



The Rohingya boat crisis:

Recent developments and key contributing factors in South and Southeast Asia

Briefing paper

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KEY ISSUES

- Rohingya are increasingly forced to take to sea to survive, making 2023 the “**deadliest year**” for the boat crisis in a decade.
- Rohingya “boat people” face **life-threatening risks** throughout their escape, all of which disproportionately affect women and children.
- The **ongoing human rights and humanitarian crisis** and growing risk of recurrence of genocide in Myanmar, and deteriorating conditions in Bangladesh are major contributing factors to the boat crisis.
- **Lack of comprehensive protection framework** in South and Southeast Asia, with coordinated approach to refugees, is putting Rohingya at greater risk.

KEY RECOMMENDATIONS



Allow the safe disembarkation of boats carrying Rohingya.



Ensure the livelihoods, safety, protection and access to justice of Rohingya refugees in Bangladesh and across South and Southeast Asia.



End the crisis in Myanmar with actions that include holding the Burmese military accountable for international crimes.

Introduction

Even after enduring over thirty years of systematic persecution, apartheid-like conditions, waves of state-sponsored violence, and genocide, Rohingya continue to struggle to survive as an ethnic and religious minority indigenous to Myanmar. Death continues to loom over its around 600,000 surviving members with a growing risk of recurrence of genocide in their homes in Rakhine State, and the over one million seeking refuge beyond their ancestral borders in exacerbating, inhuman conditions. Many more Rohingya thus have had no choice but to flee over land and sea, being exposed to human trafficking, torture, sexual violence, forced marriage and servitude, arrest and detention, exploitation, hate speech and disinformation, and further threats to their lives all for their freedom, liberty, and survival. Desperation for a dignified future for them and their children is becoming even more acute: the year 2023 was the “deadliest year” on record in a decade for Rohingya forced into sea crossings across the Andaman Sea and the Bay of Bengal according to the Office of the United Nations High Commissioner for Refugees (“UNHCR”).¹ Yet, Rohingya refugees remain barred from finding safety, protection, livelihoods – human life – that they envision, with women and children bearing the brunt of decades-long, international and regional negligence of their generational plight.

In this briefing paper, Women’s Peace Network (“WPN”) addresses the deteriorating situation of Rohingya across South and Southeast Asia, and draws attention to the deadly sea crossings – the “boat crisis” – and those who have been forced into it: the “boat people.” It analyzes the background and key contributing factors to the boat crisis as a whole, including its root causes, and life-threatening abuses faced by Rohingya boat people, such as those who were recently permitted to land in Aceh, Indonesia. WPN also provides recommendations to regional and international actors to effectively and comprehensively address the crisis, as well as to ensure Rohingya’s safe, voluntary, sustainable, and dignified repatriation in the near future.

Background

For as long as Rohingya have been persecuted in their homes in Myanmar, they have taken to the sea for their survival. Indeed, the boat crisis spans decades beyond the nearly three years following the Burmese military’s 2021 attempted coup: their maritime escape has been documented from as early as the turn of the century, as thousands of Rohingya from Myanmar, or as refugees in Bangladesh, came ashore in Thailand, Indonesia, and

¹ “UNHCR: Urgent action needed to address dramatic rise in Rohingya deaths at sea,” *Office of the United Nations High Commissioner for Refugees*, January 23, 2024, <https://www.unhcr.org/news/briefing-notes/unhcr-urgent-action-needed-address-dramatic-rise-rohingya-deaths-sea> ; “UNHCR: 569 Rohingya died at sea in 2023, highest in nine years,” *Al Jazeera*, January 24, 2024, <https://www.aljazeera.com/news/2024/1/24/unhcr-569-rohingya-died-at-sea-in-2023-highest-in-nine-years>.

Malaysia.² Regional networks of traffickers and smugglers, many of whom involve local authorities in Myanmar and Bangladesh, facilitated Rohingya’s sea crossings and often subjected them to bribery and extortion, torture, and sexual violence – putting their life at risk in unseaworthy and overcrowded boats.³ The 2015 discovery of at least 100 corpses, mostly Rohingya (reportedly starved, and some tortured, to death), in human trafficking camps at the Thai-Malaysian border evidenced the life-threatening conditions to which many had been subjected en route to Malaysia.⁴ Even after reaching their final destination, none of these refugees were fully guaranteed asylum or protection. Governments and security forces often imprisoned them in squalid immigration detention centers without access to basic humanitarian services, and risked them with forcible deportation to Myanmar under its still-genocidal conditions.⁵

Recent degradation in Rohingya’s already precarious conditions in their homes in Myanmar, particularly since the Burmese military’s attempted coup, as well as in refugee camps in Bangladesh, has forced the decades-long deadly sea crossings to reach a new peak. According to the UNHCR, in addition to the 2000 Rohingya fleeing over land, the year 2023 in fact saw the highest number of Rohingya refugees taking to the Andaman Sea and the Bay of Bengal in a decade, and was the “deadliest year”:



at least 4,338 Rohingya

² Chris Lewa, “Asia’s new boat people,” *Forced Migration Review* 30 (April 2008): 40-42. <https://www.fmreview.org/sites/default/files/FMRdownloads/en/FMRpdfs/FMR30/FMR30.pdf>; “UNHCR, Report on irregular maritime movements in South East Asia, January-June 2014,” *Office of the United Nations High Commissioner for Refugees*, June 30, 2014, <https://reliefweb.int/report/thailand/south-east-asia-irregular-maritime-movements-january-june-2014>; “Southeast Asia: Accounts from Rohingya Boat People: Denial of Rights in Burma, Bangladesh Lead to Trafficking and Dangerous Sea Voyages,” *Human Rights Watch*, May 27, 2015, <https://www.hrw.org/news/2015/05/27/southeast-asia-accounts-rohingya-boat-people>; “UNHCR, Report on irregular maritime movements in South East Asia, April-June 2015,” *Office of the United Nations High Commissioner for Refugees*, September 1, 2015, <https://reliefweb.int/report/myanmar/south-east-asia-mixed-maritime-movements-april-june-2015>.

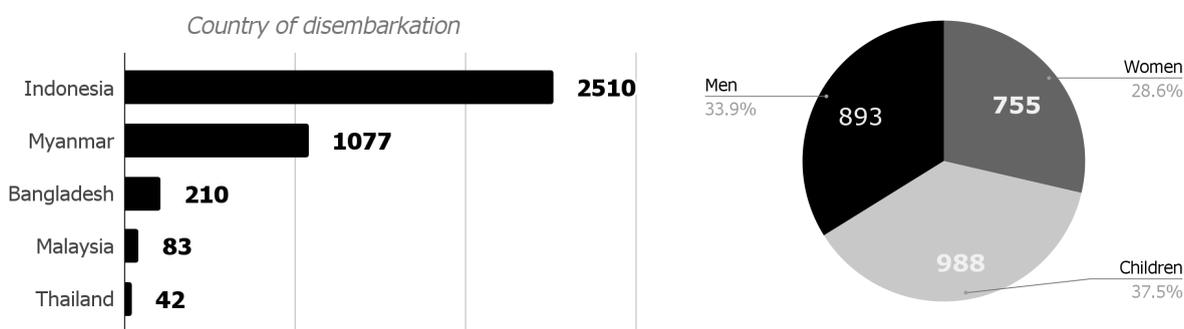
³ Lewa, “Asia’s new boat people”; “Perilous Plight: Burma’s Rohingya Take to the Seas,” *Human Rights Watch*, May 26, 2009, <https://www.hrw.org/report/2009/05/26/perilous-plight/burmas-rohingya-take-seas>.

⁴ “Thailand: Mass Graves of Rohingya Found in Trafficking Camp: Independent Investigation Needed to Determine Facts, Prosecute Traffickers,” *Human Rights Watch*, May 1, 2015, <https://www.hrw.org/news/2015/05/01/thailand-mass-graves-rohingya-found-trafficking-camp>; Simon Lewis, “Mass graves of suspected trafficking victims found in Malaysia,” *The Guardian*, May 24, 2015, <https://www.theguardian.com/world/2015/may/24/mass-graves-trafficking-malaysia-perlis>; Praveen Menon, “Malaysia finds 139 graves in ‘cruel’ jungle trafficking camps,” *Reuters*, May 25, 2015, <https://www.reuters.com/article/idUSKBN00A06W/>.

