

# **"We are targeted for being Rohingya in Myanmar and everywhere"**

**The situation of Rohingya  
since February 1, 2021**

**March 2023  
Report**







## **ACKNOWLEDGEMENTS**

Women's Peace Network acknowledges the Rohingya community in Myanmar and across South and Southeast Asia. The organization thanks the individuals who entrusted its staff with their insights to the community's deteriorating situation. The organization recognizes the risks that were taken for their contribution to this report, including its title: "We are targeted for being Rohingya in Myanmar and everywhere."

It is with a sense of commitment to, and responsibility and concern for, these resilient individuals – people of Myanmar – that Women's Peace Network issues this report today and urges the world to act.

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# EXECUTIVE SUMMARY

Since the Burmese military's attempted coup on February 1, 2021, the Rohingya community has been subjected to increasingly life-threatening circumstances in Myanmar and other countries in the South and Southeast Asia. A pattern of escalating grave rights violations emerges from such circumstances. In Myanmar, in addition to committing serious international crimes and other violations of international law across the country, the military is targeting the over 600,000 Rohingya who are remaining in the country with laws and policies that criminalize the exercise of fundamental freedoms, as well as arbitrary arrest and detention, torture, sexual violence, and even murder. Such brutal, systematic acts add to the decades-long genocide to which the predominantly Muslim Rohingya have been subjected, and risk the surviving population with further attacks of genocide in Rakhine State. Rohingya who have had no choice but to escape this persecution have since joined the near-one million refugees from their community in Bangladesh, Malaysia, India, as well as other South and Southeast Asian countries, where their access to basic needs and livelihoods continue to deteriorate despite the sustained efforts of the international and regional community. Throughout their desperate attempts to find any semblance of safety or hope, Rohingya face human trafficking, deportation, and various grave rights abuses – all of which pose a gendered effect to these victims and survivors of genocide. Such conditions are dire, thus requiring immediate attention and effective actions for Rohingya's safety and protection, justice and accountability, and recovery and rehabilitation as a people: a path out of the genocide.

## Key recommendations

1. **BANGLADESH, MALAYSIA, INDIA** and other host countries of Rohingya refugees must ensure them reliable access to basic needs and services, as well as safety and protection, over arrest, detention, and forced repatriation to Myanmar.
2. **THE INTERNATIONAL COMMUNITY** must pursue concrete and comprehensive measures to hold the Burmese military accountable for its international crimes. It must also consult with Rohingya in all decisions and mechanisms that may affect their lives and future.
3. **THE CIVILIAN GOVERNMENT AND LEADERSHIP IN MYANMAR** must recognize the genocide, guarantee Rohingya equal rights and citizenship, meaningfully engage with them in its administration and governance, and provide them with avenues for justice, rehabilitation and reparations in Myanmar.

# I. INTRODUCTION AND BACKGROUND

Nearly two years since the attempted coup, over five years after the “clearance operations,”<sup>1</sup> and more than thirty years of genocide, the Rohingya community face aggravating, dire conditions in Myanmar and beyond.

As an ethnic minority group indigenous to Myanmar, the predominantly Muslim Rohingya have long been persecuted through the use of state-sponsored force, as well as the country’s justice system and administration. Since the 1970s, Rohingya have been targeted with discriminatory laws, policies, and local orders denying them the rights that have been granted to many other ethnic groups in the country – especially their freedom of movement, birth, marriage, and citizenship.<sup>2</sup> Throughout the decades of such apartheid-like conditions, including the supposed ten-year transition to democracy, Rohingya, for alleged attacks against their neighboring communities, also faced multiple backlashes of extreme violence.<sup>3</sup> At the same time, the country’s rapid and unregulated access to internet culminated in its social media platforms to be flooded with anti-Muslim and anti-Rohingya hate speech. Such vitriolic, online rhetoric eventually spilled over into reality: in 2012, a wave of state-sponsored violence brutalized Rohingya in Rakhine State, resulting in over 140,000 of them to be detained in internally displaced persons’ (IDP) camps and, in the following year, the Burmese military committed attacks of genocide against Rohingya, forcing more than 800,000 of them to flee.<sup>4</sup>

Today, as refugees, over one million Rohingya seek safety and protection in squalid camps across South and Southeast Asia with heightened risk of detention and death. The over 600,000 of the community remaining in Myanmar are at risk of more atrocities by the Burmese military, which, upon overthrowing an elected government on February 1, 2021, is further confining what it calls “Bengali” in areas of deprivation across Rakhine State. Rohingya are now trapped in a cycle of grave rights violations with no reliable recourse to

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<sup>1</sup> “Clearance operations” is the term that was used by the Burmese military to refer to the 2017 attacks of genocide against Rohingya in Rakhine State. See United Nations, Human Rights Council, *Report of the independent international fact-finding mission on Myanmar*, A/HRC/39/64 (12 September 2018), available from [undocs.org/en/A/HRC/39/64](https://undocs.org/en/A/HRC/39/64).

<sup>2</sup> Burma’s Path to Genocide, United States Holocaust Memorial Museum, accessed March, 2023, <https://exhibitions.ushmm.org/burmas-path-to-genocide>.

<sup>3</sup> Ibid; A/HRC/39/64.

<sup>4</sup> Ibid.

safety or protection, while those in their ancestral homes have had no choice but to face an evermore, intensifying genocide.

This report focuses on the intensifying human rights and humanitarian catastrophe targeting the Rohingya community in Myanmar, and other grave rights violations confronting its refugees in South and Southeast Asia. The report also addresses the many ways in which such violations impact women and girls. To draw attention to these violations, this report specifically uses the case studies of Rohingya refugees in Bangladesh, Malaysia, and India, where the majority of them reside. Under each section on the three host countries, recommendations to their respective governments are given.

This report also issues recommendations to the international community and the Burmese civilian government and leadership on effectively addressing the decades-long genocide against Rohingya. These points take into consideration the past years' progress towards serving justice to Rohingya; this includes the United States government's official recognition of the 2017 attacks as genocide, the exercise of Universal Jurisdiction in Argentina and other countries to prosecute the Burmese military for its commission of international crimes, the work of the Independent Investigative Mechanism for Myanmar, the International Criminal Court's investigation into the alleged crimes within the situation of Bangladesh/Myanmar, as well as the International Court of Justice's decision to proceed with *The Gambia v. Myanmar* and the many countries' support for this case.



## II. METHODOLOGY

Women's Peace Network (WPN) dedicated approximately 11 months to prepare this report. This report supplements WPN's contribution to the United Nations Special Rapporteur on the situation of human rights in Myanmar in January 2023, and its joint contribution to the United Nations Special Rapporteur on trafficking in persons and protection of refugees, stateless persons, and IDPs the subsequent month.<sup>5</sup>

Throughout the nearly one-year period, a significant time was spent on conducting research. This research was primarily led by WPN's research team. Specifically, the team members compiled existing documentation, scholarship, news articles, social media posts, reports from the United Nations (U.N.) and its bodies, as well as reports from human rights and civil society organizations on the situation of Rohingya – all of which are available online. In assessing the situation of Rohingya in Myanmar, WPN also reviewed copies of documents of some of the junta's restrictions in Rakhine State that it had received from its network.

What distinguishes this report from WPN's previous publications is that its qualitative data have also been gathered from discussions with various focus groups of Rohingya members in Myanmar, Bangladesh, Malaysia, and India. WPN chose to organize and lead these discussions to ensure that its research reflects the needs and concerns of the Rohingya community. These online discussions were led in the Burmese and Rohingya languages by WPN's research team, as well as its Founder and Executive Director. WPN met with these groups for approximately six months from May 2022. To facilitate the discussions, WPN invited Rohingya members who share common characteristics – whether that may be age, gender, or places of refuge – to each focus group. The organization heard from respected community leaders as well. In line with its organizational mission, WPN also ensured that the groups significantly involved Rohingya women and youth. In the report, WPN presents quotes from the discussions in order to help depict the extent to which Rohingya's circumstances have exacerbated. Out of the organization's concern for the safety and security of the participants, this report will not disclose any information that may be deemed personally identifiable.

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<sup>5</sup> "Reports," Publications, Women's Peace Network, accessed March, 2023, <https://www.womenspeacenet.org/publications/reports>.

WPN also conducted such focus group discussions to assess the data and figures from its desk research. In this context, the organization is pleased to share that the information that was gathered from the focus group discussions corroborate many of the sources that are included in this report. However, WPN does qualify this finding by noting that some of its data and figures – such as the number of arrests, detentions, and deportation – that it has found may in reality be higher, or of a greater degree than presented. The organization’s staff arrived at this expectation upon recognizing that their access to a full, open set of resources regarding Rohingya remains limited. In fact, this limitation is primarily the outcome of the very issues that this report will address: the exacerbating human rights and humanitarian catastrophe in Myanmar, and the deteriorating conditions in Bangladesh and other countries in South and Southeast Asia.

Despite such circumstances, WPN emphasizes that such seemingly unfavorable research conditions do not render the arguments of this report less credible. As the reader may discover, the arguments focus on the patterns of abuses to which Rohingya are being subjected as a group – not necessarily the specificity of each case study. Therefore, it is the hope of WPN and its members that this report will help shed light on the Rohingya’s dire situation, thereby encouraging its key stakeholders to urgently implement its recommendations.

### III. SITUATION OF ROHINGYA IN MYANMAR

The over 600,000 Rohingya in Myanmar remain at heightened risk of further atrocities, including attacks of genocide from the Myanmar junta. Many of them were subjected to the Burmese military's genocidal attacks in 2017, when the security forces systematically arrested, tortured, and murdered hundreds of thousands of Rohingya; targeted women and girls in particular with rape, gang rape, sexual mutilation, and other brutal forms of sexual and gender-based violence; and torched and burned down over 392 Rohingya villages.<sup>6</sup>

The approximately 140,000 Rohingya who remain confined in IDP camps and other areas of forced displacement face squalid conditions with little-to-no access to basic livelihoods and necessities. They continue to be denied adequate healthcare; this has left many more of these victims and survivors of genocide to die from preventable illnesses, such as malnutrition, water-borne diseases, and tuberculosis.<sup>7</sup> Access to formal education and employment also remains denied to these Rohingya, whose movement continues to be closely controlled and regulated by the Burmese military. Such circumstances – including the junta's "Organizations Registration Law" and other related policies – further restrict the U.N. agencies and international organizations' provision of humanitarian aid to the IDPs, especially those confined in southern Rakhine State.<sup>8</sup>

The nearly two-year period since the attempted coup has observed an escalation of such an already repressive environment. The armed clashes in Rakhine State between the Burmese military and the Arakan Army (AA), which had ended their ceasefire in July 2022, endangered the Rohingya community with their widespread use of heavy weapons and

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<sup>6</sup> A/HRC/39/64.

<sup>7</sup> Human Rights Watch, "'An Open Prison Without End,'" *Human Rights Watch*, October 8, 2020, <https://www.hrw.org/report/2020/10/08/open-prison-without-end/myanmars-mass-detention-rohingya-rakhine-state>.

<sup>8</sup> "'We are facing a crisis': New law puts Myanmar NGOs in 'impossible' position,'" *Frontier Myanmar*, December 14, 2022, <https://www.frontiermyanmar.net/en/we-are-facing-a-crisis-new-law-puts-myanmar-ngos-in-impossible-position/>; "Population groups," MYANMAR SITUATION | 2021, Situation reports, Global Focus, UNHCR, accessed March, 2023, <https://www.unhcr.org/rohingya-emergency.html>.

airstrikes.<sup>9</sup> Many Rohingya died as a result; those murdered are among the over 4000 Rohingya stranded in an area between Bangladesh and Myanmar that has been designated as a “no-man’s land.”<sup>10</sup> The informal ceasefire that was negotiated between the two parties in November 2022 is unlikely to prevent a further recurrence of atrocities against Rohingya.<sup>11</sup>

Rohingya who attempt to escape such deadly conditions become at extreme risk of the military’s arbitrary detention, torture, and other abuses. These include human trafficking channels that reportedly involve junta officials.<sup>12</sup> The Burmese military has even issued and reissued laws and policies aimed at stripping the remaining 600,000 Rohingya in the country of their freedom of movement and other fundamental rights, including the following.

