



### HUMAN RIGHTS *advocacy*



### FACT *file*



## Climate change and the rights of the child

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**B**ANGLADESH is particularly vulnerable to climate change. Researchers and development partners have been vocal regarding the effect of climate change for a considerable period. It has been stated in the UK government's country plan (2009-2014) to fight poverty in Bangladesh, "As a low lying delta sandwiched between the Himalayan glaciers and the Bay of Bengal, Bangladesh is particularly vulnerable to climate change."

Needless to mention, children from marginalised communities would be among the most vulnerable, as they are easily susceptible to disasters and diseases. As reflected in the White Paper 2009 (Eliminating World Poverty: Building Our Common Future) published by UK government, climate change is a crucial development issue for Bangladesh. A rise in sea levels may permanently flood 6-8% of the low lying lands by 2050 and force several million people to relocate. Flood-prone areas will increase from 25% to 40% by 2050 affecting 70 million people a year. Extreme weather events are increasing and Cyclone Sidr alone killed 3000 people. Within poor communities, women and children may be particularly exposed, as previously seen in Bangladesh where they made up 90% of the victims during the 1991 cyclone.

**Children's right to environment of a particular quality**  
The climate change would have a

negative impact on pro-poor economic growth and ensuring environmental sustainability is getting difficult day by day. Due to climate change, there would be changes in dust distribution potentially increasing air-borne diseases. Children from marginalised families would become easy prey as temperature, water and vegetation changes would result in increasing prevalence of diseases.

Bangladesh is one of the earliest signatories of UN Convention on the Rights of the Child (CRC) and it has been stated in Article 27(1) of the CRC, "States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development". Forced population movement resulting from extreme climate events would compel the families of children in compromising standard of living.

#### The right to life

It has been stated in Article 6(1) of the CRC, "States Parties recognize that every child has the inherent right to life." It has been further illustrated in the later part, "States Parties shall ensure to the maximum extent possible the survival and development of the child". Climate change would not only reduce access to health services, there are suggested increases in infant and child mortality also.

#### The right to adequate food

Increased temperature and changes in precipitation reduces agricultural and natural resources. The Human



Development Report (UNDP) of 2007-2008 argues that the progress made in recent years in human development is being threatened by climate change. The signs are already observed mainly amongst the poorest and most vulnerable population and countries. The report also warns about loss of agricultural productivity leading to food insecurity. Essentially, the number of underweight children would increase as a result of increase in population below minimum dietary consumption.

#### The right to water

Climate change would lower water

security due to the fact that changes in precipitation, run-off and variability would lead to greater water stress. Although United Nations Committee on Economic, Social and Cultural Rights recognised water itself as an independent right, children in greater number would suffer from water insecurity.

The ongoing environmental degradation on the rivers passing by the cities has forced the people, who used to live by the river, to change their livelihood. Pollution and unplanned construction of dam and barrage has already had an impact on rivers flowing across Bangladesh.

Increased salinity in the coastal areas would further restrict children's right to safe drinking water.

#### The right to health

Increased incidence of water-borne diseases associated with flooding and forced population movements would contribute to the health risk of children. Although it has been stated in Article 24 (1) of the CRC, "States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health"; a number of 120,000 newborns die every year in Bangladesh, estimated by UNICEF. Climate change would increase susceptibility of poor households to infectious diseases. Achieving MDG related to infant mortality would be further difficult with an increase in under-5 and infant mortality.

To recapitulate, climate change would deepen childhood poverty and will have a negative impact on survival and development of the children from marginalised communities. Children would also have difficulty in accessing educational services during climate-related extremes. While taking measures related to adaptation to climate change, children should be at the centre of every initiative. Otherwise, vulnerability of children would further increase while climate variability leads to extreme climate events.

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### RIGHTS *monitor*

## Right to privacy: How far protected?

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**P**RIVACY underpins human dignity and other key values such as freedom of association, freedom of speech, freedom of thought and conscience. Some times this right is termed as 'right to be let alone'. Unfortunately, with the advancement of technology, for example, computer, internet, mobile, MP3, MP4, surveillance system and other wide variety of technological devices, the possibility of intrusion of privacy has tremendously increased.

#### Origin of right to privacy

Right to privacy as a legal notion had

the constitutional provisions the Supreme Court of India have established the right to privacy under Indian constitutional law. The most frequently referred case in this regard is People's Union for Civil Liberties (PUCL) vs. Union of India and Others. The fact of the case reveals that following a report on "Tapping of politicians' phones" by the Central Bureau of Investigation (CBI), a Public Interest Litigation was filed by the People's Union of Civil Liberties (PUCL), a voluntary organization of India, highlighting the incidents of telephone tapping in the recent past times. The petitioner also challenged the constitutional validity of Section

sold telephone conversation, in the privacy of one's home or office without interference, is increasingly susceptible to abuse...citizen's right to privacy has to be protected from being abused by the authorities of the day."

