

THE OBSERVATORY – PRESS RELEASE

Bangladesh: Restrictions on foreign funding for NGOs must be dropped

Geneva-Paris, December 12, 2014 –The Observatory for the Protection of Human Rights Defenders, an OMCT-FIDH joint programme, is alarmed by the Foreign Donations (Voluntary Activities) Regulation Bill which was approved by the Bangladeshi cabinet on December 1, 2014. This bill contravenes international human rights law by making registration mandatory for all NGOs receiving foreign funds and imposes serious curbs on the work of civil society organisations.

On December 1, 2014, the Bangladeshi cabinet gave the final approval to the draft “Foreign Donations (Voluntary Activities) Regulation Bill, 2014” making registration with the NGO Affairs Bureau mandatory for all NGOs receiving foreign funds. The new legislation would combine the Foreign Donations (Voluntary Activities) Regulation Ordinance, enacted in 1978, and the Foreign Contributions (Regulation) Ordinance, enacted in 1982. Both laws were adopted through military proclamations. On June 2, the cabinet approved in principle the draft Foreign Donations (Voluntary Activities) Regulation Bill, 2014, which later drew criticism from donor agencies and NGO activists¹.

The legislation also bars political parties, Supreme Court judges, members of parliament, government employees, and candidates in local or national elections from receiving foreign donations.

According to the law, NGOs will have to maintain a separate bank account for receiving foreign donations and will have to inform the NGO Affairs Bureau about the source of funds and its purpose to get approval of the bureau. This process is mandatory for carrying out activities using with foreign funds.

Under the new law, NGOs will be registered for a period of 10 years instead of five years and registration can be cancelled anytime for violation of the regulation.

On December 1, the Bangladeshi cabinet secretary M Musharraf Hossain Bhuiyan said that NGOs operating in the country would require approval of the home ministry for appointing foreigners to any positions within their organisations. Moreover, on December 1 it was also announced that the prime minister had ordered the departments and agencies concerned to prepare a list of foreign citizens who were overstaying or working without work-permit in various sectors including NGOs in order to take immediate legal action against them. All of these measures aim at further shrinking the space for civil society organisations and criminalising international cooperation.

The Observatory is concerned that the new legislation establishes a set of harsh restrictions towards NGOs, which would go far beyond what is permissible under international law regulating the right to freedom of association. The right of NGOs to freedom of association is a fundamental and universal right enshrined in numerous international treaties and standards, especially Article 22 of the International Covenant on Civil and Political Rights (ICCPR), which Bangladesh has ratified. While this right may be restricted by the Government, especially for purposes of transparency and good governance, any restrictions must always be “prescribed by law” and “necessary in a democratic society”, and respect the primacy of the general interest and the principle of proportionality (Article 22.2 of ICCPR and case-law of the United Nations Human Rights Committee).

¹ See Observatory Press Release on June 2, 2014.



The Observatory
for the Protection
of Human Rights Defenders

The Observatory therefore calls on the Bangladeshi authorities to comply with their international obligations and commitments on freedom of association and immediately repeal the Foreign Donations (Voluntary Activities) Regulation Bill, 2014.

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