

BANGLADESH

Bangladesh is not a state party to the United Nations Convention Relating to the Status of Refugees or its Protocol. It is a state party to the International Covenant on Civil and Political Rights (ICCPR), but not to its First Optional Protocol. Bangladesh has no asylum law, and protection of asylum seekers is subject to executive decisions of the Ministry of Home Affairs.¹

All individuals who enter Bangladeshi territory without valid entry papers are arrested and detained by law enforcement.² The Bangladeshi government does not record how many people request asylum in the country and claims that there were no asylum seekers detained in 2000 and 2001.³ According to the USCR, Bangladesh hosted as many as 122,000 refugees at the end of 2001.⁴

Is there independent review of the detention decision? No.

According to the Code of Criminal Procedure, an individual detained for entering the country without proper documentation must be brought before a court within 24 hours of her detention.⁵ The court determines whether the individual entered without valid documents and can direct deportation. However, the U.S. State Department reports that authorities, including the police, often do not bring detainees to courts within 24 hours.⁶

Are there limits on the period of detention? No.

Is there periodic review of detention? No.

Is there access to government-funded legal aid? Limited.

Under the Legal Aid Act of 2000, the government must make legal aid available upon application to asylum seekers in financial need. However, NGO reports indicate that the

¹ Response of the Permanent Mission of Bangladesh in Geneva, Switzerland to the LCHR Questionnaire on Detention of Asylum Seekers (Jan. 24, 2002) (on file with Debevoise & Plimpton) [hereinafter Bangladeshi Response to LCHR Questionnaire]

² *Id.*

³ *Id.*

⁴ USCR WORLD REFUGEE SURVEY 2002, *supra* note **Error! Bookmark not defined.**, at 146.

⁵ Bangladesh Code of Criminal Procedure § 61 (1898).

⁶ United States Department of State, HUMAN RIGHTS COUNTRY REPORTS: BANGLADESH (2001), available at <http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8224.htm> (last accessed Aug. 29, 2002).

Legal Aid Act is not yet fully operational, there is no effective access to legal aid, and most detainees are not made aware of their right to obtain legal aid.⁷ In fact, some reports indicate that the Bangladeshi government has barred UNHCR and NGOs from assisting new arrivals.⁸

Alternatives to detention: None.

Asylum seekers are detained in jails.⁹ Children are sent to homes, where they are under the protection of the Ministry of Social Welfare.¹⁰

Vulnerable groups:

Children in custody fall under the provisions of the “The Children Act of 1974.”¹¹ As noted above, child asylum seekers are sent to homes.

⁷ E-mail from Sara Hossain of Interights to Zafar Sobhan, Debevoise & Plimpton (Feb. 1, 2002) (on file with Debevoise & Plimpton).

⁸ USCR WORLD REFUGEE SURVEY 2002, *supra* note **Error! Bookmark not defined.**, at 146.

⁹ Bangladeshi Response to LCHR Questionnaire, *supra* note 1.

¹⁰ Bangladeshi Response to LCHR Questionnaire, *supra* note 1.

¹¹ Bangladeshi Response to LCHR Questionnaire, *supra* note 1.