

HLP challenges in Rohingya Camps: identifying strategies to improve security of tenure for Rohingya

NRC- ICLA- Housing, land, and property (HLP) assessment, June 2024



ICLA team visit at Camp 12 to assess HLP intervention needs due to heavy rainfall.

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Executive summary

The HLP challenges stem from power imbalances within and between the refugee and host communities. These issues are exacerbated by the absence of a clear land tenure framework and lack of streamlined dispute resolution procedures. The overall, security of tenure in camps is extremely poor for many Rohingya, due to threats posed by armed groups, infrastructure vulnerable to seasonal disasters, intra-community tension, and host community claims for rent, forced evictions, rental disputes, and charging fees for access to service points.

- According to survey, 47% of respondents are living in public land with no claimants, 25% in private land, and 28% in public land with host community claimants collecting rental fees. Compared to the assessment in 2022, the percentage of those living in public land with no claimants has decreased from 55% to 47%, while the percentage of those living in public land with claimants who must pay rent has increased from 23% to 28%.
- The main drivers for eviction are rental claims or disputes and rental back payment with 56%, security issues, including attempts to forced recruitments and abduction with 18% and the remaining 26% due to landslides, request, or force by landowner to vacate the shelter, disputes with neighbours and renovation and site development.
- Among the respondents, 50% in Ukhiya and Teknaf altogether, are paying rent. Specifically, for Ukhiya this allocation is 41% and in Teknaf camps 65% are making rental payment. The survey found that 63% of respondents pay rent on a monthly basis, 22% pay annually, and 15% have made a one-time payment. Among those making regular payments, the majority (65%) pay between BDT 100 and 500 monthly, while 89% of annual payers contribute BDT 1,000 to 5,000, and among those who paid a lump sum, 48% have paid between BDT 10,000 and 20,000." Of those people who are paying rent, 91% are using cash modality, while the rest 9% are paying the rents in-kind or a mix of cash and in-kind.

Written lease agreement can enhance security of tenure in certain camps in Teknaf. NRC initiative in Teknaf camps, improved the sense of tenure stability for those who now have lease agreement. However, in other areas, its use may inadvertently strengthen unsubstantiated claims by the host community, necessitating rigorous verification and engagement with authorities.

Women, elderlies and persons with disability are identified as the most vulnerable groups in camps. Other identified vulnerable groups are those previously evicted people who live in hilly areas prone to flood and landslides and the ones who paying rent. Respondent described Persons with disability as invisible groups in community dealing with HLP issues. women and girls as victims of intimidation, violence, and exploitation, in connection to violation of HLP rights.

Armed groups have become prominent players in exacerbating HLP challenges, introducing a new trend of evictions accompanied by targeted threats against men, women, and children. These groups also attempt to assert informal authority as law enforcement, using dispute resolution mechanisms to extend their influence within the community.

Based on survey result, 7% specified NRC as their go-to actor for HLP challenges. There is a better structured mechanism for referring the cases to NRC in camp 24 and 25, that can be replicated in other camps with major HLP disputes. CDR trainings are found crucial to improve stakeholders' knowledge and skills, specifically for *Mahjis*, *Imams*, while new initiative is needed to target most vulnerable groups through awareness raising campaigns.

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Background

Rohingya are a stateless mostly Muslim minority group who have faced decades of discrimination in Myanmar, ensued with waves of mass displacement. Rohingya persecution from their ancestral villages in Rakhine, i.e. Maungdaw, Buthidaung and Rathedaung was intertwined with destruction, denial and usurping of their HLP rights. They started seeking refuge in Bangladesh as early as 1978. The largest Rohingya influx into Bangladesh began on 25th August 2017. Currently, more than 976,000 Rohingya are living in the largest refugee camp in the world in Cox's Bazar,¹ Bangladesh.

HLP is the key dimension for ensuring the protection of Rohingya living conditions in camps; Realisation of these HLP rights are necessary foundations to safeguard dignity, safety and security and supporting them to find self-reliance options. After the arrival of the Rohingya, the Office of the Refugee Relief and Repatriation Commissioner (RRRC)² assumed jurisdiction over this land. Since then, no specific documents have been produced to clarify the nature of the land. The Rohingya community verbally acquired land from the host community upon their arrival, without significant issues. However, after 3 to 5 years, the host community started charging Rohingya for using this land for their shelter.³ Overlapping claims remains a major source of tension between Rohingya and host community. In Ukhiya, most of the land in camp area was originally managed by the forest department on behalf of the government. Host community have had use and management rights under the forestry agreement, and they were dependent on the forest for their livelihoods.⁴ The host community have begun to exercise their rights by requiring rental payments from refugee occupants, and from humanitarian agencies who build infrastructure for the affected people. In Teknaf, where refugees were accommodated the land overlapped with privately owned land, forcing refugees to pay rental fees.



Congested and vulnerable structure of shelter in Camp 11. ©Soyodul Amin/NRC

¹ UNHCR Population Factsheet, 29 February 2024; accessible at: <https://reliefweb.int/report/bangladesh/rohingya-refugee-responsebangladesh-joint-government-bangladesh-unhcr-population-factsheet-31-january-2024> last time retrieved 21 June 2024)

² The Office of the Refugee Relief and Repatriation Commissioner is a Bangladesh government agency under the Ministry of Disaster Management and Relief responsible for providing relief to Rohingya refugees in Bangladesh.

³ Total landmass in Ukhiya is 63,135 acres with 33915 acres (53.72%) forest land and in Teknaf upazila total landmass is 96044.77 acres which 18448.88 acres (19.21%) is forest land. accessible at (in Bangla): teknaf.coxsbazar.gov.bd/en/site/page/rsCK-এক-নজরে-টেকনাফ and টেকনাফ বন্যপ্রাণী অভয়ারণ্য - Nishorgo last time retrieved 21 June 2024)

⁴ Ministry of Environment, Forest and Climate Change gave clearance for forest land in Rohingya Refugee Camps under section 27 of the Forest Act, 1927. Since then, the Ministry of Disaster Management and Relief (MoDMR) oversee and supervise its management.

