

POLICY BRIEF – FEBRUARY 2021

COMMUNITY PERSPECTIVES ON ACCESS TO CIVIL JUSTICE AFTER CROSS-BORDER DISPLACEMENT: THE NEEDS OF ROHINGYA REFUGEES IN BANGLADESH

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This policy brief, a joint publication by Centre for Peace and Justice, Brac University (CPJ) and The Asia Foundation, conveys findings from a rapid analysis of Rohingya refugees' views on access to civil justice in the camps of Cox's Bazar in which they reside. This policy brief is based on the viewpoints expressed by camp residents.



KEY FINDINGS

- Refugees say they need better access to civil justice for cases involving interpersonal disputes, divorce, domestic violence, and polygamy, among other issues, and in dealing with challenges around birth and marriage registration. The lack of access to civil justice is experienced by refugees as connected to a **web of interrelated problems** around social issues, safety and security, and broader human rights violations.
- One-third of respondents said they had been able to obtain legal support and found that support satisfactory. This is a sign of the effectiveness of efforts already undertaken by NGOs and other stakeholders to strengthen refugees' access to justice.¹ But improvements and expansion of services are needed, as two-thirds of respondents said they were **unable to access information, justice-related services, and expert help** in the camps when needed, and many who did receive support and services found them inadequate to resolve problems.
- The **lack of an adequate camp dispute resolution system** and the **absence of a national policy framework** outlining the rights and responsibilities of refugees and displaced persons in Bangladesh are the two key lacuna impeding progress toward access to justice for Rohingya. Rohingya camp residents sheltering in Bangladesh face long-standing obstacles that prevent them from accessing civil justice in their host country.
- Camp residents frequently complain that the same actors responsible for upholding the rule of law are the perpetrators of corruption and other offenses. The need to overhaul the current **ad hoc approach to camp governance**, particularly the majhi system, is seen as a key step toward improved dispute resolution.²

RECOMMENDATIONS FOR STAKEHOLDERS

- **Camp management actors:**
 - **Establish a camp-based dispute resolution system:** A mechanism is needed for resolving civil disputes and perhaps minor criminal cases. This system could **link with and build upon** the work of existing legal centres offering advice, legal counsel and case management, and could draw from Bangladesh's long experience with the informal justice sector.
 - **Train relevant actors:** Personnel responsible for managing the camps, including Camp-in-Charges (CiCs) and Rohingya community members should be **provided with training** on management, communications, and the legal rights and responsibilities of refugees in accordance with Bangladesh's existing legal frameworks.³ Newly appointed personnel should be trained on these topics prior to commencing their duties.
 - **Ensure civil documentation:** Birth, marriage and death registration protocols are an urgent need. Not only does **the lack of these certificates** preclude Rohingya refugees' access to justice, it also serves to further entrench their statelessness. Camp residents are fearful about **the lack of legal status** for the newly born, whose lives are nowhere documented.
- **The Government of Bangladesh:** In coordination with the Office of the Refugee Relief and Repatriation Commissioner (RRRC), the government should consider **reviewing the existing rules and regulations** to ensure that registered refugees and Forcibly Displaced Myanmar Nationals have access to civil justice.
- **The UN:** Relevant UN institutions should work with the Government of Bangladesh and the judiciary to **develop a legal framework** that allows refugees access to legal and judicial processes.
- **Donors and the international community:** The donor community should contribute the costs required to train camp management and dispute resolution actors, and government monitors. Representatives in Dhaka and relevant ministries should develop a single list of advocacy points for **improving refugees' access to justice** to the Government of Bangladesh, and lobby for the implementation of recommended steps.
- **NGOs and civil society:**
 - **Enable community participation:** Bangladeshi lawyers and paralegal educators could support the process by training a cadre of **male and female host community and Rohingya paralegals and mediators** to help oversee the resolution of civil cases.
 - **Offer awareness raising programs:** Though Rohingya refugees in Cox's Bazar are accountable for adhering to Bangladesh law, they are often not privy to their legal rights and responsibilities. **Awareness raising interventions are needed** to orient them to the law, utilizing tried and tested models of grassroots legal education.