## Travel restrictions

The junta’s travel restrictions prevent Rohingya from exercising their mobility rights. These restrictions, which have been issued in growing numbers and severity since the attempted coup, require Rohingya to obtain so-called approval from local junta authorities to leave their townships and other places of residence. Only those who can provide bribe money are guaranteed this approval.

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<sup>9</sup> Kyaw Hsan Hlaing, “Insurgents in Myanmar’s Rakhine State Return to War on the Military,” United States Institute of Peace, October 3, 2022, <https://www.usip.org/publications/2022/10/insurgents-myanmars-rakhine-state-return-war-military>.

<sup>10</sup> “Mortar fired from Myanmar kills Rohingya youth in Bangladesh,” *Al Jazeera English* online, September 17, 2022, <https://www.aljazeera.com/news/2022/9/17/mortar-fired-from-myanmar-kills-rohingya-youth-in-bangladesh>.

<sup>11</sup> “Informal ceasefire with Myanmar military ‘not permanent’ solution, Arakan Army says,” *Myanmar Now*, November 28, 2022, <https://myanmar-now.org/en/news/informal-ceasefire-with-myanmar-military-not-permanent-solution-ara-kan-army-says>.

<sup>12</sup> The Arakan News Express, “ရိုဟင်ဂျာအမျိုးသမီးငယ်နှစ်ဦးတွင် တစ်ဦးအား ရိုက်နှက်သတ် ဖြတ်ခံထားရသည့် အနေအထားနှင့် ကျန်တစ်ဦးအား ဒဏ်ရာများနှင့်အတူ ဝှံ့မြုံ့နယ်အတွင်း တွေ့ရှိ,” *Facebook*, August 2, 2022, <https://www.facebook.com/thearakanexpress/posts/pfbid02hMbZ1buhJutAtNjAenkyUVFqCBwk62MxqkhWW5sbXTwBrPanjreQkS56CMq4747Yl>.

Those who do receive the junta's approval are required to carry relevant documentation, namely "Form 4," for their travel purpose, an additional requirement that does not make their journey any safer. On August 6, 2022, the military detained 16 Rohingya in Mindon Township (in Magway Region) for the alleged reason of failing to hold the immigration documents required under the Immigration Law.<sup>13</sup> These consequences can be fatal: in September, 2022, in Sittwe Township (in Rakhine State), junta police officers shot a 20-year-old Rohingya in his throat at a checkpoint while he was simply showing his documents to them.<sup>14</sup>

## National verification cards

Rohingya are now subjected to more policies requiring documentation that explicitly deny their identity: national verification cards (NVCs). NVCs identify Rohingya – whose citizenship has been revoked by the discriminatory 1982 Citizenship Law – as "Muslim/Islam" or "Bengali." This tool of genocide has long been used as supposed grounds to subjugate Rohingya with violence, or even as a condition for their repatriation. Some Rohingya who had obtained NVCs and applied for citizenship cards were issued naturalized citizenship cards, which is essentially a third-class citizenship card in Myanmar under the 1982 Citizenship Law. Many Rohingya view this process as a continuation of the genocidal process against them that have, for decades, denied their ethnic nationality rights and equal citizenship rights.

***"Issuing NVC and naturalized citizenship means that the genocide is ongoing. Their main purpose from the beginning was to create us as second or third-class citizens and continue to persecute us so that we can no longer exist in Arakan."***

Member of a focus group discussion in Rakhine State

Since the attempted coup, the junta has increasingly required Rohingya to present NVCs, as well as Form 4, to access hospitals, schools, and universities. The medical facilities that are provided to Rohingya limit their provision of healthcare to the community by running

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<sup>13</sup> "16 Bengalis without official documents arrested under the law," *The Global New Light of Myanmar*, August 8, 2022, <https://www.gnlm.com.mm/16-bengalis-without-official-documents-arrested-under-the-law/#article-title>.

<sup>14</sup> Nan Oo Nway, "Man shot dead at junta checkpoint in Rakhine State capital," *Myanmar Now*, September 5, 2022, <https://myanmar-now.org/en/news/man-shot-dead-at-junta-checkpoint-in-rakhine-state-capital>.

only twice a week in townships such as Sittwe. Hospitals that do admit these Rohingya segregate them from other patients into specified rooms, or “detention wards” that provide medical treatment to the junta’s detainees. Schools in Rohingya-inhabited villages are led by teachers who are instructed by the junta not to teach regularly. In universities, the teaching staff and junta officials require Rohingya students to present NVCs and Form 4 to them. NVCs are even required for Rohingya to obtain a marriage certificate.

## Swe Tin Sit

Since January 2022, as a means to further control the population the junta has reinstalled the “Swe Tin Sit” process in many parts of northern Rakhine State. This process allows the junta to check the status of Rohingya in specified areas, including IDP camps, by mandating them to be photographed with their respective families. Conducted by the military and its related officials, this process is abusive, intimidatory, and humiliating: Rohingya who are, allegedly, not present for the photo risk being removed from their family’s household list, thereby endangering them with arrest, detention, and other abuses by the junta. In Buthidaung Township (in Rakhine State), junta officials have also been conducting Swe Tin Sit at least once a year. The officials have also been reported to have, often two to three times a year, collected “population lists” of Rohingya in Sittwe Township. These lists facilitate the junta’s monitoring and surveillance of the community.

*“They are doing this because we are Rohingya.”*

Member of a focus group discussion in Rakhine State

## Arbitrary arrest and detention

The junta’s arbitrary enforcement of such restrictions, as well as the country’s lack of a rule of law, has allowed its forces to pursue a rampant, widespread campaign of arbitrary arrest and detention against Rohingya. Since 2017, specifically the “clearance operations,” the Burmese military has arbitrarily arrested and detained at least 3800 Rohingya, including over 1200 women and 280 children. Since the attempted coup, in over two years, the military junta has arbitrarily arrested and detained at least 2753 Rohingya, including over 863 women. Most of them have been unlawfully charged under the junta’s Act 6(2)/6(3) of the 1949 Registration Law and sentenced with two-years imprisonment. These figures point to the military’s escalating use of arbitrary arrest and detention against Rohingya, and how its attempted coup is fueling it.

The Burmese military's use of such restrictions, and their so-called violations, to arbitrary arrest and detain Rohingya attempting to flee Rakhine State particularly demonstrates its increasingly systemic and targeted nature. Immediately after the attempted coup, in February 2021, the Myanmar junta arrested 20 Rohingya in Minhla Township (in Magway Region) who had left Rakhine State.<sup>15</sup> This case was followed by multiple, similar cases, one of which was the junta's arrest of 30 Rohingya, including 25 women, in Bogalay Township (in Ayeyarwady Region) in December 2021.<sup>16</sup> Within the same month, the military-run, sham township courts sentenced nearly 109 Rohingya to five years in prison under the Immigration Act for allegedly attempting to flee to Malaysia.<sup>17</sup>

Over a year into the attempted coup, the junta continued to criminalize Rohingya's freedom of movement. This was demonstrated by the junta's arrest of over 118 Rohingya, including children as young as 13, in Yangon Region, in February 2022.<sup>18</sup> The months-long armed conflict in Rakhine State, which forced hundreds of Rohingya to flee, also facilitated the junta's attempts to cage more of them. From November and December 2022, in Mon State, the junta arrested over 80 Rohingya in Thanbyuzayat Township and 78 Rohingya in Mudon Township; the latter had allegedly been found by the junta on a boat heading for Thailand.<sup>19</sup>

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<sup>15</sup> "The arbitrary arrest and detention of Rohingya since the attempted coup," *Women's Peace Network*, March 2, 2022, [https://mcusercontent.com/6819ae24e30bd9a9db0322d69/files/2a79f5e9-4d82-bf0a-7c7e-702bc869a5c2/Briefer\\_on\\_Arbitrary\\_Arrest\\_Detention.pdf](https://mcusercontent.com/6819ae24e30bd9a9db0322d69/files/2a79f5e9-4d82-bf0a-7c7e-702bc869a5c2/Briefer_on_Arbitrary_Arrest_Detention.pdf).

<sup>16</sup> Maungdaw Daily News, *Facebook*, November 11, 2021, <https://www.facebook.com/100653198582067/posts/291707666143285/?d=n>.

<sup>17</sup> "The arbitrary arrest and detention of Rohingya since the attempted coup."

<sup>18</sup> Cape Diamond, *Facebook*, February 8, 2022, <https://www.facebook.com/capediamond.official/posts/333695502097559>; RFA Burmese, "ရန်ကုန်မှာ ရိုဟင်ဂျာ ၇၀ ကျော်ဖမ်းဆီးခံရ," *Facebook*, February 25, 2022, <https://www.facebook.com/39218993127/posts/10161678198928128/>.

<sup>19</sup> Human Rights Foundation of Monland (@HURFOM), "1/5 According to local residents, 78 Rohingya, including underage children, were arrested in Ka Mar Wet creek located in Mudon Township, Mawlamyine District, Mon State . . .," *Twitter*, December 7, 2022, <https://twitter.com/HURFOM/status/1600310645286526977>.

The military is also routinely separating children from their families, and sending them to what it calls “training schools.”<sup>20</sup> This was demonstrated in January 2023, when the military jailed over 116 Rohingya, and sent 12 children to these schools.<sup>21</sup>

In prisons and detention centers, Rohingya are further targeted by the junta officials with discriminatory treatment, such as being forced to clean their fellow inmates’ faeces, as well as severe beatings and other forms of torture.<sup>22</sup>

The junta is also arbitrarily arresting and detaining Rohingya refugees who return to their homes in Myanmar, particularly in Rakhine State. Such a violation of the Rohingya’s right of return was demonstrated in October 2021, when the military arbitrarily arrested six Rohingya, and imposed a two-year prison sentence to another group of 14 Rohingya – all of whom had returned to Myanmar from Bangladesh.<sup>23</sup> This follows the Burmese military’s commission of such a crime, as well as torture and other abuses, against Rohingya exercising their right of return in the years immediately following the 2017 attacks of genocide.<sup>24</sup> Most recently, in March 2023, the Burmese military was reported to have arbitrarily arrested four Rohingya, including two children, who had arrived at Buthidaung Township (in Rakhine State) from Bangladesh.<sup>25</sup> It is highly probable that, at the status quo,

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<sup>20</sup> Rebecca Root, “More than 100 Rohingya refugees jailed for trying to flee Myanmar camps,” *The Guardian*, January 11, 2023, <https://www.theguardian.com/world/2023/jan/11/more-than-100-rohingya-refugees-jailed-for-trying-to-flee-myanmar-camps>.

<sup>21</sup> Ibid.

<sup>22</sup> Han Thit, “Rohingya inmates ‘beaten brutally’ and forced to clean feces, Insein Prison source says,” *Myanmar Now*, December 20, 2022, <https://myanmar-now.org/en/news/rohingya-inmates-beaten-brutally-and-forced-to-clean-faeces-insein-prison-source-says>.

<sup>23</sup> Maungdaw Daily News, *Facebook*, October 15, 2021, [https://www.facebook.com/permalink.php?story\\_fbid=275673511080034&id=100653198582067](https://www.facebook.com/permalink.php?story_fbid=275673511080034&id=100653198582067); Ibid, October 20, 2021, [https://www.facebook.com/permalink.php?story\\_fbid=279032924077426&id=100653198582067](https://www.facebook.com/permalink.php?story_fbid=279032924077426&id=100653198582067).

<sup>24</sup> “Zeid calls for ICC probe into Myanmar Rohingya Crisis,” *United Nations*, July 4, 2018, <https://news.un.org/en/story/2018/07/1013932>; “Myanmar: Security Forces Torture Rohingya Refugees,” *Human Rights Watch*, August 21, 2018, <https://www.hrw.org/news/2018/08/21/myanmar-security-forces-torture-rohingya-returnees>.

<sup>25</sup> Aung Kyaw Moe (@akmoe2), “Has been unwell but let me tweet this while recovering . . . ,” *Twitter*, March 20, 2023, <https://twitter.com/akmoe2/status/1637678339220447233?s=20>.



the junta will continue to arbitrarily arrest and detain many more Rohingya who have had no choice but to escape the increasingly inhuman conditions in Bangladesh and other countries – to head home.

## Murder

The thousands of Rohingya who are arbitrarily arrested and detained by the junta then become in extreme danger of being murdered. This threat was most recently manifested in the December 2022 case involving the discovery of 13 dead Rohingya left disfigured on the side of a road in Hlegu Township (in Yangon Region); the majority of them were under 18 years of age, or “children” according to the U.N. Convention on the Rights of the Child.<sup>26</sup> While the junta claims that they had died from asphyxiation when being trafficked, the 13 Rohingya’s bodies show clear signs of beatings and other methods of torture.<sup>27</sup> This group of Rohingya was reportedly also, prior to their deaths, among those who had been arrested by the military or “Pyu Saw Htee,” one of its proxy militias. The junta’s immediate cremation of the 13 bodies, which is an act that is in violation of these victims’ Muslim faith, further suggests its complicity in strategically covering up a horrific massacre – one of its own doing.<sup>28</sup> WPN has been informed of a number of cases on the direct involvement of the Burmese military and its related forces in murdering Rohingya civilians in Myanmar, particularly in Rakhine State.

## Impact on women and girls

The unique risks faced by Rohingya women and girls have escalated since the attempted coup and its subsequent human rights and humanitarian catastrophe in Myanmar.

Specifically, the junta’s restrictions have often posed consequences that are particularly invasive to women. For example, the junta requires Rohingya to pay an exorbitant amount to the security forces in order to obtain birth certificates for their newborns; some are even subjected to extortion for this basic right. In the very few clinics that are permitted to the community, Rohingya women are even treated in “separate rooms,” subjected to sexual

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<sup>26</sup> Free Rohingya Coalition, “13 Rohingya massacred by Myanmar junta near Yangon,” *Genocide Watch*, December 5, 2022, <https://www.genocidewatch.com/single-post/13-rohingya-massacred-by-myanmar-junta-near-yangon>.

<sup>27</sup> “13 Rohingya found dead in Myanmar’s Yangon region,” *Radio Free Asia*, December 5, 2022, <https://www.rfa.org/english/news/myanmar/rohingya-12052022174158.html>.

<sup>28</sup> “13 Rohingya massacred by Myanmar junta near Yangon.”

harassment, and are called “Kalar” – a derogatory word used to deny Rohingya of their ethnic identity in and belonging to Myanmar.

The months-long armed conflict between the Burmese military and the AA has also risked women and girls with sexual violence. In early October 2022, in Buthidaung Township, at least two Rohingya women were gang raped by AA soldiers.<sup>29</sup> Upon receiving a complaint through the AA, the United League of Arakan opened a case against two AA soldiers in accordance with its martial law.<sup>30</sup> Local religious leaders and one of the women’s family members served as witnesses to the United League of Arakan’s court, which eventually issued a sentence of 20-year imprisonment and 30 lashes to the defendants.<sup>31</sup>

The Burmese military’s decades-long use of rape as a weapon of war is also posing an escalating threat to Rohingya women and girls. Specifically, the junta’s mass restrictions to physically confine more of the Rohingya community in IDP camps, prisons, and detention centers allows for this crime to be perpetrated in a more targeted, brutal manner. These conditions become one of key factors behind the increasing number of women fleeing by sea and land – risking their life at sea or at the hands of human trafficking. This life-threatening risk was demonstrated on August 2, 2022, when two Rohingya girls were raped and found mutilated with sword wounds in Gwa Township (in Rakhine State); one of them, aged 20, was killed on the spot and the other, aged 13, was subjected to serious injuries. This risk was also demonstrated in an IDP camp in Sittwe Township, where a years-long series of sexual harassment and rape was committed against over 40 Rohingya women and girls.<sup>32</sup> These cases further illustrate the escalating risk of sexual and

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<sup>29</sup> “AA Rebels Gang Rape Rohingya Woman in Buthidaung,” *The Rohingya Post* online, October 11, 2022, <https://www.rohingyapost.com/aa-rebels-gang-rape-rohingya-woman-in-buthidaung/>; Md Jamal (@mdjamal315), “AA (Arakan Army) gang raped two Rohingyas women in northern Buthidaung in Myanmar...,” *Twitter*, October 6, 2022, <https://twitter.com/mdjamal315/status/1578095135727837185?s=20&t=g5NLXcMukb7Wz9NRNJv79w>.

<sup>30</sup> The Democratic Voice of Burma (@DVB\_English), “RAKHINE—The United League of Arakan (ULA) announced that it handed a 20-year prison sentence, along with 30 lashes, to two Arakan Army (AA) troops found guilty of rape . . .,” *Twitter*, October 24, 2022, [https://twitter.com/DVB\\_English/status/1584386264094060545?s=20&t=0wArz6PmHWKxioCxR-c4Qg](https://twitter.com/DVB_English/status/1584386264094060545?s=20&t=0wArz6PmHWKxioCxR-c4Qg).

<sup>31</sup> *Ibid.*

<sup>32</sup> Myo Thit, “Rohingya women file charges against alleged serial rapist in Rakhine State IDP camp,” *Myanmar Now*, February 22, 2023, <https://myanmar-now.org/en/news/rohingya-women-file-charges-against-alleged-serial-rapist-in-rakhine-state-idp-camp>.

gender-based violence across the country – particularly in prisons and detention centers and growing areas of armed conflict – that confront Rohingya women and girls

## IV. SITUATION OF ROHINGYA REFUGEES IN SOUTH AND SOUTHEAST ASIA

The over one million Rohingya seeking refuge from the genocide in Myanmar continue to face rapidly deteriorating conditions in spite of the many avenues for life-saving assistance provided by their host countries, donor governments, U.N. organizations, and other members of the international community. In refugee camps, Rohingya face limited access to basic needs and livelihoods, tightening securitization, and other dire, life-threatening circumstances. Arbitrary arrest and detention also increasingly pose a risk to Rohingya attempting to flee such conditions. Beyond the detention centers that confine thousands of Rohingya exist increasingly widespread and aggressive forms of hate speech against the community, as well as the threat of forced deportation to Myanmar. These victims and survivors of genocide are thus forced to confront reminders of the life from which they escaped, to which they cannot be ensured a safe, sustainable, dignified, and voluntary return in the near future. The community's situation of Bangladesh, Malaysia, and India draws attention to such alarming issues.

### Bangladesh

For decades, Rohingya have sought refuge in Bangladesh from the genocide in Myanmar. The 2017 wave of genocidal attacks contributed to a rapid rise in this influx, culminating in over 943,000 Rohingya to be registered with the United Nations High Commissioner for Refugees (UNHCR).<sup>33</sup> Bangladesh remains the host country of the majority of these Rohingya, who seek refuge in 34 camps in Cox's Bazar. Despite the support of the Bangladesh government and other members of the international community – over the past year – Rohingya refugees have increasingly faced restrictions to their access to basic needs and livelihoods, as well as safety and protection.

#### Access to health

Rohingya's access to health and wellbeing is being exacerbated in spite of the medical facilities and emergency clinics that are being offered in the camps. More than half of this

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<sup>33</sup> “Rohingya emergency,” Emergencies, United Nations High Commissioner for Refugees, last modified October 2022, <https://www.unhcr.org/rohingya-emergency.html>

already at-risk population is subjected to food shortages, which continue to endanger its members with malnutrition and other nutritional deficiencies.<sup>34</sup> Rohingya also do not have reliable access to clean drinking water of sufficient quantity and quality. These poor conditions are exacerbated by the camps' lack of proper hygiene practices or sustainable infrastructure, both of which do not provide Rohingya with a reliable access to latrines or proper waste treatment options.<sup>35</sup> Combined, such a disastrous public health emergency will likely continue to threaten Rohingya with scabies, diphtheria, water and sanitation-borne and communicable diseases, as well as skin infections.<sup>36</sup> The World Food Programme's drastic cut in rations from March 1, 2023, due to its United States Dollar 125 million funding shortfall, will contribute to the ongoing deterioration of Rohingya's living conditions and their long-term, life-threatening consequences.

Mental health services and psychosocial support also remain largely inaccessible to these victims and survivors of genocide. As a result, Rohingya are left to confront severe mental health conditions on their own.<sup>37</sup> This lack of support is, in turn, aggravating the community's already high levels of depression, post-traumatic stress disorder, anxiety, and suicidal ideation. The inhuman conditions in the camps, compounded by the decreasing

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<sup>34</sup> "Notable chart: Even with humanitarian assistance, Rohingya refugees face shortages in food and essentials," Blogs, UNHCR, last modified July 28, 2022, <https://www.unhcr.org/blogs/rohingya-refugees-face-shortages-in-food-and-essentials-even-with-humanitarian-assistance/>.

<sup>35</sup> Médecins Sans Frontières - Bangladesh, "Assessment of Water, Sanitation, and Hygiene services among the populations of 19 camps in Cox's Bazar, Bangladesh, 2022," *OCHA*, August 29, 2022, [Journal of Water, Sanitation and Hygiene for Development no. 12 \(8\): 587–599, <https://doi.org/10.2166/washdev.2022.068>.](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/msf_cxb_lqas_final_report_june_2022.pdf?_gl=1*hgfmt4*_ga*MTgxNDQ0MjY1My4xNjY5OTA4ODAw*_ga_E60ZNX2F68*MTY3NDc0NjU1NS4xNi4xLjE2NzQ3NDY4NjcuNTAuMC4w; Sayed Mohammad Nazim Uddin, Jutta Gutberlet, Anika Tasnim Chowdhury, Tahlil Ahmed Parisa, Samiha Nuzhat, and Sidratun Nur Chowdhury, )

<sup>36</sup> Syed Samiul Basher Anik, "Scabies rips through crowded Rohingya refugee camps," *The New Humanitarian*, June 6, 2022, <https://www.msf.org/es/node/40901>.

<sup>37</sup> Andrew Riley, Yasmin Akther, Mohammed Noor, Fourth Author (name redacted for security reasons) and Courtney Welton-Mitchell, "Mental health and conditions in refugee camps matter when Rohingya living in Bangladesh consider returning to Myanmar," *Humanitarian Practice Network*, May 10, 2021, <https://odihpn.org/publication/mental-health-and-conditions-in-refugee-camps-matter-when-rohingya-living-in-bangladesh-consider-returning-to-myanmar/>.

prospect of a safe and dignified return to Myanmar, are a few of the many contributing factors to a deadly, mental health crisis ravaging the community.

## Access to education

Rohingya in Bangladesh are also denied reliable access to education. Over half of the community in the country are children, and the majority of them were systematically deprived of full education in Myanmar due to its decades-long persecution.<sup>38</sup> Despite this, a comprehensive formal and secondary-level education system with an accredited school curriculum has yet to be provided to these refugees since 2017. The “learning centers” that have been offered in Cox’s Bazar only accept children from the age of four to 14, and do not provide them with an opportunity for higher education in Bangladesh or elsewhere.<sup>39</sup> The community has thus had no choice but to address this crisis themselves by building and running their own schools. However, since December 2021 – while they did allow some level of flexibility to Rohingya’s basic education curriculum – the Bangladesh authorities have generally responded to these informal facilities by banning them and threatening their affiliates with forced transfer to Bhashan Char, a remote island in the Bay of Bengal.<sup>40</sup>

## Access to work

Other opportunities for skill development, including employment, are also inaccessible to Rohingya. The community continues to be barred from technical and vocational training that guarantees professional advancement; this is particularly because Rohingya, under its refugee status, are prohibited from formal employment in their host country. Without generational wealth or the prospect of a sustainable income, these victims and survivors of genocide have thus resorted to informal, low-income employment entailing risks of

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<sup>38</sup> UNHCR Asia Pacific (@UNHCRAsia), “Did you know that 52 % of the #Rohingya refugees registered in Bangladesh are children? . . .,” *Twitter*, April 6, 2022, <https://twitter.com/UNHCRAsia/status/1511629875198963712?s=20&t=ZRpUtEoC9mKxqrxhvCmunA>.

<sup>39</sup> San Thai Sin, “Why we Rohingya want to save our refugee-run schools,” *The New Humanitarian*, January 17, 2022, <https://www.thenewhumanitarian.org/opinion/first-person/2022/1/17/Rohingya-education-teacher-refugee-run-schools-Bangladesh-camps>.

