

Call for input: Trafficking in Persons and Protection of Refugees, Stateless Persons and Internally Displaced Persons (IDPs)

Joint Submission by Refugees International and Women's Peace Network

Case Study: The Situation of Rohingya and Their Deadly Sea Crossings

February 2023

Introduction

For decades, as an ethnic minority group, the Rohingya people have faced discrimination, oppression, and persecution in Myanmar. Stripped from their access to property, citizenship, and other basic rights, the predominantly Muslim Rohingya have been subjected to multiple waves of deadly, state-sponsored violence, as well as attacks of genocide.¹ Such conditions have resulted in the mass forced displacement of Rohingya as internally displaced persons (IDPs) in Myanmar and as refugees in its neighboring countries, especially Bangladesh.

Today, rapidly deteriorating conditions confront the Rohingya community, leaving many more of them with no choice but to succumb to dangerous means of escape. In Myanmar, these conditions have particularly worsened for the more than 600,000 Rohingya remaining in the country – including more than 140,000 people in IDP camps – following the Burmese military's attempted takeover on February 1, 2021, and its subsequent human rights and humanitarian catastrophe.² In Bangladesh, nearly 1 million Rohingya refugees remain denied reliable access to healthcare, education, and other basic necessities; and are now facing tightening restrictions to their livelihoods, safety, and protection.

Such circumstances have often rendered Rohingya in Myanmar and Rohingya refugees in Bangladesh vulnerable to human trafficking and, increasingly, deadly sea crossings across the South and Southeast Asian region. A transnational network of human smugglers and traffickers operate, facilitate, and profit from these perilous journeys, which imperil their victims with torture, forced labor, sexual violence, death, and other severe abuses.

However, existing international obligations and regional commitments to combat human trafficking and protect people at sea have yet to be upheld. The recent mass wave of deadly sea crossings by Rohingya people reveals the need for this crisis to be urgently resolved and comprehensively addressed by the

¹ Burma's Path to Genocide, United States Holocaust Memorial Museum, accessed February 2023, <https://exhibitions.ushmm.org/burmas-path-to-genocide>.

² "Two years after coup, Myanmar faces unimaginable regression, says UN Human Rights Chief," Office of the High Commissioner for Human Rights, *OHCHR*, January 27, 2023, <https://www.ohchr.org/en/press-releases/2023/01/two-years-after-coup-myanmar-faces-unimaginable-regression-says-un-human>

Association of Southeast Asian Nations (ASEAN) and regional governments, international institutions, and other members of the international community.

The following submission provides insights from members of the Rohingya community and experts into the dynamics behind the specific case of deadly sea crossings by the Rohingya, and recommends several practical steps for addressing the situation.³ Refugees International and Women's Peace Network (WPN) note that many of these steps are also applicable to addressing the wider plight of the Rohingya.

A Crisis at Sea

The worsening human rights and humanitarian catastrophe in Myanmar and dire conditions in the refugee camps in Bangladesh have contributed to a precipitous rise in the number of Rohingya escaping by sea from 2022. According to the United Nations Refugee Agency (UNHCR), more than 3,600 Rohingya took to sea in 2022, of which nearly 350 are believed to have lost their lives.⁴ This marks an approximately 360-percent increase in the number of Rohingya attempting such an escape compared to 2021.⁵ Unseaworthy vessels and inadequate supplies, especially lack of water and sanitation facilities, have often resulted in the deaths of a significant number of Rohingya.⁶

Such perilous journeys are also endangering Rohingya with grave rights violations. These are often committed by their smugglers, who routinely subject these Rohingya to severe abuses ranging from torture to killing. Women and girls in particular are targeted with sexual harassment, sexual exploitation, rape, and other forms of sexual violence by their vessels' captains and crew members, many of whom are adult men.⁷ Victims and survivors of this abuse even report to have been provided with "pills to prevent pregnancy."⁸

³ The following submission is also based on remarks at an expert webinar on "Addressing the Rohingya Boat Crisis," which was organized by Refugees International and Women's Peace Network on February 6, 2023. The event featured Wai Wai Nu, Executive Director of the Women's Peace Network, Rezuwan Khan, a Rohingya refugee and anti-trafficking and human rights activist, Daniel Sullivan, Director for Africa, Asia, and the Middle East for Refugees International, and Yuyun Wahyuningrum, Chair and Representative of Indonesia to the ASEAN Intergovernmental Commission on Human Rights. *See*

<https://www.refugeesinternational.org/reports/2023/2/6/addressing-the-rohingya-boat-crisis>.

⁴ "Steep increase in deadly boat journeys reflects Rohingyas' desperation: UNHCR," UN News, January 17, 2023; Myanmar Situation, Operational Data Portal: Refugee Situations, UNHCR, accessed February 2023, <https://data.unhcr.org/en/situations/myanmar>.

