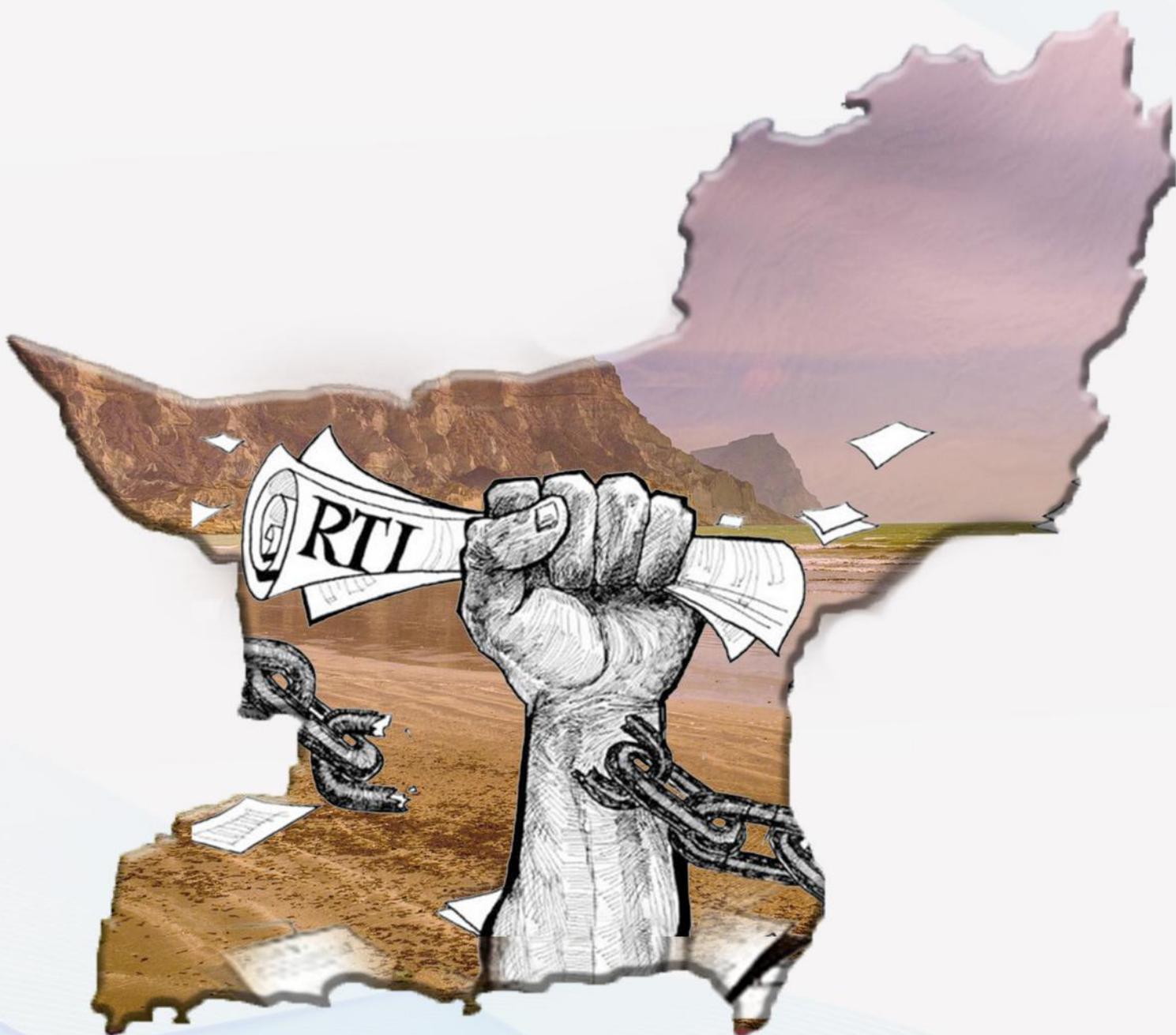


ADVOCACY CAMPAIGN FOR RIGHT TO INFORMATION LEGISLATION IN BALOCHISTAN

CIVIL SOCIETY FOR INDEPENDENT MEDIA AND EXPRESSION (CIME)



October 2020

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Centre for Peace and Development Initiatives (CPDI) would welcome reproduction and dissemination of the contents of the report with due acknowledgments.

