

# Remarks on the occasion of the Constitution Day of Bangladesh

Rafal Pankowski and Natalia Sineaeva-Pankowska\*



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Europe's historical minorities, such as Jews and Roma, have been persecuted for centuries, denied their rights and freedoms. The slavery of the Roma people still existed in the 19<sup>th</sup> century in Europe. During the Second World War, the Holocaust was planned and organised by Nazi Germany. 6 million Jews and hundreds of thousands of Roma, and other minorities were exterminated. Already during the war, there were attempts to deny the genocide of Jews and Roma by the Nazis themselves. Since then the movement of denial has grown and gained support among certain circles. Holocaust denial is often combined with racism and xenophobia against minorities.

Since the fall of Communism and the disintegration of the Soviet Union, Eastern Europe, which experienced totalitarianism in the past and has historically been diverse ethnically, linguistically and religiously, faced a wave of nationalism, anti-minority sentiments, and escalation of ethnic conflicts and wars in its different parts. Many various narratives and truths replaced one grand narrative where minorities were often positioned as scapegoats guilty of political troubles and economic instability. Various aspects of the past, especially those which considered difficult and inconvenient aspects of the national identities of Eastern European countries, were silenced or denied. The societies in Eastern and Central Europe had to go through the process of dealing with the past. which has been challenging.

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In the 1990s, the problem of racism and neo-fascism

reappeared in European societies, both in the West and in the East of Europe.

Groups such as Jews, Roma, and migrants from non-European countries once again became targets of hate speech and hate crime committed by violent extremist groups. The problem appeared especially acute in the former communist states which were undergoing a democratic transformation and rapid changes in the political, economic and cultural spheres of life.

In 1996, the 'NEVER AGAIN' Association was formed in Poland in reaction to a wave of far-right extremism and racist violence in the streets of Polish cities. Ever since, it has documented and counteracted the racist extremist activities, both in Poland and

**PART II**

**FUNDAMENTAL PRINCIPLES OF STATE POLICY**

**8. (1) The principles of nationalism, socialism, democracy and secularism, together with the principles derived from them as set out in this Part, shall constitute the fundamental principles of state policy.**

**8. (2) The principles set out in this Part shall be fundamental to the governance of Bangladesh, shall be applied by the State in the making of laws, shall be a guide to the interpretation of the Constitution and of the other laws of Bangladesh, and shall form the basis of the work of the State and of its citizens, but shall not be judicially enforceable.**

**9. The unity and solidarity of the Bangalee nation, which, deriving its identity from its language and culture, attained sovereign and independent Bangladesh through a united and determined struggle in the war of independence, shall be the basis of Bangalee nationalism.**

**10. A socialist economic system shall be established with a view to ensuring the attainment of a just and egalitarian society, free from the exploitation of man by man.**

**11. The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed, and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured.**

**12. The principle of secularism shall be realised by the elimination of—**

- (a) communalism in all its forms;**
- (b) the granting by the State of political status in favour of any religion;**

**Secularism and freedom of religion.**

**Socialism and freedom from exploitation.**

**Democracy and human rights.**

**Secularism and freedom of religion.**

Part II of the constitution of 1972 of Bangladesh—Fundamental principles of state policy



*November 05, 2023, President of 'NEVER AGAIN' of Poland, Political Scientist Dr. Rafal Pankowski and Human Rights Defender Ms. Natalia Sineaeva-Pankowska, Executive Member of 'NEVER AGAIN', are presenting their speech at the discussion meeting entitled 'Constitution of 1972: Miror of Bangabandhu's political philosophy' on the occasion of the 52<sup>nd</sup> Constitution Day organized by 'Forum for Secular Bangladesh and Trial of War Criminals of 1971' (Nirmul Committee) at the Supreme Court Bar Auditorium, Dhaka. On the stage (from left) Advocate Azhar Ullah Bhuiyan, General Secretary of the Legal Aid Committee of the 'Forum for Secular Bangladesh'; President of the 'Forum for Secular Bangladesh', Writer Journalist Shahriar Kabir; Honorable Speaker of the Parliament of Bangladesh, Shirin Sharmin Chowdhury MP; President of the South Asian People's Union against Fundamentalism and Communalism, Heroic Freedom Fighter Justice Shamsuddin Chowdhury Manik and the Attorney General of the People's Republic of Bangladesh, Advocate AM Amin Uddin*

*Photo: Saif Uddin Rubel*

across the world.

Among the first campaigns conducted by 'NEVER AGAIN' was an initiative to include a ban on racist and fascist groups to be included in Poland's new constitution, which was being drafted at the time as a foundation of the newly democratic polity. The result of the campaign is Article 13 of the Constitution enacted in 1997 which specifically forbids racist activities. The introduction of Article 13, similar to constitutional provisions in other European countries, was a result of a joint campaign by the 'NEVER AGAIN' Association and the Polish Union of Jewish Students. The article reads:

'Political parties and other organizations whose programmes are based upon totalitarian methods and the modes of activity of nazism, fascism and communism, as well as those whose programmes or activities sanction racial or national hatred, the application of violence for the purpose of obtaining power or to influence the State policy, or provide for the secrecy of their own structure or membership, shall be prohibited.'

The above mentioned article is in line with the Polish historical legacy as a country that suffered under the

which needs to be wise, principled and consistent. So far the Polish courts have referred to Article 13 of the Constitution on two occasions, banning extremist fascist groups in 2009 (National-Radical Camp, ONR) and 2019 (Pride and Modernity). Unfortunately, several similar groups are still active and they regularly march in the capital city Warsaw on Poland's Independence Day, 11 November— alongside racists and far-right extremists from other countries— the biggest annual far-right march in the world. Therefore, much more needs to be done, both on the level of education and enforcement of existing legal provisions.

Extremism leads to violence and war.

The problem of extremism is global— it is a common challenge requiring action on many levels: in Poland, in Bangladesh, and across the world. We need to build global solidarity in the struggle against all forms of extremism and bigotry.

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Nazi occupation, a country where the Holocaust of the Jews and the Roma was conducted by the German Nazi occupiers and their collaborators. The article is in line with Poland's international obligations to safeguard freedom of speech while making sure that minorities are protected from violent threats, hate speech and intimidation. Of course, much depends on the laws' implementation,