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No ifs or buts, DSA must be amended for everyone's sake

The law is being used to target voices of dissent

NOT long ago, we said in this column that no law should be iniquitous. But the Digital Security Act (DSA) is exactly that. It's clear as daylight now that the risks of this law far outweigh its benefits, if any, and any lingering doubt is but a refusal to accept the truth. The law minister's comment on DSA, unfortunately, fits into that category. As per a report by this daily, while responding to queries about the use and possible amendment of the law on Tuesday, he used the word "if" a total of four times. He said the government would bring changes to the act "if necessary" to ensure best practice, as the law was misused to some extent.

"To some extent" is an understatement, of course. But the phrase "if necessary" takes away from what is otherwise a creditable observation coming from a minister, and weakens the prospect of a much needed reform. Why should there still be any doubt after four long years of a law that has proven to be the single most effective instrument of human rights abuse in the country? What's left to be done but to amend or repeal it? The only scenario in which it has any practical use now is where it is a legal weapon to be wielded at will. For example, between January 2020 and February 2022, some 890 cases were filed under the DSA, and 206 of them were filed by members of the ruling Awami League and its affiliated organisations. More worryingly still, opposition activists and journalists were mostly implicated in them.

This shows that the main purpose of the law has been not to protect victims of cybercrimes but to intimidate social media users, particularly political activists, rights campaigners and journalists. It also shows that amending the law in light of international human rights standards is not just necessary but urgent, regardless of what the authorities say to justify their action or lack thereof. We have to admit, however, that the number of DSA cases and arrests has declined somewhat in recent times. The law minister cited a home ministry directive to make sure that DSA cases are sent to a cell comprising a high official and a legal analyst for examination. True, if done right, this will bring down the numbers, but it is a far cry from the reforms necessary in the law itself or how the police, judiciary and ruling party members treat cases involving voices of dissent.

We, therefore, urge the government to stop dilly-dallying and immediately amend the questionable provisions of the DSA and also ensure that no one is targeted for exercising their freedom of speech.

Revive zila parishads to better serve people

Govt must take steps to turn them into powerful institutions

IT is worrying that the country's zila parishads (district councils) are being reduced to what some observers called "rehabilitation centres" for the elderly leaders of the ruling party, as per a report. These leaders, who are mostly 70-plus (some even 80-plus), reportedly cannot run these important local government institutions properly. In other words, these veteran leaders of the districts were given the posts of administrators as rewards for their past contributions to the party. But when it comes to executing their responsibilities, they can hardly rise to the occasion.

Although a zila parishad is expected to perform 12 different types of mandatory works and 68 optional works, in reality, little activity is seen in the council offices. These institutions have been limping for years for lack of energy. It is, therefore, necessary for the people of the districts to elect the right kind of people so that the zila parishads can function at full steam.

There is no denying that despite having the potential to strengthen the arms of the local government and contribute to local development activities, the district councils are gradually being rendered useless for reasons we do not understand. Unfortunately, the council almost exists as an appendix of the district administration and as an office of the ministry of local government. We strongly believe that its revival, empowerment and proper functioning can be a significant part of the administrative decentralisation process required for establishing good governance.

It can be mentioned that although the district councils received budgetary allocations on a regular basis, subsequent governments since 1975 have not shown any interest to reorganise the councils into properly functioning local government institutions. We believe that if the current government takes initiatives to reorganise these important organs of the state, it will immensely benefit the people in general. Once sufficiently empowered, these bodies would be able to undertake various responsibilities as per their mandates.

It should also be noted that the AL government, in its first term (1971-1975), took a decision to appoint "district governors" in all the districts but with the sad demise of Bangabandhu Sheikh Mujibur Rahman on August 15, 1975, the idea remained immaterialised. Since then, district councils have existed in the background with little visible contribution. However, significant developments began to happen with the enactment of the Zila Parishad Act 2000. But a further empowerment of the zila parishads is essential. It will be the right step towards ensuring good governance, especially from the perspective of making the system more representative, accountable and participatory.

