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Mission to Bangladesh 13 - 19 December 2021

End of Mission Statement
UN Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews
19 December 2021, Dhaka

I. INTRODUCTION

I would like to express my sincere appreciation to the Government of Bangladesh, the Foreign Ministry and all those who made this visit possible and who offered me every consideration and assistance. I am pleased to present my mission's preliminary observations and recommendations. I will issue my full report of findings to the UN Human Rights Council in March.

My mission included meetings with individuals with diverse experiences and perspectives, from Ministers and senior officials, to Rohingya refugees living in camps in Kutupalong and on Bhasan Char. My team and I met representatives of local and international non-governmental organizations (NGOs), local civil society organizations, UN staff and leadership, and the Government's camp administrators. I greatly appreciate their contribution to our mission.

I would like to express my deep appreciation, respect and admiration for how, each time the Rohingya have been forced to flee Myanmar—most notably in 2017 when they were literally running for their lives from the Myanmar military's genocidal attacks against them—Bangladesh provided protection.

Bangladesh saved untold numbers of lives when it opened its arms and hearts to Rohingya people who survived these most unspeakable of horrors inflicted on them by the Myanmar military. All who value human rights owe Bangladesh a debt of gratitude.

I more fully understood this generosity when I visited the Bangabandhu Museum here in Dhaka. As I toured this museum, I stopped to read some of the words of the Father of the Nation. I was moved and inspired when I read:

"The struggle of Bangladesh is the manifestation of the universal struggle . . . for attaining justice and peace. Therefore, it is only natural that Bangladesh will stand up for the world's oppressed masses right from its inception and continue to do so for all time."

The nation of Bangladesh manifested that moral vision in its embrace of the Rohingya. The Rohingya with whom I've had the honor of speaking during this mission continually expressed their gratitude to the Bangladesh Government and to the Bangladeshi people who are providing them with refuge. And I would personally like to thank the Government of Bangladesh for all that it has done for the Rohingya of Myanmar as well.

It has now been more than four years since the genocidal 2017 attacks took place. These attacks were perpetrated against the Rohingya, not because of anything that they had done, but because of their identity, and the God they pray to. It has been nearly one year since the commander in charge of the forces who committed these mass atrocity crimes, went on to lead an illegal military coup against the government of Myanmar, imprisoned its legitimate leaders and began yet another campaign of atrocity crimes against the entire Myanmar people.

Since the most severe genocidal attacks in 2017, communities of Bangladeshi citizens living in areas surrounding the camps Cox's Bazar District have endured much, as they have supported the Rohingya refugees.

Nearly every Rohingya person I spoke with on this mission, whether in the Kutupalong Camps or on Bhasan Char, want to return home as soon as they can do so voluntarily, safely, sustainably, and with dignity.

The relentless assault by the Myanmar military junta's attacks against its own people, as well as the systematic land clearance in Rakhine State, and the ongoing system of discrimination against the Rohingya in law and practice continue at this time. This means that the conditions for the safe, sustainable, dignified return of the Rohingya to their homeland currently do not exist. It will take considerable time and significant effort to create such conditions in Myanmar.

As an international community, we all have a responsibility to respond to genocide and mass atrocity crimes and to help and support the Rohingya. Bangladesh cannot and should not bear this responsibility alone. Frankly the international community must be manifesting this partnership with Bangladesh more fully, with stronger, sustained financial and technical support.

II. OBSERVATIONS

The strains on “host communities” in Bangladesh are clearly present. And, as a result, it is natural that tensions can, and will arise. Therefore, it is particularly important for the Rohingya community not to be scapegoated, for tensions not to be inflamed.

The Myanmar Rohingya are not at fault. The international organizations who support and advocate for them are not at fault. The Bangladesh government who supports them is not at fault. Let me be perfectly clear, the fault lies clearly and firmly on the shoulders of the Myanmar military.

The cause of this crisis, and the ultimate resolution of this crisis is not here in Bangladesh, but in Myanmar. I will do everything in my capacity to push for a stronger, more coordinated international response to this crisis, including the imposition of pressure on the Myanmar military and for concrete measures to hold the military junta fully accountable for this crisis.