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About CPDI

Centre for Peace and Development Initiatives (CPDI) is an independent, non-partisan and a not-for-profit civil society organization working on issues of peace and development in Pakistan. It is registered Under Section 42 of the Companies Ordinance, 1984 (XLVII of 1984). It was established in September 2003 by a group of concerned citizens who realized that there was a need to approach the issue of peace and development in an integrated manner. CPDI is a first initiative of its kind in Pakistan. It seeks to inform and influence public policies and civil society initiatives through research-based advocacy and capacity building in order to promote citizenship, build peace and achieve inclusive and sustainable development. Areas of special sectoral focus include promotion of peace and tolerance, rule of law, transparency and access to information, budget watch, media watch and legislative watch and development.

About The Program

Centre for Peace and Development Initiatives (CPDI) has initiated a project in January 2020, titled “Civil Society for Independent Media and Expression” (CIME) along with two other implementing partners namely Media Matters for Democracy (MMfD) and Pakistan Press Foundation (PPF) funded by EU. The overall objective of this project is to protect and promote Freedom of expression (FoE) offline & online and to facilitate citizen’s right of Access to Information (ATI) as stipulated in articles 19 and 19-A of the constitution of Pakistan respectively. The target beneficiaries of this project include human rights defenders especially freedom of expression activists, media rights activists and digital rights activists, women’s rights activists and feminists working on issues of inclusion of women working journalists, editors and media managers, internet users who are individually engaged in digital journalism and advocacy, human rights lawyers, concerned legislators and parliamentary committee members and state institutions like National Commission on Human Rights (NCHR), National Commission on Status of Women (NCSW), Parliamentary Commission on Human Rights (PCHR) and Pakistan Institute of Parliamentary Studies (PIPS).

This initiative has been designed to respond to the EU’s priority of promoting freedom of expression (online and offline) and access to information. The project design includes activities geared to enable specific changes to advocacy for enactment of these policies at the national level while further paving the way for introduction of second generation RTI laws at the provincial level in Balochistan. The proposed action is a step forward towards ensuring transparency and accountability in governance via access to information, journalists’ safety by delivering holistic security training and ensuring FoE, legal support to journalists, and advocacy for an independent media regulation that will collectively lead to development, strengthening democratic institutions and citizens access to viable information.

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Acronyms List

BNP	Balochistan National Party
CCI	Chamber of Commerce and Industry
CEO	Chief Executive Officer
CIME	Civil Society for Independent Media and Expression
CPDI	Centre for Peace and Development Initiatives
CM	Chief Minister
CRTI	Coalition on Right To Information
CSOs	Civil Society Organizations
DGPR	Directorate General Public Relations
ER	Elected Representatives
EU	European Union
FOI	Freedom of Information
JAC	Joint Action Committee
KII	Key Informant Interviews
KP	Khyber Pakhtunkhwa
MMfD	Media Matters for Democracy
MoM	Minutes of Meeting
MOU	Memorandum of Understanding
MPA	Member of Provincial Assembly
PFUJ	Pakistan Federal Union of Journalists
PIO	Public Information Officers
PIPS	Pakistan Institute for Parliamentary Services
PPF	Pakistan Press Foundation
PTI	Pakistan Tehreek-e-Insaf
RTI	Right to Information
UNDP	United Nations Development Program

Advocacy Campaign for Right to Information Legislation in Balochistan

Introduction

In simple words, the term Right to Information (RTI) means that citizens have the right to access information held by public bodies. The basic concept working behind this right is that citizens have the ownership of all these information and they can access these information whenever they desire to do so. The public authorities are only the custodians of this information. This is a constitutional fundamental right and all the provinces and federal government have done legislation on it to facilitate the public to access information from public authorities.

In Pakistan, the history of Right to Information can be traced back to 1994 when a bill on Freedom of Information was moved in Senate but no legislation could be done on that bill. The interim government of 1997 implemented Freedom of Information Ordinance but that ordinance lapsed as, after the elections, the new government did not show any interest in taking it to the parliament and making legislation on it. Primary notable development emerged in year 2002 when Freedom of Information Ordinance 2002 (FOI 2002) was drafted and implemented at federal level. Two provinces, Balochistan and Sindh, followed the suit and legislated Freedom of Information Acts in 2005 and 2006 respectively. These provincial laws were the mirror images of the FOI Ordinance 2002 implemented at federal level. All these three laws were restrictive in nature and opened very few avenues for citizens to get information from the public bodies. These laws are sometimes referred to as first generation laws.

