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A law that only hurts CGS research on DSA cases reveals alarming picture of legal harassment

Amid continued rebuffing of suggestions to repeal/amend the Digital Security Act 2018, more evidence of the law being abused has emerged, strengthening the voices of critics. Alarming, only two percent of those accused under the DSA have seen their cases resolved so far, with the court handing a conviction, or an acquittal, or dismissing them. This is according to data collected by the Centre for Governance Studies (CGS) that logged each case filed between October 2018 and August 2022.

Overall, the CGS recorded 1,109 cases, around 60 percent of which were over Facebook activities. A total of 2,889 individuals were accused: only 52 saw their cases settled within the court system, while nine saw them withdrawn. There are more disquieting revelations, however. At least 725 of the cases being investigated by police are apparently from before 2022 – which suggests a clear violation of the legal time limit given to complete investigations. An investigation report, according to the law, must be submitted within 60 days; if necessary, investigators can seek an extension of 15 days. The reckless violation of this rule means that the accused are doomed to suffer pre-trial horrors, including arrests and prolonged stay in police custody, which is completely against the spirit of justice.

Is the delay in investigations deliberate? Is it meant to make the accused suffer indefinitely? Can the police and judicial authorities be absolved of the responsibility to ensure quick trial? And what's the point of having cyber tribunals – there is one in each administrative division – if they can't expedite trials or help the accused get bail quickly? The spectacular lack of progress in investigations and court judgements indicates an institutionalised pattern of abuse/harassment directed toward the accused, with one out of every three people facing prosecution under the DSA being arrested.

It is no secret that most DSA accused are facing charges of defamation, with political activists and journalists targeted the most. These cases are mostly filed by ruling party affiliates, on behalf of someone perceived to be "hurt" by the alleged act of defamation. It was, again, no surprise to learn that out of all the cases analysed by the CGS, as many as 140 were filed for "defaming" Prime Minister Sheikh Hasina, and 64 for "defaming" other ministers. The picture that emerges from these case studies is a deeply flawed law being abused in a deeply flawed politico-judicial ecosystem.

Since its inception, there has never been any doubt that this law would be used to hurt, and not heal, as a law ostensibly against cybercrimes should. The CGS study only shows part of the picture based on accessible data, with law enforcers notoriously secretive in this regard. But four years on, there should be enough sobriety on the part of all concerned to understand that this law has been nothing but a tool of repression and intimidation, shrinking whatever space left for free expression in the country. We urge the authorities to repeal it urgently, or at least amend it in light of concerns raised over the last four years. The DSA in its current form must go.

Why are so many drowning in Patuakhali?

Authorities must scale up drowning prevention programmes in the district and elsewhere

It is hard to believe that drowning is one of the major causes of child death in this modern age. In the Patuakhali district alone, such deaths are increasing at an alarming rate, with the number nearly doubling with each passing year. In 2022, for example, a hundred children reportedly drowned in the district, while the number was 56 in 2021, and 29 in 2020, according to data from the office of Patuakhali civil surgeon. This is indeed an alarming development. As well as lack of public awareness, it indicates a serious lack of initiatives from the authorities to prevent such avoidable deaths of children.

It should be noted that drowning is an issue not just in Bangladesh but the world over – it is one of the top ten causes of mortality for children and adolescents aged between 1 and 24 years globally. However, drowning-related deaths are particularly high in Bangladesh. According to an estimate, as many as 2,155 deaths occurred countrywide in 2020 and 2021 due to drowning, with 83.5 percent of the victims being children. Equally worryingly, 80 percent of the under-five victims drowned within 20 metres of their homes. Another study has found that 68 percent of drowning incidents take place between 9am and 1pm, while the majority of incidents take place in ponds (66 percent) and ditches (16 percent) located within around 40 steps of households.

Clearly, children are particularly vulnerable, especially if they are not unattended by parents. It can also be said that children from poorer households are more at risk of drowning, since both of their parents may have to be at work during the day. In case of Patuakhali, it has been seen that most of the incidents happened between morning and noon when the children's mothers were most busy with work. And these children also drowned in ponds and canals closer to their homes.

We urge the authorities concerned, particularly the district administrations, to take effective measures to prevent drowning. The authorities in Patuakhali should particularly take urgent measures, too. The World Health Organization has developed a drowning prevention strategy with detailed guidelines to prevent it, which our policymakers should follow. Erecting barriers surrounding water bodies, setting up childcare centres for preschool children, teaching children swimming and about water safety, and instructing bystanders in proper rescue and resuscitation procedures are some of the measures that should be adopted immediately.

