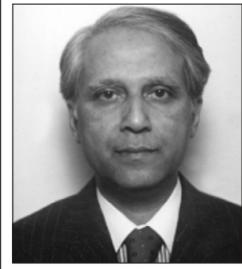




Save the Children and The Daily Star jointly organized a roundtable discussion on 3rd July 2010 titled "Children's Right to Information in Bangladesh in the light of right to Information Act 2009" to discuss the issue with civil society and draw recommendations on how to design provisions for children to ensure their right to information. Shameem Reza, Professor, Department of Journalism and Mass Communication in Dhaka University presented the key note paper on the occasion. Obaidul Kader, MP and chairperson of parliamentary standing committee on information was present as the chief guest while Professor Sadeka Halim, information commissioner, spoke as the special guest. We publish some important recommendations below. --Editor

## Message



"Right to information is an integral part of human rights that empowers people, particularly children. This is especially pertinent for Bangladesh where almost half of the population is children. This right will enable them not only to access to required information but will also assist in their intellectual growth.

I believe that everyone should share in the constructive engagement of ensuring children's right to information. In this context, the Right to Information Act 2009 should be considered as the first step towards the facilitation of this promise.

I believe that the efforts undertaken by Save the Children and The Daily Star will help in the fulfillment of this expectation."

**Ambassador (Rtd.) Muhammed Zamir**  
Chief Information Commissioner  
Information Commission Bangladesh

## Right to Information Act 2009 (RTIA), United Nations Convention on the Rights of the Child (UNCRC) and children's right to information in Bangladesh.

Freedom of thought, conscience and speech is recognized in the Constitution of the People's Republic of Bangladesh as one of the fundamental rights. Since right to information is an indispensable part of freedom of thought, conscience and speech an Information law would make provisions for ensuring free flow of information and establishing people's ownership of public information. Such law should particularly benefit those individuals and communities whose rights are yet to be implemented fully, and particularly who are most vulnerable and marginalized, such as the children and young people.

Despite government and NGO interventions to implement

ment and development partners.

### Children are most affected during disaster

Children and women are worst victims of calamities in Bangladesh. Global climate change too will have profound impact on the lives of children, young people and women in many ways. Children's vulnerability to natural disasters was evident in recent catastrophes, such as Cyclone Sidr and Aila. Under an Article 19 project seeking to strengthen access to information in the context of disaster response and climate change, a study (Reza 2008) conducted in the Sidr affected areas shows that there was a dire need of access to appropriate information for people in general and children and women in particular to prepare themselves before the cyclone hit. In fact, there was a lack of specific and targeted information for chil-

## Message



Children's right to information is an important issue which needs more discussion and dissemination. In our country illiteracy causes poverty and then poverty causes illiteracy like a vicious circle. To enlighten the children through proper information would mean diminishing illiteracy and therefore, eradicating poverty. As Mother Teresa said, "Loneliness and the feeling of being unwanted is the most terrible poverty," the feeling of exclusion will undermine our children and youngsters doing only harm to our future. Right to Information Act 2009 is a very good law that has been implemented and there is always scope to amend it whenever required for the inclusion of children's right to information. I express my best wishes and solidarity to Save the Children and The Daily Star in their endeavour to assist children in Bangladesh to realize their right to information.

**Obaidul Quader**  
MP  
Chairman  
Parliamentary Standing Committee for Information.

child rights in Bangladesh, thousands of children are still deprived of their rights. Development planning and policies do not or insufficiently reflect child rights perspectives. Various socio-political conditions, in which children live and grow, have also put them in a course of social exclusion. A right to information law would give children as the most deserving portion of the population the right to seek, receive and impart information which could have been crucial in reducing vulnerabilities in their lives and ensuring rights promised by the state party under UNCRC.

The Right to Information Act (RTIA) 2009 was adopted in the first session of the 9<sup>th</sup> Parliament on 29 May 2009 and consented by the President on 5 April 2009. It came into effect with the gazette notification published by the government on 6

April 2009 aiming that the act will contribute to ensuring transparency and accountability, reducing corruption and facilitating good governance. This information act overrides inconsistent provisions in other laws, such as in the Official Secrets Act of 1923, the Evidence Act of 1872, the Rules of Business of 1996, and the Government Servants (Conduct) Rules of 1979. It also provides an independent Information Commission with broad powers to remedy failures to implement the law.

### Empowerment through information

Proper information contributes most to the empowerment of children. In every sector i.e. education, health, social protection or law enforcement, children become more empowered when they know where to knock for help during need. Also they become empowered to protest against any kind of violence or right violation. Some of the children who have the opportunity to receive education may have information although that is very limited. For the disadvantaged children, they are always devoid of information and therefore, less empowered.

