



Plenary sitting

B8-0536/2018

13.11.2018

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

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

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on behalf of the S&D Group

B8-0536/2018

**European Parliament resolution on : The human rights situation in Bangladesh
(2018/2927(RSP))**

The European Parliament,

- having regard to its previous resolution on Bangladesh of 6 April 2017 and 26 November 2015,
- having regard to its resolution of 14 June 2017 on the state of play of the implementation of the Sustainability Compact, and having regard to the technical status report of September 2018;
- having regard to its resolution of 27 April 2017 on the EU flagship initiative on the garment sector,
- having regard to the Cooperation Agreement between the European Community and the People's Republic of Bangladesh on Partnership and Development of 2001,
- 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 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 of 27 September 2018,
- having regard to the National Report of 26 February 2018 submitted to the United Nations Human Rights Council Universal Periodic Review of Bangladesh,
- having regard to the UN Guiding Principles on Business and Human Rights, endorsed by the UN Human Rights Council in 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 United Nations Sustainable Development Goals,
 - 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 Bangladesh Digital Security Act of 2018,
 - having regard to the Bangladesh Information and Communication Technology Act, notably Section 57,
 - having regard to the EU Guidelines on freedom of expression online and offline of 12 May 2014,
 - having regard to Rule 135(5) and 123(4) of its Rules of Procedure,
- A. whereas relations between the EU and the People’s Republic of Bangladesh are governed by the Cooperation Agreement on Partnership and Development; whereas respect for human rights, the rule of law and democratic principles underpin this relationship;
 - B. whereas UN human rights experts and international human rights groups have reported a discernible pattern of extra-judicial executions, mass arbitrary arrests and enforced disappearances that has targeted journalists, students, human rights defenders and members of the political opposition;
 - C. whereas a series of public protests took place in Bangladesh in July and August 2018 following a bus crash in which 2 students were killed; whereas journalists and media workers were subject to attack, injury and arrest while covering the road safety protests; whereas journalist Shahidul Alam posted a video of the rally on Facebook and participated in an interview with international media; whereas he was arrested on 5 August 2018;
 - D. whereas Shahidul Alam was detained under the Information and Communication Technology Act on allegations of spreading propaganda against the government and spreading false information; whereas he has remained in detention and been denied bail several times; whereas he has allegedly been denied adequate medical treatment and subject to torture;
 - E. whereas the detention of Shahidul Alam took place against a backdrop of arbitrary detentions and increasing restrictions on freedom of expression and assembly in Bangladesh; whereas on 13 August 2018 UN human rights experts noted a general context of a crackdown on civil society in the country and urged the Bangladeshi authorities to immediately release Shahidul Alam;

- F. whereas opposition leader Khaleda Zia was found guilty of corruption and is currently serving a jail sentence; whereas opposition politicians and party officials allege charges brought against them are politically-motivated; whereas elections are due to be held in Bangladesh on 23 December 2018;
- G. whereas the Digital Security Act was adopted by the Bangladeshi Parliament in September 2018; whereas the European Union has expressed its concern that provisions in the Act unduly restrict freedom of expression and freedom of the media and undermine judicial procedural guarantees;
- H. whereas Bangladesh has the highest rate of child marriage in Asia and one of the highest in the world;
- I. whereas the European Union is the main trading partner of Bangladesh; whereas Bangladesh benefits from duty free access to the European Union market for all products except arms and ammunition through the Everything But Arms preferential scheme;
- J. 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;
- K. whereas in 2013, following the Rana Plaza disaster, 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 factories covered by the Accord have completed adequate safety measures; whereas a lot of work remains to be done to implement the provisions of the Accord; whereas it was succeeded by a Transition Accord to apply for 3 years;
- L. Whereas the Accord needs to be supported and all parties allowed to smoothly continue their work– including beyond November 2018; whereas it is only when the Government of Bangladesh and its Remediation Coordination Cell has demonstrated in word and in practice that it has met the readiness conditions, that these types of Responsible Business Conduct initiatives may no longer be needed;
- 1. Expresses serious concern at the arrest, detention and alleged torture of Shahidul Alam; calls for his immediate release, for all charges against him to be dropped, for his rights to be fully upheld and for appropriate medical assistance to be immediately provided for him; further calls for the release of all activists, journalists and students arbitrarily detained in Bangladesh while exercising the right to freedom of association and expression; insists that all detainees must have adequate access to medical and legal assistance and are not subject to torture or cruel and degrading treatment;

