

Thursday 18 September 2014

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Human rights violations in Bangladesh

European Parliament resolution of 18 September 2014 on human rights violations in Bangladesh (2014/2834 (RSP))

(2016/C 234/03)

The European Parliament,

- having regard to its previous resolutions on Bangladesh,
 - having regard to the EC-Bangladesh Cooperation Agreement of 2001,
 - 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 to the International Covenant on Civil and Political Rights, ratified by Bangladesh in 2000,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the EU has good, long-standing relations with Bangladesh, including through the Cooperation Agreement on partnership and development;
- B. whereas Bangladesh has made significant progress in recent years, in particular towards achieving the Millennium Development Goals and in its economic performance;
- C. whereas the Government of Bangladesh has announced a 'zero tolerance' policy towards any violation of human rights by the enforcement agencies, and has passed a Police Reform Act providing for a code of conduct, model police stations and victim support centres in key police stations;
- D. whereas the Government of Bangladesh has announced that, in collaboration with the International Committee of the Red Cross, it is carrying out advocacy and training programmes for law enforcement agencies and prison authorities on international safeguards against torture;
- E. whereas in recent years Bangladesh has seen a number of tragedies in its garment factories, the deadliest being the Rana Plaza factory collapse, with more than 1 100 casualties; whereas following the Rana Plaza collapse Bangladesh, together with major stakeholders in the garment sector, has embarked on a reform programme aimed at securing safe and decent working conditions; whereas the EU supports this programme through the Bangladesh Sustainability Compact, but whereas some stakeholders are reluctant to take part;
- F. whereas disappearances (allegedly often involving state security forces), the use of torture and other forms of ill-treatment persist in Bangladesh despite the safeguards laid down in the Constitution, the Penal Code and the Torture and Custodial Death (Prohibition) Act, as do restrictions on the right to freedom of expression;

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- G. whereas following the general elections of 5 January 2014, which were boycotted by the Bangladesh Nationalist Party (BNP) — the main opposition party — and overshadowed by BNP-instigated strikes and the resulting violence, the Awami League government led by Sheikh Hasina has taken several steps to limit civil rights;
- H. whereas the Rapid Action Battalion (RAB), created 10 years ago as an emergency measure to counter security threats from militant groups, comprises both military and police officers, effectively bringing the army into civilian law enforcement without any transparent accountability mechanisms; whereas independent human rights organisations allege that the RAB is responsible for some 800 deaths, without any prosecution or punishment of the officers responsible; whereas apart from recent arrests of several RAB members in connection with a suspected contract killing of a ruling-party politician, other egregious abuses go unpunished;
- I. whereas on 6 August 2014 the Government of Bangladesh published its new media policy; whereas elements of this policy impose limits on media freedom, for example by banning speech that is ‘anti-state’, ‘ridicules the national ideology’ or ‘is inconsistent with Bangladesh’s culture’ and by restricting the reporting of ‘anarchy, rebellion, or violence’; whereas the government is planning to introduce a legislative framework through which to enforce the policy; whereas Bangladesh ranks 145th of 179 countries on the World Press Freedom Index;
- J. whereas the Government of Bangladesh has proposed a new law that is reported to impose severe restrictions on non-governmental organisations (NGOs); whereas the new draft Foreign Donations Regulation Act would regulate operations and funding for any group in receipt of foreign funding, and give the NGO Affairs Office within the Prime Minister’s Office approval authority over foreign-funded projects; whereas the new draft act would also require anyone involved in voluntary activities to obtain approval prior to travelling out of the country for purposes related to their work on a project; whereas there is widespread concern among NGOs that the act will involve more government officers in the process as monitors, evaluators and approvers – with the potential for delays and malpractice;
- K. whereas on 27 August 2014 Hana Shams Ahmed, coordinator of the International Chittagong Hill Tracts Commission (CHTC), and a friend were brutally attacked by 8 to 10 members of Somo Odhikar Andolon during a private visit to Shoilooproat in Bandarban in the Chittagong Hill Tracts; whereas the four members of the police Detective Branch (DB) who were supposedly providing them with security did not intervene, and even disappeared while the assault was taking place;
- L. whereas ethnic and religiously motivated violence continues, including an attack by several dozen armed men in early July 2014 on the convent of the Pontifical Institute of Foreign Missions (PIME) nuns in Boldipuku; whereas during this attack the convent was looted, and the nuns physically assaulted;
- M. whereas at least four bloggers and two human rights defenders have been charged in the last two years under Section 57 of the Information and Communication Technology (ICT) Act;
- N. whereas Bangladesh’s International Crimes Tribunal (ICT), which is meant to investigate war crimes connected with Bangladesh’s war of independence has handed down 10 verdicts so far, including 8 death sentences and 2 terms of life imprisonment; whereas Islamist politician Abdul Quader Mollah was the first to be executed; whereas there is strong and repeated criticism that the ICT does not comply with international standards; whereas it is estimated that there are more than 1 000 people on death row in Bangladesh;

