



**Praxis COVID-19 Pandemic
Voices from Margins series**

**Webinar 26
IMPACT OF COVID-19 ON
REFUGEES**

Wednesday, July 29, 2020

Praxis and Partners in Change

PANELISTS' PROFILES

Ali Johar

Ali Johar (Maung Thein Shwe) is Education Coordinator of Rohingya Human Rights Initiative. He is also a founder of Rohingya Literacy Program, a Rohingya Youth Leader, and a “Global Youth Peace Ambassador” recognized by the Rajiv Gandhi National Institute of Youth Development (RGNIYD), under the Ministry of Youth Affairs and Sports, Government of India. In recognition of his work towards peace and development, in 2017, Ali was awarded South Asian People’s Choice Youth Leader Award by International Youth.

Sakira Banu

She is a volunteer working with Rohingya refugees in Chennai. She is working in her personal capacity to support relief in these community groups.

Dr. Florina Xavier

Florina Xavier holds a Ph.D. in Social Work from Osmania University, an MA in Conflict Transformation from Eastern Mennonite University and in Social Work from Madras University. Her main areas of work are project management, women and children, education, health and nutrition, livelihood, counselling, advocacy, peacebuilding, and disaster risk reduction. Currently, she works as the Regional Return and Reintegration Advisor for Act for Peace, her work involves working with refugees from Sri Lanka now living in India and with refugees from Myanmar living in Thailand. She works on the return and reintegration aspect of refugee work. Her previous assignment was in Afghanistan working on a UNICEF project. She has worked for the UNHCR in Kyrgyzstan, CASA and the Organisation for Eelam Refugee Rehabilitation in Chennai, and was the Associate Director of Praxis at the Henry Martyn Institute: International Centre for Research, Interfaith Relations and Reconciliation (HMI) in Hyderabad, India; and lectured at Loyola College and Roda Mistry College of Social work and Research Center in India.

Antony Vivek

A professional social worker who has worked in the field of HIV/AIDS, Women and Child Protection, Life Skills Education for Children & Youth, safe migration, dignified return of refugees to their home land or third country settlement and responding to various emergency situation. Currently, he is engaged in Tibetan Refugee Protection programme through Catholic Relief Services, as a Senior Project Officer.

Rhuta Deobagkar

Rhuta graduated from Gujarat National Law University, Gandhinagar in 2013. She completed her LL.M. from Harvard Law School in 2018, with a concentration in International Human Rights. Before joining M.A.P, Rhuta interned with the Office of Legal Affairs at the United Nations Secretariat in New York. She has previously worked as an employment lawyer with Trilegal, Bangalore. At M.A.P, Rhuta is involved in casework and our project to make the Indian justice system more responsive for survivors of sexual and gender based violence within the refugee community.

Dr. Parivelan K M

He is an Associate Professor at Tata Institute of Social Sciences and is the Chairperson - Center of Statelessness and Refugee Studies, School of Law, Rights and Constitutional Governance. His research interests include Refugees Protection and Statelessness Issues, International Humanitarian Law, Access to Justice, Forced Migration and Displacement. He has done number of academic research publications on the given themes.

Rohini Mitra

Rohini is a postgraduate of Development Studies from the Tata Institute of Social Sciences, Mumbai and currently works as a Research Co-ordinator at India Migration Now. Her research interests include migration, refugee studies, and public policy.

WELCOME NOTE

Tom Thomas, works with Praxis that engages with research through democratic participation as a method. This webinar series is an extension of exercising participation in a democratic way to bring out the unheard voices of marginalised communities.

Over the last 25 webinars, we have been able to bring on board a range of people belonging to different communities to understand them and to make the unheard voices of margins across the country heard. These webinars also seeks to understand different communities during the time of lockdown focusing on their everyday social, economical issues. We have been hearing people from DNT communities, adolescent girls, app based workers, people working in garment sector, people from North-East, children with disabilities etc. in these sessions. The core idea of organising these webinars are twofold where the first one is to listen and engage and the second one is to magnify the process so it just does not remain to a dialogue. It needs to be mentioned that many of the participants have been responsibly putting these thoughts forward systematically through individual initiation, organisations and through social media too.

