European Parliament
2014-2019

Plenary sitting

B8-0533/2018 }
B8-0535/2018 }
B8-0536/2018 }
B8-0538/2018 }
B8-0539/2018 }
B8-0542/2018 }
B8-0544/2018 } RC1

14.11.2018

JOINT MOTION FOR A RESOLUTION

pursuant to Rules 135(5) and 123(4) of the Rules of Procedure

replacing the following motions:
B8-0533/2018 (ECR)
B8-0535/2018 (EFDD)
B8-0536/2018 (S&D)
B8-0538/2018 (Verts/ALE)
B8-0539/2018 (GUE/NGL)
B8-0542/2018 (ALDE)
B8-0544/2018 (PPE)

on the human rights situation in Bangladesh
(2018/2927(RSP))

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on behalf of the ALDE Group
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on behalf of the EFDD Group

European Parliament resolution on the human rights situation in Bangladesh (2018/2927(RSP))

The European Parliament,

– having regard to its previous resolutions on Bangladesh of 6 April 2017[1] and 26 November 2015[2],

– having regard to its resolution of 14 June 2017 on the state of play of the implementation of the Sustainability Compact in Bangladesh[3], and having regard to the Commission's technical status report of 28 September 2018,

– having regard to its resolution of 27 April 2017 on the EU flagship initiative on the garment sector[4],

– having regard to the Cooperation Agreement of 2001 between the European Community and the People's Republic of Bangladesh on Partnership and Development[5],

– having regard to the International Labour Organisation Convention on Freedom of Association and Protection of the Right to Organise,

– having regard to the Sustainability Compact for Continuous Improvements in Labour Rights and Factory Safety in the Ready-Made Garment and Knitwear Industry in Bangladesh,

– having regard to the Bangladesh Accord on Fire and Building Safety of 2013, and its renewal in 2018,

– having regard to the joint local statement of 27 September 2018 on the Bangladesh Digital Security Act by the Heads of Mission of the EU Member States, the European Union Delegation and the Heads of Mission of Norway and Switzerland,

– having regard to the National Report of 26 February 2018 submitted to the UN Human Rights Council Universal Periodic Review (UPR) of Bangladesh,

– having regard to the International Convention for the Protection of All Persons from Enforced Disappearance, adopted on 20 December 2006 by the UN General Assembly, and which entered into force on 23 December 2010,

– having regard to the UN Guiding Principles on Business and Human Rights, endorsed

[1] European Parliament resolution of 6 April 2017 on Bangladesh, including child marriages, OJ C 298, 23.8.2018, p. 65.
[2] European Parliament resolution of 26 November 2015 on freedom of expression in Bangladesh, OJ C 366, 27.10.2017, p. 135.
[3] OJ C 331, 18.9.2018, p. 100.
[4] OJ C 298, 23.8.2018, p. 100.
[5] OJ L 118, 27.4.2001, p. 48.

by the UN Human Rights Council on 16 June 2011,

– having regard to the Universal Declaration of Human Rights of 1948,

– having regard to the International Covenant on Civil and Political Rights of 1966,

– having regard to the UN Convention on the Rights of the Child,

– having regard to the Bangladesh National Action Plan to Eliminate Child Marriage 2015-2021,

– having regard to the recommendations of the 17th session of the UN Permanent Forum on Indigenous Issues (UNPFII),

– having regard to the World Press Freedom Index 2018,

– having regard to the Bangladesh Digital Security Act of 2018,

– having regard to the Bangladesh Information and Communication Technology (ICT) Act, notably Section 57 thereof,

– having regard to the EU Human Rights Guidelines of 12 May 2014 on Freedom of Expression Online and Offline,

– having regard to Rule 135(5) and 123(4) of its Rules of Procedure,

A. whereas the EU has long-standing relations with Bangladesh, including through the Cooperation Agreement on Partnership and Development; whereas respect for and promotion of human rights and democratic principles underpin the domestic and international policies of the parties and must be an essential part of EU external action;

B. whereas the repression of members of civil society, including political activists, trade unionists, journalists, students, human rights defenders and minorities, has increased over the past years in Bangladesh; whereas UN human rights experts and international human rights groups have reported a discernible pattern in Bangladesh of extrajudicial executions, mass arbitrary arrests and enforced disappearances such as the cases of Maroof Zaman and Mir Ahmad Bin Quasem;