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The refugee camps are severely overcrowded, with only 10.7 square meters per person,⁵ generating a population density of about 46,000 to 60,000 people per square kilometre.⁶ The overcrowded camps, covering 6,500 acres and accommodating nearly one million people, strain infrastructure and services severely. Moreover, the camp's location and the makeshift, substandard temporary shelters expose residents to risks from natural disasters such as rainfall, floods, and landslides. Overcrowding and lack of privacy further increase vulnerability to exploitation and gender-based violence, exacerbated by cramped living conditions.

Methodology

To collect statistically representative data, NRC ICLA⁷ conducted household survey for 300 household through structured questionnaire across 15 camps including camp 3, 5, 8E, 9, 10, 11, 12, 15 and 16 in Ukhiya and camp 21, 22, 24, 25, 26 and 27 in Teknaf. Selection of these locations intended to provide findings that are representative for quite diverse challenges and issues throughout the camps. Participatory approaches such as Focus Group Discussions (FGDs) and key informant interviews (KIIs) are used to collect information, with overall 30 FGD and KII, one per each camp. Key informants are composed of camp-in-Charge (CiC), Community Mobilization Officer (CMO) and Community Mobilization Assistant (CMA) from CiC office, protection focal points and site management managers. Focus group discussions conducted targeting Majhi, Imam, influential and community members including men, women, and youth. In addition to this, available data from previous assessments are all reviewed for comparisons presented in this report.



HLP household survey is going on at Camp 27 on June 2024.
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⁵ Human rights watch, Bangladesh is not my country: the plight of Rohingya refugee from Myanmar, <https://www.hrw.org/report/2018/08/05/bangladesh-not-my-country/plight-rohingya-refugees-myanmar> last time retrieved, 9 July 2024

⁶ Rohingya Refugee Response: WFP Bangladesh Information Booklet (April 2022) <https://reliefweb.int/report/bangladesh/rohingya-refugee-response-wfp-bangladesh-information-booklet-april-2022>, last time retrieved, 9 July 2024

⁷ Information, counselling, and legal assistance (ICLA) is one of NRC's core competencies that operates in 25 camps in Cox's Bazar working in these thematic areas; a. legal identity and civil documentation- LiD and LCD b. Housing, land and property (HLP) and c. Access to services (AtES), d. RSD and de facto refugee status registration- smart card.

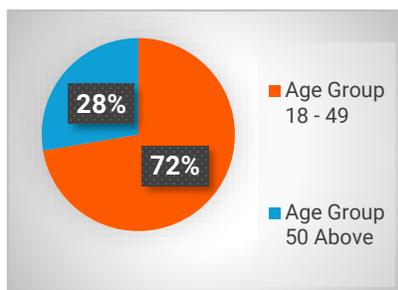
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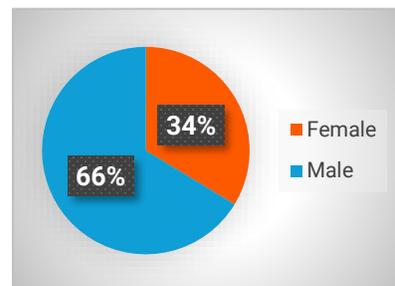
Participants of assessment



Gender segregation result in survey

The survey aimed to analyse intersectionality and different impacts on access, enjoyment, and control over HLP rights and challenges across age groups, targeting both men and women and persons with disabilities. Among them, 72% belonged to the 18-49 age group, with 21% aged 18-29. The remaining 28% were 50 years and older. The average age of participants was 39, ranging from 18 as the youngest and to 84 as the eldest participant.

Of the total 300 survey respondents, 101 were female and 199 were male, comprising 34% female and 66% male, respectively. Participants included 74% heads of households, 17% children of heads of households, and 7% spouses. Within the surveyed households, 27% (81 households) included at least one person with a disability, with efforts focused on identifying their specific issues and challenges.



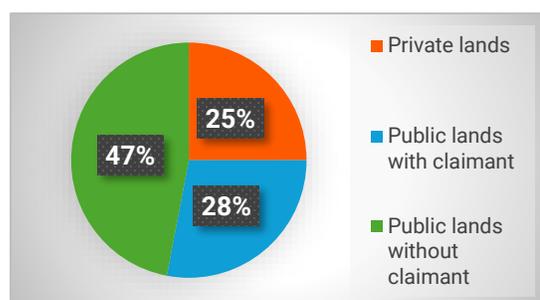
Age segregation result in survey

Key findings

The assessment findings are presented to enhance understanding of land tenure status in camps, gain insights into community perceptions, and describe real-life scenarios. The findings extending to identify HLP issues and recurrent challenges, examine Rohingya coping mechanism to overcome challenges, see how disputes mechanisms work, and provide detail examination on eviction and rental issues and then to identify who are the most vulnerable groups and what are their specific needs. Finally, the recommendation extracted from the assessment to attempt to close the loop.

Land tenure status for Rohingya living in camps

According to survey 47% of respondents are living in public land, with no claimant on lands, e.g. camps, 3, 5 and 21. On the other hand, 25% are living in private land e.g. camps 24 and 25 in Teknaf who are paying regular rental fees. In addition, 28% are identified living in public lands that someone from host community is claiming ownership or using rights over the land- mostly without having required supporting documents, collecting rent from the Rohingya community, e.g. camps, 11, 12 and 8E.



Land tenure: Type of land survey respondents are living

Compared to the assessment in 2022, the percentage for public land with no claimant is decreased from 55% to 47% and the percentage for people who are living in public with claimant who have to pay rent increased from 23% to 28%. This is conforming with observation on rise of claims by host community over public lands, shared facilities, and disputes of host community with different agencies over HLP issues.

