

## HUMAN RIGHTS *advocacy*



## LAW news



# Telecommunication status & consumer rights

QUASI FARQUE

ANY of us perhaps know about a popular advertisement 'The world is becoming smaller'. Everyone must admit that this is very much true. As because to-day the rapid development of science and technology has brought us very close to each other throughout the world. Within a minute today we can reach our expected persons and places. We can make business deals and so many things by telecommunication, e-mail etc. It has become so easy due to technological development. We often mark this is an age of free flow of information. No doubt telecommunication in the information sector plays vital role.

We know information technology based on telecommunication is growing up day by day. Bangladesh Telegraph and Telecommunication Department virtually under the Ministry of Post and Telecommunication Ministry is responsible to run the telecommunication services in the country. It may be mentioned that access to information is one of the rights of the consumers. As this is an age of globalization, open market economy, e-business, e-governance and many other things, this kind of expectation is very logical.

Bangladesh is a riverine country. The country's long distance transmission systems are mainly composed of microwave, UHF and VHF radio links. The use of optical fibre is still limited within some city areas. Bangladesh is not still connected with the submarine cables. But it has established 4 earth stations till today. Bangladesh T&T Board (BTTB) services are Public Telephone, Telegraph, Telex, GENTEX and Bureau Fax, Nation Wide Dialing, Manual Nation Trunk, Operators Trunk Dialing. BTTB established about 2500 international direct circuits with 33 operators of 25 countries. BTTB also established very Small Aperture Terminal (VSAT) by an agreement with 7 operators to install and operate on 5 years built, operate and transfer basis. Till today 67 subscribers have been permitted VSAT connection.

Bangladesh is a densely populated country in South Asia. The teledensity of Bangladesh is 4.6 per thousand and it is probably the lowest in the world. More over communication cost is exorbitant and high-speed internal backbone does not exist.

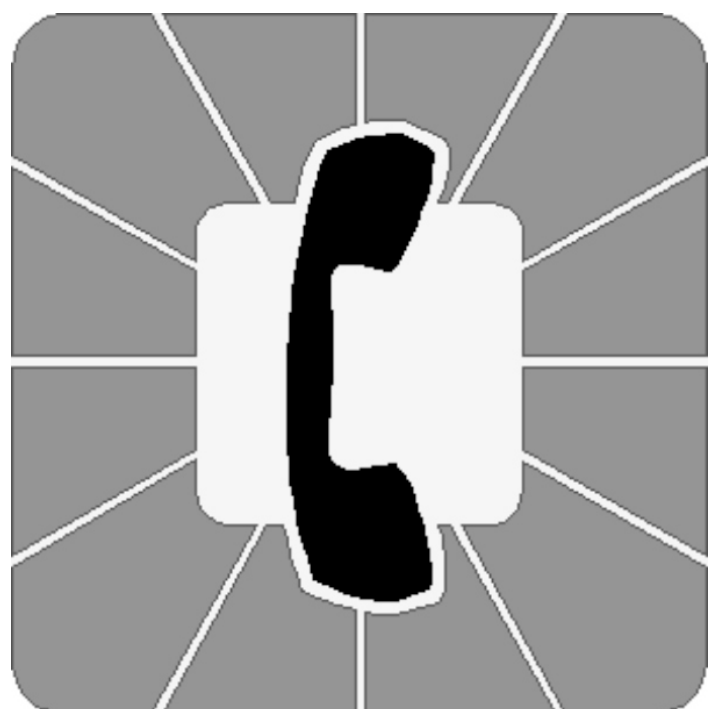
Of course, Government of Bangladesh is very keen to join the Transcontinental Submarine Cable. And the process is going on. Voice over Internet Protocol (VoIP) which is an unavoidable technological advantage is restricted in our country. The Telecommunication Regulatory Commission has been set up in country in the month of January 2002. The Commission is mostly comprised of retired government officials. However, there is a hope of improvement in the telecommunication sector as the Government has taken decision to increase teledensity (fixed line) over to 50.00 per thousand in the urban areas and 10.00 per thousand in rural areas within the year 2006. Moreover, there is also a plan to create inter connectivity between different cellular phone operators and to create broadband network internally and high speed international gateway with a minimum speed of 2 BGPS. Speed of the external gateway is very low which is now 64 KBPS at the best. For about 140 million people of Bangladesh, T&T Board has 653 telephone exchanges with the total capacity of 6 hundred thousand lines. But the lines are not still available in rural areas. Private mobile phone providers also operate telephone services. More than 8 hundred thousand subscribers are getting mobile phone services from private mobile phone providers. It may be mentioned here that due to telephonic backwardness e-commerce or e-governance is not much known in Bangladesh as yet. A report says that about only one hundred thousand subscribers use Internet in our country.