⁵ “Malaysia/Burma: Living in Limbo: Burmese Rohingyas in Malaysia,” *Human Rights Watch*, August 1, 2000, <https://www.hrw.org/report/2000/08/01/malaysia/burma-living-limbo-burmese-rohingyas-malaysia>; “Myanmar’s unwanted boat people,” *Al Jazeera*, February 11, 2009, <https://www.aljazeera.com/news/2009/2/11/myanmars-unwanted-boat-people>.

embarked on 40 boats with nearly 3,922 permitted to disembark and 416 dead or missing.⁶ Though its data is considered a conservative estimate, the UNHCR reports, in 2023, that the vast majority of these Rohingya departed from Bangladesh’s refugee camps, while nearly a third them departed from Myanmar; women and children composed around 65 percent of the boat people, and 71 percent of those who left Bangladesh.⁷ This rising trend follows the previous year, during which at least 3,705 Rohingya embarked on 41 boats with 2,630 of them permitted to disembark, while 348 Rohingya went dead or missing and 727 Rohingya “unknown” according to the UNHCR.⁸ Data from 2021 reveals that the refugees’ preferred locations for disembarkation have been Malaysia and Indonesia. In contrast, an overwhelming majority who have embarked on boats in Myanmar have been intercepted and arrested by, and risked being forcibly returned to, the junta.⁹

Overview of the Rohingya boat crisis in 2023¹⁰



Source: UNHCR

Recent developments

The fall of 2023 marked a rapid increase in Rohingya’s deadly sea crossings in South and Southeast Asia. The sailing season – from October to May – coincided with the period that follows the annual monsoon season, when the sea is calm, and during which many Rohingya refugees undertake their maritime journeys. Nearly 60 percent of Rohingya who took to the sea in 2023 reportedly did so from October onwards.¹¹

⁶ “Rohingya refugees fleeing over land and sea - Quarterly update: Desperate journeys: Rohingya refugees in search of protection,” *Office of the United Nations High Commissioner for Refugees*, February 5, 2024, <https://reliefweb.int/report/myanmar/unhcr-regional-bureau-asia-and-pacific-rbap-rohingya-refugees-fleeing-over-land-and-sea-quarterly-update-31-december-2023#:~:text=In%20addition%20to%20sea%20movements,risks%20along%20the%20land%20routes>; “Rohingya Refugee Maritime Movements,” Myanmar Situation, Office of the United Nations High Commissioner for Refugees, last accessed March 4, 2024, <https://data.unhcr.org/en/situations/myanmar>.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ As the UNHCR notes, “the information is compiled from a variety of sources, the quality and reliability of which can vary” and can be retroactively amended. It is thus assumed that, combined with the unavailability of sources on this particular topic due to its precarious conditions, the figures provided may likely be a conservative estimate of the actual data of Rohingya at sea. See Office of the United Nations High Commissioner for Refugees, “Rohingya Refugee Maritime Movements.”

¹¹ Ibid.

However, escaping on boats in the post-monsoon season remains to be neither safe nor secure. This is because Rohingya continue to be given no choice but to pursue the same maritime routes for their escape, relying on the same brokers and traffickers who often exploit them. From the refugee camps in Bangladesh, or from their homes in Myanmar, Rohingya who attempt to flee still risk human trafficking, bribery and extortion, sexual and gender-based violence, and death even before being cowed by their brokers into unseaworthy vessels.¹² They remain crammed into the dilapidated boats for months throughout their maritime escape, without proper access to privacy, food, clean water, or communication lines; women and girls are in particular at risk of rape, sexual exploitation, and other brutal forms of sexual violence by actors including their traffickers and crew members.¹³ Such an environment becomes more permanent as neighboring governments push back boats carrying Rohingya refugees, effectively leaving them stranded on sea and risking drowning to death.¹⁴ And, as was demonstrated by the recent targeted attacks in Aceh, those who do permit the disembarkation of Rohingya no longer welcome them with open arms. The boat crisis is largely man made – and so are its dangers faced by Rohingya refugees.

Hate speech and disinformation

Hate speech, disinformation, and misinformation falsely and negatively describing the influx of Rohingya refugees continue to be disseminated with no delay. This was observed in Malaysia particularly during the COVID-19 pandemic (when its causes were misreported by certain platforms as being associated with the country's refugees) – and to this day as was recently illustrated in an article warning against the influx of Rohingya “colonies” in the country.¹⁵ At the same time, Rohingya seeking refuge in India face hate speech in part due to the group being identified by the wider Hindu majority as Muslim, and the Hindu nationalist-led government making use of such a purported threat. In fact, the government

¹² Women's Peace Network and Refugees International, “The Situation of the Rohingya and Deadly Sea Crossings,” *Office of the United Nations High Commissioner for Human Rights*, February 2023, <https://www.ohchr.org/sites/default/files/documents/issues/trafficking/cfi-idp/Submission-by-Refugees%20International%20and%20Womens%20Peace%20Network.pdf>; “‘We are targeted for being Rohingya in Myanmar and everywhere’: The situation of Rohingya since February 1, 2021,” *Women's Peace Network*, March 2023, https://mcusercontent.com/6819ae24e30bd9a9db0322d69/files/26c68fcf-6c35-707b-d7eb-caa3e98a0840/Report_We_are_targeted_for_being_Rohingya_in_Myanmar_and_everywhere_.pdf.

¹³ Natasha Yacoub, Nikola Errington, Wai Wai Nu, and Alexandra Robinson, “Rights Adrift: Sexual Violence Against Rohingya Women on the Andaman Sea,” *Asia-Pacific Journal on Human Rights and the Law* 22 (2021): 96-114, <https://doi.org/10.1163/15718158-22010006>.

¹⁴ Kristen Gelineau, “A boat carrying 180 Rohingya vanished. A frantic phone call helped untangle the mystery,” *The Associated Press*, June 6, 2023, <https://apnews.com/article/rohingya-investigation-missing-boat-refugees-bangladesh-myanmar-migration-1b94b4472a42b26eb066bef47b7bcf7e>; Hannah Samosir and Astudestra Ajengrastri, “Indonesia: Babies die on boats as locals chase Rohingya refugees,” *BBC News Services*, December 7, 2023, <https://www.bbc.com/news/world-asia-67575500>; Niniek Karmini and Edna Tarigan, “Indonesia's navy pushes a boat suspected of carrying Rohingya refugees out of its waters,” *The Associated Press*, December 28, 2023, <https://apnews.com/article/indonesia-myanmar-rohingya-refugees-aa0afc6964fb6690faf5062e9b69a2be>.

¹⁵ Nor Fazlina Abdul Rahim and Mohamed Farid Noh, “‘Colonies’ of Rohingya taking over different locations nationwide,” *New Straits Times*, January 21, 2024, <https://www.nst.com.my/news/nation/2024/01/1003822/colonies-rohingya-taking-over-different-locations-nationwide>.

has wielded anti-Rohingya rhetoric as a part of its policy, left campaigns of anti-Rohingya hate speech unchecked, as well as condoned its authorities' arbitrary arrest and detention of Rohingya and destruction of their properties.¹⁶

Campaigns of anti-Rohingya hate speech and disinformation recently emerged in Indonesia, where at least 1,889 Rohingya refugees – over three-quarters of whom are women and children – arrived in 12 boats departing from Bangladesh since November 2023 according to WPN's sources.¹⁷ Reports surfaced of social media platforms hosting narratives vilifying the Rohingya ethnic minority as having “poor morals,” lacking hygiene practices by being “unclean” and “defecating everywhere,” and of not being “real Muslims.”¹⁸ On TikTok, users uploaded and shared videos of posters with anti-Rohingya hate speech in Indonesia, as well as impersonations of Rohingya refugees allegedly rejecting food aid.¹⁹ Such platforms also hosted xenophobic content depicting Rohingya as “colonizing” Indonesia as was demonstrated by a December 19, 2023 video of a Holland America Line cruise ship captioned as Rohingya arriving in the city of Surabaya; users shared the video on Facebook and on TikTok, which attracted more than 1.3 million views.²⁰ Another video on TikTok falsely compared the Rohingya refugees' arrival in Aceh to the Israeli authorities, against which the Indonesian public has long yielded widespread opposition.²¹ Posts framing Rohingya as illegally entering Indonesia also surfaced on X, which hosted a video of what it portrays as Rohingya refugees acquiring “fake IDs” in the country.²²

¹⁶ “Anti-Muslim hate speech in India spikes around elections, report says,” *Al Jazeera*, September 26, 2023, <https://www.aljazeera.com/news/2023/9/26/anti-muslim-hate-speech-in-india-spikes-around-elections-report-says>; Tarushi Aswani, “Rohingya Refugees File PIL Against Facebook in Delhi High Court,” *The Wire*, January 20, 2024, <https://thewire.in/law/rohingya-refugees-file-pil-against-facebook-in-delhi-high-court>; “India,” 2023-2024 Statistical Risk Assessment for Mass Killing, Early Warning Project, last accessed March 4, 2024, <https://earlywarningproject.usmm.org/countries/india>.

¹⁷ “Indonesia: Protect Newly Arrived Rohingya Refugees: Investigate, Prevent Anti-Rohingya Violence in Aceh,” *Human Rights Watch*, January 16, 2024, <https://www.hrw.org/news/2024/01/16/indonesia-protect-newly-arrived-rohingya-refugees>; ASEAN Regional

Coalition to #StopDigitalDictatorship, “Joint Solidarity Statement: Confronting the Influence of Online Hate Campaigns in the Forced Expulsion of Rohingya from Indonesia,” *Manushya Foundation*, January 17, 2024, <https://www.manushyafoundation.org/js-onlinehatecampaign-rohingya>; Office of the United Nations High Commissioner for Refugees, “Rohingya Refugee Maritime Movements.”

¹⁸ Teddy Farhan, “Demonization of Rohingya in Indonesia: An Analysis on Social Media Narratives,” *Modern Diplomacy*, December 30, 2023, <https://moderndiplomacy.eu/2023/12/30/demonization-of-rohingya-in-indonesia-an-analysis-on-social-media-narratives/>; Rebecca Ratcliffe, “The online hate campaign turning Indonesians against Rohingya refugees,” *The Guardian*, January 18, 2024, <https://www.theguardian.com/world/2024/jan/18/the-online-hate-campaign-turning-indonesians-against-rohingya-refugees>.

