



**BRIEF REPORT ON THE SUBMISSIONS
AND SUGGESTIONS
FROM THE RIGHT TO INFORMATION
WORKSHOPS**

Prepared by: Fiji Law Reform Commission

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1.0 INTRODUCTION

This report consolidates the key submissions and suggestions made during the Right to Information (RTI) workshops held in Fiji from December 9-14, 2024. The workshops organized by UNESCO and Fiji Council of Social Services (FCOSS) with support from FLRC, included Pacific regional discussions and specific sessions focusing on Fiji's context. The workshop was held at Level 9 Attorney-General's Office Suvavou House and included representatives from the region for the Pacific workshop and government agencies, parliament members and media representatives for the Fiji workshop (Attached: *Appendix I Pacific Workshop agenda and Appendix II Fiji Workshop Agenda*). This document also summarises the feedback recorded by the Standing committee in their Justice, Law and Human Rights Report on the Information Bill 2016 (Bill No. 34 of 2016) (*Appendix III*).

2.0 FEEDBACK FROM THE PACIFIC WORKSHOP (DECEMBER 9 - 10, 2024)

2.1 Legislative Framework and Implementation

- 2.1.1 **Cook Islands:** The Ombudsman noted challenges related to agency name changes, leading to confusion about which public agencies (PAs) must disclose information. This was a result of the specific drafting in the schedule of the Official Information Act which listed out the organizations and departments that the Act would apply to.
- 2.1.2 **Nauru:** In the development of Right to Information (RTI) legislation, the importance of contextualization was highlighted as a key factor, especially for nations like Nauru. While many RTI principles may be broadly applicable across the Pacific region, the specific Act and its implementation must be tailored to the unique legal, social, and cultural context of each Pacific Island country. Understanding how to advance RTI initiatives and which principles may need modification to align with local jurisdiction is essential for effective legislation. During discussions, Nauru identified one of their significant challenges as balancing necessary restrictions within the RTI framework. This reflects the complexities involved in creating effective RTI legislation that protects both the right to access information and the right to privacy.
- 2.1.3 **Vanuatu:** Implementation is an on-going process. In their jurisdiction, the representatives highlighted that they had ongoing discussions and awareness on RTI for about 8 years traveling all over the Island and ensuring that people knew their rights in regards to access and how to go about it.

2.2 Capacity Building and Awareness

- 2.2.1 **Vanuatu:** Participants highlighted the need for a greater number of RTI officers and better training. Building awareness of RTI among public institutions is crucial for effective implementation. The representatives from Vanuatu highlighted challenges they faced in frequently training officer due to a high turn-over.

2.2.2 **Legislation Mapping:** Participants suggested mapping of existing laws related to RTI to identify gaps and improve accountability. In this way RTI initiatives or future reviews will not overlap with existing RTI or public information structures but instead will complement them.

2.3 Challenges in Implementation

2.3.1 **Political Will:** The regional countries all agreed when it came to political commitment to prioritizing RTI initiatives, stating that it was crucial to push RTI legislation and policy along.

2.3.2 **Cyber Infrastructure:** Strong records management, including cloud storage, is critical for effective information access.

2.4 Use of Technology

2.4.1 **QR Codes:** Vanuatu representatives suggested the use of QR codes for easy access to RTI resources as a modern tool to facilitate engagement. In their implementation of the RTI Act in Vanuatu they stated that having a QR code available on Government websites and in their offices and published online made it easier for people to access information by just scanning the QR code.

2.5 Regional Advocacy and Collaboration

2.5.1 **PILON and PIFS:** In the context of enhancing Right to Information (RTI) needs at the national level, the Pacific Islands Law Officers' Network (PILON) and the Pacific Islands Forum Secretariat (PIFS) have been suggested as potential partners for long-term collaboration. Some countries emphasized the benefits of leveraging existing regional bodies to promote RTI initiatives, pointing out that their governments are already dedicated to these efforts. For example, the 2050 PIFS Strategy for the Blue Pacific Continent reflects a commitment to inclusion and promotion of human rights. By aligning RTI initiatives with such existing frameworks, countries can ensure that their governments prioritize the implementation and advancement of RTI efforts effectively.

2.5.2 **Civil Society Engagement:** Emphasis on the importance of organized civil society voices to advocate for RTI effectively.

