

# Separation of powers key to functioning democracy

*We must learn to submit to the administration of justice and keep the judiciary separate from legislative and executive power*

## A landmark verdict for murdered Bangladeshi migrant worker

*Let this lead to better protection of our women migrants*

IN what is being hailed as an exemplary and landmark verdict by different Bangladeshi organisations, the main accused in the murder case of migrant worker Abiron Begum was handed down the death penalty by a court in Saudi Arabia on Sunday. According to a report in *The Daily Star* published on Tuesday, Ayesha al-Jizani (the main accused and Abiron's employer) was sentenced to death for killing the migrant worker "with a motive", while her husband, Basem Salem, was sentenced to three years and two months of imprisonment and was fined 50,000 Saudi Riyal. Additionally, the pair's son has been ordered to be sent to a juvenile correction centre for seven months for not cooperating with Abiron and for not arranging her treatment.

While this verdict is certainly a milestone in terms of how cases of abuse and murder of migrant workers abroad are usually handled, we hope that it will serve as a starting point rather than remain an outlier.

Between 2016 and September of 2020, the bodies of 437 female migrant workers had arrived in the country from the Middle East, with the highest number of bodies coming from Saudi Arabia. Many such migrant worker deaths are claimed to be suicides, but the veracity of these claims is always questionable for the relatives of the deceased. A large number of the migrant workers in the Middle East become victims of fraudulent agents, who may promise them one situation but put them in a wholly different one once they arrive in the destination country. Many women migrant workers who managed to come back alive have reported inhumane treatment such as beatings, inadequate food as well as sexual abuse. Due to the lack of regulations and general support for migrant workers in countries like Saudi Arabia, individuals in such circumstances have no option but to stay.

We urge the Bangladeshi authorities and the authorities in destination countries to use the momentum from this verdict and collaborate in the interest of the safety of Bangladeshi migrant workers. At home, agencies sending workers abroad must be monitored and regulated so that fair migratory conditions are ensured for the workers. Abroad, Bangladeshi embassies need to partner up with foreign governments and organisations that work on migrant worker issues to help workers avoid underpayment, forced labour, sexual assault, and mental and physical abuse.

Murder is only one of the tragedies Bangladeshi migrant workers have to face while working in the Middle East under exploitative employers, after being practically trafficked by dubious Bangladeshi agents. Without the collaboration of both Bangladeshi and Middle Eastern authorities, Abiron might remain the only one to ever receive justice.



STRAIGHT LINE  
MUHAMMAD NURUL HUDA

FOR quite some time, a number of judicial initiatives of the Apex Court of Bangladesh pertaining to the protection of public interests and also to ensure the rule of law, thereby enhancing public trust in the supreme judiciary, has attracted admirable attention. Such initiatives must not be surprising as the judiciary is, without doubt, the principal guardian of public liberty. One has to note that public liberty cannot be durable and meaningful if the administration of justice is, in some degree, not separated from both legislative and executive power.

The worrying question is why the executive branch is faltering and failing too often in its assigned functions, thereby compelling the judiciary to intervene in matters that should have been lawfully and expeditiously disposed of by the executive authority in the first place. Take for example, the very recent case of the unconditional apology of the Deputy Commissioner of Sylhet to the High Court for not complying with its order over giving permission to the highest bidder for extraction of stones from the Lava River in the district. It is intriguing as to why the Deputy Commissioner of Sylhet did not comply with the High Court order from October 1, 2020 to award the work of stone extraction to the highest bidder, thus clearly exposing him to a charge of contempt of court. This action of the executive is a deliberate flouting of judicial authority.

With regard to preventing environmental degradation, the Apex Court's proactive intervention merits special mention and here, once again, the executive authorities failed in their statutory functions. The High Court recently directed concerned authorities to immediately shut all the illegal brick kilns in Chattogram and submit a report after complying with the directive. It is pertinent to note that the High Court bench came up with the directive following a petition filed, bringing contempt of court charges, against two

Executive Magistrates for not complying with its order over shutting down the illegal brick kilns at Chandanaish and Lohagara upazilas in Chattogram. It is frustrating to note that a clear and explicit judicial order to shut down illegal brick kilns, with a view to saving an already precarious environment, was callously and deliberately flouted by supposedly responsible executives. The point to note is that the prevention of environmental degradation is primarily within the

country... Therefore, it is not only the duty of the Deputy Commissioner of the district, the Department of Environment and other concerned authorities but of all the citizens of the country to protect and preserve the natural source of water like rivers, etc from any encroachment upon the rivers, as well as to prevent pollution of water of the rivers". It is also heartening to note that in recent times, the High Court, in a landmark judgment, accorded a legal entity status to the rivers of

highhandedness. In this instance, it is also quite baffling to see a Senior Police Officer obstructing and harassing a judicial functionary in his official duties, when in fact it was the former official's job to prevent election irregularities and to cooperate with the judicial magistrate in such matters.