#### Bangladesh situation

Right to privacy is still in a nascent stage in Bangladesh. It is still swimming in a grey area of constitutional protection. The constitution in several places, though not in unequivocal terms and not covering all aspects of privacy, has addressed the issue. 'Worth of human dignity' in Article 11 and privacy of home and correspondence' in Article 43 are two examples as such. However, there is no reason why the Bangladesh experience will be different from the Indian Supreme Court interpretation given in Telephone Tapping Case. True, the issue of privacy has not come before the Bangladesh apex court in a serious manner until recent time. Bangladesh Parliament had passed 'The Information & Communication Technology Act 2006' aimed at enhancing the use of ICT in all spheres of activity. The objective of the law is to augment suitable use of information technology in overall social system, including administration, business and financial transactions, apart from science and research. The Act also touches the issue of privacy in section 78 and 79, which are a corresponding to section 72 of Indian Information Technology Act, 2000. This is a good provision in protection of privacy rights in the context of Bangladesh. But the advancement of technology has belied the promise of the provisions.

#### Right to privacy and technology

Advancement of technology with all its blessings is carrying some necessary evils with it. As regards the friendly computers, our very own PCs can infringe our privacy by sending out a lot of information about us to third parties. A software program by the name of Spybotgen downloaded on a computer's hard drive has the power to read MS Word documents and send contents back to its

originator, or to an accomplice.

Thus, we see that the more technically equipped we become, the easier it has become to peep into the bedroom of others. Though an individual has protection from state intervention but what protection can an individual claim against a person who is infringing one's right to privacy sitting miles away, probably in some other country?

So long as the criminals and terrorists seek to misuse technology to perpetrate their evil motives, governments the world over will continue to use technology to invade our private spaces. This brings us to the question; does it take a thief to catch a thief?

As digital photo components have dropped in price and their size has shrunk, the privacy implications of cameras on phones have raised concerns beyond the fears of stalked celebrities and cheating spouses. Even the makers of camera phones do not seem keen on the technology when it is turned on them. Samsung Corporation and LG Electronics Inc, the South Korean handset makers, caused a chuckle in the industry when they banned the use of their own phones (with camera) in their own facilities years back.

Pervasive societal use of video surveillance technologies has virtually eliminated any expectation of privacy in public locations, while video surveillance systems in private spaces continue to encroach upon privacy rights. Like video surveillance systems, wearable computers represent a new threat to privacy rights because these powerful new tools can constantly record and store everything about a user's environment through sensors. Although wearable computers are a relatively new technology, the wearable computer will become a pervasive tool used by almost all computer users in the near future.

#### Way to privacy protection

There are four major models for privacy protection. Depending on their application, these models can be complimentary or even contradictory. In most countries several are used simultaneously. Countries that protect privacy most effectively, uses

all models together to ensure privacy protection.

a. Comprehensive laws: In many countries around the world, there is a general law that governs the collection, use and dissemination of personal information by both the public and private sectors.

b. Sectoral Laws: Some countries, like the United States, have avoided enacting general data protection rules in favor of specific sectoral laws governing, for example, video rental records and financial privacy. In such cases, enforcement is achieved through a range of mechanisms. In many countries, sectoral laws are used to complement comprehensive legislation by providing more detailed protections for certain categories of information.

c. Self-Regulation: Data protection can also be achieved through various forms of self-regulation, in which companies and industry bodies establish codes of practice and engage in self-policing. This is currently the policy promoted by the governments of the United States, Japan, and Singapore.

d. Technological Device: With the recent development of commercially available technology-based systems, privacy protection has also moved into the hands of individual users. Users of the Internet and of some physical applications can employ a range of programs and systems that provide varying degrees of privacy and security of communications. These include encryption, anonymous e-mailers, proxy servers, digital cash and smart cards. Questions remain about security and trustworthiness of these systems.

#### Conclusion

There are no generally applicable norms specifying standards for determination of privacy infringement that will be found globally acceptable. This is a reality that must be faced by the people at large. It ought to be the role of state and other actors to ensure the protection of privacy and set relevant standards in a manner appropriate to the peculiar needs of its citizens.

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## Disarmament Week: October 24 to 30

**E**VERY year the United Nations celebrates the anniversary of its founding during this week. The main goals of Disarmament Week revolve around raising awareness among all of the UN's member states of the danger posed by the arms race (whether conventional or nuclear armament), propagating the need to put an end to the arms race and fostering a better public understanding of the urgent task of disarmament. It also encourages the reallocation of the economic resources used for arms race to favour economic and social development.

