

RTI IN BANGLADESH

# We need an independent and neutral Information Commission

SHAMSUL BARI AND RUHI NAZ

FROM its onset in early 2020, the Covid-19 pandemic has damaged trust in governments. As governments fumbled with different approaches, citizens' distrust of them increased in tandem. Allegations of misinformation, disinformation and lack of information polluted the atmosphere.

The chaos, however, gave hope to transparency enthusiasts that the experience would help governments realise the extraordinary importance of proper information sharing in democratic governance and hence the need for them to pay greater attention to proper implementation of the Right to Information (RTI) Act. Sadly, there was no indication of this in Bangladesh during the observance on September 28 of the International Day for Universal Access to Information. The statements and utterances made at various gatherings and seminars organised for the occasion provided no indication that the three key stakeholders of the RTI regime in the country—citizen groups, the government, and the Information Commission—had drawn lessons from the Covid-19 experience. An important opportunity was lost.

Citizens' groups could have drawn focus on glaring examples of lack of transparency on many aspects of the government's handling of the crisis. Instead, a handful of NGOs involved in promoting RTI stuck to their usual concern about obstacles that citizens regularly encounter in using the law. In their submission at the meeting organised by the Information Commission, where top government officials were present, NGOs demanded remedial measures but lacked vigour and direction. With a law more than a decade old, such deference to public authorities, including the Information Commission, must come to an end. It's high time citizens considered collective measures, however politely, to seek removal of the impediments they have endured for a long time.

Reports on other activities NGOs organised for the occasion revealed they are

still largely focused on awareness-building. However, the law is yet to make an impact on peoples' minds and the little practice that has emerged is limited to a small number. This is evident from the fewer than 8,500 RTI requests recorded annually in the country. As a result, except for a handful of persons who have used the law and, therefore, are aware of the obstacles they must encounter, there are not many who would agitate for remedial measures. In neighbouring India, on the other hand, the RTI law has gained so much traction among the population that when the government simply flagged an intent to amend the law last year, hundreds of agitated citizens took to the streets to thwart the process.

complainants who see it to be their last bastion of hope in obtaining information from recalcitrant public officials. There is a general consensus among RTI watchers in the country that the implementation of the law would be greatly helped if the commission could take appropriate measures to deal with citizens' concerns voiced over the years. Establishing a regular dialogue with NGO representatives and RTI enthusiasts and activists will facilitate the process.

The Information Commission, like public authorities generally, tend to see activists as nuisance and brush them off as troublemakers. It is important to remember, however, that activists play a particularly important role in the success of RTI law

*The law clearly states the importance of its impartial role in resolving disputes between citizens demanding information and public authorities refusing to supply them.*

the commission is able to shed its image of being a government body, which it is not. The law clearly states the importance of its impartial role in resolving disputes between citizens demanding information and public authorities refusing to supply them. But an image of impartiality cannot be created if the commission displays greater deference, as many allege, towards government officials in their handling of complaint cases. It cannot be created if the commission continues to send text messages to citizens as Govt. Info. Nor can it be helped by putting advertisements in newspapers where government officials and Information Commissioners share messages with the people side by side on the same page, with no representation of citizen groups. Neutrality should not only be practiced but also seen to be practiced. The RTI Act is a citizen-friendly law which clearly calls for a citizen-friendly Information Commission.

On its part, the government would do well to make its commitment to the law clear to the people, and more particularly to public authorities, on a regular basis. It can do so, inter alia, through a proper selection process of impartial Information Commissioners, as provided in the law. Installing a reward system for officials who discharge their responsibilities under the law properly would help the process. Assuring the commission of full freedom to apply the law, including penalising disobedient public officials, would be of added value. In addition, selecting at least one Commissioner with legal background would help greatly since the application of the law, particularly drafting decisions on complaint cases, which are of a quasi-judicial nature, requires legal acumen.

There can be no better way for the government to instigate beneficial changes in governance through non-revolutionary means than by helping citizens to do so through a seamless use of the RTI Act. It's time the law received the attention it richly deserves from all concerned.

Shamsul Bari and Ruhi Naz are Chairman and RTI Coordinator respectively of Research Initiatives, Bangladesh (RIB). Email: rib@citech-bd.com



PHOTO: COLLECTED

The more polite voicing of concern by the Bangladeshi NGOs was, however, offset by a hard-hitting article which appeared in this newspaper a few days later (October 4, 2020). In that piece, entitled "RTI requests and the reality on the ground", two RTI activists shared their frustrations about the RTI process and their sad experiences with concerned authorities. They cited examples of unfriendly, even negative, gestures by the Information Commission towards

in many countries. In some, they serve as paid agents to obtain relevant information from public authorities on behalf of their clients. Nothing in the law, including that of Bangladesh, proscribes them from doing so. In the US, the majority of information requests are submitted by paid agents. In Bangladesh too, a significant portion of RTI requests are submitted by activists and by individuals who are helped by NGOs. Just as politicians seek to represent people's concern

on governance issues, RTI activists promote the watchdog role of citizens as envisioned in the law.

