

STAKEHOLDER'S DIALOGUE ON ACCESS TO INFORMATION REPORT



CO-CREATION OF A RWANDAN ACCESS TO INFORMATION POLICY NETWORK

ATIPON

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VENUE: ODESUDI Office,

KK 19 Avenue 67 Kicucyiro

Kigali- Rwanda

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1. Executive summary

This dialogue meeting was attended by around 23 individual participants from twenty one (21) Organizations including Rwandan national NGOs, international NGOs and media institutions. The dialogue was aimed at exploring possible solution on the outstanding challenges related to access to information in Rwanda. Establish joint stakeholders' mechanisms aimed at enhancing synergy for better result.

The dialogue provided an opportunity for sharing ideas and information exchanges, regarding appropriate measures to promote access to information. A detailed discussion on many outstanding issues and efforts in addressing these challenges was among the key outcomes of the dialogue.

The dialogue meeting also looked at access to information tools and how they can be optimised. It looked at the existing ATI legal framework, achievements and outstanding challenges. www.sobanukirwa.rw access to information website is among the tools established by ODESUDI in partnership with Tumenye to help in matching the demand and supply side of access to information in Rwanda.

The dialogue also looked at the principles of access to information rights under the international legal standards, APAI principles and the African modal law on access to information. This was intended to stimulate dialogue of stakeholders from an informed perspective.

Most importantly the dialogue resulted in the co-creation of an access to Information Policy Network (ATIPON) whose membership is made up of the organizations that were present and any other that may wish to join at a later stage of the co-creation.

2. Background

The importance of the right of access to information in any society cannot be over-emphasized and is underpinned by the fact that it is a ‘cross-cutting right’, in that it is interconnected with all other human rights, whether civil, political or socio-economic. This interconnectedness of access to information with other human rights contributes to its utility as a leverage right- one which can be used for the realisation of all other human rights.

Article 33 of the Rwandan constitution guarantees the fundamental right to free speech. The prerequisite for enjoying this right is knowledge and information. Access to information is a touchstone for all other freedoms enshrined in the Rwandan constitution and international conventions ratified by the Rwandan government. It is critical for Rwandan citizens to be kept informed about current affairs and broad issues so that they can participate in governance and hold their leaders accountable.

The 2013 Rwandan access to information law and accompanying ministerial orders comprehensively offer the right to access to information. Despite the existence of these legal provisions there is still limited utilisation of these laws by the public. The major challenge on the side of the public in making information requests is limited awareness of the public on its rights, and on the side of the information providers, is limited awareness of their roles and responsibilities.

It has been two year since Rwanda adopted its access to information law and accompanying ministerial orders. However citizens’ especially the very poor are yet to know about their rights. This state of affairs is worsened by uncoordinated interventions of ATI stakeholders both in public institutions and Civil Society Organizations.

It is in this regards that ODESUDI organized an access to information policy dialogue meeting with a view of establishing an access to information policy network to improve coordination around access to information interventions as well as to enhance synergy.

The dialogue objectives were in four folds:

- a) To bring together ATI stakeholders on access to information for improved synergy and coordination for robust community sensitization campaigns.
- b) To debate and take stalk of the achievements in the implementation of ATI and explore outstanding challenges and possible solutions.
- c) To look at existing tools like www.sobanukirwa.rw and the toll free hotline 4636 and how they can be taken advantage of.
- d) Stimulate dialogue, research and advocacy a round access to information in Rwanda.

3. Co-Creation of a Stakeholders ATI & Policy Network



The dialogue on ATI was also aimed at devising means to promote access to information in Rwanda through a joint co-created network/Forum. The idea of co- creating this network is

aimed at promoting stakeholders involvement in the promotion of ATI through a co-created and co-owned forum.

The dialogue took place at ODESUDI's conference room and resulted in the establishment of an a Rwanda Access to Information Network entitled (ATIPON) made up of the following organizations OXFAM-Rwanda, NEVER AGAIN RWANDA, Rwanda Human Rights First, LDGR, ALBEF, PALEM Rwanda, ADTS, Igihe-LTD, DUTERIMBERE NGO, CCAIBE, TRANSPARENCY INTERNATIONAL RWANDA, East African Civil Society Organization Forum (EACSOFRwanda), Youth organization (YDPD-Association). ASOFEWA, AJEPRODHO, Pelum-Rwanda, APECOS-Rwanda, FIOM Rwanda, ARTCF and Rwanda Media Commission (RMC).

