

Research findings:
Rohingya Oral History Archives

***“We are just
floating on water
without any identity”***

Edition

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Researcher

Affif Syah Muhammad, Al Fadhil, Arip Rahman, Azharul Husna, Bisma Yadhi Putra, Dewie Anggraini, Dhiny Dina Wulandari, Fuadi Mardhatillah, Indria Fernida, Nattamon Supornvate, Nasruddin, Nur Wahid, Mageswary Ramakirshnan, Pornpen Khongkachonkiet, Putri Kanesia, Reza Fahlevi, Risma Apriliana, Rozhatul Valica

Writers

Galuh Wandita, Indria Fernida, Putri Kanesia, Timothie Massie

Editors

Galuh Wandita, Madeline Feledy, Richard Manning

Front Cover Image

Imtiaz Mahbub

Design and Layout

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Who We Are

Asia Justice and Rights (AJAR) is a regional human rights organisation based in Jakarta, Indonesia. AJAR works to increase the capacity of local and national organisations in the fight against entrenched impunity and to contribute to building cultures based on accountability, justice and willingness to learn from the root causes of mass human rights violations in the Asia-Pacific region.

Komisi untuk Orang Hilang dan Tindak Kekerasan (KontraS) Sulawesi or the Commission for Enforced Disappearances and Victims of Violence Sulawesi is a civil society organization that advocates for human rights and peace discourse in Sulawesi. Formed in November 2004, KontraS Sulawesi's agenda was formed in accordance with the victim's and advocacy networks across Sulawesi to encourage and ensure Legal and Human Rights Advocacy. Their work includes spreading anti-violence rhetoric and peaceful discourse in Sulawesi, monitoring the reformation of the security sector, and strengthening the family of human right violation's victim and grassroots society solidarity network to encourage the formation of a just society and upholding the humanity value.

Cross Cultural Foundation (CrCF) is a human rights organisation established to work on transitional justice and the monitoring and promotion of human rights in Thailand. CrCF works directly with political activists, human rights defenders and marginalised communities advocating for accountability in cases of violent extremism, torture, and enforced disappearances. This includes providing legal assistance, documenting atrocities, conducting research and building capacity in Thailand, in particular in the conflict areas of the Southern Border Provinces or the 'Deep South'

Geutanyoe Foundation (Yayasan Geutanyoe) is a non-profit organization based in Aceh, Indonesia, dedicated to cultivating and upholding the values of dignity, humanity, equality, justice, peace, democracy, and sustainability in Southeast Asia. The foundation seeks to harness local and global knowledge to find sustainable and durable solutions to some of the region's most intractable humanitarian and social challenges. In partnership with government and international organizations, it is committed to supporting national, regional, and global agendas that promote peace and humanitarian values in ASEAN.

Beyond borders Malaysia works for refugee voices to be heard, connects them with the Malaysian society and lobbies the Malaysian government for a comprehensive policy that gives refugees the right to work, healthcare and education.

Komisi untuk Orang Hilang dan Tindak Kekerasan (KontraS) Aceh or the Commission for Enforced Disappearances and Victims of Violence Aceh is a human rights organization founded on July 21, 1998, initially as a branch of KontraS in Jakarta before becoming an autonomous regional entity in 2004. Originally focused on disappearances during the Military Operations Area (DOM) in Aceh (1989-1998), the organization expanded its work to include cases of torture and extra-judicial killings. KontraS Aceh supports victims of violence, advocates for justice and the fulfillment of their rights, and provides education on human rights and transitional justice to prevent future violations.

"When I was on the boat, my feelings were all over the place. I felt extremely sad and my tears often ran down my face. When I looked up, I could only see the sky, and when I looked down, it was water as far as my eyes could see. There were no sign of land and I started fearing the worst. I felt isolated from the rest of the world, with no one to help me."

30 year-old woman who travelled by boat from Bangladesh to Indonesia

01 Introduction

Discriminatory policies and extreme violence against the Rohingya by Myanmar's government and security forces since the 1970s has resulted in a steady stream of refugees seeking asylum in neighbouring countries. The 2021 coup, and the ongoing conflict, provide little hope of the refugees safe return.

More than a million Rohingya travelled overland to Cox's Bazar in Bangladesh following ethnic cleansing by the military in 2017. Conditions in the refugee camps have worsened, with heightened insecurity and limited access to basic services, like health, education and employment. As a result, increasing numbers of refugees are leaving the camps making the perilous journey by sea to neighbouring countries like Indonesia, Malaysia and Thailand.

● Who We Are

In 2023, Asia Justice and Rights or AJAR, together with the International Coalition of Sites of Conscience, launched the Rohingya Oral History Archives or ROHA. ROHA is a pilot, focused on documenting the journey of Rohingya from their homeland. The initiative was developed to record experiences of refugees compelled to flee Myanmar, and to examine challenges they faced on their journeys to Indonesia, Malaysia

and Thailand. AJAR collaborated with five civil society organisations from three countries¹, by working with refugees to gather stories and testimonies. In addition, the team was supported by the ROHA Advisory Board to help guide the project and respond to its findings.

● Methodology and approach

The project endeavours to preserve the voices, memories and perspectives of individuals, offering firsthand accounts that reveal their experiences, personalities, motivations and inner thoughts. By recording personal stories, the project will provide a resource for understanding the collective impact of human rights abuses on the Rohingya. It is important to document these experiences to raise public awareness, and to advocate for policy improvements.

To achieve this, AJAR developed interview guidelines, and adopted a victim-centred, participatory approach, by using storytelling and focus group discussions. The project engaged with Rohingya communities in Indonesia, Malaysia and Thailand, listening to their stories and documenting their challenges and hopes, in order to support future policy advocacy efforts. Stories and accounts from refugees in Cox's Bazar were included.

¹ KontraS Aceh, Yayasan Geutanyoe and KontraS Sulawesi in Indonesia; Beyond Borders in Malaysia and the Cross-Cultural Foundation in Thailand

● Participants and demographics

As of December 2023, AJAR collected 108 narratives from 65 men and 43 women:

Partners	Narratives collected		
	Men	Women	Total
KontraS Aceh	9 men	12 women	21 persons
KontraS Sulawesi	16 men	6 women	22 persons
Yayasan Geutanyoe	16 men	8 women	24 persons
CrCF	16 men	5 women	21 persons
Beyond Borders Malaysia	8 men	12 women	20 persons
Total	65 men	43 women	108 persons

Among those interviewed, four were under 18, and interviewees can be categorised into two types: (i) those newly arrived; and (ii) long-term refugees:

Location	Narratives collected		
	Newly-Arrived	Long-Term	Total
Indonesia	59.0%	41.0%	100.0%
Thailand	26.7%	73.3%	100.0%
Malaysia	0.0%	100.0%	100.0%

● Challenges

Language

One limitation of the research was language. Rohingya is primarily an oral language, and many Rohingya cannot read or write, although many speak multiple languages including Burmese, Bangla and Malay. This limits their ability to access their basic rights, represent themselves and find employment. These issues disproportionately impact on new arrivals, especially

women and children. In Cox's Bazar, a similarity of languages helps, making it easier to find interpreters for research. However, this is not the case in Indonesia, Malaysia and Thailand, where research tended to focus on those who speak the local language or English, which often skewed results towards men and long-term residents, excluding women and new arrivals.

Access to women

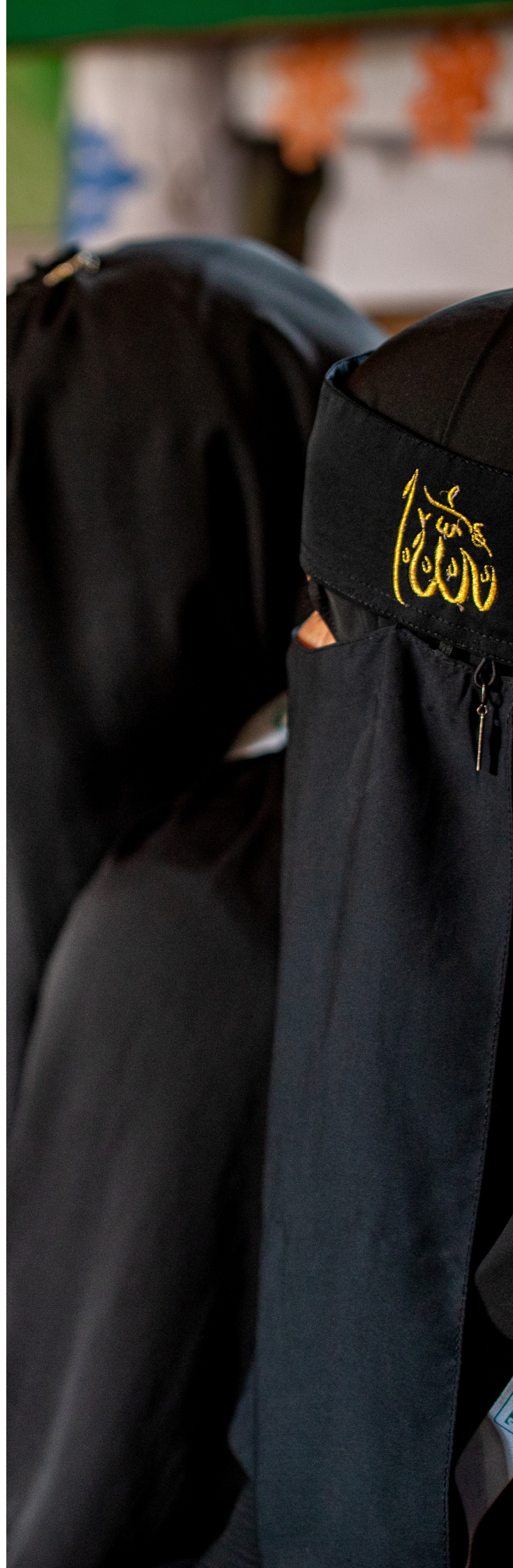
Throughout the research there were significant

