



Child friendly city for marginalised children in Bangladesh

MD. MUNJUR E. MOULA

FROM 1980 onwards, the problem of marginalised children in all developing countries, especially those countries in southern Asia such as Bangladesh, India, Pakistan, Nepal and Sri Lanka, has received increased international response from various global actors. Since then, a series of formal and informal policies, rules, programs and institutions have been developed to ensure children's rights in general and marginalised children's rights in particular. However, several children's right's aggravating factors such as competitive interests in different social actors and public officials, poor public perception, lack of target group participation in policy planning and implementation, lack of comparative research on 'local, national and regional marginalised children policies', have been identified and some overcoming measures taken, thereby at least trying to achieve millennium child development goal. Question remains how we would be able to achieve our millennium child development goals within short period of time? In response to this question, in recent year UNICEF has been more interested to develop a new indicator-based system to monitor and evaluate existing programs for addressing the problem of marginalised children. According to UNICEF (2012), this system helps local governments to easily engage in accreditation process to become child friendly city. Discussions on child friendly cities in the context of marginalised children with recommendations that will hopefully help, in my view, both policy makers and social worker to ensure good governance in terms of child protection.

What is child friendly city?

In Nordic countries, the public policy in terms of family welfare policy has significantly provided for the needs of children in general. According to many social sciences scholars like Katja Forssén (2002) and Maritta Törrönen (2006), Nordic family welfare policy has been taken an effort to transform cities into what are termed 'child-friendly cities' (CFC). The concept of CFC appears to be simple. But it has created some controversies. Thus it is necessary to discuss CFC as a concept in the context of marginalised children in Bangladesh, for example. Firstly, the concept of CFC seeks to assure, in my view, the full rights of all children as young

citizens. Secondly, according to child rights practitioner Riggio (2002), CFC allows full scope for children to express their views freely and attributes adequate importance to their views. Thirdly, by considering broad-based policy approach, reactive approach and proactive approach, CFC is constructed to provide a comprehensive direction to child rights in general. Fourthly, in the book namely street children and services (2012), Moula wrote CFC concept entitles marginalised children, e.g. street children, to: influence the decision-making powers in the city; present their opinions concerning city affairs; take part in family, community and social life; have access to basic services in areas of health, education and shelter; have access to safe water and sanitation; be protected from exploitation, violence and abuse; be able to walk safely in the streets; be able to meet friends and play; have green space in a sound environment; be able to live in an environment free from pollution; be able to participate in cultural and social events; be able to receive love, affection and care; and have the right to receive all services without discrimination on the grounds of ethnicity, religion, gender or disability. Hence, the concept of CFC is based generally upon four key principles: (1) Non-discrimination; (2) The best interests of the child; (3) The right to life and development; and (4) Respect for the children's views. Taking into account these four guiding principles, for a couple of decades, the state signatories to the UN charter on children's rights have been trying to ensure that their children's services operate well to meet the needs of children in general. For example, as the member of UN charter on children's rights the government of Bangladesh has formulated its children policy called the 'National Plan of Action for Children 2011' is a comprehensive five year plan for promoting the welfare of Bangladesh children. Thus, we could say that the idea of CFC is important not only in developed countries but also in developing countries because of uncontrolled urbanization. This also caused some children to their structural disadvantaged position in the society. These knowledgeable children have to move to the cities to find means of work



ARTICLE, WWW.COM

on the streets merely for physical survival, and to support their families. For example, according to National Report Bangladesh by UNICEF (2009), around 26.5 million children in Bangladesh live below the national poverty line; most of them live in the periphery of urban cities of Bangladesh. These children suffer from lack of cities services and support. Unfortunately, this picture of marginalised children in many of southern Asia countries is still questionable in terms of the application of CFC. To get the answer of this question we have to know about how many strategies and programmes in different part of the world have been considered the notion of CFC to promoting the needs and rights of marginalised children in particular. Therefore, this requires, in my view, moving on to discuss the CFC movement. Because the CFC movement vision focused that all the rights of children should be protected (Riggio 2002, 52-56; Moula 2012, 31-32).