⁵ *Ibid.*

⁶ "Left Adrift at Sea: Dangerous Journeys of Refugees Across the Bay of Bengal and Andaman Sea," UNHCR, August 19, 2021, <https://www.unhcr.org/asia/611e15284.pdf>; "UN says 2022 among deadliest years for Rohingya at sea," *Al Jazeera English*, December 26, 2022, <https://www.aljazeera.com/news/2022/12/26/deadliest-year-for-rohingya-at-sea-with-180-presumed-dead-un>.

⁷ Natasha Yacoub, Nikola Errington, Wai Wai Nu, and Alexandra Robinson, "Rights Adrift: Sexual Violence Against Rohingya Women on the Andaman Sea," *Asia-Pacific Journal on Human Rights and the Law*, no. 22(1): 96-114,

https://www.researchgate.net/publication/352353986_Rights_Adrift_Sexual_Violence_Against_Rohingya_Women_on_the_Andaman_Sea; Sarah Aziz, "Dream of Normal Life Drives Rohingya to Perilous Sea Voyage," *VOA*, January 4, 2023,

<https://www.voanews.com/a/dream-of-normal-life-drives-rohingya-girls-to-perilous-sea-voyage-/6904664.html>.

⁸ "Rights Adrift: Sexual Violence Against Rohingya Women on the Andaman Sea."

Additionally, traffickers, especially those in Bangladesh, frequently kidnap Rohingya and extort their relatives for their release while subjecting them to brutal, violent detention conditions on land and sea.⁹ Rohingya women and girls in particular are often sold by these traffickers into marriage, including child marriage, or forced into domestic servitude especially in Malaysia and Thailand. Sexual violence is also frequently committed against these women and those taken hostage in human-trafficking camps along the Malaysia-Thailand border.¹⁰

The responses of ASEAN and other governments in South and Southeast Asia have largely dictated the fates of the Rohingya involved. Generally, government responses that have subjected Rohingya to further danger have involved refusal of disembarkation, little-to-no provision of safety and protection measures, as well as threat of arrest, detention, and deportation. For example, in 2020, when at least 218 Rohingya died at sea, certain governments cited COVID-19 prevention measures as an apparent reason for not accepting refugees and asylum seekers.¹¹ Thailand also continues to uphold a policy that allows its navy to intercept Rohingya arriving at its shores and its related authorities to detain them – more than 470 Rohingya are allegedly being detained in the country without access to the UNHCR.¹²

Malaysia, which is one of the most popular destinations of Rohingya's sea crossings, continues to detain a significant number of Rohingya – among them 17,500 refugees and asylum seekers – in its approximately 21 immigration detention centers without granting them access to UNHCR.¹³ Since the Burmese military's 2021 attempted takeover, the Malaysian authorities have also deported more than 2,000 refugees from Myanmar.¹⁴ Malaysian immigration officials are conducting these deportations in

⁹ Naimul Karim, "Traffickers demand ransoms for Rohingyas held at sea in SE Asia," Reuters, June 15, 2020, <https://www.reuters.com/article/us-bangladesh-malaysia-rohingya-traffick-idUSKBN23M1AC>; "Protection risks for Rohingya women and children: from departure country to arrival in Malaysia," *Mixed Migration Centre*, March 2022, https://mixedmigration.org/wp-content/uploads/2022/03/218_Protection_risks_for_Rohingya_women_and_children_from_departure_country_to_arrival_in_Malaysia.pdf.

¹⁰ Praveen Menon, "Malaysia finds 139 graves in 'cruel' jungle trafficking camps," Reuters, May 25, 2015, <https://www.reuters.com/article/us-asia-migrants-idUSKBN00A06W20150525>; "UN warns of trafficking, sexual abuse in shadow of Rohingya refugee crisis," *UN News*, November 14, 2017, <https://news.un.org/en/story/2017/11/636002-un-warns-trafficking-sexual-abuse-shadow-rohingya-refugee-crisis>; "Rohingya Women Continue to Be Raped in Jungle for failing to Identify, Prosecute Traffickers," *Rohingya Vision*, November 6, 2021, <https://rohingyavision.com/rohingya-women-continue-to-be-raped-in-jungle-for-failing-to-identify-prosecute-traffickers/>.

¹¹ "2020 was 'deadliest' year ever for Rohingya sea journeys: UNHCR," *Al Jazeera English*, August 20, 2021, <https://www.aljazeera.com/news/2021/8/20/rohingya-sea-journeys-un>.

