

THE RIGHT TO INFORMATION: STRENGTHENING DEMOCRACY AND DEVELOPMENT

Commonwealth Human Rights Initiative

Recognising the fundamental importance of access to information to democratic participation, to holding governments accountable and to controlling corruption, as well as to personal dignity and business efficiency, [we declare that]...the right to access information held by public authorities is a fundamental human right which should be given effect at the national level through comprehensive legislation (for example, Freedom of Information Acts) based on the principle of maximum disclosure, establishing a presumption that all information is accessible subject only to a narrow system of exceptions.

- UN Special Rapporteur on Freedom of Expression, 2004

What Is The Right To Information?

Over the past few years, the “right to information” has gained increasing prominence in the human rights and the democratic discourse. As more and more countries have embraced democratic norms and adopted commitments to more open, responsive government, so too has there been an increase in the passage of laws which have entrenched a legal right to access information from governments, and even from private bodies in certain specified circumstances.

Different terminology has been used – freedom of information, access to information, the right to know – but fundamentally, the concept remains the same. At the heart of the right to information are two key concepts:

- The right of the public to request access to information and the corresponding duty on the government to meet the request, unless specific, defined exemptions apply;
- The duty of the government to proactively provide certain key information, even in the absence of a request.

In practice, this requires governments develop legislation, setting out the specific content of the right – who people can access information from, how, when and at what cost – and the duties on relevant bodies to provide information, including when they can legitimately refuse to provide information. Experience has shown that legislation is only the first step in operationalising the right. Effective implementation requires a genuine commitment to opening up to scrutiny from all levels of government, adequate resourcing, improved records systems and infrastructure and education for the public and bureaucracy on their rights and obligations under the new law. In many right to information regimes throughout the world, Ombudsmen have often played a key role in ensuring effective implementation of access laws.

Why Is The Right To Information Important?

“Access to public information is a requisite for the very functioning of democracy, greater transparency, and good governance and that, in a representative and participatory democratic system, the citizenry exercises its constitutional rights, inter alia, the rights to political participation, the vote, education, and association, by means of broad freedom of expression and free access to information”

Organisation of American States General Assembly Resolution, 2003

Good Governance & Inclusive Democracy

In practical terms, governance is undoubtedly strengthened by the existence of a right to information. Meaningful, substantive democracy is founded on the notion of an informed public that is able to participate thoughtfully in its own governance. In this context, governments committed to participatory and representative democracy have embraced the right to information as a practical mechanism for facilitating the meaningful engagement of their constituents in the activities of government. At a more basic level, without information, representative democracy is undermined because the public have insufficient information on which to base the exercise of their vote. Voters may fall back on tribal, clan, religious or class affiliations as the basis for their choice, instead of choosing their parliamentary representatives on the basis of the strength of their policies or their past experience and demonstrated capacity.

Apart from elections, access to information is vital to ensuring that the public can engage with their representatives and the bureaucracy on an ongoing basis, and can therefore more effectively participate in the development and implementation of policies and activities purportedly designed for their benefit. Too often, members of the public have difficulty finding out what the bureaucracy is doing and whether it is doing it effectively. In fact, Ombudsmen are often on the frontline in mediating such problems between the public and the bureaucracy. Access to information laws can also be used to systematically address this problem. Most commonly, in addition to allowing access to information upon request, most access laws also specifically require proactive disclosure of information regarding public consultations, regular open meetings of committees and councils and any other opportunities for the public to participate in policy-making. Good access laws can also provide a useful oversight and participation mechanism for non-Cabinet parliamentarians and government watchdogs like Ombudsman, who themselves are also sometimes left out of key policy and budget processes.

Democracy and national stability are also enhanced by policies of openness which engender greater public trust in elected representatives. This is crucial – without the support and trust of the people, government will be more likely to face resistance to proposed policies and programs and implementation will be more difficult. Conflict also becomes more likely, particularly if government secrecy exacerbates perceptions of favouritism and/or exclusion. Systems that encourage communication and give people the ability to personally scrutinise government decision-making processes reduce citizens' feelings of powerlessness, and weaken perceptions of exclusion from opportunity or unfair advantage of one group over another. It effectively reduces the distance between government and people and combats feelings of alienation.

