Access to information: From paying lip service to paying attention

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President Ghani signed off the Access to Information Law in 2014, one of his first steps in office. This had created a lot of hope among the civil society actors including the media. However, President Ghani has consumed half of his tenure in office and there are still fundamental challenges faced by the Afghan citizens to access the information held by the government. These challenges include (1) weak legal framework (2) lack of government cooperation to implement the law, and (3) a culture of secrecy and information mismanagement that prevails over and across government institutions.

The current Access to Information Law is one of the weakest in the region. It has received a score of only 77 out of 150 due to many bottlenecks in requesting procedures, too many exceptions without applying any “harm test,” loopholes in appeal mechanisms including lack of administrative and budgetary independence of the Oversight Commission on Access to Information (OCAI), and a very weak sanctions regime.

The government did not provide even minimal support to the OCAI in the initial two years. The commission would not have existed without the commitment of the commissioners and support by the international partners including InterNews, USIP, and Democracy International. Support from international partners enabled the commission to launch public awareness campaigns, organize monitoring visits to public bodies, and train Public Information Officers (PIOs), civil society reps, and journalists. The commission has also been able to chart out a national strategy for access to information and an online request and complaints management system. Nevertheless, many of the public bodies have not even identified their PIOs (even not at the central level) including Administrative Offices of the President.

In addition, many of the public bodies have denied access to information and have even mistreated the requesters. For instance, the Lower House of the Parliament has denied journalists basic information such as attendance of MPs. The Lower House has not even responded to letters from the OCAI that asked for an explanation. Similar cases have been reported from the Supreme Court, the Ministry of Education, and the Ministry of Mines. Recently, the Ministry of Mines provided only partial and unreliable data to the Independent Administrators of the 5th Extractive Industries Transparency Initiative (EITI) Reconciliation Report. The National Security Council has come up with a policy on classification of information but the document itself has been labeled classified. President Ghani’s close aides on freedom of expression have been more a hurdle than a support to the commission. Such behaviors stem from a culture of secrecy and information mismanagement that are against established international norms.

Nevertheless, there are good examples: Ministry of Rural Rehabilitation and Development (MRRD) recently launched a data bank that is aimed at facilitating citizens’ access to information. Such initiatives should be rewarded by the government and should be replicated in other ministries to ensure proper management of information. The legal framework needs to be strengthened in favor of access to information including clear rules for discouraging inappropriate and over-classification of information. In addition, the Access to Information Law should be amended to meet international standards that even countries like Sera Leone and Liberia have met.
Access to information is an extension of freedom of expression, a fundamental right of every citizen recognized by Universal Declaration of Human Rights. Article 50 of the Afghan Constitution (2004) also recognizes the right of access to information and requires all public bodies to provide information to the public in accordance with the law. It took the Afghan Government about a decade to come up with a poor law to regulate public bodies’ conduct in this regard. It should not take the government another decade to take some basic steps to ensure citizens’ access to information.

Local monitors ensured proper implementation of Angoor Bagh road project in Jalalabad

Mohammad Hanif Hashimi, Nangarhar Provincial coordinator

With a growing population and urban expansion in the city of Jalalabad, the need to build a new wide road connecting the provincial center with Pul-i-Farm was widely felt. Beside the old two-way lane, the new road is expected to minimize the traffic load.

The budget (with the additional costs added to it after monitoring) of $24,000 came from Jalalabad Municipality. The area was cleared off from the vendors and shops on both sides to start work on the 560 meters long road. Everything was set to start the construction.

However, during the early construction phase, local community noticed that the width of the road was being built 4 meters (without pedestrian sidewalks) instead of seven meters as per plans. Additionally, people also noticed that there was no adequate machinery required for construction, the workers were not professional, and the engineers were not present at the site. On top of all this, the construction company was not willing to share the contract with the local community.

After noticing the above-mentioned irregularities, local monitors wanted to share the issues with the regional engineer but found he was not on his duty. Because Jalalabad municipality was the project funder, provincial coordinator of Integrity Watch Afghanistan along with the local monitors discussed the issue and requested information on the project but to no avail. But it did not hang in there, Integrity Watch sent formal letters to related departments explaining the issue at hand. But even then nothing changed for better. The misconduct continued.

Finally, Integrity Watch, together with the local community representatives, organized a large sectorial monitoring group meeting inviting the government and the construction company. After lengthy discussions and arguments from all sides, the construction company agreed to the terms suggested by the group. Project documents were made available for the local monitors and width of the road increased to 8 meters with additional two-meter pedestrian sidewalks.
Integrity Watch Launches Request for Information Campaign

With the enabling environment for access to information created, civil society organizations have decided to take the law to a next level of practically requesting the intended information. Therefore, Integrity Watch has started a campaign on request for information at national and provincial levels that includes filing request for information and conducting awareness raising trainings on access to information.

