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PRESS RELEASE

TO BE TRULY FREE

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Transparency International Vanuatu (TIV) is calling for the recognition of freedom of the right to information in Vanuatu to mark world Press Freedom Day on 3 May 2006.

In 1946, the United Nations General Assembly recognized Freedom of Information as a fundamental human right and is the touchstone for all freedoms to which the United Nations is consecrated. This is enshrined in International Covenant on Civil and Political Rights (ICCPR) which states in Article 19: *“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.”*

Even though Vanuatu has been a member of the United Nations for 25 years, this fundamental right to information is ignored in Vanuatu’s Constitution. While the Constitution recognizes other rights such as the right to freedom of expression, freedom of assembly and freedom of movement, the entitlement and extent of these rights are hindered by the lack of the freedom of information. How can one express him or herself properly without having access to the information needed to express him or herself on the issue desired?

Public information should be accessible to the public.

Government acts as a vast storehouse of information. The information kept by government holds the memory of the nation and provides a full portrait of its activities, performance and future plans. This information is generated with public money by public servants paid out of public funds. As such, it cannot be unreasonably kept from citizens. It is of vital importance that an efficient reporting and record-keeping procedure is put in place to ensure that this information is retained and reaches the public.

While all citizens are hindered by the lack of freedom to information, perhaps it is most restrictive upon the media. Media is the key information portal for the citizens of Vanuatu through both radio and newspaper. Yet, if the media cannot access the information necessary to complete a story, it ends up one-sided or not reported at all. Is it fair that the whole message does not reach the citizens of Vanuatu?

This lack of recognition of the freedom of information portrays itself in a number of ways. It is evident in the lack of reporting of different government bodies, the haphazard reporting and filing mechanisms which result in “lost” or “misplaced” files and it shows itself in the ability of government officials to hide behind the antiquated Official Secrets Act.

Debate on new laws required.

Fundamental to the right to information is the right to examine the Bills which are due to be tabled and debated in Parliament. Before any law is made, a Bill must be passed by a majority in Parliament. The process should be open and allow for public comment as these are the laws

that affect the citizens of Vanuatu. However, the opposite appears to be true. Generally, there is no public debate on proposed legislation. Often, public cannot access Bills before they are tabled in Parliament. The Ministers themselves only receive the Bills upon their arrival in Vila one week before they are due to be debated in Parliament. How does this process allow for any Minister to inform his or her electorate on the proposed Bills and promote public debate on the issues arising out of them?

What to do?

To enable the freedom of the right to information to be fully embraced by Vanuatu, TIV is seeking the following:

- adoption of the International Covenant on Civil and Political Rights;
- adoption of a Freedom of Information law; and
- repeal or significant amendment of the Official Secrets Act.

The practice of routinely holding information away from the public creates “subjects” rather than “citizens” and is a violation of their rights. By adopting both international and domestic legislation on the right to information, Vanuatu’s citizens will be granted the opportunity to develop their potential to the fullest and realize the full range of their human rights.
