

Second National Convention on Right to Information (RTI)

Kathmandu

7-8 Aug 2015

We, the participants of the Second National Convention on Right to Information (RTI), held in Kathmandu on 7-8 Aug 2015, which was attended by RTI activists from 55 districts across the nation as well as civil society members, political party representatives, journalists, legal practitioners, and government officials, including the Chief Information Commissioner and Commissioners, hereby adopt the following resolutions as the Second Kathmandu Declaration on the promotion and practice of Right to Information:

Acknowledging Right to Information as the internationally accepted right of everyone to access information held by public bodies at all levels—local, national as well as international, in principle; and acknowledging the spirit of the nation's commitment for ensuring public access to information, as outlined in the Preamble of the Right to Information Act 2007, and also recalling the fact that the nation's Constitutions since 1990 have upheld Right to Information as one of the fundamental rights of the people;

After an intensive deliberations for two days on various aspects of the use and exercise of Right to Information, and also based on the sharing of experiences among ourselves, in relation to the situation of RTI practice in the Capital as well as its neighboring and the far flung districts;

Reassured by the success stories of a number of people in this regard, and also by the optimism expressed by RTI activists in acknowledging the scope of RTI as effective tool to empower people and promote social accountability and culture of openness through information, despite lapses and lacunas;

And also reviewing the progress and challenges in the aftermath of the First National Convention held in Kathmandu in March 2011;

We have come to a conclusion that the following points deserve serious consideration for the effective practice of Right to Information in Nepal:

1. **Application:** Application process ought to be simplified. Citizenship certificate should not be made mandatory in asking for information, as not all citizens have received official citizenship papers. Also, dissemination purpose should also be

accepted as a valid reason for information requests. (NIC precedence in this regard has to be widely circulated.)

2. Online application should be allowed. Public bodies must be urged to design and post RTI application slog on their website. Institutional requests should also be allowed for RTI.
3. "Oath of Office and Secrecy" has to be replaced or redefined in a way that does not clash with the spirit of Right to Information.
4. RTI Act's overriding clause 37 should be clearly amended to avoid confusion and it should categorically override all other laws regarding information, wherever it appears to contradict with other acts/ rules; and laws such as National Secrecy Act, Data Protection Act and Individual Privacy Act should be made non-contradictory with RTI Act.
5. Regarding constitutional provision on RTI, a phrase 'impart' has to be added after 'right to seek and receive' and 'citizen' has to be replaced with 'people' in the clause as per the international standard. Thus, the clause recommended is 'Every people shall have the right to seek, receive and impart information on any matters of concern of his/her or of public concern'.
6. As the nation prepares to embark on federal structure, provincial Information Commissions must be brought under the umbrella of Federal NIC, to prevent conflict.
7. **National Information Commission:** National Information Commission must be empowered with sufficient resource bases, and power to take or recommend actions against those violating its ruling. It must also be empowered to question officials over information issues, based on media or any other reports. Pressure should be mounted to make it a fully empowered Constitutional Body in the new Constitution.
8. Law must be amended to expedite information access. Requests for specifically pointed out and available documents should be made instantly available or at least no later than three days!
9. Many public bodies are not ready even today to provide information. Invoking Clause 32 is recommended whenever appropriate.
10. Stronger punitive measures should be taken against officials providing wrong information, as it can cause much harm to the concerned.

11. **Media:** Media community should promote the use of RTI as it helps journalists produce and disseminate fact-based, and data-supported authentic information, and thus promote credible journalism.
12. There is slackness in proactive judicial measures/interpretation in upholding the spirit of Right to Information. Hence, judicial sectors are urged to address the issue progressively, acknowledging the prevailing international norms and practice.
13. Transition from feudal to democratic setup is felt to be partly responsible for slackness in optimum exercise of RTI/FoI. Therefore appropriate orientation packages are necessary for stakeholders in both demand and the supply side of the Information, that is, from people to the officials as well as the institutions at both governmental and non-governmental levels. Orientation is felt strongly needed both at educated and illiterate levels (from general public to the higher level government officials)
14. All public agencies—public or private—should be brought under the purview of RTI laws. The I/NGOs, Civil Society Organizations, Donor Agencies, Political Parties and Private Sectors among other public agencies should fully adhere to the RTI provisions in practice as set out in the Act and ensure their transparent operation and management. The agencies including NGOs, political parties as well as private sector are also urged to promote *suo mottu* disclosure and RTI in general.
15. Data leads to Information and Information leads to Knowledge, thereby empowering the one who holds knowledge. Hence data infrastructure has to be upgraded, improving the record management system. Information and Communication Technology (ICT) has to be optimally used for ensuring efficient record and flow of information in particular and overall process of the RTI.
16. Right to Privacy and Right to Information should be taken side by side, not conflicting with each other, through proper record management.
17. Government should opt for being the part of global initiatives for promoting transparency and openness such as Open Government Partnership (OGP), Open Government Data (OGD), and Global Partnership for Social Accountability (GPSA).
18. Government must promote proactive disclosure among its bodies. Classification of information should not go beyond the five categories of information outlined in the law, and it must be done immediately in a scientific manner.

