



RIGHTS investigation



Bad dreams: Exploitation and abuse of migrant workers in Saudi Arabia

The killing of two Indonesian domestic workers by their employers in Saudi Arabia highlights the Saudi government's ongoing failure to hold employers accountable for serious abuses. The brutal beatings by these employers also left two other Indonesian domestic workers critically injured. Unfortunately, the brutal killings of these Indonesian domestic workers occurred in an atmosphere of impunity fostered by government inaction.

Seven members of a Saudi family who employed the four Indonesian women as domestic workers beat them in early August after accusing them of practicing "black magic" on the family's teenage son. Siti Tarwiyah Slamet, 32, and Susmiyati Abdul Fulan, 28, died from their injuries. Ruminih Surtim, 25, and Tari Tarsim, 27, are receiving treatment in the Intensive Care Unit of Riyadh Medical Complex. Saudi authorities have detained the employers.

"The brutal killings of these Indonesian domestic

detention or trial of the worker until one month after the sentencing.

Whether as victims or defendants, foreigners confront several serious problems in getting a fair investigation or trial in Saudi Arabia's criminal justice system. Many migrant workers do not have access to interpreters, legal aid or basic information about their cases. The Saudi government often takes months or years to inform foreign missions if their nationals have been arrested or hospitalized, preventing them from extending badly needed assistance.

Cases often drag on for years. Nour Miyati, an Indonesian domestic worker, sustained serious injuries and lost her fingers due to gangrene in 2005 after her employer locked her up, physically and verbally abused her and deprived her of food. She then faced a counter-charge of making false accusations against her employer,



workers occurred in an atmosphere of impunity fostered by government inaction," said Nisha Varia, senior researcher in the Women's Rights Division of Human Rights Watch. "Not only do the authorities typically fail to investigate or prosecute abusive employers, the criminal justice system also obstructs abused workers from seeking redress."

Approximately 2 million women from Indonesia, Sri Lanka, the Philippines and other countries are employed as domestic workers in Saudi Arabia. They are routinely underpaid, overworked, confined to the workplace, or subject to verbal, physical, and sexual abuse, Human Rights Watch said. Despite being victims of abuse themselves, many domestic workers are subject to counter-accusations, including theft, adultery or fornication in cases of rape or witchcraft.

During visits to Saudi Arabia and Sri Lanka in November and December, Human Rights Watch interviewed Sri Lankan domestic workers sentenced to prison and whipping in Saudi Arabia after their employers had raped and impregnated them. Three months ago, an Indonesian domestic worker in al-Qasim province was sentenced to 10 years in prison and 2,000 lashes for witchcraft, a reduction from an original sentence of death. The Indonesian embassy did not learn about the arrest,

and was sentenced to 79 lashes. A court subsequently overturned that conviction and sentence, but she still awaits a final monetary settlement from her employer and the ability to return home to Indonesia after her ordeal. "The Saudi government should train police how to investigate cases involving domestic workers, whose confrontations with employers often take place in private homes with few witnesses," said Varia. "The government should also extend labor laws to protect domestic workers." The Saudi government should reform immigration sponsorship laws that seriously disadvantage workers by forcing them to obtain their employers' permission to leave the country or transfer employment. A recent reform allowing the Ministry of Labor to waive this requirement if the employer fails to pay three months of wages is insufficient to resolve these problems.

Saudi authorities and embassies of domestic workers' home countries receive thousands of complaints of labor exploitation or abuse each year. Many more cases are likely unreported, given domestic workers' isolation in private homes, employers' ability to summarily have workers deported, and migrants' lack of information about their rights.

Source: Human Rights Watch.

LAW campaign

Proper enforcement of law needed to check road accidents

KRISHNA BAGCHI

"Hi dad, bhaia is OK. My exam is going to begin next month and I'm coming home right after that. I just can't wait to see you and mom," Shammi Akhter Happy, a student of Dhaka University's Psychology Department, was telling her father over phone. Indeed, she returned home much earlier, but only as a corpse. On May 28, 2005, Happy, a girl from the country's northern region, died in a horrific road accident at Dhaka City's Shahbagh intersection. A recklessly driven bus killed the promising girl.

