

PROTECTING MIGRANT WORKERS

Cleaning up recruitment and return practices

Proposed changes to ACC Act

Defeats purpose of eliminating corruption

WE welcome the decision of the parliamentary standing committee on law ministry to further scrutinise sections of the Anti-Corruption Commission (Amendment) Bill 2011 before finalising it. We especially thank the Finance Minister who voiced strong support for the parliamentary body's stance against the proposed provision of the bill which stipulates that, before corruption charges can be filed against a judge, magistrate or public servant, permission must be obtained from the government. This proposed version seems almost designed to protect the corrupt in high places.

The ACC was constituted with a mandate of rooting out corruption -- which robs us of some 2% of our national GDP. The ACC chief had previously complained of the body being made toothless and has recently demanded financial autonomy and administrative power. If the proposed changes were to come through, how would we distinguish between the former anti-graft body, the Bureau of Anti-Corruption and the ACC, which would simply become an appendage of the executive? As the Finance Minister himself has said, under the proposed bill, only "small fry" would be brought to book. We have seen in the case of Pakistan that, under such a law where permission to file corruption charges against civil servants had to be sought from the government, only one person has ever been charged. The anti-graft bodies of the UK, USA and India, which are in no way connected to the executive, are ones we should rather replicate.

Containing corruption was an election promise of the government. Contrary to sane advice from civil society, the media and development partners to not dilute the authority of the ACC, however, the government shows signs of appeasing the bureaucracy. We urge the government not to succumb to bureaucratic pressure and to discard the controversial provision of acquiring permission from the government to file graft cases against civil servants, for its own sake and for that of the nation. If the law becomes conditional, the nation will never be freed of corruption. We must have a zero tolerance policy towards corruption and to ensure this, the ACC must be strengthened further and not made to become a redundant appendage of the government.

JS body finds prices stable

Really?

ONE must take the report of the JS committee on commerce, that it is satisfied that the prices of daily essentials were "stable" and that it did not "increase" after the announcement of the budget on 9 June, with more than a pinch of salt. What we find rather inexplicable is the incorrect reflection of actual prices of commodities, in some cases, in the report, which was prepared on the basis of a visit by the committee to a few of the kitchen markets of Dhaka.

The visit was conducted with a great deal of fanfare and accompanied by a bevy of staff and law enforcing personal, as one could make out from the footages appearing on the telly. And that is not quite the way to assess the prices of daily essentials. Reportedly, the committee was misled by the shopkeepers who fed them with false figures.

We wish we could concur with the committee. The reality on the ground speaks quite differently than what the committee would have us believe. And that was reflected in the comments of several members of the parliament, including those belonging to the ruling coalition, who had expressed concern over the rise in prices of essentials, in the parliament on Sunday. In reality prices have actually markedly increased since the announcement of the budget, and unfortunately that is quite in keeping with the pre-Ramadan trend of the past.

The committee should do more than merely express its hope that the prices would remain stable during the month of Ramadan. And certainly hanging price lists in all the markets in the capital is not the way to control prices of essentials, least of all during Ramadan. To start with, they should get the real market picture and ensure that vested quarters, whose prime concern is to make profit only, are prevented from interfering with the mar-

IRENE KHAN

AS tens of thousands of Bangladeshi workers fled the conflict in Libya, their plight exposed the vulnerability of migrant labour. It also laid bare the gaps in protecting the human rights of migrant workers.

In today's globalised world millions of people work outside their own borders. But across the entire spectrum of migration -- from recruitment to employment to return -- they face exploitation and abuse.

In Bangladesh where a job abroad is seen as a ticket out of poverty, people often sell everything they or their families own and borrow heavily to pay unscrupulous labour brokers and recruitment agencies. Many of them are trapped for years in debt bondage because of excessive fees and bribes. There is no effective government regulation of recruitment processes.