2.6 Whistleblower Protection

2.6.1 **Protection Measures:** The inclusion of whistleblower protection in Right to Information (RTI) legislation is essential for fostering an environment where individuals feel safe to report misconduct. Currently, Fiji lacks comprehensive whistleblower legislation, and the existing Information Act does not contain specific provisions for whistleblower protection. While there are various policies across different agencies—such as the Fiji Revenue & Customs Service (FRCS), Housing Authority, and Water Authority—that outline whistleblower protections, these are not uniform or comprehensive. Importantly, Section 149(e) of the Constitution mandates that the Code of Conduct law must include

provisions for the protection of whistleblowers. This constitutional requirement emphasizes the necessity of developing robust whistleblower protection mechanisms as part of any legislative framework, including RTI legislation, to ensure that individuals are encouraged and protected when they report wrongdoing.

3.0 RECOMMENDATIONS FOR THE PACIFIC REGION

- a. **Maintain Updated Lists:** Establish and periodically update lists of public authorities required to comply with RTI laws across Pacific nations.
- b. **Invest in Capacity Building:** Enhance training for RTI officials and improve public service understanding of RTI principles.
- c. **Community Engagement:** Develop awareness campaigns about RTI benefits, leveraging media and community outreach.
- d. **Collaboration across Nations:** Foster partnerships among Pacific nations to share best practices in RTI implementation.
- e. **Whistleblower Protections:** Create robust protections within RTI laws to safeguard those who report on government misconduct.
- f. **Technological Solutions:** Incorporate innovative tools like QR codes for improving access to RTI-related information.

4.0 FEEDBACK FROM THE FIJI WORKSHOP (DECEMBER 10-14, 2024)

4.1 Implementation Challenges

- 4.1.1 **Timeliness of Responses:** During a two-day workshop in Fiji, a recurring concern was the lengthy response times of public agencies to even simple information requests, especially in the context of the Information Act 2018, which is intended to facilitate transparency. Currently, public agencies are required to respond to requests within approximately 40 working days, as stipulated in sections 8 and 12 of the Act. Furthermore, the Accountability and Transparency Commission (ATC) has provisions allowing an extension of this period up to 90 days under certain circumstances (section 12). This has led to calls for a reduction in the response timeline for information requests, with a proposal to shorten it to 10-15 working days to enhance efficiency and improve user experience. In addition, to include wording.
- 4.1.2 **Fee Structure:** Concerns regarding the fee structure for information requests were also raised during the workshop. Participants emphasized the need to consider the socio-economic implications of charging fees for access to information, arguing that exercising the right to information should not incur costs that could deter individuals, especially those from lower socio-economic backgrounds, from seeking information.
- 4.1.3 Currently, section 12(4) of the Act mandates that any charges must be reasonable and based on the nature, quantity of documents, and estimated expenses associated with making the information available, including time spent preparing the information. While

it is reasonable to charge for administrative expenses, such as photocopying costs, charging for the time taken to prepare information was seen to be unreasonable. To address these concerns, participants suggested implementing a tiered fee structure for instance, the first 10-20 pages of information could be provided free of charge, with fees applied only beyond that limit.

- 4.1.4 **Record management:** Two major concerns regarding records management were raised during the workshop. The first issue was the accuracy of information or data maintained by public agencies. Some participants emphasized that before effective record management can occur, public agencies must ensure they possess accurate data. An example cited was a situation where a couple sought their marriage certificate, only to discover that their marriage had never been registered in the registry. The second concern pertained to the uniformity in how information is stored or maintained. Participants noted that some ministries primarily stored their information physically in cabinets, while some used digital means like cloud storage. Also, there were still other public agencies that continued using Gmail for email correspondence, resulting in unregulated storage of electronic communications. This disparity prompted discussions about the *Public Records Act 1969* and its relationship to the review of the Information Act. Questions arose regarding whether subsequent amendments to the Public Records Act 1969 would be necessary. Suggestions were made to mandate the storage of electronic communications as well.

