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More transparency and less control needed in Bangladesh's foreign donations bill: International CSOs

DHAKA, 1 December 2012: There needs be more transparency and lesser control by the Government of Bangladesh as it seeks to bring in a new law to regulate foreign donations in the country said Asian Forum for Human Rights and Development (FORUM-ASIA), CIVICUS: World Alliance for Citizen Participation and the Commonwealth Human Rights Initiative (CHRI).

The three international organisations met a wide spectrum of civil society, government representatives and the international community in Bangladesh's capital, Dhaka as part of a civil society solidarity mission from 26 – 30 November, 2012. The mission was undertaken in the context of the proposed Foreign Donations (Voluntary Activities) Regulation Act and concerns about increasing restrictions on civil society freedoms in Bangladesh.

"While we welcome the fact that the Government of Bangladesh has consulted with civil society leaders on the proposed law, and made assurances that the concerns highlighted by them will be addressed, we remain extremely worried if the bill when presented to Parliament will reflect this," said Sayeed Ahmad of FORUM-ASIA. "It is critical that the government makes public, the most recent version of the proposed legislation at the earliest, particularly on the [NGO Affairs Bureau's website](#) to allow civil society to fully engage with the process."

The joint mission found that CSOs had a number of concerns about the proposed legislation. These include: (i) a cumbersome approval process for foreign funded projects which requires multiple clearances at various levels, (ii) lack of clear time-frames within which approval for foreign funded projects will be granted, (iii) non-specification of clear grounds to deny approval for foreign funded projects, (iv) the requirement to renew registration for foreign funding every five years, in addition to the requirement to obtain approval for every project, and (v) excessive powers to inspect, monitor and assess the activities of the NGOs, and take control of their assets.

"The bill's excessive focus on scrutiny and control of NGOs has a real potential to mar the independence of the civil society sector in Bangladesh," said Mandeep Tiwana of CIVICUS. "The bill's purport fails to recognise CSOs as independent development actors in their own right, in line with international standards and agreements on aid and development effectiveness."

In December 2011, at the 4th High Level Forum on Aid and Development Effectiveness, a broad grouping of international donor and partner governments including the Government of Bangladesh committed under the [Busan Partnership for Effective Development Cooperation](#) to guarantee an "enabling environment" for civil society, consistent with agreed international rights, that maximises the contribution of CSOs to development.

Bangladesh is party to the [International Covenant on Civil and Political Rights](#) (ICCPR) which obligates states to uphold the freedoms of expression, association and assembly. The [UN Declaration on Human Rights Defenders](#) passed by the UN General Assembly obligates governments to respect the right to “solicit, receive, utilize, resources for the purpose of protecting human rights (including the receipt of funds from abroad).”

“As an emerging democracy that takes pride in the vibrancy of its civil society sector, it is vital that Bangladesh takes the lead in replacing restrictive rules and regulations with laws that promote democratic freedoms and an enabling environment for civil society,” said Vinu Sampath Kumar of CHRI. “This will not only enhance Bangladesh’s reputation internationally, but also provide a blueprint for other countries to follow suit.”

The issue of civil society enabling environment and the proposed Foreign Donations (Voluntary Activities) Act is also expected to be debated at the UN Human Rights Council, when Bangladesh undergoes the second cycle of its Universal Period Review in May 2013.

FORUM-ASIA, CIVICUS and CHRI urge the Government of Bangladesh to engage in a more participatory consultative process with regard to the proposed Foreign Donations (Voluntary Activities) Act and other laws affecting civil society. Any new legislation on civil society should be based on the following principles: freedom of association; freedom of expression; the right to operate free from unwarranted state interference; the right to communicate and cooperate; the right to seek and secure funding; and the state duty to protect.

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