

Bangladesh: Repeal Foreign Donations Regulation Bill and ensure enabling environment for civil society

(Bangkok/Kathmandu, 27 October 2016) – The Asian Forum for Human Rights and Development (FORUM-ASIA) expresses its concern over the enactment of another restrictive law in Bangladesh, the Foreign Donations (Voluntary Activities) Regulation Bill (FDRB) (2016) that aims to impose restrictions on the activities and the ability of foreign funded non-governmental organisations (NGOs) to access resources. The law is not in consonance with the constitutionally guaranteed freedom of expression and association. The proposed law does not concur with the international laws and standards on the rights to freedom of expression, association, and peaceful assembly. FORUM-ASIA urges the Government of Bangladesh to repeal this law and to create an enabling environment for civil society organisations to continue their human rights activities.

The law will further restrict civic spaces and also give unprecedented and arbitrary powers to NGO Affairs Bureau to impose conditions and new restrictions that will adversely affect the human rights and freedom of individual and institution receiving any contribution from an international donor.

'The FDRB lacks provisions to guarantee transparency and accountability of the NGO Affairs Bureau to prevent the abuse of its wide discretionary powers', says John Samuel, Executive Director of FORUM-ASIA. 'The law has the potential of silencing dissent and will further curtail the shrinking democratic space in the country'.

The law gives wide discretionary powers to the Bureau to inspect, monitor and evaluate the activities of any individual or NGO. The Bureau also has the power to cancel, suspend or deny renewals of registration of foreign-funded NGOs if they are deemed to have made 'inimical' or 'derogatory' remarks against the Constitution or a constitutional body. However, the law does not provide definitions for what is understood with these terms.¹ The law does not specify a time frame for the approval of individual projects and registration, giving the Government the opportunity to delay a decision indefinitely and thus stifling the freedom of human rights defenders and NGOs to work or seek funding.

The FDRB was passed by the Bangladeshi Parliament on 4 October 2016, approved by the President of Bangladesh on 13 October 2016, and will be in force after gazette notification. The highly restrictive law replaces the Foreign Donations (Voluntary Activities) Regulation Ordinance (1978) and the Foreign Contribution (Regulation) Ordinance (1982).

In the new law 'foreign donations' have been defined as cash money, goods, donations, or contributions of any kind made to any voluntary or charity activities by any foreign Government, organisation, citizen, or Bangladeshi national living abroad.

The FDRB prohibits individuals and organisations from receiving foreign donations or contributions to carry out any project without mandatory prior approval from the Government.

¹ <http://www.thedailystar.net/frontpage/leash-ngos-1295422>

Any organisation seeking foreign donations or contributions must register with the NGO Affairs Bureau, an institution under the Prime Minister's Office.

The law also severely restricts the freedom and rights of individuals for international travel as it prescribes that all individuals, using foreign funds from an approved project budget, require to inform the Bureau before travelling abroad for official purposes.

The law also puts restrictions on banks as no bank is allowed to release money from a foreign donor to any individual or NGO without an approval letter issued by the Bureau. The Bureau has the authority to impose penalties ranging from a cautionary letter, or a fine to the cancellation or suspension of the registration of an organisation or its individual projects. NGOs have virtually no judicial recourse to object since an appeal against the Bureau can only be filed with the Prime Minister's Office, which has the final say in the matter.

Maina Kiai, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, urged the Bangladeshi Parliament not to adopt the FDRB in November 2015. He said, 'registered and unregistered NGOs should be able to operate and function freely without prior authorization or other undue impediments'.² NGOs within and outside Bangladesh³ have also criticised the enactment of the law.⁴

FORUM-ASIA urges the Government of Bangladesh to immediately repeal the FDRB, which violates the right to freedom of association and expression as guaranteed by the Constitution, and the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a state party. FORUM-ASIA further reiterates its repeated call to the Government of Bangladesh to ensure an enabling environment where civil society organisations can freely promote and protect human rights and democratic values.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratization.

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² <http://www.omct.org/human-rights-defenders/urgent-interventions/bangladesh/2016/10/d23982/>

³ <http://www.sacw.net/article12979.html>

⁴ <https://www.amnesty.org/en/documents/asa13/4996/2016/en/>

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