4.2 Legislative Recommendations

- 4.2.1 **Alignment with International Obligations:** Concerns were raised regarding Fiji's obligations under various international agreements and treaties, including trade agreements. It is essential to consider how the Information Act reflects these commitments on an institutional level. Participants emphasized the importance of ensuring that Fiji's legal framework for information access not only adheres to domestic principles but also complements and aligns with its international obligations.
- 4.2.2 **Consideration of Other Laws:** As discussed earlier in paragraph 4.1.4, one of the laws that was highlighted to consider during the review of the Information Act 2018 is the *Public Records Act 1969*. In addition, participants also suggested considering the *Official Secrets Act 1911 and 1920* of the United Kingdom, which remains applicable to the Republic of Fiji. The recent Truth and Reconciliation Act 2024 was also highlighted to consider how it would be affected by the Information Act.
- 4.2.3 **Model Law Adaptation:** Suggestions to incorporate aspects from successful models, like India's RTI framework. A suggestion was made with regards to RTI Act in India with regards to their proactive disclosure provision which had an extensive list of documents that public agencies were required to disclosure including financial/budgetary information which the Fiji Act lacked. It was also highlighted that the review of Fiji's RTI framework should consider the *Parliamentary Standing*

Committee Justice, Law and Human Rights Report on the Information Bill 2016 (Bill No.34/2016). The Report consists of submissions from eight (8) organisations comprising of political parties, NGO's, development agencies, government agencies and individuals (refer to *Appendix III*).

4.3 Protection of Information

- 4.3.1 **Intellectual Property:** There is a pressing need to safeguard traditional knowledge and sensitive personal information from unrestricted access. Discussions highlighted the concept of collective privacy, where information may pertain to an entire clan or Mataqali. Accessing certain benefits may necessitate reviewing records that include information about other individuals, particularly in contexts related to land rights in Fiji. For example, determining which Yavusa or sub-clan holds rights to a specific piece of land often requires examining records involving multiple stakeholders.

Additionally, the protection of Fijian customs and practices through intellectual property rights was highlighted. For instance traditional resources, such as yaqona (kava), which hold significant cultural value. Establishing appropriate measures to protect these elements of Fijian heritage will contribute to preserving the integrity of indigenous knowledge while respecting the privacy and rights of individual and collective communities.

4.4 Public Awareness and Training

- 4.4.1 **Cultural Shift in Public Agencies:** There was a strong emphasis on the need for training public agencies in the principles of the Right to Information (RTI) law to foster a culture of transparency and alleviate concerns around the release of information. While implementing a robust RTI framework is essential, its effectiveness can be severely hindered if those responsible for enforcing the act and promoting RTI initiatives continue to operate under a mentality of secrecy and fear regarding information disclosure. Furthermore, challenges have been identified within ministries and departments in terms of information sharing, even among entities within the government itself. Therefore, a recurring suggestion from the workshop was the necessity for comprehensive training programmes for public officials. These training sessions would not only focus on the legal aspects of the RTI law but also include continuous awareness initiatives aimed at transforming the mindset of public servants in Fiji.

4.5 Inclusivity in and Appeals process

- 4.5.1 **Broaden Access:** There was a discussion regarding the need to expand access rights under the Right to Information framework to include all individuals, not just citizens or permanent residents. Participants pointed out that the language in the Constitution concerning the Right to Information—specifically in sections 25 and 150—refers to “every person” and “member of the public.” This wording suggests that the right to access information should encompass a broader audience beyond just natural persons who are citizens or permanent residents.

- 4.5.2 **Accountability and Transparency Commission (ATC):** Suggestions were made to enhance the diversity of the Accountability and Transparency Commission in order to promote its credibility. It was proposed that the Commission include media professionals and reputable, qualified members from civil society organizations. This would ensure that the Commission is not solely comprised of individuals with government ties or those who may be politically aligned. By incorporating a broader range of perspectives, the Commission can achieve a more balanced representation, thereby strengthening public trust and enhancing its effectiveness in upholding accountability and transparency.
- 4.5.3 Also, a concern was raised regarding the role of the ATC as the oversight body for both the Code of Conduct Bill and the Information Act of 2018. This was in relation to the potential conflicts of interest arising from this dual oversight role. Additionally, since Section 121 of the Constitution does not explicitly designate the ATC as the oversight body for the Information Act, questions have been raised about whether the responsibility for overseeing the Information Act could fall under the Human Rights Commission, which might conserve resources by avoiding the establishment of a separate commission. Despite these considerations, it is important to note that the ATC must be established as stipulated in the Constitution, regardless of the oversight responsibilities assigned to it.

