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Sexual and Gender-Based Violence and the Humanitarian Response: The Case of Rohingya Refugee Women in Bangladesh

By

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Abstract

Sexual and gender-based violence (SGBV) grows acute in the context of displacement and refugee situations. In recent times, SGBV against women has received unprecedented attention in humanitarian discourse, with humanitarian organisations such as United Nations (UN) agencies adopting several legal and policy instruments and interventions to address the issue. Despite this, SGBV against women remains a significant problem in contemporary refugee camps and among the most vulnerable refugee communities. This thesis investigates the roles and responses of UN agencies and their partner non-government organisations (NGOs) in addressing SGBV against refugee women in Cox's Bazar Rohingya refugee camps in Bangladesh. The study fills a gap in existing research by examining how SGBV against refugee women has been constructed, represented, and addressed in the literature, in the legal instruments, and by the frontline humanitarian actors working in Cox's Bazar camps in Bangladesh. The study involves an analysis of policy documents and semi-structured interviews with the Rohingya refugees and humanitarian actors. Theoretically, the study is informed by post-structural feminist thinking, particularly by Carol Bacchi's "what's the problem represented to be?" approach. This theoretical perspective allows the thesis to critically capture and challenge the ways SGBV is constructed and addressed in policies and practices.

The thesis finds that there is no uniform interpretation of SGBV in legal instruments. Different legal instruments have identified the issue differently and offer multiple solutions. No single legal instrument addresses the issue adequately, although these legal instruments collectively provide adequate guidelines for humanitarian actors. As SGBV is one of the major policy concerns in the humanitarian field, humanitarian organisations have made multiple GBV interventions to address the issue in Cox's Bazar Rohingya refugee context. However, these interventions are not positively viewed by the Rohingya refugee women as they cannot fully realise the benefits of the interventions. Humanitarian organisations' efforts to address SGBV are

significantly compromised by a series of factors: an inadequate understanding of the issue by the frontline humanitarian actors, donor-driven and top-down humanitarian interventions, encampment and mobility restrictions, the bureaucratic complexity of humanitarian response mechanisms, and mistrust between the humanitarian actors and the refugees. Based on the findings, this study suggests that the design of future SGBV interventions must be informed by a context-specific study. Also, SGBV against refugee women should not be seen as an issue that could be addressed through top-down and stand-alone gender-focused interventions, but as one that requires changing the humanitarian response mechanism with the active participation of the refugee women.

Certification

I certify that this thesis:

     1. does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any university;

     2. the research within will not be submitted for any other future degree or diploma without the permission of Flinders University; and

     3. to the best of my knowledge and belief, it does not contain any material previously published or written by another person except where due reference is made in the text.

Signed: Ena Tripura

Date: 05/12/2022

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The process of researching and writing this thesis has been a very long, exciting, and challenging experience. Sometimes I felt sad, frustrated, and confused with self-doubt, and sometimes I felt inspired and confident with meaning and clarity in what I was doing. Overall, it has been a rewarding and enlightening journey. I received sustained support from many people in many different ways whom I want to thank, although a note of thank you is not enough to cover the debt of gratitude, I owe to them. Before that, I want to thank the Australian Government for supporting my study with tuition fees offset through Research Training Program.

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Publications During Candidature

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Tripura, Ena. "Labour Migration in Bangladesh: Experiences of the Chittagong Hill Tracts (CHT) Indigenous Women Workers." In *Migration, Trafficking and Gender Construction: Women in Transition*, edited by Roli Misra, 1-25. New Delhi: SAGE Publications India, 2020.

List of Abbreviations

AIDS   Acquired Immunodeficiency Syndrome

ARSA   Arakan Rohingya Salvation Army

AGDM   Age, Gender, and Diversity Mainstreaming Policy

BBC   British Broadcasting Corporation

BRAC   Bangladesh Rural Advancement Committee

CiC   Camp-in-Charge

CARE   Cooperative for Assistance and Relief Everywhere

BGD   Border Guard Bangladesh

CEDAW   Convention on the Elimination of all Forms of Discrimination against Women

DEVAW   Declaration on the Elimination of Violence against Women

DNA   Deoxyribonucleic Acid

ECOSOC   United Nations Economic and Social Council

FDMN   Forcefully Displaced Myanmar Nationals

GDP   Gross Domestic Product

GBV   Gender-Based Violence

HIV   Human Immunodeficiency Virus

IDP   Internally Displaced People

ISCG   Inter-Sector Coordination Group

IDMC   Internal Displacement Monitoring Centre

IASC   Inter-agency Standing Committee

INGO   International Non-Government Organisation

IOM   International Organisation for Migration

LBGTQI   Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Life

MSF   Medicines Sans-Frontiers

NGO	Non-Government Organisation
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OSCC	One-Stop Crisis Centre
PTSD	Post-Traumatic Stress Disorder
RAB	Rapid Action Battalion
RRRC	Office of the Refugee Relief and Repatriation Commissioner
SGBV	Sexual and Gender-Based Violence
SOPS	Standard Operations Procedures
SEA	Sexual Exploitation and Abuse
SASA	Start, Awareness, Support, and Action
TAI	Technical Assistant Inc.
TK	Taka (Bangladeshi Currency)
UNHCR	United Nations High Commissioner for Refugees
UN	United Nations
UNO	*Upazila Nirbahi* Officer
UNFPA	United Nations Population Fund
UNSCR	United Nations Security Council Resolution
VAW	Violence against Women
WASH	Water, Sanitation, and Hygiene
WPR	What's the Problem Represented to Be?

Chapter One: Nature and Scope of Study

1.1. Research Background

The number of refugees and forcibly displaced people worldwide is at its highest level in this decade and is one of the major global crises. According to the 2022 annual global trend report of the United Nations High Commissioner for Refugees (UNHR), 89.3 million people, including men, women, and children, were displaced from their villages and homes by the end of 2021 because of conflict, disaster, and violation of their human rights. The number of displaced people is increasing, with approximately 16.1 million newly displaced people just in 2021 due to conflict and violence, which is equivalent to more than 44,000 people being displaced every single day. A large number of these displaced people, 27.1 million, are living outside their native countries as refugees, 4.6 million are seeking asylum, fearing persecution in their home countries, and 53.2 million are internally displaced.[1] The majority of the refugees come from low and middle-income countries. For example, as of 2018, 67% of the total refugees in the world came from just five countries in 2018; "the Syrian Arab Republic (6.7 million), Afghanistan (2.7 million), South Sudan (2.3 million), Myanmar (1.1 million), and Somalia (.9 million)".[2] This proportion is due to weak state mechanism, civil war, and powerful countries' invasions, which generated massive numbers of refugees from these countries.[3]

Every year, many displaced people, including refugees and asylum seekers, die at sea and on roads while trying to reach another country in search of physical security and in conflict while still in their own country. Many of them die and endure further violence and insecurity in

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[1] United Nations High Commissioner for Refugees, *Global Trends: Force Displacement in 2021* (Copenhagen, Denmark, 2022), 2. Accessed 17 July 2022, https://www.unhcr.org/62a9d1494/global-trends-report-2021.

[2] United Nations High Commissioner for Refugees, *Global Trends: Forced Displacement in 2018* (Geneva, Switzerland, 2019), 3. Accessed 4 August 2020, https://www.unhcr.org/5d08d7ee7.pdf.

[3] Sonja Fransen and Hein De Haas, "Trends and Patterns of Global Refugee Migration," *Population and Development Review* 48, no. 1 (2022): 101-102.

their new country of settlement, especially those who have landed in developing countries that already struggle with multiple barriers to sustainable development and are unable to mobilise adequate resources for newly arrived refugees.[4] The majority of the refugees, about 85%, are hosted in developing countries that share borders with the countries where most of the refugees come from. Bangladesh is one such country as it hosts about one million Rohingya refugees from a neighbouring country, Myanmar.[5] Refugees in these countries are mostly sheltered in refugee camps, where humanitarian organisations such as the United Nations (UN) and non-government organisations (NGOs) work to provide the refugees with their basic needs and protection. But the amount and kind of support the humanitarian actors offer to the refugees in camps often do not resonate with the needs of the refugees, especially of refugee women. Hoeffler refers to the movement of refugees between developing countries as "jumping out of the frying pan into the fire".[6] She uses this phrase to refer to the worsening situation of the refugees who move from one weak state to another.

Women and girls constitute a minimum of 50% of any refugee population worldwide. They are disproportionally affected by conflict and displacement as their sufferings, experiences, and challenges differ considerably from men's, mostly because of unequal gender power relations.[7] As women have different power positions and unequal access to resources, their roles and needs also vary from those of men, which must be taken into account by all kinds of development and

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[4] Isabel Ruiz, Melissa Siegel, and Carlos Vargas-Silva, "Forced Up and Down: The Impact of Forced Migration on Social Status," *Journal of Refugee Studies* 28, no. 2 (2015): 1462.

[5] United Nations High Commissioner for Refugees, *Global Trends: Forced Displacement in 2018*, 15.

[6] Anke Hoeffler, *Out of the Frying Pan Into the Fire? Migration From Fragile States to Fragile States*, Centre for the Study of African Economies, University of Oxford (2013), 8. Accessed 18 October 2021, https://www-oecd-ilibrary-org.ezproxy.flinders.edu.au/docserver/5k49dffmjpmv-en.pdf?expires=1580646712&id=id&accname=guest&checksum=39DE0FFBA23DEE9480BE48CFFBFC9769.

[7] United Nations Women, "Gender Brief on Rohingya Refugee Crisis Responds in Bangladesh," (2017). Accessed 12 January 2019, https://reliefweb.int/report/bangladesh/gender-brief-rohingya-refugee-crisisresponse-bangladesh-october-2017.

humanitarian actors to ensure that they get equal benefits from humanitarian interventions.[8] Unfortunately, in many cases, displaced and refugee women are frequently denied their rights to information and other necessary services such as health care services, education, and relief services. Their different needs and priorities are not given enough importance or urgency. Women have no say or less say in many important and urgent issues like water, food, and shelter in emergency response and recovery efforts. This contributes to perpetuating and strengthening women's dependency and subordination to men, ultimately rendering them vulnerable to violence in humanitarian settings.[9] In every conflict and aftermath refugee settlement, more refugee women than men are targeted for and victimised by sexual and gender-based violence (SGBV) of different forms.[10] Rape, prostitution, and forced marriage are the most distinct and key forms of SGBV women experience in a refugee camp committed by different actors.[11] Violence against women worsens in some vulnerable refugee communities, such as the Rohingya refugee community in Bangladesh. The high prevalence of violence against refugee women presents a significant threat to global health, the economy and the safeguarding of universal human rights and women's human rights. In such a situation, humanitarian organisations and actors have a very important role to play as the refugees mostly rely on them for their protection and other needs.

It is, therefore, very important to investigate how the major humanitarian actors, such as the UN and NGOs, view and address the issue of SGBV against women in their policies and

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[8] Caroline Moser, *Gender Planning and Development: Theory, Practice and Training* (London: Routledge, 1993), 38.

[9] Mie A. Jensen, "Gender-Based Violence in Refugee Camps: Understanding and Addressing the Role of Gender in the Experiences of Refugees," *Inquiries Journal* 11, no. 02 (2019). Accessed 27 January 2022, http://www.inquiriesjournal.com/articles/1757/gender-based-violence-in-refugee-camps-understanding-and-addressing-the-role-of-gender-in-the-experiences-of-refugees.

[10] Natalia Buchowska, "Violated or Protected. Women's Rights in Armed Conflicts After the Second World War," *International Comparative Jurisprudence* 2 (2016): 74.

[11] Ulrike Krause, "Violence Against Women in Camps? Exploring Links between Refugee Camp Conditions and the Prevalence of Violence," in *Health in Diversity – Diversity in Health: (Forced) Migration, Social Diversification, and Health in Changing World*, edited by Katharina Crepaz, Ulrich Becker, and Elisabeth Wacker (Germany: Springer Fachmedien Wiesbaden GmbH, 2020), 191.

practices.[12] The significance of the thesis lies in its careful investigation, theoretical and empirical, of the role played by humanitarian actors in addressing the problem of SGBV against Rohingya women living in refugee camps in Bangladesh, on the Myanmar border. The thesis moves beyond the taken-for-granted assumption that SGBV against women is the same everywhere, and that protection from violence against refugees in general, and refugee women in particular, is a high priority for humanitarian organisations and actors. The study focuses on the Rohingya refugees who arrived in Bangladesh after August 2017 and are currently living in Cox's Bazar refugee camp, one of the most notorious refugee settlements in the world for endemic SGBV against women and other forms of human rights abuse.[13] The background and context of the Rohingya refugee crisis are discussed in chapter four.

1.2. Problem Statements and Justification

Refugee women experience violence throughout their journey, during and after conflict, and in humanitarian settings, where they have limited protection. Hence, they are more affected and more endangered by SGBV compared to men or any other female population in the world.[14] According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), on average, 1 in 5 refugees or internally displaced women across the globe experience sexual violence, and the condition continues to worsen.[15] In some underfunded refugee situations, more

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[12] Eleonora Costa, *The Rohingya: The World's Most Persecuted Minority*, Post-Conflict Research Center (2017). Accessed 26 September 2021, https://www.p-crc.org/2017/12/06/the-rohingya-the-worlds-most-persecuted-minority/.

[13] Pittaway cited in Linda Nordby, "Gender-Based Violence in the Refugee Camps in Cox's Bazar: A Case Study of Rohingya Women's and Girls' Exposure to Gender-Based Violence" (Uppsala University, Sweden, 2018), 19.

[14] Elizabeth Donnelly and Viknes Muthiah, *Protecting Women and Girls in Refugee Camps: State's Obligation Under International Law*, The London School of Economics and Political Science (2009), 27. Accessed 20 October 2020, http://www.lse.ac.uk/women-peace-security/assets/documents/2019/LSE-WPS-refugees-camp.pdf.

[15] United Nations High Commissioner for Refugees, *UNHCR Urges Support to Address Worsening Gender-Based Violence Impact on Displaced Women and Girls* (2021). Accessed 19 July 2022, https://www.unhcr.org/en-au/news/press/2021/11/619e5ec94/unhcr-urges-support-address-worsening-gender-based-violence-impact-displaced.html.

than 70% of the women experience different forms of SGBV.[16] Worldwide, the incidence of SGBV against women is under-reported. In one of their reports, the UN mentioned that only 1 out of 10 women expressed their willingness to report a case of SGBV to police in a non-refugee situation.[17] The level of unreported incidents of violence against women in refugee camps is believed to be much higher because of social stigma, further reprisal from the perpetrators, and not having necessary support services.[18]

Refugee women even experience violence at the hands of the security personnel in the camps and aid workers who are there to protect them and advocate for their human rights.[19] Some humanitarian actors sometimes force women to provide transactional sex in return for relief items or other services.[20] For example, in the Democratic Republic of Congo, many young women from refugee communities were raped by aid workers and given food items or money afterwards to present the rape as consensual sex.[21] Refugee women also experience violence from their fellow refugees. In Tanzania, for example, 59% of the reported rapes were committed by fellow refugees in the camp areas. And the rate of domestic violence experienced by refugee women is believed to be higher than sexual violence committed by outsiders in a camp setting where women lack the necessary resources and recourse to address it and improve their personal safety. In addition,

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[16] United Nations Women, *Facts and Figures: Humanitarian Action* (2017). Accessed 12 July 2022, https://www.unwomen.org/en/what-we-do/humanitarian-action/facts-and-figures#notes.

[17] United Nations, *International Day for the Elimination of Violence against Women 25 November* (2020). Accessed 10 July 2022, https://www.un.org/en/observances/ending-violence-against-women-day.

[18] Olga-Martin Gonzalez, "Refugees and Host Communities Facing Gender-Based Violence: Developing an Area-Based Approach to Gender-Based Violence Around Mbera Camp, Mauritania," *Gender & Development* 24, no. 3 (2016): 384.

[19] Oxfam Canada and NGO Partners, *Joint Agency Statement on Women and Girls' Rights in Humanitarian Action* (2019), 1. Accessed 20 May 2019, https://www.oxfam.ca/publication/joint-agency-statement-on-women-and-girls-rights-in-humanitarian-action/.

[20] Andrew Simon-Butler and Bernadette McSherry, *Defining Sexual and Gender-Based Violence in the Refugee Context* (University of Birmingham Institute for Research into Superdiversity, 2018). Accessed 10 May 2022, https://socialequity.unimelb.edu.au/__data/assets/pdf_file/0020/3012176/Defining-Sexual-and-Gender-Based-Violence-in-the-Refugee-Context.pdf.

[21] M Marsh, S Purdin, and S Navani, "Addressing Sexual Violence in Humanitarian Emergencies," *Global Public Health* 1, no. 3 (2006), https://doi.org/10.1080/17441690600652787.

refugee women experience SGBV from their host community as they need to venture out for livelihood and collect firewood, water, and other resources necessary in their everyday lives. In the Dadaab Refugee Camp in Kenya, 90% of reported rape cases occurred outside the camps as women ventured out in search of firewood.[22] Women are also targeted by human traffickers and smugglers who all want to take advantage of their vulnerability.[23] Therefore, perpetrators of SGBV against refugee women include their family members, fellow refugees, local residents, and the humanitarian actors themselves.[24]

According to Grown and Gupta, globally, "violence perpetrated against girls and women kills more women than traffic accidents and malaria combined",[25] as the violence is high in the context of displacement, the death of refugee women because of SGBV is assumed to be higher. Causes of death include direct murder, the aftermath injuries, health complications, and inaccessible health care services. For example, 60% of maternal deaths in humanitarian settings are caused by preventable reproductive and maternal health problems.[26] Apart from death, SGBV against women has wide-ranging negative impacts. The physical consequences of the violence include serious physical injury, unwanted pregnancy, unsafe abortion, and the spread of sexually transmitted diseases. According to the World Health Organisation (WHO), women who experience SGBV are 1.5 times more likely to have sexually transmitted diseases and twice as

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[22] Donnelly and Muthiah, *Protecting Women and Girls in Refugee Camps: State's Obligation Under International Law*, 27.

[23] Gianna Robbers and Alison Morgan, "Programme Potential for the Prevention Of and Response to Sexual Violence among Female Refugees," *Reproductive Health Matters* 25, no. 51 (2017): 70.

[24] Elizabeth Ferris, "Women in Refugee Camps. Abuse of Power: Sexual Exploitation of Refugee Women and Girls," *Journal of Women in Culture and Society* 32, no. 3 (2007): 585.

[25] Grown & Gupta cited in Marsh, Purdin, and Navani, "Addressing Sexual Violence in Humanitarian Emergencies," 133.

[26] Rachel Cooper, *Maternal, Newborn and Child Health in Emergency Settings*, Institute of Development Studies (Brighton, UK, 2018), 4. Accessed 3 March 2019, https://assets.publishing.service.gov.uk/media/5b6c5c24e5274a2997b49ff5/Evidence_of_MNCH_programming_in_emergency_settings.pdf.

likely to have an unsafe abortion compared to women who do not experience violence.[27] Other health problems include mental health problems in the forms of depression, anxiety, fear of sex, and mental inability to function like a normal human being in the family and community.[28] SGBV against women also causes economic loss for treating the injuries of violence. According to UN Women, violence against women and children costs around AUD$11.38 billion per year in Australia. At the global level, the total cost is estimated to be approximately US$2% of the global gross domestic product (GDP), which is equivalent to US$1.5 trillion.[29]

SGBV against refugee women also has adverse effects on their children. Some study reports from Darfur, Rwanda, and other camp settings highlighted that children born out of rape suffer from abuse, malnutrition, neglect, and homelessness.[30] In addition, parents marry off daughters early to avoid financial burdens and protect girls from shameful premarital sex, rape, and pregnancy outside marriage. Child marriage, in turn, increases early pregnancy and domestic violence and interrupts girls' education.[31] SGBV also increases the likelihood of child labour, especially among women-headed households. Fearing SGBV in the workplace or outside the home, many women, especially from female-headed households, engage their underage sons in income-earning activities at the expense of their education. Lack of education can lead to increased crime rates among adolescents and youths.[32]

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[27] World Health Organization, *Violence Against Women* (2021). Accessed 13 April 2022, https://www.who.int/news-room/fact-sheets/detail/violence-against-women.

[28] Melanie O'Brien, *Criminalising Peacekeepers Modernising National Approaches to Sexual Exploitation and Abuse* (New York: Palgrave Macmillan, 2017).

[29] United Nations Women, *The Economic Costs of Violence Against Women* (2016). Accessed 17 March 2020, https://www.unwomen.org/en/news/stories/2016/9/speech-by-lakshmi-puri-on-economic-costs-of-violence-against-women.

[30] Marsh, Purdin, and Navani, "Addressing Sexual Violence in Humanitarian Emergencies," 134.

[31] Gonzalez, "Refugees and Host Communities Facing Gender-Based Violence: Developing an Area-Based Approach to Gender-Based Violence Around Mbera Camp, Mauritania," 376-384.

[32] International Organization for Migration, *A Gendered Perspective: Safety, Dignity and Privacy of Camp and Camp-Like Settings in Iraq* (Baghdad, Iraq: International Organization for Migration, 2016). Accessed 28 August 2022, file:///C:/Users/Lenovo/Downloads/IOM_Iraq_-_A_Gendered_Perspective_report_0-1.pdf.

The consequences of SGBV are very much gendered. In many societies, especially in developing countries, the notion of families and often community's honour is tied to the female body, to the daughter's virginity, and requires protecting women from having sex outside marriage. Women are stigmatised and blamed for the violence and rejection by their husbands or other family members. In many cases, the family who provides shelter to their rape survivor family member also faces social ostracism.[33]

The threat of SGBV also profoundly impacts women's functional ability in daily life as it can reduce their mobility. For example, in Iraq, women from displaced communities cannot move around inside and outside the camp, fearing sexual violence. They can not go out to collect rations and seek other services. They always stay in groups and depend on others to a great extent to access relief distribution and other necessary support services for their basic needs.[34] With no other better options, women may get involved in negative coping mechanisms, sell their last assets, secretly get involved in illegal drug selling, or be lured into prostitution.[35] In a polygamous society, in search of safety and security, a refugee woman may also be forced to become a third or fourth wife of a man, whom she would never marry in a normal circumstance, in search of safety and security.[36] However, such marriage does not always ensure protection.[37] The issue of SGBV against refugee women is thus not only a major global health issue but also an issue of international human rights as it impedes women from enjoying freedoms and rights on an equal

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[33] Marsh, Purdin, and Navani, "Addressing Sexual Violence in Humanitarian Emergencies," 136.

[34] International Organization for Migration, *A Gendered Perspective: Safety, Dignity and Privacy of Camp and Camp-Like Settings in Iraq*, 15.

[35] O'Brien cited in Nordby, "Gender-Based Violence in the Refugee Camps in Cox's Bazar: A Case Study of Rohingya Women's and Girls' Exposure to Gender-Based Violence," 17.

[36] Valerie Oosterveld, *Women and Girls Fleeing Conflict: Gender and the Interpretation and Application of the 1951 Refugee Convention*, United Nations High Commissioner for Refugees (Geneva, Switzerland, 2012), 17. Accessed 27 March 2019, https://www.unhcr.org/504dd7649.html.

[37] Nour Daoud, ""I Will Stay With Him Through Thick and Thin": Factors Influencing the Incidence and Persistence of Intimate Partner Violence Against Syrian Refugee Women in Jordan," *Journal of Immigrant & Refugee Studies* (2020): 6.

basis with men. It is not an accident or by-product of in-born physical vulnerability but caused by structural violence and deep-rooted discrimination, which the state and other humanitarian actors have a moral and legal obligation to address. Until the 1980s, the condition of women in displacement and refugee situations gained little attention in the international agenda on humanitarianism as "humanitarian aid was generally considered a gender-neutral enterprise, and as such as equally satisfying the needs for protection and assistance of refugee men and women".[38] Because of this idea of gender-neutral humanitarianism, refugee women remained invisible to many humanitarian actors, making women's participation in the response program absent and their needs and interests ignored. This approach increases refugee women's dependency on others and vulnerability to violence.[39]

The issue of women in displacement and refugee situations came to the notice of the international agenda when women's rights issues gained momentum in the discussion of international politics.[40] Along with women's rights issues in general, feminists across the globe campaigned for collected and disseminated information about different forms of violence endured by refugee women and their protection needs.[41] Since the UN Decade for Women 1975-1985, SGBV against refugee and displaced women has become an important issue for the UN and its global humanitarian partners.[42] Subsequently, the issue of SGBV has become an integral part of

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[38] Elisabeth Olivius, "Governing Refugees Through Gender Equality: Care, Control and Emancipation" (PhD Thesis, Umeå University, Sweden, 2014), 2. Accessed 11 July 2021, https://pdfs.semanticscholar.org/8eb9/1952053a9e71aa49449469bf03877463f45e.pdf?_ga=2.211451669 .1295901086.1574422189-115024768.1572482383.

[39] Alice Edwards, "Transitioning Gender: Feminist Engagement With International Refugee Law and Policy 1950-2010," *Refugee Survey Quarterly* 29, no. 2 (2010): 22.

[40] Olivius, "Governing Refugees Through Gender Equality: Care, Control and Emancipation," 2.

[41] Maroussia Hajdukowski-Ahmed, Nazilla Khanlou, and Helene Moussa, "Introduction," in *Not Born a Refugee Woman: Contesting Identities, Rethinking Practices*, edited by Maroussia Hajdukowski-Ahmed, Nazilla Khanlou, and Helene Moussa (New York & Oxford: Berghahn Books, 2008), 2-3.

[42] Olivius, "Governing Refugees Through Gender Equality: Care, Control and Emancipation," 2.

international humanitarian policies and practices to an unprecedented degree.[43] Over time, the UN has adopted various legal instruments, policies, conventions, treaties and interventions to protect the freedom and rights of every woman, girl, man, and boy in conflict and humanitarian settings.[44] Despite this progress in humanitarian legal instruments and practices, women still experience violence in conflict and humanitarian settings.[45]

Due to the sustained violence experienced by refugee women in humanitarian settings, the actual implementation of the UN's humanitarian gender policies and their effects on the ground are seen to remain unsystematic and inconsistent.[46] This generates a need for the UN and other humanitarian agencies to take appropriate steps to adopt new policy standards or transform the ways in which humanitarian programs are coordinated and operated on the ground. Such an approach should ensure that everyone, especially girls and women, is not only seen and heard but has an active role to play that will help to reduce SGBV against women. Humanitarian interventions should be supported by evidence derived from research conducted on practical experiences of the people in need of humanitarian support and those responsible humanitarian actors working on the ground, rather than being driven by anecdotes. As stated by Roth et al., having an in-depth understanding and correct data is necessary. Otherwise, it will lead to incorrect policy making, resource allocation, and different outcomes.[47]

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[43] Buchowska, "Violated or Protected. Women's Rights in Armed Conflicts After the Second World War," 71-72.

[44] Elisabeth Olivius, *Three Approaches to Gender in Humanitarian Aid: Findings From a Study of Humanitarian Aid to Refugees in Thailand and Bangladesh* (Sweden: Umeå University Press, 2014), 1.

[45] Jenny Molin, "From Policy to Action: A Study on the Implementation of Gender Policies and a Gender Perspective in Swedish Humanitarian Assistance Work" (Honours Thesis, Södertörn University, Sweden, 2012), 4. Accessed 21 June 2019, http://sh.diva-portal.org/smash/get/diva2:604680/FULLTEXT01.pdf.

[46] United Nations Women, *The Effect of Gender Equality Programming on Humanitarian Outcomes* (2015), 4. Accessed 8 June 2019, https://interagencystandingcommittee.org/system/files/unw_effects_of_gender_equlaity_on_humanitarian_outcomessinglepgsweb.pdf.

[47] Françoise Roth, Tamy Guberek, and Amelia Hoover Green, *Using Quantitative Data to Assess Conflict-Related Sexual Violence in Colombia: Challenges and Opportunities*, Corporación Punto de Vista (2011). Accessed 19 August 2022, https://hrdag.org/content/colombia/SV-report_2011-04-26.pdf.

Scholars studying the impact of gender integration in humanitarian aid in refugee women's lives have different opinions. Buscher identifies the proliferation of humanitarian legal instruments related to gender as a significant achievement.[48] Other, such as Otto, argue that mere policy is not enough. Without policy translated into meaningful practice, addressing violence against women and gender inequality will be a 'game of shadows'. And, the UN has a poor accountability record and a weak monitoring and evaluation system for addressing gender issues that create gaps between policy and practice.[49] Consequently, SGBV against women is still highly prevalent in all refugee situations. How laws or policies address the issue is also important as they are not neutral and objective,[50] but a subjective instrument of governance.[51] Simultaneously, the meaning of SGBV or gender equality remains diverse and contentious in humanitarian discourse. Defining it becomes more complicated when NGOs, UN agencies, host countries, and refugees of diverse backgrounds meet and interact in the process of managing a refugee situation. They all have different ideas about what constitutes SGBV and what to achieve through SGBV related policies and interventions. For example, as Hyndman points out, the UN and INGOs have their own perspectives and interpretation of refugees in general, and violence against refugee women in particular, as their perspectives are based on their working experience elsewhere.[52] Similarly, the local humanitarian actors or the refugees have their own understanding and interpretation of SGBV derived from the socio-cultural context of the place they inhabit or work in. Therefore, how SGBV is conceptualised or represented varies from one refugee situation to another. As Bacchi

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[48] Dale Buscher, "Refugee Women: Twenty Years On," *Refugee Survey Quarterly* 29, no. 2 (2010).

[49] Dianne Otto, "The Exile of Inclusion: Reflection of Gender Issues in International Law over the Last Decade," *Melbourne Journal of International law* 10, no. 1 (2009): 23.

[50] Maria Giannacopoulos, "Without Love There Can Be Law but No Justice," *Globalizations* 17, no. 7 (2020): 1085-1086.

[51] Carol Bacchi, *Analysing Policy: What's the Problem Represented to Be?* (New South Wales: Pearson Australia, 2009).

[52] Jennifer Hyndman, "Refugee Camps as Conflict Zones: The Politics of Gender," in *Sites of Violence: Gender and Conflict Zones*, edited by Wenona Giles and Jennifer Hyndman (Berkeley: University of California Press, 2004), 193.

argues, how one problematises or represents an issue has multiple effects on the lives of the relevant people.[53] Thus, how the problem of SGBV is defined, conceptualised, and addressed in a particular context should be examined to help address the issue effectively. This study applies Carole Bacchi's What's the Problem Represented to Be (WPR) approach which argues that problems do not exist waiting to be solved; problems are created and represented in a particular way by policymakers or people, especially those in a position of power to achieve particular objectives. Problem representation is both constituted and constitutive, which needs to be scrutinised and questioned. The WPR approach of Bacchi has six guiding questions to consider while analysing problem creation and representation in a policy or any other context.[54] The details of the WPR approach are discussed in chapter five.

1.3. Research Question and Objectives

How do the humanitarian organisations, especially the UN agencies and their implementing partner NGOs, address the issue of SGBV against Rohingya refugee women in Bangladesh in their humanitarian gender policies and practices?

This study aims to understand better the roles of the humanitarian actors in relation to SGBV against refugee women in humanitarian settings or refugee camps. This research aim has been pursued through a critical analysis of the existing humanitarian gender policies of the UN and the government of Bangladesh and a thorough investigation of the humanitarian response mechanism present for Rohingya refugees living in camps in Bangladesh. In addition to the host country's government, the UN agencies, along with the implementing partner NGOs, play the roles of main gatekeepers of the refugee camps and advocate for refugees' human rights.[55] In the effort to comprehend SBGV against refugee women in camps, it is vital to focus on how the SGBV

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[53] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[54] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[55] Nordby, "Gender-Based Violence in the Refugee Camps in Cox's Bazar: A Case Study of Rohingya Women's and Girls' Exposure to Gender-Based Violence," 4.

against women is interpreted in policies and how it is understood, contextualised, and addressed by front-line humanitarian actors in the complex bureaucratic system of the global humanitarian regime. Therefore, this study examines gender-related humanitarian legal instruments and the ways in which SGBV is perceived and addressed by the frontline humanitarian actors to contribute to the prevention and protection of Rohingya refugee women from SGBV by highlighting opportunities and gaps in the existing humanitarian response mechanism. The specific objectives of this research are as follows:

- Critically analyse the extent to which issues of SGBV against refugee women are addressed in humanitarian gender policies and other relevant legal instruments by the UN.

- Investigate how SGBV against refugee women is understood and interpreted by the front-line humanitarian actors in Cox's Bazar Rohingya refugee context, and how they address the issue in practice through different interventions and service provisions.

- Explore and examine how Rohingya refugees, particularly Rohingya women, perceive SGBV and relevant interventions undertaken by the humanitarian organisations in the camps.

1.4. Research Contributions

This thesis is a comprehensive academic study of responses to SGBV committed against the newly arrived Rohingya refugee women in Bangladesh. Although it has been frequently discussed in news reports and working papers of various humanitarian organisations, at the time of writing this thesis, there is only one known master thesis[56] and a few journal articles[57] written on SGBV

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[56] Nordby, "Gender-Based Violence in the Refugee Camps in Cox's Bazar: A Case Study of Rohingya Women's and Girls' Exposure to Gender-Based Violence."

[57] Grace Priddy et al., "Gender-Based Violence in a Complex Humanitarian Context: Unpacking the Human Sufferings among Stateless Rohingya Women," *Ethnicities* 22, no. 2 (2022); Annekathryn Goodman and Iftkher Mahmood, "The Rohingya Refugee Crisis of Bangladesh: Gender-Based Violence and the Humanitarian Response," *Open Journal of Political Science* 9 (2019). Accessed 3 March 2021, https://www.researchgate.net/publication/333689572_The_Rohingya_Refugee_Crisis_of_Bangladesh_Gender_Based_Violence_and_the_Humanitarian_Response.

against the newly arrived Rohingya refugee women in Bangladesh. While SGBV against women during conflict has been widely known,[58] there is little attention from researchers despite the daily struggles for countless refugee women reported in almost every refugee camp. Moreover, the existing studies are conducted on secondary data sourced from humanitarian organisations' reports, newspaper reports, and social media reports. According to Heaton, secondary data is very effective and convenient in terms of cost and time. Still, a study conducted using only secondary data has certain limitations as it sometimes risks being outdated and not having valid information on the exact scenario of the subject studied.[59] This is the first primary research conducted on violence against Rohingya women in recent years. As such, this study begins to fill a significant gap by offering insights into the SGBV experienced by the Rohingya refugee women living in camps in Bangladesh and how humanitarian actors have responded.

In reporting on primary research, this thesis contributes to the critical analysis of the international refugee regime and humanitarianism by emphasising the lives of Rohingya women in refugee camps as sites of exceptions. It focuses on bureaucratic complexity and politics around aid management, security issues, and how these can amplify violence against women. It adds significantly to academic debates on the international refugee regime as a contributor to refugee people's vulnerability, oppression, disempowerment, loss of agency, and self-governance. Scholars such as Didier Fassin use the phrase 'politics of life' to describe the mechanism humanitarian actors use in deciding the deservingness of scarce resources. It is a mechanism that positions refugees as vulnerable and forces them to reaffirm victimhood status, which contributes to their exclusion from decision-making in their own lives.[60] Hyndman and Wenona, on the other hand, view the suffering and violation of human rights as a result of geopolitics

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[58] Simon-Butler and McSherry, *Defining Sexual and Gender-Based Violence in the Refugee Context*, 8-9.

[59] Janet Heaton, "Secondary Analysis of Qualitative Data: An Overview," *Historical Social Research* 33, no. 3 (125) (2008): 39.

[60] Didier Fassin, "Humanitarianism as a Politics of Life," *Public Culture* 19, no. 3 (2007).

dominated by the Global North. The refugees, who are searching for their own security, are seen as security threats by the countries in the Global North. Under the name of local integration and regional protection regime, the Global North wants to contain refugees in a camp in their region of origin, far away from their border and out of sight, by providing aid to agencies managing the refugees. According to Hyndman and Wenona, refugees' rights cannot be protected in camps, especially in the long run where structural violence and other forms of violence like an assault on personhood and self-respect become normal once the urgency of the humanitarian crisis fades away and donor funds start to dwindle.[61] Likewise, Verdirame and Herrald-Bond critically analyse and criticise the international humanitarian regime of the UN, NGOs, and governments as responsible for re-enforcing oppression and aid dependency by warehousing refugees in camps instead of providing the necessary protection.[62] These theories and ideas around the refugee regime and humanitarianism have been developed from a general perspective, pointing out how refugees as a whole are subordinated within this system of complex humanitarianism and refugee management. This thesis fills a significant gap in the existing literature by showing the micro-level operation of this complex global humanitarian regime and its connection with violence against refugee women in a refugee camp in a specific context.

Theoretically and methodologically, this study contributes to post-structuralism, and more specifically, to post-structural feminism, by using a post-structuralist methodology to analyse the issue of SGBV against Rohingya women. Using Carol Bachhi's concept of discourse as a form of knowledge and the "what's the problem represented to be?" *(WPR)* approach to policy analysis, this research offers in-depth knowledge on the way SGBV is constructed, represented, and addressed in the humanitarian response. Above all, this study provides insight into the lives of

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[61] Jennifer Hyndman and Wenona Giles, *Refugees in Extended Exile: Living on the Edge* (London: Routledge, 2016), 77.

[62] Guglielmo Verdirame and Barbara Harrell-Bond, *Rights in Exile: Janus-Faced Humanitarianism* (New York: Berghahn Books, 2005).

the Rohingya refugee women, how humanitarian interventions shape their everyday lives, what mechanisms are in place to assist them, and how these mechanisms have come into place and why. Significantly, the research considers how refugee women make sense of their own experiences and navigate this complex system of humanitarianism that contours their lives.

Analysing how SGBV is constructed, interpreted, and applied in the humanitarian response, this study allows for a more nuanced understanding of the effectiveness of the UN's humanitarian gender policies and practices. This research focuses on UN agencies and their implementing partner NGOs as they work as major humanitarian actors who coordinate, decide, and implement humanitarian programs and policies. Every decision and policy framework of the humanitarian actors, especially the UN, has far-reaching significant impacts on the population living under a humanitarian crisis.[63] This is why empirical research canvassing the voices of those most impacted is vital to inform and guide humanitarian policies and practices in the right direction and promote the best practices for addressing the SGBV against Rohingya women in Bangladesh and beyond.

1.5. Key Concepts and Definitions

Sexual and Gender-Based Violence: The term gender-based violence (GBV) is used to denote any form of violence carried out against a person based on the person's gender identity or its impacts on the person because of gender identity, roles, and responsibilities.[64] The discourse around GBV usually, but not exclusively, focuses on women's experiences of violence caused by unequal gender power relations. Although some men and boys face GBV, the terms violence against women (VAW) and GBV are normally used interchangeably because of their

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[63] Martin Binder, *The United Nations and the Politics of Selective Humanitarian Intervention* (Cham, Switzerland: Palgrave Macmillan, 2017), 5.

[64] Shamima Akhter and Kyoko Kusakabe, "Gender-Based Violence among Documented Rohingya Refugees in Bangladesh," *Indian Journal of Gender Studies* 21, no. 2 (2014): 227.

disproportionate effects on women, which are often made invisible or taken as normal.[65] The UN has defined VAW in the following way, which is also the most widely accepted definition.

> Any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life.[66]

This definition encompasses a wide range of, but is not limited to, sexual, physical, psychological violence and, most recently, socio-economic violence that occurs within domestic and outside spheres.[67] However, given the high prevalence and the importance of sexual violence as a key aspect of GBV experienced by refugee women, the combined term SGBV is very prominently used in the academic discourse around refugee and forced displacement studies to highlight the sexual nature of the violence. This study uses the term SGBV to develop an in-depth understanding of the gendered nature of the sexual violence experienced by refugee women. This study defines sexual violence or SGBV as any sexual act attempted or committed against a woman without her consent, in the form of rape, forced prostitution, forced marriage, intentional sexual contact (touching), and non-contact sexual advances.[68]

Refugee: To be considered a refugee under the universally accepted legal definition, a person must be a victim or a potential victim of violence in his/her country. According to the 1951 Refugee Convention's definition, refugees are the people who have crossed a national boundary and are "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

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[65] Jacqui True, "From Domestic Violence to War Crimes: The Political Economy of Violence Against Women," in *The Political Economy of Violence Against Women*, edited by Jacqui True (New York: Oxford University Press, 2012), 9.

[66] True, "From Domestic Violence to War Crimes: The Political Economy of Violence Against Women," 9.

[67] True, "From Domestic Violence to War Crimes: The Political Economy of Violence Against Women," 9.

[68] Kathleen Basile et al., *Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements*, National Center for Injury Prevention and Control, and Centre for Disease Control and Prevention, Atlanta, Georgia (2014), 11. Accessed 12 April 2019, https://www.cdc.gov/violenceprevention/pdf/sv_surveillance_definitionsl-2009-a.pdf.

group, or political opinion".[69] Persecution and the inability of the state to which one belongs are the centralities to this definition of a refugee. As discussed in chapter five, this definition has a particular historical and contextual connection that led to its formation. It falls short of encompassing the reality of numerous conflicts and persecutions against a person in many parts of the world, specifically in developing and non-western countries. Consequently, a number of countries have adopted their own definition of refugees, and the host country determines the granting of refugee status on a case-by-case basis. Irrespective of this difference in the legal definition of a refugee across the globe, in this study refugee refers to a person eligible for refugee recognition under the UN definition as a refugee. Asylum seekers are those individuals who have entered a country other than their country of origin and are seeking recognition as refugees but whose applications or claims are yet to be decided.[70] Refugees and asylum seekers are different from internally displaced people (IDP) who are displaced in a different region of their country, although the reasons for their displacement can also be the same as that of refugees, such as fear of persecution, violence, and conflict.[71] As recorded by the Internal Displacement Monitoring Centre (IDMC), in 2018, 28 million people were newly displaced internally across 148 countries and territories.[72]

Humanitarian Actors and Assistance: The act of helping people in crisis with physical labour, food and other material support during famine or war existed throughout history. But humanitarianism, as an organised response to human suffering based on neutrality and impartiality, is more of a recent phenomenon that historians locate in the 18th century. An example

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[69] United Nations High Commissioner for Refugees, "Convention and Protocol Relating to the Status of Refugees," (2010). Accessed 5 August 2022, https://www.unhcr.org/3b66c2aa10.html.

[70] United Nations High Commissioner for Refugees, *Asylum-Seekers* (2020). Accessed 20 January 2022, https://www.unhcr.org/en-au/asylum-seekers.html.

[71] United Nations High Commissioner for Refugees, *Emergency Handbook: IDP Definition* (2019). Accessed 4 August 2021, https://emergency.unhcr.org/entry/223896/idp-definition.

[72] Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2019* (2019). Accessed 4 August 2019, http://www.internal-displacement.org/global-report/grid2019/.

includes the formation of the Red Cross in 1863.[73] The people involved in such assistance individually or through organisations and agencies are called humanitarian actors. Their action or assistance is intended to mitigate and alleviate human suffering and address the affected people's needs during and after human-induced disasters, such as conflict and war, or natural disasters.[74] Humanitarian assistance is generally considered short-term assistance to people in need of help. However, in modern days, in the cases of war and refugee situations, humanitarian assistance continues and remains vital beyond the emergency stage. In many cases, the political situation does not return to normalcy easily, and many refugee situations become prolonged, leaving refugees protracted in another country, mostly in camps for years.[75] Providing humanitarian assistance has also become global and complex as the advancement of transportation and communication facilitated the shift of humanitarian funds from western developed countries to less developed countries affected by the crisis. Massive numbers of NGOs, UN agencies and people from many countries became involved with humanitarian assistance to refugees across the globe since the middle half of the 20th century,[76] implementing different projects and programs and giving different interpretations and justification of their actions. Similarly, many states around the world have joined the conglomeration to protect the rights of refugees.[77] Developed countries have more funding available and, arguably, expertise for humanitarian actions. Hence, developed countries, UN agencies, and NGOs from developed countries largely dominate the humanitarian field, providing funding and technical expertise to their field-level staff and local implementing

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[73] Peter Redfield and Erica Bornstein, "An Introduction to the Anthropology of Humanitarianism," in *Forces of Compassion: Humanitarianism Between Ethics and Politics*, edited by Peter Redfield and Erica Bornstein (Santa Fe, New Mexico: School for Advanced Research Press, 2010), 13.

[74] Abdul Kadir Khan and Tiina Kontinen, "Impediments to Localization Agenda: Humanitarian Space in the Rohingya Response in Bangladesh," *Journal of International Humanitarian Action* 7, no. 14 (2022).

[75] Hyndman and Giles, *Refugees in Extended Exile: Living on the Edge*, 3.

[76] Redfield and Bornstein, "An Introduction to the Anthropology of Humanitarianism," 18-19.

[77] Hyndman and Giles, *Refugees in Extended Exile: Living on the Edge*, 7.

partner organisations.[78] By the term front-line humanitarian actors, this thesis refers to the staff of the UN agencies and NGOs (both local and international) working in the camps directly with the Rohingya refugees in Bangladesh.

1.6. Thesis Organisation

The thesis consists of nine chapters. A brief description of each chapter is provided below:

Chapter One: Nature and Scope of the Study: The present chapter has stated the research background followed by research problems and the rationale of the study. The chapter also has presented research questions, objectives, and research contributions.

Chapter Two: Sexual and Gender-Based Violence in Existing Literature: This chapter discusses the issue of SGBV against refugee women as found in the existing literature. More specifically, the chapter highlights how the current literature problematises the issue of SGBV against refugee women, what they think about the intensity and types, and causes, and the relevant policies and interventions. In addition, the chapter discusses violence against Rohingya refugee women in Bangladesh. The chapter contends that existing literature is not adequate for understanding the SGBV against the newly arrived Rohingya refugee women for two reasons: One, they represent SGBV as a universal experience of all refugee women and do not sufficiently consider the socio-cultural context of a refugee situation that shapes the violence refugee women experience. Two, existing studies focus more on the impact assessment of the humanitarian gender legal instruments and their application in practices. However, the literature does not critically analyse the legal instruments and how international instruments articulate with national laws and regulations.

Chapter Three: Research Methodology: This chapter discusses the theoretical position of the thesis with a specific focus on the relevance and importance of post-structural feminism

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[78] Khan and Kontinen, "Impediments to Localization Agenda: Humanitarian Space in the Rohingya Response in Bangladesh."

and Carol Bacchi's WPR approach. The chapter also discusses the detail of the research design with a comprehensive account of the data collection method, data sources, research location, participants and sampling, and data analysis. In addition, the chapter articulates relevant ethical issues of the research that include the process this study followed to gain informed consent from participants, maintain confidentiality, and maintain the physical and mental well-being of the participants and the research assistant.

Chapter Four: Historical Background of Rohingya Refugees Crisis: This chapter provides a historical overview of the Rohingya refugee crisis and the popular discourses about Rohingya in Myanmar and Bangladesh, how these discourses contributed to the ways the Rohingya are treated in both countries, and their potential influence on humanitarian responses. The chapter argues that Rohingya are perceived and represented as threats and burdens in both countries. Such negative discourses led to the denial and violation of the human rights of Rohingya in both countries and potentially influenced how they are treated by the humanitarian actors working in Cox's Bazar refugee camps.

Chapter Five: Sexual and Gender-Based Violence in Legal Instruments: This chapter offers a critical analysis of the existing humanitarian gender policies of the UN and the policies of the Bangladesh government related to SGBV. Using Carol Bacchi's WPR approach to policy analysis, this chapter analyses the relevant legal instruments investigating how the issue of SGBV has been understood and represented as a problem. This chapter found that there is a lack of uniformity in how SGBV is addressed in different international humanitarian gender legal instruments. However, collectively, they provide a comprehensive legal framework to protect refugee women from violence. In addition, Bangladesh has many domestic laws that could be applied to protect Rohingya refugee women. But Bangladesh is not a signatory country of the Refugee Convention and has no state policy on refugees. Therefore, implementation of these legal instruments is left to the discretion and interpretation of field-level humanitarian actors and hence bound to be ineffective.

Chapter Six: Humanitarian Actors' Interpretation and Response to Violence against Rohingya Women: This chapter critically analyses the field-level humanitarian actor's understanding of SGBV, and the initiatives undertaken (program, methods, strategies) to translate the humanitarian gender policies pertaining to SGBV into practice. This chapter argues that humanitarian actors' understanding, perceptions, and responses to SGBV against Rohingya refugee women are highly impacted by the socio-cultural context of Bangladesh that normalises violence against women and Rohingya refugees in Bangladesh to a great extent. Consequently, they attribute the violence against Rohingya women in camps to the Rohingya community, their culture, and their religion. This construction of SGBV results in a majority of interventions focusing on educating and creating awareness among Rohingya, ignoring the actual needs of violence survivor Rohingya women.

Chapter Seven: Rohingya Women's Perceptions of Violence and Protection Mechanism: This chapter focuses on Rohingya refugees' perception of violence and the protection mechanism available in the camp. It highlights Rohingya refugee women's experiences in accessing the services related to SGBV and the challenges they face. In addition, the chapter also analyses the strategies adopted by the Rohingya women to cope with the violence that they experience. The chapter argues that how Rohingya refugees perceive SGBV against women differs from humanitarian actors' perception of violence. According to the refugees, structural violence primarily contributes to the violence, and they are unaware of most of the services offered by humanitarian actors/organisations except health care and legal assistance. The few available services are unsatisfactory due to the corrupt practices of the service providers, in the eyes of the Rohingya refugees.

Chapter Eight: Problems and Limitations in Existing Humanitarian Response Mechanism: This chapter offers a critical analysis of the existing humanitarian response mechanism of Cox's Bazar Rohingya refugee camps and reflects on the issue of why the rights of Rohingya refugee women cannot be protected in refugee camps in Bangladesh. Based on the

findings of the previous chapters, this chapter argues that the existing humanitarian response mechanism does not meet the needs of the SGBV survivor refugee women. The interventions are influenced and shaped by their perceptions of violence and Rohingya refugees, donors' interest and bureaucratic complexity, the encampment of refugees, and a lack of mutual trust between the refugees and the humanitarian actors.

Chapter Nine: Conclusion and Recommendations: This chapter synthesises and discusses the findings of all chapters, followed by recommendations for a better humanitarian response mechanism for the Rohingya refugee context. Recommendations include fulfilling the basic needs of the refugee, training the humanitarian staff, creating livelihood opportunities for Rohingyas, having different monitoring and evaluation mechanism in place to assess the GBV interventions, and increasing women's participation in leadership.

Chapter Two: Sexual and Gender-Based Violence in Existing Literature

2.1. Introduction

This chapter provides an overview of the existing literature, arguments, and debates on sexual and gender-based violence (SGBV) against refugee women to locate the study in the current academic realm. The research intends to investigate the roles of humanitarian actors in addressing SGBV in policies and practices in Rohingya refugee camps in Bangladesh and the perceptions of the refugees of the available services offered to them. Therefore, this chapter explores the existing literature about SGBV against refugee women, humanitarian laws and policies related to SGBV and their practices, and SGBV against Rohingya refugee women. Due to limited academic literature on SGBV against Rohingya refugee women in Bangladesh, the review includes some quality grey literature like conference papers, working papers, thesis papers, news reports, and the webpages of different government and non-government organisations (NGOs) that work for refugees in humanitarian crises in Bangladesh. By critically engaging with reports and literature of humanitarian agencies, refugee and forced displacement scholars, and refugee/human rights activists, this chapter offers a broad discussion of the ways SGBV is framed in humanitarian discourse.

This chapter argues that SGBV against women increased in displacement and refugee situations. Nevertheless, without carrying out a context-specific study, the experience of SGBV by refugee women should not be given or assumed to be a universal experience of all refugee women. Taking SGBV as a universal experience and a point of departure, most literature focuses on seeking solutions and impact assessments of SGBV policies and practices. Because SGBV is assumed to be a universal experience of refugee women, the relevance of the policies to prevent and address SGBV is not questioned. Similarly, when doing an impact assessment of the SGBV interventions, existing research ignores the perceptions of humanitarian actors, shaped by

different conditions in which they are located, that influence the intervention strategies and outcomes.

2.2. Invisible and Pervasive Violence against Refugee Women

Existing literature on violence against women in the refugee context suggests that SGBV is unreported because it is considered shameful and taboo in almost every society. At the same time, Stamatel and Zhang argue that domestic violence, including intimate partner violence against women, is seen as normal in many communities in developing countries. Women who complain about domestic violence are often considered evil or bad women in these societies because they are expected to look after family members, especially their husbands. The social system entitles husbands to the right to beat wives or force them to have sex. In such a society or community, violence against women is unlikely to be reported unless it results in severe physical injury.[79] Presumably, the reason for reporting this is that being severely injured goes beyond what is considered normal. Therefore, Gonzalez claims that there is still a lack of reliable data on SGBV against women as women face legal and social barriers in reporting violence, especially sexual violence. Even in a country where rape, forced marriage, and other forms of sexual violence are considered criminal offences, the law is not always consistently effective. The perpetrators do not usually get arrested, making women unwilling to report SGBV incidents to the police, allowing the perpetrators to continue with violence.[80]

However, despite being suggested as under-reported, SGBV has become a priority issue in humanitarian operations; it has received immense policy attention, funding, and programmatic response.[81] The case of SGBV against refugee women also received significant attention in the

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[79] Janet P. Stamatel and Chenghui Zhang, "Risk Factors for Violence Against Refugee Women," in *Refugees and Migrants in Law and Policy: Challenges and Opportunities for Global Civic Education*, edited by Helmut Kury and Sławomir Redo (Cham: Springer International Publishing, 2018).

[80] Gonzalez, "Refugees and Host Communities Facing Gender-Based Violence: Developing an Area-Based Approach to Gender-Based Violence Around Mbera Camp, Mauritania," 384.

[81] Buscher, "Refugee Women: Twenty Years On."

humanitarian field of study and among scholars of gender studies and forced displacement and refugee studies. The amount of attention it has received indicates that SGBV is widespread, which has also been claimed by some authors. For example, Mazurana et al. state that violence against refugee women in camps is not limited to only specific camps.[82] Similarly, in a report, the United Nations Women (UN Women) stated that more than 70% of women experience SGBV in a refugee situation.[83] The rate is higher than the usual rate experienced in the non-humanitarian context. According to a study report by the World Health Organisation (WHO), 1 in 3 women across the globe experience physical or sexual violence in a normal or usual situation.[84]

This study has identified 103 pieces of literature explicitly written on violence against refugee women. However, very interestingly, only 40 works discussed the prevalence and causes of the SGBV against refugee women in different contexts, with very few of them focusing on Rohingya women. The majority of the literature is policy-oriented and concerned with finding a solution to the problems and doing an impact assessment of the SGBV interventions. As the issue is assumed to be widespread, they take for granted that SGBV is rife in a situation of displacement and take it as a point of departure for seeking a solution instead of considering it to be an issue that needs further exploration. In seeking solutions to the problem of SGBV, scholars often try to draw greater attention to gender issues in refugee protection mechanisms by claiming that women constitute a forgotten majority of the refugee population. In this effort, they conflate women and children into one single category of vulnerable refugees. For example, Oosterveld, in a study on Canadian Policies on Refugee Women, claimed that "the faces of refugees are overwhelmingly female: women and children represent 80% of the world's 27 million refugee and displaced

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[82] Dyan Mazurana, Prisca Benelli, and Peter Walker, *How Sex and Age Disaggregated Data and Gender and Generational Analyses Can Improve Humanitarian Response*, Overseas Development Institute (Oxford UK & Malden USA: John Wiley, 2013), 68. Accessed 8 August 2019, https://www.ncbi.nlm.nih.gov/pubmed/23905768.

[83] United Nations Women, *Facts and Figures: Humanitarian Action*.

[84] World Health Organization, *Violence Against Women*.

people".[85] According to Hajdukowski, women as the forgotten majority were highlighted in the 1980s to draw international attention and support for women.[86] While this figure of women may be accurate in some refugee situations, it is still quoted to give an impression of universal truth.[87] The current study acknowledges that there may be a high prevalence of SGBV against women in displacement and refugee situations; however, it is problematic to offer solutions to a problem without proper investigation or exploration of the issue in-depth.

According to Turner, causality in a refugee context is generally counted based on assumptions and treated as universal without context-specific study.[88] As identified in the literature, the most common and fundamental cause of SGBV against refugee women is gender inequality which leads to women's subordination to men.[89] There are other inequalities, such as age, disability, ethnicity, and religion, which make a person vulnerable to violence. Scholars driven by intersectional feminist ideas oppose placing gender as a stable category in analysing refugee women's subordination.[90] However, according to Oosterveld, gender cuts across all these inequalities, making women more vulnerable to violence.[91] This does not mean that all women are homogenous, that all women are equally subordinate to men in a society, or that all men are

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85 Valerie Oosterveld, "The Canadian Guidelines on Gender-Related Persecution: An Evaluation," *International Journal of Refugee Law* 8, no. 4 (1996): 570.

86 Hajdukowski-Ahmed, Khanlou, and Moussa, "Introduction," 3.

87 Naomi Steer, *It's Time for a New Generation of Female Philanthropists to Rise and Support Refugee Women*, Women's Agenda (2021). Accessed 7 April 2022, https://womensagenda.com.au/life/its-time-for-a-new-generation-of-female-philanthropists-to-rise-and-support-refugee-women/.

88 Simon Turner, "Victims of Chaos and Subaltern Sexualities?: Some Reflections on Common Assumptions About Displacement and the Prevalence of Sexual and Gender-Based Violence," in *Gender, Violence, Refugees*, edited by Susanne Buckley-Zistel and Alrike Krause (New York & Oxford: Berghahn, 2017).

89 Joyce Stevens and John Capitman, "Disaster and Loss: Drug Research in an Urban Community," *Families in Society* 86, no. 2 (2005): 280.

90 Ina Kerner, "Questions of Intersectionality: Reflections on the Current Debate in German Gender Studies," *European Journal of Women's Studies* 19, no. 2 (2012).

91 Oosterveld, *Women and Girls Fleeing Conflict: Gender and the Interpretation and Application of the 1951 Refugee Convention*, 11.

perpetrators.[92] It means that due to gender, men also suffer from SGBV, but women are placed in a position that is more vulnerable to violence.[93] For instance, because of gender norms, many societies worldwide accept men's violence toward women. Women in general, and refugee women in particular, do not have the same rights and entitlements as men, which contributes to their dependency on others and vulnerability to violence.[94] The impact of SGBV, such as rape, also varies across gender as women rape survivors suffer more in the form of social exclusion and denial by family, especially those who get pregnant because of rape.[95]

While gender inequality is the root cause of violence against women in general and violence against refugee women worldwide, the experience of SGBV by women in a specific context should not be assumed or predicted to be the same everywhere. Women everywhere do not experience the same level of and same types of violence because gender is not static or innate. Gender varies from one context to another and across time, and sometimes very quickly.[96] Depending on gender norms and relationships, the types and intensity of violence differ from one society or context to another.[97] Hence, as Mohanty argues, without considering a woman's position in a particular refugee community and the community's position in the broader power

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[92] Maureen Fordham, "Gendering Vulnerability Analysis: Towards a More Nuanced Approach," in *Mapping Vulnerability: Disasters, Development and People*, edited by Greg Bankoff, Georg Frerks, and Dorothea Hilhorst (London: Earthscan Publications, 2004), 179.

[93] Rahila Sikandar and Asif Khan, "Linking Gender Vulnerability and Disasters," in *Disaster Risk Reduction: Community Resilience and Responses*, edited by Bupinder Zutshi, Akbaruddin Ahmad, and Ananda Babu Srungarapati (Singapore: Springer Nature, 2018), 217-218.

[94] Katie Sherwood and Helen Liebling-Kalifani, "A Grounded Theory Investigation into the Experience of African Women Refugees: Effects on Resilience and Identity and Implications for Service Provision," *Journal of International Women's Studies* 13, no. 1 (2012): 100.

[95] Hyndman, "Refugee Camps as Conflict Zones: The Politics of Gender," 204-205.

[96] Oosterveld, *Women and Girls Fleeing Conflict: Gender and the Interpretation and Application of the 1951 Refugee Convention*, 9.

[97] Gonzalez, "Refugees and Host Communities Facing Gender-Based Violence: Developing an Area-Based Approach to Gender-Based Violence Around Mbera Camp, Mauritania," 377.

position, understanding gender or SGBV in a refugee camp is bound to be incomplete.[98] To have

an in-depth knowledge of the SGBV of a refugee community, it is vital to investigate gender norms

and relations of the community and other social and institutional contexts of the place refugee

women inhabit, which this study intends to do. For in-depth knowledge, the study reflects on

interview data and my experience of visiting and working with Rohingya in Bangladesh before

embarking on my PhD study.

