



HUMAN RIGHTS monitor

Bangladesh does not fully comply with minimum standards

BANGLADESH is a source and transit country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. A significant share of Bangladesh's trafficking victims are men recruited for work overseas with fraudulent employment offers who are subsequently exploited under conditions of forced labor or debt bondage. Children both boys and girls are trafficked within Bangladesh for commercial sexual exploitation, bonded labor, and forced labor. Some children are sold into bondage by their parents, while others are induced into labor or commercial sexual exploitation through fraud and physical coercion. Women and children from Bangladesh are also trafficked to India for commercial sexual exploitation.

Bangladeshi men and women migrate willingly to Saudi Arabia, Bahrain, Kuwait, the United Arab Emirates (UAE), Qatar, Iraq, Lebanon, Malaysia, Liberia, and other countries for work, often under legal and contractual terms. Most Bangladeshis who seek overseas employment through legal channels rely on the 724 recruiting agencies belonging to the Bangladesh Association of International Recruiting Agencies (BAIRA). These agencies are legally permitted to charge workers up to \$1,235 and place workers in low-skilled jobs typically paying between \$100 and \$150 per month. According to NGOs, however, many workers are charged upwards of \$6,000 for these services. A recent Amnesty International report on Malaysia indicated Bangladeshis spend more than three times the amount of recruitment fees paid by other migrant workers recruited for work in Malaysia. NGOs report many Bangladeshi migrant laborers are victims of recruitment fraud, including exorbitant recruitment fees often accompanied by fraudulent representation of terms of employment. The ILO has concluded high recruitment fees increase vulnerability to forced labor among transnational migrant workers. Women typically work as domestic ser-

vants; some find themselves in situations of forced labor or debt bondage where they face restrictions on their movements, non-payment of wages, threats, and physical or sexual abuse. Some Bangladeshi women working abroad are subsequently trafficked into commercial sexual exploitation. Bangladeshi children and adults are also trafficked internally for commercial sexual exploita-

workers overseas through effective controls on high recruitment fees and other forms of fraudulent recruitment; therefore, Bangladesh is placed on Tier 2 Watch List for the second consecutive year. Some government officials and members of civil society continue to believe the forced labor and debt bondage of Bangladeshi workers abroad was not considered labor trafficking, but rather employment fraud

tribute to labor trafficking; provide protection services for adult male trafficking victims and victims of forced labor, including improving consular assistance in embassies abroad; and increase awareness campaigns targeted at potential domestic and international migrants.

Prosecution

The Government of Bangladesh did not provide evidence of increasing efforts to combat sex trafficking or forced labor during the reporting period.

During the reporting period, the government obtained the convictions of 32 sex trafficking offenders and sentenced 24 of them to life imprisonment; eight were sentenced to lesser prison terms. This is a slight decrease from the 37 convictions obtained in 2008. The government did not report the conviction of any labor trafficking offenders. The government prosecuted 68 cases involving suspected sex trafficking offenders and conducted 26 investigations, compared with 90 prosecutions and 134 investigations during the previous year. Forty-nine prosecutions resulted in acquittals; however, under Bangladeshi law the term "acquittal" can also refer to cases in which the parties settled out of court or witnesses did not appear in court. Despite administrative actions taken against labor recruitment agencies involved in fraudulent recruitment and possible human trafficking, the government did not report any criminal prosecutions or convictions for labor trafficking offenses.

Protection

The Government of Bangladesh made limited efforts to protect victims of trafficking over the last year. The government's lack of efforts to protect victims of forced labor who constitute a large share of victims in the country and adult male victims of trafficking is a continuing concern. While the government did not have a systematic procedure to identify and refer female and child victims of traf-

ficking, the courts, police, or Home Ministry officials referred victims of internal trafficking to shelters. Law enforcement officials identified and rescued 68 victims (38 females and 30 children) in the reporting period, but it is uncertain whether they were referred to shelters. During the last year, 384 victims were served by government and NGO care facilities in Bangladesh; some of these may have been victims of trafficking.