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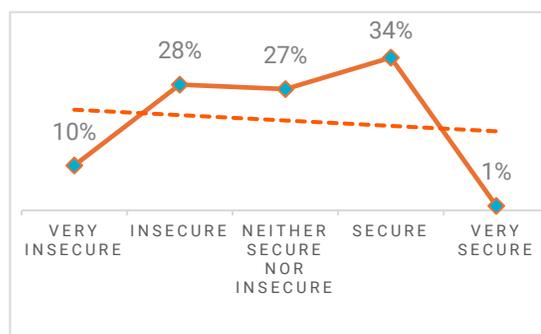


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Shelter and land arrangement scenarios and perception in camps

The overall, security of tenure in camps is extremely poor for many Rohingya, for different reasons including: continuous threats posed by armed groups, poor infrastructure vulnerable to seasonal disaster, e.g. fire incidence, flood, waterlogging and landslides, intra-community tension among Rohingya people e.g. intrusion, encroachment and shelter annexation, and host community claims to collect rental payments leading to forced eviction and charging fees around access to shared resources, e.g. latrine, water points etc.



Perception on feeling secure against forced eviction

Result of KII and FGD on land tenure construed perception for Rohingya and state of play scenario in camps

Secure	<p>Public land with no host community claimant</p> <ul style="list-style-type: none"> Perception: GoB has the sole authority of the land. The land belongs to forestry department which is administered by RRRRC. scenario: The land is mostly public land, and no one claims ownership or use right over the land. For many Rohingya like those living in camp 3, 5 and 21 and majority of lands plots in camp 22, there has never been any claims by neighbouring host community. While they are, also, facing the common HLP challenges in camps, like shelter extension, pathway, limited access to shared services and lands slides, waterlogging and other climate hazards. <p>Ownership for Rohingya for a limited time</p> <ul style="list-style-type: none"> Perception: sense of ownership for Rohingya, in some location of camps like camp 11 exist. some Rohingya paid a one-off BDT 5,000 to 100,000¹ and believed that they have bought the land plot for the time period, they are allowed to live there. Scenario: Rohingya are not facing significant issues as they have already paid lumpsum amount and construe that as informal ownership. While in some cases, host community may come back for another or further payment.
Insecure	<p>Public lands with host community claimant</p> <p>Perception: Rohingya Perception of land ownership in camps is that the land is owned by the GoB, the government assigned to Rohingya accommodation, and the CIC arranged shelters. However, sizeable portion of the land in camps are forestry land and host community claim ownership or use right.</p> <p>Scenario: It is very common in some blocks in camps 8E (blocks B-65, B-26, B-10, B-27, B-08), 9, 12 (Blocks H-17, H-18, H-19, G-13, and G-14), camp 15 and 16 which in turn increases tension among two communities and has become one of the driving forces for eviction in these camps.</p> <p>Private land with landowners</p> <p>Perception: These land plots are private lands and people living there, are paying rental fees on regular basis.</p> <p>Scenario: All blocks in camp 25 and 27, majority of people in camp 24 with the exception of block Leda Makeshift Settlement (LMS) and most of the camp 26 except for block A, B and C are under this category. In camps in Ukhiya, the large portion of the land belongs to the Forest Department, but still some blocks have private land like camp 16 blocks A-1, A-2, A-4, A-6, B-1, B-3, B-4, B-5, C-4, C-5, C-6, C-7, D-1, D-2, D-3, D-4.</p>
General sense of insecurity	<p>As an important side note, the visible intensified violence of RSO and ARSA (and others- Nabi Hossein and Al-Yaqin) become a major challenge forcing Rohingya to leave shelters and destabilises the security of tenure for Rohingya, regardless of land characterisation. Specifically, during holiday period (humanitarian and LEA visibility decreases) or at night they have been facing more challenges followed by targeted attacks, killings, abduction, and arson. All initiated by armed group for advancement of their territorial turf war against each other and submission of population living in camp to their force.</p>

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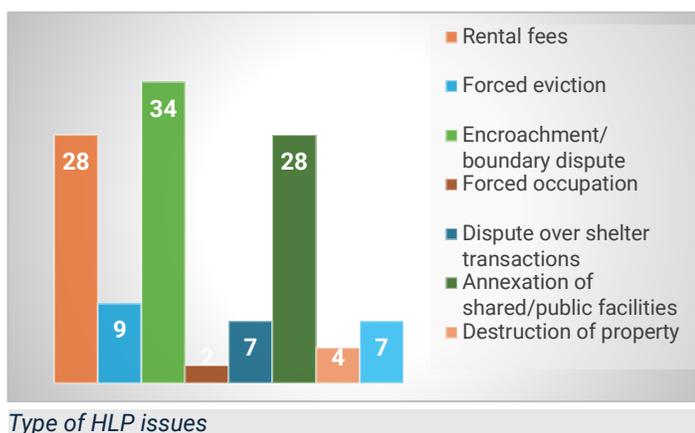


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HLP issues and challenges in camps

According to the assessment, the leading three HLP disputes in camps mentioned by respondents are boundary / encroachment disputes, disputes over shared facilities and rental disputes. Comparing to ICLA caseload that the identified three leading issues are rental fees, boundary disputes and then eviction. It shows that many boundary disputes are not escalated and resolved within the community.