INTRODUCTION

The Rohingya refugee situation in Bangladesh has been unfolding for several decades since the earliest waves of refugees fled Myanmar in 1990. Approximately 716,915 refugees arrived in the most recent influx in 2017, and they (plus their babies and young children born in the camps) have now sheltered in Bangladesh for 3 ½ years. They are classified by the Government of Bangladesh as Forcibly Displaced Myanmar Nationals (FDMN), though scholars of international law have concluded that they satisfy the conditions to be regarded as refugees according to Article 1 A(2) of the 1951 Refugee Convention, and are thus deserving of certain rights and protections.⁴ Unlike these new arrivals, 35,519 Rohingya who arrived in the 1990 influx (and their children and grandchildren) are registered and officially recognized as refugees by UNHCR and the Government of Bangladesh.

Regardless of whether Rohingya in Bangladesh hold official refugee or FDMN status, the entire displaced population faces barriers to accessing legal services and other development support. These obstacles are difficult to overcome in a systematic manner, as Bangladesh has never established a national-level policy framework to guide its approach to managing refugees and displaced persons, and there is no camp-wide dispute resolution mechanism or camp governance system in effect. In their place, a network of camp management personnel including CiCs, *majhis*, and site management support staff help respond to refugees' requests for support to address disputes. Many of these actors are not trained as arbiters, and justice is thus meted in an ad hoc manner. Some NGOs help fill gaps in access to justice, such as by providing civil documentation, but many gaps arise in the absence of a cohesive camp justice system and corresponding policy.

In the absence of clearly stipulated legal protections, the existing vulnerabilities of the refugee community have been exacerbated by the Covid-19 pandemic, which forced a significant drawdown of humanitarian services in the camps. This has both reduced access to existing services and prevented progress and decision-making on extant gaps, including camp governance and access to justice.

Globally, UNHCR advocates for a community-based approach to the governance of refugee camps.⁵ Along

with government and NGO partners charged with camp management and coordination, it is recognized that refugee representatives participating in community-based camp governance structures play an important role in their own protection. In Bangladesh in 2018 and 2019, a Governance Task Force led by UNHCR and IOM spearheaded the drafting of a camp governance plan for the Cox's Bazar camps. This plan has not been approved by the government or implemented, though pilot camp governance structures have been carried out in a small handful of the 34 camps in which Rohingya shelter.

In the absence of a community-based camp governance system, which could be tasked with addressing various camp-level dispute resolution and civil justice needs, access to justice for refugees is addressed primarily through the general protection framework that guides the work of UNHCR and other UN agencies and NGOs, some of which conduct activities to strengthen access to justice. But the framework is insufficient to ensure tangible legal protections.

The convergence of crises in 2020 has brought into sharp focus the severe vulnerabilities of the Rohingya camp residents, underscoring the inadequacies of the current framework in terms of guaranteeing access to informal and formal justice. The reduction of the humanitarian footprint due to the pandemic has coincided with rising crime rates in the camps, and has made an effective and functional justice system and rule of law even more elusive at a time when they are most needed. Recent waves of gang violence indicate that in the wake of the drawdown of services, a culture of impunity has taken hold in the camps. This security crisis and other growing injustices must be overcome by a reform process to improve accountability, systematic access to justice, and rule of law.

In this policy brief, CPJ and The Asia Foundation present consolidated findings from a November 2020 rapid analysis and full report. For the analysis, CPJ researchers collected information from Rohingya camp residents about their views on access to justice in the camps. This study was undertaken as part of a broader initiative, *Bridging Community and Humanitarian Responses to Covid-19 in Rohingya Camps*, led by CPJ to compile and amplify concerns, feedback and insights from camp residents during the pandemic era.

