

Gendering Refugee Crisis in South Asia – The Case of Rohingya Refugee

Women

LIST OF ACRONYMS

SPDC - State Peace and Development Council

NLD – National League for Democracy

CEDAW – Convention for the Elimination of All forms of Discrimination Against Women

UDHR – Universal Declaration of Human Rights

DEVAW – Declaration on the Elimination of Violence against Women

ARSA – Arakan Rohingya Salvation Army

WASH – Access to Water, Sanitation and Hygiene

RWDN – Rohingya Women Development Network

ISCG – Inter Section Coordination Group

ARF – Asean Regional Forum

SAARC – South Asian Association for Regional Cooperation

ASEAN – Association of Southeast Asian Nations

Who are the Rohingyas?

The contemporary era is marked by an ever increasing movement of refugees and stateless people from one corner of the world to another. The ‘well-founded fear of persecution’ has driven millions of refugees from one country to another in the hope of getting a better standard of living and a settled life, after toiling in brutal conditions of ethnic persecution, war, conflict and violence. The ever persisting conflict between the Rakhine Buddhists and Rohingya Muslims has dominated Western Myanmar or Arakan state for centuries, now called Rakhine. The Rohingyas, a Muslim minority ethnic group hailing from the state of Rakhine in Western Myanmar, have been termed as the “world’s most persecuted minorities” (UNHCR) and at present around 9,09,919 refugees live in a sordid situation in the Cox’s Bazar district of Bangladesh, languishing in the fear of ethnic persecution, in the agony of forced displacement and in the dilemma of diasporic identities.

Till 1784, Burma and Arakan were separate entities. The descent of the Rohingyas in Arakan can be traced back to the pre-ninth century period. ‘Islam arrived in the seventh century via trading links to India and Arabia, but the region remained multi-confessional, with Hindus, Buddhists and Muslims living together. Under these influences, the Rohingya’s language evolved from its early roots with the adoption of Arabic and Persian words, and the script adapted to more closely resemble that of Bengali.’¹ The proportion of Muslims in Arakan increased significantly during the rule Muslims in Bengal in the earlier half of the 13th century and during the era of the Mrauk-U dynasty. In 1660, the Mrauk-U ruler gave refuge to the ‘fleeing Mughal prince Shah Shuja and his band of soldiers. This led to further migration of Bengali Muslims to Mrauk-U.’² On the other hand, subsequent periods in Burma saw the emergence and rule of the Pagan kingdom, the Ava Empire and the Konbaung dynasty. Burma flourished as a powerful region in the period between 1752 and 1885. The year 1784 witnessed clashes among the nobility in the Mrauk-U Empire leading to a sudden attack on and annexation of Arakan by Burma. However, Burma could not retain its control over Arakan for long because in 1824-26, the First Anglo-Burmese War led to the annexation of Burma by the British.

Scholars like Francis Buchanan observed as early as 1799 that the region of Arakan was inhabited by two main communities – the ‘Mohammedans who have long settled in Arakan and who call themselves Rooinga, or natives of Arakan’ and the ‘Rakhing... who adhere to the tenets of Buddha’.³ However, despite the presence of sufficient evidence,

scholars like Derek Tonkin has claimed that the Rohingyas were not among the earliest inhabitants of the region, rather Rohingya identity is a feature of post-1948 era, that is, after Burma became independent.

The 'anti-British feeling was stronger in the Buddhist, mainly ethnically Burman communities while many minority ethnic groups were pro-British – particularly the Muslim Rohingyas and the Christian Karen.'⁴The acquisition of power by the military in 1962 following the coup under the leadership of General Ne Win marked the worst times for the Rohingyas who were excluded as a minority, with the idea of equating a Burmese with a Buddhist getting deeply entrenched in Burma, and the 1970's and 1980's witnessing Buddhism as being propounded by the ruling military as the state religion. Islam was relegated to the minority zone and Buddhism became the state ideology as a whole. The human rights of the Rohingyas were jeopardized in the post 1962 era, with the 1974 Emergency Immigration Act based on ethnicity issuing Foreign Registration Cards to the Rohingyas rather than National Registration Certificates.