2. Recalls Bangladesh's international human rights obligations; calls on the Bangladeshi authorities to launch an immediate and public investigation into the allegations of torture against Shahidul Alam and bring the perpetrators to justice;
3. Reiterates its full commitment to the rights to freedom of expression, freedom of association and due process; recalls that an independent press operating free from harassment and arbitrary detention is a fundamental element of a functioning democracy; is extremely concerned at the ongoing crackdown of civil society in Bangladesh;
4. Insists that the government of Bangladesh must ensure human rights defenders are able to operate without fear of harassment, intimidation or arbitrary arrest, and are able to carry out their legitimate human rights activities without fear of restrictions;
5. Calls on the government and parliament of Bangladesh to amend the Information and Communication Technology Act and the Digital Security Act to ensure they cannot be used to repress peaceful process or criminalise the legitimate exercise of freedom of expression, and to bring both pieces of legislation in line with the Bangladesh Constitution and international obligations;
6. Expresses concern, in particular in light of the 23rd December election, at the recently approved National Broadcast Act 2018, providing sentences of up to 3 years in prison for "going against the spirit" of the 1971 liberation war, or airing "misleading or false" information, to be used to further limit freedom of expression;
7. Urges all stakeholders to conduct transparent, credible, inclusive, transparent and peaceful elections; stresses the importance of an independent press and active civil society online and offline as part of this process; further urges the Government of Bangladesh to ensure all political parties are permitted to participate in the upcoming elections free from impediment;
8. Is alarmed at the prevalence of enforced disappearances in Bangladesh; reiterates calls from United Nations human rights experts for the Bangladeshi government to take immediate action to stop enforced disappearances, investigate all incidences of the crime and bring the perpetrators to justice;
9. Is deeply concerned by the rising numbers of arbitrary arrests and incommunicado detention and urges the Government of Bangladesh to take all necessary and reasonable measures to ensure that such persons are brought before a competent judicial authority and their detention brought in line with national law or released immediately;
10. Welcomes the legislative action taken by Bangladesh to tackle child marriage; notes however that progress remains slow and rates of early marriage remain alarmingly

high; urges Bangladesh to close the loopholes in the Marriage Act to ensure the minimum age for marriage for women is 18 in all circumstances;

11. Expresses serious concern at the annulment of the Transition Accord which is due to take effect on 30 November 2018; notes that the Remediation Coordination Cell does not yet have the capacity to monitor and enforce health and safety requirements, with serious implications for the safety and rights of factory workers; urges the Bangladesh government to immediately recognise and implement the Transition Accord; calls on the European Commission and EEAS to continue capacity-building work with the RCC;
12. Calls on the government of Bangladesh to enhance its readiness to take over all of the functions of the Accord based on the agreed readiness criteria in order to be able to fulfil the Accord's objectives of safety remediation and effective work through the Safety Committees; further calls upon donors to support the Government of Bangladesh to make this possible;
13. 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; is concerned about the high number of rejections of union registrations, further calls on the Government of Bangladesh to ensure the registration of trade unions is considered an administrative matter;
14. Calls on the Government of Bangladesh to undertake legislative changes to the Bangladesh Labour Act and its implementing rules (notably to lower the membership threshold requirements for unionisation) to address all the comments made by the ILO Supervisory bodies and bring them in line with International Labour Standards (ILS) and to allow full freedom of association; further calls on the Government of Bangladesh to propose amendments to the draft EPZ law to provide a consistent regulatory environment in line with the BLA and to allow full freedom of association, thereby addressing the comments by the ILO supervisory mechanism and bringing legislation applicable to EPZs fully in line with ILS; calls upon the government of Bangladesh to ensure that progress made on investigations of unfair labour practices;
15. Calls on the Government of Bangladesh to make a formal submission to the Supreme Court, Appellate Division welcoming the continuation of the Accord operations for the full duration of the agreement; calls on the Government of Bangladesh to reference in their submission to the Supreme Court the Accord's commitment to transition its functions to the Government of Bangladesh as outlined in its Transition Plan and as discussed in the Transition Monitoring Committee;
16. Calls on the European Commission to use its influence with the Government of Bangladesh based on the Cooperation Agreement on Partnership and Development and to exercise its leverage as the main trading partner of Bangladesh, via the Everything but Arms trade preferences;

17. 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.