## Message



Children are as important part of the community as adults are. However, because of the absence of a helpful society and environment children fail to comprehend their own significance. For example enrollments of students in public schools are quite up to the mark, yet the drop-out rate is very high, the majority of which are girls. A main cause for such consequences can be lack of security for girls and also proper information. Therefore, we need reliable information to stop exploitation and deprivation of children. We can use the experience and good practices in other countries regarding children's right to information and related issues to address the exploitation of children. Inclusion of children's right to information in Right to Information Act 2009 can help children to access information properly. We can promote our views and the importance of children's right to information not only with the help of higher authority but also through documentaries, dramas, campaigns, and stage shows. I wish all the best to Save the Children and The Daily Star in their initiative and do hope all authorities will be brought together to work for ensuring children's right to information.

**Professor Sadeka Halim**  
Information Commissioner  
Information Commission Bangladesh.

The government has already appointed, under Article 15(1) of the Act, a three-member Information Commission, as an important step towards the implementation of the peoples' right to access information. The law covers government offices down to upazila level. It is now generally hoped that the law will contribute to increase transparency and accountability in government offices and public funded organisations, which among others include non-government organisations (NGOs) using foreign funds.

Save the Children is the leading child rights organization working all over the world for children. It envisions a world in which every child attains the right to survival, protection development and participation. In Bangladesh save the Children works closely with the government on different issues related to children's lives.

Save the Children believes that there should be special focus on children in the Right to Information Act to ensure their right to information which is stated directly in article 17 of the United Nations Convention on the Rights of the Child (UNCRC) while article 12, 13, 14, 15 and 16 state children's right to information indirectly.

### Why children's right to information need special emphasis

**Children are half of the population**  
The total population of Bangladesh stood at 130 million at the time of last population census in 2001. According to the government statistics (BBS Census 1991 & 2001), 13 percent of the total population being under 5 years of age, 38 percent under 15 and 47 percent under 18 years of age. Despite government and NGO interventions and certain achievements have been made, the state of child rights remains rather poor. Thousands of children are still facing barriers to healthy and safer lives. Children in Bangladesh continue to be victims of poverty and inaccessibility to basic resources, such as food, shelter, health and education (Alternative UNCRC Report 2007, Manusher Jonno). Access to public information and easy ways to receive information on health, medicine, education, shelter, for example are vital for children to take benefits of facilities which have been either promised or provided by the govern-

### Information enables children to make decision

Children need information to make decision on issues related to their lives. They need information to form their own views and to express those views. When provided proper information children can participate in the decision making at every level.

### Government's obligation towards UNCRC

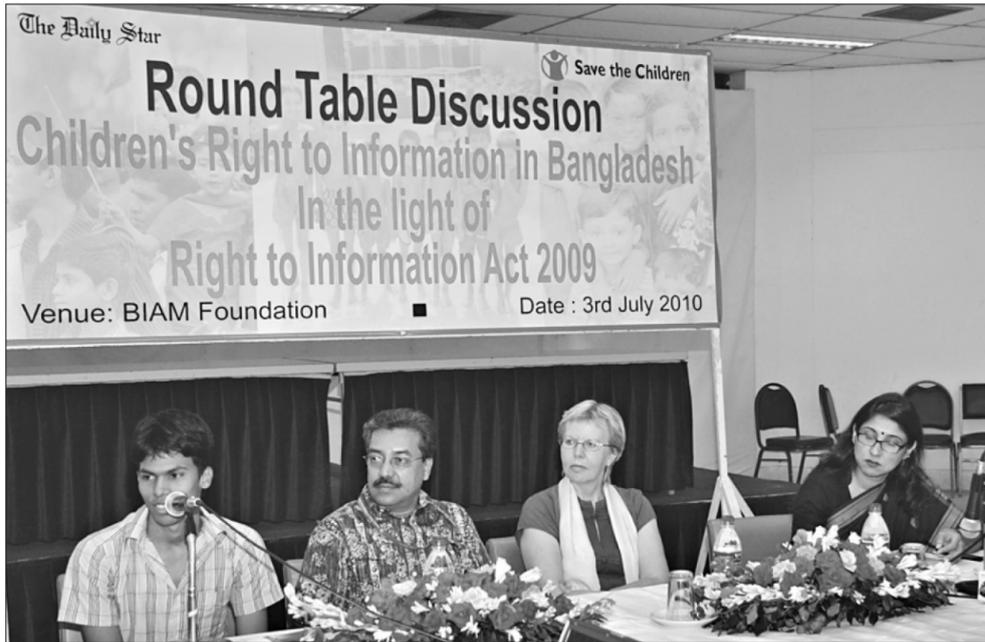
Bangladesh is one of the first signatories of the United Nations Convention of the Rights of the Child (UNCRC) and ratified the convention in August 1990. Bangladesh also ratified two Optional Protocols to the CRC imposing ban on the sale of children and barring children's involvement in the armed conflict. This reflects the willingness of the country to incorporate child rights approaches in its development planning. At the same time, Bangladesh as the State Party has placed before itself the challenge to implementing the CRC.

