

Seven-year-old domestic worker's ordeal

Don't let her torturers go scot-free

THE brutal torture of a seven-year-old domestic worker by her employer that has left her severely injured and in hospital will sicken most people who have a semblance of humanity in them. But besides the horror we may feel, we must address the underlying anomalies in our society that have led to this deplorable incident.

First of all, under all legal frameworks, a seven-year-old cannot be employed for any kind of work, least of all tasks only appropriate for an adult. Unfortunately, the reality is that poor parents are forced to send their children to work, no matter what the risk may be. But it is up to the state and society to ensure that these children are not subjected to abuse. It is beyond belief that the child's employer, a housewife, regularly resorted to extreme violence for the most trivial reason. This included pulling out the child's tooth, cutting off her hair and forcing her hand into boiling water. This looks like the work of a sociopath who, in any civilised society, would be apprehended and meted out the harshest of punishments. But in our country, unfortunately, so-called normal, respected members of society have committed these acts and got away with it, either because of who they are or who they are connected to, or simply because they can pay their way to circumvent the system.

In this seven-year-old's case the court has sent the couple who employed them to jail, and we hope that the child will get justice for the nightmare she has been through, and the perpetrators their due penalty.

Dengue cases rising

Time to swing into action

WE are worried by a Health Directorate survey reported in this paper yesterday, according to which the presence of Aedes mosquitoes in the city has witnessed a marked rise. This reflects the alarming rise in the reported cases of dengue—which this variant of the virulent fly carries—in the capital. This is even more disturbing because of Bangladesh's geographical presence in the Asia-Pacific where an overwhelming number of the dengue cases worldwide have been reported.

To compound the problem, rainfall in the country in the last few years has been erratic, and urbanisation, unplanned that it is, has made mosquito eradication a formidable task. Also, the capital's garbage disposal system is far from scientific. As a result, an unbridled growth of mosquito population can, in a short span of time, assume into an epidemic and can turn itself into a public health nightmare.

We believe that a high-powered committee needs to be formed immediately to direct the fight against this menace. A crash drive has to be launched to bring some quick relief to the city dwellers. In the long-run, it is essential to procure ingredients on time and initiate surveillance at the beginning of the breeding season to nip the menace in the bud.

On top of it all, it must be kept in mind that mosquito eradication is a round-the-year affair which should go hand in hand with regular cleaning up of the hyacinths and water bodies, spraying larvicide and fogging. Also, the city dwellers need to be encouraged to launch community clean-up drives in the neighbourhood.

SAUDI VISION 2030

Bangladeshi migrants in limbo

SHAMSUL HUDA

BANGLADESH should be wary of sending migrant workers to Saudi Arabia. This is a concern brewing in the wake of the Kingdom's recently announced "Saudi Vision 2030" in which Saudisation of jobs was earmarked as one of the top priorities with the aim of weaning the private sector companies off expatriates.

Lately, replacements of foreign workers have been prevalent, and are conspicuously and gradually gaining force. In their latest drive, the Saudi government has kept the entire retail market of mobile phone sets and their accessories off limits to foreign workers. As a result, several hundred thousand of Bangladeshis, Indians et al have lost their employment.

This indigenisation of jobs is not new in the Kingdom. Earlier, it restricted wholesale and retail trading of vegetables, gold and jewelry outlets and many other job categories both in private and public sectors to only Saudis. And yet again, the Saudi government is now considering Saudising small grocery shops which have sprung up in large numbers in almost every locality of the Kingdom. Understandably, this move will add more to expatriates' woes.

Saudi Arabia is the largest country for Bangladeshi workers hosting close to one-fifth of an estimated 10 million Bangladeshis working abroad. After a nearly seven-year moratorium on Bangladeshi recruitment, the Saudi government lifted its ban in late 2016 after the landmark visit of Prime Minister Sheikh Hasina to the Kingdom.

The opening of Saudi labour market doesn't bode well for Bangladeshis since the Kingdom has been grappling with a severe financial crisis due to the drastic fall in oil prices in the international markets. This has already affected the country and will have ripple effects on the economy as a whole and in particular on small and medium-sized enterprises (SMEs), small scale industrial units, and retail and construction sectors in which Bangladeshis have been engaged mostly. Unable to withstand the economic slowdown coupled with government pressure on the Saudisation issue, these hard-hit enterprises have already axed many of their expatriate workers.

