“I DON'T KNOW WHAT MY FUTURE WILL BE”

ADVOCACY UPDATE ON ROHINGYA REFUGEES IN BANGLADESH

AMNESTY INTERNATIONAL

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Cover photo:
Watched by children, Rohingya artists bring vibrant mural to life inside and outside a health centre in Jamtoli Camp.
Credit: © Amnesty International (Photo: Alex Neve)

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ROHINGYA REFUGEES IN BANGLADESH

CONTENTS

1. GLOSSARY 5

1. OVERVIEW 6

2. METHODOLOGY 12

3. BACKGROUND 14

3.1 The humanitarian response 17

4. LIVING IN THE CAMPS 19

4.1 Administration of the camps 19

4.2 Freedom of movement 20

5. RIGHT TO AN ADEQUATE STANDARD OF LIVING 22

5.1 Overcrowded, unsuitable and insecure housing 26

5.2 Lack of safe cooking facilities 28

5.3 Lack of sufficient, quality and diverse food 29

5.4 Inadequate safe water and sanitation 33

6. ACCESSING HEALTH CARE 37

7. EDUCATION FOR ALL 41

7.1 Denied education in bangladesh 44

7.2 Education is more than just playtime: inadequate 'learning centres' 46

7.3 Education for girls 51

8. RETURNS, RELOCATION AND *REFOULEMENT* 56

8.1 Under pressure to return 57

8.2 Fears of a return 59

8.3 Proposed relocation to Bhasan Char 60

9. CONCLUSION AND RECOMMENDATIONS 64

9.1 Recommendations 65

GLOSSARY

ARSA	The Arakan Rohingya Salvation Army, a Rohingya armed group also known as Harakah al-Yaqin, or "the faith movement". It attacked security force posts in northern Rakhine State in October 2016 and again in August 2017.
BRAC	Bangladesh-based international development organization which offers programmes in support of refugees and host communities living in the cox's bazar area.
CFS	"Child Friendly Spaces" offering playtime, arts and crafts, and early primary school lessons for young Rohingya refugee children.
CIC	Camp-in-Charge is the public servant representative in each refugee camp who assists with the administration and distribution of services within that camp.
DURABLE SOLUTIONS	The UNHCR defines durable solutions for refugees as any means by which the situation of refugees can be satisfactorily and permanently resolved to enable them to live normal lives. To ensure protection of refugees, three main solutions are promoted: voluntary repatriation, local integration and resettlement. For these options to be meaningful, sustainable and protect the rights of refugees, their consent is critical.
IOM	International Organization for Migration.
ISCG	The Inter Sector Coordination Group (ISCG) Bangladesh, consisting of partners and organizations involved in the humanitarian response for refugees in Bangladesh and is led by the IOM, supports the Bangladesh government in its response to the Rohingya refugee crisis.
JRP	Joint Response Plan for Rohingya Humanitarian Crisis.
OHCHR	United Nations Office of the High Commissioner for Human Rights.
REFOULEMENT	The forcible return of individuals to a place where they would be at real risk of serious human rights violations.
REFUGEE	A person who flees their country because they are at real risk of persecution or other serious human rights violations and feels they will be unprotected by their government.
REPATRIATION	The return of a person to their place of citizenship. A forced return, that is not voluntary, may amount to a breach of the international law prohibiting *refoulement* (see above for definition of *refoulement*).
UNHCR	Office of the United Nations High Commissioner for Refugees; the UN refugee agency.
UNICEF	UN Children's Fund.
UN OCHA	The United Nations Office for the Coordination of Humanitarian Affairs is a part of the UN Secretariat, and seeks to coordinate a vast array of different humanitarian actors to facilitate an integrated response to humanitarian emergencies.
WFP	World Food Programme.
WHO	World Health Organization.

1. OVERVIEW

> ***"We want a real, genuine, sustainable solution for us. Bangladesh is providing many things, but we want our rights, our citizenship, freedom of movement and education more than humanitarian assistance in the camps."***
>
> Interview with Rohingya Women's Empowerment and Advocacy Network, Kutupalong, 20 February 2019

A Rohinya refugee boy carry drinking water in Thainkhali camp. © Amnesty International (Photo: Ahmer Khan)

This advocacy update exposes the ongoing human rights violations that Rohingya refugees are facing in camps located in Bangladesh near the border with Myanmar. Amnesty International researchers conducted interviews with almost 100 refugees living near Cox's Bazar between 11 and 24 February 2019. In this update, refugee testimonies are used to illustrate the impact that these violations are having on their daily lives as well as their future aspirations for their children. This update identifies specific changes required to restrictive regulatory measures, as well as in relation to the provision of essential services. Amnesty International calls on the government of Bangladesh to move beyond the emergency response phase and to develop a longer-term plan, with the support of international donor governments and in consultation with the Rohingya refugees, grounded in human rights law and refugee protection.

KEY FACTS:

Nearly a million refugees from Myanmar (mostly from the ethnic and religious Rohingya minority from Rakhine State),[1] have settled in camps in Bangladesh, around a two-hour drive from the beachside town of Cox's Bazar. From the Leda and Nayapara camps, which are those closest to the border, refugees can look across the Naf River to Myanmar, their home country which they were forced to flee.

Since August 2017, when around 700,000 Rohingya fled to Bangladesh due to extreme violence at the hands of Myanmar's military, a major humanitarian operation has been underway. Involving the combined efforts of government, international and national NGOs, various UN agencies and other stakeholders, the humanitarian response has ensured that refugees have been offered urgent humanitarian assistance on arrival in the country. However, almost two years after they fled Myanmar, refugees are still living in basic shelters with emergency rations, unable to rebuild their lives or enjoy full protection of their human rights. More than 600,000 people live in Kutupalong, now the largest refugee camp in the world in terms of population. As far as the eye can see, bamboo and plastic sheet shelters stretch across the horizon. The thick layer of dust covering the bright orange plastic sheeting masks the flimsy nature of the shelters, especially when viewed from a distance. From the hilltops of Kutupalong, rolling hills covered in shelters can be seen in every direction: the full extent of the tightly packed camp and the number of people living in it are overwhelming.

SUMMARY OF HUMAN RIGHTS VIOLATIONS FACED BY REFUGEES IN CAMPS:

"It is of course good that we are safe. But there is so much emotional and psychological stress for us here. Sometimes it feels like a small corner of hell. Everywhere is dirty. Our houses are unbearably hot. The roofs leak. Our water pumps and toilets are right on top of where we eat and sleep. And we don't even know what to do about burying our dead. We cannot go on living like this."

Interview with Kobir, Jamtoli camp, 15 February 2019

INSANITARY, INADEQUATE AND UNSAFE CONDITIONS

Refugees told Amnesty International that they are grateful to the Bangladesh government, host communities and international organizations for the support provided, but their concern that living conditions within the camps were far from adequate was evident. In the most fundamental aspects of humanitarian assistance – shelter, water, sanitation, health and food – the response in Bangladesh is falling short.

1. Of these, around 33,000 are registered refugees and around 200,000 are unregistered people who arrived in the 1990s or earlier; more than 700 000 arrived after August 2017. See Chapter 3, for more information on the different waves of arrivals.

"The camps are incredibly overcrowded, and everything gets dirty so quickly. The pathways are crooked and in bad shape and it can be very hard for an [older] man to move around."[2]

Conditions within the camps are insanitary and unsafe, and falling below what is required under international standards. Many people expressed concern about the poor quality of the housing and difficulties accessing water and latrines. The refugee camps themselves are overcrowded and located on hilly terrain in a region that is vulnerable to flooding. As time goes on, it is increasingly apparent that the emergency shelters provided when refugees arrived in Bangladesh are not adequate for what has become a protracted crisis with no end in sight. The shelters look as if they have been built on top of each other, covering every available inch of space.

Housing is inadequate, unstable and insecure. Shelters are flimsy. They leak and are not appropriate to withstand heavy rain and severe winds. By early July, in the middle of the 2019 monsoon season, the UN refugee agency (UNHCR) reported that 273 shelters had been destroyed by rain and 2,137 people had been relocated either due to substantial damage to their shelter or as a precaution – highlighting just how vulnerable they are to seasonal weather.[3] However, Bangladesh government policy restricts the types of materials refugees are permitted to use to build homes.[4] The shelters are built using plastic sheeting and bamboo. They are not fully waterproof and have little or no ventilation. Refugees spoke about the heat becoming unbearable during the hot season and the shelters being waterlogged during the monsoon. The Bangladesh government has justified its restrictions on the basis that it sees the refugee camps as temporary until such time as repatriation (or relocation) can take place.

Refugees living in the camps said that they did not have safe cooking facilities. Mamta*, a 55-year-old woman from Leda camp said she cooks with firewood inside her shelter, but she does not receive firewood distributions and must either buy it or exchange her food rations for it. Cooking with firewood causes the shelter to fill with smoke. Mamta has breathing problems for which she has visited the hospital in the camp for treatment.[5]

Amnesty International researchers frequently heard that there were not enough toilets for the number of people using them and that latrines are not hygienically or properly maintained.[6] Several refugees said that the latrines near them were too full (non-functioning) or that there were not enough toilets in their area.[7]

LACK OF FREEDOM OF MOVEMENT AND RIGHT TO HEALTH:

"Our biggest problem is that we have no freedom... We cannot move around freely."[8]

Amnesty International interviewed refugees who spoke of being denied freedom of movement, even to seek medical care. Some compared their current situation to travel restrictions imposed on them in Myanmar. Refugees said that security forces guard multiple checkpoints outside the settlements and

2. Interview with Homai*, a 65-year-old refugee man, Balukhali camp, 14 February 2019.

3. UN News, 'Scores of Rohingya refugee shelters destroyed by flooding', 5 July 2009, news.un.org/en/story/2019/07/1041931

4. Amnesty International wrote to the Bangladesh government seeking more detail on these restrictions but had not received a reply by the time this report was published.

5. Interview with Mamta*, Leda camp, 17 February 2019.

6. UNHCR updates list the number of latrines and the number of functional latrines per campsite: see UNCHR, *Bangladesh Refugee Emergency: Monthly Camp Profile*, April 2019, reliefweb.int/report/bangladesh/bangladesh-refugee-emergency-monthly-camp-profiles-april-2019

7. Interviews with three women, Jamtoli camp, 15 February 2019, and one woman, Jamtoli camp, 16 February 2019.

8. Interview with Mohammed A, aged 65, Balukhali camp, 14 February 2019

search vehicles to prevent refugees travelling to other parts of the country. Several refugees described how they were unable to leave the camps even with a medical certificate or how they were asked for bribes to let them out. In an interview with a group of women at Kutupalong camp on 18 February 2019, two women said they were stopped from going to the Ukihya hospital, even though they had medical certificates from a doctor.[9] The women both suffered from hepatitis, which Medicins Sans Frontiers (MSF) confirmed cannot be treated in the camps.[10] Others, with obvious medical ailments, including those with sick children, but who were without a medical certificate were also turned away.[11] Even refugees who have lived in the country since the early 1990s described challenges travelling in Bangladesh to access adequate medical care.[12]

Restrictions on the right to freedom of movement for refugees and an unclear permissions procedure enabling them to travel outside the camps have denied refugees access to adequate health care in Bangladesh.

REFUGEE CHILDREN DENIED ACCESS TO ADEQUATE EDUCATION:

"They always say that all we can offer is emergency level teaching. But this is no longer just an emergency, this is where we are living our lives and raising our children. They also specifically forbid children being taught Bangla because they worry that [this] will lead to putting down roots."[13]

There are currently 500,000 Rohingya children under the age of 18 in Bangladesh, of which 300,000 are between ages of 3 and 14. Refugee children do not have access to appropriate education inside or outside the camps, potentially creating a "lost generation". Several former teachers in the camps lamented that the systematic discrimination experienced in Myanmar is now being mirrored in Bangladesh when it comes to access to formal schooling. "Child friendly spaces" and learning centres that exist are inadequate and only offer playtime, arts and crafts, and early primary school lessons. Under current legislation, education for Rohingya refugees in the camps or in local schools nearby is prohibited by the Bangladesh government. The Bangladeshi authorities claim that offering comprehensive education would encourage refugees to remain in the country rather than return to Myanmar as soon as possible. This denial of education to refugee children is a blatant violation of human rights, with potentially life-long harmful consequences.

THREATS OF RETURNS AND RELOCATION:

In November 2018, Bangladesh government officials put pressure on a number of Rohingya refugees to return to Myanmar, mentioning that they were on a list of people flagged for return. Many refugees expressed extreme fear about being returned and described how they had hidden in other camps to avoid being found. The Bangladesh government later rescinded its plans after UNHCR determined that the refugees had not consented to return.

Amnesty researchers interviewed many refugees who expressed a desire to return to Myanmar under the right conditions. However, the reality is that such returns may not be possible for several years

9. Interview with a group of four women, Kutupalong camp, 18 February 2019.
10. Interview with MSF, Dhaka, 22 February 2019.
11. Interview with a refugee man, Jamtoli camp, 15 February 2019 and with a refugee man, Kutupalong camp, 18 February 2019.
12. Interviewed with Rahama, Leda camp, 17 February 2019.
13. Interview with Habib, Jamtoli camp, 16 February 2019.

because of the ongoing violence and insecurity in Myanmar.[14] In the meantime, refugees must be able to live their lives in safety and dignity with their rights respected, protected and fulfilled. The possibility of returns at some future point does not mean the government of Bangladesh can evade its obligation to address the human rights needs of refugees now.

Amnesty International also spoke to refugees who expressed concern about being relocated to Bhashan Char. Current proposals include relocating up to 100,000 people to this location, an uninhabited low-lying island in the Bay of Bengal. Refugees told Amnesty International that they were fearful that this relocation will leave them more isolated, more vulnerable and less able to enjoy their rights. Refugees expressed concern about the lack of access to pathways for refugee protection (such as resettlement). Many refugees expressed a strong desire not to be separated from other refugees and to remain close to the border so that they can return when it is safe to do so in a free and voluntary manner.

DWINDLING INTERNATIONAL RESPONSE

Initially, there was an extraordinary response by the international donor community to calls for international assistance for the refugee crisis in late 2017 and early 2018. At this time, the number of refugees living in Bangladesh surged to over 900,000 people. However, since then there has been a significant decline in support from the international donor community. The UN Office for the Coordination of Humanitarian Affairs – which is leading the 2019 Rohingya Refugee Crisis Joint Response Plan in Bangladesh (JRP) – reported that, as of July 2019, the refugee response was only 34% funded.[15] Ongoing international support to address the crisis is critical to ensure that the rights of Rohingya refugees are respected, protected and fulfilled.

CONCLUSION AND RECOMMENDATIONS

The government of Bangladesh and the international donor community must look beyond the initial emergency response phase and ensure the long-term protection of the rights of Rohingya refugees. There is a burning need to develop longer-term plans and strategies that are firmly embedded in international human rights law.

The government of Bangladesh must shift from thinking of the situation as a short-term humanitarian crisis and recognize that the protracted nature of conflict in Myanmar means returns are unlikely to happen in significant numbers any time soon. Longer-term measures mean that improvements are needed to ensure that refugees living in the camps have an adequate standard of living. Changes required include: upgrading shelters, improving food diversity and maintaining essential access to safe drinking water and latrine facilities. The government of Bangladesh must also lift any barriers, including legal restrictions, to ensure that the rights of refugees are respected, including those relating to building materials, freedom of movement (essential to access health care) and, critically, access to education for children. These steps are fundamental to ensure the resilience and sustainable future of Rohingya refugees.

In addition, the government of Bangladesh should refrain from relocating refugees to Bhashan Char without their consent and until the habitability of the island can be established. And while the right

14. See *"Caged without a Roof": Apartheid in Myanmar's Rakhine State* (Index: ASA 16/7484/2017) for more on the situation of Rohingya in Rakhine State.

15. Funding update as of 31 July 2019, available at: www.humanitarianresponse.info/en/operations/bangladesh/document/jrp-2019-funding-update-31-july-2019

of refugees to return to Myanmar must be respected should they wish to exercise it, there should be no coercion or pressure for refugees to return until they can do so in safety and dignity. While each individual Rohingya refugee has the human right to return to Myanmar at any time, returns facilitated by the Bangladesh government may only take place if they are carried out voluntarily, safely and with dignity. Returns cannot be in breach of the international principle of *non-refoulement*, which prohibits the forcible return of individuals to a place where they would be at real risk of serious human rights violations.

The international donor community should not only increase its financial and technical assistance in accordance with the priorities outlined in the Joint Response Plan, but also press the government of Bangladesh to lift restrictions on the right to education, freedom of movement, health and on materials necessary to build adequate housing for refugees.

Children play on a cycle rickshaw in Jamtoli camp. © Amnesty International (Photo: Alex Neve).

2. METHODOLOGY

This update is based on field and desk research conducted by Amnesty International between mid-2018 and July 2019. At the heart of it are the voices of Rohingya refugees in Bangladesh describing how issues within the camps and Bangladesh government policies impact on them. Primarily, this update is aimed at assisting the government of Bangladesh and humanitarian organizations to understand that the situation for refugees is no longer confined to an emergency response and that there is a need to develop longer-term planning, with the support of the international community and in consultation with refugees, that is grounded in human rights standards and refugee protection.

As a result of Amnesty International's extensive documentation of crimes against humanity, including the Myanmar military's apartheid policy towards Rohingya people in recent years, the organization refers to all the Rohingya living in Bangladesh as refugees and recognizes they are in need of international protection.

Amnesty International researchers travelled to Bangladesh from 11 to 24 February 2019 and spoke with 97 Rohingya refugees, including 47 women and six girls (aged 11 to 17) and 42 men and two boys (aged 16). They conducted 70 one-to-one interviews and six small group interviews. Group interviews were conducted mostly due to time constraints and only where interviewees said they were comfortable in that setting. Researchers visited nine camps in the areas of Balukhali, Jamtoli, Kutupalong and Leda; some interviewees also travelled from neighbouring camps. Amnesty International visited several "child friendly spaces" or learning centres,[16] including some run by religious teachers.

Amnesty International conducted interviews with the assistance of two Rohingya language interpreters (a woman and a man) and engaged a man from the community to help set up interviews. Interviews with Rohingya women were conducted exclusively by women. Interviews took place in people's homes, but the makeshift shelters only provided partial privacy and interviews were at times disrupted by family members. Amnesty International informed interviewees about the nature and purpose of the research and about how the information provided would be used. Oral consent was obtained from each person prior to the start of the interview. No incentives were provided to interviewees in exchange for their accounts.

In Bangladesh, researchers also met representatives of the Rohingya Women's Empowerment and Advocacy Network, Shanti Mohila (which means "peace women" in a combination of Rohingya language and Bengali) and the Rohingya Human Rights Network (a Canadian-based research, advocacy and awareness-building network with representatives in the camps in Bangladesh).

16. These learning centres (termed informal and pre-primary school learning facilities by UNICEF) offer recreation and basic learning for children, usually up to the age of 12.

BRAC, an international development organization based in Bangladesh, provided some logistical support for the delegation in Dhaka and Cox's Bazar. They also provided Amnesty International researchers with an overview of their projects and activities working with refugees and host communities. In addition, Amnesty International conducted extensive desk research from mid-2018 to 2019 and spoke with MSF and Save the Children.

Amnesty International met the Bangladesh State Minister for Foreign Affairs and other government officials. Researchers also met several members of the diplomatic community in Dhaka, the International Organization for Migration (IOM) in Cox's Bazar and the Office of the United Nations High Commissioner for Refugees (UNHCR) in Geneva. Researchers also spoke to the UN Children's Fund (UNICEF) by phone in July 2019.

Amnesty International is grateful to all those who helped facilitate its visit.

Amnesty International had previously travelled to the refugee camps in the Cox's Bazar area several times throughout 2017 and 2018. Amnesty International also wrote to the Bangladesh government on 29 June 2019. At the time of publication, the government still had not replied to the letter.

