



Input provided by the United Nations High Commissioner for Refugees

into the

**Office of the High Commissioner for Human Rights’
Compilation Report**

for the Universal Periodic Review of

The Peoples Republic of Bangladesh

I. Background and Current Conditions

Despite being the most densely-populated countries in the world, holding the status of a least-developed country by the UN, Bangladesh is host to around 28,000 stateless refugees -- residents of the Northern Rakhine State of Myanmar of Muslim faith commonly referred to as the Rohingya. They have been residing in two camps – Kutupalong and Nayapara -- in the south-eastern district of Cox’s Bazar since 1991. In addition, the Government estimates that around 100,000 Rohingya are residing in Bangladesh but who are not recognized as refugees.

Bangladesh is not a party to the 1951 Convention relating to Refugees or its 1967 Protocol. Further it does not have any specific national legislation relating to refugee protection. Rather, protection is extended to the Rohingya through administrative mechanisms, and in particular, through the Office of the Refugee Repatriation and Rehabilitation Commissioner functioning under the Ministry of Food and Disaster Management. While Bangladesh has acceded to a number of international human rights treaties whose provisions indirectly promote the rights of refugees, these instruments are not enforceable by courts of law unless specific provisions are incorporated into existing municipal law or given effect through a separate piece of legislation. Although not tested, provisions of the Constitution can be considered to protect a number of refugee rights, including the right against *refoulement*, as certain provisions extend to all persons on the territory of the country. Further, national legislation, including special provisions relating to the protection of women and girls, have also been used by the judiciary to protect refugees residing in the country.

Bangladesh is also host to around 250 non-Rohingya refugees of various nationalities that are recognized by UNHCR under its mandate in the absence of a national mechanism to determine refugee status.

II. Achievements and Best Practices

Over the past two years, Bangladesh can be credited for improving the situation of the refugees significantly. Nevertheless, refugee still is living in conditions that are below international standards.

Access to justice has improved significantly in the camps as a result of the Government camp-in-charges as well as the camp police working closely with the refugee community. A long-standing camp management system that resulted in the exploitation of refugees was disbanded and replaced with a more refugee-friendly management and law enforcement system in 2007. Court cases involving refugees are processed on an equal basis as other cases. Nevertheless, Rohingya residing outside the camp are still prosecuted for illegal entry even if they are survivors of violence themselves and prisons throughout the country remain overcrowded.

With respect to **civil status and documentation**, the government has authorised the issuance of photo identification cards for all refugees in the camps thus ensuring that refugees are better protected in the country. The Births and Deaths Registration Act of 2004 specifically provides for the registration of refugee children. However, nationality is still derived solely from the father under Bangladeshi law thus opening the possibility of children being born stateless, as it is the case of children born of a Bangladeshi mother and Rohingya father. Deaths, marriages, divorces and custody issues are also governed in accordance with relevant national legislation.

Refugees have access to improved **access to health care** as a consequence of the Government allowing other UN agencies as well as national and international NGOs to work in the camp. For instance, the global acute malnutrition rate in the refugee camps has dropped from 16.8% to 8.6% in two years and disabled refugees are able to access services in the camps due to a specific programme to address their concerns.

The government has also permitted the construction of **new shelters** to replace old dilapidated refugee housing. Further, on a humanitarian basis, the government authorised the relocation of around 9,000 Rohingya who were living in squalor and dangerous conditions beside a tidal river outside the camp to a safe location inland.

The government has also permitted refugees to develop a few marketable skills with a view to become **self-reliant** and earn a livelihood. Refugees are also informally allowed to work outside the camp without being penalised.

In addition to the situation of refugees, Bangladesh has actively moved to ensure that the Bihari/Urdu-speaking community in the country are able to exercise their rights as

Bangladeshi citizens in accordance with the Bangladesh Citizenship (Temporary Provisions) Order of 1972.

III. Challenges and Constraints

UNHCR operates in Bangladesh under a Memorandum of Understanding limiting its protection and assistance activities to some 28,000 refugees who are officially registered by the Government of Bangladesh. The lack of a proper Accord de Siege prevents UNHCR from actively protecting ALL refugees in Bangladesh including a government estimated 100,000 unregistered Rohingyas of concern to UNHCR residing outside the two refugee camps. The lack of a legal framework to deal with refugees further provides for an ad hoc environment of cooperation with Government institutions which in turn provide an insecure and unpredictable protection environment for refugees. The current challenge is to solve the protracted refugee situation in Bangladesh through enhancing the overall standard of service available within the camps while promoting the opening of the camps and advocate for freedom of movement and the right to work for all refugees.

IV. Recommendations

To reduce current and future risk of statelessness it is recommended that the State party amends its legislation to ensure that nationality can be conferred upon a child both by the mother and the father and that children of mixed marriages between Bangladeshi nationals and refugees be recognized as Bangladeshi nationals.

There are a large number of refugees in Bangladesh without access to asylum procedures and refugee status determination. It is recommended that Bangladesh recognizes the non-registered Rohingya population from the Northern Rakhine State in Myanmar as refugees on a prima facie basis and that Bangladesh establish asylum and refugee status determination procedures.

It is recommended that Bangladesh accede to the 1951 Convention relating to the status of refugees and its 1967 Protocol as well as takes steps towards the drafting and adoption of a national refugee legislation.

In view of the protracted refugee situation it is recommended that registered refugees be granted the right to freedom of movement, right to work for purposes of becoming self reliant and access to basic services including education.

V. Capacity Building and Technical Assistance, if applicable.

UNHCR is ready to provide technical support in the drafting of national refugee legislation and capacity building within government designated staff as well as to assist in building required institutional capacity to set up border and refugee status determination procedures.

**Protection Operation and Legal Advice Section
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UNHCR
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