The concept note on modalities of operation, roles and responsibilities as well as membership terms is attached to this report as annex 1, together with the list of participant to the meeting and a video coverage of the event.

4. Introduction of general principles on access to information and legal frame work

The Director of programs Mr. Fredrick Hendrick KARANGANWA, informed participants the general principles that govern Access to Information in different states of Africa; the Fundamental Rights Accessible to Everyone “ It is not required that anyone must demonstrate a specific legal or personal interest in the information requested or sought or otherwise required to provide justification for seeking access to the information”. The right of access to information shall be established by law in each African country and such law shall be binding and enforceable.

The principle of maximum disclosure, public institutions have to proactively publish information on their websites. The ATI law must take precedence over other conflicting laws that limit access to information. The law is applied to Public Bodies and Private Bodies. The information needed is provided in a Clear and Unambiguous Process and every institution is obliged to proactively publish Information for public interest.

Accessibility principle is the information should be accessed in Language that is easily accessible to all Rwandans, therefore institutions are duty bound to have information translated

in three languages. Mr. Fredrick informed participants that of cause access to information, like any other right is progressive in nature and it has budget implications and that is why members of the network will have to engage in budget monitoring on access to information.

He informed participants that Rwanda has made progress in the promotion of ATI and it should be commended for adopting the access to information Law and accompanying guidelines. It has also put in place an oversight body which is the office of the Ombudsman to oversee the implementation of the Law. However challenges still remain and all these require joint efforts of State actors, Civil Society, Media and private sector.

5. Outstanding Challenges in the promotion of ATI

The participants to the dialogue explored on the challenges around the enjoyment of ATI rights and possible solutions. The identified challenges to citizens' access to information include limited public awareness on ATI and scattered efforts or engagement of stakeholders. It is in this regard that ODESUDI introduced the need for the co-creation of an access to information policy forum in order to enhance synergy and networking among stakeholders for optimising available resources and space.



Participants to the dialogue also discussed the issue of limited engagement of CSOs in the promotion of access to information in sensitizing the public on ATI especially those at the grass root. Hence, this forum is seen to be a solution in stimulating CSOs dialogue and engagement in the promotion of ATI.

Jackie KAYITESI a representative from OXFAM-Rwanda appreciated ODESUDI's innovation and courage in promoting access to information and commended their access to information website. She however mentioned the need to farther engage with communities on their access to information rights.



ODESUDI created www.sobanukirwa.rw access website in partnership with Tumeny LTD to help the Rwandan society to get access to information by sending their request freely through website and after the response is released, the sender receives the email alert.



Mr. Stephen Abbott Pugh a member of the sobanukirwa team, made the presentation demonstrating to participants on how they can take advantage of the system in advancing their ATI rights. All stakeholder's on access to information commended sobanukirwa initiative and how it provides easy means of getting information from public and some private bodies. Sobanukirwa website is very easy for anyone to use because it is translated in three different languages; English, Kinyarwanda and French which are commonly used in Rwanda. This makes it simple for anyone to access the information needed in the preferred language.

5.1. What is sobanukirwa?

Sobanukirwa is a website to help people make access to information requests in Rwanda. You can visit it at <https://sobanukirwa.rw//>

Sobanukirwa makes it easy to access information requests by creating pages for authorities in Rwanda where people can send requests straight to information officers via the internet.

The website also makes all information requests and replies from information officers public on the internet so that it is easy for anyone to search for public information which has been requested and released.

Sobanukirwa is translated in English, French, and Kinyarwanda so that the website is useful to everyone in Rwanda, no matter which language they speak.

5.2. How does it work?.

Sobanukirwa team has created a database of all the information officers in Rwanda and used this to create Sobanukirwa. When someone submits an information request on sobanukiwa, an email is automatically sent from the website to the right information officer as well as an email is being sent to the requester and the request being published for anyone to see on the website. People using the website will also get email notifications whenever anything happens with their request.