In today's edition we are going to discuss the impact of COVID19 on the refugees and this is brought together by Praxis and PIC. The problems with the refugees in India are neither discussed nor visible in development sector or media or in any general policies. It is established that India's journey with the refugees traces its roots since partition as it has witnessed a large number of population shifting in two newly formed countries. The refugees were not recognised back then in the UN convention and till today there is a sense of reluctance on the part of the Government in signing the refugee issues in UN has been noticed. UN is framed in a very Eurocentric way that also failed to understand the dichotomy of partition and refugee problems in India. The refusal on signing the UN convention has a long history to it. There are plenty of debatable reasons but the South Asian countries do not have any prominent international and national policies addressing the refugee issues so far

which makes working with the refugees more difficult or complex. During this process most of the time it comes from a benevolence perspective rather than rights.

Most of the South Asian countries including India have a way of looking at the refugee issues from the colonial aspects. Tibet is an exception in this case though and it is estimated that the number of refugees are 1 lakh in 1959. Afghan refugees are estimated around 2 lakhs during the Soviet invasion. Apart from these two countries I think most of the other countries have a colonial past when it is about the refugees. We are presently dealing with Rohingyas, Bangladeshi refugees, Sri Lankan Tamils, Chakmas, and Ajoms largely. In today's webinar we have a range of experienced panellists who have been working with the refugees since very long. This webinar is different from the past webinars in terms of the panellists as there were difficulties in reaching the refugees.

PANEL DISCUSSION

Ali Johar emphasises on impact on access to education and Child Rights situation for refugees in Nuh.

As a youth leader I have been closely working with the community and then joined organisations in 2017 to propagate my thoughts on refugee children. I wanted to reach to the most vulnerable refugee children with no opportunity and access to education in national level. There are different estimates on the internet about the Rohingya refugees in India. The Government estimated that its 40,000 all over the country. UNA and our community have estimated a similar number which is 18,000. In 2017-2018 the number was decreased to 16,000 and now again it has increased. In 2016, in the parliament Government has announced that they were listing out the Rohingya refugees to send them back to their country. We have done our research throughout the years of 2016 to 2018 to bridge the gaps between Government and the refugees. We found out that in Jammu, Haryana, Hyderabad there are no formal opportunities for the Rohingya refugees. The case in Delhi was different as the Delhi Government announced in 2014 that not only the Rohingya refugees but also others can attend regular schools. According to Indian Constitution any child aged under 14 must receive education be it citizen or a refugee. In Haryana, refugee children are still not welcomed and enrolled in schools even though some of them were allowed to attend school and similar situation can be noticed in Jammu and Kashmir too. The refugee community is losing an entire generation in terms of better future as their children are deprived of basic human rights. Though some of the countries are hosting refugees generously, but the children of any colour, creed and race should not be left without their basic rights in any land. In India law treats the refugees as foreigners and the children are also discriminated against the same even when they wish to avail higher studies and they are charged with high fees as a foreigner.

Due to COVID19 all the community centres for education have been closed. Children who were brought together to attend formal education are now again unfortunately cannot attend these schools even online classes have started as most of the refugee children do not have access to smart phones or laptop etc. Also their livelihood does not allow them to have enough money to recharge their phones and attend online classes. To conclude, I would like to appeal that we should come up with some strategy for these children so that they do not lose their life in future.

Sakira Banu brings out the issues around access to health for refugees staying in settlement in Chennai.

I am going to talk about the Rohingya refugees settled in camps in Chennai. Though the Government has ordered its people to maintain social distancing to resist the spread of COVID19, but it is not possible for any refugee staying in a camp to follow that. In Chennai, there are 80 Rohingyas living in a two storied building which are partitioned by woods, curtains and cloth. The situation of these camps is not hygienic at all for the women and children residing there. As 18 families are living there in one building, 4-5 people live per 150 square feet. This space is risky and much more sensitive for the spreading of Corona virus. Though residents are good over there, security is another major issue in these camps since a few thefts happened. Initially four washrooms were there but now the number is two for 80 people. The chance of spreading COVID19 is high if even one gets affected by the virus as around 40 people are using one toilet. Four mobile toilets were provided but that process is stalled due to Government's approval. I heard some discussions about shifting 50 percent of the population to Kovalam.

