

**Unjust Justice: An Exploration of the Case of Rizana Nafeeq with
Reference to Kalaivaathy Kaleel's *Rizana***

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Abstract:

An innocent young girl of seventeen, named Rizana Nafeek, was mercilessly executed in Saudi Arabia on charges of having killed a baby boy. Rizana Nafeek's name has become synonymous with migrant women domestic worker's rights, miserable condition in homeland and inhumane treatment in foreign land. Her fatal fate drew worldwide denunciation and a deluge of sympathy globally - beyond nationality, race and religion. The loss of a cherished blameless life and the lack of respect for migrant women stirs the humanity of the author, Kalaivathy Kaleel from Sri Lanka to vent his feelings through the short story *Rizana*, published in *Words Without Borders* to voice against human trafficking, the failure of Sri Lankan government to secure the legal rights of its nationals abroad and against the general

exploitation of women. The work has been translated to English by Kailayar Sellanainar Sivakumaran in order to prevent another incident such as Rizana's to occur due to ignorance or inactivity. The author stresses the need to uphold the rights of any woman and ensure her safety in her own land as well as in foreign lands through the words of a character named Raazik.

Keywords: Rizana, Sri Lanka, domestic worker, migrant, Saudi Arabia, Capital Punishment.

1. Migration of Sri Lankans to the Middle East:

The rise in the number of migrant workers into the Middle East began in the early 1970's, with increase in petroleum production, which brought about a high demand for skilled and unskilled labour. As labour needs widened, service opportunities opened up for female workers as well. Oil importing countries began to send migrant workers to the Gulf as Organisation of Petroleum Exporting Countries raised the price of oil. Though slavery was abolished in Gulf countries like Saudi Arabia and United Arab Emirates around 1962-1963, contract slavery of domestic servants continues in the Gulf till date. As the oil importing countries receive lucrative economic benefits through labourers, they encourage the migration of female workers from their home countries to the Gulf. The attractive incentives and the restrictive contract systems turn female migrant domestic workers into slaves of their employers and they also provide an atmosphere conducive to exploitation and compulsive servitude.

At present, Saudi Arabia is the largest importer of migrant domestic labour, with about 40% of its population identified as migrant labourers. Domestic workers mostly emigrate from Asian countries like Sri Lanka, Indonesia, Bangladesh, India and Philippines, who willingly or unwillingly choose to leave their families for a number of economic and social reasons. Of these countries, Sri Lanka ranks high in the export of domestic labour.

Sri Lankan women hold highest literacy rates and highest level of health care access in South Asia, yet they undergo various kinds of gender-based violence and gender-inequality. The existence of such unequal status of women in Sri Lanka is the major reason behind

women's initiative to migrate. Women within Sri Lanka are mainly employed in low-skilled and under-paid jobs with poor working environment. Sri Lankan women are used in unpaid family agriculture-based labour, in low-paying plantation jobs and in informal or non-unionised sectors such as garment factory labour and other areas which require heavy manual labour. Men are highly paid compared to women and are employed in relatively high paying sectors, such as coconut plantation, carpentry and masonry. Even women who work in these male-dominated sectors are paid meagrely in comparison to men.

Though Sri Lanka boasts in holding the highest literacy rate in South Asia, gender inequality exists at a higher rate in the poorest sectors of the society and with respect to higher education. The literacy rate among women and girls is lower than that among men and boys, especially among the residents of tea plantations and other socially backward areas. Sri Lankan females face hindrances to equality within one's own family and are neglected of protection from violence. "Marital rape is criminalised only when spouses are judicially separated. Sri Lankan divorce laws are fault-based, and since these laws do not consider cruelty and physical ill - treatment as grounds for divorce, women seeking divorce from an abusive spouse often have few options available to them." (Human Rights Watch, <http://www.hrw.org/sites/default/files/reports/srilanka1107webwcover.pdf>)