Methodology

The November 2020 rapid analysis included the following research components to understand camp residents' access to civil justice. The analysis followed an exploratory research design with data collection from purposively selected respondents, thus the study does not aim to generalize findings for the entirety of the camp population. The analysis was carried out in seven of the 34 camps in which Rohingya refugees reside in the Cox's Bazar District and included the following components:

1. **Review of existing literature** on justice and rule of law in Rohingya camps in Cox's Bazar carried out by national and international organizations evaluating the ground reality for justice sector interventions.
2. Four **focus group discussions**, attended by Rohingya refugees recruited from networks of refugee-led community-based organizations (CBO), to gauge basic justice needs and gaps; these included separate discussions with women, men, female youth and male youth.
3. **Phone-based community consultations** conducted by CPJ Rohingya volunteers, who invited over 1,000 trusted individuals within their own personal and civil society networks to share their experiences accessing justice in the camps. This group included 55 percent male, 45 percent female respondents.
4. **Key informant interview (KIIs)** conducted with four Rohingya women to learn their experiences around social justice issues and justice deficits affecting their day to day lives.

CONTEXT: CIVIL JUSTICE ENTITLEMENTS AND DEFICITS FOR ROHINGYA REFUGEES IN BANGLADESH

Bangladesh has not acceded to the 1951 Convention Relating to the Status of Refugees nor its 1967 Protocol, and there is no specific law regulating the administration of refugee affairs in Bangladesh or guaranteeing the realization of the rights of refugees. The state's obligations can nonetheless be extrapolated and indeed expanded under both constitutional and domestic legal provisions, as well as under the international human rights frameworks to which Bangladesh is indeed party, such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Rights of the Child (CRC), among others.

In the absence of a specific domestic refugee legal framework, administrative regulations and executive decisions are often utilized. What prevails is a complex system in which justice is administered via multiple and varied sources of law and other obligations, codes, and rules regulating certain types of behavior. These are complemented by a variety of mechanisms, both formal and informal, to enforce official laws and other sources of obligation. This complex web of formal laws and informal practices is the backdrop against which the justice needs of the Rohingya are situated. It is thus unsurprising that many refugees have found it difficult to seek justice since arriving in the camps.



Barbed wire fencing in the camps, where refugees' movement is restricted

Linking to global civil justice trends

It is well documented that most civil justice situations never involve contact with a lawyer or a court. The most rigorously researched global statistics show that for civil dispute resolution, between 80 to 90 percent of complainants, particularly those in middle to lower-income populations, would rather resolve their disputes at the local or community level.

This often means reaching out to neighbors, relatives or community dispute resolution systems as first responders, in order to avoid reliance on the formal justice system.⁶ For highly vulnerable populations such as Rohingya refugees, there are similar patterns of justice-seeking that persist despite the various flaws arising in informal justice systems.⁷



Passers-by walk through a camp marketplace

DETAILED FINDINGS

During the rapid analysis, researchers asked camp residents to share their perceptions of justice, the types of justice problems they face in the camps, their access to information and expert support to resolve problems, and their level of satisfaction with the support they received, if any. These findings highlight refugees' pressing need for access to a dispute resolution mechanism as well as improved legal awareness and civil legal support.

Perceptions of justice and types of injustices faced

Participants shared their notions of fairness and equity in the context of everyday life in the camps, referring specifically to *insaaf* and *haq* [“justice” and “truth/right” in Arabic as well as Rohingya]. On what camp-level justice entails, many expressed a yearning to receive *bichar* [“resolution” or “judgment” in Bangla as well as Rohingya] without bias, threat, fear, or bribe. All participants across gender and age spoke of justice in terms of basic rights: the “freedom to behave and move” as one wished, to be treated equally, to get “fair solutions,” and to enjoy non-discrimination.