At the national level, Integrity Watch staff have started requesting information from each of the central government agencies for the much-needed information for civil society. Request for information forms have so far been dispatched to several ministries including Ministry of Interior Affairs, Ministry of Defense, Ministry of Haj, Ministry of Women Affairs, Ministry of Mines & Petroleum, National Procurement Authority, Supreme Court, Ministry of Public Works, and Ministry of Economy among others. Some agencies have denied providing information, based on various logical and illogical reasons. But the requested information has been accessed from some government agencies such as National Procurement Authority and Ministry of Economy, Ministry of Foreign Affairs, Ministry of Religious Affairs and Haj, and the Supreme Audit Office.

IWA has completed a series of training workshops on Access to Information for the members of Provincial Integrity Networks (established by Integrity Watch with membership from civil society and the government providing a platform for two dozens of local activists in seven provinces: Kapisa, Bamyan, Herat, Nangarhar, Paktia, Kunduz and Balkh). The aim of these trainings was to introduce the right of access to information, the Oversight Commission on Access to Information (OCAI), and Access to Information Law. These trainings were also aimed at introducing the culture of access to information and starting the practice of requesting information at the provincial level. Therefore, following the trainings, each provincial integrity network member will fill a request for information form and submit it to the relevant local government agency for collecting information.

Access to information plays a decisive role in promoting transparency, uncovering corruption, holding public bodies accountable, and providing a better understanding of how basic public services function. The right of access to information can assist journalists and researchers to prepare investigative reports, it also strengthens public participation in decision-making processes, and provides a clearer understanding of government policies. The Afghan government is bound by the law to respect this right by facilitating access to the information it holds, and by not imposing restrictions unless there are important, legally recognized reasons to withhold the requested information.
Local school in Parwan gets a boundary wall after thirty years

Abdul Hanan Rahnaward, Program Assistant, Parwan

Sadullah High school for boys is located about seven kilometers from the central Charikar City. The school had no boundary wall for over thirty years after its establishment. Though the school is faced with several other issues, the problem of no boundary wall stood out as a priority since it caused other problems such as security threats, disturbance during classes, and the school’s greenery being used by livestock.

After Community Based Monitoring of Schools (CBM-S) program started operating in Parwan province in late 2014, the local monitors identified the issue but locals could not afford to cover the expenses for construction of the wall. Therefore, they approached Education Department in Parwan province but to only to find that it did not have the budget for the same year.

Mohammad Kareem, a local monitor who is also the elder of his village, had approached numerous times to find a funding source for the wall. To mention, he south the help of international community representatives visiting the area. A representative of the group visited the school and assessed the issue. He promised to help the village with their school wall.

After a little over a week, the representative of the group contacted the school principle and introduced the construction company that would build the wall around the school from metal barriers. Soon afterward, an engineer from the construction company surveyed the boundary wall and started the initial process of building the wall. With a team of professionals, the wall with 290 meters length and 3 meters height was completed in one-week time costing $7,400.

With school having the wall now, students can study in a safe environment. The school was built in 1986 as an elementary school which was promoted to high school in 2006. It has 8 classrooms and a total of 780 students.

The Community Based Monitoring of Schools (CBM-S) program has monitored 150 schools for over 900 times in Kapisa, Herat and Parwan provinces alone. The program aims at enhancing the quality of education through community-based monitoring. Also, with the help of this program, 90 Integrity Clubs have been established in the mentioned provinces to take over the monitoring work as an exit strategy of Integrity Watch. This year, 180 new schools have been added to the list.
Mock trials raise public awareness on how a fair judicial trial should take place in Balkh

Integrity Watch recently organized a demonstration of a “mock court” proceedings. The mock trial session involved the participation of judiciary officials, civil society activists, students, Integrity Watch’s local monitors as well as local community members. More than 60 people participated in the trial, of which nearly 25% of the participants were females to observe this mock trial about a murder case. In total 15 different people performed different roles.

Integrity Watch has been conducting mock trials in order to raise public awareness on fair trial processes. The expectation is that both the actor participants and the audience will learn what they should expect from a court of law if they or someone they know find themselves in front of a court of law. The Community Based Monitoring of Trials (CBM-T) program has 15 volunteers who monitor court sessions in Balkh province. These volunteers monitor trials in Balkh including the city court, appeals court and Nahri-shahi district court. The findings from trial monitoring is shared with the local communities through conducting feedback meetings as part of awareness and information sharing mechanism.