In addition, although gender inequality is the leading fundamental cause of violence

against women in every society, several other factors contribute to the violence in displacement

and refugee situations. The breakdown of the social network, conservative social structure,

emasculated masculinity, encampment, and gender-insensitive camp structure are identified as

contributing factors to violence against refugee women in the existing literature discussed below.

One of the most commonly identified factors of SGBV against refugee women in the

literature is the breakdown of the social and family structure of the refugee. In their investigation

of the prevalence of GBV against Rohingya refugee women, Goodman and Mahmood mentioned

the disruption of the social and family network as one of the main contributing factors.[99] Similarly,

Rees claims that refugee women experience increased violence because of the breakdown of a

social system and being far away from their familiar environment and the familiar close kin

network, who could otherwise shield them from violence.[100] Other scholars have pointed out the

breakdown of family and community protection as one of the main contributing factors to SGBV

against women in refugee and displacement contexts.[101] Because of social breakdown, people in

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[98] Chandra Mohanty, "Under Western Eyes: Feminist Scholarship and Colonial Discourses," *Feminist Review* 30, no. 1 (1998): 68.

[99] Goodman and Mahmood, "The Rohingya Refugee Crisis of Bangladesh: Gender-Based Violence and the Humanitarian Response."

[100] Susan Rees, "Human Rights and the Significance of Psychosocial and Cultural Issues in Domestic Violence Policy and Intervention for Refugee Women," *Australian Journal of Human Rights* 10, no. 1 (2004): 111.

[101] Oosterveld, *Women and Girls Fleeing Conflict: Gender and the Interpretation and Application of the 1951 Refugee Convention*, 12.

displacement become more violent, and women lose all the traditional protection they had in their place of origin.

Conservative society or cultural tolerance of violence against women in the refugee community, is another contributing factor to violence against refugee women highlighted in the literature. Glass et al. reporting on an impact assessment of a community care project for refugees in Somalia and South Sudan argue that to prevent and respond to SGBV against women, it is necessary to transform the refugee community's social relationships and behaviour. They assume that the breakdown of social ties or the conservative social structure causes SGBV against refugee women.[102] Similarly, in his article on SGBV interventions in the Mbera camp, Gonzales argues that to prevent and address SGBV against refugee women, "humanitarian organisations and donors need to support transformative changes to social norms".[103] Guglielmi et al. also made the same claim in their study on the increasing child marriage rate among Rohingya refugees in Bangladesh. They identify child marriage as a form of GBV driven by traditional gender norms related to *Purdah* (women's seclusion from the public sphere).[104] According to this perspective, it is the conservative social and cultural practice of refugees that is causing violence against women.

Another frequently mentioned factor of SGBV against refugee women is the emasculated masculinity of refugee men. In this regard, Corbin states that a man who used to work outside the home is left without a job and meaning in life in a refugee situation. At the same time, a woman

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[102] N. Glass et al., "Evaluating the Communities Care Program: Best Practice for Rigorous Research to Evaluate Gender-Based Violence Prevention and Response Programs in Humanitarian Settings," *Conflict and Health* 12, no. 5 (2018), https://doi.org/10.1186/s13031-018-0138-0.

[103] Gonzalez, "Refugees and Host Communities Facing Gender-Based Violence: Developing an Area-Based Approach to Gender-Based Violence Around Mbera Camp, Mauritania," 377.

[104] Silvia Guglielmi, Khadija Mitu, and Jennifer Seager, "'I Just Keep Quiet': Addressing the Challenges of Married Rohingya Girls and Creating Opportunities for Change," *European Journal of Development Research* 33, no. 5 (2021).

continues to be productive in household work and earnings for the family.[105] As Mertus argues, such a situation sometimes reinforces patriarchal institutions instead of empowering women.[106] Should a man fail to get a job when his wife is able to, he feels frustrated and angry, believing that his role as head of the family is undermined. To reinforce his position, a man tries to exercise power by controlling women in every possible way.[107] Such evidence is found among the Syrian refugees living in Jordan, where women faced increased violence as frustration intensified among men.[108] According to a study that conducted a systematic review of all gender-based violence-related literature, the rate of domestic violence against displaced women in the form of intimate partner violence is even higher than the rate of "wartime rape and sexual violence perpetrated by individuals outside of the home".[109] It indicates that women from displaced and refugee backgrounds experience more violence at home because their husbands/men are frustrated. While this may be true in some circumstances, it should not be assumed true in all cases because there are also refugee men who are non-violent. In addition, as Turner argues, instead of attacking women, in some circumstances, men target aid agencies and other actors. In other contexts, refugee men might not do any violence; instead, they might use or misuse NGOs to gather wealth and power.[110]

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[105] Joanne Nancy Corbin, "Effect of Armed Conflict and Displacement on Women's Social, Cultural and Economic Roles and Responsibilities in Northern Uganda," *Journal of Refugee Studies* 34, no. 1 (2019): 9, https://doi.org/10.1093/jrs/fez015.

[106] Julie Mertus, "Sovereignty, Gender, and Displacement," in *Refugees and Forced Displacement: International Security, Human Vulnerability, and the State*, edited by Edward Newman and Joanne Van Selm (Tokyo, New York & Paris: United Nations University Press, 2002), 260.

[107] Rees, "Human Rights and the Significance of Psychosocial and Cultural Issues in Domestic Violence Policy and Intervention for Refugee Women," 109.

[108] Samira Sami et al., "Responding to the Syrian Crisis: The Needs of Women and Girls," *The Lancet* 383, no. 9923 (2014): 1179.

[109] Lindsay Stark and Alastair Ager, "A Systematic Review of Prevalence Studies of Gender-Based Violence in Complex Emergencies," *Trauma, Violence, Abuse* 12, no. 3 (2011): 130, https://doi.org/10.1177/1524838011404252.

[110] Turner, "Victims of Chaos and Subaltern Sexualities?: Some Reflections on Common Assumptions About Displacement and the Prevalence of Sexual and Gender-Based Violence."

Studies also show that life in a refugee camp or violence against refugee women in a camp depends on the cultural values of their host communities. Refugees struggle to adjust to changes in gender roles when the host community's cultural values and practices are different to their own.[111] In addition to adjusting to the pressure of changing gender roles, they face hostility from local people, who view refugees as socially and culturally incompatible with them. The situation worsens if the local community is not economically affluent and considers the refugees an economic burden and threat.[112] As stated by Gonzales, displaced and refugee people often make "their way to contexts which are very fragile themselves. This makes it likely that refugees and host communities have much in common but are potentially in competition as they struggle for survival".[113] In such a situation, refugees are vulnerable to violence, and the manifestation of violence is also very much gendered, as Mertus argues. She states that while men are physically hurt, women become more vulnerable to gender-specific violence such as rape, abduction, and other forms of sexual abuse from local community people.[114]

Some authors highlighted other causes, such as structural violence and a lack of gender-sensitive camp design and management. Dijkhorst and Vonhof, for example, pointed out that, along with many other factors, gender insensitive camps contribute to SGBV against refugee women. They have found that many refugee camps lack women's quarters, proper sanitation facilities, and lighting, which increases women's risk of SGBV.[115] In addition, as the International Organisation for Migration (IOM) points out, women are generally excluded from camp

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[111] Tobias Weidinger, Stefan Kordel, and Julia Kieslinger, "Unravelling the Meaning of Place and Spatial Mobility: Analysing the Everyday Life-Worlds of Refugees in Host Societies by Means of Mobility Mapping," *Journal of Refugee Studies* 34, no. 1 (2019): 4.

[112] Mertus, "Sovereignty, Gender, and Displacement," 260.

[113] Gonzalez, "Refugees and Host Communities Facing Gender-Based Violence: Developing an Area-Based Approach to Gender-Based Violence Around Mbera Camp, Mauritania," 387.

[114] Mertus, "Sovereignty, Gender, and Displacement."

[115] Hilde Dijkhorst and Suzette Vonhof, Gender and Humanitarian Aid: A Literature Review of Policy and Practice, 2005, Wageningen University in Cooperation with Cordaid.

committees because of pre-existing gender relations, under which women are not considered decision-makers. The camp committee works as an essential source of information on goods and services available for refugees. Lack of participation in decision-making means refugee women's interests are ignored, or they are unaware of the vital services or opportunities.[116]

Similarly, studies by Liisa Malkki,[117] Rose Jaji,[118] Bram Jansen,[119] and Jennifer Hyndman and Wenona Giles[120] highlight encampment as one of the main factors behind violence and oppression against refugees, including refugee women. Some of these studies are influenced by Agamben's analysis of refugees as bare lives.[121] As Turner argues, being 'bare life' is equivalent to being animal-like without any condition and particularities and a state where attributes of men or women do not exist.[122] So the existence of SGBV against refugee women in such situations is irrelevant as one might argue that basic instincts come to the fore in a condition of bare life, falling back into animal status. However, these kinds of studies that highlight structural violence have been overshadowed by the studies that present social breakdown, emasculation, and conservative social structure as causes of SGBV in refugee camps. This study argues that these various causes of SGBV against refugee women have validity, but we need to go beyond normative assumptions and conduct context-specific research to understand violence in camps or other settings. Assumptions-based analysis of SGBV obscures our understanding, contributes

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[116] International Organization for Migration, *A Gendered Perspective: Safety, Dignity and Privacy of Camp and Camp-Like Settings in Iraq*, 15.

[117] Liisa H. Malkki, "Refugees and Exile: From "Refugee Studies" to the National Order of Things," *Annual Review of Anthropology* 24 (1995): 498-502.

[118] Jaji Rose, "Social Technology and Refugee Encampment in Kenya," *Journal of Refugee Studies* 25, no. 2 (2012).

[119] Bram Jansen, "The Accidental City: Violence, Economy and Humanitarianism in Kakuma Refugee Camp Kenya" (PhD Thesis, Wageningen University, Netherlands, 2011).

[120] Jennifer Hyndman and Wenona Giles, "Waiting for What? The Feminization of Asylum in Protracted Situations," *Gender, Place & Culture* 18, no. 3 (2011).

[121] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998), 133.

[122] Turner, "Victims of Chaos and Subaltern Sexualities?: Some Reflections on Common Assumptions About Displacement and the Prevalence of Sexual and Gender-Based Violence," 54.

to sexual and racial stereotyping, and influences humanitarian response strategies. This can have damaging impacts.

2.3. Refugee Women in Policies and Practices

As mentioned above, a significant number of pieces of literature explicitly focus on legal instruments and policies pertaining to refugee women. The literature highlights that refugee women have legal rights but pays less attention to what the laws or legal instruments say about SGBV against refugee women. As scholars, such as Olivius and Edwards, argue that due to feminist activism across the globe, refugee women's protection needs have received unprecedented degrees of attention in international legal instruments and humanitarian policies.[123] The most frequently mentioned legal instruments and policies relating to gender and refugee women are the Conventions on the Elimination of all Forms of Discrimination against Women (CEDAW), the Beijing Declaration of Action, the UNHCR's Policy on Refugee Women and its implementation guideline, and the Age, Gender and Diversity Mainstreaming Policy of the UNHCR.[124] Some of the literature provides historical backgrounds and the goals of these legal instruments, while others are more concerned with how the policies have been implemented and what changes have occurred as a result. Edwards' paper, for example, traces the history of feminist engagement with humanitarian legal instruments. It states that these legal instruments work to complement one another, aiming to promote gender equality and address the issue of violence against women.[125] Dale Buscher, on the other hand, provides the historical background

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[123] Olivius, *Three Approaches to Gender in Humanitarian Aid: Findings From a Study of Humanitarian Aid to Refugees in Thailand and Bangladesh*, 1; Edwards, "Transitioning Gender: Feminist Engagement With International Refugee Law and Policy 1950-2010."

[124] Olivius, *Three Approaches to Gender in Humanitarian Aid: Findings From a Study of Humanitarian Aid to Refugees in Thailand and Bangladesh*, 1.

[125] Edwards, "Transitioning Gender: Feminist Engagement With International Refugee Law and Policy 1950-2010," 24.

of the humanitarian gender policy development and discusses the progress made over the years.[126]

In terms of progress, Buscher argues that due to humanitarian gender policies, the issue of SGBV against refugee women has gained more visibility and has become part of many humanitarian interventions and programs.[127] Likewise, Martin pointed out that the promulgation of policies on gender and refugee women increased recognition among humanitarian organisations on the importance of refugee women's involvement in humanitarian assistance programs.[128] Furthermore, the development of policies has drawn more academic attention to refugee women and led to the integration of gender as an essential part of humanitarian response in policies and reports. This increased attention to gender and refugee women has driven humanitarian organisations to implement several gender projects to ensure gender equality in aid, empower women, and prevent and protect women from SGBV.[129] As discussed above, SGBV is assumed as a problem resulting from the conservative social structure and breakdown of social networks; therefore, most of the projects include working with culture and norms, rebuilding family and social system, providing effective services and assessment, monitoring, and documentation of SGBV etc., as UNHCR highlights.[130] To ensure an effective and gender-sensitive humanitarian response, humanitarian organisations have also included provisions for gender experts and

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[126] Buscher, "Refugee Women: Twenty Years On."

[127] Buscher, "Refugee Women: Twenty Years On," 8-10.

[128] Susan Martin, "UNHCR Policy on Refugee Women: A 25-Year Retrospective," in *Gender, Violence, Refugees*, edited by Susanne Buckley-Zistel and Alrike Krause (New York & Oxford: Berghahn Books, 2017), 32.

[129] Hannah Tappis et al., "Effectiveness of Interventions, Programs and Strategies for Gender-Based Violence Prevention in Refugee Populations: An Integrative Review," 19, no. 8 (2016). https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4865365/.

[130] United Nations High Commissioner for Refugees, "Sexual and Gender-Based Violence Against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response," (2003). Accessed 10 May 2020, https://cms.emergency.unhcr.org/documents/11982/51689/UNHCR%2C+Sexual+and+Gender-Based+Violence+against+Refugees%2C+Returnees+and+Internally+Displaced+Persons.+Guidelines+for+Prevention+and+Response%2C+2003/9591f62d-4f6a-4faf-8c03-df0d6bacf871.

specialists to guide and institutionalise feminist knowledge in the global governance of the displaced and refugee population.[131] These changes in global governance, including in humanitarian response mechanisms, both in policies and practices, across the globe led some scholars such as Halley to claim that now "feminists walk the halls of power".[132] By that, she means that the ideas and values of feminists have been fully incorporated into global governance, and the issues of gender or women are no longer placed on the sideline but at the centre of power.

Regarding the effectiveness of the SGBV interventions (policy implementation), some researchers highlighted the positive outcomes connecting its success with camps. For example, Rajasingham-Senanayake claims that through a gender-sensitive humanitarian response, a refugee camp, where people are forced to live in a crowd, where privacy is minimal if not non-existent, and where GBV violence is highly prevalent, can become a place of positive transformation in the lives of the people, and specifically of women. Her study on the conflict-affected displaced population in Sri Lanka finds that despite the oppressive effects of confinement in camps, humanitarian responses provided women with new roles that reduced their subordination to men. This process was facilitated by gender-sensitive humanitarian response programs.[133] This is echoed by Krause, who argues that the potentiality of positive impacts that humanitarianism has on refugee women while living in camps has been ignored by the research community. According to her, some humanitarian interventions and activities focus on capacity building that allows refugee women to have increased control over their lives and reduce their vulnerability to SGBV. As an example, she highlights the Rhino camp settlement, where

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[131] Elisabeth Prügl, "Gender Expertise as Feminist Strategy," in *Feminist Strategies in International Governance*, edited by Gülay Caglar, Elisabeth Prügl, and Susanne Zwingel (London and New York: Routledge, 2013).

[132] Janet Elizabeth Halley, *Split Decisions How and Why to Take a Break From Feminism* (Princeton and Oxford: Princeton University Press, 2006), 21.

[133] Darini Rajasingham-Senanayake, "Between Victim and Agent: Women's Ambivalent Empowerment in Displacement," in *Refugees and the Transformation of Societies: Agency, Policies, Ethics and Politics*, edited by Philomena Essed, Georg Frerks, and Joke Schrijvers (New York & Oxford: Berghahn Books, 2004).

Sudanese refugee women's needs, and interests were prioritised in all humanitarian response sectors. Women were given various skills development training and the equal opportunity to participate in camp committees. Traditionally, women in Sudan have fewer rights than men, but in the camp, it was possible to practice equal opportunity and equal access to resources and to promote women's social status to the same level as men.[134] Likewise, Voutrica and Harrell-Bond, in one of their articles, claim that humanitarian organisations promoted refugees' self-governance of camps in the Sahrawi refugee camp and ostensibly created new programs and spaces to combat marginalisation, which led Sahrawi women to hold a central place in camp administration.[135] This literature explicitly suggests that a refugee camp is a place where gender equality initiatives to prevent SGBV against women can be more effective than in other places. It could be because the camps allow humanitarian actors to have control over the camp residents and to execute or implement gender policies and inventions according to the humanitarian actors' wishes.[136]

However, most of the literature claims that refugee women's rights and protection exist in language and policy documents but not in practice. Byrnes, for example, argues that despite advancing gender-specific policy frameworks and general human rights laws, "the gap between the formal guarantees and the extent to which the rights are actually enjoyed in practice is frequently a wide one".[137] Similarly, Freedman highlights that despite this extensive protection of women's rights in gender-specific policy frameworks and gender equality interventions, women could not enjoy their rights fully because policies are not implemented evenly but on an *ad hoc*

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[134] Ulrike Krause, "Analysis of Empowerment of Refugee Women in Camps and Settlements," *Journal of Internal Displacement* 4, no. 1 (2014): 39-45.

[135] Eftihia Voutira and Barbara Harrell-Bond, "Successful' Refugee Settlement: Are Past Examples Relevant?," in *Risks and Reconstruction: Experiences of Resettlers and Refugees*, edited by Michael Cernea and Christopher McDowell (Washinton, DC: The World Bank, 2000), 66.

[136] Verdirame and Harrell-Bond, *Rights in Exile: Janus-Faced Humanitarianism*, 88.

[137] Andrew Byrnes, "Toward More Effective Enforcement of Women's Human Rights Through the Use of International Human Rights Law and Procedures," in *Human Rights of Women: National and International Perspectives*, edited by Rebecca J. Cook (Philadelphia: University of Pennsylvania Press, 1994), 189.

basis.[138] Scholars such as Koester et al. state that implementation of humanitarian gender policies or addressing SGBV is still considered to be of secondary importance by humanitarian actors in almost every refugee and displacement context.[139] As a result, as Caglar et al. argue, women continue to be highly discriminated against in every humanitarian setting.[140] Women's needs, experiences, and vulnerabilities are given insufficient attention by the humanitarian actors in their response programs.[141] SGBV in the forms of rape, forced marriage, sex trafficking, forced prostitution, child marriage, and intentional infection with sexually transmitted diseases are still very common in contemporary displacement and refugee camps, albeit its claim and recognition by humanitarian agencies such as the UN as an issue of high importance in humanitarian response.[142]

According to Heathcote and Otto, women's participation in humanitarian programs and planning is numeric, tokenistic, piecemeal, and rhetorical rather than reality.[143] Sometimes women's presence in the refugee leadership structure is evident in large numbers while the decision-making process is controlled by men or aid workers because the aid workers fail to follow

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[138] Jane Freedman, "Mainstreaming Gender in Refugee Protection," *Cambridge Review of International Affairs* 23, no. 4 (2010): 599, https://doi.org/10.1080/09557571.2010.523820.

[139] Diana Koester et al., "How Can Donors Improve Their Support to Gender Equality in Fragile Settings? Findings From OECD Research," *Gender & Development* 24, no. 3 (2016).

[140] Gülay Caglar, Elisabeth Prügl, and Susanne Zwingel, "Introducing Feminist Strategies in International Governance," in *Feminist Strategies in International Governance*, edited by Gülay Caglar, Elisabeth Prügl, and Susanne Zwingel (London and New York: Routledge : Tylore and Francies Group, 2013).

[141] Shamin Sultana, Muhammad Busyairi, and Janet McIntyre-Mills, "Vignette: Human Rights and the Rohingya Refugees," in *Mixed Methods and Cross Disciplinary Research. Contemporary Systems Thinking*, edited by Janet McIntyre-Mills and Norma Romm, R. A. (Cham: Springer Nature Switzerland, 2019).

[142] Elizabeth Wirtz, "The Inhumanity of Humanitarian Aid: Gender and Violence in a Kenyan Refugee Camp" (PhD Thesis, Purdue University, Indiana, 2017), 11.

[143] Gina Heathcote and Dianne Otto, "Rethinking Peacekeeping, Gender Equality and Collective Security: An Introduction," in *Rethinking Peacekeeping, Gender Equality and Collective Security*, edited by Gina Heathcote and Dianne Otto (London, UK: Palgrave Macmillan UK, 2014), 4.

the policy instruments effectively.[144] Hence as Martin argues, refugee women remain without equal access to livelihoods, education, and other essential services necessary to keep themselves safe from SGBV. Martin further argues that negligence of women's interests continues because women do not have any say in the decision-making process, which contribute to policies not effectively being implemented.[145] Scholars such as Sherwood and Liebling-Kalifani,[146] Gonzales,[147] Lafrenière, Sweetman and Thylin,[148] Buchowska,[149] and Buscher[150] share these arguments and concerns. They point to the continuation of violence against women because policies and other legal instruments are not being implemented. The solution for them is renewed efforts to fully implement the various gender-related legal instruments, policies, and guidelines.

As Buscher points out, having laws and policies on refugee women's rights is the first pre-condition for refugee women to be protected.[151] However, it is equally essential to have humanitarian gender policies and guidelines effectively implemented; without these policies being effectively translated into practice, it makes no real change to the lives of refugee women. Likewise, many scholars question the effectiveness of these policies and legal instruments by assessing their implementation status, as mentioned above. Except for Asgary et al., most scholars have overlooked that these policies and guidelines are mostly developed based on

[144] Elena Fiddian-Qasmiyeh, ""Ideal" Refugee Women and Gender Equality Mainstreaming in the Sahrawi Refugee Camps: "Good Practice" for Whom?," *Refugee Survey Quarterly* 29, no. 2 (2010): 76, https://doi.org/10.1093/rsq/hdq023.

[145] Martin, "UNHCR Policy on Refugee Women: A 25-Year Retrospective," 39.

[146] Sherwood and Liebling-Kalifani, "A Grounded Theory Investigation into the Experience of African Women Refugees: Effects on Resilience and Identity and Implications for Service Provision."

[147] Gonzalez, "Refugees and Host Communities Facing Gender-Based Violence: Developing an Area-Based Approach to Gender-Based Violence Around Mbera Camp, Mauritania."

[148] Julie Lafrenière, Caroline Sweetman, and Theresia Thylin, "Introduction: Gender, Humanitarian Action and Crisis Response," *Gender & Development* 27, no. 2 (2019).

[149] Buchowska, "Violated or Protected. Women's Rights in Armed Conflicts After the Second World War."

[150] Buscher, "Refugee Women: Twenty Years On."

[151] Buscher, "Refugee Women: Twenty Years On."

experts' opinions with very little empirical study. Asgary et al. argue that if violence against refugee women continues despite many humanitarian gender policies in existence, then the policies are not adequate or appropriate to address the problem of SGBV.[152] Hence, this thesis emphasises adopting an in-depth analysis of the legal instruments (conventions, treaties, policies) to find out if they address the issue of SGBV adequately. This thesis argues that adequate and appropriate representation of SGBV in legal instruments is as important as their implementation. If SGBV is not adequately addressed in the policy, then full implementation will not have the expected real effects. Hence, in the process of exploring SGBV, it is important to understand how legal instruments represent the issue of SGBV.

As Bacchi argues, how policy represents a policy problem can significantly affect the people the policy targets,[153] such as the refugee women in the case of humanitarian gender policies. For example, as mentioned by Atkinson, in the past, many African women seeking protection from the UN and other countries due to their fear of Female Genitalia Mutilation (FGM) were denied protection because the Refugee Convention did not mention gender in general or FGM in particular as grounds for persecution.[154] Likewise, in the Amboko refugee camp in Chad, women face widespread domestic violence in the form of wife-beating and sexual abuse. Still, they remain out of legal intervention because the national violence against women (VAW) law does not mention intimate partner violence as a crime. The national laws in Chad exclude domestic violence from the definition of violence against women because the government considers domestic violence a private matter that should not be part of the laws intended to control

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[152] Ramin Asgary, Eleanor Emery, and Marcia Wong, "Systematic Review of Prevention and Management Strategies for the Consequences of Gender-Based Violence in Refugee Settings," *International Health* 5, no. 2 (2013).

[153] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[154] Kelly Atkinson, "Policy and Possibilities of Humanitarian Development: Displaced Women and Peace-Building Features of the UNHCR," *Community Development Journal* 53, no. 4 (2018): 223.

the public domain.[155] Hence, what is being constituted or represented as a problem is a critical question, as well as the underlying causes of the way the problem is represented in a specific way. These vital questions are largely missing in the existing literature. From the SGBV-related literature, it is unclear how the issue of SGBV has been represented in humanitarian gender policies. This thesis offers a critical analysis of the legal instruments in chapter five from a post-structural feminist perspective, specifically using Carol Bacchi's "what's the problem represented to be" (WPR) approach.[156]

The example of Chad also suggests that in many contexts, international laws also need a conducive environment and a supportive national law to implement the international framework. It is not enough only for the UN to say that domestic violence or intimate partner violence is a violation of women's human rights. Considering this issue, chapter five of this thesis also analyses Bangladesh's national legal framework on violence against women.

2.4. Challenges for Translating Policies into Practices

There are studies that discuss the challenges and causes of why these policies about refugee women's rights to protection from violence have not been implemented effectively.[157] Scholars such as Koester et al. state that policies are not implemented because humanitarian actors and donors still consider addressing gender inequality issues and violence against women of secondary importance.[158] According to Lafreniere et al., it is mainly donors that influence how humanitarian responses are implemented. Due to donors not allocating enough funding, the above-mentioned legal instruments and policies could not be translated into practice. Research

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[155] Suzanne Hurley, "Women's Rights, Culture, and Conflict: Implementing Gender Policy in Amboko Refugee Camp, Chad" (PhD Thesis, York University, Ottawa, Canada, 2012). Accessed 28 February 2018, https://search-proquest-com.ezproxy.flinders.edu.au/docview/1081944165?pq-origsite=primo.

[156] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[157] Tappis et al., "Effectiveness of Interventions, Programs and Strategies for Gender-Based Violence Prevention in Refugee Populations: An Integrative Review."

[158] Koester et al., "How Can Donors Improve Their Support to Gender Equality in Fragile Settings? Findings From OECD Research."

conducted in 2016-2018 found that only 0.12% of all humanitarian funding was allocated for GBV prevention programs, which was insufficient compared to the amount needed.[159] In the Rohingya refugee context, in 2018, the Joint Response Plan led by the UN received less than a third of the necessary funding; the protection unit working for Rohingya refugee women received only 25% of its required fundings.[160]

The UNHCR, the main UN body responsible for refugee protection, depends on donor funding, with 98% of the total fund directly contributed by national governments on a voluntary basis. Being dependent on donor countries, the UNHCR cannot consistently act on its mandate to protect refugee women.[161] As other scholars point out, humanitarian donors are not always in favour of gender equality; behind giving humanitarian funds, donors usually have political agendas that they want to achieve. Lack of funding and donor interest not only influence UNHCR's decision over the way they respond to humanitarian crises but also other UN agencies and NGOs.[162] Humanitarian actors' negligence of refugees' interests over donors' interests has been intricately detailed in a book entitled Killing *with Kindness* on NGO projects implemented for displaced people in Haiti. The book provides an overview that despite good intentions, the NGOs working for displaced people in camps in Haiti prioritised donors' interest over the people they were there to serve. The aid projects targeting camp residents were designed according to donor requirements, without or with limited involvement of camp residents and the frontline staff. The NGOs were living in fear that donors would discontinue their funds. Consequently, despite many years of support given by the NGOs, no significant changes took place in the lives of the people.

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[159] Lafrenière, Sweetman, and Thylin, "Introduction: Gender, Humanitarian Action and Crisis Response," 186.

[160] Independent, "We Still Aren't Doing Enough to Tackle Gender-Based Violence Against Rohingya Women and Children," *Independent*, 26 August 2018, 2, https://www.independent.co.uk/voices/rohingya-refugee-crisis-gender-based-violence-women-children-a8508666.html.

[161] Wirtz, "The Inhumanity of Humanitarian Aid: Gender and Violence in a Kenyan Refugee Camp," 43.

[162] Michael Barnett and Peter Walker, "Regime Change for Humanitarian Aid: How to Make Relief More Accountable," *Foreign Affairs* 94, no. 4 (2015).

Instead, both the NGOs and the people have lost their agencies and become increasingly dependent on donors.[163] Al-Abdeh and Patel share a similar story about the experience of Women Now for Development, a women's organisation working for displaced people in Syria and neighbouring countries. The organisation was in constant competition and tension with other large international organisations and had to change its proposals to fit the donors' priorities. The process undermined the organisation's holistic efforts to address gender inequality, SGBV, and day-to-day operations.[164] Other scholars such as Coyne,[165] Beswick,[166] and Barnett[167] also discussed funding as a significant issue behind refugee women's protection needs not being addressed as per the policies.

Conversely, Jane Freedman argues that the implementation of gender policies is not entirely dependent on funding but also influenced how refugee women are represented. Freedman argues that humanitarian organisations and actors mostly represent refugee women as helpless victims, which reinforces the difference between refugees as 'them' and the Western service providers as 'us'.[168] According to Macklin, this division has its roots in the dichotomy that has been established in international policies between states that produce refugees and those that give shelter to refugees. In this dichotomy, Western countries that provide shelter are portrayed as modern democratic countries with strong laws and policies to protect the rights of

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[163] Mark Schuller and Paul Farmer, *Killing With Kindness: Haiti, International Aid, and NGOs* (Piscataway: Rutgers University Press, 2012), 175.

[164] Maria Al-Abdeh and Champa Patel, "'Localising' Humanitarian Action: Reflections on Delivering Women's Rights-Based and Feminist Services in an Ongoing Crisis," *Gender & Development* 27, no. 2 (2019): 240-243.

[165] Christopher James Coyne, *Doing Bad by Doing Good: Why Humanitarian Action Fails* (Redwood City: Stanford University Press, 2013), 64.

[166] Stephanie Beswick, ""If You Leave Your Country You Have No Life!" Rape, Suicide, and Violence: The Voices of Ethiopian, Somali, and Sudanese Female Refugees in Kenyan Refugee Camps," *Northeast African Studies* 8, no. 3 (2001): 96, https://doi.org/10.1353/nas.2006.0003.

[167] Michael Barnett, "Evolution Without Progress? Humanitarianism in a World of Hurt," *International Organization* 63, no. 4 (2009), https://doi.org/10.1017/S0020818309990087.

[168] Freedman, "Mainstreaming Gender in Refugee Protection," 602.

their citizens, contributing to the production of no or few refugees. The refugee-producing countries are considered racialised others that do not or cannot protect human rights the same way Western democratic, refugee-receiving, countries do.[169] This type of distinction or othering is problematic as it makes the violence in refugee sheltering countries invisible and indirectly links the violence against women in the refugee community to their "immutable social and cultural characteristics".[170] This obscures the real dynamic of SGBV against refugee women, such as the gender-insensitive camp structure, exclusion from decision-making and insufficient funding for SGBV related projects. Several Researchers point out that this representation depoliticises refugee women's experiences and activities, rendering them voiceless and excluded from decision-making.[171] As refugee women are viewed and represented as helpless victims without agency, the UN, NGOs, or other humanitarian actors have the scope to decide what to do for refugee women on their behalf, ignoring what the refugee women themselves want or are concerned about and rendering them as subjects unworthy of consideration.[172]

Insufficient instructions, accountability, monitoring, and evaluation systems are also identified as major reasons for humanitarian gender policy not being implemented effectively. With examples of UN humanitarian work in Rwanda, Bosnia, and Guatemala, Baines critically points out staff working with UN agencies struggled how to mainstream gender equality issue and simultaneously achieve the UN's goal of promoting cultural sensitivity. Sometimes, the goal of promoting cultural is said to have undermined the effort to implement gender policy. As Ho and Pavlish, and Baines point out, the UN and other humanitarian agencies often encourage refugees

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[169] Audrey Macklin, "Refugee Women and the Imperative of Categories," *Human Rights Quarterly* 7, no. 2 (1995): 277.

[170] Freedman, "Mainstreaming Gender in Refugee Protection," 602.

[171] Dorothea Hilhorst, Holly Porter, and Rachel Gordon, "Gender, Sexuality, and Violence in Humanitarian Crises," *Disasters* 42, no. S1 (2018): S5-S10, https://doi.org/10.1111/disa.12276; Erin Baines, *Vulnerable Bodies: Gender, the UN and the Global Refugee Crisis*, Gender in a Global/Local World, (Eldershot, UK: Ashgate, 2004).

[172] Baines, *Vulnerable Bodies: Gender, the UN and the Global Refugee Crisis*.

to solve disputes traditionally according to the norms of the refugee community mostly by involving the traditional leaders. The traditional custodians are mostly male elders whose judgment oftentimes goes against women's interests.[173] As Edwards states this kind of traditional dispute resolution mechanism privileges men over women in an already unequal society and acts as a barrier to women getting protection from violence.[174] Charlesworth uses the phrase "gender mainstreaming fatigue" to indicate the failure and misinterpretation of humanitarian gender policies. She argues that the lack of proper understanding of gender inequality and the SGBV issue within humanitarian assistance is the reason for not achieving expected progress with gender mainstreaming and gender equality policies, including protection of refugee women.[175] As Otto identifies, the lack of adequate understanding of refugee women's protection needs has been influenced by a lack of clear-cut instruction, strong accountability, and a monitoring and evaluation system on gender issues.[176]

However, as Turner argues, the existing literature ignores the fact that "violence is vested in social meaning".[177] What people understand violence to be is culturally influenced or politically motivated. Despite giving very clear instructions on how to implement SGBV interventions, humanitarian actors' understanding, and representation of problems related to SGBV can vary across contexts. According to Mohanty, women as mothers can have different values, status, and power positions in different societies even though mothering activities are similar everywhere.

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[173] Anita Ho and Carol Pavlish, "Indivisibility of Accountability and Empowerment in Tackling Gender-Based Violence: Lessons From a Refugee Camp in Rwanda," *Journal of Refugee Studies* 24, no. 1 (2011): 93, https://doi.org/10.1093/jrs/feq052; Baines, *Vulnerable Bodies: Gender, the UN and the Global Refugee Crisis*.

[174] Edwards, "Transitioning Gender: Feminist Engagement With International Refugee Law and Policy 1950-2010," 39.

[175] Hilary Charlesworth, "Not Waving but Drowning: Gender Mainstreaming and Human Rights in the United Nations," *Harvard Human Rights Journal* 18 (2005): 11.

[176] Otto, "The Exile of Inclusion: Reflection of Gender Issues in International Law over the Last Decade," 23.

[177] Turner, "Victims of Chaos and Subaltern Sexualities?: Some Reflections on Common Assumptions About Displacement and the Prevalence of Sexual and Gender-Based Violence."

With this example, she suggests that the meaning or effects of a particular concept or practice, especially gender, cannot be assumed as universal but considered a subject that needs context-specific study.[178] Similarly, humanitarian actors cannot be assumed to be the same everywhere. Freedman argues that their attitudes, tolerance, interpretation, and reaction to SGBV are conditioned by the local office's socio-cultural and political context and the place where the individual humanitarian actors come from.[179] As Baines and Edwards discuss, depending on their location, social context, and perceptions, the humanitarian actors misuse the UN's core principles of non-discrimination and universalism to deny the validity of treating women differently, which in consequence benefits men over women in an unequal society of different power positions and privileges.[180] Hence, how people represent the issue of gender or SGBV is subjective, influenced by social conditions and political purpose. If necessary to achieve other objectives, people can even sideline it and present it as an issue that is less important than other issues. This allows men or other people in a position of power to continue to enjoy gender or power privilege.

Bacchi argues that impact assessment of policy interventions should consider how a policy represents or constitutes a problem because it leads and justifies specific actions or interventions.[181] It is equally crucial to study what humanitarian actors in one particular context think about SGBV and the underlying assumption or rationalities behind their perception if we want to understand the problem deeply. Humanitarian actors are diverse as they come from many different cultures, gender, social and economic status, and educational qualifications. These differences should also be considered in a context-specific study. Otherwise, any study or impact assessment of SGBV intervention will be incomplete because humanitarian actors' perceptions

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[178] Chandra Mohanty, *Feminism Without Borders. Decolonizing Theory, Practicing Solidarity* (Durham & London: Duke University Press, 2003), 30-33.

[179] Freedman, "Mainstreaming Gender in Refugee Protection," 600.

[180] Baines, *Vulnerable Bodies: Gender, the UN and the Global Refugee Crisis*; Edwards, "Transitioning Gender: Feminist Engagement With International Refugee Law and Policy 1950-2010."

[181] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

can shape how the issue is addressed and thus influence the effects. For example, if humanitarian actors represent social harmony as the norm and violence as an anomaly caused by a lack of cultural and social harmony, then to combat violence, they may try to organise interventions to bring about social harmony. If they think a conservative society causes SGBV, they will mark the refugee community as traditional and orient their intervention to make the community more liberal. For instance, humanitarian actors in the Kakuma refugee camp conducted training/workshops on gender equality to civilise and modernise the refugees because they viewed gender inequality as a sign of an uncivilised and dated society.[182] Olivius argues that by highlighting gender inequality and SGBV, humanitarian actors sometimes purposefully represent the refugee community as dysfunctional and undeveloped to validate their control and dominance over the refugee community in the name of bringing gender equality or addressing SGBV. She suggests to carefully investigating the meaning and use of the concept of gender equality or SGBV in a particular context.[183]

Based on their interpretation of the problems, the interventions, or actions that humanitarian actors have taken also affect the lives of the refugees. For example, in the Sahrawi refugee camp, Fiddian found that humanitarian actors repeatedly targeted elder women through their interventions to promote women's leadership because they identified that a lack of women's leadership was the problem in the camp behind SGBV against refugee women. Hence, to address SGBV, humanitarian actors in many refugee camps need to promote these women as leaders through various interventions. However, the humanitarian actors systematically excluded and failed to address the interests and needs of other refugees who were not represented by the female elders and had differing views.[184] It is, therefore, very important to investigate problem

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[182] Katarzyna Grabska, "Constructing "Modern Gendered Civilised" Women and Men: Gender Mainstreaming in Refugee Camps," *Gender & Development* 19, no. 1 (2011): 86.

[183] Olivius, "Governing Refugees Through Gender Equality: Care, Control and Emancipation."

[184] Fiddian-Qasmiyeh, ""Ideal" Refugee Women and Gender Equality Mainstreaming in the Sahrawi Refugee Camps: "Good Practice" for Whom?," 83.

representation and how this way of problem representation is reflected in action, as Bacchi suggested in her WPR approach to policy analysis. Bacchi's WPR approach is mainly intended to analyse a policy text; however, as a textual approach, it can also be used to explore how a particular problem is constructed in other texts such as academic literature, interviews, and news.[185] Employing Bacchi's approach, this study investigates interviews with humanitarian actors about their perception of SGBV and their actions to deal with SGBV, including but not limited to organisational strategies and the interventions that aim to prevent SGBV and the services they offer to SGBV survivors.

As Bacchi argues, and I have discussed previously, the way a problem is represented is guided by certain underlying assumptions and presuppositions and leads to specific implications and impacts.[186] As the previous paragraph has argued, the way humanitarian actors problematise SGBV in their program design and practice has highly material effects on the lives of the refugees, in how they experience constraints or opportunities while living in the camps. Therefore, this study also carried out empirical research on the realities and everyday lived experiences of refugee women by directly interviewing them instead of making assumptions on how humanitarian actors' problematisation of SGBV can affect their lives. As Mtaita et al. state, making assumptions limits our understanding of real-life effects.[187] It also blocks the opportunity for refugee women to share their perception of the SGBV intervention, what they think of the intervention and available SGBV service quality, and how they access or utilise it. Scholars such as Olivius, and Krause argue that refugee women are not merely passive recipients of aid or service: they also have agency and

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[185] Carol Bacchi and Susan Goodwin, *Poststructural Policy Analysis: A Guide to Practice* (New York: Palgrave Macmillan, 2016).

[186] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[187] Caroline Mtaita et al., "Knowledge, Experience and Perception of Gender-Based Violence Health Services: A Mixed Methods Study on Adolescent Girls and Young Women in Tanzania," *International Journal of Environmental Research and Public Health* 18, no. 8575 (2021): 2-3.

knowledge that should be encouraged and given a platform to share.[188] For example, when humanitarian actors distribute their scarce resources among the most vulnerable refugees, refugee women can portray themselves as vulnerable victims to access the resource.[189] Unfortunately, refugee women's experience, agency, and problems of living in camps are not constructed and represented by refugee women themselves but by humanitarian actors, academics, and media.[190] The inclusion of refugee women's voices is necessary to shift representation and foster their agency and empowerment.

2.5. Violence against Rohingya Women

As noted above, this thesis is a context-specific investigation of the problem pertaining to SGBV against refugee women. Due to their gender, refugee women experience violence everywhere, but there are other factors such as the location of the camps, political, cultural, legal strengths, the economic condition of the host community, and the host governments, which influence the types and extent of violence in each refugee settings. Although the UNHCR has a mandate to protect the refugees, the host countries are ultimately responsible for ensuring the physical safety of the refugees.[191] Suppose the host countries do not have national legal frameworks for refugees or the host countries have a high tolerance for violence against women. In that case, the refugee women living in those countries are very unlikely to find protection. Furthermore, the humanitarian actors who are the advocates and supporters of the refugees are not the same everywhere. They are also influenced by their national, cultural, and educational backgrounds. Hence, a context-specific study is required instead of taking refugee women's experience of living in a camp as

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[188] Olivius, "Governing Refugees Through Gender Equality: Care, Control and Emancipation."; Ulrike Krause, "Rethinking Refugee Women's Power and Vulnerability," (2021). Accessed 5 November 2021, https://www.rethinkingrefuge.org/articles/rethinking-refugee-women.

[189] Freedman, "Mainstreaming Gender in Refugee Protection."

[190] Hajdukowski-Ahmed, Khanlou, and Moussa, "Introduction," 13.

[191] Wirtz, "The Inhumanity of Humanitarian Aid: Gender and Violence in a Kenyan Refugee Camp."

something full of misery and violence. The violent experience of one camp cannot be assumed to be replicated in all camps across the world.

In the context of Rohingya refugees living in Bangladesh, very little research has been done on SGBV against Rohingya refugee women since 2017. In the absence of scholarly research, information about SGBV against Rohingya women living in camps is highly dependent on social media and news reports presented by the host country and international news agencies. According to a news report published by the *Independent*, 77% of the interviewed Rohingya women reported feeling unsafe in the camp at some point in time.[192] News agencies have reported on SGBV in the form of trafficking against Rohingya women in Bangladesh. For example, on 20 March 2018, *the British Broadcasting Corporation* (BBC) released an investigative report on Rohingya children and young women having been trafficked in Cox's Bazar district and other parts of Bangladesh.[193] On 12 May 2019, *Aljazeera* reported that 23 Rohingya women were rescued from Dhaka, the capital city of Bangladesh, from being trafficked to Malaysia.[194] Similarly, several news reports, such as *the Daily Star,*[195] *Independent,*[196] and *the California Sunday Magazine,*[197] have highlighted Rohingya refugee women's vulnerability to violence. However, most of these news reports, if not all, portrayed an image of Rohingya refugee women as helpless and

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[192] Independent, "We Still Aren't Doing Enough to Tackle Gender-Based Violence Against Rohingya Women and Children," 1.

[193] Sam Piranty, "The Rohingya Children Trafficked for Sex," *British Broadcasting Corporation*, 20 March 2018, https://www.bbc.com/news/world-asia-43469043.

[194] Aljazeera, "Rohingya Girls Rescued From Traffickers in Bangladesh," *Aljazeera* (Bangladesh), 12 May 2019, https://www.aljazeera.com/news/2019/05/rohingya-girls-rescued-traffickers-bangladesh-190512101949513.html.

[195] Mayesha Alam, "Violence at Home, Insecurity Here, Uncertainty Ahead: The Predicament of Rohingya Women and Girls," *The Daily Star* (Dhaka, Bangladesh), 05 January 2018, https://www.thedailystar.net/star-weekend/violence-home-insecurity-here-uncertainty-ahead-1514953.

[196] Independent, "We Still Aren't Doing Enough to Tackle Gender-Based Violence Against Rohingya Women and Children."

[197] Wudan Yan, "After We Married, I Would Ask Him, Will You Abandone Me?: For Rohingya Women in Camps, Marriage Is Both an Escape and a Trap," *The California Sunday Magazine*, 2019. Accessed 19 May 2021, https://story.californiasunday.com/rohingya-marriage.

vulnerable victims without any agency. Such a representation of refugee women is probably intended to draw an international attention to their vulnerability to generate more humanitarian funding and interventions to assist the Rohingya refugee women. News and other sources of public media do not only report a true story. They also tend to be influenced by public opinions or humanitarian organisations and frame coverage in ways to empathise with refugees.[198] However, as Krause argues, these stereotyped representations of women in news media obscure refugee women's agencies and a multitude of coping strategies that they adopt to improve their condition of life every day.[199] News reports are not sufficient to understand the nature and real situation of Rohingya refugee women and their experience of violence, as how the news portrays Rohingya women are usually driven by specific political agendas.

Among the few recent academic studies that focus on GBV or SGBV experienced by Rohingya refugee women in Bangladesh is Linda Nordby's master's thesis. She wrote her thesis based entirely on secondary literature that discusses GBV against refugee women in other parts of the world and against Rohingya refugees who arrived in Bangladesh 15-20 years ago.[200] The other one is an article written by Goodman and Mahmoud that highlights present scenario of GBV experienced by Rohingya women in Bangladesh and the role of humanitarian actors in addressing GBV by reviewing existing literature and news reports.[201]

Other than these two studies, all other academic literature either focused on narrating the story of SGBV carried out against Rohingya women in 2017 by the Myanmar army or the SGBV against Rohingya women who arrived in Bangladesh in the early 1990s. The most cited

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[198] Piers Robinson, "The Policy–Media Interaction Model: Measuring Media Power During Humanitarian Crisis," *Journal of Peace Research* 37, no. 5 (2000): 615-616.

[199] Krause, "Rethinking Refugee Women's Power and Vulnerability."

[200] Nordby, "Gender-Based Violence in the Refugee Camps in Cox's Bazar: A Case Study of Rohingya Women's and Girls' Exposure to Gender-Based Violence."

[201] Goodman and Mahmood, "The Rohingya Refugee Crisis of Bangladesh: Gender-Based Violence and the Humanitarian Response."

academics who documented GBV against Rohingya women, who came to Bangladesh in the early 1990s, are Farzana,[202] Akter and Kusakabe,[203] and Olivius.[204] Some of the causes and effects of violence against Rohingya refugee women highlighted by these authors might be similar to the SGBV experienced by Rohingya refugee women at present. However, based on these similarities, SGBV against the newly arrived Rohingya refugee women should not be generalised, presumed, or anticipated, especially because the problematisation of SGBV and the development of legal frameworks are constantly evolving. Instead of making a generalised assumption, a contextual study should be employed with firsthand knowledge of every possible scenario to contribute to effectively addressing the problem. This is the first academic study to investigate SGBV against the newly arrived Rohingya refugee women in Bangladesh using firsthand data. It is also the first to examine the roles and perspectives of the frontline humanitarian actors working in Cox's Bazar camps in recent years, after 2017.

2.6. Conclusion

The issue of SGBV against refugee women has received significant attention in the academic literature as well as in humanitarian policies and programs. However, despite being given attention, there is still a gap in the knowledge on SGBV as the majority of the scholarly literature is concerned with finding solutions instead of conducting an in-depth contextual study of the problem. In seeking a solution to the problem, the literature has focused on policy progress and its failure in practical implementation, except for a few studies that have found positive outcomes. Those studies that have focused on the lack of policy implementation as a reason for the ongoing SGBV against refugee women have, in the main, not questioned how the policies have

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[202] Kazi Fahmida Farzana, *Memories of Burmese Rohingya Refugees: Contested Identity and Belonging* (New York: Palgrave Macmillan, 2017).

[203] Akhter and Kusakabe, "Gender-Based Violence among Documented Rohingya Refugees in Bangladesh."

[204] Olivius, "Governing Refugees Through Gender Equality: Care, Control and Emancipation."

constructed the issue of SGBV as a problem. In addition, scholars have highlighted inadequate funding, donor dependency, lack of proper monitoring by the humanitarian organisation, and the conservative social structure of the refugees as reasons behind policies not being implemented appropriately. The frontline humanitarian actors' roles have not been given much space in the literature, although they are the ones who work as the driving force in carrying out all humanitarian response activities in the actual field. The few studies that have discussed frontline humanitarian actors portrayed them as being the same everywhere, as professionals who would follow whatever the experts or senior management directed them to do. They have overlooked the fact that humanitarian actors are diverse and have their own understanding and interpretation of SGBV influenced by their culture, education, and other positions. Likewise, the refugees and refugee women, in particular, are predominantly represented as helpless victims without any agency. With Bacchi, this thesis argues that the effects and meaning of an idea or intervention cannot be assumed as universal.[205] Depending on the socio-cultural and political context of the refugee situation, the meaning of SGBV or the effect of the related intervention can vary. Despite the unequal power relationship between humanitarian actors and the refugees, the refugees are not always passive recipients of aid or gender equality interventions. Both the refugees and the frontline humanitarian actors modify, appropriate, and negotiate ideas and concepts for their use, or they also have their interpretations and arguments that must be investigated.

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[205] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

Chapter Three: Research Methodology

3.1. Introduction

This chapter focuses on the theoretical and methodological underpinning of the thesis. To investigate how the issue of sexual and gender-based violence (SGBV) is constructed, represented, and dealt with in policies and practices by humanitarian actors, this thesis employs a post-structural feminist perspective. It takes Carol Bacchi's "what's the problem represented to be" (WPR)[206] approach to foreground the representation of SGBV in legal documents and how the humanitarian actors and Rohingya refugees perceive the issue of SGBV and the related interventions. Keeping consistency with these theoretical approaches and the research objectives, this thesis has employed a qualitative research method and semi-structured interviews to collect data. In total, 46 participants (25 refugee participants and 21 humanitarian actors) were interviewed to generate sufficient information to answer the research questions. The first section of this chapter discusses the theoretical framework, and the second presents the research design that includes data sources and data collection methods, research location, participants, and sampling technique, followed by the data analysis techniques used for this study. The last section of this chapter identifies ethical issues taken into consideration for this study.

3.2. Theoretical Perspectives

Feminist research is concerned with power relations based on gender and places the social construction of gender at the central point of its inquiry to generate useful knowledge on gender relations. Such research aims to liberate women from patriarchy and challenge the unequal power relations that contribute to women's subordination and vulnerability to violence. Feminist researchers try to "uncover cultural and institutional sources and forces of oppression. They name

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[206] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

and value women's subjective experience".[207] The thesis is written from a feminist standpoint because the lack of a feminist perspective can silence women and many other "marginalised and oppressed groups in society by making them the passive objects of inquiry".[208]

There are various kinds of feminist research that pursue a variety of different goals. For example, liberal feminist research is more concerned with women's individual rights, while radical feminists focus on patriarchy as an institution that legitimises the subordination of women and the deprivation of women's human rights.[209] Post-structural feminism is another kind of feminism that came into prominence in the latter half of the 20th century.[210] According to Wooldridge, post-structural feminism highlights that women are not one unified category; they are constantly changing with new identities and subjectivities depending on the norms and socio-cultural expectations of the society women inhabit.[211] Post-structural feminism seeks to keep women as a category unstable, undefined, and a subject of reconfiguration. It challenges the idea of essentialism within feminism, which tends to generalise women's experiences from white, western, and middle-class women's perspectives.[212] Therefore, it enables women to revise how they as women are constructed and that women simultaneously can inhabit multiple, often contradictory, positions.

This study takes a post-structural feminist perspective as it assists in revealing the connection between power and knowledge and how women's identity as a subject is underpinned

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[207] Catherine Marshall and Gretchen B. Rossman, *Designing Qualitative Research* (New Delhi: SAGE Publications, 2006), 7.

[208] Marshall and Rossman, *Designing Qualitative Research*, 4.

[209] Albert J Mills, Gabrielle Dorepos, and Elden Wiebe, *Encyclopedia of Case Study Research* (Lose Angeles: SAGE Publications, 2010), 711.

[210] Mills, Dorepos, and Wiebe, *Encyclopedia of Case Study Research*, 711.

[211] Michael Wooldridge, "Postructuralism and Feminism: The Interplay between Gender, Language and Power," (2015). Accessed 20 May 2022, https://www.e-ir.info/pdf/56311.

[212] Elizabeth Adam St. Pierre and Wanda Pillow, "Introduction: Inquiry among the Ruins," in *Working the Ruins: Feminist Poststructural Theory and Methods in Education*, edited by Elizabeth Adam St. Pierre and Wanda Pillow (New York & London: Routledge, 2000), 7.

in this process. It dismantles the conventional and taken-for-granted truth about women. It embeds the argument that knowledge production that has evolved is subjective, strongly connected to its settings, and driven by power relations that legitimise certain concepts and exclude or deny other forms of knowledge.[213] The application of post-structural feminist perspectives allows this thesis to investigate and challenge the representation of refugee women as a unified group in international humanitarian policy discourse and the effects such representation has on the lived experience of refugee women in refugee camps. The significant difference between post-structural feminism with other branches of feminism is that it focuses on discourse and its relationship to women's positions. So, applying a post-structural feminist perspective also means employing discourse analysis from a feminist point of view.

Following Carol Bacchi, by discourse, this study refers to knowledge, which is different from critical discourse analysis which mostly focuses on language usage. Through discourse analysis, this study aims to analyse the statements made on specific issues or subjects and the surrounding environment or context that allows certain statements or ideas to be made or accepted as knowledge.[214] In practice, the method requires gathering texts from various sources and contexts, including interviews and conducting a close and repeated examination of these texts, to relate their discursive nature to the socio-political and cultural context. The main objective of this examination is to identify the underlying norms, values, attitudes, and perceptions that allow certain things to be said in a particular way, which often remain invisible. As Muncie explains, by undertaking thorough scrutiny, this method intends to "reveal how institutions and individual subjects are formed, produced, given meaning, constructed, represented through the

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[213] Rosemarie Tong and Tina Fernandes Botts, *Feminist Thought: A More Comprehensive Introduction* (New York & London: Tylore & Francis, 2018), 200.

[214] Carol Bacchi and Jennifer Bonham, "Reclaiming Discursive Practices as an Analytic Focus: Political Implications," *Foucault Studies*, no. 17 (2014): 179.

particular configuration of knowledge".[215] It, therefore, requires delving into the texts beyond their direct messages and background, looking into how the text is produced and disseminated, how it became legitimate over other discourses, and the effects it produces.[216] In the case of interviews, it involves analysing why the interviewees replied to a question in a way they did and what they think of the issue or topic under study, as well as taking into account the broader discursive system of the socio-cultural context where an interviewee belongs.[217]

The application of the post-structural feminist perspective in this study helps track the hidden and unidentified discursive meanings and values regarding SGBV against refugee women in the United Nations (UN) humanitarian gender policies and practices. Discourse is very powerful and compelling as it is both constituted and constitutive in the sense that it is enacted by existing social practices and has the power to install a regime of truth about certain things or issues.[218] It is usually created by people in power with specific objectives and simultaneously capable of generating and perpetuating new knowledge on an issue or subject matter. Development organisations often generate and use a development discourse that creates particular types of knowledge around specific issues, groups of people, or countries. Based on this knowledge structure, they organise and validate certain types of development interventions that are not politically neutral. For example, Ferguson employed discourse analysis to show how in 1975, Lesotho's strengths and weaknesses were constructed in such a way by the World Bank in one of their reports that legitimised the World Bank-funded massive infrastructure projects. The projects increased bureaucratic authority and served the agenda of international development

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[215] John Muncie, "Discourse Analysis," in *The SAGE Dictionary of Social Research Methods*, edited by Jupp Victor (London: SAGE Publications, 2006), 74.

[216] Muncie, "Discourse Analysis."

[217] Jorn Cruickshank, "The Role of Qualitative Interviews in Discourse Theory," *Critical Approaches to Discourse Analysis across Disciplines* 6, no. 1 (2012): 41-43.

[218] Bacchi and Bonham, "Reclaiming Discursive Practices as an Analytic Focus: Political Implications," 182.

actors, which had huge impacts on the lives of the local indigenous people.[219] According to Olivius, humanitarian organisations and actors also sometimes draw on discourses portraying refugees as traditional or victims to legitimise a particular type of humanitarian response program.[220] Analysing discourse is, therefore, very important to understand the role of humanitarian actors in addressing SGBV against women in Rohingya refugee context.

This study investigates the UN's gender discourse in the humanitarian crisis by examining how the policies have represented SGBV against women, what has been silenced, how front-line humanitarian actors interpret and address SGBV in practice, and how the targeted population (refugee women) perceive the actions taken. This thesis draws on the WPR approach to investigate the issue of SGBV represented in humanitarian gender legal instruments and practices by humanitarian actors, their underlying assumptions, and the gaps or silence in policies. [221] WRP is a policy analysis tool, but as mentioned in chapter two, it can be adapted as a guide to analysing text, including policy documents, speech, and interview transcripts, as this study does. The WPR approach is discussed in more detail in chapter five.

3.3. Qualitative Research

Considering its theoretical stand and objectives, this study uses qualitative research methods to foster a more in-depth and nuanced understanding of an issue.[222] In this case, the issue is the ways people view the SGBV problem. Qualitative research explores and understands people from their frame of reference and is concerned with how people attach meanings to specific life events

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[219] Mario Pansera and Richard Owen, *Innovation and Development: The Politics at the Bottom of the Pyramid*, vol. 2 (Hoboken, New Jersey: Wiley Publishing, 2018), 11.

[220] Olivius, *Three Approaches to Gender in Humanitarian Aid: Findings From a Study of Humanitarian Aid to Refugees in Thailand and Bangladesh*.

[221] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[222] Mary EIIsberg and Lori Heise, *Researching Violence Against Women: A Practical Guide for Researcher and Activist* (Washington DC, United States: World Health Organisation Press, 2005), 73.

or experiences.[223] It needs the researchers to set aside their assumptions, perceptions, and taken-for-granted views and see things as if they are happening for the first time. Doing this helps to get a clearer vision of the subject matter.[224] In addition, qualitative research considers the settings and the people collectively, not as distinct individual variables which exclude the "human side of social life".[225] Looking at people and locations collectively can emphasise social constructions of reality and different meanings attached to particular issues based on the respondents' lived experience and cultural context.[226] Another reason for choosing qualitative research is that the study's primary focus is not on ascertaining frequency as to how many women face violence or how many humanitarian organisations are working for refugee women or correlations between variables.[227] Instead, the main focuses of the research are the feelings, perceptions, interpretations, and reactions to the subject matter at hand. The interest here is finding out why and how people, the refugees, and the humanitarian actors, do things or address the issues of SGBV against refugee women in a particular given context rather than reducing people to variables.

3.4. Research Location, Participants, and Sampling

This study focuses on Rohingya refugee camps in the Cox's Bazaar district of Bangladesh and its residents and service providers working in various camps. The camps are located in Ukhia, and Teknaf *Upazilas* (sub-district) of Cox's Bazaar district, situated along the Bangladesh-Myanmar border (Figure one), and over 900,000 newly arrived Rohingya refuges are given

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[223] Steven J. Taylor, Robert Bogdan, and Marjorie L. DeVault, *Introduction to Qualitative Research Methods: A Guidebook and Resource* (New Jersey: Wiley, 2016), 18.

[224] Taylor, Bogdan, and DeVault, *Introduction to Qualitative Research Methods: A Guidebook and Resource*, 18.

[225] Taylor, Bogdan, and DeVault, *Introduction to Qualitative Research Methods: A Guidebook and Resource*, 20.

[226] John Ward Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (Los Angeles: SAGE Publications, 2013), 20.