Securing peace and safeguarding international security is the responsibility of all States through their firm commitment to reducing and subsequently eradicating the main threat to our planet, weapons of mass destructions, more commonly known as nuclear, chemical and biological weapons.

The week must be seized upon to adopt political strategies for disarmament and one of these is to invite all of the countries to take part actively through alliances in order to foster a true understanding of the problems related to disarmament, given that over history the arms race has caused huge human loss and great economic waste. The aim is to put an end to war as the way to resolve conflict and to eliminate the use of military force and threat at an international, national and regional level.

However, the disarmament promoted by the United Nations faces some superlative contradictions: the five countries with the right to veto in the Security Council (the USA, Russia, China, France and the UK), own 90% of the world's nuclear arsenal and are the world's main producers and vendors of weapons of all kinds.

Figures:

- In 2008, sixteen major armed conflicts were maintained in fifteen places around the world: Africa: Burundi, Somalia, Sudan; America: Columbia, Peru, USA; Asia: Afghanistan, India, Myanmar, Pakistan, Philippines, Philippines (Mindanao), Sri Lanka; Middle East: Israel, Iraq, Turkey
- The main military expenditure budgets in 2008 (in billions of \$ - % of the world total armament expenditure): USA 607 - 41.5% / RUSSIA 58.6 - 4% / FRANCE 65.7 - 4.5% / UK 65.7 - 4.5% / CHINA 84.9 - 5.8% / GERMANY 46.8 - 3.2% / JAPAN 46.3 - 3.2% / ITALY 40.6 - 2.8% / SAUDI ARABIA 38.2 - 2.6% / INDIA 30.0 - 2.1%



- The total world expenditure on armament in 2008 is estimated at 1,226 billion dollars. From 1999 to 2008 expenditure increased by 45%.
  - Strategic and non-strategic nuclear warheads deployed around the world (year 2009): 8,392 total USA: 2,702 / RUSSIA: 4,834 / UK: 160 / FRANCE: 300 / CHINA: 186 / INDIA: 60 to 70 / PAKISTAN: 60 / ISRAEL: 80 /
- According to Rafael de la Rubia, International Coordinator for the World March for Peace and Non-violence, "this year we have experienced the biggest economic crisis in history and still investment in armament worldwide has continued to increase. The military industry is the worst cancer that afflicts the world".

Indeed, despite the most far-reaching, severe and long-lived crisis in history, weapons expenditure and provisioning continues to grow in 2009 despite the multiple treaties in force for the control and non-proliferation of nuclear and conventional weapons and conventions of all kinds on human rights, alliances of the civilisations etc.

An enormous business revolves around armament. To date, this lobby has managed to construct and generate a system capable of organising impossible wars, facilitating military encroachments and invasions of territories, sowing fear and distrust of the West among Eastern cultures and religions and creating 'terrible, evil and cruel' enemies using ferocious propaganda campaigns. All of this has been done to maintain the spectacular business of the military industry.

There is room for everyone in the armament business. Every country in the world allocates their biggest budgets (heedless to the fact that it is public money they are spending) on defence expenditure. Nobody escapes the arms spiral. It is not just Europe, the USA, China and India that allocate the most resources for security and defence; the impoverished and devastated countries of Latin America, Africa and Asia also allot more to these investments than they do to fighting hunger and poverty or to alleviating the serious problems of access to healthcare and education.

Many experts maintain that for the wars and tensions between territories the economic crisis provides the ideal climate for warmongering. It would be positive for our future evolution if, at this historic time, this terrible marriage between recession and war was broken.

We must hope that the 2009 Disarmament Week has the desired effect of raising awareness among leaders because, among the people of the world, the seeds of peace and non-violence have already been sown.

Source: Pressenza, an international news agency dedicated to news about peace and non-violence.



its origin in contemporary times. For its invention, credit goes to Samuel Warren and Louis Brandeis, two young Boston lawyers who wrote a Law Review Article published in December of 1890. They explained the philosophical linkage of privacy right to Natural Law. In simplest terms, for Warren and Brandeis, the right to privacy was the right of each individual to protect his or her psychological integrity by exercising control over information, which both reflected and affected that individual's personality.

#### The Indian case

Through pragmatic interpretation of

5(2) of the Indian Telegraph Act, 1885, in the alternative it was contended that the said provisions be suitably read-down to include procedural safeguards to rule out arbitrariness and to prevent the indiscriminate telephone-tapping. Relying on the judgment of the Indian Supreme Court in Kharak Singh Case, the court held that telephone tapping is a serious invasion of right to privacy. Speaking for the court Justice Kuldip Singh, J. inter alia observed, "Telephone tapping is a serious invasion of an individual's privacy. With the growth of highly sophisticated communication technology, the right to