Happy is not alone on the traffic fatality list of the Dhaka University. According to press reports, as many as six talented students of the university have lost their lives in the last five years in road accidents while some 11,000 died across the country in the last three years. The traffic fatality rate in Bangladesh is 25-30 percent higher compared to that of the developed nations. This rate is 8-10 percent higher than that of the South Asian countries.

A survey conducted by the Accident Research Centre of Bangladesh University of Engineering and Technology (BUET) in 2004 shows some 4,000 people die each year in road accidents and 52,000 get seriously injured. The survey reveals that the financial loss caused by road accidents amounts Tk 4,000 crore, which is about 2 percent of the gross domestic product (GDP) as a handsome amount of money is spent on the disabled caused by road accidents. Besides, when one dies his contribution to national revenue also comes to an end.

In 2002, former Communications Minister Barister Nazmul Huda in a workshop titled "Road Accidents and Health Awareness of Transport Workers and Drivers" said, "Drivers holding fake licenses and the tendency of driving recklessly are responsible for 80 percent of the accidents." Bangladesh tops the world when it comes to road accidents. The causes of road accidents

in Bangladesh as mentioned in a World Bank report (2004) include poor traffic management, incompetence of the drivers, faulty vehicles, shabby roads, falling unconscious while driving and becoming drivers from helpers before learning the job properly.

Manik Hawlader, driver of the bus that killed Happy, confessed to the Rapid Action Battalion that he was actually a helper of that bus. He could not keep control over the steering as he was driving recklessly. Encouraged by his fellowmen in the bus, he overtook two buses before hitting a motorcycle and then running over Happy. Manik did this only to reach the destination ahead of others.

Asked whether their licenses are checked regularly, some drivers said: One hardly needs to have a license for driving in Bangladesh. If a driver is stopped for driving recklessly or for his license, Tk 50 or 100 does the trick to go away. Putting the money into their pocket, police simply let the driver go away.

Talking about this allegation, sources at the Traffic Police department frankly admit there are some dishonest police personnel who do this. Subject to the nature of complaints, actions are taken against the responsible individuals, they claim. There is a provision of on-the-spot fine for driving offences. The fine varies from Tk 15 to 100. For example, Tk 50 is fined for violating traffic signals, Tk 30 for driving on the wrong side, Tk 100 for overtaking where prohibited and Tk 50 for failing to show documents like license, fitness certificate, insurance certificate and registration certificate. Taking advantage of the law, some dishonest police personnel regularly take bribe from the drivers.

What measures are being taken to prevent accidents? Police say a new department named "Highway Police" has been recently included in the police force for ensuring safe transportation and traffic discipline. The task of the highway police is to take measures against reckless driving,



carrying excessive passengers and goods, plying unfit vehicles and having unauthorised licenses. With a view to preventing accidents, highway police posts have been set up in 72 important points of the country. Besides, five trauma centres have been set up at five important points of the national highway network for providing quick treatment to the injured.

In most cases, according to a World Bank report, drivers are responsible for road accidents as incompetent drivers and their helpers are allowed to drive vehicles.

A transport worker, wishing anonymity, says it's wrong only to blame drivers for any road accidents. "Corruption by owners of vehicles and officials at the Bangladesh Road Transport Authority (BRTA) are equally responsible. Some dishonest BRTA officials help the owners obtain licenses illegally. Sans training, many are getting licenses by simply bribing the BRTA officials.

Unskilled people are out there on the streets, causing frequent traffic accidents. Despite a ban, 20-year-old vehicles, including buses and minibuses, are still plying the streets of Dhaka city because of corruption by a section of officials. "Accidents have become a regular feature due to plying of unfit vehicles on the roads," says another source wishing anonymity.

The Ministry of Communications imposed the ban on plying of 20-year-old buses and minibuses in Dhaka metropolitan area. Now the ministry itself admits that the 20-year-old vehicles are still plying the streets. He goes on: "An obnoxious clique is making crores of taka by providing fake registrations and false documents in connivance with some BRTA officials. Fake registrations are provided for unfit old vehicles." He says bodies and chassis of buses-minibuses are smuggled in from a neighbouring country. Old vehicles are given a facelift in random so they look new.

Sources at the BUET Accident Research Centre say the country has got 23,000 kilometres of main roads and accidents do not take place at all the places. There are some places where accidents take place frequently because of technical troubles, pedestrians' behaviour and disorder on the roads.

