

WHY AND HOW WE WROTE A MODEL LAW FOR REFUGEES IN BANGLADESH



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Authors and lead researchers

M Sanjeeb Hossain
Nafisa Tabassum
Al Muktadir Elahi Esmam
Samira Manzur

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Deddeaw Laosinchai

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Contact

For this research:

M Sanjeeb Hossain (sanjeeb.hossain@bracu.ac.bd; sanjeeb.hossain@gmail.com)

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AUTHOR BIOGRAPHIES

Dr M Sanjeeb Hossain is the Director (Research) at the Centre for Peace and Justice, BRAC University (CPJ), and a Member of the Advisory Board of the BEYOND Project funded by the European Research Council. He is the Principal Investigator of the project “Towards mitigating the precarious status of the Rohingya people in Bangladesh”, which produced this report and the model law for refugees in Bangladesh. Over the past decade, Sanjeeb’s research and writing revolved around themes within international refugee law, international criminal law, constitutional law, legal history, and politics, with a special focus on Bangladesh. In the recent past, Sanjeeb’s writings on the Rohingya refugee situation have been published by the Journal of Refugee Studies (Oxford University Press), Springer Nature, Forced Migration Review, and the European University Institute. Sanjeeb studied law, criminology, and criminal justice at BRAC (LLB, 2010), Oxford (MSc, 2011), and Warwick University (PhD, 2018).

Nafisa Tabassum has been deeply engaged in conducting research to further understand the plight of Rohingya refugees and the protracted refugee situation in Bangladesh. At present, Nafisa works as a Junior Research Associate at the CPJ. Before joining, Nafisa contributed to multiple research projects covering various human rights issues in Bangladesh. Nafisa completed her undergraduate degree in law with a major in legal philosophy, rights, and dispute resolution.

Al Muktadir Elahi Esmam is an early-career researcher who has spent over two years conducting in-depth research to better understand the challenges faced by Rohingya refugees and the ongoing refugee situation in Bangladesh, with a specific focus on the justice mechanisms within the refugee camps. He currently works as a Junior Research Associate at CPJ. His academic background is in Criminology, and he previously worked as a Research Assistant at the Department of Criminology, University of Dhaka. In addition to his work on Rohingya refugees, he has conducted research on topics related to youth justice systems, gang violence, and sexual violence.

Samira Manzur is a Research Fellow at CPJ. Since 2016, she has been researching labour, migration, and gender across Asia and the Middle East. Previously, she has worked with BRAC, the International Labour Organization, and the United Nations Economic and Social Commission for Asia and the Pacific. Samira holds an MA in Law and Diplomacy from The Fletcher School at Tufts University, focusing on development economics and humanitarian action. She also has a BA in economics and international relations from Tufts University.

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LIST OF ACRONYMS

BLAST	Bangladesh Legal Aid and Services Trust
CiC	Camp-in-Charge
CPJ	Centre for Peace and Justice
FGD	Focus group discussion
INGO	International Non-Governmental Organisation
MOU	Memorandum of Understanding
NGO	Non-Governmental Organisation
RMMRU	Refugee and Migratory Movements Research Unit
RSU	Refugee Studies Unit
UNHCR	Office of the United Nations High Commissioner for Refugees

INTRODUCTION

“Actually, [the] hindrances are all psychological. There is no real hindrance. Lawmakers must understand that by enacting a refugee rights law, Bangladesh will not be required to take unto herself any obligation [that] she is not performing now.”

—Professor M Shah Alam, Former Dean, Faculty of Law,
Chittagong University and former Member, Law Commission, Bangladesh¹

It’s around 11 pm. We (Esmam, Nafisa and Sanjeeb) are seated at *Sweetopia*, a café in Cox’s Bazar, not far from our hotel. We’ve been on the road for quite some time and are set to fly back to Dhaka the following morning. Although there is something very comforting about returning to the ‘familiarity’ of home, we’re pensive. We’ve been studying the plight of Rohingya refugees in Bangladesh for quite some time now, trying to understand how their precarious status and the *ad hoc* way in which they are governed can be mitigated. The draft of our model law for refugees, the outcome of a year-long research project, is nearly complete.

The wise say that lands are silent witnesses. The land called Cox’s Bazar has nourished the forcibly displaced in countless numbers for centuries and long been acknowledged as the region’s “chief refugee centre”² Nearly 250 years ago, King Bodawpaya of Burma in 1784 invaded and conquered the Kingdom of Arakan. Within a decade, the Arakanese began to revolt. After a failed “national uprising”³ against the Burmese in 1797-98, they crossed the River Naf in thousands, beginning their “precarious existence in the woods and forests”, which formed the boundaries of the territories of the British Raj in the Chittagong frontier.⁴ The man entrusted with the responsibility to provide “immediate assistance to these unfortunate beings” and give them “a permanent settlement on the wastelands of that extensive district” was Hiram Cox, a Captain in the Bengal Army in whose honour Cox’s Bazar was subsequently named.⁵

While much has changed since the days of Cox, some things haven’t. The military conquests of the mighty continue to displace the powerless. In 2025, 33 refugee camps spread across the Ukhiya and Teknaf upazilas of the district of Cox’s Bazar, Bangladesh, are home to nearly a million Rohingya refugees from Arakan, now known as the Rakhine State of Myanmar. The majority of them arrived in August 2017, escaping violence and persecution, which marked the

most significant forced displacement of the Rohingya to date.⁶ Since August 2024, intensifying conflict in Rakhine has caused another 80,000 Rohingya refugees to flee their homeland and seek protection, once again, in Bangladesh.⁷

The privileges we were born into by sheer chance, which allowed us to sip away at lattes with hints of hazelnut and vanilla syrup twenty-five miles away from Kutupalong – the largest refugee camp in the world, felt gut-wrenching. We began reflecting on discussions we’d had the last two days with 55 Rohingya people we met at our Refugee Studies Unit (RSU) in Ukhiya. Our task was to incorporate their feedback on our model law for refugees into the working document. As we continued to ‘talk it out’, we conceded that the provisions creating ‘Refugee Camp Governance Committees’ in our model law were rather ambitious, unrealistic, and perhaps too disruptive of the existing order to be palatable to key actors of camp governance and Bangladeshi lawmakers.