Child friendly cities movement

According to Marco Coris (2002), project assistant, UNICEF Innocent Research Centre, the CFC movement took shape in Italy in the 1990s, and the CFC movement is a major approach which is both holistic and sensitive to marginalised children, e.g. street children. The Earth Summit in Rio de Janeiro in 1992 and the Habitat 'Conference Two' in Istanbul in 1996 called for sustainable urban development serving the needs of all categories of people. Both these

conferences set the background for what emerged in Italy as a movement for child-friendly cities. In 1996 the Italian Ministry for the Environment launched a programme called 'Sustainable Cities for Girls and Boys'. According to Marco Coris, this project came up with the idea of re-planning cities to make them child-friendly in terms of transportation, open space and other initiatives. This was kind of competition where over 80 cities took part, and 15 cities received awards for child-friendliness. Its basic idea is to promote the participation of children at both institutional and cultural levels. It allows the children to present their opinions and points of view in public decision-making at city level. Hence, we could say that the CFC also allowed a system in order to ensure agent's interactions, 'where each member likes children and social worker/policy makers, has a role in, and in reciprocally affected by, the system.

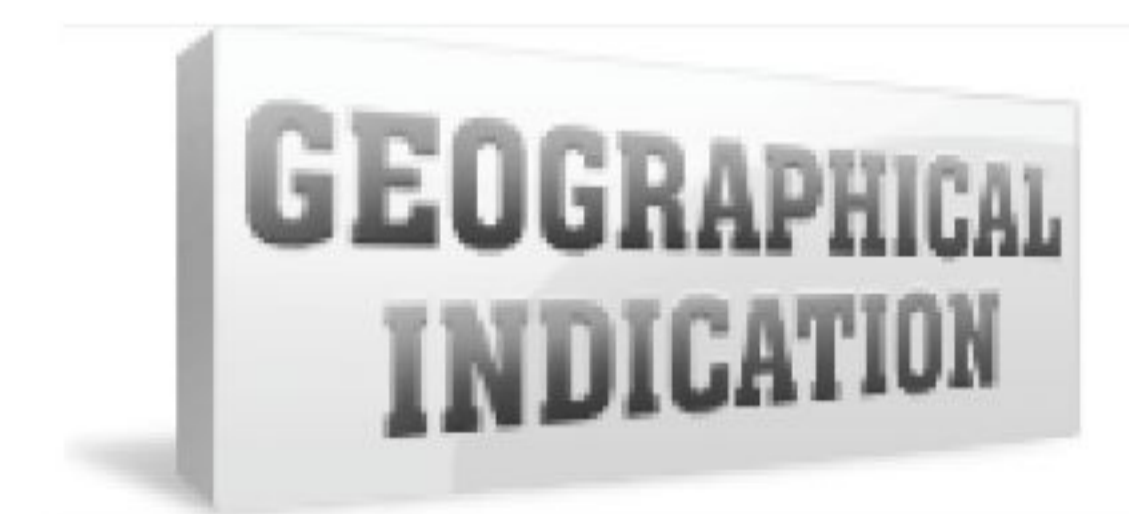
The CFC movement has now spread to other countries and is being coordinated by a CFC secretariat, which also carries out field research on the involvement of children in city administration, maintains a network of CFC cities, preserves a database for CFC initiatives, publishes research and advocacy documents, and promotes CFC initiatives all over the world (see Riggio 2002). Moreover, following the notion of CFC, various strategies and programmes have been undertaken in different parts of the world promoting the needs and rights of

marginalised children. In this regard the involvement of World Bank with street children programme would be an example for the particular audience not only in developing countries, but also in developed countries.

In this paper I have given particular emphasis to the concept of the child-friendly city, as I see this would be the ultimate solution for marginalised children in Bangladesh. We have also discussed that the paradigm of CFC is not only largely associated with the macro-structure of society rather micro-structure of society and its culture in general. Additionally, the concept of CFC is associated with the changing perspective of the child rights and social policies for service system and elimination of marginalised children. These children are one of the major developmental impediments for many poor countries in Southeast Asia. In our discussions we have been seeing why child rights practitioners and organizations focused to give wet on context-based CFC. This is simply just because the implementation processes of CFC is somehow failed to address the vulnerability of marginalised children in developing countries like Bangladesh. As a result, day by day the number of marginalised is increasing notoriously. As such, questions remain whether globalization in terms of millennium child development goals have been able to be achieved within its given time frame or not? Does child friendly city is a local system for good governance to all communities or only for children? Questions like these must be answered through research in order to understand the child friendly city in the context of marginalised children in southern Asia in general, and to evaluate and upgrade the existing support delivery system and construct new ones that are relevant and comprehensive

Recapitulating, considering the emergence of new structured of CFC, UNICEF, for example, has been more interested to consider local indicators to re-develop CFC to ensure good governance in terms of child protection. Thus, context-based CFC would be the good instrument to reducing the vulnerability of marginalised children in developing countries like Bangladesh.

The writer is a Doctor of Social Sciences, Department of Energy Technology, Aalto University, Finland.



