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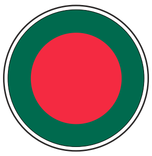
Bangladesh

Introduction | At a Glance | Key Indicators | International Rankings | Legal Snapshot | Legal Analysis | Reports and Assessments | News and Additional Resources



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Update

On August 5, 2024, crowds cheered in the streets of Dhaka after Prime Minister Sheikh Hasina resigned and fled the country to India. Hasina had ruled Bangladesh since 2009 but was forced out by weeks of protests that began peacefully and then transformed into deadly clashes with security forces. The protests began on July 1 to demand reform of a government quota system that favors relatives of independence fighters. It turned violent on July 15 when more than 10,000 university students marched on the streets of Dhaka and across the country and were met by a heavy-handed government crackdown that resulted in more than 300 protestors killed and many more injured. What began as peaceful student protests transformed into a nationwide push for the resignation of the Hasina. Following Hasina's resignation, the army chief announced that the army would oversee the formation of an interim government, but student protest leaders called for Nobel laureate Muhammad Yunus to lead the interim government. In February 2025, Hasina and her government were accused by UN human rights investigators of possible "crimes against humanity" for the brutal response to the mass protests in 2024, in which they said up to 1,400 people had been killed, mostly by security forces. The prime minister position has remained vacant since Hasina fled Bangladesh, but Muhammad Yunus has become the chief adviser to President Mohammed Shahabuddin.
Please see the News Items section below in this report for more details.

Introduction

Bangladesh is endowed with a rich tradition and culture of philanthropy. The civic tradition was reinforced following the devastating war for liberation in 1971, when a host of "self-help groups" emerged to provide relief and rehabilitation, and to support development. At the same time, however, given the legacy of colonial and authoritarian military administration, civil society remains subject to challenges in the operating environment.

Today in Bangladesh, mainstream civil society organizations (CSOs) are mostly philanthropic groups, citizen coalitions, and private voluntary agencies. Many CSOs seek to meet the needs of under-served or neglected populations, to expand the freedom of or to empower people, to engage in advocacy for social change, and to provide services. The exact number of CSOs in Bangladesh is unknown. According to one estimate, the number of CSOs registered with various governmental authorities totals 250,000. Among these, it is estimated that less than 50,000 organizations are active.

Bangladesh has a unitary government with a Westminster-style parliamentary system, governed by a Constitution that is the supreme law of the Republic

+ **AT A GLANCE**

+ **KEY INDICATORS**

+ **INTERNATIONAL RANKINGS**

+ LEGAL SNAPSHOT

− LEGAL ANALYSIS

Organizational Forms

Civil society organizations (CSOs) in Bangladesh may be either membership organizations or non-membership organizations. Membership organizations include indigenous and community-based organizations (CBOs), such as village-level clubs, mass organizations, religious organizations, and trade organizations. Many of these organizations are not registered. Registered membership organizations are generally registered under the Co-operative Societies Act. Non-membership organizations may be organized as a trust or as a non-profit company.

All CSOs can be grouped into three categories corresponding to regulatory laws, source of funds, and sphere of activities.

- (a) The overwhelming majority of CSOs are recognized as voluntary social welfare organizations (VSWO). Typically, VSWOs are small and operate locally with funds mobilized from local donations and government grants. Activities are primarily implemented by local volunteers. As of December 2009, 56,966 VSWOs were registered with the Department of Social Services.
- (b) Organizations that operate with grants from external sources are generally perceived as "development NGO(s)" and are registered with the NGO Affairs Bureau. Of the 2,535 organizations that were registered as of June 2010, 2,305 CSOs are of local origin and 230 are foreign/international organizations operating with an office in Bangladesh. VSWOs that receive donations from external sources are registered with the NGOAB as well. As of February 28, 2013, there are 2,209 NGOs registered with the NGOAB. The NGOAB had cancelled the registration of 525 NGOs as of January 11, 2012.
- (c) As of July 2010, there were 527 CSOs working as microfinance institutions (MFIs). MFIs may also fall into either or both of the above categories.

Public Benefit Status

All CSOs are exempt from corporate tax under the provision of the Income Tax Ordinance of 1984. Income generated from profit-earning activities must be spent for charitable purposes and not appropriated by any individual in the form of dividends.