<sup>40</sup> “Bangladesh: Officials Threaten Rohingya for Setting Up Schools” *Human Rights Watch*, March 21, 2022, <https://www.hrw.org/news/2022/03/21/bangladesh-officials-threaten-rohingya-setting-schools>.

exploitation.<sup>41</sup> In December 2021, the Bangladesh authorities bulldozed more than 3,000 Rohingya-owned shops in the camps' marketplaces, and have intensified their mass demolition of the community's key source of income since then.<sup>42</sup>

*"We are not allowed to work for our community. So we cannot work on changing our community, on developing my community."*

Member of a focus group discussion in Bangladesh

## Access to movement

Over the past year, the Bangladesh authorities have increasingly issued measures to further restrict Rohingya's basic rights, especially their freedom of movement. These measures involve the authorities' randomly imposed curfews, as well as delays and harassment at checkpoints, and threats against Rohingya attempting to transport themselves across the camps.<sup>43</sup>

This development is accelerating the years-long degradation of these refugees' mobility rights, which has particularly been observed since the authorities' 2019 installment of barbed-wire fencing and watchtowers around the camps. These measures have served as an added obstacle to the Rohingya's exercise of their freedom of movement in the camps and beyond – a constant, physical reminder of their confinement. The fencing, which measures at least 28 kilometers in the distance, has also posed life-threatening risks to Rohingya, especially by preventing them from escaping the many disasters that have devastated the camps.<sup>44</sup> At least six fires, including arson attacks, have hit these areas in 2022; these fires have destroyed the ramshackle shelters of thousands of Rohingya and

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<sup>41</sup> "Bangladesh: New Restrictions on Rohingya Camps" *Human Rights Watch*, April 4, 2022, <https://www.hrw.org/news/2022/04/04/bangladesh-new-restrictions-rohingya-camps>.

<sup>42</sup> Ibid; Agence France Presse, "Thousands of Rohingya shops demolished in Bangladesh, leaving refugees desperate," *The Guardian*, January 5, 2022, <https://www.theguardian.com/world/2022/jan/05/thousands-of-rohingya-shops-demolished-in-bangladesh-leaving-refugees-desperate>.

<sup>43</sup> "Bangladesh: New Restrictions on Rohingya Camps"

<sup>44</sup> Ibid; Irwin Loy, "Rohingya camp fire: Barbed-wire fences blocked escape, witnesses say," *The New Humanitarian*, March 23, 2021, <https://www.thenewhumanitarian.org/news/2021/3/23/rohingya-camp-fire-barbed-wire-fences-blocked-escape>.

killed many, including a child as young as six.<sup>45</sup> The wave of massive fires on March 5, 2023, destroyed approximately 2,000 shelters, as well as over 90 facilities, and further left at least 12,000 Rohingya unhoused.<sup>46</sup>

Rohingya's access to movement will likely exacerbate this year as the Bangladesh authorities proceed with their planned deportation of 100,000 Rohingya from Cox's Bazar to Bhashan Char. Though the island includes facilities such as hospitals, schools, and relief centers, its 1400 housing units only afford 3.6 square meters on average of covered living areas to the refugees – barely meeting the UNHCR's camp site planning minimum standards.<sup>47</sup> The over 30,000 Rohingya who are now confined in Bhashan Char remain at heightened risk of dangers associated with devastating natural disasters; the island's weak foundation, shifting shorelines, and location makes it extremely vulnerable to cyclones, monsoons, and floodings.<sup>48</sup> These disasters will likely prevent aid agencies, as well as the Bangladesh government, from efficiently providing urgent, emergency assistance to the affected communities. Despite calls from civil society organizations, governments, and UN agencies, the Bangladeshi authorities have yet to permit an independent assessment on the habitability of Bhashan Char.

Alarming, those attempting to exercise their freedom of movement to escape the appalling conditions in Bhashan Char and Cox's Bazar risk being arrested by the Bangladesh authorities. Fundamentally, their escape from this remote island in rough, uncertain waters itself poses a death threat. In August 2021, a boat fleeing Bhashan Char with over 40 Rohingya – who had paid Bangladeshi brokers for them to organize their

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<sup>45</sup> “Bangladesh: New Restrictions on Rohingya Camps”; Ruma Paul, “Sixth fire at Bangladesh Rohingya camp this year makes about 2,000 homeless,” *Reuters*, March 8, 2022, <https://www.reuters.com/world/asia-pacific/sixth-fire-bangladesh-rohingya-camp-this-year-makes-about-2000-homeless-2022-03-08/>.

<sup>46</sup> UNHCR in Bangladesh (@UNHCR\_BGD), “Impact of the massive fire in the camps in Bangladesh on 5 March . . .,” *Twitter*, March 5, 2023, [https://twitter.com/UNHCR\\_BGD/status/1632403154737455104?s=20](https://twitter.com/UNHCR_BGD/status/1632403154737455104?s=20).

<sup>47</sup> Weiyi Cai, Christian Inton, Simon Scarr and Jin Wu, “A remote home for the Rohingya,” *Reuters*, December 31, 2018, <http://fingfx.thomsonreuters.com/gfx/rngs/MYANMAR-ROHINGYA/010060Z21XP/index.html>; “Camp site planning minimum standards,” *Emergency Handbook*, UNHCR, last accessed March, 2023, <https://emergency.unhcr.org/entry/45581/camp-site-planning-minimum-standards>.

<sup>48</sup> *Ibid.*



escape – capsized in the Bay of Bengal, leaving at least 11 dead and 16 missing.<sup>49</sup> The country’s authorities rescued the surviving Rohingya, forcibly returned them to Bhashan Char, then subjected the refugees to interrogations.<sup>50</sup>

The extent of the criminalization of Rohingya’s freedom of movement in Bangladesh is further demonstrated by its authorities’ pursuit of these refugees in various locations across Bangladesh, far from Bhashan Char. This includes the Bangladesh authorities’ arrest of 18 Rohingya in the Bangabandhu Economic Zone and another 18 in Mirsarai Economic Zone in July 2021, as well as seven Rohingya in Subarna Char the following month.<sup>51</sup> Since May 2021, the authorities have detained over 200 Rohingya, mostly women and children, for attempting to leave Bhashan Char.<sup>52</sup>

***“I feel like this is worse than Myanmar because we cannot travel from one camp to another camp.”***

Member of a focus group discussion in Bangladesh

## **Access to safety and protection**

In addition to freedom of movement, reliable access to safety and protection is being denied to Rohingya refugees in Bangladesh. This has been demonstrated by the intensifying waves of abductions, armed robberies, assassinations and other abuses, which are increasingly being committed against these refugees by members of their own community – gangs and militant groups. These groups, which include the Arakan

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<sup>49</sup> “Bangladesh: Fleeing Rohingya Die at Sea,” *Human Rights Watch*, August 24, 2021, <https://www.hrw.org/news/2021/08/24/bangladesh-fleeing-rohingya-die-sea>.

<sup>50</sup> Ibid.

<sup>51</sup> “18 Rohingyas arrested after fleeing Bhashan Char,” *Dhaka Tribune*, July 11, 2021, <https://archive.dhakatribune.com/bangladesh/rohingya-crisis/2021/07/11/18-rohingyas-arrested-after-fleeing-bhashan-char>; “18 Rohingyas fleeing from Bhasanchar arrested in Mirsarai,” *United News of Bangladesh*, July 8, 2022, <https://unb.com.bd/category/Bangladesh/18-rohingyas-fleeing-from-bhasanchar-arrested-in-mirsarai/96532>; “Seven Rohingyas detained while trying to escape Bhasan Char,” *United News of Bangladesh*, August 4, 2022, <https://unb.com.bd/category/bangladesh/seven-rohingyas-detained-while-trying-to-escape-bhasan-char/98184>.

<sup>52</sup> Saif Hasnat and Sameer Yasir, “They were Promised a New Home. Then They Tried to Escape It,” *The New York Times*, October 10, 2021, <https://www.nytimes.com/2021/10/10/world/asia/bangladesh-rohingya-bhashan-char.html>.

Rohingya Salvation Army and the Rohingya Solidarity Organization, have been reported to have access to weapons in the camps and use them to commit violence, especially against community leaders who diverge from their respective missions and teachings.<sup>53</sup> The killing of Mohib Ullah, a prominent Rohingya community leader and peace activist, who was shot to death in September 2021, is one of the many cases of this kind. At least 40 Rohingya refugees in the camps are suspected to have been murdered by these groups in 2022.<sup>54</sup>

Unless they are effectively resolved, the deteriorating camp conditions will likely remain the main driving force to such a harrowing, intragroup conflict. The increasingly limited access to education, employment, and other opportunities will likely render many more Rohingya, especially young men, to become more vulnerable to the supposed allure of these groups. In this context, the attempted coup in Myanmar, which continues to contribute to such a sense of despair – of never leaving the camps – may also be a driving force.

Despite such circumstances, Rohingya refugees in Bangladesh are denied any recourse to relief, let alone justice. Bangladesh's domestic legal processes remain closed to Rohingya, thereby denying them the option of possibly mitigating the intensifying violence that imperil their places of refuge.

It is also challenging for these refugees to rely on the Bangladesh's Armed Police Battalion (APBn), which has supposedly been in charge of the camps' security situation from 2020. The APBn has since been reported to have committed extortion, harassment, including sexual harassment, and arbitrary arrest and detention against Rohingya.<sup>55</sup> Since mid-2022, the APBn has arrested over 900 Rohingya from the camps for various allegations, including those made on apparently fabricated grounds.<sup>56</sup> While the Bangladesh authorities have pursued measures to address some of the above cases, such as by prosecuting members of gangs, they have yet to guarantee the refugees a fair trial or due process of law.

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<sup>53</sup> Rebecca Tan, "The Rohingya fled genocide. Now, violence stalks them as refugees.," *The Washington Post*, March 7, 2023, <https://www.washingtonpost.com/world/2023/03/07/rohingya-refugees-targeted-killings-cox-bazar/>.

<sup>54</sup> Ibid.

<sup>55</sup> "Bangladesh: Rampant Police Abuse of Rohingya Refugees" *Human Rights Watch*, January 17, 2023, <https://www.hrw.org/news/2022/04/04/bangladesh-new-restrictions-rohingya-camps>.

<sup>56</sup> Ibid.

## Impact on women and girls

The dire situation in Bangladesh is disproportionately affecting Rohingya women and girls – over half of the Rohingya refugees in the country – with unique, multilayered risks that have yet to be comprehensively addressed. In particular, what differentiates this group from the wider Rohingya community is that these risks are posed by external actors as well as many of its own.

Rohingya women have long been subjected to patriarchal and misogynistic treatment from their community members. This treatment has often culminated in these women to face domestic and intimate partner violence, whose many catalysts – including an increasingly restrictive environment and unaddressed trauma – continue to intensify across the squalid camps. The overcrowding camps and their basic infrastructure, in particular, have provided little-to-no space for privacy, putting women at increased risk of sexual and gender-based violence from their community members, as well as the Bangladesh authorities.

These women, many of whom are victims and survivors of the Burmese military's sexual violence, are denied any reliable mechanism for their unique concerns to be resolved. The limited facilities for mental health and psychosocial support have deprived Rohingya women of safe avenues to cope with their trauma, as well as their specific challenges in the camps. The barbed-wire fencing and watchtowers have also prevented women from accessing specialized healthcare, such as maternal and reproductive healthcare, which can be readily provided beyond the confines of the camp. Many women have even reported taking additional precautions when relieving themselves at night, such as by being accompanied by a male family member.<sup>57</sup>

***"We come here to avoid rape in Myanmar. But how do we survive if we face a similar situation here? There is no place for us to complain or to seek justice."***

Member of a focus group discussion in Bangladesh

Those attempting to improve their community's, and subsequently their own, situation have thus resorted to volunteering for aid agencies in the camp and taking other means for advocacy and leadership. However, threats, harassment, extortion, and kidnapping from

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<sup>57</sup> Sirena Cordova, "1 toilet for 100 people: hear from the girls," *Plan International USA*, November 16, 2022, <https://www.planusa.org/blog/rohingya-crisis-one-toilet-for-100-people/>.

their community's men – most likely affiliates of militant groups or gangs in the camps – continue to confront women who pursue such a choice.<sup>58</sup>

***“Security forces have impunity, so they have no fear of facing the consequences of harassing Rohingya in the camps. Anyone, including women, can be tortured or beaten without any reason.”***

Member of a focus group discussion in Bangladesh

Rohingya women who attempt to flee such devastation are no safer. Women, in particular, become at heightened risk of trafficking in persons with promises of a better life, but only to face sexual exploitation, prostitution, forced marriage, child marriage, forced labor, and even death.<sup>59</sup> Those who have been forcibly deported to Bhashan Char face a heightened risk of being subjected to beatings, rape, sexual assault from the Bangladesh authorities.<sup>60</sup> As many more Rohingya continue to be sent to the remote island, its far repressive conditions will likely aggravate the already deteriorating situation of these women.

