



Plenary sitting

B8-0539/2018

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 GUE/NGL Group

B8-0539/2018

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

The European Parliament,

- having regard to its previous resolutions on Bangladesh
 - having regard to the European Parliament resolution of 27 April 2017 on the EU flagship initiative on the garment sector (2016/2140(INI))
 - having regard to The Cooperation Agreement between the European Community and the People's Republic of Bangladesh on Partnership and Development, in particular its Article I containing the so-called Human Rights Clause, signed on 22 May 2000 and entered into force on 1 March 2001,
 - having regard to the United Nations Universal Declaration of Human Rights of 1948, the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights of 1966, ratified by Bangladesh in 2000, and the United Nations Declarations on Human Rights Defenders of 1998,
 - having regard to the International Labour Organisation (ILO) Convention No. 81 on Labour Inspection, ILO Convention 87 on Freedom of Association and Protection of the Right to Organise and to ILO Convention 98 on the Right to Organise and Collective Bargaining, to which Bangladesh is a party,
 - having regard to Articles 33 and 35 of the Constitution of Bangladesh, which stipulate that no person shall be subjected to torture or cruel, inhumane or degrading punishment or treatment and that no person shall be arrested or detained in custody without being informed of the grounds for such arrest,
 - having regard to the Bangladesh Supreme Court ruling which laid down safeguard measures against arbitrary arrests by the police under Section 54 of the Code of Criminal Procedure, which also requires that any death incidents occurring in police custody be investigated by a magistrate, and the necessary legal proceedings taken,
 - having regard the statements made by the HR of the European Union on 29 September 2015 with respect to the human rights situation in Bangladesh,
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas in Bangladesh general elections will be held on December 23; whereas last general elections was preceded by weeks of political tensions and violence and that a lot of people were killed, hundreds injured, thousands arbitrarily arrested and there has been extensive destruction of property in the run-up to the elections;
- B. whereas repression against civil society, trade unions, political activists, journalists, members of the opposition, as well as against minorities, has increased in recent years in Bangladesh;

- C. whereas Bangladesh ranks 146 out of 180 on the World Press Freedom Index; whereas attacks against journalists, bloggers and the media continued and the government continued to use repressive legislation to restrict the right to freedom of expression; whereas in 2017 at least 25 journalists and hundreds of bloggers faced legal proceedings based on the law that regulates information and communication technologies, which criminalizes the online publication of information that blasphemes or defames; whereas at the beginning of 2018 the government presented a new digital security law, which due to the vagueness of its formulations could drastically muzzle critical voices;
- D. whereas on 5 August 2018, Shahidul Alam, journalist and human rights defender, was detained at his home by plain cloth members of the Detective Branch of Police, but his family members and lawyers were not informed of his whereabouts at the time of his arrest; whereas he appeared in court on 6 August, charged with “spreading propaganda and false information against the government” under the section 57 of the Information and Communication Technology Act; whereas during his hearing Alam informed the court that he had been tortured in detention; whereas Alam’s application for bail on 6 August was rejected, and refused again on 11 September, and his appeal has been repeatedly postponed since;
- E. whereas the violation of the right to freedom of thought, conscience and religion and notably the freedom to believe or not believe and freedom of opinion and expression have increased in recent years in Bangladesh; whereas people who have tried to criticize or express scepticism about religious views have been attacked and killed; whereas Bangladeshi blogger Limon Fakir, has been detained without trial for over a year and a half and his latest application for bail was rejected by the High Court of Dhaka on 6 November; whereas he was arrested for posting articles and videos about Islamic fundamentalism on his blog; whereas in June was Killed Shahjahan Bachchu, a journalist and blogger who defenced the religious tolerance and atheism;
- F. whereas civil society continued to face aggression by state and non-state actors, including increased harassment and surveillance by security forces; whereas the activities of NGOs were still restricted by the 2016 Foreign Donations (Voluntary Activities) Regulation Bill;
- G. whereas in July and early August 2018, largely peaceful students protests occurred in Dhaka to demand road safety and reforms in the transportation sector; whereas the peaceful protests were repressed by the police, hundreds of students were injured and an unknown number of protesters were arrested and detained;
- H. whereas human rights organizations have documented extrajudicial executions, arbitrary detentions, and forced disappearances committed by State security forces; whereas more than 86 people were victims of enforced disappearance in 2017 and at least 27 were victims between January and August 2018; whereas some of those arbitrarily detained are held for a long time in secret places of detention and others are later found dead, presumably victims of extrajudicial killings; whereas in 2017, 154 extrajudicial killings were recorded;
- I. whereas since May when the "zero tolerance" policy against suspected drug offenders started, at least 248 deaths and thousands of arrests have been registered; whereas the complaints from human rights activists, who warn that deaths committed by special forces are in fact extrajudicial executions;
- J. whereas torture and other ill-treatment in custody remained widespread, and that complaints were rarely investigated; whereas, according to data compiled by national organizations, at least 125 people were tortured to death by state agents from January 2009 to May 2018; whereas relatives of victims, journalists and human rights defenders who investigate cases of