¹² "Thailand Needs to Stop Inhumane Navy 'Push-Backs'," *Human Rights Watch*, September 22, 2017, <https://www.hrw.org/news/2017/09/22/thailand-needs-stop-inhumane-navy-push-backs>; "Thailand Offers Persecuted Rohingya Little Hope," *Human Rights Watch*, July 31, 2019, <https://www.hrw.org/news/2019/07/31/thailand-offers-persecuted-rohingya-little-hope>; "Thailand: Allow Newly Arrived Rohingya Access to Asylum," *Human Rights Watch*, June 7, 2022, <https://www.hrw.org/news/2022/06/07/thailand-allow-newly-arrived-rohingya-access-asylum>.

¹³ "Malaysia: Surge in Summary Deportation to Myanmar," *Human Rights Watch*, October 24, 2022, <https://www.hrw.org/news/2022/10/24/malaysia-surge-summary-deportations-myanmar>.

¹⁴ *Ibid.*

consultation with the Burmese military, including by coordinating charter flights to Myanmar.¹⁵ As was demonstrated by the April 2022 escape of approximately 528 Rohingya, which resulted in the death of two children, many have thus had no choice but to risk their lives to escape.¹⁶

Most recently, the regional treatment of at least 12 boats carrying hundreds of Rohingya since November 2022 have drawn attention to such shortcomings.¹⁷ While certain countries, such as Sri Lanka and Indonesia, permitted these Rohingya to disembark on their shores, they have yet to ensure them reliable access to safety and protection.¹⁸ Other countries left these refugees to be stranded at sea for an indefinite period, risking their lives.¹⁹ For example, in December, 2022, the Indian navy – though it provided some sustenance to Rohingya on one of the boats that had arrived at its waters – refused to allow its disembarkation on the country’s shores; many of the boat’s passengers have reportedly died.²⁰ In the same month, the Vietnamese authorities transferred to the Burmese military a boat with at least 154 Rohingya that a Vietnam-based company had rescued earlier.²¹ At least one of the boats, which carried 180 Rohingya, is also reported to be missing.²²

The deadly sea crossings are also traumatic to family members and loved ones of those who take them. They are often denied opportunities for direct communication, let alone reunification. This limitation thus risks their mental health and psychosocial wellbeing, both of which are already exacerbated by the precarious conditions in their camps and in Myanmar. For example, a Rohingya refugee whose two children were on boats that had gone missing recently shared with WPN that “he still believed that his 16-year-old daughter and 19-year-old son were alive and they would contact him at some point.”²³

¹⁵ Ibid.

¹⁶ “Six killed as hundreds of Rohingya flee Malaysia detention,” *Al Jazeera English*, April 20, 2022, <https://www.aljazeera.com/news/2022/4/20/six-killed-as-hundreds-of-rohingya-flee-malaysia-detention>; “Depot riot: 104 Rohingya still at large, says Hamzah,” *The Star*, April 21, 2022,

<https://www.thestar.com.my/news/nation/2022/04/21/depot-riot-104-rohingya-still-at-large-says-hamzah>; “UN refugee agency ‘shocked’ at Rohingya deaths in Malaysia escape,” *Al Jazeera English*, April 22, 2022, <https://www.aljazeera.com/news/2022/4/22/un-refugee-agency-shocked-at-rohingya-deaths-in-malaysia-escape>.

¹⁷ Filippo Grandi (@FilippoGrandi), “Since November at least 12 boats carrying Rohingya refugees have been reported in the Andaman Sea and Bay of Bengal...,” *Twitter*, January 4, 2023, https://twitter.com/FilippoGrandi/status/1610582628314365954?s=20&t=msfP_1lPn3PV2IN1c_cyHg.

¹⁸ “Malaysia detains 270 Rohingya refugees who had drifted at sea for weeks,” *BBC News Services*, June 9, 2020, <https://www.bbc.com/news/world-asia-52975138>.

¹⁹ Ibid.

²⁰ “Over 100 Rohingya stranded off India’s coast, many feared dead,” *Al Jazeera English*, December 21, 2022, <https://www.aljazeera.com/news/2022/12/21/over-100-rohingya-stranded-off-indias-coast-many-feared-dead>; Pulack Ghatak and Abdur Rahman, “Activists, families call for rescue of boat adrift in Andaman Sea,” *Radio Free Asia*, December 22, 2022, <https://www.rfa.org/english/news/myanmar/boat-12222022164701.html>.

²¹ “Vietnam vessel saves 154 Rohingya from sinking boat, transfers to Myanmar navy,” *Reuters*, <https://www.reuters.com/world/asia-pacific/vietnam-vessel-saves-154-rohingya-sinking-boat-transfers-myanmar-navy-2022-12-09/>.

²² “UNHCR seeks comprehensive regional response to address rise in deadly South-East Asia sea journeys,” *UNHCR*, January 17, 2023,

<https://www.unhcr.org/news/briefing/2023/1/63c66c3c4/unhcr-seeks-comprehensive-regional-response-address-rise-deadly-south-east.html>.

²³ Wai Wai Nu, “Addressing the Rohingya Boat Crisis.”

