

REAL LIVES, REAL STORIES

THE POWER OF INFORMATION IN ASIA PACIFIC

Transparency International is a global movement with one vision: a world in which government, business, civil society and the daily lives of people are free of corruption. With more than 100 chapters worldwide and an international secretariat in Berlin, we are leading the fight against corruption to turn this vision into reality.

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This publication is a compilation of stories written by staff from Transparency International national chapters in the countries included. We are grateful for their contribution to this publication and their ongoing work on the right to information.

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photo: Transparency International Cambodia

INTRODUCTION

The right to information as a fundamental tool for citizens who fight corruption

Freedom of information is not only a human right, but an important tool to engage and empower citizens. It allows them to demand accountability from governments and fight corruption. Globally, around 120 countries have right to information laws. In the Asia Pacific region, some countries have world-class right to information legislation, while others have many improvements to make and some do not yet have specific legislation at all. When it comes to implementation, we can also see different degrees of success. In our previous report, *Right to Information in Asia Pacific: How 11 Countries Perform on SDG 16.10*, we outline this and provide clear recommendations to national governments.

Right to information has for years been a focus area for Transparency International in the Asia Pacific region. Transparency International chapters play a crucial role in advocating for right to information laws that are in line with international standards, fully applied in practice, and used by citizens to hold governments accountable. They also play an important role in helping citizens to understand how to successfully request information, and then use it. In different countries and different areas, this may mean different things, from filling in an online request form or requesting information through the mail or in person, to assisting citizens in standing up for their rights. This assistance may involve multiple trips to an information office or appealing refusals that incorrectly make use of state secrecy laws.

In this publication, we focus on the people who make right to information laws come to life, and who use them as tools to fight corruption. In the following

pages, you will find the stories of citizens from 10 countries across the Asia Pacific region who have used their right to information to demand accountability from their governments.

From uncovering wrongdoing in Bangladesh and Mongolia, to ensuring that citizens get the services they need in Cambodia and Sri Lanka, and from holding politicians to account in the Maldives to ensuring that governments share key guidance and statistics in Indonesia and Papua New Guinea, these stories show the difference access to information can make.

Information requests should be seen as a routine way for citizens to understand their government's work and to hold it accountable. However, in many places around the world, this is not the case. In many countries, making these requests requires great courage from citizens who may face challenges and danger in doing so.

We are deeply inspired by everyday citizens who make information requests or use other public data to hold governments accountable, and we hope you are too. We also hope that this inspiration leads to action, and that even more people across the Asia Pacific region – and the world – use the power of information to participate in their society and fight corruption.

BANGLADESH

Using the right to information for investigative journalism

Md. Obaidur Rahman, a local journalist from Dinajpur, Bangladesh, was following up on an important tip.

One of his sources had told him about a counterfeiting scheme which had been making fake stamps for validating legal documents and for tax purposes. This resulted in fewer genuine stamps being purchased, at the cost of lost revenue for the government. Many citizens were unknowingly buying fake stamps. This meant they could later have to pay the tax again and that their agreements and property transfers were not legally binding.

Rahman began quietly following the story. The evidence he gathered was pointing toward a scandal that could help to stop money being lost to corruption.

To support his story, Rahman asked the Dinajpur local administration for information. In Bangladesh, citizens have the right to request information directly from government offices. Unless the information is sensitive and falls under national security interests, the offices have to provide it.

Rahman learned about right to information requests at an information fair run by the Committee of Concerned Citizens of Dinajpur, which motivates citizens to become involved with anti-corruption activities. Two Youth Engagement and Support (YES) volunteers at the fair showed him the process of submitting an application for information.

But when he requested information to check whether the fake stamps' serial numbers were valid, his request was denied.

Undeterred, and with help and encouragement from the Committee of Concerned Citizens, Rahman appealed to the head of the local government.

Fortunately, his request was granted the second time around. The information revealed that a large number of stamps were fake and the fraudulent vendors had been costing the government tens of millions of Bangladeshi taka (hundreds of thousands of US dollars) for years.