Experts say pedestrians' disregard for traffic rules is a big problem, while pedestrians say they are forced to walk along the streets, as there is no room to walk on footpaths in many areas of the city. Besides, the number of footbridges is too inadequate. Even there is no footbridge in many vulnerable places like Motijheel, Shahbagh and Bangla Motor intersections. Many people are not even aware of traffic rules. People do need proper education in this regard. So, kids should be taught about traffic rules in their schools first.

Source: News Network.

HUMAN RIGHTS advocacy

Patients' rights

DELARA HOSSAIN

Patients' rights are different in different countries and in different jurisdictions; often it depends upon current cultural and social norms. It is very essential to make clear the relationship between human rights, right to health, and patients' rights.

In our country, among five fundamental rights, "right to health" is one of the most important rights. But these rights are being violated day by day. In many cases not having any specific law or rights people are deprived of their rightful benefits. It is becoming a greater problem in health services because there are no monitoring mechanisms. Even there is no system to check whether doctors are providing right treatment or not which is resulting in patient's death.

Doctor's absences, medical negligence, lack of care, all are very common examples of health services in our country. More disturbing is the situation when group of doctors also deny performing their duty, that is during "strike" or "hartal". To call a hartal some times they also given priority to the political issues. But again and again the patients are victims of those consequences.

Declaring that the rights of patients are protected requires more than educating policy makers and health providers; it requires educating citizens about what they should expect from their governments and their health care providers -- about the kind of treatment and respect they deserve.

In India they have Patient's Charter of Rights, which is recognised by government as a legally binding set of rights that a patient has. Patients in Bangladesh have no such legal rights. Under the existing law it is almost impossible for the patients and their families to take necessary steps as right of patient. There are detailed laws relating to licensing, drug control, operation of private clinic etc. But there is no specific law which can provide a minimum standard care to the patient.

According to the existing law there is no specific provision for the duties of doctors. Though Bangladesh Medical and Dental Council's code of ethics speaks of some function, procedure and disciplinary jurisdiction but there is nothing specific about the patient's right.

To ensure patients' right the following are important considerations: Healthy, safe and participatory environment: Everyone has the right to a healthy and safe environment that would ensure his or her physical and mental health or wellbeing. There should be the right to

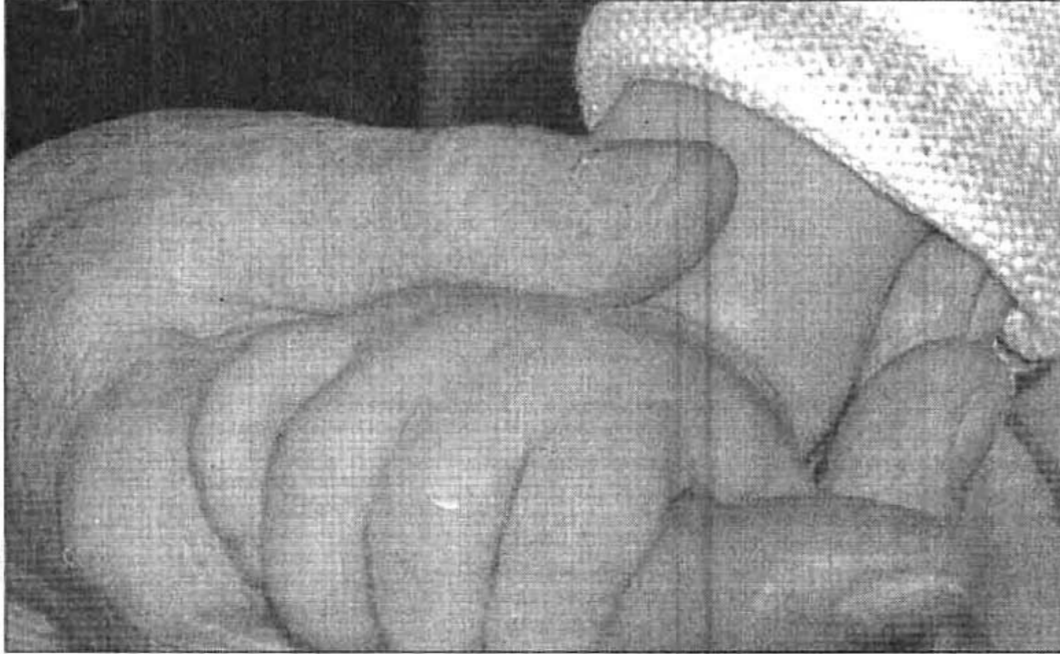
dren, pregnant women, the aged, disabled persons, patients in pain, persons living with HIV or AIDS patients;

- Counseling without discrimination, coercion or violence on matters such as reproductive health, cancer or HIV/AIDS;
- Health information that includes the availability of health services and how best to use such services shall be in the language understood by the patient.