A Rohingya refugee in Bangladesh whose sister and niece had fled by boat from its camps in November 2022 shared how they were left stranded at sea for at least a month:

“Since 2017, she has lived in Kutupalong in Bangladesh. In the camp, she had no one to take care of her and support her two daughters financially. So finally, she had to embark on a boat to Malaysia with 180 people. They were first designed to go to Indonesia, and then to Malaysia, or any third country, from Indonesia, to a humanitarian ground. For her, her daughters would be able to go to a school and university, to have a bright future, as well as find a new life, get married with someone over there. She also hoped she could one day unite with her other daughter, who is now in the camp in Bangladesh, once she's settled.”²⁴

The individual’s sister and his niece arrived in Indonesia in late December 2022, when the country’s authorities allowed their boat to disembark on their shores in Aceh. They do not have mobile phones, so he had to rely on his personal network to communicate with them. He later heard from his sister and others on the boat about their engine dying, how they went at least two weeks without food or fresh water, and how approximately dozens of people jumped into the sea. According to the individual, amid their escape by sea, the refugees on the boat also did not receive any comprehensive, life-saving assistance from regional countries.

According to WPN’s investigations on the crisis, people are fleeing from both Bangladesh and Myanmar – and women and girls are the most vulnerable. A group of 28 young women currently in a detention center in Thailand told WPN that the dire conditions in the refugee camps provoked them to flee by boat. Most of the women recounted facing extortion, torture, sexual exploitation, and rape. Human trafficking networks operated by regional crime syndicates and even local authorities in Rakhine State, in Bangladesh, and other areas are becoming more accessible to this group. Because justice processes remain inaccessible to Rohingya, those trafficked cannot take legal action against such abuses or their traffickers and related transnational criminal syndicates. Rohingya face restricted access to basic services, also rendering it difficult for the host countries’ authorities to identify such cases. According to WPN’s Executive Director, Wai Wai Nu, this process can especially be difficult for those who survive the deadly sea crossings:

“None of these [women] have access to justice in any jurisdiction. So they're forced to carry a level of trauma, on top of the one they already carry, as survivors of genocide in Myanmar. A 13-year-old [girl] told me that if she had known this – that she would have to suffer and she would have to face such a horrific experience – she would never [have left] the camps in Bangladesh.”²⁵

²⁴ Rezuwan Khan, *ibid.*

²⁵ Wai Wai Nu, “Addressing the Rohingya Boat Crisis.”

Factors Driving the Crisis

Rohingya's dangerous journeys by sea have been driven by several factors, mainly the following:

Deteriorating Conditions in Bangladesh

As introduced earlier, the deteriorating conditions to which approximately 1 million Rohingya refugees are being subjected in the camps in Bangladesh is a key contributing factor to the deadly sea crossings. More than 700,000 of them have sought refuge in Bangladesh from the Burmese military's attacks of genocide in 2017, in Rakhine State; these attacks involved the commission of arbitrary arrest and detention, torture, scorched earth campaigns, sexual violence, murder, and other grave abuses targeted against the community.²⁶

According to Refugees International and its years-long, extensive fieldwork at the camps, several structural changes have affected the Rohingya community, whose outlook on their future has increasingly been one of hopelessness. As refugees, Rohingya in Bangladesh remain denied reliable access to healthcare, formal education, employment opportunities, and other essential services.²⁷ This limitation will pose deadly, long-term consequences to Rohingya, especially given the recent funding shortfall of the World Food Programme's food aid; according to the United Nations (UN) Special Rapporteur on the situation of human rights in Myanmar and the Special Rapporteur on the right to food, children under the age of five, adolescent girls, and pregnant and breastfeeding women will be among those who will bear the brunt of this looming disaster.²⁸

At the same time, Rohingya's civil society space and already precarious level of safety and protection in the camps is rapidly decreasing.²⁹ This has been demonstrated by the Bangladesh authorities' random imposition of curfews, delays, and harassment at checkpoints; threats against Rohingya attempting to transport themselves across the camps; maintenance of the 2019-installed barbed wire fencing and watchtowers around the camps; and forced transfer to Bhashan Char, a remote island in the Bay of

²⁶ Daniel P. Sullivan, "Abuse or Exile: Myanmar's ongoing persecution of the Rohingya," *Refugees International*, April 2019, <https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/5cdc6b489b747a1e0f237fe4/1557949259439/Bangladesh+FINAL.pdf>

²⁷ Daniel P. Sullivan, "Hope amid Despair: Finding Solutions for Rohingya in Bangladesh," *Refugees International*, December 13, 2022, <https://www.refugeesinternational.org/reports/2022/12/12/hope-amid-despair-finding-solutions-for-rohingya-in-bangladesh>.