5.0 RECOMMENDATIONS FOR FIJI

- a. **Reduce Response Times:** Shorten the response time for information requests to improve public access.
- b. **Review Fee Structures:** Reassess the fee requirements for information requests to foster equitable access.
- c. **Record management:** Ensuring that there is proper mandatory guidelines on how information is kept and managed and considering the subsequent amendments that may arise on the Public Records Act 1969.
- d. **Enhance Protections for Sensitive Information:** Ensure safeguards for intellectual property and traditional knowledge.
- e. **Public Training and Awareness Initiatives:** Implement training programs for public officials to encourage a culture of openness regarding information release.
- f. **Expand Access to Information:** Revise legislation to include broader access rights for all individuals, not just citizens or PRs.
- g. **Include Diverse Representation:** Ensure the Administration Tribunal includes voices from various sectors, such as civil society and media, to enhance transparency and trust.

6.0 CONCLUSION

The feedback gathered from the Right to Information (RTI) workshops held in Fiji provided important insights into the challenges, opportunities, and recommendations for enhancing RTI frameworks both regionally and nationally. The workshop served as the first informal public consultation in the review of the Information Act 2018 and the drafting of the Accountability and Transparency Commission Bill 2025. The collective input from various stakeholders, including government representatives, civil society, and legal experts, emphasizes a shared commitment to strengthening transparency, accountability, and access to information in Fiji and the Pacific Islands as a whole.

Some of the key themes that were highlighted during the workshops included the necessity of contextualizing RTI legislation to fit local legal, social, and cultural frameworks, ensuring effective implementation. Also, emphasis was made on capacity building, awareness initiatives, and inclusive practices to foster a culture of openness that is crucial for enabling citizens to participate in governance. Participants of the regional workshop also highlighted how engaging with regional bodies, such as PILON and PIFS, and leveraging technological advancements to facilitate access through innovative solutions like QR codes exemplify the combined efforts needed to advance RTI initiatives.

Furthermore, during the Fiji workshop several legislative gaps were highlighted particularly on the restrictions on the scope covered under the current Information Act 2018 with regards to who can request for information and what information is covered under the Act. In addition, discussions on the fee structures and the protection of sensitive information were noted as vital for ensuring that access to information does not become a barrier for marginalized groups and individuals. As Fiji plans to undertake steps towards amending the Information Act 2018, the recommendations put forth will be instrumental in guiding these efforts.



Workshop on Advancing the
Right to Information in the Pacific

Concept Note and Agenda
Monday 9th to Wednesday 11th December, 2024
Chambers of the Attorney-General, Level 9 Conference Room
Suvavou House, Victoria Parade, Suva, FIJI

With support from:



Pacific
Community
Communauté
du Pacifique



International Foundation
for Electoral Systems



USAID
FROM THE AMERICAN PEOPLE

Introduction

From Monday 9th to Wednesday 11th December, 2024, UNESCO, will host the *Workshop on Advancing the Right to Information (RTI) in the Pacific*. The Workshop is organized in partnership with the Government of Fiji, Attorney-General's Chambers and the Fiji Council of Social Services (FCOSS) and the support of Pacific Community, International Foundation for Electoral Systems, and USAID.

The Workshop will be held at the Attorney-General's Chambers Conference Room in Suva, Fiji. Invitations will be extended to:

1. The Ombudsman of the Cook Islands and Information Commissioner of Vanuatu as leading exponents of RTI in the Pacific;
2. The Attorney Generals of Fiji, Nauru, and the Federated States of Micronesia, who UNESCO is very actively supporting to implement or enact RTI legislation in 2024/2025;
3. The Attorney Generals of Samoa, Tonga, and Papua New Guinea who are in the process or have approved RTI policies and are looking to introduce legislation in 2025

Concept Note

Different branches of government produce, receive, and hold public sector information and data. Being transparent with such information is a catalyst for good governance practices and a prerequisite to achieving the UN Sustainable Development Goals (SDGs), specifically SDG 16 Target 10.¹

The right to information has been recognised as a human right under international law and is increasingly seen as a defining component of the rule of law in any society. It should apply to all government institutions and branches of government, municipal institutions, bodies which are owned or controlled by the government and also public-private partnerships. Public documents should be accessible to anyone, regardless of their citizenship and irrespective of why they are seeking access. Achieving these goals is not the sole responsibility of a dedicated Right to Information oversight body, but also of government ministries, agencies and other public bodies, who are the primary duty bearers under RTI laws.

