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# Dhaka Tribune

‘RTI is about changing the culture of secrecy’

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Chantal Kisoon, chief operations officer of the South African Human Rights Commission  
Rajib Dhar/Dhaka Tribune

**The Dhaka Tribune interviews Chantal Kisoon, chief operations officer of the South African Human Rights Commission, on how Right to Information (RTI) can play a pivotal role in ensuring democracy in Bangladesh and other emerging societies**

Chantal Kisoon is an attorney and former senior researcher of the Constitutional Court of South Africa, having participated in the certification of the SA’s Constitution. Working through the Office of the High Commissioner for Human Rights and the Centre for Human Rights, she was instrumental in bringing together African NGOs and CBOs when South Africa held the World Conference Against Racism and Xenophobia in 2001 – its first world conference after the end of apartheid. She has written extensively on human rights both nationally and internationally.

Chantal headed the Access to Information programme at the South African Human Rights Commission and thereafter its provincial office in Gauteng. During this time she was part of the African expert working group which drafted the Model Law on Access to Information for Africa adopted by the African Union.

### **What should a Right to Information (RTI) act cover?**

It starts on the basis that any person's right to information is a basic human right. As we hurtle deeper into the technological and information age, the basis for that being a fundamental right becomes ever more apparent. So to any individual, regardless of their social standing, it is a fundamental right and it should be assertive and claimable by all, including children.

I see the right as an enabling right – enabling every person to make informed decisions. It is really very central to democracy, but also very central to life at a certain standard.

### **What issues should be prioritised and why?**

It really depends on the context. I think, in terms of people who live in middle income and developing countries like ours, the priority for me would be to change the culture of secrecy for information holders such as the government and businesses, and to invest in making that information easily available. So ease of access is the top priority.

Secondly, to take and demystify the value of RTI to the public, so that they do not depend on any particular sector – the media, civil society or lawyers – to take issues forward.

(But) for me these two critical things are almost impossible things. People do not want to share information and there is a culture – almost a patriarchy – around the release of information.

These are the attitudes that we need to change and it really takes effort from institutions, human rights commissions, civil society, journalists, and academics to make this effort and demystify it, make it accessible and make it something that people talk about and use actively.

### **What role can the government and media play in raising the awareness of people in developing countries about the RTI?**

There is really a significant role for both. The government has the responsibility to create an environment in which rights can be asserted. So if the government is putting a whole lot of information online, the questions are how can ordinary people who are not digitally literate access it, and what kind of information is

it? Is it just masses of information, or is it information that is structured and organised?

It should create a system where, if there are disputes around the right to information, the presumption will be that there has to be transparency as opposed to looking for reasons why information has to be limited or restricted. It's really about influencing and changing institutional cultures that appear to be quite steeped for a variety of reasons in colonialism, conflict and secrecy.

The media has an amazing role to play. In South Africa, not everybody has television and poor people rely heavily on community radio and newspapers. (So) the reporting needs to look at how RTI has been used to help members of the public receive information which helps them unlock other rights. Whatever the issues are, savvy journalists should be able use this right to access that information.

It also calls for planning on behalf the journalist to use the law to get the information and write the report on time, to push for the currency of information to be able to push for expeditious responses, and to be able to take people to task for delaying that response.

### **What are the contradictions between the state's confidential information and RTI?**

There are many people who believe there should be no information that is kept from the public. However, looking at RTI legislation globally, that is one of the exemptions that is granted. Even then it shouldn't be a blanket limitation. It shouldn't apply to everything that state security does, or intelligence departments do. There are some obvious things that they do that can be put very safely in public domain.

### **Is RTI a tool for the state or a tool for citizens to hold the state accountable?**

I think it's both. Changing the culture removes justifications that some states give themselves for not making information available. So changing that culture involves creating a level of confidence in the state. Appointed leaders are appointed to represent the people. The more the state discloses, and the more involved the citizenry is, the more the leadership is strengthened.

To do conversely, is to weaken public confidence in integrity and ethical leadership in any kind of moral assessment and evaluation of leadership and the state. For me, a state that sees the advantages in RTI, is a state that is confident and has strong leadership.

## **What role can RTI play in terms of press freedom?**

Without RTI the work of journalists would become quite difficult, but not impossible. More important is the question of what is the role of journalists in society. They are conduits of critical information, so to limit their right to RTI is very worrying. That affects what information reaches the public.

In terms of Africa and the African Union, criminalisation of journalistic work has been badly criticised. Many African states are doing away with laws that concern criminality of information.

## **How have governments found ways to undermine the RTI?**

It's a case of happy ignorance in the sense of when a state says we won't train public servants, we won't give public bodies the money to manage information, we won't put a system in place. So it's not actively preventing the flow of information, but also not doing anything to create an enabling environment for information.

Especially in developing countries, there are governments which block information. It can happen in South Africa, too. There are many cases where people have had difficulty accessing their health records, not through RTI, just simply to know. And there are a large number of cases where governments feel that they should not encourage RTI.

## **How can a human rights defender use RTI as a tool to protect communities?**

Human rights defenders have a role to empower the community. It should not mean they come in, hold a workshop about RTI, and then leave. They should work with the community until they see results. They should be clear about what the difficulties can be, so the community does not lose the confidence in the process and they get to see how it can be used.

Human rights defenders can use RTI to get information about the work they do. They can sensitise and create awareness, and empower communities. They can also supply and support the office of the information commission. They can be very strategic RTI users themselves.