



Whose rape is it anyway?

Defending the right to protection from sexual violence in Bangladesh's Rohingya refugee camps

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UN Sustainable Development Goal 16: Peace, Justice and Strong Institutions

<https://www.un.org/sustainabledevelopment/peace-justice/>

The recommendations in this paper work towards UN security goal 16. Particularly in relation to: significantly reducing violence; ending abuse of children including trafficking; reducing organised crime; ensuring equal access to justice for all; developing effective, accountable and transparent institutions; and ensuring responsive, inclusive, participatory and representative decision-making.

UN Sustainable Development Goal 5: Gender Equality

<https://www.un.org/sustainabledevelopment/gender-equality/>

While USDG 16 does not make an explicit link between peace and gender equality this paper does – particularly in its call for inclusion and participation of refugee women’s groups in efforts to address the forms of violence discussed. Its recommendations therefore also contribute to the following USDG targets under goal 5.

- 5.1** End all forms of discrimination against all women and girls everywhere
- 5.2** Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
- 5.3** Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation
- 5.5** Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life.

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“The bad group [dacoits/bandits] comes almost every night to take whichever women they want. What can we do about it? Our shelters are only made of tarpaulins so there is no way to keep them out.”¹

Summary

Under international law, States are obliged to provide security from and justice for sexual violence. This policy paper highlights how current approaches by UN actors and other organisations to recording and sharing data on sexual violence by armed actors, criminal gangs, officials and other powerholders against Rohingya women and girl refugees in Cox’s Bazar, Bangladesh, are obscuring widespread and ongoing abuses. Open-source materials including UN and INGO reports, media reports and academic articles along with interviews with refugees and humanitarian actors reveal that horrific sexual violence is being allowed to go largely unreported, unacknowledged and unaddressed. This paper offers recommendations for improved monitoring and transparency to help uphold refugee women and girls’ right to security and protection from the violations which include rape, kidnap for sexual slavery and sex trafficking. In particular it recommends that an independent mechanism is established urgently in order to oversee existing monitoring, reporting practices and data-sharing policies relating to sexual violence in the Cox’s Bazar camps.

¹ Rohingya refugee leader quoted in, UN Women, ‘Promoting the Women Peace and Security Agenda in the Rohingya Refugee Crisis in Cox’s Bazar Bangladesh’ (UNW October 2020).

Introduction

“In the last few months, I have treated five/six women who have been raped by [members of an armed group]. All of them said the members of [the group] had defeated them. There is not much movement of law enforcers inside the camp. [The armed group] has the opportunity to do whatever they want. If desired, they rape women in front of family members.”²

Almost six years since a surge of genocidal violence in Myanmar forced hundreds of thousands of predominantly Muslim Rohingya to flee into Cox’s Bazar Bangladesh, almost 1 million people remain trapped in refugee camps there in misery and squalor. Ongoing violence and political instability in the wake of the 2021 coup by Myanmar’s military means large-scale repatriation is unlikely any time soon.

Security observers and UN monitors note increasing violence by armed groups and criminal gangs in and around the refugee camps. Their members terrorise refugees for financial and/or political goals and commit murder and sexual violence largely with impunity. Food rations have also prompted fears hunger will fuel further desperate actions and exacerbate insecurity, corruption and force women and girls into survival sex.³

² Local doctor as quoted in ‘Cox’s Bazar’s iconic terror ‘Al-Yakin’ (Dhaka Post 01 July 2021)<<https://www.dhakapost.com/exclusive/43355>>

This account correlates closely, including accounts of victims being assaulted in front of their spouse or other family members, with testimonies I heard from community members and victims’ relatives while working in the camps at different times between 2017 and 2020, as well as more recently from camp-based sources with whom I have remained in contact while outside Bangladesh.

³ UN News, ‘Food rationing for Rohingya refugees a ‘matter of life and death’: rights expert’ (*UN News* 02 March 20230 <<<https://news.un.org/en/story/2023/03/1134052>>>

Yet, sexual violence against Rohingya women and girl refugees by armed actors, criminal gangs, security personnel, officials and other powerholders, remains a vastly under-researched and under reported issue. The UN does not methodically document or publish reports on such violations in Cox's Bazar.

Accessible quantitative data from official sources on sexual violence in the camps is almost entirely lacking. Qualitative reports by UN agencies are largely generalised and do not give a clear picture of the scale or specific nature of such crimes nor their perpetrators.

However, qualitative analysis undertaken between October 2021 and March 2022 of open access sources, including INGO research, media reports and UN working papers along with doctrinal research on international law, illustrates that serious violations are widespread and suggests significant failures by the State and the UN to uphold fundamental human rights. These findings are supported by ongoing monitoring of open sources materials in the period since the primary research and follow up remote interviews with refugees and those working on the response conducted in March and April 2023. The findings also informed the author's field work as a humanitarian journalist, UN staff and expert consultant, and independent researcher based in Myanmar and Bangladesh from 2013 to 2020.

In recent months, UN agencies and rights groups have highlighted a significant rise in people embarking on perilous journeys to flee the camps⁴. Fear of sexual violence is a driving force for women and girls seeking to escape. Failure to address sexual violence in the Cox's Bazar camps contributes to wider insecurity and plays a significant role in perpetuating the continuum of conflict-related sexual violence inflicted on Rohingya women and girls which did not end when they crossed the border into Bangladesh.⁵

4 ABC News, 'Rohingya's deadliest year at sea in a decade with 180 people presumed drowned' (*ABC News* 27 December 2022) <<<https://www.abc.net.au/news/2022-12-27/rohingya-deadliest-year-at-sea-refugees-muslims/101811012>>>

5 Farzana Hussen and Syed SB Anik, 'Dwindling aid leaves Rohingya women exposed to rising violence in Bangladesh' (*The New Humanitarian* 9 May 23) <<<https://www.thenewhumanitarian.org/news-feature/2023/05/09/aid-rohingya-women-violence-bangladesh>>>

Sexual violence in Rohingya refugee camps in Cox's Bazar

*"If a man wants a girl and she does not agree, even if he is not a member of the [armed group] he will get his friends who are part of the group and they will force her to go with him."*⁶

Sexual violence describes forms of abuse that arise in the context of and intersect with other forms of gendered harms, societal discriminations and wider insecurity and violence. The causes and situations which give rise to it in any context are complex and it is not limited to women and girls.⁷

In refugee camps, as in almost-all other settings across the world, such violence is most commonly perpetrated in the home and/or by intimate partners. A number of projects operate in the camps to raise awareness of women's rights and to support those affected by domestic violence.