torture are also often subjected to threats and violence; whereas, despite the Law against Torture in 2013, guilty state agents continue to enjoy impunity;

- K. whereas in 2018 Bangladesh ranks 136 out of a total of 189 countries in the Gender Inequality Index of the United Nations Development Program; whereas sexual harassment and violence against women and girls continued in 2017; whereas, although the number of acid attacks has gradually declined since 2002, cases continue to be recorded;
- L. whereas Bangladesh has the fourth highest rate of child marriages in the world, with between 52% and 66% of Bangladeshi girls married at the age of 18; whereas the Government of Bangladesh pledged to reduce by one third the number of girls marrying between the ages of 15 and 18 by 2021, to eliminate marriages involving children under 15 by 2021, and to end marriages of children under the age of 18 by 2041; whereas on 2017 the Government of Bangladesh passed the Child Marriage Restraint Act, which introduces exceptions in 'special cases' or for the 'best interests' of the adolescent while failing to define such criteria or lay down a minimum age for such marriages;
- M. whereas both state and non-state agents continued to harass and arbitrarily detain LGBTI activists; whereas Section 377 of the Penal Code provides for prison sentences for "crimes against nature";
- N. whereas in Bangladesh the death penalty can be applied for multiple crimes, including robbery with violence, trafficking and possession of drugs, treason, espionage, or military crimes; whereas at least 1,465 people were sentenced to death by the end of 2017; whereas since 2014, the annual number of new death sentences has almost doubled, going from 142 convictions in 2014 to at least 273 in 2017; whereas in 2017, 6 people were executed;
- O. whereas since August 2017, nearly 700,000 Rohingya, fled extrajudicial killings, rape, torture and arson from Myanmar army, police or Buddhist paramilitary and sought refuge in Bangladesh; whereas about a million Rohingya and other minorities, including women and children, now reside in refugee camps in Bangladesh's Cox's Bazar district, and the massive increase in the number of refugees is overwhelming existing water, sanitation, and hygiene facilities;
- P. whereas Bangladesh and Myanmar have announced that they had reached a repatriation agreement for the 720,000 Rohingya refugees that will begin mid-November; whereas the UN has condemned the agreement which were not consulted with Rohingyas refugees nor with UNHCR; whereas Bangladesh has provided to Myanmar a list of 24,342 refugees "authorized" by Bangladesh for repatriation;
- Q. whereas after 5 years of Rana Plaza garment factory collapse in where 1134 people were killed and more than 2000 were injured the situation of garment workers in Bangladesh is still deeply worrying; whereas Bangladesh's garment industry employs 2.5 million, 85% of whom are women, who receive lower wages than their male counterparts, and are especially vulnerable to abuse; whereas since the deadly Rana Plaza collapse workers have continued to be killed and injured in over 100 smaller workplace incidents, but in absence of a national employment injury scheme they have largely remained uncompensated;
- R. whereas In May 2013, the five-year legally binding Accord on Fire and Building Safety in Bangladesh (the Accord) was signed between global apparel brands, retailers, and trade unions and during these years, the so-called Accord office held inspections in the Ready-Made Garment factories in Bangladesh;