barriers to the participation of women, including difficulties accessing women's stories and experiences, both in terms of physically meeting them and of finding space which allowed them to speak freely. These challenges stem from layers of vulnerability and trauma women and children have experienced, which often remain hidden, unknown or unaddressed. Women and children constitute the bulk of new arrivals in Indonesia, Malaysia and Thailand, and have not had sufficient time to learn local languages. In Rohingya culture, patriarchal norms are strong, and men often work while women are relegated to household responsibilities. This further prevents women from leaving their homes and interacting with local people.

In most cases interpreters were male and family members, like husbands or community elders. When the interpreter was a family member, questions were often answered on behalf of the women. In some instances, interpreters intervened saying questions were irrelevant or inappropriate. Even when male relatives were not interpreting, they often insisted on being present, creating barriers to direct communications with Rohingya women.

Interview locations

Interviews were conducted in various locations. In Indonesia, most refugees live in UNHCR and IOM accommodation, making access easier. In Malaysia, community networks were used to assist with locating refugees, but issues of trust, restrictions of movement and threats of extortion created specific challenges. In Thailand, the small number refugees widely dispersed, made access difficult.



02

Expulsion from Myanmar

While the Rohingya have a long and rich history as one of Myanmar's ethnic groups, they have been denied citizenship and rights. State-sponsored discriminatory practices date back to the British colonial period, where "divide and rule" was used to elevate Rohingya to positions of authority². As Myanmar struggled to define its identity after independence in 1948, the Rohingya's distinct ethnicity, religion and colonial history led successive governments to refer to them as 'Bengalis' or migrants from Bangladesh, who settled during the colonial period³. This resulted in the Citizenship Act of 1982, which denied Rohingya full citizenship, rendering them stateless and vulnerable to discrimination.

● Limited rights due to systemic discrimination

Myanmar's refusal to recognise Rohingya as legitimate citizens presented fundamental barriers to accessing basic rights and freedoms, driving many to leave the country. The Citizenship Act of 1982 serves as a basis for discriminatory policies that severely limit Rohingya freedom of movement, freedom of religion and the right to own property. This discrimination is frequently described as apartheid.⁴

² See Jacques Leider, "Rohingya: The History of a Muslim Identity in Myanmar," Oxford Research Encyclopedia of Asian History, ed. David Ludden (Oxford University Press, 2018), accessed 11 June 2024, <<https://doi.org/10.1093/acrefore/9780190277727.013.115>>; Jobair Alam, "The Current Rohingya Crisis in Myanmar in Historical Perspective," Journal of Muslim Minority Affairs, no. 1, vol. 39 (2019): 1–25.

³ Azrin Afrin, "Rohingyas in Post-Colonial Myanmar," Buddhist Nationalism, Rohingya Crisis and Contemporary Politics, ed. Asif Bin Ali and Sabbir Ahmed (Dhaka: Borno Prokash, 2019), 98–109.

⁴ Amnesty International, "Caged without a Roof": Apartheid in Myanmar's Rakhine State (Amnesty International, 21 November 2017), accessed 11 June 2024, <<https://www.amnesty.org/en/documents/asa16/7484/2017/en/>>

When reflecting on Myanmar, many refugees interviewed spoke of the impact of systemic discrimination, including the lack of access to basic rights, like property ownership and health. One refugee who left in the late 1990s, spoke about the seizure of family land:

"My dad has passed away, but he used to own land that has been passed down since my grandfather's time. We were all born in Myanmar, but government seized our property and revoked our ownership because we had no documents"

man living in Indonesia aged 45

One woman told of how her family was prevented from travelling to access life-saving medical treatment for her father:

"When I was seven, my father passed away. I remember my father was very ill – he had diarrhoea and was vomiting – but we didn't have a medical facility in our village. There are no hospitals or doctors, yet the authorities didn't permit us to find a doctor"

Woman aged 31 living in Indonesia, who left Myanmar in 1999

● Ongoing violence against Rohingya

As well as discriminatory policies, a key driver of the Rohingya exodus was systematic violence perpetrated by the military. The first wave of Rohingya expulsion came in 1978 as part of Operation Nagamin, where many were rounded up, tortured and forced to do hard labour under the pretext of a national census. This led to more than 200,000 fleeing to Bangladesh⁵. Just over a decade later, the military's suppression of pro-democracy movements in Rakhine led to a second exodus. Approximately 250,000 fled to Bangladesh to escape atrocities, which included forced labour, sexual violence and confiscation of property⁶. One refugee recounted his experience:

"[I chose to leave and come to Thailand] because I couldn't bear the discomfort of having soldiers harass us. [My family and I] were forced to do hard labour. It was relentless. My aunt couldn't escape. I managed to flee but the soldiers hurt my aunt"

man aged 60 living in Thailand, who left during Operation Nagamin in 1978

The most recent driver of the refugee crisis was the military's crackdown on the Rohingya in 2017. Clashes in Rakhine broke out between the military and Rohingya insurgent groups. The military responded to attacks on police and army posts by launching a campaign of violence against civilians. The violence involved patterns of abuse through systematic targeting of civilians, extrajudicial killings, mass sexual violence,

destruction of property and other serious human rights violations.⁷ The severity of the crackdown on innocent people led to allegations of crimes against humanity by the International Criminal Court⁸, and the creation of an Independent Investigative Mechanism for Myanmar or IIMM, by the UN Human Rights Council⁹. The horrific violence forced more than 700,000 to seek refuge in Bangladesh, causing a knock on increase of refugees to Indonesia, Malaysia, Thailand and other countries.¹⁰

On 24 March 2017, the United Nations Human Rights Council adopted a resolution establishing an Independent Fact-Finding mission or FFM¹¹. The FFM's mandate was "to establish the facts and circumstances of the alleged recent human rights violations by military and security forces in Myanmar, in particular in Rakhine State ... with a view to ensuring full accountability for perpetrators and justice for victims."¹² The FFM concluded that there were grounds to believe serious crimes under international law had been committed, including genocide in Rakhine, and crimes against humanity and war crimes in all three states.

During interviews, many Rohingya refugees described the 2017 atrocities. One woman forced to flee recounted:

⁵ Human Rights Watch, *Burmese Refugees in Bangladesh: Still No Durable Solution* (Human Rights Watch, 1 May 2000), accessed 11 June 2024, <<https://www.hrw.org/reports/2000/burma/index.htm>>.

⁶ Chowdury R. Abrar, *Repatriation of Rohingya Refugees*, Network Myanmar (Online Burma/Myanmar Library, 4 October 2015), accessed 7 June 2024, <<https://www.burmalibrary.org/en/repatriation-of-rohingya-refugees>>.

⁷ See generally Amnesty International, "Caged without a Roof"; Human Rights Watch, *Massacre by the River: Burmese Army Crimes against Humanity in Tula Toli* (Human Rights Watch, 19 December 2017), accessed 11 June 2024, <<https://www.hrw.org/report/2017/12/19/massacre-river/burmese-army-crimes-against-humanity-tula-toli>>; Medecins Sans Frontieres, 'No One was Left' - Death and Violence against the Rohingya (MSF, 9 March 2018), accessed 11 June 2024,

⁸ *Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar* (Request pursuant to article 15) ICC-01/19 (4 July 2019) [75], accessed 7 June 2024, <<https://www.icc-cpi.int/court-record/icc-01/19-7>>.

⁹ UN Human Rights Council, *Resolution 39/2, Situation of human rights of Rohingya Muslims and other minorities in Myanmar*, A/HRC/RES/39/2 (3 October 2018), accessed 7 June 2024, <https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/39/2>.

¹⁰ See generally Amnesty International, "Caged without a Roof"; Human Rights Watch, *Massacre by the River* (2017); Medecins Sans Frontieres, 'No One was Left'.

¹¹ See paragraph 11 of UN HRC resolution 34/22 (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/081/98/PDF/G1708198.pdf?OpenElement>).

