile for the time being and there has not been any recent discussion on the issue in the media.

As regards the crackdown on the Rohingya by the local authorities, the political officer of the Embassy of the USA, Mr. Partha Mazumdar explained that the Bangladeshi authorities do normally not take independent initiatives such as pushing them [the Rohingya] back. The crackdown was meant to intimidate/insult the Rohingya and was mainly executed by local Members of Parliament.

A well informed civil society source explained that last year (2010) 8,000 Rohingya had been displaced and the population of the Kutupalong makeshift camp had grown from 24,000 to 32,000 within a short period. Some had been forcefully expelled from their villages while others had taken refuge in the camps out of fear from reprisals from the local society. In addition, 400 Rohingya were arrested in Cox's Bazar in January 2010 alone. The reason behind this crack down on the Rohingya, was, according to the source, the efficient voter registration exercise undertaken by the caretaker government in 2007-08. The result of this registration had removed 10 million non-

existing people from the voter role, including some Rohingya. The source further explained that in Bangladesh in general there had been 4% new electors registered on the voter list but in Cox's Bazar it had been 14%. In this connection, the source further explained that because BNP had lost local votes among the Rohingya in the Cox's Bazar district, the Rohingya had lost their protection. The source stated that there is nobody to protect the unregistered Rohingya. The source further informed the delegation that tensions in the Cox's Bazar area had started increasing during June/July 2009 where the local press controlled by the centre/left secular part of the society affiliated with the Awami League, had started publishing articles that the refugee camps were used as training ground for terrorists. In addition, local Awami League politicians had been involved in setting up anti-Rohingya Committees in Ukhia.

Ms. Chris Lewa pointed similarly at the many incidents in connection with a crackdown on the Rohingya community in the Chittagong Hill Tracts and the Cox's Bazar area in the beginning of last year (2010). These incidents included police arrests of Rohingya in the streets, i.e. Rohingya rickshaw-pullers who were thrown off their rickshaws, and Rohingya arrested in work sites as they were not able to show any ID cards. For the first time, law enforcement agencies including the police and the Bangladesh border security forces (BDR) were actively involved in rounding up unregistered Rohingya at public places like their work place, along roads, on buses as well as in their private homes, simultaneously in all sub-districts where Rohingya had settled.

At the same time, a campaign was being orchestrated by anti-Rohingya committees which were formed to take the law into their own hands. In Teknaf and Ukhia some of these committees were driven by and funded by the local Awami League politicians. According to Ms. Chris Lewa they were voicing their hostility to the Rohingya presence more loudly than ever and demanding that the government took action against the Rohingya and found a solution.²⁸ Ms. Chris Lewa further explained that the crackdown went on for a couple of months but decreased after the international community started paying attention to the campaign in April 2010. Asked for the motivation of these anti-Rohingya committees, Ms. Chris Lewa said that the local authorities wanted to put pressure on GoB to take initiatives as regards the Rohingya population in the area.

Professor Imtiaz Ahmed informed the delegation that there have been rumors on Rohingya who were recruited for terrorism and that the refugee camps were recruitment grounds for terrorist organizations. Professor Ahmed commented that to be a militant, you need ideological motivation. The fact that the Rohingya are uneducated makes intellectual discussions and the recruitment difficult. Professor Ahmed said that some Rohingya ended up with Taliban, working as chefs. On the other hand there are many arms and drugs in Myanmar and besides it is easy to cross the border. However, Professor Ahmed found that some of these stories had been engineered to have the Rohingya look like a threat. At present, these stories have vanished.

An informed anonymous source mentioned that there have not been tensions between local Bangladeshi people and Rohingya the latest year. There were tensions in 2008 and 2009 that were politically motivated, but so far there have not been any forced deportations according to the source.

²⁸ Further information on the crackdown in 2010 ref. the Arakan Project, *Unregistered Rohingya refugees in Bangladesh: Crackdown, forced displacement and hunger*, 11 February 2010,

III.3.1 Push backs/deportations

Asked if deportations of Rohingya are taking place, UNHCR mentioned that there are no formal deportations as there is no agreement between the Bangladeshi authorities and the Myanmar authorities. Further, as UNHCR does not have formal access to the borders, it is unable to verify the same in relation to the undocumented Rohingya although media reports often speak of undocumented Rohingya being deported (“push-backs”). However, there were no known cases of registered Rohingya being deported. Based on media reports, UNHCR noted that authorities are frequently preventing them from crossing into Bangladesh and on some occasions, undocumented Rohingya are also asked to return to Myanmar over a land or river border. Media reports collected by UNHCR suggest that in 2008, 2009 and 2010, 432, 1,074 and 1,671 persons have been deported respectively.

Ms. Chris Lewa informed the delegation that at the end of 2007, the Bangladesh law enforcement agencies started arresting and pushing back Rohingya across the border to Burma. Initially, only new arrivals were targeted but, since July 2009, people who had settled in Bangladesh for several years were also pushed back/deported. In one case, the deportees were re-arrested by the NaSaKa and the children were sent to their grandparents in Myanmar while the parents were detained for 5 years in Buthidaung jail.

According to Ms. Chris Lewa no official figures have been released but the number of people pushed back, is estimated to be in the hundreds. Ms. Chris Lewa similarly explained that the “deportations” are informal or unilateral because the BDR do not hand over the deportees to the NaSaKa on the Burmese side but simply dump them over the borderline, since the BDR is well aware that the Burmese authorities would not formally readmit Rohingya. Ms. Chris Lewa further explained that the deportations generally took place across the Naf River or over the forested land border.

Ms. Chris Lewa further stated that hundreds of Rohingya, including women and children, had been arrested in Cox’s Bazar District alone in the beginning of 2010. The arrested Rohingya had either been informally deported across the border to Burma, or charged under the Foreigners’ Act and jailed. Ms. Chris Lewa added that migration offences in Bangladesh are generally sentenced with 3 to 6 months. But since Burma does not take back Rohingya, the detainee will sometimes spend up to 20 years in prison. Ms. Chris Lewa explained that in Cox’s Bazar town and its surroundings the police had conducted arrests and prosecutions whereas in Ukhia and Teknaf, BDR and police were both involved in round-ups but those arrested were generally pushed back at BDR border posts.

Ms. Chris Lewa further informed the delegation that presently there are still around 500 Burmese people (not all Rohingya) in detention on charges under Bangladesh immigration laws, the Foreigners’ Act or the Passport Act. According to Ms. Chris Lewa, the detention of Rohingya is of particular concern and they are at risk of indefinite detention. Pre-trial detention can be excessively prolonged – 3 years on average. Even after completing the term of their sentence, Rohingya generally remain in custody as no legal mechanism exists to release them other than formal deportation to Burma, which the Burmese authorities systematically refuse. Before the crackdown started, approximately 100 “releasable” Rohingya were found in indefinite detention – 3 of them having been imprisoned for the last 18 years according to Ms. Chris Lewa.

III.4 Possibility to cross the border between Bangladesh and Burma

The Director in MFA, Ms. Ishrat Jahan Ahmed said that Bangladesh is trying to assure vigilance, however, the source emphasized that it is difficult for Bangladesh to ensure the coastline border. Very recently the government has decided to enhance the border security.

According to the Deputy Refugee Relief and Repatriation Commissioner, Mr. Shah Ariar, many business people from Burma are crossing the border in Teknaf every day. They do not need a passport but can stay in Bangladesh for ten days with a special permission. Among these business people there are also some Rohingya, who have their own special business corner in Teknaf. In the opposite direction there are also some Bangladeshi people travelling to Myanmar for trading. The trip from Teknaf to Maungdaw takes 20 minutes by boat according to Mr. Shah Ariar.

Mr. Shah Ariar further informed that the land border is well protected by Myanmar that has put up a fence along the border to send a strong signal. The border is not intensively guarded by the Bangladesh authorities. Generally, the Bangladesh border guards will not open fire, if somebody is trying to cross illegally. Within the last ten years there have been no episodes involving shooting at the land border according to Mr. Shah Ariar.

According to UNHCR (Bangladesh) it is fairly easy to cross the border legally between Bangladesh and Burma and there is constant traffic of local business people and family members from both sides crossing over on a daily basis. UNHCR similarly informed that it takes approximately 20 minutes to cross over by boat from Teknaf to Maungdaw, and it will take another 45 minutes to one hour to travel from Maungdaw to Buthidaung by road. However, there are many checkpoints along the road in Burma which require a travel pass. At the land border close to Ukhia, the Burmese authorities have build a fence on their side.

With respect to new arrivals, UNHCR estimates that the number of new arrivals [of Rohingya] has not exceeded around 1,300 persons in 2010 given that a number of them remain in Myanmar to register and vote during the elections held on 7 November 2010.

