

भ्रमण प्रतिवेदन

नाम	नेपाली प्रतिनिधि मण्डल
कार्यालय	राष्ट्रिय सूचना आयोग
कार्यक्रमको नाम	14 th Edition of International Conference of Information Commissioners.
आयोजक	Presidential Communications Office, (PCO), Philippines, Freedom of Information (Fol), Current chair of ICIC
कार्यक्रम भएको स्थान	Pasay City, Philippine
भ्रमणको उद्देश्य	उल्लेखित कार्यक्रममा सहभागिता ।
सम्मेलन भएको अवधि	असार ४ देखि ६ गतेसम्म (June 19-21)
भ्रमण अवधि	२०८० असार २ देखि ८ गतेसम्म
सहभागी पदाधिकारीको नाम	प्रमुख सूचना आयुक्त श्री महेन्द्र मान गुरूङ्ग, सूचना आयुक्त श्री रत्नप्रसाद मैनाली राष्ट्रिय सूचना आयोग, सचिव श्री दिवस आचार्य राष्ट्रिय सूचना आयोग, उपसचिव श्री राम प्रसाद ढकाल राष्ट्रिय सूचना आयोग, अजय दास द एशिया फाउण्डेशन नेपाल,
भ्रमण स्वीकृति	(मा. मन्त्रिस्तर) मिति २०८०।०२।२३ र नेपाल सरकार, मन्त्रिपरिषदको मिति २०८०।०२।२४ को निर्णयानुसार

१. सूचनाको हक सम्बन्धी आयोगहरूको अन्तरराष्ट्रिय संगठन (International Conference of Information Commissioners – ICIC) को १४ औं वार्षिक सम्मेलन ICIC, Presidential Communications Office, Philippines र Freedom of Information, Philippines ले २०८० असार ४ देखि ६ गते (June 19-21) सम्म फिलिपिन्सको PICC (Philippines International Convention Centre) मा आयोजना गरेको थियो ।
२. पहिलो दिन June 19 मा फिलिपिन्सको महामहिम राष्ट्रपति Bongbong Marcos ले समुद्घाटन गरी शुभारम्भ भएको कार्यक्रममा Plenary र Group Session हरूमा प्रस्तुत भएका कार्यपत्रमा छलफल भएको थियो ।
३. दोस्रो दिन मूलतः Working Group हरूका कार्य प्रगतिको जानकारी र समीक्षा प्रस्तुती हुनुका साथै केही कार्यपत्रहरूमा छलफल भएको थियो ।

४. तेस्रो दिन क्षेत्रीयस्तरका अलग अलग बैठकहरु सम्पन्न भएका थिए । साथै, सदस्य राष्ट्रहरुका प्रतिनिधिहरु मात्र सहभागी भई बन्द सत्र सञ्चालन भएको थियो । बन्द सत्रमा नेपालले प्रस्तुत गरेको विधान संशोधन प्रस्ताव पारित गर्ने, जर्मनीलाई आगामी १६ औँ संस्करणको सम्मलेन आयोजक छनौट गर्ने तथा कार्यकारी समितिका निर्वाचित ४ नयाँ सदस्यको घोषणा समेत भएको थियो । विभिन्न बुँदाहरु समावेश गरी घोषणा पत्र जारी गर्ने प्रतिबद्धता सहित सम्मेलन औपचारिक रुपमा समापन भएको थियो ।
५. कार्यक्रम समापनपछि सदस्य राष्ट्रहरुका प्रतिनिधिहरुका लागि चौथो दिन July 22 मा फिलिपिन्सका इतिहास र संस्कृतिको परिचय गराउने गरी City Tour को आयोजना गरिएको थियो ।
६. कार्यक्रममा सदस्य राष्ट्रका सूचना आयोगका प्रमुख तथा अन्य प्रतिनिधिहरुको सहभागिता रहेको थियो । सदस्य राष्ट्र एवं संघ, संस्थासमेत गरी करिब १२० जना प्रतिनिधिको उक्त सम्मेलनमा सहभागिता रहेको थियो ।
७. कार्यक्रममा देहायका विषयहरुमा कार्यपत्र प्रस्तुत तथा छलफल भएको थियो ।
 - a. The critical importance of strong institutionalization of Access to Information Guarantor Bodies. An expert Perspective.
 - b. Access to Information and the opportunities for innovations lessons from COVID-19.
 - c. Policy framework for ATI in the global arena: Paradigm shift and reforms.
 - d. Information disorder cases and counter campaigns; risks and opportunities in all generation.
 - e. Open contracting for public sector cost effectiveness.
 - f. Reflecting access to information mechanisms against the background of culture, society and human psychology.
 - g. Access to information as a response to the modern challenges of democracy.
 - h. The role of access to information in development.
 - i. UNESCO panel on access to information in the pacific island.
 - j. Leveraging data innovation in advancing Philippine Governance and access to information.
 - k. Development of OCP's new strategies: Highlighting the Philippine Open Government Partnership Experience.
 - l. Asian access to information alliance.
८. The Role of Access to Information in Development विषयक Panel Discussion मा नेपालको तर्फबाट प्रमुख सूचना आयुक्त श्री महेन्द्र मान गुरुङ्गले कार्य पत्र प्रस्तुत गर्नु भएको थियो ।