19. The RTI coordination and monitoring units of the government needs to be boosted up in terms of their authority and resource-base.
20. **Safety of RTI activists** has come as a new challenge. Government, judiciary both should be serious about the safety of the RTI activists. A comprehensive security policy should be formulated for information seekers. A quick coordination mechanism is essential for tackling the issue of security in course of exchange of information. (In this respect we appreciate the courage of all RTI activists who have worked amid threats and challenges and express full solidarity with them!).

Role of security bodies is very important. Law is silent about safety of RTI activists, so it must be revised/amended. RTI activist security helpline is necessary. An appropriate safety response mechanism has to be developed to address the growing threats to information seekers.

Federation of RTI activists, networks, and NGOs suggested; coordinated efforts/campaign at institutional levels should be encouraged. NHRC and NIC must work in coordination in safeguarding security of RTI activists

21. The RTI movement of Nepal has to be developed in a way to make the country's democratic governance transparent, accountable and people-centered for public good.
22. Public information center has to be created to facilitate various information.
23. Regional-level convention is also necessary to ensure wider public participation.
24. A comprehensive research is essential to know the objective level of public awareness and use of RTI as well as the impact and associated challenges of eight years of RTI practice in the country
25. Reward package has to be set-up to encourage RTI friendly activities.
26. RTI curriculum has to be developed in higher education. Research institutions have to be developed to undertake study on Right to Information on different fronts.
27. **Proactive Disclosure:** As openness is way to transparency and good governance, proactive disclosure is an indication of a culture towards it. Hence, public bodies must work to ensure that they disclose their information through various means, even without citizens asking for them. For this, budget should be allotted for improving the record management system, and both NIC and Nodal Agency at PMO should monitor the status of Proactive Disclosure.

28. **Crisis mitigation:** Correct flow of information holds greater importance in times of natural calamities. The governments as well as other responsible bodies are urged to disseminate both pre-calamity and post-calamity information fairly and truthfully, so that crisis could be mitigated more effectively. A separate agency for strategic inclusive of crisis information centre should be established in line with RTI Act to ensure timely information in crisis in a proactive manner.
29. National Information Commission (NIC) is urged to host periodical problem redressing camps. Answer sheets of examination papers must reach parents hands
30. NIC must work proactively to expedite information dissemination based on the cc of applications. Otherwise, cc wouldn't have any meaning except for its listing.
31. Tangible incentives are necessary to Information Officers to boost their performance.
32. Mention of Information officer must be made mandatory when renewing NGOs/institutions.
33. Code of conduct for RTI activists is necessary.
34. A central web portal should be developed to voluntarily share experiences, learning and challenges facing RTI campaigners and activists across the country.
35. Periodical action plan and long-term national strategic plans ought to be devised in order to promote RTI practice. The national plan has to be developed on the involvement of broad-based stakeholders.
36. The Postal Service Department, Regional Postal Service Directorate and District Postal Offices should be made more resourceful from human, technical and economic perspective and proactive in discharging the government-designated responsibilities. A monitoring body comprising District Administration Office, civil society organizations and postal office has to be put in place in every district to leverage the monitoring functions. Capacity building measures have to be taken to strengthen technical skills and knowledge of concerned human resources to perform the responsibilities.
37. At least one civil society organization working on RTI has to be promoted in each district and strengthened with resources and capacity. The government has to collaborate and cooperate for generating resources to enable such organizations to effectively work on the RTI.