In 1978, the Naga Min Operation or King Dragon was undertaken by the military. This campaign further excluded the Rohingyas from Citizenship rights followed by mass genocide and multiple forms of brutalities. Mass exodus again took place. The Rohingyas further faced exclusion via the 1982 Citizenship Law that laid down three categories of citizens – full, associate and naturalized. The law failed to give recognition to the Rohingyas as one of the 135 legal ethnic groups of Myanmar and deprived them of Myanmar citizenship at large. The year 1992 witnessed the formation of the Na Sa Ka, or the *Bama* acronym for Nay-Sat Kut-kwey Ye which was primarily the Border Task Force comprising the police, Military Intelligence, Immigration department, customs officials and the Lon Htein or Internal Security and Riot Police. This event led to massive clampdown and restriction on movement of "Asia's New Palestinians"⁵ exemplified by a different kind of travel permit through the 'form-4', accompanied by arbitrary taxation. Discrimination and tortures have continued over the years despite International covenants like the UDHR providing in Article 2 that 'everyone is entitled to all the Rights in the Declaration without distinction of any kind, such as "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".'⁶ Further, The SPDC has time and again rejected the existence of the Rohingyas as a separate ethnic group.⁷ Thus the years 1978, 1991-92, 2012 and 2015 were marked by large scale exodus of Rohingyas following mass genocide, violence, rapes and tortures. The Arakan Rohingya National Organization was formed in 1998 and subsequent

clashes occurred between various rebel groups and the government of Myanmar. It was hoped that with the coming to power of the NLD in 2015, there would be an end to all forms of tortures on the Rohingyas, with words such as peace, progress, harmony, stability and freedom orchestrating from the electoral campaigns of General Aung San Suu Kyi. But the Muslim Rohingyas were not even allowed to vote in the 2015 elections. The same leader, whose speech in Oslo in 2012 was adorned with words and ideals such as – “ultimately our aim should be to create a world free from the displaced, the homeless and the hopeless, a world of which each and every corner is a true sanctuary where the inhabitants will have the freedom and the capacity to live in peace”⁸ has time and again been totally silent and evasive of charges of mass genocide in her country. Armed attacks and organized violence on the part of the Tatmadaw and buddhist groups such as MaBaTha has further intensified forced migration of Rohingyas in the post-2017 period to Bangladesh and India.

The Need of looking into Refugee Women’s Experiences and the International Protection Regime for Refugee Women

Women experience multiple forms of discrimination – for being stateless, for being a refugee, for being a Rohingya and for being a woman. Being relegated to the sphere of the ‘Other’ in the post-colonial reality, there is an effacing of the self of the woman. She is born to be in blemishes, she is a symbol of subjugation, she is destined to be in darkness. While the phenomena is not something that is new, discussions about statelessness, internal displacement, refugee crisis and forced migration necessarily involve taking the feminist historiography into account because a complete understanding of the refugee situation would be futile without looking at refugee women’s experiences. “It is in the person of a refugee that women’s marginality reaches its climatic height”.⁹ Women are the worst sufferers of ethnic persecution, conflict, violence and war. The patriarchal society reconstructed by the refugee regime at each and every moment makes the refugee women and their honour an object of crucifixion and a target of desecration. Refugee women are subject to abduction, rapes, trafficking and various kinds of sexual abuses which often go unnoticed in the entire paraphernalia of the refugee and protection regime. Further, the economic condition of these

invisible refugees is much worse than the mainstream male refugees. The most low-skilled, lowest paid and demeaning jobs are assigned to women refugees.

