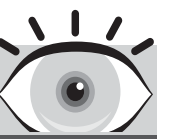




LAW watch



LAW vision



WORLD PRESS FREEDOM DAY
The media as a force for change

World Press Freedom Day reminds us all governments, intergovernmental and non-governmental organizations as well as civil society of the crucial role a free press plays in strengthening democracies and fostering development around the world. Proclaimed by the General Assembly in 1993, the Day has been observed on 3 May ever since.

World Press Freedom Day is an annual reminder to the international community that freedom of the press and freedom of expression are fundamental rights enshrined in the Universal Declaration of Human Rights. We need to defend these rights because they are a fundamental cornerstone of democracy and make a true difference in people's lives around the world.

World Press Freedom Day is also an opportunity for the international community to pay tribute to the media professionals who have lost their lives in the line of duty over the past year. We need to strengthen our resolve to ensure the safety and security of journalists around the world.

The theme for this year's observance is 'Media, Development and Poverty Eradication'. It draws attention to the role of the media in eradicating poverty and achieving the Millennium Development Goals (MDGs). If free and independent, with unhindered access to the free flow of information, media can help to inform and educate the public and to check corruption and mismanagement, thus contributing to the process of development.

As recent events have demonstrated, with freedom comes responsibility. It may be one of the downsides of our globalized world that cartoons published in one local newspaper in one country can just a few months later result in prolonged protests around the world, attacks on diplomatic missions, the loss of lives, and a lingering sense of alienation and anger on all sides. This illustrates the need to foster global tolerance and understanding and to strike a balance between press freedom and responsible reporting.

Press freedom is intrinsically related to human rights and democracy. In recent months, the General Assembly has made important decisions in these areas. In December of last year, the Peacebuilding Commission was set up. One of its main functions will be to support the rebuilding of democratic institutions in countries emerging from conflict. In March of this year, the General Assembly created the Human Rights Council. It is a new human rights mechanism, which signals a new beginning for the promotion and protection of human rights around the world. With these two new institutions, the United Nations will be better equipped to work for peace, development and human rights for all.

Source: UN Homepage



MEDIA AND PRESS FREEDOM

Set the bird free.....

MAHMUDA AKHTER

WHY do we need freedom when we already have it? We can publish any kind of news, any kind of criticism in the front page, different types of post editorials which appear quite contradictory to each other, anyone can publish a newspaper, anyone can set up a TV channel -- no one to stop us. Then why do we think that we are subordinate to someone? In spite of this, sometime -- the attitude of some leading media houses disappoints me. They seem like to turn their wheels with the wind. If they do this kind of things then where will we go? - This is the general observation of a reader or a viewer of our country.

Sort of truth is there, yet hopefully more freedom and an abstract policy will give this fourth state more access to information to perform loyally and democratically. The more information, the more translation and more interpretation a mass medium can coordinate, the more objectivity can it earn.

'In this electric age we see ourselves being translated more and more into the form of information moving toward the technological extension of consciousness' - Marshall McLuhan (Understanding Media)

The vision of Marshall McLuhan gave the credit to Media as translators and Media as the technological consciousness. To be the consciousness it has to maintain some regularities. Mass media interprets, evaluates and eventually shapes a human mind -- all these process is evolving the steps of narrating an expression. But to ensure the balance of narrating, we need a fair power to perform the duty ethically. The translator cannot see and explain clearly if it does not know what to focus, how to explain, where to omit and how to create awareness. That's why media need a specific freedom to work for development,

peace and democracy.

Bangladesh as a developing country is enjoying comparatively a very fair freedom of press. At least the liberty of publishing a news which can go against a very overriding persona is still not that problematic. The reporters are not that overshadowed by apprehension. But the hiding tendency of all the ruling parties gives a twist to the press. Public versus state is a common problem which becomes more visible at some point. Through the liberty of media the periphery of the respective arenas can be more widened and profound.

Every country's media freedom is dependent on the demand of the society. But the demand cannot be specific if there is no option. Freedom will ensure the 'willingly participation' of people which is a demand of good governance. Democracy is all about the development in finance sector, political stability, growing income level, balanced life circle. No development can be obtained if the fourth state is chained.