It is very true that as a least developed country, most of the people of Bangladesh live under poverty. For this, the consumers cannot afford to get services of the high costing telecommunication products and services. Due to strict government regulations on telephone services, Internet and telecommunication products, these are not easily accessible to the great majority of the consumers in Bangladesh. Such regulations in the form of taxes, VATs and other duty barriers on telecom products and services are the main hindrances of telecom availability to the users in Bangladesh. In the recent past the telecom sector of the country has been liberalized for private investment. BTTB provides all types of services including mobile, paging and radio trunking. Six private operators were also given license to install and operate digital exchange in rural area. Of them Bangladesh Rural Telecom Authority (BRTA) has been functioning with the infrastructural sector of the telecommunication services.

Among them 4 providers are operating mobile phone services. The coverage area and subscribers number of four private mobile phone providers are given below. The survey was conducted in the month of June 2002.

Name of the operators	Brand Name	Function	Coverage area	Subscribers
Pacific Bangladesh Telecom Ltd.	Citycell	Cellular Mobile Radio Telephone Services	3 Divisions (15 Districts)	80,000
Sheba Telecom (Pvt) Ltd.	Sheba	Rural Telecom Services Cellular Mobile Telecom System	9 Districts (4 Districts)	23,000
Telecom Malaysia International (Bd) Ltd	AKTEL	Do	2 Divisions (6 Division)	95,000
Grameen Phone Consortium	Grameen Phone	Do	40 Districts	5,10,000

In 2002 Bangladesh Government formed a new ministry namely Ministry of Science & Information Communication Technology (ICT). In the early part



of the year development there has been a Regulatory Commission on Telecommunication. Of course, there is a telecommunication policy existing in the country since 1998. It may be mentioned here that telephone users in our country are not well informed about the use of the phones. As for example very few subscribers know about spreading of mobile phone radiation. Sometimes mobile phones are used in Bangladesh while driving which is very risky. But there is no restriction on that. Even Government has not taken any step on safety standards about telecom products. We can claim that these are major violation of the consumer rights. These are right to information and right to safety.

In Bangladesh, the telecom products are usually imported and as such internationally recognized. Because there is no bulk domestic products available. There is no protection against dishonest or misleading information and unethical advertisements. The consumers are not properly informed by the providers of the product quality and risks or side effects so that he or she can make a choice of products or services.

We know consumers in our country are generally helpless, deprived and deceived. And absence of Consumer Protection Act is the main reason. Although a Consumers Protection Law (Proposed) has been hanging for years together. Consumers are entirely dependent on the mercy of the authority and the providers of telecom services. In Bangladesh the recipients have limited voice to express their concern regarding products and services in telecom sector. Here the consumers have to be satisfied with what the producers or providers offer. No measures are taken for the consumers to complain about products or services.

To keep pace with the speedy development of the World Government has decided to bring competition of the private telecommunication services with BTTB. Private sectors will be encouraged to build on and operate telecommunication services in direct competition.

In our country there is no competitor of land telephone services. The state owned BTTB provides services to the recipients. But in mobile phone sector 4 providers operate their services. And the subscribers can get more or less competitive services from the providers. The consumers have an access to a variety of products and services to choose at competitive prices with an assurance of satisfaction in terms of durability, design and quality in private mobile phone services. The cost and services are following-

Operators' name	Services	Cost (Connection and phone set)
Citycell	Mobile to Mobile Mobile to T&T	Tk. 8,000-20,000
Sheba	Mobile to Mobile Mobile to T&T Wireless	Tk. 12,000-41,000
AKTEL	Mobile to Mobile Mobile to T&T	Tk. 13,000-22,000
Grameen Phone	Mobile to Mobile Mobile to T&T/ National & International Roaming	Tk. 8,000-18,000

There is no representation to speak out for the consumers' grievances against the product or services. The Consumers Association of Bangladesh (CAB) serves the purposes to influence the government and businessmen to respect the consumer rights and interests. The government of Bangladesh had long been contemplating to formulate an ICT policy and finally with the co-operation of the business community it has been formed. But no consumer group or representative was invited to take part in the policy making. However, it is a pleasure that it has been ultimately done. We have learnt that apex body of the business community of our country FBCCI has suggested that Telecom Regulatory Commission should be reconstituted and private sector should be allowed to set up fiber optic backbone in locations of their choice and offer services to the public. If this happens, competitiveness will grow, area will be broadened. But what we want that is consumers benefit. The telecom users should be extended facilities according to their rights.

No doubt to enrich the quality of life, to make socially and economically a powerful nation, livelihood is to be enriched. We will have to accept the challenge of the changing world of 21 century by using modern technologies. To raise the quality of life by creating knowledge based society the use of information communication and technology is a must. These can ensure access to information by citizens of the society that in turn can enhance the sustainable economic development of the country. In the country consumer education is a far cry. There is no system or institution except CAB that deals with consumer education in the country.