While workers ostensibly had several options to address complaints of labor and recruitment violations and to get compensation, the process most often used arbitration by Bangladesh Association of International Recruiting Agencies (BAIRA) did not provide sufficient financial compensation and rarely addressed the illegal activities of some recruitment agencies, all of which are BAIRA members. The Bureau of Manpower Employment and Training (BMET), which is charged with overseeing recruitment agencies and monitoring the condition of Bangladeshi workers overseas, regularly steers workers with complaints to BAIRA for resolution. Workers are drawn to the BAIRA complaint mechanism because it offers quick cash payouts (though usually much less than the wages they were denied and the recruitment fees paid) and requires significantly less proof of paid fees most fees charged were illegal and thus had no corresponding receipts. If there are "major" disputes, recruitment agencies may lose their licenses; however, NGOs report that friends and family members of agency heads successfully file for new licenses. Recruitment agencies may also incur criminal charges.

According to Ministry of Expatriate Welfare and Overseas Employment (MEWOE), the government disposed 893 of 1,030 labor complaints in the reporting period; some of these complaints were likely due to trafficking offenses.

This is the abridged version of the report. Source: Trafficking in Persons Report 2010.



tion, domestic servitude, and bonded labor.

Bangladesh does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government has continued to address the sex trafficking of women and children. Despite these significant efforts, the government did not demonstrate evidence of increased efforts to prosecute and convict labor trafficking offenders, particularly those responsible for the fraudulent recruitment of Bangladeshi workers for the purpose of forced labor overseas. Similarly it did not demonstrate increased efforts to prevent the forced labor of Bangladeshi

perpetrated on irregular migrants.

Recommendations for Bangladesh: Draft and enact legislation criminalizing the forced labor of men; integrate anti-labor trafficking objectives into national anti-trafficking policies and programs; significantly increase criminal prosecutions and punishments for all forms of labor trafficking, including those involving fraudulent labor recruitment and forced child labor; consider establishing special courts to prosecute labor trafficking offenses; greatly improve oversight of Bangladesh's international recruiting agencies to ensure they are not promoting practices that con-

LEGAL education

SOUTH ASIAN LAW UNIVERSITY

A move towards quality education

DR. UTTAM KUMAR DAS

DURING my recently completed Hubert H. Humphrey Fellowship Program (2009-2010) in the United States, I have taken every opportunity to visit different Law Schools, talk to Faculties, and to observe and monitor how those institutions do operate.

Apart from my host institution, the University of Minnesota Law School and Human Rights Center in Minneapolis, I have visited some other Law Schools and talked to respective faculties, staff members and students.

Visiting those institutions, I do see how productive and efficient the students could make them during their time in Law Schools (i.e., three years for the

pating in job fairs.

In the University of Minnesota Law School, there are 18 Legal Clinics covering the issues ranging from International Business Law to Human Rights Litigation; those serve 'live-clients.' Students are to work with Clinics as part of their respective courses. Students could even appear in the Courts for clients under the supervision of a Clinical Law Professor.

There is at least one full-time Clinical Faculty each Clinic. There are donations or endowments to run such Clinics. Even private individuals (former law students or their descendants) and organisations provide funding to establish and run Legal Clinics. Other Faculty Positions are also funded in the same ways.

There are three full-fledged and well-

many activities over a semester (other than destructive activities like here in Bangladesh). For example, if the Chapter of Amnesty International brings a renowned Law Professor from another Law School to speak on a timely issue, the International Law Society or Asylum Law Project would bring an internationally-reputed activities or practitioner to address the students on another topic. Students do publish journals on time serving as Chief Editors.

The Mission of this University of Minnesota Law School is to provide "high quality legal education." It wants to achieve this through "... contributing substantially to knowledge of the legal order through the publication and other dissemination of scholarship, and ... providing discipline-related public service to the University, the state, the nation, and the international community, and to the legal profession in those fields in which it has a special expertise."

Though we have around 20 Law Schools or Departments affiliated with public or private universities, however, the standard of the curriculum, teaching methodology, scholarship of the respective faculties (of course with few exceptions), research and publications, available resources to students and faculties, and overall the quality of the graduating students are not beyond questions. The same goes about the quality of the graduates coming out of Private Law Colleges.

Therefore, this is the high time to look into quality of legal education in Bangladesh to having a global standard. Given the globalisation, expansion of international corporation and business, and ever expanding human rights and humanitarian crisis there are growing need of quality law graduates.

