

**NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders.

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)
BGD 5/2011

11 October 2011

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders, pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/4, 15/21, and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the delay in approval for funding of a human rights project by **Odhikar**, a non-governmental organization which disseminates information relating to human rights and human rights abuses through monitoring and training projects. Odhikar was founded in 1995 and focuses on civil and political rights. It is a member of various international networks.

Odhikar has been the subject of an urgent appeal sent to your Excellency's Government on 14 March 2011 by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders. We acknowledge receipt of the response transmitted by your Excellency's Government on 3 April 2011.

Odhikar was also the subject of an urgent appeal sent by the Special Rapporteur on the situation of human rights defenders on 11 March 2010. The Special Rapporteur regrets that to date no response has been received regarding the aforementioned communication.

The acting Director of Odhikar was the subject of an urgent appeal dated 9 May 2007 sent by the Special Representative of the Secretary-General on the situation of human rights defenders. We acknowledge receipt of the response to this communication transmitted by your Excellency's Government dated 10 May 2007 and 7 August 2007.

According to the information received:

On 28 December 2010, Odhikar submitted a proposal to the NGO Affairs Bureau, which operates under the office of the Minister of the Interior, outlining a human rights education project entitled "Education on the Convention Against Torture

and OPCAT Awareness Programme in Bangladesh”. It is allegedly mandatory for NGOs to obtain the permission of the NGO Affairs Bureau to use foreign funds. Once submitted, there is a review period of 45 days by which time a project is either approved, or rejected by the NGO Affairs Bureau.

It is reported that the project proposed was designed to run for two years and included activities such as undertaking fact-finding missions; lobbying members of Parliament; documenting human rights violations and meeting with human rights defenders at grassroots level.

On 14 July 2011, Odhikar reportedly received a letter dated 21 June 2011 from the NGO Affairs Bureau stating that its proposal was found to be objectionable. The phrases cited in the project as being problematic were “under every regime, torture and other humiliating treatment and extrajudicial killings and various other forms of human rights violations have occurred”, “although being a party to various international conventions and treaties, the incidents of torture and extrajudicial killings are increasing”, and “in order to influence and in the name of investigation, torture is considered as an inexpensive and effective tool”.

Odhikar was allegedly requested to amend the aforementioned phrases before re-submitting the proposal. It is reported that, on 24 July 2011, Odhikar re-submitted the proposal without making any changes to it. To date, the NGO Affairs Bureau has still not given approval to the project.

Concern is expressed that the objections raised to the proposal may be a direct attempt to delay the project and block Odhikar’s human rights activities, particularly in light of the inordinate delay, greatly in excess of the 45 day period, in responding to the proposal.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency’s Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

We also wish to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the ICCPR, which provides that “Everyone shall have the right to freedom of association with others...”

In addition, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that “everyone has the right individually or in association with others, to

promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.”

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 6, points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We urge your Excellency’s Government to take all necessary measures to guarantee that the rights and freedoms of the members of Odhikar are respected. We also request that your Excellency’s Government adopts effective measures to prevent the recurrence of these acts.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on this case to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of this case accurate?
2. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

3. Please provide the full details of any basis for the delay in providing Odhikar with a response to their proposal.
4. Please provide details of the basis on which the aforementioned proposal, and the particular phrases cited, were found to be problematic in approving the proposal.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders