

The Daily Star

FOUNDER EDITOR
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DHAKA TUESDAY NOVEMBER 17, 2020, AGRAHAYAN 2, 1427 BS

Rape survivors face a chauvinistic legal system

Gender sensitivity essential for justice to be delivered

WE are disheartened to see that the legal channels through which a survivor can report rape are gender insensitive to the point of being hostile. A report in this paper on November 15 cites the case of a young woman raped by her stalker in July 2018, who sought help from the local Nari Nirjatan Protirodh Committee (committee to prevent violence against women). But instead of helping her the head of the committee who is also the Union Parishad Chairman called her a “sex worker” and even issued a notice claiming that the rape survivor engaged in “sex work” at home and that her father was a drug dealer. He urged the woman’s landlord to evict her and her father. When the survivor filed a case with Tangail District Court in November 2019 he sent the earlier notice, to the deputy commissioner, police superintendent, and bar association of Tangail. Later when faced with media criticism and official censure he admitted that he had made a mistake and that he had not verified the fact himself but was given the information by influential people in the area. The rapist is now out on bail.

Another survivor, a minor, who was raped by her landlord’s son in 2004 tried to file a case in Mohammadpur Police Station but instead of recording the case the duty officer ogled her and remarked that it was a false case and she was trying to entrap the landlord’s son because she was poor. Later when she filed a case through the court her father was forced to sign a document by the perpetrators saying that it was a fabricated case and that his daughter was of “immoral character”. The rapist walked free.

These two examples demonstrate the very first hurdle in a series of legal hurdles a survivor of rape or other form of sexual violence faces—in these cases, the head of the very committee that is supposed to seek justice for such victims and the police officer on duty. In the first case why didn’t the chairman verify the facts before maligning the survivor’s character? And why didn’t he on his own accord declare his mistake? In the second case the police officer’s sexism was obvious.

Thus major reforms need to take place within the system in which sexism is ingrained and impedes justice. Gender awareness and sensitivity training must be part of training of law enforcers and ensured for courts and relevant government institutions (including committees to prevent violence against women) to stop this culture of victim blaming so that rape cases are tried without these preconceived notions regarding the victim’s character. Police stations must have women officers (with gender sensitivity training) to receive cases of rape and other forms of sexual violence.

The justice system must recognise that it is “lack of consent” that is relevant and defines the crime as rape or sexual assault, not the survivor’s character, social class, attire, past sexual history or lifestyle.

A brand new trauma centre in Habiganj sitting idle since 2013

Seven years to get gas and electricity supply?

IT is very disappointing that the construction of the trauma centre in Habiganj’s Bahubal upazila which was completed in 2013 is yet to be operational due to lack of electricity and gas connections. Given the mounting tragedies that result from road accidents on a daily basis, the government launched a project named “Physical Development” to develop 10 trauma centres on six national highways aiming to provide emergency treatments to victims injured in accidents on our highways. Unfortunately, after spending Tk 3.18 crore, the three-storied, 10-bed trauma centre near Dhaka-Sylhet highway in Bahubal Upazila Health Complex is unable to treat any patients.

In 2013, Habiganj Palli Biddut Samity sent a demand note to Public Works Department (PWD) to pay Tk 48,120 for an electricity connection. Habiganj PWD then received the demand note and deposited the money. It then sent two letters to Habiganj Palli Biddut Samity for the power connection on May 26 in 2014 and January 29 in 2015 respectively, but Palli Biddut Samity later demanded an additional Tk 6 lakh for power connection. In 2013 PWD wrote a letter to the Jalalabad Gas Company asking for a demand note for gas connection which never saw the light of day. As a result, the Health Department never accepted the building.

It is unfathomable why a brand new health complex should be sitting idle for several years because it cannot get the necessary utility connections. Why have the authorities been sitting on this and allowed so much resources to go to waste? A trauma centre is crucial for this area as countless lives are lost on the highways simply because they cannot reach the hospital on time as it is too far away. We hope the government and the concerned authorities will take immediate steps to ensure the supply of electricity and gas to the complex for it to start operating so that road crash victims can get immediate medical attention and lives can be saved.

LETTERS TO THE EDITOR

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Is tourism safe now?

Given the number of people visiting popular tourist destinations across our country, it may appear that coronavirus is long gone and that is rather worrying.