On arrival in the host countries the workers' freedom of movement might be restricted because employers or brokers withhold their passports and wages. Many of them work and live in sub-standard conditions. They are not allowed to form or join trade unions. They have no voice and no vote as foreigners. Sometimes they are physically abused or sexually exploited and can end up being trafficked into various forms of modern-day slavery. Access to justice for those who face such abuses is rarely available or affordable.

If the workers are forced to leave suddenly, as happened in Libya, their lives' savings -- along with their dreams -- are wiped out. Of the 36,500 Bangladeshis who escaped from Libya, many had not received their full wages and were robbed of what little they had in the course of their flight.

Who is responsible for protecting the rights of migrant workers -- the sending country or the receiving country or the companies that employ them? Clearly the latter benefit from the fruits of migrants labour as much as the governments but there is little clarity on their role and responsibilities towards the very people on whose backs they make their profits.



Multinational companies know full well the reputational damage they can suffer if they fail to check the labour conditions in their global supply chains. That same risk to reputation -- and ultimately to profits -- also exists in relation to the exploitative practices of labour brokers and recruitment agents.

Traditionally, international law looks to governments to protect human rights. The UN Convention on the Rights of Migrant Workers and their Families is a treaty among states. So far only 44 states are parties to it. In April this year the Bangladesh government indicated its intention to ratify it. But no major migrant receiving state has yet ratified it -- leaving the Convention operationally ineffective.

Furthermore, Bangladesh like many developing countries does not have the resources or capacity to protect all its citizens abroad. There can be a lack of political will to pursue consular responsibilities diligently. The government is not always keen to press a receiving country hard for fear the latter might rescind the labour agreement.

As for the receiving country -- if, like

Libya, it is violating the rights of its own citizens, why should it care about the rights of foreigners?

These shortcomings do not absolve home and host governments from their human rights obligations. But they do create a strong argument for companies that employ the labourers -- and often have more influence and resources than many governments -- to do more.

For the past decade a debate has raged in the United Nations on business's role towards human rights. On June 16 the UN Human Rights Council finally adopted Guiding Principles that aim to clarify the responsibilities of companies -- alongside the obligations of governments -- to respect human rights. Applicable to all economic sectors and all governments and busi-

nesses, they have profound implications for the protection of migrant labour.

Multinational companies know full well the reputational damage they can suffer if they fail to check the labour conditions in their global supply chains. That same risk to reputation -- and ultimately to profits -- also exists in relation to the exploitative practices of labour brokers and recruitment agents. That's why some progressive companies are beginning to focus on recruitment and repatriation processes for migrant workers.

Having drawn the lessons from the Libya crisis, the Bangladesh government too is well placed to review its manpower export policies and practices. Remittances from migrant workers account for 12% of the country's GDP. The rights of those who sustain this lucrative sector of the economy deserve more attention.

The London-based Institute for Human Rights and Business is working with a number of governments and companies to develop a framework for responsible recruitment and repatriation of migrant workers. After meetings in London and Mauritius, the Institute is convening a round-table this week in Dhaka in collaboration with the Research and Migratory Movements Research Unit (RMMU).

The first meeting of its kind to bring together leading global apparel brands, recruitment agencies, government officials and migrants' rights groups in Bangladesh, it provides a good opportunity for all constituencies in the migration equation to show leadership, commitment and collaboration.

The government is keen to sustain manpower export in the face of the global economic slowdown and turmoil in the Middle East. Companies want to keep costs low in tough times. The temptation to let sub-standards persist may be strong but that would be short-sighted.

Corruption, exploitation and human rights abuses do not create robust economies. Transparency, accountability and fair labour practices do.

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ENIGMATTERS

Read the public pulse, please!



MOHAMMAD ALI SATTAR

WE are soaked to the skin with tribulations; from politics to the economy to the social. As a consequence of extended disre-

gard to democracy we are left with politics which is at best limping and continuing economic mismanagement leaving us with not much of an economy.

