

ACCRA FORUM

# REPORT



STAR GHANA  
FOUNDATION

## CIVIL SOCIETY REFLECTIONS ON THE IMPLEMENTATION OF THE RIGHT TO INFORMATION (RTI) LAW IN GHANA

IN PARTNERSHIP WITH



**GHANA VENSKAB**  
Partnerskab for forandring

# 1. INTRODUCTION & EXECUTIVE SUMMARY

On the 6th of July 2022, STAR-Ghana Foundation, in partnership with the Ghana Developing Communities Association (GDCA) and Ghana Friends (GV) held a forum on the implementation of the Right to Information (RTI) law in Ghana, under the theme “Civil Society Reflections on the Implementation of the Right to Information Law in Ghana”. The Forum brought together representatives from various civil society organizations, media, state institutions and public interest individuals and advocates/activists to



discuss the implementation of the RTI law and strategize to influence its effective implementation to increase access to public information.

## 1.1 EXECUTIVE SUMMARY



Eunice Abgenyadzi- Programmes Manager  
STAR-Ghana Foundation

The key highlights and issues from the forum include:

- The need to broaden awareness of the law for both citizens and government institutions to address both demand and supply side challenges for the effective implementation of the law.
- The RTI Commission and the RTI Coalition developed a roadmap following the passage and post implementation of the law as a mechanism for ongoing conversations. It is important for the Commission and the Coalition to revisit the roadmap and take action on effective implementation of the law.
- There are two key dimensions to making the law work effectively. First, empowering citizens to request for information/utilize the law, secondly, empowering public institutions to make proactive disclosures by making information voluntarily available and ensuring quick turnaround time on requests made to them. So far, focus has been largely on the former. There is therefore the need to incentivize and empower public institutions to be more proactive in sharing information.



- There is the need to ensure accountability on the implementation of the law by increasing collaborations between CSOs, media and the RTI commission and facilitating joint monitoring of the implementation of the law.
- Resourcing the RTI Commission to be able to recruit, train and maintain the required number of staff (especially dedicated RTI Officers stationed at MDAs) for the effective implementation of the law.
- Need for civil society to play an active role in monitoring the implementation of the law by leveraging the monitoring platform hosted by the Ministry of Information. The platform is an online records management system that contains a database of all public institutions from whom citizens can request information under the RTI Law. When fully operational, the platform will be moved onto the Ghana.gov website – which is a central platform for accessing a number of government services online. This will make it possible for people to make requests online and for the turnaround time on requests to be monitored on the platform.



Esther Poku-Aduhene of CHRI and the RTI Coalition making a submission.

- There is the need to make the processes of requests and access to information adaptable and sensitive to the needs of different social groups especially people living with disabilities. Needs of persons living with disabilities must be viewed and treated as heterogenous and not homogenous. Modalities such as the use of the brail and other innovations to make information available to PWDs must be considered and provided for.
- As implementation of the law progresses, considerations must be made to make the process for requesting and responding to request more seamless and accessible to every citizen everywhere. Advances in digital technology and innovations must be leveraged to enhance the effective implementation of the law whenever practicable. However, while the application of technology to promote the implementation of the law is laudable, it is important to do a full cost-benefit assessment of what the exact potential of incorporating technology is at any given stage of the implementation of the law before investing into it.

## 2. OPENING REMARKS

In his remarks, Mr. Ibrahim-Tanko Amidu, Executive Director of STAR- Ghana Foundation (SGF) asserted that while the passage of the law is worth celebrating, it's implementation is fundamental to democracy and development. According to him, the effective implementation of the law is the most important and difficult task. He stated that the effective implementation of the RTI law is necessary for active citizenship to thrive, hence, the focus of the 'Rebuilding Civic Space' project which seeks to contribute to building a conducive civic environment by supporting the implementation of the RTI law. Mr Ibrahim-Tanko said the project will among other things strengthen alliances for advocacy on the RTI law and access to information.



Mr. Ibrahim-Tanko Amidu

**Programme Coordinator for Ghana Friends (GV), Lise Grauenkær and Executive Director for Ghana Developing Communities Association (GDCA), Osman Abdel-Rahman** in their solidarity message emphasized the need for civil society and other public interest advocates to continue keeping up the pressure and collaborate with relevant actors and stakeholders to ensure that Ghanaians have unhindered and timely access to information to hold their duty bearers to account.



