

**DISSERTATION**  
**ON**  
**A Contemporary Analysis of Right to Life and Protection of**  
**Rohingya Refugees in Bangladesh**

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**Submitted to:**

**Shamshad Bashar**

Lecturer in Department of Law

East West University

**Submitted by:**

Morsheda Khandakar

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And finally, I want to thank my parents for the indefinable efforts they have given to my welfare, my studies, and my past and future.

## **Declaration**

I, Morsheda Khandakar, hereby declare that the thesis presented herein is original work, done by me and that it has not been submitted, in whole or in part, in any previous application for a degree. I confirm that the thesis presented for the undergraduate program as Law- 406 (Supervised Dissertation) of the Department of Law, East West University. Any literature date or work done by others and cited within this thesis has been given due acknowledgment and listed in the reference section.

## **Abstract**

The world's largest refugee camp is in Cox's Bazar, Bangladesh, where more than 1 million Rohingya people live. This thesis assesses the condition and status of the Rohingya people who are living their life vulnerably. The presence of refugees in Cox's Bazar has created both positive and negative socio impacts on Bangladesh, but the crisis is more significant than positive impacts. The objective of the thesis is to see the response of Bangladesh and the International community regarding this matter. The rights of Rohingya people how much protected in Bangladesh and what cause them to stay in Bangladesh from Myanmar has been highlighted in this paper. Though Bangladeshi Government, UNCHR, international community and humanitarian organization fulfilling humanitarian crisis of Rohingya people but it is not enough to remove the complexity from their life permanently. The practical solution of this crisis is to begin the proceeding of repatriation as soon as possible. This research will also analyze the identity crisis of Rohingya people and response of developed countries regarding this Rohingya issue. Finally the paper concludes with some measures and recommendations that need to implement by Myanmar, Bangladesh, the world community and human rights activists to solve this problem effectively and permanently.

## **List of Abbreviation**

ASEAN- The Association of South East Asian Nations

AALCO- The Asian-African Legal Consultative Organization

COVID 19- Coronavirus

ICJ- International Court of Justice

ISCG- Inter Sector Coordination Group

ICCPR- International Covenant on Civil and Political Right

ICG- International Coal Group

JRP- Joint Research Project

OAU- The Organisation of African Unity

OIC- Organisation of Islamic Cooperation

RMMRU- Refugee and Migratory Movements Research Unit

UNCHR- United Nations High Commissioner for Refugees

U.N - United Nations

UNOCHA- United Nations Office for the Coordination of Humanitarian Affairs

USD-United States Doller

UDHR- Universal Declaration of Human Rights

UNICEF- United Nations International Children's Emergency Fund

UNDP- United Nations Development Programme

USA- United States of America

Uk- The United Kingdom of Great Britain and Northern Ireland

## Table of Content

<b>Chapter No.01</b>	<b>Introduction</b>	<b>Page No.</b>
	1 The Refugee Concept	1
	2 Back ground of Rohingya Refugee	2
	3 Objectives of the study	3
	4 Research Methodology	3
	5 Research Question	3
<b>Chapter No.02</b>	<b>Protection of human rights of Rohingya Refugees in Bangladesh</b>	<b>Page No.</b>
	1 Bangladesh stand on the Rohingya crisis	4
	2 The laws in Bangladesh regarding refugees rights	5
	3 Bangladesh under International Obligations	7
	4 Situation of Rohingya Refugees during COVID-19	10
<b>Chapter No.03</b>	<b>Rights of refugees protected under International laws and treaties and Rohingya Refugee impacts on Bangladesh</b>	<b>Page No.</b>
	1 Norms and Principles of International Refugee law	11
	2 Universal treaties	11
	3 Regional Instruments	12
	4 Economical impact	12
	5 Social impact	13
	6 Environmental impact	13
<b>Chapter No.04</b>	<b>Responses of developed countries and International Organizations regarding Rohingya Crisis</b>	<b>Page No.</b>
	1 U.N. response about the Rohingya crisis	15
	2 Russia	15
	3 China	16
	4 India	16
	5 USA	17
	6 Canada	18
	7. UK	18
<b>Chapter No.05</b>	<b>Recommendation and Conclusion</b>	<b>Page No.</b>
	1 Conclusion	19

Bibliography

# Chapter one

## Introduction

**1. The Concept of Refugee:** The modern definitions of international refugees first came under the League of Nations in 1921 from the Commission for Refugees. The actions for refugees internationally did not start until the 1920s. Before 1921, as the primary actors in refugee response, non-governmental organizations like the Red Cross and administering ad hoc emergency relief were sought. The protection and legal status for refugees under The League of Nations were very limited in scope and specific refugee groups on a case-by-case basis. The 1951 refugee Convention was made to legally recognize the refugees in the region based on their experience of displacement and so not their country of origin after the Second World War. If we want to describe refugees, it will be ‘to find safety in another country people who have crossed an international border, fled from war, violence, conflict, or been persecuted for reasons. The 1951 Refugee Convention defines a refugee as:

“someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.”

The principle of non-refoulement holds that where a refugee’s life or freedom has been threatened to a territory no state can expel or return the refugee of that territory. The post-revolutionary civil war (1917–21) in Russia caused the exodus of 1.5 million opponents of communism. More than 1 million Armenians left Turkish Asia Minor in Between 1915 and 1923 and more than 2 million Chinese fled to Taiwan in 1949 when the People’s Republic of China was established. When the Berlin Wall (opened 1989), in West Germany more than 3.7 million refugees from East Germany found. The greatest population transfer in history happened in 1947 when the partition of the Indian subcontinent resulted and 18 million Hindus from Pakistan and Muslims from India exchanged. When Bangladesh created in 1971 some 8–10 million persons were also made refugees temporarily.