## — Recommendations to the Government of Bangladesh

- **PROVIDE** safe, sustainable, and robust infrastructure, as well as proper healthcare and sanitation facilities, to Rohingya;
- **EASE** the restrictions on Rohingya's freedom of movement in and beyond the camps;
- **INTRODUCE** a formal primary and secondary education system;
- **PERMIT** Rohingya to obtain employment in Bangladesh, including in non-governmental organizations (NGOs) in the camps;

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<sup>58</sup> Verena Hölzl, “As violence soars in refugee camps, Rohingya women speak up,” *The New Humanitarian*, August 2, 2021, <https://www.thenewhumanitarian.org/news/2021/8/2/as-violence-soars-in-refugee-camps-rohingya-women-speak-up>.

<sup>59</sup> “Bangladesh: Protect victims of trafficking, especially within the country, says UN expert,” *United Nations*, November 9, 2022, <https://www.ohchr.org/en/press-releases/2022/11/bangladesh-protect-victims-trafficking-especially-within-country-says-un>.

<sup>60</sup> “Rohingya refugees allege sexual assault on Bangladeshi island,” *The Guardian*, September 22, 2020, <https://www.theguardian.com/world/2020/sep/22/rohingya-refugees-allege-sexual-assault-on-bangladeshi-island>

- **ENSURE** the safety and security of all Rohingya refugees, including by deploying women police officers and security forces and allowing the resettlement of refugees at risk to third countries;
  - **PROMOTE** the rule of law in the Rohingya refugee camps, including by ensuring criminal justice;
  - **PRIORITIZE** Rohingya refugees' safe, dignified, and voluntary return to Myanmar; and
  - **CONSULT** with Rohingya refugees, especially women, on matters related to them, including repatriation and security conditions in the camps.
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## Malaysia

In Malaysia, among the around 158,000 refugees from Myanmar, over 106,000 Rohingya are registered with the UNHCR.<sup>61</sup> The majority of them are seeking refuge in Kuala Lumpur and other urban areas across the country.<sup>62</sup> As a country, the predominantly Muslim Malaysia has provided some level of safety and protection to many Rohingya refugees since the 1970s despite having yet to ratify the 1951 Refugee and its 1967 Protocol. Nonetheless, most likely from such a circumstance, Rohingya refugees in Malaysia continue to be denied established avenues for resettlement – only to face a heightened risk of detention, arrest, and deportation to Myanmar, as well as other grave rights violations and vulnerabilities.

***"There are many difficulties for Rohingya in Malaysia. Food and shelter are very limited. We can be arrested anytime."***

Member of a focus group discussion in Malaysia

### Access to asylum

Unlike the past years, the Malaysian government's recent measures suggest that its agencies are far from providing Rohingya the safety and stability that they desperately need. Since July 2022, the government has mandated UNHCR-registered refugees and

<sup>61</sup> "Figures at a Glance in Malaysia," Emergencies, United Nations High Commissioner for Refugees, last modified November 2022, <https://www.unhcr.org/figures-at-a-glance-in-malaysia.html>.

<sup>62</sup> Ibid.

asylum seekers to register for biometric identification cards, or “MyRD cards,” from a new system.<sup>63</sup> This system, which is called the “Tracking Refugees Information System,” requires these groups to provide a fee as well as personally identifiable data, such as their fingerprints and information from their UNHCR cards.<sup>64</sup> Overseen by a former head of the country’s intelligence services, the system clearly facilitates the government’s attempts to monitor the movement of Rohingya and other refugees and asylum seekers in the country.<sup>65</sup>

This measure is being implemented while approximately thousands of Rohingya among the 17,500 refugees and asylum seekers continue to be detained in 21 immigration detention centers across Malaysia.<sup>66</sup> These centers provide little-to-no access to healthcare or any other form of relief, which can result in life-threatening circumstances: according to the country’s Home Ministry, from 2018 to February 2022, over 208 of the detainees in the detention centers had died due to preventable illnesses that include tuberculosis, dengue, and diabetes.<sup>67</sup>

All of them are still denied access to UNHCR, and those from Myanmar are now at extreme risk of deportation.<sup>68</sup> Since the attempted coup, the Malaysia authorities have deported over 2000 Myanmar refugees without determining their status in the country; more than half of them have been deported from September to October 2022.<sup>69</sup> Malaysian immigration officials are conducting these deportations in consultation with the junta

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<sup>63</sup> Wael Qarssifi, “Refugees in Malaysia worry government tracking system a ‘trap’,” *Al Jazeera English*, August 11, 2022, <https://www.aljazeera.com/news/2022/8/11/refugees-in-malaysia-worry-refugee-tracking-system-a-trap>.

<sup>64</sup> Ibid.

<sup>65</sup> “Malaysia: Surge in Summary Deportation to Myanmar,” *Human Rights Watch*, October 24, 2022, <https://www.hrw.org/news/2022/10/24/malaysia-surge-summary-deportations-myanmar>.

<sup>66</sup> “Immigration Dept denies allegations depots overcrowded, understaffed,” *The Star*, April 26, 2022, <https://www.thestar.com.my/news/nation/2022/04/26/immigration-dept-denies-allegations-depots-overcrowded-understaffed>.

<sup>67</sup> Martin Carvalho, Fatimah Zainal, and Ashley Tang, “208 deaths reported at immigration detention depots since 2018, says Deputy Home Minister,” *The Star*, March 17, 2022, <https://www.thestar.com.my/news/nation/2022/03/17/208-deaths-reported-at-immigration-detention-depots-since-2018-says-deputy-home-minister>.

<sup>68</sup> “Malaysia: Surge in Summary Deportation to Myanmar.”

<sup>69</sup> Ibid.

officials, including by coordinating charter flights to Myanmar.<sup>70</sup> Rohingya who are forcibly returned to Myanmar become at serious danger of facing further attacks of genocide by the Burmese military.

Many Rohingya thus have had no choice but to free themselves from such confinement – often by risking their lives. This extreme risk was manifested in April 2022, when over 520 Rohingya escaped from the Sungai Bakap Immigration Center after at least two years of detention; six, including two women and two children, were killed in a road accident when they were trying to cross a highway.<sup>71</sup> The Malaysian authorities rearrested most of them within days of the incident, leaving them to risk deportation in the immediate future.<sup>72</sup>

Rohingya attempting to reach Malaysia by sea from other regional countries, especially Bangladesh, have also been subjected to similar, brutal conditions. Enforced by the Malaysian and other regional authorities, a limited prospect for safe and immediate disembarkation has left many of these Rohingya to be stranded at sea. They include Rohingya who are denied entry by sea from other countries, including Indonesia, as was demonstrated by the case of a boat carrying 100 Rohingya reaching Malaysia in December 2021.<sup>73</sup>

According to the UNHCR, more than 3,500 Rohingya took to sea in 2022, of which approximately 348 people are believed to have died.<sup>74</sup> Unseaworthy vessels and

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<sup>70</sup> Ibid.

<sup>71</sup> “Depot riot: 104 Rohingya still at large, says Hamzah,” *The Star*, April 21, 2022, <https://www.thestar.com.my/news/nation/2022/04/21/depot-riot-104-rohingya-still-at-large-says-hamzah>; “UN refugee agency ‘shocked’ at Rohingya deaths in Malaysia escape,” *Al Jazeera English*, April 22, 2022, <https://www.aljazeera.com/news/2022/4/22/un-refugee-agency-shocked-at-rohingya-deaths-in-malaysia-escape>.

<sup>72</sup> “Six killed as hundreds of Rohingya flee Malaysia detention,” *Al Jazeera English*, April 20, 2022, <https://www.aljazeera.com/news/2022/4/20/six-killed-as-hundreds-of-rohingya-flee-malaysia-detention>.

<sup>73</sup> “Indonesia rejects Rohingya refugees, sends boat to Malaysia,” *Al Jazeera English*, December 28, 2021, <https://www.aljazeera.com/news/2021/12/28/indonesia-rejects-rohingya-refugees-sends-boat-to-malaysia>.

<sup>74</sup> “Steep increase in deadly boat journeys reflects Rohingyas’ desperation: UNHCR,” *United Nations*, January 17, 2023; Myanmar Situation, Operational Data Portal: Refugee Situations, UNHCR, accessed February 2023, <https://data.unhcr.org/en/situations/myanmar>; United Nations, Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Myanmar*, A/HRC/52/66 (9 March 2023), available from [undocs.org/en/A/HRC/52/66](https://undocs.org/en/A/HRC/52/66).

inadequate supplies, especially lack of water and sanitation facilities, have often resulted in the deaths of a significant number of Rohingya.<sup>75</sup>

In late 2022, at least 12 boats carrying hundreds of Rohingya faced such life-threatening consequences.<sup>76</sup> While certain countries, such as Sri Lanka and Indonesia, permitted these Rohingya to disembark on their shores, they have yet to free them from detention centers and other heavily restricted areas of confinement.<sup>77</sup> Other countries left these refugees to be stranded at sea for an indefinite period, risking them with death.<sup>78</sup> For example, in December, the Indian navy, though it provided some food and water to Rohingya on one of the boats that had arrived at its waters, refused to allow its disembarkation on the country's shores; many of the boat's passengers have reportedly died.<sup>79</sup> Within the same month, the Vietnamese authorities transferred to the Burmese military a boat with at least 154 Rohingya whom a Vietnam-based company had rescued earlier.<sup>80</sup> A boat carrying around 180 Rohingya still remains missing – with survivors yet to be detected.<sup>81</sup>

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<sup>75</sup> “Left Adrift at Sea: Dangerous Journeys of Refugees Across the Bay of Bengal and Andaman Sea,” *UNHCR*, August 19, 2021, <https://www.unhcr.org/asia/611e15284.pdf>; “UN says 2022 among deadliest years for Rohingya at sea,” *Al Jazeera English*, December 26, 2022, <https://www.aljazeera.com/news/2022/12/26/deadliest-year-for-rohingya-at-sea-with-180-presumed-dead-un>.

<sup>76</sup> Filippo Grandi (@FilippoGrandi), “Since November at least 12 boats carrying Rohingya refugees have been reported in the Andaman Sea and Bay of Bengal...,” *Twitter*, January 4, 2023, [https://twitter.com/FilippoGrandi/status/1610582628314365954?s=20&t=msfP\\_1lPn3PV2IN1c\\_cyHg](https://twitter.com/FilippoGrandi/status/1610582628314365954?s=20&t=msfP_1lPn3PV2IN1c_cyHg).

<sup>77</sup> “Malaysia detains 270 Rohingya refugees who had drifted at sea for weeks,” *BBC News Services*, June 9, 2020, <https://www.bbc.com/news/world-asia-52975138>.

<sup>78</sup> *Ibid.*

<sup>79</sup> “Over 100 Rohingya stranded off India’s coast, many feared dead,” *Al Jazeera English*, December 21, 2022, <https://www.aljazeera.com/news/2022/12/21/over-100-rohingya-stranded-off-indias-coast-many-feared-dead>; Pulack Ghatack and Abdur Rahman, “Activists, families call for rescue of boat adrift in Andaman Sea,” *Radio Free Asia*, December 22, 2022, <https://www.rfa.org/english/news/myanmar/boat-12222022164701.html>.

<sup>80</sup> “Vietnam vessel saves 154 Rohingya from sinking boat, transfers to Myanmar navy,” *Reuters*, <https://www.reuters.com/world/asia-pacific/vietnam-vessel-saves-154-rohingya-sinking-boat-transfers-myanmar-navy-2022-12-09/>.

<sup>81</sup> A/HRC/52/66.