But for a wider impact, we need to adopt national-level policies with due seriousness. The draft national strategy for drowning prevention – prepared by the Directorate General of Health Services – should be approved soon, and as outlined in it, there should be massive awareness raising campaigns. Drowning is the most preventable cause of child deaths. With proper policy interventions, we should be able to check the trend.

New Malaysian PM could mean good news for Bangladeshi workers



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K PARKARAN

With the ascension of Anwar Ibrahim as the prime minister of Malaysia, after 24 years of battling forces in Malaysian politics that were hellbent on depriving him of this moment, there appears to be a wind of change in the country.

No one knows how much this will impact current bilateral and trade ties between Kuala Lumpur and Dhaka, which have not been that great but fairly acceptable so far. Bangladesh will celebrate its 52nd year as an independent nation this year, meaning Dhaka has remained an all-weather friend and ally to Kuala Lumpur for almost half a century. This year will also mark 51 years of diplomatic relations between the two countries, since Malaysia recognised Bangladesh as a sovereign nation in 1972.

However, these are all seen on the glossy surface while deep inside, the protection of Bangladeshi workers in Malaysia has been a nagging concern of international human rights watchdogs.

Right now, the newly minted Malaysian prime minister is focusing on ties with his immediate neighbours. Anwar flew to Jakarta last week on his first official visit abroad, and he is scheduled to visit Singapore and Brunei at the end of this month.

His strong statement in Jakarta could be an indicator of how the largest issue between Malaysia and Bangladesh – euphemistically called labour mobility – is going to pan out. He announced that Malaysia and Indonesia have both agreed to further strengthen the protection of migrant workers, who number more than a million at the moment.

Admitting that there were some issues that have hurt the feelings of the Indonesian people as well as their government, he said the solution must be more comprehensive so that workers will be protected.

Anwar added that both sides would ensure that employment agencies do not make a high profit by exploiting migrant workers. Now, this is indeed a very serious issue affecting workers from Bangladesh, with lots of abuses involving agents in both countries.

The hurt feelings he spoke about



Unfortunately, we have heard of far too many setbacks involving Bangladeshi workers in Malaysia.

PHOTO: STAR

are an open secret. Serious abuses of domestic workers in the past in Malaysia, though not rampant, had been the bane of the ties between the two neighbours. In addition, cases of non-payment of wages have compounded the problem.

Now that Anwar seems to be prioritising this human aspect by making it his first announcement, Bangladesh too should visit him or invite him to Dhaka, since among the estimated four million foreign workers in Malaysia, a quarter or more of them are Bangladeshis.

It is obviously time to revisit the five-year Memorandum of Understanding (MoU) on the intake of foreign workers that was signed by the two countries in 2021 to improve protection.

Unfortunately, we have heard of far too many setbacks involving Bangladeshi workers in Malaysia. These include poor working conditions, unacceptable living environments, non-payment of wages and being

treated without dignity. According to the definition of the International Labour Organisation, the companies involved with these are guilty of forced labour.

There were cases of many Bangladeshis who reach Malaysian shores by using their hard-earned savings and even mortgaging their properties, with high hopes of

permission to 25 agencies to recruit workers.

Calls are growing for a system that no longer limits the number of recruitment agencies and ends the involvement of the two "cartels" that rake in billions annually from forced labour and exploitation. There are also allegations of human trafficking syndicates that cause the misery of

returning with better fortunes. Some of them then ended up as victims of human trafficking syndicates and unscrupulous recruitment agents.

There have been positive changes in this area over the last several years, thanks to international human rights group and activists exposing many employers, including multibillion-dollar companies, which led to the US Customs Border Protection Agency to ban products from some of these firms.

This resulted in a number of them rectifying their mistakes and treating Bangladeshi and other foreign workers with a semblance of dignity. These firms were then taken off the list, although a few recalcitrant ones are still on the blacklist.

However, both countries need to do more. An international watchdog has claimed, as recently as a few weeks ago, that the inflow of foreign workers from Bangladesh to Malaysia is still being monopolised by two power brokers. This is despite the MoU that gave

thousands of Bangladeshi migrants, as well as of corruption in the recruitment system that has lined the pockets of government officials of both countries.

Hence, it is of utmost importance that Bangladesh plays its role as a responsible source country by preventing its agencies from exploiting their citizens even before they leave for Malaysia. The blood, sweat and toil, in addition to their sacrifices of being oceans away from their loved ones, should not be in vain. They must be protected.

