



RIGHTS WATCH

Bangladesh's contribution to standards on refugee protection

Although different international agencies have protested the relocation of the Rohingyas to Bhashan Char, it seems that the place has proved to be a healthier and safer alternative for the Rohingyas. The relocation serves the purposes of arts 3 to 33 of the Refugee Convention 1951.

SAKHAWAT SAJJAT SEJAN

Bangladesh has given refuge to around one million Rohingyas. The number is constantly increasing with the birth of new babies in the camps. Bangladesh has not given them refugee status yet as it is not a party to the Refugee Convention of 1951. But Bangladesh has done enough to keep up the spirit of the Convention. Although different international agencies have protested the relocation of the Rohingyas to *Bhashan Char*, it seems that the place has proved to be a healthier and safer alternative for the Rohingyas. The relocation serves the purposes of arts 3 to 33 of the Refugee Convention 1951. In *Bhashan Char*, the population have proper housing facilities, wage earning employment, right to movement with reasonable restrictions, proper identity card, public relief, ration, access to courts, freedom of association, and basic education, etc.

Such relocation is not new in Bangladesh. Previously Bangladesh relocated the Biharis in Geneva camp and provided them with citizenship in 2008 through a gradual process. The Biharis have been acceded as Bangladeshis and the Supreme Court of Bangladesh has approved it. The Rohingyas in *Kutupalong* and other makeshift camps enjoy absolute rights a refugee can enjoy under arts 3 to 34 of the Convention. There is always a positive aspect of Bangladesh's relocation of asylum seekers. Biharis' citizenship and Rohingyas' refugee-ship is the perfect example to suit the argument.

Bangladesh increased the impact of customary value of Refugee Convention and principle of *non-refoulement* (practice of not forcing refugees or asylum seekers to return

to a country in which they are liable to be subjected to persecution). Some provisions of the Convention might achieve the value of *opinio juris* (acceptance of practice of states as legally binding) through the practice of signatory and non-signatory countries of the Convention. That means, a country whether it signs the Convention or not, it will abide by the principle of protection through state practice. Here, Bangladesh's relocation of refugees has the possibility of becoming *opinio juris* considering the comprehensive steps taken so far.

Despite the lack of resources, Bangladesh designed a whole island with standard infrastructure, employment opportunities, and other basic necessities. The Rohingyas in *Bhashan Char* and NGO workers claim that the Rohingyas in the relocated area are living a better life comparing to the Rohingyas in Cox's Bazar camps. The world shall encourage this type of relocation as state practice. This will ultimately ensure better life (living standard) for the refugees.

After a refugee influx, there are three layers of protection: (a) the first layer of protection prohibits expulsion of the refugees to their own country; (b) the second layer of protection starts from encampment to relocation; and (c) the third layer of protection ensures minimum standard of human rights in the encamped or relocated area. Last two layers of protection are concerned about relocation and residential facilities of the refugees. In almost all the refugee crises across the world, the scenario remains almost the same and sometimes different for signatory countries only.

Even being the part of same *genus*, the first layer of protection has the status of customary

international law, but the other two do not. Relocation or local settlement as a temporary protection for the refugees is an important phenomenon. The European Union practices Temporary Protection Directive (TPD) for the mass influxes of refugees and aspires to provide protection to the incoming refugees through local settlement/relocation along with other necessary facilities for a temporary period of three years. The state practice of relocation is very much common across the countries in different forms. Emergence of relocation alternative as a state practice or customary international law in the refugee host countries will revolutionise the refugee protection standard. Countries who are unwelcoming to refugees will lose the ground of not signing and ratifying the Convention. All the state parties irrespective of signatories or non-signatories will opt for temporary protection mechanism for incoming refugees after mass influx.

Overall, Bangladesh is contributing to the jurisprudence of international refugee law in various ways. As Bangladesh is contributing and protecting through such contribution, it should advocate for its recognition regarding such expansions. Simultaneously, it is carrying out the responsibility of protecting refugees, whether it is party to the Convention or not. So signing and ratifying the Refugee Convention will be a time-tailored decision for Bangladesh. This will help Bangladesh recognise its newer contributions to international refugee law – whether it be internal relocation in the host country or ensuring minimum standard of rights under the Refugee Convention.

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FOR YOUR INFORMATION

World Human Rights Day Write-up Competition 2022

World Human Rights Day is observed globally on the 10th of December to commemorate the day on which the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR). To observe the Day this year, Law & Our Rights at The Daily Star is pleased to announce a legal write-up competition for all legal enthusiasts.

The competition is open for anyone with legal and human rights knowledge.

The write-up should be based on any of the following themes and contextualised to the experience of Bangladesh:

- Human rights in the post-Covid era;
- Human rights during an economic crisis;
- Human rights and data protection;
- Human rights and environment/climate change;
- Human rights and Social Media platform;
- Human rights and good governance/constitutionalism; and
- Human rights and democratisation.