The British High Commission (Mr. Fotheringham) stated that formally one would need a passport to cross the border, valid departure papers known as “D” forms or a valid border crossing card, and a visa for entry to the next country. However, Rohingya, as well as others, are able to cross the border in many cases by boat. The border is porous and not well-patrolled by immigration officials. Since 2008 only a fairly small numbers of Rohingya have been crossing over according to the British High Commission.

According to a well informed diplomatic source (1) there are no difficulties for the Rohingya to get into Bangladesh. Most of the border is a coastline and consists of the river Naf which can be crossed easily. When there are tensions in Rakhine State, the Rohingya are coming across. The source emphasized that it is not possible to stop this movement if the Burmese authorities are not interested in stopping them. “Even if the entire Bangladesh army would guard the border, it would still be difficult to control the coastline border”. According to the source, the border is porous, the coastline is not easy to defend, and is not closed for movements.

Ms. Chris Lewa informed that people from Burma can only obtain a permission to visit Bangladesh, for cross-border business purposes. According to Ms. Chris Lewa the NaSaKa will for a certain price issue travel permissions which are valid for visits up to one month within North Rakhine

State. But some Rohingya use this permission to cross the border clandestinely and work in Bangladesh for the duration of the travel permit, although the travel permit is officially only valid within Myanmar and not to cross the border. She further mentioned that there is a lot of movement across the border, and business people with a special permission from both sides are moving across. Following the spread of the crackdown to the whole of Cox's Bazar District in 2010, Rohingya refugees from North Arakan have practically ceased to cross the border, according to Ms. Chris Lewa. This has increased again following the elections in November 2010, but figures are not available.

Mr. Andrew Barnard, First Secretary, EU Delegation said that the Burmese government has built a fence to protect the border. It is easier for people from Burma to go to Bangladesh than the opposite way.

Professor Imtiaz Ahmed stated it used to be easier to cross the border but now there is a fence in Myanmar. Furthermore there is no job market left in Myanmar which means that the Rohingya end up staying in Bangladesh as unregistered refugees. Previously, there used to be a seasonal migration between Myanmar and Bangladesh going on. In winter the seasonal flow from Myanmar to Bangladesh went up. The reason was that during winter NaSaKa engaged Rohingya as forced labour from which the Rohingya tried to escape by fleeing to Bangladesh. During the summer the ones who fled went back to Myanmar. Now this flow has decreased as it is no longer so easy to cross, and the number of people migrating like this has decreased.

The Executive Director of the Kaladan Press Network, Mr. Tin Soe (himself a Rohingya) said that since the Rohingya do not have access to health care in Burma, they will go to Bangladesh for treatment. They will be able to pay bribe for a day pass to Bangladesh. The cost will be 2000 Taka. Mr Tin Soe further informed the delegation that the flow of Rohingya people arriving in Bangladesh is very limited after the crackdown in 2010. There may be 2-3 people every day or even less. According to Tin Soe the situation in Bangladesh is no longer favorable for the Rohingya. Mr. Tin Soe stated that there are 700 Rohingya in jail in Cox's Bazar and Bandarban districts at the moment. However, the Burmese Embassy will not certify that they are Burmese which mean they will not be released to be send back.

A Bangladeshi researcher who has studied the Rohingya informed the delegation that the security forces on the Myanmarese side are not containing the Rohingya but are rather often reported by Rohingya of pushing them out. The passage is, however, not always safe according to the Bangladeshi researcher. On the Bangladeshi side the hill/coastline border cannot possibly be fully manned by the border force. There are groups of smugglers who know their way through. According to the Bangladeshi researcher, it is more difficult for the Rohingya to return to Myanmar than it is to leave. It is difficult for a Rohingya to obtain a passport, and the passport would not be valid without an exit stamp. For an individual Rohingya, it is difficult to bribe your way through the border, but for a smuggler it may be possible, according to the Bangladeshi researcher. There are negotiators making money by assisting people at the border crossing.

According to a well informed civil society source the border is fairly easy to cross, and there is a lively cross border trade in Teknaf. People from Burma need a travel authority which will lapse within a short period.

A well informed source mentioned that it is quite dangerous to cross the border between Bangladesh and Myanmar as there is a risk of being killed, if you cross the border illegally, either by the Myanmar border guards or the Bangladeshi border guards.

The delegation made a visit to the land border on the Bangladesh side, at Gundum border point, on February 9 2011. There were a couple of armed Bangladesh border guards on duty during the visit but no traffic and no signs to suggest an intensively guarded boarded. From the Bangladesh side the fence on the other side at the Burmese border point could be seen.

III.5 Rohingya's possibility to go to their place of origin in Burma and come back to Bangladesh

When asked if it would be possible for a Rohingya refugee who had stayed for a long period in Bangladesh to go back to his/her place of origin, UNHCR informed that this would only be possible after formal approval is obtained from the Government of Myanmar. It is not aware of any case that has done so without formal clearance by the government.

Mr. Andrew Barnard, First Secretary, EU Delegation said that a Rohingya who left Rakhine State to go to Bangladesh for a period will in many cases have been deleted from the household-list in their village of origin. This implies a risk of persecution by NaSaKa, and it would be difficult for him/her to obtain documents.

Ms. Chris Lewa informed that it would not be possible for a Rohingya to obtain permission to travel back to Burma and it would be too dangerous for them to cross the border illegally. The implications of being caught by the NaSaKa would be five years in jail under Myanmar Immigration Laws. According to Ms. Chris Lewa it is not possible to go back to Arakan/Rhakine State to obtain documents, if you have been away for a long time.

A well informed civil society source further informed that Rohingya cannot go back once they have left Burma, as they will have their names removed from the family/household list. They may get a permission to travel for a limited period, but if they do not return within that period they will be deleted.

Asked if the Rohingya do go back once they are in Bangladesh, a Bangladeshi researcher who has studied the Rohingya confirmed that it is happening, especially if they could not bring their entire family to Bangladesh. According to the Bangladeshi researcher it is possible to enter and exit the border in different pockets, but there is only little information available on this issue. The Bangladeshi researcher further said that it would be risky for a Rohingya living in Bangladesh to go back to Myanmar to fetch Myanmar documents. It would be easier to depend on a smuggler to fetch the documents. In order to bribe ones way through, a negotiator would be needed.

III.6 Possibility to cross the border and come back in one day

Ms. Chris Lewa informed that Maungdaw is only half an hour by boat from Teknaf and there are also land crossing border points.

Please refer also to the information above (III.4).

IV. ID Documents

IV.1 Burmese Rohingya's ID documents

IV.1.1 NRC/TRC

UNHCR Regional Office informed the delegation that in 1995, the Myanmar Government instituted a policy that would allow Muslim residents of northern Rakhine State to acquire personal identity documents. The authorities began to provide this population with white "Temporary Registration Certificates" and these issuance of these documents as been an ongoing process since. The number of TRC holders is estimated to be around 385,000 people. The issuance of a TRC confirms the lawful residence of the holder in northern Rakhine State. As such, the possession of a TRC may help to confirm the individual's eligibility for citizenship if the authorities change their policy on access to nationality for this population in the future.

Ms. Chris Lewa mentioned that every year the Burmese government will select some Rohingya, holders of the former National Registration Card (green card issued prior to the 1982 Citizenship Law), who are permitted to go on "hajj". In this connection and based on their NRC, they will have a passport issued which they have to give in on return. Otherwise, the ID document for Rohingya is the Temporary Residents Card (TRC) that gives permission to work and reside in North Rakhine State (but not the right to citizenship). Ms. Chris Lewa mentioned that some Muslims in Yangon have been able to obtain the "pink" registration card which is normally only issued to Burmese citizens. On the basis of this card they have been able to obtain Burmese passports. In Arakan/Rhakine State this would not be possible according to Ms. Chris Lewa.

IV.1.2 Birth certificates

Ms. Chris Lewa informed that the Burmese authorities have stopped issuing birth certificates officially to the Rohingya but that any document can be bought also in Burma. According to Ms. Chris Lewa it is quite normal to pay someone to acquire the needed documentation.

A well informed civil society source were asked if Rohingya would have access to give birth at hospitals in Burma, to which the source informed that normally they would need to travel to the hospital and it would then depend on a travel authorization. On average, it would take at least 5 weeks to have a permission issued and if it is a birth, there will be no time for this. In addition, Rohingya women are refused Caesareans.

