



RIGHTS corner



World Consumer Rights Day 2005

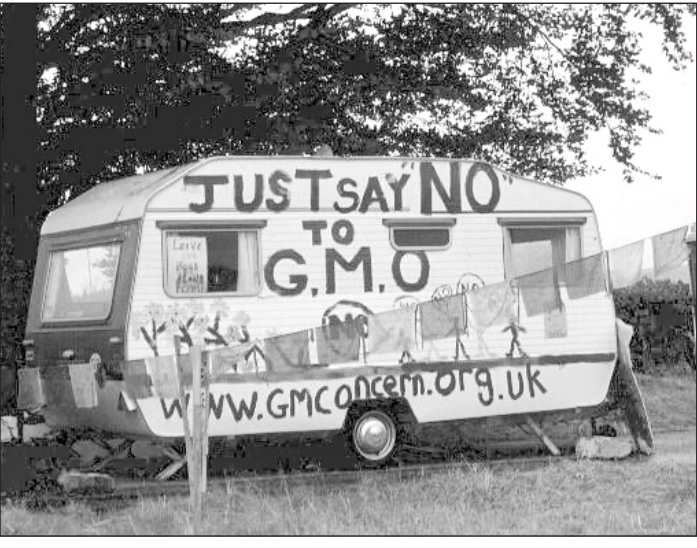
On March 15, 2005, World Consumer Rights Day, consumer organisations all over the world say no to GMOs! Consumer International (CI) member organisations made lobby with governments, held public meetings and street demonstrations to stop the spread of genetically modified organisms (GMOs). They demand labelling of all GM foods and independent safety testing.

Consumers have a right to information, a right to choice and a right to safety. On March 15, consumer organisations campaign for labelling of all foods containing or derived from GMOs. They demand that alternatives to GM foods remain widely available. Ways must be found to establish and secure GM-free areas, and strict rules introduced to prevent contamination of conventional and organic crops. All foods containing or derived from GMOs must be independently tested and subject to international safety guidelines.

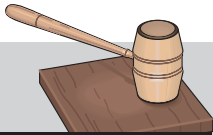
David Cuming, CI GM Campaign Manager says: "The insertion of GMOs into foodstuffs threatens fundamental consumer rights. Consumers International is concerned about GMOs because we have yet to see tangible benefits for consumers and farmers. We campaigned on this issue in the past and it remains at the top of the consumer agenda."

CI have released three fact sheets, for World Consumer Rights Day, covering key issues on GMOs: Why consumers should take action; Get your food labelled; and "Co-existence" or GM-free zones? CI members are receiving ideas for action, such as events and lobbying, and model letters for international and national authorities and retailers.

Source: Consumers International.



LAW watch



UNHCR REPORT

Asylum claims fall to lowest level

The number of asylum seekers arriving in industrialized countries fell sharply for the third year in a row in 2004, reaching its lowest level for 16 years, according to annual figures released by the UN refugee agency.

The total number of asylum seekers arriving last year in the 38 industrialized countries for which comparable historical statistics are available was the lowest since 1988, at 368,000. In the six non-European countries included in this list, the combined total was the lowest since 1986. The numbers arriving in Europe are also back down to the levels of the late 1980s, although still higher than they were for a couple of years in the mid-1990s.

The number of asylum claims in industrialized countries fell by 22 percent in 2004, compounding a similarly steep decline last year. In the EU, the number fell by 19 percent, in North America by 26 percent and in Australia and New Zealand by 28 percent.

In most individual asylum countries, the 2004 total was the lowest for many years. In Germany, for example, the number is the lowest since 1984; in the U.S. and Switzerland, the lowest since 1987; and in the Netherlands, the lowest since 1988. And the number of asylum seekers arriving in the U.K. is back down to the levels of the early to mid 1990s, after plummeting 61 percent in two years.

"This really should reduce the pressure by politicians, media and the public to make asylum systems more and more restrictive to the point where many genuine refugees have enormous difficulty getting access to Europe, or getting recognized once they are there," said Raymond Hall, Director of UNHCR's Europe Bureau. "In most industrialized countries it should simply not be possible to claim there is a huge asylum crisis any more."