It is important to note that ‘the plight of women being persecuted for reasons related to their gender as victims of systematic rape, sexual abuse, and discriminatory patterns of traditional customs and behaviour is a matter not addressed directly by the Convention of 1951.’¹⁰ Article 1 of the 1951 Convention provides no category of gender as a ‘reason’ or category of persecution. Further, article 3 of the convention which defines what is ‘non-discrimination’ has completely excluded the category of sex. The meaning of the words ‘refugee’, ‘well-founded fear’ and ‘persecution’ is quite ambiguous in this instrument. The 1951 convention mostly deals with refugees ‘lawfully’ staying in the territory and apart from prohibiting contracting states from imposing penalties on refugees entering illegally on account of threat to their life or freedom as enumerated in Article 1, and prohibiting contracting states from applying restrictions on movement, the convention does not explicitly talk about undocumented migrants and stateless people. Therefore, ‘the protection of the rights of refugees, who are without national protection and the prevention of conflicts, between the countries of origin of refugees and the asylum countries are matters of national and international concern.’¹¹

Till the adoption of the CEDAW in the year 1979, the concern with gender-based violence was reflected only in the International Humanitarian Law which is based on the Geneva conventions of 1948 and in International Criminal Law.¹² CEDAW, for the first time in 1979 provided in article 2 that ‘state parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.’¹³ The contemporary reality, however, shows a contradictory and dismal picture, despite Myanmar being a state party. The CEDAW, however lacked provisions of protection of women and girls against violence. This was remedied by the DEVAW in 1993. This declaration has been regarded as integral to International Refugee Law as it has not only given a definition of sexual, physical and psychological violence but the instrument has also laid down obligations for the state parties to provide reports on the implementation of the measures laid down by the declaration. The DEVAW has been extremely crucial in International Refugee Law as it clearly talks about the violations of human rights of the women refugees and the brutalities including forced prostitution and trafficking that they have to undergo for being a refugee and for being a woman. The Mexico (1975), Beijing and Copenhagen World Conferences on Women

contained recognition of violence but those instruments did not exclusively deal with refugee women's issues. In 1985 in the Nairobi World Conference on Women 'violence received an unprecedented articulation. However, such articulation confined it to being understood only as a "women's issue".'¹⁴ In 1990, in the *Note on Refugee Women and International Protection* submitted to the Forty-First session of the Executive committee, the UNHCR urged the governments of different nation states to bring gender among one of the probable grounds of persecution. Further, the UNHCR clearly recognized in 2002 in the *Guidelines for Gender-Related persecution* that 'even though gender is not specifically referenced in the refugee definition, it is widely accepted that it can influence, or dictate, the type of persecution or harm suffered and the reasons for this treatment.' The UNHCR also in the section on 'well-founded fear' has provided that 'while female and male applicants may be subjected to the same forms of harm, they may also face forms of persecution specific to their sex.'¹⁵ Further, the *Guidelines for the Protection of Refugee Women* which dealt with mechanisms for improved protection and focussed on the improvement of reporting of physical and sexual protection problems of the refugee women was adopted in 1991. The 'UN Security Council Resolution 1325, agreed in 2000, recognises women's role in peace building and the impact of armed conflict on women. It promotes women's participation and representation at all levels of decision-making..and the integration of a gender perspective in post-conflict processes and UN activities.'¹⁶

In case of Bangladesh, the Right to Protection of Law and prevention of any action harmful to the life, liberty and body of a person has been enumerated under article 31 of the constitution and the importance of the law was emphasized in the case of Abdul Latif Mirza vs. Bangladesh -

'It was declared by the Appellate Division of the Supreme Court of Bangladesh that Article 31 gives citizens a constitutional guarantee and that they will enjoy the protection of law and should be treated in accordance with law and this will be their inalienable right. A refugee is a person who has been pushed away from their home country and has sought refuge elsewhere. So he is not entitled to the rights of a citizen. However, it is laid down in Article 31, that no action can be taken which is detrimental to the life, liberty, and property of any person including a refugee except in accordance with law.'

Bangladesh has not acceded to the 1951 convention and there is a lack of domestic laws and national policies to deal with the refugee situation. Refugees are being given the status of

foreigners in Bangladesh under the Foreigners Act of 1946. Further, the Legal Aid Act of Bangladesh which was passed in 2000 provides for litigation for the distressed refugees. Some other laws which deal with the non-national population of Bangladesh are - Registration of Foreigners Act of 1939, Passport Act of 1920, Bangladesh Citizenship (Temporary Provision) order of 1972, Extradition Act of 1926 and so on.