HLP issues and challenges classification

<p>Some of these issues emanates from living in cramped congested settings</p>	<ul style="list-style-type: none"> This includes scarcity of land in camps to find alternative housing option, shelter extension, home gardening, encroachment, misuse of drainage,⁸ pathway disputes, squatting shelter after relocation, using illegal means like threats or extortion to accommodate, unauthorized buying and selling and using empty places.
<p>Some of these issues are rooted in Tension and competition between host and refugee communities</p>	<ul style="list-style-type: none"> The Host Community members claim arbitrarily rent over the public land and want to increase the rent every year, which indicates at least 10-20% increase in camps 8E, 16, 24, 26 and 27. Moreover, the landowner trying to forcibly evict them from shelter without any prior notice. Obstruction or denial of using shared services facilities, e.g. latrine, water point. Host community charges for using the service points against Rohingya further complicates the living condition in camps and delimits Rohingya access to these services. Safety and security: the host community arbitrarily excavating soil from the foothills and aggressively sought to evict the families who living at the top of the hill.
<p>Insecurity in camps caused by armed group</p>	<ul style="list-style-type: none"> Since at least August 2023, armed groups have been exerting influence, compelling Rohingya families to vacate shelters without providing alternative safe accommodations, further exacerbating shelter insecurity. For instance, armed groups in Camp 10 have seized control of some small shops and the local market, collecting regular revenues from shop owners and vendors.
<p>Redesign and development of sites</p>	<ul style="list-style-type: none"> After the fire on January 7, 2024, in Camp 5, many did not receive new shelters in their previous locations, causing tension and subsequent threats of eviction among the Rohingya community.

⁸ This includes dumping waste, using drainage for public defecating, building over drainage pathways Due to the shortages of pathway, neglect, vandalism.

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Coping mechanism

To resolve the disputes, most of the time Rohingya attempt to simply compromise with claimant demands, such as giving ration or paying to claimant to ease tension, as reported in camp 11 and 12. Some refugees temporarily relocate to other location in camp or live with their relatives to avoid immediate threats of their HLP rights, like eviction. These coping mechanisms highlight the complex challenges refugees are facing in addressing HLP issues within camp.

On a positive side, they may decide to enter into Informal agreement that can create a sense of stability in some cases temporarily.

If the dispute is not resolved and they are evicted, the negative coping mechanism will be moving to shelters in dangerous hilly area prone to landslide, moving in to shelter without adequate standards vulnerable to seasonal weather change or moving in with relatives that cause many other protection issues or may lead to further HLP issues like shelter extension.

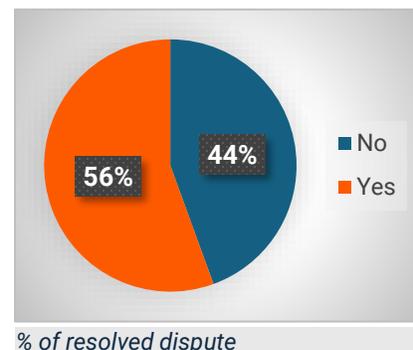
Dispute resolution mechanism: Access to Justice (A2J)

Elders, family members, Majhi, Imams, influential and senior members and leaders of the community have been engaged in resolving the small scale and simple disputes. Once the issues are escalated or are in substantial number, Rohingya seek assistance from CiC, Head Majhis. Sometimes APBn (LAE force in camp) is also involved, their involvement in resolution of disputes, are indicated in camp 12, 15, 16 and 21.

Over 50% are relying on Majhis and Imams for resolving their HLP disputes and 26% indicated CiC is the mechanism they approach. 17 respondents (7%) specified NRC as their go-to agency for HLP challenges.



For intra-community issues, negotiations begin at the sub-block level among community members who are parties to the dispute. If resolution is not reached initially, they escalate to community leaders such as the Sub-block Majhi, elders, or Imams. Failing resolution at this stage, then they approach the Camp in Charge (CiC) for further assistance. For inter-community disputes, community leaders, Majhis, or Imams are engaged in negotiations with the host community.



On effectiveness, based on the survey 56% (162 respondents) of participants said that their HLP issues are resolved, however, remaining 44% (148 participants) said that their HLP issue is still ongoing. Of those whose disputes are concluded, 82% of respondents indicated that their disputes are resolved in one to two months period and only 18% of these disputes took more time to be resolved. In many cases, the party with less power makes compromises to get the issue resolved, whether it is among Rohingya or between Rohingya and host community.

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There is a streamlined process for referring the cases to NRC in some camps, e.g. camp 24 and 25. While in majority of camps, usually after exhausting the earlier steps, the issues are escalated further to complaint, feedback, and response mechanism (CFRM), site management and then referred to NRC.

This is indicated for camps, 5, 9, 11, 16, 21, 25, 26, that NRC receive cases after completion of these initial steps, to administer it through HLP case management process in collaboration with other stakeholders. It was also, mentioned that in some camps, e.g. camp 11, before NRC presence, for HLP issues with host community, no one would have approached the issues.

Overall perception around dispute mechanism

A. Corruption, bias, exploitation, neglect, and negligence.

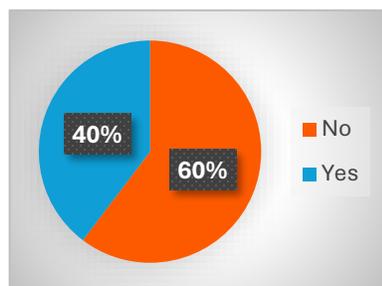
- Corruption: People in camps are exploited by individuals or groups with power who take advantage of vulnerable populations for personal gains. In some camps, e.g. camp 11 at block level Majhis demands half of the amount of the dowry and women have to pay it to get the Majhis's support for dispute resolution.
- Bias: vulnerable groups voice, specifically women is not heard, perused, or advocated.
- Neglect: As HLP cases are quite common, many of these issues are neglected; there is no procedure in place for CiC to entrain these issues regularly. Also, participants indicated that the process is time-consuming as for dismissive CiC office approach, referrals of issues by actors which makes issues unattended for quite a while.
- Exploitation: Armed groups gained considerable swaying power in some areas, there has been a worrying trend by these groups to misuse the vacuum to highlight their functions as law and enforcement (LAE) role, e.g. Al-Yaqin in camp 12.

B. Lack of trust to existing mechanism as it is not fair, principled, and effective.

- Lack of fair and equal representation for Rohingya dealing with host community.
- Available mechanism is not effective, establishing committees in CiC mandated for these issues can help people to resolve HLP disputes.
- It is indicated that mechanism can be improved by conducting regular CDR training and practicing rental agreements between occupant and landowner.