¹⁹ Farhan, “Demonization of Rohingya in Indonesia: An Analysis on Social Media Narratives.”

²⁰ “Video of cruise ship misrepresented as ‘Rohingya refugees arriving in Indonesia,’” *Agence France-Presse*, January 18, 2024, <https://factcheck.afp.com/doc.afp.com.34DQ9WM>.

²¹ Aisyah Llewellyn, “Indonesians rally in support of Palestinians in Gaza,” *Al Jazeera*, December 10, 2023, <https://www.aljazeera.com/news/2023/12/10/indonesians-rally-in-support-of-palestinians-in-gaza>.

²² “Viral Pengungsi Rohingya Sudah Masuk NTT dan Pegang KTP Palsu, Ini Faktanya,” *detikNews*, December 16, 2023, <https://news.detik.com/berita/d-7092880/viral-pengungsi-rohingya-sudah-masuk-ntt-dan-pegang-ktp-palsu-ini-fakta-anya>; Asumsi (@asumsico), “Polres Belu, Nusa Tenggara Timur (NTT) menangkap delapan pengungsi etnis Rohingya di Desa Takirin, Kecamatan Tasifeto Timur pada Minggu (10/12/2023) . . .,” X, December 18, 2023, <https://x.com/asumsico/status/1736724807360852277?s=20>; Farhan, “Demonization of Rohingya in Indonesia: An Analysis on Social Media Narratives.”

Users have also reportedly taken their online warfare to the United Nations's ("U.N.") operations in Indonesia. On the U.N. Country Team in Indonesia's Instagram page, more than 90 percent of the 17,380 comments on their posts on Rohingya since November 21, 2023 have been reported as likely amounting to hate speech.²³ Reports have also surfaced of anonymous accounts identifying and publishing the personal information of UNHCR officials in the country, thereby compromising their safety and security.²⁴

Through online dissemination, hate speech and disinformation targeting Rohingya refugees risk being spread to Myanmar. WPN has observed the spread of anti-Rohingya sentiment in Myanmar on social media platforms, posted in the Burmese language, after the latest round of protests against Rohingya refugees in Indonesia. The posts recall the campaigns of anti-Rohingya and anti-Muslim hate speech and disinformation online, namely on Facebook, preludeing the 2017 attacks of genocide in Rakhine State; Rohingya women in particular were targeted with threats of rape and other acts of sexual violence online.²⁵ The U.N. Independent International Fact-Finding Mission on Myanmar and other international bodies have since widely documented and reported on the various levels of state and corporate failures in curbing such attacks, and have rightly called for their investigations and redress.²⁶

Detention and risk of forcible deportation

Across the Andaman Sea and the Bay of Bengal, Rohingya refugees forced into deadly sea crossings become at high risk of detention. This can be observed in the so-called "shelters," to which the refugees are sent upon their disembarkation, where their freedom of movement or safety and protection are not fully guaranteed despite receiving some level of international humanitarian aid. These shelters are assessed in the context of immigration detention centers and related facilities across South and Southeast Asia. In Malaysia, approximately 2,675 Rohingya have been held indefinitely in 12 immigration detention

²³ ASEAN Coalition to #StopDigitalDictatorship, "Joint Solidarity Statement: Confronting the Influence of Online Hate Campaigns in the Forced Exclusion of Rohingya from Indonesia."

²⁴ "Indonesia: Protect Newly Arrived Rohingya Refugees: Investigate, Prevent Anti-Rohingya Violence in Aceh."

²⁵ Wai Wai Nu and Rin Fujimatsu, "'RAPE HER': Gendered Hate Speech against Rohingya Women," *Arrow for Change* no. 1 (26): 9-11 (2020),

https://arrow.org.my/wp-content/uploads/2020/12/AFC_Right-to-Freedom-of-Speech-Expression.pdf; "Submission to the United Nations Special Rapporteur on the situation of human rights in Myanmar," *Women's Peace Network*, December 22, 2022, https://mcusercontent.com/6819ae24e30bd9a9db0322d69/files/26d70440-2c00-eae4-42e1-205b60c2d56a/12_22_WPN_Submission_to_SR_Myanmar.pdf.

²⁶ 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; "The social atrocity: Meta and the right to remedy for the Rohingya," *Amnesty International*, September 29, 2022, <https://www.amnesty.org/en/documents/ASA16/5933/2022/en/>.

facilities without proper access to privacy, basic healthcare, and adequate nutrition.²⁷ The centers continue to risk the refugees with malnutrition, preventable illnesses, as well as severe mental and psychosocial illnesses. In Thailand, reports of detention facilities imprisoning hundreds of Rohingya – at least 600 according to WPN’s sources – without access to UNCHR or its refugee status determinations have emerged.²⁸ In India, over 500 Rohingya refugees, of whom more than half are women and children, are being detained in overcrowded cells without proper access to education, healthcare, food, clean water, and even sunlight; Rohingya refugee children reportedly are also being forcibly separated from their parents.²⁹

At the same time, Rohingya refugees remain denied access to legal and justice services in their host countries in South and Southeast Asia. Access to any form of legal aid would demonstrably assist an at-risk individual’s case, particularly relating to their legal status in a country with laws, systems, and languages that are unique to its jurisdiction. Without expert access to legal knowledge, or any opportunity to learn it, Rohingya refugees are thus comprehensively stripped of their ability to advocate for their asylum, and protect themselves.

In such an environment, the detention of Rohingya refugees, among other factors, make their forcible deportation to Myanmar more likely. This was demonstrated by the case of the 154 Rohingya refugees who were rescued by a Vietnamese oil service vessel in December 2022 and left in its enclosed spaces, then – against their will – forcibly transferred to the Burmese military’s navy, and sentenced to two-to-three years in arbitrary detention by the junta.³⁰ In Malaysia, detained Rohingya fear deportation following the deportation of over 2,000 Myanmar nationals since April 2022 – including 114 “Myanmar Muslim nationals” in

²⁷ “Impact of Prolonged Immigration Detention on Rohingya Families and Communities in Malaysia,” *Protecting Rohingya Refugees in Asia* project, May 2023, <https://idcoalition.org/wp-content/uploads/2023/07/IDC-X-DRC-Research-Report-Impact-of-Detention-Final-English.pdf>; Mohd Iskandar Ibrahim, “Immigration to split up Rohingya population in detention centers as they are ‘aggressive,’” *New Straits Times*, February 2, 2024, <https://www.nst.com.my/news/nation/2024/02/1009116/immigration-split-rohingya-population-detention-centres-they-are>.

²⁸ “Thailand: Allow Newly Arrived Rohingya Access to Asylum: End Indefinite Detention, Stop Boat Pushbacks,” *Human Rights Watch*, June 7, 2022, <https://www.hrw.org/news/2022/06/07/thailand-allow-newly-arrived-rohingya-access-asylum>.

²⁹ Daniel P. Sullivan and Priyali Sur, “Shadow of Refuge: Rohingya Refugees in India,” *Refugees International*, May 18, 2023, <https://www.refugeesinternational.org/reports-briefs/shadow-of-refuge-rohingya-refugees-in-india/>; V. Venkatesan, “SC Seeks Centre’s Response to Petition Seeking Release of Illegally Detained Rohingya Refugees,” *The Wire*, October 11, 2023, <https://thewire.in/government/sc-seeks-centres-response-to-petition-seeking-release-of-illegally-detained-rohingya-refugees>.

³⁰ “Vietnam vessel saves 154 Rohingya refugees from sinking boat, transfers to Myanmar navy” *Reuters*, December 9, 2022, <https://www.reuters.com/world/asia-pacific/vietnam-vessel-saves-154-rohingya-sinking-boat-transfers-myanmar-navy-2022-12-09/>.

January 2023.³¹ This threat, combined with their deteriorating living conditions, have left Rohingya and many other detainees from Myanmar with no choice but to escape their detention facilities. Such was demonstrated in early February 2024, when 151 detainees, including 115 Rohingya refugees, from Myanmar had escaped Malaysia's Bidor immigration detention center and left a Rohingya dead.³² This recent incident follows the April 2022 escape of over 500 Myanmar detainees (the majority of whom were Rohingya according to the UNHCR) from the Sungai Bakap immigration detention center, which resulted in the deaths of at least six of these asylum seekers.³³

Dozens of Rohingya have also been deported by the Indian authorities, whose acts remain in line with the government's 2017 orders for states to identify and deport "illegal Rohingya" seeking refuge in the country.³⁴ Given this precedent, it cannot be denied that Rohingya boat people will be protected from that risk in India. This is despite the Indian coastal security forces' January 2024 interception of a boat carrying at least 142 Rohingya refugees – including 47 women and 59 children – from Bangladesh, and subsequent relocation of them to "temporary shelters" in Port Blair. WPN has been informed that the Indian authorities returned the Rohingya to the sea, reportedly resulting in their disembarkation in Indonesia in early February.³⁵

Subsequently, the Rohingya refugees who are forcibly deported to Myanmar risk detention and other abuses by the Burmese military. The majority of these Rohingya have already avoided arbitrary arrest and detention by the Burmese military; since October 2023, the military has detained 384 Rohingya attempting to flee the country by boat according to WPN's sources and other reports.³⁶ The military has also, in fact, long detained and

³¹ Iman Muttaqin Yusof and Iskandar Zulkarnain, "Malaysia deports 114 Muslim Myanmar nationals, including children, their lawyer says," *Benar News*, February 23, 2023, <https://www.benarnews.org/english/news/malaysian/malaysia-myanmar-muslim-deportation-02232023132041.html>. "Amnesty International Malaysia condemns deportation of more Myanmar nationals, including children," *Amnesty International Malaysia*, February 23, 2023, <https://www.amnesty.my/2023/02/23/amnesty-international-malaysia-condemns-deportation-of-more-myanmar-nati-onals-including-children/>.