Upon my return to Dhaka in June, I have noticed a significant progress in this regard and it comes to realisation of a dream of having a South Asian Law University in Bangladesh. This has been initiated under the banner of the already established South Asian Institute of Advanced Legal and Human Rights Studies (SAILS).

SAILS has recently concluded two month-long training courses on the Alternative Dispute Resolution (ADR) and Continuing Legal Education (CLE),

first of its kind in the country. The participants- judges and lawyers were drawn from Bangladesh, India, Nepal, Bhutan and Maldives.

Definitely there is need and all potentially for such an institution.

Dr. Kamal Hossain in his speech said, "Its an instrument to empowering the powerless, if it is properly understood, and could be effectively implemented," he said. The internationally acclaimed Jurist urges the participants of the courses not to be lawyers obsessed of earning more money, but to serve the powerless and helpless in the respective society.

Barrister Shafique Ahmed, Minister for Law, Justice and Parliamentary Affairs of the Government of the People's Republic of Bangladesh assures all out supports from his government in establishing a Law University in Bangladesh. He blames the aged old judicial system inherited from the British for failing to deliver justice. That is why the government has introduced ADR to reduce backlog of cases. "ADR could save time and money," the Law Minister observes.

Professor N. R. Madhava Menon, a pioneer of global-standard legal education in India observes that a quality legal education in South Asian countries could bring foreign exchanges for the region as well. "If we could produce international-standard law graduates they could grab jobs in the multinational, international agencies and law firms."

Dr. Menon starts his mission with the National Law School of India University in Bangalore, India. He also supports the idea of a SAARC-level Regional Law University. He hopes that such a University would come out with new scholarship and help in promoting peace and development in the region. Being a promoter for a quality legal and human rights education, I do foresee that the proposed Law University would produce graduates having new scholarship and morale among other qualities. They could contribute to establishing the Rule of Law and Accountability in the society. That is necessary for a healthy and democratic society and ensuring human rights for all.

The writer is a Researcher and Practitioner specializing in International Human Rights Law.

RIGHTS investigation

Terrorism search power violates human rights

THE new UK coalition government should repeal an abusive counterterrorism power that has led to hundreds of thousands of people being stopped and searched without reasonable suspicion of criminal wrongdoing, Human Rights Watch said in a report released in July 2010.

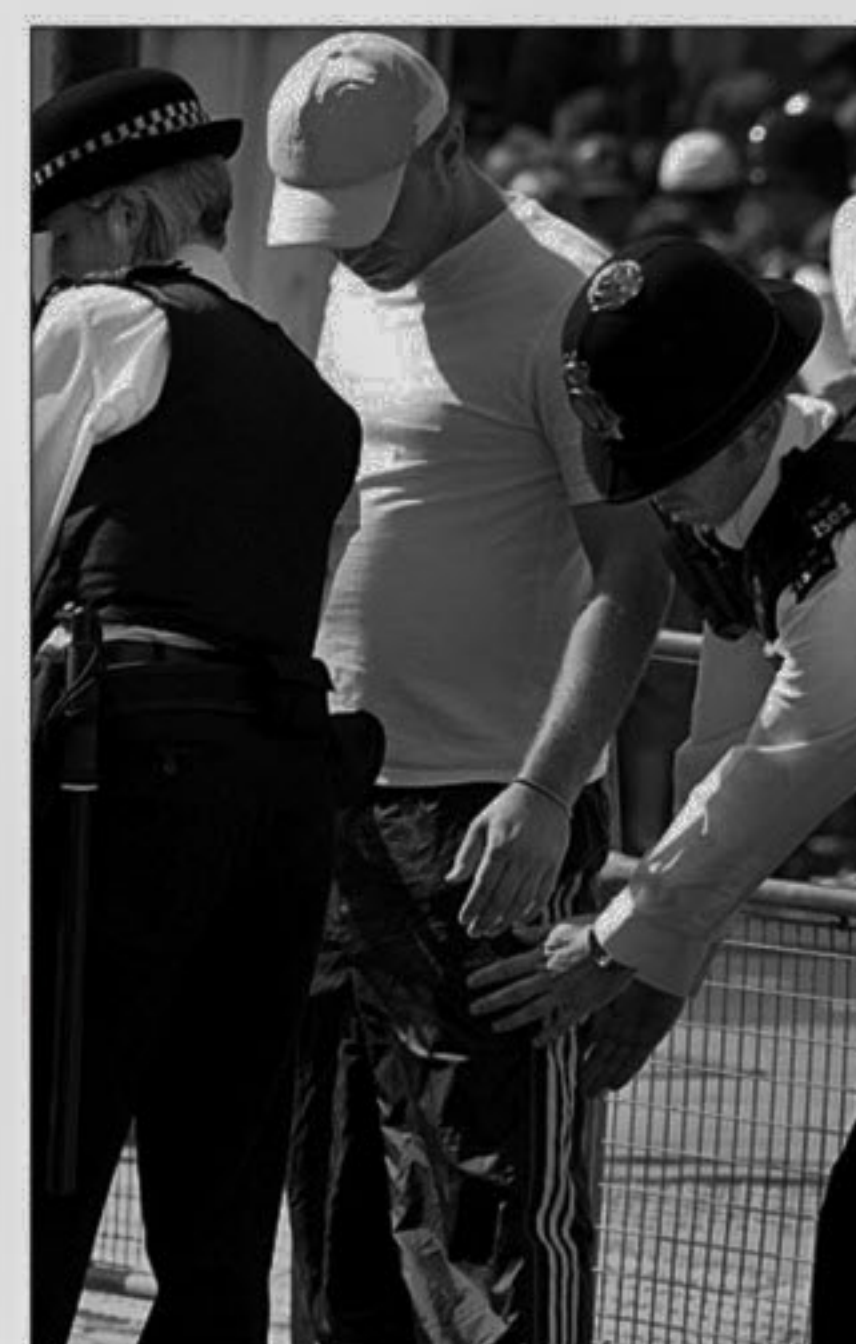
The 64-page report, "Without Suspicion: Stop and Search under the Terrorism Act 2000," examines the use of the stop-and-search power under section 44 of the act. The power is intended to prevent terrorism. But despite almost 450,000 section 44 stops and searches throughout the United Kingdom between April 2007 and April 2009, no one was successfully prosecuted for a terrorism offence as a result.