There is one primary health centre nearby where consultation charge is free but not the medicines. There is a tendency of having gastric issues among them. Women are anaemic and children suffer from malnutrition. Administration and police officials try to follow up the cases there. There is a lack in awareness about diseases and health care. There is a communication gap too in following up with the cases. Education is the basis to be aware about all these and children of this community are not able to access the education at all in present. Another reason of not excelling in education is the medium of teaching. They are keen to learn English but they do not know the basic language much. It will be good if someone from the Rohingya community with knowledge of good English is appointed there to guide these children.

Dr. Florina Xavier specifies the issues faced by refugee communities with regard to loss of job and indebtedness.

I would start with a little bit of background on Sri Lankan refugees. We have 65,000 refugees in 107 camps spread across Tamil Nadu. These camps are being run since 1983-1984. Since 2010 12,000 refugees have returned and people are there who want to go back to their homeland. So far, from the camps, we have 183 COVID19 positive cases as camps do not provide enough space to maintain physical distance. 101 have been cured and 82 cases are still active. We are closely monitoring 37 camps that have positive cases in it.

Refugee adults receive Rs 1000 and children receive Rs 400 per month as grant and it is a very small amount to survive without having any other job. Though they move around nearby areas as they cannot go beyond a certain point but some camps have granted permission for few to work in other states. Now inter-state work is not happening at all. Apart from this, refugees are also involved in construction works like painting; house building is also stopped now. Some of the women used to work in factories in Coimbatore areas, industrial areas and also in nearby areas or cities as domestic help. Now all these and other works such as jobs in malls etc. are also not happening. Interestingly, not most of them are uneducated who have taken up these jobs as some of them have achieved higher degrees too. This pandemic has affected them like everyone else.

Camps are needed to be shut even one person is affected by the virus as it is happening in the other residential parts of the country. 32 camps are completely shut now and people cannot leave the camps for anything. Refugees are struggling much these days as there is a constant burden on them.

Antony Vivek focuses on living conditions, its environment in refugee settlements in the COVID19 pandemic situation.

The refugees in Tamil Nadu have been given 33 facilities by the Government as they were given Aadhaar cards, driving license etc. and they are allowed to work in different places in the state. With permission they can also cross the borders of close by neighbouring states. Camps are managed by democratically elected leaders and they have camp committees containing members from different refugee camps along with district revenue collectors, police officials etc. These committees ensure the safety of the refugees even in this time of crisis.

There are three major issues that need to be mentioned. First of all the camps are 10/10 square feet for each family which makes the family members vulnerable to the COVID19. As per the recent update, there is no space for quarantining the 170 COVID patients and their family members. Common toilets, poor waste management and lack of space for recreational activities making the situation far worse for the refugees. Secondly, another issue that caught our eyes is protection. With limited space emotion is taking a toll among the refugees and the cases of domestic violence are going higher than usual. Children and women are being vulnerable in these situations where most of the cases are not reported. Alcohol induced violence is also increasing every day. Many of the refugees are now willing to go back to Sri Lanka provided with their lands that they possessed. Six cases have been reported to take illegal sea route to Sri Lanka that shows desperateness in their part too. Third and lastly digitisation of education is the major concern here since there are issues involved in accessing the means of receiving formal education.

Government and other agencies should look up to these issues seriously for the better future of the refugees and provide facilities if they want to go back to their own countries or return.

Rhuta Deobgakar speaks on the issues around protection of women and stalled process of status determination.