Tackling Corruption

Access to information is a key mechanism for ensuring transparency and is a proven anti-corruption tool. The World Bank estimates that corruption can reduce a country's growth rate by 0.5 to 1.0 percentage points per year. The harmful effects of corruption are especially severe on the poor, who are hardest hit by economic decline, most dependent on the provision of public services, and least capable of paying the extra costs associated with bribery, fraud, and the misappropriation of economic privileges.

In this context, the right to information has proven to be an effective antidote to corruption, equipping parliamentarians, anti-corruption bodies (such as Ombudsmen) and the public with a tool to breakdown the walls of secrecy that shield corrupt officials. A legally entrenched right to access documents held by the government (and in some cases, by private bodies) can be used to collect hard evidence of malfeasance and hold officials accountable. The right to information also serves as an important deterrent - the knowledge that a decision may be open to review by the public at a later stage can discourage the decision-maker from acting dishonestly. Officials will be aware that it will be much more difficult to hide their bad behaviour from public scrutiny. In practice, access laws can be used very effectively at the community level, for example, to expose cases where implementing agencies fail to properly discharge their duties, both to the government and the public. They can also be utilised to expose high-level corruption, for example, through obtaining documents that reveal tainted government decision-making processes. Although Ombudsmen should not have to go to such lengths to acquire the documentation they need to perform their oversight function, nonetheless, right to information can be a handy mechanism for accessing records and more generally, for supporting calls for greater government transparency and accountability.

Keeping An Eye On Those Responsible For Implementing Government Policies

In Delhi, India a crusading NGO used right to information legislation to access information which showed that almost 90% of the food meant to be distributed to poor people under the Indian Public Distribution System (PDS), was being siphoned off by corrupt ration dealers. The NGO, named Parivartan, obtained the sales registers and stock registers of some ration dealers in October 2003 using the Delhi *Right to Information Act*. The records related to distribution of wheat, rice and kerosene during June 2003. The information was disseminated to supposed recipients of rations, who were aghast to see that rations had been siphoned off in their names. The ration dealers had

told PDS beneficiaries that they were not receiving stocks from the government, while selling the rations on the black market.

Using the records obtained under the *Right to Information Act* and cross-checking it against the ration cards kept by PDS beneficiaries, Parivartan's research revealed that during the month of June, out of a total of 182 families interviewed, 142 families did not receive a single grain of wheat (only 595kg of 4650kg was distributed) and 167 families did not receive a single grain of rice (only 110kg of 1820kg was distributed). With their documents in hand, Parivartan was able to confront ration dealers with proof of their corrupt practices. Parivartan has since reported that of 82 families they spoke with in follow-up interviews, all were now getting their full entitlements at correct prices.

Participatory Development

Sadly, although some countries in the Asia-Pacific have demonstrated impressive development over the last few decades, there still remain main nations in the region who are marked by poverty and under-development. In this context, it is noteworthy that the Secretary-General of the United Nations, Kofi Annan observed in 2003 that: "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 reversed."¹ With assured information, marginalised groups will be given their rightful voice and a powerful tool to scrutinise and engage with the development activities being directed at them. They can access information about their development rights, as well as the projects and programmes from which they are supposed to be benefiting. In fact, experience shows that personal information is the most common type accessed under right to information laws. People use the law to ensure they receive proper entitlements and find out what the government is doing for them or for their locality.

