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THE 10-STEP STRATEGY FOR EFFECTIVE RIGHT TO INFORMATION IMPLEMENTATION

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Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Universal Declaration on Human Rights, proclaimed by the United Nations General Assembly on 10 December 1948



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Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Art 19(2) International Covenant on Civil and Political Rights

Adopted on 16 December 1966
BY General Assembly resolution 2200A (XXI)

Art. 19-A: Every Citizen shall have the right to have access to information in all matters of public importance subject to regulations and reasonable restrictions imposed by the law
Constitution of Islamic Republic of Pakistan, 1973

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RTI IMPLEMENTATION STRATEGY

Introduction

Pakistan has a rich cultural and historical heritage, but in recent years, the country has faced many challenges in governance and transparency. The Right to Information (RTI) is a fundamental human right that provides citizens with the power to access information about their government and its workings. Despite the progress in RTI implementation in Pakistan, much work is still to be done to ensure this right is fully realized.

Aim:

This strategy paper outlines a comprehensive plan for implementing the Right to Information in Pakistan. The goal is to create a transparent and accountable government that serves the citizens' needs and enhances citizens' capacity to hold the government accountable.

An effective strategy for Right to Information (RTI) implementation in Pakistan should focus on several key areas:

Strategic Objectives:

- 1. Awareness Raising:** To increase public awareness about the importance of RTI and to educate citizens about their right to access information.
- 2. Capacity Building:** To build the capacity of citizens, civil society organizations, and government officials to use RTI as a tool for accountability effectively.
- 3. Strengthening the RTI Regime:** To strengthen the legal and institutional framework for RTI in Pakistan, including the development of a national RTI policy, the strengthening of RTI Commissions, and the establishment of an appeals mechanism.
- 4. Promoting Good Governance:** To promote good governance by increasing transparency and accountability in government operations, including the publication of key information, the creation of a public complaints mechanism, and the development of anti-corruption measures.
- 5. Building Partnerships:** To build partnerships between government, civil society, and the media to promote RTI and enhance all actors' capacity to use RTI effectively.

Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated.

UN Resolution 59(1) adopted in 1946.

Background: The History of RTI Legislation in Pakistan

The Right to Information (RTI) is no more a nascent concept in Pakistan. Over the years, several legislative and policy measures have been taken to promote transparency and accountability in government operations.

In 1997, the Federal Freedom of Information Ordinance was enacted, which provided citizens with the right to access information held by federal government agencies. This was a significant step toward promoting transparency and accountability in government operations.

However, despite the implementation of the Federal Freedom of Information Ordinance, implementation of RTI remained limited, and citizens faced significant challenges in accessing information held by the government. Meanwhile, the government should have tabled this ordinance in the national assembly for enactment, but it didn't, and the ordinance lapsed. This led to calls for the introduction of a more comprehensive RTI law that would provide greater access to information and strengthen accountability.

In 2002, the federal government implemented the Freedom of Information Ordinance, which aimed to provide citizens with greater access to information. However, this law was considered weak, providing only a few avenues for citizens to get information from government offices.

In response, civil society organizations and media groups continued to advocate for stronger RTI laws and policies. In 2005, the government of Balochistan became the first province in Pakistan to pass its own RTI law. The following year, in 2006, the government of Sindh also passed its own RTI law, becoming the second province in Pakistan to do so. Although weak and xerox copies of the federal law, These provincial RTI laws represented a major milestone in the RTI movement in Pakistan and helped to set a precedent for other provinces to follow.

In 2010, the 18th constitutional amendment included article 19-A to guarantee the right to information. This amendment was a significant milestone in the country's journey toward greater transparency and accountability. It enshrined the right to information as a fundamental right for all citizens of Pakistan. In addition, it provided the framework for developing and implementing RTI laws and regulations across the country. This amendment resulted from decades of tireless efforts by civil society organizations, journalists, and human rights activists, who had advocated for greater transparency and accountability in government. The constitutional amendment marked a turning point in the country's history and set the stage for the continued growth and development of the RTI movement in Pakistan.

