OVERVIEW

In 2017, hundreds of thousands of Rohingya fled Myanmar and settled in the camps in Cox’s Bazar, Bangladesh. The scale of displacement brought obvious changes to their living conditions and changed family dynamics in the camps. One such change has been the increase in the practice of polygamy.

Legal frameworks prevented the widespread practice of polygamy among the Rohingya in Myanmar. On the other hand, based on recent reports by NGOs and UN agencies operating in the response, the practice has been increasing over the past four years in the camps. Some reasons behind the increase include changes that resulted from the sudden movement to Bangladesh, such as economic factors, gender norms, and the legal frameworks and rules and regulations applicable in the camps.

In the Rohingya refugee camps, where protection concerns are already very high, the increase in polygamy likely contributes to aggravating different forms of sexual and gender-based violence.

About the report

Aim: this report explores why the practice of polygamy is increasing and the protection implications of polygamous marriages in the Rohingya camps. It also analyses reports of increasing intercommunity polygamy between the Rohingya and the adjacent host community, raising additional protection concerns different from existing intracommunity protection concerns.

Method: this report is based on a mixed-method approach. ACAPS conducted key informant interviews (KIIs) with gender-based violence (GBV) caseworkers and focus group discussions (FGDs) with Bangladeshi and Rohingya enumerators working for the IOM Needs and Population Monitoring unit. ACAPS also reviewed and included findings from 32 reports from secondary sources. A detailed description of the method is at the end of this report.

Limitations and information gaps: data on the number of polygamous families in the camps is not publicly available. Given the sensitivity of the topic, ACAPS was unable to interview anyone in a polygamous marriage.

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BACKGROUND: LEGAL FRAMEWORK

Polygamy is the practice or custom of having more than one wife or husband at the same time.

In Myanmar, the Rohingya had to go through several procedures to register marriages. In the late 1990s, a local order exclusively issued for the Muslims of Rakhine state, where most of the Rohingya used to live, required them to obtain official permission from local authorities – usually Burma’s border security force called the NaSaKa – to get married (RSC 01/04/2009). The process entailed identity checks, spending a large sum of money, and acquiring permission from military authorities in Myanmar. In 2005, the reshuffling of the NaSaKa completely suspended marriage authorisations for several months. In 2015, Myanmar passed the Monogamy Law, making it illegal for people to have more than one spouse. Under the law, anyone found guilty of a polygamous relationship or a married couple living with someone other than their spouse can face a jail sentence of up to seven years. Critics say the law targeted Muslim men perceived by hard-line groups to be marrying multiple women (DW 31/08/2015). When the Rohingya fled to Bangladesh, Myanmar’s marriage laws were no longer applicable to them.

In Bangladesh, the 1974 Muslim Marriages and Divorces (Registration) Act regulates Muslim marriages, but specific circulars restrict marriage and divorce registration for refugees. In 2002, the Government of Bangladesh released an administrative circular restricting refugees from registering their marriages under the 1974 Act since its scope is confined to Bangladeshi citizens. The circular established a distinct procedure for registered Rohingya refugees, leaving out non-registered refugees. After the 2017 influx, the circular was applied more broadly. In 2018, the Government of Bangladesh delegated the Camp in Charge (CiC) to register and maintain the marriage records of refugees (UNHCR 29/01/2019). These government officials monitor service providers, coordinate with Bangladesh security forces, and supervise the support staff working in the camps. A CiC holds significant administrative authority over its camp and acts as an executive magistrate under the Mobile Courts Act, with the power to resolve disputes and implement punishments (LAW 02/2022). The implementation of CiC-officiated marriage procedures started in mid-2020, and marriage registration became subject to Bangladeshi law, reinforced by aid registration systems and other bureaucratic practices (UNHCR personal communication; IOM/UN Women 2020). Before then, marriages in the camps followed religious stipulations and were unregistered (Guglielmi et al. 25/08/2021). When it comes to polygamous marriages, according to the 1961 Muslim Family Laws Ordinance in Bangladesh, no man, during the subsistence of an existing marriage, can enter another marriage without written permission from the Arbitration Council, but there are no specific regulations among refugees within the camps.