The main link between authorities and most camp residents are the *majhis*. Each *majhi* is responsible for roughly 100 households, and a head *majhi* oversees the *majhis* of one camp. The *majhis* are not mandated or trained to play a role in community dispute resolution, but in the absence of a camp governance mechanism, they have come to play a de facto role in supporting community civil justice needs. They also do not receive a stipend for their work, resulting in a vaguely defined informal system ripe for corruption. Community members described an inability to lodge complaints with CiCs due to obstruction by *majhis* or head *majhis*. One other important area that was mentioned goes to the heart of civil justice: the lack of Rohingya birth, marriage and death registration and issuance of relevant certificates.

Community voices: What is your understanding of justice?

- “Justice is the satisfaction received from legal authorities against unfairness and punishment for the culprits.”
- “Justice is when people have freedom of movement, and have the fundamental right to live peacefully and free of discrimination...Justice is the key to human peace.”
- “Justice is about fairness in society. It’s when people aren’t discriminated against for any reason, whether it be for their gender, disability, or religion. When they are able to meet their own needs, then we can say there is justice.”
- “Justice is when people get what they deserve, whether good or bad, regardless of whether we personally like the outcome or not. Everybody has to follow the same rules.”

Frequently cited justice concerns by age and gender

For women:

- Domestic violence at the hands of unemployed husbands who stay home most of the day.
- Concerns and uncertainty over their children’s well-being and future.
- Early marriage, dowry demands, and increasingly high rates of polygamy and divorce as significant civil problems requiring a legal and justice solution.

For female youth:

- Physical insecurity. They referred to a constant sense of dread, especially from nightfall until daybreak, when no police or security guards patrol the camps.
- Fear of leaving the shelter, even to use the toilet. This is due to the constant threats of abduction, harassment, and sexual assault.
- Lack of medical treatment options for pregnant women.
- Some complained that when they approach the CiC with complaints of injustices, they face a lengthy and often ineffective deliberation period and do not feel adequately respected.

For men:

- Issues of law and order, and the perceived lack of community cohesion.
- High rates of crime within the community, and violent clashes between camp residents.
- They complained that a trust deficit has emerged since the responsibility for maintaining law and order in the camps was transferred from the Army to the police
- A lack of faith in the informal justice mechanisms functioning in the camps to mitigate problems.

For male youth:

- Lack of freedom of movement, the lack of job opportunities, and the lack of respect displayed toward them by authorities.
- A sense of emasculation, devaluation and irrelevance resulting from ongoing inaccessibility of justice.
- Lack of access to secondary and tertiary level education.
- Delays in getting permission from CiCs in times of need, such as for travel to receive medical treatment outside the camps.
- A lack of avenues for employment and untenable price hikes in the local markets.

Community voices:

What types of camp-level injustices and social justice problems do you face?

- **Drug smuggling and insecurity:** “The majority of the people are uneducated and jobless...Thus, they are doing illegal businesses to earn income because they have no other way except that.”
- **Bribery and corruption:** “One of my big concerns is that if any experienced refugee needs a job, he needs to apply through the relevant head *majhi* and pay him a bribe. What kind of system is that?”
- **Education:** “We have been seeking formal education for our children since we arrived here. Though NGOs are providing education to our children, it’s not effective and it’s just primary level. Our older children are being deprived from middle, high school, and university-level education.”
- **Marital conflict:** “There are a lot of problems between husbands and wives due to their lack of understanding and lack of income. This kind of marriage often ends in divorce.”
- **Polygamy:** “Some rich men are getting married to two or more wives by the power of their money. But then they don’t treat and feed them fairly and equally. We need justice for these concerns.”
- **Dowry:** “We Rohingya women need justice in the camps to address the dowry issue. Nobody is willing to marry us as we are not able to offer any dowry.”⁸

Pursuing civil justice: Recent and ongoing experiences

Two-thirds of respondents said they had faced a legal or justice problem in the past two years (see figure 1). The most predominant type of problem faced was intrafamilial conflict, such as domestic violence, polygamy, dowry demands, non-payment of dowry or child support, and unsettled family disputes. Some of their justice problems arose in interactions with host community residents, including landlord-tenant disputes over house rental charges as well as the forcible seizure of refugees’ subsistence rations and extortion of rations.