The particular focus of this paper however, are forms of sexual violence existing in and around the camps in Cox' Bazar perpetrated by criminal gangs, armed actors and other powerholders, including officials and others working on the response, which are enabled by the insecure environment in which refugees are forced to live and are rarely addressed in detail in UN reports.

Such violations include:

- kidnap, including of children, for rape and extortion by armed *dacoit* gangs (bandits) and criminal gangs operating in the area⁸
- abuse and forced marriage, including of children, by men associated with hard-line, religious/political armed factions and violent extremism.^{9 10}
- sexual slavery¹¹
- sex trafficking¹²
- forced prostitution and survival sex
- sexual exploitation and abuse by camp authorities and other power-holders.¹³

6 Comment from teenage girl during interview. MacGregor F, Fieldnotes, Kutapalong camp, Bangladesh, March, 2020.

7 See "Limitations" below for gender-based violence against men and boys in this context.

8 Silvia Guglielmi and others, 'Age- and gender-based violence risks facing Rohingya and Bangladeshi adolescents in Cox's Bazar' (GAGE April 2020) <<<https://www.gage.odi.org/wp-content/uploads/2020/04/Age-and-gender-based-violence-risks-facing-Rohingya-and-Bangladeshi-adolescents-in-Cox's-Bazar-1.pdf>>

9 <https://www.thenewhumanitarian.org/news-feature/2023/05/09/aid-rohingya-women-violence-bangladesh>

10 See also Myanmar Women's Peace Network https://mcusercontent.com/6819ae24e30bd9a9db0322d69/files/1c13db35-1b2d-dfc9-2ac1-175bcd7fdc3f_5_9_Statement_on_the_recent_food_aid_cuts_to_Rohingya_refugees.pdf

11 Gender in Humanitarian Action Group in Cox's Bazar, 'Strategy for protection of volunteers in the camps' (FS Cluster March 2021) <https://fscluster.org/sites/default/files/documents/strategy_for_protection_of_volunteers_2021.pdf>

12 IOM. 'Girls sold into forced labour largest group of trafficking victims identified by IOM Bangladesh' (IOM 16 October 2018) <<https://www.iom.int/news/girls-sold-forced-labour-largest-group-trafficking-victims-identified-iom-bangladesh-refugee>>

13 UN Women, 'Promoting the WPS Agenda'.

Sexual violence in refugee settings does not “just happen”. It is enabled by policies and practices which restrict refugees’ rights and the structural conditions such deprivations give rise to. These include, but are certainly not limited to:

- Insecure shelters.
- Poor lighting.
- Shared latrines.
- Restrictions on movement.
- Ineffective security monitoring and enforcement.
- Economic deprivations including lack of work rights.
- Corruption.
- Management roles which empower men over women.
- Lack of effective justice mechanisms.
- Prior experiences of SGBV in conflict and flight.

All of these conditions exacerbate insecurity for women and girls and are not due solely to lack of funding. Some are aimed at ensuring living conditions are not of a standard that might discourage refugees from seeking repatriation, while others arise from deep rooted patriarchal inequalities which fail to recognise and address women and girls’ particular needs.

These combine to make women and girls particularly vulnerable to abusers including camp officials, security personnel, international and local actors working on the response, powerholders in their own community, armed actors, traffickers, opportunists and other criminals.

Such dangers, along with desperate living conditions in the camps, drive girls and young women into arranged and forced marriages with Rohingya men in other countries particularly Malaysia.¹⁴ They risk their lives to escape by sea in overcrowded, unsafe boats. Many have been subjected enroute or on arrival to sexual violence by people smugglers, traffickers and other criminals or are sold into forced marriage/sexual slavery on arrival.¹⁵

14 Hannah Beech, ‘For Young Rohingya Brides, Marriage Means a Perilous, Deadly Crossing’ (The New York Times 17 October 2020) < <https://www.nytimes.com/2020/10/17/world/asia/rohingya-child-brides.html?action=click&module=RelatedLinks&pg-type=Article>>

15 Natasha Yacoub, Nikola Errington, Wai Wai Nu, & Alexandra Robinson, ‘Rights Adrift: sexual violence against Rohingya women on the Andaman Sea’ (2021) 22 Asia-pacific Journal on Human Rights and the Law 96-114.

See also, UN, ‘Rohingya refugees: UN agencies urge immediate action to prevent ‘tragedy’ on Andaman Sea’ (UN News 22 February 21) <<https://news.un.org/en/story/2021/02/1085342>>>

“We hear a lot about abduction cases in the camps ... I am living in fear. How can I live here without a husband. What else can I do?” I am scared because last time I (tried to leave by smuggler’s boat I) almost lost my life, but I do not have a passport and do not know any other way to go.” ¹⁶

While it is important never to lose focus on the personal impact of such crimes on individual victims, it should also not be overlooked that failure to prevent sexual violence against Rohingya refugees in Cox’s Bazar drives demand for irregular migration routes to escape such dangers and in doing so fuels organised crime which in turn exacerbates the risk of sexual and other violence in the camps.

More broadly, this situation forms part of the web of sexual and gender-based violence by armed actors, criminal gangs and other powerholders in which Rohingya women and girls may be trapped whether in their homeland of Myanmar, their supposed place of refuge in Bangladesh, during their flights from danger and/or on arrival in other regional destinations.

“I am a widow so I am all alone. Every night I cannot sleep thinking someone will come to murder me. I just lie there in the dark remembering the bad things that happened in Myanmar.” ¹⁷

¹⁶ Comment from teenage girl during interview. MacGregor F, Fieldnotes, Kutapalong camp, Bangladesh, February 2020.

¹⁷ Comment from elderly women in focus group discussion. MacGregor F, Field notes, Kutapalong camp, Bangladesh, February 2020.

Taking responsibility for women and girls' security needs in protracted displacement

At present refugee protection responsibilities in Cox's Bazar are undertaken by over 20 agencies with UNHCR as the lead agency ([see section 1.1 for more detail](#)). Senior UN figures maintain that security is the responsibility of the Bangladesh authorities when faced with suggestions they have responsibilities for such matters.

While it is true that as the host State Bangladesh has obligations under international law to provide security for all within its borders, including from sexual violence, it is also important to recognise the UN also has responsibilities. In particular, it is the UN's stated mandate to uphold refugee rights and human rights in general and to hold to account States which fail to meet their obligations under international law.