²⁸ "Bangladesh: UN experts appeal for immediate funding to avert food ration cuts for Rohingya refugees," *OHCHR*, February 16, 2023, <https://www.ohchr.org/en/press-releases/2023/02/bangladesh-un-experts-appeal-immediate-funding-avert-food-ration-cuts>.

²⁹ "Hope Amid Despair: Finding Solutions for Rohingya in Bangladesh".

Bengal.³⁰ Since December 2021, the authorities have also, despite allowing some flexibility to Rohingya's basic education curriculum, banned informal schools operated by the community and threatened their Rohingya affiliates with forced transfer to Bhasan Char; and bulldozed more than 3,000 Rohingya-owned shops in the camps.³¹ Bangladesh's Armed Police Battalion (APBn) in particular is committing extortion, harassment, and arbitrary arrest and detention against Rohingya. Since mid-2022, the APBn has arrested over 900 Rohingya from the camps for various allegations, including those that had been made on apparently fabricated grounds.³²

Rohingya attempting to escape risk arrest and detention by Bangladesh authorities, who have already detained at least 200 Rohingya, mostly women and children, for this alleged crime, and forcibly returned many of them to the camps and Bhasan Char.³³ Such conditions have rendered women and girls particularly vulnerable to further abuses. The camps' deteriorating infrastructure and growing isolation, such as in Bhasan Char, are threatening this population with an escalating risk of sexual violence from community members and the Bangladesh authorities.³⁴ Moreover, women often face domestic and intimate partner violence by community members; as well as threats, harassment, extortion, and kidnapping often committed by affiliates of militant groups or gangs in the camps for attempting to volunteer for aid agencies and pursue other opportunities for advocacy and leadership.³⁵ While the country's authorities have taken measures to address this concern, they have yet to guarantee Rohingya defendants a fair trial or due process of law as was demonstrated by their responses to the assassination of

³⁰ Irwin Loy, "Rohingya camp fire: Barbed-wire fences blocked escape, witnesses say," *The New Humanitarian*, March 23, 2021, <https://www.thenewhumanitarian.org/news/2021/3/23/rohingya-camp-fire-barbed-wire-fences-blocked-escape>; "Bangladesh: New Restrictions on Rohingya Camps," *Human Rights Watch*, April 4, 2022, <https://www.hrw.org/news/2022/04/04/bangladesh-new-restrictions-rohingya-camps>; Ruma Paul, "Sixth fire at Bangladesh Rohingya camp this year makes about 2,000 homeless," *Reuters*, March 8, 2022, <https://www.reuters.com/world/asia-pacific/sixth-fire-bangladesh-rohingya-camp-this-year-makes-about-2000-homeless-2022-03-08/>.

³¹ "Bangladesh: Officials Threaten Rohingya for Setting Up Schools," *Human Rights Watch*, March 21, 2022, <https://www.hrw.org/news/2022/03/21/bangladesh-officials-threaten-rohingya-setting-schools>; "Bangladesh: New Restrictions on Rohingya Camps"; Agence France Presse, "Thousands of Rohingya shops demolished in Bangladesh, leaving refugees desperate," *The Guardian*, January 5, 2022, <https://www.theguardian.com/world/2022/jan/05/thousands-of-rohingya-shops-demolished-in-bangladesh-leaving-refugees-desperate>

³² "Bangladesh: Rampant Police Abuse of Rohingya Refugees," *Human Rights Watch*, January 17, 2023, <https://www.hrw.org/news/2022/04/04/bangladesh-new-restrictions-rohingya-camps>

³³ Saif Hasnat and Sameer Yasir, "They were Promised a New Home. Then They Tried to Escape It," *The New York Times*, October 10, 2021, <https://www.nytimes.com/2021/10/10/world/asia/bangladesh-rohingya-bhasan-char.html>.

³⁴ Anne Sophie Bonefeld, "When going to the bathroom takes courage," *UNICEF*, March 21, 2018, <https://www.unicef.org/rosa/stories/when-going-bathroom-takes-courage>; Hannah Ellis-Petersen and Shaikh Azizur Rahman, "Rohingya refugees allege sexual assault on Bangladeshi island," *The Guardian*, September 22, 2020, <https://www.theguardian.com/world/2020/sep/22/rohingya-refugees-allege-sexual-assault-on-bangladeshi-island>; Verena Hölzl, "As violence soars in refugee camps, Rohingya women speak up," *The New Humanitarian*, August 2, 2021, <https://www.thenewhumanitarian.org/news/2021/8/2/as-violence-soars-in-refugee-camps-rohingya-women-speak-up>

³⁵ Ena Tripura, "Confined, Controlled, and Violated," *Feminist Encounters: A Journal of Critical Studies in Culture and Politics*, no. 6 (2): 25. Lectito Journals; "As violence soars in refugee camps, Rohingya women speak up."