³² "Dozens of Rohingya refugees flee Malaysia immigration detention centre," *Al Jazeera*, February 2, 2024, <https://www.aljazeera.com/news/2024/2/2/dozens-of-rohingya-refugees-flee-malaysian-immigration-detention-centre>.

³³ "UNHCR shocked by reported deaths of asylum-seekers after riot at immigration depot in Malaysia," *Office of the United Nations High Commissioner for Refugees*, April 21, 2022, <https://www.unhcr.org/asia/news/speeches-and-statements/unhcr-shocked-reported-deaths-asylum-seekers-after-riot-immigration>.

³⁴ 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>.

³⁵ "Boat carrying suspected Rohingyas intercepted in Andaman," *India Today*, December 25, 2023, <https://www.indiatoday.in/india/story/boat-carrying-suspected-rohingyas-intercepted-in-andaman-2480058-2023-12-25>.

³⁶ "Rohingya arrested at sea shunted back to Myanmar camps," *France 24*, September 3, 2020, <https://www.france24.com/en/20200903-rohingya-arrested-at-sea-shunted-back-to-myanmar-camps>; Shaikh Azizur Rahman, "Myanmar Reportedly Jailed Malaysia-bound Rohingya Refugees for Traveling 'Without Official Documents,'" *VOA*, January 13, 2023, <https://www.voanews.com/a/myanmar-reportedly-jailed-malaysia-bound-rohingya-refugees-for-traveling-without-official-documents-/6917621.html>; "Myanmar navy arrests 130 Rohingya attempting to flee to Malaysia," *Radio Free Asia*, April 4, 2023, <https://www.rfa.org/english/news/myanmar/rohingya-arrests-malaysia-04042023165839.html>;

committed torture and other brutalities against Rohingya who have returned to Myanmar.³⁷ Many of them were unjustly sentenced to two to five years in arbitrary detention.³⁸ The detainees cannot be fully guaranteed access to legal and justice services, which has been further compromised by the lack of due process and rule of law since the military's attempted coup.

Sexual and gender-based violence

Throughout their maritime escape, and even beyond it, Rohingya women and girls are overwhelmingly exposed to sexual and gender-based violence. Reports have emerged of them, especially young women, being raped and gang raped by their traffickers and crew members on boats to the point that many of them were provided “pills to prevent pregnancy”.³⁹ Women and girls who have been permitted disembarkation on land, including intermediary trafficking camps in Thailand, continue to risk rape and other forms of sexual violence, now by different men.⁴⁰ As a part of their journey to countries including Malaysia, they also risk being sold by their traffickers or brokers into forced marriages – for Rohingya girls, child marriages – where they face sexual violence from their buyers.⁴¹

The Rohingya women and girls are then denied paths to fully prosecute their violators for their abuses. This is especially the case for those who are subjected to sexual violence at sea. Regional standards such as soft law instruments do not address the specific risks and experience of sexual violence at sea or how its victims and survivors can access justice for such violations upon their respective disembarkations.⁴² In such an environment, local law enforcement and other related authorities cannot be relied upon to take on cases involving individuals without proper documentation or legal status (especially if their perpetrators are citizens of their country); consequently, they often resort to dismissing these Rohingya and indefinitely detaining them.⁴³ At the same time, these women and girls also face stigma, prejudice, and backlash from their community members for being subjected to sexual

“Myanmar’s navy arrests over 200 Rohingya fleeing Rakhine,” *Radio Free Asia*, November 3, 2023, <https://www.rfa.org/english/news/myanmar/rohingya-arrests-11032023065208.html>.

³⁷ “Myanmar: Security Forces Torture Rohingya Returnees: Refugees Arrested, Mistreated as Accused Militants,” *Human Rights Watch*, August 21, 2018, <https://www.hrw.org/news/2018/08/21/myanmar-security-forces-torture-rohingya-returnees>; “Rohingya Update: 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.

³⁸ “Rohingya Update: The arbitrary arrest and detention of Rohingya since the attempted coup.”

³⁹ Yacoub, Errington, Nu, and Robinson, “Rights Adrift: Sexual Violence Against Rohingya Women on the Andaman Sea.”

⁴⁰ *Ibid.*

⁴¹ “Students in Indonesia protest the growing numbers of Rohingya refugees in Aceh province,” *The Associated Press*, December 28, 2023, <https://apnews.com/article/indonesia-myanmar-rohingya-refugees-3ab43261f903de7751ae0b188c45f7ee>.

⁴² Yacoub, Errington, Nu, and Robinson, “Rights Adrift: Sexual Violence Against Rohingya Women on the Andaman Sea.”

⁴³ *Ibid.*; Sarah Aziz, “Rohingya women trafficked to India on promises of ‘a good life’ face threat of indefinite detention,” *South China Morning Post*, January 23, 2024, <https://www.scmp.com/week-asia/politics/article/3249451/rohingya-women-trafficked-india-promises-good-life-face-threat-indefinite-detention?firstTimeRegister=true>.

violence.⁴⁴ They instead risk mental and physical trauma; that risk is doubled for victims and survivors of sexual violence by the Burmese military. The status quo is thus forcing Rohingya women and girls into deadly sea crossings, endangering them with sexual violence, and effectively silencing them.

Risk of targeted atrocities

In an environment deprived of access to safety, protection, basic services, and livelihoods, as well as recourse to justice, any act of hostility against Rohingya refugees grossly increases their risk of facing atrocities. Such was the case in Myanmar in the years leading up to the 2017 attacks of genocide, and remains to be so for many of the South and Southeast Asian countries that host Rohingya refugees, including boat people, today.

Most recently, in Indonesia, the spread of anti-Rohingya hate speech, misinformation, and disinformation have been reported as key driving forces of anti-Rohingya violence. This pattern reached its peak on December 27, 2023, in Aceh, when about 200 students were encouraged to lead anti-Rohingya protests and physically raid a community hall sheltering at least 137 Rohingya refugees.⁴⁵ Dressed in green jackets, the students had begun their coordinated march after protesting in front of Aceh's parliament and calling for the expulsion of Rohingya refugees from the province. The group then marched onto the community hall, where they verbally and physically assaulted the refugees, raided their belongings, forced them onto trucks, and expelled them to a government office.⁴⁶ The targeted attacks in Aceh followed incidents of its local residents physically refusing the disembarkation of boats carrying Rohingya refugees, which left more than 240 of them to be stranded on sea.⁴⁷ Such acts are in line with that of the Indonesian navy, which also pushed back a boat carrying Rohingya refugees off the coast of Aceh's Weh Island on December 28, and conducted exercises to "prevent boats carrying Rohingya refugees from entering the waters of Riau province" on January 5, 2024.⁴⁸ The refugees have since continued to be denied access to domestic justice mechanisms, among many other potentially effective instruments for remedy. Without such mechanisms, it is highly probable that anti-Rohingya sentiment will continue to escalate to the extent that it will yield greater, if not more aggressive, acts of targeted violence.

⁴⁴ Yacoub, Errington, Nu, and Robinson, "Rights Adrift: Sexual Violence Against Rohingya Women on the Andaman Sea."

⁴⁵ "Students in Indonesia protest the growing numbers of Rohingya refugees in Aceh province."

⁴⁶ "Indonesia: Protect Newly Arrived Rohingya Refugees: Investigate, Prevent Anti-Rohingya Violence in Aceh."

⁴⁷ Rahmat Mirza, "More than 240 Rohingya refugees afloat off Indonesia after they are twice refused by residents," *The Associated Press*, November 17, 2023, <https://apnews.com/article/indonesia-aceh-rohingya-refugees-muslims-ab4fcccd5011a817fc1c7054a8bf688d>.

⁴⁸ T Nasharul, "VIDEO Momen Kapal Perang TNI 'Usir' Kapal yang Diduga Angkut Rohingya di Perairan Pulau Weh," *Serambi Indonesia*, December 29, 2023, <https://aceh.tribunnews.com/2023/12/29/video-momen-kapal-perang-tni-usir-kapal-yang-diduga-angkut-rohingya-di-i-perairan-pulau-weh>; "Navy, police conduct patrol to halt Rohingya boats from entering Riau," *ANTARA*, January 4, 2024, <https://en.antaranews.com/news/302505/navy-police-conduct-patrol-to-halt-rohingya-boats-from-entering-riau>.