Avoiding collecting information about certain forms of sexual violence, restricting access to anonymised data and choosing not to raise awareness about crime patterns are not neutral acts. Neither is it neutral to fail to provide clear quantitative information about cases of sexual exploitation and abuse by UN actors, partners and others or detail what justice mechanisms were enacted in response.

There is a very real risk that without better transparency, senior UN figures could find themselves embroiled in allegations of complicity in relation to covering up serious violations of international law by State actors, non-State actors and potentially their own and partner personnel.

It must also be stressed that insecurity, particularly that of women and girls, cannot be addressed solely by traditional responses which may rely on increasing the presence of police and military personnel in a refugee camp setting. Indeed, given power imbalances, a rise in such actors may exacerbate the risk of sexual violence, exploitation and abuse against refugees.

Approaches to women and girls' security requires a holistic approach including addressing the structural conditions which contribute to insecurity. Where the UN and INGOs are funded to provide shelter, site management projects, provide buildings for security or government personnel, offer protection services and other relevant activities then they also must assume responsibilities to ensure these meet the specific needs and rights of women and girls – including in relation to security against sexual violence.

The need for better monitoring and understanding of security threats to women and girls

It is critically important to recognise that States have positive obligations to prevent sexual violence under international law. A State “may be perceived as providing tacit permission or encouragement to acts of SGBV against female refugees in camps” if, *when it knew or ought to have known*, of the threat of sexual violence it failed to take all appropriate measures to prevent such violations, and/or failed to investigate, prosecute and punish such acts. Such failure or omissions may amount to human rights violations in their own right.¹⁸

The significance here of *knowledge* of the threat of sexual violence illustrates why decisions by UN actors *not* to collect, share or publicise coordinated and collated response-wide data about some such crimes – particularly those committed by armed actors and other powerholders – can play a critical role in whether human rights can be protected and justice secured for those violations which occur. [See 1.2 below](#) for more information on relevant international legal documents.

While ethical and practical challenges around recording and sharing information relating to sexual violence are well recognised in academic and UN literature, it must not be overlooked that the rights to security from and protection against sexual violence are enshrined under international law. Rohingya women and girls in Cox’s Bazar are not being afforded those rights.

Quantitative data relating to cases brought to the attention of UN agencies and other INGOs generally remain hidden on grounds of data-sharing protocols and victim privacy. Such an approach ignores the fact that there are well-respected examples¹⁹ from around the world of comprehensive, anonymised, published quantitative data on crimes, including sexual violence, which enable analysis and intervention planning without putting victims at risk of identification.

18 Donnelly E and Muthia V, ‘Protecting Women and Girls in Refugee Camps: States’ Obligations Under International Law’ (*London School of Economics* 2019) <<https://www.lse.ac.uk/women-peace-security/assets/documents/2019/LSE-WPS-refugees-camp.pdf>>

19 See for example the UK’s Office of National Statistics, ‘Dataset: Nature of sexual assault by rape or penetration, England and Wales’ (ONS 18 March 2021). <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/natureofsexualassaultbyrapeorpenetrationenglandandwales>

Existing systems for recording and sharing information in SGBV in displacement settings including the Gender Based Violence Management Information System (GBVIMS) are not principally designed for identifying perpetrator patterns from a security perspective. Access to the system remains highly restricted and largely inaccessible including to other UN agencies and INGOs working on protection, security and human rights.

Barriers to transparency

Humanitarian actors, including UN agencies, may feel they face a conflict of interests between highlighting such violations and maintaining the diplomatic relations with the Government of Bangladesh they believe are required to ensure their ongoing humanitarian access. Humanitarian actors may also be reluctant to highlight violations which could reflect poorly on the efficacy of their own organisations' protection mandates.

Additionally, while considerable efforts have been made across the UN to acknowledge the risk of Sexual Exploitation and Abuse by UN personnel and staff trainings are now mandatory, efforts to address such violations continue to be managed by the UN²⁰ and data about outcomes and any justice proceedings arising from internal investigations remain opaque. There is no accessible publication which details the number or natures of such cases at a response wide level or how they were addressed, which prevents external monitoring and evaluation of trends and the efficacy of efforts to address.

Without effective and transparent monitoring and awareness raising about sexual violence in the camps these crimes will continue with impunity and, where the cases involve UN or partner actors, lack of accountability remains a concern. This situation must change urgently if Bangladesh is to meet its obligations under international law and the UN is to uphold its mandate to protect refugee women and girls and their human rights.

20 UNHCR, 'Protection from Sexual Exploitation and Abuse (PSEA) Version 2.5' *UNHCR Emergencies Handbook* <<https://emergency.unhcr.org/entry/32428/protection-from-sexual-exploitation-and-abuse-psea>>

Key recommendations

Therefore, this paper calls on donors and senior UN representatives in Bangladesh to

- 1) Urgently seek impartial expert legal and security advice to improve response-wide monitoring and reporting mechanisms relating to sexual violence by armed actors and other powerholders against Rohingya refugee women and girls in order to better support the Government of Bangladesh meet its obligations relating to security and justice under international law.
- 2) Support a participatory research project working with Rohingya women's groups and civil society organisations in the camps to consider whether and/or how it would be possible to develop additional safe, sensitive and culturally appropriate reporting methods for victims, their families, community leaders and civil society groups who may be aware of such violations.
- 3) Commit to transparency and accountability, with full regards to victim safety and privacy, to making anonymised data relating to such crimes easily accessible, including to the refugee community, as well as to donors, other humanitarian organisations, rights groups and other external observers.
- 4) Ensure data relating both to crimes of sexual violence and to existing measures to address such violations are presented in a clear and straightforward manner specifically designed to allow structural enablers and patterns of sexual violence to be identified and any intervention measures evaluated for efficacy.
- 5) Ensure data relating to incidents of sexual exploitation and abuse by UN related and partner actors (whether official or engaged in unpaid activities to support UN activities) and actions taken to pursue justice for victims is made available for public scrutiny in anonymised form in the interests of transparency and accountability.
- 6) Urgently raise with the Bangladeshi authorities the structural enablers of sexual violence in the camps and stress the requirements under international law for them to uphold the right to security from and justice for sexual violence along with recommendations how to effectively uphold these rights.
- 7) Create an independent monitoring mechanism to oversee the implementation of the aforementioned recommendations in which Rohingya women's groups and other relevant CSOs can have direct input into establishing a set of key-indicators by which progress can be monitored or weaknesses identified.