**2. Background of Rohingya Refugees:** The total population of Myanmar is 52 million and about 1 million people are Rohingya who are mostly Muslim ethnic minority in Myanmar. They live in the northern part of Rakhine State in the borders of India and Bangladesh. Rohingya people were not recognized as ethnic groups in Myanmar's 2014 census and as a result they were not eligible for citizenship in Myanmar.<sup>1</sup> Rohingya children and families have been used for human trafficking, child labor, child marriage, gender-based violence, and other forms of exploitation and abuse as they are stateless and living without legal rights and protection. When Burma got independence from British rule in 1948 a Muslim reevaluation arose in Rakhine State by demanding equal rights and an autonomous area but it was defeated eventually. In 1962 military rule starts in Burma and from 1977 to 1978 about 200,000 Muslim ethnics who are Rohingya fled to the Bangladesh refugee camp. A new citizenship law classified 135 national ethnic groups in 1982 where Rohingya people were excluded and that turns them as stateless effectively. From 1989 to 1991 a military crackdown happened and Burma named as Myanmar and in a result 250,000 refugees fled to Bangladesh again. In 1992 Hundreds of thousands of people were sent to Myanmar as the Myanmar and Bangladesh governments agreed to admit back refugees into the country. Two of 20 refugee camps stay in Bangladesh in 2003. More than 100,000 people fled to Malaysia when religious violence occurred in Rakhine and left homeless many people. In 2014 first census in 30 years happened in Myanmar and Rohingya were still left from the ethnic group. A military crackdown follows an attack which caused death of police officers on a border post and that time in 2016 87,000 Rohingya fled to Bangladesh. In 2017 a mass exodus happened from Myanmar and on 25<sup>th</sup> August Rohingya militia attacks on several police and army post and state launched security forces and was targeting Rohingya community and in September **UNHCR** declared Rohingya refugee crisis as a major emergency. Myanmar and Bangladesh agreed for repatriation in terms of international law. In 2018 there was little hope of return and in April U.N Security Council came to Bangladesh and Myanmar to observe the conditions and in September U.N released a report where the Myanmar military were accused for barbarity against the Rohingya people. After that the Rohingya people were asked to return to Myanmar but not a single Rohingya accepted. In 2019 the uncertainty continued and violence increased where it leads 4,500 more Rohingya displacement. ICJ accused Myanmar for

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<sup>1</sup>Myanmar Rohingya: What you need to know about the crisis, 23 January,2020, <https://www.bbc.com/news/world-asia-41566561> , Accessed on 13th march 2022

genocide of the Rohingya people in December. In 2021 Corona virus remains a very big concern for Rohingya people and in March 23 Fire destroyed 10,000 shelters in Cox's Bazar.<sup>2</sup>

**3. Objectives of the study:** In 2017 more than 723,000 Rohingyas fled to Bangladesh and currently 1.1 million Rohingya refugees are staying in Bangladesh. The aim of this study is to identify the current situation of Rohingya people who are staying in Bangladesh and what duties and obligation Bangladesh has performed towards these Rohingya people under the domestic and international law and to what extent international community has aid to Bangladesh regarding this matter. The research will also emphasize to protect their right to life effectively what measures and methods should be adopted by Bangladesh.

**4. Research Methodology:** My thesis is mainly a qualitative research that depends on relevant data and information sources. It can also consider as reform oriented research as there is concern regarding what laws need to reform or implement regarding Rohingya refugees in our country. This research has also done with both primary and secondary sources as I attempted to summarize the current laws and rules to light out the situation which incorporate statutes and as an secondary sources websites ,blogs, books, online journals ,news reports has been utilized.

**5. Research Question:**

- (a) To what extent Bangladesh has a stand on Rohingya Crisis?
- (b) Whether the rights of the Rohingyas protected in Bangladesh?
- (c) What role have the International Community and instruments played in this scenario?

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<sup>2</sup>Kathryn Reid, Rohingya refugee crisis: Facts, FAQs, and how to help, March 25,2021, <https://www.worldvision.org/refugees-news-stories/rohingya-refugees-bangladesh-facts?fbclid=IwAR2Oz1o-0F2LtNbsrBygBIVdKWw6W-YR7pbb9LzShmw84qAgoUOfgzWXs-k#rohingya-people> , Accessed on 13<sup>th</sup> March,2022

## Chapter two

### Protection of Human Rights of Rohingya Refugees in Bangladesh

**1. Bangladesh stand on Rohingya crisis:** The flow of Rohingya Refugee was kind of monsoon flood as Bangladesh accepted them with warmest heart and deepest empathy. As being a neighboring country India did not accept Rohingya people but Bangladesh not only provided them shelter but also accepts them without any condition and bargain. <sup>3</sup>In Myanmar Rohingya people faced many problems and forced to displace from their country and as a result they fled to many neighboring countries like Malaysia, the Philippines, Thailand and Indonesia. The Kutupalong refugee camp in Cox's Bazar is the largest refugee camp in the world as maximum Rohingya people are staying there. Along with Kutupalong there is another refugee camp named Nayapara camp that is giving shelter to the Rohingya people. Bangladesh Government established twenty camps in 1992 to provide shelter the refugees. After 2017 the number of refugees has been increased rapidly. This chapter will analysis how Bangladesh as a host country facing various problem by standing Rohingya Refugee crisis.

**Humanitarian support:** Bangladesh is giving humanitarian support to the Rohingya refugees and this support is providing by The Ministry of Disaster Management and Relief. Thirty four million was sought as humanitarian assistance to the Rohingya refugees at a conference in Geneva and hosted by Kuwait and The European Union.<sup>4</sup> The overall approaching support is comparable to USD one hundred forty-three half quart one nine million as of 10 November 2017, which is 33 percent of the **UN (UNOCHA)** data offer finance.

**Diplomatic Initiatives:** To solve the Rohingya Crisis, The Prime Minister has point out 5 resolutions. They are: "Myanmar has to stop the violence and cannot continue this violence against the Rohingyas; the **UN Secretary-General** has to send a fact-finding mission to

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<sup>3</sup>Anders Bjornberg, Rohingya Territoriality in Myanmar and Bangladesh: Humanitarian Crisis and National Disorder, 6 June ,2017, <https://www.cambridge.org/core/books/abs/myanmars-mountain-and-maritime-borderscapes/rohingya-territoriality-in-myanmar-and-bangladesh-humanitarian-crisis-and-national-disordering/87CBE6E0F6CD593865A3BB172626D1E6> Accessed on 13<sup>th</sup> March,2022

<sup>4</sup>UN Principals call for solidarity with Rohingya refugees <https://www.iom.int/news/un-principals-call-solidarity-rohingya-refugees> accessed 13<sup>th</sup> march 2022

Myanmar as early as possible, the civilian people in Myanmar should be safeguarded disregarding of religion and race ethnicity; to make sure the feasible return to Myanmar for all compulsorily victim Rohingyas in Bangladesh, UN Security Council requested to the Myanmar government to stop the unrestrained military force and internal violence in Rakhine.”<sup>5</sup>

**Bilateral agreement:** On October 24–27, 2017 Asaduzzaman Khan Kamal, the Home Minister of Bangladesh, visited Myanmar and discussed about the Rohingya issue and repatriations with the minister of Home Affairs of Myanmar. After the conclusion of discussion they agreed that they should take measures to send the Rohingyas back to Myanmar in a secure, dignified and transparent way. <sup>6</sup>They agreed to take all necessary policies to restore normalcy in the Rakhine State so that they can facilitate the dispossessed Myanmar citizens to return to their homeland soon.

