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## **No Place Called Home**

By: Padmini Ghosh, WRN India Country Coordinator

Wrapped under cover for years, known by only a few, the Rohingya crisis is now very much a part of the public consciousness with varied layers of concerns raising a public debate. 40,000 Rohingyas in India (based across Hyderabad, Delhi and Jammu) are faced with the threat of deportation as illegal immigrants. Though a petition was filed in the Supreme Court (SC) of India challenging such deportation on the basis of the principle of Non –refoulment (customary International Humanitarian law practice where refugees who face persecution in their country are not be sent back), Article 51(c) of the Constitution, Right to Life (Art -21) and Equality under Law (Art- 14), yet on September 18<sup>th</sup> the Centre told the SC that the it should be allowed to take a decision on a ‘fair and just procedure’ to deport the Rohingyas without any interference from the court. Rohingya Muslims constitute a category of stateless people and are one of the most persecuted minorities in the world. The country which they are a part of does not consider them as its own and has placed a series of obstacles on attaining citizenship to begin with, followed by restrictions on access to education, health resources, employment, running for offices and even mobility in or around the country. They also face other dangers and threats in the form of ill-treatment and torture, forced labour, sexual humiliation, indiscriminate arrests and detentions, debasing conditions of detention, custodial deaths, enforced disappearances and summary executions. Read together all of it would constitute blatant violation of the whole paradigm of the International Bill of Rights, or better known as International Human Rights laws. Subjected to structural violence in the form of systemic discrimination and legalised persecution, these people have been fleeing their place of origin to neighbouring countries of Bangladesh and India in search of refuge.

While a picture with just these details would probably garner sympathy for the said community, however, the community's religious identity and the trend of global war on terror, often coloured by Islamophobia, coupled with the severe competition for natural resources complicate their situation all the more. This in turn results in calls for deporting them back from the countries they have migrated to– but the question is where to deport a group of people when they have nowhere to go back in the absence of citizenship? The arguments in favour of deportation are based on the state's responsibility towards its citizens and national security. While the state's responsibility in terms of safeguarding national security and acquiring natural resources for its citizens cannot be denied, but what needs to be questioned is what led to the advent of the Rohingya crisis becoming a national security



issue for India? There was a similarly large influx of Rohingyas back in 2010 when their persecution in Myanmar was akin to what they face now. Following this until recently 16500 have been recognised as refugees with cards, and in September 2015 MEA had even agreed to give Long term Visas to some. Given this backdrop, would it be very difficult to connect the new threat- perceived or imagined- from this already-threatened-community to that of recent accusations floated by Hindu right wing groups in Jammu of the Rohingyas being part of a conspiracy to upset the demographic balance, something in league. A sensible probe into the whole issue would then reveal that this xenophobic anti-Islamic groundswell is part and parcel of the recent mapping of religion on our citizenship laws and regulations. If population explosion, competition for natural resources and national security were all such high-markers then it would not be possible to afford favourable treatment to Hindu migrants either, who are persecuted minorities in our neighbouring countries.

The Rohingya crisis brings forth major issues that we as global citizens need to reflect upon – violence- structural, cultural and direct; the growing reliance by states on militarization to solve political problems and the impunity with which human rights and humanitarian laws are violated; the need to foreground commitment to human rights laws and practices, the problem of terrorism and its associated violence on one hand, and that of what leads to such acts of terrorism in the first place on the other; and of course the larger national security vs. human security debate. It is a gigantic humanitarian crisis confronting us. While we extend humanitarian help to Bangladesh for the Rohingyas on one hand, we cannot be contradictory in our stand by ordering a blanket deportation on the other. There is as much a need to screen suspected militants for national security purposes as a need to build pressure on Myanmar to change its citizenship laws. Condemning violence is an imperative here, but not only the violent military action of the Rohingya militants but also of the systemic violent genocide carried out by the regime in power in Myanmar for years.

Systemic violence in the form of rape, arson, torture, loot, murder, encroaching on property, arbitrary incarceration are the realities that colour the lives of Rohingya Muslims in the Rakhine region of Myanmar. Their ‘othering’ becomes all the more prominent when their community is not even officially recognised amongst the 135 ethnic communities in Myanmar and the term Rohingya is considered a taboo. They are instead called ‘Bengalis’ to establish a hegemonic narrative of them having crossed over from Bangladesh in recent years and not originally belonging to the Rakhine region. Given this situation, they choose to flee from their home in search of a new home elsewhere. This journey and search is yet again fraught with new forms of exploitation in the hands of middlemen who have developed a business out of their situation and the corrupt officials present along the borders of each country who demand money to let them go through. However, this doesn’t guarantee any security in the next stage; they can easily be imprisoned for the absence of documents at any point of time before they can reach the UNHCR.

Right to life and its associated gambit of liberties are endangered through the entire process of either staying back in Myanmar or leaving, which would make the survival of any human difficult and the task is all the more arduous for the women. Patriarchal structures and patterns constitute a reality of the world that we live in, the practical gender needs of these







women struck by multiple rounds of displacement loom so large that one doesn't even get to talk about strategic gender interests in this case. Whether in transit or in refugee camps, these needs cut across a wide range - dependence on male family members, need for protection, prevention of sexual assaults, specific biological concerns of menstruation and sanitation facilities, - to name some. Issues of health, access to water, income or education do not even feature on the list. Sexual and Gender based violence (SGBV) continues to be as much a reality in a new land as back home, maybe perpetrated by a different set of people but pervasive none the less. While a lot has been written on the deplorable conditions of the camps, the difficulty of finding employment, the inhumanity of deportation, the struggles of migrating but what has been invisibilised in these accounts are the varied means in which SGBV operates through all these. A woman's account of displacement would be very different from that of a man. While she may have faced the threat of rape back in Myanmar, she may actually be a victim of domestic violence in a camp; while she may have faced a death threat earlier, she may actually be trafficked while in transit; while she probably is always worrying about her children, she may also be forced to have more children or in fact travel when heavily pregnant; while marriage may have been unthinkable earlier, child-marriage maybe a reality now; while she must have felt the need to protect herself from being sexually assaulted by those belonging to a different community, she may find the increasing need to be cautious even amongst those who are her own. For these women, lack of peace and insecurity are entwined with their daily struggle of survival, it is their lived-reality that they may actually never feel at home, even after all the migration and displacement, at a place which they might want to build as home.

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