¹² *Id*

"I ran away from the village for my survival. I ran towards the sea. My mother and family, and everyone in the village, ran towards the sea. As we were running, soldiers kept on shooting. Bullets were whizzing past us. I could only hear the sound of rifles. I was really scared but we didn't have a chance to look back. We just kept running. So many people were hit by the bullets. That's why so many people died"

Woman aged 28 in Indonesia, who left in 2017.

In February 2021, the military overthrew the democratically-elected government, sparking widespread protests and a civil disobedience movement¹³. This intensified the conflict, causing renewed violence between the military and ethnic armed groups, including in Rakhine.¹⁴ The coup not only added to the stream of Rohingya fleeing Myanmar, but extinguished any hope of repatriation.

¹³ See generally Amy McKenna, "2021 Myanmar Coup D'etat," Encyclopaedia Britannica (12 July 2022), accessed 11 June 2024, <<https://www.britannica.com/event/2021-Myanmar-coup-d-etat>>; Angela Clare, The Myanmar Coup: A quick guide, Report to the Parliament of Australia (2 July 2021), accessed 11 June 2024, <https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/pubs/rp/rp2122/Quick_Guides/MyanmarCoup>.

¹⁴ See supra note 10.

03 ASEAN's response

ASEAN was established in 1967, with the underlying principle that member states' sovereignty shall be upheld – designed to prevent unwanted foreign interference in domestic affairs.¹⁵ Although non-interference is crucial to facilitating regional development and economic cooperation, it impairs any meaningful response to humanitarian emergencies. In addition, its mandate excludes a sanction mechanism for members that violate ASEAN principles. The ASEAN Charter only provides for dispute settlement between member states, which involves peaceful dialogue, consultation and negotiation¹⁶. Therefore, the lack of authority to pressure rogue members leaves ASEAN in a position where it cannot meaningfully intervene to prevent the recurrence of human rights violations against the Rohingya.

ASEAN has ways to address human rights and humanitarian situations, including (i) ASEAN Coordinating Centre for Humanitarian Assistance or AHA, which facilitates disaster management and emergency responses; and (ii) ASEAN Intergovernmental Commission on Human Rights or AICHR, which works to promote and protect overall rights and freedoms. These mechanisms operate on the basis of the ASEAN Human Rights Declaration or AHRD, which outlines a list of guaranteed rights and freedoms for the peoples of ASEAN. Article 16 is especially relevant to the Rohingya crisis, stating that "every person has the right to seek and receive asylum in another State in accordance with the laws of such State and applicable international

¹⁵ Jorn Dosch, "Southeast Asia: ASEAN and the Challenge of Regionalism in the Asia Pacific," The New Global Politics of the Asia Pacific, eds. Michael K. Connors, Remy Davison & Jorn Dosch (New York: Routledge, 30 October 2017), 121–139.

¹⁶ The ASEAN Charter, Chapter VIII

agreements.” However, despite the existence of these mechanisms ASEAN has been slow and ineffective in providing solutions to the Rohingya refugee crisis. The lack of decisive action raises questions about ASEAN’s commitment to human rights principles, and its ability to effectively address regional humanitarian crises.

The AHA Centre’s humanitarian efforts in Myanmar have had limited effect. Initially, it played a key role as the interface between Myanmar’s Social Welfare and Relief Ministry and the larger international community, acting as a facilitator for humanitarian aid to Myanmar, with large numbers of aid deliveries for IDPs in Rakhine¹⁷. From 2018, the Centre provided support to Myanmar’s plan to repatriate displaced Rohingya from Bangladesh, conducting needs assessments to both Rakhine and Cox’s Bazar. However, with the pandemic, the 2021 coup and the ongoing conflict, the AHA Centre has been unable to respond to broader humanitarian needs of IDPs in Rakhine and refugees in Bangladesh.¹⁸

In addition, the narrow mandate of AICHR prevents the use of sanctions or investigative mechanisms and limits the commission’s ability to respond to the Rohingya crisis¹⁹. As such, AICHR has a limited mandate to monitor and report on the Rohingya situation. This is evident from annual reports - where the Rohingya issue was first addressed in 2019 in updates and assessments on Rakhine, and reports on AHA Centre

17 See generally AHA Centre, “AHA Centre Delivers 80 Tons of Relief Materials to Rakhine State, Myanmar,” 26 October 2017, accessed 7 June 2024, <<https://ahacentre.org/press-release/aha-centre-delivers-80-tons-of-relief-materials-to-rakhine-state-myanmar/>>; AHA Centre, “AHA Centre Facilitates Humanitarian Assistance between Singapore and Myanmar for Displaced Communities in Rakhine State,” 14 December 2017, accessed 7 June 2024, <<https://ahacentre.org/press-release/press-release-aha-centre-facilitates-humanitarian-assistance-between-singapore-and-myanmar-for-displaced-communities-in-rakhine-state/>>.

18 In 2021, the AHA Centre formulated a plan to address the Myanmar situation by providing simultaneous COVID-19 and broader humanitarian aid. Despite its purported two-pronged approach, however, the AHA Centre’s annual reports indicate that its operations in Myanmar have only emphasised pandemic response, while there is no mention of the continuation of aid deliveries to IDPs in Rakhine State nor efforts to repatriate displaced Rohingyas from Bangladesh. See AHA Centre, Annual Report 2021 (Jakarta: AHA Centre, 2021), accessed 7 June 2024, 19 ASEAN Secretariat, ASEAN Intergovernmental Commission on Human Rights (Terms of Reference) (Jakarta: ASEAN, July 2008), accessed 7 June 2024, <<https://aichr.org/wp-content/uploads/2020/02/TOR-of-AICHR.pdf>>.

activities in Myanmar. In 2021, AICHR discussed Myanmar’s human rights situation post-coup and issued a statement of concern. Nevertheless, AICHR remains primarily a consultative body, and often engages with civil society organisations on the Myanmar situation.

04 Rohingyas’ motivation for leaving

The dire situation facing Rohingya in Myanmar forced many to flee to Bangladesh. From Bangladesh, many make the journey to other countries like Indonesia, Malaysia and Thailand. Countries within the region are used as transit points, sometimes from one country to the next, and other times as temporary places while waiting for the results of applications for resettlement.

Increasingly, conditions in the camps in Cox’s Bazar are unsafe, with poor living conditions and severe overcrowding. In light of this, many refugees choose to leave to find a better life in another country. However, their journey to these countries is not easy. They typically travel either by land—usually from Myanmar to Thailand, and then to Malaysia—or by sea—usually from Bangladesh to Malaysia or Indonesia. In both cases, refugees use informal agents, as they lack official travel documents.

When travelling by land, refugees regularly encounter violence and abuse by these agents, who exploit their desperation. A common method used to extort refugees is by threatening to hurt or abandon them halfway through the journey if their families do not send more money. One young refugee explained how his lack of legal

status left him no choice but to rely on an agent:

"Once we got to the place, the middlemen tied us up and hit us. ... Their method was to call our parents, and once they picked up the phone, they would hurt us so that our parents could hear us get tortured. ... They didn't want to hear their children being hurt so they would quickly send money. ... The reason I had to come like this was because the government wouldn't issue me an ID."

Man aged 21 who travelled from Myanmar to Thailand

It is extremely dangerous to travel by sea. Often, the boats are ill-equipped for long journeys, and many die at sea due to a lack of food, water and basic medicines. One young refugee recounted his experience taking a small boat from Bangladesh to Indonesia:

"Our journey from Bangladesh was very difficult because we didn't have enough food, many people were sick and we only had limited water. On the boat, my head was aching and I was extremely thirsty, but water was so scarce. I sometimes cried because of my situation. ... When the storms came, everyone was very scared."

Man aged 23 who travelled from Bangladesh to Indonesia

Adding to these problems, the boats are usually overcrowded and subject to extreme weather and rough seas. Many capsize on the journey to Indonesia. One refugee recounted:

"There were around 130 people [when we left Myanmar], and out of those, two people died on the boat and we had to toss them into the sea. The people who died were over 50. One died because of hypothermia, and the other because of hunger"

Man aged 36 who travelled from Myanmar to Malaysia

Many shared how they felt helpless throughout their journey because of the uncertainty of whether they would arrive safely. One told of her hopelessness on a boat:

"When I was on the boat, my feelings were all over the place. I felt extremely sad and my tears ran down my face. When I looked up, I could only see the sky, and when I looked down, it was water as far as my eyes could see. There were no signs of land around us and I started fearing for the worst. I felt isolated from the rest of the world."

Man aged 36 who travelled from Myanmar to Malaysia

Another refugee based in Cox's Bazar summarised the experience of being stateless:

"It would be better if our issues can be solved as soon as possible because then we will be recognized as citizens, either as Bengali or as refugees. Now we are neither [Myanmar] citizens nor Bengali nor refugees, we are just floating on water without any identity"

Rohingya refugee in Bangladesh

● Push factor: Lack of economic opportunities and lack of security in Bangladesh

Rohingya refugees who have travelled to Indonesia, Malaysia, and Thailand from Cox's Bazar cited three reasons (i) safety and survival; (ii) lack of economic opportunities; and (iii) challenges with cultural norms, like the dowry system.

