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# **GENDER-SPECIFIC BARRIERS FACED BY ROHINGYA WOMEN REFUGEES AND POLICY RECOMMENDATIONS: A CASE STUDY OF DASARAHALLI REFUGEE CAMP**

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## **ABSTRACT**

There are thousands of refugees living in India each year, and among them, more than 40% of them are women. India does not have a formal legislation, which leaves them without any legal status and at a continuous risk of exploitation. The only protection offered by the Government of India to these refugees is through Aadhar, NGOs and policy schemes of the government. Therefore, it is important to see how Rohingya women face gender-specific barriers like lack of education, healthcare and other ancillary things that affect the lives of Rohingya women refugees and help us understand the reforms that need to be taken by the government. However, government support for refugees, especially women is limited. The main objective of this article was to obtain a thorough understanding of the gender-specific barriers suffered by Rohingya women refugees, especially at the Dasarahalli Refugee Camp in Bengaluru, through their living conditions, level of accessibility to basic needs and general wellbeing at the camp and also shed light on their particular needs and difficulties. The research methodology used in this article is a mixed method which is a combination of doctrinal and empirical methods. Major findings revealed that the Rohingya women refugees had a lack of proper shelter, education, health care, livelihood, social and government support. The findings suggest that there needs to be efforts from the government towards women refugees by passing a National Law which provides them legal status, implementing a gender-specific policy and providing better legal protection. It also suggests in aiding them getting proper documentation and basic rights.

**Keywords:** Refugees, refugee law, Rohingya refugees, Rohingya women refugees, gender-specific barriers, government support, human right

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## INTRODUCTION

The Rohingya crisis stands as one of the most urgent humanitarian challenges of the modern era, characterized by widespread persecution, forced displacement, and violence targeting the Rohingya Muslim minority in Myanmar. The origins of this crisis date back to the late 20th century, when the Myanmar government, predominantly led by the Buddhist majority, introduced policies that systematically excluded the Rohingya population. Stripped of citizenship under the 1982 Citizenship Law, the Rohingya became stateless, facing severe limitations on their freedom of movement, access to education, and healthcare services. The situation reached a critical point in 2017, when a military offensive in Rakhine State triggered extensive violence, including massacres, sexual assaults, and the destruction of entire villages. This brutal campaign forced more than 700,000 Rohingya to seek refuge in neighboring countries, particularly Bangladesh. The United Nations has condemned these actions as a "textbook example of ethnic cleansing"<sup>3</sup>

In the midst of this turmoil, refugee camps have become temporary shelters for displaced Rohingya families. Among these is the Dasarahalli refugee camp in India. Unlike the massive camps in Bangladesh, Dasarahalli is a relatively small settlement housing a limited number of Rohingya refugees. Established to accommodate the influx of Rohingya into India, the camp offers basic necessities such as shelter, food, and medical aid. However, life in Dasarahalli remains fraught with difficulties, including restricted access to education, employment opportunities, and legal protections. The camp also underscores the broader struggles faced by Rohingya refugees in India, where they often confront societal hostility, legal ambiguities, and the persistent risk of deportation<sup>4</sup>.

The Dasarahalli camp exemplifies the larger Rohingya crisis, showcasing both the resilience of the displaced community and the shortcomings of the global response. As the international community continues to address the Rohingya issue, understanding the realities of camps like Dasarahalli is essential for tackling the broader humanitarian and political complexities of the crisis.

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<sup>3</sup> Human Rights Watch, "Myanmar: Events of 2017," 2018, <https://www.hrw.org>.

<sup>4</sup> Amnesty International, "Rohingya Refugees in India: Living in the Shadows," 2020, <https://www.amnesty.org>.

## CASE STUDY ANALYSIS: DASARAHALLI REFUGEE CAMP

### PROFILE OF THE CAMP: DEMOGRAPHICS AND LIVING CONDITIONS

The Dasarahalli refugee camp, situated in Karnataka, southern India, is one of the smaller settlements providing refuge to Rohingya families escaping persecution in Myanmar. The camp accommodates approximately 200 Rohingya families, totaling around 1,000 individuals, most of whom arrived in India after the 2017 military crackdown in Rakhine State<sup>5</sup>. The camp's population is predominantly young, with over 60% under the age of 18. Women and children constitute a significant majority, as many men were either killed during the violence or separated from their families during their escape<sup>6</sup>.

Living conditions in Dasarahalli are dire. The camp comprises makeshift shelters built from tarpaulin, bamboo, and recycled materials, offering minimal protection from weather extremes. Access to basic necessities such as clean water, sanitation, and electricity is severely restricted. Residents depend on sporadic aid from non-governmental organizations (NGOs) and local charities for food and medical supplies. Educational opportunities are scarce, with only a few informal learning centers operating within the camp. Employment is virtually nonexistent, leaving most families reliant on humanitarian aid for survival<sup>7</sup>.