The freedom which has been enjoyed by the print media so far does not match with that of the audio visual media. The last 6/7 years have been the booming period for private owned channels. The colourful presentation, the enthusiastic fresh faces, the changing attitude of the old versions of presenting information has formed a new outlook of this little box. Critically acclaimed news presentation, and a few talk shows are to talk about so far. Going deeper than the surface- all the contents, all the styles and timing indicate a restricted boundary and no one dare to cross it. This medium does not have any specific regulation about telecasting but is very clear about what not to telecast. Quite contradictory indeed! An unwritten regulation and the power behind the throne is always there to make you feel the presence. Should this media be



hampered by some unseen law or some hidden power? Some media expert thinks, the changing pattern of this medium has reduced the explaining platform. Comparatively print medium has more access to narrate anything but after scrutinising properly. This will be smooth if we have a broadcasting law.

May be the print medium is getting a bit of advantage for some code of ethics. Radio, television -- either in public or private ownership -- is still in a vacuum. Lack of written ethics perhaps make them face a tag of war what to report and where to edit. Sometimes the news relating women whether it's murder, abuse, scandal, fraud anything which is sensational takes priority on TV on plea of public demand. Nobody

thinks about the children of the victim, if any, or the young audience who are only learning the moral sense from the elders. Absence of a concrete media policy allows print or projection of some visuals which arouse question.

Business promotional presentation of women has become a practice which we are getting used to more and more these days. The commercial does not need to go through any censor board. Makers can argue that modernity is taking the place of traditional culture. No body is arguing against modernism but a blended presentation is necessary for this transitional generation. If we don't set a principle for our youngsters then we will suffer, they will ultimately, no one else. Films are the most criticised

medium especially for this particular reason. The audience blames the directors and the directors' question the taste of the audience. Both parties have to work together to give us a better exposure. We are aware enough to acknowledge this media influence. A movie can awaken a generation hit their sensibility. When will we learn of this impact?

The be short of our thinking about local media is another barrier for translating. We think about mass media, but are not the local media deal with masses? Genuinely they are the closest one and trustworthy to the mass people. Rural bards, street show, jatra, kabial larai many thing which influence the mass people can be part of the mass media. The remote areas where our network (paper, tv,

radio) fail to reach these folk media are the only hope to inform the people. Folk media along with the community media can be the power of information for the marginal people and the people who lives near the border. It can make a bridge between administration and local people. In our country community TV is still to ought to think of but not community radio. The news of national level development, job opportunities, community condition, successful project is quite important for a citizen which can be disseminated by community media successfully.

The theatre groups who perform on the street is another form of disseminating information, knowledge and entertainment and this is very accessible to the mass people. Puthipath, song, jatra, folklore can be incorporated in media at the community level and then divisional level and finally national level.

Though it's hard but it's not a dare dream to think of community tv. Maybe some business entrepreneurs or multinational companies have to come forward to help the govt.

Free press can work as a gate-keeper for the future leaders. People can choose their leader through information when they have the access to. Electronic media can make the destination closer by walking parallel.

Conglomeration and concentration of ownership may be a backward propelling for our media. Diversified ownership can change the outlook towards society. Not only ownership, the conflict, if any, between editor and owner, ideology and business, public demand and ethics, ongoing trend and morality have to be overcome. These conflicting areas could be smaller day by day if we could set a national policy for broadcasting and implement it logically.

The writer is Lecturer, Stamford University, Dhaka

RIGHTS corner



Strengthening child's participation in media

MONIRUZZAMAN KHAN & ASMA NARGIS ANNE

GIVING children a voice is a foundation of the Convention of the Rights of the Child. In Bangladesh, complex socio-economic conditions force many children to lead a very inhumane life. Rapid urbanization in an extremely poor agro-based country has continued to increase the number of homeless and slum-based children in the cities without an adequate family and financial support system. These children are easy victims of highly exploitative forms of child labour and suppression of their basic rights. Their social isolation also excludes them from community-based health services and any kind of recreational opportunities.

In this backdrop, the initiative of Children's Express (Shishu Prokash) of Mass Line Media Centre (MMC) has been working to enable young people from different local levels to raise their voices and make report of various incidents of child rights violation with the support of UNICEF.

The main objective of the Children's express is to address child and adolescent rights issues to the people through disseminating information in media, both the national and local level. The vision was to strengthening children's participation in the media as well as to enhance both the quality and quantity of child development and rights based news in Bangladesh. It is the first ever children news agency in Asia.