Most described living in refugee camps as unsafe and crime-ridden. Common crimes were a result of rivalries between criminal groups, particularly the Arakan Rohingya Salvation Army and the Rohingya Solidarity Organisation. One refugee who had lived in the camp for over 30 years, highlighted the deteriorating security situation that compelled him to leave Bangladesh:

"I decided to leave Bangladesh because someone set fire to our camp and conditions were unsafe. It wasn't my intention to make this decision, but the situation in the camp where I lived was deteriorating. We faced violence on a daily basis and many became victims."

Man aged 60 who lived in Bangladesh for 35 years

Compounding the problem is the bleak economic situation. Multiple people mentioned not being able to make ends meet. One refugee shared what pushed him to leave Bangladesh:

"Life in Bangladesh was extremely difficult. I couldn't give any money to my wife. ... I could only work as a fisherman and I could only afford to live in a simple house that cost 1,200 taka a month (or ten US dollars). That's the reason I decided to leave Bangladesh"

Man aged 33 who left Bangladesh in 2006

Worsening security and economic conditions in the camps exacerbated the practice of marrying off young women for their well-being. Traditionally, Rohingya women take on domestic roles, which restricts their mobility and access to education and employment. As a result, marriage is one of the only means for families to ensure their daughters' welfare. It is customary for a young woman's family to give considerable sums of money to the family of their daughter's prospective husband. Cultural norms stigmatise having young single women in the family, further pressuring parents to find spouses.

Many mentioned that people are leaving Bangladesh because of the financial pressures of the dowry system. One refugee observed:

"Rohingya leave the camps because of anxiety due to family problems and the dowry system. A wedding requires a lot of money from the bride's family. If they cannot afford it, the girl cannot get married. Due to this, most women and their brothers leave the camps to earn sufficient money for marriage."

Man aged 35 who came to Bangladesh in 2012

● Pull factor: Refugees migrate to reunite with family

Another reason refugees choose to migrate to Indonesia, Malaysia and Thailand is to reunite with their families. In many cases, one family member will have left Myanmar for economic or security reasons before choosing to migrate again to another destinations. This is often due to concerns for their families. One man shared how the desire to reunite with his family, after being separated for 14 years, drove him to make the journey from Malaysia to Aceh:

"Due to the conflict with the government, many Rohingyas were killed, or captured and tortured.

So, in 2014, I decided to leave Myanmar for Malaysia by boat. I was really sad during the journey because I had to leave my family behind. Now, after 9 years in Malaysia, I decided to come to Aceh so I can be reunited with my family"

Man aged 60 who lived in Bangladesh for 35 years

● Pull factor: Rohingya refugees travel to Indonesia for better chances at resettlement

Many refugees move with the hope of increasing their chances of resettlement in a third country. A number see Indonesia as a place for speedier resettlement. One explained moving from Bangladesh to Indonesia to get resettled in a third country:

"I left Bangladesh for Indonesia in 2012, with the hope that I would get resettled in a third country. I now live in Medan and I'm waiting for the IOM and UNHCR to fulfil their promise to get me resettled in another country."

Man aged 45 living in Indonesia

● Pull factor: Religion plays a role in Indonesia and Malaysia, as refugees want to stay in a Muslim country

While the majority of refugees fleeing Bangladesh have no specific destination, Indonesia and Malaysia have become destinations of choice as they are both Muslim-majority countries. One

woman shared her experience of escaping to India, before seeking refuge in Indonesia or Malaysia:

"Ten days after leaving the camps, I arrived at a mountain. It turned out to be in India. The local police threatened to arrest us, but we told them to go ahead and put us in jail. The UNHCR helped us, but we said we don't want to stay in India. We want to go to Malaysia or Indonesia"

Woman aged 28 who left Bangladesh in 2023

● Pull factor: Thailand perceived to offer more economic opportunities

For many refugees, Thailand serves as a transit point between Myanmar and other countries in southeast Asia. While many stay in Thailand because they are unable to continue their journey, some see Thailand as a place where they have a higher chance of economic prosperity. One shared how he was influenced after hearing about the prospects of a new life in Thailand:

"I saw my friends go overseas and sending back lots of money. I wanted to do that too, but I didn't know how they got the money, what work they did. At that time I was still a child, still young, right? I thought, if I go then I can get money, and so I came."

Man aged 37 who came to Thailand in 2007

05

Rohingya refugees in three ASEAN countries: Indonesia, Malaysia and Thailand

There are around 115,000 Rohingya refugees and asylum seekers in ASEAN member states, with the majority living in Malaysia and Thailand. In recent years, much attention has been given to the small numbers in Indonesia, due to recent waves of boat arrivals.

Rohingya refugees in ASEAN countries have diverse experiences, influenced by different factors.

For example, some arrived many years ago, during earlier episodes of violence, in the 1990s and 2000s. Others fled from either Myanmar or Bangladesh following the 2017 violence. Living conditions of refugees vary widely, depending on location. Some receive UNHCR support in refugee shelters, others seek formal employment with work permits, while many live illegally, facing the constant risk of detention by immigration authorities.

	Indonesia		Malaysia	Thailand	
How many?	~ 2,000 ²⁰		~ 109,000 ²¹	~ 3,000–4,000 ²²	
Where did they come from?	Came via boats from Bangladesh	Came directly from Myanmar	Came directly from Myanmar	Came directly from Myanmar	
When did they come?	Majority are newly-arrived refugees who came <2 years ago	Minority are long-term refugees who came >10 years ago	>10 years ago	Minority are newly-arrived refugees who came after the 2017 violence	Majority are long-term migrants who came >10 years ago
Living situation	Camp-like temporary immigration shelters	Community housing or independently alongside locals in urban areas	Alongside locals in urban areas	Alongside locals in urban areas	Alongside locals in urban areas
Official status	Have to be reregistered by UNHCR Indonesia despite having undergone Refugee Status Determination (RSD) in Bangladesh	Underwent the RSD and received refugee status by UNHCR in Indonesia	Underwent the RSD by UNHCR in Malaysia	Considered to be asylum seekers but not registered by UNHCR	Considered to be economic migrants possessing work and stay permits

Figure 1: Table outlining the variety of experiences, backgrounds and legal status of Rohingya refugees in Indonesia, Malaysia and Thailand

²⁰ UNHCR, Indonesia, Fact sheet (UNHCR: December 2023), accessed 7 June 2024, <<https://reporting.unhcr.org/indonesia-fact-sheet-6805>>.

²¹ UNHCR Malaysia, “Figures at a Glance,” accessed 7 June 2024, <<https://www.unhcr.org/my/what-we-do/figures-glance-malaysia>>.

²² Rough estimate of the number of Rohingya people in Thailand according to one of our interviewees. TH015, interview by Cross Cultural Foundation, 2023.

²³ Unless otherwise specified, the data in this table is made up from interviews carried out for the purpose of the ROHA project, and may not be representative of all Rohingya refugees.

It is important to note that Indonesia, Malaysia and Thailand have not ratified the 1951 UN Refugee Convention, or the 1967 Protocol. Instead, each country has a distinct policy for refugee welfare and protection, with limitations regarding rights and services. In Indonesia, for instance, UNHCR-registered refugees have access to basic formal education and government healthcare, but not to employment. In Thailand, the government provides formal education, healthcare insurance and employment permits to Rohingya migrants in cities, while UNHCR assists with welfare and protection of refugees in camps. In Malaysia, refugees possessing a UNHCR card are entitled to partial healthcare subsidies, but cannot access formal education and employment.

experienced a relatively welcoming environment compared to other southeast Asian countries. The Indonesians provided substantial humanitarian aid and support. While Indonesia is not a signatory to the 1951 Refugee Convention, it has demonstrated a commitment to human rights and international cooperation by offering temporary shelter and access to basic services. However, the lack of legal refugee status creates significant barriers to long-term integration in Indonesia.

In the absence of a framework outlining refugee rights, there are gaps in the provision of rights for Rohingya refugees.

	Indonesia	Malaysia	Thailand
Access to education	Refugee children are allowed to attend public schools	Refugee children are not allowed to attend public schools	Rohingya children are allowed to attend public schools
Access to healthcare	Coverage for basic healthcare services for UNHCR-card-holders by the government	Fifty percent coverage for UNHCR-card-holders by the government	Health insurance for basic treatments available for purchase
Access to employment	Refugees are not allowed to work	Refugees are not allowed to work	Rohingya migrants can acquire permits to legally work

Figure 2: Table outlining the differences between Indonesia, Malaysia and Thailand refugee policies

As indicated in the table, there are still policy deficiencies that prevent refugees from accessing fundamental human rights. Even when regulations allow access to essential services, policies often focus more on formality than ensuring availability, accessibility and acceptability of those rights.

Indonesia

Refugees in Indonesia were interviewed in four main locations – Makassar, Medan, Pekanbaru and a number of areas in northwest Aceh. In Medan and Makassar, a large number of Rohingya are long-term refugees, whereas in Aceh and Pekanbaru, the majority are new arrivals.

