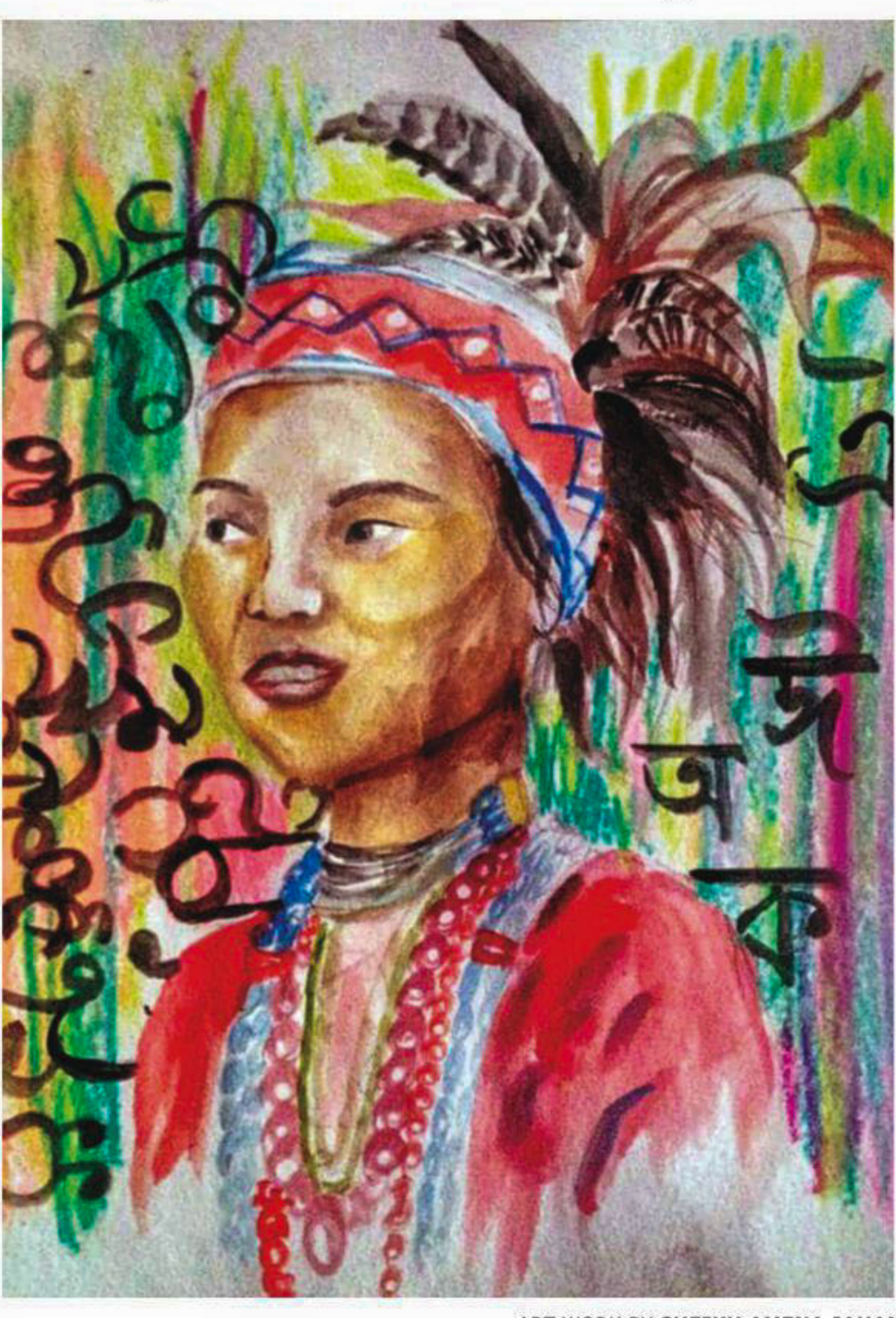


PEOPLE'S VOICE

Indigenous language in education yet to see light

MIKRAK MRONG SHUHEL

An indigenous student of Dhaka University, who resides in Jagannath Hall, was stating his happiness with the state language as well as feeling sorry for his mother tongue. 'I can now fluently speak in Bangla what I want to express. But till studying in Notre Dame College, the state language was not in my control. I passed the days at primary and high school without questioning the teachers for something unknown or need to know. The teachers were from Bengali community and unable to understand my mother tongue. I had to let the time go



ART WORK BY SHEIKH AMENA JAHAN

The mother language is one of the most important treasures for a nation. It is an inalienable part for the development of intellectual, physical and moral of education. Habits, values and beliefs are enshrined to a person through the mother tongue. Our heroes fought for Bengali language dating back over sixty years. That fight was for protesting a step taken by then government to subdue the language and identity of a culture. We sacrificed more than any nation in the world for language. So it is

supposed that we understand the necessity and importance of mother tongue. But are we worried about some other languages facing threat of extinction before our eyes as a result of using everywhere Bengali language? There are more than forty languages spoken by indigenous people in Bangladesh. Each of these languages represents a special culture and asset. But the children of those languages don't have scope and opportunities to learn and study in mother tongue

from primary level. Those children are forced to switch abruptly from learning in their mother tongue to schooling in a second language. Their self-confidence as learners and their interest in what they are learning gradually decline, leading to lack of motivation, school failure and more importantly, early school drop-out.

