**BU EDGE CSE**



**Report on The Rights Of Refugees And Asylum Seekers: Evaluation Of Legal Frameworks In Bangladesh**

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**Introduction**

This report evaluates the legal frameworks surrounding the rights of refugees and asylum seekers in Bangladesh, focusing on the protections available under national and international law. Bangladesh has been a host country to a significant number of refugees, particularly from neighboring Myanmar, including the large influx of Rohingya refugees. This report aims to assess the adequacy of Bangladesh's legal provisions, identify existing gaps, and provide recommendations for improvement.

**Overview of Refugee and Asylum Seeker Rights**

Refugees and asylum seekers are entitled to a set of protections under both international law and, in some cases, national legislation. Key rights include:

* Right to protection from non-refoulement (not being returned to a country where they may face persecution).
* Right to access basic services (healthcare, education, shelter).
* Right to legal recognition and documentation.

Number of Refugees in Bangladesh by Year (Data from UNHCR)

|  |  |  |  |
| --- | --- | --- | --- |
| **Refugee Group** | **Year of Influx** | **Estimated Number of Refugees** | **Legal Status in Bangladesh** |
| Rohingya Refugees | 2017 | 1.1 million | Ad hoc status (UNHCR-managed) |
| Chakma Refugees | 1979-1980 | 30,000 | Permanent residents under a bilateral agreement |
| Other Asylum Seekers | Ongoing | Varies | Limited recognition and legal protection |

**International Legal Standards and Frameworks**

**United Nations High Commissioner for Refugees (UNHCR)**

UNHCR plays a pivotal role in the protection and advocacy for refugees and asylum seekers worldwide. Bangladesh is a signatory to several international conventions related to refugee protection, including the 1951 Refugee Convention.

**The 1951 Refugee Convention and 1967 Protocol**

Bangladesh has not formally signed the 1951 Refugee Convention, which is central to refugee protection. However, the country has adhered to several principles in practice through bilateral agreements with organizations such as UNHCR.

**The Global Compact on Refugees**

The Global Compact, adopted in 2018, focuses on improving the global response to refugee situations. Bangladesh is committed to this framework, which emphasizes responsibility-sharing among nations and improving the support for host countries.

**Bangladesh’s Legal Framework**

**National Legislation**

Bangladesh does not have comprehensive domestic legislation specifically addressing the legal status and rights of refugees and asylum seekers. The legal framework is largely shaped by international obligations and ad hoc policies.

**Ratification of International Conventions**

While Bangladesh has signed some international conventions related to refugee protection, it has yet to ratify the 1951 Refugee Convention. This gap has implications for the legal rights and protections of refugees.

**National Asylum System**

In the absence of a formal asylum system, Bangladesh largely relies on UNHCR for refugee status determination. This has led to a fragmented and inconsistent system.

**Challenges in Protecting Refugee Rights in Bangladesh**

**Gaps in Legislation**

* **Absence of a National Refugee Law**: Without a clear, binding national refugee law, refugees face uncertainty regarding their status and rights.
* **Lack of Formal Asylum Procedures**: This results in ad hoc processing by international organizations rather than by the state.

**Barriers to Accessing Asylum**

* **Limited Access to Legal Resources**: Refugees often struggle to access legal representation or support, limiting their ability to challenge decisions or seek protection.
* **Documentation Issues**: Many refugees lack proper documentation, leading to discrimination and abuse.

**Legal and Social Challenges for Refugees**

* **Work Restrictions**: Refugees, particularly the Rohingya, face strict limitations on employment, often leading to exploitative labor conditions.
* **Education and Healthcare Access**: While some services are provided, they are limited in scope, and access to quality education and healthcare is inadequate.

**Case Study: Rohingya Refugees in Bangladesh**

**Context and Background**

The Rohingya crisis, which began in 2017, has resulted in over 1 million Rohingya refugees living in Bangladesh. They fled violent persecution in Myanmar and sought refuge in the southeastern part of Bangladesh, primarily in Cox's Bazar.

**Human Rights Violations and Legal Protection**

The Rohingya refugees face severe human rights violations, including lack of legal status, limited access to education, and inadequate healthcare. Their situation exemplifies the challenges faced by refugees in Bangladesh and highlights the gaps in legal protection.

**Comparative Analysis: Bangladesh and Other Countries**

A comparative analysis with other countries hosting large refugee populations, such as Turkey, Lebanon, and Jordan, reveals significant differences in legal frameworks. Countries with comprehensive refugee laws and asylum systems tend to offer greater protections in areas such as work rights, education, and health care.

**Recommendations for Improvement**

* **Ratification of the 1951 Refugee Convention**: Bangladesh should consider ratifying the Refugee Convention to ensure stronger legal protections for refugees.
* **Establishment of a National Asylum Law**: Developing a formal asylum system would help streamline refugee processing and provide clarity on rights and responsibilities.
* **Enhancement of Refugee Access to Services**: Expanding refugees' access to legal, healthcare, and educational services will ensure a better quality of life and integration.

**Conclusion**

While Bangladesh has made strides in providing refuge to those in need, particularly during crises such as the Rohingya refugee situation, there are clear gaps in legal frameworks and protections. With international support and a commitment to improving domestic legislation, Bangladesh could significantly enhance the legal rights of refugees and asylum seekers.

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