Conclusion to this section of the report

The practical, ethical, security and diplomatic challenges of documenting and sharing data on sexual violence by armed actors and other powerholders in protracted refugee settings should not be underestimated. However, if the international community is to uphold Rohingya women and girls' rights under international law, it must not turn a blind eye or keep silent while these refugee survivors of genocidal sexual violence remain trapped indefinitely in an open-air prison where they may be raped with impunity. Action is needed now.

The right for refugee women and girls not to be raped, must not be sacrificed to diplomacy, efforts to defend the UN's reputation, nor the complacency of international actors.

Questions and Answers

It must be recognised that those working to support the refugee population in Cox's Bazar face considerable practical challenges and many are dedicated to addressing the impact of sexual violence in the camps. However, working practices regarding information gathering and sharing on sexual violence reflect global UN policies created by international actors. They may not reflect the complex realities for women and girls in the camps and may, inadvertently reinforce disempowering narratives, which fail to recognise that survivors of sexual violence and conflict related displacement can continue to be active and powerful agents in their own communities. The following questions and answers are aimed at addressing some concerns UN and other actors working on this area may have.

Is there a risk that collecting data on sexual violence in an environment where armed actors and criminal gangs are committing atrocities and powerful actors have considerable control over refugees' lives will put victims or their relatives at risk?

There is no question that addressing crimes of sexual violence requires particular sensitivity and attention to security if the principle of do no harm is to be followed. However, allowing such violations to continue unaddressed is also exposing Rohingya women and girls across the camps to the ongoing threat of harm and forcing them to live in fear of sexual violence. Inaction can be a cause of harm in itself.

This paper strongly recommends participatory work with Rohingya refugee women's groups who are already working on these issues to gain a better understanding of whether and/or how it may be possible to increase reporting of such violations in a safe and culturally sensitive manner and what interventions could be most effective.

However, this work also stresses the need for improved collation and sharing of anonymised data by international actors who are already collecting such data. Qualitative and quantitative data is currently collected by formally appointed

“protection” staff, but also by others including medical personnel and others working in the camps as well as consistent monitoring of that which available in open-source materials.

Consistent, *response-wide* collation and sharing of existing data would go some way to meeting the recommendations in this report without requiring victims to face additional exposure to trauma or risk of identification.

Reluctance to report sexual violence means that is generally believed to be widely under-reported. Is there a risk that quantitative data will give the impression these crimes are less prevalent than they really are?

This matter can be addressed by clear communication materials adding caveats to any figures published. Even one rape is too many and recorded numbers should certainly not be taken as the sole measure for recognising the gravity of such crimes. However, figures even if underestimated, do allow for new trends and patterns of violence to be monitored and for better and more transparent evaluation of the efficacy of any interventions.

If better documentation and data sharing were in fact to reveal that some particular forms of violence are in fact less prevalent than may currently be believed then further research could help provide reassurance to those living in fear and avert women, girls and their families from making decisions to risk dangerous interactions with smugglers based on rumours or exaggeration.

Triangulation of quantitative and qualitative data would enable a more in-depth understanding not in patterns and types of sexual violence and would also help identify possible gaps in monitoring and data collection and collation which need to be addressed. Importantly it would help identify any surges of violence offering the potential for urgent action.

The Government of Bangladesh has accepted almost 1 million refugees within its borders at a time when many wealthier countries are rejecting refugees. Is there a risk that organisations which highlight security failures risk damaging their relationship with the authorities potentially leading to denial of life-saving access to the camps?

This fear has contributed to key UN agencies’ unwillingness to highlight certain types of sexual violence in Cox’s Bazar. While it is certainly important that good relations are maintained with host States, the right to security from being raped should not be sacrificed to diplomacy. A current weakness in international refugee responses globally is that UNHCR – the agency mandated to uphold refugee protection – also leads on-the-ground service provision for refugee protection ([see 1.1](#) for more details on responsibility for protection activities in Cox’s Bazar). This means senior managers may be faced with what should be ethically complex decisions regarding balancing good diplomatic relations with their obligations to highlight human rights violations.

Unfortunately, such decisions are currently made behind closed doors, without transparent risk/benefit analysis and without input from those most affected – victims and their communities. Not only does this fail to meet the participatory and transparency targets of UN SG 16, it also leaves those who decide to ignore or suppress information about such violations at risk of accusations of complicity in grave human rights abuses. That is why this paper recommends the creation of an independent mechanism to: oversee decision making about reporting such violations; to effectively monitor and evaluate existing policies and practices; and recommend areas for further action. Such a body could potentially operate under the mandate of a Special Rapporteur, however these issues are relevant across a number of existing rapporteur’s mandates and a cross-cutting approach would also be beneficial.

Community tensions already exist in Cox’s Bazar between the local and refugee populations, and an anti-Rohingya movement locally and nationally seeks to depict the ethnic minority as criminal and destructive elements. Is there a risk that highlighting sexual violence in and around the camps further exacerbate existing prejudices?

It is important to recognise that the perpetrators of the forms of sexual violence addressed in this paper come from Bangladesh and potentially other countries as well as from within Rohingya communities. The possibility of negative publicity regarding the refugee population should be addressed by effective and sensitive communication materials and processes not by obscuring serious human rights violations. Indeed, existing humanitarian approaches which fail to recognise how institutional policies and structural forces enable sexual violence against Rohingya women and girls and instead seek to address sexual violence by “educating” Rohingya men and pushing for cultural changes in the refugee population, contribute to damaging local narratives which depict Rohingya as inhuman or inherently criminal.

Funding for the Rohingya refugee response has dropped drastically as evidenced by recent ration cuts. Why should donors prioritise monitoring and reporting sexual violence over providing food?

It is horrendous that such a choice should have to be considered. No system involving international actors should tolerate a situation where the right to security from and justice for sexual violence may be sacrificed in order to fund food needs, particularly when those affected are being denied a right to earn their own livelihoods under State policies. However, within a context where around 1 million people are almost entirely reliant on food aid through the international humanitarian system, the cost of the recommendations in this report would be relatively minor. This is particularly true in light of the recommendation that considerable advances could be made by better collation and sharing of data already being gathered through *existing* activities.

Additional information

The sections below contain useful background information for those seeking a more in-depth understandings of specific legal and policy issues raised in this paper.