Access to shared facilities

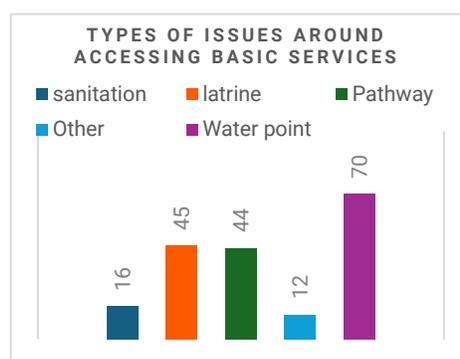
HLP challenges are visibly affecting access to essential services like healthcare, Education, Wash, Protection, Food, Livelihood and so forth. Based on the survey, the three most affected services due to HLP challenges are water tabs, latrines, and pathways, facing delimitation or denial to access such services.



% of people experienced dispute accessing basic services

Due to generalised insecurity in camps, evictions are in rise leading to both inter or intra camp relocation or need for temporary safe shelter

support. New relocated residents are facing disputes over shelters, pathways, and other shared resources. Large households and persons with disability struggles much more to access necessities in their new location, as these facilities are very few or not all inclusive.



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Based on the survey result, 40% (120 respondent) of total participants, indicated that they have experienced disputes over using shared resources. This shows how widespread across the camps are these issues.

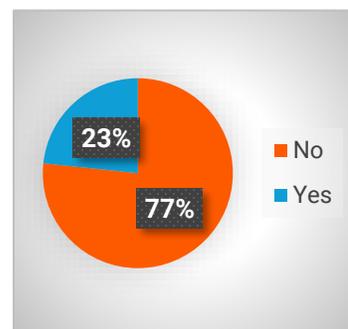
Another significant issue is that host community claims over land where shared resources are located. This often leads to refugees being denied or charged for access to these services. For example, in camp 16, 100 people are denied access to water point. Therefore, conducting thorough due diligence for any of these interventions must be ensured.

Eviction cases

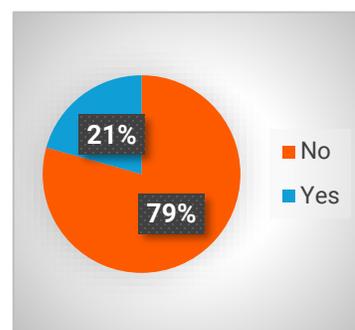
Eviction or threat to be evicted is common in camps. Out of 300 households surveyed, 62 participants (21%) have faced eviction in the last three years (2022, 2023 and 2024), and 70 families (23%) are currently dealing with eviction cases. The main reason of eviction is rental claims, increase in rental amount and dispute over access to shared resources. On top of these, armed groups activities to forcefully recruit people across camps specially in Ukhiya, is driving people out of their shelter, individually or collectively.

According to the survey result, the main drivers for eviction are:

- 56% of evictions take place because of rental disputes with landowners, delay in rental payment or accumulating back payment.
 - Eviction threats occur if the host community receives higher rent offers from others, decides to sell the land, or wants to develop infrastructure for their own livelihood purposes. Other than Teknaf, these cases are reported in Ukhiya as well, e.g. in camp 8E, 9, 11 and 12 and 16.
 - In some cases, if refugees wish to extend their shelters and fail to provide the necessary exchange for the extension, they may face eviction threats.
- 26% other reasons that includes- landslides, request, or force by landowner to vacate the shelter, disputes with family members or with neighbours, renovation, and site development plans.
 - Host community living around the camps may exert undue pressure on the authorities to relocate or evict the refugees, driven by factors like resource competition, land disputes, cultural differences, or security risks.
 - Sometimes due to intra community disputes e.g. camp 11, Rohingya themselves are pushing their neighbours out and want to occupy the shelter.
 - The authorities may have plans to redevelop or reorganize the camp after landslide or fire incidents, leading to the eviction for residents e.g. camp 5.
- 18% are evicted due to security issues, including attempts for forced recruitments and abduction.
 - This is widely present in Ukhiya camps and central areas are more affected; however, their impact is visible in 27 camps by June 2024.
 - Underlying issues are armed group attempts to collect revenues from residents in addition to recruit them forcefully or through manipulations and false promises.



% of people who are already facing eviction



% of people experienced eviction in last 3 years

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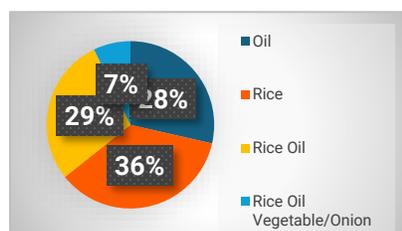
Rental claims and rental dispute

Many Rohingya are living in public lands with no host community. People living in Ukhiya in camps 3, 5 and in Teknaf in camps 21 and 22 are characterised under this category. According to 2019 MSNA, 3% of people in Ukhiya and 57% of people in Teknaf were making rental payment to continue living in their shelters.

Among the respondents participated in June 2024 survey, 50% of people are paying rent, this includes 41% of people in Ukhiya camps⁹ and 65% of people in Teknaf camps are paying rent. This shows that larger number of people paying rent compared to previous periods both in Ukhiya and Teknaf. Confirming observation on trending increase of rental claims on public lands by host community.

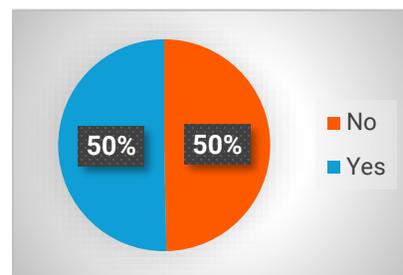
In terms of frequency of rental payment among those who are paying rent, the survey identified 63% of respondents are paying on monthly basis. 22% are paying the yearly amount and 15% have paid a one-off lumpsum amount. Rental amounts are fluctuate depending on the many factors including quality of shelter, size, location of land plot and relationship between the occupant and landlord.