The top receiving country in 2004 was France, with an estimated 61,600 asylum seekers. The United States, which was top receiving country last year, came second with 52,400. The UK fell to third with 40,200, and Germany -- the top asylum country in 13 of the past 20 years was in fourth place with 35,600. Canada came in fifth with 25,500.

A very different picture emerges when the number of asylum seekers is looked at relative to the size of the hosting country (as measured by total population). Using a per capita formula over the past five years, UNHCR ranks Cyprus, Austria, Sweden, Luxembourg and Ireland as the top receiving countries in the 25-member EU, with the UK, France and Germany all coming in mid-table.

For a few of the countries listed, including Cyprus, Finland, the Republic of Korea, Malta, Poland and the Slovak Republic, the number of asylum seekers in 2004 was the highest on record. Hidden among the general steep fall in numbers across the industrialized world, is the fact that the 10 new EU member states actually saw their combined total increase by 4 percent in 2004 (and by 18 percent in the last quarter of the year, compared to the previous quarter).

"Hopefully, with the numbers right down, most countries will now be able to devote more attention to improving the quality of their asylum systems, from the point of view of protecting refugees, rather than just cutting numbers," said Hall. "The EU could also take a giant step forward by working towards a system of responsibility and burden sharing, so that next time there is a crisis they are in a much better position to help the worst affected among them. Even though they are generally much lower, the numbers are still very uneven across the EU. We need to watch what is happening in the new member states very carefully. Cyprus, the Slovak Republic and Malta are all countries with young asylum systems that are struggling to cope."

The largest group of asylum seekers in 2004 was from the Russian Federation (30,100), the majority of whom are Chechens; followed by asylum seekers from Serbia and Montenegro (22,300), many of them from Kosovo; China (19,700); Turkey (16,200) and India (11,900). The ten leading asylum-seeker nationalities all recorded a significant drop in 2004. Perhaps most striking, the number of Afghans - the top group in 2001 with more than 50,000 asylum seekers - has fallen by 83 percent in the past three years. They now stand in 13th place with 8,800 asylum seekers in 2004.

"This is a clear reflection of the impact a concerted effort to improve conditions in the region of origin can have on the numbers seeking asylum further afield," said Hall. "When Afghans saw things improving at home, they started going home in big numbers instead of traveling to Europe and beyond."

The number of Iraqi asylum seekers has also fallen by 80 percent since 2002. However, half way through 2004 the number of Iraqis claiming asylum started to rise again, though not enough to lift them above ninth in the list of asylum-seeking nationalities by the end of the year.

Source: UNHCR.

RIGHT investigation



Taking a deeper look at migrant workers in Malaysia

The period from the second half of 2004 through to the beginning of 2005 was a vulnerable time for Indonesian migrant workers in Malaysia, who were besieged with uncertainties. The Malaysian government had already warned in July 2004 that mass deportations of undocumented migrant workers in Malaysia would again be carried out based on its Immigration Act of 2002.

This policy would be enforced by mobilising around 560,000 civilians -- members of the People's Volunteers Union, RELA - as the spearhead of raids to arrest and evict those carrying no documents.

Despite the Malaysian government's early warning, no significant response came from the Indonesian government to anticipate the implementation of this policy. The government had apparently learned nothing from the bitter experience of the Nunukan tragedy in September-October 2002, when some 350,000 migrant workers were deported from Sabah, Malaysia, to the Indonesian frontier town of Nunukan, East Kalimantan. Because the Indonesian government failed to handle the case seriously the deportees were badly neglected, resulting in the deaths of at least 85 and thousands of others starving and suffering various diseases.

Indonesia's lack of serious response certainly caused concern about the safety of the country's migrant workers in Malaysia. The target of Malaysia's mass deportation operation was set at around 1.2 million people, mostly comprising some 800,000 undocumented migrant workers of Indonesian origin.

Only about 250,000 of these Indonesians returned home under an offered amnesty, while over 500,000 others remained in Malaysia. It is these migrant workers that the Malaysian government is targeting in its latest arrest and expulsion drive.