However, despite having International laws and protection regimes, violations of human rights of refugee women have become common phenomena in case of Myanmar, Bangladesh and India. The UNHCR must indulge in implementing durable solutions for protecting the rights of the refugee women and the United Nations should consider taking action against the perpetrators of violence and mass genocide. The goal of any protection regime should be to eliminate all forms of violence including the abolition of the 'license to rape' and discrimination including that which is based on gender and sexuality.

Gender based violence, Economic Impoverishment and Poor Health Conditions

Johan Galtung says that 'a violent structure leaves marks not only on the human body but also on the mind and spirit.'¹⁷ Those marks, those scars have not spared the Rohingyas of darkness till today. Violence has been ideologically entrenched in the society, in the ambience and in the power structures within which the Rohingya women struggle for survival. 'Gender-based violence refers to violence targeted to a person because of their gender, or that affects them because of their special roles and responsibilities in their society.'¹⁸ Women constitute more than 50% of the refugee population and have been largely subject to Sexual and Gender-Based Violence (SGBV). Along with forced labour, eviction, arbitrary arrest and murders women further have to undergo the most common form of violence which is rape. Rape has become a common phenomenon in Myanmar and in the refugee camps in Bangladesh and India. 'Rape is a deliberate tactic used in war to dehumanize and dishonour not only the woman but also her husband and the entire community. The humiliation and degradation of rape are only compounded by the impunity of the perpetrators...'.¹⁹ Along with rape, forced labour and abduction, torturing and beating

of minor girls and trafficking of adolescent girls all have been on a rise since the past few decades. Further, “pregnant women, who are very near to delivery, are attacked by swords. Their baby is taken out from their womb and thrown away. This is the most extreme and brutal form of violence, not only against women but also against humanity.”²⁰

The saga of Rohingya women’s exploitation is not new. Since the inception of military rule in 1962, violence and multiple forms of brutalities have escalated. Operation Naga Min, or Operation King Dragon undertaken by the military in the year 1978 bears testimony to this fact. ‘This military campaign directly targeted civilians, and resulted in widespread killings, rape and destruction of mosques and further religious persecution.’²¹ The operation was undertaken not only to exclude the Rohingyas from the various Rights of citizenship but it was aimed at pre-planned genocide, which led to forcible eviction and large scale exodus of nearly 200,000 Rohingya people from Erstwhile Burma into Bangladesh. This was followed by a bilateral agreement between Burma and Bangladesh and most of those Rohingyas were repatriated. The entire process led to the death of about 10,000 refugees most of whom were women and children, caused by extreme malnutrition and illness.²² A report by the panel of investigators set up by the United Nations Human Rights Council in 2017 showed that 80 per cent of the rapes of Rohingya girls and women were gang-rapes, 82 per cent of which were carried out by the Tatmadaw, that is, Myanmar’s military forces.²³ However, time and again, political leaders and higher officials in Myanmar have consistently denied allegations of sexual violence despite pressure from the civil society groups, media and International organizations.

Other forms of gender-based violence include genital mutilation, domestic violence, rape and murder of female children in front of mothers and slaughtering of families. The years 1991-92 witnessed the creation of the brutal NaSaKa or the Border Task Force, which initially operated mainly in the Northern part of Rakhine, and was directly under the control of the SPDC, an anti-Rohingya state council. Forced labour and mass genocide were accompanied by rapes of women. ‘The renewed attacks in the period 1991-92 saw 250,000 flee to Bangladesh, and again were marked by the use of forced labour, beatings, rape and land theft’.²⁴ The situation today is equally very disturbing in the refugee camps in Cox’s Bazar, Bangladesh where women and children are tortured, raped, abducted and trafficked. “International organizations allege some Bangladeshi border guards, military, and police officials facilitate trafficking of Rohingya, including accepting bribes from traffickers to gain access to camps.”²⁵ The Rohingya women not only endure violence inflicted upon them by

the military, but they undergo tortures by the men of their own community. They are frequent victims of domestic violence and the targets of pent-up frustration of the Rohingya men.