1.1 Current UN policies and practices on recording and sharing data on sexual violence in the Rohingya refugee camps

Numerous UN guidelines are in circulation on the principles of confidentiality and victim “consent” around data sharing.²¹ However, once a victim of rape or other sexual violence has provided information to whichever agency they have accessed in hope of potentially life-saving services, control of that data is effectively handed over to the individual protection staff involved and their agency.

Within Cox’s Bazar, UNHCR is the lead agency on protection services, but at least 20 UN agencies and implementing partners have mandates to provide protection services relating to sexual violence to women and girls in the camps²² each with their own data managing protocols. Guidelines are in place across providers on seeking victim consent before, for example, sharing personal information with law enforcement or other authorities which could lead to reprisals and further harms. However, control of the kind of anonymised data that would allow for identification of case numbers, patterns of perpetration and other information that might indicate widespread failure of the State’s obligations and the UN’s mandate to protect refugees, remains with the different agencies concerned.²³

21 “Confidentiality of VAWG survivors at all times is a core principle for VAWG service providers globally, and is a key recommendation of the World Health Organization’s Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies,” Guimond and Robinette.

22 ISCG Secretariat, ‘Joint Response Plan 2021’ (UNHCR 2021) 16 <<https://reporting.unhcr.org/sites/default/files/2021%20JRP.pdf>> accessed 10 January 2022.

23 Gender Based Violence Information Management System, ‘Information Sharing Template’ (GBVIMS) <https://www.gbvims.com/>

Cox's Bazar is among the humanitarian responses to be involved in the Gender Based Violence Information Service (GBVIMS). Established by UNHCR and partners, its stated aim is to address the discrepancies and lack of critical data sharing relating to GBV between different agencies.²⁴ Ostensibly, it should allow for more effective analysis of by creating standardized sets of anonymized data. Yet the application process to access the "service" is worded in such a way that ensures power to decide who is entitled to see that data lies with international agencies not individual victims, nor their communities.

It requires consent from all relevant agencies, along with a considerable number of demands relating to various caveats and restrictions, before any information may be shared.²⁵ The process is complex and restrictive even for a professional, native-English speaking researcher with experience within the UN to negotiate. International experts working on SGBV have expressed concern about the barriers and timescale it has taken to access information that could be critical to their work.

Given the linguistic and other practical barriers they face, it is certainly questionable whether victims or civil society organisations from within the Rohingya refugee communities could themselves directly access that data. Yet such information has clear relevance to their lives and those of their family and communities.

If UN security goal 16 is to be achieved: including with regards to accountable and transparent institutions and ensuring responsive, inclusive, participatory and representative decision-making, action must be taken to develop accessible data reporting that allows those monitoring and providing referrals and who provide direct vital support *at community level* to be fully engaged. Widespread sexual violence in a location is also clearly a matter of public interest to any community and it is neither "transparent" nor "accountable" to keep such information hidden from Rohingya civil society groups advocating for their rights to be upheld.

1.2

Entitlement to Protection from Sexual Violence Under International Law

As noted above, not only must States protect the human rights of individuals and groups to be secure from abuse, but they must take positive action to ensure these rights are

[gbvims-tools/isp/](#)

²⁴ *ibid.*

²⁵ *ibid.*

upheld.²⁶ The CEDAW Committee’s general recommendations 19 and 35²⁷ further underscore that if a State knows or ought to have known of the threat of sexual violence and it failed to take all appropriate measures to prevent, investigate and punish such acts then it “may be perceived as providing tacit permission or encouragement to acts of SGBV against female refugees in camps” which would amount to human rights violations in their own right.²⁸

The legal significance here of whether a State knows or ought to know about the threat of sexual violence illustrates why decisions by UN actors about whether or not to collate and share response-wide data about such crimes or not, has important implications for women and girl refugees’ rights under international law.

Under Myanmar’s 1982 citizenship law²⁹ almost all Rohingya people are treated as Stateless by their home country.³⁰ Their position is further weakened by the fact that Bangladesh continues to deny recognition of refugee status to all but a small number of Rohingya refugees who were in the country prior to the 2016/17 influxes.³¹ Bangladesh is not party to the 1951 Refugee Convention nor its protocol, neither is it party to the 1954 Convention Relating to Stateless persons, nor the 1961 Convention Relating to Reduction of Stateless Persons.³²

However, it is often overlooked that Bangladesh is a member of the legally-non-binding **The Bangkok Principles on Status and Treatment of Refugees under The Asian-**

26 UNHRC Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in protection (10 June 2011) UN Doc A/HRC/17/L.6

See also, CEDAW Committee, 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, CEDAW/C/GC/28”, 2010, para. 9

And also, UK Foreign & Commonwealth Office, ‘International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Best Practice on the Documentation of Sexual Violence as a crime or violation of International Law’ (2017) 65.

27 CEDAW Committee, General Recommendation No. 19, para. 1.

CEDAW Committee, General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19, 2017, para. 24.

28 Donnelly and Muthia, (n 71) 25.

29 Citizenship Law (Burma) 15 October 1982.

30 Rohingya activists and observers have pointed to the fact that the 1982 legislation breaches customary international laws on Statelessness as well as the Convention on the Rights of the Child and stressed that the Rohingya should be recognised internationally as Myanmar nationals regardless of Myanmar government policies.

Burmese Rohingya Organisation UK, ‘Myanmar’s 1982 Citizenship Law and Rohingya (BROUK December 2014) <<https://burmacampaign.org.uk/media/Myanmar's-1982-Citizenship-Law-and-Rohingya.pdf>> accessed January 12 2022.

31 Bangladesh authorities officially refer to the vast majority of Rohingya within its borders as “Forcibly Displaced Myanmar Nationals”.

This lack of support for refugee rights in the region impacts on Rohingya refugees from Myanmar, and Bangladesh who seek shelter in other neighbouring countries including Malaysia and Thailand which are also not party to the 1951 convention. For more on Bangladesh’s position on Rohingya being “not refugees” as of November 2021, see for example ‘UN in talk with govt to stop DSA misuse: Mia Seppo’ (The Business Standard 19 September 2021) <<https://www.tbsnews.net/bangladesh/un-talks-govt-stop-dsa-misuse-mia-seppo-304573>> accessed January 10 2022.