Rohingya who are subjected to such deadly sea crossings risk human trafficking. This risk was demonstrated by the discovery of mass graves and multiple human-trafficking camps involving Rohingya and Bangladesh nationals across the border between Malaysia and Thailand, particularly in 2015.<sup>82</sup> Legal repercussions for those involved in this crime have generally been insufficient in spite of widespread, available evidence of the traffickers' use of torture, sexual violence, and other acts of brutality against Rohingya.<sup>83</sup>

## Access to education

Despite the previous Malaysian governments' efforts, access to education continues to be barred for Rohingya in the country: Rohingya who have been detained have no such access, while those who are not are practically denied a formal education system with an accredited curriculum.<sup>84</sup> Children and other youths who intend on pursuing any kind of public education in Malaysia are instead directed to informal sources; these include the "learning centers" that are operated by the UNHCR and other NGOs, as well as initiatives led by community-based organizations (CBOs), which have the option of being registered as "alternative education centers" by the country's Ministry of Education.<sup>85</sup> All of these programs are under resourced, marred by insufficient training for teaching volunteers, limited access to teaching materials, as well as lack of adequate classroom facilities.<sup>86</sup> Moreover, despite the many commendable, related initiatives of Malaysia's previous

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<sup>82</sup> Praveen Menon, "Malaysia finds 139 graves in 'cruel' jungle trafficking camps," *Reuters*, May 25, 2015, <https://www.reuters.com/article/us-asia-migrants-idUSKBN0OA06W20150525>; "UN warns of trafficking, sexual abuse in shadow of Rohingya refugee crisis," *United Nations*, November 14, 2017, <https://news.un.org/en/story/2017/11/636002-un-warns-trafficking-sexual-abuse-shadow-rohingya-refugee-crisis>; "Rohingya Women Continue to Be Raped in Jungle for failing to Identify, Prosecute Traffickers," *Rohingya Vision*, November 6, 2021, <https://rohingyavision.com/rohingya-women-continue-to-be-raped-in-jungle-for-failing-to-identify-prosecute-traffickers/>.

<sup>83</sup> Apriadi Gunawan, "North Sumatra police foil Rohingya trafficking attempt," *The Jakarta Post*, December 27, 2022, <https://www.thejakartapost.com/indonesia/2022/12/27/north-sumatra-police-foil-rohingya-trafficking-attempt.html>.

<sup>84</sup> Júlia Palik, "Education for Rohingya Refugee Children in Malaysia," *Peace Research Institute Oslo*, February 2020, [https://resourcecentre.savethechildren.net/pdf/palik\\_julia\\_-\\_education\\_for\\_rohingya\\_refugee\\_children\\_in\\_malaysia\\_prio\\_policy\\_brief\\_2-2020.pdf/](https://resourcecentre.savethechildren.net/pdf/palik_julia_-_education_for_rohingya_refugee_children_in_malaysia_prio_policy_brief_2-2020.pdf/).

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*

Foreign Minister, Rohingya who complete these programs are yet to receive any kind of certification that is recognized by the country's public schools and labor market.<sup>87</sup>

## Access to work

Rohingya refugees in Malaysia are denied legal right to work, leaving them to find low-skilled and low-paid jobs in the country's unstable informal economy. Many Rohingya pursue such jobs in the country's construction industry, which lack safety standards, protection of workers' rights, adequate and reliable payments, and access to accountability measures.<sup>88</sup> Rohingya, who already suffer from various forms of discrimination in Malaysia, are also subjected to physical and verbal abuse, including blackmail, in their at-risk workplaces. Cases of exploitation also remain widespread among this group.

The Malaysian government has attempted to address Rohingya's unregulated employment conditions.<sup>89</sup> However – especially during the COVID-19 pandemic and given its subsequent widespread, negative economic impact – the government's attempts have been often criticized by the wider Malaysian public as a scheme to allow Rohingya to “take their jobs” without paying taxes.<sup>90</sup>

## Hate speech and disinformation

Misinformation about the COVID-19 pandemic, which has become more widespread alongside an increasingly hostile environment against refugees, continues to disproportionately affect Rohingya refugees in Malaysia. This also involves disinformation and hate speech targeting the group on social media platforms such as Facebook, whose

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<sup>87</sup> Ibid; Bernama, “Wisma Putra to come up with comprehensive status paper on Rohingya children's education in Malaysia,” *New Straits Times*, September 5, 2022, <https://www.nst.com.my/news/nation/2022/09/828601/wisma-putra-come-comprehensive-status-paper-rohingya-childrens-education>.

<sup>88</sup> Melati Nungsari, Sam Flanders, and Hui-Yin Chuah, “Poverty and precarious employment: the case of Rohingya refugee construction workers in Peninsular Malaysia,” *Humanit Soc Sci Commun* no. 7 (120), <https://doi.org/10.1057/s41599-020-00606-8>.

<sup>89</sup> “Allow Rohingya refugees to work so they can contribute to Malaysian economy, Putrajaya urged,” *Malay Mail*, April 29, 2022, <https://www.malaymail.com/news/malaysia/2022/04/29/allow-rohingya-refugees-to-work-so-they-can-contribute-to-malaysian-economy/2056261>.

<sup>90</sup> Ibid.

users amount to over 70% of the country's population.<sup>91</sup> Over 36 Facebook pages and groups targeting Rohingya, such as the "Anti Rohingya Club" page, have been issued by users in Malaysia and shared widely; comments in a 100,000-member private group alarming include "Hope they all die, this cursed pig ethnic group."<sup>92</sup> These sites have also wielded death threats against Rohingya community leaders and other prominent Rohingya figures in Malaysia, forcing many of them to restrict their movement in the country.<sup>93</sup> In response to a public outcry from the Rohingya community, as well as Malaysian and other regional civil society organizations, on this matter, Facebook did make moderate efforts to delete these pages from their platform.

However, the Malaysian authorities have largely deviated from pursuing measures to curtail the spread of Anti-Rohingya hate speech to the extent that their actions have seemed far from neutral. In a now-deleted Facebook group called "Friends of Immigration," which was run by former and current immigration officials, comments vilifying Rohingya such as "Let us not suffer the cancer of this ethnic [group]" were posted and shared.<sup>94</sup> In June 2021, the country's immigration authority shared a post with the text, in Malay, "Ethnic Rohingya migrants, your arrival is not welcomed," on its official Twitter page.<sup>95</sup> Moreover, following the deadly escape from the Sungai Bakap Immigration Center, the former Minister of Home Affairs brazenly asserted that Rohingya's detention serves as a "lesson" to other migrants from entering Malaysia and suggested the refugees leave the country "if they want freedom."<sup>96</sup>

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<sup>91</sup> Hakimie Amrie Hisamudin, "1 year later, hate speech and threats against Rohingya continue," *Free Malaysia Today*, April 23, 2021, <https://www.freemalaysiatoday.com/category/nation/2021/04/23/1-year-later-hate-speech-and-threats-against-rohingya-continue/>.

<sup>92</sup> Rozanna Latiff and A. Ananthalakshmi, "Anti-migrant sentiment fanned on Facebook in Malaysia," *Reuters*, October 14, 2020, <https://www.reuters.com/article/uk-facebook-malaysia-rohingya-idUKKBN26Z0BP>.

<sup>93</sup> "1 year later, hate speech and threats against Rohingya continue."

<sup>94</sup> "Anti-migrant sentiment fanned on Facebook in Malaysia."

<sup>95</sup> "Malaysia: End hypocrisy and uphold the rights of refugees, asylum-seekers and migrants," *Amnesty International Malaysia*, June 11, 2021, <https://www.amnesty.my/2021/06/11/malaysia-end-hypocrisy-and-uphold-the-rights-of-refugees-asylum-seekers-and-migrants/>.

<sup>96</sup> "'Ill-treated' refugees should leave M'sia if they want freedom: Hamzah," *Malaysiakini*, April 24, 2022, <https://www.malaysiakini.com/news/619085>; "Malaysia: End hateful rhetoric against Rohingya refugees,"

## Impact on women and girls

Rohingya women and girls, who compose a third of the refugee population in Malaysia, are uniquely affected by their community's poor situation.<sup>97</sup>

Denied access to Malaysia's healthcare system, Rohingya women, girls, and other members of the refugee population are restricted to basic medical facilities and clinics that are run by the UNHCR and other NGOs. Women and girls who are not registered with the UNHCR, and subsequently do not hold its card, or the MyRD card, are prohibited from accessing this resource. The clinics provide limited forms of primary healthcare, including maternal and reproductive healthcare.

Little-to-no mental health and psychosocial support is provided to these victims and survivors of genocide, so that they can address their pain, suffering, and trauma in an effective and safe manner. This has been debilitating to Rohingya women who have increasingly faced domestic and intimate partner violence, whose conditions continue to be exacerbated by poverty, lack of formal education and employment, and a limited prospect for a stable, sustainable life in Malaysia.

The majority of Rohingya women and girls are also victims of human trafficking from Myanmar, Bangladesh, or Thailand. Likely kidnapped, sold into marriage or forced into domestic servitude, these refugees have often been subjected to brutal, violent detention conditions on land and sea.<sup>98</sup> Rape, gang rape, sexual slavery, sexual exploitation, and other forms of sexual violence have also been committed against these women, as well as those taken hostage in human-trafficking camps along the Malaysia-Thailand border.<sup>99</sup>

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*Article 19*, April 28, 2022,  
<https://www.article19.org/resources/malaysia-end-hateful-rhetoric-against-rohingya-refugees/>.

<sup>97</sup> "Figures at a Glance in Malaysia."

<sup>98</sup> Naimul Karim, "Traffickers demand ransoms for Rohingyas held at sea in SE Asia," *Reuters*, June 15, 2020, <https://www.reuters.com/article/us-bangladesh-malaysia-rohingya-traffick-idUSKBN23M1AC>; "Protection risks for Rohingya women and children: from departure country to arrival in Malaysia," *Mixed Migration Centre*, March 2022, [https://mixedmigration.org/wp-content/uploads/2022/03/218\\_Protection\\_risks\\_for\\_Rohingya\\_women\\_and\\_children\\_from\\_departure\\_country\\_to\\_arrival\\_in\\_Malaysia.pdf](https://mixedmigration.org/wp-content/uploads/2022/03/218_Protection_risks_for_Rohingya_women_and_children_from_departure_country_to_arrival_in_Malaysia.pdf).

<sup>99</sup> *Ibid.*

In Malaysia and other countries where the justice processes remain inaccessible to Rohingya, these women and girls risk prolonged and indefinite detention over seeing significant legal action taken against their traffickers or transnational criminal syndicates. For example, in Thailand, where its authorities are permitted to intercept and detain Rohingya arriving at its shores, more than 600 Rohingya, including approximately 200 unaccompanied minors, are being held in immigration detention centers.<sup>100</sup> The majority of Rohingya who have been detained in Thailand, some from as early as 2015, are victims and survivors of human trafficking.<sup>101</sup> As was noted earlier, prolonged and indefinite detention also imperil Rohingya who reach Malaysia, Indonesia, Sri Lanka, and other regional countries via deadly sea crossings, often through human trafficking. In countries where detention centers are primarily run by male officials, Rohingya women and girls risk sexual harassment and other forms of sexual violence.<sup>102</sup>

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## Recommendations to the Government of Malaysia

- **ENSURE** access to formal education and healthcare, including for reproductive health, to Rohingya in Malaysia;
- **ISSUE** workplace safety standards, human resource policies, and other employment standards, and require their compliance in situations that may involve Rohingya;
- **RELEASE** Rohingya and all other refugees and asylum seekers from the country's immigration centers and provide them access to safety and protection within the wider Malaysian society;
- **SUPPORT** a regional mechanism for search-and-rescue missions and safe disembarkation of Rohingya at sea;
- **PROVIDE** financial assistance and material support to CBOs supporting the Rohingya community, especially those led by its members;
- **DEVELOP** a mechanism to improve access to justice for Rohingya and other refugees in Malaysia, especially for women and girls; and
- **IMPLEMENT** policies for the resettlement of Rohingya instead of engaging with the Myanmar junta to facilitate their forced deportation.

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<sup>100</sup> A/HRC/52/66.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

## India

In India, among its majority Hindu society, an aggravating, anti-Muslim rhetoric is posing a significant threat to the over 40,000 Rohingya refugees in the country.<sup>103</sup>

### Access to asylum

While seeking refuge in India from as early as the 1970s, Rohingya – including the over 20,000 registered with the UNHCR – are yet to be guaranteed reliable access to housing, healthcare, education, or employment in their host country.<sup>104</sup> UNHCR-registered Rohingya only receive meager rations and, for those whom the agency determines as the most vulnerable, cash-based assistance is granted.<sup>105</sup> At the same time, the Indian government has not provided any significant, sustainable aid to the Rohingya community, or recognized and accepted their refugee status within its territory; this is one of the many devastating consequences of a country that has yet to ratify the 1951 Refugee Convention and the 1967 Protocol, let alone implement a comprehensive international human rights framework.