The entire community is based on patriarchal norms, with the husband performing the traditional role of a breadwinner and the wife performing the role of a housekeeper. Women experience verbal, physical and sexual assaults on the part of the local community, male relatives and their employers. However, due to shame and the fear of being ostracized, they hesitate to share their painful experiences.

Violence and memory have integral roles to play in the lives of the refugee and stateless women. Their ghastly experience from their native state in Myanmar and their horrific tales as refugees in Bangladesh pervade every aspect of their psyche and shatters their identities every moment. The identity crisis is augmented by their memories of forced displacement and the agony of seeing their families getting slaughtered in front of their eyes. The primary narratives of the Rohingya women bear testimony to the mass atrocities that they have gone through. Fatima, a Rohingya woman in her 20's, narrated her ordeal in 2017 in KyetYoePyin village in an interview to Human Rights Watch –

*'Four soldiers attacked and suddenly entered the house. One grabbed the children, two of them grabbed each of my arms. They were armed with rifles, pistols, small and long knives, and some were wearing ammunition belts. My eldest [5 year-old] daughter screamed and said, "Please leave us"... so they killed her...with a machete. They killed her in front of me. When they killed her, I became very upset – [The Soldiers] said many things to me that I could not understand and put a gun to my head..... They kicked me in my hip and back, and beat me on the head with a wooden stick.[Then] one of the soldiers tore off my clothes. Two soldiers raped me; one by one. They were about 30 to 35 years old. They touched too many places in a very painful way - they touched my chest, they touched my vaginal area. They did it quickly, they only opened their zippers – they didn't take their pants off. When another soldier tried to rape me, I resisted. Then they burned my leg with plastic, they put it out on my leg.'*²⁶

Further, 'Amina, a woman in her 20's from HparWutChaung village, said that soldiers raped and killed her 13-year old sister during a raid on their home in early December, as well as five other siblings. She said :

*When they entered [our house], our brothers were sleeping on the veranda, and we [five sisters] were in the bed. They shot and killed my [brothers] and held the girls so they couldn't move. They instantly shot my younger sister in the head. While [another sister] was running away, they shot [her too]. They took my other [13-year-old] sister to another room and raped her there. We heard [her screaming]. She screamed, "Someone save me! He's trying to take my clothes off!" What I saw from outside is that 10 more people entered that room with my sister.'*²⁷

While talking about Sexual and Gender-based violence, the tortures inflicted upon the Rohingya men often go unnoticed. Mostly, women are identified as victims and men as perpetrators. Rohingya men and boys in the refugee camps in Bangladesh are easy targets of physical abuse and violence, sexual and mental tortures and wide forms of economic exploitation. They are forced to be a witness to rapes of Rohingya women and are subjected to varied forms of brutalities like mutilation, castration, burning and anal rape. Adolescent boys and the men detained by the NaSaKa and Tatmadaw have been specific targets of violence. In Cox's Bazar district of Bangladesh, the vulnerable categories comprise the adolescent and young boys, boys with mental and intellectual disabilities, child labourers, people with diverse sexual orientation and so on. The trauma resulting from these multifarious acts of violence curbs the human capacities of the Rohingya men to grow and flourish or even to lead a normal life. As reported by The New Humanitarian in September 2019, Nurul is a refugee who endured rape and violence during the mass genocide carried out by the Myanmar military which forced almost 700,000 Rohingyas from Rakhine in August 2017 – "Nurul Islam feels the pain every time he sits: it's a reminder of the sexual violence the Rohingya man endured when he fled Myanmar two years ago."²⁸ Forced labour, insufficient wages, recruiting child soldiers, beatings and killings comprise other categories of physical violence against Rohingya men. The ARSA despite claiming the protection of Rohingyas from massacres as it's primary aim, has time and again tortured the Rohingya civilians only. They have, however, refused to take responsibility of the crimes committed in Cox's Bazar district of Bangladesh. The ARSA has further engaged in tortures, abduction and rape of women and has threatened them that their lives will be in jeopardy if they continue to work.