The Executive Director of the Kaladan Press Network, Mr. Tin Soe (himself a Rohingya) said that as regards birth certificates, they are not being issued for Rohingya in rural areas, whereas in urban areas Rohingya can have birth certificates issued. The difference is that in the rural areas Rohingya will need to pay a travel fee to go to the municipal office. In cases of registration, the NaSaKa will register the child but they will not issue a certificate. The cost of a registration is 3,000 Kyat²⁹.

IV.1.3 Other documents

A diplomatic source who works with Rohingya across East Asia informed the delegation that Rohingya from North Rakine State require permission to travel inside of Burma. This permission must be accompanied by an ID document, normally the household register - which lists all family

²⁹ 1,000 Kyat = 1 USD (5,5 DKK)

members and is often the only documentation issued to Rohingya families. If one person in the family is travelling, the other family members listed in the register must stay home as they cannot move freely without a travel permit and the corresponding family register. In connection with voter registration for the November 2010 elections in Burma, many Rohingya applied for voter registration cards and have been able to use them to substitute for the family register to use with travel permits. However, some Rohingya who had been able to obtain Burmese voter registration cards lost them in either the floods in June 2010 or Cyclone GIRI in October 2010.

APRRN informed that the Rohingya have no formal registration in Arakan/Rhakine. Those who have been repatriated by UNHCR from Bangladesh have a document, but for the others there is absolutely no registration as it is a harassment for the Rohingya to go to the authorities. In Burma/Myanmar you can only register as Burman and Rohingya are not recognized as an ethnic group. Furthermore, there is a payment for registration which the Rohingya cannot afford. APRRN stated that if the Rohingya managed to get registration they would not leave the country.

According to an IOM-officer who used to work in Burma the way to obtain documents in Burma is by bribing. She further mentioned that she would not be surprised if Bangladeshi people could purchase Burmese ID.

A well informed civil society source informed that it is possible to obtain documents by bribe in Myanmar, as for instance a marriage license.

The Executive Director of the Kaladan Press Network, Mr. Tin Soe (himself a Rohingya) said that Burmese people who are not staying in Burma cannot obtain any documents from Burma once they have left.

IV. 2 Rohingya's possibility to obtain Bangladeshi ID documents and passports

The Director in the Ministry of Foreign Affairs, Ms. Ishrat Jahan Ahmed mentioned that it has been reported that some Rohingya managed to acquire Bangladeshi passports. This has also been evident from some labour migrants who travelled to the Middle East and who tried to have their passports renewed at the Embassy of Bangladesh in the Saudi Arabia, but were caught with false passports. In this connection, the Director mentioned that it is difficult for these Muslim people to obtain documents in Myanmar, and instead some of them have come to Bangladesh. The Director further explained that with the introduction of new machine readable passports in Bangladesh since 2010 and a computerized system to check national ID-cards, it has become more difficult to obtain a passport. A Rohingya would no longer be able to obtain a Bangladeshi passport according to the Director. Previously, a passport could be obtained on the basis of a letter from the local village Chairman, but now a national ID card is required. The old passports are still valid but some countries as for instance United Arab Emirates have made it mandatory to present a machine readable passport in order to obtain a visa.

The District Commissioner (DC) of Cox's Bazar, Mr. Giashuddin Ahmed similarly informed the delegation that it is well known that some Rohingya have obtained false passports. Likewise, the DC underlined that Bangladesh has now issued national ID cards and made an efficient registration of the voters which eliminate the possibility for the Rohingyas to obtain false documents. The passports are also being issued carefully. There is now a special form which has to be completed in the Cox's Bazar area, as they are not yet issuing machine readable passports. The special form has to be supplemented by various documents, including documents for landownership, confirmation by

five witnesses, local government certificate, electricity bills and telephone bills to certify the address etc. The process of issuing new passports is taken step by step according to the DC and gradually the old passports will be withdrawn and new ones will be issued.

The Camp-in-Charge (CIC) of the Nayapara Refugee Camp, Mr. Saiful Islam, informed the delegation that some Rohingyas had managed to be recognized and have a national Bangladeshi ID card issued. According to the CIC it is also difficult for the local administration in Bangladesh to differentiate between Rohingyas and Bangladeshis. As regards the Bangladeshi national ID card, which is used for casting vote, 47,000 Rohingyas lost their card after the election process in 2008 according to the CIC.

According to UNHCR (Bangladesh) there are many instances where Rohingya may have obtained national Bangladeshi ID cards and passports, especially before 2008 when Bangladesh did not have a computerised system for ID cards. Bangladesh is at present moving towards “machine readable passports” but the old passports are still valid and apparently fairly easy to obtain. Rohingyas have used Bangladeshi passports to travel often to the Middle East, Thailand and Malaysia. There are examples of registered Rohingya refugees who have left the country in this way.

Several sources (including a diplomatic source who works with Rohingyas across East Asia, US Embassy Dhaka, British High Commission and other well informed diplomatic sources (1+2) as well as IOM, Chris Lewa and Tin Soe) emphasized that integrity of documents is not high in the region and a wide variety of documents are for sale. In this vein, the sources added that some Rohingyas travel to the Middle East as migrant workers on counterfeit or fraudulent Bangladeshi travel documents, and that Bangladeshi passports are easy to copy but in August 2010, a machine readable passport was introduced which is more difficult to falsify than the old one. The old passports are still valid for 10 years after being issued.

A well informed diplomatic source (1) stated that anything can be produced by anybody in Bangladesh, including birth certificates, school certificates and passports. The source further explained that corruption is very high and everything is for sale. .

A well informed diplomatic source (2) similarly stated that in general, Bangladeshi documents have very little weight, except education documents which include photos, document a history, and can be verified. The source added that birth certificates from Bangladesh are issued on self declared information.

British High Commission (Mr. Fotheringham) stated that the price of a fraudulently obtained passport is between 50 to 100 EUR. However the British High Commission is actively involved in supporting the document checking procedures at the airport and so far there have been no incidents where Rohingyas have been caught with Bangladeshi passports.

Chris Lewa informed that fake documents in the Cox’s Bazar area are very common and that there is a market for Bangladeshi documents for Rohingyas in the area, including birth certificates, national ID cards and passports. Chris Lewa further informed the delegation that previously many Rohingyas in Bangladesh had been able to obtain Bangladeshi documents, including school certificates and some had also been able to buy land. However, in connection with the latest voter registration in 2007 and 2008 for the Parliamentary elections in December 2008, there were reports about many people – up to 100,000 – who had been excluded from the lists. After the elections, a new verification and update of the list was undertaken in 2010, and Chris Lewa was referring to

newspaper reports indicating that as many as 45,000 Rohingya had been excluded from the list in various municipalities [upazilas] in the Cox's Bazar district³⁰.

Regarding passports, Chris Lewa explained that it has been reported from Rohingya in Saudi Arabia that Rohingya have renewed their passports at the Bangladesh Embassy in Saudi Arabia in order to travel to Europe and seek asylum. Chris Lewa further mentioned that some of the Rohingya in Saudi Arabia hold Pakistani documents.

A Bangladeshi researcher who studied the Rohingya, mentioned that given the dimension of informal rural economy in Bangladesh, it is possible for a Rohingya to acquire land, which over time may also lead to registration on voters' lists and this may facilitate gradual assimilation and "formalization". New comers may also attempt to use the identity of family members in Bangladesh to obtain a passport. Once a Rohingya has a passport it cannot be proved that you are Rohingya.

The Executive Director of the Kaladan Press Network, Mr. Tin Soe informed that some Rohingyas manage to get a Bangladeshi passport. Previously it was easier and a passport could be acquired for approx. 5,000 taka but now it has become more difficult with new ID registration and machine readable passports and the price could be as high as 20,000 taka.

A well informed civil society source informed that it is an issue for the unregistered Rohingya to obtain documents. A valid ID card is a requirement for obtaining legal jobs, registering children at schools and to have access to health care and micro-credit loans etc. Prior to 2007 some Rohingya had managed to get a valid Bangladeshi ID card and have their children registered in local schools. However, the voter registration undertaken by the caretaker government in 2007-08 was excluding many Rohingya who had previously obtained an ID card. The source further informed that a new national ID card is planned to be rolled out from March 2011 with the assistance of the World Bank which will make it even more difficult for the unregistered Rohingya.

An informed source mentioned that as regards Rohingyas living in the villages, some of them who fled to Bangladesh in the 70'ties obtained Bangladeshi ID cards by bribe, but it has become more difficult now to obtain Bangladeshi documents.