The right to access public information is essential for *accountability, transparency, citizen participation in policymaking, and reducing corruption*.² The right to information allows citizens and other stakeholders to better understand governmental policies, efficiently assess public services, and promote principles of equality, inclusion and openness.

With proper statutory guarantees for the right to information, civil society organizations (CSOs), private sector, academia and members of the public can easily access and disseminate information on legislation, public expenditures, policies and their implementation, achievements and drawbacks concerning the rule of law, good governance and respect for human rights.

Background of RTI in the Pacific

¹ [UN SDG Goal 16: Right to press freedom and information](#)

² ARTICLE 19, 2023. [Using Access to Information to combat corruption: short Guide on enforcement of Articles 10 and 13 on the UNCAC by Governments and Civil Society.](#)

The annual UNESCO RTI Survey indicates that out of 140 countries with RTI laws globally, only four of the Pacific Island States have so far adopted right to information (RTI) laws, namely Cook Islands, Fiji, Palau and Vanuatu, alongside Australia and New Zealand. In this context, UNESCO has undertaken to provide support to these States to move forward on this key democratic and human rights issue.

One challenge is the very small size of Pacific Island States, with even Fiji having less than one million people, most other States having a population of only a few 100,000, or even less. Very little work has been done on how very small States can design RTI laws for effective implementation. To help address this, UNESCO commissioned a report on *Principles on Right to Information for Small Island Developing States: The Case of the Pacific*, which sets out a number of design ideas to help make it more efficient for Small Island Developing States (SIDSs) to prepare and then implement RTI laws.

UNESCO includes in its mission the promotion of the [Right to Information](#) (RTI), providing Member States with technical and financial assistance to draft and effectively implement legislation through capacity-building, supporting the creation of the UN [International Day for Universal Access to Information](#) (UN IDUAI) and the [International Conference for Information Commissioners](#) (ICIC), and conducting the annual survey on the [Status of RTI](#) and supporting the [Global RTI Rating](#).

Since 2021, UNESCO has supported the following Pacific RTI activities:

1. Pacific National Information Policies (Papua New Guinea, Samoa)
2. Fostering contributions to the global Annual RTI Survey through online seminars
3. Supporting Pacific reps to the UN IDUAI and ICIC including 3 strong Pacific (female reps) to the 2024 IDUAI in Accra, Ghana (1 -2 October, 2024):
 - a. Ms Josephine JOSEPH – Attorney General FSM;
 - b. Ms Strella DUBURIYA – Director of the Human Rights Commission Nauru;
 - c. Ms Raijeli TUIVAGA – Director of the Fiji Law Reform Commission Fiji; and
4. Conducting a North Pacific RTI Workshop in May 2024, which resulted in Nauru and FSM accelerating the drafting of RTI legislation to be presented to Parliament/Congress for debate/enactment and the launch of independent Offices of the Information Commissioners in 2025.

Objectives and structure

The Pacific RTI Workshop will profile the status of RTI globally and in the Pacific, with presentations from Pacific Island experts which have successfully implemented RTI or are actively drafting RTI laws, as well as from international experts. It will also provide an overview of the Principles Report, noted above, as well as some of the main attributes of strong RTI laws.

Workshop participants will also share good practices in terms of specific legal provisions ensuring that access to public information involves all citizens, in particular those who might incur an increased risk of marginalization or discrimination in certain contexts, based on factors such as sex and gender, marital status, age, race, ethnicity, disability, socioeconomic status, education and so on. For instance, it is important to ensure access to public information for women in rural areas, where a large percentage do not have or do not know how to effectively use smart apps on mobile phones, they don't have access to the Internet, or are impeded from accessing public information due to sociocultural norms. Information should also be produced and disseminated in appropriate formats to meet the needs of constituencies, for example to ensure its accessibility for persons living with disabilities.

In terms of style, the Workshop will involve a mix of presentations, interactive discussions, and question and answer sessions. The goal is for the Workshop to be participatory and responsive at all times.