However, the Rohingya women have no other alternative as they continue to live in extremely impoverished conditions as 'Cox's Bazar is one of Bangladesh's most vulnerable districts, with a poverty rate far exceeding the country's national average.' Lower wages, almost no income, lack of educational and working opportunities in the Myanmar itself and

in the refugee camps in Bangladesh and India are some of the factors which make the Rohingya women more vulnerable as compared to the men folk. Wages of Rohingya women are much lower than Rohingya men. Interviews conducted by Shamima Akhter and Kyoko Kusakabe in 2010 and 2012 at the Kutupalong refugee camp revealed the current employment status of the Rohingya men and women. 'Of the 19 men, 6 were farm workers, 1 was a businessman, 4 said they were daily labourers, another 4 rickshaw pullers and 4 unemployed. In contrast, three women said they were housewives, and none said she was unemployed. Other occupations listed by women were domestic worker (6), firewood seller (2), net weaver (3), sex worker (2), cleaner (2), cloth seller (2), camp volunteer (1) and hotel cook (3). It is more difficult for men to get jobs because they are more visible to the police and face higher risks of arrest.'²⁹The women also indulge in work in the soap-making factories and in domestic chores. Lack of educational opportunities has further degraded the state of Rohingya refugee women and children. Education and a decent standard of living have become synonymous to a mirage for them, as they are enmeshed in the paramount struggle to survive each and every day. Economic and sexual exploitation by the Mahjee or the Rohingya male community leaders are also rampant in the refugee camps in Bangladesh.

There is extreme food insecurity and lack of access to healthcare services. Health surveys carried out between March and May 2019 showed that 'females aged 5 years and above more commonly report experiencing unexplained fever(33.8%), acute watery diarrhoea(32.8%).. while bloody diarrhoea(60.4%) is more commonly reported in cases under the age of 5 years.'³⁰ Inadequate toilet facilities, presence of a poor infrastructure, shortage of water, lack of awareness about menstrual issues are some ingredients of poor health and sanitation facilities that characterise the refugee camps in Bangladesh.³¹

Rohingya Women – From Victims to Actors

In recent years, the Rohingya women are engaging themselves economically and socially and lending new dimensions to women empowerment and gendered refugee experience, despite the violence that they have encountered for so long. Rape has been used as an instrument of ethnic conflict and war and these survivors of myriad forms of violence are now trying to regain and uplift their status in society. The quest to regain identity has taken the shape of the Rohingya Women Development Network (RWDN) which was founded in 2016 in Malaysia

by Sharifah Shakira. Skill training is provided by this group to women so that they can develop employment opportunities. RWDN also tries to work on social problems that characterise the Rohingya community like domestic violence and child marriage. Apart from the RWDN, non-governmental organizations and charity groups play an important role in the lives of Rohingya women in Cox's Bazar area of Bangladesh by setting up women's centres in the camps, health clinics, and training women in sewing, crafts and printing and helping them to initiate their own businesses.³² Despite facing threats from the conservative Islamic community, the Rohingya women are willing to take a step further to achieve emancipation from the unimaginable darkness that has pervaded their lives for decades. Women are emerging as community leaders including those who have survive the horrors of sexual violence are engaging in organising the refugee camps, setting up groups for the advocacy of women's rights and are clamouring for justice. Examples can be drawn from the Shanti Mahila Network that appealed to the International Criminal Court in the year 2018 for investigating the crimes and violent incidents that have shook up the Rohingya community since the past few decades. Further, the Rohingya Women's Welfare Society provides assistance to women enduring domestic violence and marriage related problems. 'The Women's Empowerment and Leadership Task Force under the ICSG Gender in Humanitarian Action Working Group(GIHA WG) are working to promote the safety and protection, as well as providing the skills and opportunities, to empower women in camp governance through engagement in formal and informal decision making and leadership positions and bodies, in line with internationally-recognized standards and frameworks.'³³

A Long Journey Ahead

Today, a large number of Rohingya women remain detained in the correctional homes as "Jaan Khalash Muslims" in various parts of the country. They have been detained under Section 14 of the Foreigners' Act of 1946. Some of them have lost their families, others have endured extreme forms of violence.