Choice of health services: There can be right to choose a particular health care services or a particular health facility for treatment provided such choice is not contrary to

rate information about the nature of one's illness, diagnostic procedure, the proposed treatment and the costs involved to make a decision. And there can be the right to be referred for a second opinion on request to a health provider of one's choice.

Continuity of care: A health care professional or a health facility, which initially took responsibility for one's health, shall abandon it to no one. There have to be the right to complain about the health care and to have such complaints investigated and receive a full response on such investigation. Not only this but should there also be a system



participate in decision-making on matters affecting one's health. Access to health care: Everyone has the right of access to health care services that include:

- Receiving emergency care at any health care facility that is open regardless of one's ability to pay;
- Treatment and rehabilitation must be made known to him/her enable the patient to understand such treatment or rehabilitation and the consequences thereof;
- Provision for special needs in the case of newborn infants, chil-

the ethical standards applicable to such health care providers or facilities and that the choice of facility is in line with prescribed service delivery guidelines.

Confidentiality and privacy: Information concerning one's health, including information concerning treatment may only be disclosed with consent of person(s) concerned, except only when required in terms of any law or an order of court.

Informed consent: Everyone has the right to be given full and accu-

that a person may refuse treatment. The refusal can be verbal or can be written mentioning that refusal will not be to the endangerment for the patient.

Though there are so many organisations, which have been working for checking the medical negligence, but for the betterment for our country it is very essential to have a specific law which will ensure the patient's right.

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LAW week

Five university teachers remanded

Courts in Dhaka and Rajshahi placed on remand the five university teachers picked up from their campus homes on charges of breaching the emergency power rules. General Secretary of Dhaka University Teachers Association (DUTA) Prof Anwar Hossain and DU Social Science Dean Prof Harun-or-Rashid each were remanded in custody for four days in a case filed by the police for making provocative and anti-state statements. In Rajshahi, former Rajshahi University (RU) vice-chancellor Prof Saidur Rahman, Convener of RU Progressive Teachers Society Prof Abdus Sobhan and management professor Moloy Kumar Bhowmik were put on a 10-day remand each. The three were shown arrested under section 16(2) while Anwar and Harun under section 3 (4) of the Emergency Power Rules (EPR), 2007. None of their names was in the first information report (FIR). According to the emergency rules, processions, rallies and protests are banned during the state of emergency to maintain security of the state or people or discipline. However, any procession or rally can be organised for religious, social, state or government purposes. Violators will be sentenced to a maximum of five years' and a minimum of two years' rigorous imprisonment, plus fine. - *The Daily Star*, August 26.

EC to start dialogue with political parties

The Election Commission will start dialogue with political parties from September 12 on its proposed electoral reform proposals. Announcing the dialogue plan that will continue till November 29, Chief Election Commissioner Dr ATM Shamsul Huda hoped the ban on indoor politics would be relaxed by the time to create a pre-dialogue environment. The EC told a press conference that they would primarily sit with the representatives of 15 political parties selected on the basis of three criteria. The criteria are: Parties that secured at least one parliamentary seat in any general election since Bangladesh's independence, the parties that got at least 2 percent of cast votes in any general election or the parties that have offices in 32 district and upazila headquarters and have minimum 1,000 members. Agenda of the dialogue will focus on the Representation People's Order, 1972, the Political Party Registration Rules, 2001 and the Election Codes of Conduct, 1996. Besides, discussions may be held on a proposal on transparent ballot boxes. The EC Secretary will dispatch letters addressed to general secretaries of respective parties through special messengers from tomorrow. - *Unb, Dhaka*, August 28.