The Role of Access to Information in Development

Mahendra Man Gurung
Chief Information Commissioner
National Information Commission, Nepal

Khaptad Area development (Tourist and religious site)



- Government and multiple agencies allocated budget to construct number of infrastructures in the area.
- When information seeker sought information regarding allocated budget and programs, public body refused to give information.
- Appeal was lodged at the Commission
- After repeated orders from the Commission, they provided the information
- It is found that there were parallel budget allocated for the same infrastructure, projects not completed for many years, misuse of funds.
- Investigation on misuse and corruption is going on.

Budget and programs allocated arbitrarily



- Information seeker sought information regarding the projects and budget allocation details from Khairahani Municipality.
- Municipality did not provide the information even after repeated attempts by information seeker.
- Information Seeker appealed to the Commission.
- After the order of the Commission, only then municipality provided the information.
- It has been found that Executive Officer of the municipality allocated and distributed budget and programs arbitrarily and without authority.
- All the programs and budget allocation were cancelled.
- Municipality is committed on Right to Information of citizens since then.

Information Boards

After instruction from the National Information Commission, public bodies are required to and implementing putting up information boards at every projects sites with detail information about the project



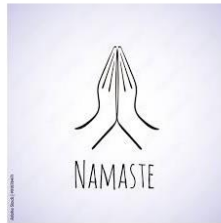
Right to Information in Development process

- Development is a process that creates growth, progress, positive change or the addition of physical, economic, environmental, social and demographic components. In this process citizens should have the right to know what is happening on their behalf and for them, especially marginalized people and those living in poverty.
- In democracy, the peoples' participation with full knowledge of activities of the public body is essential.
- The Right to Information Act is considered to be one of the strongest pieces of legislation at the disposal of the common man. It gives citizens the power to question public authorities and their activities, thereby not only promoting transparency, but demanding accountability as well. The Act is considered landmark legislation in the fight against corruption.
- In recent years, there has been threats to the democracy, in particular, of peoples' rights.
- One of the hindrances for the effective implementation of RTI is financial independence not given to Information Commissions.

What should we do then?

- Common voice for effective implementation of RTI.
- RTI legislation standards should be developed by ICIC with the support of UNESCO.
- One of the pillars of Democracy "Right to Information", should be the prioritized subject for discussion to democracy advocates.
- SDG indicator 16.10.2 should be given enough attention.
- Financial independence should be given to the Information Commissions.
- United Nations Human Right Council (UNHRC) and United Nations Convention Against Corruption (UNCAC) should make RTI as one of the major agenda in its meetings.
- UN and development partners should emphasize on effective implementation of RTI by governments.
- ICIC and regional networks should promote sharing best practices on RTI.
- ICIC should recognize the role played by civil society and media.

Thank you very much
Salamat Po



९. प्रस्तुत भएका कार्यपत्र तथा प्यानल छलफलहरूमा नेपालका तर्फबाट पटक पटक सुझाव राख्ने काम भएको थियो ।
१०. ICIC को Johannesburg Charter नै यसको मूल कानून भएको र यसमा क्षेत्रीय सञ्जाल रहने वा हुने भनी उल्लेख नभएको हुँदा यसरी सञ्चालनमा रहिरहेका क्षेत्रीय सञ्जालहरूलाई मान्यता प्रदान गर्न र सहज हुने गरी Charter मा नै देहाय बमोजिमको व्यवस्था रहने गरी संशोधन हुन नेपालले प्रस्ताव दर्ता गराएकोमा ५५ वटा सदस्यले संशोधन गर्ने पक्षमा भोट हालेका थिए भने सो प्रस्तावको विपक्षमा शून्य मत परेको थियो ।

There will be regional networks established as agreed upon by ICIC. Members of ICIC within the geographical boundary of particular region will members of the regional network automatically. ICIC may issue a procedure for the operation of theses networks.