Mohibullah, a prominent activist, in September 2021, and recent killings of other community leaders in the camps.³⁶

The more than 30,000 Rohingya forcibly transferred to Bhasan Char also face life-threatening conditions. Though the island includes facilities such as hospitals, its approximately 1,400 housing units barely meet the UNHCR's campsite-planning minimum standards.³⁷ The island's weak foundation, shifting shorelines, and location also make it extremely vulnerable to natural disasters.³⁸ These disasters will likely hinder the provision of emergency assistance to Rohingya. Despite calls from civil society organizations, governments, and UN agencies, the Bangladesh authorities have yet to permit an independent assessment on the habitability of Bhasan Char. Many more Rohingya will face such conditions as the government proceeds with its plan of relocating 100,000 of them from the camps to Bhasan Char.

Human Rights and Humanitarian Catastrophe in Myanmar

Coupled with the sense of hopelessness within the camps is the declining prospect of a safe and voluntary return to the Rohingya's homeland in Myanmar in the near future. The Burmese military's attempted takeover in 2021 has ravaged the country with its war crimes and crimes against humanity, as described by the UN Special Rapporteur on the situation of human rights in Myanmar and the Independent Investigative Mechanism on Myanmar.³⁹ Myanmar's human rights and humanitarian catastrophe stemming from the coup is yet to plateau. As the UN predicts, a third of the population is set to be in need of humanitarian assistance, and the numbers of people forced to flee their homes is set to rise from the current 1.5 million people displaced to more than 2.4 million in the year ahead.⁴⁰

Since the attempted takeover, the military junta has issued and reissued discriminatory policies against the more than 600,000 Rohingya remaining in Myanmar. They include the more than 140,000 people who have remained confined in squalid IDP camps in Rakhine State for over a decade, particularly since the

³⁶ "Bangladesh charges 29 Rohingya over murdered activist Mohib Ullah," *Al Jazeera English*, June 13, 2022, <https://www.aljazeera.com/news/2022/6/13/bangladesh-charges-29-rohingya-over-murdered-activist-mohib-ullah>; "Two Rohingya camp leaders killed in Bangladesh," *Al Jazeera English*, October 16, 2022, <https://www.aljazeera.com/news/2022/10/16/two-rohingya-camp-leaders-killed-in-bangladesh>.

³⁷ Weiyi Cai, Christian Inton, Simon Scarr and Jin Wu, "A remote home for the Rohingya," *Reuters*, December 31, 2018, <http://fingfx.thomsonreuters.com/gfx/rngs/MYANMAR-ROHINGYA/010060Z21XP/index.html>; "Camp site planning minimum standards," Emergency Handbook, UNHCR, last accessed February 2023, <https://emergency.unhcr.org/entry/45581/camp-site-planning-minimum-standards>.

³⁸ "An Island Jail in the Middle of the Sea," *Human Rights Watch*, June 7, 2021, <https://www.hrw.org/report/2021/06/07/island-jail-middle-sea/bangladeshs-relocation-rohingya-refugees-bhasan-char>

³⁹ "Myanmar spiralling 'from bad to worse, to horrific', Human Rights Council hears," *UN News*, September 21, 2022, <https://news.un.org/en/story/2022/09/1127361>; "Two more years of atrocities in Myanmar," *Independent Investigative Mechanism for Myanmar*, February 1, 2023, <https://iimm.un.org/two-more-years-of-atrocities-in-myanmar/>.

⁴⁰ "2023 Humanitarian Needs Overview," *OCHA*, January 25, 2023, https://reliefweb.int/report/myanmar/myanmar-humanitarian-response-plan-2023-january-2023?_gl=1*1x9e2ru*_ga*ODA4NzM3MzMuMTY3NjA0MDk3MA..*_ga_E60ZNX2F68*MTY3NzI3NTUwNC4yLjAuMTY3NzI3NTUwNC42MC4wLjA..

2012 episode of targeted, state-sponsored violence.⁴¹ These policies include travel restrictions, which require Rohingya to obtain so-called approval from local, military-related authorities to leave their townships and other places of residence; only those who can provide bribe money are guaranteed this approval, and those who do receive the junta's approval are required to carry relevant documentation, namely "Form 4," for their travel purpose.⁴² According to WPN, the junta has also reinstated the "Swe Tin Sit" process, which allows junta officials to check the status of Rohingya families in specified areas, including IDP camps, with abusive and intimidatory practices; they are even collecting "population lists" of Rohingya in Sittwe Township as a way to monitor the community's population.

Moreover, the Burmese military is now increasingly requiring Rohingya to provide documentation that identifies the ethnic minority group – whose citizenship has been revoked by the discriminatory 1982 Citizenship Law – as "Muslim/Islam" or "Bengali." Many Rohingya view this process as an extension of the erasure of their ethnic nationality rights and equal citizenship rights. According to WPN, the junta's recent policies increasingly require Rohingya to present National Verification Cards, as well as Form 4, to access hospitals, schools, and universities, and to even obtain marriage certificates.