96% of people who are collecting rent are from host community, out of which 65% are claiming to be the owner of the land and 31% are from neighbouring community who are claiming use rights. There is 2% who are identified as local authorities and 2% as Rohingya (influential community members and Majhis) who are claiming the ownership and asking for rental payment. The later one is related to buy and sell- transaction in camps that influential Rohingya use for pushing people out in order to sell shelter to a higher bidder.

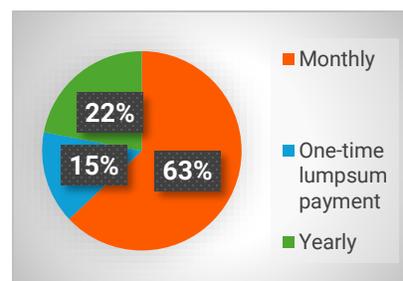


Type of ration is paid for rental claims

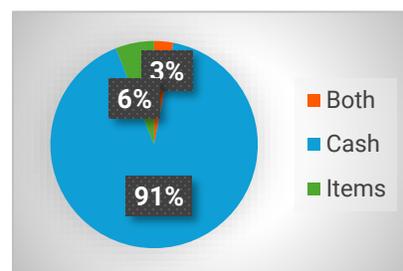
14 respondents mentioned paying rent with in-kind modality, all of them are using their food assistance to cover the rental payments. Among the people who are paying rent through in-kind items, 36% of people are paying rice, and 29% with both Rice and oil, and 28% are giving oil instead of cash. Among the participants who are paying rent on a monthly basis, the majority of 65% percent are paying BDT 100-500. And 29% are paying an amount around BDT 500 to 1000. This is confirming the observation across the camps that most of the people are making rental payment around BDT 300 to 700. According to FGD and KIs, this monthly amount differs in camps. To highlight the difference, in camps 8E and 15 the rental



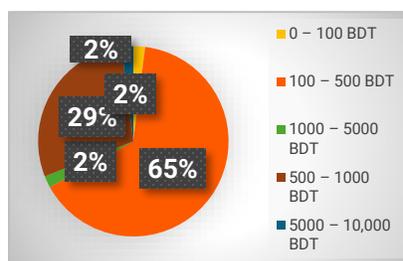
% of those pay rent (cash or in-kind) or any fee for living in the land/ house



Frequency of rental payment



Modality of rental payment



Amount of rental payment per month

⁹ It should be noted that targeted blocks in Ukhiya for assessment, were mostly in areas with the presence of host community. This percentage does not reflect the overall rental condition for all people in Ukhiya camps. However, still the increase on claims in these camps is in rise comparing to assessment in August 2022.

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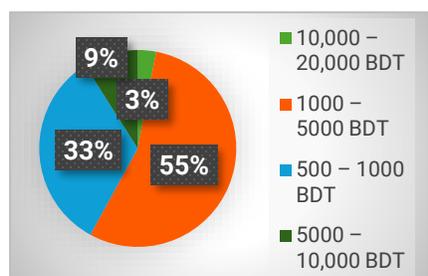
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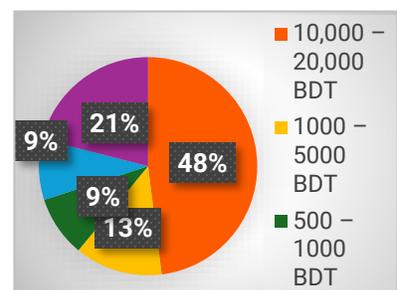
amount is around BDT 200 to 500. While in camps 16, 24, 25 and 27 it is between BDT 300 to 700. It is worth to mention that in other camps like 9, 22 and 26 the amount may go as high as BDT 1,500 to 2,000.



Amount of rental payment per year

The majority of people (88% of respondents) of those who are paying rent on a yearly basis, they have to pay BDT 500 to 5000. This includes, 33% of people who are paying BDT 500-1000 and 55% who are paying an amount between BDT 1000 to 5000. According to FGD and KIIs, this yearly amount is between BDT 1000 to 3000 for camps 8E, 15 and 16.

In other cases, people made a one-off payment as lumpsum amount. This group, have to make a larger payment and usually they had a better security of tenure, comparing with others who are making any rental payments. Based on the survey most people with 48% have made a BDT 10,000 to 20,000 payment. While 21% has to pay more than 20,000. Paid amount for lumpsum amount is quite diverse, in camp 11 it has been reported between BDT 5,000 to 10,000 and in camp 15 it has been reported between BDT 20,000 to 30,000. In camp 12, the price for some land plots reported as high as BDT 100,000.



lumpsum payment amount

Lease agreement

According to the survey, only 10 participants (3.3%) all in Teknaf (camps 24 and 25) said they have verbal or written agreement for leasehold, while over 97% have no agreement. Among 10 participants, one person has a verbal agreement, 5 people written and 4 persons both verbal and written agreements.

The majority of respondents suggested that having a written lease agreement would provide more stability in the relationship between occupants and the host community claimants. According to Bangladesh's 2014 registration regulation, Rohingya cannot have a formal lease agreement because they do not meet the pre-qualifying requirement of possessing ID documents to certify the registration process. However, under the Foreigners Act of 1946 and the specific order for the law in 1951, as non-citizens, they are not prohibited from leasing land plots.

Majority of respondents believed that having written lease agreements will reinforce the security of tenure, as an informal document that will also, help current informal dispute resolution mechanism. However, it is very unlikely that host community claimant would agree to sign into lease. It seems like that host community, who is aware of the fact of grey area present around forest land, and majority of them do not have any written record on use right over forest land. Then host community evades this arrangement as many do not have any documents verifying their ownership or use rights. Powerful host community members tend to discourage Rohingya from pursuing written contracts. Refugee also, often prefers verbal agreements over written as it became a part of practice based on previous of forestry department leasehold arrangement.