Another justice problem is where a legal process has been initiated by the affected party, but does not yield any results due to lengthy delays. Some complained of *majhis* taking bribes to resolve disputes in favor of the more financially solvent party; or at times taking bribes to provide justice, but not delivering on their promise. Others mentioned resorting to the armed group *Al-Yaquin* [Harakah al-Yakin, formally known as the Arakan Rohingya Salvation Army (ARSA)] to solve disputes, such as when a polygamous man is “taught a lesson” for not paying maintenance costs to his second or third wife. Another frequently cited justice concern was exploitation at the hands of the police or members of the host community.



Figure 1: Have you faced a legal or justice problem in the last two years? (n = 911)

Drawing from indicators to measure progress toward SDG 16.3

Sustainable Development Goal 16.3 is to “promote the rule of law at the national and international levels and ensure equal access to justice for all.”⁹ One of the three indicators developed to track progress toward this target refers to civil justice (16.3.3): “Proportion of the population who have experienced a dispute in the past two years and accessed a formal or informal dispute resolution mechanism.”¹⁰ The research team utilized Indicator 16.3.3 by asking participants to share whether they had had a dispute in the past two years, and if they had accessed a resolution mechanism to resolve their issue. Longitudinal research in the camps could help ascertain progress toward Indicator 16.3.3 over time.

Community voices:**What legal or justice problems have you faced in the last two years?**

- **Divorce:** “One of my sisters has been trying to get a divorce from her husband who is a drunkard. The case was registered with the CiC, the Site Management office and a legal advocate. The advocate called us several times over the last six months, but has still done nothing to resolve the case.”
- **Legal retribution:** “Two years ago, one of my older sisters was beaten badly by her husband. I took her in when I got the news and brought her to the hospital for treatment. Then her husband filed a written legal case against me. I have been dealing with that case for a long time now.”
- **Birth registration:** “Many people have been facing problems registering newborn babies. They have to wait and while waiting do not get any rations or other needs covered for their baby.”
- **False accusation:** “One of my neighbors has never been involved in criminal or illegal activities. But a criminal gang reported him to the police because he spoke up against the gang’s atrocious activities. To convince the police of his involvement in illegal activities, the gang members conspired and put some illicit things in his shelter sneakily. Police didn’t investigate the case deeply. He was caught and has been locked up for months. He really needs expert help to get released. But none of his family members could contact him. The police have asked for ransom but the family is too poor to pay.”
- **Bribery:** “In August 2019, I was selected for a position of Burmese teacher with [NGO name redacted]. But they did not appoint me for the job I was selected for, because I refused to pay the huge bribe the staff asked for.”
- **Domestic violence:** “I recently experienced domestic violence and I had to go to many different places to seek justice.”
- **Assault:** “I accidentally bumped into a local person while shopping in Teknaf Market and I apologized to him in a jiffy. But he didn’t forgive me. He tortured and abused me publicly for hours. Finally, I went to Teknaf police station and asked them to arrest this culprit, but no one came out from their post. I’m still taking medicine to treat my injuries.”

Access to information

Many respondents said they lack clarity about their legal rights and responsibilities, with two-thirds unaware of the existing legal support provided in the camps through government and humanitarian agencies (figure 2). Some expressed “not knowing what we need to know” in terms of accessing legal services. This lack of awareness is likely a product of gaps in NGOs’ outreach strategies, the technical difficulties of disseminating information about services across the large camp area, and the lack of programming to promote foundational civic and legal awareness.

The high illiteracy rate and the influence of patriarchal culture that limits women’s access to information are also likely factors. Furthermore, Rohingya people often express a general sense of trepidation around government officials, authorities, and security personnel. Many say they avoid camp authority figures to the extent possible due to the memory of traumatic experiences in Myanmar as well as the fear of experiencing discrimination, corruption or mistreatment anew. This distancing may further deter justice-seeking and pursuit of information.