Earlier I have mentioned that in Bangladesh the telecommunication density is very low. So, the telecommunication infrastructure generally does not make any visual pollution. But government owned land phone system causes some troubles to the city dwellers some times for digging roads for telecom infrastructure development. Which cause harm to the public life. In spite of all sides we can hope that our telecom users are being aware day to day to raise their voice through consumer group education all over the country. Time will obviously come when consumers will be fully aware of their rights. They will come forward to raise their voice in case of any consumer right violation.

The writer is the General Secretary of the Consumers Association of Bangladesh (CAB)

## FACT file



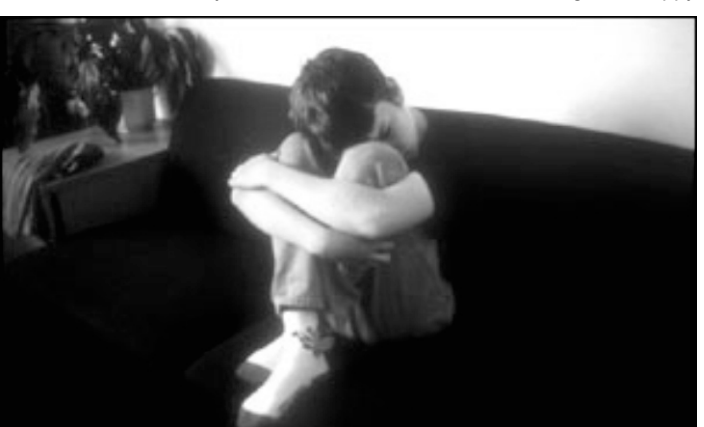
# Plight of the children of broken families

KAZI SHABNAM

TINNI is as normal as any other child her age. The 12-year-old goes to school, studies regularly and plays with friends. The problem, however, is that she is sometimes seized by rage and violent emotion, which is unusual for a child as small as she is.

The family finds it difficult to control Tinni's rage. She is also different from many other children her age. Tinni's parents were separated when she was hardly one year old. Her father took a second wife, leaving the child with her mother.

Tinni grew to realise that her parents were different from others and she was unlike many of her friends. Even though she was too young to understand everything, her life was ravaged by the conjugal conflict of her parents who parted their ways with bitterness. She at least understood that there was something wrong with their parents, especially about her father who suddenly disappeared. Living with her mother Tinni still dreams that her father would eventually comeback. Tinni can't stand the sight of happy



children visiting her house. She also gets upset when she watches happy families and their children on television. She starts crying or shouting, throws or breaks things. Then she sometimes locks herself in her room.

This small child has psychological problem. That is because of the divorce of her parents, doctors say. The small child has never been able to reconcile with the separation of her parents. Similar woes has stricken Abeer, a 4-year-old son of a young housewife separated from her husband. Abeer is dumb and doctors fear he is likely to become mentally disabled. He is another victim of a broken marriage.

Abeer's mother Lubna Yasmin, still in her 20s, was suffering from serious depression when she conceived the boy. As a result, the child in the womb failed to attain normal growth. After birth the boy grew in an abnormal climate marked by feuding between his father and mother.

Doctors say Abeer is too afraid to try to speak. He has seen his parents to

shout at each other. That's why he has developed the speech difficulties. N o w even a small noise startles him and makes him nervous. The anxious mother visited a number of reputed doctors and psychologists to consult about the problems of Abeer. She was told that her son needs a normal family environment to gain his ability to speak and learn how to mix with others. But Lubna can't trust the doctors.

Psychologist Professor Dr Mohammad Feroz says there are three types of separation - physical separation, emotional separation and separation by death. Children can accept only the separation by death as normal while the emotional separation is dangerous for them. "Ninety percent of children of the parents going for emotional separation become mentally sick," he says. Prof. Feroz says psychological problems develop in the mind of children of broken families as they do not get expected affection from their parents. "These boys or girls can't take the mental pressure at their tender age," he observes.

It is a common phenomenon in society that children of broken families suffer from depression and many of them are spoilt. A large part of the young drug addicts are from broken families. In many cases, children of broken families are deprived of their rights as none of their parents wants to take their responsibility. Generally the mothers want to keep the children but this is not enough to help attain their normal mental growth.

According to Prof Khan, the families who arranged 'settled marriage' for their sons or daughters, have a role to play when dispute comes into the relationship of a husband and a wife. "The family members have a responsibility to resolve misunderstandings among themselves." The problem is even greater with regard to those who marry defying the families. Developed countries have responsible organisations for counselling on the matters of divorce or separation. Such counselling services are not available in Bangladesh.