[227] Norman Kent Denzin and Yvonna Sessions Lincoln, *The Sage Handbook of Qualitative Research* (Los Angeles: SAGE Publication, 2005), 12.

shelter. The Kutupalong Makeshift Camp, also known as Kutupalong Expansion, is in Ukhiya *Upazila* of Cox's Bazar and is said to be the largest refugee camp in the world. It provides shelter for more than 600,000 refugees within 13 square kilometres.[228] The second-largest refugee camps, such as Hakimpara, Jamtoli, and Moynarghona, are located within a few kilometres from the Kutupalong Extension campsite in the same *Upazila*. The other two refugee camps, including Nayapara camp (the third largest refugee camp in Cox's Bazar), are in Teknaf *Upazila.*[229]

Figure 3.1. Location of the Rohingya Refugee Camps

Rohingya refugee camp location map (image) removed due to copyright restriction
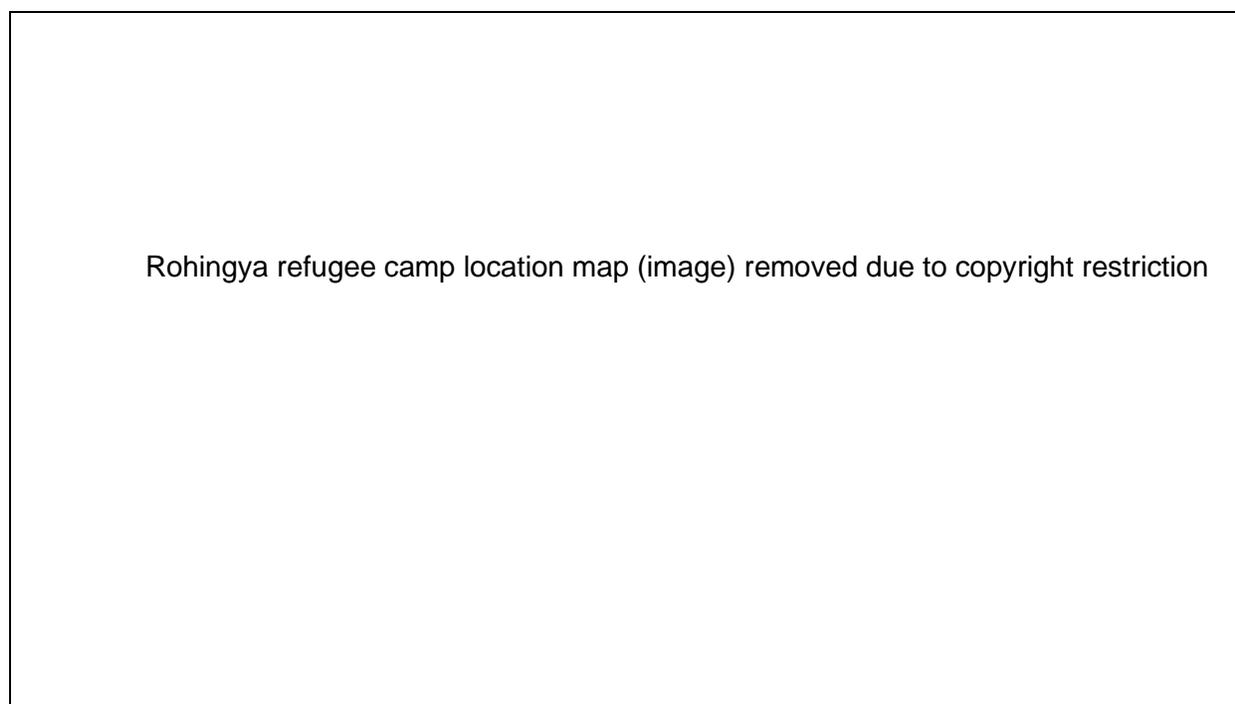
The six camp areas are divided into 33 camps to facilitate administration. Each camp is further divided into blocks, and every block has an almost equal population. Each camp has a Camp-in-Charge (CiC) to perform administrative duties, and the bigger camps also have an

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[228] United Nations High Commissioner for Refugees, *Rohingya Refugee Response-Bangladesh* (2019). Accessed 5 December 2019, https://data2.unhcr.org/en/documents/download/71872.

[229] United Nations High Commissioner for Refugees, *Rohingya Refugee Response-Bangladesh*.

assistant CiC. All the CiCs and the assistant CiCs are Bangladeshi nationals and belong to the elite government officials recruited by the Bangladesh Civil Service and appointed by the Office of the Refugee Relief and Repatriation Commission (RRRC) on a short-term basis by rotation. The administrative duties of a CiC include controlling the law-and-order situation of the camps, deciding to come in and go out of the camps, and monitoring, coordinating, and reporting on humanitarian organisations' activities. A camp also has a *Maji* (refugee community leader), who is assisted by the block *Majis* and a humanitarian organisation responsible for the overall camp management. The camp residents must first get permission from the CiC and the camp management organisation through the *Maji* if they want to access services that are only available outside the camp, such as hospitals. The *Maji* is also responsible for maintaining law and order situations and conflict resolution among the camp residents in consultation with CiC and the campsite management organisation.[230]

Humanitarian operations, including recruitment for campsite management and designing service maps with detailed information on services (what kind of services, by whom, to whom and where), are jointly led by the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM). However, for every activity, the UNCHR, IOM and their partner organisations must consult and take approval from the RRRC. In some camps, in the absence of other organisations, the UNHCR and IOM themselves perform the roles of service providers and campsite management organisations. Services to Rohingya are provided by a mix of local, national, and international non-government organisations (NGOs) independently or with financial support and technical guidance from the UN agencies. Some government departments, such as the Ministry of Women and Children Affairs (MWCA) and the Ministry of Social Welfare (MoSW), also provide direct humanitarian services to the Rohingya refugees in the camps. These

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[230] United Nations Office for the Coordination of Humanitarian Affairs, *2020 Joint Response Plan for Rohingya Humanitarian Crisis - January to December* (Bangladesh, 2020). Accessed 13 August 2020, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/jrp_20 20_final_in-design_200422_12.2mb.pdf.

campsite management and aid assistance activities are handled by their joint Inter-Sector Coordination Group (ISCG) led by the UN.[231]

Through the ISCG, the Rohingya are provided with multi-sectoral assistance. This assistance includes health, nutrition, education, logistics, shelter, WASH (water, sanitation, and hygiene), site management, food security, emergency telecom and protection. Mainstreaming gender across these humanitarian response programs is one of the central agendas of the ISCG. The protection sector is divided into two main sub-sectors: child protection and GBV protection. The GBV sector focuses on protecting Rohingya women from GBV and preventing humanitarian actors from engaging in sexual exploitation and abuse. According to the reports of OCHA (Office for the Coordination of Humanitarian Affairs of UN), 23 humanitarian organisations (including UN agencies, government departments, and NGOs) are actively working in the Rohingya refugee camps on issues related to SGBV. Other than the CiCs and the ISCG, every district level unit of all ministries of Bangladesh, such as the law enforcement agencies and public administration, are also actively involved in maintaining law and order in the camp areas. In addition, the camps have different active agents within the refugee community (religious leaders, volunteers, women rights activists, Rohingya rights activists) who all have active roles in influencing the lives of Rohingya women.[232]

Considering the active presence of these multiple actors in and outside the Rohingya refugee camps, the study included a wide range of participants for its primary data collection. As Creswell states, the inclusion of maximum variation among participants reflects findings and brings "different perspectives – an ideal for qualitative study".[233] Therefore, this study included

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[231] United Nations Office for the Coordination of Humanitarian Affairs, *2020 Joint Response Plan for Rohingya Humanitarian Crisis - January to December*, 30-39.

[232] United Nations Office for the Coordination of Humanitarian Affairs, *2020 Joint Response Plan for Rohingya Humanitarian Crisis - January to December*.

[233] Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*, 157.

both humanitarian actors and the Rohingya refugees as participants. The humanitarian actor participants include UN agencies, NGOs, and government department staff working in different sectors of the humanitarian response mechanism and have direct interaction with refugees living in camps.

As the research focuses on SGBV, most of the interviewed humanitarian actors are from the GBV sub-sector who directly work with violence survivor Rohingya refugee women and offer them support services. The participants from the refugee community include Rohingya women above 18 years of age who are currently living in refugee camps in Cox's Bazaar. To get more in-depth information from different perspectives, the research also included refugees, the *Majis* (Rohingya camp leaders), religious leaders, representatives of *Shanti Mohila* (Peace Women), and the representatives of the Rohingya Women Welfare Society among its participants. Although women who were victims of violence were not targeted as research participants due to research ethical considerations, two Rohingya women with family connections to violence survivor women contacted the research team and requested to be interviewed. Figure 3.2 shows a detailed breakdown of the targeted research participants under each category.

Figure 3.2. Research Participants
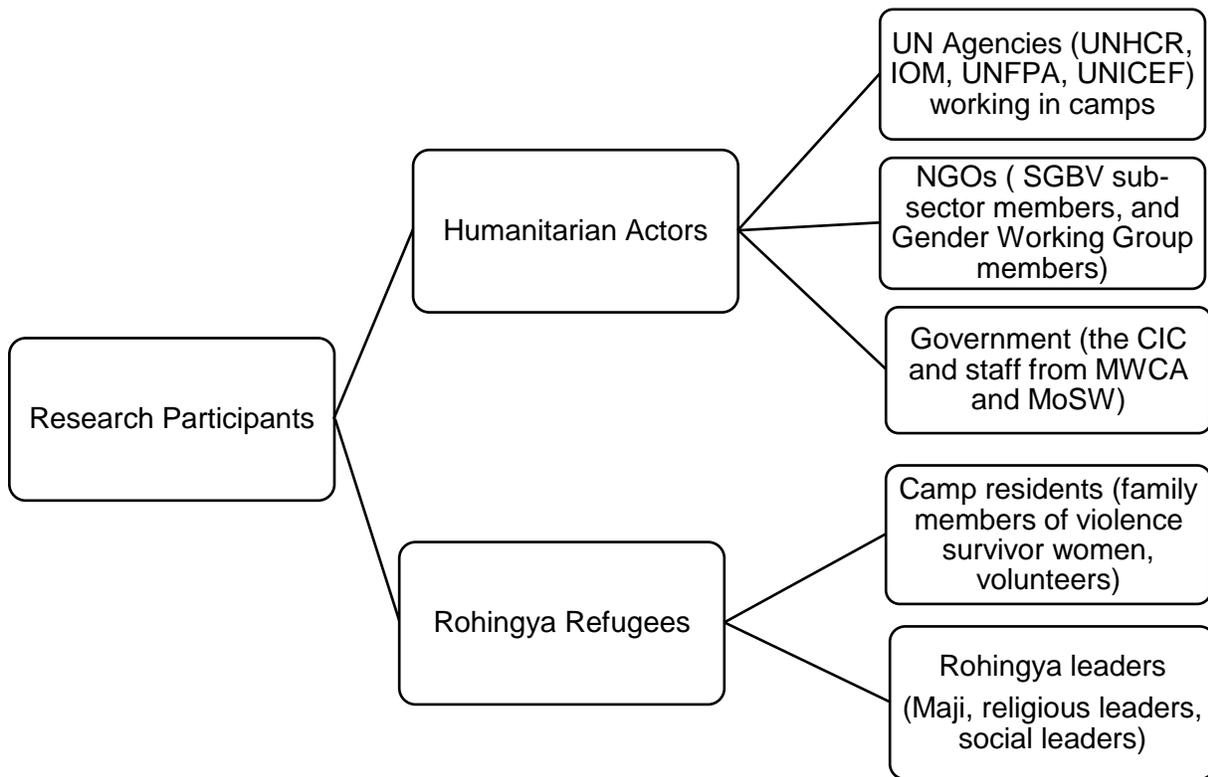
Participants were selected using a purposeful or judgment sampling method based on previous literature and the researcher's knowledge and experience of the research locations and context. Those participants who could answer the research questions as members of the refugee community or as a representative of an organisation and reflect on refugee women's experiences were selected. However, as Creswell stated, flexibility is required in qualitative research as sampling can change during data collection despite having a thoughtful strategic plan because the researcher cannot accurately predict what will happen in the field.[234] So, I allowed some flexibility in the sampling method; we interviewed Rohingya leaders recommended by already interviewed participants. The first few participants were recruited through an NGO that worked with Rohingya refugees in the Kutupalong refugee camp. The participant recruitment organisation was adequately informed about the research objectives and the eligibility criterion for research

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[234] Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*, 156.

participants. I continued interviewing until the information was saturated; as Creswell suggests, finding enough data and depth on the study subject or research question in a qualitative study is more important than the number of participants.[235]

3.5. Research Assistant

Due to the COVID-19 pandemic, travel to Bangladesh for data collection was impossible. I, therefore, appointed a research assistant in Bangladesh, a very talented young woman with a university degree from the local Cox's Bazar University. A local NGO from Cox's Bazar introduced me to my research assistant, who had previously worked with the organisation on one of their research projects. Therefore, she has experience with qualitative research processes and with conducting face-to-face interviews with participants of diverse backgrounds. My initial plan was that I would interview all the participants willing to participate in online or over phone interviews, and my research assistant would help me with field preparation (participant selection and taking permissions) and with a few face-to-face interviews. But, in the end, she conducted most of the interviews with the Rohingya refugees due to language-related challenges I faced (as explained below in the data collection section). She also helped me with administration procedures in Bangladesh that included, but were not limited to, obtaining permission from the RRRC of Bangladesh to interview encamped refugees and identify and select research participants. In a series of meetings over the phone about this research project, I explained the ethical issues to her in detail and gave her training and verbal instructions on conducting face-to-face and over-the-phone interviews. To overcome potential challenges and ensure quality data collection, we conducted pilot interviews with seven participants from different professional backgrounds. Data collected from five pilot interview participants have been used in this research because they gave consent to use the information they shared with us. Based on the learning from the pilot interviews, the language of the research questions was simplified in Bengali as the participants had some

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[235] Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*, 157.

problems understanding the questions. The pilot interviews also helped to refine technical issues such as interview recording, appropriate software use, and interview time management, and gave us the opportunity to finetune the language, attitudes, and behaviour necessary for rapport building with participants from a distance. As Marshall and Rossman suggest, the pilot interviews also gave us confidence and a better understanding of the study's feasibility through the selected data collection tools.[236] Based on the learning from the pilot study, the rest of the interviews were conducted step by step.

3.6. Data Collection

At first, different policy documents of the UN and the government of Bangladesh were selected for the study. Then we conducted a series of interviews. Data from these two different sources enables this study to gain an increased and dominant understanding of SGBV in humanitarian gender policy texts and practices. It allowed learning how the Rohingya refugees understand the humanitarian response of SGBV in practice. Detail of the sources of data is provided in figure 3.3.

Figure 3.3. Data Source


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                                            ┌─────────────────────────────┐
                        Primary ─────────── │ Semi-structured interviews  │
                                            │ (online, over telephone,    │
  ┌──────────────┐                          │ and face to face)           │
  │ Data Sources │                          └─────────────────────────────┘
  └──────────────┘                          ┌─────────────────────────────┐
                        Secondary ───────── │ Policy documents, Journals, │
                                            │ books, Research Reports,    │
                                            │ Thesis Paper, News Paper    │
                                            │ Reports, Online Blocks,     │
                                            │ Webites                     │
                                            └─────────────────────────────┘
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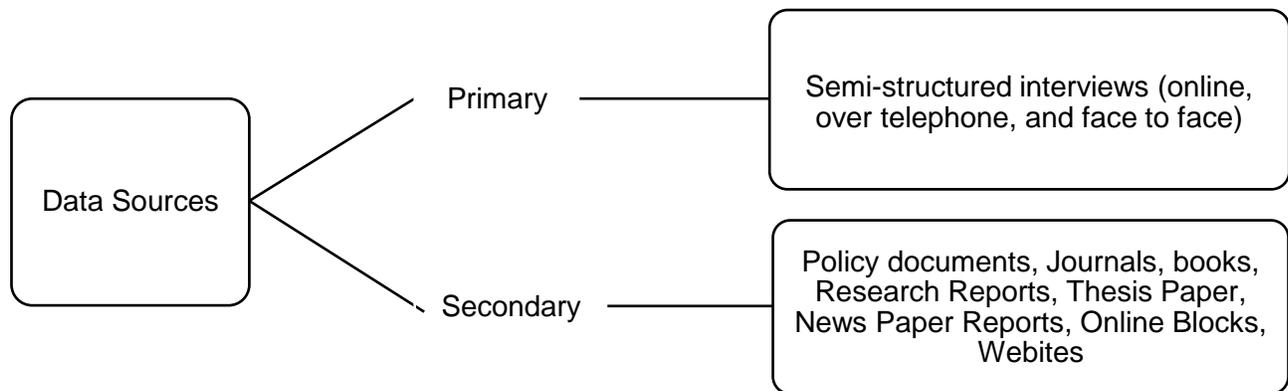
[236] Marshall and Rossman, *Designing Qualitative Research*, 57.

The interviews were conducted using a semi-structured questionnaire, a very common data collection method of qualitative research. This study used the semi-structured interview method to collect data as it considers a participant's perspective, such as feelings, opinions, and experiences.[237] The fundamental principle of qualitative research supports that the "participant's perspective on the phenomenon of interest should unfold as the participant views it (the emic perspective), not as the researcher views it (the etic perspective)".[238] It is also a convenient tool to gather information on sensitive issues like sexual violence that people can find difficult to talk about in a group or with another person. Furthermore, as Ellsberg and Heise stated, it has allowed us (me and my research assistant) to have some flexibility to adjust to the situation where it was necessary to have additional communication with the participants while still being focused on the desired line of action.[239]

Except for two face-to-face interviews, most interviews were conducted online and over the phone. A brief description of data collection experience using a combination of face-to-face interviews and online and over-phone interviews is given below.

Face-to-Face Interview: My research assistant in Bangladesh conducted face-to-face interviews with two Rohingya refugee men. After that, the camp authority announced a lockdown in the camps for an uncertain period of time because of the increasing spread of COVID-19 among the camp residents and in the greater Cox's Bazar district. As it became clear that the camps would remain in lockdown, we decided to move forward with online and phone interviews with the rest of the participants. In doing so, we might have missed some crucial first-hand information from other potential research participants who did not have access to the technology needed for online or phone interviews.

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[237] Natasha Mack et al., *Qualitative Research Method: Data Collector's Field Guide* (North Carolina: Family Health International, 2005), 2.

[238] Marshall and Rossman, *Designing Qualitative Research*, 101.

[239] Ellsberg and Heise, *Researching Violence Against Women: A Practical Guide for Researcher and Activist*, 129.

Online Interview: As I could not go to Bangladesh, I contacted the professional participants who had internet access and were comfortable participating in online interviews. The interviews were conducted through video and audio calls using Zoom software, Skype, or Messenger, depending on the participants' preferences. Initially, I was concerned about successfully conducting online interviews as it requires the participant to have access to the internet and some technical skills to use computers and other apps/software necessary for the interview.[240] But, because of the COVID-19 pandemic, I found that most professional interview participants were working from home and had already been trained on using online platforms like Skype, Zoom, and Messenger for communication. However, the internet connection in Bangladesh is not uniformly strong, and internet connections are generally poor in Cox's Bazar district, where most of my participants live and work. Some interviews were disrupted because of poor internet connection and a sudden electricity power cut without prior notice, as commonly happens in Bangladesh. The interviews were resumed after the participants regained their internet/electricity power connection within the same day.

Telephone Interview: As the internet was not strong and not every participant had internet access, telephone interviews were conducted with a majority of the participants (40 out of 46). Although the international call rate from Australia to Bangladesh is relatively costly, this interview mode was better because it did not involve any cost on the part of the participants. However, mobile networks are not available in all areas of the camps, and the network signal is very weak. To participate in the interview, the Rohingya participants had to travel to the hilltops of the camps, where mobile network connection was better. Despite their best attempts, calls were disconnected many times in the middle of the interviews. As the signal was poor, they were not always audible to me, which was compounded by the fact that most do not have good-quality mobile phones. In addition to these technical problems, phone interviews with Rohingya

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[240] Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*, 161.

participants were affected by language barriers. I speak and understand the language of the Rohingya, which mainstream Bengali people also speak in Chittagong division, Bangladesh, where I was born and brought up. But my mother tongue is different from Bengali and other languages spoken in Bangladesh, and I speak Chittagonian Bengali with an accent. Therefore, my research assistant interviewed the Rohingya participants who had difficulties understanding me clearly. My research assistant is a local from the Cox's Bazar district who can speak Chittagonian Bengali the same way the Rohingya speak.

Except for six interviews, all the interviews were recorded using voice recording apps on android mobile phones and later transferred to a computer as an audio file.

3.7. Data Analysis

According to Dey, qualitative researchers "learn by doing data analysis".[241] By "reading and rereading of the materials", the researchers "try to pin down their key themes and, thereby, draw a picture of the presuppositions and meaning that constitute the cultural world of which the textual material is a specimen".[242] Similarly, in this study, the first stage of data analysis involved close and reflexive reading of policy documents from both the UN and the government of Bangladesh to comprehend them at the discursive level. While reading the policy documents, the questions of the WPR approach have been applied to analyse the texts with particular attention given to policy emphasis, the silence, or gaps in the guidelines. The reading and analysis also included critical reflection on the text's underlying values, norms, and social practice and how the discursive formation took place.

In the second stage, the recorded interviews were translated from Bengali/Rohingya language to English and transcribed into written format. Translation and transcription were done manually by listening to the recorded interviews carefully, time and again. This rigorous and time-

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[241] Dey 1993, p. 6 cited in Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*, 182.

[242] Denzin and Lincoln, *The Sage Handbook of Qualitative Research*, 870.

demanding process was necessary because many interviews were not recorded clearly due to poor network and audio quality. As the recorded interviews were in Bengali, it was not possible to use auto-transcription software that has been developed for English language interviews. Transcribing was mentally stressful as I had to repeatedly listen to emotionally disturbing events shared mainly by the refugee participants. I followed Jefferson's modern version of the transcription convention.[243] This includes "recording instances of speech dis-fluency such as moments of silence or pauses, speech irregularities, and non-lexical vocabularies such as 'mm' or 'blah blah'".[244] As Elliot states, deciding how to transcribe was difficult, but I chose not to 'clean' the transcription as far as possible while at the same time trying to avoid unnecessarily complicating data with complex notation.[245] I tried to faithfully portray the narrative accounts in the participants' own words and to retain the original language's richness and nuance while translating it into English.

For coding, I used the data analysis software package NVIVO. Before transferring data into the software, I read all the electronic versions of transcribed interviews repeatedly, closely, and reflexively to sort according to specific themes and categories. While reading, I identified and marked data under different themes and marked them with other text highlighting colours. My research questions and objectives guided the themes I have drawn for coding. Marshall and Rossman argue that qualitative interviews produce more data than necessary.[246] In this research, some of the transcripts had more than ten thousand words, and sorting/reducing such a vast amount of data into limited themes for coding was difficult. I followed Potter and Wetherell's

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[243] Gail Jefferson, "Glossary of Transcript Symbols With an Introduction," in *Conversation Analysis: Studies From the First Generation*, edited by Gene H. Lerner (Amsterdam: John Benjamins Publishing Company, 2004).

[244] Jessica Lynne Wild, "Domestic Violence and Abuse: Prevention, Intervention and the Politics of Gender" (PhD Thesis, University of Leeds, England, 2020), 63. Accessed 7 March 2022, https://etheses.whiterose.ac.uk/28214/.

[245] Jane Elliott, *Using Narrative in Social Research: Qualitative and Quantitative Approaches* (London: SAGE Publications, 2005).

[246] Marshall and Rossman, *Designing Qualitative Research*, 154.

guidance to make coding as inclusive as possible, reading transcribed datasets carefully so that no important points and themes were missed. Similarly, the coding process was incredibly challenging as it often required me to bring disparate and vaguely related pieces of data together under a body of instance for analysis. I found the exact data appearing in more than one coding label. Sometimes I had to reread the entire transcript to determine which coding label the data should be. But NVIVO software allowed me to quickly code and recode data pieces under different labels.

In the final data analysis, I produced a unitary summary of data and its overarching themes with a more nuanced focus on its meaning and discursive patterns. While analysing data, I looked at the similarities and differences in participants' perspectives about specific themes and reflected on their understanding of practices. Following Denzin and Lincoln's qualitative research guidelines, the final result has been drawn through critical analysis and data review against the research questions.[247] I have applied the post-structural feminist perspective and Carol Bacchi's WPR approach to understanding a problem representation throughout the data analysis.[248] These approaches helped me know how two significant categories of participants (the humanitarian actors and the refugees) perceive and interpret SGBV and humanitarian response to address the issue and the broader social structure which influences their views.

3.8. Ethical Issues

This study strictly followed Flinders University's ethical guidelines and safety measures. All the written documents (consent form, participant information sheet) were translated into Bengali for well-informed consent. In addition, the consent and information sheet were read out and explained in the local Rohingya language to the refugee participants during participant recruitment and again

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[247] Norman Kent Denzin and Yvonna Sessions Lincoln, *The Handbook of Qualitative Research* (Thousand Oaks, California: SAGE Publications, 2000), 781.

[248] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

at the beginning of every interview, as the majority of the refugee participants were illiterate or incapable of reading Bengali because their medium of education was Burmese.

Initially, it was thought that the refugee participants would be more anxious to remain anonymous, but I found that it was the professional participants who were more concerned about being identified and naming their organisational affiliation. As the participants explained, they were particularly scared of the host government. Criticism of the government sometimes leads to reprisal putting strains on the cooperation between the government and non-government agencies. It has been found in other research that the organisation or staff who were found to criticise the government risk being banned from working in the camps.[249] The Bangladesh government, as a host country of Rohingya refugees, holds the ultimate power to decide who can and cannot work in the camps. In such a situation, the humanitarian organsiations and staff working in the camps do not want to risk their job by participating in the interviews. They have families to feed and social status to maintain by being employed. They fear that they might unintentionally tell something to the interviewers which the government might not like. On the other hand, as some Rohingya refugee participants stated, they are hopeless and have nothing left to lose except their lives, which probably makes them more fearless to speak out. To minimise this risk, all the participants have been de-identified, given a pseudonym and all the collected data stored in encrypted form to prevent theft or unauthorised use by others.[250]

We also took special measures to minimise emotional harm. From the very beginning, we informed the participants about the kind of questions they would be asked to help them make well-informed decisions regarding participation.[251] In an emotional outbreak, we (myself and my

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[249] Olivius, "Governing Refugees Through Gender Equality: Care, Control and Emancipation," 62.

[250] John Ward. Creswell and John David Creswell, *Research Method: Qualitative, Quantitative, and Mixed Methods Approaches* (Los Angeles: SAGE Publications, 2018), 95.

[251] Angela Melville and Darren Hincks, "Conducting Sensitive Interviews: A Review of Reflections," (2016): 5-10. Accessed 14 September 2022, http://www.lawandmethod.nl/tijdschrift/lawandmethod/2016/05/lawandmethod-D-15-00008.pdf.

research assistant) were prepared to stop until the participant regained complete control of their emotion and, if necessary, to offer another time for an interview to resume. We were fortunate not to face any such situation during the interviews. However, considering any possible mental stress, a list of relevant service providers and emergency helpline numbers were provided where participants could get debriefing and other necessary support. I arranged for a psychologist to give mental health counselling over the phone to refugee women if they requested such assistance. The refugee women did not seek help from the psychologist, but two professional participants appreciated being told about a reliable psychologist for their mental health advice.

Furthermore, as the research was conducted during the COVID-19 pandemic and in a special zone (border areas), where maintaining law and order is always a challenge, we had to consider the researcher's personal safety.[252] To stay safe during data collection, the local administrations, such as the district commissioner's office, *Upazila Nirbahi* Officer (Sub-District Executive Officer), and the district superintendent of police, were informed about the research. While I could not travel to the research location for data collection, I informed the local administration about my research assistant to ensure her safety.

3.9. Conclusion

This chapter has provided a brief overview of the study's theoretical and epistemological underpinning, followed by an overall research design for participants, research location, data collection, processing, analysis, etc. This study employs post-structural feminist perspectives and Carol Bacchi's WPR[253] approach, which are very closely connected perspectives, as they seek to understand the constitutive nature of discourse. As discussed above, these theories have the potential to guide the investigation of how SGBV against refugees is perceived with a view that violence is not an intrinsic part of refugee women's lives but rather is constructed, reconstructed,

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[252] Alex Broom, "Ethical Issues in Social Research," *Complementary Therapies in Medicine* 14, no. 2 (2006): 155.

[253] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

normalised, and validated by certain types of knowledge generated through discourse. Considering its theoretical underpinning and the research objectives, this study, therefore, considers qualitative research with semi-structured interview methods of data collection as it enables the research to capture participants' perspectives on the subject matter within a comparatively short period and in cost-effective ways as most of the interviews were conducted online and over the phone. However, as the research employed distance data collection methods because of COVID-19 mobility restrictions, not all the potential participants could be reached, which risks important information missing out from the study. Hence, to cover this gap, the next chapter of the thesis offers an in-depth literature review on the history of the Rohingya refugee crisis, including their social-cultural practices and the current situation in Bangladesh as refugees.

Chapter Four: Historical Background of the Rohingya Refugee Crisis

4.1. Introduction

Rohingya have fled from their own country Myanmar to Bangladesh and many other countries because of ongoing violence. The Rohingya refugee crisis is not a new issue, but after August 2017, it gained more international attention. Media, academics, political leaders, and human rights activists expressed their concerns and views on the Rohingya refugee crisis. This chapter analyses the historical background of the crisis, discussing who the Rohingya refugees are, including their minority status, statelessness, the oppression they have experienced, and how they have been represented or perceived by different stakeholders in Myanmar and Bangladesh. The chapter offers a critical analysis of the refugee crisis, more specifically how they are defined, to pave the way to understanding the potential impacts the popular narratives can have on the ways Rohingya refugee crisis and, more specifically, the Rohingya refugee women's problems are treated and addressed by humanitarian organisations and actors.

4.2. The Rohingya

Rohingya are a minority ethnic community of Myanmar, a country in Southeast Asia that shares borders with India, Bangladesh, Thailand, Laos, and China. Myanmar was formerly known as Burma, and one of the country's most populous ethnic groups (three-quarters of over 50 million people) is called Bamar or the Burmese. Most of the country's residents, almost 87.9%, are Buddhist.[254] In the Bamar and Buddhist majority country, Rohingya are not only an ethnic minority but also a religious minority who believe in the Muslim faith. However, just over a thousand Rohingya refugees from Hindu religious backgrounds also live in Bangladesh. When Rohingya started residing in the Rakhine State of Myanmar is unknown; they are thought to have been living

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[254] Basile et al., *Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements*.

there since time immemorial.[255] According to Chowdhury, Rohingya are the descendants of the "Muslim Arabs, Moors, Persians, Turks, Mughals, and Bengalis who came to Arakan, the present-day Rakhine state, mostly as traders, warriors, and saints through overland and sea routes".[256] Rohingya differ from other ethnic communities in terms of religion, cultural practices, and language. They speak a language called Rohingya or Ruaingga, very similar to the Bangladeshi Chittagonian dialect, and have the same physical appearance as the mainstream population of Bangladesh and India.[257]

According to the United Nations (UN), Rohingya are the most persecuted ethnic minority and the most rapidly growing refugee population in the world who are violated and stateless. Due to violence and persecution, more than two-thirds of Rohingya had to flee Myanmar.[258] The government of Myanmar officially identifies them as 'Illegal Bengali Migrants'. Like their government, the majority of the general public from Myanmar also perceive Rohingya as illegal Bengalis. In Myanmar, they are also called *Kala*, which means dark skin people.[259] Calling them *Kala* suggests that Rohingya are foreigners or strangers from South Asian countries. As McIlvenny, Klausen, and Lindegaard argue, these are not merely terms but discourses with a political purpose as they justify the majority population's cultural dominance and exclusion of Rohingya from political participation and other rights enjoyed by non-Rohingya.

Rohingya take offence at being called Bengali or *Kala*. In resistance, they call themselves Rohingya, connecting their ethnic identity with the pre-colonial history of Arakan. As Lisa Brooten

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[255] Aljazeera, "Myanmar: Who Are the Rohingya?," 18 April 2017, http://www.aljazeera.com/indepth/features/2017/08/rohingya-muslims-170831065142812.html.

[256] Chowdhury 2006 cited in Nehginpao Kipgen, "Addressing the Rohingya Problem," *Journal of Asian and African Studies* 92, no. 2 (2014): 236.

[257] Yusuf Zine, "I Am Rohingya: A Pedagogical Study on the Roles of Ethnographic Theatre for a Young Refugee Population," *Social Justice and Community Engagement* 19 (2016): 8.

[258] Costa, *The Rohingya: The World's Most Persecuted Minority*.

[259] Zine, "I Am Rohingya: A Pedagogical Study on the Roles of Ethnographic Theatre for a Young Refugee Population," 8.

noted, the Arakan state, present-day Rakhine state, was known as Rohan among the Muslims and the Bengali people in the pre-colonial period. By calling themselves Rohingya, they assert that they belong to an ethnic community distinct from Bengali and seek to establish their political and cultural claim over the Rakhine state and constitutional rights as one of Myanmar's national races (ethnicities).[260] To have a distinct ethnic identity, separate from Bengali, is very important for them for their existence and rights in Myanmar. According to the Myanmar Constitution, only persons belonging to one of the national races can participate in the state or regional legislature and are entitled to have government assistance for their socio-economic development.[261] Due to its political connotations, the use of the term Rohingya is banned in Myanmar.[262] Nevertheless, despite disapproval from Myanmar's government, the international community widely uses the term Rohingya to refer to this Muslim population from the Rakhine state of Myanmar.[263] Rohingya human rights campaign groups, most notably the Arakan Rohingya National Organisation, continue to demand the right to self-determination and citizenship rights in Myanmar.[264] Irrespective of their historical claim, in respect of their right to self-determination, this thesis also uses the term Rohingya to refer to the people who fled from Myanmar to Bangladesh and are currently living in the Cox's Bazar refugee camps.

The expulsion of the Rohingya people from Myanmar has been occurring for decades, and they went through a series of violence and human rights deprivation at different times. Many

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[260] Lisa Brooten, "Blind Spots in Human Rights Coverage: Framing Violence Against the Rohingya in Myanmar/Burma," *Popular Communication* 13, no. 2 (2015): 136, https://doi.org/10.1080/15405702.2015.1021466.

[261] Ministry of Information of the Republic of the Union of Myanmar, "Constitution of the Republic of the Union of Myanmar," (2008), 136. Accessed 6 June 2022, https://www.myanmar-law-library.org/spip.php?page=pdfjs&id_document=64.

[262] Brooten, "Blind Spots in Human Rights Coverage: Framing Violence Against the Rohingya in Myanmar/Burma," 136.

[263] Derek Tonkin, "Exploring the Issues of Citizenship in Rakhine State," in *Citizenship in Myanmar: Ways of Being in and From Burma*, edited by Ashley South and Marie Lall (Thailand: Chiang Mai University Press, 2018).

[264] Md. Thuhid Noor, Md. Shahidul Islam, and Saha Forid, "Rohingya Crisis and the Concerns for Bangladesh," *International Journal for Scientific and Engineering Research* 8, no. 12 (2018): 1192.

anti-Rohingya narratives allow or influence how Rohingya are treated in Myanmar and Bangladesh, as discussed below.

4.3. Violence against Rohingya in Myanmar

The British colonial administration ruled Burma (present-day Myanmar) from 1824 to its independence on 4 January 1948. As Farzana noted in her book, soon after independence, the newly formed Myanmar government tried to create *Mahabama*, a united great Burmese nationality, "through the development and use of common language and education system and a national culture".[265] The government took such initiatives because the existence of multi-cultural, religious, and language communities was seen as a problem for national solidarity. Therefore, they tried to form the identity of Myanmar, placing the Burmese language and culture in the centre. This posed a threat to the ethnic minorities regarding their cultural distinctiveness and ethnic identity. Minorities who failed to come under a common platform and accept the Burmese-dominated state policy were relegated to the margin of the state power structure.[266]

The government systematically excluded minorities from state decision-making and opportunities. A prime example was the exclusion of Rohingya from the Panglong Agreement in 1947, where all the ethnic communities of different states were invited to represent their community. Participation in the agreement was essential because the decision made in the agreement later led to the formation of Myanmar's Constitution. Only the Buddhist Rakhine people from the Rakhine State were allowed to participate as state representatives in that agreement. The Rakhine community has a similar language and religion to the Burmese people, unlike the Rohingya, who share no visible similarities with the Burmese. Then in 1948, the newly formed government introduced a citizenship act that recognised eight ethnic communities as 'indigenous

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[265] Farzana, *Memories of Burmese Rohingya Refugees: Contested Identity and Belonging*, 46.

[266] Chembayil Ashwati and Chandra Rajeesh, "Institutional Strategies of Identity Construction and Exclusion: Exploring the State of Rohingya Muslims in Myanmar," *Otoritas: Journal Ilmu Permerintahan* 8, no. 2 (2018): 88.

races' who could ultimately gain citizenship in Myanmar. These eight indigenous races include "Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan".[267] The non-Buddhist ethnic communities, including Rohingya, were excluded from the list of indigenous ethnic races, although the act had a provision for the Rohingya families, who had been living in Myanmar for at least two generations during independence, to get national identity cards and even citizenship.[268] However, the explicit discrimination against Rohingya indicates that since the very beginning of independence, Myanmar's government and political leaders have represented ethnic minorities, specifically Rohingya, as a problem.

As Bacchi argues, the construction of Rohingya as problems is influenced and justified by the underlying assumption[269] that Rohingya could potentially threaten national solidarity if given full rights.[270] As Farzana discussed, many people and the government of Myanmar identify Rohingya as separatists and anti-Burmese because educated Rohingya worked for the British during the colonial period and even during Second World War. Rohingya were given high-profile official positions in the colonial offices, while the Burmese people were assigned lower-ranked jobs despite being the majority in the country.[271] It is alleged that before the departure of the British from the Indian sub-continent, some Rohingya leaders lobbied for an autonomous state for themselves or to annexe the Rakhine State (Arakan State) with East Pakistan (present-day Bangladesh).[272] Drawing on this historical event, Rohingya are always labelled as a separatist group by the mainstream communities and the political leaders of Myanmar, although they are

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[267] Tonkin, "Exploring the Issues of Citizenship in Rakhine State," 236.

[268] Anas Ansar, "The Unfolding of Belonging, Exclusion and Exile: A Reflection on the History of Rohingya Refugee Crisis in Southeast Asia," *Journal of Muslim Minority Affairs* 40, no. 3 (2020): 447.

[269] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[270] Ashwati and Rajeesh, "Institutional Strategies of Identity Construction and Exclusion: Exploring the State of Rohingya Muslims in Myanmar," 88.

[271] Farzana, *Memories of Burmese Rohingya Refugees: Contested Identity and Belonging*, 44.

[272] Farzana, *Memories of Burmese Rohingya Refugees: Contested Identity and Belonging*, 45.

not the only ethnic group in Myanmar that raised such demands.[273] As Kipgen considered, ethnic minorities such as Chin, Shan, Kachin, and even the Rakhine demanded a separate state for themselves.[274] Hence, as Siddiquee argues, referring to the colonial legacy, the government and the people of Myanmar intentionally constructed the identity of Rohingya as separatists to dehumanise them and deny them the rights they deserve.[275] Despite such discrimination, many educated Rohingya men were still allowed or continued to serve the newly formed government of independent Myanmar as civil service officers and representatives of the national parliament until the military government came into power.[276]

In 1962, under the leadership of General Ne Win, the military government seized control of Myanmar, overthrowing the civil government. From the beginning, the military government identified the rising power of ethnic minorities as a problem. In the name of state unity and sovereignty, the military-led government created intense racism and xenophobia against minorities which was implicitly and explicitly supported by the Burmese people, who desired the establishment of a nation-state entirely based on Burmese ethnicity and Buddhist religious practice.[277] The government produced and spread new knowledge about minorities as anti-nationalists, outsiders, and immigrants.[278] The government blamed them for causing unrest in the countryside and generating an economic crisis pinpointing the wealthy individuals and families of ethnic minority backgrounds, although they were not causing any problems in the country. Bacchi

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[273] Ashwati and Rajeesh, "Institutional Strategies of Identity Construction and Exclusion: Exploring the State of Rohingya Muslims in Myanmar," 88.

[274] Nehginpao Kipgen, "Political Change in Burma: Transition From Democracy to Military Dictatorship (1948-62)," *Economic and Political Weekly* 46, no. 20 (2011).

[275] Md. Ali Siddiquee, "The Portrayal of the Rohingya Genocide and Refugee Crisis in the Age of Post-Truth Politics," *Asian Journal of Comparative Politics* 5, no. 2 (2020): 90.

[276] Farzana, *Memories of Burmese Rohingya Refugees: Contested Identity and Belonging.*

[277] Nasreen Chowdhory and Biswajit Mohanty, "Contextualizing Citizenship, Nationalism and Refugeehood of Rohingya: An Introduction," in *Citizenship, Nationalism and Refugeehood of Rohingyas in Southern Asia*, edited by Nasreen Chowdhory and Biswajit Mohanty (Singapore: Springer Nature, 2020).

[278] Farzana, *Memories of Burmese Rohingya Refugees: Contested Identity and Belonging.*

argues that people or territory needs to be problematise first for the government to get to work or govern.[279] Hence the military government identified minorities as problems, as threats to garner public support for their action against the minorities and to sustain their governance in the country.

Purporting to fix the problems (protecting state security from illegal immigrants), the then military general, Ne Win, initiated several military operations against their perceived threats. One of them was the Operation Nagamine of 1977, also known as the Dragon King Operation, aimed at taking disciplinary actions against alleged migrants who were perceived to have entered Myanmar illegally. The operation affected the lives of the minorities, particularly of Rohingya. Many Rohingya could not produce national identity cards either because their cards had been taken away by government agencies before the operation began or because the biased government officials never issued them with an identity card. Rohingya without identity cards were treated as illegal immigrants, arrested, and tortured. According to Ullah, the consequences of this operation were enormous; large numbers of Rohingya (about 200,000) without identity cards took shelter in Bangladesh in 1978, fearing persecution in Myanmar.[280] The military government of Myanmar refused to take any responsibility for those who crossed the border into Bangladesh. After a short duration, because of pressure from the United Nations High Commissioner for Refugees (UNHCR) and the Muslim countries, the same government agreed to take back their law-abiding residents from Bangladesh through a bilateral agreement.[281] However, how a law-abiding resident was defined is not known. Without an exact definition, the Myanmar government was left with an ability to declare any Rohingya as a non-law-abiding resident.

In 1982, the military government adopted a new citizenship law. The new citizenship act problematised the long-lasted exclusion of other ethnic minorities from the list of national races,

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[279] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, xi.

[280] Ahsan Ullah, "Rohingya Crisis in Myanmar: Seeking Justice for the "Stateless"," *Journal of Contemporary Criminal Justice* 32, no. 3 (2016): 287.

[281] Farzana, *Memories of Burmese Rohingya Refugees: Contested Identity and Belonging*, 50.

except for Rohingya. The existence of Rohingya in the country continued to be portrayed as a problem because the law blocked them from becoming citizens in every possible way. The new law divided citizenship status into three categories: full citizenship, associate citizenship, and naturalised citizenship. Each category comes with a distinct set of rights and obligations.[282] Firstly, according to the law, only people who belong to the state-recognised 135 national races or whose parents were already full citizens at the time of their birth could achieve full citizenship. Rohingya were not included among the 135 national races. Secondly, associate citizens are those who applied for citizenship in 1948, during the time of independence, but whose applications were not processed until the announcement of the law in 1982 due to some 'bureaucratic inertia'. Rohingya did not apply for citizenship in 1948 as they believed they were already citizens, and many did not know they needed to apply. Thirdly, naturalised citizenship is for those individuals and their offspring who could provide exclusive evidence showing that they entered and resided in Myanmar before independence on 4 January 1948. And the person must speak one of the national languages, which many illiterate Rohingya cannot. In addition, it is not easy for Rohingya to produce conclusive evidence showing their ancestral history because their documents were either taken away by government agents or were never issued.[283] This burden of providing proof made it almost impossible for all but a very few Rohingya to be eligible for and achieve citizenship.[284]

The law does not state anything about why Rohingya were not included as one of the indigenous races. But there are public narratives, about who can be the citizens of Myanmar, which justify Rohingya people's exclusion from full citizenship rights. For example, according to

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[282] Maung Zarni and Alice Cowley, "The Slow-Burning Genocide of Myanmar Rohingya," *Pacific Rim Law & Policy Journal* 23, no. 3 (2014): 698-699.

[283] Nurul Islam, "Rohingya and Nationality Status in Myanmar," in *Citizenship in Myanmar: Ways of Being in and From Burma*, edited by Ashley South and Marie Lall (Chiang Mai, Thailand: ISEAS - Yusof Ishak Institute, 2017), 268.

[284] Islam, "Rohingya and Nationality Status in Myanmar," 268.

general Ne Win (former president of Myanmar), only pure-blooded ethnic communities can become national races and full citizens. Rohingya, with different physical appearances and Muslim religious faiths, cannot be counted as a pure-blooded national ethnic group in a Buddhist and Burmese majority country. According to the Burmese people, as mentioned above, Rohingya are Bengali, and *Kala* (dark skin people); they can never be one of them. If Rohingya are not one of them, they (Rohingya) cannot be given the same level of recognition, citizenship, rights, and opportunity as the fair-skinned Burmese people.[285]

As Rohingya are not citizens and not Burmese, the growth and prosperity of the Rohingya were, therefore, seen as a problem in Myanmar. To control the development of the Rohingya population, the government introduced a two-child policy for Rohingya in the Buthidaung and Maungdaw townships of Rakhine state. The government argued that increasing numbers of Rohingya in these two towns was creating tension among the local communities. Part of the policy also banned polygamy. As the policy was targeted to control the growth of only the Rohingya population, it received huge international criticism, especially from human rights activists. In response, the Minister of Immigration of Myanmar stated that the policy was adopted to benefit Bengali women (that is, Rohingya women).[286]

In response to such long-term discrimination and oppression, some Rohingya formed insurgent (armed) groups, which were believed to have received support from fundamental Islamic groups from Bangladesh and other surrounding Muslim countries. Arakan Rohingya Salvation Army (ARSA) is the most recent political wing led by Rohingya living in Saudi Arabia. The members of ARSA are themselves believed to be an organisation working to protect Rohingya from persecution in Myanmar and reinforce their rights as citizens. The Myanmar government did not put any effort into accommodating their demands. Instead, the government

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[285] Assed Baig, "Stop Violence Against Rohingya Women: Is the Burmese Military Keeping Rohingya Women as Sex Slaves?," *Pakistan Journal of Women's Studies* 20, no. 1 (2013).

[286] Kipgen, "Addressing the Rohingya Problem," 244.

compartmentalised them as a terrorist group, a threat to Myanmar, which aims to establish Sharia Law, although ARSA continuously refuted this allegation.[287] The presence of ARSA in Bangladesh-Myanmar border areas increased patrolling and extra-judicial killing of Rohingya by the Myanmar army. Several episodes of conflict forced hundreds of thousands of Rohingya out of the country. Fearing for their lives, many took risky boat journeys at sea, trying to reach neighbouring countries and other countries across the globe, including Australia.[288] Their exodus from Myanmar forms one of the biggest movements of boat people in the world after the Vietnam War. Bangladesh, a neighbour of Myanmar with close geographical proximity to the Rakhine state and sharing cultural similarities with Rohingya, has received the largest share of Rohingya refugees.[289] Although not all Rohingya are members of the ARSA, the government of Myanmar, through their media, wilfully generalised Rohingya as Islamic extremists because this belief supports their indiscriminate killing and torture of Rohingya people.[290] To hide their crimes, the Myanmar government, political leaders, and religious elites also claim that Rohingya fled Myanmar to escape "investigation, legal action or due to the persuasion that they would have chance to go to the third countries".[291]

4.4. Rohingya Refugee Crisis and Bangladesh

Bangladesh is a developing country in South Asia, surrounded by India in the North, Northeast, and West, Myanmar in the Southeast, and the Bay of Bengal in the South. Bangladesh is one of the most densely populated countries in the world, with a land size of 147,570 square kilometres

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[287] Susan Hutchinson, "Gendered Insecurity in the Rohingya Crisis," *Australian Journal of International Affairs* 72, no. 1 (2018): 5.

[288] Aljazeera, "Myanmar: Who Are the Rohingya?."

[289] Brooten, "Blind Spots in Human Rights Coverage: Framing Violence Against the Rohingya in Myanmar/Burma," 137.

[290] Siddiquee, "The Portrayal of the Rohingya Genocide and Refugee Crisis in the Age of Post-Truth Politics," 94.

[291] Siddiquee, "The Portrayal of the Rohingya Genocide and Refugee Crisis in the Age of Post-Truth Politics," 95.

and 1,265 inhabitants per square kilometre.[292] The overwhelming majority, 98%, of the country's population are ethnic Bengali, and Islam is the country's predominant religion, with about 90% Muslim population.[293] As a deltaic region, in combination with poverty, high population density, and lack of sufficient disaster preparedness initiatives from the government, Bangladesh undergoes severe natural and human-induced disasters every year.[294] According to the UN's human development index report 2020, Bangladesh was ranked 133 of 188 countries.[295] A substantial portion of Bangladeshi citizens still struggles for literacy, employment, health care, and other fundamental human rights, although in recent years, Bangladesh has demonstrated considerable economic progress.[296] Despite its development challenges, Bangladesh has provided shelter to Rohingya refugees since its independence from Pakistan in 1971.

In 1978, for the first time, a large group of Rohingya refugees numbering around 200,000, arrived in Bangladesh. Another 250,000 entered Bangladesh in 1991-1992. The Bangladeshi people and their government sympathised with the Rohingya on humanitarian grounds because many Bangladeshis (10 million) also had similar experiences of living as refugees in India with the support from the UNHCR to escape the genocide campaign carried out by the Pakistani military during the liberation war in 1971.[297] With this historical memory, the Bangladesh

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[292] United Nations Women, *Facts and Figures: Humanitarian Action*.

[293] Akhand Akhtar Hossain, "Islamic Resurgence in Bangladesh's Culture and Politics: Origins, Dynamics and Implications," *Journal of Islamic Studies* 23, no. 2 (2012): 166, https://doi.org/10.1093/jis/ets042.

[294] Alistair Cook and Foo Yen Ne, *Complex Humanitarian Emergencies and Disaster Management in Bangladesh: The 2017 Rohingya Exodus* (Singapore: S. Rajaratnam School of International Studies, 2018), 9. Accessed 12 May 2021, https://www.rsis.edu.sg/wp-content/uploads/2018/07/NTS-Report11-Bangladesh-HADR.pdf.

[295] United Nations Development Programme, *Human Development Report* (2020). Accessed 5 July 2022, https://hdr.undp.org/en/countries/profiles/BGD.

[296] Ferdinand Moses and Shandralingam Kengatharan, "Bringing Rohingya Refugees Off-Tract of Long-Term Economic Vulnerability in Bangladesh," *Journal of Nusantara Studies* 3, no. 1 (2018): 45, https://doi.org/doi.org/10.24200/jonus.vol3iss1pp42-50.

[297] Tazreena Sajjad, *What Motivated Bangladesh to Open Up its Borders to Over a Million Rohingya Refugees*, American University (2020). Accessed 10 June 2022, https://www.american.edu/sis/news/20201006-what-motivated-bangladesh-to-open-up-its-borders-to-over-a-million-rohingya-refugees.cfm.

government made substantial efforts to provide the Rohingya with accommodation and other basic needs. Bangladesh even invited the UNHCR to work for the Rohingya refugees. As a result, around 260,000 Rohingya managed to get recognition as refugees and were registered by the UNHCR. The government also built 20 camps in Cox's Bazar and the nearby Bandarban District of the Chittagong Hill Tracts, providing shelter to the UNHCR registered refugees.[298] Later, the camps were closed, leaving only two camps for about 21,621 refugees, as tripartite talks among Bangladesh, Myanmar, and the UN succeeded in repatriating a majority of the UNHCR-recognised refugees, as mentioned above. However, most of the repatriated Rohingya returned to Bangladesh to protect themselves from the wrath of Myanmar's military.[299]

As time passed by and Rohingya continued to arrive in Bangladesh, the attitudes of Bangladeshi people gradually changed from welcoming to rejecting them. As Yasmin and Akther discuss, like the Burmese, the Bangladeshi people blamed them for causing an economic crisis in Bangladesh and for being involved in criminal and illegal activities such as theft and selling narcotics. In some places, communal clashes occurred between the Rohingya and the host community.[300] As the public concern and demand grew against the Rohingya refugees, the government of Bangladesh tried hard to repatriate them diplomatically by signing bilateral agreements, but the Myanmar government acted very reluctantly in terms of implementation. Simultaneously, many Rohingya refugees did not wish to return to Myanmar because they did not have citizenship and protested against the Bangladesh government's repatriation program.[301] Bangladesh is not a signatory of the refugee convention but part of many international human

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[298] Sujit Datta, "Rohingyas' Problem in Bangladesh," *Himalayan and Central Asian Studies* 19, no. 2 (2015): 134.

[299] Utpala Rahman, "The Rohingya Refugee: A Security Dilemma for Bangladesh," *Journal of Immigrant & Refugee Studies* 8, no. 2 (2010): 236.

[300] Lailufar Yasmin and Sayed Akther, "The Locals and the Rohingyas: Trapped With an Uncertain Future," *Asian Journal of Comparative Politics* 5, no. 2 (2020).

[301] Syeda Naushin Parnini, Mohammad Redzuan Othman, and Amer Saifude Ghazali, "The Rohingya Issue in Bangladesh-Myanmar Relations," *International Journal of Arts & Sciences* 4, no. 23 (2011): 139-140.

rights instruments and a member of the UNHCR executive committee, which made Bangladesh unable to repatriate the Rohingya forcefully against their will.[302]

As the repatriation efforts failed, by the end of the 1990s, the Bangladesh government stopped using the word refugee. Instead, the government used the term 'illegal migrants' to refer to those Rohingya who entered Bangladesh after 1992. The Bangladesh government changed the term, so they are not obliged to give the Rohingya rights associated with refugee identity. In early 1992 during Jane Eliasson, the then Representative of the United Nations Secretary-General, visit to Rohingya refugee camps, Bangladesh strongly expressed unwillingness to allow any new Rohingya in the country.[303] And, through different commentaries, Bangladesh identified Rohingya as a problem and threat. For example, according to a Human Rights Watch report, in 1998, the Bangladesh government's annual disaster report claimed that the Rohingya had arms and were involved in "communicating with the Taliban, trafficking women and children, and other illegal and unsocial works".[304] Hence, the Bangladesh government deployed increased numbers of law enforcement agencies, such as the Border Guard Bangladesh (BGB), navy, police force, and Rapid Action Battalion (RAB) in the border areas. For decades, without public criticism, this pushed back many Rohingya from the maritime boundary before they entered Bangladesh. Security personnel also arrested and beat some of the Rohingya and forced them to cross the border to Myanmar.[305] Despite such strict actions, with the help of their fellow Rohingya and some corrupt government officials of Bangladesh, Rohingya still managed to enter Bangladesh in large and small groups through different entry points, as the border is porous.[306]

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[302] Rahman, "The Rohingya Refugee: A Security Dilemma for Bangladesh," 238.

[303] Yesmin Sultana, "Policy Towards Rohingya Refugees: A Comparative Analysis of Bangladesh, Malaysia and Thailand," *Journal of the Asiatic Society of Bangladesh* 61, no. 1 (2016): 79. Accessed 10 May 2021, http://cgsdu.org/wp-content/uploads/2019/03/4-H_883.pdf.

[304] Human Rights Watch, *Burmese Refugees in Bangladesh: Still No Durable Solution* (2000). Accessed 20 June 2022, https://www.hrw.org/sites/default/files/reports/burm005.PDF.

[305] Rahman, "The Rohingya Refugee: A Security Dilemma for Bangladesh," 236.

[306] Ullah, "Rohingya Crisis in Myanmar: Seeking Justice for the "Stateless"," 152.

Rohingya who entered Bangladesh after 1992 were never registered as refugees, although some of them stayed in temporary camps, alongside the registered refugees, with the support from NGOs, while the majority integrated into the local community.[307] The number of these unregistered Rohingya is estimated to be between 300,000 to 400,000.[308] By early 2017, the number of registered and unregistered Rohingya in Bangladesh was estimated to be 500,000.[309] To discourage Rohingya refugees from settling in Bangladesh, the government eventually limited international humanitarian organisations' operations in temporary and registered camps. Three organisations (Britain's Muslim Aid, Médecins Sans Frontières, and Actions against Hunger) were ordered to leave the country.[310]

4.5. Rohingya Refugees in Bangladesh after 2017

The biggest and most recent Rohingya refugee crisis began on 25 August 2017, when the Myanmar army responded with brutal violence to an alleged attack by Rohingya militants on a police station in Rakhine State. The state army burned Rohingya villages to ashes, tortured residents, raped women, and carried out extrajudicial killings. Andrew Gilmour, the UN Assistant Secretary-General for Human Rights, described this action of the Myanmar army as ethnic cleansing and a crime against humanity.[311] In 2019, Gambia filed a case in the International Court of Justice against Myanmar, claiming the atrocities committed by the Rakhine State Armies against Rohingya as genocide. The case had few public hearings and is still ongoing in the

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[307] Iffat Idris, *Rohingya Crisis: Impact on Bangladeshi Politics*, UK Government's Department for International Development (Briton, UK, 2017). Accessed 10 November 2020, https://archive.nyu.edu/handle/2451/43693.

[308] Forrest Cooksoon, "Impact of the Rohingya Crisis on Bangladesh," *The Independent* (Online), 09 October 2017, http://www.theindependentbd.com/post/117945.

[309] Lily Myat, "The Rohingya Refugee Crisis: Social, Economic and Environmental Implications for the Local Community in Bangladesh" (Master Thesis, Flinders University, Adelaide, South Australia, 2018), 1.

[310] Ullah, "Rohingya Crisis in Myanmar: Seeking Justice for the "Stateless"," 152.

[311] Myat, "The Rohingya Refugee Crisis: Social, Economic and Environmental Implications for the Local Community in Bangladesh," 1.

court.[312] This violent persecution led to an estimated 730,000 Rohingya people exodus to Bangladesh for refuge.[313] As discussed above, Rohingya were already seen as problems in Bangladesh; the Bangladesh government was initially reluctant to open its border to these Rohingya. But as the news continued to feature the plight of Rohingya, representing them as victims of the anti-Islamic movement, the significant majority of Bangladeshi people empathised with the refugees. They demanded that their government open its border to the oppressed Rohingya Muslim community.[314] Public demonstrations were held in almost every city in the country, protesting about violence against Rohingya by Myanmar. This was an expression of solidarity with fellow Muslim Rohingya experiencing persecution and injustice in a Buddhist country, Myanmar.[315]

Due to international pressure and rising criticism from her citizens, Sheikh Hasina, the Prime Minister of Bangladesh, quickly relented to keep the political environment favourable before the upcoming national election of 2018.[316] In support of the Rohingya refugees, she delivered a speech. She said, "If we have the ability to feed 160 million people of Bangladesh, we have enough food security to feed the 700,000 refugees".[317] Hasina added, "If needed, we will eat a full meal once a day and share the rest with them".[318] She also made it clear that shelter for Rohingya would only be temporary until Rohingya are in a position to return to their country. The Prime Minister, and her government were praised internationally for their humanitarian support

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[312] Human Rights Watch, *Developments in Gambia's Case Against Myanmar at the International Court of Justice* (2022). Accessed 3 September 2022, https://www.hrw.org/news/2022/02/14/developments-gambias-case-against-myanmar-international-court-justice.

[313] Goodman and Mahmood, "The Rohingya Refugee Crisis of Bangladesh: Gender-Based Violence and the Humanitarian Response."

[314] Sajjad, *What Motivated Bangladesh to Open Up its Borders to Over a Million Rohingya Refugees*.

[315] Idris, *Rohingya Crisis: Impact on Bangladeshi Politics*.

[316] Mayesha Alam, "How the Rohingya Crisis is Affecting Bangladesh - And Why it Matters," *The Washington Post*, 12 February 2018.

[317] Hutchinson, "Gendered Insecurity in the Rohingya Crisis," 3.