Since the implementation of these first generation laws, there was a popular demand from civil society to repeal these laws and legislate more effective, progressive and robust laws. One big stride was made in 2010, when Article 19-A was inserted to the Constitution of Pakistan, guaranteeing Right to Information (RTI) to the citizens. The second installment of RTI laws were granted to citizens from 2013 when, first Khyber Pakhtunkhwa (KP) and later Punjab in the same year legislated some very good right to information laws. Later, in 2017, Sindh and federal government repealed their old Freedom of Information laws and implemented new laws similar to Punjab and KP¹. Hence, the introduction to second generation laws.

There are 3 fundamental differences that distinguish second generation laws from first generation laws. a) The second generation laws have a strong proactive disclosure clause that was missing in the first generation laws. b) second generation laws have penalty clause, that precisely mean that public officials can be penalised if citizens are willfully denied information and c) these laws also establish an independent appellate body to which citizens can go for redressal of their grievances, in case the information is denied by public bodies.

Currently, Balochistan is the only province in Pakistan that is still sticking with the first generation law. During the last decade, some piecemeal advocacy efforts have been made to repeal the old law and replace it with new law but these efforts have not bear any fruits. This advocacy plan is an attempt to resurrect the issue and follow up with new vigor. This document will guide the CPDI field team to engage with different stakeholders to legislate a better RTI law in Balochistan.

¹ Although federal law fell short of matching Punjab and KPK laws in its efficacy.

Methodology

Three types of activities were conducted as a background of this advocacy plan:

1. Consultative Sessions

Four online consultative sessions were conducted with different stakeholders including journalists, CSOs representatives, Information Commissioners, Government officials and elected representatives. Citizens also participated in these sessions. These sessions were broadcasted live from Zoom and CPDI's social media pages. Following is the schedule of the session.

Session	Session 1	Session 2	Session 3	Session 4
Date	23 June 20	01 July 20	08 July 20	15 July 20
Mode	Zoom Webinar	Zoom Webinar	Zoom Webinar	Zoom Webinar
Panel	-Mr. Behram Baloch, Anchor PTV Bolan, Chief Editor Monthly Magazine Baluchia -Ms. Qamar un Nisa, Advocate & Human Rights Activist -Ms. Jalila Haider, Advocate and Human Rights Activist -Dr. Ishaque Baloch, Central Information Secretary, National Party -Syed Munawar Shah, Director Ombudsman Office, Balochistan	-Mr. Behram Lehri, CEO, Seher Foundation -Mr. Nasrullah Khan Zaryai, Member Provincial Assembly Balochistan (PKMAP) -Syed Ali Shah, , Bureau Chief, Dawn NEWS, Quetta -Mr. Zahid Abdullah, Federal Information Commissioner	-Mr. Babar Yousafzai, Spokesperson Ministry of Education, Balochistan -Mr. Salam Khan, Executive Director Salar Foundation -Mr. Shahzada Zulfiqar, President Pakistan Federal Union of Journalists, Balochistan, -Mr. Riaz Khan Daudzai, Information Commissioner, Khyber Pakhtunkhwa	-Mr. Zafarullah Khan, Civic Educator -Mr. Ayub Tareen, Journalist, Bureau Chief Hum News Quetta -Mr. Mehboob Qadir Shah, Chief Information Commissioner Punjab

2. Key Informant Interviews

Four key informant interviews were conducted to get an insider view on the issue of right to information in Balochistan. Following was the schedule of the interviews:

Interview	Interview 1	Interview 2	Interview 3	Interview 4
Name	Mr. Shams ud Din, Former Secretary,	Ms. Shakila Naveed Noor Qazi, MPA, Balochistan	Mr. Adil Jahangir, CEO, AID Balochistan,	Mr. Zahoor Buledi, Minister for Finance, Balochistan,

Interview	Interview 1	Interview 2	Interview 3	Interview 4
	Balochistan Assembly,	National Party (BNP) and member of the Committee on Information in Balochistan Assembly		Former Minister for Information
Date	21 July 20	22 July 20	27 July 20	27 July 20

3. Online Survey

An online survey was generated to take the views of the citizens. A total of 91 participants took in the survey. Findings of the survey are given in the relevant section.