Despite these hardships, the camp has fostered a sense of community among its residents, who have formed small groups to share resources and provide mutual support. However, the lack of legal recognition and the constant threat of deportation weigh heavily on the camp's inhabitants, compounding their psychological distress<sup>8</sup>.

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<sup>5</sup> United Nations High Commissioner for Refugees (UNHCR), "Rohingya Emergency," 2019, <https://www.unhcr.org>.

<sup>6</sup> Amnesty International, "Rohingya Refugees in India: Living in the Shadows," 2020, <https://www.amnesty.org>.

<sup>7</sup> Human Rights Watch, "India: Rohingya Refugees at Risk," 2021, <https://www.hrw.org>.

<sup>8</sup>

Ibid.

## **GENDER-SPECIFIC CHALLENGES DOCUMENTED: REAL-LIFE TESTIMONIES AND FIELD OBSERVATIONS**

Women and girls in the Dasarahalli camp face unique and compounded challenges due to their gender. Many have endured sexual violence during their escape from Myanmar, leaving them with profound psychological trauma and limited access to counseling services<sup>9</sup>. Within the camp, they struggle with inadequate healthcare, particularly for pregnant women and new mothers. The absence of proper maternal care facilities has resulted in childbirth complications and high infant mortality rates<sup>10</sup>.

Field observations and testimonies from residents reveal that women are often tasked with securing food and water for their families, exposing them to safety risks when leaving the camp. Additionally, the lack of private sanitation facilities forces women to wait until nightfall to relieve themselves, increasing their vulnerability to harassment and assault<sup>11</sup>.

One resident, Fatima Begum\*, shared her experience: "We have no privacy here. When I go to the bathroom at night, I am always afraid. I cannot take my daughters with me because it is too dangerous for them too"<sup>12</sup>. Such accounts underscore the urgent need for gender-sensitive interventions in the camp.

## **COMPARATIVE ANALYSIS WITH OTHER ROHINGYA CAMPS: SIMILARITIES AND DIFFERENCES IN GENDER-SPECIFIC CHALLENGES**

The gender-specific challenges faced by Rohingya women and girls in Dasarahalli are mirrored in larger refugee camps, such as those in Cox's Bazar, Bangladesh. In both settings, women report high levels of gender-based violence, limited access to healthcare, and a lack of safe spaces. However, the scale and severity of these issues differ significantly. For example, Cox's Bazar, which houses over 1 million Rohingya refugees, benefits from more structured humanitarian interventions, including women-friendly spaces and specialized healthcare services<sup>13</sup>. In contrast,

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<sup>9</sup> Médecins Sans Frontières (MSF), "Sexual Violence and the Rohingya Crisis," 2018, <https://www.msf.org>.

<sup>10</sup> UN Women, "Gender-Based Violence in Rohingya Camps," 2020, <https://www.unwomen.org>.

<sup>11</sup> Field observations by local NGOs, as reported in The Hindu, 2022.

<sup>12</sup> Testimony collected by Amnesty International, 2020.

<sup>13</sup> UNHCR, "Cox's Bazar: A Crisis Within a Crisis," 2021, <https://www.unhcr.org>.

Dasarahalli's smaller size and limited resources mean such initiatives are either absent or severely underfunded.

Another key difference lies in the legal status of refugees. In Bangladesh, Rohingya refugees are recognized by the government and receive support from international organizations like the United Nations High Commissioner for Refugees (UNHCR). In India, however, Rohingya refugees are often labeled as "illegal immigrants," denying them access to formal protection and services. This legal uncertainty exacerbates the challenges faced by women in Dasarahalli, who are already marginalized due to their gender<sup>14</sup>.

Despite these differences, the resilience and resourcefulness of Rohingya women remain a common thread across all camps. In both Dasarahalli and Cox's Bazar, women have formed support networks to share resources, care for children, and advocate for their rights. These grassroots efforts highlight the importance of empowering women as key agents of change in refugee settings<sup>15</sup>.

## **THEORETICAL FRAMEWORK**

### **GENDER AND FORCED MIGRATION THEORY: UNDERSTANDING HOW DISPLACEMENT AFFECTS MEN AND WOMEN DIFFERENTLY**

Forced migration is inherently gendered, as displacement impacts men and women in distinct and often unequal ways. Gender roles, societal expectations, and power dynamics shape the experiences of refugees, creating unique challenges for each group. Feminist scholars argue that forced migration disrupts traditional gender roles, often intensifying existing inequalities<sup>16</sup>. For example, men may experience a loss of identity and agency as they are deprived of their traditional roles as providers and protectors. This can lead to increased stress, mental health challenges, and, in some cases, a rise in domestic violence<sup>17</sup>.

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<sup>14</sup> Human Rights Watch, "India: Rohingya Refugees at Risk," 2021.

