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HRW – Human Rights Watch

India: Rohingya Deported to Myanmar Face Danger; Protect Refugees; End Forced Returns

(New York) – The [Indian](#) government’s forced return of an ethnic [Rohingya](#) woman to [Myanmar](#) on March 22, 2022 highlights the life-threatening risks facing Rohingya refugees in India, Human Rights Watch said today. International law prohibits the forced return of refugees to places where their lives or freedom would be threatened.

Rohingya Muslim refugees in India face tightened restrictions, arbitrary detention, violent attacks often incited by political leaders, and a heightened risk of forced returns. The United Nations Refugee Agency (UNHCR) has reported that at least 240 Rohingya in India are currently detained on charges of illegal entry. In addition, about 39 are being detained in a shelter in Delhi while 235 others are detained in a holding center in Jammu.

“The Indian government gains nothing by forcibly returning a Rohingya woman to Myanmar, while she is separated from her children and put at grave risk,” said [Meenakshi Ganguly](#), South Asia director at Human Rights Watch. “The government’s decision to expel Rohingya refugees despite mountains of evidence that their lives and freedoms would be at risk in Myanmar shows cruel disregard for human life and international law.”

An estimated 40,000 Rohingya are in India, at least 20,000 of whom are registered with UNHCR. Since 2016, ultranationalist Hindu groups have targeted Rohingya refugees in Jammu as part of growing attacks on Muslims in India and called for their expulsion from the country. Since October 2018, the Indian government has [deported 12 Rohingya to Myanmar](#), claiming that they left voluntarily. However, the government [denied repeated requests by UNHCR](#) to gain access to them to independently assess whether the decision was voluntary.

Hasina Begum, 36, and her husband and three children are all registered as refugees with UNHCR. She was [among the Rohingya detained by Jammu and Kashmir authorities](#) on March 6, 2021, when the authorities sent them to a holding center as part of a verification process, saying that the government [planned to deport them](#). Her husband told Human Rights Watch that he and his children have not seen her since she was detained over a year ago.

The authorities forcibly returned her to Myanmar despite a March 21, 2022 [order by the Manipur State Human Rights Commission](#) putting the deportation on hold. The commission said that the plan to deport her appeared on its face to violate the right to life and personal liberty guaranteed by the Indian constitution and article 14 of the Universal Declaration of Human Rights, as well as the principle of nonrefoulement, or nonreturn.

Hasina Begum’s husband, Ali Johar, 37, after learning that she might be deported, wrote to UNHCR, appealing for the agency to intervene. He said he had not received a response. UNHCR officials told Human Rights Watch that they had contacted the Indian authorities about the case.

A public [anti-Rohingya campaign](#) by ultranationalist Hindu groups, claiming that the Rohingya Muslims are “terrorists,” has incited vigilante-style violence, including arson attacks on the homes of Rohingya in [Jammu](#) and [Delhi](#). In 2018 following a fire in a Rohingya settlement in Delhi that burned at least 50 homes, a leader from the youth wing of the ruling Bharatiya Janata Party [applauded the action on Twitter](#), saying “Well done by our heroes... Yes we burnt the houses of Rohingya terrorists.”

In Myanmar, about 600,000 Rohingya remain confined to camps and villages in Rakhine State under the military’s system of [apartheid, persecution](#), and severe deprivation of liberty. Restrictions and other abuses have worsened since February 1, 2021, when the military leadership, responsible for the 2012, 2016, and 2017 mass atrocity crimes against the Rohingya, carried out a military coup. Nearly a million Rohingya Muslims are now refugees in Bangladesh, unable to return to Myanmar.

“We can’t go there,” Johar told Human Rights Watch. “They [the Myanmar military] will kill us. If the conditions get better, we will go back.”

In January 2020 the International Court of Justice unanimously [ordered Myanmar](#) to protect the Rohingya from genocide while it adjudicates alleged violations of the Genocide Convention. Despite these binding measures, the [UN special rapporteur on Myanmar reported](#) in September 2021 that the “Rohingya remain at grave risk of mass

atrocities crimes.” In December, he reported that “conditions for the safe, sustainable, dignified return of the Rohingya to their homeland currently do not exist,” given the [ongoing crimes](#) against humanity and [daily atrocities](#) being committed by the Myanmar junta against the Rohingya and others.

However, Indian authorities have said that they will deport Rohingya irregular immigrants not holding valid travel documents required under the Foreigners Act. Although India is not a party to the 1951 UN Refugee Convention or its 1967 Protocol, the prohibition of refoulement has become a norm of customary international law that India is bound to respect.

The Indian government should halt the deportation of all Rohingya to Myanmar because of the serious risk they face of persecution, Human Rights Watch said. Indian authorities should provide anyone at risk of deportation with the opportunity to see a lawyer, to meet with UNHCR, and to present their arguments against deportation before an impartial adjudicator. The authorities should prohibit any deportation that amounts to refoulement.

“The Indian authorities are increasingly adopting discriminatory policies against religious minorities, especially Muslims, and their policy toward the Rohingya appears to reflect that bigotry,” Ganguly said. “The Indian government should not abandon its long history of providing refuge to the persecuted to allow religious beliefs to dictate who deserves protection.”

ecoi.net summary:

Article on the forced returns of ethnic Rohingya from India to Myanmar, where they are at risk of ill-treatment or death

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