There is no denying that good governance becomes a reality when harmonious functioning of the legislative, judicial and executive organs reach the



Bangladesh Supreme Court.

PHOTO: STAR

executive domain, and the district administration and the Department of Environment have failed in their statutorily entrusted task.

The High Court's salutary public-spiritedness in protecting our rivers from unscrupulous individuals and insensitive institutions needs to be recognised. Justice Jinat Ara of the Supreme Court observes that "In our country, perhaps, the River Buriganga, Turag, Shitalakshya and some other rivers would have been non-existent unless judgments were passed by both the divisions of the Supreme Court to protect all the rivers of

Bangladesh, thus stabilising its officially recognised position. The import of this judgment, in so far as the protection of public interest is concerned, cannot be lost sight of.

The Apex Court's directive to pull up arrogant and deviant executives rightfully deserves mention. The unconditional apology of the Superintendent of Police, Kushtia before a High Court bench for gross misbehaviour with a judicial magistrate, who was enquiring into complaints of election irregularities, brings into sharp focus the necessity of checking and taming executive

desired balance in a democratic society. Unfortunately, this has not been the experience in many countries, including Bangladesh. As a commentator very aptly observes "Past experience has shown that at least the executive organ was largely responsible for upsetting the balance with the higher judiciary, with the parliament remaining a silent spectator".

If we want to strengthen our democratic credentials, we have to learn to subordinate ourselves to judicial wisdom and oversight.

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## PROJECT SYNDICATE

# Closing the Covid trust deficit

PASCALINE DUPAS, JOSEPH DOYLE and KAREN MACOURS

THE arrival of Covid-19 vaccines is giving the world hope of ending the pandemic, but many countries remain consumed by the virus's spread. So, as we wait for widespread availability and distribution of the vaccines, preventive health measures such as social distancing, mask-wearing and hand-washing will remain critical to containing the disease.

For some, following this guidance is not feasible. Many poor people, for example, must contend with overcrowding, limited access to clean water and soap, and the absence of robust social safety nets.

Beyond material constraints, however, lie others related to information and trust. Some may be unaware of public health guidelines or may not understand the specific steps to follow. Misinformation about Covid-19 can undermine the recommended measures. And in some contexts, lack of confidence in the health system itself may reduce adherence to guidelines.

While biomedical researchers and public-health experts scrambled to learn about the novel coronavirus in early 2020, economists and other social scientists set to work testing Covid-19 policies and programmes. The body of evidence they have developed holds important lessons for overcoming information constraints, combating misinformation, and building trust in health systems. These insights may also help to improve delivery and increase

uptake of Covid-19 vaccines.

One study involved sending two-and-a-half-minute videos about Covid-19 via text message to 25 million people in West Bengal, India. The videos instructed them to report any symptoms to community health workers and emphasised the importance of adopting preventive behaviours. Recipients subsequently reported travelling less and washing their hands more often, and doubled their reporting of symptoms to health workers.

This striking result may appear surprising, given that policymakers had been sending Covid-19 prevention messages for weeks to the people who received the videos. One possible reason why the video messages proved more

have had an outsize impact. But that study also showed the role peers can play. Even those who did not receive the public health messages reported increased adherence to Covid-19 guidelines as they observed and emulated their neighbours' changed behaviour.

That raises the question of whether peers are more effective than a third party in influencing behaviour. In Zambia, researchers are asking individuals to communicate Covid-19 health information to their family and friends via SMS, and comparing the impact on preventive behaviour to the impact of messages from a central authority.

Policymakers may also need to go beyond simply communicating

adherence to guidelines.

The question of trust is not limited to concerns about misinformation. We learned from the 2014-16 Ebola crisis in West Africa that policies that increase confidence in the health system can improve cooperation with health guidelines, in turn leading to increased testing and reduced disease spread and mortality.