There is general consensus that polygamy (having more than one wife) is permitted in Islam, but the conditions remain under debate. Some scholars argue that permission is conditional, with the Qur’an only allowing polygamy if all wives can be treated equally while simultaneously stating that this condition is not attainable. In contrast, according to Islamic law, a polygamous marriage is valid if it meets all the requirements for marriage.

Marriages between Bangladeshis and Rohingya were common in Cox’s Bazar between 1977–1978, but authorities perceived intercommunity marriages as a way for the Rohingya to obtain Bangladeshi voter ID cards and become citizens. In 2013, the Cox’s Bazar district administration proposed a marriage ban between the Rohingya and Bangladeshis, which was enacted as the Bangladeshi Ministry of Law, Justice and Parliamentary Affairs in 2014. The ban states that “strict punitive actions shall be taken against the marriage registrars who will register the marriage of any Rohingya in Bangladesh”. The law also imposes a punishment of up to seven years in prison to any Bangladeshi found to have married a Rohingya. The ministry reiterated the ban and warned all marriage registrars across the country during the 2017 influx (The Daily Star 20/10/2017; BBC 08/01/2018). Nevertheless, intercommunity marriages continue to occur, most of which are polygamous and between Rohingya women and host community men (CPJ 06/2019; Population Council 08/07/2019). Some reports indicate that this has affected social cohesion within the host community and between host and Rohingya communities (IRC 02/2019).

Among both the Rohingya and Bangladeshis, any marriage officiated by a religious leader, including unregistered and polygamous marriages, is considered binding and valid. In practice, polygamous marriages in the camps, either within the Rohingya or with the host community, are unregistered and mostly happen without the first wife’s consent. They are binding according to Islamic law and within the social system of both communities, regardless of whether there is official paperwork or any other legal approval involved or not. They are also accompanied by the usual societal expectations of such a union, including childbirth. In the case of a divorce, however, there is little recourse for women in an unregistered marriage, meaning men can act with a certain degree of impunity.
Recent studies report an increase in polygamy in the Rohingya camps, including intercommunity polygamous marriages with the adjacent host community (GIHA WG 16/03/2022; Saferworld 06/2021). To better understand why this increase is occurring and what this means for women and children, ACAPS spoke with Rohingya and Bangladeshi men and women working in the response and GBV caseworkers. According to existing data and the testimony of these women and caseworkers, there are a number of interlinking aspects that influence each other in a circular manner.

**Polygamous marriages as an economic factor**

- **Since refugee households receive assistance from humanitarian organisations, Rohingya men may feel less responsible for supporting their wives.** Women consulted by ACAPS suggested that the reduced need to support their wives through their own means has enabled men to afford more than one wife. After becoming involved in polygamous relationships, however, most become unwilling to continue supporting their first wives or children (FGDs 01/2022). Sometimes, husbands take away the first wife’s belongings to give to the second wife, leaving the first wife with fewer assets for her and her children’s survival (KIIs 01/2022; FGDs 01/2022).

- **Expectations around dowry, including high dowry payments, make polygamous marriages more feasible for poor families.** Dowry payment is often a prerequisite for marriage in the camps (ACAPS/IOM 04/2021; Population Council 10/2018). This prerequisite is increasingly becoming a barrier to marriage because of the lack of livelihood opportunities (IOM 19/04/2022). Men who are already married do not ask for dowry payments from subsequent wives, making them a more appealing choice than unmarried men (CPJ/The Asia Foundation 14/06/2021; FGDs 01/2022).

- **Some FGD participants said that the absence of income-generating activities and livelihood opportunities has resulted in men having little to do to occupy their time. Restrictions on movement out of the camps aggravate this issue.** Rohingya women said some men married multiple wives as a way to pass the time (FGDs 01/2022).
Changing gender norms

- The inability of Rohingya men to provide for their families has affected their identity as a provider, changing relationship dynamics (UNHCR 15/09/2020). The lack of income-generating activities in the camps and increasing opportunities for women have changed the power dynamics between women and men. In Myanmar, many women completely depended on their husbands to provide for the family. In Rohingya culture, men also serve as the family’s provider. A man unable to provide for his family may lose his wife’s respect (GIHA WG 16/03/2022). Some men may try to take on a second (or third, or fourth) wife to deal with this shift, seeking what they consider to be proper respect from their next wife (FGDs 01/2022).