The Indonesian government's less than earnest endeavors may be traced to its failure to oppose an article in a Memorandum of Understanding (MOU) regarding migrant workers between Indonesia and Malaysia that was signed in May 2004, which gave authority to Malaysian employers to hold the passports of Indonesian migrant workers. This effectively put their papers under their employers' control making migrant workers' position subordinate to their employers. In the event of conflict or disagreement, employers will frequently hold onto workers' documents. Consequently, the workers lose their papers and thus risk being considered illegal immigrants.

The Indonesian government, too, has systematically stigmatised and criminalised its undocumented migrant workers just as the Malaysian government has done so. By calling them "illegal Indonesian migrant workers", the government has effectively blamed the victims.

The first thing the Indonesian government questions is the legal or illegal status of migrant workers, though the cases they face are serious and require immediate attention. The Indonesian government's slow response to the death sentence imposed on Suhaidi bin Asnawi, a migrant worker from Lombok, was because this worker had no papers.

The same response was shown when two Indonesian migrant workers received prison terms and lashes on Feb. 1, 2005 for criminal acts. This attitude goes against Law No.37/1999 on foreign relations that gives a mandate to the government - in this case Indonesian diplomatic missions abroad - to provide legal aid to Indonesian citizens involved in court cases overseas, as victims as well as



defendants.

In terms of manpower management, the government has also failed to prevent the massive growth in undocumented labor migration. This problem is very much rooted in the bureaucratic red tape and corruption involved for Indonesian migrant workers to obtain necessary documents to legally work overseas.

Such corruption imposes very high cost burdens upon migrant workers through the imposition of arbitrary fees and wage deductions. For this reason, many if not most migrant workers choose to avoid these high costs and depart for overseas without documents. Law No.39/2004 on overseas placement and protection of Indonesian migrant workers has not made a significant impact on labor placement management.

On the demand side, the exodus of migrant workers without papers to Malaysia cannot be stemmed as long as Malaysian companies continue to exploit their presence in order to maximize profits. By recruiting and employing undocumented migrant workers, these companies do not have to pay the levies that are required for properly documented migrant workers, and are also free to pay substandard wages because there is no obligation for them to enter into or abide by work contracts. The Indonesian government has never earnestly urged Malaysia to deal with these demand-side irregularities and to punish the Malaysian firms involved.

The three extensions to the amnesty - originally until Nov. 1, 2004, then extended to Nov. 15, 2004, further to Dec. 31, 2004 and again to Jan. 31, 2005 because of the tsunami disaster - should be understood not as Malaysian government's "benevolence" but rather as the outcome of lobbying by Malaysian business who feared mass departure of workers.

Most undocumented migrant workers serve the construction and estate sectors, and losing so many of their workers so quickly would have caused a major setback in plantation production - Malaysia's major commodities and also disrupt Malaysia's infrastructure development projects.

The above factors should have been used by the Indonesian government as the basis of

an analysis to find a solution to the crisis confronting Indonesian migrant workers in Malaysia. Thus for the governments of Malaysia and Indonesia have assumed that deportation is the only way to settle the issue of undocumented migrant workers.

In its realisation, however, deportation leaves many issues unresolved. Instead, every time a deportation takes place, tension increases in Indonesia-Malaysia diplomatic relations. There is also great potential for violence and human rights violations, especially when civilian vigilante groups are mobilised. Massive accumulations of deportees at transit points also leads to many serious problems, as was the case in Nunukan, and comprehensive deportation management must be adopted.

One solution to deal with the problem of undocumented migrant workers is legalisation. This means sorting out these workers' status problems by legalising and handling their immigration documents and working contracts in Malaysia, without sending them back to Indonesia. Such a solution was chosen by the Korean government in 2003 to deal with a similar problem of illegal migrant workers in that country. By legalising its problematic migrant workers without sending them home, Korea saved itself from a scarcity of labor upon which its industrial policy depends, and at the same time systematically eliminated the illegal recruitment of migrant workers.

In the case of such migrant workers in Malaysia, legalisation of their status could very much be a win-win solution. For the Malaysian government it saves millions of Malaysian ringgit that would otherwise be spent on raids and RELA mobilisation. Malaysian companies also make profits by avoiding a crisis of labor scarcity. For the Indonesian government this option saves costs that would otherwise go in anticipating massive numbers of deportees. For migrant workers, legalisation enables them to obtain proper immigration papers and get back to work with no more fear of raids.