The new government pledged on June 10, 2010, to re-evaluate the power as part of an ongoing review of counterterrorism legislation after it acknowledged that prior to 2008, police in London and elsewhere had carried out hundreds - and possibly thousands - of these searches without proper authorization. On June 29, the European Court of Human Rights rejected a final appeal by the UK against a ruling by the court in January 2010 that the use of the power violates the right to privacy.

The use of the stop-and-search power has ballooned since 2007. The number of stops has since fallen, in part because of efforts by the Metropolitan Police Service (MPS) in London and national British Transport Police, which together account for the bulk of section 44 stops, to reduce their use of the power. They have reduced the geographic areas and in the case of the MPS the circumstances in which the power can be used.

But the fact remains that during 2009 - the last year for which complete data is available - more than 170,000 people were stopped, including more than 110,000 by the MPS alone. And there is a risk that in the months before the 2012 Summer Olympics the numbers could rise again.

The section 44 power contains a number of safeguards intended to prevent its misuse - including the

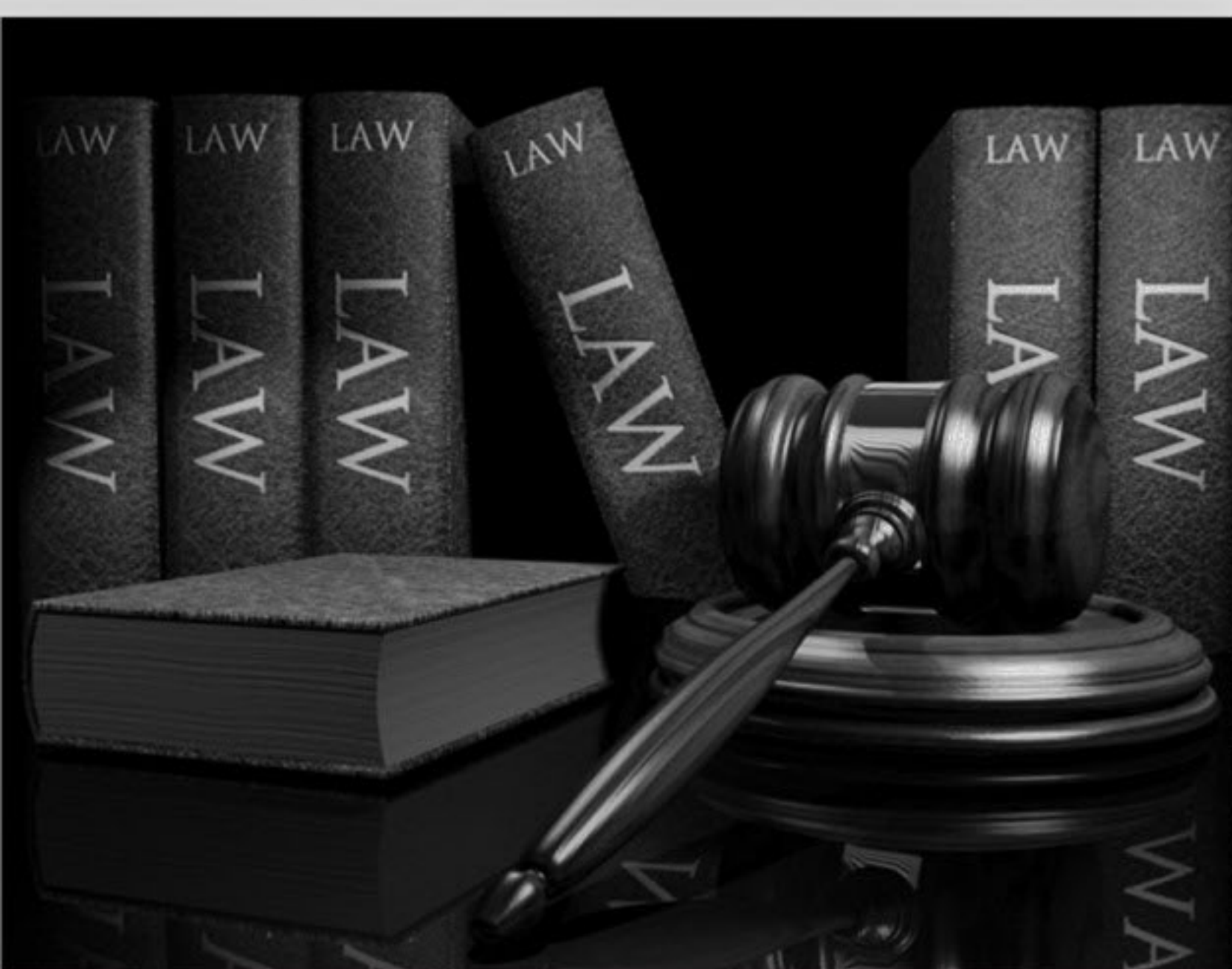


need for authorisation by the Home Secretary, a duty to assess the impact of its use on community relations, and guidance to the police on proper use. But the report finds that those safeguards have proved to be ineffective.