Agenda

Monday 9 December 2024

- | | |
|----------------------|---|
| 09:00 – 09:15 | Opening Comments
<i>Honourable Graham Leung, Attorney General of Fiji</i> |
| 09:15 – 09:30 | Welcome from UNESCO
<i>Marius Lukosiunas, UNESCO</i> |
| 09:30 – 09:45 | Overview of the Pacific Workshop
<i>Toby Mendel, Centre for Law and Democracy</i>
<i>Questions and Plenary Discussion</i> |
| 09:45 – 10:15 | Photo Shoot and morning break |
| 10:15 – 11:45 | Introduction to RTI and Trends Globally and in the Pacific
<i>Toby Mendel, Centre for Law and Democracy</i>
<i>Questions and Plenary Discussion</i> |
| 11:45 – 12:30 | Country Presentations
<i>Cook Islands – Niki Rattle, Ombudsman of the Cook Islands</i>
<i>Vanuatu – Harold Obed, Manager Right to Information Unit</i>
<i>Nauru – Stella Duburiya, Director Human Rights Commission</i>
<i>Questions and Plenary Discussion</i> |
| 12:30 – 13:30 | Lunch |
| 13:30 – 15:00 | Country Presentations
<i>Fiji – Raijeli Tuivaga, Director Fiji Law Reform Commission</i>
<i>Tonga – Sione Sisifa, Solicitor General of Tonga</i> |

*Samoa – Tufuga Fagaloa, Director Samoa Law Reform
Commission
Papua New Guinea - Transparency International PNG
Questions and Plenary Discussion*

15:00 – 15:30

Afternoon Break

15:30 – 16:30

Overview of Main Features of Strong RTI Systems
*Toby Mendel, Centre for Law and Democracy
Questions and Plenary Discussion*

Tuesday 10 December 2024

09:00 – 09:30

Recap of Day 1
Abel Caine – UNESCO Consultant
Discussion

09:30 – 11:00

Introduction to Principles on Right to Information for SIDSs
*Toby Mendel, Centre for Law and Democracy
Questions and Plenary Discussion*

11:00 – 11:30

Morning Break

11:30 – 12:30

Presentations by Development Partners
*Pascaline Krone, International Foundation for Electoral Systems
(IFES) and Ashley Bowe, Pacific Community
Vani Catanasiga, Fiji Council of Social Services
Questions and Plenary Discussion*

12:30 – 13:30

Lunch

13:30 – 15:00

Presentations from Key Stakeholders
*Marie Pegie Cauchois, United Nations Office on Drugs and Crime
Dr. Shailendra Singh, University of the South Pacific Journalism
Programme
Questions and Plenary Discussion*

15:00 – 15:30

Afternoon Break

15:30 – 16:30

Moderated Discussion on Needs and Strategies for the Pacific

16:30 – 17:00

Closing Comments
*Marius Lukosiunas, UNESCO
Ropate Green, Solicitor General of Fiji*

**Public Lecture on the Right to Information
(Kindly hosted by the Pacific Theological College, Nasese)**

18:00 – 20:00

Right to Information and Research for Good Governance
Toby Mendel, Center for Law and Democracy

Wednesday 11th December

Bilateral sessions

With Toby Mendel

09:00 – 09:45 Cook Islands

10:00 – 10:45 Vanuatu

11:00 – 11:45 Nauru

12:00 – 13:00

13:00 – 13:45 Fiji

14:00 – 14:45 Tonga

15:00 – 15:45 Papua New Guinea

16:00 – 16:45

Parallel UNESCO Demonstration

[Massive Open Online Course: Access to Information Laws and Policies and their Implementation](#)

Marius Lukosiunas, UNESCO

Session 1: Papua New Guinea, Tonga, Fiji

LUNCH

Session 2: Cook Islands, Vanuatu, Nauru

PRESS CONFERENCE



Workshop on Right to Information for Fiji

Concept Note and Agenda

12-13 December 2024

Talanoa Lounge, GCC Complex, Suva

Concept Note

Fiji adopted its Information Act in 2018 but the law has not really come into effect, in part because the Accountability and Transparency Commission, which serves as the oversight body for the law, has not yet been appointed. This now appears to be in progress and hopefully the law will become fully operational once that happens. This workshop by UNESCO in partnership with the Fiji Council of Social services (FCOSS) aims to raise awareness among selected stakeholders – including senior civil servants, information officers, CSOs and media workers – about how the Act works and how to make and process requests for information.

The Workshop will mainly be led by RTI expert Toby Mendel, of the Centre for Law and Democracy in Canada. The first substantive session will provide an overview of global and regional trends on RTI and international human rights standards. This will be followed by a presentation from the Attorney General on the Fijian 2018 Information Act, which is Fiji's RTI law. Toby Mendel will then present the key standards regarding RTI under international law, followed by a presentation on how the Fijian Act measures up against those standards.