In this update, Amnesty International has used refugees' first names where there was clear and explicit consent to do so. Researchers have otherwise used pseudonyms (marked with *) in cases where individuals did not give consent for their name to be used, primarily because of identification and security concerns in the camps or in relation to return to Myanmar.

This update builds on previous Amnesty International publications including *"Caged without a Roof": Apartheid in Myanmar's Rakhine State* (2017), *"We will destroy everything": Military responsibility for crimes against ... which amount to crimes against humanity under international law* (2018) and *"Fleeing my whole life": Older people's experience of conflict and displacement in Myanmar* (2019) – both of which provide context to the conflict in Myanmar,[17] the root causes of why Rohingya refugees fled to Bangladesh and the challenges for older people in the camps in Bangladesh. The recommendations and conclusions in this update should be adopted in conjunction with the recommendations of these previous reports.

Children have decorated the plastic walls in this shelter to make it feel like home. © Amnesty International (Photo: Alex Neve).

17. *"Caged without a Roof": Apartheid in Myanmar's Rakhine State* (Index: ASA 16/7484/2017); *"We will destroy everything": Military responsibility for crimes against ... which amount to crimes against humanity under international law* (ASA 16/8630/2018); and *"Fleeing my whole life": Older people's experience of conflict and displacement in Myanmar* (Index: ASA 16/0446/2019).

3. BACKGROUND

VIOLENCE AND DISPLACEMENT: DECADES OF PERSECUTION AGAINST ROHINGYA

Rohingya people, who are viewed as "Bengali" by the Myanmar authorities, are denied equal rights as citizens and have been systematically discriminated against for many decades, to such an extent that Amnesty International has concluded their treatment amounts to the crime of apartheid under international law.

They have also been subjected to violence by the state since the late 1970s, forcing hundreds of thousands of Rohingya refugees to flee Myanmar, most to Bangladesh. Attacks against the Rohingya population in Myanmar amount to crimes against humanity and have been described by a UN Fact-Finding Mission as being consistent with other situations in which courts and tribunals have found there to be "genocidal intent".[18]

One of the first Rohingya refugee families that fled in Sept 2017 from Myanmar to settle in Teknaf area of Cox's Bazar.
© Amnesty International (Photo: Ahmer Khan)

18. HRC, Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar, 12 September 2018, UN Doc. A/HRC/39/CRP.2 (2018), para. 85.

Timeline of movement of refugees from Myanmar to Bangladesh

1978

In 1978, up to 200,000 Rohingya fled to Bangladesh during and after a major military crackdown on "illegal immigration" codenamed "Operation *Nagamin*" (Dragon King). In Rakhine State, Myanmar, the crackdown was accompanied by reports of wide-ranging human rights violations against the Rohingya, including unlawful killings, rape and the destruction of property.

1991

In 1991 and 1992, a further 250,000 Rohingya are estimated to have fled, amid reports of forced labour; summary executions; torture, including rape; and arbitrary detention by the Myanmar security forces.

2001

In 2001, anti-Muslim riots across Myanmar also affected Rakhine State and again led to the displacement of Rohingya.

2016

In October 2016, 87,000 refugees fled Myanmar to Bangladesh after a military crackdown in the wake of a deadly ARSA attack on a military post.[19] A total of 34,172 refugees had been registered prior to 31 August 2017.

2017

Since August 2017, around 700,000 Rohingya have fled to Bangladesh following an ethnic cleansing campaign by Myanmar's military.[20]

2019

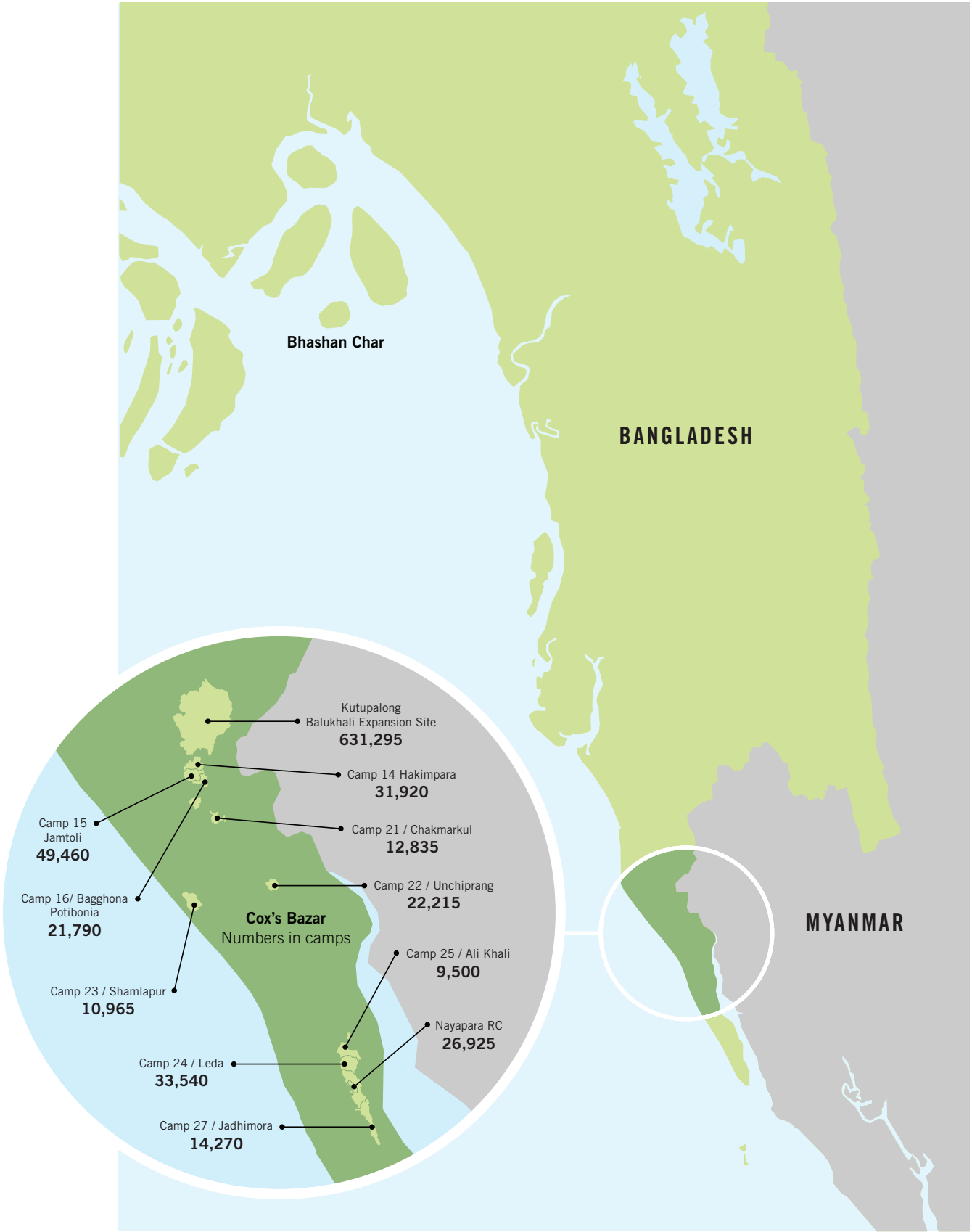
As at June 2019, there were 913,316 refugees living in the Cox's Bazar District of Bangladesh: 906,526 were in refugee camps and 6,790 were living in host communities in the Ukhiya and Teknaf areas.[21]

19. See *"We are at breaking point": Rohingya: persecuted in Myanmar, neglected in Bangladesh*, ASA 16/5362/2016, 2016.

20. For more background on the violence and discrimination against Rohingya in Myanmar, see Amnesty International, *"Caged without a Roof"*, p. 10.

21. ISCG, Situation Report, Cox's Bazar, June 2019, available at https://reliefweb.int/sites/reliefweb.int/files/resources/sitrep_june_2019_final.pdf

Refugee camps in Bangladesh



3.1 THE HUMANITARIAN RESPONSE

"We are so fortunate that the people of Bangladesh have welcomed us and that groups from around the world have come to our aid. We are still in very difficult conditions."

Interview with Hamid*, a 35-year-old man, Jamtoli camp, 15 February 2019

More than 910,000 refugees from Myanmar (mostly Rohingya) now live in Bangladesh after they were forced to flee successive campaigns of violence by the Myanmar security forces. The majority of these refugees arrived in the months following 25 August 2017, when violence erupted in Myanmar's Rakhine State, but a steady trickle of people has continued to cross the border since then.

A major humanitarian operation, involving the combined efforts of government, international and national NGOs, various UN agencies and other stakeholders, has ensured that refugees have been offered urgent humanitarian assistance on arrival in the country. The humanitarian response in Bangladesh is jointly managed principally by, the government of Bangladesh, the IOM and the UN High Commissioner for Refugees (UNHCR), as well as other humanitarian and development organizations.

While Bangladesh is responsible for ensuring the protection of the human rights of all those in its territory or under its control without discrimination, the international community also has a role to play under its commitment to responsibility sharing for refugees under the Global Compact on Refugees, Articles 55 and 56 of the UN Charter[22] and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Under international human rights and refugee law, states' obligations "to support each other to host refugees, and obligations to seek, and provide, international cooperation and assistance to ensure refugees can reach a place of safety and have access to the support they need" is known as the principle of responsibility sharing.[23]

Funding is a core part of states' obligations to refugees under the principle of responsibility sharing.[24] In the 2018 Global Compact on Refugees, the international community reiterated that timely, predictable, adequate and sustainable public and private funding is a key element of "responsibility and burden sharing" and committed to ensuring flexible and multi-annual funding whenever possible.[25]

In the context of the refugee crisis in Bangladesh, there is a further need for international assistance both in terms of financial and technical capacity to ensure the rights of refugees are adequately protected. For example, the UN has called for annual support through donor funds under the Rohingya Refugee Crisis Joint Response Plan (JRP). The 2018 JRP was 69% funded at the end of December 2018.[26] As of July 2019 –halfway through the year – the 2019 JRP is only 34% funded, with

22. See for example: Executive Committee of UNHCR, Conclusion on International Co-operation and Burden and Responsibility Sharing in Mass Influx Situations, 8 October 2004, UN Doc. A/AC.96/1003.

23. Amnesty International, *Genuine Responsibility-Sharing: Amnesty International's Five Proposals* (Index IOR 40/4380/2016).

24. The preamble to the 1951 Convention relating to the Status of Refugees states: "Considering that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation".

25. UNHCR, Report of the United Nations High Commissioner for Refugees: Part II Global Compact on Refugees, 13 September 2018, UN Doc. A/73/12 (Part II), p. 6.

26. In 2018, some key sectors were affected by considerable funding deficits including education (49% funded), health (41% funded), protection (40%), water, sanitation and hygiene (WASH, 26% funded); shelter (25% funded); while food security and gender based violence protection were funded 71% and 51% respectively. See: UN OCHA, *Financial tracking service; Bangladesh Rohingya Refugee Crisis Joint Response Plan 2018, 2018*, fts.unocha.org/appeals/656/summary

some sectors having not received any funding.[27] The slow and unpredictable distribution of funding commitments to the JRP in Bangladesh reduces the ability of UN agencies and partners to respond effectively and responsibly to the situation.

Resettlement, that is the official relocation of refugees from their host country to a third country, is another key aspect of responsibility-sharing.[28] Historically, however, the number of refugees originating from Myanmar and resettled from Bangladesh has been very low and grossly disproportionate to the total refugee population in the country.[29] More recently, the Bangladesh government and the international community have been unable to find an agreement that would allow refugees to be resettled from Bangladesh.[30]

27. At the time of writing, key sectors were funded as follows: education 35%; food security 33%; protection 28%; shelter 25%, health 13%; and WASH 31%. See: UN OCHA, *Rohingya Humanitarian Crisis Joint Response Plan 2019: funding update*, 2019, www.humanitarianresponse.info/en/operations/bangladesh/document/jrp-2019-funding-update-31-july-2019

28. The importance of resettlement, a key aspect of burden and responsibility sharing, has been repeatedly emphasized by the Executive Committee of High Commissioner's Programme (ExCom), the governing body of UNHCR; see UNHCR, *A Thematic Compilation of Executive Committee Conclusions*, www.unhcr.org/53b26db69.html, pp. 471-478.

29. UNHCR Resettlement Data Finder, https://rsq.unhcr.org/en/#9GBf.

30. Al Jazeera, 'Bangladesh silent on Canada offer to take Rohingya refugees', 8 November 2018, www.aljazeera.com/news/2018/11/bangladesh-silent-canada-offer-rohingya-refugees-181109010656363.html

4. LIVING IN THE CAMPS

4.1. ADMINISTRATION OF THE CAMPS

There are 34 camps in Bangladesh, largely situated in three main settlement areas (Kutupalong/Balukhali, Jamtoli and Leda/Nayapara) with a few scattered in between. Each camp is divided into blocks to make them more manageable for the Bangladesh authorities and service providers. The largest of these settlements, Kutupalong, has 23 camps accommodating a total of 631,083 people.[31] The six largest camps across all settlements accommodate more than 40,000 people each.[32] UNHCR is responsible for site management of 17 of the camps (including the two registered camps (Kutupalong Registered Camp and Nayapara Registered Camp) which have existed since the 1990s. The IOM is responsible for site management in the other 17 camps.[33]

Somewhere deep between Balukhali and Kutupalong camps. © Amnesty International (Photo: Ahmer Khan)

31. UNHCR, *Population Map: UNHCR, Bangladesh, Cox's Bazar,* 2019, data2.unhcr.org/en/documents/details/70358

32. UNHCR, *UNHCR & Partners Presence Cox's Bazar District,* 2019, data2.unhcr.org/en/documents/download/70243

33. For further data on the camps, including population size, development partners and development sectors, see UNHCR, *UNHCR & Partners Presence Cox's Bazar District.*

There are between two and 120 blocks in each camp. Each block has an average of 500 residents (or roughly 100 households). However, 600 blocks have more than 500 people living in them and the largest accommodates some 4,900 people. The camp boundaries were largely drawn up by the Bangladesh government based on topographic or geographical information at the end of 2017.

Each camp has a Camp-In-Charge (CIC), who is a Bangladesh civil servant and is responsible for daily coordination and administration of services in the camps, in conjunction with the Bangladesh Army.[34] Each block has a Majhi, a refugee representative, serving as a focal point for CICs and camp management. Most of the Majhi were appointed in late 2017 or early 2018 on an ad hoc basis.[35] In 2019, UNHCR is transitioning camps to a new system through elections for Camp Leaders and Deputy Camp Leaders to replace the Majhi. A quota system for women applies so that either the Leader or Deputy Leader must be a woman.[36]

4.2 FREEDOM OF MOVEMENT

"Our biggest problem is that we have no freedom... We cannot move around freely."[37]

Rohingya refugees face very significant restrictions on their freedom of movement in Bangladesh. The Bangladesh security forces guard checkpoints outside the main camp settlement areas and search vehicles on a daily basis to stop refugees travelling to Ukihya, Cox's Bazar or other parts of the country.[38] These restrictions not only impact on refugee's right to freedom of movement,[39] they also have other serious human rights implications, such as the preventing people from seeking medical care in Cox's Bazar.[40] It also means that refugees are entirely dependent on humanitarian assistance within the camps.

Refugees need permission from CICs to leave the vicinity of the Kutupalong or Nayapara/Leda, but can generally move without permission between some camps to visit relatives. Speaking of the impact of these restrictions, Norul, a refugee man from Jamtoli camp, said:

"...we are so lucky to be safe in Bangladesh. But being here is stressful, like being in a prison or like an animal kept in a cage. There is no freedom of movement. I tried once to leave the camp and go to Cox's Bazar to look for work, but I was insulted and called names at the checkpoint and turned back. I have never tried again."[41]

Many of the refugees Amnesty International spoke to mentioned concerns about lack of freedom of movement, with some comparing this to restrictions on travel within Myanmar.[42] Alarmingly, Amnesty

34. The Bangladesh Army plays a role in the disaster response in the country and were one of the first agencies responding to the mass arrival of refugees in late 2017. They have a strong presence in the camps. See ACAPS, *Rohingya Crisis: Governance and Community Participation,* 2018, www.acaps.org/sites/acaps/files/products/files/20180606_acaps_npm_report_camp_governance_final_0.pdf

35. Very few of the Majhis have been women (only one out of 1200 Majhis was a woman according to a 2018 IOM Assessment. See ACAPS, Rohingya Crisis: Governance and Community Participation.

36. See ACAPS, *Rohingya Crisis: Governance and Community Participation.*

37. Interview with Mohammed A, aged 65, Balukhali camp, 14 February 2019.

38. Human Rights Watch referred to 27 military and police checkpoints on the roads between refugee camps and Cox's Bazar, established to prevent freedom of movement of refugees (see: Human Rights Watch, *"Bangladesh is not my country": The Plight of Rohingya Refugees from Myanmar, 2018*, www.hrw.org/sites/default/files/report_pdf/bangladesh0818_web2.pdf, p. 43.

39. Universal Declaration of Human Rights, adopted by UN General Assembly resolution 217 A on 10 December 1948, Article 13(1).

40. Interview with a refugee man, Balukhali camp, 14 February 2019. See also Chapter 5.

41. Interviewed with a refugee man, Jamtoli camp, 15 February 2019.

42. Interviews with Homai* and Abdul*, Balukhali camp, 14 February 2019.

International was told of proposals by the government of Bangladesh to further restrict refugees' freedom of movement by "fencing in" existing settlements.[43]

Any such further restrictions would be a cause of serious concern and inconsistent with the obligation of the Bangladesh authorities to take meaningful steps, with international support, to respect the rights of Rohingya refugees, including the right to freedom of movement, and to ensure that they can live in safety and dignity.

Children play in Jamtoli refugee camp. © Amnesty International (photo: Alex Neve)

43. Interview with various organizations, 21 February 2019.

5. RIGHT TO AN ADEQUATE STANDARD OF LIVING

THE RIGHT TO ADEQUATE STANDARD OF LIVING

This encapsulates more than simply having a roof over one's head. It includes facilities essential to health, security, comfort and nutrition. Inherent within this is the need for "adequate food, clothing and housing, and to the continuous improvement of living conditions".[44] The right to adequate housing includes privacy, space, security, lighting and ventilation, with access to basic infrastructure, including energy for cooking, refuse disposal, clean drinking water and sanitation.[45] These rights are essential for the enjoyment of many other rights, including the right to life.

Refugees live in varied shelters and settings, with some living close to or in host communities, and others in camps only for refugees. In the Kutupalong and Nayapara areas, some refugees are housed in close proximity to host communities.[46] For example, Rahama, a 32-year-old refugee living in the Nayapara area, described how he was living in an extension made of plastic sheeting off the more permanent home of a Bangladesh family and paid them 1,200 Bangladesh taka (BDT) (approximately US$14.20) a month to "rent" this self-made extension.[47] Around 2,000 households in Camp 25 have a similar arrangement, but some pay different amounts to their hosts.[48] Other refugees live in separate camps that are not integrated with host communities.

Most rooms measured approximately 3.7m x 3m and the largest households had two rooms,[49] sometimes with seven or more people (one or two related families) living in this space. Smaller families had only one room of a similar size. The variation in size appears to be based on when people arrived and also on the fact that refugees were initially trained to build shelters themselves in whatever space

44. ICESCR, Article 11.

45. CESCR, General Comment No. 4: The right to adequate housing (Article 11(1) of the Covenant), 13 December 1991, UN Doc. E/1992/23, para. 7.