The importance of activists for the promotion of RTI globally is evident from the existence of activist groups in most countries and of international forums where they exchange views and strategies. In fact, *The Daily Star* article mentioned before was posted on an important website and read by activists from all over the world. Activist groups collect information from such sources to draw their opinion on the implementation of the law in specific countries. These are then reflected in the data that UNESCO has been tasked to gather to measure the implementation of Sustainable Development Goal 16.10—which seeks to assess the efficacy of RTI law in national contexts. The Bangladesh data is expected to be submitted next year.

The government and the people must realise that the RTI Act is not aimed at unearthing corruption but to stop it from happening at all through systemic change. It is clear that such a realisation has not sunk properly in the minds of many.

To make that happen, it is the Information Commission that will have to play the key role. It must undertake serious efforts to remove obstacles identified by citizens so that they feel comfortable to use the law. This should not be difficult if, to begin with,

## Protests against rape give us hope. But is that enough?



TASMIAH T. RAHIMAN

AFTER the video of the Noakhali gang rape went viral, people from all walks of life were rightly outraged and joined online and offline protests demanding reforms in the relevant law against women and children repression

as well as the highest punishment for rapists. Not just the rise in incidents of rape but the sheer brutality of these crimes also sent shockwaves through the society. In the Noakhali case, the victim is a wife and a mother. She was stripped, gang-raped and beaten while it was videotaped by the perpetrators. What makes a rapist or rapists feel so empowered so as to videotape their own crimes and even release the clip to further dehumanise her? What makes them think they can get away with such heinous crimes (for, clearly, they wouldn't have released the video unless they thought so)?

I felt utterly helpless as I struggled to process the absurdity of the Noakhali case. So I started reading up on the root causes of rape and what makes a criminal go to such lengths. It is generally understood that rape can be addressed through strict laws, provided they are implemented properly—a vital requirement that, unfortunately, remains elusive in Bangladesh. But understanding this crime, and the criminals behind it, is also important in the fight to end the rape culture.

Before we dig into that, it's worthwhile to recall that at least 975 women were raped in the last 9 months, with 208 of them being gang-raped, according to Ain o Salish Kendra (ASK). Clearly, violence against women and rape has increased during the Covid-19

lockdown. As a society, we should be able to find a solution collectively, and detecting the rapist amongst us is the first step.

### Rapists start early

A *New York Times* article, published in 2017 at the height of the #MeToo movement, talked about an interesting approach adopted by Dr Samuel D. Smithyman, a clinical psychologist in South Carolina. For his PhD thesis in 1976, he put up an advert on a newspaper asking rapists to call him, in order to understand "Why men rape". In the end, he conducted 50 interviews of "undetected" rapists. The idea was, unless we understand a criminal's behaviour, it will not be possible to understand the kind of crimes they commit. However, according to the article, rapists start non-consensual sex much early in life. They are also associated with others who share similar opinion regarding violence against women. Rapists who do not feel guilty also tend to be repeat offenders.

While I was reading this article, I was reminded of a Netflix series titled *13 Reasons Why*, which deals with a teenage girl who was raped and eventually killed herself. The perpetrator in question was a rapist who repeatedly committed the crime in school, while his friends remained quiet. Many such boys roam around our girls, and yet we are unaware. It is important to teach our girls how to detect the undetected rapist, through active communication and dialogue. Girls should be able to speak up when they feel uncomfortable, instead of being shamed or silenced.

### Rapists feel entitled to harass/abuse women

According to Antonia Abbey, a social psychologist at the Wayne State University in the US city of Detroit, many rapists think that women and girls often play hard to get. They

*Numerous movies, both home-grown and imported from Bollywood, show variations of a love story where the hero would "harass" the heroine in broad daylight, accompanied by his dancing troops, and in the end the heroine would fall into his arms. These movies had set in motion a gradual process of acceptance of such behaviours as "harmless".*

are seen as sex objects and thus dehumanised. They are also thought of as inferior beings, and men who are rejected by them cannot handle that. As a result, men feel entitled to throw acid in their faces, harass or abuse them as they come from school or other places, sometimes in broad daylight, and even feel entitled to walk into their houses to rape them, etc. Through our tolerance or rather acceptance as a society, we have allowed rape and other forms of abuse and violence against women to be normalised.

### Rapists are being enabled

We have had sexual harassment and rape normalised to a point where such incidents

no longer produce shock, unless something jaw-droppingly awful happens, like the Noakhali incident. On any given day, rape for us is just another news item on the back or inside pages of a newspaper. This lack of sensitivity and awareness, among other reasons, is what enables a rapist in the first place. This is what made Delwar Hossain and his Bahini feel they could commit the gruesome crimes with impunity. To be honest, thugs like them have been historically utilised for various crimes, to instil fear into their communities, and they are never arrested or tried until it gets too "embarrassing" for the powers that be.

