

BANGLADESH

As of 30 June 2020, Bangladesh was among the top 10 refugee-hosting countries globally, providing protection and assistance to over 860,000 registered Rohingya refugees from Myanmar¹. In August 2017, over 700,000 Rohingya arrived in Bangladesh within the span of a few months, joining an estimated 130,000 refugees from earlier waves of forced displacement from Myanmar that have occurred since the 1970s. The Government and people of Bangladesh have responded to the crisis with generosity, and the host communities were the first responders to the crisis, as they had been during earlier waves of displacement.

The 2017 inflow has placed great demographic and socioeconomic pressure on the host communities in Cox's Bazar, with a local population of 2.3 million that was already confronting its own development challenges, and which now hosts the vast majority of refugees in Bangladesh. As voluntary repatriation has not yet materialized due to the absence of conducive conditions in Myanmar, host community members continue to face challenges associated with the presence of large numbers of refugees.

KEY POPULATION DATA

Current Rohingya refugee population figures are based on numbers registered under the ongoing joint Government of Bangladesh and UNHCR registration exercise established in 2018.

860,459
Refugees

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:
JUNE 2018



Rohingya refugees in Bangladesh live in 34 camps in the Ukhiya and Teknaf sub-districts (Upazilas) of Cox's Bazar district, close to the border with Myanmar. The refugee population accounts for approximately one-third of the total population of Cox's Bazar and has nearly tripled the populations of the Ukhiya and Teknaf sub-districts. Interaction between host and refugee communities is limited due to the Government policy that Rohingya refugees should remain within the boundaries of the camps.

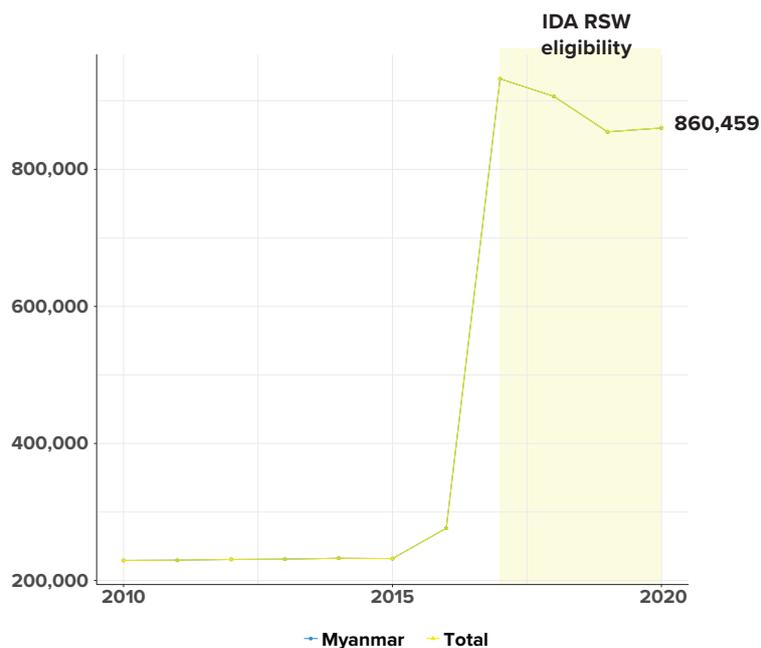


Figure 1: Number of refugees of the largest refugee population group

1. The Government of Bangladesh refers to the Rohingya as "Forcibly Displaced Myanmar Nationals (FDMN)." The United Nations system refers to this population as Rohingya refugees, in line with the applicable international framework. In this document, both terms are used, as appropriate, to refer to the same population.

OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

The Government of Bangladesh has adapted its policies to respond to the large inflow of Rohingya from Myanmar following the events of August 2017. The Government's overarching policy has allowed nearly one million Rohingya refugees to have access to safety, documentation and shelter, and has enabled provision of critical protection and humanitarian services in the refugee camps. At the same time, the Government emphasizes that voluntary repatriation is the primary solution for the Rohingya refugees; their stay in Bangladesh is temporary; and the root causes of displacement should be addressed as a matter of priority. The Government's policies focus on supporting Rohingya with humanitarian assistance, while supporting host communities with development assistance to offset the impact of hosting a large presence of refugees in congested camps.