Both corporations and individuals are able to claim a tax deduction for donations made for 22 designated public benefit purposes, including donations for old age homes, forestation, waste treatment plants, care for the disabled, potable water supply, education for orphans and street children, specialized hospitals for treatment of the extreme poor, public universities, etc. Corporate donors may deduct the amount of the donation up to 10% of their taxable income. Individual donors may deduct the amount of the donation up to 20% of their taxable income, but not exceeding Taka 100,000 (approximately US $1,380). Claiming a tax deduction requires prior approval from the National Board of Revenue (NBR) under the Ministry of Finance. The NBR gives a tax exemption certificate if the concerned donor fulfills all obligations as per the provisions of the labor law and pays all other taxes.

Barriers to Entry

Several barriers to the formation, establishment and registration of CSOs are worthy of mention.

First, the required number of minimum members is inordinately high. To register under the Companies Act as a non-profit company, an organization must have a minimum of 11 members. To register under the Societies Registration Act (SRA) as a society, an organization must have at least three times the number of members in the Executive Committee (EC); since CSOs registered under SRA must have an EC of at least seven members, it follow that a society must have at least 21 founding members. For organizations registered under the Trust Act, the minimum number of members (Trustees) is five, and the number of general members must be at least three times more than the number of Trustees, that is at least 15.

Second, membership of CSOs, irrespective of where they register, is limited to adult citizens of Bangladesh. Thus, non-citizens and minors are excluded from founding or belonging to CSOs. In addition, government employees are barred from becoming office bearers (members of executive committees).

Third, the organization must possess a furnished office with proper address and signboard to be eligible for registration. This amounts to an asset requirement and acts as a substantial barrier to registration.

Fourth, for registration under the SRA and the Companies Act, an organization must pay a registration fee of Taka 2,000 (approx. US $28) and Taka 15,000 (approx. US $207) respectively. For trusts with assets of Taka 20,000 (approx. US $276) or less, the trust must pay a fee of Taka 2,540 (approx. US $35) for registration under the Trust Act. The fee is higher for higher levels of the value of assets.

Fifth, CSOs that seek funding from external sources must register, additionally, with the NGO Affairs Bureau (NGOAB), which operates within the Ministry of Establishment. Banks do not allow the opening of an account by any organization that does not possess valid registration and will not disburse any foreign funds without prior approval from the NGO Affairs Bureau (NGOAB) and a letter of intent from the donor. For registration with the NGOAB, the organization must submit, in addition to an application, particulars of their bank account, a letter of intent from the donor, a copy of an annual activity report, and a copy of a financial audit report. NGOAB has to approve it within 90 days (60 days in case of renewal of registration) or may seek further clarification. The registration fee is Taka 10,000 (approx. US $138).

Sixth and finally, the registration process itself is complicated by bureaucratic hurdles and delays. Notably:

- Registration requires clearance from the Ministry of Home Affairs, which must be accomplished within 60 days, though in practice it takes longer.
- Registration is sometimes delayed on the pretext of police verification, and registration is sometimes denied due to an adverse police report corresponding to "prejudicial activities." Prior clearance from National Security Intelligence (NSI) was recently made mandatory for registration under the SRA. It is an "open secret" that organizations pay bribes to officials of the registration authority in different forms to avoid delay and harassment.
- Regarding registration with the NGO Affairs Bureau, the NGOAB reserves the right to reject an application if it is not "satisfied" with the objectives, constitution, or plan of operation; CSOs do not have a right to appeal. Moreover, the registration is valid only for five years. During this period, the NGOAB has the power to cancel the registration. To renew the registration, a fresh application for registration for another five year period must be submitted six months prior to the expiration date.

Barriers to Operational Activity

The government tends to see itself as the sole organ responsible for development and often makes stringent rules and regulations for CSOs in the field of development that burden their operational activities. CSOs are often under attack by the government bureaucracy and are criticized for the "privatization of development." CSOs that are critical of government policies are sometimes branded as anti-state and are harassed in many ways, including the blocking of disbursement of foreign funds, delays of project approval, and even cancellation of registration.

While the facilitating role of the government was manifested with the creation of the NGOAB for one-stop service and easing of regulatory measures, the general attitude of some in the bureaucracy toward the voluntary sector remains largely passive and hostile. The government often perceives CSOs as a competitor for scarce overseas development assistance (ODA).

The government can suspend activities of a CSO or even cancel its registration for the non-submission of reports to its respective registration authority. So far, the NGOAB has cancelled the registration of 334 CSOs for alleged "unlawful activities" and cancellation for another 90 CSOs is being processed. Punitive measures can also be taken if the CSO is accused of a criminal offence. The wide scope of crimes punishable by death under the Anti-Terrorism Act, including "financing terrorist activities," carries a tremendous risk of irreversible miscarriage of justice, which may chill CSO members from engaging in certain economic activities.