As a result, the head of the local government revoked the licences of the four stamp vendors and initiated control measures, such as issuing limited numbers of stamps for set time periods and setting up a strict monitoring system. The fraud had finally been stopped and an additional 2.5 million taka (US\$31,250) was collected from Dinajpur stamp vendors within the following two months.

Rahman's story ran in the local newspaper and raised awareness of the importance of buying official stamps from official vendors. It also highlighted citizens' right to information and how this can help stop corruption.

The Committee of Concerned Citizens (CCC) of Dinajpur is part of a larger network of 45 citizen groups in local communities that serve as a citizens' platform against corruption. Created by Transparency International Bangladesh, groups work to mobilise local citizens against corruption by using their right to information as a tool to gather information from government offices.

Transparency International Bangladesh also works with 60 Youth Engagement and Support (YES) groups to engage local citizens and grassroots journalists like Rahman and help them to access information, challenge corruption and promote integrity.



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I learned how to file a right to information application at a Committee of Concerned Citizens' information fair. Knowing how to do this allowed me to get the information needed to expose fraud and put an end to it. Now I frequently make information requests to get vital facts.

Md. Obaidur Rahman
Local journalist in Bangladesh





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Before participating in the training, I did not know about good governance and its principles. Now I can apply these principles to improve service delivery and the working culture at my office. This is a win for both citizens and government.

Samnang Chey

Public servant in Cambodia

CAMBODIA

Making services accessible and easy to use

Public services in Cambodia can be slow and ineffective. They also often lack transparency or accountability. Those who make use of public services often say that they do not have enough information about access to services, official fees and turnaround times for providing assistance. This makes it hard for citizens to obtain good service from civil servants and leaves space for potential corruption.

Samnang Chey* is not among these. As a long-time Cambodian public servant in the Kampong Cham province, he was frustrated by working practices and made several attempts to change them.

In 2017, Samnang received intensive training on good governance and effective public service delivery from the School of Governance. The school is a joint initiative between Transparency International Cambodia and the Ministry of the Interior. Its goal is to establish and strengthen integrity in public service systems and promote good governance and transparency.

The school's training programme gave Samnang and others like him the tools to reform the public service sector from within. He received training in basic research skills, good management practices and transparency measures. Samnang also learned how to share his knowledge, getting training to be an instructor to other public servants.

Samnang is now an important part of the programme that has trained 433 officials employed by the One Window Service Unit, which he manages. The unit helps citizens access a range of public services through one entry point. Its officials are now better equipped to provide services effectively and openly.

Samnang has launched a smartphone application that makes information easily accessible to the public. This includes information on fees, time needed to get services and relevant forms. He also uses social media to provide updates and a digital management system to ensure that service fees are not inflated.

People on both sides of the service office counters have noticed an improvement in efficiency and the quality of services provided. With help from the School of Governance, Samnang and hundreds more public servants are proactively providing citizens with the information they need to get the services to which they are entitled.

*Name has been changed.

INDONESIA

Improving public information sharing

Mawar* from Kekait Daye hamlet in West Lombok had become pregnant, but had no idea how to register her baby with the national health service. It was difficult to find out what to do and even speaking with the head of the community did not help. Her friends Abdurrahman and Dinna decided to assist her.

To do so, they had to travel 30 kilometres to several government offices in Gerung, the capital of West Lombok Regency. They gathered all the information they could and brought it back to the village to help their friend.

The law requires every public agency in Indonesia – governmental or independent – to provide information to citizens on time and at a low cost. The law also calls for transparency and accountability. But in practice, these standards are rarely met. This is due to undertrained officials, flawed methods of sharing information, and a lack of public interest. Stories like Mawar's show how difficult it can be to get basic information.

To help citizens like the residents of Kekait Daye, Transparency International Indonesia developed a Public Information Disclosure Index in 2017. They used this to analyse the experiences of Indonesians who had recently accessed public information services, with the aim of finding out how much people knew about their right to information and how to access it.

The results were discussed in public workshops, which were attended by representatives from a number of information offices and institutions, including the Communication and Information Agency (Diskominfo), the Health Office and regional governments.

Participants agreed on areas in which public information provision was lacking and discussed possible improvements.