[318] David Lewis, "Humanitarianism, Civil Society and the Rohingya Refugee Crisis in Bangladesh," *Third World Quarterly* 40, no. 10 (2019): 1887, https://doi.org/10.1080/01436597.2019.1652897.

while many developed countries were shutting down their borders for refugees. The public showed tremendous support of the government's decision to allow the Rohingya into Bangladesh. Fundraising events for the newly arrived refugees took place across the country.[319]

As a result of this exodus, the total number of Rohingya in Bangladesh exceeded one million. The majority arrived in the country with nothing other than the clothes they were wearing. The initial respondents were local grassroots level non-government organisations (NGOs) which were overwhelmed and in chaos. Later, the government deployed the Bangladesh army to bring order in relief distribution and deciding accommodation. Unable to provide Rohingya with necessary support services, the government soon requested support from the international community and allowed the UN and the NGOs to work for the refugees. Several temporary makeshift camps were built in Cox's Bazar district of Bangladesh to house the newly arrived refugees.[320] Through the joint-response plan, massive numbers of humanitarian organisations (the UN and NGO) are now providing coordinated assistance to the government of Bangladesh to support Rohingya with their needs. They have set up offices in Cox's Bazar and recruited national and international staff to work in the camps in different sectors such as water, sanitation, accommodation, food, education, and protection, including protection from gender-based violence (GBV).[321]

Despite the support, the newly arrived refugees suffer from multiple problems in Bangladesh.[322] Along with the lack of basic amenities, the mobility restriction within and outside

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[319] Idris, *Rohingya Crisis: Impact on Bangladeshi Politics*.

[320] Abul Hasnat Milton et al., "Trapped in Statelessness: Rohingya Refugee in Bangladesh," *International Journal of Environmental Research and Public Health* (2017): 5.

[321] Goodman and Mahmood, "The Rohingya Refugee Crisis of Bangladesh: Gender-Based Violence and the Humanitarian Response."

[322] Goodman and Mahmood, "The Rohingya Refugee Crisis of Bangladesh: Gender-Based Violence and the Humanitarian Response."

the camps is said to have increased their vulnerability.[323] At present, only a small number of Rohingya can leave the camps on day passes for special purposes such as getting treatment at a hospital located outside the camp. Due to national and international pressure, the government allowed Rohingya into the country, but the government still considers Rohingya a threat to the country's economy and security. For example, in an event called Dhaka Global Dialogue-2019, the Prime Minister of Bangladesh, Sheikh Hasina, stated that the Rohingya are potential security threats to Bangladesh and the region.[324]

The government of Bangladesh fears that due to deplorable living conditions, Rohingya refugees will be easy targets of religious fundamentalists and criminal groups who would use Rohingya in their favour against the government and its people.[325] Although there is no solid evidence of Rohingya being involved in or joining terrorist groups, the government still treats them as potential threats because of their precarious living conditions in the camps.[326] The Bangladesh government fears that the free movement of refugees will lead to their engagement in criminal activities. It will be difficult for the government to trace them as they have a similar culture and physical appearance to the Bengali population. Such underlying assumptions and discourse of Rohingya as security threats generate a need for tougher security action. Hence, if any Rohingya are found outside a camp without written or verbal approval, they face harsh treatment from the police. Punishment includes beating, physical harassment, and jail.[327] For the same reason

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[323] Sally Williams, "The Rohingya Crisis, A Year On: Four Generations of One Family on Life in Limbo," *Guardian News & Media* (London UK), 1 September 2018, 2.

[325] Meghna Guhathakurta, "Understanding Violence, Strategising Protection: Perspectives From Rohingya Refugees in Bangladesh," *Asian Journal of Social Science* 45, no. 6 (2017), https://doi.org/10.1163/15685314-04506003.

[326] James Bennett, "Rohingya Refugees a Terror Risk, Bangladesh Minister Says Amid Myanmar Exodus," *Australia Broadcasting Corporation*, 21 September 2017, https://www.abc.net.au/news/2017-09-21/rohingya-refugees-a-terror-threat-bangladesh-minister-tells-abc/8966574.

[327] Arnab Roy Chowdhury, "International-Domestic Linkages in a Developing-Country Context: The Case of the Rohingyas in Bangladesh," *Policy Studies Journal* 40, no. 3-4 (2019): 309.

(Rohingya as a threat), the government registered them as "Forcefully Displaced Myanmar Nationals" instead of refugees. With support from humanitarian organisations, the government registered the refugees by collecting their detailed identity and biometric data, including fingerprints and iris scanning.[328] As Bacchi and Bonham suggest, this discourse (migrants, not refugees) reduces Rohingya refugees' rights in Bangladesh. It allows the government to have more power and control to keep the Rohingya segregated from the host community and facilitate their repatriation because it will be easier for the government to round them up and send them back.[329] To maintain control over Rohingya refugees, the Bangladeshi government set up barbed wire fences surrounding the camps and more police check posts in the camp areas so the Rohingya could not leave the camp.[330]

As time has passed, the latest Rohingya crisis also became protracted, with no sign of repatriation in the foreseeable future; most of the Bangladeshi people's welcoming attitude has been replaced by security concerns about the presence of Rohingya again. Out of religious sentiments, they welcomed Rohingya, but the sentiments and feelings of Muslim brotherhood with the Rohingya community did not last long. Within a couple of years of their arrival, the local people started demanding that Rohingya be repatriated soon or that the government reduce the support offered to them so that they would feel discouraged to continue living in Bangladesh.[331] As the numbers of Rohingya in Bangladesh at present are the highest ever, concern and hatred directed against Rohingya are also growing more intense, which is evident in the ways political leaders, ordinary people, and parliamentary members have discussed the Rohingya issue on different

[328] Shamna Thacham Poyil and Nasreen Chowdhory, *Biometrics, Notion of Governmentality and Gender Relations in Rohingya Refugee Camps* (Mahanirban Calcutta Research Group, 2020), 17. Accessed 21 December 2021, http://www.mcrg.ac.in/IWM_Migration/IWM_Migration_Publications.asp.

[329] Bacchi and Bonham, "Reclaiming Discursive Practices as an Analytic Focus: Political Implications."

[330] Ali Riaz and Md. Sohel Rana, "Securitization of the Rohingya Refugees in Bangladesh," *Journal of Asian and African Studies* (2022).

[331] Meghna Guhathakurta, "The Imagined Terrain: Return, Citizenship and Justice in the Eyes of Rohingya Refugee Women," *Refugee Watch: A South Asian Journal on Forced Migration* (2019): 30. http://www.mcrg.ac.in/cata.asp.

occasions. In an interview with *Time News Magazine*, the foreign minister of Bangladesh, Mr Shahriar Alam, stated that "if we are offering them a better life than what they're used to, they will not go back".[332] McIlvenny, Klausen, and Lindegaard argue that such a statement shapes people's (audience) knowledge and influences people's thinking about a subject to be a certain kind of subject.[333] It suggests that Rohingya are undeserving of material support in Bangladesh and creates doubts in people's minds about whether Rohingya deserve sympathy.

Such statements make the people from Cox's Bazar district even more worried about the presence of Rohingya. Cox's Bazar is a coastal region and a popular tourist destination in the country because of its 120 kilometres long unbroken natural sandy coastline, known as the longest sandy beach in the world. It was also one of the poorer districts of Bangladesh, even before the massive refugee influx. In 2017 about 33% of the population in Cox's Bazar lived below poverty, while 17% were below the extreme poverty line.[334] Being a coastal district, it is vulnerable to severe natural disasters and hit by tropical cyclones and storms every year.[335] Economic activity in Cox's Bazaar largely depends on the tourism industry, with a small portion on the fishing and salt production industry. The Rohingya are around three times the size of the local population. Many locals, about 2,000 families, had to surrender their lands, once used for cultivation and

[332] Alam cited in Feliz Solomon, "'We're Not Allowed to Dream.' Rohingya Muslims Exiled to Bangladesh Are Stuck in Limbo Without an End In Sight," *TIME USA*, 23 May 2019, https://time.com/longform/rohingya-muslims-exile-bangladesh/.

[333] Paul McIlvenny, Julia Zhukova Klausen, and Laura Bang Lindegaard, "New Perspectives on Discourse and Governmentality," in *Studies of Discourse and Governmentality: New Perspectives and Methods*, edited by Paul McIlvenny, Julia Zhukova Klausen, and Laura Bang Lindegaard (Amsterdam & Philadelphia: John Benjamins Publishing, 2016).

[334] Xchange, *The Rohingya Among Us: Bangladeshi Perspective on the Rohingya Crisis Survey* (2018), 14. Accessed 7 December 2018, http://xchange.org/bangladeshi-perspectives-on-the-rohingya-crisis-survey/.

[335] Akhtar Alam, Peter Sammonds, and Bayes Ahmed, "Cyclone Risk Assessment of the Cox's Bazar District and Rohingya Refugee Camps in Southeast Bangladesh," *Science of the Total Environment* 704 (2020): 2, https://doi.org/10.1016/j.scitotenv.2019.135360.

grazing, to facilitate the construction of roads to refugee camps.[336] Therefore, the local people

from Cox's Bazar area are worried that Bangladesh will be left to absorb another one million

Rohingya permanently in addition to the present population and that their condition will

deteriorate.[337] They fear that the long-term presence of the massive number of Rohingya might

create problems for their livelihoods as Rohingya are desperate to work and offer cheap labour.[338]

Because of the Rohingya presence, the coastal town is now awash with national and foreign

workers from different humanitarian organisations. The owners of the hotels, restaurants and

housing properties are prospering. Many Bangladeshis, but only a few locals, also have jobs in

humanitarian organisations. However, the condition of the day labourers, fishermen, landless

people, and other local poor people has not changed much; they feel in competition with the

Rohingya refugees and people moving into Cox's Bazar from other parts of Bangladesh. They

complain about the price hike of everyday goods while some wages fall drastically. As Lewis

stated, "a day of labouring on a fishing boat that once brought Tk600 for a day's work can now be

hired from a Rohingya worker for Tk200". [339]

The people of Bangladesh, specifically the marginalised community of Cox's Bazar, also

think that the presence of Rohingya is shifting the international donors' attention and the

development initiatives from local Bangladeshi people to Rohingya. They suffer from a sense of

deprivation and loss, thinking that by giving shelter to Rohingya, they are losing their natural

resources and the development budget from international donors.[340] According to the Acting

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[336] Rahul Pathak, "Rohingya Refugee Crisis: Inside Cox's Bazar, the World's Largest Refugee Camp," *The Straits Times*, 12 August 2018, https://www.straitstimes.com/asia/se-asia/rohingya-refugees-trapped-in-a-half-life-yearning-to-break-free.

[337] Lewis, "Humanitarianism, Civil Society and the Rohingya Refugee Crisis in Bangladesh," 1896.

[338] Yasmin and Akther, "The Locals and the Rohingyas: Trapped With an Uncertain Future," 109.

[339] Lewis, "Humanitarianism, Civil Society and the Rohingya Refugee Crisis in Bangladesh," 1896.

[340] Shahana Afrose Chowdhory and Ayesha Tasnim Mostafa, "Rohingya Refugees: Risks and Safety in Bangladesh," in *Citizenship, Nationalism and Refugeehood of Rohingyas in Southern Asia*, edited by Nasreen Chowdhory and Biswajit Mohanty (Singapore: Springer Nature Singapore, 2020).

Director-General of Bangladesh NGO Affairs Bureau, most of the development budgets allocated for river erosion, education, and human resource development projects are now being shifted to support Rohingya refugees from 2017 onward.[341] However, as reported in different studies, despite the shift in development funding, the amount of support Rohingya have received is not sufficient, and the public grievance is generated from perceived inequality because they do not like the fact that Rohingya are being given food, accommodation, and other rations while they receive none.[342]

There have been some online news and public posts on social media highlighting the conflict between Rohingya refugees and local people over land and forest resources. In an interview with a newspaper journalist, Rohingya complained about local people confiscating their knives and other materials when they went out to collect firewood.[343] Locals also blame Rohingya for extra-marital affairs, increased polygamy, drug dealing, stealing, robbery, logging, and other illegal activities.[344] They blame the government for letting the Rohingya settle in Bangladesh for so long. In an interview, Mr Ahmed, a local inhabitant of Cox's Bazar, expressed his frustration at the government. He is quoted as saying, "our leadership is getting the credit for a good gesture, but the people here are paying the price".[345]

As the jealousy and hostility between Rohingya and the host community grew, the Bangladesh government, considered a potentially dangerous plan of relocating approximately

[341] Muhammad Zahidul Islam, "NGO Aid Rises on Rohingya Crisis," *The Daily Star* (Online), 19 August 2019, https://www.thedailystar.net/business/news/ngo-aid-rises-rohingya-crisis-1787023.

[342] Ismat Jerin and Muhammad Kamruzzaman Mozumder, "Exploring Host Community Attitudes Towards Rohingya Refugees in Bangladesh," *The Intervention: Journal of Mental Health and Psychological Support in Conflict Affected Areas* 17, no. 2 (2019).

[343] Fahmida Khatun, "Implications of the Rohingya Crisis for Bangladesh" (paper presented at the Addressing Rohingya Crisis: Options for Bangladesh, Dhaka, Bangladesh, 2017), 30.

[344] Syeda Naushin Parnini, "The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations With Bangladesh," *Journal of Muslim Minority Affairs* 33, no. 2 (2013): 295.

[345] Ahmed cited in Pathak, "Rohingya Refugee Crisis: Inside Cox's Bazar, the World's Largest Refugee Camp."

100,000 Rohingya to Thengar Char, also known as Bhasan Char, ignoring the protests of human rights groups. This location is a new island that appeared recently and is said to be submerged underwater at high tide during the monsoon.[346] The government has also taken other actions and policy approaches about refugees to deal with the current Rohingya refugee issues in Bangladesh, which will be discussed in chapter five.

4.6. The Rohingya Refugee Women

A large proportion of the Rohingya refugees are female, around 67% of the total. Most of the Rohingya women experienced unimaginable atrocities in Myanmar in the forms of gang rape, torture, and extrajudicial killing carried out by the Myanmar army. Rohingya women and even girls of a very young age (6 years old) were reportedly raped. Many women witnessed their male family members being kidnapped and killed brutally by the Myanmar army. Many of these women do not know the whereabouts of their missing family members.[347]

According to different news reports (mentioned in chapter two) and some humanitarian organisation reports, the condition of the newly arrived Rohingya refugee women remains very precarious in Bangladesh. There is a scarcity of essential services for them. For example, due to the shortage of latrines and electricity, women have to walk at night outside the camps putting themselves in a vulnerable situation to violence and harassment. Without basic protection measures, women and men were forced to share limited bathing facilities and toilets. Many women have reported being sexually assaulted at bathing points and in toilets inside the camps.[348] Risk is said to increase at night as the camps are plunged into darkness without enough lights. At night when humanitarian workers are not present in the camps, women face incidents like having their tarpaulins slit, and young women forcefully snatched from the tents by unknown men. As all

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[346] Michael Martin, Rhoda Margesson, and Bruce Vaughn, "The Rohingya Crises in Bangladesh and Burma," *Current Politics and Economics of South, Southeastern, and Central Asia* 27, no. 3 (2018): 347.

[347] Hutchinson, "Gendered Insecurity in the Rohingya Crisis," 2.

[348] United Nations Women, "Gender Brief on Rohingya Refugee Crisis Responds in Bangladesh."

the *Majis* (Rohingya community leaders) are male, Rohingya women have no say or less say in the decision-making process, which makes them even more vulnerable to violence.[349] Such reports indicate that more funding or resources are necessary to protect these women from violence and harassment.

Some Bangladeshi people secretly employ Rohingya women as domestic maids and in the informal job market, mostly as kitchen hands and cleaners in the hospitality industry, such as hotels and restaurants. The Bengali owners hire them because they are either sympathetic to their sufferings or taking advantage of their cheap labour.[350] Taking advantage of the desperate situation of the Rohingya women, many local and unidentified gangs are taking them out of camps with a promise of a better job and life and later selling them into the sex industry in Bangladesh and abroad.[351] According to Javed, traffickers use their networks in offices, including the local government offices, immigration offices, and passport offices, to arrange Bangladeshi passports, national identity cards, and birth certificates for the Rohingya women. If unable to arrange passports, "the women are hauled into fishing trawlers and sent journeying across the sea".[352] On their arrival in a new destination, the women are sold to brothels and families for cheap menial labour work in Saudi Arabia and Malaysia.[353] Bangladeshi people blame the Rohingya women for creating crises in local job markets, for being trafficked and collecting Bangladesh national identities illegally, and for corrupting their government officials by giving money.[354] They see these

[349] United Nations, *Sexual Violence in Conflict* (2018). Accessed 11 March 2020, https://www.un.org/sexualviolenceinconflict/statement/srsg-patten-remarks-for-the-event-on-addressing-sexual-and-gender-based-violence-against-rohingya-refugees-co-sponsored-by-bangladesh-and-turkey/.

[350] Emily Krehm and Asif Shahan, *Access to Justice for Rohingya and Host Community in Cox's Bazar*, The International Rescue Committee (2019). Accessed 14 April 2021, https://www.rescue.org/report/access-justice-rohingya-and-host-community-coxs-bazar.

[351] Chowdhory and Mostafa, "Rohingya Refugees: Risks and Safety in Bangladesh."

[352] Hasan Javed, "How Rohingya Women Become Fodder for Sex Trafficking," *Dhaka Tribune* (Bangladesh), 18 December 2019, https://www.dhakatribune.com/bangladesh/rohingya-crisis/2019/12/18/how-rohingya-women-become-fodder-for-sex-trafficking.

[353] Javed, "How Rohingya Women Become Fodder for Sex Trafficking."

[354] Shahnam Karin, Md. Arif Chowdhury, and Israt Shamim, "Status of Rohingya Refugees in Bangladesh: A Comparative Study With Emphasis on Aspects of Women and Girls in Camps of Kutupalong, Cox's

crimes as being committed by Rohingya because they are not citizens of Bangladesh, so they cannot enjoy the same rights or privileges and get involved in activities as Bangladeshis.

As Uddin points out, the presence of Rohingya in Cox's Bazar has increased mixed marriage between Rohingya and local Bengali community. There are Bengali men, particularly older men, who cannot find suitable brides from the Bengali community and are marrying comparatively young Rohingya women or girls.[355] Bengali youths marry Rohingya women because Rohingya women receive rations from humanitarian organisations, which relieve their Bengali husbands from the responsibilities of providing them with food. In addition, some Rohingya families were wealthy in Myanmar and could bring money and expensive jewellery with them.[356] To access this wealth, some Bengali youths marry Rohingya women from such economically better-off families. Above all, like their Bengali host community, the Rohingya community has a patriarchal social system. Women mostly stay at home doing household work and taking care of children and the elderly.[357] The Rohingya women follow *Purdha* even more strictly than Bengali women,[358] which many religious-minded Muslim Bengali men prefer. Hence, they secretly marry Rohingya women through religious leaders, as marriage between Rohingya and Bengali persons is not legally permitted in Bangladesh.[359] As the marriages are unofficial, and not registered by any authority, they are fragile and vulnerable to break up at any time without accountability or compensation, which leaves women in a precarious position.

Bazar, Bangladesh," *Open Access Library Journal* 7 (2020). Accessed 20 May 2021, https://doi.org/10.4236/oalib.1105831.

[355] M. Ala Uddin, "The Meaning of Marriage to the Rohingya Refugees, and their Survival in Bangladesh," *Journal of Refugee Studies* 34, no. 2 (2021).

[356] Farzana, *Memories of Burmese Rohingya Refugees: Contested Identity and Belonging*, 180.

[357] Priddy et al., "Gender-Based Violence in a Complex Humanitarian Context: Unpacking the Human Sufferings among Stateless Rohingya Women," 218.

[358] Akhter and Kusakabe, "Gender-Based Violence among Documented Rohingya Refugees in Bangladesh," 239.

[359] Uddin, "The Meaning of Marriage to the Rohingya Refugees, and their Survival in Bangladesh."

However, as Uddin found during his fieldwork in Cox's Bazar, most of the host community consider Rohingya women to be of bad moral character. In Bengali, they call them "*Shoitan and Chalak* [evil and cunning]".[360] A great majority of the Bangladeshi people think that Rohingya women try to exploit Bengali youths by trapping them into romance, so they achieve their goal purpose and escape misery. Locals believe that Rohingya women and girls try to trap a Bengali man in their romance by any means, so that they get permanent residency in Bangladesh for themselves and their families. Being blind in love, many Bengali youths fail to understand their tricks. But many young Rohingya women are marrying Bengali men who already have wives, contributing to domestic violence and polygamy in the host community.[361] In such a situation, if the marriage between a Rohingya woman and a Bengali man falls apart, the Rohingya women are left without any social and legal resources. As Bacchi and Bonham argue, their socially constructed identities as evil and cunning women constitute their Bengali husbands as innocent, and the latter get away with their crimes of violence against their wives.[362]

The local people also blame Rohingya women for increasing sexually transmitted diseases in the local community by engaging in prostitution or marriage with the local Bengali men. As they come from Myanmar, they are often considered Human Immunodeficiency Viruses (HIV) and Acquired Immunodeficiency Syndrome (AIDS) carriers because Myanmar is known to have the highest number of HIV/AIDS infected people in Asia.[363] Hence, the Rohingya people in general and the Rohingya women, in particular, are seen as problems, and bearers of HIV/AIDS, although there is no baseline data on their health status. This kind of social narrative generates more hatred against Rohingya women and makes them more vulnerable to violence and

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[360] Nasir Uddin, *The Rohingya: An Ethnography of 'Subhuman' Life* (New Delhi: Oxford University Press, 2020), 76.

[361] Uddin, *The Rohingya: An Ethnography of 'Subhuman' Life*.

[362] Bacchi and Bonham, "Reclaiming Discursive Practices as an Analytic Focus: Political Implications."

[363] Yasmin and Akther, "The Locals and the Rohingyas: Trapped With an Uncertain Future," 111.

discrimination. For example, because of such social perceptions, Rohingya women who work in sex industries are said to have been categorised as less desirable women and paid less money than local Bangladeshi women.[364]

In addition, most local Bangladeshi people see Rohingya women as potential transporters of illegal drugs because they remain lesser suspects by the law enforcement agencies and wear long *Burqa* under which they can potentially hide the products. Like Rohingya women, many Bangladeshi Muslim Bengali women also wear *Burqa*, but the Rohingya women are still regarded with more suspicion. Such perceptions and knowledge about Rohingya people in general, and Rohingya women in particular, are greatly influenced by the public speeches mentioned above and by the news agencies. In their study, from 2017 to 2019, Rahman and Kamal found that a well-known Bengali newspaper called *The Bangladesh Pratidin* published seventy-two reports, and 57% of the reports implicitly and explicitly represented Rohingya women as threats and criminals, highlighting the crimes committed by them.[365] Similarly, many other news agencies regularly highlight the crimes Rohingya people or Rohingya women committed. For example, on 1 April 2019, a prominent English newspaper, *The Daily Star,* featured news about a Rohingya woman who was shot dead by Bangladesh law enforcement agencies at night on the Bangladesh-Myanmar border and three sharp knives and 10,000 pieces of *Yaba* (a sexually stimulant narcotic) were found with her dead body.[366] The crimes reported may be true, but Bangladeshi people also commit similar crimes. However, the continuous and more media focus on the crimes committed

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[364] Women's Refugee Commission, *"We Need to Write Our Own Names": Gender Equality and Women's Empowerment in the Rohingya Humanitarian Response in Cox's Bazar* (2019), 24. Accessed 13 June 2020, https://www.womensrefugeecommission.org/research-resources/we-need-to-write-our-own-names-gender-equality-and-women-s-empowerment-in-the-rohingya-humanitarian-response-in-cox-s-bazar/.

[365] Md. Ragib Rahman and Janifar Nova Kamal, "Portrayal of Rohingya Women in the Newspapers of Bangladesh," *Global Journal of Human-Social Science* 20, no. 7 (2020).

[366] The Daily Star, "3 Suspected Drug Peddlers Shot Dead: Rohingya Woman among Dead in Teknaf 'Shootouts'," *The Daily Star* (Dhaka, Bangladesh), 1 April 2019, https://www.thedailystar.net/frontpage/news/3-suspected-drug-peddlers-shot-dead-1723138.

by the Rohingya generates a perceived knowledge about Rohingya as criminals and threats,[367] which makes them more vulnerable to violence.

4.7. Conclusion

This chapter has argued that Rohingya are a persecuted ethnic minority from Myanmar, many of whom have been forcefully displaced and taken shelter in Bangladesh as refugees. The discrimination and violence against Rohingya people in general, and Rohingya women in particular, are led and justified through various discourses about Rohingya as problems at different points of time and by authorities and the general public in Myanmar and Bangladesh. In Myanmar, they are viewed as separatists, dangerous minority groups, and Islamic extremists. In Bangladesh, Rohingya are considered economic burdens and potential security threats who could be easy targets of terrorist groups and Islamic fundamentalists because of their precarious living conditions in the camps. In addition, Rohingya refugee women are perceived as evil, cunning, women of bad moral character, and potential bearers of HIV/AIDS.

Consequently, Rohingya women are more vulnerable to violence and discrimination in Bangladesh than Rohingya refugee men. These popular discourses about Rohingya and Rohingya women are so powerful that they are likely to influence the perceptions of the front-line humanitarian actors and the way they deal with the SGBV issue of Rohingya women. This thesis investigates this in the following chapters. However, before moving into the role of front-line humanitarian actors, the next chapter of the thesis offers an analysis of the existing legal instruments in relation to SGBV and their relevance and potential impacts on Rohingya women.

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[367] Ena Tripura, "Confined, Controlled, and Violated: The Rohingya women in Bangladesh Refugee Camps," *Feminist Encounters: A Journal of Critical Studies in Culture and Politics* 6, no. 2 (2022): 3.

Chapter Five: Sexual and Gender-Based Violence against Refugee Women in Legal Instruments

5.1. Introduction

The United Nations (UN) and other international humanitarian actors have adopted different gender policies for their humanitarian work to achieve gender equality and women empowerment and to address the issues pertaining to sexual and gender-based violence (SGBV). Furthermore, most, if not all, refugee-hosting countries have national laws and policies related to gender and women empowerment which are meant to be developed and implemented in alignment with the international legal instruments. However, it remains unclear to what extent these international (UN) and national legal instruments of a country address the issues of SGBV against refugee women.

Using Carol Bacchi's "what's the problem represented to be?" (WPR)[368] approach to policy analysis, this chapter analyses the legal instruments of the UN (including humanitarian gender policies) and Bangladesh's domestic laws and policies relevant to SGBV against refugee women. The application of the WPR approach supports a critical examination of how and to what extent the problems of SGBV against refugee women are represented in these legal instruments. The chapter opens with a brief explanation of the WPR approach to policy analysis, followed by an analysis of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in the second section. The third section investigates the Refugee Convention and other humanitarian gender policies adopted by the UN to protect the rights of refugees, and more specifically, the rights of refugee women. The fourth section analyses the scope of the protection of Rohingya refugee women under Bangladesh's domestic legal instruments.

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[368] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

5.2. WPR Policy Analysis Approach

There are many approaches to, and theories for, policy analysis. All the conventional policy analysis approaches uphold the idea that policies are the government's best efforts to solve identifiable problems. Policy problems are treated as objective entities waiting to be solved,[369] and analyses are led based on the assumption that "experts trained in proper analytical techniques can apply them systematically to inform policy production".[370] The focus of such approaches to policy analysis is limited to finding a solution to policy problems and leaves the terms that define policy problems unexamined. In contrast to these commonplace views of policy analysis, the WPR approach suggests that "problems do not just exist in society waiting to be solved through policy development".[371] The problems are created as particular types of problems by the policy. Policies are developed for social changes, and in doing so, policies always contain an explicit representation of problems, giving particular shape and meaning to the problems which the policies are intended to address. Therefore, policymakers or the government are involved in creating problems instead of reacting to the existing problems. For example, in 2007, the Federal Government of Australia sent a large number of troops and police in response to a report on child sexual abuse among the Aboriginal communities in the Northern Territory of Australia. Through this action, the government constituted the problems of child sexual abuse in those communities as caused by a lack of insufficient law enforcement.[372]

According to WPR, policies are not only constituted but also constitutive.[373] The ways problems are represented in a policy matter are important as they have a wide range of

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[369] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 2.

[370] Susan Goodwin, "Women, Policy and Politics Studies: Recasting Policy," in *Engaging With Carol Bacchi - Strategic Interventions and Exchanges*, edited by Angelique Bletsas and Chris Beasley (South Australia: University of Adelaide Press, 2012), 26.

[371] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 2.

[372] Bacchi and Goodwin, *Poststructural Policy Analysis: A Guide to Practice*, 8.

[373] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 2.

implications and repercussions with real and meaningful effects on people involved in the policies. The WPR approach highlights three overlapping implications to consider while assessing the usefulness or limitations of a policy. These are: discursive effects, subjectification effects, and lived effects.[374] The approach also provides a deeper understanding of power relations that support or prohibit the success or failure of some policy representations over others.[375] Policies are full of relatively open-ended concepts, giving people space to provide different meanings. Disputes over the meanings of concepts often take place, and such disputes have a close linkage with political visions.[376] The WPR offers six questions to be asked to understand how policies operate:

1. What is the 'problem' represented to be in a specific policy?

2. What presuppositions and assumptions underlie this representation of the 'problem'?

3. How has this representation of the 'problem' come about?

4. What is left unproblematic in this 'problem' representation? Where are the silences? Can the 'problem' be thought about differently?

5. What effects are produced by this representation of the 'problem'?

6. How/where has this representation of 'problem' been produced, disseminated and defended? How could it be questioned, disrupted and replaced?[377]

However, this chapter focuses only on three questions (questions 1, 2, and 4) of the WPR approach for analysis because the chapter aims to investigate how SGBV is represented in the legal instruments, its underlying knowledge, and the gaps. Investigation of every law and policy's

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[374] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 16.

[375] Carol Bacchi and Joan Eveline, *Mainstreaming Politics: Gendering Practices and Feminist Theory* (2010), 116.

[376] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 8-9.

[377] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 2.

history (questions 3 and 6) and the consequences (question 5) are not the primary purposes of this chapter. However, the effects/consequences of the problem representation (question 3) will be investigated in the following chapters.

Using the WPR approach, the following section analyses how SGBV is represented in CEDAW, one of the international treaties adopted by the UN. This chapter includes CEDAW for analysis because it is the only binding international legal instrument on women's rights, and Bangladesh has ratified it.

5.3. Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)

The CEDAW was adopted by the UN General Assembly in 1979 and formally signed at The Second World Conference on Women held in Copenhagen, Denmark, in 1980.[378] By eliminating all forms of discrimination against women, the convention aims to ensure that men and women enjoy human rights and freedoms on an equal basis. The application of the WPR approach shows that the convention represents discrimination against women in all forms of public and political lives as the problem.[379] According to the WPR approach, the representation of problems should be analysed, taking background and context into consideration.[380] In this case, the convention was formulated from the understanding that despite having international laws on human rights, women were still subjected to discrimination. And discriminations against women are against the core principles of the Universal Declaration of Human Rights 1948, which acknowledges that all human beings are born free and equal to have dignity and rights on the same level. Hence, the convention requires state parties not to be involved in discrimination and to take necessary

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[378] Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2006), 74.

[379] United Nations General Assembly, "Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)," (1979), Treaty Series, 18-22. Accessed 19 August 2019, https://treaties.un.org/doc/Publication/UNTS/Volume%201249/v1249.pdf.

[380] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 180.

measures to ensure that women are not discriminated against by the state and even by social and cultural practices. The convention identifies areas in which actions need to be taken by state parties to eliminate discrimination against women. Some of these areas are rights to education, health care, family benefits, entertainment, access to credit, participation in development planning and community decision-making, equal treatment before the law, etc. It obliges state parties to formulate new policies if necessary and modify all social structures, legislation, laws, customs, and practices that discriminate against women and girls.[381]

The WPR approach highlights that concepts like gender or gender equality are contested, but in most cases, equality is interpreted from the ideology that 'likes should be treated alike'.[382] Similarly, this convention portrays equality as providing equal treatment to men and women in all aspects. But, other than prostitution and trafficking, the convention does not explicitly cover the issue of SGBV against women, although it should be part of it if women are to be treated equally with men in every aspect and live violence-free lives. The WPR approach explains that representations of problems (what constitute problems) are supported by binaries/dichotomies.[383] The exclusion of SGBV against women, such as rape, domestic violence, and forced marriage, from this convention, is justified by the public/private binary, which is fundamental to Western legal thought that promotes legal instruments as tools to deal only with public realms.[384] Later, the UN Committee of CEDAW (CEDAW committee) issued recommendations no 19 and 35 identifying SGBV as a form of discrimination that state parties must consider.[385]

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[381] United Nations General Assembly, "Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)," 1-20.

[382] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 182.

[383] Bacchi and Eveline, *Mainstreaming Politics: Gendering Practices and Feminist Theory*, 127.

[384] Simon-Butler and McSherry, *Defining Sexual and Gender-Based Violence in the Refugee Context*, 13.

[385] Ramona Vijeyarasa, "CEDAW's General Recommendation No. 35: A Quarter of a Century of Evolutionary Approaches to Violence Against Women," *Journal of Human Rights* 19, no. 2 (2020): 154.

The convention does not explicitly mention whether refugee women are included under its protection scope. Although the convention says its protection provision is for all women, without explicit inclusion, it allows the state parties to ignore the issue related to refugee women.[386] The CEDAW committee later clarified this through recommendation no 28, which urges state parties to extend their protection to refugees and displaced women. Recommendation 28 states:

> Although subject to international law, states primarily exercise territorial jurisdiction. The obligations of state parties apply, however, without discrimination to citizens and non-citizens, including refugees, asylum-seekers, migrant workers, and stateless persons, within their territory or under effective control, even if not situated within the territory. States parties are responsible for all their actions affecting human rights, regardless of whether the affected persons are in their territory.[387]

Using the WPR approach, the above analysis shows that SGBV against refugee women is not adequately addressed in the CEDAW. The CEDAW committee issued various general recommendations to address SGBV and the concerns of refugee women. As Special Rapporteur Manjoo states, these recommendations are not legally binding. Implementation of these recommendations, therefore, entirely depends on state parties. These recommendations influence norms and the formation of new policies and laws, but state parties cannot be held responsible for these.[388] However, despite some limitations, as Simon-Butler and McSherry note,

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[386] Amanda Hägglund, "Gender-Related Persecution of Refugee Women: A Feminist Analysis of the Persecution Grounds of the Refugee Definition" (Honours Thesis, Lund University, Sweden, 2015), 51.

[387] United Nations Committee on the Elimination of Discrimination Against Women, "General Recommendation No. 28 on the Core Obligations of States Parties Under Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women," (2010), 3. Accessed 2 May 2020, https://www.refworld.org/docid/4d467ea72.html.

[388] Rashida Manjoo, *Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences* (United Nations General Assembly, 2014), 8. Accessed 20 May 2020, https://undocs.org/en/A/HRC/26/38.

CEDAW establishes an international norm that discrimination, including SGBV, is unacceptable.[389]

In addition, the convention contributed to advancing women's rights and, more specifically, recognising refugee women's rights to live free from violence as human rights in the World Conference of Nairobi 1985 and Beijing Platform for Action 1995. Moreover, the convention laid the foundation for women's experience and SGBV against refugee women to enter into the androcentric international refugee protection frameworks through the development of laws and policies.[390] These laws and policies often reinforce and complement each other, providing a comprehensive framework to protect the rights and freedom of all human beings on an equal basis. This is very much relevant to Bacchi's WPR approach: "policies are usually located within a web of related or interconnected policies that need to be considered as parts of analysis".[391] However, analysis of all the legal instruments in the complete spectrum is beyond the scope of this study. Only the UN's most significant legal instruments (laws and policies) pertaining to refugee women and humanitarian responses are analysed below.

5.4. SGBV in UN Humanitarian Legal Instruments

There are several legal instruments developed by the international community, more specifically by the UN, to be applied worldwide by UN agencies, partner non-government organisations (NGOs), and state parties. The most relevant and powerful convention that regulates the protection of refugees and humanitarian response is the United Nations Convention on the Status of Refugees 1951 (UN Convention 1951). The convention was first adopted on 28 July 1951 by the United Nations General Assembly when the international community, mainly in Europe, was confronted with a refugee crisis after the Second World War. The convention was later amended

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[389] Simon-Butler and McSherry, *Defining Sexual and Gender-Based Violence in the Refugee Context.*

[390] Edwards, "Transitioning Gender: Feminist Engagement With International Refugee Law and Policy 1950-2010," 24.

[391] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 5.

through the 1967 Protocol, removing the geographic and time limits.[392] As of April 2015, across the globe, 148 state parties have ratified one or both the convention and the protocol.[393]

As stated above, the WPR approach recommends beginning with policy analysis by examining what is proposed to change and how it is represented as a problem in the policy proposal.[394] While at the point of drafting the convention there might have been humanitarian motivation, drawing upon Bacchi's recommendation, it can be argued that the convention's main concerns are increasing numbers of refugees due to human rights violations and consequent negative impacts on the refugee-hosting countries. The convention thus characterises the rising numbers of refugees as an international problem that should be addressed through international cooperation and burden-sharing to protect human rights and security. Most importantly, the convention defines a refugee (problem) "as someone who had to flee his/her home country due to well-founded fear of being persecuted on the grounds of race, religion, political opinion, membership of particular social groups, or nationality".[395] As Bacchi argues, some underlying assumptions and presuppositions support the representation of problems in policies or policy proposals.[396] Likewise, the convention was developed based on the understanding that due to human rights violations, countries might be approached by the unplanned arrival of refugees. According to international human rights law, these refugees must be protected, but at the same time, allowing protection to all people claiming to be refugees can put hosting countries at risk

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[392] United Nations High Commissioner for Refugees, "Convention and Protocol Relating to the Status of Refugees," 2.

[393] United Nations High Commissioner for Refugees, *State Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol* (2019). Accessed 9 September 2019, https://www.unhcr.org/en-au/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html.

[394] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 58.

[395] United Nations High Commissioner for Refugees, "Convention and Protocol Relating to the Status of Refugees," 14.

[396] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 4.

from economicthreats. Therefore, the criterion of deserving refugees was made, deciding whose rights should be protected and whose protection rights be refused.[397]

Bacchi stated that the representation of problems is problematic, and one reason is that it often excludes/silences some other problems.[398] For example, in deciding who merits protection, the convention excluded GBV from the list of grounds of persecution. As a result, the convention leaves a space for signatory state parties to denywomen refugee status and necessary protection from the gender-based violence they experience.[399] As the convention indicates, women can only get international protection as refugees if their fear of persecution arises from the grounds that usually motivate men to flee. And this violence must be carried out in the public domain, mostly by state agents.[400]

By excluding GBV from the refugee definition, the convention also reproduces and perpetuates gender stereotype ideas that women are private persons; what women do or are done to women is not relevant to legal mechanisms that only deal with the public realm.[401] Such reproduction and dissemination of gender stereotypes have real implications in the lives of the people the policy targets.[402] For example, as the convention only counts the violence carried out by state parties, a person beaten up badly by family members and their own community can expect no or less support from the international refugee system and the domestic legal system,

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[397] United Nations High Commissioner for Refugees, "Convention and Protocol Relating to the Status of Refugees."

[398] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[399] Jane Freedman, "Taking Gender Seriously in Asylum and Refugee Policies," in *Global Migration: Challenges in the Twenty-First Century*, edited by Kavita Khory (New York: Palgrave Macmillan, 2012), 48.

[400] Freedman, "Taking Gender Seriously in Asylum and Refugee Policies," 51.

[401] Elizabeth Adjin-Tettey, "A Feminist Analysis of the Convention Refugee Definition" (PhD Thesis, York University, Toronto, Canada, 1996), 11. Accessed 9 May 2020, https://search-proquest-com.ezproxy.flinders.edu.au/docview/304311525/?pq-origsite=primo.

[402] Freedman, "Taking Gender Seriously in Asylum and Refugee Policies," 48.

no matter how severe the violence is.[403] Women suffer more than men from such assumptions and normalisation, as it is mostly women who face domestic violence and sexual violence.[404]

According to the WPR approach, concepts are not fixed but emergent and can be defined and redefined through discourse for different political visions.[405] Some feminists contested the idea of refugees as defined in the convention and identified the convention as androcentric.[406] Internationally, there are movements asking to include GBV as one of the most feared violence and explicit basis for seeking or granting refugee status and protection.[407] Hence, many developed countries have already included GBV as a criterion for providing refugee or protection visas in their national policies. They provide asylum to women and men who fled their countries of origin because of fear of being persecuted based on their gender (gender identity and sexual orientation) either by state agents or non-state agents. However, as GBV is not included in the UN convention and other international legal frameworks, many developing countries still do not recognise it as a valid reason for offering protection to a person as a refugee. The exclusion of GBV from the refugee definition also has implications for how humanitarian services are provided to refugees. As it is not included in the convention, it risks not being taken seriously by humanitarian organisations and actors in their humanitarian response planning and implementation. Over time, the UN has issued several guidelines encouraging countries, UN agencies, and NGOs to consider SGBV in their humanitarian response programs to overcome this problem. The UN also developed numerous binding and non-binding legal instruments to protect refugees and displaced populations, specifically women. Discussion of all the legal

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[403] Freedman, "Taking Gender Seriously in Asylum and Refugee Policies," 51.

[404] Adjin-Tettey, "A Feminist Analysis of the Convention Refugee Definition," 28.

[405] Bacchi and Eveline, *Mainstreaming Politics: Gendering Practices and Feminist Theory*, 118.

[406] Bacchi and Eveline, *Mainstreaming Politics: Gendering Practices and Feminist Theory*, 118.

[407] Agnès Callamard, "Refugee Women: A Gendered and Political Analysis of the Refugee Experience," in *Global Changes in Asylum Regimes*, edited by Danièle Joly (New York: Palgrave Macmillan, 2002), 146.

instruments in the complete spectrum is beyond the scope of this study. Hence, the following section of the thesis analyses only the most relevant and widely known legal instruments that have been mentioned in several pieces of the pertinent literature and by some of the interview participants, such as the UNHCR Policy on Refugee Women, IASC policies for gender equality and women empowerment, the UN security council resolution, and the Age, Gender, and Diversity Mainstreaming Policy of the UNHCR.

5.5. UNHCR Policy on Refugee Women

In 1990 the United Nations High Commissioner for Refugees (UNHCR) first published its policy on refugee women. Protection of women from SGBV and addressing their needs through their equal participation in humanitarian program planning and implementation are central to the policy. Following Bacchi's argument,[408] it can be stated that, the representation of problems in policy does not come from a vacuum. The problem representation in this policy was supported by understanding that becoming a refugee has gender differential impacts on men and women. Due to their gender, women are in a more difficult position and danger in refugee camps because they have different needs and face discrimination in accessing response programs.[409] The policy also envisions that the involvement of women in refugee assistance programs will ameliorate the welfare of the refugee community as a whole and refugee women in particular, because women are less likely to spend the resources on themselves but for the betterment of the family.[410] The problem representation in the policy came out because of continuous pressure from rights advocates who asked the UN to support and promote states in addressing violence against refugee women through developing and implementing relevant policies and guidelines.[411]

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[408] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[409] United Nations High Commissioner for Refugees, "UNHCR Policy on Refugee Women," (1990), 1-10. Accessed 23 May 2020, https://www.refworld.org/docid/3bf1338f4.html.

[410] Callamard, "Refugee Women: A Gendered and Political Analysis of the Refugee Experience," 139.

[411] Hurley, "Women's Rights, Culture, and Conflict: Implementing Gender Policy in Amboko Refugee Camp, Chad," 60.

The following year, in 1991, the UNHCR issued its first guideline on implementing the policy. On pages 3 and 12, the guideline states that refugee women, especially women from female-headed households and unaccompanied single women, are vulnerable to sexual and physical violence, which can be as violent as rape, and as subtle as transactional sex in exchange for necessary support services such as clothing, food, housing, and identity documents.[412] Hence, the guideline states that to resolve the problems of refugee women, it is important to sensitise humanitarian actors on gender issues and to involve refugee women in the planning and implementation of response programs.[413] The guideline also suggests developing refugee profiles by doing gender analysis of their previous gender roles (including control over resources) and allocating resources accordingly. However, as Bacchi indicates in question four (to consider perspectives and issues that are silenced) of the WPR approach, the problem representation in this policy guideline does not challenge gender inequality and unequal power relations embedded within the socio-cultural practice of refugees.[414] It also does not consider the gender roles that may have changed in women-headed households. The guideline was influenced by the assumption that refugee women face violence because of their husbands' inability to assume cultural and economic responsibilities in the camp settlement and the lack of social protection provided under their traditional system.[415]

In 1995, the UNHCR released another guideline called Sexual Violence against Refugees: Guidelines on Prevention and Response. This new guideline defined sexual violence as "all forms of sexual threat, assault, interference, and exploitation, including 'statutory rape' and molestation

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[412] United Nations High Commissioner for Refugees, "Guidelines on the Protection of Refugee Women," (Geneva, 1991), 3,12. Accessed 2 April 2019, https://www.unhcr.org/en-au/publications/legal/3d4f915e4/guidelines-protection-refugee-women.html.

[413] Edwards, "Transitioning Gender: Feminist Engagement With International Refugee Law and Policy 1950-2010," 31-32.

[414] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[415] Hyndman, "Refugee Camps as Conflict Zones: The Politics of Gender," 201.

without physical harm and penetration".[416] The guideline identifies the escalation of sexual violence in refugee situations, and the lack of proper preventive measures, both from refugees themselves and the authorities, as the main problems. The application of WPR[417] shows that the problems were represented as such from the understanding that the high prevalence of sexual violence in camps can be life-threatening, and harmful to the physical and mental health integrity of the refugees. Another assumption is that preventive measures from refugee leaders and camp authorities will minimise the violence.[418] However, scrutiny from the perspective of question four of the WPR[419] shows that the guideline has silenced women's gender-specific vulnerability to violence as the guideline has generalised the idea that it is not only women, but all refugees who experience sexual violence.[420]

As discussed in the WPR approach, problems are not static; the meanings of problems or concepts continue to evolve to fulfil different political purposes. In this changing process of understanding gender dimensions of humanitarian response, in 2003, the UNHCR released a revised guideline on the prevention and response to GBV against refugees. It includes physical and psychological violence along with sexual violence under UNHCR's protection scope. In addition, the guideline advocates for gender equality in programs (inclusion of men and women in programs on an equal basis), coordination among multi-sectoral actions, and accountability at all levels. The guideline also directs all the individual staff to ensure physical safety, confidentiality,

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[416] United Nations High Commissioner for Refugees, "Sexual Violence Against Refugees: Guidelines on Prevention and Response," (Geneva, 1995), 4. Accessed 2 May 2020, https://www.unhcr.org/en-au/publications/operations/3b9cc26c4/sexual-violence-against-refugees-guidelines-prevention-response-unhcr.html.

[417] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[418] United Nations High Commissioner for Refugees, "Sexual Violence Against Refugees: Guidelines on Prevention and Response," 4.

[419] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 2.

[420] United Nations High Commissioner for Refugees, "Sexual Violence Against Refugees: Guidelines on Prevention and Response."

dignity, and respect of all survivors without discrimination.[421] However, the inclusion of gender under this guideline diverts attention from violence against women.[422] At the same time, the guideline also normalises the use of the word gender instead of women, arguing that anyone (men, women, and people from another background) can face violence in a refugee situation. This is why the WPR approach argues for policies to be discursive and involve making meanings and truths through the use of language/meaning—using the term gender instead of women targets both men and women under the protection scopes.

5.6. Age, Gender, and Diversity Mainstreaming Policy

In 2004, the UNHCR adopted an Age, Gender, and Diversity Mainstreaming policy (AGDM).[423] Applying the lens of the WPR approach,[424] it is evident that the policy represents inequality among refugees of diverse backgrounds in enjoying their rights while living in the camp settlement as a problem. The inclusion of age and other diversities along with gender is supported by the intersectional theory that lies in the understanding that women and men are not homogenous groups but very diversified in nature. According to intersectionality, women's gendered experiences cut across many other factors such as age, disability, religion, race, sexual orientation etc.[425] This policy is appreciated by Dolan, who identifies it to be a "radical and noteworthy example of an institutional effort to go beyond a focus on women and girls".[426]

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[421] United Nations High Commissioner for Refugees, "Sexual and Gender-Based Violence Against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response," 28.

[422] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 101.

[423] Hurley, "Women's Rights, Culture, and Conflict: Implementing Gender Policy in Amboko Refugee Camp, Chad," 61.

[424] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 6.

[425] Kathy Davis, "Intersectionality as Buzzword: A Sociology of Science Perspective on What Makes a Feminist Theory Success," *Feminist Theory* 9, no. 1 (2008): 68. Accessed 11 December 2019, http://fty.sagepub.com.

[426] Chris Dolan, "Letting Go of the Gender Binary: Charting New Pathways for Humanitarian Interventions on Gender-Based Violence," *International Review of the Red Cross* 96, Sexual Violence in Armed Conflict, no. 894 (2014): 488, https://doi.org/10.1017/S1816383115000120.

However, in doing so, the policy made SGBV against women appear normal, something experienced by almost everyone, not only women. The policy, therefore, subsumes GBV against women under broader protection, taking away attention from women. Feminists such as Ward critique the policy stating that in a society that is already structurally unequal, the assertion of an inclusive approach from a general perspective will fail to recognise women's everyday exclusion from "male spaces and devalues women's rights and access to their own space".[427]

In the meantime, the policy has been revised a few times. As of May 2020, the AGDM policy emphasises more on being accountable to all concerned persons (including refugees and internally displaced persons) and ensuring their equal participation in all stages of planning and implementation of humanitarian response programs. The policy identifies six core areas of engagement (for the UN agencies, its partner organisations, and the state governments) which are:

1. Age inclusive programming
2. Communication and transparency
3. Organisational learning and adaptation

4. Participation and inclusion
5. Feedback and response
6. Advancing gender equality[428]

Under gender equality, an area of engagement, the policy intends to ensure that women and girls are included in leadership and decision-making, provided with all the refugee-related paper documents, have access to economic opportunity and are protected from SGBV. Regarding SGBV, the policy states that:

Women and girls have access to a comprehensive SGBV prevention and response program: At a minimum, UNHCR operations will adopt and implement SGBV standard operating procedures, operationalising the four main referral pathways for all survivors

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[427] Jeanne Ward, "It's Not About the Gender Binary, It's About the Gender Hierarchy: A Reply to "Letting Go of the Gender Binary"," *International Review of the Red Cross* 98, no. 901 (2016): 288, https://doi.org/10.1017/S1816383117000121.

[428] United Nations High Commissioner for Refugees, "UNHCR Policy on Age, Gender and Diversity," (2018). Accessed 26 September 2019, https://www.unhcr.org/5aa13c0c7.pdf.

(safety/security, legal, medical, and psychosocial), and will promote the same with partners, including governments.[429]

Through revision, the policy has made women and girls the focus of obligatory core actions under gender equality. Applying the WPR[430] approach shows that the policy sidelined women's protection needs from violence. Apart from services, the policy does not clearly state how women could be protected and what the humanitarian actors or organisations could do to prevent or protect women from SGBV. It, therefore, leaves space for humanitarian actors and organisations to define and decide what to do for violence prevention in the ways they want.

5.7. The UN Security Council Resolution

In response to violence against women in conflict and displaced/refugee settlements, the UN Security Council also issued several resolutions under the Women, Peace, and Security framework to link women with issues related to peace and security, and SGBV is a very important part of the framework.[431] The most significant and widely known resolution is the UN Security Council Resolution (UNSCR) 1325, adopted on 13 October 2000. This resolution identifies multiple problems in relation to women's protection in conflict. One of the problems is the need to protect women in refugee camp settlements from violence and discrimination. To ensure women and girls' security, the resolution urges all UN agencies and member states to ensure women's active participation in camp management and to allocate a budget to train staff on gender sensitivity. As highlighted in the WPR approach,[432] the problem representations in this resolution are supported by background knowledge that women and girls are disproportionately and uniquely impacted by conflict, and adequate measures are not being taken to protect women from

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[429] United Nations High Commissioner for Refugees, "UNHCR Policy on Age, Gender and Diversity," 8.

[430] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 12-13.

[431] Hurley, "Women's Rights, Culture, and Conflict: Implementing Gender Policy in Amboko Refugee Camp, Chad," 56.

[432] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 5.

violence.[433] This underlying knowledge was drawn from continuous violent atrocities against women during conflict and in camp settlements, especially in Africa.[434] The UN Security Council further discusses refugee women's security concerns in Article 10 of UNSCR 1820 and:

> Requests the Secretary-General and relevant United Nations agencies inter alia, through consultation with women and women-led organisations as appropriate, to develop effective mechanisms for providing protection from violence, including in particular sexual violence, to women and girls in and around UN managed refugee and internally displaced person camps, as well as in all disarmament, demobilisation, and reintegration processes, and in justice and security sector reform efforts assisted by the United Nations.[435]

Through resolutions, such as this, the UNSCR explicitly recognises the existence of SGBV against women in refugee camps and the need to take necessary steps to protect them from such violence. However, Resolution 1820 of the UNSCR uses non-binding language such as 'request', as seen above. As a result, it leaves an opportunity for UN agencies to treat SGBV against refugee women as an optional or additional issue, not something they must consider in humanitarian responses or working in conflict-affected areas. In Resolution no 1325, the UNSCR uses strong binding language like 'calls upon', but it is directed to state parties involved in armed conflict.[436] Refugee hosting countries, like Bangladesh, are not obliged to follow the UNSCR directions for the case of Rohingya refugees. In addition, the resolutions are far less likely to have any real effect without further guidelines, monitoring tools, and other necessary supports. Therefore, their impacts in practice need to be studied.

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[433] United Nations Security Council, "Resolution 1325," (2000), 1-4. Accessed 3 September 2021, http://unscr.com/en/resolutions/doc/1325.

[434] Hurley, "Women's Rights, Culture, and Conflict: Implementing Gender Policy in Amboko Refugee Camp, Chad," 56.

[435] United Nations Security Council, "Resolution 1820," (2008), 4. Accessed 4 September 2019, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20S%20RES%201820.pdf.

[436] United Nations Security Council, "Resolution 1325," 3.

5.8. IASC Policies for Gender Equality and Women Empowerment

There are also other guidelines and policies addressing SGBV against women in refugee settlements through humanitarian response programs. The Inter-Agency Standing Committee (IASC) has developed an important policy, as discussed below. The UN established the IASC in 1992 to bring coherence to humanitarian crisis preparedness, responses, policy formulation, and priority setting. It comprises 18 principals of UN and Non-UN entities. The UN agencies working as principals in IASC are the UNHCR, the International Organisation for Migration (IOM), the United Nations Development Programme (UNDP), the United Nations International Children Emergency Fund (UNICEF), the World Food Programme (WFP), Food and Agriculture Organisations (FAO), the United Nations Human Settlements Programme (UN-HABITAT), and the United Nations Populations Fund (UNFP).[437] This chapter has chosen to analyse the humanitarian gender policy of IASC because humanitarian actors follow it everywhere, including in the Rohingya refugee context.

In December 2017, the IASC endorsed the Gender Equality and the Empowerment of Women and Girls in Humanitarian Action Policy.[438] Before this policy, the IASC also produced a guideline for GBV prevention in 2005 titled Guidelines for Gender-Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies.[439] In 2015 the IASC updated these guidelines under the title of Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing Risk,

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[437] United Nations Office for the Coordination of Humanitarian Affairs, *About the Inter-Agency Standing Committee* (2022). Accessed 27 August 2022, https://interagencystandingcommittee.org/about-inter-agency-standing-committee.

[438] Inter-Agency Standing Committee, "Gender Equality and the Empowerment of Women and Girls in Humanitarian Action," (2017), 1. Accessed 18 August 2019, https://interagencystandingcommittee.org/system/files/iasc_policy_on_gender_equality_and_the_empowerment_of_women_and_girls_in_humanitarian_action.pdf.

[439] Inter-Agency Standing Committee, "Guidelines for Gender-Based Violence Interventions in Humanitarian Settings," (2005). Accessed 10 June 2019, https://interagencystandingcommittee.org/system/files/legacy_files/guidelines_for_gender_based_violence_interventions_in_humanitarian_settings_english_.pdf.

Promoting Resilience and Aiding Recovery.[440] Despite these guidelines, violence against women prevails in a humanitarian settlement. Hence, the new policy of 2017 was developed and endorsed based on the learnings from previous experience.[441]

The policy's primary purpose of the new policy is to guide the IASC, so that gender equality and empowerment of women and girls become a core principle in all their actions in humanitarian response programs. It is expected that the implementation of this policy will lead to more effective, cost-efficient, and just humanitarian actions.[442] Lack of standard gender mainstreaming, with a focus on gender equality and women empowerment, in all programs and organisational practices of IASC are represented as problems in the policy.

Bacchi argues that policies are full of concepts that support the representation of a problem or problems in a particular way. To better understand this problem representation, some of these policy's key concepts and categories are analysed.[443] Applying Bacchi's argument shows that this policy includes two key concepts jointly, "gender equality and empowerment of women and girls", known as GEEWG in short form. This is identified as the twin-track approach to gender mainstreaming. By GEEWG, the policy aims to achieve gender equality, i.e., equal enjoyment of rights and opportunities by all, and empower women, which is building women's ability to participate in equality. In addition to gender equality, empowerment of women is added because, as stated in IASC 2015 guideline, "women and girls everywhere are disadvantaged in terms of social power and influence, control of resources, control of their bodies and participation in public life as a result of socially determined gender roles and relations".[444]

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[440] Simon-Butler and McSherry, *Defining Sexual and Gender-Based Violence in the Refugee Context*, 22.

[441] Inter-Agency Standing Committee, "Gender Equality and the Empowerment of Women and Girls in Humanitarian Action," 1.

[442] Inter-Agency Standing Committee, "Gender Equality and the Empowerment of Women and Girls in Humanitarian Action," 1.

[443] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 58.

[444] Inter-Agency Standing Committee, "Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action," in *Reducing Risk, Promoting Resilience and Aiding Recovery* (2015), 6. Accessed

The policy problematises SGBV as an issue caused by traditional gender norms, as it guides IASC to address harmful gender norms at the social and institutional level and prevent, respond to, and mitigate GBV as well as sexual exploitation and abuse (SEA) through gender mainstreaming in a systematic way. This makes the lack of gender mainstreaming in humanitarian response mechanisms the central problem for violence against women. In addition, it presents men and boys as perpetrators and survivors of violence who should be included actively in the response mechanism. The policy also advises IASC to work in adherence to the Call to Action on Protection from Gender-Based Violence in Emergencies (Call to Action).[445] The Call to Action focuses on mitigating SGBV against women and girls in emergencies by having an effective mechanism in place to ensure safe and comprehensive services for the affected. The services include safety and protection, health support, and legal aid.[446] The impact of this policy has not been studied yet. But applying Bacchi's WPR approach,[447] it could be stated that the policy focuses more on services than prevention. The policy only makes a vague reference to prevention or protection. In addition, the policy says that prevention initiatives should be taken in adherence to the domestic legal instruments of the refugee-hosting country. The assumption is that every refugee hosting country has favourable national legal instruments, which is not always applicable. It, therefore, leaves space for humanitarian actors not to make any effort in a refugee situation where there is no violence against women-related national policies. As Lester argues, even though it is the host country that is responsible for giving protection to refugees within its territorial boundary, humanitarian actors have a vital role to play in ensuring the effective implementation

1 January 2019, https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_lo-res.pdf.

[445] Call to Action on Protection From Gender-Based Violence in Emergencies, *Why Should Gender-Based Violence Be Addressed in Humanitarian Emergencies?* (2020). Accessed 28 May 2021, https://www.calltoactiongbv.com/who-we-are.

[446] Call to Action on Protection From Gender-Based Violence in Emergencies, *Why Should Gender-Based Violence Be Addressed in Humanitarian Emergencies?*

[447] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

of the legal instruments and advocating new laws or policies if the national legal instruments do not address refugee women's protection needs.[448]

The next section of the chapter analyses Bangladesh's legal obligation to protect refugee rights. As mentioned above, the host state has a very important role to play "in implementing human rights".[449] The national law and policies of the country where the refugees have taken shelter determine or govern to what extent the rights of refugee women can be protected.[450] The following section also examines how SGBV against women is represented in these national laws and policies and its protection scope for refugee women's rights.