2. *Reasons for Migration of Sri Lankan Women:*

Migration is largely looked upon as a survival strategy undertaken out of desperation by the thousands of Sri Lankan women migrating to various parts of the world, especially to the Gulf to work as domestic workers. Financial necessity stands as the major factor behind the migration of women. Though many women hold a tenth or twelfth grade education, they remain un-employed or under-employed in their own soil, before migrating to and after returning from the Gulf. When Human Rights Watch interviewed such migrant women, they accepted that they deliberately chose to survive in a land away from home for various reasons, such as, "to build house; pay-off family debts; escape from an abusive spouse; pay for education related costs for their children; pay for the care of sick; un-employed or elderly relatives; provide dowries for themselves, siblings or their children; meet their families' daily needs for food, shelter and clothing; replace family resources depleted by an alcoholic male member; and so on"(Human Rights Watch, <http://www.hrw.org/sites/default/files>

[/reports/srilanka1107webwcover.pdf](#)). The primary female bread winners such as the divorced and widowed have no better choice than migration.

Pushed by these factors, women pledge themselves to incur extortionate debts and pay exorbitant fees to recruitment agencies to process their migration. Placing their entire faith upon employment agencies, migrant domestic workers, especially women, contractually bond with employers, leaving themselves susceptible to abuse, exploitation and at the least treachery. As slavery is abolished in countries like Saudi Arabia, contracts are used to legalize the migration process. A migrant to Saudi Arabia needs to secure a visa through a legal method of sponsorship, known as *Kafala*, which binds the migrants to the sponsors/employers legitimately. Though, the contract enables both the worker and employer to break the legal contract at any phase of the contract term, the apparent equality is a deceptive tactic. The sponsor is at liberty to cease the contract however if the employer breaks her legal bond, the purchase of return ticket is her sole responsibility, which would otherwise be provided by the employer.

The migrant worker is also liable to pay fine to the recruitment agency. Such a manipulative system of sponsorship lays the fate of the migrant worker upon the hands of the employer, who can threaten her with the command of deportation. Once the migrant women set foot on the foreign soil, they are immediately obliged to surrender their passport to their employer. From then on begins the system of exploitation.

3. *Exploitation of Domestic Women Workers:*

Just like any Gulf country, Saudi Arabia households consist of extended families because of which work for an employee can be strenuous and grueling. The migrant domestic workers under multi-tasking, such as cleaning; washing; cooking; tailoring; taking care of children and the aged; and are mostly left to manage single-handedly. The arduous work hours extends from eleven to twenty hours a day. Cultural conflict, racial discrimination and sexual harassment add to the misery of such lonely women.

Domestic women workers are the ones most vulnerable to exploitation because of their individualised working environment. Physical violence ranges from rape to thrashing, in addition to the mental tortures of over-work, non-payment of proper wages and refusal of

days-off. Their living conditions deny them enough food and privacy. The government laws in such countries as Saudi Arabia are not migrant-friendly. The domestic workers have very few options to escape abuse. If they escape and lodge Police complaint, they are either returned back to the sponsor or arrested on charges of lying. Government run-away shelters too do not support such migrant workers. They provide shelter until they are taken back by the employer or until deportation. The voices of the workers remain unheard at any level of government organisations. The fear of deportation and increased abuse with return to sponsor after a trial of escape, binds the migrant workers to face abuse and exploitation in silence.

It remains an unfortunate reality that the women domestic workers enslave themselves voluntarily to improve their economic standards back at home. The blame cannot be solely put upon the workers, but once they choose to migrate and contractually bind for labour, their choices go restricted or non-existent. The promised wages are never paid and hence to pay-off debts, the workers who emigrate continue to renew their contract system of sponsorship thus placing themselves in a chain of abuse and exploitation of all means.

4. Kalaivaathy Kaleel's 'Rizana':

Kalaivaathy Kaleel's short story *Rizana* is a subtle exploration of the illegal measures undertaken by the agents to immigrate a young girl to Saudi Arabia as a domestic worker, the hard-ships faced by Sri Lankan migrant domestic woman worker, who was to work as a nanny as well and the consequences she faces as a result of being in an unknown country among unknown people who speak and write in an unknown language. Kalaivaathy Kaleel published his creative non-fiction, *Rizana*, rather than a short story, in *Words without Borders*, an online magazine for International Literature. The real-life incident of a Sri Lankan Muslim girl, Rizana; who was beheaded for the supposed crime of having killed a baby-boy; has been constructed as a plot studded with the writer's imagination, to be published as a short story.