The second day will feature three “deeper dive” sessions, looking, respectively, at making and processing requests, exceptions, and appeals and oversight. We will then breakout into smaller groups to work on the exercise, which will involve groups analysing a scenario and then presenting their findings back to the plenary session via a role play.

In terms of style, the Workshop will involve a mix of presentations, interactive discussions, and question and answer sessions, as well as the role play exercise. The goal is for the Workshop to be participatory and responsive at all times.

Agenda

Thursday 12 December 2024

08:30 – 09:00	Registration
09:00 – 09:15	Opening Comments <i>Hon. Graham Leung, Attorney-General of Fiji</i>
09:15 – 09:30	Welcome from UNESCO <i>Marius Lukosiunas, UNESCO Section for Universal Access to Information</i>
09:30 – 09:45	Overview of Workshop <i>Toby Mendel, Centre for Law and Democracy</i>
09:45 – 10:15	Photo shoot and Tea/Coffee Break
10:15 – 11:30	Introduction to RTI, Global Trends and International Standards <i>Toby Mendel, Centre for Law and Democracy</i> <i>Questions and Plenary Discussion</i>
11:30 – 12:30	Overview of Main Features of Strong RTI Systems <i>Toby Mendel, Centre for Law and Democracy</i> <i>Questions and Plenary Discussion</i>

- 12:30 – 13:30** **Lunch**
- 13:30 – 14:45 Presentation of Fijian 2018 Information Act
Raijeli Tuivaga, Fiji Law Reform Commission
Questions and Plenary Discussion
- 14:45 – 15:15 Presentations by Development Partners
Pascaline Krone, International Foundation for Electoral Systems (IFES) and Ashley Bowe, Pacific Community
Shailendra Singh, University of the South Pacific Journalism Program
- 15:15 – 15:45** **Tea/Coffee Break**
- 15:45 – 17:00 Review of Fijian Legal Framework for the Right to Information
Toby Mendel, Centre for Law and Democracy
Questions and Plenary Discussion

Friday 13 December 2024

- 09:00 – 09:30 Recap of Day 1
Marius Lukosiunas, UNESCO
Discussion
- 09:30 – 10:15 Deeper Dive into Making and Processing Requests for Information
Toby Mendel, Centre for Law and Democracy
Questions and Plenary Discussion
- 10:15 – 10:45 Tea/Coffee Break**
- 10:45 – 11:30 Deeper Dive into Assessing Exceptions
Toby Mendel, Centre for Law and Democracy
Questions and Plenary Discussion
- 11:30 – 12:00 Presentations by Development Partners
Vani Catanasiga, Fiji Council of Social Services
Marie Pegie Cauchois, United Nations Office on Drugs and Crime
Questions and Plenary Discussion
- 12:00 – 13:00 Lunch**
- 13:00 – 14:00 Deeper Dive into Appeals and Oversight
Toby Mendel, Centre for Law and Democracy
Questions and Plenary Discussion
- 14:00 – 14:30 Summary of interventions on the Fiji 2018 Information Act
Raijeli Tuivaga, Fiji Law Reform Commission
Questions and Plenary Discussion

14:30 – 16:00 Breakout Group and Role Play Exercise (**including Tea/Coffee Break**)

Work in Breakout Groups (including tea/coffee break)

Role Play in Plenary

16:00 – 16:30 Closing Comments

Marius Lukosiunas, UNESCO

Ropate Green, Solicitor General of Fiji

Standing Committee - Justice, Law and Human Rights Report on the Information Bill 2016 (Bill No. 34 of 2016)

Organization/ Entity	Issue/Recommendation	Details
Bua Urban Youth Network	Access to information	Advocated for unhindered access to vital information for affected communities.
	Fees for information	Recommended no charges for information access as fees deter requests.
	Language accessibility	Suggested information be provided in iTaukei or Hindi if requested.
	Scope of exempt information	Criticized the long list of exemptions and called for reduced exemptions to promote transparency.
	Title of the bill	Suggests to have the Act called Freedom of Information Bill.
Chaudhary & Associates	Payment for medical report	MOH directive was to charge \$287.50 for a medical report if the citizen wants to claim for compensation which is excessive and breaching section 25 of the Constitution.
	Issue with police	Police refusing to release copies of statements, interview notes and sketch plans to solicitors: road accident cases.
FemLink Pacific	Gender consideration	Suggested the Bill enhance gender analysis in access to information.