IV.3 Local Bangladeshi people's possibility to obtain Rohingya documents

UNHCR (Bangladesh) informed that it is well known that the level of fraud with documents in Bangladesh is quite high and the Rohingya refugee documents, including the Family Books are also subject to being traded within the Rohingya refugees and even Bangladeshis. In the early days, the documents did not have any photos. Initially (1991), the Rohingya refugees received a "pink form" and later on (1992) a Family Book. (ref. above II.3). According to UNHCR, the pink forms have often been copied, falsified and names have been added. UNHCR further explained that the old Family Books have often been purchased from refugees residing inside or outside the camp or from family members of repatriated refugees and subsequently used to claim fake identity and/or add names in order to claim refugee status abroad and/or receive rations. UNHCR added that official seals and camp-in-charge signatures have often been falsified. Other documents such as the NFI distribution sheet and the Medical sheet have also often been photocopied to claim refugee status or

³⁰ Chris Lewa mentioned the Daily Star, article from August 2010: <http://www.thedailystar.net/newDesign/news-details.php?nid=149475>

to obtain bail to prove refugee status when in custody according to UNHCR. Finally, UNHCR mentioned that the new refugee ID cards introduced in July 2008 is more secure. However, there have been a few instances where forgeries have been found that are unable to replicate the laminated security feature. UNHCR plans on introducing even more tamper-proof identity cards globally in the coming years.

According to Ms. Chris Lewa it is well known and documented that Rohingya refugee documents have been bought and sold in Bangladesh after Rohingya families repatriated. Ms. Chris Lewa did not have any knowledge of selling and buying of Burmese documents in Bangladesh, but she mentioned that in practice “anything can be bought”.

The Executive Director of the Kaladan Press Network, Mr. Tin Soe said that as regards provision of Burmese documents, Burmese business people might be selling documents from Bangladesh, for instance in Teknaf, and Bangladeshi people would also be able to obtain Burmese documents through these businessmen. Mr. Tin Soe mentioned that there are examples of duplicating TRC cards in Bangladesh.

A Bangladeshi researcher who has studied the Rohingya was not aware of any Bangladeshi people trying to take the identity of a Rohingya. The Bangladeshi researcher further pointed at the fact that the possibility of migration to Denmark/Europe for local Bangladeshi people from the area of Cox’s Bazar (Ukhia and Teknaf) would probably be less likely, as it is a very undeveloped and poor area. Migrants may come from the big cities as for instance Chittagong.

IV.4 Registration and changes in family books

According to UNHCR only government staff, Camp-in-Charge, is authorised to make changes in the Family Books. (ref. also II.3)

V Secondary Movements of Rohingya

V.1 Mobility out of Bangladesh

According to UNHCR Bangladesh, the prime destination countries for the Rohingya who move on from Bangladesh are Middle East, Thailand and Malaysia. More recently there are a number of Rohingya who have applied for asylum in New Delhi, India. Most people use over land routes and flights according to UNHCR, but there are also boats leaving from Bangladesh and heading towards Thailand and Malaysia. The passengers of these boats sometimes include Bangladeshi nationals, Rohingya who have stayed in Bangladesh for some time and Rohingya directly from Burma who are picked up en route. UNHCR has alerted the GOB on persons they suspect are organising these illegal departures. Asked if there are any known cases of trafficking, UNHCR commented that cases of trafficking, especially of women and on occasion children, are known. However, this is not restricted to the Rohingya. Traffickers could include both Rohingya and Bangladeshi nationals.

UNHCR Regional Office further noted that people smugglers operating clandestine boats out of Myanmar and Bangladesh have been increasingly reported by the media. Refugees and asylum-seekers can be found on such boats, as they are often traveling in the same directions and using the same routes and means of transport as other migrants in such mixed movements. Because of their vulnerable situations, possibly traveling without proper documentation for example, refugees are at a high risk of extortion, exploitation and being trafficked.

A well informed diplomatic source (2) said that most Rohingya would either move to Thailand or Malaysia if they move out of the region. This is among other reasons due to the fact that Rohingya are not making much money in Bangladesh. According to the source, many boats (10-11) with Rohingya departing for Malaysia have been observed in this (winter) season.

A well informed diplomatic source further mentioned that there is a capacity to save money in the camps and there are also remittances being transferred to the camp residents. Some Rohingya who have managed to get a Bangladeshi passport may move by air to the Middle East. The source further mentioned that there is an extensive labour migration from Bangladesh to the Middle East. Some of the migrants may be from Teknaf and Cox's Bazar, including Rohingya who may then declare themselves as Rohingya once they have arrived to the Middle East.

According to the British High Commission it is believed that some Rohingya move on to Malaysia for work mainly from the camps – both the registered and the unregistered from makeshift camps, but it is only a small group.

Mr. Fabrizio Senesi, Programme manager, EU Delegation, informed the delegation that Rohingya are mainly migrating to Thailand, Malaysia and the Middle East. The winter season is favourable for migration especially for boats crossing the Bay of Bengal and the number of migrants increases in this period. Asked if trafficking of Rohingya is taking place, Mr. Fabrizio Senesi replied by saying that fleeing by boat must be done in an organised way since it is impossible for immigrants to provide a boat themselves.

A Bangladeshi researcher who has studied the Rohingya informed that there are agents in Myanmar approaching Rohingya families with proposals on migration. The agents will often either promise the Rohingya that they will obtain a refugee status in Bangladesh, be united with their families or they will use Bangladesh as a transit point and propose them to migrate to other countries. Most of the Rohingya who move on are according to the Bangladeshi researcher men between 20 and 35 years old. Many of them will try to go to the Middle East where there is a big Rohingya community and among them also Rohingya who live legally in the Middle East. Others will try to get to Malaysia which is a popular destination for labour migrants. Another group will try to reach Thailand which is also used as a transit point for Australia and Europe according to the Bangladeshi researcher. The Bangladeshi researcher further explained that if Rohingya have been able to obtain a genuine Bangladeshi passport and a visa, their mobility will be the same as a Bangladeshi and their departure cannot be separately registered. According to the source the Rohingya from Myanmar will be able to acquire money for migration by selling off their property and land in Myanmar. In other cases the extended family would raise money for one person to emigrate. According to the Bangladeshi researcher there are recruiters working at both ends – in Myanmar as well as in Bangladesh. They are the first point of contact and they are as mobile as the Rohingya. They do not function on their own but work as part of a chain, however it may not be exclusively a Rohingya chain.

The Executive Director of the Kaladan Press Network, Mr. Tin Soe (himself a Rohingya) informed the delegation that the Rohingya from the registered refugee camps as well as Rohingya from makeshift sites and outside the camps are leaving Bangladesh to work abroad. Many are leaving by boat from Bangladesh. Mr. Tin Soe further said that there are 500,000 Rohingya living and working in Saudi Arabia. These people have mainly left Burma after 1978 according to Tin Soe. Remittances are being sent back to Burma and Bangladesh according to the source. A trafficker can

quite easily provide a passport for a Rohingya, however, it is more difficult now with the implementation of a new machine readable passport. Mr. Tin Soe added that Rohingya who went to Malaysia will often work in the plantations and some Rohingya will head for Australia. When asked if it was likely that an employer of a Rohingya in Bangladesh would pay for a trip to Europe, Mr. Tin Soe said it was definitely not possible.

A well informed civil society source informed that he was not aware of any movements to Europe. However, during this season (January-February) some Rohingya people are coming to Bangladesh to board boats heading for Malaysia and Thailand. If the Thai government recaptures the boat the refugees will be sent back to Myanmar and then often caught by the Burmese police/NaSaKa in which case the refugees face prison for years. According to the source, this has been going on for the last ten years. Among the people organizing the boats are also Rohingya. In addition, other Rohingya are travelling by air to Karachi and the Middle East and according to the source some of these people could eventually end up in Europe.

People's Empowerment, Mr. Ahmed Abid stated that for a Rohingya going from Rahkine to Bangladesh, the smuggler/trafficker will demand 50-100 USD or up to 300 USD. The price for going to Malaysia is 500 USD. In addition the migrant must pay bribes to government authorities. The bribery will be done by a middleman. By every stop there is a payment. In the chain of smugglers there are Rohingya involved. Each boat contains 70 to 80 persons. According to Abid Ahmed, the whole family may contribute by selling land and livestock in order to pay for one son to migrate. People may be leaving by fishing trawlers from Bangladesh. They will access the trawlers in the Naf river by small boats.

V.2 Mobility out of Thailand

A diplomatic source who works with Rohingya across East Asia stated that Thailand is either the transit point or accidental landing point for Rohingya destined for Malaysia. Malaysia is considered by many Rohingya to be a Muslim society where they face less restrictions and are able to access employment, albeit, illegally. They are also able to register with UNHCR in Malaysia.