Many societies and cultures, including ours, have this distorted notion about consent when it comes to love and sex—that women often say no but secretly have no objection. This notion is often promoted in mainstream movies and pornography. Numerous movies, both home-grown and imported from Bollywood, show variations of a love story where the hero would "harass" the heroine in broad daylight, accompanied by his dancing troops, and in the end the heroine would fall into his arms. These movies had set in motion a gradual process of acceptance of such behaviours as "harmless". Think of the 1990 movie *Dil*, where Aamir Khan harasses Madhuri Dixit at night but she eventually falls in love with him! Or think of the 2019 movie *Kabir Singh*, where a hostile medical student literally makes a girl fall in love with him, who remains in love despite being slapped on the face in broad daylight. How can these movies be allowed to be released? And how do they become so popular if we are not endorsing them or the behaviour promoted in them?

### Rapists have mental disorder

In 2017, Dr Shuvendu Sen, Associate

Program Director, Internal Medicine Residency, Raritan Bay Medical Center, explained the characteristics of a rapist in the *Times of India*. One of them is mental disorder, which can happen during childhood and in adolescent years. Detecting such behaviour early on is vital, as is treating it through behavioural counselling, psychosocial support and allied therapies. We need to cure these minds before they get damaged beyond repair. This would mean undertaking a concerted effort including forming a better education system (teaching students the harmful effects of patriarchy), having healthier communities as well as empathy from religious leaders, corporate offices and community organisations that will work together with the law enforcers so that potential rapists are identified, before they commit such crimes.

To conclude, these are but some of the many causes and characteristics responsible for our enduring rape culture. There are legal, procedural, political and even societal reasons for why such incidents are on the rise. We need to identify them and prepare accordingly. For a wider impact, we need to instigate systematic changes through the involvement of our homes, communities, educational institutions, faith leaders, NGOs, and above all, the administration. Today, the problem is so profound and widespread that ordinary people sometimes feel helpless and don't know where to begin. As I write this, people are demonstrating and protesting across the country against the rise in sexual crimes. People are now more aware than before, more vocal and united in their demand to end the rape culture. This gives me hope, but is hope enough?

Tasmiah T. Rahiman is in-charge, Skills Development Programme at BRAC, and an advocate of women's rights. Views expressed in the article are her own.

### ON THIS DAY IN HISTORY



OCTOBER 15, 1959  
Final conference on Antarctic Treaty

On this day in 1959 a final conference on the Antarctic Treaty convened in Washington, DC, and, after six weeks of negotiations, the treaty was signed by 12 countries, preserving the continent for free scientific study.

### CROSSWORD BY THOMAS JOSEPH

- |                           |                           |                         |
|---------------------------|---------------------------|-------------------------|
| <b>ACROSS</b>             | 31 Total                  | 8 Devoured              |
| 1 Dwindled                | 32 Battleship             | 9 take the title        |
| 6 Melts                   | 33 Canadian letters       | 10 Lawn material        |
| 11 Full of energy         | 34 Canadian capital       | 16 Give for a bit       |
| 12 Math companion         | 35 Stand-in               | 17 Stockpile            |
| 13 News summary           | 38 Colors                 | 18 Biathlon need        |
| 14 Without break          | 41 Crupde dwelling        | 20 European nation      |
| 15 Not digital            | 42 "Cats" poet            | 21 Writer Nin           |
| 17 Timetable abbr.        | 43 Nonsensical            | 22 Cars' scars          |
| 19 Chop off               | 44 Sordid                 | 24 That lass            |
| 20 Young fellow           | <b>DOWN</b>               | 25 Compass dir.         |
| 23 Foreboding atmosphere  | 1 Fighting                | 27 Pen group            |
| 25 Trig function          | 2 Brewed beverage         | 31 Panache              |
| 26 Asian nation           | 3 Central American nation | 33 Plow team            |
| 28 Turn                   | 4 Writer Hunter           | 34 Devious trick        |
| 29 Kind of musical wonder | 5 "Scarface" director     | 35 Letter after upsilon |
| 30 Mermaid's home         | 6 Scout unit              | 36 Hary's friend        |
|                           | 7 Put up                  | 37 Eggs, to Caesar      |
|                           |                           | 39 Cruise of film       |
|                           |                           | 40 Messy room           |



### YESTERDAY'S ANSWERS

L I M B O      S T A R  
A V A I L      P H O N E  
T O R T E      R I D G E  
I R I S      R O N A L D  
S I T      C O D      Y E S  
H E A D E D U P  
S L U R      C O A T  
C A P      B B S      D E E  
A B H O R S      W E S T  
D I A N A      P A N D A  
E D S E L      T I D A L  
T E E S      S T A Y S

### BEETLE BAILEY

BY MORT WALKER



### BABY BLUES

BY KIRKMAN & SCOTT



WRITE FOR US. SEND US YOUR OPINION PIECES TO dsopinion@gmail.com.