After long deliberation, we felt that it would be best to create an ‘advisory forum’, comprised of members of the host and refugee communities, in place of a full-fledged governance committee empowered to ‘govern’. This forum would regularly draw the attention of and advise Camps-in-Charge (CiCs) on pressing matters in refugee camp life. As we rode a tom-tom back to our hotel, we decided to run our thoughts by our other team members, Samira and Morshed, to see if we made any sense. Our young driver, whose lips were ripened by *paan* (betel quid), craftily drove us through the Cox’s Bazar’s late-night traffic back to our hotel. When we got on, he asked, with a shy smile, for a fare less than we usually paid for such journeys. Over the past year, our research led us to many thought-provoking conversations with Rohingya refugees, many of whom were engaged in the informal labour market. Was our tom-tom driver a Rohingya refugee? If he is, will our model law, if adopted, mitigate the precarious existence and the ad-hocism governing him and a million other refugees in Bangladesh?

This report, comprising three parts, explains why and how we wrote a model law for refugees in Bangladesh.

Since the overwhelming majority of the refugee population in Bangladesh is made up of the Rohingya people, their plight is prominently featured in this report. The first two parts focus on ‘why’, while the final concluding part of this report emphasises ‘how’.

- **Part I** is a tribute to the first model law for refugees in Bangladesh, an initiative from the 1990s by Refugee and Migratory Movements Research Unit (RMMRU) which inspired us to write a new model law equipped to respond to changed realities and ongoing and future refugee situations.⁸
- **Part II** assesses Bangladesh’s humanitarian response towards Rohingya refugees. It finds that refugee rights on the ground are shrouded in ambiguity and have a

very limited “right to have rights”.⁹ This enables the Bangladesh government to respond to the plight of Rohingya refugees in an ad hoc manner, which leaves them in a state of precarity, as is demonstrated in their precarious access to education, livelihoods and justice.

- Traditionally, a section on research methods is placed at the beginning of a document. For this report, an elaboration of research methods comes at the end (**Part III**). This is because the methods shaped ‘how’ we wrote our model law.

This report is simultaneously a companion of and an invitation to read and critique our model law, the second of its kind, for refugees in Bangladesh.

1. A TRIBUTE TO THE FIRST MODEL LAW FOR REFUGEES

The campaign for a law for refugees in Bangladesh dates to the mid-1990s and early noughties when the first model law was written under the leadership of RMMRU. This initiative is documented in *Towards National Refugee Laws in South Asia*, edited by Chowdhury Rafiqul Abrar and Shahdeen Malik – a holy grail-like text for “refugee law campaigners” in Bangladesh.¹⁰ What began as informal consultations between South Asia’s civil society members culminated in the Fourth Consultative Meeting of Eminent Persons Group of South Asia in November 1997, a process supported by the Office of the United Nations High Commissioner for Refugees (UNHCR).¹¹ At this event, a National Model Law for Refugees was adopted after multiple deliberations by “judges, senior jurists, academics and members of civil society organisations of various South Asian countries.”¹²

To facilitate further debate on the need for a model law for refugees in Bangladesh, RMMRU organised a national consultation in Dhaka in August 1999, “mobilising some of the best minds and competent persons”¹³ which included “parliamentarians, eminent jurists, academics, politicians and foreign ministry officials” and the then-Representative of UNHCR in Bangladesh.¹⁴ *Towards National Refugee Laws in South Asia* offers a valuable snapshot of views which came out of the national consultation, which took place at a time when around 22,000 Rohingya refugees were still residing in Bangladesh following their mass displacement from Myanmar in the early 1990s.¹⁵

Some attendees at the national consultation did not speak in favour of a refugee law. Their concerns were primarily grounded on the belief that having a refugee law may create conditions for new refugee arrivals. Instead of promoting

responsibility-sharing, it would serve as a tool encouraging the physical restriction of refugees to countries from the Global South. At the same time, the Global North would do nothing more than offer financial aid to ease their suffering.¹⁶ Most attendees of the national consultation favoured a legal framework, agreeing that adopting a model law for refugees should be seriously considered. They believed that no one ever voluntarily embraced refugeeedom and a refugee in need of protection would always seek refuge, irrespective of whether the host state had a refugee law. It was also argued that Bangladesh was “morally obligated” to frame a law for refugees because its people were victims of genocide and other international crimes committed by the Pakistan Army and its local auxiliaries, which resulted in one out of seven Bangladeshis ending up as refugees during Bangladesh’s Liberation War in 1971.¹⁷

CR Abrar and Shahdeen Malik, key proponents of the first model law, made a clear distinction between “economic migrants and those who are fleeing persecution”¹⁸ and clarified that the proposed law only protected the latter and did not recognise as refugees those entering Bangladesh due to “economic hardship or strivings for a better life in the lands of ‘milk and honey.’”¹⁹ Abrar and Malik urged dealing with future refugee displacements in a “systematic manner” premised on administrative efficiency instead of through arbitrariness, “confusion *ad hocism* and bureaucratic red-tapism” or “sympathetic intervention of international agencies.”²⁰ It being unlikely that South Asian states would accede to the 1951 Refugee Convention and develop of a regional framework, Abrar believed that a national law for refugees was the next best alternative

under Article 31 of the Bangladesh Constitution, which assured everyone the right to protection under the law.²¹

Ultimately, the first model law was written to create a procedure for granting asylum seekers refugee status, guaranteeing them fair treatment, and establishing requisite machinery.²² As a result, it included some fundamental tenets of international humanitarian law and offered broad guidelines and a framework for the administration and protection of refugees in Bangladesh. Regarding substantive rights, the first model law gave the right to freedom of movement in limited form and denied the right to work entirely. UNHCR's Representative in Dhaka, Wilbert Van Hövell, and Professor Shah Alam both felt

that the model law only “minimally” ensured the rights of refugees residing in Bangladesh.²³ In his closing remarks, the Chairperson of the national consultation, Justice KM Sobhan, described the model law as a skeleton with some missing limbs but acknowledged that it provided the opportunity to give serious thought to a matter that had not been thought over before.²⁴ To CR Abrar, the model law was a “good beginning.”²⁵ In his own words:

“[...] Although there always remains scope for improvement of the law suiting particular needs of the country concerned, the Model Law certainly provides a good basis for initiating discussion and debates on this important issue.”²⁶

