



MEDIA STATEMENT ON THE NEED TO ENACT ACCESS TO INFORMATION- ATI BILL INTO LAW

Leaders of all CSOs present;

Members of the CSO Coalition on Access to Information-ATI;

Compatriots and Comrades from the Media;

May I simply address all as ladies and gentlemen,

It is with great pleasure that we the CSO Coalition on Access to Information are engaging with the general public through you, the media, a day after commemorating the media day, Press Freedom Day, whose theme is not only interesting but also inviting and inspiring especially in the wake of promoting tenets of good political and democratic governance in Zambia.

We the ATI Coalition has invited you our colleagues from the media so as to engage on a number of pertinent matters that hinge on national development in relation to the Access to Information. It is with conviction with your indulgence that I address the following issues:

1. The recent Information and Broadcasting Minister's Statement on the ATI:

We note with delight the continued issuance of positive statements by almost every Minister that has been appointed and held the office of Information and Broadcasting Minister. The constant appreciation of the principles and values that the ATI law brings to mankind and the promises on governments desire to table the ATI Bill before parliament for enactment has been exciting but a long road so far. Further and sad enough, our delight and that of many stakeholders and all citizens is short lived as the pronouncements have always not been followed with tangible actions to actualize them, rendering them to be mere rhetoric. The predecessors to the current Minister have all sweet-talked us but did nothing to take the Bill to Parliament. It is our hope that the current Minister Hon. Kampamba Mulenga does not fall in the same web. In the event that the Hon Minister of Information and Broadcasting does not proactively engage stakeholders and citizens en-route to taking the ATI Bill for tabling in the next sitting of Parliament the Coalition we will have no choice but to mobilize Zambians and expose Government's and specifically the current Minister's ill intentions to drag the enactment of the ATI Bill forever.

2. Access to Information as a human right

Ladies and gentlemen, Access to Information-ATI can be defined as the right to access information held by public bodies. We hold in this regard that it is an integral part of the fundamental right of freedom of expression, as recognized by Resolution 59 of the UN General Assembly adopted in 1946, as well as by Article 19 of the Universal Declaration of Human Rights (1948), which states that the fundamental right of freedom of expression encompasses the freedom to "to seek, receive and impart information and

ideas through any media and regardless of frontiers". Access to information-ATI has also been enshrined as a corollary of freedom of expression in other major international instruments such as the International Covenant on Civil and Political Rights (1966). Our conviction and rationale behind the demand for the enactment of Access to Information- ATI Bill into law reflects the fundamental premise that all information held by governments and governmental institutions is in principle public and may only be withheld if there are legitimate reasons, such as typically privacy and security, for not disclosing it. The Coalition note that over the past 10 years, the right to information has been recognized by an increasing number of countries and the recent one being Malawi, through the enactment of the access to information into law.

Ladies and gentlemen without access to information, members of the general public, and the media are not able to seek and receive information on issues of importance to the public. Without it, the government cannot be held accountable for their actions, nor are they open to public scrutiny. Access to information plays an essential role in the social and political processes of our society. We need the political will to table the Access to Information Bill in this coming sitting of parliament and demand stakeholders' engagement and ensure full transparency. It must be noted here that access to information is an important universal right that helps to ensure transparency in government and opportunities for economic advancement. While information access law is important, it is equally important that the ATI Bill then is enacted into law so that all people have equal access to information.

3. Access to information and curbing corruption

Ladies and gentlemen, knowledge is power, and transparency is the remedy to the darkness under which corruption and abuse thrives. Open democracy depends on a knowledgeable citizenry whose access to a broad range of information enables them to participate fully in public life, help determine priorities for public spending, receive equal access to justice, and hold their public officials accountable. When the government and

quasi-governmental agencies perform under a veil of secrecy, people are denied the right to know about public affairs, and the press is only able to speculate and subsist on rumors.

Poor public access to information feeds corruption. Secrecy allows back-room deals to determine public spending in the interests of the few rather than the many. Lack of information impedes citizens' ability to assess the decisions of their leaders, and even to make informed choices about the individuals they elect to serve as their representatives.

Although perhaps most often considered in the fight against corruption, access to information is equally critical for citizens' capacity to exercise their rights and to uphold the responsibilities and accountability of their leaders. Access to information allows individuals and groups to understand the policies with which the government makes determinations relating to health, education, housing and infrastructure projects and the factual basis for such decisions.

4. Media Freedom:

Whereas we are alive to the inevitable need for responsible media and journalism, including ethical reporting and behavior, we have for a long time observed with dismay, at the way politicians and their cadres across the divide have with impunity and shamelessly so harassed and physically beaten and assaulted journalists and other media practitioners. We have seen that both the ruling party and the opposition political parties have contributed and continue to polarize the media. Ladies and gentlemen this trend should not left unchecked but condemned with the contempt it deserves.

5. Conclusion:

Ladies and gentlemen, in conclusion we note as a coalition that access to information is essential for persons to realize their basic right to participate in the governing of their country and live under a system built on informed consent of the citizenry. In any state,

and particularly in states where the policy analysis capabilities of civil society are poorly developed, political participation rights cannot be exercised effectively without access to government information. In this regard, we appeal to the government through the minister of information and broadcasting to avail the draft Bill to the stakeholders and engage various stakeholders and interest groups on the content of the Bill. The importance of an effective right to freedom of information, both in itself and to democracy and respect for other human rights, is beyond question and has a solid basis in international and comparative human rights law. Ladies and gentlemen, I must say that it is increasingly being recognised that states and Zambia inclusive are under an obligation to take practical steps – including through legislation – to give effect to the right to freedom of information through enactment of Access to Information Bill into law.

The Jesuit Centre for Theological Reflection (JCTR) on behalf of ATI Coalition is delighted that the government through the Minister of Justice, Hon. Given Lubinda, has reaffirmed its resolve to table the Access to Information Bill in Parliament. The CSOs represented here affirms that Access to Information law is necessary as it fits well in democratic governance which Zambia has always aspired to become since the introduction of Multi-party democracy. Access to Information law supports progressive dialogue and exchange of rightful information that is of development in nature and therefore we wish urge the PF government and our members of parliament to support the Bill once it is tabled in parliament. We would like to suggest that the PF government could do more to assert leadership in tabling the Access to Information Bill to Parliament. Essentially this is a right that has ripened since the 1990s and therefore, we therefore all well-meaning Zambians and our MPs should support the Bill once tabled before Parliament.

God Bless us all. God Bless Zambia.

Fr. Leonard Chiti, SJ

JCTR EXECUTIVE DIRECTOR

For and on behalf of the Civil Society Coalition on Access to Information.