

02 March 2010

Dr. Dipu Moni

Minister of Foreign Affairs
People's Republic of Bangladesh
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Re: NGO Affairs Bureau's Rejection of Odhikar's Human Rights Project Extension

Your Excellency,

The Asian Forum for Human Rights and Development (FORUM-ASIA), a membership-based regional human rights organisation, writes this letter expressing our deep concerns over the NGO Affairs Bureau's refusal to extend a human rights training and advocacy project proposed by Odhikar, a local human rights organization in Bangladesh. The project's activities include advocacy on criminalizing torture, establishing a tribunal against torture, and organizing roundtable discussions on torture-related issues. It also has campaign programmes advocating Bangladesh to ratify the Optional Protocol to the UN Convention against Torture (OP-CAT). For your kind attention, we herewith provide the details of the case background at the end of this letter.

On 3 February 2009 when Bangladesh stood before the Universal Periodic Review (UPR) Working Group of the UN Human Rights Council in Geneva, you resolutely stated that *"with regard to the intention to accede to the OP-CAT, Bangladesh is currently a party to the treaty and is working to implement its provisions. The government is considering acceding to the Optional Protocol as well."* We note with regret, however, that the decision made by the NGO Affairs Bureau on the Odhikar's project certainly does not conform to this public commitment made by the Government of Bangladesh before the international community.

We also would like to draw your attention to the report of the UN Special Rapporteur on the Situation of Human Rights Defenders (A/64/226) submitted to the UN General Assembly in August 2009, in which the Special Rapporteur expressed her concerns that *"many countries have put in place legislation that significantly restricts the ability of human rights organizations to seek and receive funding, especially foreign funding."* The Special Rapporteur made a set of recommendations on the issue of access to funding, among others, that *"State should review existing laws in order to facilitate access to funding and should not require prior governmental authorization to apply for or receive funding from abroad"*. As such, FORUM-ASIA reiterates the recommendations of the Special Rapporteur and urges you to ensure that the Government of Bangladesh allow access by NGOs to foreign funding, in this case to funding provided by Rehabilitation and Research Centre for Torture Victims (RCT) in Denmark. The existing restrictive procedure, which may limit independence and effectiveness of NGOs, must be reviewed.

The rejection of Odhikar's request to extend its project would send a wrong signal to the international community that the Government of Bangladesh does not wish to do away with the practice of torture, which is commonly known to exist among law enforcement officials in Bangladesh, and would effectively stop Odhikar from holding the perpetrators of such human rights violations accountable. As a member of the UN Human Rights Council for second consecutive term and a party to the UN Convention against Torture, this does not bode well for Bangladesh's human rights records, particularly in the protection of the activities of human rights defenders. This action by the NGO Affairs Bureau also is in contradiction with Article 13 of the 1998 UN Declaration on Human Rights Defenders which stipulates that *"everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms"*.

Again, we urge you to take appropriate measures to withdraw the objection made by the Ministry of Home Affairs and the NGO Affairs Bureau on this matter.

Sincerely,

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Cc: H.E Ms. Sheikh Hasina, Prime Minister
Mr. Sahara Khatun, Minister of Home Affairs
Mr. Shafiq Ahmed, Minister of Law, Justice and Parliamentary Affairs
Mr. Mustak Hassan Md. Iftekhar, Director General, NGO Affairs Bureau
Mr. Md. Abdul Hannan, Ambassador, Permanent Mission of Bangladesh to the UN in Geneva
Mr. A.K. Abdul Momen, Ambassador, Permanent Mission of Bangladesh to the UN in New York
Ms. Margaret Sekaggya, UN Special Rapporteur on the Situation of Human Rights Defenders

Background Information on the Case

On 20 November 2008, Odhikar submitted a project proposal entitled “*Human Rights Defenders Training and Advocacy Program in Bangladesh*” to the NGO Affairs Bureau under the Prime Minister’s Office, along with the budget and prescribed government forms. The project was to be funded by the Rehabilitation and Research Centre for Torture Victims (RCT) in Denmark as part of its European Union funded OP-CAT project. The proposal was sent to the Ministry of Home Affairs and the Ministry of Law, Justice and Parliamentary Affairs by the NGO Affairs Bureau for their comments. After a long and tense wait of five months, the Ministry of Law, Justice and Parliamentary Affairs finally gave its approval through the NGO Affairs Bureau and the project commenced with RCT funds.

On 31 August 2009, however, Odhikar received a letter dated 17 August 2009 from the NGO Affairs Bureau informing the organization that the Ministry of Home Affairs had objected to the project and thus decided to cancel the project. No valid reason was given on the letter as to the Ministry’s objection. In response to the cancellation order, Odhikar filed a writ petition (No. 6550/2009) to the High Court Division of the Supreme Court of Bangladesh, consequently, on 11 October 2009, the High Court Division of the Supreme Court ruled against the government and stayed the NGO Affairs Bureau’s order. Odhikar’s project thus resumed and continued until its completion date on 31 December 2009.

After 31 December 2009, the European Union approved to extend Odhikar’s anti-torture project up until the end of March 2010. Therefore, the RCT requested Odhikar to extend its project to March 2010. On 17 January 2010, Odhikar submitted its renewal request of the project to the NGO Affairs Bureau for the three-month extension. However, on 11 February 2010, the NGO Affairs Bureau issued a letter refusing the extension of Odhikar’s project. The NGO Affairs Bureau claimed that its refusal to allow the extension of the project is based on the objection of the Ministry of Home Affairs.