Yes, I knew 35%



No, I didn't know 65%

Figure 2: Did you know that legal advocates are working in the camps? (n = 811)



Figure 3: Were you able to access appropriate information to solve your problem? (n = 769)

Despite these limitations, nearly half of respondents named numerous sources they knew were responsible for providing support and information. These include: their *majhi*, their CiC, legal advocates, UNHCR protection focal points, staff of the Bangladesh Red Cross Red Crescent Society, UN agencies, INGOs, police, religious leaders, schoolteachers, elders, camp chairmen, Rohingya NGO volunteers, leaders of Rohingya community-based organizations, *shomaj* [committees of respectful and educated people from the community], and two prominent national legal support organizations, Bangladesh Legal Aid and Services Trust (BLAST), and Bangladesh National Women Lawyers Association (BNWLA). Many commented that although there are many sources from which to seek information, the information they receive is not always timely, useful or effective. Over half of respondents said they could not access appropriate information to solve a legal or justice problem (figure 3).

Community voices:

What is your opinion about services provided by legal advocates in the camps?

- “I know that a legal advocate has been appointed for each camp and that their task is to give legal support to any victims and solve cases on divorce, family conflict, etc. But the lawyer only comes once a week, and victims cannot get in touch with them as regularly as they need.”
- “We saw some signboards in the camps regarding these advocates, but we weren’t made aware about how to take advantage of this opportunity.”
- “Those advocate people always stay at their office... They don’t come to our blocks for any reason, and most of us don’t know about their activities. Maybe they are appointed only to take on big cases.”

Support from interlocutors and satisfaction with help received

Two-thirds of respondents who faced a justice problem said they had received expert assistance (figure 4); of these, two-thirds were unsatisfied with the support they received (figure 5). The various reasons for dissatisfaction ranged from unawareness of procedures or knowledge of the appropriate forum to lodge the complaint, delays, corruption of interlocutors and service providers such as lawyers, *majhis*, and CiCs. In other cases, dissatisfaction was due to bribery and obstruction by interlocutors.

Dissatisfaction is also attributed to the long chain of referrals victims must pursue. The problem of repetitive and redundant referral systems causes dissatisfaction or non-pursuance of justice outcomes, and is consistent with authoritative studies that document the process of “referral fatigue.”¹¹ According to the Access to Justice and Legal Needs Surveys Guide jointly produced in 2020 by the Open Society Justice Initiative (OSJI) and the Organization for Economic Cooperation and Development (OECD), surveys have found that “when individuals fail to find help at their first port of call and are signposted or referred to another source, some abandon the effort. The more frequently people are directed elsewhere, the more they are likely to drop out of the formal advice system.”¹²



Figure 4: Did you get help from a legal expert to solve your problem? (n = 612)



Figure 5: If you got an expert's help, were you satisfied with that help? (n = 389)

Community voices:

Did you receive expert help, and if so, were you satisfied with that help?

Satisfied

- “I got appropriate information to solve my problem from our CiC and from a religious leader who is a participant of a committee formed by the CiC and Site Management officials.”
- “I am satisfied with the help of the legal expert who helped me, because he helped me without taking money and without delaying the judgment process.”

Dissatisfied

- “The head *majhi*, with the help of a criminal group, stopped me from complaining to the CiC and BNWLA to get justice for my issue. The CiC and BNWLA are very good, but reaching them is very difficult. My case has been pending and on hold for over 17 months.”
- “I went to get justice from my head *majhi* for a domestic violence issue, but he charged me a lot of money to solve it. He didn't solve it because I didn't pay the bribe. He handed my case over to the CiC.”