<sup>15</sup> UN Women, "Empowering Rohingya Women," 2021, <https://www.unwomen.org>.

<sup>16</sup> Hyndman, J. "Managing Displacement: Refugees and the Politics of Humanitarianism." University of Minnesota Press, 2000.

<sup>17</sup> Martin, S. F. "Gender and Migration." In *The Oxford Handbook of Refugee and Forced Migration Studies*, edited by E. Fiddian-Qasbiyeh et al., Oxford University Press, 2014.

Women, on the other hand, frequently shoulder the burden of caregiving responsibilities during displacement. They are often tasked with securing food, water, and shelter for their families, which exposes them to higher risks of exploitation, harassment, and violence<sup>18</sup>. Additionally, women and girls are disproportionately affected by sexual and gender-based violence (SGBV) in refugee settings, both during their flight and within camps<sup>19</sup>. The absence of safe spaces and inadequate access to healthcare further heightens their vulnerability.

Children, particularly girls, face additional risks, including early marriage and trafficking, as families resort to extreme measures to ensure survival<sup>20</sup>. These gendered dimensions of forced migration underscore the need for targeted interventions that address the specific needs of men, women, and children in refugee populations.

## **INTERSECTIONALITY AND VULNERABILITY: EXPLORING HOW GENDER, ETHNICITY, AND REFUGEE STATUS INTERSECT**

Intersectionality, a concept introduced by Kimberlé Crenshaw, provides a critical framework for understanding how multiple axes of identity—such as gender, ethnicity, class, and legal status—intersect to shape experiences of vulnerability and marginalization<sup>21</sup>. In the context of forced migration, intersectionality helps explain why certain groups, such as Rohingya women, face compounded forms of oppression.

For Rohingya refugees, gender intersects with ethnicity and statelessness to create unique vulnerabilities. As members of a persecuted ethnic minority, Rohingya women are already marginalized within Myanmar's societal hierarchy. Their statelessness further exacerbates their vulnerability, as they lack legal protections and access to basic rights in host countries<sup>22</sup>. For instance, in India, where Rohingya refugees are often labelled as "illegal immigrants," women face additional barriers to accessing healthcare, education, and employment<sup>23</sup>.

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<sup>18</sup> Freedman, J. "Gendering the International Asylum and Refugee Debate." Palgrave Macmillan, 2015.

<sup>19</sup> United Nations High Commissioner for Refugees (UNHCR). "Global Report on Gender-Based Violence in Forced Displacement." 2020.

<sup>20</sup> Save the Children. "Unspeakable Crimes Against Children: The Rohingya Crisis." 2018

<sup>21</sup> Crenshaw, K. "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color." Stanford Law Review, 1991.

<sup>22</sup> Amnesty International. "Rohingya Refugees in India: Living in the Shadows." 2020.

<sup>23</sup> Human Rights Watch. "India: Rohingya Refugees at Risk." 2021.

Cultural norms within the Rohingya community can also restrict women's mobility and decision-making power. Practices such as purdah (the seclusion of women from public spaces) limit their ability to seek help or participate in camp activities, reinforcing their dependence on male relatives<sup>24</sup>. This intersection of gender, ethnicity, and refugee status creates a cycle of vulnerability that is difficult to break without targeted, culturally sensitive interventions.

Intersectionality also highlights the importance of recognizing diversity within refugee populations. Not all women experience displacement in the same way; factors such as age, marital status, and disability can further shape their experiences. For example, elderly women and women with disabilities often face additional barriers to accessing aid and services, making them among the most vulnerable groups in refugee settings<sup>25</sup>.

By applying an intersectional lens, policymakers and humanitarian organizations can develop more nuanced and effective responses to forced migration. This approach ensures that interventions address the root causes of vulnerability and empower marginalized groups, rather than perpetuating existing inequalities.

## **GENDER-BASED BARRIERS**

### **HEALTH AND PSYCHOLOGICAL BARRIERS**

#### **ACCESS TO HEALTHCARE: CHALLENGES IN ACCESSING REPRODUCTIVE AND MATERNAL HEALTHCARE**

Access to healthcare is a critical issue for Rohingya refugees, particularly for women and girls who face significant barriers to reproductive and maternal health services. In the Dasarahalli refugee camp, healthcare facilities are severely limited, with no dedicated clinics or hospitals nearby. Pregnant women often lack access to prenatal care, skilled birth attendants, and emergency obstetric services, leading to high rates of maternal and infant mortality<sup>26</sup>.

Cultural norms and gender roles further restrict women's ability to seek healthcare. Many Rohingya women are reluctant to visit male doctors or travel outside the camp without a male relative, which

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<sup>24</sup> UN Women. "Gender-Based Violence in Rohingya Camps." 2020.