There are many cases in which marriages are dissolved not in accordance with law. Sheerin Ali, a schoolteacher, believes counselling is necessary even before the marriage takes place. She says children of broken families are slow in schools. Even school authorities also face some problems to manage them. Abdul Malek Ratan, senior vice principal of Oxford International School, has seen some cases. "We have seen families to bring their dispute to the school. That's when we face a real dilemma."

These are external effects of divorce or separation but children are the main victims of this social phenomenon. Most of these children cannot carry on their study properly with their performances going from bad to worse. These ill-fated children become frustrated and depressed. They lose interest in study and games. Such children are more vulnerable to the ills around them. Many NGOs in the country are engaged in various activities relating to child rights but unfortunately few has focused on this aspect of the problem.

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## LAW opinion



# Globalized human rights

NSURAT ZAHAN

HUMAN rights are very difficult to define because the idea of human rights is very complex. Depending on global cultural diversity. It is something you claim, and which you can properly prevent people from infringing. It is an area of freedom for one individual that some one else must allow him to exercise, as a matter of justice.

It may be recalled that under the UN Charter, the international community of nations recognised that all members of the human family have equal inalienable rights. The UN Charter promotes "universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language and religion". The UN Charter provided the foundation of the Declaration of Human Rights. The declaration was adopted and proclaimed by General Assembly Resolution 217 A (III) of December 1948. It was the first time that the community of nations had proclaimed International Bill of Rights for the peoples of the world. The Declaration led to the preparation of two covenants: one on Economic, Social and Cultural Rights and the other on Civil and Political Rights.

There is a view that the inputs and perspectives of the two covenants were not considered properly when the Declaration was prepared and adopted. The very fact that the adoption of the covenants took 18 years after the declaration is a testimony to the divergence of opinions among member states on what constitutes 'human rights' and what rights would be incorporated in the Covenants. There are two polarizing perspectives emerging as to what constitutes 'Human rights'. The western approach for human rights holds to the belief that political freedom (right to vote and holding election) is the most important. While the third world do not totally share with this view and argue that political freedom is meaningless to the peoples who have no economic security (food, shelter and employment). The question arises-whether the right to vote is more important than the right to food? What is the value of political freedom to an individual who has an empty stomach? There are anxious questions which have been debated in many UN forums.

It is acknowledged that the translation of the Declaration's message into everyone's reality is far from having been accomplished. The people of the third world are being deprived of fundamental rights, such as, right to live, right to work and right to adequate health facilities and there is growing view in the third world that the deprivations are caused by the policies and systems introduced by the rich countries. Although the UN seems committed to seeking a single, unified global system, but the existing global system has proven to be unjust and unfair to the majority of the human race. Because the global economy is still controlled and managed by a few elite, corporate bodies and states of the North. They have done their homework to ensure that their interests would be protected and enhanced even if it is to the detriment of the rest. The major international financial institutions- International Monetary Fund (IMF) and the World Bank (WB) are controlled by the industrialized countries. There is a view that the chief objective of IMF and the WB is to protect and preserve their economic interests. IMF's standard prescription is for balanced budgets, cutting expenditures and raising revenues. Stringency imposed by IMF's prescription magnifies the problems of the third world in their efforts to alleviate poverty leading to the denial of human rights.

The United Nations Development program estimates that the North with about one fourth of world population consumes 70 per cent of the world's energy, 75 per cent of its metals, 85 per cent of its wood and 60 per cent of its

food. Now, contrast this situation in the South - over one billion people are mired in absolute poverty, one and-a-half billion are deprived of primary health care with another billion adult are uneducated. What this reveals is that a huge portion of population does not enjoy the most basic socio economic rights.

In Bangladesh for example, rights here assume different degree. The importance of human rights is felt only when one's right is violated.



Otherwise the hue and cry about human rights in Bangladesh is an apparent hype. Bangladeshi people experienced massive violations of human rights and fundamental freedoms during the liberation war in 1971. Furthermore the overwhelming majority of the people of Bangladesh are the poorest of the poor (Bangladesh falls into the UN category of a Least Developed Country or LDC). The rights to food, shelter, education, healthcare are the main concern here which with a holistic, integrated approach demands an urgent and equal attention to the economic and social rights of the people. For majority here stagger under the poverty line. In spite of some socio economic progress in a couple of sectors overtime, the majority don't enjoy those basic rights. Poverty is so severe here that the poor have been captivated in recent form of slavery, like 'deprived labour' 'child labour and child prostitution'.

So, if the international community is serious about the protection of human rights, massive foreign aid coupled with debt relief to third world is imperative. Because when human dignity and social justice are subjected to harassment and intimidation globally, it also leads to worldwide degradation of human rights.

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