११. बन्द सत्रमा समेत क्षेत्रीय रुपमा प्रगति विवरणहरु प्रस्तुत भएका थिए । उक्त अवसरमा नेपालमा सूचनाको हकको हालको अवस्थाको बारेमा छुट्टै प्रस्तुती रहेको थियो ।



National Information Commission NEPAL

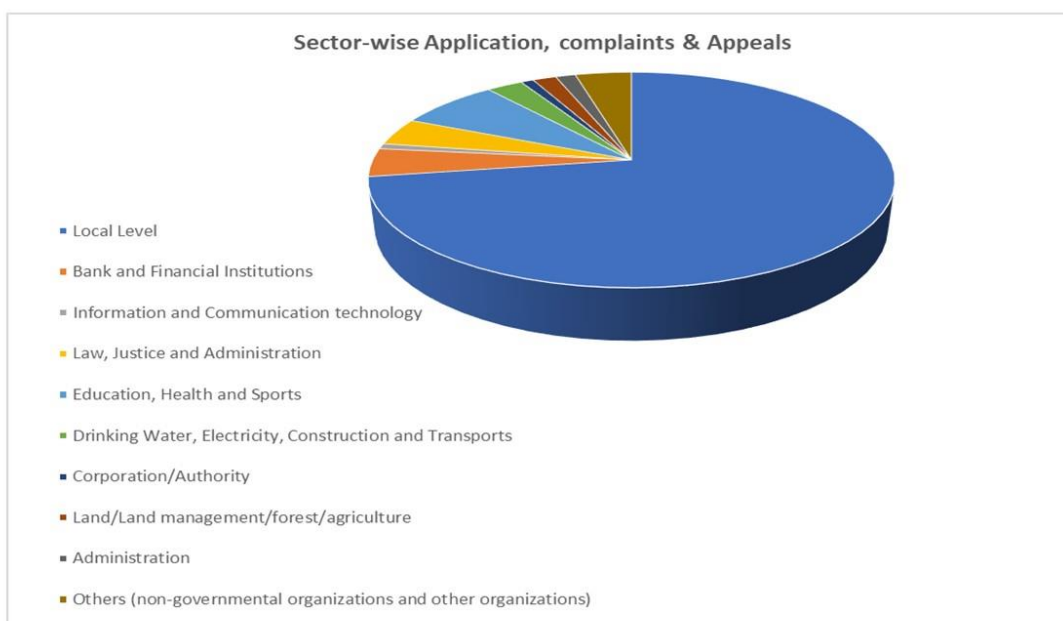
July 2021 – June 2022

Year wise data of Complaints and Appeals

Fiscal Year	Complaints & Appeals (No.)	Settlement (No.)	Settlement (%)
2008/2009	12	11	91.67
2009/2010	39	29	74.36
2010/2011	47	22	46.81
2011/2012	136	90	66.18
2012/2013	260	199	76.55
2013/2014	470	409	87.02
2014/2015	777	765	98.45
2015/2016	678	674	99.41
2016/2017	497	494	99.79
2017/2018	1176	1175	99.99
2018/2019	1144	1144	100
2019/2020	1013	1013	100
2020/2021	753	742	98.5
2021/2022	1083	1077	99.4

Appeals: Sector wise Details

Sectors	Number of Appeals	Percentage
Local Level Authorities	851	78.58
Bank and Financial Institutions	112	10.34
Information and Communication technology	3	0.2
Law, Justice and Administration	11	1.01
Education, Health and Sports	42	3.87
Drinking Water, Electricity, Construction and Transports	7	0.6
Corporation/Authority	18	1.66
Land, Forest and Agriculture	9	0.8
Administration	5	0.4
Others (NGOs and other agencies)	25	.02
Total	1083	
Resolution	1077	99.4



Instructions and penalty to Public Bodies

- Instructed to Inspector General of the Police to keep the details of the groups and age groups, occupation, age, marital status, family status as mentioned in Article 42 of the Constitution of Nepal, when keeping suicide data and these details need to be published in its quarterly proactive disclosure, keeping in mind the importance of suicide data.
- Ordered to provide the report of the high-level inquiry commission formed to investigate the true facts of the incidents of violence, arson and vandalism by political parties in Terai, Madhesh and Tharuhat areas during the agitation, keeping in view that the citizens have the right to know the reports of investigation conducted by public bodies.
- Public bodies spend large amount of money every year on public procurement, it becomes essential that such procurements should be transparent as much as possible, the Commission has instructed all the public bodies to keep record of each and every procurement in public domain and make it transparent.
- Last year Nepal went through federal, provincial and local election, after stakeholder consultation to make the election free and fair, the Commission issued 15 point instruction to Election Commission, Government and all concerned authorities.
- The commission imposed a cash fine to the heads of 4 public bodies, after the refusal to give the information despite repeated orders from the commission.

Awareness and Promotional Activities

- Total 27 Awareness and interaction programs were held by the commission at federal, provincial and local level. Participants were included office chiefs, information officers, RTI Activists, civil society and media.
- Women empowerment through RTI program to women activists, information officers, civil society, media.
- Interaction Program on Role of Parliamentary Committees on the implementation of RTI to members of Parliamentary Committees.
- Interaction Program on Role of Judges of Appeal Court on the Effective implementation of RTI.
- level Interaction Programs on Open Government Partnership in 4 provinces.
- An interaction Program on Achieving SDG 16.10.2 organized to mark the International Day for Universal Access (IDUAL) to Information on September 28 with various stakeholders.
- RTI Audit of Provincial public bodies have been completed.
- Study on RTI Implementation in district level has been completed.