During the course of time, Shishu Prokash took initiatives for a set of activities to address the child and adolescent rights issues to the public through media. Shishu Prokash appointed 64 'Team Leader' at district levels, who are also being

involved with different media of both national and local level. The team leaders were trained up to develop their skills on child-rights based journalism, which helped them to enhance their quality to address child rights issues more qualitatively and in-depth from their own community.



Through this programme, Shishu Prokash developed 640 children journalists in 64 districts (10 from each district) of the country. The formation of child journalists provided extra emphasis on strengthening children's participation in the media by providing children with opportunities to speak for themselves, about their hopes and fears, their achievements, and inform the people that children deserve to be respected as individual human beings. Therefore, the issues got more authenticity and objectivity.

In general, Shishu Prokash played an effective role in number of

ways, such as;

- Preparing in-depth reports on child-rights issues;
- From being an active provider of news, it consciously took up a general advocacy role for child rights issues;
- Identifying urgently needed burning issues and pursue these to the

possible to raise awareness among mass people, concerned authorities, and development organizations as well. These activities would also help to enhance children's participation in media providing children with opportunities to speak for themselves.

Through the activity the local journalists already became able to develop their skills in rights based journalism especially in child rights journalism, which helps them to enhance their quality to address child issues more qualitatively and in-depth from their own locality. The child journalist group at the local level are providing extra emphasis on the child rights issues as those are coming from the children themselves. Through these major areas, the Children's Express also equally helping to establish child rights, and makes the country more transparent and accountable regarding child rights situation.

There is very high need of developing the skill of journalists in the country in relation to right focused journalism especially those are working at local level. At present, existing newspapers of both national and local level have very little exposure on child rights issues. Therefore, it is strongly needed to highlight the issues more widely. Also the rights based reports, which published in the newspaper motivated the common people to act as pressure group for making authority to improve the child rights situation in the country. On the other hand, the activities has brought different stake-holders in a common platform from which they could work mutually in improving the media and social activism to establish child rights in the society.

The writers are human rights activist and working for Children's Express (Shishu Prokash)

LAW week



HC refuses to accept Hasina's writ petition

The High Court refused to accept a writ petition seeking a directive for the authorities not to arrest or harass Awami League (AL) President Sheikh Hasina on her return home. An HC bench turned down the application for permission to file the petition on grounds of procedural flaws. The lawyers who moved for it then went to another bench but that too declined to receive the affidavit regarding the intended petition. Barrister Shafique Ahmed and Mahbubey Alam are among the lawyers working towards a court order not to detain Hasina on her arrival. Speaking to the reporters, they said some flaws were there in the way the power of attorney has been given to the AL chief's Protocol Officer Manzila Faruque. Shafique said they would move again after rectifying the errors. --The Daily Star, April 30.

Proposal sent to EC for ban on party-affiliated student bodies

The caretaker government has sent a set of proposals to the Election Commission (EC) for banning party-affiliated student organisations and trade unions, Law Adviser Mainul Hossain said. "I have told the chief election commissioner (CEC) that there should be a law so that no political party can use the teachers and students to its advantage," he said talking to journalists at his secretariat office. Asked if a draft has been made, he answered in the negative. He said the government believes there should not be party-affiliated student and labour bodies in public or private institutions. "We are not talking about a complete ban on student politics, but we must keep the students out of party politics," Mainul said adding that the political organisations should not have wings in schools, colleges and universities. The students and teachers would do politics but not being associated with any political party. The students would join politics only on completion of education, he said. The EC has been requested to cancel registration of those parties that would have student bodies and trade unions, Mainul told the journalists. The government plans to have laws prohibiting operation of trade unions as they tend to spoil the working environment, he observed. --The Daily Star, April 30.

Judiciary clean-up on cards

The government is seriously considering options for restoring the image of the higher judiciary, which has been tarnished in the last five years through acute politicisation and appointments of judges with lack of qualifications or competence. A competent Supreme Court source said yesterday that the government is now collecting background information about all controversial judges who were appointed or whose services were confirmed between 2001 and 2006. "We believe that the move is an indication that the government is planning to do something to clean the judiciary and to restore its independence," he said. Chief Justice Mohammad Ruhul Amin told a gathering of lawyers on Sunday in Noakhali that the damage done to the judiciary in the recent years will take more than 20 years to remedy. The Supreme Court source added that the chief justice's remark will help the authorities to concede to the widespread demand for freeing the judiciary from partisanship through reforms. Senior lawyers of the Supreme Court welcomed the statement of the chief justice. But they said instead of waiting 20 years to cleanse the higher judiciary, the authorities could form a supreme judicial council or find other means to start reforming it immediately. According to Supreme Court sources, there are 68 confirmed judges in the High Court Division and seven in the Appellate Division including the chief justice. --The Daily Star, May 1.