Kalaivaathy Kaleel is a Senior Writer of *Navamani*, a Tamil newspaper. He hails from to Mannar, a large town in the Mannar district of Sri Lanka. He is a multifaceted personality who does the task of a writer, poet, painter and critic. He is of high reputation in Tamil literary circles existing in Sri Lanka. He has also written and published in a Tamil Weekly newspaper, *Vidivelli*. The Sinhala story, *Rizana*, has been translated to English by K.S.Sivakumaran. Kailayar Sellanainar Sivakumaran is a Sri Lankan based Tamil Hindu. He

began his career as a journalist; later became translator of Tamil for the Local Government Service Commission of Sri Lanka. ; was selected as relief announcer in Tamil for commercial service of the Sri Lankan Broadcasting Corporation; became a permanent translator at S.L.B.C; was later appointed as Assistant Editor and eventually as Duty Editor of S.L.B.C's Tamil news; and published thirty books in Tamil and two in English. At present he is Deputy Features Editor of *The Island*, an English Language daily newspaper published by *Upali Newspapers Ltd.* in Colombo, Sri Lanka.

Rizana showcases what might have been the situation back at home in Sri Lanka, while Rizana awaits her doom in Saudi Arabia. It hints at the unfair reasons that lead to the execution of an innocent girl who had hardly attained eighteen years of age. The setting of the story is socio-economic. The alteration of birth certificate of the minor-aged girl to be legally accepted to work in Saudi Arabia, the accusation of murdering a four – month old infant, her acceptance of the murder under duress, her miserable days in jail and finally her unjust execution has formed the basis of Kalaivaathy Kaleel's plot. The author incorporates his version of events that would have occurred at Moothoor in Sri Lanka's East province, the native of Rizana Nafeek; about seven years after her arrest. He sketches the characters of the inconsolable mother of Rizana, an agonized fiancé of Rizana and certain other villagers to create a dramatic sequence of the plot. Though Kaleel has chosen to present a real story, he has created a fiction by adding alterations of his own. The amendments he has incorporated to make it a fiction are to highlight socio-economic conflicts. The universal nature of women's hardships, unjust legal systems and human sufferings has been subtly indicated by the author. By presenting a real life in fictitious form, Kaleel has succeeded in exploring the various causes that lead to the final execution of Rizana Nafeek.

5. *Through Raazik's Eyes:*

Through the character of Raazik, Rizana's cousin, who was likely to marry her, the author enables the readers to comprehend certain realities. Raazik is under-paid at a multi-purpose store where he works, but he always has the intention of protecting Rizana. He contemplates how he would never have let Rizana go if he had known of her migration. The comment "... everything happened in secrecy" (Kaleel, <http://www.wordswithoutborders.org/article/rizana>) indicates the silent manner in which Rizana's birth certificate was altered to 'qualify' her to work in the Gulf. Raazik thinks not

only of Rizana but of several such women he has come across in his own country who face similar situation as Rizana. He compares the “women like Rizana who are awaiting death in Saudi prisons” (Kaleel, <http://www.wordswithoutborders.org/article/rizana>) to “cancer patients, anticipating death” (Kaleel, <http://www.wordswithoutborders.org/article/rizana>). He understands the justness behind certain women prisoners’ killing of their masters who raped them and forced them to remain silent. “He thinks of their choices: to speak and be driven away from home and then arrested for being without papers; or to stay, say nothing, and hope for safe return home” (Kaleel, <http://www.wordswithoutborders.org/article/rizana>). He is able to visualize the mental state of women, including Rizana, awaiting execution.

Raazik is a broad minded personality, yet his socio-economic condition entrusts him with little power to save his fiancé or any other woman. He is able to feel his incapacitated state and hence futilely hopes that Rizana shall return to Sri Lanka and become his wife. Raazik contemplates that “If only Rizana had revealed her true age, seventeen, she would not have left for Saudi Arabia. If only she had not left, she would not be in prison waiting for her death” (Kaleel, <http://www.wordswithoutborders.org/article/rizana>). The under-aged girls migrate as domestic workers with false birth certificates acquired by employment agencies without knowing the consequences of their activities.