Source: Migrant CARE, Indonesian Association for Sovereign Migrant Workers.

LAW week



Smoking in public places banned

The Jatiya Sangsad passed a bill imposing a ban on smoking at public places and in public transports, and on advertisement of tobacco products.

Health and Family Welfare Minister Khandakar Mosharraf Hossain introduced the bill which prohibits publication of advertisements of tobacco products in newspapers, books and magazines, in radio and television broadcasts, and in cinema.

The new law also bans smoking in public places and transports with a provision for penalty. Anyone who violates the provision will be fined Tk 50. However, it says the authorities or caretaker of any public place or transport can make special arrangements for smokers.

The category of public places include educational institutions, government, semi-government and autonomous offices, libraries, lifts, hospitals, clinics, court buildings, airports, sea and river port buildings, railway stations, bus terminals, ferries, cinema halls, covered exhibition centres, theatres, children's parks and other places designated by gazette notifications.

According to the new law, putting up billboards and printing leaflets and handbills or any other documents, including films and videotapes, containing advertisement of tobacco are banned.

The law dictates that no company will be allowed to distribute tobacco free of cost, arrange any competition and make any offer of scholarship or donation to publicise tobacco products. A punishment of three months imprisonment or a fine of Tk 1,000 or both is enforceable for its violation. *The Daily Star, March 14.*

Caretaker chief should be acceptable to all

Leaders of different opposition political parties and legal experts at a roundtable suggested appointment of an acceptable person as the chief adviser of caretaker government through consensus of all parties.

They called for amending the provision of making the immediate past chief justice as head of the caretaker administration and observed that the next election will not be free and fair without necessary reforms in the caretaker government system. The discussants suggested selecting a non-partisan and neutral person from any profession, who is acceptable to all, to head the interim government for the sake of holding the national elections in a free and fair manner.

Apprehending rigging in the next election, they said the government has extended the retirement age of justices with an ill motive to make a person loyal to them the chief of the next caretaker government. The main opposition Awami League (AL) organised the roundtable titled "Democracy and Election: necessity of reforming the caretaker government system" at a city hotel as part of its campaign for reforms of the system.

After the discussion by lawmakers, politicians, legal experts and political scientists, the meeting decided to form an 'all-party committee' within a couple of days to work out concrete proposals on the issue. *The Daily Star, March 15.*

Policemen face contempt charge

The High Court issued a contempt of court ruling against three traffic police for stopping the car of a HC judge on March 6 to serve a traffic warrant.

Ordering them to appear in person before the court on March 28, the court asked the traffic personnel to reply in two weeks why punitive action should not be taken against them for the contempt. The court also ordered the Chief Metropolitan Magistrate (CMM), Dhaka to reply by the same period as to why the process of issuing warrants against vehicles would not be cancelled. The HC bench comprising Justice SK Sinha and Justice Shamim Hasnain issued the rules on sergeant ATM Iqbal, in-charge of warrant section of the office of Deputy Commissioner (DC), Traffic (South) Mozammel Haq and traffic constable Shahidul Islam.

The ruling came after Deputy Commissioner (DC) of Traffic (South) Ansar Uddin Khan Pathan yesterday disclosed before the court that the three were on duty at the time of the incident. He also described the incident that took place at Shahbagh intersection on March 6.

After the incident, the same bench directed the traffic DC to appear before the court with a report giving the names of the traffic police and the records of the case filed in 2004. He gave a slip wherein the number of the case was mentioned as Warrant No. 6403/04. "The concerned judge was bewildered at the behaviour on the part of the members of a disciplined service on duty," reads the court order served on traffic DC on March 6. *Prothom Alo, March 15.*

Judiciary Separation: HC grants govt one more month

The Supreme Court granted one more month to the government to separate the judiciary from the executive in line with its 12-point directive. The full bench of the Appellate Division headed by Chief Justice Syed JR Mudassir Husain granted the 20th extension of deadline, upon a government petition filed in August last year. The court however turned down a petition of nine government officials, facing contempt charges for distorting the court directive, seeking exemption from appearing in the court in person. Advocate TH Khan pleaded for their exemption. The court, earlier, asked the government to submit the final draft rules on separation of the judiciary which had been sent to the president for approval. But the state side did not submit it. Attorney General (AG) AF Hassan Arif submitted a comparative study between the Supreme Court draft and the draft sent to the president.