**2. The laws in Bangladesh regarding refugee’s rights:** Rohingya people are consider as illegal Bengal immigrants by the Government of Myanmar and as per Bangladesh they are forcefully displaced to our country. Bangladesh Government is providing basic needs to refugees as per international law but the Government of Bangladesh failed to protect their rights fully as the rights are protected of citizens in our country. The citizens of Bangladesh have social, political and economic rights and they have access to freedom of movement and employment but if we compare Rohingya refugee to them, they do not have same political, economic, social rights and access of movement and employment like the citizens of Bangladesh. <sup>7</sup>They are deprived from their rights. But if the basic rights of refugee violates or there is any clash or conflicts between refugees and citizen of Bangladesh then they can go to the court for justice. But there is no domestic and specific laws in Bangladesh that deals with Refugee protection and rights.

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<sup>5</sup>5-point proposal could resolve Rohingya crisis: PM( Last update on: Mon Oct 16, 2017)  
<https://www.thedailystar.net/rohingya-crisis/5-point-proposal-could-resolve-myanmar-rohingya-crisis-says-bangladesh-prime-minister-sheikh-hasina-1477306> accessed on 14th march,2022

<sup>6</sup>Yimou Lee, **Myanmar, Bangladesh agree to cooperate on Rohingya refugee repatriation, OCTOBER 24, 2017**  
<https://www.reuters.com/article/us-myanmar-rohingya/myanmar-bangladesh-agree-to-cooperate-on-rohingya-refugee-repatriation-idUSKBN1CT29C> accessed on 15<sup>th</sup> march,2022

<sup>7</sup>Hassan Faruk,Md Al Imran,Nannumian, The Rohingya Refugees in Bangladesh: A Vulnerable Group in Law and Policy, January 2014,  
[https://www.researchgate.net/publication/272026723\\_The\\_Rohingya\\_Refugees\\_in\\_Bangladesh\\_A\\_Vulnerable\\_Group\\_in\\_Law\\_and\\_Policy](https://www.researchgate.net/publication/272026723_The_Rohingya_Refugees_in_Bangladesh_A_Vulnerable_Group_in_Law_and_Policy) accessed on 15th march ,2022

**Constitutional Rights for refugee:** Article 31 of the Constitution of our country ensures the protection of law in this country to refugees. Article **31** says, “To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.”<sup>8</sup> Article **27** states that “All citizens are equal before the law and are entitled to equal protection of law”<sup>9</sup>. But where the **Citizenship Act 1951** defines the details of citizens and among those categories the Rohingya people does not fall. Article **25** is the reason for Bangladesh to be obliged regarding the issue of refugees as it states “The State shall base its international relations on the principles of respect for national sovereignty and equality, non-interference in the internal affairs of other countries, peaceful settlement of international disputes, and respect for International law and the principles enunciated in the United Nations Charter...”<sup>10</sup> International commitment and obligations under UN Charter and customary international law which Bangladesh is a party to. Article 33 provides safeguards for both citizen and non-citizen against arrest and detention.<sup>11</sup> But this right is not applicable for who is enemy alien. Any refugee like any other citizen for the enforcement of rights can go to the HCD by the virtue of Article **102** of the constitution.<sup>12</sup> **The part II** of our Constitution adheres with the principles of international law, also with the principles that laid down in the United Nations Charter.

**Refugee rights under statutory law:** in Article 31, it has given rights to any person including refugee that that no action can be taken which is detrimental to the life, liberty, and property except in accordance with law. In the case, **Abdul LatifMirza v. Bangladesh**, The Appellate Division of the Supreme Court declared that Article 31 gives citizen constitutional guarantee by ensuring protection of law and though refugees are not citizen of our country but by the virtue of this article they have right to be protected by law.<sup>13</sup> Civil and Criminal courts can also look into

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<sup>8</sup> The Constitution of the People’s Republic of Bangladesh, art 31

<sup>9</sup> Ibid, art 27

<sup>10</sup> Ibid, art 25

<sup>11</sup> Ibid, art 33

<sup>12</sup> Ibid, art 102

<sup>13</sup> Abdul LatifMirza v. Bangladesh,(1979),31 DLR (AD) 33

their interest of refugee. Through the Legal Aid Act, 2000 (Act 6 of 2000) the Government of Bangladesh can also reach out to the refugees.

**Refugee rights under other law:** Under The Foreigners Act of 1946, refugees are considered as foreigners as Section 2(a) of the Foreigner Act defines “a person who is not a citizen of Bangladesh”, is a foreigner”<sup>14</sup> and Section 3 empowers “the Government can enact rules regarding the banning or controlling of the entering, staying and leaving of the foreigners in Bangladesh”<sup>15</sup> Section 4 provides that “any foreigners can be intervened in a limited space vide this Act”<sup>16</sup>. Besides this, there are some other laws like:

1. Registration of Foreigners Act 1939
2. Passport Act 1920
3. Bangladesh Citizenship (Temporary Provision) order 1972
4. Extradition Act 1974
5. Naturalization Act 1926 etc. that are dealing non-nationals of Bangladesh.

