"ALL CITIZENS ARE EQUAL BEFORE LAW AND ARE ENTITLED TO EQUAL PROTECTION OF LAW"-ARTICLE 27 OF THE CONSTITUTION OF THE PEOPLE'S REPUBLIC OF BANGLADESH



Combating cyber crimes

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HE 21st Century, the era of information, science and technology has led us to live in a cyber world. Now, the world is in the optimal beneficial level of technology throw e-communication in business, education and view exchange crossing the global boundary. But this blessing has brought some unavoidable evil which has threatened the regime of safety e-communication. The issue became a global talk after the incidents of WikiLeaks and one step forward after the Skype incident in Bangladesh. None can deny that ecommunication system has unimaginable advantages in human life. But one should not forget that there are many major risks also involved with them. Some of the most common and dangerous of these are: electronic fraud especially in the financial sector, identity theft, illicit use of valuable information, hacking or cracking, cyber-stalking, distribution of pirated software, terrorism and interference with sophisticated high level national security measures, immoral activities, defamation and harassment which affect individuals at large. All these are collectively termed as cyber crime. Cyber crime in Bangladesh is nothing new. From the very beginning of cyber era in Bangladesh, some people started to take advantage of cyber facility in a wrong way. And the rate of cyber crime is ever increasing in Bangladesh.

It is assumed that hacking would top the list as a form of cyber crime. Generally hacking is an unauthorized access to computer systems or networks. Hacking refers to the re-configuring or re-programming of a system to function in ways not facilitated by the owner, administrator or designer. The terms "hack" and "hacking" are also used to refer to a modification of a program or device to give the user access to features that were otherwise unavailable, such as DIY circuit bending. It is from this usage that the term "hacking" is often incorrectly used to refer to more nefarious criminal uses such as identity theft, credit card fraud or other actions categorized as computer crime there being a distinction between security breaking and

hacking, a better term for security breaking would be "cracking". Hacking is shown as a common threat not only to personal and confidential communication but also to national security. In Bangladesh, 4 students of a private technology institute hacked the RAB web site. On 23 June 2009 RAB arrested JMB IT chief Rajib who used the internet as an engine of resources to make explosives to use in terrorism activities as he confessed that "I download information on explosives from internet, translate those in Bengali and send those to Mizan through Bashar

jurisdiction. The Pornography Act, 2012 is also a significant development on the issue. Some commentators stress the importance of making the law more stringent to prevent widespread cyber crime.

Curbing cyber crime has become a big challenge for us as it is spreading fast among the youths. Besides enacting laws to curb cyber crime and pornography, we have to procure equipment to detect and identify people involved in cyber crime and bring them to book. We need for trained police and members of the law enforceactivities. Cyber incident response unit and 'a cyber crime investigation cell' may be built within law enforcement authority to fight against cyber crime successfully.

Moreover, to keep the national security uninterrupted and avoid hacking, web servers running public sites must be physically separate protected from internal corporate network and web site owners should watch traffic and check any inconsistency on the site by installing host-based intrusion detection devices. Law enforcement authority must monitor cafes' and users' activities imposing restriction on some websites and users (under18) requiring bar code/password for use and make the users aware of the possible consequences of using certain sites. Government agencies, NGOs, media and server agencies may come forward to build awareness among the general internet users particularly more vulnerable victims. Educational institutions may include curriculum comprise with moral and social ethics and users' code of conduct for the future IT fellows not to use the technology in a morally reprehensible manner.

Cyber crime is of trans-boundary nature. Only single attempt by Bangladesh government may not be suitable enough in inter-country linked cyber crime. Therefore, Bangladesh needs to make collaboration and cooperation with other countries. Bangladesh being a member of INTERPOL may seek help to secure the punishment of net criminals regardless of territory using INTERPOL's global secure police communications system. It may access to international document relating to combat cyber crime. Finally, it may be concluded that the collective effort of government, aware people and international community may protect cyber crime and ensure the maximum benefit of science and technology. Both preventive and punitive approach in controlling and punishing cyber criminal may be the successful key to combat cyber crime and to ensure a safety ecommunication.

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national security.