46. UNHCR, *Operational Portal: Refugee Situations,* 2019, data2.unhcr.org/en/situations/myanmar_refugees.

47. Interview with q refugee man, Leda camp, 17 February 2019.

48. Interview with three refugee men from Camp 24 and Camp 25, Leda Camp, 17 February 2019.

49. Interview with a male refugee, Camp 16, 18 February 2019 and observations by researchers.

was available.[50] Several of the refugees interviewed said the shelters were not big enough for their households.[51] Women refugees also raised concerns that the size of the shelters was not sufficient for growing families, for example, when their sons marry (with the expectation that their daughter-in-law would live with them),[52] or when children or grandchildren are born in Bangladesh.[53]

Thainkhali refugee camp. © Amnesty International (Photo: Ahmer Khan)

Kutupalong refugee camp. © Amnesty International (Photo: Ahmer Khan)

50. The IOM provided training to refugees to build their own shelters at the start of the crisis: see IOM, 'UN Migration Agency, Rohingya refugees work together to build emergency shelters but funding crisis leaves many at risk', June 2018, available at https://www.iom.int/news/un-migration-agency-rohingya-refugees-work-together-build-emergency-shelters-funding-crisis

51. Interview with 13 refugees, various camps, between 13 and 20 February 2019.

52. Interview with refugee woman, Balukhali camp, 13 February 2019.

53. Interview with refugee woman, Jamtoli camp, 14 February 2019.

Under UN guidelines for refugee camps, a person should have a minimum of 35m2 of living space to live adequately.[54]

BANGLADESH'S INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Bangladesh has not ratified the 1951 Convention Relating to the Status of Refugees, but it has acceded to or ratified a number of other human rights treaties which apply equally to everyone in its territory or under its jurisdiction, including Rohingya refugees. In addition, there are rules of customary international law, such as the prohibition on *refoulement*, which bind all states, irrespective of whether or not they have ratified relevant treaties.[55]

Relevant treaties to which Bangladesh is a state party include the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of Racial Discrimination, the International Covenant on Economic Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC). Non-discrimination on grounds including sex, gender, race, religion, ethnicity and nationality is a core provision in all international human rights instruments.

Under the ICESCR, Bangladesh is obliged to ensure that everyone in the state has at least minimum essential levels of each right, including food, shelter, education and health.[56] Where states do not have the resources to meet this requirement, they are obliged to seek assistance from the international community.[57] The international obligations apply to "non-nationals, such as refugees, asylum-seekers…regardless of legal status and documentation".[58]

The provision in the ICESCR referring to "international assistance and cooperation" reflects the principle that even when a state does not have sufficient resources to fulfil economic, social and cultural rights, there are resources within the international community it could utilize. In such cases, the state is obliged to seek international assistance and cooperation and to ensure that the assistance is used in a way that contributes to the realization of economic, social and cultural rights and prioritized minimum core obligations. This includes ensuring that assistance prioritizes the most marginalized and emphasizes equality and non-discrimination.[59]

Refugees told Amnesty International they are grateful to the Bangladesh government, host communities and international organizations for the support provided, but their concern that living conditions within the camps were far from adequate was evident. In the most fundamental aspects of

54. UNHCR, *Emergency Handbook*.

55. The principle of *non-refoulement* prohibits the forcible return of individuals to a place where they would be at real risk of serious human rights violations.

56. ICESCR, Article 2(1) and Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 3 on the nature of State parties' obligations, E/C.12/1991/3, January 1991, para. 10.

57. ICESCR, Article 2(1).

58. CESCR, General Comment No. 20 on Non-Discrimination (Art 2 of the Covenant), E/C.12/GC20, 2 July 2009, para. 30.

59. CESCR, General Comment No. 3: The nature of State parties' obligations (Article 2(1) of the Covenant), 14 December 1990, UN Doc. E/C.12/1991/3, para. 13 and M. S. Carmona, "The obligations of 'international assistance and co-operation' under the International Covenant on Economic, Social and Cultural Rights. A possible entry point to a human rights based approach to Millennium Development Goal 8" in *The International Journal of Human Rights,* 13:1, 86-109, 2009, www.tandfonline.com/doi/pdf/10.1080/13642980802532424

humanitarian assistance – shelter, water, sanitation, health and food – the response in Bangladesh is falling short.

In spite of its obligations, the Bangladesh government has limited the permissible materials that can be used to build refugee shelters – resulting in insecure housing that does not provide adequate privacy, security, habitability and protection from the weather.[60] In addition to health consequences from environmental factors, there is a significant risk of landslides in many of the camps due to the hilly terrain, which has been largely stripped of trees and other plant growth, alongside a lack of secure foundations (concrete floors or secure footings) in many of the dwellings. While preparations were well under way for this year's monsoon season when Amnesty International visited the camps in February, the limitations on building materials continued to restrict the ability of refugees to build stronger and more durable shelters that are appropriate to the environment.

Bangladesh has justified these discriminatory and arbitrary restrictions on the basis that it sees the refugee camps as temporary until such time as repatriation (or relocation) can take place. However, the right to adequate housing – including a minimum essential living standard – must be protected even during humanitarian emergencies.[61] Bangladesh must make every possible effort, within its available resources, to ensure that the housing provided is habitable and does not pose a risk to the health and safety of the refugees. This includes by removing the restrictions on refugees from building more secure shelters that would enable them to live in safety and dignity.

While the provision of emergency housing after the mass arrival of refugees has now been addressed, given the protracted nature of the crisis, there is a critical need to move towards upgrading shelters using more durable materials. In order to be considered adequate, housing must be habitable; that is, it must provide inhabitants with adequate space and protect them from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease. The physical safety of occupants must also be guaranteed.[62]

According to UNHCR's own protection guidelines, shelter strategies should involve refugees and host communities at an early stage and provide shelter which is safe and weather appropriate, considering health, wellbeing, privacy, ventilation, size and cultural and environmental issues.[63] The IOM showed Amnesty International its upgraded shelter plans for the refugee camps, which provide for improved ventilation in the design and use stronger foundations with treated bamboo posts.[64] These upgraded shelters incorporate locally sourced materials and construction skills, however they retain plastic sheeting roofing and bamboo frames, due to limitations on permissible construction materials.[65] Refugees cannot hope to attain an adequate standard of living which is suitable for the climate in Bangladesh (or even comparable to local housing) until the restrictions on building materials are lifted.

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60. Interview with the IOM, Cox's Bazar, 20 February 2019 in which they referenced restrictions on building materials and the challenges of providing a stronger design of shelters. Amnesty International wrote to the Bangladesh government seeking more clarity on building restrictions, but had not received a reply at the time of writing. It is not clear if the restrictions prohibit use of certain building materials or on building semi-permanent and permanent structures within the camps, but humanitarian organizations Amnesty International spoke to were widely aware of restrictions in place. Corrugated iron roofing was only observed by Amnesty International in Kutupalong Registered Camp, not in other camp sites. While these shelters might meet the right to an adequate standard of living temporarily following a humanitarian emergency, they do not meet the right to adequate housing beyond this, highlighting the need for upgraded housing within the camps. The violation the right to adequate housing can have other serious consequences, including on the right to physical and mental health, the longer refugees are required to live in temporary and overcrowded housing.

61. Interview with IOM, Cox's Bazar, 20 February 2019 in which they referenced restrictions on building materials and the challenges of providing stronger design of shelters. Amnesty International wrote to the Bangladeesh government seeking more clarity on building restrictions but did not receive a reply at the time of writing this report. It is not clear if the restrictions prohibit use of certain building materials, or on building semi-permanent and permanent structures within the camps, but humanitarian organizations Amnesty International spoke to were widely aware of restrictions in place.

62. CESCR, General Comment No. 4: The right to adequate housing (Article 11(1) of the Covenant), 13 December 1991, UN Doc. E/1992/23, para. 8(d).

63. UNHCR, *Emergency Handbook,* 2019, available at emergency.unhcr.org/entry/254351/shelter-solutions

64. Interview with IOM, Cox's Bazar, 20 February 2019.

65. Interview with IOM, Cox's Bazar, 20 February 2019.

5.1 OVERCROWDED, UNSUITABLE AND INSECURE HOUSING

"At first…we were able to endure difficult conditions because we thought it would not last. But now that it is clear that it is going to be a longer term stay, it is very hard…we are in such crowded conditions, with many family members forced to live together in very small spaces."

Interview with Habes, a 30-year-old refugee man, Jamtoli camp

THE RIGHT TO ADEQUATE HOUSING

The UN Committee on Economic, Social and Cultural Rights (CESCR), a body of experts that provides authoritative guidance on the implementation of the ICESCR, has clarified the obligations of state parties regarding the right to adequate housing.[66] This right applies without discrimination to all those in a state's territory or under its jurisdiction.[67] Governments must prioritize the realization of minimum essential levels of housing for everyone while prioritizing the most disadvantaged groups in all programmes when allocating resources. The CESCR also calls on state parties to guarantee the right of people to participate in and be consulted over decisions that will affect them and to provide an effective remedy if any of these rights are violated.

Somewhere deep between Balukhali and Kutupalong camps. © Amnesty International (Photo: Ahmer Khan)

As time goes on, it is increasingly apparent that the emergency shelters provided when refugees arrived in Bangladesh are not adequate for what has become a protracted crisis with no end in sight. Under international standards, appropriate emergency accommodation is not suitable for long-term living needs,[68] and Bangladesh has a duty to work towards progressive improvement of the standard of living. Housing must be suitable for the environment, protect people from the elements and provide a

66. Amnesty International, *Falling Short: the Right to Adequate Housing in Ulaanbaatar, Mongolia* (Index: ASA 30/4933/2016), p. 16.

67. ICESCR, adopted by General Assembly resolution 2200A (XXI) on 16 December 1966, entry into force 3 January 1976, Article 11; acceded to by Bangladesh on 5 October 1998; see also ICCPR and Convention on the Elimination of All Forms of Racial Discrimination for additional responsibilities on non-discrimination.

68. This includes total site area per person, not just exclusive living areas, see: UNHCR, *Emergency Handbook*.

degree of privacy and security. Many of the refugees interviewed explicitly outlined the inadequacy of their shelters and how their accommodation failed to meet those requirements.

By early July, in the middle of the 2019 monsoon season, UNHCR reported that 273 shelters had been destroyed by rain and 2,137 people had been relocated either due to substantial damage to their shelter or as a precaution – highlighting just how vulnerable they are to seasonal weather.[69]

Because of different camp administration in different locations, and different humanitarian organizations assisting in building the shelters, there is wide discrepancy in shelter size and quality. Amnesty International conducted interviews in people's homes, observing a wide variety of shelters and building materials in different locations. The better shelters had woven bamboo walls which allowed more ventilation, but the vast majority of refugees told us their homes were built of plastic sheeting and bamboo and had dirt floors and were notably less secure than the shelters in which Amnesty International interviewed people. One woman described her mud-floor shelter and said she could not afford to buy a plastic floor mat, such as the one she was sitting on during the interview.[70]

Rohima*, a 70-year-old woman in Jamtoli camp, described her shelter as one room with barely enough space for her to lie down.[71] She also said it let in the rain. Nurul, a 45-year-old refugee who lives with his seven children, said that accommodation is overcrowded, with people living on top of each other.[72]

Fatima* lives with her husband, four sons, daughter-in-law and two grandsons (nine people in total), and said there was not enough room for all of them in the two rooms they have. Her son and daughter-in-law sleep in one room with their two children, and the rest of the family sleep in the other room.[73] Another woman, Aisha*, said she lives with 12 family members in two small rooms – the seven women sleep in one room, while the five male family members sleep in the other.[74]

"How long can we live in these tiny shelters, right on top of each other. It is like we are animals. We cannot survive for long like this."[75]

Concerns about the shelters were raised primarily by women, reflecting the fact that they spent a significant amount of time in them. The main concerns were rain coming in during monsoons, overheating in the dry season and lack of ventilation. When asked what could make life easier for them, women frequently told Amnesty International that they need stronger shelters, solar power and fans. A number of men also found their shelters inadequate for the weather conditions. While many refugees were concerned about the heat due to the time of year (it was the start of the hot season, which can reach temperatures of 35°C),[76] refugees also expressed concerns as to whether the shelters would last through another monsoon season, pointing out that the plastic sheeting on their homes is already deteriorating.[77] Overall, the shelters provided to refugees have proven unsuited to both the climate and their long-term needs.

In conclusion, efforts to improve the right to adequate housing must ensure privacy, space, protection from the weather, security, lighting and ventilation.

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69. UN News, 'Scores of Rohingya refugee shelters destroyed by flooding', 5 July 2009, news.un.org/en/story/2019/07/1041931

70. Interview with a refugee woman, Jamtoli camp, 15 February 2019.

71. Interview with Rohima*, Jamtoli camp, 15 February 2019.

72. Interview with Nural, Camp 16, 16 February 2019.

73. Interview with Fatima*, Jamtoli camp, 16 February 2019.

74. Interview with Aisha*, Balukhali camp, 14 February 2019.

75. Koli, a refugee man in Camp 16, 18 February 2019.

76. Interview with a refugee man, Camp 16, 18 February 2019, and interview with Shanti Mohila, Kutupalong camp, 20 February 2019.

77. Interview with a refugee woman, Kutupalong camp, 18 February 2019, and interview with a refugee woman, Jamtoli camp, 15 February 2019.

5.2 LACK OF SAFE COOKING FACILITIES

"I wish for a fan, gas and a bigger shelter"

Interview with Rohima*, a 70-year-old woman, Jamtoli camp, 15 February 2019

A 2018 report by UNHCR found that the most commonly reported urgent non-food items required in the camps were safe fuels (75%), safe cooking stoves (57%) and solar lamps (53%).[78] Nearly a quarter of those interviewed raised access to gas cooking facilities as a primary concern.

The right to an adequate standard of living and to housing includes access to safe cooking facilities.[79] This is also intrinsically linked to the right to food (the refugees' staple diet consists of rice and lentils that require cooking) and the right to health. In addition to some cooking fuels presenting a fire hazard – a risk that should not be underestimated in a densely populated camp. Cooking indoors with firewood is a leading and preventable cause of respiratory illness globally, the impact of which primarily affects women and children.[80] In the camps, this is a contributing factor to the high prevalence of respiratory illness, a leading cause of deaths.[81]

Rohingya refugees eat in Balukhali refugee camp. © Amnesty International (Photo: Ahmer Khan)

78. UNHCR, *Multi Sector Needs Assessment Report: Rohingya Refugee Response,* 2018, p. 2. Amnesty International acknowledges that there may have been some progress since the report was published in July 2018.

79. ICESCR, Article 11 (adequate standard of living); CESCR, General Comment No. 4: The right to adequate housing (Art 11 (1) of the Covenant) including, as part of the right to adequate housing, "sustainable access to… energy for cooking".

80. World Health Organization (WHO), 'Household air pollution and health', 8 May 2018, www.who.int/news-room/fact-sheets/detail/household-air-pollution-and-health and WHO, *Indoor air quality guidelines: household fuel combustion*, 2014, www.who.int/airpollution/guidelines/household-fuel-combustion/en/

81. Various interviews with refugees and confirmed by interview with MSF, Dhaka, 22 February 2019. In an MSF update for August 2018, it was noted that the main causes of morbidity were respiratory, diarrheal and skin diseases, all related to poor living conditions and non-communicable diseases: see Medicins Sans Frontieres, *Rohingya refugee crisis: crisis update – August 2018*, 2018, www.msf.org/bangladesh-rohingya-crisis-update-august-2018

Women are primarily responsible for cooking for their households inside shelters that have no windows or other ventilation. Plastic flaps that serve as doors are often closed to ensure privacy. Mamta*, a 55-year-old woman from Leda camp said she cooks with firewood inside her shelter, but she does not receive firewood distributions and must either buy it or exchange her rations for it. When she is cooking in her shelter, there is smoke. She has breathing problems and has been to the hospital in the camps for treatment, though her breathing continues to cause problems for her.[82]

In late 2018, the humanitarian response started distributing cooking fuel, in an effort to replace firewood. When Amnesty International visited in February 2019, there was incremental progress, though some camps had not yet received cooking fuel, and some refugees were being provided with gas or kerosene, depending on the camp where they lived.[83] Some refugees who receive gas or kerosene distributions are left to supplement it with firewood if they run out. When collecting firewood, some women said they have to go increasingly further from their homes and that sometimes this results in conflict with local people.[84] Furthermore, four women and one man stated they were concerned about the dangers of using kerosene (something they are not used to doing)[85] and some had reverted back to using firewood inside their shelters.

Improved shelter design, fans and safer cooking facilities are required to help reduce the health risks associated with cooking smoke and poor ventilation; the refugees themselves were specifically hoping to receive gas as their preferred fuel for cooking.

5.3 LACK OF SUFFICIENT, QUALITY AND DIVERSE FOOD

"We get food rations. For some people it is enough, for others it is not. We find a way to make sure no one goes hungry…"

Interview with Mohamed AB, father of five, Camp 16, 18 February 2019

Many of the refugees Amnesty International spoke to in February 2019 were living on subsistence rations of rice, oil and lentils or a monthly allowance or credit which can be used to acquire limited supplies, but not fresh fish or meat. Refugees expressed a strong desire to eat foods consistent with their culture. While a newer ration system allows refugees to obtain up to 20 different food items (an improvement from three staple items), there are still limitations on refugees' access to fresh fish, meat, some vegetables and spices. Enjoying food consistent with culture is important to both the physical and mental wellbeing of refugees.

Refugees said they wanted more than just lentils and rice and wanted to be able to cook foods like they do at home.[86] Several women said that they were not used to eating so much "daal" (lentils) in their culture and highlighted the desire to buy traditional spices used in cooking.[87]

82. Interview with Mamta*, Leda camp, 17 February 2019.

83. Several senior humanitarian workers interviewed by Amnesty International said the distribution of gas cookers was a time-consuming process. They said it was a major logistical undertaking to distribute tens of thousands of cookers and gas cylinders – which then need to be replenished. More significantly, in terms of the delay, they said each household had to be trained on how to use the gas cookers – to mitigate the risk that a fire would be started, which could be devastating given the density of the camp structure. See also Amnesty International, *"Fleeing my whole life"*.

84. Various interviews with nine women in Jamtoli, Leda and Shobulaka camps, between 13 and 20 February 2019; interview with eight women, Camp 13 (Thaingkhali camp), 20 February 2019; interview with refugee women, Leda camp, 17 February 2019; and interview with refugee women, Jamtoli camp, 15 February 2019. See also Amnesty International, *"Fleeing my whole life"*, p. 56.

85. Five separate interviews in Jamtoli camp: four women on 16 February 2019 and a man on 15 February 2019.

86. At least 14 refugees said they wanted more food diversity – interviews in various camps, 11 to 24 February 2019.

87. Interview with four women, Camp 16, 19 February 2019.

The Bangladesh authorities do not permit refugees to seek employment[88] and other livelihood opportunities outside the refugee camps. This makes it extremely difficult for refugees to earn a living to supplement food and other assistance provided as part of the humanitarian response. While some refugees were able to work as volunteers, earning a small allowance to supplement their living expenses, most of those Amnesty International spoke to were had no independent means to support themselves and so were entirely dependent on the limited food options provided by the humanitarian sector.