However, identification cards have been issued to Rohingya refugees by Bangladesh. Ministry of Immigration and Passport of Bangladesh has recorded Rohingya refugees on a biometric basis and currently they are receiving three types of support: substantial relief, health assistance, and living in Bangladesh.<sup>17</sup>

**3. Bangladesh under International Obligations:** Rohingya people have no legal rights nor have any refugee status in our country. They are registered and considered as **Undocumented Myanmar Nationals** who are depending on humanitarian provisions. As we know that Bangladesh is not a party to the UN Refugee Act (1951) and the 1967 Convention. However, worldwide weight, the geographic nearness, and the compassionate emergency have compelled

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<sup>14</sup> The Foreigners Act 1946, sec 2(a)

<sup>15</sup> Ibid, sec 3

<sup>16</sup> Ibid, sec 4

<sup>17</sup> Kudrat-E-Khuda, “The impacts and challenges to host country Bangladesh due to sheltering the Rohingya refugees” 10 June, 2020 <https://www.tandfonline.com/doi/full/10.1080/23311886.2020.1770943> accessed on 17th March, 2022

Bangladesh to get the outcasts from Myanmar. Bangladesh has an obligation to protect refugees as the basic customary international law applicable to the refugees found in the core international human rights instruments.<sup>18</sup>

Bangladesh have international obligation towards the Rohingyas under UN treaties and mandate of UN as Bangladesh have been acceded to them. Bangladesh despite being not a State Party to those major refugee law instruments is obliged to provide the shelter and protection to Rohingyas under the principle of non-refoulement and cannot avoid the obligation. To describe the obligation towards the Rohingyas are mainly 1) to grant a temporary asylum; and (2) to ensure respect for and protection of the basic human rights of Rohingyas during this temporary asylum, also has an obligation to ensure equal protection of law and access to essential services, food, education and housing<sup>19</sup>.

Also Bangladesh is signatory party to some major international human rights instruments and those instruments indirectly promote refugee rights. For example Universal Declaration of Human Rights (**UDHR**) 1948 recognizes the right to seek and enjoy asylum from persecution and it is applicable for every human being irrespective of his or her location. Article 13 says, “Everyone has the right to freedom of movement and residence within the borders of each state and everyone has the right to leave any country, including his own, and return to his country”<sup>20</sup>. **Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949)** treaty protects refugees during war and based on the nationality refugees cannot treat as enemy. Person who is protected shall not be arrested, convicted or persecuted for acts committed by the occupying power or for opinions showed before the occupation or at the time of temporary interruption. Bangladesh became a party to the four Geneva Conventions of 1949 in 1972. International Covenant on Civil and Political Rights (1966), (**ICCPR**), which Bangladesh acceded in 2000, ensures of all individuals civil and political rights within its territory and

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<sup>18</sup> Md. Kamrul Hasan Arif1, “The Rohingya Refugees in Bangladesh: Non-refoulement and Legal Obligation under National and International Law” 25 September, 2020 [https://brill.com/view/journals/ijgr/27/4/articlep855\\_855.xml](https://brill.com/view/journals/ijgr/27/4/articlep855_855.xml) accessed on 18th March, 2022

<sup>19</sup> “Resettling Rohingyas and international law”, 14<sup>th</sup> March, 2020 <https://www.thedailystar.net/law-our-rights/rights-advocacy/resettling-rohingyas-and-international-law-1375510> accessed on 19<sup>th</sup> March, 2022

<sup>20</sup> UDHR, art 13

subject to its jurisdiction. It also guarantees liberty of movement, freedom to choose his own residence and also prohibits forced expulsion. Everyone has right to leave his own country and where there is a threat to the national security and An alien living lawfully in the territory of a State, party to the present Covenant may be expelled from the territory.

Article 22(1) of the Convention on the Rights of the Child 1989 expressed that “States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which they said States are Parties”<sup>21</sup> and to trace the parents or other members of the family of any refugee child in order to obtain Article 22(2) states that “For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or nongovernmental organizations co-operating with the United Nations to protect and assist such a child information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention”.<sup>22</sup> Bangladesh has accepted all the provisions of this convention except for Article 21. So if we observe that Bangladesh have liability regarding refugee issues through these international human instruments.

It does not matter that whether Bangladesh is a signatory party of Convention relating to the Status of Refugees (1951) or not, as Bangladesh cannot deny or avoid its liability regarding refugee issue because of those International Human Rights Instruments. Most importantly from that view it is quite clear that Bangladesh is bound to protect the rights of Rohingya refugees and cannot deny its international obligation.

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<sup>21</sup> Convention on the rights of the Child, 1989, art 22 (1)

<sup>22</sup> Ibid, art 22(2)

**4. Situation of Rohingya Refugees during COVID 19:** The outbreak of COVID-19 has created a huge global health crisis and also created negative impact on Bangladesh as Bangladesh has ranked 17 with the highest number of COVID 19 cases. The Rohingya refugees were not only at the time of COVID19 crisis but also before the time of COVID19 crisis suffering from humanitarian crisis in the refugee camps. In early April 38 people has tested positive and two people died in the refugee camps during COVID19. Because of fear most of the Rohingya refugees with symptoms were not coming to get tested. The rumor also spread that the patient who has infected with COVID must be killed to prevent from other getting infected so the number might not be accurate.<sup>23</sup> Maintain physical distance and quarantine is a great problem in the refugee camp as the population density is about 40,000 people per km which is not like the other refugee camps across the world. The lack of knowledge about hygiene, sanitation and access to water is inevitable to avoid the COVID cases. The hand washing points are also not enough.<sup>24</sup> Rohingya refugee are not only facing health issues but also facing mental health problem with anxiety, depression, fear, anger. There is also limited transportation and health care facilities. In terms of crisis reaction to COVID-19, there is only a five-bed confinement ward in Cox's Bazar area Healing center and two fifty-bed separation wards in Ramuand Chakaria Upazila wellbeing complexes that have been set. For the whole Rohingya community as well as for the neighborhood Bangladeshi inhabitants. United Nations (UN) agencies and other associations are attempting to work alongside the Bangladeshi Government to extend the help reaction to the Rohingya displaced people by giving human assets, gear, supplies, and consumables, and specialized and operational mastery these are extraordinarily inadequate.