C. whereas Bangladesh ranks 146th out of 180 in the World Press Freedom Index; whereas violations of fundamental freedoms and human rights, particularly violence, harassment, intimidation and censorship of journalists and bloggers, continue to be widespread in Bangladesh; whereas the Bangladesh ICT Act, in particular Section 57 thereof, has been used over the few past years to arrest and prosecute activists and journalists who have criticised the government;

D. whereas the Digital Security Act, as passed by the Parliament of Bangladesh on 19 September 2018, fails to amend Section 57 of the ICT Act, in spite of the numerous criticisms by Bangladeshi journalists, civil rights activists and the international

community;

E. whereas internationally recognised and award-winning Bangladeshi photojournalist Shahidul Alam, a teacher and activist, was forcibly abducted from his home on 5 August 2018 and imprisoned under the ICT Act after speaking out on recent student protests in Bangladesh and criticising the use of violence by the authorities; whereas he has remained in detention and been denied bail several times; whereas he has allegedly been denied adequate medical treatment and subjected to torture;

F. whereas terrorist attacks have seen the government pursue a strict 'zero tolerance' approach; whereas mobile networks in Bangladesh have been shut down, and Bangladeshi security forces have reportedly been trying to buy electronic surveillance equipment on the international market; whereas the Government of Bangladesh has embarked on a campaign of intensive and intrusive surveillance and monitoring of social media;

G. whereas elections are due to be held in Bangladesh on 30 December 2018; whereas opposition leader and former Prime Minister Khaleda Zia is currently serving 10 years in jail for corruption and is barred from contesting the elections as a result; whereas she denies the charges, which her supporters claim were politically motivated;

H. whereas women and girls in Bangladesh experience high levels of violence; whereas Bangladesh has the highest rate of child marriage in Asia and one of the highest in the world; whereas in 2017 the Government of Bangladesh passed the Child Marriage Restraint Act, which introduces exceptions in 'special cases', while failing to define such criteria or lay down a minimum age for such marriages;

I. whereas in Bangladesh the death penalty can be applied for multiple crimes; whereas in 2017, six people were executed;

J. whereas there has been a reported rise in cases of violence this year, in particular against indigenous women, as well as the harassment and arrest of indigenous rights activists in the Chittagong Hill Tracts area;

K. whereas the EU is Bangladesh's main trading partner and, as a least developed country (LDC), Bangladesh benefits from the most favourable regime available under the EU's Generalised Scheme of Preferences (GSP), namely the Everything But Arms (EBA) arrangement;

L. whereas Bangladesh is due to graduate out of LDC status in 2024; whereas an acceleration of reforms in human rights and labour rights, including eradicating child labour, is needed in the intervening years; whereas concerns remain around provisions in the Bangladesh Labour Act and draft Export Processing Zones Act;

M. whereas, in the framework of the Sustainability Compact, the Accord on Fire and Building Safety in Bangladesh was signed between global apparel brands, retailers and trade unions; whereas to date, less than half of the factories covered by the accord have

completed adequate safety measures; whereas the accord expired in October 2018, despite significant work remaining to be done; whereas the accord was succeeded by a Transition Accord to apply for three years;

N. whereas the accord needs to be supported and all parties allowed to continue their work smoothly, including beyond November 2018; whereas only once the Government of Bangladesh and its Remediation Coordination Cell (RCC) have demonstrated both in word and in deed that they have met the readiness conditions and that these types of Responsible Business Conduct initiatives might no longer be needed;

O. whereas in 2018 Bangladesh received a massive influx of over 700 000 Rohingya refugees escaping a campaign of ethnic cleansing by the Burmese military, and who remain in dire need of humanitarian assistance; whereas Bangladesh and Myanmar reached an agreement on 30 October 2018 on starting the repatriation of Rohingya people back to Myanmar as of mid-November and without the consultation or the involvement of the UN Refugee Agency (UNHCR);

1. Expresses serious concern at the deteriorating human rights situation in Bangladesh and, in particular, at the ongoing crackdown on the freedom of expression and assembly against the media, students, activists, and the opposition; condemns the fact that people are being arrested and subjected to violence for exercising their freedom of expression to criticise the government; is extremely concerned at reports that the use of torture is becoming endemic;