Lise Grauenkær and Osman Abdel-Rahman giving their remarks



Executive Secretary to the RTI Commission, Mr. Yaw Sarpong Boateng giving his remarks

On his part, the Executive Secretary to the RTI Commission, Mr. Yaw Sarpong Boateng (Esq) expressed gratitude to the sustained civil society advocacy that resulted in the eventual passage of the law and the setting up of the RTI Commission. He indicated that the effective implementation of the law is imperative for good governance and the mitigation of corruption in Ghana. Yaw Sarpong(Esq) noted that the implementation of the law in Ghana is still faced with challenges though significant successes have been achieved including:

- The Commission securing a fiat – allowing it to independently prosecute offenders of the law without having to rely on the Ghana Police Service and/or other state agencies to do so. This is a huge boost to the commission, and a key step towards increased compliance with the law especially by Public Officials



- Issuance of guidelines for the preparation of information manuals, distributed to over 600 public institutions across the country. The guidelines serve as a basis for public institutions to prepare their own information manuals outlining the kinds of information they possess and modalities for citizens who wish to access such information.
- Ongoing preparation of draft regulations to be submitted to Parliament. The regulations will address identified gaps and loopholes in the RTI law. The Commission will engage the civil society and other stakeholders extensively to ensure that the guidelines are comprehensive enough and addresses the identified gaps in the law.
- The recruitment of fulltime lawyers on the Commission's payroll to help fast-track prosecutions.

He bemoaned the low public knowledge of the law and the reliance on the oath of secrecy by political appointees to deny RTI requests by citizens as some of the key challenges affecting the work of the commission. He stated that financial constraints hinder the Commission from recruiting and training RTI officers in all public institutions to ensure that requests are processed with the needed expedition and professionalism.

### 3. PRESENTATION OF DISCUSSION PAPER: ASSESSING THE ACCESS TO INFORMATION IN THE CONTEXT OF RTI LAW IMPLEMENTATION

As input for discussion, a discussion paper was commissioned to assess access to information in the context of RTI Law implementation. The paper notes that, overall, the RTI law seeks to enforce the realization of the constitutional guarantee of the rights of citizens to access information held by public institutions and officials. All institutions funded by the state and/or those performing a public function in Ghana (even if not funded by the State) are mandated by the RTI Law to comply with RTI requests. For effective implementation of the law, citizens must be aware about the law and assert the rights provided for therein.



Dr. Theodora Dame Adjin-Tettey presenting the discussion paper

Highlights of the presentation are captured below;

### **3.1 Challenges faced in accessing information**

The paper revealed some of the challenges faced in accessing information from state institutions since the passage of the law. These include:

- Some non-compliant state institutions and officials in a bid to hide information from the public and deny requests for information, deliberately delay requests for information by citizens using administrative bureaucracies as a way of frustrating citizens to give up on their request or to deter future requests
- The lack of awareness among some public institutions on the provisions of the law breeds hesitance on the part of these institutions to make information available to the public even when such information is requested
- The absence of designated RTI officers at Ministries Departments and Agencies (MDAs) across the country to process requests is delaying the turnaround time for responding to requests for information from the public.
- Some officials/institutions unilaterally claim unavailability of requested information without any grounds and fail to refer people requesting information to the right place to access the information as provided for by the law.
- Some institutions impose exorbitant charges and unapproved fees to deny requests and discourage individuals from requesting for information under the law.
- In some cases, decentralized institutions frustrate RTI requests by hiding behind the excuse of needing authorization from their head offices to deny requests by citizens.

### **3.2 Proposed measures for effective implementation of RTI Law.**

The paper proposed some measures to facilitate the effective implementation of the RTI law such as:

- Increasing public education through collaborations between CSOs, the media and other state institutions such as the National Commission for Civic Education (NCCE), RTI Commission etc. to increase general awareness of the law and the rights citizens have under it.
- There is the need to train journalists and media operators to support public education/ sensitization on the law using their media platforms.
- Granting financial clearance to enable the recruitment and training of fulltime RTI officers for the public institutions will help to fast-track the processing of requests and enhance the general effectiveness of the law.
- Provision of simplified and user-friendly guidebooks and other literature on the RTI law. These materials should be adaptable to the needs of the least educated and persons living with disabilities. The possibility of translating these materials into

local languages, audio, brail etc should be explored as practical ways of ensuring inclusive access.

- Provision of easy to use and affordable technologies to facilitate access to information.
- Hold targeted consultations with institutions that habitually refuse to grant RTI requests. These consultations should be led by the RTI Commission.

She added that although the COVID-19 pandemic exacerbated some of the challenges to access to information, it also presented an opportunity to identify alternative means to request and process/grant access to information via the use of ICT and digital

The paper commended the RTI commission for playing an important role in ensuring that state institutions comply with the law. The commission has reviewed requests turned down by state institutions and ordered the concerned institutions to provide the requested information whenever it is determined that the grounds for denying the requests was flawed.