Until recently, Rohingya refugees in Indonesia

This leads to better protection of some rights over others. For instance, in principle Rohingya can formally access primary healthcare and education. However, in practice, access is limited in some locations, making refugees dependent on the goodwill of local and international organisations. Moreover, Indonesia prohibits refugees from accessing formal employment, placing many Rohingya in a difficult financial position. Concerns were raised about the protocol on refugee arrivals, as well as UNHCR's slow and opaque resettlement processes.

The latest wave of refugee arrivals in Aceh, beginning November 2023, were met by a shift in how Rohingya refugees were received by local Acehnese. This was fuelled by a misinformation and a hate campaign circulating on social media. With boat arrivals continuing into 2024, there

was a tragic incident in March, when three dead bodies, suspected to be Rohingya, were found floating near Lhok Rigaih beach²⁴. In addition, a boat carrying around 150 Rohingya, including women and children, capsized approximately 12 miles from Kuala Bubon beach a few days earlier.

● Existing protocol for newly arrived refugees is suboptimal

Many refugees received tremendous help from local communities on arrival in Indonesia. In many cases, they described receiving food, clothes and medical treatment. But, despite this, there have been instances where refugees have felt very unwelcome. In November 2023, local communities in Aceh refused to allow 249 Rohingya to disembark. These refugees, mostly women and children, landed in two locations in Aceh: first at Bireuen, and then in northern Aceh. In focus group discussions, local partners reported that although police were present at the landing sites,²⁵ local communities still managed to force the refugees back to the sea.

The recent rejection of refugees highlights how Indonesia's mechanism for refugee protection has been ineffective. Officially, Presidential Regulation No. 125 of 2016 on the Handling of Refugees, establishes clear protocols for rescuing and sheltering refugees found in Indonesian territory: refugee boats shall be towed to shore and the refugees handed over to an Immigration Detention Centre. The failure of local police to secure the refugees and hand them over to relevant authorities is a clear breach of this regula-

tion. Further, Indonesia's inability to uphold its protocol on refugee protection, resulting in the rejection of refugees landing on its territory, is a clear violation of the non-refoulement principle, which prohibits countries from sending refugees to places where they might face persecution, torture or degrading or inhuman treatment.

The protocol does not adequately reflect the realities of the refugee situation in Indonesia. Firstly, local communities remain the first point of contact with newly-arrived refugees, and the protection of refugees hinges on compliance with the regulation. However, the regulation was aimed at governmental bodies, and makes no mention of the role of local communities. Secondly, the protocol is not tailored to the Aceh context, which remains the primary entry point for Rohingya. Specifically, Article 26 states that refugee shelters must be located within the same sub-district as an Immigration Detention Centre. However, Aceh does not have an Immigration Detention Centre or rudenim, which means that Rohingya can only stay in temporary accommodation. While the regulation provides minimum criteria for shelters, including clean water, food, clothing, basic health, sanitation and religious facilities, no such criteria is mentioned for temporary accommodation. This has led to at least 137 Rohingya having to stay in makeshift accommodation in a basement parking lot, with poor access to basic necessities.²⁶

● Refugee children rely on external sponsorship to access questionable formal education

Many refugees face difficulties accessing formal education for their children. Some said access for their children to attend school depends on sponsorships by organisations like UNHCR or IOM. One woman spoke about having to choose between her next meal or education for her child:

²⁴ Radhiyya Indra, 'Bodies of Three Rohingya Refugees Found at Sea', The Jakarta Post, 24 March 2024, accessed 18 June 2024, <<https://www.thejakartapost.com/indonesia/2024/03/24/bodies-of-three-rohingya-refugees-found-at-sea.html>>

²⁵ See also The Jakarta Post, 'Aceh Residents Reject Rohingya Refugees Ship in Bireuen Shores', The Jakarta Post (Jakarta and Bireuen, Aceh), 17 November 2023, accessed 14 June 2024, <<https://www.thejakartapost.com/indonesia/2023/11/17/aceh-residents-reject-rohingya-refugees-ship-in-bireuen-shores.html>>; The Indonesian Police has also been reported by local media to patrol surrounding waters to intercept and push away refugee boats. See AFP, 'Indonesian Police, Fishers Start Patrols to Stop Rohingya Boats', The Jakarta Post (Lhokseumawe, Aceh), 26 November 2023, accessed 14 June 2024, <<https://www.thejakartapost.com/indonesia/2023/11/26/indonesian-police-fishers-start-patrols-to-stop-rohingya-boats.html>>.

²⁶ See Human Rights Watch, 'Indonesia: Protect Newly Arrived Rohingya Refugees', Human Rights Watch (Jakarta), 16 January 2024, accessed 14 June 2024, <<https://www.hrw.org/news/2024/01/16/indonesia-protect-newly-arrived-rohingya-refugees>>.

"Between Myanmar, Bangladesh and Indonesia, I feel the safest in Indonesia. But, there is one downside: there is no support for my child's education [from the IOM] here. So, I have to pay myself. I have had to cut back on food, because I want my child to go to school. It is okay that I go hungry, as long as my child can receive an education"

Woman aged 28 who arrived in Indonesia in 2023

This reliance on scholarships and financial aid is a result of Indonesia's discriminatory educational policy towards refugees, particularly the Ministry of Education's Circular Note No. 30546/A. A5/MK.01.00/2022, which only allows refugee children to enter public schools if they are funded from a source other than the local government or state budget. Therefore, refugees who do not receive sponsorships are unlikely to be able to afford school fees. It is evident that Indonesia's approach to education for refugees is merely formalistic, and does not address access to education.

Moreover, what is deemed acceptable refugee children's education remains unclear in Indonesia. Formally, the circular note states that refugee children who have completed a level of education, like primary, middle or high school, shall receive a letter of completion in lieu of a diploma, and that the letter of completion can be used to advance to the next level. However, partners reported that some schools refuse to admit students that do not have a diploma.

Refugees have access to low-cost basic health services, but not advanced medical treatment. A number of Rohingya spoke about only having access to basic healthcare. One woman living in Aceh with her children, reflected on the medical care available from the local clinic, and the challenges they face accessing healthcare through the public hospital system:

"My children keep falling sick and, every time they get brought to the clinic, they are given medicine. But, they have never been taken to a hospital"

Woman aged 30 living in Aceh

In principle, refugees enjoy relatively comprehensive healthcare coverage. According to local partners, IOM collaborates with local community health centres and the Infectious Diseases Agency, to conduct health screenings for refugees immediately after they arrive²⁷. After the initial screenings, refugees who need immediate treatment are taken to IOM-assigned clinics, while the rest are taken to a refugee shelter, where there is a health facility in the compound²⁸. After refugees obtain a card from UNHCR, they can visit community health centres anywhere in the country²⁹.

However, in practice, many refugees face difficulties accessing advanced healthcare. During focus group discussions, local NGOs reported that medical facilities in refugee shelters were extremely basic, meaning Rohingya have to seek treatment from outside facilities for serious conditions. As refugees living in shelters are heavily monitored and need approval from shelter authorities to go outside, these restrictions make it difficult to access more complex medical treatments.

Refugees living outside shelters also face difficulties accessing advanced healthcare. This is because most community health centres are still not equipped to provide advanced treatments, such as reproductive or mental health support.³⁰

²⁷ See also IOM Indonesia, "IOM Provides Food, Water and Health Screening to Latest Rohingya Arrivals in Indonesia," IOM (Jakarta/Bireuen), 31 December 2021, accessed 14 June 2024, <<https://indonesia.iom.int/news/iom-provides-food-water-and-health-screening-latest-rohingya-arrivals-indonesia>>.

²⁸ As stipulated in Article 26(4) of Presidential Regulation No. 125 of 2016.

²⁹ UNHCR Indonesia, "Primary Health Care," accessed 7 June 2024, <<https://help.unhcr.org/indonesia/assistance-and-support/health/primary-health-care/>>.

³⁰ UNHCR Indonesia, "Mental Health Support," accessed 7 June 2024, <<https://help.unhcr.org/indonesia/assistance-and-support/health/mental-health-support/>>.

UNHCR provides financial assistance for advanced medical care for refugees, but this is strictly limited to emergencies³¹. The IOM, on the other hand, collaborates with local hospitals to allow refugees access with relative ease. However, local NGOs report that such collaboration only exists in places with an immigration detention centre.

Many Rohingya discussed their financial difficulties in the light of restrictions to employment. In particular, new arrivals living in shelters face mobility restrictions that preclude them from looking for work. Even though long-term refugees living outside shelters do not face the same mobility restrictions, they still cannot access formal employment. One long-term refugee talked about the barriers to accessing employment because of a lack of government support. As a result, he cannot legally seek employment, despite his specialist skills.