- S. whereas the Accord's work is not yet accomplished; whereas in October 2018 the Accord is succeeded by, a three-year agreement to complete the safety work of the Accord and to make sure the results are sustained; whereas the Bangladeshi State Minister of Labour and Employment concluded that the Government of Bangladesh will not extend the duration of the Agreement so the implementation would end at the end of November 2018;
- T. whereas factory inspection and remediation coordination are not the only purposes of the Accord, which also creates obligations for buyers, not just factories, including the obligation to ensure that factories have sufficient financial resources to cover remediation costs like costs derived from remedying security problems or possible sources of abuses, between others;
- U. whereas Bangladesh's National Action Plan (NAP) has achieved a weak remediation rate in the labour abuses which it has investigated and the Remediation Coordination Cell (RCC) doesn't offer enough guarantees of being able to deliver on its own enough positive results;
- V. whereas union repression increased after December 2016, and the labour law reform process has been paralyzed; whereas the International Trade Union Confederation, has reported cases of serious incidents of violence, retaliation and harassment against workers and union leaders, as well as arrest, detention, surveillance and continued intimidation; whereas the severe climate of anti-union violence frequently directed by factory management without any sanctions has created a sense of impunity; whereas dozens of garment workers and labour leaders are facing unfair or apparently fabricated criminal cases in Bangladesh after wage strikes;
- W. whereas the Bangladeshi authorities have announced the new monthly minimum wage of 8,000 taka (80 euros); whereas according with trade unions it does not imply an increase of the current minimum wage fixed in 2013 in 5,300 taka, given the inflation suffered in the country in the last five years and taking into account the increases that should have already been implemented based on legal requirements;
- X. whereas the EU Parliament's call on the Commission to propose binding legislation on due diligence obligations for supply chains in the garment sector has not been satisfied by the EU Commission yet;
1. Reiterates its deep concern about the human rights situation in Bangladesh, notably freedom of opinion and expression, freedom of thought, conscience and religion, but also social rights and women rights ;
 2. Calls on Bangladesh, as a member of the United Nations Human Rights Council, to comply with the highest standards for the promotion and protection of human rights;
 3. Underlines that the Bangladeshi authorities must guarantee in all circumstances that all human rights defenders in Bangladesh are able to carry out their legitimate human rights activities without fear for their lives or fear of reprisals and free of all restrictions including judicial harassment; Calls in this regard, to lift all restrictions on NGOs that seek to receive foreign funds, including unfreezing their bank accounts, and expedite pending NGO registration requests; asks to adopt a national law to protect human rights defenders and to promote their work;
 4. Insists that basic democratic rights, such as the right to freedom of assembly and freedom of expression, must be respected, protected and enforced at all times, without limiting the freedom of the media and independent information; in this regard, urges the Bangladeshi

authorities to condemn any attack on freedom of expression and to act to put an immediate end to all acts of violence, harassment, intimidation and censorship against journalists, bloggers and civil society;

5. Calls on Bangladeshi authorities to immediately and unconditionally release all who have been imprisoned solely for peacefully exercising their right to freedom of expression; specially calls for immediately and unconditionally release Shahidul Alam and Limon Fakir and to drop all charges against them; 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;
6. Calls on the authorities to drop all charges and end prosecutions and all other acts of harassment, including surveillance, against student activists who campaigned for road safety and to conduct thorough, swift, and impartial investigations into allegations of violent attacks including torture and ill-treatment against student
7. Calls on Bangladeshi authorities to bring into line with international standards the Information and Communication Technology Act the Digital Security Act (which replaces the ICT act);
8. Expresses its grave concern at the continued NGO's complaints of extrajudicial executions, enforced disappearances and torture by State agents; calls on the investigation and bring perpetrators to justice; urges Bangladeshi authorities of Bangladesh to take immediate measures to dissolve the Rapid Action Battalion (RAB);
9. Is deeply concern about the 'war on drugs' policy and requests a thorough and independent investigation into all allegations of extrajudicial executions that occurred as part of anti-narcotics operations and guarantee fair trial rights to all people arrested in the framework of such operations;
10. Requests the competent authorities to effectively implement the Prevention (Torture and Death in Custody) Act of 2013; recalls that the systematic lack of investigations and sanctions against those responsible constitutes a serious breach of the international obligations of Bangladesh, in particular, of the UN Convention against Torture, which Bangladesh has ratified 20 years ago; requests the establishment of an independent reporting mechanism to investigate allegations of torture and ill-treatment reported and the implementation of effective protection mechanisms for victims and witnesses;
11. Reiterates its call for the abolition of the death penalty and condemns all extrajudicial executions carried out; calls on the Bangladeshi authorities to commute all pending death sentences and to introduce a moratorium on all executions as a first step towards the abolition of capital punishment;
12. Reiterates its condemnation of all cases of child and forced marriages; deeply regrets the adoption of the Child Marriage Restraint Act of 2017; calls on the Bangladeshi authorities to amend the Act in order to prevent child marriage under any circumstances; also requests that the implementation of the National Action Plan to eliminate child marriage 2015-2021 be resumed and that it explain how it plans to achieve its objectives and eliminate child marriage completely;
13. Reiterates its condemnation of all acts of violence committed against women and girls; calls on the Bangladeshi authorities to commit themselves effectively to the achievement of the Sustainable Development Goals, especially to reduce inequalities and ensure gender equality; **notes positively that 50 of the 300 seats in parliament are reserved for women;**

