



Plenary sitting

B8-0538/2018

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))

**Jean Lambert, Barbara Lochbihler, Judith Sargentini, Heidi Hautala,
Jordi Solé, Bodil Valero**
on behalf of the Verts/ALE 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, in particular those of 26 November 2015 on freedom of expression in Bangladesh, of 16 January 2014 on recent elections in Bangladesh, and of 14 June 2018 on the situation of Rohingya refugees, in particular the plight of children,
 - having regard to the concluding observations of the UN Human Rights Committee of 22 March 2017 on Bangladesh,
 - Having regard to the recommendations of 17th session of the United Nations Permanent Forum on Indigenous Issues (UNPFII),
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR),
 - having regard to the International Covenant on Social Economic and Cultural Rights and the Observations of the Committee of Experts,
 - having regard to the Bangladesh Accord on Fire and Building Safety of 2013,
 - having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
 - having regard to the Cooperation Agreement between the European Community and Bangladesh on Partnership and Development of 2001,
 - having regard to the report of the UN-mandated Independent International Fact-Finding Mission on Myanmar (IIFMM) of 24 August 2018 which concludes that the most serious human rights violations and gravest crimes under international law, including genocide, crimes against humanity and war crimes, were committed in several states of Myanmar including Rakhine against the Rohingya communities;
 - having regard to the Commission's Bangladesh Sustainability Compact technical Status Report of 28 September 2018,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the EU has a long-standing relation 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 element of EU external

action;

- B. whereas Shahidul Alam, renowned Bangladeshi photojournalist and activist, was detained at his home by plain cloth members of the Detective Branch of Police after he had documented protests by students that had erupted days earlier and after criticising the government for violently repressing such demonstrations on social media and in an interview for Al-Jazeera; whereas his family members and lawyers were not informed of his whereabouts at the time of his arrest;
- C. whereas Alam appeared in court on 6 August, charged with “spreading propaganda and false information against the government” under the controversial section 57 of the Information and Communication Technology (ICT) Act;
- D. whereas, during his hearing, Alam informed the court that he had been tortured in detention;
- E. whereas Alam was first denied bail on 6 August and has been held in Dhaka Central Jail since, while subsequent bail hearings continue to be deferred;
- F. whereas these concerning events took place during a period of unrest and in a context of increasing pressures on civil society and shrinking space for freedom of expression in Bangladesh, where NGOs activists, lawyers, journalists and trade unionists continue to be put under pressure by a variety of agents or arrested and where forced disappearance and extrajudicial killings continue to occur;
- G. whereas the ICT Act, in particular its Section 57, has been used over the past years to arrest and prosecute activists and journalists who have criticised the government, and more recently it has been used in more than 20 cases involving journalists; whereas, the Digital Security Act, as passed by parliament on September 19, fails to amend Section 57 of the ICT Act, in spite of the many protests by Bangladeshi journalists, civil rights activists and reactions and comments from the international community;
- H. whereas there has been a reported rise this year in cases of violence, in particular against indigenous women, and harassment and arrest of indigenous rights activists in Chittagong Hill Tracts area;
- I. whereas in spite of the long-standing relation with Bangladesh, the EU decided not to send an election observation mission to the country, because the conditions for representative elections would not be met without the confirmation that opposition candidates would take part; whereas national general elections will take place on 30 December 2018;
- J. 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 UNHCR; whereas the UN further confirmed that the conditions in Rakhine state are not yet conducive for a return to Myanmar and that, at the same time, Rohingya refugees continue to arrive from Rakhine state into Bangladesh;
- K. whereas following the Rana Plaza disaster in 2013, Bangladesh has committed to

improving labour rights, workers safety and responsible business conduct under the Sustainability Compact; whereas the amended Labour Law was adopted in parliament on 3 September 2018;