For example, one of Diskominfo's information officers identified a key problem: "Many officials do not understand the Law of Public Information Disclosure. They just want to learn the law when handling applicants who dispute information... In addition, there are still public officials who are closed-minded about public information."

While still a work in progress, the Index has already helped to improve information access and reform public information institutions, making it far easier for residents like Mawar to get the information their community needs.

*Name has been changed.



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The public information disclosure index helped local government to better understand some of the weaknesses in public information services. Now comes the work of strengthening them.

Information officer in Indonesia

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Assisting the state to adopt a strong Right to Information Act was a first step. The tougher challenge is changing institutional cultures and mindsets of public servants who subscribe to a decades-old and strongly entrenched culture of secrecy.

Aiman Rasheed

Executive Director of Transparency Maldives



MALDIVES

Holding public officials accountable

Fathimath* is a governance and human rights activist working in the Maldivian capital, Malé. She has been a strong advocate for the effective implementation of the Maldives' Right to Information Act since it was passed in 2014. Fathimath makes frequent requests under the law to hold public officials accountable. However, in a country with a long history of government secrecy and a reluctance to proactively publicise information, the pushback to Fathimath's work has been strong, and her progress slow.

In July 2015, Fathimath's colleague, Hussein*, requested information from the Auditor General's office on which Maldivian cabinet ministers and presidents had declared their assets between 2009 and 2015.

However, despite numerous personal visits to the Auditor General's office, Hussein's attempts to access this information – which should have been public – were not successful. The office kept insisting on additional documents, even though his application was legally complete, and rejected further requests by citing the confidentiality of internal procedures.

It is common in the Maldives for officials to use time as a means to discourage people from seeking information. Delays in responding to their claims often discourage activists who work on multiple fronts and lack time to spend weeks on a single issue.

But Hussein and Fathimath were not willing to give up.

In autumn 2018, Fathimath twice resubmitted the right to information application to the Auditor General's office. This time it was rejected first for breaking the office's internal policies and then because officials

claimed that the information was private and third party, and therefore exempted under the Right to Information Act.

Fathimath and Hussein achieved long-awaited success after they sent a complaint to the Information Commissioner's Office, based on sound legal arguments. In January 2019, the Auditor General's Office finally published the list of presidents and cabinet ministers who had submitted their asset declarations since 2008. Concurrent advocacy efforts on asset declarations by Transparency Maldives over the previous ten years resulted in the president's office suddenly making the asset records of presidents and cabinet ministers public. A month later, the ruling party also decided to publicise the assets of all those running in parliamentary elections. This was an incredible leap forward for transparency in Maldivian politics and shows that right to information requests can lead to systemic change.

Activists in the Maldives still have a long way to go. The country urgently needs an organised system for declaring assets, a way of keeping track of officials' overseas assets and a robust legal framework for holding them accountable. But thanks to Fathimath and Hussein, the way has been paved for greater political integrity.

*Names have been changed.

MONGOLIA

Using open data to expose corruption

Munkhbayar's company, INAKIS, is helping to solve the extreme air pollution problems in the outskirts of Mongolia's capital, Ulaanbaatar, caused by burning rubber and tyres. The company does this by converting tyres into rubber plates and toys using environmentally friendly technology. It can currently recycle 150 tyres per hour, but if they had the money to expand their operation, the owner says they could provide all the rubber products in Mongolia using recycled material. However, corruption has so far prevented this increase in capacity. His repeated applications for a loan from Mongolia's Small and Medium Enterprise (SME) Development Fund have been unsuccessful, while many politicians have been using the fund to enrich themselves.

In November 2018, the media company IKON.MN reported that 110 out of 132 companies that received a low-interest loan from the SME fund were owned by politicians or their relatives. Nearly two thirds of the 74 members of parliament and three out of 16 cabinet ministers, including the prime minister's younger brother, were using the fund to finance their companies.

IKON.MN was able to uncover this wrongdoing through an updated right to information law. The law requires government bodies, including funds, to make all information transparent. It also requires all companies to publicly reveal their owners and financial stakeholders. This allowed the media company to find out which companies received loans at which interest rates, and who owned them.