2. Notes that the UN UPR of May 2018 praised Bangladesh for its ‘remarkable progress’ in improving human rights in recent years; urges the Government of Bangladesh to implement the recommendations of the UPR, particularly in areas such as the independence of the judiciary, civil and political rights, freedom of the media, economic, social and cultural rights, and the rights of women and girls;

3. Calls on the Bangladeshi authorities to conduct independent investigations into reports of extrajudicial killings, enforced disappearances and excessive use of force, including the cases of Maroof Zaman and Mir Ahmad Bin Quasem, and to bring those responsible to justice in accordance with international standards; further calls on Bangladesh to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and to incorporate its provisions into national law;

4. Calls on the Bangladeshi authorities to immediately and unconditionally release Shahidul Alam, drop all charges against him, and allow him to continue his legitimate human rights work; insists that the Bangladeshi authorities must take all necessary measures to guarantee Shahidul Alam’s physical and psychological integrity and security, as well as that of his family, and ensure that, while in detention, Shahidul Alam is treated in a manner that adheres to international principles and standards; calls on the Bangladeshi authorities to launch an immediate and public investigation into the allegations that Shahidul Alam has been tortured, and to bring the perpetrators to justice;

5. Expresses deep concern at the ICT Act, not only as it has already had a severe impact on the work of journalists, bloggers and commentators but also as it penalises the legitimate exercise of the right to freedom of expression by any individual, including on social media; is of the view that Section 57 of the ICT Act is incompatible with the fundamental rights of freedom of expression and to a fair trial;

6. Deeply regrets the government's decision to enact the Digital Security Act, which actually expands and reinforces the powers of the police to crack down on free speech, including on social media, ahead of national elections in 2018; calls on the Bangladeshi authorities to urgently revise the Digital Security Act and the ICT Act and bring them into line with the international conventions on human rights to which Bangladesh is a party;

7. Appreciates the constructive role played by Bangladesh under difficult circumstances in accepting the reception of Rohingya refugees; urges the authorities to provide more land to reduce overcrowding and improve the squalid conditions in the camps; urges the authorities to ease the bureaucratic restrictions they are imposing on humanitarian organisations; urges the Governments of Bangladesh and Myanmar to immediately reconsider the decision to start repatriating Rohingya refugees, since the conditions for a safe, dignified and voluntary return have not yet been met;

8. Calls for the EU and other international donors to step up their efforts in providing the necessary financial and material aid to Rohingya refugee camps in Bangladesh;

9. Insists that Bangladesh comply with its commitments under the EBA scheme in relation to democracy, human rights and the rule of law;

10. Reiterates its call for the abolition of the death penalty in Bangladesh;

11. Expresses serious concern at the annulment of the Transition Accord, which is due to take effect on 30 November 2018; notes that the RCC does not yet have the capacity to monitor and enforce health and safety requirements, with the serious implications for the safety and rights of factory workers that this entails; urges the Government of Bangladesh to immediately recognise and implement the Transition Accord and show greater readiness to take over all of the functions of the accord; calls on donors to support the Government of Bangladesh in order to make this possible; further calls on the Commission and the European External Action Service (EEAS) to continue their capacity-building work with the RCC;

12. Calls on the Government of Bangladesh to adopt legislative changes to the Bangladesh Labour Act and its implementing rules to bring them into line with the ILO's international labour standards, and to allow full freedom of association; calls on the Government of Bangladesh to take the necessary steps to effectively address all acts of anti-union discrimination, including acts of violence and intimidation;

13. Expresses concern that while the 2017 Child Marriage Restraint Act includes provisions on strengthening prevention, and on the prosecution of offenders, it nevertheless

contains a clause allowing marriage under the age of 18 under special circumstances with parental consent and court permission; calls for this loophole to be closed as a matter of urgency in the interests of child protection;

14. Urges the Bangladeshi authorities to continue to address human rights challenges; notes that human rights issues will be further discussed at the EU-Bangladesh Joint Commission, to be held in Dhaka in the first half of 2019;

15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the European Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, and the Government and Parliament of Bangladesh.