- Polygamy and adultery are associated with female empowerment through NGO work in the camps (GIHA WG 16/03/2022). Whereas women generally stayed at home in Myanmar, in the camps, some women have begun working as volunteers and participating in leadership, capacity-building, and vocational skills training sessions. These activities have improved opportunities and empowered women in the camps but, at the same time, are reported to have affected men’s roles and perceptions. There has been an increase in household conflicts and a rise in polygamy among men whose wives take on different roles than was common in Myanmar (UNHCR 15/09/2020).

- Polygamy is used as a threat to enforce social norms around women’s sexuality and behaviour. Both Rohingya men and women believe that men can punish their wives to preserve the community’s culture and the family’s dignity, and punishment can include domestic violence. Society views a woman failing to perform her household duties as them failing to preserve culture and dignity, and some men have expressed that taking a second wife will teach the first wife a lesson (Saferworld 06/2021; GIHA WG 16/03/2022; The Daily Star 02/08/2019). As a result, women endure all kinds of abuse out of fear that their husbands may choose to marry again (BBC 30/11/2018).

Population figure perception and high population density

- Because of the unbalanced gender ratio in the camps, Rohingya men may feel entitled to contribute to decreasing the number of unmarried women through polygamy. According to 2022 figures, there are around 10% more adult women than men in the camps (UNHCR 31/01/2022). A series of factors has contributed to this imbalance. The high number of men killed during the crackdown in Myanmar, the migration of men to Saudi Arabia or Malaysia to seek jobs before the influx of refugees into Bangladesh, and the high number of Rohingya men detained in prisons in Bangladesh jails because of various illegal activities are among the most cited assumptions by FGD participants. In the camps, women also leave their shelters to complete daily chores, including receiving aid from distribution centres. In contrast, they rarely left the house and had less social presence in Myanmar (FGDs 01/2022). As a result, some Rohingya men have the perception that there are fewer men than women in the camps and feel entitled to marry more than one, likely increasing polygamous marriages (CPJ/The Asia Foundation 14/06/2021).

- A high population density is reported as a contributing factor in increasing polygamous marriages in the camps, as people live very close to each other and have more frequent daily interactions. A higher frequency of encounters often leads to increased occasions for intimacy, which may result in extramarital or polygamous relationships (FGDs 01/2022). Rohingya cultural norms expect marriage to follow an extramarital affair. In Myanmar, the interaction between men and women is reported to be much stricter, and there are fewer opportunities for encounters (FGDs 01/2022). Women also practised ‘purdah’ – the tradition in some Muslim and Hindu societies for women to cover their bodies and faces and avoid contact with men outside their families. This practice is much more difficult to maintain in the camps, with women playing different roles in the community and family (IOM/UN Women 11/05/2020).

Social dynamics

- Some in the Rohingya community consider polygamy as a status symbol. Relatively rich people and people in power, such as Majhis, members of armed groups operating in the camps, and people involved in illegal trade, are more likely to be involved in polygamous marriages. Rohingya women said the number of these men in polygamous marriages has increased, which can also result in abandonment and protection implications for first or subsequent wives (FGDs 01/2022). It is important to note that abandonment is not synonymous with divorce. An unregistered marriage is still socially and religiously binding. If a man abandons his wife without divorcing her according to religious norms, the rest of society continues to consider her a married woman.
**RELIGIOUS INTERPRETATION**

- Women said that the lack of religious guidance and different interpretations of religious texts have contributed to an increase in polygamy. Interviewed Rohingya and Bangladeshi women said that a reinterpretation of the third verse of Sura An-Nisa in the Qur’an, which talks about polygamy, focuses on its permissive element (i.e. for marrying up to four times) while disregarding the conditions for such a marriage. This reinterpretation has contributed not only to an increase in polygamy but also to a change in societal practice. There are reports of husbands taking on second wives and abandoning their first without divorcing them according to religious and social norms (CPJ/The Asia Foundation 14/06/2021). Women in the FGDs also said that religious leaders do not explain the conditions attached to polygamy, with many supporting and promoting polygamy without giving authoritative advice and guidance to men and their potential wives. These women said that while some religious leaders tell men to support and treat their wives equally, people do not always adhere to what religious leaders say, and their suggestions do not always influence how men behave. Money can also drive the verdict of some Majhis, putting men who can pay for advice at an advantage over women who rarely have money available (FGDs 01/2022).