2. BANGLADESH'S HUMANITARIAN RESPONSE TOWARDS REFUGEES: FROM AD HOCISM TO PRECARITY

In a global context where refugee responses tend to be “marked by responsibility-shifting, rather than responsibility-sharing,”²⁷ recognising the efforts of Global South host countries in ensuring the survival of refugees is not just good practice but morally essential. Bangladesh, scheduled to graduate from the category of ‘least developed countries’ in November 2026 is a major refugee-hosting state from the Global South.²⁸ With the help of key partners, including multiple UN agencies and Global North governments, Bangladesh has ensured the survival of over a million Rohingya refugees since 2017. Eight thousand acres of land²⁹ were allocated to accommodate over a million refugees in 33 camps within one of the country's “most disaster-prone [and] poorest”³⁰ regions, demonstrating that it bears “the lion's share of the costs of hosting the refugees.”³¹ While the people and the government of Bangladesh deserve respect, appreciation and sustained support for their humanitarianism towards the Rohingya, the response must also assess the status of the refugees and alleviate their plight. It must be acknowledged that refugees in Bangladesh have a limited ‘right to have rights’, which creates space for *ad hoc* approaches to the response, leaving refugees in a state of precarity. This *ad hoc* approach to refugee governance was precisely what the CR Abrar and Shahdeen Malik tried to mitigate through the first model law for refugees in Bangladesh.

These realities are unsurprising as Bangladesh is not a State Party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, nor does it have a dedicated national law that governs and protects refugees. In fact, the majority of the Rohingya people are denied refugee status³² which, if granted, would empower them through a “coherent system of rights and protections

under the Refugee Convention” and protect them from “the whim of ministerial changes in policy.”³³ Instead, Rohingya are classified by the government as ‘Forcibly Displaced Myanmar Nationals’³⁴ creating “dilemmas over what rights they are entitled to.”³⁵ It is worth noting that the absence of refugee status does not mean that Rohingya people are completely unprotected in Bangladesh, as the response “provides more protections than it admits,”³⁶ and although “unevenly applied,” “refugee norms have been widely accepted.”³⁷ This reinforces the findings of Maja Janmyr who in recent scholarship unearthed that non-signatory States “participate in the evolution and interpretation of international refugee law.”³⁸

In the absence of a national law to protect and govern refugees, a framework made up of a range of institutions and instruments has developed, safeguarding them to a limited extent and demonstrating the country's “willing[ness] to abide by the principles of [refugee law]” such as the principle of non-refoulement.³⁹ From an administrative point of view, the lead institution charged with refugee protection and governance is Bangladesh's Office of the Refugee Relief and Repatriation Commissioner.⁴⁰ Established in 1992 following a mass displacement of Rohingya people from Myanmar, that Commissioner functions under the Ministry of Disaster Management and Relief and is responsible for the “overall management of the humanitarian response [...] in coordination with other government organizations and UN agencies” such as UNHCR and the International Organisation for Migration and others, which includes the “planning, coordinating and monitoring the humanitarian response programmes run by a wide range of humanitarian actors including international and national NGOs [non-governmental organisations].”⁴¹

Rights for foreign nationals enshrined in Bangladesh's Constitution

- The right to protection of the law (Art 31)
- The right to life and personal liberty (Art 32)
- Safeguards to arrest and detention (Art 33)
- Prohibition of forced labour (Art 34)
- Protection in respect of trial and punishment (Art 35)
- The freedom of thought and conscience [Art 39(1)]
- The freedom of all religious communities or denominations to establish, maintain and manage their religious institutions [Art 41(1)(b)]
- The right to move the High Court Division of the Supreme Court of Bangladesh to enforce fundamental rights (Art 44)

Outside of this framework, a wide range of instruments are used to implement the Rohingya refugee response. From the perspective of rights and entitlements, the key instrument is Bangladesh's Constitution, which comprises several judicially enforceable fundamental rights that are guaranteed to all persons residing in the country, including refugees or forcibly displaced foreign nationals.⁴² Alongside these rights, several principles of state policy enshrined in Part II of Bangladesh's Constitution, which fundamentally shape "the governance of Bangladesh" and serve as "a guide to the interpretation of the Constitution and [...] other laws of Bangladesh", may apply to Rohingya refugees.⁴³

Other important pillars of this framework are several special agreements or Memorandums of Understanding (MoUs) and a bilateral agreement. The MoUs between the UNHCR and the government of Bangladesh cover the protection of data and information related to refugees, the voluntary return of refugees, and policies related to humanitarian response on Bhasanchar.⁴⁴ A tripartite MoU between UNHCR, UNDP and the government of Myanmar and a bilateral agreement between the governments of Bangladesh and Myanmar deals with Rohingya repatriation.⁴⁵ Further instruments include

- A range of directives in the form of "written memoranda, notifications and circulars" or "simply verbal instructions" issued by the Bangladesh government⁴⁶
- A 2017 judgement handed down by Bangladesh's Supreme Court upholding the principle of non-refoulement as a non-derogable norm of customary international law⁴⁷

- The 2013 National Strategy on Myanmar Refugees and Undocumented Myanmar Nationals in Bangladesh, which acknowledged "the community's need for humanitarian assistance"⁴⁸ and enabled the establishment of a National Task Force chaired by the Bangladesh government's Ministry of Foreign Affairs "to provide oversight and strategic guidance to the Rohingya response."⁴⁹

The biometric 'smart card' jointly issued by the Bangladesh government and UNHCR to over a million Rohingya people as part of the process of consolidating a "unified database for the purposes of protection, identity management, documentation, provision of assistance, population statistics and ultimately solutions,"⁵⁰ and the availability of legal assistance in camps through UNHCR's implementing partners Bangladesh Legal Aid and Services Trust (BLAST) and BRAC are also key components of this framework.⁵¹

Intriguingly, the same framework that preserves "the lives of almost a million Rohingya refugees amidst very limited resources"⁵² also sustains their precarity. In the absence of a national law dedicated to refugee protection and governance, the enforcement of constitutional protections refugees are entitled to in Bangladesh are "broadly contingent upon the legislatures and judiciary".⁵³ Generally, Rohingya refugees do not have unimpeded access to Bangladesh's Supreme Court to enforce their constitutionally guaranteed fundamental rights due to limited economic means and the restricted right to freedom of movement.⁵⁴

Furthermore, the confidential nature of the MoUs and the lack of clarity surrounding their enforceability,⁵⁵ the government's firm attachment to repatriation of Rohingya refugees to Myanmar and their resettlement to third countries as the only viable permanent solutions to their plight,⁵⁶ the usage of the archaic Foreigners Act 1946 to detain and punish Rohingya people found beyond camp boundaries,⁵⁷ the reactionary nature of decision-making in refugee governance and the uneven implementation of governmental directives,⁵⁸ and the dispensing of justice in camps on an ad hoc, informal and discretionary manner,⁵⁹ are all a part of the Bangladesh government's "strategic maintenance of the temporariness of Rohingya refugees."⁶⁰ As a result, refugee rights on the ground are shrouded in ambiguity.⁶¹ By ensuring a very limited "right to have rights,"⁶² the Bangladesh government is able to maintain an "ad hoc approach to governance"⁶³ which detrimentally impacts "the everyday lives of refugees"⁶⁴ and leaves them in a state of constant precarity.⁶⁵ A closer look at Rohingya refugees' access to education, livelihoods and justice, provides further detail.