32 IRC, Access to Justice.

African Legal Consultative Organization (ALLCO).³³ This recognises as “refugees” those who have to flee persecution in their own country and commits to “effective protection” of refugee women.³⁴

Critically, under international law Bangladesh is obligated to protect Rohingya women from sexual violence and uphold their rights to justice regardless of official refugee status. Sexual assault and exploitation amount to violations of fundamental human rights regardless of citizenship status, ethnicity or nationality and criminal provision should offer the same redress to refugee women as national women.³⁵

However, it cannot be ignored that even were Rohingya women and girl refugees to be provided the same protections and rights as their Bangladeshi national counterparts, in practice their protection from SGBV and access to justice would be limited. Nevertheless, Bangladesh maintains a low position in equality rankings, including the UN’s global gender inequality index,³⁶ and continues to have one of the world’s highest rates of child marriage.³⁷

Nevertheless, key rights, which are directly relevant to the security of Rohingya women and girl refugees and protection from sexual violence - including the right to life, prohibition of torture and right to adequate housing – are not only upheld under customary international law, but also under the **International Covenant on Civil and Political Rights (ICCPR)** and the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**.³⁸ Bangladesh is party to both these treaties.³⁹

As noted previously, economic deprivations play a key role in making Rohingya women and girl refugees vulnerable to sexual exploitation and abuse, traffickers and forced prostitution and survival sex. While The ICESCR does allow for differences in economic rights afforded to nationals and non-nationals in developing countries. However, it does so within the wider contexts of “due regard to human rights”⁴⁰ and that State parties should be taking steps towards economic development that allow for full realisation of economic rights.⁴¹

33 Asian-African Legal Consultative Organization ‘Final Text of the AALCO’s 1966 Bangkok Principles on the Status and Treatment of Refugees’ (adopted on 24 June 2001).

34 AALCO, Bangkok Principles (n 82) Article IV.

35 Farmer A, ‘Refugee Responses, State-like Behaviour, and Accountability for Human Rights Violations: A Case Study of Sexual Violence in Guinea’s Refugee Camps’ (2006) 9 Yale Human Rights and Development Journal 59.

36 UNDP, ‘Bangladesh’ (UNDP Human Development Reports 2020) <http://hdr.undp.org/en/countries/profiles/BGD> Accessed 21 April 2021.

37 Girls Not Brides, ‘Bangladesh’ (Atlas Girls Not Brides 2021) <<https://atlas.girlsnotbrides.org/map/bangladesh>> Accessed 21 December 2021.

38 *ibid.*

39 UNOCHR, ‘UN Body Treaty Base: Ratification Status for Bangladesh’ (United Nation Human Rights Treaty Bodies) <https://tinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=119&Lang=EN>

40 UNGA International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and Optional Protocol to the International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 03 January 1976) A/RES/2200 (ICESCR) article 2.3.

41 ICESCR article 6.2.

Other key international human rights instruments relevant to women and girls refugees' security in camp settings are the **Convention on the Elimination of Discrimination against Women (CEDAW)**, the **Convention on the Rights of the Child (CRC)** and the **Convention Against Torture (CAT)**.⁴² Again, Bangladesh is a signatory to those instruments,⁴³ albeit with some key reservations to CEDAW, in particular those relating to Sharia law, which may have implications for women and girls' rights whether refugees or Bangladeshi nationals.

While the original CEDAW convention does not explicitly prohibit sexual violence against women and girls, optional protocols and recommendations of the CEDAW committee, specifically general recommendation 19,⁴⁴ recognise SGBV as a form of gender discrimination and therefore covered by CEDAW.⁴⁵ The Convention on the Rights of the Child (CRC) which confers on children the right to protections including from sexual violence.

General Comment 28 (2000) on The Convention Against Torture directly indicates that rape and other forms of domestic violence amount to breaches under that article which prohibits "torture... cruel, inhuman or degrading treatment or punishment."⁴⁶

Ultimately, what international law assures, is that regardless of their refugee status or de-facto statelessness, Rohingya women and girls are entitled to the same fundamental protections from gender and sexual violence and to the same rights to justice as women anywhere are.

1.3 Protections under domestic Law

According to the International Rescue Committee (IRC), while Bangladesh's national legislation makes no specific provision pertaining to refugees, it does offer "significant protections for all persons on the territory in the constitution".⁴⁷ Article 11 of the constitution states that "fundamental human rights and freedom and respect for the

42 *ibid.*

43 UN Convention on the Rights of the Child (Adopted 20 November 1989, entered into force 2 September 1990) UNTS 1577 (CRC).

44 UN Committee on the Elimination of Discrimination Against Women (CEDAW), 'General Recommendation No 19', (adopted at the Eleventh Session 1992) UN Doc A/47/38.

45 Ronagh McQuigg 'The Need for a UN Treaty on Violence Against Women' (Queens University Belfast 12 January 2016) <<http://qpol.qub.ac.uk/need-un-treaty-violence-women/>> accessed 21 November 2021.

46 International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 7.

47 International Rescue Committee, 'Access to Justice for Rohingya and Host Community in Cox's Bazar' (*IRC* 08 July 2019) <<https://www.rescue.org/report/access-justice-rohingya-and-host-community-coxs-bazar>>

dignity and worth of the human person shall be guaranteed”.⁴⁸ The IRC also notes that, given the lack of clear national legislation relating to Stateless Persons or Refugees, the Rohingya are in practice governed under the legal provision of the 1946 Foreigners Act which applies to non-citizens.⁴⁹ While that act allows for the State to restrict certain rights, including freedom of movement, there is nothing within it which explicitly states that non-citizens are not entitled to the same fundamental rights to security and protection from harm, including sexual violence, as Bangladesh nationals.⁵⁰

Article 31 of the constitution⁵¹ states that anyone, citizen or otherwise, within Bangladesh is entitled to enjoy the protection of the law in particular with regards actions outside the law which may be detrimental to “the life, liberty, body, reputation or property of any person”.⁵²

Bangladesh follows a dualist legal system and, while it has ratified the key international human rights instruments noted above, most of these instruments have not been incorporated into national laws.⁵³ However, it has been noted that, Bangladesh’s Supreme Court has,

*“encouragingly pronounced... that the domestic Courts should not ignore the obligations of international laws; if there is no appropriate domestic law in a disputed matter, the Courts should take resort to the provisions and principles of international instruments.”*⁵⁴

This position should, in principle, provide an extra safeguard to the Rohingya in situations where the lack of specific mention of refugee, stateless people, or other non-citizens’ rights under domestic law may have left them without explicit protection under domestic law.