Understanding the fact, the govt. enacted the National Education Policy in 2010 to ensure a creative, favourable and joyful environment for the students for their proper protection and congenial developments. The PRSP, Child Rights Convention, ILO Convention No. 107 and other international conventions had been taken into consideration before framing the Policy and as such, education in own indigenous languages was included in sections 18, 19 and 20 of the Policy. As a first step, government decided to start the implementation process through publishing books for the five ethnic languages in primary level. From the government side, it was stated in 2013 that books of indigenous languages would be delivered to the children of those five languages.

The years of 2014-2015 are gone and 2016 has started. But yet the indigenous children are waiting to have the golden books. Materials for publication were developed in 2015 arranging three workshops where representatives from five communities participated. Now, the reason of not publishing is common question lamenting in the mouth of indigenous peoples. Those people are little bit disappointed but haven't left hope and expectation. They dream their children will study in own language, raise question without any hesitation and overcome language barriers to seek knowledge.

THE WRITER WORKS IN BANGLADESH JUDICIAL SERVICE.

"If you talk to a man in a language he understands, that goes to his head. If you talk to him in his language, that goes to his heart."

- Nelson Mandela.

Looking the classmates raising questions and feeling inferiority and thinking that if I were Bengali, I could ask. Now I can interact easily. But the problem is I can no longer speak my mother language fluently as the time before and am gradually losing my confidence to communicate in own tongue with other persons from same community.' The above stated expression is not only of that education seeker, but also of many students whose mother tongue is not Bengali language.

Child-sensitive local government

OLI MD. ABDULLAH CHOWDHURY

MANY readers might come across the news on children planners published in the back page of The Daily Star on 14 January 2015. 'Children the planners' revealed extraordinary tale of the young participants from Parerhat, Pirojpur who worked with union parishad (UP) on finding solutions to issues as diverse as health, sanitation, agriculture, and education. Road improvement plan suggested by young people not only benefited children, but improved roads promise ease of movement for adults also. Though this development outcome was facilitated by Save the Children, it was made possible due to active support of UP willing to listen to the area's youngsters and take action to address their concerns.

Bangladesh is one of the earliest signatories of UN Convention on the Rights of the Child (CRC) and there is enormous success in improving condition of children and young people. It has been stated in article 12(1), "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child".

The UN adopted 17 Sustainable Development Goals (SDG), one of the target against SDG 16 is to 'ensure responsive, inclusive, participatory and representative decision-making at all levels'. Participation of children and young people is therefore of paramount importance in building effective, accountable and inclusive institutions at all levels. The Goals, particularly through SDG 16, tackle another omission of the MDGs, that of governance, inclusion, participation, rights and security. The Goal's aim is to "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels".

Photovoice, has been a participatory action research methodology that enabled young people in Khulna to identify, represent and enhance their communities and life circumstances through photography in May 2014. It is a process that "entrusts cameras to the hands of people to enable them to act as recorders, and potential analysts for social action and change, in their own communities. Junior photographers interacted with the Mayor of Khulna, describing to him the operational process of



Photovoice and reflecting on the problems and prospects of their locality.

The children's ability to showcase their socio-economic conditions through 'photostories' was appreciated by the mayor who pledged to support the participants in their future endeavors.

To recapitulate, local government has been suggested to empower including power to impose taxes for local purposes, to prepare their budgets and to maintain funds in article 60 of the Constitution. Child-sensitive local governance can contribute in ensuring responsive, inclusive, participatory and representative decision-making at the local level.

THE WRITER IS HUMAN RIGHTS WORKER.