Refugees also rely on selling or swapping their food to buy clothing, medicine, supplementary food items (fresh vegetables, fish or meat) or firewood. Around 20 of the refugees interviewed (14 women and six men) said they frequently borrowed, swapped or sold food with their neighbours to supplement the rations provided.[89] These exchanges were often made to increase the diversity of food – such as obtaining vegetables, spices or fresh meat or fish, or if they were running short of distributed foods by the end of the month. Thirty-four refugees said that food rations were inadequate because distribution days changed (leaving them short of some items at the end of the month), or because not everyone in the household was on the ration system.[90]

UNHCR distribution point in Kutupalong camp. © Amnesty International (Photo: Ahmer Khan)

88. F. Solomon, 'We're not allowed to dream': Rohingya Muslims exiled to Bangladesh are stuck in limbo without any end in sight', Time, 23 May 2019, time.com/longform/rohingya-muslims-exile-bangladesh/

89. Various camps and dates.

90. Several interviews, various dates, February 2019.

FOOD DISTRIBUTION WITHIN THE CAMPS

The World Food Programme (WFP) is largely responsible for providing food assistance to Rohingya refugees in Bangladesh and has been transitioning households from receiving distributions of staples (rice, oil and lentils) to an electronic food card ration system. The programme is intended to allow refugees to access a greater diversity of foods (up to 20 items) including eggs, fresh vegetables and dried fish from WFP-contracted stores in each camp.[91] As of May 2019 about 50% of the refugee population was receiving food assistance through the electronic food voucher system.[92]

The Cox's Bazar District has poor road infrastructure making it difficult for the large-scale transport of food and other items. Complicating this further, a high percentage of Rohingya refugees were suffering from malnutrition on arrival in Bangladesh.[93] Refugees who arrived at different times in Bangladesh have different food rations or support and are likely to have less food diversity than host communities (that is, registered refugees in the camps prior to August 2017 received different support).[94] However, the plan to roll out a food ration card system is intended to cover all refugees who arrived after August 2017.[95]

Nevertheless, the newly implemented electronic identification system for food distribution is not without its problems. Food distribution in some camps is based on fingerprint identification. Amin*, a refugee man in Balukhali camp, said that he had problems and was rejected twice because the fingerprint system did not work and claimed he had missed two food distributions. Amin* said that in order to eat, his family was relying on the assistance of neighbours and that about 5% of families in his block faced similar challenges.[96] Allam, from Leda camp,[97] said that he also had had problems with the fingerprint recognition system for six months, so he now had a card that he can use for alternative identification instead. People from families who transitioned to the e-voucher system said they received around BDK750 (US$9) per person per month.[98]

Food distribution challenges were raised with the IOM, who said that there are back-up systems in place to ensure people can obtain food if fingerprint identification is not working.[99] However, two refugees raised concerns about the electronic system and it appears that there is poor information on how to address technical challenges or raise complaints when there are problems with the food distribution system.

91. See WFP, *Bangladesh*, 2019, www1.wfp.org/countries/bangladesh

92. See WFP, *Rohingya Refugee Response: Situation Report #26,* 2019, reliefweb.int/report/bangladesh/wfp-bangladesh-rohingya-refugee-response-situation-report-26-20-may-2019

93. For more on food insecurity and malnutrition prior to the 2017 crisis, see Amnesty International, *"Caged without a Roof"*, pp. 77-79.

94. According to a WFP Situation Report, more than 60% of refugees are now receiving food through the ration card system. See WFP, *Bangladesh Rohingya Refugee Response Situation Report'* #24, 2019, reliefweb.int/report/bangladesh/wfp-bangladesh-rohingya-refugee-response-situation-report-24-15-march-2019

95. For a more detailed analysis of the food security and diversity issues affecting refugees (including refugees in registered camps, those in unregistered camps, those living either partly or fully with host communities) prior to 2012, see WFP, *The Contribution of food assistance to durable solutions in protracted refugee situations: Its impact and role in Bangaldesh: A mixed method impact evaluation,* 2012, documents.wfp.org/stellent/groups/public/documents/reports/wfp254676.pdf – this study also found that unregistered refugees who were living in host communities, while vulnerable due to lack of legal protection and receiving limited assistance, had significantly higher food diversity (similar to what was available in host communities). Unregistered refugees were generally worse off in terms of food diversity and security than registered refugees receiving food rations. All categories of refugees (regardless of registration status, where they resided or what food assistance, if any, they received) had poorer food diversity than the local population in this area of Bangladesh.

96. Interview with a refugee man, Balukhali camp, 14 February 2019.

97. Iinterview with a refugee man, Leda camp, 17 February 2019.

98. Interview with several refugees, Bangladesh February 2019.

99. Interview with IOM representatives, Cox's Bazar, 20 February 2019.

FOOD REGISTRATION – ADDING NEW PEOPLE

Refugees said that they were unaware of how to add new or recent arrivals (including new births, or family members who crossed the border at a later date than the rest of the family) to the official food ration system. In these situations, the food rations did not always reflect the number of people per household and was therefore insufficient for the family's needs. The inability to alter this information was more likely to impact women, older people and others who may find it difficult to access distribution centres without assistance.[100] Humanitarian workers also expressed concern that people with disabilities, older people or women may be left off the new system because they rely on others to collect their food rations, or because the new system was not adequately explained to them.[101]

Gulmer*,[102] a 63-year-old widow in Leda camp, said that she has six family members in her household but only four are on the ration system. Her daughter-in-law and grandson arrived in Bangladesh later than the rest of the family and are not registered. Hassina*, a 21-year-old women from Balukhali camp, said she arrived around September 2017 with her three-year-old son. Her husband came to Bangladesh in August 2018, six months later. She said she does not know how to get her husband onto the ration system.[103]

THE RIGHT TO FOOD

Article 11(1) of the ICESCR recognizes "the right of everyone to an adequate standard of living for himself and his family, including adequate food…and to the continuous improvement of living conditions" and Article 11(2) recognizes "the fundamental right of everyone to be free from hunger".[104]

In its General Comment No. 12, the CESCR highlighted that the right to food requires the state to ensure the availability of adequate food either from cultivable land or other natural resources, or from distribution and market systems. The right to food further requires that food be affordable and accessible to all, including those who are discriminated against or who face barriers or risks in obtaining adequate food. It also requires that food be of sufficient quantity and quality to meet the nutritional needs of individuals and be culturally acceptable.[105]

The situation of Rohingya refugees in Bangladesh has moved beyond the initial emergency phase. In order to fully respect their right to food, they should have access to "sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensure a physical, mental, individual and collective, fulfilment and dignified life free of fear".[106] As the refugees interviewed by Amnesty International highlighted, the Bangladesh government is currently falling short of its obligation to fulfil the right to food guaranteed under the ICESCR for refugees within the camps.

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100. For more detail on the challenges of people accessing food distribution and resolving problems, see Amnesty International, *"Fleeing my whole life"*, pp. 53-56.

101. See Amnesty International, *"Fleeing my whole life"*, p. 53.

102. Interview with a refugee woman, Leda camp, 17 February 2019.

103. Interview on 14 February 2019.

104. ICESCR, Articles 11(1) and 11(2).

105. CESCR, General Comment No. 12: The right to adequate food (Article 11 of the Covenant), 12 May 1999, UN Doc. E/C.12/1999/5.

106. CESCR, General Comment No. 12: The right to adequate food (Article 11 of the Covenant), 12 May 1999, UN Doc. E/C.12/1999/5, para. 8; see also Amnesty International, *"Fleeing my whole life"*, for specific detail on food needs for older people.

5.4 INADEQUATE SAFE WATER AND SANITATION

"Sanitation is not just about health, housing, education, work, gender equality, and the ability to survive. Sanitation, more than any other human rights issues, evokes the concept of human dignity."

The Report of the Independent Expert on the Issue of Human Rights Obligations related to Access to Safe Drinking Water and Sanitation[99]

The quality, functioning and type of water and sanitation facilities vary from camp to camp, as does the distance between households and the facilities. Amnesty International notes the enormous logistical challenges of providing and maintaining water sources and latrines for such a large population in an area with limited infrastructure or planning. However, it is important to stress – especially to the international community –the ongoing need to invest in and improve water and sanitation for refugees in the camps, and to highlight what refugees themselves had to say about accessing water and sanitation.

Refugees collect water from a waterpump in Nayapara refugee camp. © Amnesty International (Photo: Ahmer Khan)

Since August 2017, the Bangladesh authorities and humanitarian actors have made considerable improvements to the camp infrastructure, including the number of latrines. According to Sphere standards – an NGO-developed set of minimum humanitarian standards for disaster response – there should be a communal latrine for every 20 people and such latrines should be no more than 50m from an individual's shelter.[107] During the first chaotic phase of the crisis, the average people per latrine fell well short of these standards; in Balukhali camp, for example, an average of 115 people were

107. Sphere Association, *The Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response* (Fourth Ed.), 2018, pp. 113-120. UNHCR has the same global standards and also calls for latrines to be no closer than 6m to a shelter; see UNHCR, *Emergency Handbook: Camp planning standards (planned settlements)*, 2015, emergency.unhcr.org/entry/45581/camp-planning-standards-planned-settlements

sharing each latrine.[108] The quality of construction was also uneven and many latrines were too close to water points, posing a further risk to health.[109] After the construction of more than 55,000 latrines in 2018, the situation improved significantly for most refugees. The lead UN agencies in Bangladesh reported that, by the end of 2018, 71% of the targeted population in the camps and the host community settlements had access to "functional latrines of agreed standards" though the "unplanned nature of settlements has hampered the siting of latrines and water sources in relation to risks of contamination".[110]

Amnesty International researchers, however, frequently heard that there were not enough toilets for the number of people using them and that latrines are not hygienically or properly maintained.[111] Several refugees said that the latrines near them were too full (non-functioning) or that there were not enough toilets in their area.[112] Two girls said that they use a pan in their shelters rather than going to the latrines provided in the camps for hygiene reasons.[113] Older people with reduced mobility also described using a pan or pot in their shelter as the closest latrine often required traversing hilly and steep terrain, which they found difficult.[114]

Older people and women faced particular challenges in accessing water sources.[115] Women told Amnesty International they are mostly responsible for the collection of water for their households.[116] If women were unable to carry water, their children or other family members would collect the water.

Hamima*, a 60-year-old woman in Jamtoli camp, told Amnesty International that water is particularly difficult for her to collect as the closest pump is at the bottom of the hill on which her shelter is located. "It's difficult, I feel unsafe," she said. "I need to go up the hill [after collecting water]. I'm afraid I may fall down."[117] Many described needing to collect water up to 15 times a day,[118] and sometimes finding pumps broken or tanks empty, forcing them to walk further to get water.[119]

Refugees also told Amnesty International that some water tanks are empty and that broken water pumps take a long time to fix. The smaller number of water pumps which are treated so that they are suitable for drinking are often much further away than other non-potable water sources.[120]

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108. Reuters, 'Life in the camps', 4 December 2017, available at http://fingfx.thomsonreuters.com/gfx/rngs/MYANMAR-ROHINGYA/010051VB46G/index.html.

109. Reuters, 'Life in the camps', 4 December 2017, available at http://fingfx.thomsonreuters.com/gfx/rngs/MYANMAR-ROHINGYA/010051VB46G/index.html.

110. Strategic Executive Group, *Joint Response Plan for Rohingya Humanitarian Crisis: March - December 2018 Final Report*, 2019, p. 59 (quoted language and statistic) and p. 17 (phased construction of 55,869 communal latrines to "incrementally reach a coverage of 20 persons per latrine") and p. 33 reliefweb.int/report/bangladesh/joint-response-plan-rohingya-humanitarian-crisis-final-report-march-december-2018 The Co-Chairs of the Strategic Executive Group are the UN Resident Coordinator in Bangladesh, the Representative of UNHCR Bangladesh and the Chief of Mission of IOM Bangladesh.

111. UNHCR updates list the number of latrines and the number of functional latrines per campsite: see UNCHR, *Bangladesh Refugee Emergency: Monthly Camp Profile*, April 2019, reliefweb.int/report/bangladesh/bangladesh-refugee-emergency-monthly-camp-profiles-april-2019

112. Interviews with three women, Jamtoli camp, 15 February 2019, and one woman, Jamtoli camp, 16 February 2019.

113. Interview with two girls, Kutupalong, 19 February 2019.

114. Amnesty International, *"Fleeing my whole life"*.

115. See Amnesty International, *"Fleeing my whole life"*, pp. 51-54.

116. This is also supported by surveys in the camps showing that 79% of women reported collecting water for their household: see WASH Sector Cox's Bazar, *Bangladesh: Water, Sanitation and Hygiene baseline assessment*, 2018, reliefweb.int/report/bangladesh/bangladesh-water-sanitation-and-hygiene-baseline-assessment-cox-s-bazar-rohingya

117. Interview with a refugee man, Jamtoli camp, 15 February 2019.

118. Group interview with four women, Kutupalong camp, 18 February 2019; interview with a refugee woman, Kutupalong camp, 18 February 2019; and interview with a refugee woman, Camp 16, 16 February 2019.

119. Interview with Khalunisa, Kutupalong camp, 20 February 2019.

120. Water sources and quality varies from camp to camp – for example, some camps use tanks, bore holes, some water sources are chlorinated, some have solar powered pumps or manual pumps and some service providers distribute personal filters to be used by refugees. For a more detailed assessment of water within the camps, see UNHCR, 'Water Networks Review Cox's Bazar', 2019.

UNHCR provides a regular breakdown of available water points, functioning water points, water points per person, available latrines and functioning latrines in each camp it administers.[121] The functioning of water points and latrines is affected by high-volume usage and factors such as weather damage from rains and flooding, creating a need for regular and ongoing maintenance. In a number of camps, UNHCR figures show that up to one third of available water points and latrines can be non-functioning at any one time, which is consistent with the statements of refugees that sometimes the water and latrines near them are not working, causing them to travel further away to access facilities. Two men from Jamtoli camp told Amnesty International that when water pumps are broken, they take a long time to be repaired.[122]

The geographical area or density of the camps may also impact on access to and the availability of water and sanitation facilities. In Nayapara Registered Camp, for example, there are 107 people per latrine, which is clearly in excess of Sphere's international recommended standard of 20 people per latrine.[123] The remoteness of Nayapara and lack of natural water sources has meant that during the dry season (November to May) UNHCR relies on trucking in water supplies.[124] Water availability for refugees is based on emergency rations of 20 litres per person per day, but at times has been rationed to 15 litres per person per day.[125]

Three men, who live in Jamtoli camp, said that water quality is a problem and noted the frequency of diarrhoea and other stomach complaints.[126] Hamid*, a 35-year-old refugee man, said: "Every time you take a drink it feels like you are taking a risk and you just don't know if you might become very sick. Sometimes the water is contaminated."[127]

Hamid's* comments on water quality were reinforced by the findings of the World Health Organization (WHO), which analysed source and household water supplies in the camps in April 2019 and found that 34% of source water and 83% of household water is contaminated with E. Coli.[128] A health sector newsletter (Bulletin) published by the WHO in May 2019 noted the frequency of waterborne illnesses in the camps, including acute watery diarrhoea (found in 4.9% of all reported consultations).[129]

Refugees have clearly articulated that in some areas, water and sanitation facilities are falling short of international human rights standards that require them to be adequately available, physically accessible, safe, of good quality and socially and culturally acceptable. The Bangladesh government has an obligation to protect the right to water and sanitation for refugees, regardless of the temporary nature of the refugee camps. The right to water and sanitation for refugees is likely to fall short of international human rights law and standards until such time as there is improved infrastructure in the camps. Other issues raised above, like addressing overcrowding, may also go some way to ensuring local water sources are not overburdened and are sustainable in the long term.

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121. UNHCR, *Bangladesh Refugee Emergency: Monthly Update,* May 2019, data2.unhcr.org/en/documents/download/70120

122. Interview with two refugee men, Jamtoli camp, 15 February 2019.

123. UNHCR, *Bangladesh Refugee Emergency: Monthly Update,* May 2019.

124. During the dry season the ground-level water falls, making it difficult to pump water. This is particularly bad in Nayapara, as the main reservoir is dry for three months of the year. See UNHCR, 'Fighting water scarcity in Cox's Bazar refugee camps', 2019, www.unhcr.org/en-au/news/latest/2019/1/5c2fc16a4/fighting-water-scarcity-coxs-bazar-refugee-camps.html

125. UNHCR, 'Fighting water scarcity in Cox's Bazar refugee camps'.

126. Interview with three refugee men, Jamtoli camp, 15 February 2019.

127. Interviewed on 15 February 2019.

128. WHO, *Working for Clean Water and Health in a Rohingya Refugee camp,* 2018, www.searo.who.int/mediacentre/heroes-on-the-ground/payden-water-sanitation/en/ E.Coli can cause waterborne diseases including diarrhoea, dysentery, typhoid and cholera directly through the consumption of unsafe water. International Centre for Diarrhoeal Disease Research, *A Bacteriological Water Quality Issue: Rohingya "Forcefully Displaced Myanmar Citizen" Camp in Cox's Bazar,* 2019, reliefweb.int/report/bangladesh/fact-sheet-8-bacteriological-water-quality-issue-rohingya-forcefully-displaced

129. Inter Sector Coordination Group, *Health Sector Bulletin #9: Rohingya crisis in Cox's Bazar District, Bangladesh,* 2019, www.searo.who.int/bangladesh/health-sector-cxb-bangladesh-no9.pdf

THE RIGHT TO WATER

The right to water has been recognized as derived from the right to an adequate standard of living and, therefore, implicitly contained in the ICESCR and other human rights instruments.[130] The right to water includes the availability of sufficient water for personal and domestic use, including for drinking, personal sanitation, clothes washing, food preparation and personal and household hygiene.

According to CESCR General Comment No. 15, water and related facilities and services must be within safe physical reach for all sections of the population, within or in the immediate vicinity of each household, educational institutions, and workplace. Water facilities and services must provide affordable, safe water and "be sensitive to gender, life-cycle, and privacy requirements".[131]

THE RIGHT TO SANITATION

The right to sanitation has been recognized as derived from the right to an adequate standard of living and, therefore, implicitly contained in ICESCR.[132] The right requires that sufficient sanitation facilities, with associated services, be available within, or in the immediate vicinity of, each household, health or educational institution, workplace, public institution and public place. It requires quality of sanitation facilities, which means they must be hygienically safe to use, including regular cleaning, maintenance, emptying of pits or other places that collect human excreta. Facilities must be in a safe location and physically accessible for everyone at all times. Access to sanitation facilities and services must be affordable, ensure privacy and dignity and be socially and culturally acceptable.[133] The right to sanitation requires special attention to the needs of children, older people and people with disabilities.

130. See for example, CESCR, General Comment No. 15: The right to water (Articles 11 and 12 of the Covenant), 20 January 2003, UN Doc. E/C. 12/2002/11, paras 2-6 and UN General Assembly, Resolution 64/292: The human right to water and sanitation, 28 July 2010, UN Doc. A/RES/64/292.

131. CESCR, General Comment 15: The right to water (Articles 11 and 12 of the Covenant), 20 January 2003, UN Doc. E/C. 12/2002/11, para. 12.

132. CESCR, Statement on the Right to Sanitation, 19 November 2010, UN Doc. E/C.12/2010/1, para. 7. The CESCR said the right to sanitation is "integrally related" to the rights to health, housing and water. See also UN General Assembly, Resolution 68/157: The right to safe drinking water and sanitation, 18 December 2013, UN Doc. A/RES/68/157.

133. The criteria used here to describe the right to sanitation are drawn from the CESCR Statement on the Right to Sanitation and UNHRC's *Report of the UN Independent Expert on the issue of Human Rights Obligations related to Access to Safe Drinking Water and Sanitation*, 1 July 2010, UN Doc. A/HRC/15/31/Add.1.

6. ACCESSING HEALTH CARE

This chapter focuses on the limitations on freedom of movement and how that impacts on enjoyment of the right to adequate health for refugees. Humanitarian workers, refugees, UNHCR and the IOM have consistently highlighted the challenges in providing adequate and quality health care within the camps,[134] and improvements to health facilities in the camps is essential. However, where health care cannot be provided in the camps, refugees must be able to travel to obtain adequate health care elsewhere.

According to humanitarian workers, when camp health providers do not have the capacity to treat someone, a referral system is in place with local Bangladesh hospitals. More serious medical conditions are referred to Ukhiya or Cox's Bazar Hospitals. However, in practice, this works poorly and in only the most extreme cases. The Bangladesh authorities restrict refugees from leaving the camp areas without specific approval, such as permission to get medical treatment, and the security forces operate checkpoints near the camps to monitor movement.[135]

MSF confirmed that the Bangladesh government has agreed to allow refugees to travel to hospitals (located outside checkpoints) with a medical certificate,[136] but many refugees told Amnesty International that the process was unclear, ineffective and varied from camp to camp.