Combatting the Syndicate Syndrome

Re-accessing the Malaysian labour market



ON THE SHORES OF (IN)JUSTICE

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IN all likelihood, May 31, 2022 will mark an important milestone in the history of labour migration governance in Bangladesh. It was on this day that groups belonging to a diverse range of sectors converged in a Dhaka hotel to form a united platform to thwart the move by a powerful quarter to jeopardise the prospect of reopening the Malaysian labour market.

The group—comprising parliamentarians, members of recruitment agencies, representatives of non-governmental organisations, migration experts, and leading members of the media—was concerned that a nexus of a few Bangladeshi recruitment agencies and a powerful segment of the human resources ministry in Malaysia are trying to impose unfair and unethical conditions on the long-awaited reopening of the Malaysian labour market. They felt that if protagonists of such a move succeeded in their efforts, it would lead to massive corruption, spiking the migration cost far beyond the threshold stipulated by the Government of Bangladesh (GoB), causing immeasurable harm to the migrants and a loss of remittance for the national exchequer. They recalled that such a monopolistic control of 10 recruitment agencies over the labour recruitment process in 2016-18 had eventually led to the suspension of the flow of migrant workers from Bangladesh to Malaysia by the new government after the fall of Najib Razak government.

The speakers congratulated the expatriates' welfare and overseas employment minister of Bangladesh for reiterating the GoB's firm stand to allow all bona fide recruitment agencies in the labour recruitment process as per the ILO conventions and the Competition Act. They, however, warned that any departure from such a principled stand by this GCM (Global Compact of Migration) champion state would amount to undermining the GoB's commitment to ethical, fair and safe recruitment at a minimal cost. Some felt that the actions of errant agencies amounted to economic sabotage of the state, and demanded exemplary punishment for those who are engaged in such activities.

The highlight of the event was the candid statement of Nur Ali, a veteran leader in the Bangladeshi recruitment industry and a member of the 2016-18 cartel. Ali narrated the negative features of syndication from his experience. He said despite clear stipulation to provide two months' advance salary and return air ticket to the workers and a service charge to the recruitment agents, such benefits never reached the workers; instead, they were made to pay several times more than the GoB stipulated amount. The hefty amounts were pocketed by those at the helm of the syndicate. He further alleged that a Malaysian *Dato* of Bangladeshi origin, with access to the corridors of power in Putrajaya, and an influential Bangladeshi recruitment agent were

the "passwords" of the recruitment process that resulted in a debacle causing immense hardship and misery to the workers, and the ultimate closure of the market for years. This captain of the industry noted that in no way do a cartel of a dozen or two recruitment agencies have the capacity to meet the demands of tens of thousands of workers that are

Although no firm figure has been slated, industry sources estimate that there is a likelihood of 1.5 to 2 million Bangladeshi workers securing employment in Malaysia over the next five years. Meeting such a high demand by a handful of agencies is a nearly impossible task. This raises the question: On what grounds is such an important



▲ Due priority must be given to the legitimate interest of Bangladeshi migrant workers and other stakeholders in Malaysia.

FILE PHOTO: STAR

needed by the Malaysian manufacturing and services sectors. He reckoned that a syndicate-based system can at best process only a fourth of the total demand of the Malaysian labour market. Ali further shared that because of the corrupt practices inherent in the syndication system, Bangladeshi workers could not be deployed in several industries, such as manufacturing and electronics, as compliance monitoring mechanisms of those industries are strict. There is no reason it will be any different this time.

At the meeting, speakers after speakers wondered why the Malaysian human resources minister insisted on limiting the engagement of Bangladeshi recruitment agents, while provisions have been kept for more than 500 registered recruitment agents of Malaysia to take part in the process, and there is no such stipulation for bringing workers from 13 other source countries to Malaysia. Citing media reports, speakers warned that there was no consensus in Malaysia about this syndicate system. The Mahathir government discontinued the system in 2018 on grounds of high level of corruption, and if the system is adopted by the current Malaysian government, there is no guarantee that it would continue when and if a new government is formed after this year's national elections. This, in turn, may lead to the closure of the market yet again, causing huge financial losses to the unsuspecting aspirant migrants making advance payments to recruitment agencies.