The factors helping to overcome lack of trust in a health system can vary greatly depending on the context. In the United States, where health inequities across racial groups are large, a study of preventive care found that black men were more likely to trust black physicians and more likely to take up various preventive health measures, including the flu vaccine, if they consulted one. These results were supported by a separate study in the US, which found that black adults who watched a physician-delivered video on Covid-19 prevention were more likely to seek out additional information if the physician in the video was also black.

As we enter further uncharted territory with Covid-19 vaccines, this research on how to boost adoption of preventive measures could help us understand how to increase immunisation uptake. Much of the focus so far has rightly been on vaccine supply chains and distribution challenges. But research shows that motivating people to take up a vaccine is vital even in the absence of misinformation and mistrust. Research conducted on immunisation prior to the pandemic can inform our initial thinking on Covid-19 vaccination programmes, and help us formulate strategies to help increase uptake.

Incorporating into public policy the lessons of economic research on the significance of how information is conveyed, and by whom, is particularly important in a context of information overload, misinformation and mistrust of health systems. To help us move toward a post-pandemic world, policymakers should consider carefully how these findings could be used to increase uptake of Covid-19 vaccines.

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## Why is our economic recovery uneven?

*Small and medium sized enterprises need to be supported more*

THE Center for Policy Dialogue (CPD) has said that Bangladesh's economy is going through an "uneven recovery" with larger firms bouncing back at a faster pace and small and medium sized enterprises (SMEs) falling behind. This is not good news, as SMEs are an important sector of the economy that provides employment to people from the lower strata of society. These are the people who have been affected disproportionately during the pandemic and who have not received adequate government support from the stimulus packages.

Soon after the pandemic had reached Bangladesh, the government announced a stimulus package worth Tk 1,21,353 crore. This package involved increasing government expenditure, providing loans at low interest rates, expansion of social safety net programmes and raising the money supply. It attempted to facilitate the economic recovery process by offering cheaper credit alongside monetary easing. However, it is only the large industries that were more successful in accessing the package's benefits, compared to their smaller counterparts. As a result, CPD researchers believe that the economy now needs a second round of stimulus packages for successful recovery.

SMEs account for 25 percent of our country's GDP. There are over 8.66 lakh SMEs in Bangladesh, which is 11 percent of the total number of companies. The SME sector generates 30 percent of total employment in the country. Almost 23,000 small and 3,000 medium sized enterprises are involved in exports, either directly or indirectly. Despite contributing such significant amounts of labour and capital to the economy, this section of the business community faces enormous challenges in getting support from both government and non-government financial institutions. Most of the policies regarding the operation of business in our country are devised favouring the large corporations, while the financial institutions are interested in granting loans to the big companies most of the time. As a result, SMEs have to suffer tremendous setbacks in terms of production, marketing and sales of their products.

Continuation of the same packages with an extended timeline is not going to produce the intended results. This is why a second stimulus package with a strong focus on the SME sector has to be announced. This means the government and Bangladesh Bank must make sure that SMEs get access to credit facilities. The health of the banking sector is also a major factor in the recovery process. As the CPD report has mentioned, the present state of excess liquidity in the banks may lead to banks giving out risky loans, which will in turn result in more non-performing loans and high inflation. Thus, poorly governed banks should not be part of the Covid-19 related liquidity support packages.

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effective is that they provided specific, actionable information about which symptoms to look out for, and specified the steps people should take to report them and prevent disease.

Even when information is specific and actionable, outcomes may vary. One ongoing study in Uganda, for example, seeks to understand the relative effects of emphasising individual versus societal benefits on people's adherence to Covid-19 public health guidelines.

And what about the messenger? In the Indian study, the person providing information in the video—the Nobel laureate economist Abhijit Banerjee—was well known, and his message may thus

prevention guidelines and more proactively combat misinformation that leads to confusion and mistrust.

In Zimbabwe, local organisations sent WhatsApp messages to their newsletter subscribers to convey truthful information about Covid-19 and debunk misinformation about fake cures. These messages from a trusted source increased knowledge about the disease and reduced reported harmful behaviour such as violating lockdown orders.

Similarly, economists in Mexico are working with the Institute of Public Health to assess how a messenger's political leanings and credibility influence the level of trust in the message and



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