The diplomatic source who works with Rohingya across East Asia source added that in March 2009, according to advocacy NGOs, a notorious Rohingya human smuggler was taken into custody in Malaysia. He was released in December 2010 and, reportedly, repatriated to Bangladesh on a false Bangladeshi passport. Three weeks later in the beginning of January 2011, Rohingya advocates had news of the departure of approximately 12 boats with an estimated 600-700 from Bangladesh and Burma.

APRRN informed that many human smugglers are active in facilitating the travel for Rohingya to Malaysia, but if the Rohingya are caught in Thailand, there is no protection available for them and they will be arrested and put in detention indefinitely, accused of entering Thailand illegally. APRRN further informed that two decades ago, the situation was more favorable and there were opportunities for the Rohingya to travel to Saudi Arabia and the Gulf States, but now the situation is more difficult and there is less movements towards the Middle East. Now the movements are more eastward towards Malaysia and Indonesia. In this connection APRRN stated that there is a large population of approximately 30,000 Rohingya in Malaysia. APRRN explained that it is difficult for the Rohingya to cross Burma over land and pass through Thailand, and therefore most of them would arrive by boat from either Burma or Bangladesh, especially in this (winter) season which is

“high season” for boats. According to Mr. Tianchainan, the boats had stopped arriving for some time after 2009, but since the end of December 2010 and beginning of January 2011 they started again. Most of the boats are heading for Malaysia, but some end up in Thailand.

APRRN further explained that there are well known human smugglers – some of them known to be Bangladeshis and others Rohingya – who cooperate with Malaysian smugglers. According to APRRN it is also well known that human smugglers have been able to get some Rohingya released from low level arrests in Thailand, but not from detention centres. These human smugglers would also be able to influence the authorities and assist Rohingya in repatriating to Bangladesh in order to facilitate a new smuggling. APRRN informed that it is a business which has developed over the years as countries in the region, especially Thailand and Malaysia, are extremely dependent on migrant workers. The smuggler economy is going up correspondingly with immigration laws being tightened. The more dangerous smuggling becomes, the more money is involved as well as people involved.

People’s Empowerment informed the delegation that trafficking networks are in place for Rohingya going from Thailand to Malaysia. The networks also reach Bangladesh and Northern Rakhine State. Many Rohingya are involved in these networks in collusion with law enforcement officials.³¹

VI Rohingya refugees in Thailand

UNHCR, Regional Protection Hub for the Asia- Pacific, based in Bangkok, gave an overview of the general migration movements in the region as a framework for understanding the situation for the Rohingyas. UNHCR explained that migration in the region is mixed, multi-layered, and characterized by a large number of labour migrants, with refugees making up a relatively low number of the total migratory movements.³² Complicating the situation further is that some countries are simultaneously experiencing both types of labour migration, such as Thailand. A number of labour sending countries in the region have bilateral migrant worker’s schemes with the destination countries. The main source country for refugees in South East Asia according to UNHCR statistics is Myanmar.³³

UNHCR Regional Office explained that the international legal framework for refugees in South East Asia is weak as most countries are not signatories to the 1951 Refugee Convention and/or its 1967 Protocol. In situations in which a country in the region does not have a national asylum system in place, UNHCR steps in to conduct refugee status determination. In some countries in the region, it has been noted that mandatory detention is used as a tool for managing migration.

IOM (Thailand) similarly explained that there is a regular flow of migrants from Burma/Bangladesh to Thailand, Indonesia and Malaysia. The flow is a mixture of refugees and worker migrants and to

³¹ “Refugee Protection in ASEAN, national failures, regional responsibilities”, People’s Empowerment, page 10
<https://docs.google.com/viewer?a=v&pid=explorer&chrome=true&srcid=0BxLziM8S5ULBNji1N2VjMGYtNjBmNy00Y2I0LTg1NWU0MTJmZWJINDdmNmU2&hl=en&authkey=CPfitNQJ>

³² UNHCR Regional Office mentioned that the destination countries for labour migrants in South East Asia include Brunei Darussalam, Thailand, Malaysia, and Singapore; Destination countries outside South East Asia include Japan, Republic of Korea for example. Labour sending countries include Indonesia, Myanmar, Sri Lanka, Bangladesh, and the Philippines.

³³ UNHCR Regional Office explained that the largest number of refugees from Myanmar is in Bangladesh, with 228,000 Muslims from northern Rakhine State. Of these 200,000 are unregistered and represent an estimate by Bangladeshi authorities. Malaysia also hosts a notable number of refugees from northern Rakhine State, Myanmar.

a large extent there is no distinction between the two groups. IOM further informed that boats with migrants from Bangladesh and Burma started arriving in 2007/2008. The first boat stranded in Indonesia where the Rohingya migrants were arrested. IOM offered assistance with food and shelter, interpreters (from Bangladesh) and assisted with voluntary return.

IOM (Thailand) informed that there are around 1 million registered Burmese immigrants in Thailand. Unofficially, there may be at least 1 million illegal immigrants in Thailand.³⁴

VI.1 Attitude of Thai authorities to Rohingya

UNHCR Regional Office informed the delegation that Thailand has not signed the Refugee Convention. However, it has put in place a system referred to as the Provincial Admissions Boards to determine if someone who has arrived from Myanmar would be considered a displaced person fleeing conflict. However, that procedure is not currently functional.

UNHCR added that it was granted access to interview the latest group of Rohingya arriving by boat in January 2011.

A diplomatic source who works with Rohingya across East Asia stated that in practice Rohingya refugees entering Thailand by boat are either detained by the Thai authorities and remain in detention indefinitely or are intercepted by Thai authorities, and risk being pushed back to sea, something which has happened multiple times in the past. The few who manage to enter Thailand would not be able to acquire legal status as Thailand is not a signatory to the 1951 Refugee Convention and does not have domestic asylum laws.

The diplomatic source who works with Rohingya across East Asia further stated that in late 2008 and the beginning of 2009 some 200 boat people arrived in Thailand from Bangladesh and Burma. The passengers were a mix of Rohingya and Bangladeshis. The Bangladeshi citizens were eventually repatriated after the Bangladesh Embassy in Bangkok verified their identity. Various NGO's collected money to pay for their return tickets and the fines for entering Thailand illegally. The Burmese Rohingya, however, remain in indefinite detention in Thailand after two years. IOM (Thailand) and Asia Pacific Refugee Rights Network (APRRN) referred to the same event. APRRN added that some of the boat people who arrived in 2009 (approx. 70) are still in detention in Thailand.

According to IOM (Thailand) most of the Burmese people (99%) who flee to Thailand want to continue to Malaysia. Among them especially people from the Chin community who have their Christian churches in Malaysia and the Rohingya who are Muslims. IOM further informed that Rohingya migrants who are heading for Malaysia, are sometimes caught in Thailand and detained. For them the situation in Thailand is a loose-loose situation as there is neither an option for integration nor for resettlement but only detention. IOM mentioned that there had been a lot of public attention to the boats arriving in 2009 and it has been reported in the newspaper that Thai authorities have tried to push back the boats with immigrants but so far it cannot be verified that it has happened.

According to IOM (Thailand), the situation for the Rohingya (and other refugees) in Thailand is that there is no law to protect them. Thailand has not signed the Refugee Convention and there is no

³⁴ IOM Thailand, Labour Migration Programme (LMP), briefing paper, January 2010.

national law on asylum. The reality is that Thailand is a humane and Buddhist country but it is unpredictable in which situation the refugees will land.

If the boat people are considered to be refugees, there is no solution for them in Thailand according to APRRN. Considering approximately 70 Rohingya who stranded and were detained in Thailand in 2009, and the new arrivals in 2011, there will be a total of 300 Rohingya detained in Thailand according to APRRN.

According to APRRN there is no regional framework for protection of refugees. There is the so called “Bali process” focusing on combating trafficking from a national security perspective, but this process is not looking at refugees. In Thailand there is no framework to deal with refugees, and the authorities can either try to resettle refugees or keep them in detention.

APRRN explained that the Thai authorities had tried a “soft deportation” by transferring the people from detention to boats set adrift by the Thai Navy and pushed out into the sea. According to People’s Empowerment, Rohingya who arrive at the southern coast of Thailand are arrested upon arrival and detained in the immigration detention centers (IDC) where they spend months. Several Rohingya have reported that they were deported to the Burmese city of Myawaddy at the border.³⁵

Thailand is seen as a transit country to Malaysia due to the fact that refugees find themselves insecure in Thailand that has no refugee law and is not party to the UN refugee convention and its protocol.³⁶ People’s Empowerment states that in the beginning of 2009 Rohingya refugees arrived by boat at the Thai coast. The Thai navy pushed many of these refugees back to sea. 1,000 Rohingya refugees were picked up by the Indonesian Navy and more that 300 people believed to have been drowned.