"We do not want comparative studies of the draft rules. Show us what exactly you have finalised for the president's approval," the court told the attorney general. "We are not convinced of your submission. We hope good sense will prevail on the government," the court observed and allowed one month's time to implement its orders. The court also asked the AG to convey the court's attitude on separation of the judiciary to the government. *The Daily Star, March 16.*



RIGHTS monitor

REPORT ON ANTI-TRAFFICKING

Speedy disposal possible with due care and attention

SULTANA RAZIA

The report on anti-trafficking measures prepared by the Home Ministry is the first of its kind in the history of Bangladesh. In the press conference held on March 16, 2005, Home Secretary Omar Farook briefed the press about the report.

Measures taken

To promote and protect human rights, especially the rights of children and women, initiatives were taken to combat trafficking and to this end the following measures were taken:

- =Establishment of a Monitoring Cell at the police headquarters.
- =Setting up of different committees at the national and district levels.
- =Monitoring of selected cases relating to trafficking.
- =Screening of persons at all airports and land ports.
- =Rescue and recovery of trafficked persons.
- =Rehabilitation of trafficked persons and subsequent monitoring.
- =Apprehension of traffickers by the law enforcers.
- =Reparation of trafficked persons.
- =Awareness creation and motivation against trafficking in women and children.
- =Regular flow of timely and correct information.

Achieved results

For the regular monitoring and administrative strictness following results were achieved:

- =Regular flow of timely and correct information were coming in a regular basis
- =For the quick disposal of cases Special Tribunal was setting up all over the country to deal with the cases relating trafficking. From 15 June 2004 the committee was started working. Since then 86 cases were taken up, 72 cases have already been disposed of and of this, 48 cases ended in conviction while 24 cases ended in acquittal. Remaining 14 cases, yet to be disposed with in this month. But certainly these speedy trail didn't hamper the quality of justice nor the judicial process is interrupted.

How is speedy disposal possible?

For prompt disposal of the cases Farook said, "Witnesses and the accused were produced before the court in time. There was continuous trail of cases, that is, for each activity in the court like, examination of witnesses and

accused, and arguments, the court sat continuously." For speedy disposal of cases, the numbers of pending cases were reduced. Thus the total number of pending cases was 571 in June 2004 while it was 481 in March 2005. This is a great achievement!

For the speedy mobilisation of the cases they also took the help of law enforcing agencies and to escort victims and witnesses officers were engaged instead of constables and the officer in-charge of the area concerned was responsible for the timely appearance of the victims in court. The three-stage screening process at the international airports and land ports from June 15, 2004 to March 15, 2005 contributed to the prevention of 777 persons including 38 women and children from going abroad without valid documents. The anti-trafficking measures also rescued 206 trafficked persons including 100 women and 98 children.

Future plans

The existing measures being taken for the quick disposal of the cases will continue with renewed vigour, zeal and determination. Training for the immigration officers has been undertaken and prosecutors at different levels will be further trained. Besides that motivational and awareness programmes will also be arranged for religious leaders, civil societies, members of the local government, members of the law enforcement agencies etc.

The Ministry of Foreign Affairs also plans to make strong liaison with other countries, especially those receiving trafficked women and children (particularly where children are being used as camel jockeys). It will be further strengthened and intensified to ensure effective cooperation to combat the evil of trafficking in women and children and use of children as camel jockeys.

It should be mentioned that Bangladesh was in Tier-3 and for the initiative of our government it was taken to Tier-2 again. Bangladesh has made significant progress in combating trafficking in persons (TIP) in recent times, creating a positive example in this regard, Omar Farook said at the press conference.

It is the most systematic and institutional arrangement to combat trafficking in women and children in Bangladesh and obviously it is a united effort by our government and some NGOs. It is an example to us and we hope it will continue.

From Law Desk.



Corresponding with the Law Desk

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