As we collectively work towards finding a solution to the crisis of the Rohingya people, it is critical that we not forget that all people of Myanmar are now suffering under the military junta’s crimes and authoritarian rule. Indeed, the lack of accountability for the military’s past crimes emboldened it to take power by force in an illegal, bloody *coup d’état*.

In this regard, I will stress that the Government of Bangladesh is a strong partner with the various international justice mechanisms to ensure the perpetrators of mass atrocity crimes in Myanmar are held accountable.

It is critical that in addition to accountability measures, the rights and dignity of the Rohingya people be respected, protected and promoted. Ensuring that the Rohingya have educational opportunities, access to health care, and have access to livelihood opportunities will ensure that the refugees are equipped and ready to return to a life of dignity in their homeland.

I have learned a great deal on my mission here. The areas that emerged as particularly important for the Rohingya community include security, educational opportunity, access to health care, the creation of sustainable livelihood opportunities, and, especially with respect to Bashan Char, the importance of the principles of voluntariness and freedom of movement.

I firmly believe—and am offering as my most important finding and recommendation—that successfully addressing each of these key areas is in the interest not only of the Rohingya community, but of everyone who shares the goal of a successful and sustained repatriation of the Rohingya community back to where they most want to go, home.

a. Education

Educational resources are essential to prepare Rohingya children for a future in Myanmar. Over half of the nearly 1 million Rohingya refugees in Bangladesh are children under 18 years of age.

Access to education will enable Rohingya to be ready for a sustainable return and reintegration into Rakhine State, Myanmar when possible. Moreover, education will provide Rohingya youth with opportunities that could deter them from negative coping mechanisms, reducing security vulnerabilities in the camps, and reducing security vulnerabilities for all.

Ensuring Rohingya youth receive a quality education is something that not only Bangladesh, but also the international community has a stake in. That means all of us. We cannot allow an entire generation of Rohingya to go practically uneducated.

The Myanmar Curriculum Pilot program, or MCP, aims to educate Rohingya in Bangladesh using the same curriculum as in Myanmar. This is what the Rohingya want. Currently, approximately 400 Rohingya students are receiving an education under the MCP with plans to eventually roll it out to 10,000 students. There was a consensus amongst all parents whom I spoke with that this program needs to reach all school age children.

I also learned that education, like nearly everywhere in the world, has been severely hampered by COVID-19. Even with the COVID-19 environment taken into account, those Rohingya children currently receiving education is by any definition limited. In the approved learning centers in the camps, students are limited to two hours of instruction per week. In non-COVID times it is two hours per day. There is no assessment of a student’s progress or certification to advance to a subsequent stage outside the camps. The current level of education provided at the learning centers is insufficient to meet the needs of Rohingya children.

Additional education resources are very important to prepare Rohingya children for a future in Myanmar. I learned that some of this need is being met by private schools outside of the government approved learning centers. In light of this I am deeply concerned to have learned of a new policy, promulgated while I was here, that would close all private schools in the camps.

I therefore encourage the Bangladesh government to reconsider their order to close down all private education programs and facilities, while noting that Bangladesh has expressed reservations about some of these facilities. I strongly encourage the donor community to ensure that the funding requirements in the Joint Response Plan allocated for education are fully met, and met quickly.

b. Livelihoods

Bangladesh government officials regularly spoke of the commitment to provide livelihood opportunities for the Rohingya community, which is very admirable and makes a great deal of practical sense. Developing skills that enable one to contribute to the economy not only helps support a family, but also enhances dignity and provides a productive use of time for Rohingya sheltering in Bangladesh. Women in particular must not be overlooked, not only in receiving services but also in their design and implementation. Critically, this also builds capacity for a successful and sustainable repatriation—a goal that everyone shares. Providing opportunities for livelihoods while encouraging their development is a win-win for all.

Protecting the Rohingya's right to livelihood will not only benefit the Rohingya people now, but also assist in their successful and sustained repatriation.

c. Security and Protection

Rohingya consistently highlighted to me the critical issue of security and protection. Security issues are exemplified by the murder of Rohingya activist and leader Mohibullah, assassinated on 29 September 2021 in his office in Camp 1. His murder shocked the world. Mohibullah was a human rights defender with a vision for all Rohingya to return home to Myanmar with dignity and rights, including the right to citizenship. During this mission, I had the honor of meeting with Mohibullah's family and leaders of the Arakan Rohingya Society for Peace and Human Rights. I visited his office and stood in the very spot where he was murdered. His murder was believed to be at the hands of the Arakan Rohingya Salvation Army, or ARSA. I have received credible reports that members of ARSA have killed, tortured, abducted, and threatened Rohingya refugees.