**REASONS BEHIND INTERCOMMUNITY POLYGAMOUS MARRIAGES BETWEEN ROHINGYA WOMEN AND BANGLADESHI MEN**

There is a historical bond between the Rohingya and Bangladesh host communities tied with refugee arrivals in the 1970s and 1990s. This history has resulted in marriages between the two communities, including polygamous ones (FGDs 01/2022). FGD participants said that polygamy has increased in the areas adjacent to the camps since 2017, with already married Bangladeshi men taking Rohingya women as second or third wives. These intercommunity polygamous marriages have likely decreased temporarily with COVID-19 restrictions making it difficult for host community men to access camps (FGDs 01/2022).

Most of the reasons described above that contribute to the overall increase in polygamous marriages within the Rohingya community also apply to intercommunity polygamous marriages between Bangladeshi men and Rohingya women. There are also some additional possible reasons for the increase in intercommunity polygamous marriages.

- **Some Rohingya women seek to settle in Bangladesh** by marrying a Bangladeshi man (CPJ 06/2019). Families marry their daughters off with Bangladeshi men even when those men are already married, with the hope of acquiring legal status for their daughters (Population Council 10/2018; Saferworld 06/2021). Acquiring national IDs for Rohingyas is illegal, however, so the process happens through irregular means. Rohingya women rarely get the opportunity to acquire legal status even when they marry host community men.

- **Host community men can derive economic benefits and access to humanitarian aid from an intercommunity marriage.** Marrying a Rohingya woman allows them access to humanitarian aid and rations, and they do not have to shoulder their spousal maintenance costs (FGDs 12/2021; Saferworld 06/2021). Such a situation may benefit them and their existing families, especially if they are already struggling.

- **Because host community men cannot legally marry Rohingya women according to Bangladeshi law, so they marry Rohingya women without having to legally register the marriage.** Polygamous marriages are often performed religiously and without formal registration (Population Council 10/2018). As a result, men do not face any repercussions if these marriages fail, as they can easily leave their unregistered wives (Hossain Bin Idrish and Khatun 06/2018). Often, these men do not uphold the religiously stipulated conditions for marriage or divorce either. Interviewed Rohingya and Bangladeshi women said that as Rohingya women cannot easily leave the camps and Bangladeshi woman cannot easily enter them, Bangladeshi men with access to the camps can more easily engage in covert polygamous intercommunity marriages without the consent of their first wife and without direct conflict within and between families (FGDs 01/2022).

**PROTECTION IMPLICATIONS ARISING FROM THE INCREASE IN POLYGAMOUS MARRIAGES IN THE ROHINGYA CAMPS**

Both the Rohingya and Bangladeshis accept and consider polygamous marriages to be valid. Despite the law, in practice, civil authorities do not register these marriages and first wives are not asked for consent. Both refugees and members of the host community have said that people are increasingly practising polygamy in violation of the governing rules by law and in Islam (CPJ/Asia Foundation 14/06/2021).

**Exploitation, abuse, and other forms of violence**

Women may tolerate more sexual and gender-based violence out of fear of their husband taking another wife. Physical, verbal, and sexual abuse of women is normalised in Rohingya society, so many survivors do not come forward to complain (BBC 30/11/2018). GBV caseworkers said that women worried about their husbands taking another wife are more likely to tolerate a lot of physical and mental abuse (KIIs 01/2022).

Anecdotal evidence shows a higher rate of physical, emotional, and sexual violence, including marital rape, on women in polygamous marriages in the camps. Women in these cases only try to seek help when they can no longer endure physical violence (KIIs 01/2022). In some cases, Rohingya men may hide their marital status and marry a woman in another camp. There are reports of husbands physically abusing their second wife when she finds out that he is already married and starts asking questions (FGDs 01/2022; KIIs 01/2022).
Additional economic pressure on families. Rohingya-Rohingya or intercommunity polygamous marriages are usually not registered, and succeeding wives usually continue living with their parents. These women cannot be added to their husbands’ data cards and remain attached to their parents’ data cards, adding to economic pressure on the parents (UNHCR Personal Communication).