ASMA AL AMIN

GEOGRAPHICAL Indications (hereafter GIs) under the Trade-Related aspects of Intellectual Property Rights (hereafter TRIPS) has been the subject of vigorous scholarly debate across the world in the last decade. The TRIPS is the first multilateral text providing for a comprehensive protection of GIs. With Intellectual Property Rights (hereafter IPRs) increasingly influencing rates both at the national and international level; harnessing trade benefits depends on the degree of protection enjoyed by the owners of the IPRs. Geographical Indication (GIs) is defined as any indication that identifies a good as originating from a particular place, where a given quality, reputation or other characteristics of the good are essentially attributable to its geographical origin. GIs may be associated with agricultural, manufactured or industrial goods. Non-agricultural products, which typically qualify for GIs protection include handicrafts, jewellery, textiles, etc. (WTO, 2004). It provides for (a) a base-level protection for geographic indications related to all products; (b) an additional protection for wines and spirits; and (c) an extra-additional protection only for wines.

Concept of Geographical Indication (GIs)?

There is no universally accepted definition of a GIs, but this description, derived from international agreements, best captures the universal spirit of the concept:

A Geographical Indication identifies a good as originating in a delimited territory or region where a noted quality, reputation or other characteristic of the good is essentially attributable to its geographical origin and/or the human or natural factors there.

In most cases, GIs have been formally used and accepted as such in trade and in legal records. They may be registered or protected in different forms; these can include formal sui generis systems, trademarks, certification marks, collective membership marks, and denominations of origin. Sometimes, they are not formally protected and may be recognized due to accepted common use. In many cases, certain GIs are protected in one country but not in another or the forms and scope of protection are often different from country to country.

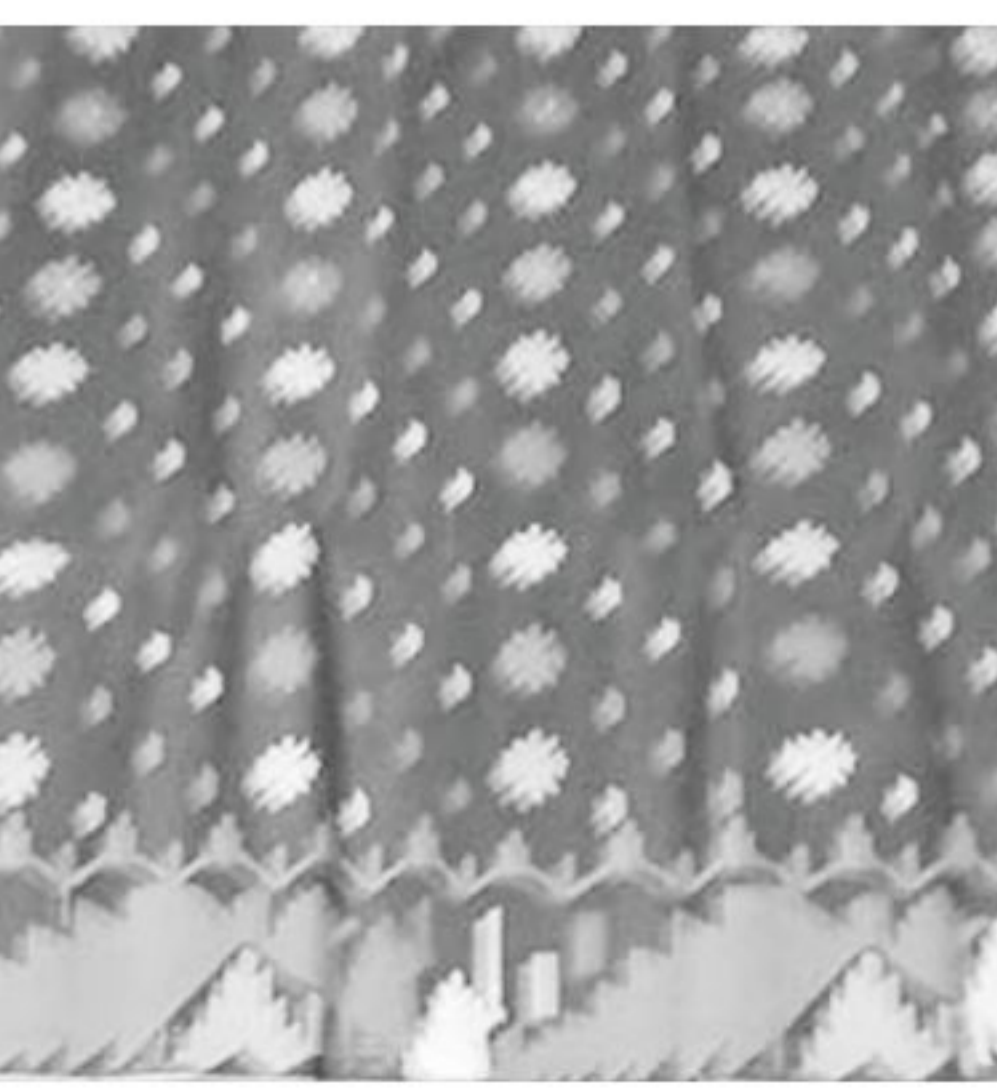
The term "Geographical Indication" has been around for many decades, but it is really since the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) entered into force in the mid-1990s, that it has come into common use. The TRIPS Agreement, Article 22, paragraph 1 contains the following description:

Geographical indications are, for the purposes of this Agreement, indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographic origin.

Geographical Indication; Bangladesh Scenario

Bangladesh one of the founding members of the WTO yet to develops strategy to implement the TRIPS agreement and to serve its interest. Government promulgated Trademark Act 2009 to meet the TRIPS

requirements. In fact, there is no direct provision in the Copyright, Geographical Indication and Trademark law to prevent exploitation of traditional knowledge and local practices. It is still unclear what would be the possible effects of these laws in Bangladesh. On the other hand, Government of Bangladesh. is almost silent regarding the interest in agriculture, biodiversity, plant varieties, geographical indication etc. Unless a geographical indication is protected in the



country of its origin, there is no obligation under the TRIPS agreement for the other countries to extend reciprocal protection. It is a challenge to Bangladesh since it shares a common heritage with other countries in the region but has not yet a GIs law in place. India has already registered about 158 products like Fazlee Mango and Jamdani Sari under a legislation named "The Geographical Indications of Goods (Registration and Protection) Act, 1999". Many of such products actually originated in Bangladesh.

The government has already drafted the

Geographical Indication Act, 2011 with an aim to ensure entitlement to the country's traditional products and protect the reputation of these products against piracy. The ministry of Industries, which has prepared the draft law, gathered feedback from the stakeholders and is examining the feedback to finalise the draft Act considering article 27.3(b) of the TRIPS Agreement. Bangladesh is in the process of making a GI Act for about seven years and the draft is available to the citizens for opinion. But yet this Act is not passed by the parliament.

Need for legal protection of Geographical Indications

In the absence of the GI Act in the country, Bangladesh is going to lose its rights on some traditional products. India has opened a register of what is known as Geographical Indicator (GI) of its products. Every member of the World Trade Organization (WTO) which abides by the Trade Related Intellectual Property Rights (TRIPS) Agreement is required to do this. Under Sections 22, 23 and 24 of this

Agreement, individual countries have now the right to protect and patent famous, exceptional and extraordinary products originating within the geographical territory of the country. Under the Geographical Indications of Goods (Registration and Protection) Act, 1999, India has thus registered (uppada) jamdani sari as originating from Andhra Pradesh, the nakshi kantha from West Bengal and fazli mango from Malda district in West Bengal. Jamdani is a unique Bangladeshi handloom product

Immediate enactment of GI Act can ensure GIs protection

with a glorious history and unique creativity and Bangladeshi weavers make this fine cloth for thousands of years. But the sale of Jamdai might decrease as India holds the entitlement of the product; this can be prevented only by enacting an Act for which Government's utmost sincerity is vital. We can also register the jamdani sari of Dhaka, the naskhi kantha from Faridpur, Monipuri clothes, khadi of Comilla, hilsa fish from Chandpur, the fazli mango of Rajshahi, curd of Bogra, dry fish from Chittagong and dogs from Sarail in Brahmanbaria as well as honey from our Sunderban forest by passing an Act.

It is true that there is no research from the Bangladesh perspective on potential benefits from GIs protection. While many studies have been done in Europe, even in India on the issue, no systematic assessment has been undertaken by the relevant agencies of Bangladesh for identifying the products to be accorded GIs status. So it is time that our ministries of Industries, Agriculture and Commerce, separately and together, under the aegis of the Prime Minister's Office, start identifying products that originate in Bangladesh and which need to be urgently registered under the GIs Act. But in order to do that, we need to enact the Draft Geographical Indication Act, 2011 and frame rules under it. We have to move fast with our committed effort to prevent some other country from listing our unique products and calling them their own. Any affirmative action by our government in such matters can ensure our entitlements. Coleridge had once said: "Silence does not always mark wisdom." We must heed his advice in this case.

The writer is an Apprentice Lawyer at Chittagong District Judge Court.