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Guidelines:

- » The length of each write-up should not exceed 600 words.
- » Every entry must be an original one and sufficiently as well as legally analysed.
- » One individual can submit only one write-up.

Any plagiarised or already published write-up will not be considered for participation in this competition.

A panel of anonymous reviewers, who are distinguished personnel in the legal arena of Bangladesh, will review all the entries, and the best two write-ups will be published in a special supplement of Law & Our Rights, The Daily Star. Moreover, the two winners will receive certificates from us.

The write-up must be submitted to dslawdesk@yahoo.co.uk by 11:59PM, 2 December 2022.

LAW EVENT

First-ever Law Career Festival held at Faculty of Law, Dhaka University

Faculty of Law, University of Dhaka, in collaboration with Bangladesh Law Association (BLA), organised a Law Career Festival at the premises of the Faculty itself on 5 November 2022. The day-long event began with an inauguration ceremony conducted by Mohammad Golam Sarwar (Assistant Professor, Department of Law, University of Dhaka) and Shirin Sultana (Assistant Professor, Department of Law, University of Dhaka). Dhaka University Vice-Chancellor Professor Dr. Md. Akhtaruzzaman, in his inauguration speech, mentioned that in order to nourish different skills required by students in this current era of rapid globalisation, collaboration between academia and industry can play an important role and for that purpose a 'Student Promotion and Support Unit' has already been established in Dhaka University. Chief Justice of Bangladesh, Mr. Justice Hasan Foez Siddique was the chief guest of the event. In his speech, he opined that in order to make progress in the legal arena, it is crucial to gain the trust of the people through consistent dedication and honesty. Professor Dr. Asif Nazrul, Chairman, Department of Law, University, gave the welcome speech; while Professor Dr. Shima Zaman, Dean (Acting), Faculty of Law, University of Dhaka, chaired the opening session of the event.

One of the main attractions of the event were the two separate panel discussions participated by numerous esteemed guests. Dr. Naim Ahmed (Advocate, Supreme



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Court of Bangladesh), Shabnaaz Zahreen (Child Protection Specialist, UNICEF Bangladesh), Mohammad Mahfuzur Rahman Al Mamun (SP, Munshiganj District), Dihider Masum Kabir (Advocate, Supreme Court of Bangladesh), Ahsanul Karim (Senior Advocate, Supreme Court of Bangladesh), Dr. Borhan Uddin Khan (Professor, Department of Law, University of Dhaka), Justice Fahmida Quader (Honorable Justice, High Court Division, Supreme Court of Bangladesh) were panelists in the first panel discussion. The second panel discussion included Shahidul Alam Jhinuk (Inspector

General of Registration, and Senior District Judge), Dr. Khaled H. Chowdhury (Advocate, Appellate Division, Supreme Court of Bangladesh), Advocate AKM Afzal Ul-Munir (President, Bangladesh Law Association), Nobonita Chowdhury (Director, Gender, Justice and Diversity (GJD) and Preventing Violence Against Women Initiative, BRAC), Md. Moshirur Rahman (Joint Director, Bangladesh Bank), and Keshob Roy Chowdhury (Additional District Judge, Dhaka).

Assistant Professors in Law, namely Mohammad Golam Sarwar, Shirin Sultana and ABM Ashrafuzzaman moderated the

panel discussions. When asked about the goal of this career festival, Mohammad Golam Sarwar remarked that the event was mainly aimed to make the law students aware of various career prospects available to better decide and plan their future accordingly.

Different national and multinational companies including Monstar Lab Inc., Marico Bangladesh, Banglalink, Unilever Bangladesh and law firms like Mahbub & Company, Rahman & Rabbi, MNA Barristers & Advocates, Vertex Chambers, A.S & Associates, Farooq & Associates, Syed Ishtiaq Ahmed & Associates,

Ahammad, Jonaed & Partners (AJP), I. H. Khan & Associates, KRLF Advocates and Barristers, and Sattar & Co. were present at the event and offered students jobs and internship opportunities.

Stalls were also set up by UNDP, ILO and UNODC and different NGOs, such as BLAST, Ain O Salish Kendra, and Poriborton Kori. There was a stall dedicated to providing guidelines regarding pursuing higher studies abroad by Dhaka University-cum-Cambridge University alumni, namely Emraan Azad (Assistant Professor in Law, Bangladesh University of Professionals), and Moniruz Zaman (Lecturer in Law, Bangladesh University of Professionals). London College of Legal Studies (LCLS) South also set up a stall to interact with the students regarding their course plans and benefits. Furthermore, representatives from Bangladesh Bar Council, Bangladesh Securities & Exchange Commission, the US Institute of Diplomacy and Human Rights, were also present in the festival to provide relevant information.

Law students both current and former ones found the event very useful in order to look for internship and/or job opportunities in the country. The Law Career Festival was the first career festival organised by the Faculty of Law, University of Dhaka. Visitors earnestly expressed their request to arrange such events regularly in future.

Event covered by Rafiq Azad Saumik, Law Desk Intern, The Daily Star.