The loans scandal set off a political chain reaction. The Mongolian National Chamber of Commerce and Industry announced that its 3,500-plus member

companies would not pay tax until the loans were repaid. The guilty politicians were held accountable and public oversight of government finances has been strengthened. Control measures have been put in place to make the management of the funds more transparent and accountable, with some funds even having been closed. Parliament also tried to oust Prime Minister Ukhnaa Khurelsukh's government, but he survived a vote of no confidence.

Members of parliament were divided into those who had received loans from the SME fund and those who had not. At least five officials involved in the scandal resigned.

In the aftermath of this scandal, Mongolian government activities are under more scrutiny than ever. Two other funds were investigated earlier this year. After potential conflicts of interest were found, they were merged with the SME fund into a single fund, which officials were reforming to make more transparent.

Many ordinary Mongolians are also putting pressure on their government. Citizens are using social media and protests to push for justice and accountability. This includes the country's youth. One group of university students formed their own media company to inform and encourage young Mongolians to engage with politics. Their campaign, known as Бид Уучлахгүй (We Will Not Forgive), earned them Transparency International Mongolia's Youth Anti-Corruption Award in 2018.

The government continues to respond slowly to their demands, but Mongolia's people are speeding ahead with the support of a strong right to information law.



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The implementation of the laws for open data and the right to information are instrumental in revealing game-changing evidence on institutional corruption in Mongolia.

Batbayar Ochirbat

*Executive Director of Transparency
International Mongolia*



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It is not only the right of citizens to demand information, but more the duty of public officials to proactively give information.

Ashish Thapa

Executive Director of Transparency International Nepal

NEPAL

Fighting unfair parking fees

Shyam* lives in Biratnagar, a city in the east of Nepal, about 370 kilometres from Kathmandu. He travels often, using the domestic airport where he usually pays five Nepalese rupees (NPR) (approximately 4 US cents) for bike parking. One day, like any other, he went to the airport to pick up a relative and parked his bike.

When Shyam returned to collect his bike and pay the fee, an official told him that the fee had been raised to NPR10. Shyam asked why: the fee had never changed, and it was the middle of the fiscal year. He demanded proof that prices had been officially increased, and was given a receipt on which two entries of NPR5 were listed.

Shyam paid the fee – but he was not convinced. Fortunately, he was in contact with Transparency International Nepal, which suggested that Shyam file a right to information application with the Biratnagar Civil Aviation Office. Shyam and his friend, Gopal*, submitted a joint application that included a request for the official airport fees for all vehicles, details on the parking lot contractor, and information on the running of the parking area.

Transparency International Nepal immediately followed up on the application, making sure to inform airport authorities of the full details of the Right to Information Act and of Shyam's case. After initial reluctance to process the application, airport officials investigated the issue. They found that the parking contractor had no legal right to inflate parking prices, as in Shyam's case. Eventually, the money was returned to Shyam, along with the airport's promise that normal prices would be enforced.

Shyam's case may seem like an isolated incident. However, Biratnagar airport experiences relatively high traffic with approximately 40 flights per day, 50 passengers per flight, and 400 airport staff. This means that corrupt parking staff enforcing the artificial price hike could make as much as NPR7,500 (approximately US\$65) per day – and that's if only 60 to 65 per cent of staff and passengers use the facility. Over the years, the scheme might have cost citizens millions of rupees.

Thanks to the efforts of Shyam and Transparency International Nepal, the contractor was forced to charge the original price.

Shyam and Gopal's story shows how powerful access to information – and awareness of people's rights – can be. With the help of Transparency International Nepal and the Right to Information Act, they were able to stand up for their right and prevent corruption.

*Names have been changed.

PAKISTAN

Holding local government accountable

Sher Khan* is a journalist and social worker in his late forties, who lives in Burewala Tehsil, a sub-district of Vehari Punjab.

He has dedicated his life to helping marginalised people in his community, who make up the majority. Unfortunately, resources in Burewala Tehsil are often limited and most residents struggle to access basic services such as health care, education and safe drinking water.

Sher has frequently observed that public institutions meant to serve residents fail to deliver on their responsibilities. He has noticed inefficient performance, unnecessary red tape, obvious corruption and wasted resources. Whenever he attempted to confront officials, he was met with the same response: "These are government matters and we are not answerable to you." Yet these were institutions funded by taxes collected from the residents of Burewala Tehsil.