Bangladesh needs an effective and uniform framework to control the misuse of cyber net. Therefore, an effective cyber law can play a vital role in suppressing cyber crimes to ensure a fair internet world. The government has shown a very positive approach by formulating some policies and enacting some laws as safeguards for cyber victims. Namely, the National ICT Policy, Cyber Law, Information Technology (Electronic Transactions) Act (ITETA), 2000. More recently enacted Information and Communication Technology Act (ICTA) 2006 to facilitate electronic commerce and to encourage growth and development of information technology and brought the cyber criminal within the ambit of criminal

phy. The RAB DG recently opined that we need to formulate an integrated policy to curb the cyber crime. We have some equipment for identifying the criminals, but we lack legal coverage to punish the criminals. RAB had arrested a number of people in last 18 months for their alleged involvement in criminal activities but adjudication was very technical which is beyond the ordinary capacity of court. Special court is necessary to adjudicate such type of technical crime. Bangladesh government may formulate a baseline security procedures policy outlining the minimum requirements which must be met by agencies regarding information security and may also develop a special analysis site which will be observed and will provide real-time monitoring of cyber

RIGHTS ADVOCACY

Protecting workers rights

Asma-Al-Amin

EADY Made Garments (RMG) is the largest export sector of Bangladesh and thus one of the major drivers of country's economy. It is the highest foreign exchange earner, it employs largest number of people and it generates vibration for other sectors. This industry has successfully transformed Bangladesh into an export-oriented economy. But for the yawning greed of owners, workers are at the risk of death. Day by day illegally and with disturbed plan growing numbers of garments can no way ensure a better working condition for the workers by the owners neither the business organizations nor the government. For this reason the dead go through a dark passage of sadness and sorrow. Within the last twenty years accrued 212 fire events in garment factories. According to several sources around 700 workers died for it. Recently on the 24th November 2012, a garments factory named Tazreen Fashion Limited, a sister company of Tuba Group located outside of Dhaka in Ashulia was on

fire at approximately 6.00 pm. This fire continued till the early morning of 25th November. According to official government statistics, the total numbers of death are 113 and hundreds are injured. It is the picture of our garment factories. Though Bangladesh has laws, rules and regulations for the safety of the workers but for the club-law of owners no action can be possible to be enforced.

What is the condition of laws for the garments and its workers?

The Peoples Republic of Bangladesh

Constitution ensures the Labour rights by Article 15, 20 and 34. In The Bangladesh Labour Act 2006, the safety of working place was allocated in different clauses. In spite of having safety measures in Labour Act they are not applied. With reference to Building Construction Act, 1952 and also Rules of 1996 make emphasis on assuring workers security. Notably, factories are running the course avoiding the laws and thus occurring a number of accidents. In The Bangladesh Labour Act, 2006 there is clear provisions regarding safety of the workers and precautions in case fire. Section 62 of the Labour Act provides that every establishment shall have a fire escape route or stair connected to every floor and the gates should be unlocked of it with the presence of fire protection equipments. According to the Factories Rules 1979, to protect from the grasping fire the stair must be wide enough.

According to the Rule 10 (3) of Building

Contraction Rules 1996, for commercial purposes building can be built in industrial areas or residential areas but it should be according to the law. By the overall synopsis it is clear as day light that if the conducts provided in laws could be followed, loss of lives and damages could be avoided. As a matter of regret that owners and authority did not count on that. This is a clear view of negligence of duties. Even section 304(A) of the Penal Code, 1860 would be applied because of death for the causes of negligence. But the proper enforcement of it is not at all even.

Limited Trade Union rights in the garments sector

In the ready-made garments (RMG) sector there are only 63,000 unionised workers out of 3.5 million, mostly young women. In some 5,000 factories there are 140 unions but only 20-30 of these unions are active. In the whole RMG sector, there were only two new union registrations in 2008, none in 2009 or 2010,

and just one in 2011. Trade union rights are not adequately protected in law, while the Article 38 of Peoples Republic of Bangladesh Constitution provides freedom of association and also section 176 of the Bangladesh Labour Act, 2006. However, in Bangladesh firms investing in EPZs are exempt from Labour Law. Bangladesh is a member country of ILO, concerned have adopted the core labour standards of the International Labour Organisation (ILO), including Convention No. 87 on Freedom of Association and Protection of the Right to Organise, and Convention No. 98 on the Right to Organise and Collective Bargaining. Denying workers in the zones the right to belong to and be represented by trade unions is a flagrant violation of these international labour standards. Bangladesh's six export processing zones are currently exempt from the major

laws establishing freedom of association and the rights to bargain collectively, so no professional or industry-based unions are allowed. In July 2004 parliament passed a bill allowing limited freedom of association rights in EPZs, "The EPZ Trade Union and Industrial Relations Bill 2004." The ILO Committee on Freedom of Association recommended numerous amendments to the law to bring it into compliance with Conventions 87 and 98 which Bangladesh has ratified. An amendment on 2010 renamed the 'Workers Associations' as 'Workers Welfare Societies' but essentially did not change anything. So far the government of Bangladesh has fundamentally failed to take any appreciable step to comply with the ILO Committee on Freedom of Association's recommendations and garment workers suffer a lot.