It would appear clear, therefore, that Bangladesh has a duty to uphold the rights of Rohingya women to be protected from sexual violence under: Customary international law; key IHRL treaties to which it is party; and under its own constitution.

48 Constitution of the People’s Republic of Bangladesh, 1972, art 11.

49 IRC, Access to Justice (n 41).

50 Foreigners Act (Bangladesh) 1946.

51 Nour Mohammad, ‘Refugee Protection Under the Constitution of Bangladesh: A Brief Overview’ (2012) 39 Refugee Watch 149.

52 “To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.” Constitution of the People’s Republic of Bangladesh, 1972, art 31.

53 Abu Hasant, ‘Using International Law in National Courts: Bangladesh Perspective’ (2013) 13 Bangladesh Journal of Law 49.

54 Ibid, 52.

Limitations

Sexual violence is only one form of gender-based harm. It is important to recognise that men, boys, and people of diverse gender identities and sexual orientation are all targets for such violations. The focus on sexual violence against women and girls in this document addresses the impacts of certain crimes on a particular category of people within this specific context. In particular it should be recognised that the sexual violence identified in this paper is taking place within the context of wider political, ideological and criminal violence in which men and boys are being targeted for kidnap, torture, murder and forced recruitment. This paper also focuses on violations which are occurring in the camps in Cox's Bazar. It is important that research going forward also addresses the situation on Bhasan Char where an increasing number of refugees are being relocated away from the mainland and which is even less open for independent monitoring than the main settlement.

However, it is intended and hoped this work, in addressing forms of violence that impacts on more than half the refugee population in Cox's Bazar, should contribute to broader policy making and analysis regarding gender-based harms against all people in large-scale, protracted refugee settings and should form part of a wider and more inclusive approach to addressing GBV and upholding rights in such settings going forward.

Access to justice: An area for further research

This paper has largely focused on weaknesses in data collection by humanitarian actors which contributes to sexual violence by armed actors and other powerholders in the Cox's Bazar camps going largely addressed. Better monitoring of such violations will enable the UN fulfil its own mandate, by supporting the Government of Bangladesh to ensure it upholds its obligations under international law with regards the right to security from sexual violence.

However, ending impunity for those who commit sexual violence is also critical to ending such violations and is also important that the right to justice for victims which is also enshrined in international law must be upheld.

It must be recognised that existing formal and informal justice mechanisms for refugees in Cox's Bazar are largely ineffective for victims of sexual violence. Those that do exist can expose victims to additional harms including victims being forced to marry a perpetrator and retaliation. A number of Bangladeshi women's organisations are working to address this matter, but operate within a broader legal system that contributes considerable barriers to access to justice for sexual violence for Bangladeshi nationals as well as their Rohingya counterparts. Further research could show how their work could be supported by the mechanisms recommended in this paper so that victims of the crimes identified in this report have better recourse to meaningful justice mechanisms.⁵⁵

55 For more on this issue see: Pereira F, Olney J, and Hoque A, 'Community Perspectives on Access to Civil Justice After Cross-Border Displacement: The Needs of Rohingya Refugees in Bangladesh,' (*Asia Foundation* February 2021) <https://asiafoundation.org/wp-content/uploads/2021/02/X-Border_Community-Perspectives-on-Access-to-Civil-Justice-after-Cross-Border-Displacement-The-needs-of-Rohingya-Refugees-in-Bangladesh.pdf> accessed 12 January 2022

About this report and its author

Fiona MacGregor is a researcher and analyst who specialises in investigating issues relating to gender, conflict and human rights. She has spent more than a decade living and working in Southeast and South Asia investigating and reporting on human rights from conflict affected areas of Myanmar and in the Rohingya Camps in Bangladesh. Her work has a particular focus on women and girls affected by conflict, displacement and sexual violence. She has worked as staff and as an expert consultant for the UN and INGOs in different capacities and her research and analysis has featured in a broad range of international media.

This paper is based on her dissertation for her 2022 Master in Laws degree from the Transitional Justice Institute of Ulster University, entitled “Whose Rape is it Anyway?”, which used doctrinal and qualitative empirical research to analyse open-source materials and explore whether human rights violations against women and girl refugees in Bangladesh were being concealed by UN policies on collecting and sharing data on sexual violence.

It won the Northern Ireland Human Rights Commission Dissertation Prize; led to her being selected to be a Non-Residential Fellow at the Centre for Asia Pacific Refugee Studies (CAPRS) at the University of Auckland, which commissioned this paper; and was the basis of her winning a Doctoral Scholarship from Durham University for a multi-disciplinary PhD based in the school of law to further research rights and barriers to justice for sexual violence in protracted refugee camp settings and the implications of those for wider peace and security.

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Relevant legal documents

Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI

International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171

UNGA International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and Optional Protocol to the International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 03 January 1976) A/RES/2200

UN Convention on the Elimination of All Forms of Discrimination against Women (Sept. 3, 1981) UN Doc A/34/46

UN Convention on the Rights of the Child (Adopted 20 November 1989, entered into force 2 September 1990) UNTS 1577

UNSC Res 1325 (30 October 2000) UN Doc S/RES/1325

UNHRC Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2000/45 (2001) UN Doc E/CN.4/2001/73 27

Asian-African Legal Consultative Organization Final Text of the AALCO's 1966 Bangkok Principles on the Status and Treatment of Refugees' (adopted on 24 June 2001)

Rome Statute of the International Criminal Court (entered into force July 1, 2002)

2187 UNTS 90

Secretary-General's Bulletin Special measures for protection from sexual exploitation and sexual abuse (9 October 2003) ST/SGB/2003/13

UNSC Res 1820 (19 June 2008) UN Doc S/Res/1820

UNHRC Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in protection (10 June 2011) UN Doc A/HRC/17/L.6

UNHRC Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (22 July 2014) UN Docs A/HRC/27/53

UN Committee for the Elimination of All Forms of Discrimination against Women, 'Concluding observations on the eighth periodic report of Bangladesh' (25 November 2016) CEDAW/C/BGD/CO/8

UNRC Report of the independent international fact-finding mission on Myanmar 12 September 2018 UN Doc A/HRC/39/64 15

Citizenship Law (Burma) 1982

Constitution of the People's Republic of Bangladesh 1972

Foreigners Act (Bangladesh) 1946

Some suggested further reading

Akter E, 'Issues and Concerns of Crime in Cox's Bazar: A secondary analysis on Rohingya refugees in Bangladesh' (2020) 6 Commonwealth Law Review Journal 564