Key policy developments and initiatives from July 2017 to June 2020 include the following:

- Following the events of August 2017 in northern Rakhine in Myanmar, and the inflow of refugees into Cox's Bazar district, the Government of Bangladesh enabled a large-scale humanitarian response, with significant international support and personnel, and granted UNHCR and other partners full access to all Rohingya refugees.
- While previously-registered Rohingya refugees maintained their refugee designation, Rohingya arriving following the events of August 2017 are classified by the Government as "Forcibly Displaced Myanmar Nationals" (FDMN) and governed by a policy framework that ensures their access to basic humanitarian assistance and services and protection from refoulement. The policy framework restricts refugees' movements to within the camps and does not allow refugees access to formal education, livelihoods or wage-earning employment. The Government emphasizes the temporary presence of the Rohingya refugees on its territory and the need to prioritize the voluntary return to Myanmar as the only solution to their plight. Government policy renders the Rohingya refugees reliant upon critical and life-saving humanitarian assistance, which poses challenges in an increasingly resource-strained environment.
- Since June 2018, the Government of Bangladesh and UNHCR have carried out a joint registration of Rohingya refugees, which has enabled many Rohingya to acquire individual identity documents – for many for the first time.
- In January 2020, the Government through its National Task Force approved the use of the Myanmar curriculum in the informal learning centres for Rohingya refugees and the introduction of skills development programmes in the camps, in preparation for eventual voluntary repatriation and sustainable reintegration in Myanmar.
- As part of Bangladesh's nationwide response to the COVID-19 pandemic in March 2020, the Government included Rohingya refugees in its national prevention and response plan (National Preparedness and Response Plan for COVID-19 for Bangladesh (2020) and National Vaccine Development plan (NVDP) for COVID-19 Vaccines in Bangladesh). Due to necessary mitigation measures to stem the spread of COVID-19, provision of protection and humanitarian assistance and services in the camps has been significantly reduced, resulting in a deterioration of living conditions and the protection environment for refugees.
- Throughout the reporting period, the Government has specified that any repatriation of Rohingya refugees must take place in a voluntary, safe and dignified manner in line with international standards. When Bangladesh and Myanmar attempted to begin the process of repatriating Rohingya refugees to Myanmar in November 2018 and August 2019, the Government of Bangladesh allowed UNHCR to ascertain voluntariness and respected the refugees' decision not to return under prevailing conditions. This again confirmed the Government's commitment to the principle of non-refoulement and to the voluntary nature of repatriation in safety and dignity, as stipulated in its November 2017 bilateral agreement with the Government of Myanmar and its 2018 Memorandum of Understanding with UNHCR.

- Other notable Government initiatives have included the deployment of increased numbers of security personnel in and around the refugee camps and the construction of perimeter fencing around the refugee camps. In parallel, in an effort to decongest the camps, the Government prepared for the relocation of up to 100,000 Rohingya refugees to the island of Bhasan Char.

Bangladesh was granted access to the World Bank's IDA-18 Refugee Sub-Window (RSW) in June 2018, enabling support for education, health, gender, social protection, WASH, energy, public works and service delivery for Rohingya refugees and host communities.

POLICY DIMENSIONS (AS AT 30 JUNE 2020)

1 Host Communities

1.1 Support for communities in refugee-hosting areas

Although there are no specific national fiscal policies addressing additional financial or fiscal transfers from the national level to areas economically affected by the presence of refugees, the Government has continued to lead and coordinate significant efforts to ensure that the affected host communities are provided with assistance.

Under the leadership of the Government of Bangladesh, international support has been extended to Bangladeshi host communities in the Ukhiya and Teknaf sub-districts to alleviate pressures on their living conditions and socioeconomic development due to the presence of large numbers of Rohingya refugees. This has included targeted support for local health facilities, employment and livelihoods opportunities, and measures to mitigate environmental degradation, water scarcity, and potential tensions between the Rohingya refugees and the host communities.

1.2 Social cohesion

N/A

1.3 Environmental management

The Constitution of Bangladesh and numerous policies articulate parameters for environmental protection and the preservation of natural resources, forests, biodiversity, and wildlife. Dedicated policy frameworks for the management and protection of the environment include the [National Environmental Policy \(1992\)](#), the [Environmental Management Plan \(1995\)](#), the [Environmental Conservation Act \(1995\)](#), the [Environmental Conservation Act Rules \(1997\)](#) and the [Bangladesh Forest Act, 1927 \(Amended in 1994\)](#). These are national policies that apply equally to Rohingya refugee hosting areas.

Bangladesh has allowed Rohingya refugees to reside on previously classified forested land governed by the Forest Act. Bangladesh's environmental policies have allowed sustainable fuel programmes that reduce deforestation and protection risks, including through the provision of liquified petroleum gas and reforestation efforts. Bangladesh has also endeavoured to protect wildlife, such as South-Asian elephants, that previously used the forest as a travel corridor.