The garment sector in Bangladesh contributes more than 70 percent of the nationa

income and 80 percent of the garment workers are female. Due to participation in this income generating sector workers life and status in the society got upgraded. ASK along with BLAST, Nijera Kori and BRAC filed writ petition (Writ Petition No. 15693 of 2012) on 26 November 2012 against the failure of the respondents to ensure effective enforcement of applicable laws on work-place safety in particular regarding prevention of deaths and injuries of workers from fire in garments manufacturing factories. Court gave some directions. For the welfare of the workers and also the country, government and related authority should follow it. In the case of National Assoc. for the

Advancement of Colored People v. Alabama, (1958) 357 US 449, the court held that- "The freedom to associate includes the right to organise and join in any association for the advancement of beliefs and ideas pertaining to religious, economic, civic, political, cultural or other matters." That means freedom to associate and fulfils of workers' rights can upgraded the workers skill and other securities. So the Garment Factories and Export Processing Zones (EPZs) should be governed by the same Labour Act that applied in the rest of the country and special EPZ laws should be amended in order to comply with international standards. So due to ensuring the Labour rights and their securities the govern ment of Bangladesh must enforce law and gives rights to freedom of association.

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Deforestation threatens

food security

CTIVISTS warn food insecurity in southeastern Bangladesh may worsen over the next decade as a result of unfettered deforestation. Abdul Mannan of local NGO Society for Health Extension & Development works with communities in Cox's Bazar District where, by the group's estimate, some 400,000 depend on the forest to survive. "The southeastern sub-districts of Ukhia and Teknaf are, in comparison, far poorer than other parts of the country," he told IRIN. "And the people here have no alternative income sources to the forest." Mannan's organization provides loans and training to encourage people to find new income sources, such as poultry farming or cattle rearing. But he said his group is able to reach less than 10 percent of the affected communities.

By his organization's tally, among the most affected by deforestation are some 100,000 Bangladeshis who rank among the country's poorest, about 2,000 indigenous hill tribe people, and close to 300,000 ethnic Rohingya refugees from neighbouring Myanmar. Burmese law considers the Rohingya - officially referred to as Muslims - stateless, while Bangladesh views all but some 30,000 as illegal migrants.

Population pressure

"From this 10,000 hectare forest, people manage to extract as much as US\$20 million income a year. But the extraction rate is far too high, and the population pressure is too great now," said Mannan. "It is not enough income, and it is disappearing fast. I have asked local woodcutters [loggers] how much they would have to walk to work in the past, and it was about 1-2km. Now it is 9-10km. So looking 10 years down the line, they will have to walk 20km, 30km to find wood. If things continue to go this way, then these people's livelihoods will disappear."

The \$20 million figure sounds lucrative, but is still not enough to support the numbers depending on that cash, said Fariduddin Ahmed, the executive director of Arannayk Foundation, a conservation group based in the capital, Dhaka. In 2010, the country had an estimated 1,442,000 hectares of forest, 52,000 hectares less than two decades earlier. While official data for forests in the country's southeast are unavailable, NGOs and residents say forest loss here has been more dramatic.

Both Ahmed and local Rohingya esti-

mate loggers earn less than \$2 a day, which they use to feed often sizeable families. While population control has been successful in much of Bangladesh, the southeast remains an exception, said Ahmed. Over the past three decades the population growth rate nationwide dropped from almost 7 percent to 1.2 percent in 2011. "In the southeast part of Bangladesh you will see an interesting situation - here the local and tribal people have many children... And these people, to feed their families, most of them have no option but to go to the forest, cut the wood, and sell it," said Ahmed.

Resentment

"The Rohingya migration is a big part of the pressure - the more people come, the greater the pressure on the forest. They have no source of work, so they all go to the jungle and cut the wood, all the while hiding and trying not to get caught," he added. Timber, used for cooking, is sold in local markets, but Rohingya often resort to black markets or selling through intermediaries.

Abdul Gohor, a Rohingya who has been in Bangladesh for over 20 years, said resentment is on the rise. "They [locals] say we are being fed by the UN, why should we use up their resources?" Rohingya refugees in two government camps receive food rations from the World Food Programme.

In 2012 the UN Refugee Agency (UNHCR) estimated 12.6 percent of under-five children in two government camps for Rohingya refugees are afflicted b wasting (too low weight for height), of whom almost 1 percent are severely malnourished. Some six out of 10 children in the camps are stunted (too short for their age) - a sign of too few nutrients and a harbinger of brain damage, development delays and a broken immune system that no longer fights off fatal infections.

It is even worse in makeshift unofficial refugee sites in Kutupalong, one of two official government camps, where international media has reported an acute malnutrition rate of up to 27 percent.

"Everyone here cuts wood to live," said Abu Jamal, a Rohingya refugee living in Leda camp, a makeshift gathering on the outskirts of the official Nayapara refugee camp. "Many times you can't finish the job because Bengalis will come and beat us and take our wood away."

Source: IRIN (http://www.irinnews.org/).