5.3. Why access to information is important for Rwandans?

Rwanda's 2013 access to information law (official gazette no 10 of 11 march 2013) states that "every person has the right of access to information in possession of a public organ and some private bodies" (art. 3).

The law goes on to state that public organs or private bodies "shall disclose information where the public interest in disclosure outweighs the interests of not disclosing such information".

The main purposes of disclosure are defined in the following way:

- [To inform] the public about their activities;
- To ensure that the expenditure of public funds is subject to effective management and oversight;
- To promote founded public debate;
- To keep the public regularly and adequately informed about the existence of any danger to public health or safety or to the environment;
- To ensure that any public authority with regulatory mission properly discharges its functions;

Therefore anyone in Rwanda from farmers to mothers to rural families all now have the legal right to ask questions to public and private bodies and to get answers within three days.

And because the majority of Rwandans do not have access to the internet, ODESUDI in partnership with Tumenye have also established 4636, a toll-free phone hotline that anyone can call or text if they have questions. ODESUDI team will then submit those questions online and will call people back when their questions are answered to convey information to them. All they need to do to use this service is to call or text 4636.

ODESUDI hopes that this campaign will help spread awareness about access to information in Rwanda as well as making it even easier for people to ask the questions that they need answers to.

6. Dialogue questions and challenges

1. The most people from villages also are not aware of the ATI laws, what are the possible measures that are taken to solve that problem?
2. The grant that are published to the CSOs from the development partners for the specific purpose, and the most organizations keeps the secret of that fund so that they may have more access to the fund and finally the information gathered are kept to them instead of being shared for the public, what are you doing to solve those issues?

3. If the questions asked on the website are not answered, where can someone go for the review/appeal? What is the role of the website in making the quick respond to the questions asked?

Some challenges are highlighted from the ATI implementation and you find there is a need for specific ATI policies and budget, Proactive disclosure still a challenge, Lack of a clear strategy on mainstreaming ATI in all government plans, Private bodies and some public institutions are yet to appoint their information officers and there is Low level compliance on supply side and low level of demand.

7. Recommendations

The meeting suggested some policies and measures that should be taken to making the access to information easy:

- Partnership with public institutions;
- Partnership with media institutions;
- Creating the media clubs at universities and schools;
- Sharing the information at public space like community work (umuganda);
- Designing the ATI books and make them accessible to the public;
- The media agencies should teach their agents how to publish the information for the result of the public interest e.g. giving the people what they need but not what they want or desire or giving them what is important for their lives.

There should be the creation of ATI centers for the people who live in the villages and who do not have access to internet for use of website and even don't know how to use it, so that their request should be collected to be sent to the right information officers.

8. Conclusion

The meeting gave the participants the understanding of how to use sobanukirwa website and policies to be taken in making the ATI possible.

9. Annex

List of Participants

Louis BUSINGYE (HRFRA);

Olivier MWIZERWA (FIOM-Rwanda);

Adeline MUHAWENIMANA (EACSO);

Florien RURIHOSE (DUTERIMBERE);

J. Pierre SANGWA (TI- Rwanda);

J. Bosco MBANDA (ADTS) ;

Esperance KAYIREBE (ARTCF) ;

Sudi IYAMUREMYE (ARBEF) ;

John RUHINDA (ODESUDI) ;

Adrienne MUHIMPUNDU (APECOS-Rwanda) ;

Paul N. MUHOZI (Never Again Rwanda) ;

Johnson MWEBAZE (Pelum Rwanda) ;

Richard GASANA (NUDOR) ;

Gaëlle KAYIHURA (IGIHE Ltd) ;

Eugene SIBOMANA (RMC) ;

Theophile NSHIMIYIMANA (LDGR) ;

Jackie KAYITESI (OXFAM) ;

Rwulira NGABO M (ASOFEWA) ;

J. Raphael NUKOMANA (YDPD) ;

Fredrick KARANGANWA (ODESUDI) ;

Stephen Abbot Pugh (Tumenye);

Gervais GUMIRIZA (ODESUDI).