<sup>25</sup> Fiddian-Qasimiyeh, E. "Intersectionality and Forced Migration." In *The Routledge Handbook of Migration and Development*, edited by T. Bastia, Routledge, 2020.

<sup>26</sup> World Health Organization (WHO). "Reproductive Health in Emergencies." 2021. <https://www.who.int>.



limits their access to essential services<sup>27</sup>. Additionally, the lack of awareness about reproductive health and family planning exacerbates the risks faced by women and girls. Adolescent girls, in particular, are vulnerable to early pregnancies, which pose serious health risks due to their underdeveloped bodies<sup>28</sup>.

Humanitarian organisations have attempted to address these challenges by setting up mobile health clinics and training community health workers. However, these efforts are often underfunded and unable to meet the overwhelming demand. The absence long-term solutions and government support further compounds the healthcare crisis in the camp<sup>29</sup>.

### **MENTAL HEALTH CONCERNS: TRAUMA FROM VIOLENCE, DISPLACEMENT, AND LIVING CONDITIONS**

The mental health of Rohingya refugees is a pressing concern, as many have experienced extreme violence, loss, and trauma during their displacement. Survivors of the 2017 military crackdown in Myanmar often recount harrowing experiences of witnessing family members killed, homes burned, and women subjected to sexual violence<sup>30</sup>. These traumatic events, coupled with the uncertainty of life in the camp, have led to widespread psychological distress, including depression, anxiety, and post-traumatic stress disorder (PTSD).

Children are particularly vulnerable to the long-term effects of trauma. Many have lost parents or witnessed violence, leaving them with deep emotional scars. In the camp, the lack of structured psychosocial support and recreational activities further hinders their ability to cope and recover<sup>31</sup>.

Despite the high prevalence of mental health issues, access to psychological support is severely limited. There are few trained mental health professionals in the camp, and cultural stigma often prevents refugees from seeking help. Community-based initiatives, such as peer support groups and counselling sessions, have shown promise but remain insufficient to address the scale of the problem<sup>32</sup>.

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<sup>27</sup> Médecins Sans Frontières (MSF). "Barriers to Healthcare for Rohingya Women." 2019. <https://www.msf.org>.

<sup>28</sup> United Nations Population Fund (UNFPA). "Adolescent Pregnancy in Humanitarian Settings." 2020. <https://www.unfpa.org>.

<sup>29</sup> Human Rights Watch. "India: Rohingya Refugees at Risk." 2021. <https://www.hrw.org>.

<sup>30</sup> Amnesty International. "Myanmar: Crimes Against Humanity." 2018. <https://www.amnesty.org>.

<sup>31</sup> Save the Children. "Unspeakable Crimes Against Children: The Rohingya Crisis." 2018.

<sup>32</sup> United Nations High Commissioner for Refugees (UNHCR). "Mental Health and Psychosocial Support in Refugee Settings." 2020. <https://www.unhcr.org>.

## **SEXUAL AND GENDER-BASED VIOLENCE (SGBV): PREVALENCE AND UNDERREPORTING OF VIOLENCE**

Sexual and gender-based violence (SGBV) is a pervasive issue in the Dasarahalli camp, as it is in many refugee settings. Women and girls face heightened risks of rape, sexual harassment, and domestic violence, both within the camp and when venturing outside to collect firewood or water<sup>33</sup>. However, SGBV is severely underreported due to fear of stigma, retaliation, and a lack of trust in authorities.

Cultural norms and the absence of safe reporting mechanisms further discourage survivors from seeking help. Many women fear that reporting violence will bring shame to their families or result in further harm<sup>34</sup>. Additionally, the lack of female law enforcement officers and healthcare providers makes it difficult for survivors to access justice and support.

Even when cases are reported, the response is often inadequate. The camp lacks dedicated SGBV support services, such as safe shelters, legal aid, and trauma counselling. Humanitarian organizations have attempted to fill this gap by providing awareness programs and training community volunteers, but these efforts are hampered by limited resources and funding<sup>35</sup>.

## **EDUCATIONAL BARRIERS**

### **LIMITED ACCESS TO EDUCATION: GENDER DISPARITY IN EDUCATIONAL OPPORTUNITIES**

Access to education remains a significant challenge for Rohingya refugees, particularly for girls and women. In the Dasarahalli refugee camp, educational facilities are limited, and those that exist are often overcrowded and under-resourced. While both boys and girls face obstacles to education, gender disparities are pronounced. Boys are more likely to attend informal learning centers, while girls are frequently kept at home to assist with household chores or care for younger siblings<sup>36</sup>.

The lack of gender-sensitive educational programs further deepens this inequality. Many learning centers do not provide separate sanitation facilities for girls, which discourages families from

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<sup>33</sup> UN Women. "Gender-Based Violence in Rohingya Camps." 2020. <https://www.unwomen.org>.