Additionally, she added that CSOs have played a key role in facilitating the implementation of the RTI law. Some CSOs took the initiative to test the RTI law by requesting information. Also, CSOs have held capacity building and sensitization programmes on the RTI law in order to increase public awareness. This notwithstanding, the paper recommends the need for continued advocacy to address the lingering challenges and improve the implementation of the law.



Renowned Civic Activist, Vitus Azeem contributing to the discussing at the forum



## 4. PANEL DISCUSSION AND OPEN FORUM

Following the presentation of the discussion paper there was a panel and plenary discussion of the findings and recommendations. The main points are discussed below.

### 4.1 Government's commitment to making the RTI law accessible to public proactively.

While the passage of the law and setting up of a functional RTI Commission represents significant goodwill from the state to make the law effective, adequate funding from the state remains a major challenge for the Commission to function optimally. In addition to government's support, the Commission has been proactive in building resource partnerships to enable it function effectively. Some partnerships built by the Commission resulted in securing computers and office furniture for staff of the commission to facilitate its work.

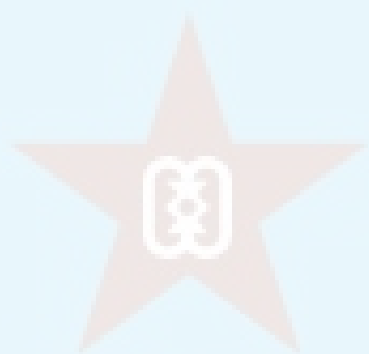
### 4.2 Measures towards making the RTI law accessible to the public

The Commission has ensured that public institutions are compliant with the RTI Law and are open to the public as they ought to be under the law. It does this through engagements with public institutions and prioritizing the review of complaints filed by individuals and organizations whose requests for information have been refused.



Sulemana Braimah- MFWA

Whenever a rejected request is found to be in contravention of the law, the institution involved is compelled by the Commission to supply the requested information. Civil society organizations such as the Media Foundation for West Africa have also played an instrumental role in testing the law including using the law courts to ensure that institutions comply with the RTI law. It was recommended that more education and capacity building on both the demand and supply sides of the law is required for optimal implementation and utilization of the law. The commission also developed a framework for maintaining compliance with the law.



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## 4.3 Civil society's role in the effective implementation of the law

The advocacy role of civil society and media was stressed as very necessary for the effective implementation of the law. It was recommended that civil society establishes an advocacy mechanism to continuously engage with the RTI Commission and other stakeholders to on one hand, favorably influence the behavior of public servants and duty bearers to supply information in compliance with the law, and on the other hand, sensitize and empower citizens on their right to demand information from their duty bearers to promote accountability and transparency. Also critical is the need for civil society to continue to engage gatekeepers and enablers of the law such as the National Commission for Civic Education (NCCE), the Commission on Human Rights and Administrative Justice (CHRAJ), the Judiciary etc. to ensure that an enabling environment is created for both demand and supply side actors to advance the objectives of the law.



## 4.4 Application of the Law to non-state Agencies and Appealing Rejected Requests

Citizens and organizations are empowered by the law not only to access information from state institutions, but also other institutions – including private, that perform public functions. Individuals and groups who are denied information from their requests can apply to the RTI Commission for review.

If the outcome of the ruling of the Commission is unfavorable to any party, the matter can be taken to the law court for final determination. Where a public officer is found to be frustrating requests for information, s/he may be surcharged to pay a penalty fee. These fees become part of revenue for the operations of the Commission.





## 5. NEXT STEPS

Key next steps from the forum include:

- Convene a forum in Tamale in the Northern region to provide an opportunity for individuals and groups in Northern Ghana to also engage on the implementation of the Law within their own context and experiences.
- To help take forward the recommendations and actions from the fora in a coordinated manner and sustain the momentum for the effective implementation of the RTI Law in Ghana, a civil society advocacy group is recommended to be formed as a vehicle for a coordinated civil society advocacy for the implementation of the law. SGF will lead the process of reaching out to relevant CSOs interested to constitute the group and serve as its secretariat.

## 6. CONCLUSION

With public awareness on the RTI still relatively low, it is imperative to increase education and sensitization on the RTI for the citizenry, policy actors and state institutions. This will broaden awareness on the rights and obligations in relation to the application of the law. Furthermore, it is imperative that citizens are empowered to test the law by becoming interested in requesting information. Additionally, technical and resourcing support to and partnerships with the RTI Commission is fundamental to the effective realization of the goals of the Law and must be prioritized. The Executive Director of STAR Ghana in his closing remarks reiterated the need to build networks, utilize the media, leverage institutional partnerships between civil society and state institutions to help strengthen the civic space by effectively implementing the RTI law.





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