1.4 Preparedness for refugee inflows

Traditionally, and as evidenced by the events of 2017, the Bangladesh government has been prepared to respond and provide safety, refuge and essential services to large numbers of Rohingya refugees arriving in the country, in cooperation and coordination with the United Nations and international and national NGOs.

On the basis of the 2013 National Strategy on Myanmar Refugees and Undocumented Myanmar Nationals, in October 2017 the Government established a National Task Force (NTF), chaired by the Ministry of Foreign Affairs and including 29 Ministries and entities, to provide oversight and strategic guidance to the Rohingya response. Following the 2017 influx, the Refugee Relief and Repatriation Commissioner (RRRC), under the Ministry of Disaster Management and Relief, was mandated to provide operational coordination for all refugees. The District Commissioner in Cox's Bazar has the primary responsibility for operational coordination of the response for Bangladeshi host communities including security and safety and disaster risk reduction.

2 Regulatory Environment and Governance

2.1 Normative framework

Despite not being a signatory to the [1951 Convention relating to the Status of Refugees or its 1967 Protocol](#), Bangladesh has provided international protection to refugees for decades.

Numerous articles in the Constitution of Bangladesh and other general provisions of Bangladeshi law that are not restricted to citizens can apply to refugees as individuals present on the territory of Bangladesh, although their interpretation and application vary vis-à-vis Rohingya refugees.

Bangladesh has ratified core international human rights instruments including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic and Social and Cultural Rights (ICESCR), the Convention on the Rights of the Children (CRC), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Bangladesh has not ratified the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness.

There is no specific legislative or administrative instrument on asylum procedures and refugee status determination in Bangladesh. Traditionally, the [Foreigners Act \(1946\)](#), which dates to the period before the establishment of the State of Bangladesh, has been applied to refugees and asylum-seekers in Bangladesh, although the Act makes no explicit reference to either.

The Constitution of Bangladesh and other laws and policies include non-discrimination provisions. Bangladesh has also ratified the major international instruments containing non-discrimination provisions, including, in addition to the above, the [1965 International Convention on Elimination of All Form of Racial Discrimination](#).

2.2 Security of legal status

The Government of Bangladesh has generally maintained its commitment to ensuring the protection of and provision of life-saving basic assistance to Rohingya refugees and to upholding the principle of non-refoulement. Although it does not confer legal status upon Rohingya and considers them to be forcibly displaced nationals from Myanmar rather than recognizing them as stateless refugees, in statements and in practice, the Government has firmly committed that any future returns will be “conducted in line with the international standards of voluntariness, safety and dignity.”

2.3 Institutional framework for refugee management and coordination

A National Taskforce on the Implementation of the National Strategy on Myanmar Refugees and Undocumented Myanmar Nationals was established in October 2017, chaired by the Foreign Secretary, to provide strategic and policy guidance on refugee matters at national level. The Ministry of Disaster Management and Relief (MoDMR) manages the operational response, working with other relevant authorities. In Cox's Bazar, the [Refugee Relief and Repatriation Commissioner \(RRRC\)](#), who reports to MoDMR, is responsible for management and oversight of the Rohingya refugee response, while the District Deputy Commissioner (DC), leading the civil administration in Cox's Bazar District, is responsible

for coordinating the response to the needs of host communities and overall safety and security. The operational response in the camps is coordinated through Camp-in-Charge (CiC) officials reporting to RRRC, in close cooperation with the District Task Force and DC.

2.4 Access to civil registration and documentation

The Government of Bangladesh does not have specific laws, policies or institutional arrangements for refugee registration. In the early days of the crisis in 2017, the Ministry of Home Affairs undertook biometric registration of newly arrived Rohingya refugees. This exercise registered individuals and did not collect data on family size or composition. Subsequently, in October 2017, the RRRC and UNHCR began a “family counting exercise,” which was a household-based registration. The data from both exercises was later combined.

In June 2018, the Government of Bangladesh launched a large-scale biometric registration exercise with UNHCR to improve the quality and comprehensiveness of the data. All individuals over the age of 12 are now issued with an Identity Card, and each household receives a Family Attestation that includes a photograph and basic biodata of everyone in the household, regardless of age. The biometric registry, which includes iris scans and fingerprints, has helped to secure individuals’ identities, and the data is continually updated. The text of the identity card includes a reference to the principle of non-refoulement. As most Rohingya refugees have been deprived of citizenship in Myanmar, this card is, for many, the first official identity document they have ever received.