Bangladeshis who are already in the Kingdom have started feeling the heat. Many have either lost their jobs or been facing unemployment and certainly, a similar fate

awaits the newcomers who are leaving their country to try their luck. Bangladesh government should be aware of what lies ahead for its foreign currency earners.

Less than six months after the opening of visas, Bangladesh, probably unaware of underlying consequences, has started dispatching its workforce to the Kingdom in droves. According to the latest statistics released by the Bureau of Manpower, Employment and Training (BMET), in all, 143,913 workers arrived in Saudi Arabia with nearly half of them landing in the Kingdom during the fourth quarter of 2016.

Alongside males, a significant volume of female workers, mainly housemaids, have been sent to Saudi Arabia. Last year, a record number of around 68,286 female workers went to the Kingdom bringing the accumulated figure to 121,375 over the last 26 years. This juxtaposes with the total number of 574,075 Bangladeshi women currently working in as many as 68 countries. In 2015, nearly 20,000 Bangladeshi maids arrived in the Kingdom.



PHOTO: STAR

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Female workers have streamed into the Kingdom due to the fact that Saudi government has tied the issuance of new visas for male workers from Bangladesh to the recruitment of housemaids. The Kingdom wants to hire several hundred thousand female helps who are in high demand since a number of major suppliers such as Philippines and Indonesia have been balking at sending their female workers to the Kingdom.

Their reluctance is mostly due to the 'runaway' problem which has become a serious issue. And in the case of Bangladeshis, it is no exception. According to a local recruiting agency, over 50 percent of Bangladeshi housemaids have deserted their sponsors. This is an alarming issue which needs to be taken seriously.

Although a number of reasons have been cited behind housemaids running away, it is not clear whether any realistic approach has been put in place until now to redress their grievances. It is found that soon after their arrival, Bangladeshi maids feel like fish out of water because of their language barrier, inability of adapting themselves to the Kingdom's culture and tradition and lack of training to operate household appliances. And of course, they have faced ill-treatment which is apparently laid bare to all. Nevertheless, more Bangladeshi female workers are being delivered to the Kingdom.

On the other hand, visa trading for male workers has started anew with a vengeance after the Kingdom opened its doors to Bangladeshis. A group of so-called

'middlemen' have jumped on this golden opportunity charging a visa three to four times higher than the government fixed amount of Tk 1.65 lakh (7,857 Saudi Riyal (SR)). But this government-set amount has also raised questions of what the rationale is behind the extortionate rate in visa processing fees. By any means, it is not justified when workers from other countries like the Philippines, Nepal, Sri Lanka and Indonesia are coming to the Kingdom almost free of cost. According to Saudi labour laws, local sponsors or employers are to bear all the migration expenses of their expatriate workers but in the case of Bangladesh, it seems to be the opposite.

Bangladesh government once tried another method by establishing a database to register job-seekers for Middle Eastern countries with the objective of sending workers at a cost of less than Tk 20,000. While talking to this writer, former Expatriates' Welfare & Overseas Employment

minister, Engineer Khandker Mosharrar Hossain, during his visit to the Kingdom, promised a paradigm shift in the recruitment process by sending workers abroad with penny ante expenses. His move turned out to be an abject failure and apparently he had to give in to a syndicate of unscrupulous visa traders.

Saudi government has taken the visa trading issue seriously. It has announced new laws whereby a 15-year jail sentence will be served to anyone found involved in such illegal trading. But on its part, Bangladesh does little to dissuade visa traders from their business. If both countries do not synchronise their steps to prevent visa trading, it will continue unabated and Bangladesh will lose large sums of foreign currency by way of 'visa buying'.

For instance, Bangladesh sent a total of 75,627 male workers to the Kingdom last year. And if a visa was bought with SR 30,000 (Tk 6 lakh), the combined total amount funnelled out of the country stands at Tk 4537.6 crore.

Bangladesh government must put a stop to visa trading by eliminating middlemen in order to well benefit from the huge Saudi labour market which has the potential of hiring hundreds of thousands of workers from Bangladesh in the years to come.

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The problem with the Child Marriage Act



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CHILD marriage law in Bangladesh has recently come under wide scrutiny from national and international human rights activists and organisations. This is because on November 24, the Cabinet of Bangladesh accepted a draft legislation which "poses grave risks to girls by creating vague exceptions to the country's ban on child marriage, and even punishing the victims" (*Huge Step Backwards on Child Marriage in Bangladesh*, Human Rights Watch, 2016). While this is certainly true, the existing child marriage law is in itself problematic in a way that has been underemphasised and hence underreported.