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<sup>23</sup> Emmanuel Raju, "COVID-19: How do you self-isolate in a refugee camp?" [https://www.researchgate.net/publication/341253589\\_COVID-19\\_How\\_do\\_you\\_self-isolate\\_in\\_a\\_refugee\\_camp](https://www.researchgate.net/publication/341253589_COVID-19_How_do_you_self-isolate_in_a_refugee_camp) accessed on 24 March, 2022

<sup>24</sup> UNHCR Bangladesh-COVID 19 Preparation/Response, 30 April, 2020, <https://data2.unhcr.org/en/documents/details/75920>, accessed on 25<sup>th</sup> March 2022

## Chapter Three

### Rights of refugees protected under International laws and treaties and Rohingya Refugee impacts on Bangladesh

1. **Norms and Principles of International Refugee law:** Under customary International law state has right to grant any person asylum.<sup>25</sup> In 1967 a resolution entitled a Declaration on Territorial Asylum states “no one shall be subjected to measures such as rejection at the frontier, expulsion, or compulsory return to any state where he may be subjected to persecution” was adopted by General Assembly of United Nation.<sup>26</sup> The right that “every person who has a well-founded fear of being persecuted in his own country for reasons of race religion, ethnicity, political opinion or member of a social group has a right to seek asylum in other countries” is recognized by the international law under universal movement for human rights. Article 14 of The UDHR states that “everyone has a right to seek and enjoy in other countries asylum from persecution”<sup>27</sup>

2. **Universal treaties:**The famous treaty that deals with the protection of refugees named **The Status of Refugee 1951 and its Protocol 1967**. This treaty deals with every aspect like legal, political and ethical and 147 states have given their consent to protect the right of disadvantaged, discriminated people and people who are living their life vulnerably.<sup>28</sup> The basic principle of this convention are (1) Protection should be given without any discrimination<sup>29</sup> (2)The states shall perform refugee practice and children shall enjoy their religious and education rights<sup>30</sup> (3) If any country wants to give new rights to refugees, this convention shall not restrict to do that<sup>31</sup> (4) Refugees shall be given to right take on both moveable and immoveable

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<sup>25</sup>Alam, M. Shah, “International Refugee Law: A Critical Review”, Bangladesh Journal of Law, Bangladesh Institute of Law and International Affairs, Vol.1, No.1, June 1997, pp.115-116

<sup>26</sup> United Nations , General Assembly Resolution ,2312(xx11) , December14, 1967

<sup>27</sup> see Art.14, The Universal Declaration of Human Rights ,1948

<sup>28</sup>Erika Feller,The Convention at 50: the way ahead for refugee protection, <https://www.fmreview.org/unhcr-convention-50/feller>, accessed on 28th March

<sup>29</sup> Convention Relating to the Status of Refugees, 1951, Art 3

<sup>30</sup>Ibid, art 4

<sup>31</sup> Ibid, art 12

properties<sup>32</sup> (5) They shall have access to court and have right to legal assistance free of cost<sup>33</sup>(6) The country where refugees shall stay, they shall be entitled to have the right of wage of employment<sup>34</sup> (7) They can also practice any liberal profession if they have any diplomas recognized by the competent authority<sup>35</sup>. (8) They shall be provided as same ration systems as nationals of the host country<sup>36</sup>(9) where a person has entered a country to seek asylum or living in a country illegally, he cannot be penalized for his action,<sup>37</sup>(10) Expelling refugees should be done where it is affecting national security or public order<sup>38</sup>(11) If any country is not protecting the basic needs and rights of refugees and violates their rights then UN can intervene on that matter for the sake of refugees.<sup>39</sup> Where a state has heavy burden to grant asylum through International Corporation it should be solved.

**3. Regional instruments:** There are lots of international and regional instruments along with 1951 Refugee Convention for example The Organization of African Union's (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) deals with refugee issue. European Union from 1991 trying to build up a common European asylum system. Asian-African Legal Consultative Organization (AALCO) has agreed that for refugees they want to adopt on a set of non-binding principles and now it is known as Bangkok Principles. These regional instruments harmonize the 1951 Refugee Convention and the rights they contain are more generous or more specific than those found in the 1951 Refugee Convention.

**4. Impacts of Rohingya crisis: Economic Impact:** Local economy has drastically changed due to Rohingya influx. Because of Rohingya crisis low tourist turnout created. Local people are facing problems to find workers as most of them are working in camps and farmers are suffering to produce that has making local economic effect.

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<sup>32</sup> Ibid, art 13

<sup>33</sup> Ibid, art 16

<sup>34</sup> Ibid, art 17

<sup>35</sup> Ibid, art 19

<sup>36</sup> Ibid, art 20

<sup>37</sup> Ibid, art 31

<sup>38</sup> Ibid, art 32

<sup>39</sup> Ibid, art 35

**5. Social impacts:** If Rohingya refugees do not have any control regarding the fact of family planning then it will create pressure on food, jobs, health, and other basic needs. Because no one knows how long they will stay in Bangladesh. For 10 families there is 1 latrine and that 2-3 rings that can easily filled up and for 50 families there is 1 tube well.<sup>40</sup> Most of the tube wells are not placed more than 30-40 feet which means it failed to reach groundwater and in future they will suffer from safe water. Most of the Rohingya people and children roam in barefoot. When it comes to receive education, Rohingya children have very inadequate amenities to receive this basic need. Most of them don't want to go to school or college and some of them attended to Maktab. Some schools have converted as military camps. In 2020, a project held by both UNICEF and Bangladesh to send 10,000 Rohingya children sixth to ninth grade and they shall receive Myanmar school curriculum and receive skills training, officials alleged. The local citizens do feel insecure as maximum times they have to carry national id card for identifying that they are citizens and they don't know when Rohingya refugees can become violent. At first they did let them in their lands out of sympathy but now they don't know when Rohingya refugees will leave their land. Now they are worried about their future as there is no progress repatriation of Rohingya refugees. Also there are many reports that Rohingyas are involving with many crimes, especially who do not want to live in camps. This information came out from many national newspapers of Bangladesh. Such as forced prostitution, fake identity, drug cartel human trafficking, mobile phone SIM cards. They are doing these kinds of activities because of poverty and they want to have Bangladeshi identities by bribing administrative officer. The local communities can easily affected by the drug dealing activities of Rohingya refugees. The young generation of that local area can easily be infatuated by Yaba.