Internal Affairs

Detailed requirements apply to the internal structure and affairs of all CSOs. Members of all CSOs, except cooperative societies, as per provision of their article of association, elect an Executive Committee (EC) or governing body comprising seven to 11 members, including a Chair, a General Secretary, and a Treasurer. This is applicable to all organizations irrespective of where they are registered.

An annual financial audit by a recognized firm is mandatory. At present, there are 71 audit firms registered with the NGOAB, from which a CSO has to choose for its audit.

Officials from the registration authority may attend EC meetings or the Annual General Meetings (AGMs), especially if invited in case of disputes among members. In case of a dispute, the registration authority may replace the existing EC with a new one of its choice. The EC is responsible for financial management through designated staff, and must function within the budget limits approved by the registration authority. Any change in the program and the budget requires prior approval from the authority.

The CSO is free to open an account in any scheduled bank. Only one bank account can be maintained for receiving foreign donations. Separate bank accounts for separate projects may be maintained for internal transactions after the donations are received.

The 1961 Voluntary Social Welfare Agencies Ordinance gives the government power to intervene in the management structure of a voluntary social welfare organization (VSWO). The DOSS, as the registration authority, is empowered to suspend the Executive Committee (EC) of a VSWO without giving any right to appeal, but the governing body of a VSWO cannot dissolve itself without the approval of the DOSS.

Reporting Obligations

CSOs must submit activity reports and audited financial reports of the preceding year, and activity plans (programs) and the budgets of the coming year to their respective registration authority on an annual basis. The government can suspend activities of a CSO or even cancel its registration for non-submission of reports to its respective registration authority.

Civic organizations registered as “NGOs” with the NGO Affairs Bureau are also required to submit reports to the District Commissioner’s (DC) office on their use of the foreign funding received. In return, the DC issues a “No Objection Certificate” (NOC), which NGOs need to continue their work. NGOs may struggle to submit these reports due to a lack of staff capacity. NGOs are sometimes subject to harassment from the DC offices, in the form of delays or non-issuance of NOCs.

Government Harassment

CSOs are sometimes subject to government harassment (e.g., frequent inspections, requests for documents, etc.) for political reasons (for example, where the government feels threatened by the advocacy work of a CSO). The affected CSO may find it difficult to access legal remedies, since the justice system is cumbersome, time consuming, and expensive.

Involuntary Dissolution

In case of involuntary dissolution, the government assumes ownership of the remaining assets and may re-constitute the Executive Committee for running the CSO.

Barriers to Speech / Advocacy

CSOs are sometimes subject to government harassment in the form of frequent inspections or requests for documents (for example, where the government feels threatened by the advocacy work of a CSO). The affected CSO may find it difficult to access legal remedies, since the justice system is cumbersome, time consuming, and expensive. In other cases, the government may brand certain CSOs as “partisan” where these CSOs are critical of governmental actions and practices, such as ethnic discrimination, anti-poor labor law and wage policy, commercial extraction of natural resources, degradation of environment, or corruption.

The Information and Communication Technology (Amendment) Act of 2013 (ICT Act), raised concerns that human rights defenders could be tried under the amended provisions, which rendered CSO representatives and individuals who voice dissent vulnerable. The amended law (1) classified some offenses as “cognizable” (meaning the police can arrest persons without the issue of a warrant); (2) made some offenses non-bailable; and (3) increased the period of imprisonment from 10 to 14 years for certain offenses. On September 14, 2023, the Cyber Tribunal, Dhaka sentenced Odhikar’s Secretary, Adilur Rahman Khan, and Director, ASM Nasiruddin Elan, to two years imprisonment and a Taka 10,000 fine under the ICT Act of 2006 for releasing a report on extrajudicial killings related to the Hefazat-e-Islam protests of 2013.

In 2018, the ICT Act of 2013 was replaced by the Digital Security Act (DSA). The Digital Security Act (DSA) severely undermined the ability of CSOs to engage in advocacy. The DSA criminalized various types of online speech, ranging from defamatory messages to speech that “injures religious values or sentiments.” According to Amnesty International, as of July 2021, Bangladesh had imprisoned at least 433 people under the DSA, most of whom were held on allegations of publishing false and offensive information online. Bangladeshi writer Mushtaq Ahmed, who was detained under the DSA in May 2020 for allegedly posting criticism of the government’s response to the COVID-19 on Facebook, subsequently died in police custody . Bangladeshi human rights activists, lawyers, journalists and academics, as well as international NGOs, have demanded the immediate release of people arrested under the DSA, and the repeal of the act itself.