Snapshots of precarity: access to education

Over half of the entire Rohingya refugee population in Bangladesh are children, with limited access to education because they are not a part of the country's national education plan of "achieving universal access to basic education."⁶⁶ Before the mass displacement of 2017, some Rohingya youth living in Bangladesh attended host community schools as the legal and regulatory atmosphere was relatively flexible. Authorities did not actively prevent them from attending local schools. Additionally, many Rohingya children attended madrasas for religious and modern education, often with the assistance of local teachers from the host community.

Since 2017, the Bangladesh government has allowed Rohingya children to receive "informal education"⁶⁷ in camps, which includes three main educational streams based on the Myanmar Curriculum run by certain international NGOs (INGOs) and NGOs in Temporary Learning Centres, community-based private education, and religious schools (*madrassa* or *maktab*).⁶⁸ All these educational activities are subject to restrictions, including the use of Bangla or the Bangladeshi curriculum in the camps, as declared by the National Task Force in 2017.⁶⁹ Formal and accredited education remains out of reach for the overwhelming majority of Rohingya refugees.

During fieldwork in Ukhiya and Bhasanchar, many of the Rohingya refugees who participated in the Focus Group Discussions (FGDs) felt that the educational facilities in the camps existed only in name and that many of them were merely for "show."⁷⁰ They also expressed dissatisfaction with the quality of education run by NGOs, with one respondent pointing to low salaries for teachers, resulting in a lack of qualified staff in schools run by INGOs and NGOs.⁷¹ Several factors may contribute to this. According to a Rohingya *majhi*,⁷² some of those who were recruited as teachers were *bhua* (fake) as they had not received any form of training in Bangladesh or Myanmar.⁷³ The teacher selection process by the CiC was alleged to be corrupt, and enforces a two-teacher limit per school, one from the host community (teaching in English) and another from the Rohingya community, resulting in unmanageable workloads.⁷⁴

There are even less qualified teachers on Bhasanchar, leading to high dropout rates, especially among Rohingya girls.⁷⁵ Respondents generally favoured community-based private schools run by members of the Rohingya community, which also follow the Myanmar curriculum and run from grades 1 to 12.⁷⁶ A Rohingya *majhi* remarked: "Those community schools are good as they ensure quality education. The children get to learn something there."⁷⁷ In most camps, these schools are restricted to night-time teaching by the CiCs. As a result, many Rohingya children attend day-time NGO and INGO schools as a formality, receiving better education at community-based private schools in the evening.⁷⁸ Due to their low profile, even if someone wanted to provide financial support, there are no legal pathways to access and benefit from those funds.⁷⁹

Snapshots of precarity: access to livelihoods

Rohingya refugees do not have formal access to employment and income-generating activities in Bangladesh. Some livelihood opportunities exist inside the camps through cash-for-work and volunteer activities through which refugees support the humanitarian response. These opportunities are limited and heavily dependent on fluctuating funds. Many Rohingya refugees also work outside the camps in the informal labour market. The Bangladesh government's decision to allow the Rohingya people to earn some loose cash through these opportunities has extended a degree of dignity to their lives and somewhat reduced their structural vulnerabilities.⁸⁰

Access to these limited opportunities is not straightforward. Recruitment processes are corrupt, according to Rohingya respondents who have paid hefty bribes to *majhis* or staff from the CiC's office to secure jobs.⁸¹ The poorest community members thus remain jobless, reinforcing cycles of exclusion

“What is the point of learning the work if there are no jobs?”

—(A Rohingya activist)

and vulnerability.⁸² These experiences, of course, vary across the camps and depend on transparency and goodwill from the individual CiCs and *majhis*. Refugees involved in cash-for-work schemes also shared the limited opportunities inside the camps. As one man noted: “One day you can find work inside the camps, and another day you cannot.”⁸³

Although not officially permitted to work, many refugees engage in informal labour outside the camps or in businesses that are either refugee-run or in partnership with host community members. Refugees accessing the informal labour economy in the host community stay outside the camps for 5-10 days straight. It was a shared understanding between the refugees, *majhis* and police that the refugee men would return to their shelters in camps only after their work was complete and they had earned enough money.⁸⁴

Some refugee respondents reflected on the interlinkages between access to livelihoods and education. When a 20-year-old Rohingya man working as a day labourer inside the camps was asked if he ever had the desire to get an education, he shared: “I did want to, but I must eat. If I study, I can't get by. And if I focus on getting by, I can't study.”⁸⁵ Another Rohingya youth reflected that youth see lesser educated and underqualified candidates access more paid work, thereby undermining education as a worthy pursuit.⁸⁶

While Rohingya refugees living on Bhasanchar are permitted to work, the lack of market integration with the mainland has limited the ability to develop livelihoods there.⁸⁷ This problem left many Rohingya disappointed after agreeing to shift to the island only to find a lack of opportunities: “I have a large family, so I left my house and moved here happily without coercion because I thought I would find peace here, [and that] we would be able to eat. However, some people got work, and some did not. Some people get to earn. Others don't.”⁸⁸