In August 2016, Sher attended a Transparency International Pakistan workshop which covered citizens' right to information in detail. He learned about the simple application any citizen could make to access public information.

Determined to use this knowledge to serve his community, Sher filed three applications: one to the Provincial Highway Department inquiring about its budget for road development, and two to the Town Municipal Administration asking about the budget for paving.

When officials stalled continuously, Sher made eight visits to these agencies demanding that his applications be processed and that the officials comply with right to information laws. After months of tense discussions, Sher was successful and received the information he had requested. It revealed that contracts had been awarded for a range of work that had not been carried out, including an extended railway crossing gate, traffic signs, street lights and new paving tiles.

He filed complaints with both agencies over failure to carry out the work and followed them up, together with civil society members and other citizens. The jobs were completed and the local community benefitted from fewer accidents and delays, as well as better streets for pedestrians.

Sher is now an advocate for the right to information, teaching others about their rights and working with Transparency International Pakistan to fight in cases like his.

*Name has been changed



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The first step was to have a good right to information law in place. This has been achieved. The next step is for people to use this law to hold the government accountable. Through our workshops at the grassroots level, citizens learn how to use these laws to get information from public departments.

Saad Rashid

*Executive Director of Transparency
International Pakistan*



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While many officers were eager to help, it was clear that the structures needed to provide reliable crime statistics to the public were not sufficient.

Arianne Kassman

*Executive Director of Transparency International
Papua New Guinea*

PAPUA NEW GUINEA

Needing public information for public trust

“Organ Harvesters Apprehended”

This horrifying headline reached citizens of Papua New Guinea as a viral WhatsApp alert one morning in 2019. The alert pointed to social media posts and reported that police had detained several kidnappers. It said the kidnappers had been abducting and murdering women and children in the capital city of Port Moresby in order to harvest and sell their organs. Anyone who knew the perpetrators or had any useful information was to contact the police immediately.

Papua New Guineans were demanding to see the killers apprehended. However, when scores of enraged citizens arrived at Boroko Police Station in Port Moresby to provide information, they were told by police officers that the social media posts had been no more than malicious rumours. People had been duped. There were no kidnappers, no abductions, no victims and no stolen organs. The crowd gathered at the station was immediately suspicious, quickly concluding that the police were compromised, most likely bribed to protect members of a lucrative organ-smuggling ring.

Enraged, people damaged police vehicles and nearby shops.

Section 51 of the Papua New Guinea national constitution has enshrined the right to reliable facts since 1974. However, there is no system for enforcing the law and ensuring that institutions provide information to the public. This can result in turmoil such as the organ harvest riot, caused by citizens lacking access to official crime statistics to counterbalance fake news and prevent panic.

Transparency International Papua New Guinea has been working to ensure that the rights to information, free expression and public assembly contained within the constitution are upheld.

The chapter recently conducted a review of state agencies in the country to determine their ability and willingness to provide public information. This included the same police force that was the subject of public fury after the harvesting scandal. While many officers were eager to help, it was clear that the structures needed to provide reliable crime statistics to the public were not sufficient. There are many other areas where agencies need to be more transparent, including land tenure, forestry, public procurement and elections.

Transparency International Papua New Guinea published the results of the study in 2019. These are being used for their ongoing advocacy for a right to information law, as well as legal guidelines, processes and infrastructure for public information sharing. The project of ensuring that Papua New Guineans gain their right to information still has a long way to go, but it has been set well in motion.

SRI LANKA

Using information to ensure access to health care

In 2018, when social worker Uduwela Arachchige Ariyasena first attended a Transparency International Sri Lanka awareness workshop on right to information laws, he wasn't sure what to expect. He left with important knowledge that would enable his community to have regular access to primary health care.

Until October 2018, the Samadhigama Base Hospital, located in a remote part of the Hambantota district in Sri Lanka's deep south, was only operational two days of the week, due to a shortage of doctors. As a result, residents from more than five villages in the area were forced to travel long distances to access basic health care on the days the hospital was closed. The closest health care provider on those days was the Ambalantota Hospital, 10 kilometres away. The lack of available transport made this a serious problem, especially in emergencies.