5.9. Refugees in the Bangladeshi Legal System

Bangladesh is not a signatory state party of the Refugee Convention 1951 and its protocol 1967. Instead of ratifying the convention and the protocol, Bangladesh practices a system of "hospitable refugee protection".[451] Through this approach, Bangladesh treats or identifies refugees as guests. Bacchi claims there are certain underlying conditions and assumptions that allow Bangladesh to identify refugees as guests.[452] According to Sejan, Bangladesh is already an overpopulated country, and Bangladesh fears that ratification of the convention or the Protocol would legally oblige Bangladesh to accept refugees from many different countries in the region as none of the other countries from the Indian subcontinent has ratified it. Bangladesh also fears that ratification will increase unnecessary interference of the UN on refugee issues.[453] Despite being a non-signatory country, Bangladesh provides shelter to refugees because the country is obliged to offer

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[448] Eve Lester, "A Place at the Table: The Role of NGOS in Refugee Protection: International Advocacy and Policy-Making," *Refugee Survey Quarterly* 24, no. 2 (2005): 127.

[449] Susanne Schech, "Rescaling Sovereignty? Sub-State Responses to Irregular Migrants," *Griffith Law Review* 22, no. 3 (2013): 792.

[450] United Nations High Commissioner for Refugees, "Guidelines on the Protection of Refugee Women."

[451] Sakhawat Sajjat Sejan, "Analyzing the Legal Issues in the Rohingya Crisis: A Bangladesh Perspective," *International Journal on World Peace* 37, no. 1 (2020): 24.

[452] Bacchi and Bonham, "Reclaiming Discursive Practices as an Analytic Focus: Political Implications."

[453] Sejan, "Analyzing the Legal Issues in the Rohingya Crisis: A Bangladesh Perspective," 23.

them refuge under the Universal Declaration of Human Rights and the Customary Principle of International Law that give every human being the right to seek refuge in another country and state that if a person enters a state/territory due to well-founded fear of being persecuted his/her country, they should not be returned forcefully. Furthermore, Bangladesh is a member of UNHCR's executive committee that approves UNHCR's humanitarian assistance program.[454] However, as Bangladesh is not a signatory of the convention, and the refugees are identified as guests, which also implies that their stay in Bangladesh is expected to be short, Bangladesh is not obliged to offer the Rohingya or other refugees the rightful protection that they should get under the Refugee Convention. Bangladesh claims that refugees are offered hospitality, not protection, and the country does not have any national laws to protect the rights of its guests (refugees).[455] Therefore, the protection of the refugees lies at the discretion of the government and its officials within the scope of existing domestic laws and policies of Bangladesh. The following section, therefore, analyses Bangladesh's major laws and policies to identify the state's obligation to protect Rohingya refugees, as these national legal instruments can prevent or facilitate humanitarian responses to the refugee issue in general and refugee women in particular.

Constitution: The Constitution of Bangladesh was formulated in 1972, and it is the supreme national law in the country that "stipulates and directs the country towards the assurance of civil, political, economic, social, and cultural rights".[456] The Constitution promises the protection of fundamental rights of all, including the right to be free from discrimination, exploitation, and violence. The Constitution also upholds the values of solidarity and cooperation for peace and

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[454] Md. Aktarul Alam Chowdhury, "Challenges to the Protection of Refugee's Rights in Bangladesh: In Search of a Comprehensive and Effective Legal and Institutional Frameworks," *International Journal of Ethics in Social Sciences* 6, no. 1 (2018): 62.

[455] Jobair Alam, "The Status and Rights of the Rohingya as Refugees Under International Refugee Law: Challenges for a Durable Solution," *Journal of Immigrant & Refugee Studies* 19, no. 2 (2021).

[456] Sejan, "Analyzing the Legal Issues in the Rohingya Crisis: A Bangladesh Perspective," 3.

prosperity with other countries and people.[457] It is the touchstone of acquiring the validity of every other law in the country. If any law contradicts the rights given in the Constitution, it can be challenged before the Bangladesh Supreme Court.[458] The Constitution is meant to protect and safeguard the state and its people. So, most of the provisions (11 out of 18 rights) of the Constitution are directed to protect the rights of Bangladeshi citizens. The other seven rights are granted to everyone, citizens, or non-citizens alike. For example, Article 31 of the Constitution offers protection to everyone within its territorial boundary, saying that no detrimental action will be carried out on body, property, life, reputation, and liberty. In addition, Article 32 says that "no person shall be deprived of life or personal liberty save in accordance with law".[459] Here protection is meant for any person within its territorial boundary irrespective of citizenship status, so the Rohingya are entitled to have these constitutional rights while living in Bangladesh. The Constitution has a provision for the protection of both citizens and non-citizens because it is made in adherence to the international human rights laws and influenced by the legacy of the liberation war that was carried out against the violation of human rights by the Pakistani government.[460]

Using Bacchi's approach,[461] the Constitution also problematises discrimination and violence against women in Bangladesh. For example, Article 28 of the Constitution provides women equal rights to men in every aspect of state and public life. It allows the state to make special provisions to address the protection needs of women, children, and other underprivileged

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[457] Legislative and Parliamentary Affairs Division of Bangladesh, "The Constitution of the People's Republic of Bangladesh," (1972). Accessed 14 June 2020, http://bdlaws.minlaw.gov.bd/act-details-367.html.

[458] Refugee Solidarity Network and Bangladesh Legal Aid Service Trust, *Beyond Refuge: Advancing Legal Protections for Rohingya Communities in Bangladesh* (Bangladesh, 2021). Accessed 11 January 2022, file:///C:/Users/trip0033/AppData/Local/Downloads/Beyond_Refuge_Feb22.pdf.

[459] Legislative and Parliamentary Affairs Division of Bangladesh, "The Constitution of the People's Republic of Bangladesh," 17.

[460] Dr. Muhammad Ekramul Haque, "The Bangladesh Constitutional Framework and Human Rights," *Dhaka University Law Journal* 22, no. 1 (2011). Accessed 7 July 2022, http://journal.library.du.ac.bd/index.php?journal=DULJ&page=article&op=viewFile&path[]=1661&path[]=1569.

[461] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

sections of society.[462] The Constitution, therefore, not only gives women equality with men, but by allowing special provisions, it also acknowledges the unequal status, discrimination, and violence against women. The Constitution explicitly gives equal rights to women because Bangladesh had a few very active women rights activists, such as Sultana Kamal. She actively took part in Bangladesh's liberation war against Pakistan. After Bangladesh's independence, they continued to advocate for women's rights and thus influenced the formation of the Constitution, giving women equal rights.[463] Article 28 does not explicitly mention women of non-citizen status; however, under the purview of Articles 31 and 32, the protection offered to women in any legal instruments (unless specified) can be extended to all women within the territorial boundary of Bangladesh, irrespective of citizenship status.[464]

CEDAW Ratification: Bangladesh is one of the countries that have ratified CEDAW, the international bill for women's human rights. Bangladesh ratified it on 6 November 1984 with some reservations.[465] As of March 2019, Bangladesh has reservations on Articles 2 and 16.1(c). Article 2 of CEDAW requires State Parties to take policy measures that eliminate all forms of discrimination against women, while Article 16.1(c) asks for women's equal rights in marriage and property inheritance.[466] These two Articles of the convention are in reservation because they contradict the personal laws of Bangladesh. The laws in Bangladesh are mostly considered to be secular. Nevertheless, the private spheres of the citizens (marriage, divorce, and inheritance

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[462] Legislative and Parliamentary Affairs Division of Bangladesh, "The Constitution of the People's Republic of Bangladesh."

[463] Afroza Begum, "Protection of Women's Rights in Bangladesh: A Legal Study in an International and Comparative Study" (PhD Thesis, University of Wollongong, Australia, 2004).

[464] Legislative and Parliamentary Affairs Division of Bangladesh, "The Constitution of the People's Republic of Bangladesh."

[465] Sharifa Begum et al., *The CEDAW Implementation in Bangladesh: Legal Perspectives and Constrains*, Bangladesh Institute of Development Studies (Bangladesh Institute of Development Studies, 2011), 8. Accessed 16 June 2020, https://www.researchgate.net/publication/268334919_The_CEDAW_Implementation_in_Bangladesh_Legal_Perspectives_and_Constrains.

[466] Begum et al., *The CEDAW Implementation in Bangladesh: Legal Perspectives and Constrains*, 8.

issues) are governed by personal laws formulated during the British colonial period based on what are perceived as traditional and religious practices.[467] This religious-based personal law is rooted in the ideas of patriarchy, where men are given rights to control women, which forms the basis for gender-based discrimination and inequality between men and women. Hence, from the perspective of the WPR approach,[468] it can be argued that by keeping these two Articles of CEDAW in reservation the Bangladesh government does not consider violence against women under personal laws as a problem. In the purview of religious rights, the Bangladesh government overlooks discrimination against women upheld by these religion-based laws. As a result, women in Bangladesh are prevented from having equality in marriage, divorce, and inheritance, as these issues are dealt with by religious-based personal laws. In addition, the application of personal law also precludes women from seeking redress from a formal justice system because the personal law reinforces women's subordinate position that justifies violence against women as acceptable in society. For this reason, the WPR approach argues that the representation of problems in policies is discursive as it shapes and affects people's feelings and thinking about themselves.[469] However, despite these reservations, by ratifying CEDAW, the Bangladesh government has consented to treat violence against women as a form of discrimination and to eliminate it.

In conformity with the CEDAW and the Constitution, the Bangladesh government has undertaken several policy approaches to eliminate discrimination against women in education, political participation, employment, etc. For example, to achieve gender parity in education, the government introduced free education and stipend programs for female students. The government also introduced special seat reservations for women in the national parliament and local governance to increase women's access and participation in governance. These initiatives

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[467] Maliha Khan, "CEDAW at a Dead End in Bangladesh?," *The Daily Star* (Dhaka, Bangladesh), 8 March 2019, https://www.thedailystar.net/star-weekend/news/cedaw-dead-end-bangladesh-1711840.

[468] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[469] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

are only taken for Bangladeshi women. But, as the Rohingya women also have the right to equality with men as per CEDAW and the Constitution, there is scope for the humanitarian actors/organisations to apply their gender policies and to take similar initiatives for the promotion of Rohingya refugee women's rights to equality within the camps.

In addition, Bangladesh has formulated many legal acts to protect women from discrimination in the form of SGBV. The formulation of new legal instruments indicates that SGBV is caused because of the lack of enough laws to protect women in the country. Through these legal provisions, the Bangladesh government conveys a strong message that women have the right to live violence-free lives and that violence against women is not tolerated in the country. Apparently, these legal instruments are meant for Bangladeshi women only. But these legal instruments (national acts on criminal offences developed to protect women from violence) do not contain an indication of any jurisdiction.[470] Hence, Rohingya women should be able to bring cases to the courts to seek protection and justice as per the acts. Some of the most relevant acts are analysed below to identify how the issue of SGBV has been problematised in these acts.

The Women and Children Repression Act 2000: This act identifies SGBV against women and children in the form of sexual violence, physical violence, dowry, acid crime, abduction, kidnapping, forced marriage, child marriage, forceful prostitution, trafficking, and pornography as policy problems.[471] From the WPR[472] perspective, it is evident that this act identifies the widespread prevalence of different forms of violence against women and children in Bangladesh as a problem.[473] It also indicates that SGBV against women differs from other forms

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[470] Refugee Solidarity Network and Trust, *Beyond Refuge: Advancing Legal Protections for Rohingya Communities in Bangladesh*.

[471] Ministry of Law and Justice and Parliamentary Affairs, "Women and Children Repression Act 2000," (Government of the People's Republic of Bangladesh, 2000). Accessed 9 November 2018, http://dwa.sarail.brahmanbaria.gov.bd/sites/default/files/files/dwa.sarail.brahmanbaria.gov.bd/law_policy/1da1ff8a_ae63_467a_9cde_435c43cbe948/ef8d4efbc765cb6c545252b76524f894.pdf.

[472] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[473] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

of violence or crimes that are not adequately addressed under Bangladesh's general criminal punishment laws. So, it needs to be dealt with by specific legal provisions. Some of the very important features of the act are:

- Restriction on media to protect the survivors' privacy.

- Formation of a women and children repression tribunal court at the district level.

- Establishment of a one-stop crisis centre at a public hospital that provides general medical support, DeoxyriboNucleic Acid **(**DNA) test, police support, legal assistance, psychological support (counselling), and accommodation for the survivors in safe custody.

- Investigation to be completed within 60 days (about two months) and trial process within 180 days (about six months).[474]

According to Bacchi, policies can have multiple concepts and problems, but constitute problems as a particular type of problem, and often one problem or concept has more focus than others.[475] Likewise, this policy criminalises various forms of SGBV but partially excludes domestic violence from its protection scope. It covers domestic violence caused by dowry and leaves out of scope other domestic violence which is not related to dowry.

The act, therefore, constitutes domestic violence as a form of violence that occurs only due to dowry, although many other factors also contribute to the violence.[476]

The Dowry Prohibition Act of 1980: This act was formulated in 1980 but revised in 1986 after ratifying CEDAW. This act represents the lack of anti-dowry law as the main problem. And the act defines dowry as:

(a). Any property or valuable security given or agreed to be given either directly or indirectly;

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[474] Ministry of Law and Justice and Parliamentary Affairs, "Women and Children Repression Act 2000."

[475] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 8.

[476] Ministry of Law and Justice and Parliamentary Affairs, "Women and Children Repression Act 2000."

(b). By one party to a marriage to the other party to the marriage; or

(c). By the parents of either party to a marriage or by any other person to either party to

the marriage or any other person; At the time of marriage or at any time before or after the

marriage as consideration for the marriage of the said parties but does not include dower

or *Mehr* in the case of persons to whom the Muslim Personal Law (Shariat) applies.[477]

The act makes dowry an act of punishable offence. Under this act, a person involved in giving

and taking dowry, either cash or kind, is punished with a maximum of five years imprisonment,

fine, or both. In addition, the person involved in violence against women for dowry is punished

under Penal Code 1860, and police are given the power to arrest the accused person without a

warrant.[478] This problematisation was supported by the assumption that criminalising dowry with

specific legal provisions will reduce dowry and related family violence. The act allows *Mehr* or

bride-price (given to the bride or her family by the groom or his family) among Muslims based on

the assumption that *Mehr* does not cause family violence. Applying Bacchi's WPR, the

representation of the problem in this act is problematic because the act does not consider the fact

that banning dowry without reforming family laws can deprive women of their rightful share of

parental property. According to Bangladeshi family laws, Hindu women (without sons) are

excluded from inheriting property, while Muslim women only get half of their brother's

entitlement.[479] Hence, dowry is the only opportunity for Bengali women to have some or more

share of their parental property. In addition, the act does not consider that complete prohibition of

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[477] Legislative and Parliamentary Affairs Division, "The Dowry Prohibition Act," (Dhaka, Bangladesh: Ministry of Law, Justice and Parliamentary Affairs of Bangladesh, 1980). Accessed 6 May 2020, http://bdlaws.minlaw.gov.bd/act-details-607.html.

[478] Afroza Begum, "Dowry in Bangladesh: A Search From an International Perspective for an Effective Legal Approach to Mitigate Women's Experiences," *Journal of International Women's Studies* 15, no. 2 (2014): 249.

[479] Arafat Hosen Khan, *Pluralism in Women's Property and Inheritance Rights – Challenges for Realizing Human Rights in Bangladesh and India*, McGill University (2020). Accessed 8 May 2020, https://www.mcgill.ca/humanrights/article/universal-human-rights/pluralism-womens-property-and-inheritance-rights-challenges-realizing-human-rights-bangladesh-and.

dowry can lead to practices of giving and taking dowry carried out in a manner difficult to bring under the purview of the law.

The Domestic Violence Prevention Act of 2010: This act represents domestic violence against women and children as a policy problem. The act was formulated from the underlying assumption that criminalising domestic violence will contribute to protecting women and children from such violence. Through this act, violence against women committed by family members, irrespective of the cause, becomes punishable with six months to two years imprisonment or Tk10,000 to Tk100,000 fine, or both. However, if the violence incurs severe loss or damage, the punishment is guided by the Penal Code.[480] This act defines domestic violence as any form of physical, sexual, economic, and physical violence carried out against women or children by a family member. According to Afrin, consideration of sexual violence is the most progressive part of the act.[481] It opens the door for women to report marital rape and other forms of sexual violence carried out by family members, which are not generally recognised in any other acts. However, the application of Bacchi's WPR approach shows that this act has failed to adequately consider the risks women may face while seeking protection (including losing their husband, income source, accommodation etc.). Instead, it focuses more on punishing the perpetrators than on prevention and solution. Reporting violence under this act will put the accused family member or partner in jail and incur a monetary loss to the family, which many women do not want for the sake of children or other issues. However, despite the shortcomings, the act is an important step taken by the government of Bangladesh to protect women from domestic violence, which is highly prevalent in Bangladesh. According to a survey conducted by the Bangladesh Bureau of Statistics

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[480] Ministry of Women and Children Affairs, "Domestic Violence (Prevention and Protection) Act, 2010," (Bangladesh: Government of the Peoples Republic of Bangladesh, 2010), 11. Accessed 18 June 2020, http://dwa.sarail.brahmanbaria.gov.bd/sites/default/files/files/dwa.sarail.brahmanbaria.gov.bd/law_policy/5c1ba040_158d_4e25_9041_9ca9e6c36c1a/e242d955b4c79c91528b3ca0d61bd0a2.pdf.

[481] Zakia Afrin, "Combating Domestic Violence in Bangladesh: Law, Policy and Other Relevant Considerations," *Annual Survey of International and Comparative Law* 22, no. 1 (2017): 7. Accessed 3 July 2020, https://digitalcommons.law.ggu.edu/cgi/viewcontent.cgi?article=1208&context=annlsurvey.

in 2015, 50% of the women participants experienced physical violence, while 27% experienced sexual violence. The majority of the perpetrators are family members.[482] Hence, women who want justice and get rid of abusive partners can now seek justice under this act, although the majority of Bangladeshi women still do not seek justice because of other barriers such as lack of financial means, distance to travel to the court, and social practices that prioritise family honour over women's well-being and denounce women raising their voice against violent family members in public.[483]

The Prevention and Suppression of Human Trafficking Act 2012: Violation of the rights of human trafficking victims is the primary concern of this act. As mentioned in WPR, like any other policies or legal instruments, this act was enacted based on some underlying assumptions.[484] The assumptions are that due to a lack of proper legal provisions, human trafficking is on the rise, causing massive human rights violations as more people become victims. So, the government of Bangladesh expects to bring human trafficking under control by enacting legal provisions and making the action a punishable offence. These assumptions are evident in the act as it aims to suppress trafficking and protect victims and their rights. This act prohibits human trafficking inside or outside Bangladesh, and anyone found guilty of human trafficking shall be punished with imprisonment or fine, or both. Depending on the case, the punishment varies from a minimum of three years imprisonment to life imprisonment and a fine from Tk5,000 to Tk500,000.[485] This act defines human trafficking as:

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[482] Mitali Jahan, "How Legal Change Happened Through Effective Policy Advocacy in Bangladesh: Adoption of the Domestic Violence Law," *Asian Journal of Women's Studies* 23, no. 3 (2017): 401-402, https://doi.org/10.1080/12259276.2017.1351590.

[483] Khandaker Farzana Rahman, "Focus on Domestic Violence in Bangladesh: A Study From Criminological Perspectives," *Journal of International Women's Studies* 20, no. 3 (2019): 101-102.

[484] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[485] Legislative and Parliamentary Affairs Division, "The Prevention and Suppression of Human Trafficking Act," (Government of the People's Republic of Bangladesh, 2012). Accessed 17 June 2021, http://bdlaws.minlaw.gov.bd/act-1086/section-41755.html.

The selling or buying, recruiting, deporting or transferring, sending or confining or harbouring either inside or outside of the territory of Bangladesh of any person for the purpose of sexual exploitation or oppression, labour exploitation or any other form of exploitation or oppression by means of: threat or force; or deception, or abuse of his or her socio-economic or environmental or other types of vulnerability; or giving or receiving money or benefit to procure the consent of a person having control over him or her.[486]

The act made a strong connection between trafficking and sexual violence by using the term sexual exploitation but does not clearly define what it means by sexual exploitation. The act constitutes human trafficking as an incident with the active presence of three elements such as action, means, and purpose. All three elements must be proved beyond a reasonable doubt to establish a case as an incident of human trafficking.[487] Application of question number four (identification of silence/gap) of the WPR approach[488] highlights that this act ignores the burden of proof that a victim might have and thus leaves a loophole for the traffickers to deny and get away with human trafficking. Proving the traffickers' mental capability, whether they (traffickers) were aware of the negative consequences, is very difficult for victims in some cases. This is especially applicable if a woman gets transferred to a different place for marriage purposes and ends up marrying a brutal husband. This is a very common human trafficking problem experienced by Rohingya women.[489]

The Bangladesh government has also formulated many other acts to effectively address SGBV against women. Examples include *the Pornography Control Act*, *the Acid Crime Prevention*

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[486] Legislative and Parliamentary Affairs Division, "The Prevention and Suppression of Human Trafficking Act," 6800.

[487] Legislative and Parliamentary Affairs Division, "The Prevention and Suppression of Human Trafficking Act," 6799.

[488] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[489] Kaamil Ahmed, "Rohingya Women, Girls Being Trafficked to Malaysia for Marriage," *Aljazeera*, 08 May 2019, https://www.aljazeera.com/features/2019/5/8/rohingya-women-girls-being-trafficked-to-malaysia-for-marriage.

Act, *the Child Marriage Restraint Act, the Marriage and Divorce Registration Act*, and *the Mobile Court Act 2009*. Under *the Mobile Court Act*, executive magistrates were given the power to act against eve-teasing (similar to verbal sexual harassment in the Australian context) and sexual harassment against women and children.[490] As mentioned above, in the absence of any specific refugee laws and not being a signatory of the refugee convention, all these acts are applicable for the protection of Rohingya women as these acts do not specify for whom these acts should be relevant.

5.10. Conclusion

The above analysis shows that many legal instruments are adopted by international communities and UN agencies to address SGBV against women. Over the past decades, the UN agencies and their partner organisations have revised and adopted new laws and policies regarding SGBV against women keeping conformity with CEDAW and the Universal Declaration of Human Rights. However, gaps remain as many legal instruments do not have specific provisions to address SGBV against women and do not explicitly represent SGBV against women as a form of discrimination or violation of human rights. The definition and meaning attached to SGBV against women or refugee women also often vary from one legal instrument to another. Some legal provisions are extremely limited in their scope and need a further amendment to make them consistent with other legal provisions. Despite the shortcomings, these legal instruments (laws, policies, and treaties) collectively offer protection for refugee women under the humanitarian settlement. To enforce the rights of Rohingya women, these legal instruments must be applied by humanitarian organisations and actors working in camps for the Rohingya refugees.

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[490] Ministry of Women and Children Affairs, "Addressing Violence Against Women and Ensuring Women Empowerment," (Government of the People's Republic of Bangladesh, 2018). Accessed 7 February 2019, http://bdf2018.erd.gov.bd/wp-content/uploads/2018/01/BDF18-Addressing-Violence-Against-Women-and-Ensuring-Women-Empowerment-.pdf.

The application of these legal instruments and the protection of Rohingya women largely depends on the host country's political environment and legal provisions. As a host country, Bangladesh is not a signatory of the refugee convention, so the Rohingya refugees are not given all the rights granted to refugees under the convention. But Bangladesh's Constitution provides many rights to Rohingya women residing in Bangladesh. These rights include being safe from unlawful violence, receiving equal treatment with men in all aspects, having a fair trial and justice, and benefiting from special provisions taken only for women to increase and facilitate gender parity in leadership, governance, education, and employment etc.[491] In addition, Bangladesh is a signatory of many other international human rights treaties, and CEDAW is one of them to eliminate discrimination and violence against women, including refugees living within its territory.[492]

To deal with SGBV against women, Bangladesh has a series of domestic laws (acts), such as *the Domestic Violence Prevention Act*, *the Dowry Prohibition Act*, *the Prevention and Suppression of Human Trafficking Act*, and *the Prevention of Women and Children Repression Act* etc. These acts do not indicate jurisdiction over the area or person to which they should be applied. Therefore, the Rohingya refugee women are eligible for protection under these acts as per the constitutional rights granted to them, although lack of jurisdiction can sometimes lead to misassumption of the laws being only for citizens, not for all residents. Hence, although Bangladesh is not a signatory of the refugee convention, the domestic legal frameworks have scope for the humanitarian actors to take initiatives to prevent and protect Rohingya refugee women from SGBV. However, the mere existence of these legal instruments is not enough for the Rohingya women to have their rights or to be safe from SGBV. As discussed in chapter two,

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[491] Legislative and Parliamentary Affairs Division of Bangladesh, "The Constitution of the People's Republic of Bangladesh."

[492] United Nations Committee on the Elimination of Discrimination Against Women, "General Recommendation No. 28 on the Core Obligations of States Parties Under Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women."

field-level humanitarian actors' awareness of these legal instruments and how they understand and conceptualise the issue of SGBV also shape their actions or response to SGBV against refugee women. Applying Bacchi and Goodwin's[493] argument, it can be said that their perspective and understanding of an issue are influenced by local socio-cultural and political conditions and underlying presuppositions and often led by certain concepts generated by people in power to produce desired outcomes. The next chapter of this thesis, therefore, analyses the perspective of the field-level humanitarian actors' perspectives and actions taken in relation to SGBV against the Rohingya refugee women.

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[493] Bacchi and Goodwin, *Poststructural Policy Analysis: A Guide to Practice*, 7-8.

Chapter Six: Humanitarian Actors' Interpretation and Response to Violence against Rohingya Women

6.1. Introduction

The issue of sexual and gender-based violence (SGBV) against women exists in every country and society, but how it is constructed and dealt with is not the same. Like any other social phenomenon, how a person, a government, or an organisation construct, accept or solve it is conditioned by the social, historical, and legal context of that particular country or society.[494] As the legal context has already been discussed previously, this chapter analyses the humanitarian actors' perceptions, attitudes, and representation of SGBV against Rohingya women. As a source of information, the chapter draws upon the semi-structured interviews conducted with humanitarian actors of diverse backgrounds working with Rohingya refugee women in different sectors in Cox's Bazar Rohingya refugee camps, Bangladesh.

To analyse humanitarian actors' perceptions and representation of SGBV against refugee women, this chapter uses some of the questions suggested by Bacchi in the "what's the problem represented to be?" (WPR) approach to policy analysis. By using Bacchi's idea of analysing the representation of the problem, this chapter intends to find the answers to the following questions: how do the humanitarian actors represent the SGBV against Rohingya women in Bangladesh? What presuppositions or assumptions underpin their presentation of the problem? What types of violence have been highlighted more, and what kinds of violence have been mentioned less or made silent? And what effects are produced by this representation of the problem?[495] The chapter also attempts to draw a connection between the problematisation of SGBV and the initiatives undertaken to address it. Analysis of the humanitarian actors' representation of the problem of

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[494] Carol Bacchi and Malin Rönnblom, "Feminist Discursive Institutionalism - A Poststructural Alternative," *NORA - Nordic Journal of Feminist and Gender Research* 22, no. 3 (2014).

[495] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

SGBV against Rohingya women is significant as it shapes responses to the issue and the type of initiatives taken or will be taken in the future to deal with SGBV. In other words, what has been done or will be done to protect Rohingya women from violence is significantly shaped by how the humanitarian actors outline the problems. And every action or initiative that humanitarian actors undertake directly affects the lives of the Rohingya women living in the camps and the violence survivor women specifically.[496] Hence, in the following section, this chapter discusses the problem of SGBV against Rohingya refugee women in the eyes of humanitarian actors.

6.2. Violence against Rohingya Women

In the interviews, most of the participants were a little hesitant to talk openly about SGBV. Apart from a few, who worked directly with the gender-based violence protection team, most of the participants warned me that they might not be able to share their views on SGBV against Rohingya refugee women clearly. Such statements indicate that even the professionals working to address SGBV were hesitant to discuss it and considered open discussion of SGBV a social taboo. As Bacchi and Goodwin argue, their (humanitarian actors') attitudes or hesitation to discuss SGBV are influenced by their social system.[497] For example, discussing anything related to sex in the Bangladeshi social system is considered a lack of social modesty because sexual relationships outside marriage are socially, religiously, and even legally punishable offences to some extent.[498] To repress people's sexual desires with persons other than married partners, just talking about sex or simply saying the word sex in public is socially discouraged.[499] It is feared

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[496] Bosiljka Djikanovic et al., "Health Professionals' Perceptions of Intimate Partner Violence Against Women in Serbia: Opportunities and Barriers for Response Improvement," *Patient Education and Counseling* 80, no. 1 (2009): 88, https://doi.org/10.1016/j.pec.2009.09.028.

[497] Bacchi and Goodwin, *Poststructural Policy Analysis: A Guide to Practice*.

[498] Nelufer Yesmen and Md. Mazharul Hasan Nahid, "The Condition and Consequences of Adultery in Bangladesh," *Scholars International Journal of Law, Crime and Justice* 3, no. 1 (2020): 32.

[499] Amina Amin et al., "Documenting the Challenges of Conducting Research on Sexual and Reproductive Health and Rights (SRHR) of Persons With Disabilities in a Low and Middle Income Country Setting: Lessons From Bangladesh," *BMJ Global Health* 5 (2020): 3, https://doi.org/http://dx.doi.org/10.1136/bmjgh-2020-002904.

that discussing sex openly will generate an impression of condoning sexual behaviour outside marriage, or can motivate people to engage in sexual intimacy outside marriage.[500] As they were not comfortable discussing SGBV, initially, statements from respondents were incomplete and disorganised. After 10-15 minutes of conversation contextualising the topic, they tried their best to express their thoughts and understandings of SGBV against Rohingya women, drawing on many examples and background information. Nevertheless, four major categories of violence against Rohingya women emerged from the interviews: domestic violence, sexual violence, human trafficking for sexual purposes, and forced marriage, as discussed below:

Domestic Violence: According to participants, domestic violence is the most frequently reported to them. As many as 17 out of 21 participants mentioned domestic violence, saying they have either heard about or given services to a domestic violence survivor. According to *the Domestic Violence Prevention Act* of Bangladesh, as discussed in chapter five, domestic violence is a form of gender-based violence, which includes physical, sexual, or economic violence carried out by family members against women and children.[501] According to a study by Guglielmo et al., 14% of unmarried Rohingya girls in camps experienced slapping, hitting, and beating from a family member.[502] However, the participants mostly identified husbands and mother-in-laws as perpetrators of domestic violence. As 19 out of 21 participants said, domestic violence among the Rohingya refugees is largely limited to physically beating a wife by a husband, which increased greatly during the COVID-19 mobility restriction. For example, Shishir, one of the participants, mentioned, "even now, during this COVID-19 situation, intimate partner violence has increased a lot" (Shishir, interviewed 26.03.2021). Purnima, another interviewee, also confirmed that domestic

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[500] Suborna Camellia, Els Rommes, and Willy Jansen, "Beyond the Talking Imperative: The Value of Silence on Sexuality in Youth-Parents Relations in Bangladesh," *Global Public Health* 16, no. 5 (2021): 776.

[501] Ministry of Women and Children Affairs, "Domestic Violence (Prevention and Protection) Act, 2010," 11.

[502] Guglielmo, Mitu, and Seager, "'I Just Keep Quiet': Addressing the Challenges of Married Rohingya Girls and Creating Opportunities for Change," 1243.

violence in the form of intimate partner violence increased during the COVID-19 pandemic, which she found out from the COVID-19 impact assessment report conducted by her team (Purnima, interviewed 08.04.2021).

A considerable number of participants (8 out of 21) also mentioned that Rohingya women do not have decision-making power over any issues, including their reproductive health. According to them, Rohingya men make decisions on all family matters, including reproduction. Most men neither want to use condoms nor allow women to use contraceptives. Women are forced to have many children. A participant said, "if women want to use contraceptives, men always forbid them to use. If women disobey their husbands, they are divorced for not listening to their husbands. Hence, Rohingya women are terrified of their husbands. They always stay obedient to their husbands" (Bonani, interviewed 09.07.2021). Another interviewee, Imran, stated, "Rohingya women do not have rights to sexual and reproductive health after marriage. It is the husbands who make decisions on these issues. So, women cannot stop or abstain from reproducing children" (Imran, interviewed 13.07.2021).

Apart from physical violence and lack of control over reproductive health, Rohingya women can face the violence of many other types inside the house, including sexual violence. However, none of the humanitarian actor participants explicitly discussed sexual violence as a form of domestic violence. This could be because, as Bacchi argues, their understanding, perception and interpretation of domestic violence are shaped by the world around them, including but not limited to friends, families, social institutions, and religious beliefs.[503] In Bangladesh, violence against women, especially within the domestic spheres and between couples, is considered very normal, except in some circumstances where women are severely injured. People believe that husbands have the right to beat their wives even for minor mistakes such as

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[503] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

not cooking a proper meal.[504] Sexual violence or marital rape between couples is never imagined. Most people in Bangladesh believe that a husband's sexual needs must be met in marriage.[505] Having come from such a socio-cultural environment, the humanitarian actors probably did not think sexual violence carried out by family members, such as husbands, was a problem. However, they discussed the violation of reproductive health rights as a form of SGBV against Rohingya women. Such violence has become a problem not because it violates women's rights but because it causes rapid population growth in the camps. As stated in a news report, the Rohingya refugee camps in Bangladesh have more than 95 babies born every day, which worries the government of Bangladesh and its citizens.[506]

Sexual Violence: Sexual violence is any sexually driven act attempted or committed against a person without well-informed and voluntarily given consent or to a person who is unable to provide free consent or refuse. Examples include rape, forced prostitution, intentional sexual contact (touching), and non-contact sexual harassment such as sexual comments, verbal threats, and showing pornography.[507] The participants represented sexual violence against Rohingya women in the form of rape, and sexual harassment as something largely carried out by outsiders. Ten interviewed participants identified sexual violence, mainly in the form of rape, against Rohingya women, as highly prevalent. Perpetrators of such sexual violence include strangers, neighbours, community leaders such as *Maji*, and intimate partners from the Rohingya and host communities. As participants noted, most of the victims of sexual violence were women from

[504] Syeda Jesmin and Iftekhar Amin, "Impact of the Mass Media in Changing Attitudes Towards Violence Against Women in Bangladesh: Findings From a National Survey," *Journal of Family Violence* 32, no. 5 (2017): 525, https://doi.org/10.1007/s10896-016-9837-8.

[505] Md. Moyazzem Hossain et al., "Prevalence and Determinants of Wife-Beating in Bangladesh: Evidence From a Nationwide Survey," *BMC Psychiatry* 22, no. 9 (2022): 8. Accessed 25 August 2022, https://bmcpsychiatry.biomedcentral.com/track/pdf/10.1186/s12888-021-03652-x.pdf.

[506] Azad Majumder, "95 Newborns Each Day: Rohingya Baby Boom Worries Bangladesh," *La Prensa Latina* (Online), 19 April 2022, https://www.laprensalatina.com/95-newborns-each-day-rohingya-baby-boom-worries-bangladesh/.

[507] Basile et al., *Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements*, 11.

female-headed households and young unmarried women from comparatively poor family backgrounds. However, there was no rigorous statistical data available. As highlighted in a study conducted by Oxfam, about 12% of the newly arrived Rohingya refugees belong to female-headed households because of disability, death, missing, and abandonment of adult male family members.[508] A humanitarian actor participant stated, that these women become targets of many potential sexual predators due to not having male family members present at night. According to a report published by the United Nations (UN) in 2018, after 5 pm, the responsibility for camp administration is left to the Rohingya community leaders known as *Maji,* with few security personnel deployed in some hotspots, the place where many violent incidents such as murder took place. Instead of protecting the Rohingya women, the Rohingya *Majis* get involved in violence against them.[509]

However, most participants said that the rape complaints they received were usually a kind of consensual sex between unmarried couples in an intimate relationship, and therefore not a very serious issue. For example, Kalam, a humanitarian actor from the government department, said: "a couple have a sexual relationship, but later the man refuses their relationship, he refuses to marry the woman, he breaks his promises, and then it turns into a rape case. We have received reports of such rape cases" (Kalam, interviewed 28.03.2021). Islam identifies such sexual violence as date rape and argues that date rape is also widespread in Bangladesh, where many young women/girls are raped by their dating partners. In most cases, "the couples engage in sex on the promise from the male partner to get married soon".[510] Such sexual intercourse can be as brutal as rape committed by a stranger. However, according to the *Bangladesh Penal Code*

[508] Lulia Toma et al., *Rohingya Refugee Response Gender Analysis: Recongnizing and Responding to Gender Inequalities* (UK: Oxfam International, 2018), 11. Accessed 18 April 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/rr-rohingya-refugee-response-gender-analysis-010818-en.pdf.

[509] United Nations, *Sexual Violence in Conflict.*

[510] Shariful Islam, "An Overview of the Existent Rape Laws in Bangladesh: Need for Urgent Reformation and Change," *Green University Review of Social Sciences* 05, no. 02 (2019): 52.

Section 375, such an act of sexual activity is not considered rape, although consent is taken with deception and clandestine motives.[511] As Islam discusses in his article and confirmed by the participants, such sexual violence is drastically increasing in Rohingya refugee camps.[512] Taking advantage of Rohingya women's vulnerability and desperation for marriage, many men (could be fellow refugees and/or host communities) lure women into sexual acts with the false promise of marriage. The men leave the Rohingya women after they (women) become pregnant or after they (men) have found another woman of their choice. So, the humanitarian actors know it is violence and how it happens, but as pre-marital sex with a false promise does not fall under the legal definition of rape,[513] the humanitarian actors do not take it seriously. While most humanitarian actors consider perpetrators (the men) morally condemnable, some participants blame Rohingya women as being of bad moral character for engaging in sex without marriage and then claiming to be rape victims. This is because they have a socially constructed image of a good woman to be someone who never engages in a sexual relationship before marriage.[514] As Butler argues, such description or gendering of women is constitutive with effects.[515] For example, Rohingya women often refrain from reporting such violence to avoid the associated social stigma. Consequently, this encourages the perpetrators to continue with sexual violence without any criminal liability and punishment.

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[511] Legislative and Parliamentary Affairs Division, "Laws of Bangladesh: The Penal Code, 1860," (Government of the People's Republic of Bangladesh, 2019). Accessed 11 May 2022, http://bdlaws.minlaw.gov.bd/act-11/section-3231.html.

[512] Islam, "An Overview of the Existent Rape Laws in Bangladesh: Need for Urgent Reformation and Change."

[513] Islam, "An Overview of the Existent Rape Laws in Bangladesh: Need for Urgent Reformation and Change."

[514] Laila Ashrafun, *Women and Domestic Violence in Bangladesh: Seeking a Way Out of the Cage* (Milton: Taylor & Francis Group, 2018).

[515] Judith Butler, *Bodies That Matter: On the Discursive Limits of Sex*, Routledge Classics Series, (London: Taylor & Francis Group, 2011).

Trafficking: Trafficking of Rohingya women outside the camp is another form of sexual violence that many participants identified. Trafficking of Rohingya women in Bangladesh and abroad has been broadly highlighted in different news reports, as discussed in chapter four. Therefore, the trafficking of Rohingya women from the camps is a major problem in the camps. Simul, a female humanitarian actor, working with a UN agency, said many young women and children were missing from the camps: their whereabouts were unknown to their families. She believed that they must have been taken away by traffickers and sent secretly abroad or to other parts of Bangladesh. Most trafficking occurs with promises of a better life, marriage to a suitable groom, and a job in Bangladesh or abroad (Simul, interviewed 05.02.2021). According to Nasir, another humanitarian actor, Rohingya men living in Malaysia and the Middle East are largely responsible for Rohingya women being trafficked from the camps. He elaborated:

> Many Rohingya men living in those countries [Malaysia and Saudi Arabia] want to marry a Rohingya woman…from the camps. Many even get married over the phone. Then, through different brokers, they [Rohingya women] want to go there illegally by crossing the seas, which often leads to unexpected incidents (Nasir, interviewed 27.03.2021).

Therefore, Rohingya men and their prospective marriage proposals are causing the trafficking of Rohingya women from Bangladesh to abroad. He said he did not know any Rohingya woman, specifically, who was trafficked. His perspective or knowledge about the cause and consequences of the Rohingya women's trafficking was likely derived from news reports or popular discourse about the Rohingya community being dangerous and prone to get involved in illegal activities.[516] Simultaneously, it indicates that the Rohingya women are not only vulnerable victims of trafficking but active participants in the trafficking problem. The same participant further stated that the law enforcement agencies of Bangladesh were trying hard to prevent trafficking. But because of the

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[516] Mohammad Al-Masum Molla, "Refugee Camps: Crime Spikes While Rohingyas Despair," *The Daily Star* (Dhaka, Bangladesh), 17 May 2019, https://www.thedailystar.net/rohingya-crisis/news/refugee-camps-crime-spikes-while-rohingyas-despair-1744768.

Rohingya communities' active involvement in the trafficking process, it is difficult to prevent. There are many trafficked Rohingya women stranded abroad, but they could not be rescued because of a lack of proper guidelines from the government (Nasir, interviewed 27.03.2021).

His statement indicates that no law or policy is being applied or effective to rescue the trafficked Rohingya women from abroad. As discussed in chapter five, Bangladesh has a *Human Trafficking Prevention and Suppression Act*. The act makes human trafficking a punishable offence, and anyone found guilty of human trafficking will be punished with imprisonment and a fine; the act also has provisions for victims' rehabilitation.[517] However, the traffickers always remain out of reach of the law enforcement agencies, which lack sufficient evidence to prove their involvement with human trafficking. According to the act, to establish a trafficking case, the victim must prove in the court, beyond a reasonable doubt, that the accused led the victim to this journey by force or by deception with the intention of oppression,[518] which is next to impossible for a Rohingya victim to prove without strong external support. In addition, rescuing a victim from a foreign country requires a lot of financial costs and diplomatic arrangements. As Rohingya women are not Bangladeshi citizens, the application of this act to rescue a Rohingya victim from a foreign country is probably left to the discretion of government officers working in the diplomatic mission in that specific country.[519] Consequently, many Rohingya women trafficked abroad from Bangladesh have never been returned or reunited with their families in Bangladesh. The trafficking of Rohingya from camps is increasing, as many participants stated.

Forced Marriage: According to Article 16 (2) of the Universal Declaration of Human Rights, "marriage shall be entered into only with the free and full consent of the intending

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[517] Legislative and Parliamentary Affairs Division, "The Prevention and Suppression of Human Trafficking Act."

[518] Legislative and Parliamentary Affairs Division, "The Prevention and Suppression of Human Trafficking Act."

[519] Shiffat Sharmin and Abu Mohammad Atiqur Rahman, "Challenges in Combating Trafficking in Human Beings in South-Asia: Need for a Right-Based Approach," *Journal of the Indian Law Institute* 59, no. 3 (2017). Accessed 24 November 2018, https://www.jstor.org/stable/26826607?seq=23.

spouses".[520] A marriage that does not have full and free consent from both or anyone's parties without any duress constitutes forced marriage. Anyone can become a victim of forced marriage. However, forced marriage usually refers to child marriage because children are deemed incapable of giving full consent.[521] Gangoli et al. identify forced marriage as a form of SGBV because more women than men become victims of forced marriage and are likely to experience other related abuses as a result of the marriage, such as sexual abuse, rape, domestic violence etc.[522] As participants pointed out, forced marriage is also widespread among the Rohingya refugees living in the camps, although they explicitly did not mention the forced marriage of adult Rohingya women. They stressed the high prevalence of child marriage among the Rohingya refugee community and said most of the victims were Rohingya girls below 18 years of age. These girls were married off by their parents to an underage boy or a man who could be two to three times older than the girl and even more. According to the humanitarian actors, child marriage is socially and culturally supported in the Rohingya community because it relieves parents of the burden of looking after a girl child. For instance, Shakil, a humanitarian actor, said: "they [Rohingya women] are married early. Probably, it is one of their social concepts that if a father can marry off his daughter as early as possible at 15-16 years of age, he will become relieved of his burden and responsibility to look after a daughter" (Shakil, interviewed 26.02.2021). Having an unmarried daughter is a big concern for a family in camps because people in positions of power, such as *Majis*, continuously misuse their power and try to exploit women sexually. One interview participant said that "a *Maji* or a community leader often harasses a girl or a woman he

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[520] United Nations General Assembly, "Universal Declaration of Human Rights," (1948), 34. Accessed 12 December 2020, https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf.

[521] Aisha K. Gill and Sundari Anitha, "Framing Forced Marriage as a Form of Violence against Women," in *Forced Marriage: Introducing a Social Justice and Human Rights Perspective*, edited by Aisha K. Gill and Sundari Anitha (London: Zed Books, 2011), 5.

[522] Geetanjali Gangoli et al., "Understanding Forced Marriage: Definitions and Realities," in *Forced Marriage: Introducing a Social Justice and Human Rights Perspective*, edited by Aisha K. Gill and Sundari Anitha (London: Zed Books, 2011), 38.

likes. He uses his power and authority to pursue a woman or girl to accept an intimate relationship with him" (Dilruba, interviewed 27.07.2021). As Purnima, another humanitarian actor, argued, once a woman becomes pregnant in such a relationship, she usually has no choice but to marry the man (Purnima, interviewed 08.04.2021). In Bangladesh, getting pregnant outside wedlock is considered shameful for the family,[523] and such family honour is also strongly practised among the Rohingya community.

In Bangladesh, the marriage of a woman below 18 years of age and a man below 21 years of age is criminalised under *the Child Marriage Restraint Act*.[524] It is a domestic act meant for Bangladeshis only, but as long as the Rohingya live in Bangladesh territory, they must behave as per the Constitution of Bangladesh.[525] But, Imran, a government official, said that the application of the act is not fully effective in the camp as most child marriages take place secretly without the knowledge of law enforcement agencies (Imran, interviewed 13.07.2021).

Most participants identified child marriage as one of the major contributing factors to domestic violence against Rohingya women in the camp. Some humanitarian actors also viewed it as a problem because it contributed to rapid population growth in the camp. For example, Khan, a humanitarian actor, described the problem of child marriage in the following way:

Another big problem in the camp is that the population is increasing very rapidly. As I told you, Rohingya women are very fertile. Child marriage is one of the major causes of enhanced fertility. As soon as a girl reaches puberty, her parents keep looking for a groom to marry her off. As a result, by the time they are 25 years of age, they become a mother of five children as they give birth to one child per year. They do not want to follow any birth

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[523] Yesmen and Nahid, "The Condition and Consequences of Adultery in Bangladesh."

[524] Ministry of Women and Children Affairs, "Addressing Violence Against Women and Ensuring Women Empowerment."

[525] Legislative and Parliamentary Affairs Division of Bangladesh, "The Constitution of the People's Republic of Bangladesh."

control guidelines. If we ask them about family planning, they say that children are gifts from Allah, and they do not need family planning (Khan, interviewed 28.07.2021).

Such views indicate that child marriage is a problem not because it violates women's rights to marriage with full and free consent or entails domestic violence against women[526] but because it contributes to rapid population growth in the camps. Bangladesh is an overpopulated country, but people in Bangladesh still want to have children. To them, not having children is a problem for family inheritance, lineage, and prosperity. A couple without a child is always stigmatised.[527] But unlike the growth of the Bangladeshi population, the population growth among Rohingya is a problem because they are not part of the nation and are considered threats and burdens to Bangladesh. It is seen as more of a problem because the Rohingya women do not follow family planning instructions given by the humanitarian organisations, which challenges the Bangladeshi authorities' effort to govern the Rohingya and keep them under control.

In summary, violence against Rohingya refugee women in the form of domestic violence, sexual violence, trafficking, and forced marriage is widespread. These forms of SGBV against refugees have also been identified in chapter two, the literature review, in different kinds of literature based on the study of the refugee situation in other contexts. However, in this study, participants have identified domestic violence as being carried out by husbands in the form of physical beating and not allowing Rohingya women to decide on their reproductive health. The participants did not mention anything about sexual violence carried out by family members. In participants' understanding, sexual violence is a form of violence carried out by non-family members, and Rohingya women are trafficked from the camps mostly for marriage purposes. In addition, forced marriage in the form of child marriage is widespread, which the majority of the participants believed to be culturally oriented and a problem not because it violates the rights of

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[526] United Nations General Assembly, "Universal Declaration of Human Rights," 34.

[527] Papreen Nahar, *Childlessness in Bangladesh: Intersectionality, Sufferings and Resilience* (London & New York: Routledge, 2022).

Rohingya women but because it contributes to the rapid growth of the refugee population in the camps.

6.3. Causes of Violence against Rohingya Women

The participants identified several contributing factors to SGBV against Rohingya refugee women. In almost all of the causes of violence identified, the Rohingya women, men, or their cultural practices were seen as influencing factors with little attention to the camp structure and humanitarian administration system. The most commonly identified causes of violence are polygamy, conservative society, idleness and frustration, and physical insecurity of camps.

Polygamy: The practice of polygamy among the Rohingya refugee community was identified as one of the major causes of violence against Rohingya women, especially domestic violence. The participants shared that polygamy is widespread among the Rohingya refugee community. After marrying a new wife, the husbands abandon their former wives and children and do not take or stay connected with them. Often, the husbands collect all the family rations and do not give or give only a minimal amount of the rations to the first wives and children. This generates conflict between husband and wife and between wives. According to Nasir, a humanitarian actor participant, some Rohingya women do not want their husbands to have another wife; they argue with their husbands and complain about their husbands to a CiC. The CiC tried to stop polygamy, but because of not having any national law, polygamy could not be fully prevented in the camps. The women who complain against their husbands become victims of further retaliation at home (Nasir, interviewed 27.03.2021). Although polygamy is a cause of violence against Rohingya women, it is a problem contributed to by many other factors.

According to a newspaper report, one of the main reasons for increasing polygamy among the Rohingya in the camps is the numerical imbalance between women and men. Many Rohingya men were killed by armies in Myanmar. The wives or female family members of these men travelled to Bangladesh. Women in general, and women from female-headed households in

particular, constantly fear being sexually harassed or raped. As such, women often agree or are forced to decide to become a man's second/third/fourth wife with the hope of having increased security in the camps, which in most cases is not guaranteed.[528] Some interview participants shared this perspective. Uddin also identifies insecurity and survival as causes for increased polygamy and inter-ethnic marriage between Rohingya and the Bengali host community.[529]

However, other humanitarian actor participants represented the Rohingya community's religious beliefs and practices as problems and main contributing factors to polygamy. For example, David, one of the participants, argued that many Rohingya men married multiple wives. Many Rohingya women permitted their husbands to do so because they believed in a religion that allows a man to have a maximum of four wives (David, interviewed 31.07.2021). Regarding polygamy, the Islamic marriage law says that the man must have voluntary consent from his existing wife/wives.[530] Participants shared that, in practice, consent hardly exists among the Rohingya community. As Khan points out in her article, most of the time, the first wife does not know about her husband's second marriage as he secretly marries another woman in a different camp.[531] Because of engaging in polygamy without consent from the first wife or previous wives, the humanitarian actors usually identify Rohingya as illiterate and suggest they are not good Muslims. For example, Imran, a humanitarian actor participant, argued that the Rohingya are not good or genuine Muslims because their belief in Islam is shaped by verbal misinterpretation of the religion without ever reading the Quran or other Islamic religious books. Hence, the Rohingya are engaging in polygamy as "somehow and by someone, they have been told that a Muslim man

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[528] Maliha Khan, "Polygamy in the CAMPS," *The Daily Star* (Dhaka, Bangladesh), 2 August 2019, https://www.thedailystar.net/star-weekend/news/polygamy-the-camps-1780255.

[529] Uddin, "The Meaning of Marriage to the Rohingya Refugees, and their Survival in Bangladesh," 2046-2050.

[530] Legislative and Parliamentary Affairs Division, "The Muslim Family Laws Ordinance, 1961 " (Government of the People's Republic of Bangladesh, 2019). Accessed 3 September 2022, http://bdlaws.minlaw.gov.bd/act-305/section-13538.html.

[531] Khan, "Polygamy in the CAMPS."

can marry up to four wives, and so they have accepted it as their religious right and duty to marry up to four wives" (Imran, interviewed 13.07.2021). Khan, another participant, said that Rohingyas were getting involved in polygamy only in Bangladesh because Bangladesh is a Muslim country and a democratic country that allows people to have freedom. He said, taking the chance of this flexibility, a group of Rohingya leaders were using religious sentiments and advocating for their religious rights, including the right to have up to four wives simultaneously to enjoy the benefits of having multiple wives. So, he suggested that the Bangladeshi government should take a tougher policy action like Myanmar did, where Rohingya were not even allowed to marry one in a timely manner, let alone have multiple wives (Khan, interviewed 28.07.2021).

Irrespective of the causes, polygamy is presented as one of the main problems and causes of SGBV against Rohingya women in Bangladesh. For engaging in polygamy, most humanitarian actors identified the Rohingya as not proper Muslims, aggressive and selfish. As Bacchi argues, these are not only words but also discourse and construction of Rohingya's identity.[532] Such identity constructions indicate the Rohingya as 'others', illiterate and uncivilised, and they do not share the same religious ideology with Bangladeshi people, as indicated by their involvement in polygamy. This raises the issue of their (Rohingya) compatibility with Bangladeshi culture and worthiness to be in Bangladesh.

Conservative Society: Apart from polygamy, the participants also referred to cultural practices and behaviours to explain the causes of many other forms of SGBV against Rohingya women. For example, Imran, a humanitarian actor, said: "Rohingya women do not want to talk much. They think and try to represent themselves as pious or religious-minded as per religious laws; the position of a husband is above his wife/wives. So, they often think a husband has the right to beat and control his wife" (Imran, interviewed 13.07.2021). Another interviewee, Nasir (interviewed 27.03.2021), claimed that the Rohingya women have restricted mobility because of

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[532] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

their religion and culture. The Rohingya women are allowed to leave their house only in some unavoidable cases, and even then, only with *Burqa.* Women are compelled to accept anything said and done to them by their male family members, including immobility, involvement with income-earning jobs, and childbearing. Shakil, another interviewee, identified the religious practice of Rohingya as the main problem behind SGBV against Rohingya women. Rohingya women "do not want to have an abortion if they become pregnant, irrespective of women's health and financial conditions. They have a common belief that if Allah sends a mouth, Allah will feed the mouth too" (Shakil, interviewed 26.02.2021). In her view, having such a blind belief in God indicates a lack of proper education, as only uneducated and conservative people can have such a belief.

Idleness and Frustration: Some humanitarian actors also believed that idleness, frustration, and anger contribute to violence against Rohingya women in the camps. As participants explained and confirmed by research by Karin, Chowdhury and Shamim, camps are overcrowded, and the Rohingya men do not have any employment opportunities. They do not have any mobility permission outside the camps.[533] Hence, as Simul (a humanitarian actor) argued, idleness without any job causes frustration and anger, especially among Rohingya men, while Rohingya women can still be busy doing household work and looking after the children. Rohingya men try to show their masculinity and superiority by carrying out domestic violence and harassing women and girls in the neighbourhood. Changes in gender social roles and frustration have been found to contribute to SGBV against women in other refugee camp situations as well. For example, among Syrian Refugees living in Jordan, violence against women increased as frustration intensified among Syrian refugee men.[534] According to David, another humanitarian actor, violence against women is very intense in the Rohingya refugee context because Rohingya

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[533] Karin, Chowdhury, and Shamim, "Status of Rohingya Refugees in Bangladesh: A Comparative Study With Emphasis on Aspects of Women and Girls in Camps of Kutupalong, Cox's Bazar, Bangladesh," 8.

[534] Sami et al., "Responding to the Syrian Crisis: The Needs of Women and Girls."

are frustrated and mentally unsettled. They are extremely aggressive and abusive in their daily life. They do not have the tolerance to accept different opinions, which is one of the reasons for violence against women in the camp (David, interviewed 31.07.2021). Violence is also taking place to a great extent because men are often involved in drug consumption to cope with their frustration and idleness, as Kalam, another participant, stated. They forcefully or secretly take away the family ration card and lease it to other people in the camps for months or years in return for a considerable lump sum of money which they use to do drug business. They themselves are also drug addicts, and consumption of Methamphetamine, locally known as *YABA (*sexually stimulant drug)*,* is quite common among men, which also causes domestic violence in the family (Kalam, interviewed 28.03.2021).

Some humanitarian actor participants viewed violence as a normal part of Rohingya refugee women's lives, while others had strong condemnation against them. For example, when I asked about the causes of domestic violence against Rohingya refugee women, Shishir (interviewed 26.03.2021), a participant who works with a UN agency in Cox's Bazar Rohingya refugee camp, responded in a way indicating that violence against Rohingya women is normal. He said:

> These Rohingya men sit idle the entire day, so what will they do? They do not go outside. They go nowhere; they are left in camps. They collect food rations, and at night, they return home, and the only space for ventilation is their wives or other family members. And so whatever needs to happen, happens (Shishir, interviewed 26.03.2021).

As found in the literature of Turner, Akther, Kusakbe[535] and participants' opinions, frustration and idleness increase violence against refugee women in any camp situation, as is also happening in the Rohingya refugee context. However, taking or framing SGBV as a normal part of refugee lives

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[535] Akhter and Kusakabe, "Gender-Based Violence among Documented Rohingya Refugees in Bangladesh," 238.

in camps is problematic[536] because it has the potential to hinder or discourage any preventive measures put in place to address it.

Physical Insecurity of Camps: Dijkhorst and Vonhof state that the lack of adequate and appropriate facilities such as toilets, water collection points, bathing facilities, and enough lighting in the camps can make women vulnerable to violence.[537] However, in this study, remarkably few humanitarian actors identified the lack of adequate facilities, especially the lack of street lighting, as a contributing factor to violence against Rohingya women. About this, Khan, one of the humanitarian actor participants, pointed out that Rohingya women face sexual violence at night because the camps are dark. There are still many camps that do not have an electricity supply. Women of these camps experience violence while accessing toilet facilities at night as the streets are dark and there are no individual toilet facilities for a Rohingya family in the camp. They must use combined public toilets located far away from the tents (Khan, interviewed 28.07.2021). Other than Khan, most humanitarian actors ignored the physical insecurity of camps as one of the contributing factors to violence.

In summary, from the above discussion, it can be said that violence against Rohingya women is mainly attributed to Rohingya socio-cultural practices and past violent experiences. Very few participants identified a lack of camp design and structural violence stemming from the encampment, including idleness because of being unable to find a job outside camps, as contributing factors to violence. The majority think that the Rohingya community is the problem and responsible for the violence. In their views, the Rohingya are not genuine Muslims but illiterate, conservative, and superstitious. Following Bacchi's argument that problems are created based on some presupposition, and problematisation determines what actions a state or

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[536] Carol Bacchi, *Women, Policy and Politics: The Construction of Policy Problems* (London, Thousand Oaks & New Delhi: SAGE Publications, 1999).

[537] Dijkhorst and Vonhof, Gender and Humanitarian Aid: A Literature Review of Policy and Practice.

organisation takes,[538] the following section investigates the influences of the existing problematisation by analysing the GBV-related interventions undertaken by the humanitarian organisations/actors in the Rohingya refugee camps.

6.4. Interventions to Deal with SGBV

According to Inter-Sector Inter-Agency Standing Committee (IASC) guidelines for SGBV intervention in humanitarian settings, "all humanitarian actors must take action from the earliest stages of an emergency to prevent sexual violence and provide appropriate assistance to survivors".[539] This recommendation is applied irrespective of the high or low prevalence of SGBV. This recommendation is made from the assumption that GBV is not appropriately quantifiable as many cases are not reported to the service providers. Hence, irrespective of available data, lifesaving services must be in every humanitarian context, and "violence must be assumed to be happening".[540] Regardless of the humanitarian actors' beliefs and perspectives on SGBV, these guidelines are more or less followed in all humanitarian response programs worldwide.

In Cox's Bazar Rohingya refugee camps, the humanitarian organisations have taken GBV programming as one of their main humanitarian response projects, alongside WASH, food service, education, livelihood, security, etc. Multiple organisations are involved in implementing different types of GBV projects under the funding of UN agencies and international non-government organisations (INGOs). All the GBV interventions are coordinated under the GBV sub-sector of the protection unit and led by the United Nations Population Fund (UNFPA), as

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[538] Bacchi, *Women, Policy and Politics: The Construction of Policy Problems*, 2.

[539] Inter-Agency Standing Committee, "Guidelines for Gender-Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies," (2005), 1. Accessed 20 January 2022, https://www.who.int/hac/techguidance/pht/GBVGuidelines08.28.05.pdf.