As a member of MAP, we focus on providing legal representation to the asylum seekers while they try to get their status as refugees in the status determination process that happens through UNHCR. India does not have a special refugee law and also it's not a signatory to the 1951 Refugee Convention. Refugees who have legal refugee cards issued by UNHCR do not have legal status in India. As a result, it makes it very difficult to access basic facilities such as education, civil services etc. as there are no Government provided documents for the refugees. Since the imposition of the lockdown these issues have been aggravated further. I will discuss how the lockdown impacted the asylum seekers in India in two ways. 1st is the refugee status determination process itself and 2nd is protection concerns of the women refugees specifically.

Since 21st March all the in-person activities were banned by UNHCR and its partners. Interviews for asylum seekers were rescheduled in July or August from March and the later have been postponed for indefinite time. With the rising number of COVID19 cases, there is

no clear notice from the UNHCR about resuming its function to full capacity. These interviews are important for the asylum seekers as these are the deciding factors for them if they could issue a refugee card or not and rescheduling of interviews are creating a psychological tension among them. It becomes difficult for them to survive in India while in process and if the duration is longer. Meanwhile, UNHCR is working remotely with the registration of the asylum seekers via phone or email. BOSCO is also working along with UNHCR to provide ration and basic health care to the refugees. Even with the help of partners our work on document renewal, registration and facilitating legal implementation with support of local NGOs and distribution of ration also have been restricted these days.

The world has witnessed an increase in violence against women during the pandemic and less numbers in addressing the issues. In India refugee women are also affected by the same. The situation is more difficult for them in terms of redress as there is language barrier, lack of awareness of local lawyers and deep rooted fear of authority as well as uncertainty about their legal status. Now pandemic has made their situation more severe than before. UNHCR is in collaboration with MSF that provides help to people who are victims of gender-based violence. During the lockdown they have been providing telephonic counselling and otherwise we recommend the needful to visit nearby MSF clinic. During this time they are more concerned about their financial condition than anything. They are left without jobs and therefore unable to pay rent, utility bills and get rations since the pandemic broke down. Due to all these we have received many distress calls since March from the refugees and they want relief from this situation.

Dr. Parivelan speaks about Refugee Policies and Statelessness population in India.

Refugee policies and statelessness are two overlapping concepts that also have distinctive features between them. According to the UNHCR report around 79.5 million people are globally

COVID-19 Voices from the Margins 26



Praxis and Partners in Change invite you to the 26th edition of the

COVID 19 PANDEMIC VOICES FROM MARGINS Webinar Series on

Impact of COVID-19 on Refugees

Effects of COVID19 are disproportionately disastrous on people from the margins - migrant workers, women, sex workers, sexual minorities, daily wage labourers and others. Join us every Wednesday at 3pm to listen to their experiences.

Day: Wednesday

Date: July 29, 2020

Time: 3 pm IST (GMT +5.5)

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forcefully displaced and 36 million out of it are refugees and internally displaced population is 45.7 million, stateless population is ranging between 5.6-10 million, asylum seekers 4.2 million. We are familiar with the 1951 Refugee Convention and its protocol in which India is not a signatory to them that poses a legal vacuum. 1954 and 1962 conventions happened on the stateless people who are denied of citizenship. All these could not proceed further due to

legality. The problem with refugee protection and stateless population entangled with national security issues. This is where a legal framework needs to be formed though we have some pro-active judgements from the judiciary that invokes Article 21, right to life. The absence of a proper legal framework makes working with the refugees very difficult for the civil society or any one per se.

During this pandemic, mobility has been restricted and news of refugees trying to go back to their countries illegally has increased. Challenges in surviving increased. Due to the lack in proper legal policies this disparity has risen. 2016 New York Declaration and 2018 Global Compact made a difference for the refugees all over the world as it try to enhance the condition of the refugees even the country is non signatory to the Refugee Convention. It comes under four broad objectives – i. how do you release the pressure of these countries, ii. How do you enhance refugee self-reliance, iii. How do you expand to the country resettlement as a solution, iv. How do you support conditions in the countries of origin in terms of return with safety and dignity? We also need think about sustainable goals so that no one left behind. In India a basic legal framework governed by the Global Compact should be formed if not signatory. Through this we'll be able to protect people who are genuinely in need. India needs to adhere to international law and form a basic system to reduce the tension among the migrants, refugees and stateless population.

