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Pakistan: Right to Information Law Disappointing

The Centre for Law and Democracy has prepared an analysis of the Pakistan Right of Access to Information Bill. The Bill, passed last week by the Pakistani National Assembly, is identical to the version passed by the Senate in May 2017. The Bill earned 105 points on the RTI Rating. This is far better than the right to information law currently in force, the 2002 Freedom of Information Ordinance, but far weaker than the groundbreaking laws adopted by Khyber Pakhtunkhwa and Punjab provinces in 2013.

“The modest nature of the current Bill can only be described as disappointing”, said Toby Mendel, Executive Director of CLD. *“Given the bold initiatives in Khyber Pakhtunkhwa and Punjab, we had been hoping for something more ambitious.”*

The Bill improves on the 2002 Ordinance in a number of areas. These include having a much broader scope in terms of the bodies covered, establishing much more user-friendly procedures for making and processing requests, providing for a narrower set of exceptions to the right of access and putting in place stronger measures to promote proper implementation of the law. Importantly, it also establishes a dedicated oversight body, the Commission on Access to Information.

At the same time, the Bill suffers from a number of weaknesses. Some of the more important of these are:

- It only applies to citizens and covers a narrow range of types of information.
- The regime of exceptions to the right of access is significantly overbroad, including because it lacks a public interest override.
- The independence of the oversight Commission is not sufficiently protected.
- Public bodies are not required to report annually on what they have done to implement the law.

CLD’s analysis is available at: https://www.law-democracy.org/live/wp-content/uploads/2017/10/Pakistan.RTI_.Note_.Oct17.pdf

The Bill is available at: https://www.law-democracy.org/live/wp-content/uploads/2017/10/Pakistan.RTI_.Note_.Oct17.pdf

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