

The Right to Citizenship of Rohingya Children of Bangladeshi Descent Under International Human Rights Law

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ABSTRACT

Since the outbreak of violence and persecution against Rohingyas in 2017 they have been fleeing Myanmar and taking refuge in Bangladesh. A significant number of them are married to a Bangladeshi citizen and their children are entitled to Bangladeshi citizenship by descent. However, these Rohingya children are not being registered as Bangladeshi citizen. As a result, a significant number of Rohingya children have become stateless. As Bangladesh is not a party to the statelessness conventions statelessness of these Rohingya children cannot be legally addressed under these conventions. This article explores the citizenship rights of these Rohingya children outside of these conventions. It argues that, although Bangladesh is not a party to the statelessness conventions it is a party to the Convention on the Rights of the Child (CRC) and other international human rights treaties under which it is obliged to grant citizenship status to the Rohingya children born to a Bangladeshi parent.

1. INTRODUCTION

Rohingyas have faced decades of systematic statelessness in Myanmar due to mass denial of their citizenship. Since the breaking of violence and persecution against them in August 2017 they have been fleeing Myanmar at a staggering rate with their families and many of those families have children. About 900,000 Rohingya refugees have travelled to Bangladesh and more than 40% of these refugees are children.¹ It is estimated that out of these children, nearly 10% were born to a Bangladeshi parent.² In other words, these 10% of children (about 36,000) have at least one Bangladeshi parent. The citizenship law of Bangladesh entitles children of whom

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¹ Human Rights Watch, Bangladesh: Rohingya Refugees Stranded at Sea, available at <<https://www.hrw.org/news/2020/04/25/bangladesh-rohingya-refugees-stranded-sea>> accessed 30 November 2020.

² Rahman Nasir Uddin, *Not Rohingya, But Royangya: Stateless People in the Crisis of Existence* (Murdhono Press 2017) 79; see also UNHCR, Universal Periodic Review: 3rd Cycle, 30th Session (October 2017) available at <<https://www.refworld.org/pdfid/5b081ec94.pdf>> accessed 20 November 2020.