Refugees described how they were turned away from checkpoints after attempting to travel to get medical treatment, even though they had medical certificates.[137] Others, with obvious medical ailments, or sick children, but without a medical certificate were also turned away.[138] Even refugees who have lived in the country since the early 1990s described challenges travelling in Bangladesh to access adequate medical care.[139]

A group of women community leaders interviewed in Kutupalong camp on 20 February 2019 told Amnesty International that a member of their community in Balukhali Camp, who had a medical certificate to go to Cox's Bazar, had to hand over their ration card and identification to the CIC before they left. When they returned they had to pay BDK2000 (US$23.80) to get their ration card and identification documents back.[140] Another woman from Camp 5 said she had to pay BDK500 (US$5.95) to obtain permission from the CIC to leave the camps and get medical treatment.[141] These reports point to additional "informal" and non-legitimate costs that refugees may need to pay in order to leave the camps.

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134. See Amnesty International, *"Fleeing my whole life",* pp. 45-51.

135. Amnesty International, *"Fleeing my whole life",* p. 49.

136. Interview with MSF, Dhaka, 22 February 2019.

137. Interview with a group of three refugee women, Kutupalong camp, 19 February 2019.

138. Interview with a refugee man, Jamtoli camp, 15 February 2019 and with a refugee man, Kutupalong camp, 18 February 2019.

139. Interviewed with Rahama, Leda camp, 17 February 2019.

140. Interview with a group of seven women, Kutupalong camp, 20 February 2019.

141. Interview with a group of seven women, Kutupalong camp, 20 February 2019.

In an interview with a group of women at Kutupalong camp on 18 February 2019, two women said they were stopped from going to the Ukihya hospital, even though they had medical certificates from a doctor.[142] The women both suffered from hepatitis, which MSF confirmed cannot be treated in the camps.[143]

HEALTH CARE

At the end of 2018, there were around 200 health facilities, including 10 hospitals, servicing more than 910,000 refugees packed into 34 camps in Bangladesh. Refugees highlighted the inaccessibility of the clinics, inconsistent quality, long waiting times or limited referral systems as challenges to accessing health care, issues that have a disproportionate impact on older people and people with disabilities. Several refugee women and men described going to clinics for chronic conditions – including high blood pressure, chronic respiratory illness and chronic pain – and receiving a few paracetamol tablets or nothing.[144] Some refugees described selling food rations and other items to buy medication from market stalls that was not available at health clinics. A 2018 report by UNHCR found that 91% of refugees were seeking health care at NGO-run clinics, while 49% reported facing challenges in actually accessing those clinics; a key challenge was the distance to the clinics.[145]

Health sector partners (including over 100 health service providers) provide various health services in the camps and in Ukhiya and Cox's Bazar. They are co-ordinated through the Civil Surgeon's Office Cox's Bazar (a Bangladesh public official) and the WHO for the benefit of both refugees and host communities and meet as the Health Sector Coordination Group. Current priorities for the Health Sector Coordination Group include prioritizing, consolidating and improving the quality of the services offered.

The majority of reported illnesses according to the March 2019 *Health Sector Bulletin* (No. 8) included: acute respiratory infections (14.9%); suspected varicella, which includes chicken pox or measles (7.8%); acute watery diarrhoea (4.2%); and unexplained fever (3.9%). The leading non-communicable diseases reported included: diabetes, hypertension and chronic obstructive pulmonary disease. The March 2019 *Bulletin* also noted that more than 55% of refugees are still opting for home births in spite of significant health outreach initiatives – highlighting that much more needs to be done to ensure women are able to access suitable health care in line with their culture and needs.[146]

142. Interview with a group of four women, Kutupalong camp, 18 February 2019.

143. Interview with MSF, Dhaka, 22 February 2019.

144. See Amnesty International, *"Fleeing my whole life",* p. 47.

145. UNHCR, *Multi Sector Needs Assessment Report: Rohingya Refugee Response,* 2018, reliefweb.int/report/bangladesh/multi-sector-needs-assessment-report-rohingya-refugee-response-july-2018, p. 2. As this report was completed in 2018, it is possible that progress may have been since the report was published.

146. Health Sector Bulletin #8 Rohingya Crisis in Cox's Bazar, Bangladesh, March 2019, available at http://www.searo.who.int/bangladesh/health-sector-cxb-bangladesh-no8.pdf

Watched by children, Rohingya artists bring vibrant mural to life inside and outside a health centre in Jamtoli Camp.
© Amnesty International (Photo: Alex Neve)

A refugee said he tried to get to the Ukihya hospital (the closest hospital just outside the camp areas) when his child had pneumonia, but was turned back at the government checkpoint, which is just before the hospital.[147] One refugee said that he tried to travel to Cox's Bazar in early February 2019 to see if he could get better treatment and medicine for his father, who suffers from asthma. He was turned away at the checkpoint and forced to return to the camps.[148]

A refugee, whose daughter had health issues requiring referral to a hospital in the capital city, Dhaka, said he was unable to find out the procedure to access this health care. Rahama, who has lived in Nayapara camp since he was four years old (he is now 32), has three children who were born in Bangladesh. His youngest child is seven months old and has a medical condition that cannot be treated in the camps. He got an emergency referral from Leda camp to Cox's Bazar Hospital, but they were unable to treat the child there and referred him to the hospital in Dhaka. Rahama said he does not know what the process is to get medical treatment in Dhaka – including obtaining travel permission and covering the cost to travel there.[149]

147. Interview with a refugee man, Camp 16, 18 February 2019.

148. Interview with a refugee man, Jamtoli camp, 15 February 2019.

149. Rahama's case was raised by Amnesty International with MSF, who said that they would try to assist him getting the medical care his child needs.

There is recognition among the humanitarian community that the referral system does not meet existing needs. The March 2019 *Health Sector Bulletin* notes that to "reduce avoidable deaths, much work is needed to improve the referrals systems."[150] The IOM, while relating it had managed 11,000 referrals since the crisis began, said the "movement of refugees in and out of the camps is controlled by the local camp administrators… Although acute medical emergencies are waivered [do not require] of this prior permission, this is not the universal norm. There are frequent instances where lifesaving referrals are delayed because of the need for approval."[151]

Several humanitarian workers said the problems are in part due to Bangladesh's health services, like those in the camps, being overstretched. UNHCR's response to Amnesty International reiterated this.[152]

There is an urgent need to ensure that the medical referral process is clear and accessible for all refugees in the camps, especially where treatment is not available inside the camps. Restrictions on the right to freedom of movement for refugees and an unclear permissions procedure enabling them to travel outside the camps have denied refugees access to adequate health care in Bangladesh.

RIGHT TO HEALTH

Article 12 of the ICESCR recognizes the "right of everyone to the enjoyment of the highest attainable standard of physical and mental health."[153]

CESCR General Comment No. 14 recognized the right to health as "an inclusive right extending not only to timely and appropriate health care but also the underlying determinants of health, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information… A further important aspect is the participation of the population in all health-related decision making at the community, national and international levels."[154]

The right to the highest attainable standard of health requires that health care facilities, goods and services be available in sufficient quantity; be accessible to everyone without discrimination, which includes affordability, information accessibility, and physical accessibility; be acceptable to all, that is, respectful of medical ethics and culturally appropriate; and be of good quality.[155]

150. WHO, *Rohingya Crisis in Cox's Bazar District, Bangladesh: Health Sector Bulletin (Number 8).*

151. IOM written response, 30 May 2019, p 5.

152. UNHCR written response, 31 May 2019, p 10. – the full response can be viewed in Amnesty International, 'Fleeing my whole life'.

153. ICESCR, Article 12.

154. CESCR, General Comment No. 14: The right to the highest attainable standard of health (Article 12 of the Covenant), 11 August 2000, UN Doc. E/C.12/2000/4, para. 11.

155. CESCR, General Comment No. 14: The right to the highest attainable standard of health (Article 12 of the Covenant), 11 August 2000, UN Doc. E/C.12/2000/4, para. 12.

7. EDUCATION FOR ALL

"I love education… I want to become a doctor because I want to help my society, my country and my people. Education for all, why not for refugees?"

Bibi, aged 15, born in Bangladesh and expelled from a local school in January 2019

"I want to help find the solutions to the problems we Rohingya face. Education would help me do that. But there is no option for me right now. Instead I don't know what my future will be."

Ali*, aged 16, arrived in Bangladesh in September 2017 and denied access to education

Mohammad Rafiq, 17, a Rohingya refugee is a teacher at a learning centre in Nayapara camp in Cox's Bazar. He teaches Rohingya children English, Burmese and Mathematics. © Amnesty International (Photo: Ahmer Khan)

Access to education for Rohingya refugee children in Bangladesh was a serious concern even before the influx of over 700,000 Rohingya refugees began in late August 2017. Opportunities have been limited at best, both with respect to schools that have been allowed to operate in the two registered camps, and permission for Rohingya students to attend Bangladeshi schools outside the camps. For the vast majority of refugees who arrived after August 2017, there has been no meaningful investment in the right to education beyond "child friendly spaces" facilitating recreation and basic learning.

Schools that were only allowed to operate in the two officially recognized camps – Nayapara and Kutupalong – have only been allowed to provide limited numbers of hours of classes per day and do not offer education beyond Grade 8 (for students up to 13 years of age).[156] Until a recent change in policy, some Rohingya families who have resided in Bangladesh for many years, including those who arrived in 1991 and 1992, were able to enrol their children in Bangladeshi schools, but even that possibility has now been curtailed.[157]

In January 2019, the government of Bangladesh issued a notice that secondary schools near Cox's Bazar were to expel their Rohingya students, who were listed by name.[158] Human Rights Watch estimate this ban affected more than 200 Rohingya students.[159] The letter from Bangladesh's Refugee Relief and Repatriation Commission Chief Abul Kalam, was cited by Reuters[160] as calling on heads of schools to "monitor strictly so that no Rohingya children can take education outside the camps or elsewhere in Bangladesh." Amnesty International wrote to the Refugee Relief and Repatriation Commission Chief requesting more information on this policy, but did not receive a reply by the time of publication.

Regardless of whether they were born in Myanmar or Bangladesh, and regardless of when they or their families arrived in Bangladesh, Rohingya children and youth are equally entitled to enjoy the right to education without discrimination, guaranteed under a range of international human rights treaties to which both Myanmar and Bangladesh are parties. But consistently, in both countries, that right has been systematically restricted.

"We can't find a way to provide education for our children if it is forbidden... we can't let these years of waiting be lost years for our children. They will never get those years back."[161]

156. See for example: Human Rights Watch, 'Bangladesh: Rohingya Refugee Students Expelled', 2019, and interview with UNICEF, 31 July 2019.

157. P. McPherson and R. Paul, 'Rohingya "lost generation" struggle to study in Bangladesh camps', Reuters, 18 March 2019, www.reuters.com/article/us-myanmar-rohingya-education/rohingya-lost-generation-struggle-to-study-in-bangladesh-camps-idUSKCN1QZ0EA; Human Rights Watch, 'Bangladesh: Rohingya Refugee Students Expelled' and interview with various refugees in Leda camp on 18 February 2019; and interview with UNICEF, 31 July 2019. Amnesty International also sought further information from the Bangladesh government in writing, but had not received a reply at the time of writing.

158. Human Rights Watch, 'Bangladesh: Rohingya Refugee Students Expelled'; spoken of in interview with Mohamed S., Leda Camp, 18 February 2019; reported on by Al Jazeera, 'Bangladesh: Scores of Rohingya children expelled from schools', 22 May 2019, www.aljazeera.com/news/2019/05/bangladesh-scores-rohingya-children-expelled-schools-190522102006272.html

159. Human Rights Watch, 'Bangladesh: Rohingya Refugee Students Expelled'.

160. P. McPherson and R. Paul, 'Rohingya "lost generation" struggle to study in Bangladesh camps'.

161. Mohamed AB, a 40-year-old father of five children aged between two and 10, who arrived in Bangladesh in September 2017 and lives in Kutupalong camp

Rohingya children return home after attending a community learning centre in Balukhali camp. © Amnesty International (Photo: Ahmer Khan)

DENIED EDUCATION IN MYANMAR

Amnesty International's research makes it clear that for many years Rohingya children and youth have faced extensive and systematic restrictions in accessing education – at primary, secondary and higher education levels – in Rakhine State, Myanmar.[162] A combination of factors limit this right in practice, including the fact that Muslim students in central Rakhine State are typically not allowed to attend mixed government schools with other children and that official government teachers have refused to go to schools in Muslim villages and village tracts, citing fears for their safety. The Myanmar government has also imposed severe restrictions on the freedom of movement of the Rohingya, which impacts on their ability to access education.[163]

Amnesty International interviewed many Rohingya refugees in Bangladesh who had worked or volunteered as teachers in Myanmar, some in official government-run schools but most in community schools.

162. Amnesty International, *"Caged without a roof"*, pp. 66-72.

163. Amnesty International, *"Caged without a roof"*, p. 67.

"We were denied proper schools in Rakhine also, which is why our situation was so difficult there. That is why it is so cruel that now, when we have reached safety, our children are not able to go to school at all."[164]

Mohamed F, an unregistered refugee who has been living in Bangladesh since 1992, described to Amnesty International how he had particularly hoped that there would be educational opportunities for his daughters in Bangladesh that had been denied them in Myanmar. He said:

"When I lived in my village I was studying and was in the third grade, until I was 10 years old. Life was very restricted and there was so much violence and persecution. Then we were blocked from continuing to go to school and I felt like I would have no future. Things became worse and they killed my younger brother, so we fled to Bangladesh. And all I have dreamed here was that my children, and particularly my daughters, would at least get a full education. But that dream has now ended."[165]

Mohamed's 15-year-old daughter, who was born in Bangladesh, had been able to study in Bangladesh for nine years, but she was effectively expelled in January 2019 when the government decreed that all Rohingya students were banned from continuing to study in any local schools. Mohamed added:

"My hope and dream had been to be a police officer but that ended when I was no longer allowed to study. Now my dream is my daughter's dream. She wants to be a doctor. That dream cannot fail."[166]

7.1 DENIED EDUCATION IN BANGLADESH

It is estimated that nearly half[167] of the roughly one million Rohingya refugees residing in Bangladesh are under the age of 18. Most fled from Myanmar with their families in the aftermath of the wave of violent attacks against their villages that began in late August 2017 and have been in Bangladesh for nearly two years now. Others have lived in Bangladesh since the 1990s (or earlier) and some children were born in Bangladesh.

There is a distinction in how refugees have historically been treated in terms of accessing the right to education in Bangladesh, based on when they arrived in the country and whether they were registered by UNHCR. The vast majority of Rohingya refugee children are unregistered and have been unable to attend Bangladeshi schools or other formal education.[168]

The government has been prepared to allow and support minimal learning programmes consistent with an emergency response (humanitarian actors described existing permissible programmes as non-formal primary and pre-primary level learning),[169] despite the fact that the refugee situation has

164. Habib, interviewed at Jamtoli camp, 16 February 2019.

165. Mohammed F, Leda camp (from Nayapara camp), 17 February 2019.

166. Mohammed F, Leda camp (from Nayapara camp), 17 February 2019.

167. A total of 497,751 according to UNHCR, *Population Data and Key Demographic Indicator*, 2019, data2.unhcr.org/en/documents/details/69853

168. In March 2017, UNHCR identified 7,515 Rohingya refugee children enrolled up to Grade 7 in Bangladeshi schools (see UNHCR Factsheet 2017). These children were part of the 33,148 refugees registered in UNHCR administered camps in early 2017. There were estimated to be a further 200,000 Rohingya refugees who were unregistered in Bangladesh at that time – and the children among this population did not have any legal right to attend Bangladeshi schools. As a result, it is likely that tens of thousands of Rohingya children have been unable to legally access schooling in Bangladesh because they fall into this category of unregistered refugees prior to 2017. Unregistered refugees, including all those who arrived since late 2017, are unable to attend Bangladeshi schools and are instead confined to basic "learning centres" within the camps.

169. Interview with BRAC, Cox's Bazar, 20 February 2019; also confirmed in interview with UNICEF, 31 July 2019.

clearly now moved beyond the initial phase of emergency relief. Existing programming focuses on basic learning for young children and is wholly inadequate for older children. Amnesty International is aware that there are numerous governments, UN agencies and humanitarian organizations prepared to provide funding to support the establishment and delivery of formal educational programmes for Rohingya children and youth, but they have said they are hindered by the Bangladesh government's restrictions in relation to the option.[170]

The ban on education has had repercussions for Rohingya youth whose families fled to Bangladesh in the early 1990s and who were born in Bangladesh. Over the years, families had often been able to make arrangements to enable their children to attend Bangladeshi schools in nearby villages. However, that changed with the January 2019 policy announcement to strictly enforce the prohibition on education for *all* unregistered Rohingya refugee children.

Amnesty International interviewed two refugee children, their parents and one young adult who had been required to stop attending school in January 2019 because of what they described as "a letter from the Bangladesh government."[171] Mohamed S, a community leader in Nayapara, whose children were born in Bangladesh, described efforts to clarify and challenge this decision to expel Rohingya children from attending schools:

"The only explanation we received was that we are refugees and must go to schools in our refugee camps, not in the villages. They say that, but in the camps there are only very basic primary schools good only for four to six year-olds, and after primary grades… there is nothing at all in the camp. So instead, now our children are sitting around playing games or doing nothing and there is a risk they may get involved in bad activities. Our children were born in this country but we are treated like this because we are refugees." [172]

Amnesty International researchers spoke to several children and their parents about being denied the right to education because of the Bangladesh government's policy. Among them was Lucky, aged 15, who was prohibited from continuing to attend the school she had been enrolled in for many years when the government announced that the ban on Rohingya refugee children attending school would now be enforced.

"Since the government order we have been [stressed]. Now, we don't know what will happen. If we can't study ourselves, how can we possibly help others?...We just want education. We [want them to] let us study and open these schools [to us] again." [173]

Amnesty International urged the government of Bangladesh to reconsider its position and allow education for Rohingya refugees and, in particular, to allow those already attending schools before January 2019 (regardless of status) to complete their schooling.[174] In response, government officials told Amnesty International that Bangladesh is not prepared to provide education to Rohingya refugee children beyond what has been agreed as part of the 2019 JRP.[175] However, the JRP is clear in its assessment of how deficient current educational programmes are in the camps and how important it is to make improvements in this area:

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170. Various meetings with UN agencies, and diplomatic corps, Bangladesh 11 to 21 February 2019.

171. Mohamed F and his daughter Bibi, Leda camp, 17 February 2019; Mohamed S, Leda Camp, 17 February 2019; and Mohammed K, Kutupalong camp, 19 February 2019.

172. Mohamed S, Leda camp (from Nayapara camp), 17 February 2019.

173. Lucky, Nayapara camp, 20 February 2019.

174. Meetings in Dhaka, 20 and 21 February 2019 and letter to Ministry of Foreign Affairs official, 27 February 2019.

175. The JRP seeks US$920 million in international assistance for over 1.2 million Rohingya refugees and vulnerable Bangladeshis in the Cox's Bazar area of the country, US$59.5 million of which (approximately 6.5% of the overall appeal) is earmarked for education: Strategic Executive Group, *Joint Response Plan for Rohingya Humanitarian Crisis: March - December 2018 Final Report,* p. 10.