VI.1.1 Interceptions of refugee boats by Thai navy

The diplomatic source who works with Rohingya across East Asia further said that two boats are believed to have been intercepted by the Thai authorities and pushed back out to sea in January 2010, mimicking the events of 2009. Two boats were taken into custody with a total of 135 passengers currently in Thai detention. One of the “pushed back” boats with 91 Rohingya drifted to the Indian territories at the Nicobar Islands, and the other “pushed back” boat of 129 Rohingya drifted to Indonesia. All Rohingya are currently detained by Indian and Indonesian authorities. As regards the event on 91 Rohingya who drifted to Indian territories it was also referred to by APRRN.

According to the APRRN there is at present an estimated 226 Rohingya boat people, including an unknown number of children, detained by Thai authorities in the southern provinces of Thailand. They were intercepted in three boats: one boat with 91 persons intercepted in Trang Province on 22 January, one boat with 67 aboard in Satun Province on 23 January 2011 and another group of 68

³⁵ “Refugee Protection in ASEAN, national failures, regional responsibilities”, People’s Empowerment, page 6-7
<https://docs.google.com/viewer?a=v&pid=explorer&chrome=true&srcid=0BxLziM8S5ULBNjI1N2VjMGYtNjBmNy00Y2I0LTg1NWUtMTJmZWJINDdmNmU2&hl=en&authkey=CPfitNQN>

³⁶ “Refugee Protection in ASEAN, national failures, regional responsibilities”, People’s Empowerment, page 4-5
<https://docs.google.com/viewer?a=v&pid=explorer&chrome=true&srcid=0BxLziM8S5ULBNjI1N2VjMGYtNjBmNy00Y2I0LTg1NWUtMTJmZWJINDdmNmU2&hl=en&authkey=CPfitNQN>

detained in Phuket Province on 1 February 2011 respectively. There was no evidence to point fingers at the Thai authorities, but these people had now been found and could tell their story.

VI.2 Thai refugee camps

UNHCR Regional Office noted that there are nine temporary shelters built along the border between Thailand and Myanmar for displaced persons from Myanmar. The sites have existed for some 30 years. There is a registered population of 94,342 people from Myanmar in these sites, the overwhelming number of them are from the Karen and Karenni ethnic groups.

UNHCR Regional Office added that the Thai authorities have begun a system of birth registration of new born children, as birth registration in Thailand is universal under recent revisions to its nationality laws.

A diplomatic source who works with Rohingya across East Asia also said that there are nine camps for approximately 150,000 Burmese refugees at the Thai-Burmese border from which Denmark, Australia, Canada, Finland, Norway, Netherlands, New Zealand, Sweden, UK, US, Czech Republic, and Japan are resettling refugees. These camps are permitted by the Thai authorities, and the authorities have also agreed to allow refugee resettlement from the camps. The camps only have a small Muslim population (10-15%), of which most are Burmese Muslims. Rohingya would, as a maximum, constitute a handful of the camp population according to lawyers who have visited the camps.

Mr. Veerawit Tianchainan, APRRN explained that Burmese refugees have been entering Thailand for the last 20-30 years and are considered “displaced persons”, but UNHCR stopped registering them in 2001-2002. APRRN informed that previously, the displaced persons would receive a residence card, but the last cards were issued 10 years ago. Among these refugees, there are also some Muslims according to APRRN, but they do not define themselves as Rohingya. Generally, it has not been a problem for them to stay in Thailand, but two years ago, in 2009, the Thai authorities started being suspicious about Muslims because of the Muslim insurgencies in the southern part of Thailand. The National Security Council had therefore stated that if the Thai authorities allowed the Muslims from Burma to seek asylum in Thailand, it would be a pull factor for more Muslims to come. The camp authorities would not allow them to stay in the camps at the Thai – Burmese border after 2009, according to APRRN. However, some Rohingya live in the camps pretending to be of other than Rohingya ethnicity.

IOM (Thailand) informed that the organization has been involved in the resettlement of refugees from Thailand since 1999, and there is a huge resettlement programme for refugees from Lao PDR and Burma in Thailand. Within the last 5 years (since 2004) IOM has facilitated the resettlement of approximately 70,000 refugees to 12 different countries. USA is the biggest destination country but Japan has now also joined the programme as a new country for the first time in 2010. According to IOM the population in the camps in Thailand has not dropped in spite of the extended resettlement. Only refugees registered before 2005 are entitled to resettlement. This year (2011) there is a target of resettling 10-11,000 refugees. According to IOM there are 1.4 million registered Burmese immigrants in Thailand. Thailand has stopped registration according to IOM and the programme has reached its peak and is expected to drop now.

VI.3 Economic and social situation of the Rohingya refugees

A diplomatic source who works with Rohingya across East Asia said that Rohingya who remain in Thailand have a better chance of remaining “invisible” in Muslim-majority Southern Thailand. Our source stated that there are no exact numbers of how many Rohingya reside in the south of Thailand.

People’s Empowerment describes the situation for Rohingya in Thailand in the following way: Rohingya who manage to enter Thailand will live as illegal immigrants and although they may have a better situation than in Bangladesh and Burma they still face insecurity in the sense that they are subject to police harassment. For years Rohingya were able to apply for temporary work permits. A new nationality verification procedure, however, requires proof of identity documents such as passports which exclude the Rohingya who are unable to obtain passports in Myanmar according to the citizenship law of 1982.³⁷

As regards other “displaced persons” from Burma, APRRN informed that their situation is a kind of “status quo” in the sense that they can survive and are allowed to stay and work as day-labourers in agriculture and fishing. Sometimes they might also qualify for a “migrant worker’s status”. For the Rohingya, however, there has been no hope for the last 10 years for them to obtain any status in Thailand. According to APRRN, it is difficult to assess the number of Rohingya outside the immigration detention centers in Thailand. It could be from 500 to several thousand but most of them would head for Malaysia and not stay in Thailand.

³⁷ “Refugee Protection in ASEAN, national failures, regional responsibilities”, People’s Empowerment, page 7
<https://docs.google.com/viewer?a=v&pid=explorer&chrome=true&srcid=0BxLziM8S5ULBNjI1N2VjMGYtNjBmNy00Y2I0LTg1NWUtMTJmZWJlNDdmNmU2&hl=en&authkey=CPfitNQN>

Organisations, authorities and persons consulted

Bangladeshi authorities

Ministry of Foreign Affairs (MFA) of Bangladesh

Ms. Ishrat Jahan Ahmed, Director

District Commissioner (DC) of Cox's Bazar

Mr. Giashuddin Ahmed

Refugee Relief and Repatriation Commissioner (RRRC) (under the Ministry of Food and Disaster Management)

Mr. Shah Ariar, Deputy in Cox's Bazar

Camp-in-Charge (CiC)

Mr. Saiful Islam in charge of Nayapara Refugee Camp.

CiC is the representative of GoB in the refugee camps and is responsible for implementation of government policies on refugee matters. The overall activities of the two camps are coordinated by the Refugee Relief and Repatriation Commissioner's office at Cox's Bazar.

Diplomatic missions

British High Commission, Dhaka

Ms. Riful Jannat, Political and Human Rights Officer and Mr. Ian Fotheringham, Immigration Liason Officer

Embassy of the United States of America, Dhaka, Bangladesh

Mr. Partha Mazumdar, Political Officer

A well informed diplomatic source (1)

A well informed diplomatic source (2)

A diplomatic source who works with Rohingya across East Asia

EU Delegation to Bangladesh

Mr. Andrew Barnard, First Secretary, Head of Political Economic, Trade, Press and Information Section, European Commission and Mr. Fabrizio Senesi, Programme manager, Governance and Human Rights

International organizations

United Nations High Commission for Refugees (UNHCR), Dhaka office

Mr. Craig Sanders. Representative and Mr. Arjun Jain, Senior Protection Officer

United Nations High Commission for Refugees (UNHCR), Cox's Bazar Sub-Office

Mr. Mahmood Syed Hussain, Head of Sub-office, Ms. Jane Williamson, Protection Officer and Mr. Sander van Niekerk, Associate Protection Officer

United Nations High Commission for Refugees (UNHCR), Regional Office, Thailand

Mr. Thomas Vargas, Head of the Regional Protection Hub for the Asia-Pacific, Bangkok

International Organisation for Migration (IOM), Dhaka

Dr. Igor Kazanets, Chief Migration Health Physician and OIC, Utpal Barua, Operations Assistant and Zakia K. Hassan, National Programme Officer

International Organisation for Migration (IOM), Bangkok

Mr. Hans R. Beckers, Regional Programme Coordinator Resettlement and Voluntary Return, Ms. Michiko ITO, Assistant Resettlement Coordinator and Ms. Claudia Natali, Labour Migration Programme Manager

Academia

Professor Imtiaz Ahmed, Dhaka University, International Relations. Professor Ahmed recently published *The Plight of the Stateless Rohingyas: Responses of the State, Society & the International Community*, University Press Limited, 2010

The study behind the book is based on interviews with Rohingyas in the Chittagong region. The interviews are carried out in 2009 by a total of 30 male and female students from Chittagong University for the reason that they speak the local dialect. Each student collected minimum 3 cases. The study included interlocutors living in the refugee camps as well as in Chittagong.