On September 13, 2023, the Government of Bangladesh passed the Cyber Security Act (CSA) of 2023, replacing the DSA. Although the CSA made ten offenses bailable that were previously unbailable, marking some improvement, the CSA has retained the majority of offenses under the DSA. The CSA continues to limit the freedom of expression by criminalizing speech on vague and broad categories and gives the authorities vast powers to obtain and censor data information. Concerns remain that the authorities could misuse the CSA to arrest, detain, and silence dissenting voices.

The Right to Information (RTI) Act (2009) provides public access to the information of public, autonomous, and statutory organizations, as well as private organizations, to ensure transparency and accountability. CSOs all over the country are required to follow the Act and disclose information that is considered within the public’s right to know. Nevertheless, only a few CSOs are aware of and follow the Act’s requirements. In 2022, ICNL conducted a series of RTI trainings to raise awareness among CSOs of how to leverage the RTI Act more effectively.

Barriers to International Contact

CSOs are free to interact and cooperate among themselves and with donor agencies at home and abroad through any means of communication. There is no bar to attending conferences inside or outside the country. CSOs participate in UN and other international conferences as important stakeholders.

Barriers to Resources

The ability of CSOs in Bangladesh to access international funding has long been stifled by formidable barriers, including the Foreign Donations (Voluntary Activities) Regulation Act, 2016. As mentioned previously, the government established the NGO Affairs Bureau (NGOAB) under the Prime Minister’s Office to coordinate and regulate the activities of CSOs operating with foreign funding. CSOs seeking to secure international support must first be registered with the NGO Affairs Bureau (known as FD Registration) and secondly secure project approval from the same Bureau. The NGOAB is responsible for all contact with CSOs under the Foreign Donations (Voluntary Activities) Regulation Act, 2016.

Several new restrictions were also introduced in 2021 and 2022. According to a 2021 NGOAB regulation, CSOs that remain inactive for five years and cannot secure international funding are subject to cancellation by the Bureau. In addition, newly registered organizations are given just six months to secure foreign funding, as written on the back of their registration certificates; this limitation can result in cancellation by the Bureau.

A November 2021 Prime Minister's circular introduced a new barrier to re-granting. Specifically, CSOs registered with the NGO Affairs Bureau can provide grants or financial assistance ***only*** to another organization registered with the Bureau. At present, there are only 2,529 CSOs registered with the NGO Affairs Bureau, but more than 200,000 CSOs registered under other governing laws of the country. Due to the Prime Minister's circular, those CSOs registered under other governing laws but not with the NGOAB will no longer be able to receive grant support from domestic or international CSOs registered with the Bureau.

The NGOAB also issued a circular in December 2021 which requires all CSOs to implement "anti-drug activities." Issued upon the direction of the Department of Narcotics Control, the circular is related to Bangladesh's continued campaign against drugs. To date, the NGOAB has not yet acted on this circular. Moreover, there is substantial confusion relating to its implementation. On its face, the circular mandates that all CSO projects, regardless of their objectives, include anti-drug activities. While the circular does not clearly define "anti-drug activities", it does include examples of acceptable anti-drug activities to include community sensitization, sports or cultural activities to engage youth, helping to sponsor rehabilitation facilities, and sponsoring youth brigades for anti-drug campaigns. Once implemented, the NGOAB will not approve project proposals that do not include anti-drug activities and will ask the applicant to revise its activities and budget to include anti-drug activities.

Lastly, the NGOAB issued two circulars in January 2022. One circular issued on January 4 requires a CSO seeking NGOAB project approval for the use of foreign donations to submit a project summary with the project proposal. The project summary must include the project title, project duration, geographic area, number of beneficiaries, detailed budget, annual budget (if applicable), and district or sub-district budget. The NGOAB will then publish the project summary on its own (the NGOAB's) website for public transparency.

Referencing the Right to Information Act, the other circular issued on January 17 requires all domestic and international CSOs working in Bangladesh and registered with the NGOAB to prepare and post designated information on their organizational websites. The required information includes the chairperson, executive director, country director, other directors, and point of contact for the NGOAB, along with the approved project activities. The circular emphasizes this must be completed within 15 days.

