



Ensuring Right to Information in Bangladesh: Role of the Media

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The Context



- **Background**
 - RTI – result of a multi-stakeholder campaign
 - Media & Civil society played key role
 - Unique law
- **The Act**
 - Comparable to similar laws/Acts elsewhere
 - Welcomed and criticized – exemption list
 - “Counterproductive” to true RTI?
 - Not written in stone
- **Part of the struggle for democratic institutionalization, good governance and anti-corruption**

Political Primacy

Enactment of the Right to Information Act is an epoch-making incident in Bangladesh history ... it will greatly help establish accountability and transparency in every sphere of society and administration ... the government will continue to work to safeguard the people's right to information ...

Sheikh Hasina

Prime Minister of Bangladesh



**TRANSPARENCY
INTERNATIONAL
BANGLADESH**

Social movement against corruption

Why RTI Law

The Preamble:

- **People's right of access to information is a fundamental right**
- **Power belongs to the people – access to information can ensure this**
- **Free flow of information ensures transparency & accountability**
- **RTI will facilitate control of corruption**

RTI Act can facilitate

- **Institutionalization of democracy**
- **Promotion of good governance**
- **True empowerment of the people**

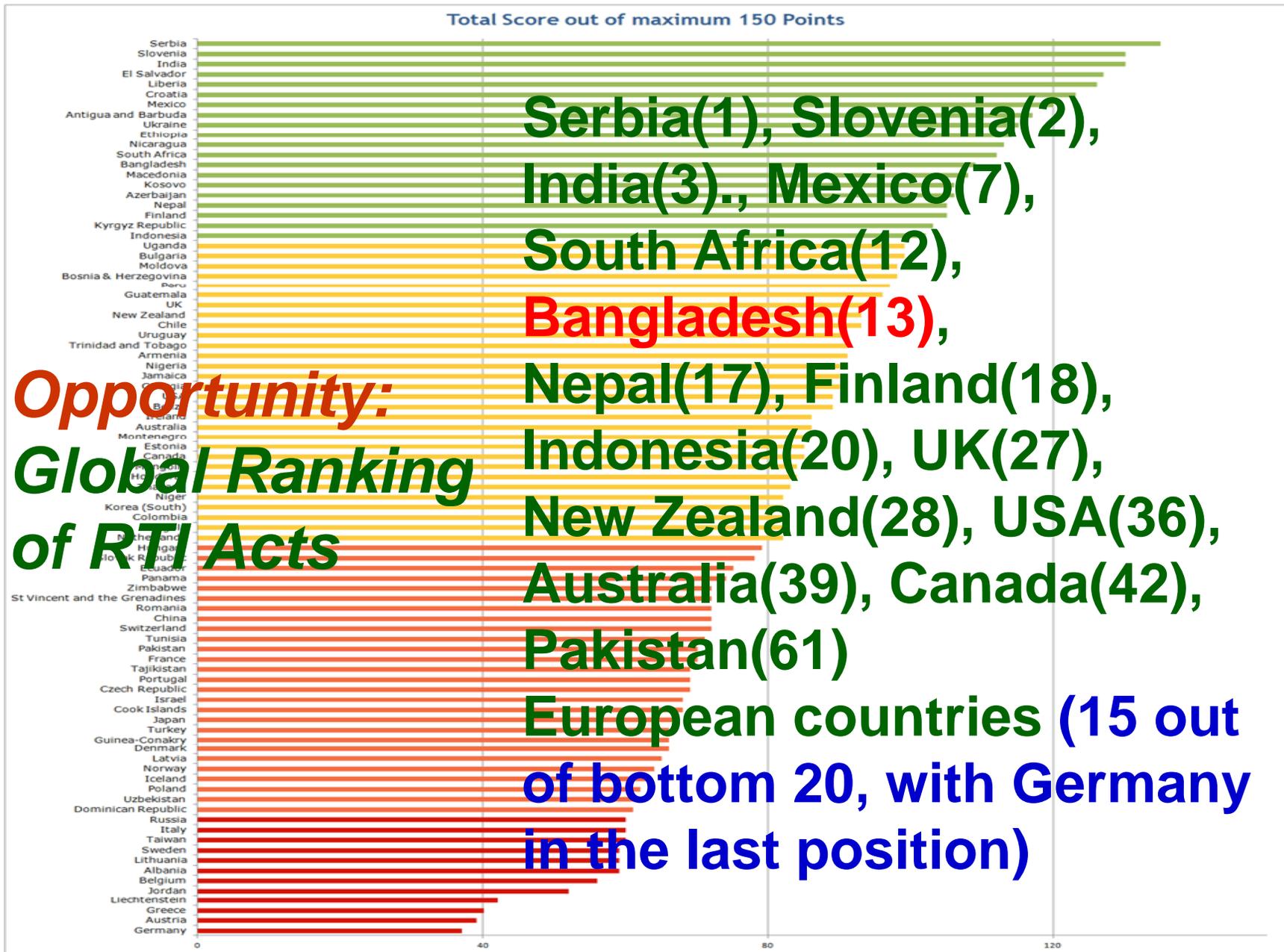
RTI in Promoting Governance & Fighting Corruption