Huda gets 7 years, Sigma 3 yrs for graft

In the first ever bribery case filed by the Anti-corruption Commission (ACC), a court sentenced former communications minister Nazmul Huda to seven years rigorous imprisonment, while his wife Sigma Huda was sentenced to three years simple imprisonment. Another special court, convened on the same premises and designed to adjudicate graft cases, yesterday sentenced in absentia former jute minister Shajahan Siraj's wife Rabeya Haider to 32 years simple imprisonment in connection with four tax evasion cases. But, Rabeya will have to spend only five years in jail as the court ordered her jail terms to be served concurrently. The former minister and his wife are currently absconding. Nazmul Huda was also fined Tk 2.50 crore, in default of which he will have to serve one more year of jail term. The court also ordered the amount of the bribe of Tk 2.40 crore, taken by Nazmul Huda assisted by his wife, to be confiscated by the state. A special court of Amar Kumar Roy pronounced the verdict on Nazmul Huda under the Prevention of Corruption Act, 1947 for abuse of power and corruption, while Sigma Huda was sentenced under Bangladesh Penal Code for being the accomplice in the crime. - *The Daily Star*, August 28.

Hasina's bail stayed

The Appellate Division of the Supreme Court (SC) stayed the High Court (HC) orders granting Sheikh Hasina bail in two extortion cases until disposal of her writ petitions with the HC. In response to the government appeals seeking reversal of the HC orders, a full bench of the apex court headed by Chief Justice M Ruhul Amin made the ruling that means no immediate prospect for her release from prison. It also stayed another HC

order that imposed a freeze on operation of the Anti-Corruption Commission's (ACC) notice for Awami League (AL) President Hasina to declare her wealth. It asked her to submit in a week a wealth statement to the anti-graft body. Following the orders, the trial court can now begin proceedings of the extortion cases under the emergency power rules in which a defendant has no right to bail. Earlier, the Appellate Division had put off the HC orders. Legal experts said the AL president might have to stay behind bars for an indefinite period as it would take a long time for the entire legal proceedings to be completed. They said an HC division bench would look afresh into the writ petitions filed by Hasina. Hasina was arrested by the joint forces on July 16, and later that day a magistrate's court sent her to a sub-jail in the Jatiya Sangsad Bhavan complex. - *The Daily Star*, August 28.

New policy to ensure balanced migration

The government is thinking about formulating a mechanism that would ensure equal number of workers from all districts of the country migrating abroad. The government would give special focus on the poverty-stricken north and north-western regions from which fewer labourers migrate. The government is also consulting various stakeholders of labour migration to formulate a strategy to reduce migration costs. High migration costs were identified as a major obstacle to migration of labourers, especially the unskilled. These issues were elaborately discussed at an inter-ministerial meeting at the Ministry of Foreign Affairs yesterday. Foreign Adviser Iftekhar Ahmed Chowdhury and officials of the ministries of foreign affairs, expatriates' welfare and overseas employment, home affairs, information and the Bureau of Manpower, Employment and Training (BMET) were present at the meeting. Talking to journalists after the meeting, Iftekhar said the government is to ask Malaysia to review the recruitment process through outsourcing companies, which often leads to exploitation of many Bangladeshi workers in Malaysia. "Migration has a direct link with development. But it has been observed that labour migration occurs from only a few concentrated areas like Comilla, Noakhali, Chittagong, Dhaka and Sylhet." - *Said an official of the expatriates' welfare and overseas employment ministry*. - *The Daily Star*, August 28.

HC grants petitions for winding up Dinkal Ltd

Staying proceedings of the case against BNP Chairperson and former Prime Minister Khaleda Zia and others, the High Court granted two petitions for winding up Dinkal Publications Limited. "The stay will continue until further order," says the court order stalling the trial proceedings of the Dinkal case pending with the Chief Metropolitan Magistrate's Court, Dhaka. Delivering the judgment following two separate petitions filed by two directors for the company that publishes the Bangla daily, Dinkal, Justice Syed Refaat Ahmed also ordered the authorities to appoint in 60 days an official liquidator for the company. The High Court asked all the directors of the company to donate altogether Tk 5 lakh to the Chief Adviser's Relief and Welfare Fund for the flood victims and Tk 1 lakh to the Supreme Court Employees' Welfare Trust. On June 12, Khaleda Zia, her elder son Tarique Rahman and 12 other BNP leaders, who are all directors of the Dinkal Publications Limited, were sued for not submitting service return since its formation in 1999. Abdul Mannan, deputy registrar of the Joint Stock Companies, filed the case under section 36(5) of the Companies Act 1994 with the CMM Court. - *Unb, Dhaka*, August 29.

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