With Anwar's announced stand on inhumane treatment and abuse of foreign workers, it would be timely for the Bangladeshi government to capitalise on this, and his intent to protect its citizens working in Malaysia for a meagre monthly salary of RMI,500.

But it has to be a two-way action. Both Malaysia and Bangladesh need to jointly tackle this issue to weed out the flesh trade, so to speak.

Tackle the plastic tide with proper waste management in Bangladesh



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SUMAYA RASHID

Almost everything in our daily lives involves plastic in some way. Whether it's toothbrushes, a fan's control panel, medicine or packaging, plastic is ever-present as an essential component. Responsible plastic use involves using it for a long time before it is recycled or discarded. On the other hand, due to the dearth of an efficient waste management system, single-use plastics like sachets, cutlery, wraps, etc continue to significantly damage the environment.

Plastic use in Bangladesh is increasing relentlessly. From 2005 to 2020, Dhaka's daily plastic waste saw a mammoth spike of around 260 percent, from 179 tonnes to 646 tonnes, of which only around 37 percent is recycled. A recent study by Chittagong University of Engineering and Technology found that Chattogram city produces around 249 tonnes of plastic waste on a day-to-day basis, which could go up to 428 tonnes per day by 2052. A whopping 56 percent of Chattogram city's waste remains uncollected.

The current situation makes Bangladesh one of the top countries in the world in mismanaging plastic waste. Harmful effects of this include generation of toxic gases like ethylene and methane, which increases daily temperatures. Discarded waste also ends up in waterbodies, landfills, beaches, and so on. This affects the

climate of our country, which in turn makes us responsible for causing harm to the entire planet's ecosystem.

In other countries, particularly in Europe, plastic waste management is often done through a green taxation policy, which gives companies incentives like tax reductions to recycle and reuse their waste. In India, the government has implemented the Extended Producer Responsibility (EPR), a policy approach under which producers are given a significant responsibility – financial and/or physical – for the treatment or disposal of post-consumer products. This has forced leading beverage companies like Coca Cola and Pepsi, among others, to comply with the policy, which in turn has benefitted both the companies and the government.

In Bangladesh, the Department of Environment (DoE) drafted a statutory regulatory order (SRO) in 2018 to introduce EPR in Bangladesh. As per the SRO, producers are to collect used packaging material by themselves or by some contracted third party. In addition, producers are to submit a plastic waste management plan during the application for an Environment Clearance Certificate (ECC), and submit information about recycling or treatment during renewal of the ECC. While the SRO was a step in the right direction, the policy is yet to be introduced for the industry.

Unfortunately, we don't see either tax incentives or regulations in Bangladesh that make it mandatory for companies to obey certain environmentally conscious rules. Such rules lead to compliance to protect the environment, as well as business sustainability. Companies and organisations often need more clarity on what's permissible to use in the production phase of plastic products.

To implement such policies, we must ensure proper infrastructure is in place. Currently, there are around 300 plastic recycling factories across the country that are producing plastic flakes from scraps. Out of these, 80 factories export around 40,000

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tonnes of flakes annually. This goes to show that there remains a lot of scope to build more such facilities, which can not only recycle PET bottles but also other plastic products to create recycled packaging, including internationally accredited food-grade recycled plastics.

In order to do this, two things are

needed as prerequisites – a relevant designing process of plastic bottles from the companies that makes sure less plastic materials are used in production (reducing the size of bottle caps, changing the shape so the discard option is easier, etc can be part of this). From there, companies can initiate partnerships with entities like city corporations' waste management services, private firms, and NGOs involved in collecting trash, giving necessary training and workshops if needed so that discarded plastic can be separated in the trash and sent to recycling facilities. Even then, there remains the hurdle of sourcing recycling machinery, which is quite difficult to find and needs to be imported at high costs. The government's help in sourcing these would be of great help in our battle to manage plastic waste.

While different initiatives from major companies in Bangladesh, like Unilever, Pepsi, Akij and Coca-Cola, is laudable, ultimately this alone won't be enough to tackle the plastic pollution menace. The government needs to come up with the right framework and implement policies by cooperating with companies that are the top producers of plastic waste.

As our economy grows at an impressive speed, we are poised to see more international and local companies start businesses in Bangladesh, contributing to the development of our country. If the right framework is created by discussing it with the relevant parties, it will help the government achieve its National Action Plan for Sustainable Plastic Management based on the 3R approach of Reduce, Reuse and Recycle, which includes goals like recycling 50 percent of plastics by 2025.