"Approximately 50% of pre-primary and primary learners – as well as 97% of youth and adolescents – lack access to quality education or learning opportunities. The power of education to break the cycle of poverty, violence and injustice has been well proven. Rohingya refugee children and youth need better access to learning opportunities to ensure their capacity to maximize whatever solutions materialize for themselves and their families."[176]

The section of the JRP dealing with education notably does not refer specifically to schools or accredited educational curriculums and has no commitments or plans regarding primary, secondary and higher education. Instead, it refers to learning opportunities, learning activities and learning facilities. Government officials made it clear to Amnesty International that the JRP is limited to improving and expanding the operations of "child friendly spaces" and "learning centres" and does not extend to instituting formal schools providing classes following the official curriculum of either Myanmar or Bangladesh.

UNICEF told Amnesty International that they remain in discussion with the Bangladesh government about opportunities to provide an educational curriculum to Rohingya refugees, but as yet the Bangladesh government has not agreed to more comprehensive education plans.[177] If the Bangladesh government were to remove restrictions and agree to education plans for Rohingya children, the UN and international donors, expressed a willingness to provide technical and financial assistance to Bangladesh.

"Education matters because it is part of being human. It is about learning what humanity is. It is about opening up the world and giving hope and possibility. We need the rest of the world to help us educate our children."[178]

UN bodies have called on both Myanmar[179] and Bangladesh to respect the right to education for Rohingya children without discrimination.[180] However, as confirmed by the refugees who spoke to Amnesty International and as evidenced by the January 2019 ban, the Bangladesh government is failing to fulfil its international human rights obligation on the right of children to education.

7.2 EDUCATION IS MORE THAN JUST PLAYTIME: INADEQUATE 'LEARNING CENTRES'

An extensive number of spaces at locations throughout the refugee camps in Bangladesh have clearly been set up to care for and provide recreation and some level of instruction for children. UNHCR, for example, lists 17 partner organizations providing education within the camps it administers.[181] In fact, when walking through some of the camps there are often such programmes at almost every turn, generally termed "child friendly spaces" or "learning centres", which are described by BRAC (one education provider) as providing "early learning" and "non-formal basic education" or "safe spaces for children".[182] The programming is targeted at pre-primary and non-formal primary levels and does not offer accredited education.[183]

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176. Strategic Executive Group, Joint Response Plan for Rohingya Humanitarian Crisis: March - December 2018 Final Report, p. 11.

177. Interview with UNICEF, 31 July 2019.

178. Habes*, Jamtoli camp, 15 February 2019.

179. UN Committee on the Rights of the Child, Concluding observations: Myanmar, UN Doc. CRC/C/MMR/CO/3-4, 14 March, 2012, para. 97.

180. UN Committee on Economic, Social and Cultural Rights, Concluding observations: Bangladesh, UN Doc. E/C.12/BGD/CO/1, 18 April, 2018, paras. 27 and 28.

181. See UNCHR, *Bangladesh Refugee Emergency: Monthly Camp Profile,* April 2019.

182. See for example, BRAC, *BRAC's Humanitarian Response in Cox's Bazar: Strategy for 2018*, 2018, response.brac.net/wp-content/uploads/2018/03/BRAC-Operational-Response-Plan-by-Sector.pdf

183. Interview with BRAC, 20 February 2019.

Most of these spaces are aimed at children between three and 12 years of age (primary school age or younger). There are no suitable spaces or "learning centres" for children aged 12 to 18. Amnesty International's delegates visited a number of these centres, which generally provide opportunities for children to play games and other recreational activities, engage in arts and crafts and have some very basic classes in mathematics and Burmese, as well as for learning some rudimentary phrases in English.

During the course of interviews with Rohingya children, young people, parents, grandparents and teachers residing in the camps, concerns about the lack of any formal education opportunities consistently emerged as a top priority. Indeed, 42 individuals (nearly half of those Amnesty International spoke to) explicitly noted lack of education for children as one of their primary concerns. Parents expressed appreciation for the child friendly spaces provided, but noted they are only appropriate for their youngest children and they quickly outgrow what is offered.

"My young son has fun at the CFS [child friendly space], but my older children are not learning, they are just playing lots of games and reciting poems. It is so hard for my 13-year-old daughter, who had finished Grade 3 in Myanmar but here she can't go ahead with Grade 4. She is very unhappy, she just keeps learning the basics, which she already knows, over and over again."[184]

Some parents said that they tried to have their older children continue to attend these centres, largely so that there was something to keep them busy. However, they said that they had often come to realize that this was unhelpful and that it may hinder informal home learning.

"My son did attend the child friendly space even though he was older than many of the other children. But it became a problem. Soon all he wanted to do was play games and would not even pay attention when we tried to teach him at home."[185]

Many parents and grandparents are worried that as time goes by and their older children have no access to school, it will hinder their ability to reach their full potential. The CRC notes that education also plays an important wider societal role in reducing poverty and promoting peace, tolerance, development and economic growth. This underscores the potential long-term impact of the denial of this right, which was reflected in the concerns of many of those interviewed.1[86]

"We could be here for another five or even 10 years. Does that mean my children's future is shut down for all of those years?"[187]

"I am a teacher and I know that for humans, education is the road to life and the future… We will be lost if this continues for long."[188]

Parents with children who are not yet of school age are also concerned about the lack of educational opportunities and worry for their children's future.

184. Abu T, Kutupalong Camp, 19 February, 2019.

185. Abdul*, Balukhali 2 camp, 14 February 2019.

186. UN Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of 20 November 1989, entered into force 2 September 1990, Preamble.

187. Abdul*, Balukhali 2 camp, 14 February 2019.

188. Mohammed Y, Jamtoli camp, 15 February 2019.

"This situation with no schools in the camps is getting worse every day. Sending them to the CFS's is like sending them out to play games all day. I worry a great deal. My child is just a baby right now, but I know we are going to be here in the camps for quite some time and I know that school will become important for her. Without it she will have no future."[189]

"I worry so much about life in the camps for my children. I have always hoped I would be able to send my children to school but I can see that is not happening here. What will my children do when the time comes for them to go to school? Like all the other children there will be nothing for them to do. That is terrible for all of us. We have to give our children a future."[190]

7.2.1 "LET US TEACH OUR CHILDREN"[191]

The ban on formal education and fear of repercussions for organizing informal schools dissuades some refugees from providing lessons to their own children and those from neighbouring families, even if they have previously worked as teachers.[192] Seven of the Rohingya men interviewed had attempted to arrange informal classes but said they face limitations, including lack of resources and materials, and have, on occasion been told by camp officials (through Majhis or CICs) not to organize classes. Others said that they worried about being punished if they tried. The situation is, however, inconsistent as other refugees indicate they have been able to provide informal classes and to do so openly. While a small number of former teachers had been able to secure paid "volunteer" positions in a CFS or learning centre, most expressed disappointment and frustration that they are not able to establish or participate in schools for Rohingya children.

Mohamed M and two other former teachers started small, informal classes in his own home to teach local children. After two weeks he was approached by his Majhi and warned that if he continued the classes he would be reported to the CIC.[193]

"There is no space, books, texts, money or permission, so I can't go ahead and organize classes myself. I would absolutely start teaching if there were the means for doing so."[194]

"At night I try to teach my son and a few neighbours, but we have to be careful because we are not allowed to have schools. It would be so much better if there were real schools. Right now I feel like every day his future life falls further behind for him."[195]

"I do some informal teaching, for my five-year-old and a few neighbouring children. But I have to be very careful because if the CIC found out I might be banned from teaching and even punished. How can it be that I cannot even safely take steps to teach my own children? I have tried to get official permission, as have many others, but it is always refused. They always say that all we can offer is emergency level teaching. But this is no longer just an emergency, this

189. Usman*, Jamtoli camp, 16 February 2019.

190. Hussein*, Jamtoli camp, 15 February 2019.

191. Mohammed I, Jamtoli camp, 16 February 2019.

192. Including two men in Jamtoli camp on 15 February 2019; two men in Jamtoli camp on 16 February 2019; two men in Leda camp on 17 February 2019; one man in Kutupalong camp on 18 February 2019; and four men in Kutupalong camp on 19 February 2019.

193. Interviewed in Jamtoli camp, 16 February 2019.

194. Habes, Jamtoli Camp, 15 February 2019.

195. Mohammed I, Jamtoli camp, 16 February 2019.

is where we are living our lives and raising our children. They also specifically forbid children being taught Bangla because they worry that will lead to putting down roots."[196]

"With two other teachers we tried to teach a group of just five students between 10 and12 years old. It only lasted for about two weeks. We were doing it in our own homes, which was crowded. I bought some sheets of paper with my own money and then wrote lessons on those sheets of paper. But the Majhi said that this was forbidden by the CIC and that if we kept teaching he would tell the CIC. So we decided to stop because we did not want to have any problems. We could solve the problem with lack of education on our own. I am a teacher and I know many other teachers who are here. We could start teaching our children. But we are forbidden from doing so by the CIC and the block Majhis."[197]

Rohingya children in Jamtoli Camp attending one of the Child Friendly Spaces that provide basic levels of learning, targeted towards younger children. © Amnesty International (Photo: Alex Neve)

196. Habib, Jamtoli camp, 16 February 2019.

197. Interview with Mohamed M, Jamtoli camp, 16 February 2019.

This experience appears to differ from camp to camp. Shomshu, a former teacher, explained that the Majhi in his block had been supportive of his attempts to arrange informal classes for children. He said that he had been able to arrange informal classes for approximately 20 young people who live in his block in the camp. Shomshu said: "I don't charge any school fees because no one can afford that. I am doing it as a volunteer. The children have to bring their own materials. I teach three subjects: math, English and Burmese. It would be better if they were learning in formal schools. To learn is to grow and expand and we should never rob children of that basic right."[198]

Refugee children in the camps are being denied their right to education as provided under Article 26 of the Universal Declaration of Human Rights. The existing learning centres are insufficient to satisfy the provision of this right. Similarly, on its own, informal learning through privately organized classes does not meet international human rights standards. The strong desire of refugees who have experience as teachers to participate in and contribute to educational opportunities for Rohingya youth does, however, point to a resource that could assist greatly in developing proper educational programs. At the same time, the restrictions they have faced in even offering informal classes illustrates how entrenched the restrictions on education in the camps have become. Education responses and programming should primarily be developed in consultation with those most affected – including Rohingya youth, teachers and parents.[199]

7.2.2 LACK OF OPPORTUNITIES FOR YOUNG ADULTS

The implications of the prohibition on education extend beyond children to young adults, including those refugees seeking to pursue vocational, technical and other higher educational opportunities after primary and secondary school.

Mohammed K, aged 27, was born in Bangladesh soon after his parents fled from Myanmar in 1992. He has never been to Myanmar and he is not recognized as a citizen of either Myanmar or Bangladesh, but is a registered refugee in Bangladesh. He had been able to pursue primary and secondary studies through unofficial means and then was able to enrol in a technical school outside the Kutupalong Registered Camp where he lives. He was, however, forced to abandon his studies in January 2019 when the government announced that prohibitions on all Rohingya attending Bangladeshi schools would be strictly enforced.

Mohammed K, 27 yrs old, lives in Kutupalong Registered Camp. Born in Bangladesh after his parents fled Myanmar in 1991 Mohammed is not recognized as a citizen by either Myanmar or Bangladesh. In January 2019 he was forced to stop attending a local technical school when the Bangladeshi government decreed that refugees could not attend schools outside of the camps. He asks, "Why? Just because I am Rohingya? Just because I am a refugee? That is not fair." In response he has started a small refugee rights group in the camp with other friends.
© Amnesty International (Photo: Alex Neve)

198. Interview with Shomshu, Jamtoli camp, 16 February 2019.

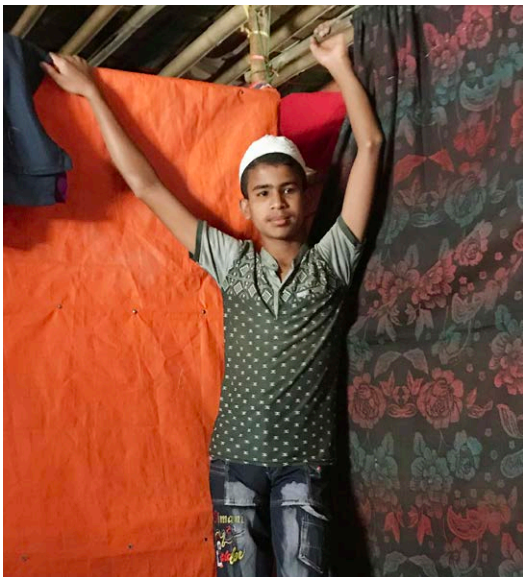
199. Some recent studies have noted the diversity of views among Rohingya refugees, including on language and curriculum: see for example, HPG Working Paper, Rohingya refugees' perspectives on their displacement in Bangladesh, www.odi.org/sites/odi.org.uk/files/resource-documents/12719.pdf, pp. 12-13; and J. Olney et al, *We Must Prevent a Lost Generation: Community-led education in Rohingya refugee camps,* 2019, reliefweb.int/report/bangladesh/we-must-prevent-lost-generation-community-led-education-rohingya-camps

"One day I felt I was learning something that would help me build a better future, and now that has been taken away from me. And why? Just because I am Rohingya? Just because I am a refugee? That is not fair."[200]

Ali and Saeed are both 16 years old and fled from Myanmar with their families after the violence erupted in August 2017. The two had been able to attend community-run schools in Myanmar up to the point that they left in 2017, but are now unable to pursue further education in Bangladesh. Both shared their sense of hopelessness about their futures if they are not able to continue to access education.

"I begin every day hoping that it might be different than other days and that something might change. But then it turns out to be like every day. There are no classes to attend and nothing to do. How long can this go on?"[202]

The Bangladesh government should expand educational opportunities not just for primary aged school children but for young adults as well, and lift restrictions on children attending classes beyond Grade 8 (i.e. for children over 13 years of age).



Ali, 16 yrs old. "I hope that someday I might be a leader in my community. I want to help find the solutions to the problems we Rohingya face. Education would help me do that. But there is no option for me right now. Instead I don't know what my future will be."[201] *© Amnesty International (Photo: Alex Neve)*

Saeed, 16 yrs old from Balukhali camp. "I begin every day hoping that it might be different than other days and that something might change. But then it turns out to be like every day. There are no classes to attend and nothing to do. How long can this go on?"[202] *© Amnesty International (Photo: Alex Neve)*

7.3 EDUCATION FOR GIRLS

"She enjoyed going to school and was learning so much. I encouraged her to keep studying. It is so important that daughters get the same opportunities for education as our sons do. And when they said the Rohingya children could not go to school any more she came home in tears."

Mohamed F talking about his daughter, Bibi, who was expelled from school in January 2019 following a government directive[203]

200. Mohammed K, Kutupalong camp (from Kutupalong Registered Camp), 19 February 2019.

201. Ali, Balukhali camp, 14 February 2019.

202. Saeed, Balukhali camp, 14 February 2019.

203. Interviewed in Nayapara camp, 17 February 2019.

Amnesty International spoke to Bibi, aged 15, and her father, Mohamed F, about education. Bibi was born in the camps after her parents fled to Bangladesh in 1992. She had been able to attend school since she was six years old. Bibi's father said that it was very important to him that his daughter be able to attend school on an equal basis with her brothers. He said that Bibi had been attending a school near Nayapara until January of this year, when the Bangladesh government informed schools that no Rohingya students could be enrolled. Bibi was told she had to stop attending classes immediately.

Bibi, 15 years old, was attending a local school in Bangladesh until she was banned in January 2019. © Amnesty International (Photo: Ahmer Khan)

"I was able to attend a Bangladeshi school for nine years. There was no discrimination because I am from Burma. On January 30, they [Bangladesh authorities] issued a notice which [said] anyone from [Myanmar] should stop attending this school. We [Rohingya children] haven't been in school since then. I want to become a doctor because I want to help my society, my country and my people. Education for all, why not for refugees?"[204]

A particularly crucial consequence of the lack of educational opportunities for Rohingya refugee children is the impact on girls. Girls from Myanmar are likely to drop out of school much earlier than boys, due to both conservative social norms and a strict interpretation of religious teachings.[205] In 2016, a study published by the UNESCO Institute for Statistics found that 60% of women and girls over 15 years of age from Myanmar were illiterate, in comparison to 40% of men and boys.[206] Poverty, conflict and institutional discrimination against the Rohingya in Myanmar also contribute to the gender imbalance in education. Bangladesh, by comparison, has improved its literacy rate dramatically in recent years (75.7% for men and 70.09% for women), making it a leader among South Asian nations.[207]

In the refugee camps in Bangladesh, girls face additional obstacles and challenges in even taking part in the limited learning opportunities that are available. A girl, aged 12, said that her father told her she must stop attending the learning centres within the camps once she started menstruation.[208] Her sister, aged 11, continues to attend the learning centres for a few hours each day.

Amnesty International interviewed several parents who were determined to ensure that their daughters can attend school. They were very aware that providing girls with an equal right to education would mean greater opportunities, providing them with livelihood opportunities and an ability to support the family. Some girls had been able to pursue studies in local schools for many years and were seriously impacted when they were forced to stop attending classes earlier this year.[209]

"I love education. I would like to study more because whoever isn't educated in today's time is of no use. I don't want to be uneducated, it's important."[210]

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204. Bibi, Nayapara camp, 20 February 2019.

205. J. Olney et al, *We Must Prevent a Lost Generation: Community-led education in Rohingya refugee camps*, 2019, reliefweb.int/report/bangladesh/we-must-prevent-lost-generation-community-led-education-rohingya-camps

206. UNESCO Institute for Statistics, Myanmar, 2016, uis.unesco.org/en/country/mm

207. See UNESCO literacy rates for Bangladesh in 2019, countryeconomy.com/demography/literacy-rate/bangladesh

208. Interview with refugee girl, aged 12, Kutupalong camp, 18 February 2019.

209. Human Rights Watch, 'Bangladesh: Rohingya Refugee Students Expelled'.

210. Bibi, aged 15, Nayapara camp, 20 February 2019.

Rozia*, aged 15, and Nora*, aged 17, both living in Kutupalong camp, spoke to Amnesty International from the BRAC "Women's Friendly Space".[211] Both girls spoke fluent Bengali after 18 months of living in the camps. They had learned this through informal interactions with Bangladeshi workers in the camps. They said when they first arrived they were too old to attend the "child friendly spaces" and there was nothing for girls of their age until the Women's Friendly Space was established. At the Women's Friendly Space they are learning sewing and embroidery, being educated about child marriage and health issues, and they can socialize with other girls their age. Both girls spoke positively of the importance of the Women Friendly Spaces for young girls and women and the importance of education.

Both Rozia* and Nora* expressed their frustration at the lack of learning opportunities for them as young girls. Having seen young Bangladeshi women working in the camps, they want an education to support themselves and contribute to both their families and community.[212] Rozia* said she sees, as a result of her interactions with humanitarian workers in the camps, that women can work and get an education – this is what she wants. "Education is so important," she said, "now we can write our names" (which she demonstrated by writing in a notebook). "I want to be able to read the paper, official documents, even books. This will give us information on what is happening. We feel very much the importance [of having an education]. We can do livelihood, business or it may help us to get a better future."

Rozia and Nora* demonstrate their ability to write their names in English since arriving in Bangladesh.*
© Amnesty International (Photo: Kate Schuetze)

211. Interview with Rozia* and Nora*, Kutupalong camp, 20 February 2019.

212. Not every camp has a Women's Friendly Space: see UNHCR, *Bangladesh Refugee Emergency: Monthly camp profile*, 2019, data2.unhcr.org/en/documents/download/70120.