Snapshots of precarity: access to justice

The prolonged presence of over a million Rohingya refugees in Bangladesh has led to the evolution of both formal and informal justice mechanisms to dispense justice.⁸⁹ These mechanisms result from multiple interventions by humanitarian organisations connected to Bangladesh's formal justice system and practices of the Rohingya people based on their traditional and religious beliefs. The formal justice system in the Rohingya refugee camps involves a network of key actors, including the CiCs, the police, the Armed Police Battalion, and NGOs serving as partners of UNHCR, such as BRAC and BLAST. BRAC and BLAST provide limited legal aid to Rohingya refugees, which includes “legal awareness, legal counselling, mediation, assistance to lodge complaints at police stations and courts, and representation in court”.⁹⁰ In the event of serious crimes, “UNHCR and legal partners engage with police, camp administration officials, and justice sector actors to advocate for appropriate and timely interventions by law enforcement agencies” and, in turn, “reinforce refugees’ access to the national justice system.”⁹¹

Organisations like BRAC and BLAST are often the first points of contact points for refugees seeking legal assistance, but their effectiveness was met with mixed reactions from Rohingya respondents. Many shared frustrations around slow and often ineffective processes, further delayed by a backlog of cases.⁹² Some still found value in the services, with one Rohingya youth remarking, “We don’t get justice from the police. We get justice from BLAST.”⁹³ In our discussions, many Rohingya refugees alleged that the police demanded bribes to dispense justice, demanding “10,000 BDT from the perpetrator and 5,000 BDT from the victim.”⁹⁴ When the accused is a Rohingya refugee, the system is even more corrupt. One respondent claimed to have paid 120,000 BDT to the police and a *majhi* to secure the release of his father, who was falsely accused of being involved with a criminal group.⁹⁵

Informal justice within the camps primarily relies on the authority of community leaders, such as *majhis*. In some cases, militant Rohingya groups are also involved. Generally, the first point of contact for a refugee is a *majhi* known for supporting alternative justice pathways outside the formal justice system.⁹⁶ Under this mechanism, which bears some similarities with that led by the Police, a *majhi* would summon both parties and witnesses to discuss the issue and may request payment to resolve the dispute, usually sharing a portion with the victim.⁹⁷ Rohingya armed groups add another layer to the justice system by holding “night courts” to resolve disputes, especially when one of their members is allegedly involved in a criminal offence.⁹⁸ Refugees may be coerced to participate and forced to pay significant amounts. Using other justice pathways may also risk an angry response: “Why did you go to someone else? Why didn’t you come to us?”⁹⁹

The purpose of the first two parts of this report was to explain why we wrote a model law for refugees in Bangladesh. We began by paying tribute to the first model law for refugees adopted in 1997. While the reasons it was never enacted by Bangladesh’s parliament remain unknown, the first model law greatly inspired our initiative. Since 2017, as the Rohingya refugee situation has taken a pro-

tracted form, Bangladesh has become one of the world’s most prominent refugee-hosting nations. We then went on to demonstrate that while Bangladesh’s humanitarian framework has ensured the survival of more than a million Rohingya refugees, pinpointing what the rights of refugees are within this framework is a contentious exercise.

It is safe to say that Rohingya refugees – and more broadly, refugees in Bangladesh – have a limited ‘right to have rights’, a situation which catalyses an *ad hoc* approach to refugee governance, leaving refugees in a state of perpetual precarity. The quality of limited educational opportunities given to them remains poor. The livelihood opportunities are minimal and heavily dependent on fluctuating humanitarian aid. The dispensation of justice occurs through multiple mechanisms, and outcomes of disputes sway towards the highest bidder. Therefore, the need for a law to govern and manage refugees has not diminished over the past two and a half decades.

That need has only increased. However, it is worth keeping in mind that the refugee situations of the mid-1990s and now in Bangladesh – in terms of scale, context and accumulated knowledge – are substantially different. The first model law, which did not go beyond laying down the procedure for granting refugee status to asylum seekers and offering refugees minimal substantive rights, will not suffice. Instead, Bangladesh needs a legal framework that creates an inclusive governance framework for protecting and hosting refugees, which is equipped to respond to changed realities and ongoing and future refugee situations. This is *why* we wrote a brand-new model law for refugees.

3. HOW WE WROTE THE 2025 MODEL LAW FOR REFUGEES

The idea to support refugee protection and governance through a new model law was conceived in the autumn of 2023 by one of the authors of this report (Sanjeeb) during a discussion with Manzoor Hasan OBE and Shahariar Sadat of the Centre for Peace and Justice (CPJ), BRAC University.¹⁰⁰ With funding support from the Konrad Adenauer Stiftung and The Asia Foundation, our work began in the winter of 2023 through desk research, supplemented by FGDs with Rohingya refugees and key informant interviews with individuals engaged in the refugee response, and ultimately validated through sessions with key stakeholders.

Scholarly articles and grey literature helped build the case for legislation and provide evidence for the inadequate framework currently governing the Rohingya response in Bangladesh. The desk review included legislation, policies, and case studies from other countries, primarily low-income refugee-hosting countries, focusing on countries that have not ratified the 1951 Refugee Convention. This process highlighted the need to understand essential considerations in legislation by drawing on both academia and policy.¹⁰¹ Three key areas were identified for interdisciplinary empirical inquiry:

- Understanding policy-formulating institutions and actors in Bangladesh and throughout South Asia and in other regions¹⁰²
- The practical implications of refugee laws. and
- Influencing public opinion to support progressive law and policy changes.¹⁰³

We came across compelling literature that argued in favour of states prioritising enacting national legislation as the first step necessary, followed by advancing toward

a regional approach instead of focusing on ratifying conventions.¹⁰⁴ This desk review was instrumental in envisioning the contents and structure of the model law we would write. It also guided the design and development of our questionnaire and our data collection efforts during the second phase of our research.

Rohingya refugee respondents



60
people

across nine focus group discussions in Ukhiya



15
people

people through informal interviews in Bhasanchar

Respondent profiles included *majhis*, religious leaders and activists, women and youth, volunteers and informal labourers, Hindus, and people who arrived in Bangladesh before the mass displacement of 2017.

Ethics approvals from the Institutional Review Board of BRAC University allowed the research team to conduct 38 interviews with individuals deeply engaged in the Rohingya refugee response, including government officials, representatives from international and national organisations, journalists, academics and lawyers. The key informants were chosen using purposive sampling, with initial contact established through professional and personal connections. We visited Ukhiya in Cox’s Bazar and the island of Bhasanchar, where most of Bangladesh’s Rohingya refugee population is concentrated.¹⁰⁵

Rohingya participants were selected to represent various subgroups of the refugee population, able to speak to their varied experiences and challenge assumptions around a monolith. Nine separate questionnaires were developed with support from the RSU, CPJ's flagship initiative in Cox's Bazar working to "understand the local context, promote peace and social cohesion and build trust and credibility within refugee and host communities."¹⁰⁶ Four Rohingya research volunteers supported translation and validation of the questionnaires. Using purposive sampling, the Rohingya research volunteers recruited the FGD participants through their extended networks in the nearby camps.

