How can governments entrench the right to information?

Ideally, effective implementation of the right to information requires governments to develop legislation which sets out:

- the specific content of the right - such as who can access information and from whom, within how much time and at what cost;
- the duties of relevant government bodies to provide information - including when they can legitimately refuse to provide information.

Proactive Disclosure potential of PFNet system in the Solomon Islands

Proactive disclosure recognises that if the right to information is really to be of assistance to the poorest and most disadvantaged, information should be provided by public bodies voluntarily so that they may engage with them to secure their entitlement in an informal manner. Even in the absence of legislation, governments can start proactively publishing more information. For example, in the Solomon Islands, the Government recently reached an agreement with the People First Network (PFNet), which operates computer-based “information kiosks” in rural areas to disseminate a weekly news bulletin on its activities. The scheme will help to empower the rural population by keeping them better informed about government activities, while also giving them a means to provide feedback to the Government.

A number of best practice basic principles have evolved over time, which have been consistently advocated by the UN. These should be incorporated into all information access laws:

1. Minimum Disclosure: All arms of government - for example, the legislature, the executive, the courts, police and the armed services - should be covered by the law. Even the private sector should be covered, at least where it is spending public money and/or performing public functions. All bodies should be required to release as much information as possible, including emails, internal deliberations of officials and ministers, contracts and materials used in public works. Bodies should also regularly publish and disseminate documents of general relevance to the public.

2. Minimum Exceptions: Exceptions to disclosure should be included only to protect the public interest and should be kept to a minimum. The law should not permit non-disclosure to protect government from embarrassment or the exposure of wrongdoing. Exemptions should ALL be subject to a harm test and blanket exceptions to disclosure should be kept to an absolute minimum because the tax payer already funds the information creation and maintenance process.

3. Simple Access Procedures: The law should include clear and uncomplicated access procedures so that people can obtain information quickly and easily. Application forms should be user friendly for the illiterate and the poor. Any fees for access should be kept to an absolute minimum because the tax payer already funds the information creation and maintenance process.

4. Independent Appeal Mechanisms: A powerful independent, impartial body - such as an Information Commission, Ombudsman or Human Rights Commission - must be given the power to review refusals to disclose information and compel release. The fear of independent scrutiny ensures that exemption clauses are interpreted responsibly and citizens’ requests are not unduly obstructed.

5. Penalties: The powers of oversight bodies should include a power to impose penalties for non-compliance with the law. Without sanctions, such as fines for delay or impersonation for willful destruction of documents, there is little compulsion on government officials to comply with the law.

6. Monitoring, Sanctioning and Enforcement: The law should mandate a body to monitor and support the implementation of the Act by developing codes of practice and submitting annual reports to Parliament. The law should also require training for officials and public education programmes to be held.

How can people campaign for the right to information?

The demand for open government has most often come from civil society. Civil society organisations have been very effective at raising public awareness about the value of the right, lobbying governments to enact a law, and supporting implementation. Access campaigns come from a range of backgrounds, such as human rights advocates, the media, anti-corruption campaigners, environmental organisations and committed Members of Parliament (MPs). This diversity recognises that the right is useful for people working on any issue.

Work together with like-minded groups

Campaigners working together have shown that there is strength in numbers. Solidarity amplifies voices, which is important in an informed society, harnesses a breadth of expertise and increases audience reach. Efforts have been organised as formal coalitions and sometimes as loose networks. In the Pacific, numerous groups are working on this issue, from local civil society Transparency International to regional rights organisations, and donors such as the UNDP and intergovernmental bodies like the Pacific Forum Secretariat.

Engage politicians

Successful advocacy relies on a willingness to bring about change within political circles and the bureaucracy. Campaigners need to work hard to develop relationships of trust and reliance with as many policy-makers as possible.

- Election time is a good opportunity to get MPs to think about the value of access legislation. Advocates can work to get commitments to enact access to information laws into election manifestos. Voters are likely to favour a politician who is committed to open government, tackling corruption, and reining in bureaucrats.
- Where governments are slow or disinterested, a private member’s bill introduced by an individual or small group of parliamentarians can help create an opportunity for debate. Although these bills do not often succeed in becoming law, if the issue catches the public imagination, the government may still decide to take it forward.

Get involved in the drafting process

Even when government commits to enacting a law, people need to ensure that the law-making process is open and participatory. Involvement at this stage will ensure that when the law is passed, the public will understand it and use it. However, invitations from government to participate in the drafting process are rare. But campaigners should be alert to opportunities, and can actively support consultancies on the law, by organising public meetings and workshops to discuss it.

Use all forms of communication to get the message across

Information and communication technologies bring many opportunities for advocates. In the Pacific, radio, television and newspapers can be useful. In particular, radio is an excellent advocacy and awareness-raising tool. Coverage can extend to the remotest regions, which has made it popular in the Pacific where communication infrastructure can be poor.

Engage the media as your ally

Journalists and the media can be crucial partners in any campaign because they have such a broad reach into the community. For example, the Pacific Islands News Association has recognised the importance of the right in recent resolutions. In Fiji, groups concerned with proposed government restrictions on the media included a demand for freedom of information legislation as part of their advocacy efforts. In Papua New Guinea, the Media Council has also discussed this issue.

“...the great democratising power of information has given us all the chance to effect change and alleviate poverty in ways we cannot even imagine today. Our task... is to make that change real for those in need, wherever they may be. With information on our side, with knowledge a potential for all, the path to poverty can be trodden.

Kofi Annan, Secretary-General, United Nations

When you pay for things you buy at a shop, do you not ask for accounts and a receipt?

Then

The government spends your money. You have a right to hold it to account.

The right to seek and receive information is your basic human right

Tell your government - You have the right to know
**What is the right to information?**

It can be a tool in the hands of citizens for scrutinising the policies & actions of government, fixing accountability of officials and promoting their participation in the decision-making process. Different terms are used - freedom of information, access to information, the right to know. But at the heart of the Right to Information are three key principles:

- the right of every citizen to request access to information from the government about its decisions and activities;
- the duty on all government bodies to provide information, unless releasing it would genuinely cause serious harm to public interest;
- the additional duty on the government to routinely publish key information even in the absence of a request.

The right to information was recognised by the United Nations General Assembly as far back as in 1946, when it declared:

> "Freedom of Information is a fundamental human right and the touchstone for all freedoms to which the United Nations is committed." 

The right to information was later given international legal status when it was enshrined in Article 19 of the International Covenant on Civil and Political Rights.

Information empowers citizens and NGOs

Information offers a very practical means for citizens to engage more effectively in development projects that directly affect their lives. For example, in 2002 in Papua New Guinea the National Government published the Official Information Act which gave all government departments the power to release information about policy, strategy and procedures relevant to development projects.

Citizens can hold their elected representatives and officials to account for their policies, decisions, and actions while in power. The right to information enables citizens to check whether government acts according to democratic values and constitutional norms.

1. **Promotes democratic governance**
   - Democracy only truly works when:
     -普通的公民能够更好地选择他们的代表并在基础之上实现自己的利益和权利，然后在一个民主的论坛上讨论和表达自己的意见。
   - There is a need for more effective democratic governance and accountability to the public in the Pacific.
   - For more information visit the Pacific Media and Communications Facility website at [www.righttoinformation.net](http://www.righttoinformation.net).