Major Initiatives

- Public Interest and Harm Test has been introduced in Resolving the appeals in Appeals Directive.
- Information Boards about project on every project sites have been erected after NIC instruction.
- Separate Handbook for public bodies and information seekers have been prepared.
- Every year NIC awards Five Best RTI Activists or Practitioners and five Information Officers to motivate them.
- NIC publishes Quarterly RTI Bulletin on the Activities of the Commission and RTI Journal (Research Articles on RTI).
- Right to Information has been included in Class 8 curriculum as compulsory subject.
- NIC entertains and encourages appeals by emails.
- Whistleblower protection regulation has been proposed.

Few Glimpses of Programs



१२. सम्मेलनमा गठित देहाय बमोजिमका कार्यसमूहहरूको प्रगति समीक्षा गरिएको थियो ।
- a. Transparency by Design Working Group,
 - b. Training Working Group,
 - c. Gender and Vulnerable People Working Group,
 - d. Law Cases Working Group.

१३. सम्मेलनमा क्षेत्रीय सञ्जालहरूको बैठक बसेको थियो । क्षेत्रीय सञ्जालहरू Asia, Oceania, Europe, Africa, Iberoamerica, North America को औपचारिक बैठक बसेको थियो ।
१४. सम्मेलनको बैठकले १५ औँ सम्मेलन Office of the Commissioner for Information and Protection of Personal Data of Albania को आयोजनामा अल्बानियामा र १६ औँ सम्मेलन Federal Commissioner for Data Protection and Freedom of Information in Germany को आयोजनामा जर्मनीमा गर्ने निर्णय गरेको छ ।
१५. सम्मेलनमा विभिन्न देशका सूचना आयोगहरूले गरेका क्रियाकलाप, सूचनाको हकका क्षेत्रमा भए गरेका नयाँ प्रयोगहरू, सूचनाको हकलाई थप प्रभावकारी बनाउन संयुक्त रूपमा गर्न सकिने कामहरू, प्रविधिको विकासले ल्याएका अवसर तथा चुनौतिहरू, युनेस्कोको भूमिकाका बारेमा व्यापक रूपमा छलफल भएको थियो । कोरोना महामारीका कारणले प्रदान गरेको अवसरको बारेमा समेत छलफल भएको थियो । यस संगठनलाई सशक्त बनाउँदै लोकतन्त्रको आधारशिलाको रूपमा रहेको सूचनाको हकमा सबैको एकस्वर हुनुपर्ने बुझाइ रहेको छ । साथै दिगो विकास लक्ष्यमा रहेको सूचकाङ्क १६.१०.२ हासिल गर्न थप र संयुक्त प्रयास गर्ने पनि सहमति भएको छ ।
१६. सम्मेलन उपलब्धिमूलक रहेको थियो । सम्मेलनबाट सिक्ने र सिकाउने तथा नयाँ अवसरहरूसँग परिचित हुने अवसर पनि मिलेको छ ।
१७. सम्मलेन शुरु हुनु भन्दा अगावै नेपालले ICIC को कार्यकारणी समितिको सदस्यको लागि देहायका राष्ट्रहरूका पक्षमा मतदान गरेकोमा देहायका राष्ट्रहरू निर्वाचित भएका छन् ।

नेपालले भोटिङ गरेको राष्ट्रहरू:

१. दक्षिण अफ्रिका,
२. जर्मनी,
३. बंगलादेश,
४. केन्या ।

विजयी राष्ट्रहरू:

१. दक्षिण अफ्रिका,
२. अर्जेन्टिना,
३. बंगलादेश,
४. बर्मुडा ।

१८. नेपालका तर्फबाट सम्मेलनमा नेपाललाई दीर्घकालीन असर पर्ने कुनै प्रतिबद्धता व्यक्त नभएको । तर नेपालले यस संगठनमा देखाएको सक्रियताबाट यसको नेतृत्व लिन सक्ने सम्भावना प्रबल देखिन्छ । यसका लागि नेपाल सरकारको सहमति तथा स्रोत साधनको व्यवस्था हुन आवश्यक हुन्छ । यसको स्थायी कार्यालय नभएको हुँदा अध्यक्षता गर्ने देशले एक वर्षसम्म सचिवालयको कार्य र सम्मेलनको आयोजना गर्नु पर्ने हुन्छ । यसबाट नेपाललाई आर्थिक तथा कूटनैतिक रूपमा फाइदा हुने देखिन्छ ।