The Indian government, which considers Rohingya as “illegal immigrants,” has attempted to justify the deportation of these refugees through legal and administrative means. In 2017, the government publicly announced its plan to deport the approximately 40,000 Rohingya in the country.<sup>106</sup> The Ministry of Home Affairs then officially delegated power to

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<sup>103</sup> Qadri Inzamam and Haziq Qadri, “India Abandons the Rohingyas,” *Foreign Policy*, April 29, 2022, <https://foreignpolicy.com/2022/04/29/india-rohingya-refugees-myanmar-deportation/#:~:text=India%20is%20home%20to%20around,jobs%20to%20make%20ends%20meet>.

<sup>104</sup> “India: Rohingya Deported to Myanmar Face Danger,” *Human Rights Watch*, March 31, 2022, <https://www.hrw.org/news/2022/03/31/india-rohingya-deported-myanmar-face-danger>.

<sup>105</sup> “India: The Status of Refugees - 2021,” *Rights and Risks Analysis Group*, December 2021, [https://www.indiaspend.com/h-library/2022/03/11/India\\_The\\_Status\\_of\\_Refugees\\_2021.pdf](https://www.indiaspend.com/h-library/2022/03/11/India_The_Status_of_Refugees_2021.pdf).

<sup>106</sup> “India: Don’t Forcibly Return Rohingya Refugees,” *Human Rights Watch*, August 17, 2017, <https://www.hrw.org/news/2017/08/17/india-dont-forcibly-return-rohingya-refugees>.

state governments for the identification and deportation of those staying “illegally”; it also stated that “infiltration”<sup>107</sup> from Myanmar aggravated security challenges.<sup>108</sup>

The 2019 Citizenship Amendment Act may be described as an attempt by the ruling Hindu nationalist party, the Bharatiya Janata Party (BJP), to effectively formalize a discriminatory approach to refugees and asylum seekers.<sup>109</sup> This BJP-sponsored legislation explicitly excludes Muslims in its provision of a supposed path to citizenship for six religious minority groups fleeing religious persecution from Afghanistan, Pakistan, and Bangladesh.<sup>110</sup> Such an exclusion of Muslims suggests Rohingya’s limited possibility for integration in Hindu-majority India.

***“Our children are not allowed to attend schools. We have no employment opportunities. We don’t have ID cards.”***

Member of a focus group discussion in India

Such acts have also prevented Rohingya from accessing certain concessions that are necessary for the community to have housing and other basic services.<sup>111</sup> Rohingya in India thus have no choice but to continue seeking refuge in squalid shelters and slums, all

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<sup>107</sup> “State of Rohingya Muslims in India in absence of a Refugee Law,” *Foundation London Story*, 2021, <https://thelondonstory.org/wp-content/uploads/State-of-Rohingya-Muslims-in-India-in-absence-of-a-Refugee-Law.pdf>.

<sup>108</sup> Ibid.

<sup>109</sup> Khushboo Sandhu and Meryl Sebastian, “Rohingya and CAA: What is India's refugee policy?,” *BBC News Services*, August 19, 2022, <https://www.bbc.com/news/world-asia-india-62573446>.

<sup>110</sup> “The Citizenship (Amendment) Bill, 2019,” PRS Legislative Research, accessed March, 2023, <https://prsindia.org/billtrack/the-citizenship-amendment-bill-2019>.

<sup>111</sup> S.N., “India's only school for Rohingya refugee holds out hope for a better life for stateless community,” *Scroll.in*, August 5, 2016, <https://scroll.in/article/812082/indias-only-school-for-rohingya-refugee-holds-out-hope-for-a-better-life-for-stateless-community>; Tejal Khanna, “Rohingyas and the (Il)Legal Quest for an Indian Identity,” *The Statelessness & Citizenship Review*, no. 2 (2): 342–347, <https://statelessnessandcitizenshipreview.com/index.php/journal/article/view/221>.

of which risk being razed by the Indian authorities.<sup>112</sup> Approximately 1,100 Rohingya refugees are in New Delhi, where its Kalindi Kunj camp includes at least 53 housing units – crumbling infrastructure made from bamboo, tarpaulin, and make-do walls.<sup>113</sup> In Jammu, in India-administered Kashmir, more than 5000 Rohingya are left in slums.<sup>114</sup> Many more are confined in similarly dilapidated areas in other cities and regions, including Hyderabad and Nuh.<sup>115</sup> The poor housing units also do not provide adequate sanitation infrastructure or a sustainable food supply.

## Deportation

Deportation to Myanmar threatens Rohingya in India, as well as those attempting to flee the country. Following the 2017 genocidal attacks in Rakhine State, the BJP-ruled government issued orders to the country's states to identify and deport "illegal Rohingya" seeking refuge in India, and attempted to convince the Supreme Court to define this group as "illegal migrants and threats to national security."<sup>116</sup>

Today, Rohingya are at extreme risk of being arbitrarily detained and arrested from their camps in India to the extent that many of them have had no choice but to flee to Bangladesh. Those seeking refuge from Bangladesh to India also face significant risks of

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<sup>112</sup> Aakash Hassan and Zafar Aafaq, "Repeat of what happened in Myanmar': India detains 160 Rohingya," *Al Jazeera English*, March 8, 2021, <https://www.aljazeera.com/news/2021/3/8/repeat-of-what-happened-in-myanmar-india-detains-160-rohingya>; "Rohingya families in Kashmir fear separation as India cracks down," *Al Jazeera English*, June 20, 2022, <https://www.aljazeera.com/news/2022/6/20/rohingya-families-in-kashmir-fear-separation-as-india-cracks-down>; Amit Pandey, "Amid political row, fear relapses amongst Rohingya refugees," *The New Indian Express*, August 19, 2022, <https://www.newindianexpress.com/cities/delhi/2022/aug/19/amid-political-row-fear-relapses-amongst-rohingya-refugees-2489152.html>; Rifat Fareed, "It's a nightmare, every day': Rohingya in India live in fear," *Al Jazeera English*, August 25, 2022, <https://www.aljazeera.com/news/2022/8/25/its-a-nightmare-every-day-crackdown-on-rohingyas-in-india>.

<sup>113</sup> "Amid political row, fear relapses amongst Rohingya refugees"; "It's a nightmare, every day': Rohingya in India live in fear."

<sup>114</sup> "Rohingya families in Kashmir fear separation as India cracks down."

<sup>115</sup> "Repeat of what happened in Myanmar': India detains 160 Rohingya."

<sup>116</sup> Niranjana Sahoo, "India's Rohingya Realpolitik," *Carnegie Endowment for International Peace*, October 31, 2017, <https://carnegieendowment.org/2017/10/31/india-s-rohingya-realpolitik-pub-74590>.



being detained by the Indian authorities, as was demonstrated by their November 2022 arrest of four Rohingya, including three women, from the Kutupalong refugee camps.<sup>117</sup>

The Indian authorities, who have deported at least 16 Rohingya to Myanmar since 2017, will likely deport more in the near future.<sup>118</sup> The authorities maintain their decision to expel the nearly 1000 Rohingya who are being confined in detention centers across the country; this data includes the at least 235 Rohingya in Jammu and at least 39 in New Delhi, for their supposed “illegal entry.”<sup>119</sup> Their execution of this decision is imminent: In March 2022, the authorities deported a Rohingya woman to Myanmar from India-administered Kashmir in violation of the Manipur State Human Rights Commission’s order to defer such a decision.<sup>120</sup> The woman, who had been registered with the UNHCR with her family, was detained alongside over 100 other Rohingya refugees in a March 2021 police crackdown in their camps in Jammu.<sup>121</sup> The detention separated her from her three children – two eight and 12-year-old daughters and a 14-year-old son – only permitting them to visit their mother once a month.<sup>122</sup> Her family had not been informed of her situation following her deportation to the junta-ravaged Myanmar.<sup>123</sup>

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<sup>117</sup> Debraj Deb, “Four Rohingya arrested while trying to board train to Delhi: Tripura police,” *The Indian Express*, November 17, 2022, <https://indianexpress.com/article/north-east-india/tripura/four-rohingya-arrested-board-train-delhi-tripura-police-8274740/>.

<sup>118</sup> Rifat Fareed, “Rights group slam India for deporting Rohingya woman to Myanmar,” *Al Jazeera English*, April 2, 2022, <https://www.aljazeera.com/news/2022/4/2/india-starts-deporting-rohingya-refugees-from-jammu>; Samaan Lateef Srinagar, “India moves to deport Rohingya amid Myanmar crackdown,” *Deutsche Welle*, March 24, 2021, <https://www.dw.com/en/india-rohingya-myanmar-mizoram/a-56972090>.

<sup>119</sup> “India: Rohingya Deported to Myanmar Face Danger,” *Human Rights Watch*, March 31, 2022, <https://www.hrw.org/news/2022/03/31/india-rohingya-deported-myanmar-face-danger>; Shaikh Azizur Rahman, “India Crackdown Forces Rohingya Refugees to Go Underground, Flee to Bangladesh,” *VOA News*, June 7, 2022, <https://www.voanews.com/a/india-crackdown-forces-rohingya-refugees-to-go-underground-flee-to-bangladesh/6606459.html#:~:text=Refugee%20Convention%2C%20Indian%20law%20regards,India%20as%20%22illegal%20immigrants.%22&text=Currently%20around%201%2C000%20Rohingya%20are,in%20the%20past%20four%20years>.

<sup>120</sup> “Rights group slam India for deporting Rohingya woman to Myanmar.”

<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

As a result of such developments, nearly 3000 Rohingya in the city have fled to other areas in India, as well as neighboring countries such as Bangladesh.<sup>124</sup> If deported to Myanmar – with no guarantee for their safety and protection – these refugees will likely be subjected to further attacks of genocide from the Burmese military.

### **Hate speech and disinformation**

The anti-Muslim campaign, which is being propagated by ultranationalist Hindu groups and its supporters, is intensifying anti-Rohingya sentiment and breeding targeted violence against Rohingya refugees in India.

Social media platforms, especially Facebook and Twitter, have observed a rapid and uncontrolled proliferation of vicious rhetoric threatening and accusing Rohingya refugees of “terrorism” in India.<sup>125</sup> Such a regression in India’s treatment of refugees was reported to have accelerated alongside its political developments.<sup>126</sup> This was witnessed in as early as 2015 in Assam following its launch of the National Register of Citizens (NRC), which is a government-sponsored initiative that allows for Indian citizens to be identified from non-Indians; Facebook posts denying the existence of Rohingya in Myanmar and threatening those seeking refuge in Assam with death – “Immigrants should [be thrown] in the Bay of Bengal” – were disseminated.<sup>127</sup> This pattern then escalated nearing the country’s 2019 general elections, when sham accusations of Rohingya engaging in cannibalism and killing BJP members, as well as threats to torch their shelters in India, were spread across Facebook. At the same time, videos spewing similar rhetoric – such as of the former President of the BJP calling Rohingya “termites” – were widely shared on the platform, as well as via WhatsApp.<sup>128</sup>

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<sup>124</sup> “India Crackdown Forces Rohingya Refugees to Go Underground, Flee to Bangladesh.”

<sup>125</sup> Vindu Goel and Shaikh Azizur Rahman, “When Rohingya Refugees Fled to India, Hate on Facebook Followed,” *The New York Times*, June 14, 2019, <https://www.nytimes.com/2019/06/14/technology/facebook-hate-speech-rohingya-india.html>

<sup>126</sup> Ibid.

<sup>127</sup> “Megaphone for Hate: Disinformation and Hate Speech on Facebook during Assam’s Citizenship Count,” *Avaaz*, October 2019, [https://avaazpress.s3.amazonaws.com/FINAL-Facebook%20in%20Assam\\_Megaphone%20for%20hate%20-%20Compressed%20\(1\).pdf](https://avaazpress.s3.amazonaws.com/FINAL-Facebook%20in%20Assam_Megaphone%20for%20hate%20-%20Compressed%20(1).pdf)

<sup>128</sup> “When Rohingya Refugees Fled to India, Hate on Facebook Followed.”