Key contributing factors

The boat crisis is rooted in core, fundamental problems that have yet to find practical solutions on an international or regional scale. With a growing risk of recurrence of genocide intensified by an ongoing war in Rakhine State, the dire human rights and humanitarian crisis in Myanmar is forcing many more Rohingya to be trafficked and smuggled into deadly sea crossings. In Bangladesh, where already poor conditions of safety, protection, and access to basic services continue to deteriorate by the day, Rohingya refugees are increasingly given no choice but to escape by boat. Even after being forced into boats, Rohingya refugees remain denied access to the refuge that they seek in jurisdictions across the Andaman Sea and the Bay of Bengal; such may be the case due to, among many other factors, the South and Southeast Asian region lacking in comprehensive refugee and human rights frameworks, and a coordinated approach to address the boat crisis.

Myanmar: Decades-long impunity and risk of recurrence of genocide

The approximately 600,000 Rohingya remaining in Myanmar continue to bear the brunt of the country's lack of measures for accountability. This pattern can be observed throughout the era of military dictatorships to the years of a supposed democratic transition prior to the Burmese military's attempted coup, during which Rohingya were stripped of their political, social, economic, citizenship, and voting rights, as well as their freedom of movement.⁴⁹ Such unfettered, targeted acts of persecution against Rohingya put them in a disproportionately vulnerable and marginalized position relative to the wider Burmese society, including other ethnic and religious minorities.⁵⁰ As a result, waves of state-sponsored violence, as well as attacks of genocide, followed. It is of no coincidence that boat departures surged in the years after the 2012 wave of violence against Rohingya, their subsequent internment in internally displaced persons' camps ("IDP camps"), and the 2017 "clearance operations" against them in Rakhine State.

The same, vicious cycle of impunity enabled the Burmese military to launch an attempted coup in February 2021, commit atrocities (likely amounting to war crimes and crimes against humanity) across Myanmar and, at the same time, proceed with its agenda of eradicating the Rohingya ethnic minority.⁵¹ The military continues to impose and uphold measures and policies of persecution against Rohingya, including greater domination and control over their lives, especially in Rakhine State.⁵² This is despite the already highly militarized control of the region's squalid IDP camps, where around 140,000 Rohingya

⁴⁹ United Nations, Human Rights Council, *Report of the independent international fact-finding mission on Myanmar*, A/HRC/42/50 (8 August 2019), available from undocs.org/en/A/HRC/42/50; *Burma's Path to Genocide*, United States Holocaust Memorial Museum, last accessed March 4, 2024, <https://exhibitions.ushmm.org/burmas-path-to-genocide>.

⁵⁰ *Ibid.*

⁵¹ United Nations, Human Rights Council, *Report of the Independent Investigative Mechanism for Myanmar*, A/HRC/59/19 (30 June 2023), available from undocs.org/en/A/HRC/59/19.

⁵² 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.

remain imprisoned and isolated from their ethnic Rakhine neighbors and the wider Burmese population. Many “checkpoints” that the military and related forces have long used to control Rohingya’s movement continue to enable abuses including bribery, intimidation, and extortion. In the past two years, the military has increasingly required Rohingya to present National Verification Cards when seeking healthcare in already understaffed and underresourced hospitals and clinics, as well as schools and institutions of higher education. They also compel Rohingya to participate in abusive and intrusive annual population checks, also called the “Swe Tin Sit” process, and severely restrict their freedom of movement through “travel restrictions.”⁵³ The military is taking these discriminatory and targeted measures as supposed grounds to arbitrarily arrest and detain Rohingya: WPN reports that, in less than three years, the military has arbitrarily arrested and detained 3,821 Rohingya – including at least 1,132 women – and unjustly charged them for “unauthorized travel.” The junta has also detained Rohingya children in “Youth Rehabilitation Centers” across the country.⁵⁴

Meanwhile, the ongoing and intensifying armed conflict between the Arakan Army (“AA”) and the Burmese military is putting Rohingya in Rakhine State at greater risk of facing its deadly, spill-over effects. Reports revealed that the AA is using villages predominantly inhabited by Rohingya to launch attacks against the Burmese military. In late January 2024, such an attack left at least 12 Rohingya dead and 30 injured in Rakhine State’s Hpon Nyo Leik village according to the U.N. High Commissioner for Human Rights with many more reported by local civil society.⁵⁵ They follow reports on the AA raiding such villages to thwart the threat of “terror,” then forcibly abducting and torturing their Rohingya residents.⁵⁶ In response to the AA’s attacks, the Burmese military is now attempting to recruit Rohingya civilians despite its early February 2024-enacted mandatory conscription law only enabling them to target whom they deem to be “citizens.” Specifically, the military is using coercive measures to send hundreds of Rohingya youth and internally displaced persons to basic military training, probably to deploy them as cannon fodder to the frontline.⁵⁷ Combined with Bangladesh and India’s tightening security along their borders, Rakhine State’s

⁵³ “‘We are targeted for being Rohingya in Myanmar and everywhere’: The situation of Rohingya since February 1, 2021.”

⁵⁴ 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>.

⁵⁵ “Myanmar: Human rights situation worsens as military lashes out indiscriminately amid losses - Türk,” *Office of the United Nations High Commissioner for Human Rights*, January 30, 2024, <https://www.ohchr.org/en/press-releases/2024/01/myanmar-human-rights-situation-worsens-military-lashes-out-indiscriminately>; “Arakan Army Must Stop Combat in Civilian Areas,” *Burma Human Rights Network*, February 3, 2024, <https://bhrn.org.uk/en/press-release/1240-arakan-army-must-stop-combat-in-civilian-areas.html>.

⁵⁶ “‘We are targeted for being Rohingya in Myanmar and everywhere’: The situation of Rohingya since February 1, 2021”; “Arakan Army Searches Western Myanmar for Muslim ‘Criminal Gangs,’” *The Irrawaddy*, September 29, 2023, <https://www.irrawaddy.com/news/burma/arakan-army-searches-western-myanmar-for-muslim-criminal-gangs.html>.

⁵⁷ Wai Wai Nu (@wawainu), “1/ Hearing that the war between #Myanmar junta & #Arakan Army reached #Sittwe & near its IDP camps, which have confined #Rohingya for over a decade . . . ,” X, February 21, 2024, <https://x.com/wawainu/status/1760407343177589057?s=20>; “Myanmar’s military recruiting Rohingya at displaced camps,” *Radio Free Asia*, February 22, 2024, <https://x.com/wawainu/status/1760407343177589057?s=20>.

Rohingya civilians are now at greater risk of resorting to dangerous sea crossings to escape from the escalating, armed conflict.⁵⁸ In this context, WPN has also been informed of the involvement of members of the AA in smuggling Rohingya from Rathedaung township and other areas in northern Rakhine State, by boat, to Southeast Myanmar (on the way to Thailand and Malaysia).

Particularly alarming is that the acutely precarious conditions in Rakhine State were not addressed after the landfall of a powerful natural disaster as Cyclone Mocha in Myanmar, which had disproportionately devastated the region in May 2023. Rohingya in the region were excluded from accessing emergency evacuation assistance, including verbal and written disaster warnings that were only provided in Burmese and Rakhine languages.⁵⁹ They were also denied full access to life-saving humanitarian assistance – food, clean water, healthcare, shelter – at least in part due to the military’s still-required travel authorizations to aid providers attempting to access areas under its control.⁶⁰ Such negligence of Rohingya lives contributed to the deaths of over 400 of them according to local sources.⁶¹ These various administrative blockades, as well as the ongoing, intensifying armed conflict, have further deprived civilians access to essential commodities including food – significantly increasing their prices to the point of yielding conditions of famine and starvation.⁶² To this day, proper access to humanitarian aid remains denied to all in Rakhine State.⁶³

Therefore, the lack of accountability mechanisms have, in large part, enabled the commission of mass atrocities against Rohingya and exacerbated their conditions in Rakhine State – making the precarious sea crossings an attractive option for their escape. Fueled by such impunity, the growing risk of recurrence of further attacks of genocide in Myanmar will likely force many more Rohingya to flee in boats.

Bangladesh: Unsustainable, undignified, and inhuman conditions

The increasingly dire humanitarian conditions, insecurity, and lack of protection experienced by one million refugees in Bangladesh’s Cox’s Bazar continue to be key contributing factors

⁵⁸ “BGB pushes back boat carrying 65 Rohingyas,” *Dhaka Tribune*, February 7, 2024, <https://www.dhakatribune.com/bangladesh/foreign-affairs/338780/bgb-pushes-back-boat-carrying-65-rohingyas>; “Despite Opposition From Kuki-Zos, Amit Shah Says India Will Fence Entire Northeast Border With Myanmar,” *The Wire*, February 7, 2024, <https://thewire.in/government/despite-opposition-from-kuki-zos-amit-shah-says-india-will-fence-entire-northeast-border-with-myanmar>.

⁵⁹ United Nations, General Assembly, *Report of the Special Rapporteur on the situation of human rights in Myanmar*, A/78/527 (12 October 2023), available from undocs.org/e/A/78/527.

⁶⁰ *Ibid.*

⁶¹ “Hundreds feared dead after cyclone hits western Myanmar,” *Reuters*, May 17, 2023, <https://www.reuters.com/world/asia-pacific/many-rohingya-muslims-killed-after-cyclone-hit-western-myanmar-residents-ngo-2023-05-16/>.

⁶² “High price of essential commodities push Rakhine families to the brink of famine,” *Narinjara News*, December 22, 2023, <https://www.narinjara.com/news/detail/6585cf045ca6405b2709290e>; “Myanmar Humanitarian Update No. 36,” *United Nations Office for the Coordination of Humanitarian Affairs*, March 3, 2024, <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-36-3-march-2024>.

⁶³ A/78/527.

to the growing maritime migration across South and Southeast Asia. The world's largest refugee camp remains lacking in adequate access to comprehensive healthcare to save Rohingya lives from malnutrition and other preventable illnesses, as well as a debilitating mental health crisis. Access to long-term formal education that aligns with the community's cultural and societal context remains denied to Rohingya refugee youth. Food continues to be a luxury to these Rohingya regardless of the December 2023 slight recovery in the value of the World Food Programme ("WFP") rations from United States Dollar eight to 10. Safe and reliable access to infrastructure remains prohibited to them as was demonstrated by the latest wave of mass fires in the camps, which destroyed the shelters of nearly 7,000 refugees – including at least 4,200 children.⁶⁴ Meanwhile, Rohingya's status in Bangladesh continues to deprive them from formal employment and other skill-building opportunities for their self-reliance in improving their community's conditions, and navigating their collective future.⁶⁵

Basic levels of protection and safety are not afforded to the Rohingya refugees either. Gangs and militant groups among the community, such as the Arakan Rohingya Salvation Army and the Rohingya Solidarity Organization, continue to perpetrate abductions, armed robberies, arsons, assassinations and other violent abuses against their fellow refugees, targeting especially community leaders and women who diverge from their conservative norms.⁶⁶ The camp's lack of opportunities for empowerment and self-reliance contribute to such violence; without any access to education, employment, or prospect of a safe, voluntary, sustainable, and dignified repatriation, many men in particular are forced to rely on these groups for their survival in the camps. Such conditions also endanger women with domestic and interpersonal violence in their shelters that are not built to ensure physical privacy, as well as forced marriage and child marriage.⁶⁷

At the same time, Rohingya refugees risk abuses from the Bangladesh's Armed Police Battalion ("APBn"), which monitors the barbed-wire fencing and checkpoints that enclose their camps. Since its deployment to the camps in 2020, the APBn has been reported to have committed extortion, harassment, and arbitrary arrest and detention against Rohingya.⁶⁸ Women in particular are at risk of sexual harassment and other forms of sexual

⁶⁴ "Massive fire in Rohingya camp leaves 4,200 children homeless," *Save the Children*, January 8, 2024, <https://www.savethechildren.net/news/massive-fire-rohingya-camp-leaves-4200-children-homeless>; "Nearly 7,000 Rohingya refugees homeless and fire blazes through camp in Cox's Bazar," *Office of the United Nations High Commissioner for Refugees*, January 11, 2024, <https://www.unhcr.org/th/en/49309-nearly-7000-rohingya-refugees-homeless-as-fire-blazes-through-camp-in-coxs-bazar.html>; Nick Baker, "The fire the world ignored," *ABC News*, February 11, 2024, <https://www.abc.net.au/news/2024-02-12/rohingya-refugees-fire-coxs-bazar-january/103415134>.

⁶⁵ "We are targeted for being Rohingya in Myanmar and everywhere': The situation of Rohingya since February 1, 2021."

⁶⁶ 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/>.

⁶⁷ "We are targeted for being Rohingya in Myanmar and everywhere': The situation of Rohingya since February 1, 2021."

⁶⁸ "Bangladesh: Rampant Police Abuse of Rohingya Refugees: Authorities Demolish Shops, Close Schools, Curb Movement" *Human Rights Watch*, January 17, 2023, <https://www.hrw.org/news/2022/04/04/bangladesh-new-restrictions-rohingya-camps>.

violence: reports revealed that on January 7, an APBn officer attempted to rape a 22-year-old Rohingya refugee woman under the supposed pretext of a “search operation.”⁶⁹ Before his attack, the officer had allegedly stalked the woman for a year.⁷⁰

What then magnifies the camp’s deteriorating security conditions is the sustained lack of any practical solution to them. Bangladesh’s camps received only half of the required amount of funding according to the 2023 Joint Response Plan; combined with such a shortage’s spillover effect, another massive funding shortfall will likely ensue in the upcoming year.⁷¹ Given the drastic cuts in the camps’ food rations and other related basic services in 2023, its donor-reliant status quo is also unlikely to provide means to readily adapt itself to ongoing and future funding shortages. Forcibly relocating the refugees to Bhasan Char – a distant, silt island whose habitability has yet to be formally determined – then becomes less tenable; the 32,560 Rohingya refugees who are confined there currently risk shortages in food and medicine, as well as other preventable threats to their lives.⁷² A gas cylinder leakage was reportedly the cause of the February 24 wave of mass fire in Bhasan Char, which severely injured several Rohingya refugees, and resulted in the death of a child.⁷³ Despite such growing risks, the refugees remain prevented from accessing mechanisms for justice and redress that may help them to better protect themselves in the camps. Indeed, the camp’s infrastructure as a whole does not yield tools to remedy, let alone improve, it.

Meanwhile, Myanmar’s rapidly exacerbating human rights and humanitarian catastrophe as it is cannot ensure the safe, voluntary, sustainable, and dignified return of Rohingya to their homes. Such an environment is contrary to the Burmese military’s so-called “pilot repatriation project,” which has ostensibly aimed to forcibly repatriate 1,000 Rohingya refugees in Bangladesh since March 2023. As a project under the 2017 bilateral agreement between Myanmar and Bangladesh, it follows attempts that failed at least in part due to the persistent lack of conditions conducive to the repatriation that the Rohingya envision.⁷⁴ It is

⁶⁹ “Rohingya woman alleges sexual assault by APBn member,” *Dhaka Tribune*, January 11, 2024, <https://www.dhakatribune.com/bangladesh/rohingya-crisis/336441/rohingya-woman-alleges-sexual-assault-by-apbn>; Meenakshi Ganguly, “Bangladesh Police Abuses Rampant in Rohingya Camps: Sexual Assault Causes Family to Consider Fleeing Again,” *Human Rights Watch*, January 24, 2024, <https://www.hrw.org/news/2024/01/24/bangladesh-police-abuses-rampant-rohingya-camps>.

⁷⁰ Ganguly, “Bangladesh Police Abuses Rampant in Rohingya Camps: Sexual Assault Causes Family to Consider Fleeing Again.”

⁷¹ “Bangladesh: Rohingya Humanitarian Crisis: Joint Response Plan 2023 funding update as of 31 December 2023,” *Inter Sector Coordination Group*, January 2024, https://rohingyaresponse.org/wp-content/uploads/2024/01/2023_12_31_JRP-2023_Funding-update_FTS.pdf.

⁷² “Bangladesh: Repression, Security Force Abuses Discredit Elections: Key International Partners Should Call for Independent Inquiry into Abuses,” *Human Rights Watch*, January 11, 2024, <https://www.hrw.org/news/2024/01/11/bangladesh-repression-security-force-abuses-discredit-elections>; “Joint Government of Bangladesh - UNHCR Population Factsheet as of December 2023,” *Office of the United Nations High Commissioner for Refugees*, January 11, 2024, <https://data.unhcr.org/en/documents/details/106003>.

⁷³ “Bhashan Char Rohingya campfire: Minor boy succumbs to injuries at CMCH,” *Dhaka Tribune*, February 24, 2024, <https://www.dhakatribune.com/bangladesh/nation/340227/9-rohingya-injured-in-bhasan-char-gas-cylinder>.

⁷⁴ “Bangladesh and Myanmar conclude ‘Arrangement’ on Return of displaced persons from Rakhine State,” *Ministry of Foreign Affairs of Bangladesh*, November 23, 2017, <http://www.mofa.gov.bd/media/bangladesh-and-myanmarconclude-%E2%80%98arrangement%E2%80%99-return-displaced-persons-rakhine-state-11>; “UNHCR and UNDP agree on text of MoU in Myanmar to support the creation

worrying that the pilot repatriation project remains facilitated between the Burmese military and the Bangladesh government, as well as reportedly the UNHCR and the WFP, without any formal or meaningful consultations with the refugees.⁷⁵ Evidence of the project so far reveals that the military will likely confine the returned Rohingya in concentration camps, and subject them to exploitation, forced labor, and contemporary forms of slavery.⁷⁶

That refugees are choosing to risk deadly conditions to flee refugee camps should alarm the international community. As noted earlier, the camps' dire humanitarian and security conditions are worsening the already poor situation of Rohingya refugees. The absence of any feasible resolution to such a situation burdens the refugees with even more oppressive and overwhelming circumstances; this includes a safe, voluntary, sustainable, and dignified repatriation, whose conditions have so far been made impossible by the ongoing human rights and humanitarian crisis in Myanmar.