Children and youth socialize; the lack of education options for their children is a leading social justice concern of parents in the camps

CAMP RESIDENTS' REFLECTIONS ON EXISTING CAMP JUSTICE SYSTEMS

As respondents reflected on the current ad hoc system of justice in the camps, the most commonly expressed grievances were about rampant bribery by those entrusted with helping solve problems, and about the overall inadequacy of the *majhi* system. Other complaints focused on the delays associated with pursuing justice, the difficulty of accessing information, and the unpredictability of being able to access support from the appropriate justice actors.

- **Bribery:** “Most people don’t get satisfaction from experts because they are greedy for bribes and offer only biased solutions. So we need a fair and impartial committee in the camps to solve our problems.”
- **The *majhi* system:** “*Majhis* were chosen by the authorities. They appointed mostly uneducated persons who mistreat the people. If you want to work on justice, you should find a way to replace *majhis* according to the people’s desire.” “People are facing challenges because *majhis* can’t take full responsibility for the needs of their block people. For example, if police or robbers treat a refugee illegally, the block *majhi* says nothing because he is not brave due to being unqualified for a leadership position.”
- **Delays:** “The CiC doesn’t solve any problems on time or take action against perpetrators. Consequently, the role of problem-solving has been snatched by other [criminal] groups. Hence, the CiC shouldn’t delay in solving any problems or responding to cases.”
- **Accessing information and support:** “Under the current problem-solving system, some refugees get justice while some others do not. Those who are aware of how to access information can get justice for the victimization they have been through, as long as the decision-makers are honest. But in most cases, law enforcement agencies, CiC officers and head *majhis* ask for bribes in an indirect way, so victims return to their shelters despondently, without justice being served.”

CAMP RESIDENTS' RECOMMENDATIONS FOR IMPROVING CAMP JUSTICE SYSTEMS

Respondents gave recommendations for an improved system, which they described would ideally combine community-based, administrative, and law enforcement elements free of corruption. Many recommendations were focused on features that should comprise a dispute resolution mechanism, such as the deployment of impartial judges and community-level justice committees for legal aid and mediation. One of the other most common recommendations was to overhaul the *majhi* system by replacing current *majhis* with new ones selected by community members rather than by authorities, who have less insight into community dynamics. Numerous respondents also requested support in the form of social cohesion exercises between host and Rohingya community representatives.

- **Support the various features of a dispute resolution mechanism:** “We need a fair and impartial committee in the camps to solve our problems. The government should assign a special team of judges to solve all problems along with an investigative committee.” “Replace corrupt persons with honest ones so that every victim will be satisfied with the decisions of any authority or CiC. That way, a trustworthy and strong justice system will be gained.”
- **Community justice committees:** “Form and empower justice committees in the camps, in which some religious leaders, block *majhi* and experienced persons are responsible for solving problems arising between Rohingya.” “We would recommend to decision-makers to form committees with educated or elderly people from the camp who will hear cases and make judgments. These committee members should be people who are honest and work actively so that victims don’t hesitate to share their problems.”
- **Overhaul the *majhi* system:** “Rotate out some current *majhis* and head *majhis* to have fairness and justice in the camps. The newly appointed persons should have mutual understanding, respect and help build trust between host and guest community.” “All the camp leaders (*majhis*) must get leadership training.”
- **Strengthen law enforcement and mitigate corruption:** “Place strong security guards in the camps, especially at night, to vanquish terrorism and illegal practices.” “Law enforcement must be honest regarding rules and regulations in order to get peace and stability.”
- **Work toward social cohesion:** “Most people would like to have a social cohesion committee, which should be established with the help of the government and NGOs. It should be comprised of Rohingya educated persons and Islamic scholars who graduated from reputed madrassas. Most people think this kind of step will ensure safety and social cohesion inside the camps.”

CONCLUSION

Improving access to justice in the camps, engaging and training residents on the rule of law, ensuring accountability, and establishing functional dispute resolution mechanisms would be in the interest of the Government of Bangladesh and all other actors interested in forging sustainable solutions to the Rohingya crisis, as the perspectives and experiences gained by refugees would enable them to better navigate issues of justice, peace, and cohesion in the case of future repatriation to Myanmar.