How is everyone disregarding the safety precautions so blatantly? When will the authorities take control of the situation? Such careless behaviour cannot be allowed to continue, especially with the expected second wave as winter approaches. I earnestly hope that we will consider the severity of this virus and act responsibly, for ourselves and others.

Tahmina Akhtar, Chattogram



NAZNIN TITHI

RECENTLY, Dhaka South City Corporation has brought some changes to its waste collection system, unfortunately creating more dissatisfaction among its inhabitants

than relief. The DSCC has appointed one primary collection service provider (PCSP) in each ward for collecting waste from all kinds of establishments under its jurisdiction. Until now, DSCC authorities have appointed PCSP in 69 out of its 75 wards. While previously local social service organisations were managing the job of collecting wastes with vetting from the local ward councillors, now the responsibility of collecting waste has been handed over to private contractors.

Reportedly, residents are unhappy with the new system as they are being charged excessively and getting sub-standard service by the newly-appointed contractors. While previously each household unit had to pay around Tk 40-50 to the service providers, now they have to pay an increased amount of Tk 100 for the same service. There are also allegations against the garbage collectors of charging the residents more than Tk 100.

Several residents of Jatrabari’s Konabari area (ward-64) also told *The Daily Star* that the newly appointed garbage collectors often dump all kinds of garbage on canals and sewerage lines. Citizens have also raised questions as to why they have to pay the private companies for waste collection as they are already paying different kinds of taxes to the city corporations. The DSCC needs to give its inhabitants a satisfactory answer and immediately solve the problems faced by them.

Dhaka’s waste management system has always been very chaotic because of lack of proper planning and foresight. With the city and its population growing manifold, garbage disposal has become an acute problem. Heaps of garbage piled up here and there in any given area of the city is a common sight and the residents also seem to have become nonchalant about the pollution it causes to the environment. The newly elected mayors of both city corporations promised to develop a sustainable and environment-friendly waste management system for the city. Now it’s time to see their action in this regard.

MUHAMMAD MUSTAFIZUR RAHAMAN

MIGRATION continues to be an important agenda due to its role in development. This is particularly true in the case of Qatar, of a country well known for having a lot of migrants. Indeed, it is home to more than two million expatriates—comprising 88 percent of the country’s total population. Of note, migrants constituted 94 percent of the total labour force, a ratio considered the highest in the world.

The world has seen some notable reforms of late in Qatar which caught the attention of the international community, in general, and the International Labor Organization (ILO), International Trade Union Confederation (ITUC), International Organization of Employers (ITO), Federation of International Football Association (FIFA) and Amnesty International (AI), in particular. For example, ILO described the reforms there, such as the removal of the “No Objection Certificate (NOC)”, as the first of its kind in the gulf region, and AI praised the latest reform as a significant step towards protecting migrant workers.

By “humanising migration”, I refer to and reflect on some of the rights of migrants enshrined in the international instruments, namely ILO Declaration on Fundamental Principles and Rights at Work, 1998; Equal Remuneration Convention, 1951; Domestic Workers Convention, 2011; International Convention on the Protection on the Rights of All Migrants and Members of Their Families, 1990; Minimum Wage Fixing Convention, 1970; Decent Work Agenda, 2008; and Global Compact for Migration, 2016.

The interplay between migration and development has long been in existence. The recent ethical imperative of the United Nations (UN)—no one left behind—obviates the need for improving the socio-economic condition of migrants to achieve some of the targets set in the Development Agenda 2030, mainly zero poverty and no hunger. We are fortunate enough to see the visibility of such thinking since US President Franklin D Roosevelt in 1937 called for building the economy from the bottom-up, focusing on the forgotten man in

Can we turn the city’s waste into wealth?

It’s time to develop a sustainable waste management system for Dhaka

Reportedly, around 6,250 tonnes of garbage are produced in both city corporations every day, a major portion of which goes into open drains, canals and water bodies due to the incapacity of the city corporations to collect it. In fact, last year a *Prothom Alo* report exposed how city corporations hardly had any control over the city’s waste collection system and how waste collection became a big business for local leaders and activists of the ruling party who had been earning crores of taka from it annually. (October 13, 2019) After the new mayors took office, has anything changed? Will giving the responsibility of primary waste collection to private contractors improve the service and stop the illegal business with waste?