After the workshop, Mr. Ariyasena filed a right to information application with the Office of the Director of Health Services in the Hambantota District. He asked: "What steps has your office taken to ensure that a resident doctor is assigned to the Samadhigama base hospital?" He also asked for certified copies of all relevant documentation.

Mr. Ariyasena received a response to his application confirming that while the Samadhigama Hospital is intended as a primary medical care unit on a day-to-day basis, the shortage of doctors had prevented it from fulfilling this function. He was also informed that a doctor from the Tangalle Base Hospital had been assigned to the position in 2016, but had been unable to assume his duties in Samadhigama due to the chronic shortage of staff in Tangalle.

Soon after Mr. Ariyasena had established that the Samadhigama Hospital was supposed to be operational on a daily basis, Transparency International Sri Lanka held meetings between the residents of the area and relevant public officials to discuss how to solve the problem.

The residents presented the information from the right to information request and the officials had to accept that six days a week, operation of the hospital was mandatory under state regulations. The fact that this was now public knowledge put pressure on them to act.

As a result, the Samadhigama Base Hospital is now open six days a week, with a resident doctor and assigned medical staff.



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This endeavour has been successful beyond our expectations. We can say for certain that exercising our right to information brought about this result [of improved access to health care].

Mr. Ariyasena

In the monthly right to information supplement published by Sinhalese daily newspaper, Dinamina





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Working in a politically constrained environment on a topic such as the right to information, we need to effectively engage with the authorities while always showing our added value. We did so and were able to engage and help to improve the right to information for citizens in Vietnam.

Nguyen Thi Kieu Vien

Executive Director of Towards Transparency Vietnam

VIETNAM

Ensuring the right to information: one step of many

When Vietnam's Law on Access to Information took effect in July 2018, it was long overdue. For many years, citizens had found it very difficult to get government guidance on vital issues like health care, borrowing and employment. Businesses had needed to use personal connections to access information held by state agencies, which regularly refused to clarify policies and share socio-economic development plans. Needless to say, few businesses and citizens could hold their government accountable using information.

Towards Transparency Vietnam has long been trying to change this and ensure the right to information that was acknowledged in the 1992 constitution.

From the day in 2015 that the Ministry of Justice opened the draft right to information law to public debate, Towards Transparency Vietnam has worked to raise it to the highest international standards.

Executive Director Nguyen Thi Kieu Vien and her team organised a collaboration with the Ministry of Justice and other civil society organisations, nationally and internationally. They worked together to compile concrete guidelines for the drafting committee to ensure the law was strong and could be effective. Four of the key recommendations were included in the final law, which was also more precise and concise than previous drafts.

In 2017, Towards Transparency Vietnam approached the Ministry of Justice to see what continued technical support was needed in developing the decree on the implementation of the new law. However, because approval was not received from the Communist Party, the ministry was not able to collaborate with independent organisations. A compromise was reached: Towards Transparency Vietnam and the

Ministry of Justice would work together under a more informal cooperation arrangement.

The Towards Transparency Vietnam team worked to desensitise the issue of right to information. They invited Ministry of Justice officials to a workshop to share experiences of implementing right to information laws locally and globally. Together they produced a set of guidelines for implementation and planned a training programme for lawmakers with an international expert. Six of Towards Transparency's recommendations were adopted in the decree guiding the implementation of the law.

The decree is expected to facilitate easy access to information, while reducing the organisational burden on state agencies.

The Towards Transparency Vietnam team and partner organisations have also been promoting effective implementation directly with citizens and businesses, providing workshops on how to use the Law on Access to Information in Hanoi and Ho Chi Minh City.

While Vietnam has recently strengthened citizens' right to information through the legal framework, there is still a long way towards effective implementation. Most state agencies are still not saying how information can be requested, many local government employees have not been trained to process information requests and not enough citizens have been made aware of their rights.

Nonetheless, Vietnam has made significant steps forward with the right to information, showing how local and global collaboration can help ensure citizens' rights are safeguarded at the highest levels of government.

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