Barriers to Assembly

The Constitution of Bangladesh guarantees the freedom of assembly, but excludes non-citizens. In Article 37, the Constitution states: "***Every citizen*** shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to any reasonable restrictions imposed by law in the interests of public order or public health (***italics added for emphasis***)." Since December 27, 2014, however, amid calls by opposition parties for mass protests to demand new parliamentary elections, all peaceful protests and rallies by opposition leaders were banned in Gazipur District. In Dhaka, Section 144 of the Code of Criminal Procedure, 1898, was imposed to officially ban all forms of public meetings.

Advance Permission

Organizers must secure prior permission from the local police authority to hold an assembly. For example, in 2013, the Dhaka Metropolitan Police (DMP) issued a circular (https://www.forum-asia.org/?p=16237) stating that organizers of any assembly, meeting or public gathering in open public places, such as streets, must submit an application to the Police Commissioner 7 days before an assembly. The Office of the Police Commissioner usually responds to the applicant within 5 days regarding whether permission is given or denied. Permission is likely to be denied where organizers seek to express views against the state or any religion. If permission is denied, that decision, for practical purposes, is final (although in theory one can file a case at the High Court Division of the Supreme Court of Bangladesh against a denial of permission). Since 2012, police have been reportedly refusing permission to hold assemblies.

Time, Place, Manner Restrictions

In practice, Bangladeshi authorities have imposed time, place and manner restrictions on assemblies.

For example, on May 19, 2013, the Home Minister Mohiuddin Khan Alamgir declared a prohibition on all kinds of political meetings and programs across the country for one month in the interest of 'maintaining law and order.'

Local administrative authorities in Dinajpur prevented a protest gathering on November 23, 2012 by relying on Section 144 of the Criminal Penal Code, (https://bdlaws.minlaw.gov.bd/sections_detail.php?id=11&sections_id=2869) which prohibits meeting in that area from 12.00 pm to 12.00 am.

The police have reportedly stated that permission for meetings and political activities will not be granted in certain places. For example, the main opposition party, the BNP, was refused permission to hold meetings in front of its party office on May 12 and 16, 2013.

The government has also imposed a prohibition on 'human chain' protests.

Content Restrictions
The Government often restricts assemblies with political objectives. The law enforcement agencies favor the ruling party and sometimes take part in the attack on protests involving the opposition. For example, on January 10, 2013, police stopped a peaceful hunger-strike by protesting school teachers in Dhaka and scattered the protesting teachers by using pepper spray and tear gas shells. Over 100 teachers were injured during this incident.

Responsibility of Organizers
Assembly organizers are liable for any misconduct, violence or damages that occur during the assembly. Any violation of such an obligation results in legal action against the organizers.

The Dhaka Metropolitan Police (DMP) Ordinance (https://bdlaws.minlaw.gov.bd/pdf_part.php?id=511), 1976, Section 29 imposes criminal sanctions against the organizers and participants of assemblies and processions that violate the laws relating to assemblies: "Whoever contravenes any order made under section 29 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred taka, or with both."

Enforcement
In practice, government authorities target assemblies protesting any state action. Law enforcement agencies may erect barriers and stop such meetings and processions by attacking participants with batons or firing tear gas shells in the name of 'public safety'. In addition, police and the ruling party activists often prevent the assemblies planned by opposition groups.

In July 2024, authorities cracked down on widespread student protests with excessive force. The students were demanding reform of a government quota system that favors relatives of independence fighters by reserving more than half of civil service posts for certain groups, including the independence fighters' relatives, who tend to be among the political elite. In 2018, the quota system was rescinded following similar protests, but in June 2024, the country's High Court reinstated the quota upon ruling that rescinding of the ban had been unconstitutional. The protests escalated when members of the Bangladesh Chatra League – the student wing of the ruling Awami League party – attacked student protesters inside the Dhaka University campus. Government authorities responded to the escalating protests by shutting down the internet and using excessive force, which has resulted in more than 200 people killed and many more injured.

In February 2025, former Bangladesh prime minister Sheikh Hasina and her government were accused by UN human rights investigators of a brutal response to the mass opposition in 2024, in which they said up to 1,400 people had been killed, mostly by security forces. The UN team claimed there was "an official policy to attack and violently repress anti-government protesters" and it was directed by political leaders and senior security officials. Hasina, who had been in office for 15 years, ultimately fled by helicopter to India before crowds stormed her residence in August 2024.

back to top

+ REPORTS

+ NEWS AND ADDITIONAL RESOURCES