The recently constructed barbed-wire fence was an ever-present sight as I traveled throughout the camps. I was informed by officials that the fence was constructed to protect Rohingya from criminal activities from outside. But I also heard concerns that that the fence was not only ineffective in achieving its purpose, it also makes residents more vulnerable to dangers such as fires. I encourage security authorities to examine these questions with the input of camp residents and that options be considered, including the construction of additional egress points.

Many Rohingya spoke to me about the substantial insecurity nighttime brings to the camps. Women in particular are at risk of sexual and gender based violence. I spoke about security at the camps at length with representatives of the Bangladesh Armed Police Battalion, which is responsible for safety in the camps. They described their efforts to reach out to the community for their input and the development of a volunteer community watch program. Engaging the Rohingya community is an important step, and criminal activity can also be undermined by providing meaningful opportunities for camp residents, particularly idle young people, to pursue constructive meaningful activities including advancing their education, vocational training, and other constructive pursuits. This could be another win-win for camp residents, the Government and the prospects for a successful and sustained repatriation.

I visited the camps a little more than two years ago, prior to my mandate as Special Rapporteur, so I came with a point of reference. While the crowded conditions that I recalled were still very much a reality, there was something strikingly different – the presence of trees, many of them. I was informed that this was the result of a remarkable program where the Bangladesh Government partnered with NGOs and others to create an environmental protection and enhancement initiative that included the restoration of trees that had been destroyed when the camps were quickly created to address the crisis. The reforestation efforts of the Bangladesh Government are certainly worthy of praise and show how investment and partnership can materially improve conditions.

d. Bhasan Char

With regards to Bhasan Char, it is clear to me from my conversations with Bangladesh officials, and observations on the island, that considerable resources have also been put into constructing the facilities on Bhasan Char. I will not debate the merits of developing this island as a place of refuge. My focus has rather been on whether the services available are adequate to support those being relocated there, and whether these relocations are being done voluntarily and with dignity. I will say that, while I am no engineer, the living facilities, although noticeably inaccessible to people with mobility disabilities, appear to be well constructed.

Shortly before we arrived in Bangladesh, the UN and the Bangladesh government signed a Memorandum of Understanding (MOU) with regards to Bhasan Char. Among its features were protections of fundamental rights, including the right to voluntariness, the right to an education, health care and opportunities for livelihood. I commend the Bangladesh Government for committing to these principles. The MOU also explains that movement from the island will be permitted, with specific modalities to be determined. Freedom of movement is essential. These issues—voluntariness, freedom of movement, education, health care, and livelihoods—were what guided my queries on Bhasan Char.

My introduction to Bhasan Char came before I even arrived. I spent a total of six hours on a Bangladesh Navy ship—three hours to the island and three hours back—traveling from Chittagong using the same route Rohingya refugees do. I therefore had a very tangible appreciation of perhaps the most important concern that was expressed to me about Bhasan Char by the Rohingya who have been relocated there—its remoteness from the mainland, its distance from their families.

Freedom of Movement: Discussions with the Rohingya on Bhasan Char made clear that for the vast majority, visiting relatives on the mainland had not been an option, because there was no opportunity to travel there. Everyone identified this as a major issue. I learned that one trip had so far been arranged just recently to take residents to the mainland, with just over sixty individuals able to visit. Officials assured me that more regular visits are planned.

It is clear to me that for the principle of freedom of movement to be fully realized there must be reliable, regularly scheduled and free transportation to and from the island that can meet the needs of the Rohingya people.

Security: I was pleased that, without exception, every Rohingya resident of Bhasan Char Island who I spoke with was satisfied with the security and found relief in being free from the dangers that exist in the camps on Cox's Bazar.