- L. 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 factories covered by the Accord have completed adequate safety measures; whereas the Accord expired in October 2018, while a lot of work remained to be done, and was succeeded by a Transition Accord to apply for 3 years;
- M. whereas the Accord's agreed readiness criteria for the national regulatory body include demonstrated proficiency in inspection capacity, remediation of hazards, enforcement of law against non-compliant factories, full transparency of governance and remediation progress, as well as investigation and fair resolution of workers' safety complaints;
1. Calls on the authorities of Bangladesh to immediately and unconditionally release Shahidul Alam and drop all charges against him, and allow him to continue his legitimate work as journalist and human rights activist;
 2. Insists that Bangladeshi authorities must take all necessary measures to guarantee Alam's physical and psychological integrity and security, as well as that of his family and ensure that the treatment of Shahidul Alam, while in detention, adheres to international principles and standards;
 3. Urges Bangladeshi authorities to carry out an immediate, thorough and impartial investigation into any instances of torture against Shahidul Alam with a view to publishing the results of any such investigation and bringing the perpetrators to justice, in line with Bangladesh's international human rights obligations;
 4. Expresses deep concern at the ICT Act as it has already severely impacted on the work of journalists, bloggers and commentators but it also penalizes 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 since it criminalises the publication of material which prejudices the image of the state, it authorises the police to arrest an accused person without judicial warrant and it does not allow bail;
 5. Regrets that the Digital Security Act has represented a missed opportunity to repeal Section 57 of the ICT Act, in spite of the several assurances by the government that they would consult stakeholders and that they would avoid any impact on freedom of expression; trusts that the Government of Bangladesh will revise the law before it is signed into law, in order to ensure that it is in line with Bangladesh's commitments under international human rights law and that it provides for checks and balances against arbitrary arrest, detention, and other restrictions of freedom of expression;
 6. Urges the Bangladesh authorities to condemn and work to end acts against freedom of expression as well as acts of violence, harassment, intimidation and arbitrary arrest against journalists, bloggers and civil society; further urges the authorities to conduct independent investigations into the extra-judicial killings and enforced disappearances

and to bring those responsible to justices in line with international standards;

7. Urges the next Government to set a time frame for the full implementation of the Chittagong Hill Tracts Accord of 1997 and make progress on the settlement of land disputes;
8. Regrets that a consensual agreement for establishing an interim government during the course of the electoral campaign and for overseeing the elections has not been reached; calls on all political forces to refrain from any violence or instigation of violence during the electoral process;
9. Expresses the hope that the next general elections will be credible, transparent, contested and participatory; encourages all political forces to stand in the elections, in order to ensure citizens can have a full and significant political choice and to not undermine Bangladesh's impressive social and economic development progress;
10. Calls on the Bangladeshi Government to restore the enabling environment for civil society organisations and human rights defenders - including through amending the Foreign Donation Regulation - which has contributed much to Bangladesh's development, so that they can carry out their activities freely;
11. 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 are not yet met; calls once again upon the Government of Myanmar and the security forces to put an immediate stop to ongoing violations, killings, destruction of property and sexual violence against Rohingya people and to ensure that security and the rule of law prevail in Myanmar
12. Calls the international community and international donors to step up their efforts in providing the necessary financial and material aid for the Rohingya refugee camps in Bangladesh;
13. Notes that the Remediation Coordination Cell set up by the Government 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;
14. Recognises the progress in factory safety under the Accord but expresses serious concern at the annulment of the Transition Accord due to take effect on 23 November 2018 and urges the Government to reconsider this decision and take the action necessary to ensure the Transition Accord can run its full course;
15. Calls upon 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 take over and fulfil the Accord's objectives; also calls upon donors to support the Government of Bangladesh to make this possible;
16. Notes the adoption of the amended Labour Law by the parliament which reduces the percentage of workers' participation required for forming trade unions and recalls that Bangladesh has committed to put national labour legislation in compliance with ILO conventions 87 and 98; further calls on the government to extend the application of the

Labour Law to export processing zones (EPZs); encourages the Commission to consider extending the scope of the Compact to other relevant export-oriented RMG producing countries;

17. Calls upon the Government of Bangladesh to repeal the Special Powers Act and to dismiss all cases brought under this act;
18. Instructs its President to forward this resolution to the Government and Parliament of Bangladesh, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the Commission, the governments and parliaments of the Member States, and the UN Human Rights Council.