RIGHTS WATCH

In pursuit of better rights

ADIB SHAMSUDDIN

AFTER what had begun to appear as a stale mate, the government has finally approved of the Draft Policy for Domestic Workers. The policy was endorsed and subsequently given a go-ahead in a regular cabinet meeting chaired by Prime Minister Sheikh Hasina, on 21 December 2015. As per the new policy, the employer is now mandated to ensure a domestic help's salaries bearing in mind that it serves enough for living a respectful life in society; for part-time domestic helps, the salary determination is to be in light of the work type they undertake or the number of hours

for work should not be below the age for finishing compulsory schooling and in any case not less than 15. But this leaves a room for doing more good than bad. It's dubious as to what role this policy will try to achieve in explicitly allowing under age (read 14 years of age) children to be in employment subject to discussion and negotiation with their legal guardians. As the under age children seeking such prospects will tend to be from impoverished background and as precedent shows, their guardians will often consciously ignore occupational hazards to what can be bluntly put as "to bring home the bacon" Furthermore, what is to be the maximum age of employment in Bangladeshi context?

have taken approval from the employer. In addition, an expectant is entitled to 16 weeks of paid maternity leave. In times of sickness, the help is to abstain from work responsibilities and the employer will have to pay for all necessary treatments, says the policy. The employer will be under the obligation to compensate for any accidents, including treatment expenses, arising out of the employment. Perhaps, it would have been a more nuanced approach if compulsory health screening was provisioned in regards to matters of health, thus balancing interests of both the employer and the domestic help; a preventive measure rather than what is apparently punitive. The ministries of labour and employment, home, social welfare, women and children affairs will provide clear and concise regulations regarding harassment and violence issues. Cases of sexual harassment, physical or mental abuse are to proceed at Government expenditure. Sexual harassment prevention is to be done in accordance with the guidelines of Bangladesh Supreme Court. The employer is now entitled to legal regress if the domestic help causes harassment, physical or mental violence on children, ill or old people of the employer's family. Local police stations may record document photos and details of domestic helps when they are appointed, as a means of background check or safety precaution. The employer may file general diary with local police if the domestic help leaves without any notice. He or she will be able to take legal regress if the help flees after stealing money or properties. In case of dismissal, the domestic help and the employer will have to notify the other party, one month prior to their resignation or dismissal. Immediate termination will come with a month's salary from the employer. Though the policy has its pitfalls, nevertheless, it is to be met with a warm welcome. As the only piece of legislation that had previously come closer to governing domestic workers was the Domestic Servants' Registration Ordinance 1961, which fell short in considering socioeconomic changes that followed its implementation.



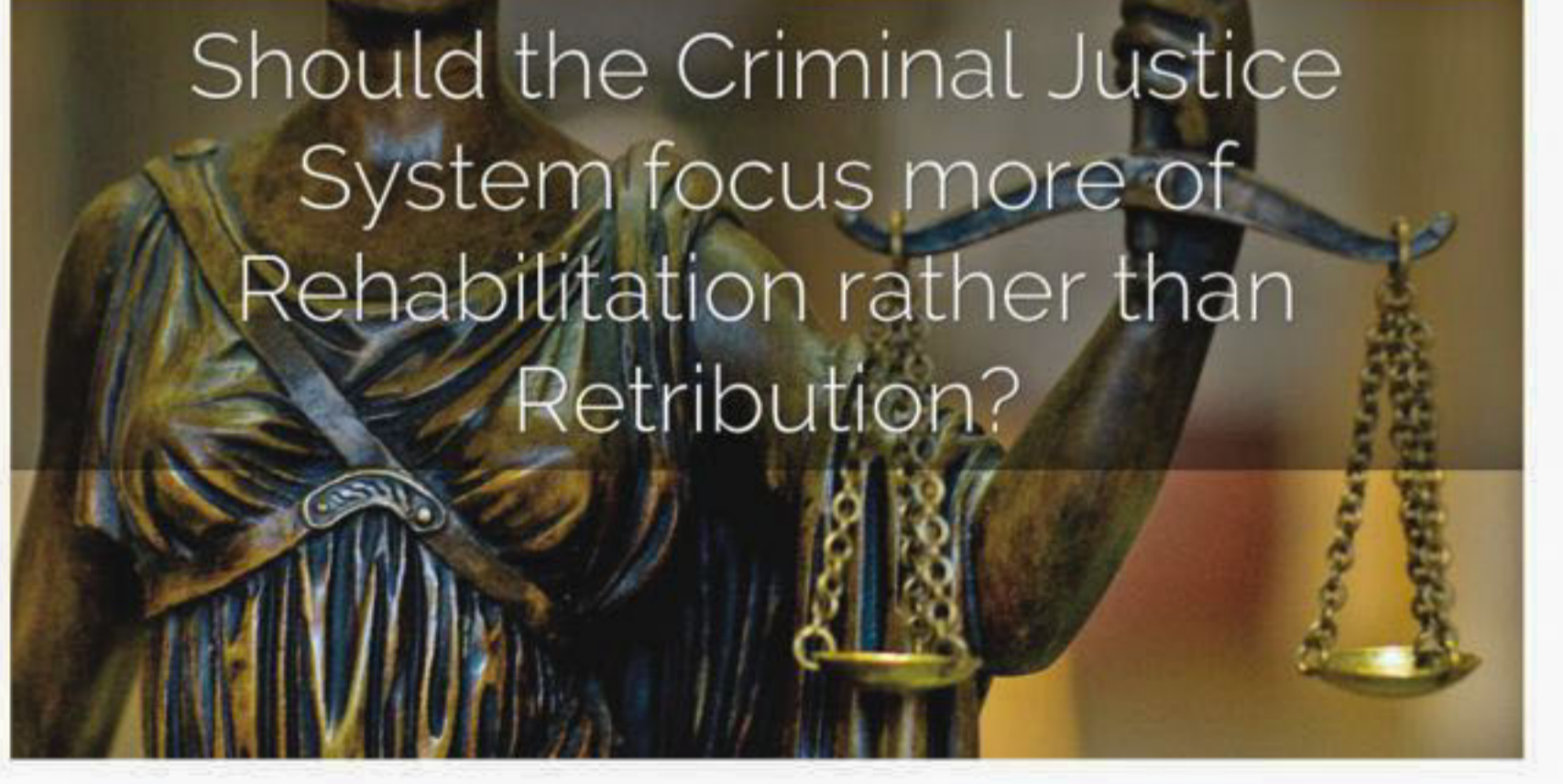
they labour. Any clothing or other forms of supplementary arrangements, however, are to be excluded from the salary arrangement. In case of engagement of a domestic help, it has to be done in compliance of the provisions of Bangladesh Labour Law 2006. For an individual of 12 years of age, the employer must negotiate the terms with a legal guardian of the child, in the presence of an independent witness. The arrangement is to include work responsibilities, date of appointment, leisure periods, food, accommodation and health allowances. In respect to the provision on ages, nothing has been mentioned in regards to education of domestic helps yet to reach adult hood. Despite the ILO recommending that the minimum age