Health care: Health care services on Bhasan Char are, however, limited. I understand that both partners and the Bangladesh government are working to expand these services. One 20 bed hospital run by Bangladesh and a national NGO is treating patients. UNHCR and another NGO are about to open a new facility that I toured.

At present, however, the medical needs of some of those on Bhasan Char Island are not being met due to health conditions that the island's medical facilities are incapable of treating. I met with several people with medical conditions that remain untreated.

The issue of access to medical care becomes even more critical when there are medical emergencies. This includes infant and maternal health. This makes the distance from the island to the mainland an even greater concern.

It is therefore important to not only scale up the medical services, but that the process of identifying Rohingya to transfer to Bhasan Char include medical screening for health conditions that could not be adequately treated there.

Education and livelihood: On Bhasan Char, education opportunities were also in their very nascent stage, and I hope the authorities will expand education opportunities for Rohingya children. An education policy that assures Rohingya students with a Myanmar curriculum, in the Myanmar language, with an assessment and certification process, and with wide access to all education levels is critical.

I was also informed that there are plans for expanding livelihood opportunities, which are currently extremely limited on the island.

Voluntariness: All these measures would support the commitment to voluntariness affirmed in the Memorandum of Understanding of relocating to Bhasan Char. Improving services will also support the Government's objectives of making relocation a more attractive and conducive choice for refugees.

All of those I spoke with on the island explained that they had been assured that there would be better education and health care services on Bhasan Char than what were available at their camps on the mainland, but this was not what they discovered when they actually got to the island.

A woman I spoke with described her experience this way: "When we crossed the boarder from Myanmar into Bangladesh, we expected nothing and actually received support. When we moved to Bhasan Char, we were told we could expect a lot, and have received very little."

Bangladesh's commitment to voluntariness must be carried out at every level, meaning also that Rohingya are fully informed of conditions and there is no coercion. I certainly hope and expect that all

of the approximately 500 Rohingya who were reportedly relocated to Bhasan Char just yesterday did so voluntarily.

For Bhasan Char to be a viable option for the further relocation of members of the Rohingya community, these gaps in services should be addressed. Indeed, before relocating additional residents to the island, a level of service that can meet the projected needs of any increased population must be firmly in place.

III. CONCLUSION

By all accounts, Bangladesh has done great work in vaccinating against COVID-19 amongst the Rohingya refugee population, focusing first on those most vulnerable and recently expanding the vaccination drive. This is critical especially in light of recent developments of the pandemic.

Let me reiterate again my profound appreciation and gratitude to Bangladesh for its humane response to the Rohingya in their time of great peril and need.

I come to Bangladesh at a critical point for all Myanmar people, including the Rohingya who have taken refuge here. The people of Myanmar need and deserve our support. The international community cannot afford to ignore this crisis.

With this in mind I travelled yesterday to the Myanmar – Bangladesh border, a short distance from the Konapara camp, or Zero Point Camp, just inside of Myanmar. I did so because Myanmar is the source of this crisis, and it's where a resolution ultimately resides. It is also where the Rohingya community is anxious to return.

As we approach the anniversary of the illegal military coup in Myanmar, I believe that there must be a fundamental reassessment of how we, as an international community, have responded to this crisis. This means consideration of options to increase pressure on the military regime. It also means consideration of how we support its victims, including the Rohingya community, and those who have stepped up to provide them with life saving and sustaining support, in particular the people and government of Bangladesh. A stronger commitment of resources is required for the Rohingya refugees and host communities. And the Government of Bangladesh needs and deserves a stronger international partnership.

I will continue to encourage robust international engagement not only with an increase in resources, but also with complimentary measures including the provision of robust third-country resettlement options for Rohingya refugees.

The points I have made are not criticism but come from the position of a friend and from the framework of international human rights. Bangladesh deserves our gratitude, support and commitment to address the root causes of this crisis—the military of Myanmar.

I look forward to working with Bangladesh as a friend, to returning here to continue my reporting, and also to continue my conversations and engagement with the remarkable people here. Most of all, I look forward to returning to a Myanmar where justice, human rights and human decency finally prevail, and I can meet with the Rohingya community not as refugees but as citizens in their own country, Myanmar.

Thank you to the Government of Bangladesh for welcoming me here and for the tremendous access, hospitality, and cooperation that you have provided me.

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