

Between facts and reality

CEC's statement ludicrous

EITHER one has to be stone deaf and hopelessly blind or be living in another world to utter what the CEC said regarding the playing field being absolutely level and that, to quote him, the candidates are being able to conduct campaigns and are not facing any obstacles. One would have to stretch one's level of credibility to believe an iota of the statement. The statement comes very soon after he had felt "embarrassed" to see the inter-party violence and the attacks on an opposition motorcade by ruling party members a few days before, which is in stark contrast to his latest characterisation of the electioneering atmosphere.

In fact, there has been no abatement in violence and what is very clear is that the space for the opposition to conduct its campaign is shrinking. Opposition rallies are being thwarted by the ruling party members, with the police in most cases a silent spectator, their role a suspect. The opposition cadres and activists are running helter-skelter to avoid arrest. And one met his end jumping off the roof trying to give a slip to the police. Quite a few senior BNP leaders have been arrested in old cases, and even people long dead are cited in the arrest warrants.

This is not the idea of a level playing field. Unfortunately, the referee and the adjudicator, the EC, seems to have chosen to turn a blind eye, evading actions that they are empowered to take to ensure that everybody can play his or her part freely in the election process.

We urge the EC to remove its tinselled glasses, acknowledge the reality and do what it is obligated to the nation to do. Much damage had been done to the institution by its immediate predecessor. Nothing so far that the EC has done since it assumed responsibility, has redeemed the image of the Commission.

Bangladesh must speak up for its workers in Malaysia

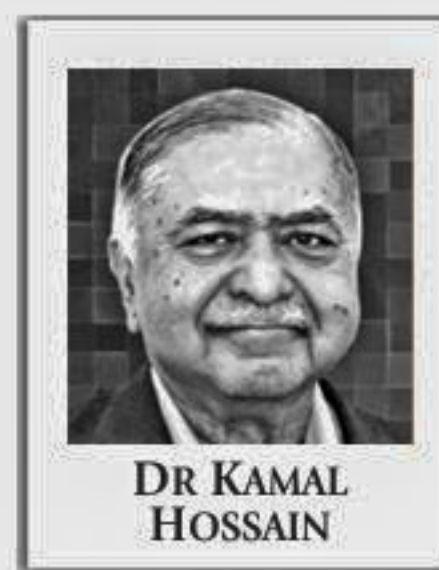
New proposal can put them in further risk

JUST last month, we wrote an editorial praising the Malaysian government for taking steps to bring foreign workers under its Social Security Organisation (Sosco) beginning next year. The country's human resources minister had said that all foreign workers, including the nearly one million Bangladeshis, would get medical and disability benefits. But a report published in this paper yesterday, a day before International Migrants Day, only brings confusion and fear about the fate of our workers. The Malaysian human rights ministry has now proposed that 20 percent of foreign workers' basic salaries be deducted and kept in Sosco to prevent the workers from "fleeing". This clearly is not a proposal which if implemented would help the workers—it seems consideration has only been given to business interests.

Labour rights bodies have already condemned the proposal, saying that it would encourage "forced and bonded labour" and be in contravention of international labour standards. As the executive director of one human rights organisation has pointed out, employers' worries of workers fleeing are a cause of concern itself—"If workers are given a decent wage, decent work environment and a decent life, why would the employers fear their workers might run away?"

As it is, we already know many employers confiscate workers' passports—which is illegal. The backlash that this provision could encourage forced labour is justified and worrying. We have heard the stories of workers who had no compensation and medical benefits. There are no proper channels for complaints for our migrant workers. These are the issues that need to be fixed. We strongly urge the Malaysian government to not go through with this proposal which would make all foreign workers, including Bangladeshis, more vulnerable and more at risk of being exploited by employers. The Bangladesh government needs to reach out too and speak up for its citizens and their rights.

Our constitution and the goals of independence



DR KAMAL HOSSAIN

THE Constitution which we adopted on November 4, 1972 and which came into force on December 16, 1972 is unquestionably the outcome of our victory in the Liberation War, won at the cost of countless lives. It bears the signatures of Bangabandhu Sheikh Mujibur Rahman, Syed Nazrul Islam and Tajuddin Ahmad.

During the four decades, people lost power, often through violent interventions, resulting in controversial changes made in the Constitution. We can, however, proudly say that people steadfastly struggled to uphold the fundamentals of the Constitution, as adopted in 1972. This struggle was reflected in challenges to the validity of these amendments in court and through democratic movements. We can derive satisfaction from the fact that the Constitution has survived for over four decades. We, thus, have the opportunity today to assess the extent to which the goals of the Constitution have been realised.