Poor social condition is a natural offshoot of dysfunctional politics and economy in disarray. A deep sense of apprehension has gripped our lives. Issues that have remained unresolved over a period of time gape at our face with a daunting look.

Against this backdrop, we find ourselves stranded in the midst of yet another mindless political squabble by the two major parties. The current crisis centres on the caretaker government issue.

Interestingly both sides want a dialogue. But both apply conditions. AL wants to discuss any new formula on the interim government while the BNP is only interested to talk on the prevailing one. The trouble emanates from here.

BNP was a little wayward in deciding issues with which to weaken the government. It drew up a long list of agenda without a focus. When issues for the BNP were drying up heavens smiled on it. Caretaker issue was served on its platter by the government in the most controversial way.

The egotistical blunder might prove too dear for the government.

The government has made its intent clear with regard to the caretaker issue. It wants to scrap it. The bill is now in the parliament. While carrying out the constitutional rituals, the government kept teasing BNP to sit for a dialogue on the issue provided it can come up with something new.

If the AL has decided to do it alone it is probably committing a great blunder through failing to read the public pulse.

Suranjit Sen Gupta has been vocal about the government's stand on the

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caretaker issue and emphasised in his characteristic fashion the open door mantra for a discussion. He blasted Moudud Ahmed who said that AL has finally shut the doors by getting the bill approved by the cabinet.

Unsurprisingly, law minister and his deputy have also been harping on the same tune. Shafique Ahmed says options for dialogue remains open through all stages until the bill is passed. But the state minister for law says, the caretaker system is void, hence no more talks on this. Why speak with two voices on the same

issue?

We don't know if the BNP has a sackful of new ideas. The latest declaration from the BNP chief is; the party would go all out to bring down the government through a movement and hold mid-term polls under a caretaker government. So the lines are drawn.

Hopes of a compromise are diminishing each day. A showdown looks imminent.

However, sitting in the cold, BNP stalwart Nazmul Huda expressed hopes of a dialogue. Perhaps when you are left in the cold good sense may be exuded. He says that BNP

should avail itself of the opportunity offered by the government.

That's not the only hope. Some in the AL ranks opposed the idea of pushing things too fast. Its allies are siding with the opposition views for continuation of the caretaker system at least for another two terms. Only HM Ershad is against the caretaker arrangement, may be more than the PM! For obvious reasons.

BNP is gaining ground which AL government is losing. The danger is; the more government loses credibility on various issues, the more repressive

it is likely to get. And that will drag the country into a deeper crisis.

All said and done; its time to bridge the difference by means of a constructive discourse. All of a sudden the civil society has gone quiet. The laidback stance will not help; they should come up with a united voice for a peaceful compromise. Transparency International Bangladesh (TIB) has called for dialogue; others should join them.

A far stronger role could be played by the business community. They are the pressure group. They run the wheels of economy. They provide jobs. Simply having economic keys in hand will not suffice; they should learn the art of turning the keys in time and for greater good of the country and people.

They should convince the government about the need for a dialogue between the two parties. They should tell the government to show more restraint and civility while engaging with the opposition. And opposition ought to reciprocate in the same manner.

The nation is groaning under pain and anger. It's time people should be heard. There is urgent need for a dialogue to start. We can't afford poor response from either side. Let us put an end to the climate of disparagement. Non-political actors have their roles cut out, because the politicians are losing confidence in themselves.

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THIS DAY IN HISTORY

June 28

- 1881**
Secret treaty between Austria and Serbia.
- 1894**
Labor Day becomes an official US holiday.
- 1919**
The Treaty of Versailles is signed in Paris, formally ending World War I between Belgium, Britain, France, Italy, the United States and allies on the one side and Germany and Austria-Hungary on the other side.
- 1967**
Israel annexes East Jerusalem.
- 2004**
Sovereign power is handed to the interim government of Iraq by the Coalition Provisional Authority, ending the U.S.-led rule of that nation.