Friends Bibi and Lucky (both 15 years old) talk about their dreams for an education. © Amnesty International (photo: Ahmer Khan)

Lucky, 15 years old, was attending a local school in Bangladesh until she was banned in January 2019. © Amnesty International (photo: Ahmer Khan)

THE RIGHT TO EDUCATION

The ICESCR,[213] in Article 13, recognizes the "right of everyone to education" and specifies that primary education shall be "compulsory and available free to all", secondary education shall be made "generally available and accessible to all" through the "progressive introduction of free education" and higher education shall be made "equally accessible to all", again through the "progressive introduction of free education." The CESCR has stated that the right to education cannot be denied to children on the basis of their nationality:

"The ground of nationality should not bar access to Covenant rights, e.g. all children within a State, including those with an undocumented status, have a right to receive education… The Covenant rights apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons…regardless of legal status and documentation."[214]

The CRC[215] also includes a number of provisions regarding the right to education, including reaffirmation of the right to free and compulsory primary education and making secondary, vocational and higher education progressively available "on the basis of equal opportunity".[216]

The UN Committee on the Rights of the Child has been clear that, "states should ensure that access to education is maintained during all phases of the displacement cycle" and has specified in particular that unaccompanied and separated displaced children, "irrespective of status, shall have full access to education in the country that they have entered".[217]

Numerous conclusions of the UNHCR Executive Committee have over many years repeatedly underscored the importance of host states upholding the right of refugee children to have access to education.[218]

The right to education must primarily include measures to address the gender imbalance regarding girls' school attendance. Where necessary, this should include affirmative action such as working with communities to improve enrolment, especially of older girls, quotas for female teachers, establishing a safe environment at schools for girls, ensuring adequate hygiene facilities and teaching a curriculum that challenges existing gender bias.

213. Myanmar signed the ICESCR in July 2015 and has been a party to it since October 2017. Bangladesh has been a party to the ICESCR since October 1998.

214. CESCR, General Comment No. 20: Non- discrimination in economic, social and cultural rights (Art 2 of the Covenant), UN Doc. E/C.12/GC/20, 2 July 1990, para. 20. See also CESCR, Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights, UN Doc. E/C.12/2017/1, 13 March, 2017, para. 9.

215. Myanmar has been a party to the CRC since July 1991 and Bangladesh since August 1990.

216. UN CRC, Article 28(1).

217. UN Committee on the Rights of the Child, General Comment No. 6: Treatment of unaccompanied and separated children outside their country of origin (Articles 28, 29(1)(c), 30 and 32 of the Covenant), UN Doc. CRC/GC/2005/6, 1 September, 2005, para. 41. The Committee on the Rights of the Child and the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families have similarly stated that: "all children in the context of international migration, irrespective of status, shall have full access to all levels and all aspects of education, including early childhood education and vocational training, on the basis of equality with nationals of the country where those children are living", UN Doc. CMW/C/GC/4-CRC/C/GC/23, 16 November, 2017, para. 59.

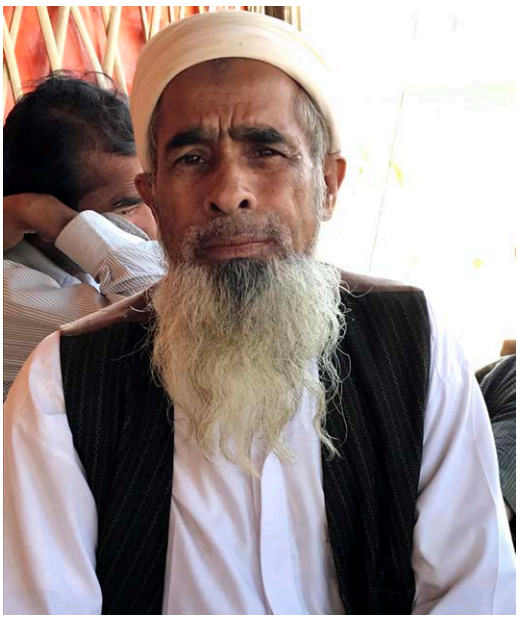
218. See for example, Executive Committee of the High Commissioner's Programme, *Refugee Children No. 47 (XXXVIII) - 1987*, 12 October 1987, No. 47 (XXXVIII), www.refworld.org/docid/3ae68c432c.html

8. RETURNS, RELOCATION AND *REFOULEMENT*

> ***"Oh God, how can we live like this? We worry that Bangladesh will send us back when it is not safe. We are under the bullet."***
>
> Interview with Ariva*, Kutupalong camp, 18 February 2019

Almost all the refugees in the camps interviewed by Amnesty International expressed a desire to return to Myanmar when it is safe to do so or provided certain conditions are met. Many refugees told Amnesty International it would be unsafe for them to return now because nothing had changed since they left. Others were convinced that it would never be safe for them to return. Refugees spoke of citizenship, freedom, equality, justice, accountability, safety and return of property as key conditions that they felt needed to be met for them to be able to return to Myanmar. Two women said they had experienced such significant trauma that they would rather die than return.

Recognition of Rohingya identity was extremely important to refugees, both in relation to returns and for interim arrangements in Bangladesh, including in how refugees are identified by UN agencies.[219]



Kobir Ahmed, 63 yrs old, Jamtoli Camp. "We came here only to survive, to save our lives. It is not that we want to live here. When can we return? When can our hearts go home? Everyone knows our plight, so when will there be change to bring our nightmare to an end?
© Amnesty International (Photo: Alex Neve)

219. More than half (49) of the refugees Amnesty International interviewed between 13 and 21 February 2019 raised Rohingya identity as an important concern for them.

Mohamed AB, a 40-year-old man who was previously a volunteer teacher in Myanmar, said: "This is not the first time that the Rohingya have fled into Bangladesh. We have come here to save our lives so many times. But we won't give up on our homeland. We will go home, and this time we will be able to stay home."[220]

Ultimately, the right for Rohingya to return to their own country, Myanmar, must be preserved. However, returns must be safe, voluntary and in dignity and there must be safeguards in place to ensure that Rohingya are not pressured to return when it is not safe to do so. Repatriation – returns facilitated by the government or UN officials – are one possible way for Rohingya refugees to return to Myanmar and must adhere to the same requirements.

International law prohibits *refoulement*; that is, a country cannot return anyone, including refugees, to a country or place where they would face a real risk of persecution or other serious human rights violations. This prohibition, expressed under the 1951 Convention on the Status of Refugees, also forms part of customary international law and is binding on all states. Bangladesh must not send refugees back to Myanmar if there is a real risk that those retuned would suffer persecution or serious human rights violations.

8.1 UNDER PRESSURE TO RETURN

"Everyone wishes to go to their own country, but it is not safe."

Interview with Toya*, a refugee woman, Jamtoli camp, 15 February 2019

Refugees spoke to Amnesty International regarding an incident in November 2018 when the Bangladesh government put pressure on some refugees to return to Myanmar. UNHCR confirmed it conducted assessments of intent to return to Myanmar at the request of the Bangladesh government on 13 and 14 November 2018.[221]

By 15 November, no refugee had expressed a willingness to return. Several buses arrived at a camp ready to facilitate returns, but refugees refused to board. At the end of the day, the Bangladesh authorities conceded that no returns would take place.[222] Several refugees spoke of the fear and pressure they felt at this time, which was clearly still on their minds three months later during Amnesty International's visit.[223]

Three women recalled how, in November 2018, Bangladesh government officials (identified by formal clothing or uniforms) came to visit them along with other families in neighbouring shelters and said that they were on a list of people flagged for return to Myanmar.[224] The refugees were unaware of how their names had been selected and said that they did not consent to return to Myanmar. Two women said they felt there was an implied threat to cut their food rations or destroy their shelters if they did

220. Interview with Mohamed AB, Kutupalong, 18 February 2019.

221. UNHCR, *Operational Update Bangladesh,* 2019, reporting.unhcr.org/sites/default/files/UNHCR%20Bangladesh%20-%20Operational%20Update%20-%201-15NOV18.pdf

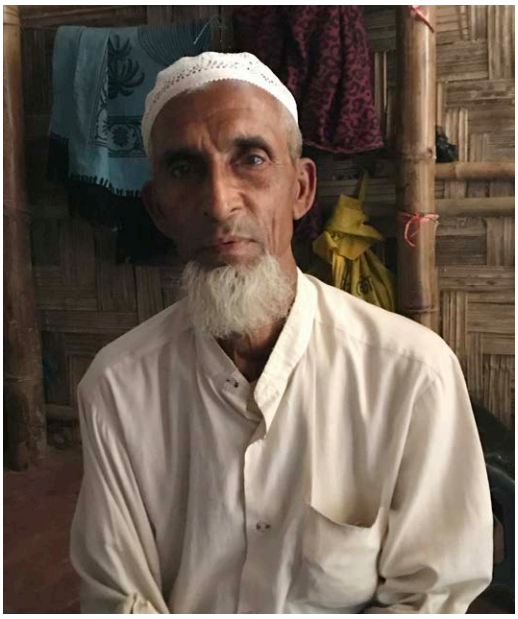
222. H. Ellis-Peterson, S. Azizur Raluman and M. Safi, 'Bangladesh admits no Rohingya willing to take repatriation offer', The Guardian, 15 November 2018, www.theguardian.com/world/2018/nov/15/rohingya-refugee-repatriations-bangladesh-myanmar

223. In October, Bangladesh and Myanmar governments agreed to begin repatriating hundreds of thousands of Rohingya, but the plans were opposed by refugees, UNHCR and aid groups. In the end, plans to return refugees stalled after refugees refused to board buses provided by the Bangladesh government. See Z. Siddiqui, 'Rohingya repatriation, relocation plans set to be pushed back to 2019 – government official', Reuters, 18 November 2018, www.reuters.com/article/us-myanmar-rohingya-bangladesh-exclusive/exclusive-rohingya-repatriation-relocation-plans-set-to-be-pushed-back-to-2019-government-official-idUSKCN1NN0FC

224. S. Sarker and A. Aziz, 'Rohingya Repatriation called off for the day', Dhaka Tribune, 15 November 2018, www.dhakatribune.com/bangladesh/rohingya-crisis/2018/11/15/bangladesh-prepares-to-repatriate-rohingyas

not return to Myanmar, though no such threats were subsequently realized. This incident caused refugees significant distress and was widely reported in the media.[225]

Tara*, a 25-year-old woman who is married with two children and pregnant with a third, said that some Bangladeshi people came to talk to her about returns around December 2018. She said it was a group of 14 people that came to speak to them, some wore a green coloured uniform (the Bangladesh Army). They talked to her, her husband and other families (a total of 10 refugees were in the meeting). She said they told her: "you need to go back, you are on our list" and that if she did not go, ration cards would be taken away and her shelter would be destroyed. She added: "I was really afraid. Why are they pushing us so hard to go back to Myanmar?" She was visibly upset as she added: "How can we go there when people were taken away to be raped and killed?"[226]



Soyed Alom, 60 yrs old, in Balukhali 2 Camp. "For us to return to Myanmar our rights must be protected."
© Amnesty International (Photo: Alex Neve)

Semora*, a 20-year-old married woman from Buthidaung town in Myanmar, said that some Bangladesh government officials spoke to her about returning in late November 2018. They talked to her and her husband. She did not know how their names were selected. She said: "I told them you can kill me, but I will not go back... I will die from starvation, but I will not go back." She went on to describe how the Myanmar government destroyed her property and killed her people.[227]

Fatima*, a 40-year-old woman who has been forced to flee Myanmar three times in her life, told Amnesty International she was approached by a group of men, who she believed to be Bangladesh government officials, about returning to Myanmar in November 2018. According to Fatima*, the men took a photo of her, along with her name and family details, but did not explain why they were recording her personal information. When the same men came back a few days later, she fled to another camp: "I was afraid they will bring the bus at night and take us, so I took my ration card and fled. I stayed at my daughter-in-law's family's shelter."[228]

Noor*, a 45-year-old woman in Leda camp, said government officials visited her shelter to talk about returns in November 2018. She said: "They came to us to say go back to Myanmar, but I refused. We need our justice and our rights. They said if you do not go, we will not give you the ration card. I was afraid… I don't know why they came to me. I don't know all the details [of who they spoke to] but they came to my house". She said she was unsure whether Bangladesh government officials would return and force her to go back.[229]

225. S. Sarker and A. Aziz, 'Rohingya Repatriation called off for the day'.

226. Interview with Tara*, Jamtoli camp, 15 February 2019.

227. Interview with Semora*, Jamtoli camp, 15 February 2019.

228. Interview with Fatima*, Jamtoli camp, 15 February 2019.

229. Interview on 17 February 2019.

In November 2018, the UN Special Rapporteur on the situation of human rights in Myanmar urged the governments of Bangladesh and Myanmar to halt their rushed plans for repatriation and noted, "any returns under current conditions where there is a high risk of persecution, may violate obligations under customary international law to uphold the principle of non-refoulement".[230] UNHCR also warned that conditions in Myanmar were not yet conducive for the voluntary, safe and dignified return of Rohingya.[231]

Since November 2018, there has been no official shift in Bangladesh government policy, which still openly pushes for repatriation to Myanmar.[232] As a result, the threat of premature repatriation remains a significant source of stress and anxiety for refugees.

In August 2019, the governments of Bangladesh and Myanmar announced a new "voluntary" repatriation operation, targeting 3,450 refugees.[233] According to media reports, UNHCR said it would provide refugees with 'relevant and reliable information available on conditions in Myanmar, subject to current constraint on access in the areas of return', to help them decide about their return.[234] However, UNHCR does not have access to all areas of Rakhine state in Myanmar, which makes it difficult to assess the conditions that Rohingya will return to.

8.2 FEARS OF A RETURN

Many of the refugees Amnesty International spoke to expressed a fear of what might happen to them should they go back or be forced to return to Myanmar.

Hamid*, aged 35, who is married with four children said: "There is nothing left for us in Myanmar, but that is still where our home is and where we want to return. But too much needs to change. International delegations are not even allowed to travel freely in Rakhine to investigate. That shows us that it is not safe."[235]

Rehina*, a 50-year-old woman from Koloi village in Maungdaw, came to Bangladesh with her husband and five children in late 2017. When asked whether she felt it was safe to return to Myanmar she started crying and said: "We cannot trust my government. They tried to kill my husband, my son. They came again and again to our house and threw us out. They tortured us a lot and burnt my house… It will not change… In our area, they killed many children already."[236]

Jafar, a 28-year-old man from Maungdaw Township, said he did not think that things are improving in Myanmar such that they will return soon: "I think we are likely to be here for a while. I worry that we

230. UN News, 'Halt "rushed plans" to return Rohingyas to Myanmar, pleads UN expert fearing repeated abuses', 7 November 2018, https://news.un.org/en/story/2018/11/1025161

231. See: Agencia EFE, 'Conditions not safe for Rohinyas' return to Myanmar: UNHCR', 12 November 2018, www.efe.com/efe/english/world/conditions-not-safe-for-rohingyas-return-to-myanmar-unhcr/50000262-3810040; see also and Human Rights Watch, 'For Rohingya Refugees, There's no return in sight: Why they remain stuck in Bangladesh', 5 June 2019, www.hrw.org/news/2019/06/05/rohingya-refugees-theres-no-return-sight

232. See comments by the Foreign Minister and Prime Minister of Bangladesh, as reported by A. Ahmed and L. Bonilla, 'Bangladesh calls for sanctions on Myanmar as country pushes for Rohingya repatriation', VOA News, 19 July 2019, www.voanews.com/south-central-asia/bangladesh-calls-financial-sanctions-myanmar-country-pushes-rohingya

233. Hannah Ellis-Petersen and Shaikh Azizur Rahman, 'Myanmar and Bangladesh to start sending back thousands of Rohingya', *The Guardian,* 16 August 2019, https://www.theguardian.com/world/2019/aug/16/myanmar-and-bangladesh-to-start-sending-back-thousands-of-rohingya.

234. Aung, McPherson and Paul, 'Exclusive; Myanmar, Bangladesh agree to start Rohingya repatriation next week', Reuters, 16 August 2019, https://www.reuters.com/article/us-myanmar-rohingya-exclusive/exclusive-myanmar-bangladesh-agree-to-start-rohingya-repatriation-next-week-idUSKCN1V51O5

235. Interview with Hamid*, Jamtoli camp, 14 February 2019.

236. Interview with Rehina*, Balukhali camp, 14 February 2019.

may never be able to go back." He described the emotional struggle for refugees living in the camps: "there is no hope of going home right now…surely our rights as refugees are more than this – being stuck in a camp with no future."[237]

Mohammed A, aged 30, referred to the Bangladesh government's attempts to return people to Myanmar in late 2018. He said: "Everyone refused to go back last year because we all knew that the Myanmar government was going to keep everyone in an internally displaced persons' camp. Better to stay here in a camp than to go back to a camp that is guarded by the army that has killed us and destroyed our homes".[238] Several other refugees echoed Mohammed's fear that they would be sent to camps for internally displaced people in Myanmar.[239]

8.3 PROPOSED RELOCATION TO BHASAN CHAR

"No one would go to Bhasan Char voluntarily because that would be a death sentence."

Interview with Hamid* in Jamtoli camp, 15 February 2019

"It is like being sent off to a warehouse for storage without an end date."

Interview with Mohammed A, from Camp 16, 18 February 2019

In 2015, when there were around 230,000 Rohingya refugees living in Bangladesh, the government proposed relocating some of those refugees to Bhashan Char, a 39km² low-lying silt island that emerged in the Bay of Bengal around 20 years ago and has not been inhabited by people. In October 2017, just after a huge increase in refugee arrivals from Myanmar and after signing a repatriation agreement with Myanmar, the Bangladesh authorities approved plans to develop the island for refugees.[240] In 2019 the Bangladesh government has repeatedly announced plans to relocate up to 100,000 Rohingya refugees there, in spite of serious concerns raised about its habitability.[241]

The UN Special Rapporteur on Myanmar, Yanghee Lee, visited Bhashan Char in January 2019, and told the UN Human Rights Council that she had concerns the island was "uninhabitable".[242] She warned it could create a new "crisis" for Rohingya refugees.[243] In March 2019 the UN office in Bangladesh stated that it was "seeking clarification [from the Bangladesh government] about the modalities of any relocations, the living conditions that would be provided and the basic rights and services that refugees would be able to access if they decided to relocate to Bhasan Char".[244]

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237. Interview with Jafar, Jamtoli camp, 15 February 2019.

238. Interview with Mohammed A, Camp 16, 18 February 2019.

239. Interview with refugee men, Kutupalong camp, 18 February 2019 and 19 February 2019; interview with refugee woman, Leda camp, 17 February 2019; interview with a group of three refugee women, Leda camp, 16 February 2019; and meeting with the Rohingya Women's Advocacy and Empowerment Network.