Consultative Sessions Report

Challenges to the Enactment of Strong RTI Law in Balochistan

Consultative Session-1 Report

23 June 20

Format

This is the first of the series of consultative session organized to discuss the weaknesses of Balochistan FOI ACT 2005, and finding ways to replace this law with a strong and robust RTI law while highlighting the challenges faced in the enactment process. Each panelist was given 10-15 minutes to narrate their experience of using Balochistan Freedom of Information (FOI) Act 2005 and their views about the law. The webinar was started with the brief presentation from Mr. Jalil Babar, Project Manager, CPDI and the webinar was moderated by Mr. Amer Ejaz.

Jalil Babar, Project Manager CPDI

Mr. Babar gave a brief introduction of CPDI. He told that objective of the project 'Civil Society for Independent Media and Expression (CIME)' is to create a conducive environment for freedom of expression and right to information in the country. He also gave a brief introduction of the co-partners responsible for implementation of the project. Media Matters for Democracy (MMfD) and Pakistan Press Foundation (PPF) have joined hands with CPDI for project implementation. The program is made possible through generous funding of European Union.

Amer Ejaz, Director Budget Study Center CPDI

Mr. Amer Ejaz moderated the session. He started the session with a short presentation on Balochistan Freedom of Information Act 2005 and its key features. He also pointed towards the deficiencies.

Following is the gist of the presentation made by panelists:

Behram Baloch, Anchor PTV Bolan, Chief Editor Monthly Magazine Balochia

Mr. Behram lamented that Balochistan was the first among provinces to enact Freedom of Information Law in 2005 but it is now lagging behind all provinces. He expressed that current law was ineffective, weak, restrictive and warranted civil society concerted effort for legislation of new RTI law. He told that Balochistan government had drafted a new law and despite repeated commitments it could not be put on agenda of cabinet meeting. Referring to the current situation in the wake of pandemic, he said if there was ever a need for a strong RTI law, it was during the COVID-19 crisis. He told that citizens had no access to accurate data and details of the expenditures made to deal with the crisis.

Qamar un Nisa, Advocate & Human Rights Activist

Ms. Qamar presented a comprehensive analysis of Balochistan FOI Act, 2005 and compared it with other provincial RTI laws. She identified a number of problems in Balochistan's FOI law that made it a weaker law and necessitate the legislation of a strong RTI law. The specific aspects of the law that she analyzed were:

- a. Balochistan law requires citizen to deposit a certain fee at the time of submitting request for information. This makes the law very restrictive.
- b. The Public Information Officers (PIOs) in Balochistan have 21 days to respond to the information requests. This is relatively longer period as compared to the provincial laws. For example, in Punjab's law PIO has to respond within 14 working days and in KP law within 10 working days. Further, KP and Punjab laws has a provision for getting information within 2 days if the matter relates to the life and security of a person. There is no such provision in Balochistan FOI law.
- c. All other provincial RTI laws have penalty clause that means a PIO can be penalized in case of willful denial of information to the citizens. There is no penalty clause in Balochistan FOI law.
- d. Willful destroying of record is a criminal offense in provincial laws. Balochistan law is silent in this regard.
- e. Provincial laws generally stress on the digitization of record. Balochistan law does not talk about storage of record electronically.
- f. Balochistan law does not provide any facility to Persons with Disability and illiterate people. Other provincial laws put responsibility on PIO to provide all possible help to the requesters including writing of information request for them.

Ms. Qamar concluded that a weak law coupled with low public awareness made the Balochistan's law highly ineffective.

Jalila Haider, Advocate and Human Rights Activist

Ms Haider told that transparency and accountability in Balochistan can be gauged from the fact that draft of proposed new RTI law was not shared by the government officials with citizens. Each time the government officials were requested for the copy of the draft, they found new excuses for not sharing the draft. She told that the way governance was being done in Balochistan, no one from government would subscribe to the idea of transparency lest their own inefficiency be exposed. She especially stressed on two aspects of right to information: human rights and government expenses. She told that for true veneration of human rights and budget transparency, right to information is the basic requirement. Budget figures are concealed from citizens and to bring transparency in government financial affairs, strong RTI law is of paramount importance. Being herself a human rights lawyer, she also referred to cases of disappearance and told that in the absence of strong RTI law in the province, it is hard for people to know about the whereabouts of their near and dear ones.