Research involving one of the world's most persecuted populations must be designed and conducted with thorough ethical considerations and responsibilities at all stages of the research process. Before each interview and focus group, participants were given an 'Information Letter' explaining the research focus and purpose, and an 'Informed Consent Form'. The documents were discussed in detail with participants at the start of each discussion to ensure they gave "ejajot" (informed consent).¹⁰⁷ With additional translation support from the four Rohingya research volun-

teers, FGDs lasting between 1.5 to 2.5 hours were conducted in Rohingya, Bangla, English or a mix of these languages, depending on the preference of each group's participants. This translation support helped to capture Rohingya words like "elomdar" (educated). Except for the FGD with Rohingya Hindu refugees, all others were separated by gender to maximise the safety and comfort of participants.

All focus group participants were given a travel allowance to offset expenses incurred while travelling to and from the RSU premises. All the research data collected were securely stored in the CPJ repository following the relevant procedures of BRAC University. All data obtained from the interviews and FGDs were kept on a password-protected computer. Having completed the research phase, Dr Morshed Mannan, a law scholar with previous experience in legal drafting, joined the team.¹⁰⁸ With a working draft of the model law, four validation exercises were organised with programme partners in Singapore and Kenya, and with the Rohingya respondents at CPJ's RSU in Ukhiya, and key stakeholders in the humanitarian response at the Rohingya Refugee Protection Consortium in Dhaka.¹⁰⁹

CONCLUSION

The Preface of *Towards National Refugee Laws in South Asia* concludes with the following words:

RMMRU believes that this volume will, on the one hand, provide a basis for further debate on this important issue and, on the other hand, be a handy tool for [...] refugee law campaigners.¹¹⁰

The first model law for refugees from 1997, a milestone in the campaign for enhancing refugee protection in Bangladesh, included some fundamental tenets of international humanitarian law and offered broad guidelines and a framework for the administration and protection of refugees. However, it was written nearly three decades ago when less than 25,000 Rohingya refugees resided in Bangladesh. This is why we wrote a new model law, building on the previous version, which acknowledges new realities and is robust enough to respond to all future refugee situations, not just Rohingya refugees fleeing from Myanmar.

Although our model law does not incorporate all rights and obligations of the 1951 Refugee Convention, it grants refugee status. It crucially ensures that refugees in Bangladesh have access to education and livelihoods. Most impor-

tantly, it is grounded in the lived experiences, aspirations and needs of Rohingya refugees and in the lessons gained throughout Bangladesh's fifty years of experience hosting them, and in turn, creates greater scope for the participation of refugees in the processes shaping their lives.

Though the law is in 'model' form, Bangladesh should aspire to enact legislation soon to protect and govern refugees. A national law that clearly states the rights of Rohingya and resolves the administrative challenges of a protracted refugee crisis is crucial to reduce their precarious status, giving them the 'right to have rights'. With a law that protects and governs refugees, Bangladesh will be better placed to demand "predictable and equitable responsibility-sharing" from the international community, as enshrined in the Global Compact on Refugees.¹¹¹

This report is not just a companion that explains 'why' and 'how' we wrote a model law for refugees. It is also an invitation to read and critique our model law, the second of its kind. May it spark a worthy and final debate that leads to enacting a much-needed law that protects and governs refugees in Bangladesh where precarity and ad-hocism infusing Bangladesh's humanitarianism withers away.