The junta is using the above policies and other restrictions as supposed grounds to further arbitrary arrest and detain its members. WPN reports that since the attempted coup, the junta has arrested at least 2,714 Rohingya, including more than 853 women and 145 children, and sentenced them in military courts to at least two years' imprisonment.

Such policies are also facilitating the junta to intensify the apartheid-like conditions Rohingya already face, including by restricting the community's access to healthcare, education, and other basic needs and essential services. According to WPN, the junta is also using Rohingya's compliance with such policies to bribe, extort, arrest, and detain them. These circumstances – including the junta's "Organizations Registration Law" and other related policies – are further restricting UN agencies and international organizations' provision of humanitarian aid to the IDPs, especially those confined in southern Rakhine State.⁴³

Rohingya who are subjected to the Burmese military's arbitrary arrest and detention risk being murdered. This threat was manifested in December, 2022, in a case that involved the discovery of 13 dead Rohingya left disfigured on the side of a road in Yangon Region; the majority of whom were under 18 years of

⁴¹ "An Open Prison Without End,"

⁴² "The arbitrary arrest and detention of Rohingya since the attempted coup," *Women's Peace Network*, March 2, 2022, https://mcusercontent.com/6819ae24e30bd9a9db0322d69/files/2a79f5e9-4d82-bf0a-7c7e-702bc869a5c2/Briefer_on_Arbitrary_Arrest_Detention.pdf; "Panel Discussion on Human Rights Violations in Myanmar - 5th Meeting, 50th Regular Session of Human Rights Council," *UN Web TV*, June 15, 2022, <https://media.un.org/en/asset/k10/k10gx401yf>.

⁴³ "We are facing a crisis': New law puts Myanmar NGOs in 'impossible' position," *Frontier Myanmar*, December 14, 2022, <https://www.frontiermyanmar.net/en/we-are-facing-a-crisis-new-law-puts-myanmar-ngos-in-impossible-position/>; "Population groups," MYANMAR SITUATION | 2021, Situation reports, Global Focus, UNHCR, accessed February 2023, <https://www.unhcr.org/rohingya-emergency.html>.

age.⁴⁴ While the junta claims that they had died from asphyxiation when being trafficked, extensive evidence of the 13 Rohingya's bodies did show clear signs of beatings and other methods of torture.⁴⁵ The military's immediate cremation of the bodies, which is an act that is in violation of these victims' Muslim faith, further suggests its complicity in strategically covering up a horrific massacre.

At the same time, armed clashes in Rakhine State between the Burmese military and the Arakan Army, which ended their ceasefire in July 2022 and escalated in the following months, continue to endanger the Rohingya community with their widespread use of heavy weapons, airstrikes, and other related abuses.⁴⁶ Despite their informal ceasefire in November 2022, the clashes had resulted in the deaths of many Rohingya; those murdered are among the over 4,000 Rohingya stranded in an area between Bangladesh and Myanmar that has been designated as a "no-man's land."⁴⁷ Many more Rohingya remain at extreme risk of being subjected to forced labor, arbitrary arrest, killing, and other abuses from both of these parties as they vie for greater effective control over Rakhine State.

Addressing the Crisis

While the factors driving the latest boat crisis have evolved, the challenge of desperate people taking to sea in the region is not new. In May 2015, thousands of Rohingya and Bangladeshis were stranded at sea for weeks following a crackdown on trafficking networks. That crisis led to the Bali Process and ASEAN-related meetings and initiatives for preventing similar cases in the future. These ideas included a consultative mechanism to be invoked when a crisis loomed, resources for search and rescue, agreements for safe disembarkation and sheltering of those rescued, and a trust fund to support regional responses. However, as 2022 and the start to 2023 have shown, they have yet to be fully implemented.

The drivers behind these desperate voyages must be addressed, both through enhanced coordinated global pressure on Myanmar's military junta and through measures to empower Rohingya refugees in Bangladesh through improved protection and access to education and livelihood opportunities. But the most immediate need is for regional governments, including India, Indonesia, Malaysia, and Thailand, to

⁴⁴ Free Rohingya Coalition, "13 Rohingya massacred by Myanmar junta near Yangon," *Genocide Watch*, December 5, 2022, <https://www.genocidewatch.com/single-post/13-rohingya-massacred-by-myanmar-junta-near-yangon>.

⁴⁵ Ibid.

⁴⁶ The Arakan Army is an armed group that has a political agenda for the self-determination of the Rakhine ethnic minority group through establishing a confederacy in Myanmar; forms of anti-Rohingya prejudice has long been prevalent among the community, whose members have often been observed by the Independent International Fact-Finding Mission on Myanmar and other international bodies as having participated in many waves of state-sponsored violence against Rohingya in Rakhine State. See United Nations, Human Rights Council, Report of the independent international fact-finding mission on Myanmar, A/HRC/42/50 (8 August 2019), available from undocs.org/en/A/HRC/42/50.