A Constitution has been described as the autobiography of a nation which reflects its historical experience. To adopt the language of Justice Albie Sachs, one of the architects of the Constitution of present-day South Africa, "If a Constitution is the autobiography of a nation, then we are the privileged generation that will do the writing. It is something that involves us all ... no one gives us rights, we gain them in struggle. They exist in our hearts before they exist in paper."

The national unity which had brought us victory in 1971 was based on shared values and a shared vision of the kind of state and society which we aspired for—a state which would be truly democratic, which would empower citizens to exercise state power at all levels through their elected representatives. We dreamt of a democratic political order in which power would belong to the people, to be exercised through a sovereign parliament composed of representatives elected on the basis of universal adult franchise.

For the proper functioning of a multi-party democracy, a Constitution builds in checks and balances and provides for independent institutions to ensure accountability. These include an independent judiciary and independent constitutional bodies such as the Election Commission and the Public Service Commission. Constitutional provisions are made to enable an effective opposition to play its role in Parliament (a) for monitoring and evaluating government actions, (b) for effective debates in Parliament to enable citizens to be aware of the issues involved, and (c) for public opinion to influence the formulation of policies. Active parliamentary committees are intended to enhance the capacity of



PHOTO: STAR

members to participate in the work of the Parliament. For the rule of law to be sustained, the Constitution provides for impartial application of laws by law enforcement agencies that are free from interference and influence, in particular, from the executive and the ruling political party.

The basic structure of the Constitution, that is, the fundamental pillars upon which our 1972 Constitution rests, is the following. First is a representative democracy for which a free and fair election is a precondition. This in turn requires neutrality of the Election Commission and fairness of the election through a process where individual voters can be assured that they can vote freely and fairly without any influence of money, muscle or manipulation. The effective enforcement of this law requires, as in a cricket game, fairness and impartiality of the umpire, to have an Election Commission truly impartial/neutral. Second, and critically important, are the rule of law and independence of the judiciary—not only electoral laws but also laws that guarantee the right to vote, freedom of association, protection from arbitrary arrest and freedom of speech. Any violation should be redressed by an independent judiciary.

The independence of the judiciary clearly requires institutional impartiality and neutrality so that the exercise of judicial power is not influenced by partisanship of the political party. These preconditions for the constitutional order envisaged

by the 1972 Constitution require that the process of appointment of judges of the Supreme Court and of members of the Election Commission must ensure that judges of the SC and members of the EC are neutral and can independently exercise their powers.

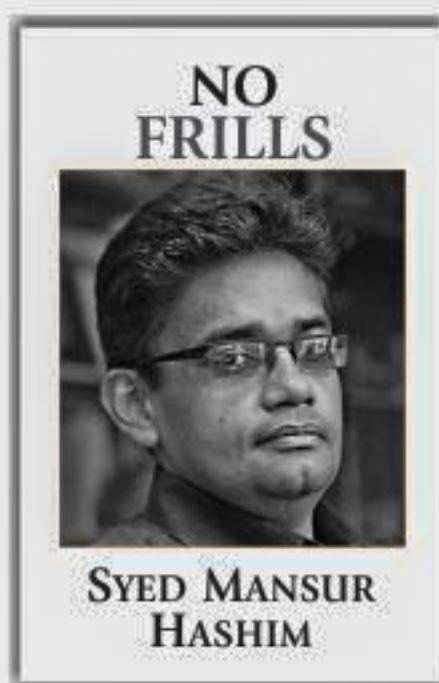
The economic and social justice mandated by the Constitution for promoting equality within our society also awaits effective implementation. Article 29 has expressly provided for equality of opportunity for public employment. Public concern has been expressed at the disparities that have grown between cities and the rural areas where the overwhelming majority of people live. Equal concern has been expressed about concentration of the benefits of economic growth and of the ownership of assets in the hands of a privileged elite.

Today, our experience of over four decades tells us that it was a historic consensus that enabled us to give to ourselves the 1972 Constitution. Indeed, after more than 40 years, its continued functioning requires consensus, and indeed, if amendments are to be made, it is imperative that they are not to be made hurriedly and on the basis of partisan interest of political parties, but are based upon a national consensus arrived at through discussion, deliberations and dialogue, reinforcing the national unity through which we won our independence and which enabled us to adopt the 1972 Constitution.

Dr Kamal Hossain is the chief of Jatiya Oikyafront. He was the chairman of the Constitution Drafting Committee formed in 1972.

HEALTH INSURANCE IN RMG SECTOR

It was long overdue



SYED MANSUR HASHIM

IMPROVING workers' health in the biggest sector of the economy, i.e. readymade garments (RMG) has been on the cards for some time now. This has been made possible under a project that has been piloted by SNV Netherlands Development Organisation that has been giving technical support to cover cost of health care services for garment workers and create awareness about the need for health insurance. According to a report published in this paper on December 17, the team leader of the project 'Working With Women-II' stated, "In 2015-16, we piloted

percent of them are female. Health-related problems among women workers remain a major drain on earnings. Under the scheme, a female worker paying an annual premium of Tk 100 is entitled to get coverage of Tk 12,000 of inpatient medical bills. The insurance allows for a policyholder to check into Centre for Woman and Child Health, a designated hospital, without worrying about bills, which is a major step forward for workers' health and today, there are some 10,000 workers from five factories in Savar, Ashulia and Gazipur who are covered by the policy.