A Bangladeshi researcher who has studied the Rohingya

Local non-governmental organisations (NGO)

Ms. Chris Lewa, Coordinator, the Arakan Project

Ms. Chris Lewa explained that her engagement in the Rohingya started in 1999/2000 when she got involved in the Arakan Project, a sub-project under Forum Asia. Initially she worked intensively during the repatriation drive from Bangladesh in 2003. Since 2005 the Arakan Project has worked as an independent NGO with focus on information and analysis of the situation for the Rohingya in the region, including Burma, Bangladesh, Thailand and Malaysia. The NGO receives its funding from various international donors. The organization has been referred to as the world's leading organization on Rohingya refugees (IRIN, 29 March 2011).

Kaladan Press Network (KPN), Executive Director

Mr. Tin Soe, (a Rohingya himself, based in Chittagong) is an independent and non-profitable news agency of Rohingya of Arakan, Burma. Kaladan Press Network is aiming to develop its news media network of the Rohingya people, since Rohingya have less opportunity for freedom of expression and other fundamental rights and freedom in their homeland. <http://www.kaladanpress.org/v3/>

Forum Asia/ Asia Pacific Refugee Rights Network (APRRN)

Mr. Yap Swee Seng, Executive Director, Mr. Anoop Sukumaran, Coordinator Asia Pacific Refugee Rights Network and Mr. Veerawit Tianchainan, Chair of Southeast Asia Working Group of Asia Pacific Refugee Rights Network and Executive Director of Thai Committee for Refugees Foundation

The Asia Pacific Refugee Rights Network (APRRN) is an organization comprising around 120 organisations across Asia – from Afghanistan and throughout Asia – working with refugee issues across borders. The organization is among others lobbying various commissions under ASEAN including ASEAN Regional Human Rights Commission and the Commission on Women and Children for better conditions for refugees and to put focus on migration and refugee issues. Forum Asia is housing the network/the organization. The organization has various thematic working groups including: Immigration Detention, International Advocacy, Legal Aid and Advocacy, Right to Health and Women and Girls at Risk. <http://refugeerightsasiapacific.org/about/who-we-are/>

People's Empowerment

Ms. Chalida Tajarosuk, Director, Mr. Ahmed Abid, Team Leader, Mr. Abud Kalam, Burmese Rohingya. People's Empowerment is an NGO that works to promote a wide range of human rights and human security issues throughout Thailand and Southeast Asia by serving as a civil society network through which community-based partner organizations share knowledge, strategies, and resources to work together for positive social change. Among other activities People's Empowerment mentioned that they are being contacted by detainees in the Thai detention centers and boat people who are stranded elsewhere. In many cases boat people are coming from Bangladesh and they only speak Chittagong Bangla in which cases People's Empowerment can assist with interpretation and counseling. <http://www.peoplesempowerment.org/>

Other sources

A well informed civil society source

An informed anonymous source

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The study behind the book is based on interviews with Rohingyas in the Chittagong region. The interviews are carried out in 2009 by a total of 30 male and female students from Chittagong University for the reason that they speak the local dialect. Each student collected minimum 3 cases. The study included interlocutors living in the refugee camps as well as in Chittagong.

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UNHCR: *Bangladesh: Analysis of Gaps in the Protection of Rohingya Refugees*, May 2007,

<http://www.unhcr.org/refworld/pdfid/472897120.pdf>

Annex 1 Terms of Reference

Terms of Reference for Fact-finding Mission to Bangladesh and Thailand focusing on Rohingya Refugees from Burma

I. Distinctive cultural features of the Rohingyas in Bangladesh

1. Polio vaccination scars on Burmese people (Which groups got the vaccination in different periods since 1978? On left/right arm?)
2. Language issues:
 - 1) School attendance, including teaching in Bangla/Rohingya?
 - 2) Education in the camps: which subjects are included in the curriculum –Burmese? Rohingya-language? Bangla?
 - 3) Various other provisions to maintain the Rohingya language?
 - 4) Indicators to suggest that the refugee group's original Rohingya language is assimilated with local Bangla?
3. Cultural and religious practices performed by the Rohingyas which are different from local Bangla practices, including possible visible signs of such traditions
4. Economic and social situation of the Rohingya refugees, including access to employment and mobility within Bangladesh, i.e.possibility to seek employment in Chittagong/Dhaka?
5. Family organization and social relations between the Rohingya refugees
6. Mixed marriages between Rohingyas and Bangladeshis?
7. Existence of local and/or international networks?

II. Situation for Rohingyas registered in refugee camps in Bangladesh:

1. Relation between camp refugees and Rohingyas living outside the camps, family ties or other forms of interaction?
2. Possession of ID documents from Burma?
3. ID documents for camp residents, Family Books and other registration documents?
4. Procedure for verifying registration in the camps

III. Situation for unregistered/ illegal Rohingyas in Bangladesh:

1. Situation for unregistered Rohingyas outside the camps, restrictions/employment?
2. Situation in the makeshift camps/unregistered camps, restrictions on mobility/employment etc?
3. Attitude of local authorities to the unregistered Rohingya group, including occurrence of forced deportation?
4. Situation at the border between Bangladesh and Burma, including the possibility to cross the border?
 - 1) How long will it take to travel from Teknaf to Buthidaung (jf. også p.6 i Internt Notat)
 - 2) Have the Burmese authorities build a fence at the border? (jf. Aljazeera 27.10. 2009)

5. Is it a common practice that Rohingyas go to their place of origin in Burma and come back to Bangladesh?
6. Is it possible to cross the border and come back in one day?

IV. ID Documents

1. Burmese Rohingyas's ID documents, including birth registration
2. Rohingya's possibility to obtain Bangladeshi ID documents and passports?
3. Local Bangladeshi people's possibility to obtain Rohingya documents, including Family Books?
4. Registration and changes in family books?

V. Rohingya refugees in Thailand

1. Cultural and religious practices of the Rohingya refugee group, including possible visible signs of such traditions?
2. Economic and social situation of the Rohingya refugees, including their mobility?
3. Family organization and social relations between the Rohingya refugees?
4. Relationship between Rohingya refugees in Thailand and Rohingya groups living in other countries, family ties or other forms of interaction?
5. Rohingya's ID documents

Annex 2: Map of Asia (Political) 2008



Source: *University of Texas Libraries*

Extract of map of Asia:

http://www.lib.utexas.edu/maps/middle_east_and_asia/txu-oclc-247232986-asia_pol_2008.jpg

