**PRESS STATEMENT ON THE RIGHT TO INFORMATION BILL PASSED BY PARLIAMENT BY THE COALITION ON THE RIGHT TO INFORMATION, GHANA READ AT THE INTERNATIONAL PRESS CENTER, TUESDAY, 15TH APRIL 2019**  
  
Good morning ladies and gentlemen of the media, members of the RTI Coalition, friends and collaborators. Thank you for attending today’s press conference.  
  
It is exactly three weeks to today when Parliament passed the Right to Information Bill 2018. The passage of the Bill was rightly greeted with jubilation by, and congratulations to, all the various stakeholders who helped in bringing this over two-decades-old struggle to a truly positive end. Certainly, there were several citizens and activists who felt disappointed by the failure of Parliament to address a few apparent weaknesses in the Bill despite the opportunities to do so. After three weeks, we at the Coalition with all our collaborators, have had an opportunity to reflect on what has transpired, held our emotions in check and wish to share some of our reflections with you and the good people of Ghana.  
  
More importantly, we want to remind all our supporters that there is the outstanding matter of Presidential Assent and the even harder job of preparing for the implementation of the RTI law. We also wish to use this opportunity to thank all those who have laboured to bring this law to being and to urge them to prepare for the long road of implementation.  
  
RTI Coalition has a positive assessment of the RTI Law as passed  
  
Excepting a few provisions, the text of the RTI law seems really solid and robust. It has taken into account all our main concerns. Permit me to highlight a few of the sections:  
  
Section 1: the constitutional right to information is affirmed- an applicant is s not required to give a reason before request for information (except where urgently required or for protection of life or liberty)  
  
Sections 2 and 3: duty on the State to be proactive in disclosing information. Also institutions have to produce information manuals annually specifying classes of information held. This has the potential  
of transforming how the public sector generates, stores, manages and retrieves information  
  
Sections 5-16: provide a long list of exemption, a source of concern for many. However, it is important to note that all exemptions are subject to the harm test  
  
Section 17: there is an overriding public interest clause – where disclosure reveals evidence of (a) a contravention or a failure to comply with a law; (b) an imminent and serious threat to public safety, public health or morals, prevention of disorder or crime or the protection of rights and freedoms of others; (c) a miscarriage of justice;  
  
(d) an abuse of authority or a neglect in the performance of an official function; (e) any other matter of public interest; and the benefits of disclosure outweigh the harm  
  
Section 22(7): 48 hours for information required to protect life or liberty  
  
Sections 22 to 25: we have truly short timelines for responding to applications - 14 days, plus 7 in three limited situations where it involves large volumes of information, multiple public institutions or third party consent  
  
Section 42 to 73: establishes an independent commission that has reasonable security of tenure, objects that includes promotion, monitoring and enforcement of the law; the Commission can issue orders, review decisions of public institutions and relevant private bodies as well as make binding decisions or recommendations  
  
Section 74: burden of proof is on the party that claims protection under exempt clauses and also he/she has to demonstrate that the harm done to the public interest will be greater if disclosed than not disclosed  
  
Section 78: fee charges to be approved by Parliament and calculated based on the actual cost of reproduction of the information requested for  
  
Section 87: offence for failure or neglect to perform functions under the Act, or for destroying or falsifying information treated as gross misconduct, which under employment law can lead to summary dismissal; also punishable by a fine not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than three years or to both the fine and the term of imprisonment  
  
Section 91: public institution defined to include private bodies that use public funds or perform public functions  
  
Of course, there are a few concerns, as has been discussed but we believe on the balance the law is very positive and we are confident that regulations to the law can help address the concerns.  
  
The Coalition and its collaborators believe that the law, as it is, should provide the necessary tools for deepening governance, promoting transparency and accountability and improving the delivery of social services and the welfare of all citizens of Ghana and anyone who seeks information, provided citizens are educated to activate its provisions to demand accountability.  
  
Government, through the Minister for Information, has already expressed its readiness to work with the Coalition and its collaborators on an implementation road map. We welcome this engagement and affirm our commitment to working together with all relevant state actors, especially the Minister of Information and the Minister for Finance in putting in place the building blocks of implementation of the law. In the coming weeks we would be engaging with our members and constituencies across the country, as well as our collaborators and allies, on the best way to move the process forward. We are under no illusion that the task ahead is an enormous one and we take note of the general penchant for not enforcing laws in this country. One thing we know though is that, if citizens decide to invest together in their own collective welfare and are prepared to make the sacrifices necessary, we will have a better society. That is the challenge we all have to confront.  
  