In 2013, the Pakistan Tehreek-e-Insaf (PTI) government introduced the Khyber Pakhtunkhwa Right to Information Act. The act gave citizens the right to access information held by government agencies in the province and established the Khyber Pakhtunkhwa Right to Information Commission to oversee its implementation.

Since the introduction of the Khyber Pakhtunkhwa RTI Act, several other provinces have also enacted RTI laws, including Sindh, Punjab, Balochistan, and the Islamabad Capital Territory. These laws give

citizens the right to access information held by government agencies in their respective provinces.

In conclusion, the history of RTI legislation in Pakistan has been marked by several significant milestones, including the Federal Freedom of Information Act in 1997 and the introduction of RTI laws in several provinces in recent years. However, despite these advances, significant challenges remain in RTI implementation and enforcement, and there is a need for further efforts to strengthen RTI implementation in the country.

Rationale for the Strategy

Effective implementation of RTI is crucial for ensuring that citizens have access to the information they need to make informed decisions and hold public officials accountable. In Pakistan, RTI implementation has been limited, with significant gaps in awareness, capacity, and enforcement of RTI laws. This has resulted in low RTI usage levels and a lack of meaningful impact on transparency and accountability.

To address these challenges, a comprehensive RTI implementation strategy is necessary. The strategy outlined in this paper aims to provide a roadmap for promoting and strengthening RTI implementation in Pakistan. In addition, it seeks to address the key challenges facing RTI implementation and provides practical solutions for addressing these challenges.

The rationale for this strategy is based on the following principles:

- 1. Empowerment of Citizens:** By providing citizens with access to information, RTI empowers them to make informed decisions and hold public officials accountable.
- 2. Promotion of transparency and accountability:** RTI helps promote transparency and accountability by enabling citizens to access information about government operations and decision-making processes.
- 3. Strengthening of democratic institutions:** RTI strengthens democratic institutions by promoting accountability and transparency and helping to prevent corruption and misuse of public resources.
- 4. Fostering a culture of openness:** RTI promotes a culture of openness by enabling citizens to access information and participate in public affairs.

Process of Drafting the Strategy

The process of drafting this strategy was comprehensive and inclusive, and involved a review of relevant documents, key informant interviews with government officials, civil society representatives, and other stakeholders, as well as consultations and focus group discussions.

The first step in the process was the review of relevant documents, including existing RTI laws and policies, as well as reports and studies on RTI implementation in Pakistan. This review helped to identify key challenges and gaps in RTI implementation and provided a solid foundation for the development of the strategy.

Key informant interviews were then conducted with government officials, civil society representatives, and other stakeholders, including representatives from RTI commissions, media organizations, and academia. These interviews provided valuable insights into the current state of RTI implementation in Pakistan, as well as suggestions for improving implementation in the future.

Consultations and focus group discussions were also conducted with a range of stakeholders, including government officials, civil society representatives, media organizations, and academia. These consultations provided an opportunity for stakeholders to provide feedback and suggestions on the strategy and helped to

ensure that the strategy was developed in a way that was inclusive and reflective of the views and perspectives of all stakeholders.

The information gathered through the document review, key informant interviews, and consultations were then used to develop the strategy, which is designed to address the key challenges and gaps in RTI implementation in Pakistan and to provide a roadmap for improving RTI implementation in the future.

The strategy was then reviewed and refined through a series of consultations and focus group discussions to ensure that it was comprehensive and reflective of the views and perspectives of all stakeholders. The final strategy was then shared with the relevant government agencies and other stakeholders and is now ready for implementation.