[540] Aisha Bain and Marie-France Guimond, "Impacting the Lives of Survivors: Using Service-Based Data in GBV Programmes," *Humanitarian Exchange: Gender-Based Violence in Emergencies*, no. 60 (2014): 16, Overseas Development Institute. Accessed 12 January 2022, https://odihpn.org/magazine/tackling-gender-based-violence-in-emergencies-what-works/.

participants stated and as found in the literature.[541] Most participants interviewed were aware of or direct implementers of some SGBV preventive interventions currently undertaken in the camps. All activities undertaken in relation to SGBV can be divided into three broader categories: risk mitigation, prevention, and response. Details of these activities are discussed below.

Risk Mitigation: This intervention includes activities undertaken to reduce the risk of Rohingya women's exposure to violence. According to the IASC guideline, risk mitigation in humanitarian responses in camps includes delivering aid in the areas that cause or increase the likelihood of GBV and considering women and girls' risk in program design and implementation. The risk should be identified with an assessment involving the experts and the women to see the risks from their perspectives.[542] In the Rohingya refugee context, humanitarian organisations have installed streetlights, solar panels, and bathing and toilet facilities to reduce the risk of Rohingya women's exposure to violence. For example, the Asian Development Bank set up 300 toilets, bathing facilities, and 6,000 solar lights across the camps.[543] Arnab, a humanitarian actor, involved with the construction project, claimed that violence against women has reduced to some extent in the camps because of these facilities (Arnab, interviewed 06.02.2021). However, as found in the literature and mentioned above, many areas in the camps still do not have sufficient solar lights and bathing facilities.[544]

In addition, SGBV risk identification and mitigation have been mainly focused on mitigating physical risk. Risk mitigation has not been integrated into any other sector. Bacchi argues that

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[541] Goodman and Mahmood, "The Rohingya Refugee Crisis of Bangladesh: Gender-Based Violence and the Humanitarian Response."

[542] Inter-Agency Standing Committee, "Guidelines for Gender-Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies," 1.

[543] Asian Development Bank, *Emergency Assistance in Bangladesh* (2020). Accessed 12 July 2022, https://www.adb.org/results/emergency-assistance-bangladesh.

[544] Mohammad Ali and Shishir Kumar Biswas, "Functionality Analysis of Sanitation Options in Rohingya Camps in Cox's Bazar of Bangladesh," *International Journal of Science and Research* 6, no. 3 (2020).

how a problem is represented influences how the solution to that problem is sought.[545] Applying this argument, it can be stated that the lack of integration of SGBV risk mitigation across all sectors of humanitarian response was influenced by their narrow conceptualisation of SGBV, their failure to connect SGBV against Rohingya women with structural violence or other aspects of humanitarian response programs. Hence, they do not consider SGBV risk mitigation should be integrated or relevant to any other issues. As a result, the humanitarian actors working in different sectors of the response programs besides GBV are not given any training related to GBV, although many of them have been working in the camps since the beginning of the new Rohingya refugee crisis in 2017. For example, Thakur, a humanitarian actor, claimed that he had not received any GBV-related training, although he had worked with a humanitarian organisation for more than three years as a field operation manager since the beginning of the crisis. The organisation he was involved with was prominently known as one of the GBV service-oriented organisations in the camps. He said, "our organisation has year-round training and awareness-raising sessions for staff and refugees, and I mainly look after field operation and administration issues. So, I did not receive any GBV training" (Thakur, interview 10.02.2021). Similarly, none of the other staff interviewed for this study who were not specifically working for GBV programming had received any GBV-related training, although their roles and responsibilities have the potential to facilitate or reduce the risk of Rohingya women's vulnerability to violence. Hence, it indicates that GBV risk mitigation is still treated to be under the remit of GBV programming, not something that should be integrated in the entire humanitarian response mechanism.[546] Therefore, more still needs to be done to ensure GBV risk mitigation is incorporated in all sectors of humanitarian response in Cox's Bazar.

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[545] Bacchi, *Women, Policy and Politics: The Construction of Policy Problems*.

[546] Freedman, "Mainstreaming Gender in Refugee Protection," 594.

Prevention: GBV prevention initiatives seek to stop acts of violence before they occur. Buscher argues that prevention is less understood and receives less attention in humanitarian contexts as it is complex and not tangible.[547] Traditionally, in emergency and humanitarian settings, the focus was on short-term activities that mitigate women's risk of violence and aftermath services to support survivors after violence. Prevention involves behaviour change, it takes a long time to have an effect, and prevention is therefore considered unsuitable for an acute emergency. Despite this traditional de-prioritisation, prevention has received increased attention from humanitarian organisations and actors in contexts where the emergency becomes a protracted humanitarian situation,[548] as is happening with the Cox's Bazar Rohingya refugee camps.

Across the globe, humanitarian organisations have adopted many popular SGBV prevention programs such as START, Awareness, Support and Action (SASA), Steppingstone, Unit for Better Life, and Engaging Men through Accountable Practice. Development organisations use these SGBV prevention models in non-conflict settings. The impact of these models in an emergency settlement in camps is still unknown.[549] In Cox's Rohingya refugee camps, a few organisations have introduced the SASA as a GBV prevention model, while the majority have prevention measures that focus on educating people about GBV through a series of awareness-raising sessions and day observations (community events) such as International Women's Day, Human Rights Day, and 16 Days Activism Campaigns against Violence against Women. The 16 Days Activism Campaign is the global campaign to end violence against women held from 15

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[547] Dale Buscher, "Preventing Gender-Based Violence: Getting it Right," *Humanitarian Exchange: Gender-Based Violence in Emergencies*, 2014, 13, Humanitarian Practice Network. Accessed 11 January 2022, https://odihpn.org/magazine/tackling-gender-based-violence-in-emergencies-what-works/.

[548] Inter-Agency Standing Committee, "Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action."

[549] Tanya Abramsky et al., "Ecological Pathways to Prevention: How Does the SASA! Community Mobilisation Model Work to Prevent Physical Intimate Partner Violence Against Women?," *BMC Public Health* 16, no. 1 (2016), https://doi.org/10.1186/s12889-016-3018-9.

November to 10 December every year. The campaign was first introduced in 1991 by the Global Women Leadership Institute. Individuals and organisations across the globe use it as a strategy to call for preventing and eliminating violence against women and girls. In support of this civil effort, the UN Secretary-General calls for global action to raise awareness and share information against violence against women.[550]

The regular community-level awareness-raising sessions are conducted monthly or bi-monthly by community outreach workers or volunteers recruited from the refugee community by humanitarian organisations. As participants mentioned, this approach has been adopted by almost all humanitarian organisations working on GBV in the Rohingya refugee camps. It has become immensely popular among humanitarian organisations and actors who view the Rohingya refugee community and their conservative social system as contributing factors to GBV against Rohingya women. For example, Shahnaj, a humanitarian actor participant, stated that she believed violence against Rohingya refugee women was less reported because most of the time, the refugees "did not consider it as violence" (Shahnaj, interviewed 23.03.2021). Hence, they wanted to conduct awareness-raising sessions to achieve desired outcomes: to make people aware of violence and increase violence reporting. As well as the women, the sessions also include men, religious leaders, and community leaders because the humanitarian actors assume the entire Rohingya community to be problematic and conservative.[551] As Chandrani, another humanitarian actor participant, said Rohingya men are the "gatekeepers of patriarchy". Hence, they need to be educated to think wisely before acting or doing any harm to women and not cause any problems to their project implementation. If the men, especially "the Imams [religious leaders], are not included in a project, they will act as barriers, and the general camp residents will not

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[550] United Nations Women, *16 Days of Activism Against Gender-Based Violence* (n.d.). Accessed 15 January 2022, https://www.unwomen.org/en/what-we-do/ending-violence-against-women/take-action/16-days-of-activism.

[551] Guglielmi, Mitu, and Seager, "'I Just Keep Quiet': Addressing the Challenges of Married Rohingya Girls and Creating Opportunities for Change," 6.

participate in the project" (Chandrani, interviewed 10.07.2021). This statement indicates that the Rohingya men are dominating and potential threats to the effective implementation of a humanitarian response project in the camp because they are backward, conservative, and religiously influenced.[552] Because of such assumptions about Rohingya men, the community-level awareness-raising approach is perceived among humanitarian actors as a promising approach to preventing and addressing violence against women.[553] Among the interviewed participants, 10 said their organisations had taken the community-level awareness-raising approach to prevent gender-based violence against women.

As the majority of these participants confirmed, due to the awareness-raising sessions, the Rohingya community people have become aware of SGBV, and that SGBV in the form of child marriage and domestic violence is a punishable crime according to the country's Women and Children Repression Act.[554] Imran, a senior-level government official, working in the camp for three years, said that because of the awareness-raising sessions, the Rohingya had learned more about the Bangladeshi legal system and Islam. As a result, their thinking and understanding of SGBV deepened, which contributed to reducing polygamy among the Rohingya to a great extent (Imran, interviewed 13.07.2021). A report on Bangladesh by an NGO called Bangladesh Rural Advancement Committee (BRAC) also mentions positive outcomes of the community level awareness raising sessions on their website.[555] Echoing this message, some participants claimed there was increased violence reporting because of awareness-raising sessions. Through community-level awareness-raising sessions, they informed Rohingya about where to report

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[552] Turner, "Victims of Chaos and Subaltern Sexualities?: Some Reflections on Common Assumptions About Displacement and the Prevalence of Sexual and Gender-Based Violence."

[553] Bacchi, *Women, Policy and Politics: The Construction of Policy Problems*.

[554] Ministry of Law and Justice and Parliamentary Affairs, "Women and Children Repression Act 2000."

[555] Sarah Allen, *World Refugee Day 2021: Men and Boys Step Up to End Violence Against Rohingya Women*, Bangladesh Rural Advancement Committee (2021). Accessed 12 July 2022, https://bracusa.org/world-refugee-day-2021-men-and-boy-step-up-to-end-violence-against-rohingya-women/.

violence against women incidents, what needs to be done to avoid violence, and what kind of medical or other services are available for a violence survivor woman. For example, Nasir, an international expert on women's health with a UN agency, said:

> Before, when women faced SGBV, they did not know where and how to complain. Or even they did not think that a complaint was necessary, or a complaint could be made. Now, they know that if something like that happens, they will get some services/support if they come to us. In addition, they did not know that intimate partner violence was, in fact, violence. They used to think that if they had a husband, it was normal that a husband would beat them (Nasir, interviewed 27.03.2021).

Participants also suggested that because of awareness-raising sessions, Rohingya women's mobility outside the house and involvement in income-generating activities increased. Purnima, a senior-level gender expert of an international NGO, said that in the initial stage, Rohingya "women did not go out; they could not think of working outside of home. Now they attend awareness-raising sessions, work in the vegetable market inside the camps, and in the Cash for Work Program as day labourers" (Purnima, interviewed 08.04.2021). However, these claims were made based on assumptions as there is no formal study conducted on the impact of these awareness-raising sessions. According to Bacchi, how people or a government represent an issue is central to governance and supported by some underlying assumption.[556] Similarly, in this case, humanitarian actors' representation or claim of the awareness-raising program as an effective approach to violence prevention supports their governance of refugees, their presence and activities in the camps. Hence, without any formal study conducted, most humanitarian actors confidently claimed the approach to be effective.

Only two research participants, such as Chandrani (interviewed 10.07.2021) and Thakur (interviewed 10.02.2021), who worked for a UN agency and an INGO, respectively, claimed that

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[556] Bacchi, *Women, Policy and Politics: The Construction of Policy Problems*, 1-5.

positive changes that took place in the camps in relation to SGBV were very minimal compared to the awareness-raising efforts that had been made. They suggested that the awareness-raising sessions should be redesigned. As Chandrani said, most awareness-raising sessions have not been designed based on the needs of the community and leave little scope for attendees to have their say. "Instead of inviting people in a meeting and giving them a lecture, the focus should be more on listening to the participants, asking them about their needs and demands" (Chandrani, interviewed 10.07.2021). Lack of interaction in the session means that the challenges or lived experiences and needs of the Rohingya women are not adequately heard or integrated into the program design.[557] Therefore, the prevention programs function mainly as something designed based on a top-down approach, one size fits all, and does not necessarily meet the needs of the women.[558] Research conducted by Thompson et al. in other humanitarian settings finds that an awareness-raising session "does not change people's attitudes, behaviour or action unless it is participatory, draws on participants' experience, teaches them induction and analysis, provides practical skills and involves them in formulating solutions".[559] As a result, the Rohingya refugee women find it difficult to follow what they are told in the awareness-raising session; details of their perspectives are discussed in the next chapter.

Apart from prevention activities, the humanitarian actors, in coordination with the government camp authority, have introduced a birth, death, and marriage registration system to prevent violence against women, such as forced marriage and child marriage.[560] In 2018, the government officials working in the camps, known as Camp-in-Charges (CiCs), were given the

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[557] Independent, "We Still Aren't Doing Enough to Tackle Gender-Based Violence Against Rohingya Women and Children."

[558] Wirtz, "The Inhumanity of Humanitarian Aid: Gender and Violence in a Kenyan Refugee Camp," 108.

[559] Martha Thompson, Mary Okumu, and Atema Eclai, "Building a Web of Protection in Darfur," *Humanitarian Exchange: Gender-Based Violence in Emergencies*, 2014, 26, Humanitarian Practice Network. Accessed 12 December 2021, https://odihpn.org/magazine/tackling-gender-based-violence-in-emergencies-what-works/.

[560] Goodman and Mahmood, "The Rohingya Refugee Crisis of Bangladesh: Gender-Based Violence and the Humanitarian Response."

responsibility of marriage and divorce registration. The government officials, jointly with non-government humanitarian organisations, developed the registration system. Currently, Rohingya are required to get permission and be registered by the CiC office for marriage or divorce.[561] The research participants portrayed this marriage and divorce control as a system/mechanism to protect the rights of spouses, especially of women and children. The humanitarian actors perceived that allowing marriage freely through their religious leaders within the Rohingya community increased child marriage and polygamy without consent from the previous wife. Because of the marriage registration system in place, child marriage and polygamy had been reduced to a great extent as the CiCs never permit child marriage, or polygamy without prior consent from the existing wife/wives. However, Uddin found that marriage registration is not fully effective in the camps, and marriage with religious ceremonies still takes place in the camps secretly.[562]

Khan, a humanitarian actor who worked in the camp for two years coordinating the GBV program, believed that the introduction of the marriage and divorce registration system might have increased intimate partner violence. Due to the lack of impact assessment, he did not claim his assumption to be accurate but presented an important explanation to consider. He argued that according to Bangladesh Muslim marriage law, which is also enforced in the Rohingya refugee camp, a man could not marry another woman if voluntary consent is not provided by his existing wife/wives. Any additional marriage without voluntary consent from the man's (husband) existing wife will not be recognised legally. Despite this rule, Rohingya men marry informally with the help of religious leaders, and to legalise their second marriage, the husband may force the first wife for a consent statement or letter, which sometimes involves physical and sexual violence and verbal threats. Khan indicated that the marriage registration system practised in the camps is

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[561] Guglielmi, Mitu, and Seager, "'I Just Keep Quiet': Addressing the Challenges of Married Rohingya Girls and Creating Opportunities for Change."

[562] Uddin, "The Meaning of Marriage to the Rohingya Refugees, and their Survival in Bangladesh," 2049.

inadequate to handle polygamy and prevent women from domestic violence. If consistently

applied, it can prevent child marriage and forced marriage, but not polygamy. As stated in a report

by Human Rights Watch, the system embraces polygamy for men with the procedural condition

that cannot be adequately enforced due to a lack of a mechanism to ensure they do not cause

harm to women.[563]

Service Provisions: According to the IASC guideline on GBV, providing accessible and

survivor-centred services to help women and girls after an incident of violence is essential to GBV

interventions. A Survivor Centred Approach aims to "ensure a supportive environment in which

each survivor's rights are respected, and the person is treated with dignity and respect".[564] Like

in other refugee contexts, these services are offered to Rohingya women survivors of violence

through a case management process. Research participants informed me that if a woman

experiences violence, she can report it to the case management officer for necessary support.

Numerous organisations, including the United Nations High Commissioner for Refugees

(UNHCR), International Organisations for Migration (IOM), UN Women, Technical Assistance

International (TAI) Social Foundation, BRAC, and the Ministry of Women and Children Affairs

(MWCA) of Bangladesh, provide case management services in the camps.[565]

Case management involves a survivor or victim reporting a violent incident to a case

management officer. As the participants shared, the Rohingya women are informed of the case

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[563] Human Rights Watch, *"Will I Get My Dues … Before I Die?": Harm to Women From Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce* (2012). Accessed 8 February 2022, https://www.hrw.org/report/2012/09/17/will-i-get-my-dues-i-die/harm-women-bangladeshs-discriminatory-laws-marriage.

[564] Inter-Agency Standing Committee, *Interagency Gender-Based Violence Case Management Guidelines: Providing Care and Case Management Services to Gender-Based Violence Survivors in Humanitarian Settings* (2017), 17. Accessed 27 March 2022, https://reliefweb.int/report/world/interagency-gender-based-violence-case-management-guidelines?gclid=CjwKCAiAo4OQBhBBEiwA5KWu__mE3RbtAehC50qiAOa6M0WaNceKR-BotSenOVzXTg2jaPQVOptioRoCadwQAvD_BwE.

[565] Goodman and Mahmood, "The Rohingya Refugee Crisis of Bangladesh: Gender-Based Violence and the Humanitarian Response."

management service through volunteers who work as community outreach workers to raise awareness of GBV and serve as the first point of contact for the Rohingya women who need support services. In addition, research participants said they had established several *Shanti Khana* (Peace Centres) in the camps to facilitate Rohingya women's entry or access to case management services and referral pathways. According to them, almost every camp block has a *Shanti Khana* (Peace Centre), providing a secure space for women to spend leisure time. Some of the rooms of the centre are also used for training, psycho-social counselling, and case management services. According to a participant, who worked in refugee camps for three years as an SGBV coordinator with a UN agency, case management service is "about doing needs assessment of a violence survivor-woman and linking her with relevant service providers. It focuses on her own individual needs, on her skill development and coping mechanism and developing safety mechanism" (Chandrani, interviewed 10.07.2021). Participants directly involved with case management services emphasised maintaining the confidentiality and working on a Survivor Centre Approach, as stated by Kalam, another participant who had been working as GBV program manager with an INGO since 2017. In describing the Survivor Centre Approach, he said, "we do whatever a survivor wants us to do, and we empower her in decision-making. We provide her with all the information…We never decide for a survivor; we help a survivor make her own decision" (Kalam, interviewed 28.03.2021). This statement suggests that the survivors can make their own decision, and the case management officers are there only to facilitate the services they (survivors) want.

As many participants confirmed, in consultation with the woman, the officer fills out a form and refers her to different service providers. Each component of their referral pathway also strictly follows the Survivor Centre Approach. The concept of providing case management service following the Survivor Centre Approach has received significant attention from them (humanitarian actors) because the IASC policy guidelines highly recommend it and state that the organisation

offering case management service must follow the Survivor Centre Approach.[566] The use of the concept of the Survivor Centre Approach gives an impression that the humanitarian actors are working with the best intention to serve the interest of the violence survivor women, and that the women are placed in a position of power to decide and access any services they want.[567] In practice, the scenario is different – Rohingya women do not have access to the necessary assistance. As Nordby points out, the GBV response programming and its referral pathways significantly depend on government service providers apart from other humanitarian organisations' interventions.[568] Therefore, it involves a lot of effort to maintain liaison and coordination among different stakeholders and service providers in establishing GBV protocols, quality care, and standard operating procedures along the referral pathways. Therefore, this process limits Rohingya women's accessibility to the services.

However, most of the interviewees for this research do not see Rohingya women's lack of access to the necessary services as a problem. This could be because the Rohingya are not seen as deserving of more than what is given to them. After all, as shown earlier in this chapter, they are perceived as uncivilised or unreal Muslims and less worthy.[569] From the humanitarian actors' perspectives, they have done everything they could for refugee women. As an example, research participants proudly mentioned the list of the SGBV services offered in the camps, which include health care services, psycho-social counselling, and legal services. Some research participants said small-scale livelihood or financial support and handing over dignity kits to Rohingya women.

[566] Inter-Agency Standing Committee, "Gender Equality and the Empowerment of Women and Girls in Humanitarian Action."

[567] Bacchi, *Women, Policy and Politics: The Construction of Policy Problems*.

[568] Nordby, "Gender-Based Violence in the Refugee Camps in Cox's Bazar: A Case Study of Rohingya Women's and Girls' Exposure to Gender-Based Violence."

[569] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

The dignity kits include a package containing hygiene products such as shampoo, soap, sanitary pads, underwear etc.[570]

Participants informed me that right after the meeting with a case management officer, almost all the victims are referred for mental health and psychosocial support to help them recover from trauma. Psychosocial support includes general service to more specialised support. According to IASC guidelines, specialised psychosocial support is given to patients to treat specific mental health disorders such as depression and post traumatic stress disorder (PTSD) that can result from SGBV.[571] The Social Welfare Department and the Ministry of Women and Children Affairs, along with many other organisations, are working in the camp to provide necessary psychosocial services for Rohingya. However, according to Dilruba, a clinical psychologist and interviewee for this research, most organisations involved in providing mental health services do not have qualified psychologists capable of offering clinical treatment to mental health patients. They run mental health and psychosocial support programs with staff from non-clinical backgrounds. As a result, the Rohingya women do not get proper mental health counselling and treatment (Dilruba, interviewed 27.07.2021). This information represents the psychological support offered to the Rohingya women as insufficient and not up to standard. She expressed dissatisfaction with how NGOs operate their response program in the camps based on her professional background and position with a government-run project. Therefore, her context and political views not being same as others; she had different problem representation.[572] The other participants, however, expressed contentment with the service they provide.

Apart from psychological services, many humanitarian organisations in the camps provide health care services to the Rohingya women, as the participants shared with me. Bhuvanendra

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[570] Nordby, "Gender-Based Violence in the Refugee Camps in Cox's Bazar: A Case Study of Rohingya Women's and Girls' Exposure to Gender-Based Violence."

[571] Inter-Agency Standing Committee, "Gender Equality and the Empowerment of Women and Girls in Humanitarian Action."

[572] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

and Holmes[573] discussed that a standard health program to support violence survivor women in humanitarian settings involves building the capacity of health care professionals to provide confidential and appropriate services when a survivor seeks treatment. A GBV health program should also work to improve a health care facility with necessary medical supplies and tools for screening and identification of SGBV. In relation to the Rohingya refugee camps, research participants claimed that in most cases, especially in the case of rape or injury caused by SGBV, the survivor-woman is also given information about medical services to prevent unwanted pregnancy, sexually transmitted diseases, and other health consequences. As the health care centres in the camps cannot provide all kinds of necessary health services, most rape survivors are referred to a hospital outside the camps subject to mobility permission from the CiCs. In some health care centres, mostly in government-run health care centres, humanitarian organisations collaborate with medical staff (doctors/nurses) to facilitate the treatment of Rohingya refugees. Along with giving treatment, the health professionals also work to build the cases against the perpetrator by collecting evidence and preparing medical certificates, which are required to file a complaint in a Bangladeshi legal court.[574] The violence survivor Rohingya women are given access to the government's One-Stop Crisis Centre (OCC), a significant component of a national project called Multi-Sectoral Programme on Violence against Women. The project is implemented by the Bangladesh Ministry of Women and Children Affairs Ministry of Bangladesh with financial support from the government of Denmark. Through OCC, violence victim women are given health care services, DeoxyriboNucleic Acid (DNA) tests, legal assistance, psychological counselling,

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[573] Dharini Bhuvanendra and Rebecca Holmes, "Tackling Gender-Based Violence in Emergencies: What Works?," *Humanitarian Exchange: Gender-Based Violence in Emergencies*, 2014, Humanitarian Practice Network. Accessed 11 January 2022, https://odihpn.org/magazine/tackling-gender-based-violence-in-emergencies-what-works/.

[574] Dr. Md Abdur Rahim Mia, "Role of Doctors in the Criminal Proceedings of Bangladesh With Special Reference to Women's Access to Justice," *Journal of Humanities and Social Science* 7, no. 5 (2013).

shelter service etc. The program is implemented across the country for Bangladeshi women,[575] and has been extended to cover some of the necessary medical support for the Rohingya women.

Khan, a humanitarian actor who worked for two years in the refugee camp for a government project on GBV, said that if any Rohingya woman wants justice, she is referred directly to the legal service providers by the OCC or by a case officer. There are some organisations that work in the legal sectors in the camps, offering legal assistance to the Rohingya living in the camps.[576] TAI Social Foundation has a team of legal service providers comprising mediators, assistant lawyers, and a senior penal lawyer representing the Rohingya clients in court as the interviewed participants.

As some participants mentioned, many Rohingya have been imprisoned or fined for committing crimes in Bangladesh. However, very few perpetrators of violence against women have been sent to jail. Application to punish perpetrators of violence against women was minimal in the camps. Patricia Ehrkamp thus argues that refugee camps are sites of exception where national laws and policies are suspended to a great extent.[577] As Nasir, a humanitarian actor research participant, said, the CiC only occasionally punishes the perpetrators of violence against Rohingya women. The punishment mainly involves restricting the accused person's mobility within a camp compound or withholding the accused person's ration cards for a few days so that the accused cannot access food. These punishments are neither guided by the national laws nor severe enough to refrain perpetrators from re-engaging in violence against women (Nasir, interviewed 27.03.2021). Nasir further stated that such an informal justice system to punish perpetrators is in place for two reasons: Firstly, there is a lack of human resources: and the justice

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[575] Commonwealth Secretariat, "One-Stop Crisis Centre, Bangladesh," in *Advancing Gender Equality: Case Studies From Across the Commonwealth*, edited by Joan Ross Frankson (London, United Kingdom: Hobbs The Printers, 2016), 109.

[576] Krehm and Shahan, *Access to Justice for Rohingya and Host Community in Cox's Bazar*.

[577] Patricia Ehrkamp, "Geographies of Migration I: Refugees," *Progress in Human Geography* 41, no. 6 (2017): 817, https://doi.org/10.1177/0309132516663061.

department does not have enough human resources, which is causing a lot of delays in delivering a verdict in court. As he said, even in the case of dealing with a crime committed by a Bangladeshi against another Bangladesh, it takes 5-10 years to get the verdict served. Secondly, the Bangladeshi government has no political will to take responsibility for almost one million Rohingya people (Nasir, interviewed 27.03.2021).

As discussed in chapter five, under the Constitution of Bangladesh, the Rohingya have rights to protection and justice in Bangladesh.[578] But as the participant explained, these rights are not protected under the weak legal system of Bangladesh, which even fails to ensure justice for many Bangladeshi people.[579] In such a situation, the Rohingya women's rights to protection even gets worse because they are neither citizens nor refugees. As discussed in chapter four, the Rohingya who arrived in Bangladesh after 2017 were not given refugee status.[580]

Newly arrived Rohingya are called Forcefully Displaced Myanmar Nationals (FDMN). Hence, as Dilruba, a research participant, stated, officials involved in legal services, such as police, lawyers, and the judge, were initially confused about which laws to apply (Dilruba, interviewed 27.07. 2021). However, as she further explained, the legal system and law enforcement agencies effectively punish the Rohingya under national laws for certain crimes which are considered serious and threats for greater security. Krehm and Shahn point out that these crimes mainly include murder, drug and fire-arm related crimes, or crimes against Bangladeshi people.[581] Hence, following Bacchi,[582] it can be argued that the entitlements of justice for Rohingya refugee women are even weaker because, despite having so many domestic laws against violence against women, the humanitarian actors do not take the issue of SGBV seriously.

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[578] Haque, "The Bangladesh Constitutional Framework and Human Rights."

[579] Afrin, "Combating Domestic Violence in Bangladesh: Law, Policy and Other Relevant Considerations."

[580] Riaz and Rana, "Securitization of the Rohingya Refugees in Bangladesh."

[581] Krehm and Shahan, *Access to Justice for Rohingya and Host Community in Cox's Bazar*.

[582] Bacchi, *Women, Policy and Politics: The Construction of Policy Problems*.

They are influenced by the culture of Bangladesh that normalises violence against women and Rohingya. So, they decide to solve it through mediation, affecting the lives of the violence survivor Rohingya women, as the solution offered in the mediation most of the time does not serve their interest.[583]

6.5. Challenges Experienced by the Humanitarian Actors

Most of the humanitarian actor research participants said they have been trying their best to deal with SGBV against Rohingya refugee women. As discussed above, most of them are satisfied with the type and quality of the services they provide to the Rohingya women. They said, their efforts to address SGBV could have been strengthened further if they did not face the challenges: Rohingya militant group, the practice of informal marriage, inconvenient camp locations, lack of cooperation from the Rohingya community, unreported violence, and lack of coordination among the humanitarian actors.

Rohingya Militant Group: One challenge the humanitarian actor participants identified is the presence of Rohingya militant groups such as the Arakan Rohingya Salvation Army (ARSA), also known as Al-Yaqin. As participants shared, echoing news agencies such as *the Daily Star,*[584] ARSA has appeared as a powerful group in the camp. Taking the chance of pervasive insecurity in the camps, they have undertaken multiple activities such as "overseeing dispute resolution processes, imposing informal taxes and enforcing – often violently- adherence to both its own authority and extreme interpretation of Islamic social norms".[585] As ARSA holds the vision of self-governance and autonomy, the organisation does not like the camp residents seeking justice from

[583] Krehm and Shahan, *Access to Justice for Rohingya and Host Community in Cox's Bazar*, 24.

[584] Mohammad Al-Masum Molla, "ARSA Presence at Rohingya Camps: Everybody Knows Few Dare Speak," *The Daily Star* (Bangladesh/Online), 20 November 2021, https://www.thedailystar.net/rohingya-influx/news/arsa-presence-rohingya-camps-everybody-knows-few-dare-speak-2233966.

[585] Oliver Lough et al., *Participation and Inclusion in the Rohingya Refugee Response in Cox's Bazar, Bangladesh: 'We Never Speak First'*, Humanitarian Policy Group (London, 2021), 29. Accessed 21 February 2022, https://odi.org/documents/7940/Inclusion_IP_Rohingya_case_study_web_mWH7sWq.pdf.

the government or any other authority. So, the humanitarian actor research participants consider ARSA as a threat to Rohingya women, and for themselves, more specifically for the legal service team, as stated by Sanjoy, a senior criminal lawyer. He said that the district judge court is located at least 50 kilometres away from the refugee camps, and it takes a few hours for his refugee clients to travel from the camps to the court, which poses the risk of being attacked by the perpetrators or by militant groups on their way. As a result, they cannot encourage or ensure legal justice for women victims of violence. Seeking justice becomes more dangerous if the perpetrators belong to the militant group (Sanjoy, interviewed 12.07.2021).

Informal Marriage: Despite the introduction of the marriage registration system, many Rohingya couples marry secretly without registration and with the help of religious leaders and other active social community leaders. Marriage without registration and paper documents allows perpetrators of SGBV to deny an existing marriage easily. Informal marriage also takes place between Rohingya and host community members, as mentioned by Uddin[586] and Guglielmi et al.[587] in their articles.

As participants said, seeking justice against Bangladeshi perpetrators is also incredibly challenging as situations may turn into a conflict between the host community versus the Rohingya. The host community members commonly view advocacy for Rohingya victim's rights as a campaign or conspiracy against them (host community). As Uddin states, marriage between Bangladeshi and Rohingya is not legal in Bangladesh.[588] Hence, all the couples of this union get married secretly without registration or marriage documents. If Rohingya women are violated by their Bangladeshi husbands and in-laws, they cannot seek legal redress for fear of being punished for breaking the marriage restriction law and, in any case, do not have any paper document as

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[586] Uddin, "The Meaning of Marriage to the Rohingya Refugees, and their Survival in Bangladesh."

[587] Guglielmi, Mitu, and Seager, "'I Just Keep Quiet': Addressing the Challenges of Married Rohingya Girls and Creating Opportunities for Change."

[588] Uddin, "The Meaning of Marriage to the Rohingya Refugees, and their Survival in Bangladesh."

proof of their marriage. As Kalam, a research participant, stated that without legal documents, it is a big challenge for the humanitarian actors to process a case and protect the rights of the survivors (Kalam, interviewed 28.03.2021).

Camp Location: The camps are located in Cox's Bazar near the Myanmar border and in hilly forested terraces that do not have proper road connections to travel from one place to another. There are some roads built for security forces and to transport relief items. These roads do not connect every corner of the campsite. Residents and service providers need to walk long distances on uneven hilly roads through narrow footpaths and bamboo bridges to reach some of the camp areas.[589] Due to the difficult access to the camps, criminals can quickly disappear after committing crimes. They can remain untraced by hiding inside the camps or in the jungle or secretly slip away to other parts of Bangladesh. Adnan, a research participant, mentioned that it is very difficult to bring the perpetrators to justice as they can avoid arrest by hiding swiftly among one million Rohingya in overcrowded camps (Adnan, interviewed 23.03.2021). Consequently, because of a lack of arrests and punishment, the incidence of crimes is increasing in the camps, including SGBV against Rohingya women. The camps being overcrowded and lacking adequate communication means that many Rohingya women victims of violence cannot seek service on time. And the government of Bangladesh does not allow any permanent and better infrastructure development in the camps insisting that the Rohingya will be repatriated soon.[590] For all these reasons, the research participants stated that camp location is one of the major challenges for them in providing better humanitarian service to the SGBV survivor women.

Lack of Cooperation from the Rohingya Community: According to many participants, the conservative social system is one of the major challenges for them in preventing and protecting women from violence against women. Nasir, a humanitarian actor participant, said the

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[589] Lindsay Bremner, "Sedimentary Logics and the Rohingya Refugee Camps in Bangladesh," *Political Geography* 77 (2020): 6.

[590] Bremner, "Sedimentary Logics and the Rohingya Refugee Camps in Bangladesh," 6.

mobility of women is very restricted, which is linked to their religion and culture. Traditionally and culturally, Rohingya women's place is within the domestic sphere.

> It is expected that women will stay at home. It is not much appreciated and allowed for women to go outside their house and get involved in work. To some extent, they can get out of the house by maintaining purdah, but overall, their mobility is restricted because of their culture. It is a big problem for them and a challenge for us (Nasir, interviewed 27.03.2021).

As Nasir said, they are frequently confronted by Rohingya men. Because Rohingya are conservative, Rohingya men think that humanitarian organisations are "making Rohingya women shameless and trying to break their family bond" (Nasir, interviewed 27.03.2021). Other participants also identified non-cooperation and conservative social systems as challenges to providing effective service to Rohingya women. Therefore, in their views, the Rohingya are problems themselves. Such perception and knowledge formation reduce the responsibility of humanitarian actors to address any problems or deficiencies in their approach to the problem of SGBV in the camps.[591]

Unreported Violence: Lack of reporting and delay in reporting incidents of violence against women were mentioned as one of the major challenges by the humanitarian actors. According to the participants, Rohingya women mostly do not want to report violence; thus, it remains unknown and unaddressed. In addition, many participants discussed that reporting violence belatedly is also challenging because certain medical procedures need to be conducted as soon as possible to gather evidence, especially in a rape case. As Khan, a participant, commented, "many women come to report a rape case a week after the incident. A rape victim's medical test needs to be conducted within a certain period of the incident. If they come late, we cannot collect samples or elements of rape" (Khan, interviewed 18.07.2021). Shahnaj, another

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[591] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

participant, identified the language barrier as another plausible reason for Rohingya women not coming forward to report violent incidents to them (Shahnaj, interviewed 23.03.2021). Their language is similar to the Chittagonian dialect of Bengali, which is very different from official and academic Bengali. Bangladeshi people, besides those from Chittagong, cannot speak or fully understand the Rohingya language.[592] According to Imran, religion plays a significant role in Rohingya women not reporting violence. He explained, "I have noticed that Rohingya women do not want to talk much. They think and try to represent themselves as pious or Islamic-minded. They fear disclosing violent incidents will create a social stigma against them" (Imran, interviewed 13.07.2021). Many other research participants also explicitly or implicitly blamed the Rohingya women for not reporting violence and hinted at conservative social practice as one reason for not reporting or late reporting of violence. Instead of seeking other reasons, they blame the Rohingya women and their culture for not reporting violence because they do not see any other possible better solution to the problems. Following Bacchi,[593] it can also be argued that the humanitarian actors problematise lack of violence reporting as related to the conservative culture of Rohingya because it allows them to govern Rohingya and justify their failure.

Lack of Coordination: The humanitarian actors identified the complex dynamics experienced in dealing with professionals from different humanitarian sectors as a challenge. For example, there are multiple sectors of humanitarian response plans implemented in Cox's Bazar. Some of these sectors are food security, health, education, site management, construction, protection, logistic, communication and water sanitation etc. Child protection and gender-based violence are two sub-sectors of the protection sector. These sectors and sub-sectors are

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[592] Zine, "I Am Rohingya: A Pedagogical Study on the Roles of Ethnographic Theatre for a Young Refugee Population," 8.

[593] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

perceived to be inter-connected and dependent on one another as per the joint response plan.[594]

As participants informed me, they have an inter-agency coordination meeting at the senior level and a monthly SGBV sub-sector coordination meeting involving all the organisations working on SGBV and protection. These monthly camp coordination meetings are usually chaired by the CiC and attended by members of all the NGOs working in a camp to provide updates on their activities for learning sharing, avoid duplication and increase cooperation. However, services are being duplicated in the camps despite such coordination efforts. According to David, a government officer participant, this acts as a barrier to getting accurate data on the status of SGBV against Rohingya women. Expressing his frustration with the situation, David offered the following comments:

> If a woman becomes a victim of GBV, an NGO enlists her in their service register and offers her some services. Similarly, another NGO approaches her, offers her some services, and enlists her as one of their service receivers. At the end of the month, the NGOs submit reports to us saying that they served this and that numbers of GBV survivor women. I do not know the quality and the type of services they offer. But when we calculate the total number of women service receivers from multiple NGOs, their numbers often exceed the number of Rohingya women in the camp. Hence, getting accurate data from the service provider is a big challenge for us. We are not getting any accurate data other than the exaggerated data (David, interviewed 31.07.2021).

From this statement, it is clear there is a lack of coordination among the NGOs working in the camps. But instead of focusing on coordination, the informant blamed the NGOs for having similar interventions and not sharing data with the government. Being a government official appointed with the highest authority in the camp, monitoring, governing, and coordinating all humanitarian

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[594] United Nations Office for the Coordination of Humanitarian Affairs, *2020 Joint Response Plan for Rohingya Humanitarian Crisis - January to December*.

response programs are parts of his responsibility. However, instead of discussing the coordination issue, he expressed concern about NGOs not being accountable because such representation or statement allows him or other government officers more power to exercise over the subject, the NGOs.[595] Although government officials recognise there is a coordination problem, they do not try to improve it. Instead, they blamed others and represented a lack of coordination as an external problem of which they were not part.

Dilruba, another government officer participant, stated that the coordination system in the GBV sub-sector was weak despite having regular coordination meetings. For this problem, she blamed the NGOs for giving too much attention and priority to data management rather than services for violence survivor women.

The GBV sub-sector organisations developed a referral system and data management system. They prioritise managing data and maintaining confidentiality more than giving service to the survivors. A lot of SGBV victims go to these NGOs for service. The officers from these NGOs note down every detail of the incident and then refer the victim to another organisation, as the first organisation does not have experts or specialists in providing psychological support. Sometimes, the referred organisation cannot provide the necessary service to the victim. Since the organisations do not share data, the referring organisations do not know if referred organisations have the expertise and capacity to provide that service. Consequently, victims or clients need to go to many places for a simple service. In the end, unable to get appropriate service, they either come to the CiC or us with a complaint (Dilruba, interviewed 27.07.2021).

She further criticised the UN and the non-government organisations and their staff working on GBV for holding a superior attitude. According to her, the organisations always bring international trainers to train staff on gender and human rights and try to show that "foreigners have more

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[595] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

knowledge and skills to facilitate a training session. They do not want to recognise that we, the Bangladeshi, or the local staff, are also capable of facilitating a training session. We feel undervalued and underestimated by these INGOs and the UN agencies" (Dilruba, interviewed 27.03.2021).

Regardless of the discursive purpose of the above statements, they clearly show a lack of coordination among the GBV sub-sector team members and between the government and NGO officials. But most humanitarian actor participants from NGOs and the UN did not express their dissatisfaction about dealing with the government explicitly. Only two participants such as Purnima (interviewed 08.04.2021) and Chandrani (interviewed 10.07.2021), expressed their dissatisfaction with government officials, calling them too authoritative because they asked for detailed information about the SGBV service, including the personal details of the service recipient, which they think is completely against a person's rights to confidentiality.[596] The rest of the participants praised the government officials and agencies such as the CiCs, Refugee Commissioner, the Police and the local administration for being very supportive. For example, Khadija, who works with an NGO, said: "CiC sir always help us. I will say our relationship is good. Otherwise, it would not have been possible for us to work here for a long time" (Khadija, interviewed 28.03.2021). Similarly, when I asked about the relationship with other actors inside and outside the camp, Bahadur, a legal service officer, said that "the police are very helpful. We work with them in cooperation. If the police do not take our case, we go directly to the court to file our cases" (Bahadur, interviewed 06.04.2021). His last sentence indicates that police sometimes refuse to accept their cases, but like most humanitarian actors, he did not want to dwell on it, perhaps because of a fear of negative repercussions. As discussed in chapter three, critiquing the government or its officials can cause non-cooperation, harassment and even termination of

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[596] Inter-Agency Standing Committee, "Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action."

employment.[597] In summary, it is evident that to continue working in the camps, NGO humanitarian actors avoid raising any issues against government officials and become submissive and loyal to government bureaucrats. This can seriously undermine NGOs' capacity to fulfil their duties to the people they have been put in charge to serve.

6.6. Conclusion

The above interview data shows that the majority of the participants were involved with GBV prevention programs in Cox's Bazar Rohingya refugee camps, although many of them worked in different sectors of the humanitarian response. There are many other forms of SGBV against Rohingya refugees in the camps, but domestic violence, specifically intimate partner violence, was significantly highlighted by the participants as a problem, along with rape, polygamy, forced marriage, sexual trafficking, and control of women's reproductive health. In participants' views contributing factors to SGBV against Rohingya women are polygamy, the conservative social system and religious practice, frustration, anger, etc. Only a few research participants focused on the lack of structural facilities in the camps.

As their perceptions focus on the Rohingya community, their culture and religion as problems, in their response, they prioritise awareness-raising intervention, marriage, divorce and age registration to prevent Rohingya from getting married informally. The services they offer include psychological, health care, legal support etc. Apart from a few, the majority of the participants perceived themselves as doing their best in the interest of the Rohingya women. Despite some challenges, such as the presence of ARSA, lack of violence reporting, lack of cooperation and coordination of services, they made significant efforts to address the problem of SGBV against Rohingya women, and they believed a lot of positive changes took place as a result. However, their claims are based on assumptions without enough study. Their perceptions about the problems and interventions are greatly influenced by the socio-cultural context of

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[597] Olivius, "Governing Refugees Through Gender Equality: Care, Control and Emancipation," 62.

Bangladesh, where violence against women and Rohingya is tolerated. To examine the impact of these interventions undertaken by the humanitarian actors, the next chapter presents the perception of the Rohingya refugee women.

Chapter Seven: Rohingya Refugees' Perceptions of Violence and Protection Mechanisms

7.1. Introduction

This chapter draws upon the perception of the Rohingya refugees of the violence inflicted on Rohingya women and the prevention and protection services offered to them in the camps by humanitarian actors. Rohingya refugees' thinking and perceptions about violence and protection services are less known but essential to help effectively strengthen the interventions to address sexual and gender-based violence (SGBV). As the humanitarian actor participants pointed out, the incidents of SGBV against refugee women are still under-reported in refugee camps which is also corroborated by other studies such as Bain and Guimond.[598] Several humanitarian actor participants identified factors such as social stigma and religious beliefs as reasons why Rohingya women did not want to report violence. Based on their understanding and interpretation of the problems, the humanitarian actors have undertaken several SGBV-related interventions, as discussed in the previous chapter. As Carol Bacchi argues, interventions or actions taken by policy actions are supposed to have a real effect on the lives of the people it targets.[599] In the case of humanitarian interventions in Cox's Bazar, their impacts are not well-known. This chapter investigates the perceptions of the Rohingya women on violence and the protection mechanisms in place to assess the effects of SGBV interventions on them. Moreover, this chapter examines the strategies Rohingya women have adopted to cope with the violence they experienced in the camps. The chapter draws on interviews with 15 Rohingya refugee women and 10 Rohingya refugee men. Except for two Rohingya women participants, all the participants were involved with a humanitarian response program either as volunteers or camp leaders (*Majis*).

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[598]Bain and Guimond, "Impacting the Lives of Survivors: Using Service-Based Data in GBV Programmes."

[599]Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

7.2. Perceptions of Violence against Women

The term SGBV is new to the Rohingya participants, and as Read-Hamilton argues, it is a confusing term for many people and in many parts of the world.[600] In the interviews, except for two participants, all Rohingya interviewees used the term 'violence against women' to express their thoughts and feelings about SGBV against Rohingya women, which they think is widespread in the camps. The Rohingya participants explained that all Rohingya women experience various forms of violence in the camps, but the types of violence they experience depend on their marital status. Married women, in their view, experience more violence, mostly carried out by their husbands in the form of wife-beating, verbal abuse, and abandonment. Shahina, a Rohingya woman, said that Rohingya women are also "married and divorced without consent" (Shahina, interviewed 16.07.2021). Domestic violence is so widespread that thousands and thousands of women in the camps experience it on a regular basis, said Lalita, a young Rohingya woman. She further shared that many Rohingya women are beaten to severe injury and even death without interference from anyone; this violence can occur over a minor issue, such as not serving meals on time. She expressed deep frustration and anger about Rohingya women's suffering, and she wanted violence against women to stop (Lalita, interviewed 17.07.2021).

All the Rohingya women participants stated that they have a subordinate position in society that allows men to control their wives and children. However, according to Rahima, the mother of a violence survivor woman, Rohingya women's subordinate position and vulnerability to violence have been aggravated by the unfavourable living environment of the camps. As she said, they do not have freedom of movement, which is related to many other rights. Verdirame and Harrel-Bond argue that mobility is the fundamental right for any human being to have access

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[600]Sophie Read-Hamilton, "Gender-Based Violence: A Confused and Contested Term," *Humanitarian Exchange: Gender-Based Violence in Emergencies*, 2014, Humanitarian Practice Network. Accessed 13 January 2022, https://odihpn.org/magazine/tackling-gender-based-violence-in-emergencies-what-works/.

to all other rights, and this very fundamental right often does not exist in the refugee camp context.[601] Rohingya are confined in the camp, and mobility outside the camp is allowed rarely and only with special permission on occasions, such as for getting medical treatment or attending a court case. Their mobility is so strictly controlled that sometimes they are not permitted to go out to buy medicine for their sick children. It, therefore, creates a situation that increases tension and violence in the family (Rahima, interviewed 15.06.2021). She further argued that not having access to adequate and good quality food also plays a significant role in domestic violence. Rahima explained:

> We cannot eat rice with lentils every day. Our children ask for different foods, such as fish and meat, especially when sick. As parents, being unable to provide children with decent food other than rice and lentil makes us feel angry and restless… Many parents unable to cope with such situations engage in verbal arguments, which leads to physical and other abuse (Rahima, interviewed 15.06.2021).

According to her, the rations that they get are not sufficient. Yasmin and Akther also found in their study that the food ration given to the Rohingya by the government with support from the World Food Programme is insufficient.[602] The participants shared that non-government organisations (NGOs) have set up some small grocery stores in the camps, but most Rohingya do not have money to purchase food because they have minimal work opportunities. As Rabeya, a Rohingya woman volunteer, mentioned, the only income-earning source they have in the camps is working as volunteers for humanitarian organisations and labourers in camp construction and site management projects. They need to share these limited opportunities with the local host community people. So, only families with access to work and relatives living abroad can afford basic needs, and their numbers are said to be very few (Rabeya, interviewed 28.06.2021).

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[601] Verdirame and Harrell-Bond, *Rights in Exile: Janus-Faced Humanitarianism*, 271.

[602] Yasmin and Akther, "The Locals and the Rohingyas: Trapped With an Uncertain Future," 112.

The Rohingya participants also identified the condition of the camps as another major reason behind the violence. As noted in chapter four, the Rohingya camps have been built over a large area, and 4,000 acres of hilly land have been cleared of vegetation for construction.[603] However, many Rohingya participants stated that the space occupied by the camp is still small for a population of almost one million Rohingya. Consequently, their tents are too close to one another for them to breathe properly. Hence, as one Rohingya *Maji* pointed out, violence, including violence against women, is taking place because the Rohingya men are "deeply upset about being forced to live their lives confined in a small and overcrowded place" (Belal, interviewed 15.06.2021).

Apart from domestic violence, the participants also reported sexual violence against Rohingya women in the form of rape, sexual harassment, forceful prostitution, sexual trafficking, kidnapping, and abduction. Rohingya women could not move out of their house, fearing sexual violence, especially at night.[604] Although the humanitarian actors claimed that they had installed streetlights, and sufficient bathing and toilet facilities, many women and girls still face sexual harassment and rape in the street and while accessing these facilities.[605] Shantana, a young Rohingya female participant and volunteer of an organisation, mentioned that even being inside a tent does not protect them from sexual violence, especially for women who do not have adult male members in the family. "At night, they get people creeping and breaking into their tents very often" (Shantana, interviewed 06.07.2021). Many young women have been kidnapped and raped, which worries all Rohingya women thinking they too could be kidnapped. The Rohingya women interviewed for this study attribute such threats and abuse not only to Arakan Rohingya Salvation Army (ARSA) but also to other refugee and host community gangs whose affiliations are not

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[603] Yasmin and Akther, "The Locals and the Rohingyas: Trapped With an Uncertain Future," 111.

[604] United Nations, *Sexual Violence in Conflict.*

[605] Uddin, "The Meaning of Marriage to the Rohingya Refugees, and their Survival in Bangladesh," 2045-2046.

accurately verifiable. Many news agencies, including the Thompson Reuter Foundation, also reported on these gangs' activities.[606]

In addition, young Rohingya women are also being tempted into sexual relationships with men who promise them food, jobs, other support, and a marriage proposal.[607] They are often taken out of the camp to a hotel with a promise of a job and monthly salary, and later brutally raped. Some humanitarian actors are also involved in such violence. For example, Rikta, another Rohingya female participant, shared that she knew a Rohingya woman who was taken out of the camp by a male NGO officer with a promise of marriage and a better life. She was brutally raped and dumped near a camp from a vehicle. This kind of sexual violence was widespread in the camp, and it was happening because of poverty and because of not having enough to meet their everyday needs. Hence, the young Rohingya women "are tempted and unable to resist those who offer support in the form of goods, services, money, and jobs; thus, they become easy targets of the predators" (Rikta, interviewed 18.06.2021). According to Guglielmi et al., extra-marital affairs, prostitution, and intimate relationships before marriage are not socially permitted in the Rohingya community.[608] However, as Bulbuli, a Rohingya female participant, argued, "without food in the stomach, and clothes on the body, it is very difficult to stay on the right path, follow social values, and resist the temptation" (Bulbuli, interviewed 15.07.2021). According to her, temptation increases as the Rohingya women see Bengali women from the other side of the fence wearing good clothes, cooking good food, and living in better houses. To overcome this life of poverty, many Rohingya women leave the camps and become victims of rape or forced prostitution.[609]

[606] Naimul Karim, "Rohingya Women Defy Threats in Refugee Camps to Rebuild Lives One Stitch at a Time," *Thomson Reuters Foundation*, 24 August 2019, https://www.reuters.com/article/us-bangladesh-refugees-myanmar-idUSKCN1VE003.

[607] Yasmin and Akther, "The Locals and the Rohingyas: Trapped With an Uncertain Future," 110.

[608] Guglielmi, Mitu, and Seager, "'I Just Keep Quiet': Addressing the Challenges of Married Rohingya Girls and Creating Opportunities for Change," 1243.

[609] Chowdhory and Mostafa, "Rohingya Refugees: Risks and Safety in Bangladesh," 161.

The female-headed households have also been strongly hit by poverty in the Rohingya refugee camps, which makes them more vulnerable to violence. As Mottaleb et al. stated, female-headed households are generally the poorest of the poor group in developing countries.[610] Likewise, the Rohingya women from female-headed households are said to be the poorest among the poor camp residents. As mentioned in chapter three, with reference to the United Nations Women (UN Women) report of 2017, one in every six households in the Rohingya refugee camps in Cox's Bazar is headed by a woman.[611] Zaman, a male Rohingya *Maji*, mentioned that the Rohingya women from female-headed households cannot easily build tents and cannot access services. They need to depend on fellow camp residents and neighbours to fix their houses or to go to a hospital. People in the camps are helpful, but not always available at their time of need. Taking advantage of their vulnerability, many people make illicit and indecent proposals to them in return for needed help, and in many cases, this turns into sexual abuse (Zaman, interviewed 15.06.2021). Sarwar, a Rohingya male participant and a volunteer, pointed out that fearing sexual harassment, abduction, and rape, women of female-headed households often marry an already married man who may be much older than the woman. This is a strategy women adopt to have male protection and necessary help. Marrying an older and/or married man can also relieve them from the burden of dowry (Sarwar, interviewed 24.06.2021).

According to Islamic Sharia Law, dowry is not permitted in marriage, while a dower is a religiously sanctioned and essential part of a Muslim marriage contract. Dower is the money paid by a husband to his wife to show respect and commitment that he "seriously desires to marry her with a sense of responsibility and obligations".[612] The dower is also given to a Muslim woman

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[610] Khondoker Abdul Mottaleb, Dil Bahadur Rahut, and Olaf Erenstein, "Do Market Shocks Generate Gender-Differentiated Impacts? Policy Implications From a Quasi-Natural Experiment in Bangladesh," *Women's Studies International Forum* 76 (2019): 1, https://doi.org/10.1016/j.wsif.2019.102272.

[611] United Nations Women, "Gender Brief on Rohingya Refugee Crisis Responds in Bangladesh."

[612] Farah Deeba Chowdhury, *Islam and Women's Income: Dowry and Law in Bangladesh* (London: Taylor & Francis Group, 2016), 78.

during the marriage so that she is not left without money to support herself in the event of divorce or the death of her husband.[613] However, as Mosharaf (a male *Maji)* stated, in a situation of extreme poverty, people are trying to take every opportunity to get some money in the camps. So, instead of giving dowers, in almost 95% of the cases, Rohingya men demand dowry to be married. The inability to pay dowry regularly causes domestic violence and early divorce within two to three months of marriage. There are a lot of poor Rohingya parents who have many daughters. The parents cannot marry off their daughters to suitable grooms because they are not able to pay dowry (Mosharaf, interviewed 13.04.2021). They are forced to marry their daughters to already married men and comparatively older men because the alternative of staying unmarried in the camps puts the daughters at greater risk of sexual abuse and negative gossiping in the neighbourhood. For example, Bobita, a Rohingya female participant and a single mother of two adult unmarried daughters, said that she could not marry off her 20-year-old daughter. It was painful for her as people constantly gossiped about her daughter saying terrible things such as lousy woman, worthless or wasted woman (Bobita, interviewed 16.07.2021). This happens because unmarried women are seen as social anomalies and threats to social norms, deserving of intense speculation about their behaviour, sexual integrity, and worthiness.[614]

As pointed out earlier, taking dowry and conducting violence against women are crimes in Bangladesh.[615] However, none of the Rohingya women participants knew of any such law or policy in place in the camps to keep them free from violence. The only law and policy they were aware of, and mentioned in interviews, was the *Child Marriage Restraint Act,* which criminalises

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[613] Mohammad Sadikur Rahman, "Dowry, the Oppression of Women and Femicide in Bangladesh," *Journal of Comparative Social Work* 1 (2018): 17.

[614] Suchi Karim, "Pleasure, Prohibition and Pretence: Single Middle Class Women Negotiating Heteronormativity in Bangladesh," *Culture, Health & Sexuality* (2021): 3-5.

[615] Chowdhury, *Islam and Women's Income: Dowry and Law in Bangladesh*, 78.

child marriage as a punishable act.[616] Nevertheless, a considerable number of girls are secretly forced to marry early. As one study reported, in 2019, as many as 41% of the Rohingya mothers were married before reaching 18 years of age. The same is true for 51% of the Rohingya women who have fled from Myanmar to different destinations in Southeast Asia since 2012.[617] However, the Rohingya participants did not mention anything about early marriage in discussing violence against women. Lack of identification of early/child marriage indicates that it is a normal part of their social practice, as Guglielmi et al. argue.[618]

Unlike the humanitarian actors, the Rohingya participants problematise the issue of violence against women as something mainly contributed by structural violence that constantly produces disadvantageous outcomes for them.[619] As participants pointed out, structural violence includes mobility restriction, insufficient food supply, lack of income earning opportunity, and overcrowded camp conditions that have negatively affected their lives and caused more vulnerability for women. They do not consider their social practice or religion as major contributing factors to SGBV against Rohingya women in the camps. This could be because they do not connect violence to their own culture or because they are afraid of being judged or blamed, as they always have been accused of being conservative and having problems.[620] But the way they

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[616] Justice and Parliamentary Affairs, "The Prevention of Oppression Against Women and Children Act 2000," (Ministry of Law, Government of the People's Republic of Bangladesh, 2000). Accessed 8 May 2020, http://dwa.sarail.brahmanbaria.gov.bd/sites/default/files/files/dwa.sarail.brahmanbaria.gov.bd/law_policy/1da1ff8a_ae63_467a_9cde_435c43cbe948/ef8d4efbc765cb6c545252b76524f894.pdf.

[617] Guglielmi, Mitu, and Seager, "'I Just Keep Quiet': Addressing the Challenges of Married Rohingya Girls and Creating Opportunities for Change," 1235.

[618] Guglielmi, Mitu, and Seager, "'I Just Keep Quiet': Addressing the Challenges of Married Rohingya Girls and Creating Opportunities for Change," 1241.

[619] Elisabeth Veronika Henn, *International Human Rights Law and Structural Discrimination: The Example of Violence against Women* (Berlin: Springer Nature, 2019), 2.

[620] Gonzalez, "Refugees and Host Communities Facing Gender-Based Violence: Developing an Area-Based Approach to Gender-Based Violence Around Mbera Camp, Mauritania," 377.

problematise the issue of SGBV[621] puts more responsibilities on humanitarian organisations and actors to address the issue.

7.3. Perception of Protection Mechanism

Barnett and Walker argue that when the numbers of NGOs are high and have multiple projects implemented in various locations, it creates an environment with staff running in different directions. In such a situation, the people whom the NGOs target can get confused about what is going on.[622] This is the case in Cox's Bazar refugee camps, where many NGOs or humanitarian organisations are operating in the camps implementing different projects, but few Rohingya women know where to go or to whom to report violence. The participants said the Rohingya do not have much interaction with the national and international staff working in the camps as the humanitarian organisations have employed Rohingya volunteers to deal with the Rohingya camp residents directly. As Barnett and Walker argue, the humanitarian actors are mostly busy reporting back to their senior management and donors.[623] In such a situation, Bari, a Rohingya male participant and leader, said the Rohingya women depend entirely on refugee volunteers for any kind of support in relation to violence against women (Bari, interviewed 19.06.2021). Even the volunteers are not always available in their time of need because the organisations/employers do not have a mechanism to monitor the activities of the volunteers, said many Rohingya male *Majis*. In addition, Motin, another Rohingya male participant, argued that the volunteers are not fully trained and informed of all the activities happening in the camps. Most of the time, the volunteers are unable to give exact and appropriate information to the camp residents (Motin, interviewed 27.07.2021). This could be one of the reasons why most of the refugee participants (the *Majis*,

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[621] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[622] Barnett and Walker, "Regime Change for Humanitarian Aid: How to Make Relief More Accountable," 2.

[623] Barnett and Walker, "Regime Change for Humanitarian Aid: How to Make Relief More Accountable," 3.

the family members of the victim women, and even the volunteers) were unaware of wider service provisions available for the violence survivor Rohingya women.

Many Rohingya participants, therefore, did not think that the NGOs did anything to protect their rights in the camps. This is reflected in a statement Lalita, a Rohingya woman, made when asked about the support services offered to the Rohingya women survivors of violence.

We do not have anything like this in the camps. Our refugee women would not have remained marginalised if we had support services. If we had the necessary support services, we could have loudly claimed that our rights are protected, and our Rohingya women's honour is protected in the camps. Sadly, we do not have any such support services. The world only belongs to the people who have money. Nobody cares if a poor refugee dies or lives. If the poor refugee is a woman, she does not exist; she is nothing at all (Lalita, interviewed 17.07.2021).