14. Is deeply concern about the conditions of garment workers in Bangladesh; defends the rights of workers in Bangladesh to form, register and join independent trade unions without fear of harassment; considers the existence of democratic trade union structures to be a vital instrument in the struggle for better health and safety standards and working conditions, including higher wages; calls on the Bangladeshi authorities to guarantee these fundamental rights; urges Bangladeshi authorities to enhance labour rights and comply with ILO core standards (specially C098 - Right to Organise and Collective Bargaining Convention- and C087 - Freedom of Association and Protection of the Right to Organise Convention); Calls upon the Bangladeshi authorities to undertake legislative changes to the Bangladesh Labour Act and its implementing rules (notably to lower the membership threshold requirements for unionization) to address all the comments by the ILO Supervisory bodies and bring them in line with International Labour Standards (ILS) and to allow full freedom of association;
15. Call upon the Bangladeshi authorities to ensure that workers involved in workplace incidents receive proper compensation and treatment by adopting a national employment injury insurance scheme to ensure that all victims of occupational accidents and their families are provided with adequate compensation, which should include, as a minimum, necessary medical treatments for their physical injuries and psychological trauma;
16. Calls upon the Bangladeshi authorities to sanction unfair labour practices with adequate fines and reinstate all workers dismissed in cases like the Ashulia incident (December 2016); calls upon to repeal the Special Powers Act and to dismiss all cases brought under this act and to re-investigate the Aminul Islam case;
17. Requests the companies that signed the Agreement on Fire and Building Safety established in 2013 to renew their commitment and join the Transition Agreement 2018; calls on the Commission and the EEAS to insist of the need of an extension of the Transition Accord and to monitor and evaluate its results;
18. Calls upon the Bangladeshi authorities to make a formal submission to the Supreme Court, welcoming the continuation of the Accord operations for the full duration of the agreement; calls on the Bangladeshi authorities 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; also 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 safety remediation and effective Safety Committees;
19. Demands that the European Commission respond to the appeal made by the European Parliament and present a legislative proposal on binding obligations of due diligence for the garment sector;
20. Calls on the European Union, in accordance with the Cooperation Agreement between the European Community and Article 1 of the People's Republic of Bangladesh, to take all necessary diplomatic measures to effectively improve respect for human rights by Bangladesh authorities;
21. Calls on the European Commission to initiate an investigation into the extent to which Bangladesh is in breach of its compliance with international human rights and labour rights conventions under the EU GSP 'Everything But Arms' scheme;
22. Reiterates that the activities of European companies present in third countries must be entirely consistent with international human rights standards; calls, therefore, on the Member States to ensure that companies which come under their national law do not disregard human rights or

the social, health and environmental standards which apply to them when moving to, or doing business in, a third country; calls on the Commission and Member States to take the requisite action against European companies which do not comply with those standards or which do not adequately compensate victims of human rights violations for which they are directly or indirectly responsible;

23. Insists on the need for legislative measures that ensure that EU based companies acquire binding due diligence obligations with respect to human rights violations throughout their value chain;
24. Appreciates the constructive role played by Bangladesh under difficult circumstances accepting the reception of the 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;
25. Rejects the repatriation agreement between Myanmar and Bangladesh; underlines that the EU Council insisted on voluntary, safe and dignified return of displaced persons to their places of origin ; supports the position of the High Commissioner for Refugees, who considers that, the conditions are not in place to 'enable safe and sustainable returns'; stresses the need to respect the principle of non-refoulement in all circumstances; calls on the EU and its Member States to strengthen support for Rohingya refugees;
26. Instructs its President to forward this resolution to the Council, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the European Commission, the governments and parliaments of the Member States, the United Nations High Commissioner for Human Rights, the Secretary-General of the United Nations and the Government and Parliament of Bangladesh;