- Research has shown strong correlation of RTI & disclosure with improved governance, higher levels of democracy and empowerment
- Greater transparency >> reduced corruption, higher economic growth & distributive justice
- Transparency in budget is associated with better governance standards and improved economic and social outcomes.
- Countries having progressed in RTI implementation tend to perform better in corruption control

RTI & Performance in Corruption Perception Index

#	Country	Year of adoption of RTI law	CPI Score in nearest base year	CPI Score in 2011
1	Albania	1998	2.4 (2005)	3.1
2	Croatia	2003	3.7 (2003)	4.0
3	Czech Republic	1999	3.9 (2003)	4.4
4	Estonia	2000	5.5 (2003)	6.4
5	India	2005	2.9 (2005)	3.1
6	Latvia	1998	3.8 (2003)	4.2
7	Pakistan	2002	2,5 (2003)	2.5
8	Romania	2001	2.8 (2003)	3.6
9	Slovakia	2000	3.7 (2003)	4.0
10	Slovenia	2003	5.9 (2003)	5.9
11	South Africa	2000	4.4 (2003)	4.1
12	South Korea	1996	4.3 (2003)	5.4
13	Turkey	2003	3.1 (2003)	4.2
14	Bangladesh	2009	2.4 (2009)	2.7



Source: CLD-Access Info Europe www.law-democracy.org www.access-info.org

Bangladesh RTI Act in global ranking

• Right of Access:	2 (6)
• Scope	25 (30)
• Requesting Procedures	17 (30)
• Exceptions and Refusals	20 (30)
• Appeals	24 (30)
• Sanctions and Protections	6 (8)
• Promotional Measures	15 (16)
<i>Total score</i>	<i>109 (150)</i>

Source: CLD-Access Info Europe

www.law-democracy.org www.access-info.org

Implementation challenges

- **Implementation of RTI Laws worldwide is difficult, long-drawn and often frustrating - for Bangladesh no exception**
- **Premature to assess progress**
- **Laws and institutions of democracy in Bangladesh face perennial challenges**
 - **low professional capacity**
 - **Political economy of corruption**
- **Inspite of highly supportive statement of the Prime Minister, opposing views from the Government not are not far to seek**

Implementation Challenges

- **No national strategy**
 - No true lead agency/focal point of government
 - Low inter-ministerial coordination
 - No action plan, reporting, monitoring
 - No specific budgetary provision
- **Fledgling Information Commission**
 - Effectiveness, staff & other resources
 - New territory for the Commission – training & capacity building
- **RTI-friendly Demand & Supply Side – not yet**
 - Low proactive disclosure in public institutions
 - New to the demand side, new to the NGOs
 - Bogey of potentially conflicting laws (OSA)