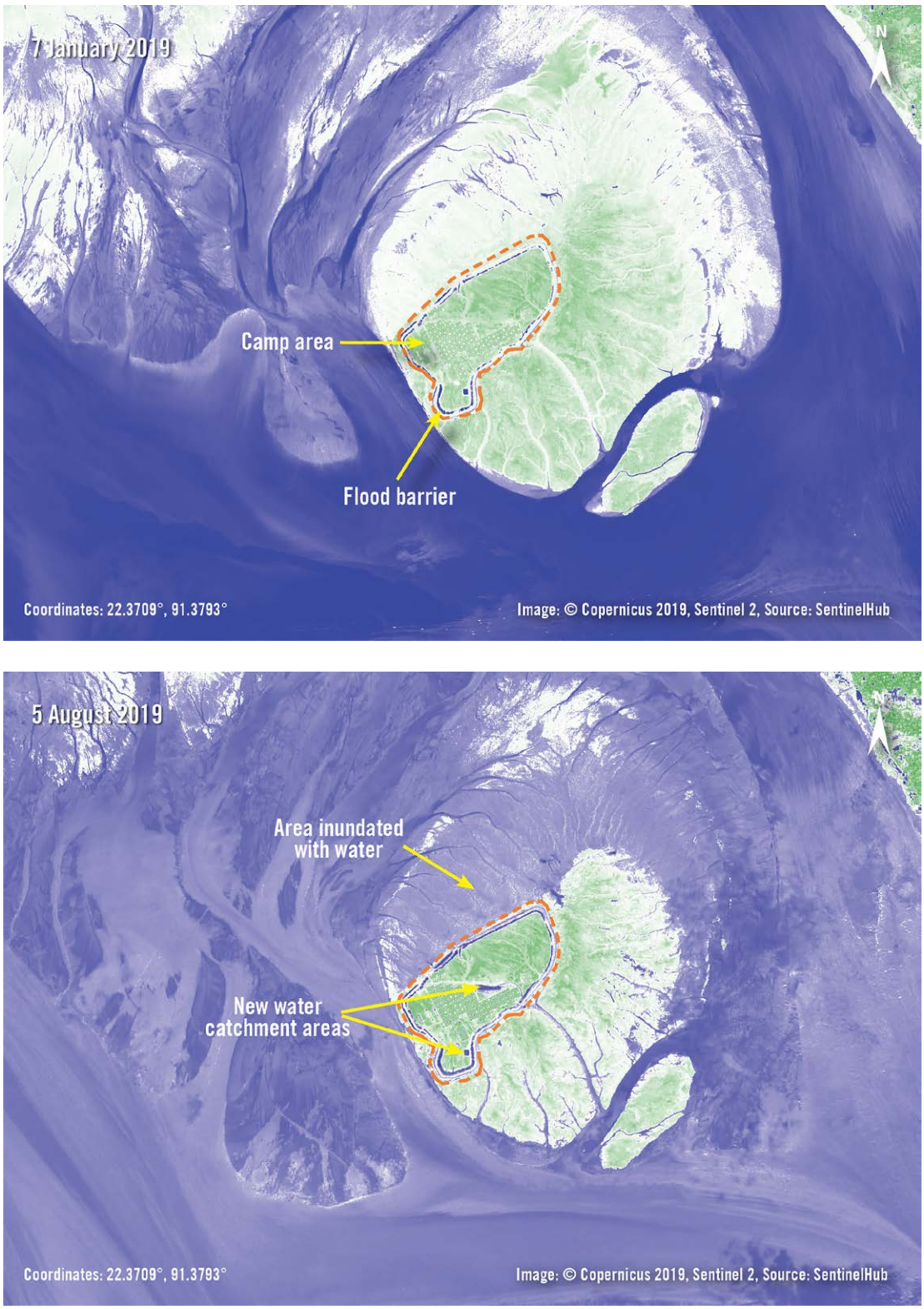
240. Dhaka Tribune, 'ECNEC approves $280m Bhasan Char project for Rohingya relocation', 28 November 2017, www.dhakatribune.com/bangladesh/development/2017/11/28/ecnec-bhashan-char-rohingya-relocation/

241. See for example, statement by the Foreign Minister on plans to relocate refugees to Bhashan Char as reported in The Daily Star, 'Bangladesh not to take blame for any casualty in Rohingya camps: FM', 25 April 2019, www.thedailystar.net/rohingya-crisis/news/anti-bhasan-char-campiagners-should-take-responsibility-rohingya-1734622

242. The Financial Express, 'Envoy fears "new Rohingya crisis" at Bhashan Char', 12 March 2019, thefinancialexpress.com.bd/national/un-envoy-fears-new-rohingya-crisis-at-bhashan-char-1552308073

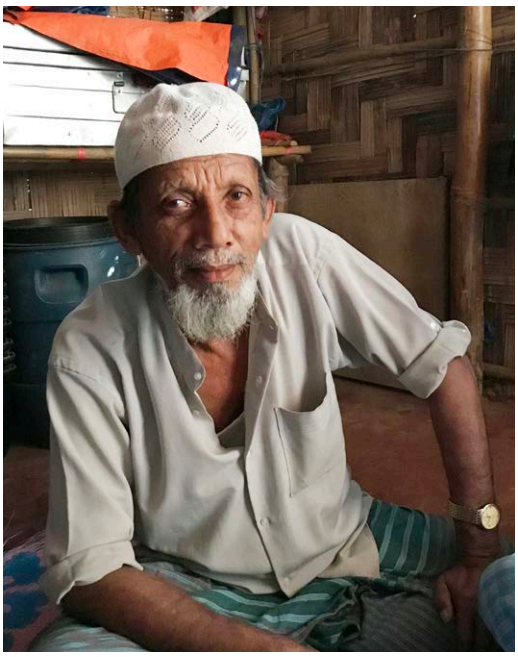
243. J. Carroll, 'UN warns Bangladesh of "new crisis" over Rohingya relocation plan', Al Jazeera, 12 March 2019, www.aljazeera.com/news/2019/03/warns-bangladesh-crisis-rohingya-relocation-plan-190311131237440.html

244. United Nations in Bangladesh, 'Potential relocation of refugees by government of Bangladesh to Bhasan Char', press statement, 25 March 2019, https://twitter.com/UNinBangladesh/status/1110070726579683333.



Normalized Difference Water Index (NDWI) images over Bashan Char highlight the changes in the water in the area during the dry and monsoon seasons. On the index, blue to purple areas indicate locations with higher levels of water. On 7 January 2019, imagery shows the island during the dry season with the location of the camp and flood barriers. The land area is approximately 63 square kilometres. On 5 August 2019, much of the northern area of the island has been inundated with water. There are two new large areas of water within the camp that appear to be manmade water catchment areas. The land area has dropped to approximately 31 square kilometres.

Amnesty International spoke to UN officials who showed researchers glossy brochures provided by the Bangladesh government outlining their plans for the island, with pictures of the barracks-style accommodation, with four bunk beds per room, and barred windows.[245] In leaked footage to *The Guardian* in late 2018, the accommodation blocks on Bhashan Char show barred windows and rooms not much larger than those that refugees currently have in makeshift camps.[246]



Mohammed A, 65 yrs old, in Balukhali 2 Camp. Opposes possibility of some refugees being transferred to Bhasan Char because: "When we stay together and are united we are stronger. But when they break us apart we will be at risk. Our unity cannot be broken."
© Amnesty International (Photo: Alex Neve)

In June 2019 Amnesty International wrote to the government of Bangladesh, among other things requesting a copy of the feasibility study for the relocation plan to Bhashan Char; no reply had been received at the time of writing. The organization therefore remains concerned about the island's habitability and the possible impact of the relocation on the rights of the refugees affected. Satellite images accessed by Amnesty International clearly show that more than one third of the island is submerged during the annual monsoon season, including up to the boundary of the proposed refugee camp area on the island. This raises serious questions about the location, sustainability and habitability of the island in the Bay of Bengal, which is extremely vulnerable to the effects of climate change. Even with the addition of storm shelters and flood barriers, these measures may not be sufficient or effective enough to establish the island's suitability for refugees to live there. The island is approximately a three-hour boat ride from the mainland, a trip which cannot be undertaken in all weather conditions, increasing the vulnerability of anyone living there.

Refugees who spoke to Amnesty International expressed strong opposition to the proposal.

Refugees who spoke with Amnesty International about Bhashan Char were not aware of the plans to relocate them other than through media reports or rumours. They had not been consulted by the Bangladesh government on these plans and expressed strong opposition to the proposed relocation, primarily on the basis of it being unsafe or vulnerable to flooding and monsoon weather.[247] Some also expressed a strong sense of community solidarity with other refugees and were afraid of the impact of separation and isolation from other camps.[248] Others feared that the intention behind the proposed relocation is to detain them on the island indefinitely, something that was incredibly disheartening for those who remained hopeful of returning to Myanmar.[249]

245. Interview, Cox's Bazar, 21 February 2019.

246. H. Ellis-Peterson, 'Footage shows prison-like units build for Rohingya on Bangladesh Island', *The Guardian,* 29 November 2018, www.theguardian.com/world/2018/nov/29/footage-shows-prison-like-units-built-for-rohingya-on-bangladesh-island

247. Interviews with group of seven women, Kutupalong camp, 20 February 2019; Hamid*, Jamtoli camp, 15th February 2019; and Habes*, Jamtoli camp, 15 February 2019 – refugees said they heard of this through meetings or rumours, not through official government channels.

248. Interviews with Homai*, Balukhali camp, 14 February 2019, and Mohammed I, Jamtoli camp, 16 February 2019.

249. Interview with Amin*, Balukhali camp, 14 February 2019.

Mohammed A said: "When we stay together we are united, we are stronger. But when they break us apart we will be at risk. Our unity cannot be broken." He also said that it would be unsafe and insecure on the island: "It would be inhumane to send us to such a place." He also noted that moving people suggested they would be staying in Bangladesh for the long term: "What we want is to stay exactly where we are and do everything we can to return home as soon as possible. We are not looking to have a long-term life here in Bangladesh".[250]

Another refugee in Kutupalong, told Amnesty International: "There have never been humans who have lived there, so why would they send us there – because they think we are less human? We do not want to move anywhere else again until we can safely go home."[251]

While there is a need for the Bangladesh government to look for innovative solutions that will help ease the congestion in the camps and improve living conditions for Rohingya refugees, these solutions must not be detrimental to, or bring negative human rights impacts to, Rohingya refugees. In particular, accessibility, habitability, suitability of location and access to essential services such as health and education are core requirements of the right to adequate housing and must be protected. In addition, a core component of durable solutions is that they must take place with the consent of refugees. As such, the Bangladesh government should refrain from relocation until human rights concerns are clearly addressed and not proceed unless there is clear consent from refugees to relocate.

International human rights standards that apply here include the right to an adequate standard of living, health, education and freedom of movement. Human rights standards also apply to forced evictions and any attempt to remove refugees forcibly from existing settlements without consent would be a gross violation of human rights. Durable solutions should not isolate or segregate refugees and further restrict their rights and this seems inevitable if refugees were to be restricted to an island. Places that are geographically and socially isolated pose particular problems for refugees, migrants and asylum-seekers in accessing health services,[252] education or legal assistance and can obstruct refugees from enjoying their rights.[253] Bhashan Char's geographical isolation and the economic burden of travel when refugees do not have livelihood opportunities is likely to create further barriers to freedom of movement, including through the prohibitively high cost of travel to the mainland. Plans to have an armed military or policing presence on the island fuels fears that Bhashan Char will be a securitized and prison-like environment for Rohingya refugees.[254]

Restrictions on the freedom of movement of refugees (whether imposed on Bhashan Char or Cox's Bazar District) must be provided in law and meet strict requirements on necessity and proportionality. Relocating refugees to a place where their freedom of movement is seriously compromised may also amount to arbitrary and indefinite detention, which is prohibited under international law, for instance under Article 9 of the ICCPR, to which Bangladesh is a state party.[255]

250. Interviewed on 14 February 2019.

251. Interview with a refugee man, Kutupalong camp, 19 February 2019.

252. Even if medical facilities are available on Bhashan Char, there may be limitations for certain medical conditions and for transferring people for specialized care.

253. Amnesty International, *Irregular migrants and asylum seekers: Alternatives to Immigration Detention.*

254. R. Paul et al., 'Floating Island: New home for Rohingya refugees emerges in Bay of Bengal', Reuters, 22 February 2018, available at https://www.reuters.com/article/us-myanmar-rohingya-island/floating-island-new-home-for-rohingya-refugees-emerges-in-bay-of-bengal-idUSKCN1G603T

255. International Covenant on Civil and Political Rights, adopted by General Assembly resolution 2200A (XXI) on 19 December 1966, entry into force 23 March 1976, Article 9 (Right to liberty and security of person).

9. CONCLUSION AND RECOMMENDATIONS

Amnesty International recognizes the enormous efforts of the Bangladesh government, the humanitarian sector and UN actors to respond immediately to the situation of the Rohingya refugee beginning in late 2017. However, nearly two years on, there are still several areas – including the right to adequate housing and access to water and sanitation, to safe cooking facilities, to health care and to education – where minimum essential human rights standards are not being met. In part, this is a result of the failure of the Bangladesh government to see the crisis as something requiring a long-term response in line with human rights law and standards. As such it has proposed, in policy or in practice, limitations that trap refugees in limbo, unable to rebuild their lives in safety and dignity.

14 year old Saeed (holding note) and other Rohingya boys at Leda camp present a plea to the International community for more concerted action to uphold their rights. © Amnesty International (photo: Alex Neve).

The situation for Rohingya refugees is no longer confined to an immediate emergency. As a result, planning needs to move beyond short-term responses and a heavy focus on returns, bearing in mind that returns to Myanmar are unlikely to happen any time soon.

Improving the living conditions of Rohingya refugees requires a combination of short, medium and long- term measures. In the short term, the Bangladesh government must remove the barriers it has imposed on refugees that directly limit or preclude the full enjoyment of their human rights. These are primarily restrictions on building materials that might be used for semi-permanent or permanent shelters; restrictions on freedom of movement; and the complete ban on education for Rohingya children. It should also drop proposed plans to relocate refugees to Bhashan Char, an uninhabited island in the Bay of Bengal, and instead consider options for decentralizing the camps that respect, protect and fulfil the rights of refugees.

The international community must work in cooperation with the Bangladesh government to improve the living conditions for Rohingya refugees, including the right to adequate health care and education so as to avoid a lost generation. What was bearable in the initial phase of the emergency response may not be suitable in the long-term to ensure the future safety and dignity of Rohingya refugees.

9.1 RECOMMENDATIONS

TO THE BANGLADESH GOVERNMENT:

On conditions in the refugee camps:

- Lift the arbitrary restrictions on building materials that can be used by refugees and humanitarian actors to build shelters in refugee camps – materials and the design of housing should be suitable for the weather and conditions, meet minimum international standards on the right to adequate housing, including in relation to the size of dwellings and overall space provided for each person, and the ability to withstand seasonal weather changes.
- Ensure that access to services, including food, water, sanitation, safe cooking facilities, health care and education, is developed in genuine consultation with affected refugees and prioritizes individuals based on need.
- Ensure that there is sufficient availability of functioning latrines and water points and that they are safe and accessible to all, including women, older people and people with disabilities, through measures such as investment in sustainable water and sanitation infrastructure within the camps;
- Ensure that all refugees, including newborns, who are not currently on food rations are registered and able to receive food assistance. This includes ensuring that there is adequate outreach and information available on how to register people for the food ration system.
- Where medical care is not available within the camps, ensure that information is readily available on requirements to travel outside the camps for medical treatment and made available in a form and language that people understand. This process should be free and accessible to all refugees.
- Remove any arbitrary or discriminatory restrictions on the right to freedom of movement for refugees that are not consistent with international human rights law. Restrictions that are not reasonable, necessary, strictly proportionate and provided in law should be removed.
- In cooperation with UN agencies and humanitarian organizations, work to improve service provision to refugees and host communities, in particular access to housing, education, health care, food and water, in line with international obligations to ensure minimum essential levels of each right are met for everyone in the country.

- Ensure that refugees are able to access sufficient food corresponding to the cultural traditions of the Rohingya people and which ensure a physical, mental, individual and collective, fulfilment and dignified life free of fear.
- Develop long-term plans in consultation with refugees and host communities to ensure food diversity and food security, based on what is available within Bangladesh, and where necessary, seek the assistance of the international community to ensure the right to food is respected, protected and fulfilled.

For Rohingya refugee children and youth:

- Work with the international community to ensure adequate funding and resources to provide quality education for all within Bangladesh, regardless of refugee status or nationality.
- Work with the international community to establish, as a priority, official and accredited primary and secondary schools that are available and accessible to all Rohingya children and youth.
- Take immediate steps to ensure that Rohingya children who had been attending local schools before January 2019 and wish to continue with their studies are able to do so through access to quality and appropriate educational programming.
- Ensure there are adequate assessment and inspection mechanisms to guarantee the quality of education and attendance levels at such schools.
- Ensure that new educational opportunities for Rohingya refugee children and youth are available equally to girls and boys. Where necessary, the Bangladesh government should use affirmative action to encourage the attendance of girls and young women in schools.
- Consult and work with Rohingya teachers, parents, guardians, youth and children in designing and delivering quality and appropriate educational programming.

About plans to relocate Rohingya refugees:

- Refrain from any forced relocations or evictions of refugees from the settlements or camps where they are now residing and adhere to international human rights standards. This includes ensuring habitability, location suitability and the right to adequate housing, access to health care and access to education are protected in any newly established camps or settlements.
- Refrain from any relocation of refugees to the island of Bhashan Char without their consent. Such consent to be valid would require consultation, engagement and access to information on the habitability of the island.
- Remove any restrictions that unlawfully or arbitrarily limit the personal liberty and freedom of movement of refugees or confine them to a specified area such as the island of Bhashan Char or other specific localities.
- Consider alternative options which would address the issue of decongestion of the camps without the need to relocate refugees to Bhashan Char. The Bangladesh government must explore all feasible alternatives, in consultation with UN and other aid agencies, to access more land in the vicinity of the camps, including by exploring the possibility of temporarily acquiring private land to be used for decongestion of camps. Any acquisition of private land should be carried out in strict compliance with human rights standards, should be accompanied with adequate compensation and must not lead to forced evictions.

On long-term solutions for Rohingya refugees:

- Ratify the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol and extend protections to the Rohingya population in Bangladesh by recognizing them as refugees or ensuring access to a UNHCR refugee status determination process.

- Expeditiously develop an integration policy that identifies clear, practical measures to facilitate refugees' access to housing, employment, education and health services, and otherwise promote their effective integration into Bangladesh society.
- Consult with host communities on plans and policies for integration and the development of services and facilities that benefit both host communities and refugees.
- Refrain from facilitating any returns unless they are voluntary, safe and dignified.
- Ensure that no individual is forced or pressured in any manner whatsoever to return to Myanmar, where he or she is at risk of persecution or other ill-treatment.

TO THE INTERNATIONAL DONOR COMMUNITY

- Significantly increase financial and technical assistance to help respond to the needs of the Rohingya refugee population in Bangladesh, in accordance with the priorities outlined in the Joint Response Plan. Funding should be timely, predicable and sustainable and in support of both the immediate and longer-term needs of refugees in Bangladesh.
- Ensure financial assistance to the government of Bangladesh and grants to implementing partners, including UN agencies and humanitarian organizations, contain provisions on strict adherence to the principles of inclusivity and non-discrimination and that assistance programmes are monitored and evaluated to ensure they meet relevant international human rights law and standards – not just humanitarian standards.
- Press the government of Bangladesh to agree to the establishment of official and accredited primary and secondary schools open to all Rohingya children and youth and set measurable targets to ensure gender equality in enrolment and attendance.
- Provide funding to support the government of Bangladesh, UN agencies and humanitarian organizations in the establishment of formal schools open to all Rohingya children and youth.
- Press the government of Bangladesh to lift restrictions on the right to education, freedom of movement, health care and restrictions on materials necessary to build adequate housing for refugees.
- Provide necessary assistance to the government of Bangladesh to access land to be used for decongesting the existing refugee camps.

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“I DON'T KNOW WHAT MY FUTURE WILL BE”

ADVOCACY UPDATE ON ROHINGYA REFUGEES IN BANGLADESH

Nearly a million refugees from Myanmar are now living in the Cox’s Bazar District of Bangladesh; most arrived after August 2017. Kutupalong refugee camp is now the largest camp in the world, with 600,000 inhabitants.

The initial humanitarian response was extraordinary. However, the situation of Rohingya refugees in Bangladesh has now become a protracted crisis. Children in Bangladesh are denied access to education, creating a lost generation. Refugees are denied freedom of movement, impacting on their ability to access adequate health care. Government restrictions on building materials means they are still living in flimsy emergency shelters that are inappropriate for the climate.

Many refugees have been distressed by attempts to put pressure on them to return to Myanmar, even though it is unsafe for them to do so. And plans to relocate refugees to an island in the Bay of Bengal, Bhashan Char, risks isolating refugees and further denying them their rights.

Rohingya refugees in Bangladesh require longer-term solutions in line with human rights law and standards. They need their rights to adequate housing, food, water and sanitation, their access to adequate health care and education, and their freedom of movement to be respected, protected and fulfilled so that they can rebuild their lives.

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