In developed countries of the world,

“Where waste chutes are not applicable, residents themselves drop their garbage bags into the containers. There are different coloured bags for recyclable, kitchen and medical wastes. The specially designed garbage trucks collect the wastes from the containers through automatic loaders. So, no additional labour is needed to segregate, load and transport the garbage.”

Since we do not have such a system in place, what we the residents can at least do is drop off our own waste to the nearest garbage bins. Unfortunately, that is not an option for many of us since our city authorities could not yet install enough waste collection containers at convenient locations. Also, we have not yet developed the habit of dropping off

most preferred option for dumping all kinds of waste. This is because we could not yet develop a system where each kind of waste can be collected separately. For a sustainable waste management system, kitchen waste, recyclable plastic waste, electronic waste—all must be collected separately. “Unfortunately, what we still do is dump all kinds of waste in the landfills and the recyclable plastic wastes and electronic wastes are collected by the waste pickers from there. Therefore, an important part of waste management goes to the informal sector, which cannot be controlled by the authorities concerned,” says Dr Tanvir.

In a standard system, kitchen waste should be used to produce energy and fertiliser while plastic waste should be recycled and e-waste should be managed by the companies who sell them.

We need to adopt this basic practice of segregation without which solid municipal waste management becomes a difficult job. According to Abu Hasnat Md Maqsood Sinha, co-founder and executive director of Waste Concern, “A regulation called “Urban Waste Management Handling Rule” is being formulated by the government which is in its final stage. It will provide a complete guideline on how to separate waste at source, how garbage will be collected, transported and disposed of, etc.”

Reportedly, the two landfills in Matuail and Aminbazar used by the DSCC and DNCC have almost reached their full capacity. What this means is, soon we will need more land for the purpose of waste dumping, which is not at all sustainable for a city where land is a scarce resource. Besides, these two landfills are causing serious environmental pollution in the adjacent areas, polluting not only air and water bodies but also the groundwater.

In the wake of such a situation, it is good to know about the government’s approval to set up the country’s first large-scale waste-to-energy plant for Dhaka North City Corporation (*TheDailyStar*, November 13). The state minister for power and energy has also informed us about a similar plan for Dhaka South City Corporation. These are definitely good initiatives but will only make a difference if we have a complete waste management system which should start from garbage collection and segregation and end in recycle and reuse.

Waste can be turned into wealth through segregation at source and proper management. Are our city corporations ready to work to that end?

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Dhaka’s waste management system has always been very chaotic because of lack of proper planning and foresight.

PHOTO: STAR

there are no such organisations like the primary waste collection service providers. People themselves drop off their waste into the designated bins. According to Dr Tanvir Ahmed, director, ITN-Buet Centre for Water Supply, Sanitation and Waste Management, “In the developed cities, waste from high-rise buildings is directly transported to the garbage containers set up by municipal corporations through waste chute system.”

Garbage chutes are long tunnels built into the interior structure of the building that end in a garbage container. Each floor usually has its own garbage chute. The residents just drop their tied up garbage bags into the chute through the opening which then directly go to main garbage container.

our daily waste ourselves.

According to Dr Tanvir Ahmed, in the USA, Canada and other European countries, the responsibility of garbage collection and management is delegated to the private sector. Individual services are designed by the consultants and implemented by the private companies. The local government bodies are there only to make regulations and monitor the entire system.

However, the major challenge for us to develop such a system is that we do not have the skilled workforce; capacity building is a major issue here.

While a landfill is the least preferred option of waste management in the developed countries, unfortunately in Bangladesh, this has always been the

Humanising migration and the role of state

Some lessons from Qatar

the bottom of the economic pyramid (BOP). Then, management scholar CK Prahalad popularised the concept in 2004 and lamented that 4 billion people lived at the BOP earning only USD 2 per day. It goes without saying that migrants constituted 3.64 percent of the world population last year and most of them live at the BOP. Leaving them behind, the UN targets are unattainable at least partially, if not fully. Moreover, the current severe economic crisis sparked by the Covid-19 pandemic desperately calls for standing by migrants.