Lalita's comment relates to Butler's argument that human beings are precarious, but some lives are more precarious than others because they are denied necessary social and political support. It happens because these lives are not considered worthy of protection. Loss or suffering of these lives is not regarded as worth grieving for because they are unworthy and already socially dead. They never existed, so they were never lost in a true sense.[624] Similarly, the above statement indicates that the lives of the refugee women are not considered worthy of protection and, therefore, not taken action to secure a condition necessary for them to persist and flourish. It also indicates that the respondent did not know about the humanitarian actors' GBV interventions in the camps. Even if she knew about the service, she did not consider that whatever the humanitarian actors did was relevant to them or served their interests. More than half of the Rohingya refugee participants said they were unaware of any SGBV interventions in the camps. When asked what they do when anyone experiences violence, they mentioned a few services

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[624] Judith Butler, *Frames of War: When is Life Grievable?* (London: Verso, 2009), 2-10.

they thought or knew women could go to, including health care and legal services *and* shared their experience of accessing these two services, as discussed below.

7.3.1. Access to Health Care Services

According to the Rohingya participants, there are some health care centres that provide treatment to Rohingya in the camps. As Mahmoud and Goodman mention, these health care centres are run by NGOs such as Médecins Sans Frontières (MSF), Bangladesh Rural Advancement Committee (BRAC), and Cooperative for Assistance and Relief Everywhere (CARE). In the case of a severe violent incident, the Rohingya women can go to any of these health care centres for treatment and medication.[625] Treatment in these health care centres (hospitals or clinics) is usually free. Rikta, a Rohingya woman volunteer, shared that she had a positive experience dealing with health care providers. The health care professionals talk to them nicely and "provide good treatment to the victim" (Rikta, interviewed 18.06.2021). Bacchii argues that the way one constructs an idea about a subject or issue is influenced by the socio-cultural background of the person and context.[626] Following this argument, it could be said that Rikta presented the health care services positively, probably because of her different background. She worked as a volunteer with an organisation where her role involved information dissemination to the camp residents about available health care services in the camps. Conducting awareness-raising sessions on available health care services and accompanying Rohingya women to a health care centre run by an NGO was part of the volunteer agreement. So, she had better access and connection to the health care support system to share the positive experience of dealing with service providers. In contrast, most Rohingya participants shared their unpleasant and negative experiences about

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[625] Goodman and Mahmood, "The Rohingya Refugee Crisis of Bangladesh: Gender-Based Violence and the Humanitarian Response," 492.

[626] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

accessing health care services in the camps. They were not satisfied with the treatment offered to them. For example, Chameli, a Rohingya female participant and single mother, stated:

> To get a doctor's appointment, we had to wait for a long time in a long queue. Then, after waiting a long time, the doctor gave us two paracetamol tablets and asked us to go home and revisit them after two months. When the next appointment date comes, the victim usually has her wound healed without treatment or deteriorated health condition (Chameli, interviewed 12.06.2021).

Another Rohingya female participant, Lalita, pointed out about lack of necessary health care facilities for SGBV survivor women. According to her, the SGBV survivor women were offered normal medical check-ups and medicines just like any other general patient. The facility did not have any special services for the SGBV victims, and the clinics inside the camp did not have the capacity to keep a patient for more than a day and to offer specialised treatment (Lalita, interviewed 17.07. 2021). In her study on refugees in Kenya, Hyndman found that the refugees get only what humanitarian actors (health care professionals) think they need.[627] Similarly, Rohingya in Cox's Bazar camps have no choice about the services; they get what the NGOs think they need. Discontent with the health care service, a Rohingya leader (participant) said that irrespective of their different health conditions and needs, all the Rohingya patients were given paracetamol tablets, "as if paracetamol was a medicine that can cure all kinds of diseases" (Sarwar, interviewed 24.06.2021). The way health care services are offered could also be shaped by the fact that material and human resources, as mentioned earlier, are grossly insufficient.[628] But refugees are unaware of the entire process and how or what is necessary to facilitate health

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[627] Jennifer Hyndman, "Geographies of Displacement: Gender, Culture and Power in UNHCR Refugee Camps, Kenya" (PhD Thesis, The University of British Columbia, Canada, 1996), 250. Accessed 28 July 2019, file:///C:/Users/Lenovo/Downloads/ubc_1996-14769X.pdf.

[628] United Nations Office for the Coordination of Humanitarian Affairs, "Gender-Based Violence: A Closer Look at the Numbers," (2019). Accessed 9 November 2020, https://www.unocha.org/story/gender-based-violence-closer-look-numbers.

care services to the camp residents smoothly, so they think the humanitarian actors are deliberately depriving them of the necessary services. Their disappointment and frustration are further aggravated by the fact that they are not allowed to seek medical service from an external (out-of-camp) medical centre. Except in some severe and exceptional cases, the Rohingya women are not referred to a health care facility outside the camp. Even if they get referred for better treatment, they cannot always take the opportunity as the Camp-in-Charge (CiC) often does not approve their application for mobility to leave the camps. Giving minimal required facilities is part of the strategy of the government and humanitarian organisations to make the camp less attractive for potential refugees.[629] In addition, health care services outside the camps require service fees that most Rohingya cannot afford.[630]

According to the United Nations (UN) gender guidelines, especially the UN Security Resolution, all humanitarian actors must be trained and oriented on gender sensitivity and cultural sensitivity so that no one is discriminated against.[631] But, according to the Rohingya participants, discrimination, and racism against the Rohingya by health care professionals is a common practice which gets intensified because of their lack of mutual trust and understanding of one another's perspectives. For example, Sarwar explained that one day a Rohingya man and his companion went to the MSF-run hospital "to see a senior and specialist doctor. The doctor asked if they were Bengali or Rohingya. The man told the doctor that they were Rohingya. The doctor gave him a tablet to eat, and within a short period, he died" (Sarwar, interviewed 24.06.2021). He said that he believed the doctor killed his companion with the wrong treatment after knowing the patient's identity. The patient's death may have been caused by something else, but Sarwar

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[629] Jennifer Hyndman, *Managing Displacement: Refugees and the Politics of Humanitarianism* (Minneapolis: University of Minnesota Press, 2000), 55.

[630] Amnesty International, "Let Us Speak for Our Rights: Human Rights Situation of Rohingya Refugees in Bangladesh," (2020). https://www.justice.gov/eoir/page/file/1319176/download.

[631] United Nations Security Council, "Resolution 1325."

considered it murder because the doctor asked about the patient's identity, and he did not trust the Bangladeshi doctor. As Bacchi argues, understanding is shaped by underlying assumptions and the local cultural context[632], and in Cox's Bazar, the Rohingya and the host community view one another as enemies.[633] As being forced to disclose a patient's identity is a problem in the health care sector, he and fellow Rohingya leaders raised the issue to the higher authority. They demanded a ban on health care providers asking about a patient's ethnic identity. However, as Hyndman found in her research, the refugees do not have the same level of social power and resources to influence decision-making and humanitarian planning.[634] Therefore, in this context, no changes took place regarding the health care service provided to the Rohingya refugees despite their protests. Instead, the health service providers identified them as 'Rohingya troublemakers' and blamed them for trying to create chaos (Sarwar, interviewed 24.06.2021).

Such discourse (Rohingya troublemakers) and the inaction of humanitarian organisations or authorities reinforce the existing unequal power relations between the humanitarian actors and the refugees. It also creates a subject position of the Rohingya as subordinate or chaotic which Bacchi calls subjectification effects.[635] Because of this subjectification effect, the Rohingya often confirm their subordinate status and decide not to argue with the humanitarian actors, fearing that disagreement can cause further maltreatment. For instance, Mitali, a Rohingya woman participant and a volunteer, said: "I know the doctors do not give us any value, they make us wait for a long time before we could meet them. But I accept everything doctors suggest me to do as I am afraid of them" (Mitali, interviewed 15.07.2021). Apart from subjectification effects, this also has other consequences. Rokeya, a Rohingya woman participant, connected the unconducive environment

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[632] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[633] Khatun, "Implications of the Rohingya Crisis for Bangladesh," 30.

[634] Hyndman, *Managing Displacement: Refugees and the Politics of Humanitarianism*, 77.

[635] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

and fear of maltreatment to most refugee women being hesitant to seek help from health care centres unless they are very seriously injured (Rokeya, interviewed 28.06.2021). They even avoid seeking medical services for issues such as maternal health care and childbirth. According to a study by the Inter-agency Working Group on reproductive health in crisis, only 22% of the Rohingya women in 2018 delivered their babies in a health care facility. The remaining, 78%, of the women, delivered their children 'at home'. They either were unable to access health care services or did not feel comfortable accessing the services.[636] The figures may have changed, but no statistical data is available to compare.

Lack of adequate access to health care facilities also affects women in getting justice. In Bangladesh, medical certificate evidence plays a pivotal role in adjudicating rape cases for the justice of sexual violence.[637] In Rohingya refugee camps, without a medical certificate from the health professionals, Rohingya women's complaint of violence, especially a complaint of rape, is not accepted formally, according to Mitali, a Rohingya mother of an SGBV survivor woman (Mitali, interviewed 15.07.2021). Access to justice is similarly fraught with difficulties for the Rohingya women due to many other barriers, which are discussed next.

7.3.2. Access to Justice

In Bangladesh, the justice sector consists of formal, semi-formal, and informal justice systems. The formal system involves state-based legal institutions and procedures such as police, courts, magistracy, acts, and laws. The elected local government runs the semi-formal justice system as per *the Village Court Ordinance of 1973*. The informal system is carried out by NGOs and community leaders seeking the resolution of civil disputes, petty crimes, and domestic violence

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[636] Sandra Krause, "Opinion: The Long Road to Addressing Sexual and Reproductive Health Needs of Rohingya Refugees," (2018). https://www.devex.com/news/opinion-the-long-road-to-addressing-sexual-and-reproductive-health-needs-of-rohingya-refugees-92616.

[637] Subrata Banarjee, "Identifying Factors of Sexual Violence Against Women and Protection of Their Rights in Bangladesh," *Aggression and Violent Behavior* 52 (2020): 6.

through mediation.[638] As I have learned from the interviews, the Rohingya do not have access to the semi-formal and informal justice mechanism of Bangladesh as they live in camps and do not fall under the jurisdiction of the elected local government. And they face many barriers to accessing the formal justice system, which is also inaccessible to Bangladeshi nationals of poor socioeconomic backgrounds.[639] In such a situation, the Rohingya mostly rely on a different form of newly adapted informal justice mechanisms operated by a network of camp management personnel in an ad hoc manner, with few cases being referred to the formal court.[640]

Jamal, a Rohingya male participant and a *Maji*, stated that if a dispute or issue of violence cannot be solved at the family level, it gets reported to their respective block *Maji*. If the case is minor, the *Maji* arranges social arbitration, with religious leaders and other influential community leaders also invited, to hear from both parties involved in violence. After hearing both parties' opinions, a decision is made in the meeting (Jamal, interviewed 11.06.2021). As Motin, another Rohingya male participant and *Maji*, shared, the verdict in social arbitration is given with reference to *Muslim Sharia Law*. If any party is unhappy with the decision, the *Maji* refers the case to the CiC, whose decision is considered the ultimate solution. Instead of directly going to the CiC, the case can also be referred to an NGO for mediation through their lawyers. Sometimes, the CiC also discharges a case to an NGO for mediation if the issue is not considered profoundly serious in nature, such as domestic violence, sexual harassment, the conflict between neighbours, etc. If the NGO lawyers cannot reach an acceptable verdict, the case gets referred to CiC. The CiC will then listen to the case and deliver a judgment that needs to be listened to. Depending on the

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[638] Krehm and Shahan, *Access to Justice for Rohingya and Host Community in Cox's Bazar*, 14.

[639] Farzana Akter, "Legal Aid for Ensuring Access to Justice in Bangladesh: A Paradox?," *Asian Journal of Law and Society* 4, no. 1 (2017): 260. https://doi.org/10.1017/als.2016.60.

[640] Faustina Pereira, Jessica Olney, and Azizul Hoque, *Community Perspectives on Access to Civil Justice After Cross-Border Displacement: The Needs of Rohingya Refugees in Bangladesh* (The Asia Foundation, 2021). Accessed 7 January 2022, https://asiafoundation.org/publication/community-perspectives-on-access-to-civil-justice-after-cross-border-displacement-the-needs-of-rohingya-refugees-in-bangladesh/.

nature of the cases, the CiC sometimes suggests legal redress from the police or a formal legal court (Motin, interviewed 27.07.2021).

Krehm and Shahn, in their study on Rohingya and the host community's access to justice in Bangladesh, argue that the informal system of justice practised in the Rohingya camps, and the host community is discriminatory and incapable of ensuring justice for women as it is inconsistent with international standards and does not match the protections outlined in the laws of Bangladesh. In their opinion, the informal legal system based on the *Muslim Sharia Law*, often gets misinterpreted and fails to serve the interest of women.[641] But the majority of the male *Majis* interviewed for this study, such as Jamal (interviewed 11.06.2021), Abdullah (interviewed 16.06.2021), and Belal (interviewed 15.06.2021), were in favour of the informal justice system as they claimed that everyone had equal access to it. Belal, a Rohingya *Maji*, stated that there were unresolved cases of violence against women in his camp, but he made Rohingya women responsible for it. As he put it, "women cannot tell us their problem clearly, and so we are unable to give a right decision in favour of them. They do not understand that complex issue" (Belal, interviewed 15.06.2021). Contrary to this, Krehm and Shahan, in their paper, mentioned that most of the women in the Rohingya community, as in the Bangladeshi host community, do not attend their own arbitration. Male family members or relatives represent the woman to the community leaders and the CiC. Women directly raising challenges in arbitration is considered very rude and often poses the risk of being socially outcast for raising their voice in public, breaking the social norms of gender. Consequently, not having self-advocacy in the arbitration by the women, the verdict often favours men.[642] But the *Majis* do not consider the lack of a gender equitable environment as a problem in delivering justice to women; instead, they problematise Rohingya women pointing at them as incapable of understanding the situation. Consequently, this makes

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[641] Krehm and Shahan, *Access to Justice for Rohingya and Host Community in Cox's Bazar*, 14.

[642] Krehm and Shahan, *Access to Justice for Rohingya and Host Community in Cox's Bazar*, 31.

women look like a problem and without agency. This problematisation hides or covers up any possible problems informal justice has and justifies how the system operates.[643]

According to a study report by BRAC, the *Majis* are neither trained nor mandated to play a role in dispute resolution. They have been selected for this role to support community justice by the camp authority, mainly by the CiC, in the absence of a camp governance mechanism. They are not paid for their role; hence their involvement in this vaguely defined informal justice system is susceptible to corruption.[644] Similarly, the Rohingya women informants complained about their *Majis* for selling justice in return for money. They identified corruption as one of the main barriers to getting justice from the informal legal system available in the camps. The *Majis* often disfavour women by taking money from the men or the perpetrators. When the exchange of money becomes the determinant of one's access to justice, Rohingya women stand at the end of the queue. Like in any other context, Rohingya women constitute the majority among the poorest of the poor camp residents and thus are denied justice.[645] It is also the poorest women who experience the most violence. They expressed a yearning to have *Bichar* (judgment) fairly without any discrimination, influence, or bribe, which is currently missing in the camp. For example, Bobita, a Rohingya woman and a relative of a violence survivor, explained that she knew many Rohingya women in the camps who had experienced violence but not seen justice because of corruption, or because they did not have money. She argued that justice means fairness, something every person deserves, good or bad. But this essence of justice is missing in the camps. She said, "if I give 2 Taka to them [arbiters], my complaint will be progressed, but if the opposition party gives 3 Taka, I will become the culprit. This is how justice is served here" (Bobita,

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[643] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[644] Pereira, Olney, and Hoque, *Community Perspectives on Access to Civil Justice After Cross-Border Displacement: The Needs of Rohingya Refugees in Bangladesh*, 6.

[645] Lucia Hanmer et al., "How Does Poverty Differ Among Refugees? Taking a Gender Lens to the Data on Syrian Refugees in Jordan," *Middle East Development Journal* 12, no. 2 (2020).

interviewed 16.07.2021). She further mentioned that because of corruption at the community level, women are left without justice, and they cannot make a complaint to a higher authority such as an NGO, or the CiC, fearing negative consequences. Pereira et al. found that to sustain the practice of corruption, the *Majis*, head *Majis*, and other community leaders often try to obstruct Rohingya women from reaching an external authority with their complaints.[646] Shantana, a Rohingya female participant, noted that the Rohingya *Majis* allow a victim to move forward with a case to the higher authority only if they are paid. Shantana said: "if a *Maji* is given money, for say about 500 Taka, he will go to the CiC office or an NGO to report the violence" (Shantana, interviewed 06.07.2021).

The Rohingya women participants also expressed dissatisfaction with the NGOs working on gender-based violence. For instance, Chameli described the NGO activity on GBV as irrelevant to their lives. She mentioned that the people (NGO officials) working in the GBV office always ask them to come to them if anyone experiences violence. But, if anyone goes to their office, "they only ask for details of the incident. They write down something on papers, but to no use as no action is taken to solve the problem" (Chameli, interviewed 12.06.2021). She thinks that the legal assistance team of an NGO does not work with honesty and integrity to serve the interest of the violence survivor women. The lawyers of the team mostly care about people who have money, as they can have a cup of tea together with them sitting in a tea stall in the camp. Poor, destitute Rohingya women have no value to them. Being influenced by the corrupt community leaders, the legal assistance team often falsely accuse women of telling lies or exaggerating the incident and did not hesitate to insult women using vulgar words. Recalling her experience of dealing with a lawyer for a violence survivor-woman, she said:

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[646] Pereira, Olney, and Hoque, *Community Perspectives on Access to Civil Justice After Cross-Border Displacement: The Needs of Rohingya Refugees in Bangladesh*, 6.

We have lawyers in the camps to deal with any violence that takes place in the camp. But you will be shocked to hear the language of the lawyers. I took a violence survivor-woman to a lawyer for justice. Can you imagine what he said? He told the woman that she should not have married a man if she could not give him pleasure, if she could not offer him satisfaction and happiness, and such and such (Chameli, interviewed 12.06.2021).

Dissatisfied with the service and decision given by the community leaders and NGO legal team, many Rohingya filed complaints to the office of a CiC for legal remedies. The CiCs are government officers, and the government recognises their authority in the camp. Most of the CiCs, being the executive magistrates, have the power to make a final verdict that everyone must listen to.[647] According to Rohingya participants, such as Sarwar (a Rohingya *Maji*), a CiC usually does not take bribes. Justice is served if the survivor-woman can convince the CiC that violence has happened. Punishment ranges from fines, imprisonment, verbal threats, and withholding a family ration card to public shaming. The perpetrator of rape is also forced to marry the survivor-woman if she wants to be married to him (Sarwar, interviewed 24.06.2021), although one can only imagine that this will lead to more violence. So, in terms of fair justice, the CiC office is considered comparatively better and corruption free. But the problem is that not all the incidents of SGBV against women are always considered a violation of human rights and thus are denied justice. Bacchi argues that what is considered to be violence or "crimes rest on the power to define".[648] As Rohingya women are not in a powerful position, they do not have a say in deciding what constitutes violence. The CiC decides which case has the merit to be recognised as violence. According to the refugee participants, the CICs only take a case that they consider to be

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[647] Ipshita Sengupta, *An Agenda for a Dignified and Sustainable Rohingya Refugee Response in Bangladesh* (New South Wells, Australia: Act for Peace, 2021), 30. Accessed 25 November 2021, https://reliefweb.int/report/bangladesh/agenda-dignified-and-sustainable-rohingya-refugee-response-bangladesh-may-2021.

[648] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 107.

something very serious and higher profile in nature. So, women must be seriously injured to receive attention from the CiC. Reflecting on their experience of dealing with the office of a CiC, Rikta, a Rohingya woman leader and volunteer, said:

> Everything in the CiC office is terribly slow. When a victim's family goes to the CiC office to file a complaint, the officers often do not take the complaint. They ask the family to come again a few days later. When the parents go there a few days later, the officers again tell them to come a few days later. It makes a victim's family frustrated, annoyed, and less motivated to lodge a complaint (Rikta, interviewed 18.06.2021).

This example indicates that complaints filed by Rohingya women are often not taken seriously, rejected, or dealt with at a terribly slow pace. Consequently, many women do not report violence; hence, more than their conservative social system, structural violence and inefficient services are responsible for insufficient or delayed violence reporting.

According to the Constitution of Bangladesh, the Rohingya have the legal right to seek legal remedies for any form of violence from the formal justice system.[649] However, almost all the participants pointed out that because of being confined in the camp, their access to the formal justice system is subject to CiC's approval and discretion. According to Sengupta, the CiCs have judicial authority to influence the justice process in the camps. Even the police cannot investigate or arrest a criminal from the camps without permission from the CiC.[650] And Bari, a Rohingya community leader, observed that a CiC does not want to refer a case to the formal court easily. He shared his view that a CiC tends to present a violent incident against Rohingya or among Rohingya as normal for their interest and to protect their professional reputation. He pointed out that the camp is guarded by many security forces, such as the Bangladesh Army, Police, and Ansar, and administered by the CiCs, who have judicial administration power to run a court inside

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[649] Legislative and Parliamentary Affairs Division of Bangladesh, "The Constitution of the People's Republic of Bangladesh."

[650] Sengupta, *An Agenda for a Dignified and Sustainable Rohingya Refugee Response in Bangladesh*, 30.

the camps. Referring more cases to the external administration for legal redress will hamper their reputation; they will be seen as incompetent. Public awareness of the intensity of violence inside the camps will increase; they will be pressured by the higher authority and human rights activists to protect the rights of the Rohingya. Hence, according to Bari, the CiC always tries to keep violent occurrences out of the public eye, except for the violent incidents that are so serious in nature that they cannot be kept secret, such as murder, brutal rape, and kidnapping (Bari, interviewed 19.06. 2021).

If a CiC is convinced that a case has merit to be referred to the formal legal system, the legal team of an NGO is asked to support the victim with the formal legal proceedings. Upon receiving a formal complaint and a forwarding permission letter from the CiC, the police investigate and submit a charge sheet in court. Based on merit, the case of violence against Rohingya women gets referred to the district-level Women and Children Repression Tribunal. The legal team of an NGO provides the victim with all the necessary support to run a case in court, including but not limited to all the costs, paperwork, evidence collection, etc. However, the Rohingya women informants said that not all cases referred to the court end with *Sustho Bichar* (fair judgment). For a fair judgment, the police must submit an accurate report and arrest the perpetrators.[651] According to Rohingya women, the police are corrupt; without bribery, the police do not cooperate. "They are heartless; they ask for money, but do not think about the source of income of the Rohingya" (Rabeya, interviewed 28.06.2021). In this regard, Bulbuli, a Rohingya woman, said that she had to accompany a few rape victims to hospitals and a police station to give their statements. The police never arrested the perpetrators. Instead, the police claimed they could not identify or locate the perpetrators. Bulbuli remained very sceptical about the police's claim: "I doubt if they do not really know the whereabouts of the perpetrators, or they just give an excuse for not taking any action" (Bulbuli, interviewed 15.07.2021). Another participant repeated

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[651] Krehm and Shahan, *Access to Justice for Rohingya and Host Community in Cox's Bazar*, 27.

that she knew "a woman who was brutally raped, her case was reported to the CiC and then to the police. The perpetrators bribed the police, and so the case is still unresolved" (Mitali, interviewed 15.07.2021).

Because of such complexity of the system and corruption, many Rohingya women, victims of violence, do not seek justice.[652] Rohingya women participants believed that they (women) did not have any value to the authority and the service providers. In this respect, Lalita (a Rohingya woman volunteer) stated that as people lose trust in the authority, the authority also loses their respect and value to the people. According to her, most of the Rohingya in the camps think of the authority and service providers as "inhuman as they do not give any human value to the refugees, especially to the poor refugees" (Lalita, interviewed 17.07.2021). According to other Rohingya women participants, such as Shantana, the service providers were not for the destitute women but for the camp authority to support them in controlling the refugees. The authority intentionally selected *Majis,* who would never challenge or negotiate with the authority on behalf of the refugees. This explains why a *Maji* does not usually raise any concern of the Rohingya people, let alone of Rohingya women, to the authority or the service providers (Shantana, interviewed 06.07.2021). This entire situation makes Rohingya women more vulnerable to violence and more precarious.

However, as Pulvirenti and Mason argued, refugee women are not merely helpless victims; they also have an agency that they use to improve their lives or save themselves from violence.[653] Using their agency and informal mechanisms, the Rohingya refugee women also try to cope and negotiate their rights within the complex system differently, as discussed in the next section in detail.

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[652] Pereira, Olney, and Hoque, *Community Perspectives on Access to Civil Justice After Cross-Border Displacement: The Needs of Rohingya Refugees in Bangladesh*.

[653] Mariastella Pulvirenti and Gail Mason, "Resilience and Survival: Refugee Women and Violence," *Current Issues in Criminal Justice* 23, no. 1 (2011): 40, https://doi.org/10.1080/10345329.2011.12035908.

7.4. Rohingya Women's Coping Strategy

Rohingya participants commented that, despite being oppressed by the system of the encampment and the patriarchal social structure, the Rohingya women do not sit quietly. They are resilient and motivated to take action for their protection. For instance, many Rohingya female participants, including Lalita (an active community volunteer), said that "no one will protect them unless they can protect themselves" (Lalita, interviewed 17.07. 2021). Being self-motivated, many women have taken many actions to cope and overcome their vulnerabilities to violence in the camps, both in their daily lives and as explicit strategies. As Krause said, examples of such actions taken by women to avoid violence in their everyday lives are diverse.[654] For instance, Dilara Begum was a Rohingya woman and a mother of a young adult son. She worked in the camp as a volunteer without any financial benefit to raise awareness among the Rohingya women on SGBV and help women access health services and cope with a negative experience of violence by taking them to the counsellor or helping meet other Rohingya women. She is literate and comes from a comparatively wealthy family in Myanmar. She presented herself as a strong woman with a deep sense of responsibility toward her community and fellow Rohingya woman. She said, "I need to help our women; I console them not to get upset and not stay at home crying. I cannot bear the pain women go through. I am in a much better position than many women. If I do not help the women of my community, no one will help them or us" (Dilara, interviewed 03.07. 2021).

Rikta, another Rohingya woman participant, formed a volunteer organisation in the camp that has 200 women volunteers working as teachers for school-age Rohingya children. Although they are known as teachers, she said they regularly discuss women's rights and protect women from violence. They encourage one another in information sharing and developing new skills, organising as a group against violence against women and children. These women volunteers

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[654] Krause, "Rethinking Refugee Women's Power and Vulnerability."

organise other Rohingya women from the neighbourhood and discuss many issues relevant to them. Rikta said:

> We gather women and tell them not to go to the toilet alone at night without being accompanied by family members, not to be tempted by people offering them money and other help, and to know detailed identification of an unknown person approaching them with the promise of help, and to inform other people in the community about the presence of any such suspicious person (Rikta, interviewed 18.06. 2021).

She further said that she managed to carry some expensive jewellery from Myanmar, which belonged to her family, while travelling to Bangladesh. She sold some of that jewellery to support destitute women and buy education materials for her organisation. Such actions and information suggest that Rohingya are not homogenous. Although humanitarian actors and organisations treat and represent them as illiterates, conservatives, and incapable of making decisions, there are some Rohingya women with education, different socioeconomic class, and strong leadership skills. They are working hard and contributing to the effort to bring positive changes and alleviate sufferings among their fellow Rohingya women.

There are also many Rohingya women with education and skills who work as volunteers with different humanitarian organisations to support their families financially. As many humanitarian and refugee participants shared, the Rohingya who work as volunteers with various humanitarian organisations are paid monthly for their work (about Tk12,000, equivalent to approximately AUD$194 at AUD$1 = Tk62). They have a specific job description and activity targets like any other employee. They are recruited as volunteers, not staff, because volunteers can be paid less and have flexible working hours and targets. Apart from their roles as paid volunteers of an organisation, they regularly help fellow Rohingya women survivors of violence by giving them information on available services and showing them empathy so that the victim women do not feel left alone. Rahima is one woman who constantly stands with other Rohingya women in the community. She said, "if a woman is unfairly divorced by her husband, I take her to

an NGO office to report. If a woman is raped, I take her to an NGO office. If the NGO cannot do anything, I help them report the incident to the CiC office" (Rahima, interviewed 15.06.2021). As she said, she often plays an active role in conflict resolution between a couple and family members and tries to save women from family violence and oppression.

Women also go to *Shanti Khana* (the Peace Centre) to meet the counsellor and other women who have faced a similar experience. Sharing their experience of violence often lightens their burden of keeping their experience secret and relieves their negative feelings.[655] Through discussion with other women, they also learn new techniques of carrying small weapons such as safety pins while going out of the home so that they can use these to keep men away from making unwanted touches in a crowd. While a safety pin is a small tool, not strong/big enough for self-defence from any attack, women in Bangladesh and India have been using small instruments like safety pins and Japanese blades to run across the fingers of men who purposefully and secretly grope and rub themselves against a woman in a crowded queue or public bus.[656] To avoid violence, women travel together to the shop or water collection point. As Krause states, working and travelling in a group provides them with safety from attack, entertainment, and mental refreshment.[657] The Rohingya women participants explained that there are some other self-organised and self-help women volunteer groups and organisations active in the camps. These groups, networks, and organisations constantly work to protect women from violence and engage women in economic activity as shopkeepers and security guards and push forward women's involvement and participation in political decision-making. For example, Rikta said they once approached the CiC in his office through her volunteer organisation, asking him to involve

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[655] Hanan Al-Modallal, "Patterns of Coping With Partner Violence: Experiences of Refugee Women in Jordan," *Public Health Nursing* 29, no. 5 (2012): 409, https://doi.org/10.1111/j.1525-1446.2012.01018.x.

[656] Prabalika M. Borah, "What Is Your Secret Safety Tool?," *The Hindu*, 11 December 2019, https://www.thehindu.com/life-and-style/women-share-what-they-carry-in-their-handbags-to-keep-themselves-safe/article30275381.ece.

[657] Krause, "Rethinking Refugee Women's Power and Vulnerability."

community people, especially women, in the repatriation discussion. She said they did not succeed; security guards forced them to leave the office premises, but nevertheless, they will continue to work as a pressure group (Rikta, interviewed 18.06. 2021).

Apart from such collective actions, Rohingya women also follow some strategies in their everyday practice to protect themselves from violence or cope with the negative experience of violence. For instance, Shabana, a Rohingya woman and mother of two daughters, said that to protect themselves, they wear *Burqa* while going out of their home, even to the toilet. *Burqa* often protects them from potential violence, especially for young women. She said many young men target young women by stalking them on the street and harassing them sexually. Hiding in a *Burqa* makes it difficult to discern whether the woman walking on the street is a young or older woman. Older women are comparatively respected and not harassed. Young women under the disguise of a *Burqa* can often pass by without being harassed.

The participants also noted that Rohingya women often choose to stay silent as a method of coping with violence. To protect themselves from further violence or social stigma, they decide not to report a violent incident to any authority. A Rohingya woman participant, Mitali (interviewed 15.07.2021), stressed that they often prefer to keep quiet because they know that reporting an incident to any authority will not help them anyway in terms of justice. Young unmarried women frequently take such a strategy as they still have a long life ahead of them (Belal, interviewed 15.06.2021). Here the assumption is that reporting violent incidents, especially sexual violence, will bring a lot of other problems into their lives through public awareness. They might become the subject of gossip and be rejected as a bride for a suitable groom. If something goes wrong again, people will not take them seriously; they will instead be blamed or identified as women with problems and faults. If the same woman repeatedly experiences violence, people will start

thinking it must be due to the victim.[658] As Dilara (interviewed 03.07.2021), another Rohingya woman, said, people will not respect women if they disclose their experience of sexual violence. Hence to protect themselves and their future lives, women instead choose to stay silent and concentrate on doing household work and taking care of family members to divert their minds and win the heart of their family members, such as in-laws or husbands.

As they stated, many Rohingya women were aware of the problem of keeping violence secret. It allows the perpetrators to get away with the crime and encourages them to do more similar violence as they never get punished. But when women know for sure that reporting or making violence public will not bring any solution other than the social stigma that can ruin their lives further, they prefer to adopt staying silent as a strategy and move forward with life with the hope that bad feelings will fade away with time. As Krause points out, when silence is chosen deliberately to protect themselves or cope with an issue, it is an expression of agency.[659] This is evident in Shahina's statement: "women know that without giving bribes, they will not get any solution by telling their unpleasant experience. They stay quiet at home and try to mitigate and absorb the problems themselves and within themselves. Only we understand the pain of our lives" (Shahina, interviewed 16.07. 2021). Hence, it is clear that women choose this silent strategy of coping with violence not because they do not have any agency but because they have the intellect to analyse the context and decide what is dangerous or worthy of taking a risk.[660]

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[658] Gonzalez, "Refugees and Host Communities Facing Gender-Based Violence: Developing an Area-Based Approach to Gender-Based Violence Around Mbera Camp, Mauritania," 384.

[659] Ulrike Krause, *Difficult Life in a Refugee Camp: Gender, Violence, and Coping in Uganda* (Cambridge: Cambridge University Press, 2021), 203.

[660] Marian Tankink and Annemiek Richters, "Silence as a Coping Strategy: The Case of Refugee Women in the Netherlands From South-Sudan who Experienced Sexual Violence in the Context of War," in *Voices of Trauma Treating Psychological Trauma Across Cultures*, edited by Boris Drozdek and John P. Wilson, International and Cultural Psychology (Boston: Springer US, 2007), 199.

Some Rohingya women stated that reporting violence to Allah is easier, more healing, and more inspiring than reporting to people in such a complex and unconducive social environment. For example, Lalita (interviewed 17.07.2021) said that sharing violent incidents with people risks becoming the subject of gossip or being influenced by poor advice. She said people sometimes give bad advice to women to travel abroad where no one will know about their shameful past and allow them to have a better life. Many women have fallen into such a trap, taken a boat to other countries, and gone missing without any trace. "So, praying to Allah at home is better; at least I feel less distress" (Lalita, interviewed 17.06. 2021). Another participant, Shahina, shared a similar experience when she was in trouble. She was tortured based on false accusations of keeping drugs at home. Seeking protection and legal redress, she went to NGOs and the United Nations High Commissioner for Refugees (UNHCR), who did not help her. So, she came home and prayed to Allah to protect her from the trap and relieve her mental distress. She said:

> I asked Allah if the UNHCR did not understand my problem, and to whom I should talk about this. I still pray and cry to Allah. I believe that one day Allah will listen to my prayers. And this belief helps me to sustain my fight for my rights. I still walk to every office whenever I can for my rights (Shahina, interviewed 16.07. 2021).

Religion does not automatically empower women. However, the belief that injustice and poverty are not God-given reinstates hope and positivity to the lives of marginalised and violence survivor women. It helps them regenerate new mental strength to confront the wrongdoers and reclaim their rights.[661]

As Krause argues, the strategies taken by Rohingya, as discussed above, may appear very basic, but these actions help them in their safety and well-being. Through different strategies and everyday life practices, they actively seek to cope with violence, navigate through the aid

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[661] Gottfried Schweiger, "Religion and Poverty," *Palgrave Communications* 5, no. 1 (2019/06/11 2019). https://doi.org/10.1057/s41599-019-0272-3.

landscape and camp administration and overcome their vulnerability to some extent.[662] Their active agency should be recognised; they should not be treated and represented as mere victims of violence without agency and action.

7.5. Conclusion

The findings reiterate that more than religious and cultural conservativeness, the conditions and structures of the camps shaped and aggravated Rohingya women's experience of different forms of SGBV in the camps. Crowded camp conditions, mobility restrictions, joblessness, insufficient relief etc., contribute to increased violence against the Rohingya women. Although humanitarian actors claimed to have installed street lighting, bathing, and toilet facilities in the camps, the Rohingya women still feel too insecure at night to access these facilities. Despite the presence of numerous humanitarian response programs aiming at achieving gender equality and elimination of gender-based violence, the Rohingya women are still discriminated against and violated. They do not have much interaction with the staff and officials of humanitarian organisations, who are mostly busy reporting and maintaining liaison with senior management, camp authorities, and donors, leaving the responsibilities of dealing with camp residents to Rohingya volunteers and the *Majis*. Neither the volunteers nor the *Majis* are fully aware and involved with the important decision-making and planning process of the humanitarian interventions. They cannot provide detailed information to the camp residents about the activities and the interventions undertaken by humanitarian organisations in camps.

Consequently, most of the Rohingya women are unaware of the services available, except for some limited health and legal assistance. They also face challenges when accessing the inadequate services, they know. Multiple layers of corruptions, unfriendly and biased attitudes among the service providers have limited women's access to the few available services in the camps making them more vulnerable to violence and precarious. As participants mentioned,

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[662] Krause, "Rethinking Refugee Women's Power and Vulnerability."

many Rohingya women suffer silently from maternal health problems and injuries from intimate partner violence and rape committed by outsiders. They either do not know where to go or do not seek health care services because they often experience delay and discrimination in accessing the service, which creates fear of healthcare service providers among some Rohingya women. Inaccessible health care services contribute to health problems and reduce women's chances of getting access to justice. In Bangladesh's legal system, a medical report of violence is mandatory for lodging a formal case against violence. As Rohingya women do not have easy access to health care service providers, they often cannot lodge a complaint against violence carried out against them.

Rohingya women also cannot access justice because to be able to complain to a humanitarian organisation or the CIC, they need to be represented by their camp *Majis,* who are also said to be highly involved in corruption. They are assigned as representatives and leaders of Rohingya camp residents with the responsibility of maintaining the law-and-order situation of the camp. They have huge responsibilities without any payment and power to influence the important decision process in camp management and humanitarian interventions. Hence, they take every opportunity to earn money by getting involved in corruption. As Rohingya women are poorer among the poor camp residents without or very little access to income-earning opportunities, they cannot pay money to the *Maji* to have their case proceed or get the verdict in their favour. Rohingya women, therefore, yearn for justice. They blame their *Majis* as corrupt, but because they mistrust the authority and the service providers, they are reluctant to report violence to any of them. Their mistrust is generated by the fear that the humanitarian actors will cause harm to them. According to Butler, human beings are precarious and so fear other human beings who are different from them.[663] As the humanitarian actors are different, Rohingya often consider that they cannot be fully trusted. Many of them think that the humanitarian actors are there in the camps

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[663] Butler, *Frames of War: When is Life Grievable?*, 2-6.

not to support the Rohingyas but for their own benefit. Their suspicion and mistrust of the service providers and authorities are further aggravated by the fact that the CiCs often ignore their complaints. The CiC's decision on any issues inside the camps is considered final, but they do not pay attention to violence against women unless women are seriously injured. They tend to control all incidents of violence in the camps, fearing public criticism and being exposed for failure.

To navigate this complex system of humanitarian mechanisms and protect themselves from these precarious conditions, the women have shown resilience and perseverance in the face of violence. Although humanitarian actors often believe and represent Rohingyas as homogenous, uneducated, and without agency and leadership skills, some Rohingya women are educated and come from a better-off family background. They have been engaging in an informal way of mobilising against and resolving violence through their own volunteers and social networks. And they have adopted a diverse range of activities and strategies to maintain their safety and well-being in everyday life.

Chapter Eight: Problems and Limitations of Existing Humanitarian Response Mechanisms

8.1. Introduction

Sexual and gender-based violence (SGBV) against displaced and refugee women in conflict and camp settlements is widely acknowledged by academics and international humanitarian organisations across the globe. As a result, gender equality, women empowerment, and addressing SGBV against women have become central issues for many organisations in their humanitarian interventions.[664] The United Nations (UN) and its implementing partner non-government organisations (NGOs) have made many efforts to address the issues through different interventions. Despite these efforts, the implementation of gender equality programs and gender-based violence (GBV) programs remain inconsistent and unsystematic as the understanding, interpretation, and interventions vary across context and time.[665] Consequently, ensuring an effective humanitarian response to the violence survivor refugee women is still one of the many pressing challenges in all humanitarian settlements across the globe, as found in chapter two. The challenges of addressing SGBV against refugee women become more complicated in the refugee context situated in a developing country like Bangladesh, which has its own multiple development challenges, including the high prevalence of SGBV among the host community. In addition, Bangladesh does not have any national legal framework to deal with refugees, as this thesis identified and discussed in chapter five. This chapter discusses how these unfavourable conditions of the host country influence the perspective of humanitarian actors and shape the lives of the Rohingya refugee women. The chapter argues that the existing

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[664] Buchowska, "Violated or Protected. Women's Rights in Armed Conflicts After the Second World War," 71-72.

[665] Olivius, *Three Approaches to Gender in Humanitarian Aid: Findings From a Study of Humanitarian Aid to Refugees in Thailand and Bangladesh*, 1.

humanitarian response mechanism to address SGBV against Rohingya refugee women is problematic because it is ineffectual, donor-driven, and lacks Rohingya women's participation in planning and implementation. Above all, this chapter highlights the major gaps and limitations of the current humanitarian response mechanisms. It critically discusses why Rohingya women cannot be protected in camps in Bangladesh.

8.2. Limited Understanding of Violence

Identification of violence and its causes are important pre-conditions in addressing violence. As discussed in chapters six and seven, the humanitarian actors and the Rohingya refugees have identified multiple forms of SGBV against Rohingya refugee women. There are many commonalities in the kinds of violence they have identified; both categories of participants have identified domestic violence in the form of physical violence and intimate partner violence, sexual violence carried out by non-family members, sexual trafficking, and forced marriage, including child marriage as common forms of GBV carried out against Rohingya women. As forced marriage is one of the common forms of violence against refugee women in the camps, many women in such marriages would likely experience sexual violence (non-consensual sexual acts) carried out by their intimate partners.[666] However, sexual violence against intimate partners remained silent in the problematisation; neither humanitarian actors nor the Rohingya refugees mentioned anything about sexual violence committed by intimate partners. According to Ashrafun, most people in Bangladesh, including the Rohingya, think that a husband has the right to have sex with his wife at any time. A culture of victim-blaming is highly prevalent, where women are blamed for any kind of violence carried out against them.[667] Therefore, any sexual misconduct or unwanted sexual act committed by an intimate partner does not come under their definition of

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[666] Padma-Bhate Deosthali, Sangeeta Rege, and Sanjida Arora, "Women's Experiences of Marital Rape and Sexual Violence Within Marriage in India: Evidence From Service Records," *Sexual and Reproductive Health Matters* 29, no. 2 (2022).

[667] Ashrafun, *Women and Domestic Violence in Bangladesh: Seeking a Way Out of the Cage*, 127.

crime or violence against women. The failure to recognise and account for every form of violence is problematic as it not only lets the violence continue but also prevents women from having necessary support services when such violence occurs.

In addition, the humanitarian actor and the refugee participants in this research had a very contradictory understanding of the causes of violence. Most humanitarian actor participants represented the Rohingya refugee community as the main cause behind the violence against Rohingya refugee women. They indicated that their (Rohingya community) socio-cultural practice, religious beliefs, and previous violent experiences were responsible for violence against Rohingya refugee women in Bangladesh. Many of them identified the Rohingya as conservative, polygamous, frustrated, and aggressive. Only very few humanitarian actor participants mentioned the overcrowded camp structure, idleness, lack of employment, and livelihood opportunities to be contributing factors to the violence against Rohingya refugee women in the camps. It could be that the camp built as a temporary solution is naturalised as an appropriate place for Rohingya women because humanitarian actors view the refugees as temporary residents, although it often gets prolonged without certainty that the refugees might be able to return to their home country or be settled somewhere else.[668] On the other hand, the Rohingya participants stated that structural violence, such as the lack of security protection, immobility, poverty and insufficient and inaccessible services, were major contributing factors to SGBV against Rohingya refugee women. As discussed in chapter seven, the Rohingya women argue that inadequate shelter, washing facilities, food, health care, education, and other basic services forced Rohingya women to be more vulnerable to sexual exploitation and violence. But most humanitarian actors did not represent structural violence as a problem or a contributing factor to violence against Rohingya; instead, they indicated violence as something of their own making. According to Bacchi, every

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[668] Simon Turner, "What Is a Refugee Camp? Explorations of the Limits and Effects of the Camp," *Journal of Refugee Studies* 29, no. 2 (2016): 142, https://doi.org/10.1093/jrs/fev024.

representation of a problem has an underlying assumption or social construction of it.[669] Following

Bacchi's argument, this thesis argues that most of the humanitarian actors do not see structural

violence against the Rohingya refugee women because they assume that Rohingya do not

deserve any more than what is being offered to them. As mentioned earlier in chapter four, the

Rohingya are considered a security threat and economic burden in Bangladesh. They are not

ethnically and nationally recognisable as rights-bearing human beings in the eyes of Bangladeshi

people.[670] According to Butler, the human beings who are seen as threats to other human beings

are considered undeserving of life, and the loss or sufferings of these human beings are justifiable

or seen as normal.[671] As the Rohingya are judged as undeserving and unworthy lives by

Bangladeshi people and humanitarian actors, the amount of relief and support given to them is

considered to be more than enough. As discussed in chapter six, this claim has been explicitly

made by some humanitarian actors. Such assumptions construct Rohingya refugees as

undeserving and having less valuable lives. These underlying assumptions ignore structural

violence and effectively obscure the humanitarian system's failure and its responsibility to protect

the rights of Rohingya refugee women. As Gordon and Larsen argue, it also works as an effective

strategy to alleviate "any guilt felt about their sufferings".[672] And as Walkup explains, in such a

situation, the "refugees cease to be people with problems: refugees become the problems".[673]

When refugees themselves become problems, it not only justifies the humanitarian actors' current

activities but also legitimises any punitive action taken by them or by the Bangladeshi government

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[669] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[670] Tripura, "Confined, Controlled, and Violated: The Rohingya women in Bangladesh Refugee Camps," 10-12.

[671] Butler, *Frames of War: When is Life Grievable?*, 64.

[672] Eleanor Gordon and Henrik Kjellmo Larsen, "The Violent Inaction of the State and the Camp as Site of Struggle: The Perspectives of Humanitarian Actors in Moria Camp, Lesvos," *European Journal of International Security* 6, no. 4 (2021): 429, https://doi.org/10.1017/eis.2021.9.

[673] Mark Walkup, "Policy Dysfunction in Humanitarian Organizations: The Role of Coping Strategies, Institutions, and Organizational Culture," *Journal of Refugee Studies* 10, no. 1 (1997): 46, https://doi.org/10.1093/jrs/10.1.37.

to control Rohingya, as well as hostility towards Rohingya by the local host community. Tension and hostility towards Rohingya are on the rise, as found in news reports; like the humanitarian actors, the government also represents and views Rohingya as a security threat in Bangladesh, as discussed in chapter four.

8.3. Encampment and Mobility Restriction

Refugee camps are used as a humanitarian space in many parts of the world as the best way to offer protection and relief to refugees on a temporary basis.[674] As mentioned in chapter four, the Bangladesh government has also sheltered Rohingya in camps ostensibly to better facilitate humanitarian response and protection. The humanitarian organisations not only support the government of Bangladesh in building camps but also work actively in the camps by implementing different projects. However, Rohingya cannot be safe and protected inside the camps as they do not have "fundamental rights to the freedom of movement that is essential to the enjoyment of all other rights".[675] The Camp-in-Charges (CiCs) allow only a small number of Rohingya to go out of the camps on day passes and only for emergency issues like seeking medical treatment. The camps in Cox's Bazar are known as some of the largest and worst refugee settlements in the world because they lack well-developed infrastructure and road communication to ensure a better humanitarian response. They are also extremely overcrowded and unhygienic with rubbish everywhere and lack basic services, including sufficient clean water, toilets, and basic health care facilities.[676] The government of Bangladesh resolutely restricts the establishment of any permanent structure, better facilities, services, and support, insisting that the Rohingya will be

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[674] Adam Ramadan, "Spatialising Refugee Camp," *Transactions of the Institute of British Geographers* 38, no. 1 (2013): 69.

[675] Verdirame and Harrell-Bond, *Rights in Exile: Janus-Faced Humanitarianism*, 271.

[676] Karin, Chowdhury, and Shamim, "Status of Rohingya Refugees in Bangladesh: A Comparative Study With Emphasis on Aspects of Women and Girls in Camps of Kutupalong, Cox's Bazar, Bangladesh," 2-3.

repatriated to Myanmar as soon as the political situation returns to normal.[677] By not allowing

improvements in the camp conditions, the government want to retain a perception of the camps

as temporary shelters and "to keep refugees in limbo".[678] The assumption is that improving the

condition of the Rohingya will not encourage them to return to Myanmar but act as a pull factor

for more Rohingya to come to Bangladesh.[679] Hence, this temporary structure has become a

permanent living space for Rohingya for the last five years and probably many more years to

come without necessary facilities; this contributes to further endurance of vulnerability and

violence.

The UN suggests three durable solutions for any refugee situation where people will be

able to live a normal life without physical, social, legal, and economic support.[680] These three

solutions are voluntary repatriation, local integration, and resettlement. In the context of the

Rohingya, none of these solutions has been possible in the last five years. As the political situation

in Myanmar has changed, the military again took control of the country, and the return of the

Rohingya to their country has become even more uncertain. So, the Rohingya refugee crisis in

Bangladesh has turned into a protracted situation. A protracted situation is defined as a situation

where 25,000 or more refugees of the same country of origin live in exile in a country, where they

have been given shelter, for five years or more, either in camps or outside the camps.[681] In such

a protracted situation, the temporary measures taken to protect refugees become permanent, and

refugees are forced to remain confined in a camp with significant restrictions on movement for

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[677] Helen Dempster and Nurul Huda Sakib, *Few Rights and Little Progress: The Rohingya in Bangladesh* (2021), 4-5. Accessed 25 May 2021, https://www.cgdev.org/blog/few-rights-and-little-progress-rohingya-bangladesh.

[678] Malkki, "Refugees and Exile: From "Refugee Studies" to the National Order of Things."

[679]Alam cited in Solomon, "'We're Not Allowed to Dream.' Rohingya Muslims Exiled to Bangladesh Are Stuck in Limbo Without an End In Sight."

[680] Ruchi Lal, "Durable Solutions for Protection of Refugees and Their Correlation With Social and Economic Rights," *International Journal of Law* 3, no. 1 (2017): 40.

[681] United Nations High Commissioner for Refugees, *Global Trends: Forced Displacement in 2018*, 84.

jobs, education, and other purposes.[682] Refugees are represented as security threats and burdens in the host country, which justifies their long-term encampment and deprivation of other rights.[683] As such, the Rohingya are seen as threats to Bangladesh and its people, any claim by Rohingya refugees, including justice, security, and dignity, are seen as illegitimate claims. Their control and suffering inside the camps are considered necessary for the Bangladeshi people to live in safety.[684] To protect the Bangladeshi people from the perceived threat, their mobility is further restricted by building barbed wire fences around the camps so that threats cannot get out of the camps. Mobile networks were disconnected in 2019 in the camp areas, so the Rohingya cannot maintain connections with the outside world and cannot mobilise for their rights against the camp authority or host country.[685]

Confinement of the Rohingya refugees inside the camps also serves to render them invisible to the outside world so that people cannot challenge the government of Bangladesh with direct evidence of the wrongdoing. The government has set up many security check posts in consultation with the UN agencies and NGOs to control people's mobility outside and inside the camps. The Rohingya need permission from the CiC for their mobility outside the camps, likewise, any individual or organisation needs permission from the Refugee Relief and Repatriation Commission (RRRC) to enter or work in the camp. A person and organisation deemed pro-Rohingya rights is denied camp entry or forced to stop their activity with the Rohingya. For example, according to a news report, from 2017 to 2019, Bangladesh forced out 41 NGOs from the refugee camps and from the country with accusations of trying to mobilise the Rohingya for their rights against the camp authority. In September 2019, the government banned an America-

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[682] Gil Loescher and James Milner, "Understanding the Problems of Protracted Refugee Situations," in *Protracted Refugee Situations: Political, Human Rights and Security Implications*, edited by Gil Loescher et al. (New York: United Nations University Press, 2008), 85.

[683] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[684] Ramadan, "Spatialising Refugee Camp," 432.

[685] Riaz and Rana, "Securitization of the Rohingya Refugees in Bangladesh."

based NGO called Adventist Development and Relief Agency from working in Bangladesh for assisting the Rohingya in carrying out a rally in demand for their rights to non-refoulment. The government also withdrew the then commissioner of RRRC from Cox's Bazar as he was thought to be pro-Rohingya rights for not taking disciplinary action to prevent the rally from happening.[686] The government has done this to silence documentation and publicity of wrongdoing. As Gordon and Larsen said, "when we do not have contact with or sight of 'the other' and when information about 'the other' is carefully controlled, their dehumanisation and discourse about the threat they pose can remain unchallenged".[687] It also validates any harsh measures taken to control the threats and violence directed at them as they are not seen, and even if seen, it is justified because they are different; they are refugees.

8.4. Top-Down and Donor-Driven Humanitarian Programs

Humanitarian organisations offer different services and reliefs to the Rohingya refugees inside the camps. With financial support and technical guidance from the UN and international NGOs, many local (Bangladeshi-born) NGOs are implementing humanitarian response projects in the camps. Without employment opportunities and mobility outside the camps, the Rohingya depend entirely on humanitarian organisations and actors for their well-being and protection. The humanitarian actors claim they have been doing their best to help the Rohingya alleviate their suffering through interventions such as WASH, health care, food service, education, livelihood, and security. Despite good intentions, how humanitarian aid and services are administered through different programs makes the lives of Rohingya women vulnerable. There is a power imbalance between the humanitarian actors and the refugees, as the humanitarian actors have

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[686] Abdul Aziz, "2 NGOs Banned for Backing Anti-Rohingya Repatriation Campaign," *Dhaka Tribune* (Dhaka Bangladesh), 04 September 2019, Accessed 26 June 2022, https://archive.dhakatribune.com/bangladesh/rohingya-crisis/2019/09/04/bangladesh-bans-two-ingos-for-financing-running-anti-repatriation-campaign-among-rohingyas.

[687] Gordon and Larsen, "The Violent Inaction of the State and the Camp as Site of Struggle: The Perspectives of Humanitarian Actors in Moria Camp, Lesvos," 433.

the functionality of helpers while the refugees are people in need of their help.[688] As Fassin argues, by using their control over resource allocation and service determination, they hold a lot of power over the life of the Rohingya. In all humanitarian actions, they force refugees/displaced people to affirm their victim status to legitimate their claim over scarce resources or support.[689] In the short term, playing victim helps the refugees with material benefits, but in the long run, it takes away refugees' agency and decision-making power over their lives. The humanitarian actors do this in all humanitarian actions because they make the best use of their scarce resources as they have to report and convince their donors.[690] As in development planning, in a humanitarian context, the donors, mostly based in Western developed countries, decide which project to fund.[691] Hence, humanitarian organisations are always more concerned about securing funding and making donors happy than addressing the actual need of the Rohingya, although the humanitarian work is structurally positioned to compound the suffering of the most vulnerable people.[692]

While accountability is directed to the donors, participation of the people in the programs becomes less important or tokenistic to fulfilling the donors' requirements.[693] In the same way, Rohingya refugees' participation is absent in humanitarian program designing and decision-making in the true sense and only tokenistic. For example, Rohingya leaders known as *Majis* are recruited by CiCs in consultation with humanitarian organisations to represent the Rohingya community in any necessary issues, more particularly in camp administration. Hence, the Rohingya community's involvement has been represented as important for a successful

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[688] Barbara Harrell-Bond, "Can Humanitarian Work With Refugees Be Humane?," *Human Rights Quarterly* 24, no. 1 (2002): 57, https://doi.org/10.1353/hrq.2002.0011.

[689] Fassin, "Humanitarianism as a Politics of Life."

[690] Fassin, "Humanitarianism as a Politics of Life."

[691] Harrell-Bond, "Can Humanitarian Work With Refugees Be Humane?," 53.

[692] Verdirame and Harrell-Bond, *Rights in Exile: Janus-Faced Humanitarianism*, 332-334.

[693] Heathcote and Otto, "Rethinking Peacekeeping, Gender Equality and Collective Security: An Introduction," 4.

humanitarian response. The involvement of *Majis* has been mostly limited to community-level dispute resolution and taking a problem to the camp authority. Their representation in the camp administration is still tokenistic as they do not have the power to influence the ultimate decision-making on camp administration and humanitarian project design. Humanitarian actors often claim that the *Majis* are consulted and informed about every humanitarian project. In practice, the *Majis* in the Cox's Bazar camps are unaware of most of the projects being implemented. And except for one, all the *Majis* are men. As a result, Rohingya women are completely unaware of how, what project, and how many projects are being implemented in the camps. Not being in leadership positions, Rohingya women are also deprived of their say over community-level dispute resolution led by the *Majis.*[694]

The humanitarian actors and organisations do not problematise the absence of Rohingya refugee women's participation in a leadership position as *Majis* because their main concern is donors and maintaining liaisons with CiCs to secure permission to work in the camp. The lack of Rohingya refugee women's participation in the leadership role is also supported by the fact that the CiCs are men, who are assumed to be more comfortable dealing with men than women. In such a situation, the humanitarian organisation's promotion of Rohingya women in leadership positions is not considered essential. In addition, as some humanitarian participants mentioned, addressing gender issues and Rohingya women's needs are often de-prioritised by senior management of all sectors of humanitarian response as their focus is more on the smooth functioning of the camp system, where the participation of Rohingya men is enough, as male refugees are considered capable of leading on a broader range of issues.[695] As discussed in

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[694] Pereira, Olney, and Hoque, *Community Perspectives on Access to Civil Justice After Cross-Border Displacement: The Needs of Rohingya Refugees in Bangladesh*, 7.

[695] Preeti Patel et al., ""Having More Women Humanitarian Leaders will Help Transform the Humanitarian System": Challenges and Opportunities for Women Leaders in Conflict and Humanitarian Health," *Conflict and Health* 14, no. 84 (2020): 5-6.

chapter four, the Rohingya women are mostly considered problems or victims. Freedman argues that such representation of victimhood makes women's participation relevant only to mostly gender-specific projects or in the context of GBV,[696] and promoting Rohingya women for leadership positions and addressing their challenges are considered to be the responsibilities of the GBV sub-sector. The inter-sector coordination has incorporated the GBV program as one of their main humanitarian response projects, alongside WASH, food service, education, livelihood, and security. But compared to the entire humanitarian response mechanism, the GBV sub-sector is still too small to effectively influence major decision-making.

Additionally, like any other component of the humanitarian response mechanism, the GBV program is also highly donor-driven and influenced by a top-down approach. According to IASC guidelines for SGBV intervention in humanitarian settings, "all humanitarian actors must take action from the earliest stages of an emergency, to prevent sexual violence and provide appropriate assistance to survivors".[697] This recommendation is applied irrespective of the high or low prevalence of SGBV. As Bacchi argues, policy recommendations are made from the assumptions,[698] in this case, that many SGBV cases go unreported to the service providers. Hence, irrespective of available data, lifesaving services must be there in every humanitarian context, and "violence must be assumed to be happening".[699] Keeping in line with Inter-Agency Standing Committee (IASC) and other humanitarian gender policies and guidelines, many humanitarian agencies, including INGOs and the UN agencies, "have resources dedicated to GBV with a technical advisor in headquarters and in the field; the United Nations High Commissioner for Refugees (UNHCR) has standard operating procedures (SOPS) for GBV in place virtually in

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[696] Freedman, "Mainstreaming Gender in Refugee Protection," 601.

[697] Inter-Agency Standing Committee, "Guidelines for Gender-Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies," 1.

[698] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[699] Bain and Guimond, "Impacting the Lives of Survivors: Using Service-Based Data in GBV Programmes," 16.

every camp under its jurisdiction".[700] Although these organisations have staff at the field level, the senior level technical staff of the headquarters decide which project to fund, and their decisions do not always coincide with the local needs.[701] Hence, although the promotion of women in leadership positions is vital to prevent SGBV against Rohingya refugee women, it has not received much attention in the existing humanitarian response program in Cox's Bazar because it is not very important to the humanitarian actors who decide on which project to fund.