The agreement should only follow thorough due diligence and verification and should not be used to legitimize unverified claims by the host community. Written agreements may not be appropriate in all cases, especially when claims are unverified, potentially setting a precedent for reinforcing their

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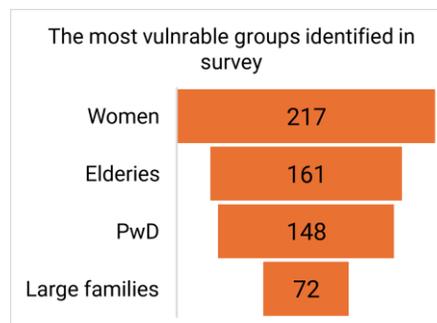


unfounded claims. Written agreement should involve government officials, particularly the Camp-in-Charge (CIC), to ensure its validity and enforceability.

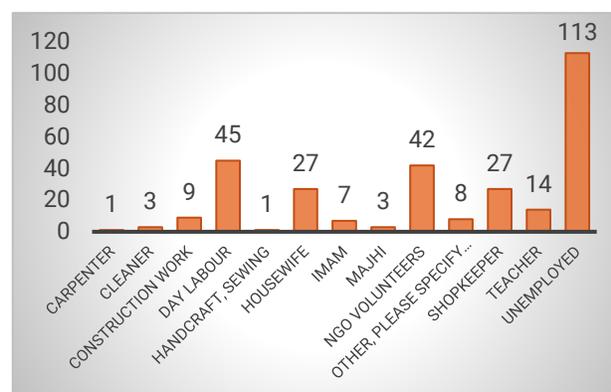
The most vulnerable groups victims of HLP rights violation

Overall, the collected inputs from FGDs and KIIs and survey shows four distinct categories of vulnerable groups.

Based on family composition: This includes having at least one family member with specific criteria or need and considering household structure; single headed households, specifically single women, widowed and women headed household. Some respondents also, mentioned child headed household and LGBTQI as people with specific need to attend. Elderlies, and persons with disability also, mentioned by almost all respondents in assessment. Survey identifies three most vulnerable groups as women, persons with disability and elderlies. Furthermore, for women headed households, specific emphasis was on women whose spouse has left temporarily or indefinitely, as it is quite common for Rohingya families living in camps.



Based on Land tenure: People who live in private lands or in public lands with claimant. They are obliged to make regular rental payments to landowner or use right claimant. Examples for these camps are 8E, 11 and many households in Teknaf camps 24, 25, 26 and 27. Additionally, for those who paying rent, the ones who have only oral agreements, are mentioned as vulnerable groups, as there is no proof that if they have made any payment and if yes, the amount remains unclear.



Based on Socio economic conditions: those households and individuals, who do not have any income or working opportunities. Pushing them to borrow money to pay for rental claims or share their ration with claimant from host community. According to the survey half of the participants have no income as unemployed, housewives, Imams or Majhis. For others who are working, monthly income varies from BDT 300 to 30,000, with the average amount of BDT 6,900 as monthly income.

Based on Topographic conditions of land: Those who have to live in marginal hilly areas prone to flood and landslide. Due to relocation and scarcity of land, many have to live in these areas to avoid host community asking rent from them, while they are facing many risks, specifically in monsoon season.

HLP challenges specific to Women and girls

Out of 300 respondents, 75% (226 individuals), indicated that widowed and female-headed households are facing specific challenges related to land and housing. Respondents in survey and FGDs and KIIs identified several barriers against women and girls to claim, control or manage their HLP rights.

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Specific HLP challenges for women and girls	
Cultural and Social Norms	<ul style="list-style-type: none"> • Patriarchal structure favour male ownership and control over property, limiting women's access and control. Traditional gender roles and norms within the Rohingya household and community often prioritize men's decision-making power over land and property issues among other topics, marginalizing women's participation, and their voice. • cultural and religious practice, manifested for many as <i>Purdah</i> forces and intimidates women and girls to stay at home. • When they are dealing with any disputes, women and girls are more vulnerable, either having to let go of their rights or withstand discrimination, abuse, harassment, or exploitation on their attempt to control or manage their rights.
Violence and Intimidation	<ul style="list-style-type: none"> • For encroachment, boundary, expansion, and other like disputes women by default are in vulnerable position comparing to male neighbours, as verbal abuse or harassment can deter women from pursuing their HLP rights. • Using shared facilities including water points, latrines Women also, face many risks, threats, and abuse. they have to deal with harassment and eve-teasing, while in dark it becomes impossible to use these facilities.
Unequal standing for access to justice in informal system	<ul style="list-style-type: none"> • To resolve the disputes, as women are relying on Majhis, community leaders or male relatives they may face further exploitation. Women are facing neglect by law enforcement and community leaders. • Interacting with host community as landowner, the likelihood of abuse, harassment or physical, sexual or financial exploitation multiplies. • Dealing with host community they compromise on shelter maintenance as the landowner took over shelter materials needed for shelter repairs, such as bamboo and tarpaulin. • Underlying discrimination leads to unequal standing for women, comparing to their male counterpart. This pushes them to avoid confrontation and compromise on their claims.
Socio-economic vulnerability	<ul style="list-style-type: none"> • Single women, women head of household or widows are much in danger of eviction as they have no or little to make the rental payment due to lack of livelihood and no savings. • Restriction to move out from their houses, makes them financially dependent to male relatives, not to mention that there is not that much to do in camp for them, as well.
Unregistered civil status	<ul style="list-style-type: none"> • Marriage and divorce without proper registration due to bureaucratic complication leads to failure to get new alternative shelter. Specifically, girls, victim of child marriage are, excluded from receiving services, including shelter, as they are not able to register.
Domestic violence	<ul style="list-style-type: none"> • As Polygamy is quite prevalent in camp and divorce rate is high, the strained relationship within household turn into intimate partner and domestic violence (IPV). Then, major HLP challenges like eviction for women happens once they are divorced or at the verge of getting divorce. • After divorce most of the husbands are not willing to provide maintenance and dower, situation turns into the GBV or domestic violence issue • Returning back with children to small shelter to their parents while separated/divorced cause another layer of tension within the household. Overcrowded and substandard shelters increase the risk of violence, particularly for women and children.
Lack of knowledge and enabling network	<ul style="list-style-type: none"> • Being a mother or sister or a daughter, women and girls are acting most of the time as caretaker in the household, hence they are not able to find the time to deal with works outside the home. Then, they are disadvantaged to build their knowledge or skills to deal with disputes to know proper channels to follow through once dealing with HLP challenges. • Because of social isolation and discrimination, women have already far less network within camps to find solution for HLP and shelter related disputes, regardless of the fact that it is within the family with departing husband or with neighbours or with the landlord from host community.
Violence posed by armed groups	<ul style="list-style-type: none"> • These groups are posing specific threats to women and girls, and they have to leave the shelter and live with their parents or grandparents. • Abduction, using as human shield, sexual and physical violence or forced marriage is reported conducted by these groups. • Once the men and boys are leaving shelter at nights to avoid recruitment by armed groups, women and girl left alone and become more vulnerable.