Holding International Institutions Accountable

Some of the failure of poverty reduction and development strategies to date can be attributed to the fact that, for years, they have been designed behind closed doors by governments who consulted with 'experts' but shut out the very people who were supposed to benefit. Even a parliamentarian in Ghana complained that the interim Poverty Reduction Strategy Paper required by the World Bank, as well as crucial decisions to take advantage of the Highly Indebted Poor Country Initiative which will affect government policy directions for years to come, were not referred to Parliament at large.²

Donors have been complicit in keeping development planning processes closed. International Financial and Trade Institutions (IFTI), such as the World Bank, International Monetary Fund and the World Trade Organisation, are finally beginning to open up and have reviewed their Disclosure Policies with a view to enabling greater oversight and participation from member country parliamentarians and citizens. However, more work needs to be done. In this context, national access to information laws offer an additional avenue for accessing information from IFTI's, because they can be used to access IFTI papers and agreements which are held by the national government.

Equitable Economic Growth

Economic development is enhanced and deepened by the right to information. As most experts agree, free information is crucial to the development of a modern economy capable of engaging in the globalised international marketplace while still fostering pro-poor economic growth. It is for this reason that most of the International Financial and Trade Institutions, such as the World Bank and IMF, have repeatedly endorsed the importance of transparency and have included the implementation of effective right to information legislation in country strategies as a key practical mechanism for promoting said transparency. Open and free access to information is also valuable in ensuring equitable economic development. In this context, it is notable that it has long been recognised that the poor have too often been excluded from participating in the management of

¹ Annan, K. (1997) *Address to the World Bank conference "Global Knowledge '97"*, Toronto, Canada, on June 22: <http://www.ctcnet.org/kannan.html> as on 1 October 2003.

² Globalization Challenge Initiative, (2000) 'Who Governs Low Income Countries: An Interview with Charles Abugre on the Ghana Poverty Reduction Strategy Initiative', *IMF and World Bank News and Notices*, Fall: www.challengeglobalization.org/html/news_notices/fall2000/fall2000-01.shtml

their own economies and from accessing the benefits of economic development. The right to information is an important tool that can be used to ensure markets work for people rather than corporations. At the high policy end, parliamentarians and the public can exercise their right to access information to obtain documents on trade and economic policy. At the other end of the spectrum, people can use their right to obtain information such as tax, wage and occupation health and safety entitlements and compliance.

International Framework

“Public bodies have an obligation to disclose information and every member of the public has a corresponding right to receive information... Public bodies should publish and widely disseminate documents of significant public interest...A refusal to disclose information may not be based on trying to protect government from embarrassment or the exposure of wrongdoing...”

UN Principles On Freedom Of Information 2000

The United Nations General Assembly recognized more than 50 years ago that *“Freedom of Information is fundamental human right and the touchstone for all freedoms to which the United Nations is consecrated”*³. Enshrined in the Universal Declaration of Human Rights, the right’s status as a legally binding treaty obligation was affirmed in Article 19 of the International Covenant on Civil and Political Rights which states: “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*”⁴. This has placed the right to access information firmly within the body of universal human rights law.

In 1998, the UN Special Rapporteur on the Freedom of Expression stated unequivocally that the right to seek, receive and impart information enshrined in Article 19 of the UDHR “imposes a positive obligation on States to ensure access to information, particularly with regard to information held by the Government in all types of storage and retrieval systems.”⁵ In 1998, the Commission on Human Rights passed a resolution welcoming this view.⁶ In 1999, the Commonwealth – of which 18 Asia-Pacific countries are members – has also adopted Commonwealth Freedom of Information Principles, which recognise the right to access information as a human right whose “benefits include the facilitation of public participation in public affairs, enhancing the accountability of government, providing a powerful aid in the fight against corruption as well as being a key livelihood and development issue.”⁷ The Commonwealth Secretariat has designed a Model Law on Freedom of Information⁸ to serve as a guide to law-making. More recently, at the last Commonwealth Head of Government Meeting in Nigeria in 2003, the Heads specifically agreed that: “Among the objectives we seek to promote are...the right to information”⁹. In 2004, the Pacific Forum Leaders’ committed the Forum to: *“Give the greatest possible support to maintaining and increasing efforts by the Forum Secretariat to enhance the governance capabilities of Forum members and Forum-related agencies”*, which provides an excellent basis from which to promote the right to information.