Baaz ME and Maria Stern, *Sexual Violence as a Weapon of War? Perceptions, Prescriptions, Problems in the Congo and Beyond* (Zed Books, London, 2013)

Buckley-Zistel S and Krause U, 'Gender, Violence, Refugees: An Introduction' in Susanne Buckley-Zistel and Ulrike Krauss (eds), *Gender, Violence, Refugees* (Berghahn Books 2017)

Butler A and McSherry M, 'Defining Sexual and Gender-Based Violence in the Refugee Context' (2019) 28 Iris Working Paper Series 10

Charlesworth H and Chinkin C, *The Boundaries of International Law: A Feminist Analysis* (MUP 2000)

Davies S & True J, 'The politics of counting and reporting conflict-related sexual and gender-based violence: the case of Myanmar' (2017) 19:1 International Feminist Journal of Politics 4

Engel K, *The Grip of Sexual Violence in Conflict: Feminist Interventions in International Law* (Stanford University Press 2020)

Engle Merry S, *The Seductions of Quantification* (The University of Chicago Press 2016)

Ensor M, 'Lost Boys, Invisible Girls' in Susanne Buckley-Zistel and Ulrike Krauss (eds), *Gender, Violence, Refugees* (Berghahn Books 2017)

Farmer A, 'Refugee Responses, State-like Behaviour, and Accountability for Human Rights Violations: A Case Study of Sexual Violence in Guinea's Refugee Camps' (2006) 9 Yale Human Rights and Development Journal 2

Fahmida R and Doneys P, 'Sexual coercion within marriage in Bangladesh' (2013) 38

Women's Studies International Forum, 117

Freedman J, 'Sexual and gender-based violence against refugee women: a hidden aspect of the refugee "crisis"' (2016) 24 *Reproductive Health Matters* 18

Fricker M, *Epistemic Injustice: Power and the Ethics of Knowing* (OUP 2007)

Hyndman J, 'Managing Difference: Gender and culture in humanitarian emergencies' (2010) 5 *Gender, Place & Culture* 241

Islam, R 'Health and Crime Threat in Cox's Bazar: A secondary analysis on Rohingya Refugees in Bangladesh, (2020) 5 *Asian Law and Public Policy Review* 3

Krauss U, *Escaping Conflicts Being Safe: Post Conflict Refugee Camps and the Continuum of Violence*, in Buckley Zistel S, Krauss U (eds) *Gender, Violence and Refugees*, Berghahn Books, 2017

Maloney K, 'Ending Impunity for Forced Marriage in Conflict Zones: The Need for Greater Judicial Emphasis on the Human Rights of Girls' (2021) 19 *Journal of International Criminal Justice* 327

Manchanda, R 'Gender Conflict and Displacement: Contesting 'Infantilisation' of Forced Migrant Women' (2004) 39 *Economic and Political Weekly* 179

Martin S, "UNHCR Policy on Refugee Women: A 25-Year Retrospective" in Susanne Buckley-Zistel and Ulrike Krauss (eds), *Gender, violence, refugees* (Berghahn Books 2017)

McInerney-Lankford S, 'Legal methodologies and human rights research: challenges and opportunities' in Bård A. Andreassen, et al. (eds) *Research Methods in Human Rights : A Handbook*, (2017 *ProQuest Ebook Central*)

Melnikas A and others, 'Child marriage practices among the Rohingya in Bangladesh' [2020] *Conflict and Health* 1

Mohammad N, 'Refugee Protection Under the Constitution of Bangladesh: A Brief Overview' (2012) 39 *Refugee Watch* 149.

Ni Aolain F, Haynes D, and Cahn N, *On the Frontlines: Gender, War, and the Post-Conflict Process* (Oxford University Press 2011)

Olivius E, 'Refugees, Global Governance and the Local Politics of Violence against Women' in Susanne Buckley-Zistel and Ulrike Krauss (eds), *Gender VR, Violence, Refugees* (Berghahn Books 2017)

Oby Johansen S, *The Human Rights Accountability Mechanisms of International Organizations* (Cambridge University Press, 16 Jul 2020)

O'Rourke C, *Women's Rights in Armed Conflict under International Law* (Cambridge University Press 2020)

Otto D, 'Making Sense of Zero Tolerance Policies in Peacekeeping Sexual Economies' in Vanessa E Munro and Carl F Stychin (eds), *Sexuality and the Law: Feminist Engagement* (Glass House Press 2007) 259. As cited in Hilary Charlesworth and Christine Chinkin, 'Between the Margins and the Mainstream' in Bardo Fassbender and Knut Traisbach (ed.) *The Limits of Human Rights* (OUP 2019)

Otto D, 'The Exile of Inclusion: Reflections on Gender Issues in International Law over the Last Decade' (2009) 10 *Melb J Int'l L*

Phillimore J and others, 'We are Forgotten': Forced Migration, Sexual and Gender-Based Violence, and Coronavirus Disease-2019' [2021] *Violence Against Women*
1 Ramji-Nogales J, 'Questioning Hierarchies of Harm: Women, Forced Migration, and International Criminal Law' (2011) 11 *Int'l Crim L Rev* 463

Riva S and Hoffstaedter G, 'The Aporia of Refugee Rights in a Time of Crises: the role of brokers in accessing refugee protection in transit and at the border' (2021) 9 *Comparative Migration Studies*

Sikand Y, 'Deobandi Patriarchy: A Partial Explanation' (2011) 46 *Economic and Political Weekly* 35

Swaine A, 'Beyond Strategic Rape and between the Public and Private: Violence against Women in Armed Conflict' (2015) 37 *Hum Rts Q* 755 756

Taylor S 'Refugee Protection in the Asia Pacific Region (*Refugee Legal Aid Information*) <<https://www.refugeelegalaidinformation.org/refugee-protection-asia-pacific-region>> accessed January 10 2022

Turner S, *Victims of Chaos and Subaltern Sexualities*, in Buckley Zistel S, Krauss U (eds) *Gender, Violence and Refugees*, Berghahn Books, 2017

Vu A and others, 'The Prevalence of Sexual Violence among Female Refugees in Complex Humanitarian Emergencies: a Systematic Review and Meta-analysis' (2014) 6 *PLoS Currents*

Yacoub N, Errington N, Nu WW, & Robinson A, 'Rights Adrift: sexual violence against Rohingya women on the Andaman Sea' (2021) 22 *Asia-pacific Journal on Human Rights and the Law* 96-114