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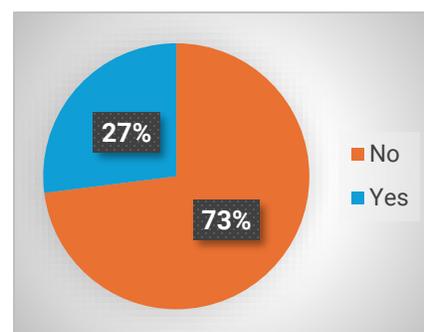
HLP challenges for person with disability

27% of respondents (81 household), had at least one person with disability in survey.

Based on the inputs collected from this survey, FGDs and KII, people with disability are facing more challenges, exercising their HLP rights. Some indicated that they may be seen as burden for the community and family, facing exclusion, discrimination, or abuse, frequently. Because of social isolation, they don't get the chance to participate in social activities, thus, persons with disability are facing limitation to access information to HLP issues.

Shelters and service points are not all well-equipped with friendly accessible features, which in itself impose more limitation to access to these services, specifically in hilly areas. Also, they have to rely on others to claim or exercise their rights. For example, for any disputes like boundary or encroachment their ability to advocate for their issues, remains dependent to Majhis or family and friends. In addition, due to limitation for livelihood opportunities, in case of eviction or rental disputes they are further at risk to lose their shelters.

Overall, person with disability become invisible section of the society whose voice, agency, concerns, needs, and capabilities are undermined with stigma as burden of the family and community and at risk to get discriminated and denied of their HLP rights.



% of respondents with persons with disability in their family members

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Recommendations

Due diligence	<ul style="list-style-type: none"> ○ NRC to provide support on due diligence for interventions requiring land use specifically with regards to WASH shared facilities. ○ HLP lead in protection sector and NRC to develop a tipsheet on ensuring due diligence is incorporated as an integral part of any intervention to avoid and mitigate risks of host community claims. ○ Site management and site development and other sector to ensure having due diligence integrated in their tools before installing the services points. ○ NRC to provide basic HLP training to relevant actors NGO platform, CCCM and protection sector.
Clarification on land tenure and applicable legal framework	<ul style="list-style-type: none"> ○ To camp authorities to establish a clear legal framework that recognizes the refugee rights to the land and shelters they occupy, providing them with formal documentation and tenure security. ○ NRC and HLP lead in protection sector to advocate more on formulating the legal framework in camp.
Improve procedure of dispute resolution mechanism	<ul style="list-style-type: none"> ○ NRC to Continue and expand CDR training to community leaders including Majhis, Imams and others who are involved in conflict resolution ○ NRC to initiate paralegal centres trained by NRC to contribute to resolving HLP disputes within the community ○ NRC to target youth as part of engaging them in dispute resolution in their community ○ NRC and HLP lead in protection sector to streamline the signposting or referral mechanism to entertain and manage the cases, at earlier stages. ○ NRC to highlight HLP incidents and challenges with CiC, regularly and to provide timely support to CiC
To decrease the tension among Rohingya and host community	<ul style="list-style-type: none"> ○ HLP lead in protection sector and NRC to conduct social cohesion initiatives, to bring two communities together ○ Ensuring and highlighting the host community benefits from the humanitarian relief ○ CiC to remain active and engaged in host community claims through regular meetings on this issue with the leader of both communities ○ Establishing a mediating committee to examine and resolve these claims and attempting to get the support of local authorities and the union land office ○ NRC to support Lease agreement for camps with private lands, where it can ease the tension among two communities ○ NRC to continue and improve supporting CiC to fast-track the process for decision making for HLP issues. ○ HLP lead in protection sector and NRC to introduce a common guideline for stakeholders and CiC for dispute resolution to improve accessible, transparent, and fair dispute resolution mechanisms in camps.
Improve coordination	<ul style="list-style-type: none"> ○ Sectors to Involve actors for better identification, signposting, and referrals. ○ NRC to establish a dedicated hotline for HLP issues ○ To HLP lead in protection sector and NRC to create a HLP working group with relevant actors from different sectors to protection, shelter, and WASH for better prevention of HLP challenges and providing better resolution.
Investing on outreach to most vulnerable groups	<ul style="list-style-type: none"> ○ Developing effective community outreach initiative to target the most vulnerable groups identified in assessment ○ NRC to invest more on female volunteers' contribution to increase access to women and girls ○ NRC to regular coordination with relevant actors in each camp to develop strategies in reaching persons with disabilities, women and girls and people with diverse gender

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