<sup>34</sup> International Rescue Committee (IRC). "Underreporting of SGBV in Refugee Camps." 2019. <https://www.rescue.org>.

<sup>35</sup> Ibid.

<sup>36</sup> United Nations Children's Fund (UNICEF). "Education for Rohingya Children: Challenges and Opportunities." 2020. <https://www.unicef.org>.

sending their daughters to school<sup>37</sup>. Additionally, the absence of female teachers and role models limits girls' ability to see education as a viable path for their future. This gender gap in education not only perpetuates inequality but also hinders the long-term empowerment of Rohingya women and girls<sup>38</sup>.

## **CULTURAL RESISTANCE TO FEMALE EDUCATION: TRADITIONAL BELIEFS THAT HINDER WOMEN'S EDUCATION:**

Cultural norms and traditional beliefs significantly restrict educational opportunities for Rohingya girls. In many Rohingya families, educating girls is not seen as a priority, as it is often considered unnecessary or inappropriate. Traditional gender roles dictate that girls should focus on domestic responsibilities and prepare for marriage rather than pursue academic or professional goals<sup>39</sup>.

Early marriage is a particularly significant barrier to education. Many families view marriage as a way to ensure their daughters' security and reduce the economic burden on the household. As a result, girls are often withdrawn from school at a young age, cutting short their educational journey<sup>40</sup>. This practice not only denies girls their right to education but also perpetuates cycles of poverty and gender inequality.

Efforts to challenge these cultural norms have faced resistance. While some NGOs and community leaders have launched awareness campaigns to promote the value of girls' education, progress has been slow. Changing deeply entrenched beliefs requires sustained engagement with the community and the involvement of religious and cultural leaders<sup>41</sup>.

## **SAFETY CONCERNS: FEAR OF HARASSMENT WHILE TRAVELING TO EDUCATIONAL FACILITIES:**

Safety concerns are a major deterrent to girls' education in the Dasarahalli camp. Many families fear that their daughters will face harassment or violence while traveling to and from educational

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<sup>37</sup> Human Rights Watch. "India: Rohingya Refugees at Risk." 2021. <https://www.hrw.org>.

<sup>38</sup> Save the Children. "Unspeakable Crimes Against Children: The Rohingya Crisis." 2018.

<sup>39</sup> Amnesty International. "Rohingya Refugees in India: Living in the Shadows." 2020. <https://www.amnesty.org>.

<sup>40</sup> United Nations Population Fund (UNFPA). "Adolescent Pregnancy in Humanitarian Settings." 2020. <https://www.unfpa.org>.

<sup>41</sup> International Rescue Committee (IRC). "Promoting Girls' Education in Refugee Camps." 2019. <https://www.rescue.org>.

facilities. The camp's insecure environment, combined with the lack of safe transportation options, makes parents reluctant to allow girls to attend school<sup>42</sup>.

Testimonies from camp residents highlight the pervasive nature of these fears. One mother, Amina Khatun\*, shared, "I want my daughter to study, but I cannot let her walk alone to the learning center. It is too dangerous for her"<sup>43</sup>. This fear is not unfounded, as incidents of verbal harassment and physical assault have been reported in and around the camp<sup>44</sup>.

The absence of safe spaces within educational facilities further compounds the problem. Many learning centers lack proper lighting, secure boundaries, and gender-segregated areas, leaving girls vulnerable to harassment even while on school premises<sup>45</sup>. Addressing these safety concerns is crucial to ensuring that girls can access education without fear.

## **ECONOMIC BARRIERS**

### **LIMITED EMPLOYMENT OPPORTUNITIES:**

Rohingya women refugees in India face significant economic barriers, like in the Dasarahalli Camp, due to lack of legal recognition. Without proper legal documents, women are excluded from formal employment. Women in this camp do not have Aadhaar cards. They only have UNHCR<sup>46</sup> refugee cards for those who are registered. But this is not enough for them to find jobs. This leads them to be forced into forced labour, which provides low pay for them.

### **INFORMAL WORK:**

Due to the restricted access to formal work, these women are forced to depend on informal work such as domestic work in order to provide for their families. This work is often not compensated which leads them to extreme economic vulnerability. It is also more prone to exploitation due to low pay, no worker rights etc.

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<sup>42</sup> UN Women. "Gender-Based Violence in Rohingya Camps." 2020. <https://www.unwomen.org>.

<sup>43</sup> Testimony collected by local NGOs, as reported in The Hindu, 2022.

<sup>44</sup> Médecins Sans Frontières (MSF). "Barriers to Healthcare for Rohingya Women." 2019. <https://www.msf.org>.

<sup>45</sup> United Nations High Commissioner for Refugees (UNHCR). "Mental Health and Psychosocial Support in Refugee Settings." 2020. <https://www.unhcr.org>.