RTI Implementation Stakeholders

- **Government**
- **Political parties & leaders**
- **Pillars of National Integrity System particularly:**
 - **Parliament**
 - **Oversight bodies especially Information Commission**
 - **Media**
- **NGOs, CBOs, CSOs – people at large**

Media & Right to Information Conceptual Linkages

Media : The fourth estate of democracy – powerhouse of:

- Freedom of expression
- Disclosure, Dissemination & Transparency
- Watchdog for accountability of government, non-government and private sectors, even individuals
- Rule of law, human rights and justice
- Democratic practice, openness and transition
- Accountability in service delivery, particularly welfare and safety net
- Public awareness, participation, voice & accountability and collective action

RTI : Touchstone/Mother of all rights – Commitment to:

- Open & Transparent Government
- Accountable Government
- Participatory Governance
- Maximum proactive disclosure
- Provide information when sought
- Cross-sectoral and multi-level coverage
- Limited exemptions

Media & RTI application

Use of RTI - Examples and Results

Some reporting based on RTI application such as:

- Delivery/accountability of public representatives – resisted under influence
- Public service delivery including safety net/relief – successful through appeal to IC
- List of judges that former CJ referred to as corrupt – no response, not pursued
- Level of knowledge of the Act (NGOAB) - no response
- Padma – WB letters – avoided, not pursued
- Fake drug producer – very limited info provided by one level; others avoided; IC directives not heeded
- Procurement of drug by City Corp for Anti-Mosquito project – appeal successful
- Use of Wage Earners Welfare Fund – Denied by the responsible officer and Director General of Bureau – being processed following appeal (reluctantly accepted)

Challenges

- Low level of awareness
- Pressure of the powerful
- Lack of patience to pursue
- Failure to follow the due process
- Suspected non-response
- Lack of institutional support
- Communication gap with IC
- Lack of institutional support to pursue in case of denial/threat

Media – a natural ally of RTI

- **Track record as a leading contributor to the process leading to RTI Act (Press Commission demanded first in 1984)**
- **Vital source for credible investigative reporting (though not for day-to-day reporting)**
- **Expectation – national & local**
- **Know-how, capacity and coverage**