As Bangladesh ratified UNCRC the government is periodically submitting report on the implementation of the Convention to the committee on CRC. Therefore, it was assumed that there would be due reflection of the rights of the child in the Bangladesh Information law. Unfortunately, nothing is found in the RTIA that specifically speaks of children's rights to information though it is strongly mentioned in UNCRC. The article no. 12, 13, 14, 15, 16 and 17 partially or directly mentions about children's right to information. Although the act mentions the generic word "Citizen" or "People" who will benefit from the provisions to access information (which also includes children), there was an acute need for a specific mention of "Children" and their rights to public information.

It was the obligation of the State Party to ensure the reflection of the rights of the child related to the right to information and freedom of expression in the Information legislation. Now it is a responsibility of the government to take necessary measures for incorporating in the act children's right, which includes "the freedom to seek, receive and impart information" (Article 13, UNCRC) and make provisions so that they (children) can access information in the most convenient and child-friendly manners.

### Constitutional obligation

Under the Fundamental Rights (Part III) of the Constitution of Bangladesh, "All citizens are equal before law and are entitled to equal protection of law" (Article 27). At the same time, in article 28 (4), the constitution gives special rights to children and women stating "Nothing in this article shall prevent the state from making special provision in favour of women or children or for the advancement of any backward section of citizen".



The Study: "Children and Freedom of information in Bangladesh: Analysing Reflection of Child Rights in the Right to information Act 2009"

To review the entire context of children's right to information in Bangladesh, Save the Children initiated a study titled Children and Freedom of Information in Bangladesh: Analysing reflection of Child Rights in the Right to Information Act 2009. The study was done by Shameem Reza, professor Dhaka University on behalf of Save the Children. Outcome of the study were shared in the round table which included the following recommendations.

- Incorporation of 'children' in the preamble and in other relevant sections/articles of the act is needed.
- Special emphasis should be given on 'children' in the act as part of the government's obligation and commitment to UNCRC.
- There may be at least one 'special information unit' for children in every head office, divisional office, regional office, district office or sub-district (upazila) office of any department, directorate or office attached to or under any ministry, division or office of the government.
- 'Special information unit' at the head office, divisional office, regional office, district office or sub-district (upazila) office would require to have an officer in charge (having orientation in child rights and CRC for example) to deal with children's application or request for information.
- Officer in charge for children and information may liaison or coordinate with other officers or 'information providing units' at, divisional office, regional office, district office or sub-district (upazila) office.
- RTIA 2009 should make provision in favour of children living beyond Upazila level for example, in Union Parishad and rural areas, charland, and areas which are not easily accessible in terms of geographical locations.
- Special arrangement of cataloging of information for children affecting issues in connection with children's education, health, justice, environment, recreation cultural, mental and social growth should be done.
- Special preservation and cataloging system should be designed and implemented in child-friendly manners, so that children can access them easily.
- Information Commission has been given broader authority not only to remedy the failure to implement the law, but also to frame instructions and give directives to authorities. It should frame instructions to design the management and preservation taking into account the special needs of children.
- In the 'Rules of Business', there can be social provision for children to access/receive and inspect (wherever necessary), for disable, children living in union or village level, street children etc.
- Both as part of voluntary and non-voluntary disclosure, there should be child friendly versions of documents and formats, so that children can easily read, understand and use information beneficial to them.
- Any decision relating to children's protection, survival and development should be disclosed in child friendly ways and explained in the logic, language and format considering the level of knowledge, availability of medium and understanding of children.
- It is imperative that necessary arrangements and measures are taken for inspection and collecting copies of information, so that children get them free of cost. In case costing is involved in the processing of information document payment should be determined considering children's ability to pay.
- Non-military aspects should not be exempted completely as they may be related to child rights for example, trafficking of children and other issues. Ideally, all 20 categories of exemptions require to be reviewed in both macro and micro context of child rights.
- If 'privacy' is related to the violation of child right, or abuse, and if such issue affect child protection and seriously hampers a child's life, the provision of protecting privacy and reputation should be re-examined.
- The issue of one's privacy may also be rethought, if an incidence is about sexual harassment of a child, or if that hamper the growth and increase vulnerability of children.
- It could have been better, if this exemption is not applicable for summaries, decisions and documents relating to children or child rights.
- There is a need of provision for children who want to request for information verbally, for example. Some of them may not have an email account or a formal address. Scopes should be there so that disadvantaged children are not deprived of the benefits of RTIA due to lack of a formal approach, address or identity.
- There should also be provision for parents, guardians and relevant stakeholders who are illiterate or do not have access to email to request for information on child right issues (for example, they may visit the information unit/officer and explain the need to him/her).
- Information Commission may think of providing instruction for appointing or delegating at least one expert in child right (may be at least one officer at every at the head office, divisional office, regional office, district office or sub-district (upazila) office.
- Officer in-charge (especially to look after children's information queries) may take interviews of children for arranging an inspection, if needed.