**6. Environmental impacts:** The total forest in Cox's bazaar lost its 14.64 kilometers of land because of Rohingya refugees. In total national forest it damaged 0.05%. Around 5000 acre land becomes useless because of sandy soil rolling, grazing lands have decreased and the number of cattle farms has been decreased from 10 to 15%.<sup>41</sup> A report of ISCG found that "contamination in water exists more than fourth-fifths times because of Rohingya people's existing." The locals are worried about the fact that if Rohingya stay there for a long period then forest areas will be

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<sup>40</sup>Support To Livelihoods Of Host Communities And Resilience Opportunities For The Rohingya refugees , [https://fscluster.org/sites/default/files/documents/advocating\\_for\\_livelihoods\\_of\\_host\\_communities\\_and\\_resilience\\_opportunities\\_for\\_rohingya\\_refugees\\_0.pdf](https://fscluster.org/sites/default/files/documents/advocating_for_livelihoods_of_host_communities_and_resilience_opportunities_for_rohingya_refugees_0.pdf) accessed on 28th March, 2022

<sup>41</sup>Report on Environmental Impact of Rohingya Influx, March, 2018, [file:///C:/Users/User/Downloads/REIRI.pdf page 33-36](file:///C:/Users/User/Downloads/REIRI.pdf_page_33-36), accessed on 1<sup>st</sup> April, 2022

damaged and they are using firewood and wood for building their home and for this reason 26,000 hectares of forestland can be destroyed within a year. We know that polythene are so dangerous for environment yet these polythene and plastic bottles are frequently using by Rohingya refugees to collect food and water which is hampering our environment so badly. A report by UNDP in 2017 published which claims that there is scarcity of fresh water in camp and many latrines are linked with water resources and a NGO reported 70% of the water trial was over-polluted and not safe to drink.

## Chapter Four

### Responses of developed countries and International Organizations regarding Rohingya Crisis

1. **UN Response on Rohingya Crisis:** UN is just focusing on the problem that Rohingya refugees are having for example humanitarian crisis and how to develop this crisis but resist to take any hardcore actions against Myanmar. UN and UNCHR launched (**jrj**) which calling for USS 951 million for Humanitarian crisis of Rohingya refugees. This assistance shall meet the refugees who fled from Myanmar.<sup>42</sup> Special Advisor and Special Reporter are appointed by UN to look into human rights issues in Myanmar. Many western countries criticized about the fact that UN failed to take necessary steps against Myanmar. The resolution on the 'Situation in Myanmar' was adopted by the **UN General Assembly** on June 18 with 119 votes in favor, 1 against and 36 abstentions. Bangladesh also abstained.. But the resolution did not make any recommendations or actions on the issue of repatriation of the Rohingya Muslims to Myanmar and did not create any safe, sustainable environment in Rakhine state so that Rohingya can go back there.<sup>43</sup>

2. **Russia Response:** Russian President Vladimir Putin condemned "the violence in Myanmar including violence against Muslims. But on a British draft resolution, when UN Security Council discussed about taking action against Myanmar regarding Rohingya crisis and Russia, China boycotted this discussion. Any resolution need 9 votes in favor to passed and no vetoes by those five permanent member countries. And Russian U.N. Ambassador VassilyNebenizia told "I think it's inappropriate, untimely and useless, "China's U.N. Ambassador Ma Zhaoxurefused to make any comment.<sup>44</sup>

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<sup>42</sup>LeshanLoonena, US Response to the Rohingya Crisis, May 14,2021, <https://ace-usa.org/blog/research/research-foreignpolicy/u-s-response-to-the-rohingya-crisis> , accessed on 2nd April,2022

<sup>43</sup>'UN resolution fails to adequately reflect on Rohingya crisis' 19 June,2021, <https://www.thedailystar.net/rohingya-crisis/news/un-resolution-fails-adequately-reflect-rohingya-crisis-2114193>,accessed on 4<sup>th</sup> april,2022

<sup>44</sup>Michelle Nichols,U.N. Security Council mulls Myanmar action; Russia, China boycott talks, DECEMBER 17, 2018, <https://www.reuters.com/article/us-myanmar-rohingya-un-idUSKBN1OG2CJ> accessed on 7th april,2022

**3. China Response:**In the U.N. Security Council, China supported Myanmar. In November 2017, XiJinping met General Min AungHlaing, the military chief of Myanmar. The general is considered worldwide as a mastermind of the inherited cleansing campaign. China's foreign ministry said they criticized the violent attacks in Myanmar of Rakhine state. They support the efforts of Myanmar for the Rakhine state for peace and stability.<sup>45</sup>With China's engagement in the Rakhine state requiring cooperation with the Burmese military and government, in the U.N. Security Council, China showed its veto power to protect Myanmar from any forceful U.N. action over the Rohingya issue—and has argued that the solution to the Rohingya crisis is more development in Rakhine State.<sup>46</sup>On 17 November 2017, China announced that it would send Foreign Minister Wang Yi to Myanmar and Bangladesh to increase Beijing's influence in the region and mediate in the deepening Rohingya refugee crisis.<sup>47</sup>After 2017 has been mediating between Myanmar and Bangladesh and supporting the Burmese government in the case at the International Court of Justice. Myanmar has many histories with Russia and china regarding dealings economically and militarily.

**4. India Response:**India has played silent role in this matter whereas Bangladesh needed expressed support of India in this issue. <sup>48</sup>The Government of India, NarendraModi, avoids the term Rohingya and the victims attacked by the military.He did not utilize "Rohingya" and condemned assaults by Rohingya aggressors<sup>49</sup>Rohingya refugees have been supported by Mamata Banerjee, the chief minister of West Bengal. She said that ordinary Rohingya people should not be seen as a security threat to India<sup>50</sup>. Modi's Government is criticized by ShashiTharoor, the congress party's central leader, that they didn't approve the asylum process for Rohingya.In October 2017, SushmaSwaraj, the affairs minister, expressed that India has

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<sup>45</sup>Reuters Staff, China offers Myanmar support over Rohingya issue after U.S. rebuke, <https://www.reuters.com/article/us-asean-summit-myanmar-china-idUSKCN1NLO2W> , accessed on 7th April,2022

<sup>46</sup>Reuters Staff, China's Xi discusses Rohingya crisis with Myanmar army chief, NOVEMBER 24, 2017, <https://www.reuters.com/article/us-myanmar-rohingya-china/chinas-xi-discusses-rohingya-crisis-with-myanmar-army-chief-idUSKBN1DO1SK>, accessed on 9<sup>th</sup> April ,2022

<sup>47</sup><https://theindependent.in/china-to-mediate-on-rohingya-crisis>

<sup>48</sup> Ashley Starr Kinseth, India's Rohingya shame,the Indian government has adopted attitudes similar to Myanmar's towards the Rohingya, <https://www.aljazeera.com/opinions/2019/1/29/indias-rohingya-shame> , accessed on 10th April,2022

<sup>49</sup>PM Modi tells SuuKyí India is with Myanmar, but skips mention of Rohingya issue, <https://www.hindustantimes.com/india-news/modi-in-myanmar-pm-praises-suu-kyi-s-leadership-vows-to-fight-terror-in-joint-statement/story-vC4Pi9WL594NnRt8Oe430J.html>, accessed on 11<sup>th</sup> april,2022

<sup>50</sup>Indrajitkundu, Rohingya refugees are common people, not terrorists, says Mamata Banerjee, September 15, 2017,<https://www.indiatoday.in/india/story/rohingya-refugees-terrorists-mamata-banerjee-modi-govt-rakhine-state-1045598-2017-09-15>, Accessed on 17<sup>th</sup> April 2022

support for a permanent solution to the crisis urged the international community to contribute to the social and economic development of Rakhine State.<sup>51</sup> According to Swaraj, the Myanmar government should repatriate the refugees (Burmese nationals) and punish the terrorists, not innocent people..However Bangladesh needs immediate humanitarian assistance from India.<sup>52</sup>

**5. USA Response:** American government responded about the Rohingya crisis in 2018. They imposed sanctions to the Myanmar military about the theRohingya crisis. These sanctions were imposed on the top generals, police, and army units. They accused them of the violence and abusing RohingyaMuslims.The USA provided humanitarian aid of **\$760** million to the For Rohingya refugees.<sup>53</sup>This aid was distributed to the UN bodies working in the area to establish refugee schools and provide necessary food, shelter, and other resources. The Biden administration is yet to give an official response concerning the crisis. Still, it has continued former President Donald Trump’s sanctions on key military generals involved in engineering the Rohingya crisis.

At the dispatch of the 2021 Joint Reaction Arrange for the Rohingya Compassionate Emergency, the Joined together States declared about **\$155** million in new help to maintain essential endeavours to back Rohingya displaced people and have communities in Bangladesh and inside uprooted Rohingya and other influenced individuals in Burma.<sup>54</sup>

With this modern subsidizing, our add up to compassionate help for those influenced by the emergency in Burma, Bangladesh, and somewhere else within the locale since the brutal savagery by the Burmese military in Eminent 2017 is more than \$1.3 billion, counting more than \$1.1 billion for programs interior Bangladesh. . Given the enormous subsidizing needs for this emergency, we welcome the commitments that a few part states have made to this compassionate reaction in later months. We empower the broader worldwide community to do more and

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<sup>51</sup>AvinashPaliwal, India's response to the Rohingya crisis is driven by an 'un-fine' balance, September 18,2017, [https://www.business-standard.com/article/economy-policy/india-s-response-to-the-rohingya-crisis-is-driven-by-an-un-fine-balance-117091800136\\_1.html](https://www.business-standard.com/article/economy-policy/india-s-response-to-the-rohingya-crisis-is-driven-by-an-un-fine-balance-117091800136_1.html) , accessed on 17<sup>th</sup> April,2022

<sup>52</sup>MeenakshiGanguly, India’s Response to the Rohingya Crisis Is Timid,<https://www.hrw.org/news/2017/10/20/indias-response-rohingya-crisis-timid> , accessed on 18<sup>th</sup> april,2022

<sup>53</sup>LeshanLoonena, US Response to the Rohingya Crisis, May 14,2021, <https://ace-usa.org/blog/research/research-foreignpolicy/u-s-response-to-the-rohingya-crisis> accessed on 19<sup>th</sup> april,2022

<sup>54</sup>The United States Announces New Assistance to Respond to the Rohingya Humanitarian Crisis, May 18,2021 <https://www.state.gov/the-united-states-announces-new-assistance-to-respond-to-the-rohingya-humanitarian-crisis>, Accessed on 19th April,2022

encourage other nations and partners to contribute—the USA advocates for the rights of Rohingya and inclinations their consideration in talks almost their future. We, too, emphasize the need for unhindered helpful gets to all individuals requiring help in Burma.

**6. Canada:** Canada played active role in this Rohingya crisis as Canadian diplomats restricted Myanmar leaders by imposing public sanctions and boycotts. At 2017 Canadian govt. showed concern against violence to Rohingya people and also supported Bangladesh by saying that they will give their utmost support to Bangladesh in this Rohingya crisis.<sup>55</sup> Canadian govt. also said they will look for long term solution and will try to solve this matter diplomatically with Myanmar and they also provided **C\$1 million** in 2017 to assist this crisis.<sup>56</sup>

**7. United Kingdom:** UK also asked about permanent solution about Rohingya crisis and a large portion of aid about **15.7%** comes from UK to Rohingya. UK also defined this incident as “unacceptable tragedy” and asked Myanmar to stop this violence. But the main mistake UK did was by not recognizing Muslim Rohingya people at the time of British Rule and they promised to give them a separate land which they never kept.<sup>57</sup>

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<sup>55</sup>LCdr Chris Chalmers, WHY HELPING TO END THE REFUGEE CRISIS IN MYANMAR TRANSCENDS CANADIAN NATIONAL INTERESTS AND WHAT IS BEING DONE TO HELP, <https://www.cfc.forces.gc.ca/259/290/405/305/chalmers.pdf> , accessed on 19<sup>th</sup> April, 2022

<sup>56</sup>Canada: Using all tools against Myanmar for solution to Rohingya crisis, December 7th, 2019, <https://archive.dhakatribune.com/bangladesh/rohingya-crisis/2019/12/07/canada-using-all-tools-against-myanmar-for-solution-to-rohingya-crisis> accessed on 20th April 2022