According to *The Daily Star* report, one worker said, "I had never heard about an insurance policy before. Otherwise I would have to wait till I got my next month's wages before I could go see a doctor." The health insurance policy makes sense from an employer's

(which bears Tk 375) whilst the rest Tk 200 is borne equally by employer and employee. The fact that Pragati Life Insurance Company Limited, one of the leading insurance providers in the country, came up with a scheme like this is because the market for insuring factory workers in Bangladesh is huge. If there is a 50 percent penetration, then the annual business could be worth as much as Tk 1 billion.

Although many RMG factories have in-house medical centres manned by medical staff, they have for whatever reason failed to address workers' health problems. From a management point of view, workers falling sick and failing to turn up at work is a major cause for disruption on the factory floor, and this had to be addressed. The insurance programme has gotten off the ground because all stakeholders were involved in

Economics and Financing research Group, ICDDR,B, in collaboration with the Bangladesh Diabetic Samity (BADAS) with foreign funding to assess the impact of health insurance on access and utilisation of healthcare and estimate the workers' out-of-pocket expenditure without health insurance and also their health-seeking behaviour. The findings showed that around 43 percent of the RMG workers become sick and lose around 4 days' salary due to sickness absenteeism. The study also showed that around 87 percent of the workers seek healthcare services, 40 percent of whom cannot afford the health services due to high cost. Around 75 percent workers were, however, found to be willing to pay for health insurance."

According to the World Bank, compliance with labour standards and workers' safety conditions are major issues for entry into the European Union (EU) market. Given that approximately 65 percent of our exports end up in EU, where RMG constitutes 80 percent of the export basket, it makes good business sense for RMG factories to invest in insurance for its workers. Now that we have a working model, it is time for the government to make it mandatory for RMG owners to contribute to a basic package. It would be futile to hope for foreign foundations to cough up the bulk of the premium if health insurance was made compulsory for the sector as a whole. The biggest concern voiced by owners is that mandatory benefits for workers (like a health insurance scheme) can harm competitiveness. Even if employers were to foot the whole Tk 475 premium per annum (which is being borne by CarreFour Foundation in the pilot project), the monthly expenditure per worker comes to Tk 39.58 plus the Tk. 100 paid by factory owners, which is so low a cost that it will have practically no effect on the competitive advantage the RMG sector enjoys. At the end of the day, a healthy worker is a boon for any RMG factory as opposed to one who suffers from health issues. We love to showcase to the world how the RMG sector is the largest employer of women in the country. Isn't it about time we showed the world that we care for their physical wellbeing too?



FILE PHOTO

the Health Insurance Plus in three factories and after the initial responses, we are now scaling it up for adoption across the garment sector."

It makes sense to insure RMG workers. As per BGMEA data, there are some 4.2 million RMG workers and 80

point of view because a healthy worker is more productive than one with health issues. One of the reasons why this policy has been successful in getting factory management onboard is because the major portion of the Tk 575 annual fee comes from Carrefour Foundation

the development of the business model—from factory owners, management, and workers. According to a report in *The Financial Express* published in January, this was made possible because of a baseline survey jointly conducted in 2014 "by the Health

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LETTERS TO THE EDITOR

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For a democracy to flourish

AL-led 14-party alliance and Dr Kamal Hossain led Jatiya Oikyafront sat for a dialogue to resolve the disputes among themselves ahead of the upcoming general election. But unfortunately, no fruitful solutions came out of the much-talked-about dialogue. Our political leaders often say that they are here to serve the country, but their activities prove otherwise as they have not learned to compromise for the sake of democracy. Our political leaders must remember that in a democracy, different views and criticisms must be welcome. And only through a free, fair, and credible election can democracy flourish.

Md Zillur Rahaman
Islami Bank Bangladesh Ltd, Bhola

Still no level playing field

Candidates of all political parties are busy with election campaigns as the 11th parliamentary election is only a few days away. However, the leaders and activists of the opposition parties have come under attack by miscreants. Although the Election Commission is saying that a level playing field exists, the situation on the ground is the opposite. The EC must ensure that none of the candidates and parties violate the electoral code of conduct. The people of the country want an election where they can exercise their voting right without intimidation. The EC should do whatever it needs to ensure a level playing field. And the ruling party should help the EC to hold a credible election.

Mohammad Zonaid Emran
By email