<sup>46</sup> United Nations High Commissioner for Refugees

## **DEPENDENCY AND ECONOMIC INSECURITY:**

The women in the camp are economically dependent on the man of the house due to a lack of formal employment. This leads them to have no financial independence. The men work as rag pickers or waste pickers at the camp. This informal work gives them very low pay which is not enough to support the family. Karimullah, a father of five, one of the refugees at the camp, works as a waste picker and earns about Rs. 300-400 a day at most. Due to this low pay, he and his family have to limit on the food they eat every day. He says “If we spend all our earnings on a meal, how will we feed our family?”<sup>47</sup>

## **LACK OF ACCESS TO FINANCIAL SERVICES:**

Again, due to the lack of Aadhar cards and other legal documents, it limits their access to financial services like bank accounts and loans. This deprives them of a safe place to keep their money or save them<sup>48</sup>. Women who are interested in starting their own businesses to earn income are deprived of bank loans, microfinance or any other economic support by the government. This hinders their financial independence.

## **LANGUAGE BARRIER**

The refugees at the camp do not know the local language. Most of them speak Urdu and Hindi. This hinders their access to formal employment.

## **LEGAL BARRIERS**

### **LACK OF LEGAL IDENTITY AND DOCUMENTATION:**

This is one of the significant barriers faced by Rohingya women, which prevents them access to fundamental rights. The 1951 Convention provides the internationally recognised definition of a refugee and outlines the legal protection, rights and assistance that a refugee is entitled to

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<sup>47</sup> IndiaSpend, *How Stateless Rohingya Struggle to Find Livelihood, Assistance in India* (IndiaSpend, 18 August 2021) <https://www.indiaspend.com/welfare/how-stateless-rohingya-struggle-to-find-livelihood-assistance-in-india-807697> accessed [12/03/2025].

<sup>48</sup> Refugees International, *Shadow of Refuge: Rohingya Refugees in India* (Refugees International, 21 June 2022) <https://www.refugeesinternational.org/reports-briefs/shadow-of-refuge-rohingya-refugees-in-india/> accessed [12/03/2025].

receive<sup>49</sup>. India is not a signatory to this, nor does it have a National Refugee Law which grants legal recognition to refugees. Therefore, Rohingya refugees are treated as illegal immigrants under the Foreigners Act<sup>50</sup>. Due to a lack of legal status, Rohingya women are **unable to acquire official identification documents** such as Aadhaar cards, PAN cards or voter IDs. Although the refugees at the camp have their refugee cards recognised by the UNHCR, they do not grant access to basic services like healthcare, education, or legal protection as easily as their male members. This also restricts their access to formal employment, making them more reliant on informal work.

## **ACCESS TO JUSTICE AND LEGAL AID:**

Rohingya women have more risk of gender-based violence including harassment, rape, abduction, etc. Due to their vulnerability, they are put to all sorts of harassment. These women have been victims of rape and torture. In 2014, a 17-year-old girl from the community was raped<sup>51</sup>. The lack of legal documentation and difficulty in accessing the legal system makes it difficult for women to assert their rights, file complaints of abuse, or seek legal recourse for domestic violence or other forms of gender-based violence (GBV).

## **IMPACT OF INDIAN REFUGEE POLICY:**

India's lack of a domestic refugee law has led to no proper documentation or access to basic rights for these refugees. They also cannot get access to services like healthcare, education, employment, etc. It forces them into informal employment. The lack of gender-specific policies to address the harassment and torture that these refugees go through prevents them from accessing proper legal protection.

## **SOCIO-CULTURAL BARRIERS**

### **CULTURAL NORMS AND GENDER ROLES:**

The traditional culture followed by Rohingya Muslims places a strict gender role on Rohingya women. This limits their mobility and independence. It also limits their ability to access external

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<sup>49</sup> UNHCR, *The 1951 Refugee Convention* (UNHCR, 2023) <https://www.unhcr.org/in/about-unhcr/overview/1951-refugee-convention> accessed [13/03/2025].

<sup>50</sup> The Foreigners Act 1946 (India)

<sup>51</sup> Deccan Herald, *Seven Rohingyas Abducted from Dasarahalli, Kin Approach UNHCR* (Deccan Herald, 22 October 2020) <https://www.deccanherald.com/india/karnataka/bengaluru/seven-rohingyas-abducted-from-dasarahalli-kin-approach-unhcr-913194.html> accessed [13/03/2025].

aid or interact with authorities. These women are expected to stay at home and take care of the household. This limits their access to education, healthcare and employment. The lack of livelihoods and access to higher education for Rohingya in India, along with the belief that girls would be safer from sexual assaults and violence if they get married, leads to these families wanting to marry off their daughters early and not send them to school<sup>52</sup>. In their community, the households are usually run by the male members, which also leads to the women's voices and needs being ignored.