Abandonment and absence of recourse. Most intercommunity and many intracommunity polygamous marriages are reported to be short-term. Men are said to leave and cut off contact with their subsequent wives after they get pregnant or have children (FGDs 01/2022; KIlls 01/2022). These abandoned wives sometimes do not even have their husbands’ contact information or original address and cannot find them for support or to demand a divorce (Kills 01/2022). As mentioned above, abandoned wives that are not divorced are still considered married in religious and societal terms.

The CiC handles divorce requests. Husbands in polygamous marriages usually do not want to divorce their first wives so they can stay with them as and when they please. Husbands also abuse their wives when they ask for divorce (Kills 01/2022). In these cases, women remain stuck in an abusive marriage and cannot move forward in life. Sometimes, husbands abuse their wives more to make them leave without asking for any Maharana or financial support (Kills 01/2022; FGDs 12/2021). Maharana or dower is a sum of money that a husband is obliged to pay his wife upon marriage. It is often not paid in full at marriage, so women are entitled to demand the rest at divorce (IOM 19/04/2022).

When polygamous marriages do end in divorce, women do not usually receive financial support from their ex-husbands. Husbands also do not provide for their children anymore (Kills 01/2022). Women and their children not only face social stigma from the community but also become increasingly vulnerable to sexual harassment (IRC 02/2019).

According to UNHCR, as at February 2022, approximately 20,160 Rohingya had been sent to Bhasan Char (UNHCR 24/03/2022). KIlls and FGDs mentioned that some Rohingya men only take one of their wives with them to Bhasan Char, and others leave all their wives behind in the hope of marrying again when they get there (Kills 01/2022; FGDs 01/2022). Women who are abandoned are still considered married, are often unable to seek proper recourse, and struggle with social stigma.

Social stigma and harassment faced by wives

GBV caseworkers and Rohingya women said that once men enter polygamous marriages, the community treats first wives differently. These women lose their status in the community, as they are deemed unable to keep their husbands satisfied and unable to fulfil their role as a wife. The community also expects women to accept whatever their husbands want. Interviewed Rohingya women and GBV caseworkers said that sometimes, community members blame the woman for getting engaged to an already married man and absolve the man of any blame (Kills 01/2022; FGDs 01/2022). The increase in polygamous marriages will mean an increase in the number of women facing social stigma.

Because husbands do not spend all their time with their first wives after marrying another, first wives face a lot of harassment from other men in the neighbourhood, to the extent where it becomes difficult for them to collect assistance on their own (Kills 01/2022; FGDs 01/2022). Some women may cope by not going out to collect assistance anymore, but they may also find it difficult to find or pay someone to collect assistance on their behalf (Kills 01/2022).

Rohingya women usually do not get to consent to their husbands taking additional wives (Kills 01/2022; FGDs 01/2022). In many cases, husbands do not even inform their first wives that they have married again. This situation applies to both intracommunity and intercommunity polygamous marriages (FGDs 01/2022). Since they fear having their reputation ruined, women usually do not voice their objections (FGDs 01/2022). Men were said to only ask their first wives for permission when the reason for entering a polygamous marriage is the couple’s inability to bear children, with the wife always assumed to be at fault (Kills 01/2022).

Specific impacts on children

The children of polygamous marriages experience a variety of consequences that affect their wellbeing, education, and economic situation, hindering their development. Children stemming from polygamous marriages often feel isolated from their fathers. They feel embarrassed about what others think about them and the abuse and reactions they receive from their peers when their father is not around (Kills 01/2022). Fathers not supporting their children also often leads to children dropping out of schools or learning centres and engaging in economic activities to support their families (FGDs 01/2022). The children of first wives overpower the children of second wives as well. The effect of polygamy is aggravated in adolescent children in polygamous families. Neighbourhood boys harass teenage girls when their fathers are not around. Teenage boys also lose respect for women when they regularly see their father verbally and physically abusing their mother, likely influencing their perception of gender norms (Kills 01/2022).

Daughters from polygamous marriages are at risk of child marriage. Because people do not want their children to marry into polygamous families, even in a monogamous marriage, it is difficult for children from polygamous households to find spouses when they reach marriageable age. For girls, this situation means they are married off young because their youth can outweigh the stigma of coming from a polygamous marriage (Kills 01/2022; FGDs 01/2022).
Not only women in polygamous marriages struggle with harassment, as mentioned above, but their daughters, too. In host communities, such marriages have led to girls leaving school to avoid harassment. In the Rohingya community, it has led to child marriage (FGDs 01/2022).