Notably, the African Union¹⁰ and the Organisation of American States¹¹ have also endorsed minimum standards on the right to information, while the European Union has developed a specific Regulation on Freedom of Information.¹² Drawing on international and regional standards, evolving State practice, and the general principles of law recognised by the community of nations, in 1999, Article 19, an NGO which specifically works on these issues, developed “Principles on Freedom of Information Legislation” which set out the key features that should ideally be present in any

³ UN General Assembly, (1946) Resolution 59(1), 65th Plenary Meeting, December 14.

⁴ Emphasis added

⁵ *Promotion and protection of the right to freedom of opinion and expression*, Report of the Special Rapporteur, UN Doc. E/CN.4/1998/40, 28 January 1998, para. 14.

⁶ Res. E/CN.4/1998/42, 17 April 1998, para.2.

⁷ Communiqué issued by the Commonwealth Law Ministers, Trinidad and Tobago, May 1999, para. 21.

⁸ Freedom of Information Act [], Commonwealth Secretariat Doc. LMM(02)6, Annex, September 2002.

⁹ CHOGM (2003) Aso Rock Declaration on Development and Democracy: Partnership for Peace and Prosperity, para 7.

¹⁰ See also *Declaration of Principles on Freedom of Expression in Africa*, Part IV, adopted by The African Commission on Human and Peoples’ Rights, meeting at its 32nd Ordinary Session, Banjul, The Gambia, 17- 23 October 2002.

¹¹ See Organisation of American States - General Assembly (2003) *Access to Public Information: Strengthening Democracy*, resolution adopted at the fourth plenary session, June 10 2003, AG/RES.1932 (XXXIII-O/03).

¹² See European Union (2001) *Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents*, Official Journal of the European Communities L145/43

information disclosure policy or law. In 2000, the United Nations Special Rapporteur endorsed these principles.¹³

Entrenching The Right To Information In Practice

"[F]reedom of information should be guaranteed as a legal and enforceable right permitting every individual to obtain records and information held by the executive, the legislative and the judicial arms of the state, as well as any government owned corporation and any other body carrying out public functions."

Commonwealth Expert Group on the Right to Know, 1999¹⁴

The right to information can be protected through a variety of legal mechanisms, from explicit constitutional safeguards to individual departmental orders that allow for access. In the Asia-Pacific region, the constitutions of Papua New Guinea, Philippines and Thailand all give the right to information explicit protection. In other countries, such as India, South Korea and Sri Lanka, although the constitution does not specifically mention the right to information, courts have read this right into the constitutionally recognised right to freedom of speech and expression or freedom of thought. Even where there is no specific access legislation, sector-specific laws sometimes mandate disclosure. For example, environmental laws may require publication of impact assessments, or corporate laws may require the dissemination of annual reports and financial statements. In some jurisdictions, information can also be obtained through the provisions in citizens charters adopted voluntarily by departments or through executive orders, although these methods for enabling access to information are not ideal, as they can be easily overturned at any time.

Ideally, even in countries with constitutional guarantees, legislation should still be passed which details the specific content and extent of the right. Legislation sets a clear framework for putting in place systems and creating cultures of openness that are uniform across public bodies. While application processes, forms of access and appeals mechanisms may differ according to countries contexts, all access to information should meet the minimum principles outlined below:

- **Maximum Disclosure:** The principle of maximum disclosure must underpin the law such that there should be a strong presumption in favour of access and a clear statement that "all people have a *right* to access information and all bodies covered by the act have a corresponding *duty* to provide access in accordance with the law. The law should cover all public bodies, as well as private bodies and non-government organisations that carry out public functions or where their activities affect people's rights. This recognises that in this age of increased privatisation and outsourcing of government activities, the private sector has increasing influence and impact on the public and should therefore not be beyond their scrutiny. Any person at all should be able to access information under the legislation, whether a citizen or not. People should not be required to provide a reason for requesting information because it is a fundamental right to which they are entitled. The definition of "information" should be wide and inclusive.
- **Minimum Exemptions:** The limits on disclosure need to be tightly and narrowly defined. Any denial of information must be based on proving that disclosure would cause serious harm and that denial is in the overall public interest. Commonly, exemptions allow for non-disclosure where release of information would cause serious harm to national security, international relations, legitimate law enforcement activities, a fair trial, or the competitive position of a party. Unreasonable disclosure of personal information is also usually not permitted. Notably, legislation should avoid broad, blanket exemptions. In most cases, each document and the context of its release is unique and should be judged on its merits. Accordingly, exemptions should be subject to content-specific case-by-case review and non-disclosure only permitted where it is in the public interest and release would cause serious harm.
- **Independent Appeals:** Effective enforcement provisions ensure the success of access legislation. Any body denying access must provide reasons. Powerful independent and impartial

¹³ Hussain, A. (2000) Report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression submitted in accordance with Commission resolution 1999/36, Doc.E/CN.4/2000/63, 5 April. See also Ligabo, A., Haraszti, M. & Bertoni, E. (2004) *Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression.*

¹⁴ Document issued by the Commonwealth Expert Group Meeting on the Right to Know and the Promotion of Democracy and Development, London, 30-31 March 1999.

bodies must be given a comprehensive mandate to review refusals to disclose information and other procedural matters, compel release and impose sanctions for non-compliance. They should have full investigatory powers and their decisions should be binding. Commonly, this role will be filled by a Information Commission(er) set up specifically for this purpose, such as in Queensland and Western Australia. Alternatively, in some jurisdictions, the Ombudsman serves in this role, such as in New Zealand and Pakistan, or an existing administrative tribunal may hear appeals, as in Thailand and the federal Government in Australia. In all cases, the courts should remain the final appeal body.

- **Strong Penalties:** The law should impose penalties and sanctions where there has been unreasonable delay or withholding of information, knowing provision of incorrect information, concealment or falsification of records, wilful destruction of records subject to requests, obstruction of the work of any public body under the law and/or non-compliance with the Appeal Body' orders. Penalties must be sufficiently large to act as a deterrent and should be able to imposed on individual officers, including heads of department, rather than just the organisation itself. Personal penalties have been included in the access laws in the States of Maharashtra and Delhi in India. Notably, without personalised sanctions, many public officials may shirk their duties, safe in the knowledge that their employer will suffer the consequences, rather than themselves.
- **Proactive Disclosure:** The law should impose an obligation on government to routinely and proactively disseminate information of general relevance to citizens, including updates about structure, norms and functioning of public bodies, the documents they hold, their finances, activities and any opportunities for consultation. The initial effort will be worth the investment as proactive publication of key information will reduce requests in the long run because people will be able to easily access routine information without having to apply to public bodies.
- **Simple, Cheap Access:** A key test of an access law's effectiveness is the ease, inexpensiveness and promptness with which people seeking information are able to obtain it. The law should include clear and uncomplicated procedures that ensure quick responses at affordable fees. Usually, a Public Information Officer (PIO) is appointed for each body, with powers delegated to Deputy PIOs who sit in local offices. Applications are submitted to PIOs, in writing (electronically, by mail or by hand) or orally where the applicant is illiterate, and are then processed, within 5 to 30 days. Ideally, fees should not be imposed. Only the actual costs incurred in copying and posting the requested information should be passed on to applicants.
- **Effective Monitoring & Implementation:** A body should be given specific responsibility for monitoring and promoting the Act. Usually, the independent Appeal Body will be given this responsibility. Members of Parliament also play an important oversight role, as reports on compliance with the law are usually submitted annually to Parliament for consideration and comment. The law should obligate government to actively undertake training and public education programmes. In South Africa for example, the Human Rights Commission has been given a specific mandate to raise public awareness on the new law and provide training to public officials. Records management systems should be created and maintained which are designed to facilitate the aims of the law. Notably, the implementation of proper records systems has public sector efficiency dividends beyond just enabling access to information.