"Alhamdulillah, I have quite a lot of marketable skills. I can operate excavator and crane machines. I know how to build bridges. I have the certificate for it. I actually can do many things. But, without government support and a clear status, I cannot work. Maybe if I broke the law, I'd be able to work. ... But that'd be a mess and I don't want to get into trouble"

Man aged 32 living in Makassar

Fear of legal jeopardy stems from Law No. 6 of 2011 on Immigration, which provides that only permanent residents, and some temporary residents (excluding refugees), are allowed to work. This is a fundamental challenge for Rohingya refugees. Consequently, many rely on financial assistance from international organisations as their primary source of income.

³¹ UNHCR Indonesia, "Emergency and Advanced Health Care," accessed 7 June 2024, <<https://help.unhcr.org/indonesia/assistance-and-support/health/emergency-and-advanced-health-care/>>.

For example, UNHCR provides a limited amount of cash assistance, but only available to refugees living independently and in dire need of financial aid³². On the other hand, refugees living in IOM-affiliated community housing can qualify for a stipend to cover basic living expenses.³³

This notwithstanding, many Rohingya stated that the amount they received was not enough to cover basic living expenses. For example, one refugee living in Makassar expressed frustration with his financial situation, as he does not qualify for UNHCR's cash assistance:

"Now my wife is sick. I can't go to the hospital because IOM only gave me Rp1,250,000. Considering rent and food costs, I need another two to three million per month. If I can't work, where am I supposed to get the money from? UNHCR and the government simply don't understand this"

Man aged 29 living in Makassar

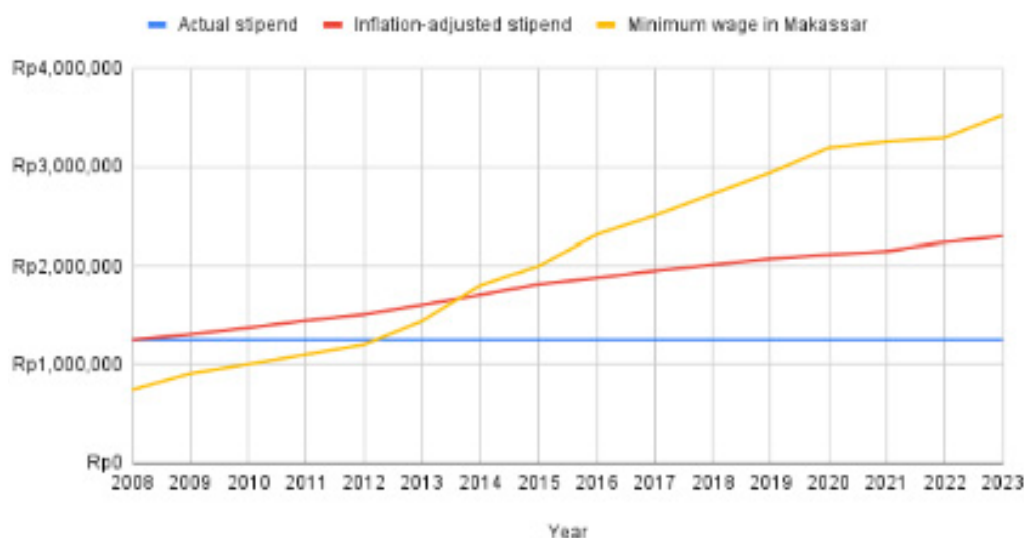
IOM provides Rp 1,250,000 for each qualifying adult refugee, and Rp 500,000 for each of their children. However, this does not adequately cover basic necessities. According to a number of refugees, the amount has not increased since 2008. While it has been adjusted for inflation, it still falls far below local minimum salaries in Indonesia. In Makassar, where the majority of long-term refugees were interviewed, the minimum salary in 2023 was Rp 3,523,181. The increased cost of living in Indonesia, and the stagnation of IOM's monthly stipend, makes it extremely difficult to make ends meet, especially with the legal restrictions on formal employment.

³² UNHCR Indonesia, "Financial Assistance," accessed 7 June 2024, <<https://help.unhcr.org/indonesia/assistance-and-support/financial-assistance/>>.

³³ IOM Indonesia, "Migrant Assistance," accessed 7 June 2024, <<https://indonesia.iom.int/migrant-assistance>>.

³⁴ Makassar Government, "Penetapan UMK Makassar 2024 Rp 3.64 Juta Tunggu SK, Pj Gubernur Sulsel," Makassar.go.id (Makassar), 27 November 2023, accessed 7 June 2024, <<https://makassarkota.go.id/penetapan-umk-makassar-2024-rp364-juta-tunggu-sk-pj-gubernur-sulsel/>>.

IOM Stipend for Refugees vs Minimum Wage in Makassar, 2008-2023



● Long-term refugees face a slow and opaque resettlement process

Many refugees spoke of how they have waited for resettlement for a long time without clear information from UNHCR. For example, one refugee spoke of his dissatisfaction with the long wait:

"I am unhappy here. UNHCR told us we'll only be living here temporarily, but now it's been more than 10 years. We are yet to be resettled and there is no information about where we're going."

Man aged 29, in Indonesia since he was 18

One consistent finding from the research was that the resettlement process is slow and lacks transparency. This frustrated many long-term refugees. Many have waited for more than a decade for resettlement, with one interviewee still waiting after 20 years.

Number of years living in Indonesia	Interviewees
20 years	1 person
12 years	3 people
11 years	3 people
10 years	5 people

Adding to the slow resettlement process, is the perceived unfair treatment of Rohingya compared to other refugees. Multiple long-term refugees spoke of how refugees from other countries, like Afghanistan, Somalia and Pakistan, have been resettled more quickly. One Rohingya expressed his frustration with the lack of consistency:

"After the pandemic, they resumed the resettlement process. The refugees from other countries have now all been resettled, while us Rohingyas are the only ones left. So, we asked [UNHCR] why they treated us differently, why they couldn't sort us out as quickly. They said, "No, we didn't treat you differently." But other refugees who came in 2014 have been resettled. Those who came in 2018 have been resettled. I came in 2013, and my friend came in 2009, and we still haven't been resettled. So what exactly is happening?"

Woman aged 30 living in Aceh

Resettlement is a complex process that needs to take into account the willingness of destination

countries to accept refugees. This slow resettlement occurs as refugees are unable to settle in Indonesia, as it has not ratified the 1951 Refugee Convention, even though Law No. 37 of 1999 on Foreign Affairs provides the president with the power to grant asylum. However, the law does not specify a mechanism for screening asylum seekers, only providing that such matters shall be regulated in a separate presidential regulation. To date, no such presidential regulation has been made.

● The Rohingya's hope and resilience in Indonesia

Despite these hardships, many remain hopeful and determined to return to their homeland. As one Rohingya expressed it:

"If I get to see my later years, I pray to Allah that I may visit my father's grave, my mother's grave and my childhood home. I want to live there again safely. I hope to return there if it's safe."

Man aged 30 living in Indonesia

Malaysia

In 2020, Malaysia announced that it will no longer accept Rohingya refugees³⁵. This greatly impinged on the right of Rohingya to seek asylum. Indeed, Malaysia's approach to refugee protection has been piecemeal. In terms of healthcare, for instance, the government provides a partial subsidy to refugees in the country. Despite this, Rohingya are classified as illegal immigrants, preventing them from accessing formal education and employment in Malaysia.

● Lack of official status prevents access to other rights

³⁵ Rozanna Latiff, "Malaysia can't take any more Rohingya refugees, PM says," Reuters (Kuala Lumpur), 26 June 2020, accessed 17 June 2024, <<https://www.reuters.com/article/idUSKBN23X1A5/>>.

Many Rohingya told of how the Malaysian government identifies them as illegal immigrants, denying them official status in the country. One shared his strong desire for an identity:

"I have lived in Malaysia for almost 11 years. I don't want food or luxuries. The only thing I want is an identity"

Man aged 45 who spent 11 years living in Malaysia

The lack of official documentation is due to the absence of any legal framework covering refugees in the country. Officially, the only legal document is the National Security Council (MKN) Directive No. 23 of 2009, which provides that UNHCR card-holding refugees shall be allowed to temporarily stay in the country on humanitarian grounds. However, the directive does not accord any rights to refugees, and still uses the term 'illegal immigrants' when referring to them. As such, the legal classification of Rohingya is left to the more general Immigration Act No. 63 of 1959, which designates anyone who enters the country illegally, including refugees, illegal immigrants.

● Refugee children can only access informal education in Malaysia

Education is one of the primary concerns of Rohingya in Malaysia. Many expressed a desire for a good education for their children. One refugee noted how many children are unable to continue their studies because their parents cannot pay school fees:

"The biggest help [we can get] is education for our children. It's hard. Many children [only study up to] Grade 7, 8, or 9, and they cannot go above that. Why? Because the parents can't afford school fees. Neither can UNHCR help. Even with a 50% discount, parents still can't afford the remaining RM 300"

Rohingya refugee in Malaysia

The problem Rohingya children have accessing education stems from the absence of any legal framework covering refugee rights. Consequently, the only avenue for children is through informal learning centres. According to UNHCR, there are 150 informal learning centres for refugees across the country.³⁶ While UNHCR provides material support to the learning centres,³⁷ there is no financial support for the refugees themselves, who still have to pay tuition fees to these learning centres. As a result, the cost of education precludes some children from gaining access to education.