Recognizing the legal status of the Rohingya as refugees in Bangladesh and offering other civil documentation to reduce bureaucratic barriers for rights-holders would further demonstrate Bangladesh’s commitment to SDG16 and its other obligations to adhere to international human rights frameworks to which it is signatory.

ENDNOTES

1. Several NGOs focused on protection services are involved in the camp justice process in Cox's Bazar; see *Access to Justice for Rohingya and Host Community in Cox's Bazar* for details on the role NGOs and other involved stakeholders. International Rescue Committee (IRC), February 2019. IRC is one of the NGOs working on access to justice; Norwegian Refugee Council (NRC) leads efforts to provide civil documentation to refugees.
2. *Majhis* are neighborhood block captains, nearly all male, who were selected and tasked by the Bangladesh Army to assist with aid distribution and other activities.
3. CiCs are the civilian authorities, all male, charged with overseeing each camp.
4. Jobair Alam (2020). The Status and Rights of the Rohingya as Refugees under International Refugee Law: Challenges for a Durable Solution, *Journal of Immigrant & Refugee Studies*. <https://www.tandfonline.com/doi/abs/10.1080/15562948.2020.1746872?journalCode=wimm20#:~:text=The%20Rohingya%20satisfy%20the%20conditions,of%20such%20rights%20in%20Bangladesh>
5. UNHCR. Emergency Handbook, Camp Coordination and Camp Management. <https://emergency.unhcr.org/entry/42974/camp-coordination-camp-management-cccm>
6. Wojkowska, E. (2006). Doing Justice: How informal justice systems can contribute. UNDP.
7. International Rescue Committee (2019). Access to justice for Rohingya and host community in Cox's Bazar.
8. Polygamy and dowry demands may be seen by community members as social injustices, but they are also direct justice issues, as there are formal laws that prohibit them as well as informal customary practices which shun them. For example, there are punishments such as fines and imprisonment for flouting laws prohibiting polygamy. In Bangladesh, different rules apply to men belonging to different religions, but offenses are punishable nevertheless.
9. Sustainable Development Goals, <https://unstats.un.org/sdgs/metadata/?Text=&Goal=16&Target=16.3>
10. Sustainable Development Goals
11. See, for example, A. Buck, P. Pleasence, N. J. Balmer, A. O'Grady and H. Genn (2004), "Lone parents and civil law: Their experience of problems and their advice-seeking behavior." *Social Policy and Administration*, Vol. 38(3), pp. 77.
12. OECD/Open Society Foundations (2019), *Legal Needs Surveys and Access to Justice*, OECD Publishing, Paris. <https://doi.org/10.1787/g2g9a36c-en>
https://www.oecd-ilibrary.org/sites/g2g9a36c-en/1/2/1/index.html?itemId=/content/publication/g2g9a36c-en&csp_=6e1fa2f3d19918a14443bfb8e9ffc217&itemIGO=oecd&itemContentType=book

THE X-BORDER LOCAL RESEARCH NETWORK



In Asia, the Middle East, and Africa, conflict and instability endure in contested border regions where local tensions connect with regional and global dynamics. With the establishment of the X-Border Local Research Network, The Asia Foundation, the Malcolm H. Kerr Carnegie Middle East Center, the Rift Valley Institute, and their local research partners are working together to improve our understanding of political, economic, and social dynamics in the conflict-affected borderlands of Asia, the Middle East, and the Horn of Africa and the flows of people, goods, and ideas that connect them. This five-year program, initiated in 2018, produces research to inform more effective policymaking and programming. It builds, maintains, and expands local research networks in some of the most remote and difficult conflict-affected regions. Finally, it supports improvements in local research methods and capacity.

The X-Border Local Research Network is a component of the Cross-Border Conflict: Evidence, Policy and Trends (XCEPT) project, and is supported by UK aid from the UK government.

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