Role of Ombudsmen

As detailed above, right to information laws constitute an extremely useful tool for ensuring greater government transparency in practice, reducing corruption and facilitating increased accountability. Right to information is all about opening up the government to scrutiny and requiring it to be answerable for its actions. This objective dovetails neatly with the mandate of Ombudsmen - to review the administration of the government with a view to ensuring that officials are made accountable for their activities. With this in mind, Ombudsmen are encouraged to take a proactive role in promoting and implementing the right to information, both individually in their home countries and collectively at the regional level. As respected leaders of the community, Ombudsmen could make a real difference in terms of ensuring that the right to information is enjoyed by all.

The right to information has not to date been a high priority on the agendas of governments in the Asia-Pacific, despite the fact that the good governance agenda which it supports is currently a very popular discourse in the region. Ombudsman could strategically take a lead in transforming the general good governance rhetoric into a practical reality for the people of the Asia-Pacific by encouraging governments to make the enactment and implementation of strong right to information laws a priority. In addition to pushing for the development of a law, Ombudsman could also usefully support the review of Standing Orders and other parliamentary procedures and rules to ensure that they do not promote secrecy. As a first step, Asia-Pacific Ombudsmen, as a collective, are encouraged to recognise the promotion of the right to information as a priority area for attention. This issue could also be placed on the agenda of other meetings of Ombudsmen, such as the upcoming Pacific Ombudsmen meeting in August 2005. Ombudsmen could also consider more actively promoting the right to information domestically – by raising it with government and individual MPs, publishing articles on the topic as a means of raising public awareness and including recommendations regarding implementing the right to information in annual reports, papers and speeches.

There is already substantial international precedent for Ombudsmen taking such an active role in promoting the right to information. The Australian Federal Ombudsman for example, has been given a statutory role within Australia's freedom of information regime to monitor and promote good practice in this area. The Ombudsman's responsibilities include making recommendations to review and improve Australia's access legislation and he/she even has own-motion powers to institute inquiries into how effectively departments are administering the freedom of information law. In the State of Victoria, the Ombudsman has recently used this power to actually institute an inquiry into complaints about consistent delays and non-compliance with the law. Clearly, the Victorian Government has recognised the key role that the Ombudsman can play in ensuring proper administration of the law and assisting with removing blockages to the public's right to access information. This is a role that Ombudsman throughout the Asia-Pacific could and should be given.

Notably, Ombudsmen are not only important as strategic supporters of the general right of the public to access information. As mentioned in the previous paragraph, Ombudsmen are also commonly given specific responsibilities under right to information laws. In addition to a general monitoring function, some Ombudsmen have been given the job of acting as the independent appeal body under the law, with a mandate to review decisions of public authorities not to disclose information and recommend/demand release if appropriate. In New Zealand, the Ombudsman operates as the independent appeal body under the country's right to information law. The Ombudsman has powers to investigate and make recommendations to the Executive, and such recommendations will be complied with as an order unless the Executive passes an order within 21 days to the contrary. The New Zealand Ombudsman has been active in ensuring the law is applied properly by bureaucrats, working hard to shift the emphasis from withholding information to determining how to maximize disclosure while still protecting genuinely sensitive information. **As a result, the Secretary of the New Zealand Cabinet noted in 1997 that all written work in Government is now prepared on the assumption that it will be released.**¹⁵ This is an impressive change in official thinking which would enormously help the Ombudsman to implement his/her mandate more generally. The Fiji Ombudsman has also been touted as a body which could fill the independent appeal function in any Fiji freedom of information regime. It is important to note however, that it is potentially problematic in the Fiji context that the Constitution currently limits the Ombudsman's role to making recommendations

¹⁵ Marie Shroff (1997) "Behind the Official Information Act: Politics, Power and Procedure" in *The Official Information Act: 1997*, quoted in David Banisar (2004) "The FREEDOMINFO.ORG Global Survey: Freedom of Information and Access to Government Records Around the World", <http://www.freedominfo.org/survey.htm>

only and no appeals can be made to the Courts from Ombudsman's directions. This could be a problem because the independent appeal body under a right to information law should ideally have the power to make binding decisions and their decisions should be reviewable by the Courts. This is something that may need to be considered in other jurisdictions in the Asia-Pacific.