● Unable to officially work, refugees work in the informal sector

Many Rohingya spoke of hiding from the authorities if they want to work. One refugee recounted her parents' struggle to work while evading the police:

"I have seen my father work in the past. He looked for scrap metal, and I also saw him washing cars. ... [But] he had to work in secret, otherwise he would be arrested by the police. ... When the police came, he would run away"

Woman aged 29 born to Rohingya parents in Malaysia

Another told of living in the forest and staying constantly on the run to avoid detection:

"When I was in Malaysia, I worked as a construction worker. I moved around—sometimes I'd be in Johor, sometimes I'd be in Kuala Lumpur. When I was there I'd sleep in the jungle because I was there illegally. I was afraid the police would arrest me if I lived in the city in a nice house"

Man aged 33 who lived in Malaysia for two years

³⁶ UNHCR Malaysia, "Education," accessed 14 June 2024, <<https://refugeemalaysia.org/support/education/>>.

³⁷ UNHCR, "Education in Malaysia," accessed 14 June 2024, <<https://www.unhcr.org/my/education-malaysia>>.

Rohingya's inability to work legally is a result of not having an official status, and being prohibited from formal employment. This forces them to seek work in the informal sector, where they are prone to exploitation and unfair labour practices.

● The Rohingya's hope and resilience in Malaysia

Even though basic necessities like employment and education remain out of reach in Malaysia, some Rohingya show remarkable resilience in navigating their difficult situation. For example, one refugee shared how being prohibited to work meant that his family had to be creative to make ends meet:

"My wife and I were 19 when we married. We have three children. Now that I am unemployed, [we] have been making and selling cakes in front of the [mosque visited by the Myanmar diaspora]. My wife would go there and sell cakes in the evenings."

Man aged 31 living in Malaysia

Thailand

There are multiple pathways for refugees to access basic services in Thailand. For example, around 90,000 ethnic Karen refugees, can access basic healthcare and education provided by UNHCR to refugee camps. Rohingya, however, cannot access the same benefits from UNHCR because they mostly reside in immigration detention centres, or as 'migrants' among the locals. Instead, many long-term Rohingya migrants choose to apply for work and residence permits from Thai authorities, effectively turning them into economic migrants, so they can gain employment, healthcare and education. Rohingya migrants interviewed were located mainly in Songkhla in southern Thailand and

Mae Sot in northern Thailand.

Rohingya with proper residence permits have relatively straightforward access to employment, healthcare and education. However, the process to obtain such permits is complicated. Refugees without documentation have almost no access to employment, healthcare or education. Recently, the government has been criticised for its treatment of Rohingya, including incidents of detention, kickbacks and restricted access to humanitarian aid.³⁸ Human trafficking and exploitation remain serious concerns, with many refugees falling victim to smuggling networks.

● **Convoluted and expensive process to gain legal status for long-term Rohingya migrants**

Rohingya migrants face a long and convoluted process before they can access the Thai welfare system. In order to receive healthcare coverage and enrol their children in schools, Rohingya need to have a foreign identification or 'pink' card. Many Rohingya talked about how the process to get a pink card is expensive and confusing. One shared how the application process was costly and confusing:

"I [Even if I want to] get a foreign ID card, I can't afford it because I don't have much income. [In order to get] a foreign ID card, there are many things we have to do. I can't manage it and the income I have can't afford it. If I could, I would have done it a long time ago"

Man aged 30 living in Indonesia

In order to obtain a pink card, Rohingya would first need a Myanmar passport or a certificate

³⁸ Paul Chambers, "Thailand Must End Its Own Rohingya Atrocity", *The Diplomat*, 23 October 2015, accessed 18 June 2024, <<https://thediplomat.com/2015/10/thailand-must-end-its-own-rohingya-atrocity/>>

of identity³⁹ to apply for a work visa and household registration. They would also need a job in Thailand such that their employer could sponsor them for a work permit. Once they obtain a household registration and work permit, they can apply for a pink card, which will qualify them for the welfare system.

There is much red tape for Rohingya to navigate to enjoy basic welfare. Each document requires money which can add up to 30,000 Baht (or USD 820). Further, the procedure for getting a pink card depends on regulations established by the cabinet, which may change from time to time. As such, long-term Rohingya need to constantly keep up with the complex and ever changing policies to maintain their identification cards. On top of this, each document has a different validity period and must be renewed regularly. Rohingya who are missing any one of these documents face the risk of deportation. One long-term Rohingya recounted his experience of not being able to renew his documents:

"I was once jailed in Korat for 49 days because my visa had expired for four to five days. At that time, immigration officers turned up out of nowhere and asked for my identification. I said that I had it, but I left it at home. So they followed me to my house to get it, but the visa had expired. They said that they couldn't let me off if the visa had expired, even for a day. I told them that I just had a child. She was one year old, so money was short and I couldn't renew my visa. I asked them for an exception but they wouldn't let me off. So, they arrested me."

Man aged 40, 20 years in Thailand

³⁹ The CI book is a document that effectively serves as a passport alternative for Myanmar migrants, but is only considered valid when travelling back and forth to Thailand. The CI book is made for long-term migrants in Thailand who are unable to return to Myanmar to renew their passport. Myanmar ID and proof of address is required to obtain a CI book. For more information, see Burma Human Rights Network, Submission to the UN Universal Periodic Review of Myanmar/Burma, July

Another man expressed his desire to stay in Thailand without the worry of having to pay annual fees, renew documents and fear of deportation:

"We're foreigners. We're born as Rohingya. [We don't have] status or a country. ... Even though we weren't born here, if it's possible, ... we just want to live here and make a living here. We exist. [We want to] not have to worry about annual fees or get arrested. I want that."

Man aged 37, 21 years in Thailand

● No avenue for newly-arrived Rohingya refugees to receive protection from the Thai government

While long-term Rohingya migrants have an opportunity to access the welfare system, there are significant barriers for newly-arrived Rohingya. One activist who monitors Rohingya rights in Thailand explained how the lack of official Myanmar recognition prevents Rohingya from acquiring legal status:

"The first issue is that Rohingya in Thailand cannot prove their citizenship. ... The Thai government requires them to prove their citizenship by presenting a passport. But Myanmar refuses to recognize Rohingya as citizens. So they cannot get their passports."

Rohingya migrant activist in Thailand

Indeed, newly-arrived Rohingya refugees do not have passports or identity documents. Since valid Myanmar documents are required for the pink card, preventing them from accessing basic rights.

● Healthcare coverage is available, but costs a premium for family members and dependents

Economic migrants and unregistered refugees are not covered by the Universal Coverage System in Thailand, which guarantees free health-care to citizens. Instead, Rohingya with a pink card can purchase the Migrant Health Insurance Scheme or MHIS, which provides basic health-care coverage in public hospitals.

Rohingya migrants noted how the MHIS poses a financial burden for their families. One long-term migrant spoke of the financial challenges faced when enrolling her children in the MHIS:

"Right now, my children and I are considered aliens [in Thailand]. My children were born here, but are considered aliens, making things difficult. When we need medical treatment, we have to pay. Also, when I buy insurance, my children need it too. ... I have insurance here, but I also have to pay for my children. The price is the same. ... The economy is very tough right now, and to struggle to make a living."

Woman aged 35 with four children in Thailand

It is especially costly for Rohingya migrants to ensure coverage for their families, because the MHIS is only valid for one person per year. As such, a person has to purchase additional MHIS for each family member.

Despite the MHIS, many Rohingya remain outside the insurance scheme. Some refugees do not enrol their family members in the MHIS due to the expense. Further, many newly-arrived Rohingya shared that they remain uninsured because they do not have a pink card. One recounted having to pay a high price for the treatment of his mother:

"I Initially, [my mother and my sister] had no documents, so they mostly stayed at home and didn't go out. One day, my mother fell ill with thyroid problems. Since she had no documents, I took her to a doctor, who said, "You don't have any documents?" I asked how much, and he said it would be quite expensive. I still paid for her treatment, which was around 4,000 Baht (or USD 100). After two months, we had another doctor appointment, which cost about the same. I tried to raise money by selling roti to support my mother's treatment."

Man aged 32, 14 years in Thailand

The Thai Government is expected to review the universal health insurance system this year, to include coverage for stateless and non-Thais⁴⁰. This is a welcome move that will address the gap in coverage for undocumented Rohingya migrants.

● Rohingya children are allowed to attend school on paper, but discrimination exists in practice

Newly-arrived Rohingya refugees face difficulties accessing education for their children due to lack of documentation. One migrant reflected on the problems faced by Rohingya children:

"[Another] problem is education of Rohingya children. Because their parents lack proper documentation, some schools refuse to admit Rohingya children, stating that their parents have no documentation and, therefore, they cannot attend school."

