

**Report of the Special Rapporteur on the rights to Freedom of Peaceful
Assembly and of Association, Maina Kiai**

**Human Rights Council
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Agenda item 3**

**Promotion and protection of all human rights, civil, political, economic, social and
cultural rights, including the right to development**

Introduction

The present document is submitted by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolution 24/5. The document provides observations on the communications addressed by the Special Rapporteur to States, and on the replies received.

In the present addendum, the Special Rapporteur provides observations, on communications sent to States between 1 March 2014 and 28 February 2015. This report further contains observations on responses to the aforementioned communications received from States until 30 April 2015. The addendum also includes press releases issued between 1 March 2014 and 30 April 2015. Communications sent, responses received and press releases during the reporting period are accessible electronically through hyperlinks. The Special Rapporteur is aware of responses received after the reporting deadline that could not be reflected in the present report. He takes this opportunity to highlight the importance of timely replies.

As part of their official duties, UN Special Rapporteurs send “communications” to national governments when allegations of serious human rights abuses arise. Communications are classified as urgent appeals (UA), allegation letters (AL), joint urgent appeals (JUA) and joint allegation letters (JAL).

These communications raise concerns about a specific human rights issue, lay out the information that the UN has received concerning the issue, and request further information from the State. Communications are often signed by multiple Special Rapporteurs or UN experts, depending on the subject of the allegation(s). States are invited to respond to the communication.

Bangladesh

214. JAL 30/09/2014. Case no: BGD 6/2014. State reply: None. Alleged physical attacks, arrests and detention of trade union leaders and other human rights defenders.

215. JAL 23/07/2014. Case no: BGD 4/2014. State reply: 31/07/2014 (acknowledgment). Alleged attack on members of the International Chittagong Hill Tracts Commission in Rangamati district, Chittagong Hill Tracts.

216. JAL 02/07/2014. Case no: BGD 3/2014. State reply: 08/07/2014 (acknowledgment). Alleged undue restrictions of the right to freedom of association contained in the latest version of the draft Foreign Donations (Voluntary Activities) Regulation Act 2014.

217. JAL 25/03/2014. Case no: BGD 2/2014. State reply: None. Allegations of harassment, intimidation and surveillance of human rights defenders and persons associated with them, and alleged undue restrictions on the right to freedom of association.

Observations

Responses to communications

218. The Special Rapporteur takes note of the responses of the Government of Bangladesh acknowledging receipt of his communications. However, he regrets that the Government failed to provide substantial responses to the questions raised in the communications since the establishment of the mandate in 2011. He considers responses to his communications as an important part of the cooperation of Governments with his mandate and again urges the authorities to comply with Human Rights Council resolutions 24/5 (2013), 21/16 (2012) and 15/21 (2010) on the rights to freedom of peaceful assembly and association that call upon States to cooperate fully with and assist him in the performance of his mandate and to respond promptly to his communications. In the absence of information to the contrary, the Special Rapporteur concludes that there is substance in the allegations presented in his communications.

Trade unions

219. The Special Rapporteur reiterates his concerns regarding the alleged physical attacks and undue arrests of trade union leaders and other human rights defenders participating in a protest at the Hossain Market in Dhaka in July 2014. He reminds the Government of its obligation to ensure that trade unions leaders and human rights defenders in Bangladesh can carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort, including excessive use of force. He calls on the Government to conduct independent and thorough investigations into allegations of human rights violations, to hold perpetrators accountable and to provide the victims with full redress, without further due. Moreover,

he urges the State to take all necessary steps to secure the rights to freedom of peaceful assembly and association as per articles 21 and 22 of the International Covenant on Civil and Political Rights acceded by Bangladesh on 6 September 2000.

Draft Foreign Donations (Voluntary Activities) Regulation Act 2014

220. While the Special Rapporteur awaits a reply from the Government of Bangladesh detailing the current status of this Act, which was reportedly expected to be reviewed by the Parliament in mid-2014, he reiterates his call for the Parliament to ensure its compliance with international human rights norms and standards. He reiterates that States must ensure that associations, irrespective of whether registered or unregistered, can seek, receive and use funding and other resources from natural and legal individuals or groups, whether domestic, foreign or international, without prior authorization or other undue impediments (A/HRC/23/39, paragraph 82). Regarding provisions on registration renewals, the Special Rapporteur restates that the regular application for renewal infringes the limited restrictions set forth in article 22 of the International Covenant on Civil and Political Rights and recalled in resolution 24/5 of the Human Rights Council. He also calls upon Bangladesh to refrain from interfering with the right of associations to freely determine their activities and thus to overturn laws and provisions that make it mandatory for associations to request the approval of a Government ministry to carry out their legitimate activities. Moreover, the Special Rapporteur remains very concerned by vague or ambiguous provisions of the Draft Foreign Donations (Voluntary Activities) Regulation Act 2014 that allow for arbitrary interpretations and restrictions to the right to associate. He believes that the risk of violating the right to association is even greater if the laws governing it are vague since citizens' fears of breaking the law itself can lead to self-silencing.

Environment in which these rights are exercised

221. The Special Rapporteur reiterates his grave concern at the acts of intimidation and harassment and of the secretary of Bangladeshi human rights organization ODHIKAR, Mr. Adilur Rahman Khan. As previously noted, he articulates that there should be a presumption in favour of assembling peacefully and associating freely and that security considerations should not be used as a justification for unduly strict rules or interpretations that void the rights to freedom of peaceful assembly and association. In the Special Rapporteur's view, surveillance tactics and disproportionate shows of force attest to authorities' presumptions against assembling and associating freely, which has a chilling effect on peaceful protestors. He reminds the Government that no restrictions may be placed on the exercise of those rights in a democratic society other than those that are strictly necessary and proportionate to the interest to be protected.

Country visit

222. The Special Rapporteur reminds the Government of his willingness to undertake a country visit to Bangladesh, as indicated by letter on 27 January 2014. He trusts that such an in person visit would allow him to examine issues relating to his mandate, identify good practices and formulate pertinent recommendations to relevant stakeholders. He looks forward to receiving a positive reply at the earliest possible opportunity. He reiterates that Human Rights Council resolution 15/21, which established his mandate, and 24/5, which renewed it for an additional period of three years, both urge the States to consider favourably his requests for visits.