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- O. whereas following the tragic collapse of the Rana Plaza factory in April 2013, the Government of Bangladesh and Western retailers set up a regime for the inspection of more than 3 500 garment factories for structural integrity and fire and electrical safety; whereas, while the inspections carried out through the Western retailers have been ongoing and public, those carried out through the Government of Bangladesh have not yet been made public;
- P. whereas the Donor Trust Fund set up by the Rana Plaza Coordination Committee to help victims and survivors – which is made up of representatives of the Government of Bangladesh, the garment industry, trade unions and non-governmental organisations, and chaired by the International Labour Organisation (ILO) – has not yet reached its target of USD 40 million; whereas according to the Clean Clothes Campaign only half of the mainly Europe- and US-based companies connected with factories in the Rana Plaza building have made contributions to the Donor Trust Fund;
- Q. whereas, notwithstanding a few labour law reforms, workers continue to report harassment and intimidation intended to stop them joining or forming unions, and whereas acts of violence against trade union organisers continue to be reported; whereas the Labour Act of 2013 continues to fall short of international standards with regard to freedom of association, including the right to strike and collective bargaining;
1. Commends the Government of Bangladesh for the progress made towards achieving the Millennium Development Goals, which has resulted in significant real-life improvements for millions of its citizens; further acknowledges the fact that these improvements were made under difficult domestic circumstances, including the constant threat of violent attacks by radical groups such as the BNP-affiliated Jamaat-e-Islami party; welcomes, in this connection, the adoption of the Child Marriage Prevention Act on 15 September 2014;
 2. Expresses concern, however, about continuing human rights violations by the RAB and other security forces, including enforced disappearances and extrajudicial killings of opposition activists; reiterates its call for the abolition of the death penalty and welcomes the Supreme Court decision of 16 September 2014 to commute the death sentence handed down by the International Crimes Tribunal to the vice-president of Jamaat-e-Islami, Delwar Hossain Sayedee, to life imprisonment;
 3. Calls on the Government of Bangladesh to immediately release anyone subjected to an enforced disappearance, unless they can be charged with a recognisably criminal offence, in which case they should be brought before a court immediately; calls on the Bangladeshi authorities to investigate the perpetrators, taking into account command responsibility, and to bring those found responsible to justice in a fair trial; urges the government to establish an independent body to investigate such cases and reiterates its call on the government to establish an effective and fully independent human rights commission;
 4. Urges the government to use minimal force to restore public order and to abide strictly by the UN's Basic Principles on the Use of Force and Firearms; strongly condemns violent attacks by opposition groups against both civilian and government targets; calls on opposition groups to engage only in peaceful protests;
 5. Urges the Government of Bangladesh to bring the state security forces, including the police and the RAB, back within the bounds of the law; strongly calls on the Bangladeshi authorities to put an end to the RAB's impunity by ordering investigations and prosecutions in respect of alleged illegal killings by RAB forces; points out that it will closely monitor the proceedings in the Narayanganj murder case, in connection with which three RAB officers have been arrested and are awaiting judicial proceedings following the abduction and killing of seven people in Narayanganj in April 2014;
 6. Emphasises the importance of an independent, impartial and accessible judicial system to enhance respect for the rule of law and for the fundamental rights of the population, and of reforming the International Crimes Tribunal; recognises that it is more important than ever to build public confidence in the judiciary, security and human rights institutions, given the increased threats in the region from terrorist organisations such as al-Qaeda;

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7. Expresses its concern at the proposed NGO law; urges the Government of Bangladesh to continue its consultations with independent groups on the content of this draft law and to make sure that, if eventually adopted, it complies with international standards and civil rights conventions to which Bangladesh has committed itself;
 8. Urges the Government of Bangladesh to recognise and respect freedom of the press and media and to allow human rights groups to play an important role in strengthening accountability and documenting human rights abuses; urges the Bangladeshi authorities to revoke the new media policy and abide by their obligations to allow free speech and expression;
 9. Is very concerned at recurring cases of ethnic and religiously motivated violence; urges the Government of Bangladesh to offer better protection and guarantees to minorities such as Hindus, Buddhists and Christians, but also Biharis; welcomes the arrest of suspects in relation to the criminal attack on the convent in Boldipuku;
 10. Calls on the Government of Bangladesh to ensure the enforcement of labour laws and urges further reform to bring them into line with ILO standards, in particular the possibility for workers to freely form and join labour unions;
 11. Takes note of the reform programmes in the garment industry, but urges the government to fully implement the action plan it agreed and signed with the ILO in May 2013, including the recruitment and training of inspectors and thorough inspections, with public records, of its many thousands of factories; urges the signatories to the Accord on Fire and Safety in Bangladesh to live up to their commitments, including with regard to financial compensation for victims and minimum standards;
 12. Regrets the fact that as at June 2014 the total amount raised by voluntary company donations to the Donor Trust Fund was just USD 17 million, leaving USD 23 million outstanding; concludes, therefore, that the voluntary principle has failed the victims of the Rana Plaza disaster and that a mandatory mechanism is urgently needed;
 13. Instructs its President to forward this resolution to the Government and Parliament of Bangladesh, the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, and the governments and parliaments of the Member States.
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