Rohingya migrant activist in Thailand

In focus group discussions, local partners corroborated this statement, and reported that this discriminatory practice is prevalent in southern Thailand. This, despite the 1999 Education Act which provides that all school-age children shall receive free education. Specifically, the Act entitles schools to the same financial support for local and foreign students, regardless of legal status and documentation. As such, the act covers unregistered Rohingya refugees. The government's inability to ensure equal access to education for refugees is a clear violation of the right to education and freedom from discrimination.

● Rohingya migrants face daily discrimination and racism

Besides difficulties accessing basic services, Rohingya experience discrimination when they are able services. Rohingya paint a picture of racism within the healthcare system. For example, shared his experience of racism while seeking medical treatment:

"[When we go to the hospital, they won't call us by our names. They would call us "aliens," because that's what our identification card says. Sometimes they called us by name, but sometimes they called us aliens. I once asked to talk to a staff [at the hospital]. I told them that I have a name, and if they didn't know how to pronounce it, they could just ask me. And they said, "An alien is an alien, so what if I call you an alien?" Talking to the staff didn't change anything. I feel hurt."

Man aged 40 living in Thailand for 20 years

● Rohingya's hope and resilience

Despite adversities faced by Rohingya in Thailand, many remain hopeful for the future. One young refugee shared how he aspires to provide

⁴⁰ See generally Royal Thai Embassy, Washington D.C., "Thailand extends health coverage to non-citizens," Royal Thai Embassy, Washington D.C., 12 January 2024, accessed 14 June 2024, <<https://washingtondc.thaiembassy.org/en/content/thai>

human rights education to other Rohingya:

"My dream is related to teaching, because I think many Rohingya have little knowledge, little understanding and little access to education. Because of their lack of knowledge, they are struggling. I want to pursue studies and help others who are suffering and struggling. – Man aged 20 living in"

Man aged 20 living in Thailand

06 Conclusion

The findings of this study indicate that oral history and lived experience is an effective way to identify issues and solutions for the challenges facing Rohingya refugees. Following the exodus of Rohingya from Myanmar and Cox's Bazar camp in Bangladesh, it is important to continue collecting and preserving oral histories before they are lost. These findings serve as a powerful advocacy tool, providing insights into the experiences of Rohingya from across the region.

As an first effort to document the individual experiences of Rohingya refugees from Myanmar to neighbouring countries, these findings capture a picture of mass human rights violations and genocide perpetrated against the Rohingya, highlighting the severity of the crisis.

Listening to the testimonies of survivors reveals multiple reasons for the growing number of Rohingya seeking refuge in overcrowded camps in neighbouring Bangladesh. However, due to unsafe conditions and other issues in the camps, Rohingya are compelled to leave and seek safety in other countries, like Indonesia, Malaysia and Thailand.

Despite challenges, Rohingya resilience and hope for better futures continues unabated.

One ongoing challenge is that none of the recipient countries have ratified the 1951 UN Refugee Convention or its 1967 protocol, resulting in no formal legal framework for Rohingya refugees. There is an urgent need to review current protection mechanisms for those seeking refuge.

ASEAN's failure to effectively address the Rohingya crisis following the 2021 coup, highlights the limitations of the non-interference principle. As a result, review is needed of regional protection mechanisms to ensure they are effective. Despite these challenges, civil society continues to provide substantial humanitarian aid and support, legal assistance, truth-seeking documentation, campaign and advocacy on issues facing Rohingya refugees.

07 Recommendations

The situation facing Rohingya in Indonesia, Thailand and Malaysia presents a regional crisis, and requires special attention to ensure an effective and collaborative regional approach. It requires coordinated and comprehensive policy changes. The absence of formal legal frameworks and protections underscores the need for greater international cooperation and adherence to human rights standards. After listening to the experiences of Rohingya in Bangladesh, Indonesia, Malaysia and Thailand, key recommendations were formulated for ASEAN member states.

ASEAN and AICHR:

- Uphold the rights and dignity of Rohingya refugees by ensuring they receive comprehensive protection and assistance.

- Recognise refugee status by insuring Rohingya refugees are recognised and acknowledged by ASEAN member states as refugees under international law, and have access to legal protections and assistance.
- Ensure ASEAN member states provide basic needs for refugees, including healthcare, education, sufficient food, clean water and sanitation.
- Reinforce humanitarian assistance for refugees by immediately allowing humanitarian aid, and ensure humanitarian assistance and protection of vulnerable people, children, women, elderly and the infirm, particularly in Rohingya camps. The AHA Centre must cooperate with ICRC and local and national civil society organizations to provide assistance.
- Encourage support and cooperation with independent investigations by national governments, international bodies (including UN) or human rights organisations, to document and report on human rights abuses and violations of international law. This includes establishing an ASEAN-backed mechanism or tribunal to receive communications, hear evidence of human rights violations and make perpetrators accountable.
- Review the non-interference principle in humanitarian crises and gross human rights violations by respecting that sovereignty should not override the duty to protect human rights, including the rights of refugees.
- Partner with UN and national human rights institutions to develop guidelines, working with member states, as well as specialist and experienced civil society organisations on refugee rights and humanitarian access based on international human rights standards.
- Engage the NUG and the NUCC as the legitimate representatives of Myanmar to find a comprehensive and holistic resolution for the Rohingya refugees.
- Recognise the refugee status by ensuring Rohingya are recognised and acknowledged by ASEAN member states as refugees under international law, and have access to legal protections and assistance.
- Ratify the 1951 UN Refugee Convention and its 1967 protocol to provide the refugees with legal protections and rights, uphold human dignity and protect the most vulnerable populations.
- Provide comprehensive protection to Rohingya refugees utilising other prevailing conventions that have been already ratified by the respective countries, including CEDAW, CRC, UNCLOS and ICERD.
- Initiate diplomatic action and take steps through bilateral and multilateral fora to exert pressure on Myanmar.
- Access to basic needs by providing access to essential services such as healthcare, education, clean water and sanitation. Protect from violence by ensuring safety and protection, including gender-based violence, through adequate security measures and legal safeguards.
- Address violence against women by establishing safe spaces within refugee camps, where women can seek refuge, receive support services and access medical and psychological support, including counselling and trauma healing.
- Support freedom of movement by allowing movement within host countries and ensuring refugees are not confined to camps or restricted areas.
- Provide education opportunities by ensuring access to education for refugee children and adults, including language and vocational training, and ensuring refugee students can access school certificate as part of their right to education.
- Provide healthcare services that are accessible and culturally appropriate, addressing both physical and mental health needs, including access to reproductive health and support for serious illness.

Governments of Indonesia, Thailand and Malaysia:

- Support the right to work by granting refugees the right to work and access livelihood opportunities to support themselves and their families.
- Support integration and settlement by exploring opportunities for local integration or resettlement for refugees who cannot return home safely.
- Support inclusion in decision-making by involving refugees in decision-making processes that affect them, promoting their meaningful participation and empowerment.

Government of Indonesia:

- Revise the Presidential Decree No. 125 of 2016 to include specific technical guidelines on refugee management by local communities, CSOs and other key stakeholders.
- Revise the Presidential Decree No. 125 of 2016 to clarify the mandates of district, provincial and national government on refugee handling.
- Involve CSOs and local stakeholders in the revision of Presidential Decree No. 125 of 2016. Establish Aceh as an official temporary shelter for Rohingya refugees in order to consolidate humanitarian efforts at the provincial level.
- Provide support according to the differentiated needs of refugees in Indonesia, including basic livelihood and psychosocial support for newly-arrived refugees, and skill training, advanced education and health support for long-term refugees.
- Consider policies that allow for freedom of movement for refugees so they can meet basic needs and participate in the local community without restrictions.
- Establish mechanisms for evaluating potential pathways for long-term refugees who have been waiting for resettlement for more than 10 years.
- Establish refugee protection frameworks at district and provincial levels as well.

Government of Malaysia:

- Use existing frameworks, such as the IMM13 under Immigration Act, to ensure refugees the right to work. This can then be expanded to include access to affordable health and education.
- Ensure refugees the right to work as promised in the revised National Security Council Directive 23 (MKN Directive 23).

Allow the UNHCR access to immigration detention centres so that refugees can be registered and not stay in prolonged detention/impose a moratorium on immigration raids until the access is given.

- Open Malaysia's borders to embrace Rohingya from Myanmar, fleeing the escalation of violence.
- Develop a nationwide campaign to mitigate the escalation of hate against Rohingya.
- Establish a framework that looks at protection mechanisms for survivors of conflict-related sexual violence.

Government of Thailand:

- Consider the release of all Rohingya detained in prison for illegal entry and those who are held in immigration detention centres, recognizing their refugee status.
- Ensure all Rohingya refugees, including men, women, children and vulnerable groups, have access to the National Screening Mechanism, without facing discrimination, recognizing their refugee status by UNHCR.
- Guarantee all Rohingya children have access to education, without discrimination.
- Ensure that Rohingya refugees have access to basic healthcare and emergency medical services.
- Ensure all Rohingya have access to legal employment.

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