Violence is a charismatic ideology and a paradox inherent in human nature. It is often used in conflict situations to further marginalise the women from the body politic. The quest to reassert patriarchal ideologies comes handy with the desire to entrench ethno-religious identities. Violence is just a weapon of war, but the real challenge is posed by the

devastating horrors portrayed as ideologies justifying themselves in the name of religion, ethnicity, caste, gender, race and so on. 'In Muslim displaced communities, for instance, the loss of freedom of women has come hand in hand with the adoption of more conservative cultural practices as a way of reasserting a religious and ethnic identity.'³⁴ War gets over, individuals die, humanity suffers, but ideology lives eternally. It's manifestation can be found in the homogenization of identities and citizenship which becomes evident in the endeavour of the state structures towards 'privileging a certain type of citizenship, and such citizens are usually men, who belong to the majority community; and profess to accept monolithic cultural values that deny the space to others of difference. Such a denial has often led to the segregation of minorities, on the basis of caste, religion and gender from the collective we.'³⁵

Despite horrible events taking place in Myanmar, General Aung San Suu Kyi, the first incumbent State Counsellor, the leader of the National League for Democracy and the Nobel prize winner, has plainly rejected and avoided all questions and issues of genocide. According to her "ethnic cleansing" is too strong a term to use.³⁶ 'When the issue of her dealing with the Rohingya Muslims was mentioned and how the international community has condemned it, she asks, "What exactly is it that they are condemning?" She is of the firm belief... that there is no ethnic or religious war taking place in the Rakhine state.'³⁷ State leaders should start taking responsibilities and rethink humanitarian intervention, although humanitarian intervention is itself a contested act and a variedly interpreted concept. Any endeavour towards repatriation should not be without any guarantee of basic human rights. The refugees should be locally integrated into the mainstream society. 'A new UN inter-agency community based development programme is being developed to promote livelihoods and community structures in regions hosting refugees and "illegal migrants".'³⁸

Further, citizenship laws, which have been extremely discriminatory, should be suitably amended so as to include the Rohingyas. The International Criminal Court should properly investigate the crime those have been committed against humanity. Regional organizations like the ARF, ASEAN and SAARC of which Myanmar is a part can play an important role in pressurizing for the Government to take necessary humanitarian steps. The constitution of Myanmar needs an urgent modification so as to include the Rohingyas. Especially, the Citizenship Laws of 1948 and 1982 and the Emergency Immigration Act of 1974 need to be modified so as to end all forms of discrimination against the Rohingyas. However, only amending the constitution would be fruitless unless International mechanisms are strengthened. Repatriation should be thought about only when it is voluntary and when

necessary humane conditions prevail so to recognize the human rights of the Rohingyas. At present also, ‘refugees wish to remain in Bangladesh until they are sure of their future safety in Myanmar and UNHCR’s active involvement on the other side of the border.’³⁹ More health centres should be set up for women and their access to work and education should be strengthened. Further, the Rohingya children who are left homeless due to separation or death of families should be focussed upon and they should be allowed to live with their mothers in the correctional homes, where often after a child gets 7 years old is separated from his/her mother, which is very painful for the Rohingya woman as well her child.

Borders and migration are evolving intersections in the vast spectrum occupied by identity, space, body and politics, with gender playing an important role in the entire phenomenon. As pointed out by Betty Freidan, ‘the core of the problem for women today is not sexual but a problem of identity – a stunting or evasion of growth that is perpetuated by the feminine mystique... our culture does not permit women to accept or gratify their basic need to grow and fulfil their potentialities as human beings, a need which is not solely defined by their sexual role.’⁴⁰ The same is applicable for refugee and stateless women. Emancipation is definitely not an easy destination, but not an impossible one too. The most important thing is the journey which needs to be made from and at each and every level of the societal structure.

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