Raazik learns that Rizana has faced the gallows in Saudi Arabia through the talk of the villagers at a grand wedding ceremony. It’s only after learning that the innocent girl has been hanged that the soft corner of the villagers arises for Rizana. Those who could spend lakhs of money on a wedding celebration had never cared for the backwardness of the fellow villagers. But now the entire village finds time to gossip about the entire incident with pathos. Some of the villagers readily blame the hard-hearted Arab- women, especially the mother of the dead child, as the sole reason for the execution of Rizana. Some also claim it as, “Its Allah’s wish. Why condemn the Saudis? Our Prophet said, Even if Fathima Nayaki stole I would cut her hands. Under the Sharia Law, the king and the pauper are equals.” (Kaleel, <http://www.wordswithoutborders.org/article/rizana>) They try to justify the act in the name of the Lord and Sharia Law. But some wise and daring person in the crowd rightly questions the very community in which Rizana was born and brought up. Prior to blaming a foreign land, its citizens and the Sharia Law, it is their own country and fellow beings that need to be questioned. In the first place, the villagers let a child in school migrate with false birth

certificates to an unknown country. The only reason she had to leave her land was the poverty that shook her family. She was in a pathetic situation to support the members of her family financially. The blame needs to fall upon the well-to-do villagers who could have looked into the happenings of the economically suppressed family. A journalist of a newspaper who was present at the wedding hall says, “Did anyone care for her leaking hut in a corner of her village? Her head would have been safe had we concerned ourselves with the plight of her family.” (Kaleel, <http://www.wordswithoutborders.org/article/rizana>) The inert manner in which the political leaders dealt the case with Saudi Arabia is also hinted at. The ministers from Sri Lanka visited Saudi Arabia and claimed that Rizana would be released soon. The villagers, including the family members of Rizana believed them. But later the villagers, irresponsibly say, “All that was empty talk with not much ado”. (Kaleel, <http://www.wordswithoutborders.org/article/rizana>) Once the crowd had enough words to sympathise with Rizana, they return casually to the sumptuous and expensive meal arranged for the wedding, except for Raazik who leaves without attending the feast.

Finally Raazik is seen praying to god, “Let this news be false.” (Kaleel, <http://www.wordswithoutborders.org/article/rizana>) He sees her hut submerging in the tears shed by her loved and dear ones. He recollects the moments about the hut in which he had met and loved Rizana. He highlights the absence of ministers or any other politically influential person. Only the lamentations of the family members thrive. Whatever was the truth behind the case, Rizana’s life has come to an end and her absence in the family stands just like the hut- irreparable.

6. *Universality of Rizana’s case:*

Rizana presents that the denial of women’s right, abject poverty, unjust judicial system and inhuman treatment are universal. The economically and socially backward people remain suppressed and are neglected or exploited not only when they turn out to be migrants but also within their borders. The voices of such citizens are unheard even within their own society. Rizana who lived in Moothoor in Sri Lanka migrated to Saudi Arabia not to bring respect, dignity or credit to her family and society but for economic benefits. If that monetary help had been rendered by her wealthy villagers, she would not have emigrated and would have lived with her family members till date. “Robbed of her youth, freedom and dignity, Rizana was a victim of circumstances, an immigrant, a maid, and a child-exploited by

traffickers and a legal system predisposed against her.” (Rajasingham, <http://www.asiantribune.com/node/69645>)

In spite of the ethnic conflicts that exist in Sri Lanka, the fate of a Tamil girl has been sketched into a short fiction in Sinhalese as a picturization of the real circumstances under which the execution occurred. The sorrowful death in Saudi Arabia of the little girl from Eastern Province in Sri Lanka has touched the hearts of the entire nation, including the writer, Kaleel. Although death and loss was a continuous experience in a war-torn country like Sri Lanka, the solitary execution of the innocent girl belonging to an impoverished family has impacted largely in the collective consciousness of the nation. Everyone, both Tamils and Sinhalese, wanted Rizana to be freed and returned safely to Sri Lanka. This however failed to happen and even her mortal remains are buried in Saudi soil.

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