

## Module E: Derogation of rights of refugees and migrants and situations of statelessness

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### I. Research Topic:

*Re-thinking statelessness in light of a pandemic: assessing derogation of rights and developing solutions through advocacy.*

### II. Introduction and Problem Statement:

Article 1 of the 1954 Convention relating to the Status of Stateless Persons (1954 Convention) defines a ‘stateless person’ as someone “not considered as a national by any state under the operation of its law.” The Rohingyas constitute one such group and is one of the most persecuted communities in the world. Today, about 889,704<sup>1</sup> stateless Rohingya refugees live in the world’s most densely populated camps in Bangladesh. Bangladesh, which is not a signatory to the 1954 Convention nor its 1967 Protocol refuses to accord refugee status to the Rohingyas; rather designates this population as ‘forcibly displaced Myanmar nationals’. Although the government of Bangladesh was applauded for its humanitarian decision to host this significant number of stateless people, comprising mostly of women and children and to enable access to humanitarian workers to provide support to this population, the Rohingyas are still deprived of many rights. This includes the right to movement and to work, leading to lack of access to services such as health, legal, education etc. and impoverishment. Quite often, attempts of the government in governing this population do not take into account an assessment of their needs and wellbeing. One such example is the relocation of Rohingyas from the camps of Cox’s Bazar to Bhasan Char, a remote island prone to heavy flooding<sup>2</sup>. Since their arrival in Bangladesh, especially after the 2017 exodus, the Rohingyas have been highly reliant on NGO-led services for necessities: food, shelter, healthcare, legal aid, education, etc. With no right to movement, NGO services are central to ensuring basic human rights of this population. Living in cramped settlements, in 2020 the COVID-19 pandemic came as a grave threat to this community. With a countrywide lockdown announced in early 2020, most aid workers were not allowed in the camps, resulting in hunger and economic crisis of the Rohingya, and for particularly women and girls increased risks of gender-based violence, in short, *new vulnerabilities stemming from a pandemic*. In this context, this research paper looks to answer the questions in section III.

### III. Research Questions:

1. How is the Rohingya population being governed in the present pandemic situation and how are their human rights protected?

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<sup>1</sup>[https://data2.unhcr.org/en/situations/myanmar\\_refugees](https://data2.unhcr.org/en/situations/myanmar_refugees)

<sup>2</sup><https://www.hrw.org/report/2021/06/07/island-jail-middle-sea/bangladeshs-relocation-rohingya-refugees-bhasan-char>

2. How has the pandemic affected most vulnerable groups within this population (women, children, persons with disabilities)?
3. To what extent NGOs were able to provide services to the Rohingya population during the pandemic? What were the major challenges?
4. Based on the experience of the pandemic, how can we bring this population under advocacy and solutions?
5. How does the pandemic bring into light the necessity to resolve the issue of statelessness?

#### **IV. Methodology:**

The research paper will attempt to seek answers to the research questions, mainly through the following:

1. Literature review (UNHCR working papers, NGO/INGO reports, relevant research papers, news reports, etc.)
2. Primary data collection through Key Informant Interviews with services providers from NGOs involved in refugee response and advocacy.