The independent appeal body and/or monitoring agency comprises a key function under a right to information law, because in practice often, such bodies act as important counterweights to bureaucratic lethargy and/or active resistance to openness. Ombudsmen are often given this additional responsibility because they are already set up to operate as an independent oversight body, and therefore are respected by the community as having no vested interest in deciding whether or not to release government information. In small countries, such as many of the Pacific states, it can also be useful to use the Ombudsman to perform this function because human and financial resources may be lacking to set up an entirely new body. Ombudsmen have the expertise and commitment to transparency and accountability to tackle the difficult job of breaking down entrenched cultures of secrecy amongst the bureaucrats responsible for the day-to-day implementation of the law. It is for this reason that CHRI wishes to encourage Ombudsmen to take an active role in promoting the development and implementation of strong right to information regimes throughout the Asia-Pacific.

CHRI & Right to Information

CHRI is mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. In support of its overarching human rights mission, CHRI runs two key programmes: (1) Access to Information and (2) Access to Justice. CHRI's Access to Information Programme works within the Commonwealth:

- To build awareness and capacity in bureaucrats and civil society to catalyse the entrenchment of the right to information as a foundation for open governance;
- To support effective networking and dialogue within and between civil society and government;
- To inform the law-making process through the promotion of best practice standards and dissemination of lessons learned; and
- To ensure that sufficient attention, resources and expertise are directed towards ensuring effective implementation of new access regimes.

Promoting the right to information across the Commonwealth has been a core program for CHRI for six years now. This work culminated in the publication of CHRI's major report in 2003, *Open Sesame: Looking for the Right to Information in the Commonwealth*. CHRI is committed to raise awareness on the value of the right to information and our staff have extensive experience in promoting right to information principles and legislative best practice. We are always available to act as resource people at workshops for parliamentarians and other key stakeholders. For example, CHRI was invited as a discussion leader on the topic of right to information to the Commonwealth Parliamentary Association's Annual Meeting in 2004, and we would be keen to participate similarly in activities organised by the Asia-Pacific Ombudsmen.

CHRI is equipped to provide law-making support to governments stakeholders and civil society groups wishing to develop best practice right to information legislation. For example, CHRI has reviewed draft access laws in Fiji, Sri Lanka, India and Pakistan, as well as Uganda, Mozambique and Kenya, and participated closely in the revision of the Asian Development Bank's information disclosure policy. CHRI also is active in supporting implementation activities. In this context, CHRI is pleased to be able to draw on its network of international experts, such as the International Records Management Trust or the ODAC WhistleBlower team, to provide technical inputs in specialised areas. CHRI itself is also equipped to assist with the development of implementation action plans and training for public officials responsible for implementing the law.

CONTACTS: CHRI's Headquarters, which is located in New Delhi, India, is responsible for monitoring and supporting right to information activities in the Asia-Pacific, Caribbean and Eastern and Southern Africa. CHRI would be pleased to discuss this paper and the Access to Information Programme with interested Ombudsmen. Ombudsmen are encouraged to contact Ms Charmaine Rodrigues, Co-Coordinator of CHRI's Right to Information Programme, at charmaine@humanrightsinitiative.org or by phone on +91-11-2685-0523. Alternatively, CHRI encourages Ombudsmen to access CHRI's website - www.humanrightsinitiative.org - which has been designed as a comprehensive right to information resource for government and civil society. Links are provided to key international papers and contacts, as well as Commonwealth right to information legislation and useful international standards.

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