In conclusion, the process of drafting this strategy was comprehensive and inclusive and involved a review of relevant documents, key informant interviews with government officials, civil society representatives, and other stakeholders, as well as consultations and focus group discussions. This approach ensured that the strategy was developed in a way that was reflective of the views and perspectives of all stakeholders and that it provided a solid foundation for improving RTI implementation in Pakistan

IMPLEMENTATION PLAN

- 1 Awareness Raising:** Conducting widespread awareness-raising activities to educate the public on their right to access information and how to make effective RTI requests. This can be achieved through various channels, such as print and electronic media, workshops, training sessions, and community outreach programs.
- 2 Strengthening RTI Institutions:** Providing adequate resources and support to RTI institutions, such as the RTI Commission, to ensure they are able to fulfill their mandate effectively. This includes ensuring the Commission has adequate staffing, resources, and funding to process RTI requests in a timely manner.
- 3 Sensitization of Public Officials:** Providing training to public officials, including bureaucrats and politicians, on the importance of RTI and their responsibilities under the RTI law. This will help ensure they are proactive in providing information to citizens and comply with RTI requests.
- 4 Sensitization of Judiciary:** Sensitizing the judiciary on the importance of RTI and the need for pro-people decisions when reviewing RTI-related disputes. This will help ensure that RTI decisions are upheld and that citizens are able to access information without undue obstruction.
- 5 Monitoring and Evaluation:** Establishing a system for monitoring and evaluating RTI implementation, including online tracking RTI requests and the response time, and conducting regular assessments to identify areas for improvement.
- 6 Collaboration and Partnership:** Encouraging collaboration and partnership between government agencies, civil society organizations, media, and other stakeholders to create a supportive environment for RTI implementation.
- 7 Civil Vigil:** It is important to address the role of civil society in ensuring the effectiveness of the Right to Information (RTI) law. This can be done by highlighting the need for civil society organizations to take joint action against any attempts by the government to weaken the RTI law. This can include advocating for the protection and strengthening of the RTI law, monitoring its implementation, and engaging in legal action to challenge any attempts to undermine the law. By working together, civil society can help to ensure that the RTI law remains a powerful tool for promoting transparency, accountability, and good governance in Pakistan.

IMPLEMENTATION PLAN

8 Sensitization and training of the Information

Commission: In addition to the role of civil society, it is also important to focus on the sensitization and training of the Information Commission. The Commission should be made aware of the importance of disposing of RTI cases within the stipulated time frame, as this is crucial for ensuring the effectiveness of the RTI law. Regular training and capacity-building programs should be organized for the Commission to keep its members up-to-date with the latest developments and best practices in RTI implementation. By doing so, the Commission can be better equipped to handle RTI cases in an effective and timely manner and to serve as an effective check on government transparency and accountability. Furthermore, by ensuring that the Commission is well-equipped to fulfill its mandate, the RTI law can have a greater impact on promoting transparency and accountability in Pakistan.

9 Voted Budget: It is essential to recognize the crucial role of the Information Commission in protecting and ensuring an important fundamental right. Like other independent and autonomous bodies, such as the High Court, Supreme Court, and Election Commission, the budget of the Information Commission should not be subject to political approval through the annual voting process. Instead, it should be charged directly through the constitution or other appropriate legislation. This can be achieved through suitable amendments to the constitution and relevant laws and will help to ensure the

financial independence and autonomy of the Commission. By doing so, the Commission can be better equipped to fulfill its mandate and to serve as an effective check on government transparency and accountability. Furthermore, this will help to strengthen the RTI law and its impact in promoting transparency, accountability, and good governance in Pakistan.

10 Proactive Disclosure: it is important to emphasize the importance of proactive disclosure as the first step toward effective RTI implementation. Proactive disclosure refers to government agencies making information available to the public without needing a specific request. This helps to promote transparency, accountability, and public trust in government. The relevant clause of the RTI law in Pakistan mandates that government agencies proactively disclose certain categories of information, including budgets, contracts, and other financial information, as well as policy documents and records of decisions.

- To effectively implement this provision, government agencies must take the necessary steps to develop and implement proactive disclosure policies and procedures. This may include the development of a centralized repository of information, training staff on proactive disclosure requirements, and creating public awareness campaigns to promote the importance of this provision.

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The purpose of MAHER Consulting is to inspire social and business sectors and continuously improve our clients' capacity to manage their project cycle through the best business solutions and knowledge-based products.

Our vision is to become a leading consulting firm providing sustainable and eco-friendly solutions to our people and thus shaping their lives and future. We resolve to pitch an efficient and dedicated team committed to serving our client base and setting new standards in service delivery but without losing sight of our core values.



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