As discussed in chapter six, the current SGBV programs in Cox's Bazar can be broadly divided into three major categories: risk mitigation, prevention, and response services. The issue of women's empowerment and leadership could have been a part of these SGBV programs, more specifically under the prevention interventions, but it is largely absent in all sectors. Under the prevention interventions, only community-level awareness-raising on SGBV has been highlighted because the donors are interested in funding such projects, or it is easy for the humanitarian actors to influence donors for the community-level awareness-raising programs because the Rohingya are illiterate and perceived as conservative. Thus, their needs for education through awareness-raising sessions are seen as more urgent and relevant.[702] Likewise, the issue of income-earning opportunities is not included in the SGBV response service provisions. Some humanitarian actors even explicitly said that they do not consider employment or access to income relevant for Rohingya. An assumption running through this idea is that Rohingya are provided with food rations and other relief items, although not enough. Hence, livelihood opportunity is not urgent or relevant for the Rohingya women. As Walkup argues, funding always defines what is urgent; if funding provision is short for these needs, the humanitarian

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[700] Read-Hamilton, "Gender-Based Violence: A Confused and Contested Term," 6.

[701] Wirtz, "The Inhumanity of Humanitarian Aid: Gender and Violence in a Kenyan Refugee Camp," 108.

[702] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

organisations perceive the urgency of these needs to be less severe.[703] Similarly, the need for Rohingya women's participation in leadership positions is not given any or less attention because no specific donor funding is allocated for this issue.

Irrespective of local needs, funding availability and donor interest trigger competition among humanitarian organisations to do something related to the SGBV response and awareness-raising on SGBV. As funding is available for gender issues, multiple organisations are involved in implementing SGBV projects, with some of their programs overlapping and some solely in the domain of one organisation. For example, Technical Assistance International (TAI) Social Foundation is the only organisation providing legal assistance and mental health counselling to Rohingya women in some camps. Education programs on SGBV are offered by many organisations, such as Bangladesh Rural Advancement Committee (BRAC), Cooperative for Assistance and Relief Everywhere (CARE), and *GONOSASHTHA* (Public-health), with funding and technical support from UN agencies and international NGOs, as participants informed me.

As a humanitarian actor participant mentioned, donors want Rohingya women's participation in the SGBV program because it is considered to be a women's issue. And women's involvement in a SGBV program or project is, therefore, a must for the effectiveness of the project.[704] Hence, all humanitarian organisations working on SGBV have recruited Rohingya women as volunteers and community outreach workers to inform them of their SGBV services, conduct awareness-raising sessions, and collect SGBV-related data. Recruiting Rohingya women in SGBV programs presents organisations as women-friendly and gender-sensitive, which is necessary for securing donor funding for the SGBV projects and other projects. Involvement of Rohingya women in a SGBV project also helps the NGOs save money because the Rohingya can be paid less, only around AUD$200 a month, under a volunteer contract, and this allows the

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[703] Walkup, "Policy Dysfunction in Humanitarian Organizations: The Role of Coping Strategies, Institutions, and Organizational Culture," 47.

[704] Olivius, "Governing Refugees Through Gender Equality: Care, Control and Emancipation."

staff to have more time to maintain liaison and communication with senior management and donors. To reduce the Rohingya refugees' access to cash, the government of Bangladesh has set a rule that the Rohingya are to be paid Tk12,600 (equivalent to AUD$200) per month at a maximum,[705] which is much lower than a Bangladeshi day labourer could earn. Despite the low payment rate, working as volunteers helps Rohingya women with additional financial support and training. However, the women are only involved as volunteers, not in planning and decision-making; they remain unaware of the context and ranges of all the SGBV program activities and their objectives. Not having in-depth knowledge about SGBV and project objectives, they cannot effectively deliver information or conduct awareness-raising sessions. It, therefore, hampers the quality of the services and project effectiveness.

Once the funding ends, the same organisation moves to another project for which funding is available. An NGO, previously known for mental health counselling or case management services, might no longer have the same services. These changes confuse Rohingya women because it is difficult for them to find the appropriate service providers, but the humanitarian organisations are not as accountable to the refugees as they are to the donors. As Harrell-Bond explains, the humanitarian organisations "are not threatened by the dissatisfaction of consumers, but by the donors' displeasure with their service. Understandably, then, they are more responsive to donor interests than to the needs of the affected population".[706] Most of the donors, being in distant, mostly Western developed countries, have an understanding of success that does not necessarily resonate with the Rohingya refugees' needs and expectations.

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[705] Office of the Refugee Relief and Repatriation Commissioner, "Guidance on Rohingya Volunteer Incentive Rates," (Government of the People's Republic of Bangladesh, 2018), 2. Accessed 16 June 2019, https://www.humanitarianresponse.info/fr/operations/bangladesh/document/harmonization-semi-skilled-and-skilled-refugee-volunteer-incentive.

[706] Harrell-Bond, "Can Humanitarian Work With Refugees Be Humane?," 72.

8.5. Complex Referral System

As mentioned above, SGBV services are offered to Rohingya women by multiple organisations. The multiplicity of organisations addressing the same issue in the camp makes it difficult for the Rohingya women to know exactly who is responsible for which service. This confusion is compounded by the fact that not all organisations continuously provide a specific service.

To bring all the current humanitarian organisations and projects working on GBV under the same platform, a GBV coordinator group has been formed under the leadership of the United Nations Population Fund (UNFPA). The group has a regular monthly meeting among themselves and with the government-employed camp authority (the CiC) and has taken some joint initiatives such as data sharing and a joint data management system. The group also has agreed that they will work collectively, complementing one another since none of the organisations has a standalone project with the capacity to reach out to all the refugee women and fulfil their different service needs. Therefore, the Rohingya women are asked to contact and request services from any NGO working on SGBV. If the first contact organisation does not have the necessary service capacity, the survivor women are referred to another organisation with a forwarding letter. However, as the NGOs keep moving from one project to another, sometimes the referring organisation does not have appropriate and updated information about the organisation being referred to. The discussions and outcomes of the monthly coordination meetings are often not passed on to the field-level staff who directly deal with Rohingya women. Consequently, the field-level staff of the first contact NGO refers to another NGO without having proper knowledge of the activities and capacities of the other NGO. Hence, Rohingya women rarely get the service from the referred organisation and return to the first contact NGO or go to another GBV organisation. Their offices are often located far away from one another. The women feel discouraged and stressed in seeking SGBV-related assistance if they are asked to move from one office to another without service. Instead of alleviating their problems, such a referral system creates more hassles for them.

In addition, when the survivor women seek help from an NGO, the NGO asks the women details of the incidents and seeks out witnesses to the incident by asking people who have seen it or the neighbours and other community people to record their version of the event. Refugee volunteers or outreach workers conduct these investigations, sometimes involving community leaders such as the *Majis.* After completing the investigation and being satisfied with the findings, the first contact agency then refers the case to another NGO. Most of the time, the next NGO (in fact all NGOs) carry out the same intake process where the survivors are asked to repeat the narrative.

Some humanitarian actor participants mentioned that the GBV information management system (GBVIMS) had been introduced in the Rohingya camps to strengthen the GBV database management and case referral system. GBVIMS is a global data-based management system on GBV. According to Bain and Guimond, GBVIMS allows "collection, storing and sharing of GBV data in compliance with internationally recognised ethical and safety standards, while upholding the dignity and rights of survivors".[707] However, the GBVIMS is not widely used in Cox's Bazar Rohingya refugee response programs. Staff are not skilled enough to manoeuvre software and analyse and understand the GBVIMS data. In addition, most organisations still maintain their own data management form. The organisations working in coordination with one another often share their collected information ostensibly for the purpose of deciding the appropriate course of action for the victims. However, some organisations, especially the UN agencies, accept files and information from other organisations but do not share collected information with anyone or any organisation in the name of protecting the privacy of the victims.

The humanitarian actors interviewed for this study said that this systematic referral system had been put in place to ensure the best possible service to the survivors of violence and to

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[707] Bain and Guimond, "Impacting the Lives of Survivors: Using Service-Based Data in GBV Programmes," 16.

streamline all the GBV efforts taken by humanitarian organisations. Furthermore, this referral system helps survivors navigate the complex bureaucratic system as the service providers are diffused. However, this referral system does not always work out to the benefit of the victims. While GBV agencies share files, information, and data, each agency still collects its own account of the incidents forcing the victims to repeat the same narratives multiple times to different strangers. Repeating such a traumatic experience can traumatise the victims further. While describing traumatic violence experiences to different persons, discrepancies may arise in narrations, which then risk being identified as a false violence claim and the victim being accused of being a liar. This problem could be solved through one-stop centres, but as all humanitarian organisations want to have their own individual project irrespective of the outcomes, they are reluctant to come under one platform.

8.6. Suspicion and Mistrust

The majority of the humanitarian actors are suspicious of Rohingya and often identify and accuse them of being liars, and as a result, they do not trust them. In the interviews, many humanitarian actors told me repeatedly that Rohingya have a habit of telling lies, and that I should not believe everything Rohingya would tell me. According to Rotenberg, lying is instinctive to human nature; all human beings tell lies for various reasons such as to protect themselves from embarrassment, disproval, punishment, to gain material benefits, to cause harm or to feel or make other people feel better and good about themselves.[708] But some people, such as refugees, are considered liars, harmful, and thus untrustworthy. Trust is an essential key component of life; without trust, people can be suspicious, non-cooperative, and cannot feel safe. While trust is essential for human existence, according to Daniel and Knudsen, the life of a refugee is overwhelmed by

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[708] Ken Jesse Rotenberg, *The Psychology of Trust*, The Psychology of Everything, (London & New York: Routledge, 2018), 13-15.

mistrust and besieged by suspicion.[709] They cannot trust people and are also mistrusted by people, including the host community, government, and even aid workers, as is the case with Rohingya refugees. Feldman argues that although humanitarian assistance to people in need of help should be done with care and concern, limited resources, capacity, and finances require strict eligibility boundaries for aid. Humanitarian actors are compelled to identify and prevent fraud, misuse, and duplicity among aid recipients. In doing so, they become suspicious of and develop a perception of refugees as potential liars and untrustworthy human beings.[710] As Vautira and Harrell-Bond stated, refugees, suffer more from suspicion and mistrust if they live inside a camp because, in a camp, the "whole structure of the humanitarian regime is fraught with competition, suspicion, and mistrust between the various actors, resulting in there being no locus for nurturing trust".[711] When everyone is in competition with one another and suspicious about another person's behaviour and action, they make strategic decisions not to trust or engage in activities that do not let trustworthy relationships develop. Consequently, holding the other person in suspicion, the humanitarian actors act in a way applying strict scrutiny, which creates discomfort in interaction and delay in service provision and often denies service to an eligible refugee based on the lack of evidence to prove eligibility. As many Rohingya participants told me, such victim-blaming and service denial are quite common in Rohingya refugee camps.

As Feldman argues, it is not only the humanitarian actors who are suspicious of the refugees. The refugees also notice "misappropriation, favouritism, and partiality among service providers".[712] In such situations, refugees often feel that it is necessary to "engage in deception

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[709] Valentine Daniel and John Knudsen, *Mistrusting Refugees* (Berkeley: University of California Press, 1995), 2.

[710] Ilana Feldman, "Care and Suspicion: Corruption as Definition in Humanitarian Relations," *Current Anthropology* 59, no. 18 (2018).

[711] Muireanne Niraghallaigh, "The Causes of Mistrust Amongst Asylum Seekers and Refugees: Insights From Research With Unaccompanied Asylum-Seeking Minors Living in the Republic of Ireland," *Journal of Refugee Studies* 27, no. 1 (2013): 85.

[712] Feldman, "Care and Suspicion: Corruption as Definition in Humanitarian Relations," S160.

or manipulation of others in order to cope or survive".[713] Similarly, Rohingya sometimes use deception to get extra medical services or other material benefits. In doing so, some get caught, and this frequently happens to Rohingya refugee women. As an interview participant explained, Rohingya women often need to travel outside the camps to access better health care and attend court cases. While outside the camps, fearing detailed scrutiny by security personnel, they often introduce themselves as local Bengali women. When the security personnel or the service providers find out their real identity as Rohingya, they (service providers and security forces) accuse them of being liars (Sanjoy, interviewed 12.07.2021). They report the incidents to the person/organisation or authority working in the camps. As a result, they are not trusted, watched carefully, or even investigated. Consequently, humanitarian actors' perception of the Rohingya as liars is reinforced.

Even if Rohingya do not tell a lie, the humanitarian actors would still be suspicious of them because, as discussed in chapter four, the majority of the Bangladeshi people perceive that due to deplorable living conditions in the camp, the Rohingya are likely to commit crimes or use a lie to get extra material favours or to access the services mostly available to the Bangladeshi citizens.[714] The humanitarian actors, particularly those of Bangladeshi nationality, are likely to be influenced by these widespread negative public discourses about Rohingya. Negative public discourse and the scarcity of resources, therefore, make the humanitarian actors very quick to see or identify refugees as liars until the refugees can prove themselves honest because it justifies the action that they have taken to deal with the scarce resources.[715] As trust is absent and Rohingya are seen as a problem, humanitarian actors employ an extra-defensive approach in

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[713] Niraghallaigh, "The Causes of Mistrust Amongst Asylum Seekers and Refugees: Insights From Research With Unaccompanied Asylum-Seeking Minors Living in the Republic of Ireland," 85.

[714] Guhathakurta, "Understanding Violence, Strategising Protection: Perspectives From Rohingya Refugees in Bangladesh."

[715] Verdirame and Harrell-Bond, *Rights in Exile: Janus-Faced Humanitarianism*.

dealing with every Rohingya refugee with extensive scrutiny, which causes a delay in service delivery, discomfort in interaction, and distance between humanitarian actors and the refugees.

These relations of mistrust have different gender impacts that affect Rohingya refugee women more than their men. The humanitarian actors often represent the Rohingya women as dramatic, and many think that the women make false violence complaints to get material benefits or to take revenge on men. These are not mere perceptions but gets reflected in their behaviour and attitudes.[716] They fail to serve violence survivor Rohingya refugee women professionally with dignity and respect. As Rohingya refugee women explain, humanitarian actors often ask very humiliating and personal questions giving Rohingya women a very traumatic experience of encountering humanitarian organisations. As Klungel argues, such a hostile reaction to rape complaints, victim-blaming, and doubting victims' stories can give women the experience of being raped all over again, resulting in women being reluctant to go to them for help in the future.[717] For the same reason, as discussed in chapter seven, many Rohingya women refrain from seeking help or reporting a violent incident. They think humanitarian actors also tell lies and make false promises. Some Rohingya refugee women research participants identified these promises as 'empty words' because they do not perform what they say. Rohingya women said this because they themselves had experienced harsh treatment from a humanitarian actor or heard about such treatment from other fellow refugee women. Hence, most Rohingya women not only refrain from reporting an incident but also withhold information, especially if it is sensitive and personal. As Niraghallaigh describes, the Rohingya women, like any other refugee women, may feel scared of confidential information, thinking that the humanitarian actors might use it as evidence against

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[716] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[717] Klungel Janine, "Rape and Remembrance in Guadeloupe," in *Remembering Violence: Anthropological Perspectives on Intergenerational Transmission*, edited by Argenti Nicola and Schramm Katharina (New York and Oxford: Berghahn Books, 2010), 46.

them.[718] As a result, they do not tell them the whole truth. Even while telling the truth, they do not feel confident in narrating the story, which then risks their information being treated as a false story. Hence, their interaction often becomes so uncomfortable that the refugees try to maintain distance from the service providers,[719] and it increases the possibility of the majority of the violent incidents remaining unreported to the service providers. If violence is not reported, it will remain unaddressed and continue in silence without any interference or the perpetrators being held accountable.[720] As discussed in chapter seven, young women are more reluctant to report violent incidents to the authority as they have long lives to live. In many communities, women fear that their husbands and families will abandon them once an incident becomes public, and unmarried women will be stigmatised and marked as unsuitable for marriage.[721]

Given this situation, it is important to mention that humanitarian actors are not homogenous: some are empathetic to the Rohingya women and hold very different views about their role in determining the legitimacy of Rohingya women's claims. However, among the interviewed humanitarian actors, those who are empathetic to the refugees are in a minority. They believe in providing services to the refugees without prejudice, not determining if they are lying or telling the truth. They think that they have no moral, ethical, or legal rights to judge any complaint. However, the stories of misbehaviour or judgmental comments of some humanitarian actors spread quickly across the camps creating a negative perspective on humanitarian actors and organisations among the refugees. Restoring trust and changing perceptions among refugee women is as difficult as changing the attitudes of some of the humanitarian staff. As Niraghallaigh

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[718] Niraghallaigh, "The Causes of Mistrust Amongst Asylum Seekers and Refugees: Insights From Research With Unaccompanied Asylum-Seeking Minors Living in the Republic of Ireland," 85.

[719] Niraghallaigh, "The Causes of Mistrust Amongst Asylum Seekers and Refugees: Insights From Research With Unaccompanied Asylum-Seeking Minors Living in the Republic of Ireland," 95.

[720] Seokhee Yoon, "Why Do Victims Not Report?: The Influence of Police and Criminal Justice Cynicism on the Dark Figure of Crime" (PhD Thesis, The City University of New York, United States of America, 2015), 5. Accessed 28 January 2022, https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=2209&context=gc_etds.

[721] Thompson, Okumu, and Eclai, "Building a Web of Protection in Darfur," 26.

argues, "trust is much easier to destroy than to create".[722] For the same reason, the reluctance to report an incident of SGBV against women is also common among the local host community in Bangladesh, and it gets worse with the Rohingya refugee women.

8.7. Conclusion

To sum up, the study findings suggest that despite good intentions and increasing efforts from humanitarian organisations and actors, the way existing humanitarian response mechanisms are designed and implemented is contentious. Structural violence is embedded everywhere within the humanitarian response mechanism that made the Rohingya women more vulnerable to violence and precarious. As mentioned above, there is a knowledge gap in understanding SGBV and its causes; humanitarian actors' understanding and interpretation of SGBV is limited, which is highly influenced by the existing gendered culture of the host community and the lack of a proper legal framework. Therefore, because of a limited understanding of SGBV, prevention and response services are not made available to the level necessary to fulfil the needs of violence survivor Rohingya refugee women. Instead, how Rohingya people are portrayed in relation to SGBV makes them more vulnerable to violence as it justifies humanitarian actors' interventions, including their control of Rohingya. The existing humanitarian mechanism is also problematic because temporary refugee camps are integral to it. Due to being confined in the camps that have been built as temporary shelters with limited facilities, Rohingya women are being deprived of the freedom of mobility and associated rights such as rights to health care, employment, justice, etc. All the humanitarian interventions undertaken within the camps are highly donor driven with limited participation of and accountability to Rohingya refugees in general, and Rohingya women in particular. The humanitarian response mechanism is made less effective or falls short of what is provided because of the complex case referral system and mistrust between the Rohingya and

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[722] Niraghallaigh, "The Causes of Mistrust Amongst Asylum Seekers and Refugees: Insights From Research With Unaccompanied Asylum-Seeking Minors Living in the Republic of Ireland," 96.

the humanitarian actors. The humanitarian actors identified Rohingya as liars and untrustworthy, while the refugees identified them as corrupt and biased. Such suspicious and untrustworthy relationships have practical and political implications in the lives of refugee women. They are denied their rights to justice and other necessary services. Fearing further stigmatisation, Rohingya women refrain from reporting an incident of violence, so the violence continues to prevail without being addressed. Even if all the incidents of SGBV are reported and dealt with, the situation is such that it would still be treating the symptoms rather than tackling the root causes because there is limited understanding of violence among the refugees and the humanitarian actors. Bacchi argues that our understanding and knowledge about a social object or issue are conditioned by the environment we inhabit and often led by the power to achieve certain purposes. Based on their social interpretation, some discourse or knowledges about an object or issue become more dominant than others. So, nothing should be taken for granted.[723] According to Bacchi's argument, having a full or proper understanding of SGBV that could be claimed as universal is impossible. This thesis argues that the knowledges humanitarian actors and refugees have about SGBV is limited in the sense that they have silenced many forms of violence, such as sexual violence by intimate partners, and do not consider violence as serious unless women are severely injured. Humanitarian actors' knowledge, understanding and perceptions of violence are highly influenced by the existing gender-insensitive culture of Bangladesh, where the incidents of SGBV against women are very common, and the women are blamed for their own violence and abuse. This has negative impacts on the lives of Rohingya women, as discussed throughout this thesis.

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[723] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*, 35-38.

Chapter Nine: Conclusion and Recommendations

9.1. Summary

The violence Rohingya women experience in the camps in Bangladesh is not simply a result of the flawed implementation of humanitarian response programs. In fact, their lived experience, and the violence the women face in the camps are shaped by the way the humanitarian response programs are designed and implemented. Providing humanitarian assistance to about a million Rohingya refugees in Bangladesh is very challenging logistically. But the problems and violence Rohingya women experience are indicative of a far deeper problem rooted in the actual design of humanitarian response programs and their implementation, which are influenced by the ways refugees across the globe and Rohingya refugees in Bangladesh are seen and problematised as threats and burdens, which this thesis discussed in chapter four.

As discussed in chapter five, several humanitarian gender policies implicitly or explicitly emphasise addressing and alleviating sexual and gender-based violence (SGBV) against refugee women in the humanitarian settlement. None of the policies and guidelines is single-handedly enough to prevent and address violence against displaced and refugee women, but these different policies collectively provide a complete framework for addressing violence. However, the way refugees are treated and positioned across the globe as threats, burdens, and undesirable human beings, including in Bangladesh, does not leave space for international legal instruments to be implemented fully.[724]

In chapter five, this thesis identified that Bangladesh has a series of laws and policies to protect women's rights, such as *the Women and Children Repression Act*, *the Dowry Prohibition Act, the Prevention and Suppression of Human Trafficking Act*, and *the Domestic Violence Prevention Act*. They have been formulated in adherence with the Bangladesh Constitution, the

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[724] Maja Janmyr, "The 1951 Refugee Convention and Non-Signatory States: Charting a Research Agenda," *International Journal of Refugee Law* 33, no. 2 (2021), https://doi.org/10.1093/ijrl/eeab043.

Universal Declaration of Human Rights 1946, and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which urge all state governments to formulate laws and policies to eliminate the discrimination against women within their territory.[725] Giving Rohingya women access to these legal protections requires national and local GBV protocols, guidelines, and standard procedures. Bangladesh, however, does not have any specific law or policy framework to protect the rights of refugees and regulate the administrative procedures on refugees.[726] The application of these acts in the context of Rohingya refugees is left to the interpretation and discretion of government officials and humanitarian organisations. As a result, there is a lack of uniformity in how different actors apply these acts in handling the cases of SGBV against Rohingya women in Bangladesh, which has left a majority of the Rohingya women at serious risk. Although ratification of the refugee convention by a country does not automatically ensure necessary protection for refugees in that country, not being a signatory country means that refugees in that country do not have any right to claim their rights as refugees. Hence, Bangladesh, not being one of the signatory countries of the United Nations (UN) Convention 1951 on the Status of the Refugee and its 1967 Protocol, does not have a legal obligation and responsibility to protect the rights of Rohingya refugees. In such a situation, providing shelter to Rohingya in Bangladesh itself becomes a great work of humanity, for which Bangladesh is portrayed as deserving of appreciation. Hence, instead of urging Bangladesh to ensure the human rights protection of Rohingya, the UN praised Bangladesh for giving shelter to Rohingya. For example, at the Multi-stakeholder Dialogue on the Sustainable Development Goals held in Dhaka, Bangladesh, on 1 July 2018, António Guterres, the UN Secretary-General, applauded the Bangladesh government for giving shelter to the Rohingya. He said: "in a world where so many

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[725] United Nations General Assembly, "Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)," 1-20.

[726] Chowdhury, "Challenges to the Protection of Refugee's Rights in Bangladesh: In Search of a Comprehensive and Effective Legal and Institutional Frameworks," 56.

borders are closed, the people and the government of Bangladesh, have opened their borders and received their brothers and sisters coming from Myanmar and from a terrible event there".[727]

Indeed, despite knowing the fact that Bangladesh is not a signatory state of the UN Refugee Convention and is a densely populated country with a small land size, fragile political structure, and scarce resources, other countries in the world are not willing to share the burden of hosting the Rohingya refugees. Countries across the globe, including those countries that have signed either the Refugee Convention or its protocol, have failed to live up to their obligation to accommodate and protect the rights of asylum seekers and refugees.[728] Instead, most signatory developed countries are trying to keep the refugees away from their territorial boundaries by keeping them in their region of origin. They are evading their responsibility of hosting refugees by giving a minimum amount of financial support through bilateral and multilateral organisations, or through their country-originated IO (NGOs) to work for refugees in camps in their first destination country.[729] Consequently, as mentioned in chapter one, more than 85% of the displaced refugee population ended up taking shelter in developing countries close to their countries of origin, Bangladesh being one of them.[730]

The way the refugee regime operates at present is, therefore, very complex and built on a logic of containing the bodies of the undesirable and problematic.[731] In Bangladesh, the newly arrived Rohingya are strictly confined inside the camps, so they cannot be integrated with the local Bangladeshi people. They are seen as undesirable and security threats to Bangladesh and

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[727] Guterres cited in KM Asad, *UN Chief Applauds Bangladesh for 'Opening Borders' to Rohingya Refugees in Need* (Office for the Coordination of Humanitarian Affairs, 2018). Accessed 13 December 2019, https://reliefweb.int/report/bangladesh/un-chief-applauds-bangladesh-opening-borders-rohingya-refugees-need.

[728] International Institutions and Global Governance Program, *The Global Humanitarian Regime: Priorities and Prospects for Reform* (Council on Foreign Relations, 2016). Accessed 28 January 2022, http://www.jstor.org/stable/resrep05669.

[729] Hyndman and Giles, *Refugees in Extended Exile: Living on the Edge*, 77.

[730] United Nations High Commissioner for Refugees, *Global Trends: Forced Displacement in 2018*, 3.

[731] Hyndman and Giles, *Refugees in Extended Exile: Living on the Edge*.

its citizens. Keeping them confined inside the camps is seen as necessary and the only way to protect the Bangladeshi people from Rohingya, protect the Rohingya from external threats, and administer humanitarian assistance effectively. Mobility restrictions and confinement in the camps bar them from enjoying any other rights, including access to an emergency service from a facility located outside the camps.[732]

Multiple humanitarian organisations are providing coordinated assistance to the government of Bangladesh in providing Rohingya with their basic needs by implementing different humanitarian response programs to alleviate the suffering of Rohingya. But as most of their funding comes from western developed countries that want to keep refugees away by donating money, the protection of refugees' rights by these humanitarian organisations is bound to fall short as the organisations and actors are influenced by their donors. Hence, Fassin argues that government or non-government humanitarian agencies are not purely benevolent. They are either influenced by donors or other political interests. Even if they have good intentions, how humanitarian programs are administered often has disastrous effects on the lives of the people they intend to assist. Irrespective of their intentions, the humanitarian actors have immense power to control the lives of those they hold dominion over.[733] For instance, as a tool for the proper administration of scarce aid, they determine whose lives deserve salvation and whose lives are deemed to be deserving of indifference. Similarly, to justify their programs and actions, they have the power to problematise refugee communities.[734] In the context of Rohingya refugees, the humanitarian actors identified them as conservative, traditional, illiterate, and aggressive. Such discourses or representations of the Rohingya community justify humanitarian actors' community-level awareness-raising interventions and exclusion of refugees' participation in program design and implementation. And, as Freedman argues, to make women worthy of their service, women

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[732] Verdirame and Harrell-Bond, *Rights in Exile: Janus-Faced Humanitarianism*, 271.

[733] Fassin, "Humanitarianism as a Politics of Life."

[734] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

are often forced into the role of the passive and incapable victim, which helps them get material benefits in the short term but takes away their agency, affecting their lives in the long run and making them more vulnerable to violence.[735] As discussed in chapter seven, there are Rohingya women with leadership quality, but their agencies and skills are usually not recognised.

The Age, Gender, Gender Mainstreaming (AGDM) and Inter-Agency Standing Committee (IASC) policies suggested the inclusion and participation of refugee women in leadership and decision-making.[736] But, as this thesis has demonstrated in chapters six and seven, in the Rohingya refugee camps, almost all the leadership positions, such as *Majis*, are occupied by men. The Rohingya women are not selected as *Majis* because, in the patriarchal social system of the Rohingya, women's leadership is not appreciated. As women have mostly been in the private spheres, doing household work and taking care of children, they are not considered capable of holding leadership positions by the majority of the fellow refugee leaders and even by the humanitarian organisations and actors working in camps. In fact, as discussed in chapter seven, many humanitarian actors and the camp authorities feel more comfortable dealing with Rohingya men than Rohingya women to discuss important matters as they are not immune from holding patriarchal mindsets.[737] Hence they do not effectively challenge the existing leadership system in the Rohingya community but instead promote a male-centric camp management system by appointing Rohingya men as *Majis*. Not being in the leadership position, as *Maji*, has significant implications for Rohingya women. For example, in Cox's Bazar Rohingya refugee camps, the *Majis* play important roles in dispute resolution and representing the refugee's interests to the camp authority. Not being part of the leadership and not having their voices in decision-making

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[735] Freedman, "Mainstreaming Gender in Refugee Protection," 601.

[736] United Nations High Commissioner for Refugees, "UNHCR Policy on Age, Gender and Diversity," 8.

[737] Jennifer Bezirium, "An Investigation into the Struggle to Center Gender-Based Violence Policy in Refugee Settings," *Journal of Human Rights and Peace Studies* 6, no. 2 (2020).

heard means the Rohingya women need to accept whatever decisions are made for them; the decisions most of the time go against their will and violate their rights to protection and justice.

Therefore, it is not only the conservative social structure of the Rohingya that is primarily responsible for violence against women, as most of the humanitarian actor participants have claimed. It is the complicated power structure that shapes international to national policy, local humanitarian response programs, and interpersonal interaction with humanitarian actors and among refugee communities, that affects the life of an individual Rohingya refugee woman living in the camp. The same power structure also places Rohingya men in positions of disempowerment, unable to protect themselves and the women from violence.

Throughout this thesis, I have pointed out the problems and outcomes of this complex humanitarian power structure. A logical question that flows from this study of tracking the causes of violence against Rohingya women is: what could be done to prevent the violence or reduce the suffering of Rohingya women living in the camps in Bangladesh? As demonstrated in the discussion, the difficulties in addressing the violence against Rohingya women lie in the complexity of the problem. The international politics about containing refugees and the messy interactions among all the humanitarian actors operating within this humanitarian space make it difficult for any single approach to work. The divergence of sources of authority and influence from international politics and policy down to individual interactions complicates any efforts to address the issue. Hence, there is no simple solution to the problems and violence experienced by the Rohingya women in camps in Bangladesh. Nevertheless, solutions must be found, as hopeless as this situation may seem. The research and analysis of this thesis have led me to put forward the following recommendations that could be taken as starting points to strengthen humanitarian efforts in protecting the Rohingya refugee women from SGBV.

9.2. Recommendations

Fulfilling the Basic Needs of the Rohingya Refugees: While meeting all the basic needs of the refugees or displaced people does not automatically alleviate violence against women, the lack of basic amenities necessary for survival creates conditions conducive for violence against women. As identified in the United Nations High Commissioner of Refugee (UNHCR) Policy on Refugee Women, when people do not have their basic needs in a situation of displacement, they will do whatever they can to survive, and become a victim of violence.[738] For example, girls may trade their bodies for food and clothing, women may enter into prostitution to earn income, and some may risk rape, journeying long distances in search of firewood or work opportunities,[739] as is happening with the Rohingya women. As both humanitarian and the Rohingya participants confirmed, many Rohingya are breaking the law of encampment and secretly leaving the camps in search of a better life and employment. Many of them have even taken a risky boat journey abroad to reach a more affluent country like Malaysia.[740] They have secretly left the camps with strangers who promised them jobs, marriage, and a better life. They (Rohingya women) know that the majority of the Rohingya who left the camps do not succeed, with many Rohingya women raped, forced into bonded labour and prostitution, and murdered. Still, they risk their lives trusting the strangers as they live in desperation and misery in the camps without proper accommodation, nutritious food, clothing, and employment opportunity. They leave and want to leave camps in search of freedom, a future and hope for a better life as their lives in the camps are in limbo.

There should be more initiatives to provide the Rohingya women with basic needs, create employment opportunities, and create platforms for their social interaction. At present, there are

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[738] United Nations High Commissioner for Refugees, "Guidelines on the Protection of Refugee Women."

[739] Buscher, "Preventing Gender-Based Violence: Getting it Right," 14.

[740] Caleb Qquinley, "Why Rohingya Women and Girls Are Risking Dangerous Smuggling Routes," *The New Humanitarian* (Kuala Lumpur), 16 January 2020, https://www.thenewhumanitarian.org/news/2020/1/16/Rohingya-trafficking-refugees-forced-marriage.

Safe Spaces for Rohingya women in the camps run by NGOs. As humanitarian actors and Rohingya participants of this research confirmed in interviews, these spaces are woman-only oases where women can socialise with other fellow Rohingya women and attend skill development training. However, there are only about 39 Safe Spaces, which is not enough for around half a million Rohingya women and girls, as each Safe Space can only accommodate about 20 women at a time, and not every woman can access the Safe Space because of distance and other barriers.[741] In addition, the training they are offered in the Safe Space is very limited, as it only includes tailoring clothes, handicrafts, and mask making; after training, their chance of getting employed or realising their training skills in practice is very limited. Apart from that, few organisations have taken up livelihood development projects for Rohingya refugees inside the camps. But there are not enough funds or other technical supports to scale up these projects to the level necessary for the refugees. Only a handful of Rohingya women who are comparatively vocal and have been lucky to receive basic education have a chance to work in these projects implemented by different humanitarian organisations either as volunteers, community outreach workers or labourers on construction sites. Most of the Rohingya women and girls, and the Rohingya men, have no employment opportunities. The Rohingya women employed in different projects are comparatively empowered and independent. They experience less violence in the family, although many have reported having been threatened by community members, especially the Rohingya Salvation Army (ARSA), who view and fear that women's participation in the workforce that is managed by foreigners will contribute to the breakup of their family and social structure.

Long-Term Interventions: Instead of short-term risk mitigation interventions, long-term interventions should be taken to improve the lives of the refugees and eliminate violence against

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[741] Nordby, "Gender-Based Violence in the Refugee Camps in Cox's Bazar: A Case Study of Rohingya Women's and Girls' Exposure to Gender-Based Violence," 24.

Rohingya refugee women. Humanitarian support, by its definition, means providing short-term emergency services to the displaced and disaster-affected population, mostly in a camp settlement. The context of protracted refugee situations like the Rohingya in Bangladesh requires long-term humanitarian intervention with the development goal of addressing SGBV against women. At present, for political reasons, the Bangladeshi government is reluctant to allow any long-term development planning in the camps in terms of building new infrastructure, education and creating livelihood opportunities etc. The government fears that long-term development plans and improving their living standard will discourage the Rohingya from returning to Myanmar and will attract more Rohingya to Bangladesh. However, as the Rohingya refugee situation has turned into a protracted refugee condition, it is detrimental to warehouse them year after year in the camps with emergency assistance and without any long-term planning. It is understandable that Bangladesh is overburdened by giving shelter to about one million Rohingya, however, restricting and cutting off their opportunities for education and work will not ease the problems either. It will compound Rohingya refugees' vulnerability, dependency on limited aid, and desperation to break laws. The government and the humanitarian organisations must jointly look for different ways of generating more funding, and humanitarian organisations need to be engaged in long-term development projects, departing from their current short-term emergency response model.[742] Even with the existing limited funds, they can start exploring livelihood opportunities and education opportunities for the Rohingya so that they can become self-reliant. If integration into the Bangladesh local market is not possible, the humanitarian actors and the government need to look for opportunities in other countries to train and employ the Rohingya under special schemes for short-term labour migration.[743]

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[742] Verdirame and Harrell-Bond, *Rights in Exile: Janus-Faced Humanitarianism*, 272.

[743] James Milner, *Responding to Protracted Refugee Situations: Lessons from a Decade of Discussion*, Refugee Study Centre, University of Oxford (2011). Accessed 22 August 2022, https://www.rsc.ox.ac.uk/files/files-1/pb6-responding-protracted-refugee-situations-2011.pdf.

Staff Capacity Building: Through specialised and culturally appropriate training on SGBV, the capacity of the staff working with refugees should be developed. The training should be extended to the local law enforcement agencies and the government staff working in administration and different sectors to have a better understanding, sensitivity, and context-specific knowledge in dealing with SGBV survivor Rohingya women. It is very important to understand what constitutes SGBV, why it happens and how it could be best addressed.

As demonstrated in chapter five, the UN resolution 1325 and the UNHCR policy on Refugee Women suggest gender training for all staff.[744] This training should be extended to staff working in different sectors of humanitarian programs. Without proper training and understanding, staff can have a different understanding about gender, and be unable to implement the issue of gender equality or gender mainstreaming properly throughout the humanitarian system, as Freedmen discusses in her article.[745] As I have found, humanitarian actors working in other sectors feel responsible only for the specific sector they have been recruited for. In their statement, many of them said that they do not have expertise or skill relevant to GBV and that dealing with GBV is the domain of GBV specialists. As Ward stated, while targeted SGBV, "specialist programming is essential during an emergency, it is also essential that non-specialists understand the important contribution they can make in ensuring basic protection against GBV".[746] SGBV is triggered by many contributing factors in a humanitarian settlement. Every humanitarian program has its own part to play in preventing and addressing SGBV. For example, food security and SGBV have a strong link. During food shortages, tension can increase in a household, potentially leading to domestic violence. Delivering food to the family can reduce family tension

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[744] United Nations Security Council, "Resolution 1325," 1-4.

[745] Freedman, "Mainstreaming Gender in Refugee Protection."

[746] Jeanne Ward, "Revising the 2005 IASC Guidelines for Gender-Based Violence Interventions in Humanitarian Settings: Prioritising Accountability," *Humanitarian Exchange: Gender-Based Violence in Emergencies*, 2014, 8, Humanitarian Practice Network. Accessed 17 January 2018, https://odihpn.org/magazine/tackling-gender-based-violence-in-emergencies-what-works/.

and save women from domestic violence or survival sex. Therefore, it is not only the GBV program but also food assistance programs that can contribute to preventing and reducing SGBV against Rohingya women. Likewise, the same program can undermine women's protection needs if not implemented with a sufficient understanding of the SGBV and the context.[747] Similarly, lack of access to water, hygiene and sanitation (WASH) can exacerbate SGBV against women, as does the lack of access to appropriate shelter, communication facilities, medical services, etc. Hence, the non-specialists working in the different sectors of humanitarian response in the camps should also be given basic training on SGBV.

Coordination: Strengthening coordination mechanisms among different sectors of humanitarian programs, institutions, and agencies is very important to develop synergies with other organisations and actors working on SGBV in the camps. Currently, the GBV working group is having monthly coordination meetings under the leadership of the United Nations Population Fund (UNFPA). They also have issue-based coordination meetings with organisations working in different sectors and with the Camp-in-Charge (CiC) on mobility issues and other issues related to the law-and-order situations in the camps. However, most of these meetings are attended and presented by mid-level or senior-level GBV team members. Many frontline humanitarian actors are left out from the "discussion, guideline development process and hence unaware of the guidelines to be followed".[748] Consequently, basic guidance of GBV programming is not getting reflected in practice. Hence, the decision and coordination should be rolled out and spelt out among the field-level staff, as they are the ones who deal directly with the violence survivor Rohingya women.

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[747] Gina Pattugalan, "Linking Food Security, Food Assistance and Protection From Gender-Based Violence: WFP's Experience," *Humanitarian Exchange: Gender-Based Violence in Emergencies*, 2014, 30, Humanitarian Practice Network. Accessed 12 January 2022, https://odihpn.org/magazine/tackling-gender-based-violence-in-emergencies-what-works/.

[748] Buscher, "Preventing Gender-Based Violence: Getting it Right," 13.

In addition, there should be a proper streamlining of the SGBV programs. At present, different humanitarian organisations implement SGBV programming as and how they wish, but they do not follow appropriate guidelines. There is a lack of consensus on how the SGBV programs should be implemented. Hence, as mentioned in the previous chapter, refugee women survivors of violence are not getting the services they need; they are being referred from one organisation to another while no one actually gives them what they need. By streamlining all the services in one place, Rohingya women should receive better services.

Monitoring and Evaluation: A monitoring and evaluation (M&E) mechanism must be put in place by the organisations working on SGBV to help strengthen SGBV programming. Reviewing, evaluation and assessment are important not only to know what worked well but also to identify "challenges and offer suggestions for what needs to be done differently".[749] In addition, organisations and individuals not adhering to internationally agreed guidance should be made accountable. The M&E tools should not be developed merely depending on what the donors want but involve the refugees and their perspectives in the process. According to humanitarian gender policies like IASC, SGBV programming must be supported by relevant research data. The research could be conducted in partnership with a research organisation to save resources.[750] The SGBV research data should be widely disseminated, while maintaining the confidentiality of the survivors, to promote context-specific learning across interventions. At present in-depth study and data collection for review and assessment purposes are missing in Cox's Bazar Rohingya refugee context.

Increase Women's Participation in Leadership Positions: Currently, the Rohingya women are confined to the bottom tier of the camp's power structure and management. Lack of representation in the power structures has many repercussions. It can allow women's safety

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[749] Bhuvanendra and Holmes, "Tackling Gender-Based Violence in Emergencies: What Works?," 4.

[750] Bhuvanendra and Holmes, "Tackling Gender-Based Violence in Emergencies: What Works?," 4.

issues to be overlooked and their needs ignored. For example, the lack of Rohingya women's participation deprives them of a say in humanitarian program design, and the way services are offered to the violence survivor women. Hence, the availability of the service is not enough, and the way services are delivered is not very appropriate to the needs of SGBV survivor Rohingya women.

To conclude, throughout this thesis, it has become apparent that SGBV against refugee women is a universal problem but based on the context, intensity and nature vary. How the issue of SGBV is explained or constructed is not the same for everyone; based on their own experience and social and political positions, they construct it differently, as Bacchi argued.[751] Based on their own construction of the problem, humanitarian actors tried to address SGBV in a way they think is appropriate, which does not always resonate with the needs of violence survivor women. Consequently, violence against women continues without being effectively addressed and challenged, which affects the lives of hundreds of thousands of Rohingya women living in Bangladesh and beyond.

Humanitarian actors, policymakers and scholars can use the findings of this thesis as a guide in their work or for further study on the issue of SGBV against women in refugee and displacement situations, and specific geographical locations. They can adopt a new perspective of seeing policy as a discourse, and what a policy proposes to do is the reflection of what the problem is assumed to be. And the ways a policy, speech, or person problematises or constructs a subject are not static but the result of the socio-cultural and political underpinning of a context or discourse. Therefore, how a policy represents a problem or how one perceives or presents a subject as such should always be investigated, as Bacchi argues in the "what's the problem represented to be?" (WPR) approach.[752]

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[751] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

[752] Bacchi, *Analysing Policy: What's the Problem Represented to Be?*

To reiterate the contribution of the thesis, this study enhanced knowledge on violence against Rohingya refugee women in Bangladesh. As outlined in chapters one and two, there are few pieces of academic literature on the SGBV against Rohingya refugee women in Bangladesh, and most have been written based on information from grey literature. This thesis, therefore, makes a substantial contribution to the existing literature by examining the issue of SGBV from the perspectives of the Rohingya refugee women, Rohingya *Majis* and the front-line humanitarian actors in Bangladesh. The thesis has used first-hand data collected from the humanitarian actors and the Rohingya refugees. By collecting data from humanitarian actors and refugees and conducting a critical and comparative analysis of their perspectives, this thesis has produced a significant empirical study of an enduring injustice against violence against women. The thesis also adds new knowledge on humanitarian gender policies and legal instruments by critically analysing how the issue of SGBV is constructed and presented in the international legal instruments, and their potential impacts and employability in the Rohingya refugee context of Bangladesh. The use of post-structural feminist ideas, more particularly Bacchi's WPR approach, has revealed differences in the problematisation of SGBV among different actors such as Rohingya women, Rohingya *Majis*, and humanitarian actors. The WPR approach is usually known and used for analysing policy documents. By applying it in analysing both policy documents and interview texts, the thesis has expanded its areas of application.

However, analysing discourse or knowledge using the WPR approach is one of the many ways of trying to understand the policy, and humanitarian intervention in relation to SGBV against refugee women. The thesis employs the approach because the research objectives seek to understand the policy representation and peoples' (humanitarian actors and refugees) perspectives on the issue. Nevertheless, following Bacchi, this thesis has argued that problems or knowledge of an issue are not static, and so other ways of seeing SGBV and its solution in humanitarian settings are possible; it suggests other scholars should conduct further study on

SGBV against refugee women and uncover other ways of seeing and dealing with it, hopefully aiding its alleviation in the future.

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Appendix: Questionnaires

![Flinders University logo]

A. Interview Questionnaire for Humanitarian Actor Participants

(NGO Staff/ UN Staff/ Government Officials directly involved in the design and implementation of humanitarian response programs)

Identification Information
Name:
Sex:
Age:
Name of Institution/Agency:
Position in the Institution/Agency:
Contact Number (Optional):

………

Interview Opening

Thank you for agreeing to talk to me; it is very nice of you to give up your time.

1. Can you please tell me about your job?

Prompt Questions: What is your job title? As part of your current role, what kind of activities do you perform?

2. As part of your work, how often do you come into direct contact with Rohingya refugee women?

3. Based on your experience, what do you think are the most common problems Rohingya women face in the camp?

Prompt Questions: Family problems, economic problems, hunger/food insecurity, medical problems, and violence problems?

4. What are the most common forms of violence that refugee women experience in the camp?

Prompt Questions: Where does the violence usually take place? What do you think are the reasons of the violence? How common is sexual and gender-based violence in the camps at Cox Bazar? Who are usually the perpetrators?

Initiatives to Prevent Violence

I am interested in how major humanitarian actors respond to the issue of SGBV in the refugee camp, and what the main challenges are. So, my next questions are about any initiatives undertaken to prevent SGBV.

5. Can you please tell me about the initiatives your organisation /department has undertaken to prevent sexual and gender-based violence against women?

Prompt Questions: Please describe the initiative. How does the initiative engage with refugees (men and women)? Who are the other partners of the initiatives? How do they support your organisation/department? What specific problems/issues/barriers do these initiatives try to address?

6. In your view, how effective are these projects/initiatives in preventing sexual and gender-based violence? Or what effects do the projects/initiatives have on women?

Prompt Questions: In what ways have the initiatives helped to prevent sexual and gender-based violence? Do you have any examples of the success or failure of these initiatives? How typical is this example?

7. Can you please tell me what kinds of training or information campaigns are provided to staff, or to the refugee authorities, or to the refugees themselves in relation to sexual and gender-based violence?

Prompt Questions: What is the training, or the campaign called? Who provided the training/campaigning, and for how long? Who received the training? Can you tell me about the content of the training and/or the campaign material?

Services Offered to Survivor Women

Now I am going to ask a few questions about how major humanitarian actors address the issue of sexual and gender-based violence. I am basically interested in the kinds of services offered to women who experience sexual and gender-based violence.

8. What services are you aware of that support women survivors of sexual violence?

Prompt – who provide this service? What are the contents of these services?

9. Can you share your view on the services offered to women victims of sexual and gender-based violence?

Prompt Questions: What are the services (medical, legal, financial, protection, psychological) offered to them? How effective are the services? How accessible are the services for violence survivors?

10. Without mentioning the identity of the survivor, can you please give an example of how you have drawn on any of these services to assist a woman who had experienced sexual and gender-based violence?

Prompt Questions: What type of violence it was? What service did you refer the victim to? What kind of support is provided to the survivor, and by whom? What is the present condition of the survivor?

11. Was any attempt made to identify or punish the perpetrator of the violence?

Prompt Questions: What organisations are involved in prosecuting perpetrators of sexual violence, if any? Do they ever succeed? What happens to the perpetrators?

12. How do you describe your relationship with other individuals or organisations that you need to deal with in relation to sexual and gender-based violence against women in refugee camps?

Prompt Questions: What organisations are they (individuals, NGOs, Donors, Refugees themselves or others)? How do you work with them? In what way do they support your actions? In what way do they act as barriers to your work?

Legal Instruments in Place

I am also interested in learning about the kind of legal instruments available to deal with sexual and gender-based violence. So, my next questions are about national and international legal instruments, laws and policies, which you use or know about.

13. Please tell about the kind of policies which are in place in your organisation/department to deal with sexual and gender-based violence.

Prompt Questions: What are the policies called/named? How are the policies implemented/enforced? Are they, in your opinion, effective? Please give reasons for your answer.

14. Are you aware of any other relevant policies that are in place in the camp in general, e.g., Government policies, UNHCR policies etc.? And what is your opinion of the policies?

Prompt Questions: Which policies are you aware of? How do these policies compare to your organisation's policies? Who enforces these policies and how? Do you think they address the right problem in the right way? (Please give reasons for your answers). Any gap or inconsistency in the policies?

15. What other ways are there of dealing with sexual and gender-based violence? For example, are there any informal structures or practices in place that are used to deal with sexual and gender-based violence in camp (e.g., cultural, religious, and community practice)?

Prompt Questions: Can you please explain how these informal structures or practices work? How is a case processed? Who makes the decisions? How? Why is this kind of informal legal/cultural/religious structure or practice in place?

Interview Closing

We are almost at the end of our interview. I only have one more question to ask.

16. What do you think are the major challenges in preventing and responding to sexual and gender-based violence against Rohingya refugee women? How do you think these barriers could be addressed?

Prompt Questions: What are the barriers- cultural, financial, social, legal, or other? How could these barriers be overcome? What kind of support is needed and from whom?

I am very grateful for your time and patience in answering my questions and sharing your insights and knowledge. There may be something you feel is important that we have not covered. Now is the opportunity to raise it.

17. Are there any comments you would like to make on any issue related to gender that you think I have not covered?

B. Interview Questionnaire for Health Service Providers

(Doctors/ Nurse/Health Workers Employed by NGOs and Government)

Identification Information
Name: Sex: Age: Name of Institution/Agency: Position in the Institution/Agency: Contact Number (Optional):

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Interview Opening

Thank you for agreeing to talk to me, it is very nice of you to give up your time.

1. Can you please tell me about your job?
Prompt Questions: What is your job title? As part of your current role what kind of activities do you perform?

2. As part of your work, how often do you come into direct contact with Rohingya refugee women?

3. Based on your experience, what do you think are the most common problems the Rohingya women face in the camp?
Prompt. Family problems, economic problems, hunger/food insecurity, medical problems, violence problems?

4. What are the most common forms of violence refugee women experience in the camp?
Prompt Questions: Why do you think so? Where does the violence normally take place? What do you think to be the reasons of such violence? How common is sexual and gender-based violence? Who are the perpetrators?

Health Service Provisions

I am interested in learning how humanitarian actors address the health care needs of Rohingya refugee women who are victims of sexual violence. Therefore, in this section, I will ask you some questions on the kinds of initiatives or health care services offered to victims of sexual and gender-based violence amongst Rohingya refugees.

5. Can you please tell me about the services your organisation/department provides for the victims of sexual and gender-based violence?

Prompt Questions: Do you provide them medication? What pregnancy related services do you provide? What kind of test/examination do you carry out when a rape survivor come to your facility for service? What kind of STD related service do you offer? Do you offer counselling services?

6. Can you please tell me about any trainings or information campaigns that your organisation/department has undertaken to enhance the capacity or awareness of sexual and gender-based violence among the staff and/or the refugee clients?

Prompt Questions: What was the training/campaign about? Who else received the training? What contents were included in the training/campaign? Who provided the training/campaign? To what extent has the training/campaign been effective?

7. Without mentioning the identity of the survivor, can you please tell me about a case of sexual and gender-based violence against a woman that you have come across recently?

Prompt Questions: What type of violence? Did you deal with the case directly? How did you deal with it and why in this way? Who did you refer to? What kind of health services have been provided to the survivor and by whom?

8. How do you describe your relationship with other individuals or organisations that you need to deal with in relation to sexual and gender-based violence against women in refugee camp?

Prompt Questions: Who are they that you need to deal with (individual, NGOs, Donor, Police, Army, Refugee themselves or other)? How do you work with them? In what way do they support your work? In what way do they act as barriers for your work?

9. Please tell about the kind of laws or policies which are in place in your department/organisation to deal with sexual and gender-based violence.

Prompt Questions: What are the laws or policies are called/named? What the laws or policies say about sexual and gender-based violence against women? How are the laws or the policies used in addressing cases of sexual and gender-based violence against Rohingya refugee women?

Interview Closing

We are almost at the end of our interview. I only have one more question to ask.

10. What kinds of challenges do you face in providing effective services to sexual and gender-based violence survivors?

Prompt Questions: What are the challenges? Why? What do you do to overcome the challenges? Who do you think can help you in overcoming challenges?

I am very grateful for your time and patience in answering my questions and sharing your insights and knowledge. There may be something important to you that we have not covered. Now is the opportunity to raise it.

11. Are there any comments you like to make on any issue related to gender that you think I have not covered?

C. Interview Questionnaire for Legal Service Providers

(Police/Judge/ Legal Aid NGO staff involved in legal advice, mediation, and rapid response)

Identification Information

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Name:

Sex:

Age:

Name of Institution/Agency:

Position in the Institution/Agency:

Contact Number (Optional):
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Interview Opening

Thank you for agreeing to talk to me, it is very nice of you to give up your time.

    1. Please tell me about your job.
Prompt Questions: What is your job title? As part of your current role what kind of activities do you perform?

    2. As part of your work, how often do you come into direct contact with Rohingya refugee women?

    3. Based on your experience, what do you think are the most common problems the Rohingya women face in the camp?
Prompt. Family problems, economic problems, hunger/food insecurity, medical problems, violence problems?

    4. What are the most common forms of violence refugee women experience in the camp?
Prompt Questions: Where do the violence take place most? What do you think to be the reasons of these violence? How common is sexual and gender-based violence?

Legal Service Provisions

I am interested in the kind of legal services offered to Rohingya refugee women by the major humanitarian actors. So, I will ask you some questions on the type of legal services that your organisation offers or you know about, or you have provided.

    5. Can you please tell me about the kind of legal services your department/organisation provides to the sexual and gender-based violence survivors in Rohingya refugee camps?
Prompt Questions: What kind of legal supports do you provide? What procedures or investigations do you make in relations to violence cases (especially in rape case)? How long does it take for a case is finalised or resolved?

    6. Do you provide any other services to sexual and gender-based violence survivors in the camp?
Prompt Questions: Do you provide shelter to women in danger? Do you refer them for medical treatment or social support? Or any kind of financial support or skill development training?

7. Without mentioning the identity of the survivor, can you please tell me about a case of sexual and gender-based violence against a woman that you had to deal with recently?

Prompt Questions: What type of violence was it? How did you come across it? How did you deal with it, and why in this way? Who did you refer to? What happened to the perpetrator? What kind of support was provided to the survivor and by whom?

8. How do you describe your relationship with other individuals or organisations that you need to deal with in relation to sexual and gender-based violence against women in the refugee camp?

Prompt Questions: Who are they (individual, NGOs, Donors, Police, Army, Refugee themselves or others)? How do you work with them? In what way do they support your work? In what way do they act as barriers for your work?

9. Can you please tell me if your organisation/department organise any training or information campaigns related to sexual and gender-based violence?

Prompt Questions: What is the training/campaign about? Who provided the training/campaign and for how long? Who received the training? Who were the targets of the campaign?

Legal Instruments in Place

Now I am going to ask you some questions about available national and international legal provisions to deal with sexual and gender-based violence against women, and how these legal provisions are used to protect Rohingya refugee women from sexual and gender-based violence.

10. Can you please tell me about Bangladeshi national laws or policies in relation to sexual and gender-based violence?

Prompt Questions: What are the laws or policies are called/named? What the laws or policies say about sexual and gender-based violence against women?

11. How the laws or the policies are used in addressing cases of sexual and gender-based violence against Rohingya refugee women?

12. Are you aware of any relevant national or international laws and policies? And what is your opinion of the laws or policies?

Prompt Questions: Which laws or policies? How the problems mentioned in the policy are compared to your own view of the problems that need to be addressed? Any gap or inconsistency in the laws or the policies?

13. What further policies or laws do you think are needed to give greater protection to refugee women?

Interview Closing

We are almost at the end of our interview. I only have one more question to ask.

14. What do you think are the major challenges in preventing and responding to sexual and gender-based violence against Rohingya refugee women? How do you think these barriers could be addressed?

Prompt Questions: What are the barriers-cultural, financial, social, legal, or other? How could these barriers be overcome? What kind of support is needed and from whom?

I am very grateful for your time and patience in answering my questions and sharing your insights and knowledge. There may be something important to you that we have not covered. Now is the opportunity to raise it.

15. Are there any comments you like to make on any issue related to gender that you think I have not covered?

D. Interview Questionnaire for Refugee Leaders Participants

(Camp leaders, women, peace group/ women welfare society)

Identification Information
Name:
Sex:
Age:
Name of Institution/Agency:
Position in the Institution/Agency:
Contact Number (Optional):

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Interview Opening

Thank you for agreeing to talk to me, it is very nice of you to give up your time.

1. Can you please tell me about your role in the refugee camp?

Prompt Questions: As part of this role, what kind of activities do you perform? Who do you work with? What kind of support do you provide to your fellow refugees? What kind of support do you provide to NGOs?

2. Based on your experience, will you tell me about the most common problems Rohingya women face in the camp?

Prompt. Family problems, economic problems, hunger/food insecurity, medical problems, violence problems?

3. What are the most common forms of violence refugee women experience in the camp?

Prompt Questions: Where does the violence usually take place? What do you think to be the reasons of such violence? How common is sexual and gender-based violence? Who are the perpetrators?

Knowledge of Support Services

4. Are you aware of any initiative (policy, project, facility) taken by an organisation (UN or NGO) or government in the camp to prevent and address sexual and gender-based violence against women?

Prompt Questions: Please describe the initiative? How are refugee women and men involved in the initiative?

5. What is your view of this initiative?

Prompt for: What impacts does the initiative have on gender relationship? What impact does the initiative have on women? How effective has the initiative been? Can you please give some-examples of positive or negative outcomes?

6. Can you tell me about the available support services for survivor women that you are aware of?

Prompt Questions: What services (medical, legal, financial, protection, psychological) are offered to them? Where and by whom these services are provided? Are these services difficult for some women to access? If so, why and in what way?

7. What is your view about training or publicity campaigns on dealing with sexual and gender-based violence?

Prompt Questions: Who has provided such training/awareness raising campaigns, and for how long? Who were the targeted participants? To what extent has the training or campaign been helpful for you as a community leader or women representative to deal with sexual and gender-based violence against women?

8. Are you aware of any law or policy that is in place to deal with sexual and gender-based violence against refugee women in this camp?

Prompt Questions: What is the law or policy is about? What does it say about sexual and gender-based violence against refugee women? Who enforces the law or the policy? In what way is it enforced?

9. How effective, do you think, is the law or the policy to protect Rohingya refugee women against violence? How could the law or the policy be improved?

The Views of Women/Leaders as to Victim's Experience and Perceptions of the Support Systems

As a part of your role, you may have encountered or heard about incidents of sexual and gender-based violence against refugee women. I am interested to know what usually happens in response to such incidents.

10. How do women, who have experienced sexual and gender-based violence, usually seek help?

Prompt Questions: Do women tell anyone? If yes, who and why? Where do women go to report or seek help? Why? (Health Service Providers, Legal Service Providers, Community Leaders, or others).

11. What role do you play in assisting women in this situation?
Prompt Questions: Whom do you work with? And how?

12. Which source of support do you find most useful in assisting women and/resolving the sexual and gender-based violence issue? Why?

13. What are the main obstacles in assisting women and/or resolving the issue?

Prompt Questions: How can these obstacles be overcome? What kind of support is needed and from whom?

14. Without mentioning the identity of the survivor/victim, can you please give an example of a recent case of sexual and gender-based violence that you have come across?

Prompt Questions: What type of violence it was? Was the case reported to any authority? If not, why not? What happened to the perpetrator? What kinds of supports were provided to the survivor, and by whom? What is the present condition of the survivor?

Coping Mechanism

15. From your experience, what do women do to protect themselves from violence?

Prompt Questions: What actions do women take to avoid violence? Do they take support from anyone, such as social network or close family members? What motivates them to take such action?

16. How do women recover from the negative impacts of violence?

Prompt Questions: What activities do women do to cope with the bad experience or to feel better about themselves? Why do you think they follow these kinds of coping mechanisms?

Interview Closing

I am very grateful for your time and patience in answering my questions and sharing your insights and knowledge. There may be something important to you that we have not covered. Now is the opportunity to raise it.

17. Are there any comments you like to make on any issue related to gender that you think I have not covered?

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