Violence against elderly household helps is not entirely unheard of, as recently unraveled through a TV channel crew. The employer must take into consideration any detrimental effect that the type of work may have in the health or in the proper growth of the child, as stated in the policy. The policy also requires the employer to distribute work hours ensuring proper rest, sleep, entertainment and leaves. It is a requirement that they will ensure a safe space for the domestic helps to take rest while off duty and also provide them scopes to say prayers according to their religion. The help may avail paid holidays, provided that they

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LAW LETTER

Right to rehabilitation



Should the Criminal Justice System focus more of Rehabilitation rather than Retribution?

We often think about victims' rights and restorative justice, but how many of us think about offenders' rights and their re-integration into the society? In our society, the images of the offenders are not positive at all. They are ignorant, isolated and treated as bad people even after spending the punishment given by the court. However, in criminology, there is a scope to think about it and this is called 'rehabilitation'. Rehabilitation is a process where a convicted person could be re-integrated into the society. Perhaps, it is the main objective of the modern penal policy and correctional system. Through the process of rehabilitation, individuals can return to a crime free lifestyle. In addition, it is possible to reduce recidivism by taking care of various factors of the offenders. Rehabilitation is not the purpose of imprisonment but it is a goal of corrections as a whole. Given the fact, it pursues to minimize the destructive side-effects of state retributive intervention. In that sense, rehabilitation process is not only the interest of our society but also constitutes a right of the offender. It is a right that includes a minimum standard of seriousness and quality in the performed services. However, right to rehabilitation is not a constitutional right in most of the countries. Although based on "equal protection" theory, it can be a constitutional right. A prisoner could be a criminal but still he holds some civil rights like the other citizens have. In addition, right to rehabilitation could be viewed as a right to minimum protection.

because of their crimes. The government has no active role to support them to live with crime free life. As a result they are being motivated to commit the crime again and again. Some countries are recognising rehabilitation as a human right, for an example, Section 3553(a) of the United States Code states that "imprisonment is not an appropriate means of promoting correction and rehabilitation". In Europe, the Council of Europe committee of minister have incorporated a crime policy that aimed at crime prevention and the social restoration of offenders. The European Court of Human Rights stated in various judgments that, "while punishment remains one of the aims of imprisonment, the emphasis in European penal policy is now on the rehabilitative aim of imprisonment, particularly towards the end of a long prison sentence". In Germany, it is a constitutional basic right of the German people. Article 2(2) of the German Constitution states that, "everyone has the right to life and to inviolability of his person. The freedom of the individual is inviolable. These rights may be encroached upon only pursuant to a law." Article 27 of the Italian Constitution states that, "punishment cannot consist in treatment contrary to human dignity and must aim at rehabilitating the condemned." Unfortunately, rehabilitation process does not exist in Bangladesh. Although the Constitution of Bangladesh says about equal protection of the citizens but it doesn't apply for the offenders. MD MUSTAKIMUR RAHMAN Legal Research Assistant at Bangladesh Institute of Law And International Affairs (BILIA)

However, it is sad to say that most of the countries deny recognising rehabilitation as a human right. In Bangladesh, prisoners are isolated from the society