<sup>57</sup>Rohingya-The Stateless Community Becoming the Lost Generation, May 2019, [https://www.researchgate.net/publication/333812928\\_Rohingya-The\\_Stateless\\_Community\\_Becoming\\_the\\_Lost\\_Generation](https://www.researchgate.net/publication/333812928_Rohingya-The_Stateless_Community_Becoming_the_Lost_Generation) , accessed on 20th April, 2022

## Chapter Five

### Conclusion

**Measures should be taken by international community:** There is no doubt that Myanmar has committed international crime and violated human rights regarding this Rohingya issue and obtruded serious consequences upon Bangladesh. Peaceful dispute settlement can be a way to come out from this crisis. Bangladesh and Myanmar agreed for repatriation but lack of security in Myanmar none have returned so far. <sup>58</sup>This proves in Rakhine state violation of human rights is still happening. Myanmar cannot be forced to take back Rohingya refugees as ICG discarded any possibilities to do so by Myanmar. According to Cookson, the presence of Rohingya Refugees shall impact heavily on socio-economically in Bangladesh if they stay next one or two years or forever here. So all international actors along with powerful states should see it is as a humanitarian crisis and come up with long lasting solution. Russia and china should not support Myanmar and they should stop playing the silent role. UN should make amendments in case of humanitarian crisis for example Veto should be abolished where it is matter of humanitarian crisis. Powerful organizations like **OIC, ASEAN, UN** need to be more active in this matter. They should act directly and stop playing diplomatically in this issue. And if it is necessary then political and economical pressure should be imposed on Myanmar by worldwide. This burden shall make Myanmar act gently with Rohingya refugees. Nothing can be more effective than the international actors and powerful states are combined on the matter of repatriation deal with Myanmar and make this deal effective by forcing Myanmar to give their rights. Myanmar citizens should consider this situation and think humanly and need to raise their voice. International refugee regime should focus on legal framework specially enforcement of the law.

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<sup>58</sup>Bangladesh calls on Myanmar to take back Rohingya refugees, 12 Sep,2017, <https://www.theguardian.com/world/2017/sep/12/bangladesh-sheikh-hasina-calls-on-myanmar-to-take-back-rohingya-refugees> accessed on 24th April,2022

**Measures should be taken by Bangladesh:** Though Bangladesh is well known for granting asylum and respected principle of non-refoulement and allowed Rohingya refugees to stay here but they are not permitted to work in Bangladesh.<sup>59</sup> They should start freelancing so that they can protect their labor right. According to **UNICEF** there are around 4,00,000 Rohingya children aged between 3-18 who are able to go to school. But, their right to education is not ensured as only 10000 children will start the curriculum of grades six to nine. This curriculum delayed because of COVID 19 and it should execute as early as possible.<sup>60</sup> The restriction which is curtailing their freedom of movement, who shall take this liability as they cannot even go outside for their livelihood. They will have freedom of movement around the island not the outside of the island. Bangladesh government moved around 3000 Rohingya refugees to Bhashan Char.<sup>61</sup> According to Bangladeshi Organization Odhakar, more than 100 Rohingya refugee became victim of alleged extrajudicial killing from August 2017 to July 2020. The right of life which is ensured by the Constitution of Bangladesh is violated so it should be protected at any cost. They are not respecting the law of the country they are staying in because of lacking money and committing offences such as drug trafficking, violence against woman, etc.<sup>62</sup> In the Case of “Refugee and Migratory Movements Research Unit (**RMMRU**) v. **Government of Bangladesh**”<sup>63</sup> After the imprisonment period was over, a Rohingya refugee was illegally detained in the jail for two more months. This discussion is coming as their rights are being deprived in our country which needs to be protected and need to be ensured. Bangladesh needs to build specific concrete law regarding Refugee issue. As we cannot avoid this crisis, so to face this crisis from wholeheartedly Bangladesh need to take measures as much as it can to avoid chaos.

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<sup>59</sup> UNHCR, Bangladesh: Analysis of Gaps in the Protection of Rohingya Refugees, May 2007, <https://www.unhcr.org/46fa1af32.pdf>, accessed 25 April 2022

<sup>60</sup> Amnesty International, ‘Let us speak for our rights: Human Rights Situation of Rohingya Refugees in Bangladesh’ (15 September 2020), 14 <https://reliefweb.int/report/bangladesh/let-us-speak-our-rights-human-rights-situation-rohingya-refugees-bangladesh> accessed on 26 April 2022

<sup>61</sup> ALJAZEERA, Bangladesh begins moving second group of Rohingya to Bhashan Char, ALJAZEERA (28 December 2020, <https://www.aljazeera.com/news/2020/12/28/bangladesh-begins-moving-second-batch-of-rohingya-to-bhashan-char> accessed on 28th April, 2022

<sup>62</sup> Sreeparna Banerjee, ‘Drug trafficking and Rohingya refugees in Bangladesh’ (OBSERVER RESEARCH FOUNDATION, 15 March 2019) <https://www.orfonline.org/expert-speak/drug-trafficking-and-rohingya-refugees-in-bangladesh-49005> accessed on 28 April, 2022

<sup>63</sup> Refugee and Migratory Movements Research Unit (RMMRU) v. Government of Bangladesh, Bangladesh Supreme Court, 31 May 2017, [https://www.refworld.org/cases,BAN\\_SC,5d7f623e4.html](https://www.refworld.org/cases,BAN_SC,5d7f623e4.html) accessed on 1<sup>st</sup> May 2022

The aim of this research to reveal the sufferings of Rohingya people and to analyze whole situation and outcome of this crisis. This crisis does not create only impact on Bangladesh but also to the worldwide. To what extent Bangladesh being a host country has successful to assist this issue and how much Bangladesh has been affected by the impacts of socio, economical, environmental. This research also emphasize the act of international community regarding this crisis and highlights the points which should be address or implement by international community to solve this crisis. As Rohingya refugees are staying here, to improve their current situation and to protect their rights and to put end this crisis how Bangladesh and international refugee system failed and how the world has failed to cause liable Myanmar for the persecution. International community has to understand that a permanent solution is needed and the process of repatriation should be enforced by Myanmar as early as possible and this is how this crisis can come to in conclusion.

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