QUESTIONS AND ANSWERS

Gender-based violence

1. Given the nature of gender based violence, how do the organisations overcome the lack of ability to establish relationships in personal level? Do the panellists think that this pandemic has brought the refugee community together?

Answer: Dr. Florina elaborates on the gender based violence on the refugee camps. In 107 camps across Tamil Nadu, the situation is interesting and we found out that on the one hand the number of domestic violence has increased and on the other hand they are trying to live a better life. Though alcohol is not the reason of domestic violence always but due to unavailability of alcohol in the market it has reduced a little bit. We are still wondering how to deal with this issue in all the camps.

Like everyone else psychological interventions needs to come in the camps to reduce tension. It is more intense in the case of the refugees, given the uncertainty of their lives.

Answer: Rhuta expands the topic with an understanding of issues with regard to face to face meeting in addressing gender based violence. One thing that we found helpful is a series of conversation with the victim. This helps them to open up more and be comfortable about sharing their issues. For asylum seekers, it is not possible to get a private space to speak about these issues. We need to be flexible and more sensitive towards them.

Answer: Antony mentions about the lack of space for recreational activities in the camps causing a high number of domestic violence. A few male advocates, survived alcohol issues are promoted to create a model to bring changes in the lives of the refugees. We also have counsellors available in these camps.

Policy frameworks, support services

2. Given that the Indian Government does the bare minimum, can any of the panellists highlight the role of NGOs and funding agencies in making accessed based amenities for the communities even when it comes to access to justice?
3. What is the role of NGOs in providing basic amenities such as ration, health facilities etc.?

Answer: Ali says that when in 2005 a large number of Sri Lankan refugees came in many NGOs participated providing them with basic necessities. Many of the infrastructures also build through these NGOs. Now with the refugees wanting to go back to their respective countries, the perspective of the NGOs has been moved towards documentation of them. We are trying to get them consular certificates so that they can go back to Sri Lanka. So, now the focus is in the documentation rather than the crisis of COVID19 but there are NGOs who are working on these issues also with Government agencies to provide refugees with food and ration.

Answer: Dr. Parivelan reiterates his comment on forming a basic legal framework that makes work of the NGOs easier and in spite of these challenges also there is a considerable number of NGOs working with the refugees wherever it is possible. Academia, civil societies and Government agencies should come together in a platform complementing each other to play their roles in making the condition of the refugees better.

Answer: Florina adds that the idea is to empower the refugees or give them a voice so that they can speak for themselves.

4. Are there any statistics on hate crimes against refugees in India? Is there any institution from where this data can be sought?

Answer: Dr. Parivelan states that there is no specific data on the hate crimes but numbers of issues have been highlighted through different research and study on the refugees.

Rohini Mitra sums up the session discussing key areas for advocacy.

As mentioned by the panellists already that we do not have any legislative framework in India but we have certain track records with different communities. What the discussion brought out is that the difference in approaches that not only having refugees but how it feels to be one and how the pandemic impacted them in various grounds. The first four speakers brought out the life before and after the lockdown on Sri Lankan, Rohingya refugees. What the discussion boils down to is the extreme difficult living condition of the refugees in camps which made them exposed to the virus and other health issues. Another issue that is brought up by Ali deals with education. Children in the community is facing a hard time with the digitisation of the education. Dr. Xavier brought out the financial condition and condition of the refugees in camps with regard to education, domestic violence etc. To conclude, I would say that the fight is long as the basic legal framework is absent. But in the meanwhile, the advocacy needs to prioritise the everyday fights of the refugees in the country.

Tom concludes the session mentioning the practical difficulties in forming legal framework this issue needs to be recognised. Refugees should be welcomed and there should be welfare measures. Not only just welfare measures but also there should be different approaches in

looking at the universe from one settlement. This also questions the state of being a refugee whether it is a choice or state repression? And therefore, it is important for us to recognise this issue internally and prevent such circumstances. All of these are intertwined and the larger understanding is extremely important.