The [Birth and Death Registration Act \(2004, amended in 2013\)](#) requires the birth registration of all children born in Bangladesh, “irrespective of race, religion, caste, clan or sex”, including a reference to refugees (Article 2.n). Having generally registered Rohingya births since 2015, the Government suspended birth registration in the Cox’s Bazar area at the time of the crisis in August 2017, affecting both Rohingya refugees and the Bangladeshi host community. Birth registration in the host community resumed in 2020, whereas births in the refugee community are now recorded through the continuous registration process mentioned above.

2.5 Justice and Security

The Constitution of Bangladesh guarantees access to justice for everyone on its territory. It also stipulates that every person present in Bangladesh enjoys the protection of the law and is entitled to be treated in accordance with the law. Article 32 specifies that no person shall be deprived of life or personal liberty, save in accordance with the law; while Article 33 contains safeguards in relation to arrest and detention for all persons on the territory. These and other general provisions of Bangladeshi all apply to refugees, although their interpretation and application vis-à-vis Rohingya refugees can vary.

Since the start of the influx in 2017, the Government of Bangladesh has deployed additional military and security forces, including the Armed Police Battalion, to maintain security and law and order in Cox’s Bazar area for both refugees and host communities.

Refugees’ access to the Bangladeshi justice system is affected by lengthy procedures and backlogs, as well as the absence of a specific legal framework governing the status of refugees. The [Muslim Family Ordinance \(1961\)](#) applies to the whole of Bangladesh and all Muslim citizens of Bangladesh (Article 2). The text has been interpreted as excluding refugees, as non-citizens, and therefore circumscribing the jurisdiction of local courts to hear civil cases concerning refugees. As a result, the courts generally do not address cases submitted by the Rohingya refugees.

Bangladesh has several national laws addressing the prevention of gender-based violence (GBV), with a focus on violence against women and girls. The [Prevention of Oppression against Women and Children Act](#) (Nari-o-Shisu Nirjatan Daman Ain – 2000, amended in 2003), penalizes recourse to dowry, kidnapping, and the rape of women and children, while the [Domestic Violence Act \(2010\)](#) penalizes the psychological, physical, sexual and economic abuse of women and children by family members. While these laws, as well

as other important domestic laws such as the [Child Marriage Restraint Act \(2017\)](#) and the [Children Act \(2013\)](#), include everyone on the territory, there are implementation gaps in practice, and Rohingya refugees face particular barriers.

3 Economic Opportunities

3.1 Freedom of movement

As the August 2017 influx intensified, the Government designated so-called ‘special zones’ and instructed local authorities to settle Rohingya refugees in the Cox’s Bazar camps. Rohingya refugees are required to stay in or within the vicinity of the camps in Cox’s Bazar and are not allowed to travel further afield without authorization by camp authorities.

3.2 Right to work and rights at work

In general, national laws relating to the “right to work” or “rights at work”, including the [Bangladesh Labour Act \(2006\)](#) and the Constitution, refer to citizens. Although there is no codified policy or law explicitly prohibiting refugees from working, it has been the position of the Government that refugees should not have formal access to the labour market or other forms of wage-earning activity.

Economic opportunities for Rohingya refugees are limited to pecuniary incentives which are provided to Rohingya refugee volunteers who provide essential service delivery and support for the humanitarian operation in the camps, including desludging latrines, disaster response, community outreach and teaching in the education centres.

3.3 Land, housing and property rights

Section 42(1) of the Constitution of Bangladesh states that every citizen has the right to acquire, hold, transfer or otherwise dispose of property. Other relevant laws on Housing, Land and Property (HLP) – including the [Transfer of Property Act \(1882\)](#), the [Acquisition and Requisition of Immovable Property Act \(2017\)](#), the [Non-agricultural Tenancy Act \(1949\)](#), the [Registration Act \(1908\)](#) and the [Contract Act \(1882\)](#) – do not distinguish on the basis of citizenship. Nor, however, do they authorize foreigners to access housing, land and property rights. There is a common understanding and practice that refugees are not able to purchase, lease or use land in Bangladesh due to their lack of a legal status in Bangladesh.

3.4 Financial and administrative services

Rohingya refugees cannot open an account with either a regulated bank or a mobile financial service, absent a legally-accepted proof of identity document. The biometric ID card provided by means of the joint UNHCR-Government of Bangladesh registration and verification exercise is not accepted for this purpose.

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