- If processing of certain piece of information for children involves costing, child rights organisations may pay the fees.
- The government, in consultation with the Information Commission if necessary, may exempt an individual or a class of individuals or any other class from paying fees for information. In this relation, 'children' can specifically be mentioned here as a class of individual who has the right to get the benefit of receiving information free of cost.
- There can be a list of information for children mentioning the categories or types of information to be supplied free of cost.
- Procedure for providing information: this positive provision in the act could have been enriched with the specific mention of children.
- For children, the provision for receiving information could be shorter. Also, scopes should be there for children to receive information in less than 30 days, if more than one authorities are involved.
- There is a great need of special mention of children in the emergency provision. Not only life and death or arrest, but the scopes of emergency provision should also be extended for children in other cases.
- Where payment is necessary for receiving certain types of information, longer period should be given to children for paying fees. Best would be to exempt fees for certain types of information.
- The portion of the information that is not prohibited and is reasonably separable from the portion that is not mandatory for publication shall be provided particularly to children.
- Where access to the record is required to be provided to a Indrio Protobondhi (sensory impaired) the Officer in charge shall provide special assistance to him/her to enable to access such information, including such assistance as may be appropriate for any inspection.
- Information Commission may provide directives to all government departments concerned and NGOs and other organisations obliged to give information under the law to appoint/designate officers who will specially deal with children application seeking information. As mentioned in earlier sections, at least one expert in child rights at the head office, divisional office, regional office, district office or sub-district (upazila) office can liaison with other designated officers.
- Information Commission (IC) may suggest the government to make arrangement for incorporating special provisions in RTIA 2009 in favour of children.
- IC may suggest the government offices and public-funded organisations to comply with relevant articles in UNCRC on children and their access to appropriate information. Information Commission too has a responsibility to help implement UNCRC. The convention has specific provisions for enabling children to access proper and useful information.
- IC can provide directives for child friendly publication; and publicity of information suitable for children;
- IC may take measures to make special arrangement for children intending to apply for information by making the application format and procedures easy and child-friendly.
- IC should make a list stating the categories and types of news which can be delivered to children for free. As mentioned earlier children should have the privilege of late payment, in case processing of information, which has been sought for involves costing.
- IC would facilitate research on children and their right over information. This kind of research would be targeted towards harmonizing with international instruments for child rights, like UNCRC.
- IC has got a responsibility to initiate awareness campaigns on children and access to information. It can in collaboration with government and nongovernmental organisations, including child right NGOs hold workshop, seminar round table and other programme.
- There should be a special website for children or as a first step section of website on RTIA, which IC is likely to run can be targeted towards children.
- There should be a clear mention of children in this article(s) and the scopes of definition may be expanding by including issues of child right relating to their security, protection and survival.
- The guests in the round table expressed their support to the recommendation mentioned in the study while adding few more from their part:
- Media should recognize children's right to information as an important issue and take strong initiative for popular mobilization in favor of children.
- Lack of coordination among different ministries, GoB and NGOs should be reduced for better implementation of children's right to information.
- Involvement of Civil Society can ensure children's right to information in the region.
- Commitment on the issue should be fulfilled by the politicians.
- All the government should take children as reproductive citizens and emphasize more them for their development
- There should be law to ensure that law enforcing agencies explain the reason for arresting a child.
- Specific help line can be developed for children to get necessary information on different child related issues.
- Awareness should be raised in the government sector regarding children issues among.

## Message



Save the Children Sweden-Denmark has recently undertaken a Study titled "Children and Freedom of Information in Bangladesh: Analyzing Reflection of Child Rights in the Right to Information Act, 2009". Children's right to information is not a luxury but very important for their development. Children in Bangladesh could only become productive citizens when they have access to information regarding the issues related to their lives like health and education. We believe that this study will become the stepping stone for advocacy to include special provisions for children in the 'Right to Information Act 2009.' I do hope that the children in Bangladesh will be able to claim their right to information which will eventually lead them towards being productive citizens.

**Birgit Lundbak**  
Country Director  
Save the Children Sweden-Denmark