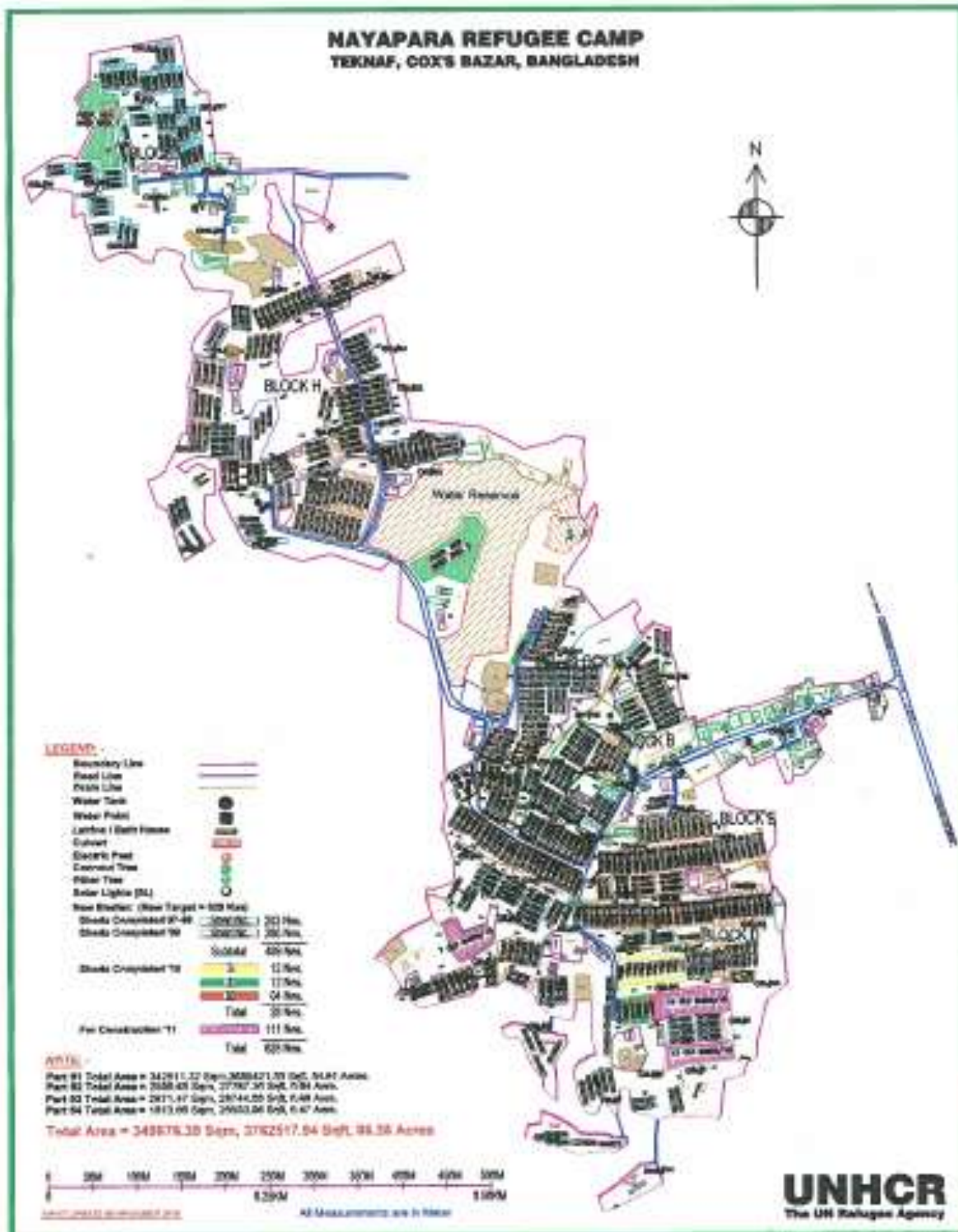
Annex 3: Map of Cox's Bazar District



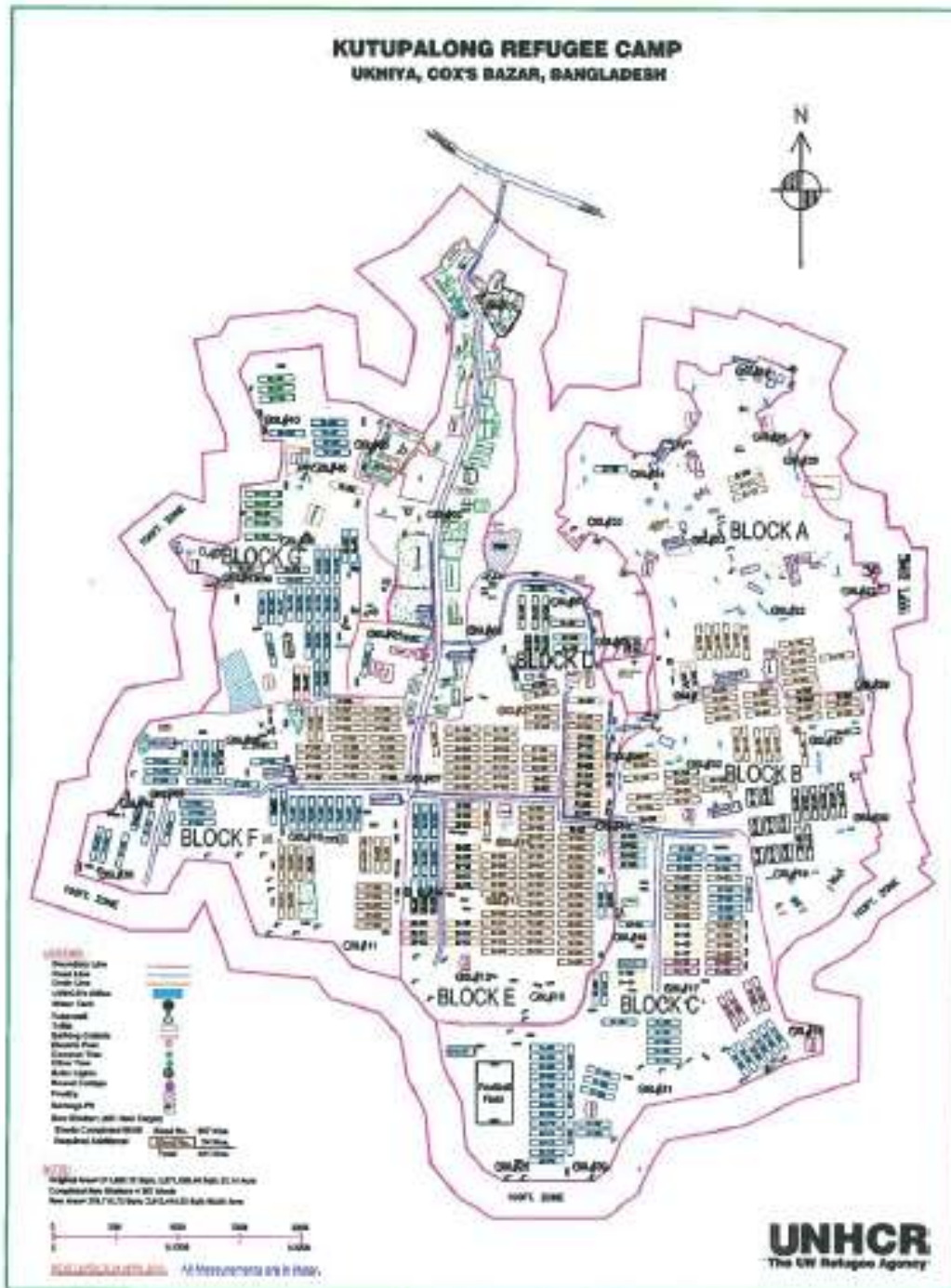
Source: *The ARAKAN PROJECT, Unregistered Rohingya refugees in Bangladesh: Crackdown, forced displacement and hunger, 11 February 2010*, Ms. Chris Lewa, Coordinator, The Arakan Project, Bangkok, THAILAND, page 5

<http://refugeerightsasiapacific.org/wp-content/tmp/Arakan-Project-Bangladesh-Rohingya-11Feb10.pdf>

Annex 4: Map of Nayapara Refugee Camp



Annex 5: Map of Kutupalong Refugee Camp



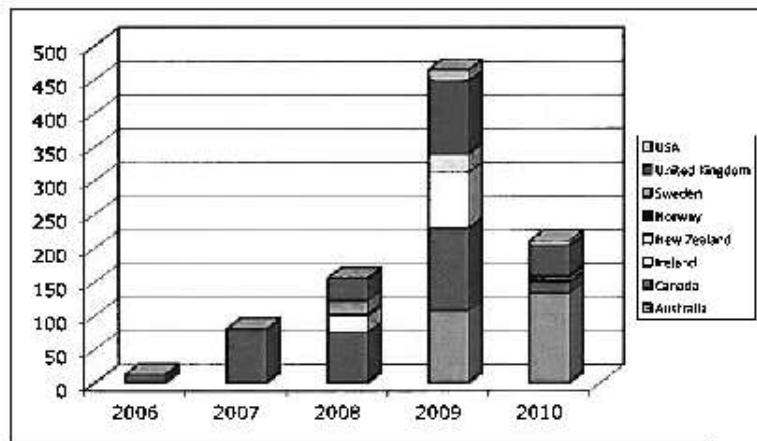
Annex 6: Refugee Resettlement Statistics of IOM, Bangladesh



IOM International Organization for Migration

Refugee Resettlement Statistics of IOM
(2006 - 2010)

Country	Calendar Year					Total
	2006	2007	2008	2009	2010	
Australia	-	-	-	108	134	242
Canada	13	81	76	122	17	309
Ireland	-	-	-	82	-	82
New Zealand	-	-	23	27	6	56
Norway	-	-	4	-	-	4
Sweden	-	-	19	-	-	19
United Kingdom	-	-	34	109	47	190
USA	-	-	-	17	7	24
Grand Total	13	81	156	465	211	926



Yearwise Comparative Statistics of Refugee Resettlement

Projected Number for the CY 2011	
Australia	101
NZ	6
UK	113
USA	600
Total	820