After embarkation: No human rights and refugee protection on the sea or land

On boats, Rohingya refugees trafficked and smuggled across the Andaman Sea and the Bay of Bengal are denied full safety or protection. As noted earlier, the threat of hate speech and disinformation campaigns, detention and deportation to Myanmar, and many other abuses risk culminating into atrocities targeted at them. This is in large part due to the circumstances of these refugees' likely host countries in South and Southeast Asia, all of which lack full, comprehensive protection measures. Notably, countries that are affected by the boat crisis – Indonesia, Malaysia, India, and Thailand – are not parties to the international Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees. The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, which involve these countries, remains to be effectuated to curb the Rohingya boat crisis despite it continuously seeing risks to regional peace and security.⁷⁷ These countries also have yet to formally legislate or fully implement domestic refugee protection mechanisms; some have even turned to infringing upon the rights of certain refugees and asylum seekers.⁷⁸ They also lack comprehensive human rights frameworks, resulting in the gradual erosion of press freedom, freedom of religion or belief,

of conditions for the return of Rohingya refugees," *Office of the United Nations High Commissioner for Refugees*, May 31, 2018,

<https://www.unhcr.org/news/news-releases/unhcr-and-undp-agree-text-mou-myanmar-support-creation-conditions-return>; Meenakshi Ganguly and Brad Adams, "For Rohingya Refugees, There's no Return in Sight," *Foreign Affairs*, June 5, 2019, <https://www.foreignaffairs.com/burma-myanmar/rohingya-refugees-theres-no-return-sight>.

⁷⁵ "Leaked Email Shows UN Participating in Rohingya Repatriation Pilot Despite Fears for Refugee Safety," *Myanmar Accountability Project*, March 18, 2023, <https://the-world-is-watching.org/2023/03/18/leaked-email-shows-un-participating-in-rohingya-repatriation-pilot-despite-fears-for-refugee-safety/>.

⁷⁶ "Submission to the United Nations Special Rapporteur on the situation of human rights in Myanmar."

⁷⁷ Elaine Pearson and Shayna Bauchner, "Indonesia and Australia co-chair Bali Process meeting in Adelaide this week, look for solution to Asian deaths at sea," *The Canberra Times*, February 9, 2023, <https://www.canberratimes.com.au/story/8078564/bali-process-needs-to-end-rohingya-deaths-at-sea/>.

⁷⁸ "ASEAN and the Rohingya Crisis since 2017: Dynamics, Challenges, and New Avenues for a More Effective Regional Response in Post-Coup Myanmar," *Asia-Pacific Centre for the Responsibility to Protect*, March 2022, <https://r2pasiapacific.org/article/2022/09/asean-and-rohingya-crisis-2017>.

and other basic rights that would help moderate the creation and spread of hate speech, misinformation, and disinformation.⁷⁹

Simultaneously, supposedly multilateral efforts to assist a region that faces increasingly dire circumstances have gone astray. The Association of Southeast Asian Nations (“ASEAN”) remains to be a tempering and effective force to its members’ restrained approaches to refugees and forced displacement, as well as rapid degradation in human rights and fundamental freedoms. A case in point, ASEAN still avoids confronting Myanmar’s human rights and humanitarian crisis with its continued commitment to the Five-Point Consensus, which remains to be implemented, and support for the Burmese military-run pilot repatriation project despite Myanmar not having conditions that are conducive to the safe, voluntary, dignified, and sustainable return of the Rohingya refugees.⁸⁰ ASEAN’s post-2021 response on Myanmar follows that of decades spanning beyond it, during which it attempted to resolve successive crises in Rakhine State with its Coordinating Centre for Humanitarian Assistance on Disaster Management and other supposedly humanitarian efforts over potentially coercive measures for investigations, justice, and accountability.⁸¹ Perhaps ASEAN is acting in line with its “non-interference principle” – giving it no option for becoming an alternative. Nonetheless, it is clear that ASEAN, in its status quo, cannot be relied upon to develop policies to comprehensively ensure the rights of those seeking refuge.

Without an effective refugee protection and human rights framework, breeding grounds for targeted atrocities against those seeking asylum, including Rohingya boat people, take deeper root. Such an environment has been observed in various ways in the following countries.

In **INDONESIA**, among many, factors of unregulated waves of online misinformation and faltering levels of assistance to key local governments and organizations have jointly contributed to a climate hostile to Rohingya refugees. The current context – the recent spate of anti-Rohingya attacks in Aceh – is in stark difference to that of the previous years leading up to and following the 2017 attacks of genocide; during that time, in a country hosting the world’s largest Muslim population, series of demonstrations supporting Rohingya and other related acts of solidarity had been widely observed. And, until recently, Acehese fishermen had rescued Rohingya at sea and Acehese social services agencies

⁷⁹ “Asia: Regional Leadership Needed on Human Rights: Worsening Repression Puts Rights at Risk at Home and Abroad,” *Human Rights Watch*, January 11, 2024, <https://www.hrw.org/news/2024/01/11/asia-regional-leadership-needed-human-rights>.

⁸⁰ “Chairman’s Statement of the 43rd ASEAN Summit,” *The ASEAN Secretariat*, September 6, 2023, <https://asean.org/chairmans-statement-of-the-43rd-asean-summit/>; “ASEAN Leaders’ Review and Decision on The Implementation of The Five-Point Consensus,” *The ASEAN Secretariat*, September 5, 2023, <https://asean.org/asean-leaders-review-and-decision-on-the-implementation-of-the-five-point-consensus-2/>

⁸¹ Wai Wai Nu, “Southeast Asian countries should recognize the slaughter in Myanmar for what it is,” *The Washington Post*, April 23, 2021, <https://www.washingtonpost.com/opinions/2021/04/23/southeast-asian-countries-should-recognize-slaughter-myanmar-what-it-is/>; “ASEAN and the Rohingya Crisis since 2017: Dynamics, Challenges, and New Avenues for a More Effective Regional Response in Post-Coup Myanmar.”

and religious organizations taking the lead in assisting new arrivals.⁸² However, such levels of support could not be fully sustained more than a decade into Rohingya's influx. Decreasing levels of assistance to direct aid providers to the refugees, without a clear plan in place from the government, reportedly compromised their access to shelter and other forms of basic services in their host country, as well as tarnished Rohingya's image by representing them as a burden to Indonesian society.⁸³ Narratives antagonizing Rohingya reached online platforms, which already had faced systematic challenges in curbing misinformation and disinformation campaigns domestically.⁸⁴ This pattern seems to have approached its peak in the period before the country's latest general elections as it concomitantly witnessed a rising trend in the use of artificial intelligence and deep fakes.⁸⁵

In **MALAYSIA**, the effects of widespread anti-refugee and xenophobic sentiment from the government's response to the COVID-19 pandemic continue to compromise Rohingya's quality of life as a refugee. In 2020, allegedly to follow nationwide COVID-19 preventative measures, the Malaysian authorities denied the disembarkation of the Rohingya refugees.⁸⁶ The isolationist climate had already been tense in Malaysia then, where misinformation that the refugees would threaten the country's border security and safety had spread online.⁸⁷ The Malaysian government has since acted in ways that failed to curb the spread of such antagonistic rhetoric, resorting to seemingly condoning it: following the Sungai Bakap immigration detention center incident, the former Home Minister expressed that the eventual demise of the escaped Rohingya refugees would be a "lesson" to other "migrants" in the country.⁸⁸ The country's lack of refugee protection mechanisms, among many other factors, then enabled online doxxing and targeting campaigns against Rohingya refugee leaders and human rights defenders, as well as forced eviction of over 50 Rohingya refugees, including children, from their shelters in rural Penang.⁸⁹ Such a hostile climate has

⁸² Krithika Varagur, "'They are our brothers': Rohingya refugees find rare welcome in Aceh," *The Guardian*, May 24, 2018,

<https://www.theguardian.com/world/2018/may/25/they-are-our-brothers-rohingya-refugees-find-rare-welcome-in-aceh>; "Why Aceh is a rare place of welcome for Rohingya refugees," *The Conversation*, August 25, 2020, <https://theconversation.com/why-aceh-is-a-rare-place-of-welcome-for-rohingya-refugees-143833>.

⁸³ Yogi Febriandi, "What's driving Aceh's backlash against Rohingya refugees?," *Indonesia at Melbourne*, December 20, 2023, <https://indonesiatmelbourne.unimelb.edu.au/whats-driving-acehs-backlash-against-rohingya-refugees/>.

⁸⁴ Ibid.

⁸⁵ "Indonesia CSOs fight 'deep fake' elections," *Thai PBS World*, February 15, 2024, <https://www.thaipbsworld.com/indonesia-csos-fight-deep-fake-elections/>.

⁸⁶ "'We are targeted for being Rohingya in Myanmar and everywhere': The situation of Rohingya since February 1, 2021."

⁸⁷ "Preventing hate speech, incitement, and discrimination: the case of Malaysia," *The Global Action Against Mass Atrocity Crimes*, March 7, 2022, <https://gaamac.org/2022/03/preventing-hate-speech-incitement-and-discrimination-the-case-of-malaysia/>.

⁸⁸ "'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," *Article 19*, April 28, 2022, <https://www.article19.org/resources/malaysia-end-hateful-rhetoric-against-rohingya-refugees/>.