Opportunities for Media

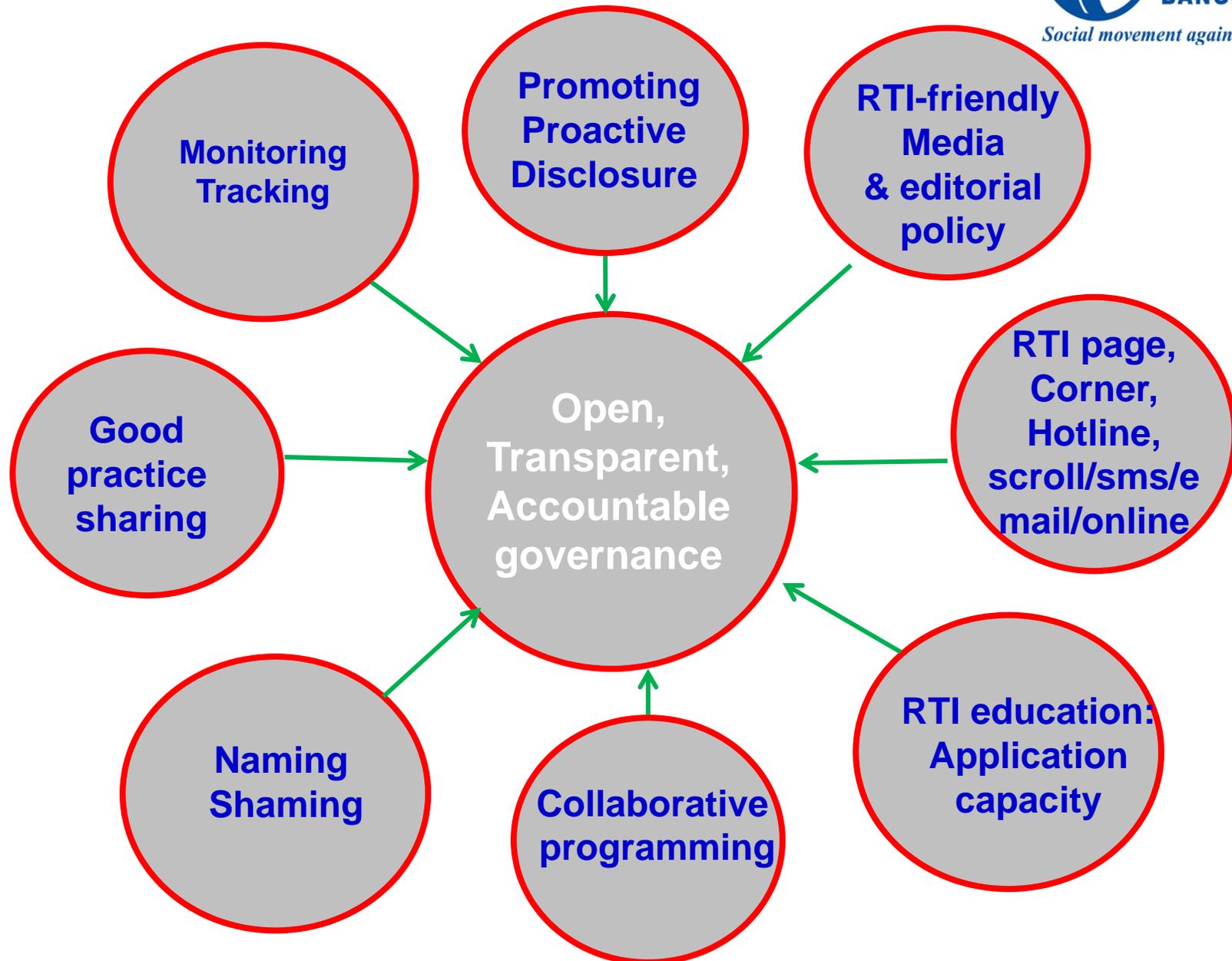
More than reporting

- Potentially powerful campaign partner (scroll in electronic media can be replicated by print media – RTI page/corner (print & on-line) and hotline to inform the public about the law, its benefits, application/appeals procedure, results, good practices, challenges)
- Wide scope - GO-NGO activities & projects; corruption & abuse of power, procurement, audit, Governance, Elections, Parliamentary activities and proceedings, state of human rights, rule of law and justice, public service delivery and all other matters of public interest using public resources
- Media's CSR – generate healthy debate on transforming culture of secrecy into openness

Opportunities for Media

- **Dual role:**
 - information seeker & capacity builder of the demand side
 - monitor and tracker of implementation and compliance by both demand and supply side
- **Collaboration and partnership with other stakeholders for training, campaigning and capacity building**
- **Highlighting good practice from national, regional and international levels**
- **Communicating bad practices – naming & shaming**
- **RTI-friendly media and editorial policy to be adopted by media houses and forums– mainstreaming RTI in media work**

Media in implementing RTI



Looking ahead

- **RTI implementation will not be easy, because it reduces the scope of discretion & abuse of power**
- **There can be vested interests within stakeholders –perceived gain from non-disclosure**
- **Shortage of resource, skills and capacities**
- **Persistent weakness in demand and supply side**

We don't have much to be too worried!

“You idiot. You naive, foolish, irresponsible nincompoop...”

“FOI is not used, for the most part by the people, but by journalists... For political leaders, it's like handing a mallet to someone who is hitting you over the head with a stick, and say, Hey, try this instead.”

These are how Tony Blair addresses to himself in his memoirs reflecting on his government's introduction of the Freedom of Information Act.



Corruption: Who Gets What?

**Disclose
Information
Curb
Corruption**



**তথ্য জানবো
জানবো—
দুর্নীতি রুখবো**

Thank you
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**Implement
RTI Act
Promote
Good
Governance**