



General Assembly

Distr.: General
18 June 2020

English only

Human Rights Council

Forty-fourth session

15 June–3 July 2020

Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Joint written statement* submitted by the International
Organization for the Elimination of All Forms of Racial
Discrimination (EAFORD), Association Ma'onah for Human
Rights and Immigration, International-Lawyers.Org, Union
of Arab Jurists, United Towns Agency for North-South
Cooperation, non-governmental organizations in special
consultative status, International Educational Development,
Inc., World Peace Council, non-governmental organizations
on the roster**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.


[26 May 2020]

* Issued as received, in the language(s) of submission only.

GE.20-08059(E)



* 2 0 0 8 0 5 9 *

Please recycle 



Human rights and the impact of Covid-19 on Rohingya refugees

Introduction

Upholding human rights appears to become secondary to some governments in times of crisis. Thus, the already poor and neglected in society experience worse effects in critical times as they are further pushed aside. This situation is affecting Rohingya refugees right now, leaving devastating impacts as they are pushed further away from receiving any help or attention in these dire times.

This report will highlight a few aspects of the daily life of Rohingya refugees that are especially problematic now, and will likely escalate in the months to come. Few of the issues include internet shutdowns in Myanmar and Bangladesh, the current living conditions in refugee camps, and the failed repatriation process.

Internet Shutdowns

Starting in 2019, the Myanmar authorities “punished” citizens of Rakhine State with internet shutdowns. Those shutdowns stand in direct opposition to Article 19 of the Universal Declaration of Human Rights, which protects freedom of expression and grants the right to “receive and impart information and ideas through any media and regardless of frontiers.” Already going against the law in 2019, the scope of internet shutdowns became even more grave amid Covid-19. Information on proper hygiene and social distancing measures is essential for saving lives during the pandemic and shutdowns deny citizens the information they need to protect themselves.

Internet shutdowns are not only a common occurrence in Rakhine State; refugee camps in Bangladesh’s Cox Bazar District are also affected by internet shutdowns initiated by the government of Bangladesh. We highly urge both governments to secure access to information for all individuals living within state borders in order to ensure the protection of as many lives as possible.

Living Conditions in Refugee Camps

The living conditions in Rohingya refugee camps have been critical ever since hundreds of thousands of Rohingya sought refuge in Bangladesh. However, Covid-19 will inevitably lead to a further deterioration of the situation if no measures are taken.

Governments all over the world practice social distancing measures, but those measures are nearly impossible to carry out in densely populated refugee camps. The average population density in Rohingya refugee camps is 40.000 people per km², with some camps reaching a density of over 70.000 people per km².¹ Refugee shelters lack the space to practice social distancing and are not equipped with hygiene facilities. Long queues at water or food collection points and public hygiene facilities make it almost impossible to stop the spread of Covid-19. Article 12 of the International Covenant on Economic, Social and Cultural Rights recognizes the right that everyone should be able to enjoy the highest attainable standard of physical and mental health and the “prevention, treatment and control of epidemic [...] diseases”.² The previously described living standards do not guarantee compliance with the Covenant.

¹ ACAPS (2020) Covid-19 Rohingya Response [online available at: https://reliefweb.int/sites/reliefweb.int/files/resources/20200319_acaps_covid19_risk_report_rohingya_response.pdf].

² United Nations (UN) General Assembly (1966) International Covenant on Economic, Social and Cultural Rights [online available at: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>].

In addition, the refugee camps are fenced off with barbed wire, which restricts the freedom of movement of the Rohingya people, a right granted through Article 13 of the Universal Declaration of Human Rights.

Another impact of the Covid-19 virus is the apparent lack of health equipment in refugee camps. Even wealthy developed states struggle to satisfy their needs for personal protective equipment, and thus suffer a bidding war for this equipment.³ In times of crisis, the individuals and groups with poor resources are affected the most. Due to this unfortunate reality, it is doubtful that the Rohingya people will receive medical equipment in numbers that are sufficient to contain the virus.

Repatriation Process and Refugees

The repatriation process of the Rohingya is a failure, not least because the government of Myanmar did not improve the situation for the remaining Rohingya in Rakhine State. Instead, quite the opposite happened. The government developed new tools of suppression and discrimination, which make a repatriation process impossible.⁴ The rhetoric of the Myanmar authorities that welcomes repatriation is not representative of the actions undertaken within Rakhine State. Instead of returning to Myanmar, many Rohingya attempt to flee to neighbouring countries. Consequently, many become victims of human trafficking. The current global pandemic will potentially lead to repatriation becoming impossible or it will at least delay any success of repatriation. Thus, Myanmar needs to create a safe environment for Rohingya within Rakhine State as soon as possible while having medical assistance in place to protect them and other citizens from Covid-19.

Especially during this global pandemic, neighbouring countries are not welcoming of refugees. Bangladesh and Malaysia are practicing pushback policies that have led to violations of the non-refoulement principle. As established under Article 33 of the 1951 Refugee Convention “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”⁵ The Convention has not been ratified by Bangladesh and Malaysia, yet the principle is customary international law, thus pushback policies remain illegal. The containment of the Covid-19 virus is high priority for many states, and rightfully so, but complying with existing international law is equally important, especially in times of crisis.

Conclusion

The situation of Rohingya refugees has been unsatisfactory even before the outbreak of Covid-19. The living conditions in refugee camps and failed repatriation have been criticized by a multitude of Human Rights Organizations and States since the atrocities started in 2016. The current global pandemic made an already dire situation even worse, and acute measures need to be taken to not only protect the Rohingya from discrimination, but also from the deadly Covid-19 virus.

Rohingya are being denied essential rights that are fundamental to contain the virus. Their living standards do not allow social distancing practices, and resources that were already sparse, cannot cover the essential protection needed during the global pandemic.

³ Financial Times (2020) EU warns of global bidding war for medical equipment [online available at: <https://www.ft.com/content/a94aa917-f5a0-4980-a51a-28576f09410a>].

⁴ Geneva International Centre for Justice (2020) Ongoing Human Rights Violations in Myanmar 2017-2020 [online available at: <https://www.gicj.org/gicj-reports/1785-ongoing-human-rights-violations-in-myanmar-2017-2020>].

⁵ UN General Assembly (1951) Convention relating to the Status of Refugees [online available at: <https://www.unhcr.org/3b66c2aa10>].

Recommendations

We highly urge the international community that Covid-19 is not the only crisis humanity faces right now. There are individuals and groups that need special protection, thus, states must comply with existing international law despite the pandemic. The Government of Myanmar has proved over the past years that they are not interested in finding a peaceful solution and the authorities continued to develop new tools to oppress this Muslim minority. The decision by the International Criminal Court (ICC) to approve an investigation is a step in the right direction, yet the current situation makes the matter ever so urgent.

We highly recommend the Human Rights Council to:

- Condemn all actions taken by Myanmar that lead to discrimination.
- Condemn all actions taken by neighbouring countries that violate international law concerning refugees.
- Allocate all funding necessary to acquire medical equipment needed to protect the Rohingya refugees from Covid-19 and other already existing diseases and health issues.

Moreover, we recommend:

- Myanmar to refrain from any actions that lead to discrimination and establish an environment that allows the safe repatriation of all Rohingya refugees.
- Neighbouring states to not violate the principles of non-refoulment and support arriving refugees by providing them with the necessary services and protection from disease.
- Stop internet shutdowns that block people from getting essential information about Covid-19.
- Improve sanitary conditions in refugee camps to a standard that allows effective combating of Covid-19.

Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.