Qatar has set a milestone in humanising migration. Some of the notable initiatives are as follows:

Adoption of minimum wage Qatar adopted non-discriminatory minimum wage for workers including domestic aids under Law No 17, 2020. It fixed QAR 1,000 per month as a basic wage, QAR 500 for accommodation expenses, and 300 QAR for food, unless the employer provides accommodation and food. Such positive reforms were happening just as the retrenchment policy due to the economic crisis created by Covid-19 began worldwide. It will surely increase the income of poorly paid migrants and thus help them to break the vicious circle of poverty, ultimately contributing to the nation’s achievement of Sustainable Development Goals (SDGs). Earlier, Qatar introduced Wage Protection System (WPS) to ensure timely and regular payment of wages to the workers.

Abolition of the kafala system. “Kafala” is an Arabic word which stands for sponsorship. Under this system, migrant workers must obtain a NOC from his current employer prior to applying for the change of sponsorship. The recent reform declared on August 30 dismantled the system by removing the requirement of NOC. Workers are no longer required to submit NOC for getting approval of change of sponsorship but they need to give prior notice to the existing company. Moreover, under the kafala system, workers were required to obtain exit permits to leave Qatar which was declared null and void in September, 2018. Coupled with the termination of exit permit, the abolition

of NOC has put an end to the kafala system. Allowing mobility of workers will enable them to find better positions which would be vital to create a dynamic and skilled labour market. Companies will also have the compassion to create decent working environment to retain the existing manpower and their talents.

Promotion of good governance Good governance is of paramount importance for the development of any country. Accountability and justice are the cornerstones of good governance. To bring accountability and justice within the migration governance, Qatar introduced a smart system in receiving and disposing work related complaints. Workers have been enabled to lodge complaints online and time bound disposal of the complaints has been established which is quite similar to the Citizen’s Charter introduced by John Major in Britain—Labour Department must settle the dispute in seven days. If unsuccessful, it is forwarded to a dispute settlement committee which is obliged to settle it in three weeks. One worker, Mohammad Hossain, explained his case: He used to work in a company for about 15 years but suddenly was terminated without his service benefits being given. He complained to the Labour Department which forwarded it to the committee. The committee ordered the company to pay his service benefits. The worker is highly satisfied with the order.

Healthcare facility Qatar takes good care of its residents. Patients need to pay only 20 percent of total cost in government hospitals. During Covid-19 crisis, it provided healthcare support to everyone irrespective of nationality and immigration status (both documented and undocumented). Before Covid-19, Qatar’s government provided free treatment to many patients. For example, one Bangladeshi patient suffering from blood cancer was nurtured in Qatar for about 16 months without any charge. Another Bangladeshi patient who had no residency permits was hospitalised due to severe illness. Before being sent back to Bangladesh, the hospital authority provided the necessary treatment and medicine for one week before discharging

him from the hospital without charging a fee.

The role of the state

The role of the state in development has always been a centre of debate. The neo-liberalist school, for example, upholds that the State is a part of the problem, not the solution. At the same time, the governance notion, especially, proposed by RAW Rhodes, proposed for limiting the scope and forms of public intervention, while speaking about hollowing out of the State. Conversely, the World Bank (WB) in its report in 1997 put special emphasis on strong and efficient State institutions in development. In 2000, the WB in its report identified poorly functioning public sector and weak governments as constraints of growth and development in many developing countries. Therefore, the role of the State in development should not be overlooked.

Qatar is a positive example of State led reforms and development. Theoretically, the political system is the supra system of a country and other systems fall under the political system. Arguably, the success of reforms is dependent to a great extent on the efficacy of the political system. The recent reform efforts are a part of Qatar’s National Vision 2030 as mentioned by Othman Fakhroo, Minister of Administrative Development, Labour & Social Affairs (ADLSA): “The State of Qatar is committed to creating a modern and dynamic labour market in line with Qatar Vision 2030.” In fact, the ADLSA is responsible for materialising the Vision 2030 and the ministry took a dynamic role in this case. It is important to note here that Qatar signed an agreement with the ILO in 2018 through which it became the first country among the gulf countries to allow setting up an ILO office. The ILO office in Qatar played a role in putting forward such reforms. Furthermore, Qatar is going to host the FIFA World Cup in 2022. FIFA wanted to maintain the highest standard in its operations. From a global governance perspective, the fulfilment of FIFA’s criteria also acted as a motivating factor which pushed for such measures.

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