Presidential Assent should not delay  
  
Ladies and Gentleman, even as we put together our plans for moving the agenda forward, we have the small matter of Presidential Assent.  
  
By law and following the third reading or passage of the Bill in Parliament, a communication will be sent to the President for his assent after the document has been cleaned up. We understand that Parliament, particularly the Table Office and Legislative Drafting Office of the Parliamentary Service have a lot of bills they are managing. However, we will entreat the Office to work expeditiously for the President to sign on. We also entreat the President to give his assent to the Bill immediately its get to him in keeping with the assurance he gave the people of Ghana at his most recent State of the Nation Address that as soon as the law is presented to him he would give his assent to it .  
  
We also want to take this opportunity to inform all stakeholders that the Coalition has followed the deliberations in Parliament very closely and has captured diligently every amendment adopted by the House and so we expect nothing less than what has been agreed by Parliament on the night of the 26th March 2019 bar the usual non-substantive drafting refinements.  
  
RTI Coalition Extend its Deepest Appreciation to all Stakeholders and the People of Ghana  
  
There is a long list of groups, individuals and organisations we wish to show our appreciation for respect for all their efforts and support over the years. We will not be able to mention all of them and so in the coming days we will be extending a letter of appreciation to all. But for the time being, we would like to use this opportunity to thank the Media and more especially the Ghana Journalist Association, Editors Forum, Media Coalition on RTI and Ghana Independent Broadcasters Association for their unflinching support throughout the journey. A big thank you to Members of Parliament, Former Members of Parliament, the Table Office and the Legislative Drafting Office of the Parliamentary Service, Professional Bodies, Religious Bodies especially the Office of the Chief Imam, the Drafting Section of the Attorney General’s Department, the Commission on Human Rights and Administrative Justice, the High Commissions and Embassies in Ghana, the Ghana Bar Association, the National Union of Ghana Students, the Ghana Trade Union Congress, the Ghana Federation of Disability Organizations, Former and Current Steering Committee Members of the Coalition, other CSOs and the Regional Coalition Members for the support.  
  
Our appreciation also goes to development partners that have supported the journey so far including OSIWA, World Bank, STAR-Ghana, UNESCO and USAID.  
  
WE SAY AYEKOO!!! TO ALL  
  
Next Steps- The Tasks of Implementation  
  
While we have every reason to celebrate this important victory of democracy, transparency and accountability, it need be emphasized that we still have a long way to go in establishing the following necessary preconditions for the efficacy of the law in practise when it receives Presidential assent:  
  
1. an effective and efficient right to information infrastructure and culture that will ensure substantial pro-active disclosure by public institutions and relevant private bodies;  
  
2. the drafting and passage into law of the critical regulations which will give full life to the law;  
  
3. the designation of information officers and their training, which are key conditions for the realisation of a truly robust and effective right to information law;  
  
4. the criteria that is taken into consideration when appointing members of the Commission which should include a proven record of commitment and defence of human rights, understanding of and empathy with international norms and best practices in the right to information regime;  
  
5. effective mass education of the population on the provisions of the law and their rights under the law;  
  
6. the provisions of necessary resources, including funding, to make the law work.  
  
The Coalition wishes to emphasize in his respect that even though the law is to come into effect after the next budget, there is no good reason for public institutions to fold their arms doing nothing on the false premise that until the law come into effect in January 2020, they cannot act. We are of the firm conviction that the right to information is a right guaranteed under the Constitution of the Republic and, thus, has the force of law, even before the budget of 2020. We therefore call on the Minister of Information, the responsible Minister, to take proactive measures to kick start the establishment of the foundations and infrastructural architecture for the exercise of this vital democratic right. In particular, we call on the government to seriously consider giving administrative directions immediately for the appointment of information officers from the existing stock of record keeping officers and public information officers: for public institutions to begin putting their records in proper order to facilitate retrieval upon request; and for the provision of funding for the some of the basic prerequisites of the right to information infrastructure in the mid-term budget.  
  
We call on all to continue to support the advocacy for a good RTI regime in the country and urge us to remember Nelson Mandela’s words:  
  
"...after climbing a great hill, one only finds that there are many more hills to climb. I have taken a moment here to rest, to steal a view of the glorious vista that surrounds me, to look back on the distance I have come. But I can only rest for a moment, for with freedom come responsibilities, and I dare not linger, for my long walk is not ended.”  
  
Long live the people of Ghana!  
Long live the Right to Information law!!  
  
Signed:  
  
For:  
  
Coalition on the Right to Information, Ghana