Shamim Osman jailed for 3yrs in first-ever graft case verdict

In the first-ever verdict in a case filed by the reformed Anti-corruption Commission (ACC), a Narayanganj court sentenced, in absentia, former Awami League (AL) lawmaker Shamim Osman to three years' imprisonment for not submitting wealth statements to the commission. Included in the ACC's first list of suspected corrupt people, Osman was ordered in February by the commission to

submit his, his wife's and wards' wealth statements. Senior Special Judge Abdul Kuddus Mia of Narayanganj district court delivered the verdict in a packed courtroom and the entire area cordoned off by security personnel. The verdict stated that Osman is guilty of not submitting the statement of his, his wife's and wards' moveable and immovable assets as ordered by the ACC. The verdict was delivered in accordance with Article 26 of the ACC Act, 2004 and Section 15 D (5) of the Emergency Rules, 2007. However, as section 35 (2) of the Bangladesh constitution states that an individual cannot be sentenced more than once for a single crime, the court said that it would not be logical to try Osman under section 15 D (5) of the Emergency Rules, 2007. Osman was sentenced under sub-sections one, two and three of section 26 of the ACC Act. The prison term would take effect upon his arrest. The Daily Star, May 1.

BB asks 10 banks why actions should not be taken against them

Bangladesh Bank (BB) sent letters to 10 commercial banks, which gave loans to Chittagong-based businessman Nurunnabi against fake documents, asking why actions should not be taken against the banks for violating the Money Laundering Act. During inspections at different branches of the banks in the port city, it was found that the banks allowed Nurunnabi to open accounts either in his name or fictitious names and loans of huge amounts were issued through irregular processes, the BB letter said. The banks are directed to reply to the central bank by May 15. The banks are -- First Security Bank (Agrabad branch), Bangladesh Commerce Bank Limited (Agrabad), Mutual Trust Bank (Khatunganj), Jamuna Bank Limited (Agrabad), Social Investment Bank Limited (Agrabad), IFIC Bank (Shah Amanat Market Branch), National Credit and Commerce Bank Limited (Kadamtoli), Premier Bank (Agrabad), Dhaka Bank (Agrabad) and Sonali Bank (Mithagoli). Of the seven-point direction in the BB letter, one asked why the banks would not be fined for giving loans to different fictitious companies of Nurunnabi, who had produced fake documents. The Daily Star, May 1.

Bomb blasts at Dhaka, Ctg, Sylhet rail stations, 1 injured

Three near-simultaneous bombs rocked three divisional railway stations in Dhaka, Chittagong and Sylhet leaving a person injured. An Islamic militant outfit Jaddid al-Qaeda Bangladesh claimed the responsibility for the blasts. The aim of the militant outfit is initially suspected to stop activities of NGOs and Quadiani Muslim community in Bangladesh. Security has been beefed up in all strategic points including the railway stations of the country following the incidents. A powerful bomb exploded at the east side of second class ticket counter of Kamalapur Railway Station in the capital at about 6:45am, but no one was hurt in the blast. An aluminium silver coloured plate inscribing 'NGO employees and Quadianis, be ready for death' was recovered from the spot. Another bomb went off at Chittagong Railway Station leaving rickshaw-puller Munir injured, our Chittagong staff correspondent reports. Police said the blast occurred when an unidentified person went away the place leaving a bag at the station. After the explosion, Law Adviser Mainul Hossain told reporters that the caretaker government is considering the incidents with importance. The law adviser is looking at the incidents of bombing as acts of sabotage against the caretaker government. He however said inquiries are underway. --The Daily Star, May 2.

Corresponding with the Law Desk

Please send your mails, queries, and opinions to: Law Desk, The Daily Star 10 Karwan Bazar, Dhaka-1215; telephone 8124944, 8124955, fax 8125155; email dslawdesk@yahoo.co.uk, lawdesk@thedailystar.net