## LANGUAGE BARRIERS

Many Rohingya are de facto illiterate, having been unable to learn their own (or even any) language in written form<sup>53</sup>. This has caused language barriers for them. Most of them, at the Dasarahalli Camp, speak either Urdu or Hindi. Many of them only know the Rohingya dialect, which is not recognised in India. This leads to a communication barrier for these women while interacting with government officials, healthcare providers or even employers. It can cause them difficulty to find jobs which leads to them being dependent on informal work. This barrier has also led to the absence of formal education for children<sup>54</sup>.

## DISCRIMINATION AND XENOPHOBIA

The Rohingya refugees, especially women, face discrimination and xenophobia from other communities, government officials, etc. The employers and other residents from the area view them as illegal immigrants and refuse to provide them with proper housing and working opportunities. They also face constant harassment and exploitation by the locals. When their employers underpay these refugees, the goons extort 'hafta' from them to let them make a living<sup>55</sup>.

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<sup>52</sup> Refugees International, "*Shadow of Refuge: Rohingya Refugees in India*" (Refugees International, 21 June 2022) <https://www.refugeesinternational.org/reports-briefs/shadow-of-refuge-rohingya-refugees-in-india/> accessed [14/03/2025].

<sup>53</sup> Salam O, "*The Rohingya Refugees, Language, and Our Ethical Responsibility*" (Terralingua, 15 March 2022) <https://terralingua.org/stories/the-rohingya-refugees-language-and-our-ethical-responsibility/> accessed [14/03/2025].

<sup>54</sup> [A. N. M. Zakir Hossain], [Educational crisis of Rohingya refugee children in Bangladesh: Access, obstacles, and prospects to formal and non-formal education] (2023) [Volume 9] *Science Direct* <https://www.sciencedirect.com/science/article/pii/S2405844023050973> accessed [14/03/2025].

<sup>55</sup> Deccan Herald, "*Rohingya Refugees in Bengaluru Abused, Threatened, and Underpaid*" (Deccan Herald, 1 December 2020) <https://www.deccanherald.com/india/karnataka/bengaluru/rohingya-refugees-in-bengaluru-abused-threatened-and-underpaid-920329.html> accessed [14/03/2025].

These refugees also face constant pressure to convert their religion into Christianity. Most of the families at the camp have bowed down to this pressure. One of the refugees, Karimullah, claimed that there were attempts by such missionaries to convert him and his family but he did not yield<sup>56</sup>.

## POLICY GAPS

### LACK OF NATIONAL REFUGEE LAW

India does not have a legislation that governs these Rohingya refugees residing in different parts of the country. These refugees are treated as illegal immigrants or as foreigners under the Foreigners Act<sup>57</sup>. This has led them to lack of basic rights, lack of access to basic services and policy schemes, lack of legal recognition, limited employment opportunities and much more. These refugees are only given UNHCR<sup>58</sup>-provided refugee cards which is not enough for them to have access to healthcare, education, formal employment and other services. It has also caused them extreme vulnerability.

### UNJUST GOVERNANCE

The Government Of India is under the direct control of refugees from countries nearby, such as Sri Lanka and Tibet. But, non-neighbouring countries like Myanmar they have to contact UNHCR in order to get their refugee status and other documentation. This leads the government to treat these refugees **without adherence to international humanitarian and human rights standards**. At the Dasarahalli Camp, the refugees have just a refugee card and not an Aadhar card. Even with their refugee card, they are not able to have basic access to their rights and services. Till now, no government officer has approached them to help provide them with Aadhar cards.

### TREATMENT AS FOREIGNERS

Refugees and Asylum seekers in India are treated as foreigners or illegal immigrants. All laws that are applied to foreigners are also applied to them, such as the Passport Act of 1967, Registration

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<sup>56</sup> The New Indian Express, "*Religious Conversions Hit Rohingya Camp in Bengaluru*" (The New Indian Express, 24 June 2022) <https://www.newindianexpress.com/cities/bengaluru/2022/Jun/24/religious-conversionshits-rohingya-camp-in-bengaluru-2469108.html> accessed [14/03/2025].

<sup>57</sup> The Foreigners Act 1946 (India)

<sup>58</sup> United Nations High Commissioner for Refugees



of Foreigners Act of 1939, Foreigners Act of 1946 etc. Since they are treated as foreigners, none of the fundamental rights except Article 21<sup>59</sup> shall apply to them. This also limits them from getting access to basic services like employment, health care and other ancillary things. It increases their risk of exploitation, harassment and discrimination from the residents or government officials. It especially increases more gender-based violence towards women living in the camp. The lack of legal protection to these women refugees prevents them from seeking justice and upholding their rights.