There is little doubt that in the past, under the syndicated system, Bangladeshi workers had to pay many times more than the stipulated amount. In other words, the workers who were fortunate enough to secure employment had to spend several months earning only to pay off the migration costs.

and big labour market left at the mercy of 1.6 percent of the total number of registered recruitment agencies in Bangladesh? There is also the need to assess the actual capacity of the agencies that would be tasked to send workers to Malaysia. It may be noted that only a third of the 1,500 valid licence-holders have the prior experience of sending workers to Malaysia. Sending workers through a syndicated arrangement will, in all likelihood, result in Bangladesh's inability to access the sectors that are part of Malaysia's Responsible Business Alliance, a conglomeration of industries that engages workers free of cost and pays service charges to agencies that facilitate deployment, such as those in electronics, apparel manufacturing, hand gloves production, plantation and security. Can Bangladesh afford to miss accessing these important sectors?

Sending workers through a syndicated arrangement would be in breach of the Competition Act and contrary to relevant international standards that Bangladesh upholds. It would also be in contravention of the order of the Appellate Division of the Supreme Court that proscribed any move to form oligopoly for the Malaysian labour market.

Thus, the GoB should remain resolute in its commitment to promote free, fair and ethical recruitment, allowing all bona fide recruitment agencies to participate in the recruitment process for the Malaysian labour market. Such a stance would demonstrate the government's resolve in upholding the relevant international standards and national laws. It is time that, as a labour source, Bangladesh sent a signal that the country accords due priority to the legitimate interest of its workers and other stakeholders, and any arrangement that compromises that is unacceptable.

Guns, politicians and corporate lobbyists



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ANOTHER day, another mass shooting in the US. It is hard not to feel disillusioned as people claim that, perhaps this time, politicians will finally abandon their campaign funder, the gun lobby, and pass some basic legislation. After all, 90 percent of the population wants background checks and many want a ban on assault weapons—and yet, the status quo remains. Yes, the deaths of 19 elementary school children and two teachers are shocking, but so is every mass shooting in schools—and elsewhere. The shooting in Uvalde, after all, was the 27th school shooting in the US just this year that ended in injury or death. Mass shootings occur daily. There were 693 mass shootings in 2021 alone.

Murder of 19 children is an unquestionable tragedy. Each of those children was loved by people whose lives will forever be torn apart by the loss. But what of the children who weren't killed that day? Will they sleep at night? Will

they feel safe in their classrooms? How many of them will face years, perhaps a lifetime, of trauma due to what they lived through?

There have been 311,000 children who have survived school shootings since the one in Columbine in 1999. That is 311,000 children who have survived the trauma of being in school when a shooting occurred, when their classmates and friends have been injured or killed.

Even the children who have never had a shooting at their own school are not free from the damage. They are subjected to active shooting drills. They see images on social media and on TV. They hear others discussing it. They go to school knowing that, any day, it could happen to them.

None of this is normal. Other countries have very little gun violence and have never experienced mass shootings in schools. With four percent of the world's population, the US has 40 percent of the world's guns. There are more guns than people in the US.

And what do some politicians (read: Republicans) suggest as solutions? Fewer doors in schools. And more guns. Lots, lots more guns. Because we all know that more guns lead to fewer shootings.

Let's not forget that Republicans are not incapable of passing laws to respond to perceived threats. They have passed all kinds of laws to respond to the imaginary

threats posed by illegal voters, Critical Race Theory, transgender athletes, and those seeking abortions.

So, foetuses deserve protection. But children can be shot without the authorities doing anything to reduce the likelihood of it happening in future?

The anger generated over this most recent mass shooting is gratifying. But how many times will we repeat this scenario: Intensive coverage, including some that refuses to look at causes or deliberately misleads on solutions? Politicians beholden to the gun lobby casting blame on everything but guns. Others angrily pointing their finger at the need for gun control. Then the media cycle shifts and the anger fades away. Nothing else changes. And every single day, people die from bullet wounds.

School shootings are an extreme example of grossly negligent policies due to nefarious corporate influence. They are uniquely horrific in the immediate trauma they cause. But they are hardly unique in terms of corporations paying off politicians to avoid acting in the public interest. The suffering—whether from sugary drinks, tobacco, air pollution, car crashes or the climate crisis—is just as real. And the solution is the same: People need to stand up and demand that policymakers act in their best interest, not that of the corporations.

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