⁸⁹ "Joint Letter on ending violent threats and hate speech against the Rohingya community in Malaysia," *Global Centre for the Responsibility to Protect*, May 11, 2020, <https://www.globalr2p.org/publications/joint-letter-on-hate-speech-against-the-rohingya-in-malaysia/#:~:text=Startin%20in%20the%20third%20week,be%20forcibly%20returned%20to%20Myanmar>; "Penang Rohingya villagers forced from homes ahead of Raya," *MalaysiaNow*, April 19, 2023, <https://www.malaysianow.com/news/2023/04/19/penang-rohingya-villagers-forced-from-homes-a-week-before-ray>.

endangered Rohingya (who remain denied full access to basic services including formal employment) despite Muslim-majority Malaysia being one of their preferred destinations of refuge.⁹⁰

In **THAILAND**, the lack of a comprehensive refugee protection and human rights framework has largely enabled the current, ruling, military-dominated government to deny Rohingya protection. Instead, as was demonstrated by its treatment of dozens of Rohingya boat people in 2022, the Thai authorities have resorted to a policy of either pushing them to Malaysia or Indonesian waters, or detaining and arresting them on illegal entry charges and risking them with forcible deportation.⁹¹ Their uncooperative, hostile approach has very much been in line with that towards ethnic minority refugees in the country over the past decades, as well as the recent influx of other Burmese refugees following the Burmese military's attempted coup.⁹² The Thai authorities have continued to deny these refugees access to safety, protection, livelihoods, as well as asylum.⁹³ In such a context, it is important to note that the Thai military still maintains a close relationship with the Burmese military even in its purportedly humanitarian efforts; this was most recently demonstrated by the initiative of a "humanitarian corridor" along the Thai-Myanmar border, which is designed to be contingent on engagements with the key perpetrator of the deteriorating, regional refugee crisis: the Burmese military.⁹⁴

Although not as directly affected by the boat crisis, developments in **INDIA** (a country that hosts a significant number of Rohingya refugees) including popularizing anti-Rohingya sentiment, risks harming Rohingya in other host countries that also lack coordinated refugee protection and human rights frameworks. As introduced earlier, state-sponsored, anti-Muslim narratives among the wider Hindu majority have contributed to an environment where Rohingya refugees face double the vulnerabilities compared to other groups in India: both for being refugees, and for being identified as solely Muslim. The Hindu nationalist-led government has indeed acted in complete ignorance of the Rohingya's wellbeing and safety in the country – instead naming them "illegal migrants" and failing to prevent its officials from spewing anti-Rohingya hate speech and its supporters from waging mob violence and arson attacks against Rohingya refugee slums.⁹⁵ At the same time, the Citizenship (Amendment) Act remains in effect as one of the many cases that demonstrate the current

⁹⁰ "We are targeted for being Rohingya in Myanmar and everywhere': The situation of Rohingya since February 1, 2021"; "Impact of Prolonged Immigration Detention on Rohingya Families and Communities in Malaysia."

⁹¹ "Thailand: Allow Newly Arrived Rohingya Access to Asylum: End Indefinite Detention, Stop Boat Pushbacks."

⁹² A/HRC/52/66; "Thailand: Recent Refugees Pushed Back to Myanmar: Pushbacks Endanger People Fleeing Airstrikes in Karenni State," *Human Rights Watch*, November 29, 2023, <https://www.hrw.org/news/2023/11/29/thailand-recent-refugees-pushed-back-myanmar>.

⁹³ *Ibid.*

⁹⁴ Igor Blasevic, "Thai Humanitarian Aid Initiative for Myanmar is Flawed and Won't Work," *The Irrawaddy*, February 9, 2024,

<https://www.irrawaddy.com/opinion/guest-column/thai-humanitarian-aid-initiative-for-myanmar-is-flawed-and-wont-work.html>; Adelina Kamal, "Thailand's 'humanitarian corridor' initiative needs a reality check," *Myanmar Now*, February 13, 2024, <https://myanmar-now.org/en/news/thailands-humanitarian-corridor-initiative-needs-a-reality-check/>.

⁹⁵ "We are targeted for being Rohingya in Myanmar and everywhere': The situation of Rohingya since February 1, 2021."

government's aversion to integrating religious minorities from largely Muslim communities.⁹⁶ Such extensive efforts to gradually homogenize the country also took themselves to Facebook and other social media platforms, which continue to host anti-Muslim campaigns that disproportionately targeted Rohingya. This risk was most recently revealed in a Public Interest Petition that had been filed by a group of Rohingya refugees in the Delhi High Court against Facebook.⁹⁷ While the case, if successful, may help stem online hate speech in India, it remains to be seen if it will fully protect Rohingya refugees from detention and forcible deportation.

Combined, South and Southeast Asian countries that largely host Rohingya refugees remain lacking in coordinated mechanisms and policy frameworks that would help comprehensively protect the group. These instruments include those aimed at human rights and refugee protection, the majority of which have increasingly been observed as far unaligned with the ground realities of the region. Worryingly, as these countries succumb themselves to the global rise of authoritarianism and xenophobia – movements not welcoming to refugees – they will likely host increasingly anti-Rohingya sentiments among their respective populations.

Conclusion and recommendations

Across South and Southeast Asia, Rohingya are taking to the sea to flee the rapidly deteriorating conditions in Bangladesh's refugee camps and the growing risk of recurrence of genocide in their homes in Myanmar. The crisis has recently peaked, when a growing number of Rohingya refugees were smuggled, sometimes trafficked, over land and sea. Throughout their escape, they face extortion, torture, sexual and gender-based violence, and other abuses by traffickers and smugglers; women and girls in particular are at risk of rape, gang rape, and other brutal forms of sexual violence without any recourse to justice. The lack of regional and domestic framework and policies to comprehensively protect refugees and asylum seekers further endangers Rohingya. Even after the refugees are permitted disembarkation, they are denied access to safety, protection, asylum, basic livelihoods, and domestic justice mechanisms. Such an environment enables their host countries to detain and deport them, as well as their people to foster anti-Rohingya hate speech, misinformation, and disinformation. In a status of extreme precarity and vulnerability, and as was recently hinted in Indonesia's Aceh, Rohingya refugees then become at risk of targeted atrocities. Without immediate action to effectively address the crisis at hand, the cycle of life-threatening abuses will continue to spiral – if not soon exacerbate.

⁹⁶ "'Shoot the Traitors': Discrimination Against Muslims under India's New Citizenship Policy," *Human Rights Watch*, April 9, 2020, <https://www.hrw.org/report/2020/04/10/shoot-traitors/discrimination-against-muslims-under-indias-new-citizenship-policy>.

⁹⁷ Aswani, "Rohingya Refugees File PIL Against Facebook in Delhi High Court."

To resolve the exacerbating boat crisis, the regional and international community must pursue a holistic response: first, fully protect those who are forced into deadly sea crossings and, second, address the root causes of them. Specifically, WPN recommends the following.

————— To protect Rohingya refugees forced into deadly sea crossings

- **DEVELOP** coordinated measures among governments in the South and Southeast Asian region to address the Rohingya boat crisis;
- **ENSURE** the immediate and safe disembarkment of the boats that are carrying them and deploy search-and-rescue missions to them when necessary;
- **PREVENT** their detention and deportation, as well as other acts in violation of the non-refoulement principle;
- **ENSURE** the refugees full and reliable access to asylum, protection, as well as access to resettlement and complementary pathways to third countries;
- **ENSURE** the refugees full and reliable access to legal and justice services, including legal aid and assistance, in their host countries;
- **PROVIDE** reliable access to mental health and psychosocial support to the refugees, and ensure that such resources are comprehensively delivered to victims and survivors of sexual and gender-based violence;
- **PROVIDE** full and sustainable access to food, healthcare, education, employment and other basic needs and livelihoods to the refugees; and
- **HALT** the spread of hate speech and targeted violence against Rohingya refugees.

————— To address the root causes in Myanmar to the boat crisis

- **END** the human rights and humanitarian catastrophe in Myanmar, including by
 - **addressing** accountability efforts on Myanmar such as by issuing a strong, binding resolution to follow up on S/RES/2669 (2022), including by considering the non-compliance of provisional measures in *The Gambia v. Myanmar* at the International Court of Justice;
 - **referring** the situation of Myanmar to the International Criminal Court;
 - **expanding** sanctions against the Burmese military-affiliated enterprises, financial institutions, extractive operations and the aviation fuel sector, while enforcing the sanctions that are already in place;
 - **imposing** a full and comprehensive arms embargo against the Burmese military; and
 - **calling** on the U.N. Secretariat to develop a unifying strategy, including by encouraging the U.N. Secretary-General to take the lead on Myanmar, in line with the recommendations of “A Brief and Independent Inquiry into the

Involvement of the United Nations in Myanmar from 2010 to 2018” (which is also known as the “Rosenthal Report”).

- **ADDRESS** the deteriorating situation in of Rohingya refugees in Bangladesh, among other countries, including by
 - **ensuring** the full and sustainable provision of humanitarian aid to Rohingya refugees, including by
 - **resolving** the massive funding deficit of the current and any future Joint Response plans;
 - **guaranteeing** proper access to food, healthcare, formal education, and other basic needs and livelihoods;
 - **enabling** access to employment and other skill-building opportunities; and
 - **providing** material and financial assistance to Rohingya civil society, including women’s groups.
 - **ensuring** full access to safety and protection to the refugees, including by
 - **enabling** proper access to strong and sustainable forms of shelter and infrastructure, as well as freedom of movement; and
 - **providing** reliable access to domestic justice mechanisms to the refugees, especially when addressing the APBn and gang-related violence in the camps.



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