## **EXCLUSION FROM CITIZENSHIP ACT**

The Citizenship Amendment Act (CAA)<sup>60</sup> provides citizenship to only some persecuted religious minorities like the Hindu, Sikh, Buddhist, Jain, Parsi or Christian communities from Afghanistan, Bangladesh and Pakistan, which further marginalise stateless communities like the Rohingya who are predominantly Muslim and are not from the countries mentioned in the Act<sup>61</sup>. These refugees are neither provided with residency or citizenship.

## **LACK OF PROPER LEGAL DOCUMENTS**

The Rohingya refugees have no documentation other than UNHCR refugee cards for those who have registered. They only receive assistance from these cards to a certain extent. At the Dasarahalli Camp, they are not able to have access to food even with their refugee cards. They rely on leftover food in order to survive. Not just food, they do not have access to basic services and the welfare schemes implemented by the government. The children at the camp are facing difficulty in going to school as the school authorities are asking for Aadhar cards or else they will be terminated from school. Many women are facing difficulties in accessing healthcare due to lack of Aadhar cards. The women there have also claimed that no government official has come to help with Aadhar cards or any other sort of documentation.

## **RECOMMENDATIONS**

The government of India should:

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<sup>59</sup> Constitution of India

<sup>60</sup> 2019

<sup>61</sup> IndiaSpend, "*How Stateless Rohingya Struggle to Find Livelihood, Assistance in India*" (IndiaSpend, 18 August 2021) <https://www.indiaspend.com/welfare/how-stateless-rohingya-struggle-to-find-livelihood-assistance-in-india-807697> accessed [14/03/2025].

- Enact or pass a National Law for Refugees which would provide recognition for refugees and asylum seekers in India. It would also help India to uphold the principles of International Law.
- Become a Signatory to the Refugee Convention of 1951. The document outlines the basic minimum standards for the treatment of refugees, including the right to housing, work and education while displaced so they can lead a dignified and independent life<sup>62</sup>. Once India becomes a signatory to this convention, it would help the Rohingya refugees to get access to basic rights and services.
- Recognition of UNHCR Refugee Cards or providing special Aadhar cards to these refugees so that they could have access to basic services like education, ration, healthcare, formal employment etc.
- A fair governance by the Central government when dealing with these refugees.
- The Central Government should support and fund NGO's and other local organisations to help and assist them while providing assistance to these refugees.
- They should set up local, district and national commissions to address the special needs of these women.
- Set up language training programs for these refugees in order for them to learn the local language
- Launch special microfinance initiatives for these women in order to start their own businesses.
- They should extent certain welfare schemes like Pradhan Mantri Kaushal Vikas Yojana (PMKVY) which provides free skill training programs, Beti Bachao Beti Padhao (BBBP) which promotes girls' education and National Urban Livelihoods Mission (NULM) which improves livelihood.
- They should also implement gender-sensitive policies to help provide free legal services to these women refugees who are experiencing any sort of harassment, sexual violence or domestic violence, ensuring that domestic laws protecting women in India also apply to these women, more welfare schemes that help improve education and employment for these women
- The government should strengthen cooperation with UNHCR in order to provide proper legal documents to these refugees.

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<sup>62</sup> UNHCR, "*The 1951 Refugee Convention*" (UNHCR, 2023) <https://www.unhcr.org/in/about-unhcr/overview/1951-refugee-convention> accessed [14/03/2025].

## CONCLUSION

In conclusion, Rohingya women refugees in India face **severe health and psychological educational, economic, legal and socio-cultural barriers** because of the **lack of a national refugee law** and India not being a signatory to the 1951 Refugee Convention. Without proper legal recognition, these refugees are treated as **illegal immigrants or foreigners under the Foreigners Act**, which denies them **basic rights and services**. The **exclusion of these refugees from the Citizenship (Amendment) Act, 2019** further reinforces their **vulnerability**. In addition, **gender norms, language barriers, and discrimination** make it even harder for these women to access **justice and financial independence**. Although UNHCR provides some support, it **remains limited without government recognition**.

In order to tackle these barriers, India needs to implement **gender-sensitive policies** that provide **basic rights and** help provide free legal aid services **for Rohingya women**. **Microfinance initiatives and skill development programs** by the government can help them achieve **economic and financial independence**, while **stronger legal protections** can ensure their **safety from gender-based violence and exploitation**. At the same time, India should consider **signing the 1951 Refugee Convention** and develop a **national law** that guarantees **basic rights and protection for refugees and asylum seekers**. However, more research is also needed to understand **the psychological impact of statelessness, the effectiveness of UNHCR programs, and how other countries handle similar refugee situations**.

Therefore, gender-sensitive policies are not just a humanitarian necessity but also a long-term need to better address the barriers that help protect the rights of refugees who seek asylum in this country. By recognising and protecting Rohingya women refugees, India can help uphold international standards and principles, reduce exploitation and violence against these women and also provide a better place for them. The current governance has caused so many ambiguities to these women, so without some urgent action, these women will continue to suffer.

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