⁴⁷ "Mortar fired from Myanmar kills Rohingya youth in Bangladesh," *Al Jazeera English*, September 17, 2022, <https://www.aljazeera.com/news/2022/9/17/mortar-fired-from-myanmar-kills-rohingya-youth-in-bangladesh>.; "Informal ceasefire with Myanmar military 'not permanent' solution, Arakan Army says," *Myanmar Now*, November 28, 2022, <https://myanmar-now.org/en/news/informal-ceasefire-with-myanmar-military-not-permanent-solution-arakan-army-says>.

live up to their obligations to save those stranded at sea and to avoid moves like repatriation or detention that will only place the affected communities in further danger.

The boat crisis merits greater regional and international attention. The international community must coordinate now to effectively address the boat crisis by not only providing immediate aid but also addressing the root causes of the crisis, while ensuring that Rohingya voices are central in those conversations. Below are a series of recommendations for addressing the current crisis and preventing further loss of Rohingya lives in the future, whether at sea, in Myanmar, Bangladesh, and other regional countries.

Regional Governments, starting with members of the Bali Process and supported by donor countries, should:

- Deploy immediate lifesaving search and rescue missions to save those stranded at sea.
- Facilitate safe disembarkation and access to the UNHCR and international protection and asylum for those in need.
- Strengthen regional mechanisms and overall coordination on search and rescue, safe disembarkation, and effective receiving and comprehensive assistance for refugees fleeing crisis. This assistance should include medical treatment, support for mental health and psychosocial wellbeing, and targeted support for victims and survivors of sexual and gender-based violence.
- Ensure Rohingya refugees' reliable access to justice mechanisms in Malaysia and other regional countries for abuses including human trafficking and sexual and gender-based violence on sea.
- Uphold the principle of non-refoulement by ensuring that Rohingya are not returned to unsafe conditions in Myanmar.
- Investigate and seek to dismantle human trafficking rings, including those involving authorities and other parties in different countries.

The government of Bangladesh should:

- Urgently address the security situation in the camps through enhanced coordination, investigation, and accountability among Bangladeshi law enforcement.
- Improve protection of Rohingya in the camps through safe houses and enhanced community engagement.
- Ensure access to quality and formal education for Rohingya through means that include community-based learning initiatives and scholarship programs or online opportunities.
- Expand livelihood opportunities for Rohingya.
- Support and open space for Rohingya civil society.
- Refrain from further movement of refugees to Bhasan Char until ongoing questions of voluntariness and sustainability are properly addressed and resolved.
- Refrain from repatriation of Rohingya to Myanmar until conditions are conducive for a safe, voluntary, dignified, and sustainable return in line with international standards.
- Assist resettlement of Rohingya refugees who face life-threatening risk to the United States and other third countries.

UN Agencies should:

- Urge and support the government of Bangladesh to do more to protect refugees and address the insecurity situation within the refugee camps, including by improving protection services and providing safe houses for human rights defenders and other refugees facing imminent threats.
- Prioritize commitments on Bhasan Char in meetings with the government of Bangladesh toward truly voluntary and informed relocations, planning and preparation for potential natural disasters and disruptions of supply lines, and increased opportunities for refugees to return to the main camps.
- Assist the government of Bangladesh toward resettling Rohingya refugees to third countries and support UN capacity to do so.
- Empower Rohingya and improve genuine representation of them in the camps and on the global stage.

The international community should:

- Engage and support the government of Bangladesh toward improved policies on the camps, including those ensuring reliable access to quality and formal education; employment, skills building and other livelihood opportunities; and safety and protection.
- Sustain and cultivate robust and concerted humanitarian support to Rohingya through a global pledging conference and other similar platforms.
- Ensure a significant number of resettlement spots to Rohingya refugees in Bangladesh and elsewhere in the region.
- Work with governments, especially in South and Southeast Asia, to hold the Burmese military accountable for its international crimes, as a fundamental step towards creating conditions for a safe, sustainable, and voluntary return of Rohingya to their homes in Myanmar. Key steps include issuing a global arms embargo against the junta, additional targeted sanctions against the Burmese military and military-owned businesses (including the Myanmar Oil and Gas Enterprise), a full ban on aviation fuel supplies to the military, support for existing accountability mechanisms concerning Rohingya, and financial and material assistance to the Burmese pro-democracy movement, especially its involved ethnic and religious minorities, women, youth, and other marginalized groups.

For more information on the Rohingya crisis, please visit the websites of Refugees International (refugeesinternational.org) and the Women's Peace Network (<https://www.womenspeacenet.org/>).