**SPECIFIC PROTECTION IMPLICATIONS ARISING FROM POLYGAMOUS MARRIAGES BETWEEN ROHINGYA WOMEN AND BANGLADESHI MEN**

Aside from all the protection implications stated above, specific issues arise with intercommunity polygamous marriages. The protection implications of these marriages are usually around social stigma and discrimination against Rohingya women and the disruption of family structures in the host community. Overall, polygamous marriages with host men are a bigger risk for Rohingya women than polygamous marriages with Rohingya men.

**Rejection of Rohingya wives by the man’s family and community and related discrimination**

Enumerators from both communities reported that when a host community man marries a Rohingya woman, the Rohingya woman usually has to continue living in the camps with her parents. This setup results from the inability of the husband to give her proper status as a wife, despite any promises he might have made, because of resistance from his family (FGDs 01/2022). When the husband manages to bring the Rohingya wife to the host community, the Rohingya woman faces discrimination and abuse from the husband and his family members (FGDs 01/2022). The fact that men engage in polygamous marriages without their first wives’ consent aggravates this situation (CPJ 06/2019). Women in polygamous marriages rarely have legal recourse, especially because of the high penalty that will be levied on the husband if he is found to have married a Rohingya woman. Both Rohingya and Bangladeshi women have very few channels through which they can report abuse within or resulting from polygamous marriages.

**Perceived adverse influences on cultural practices**

Polygamy is legal in Bangladesh when approved by the Arbitration Council, but it is not a common practice (Hossain Bin Idrish and Khatun 06/2018). Some members of the host community believe that it is a common practice among the Rohingya (CPJ 06/2019). Others feel that the presence of the Rohingya has increased polygamy in the host community and adversely influenced their own cultural practices (Melnikas et al. 2020). This perception often leads to host community members discriminating against Rohingya women.

**Risk of sexual violence and exploitation cases involving humanitarian workers from the host community**

There are alleged cases of intimate relationships between Bangladeshi men working in the humanitarian response and Rohingya women, although the extent of the issue cannot be confirmed (CPJ 06/2019). Anecdotal evidence indicates that polygamous marriages involving Bangladeshi humanitarian responders occur. These marriages are reported to end when the person’s job contract ends in the camp. Sometimes, the man does not even inform the Rohingya wife that his job or the marriage is over (FGDs 01/2022). Rohingya women have no recourses and cannot contact or find their husbands once they disappear. They cannot complain as they cannot prove the marriage and may want to keep it confidential to avoid tainting their reputation (FGDs 01/2022).

**METHODOLOGY AND LIMITATIONS**

For this report, ACAPS collected and analysed qualitative data and carried out a secondary data review of 32 reports. These reports thematically ranged from marriage practices and cultures to gender norms and protection issues from different sources. Polygamy came up in most of these reports, and a few reports delved into the reasons behind polygamy and its impacts. This report relied on publicly available information and analyses.

Primary data collection consisted of four FGDs with enumerators from IOM’s Needs and Population Monitoring unit (eight Bangladeshi women, eight Bangladeshi men, nine Rohingya women, and nine Rohingya men). These enumerators have been involved in many data collection exercises in both the Rohingya and adjacent host communities. They both have good knowledge of the communities and their practices and are from these communities themselves. The findings were discussed with the same enumerators after analysis to ensure their voices were reflected correctly.

ACAPS conducted ten KIs with GBV caseworkers from different organisations to understand the protection implications of polygamous marriages in the camps. ACAPS also interviewed an anthropologist who specialised in polygamous marriages to ensure a correct approach was taken when delving into the sociocultural aspects of polygamy. Lastly, ACAPS fact-checked collected information with humanitarian responders.

While conclusions can be drawn from the report, further primary research is necessary to validate the findings. Given the sensitivity of the topic, ACAPS did not interview anyone who is in a polygamous marriage or a survivor of protection implications associated with polygamous marriages.

Information gaps remain for figures on marriages, divorces, and polygamous marriages. It has not been possible to elaborate on the extent of the issue and related protection implications.