Endnotes

1. 'Perspectives from the Region: The Need for Refugee Laws in South Asia – Text of Interviews with Eminent South Asians' in CR Abrar and Shahdeen Malik (eds) *Towards National Refugee Laws in South Asia* (Refugee and Migratory Movements Research Unit 2000) 30.
2. DGE Hall, 'English Relations with Burma, 1587–1886' (1943) 28 *History* 182, 192.
3. n 2.
4. Hiram Cox, *Journal of a Residence in the Burmhan Empire* (G and W. B. Whittaker 1821) vi.
5. n 4.
6. 'Joint Government of Bangladesh – UNHCR Population Factsheet as of January 2025' (6 February 2025).
7. Syeda Rozana Rashid, Benjamin Etzold and Anas Ansar, 'Gendered Violence and Insecurity in Rohingya Refugee Camps in Bangladesh – New Insights and Ways Forward' (XCEPT Policy Brief, January 2025).
8. CR Abrar and Shahdeen Malik (eds) *Towards National Refugee Laws in South Asia* (RMMRU 2000).
9. Masha Gessen, 'The Right to Have Rights' and the Plight of the Stateless' (*The New Yorker*, 3 May 2018).
10. CR Abrar and Shahdeen Malik, 'Preface' in CR Abrar and Shahdeen Malik (eds) *Towards National Refugee Laws in South Asia* (RMMRU 2000); Available only in print and, as a result, not known or accessible to many, *Towards National Refugee Laws in South Asia* captured attention again in recent publications in light of the emergence of a protracted refugee situation surrounding the Rohingya people in Bangladesh. See, M Sanjeeb Hossain, 'Country Report – Bangladesh – D4.5 Final Country Reports' (ASILE 2022) 30; Naureen Rahim, 'Book Review: Towards National Refugee Laws in South Asia by CR Abrar and Shahdeen Malik (eds)' (*Dhaka Law Review*, 11 August, 2022); Naureen Rahim, 'Bangladesh and the 1951 Refugee Convention' (*Refugee Law Initiative*, 06 February, 2023).
11. n 10.
12. CR Abrar, 'State, Refugees, and the Need for a Legal Procedure' in CR Abrar & Shahdeen Malik (eds) *Towards National Refugee Laws in South Asia* 48 (Refugee and Migratory Movements Research Unit 2000).
13. 'Proceedings of the Consultation on the Need for a National Law on Refugees, Dhaka, 28 August 1999' in CR Abrar and Shahdeen Malik (eds) *Towards National Refugee Laws in South Asia* (Refugee and Migratory Movements Research Unit 2000) 79.
14. CR Abrar and Shahdeen Malik (eds) *Towards National Refugee Laws in South Asia* (RMMRU 2000) Preface, 49–82.
15. 'Proceedings of the Consultation on the Need for a National Law on Refugees, Dhaka, 28 August 1999' in CR Abrar and Shahdeen Malik (eds) *Towards National Refugee Laws in South Asia* (Refugee and Migratory Movements Research Unit 2000) 49.
16. n 15, 81.
17. n 10.
18. n 15, 80.
19. Shahdeen Malik, 'Where Should the Birds Fly After the Last Sky', in CR Abrar and Shahdeen Malik (eds) *Towards National Refugee Laws in South Asia* (Refugee and Migratory Movements Research Unit 2000) 46, 86.
20. n 19, 47, 50, 80, 87.
21. n 12, 46–47.
22. Section 1, Model National Law on Refugees, in CR Abrar and Shahdeen Malik (eds) *Towards National Refugee Laws in South Asia* (Refugee and Migratory Movements Research Unit 2000) 89.
23. n 15, 71, 73.
24. n 15, 81.
25. n 15, 80.
26. n 10.
27. Srobana Bhattacharya and Bidisha Biswas, 'International Norms of Asylum and Burden-Sharing: A Case Study of Bangladesh and the Rohingya Refugee Population' (2021) 34(4) *Journal of Refugee Studies* 3775.
28. 'Bangladesh graduation status' (*United Nations LDC Portal - International Support Measures for Least Developed Countries*, 2025).
29. Office of the Refugee Relief and Repatriation Commissioner, 'Activities at a Glance (22.01.2025)' 1–5, 1.
30. 'Strengthening Disaster Risk Management and Community Resilience in Cox's Bazar' (*United Nations Development Programme*, 2025).
31. n 27.
32. Jobair Alam, 'The Status and Rights of the Rohingya as Refugees under International Refugee Law: Challenges for a Durable Solution' (2020) *Journal of Immigrant & Refugee Studies* 1–14, 3–4.
33. Jobair Alam, 'Refugee Protection Under the Constitution of Bangladesh: The Rohingya Refugees in Context' in MR Islam and ME Haque (eds.), *The Constitutional Law of Bangladesh* (Springer Nature Singapore, 2023) 289; See also, n 32, 3–4.
34. 'Forcibly Displaced Myanmar Nationals' (*The Daily Star*, 27 September 2017).
35. n 33.
36. n 32, 5.
37. n 27, 3739–3741.
38. Maja Janmyr (2021) 'The 1951 Refugee Convention and Non-Signatory States: Charting a Research Agenda' 33(2) *International Journal of Refugee Law* 188–213, 213.
39. n 27, 3739–3741.
40. A fuller range of institutions working with the Refugee Relief and Repatriation Commissioner as key partners of the refugee response are discussed here: Samira Manzur and Tasnia Khandaker Prova, 'Governing at the Margins - A Patchwork of Policies and Practices in the Rohingya Refugee Response in Bangladesh' (XCEPT Online, 2023); M Sanjeeb Hossain, 'Bangladesh – Final Country Report' (*ASILE Project*, 2023) 8–10; and 'About the Rohingya Refugee Response' (*Rohingya Refugee Response Bangladesh*, 2025).

41. Office of the Refugee Relief and Repatriation Commissioner, 'About office' <<https://rrrc.portal.gov.bd/site/page/b6b4b598-2d29-447b-b6ce-b844ca4470d2/->> accessed 24 March 2025.
42. See, [Constitution of the People's Republic of Bangladesh](#).
43. Article 8(2), [Constitution of the People's Republic of Bangladesh](#); These principles of state policy include, the attainment of a just and egalitarian society free from exploitation (Article 10), guarantees towards "fundamental human rights and freedoms and respect for the dignity and worth of the human person" (Article 11), "private ownership, [...] by individuals" [Article 13(c)], the emancipation of peasants and workers (Article 14), "extending free and compulsory education to all children" [Article 17(a)], and "the raising of the level of nutrition and the improvement of public health" [Article 18(1)]. See, [Constitution of the People's Republic of Bangladesh](#); See also, Jobair Alam, 'Refugee Protection Under the Constitution of Bangladesh: The Rohingya Refugees in Context' in M. R. Islam and M. E. Haque (eds.) *The Constitutional Law of Bangladesh* (Springer Nature Singapore, 2023) 291.
44. M Sanjeeb Hossain, 'Bangladesh – Final Country Report' (ASILE Project, 2023) 18.
45. 'UNHCR and UNDP sign a Memorandum of Understanding (MOU) with Myanmar to support the creation of conditions for the return of refugees from Bangladesh' (UNHCR, 06 June 2018); Oliver Holmes and agencies, 'Myanmar signs pact with Bangladesh over Rohingya repatriation' (*Guardian*, 23 November 2017).
46. Samira Manzur and Tasnia Khandaker Prova, 'Governing at the Margins - A Patchwork of Policies and Practices in the Rohingya Refugee Response in Bangladesh' (*XCEPT Online*, 2023) 6;
47. *Refugee and Migratory Movements Research Unit (RMMRU) v Government of Bangladesh*, Writ petition no. 10504 of 2016, Bangladesh: Supreme Court, 31 May 2017; M Sanjeeb Hossain, (2021) 'Bangladesh's judicial encounter with the 1951 Refugee Convention' 67 *Forced Migration Review*.
48. CR Abrar, 'No justice for Rohingyas?' (*The Daily Star*, 20 March 2016).
49. UNHCR, 'Refugee Policy Review Framework Country Summary as at 30 June 2020' 4.
50. 'Joint Bangladesh/UNHCR verification of Rohingya refugees gets underway' (UNHCR, 2001-2025).
51. 'Legal Assistance' (UNHCR, n.d.).
52. n 46, 4.
53. n 33, 292.
54. n 49, 6; M Sanjeeb Hossain and Maja Janmyr, 'Bhasan Char: Prison island or paradise? Are Rohingya refugees being denied their right to freedom of movement?' (*Lacuna*, 12 May 2022).
55. Maja Janmyr, M Sanjeeb Hossain and Lewis Turner, 'Give Refugees Access to the Agreements that Govern Them' (*Border Criminologies*, 13 April 2023).
56. n 41.
57. n 48; Arpeeta Shams Mizan, 'Analyzing the Legislative Gaps in the Detention Scheme of the Foreigners in Bangladesh The Released Prisoners' (*National Human Rights Commission Bangladesh*, 2014) .
58. n 46, 4.
59. n 44, 21-23.
60. n 46, 14.
61. n 44, 23.
62. n 9.
63. n 46, 4.
64. n 46, 4.
65. n 44.
66. n 49, 7.
67. n 49, 7.
68. ANM Zakir Hossain, 'Educational crisis of Rohingya refugee children in Bangladesh: Access, obstacles, and prospects to formal and non-formal education' (2023) *Heliyon*; 'Education' (*Rohingya Refugee Response Bangladesh*, 2025); On a much smaller scale, the Centre for Peace and Justice, BRAC University, through its Refugee Studies Unit, co-leads a hub for "connected learning initiatives" that promote "civic engagement and providing access to higher education for Rohingya refugees and host communities". See, '2023 Annual Report' (*Centre for Peace and Justice, BRAC University*, 2023) 11.
69. n 68.
70. FGD03, Activists, 7 October 2024, Ukhiya, Cox's Bazar, in file with the authors; FGD04, Informal Labour Market, 8 October 2024, Ukhiya, Cox's Bazar, in file with the authors.
71. FGD05, Women Group, 8 October 2024, Ukhiya, Cox's Bazar, in file with the authors.
72. 'The Language of Leadership: The words that define how majhis are seen and understood in the Rohingya refugee response' (*Translators Without Borders*, n.d.)
73. FGD07, Majhis, 9 October 2024, Ukhiya, Cox's Bazar, on file with the author.
74. FGD07; FGD03.
75. Fieldwork notes from Bhasanchar, 10 December 2024, on file with the authors.
76. FGD05.
77. FGD07.
78. FGD05.
79. FGD03.
80. n 44, 21-23.
81. FGD 01, Volunteers, 6 October 2024, Ukhiya, Cox's Bazar, in file with the authors.
82. FGD 01.
83. FGD 04.
84. FGD 04.
85. FGD 04
86. FGD 02, Youth group, 7 October 2024, Ukhiya, Cox's Bazar, in file with the authors.
87. Informal FGD with Community-based protection volunteers, 9 December, Bhasanchar, in file with the authors.
88. Informal FGD with Community-based protection volunteers.