***"They use us as scapegoats for their elections. We are told that we could be arrested and deported anytime. We are not allowed to meet any international organizations or actors."***

Member of a focus group discussion in India

As has been the case with the genocide in Myanmar, such anti-Rohingya hate speech has begun to precipitate actual forms of violence. An alarming case of this kind marked 2018, when a camp housing at least 205 Rohingya refugees in New Delhi was burned down. The act had allegedly been committed by a BJP youth-wing leader, who praised the arson by sharing "Well done by our heroes . . . Yes we burn the houses of Rohingya terrorists" on his Twitter account.<sup>129</sup> Throughout these years, in Jammu, hundreds of ultranationalist Hindus protested for the deportation of Rohingya from the city while its chamber of commerce threatened to launch an "identify and kill movement" against them.<sup>130</sup> Multiple billboards calling for the expulsion of Rohingya from Jammu – most likely sponsored by a Hindu nationalist political party – were also set up across the city.<sup>131</sup> In response to the issuance of a draft NRC in Assam, a BJP state lawmaker who is known for his inflammatory statements, even publicly accused Rohingya refugees for conspiring to "destroy India" and called for these "illegal immigrants to be shot" if they fail to leave the country.<sup>132</sup>

The BJP-ruled Indian government continues to respond to such violence with actions that may be sufficiently described as complementary. The party still recognizes Rohingya in India as anything but refugees or asylum seekers, preferring to identify them with terms such as "illegal migrants" or "illegal foreigners." This discriminatory rhetoric was illustrated in August 2022, when the Home Ministry denied on its official Twitter page the option of offering housing, namely free, government-sponsored Economically Weaker Sections flats,

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<sup>129</sup> The Wire Staff, "Rohingya Camp Burnt to Ashes in Delhi," *The Wire*, April 15, 2018, <https://thewire.in/government/rohingya-camp-burnt-to-ashes-in-delhi>.

<sup>130</sup> Umar Manzoor Shah, "Hindu protests against Rohingya intensify in India's Jammu," *Union of Catholic Asian News*, April 12, 2018, <https://www.ucanews.com/news/hindu-protests-against-rohingya-intensify-in-indias-jammu/82050>; Krishna N. Das, "India's Rohingya refugees struggle with hatred, fear as first group is expelled," *Reuters*, October 7, 2018, <https://www.reuters.com/article/us-myanmar-rohingya-india-insight-idUSKCN1MH04P>.

<sup>131</sup> The Wire Staff, "BJP MLA on NRC: 'Illegal Immigrants Should Be Shot' If They Don't Leave India," *The Wire*, July 31, 2018, <https://thewire.in/communalism/bjp-minister-nrc-final-draft-raja-singh-statement-rohingyas>.

<sup>132</sup> Ibid.

to Rohingya refugees.<sup>133</sup> This decision was issued in response to far-right, Hindu nationalist groups' protests against the Housing and Urban Affairs Minister's tweet supporting such a provision to Rohingya in New Delhi.<sup>134</sup> This devastating news proceeded with various other anti-Rohingya rhetoric stoked by government sources, including a BJP lawmaker's hateful campaign speech in Gujarat where he questioned the public: "But what will happen if Rohingya migrants and Bangladeshis start living around you, like in Delhi?"<sup>135</sup>

## **Impact on women and girls**

As with the case of Bangladesh and Malaysia, Rohingya women and girls in India are subjected to a heightened risk of domestic and interpersonal violence, as well as human trafficking involving sexual violence, forced marriage, and domestic servitude. The trafficking routes have transported many of them from Myanmar and Bangladesh to India, where they remain in danger of sexual slavery and child marriages.<sup>136</sup> Rohingya's restricted access to services, including their at-risk, unprotected status in India, has rendered it difficult for these cases to be identified, and for these women to reach out for help.

Rohingya women who are arrested and detained by the Indian authorities for their alleged, "illegal" entry are subjected to another cruel, but targeted, form of punishment: forced family separation. Indian immigration officials and security forces routinely divide Rohingya families attempting to seek refuge in India, sending their children to detention centers or "child care institutions" – government-recognized orphanages across the country.<sup>137</sup> Legal

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<sup>133</sup> Apoorvanand, "Chaos Over Rohingya Resettlement Is a Warning: India Can't Afford Two Communal Parties," *The Wire*, August 19, 2022, <https://thewire.in/communalism/delhi-rohingya-detention-bjp-aap>.

<sup>134</sup> Shaikh Azizur Rahman, "India Won't Give Homes to Rohingya Refugees, after Hindu Right Wing Protests," *VOA News*, August 20, 2022, <https://www.voanews.com/a/india-won-t-give-homes-to-rohingya-refugees-after-hindu-right-wing-protest-s/6709913.html>.

<sup>135</sup> The Wire Staff, "Meant Illegal Bangladeshis, Rohingya': Paresh Rawal Says on 'Cook Fish for Bengalis' Remark," *The Wire*, December 2, 2022, <https://thewire.in/politics/meant-illegal-bangladeshis-rohingya-paresh-rawal-says-on-cook-fish-for-bengal-is-remark>.

<sup>136</sup> Roli Srivastava, "Lured with a happily-ever-after dream, Rohingya girls sold in India," *Reuters*, January 22, 2018, <https://www.reuters.com/article/us-india-trafficking-rohingya-idUSKBN1FB1LD>.

<sup>137</sup> Shreehali Paliath, "Children Separated From Mothers: Rohingyas in India Fear Detention, Deportation," *IndiaSpend*, April 19, 2022, <https://www.indiaspend.com/welfare/children-separated-from-mothers-rohingyas-in-india-fear-detention-deportation-813642>.

assistance for Rohingya who are attempting to reunite with their families in India remains extremely inaccessible and unreliable, often involving hefty fees and acts of extortion.<sup>138</sup> Meanwhile, those detained face the risk of being deported to Myanmar without their family members' consent or knowledge.<sup>139</sup>

*"We are living in fear of being arrested or deported."*

Member of a focus group discussion in India

## — Recommendations to the Government of India

- **RECOGNIZE** Rohingya's refugee status in India and respect the principle of non-refoulement;
- **RELEASE** all Rohingya refugees from detention and provide them with legal documentation for their safety and protection in India;
- **END** hate speech and disinformation campaigns against Rohingya;
- **PROVIDE** Rohingya with comprehensive access to healthcare and formal education; and
- **ENSURE** Rohingya refugees avenues for resettlement instead of engaging with the Myanmar junta to forcibly deport them.

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<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

## V. CONCLUSION AND ANALYSIS

In spite of the international community's many, sustained efforts for the Rohingya community, its situation is deteriorating at a rapid, accelerating pace in Myanmar and beyond.

Across South and Southeast Asia, over one million Rohingya refugees are being denied access to basic needs and livelihoods and subjected to other grave rights violations in their respective host countries. In Bangladesh, nearly one million Rohingya refugees are stuck in squalid camps without healthcare, education, and employment; as well as tightening measures against their freedom of movement, safety, and protection in the squalid camps and Bhashan Char. These victims and survivors of genocide now risk arrest, detention, and brutal forms of harassment by the host country's authorities. The extent of such a risk is illustrated by Rohingya's situation in Malaysia, where over 106,000 seeking refuge are threatened with surveillance, detention, human trafficking, and deportation to Myanmar. Rohingya in Malaysia are also denied access to the country's healthcare system, education, and labor market. Their exclusion from Malaysian society is also exhibited by the dissemination of anti-Rohingya hate speech on social media platforms. Misinformation and hate speech against Rohingya is also being spread across India, where anti-Muslim rhetoric is being propagated especially by far-right Hindu nationalist groups, including the ruling BJP. They continue to deny the identity of the approximately 40,000 Rohingya refugees who are being confined in slums and risk detention and deportation. Those who escape such brutal conditions face human trafficking, deadly sea crossings, and many other severe abuses with limited prospect of disembarkation and justice.

The report's recommendations to the Bangladesh, Indian, and Malaysian authorities will help them address the worsening conditions of the Rohingya refugees, and ensure the community's safe, dignified, and voluntary return to Myanmar.

In particular, the unique needs and concerns of Rohingya women and girls in the host countries must be addressed. As the briefer has demonstrated, the deteriorating situation in all the above cases render these women and girls extremely vulnerable to domestic and interpersonal violence, as well as sexual violence, within and beyond their community. The community's already restricted access to sources of relief, such as mental health and psychosocial support and justice systems, are preventing this group from effectively

addressing their multilayered plight. Rohingya women and girls are also denied education and employment opportunities for them to transform their community for the better. Left to suffer alone, they become at heightened risk of being trafficked into forced marriage, domestic servitude, and other forms of enslavement – all the while being subjected to rape, sexual exploitation, and the most brutal forms of sexual violence in transit.

In Myanmar, over 600,000 Rohingya, including the at least 140,000 confined in IDP camps, face a heightened risk of further attacks of genocide from the Burmese military – especially since its attempted coup on February 1, 2021. The junta, which is intensifying a human rights and humanitarian catastrophe with armed conflict across the country, is now issuing past and new policies aimed at confining these victims and survivors of genocide in IDP camps, prisons, and detention centers. Travel restrictions, NVCs, and Swe Tin Sit are key hallmarks of such policies, all of which strip Rohingya of their right to freedom of movement. These tools of genocide have also threatened women and girls in particular with rape and other forms of sexual violence by the military. Rohingya who attempt to leave such apartheid-like conditions to neighboring countries risk human trafficking, as well as arbitrary arrest and detention under the junta.

Combined, Rohingya today are far from finding safety and protection across South and Southeast Asia and justice and accountability in Myanmar. Instead, the community is trapped in an ever-more inescapable cycle of hope and loss: a vision for better life propels Rohingya to do everything to choose hope, yet their devastating, life-threatening situation gnaws at it. However, as the report has warned, the collective persistence of these victims and survivors of genocide to conquer loss can only survive for so long. Rohingya's only way out of this cycle – a path out of the genocide – is opened when their safety and protection are guaranteed, the Burmese military is held accountable, justice is served, and their safe, dignified, and voluntary return to Myanmar is finally secured.

## VI. RECOMMENDATIONS

### —— To the international community

- **EFFECTUATE** existing mechanisms for accountability in Myanmar, such as the U.N. Security Council issuing a resolution to refer the situation of Myanmar to the International Criminal Court or to adopt a special or ad-hoc tribunal on it, as well as governments invoking Universal Jurisdiction to prosecute the military for its international crimes;
- **PURSUE** targeted economic sanctions and financial penalties against the Burmese military and its related businesses, including the Myanma Oil and Gas Enterprise;
- **IMPOSE** an arms embargo on Myanmar, which should include a ban on the sales and transfer of weapons and aviation fuel to the Burmese military;
- **CONSULT** with Rohingya, including its civil society, in any mechanism related to their situation, as well as their future in Myanmar;
- **PROVIDE** material and financial assistance to Rohingya civil society, especially women's groups;
- **ENSURE** that the necessary contributions to the annual Rohingya Humanitarian Crisis Joint Response Plan are met, in order to address Rohingya's humanitarian needs, including support for formal education, food crisis and the multiple waves of massive fires that endanger their lives and livelihoods; and
- **PROVIDE** material and financial assistance, as well as mental health and psychosocial support, to victim and survivor communities, including those who have been subjected to various disabilities as well as sexual and gender-based violence.

### —— To the civilian government and leadership in Myanmar

- **RECOGNIZE** Rohingya as an official ethnic minority in Myanmar with full citizenship and equal rights;
- **RECOGNIZE** the Rohingya genocide, including the attacks of genocide in Rakhine State in 2017;
- **INCLUDE AND INVOLVE** the Rohingya community, especially its community leaders and representatives from civil society, including women and youth, in all its initiatives



related to Myanmar's federal democratic union through forms of meaningful engagement, such as consultations;

- **ENSURE** that the perspectives of the Rohingya community are reflected in all mechanisms and procedures related to Myanmar's federal democratic union, including by appointing Rohingya to positions of leadership;
- **DRAW ATTENTION TO** the situation of Rohingya in its official communication platforms, especially in the Burmese language; and
- **PROVIDE** avenues for justice, reparations, and rehabilitation to Rohingya, including by guaranteeing the restitution of their lands and properties that have been destroyed or stolen throughout the genocide against them.





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