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	Fees	Suggests making it free to access information for the very poor, elderly and persons with disabilities.
	Information Officers	Having more than one information officer especially for the promotion of the access to information under section 36 and have information officers who are senior at a Director level.
	Promotion of public awareness on the legislation	Promotion and awareness should be across all media platforms including community media networks.
NGO Coalition on Human Rights (NGOCHR)	Awareness initiatives	Include provision in the Bill that mandates government dedicating adequate resources/awareness to promote access to information.
	Access for marginalized groups	Proposed amendments to ensure full access for illiterate individuals and persons with disabilities.
	Fees	Proposed fees not to be excessively high.
	Governing bodies meetings	<p>Include a presumption that all meetings of governing bodies are open to the public promoting and clarifying process of open meetings.</p> <p>This would outline procedure on access to meetings, define what meetings would be covered under this and notice for such meetings to be provided in advance.</p>

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	Consistency with other laws	Suggested amendments to ensure other laws are interpreted consistently with the Information Bill.
Office of the United Nations High Commissioner for Human Rights (OHCHR)	Definition of information	Suggested revising the broad definition to include the public interest.
	Scope of information	<p>Extend it beyond information that “directly affects” the requestor.</p> <p>Recommended changing access requirements to be inclusive of all persons not just natural persons and citizens or permanent residents.</p> <p>Remove time restriction on information (section 6).</p> <p>Section (3) (e) states that a request should comply with “any other requirement of the Commission” – this discretion is too wide.</p>
	Meetings of governing bodies	All meetings of governing bodies should be open with exceptions listed out with established procedures.
	Minister's exemption role	Recommended limiting the Minister's power over exempt public agencies and only if the information falls within a legitimate exception.

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	Accountability and Transparency Commission	Process for appointing the Commission should be inclusive and transparent and its membership should be diverse.
	Public interest disclosure test	Suggested adding a disclosure test to ensure public interest is favored. <ol style="list-style-type: none"> 1. Identify the protected interest. 2. Harms test 3. Public interest override
	Maximum disclosure principle	Suggestion to add the maximum disclosure principle to the Act.
	Review notice	Provision to be added that informs the requestor of avenues for appeal if their request has been denied either by the public agency or the ATC.
	Correction/ deletion of personal information – public interest aspect	Suggestion made to include a public interest test for making correction or deletion of personal information – example, human rights violator after a certain time wants to have that information deleted.
	Appeal process	Appeal should not be limited to the merits of the case but also on the legality of the decision made: question of law and fact. Should also include reasonable timeframe including how long aggrieved applicant has to lodge a complaint and how long the public agency or ATC has to respond.

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	Mandate disclosure proactive	Make it mandatory for public agencies to publish certain information listed under section 35.
	Protections	Include whistle-blower protections.
Consumer Council of Fiji	Timeliness	Recommended reductions in response times for public requests for information and stated that 20 working days is unreasonable.
	Access to information	Should not be limited to
	Refund policy	Suggested inclusion of refunds for errors in provided information.
	Fee transparency	Requested clarity on any fees charged prior to information requests.
	Fee compensation	Compensate requestor if request is denied and look into other means like transportation and other incidental costs.
	Records management	Ensure that information is safely stored, maintained and retrieved.
Fiji Labour Party (FLP)	Scope of information	Highlighted that the Bill restricts access to information only pertinent to the requester. Access should not be limited to information created after the legislation commencement.

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Social Democratic Liberal Party (SODELPA)	Open access	Recommended the legislation should enable access to all documents held by the government unless posing a national security threat.
	Objectives of the Act	Its too narrow and limiting and does not satisfy the requirements of the Constitution.
	Limits on definitions	Suggested amendments to broaden definitions around "public agency" and "information". "Government company" – it's quite restricted should be amended to include any company which State holds majority shares or interest.
	Direct access	Recommended access requests be made directly to concerned agencies rather than through a centralized body.
	Timeliness	Suggested reducing the timeframe for response to requests to prompt access to information from 20 days to 15 days. 90 days extension is unreasonable.
	Exemption	Remove section 21 that gives Minister discretion (after consulting with ATC) to exempt a public agency. Delete section 20(f) and (o) – classified cabinet documents aged 25 years and over be made available.

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	Waiving application fees	Recommended that fees for information requests be minimal to ensure accessibility for all.