89. Umme Wara (2022) [‘Reconciliation and Justice Mechanism in the Rohingya Camps In Bangladesh’](#) 43(4) *Bangladesh Institute of International and Strategic Studies (BISS) Journal* 381-398.
90. [‘Rohingya Refugee Response in Bangladesh: Legal Protection Factsheet – as of 30 June 2022’](#) (UNHCR, 2022).
91. [‘Rohingya Refugee Response in Bangladesh: Legal Protection Factsheet – as of 30 June 2022’](#) (UNHCR, 2022).
92. FGD04.
93. FGD02.
94. FGD03. 10,000 BDT is roughly equivalent to 83 USD.
95. FGD02. 120,000 BDT is roughly equivalent to 987 USD.
96. FGD03.
97. A refugee participant shared: “If people go to the *Majhi* or community leaders, they might, for example, take 20,000 BDT from the perpetrator but only give 2,000 BDT to the victim, keeping the rest for themselves.” FGD04; FGD03.
98. FGD04.
99. FGD04
100. Manzoor Hasan OBE and Shahariar Sadat are the Executive Director and Deputy Executive Director of the Centre for Peace and Justice (CPJ), BRAC University, respectively.
101. Karen Jacobsen and Loren Landau, [‘Researching refugees: some methodological and ethical considerations in social science and forced migration, Working Paper No.90’](#) (UNHCR, June 2003).
102. Pia Oberoi (1999) [‘Developments. Regional initiatives on refugee protection in South Asia’](#) 11(1) *International Journal of Refugee Law* 193-201; Despite significant forced population movements, South Asian countries are not parties to the 1951 Refugee Convention or its 1967 Protocol. In contrast, Africa and Latin America established comprehensive legal frameworks through regional efforts like the Organisation of African Unity Convention of 1969 and the Cartagena Declaration of 1984.
103. Daniel Ghezelbash and Keyvan Dorostkar (2024) [‘Understanding the politics of refugee law and policy making: Interdisciplinary and empirical approaches’](#) 37(4) *Journal of Refugee Studies* 898-914.
104. CR Abrar, [‘Legal protection of refugees in South Asia,’](#) *Forced Migration Review*.
105. As of May 2024, about 84% of all Rohingya refugees in Bangladesh were living in the camps in Ukhiya, Cox’s Bazar, around 12% in the camps in Teknaf, and about 4% in Bhasanchar. Due to logistical constraints and security considerations, we omitted Teknaf in our primary data collection during fieldwork.
106. [‘Refugee Studies Unit \(RSU\),’](#) Centre for Peace and Justice, BRAC University (n.d.)
107. M Sanjeeb Hossain, Tasnuva Ahmad, Mohammad Azizul Hoque and Tin Swe (2024) [‘The ejajot of Rohingya refugees in the age of digital humanitarianism’](#) 73 *Forced Migration Review*.
108. [Dr Morshed Mannan](#), Lecturer in Global Law and Digital Technology, Edinburgh Law School, The University of Edinburgh.
109. In Singapore, Konrad Adenauer Stiftung (RLPA) generously hosted a workshop, where Stefan Samse, and Roshni Kapur invited Alexander Straßmeir, the former State Secretary of Justice of Berlin, Professor Deepika Udagama, a former head of the Human Rights Commission of Sri Lanka and Chair of Law at the University of Peradeniya, and Dr. Thomas Hufnagel, Attorney-at-Law, Partner, Luther Singapore, CPJ’s leadership – Manzoor Hasan OBE, and Shahariar Sadat. At the workshop, the model law was presented before the workshop attendees and further developed by the core team – Sanjeeb, Morshed, Esmam, Nafisa and Samira. The same was done in Kenya, where Nathan Shea and Tabea Campell Pauli brought together many academics and practitioners as part of the closing of the XCEPT programme. The final validation in Dhaka, which we were able to attend because of a kind invitation from Wendy McCance, the Country Director of the Norwegian Refugee Council in response to a request from Shahriar Sadat, took place at the 5th round table discussion of the Rohingya refugee Protection Consortium organised by the Danish Refugee Council, International Rescue Committee, Handicap International and the Norwegian Refugee Council.
110. n 10.
111. [‘The Global Compact on Refugees’](#) (UNHCR, 2018).