Child marriages in Bangladesh are primarily regulated by the Child Marriage (Restraint) Act 1929, which is often understood (by lay persons, documentarians and activists) as outlawing child marriage. However, this is simply untrue as the Act only sets minimum ages of marriage for both sexes (21 for males and 18 for females), and itself states that it is "an Act to restrain the solemnisation of child marriages". It does so by prescribing punishments for all categories of persons who may be involved in the child marriage process. This includes any [adult] person who marries a minor, any person who "conducts" any child marriage and any lawful or unlawful parent/guardian who permits the child marriage to occur or "negligently fails to prevent it" from taking place. These provisions are indeed

quite far-reaching, especially for parents and guardians, since they have both a positive and negative obligation under this Act. Crucially, the Act remains silent on the legal status of child marriages solemnised in contravention of the Act. So while persons involved in solemnising the marriage are acting illegally, the Act does not nullify or void the *nikah* contract and hence the marriage itself

of-laws scenario. This is because child marriages remained generally permissible in classical sharia, just like it was in most legal systems in the pre-modern period. The supremacy of sharia law in family law matters in Bangladesh is evinced by the Muslim Personal Law (Shariat) Application Act 1937 which declares *Shariat* to be the governing rule for Muslims in all questions regarding

child marriage in the world, behind only Niger (United Nations Children's Fund, *Ending Child Marriage: Progress and Prospects*, UNICEF, New York, 2014). This translates to one in every three girls being married off before fifteen, and two in three girls being married off before they reach eighteen, the ostensibly legal age of marriage.

Arguably, explicit non-recognition of child marriages, in conjunction with the existing provisions in the 1929 Act, would have been the strongest and most effective restraint against the epidemic of child marriages in Bangladesh. This is because while parents (and other parties to or facilitating child marriages) may willingly act in contravention to the 1929 Act they know they will likely escape punishment due to weak law enforcement and that the (child) marriage itself would remain valid. If the child marriages are never valid to begin with, social stigma of cohabitation and sex outside marriage might work as a disincentive towards facilitating child marriages in the first place. Invalidation such marriages would also directly nullify other rights and obligations which arise due to wedlock such as inheritance rights, legitimacy of children, maintenance rights, etc.

The problem is quite simple: while persons enabling child marriages may face punishments, the [child] marriage itself remains perfectly legal in Bangladesh. As such, until and unless marriages involving minors are not categorically invalidated, the fight against the epidemic of child marriages can never truly begin.

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remains legal.

One may wonder why the 1929 Act chose to severely *restrain* child marriages instead of categorically invalidating them or why it was not followed by a subsequent Act of Parliament to that effect. Perhaps, the Legislature's reluctance is to be understood in light of its desire to not risk tampering with divine sharia law and creating a conflict-

personal and family law matters such as marriage (s2, Muslim Personal Law (Shariat) Application Act 1937).

Whether it is an anomaly in the law or a deliberate omission, empirical evidence clearly exposes the futility of the 1929 Act in restraining child marriages. As per UNICEF, Bangladesh has the highest rate of marriage comprising girls below the age of 15 and the second highest rate of

LETTERS TO THE EDITOR

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We should all fight child labour

Let us take a New Year's pledge of not visiting houses, shops and restaurants that employ child labour. We can help ferry young lives from these unhealthy environments to schools. We must boycott different forms of child labour in all spheres of life if we really want to eradicate it, and help give the children of our society a healthy, pleasant childhood.

Sujit De, Kolkata

Urge authorities to save migratory birds

I was shocked by yesterday's report on *The Daily Star* highlighting the killing of migratory birds. Poachers' trapping of birds and killing them through poisoned seeds involves two kinds of crimes. Killing migratory birds is punishable by law through 6 months' imprisonment, which can also be extended up to one year, or a fine of BDT 1000, or both. Moreover, these poachers also sell off the killed animals, and eating dead animals is not allowed in Islam.

What are the authorities doing about this? Migratory birds make our environments beautiful and ecologically balanced. They can attract more tourists in the coastal islands, major rivers, char lands and pools around the country. Saving their lives and protecting our environmental beauty is an obligatory duty for us. I urge the authorities to take effective measures to stop these practices immediately.

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