Human Rights Watch's research indicates that the power is being used improperly - including to stop railway enthusiasts, photographers, and even children on the street. Analysis of the stop-and-search statistics indicates that persons of South Asian origin and black people are more likely to be stopped than white people, suggesting that police may be engaging in ethnic profiling. There is also anecdotal evidence that in some cases white people are being stopped specifically to balance the statistics, masking the extent to which ethnic minorities are being targeted.

The report concludes that section 44 stops and searches are damaging community relations, and undermining confidence in the police, especially in London where most of these searches occur, and within Muslim communities. It is difficult to assess quantitatively whether Muslims are more likely to be stopped than those of other religions, because religion, unlike ethnicity, is not recorded during stops. But the harm done to the perceptions of the police within Muslim communities is evident, Human Rights Watch said.

Source: Human Rights Watch.



Juris Doctor or JD and one year for LL.M. program).

During the School year, a student could explore his or her interest and skill, take the full advantage of the available scholarship and resources, and decide accordingly whether one would join the public service, pro bono legal or human rights work/organisation, or go to practicing law. Potential employers would come to the School to hire graduates through their announcements or partici-

equipped Court Rooms. The Supreme Court of the State of Minnesota holds their sessions in the Law School on scheduled dates to allow students to observe the proceedings and ask questions thereafter. The Chief Justice, other related Judges and respective Attorneys would come down to the School to participate in the real proceedings. In other cases, students would visit trial courts.

I found the student organisations (total 56 for 800 students) busy with so