Dr. Ishaque Baloch, Central Information Secretary, National Party

Dr. Baloch said it was very important to raise level of political and legislative literacy among political leadership. There are many laws passed by assembly each year but very few members have gone through draft of the laws and understood what they are legislating for. As most of the members have not read the Balochistan FOI Act, 2005 they have a little idea about the effectiveness of the law. Dr. Baloch endorsed the points raised by Ms. Jalila Haider and said that right to information had a direct relation with the veneration of human rights of the citizens.

In continuation to the presentation made by Ms. Qamar, Dr Baloch also pointed out some weaknesses of the law. He told that under Balochistan law, it was mandatory to state the

reason for getting the information from public body. He told that for many a time the *locus standi* of the citizens was not accepted because the office of the ombudsman was not satisfied with reason mentioned by the citizen to get information from the public body. He also talked about the restrictive nature of the law. He criticized the long exemption list contained in the law and said it was against the principle of transparency to place 'noting on file' and 'summary pages' of the files under exemption list. He also wished to make human rights and right to information the part of syllabus and such rights should be taught to the students from sixth grade if not earlier

Syed Munawar Shah, Director Ombudsman Office, Balochistan

Syed Munawar Shah lauded the efforts of CPDI to arrange this webinar at a very important time. He repeated that Balochistan was the leader among the provinces to have right to information law back in 2005 but no meaningful effort had been made since then to improve the right to information regime in the province. He said it was his duty to facilitate the citizens for getting information from the public, but he was bound by the limitations of the law and could not go beyond the law to provide information to the citizens. He told that ombudsman office also arranged *khuli kacheri* (open meetings) with the citizens to raise awareness about the law. He guided that in Balochistan context, radio is the best medium to spread message and raise awareness among the citizens.

Attendance Report:

Stakeholders Consultative Balochistan June 23, 2020 "Challenges to the Enactment of Strong Right to Information law in Balochistan"			
S.No.	Name	Party/Department	Session date & Time
1	Dr. Ishaque Baloch	Central Information Secretary, National Party	23-6-2020 at 12:30 PM
2	Jalila Haider	Rights Activist/ Advocate	23-6-2020 at 12:30 PM
3	Behram Baloch	Chief Editor, Baluchia Magazine, Anchorperson, PTV Bolan	23-6-2020 at 12:30 PM
4	Qamar Un Nisa	Rights Activist/ Advocate	23-6-2020 at 12:30 PM
5	Syed Munawar Shah	Director, Ombudsman office Balochistan	23-6-2020 at 12:30 PM

Advocacy Initiatives for Strong RTI Law in Balochistan

Consultative Session-2 Report

01 Jul 20

Format

This is the second of the series of consultative session organized to discuss the weaknesses of Balochistan FOI ACT 2005, and finding ways to replace this law with a strong and robust RTI law. Main purpose of this session was to highlight advocacy initiatives for introducing a strong right to information law in Balochistan. Each panelist was given 10-15 minutes to narrate their experience of using Balochistan Freedom of Information (FOI) Act 2005 and their views about the law. The webinar was started with the brief presentation from Mr. Jalil Babar, Project Manager, CPDI and the webinar was moderated by Mr. Amer Ejaz.

Jalil Babar, Project Manager, CPDI

Mr. Babar gave a brief introduction of CPDI. He told that objectives of the project 'Civil Society for Independent Media and Expression (CIME)' is to create a conducive environment for freedom of expression and right to information in the country. He also gave a brief introduction of the co-partners responsible for implementation of the project. Media Matters for Democracy (MMfD) and Pakistan Press Foundation (PPF) have joined hands with CPDI for project implementation. The program is made possible through generous funding of European Union.

Mr. Babar highlighted the key components on which the project will be based. That include Advocacy, Research, Capacity Building of journalists / lawyers and Legal aid to journalists.

Amer Ejaz, Director Budget Study Center, CPDI

Mr. Ejaz moderated the session. In his inaugural remarks he went through a brief background and history of Right to information legislation in Pakistan. He also compared the first-generation laws in Pakistan with the second generation right to information laws. He told that second generation laws were distinguished by at least three characteristics: a) strong proactive disclosure clause, b) an independent appellate body c) penalty clause for the public officials willfully denying information to the citizens. He told that aim of the session was to consult with experts for devising an advocacy campaign in the province of Balochistan for strong right to information law.

Following is the gist of the presentation made by panelists:

Behram Lehri, CEO, Seher Foundation, Balochistan

Mr. Lehri told that dozens of information requests had been sent to different departments of Balochistan and even after repeated follow ups with the officials, very few requests had been responded. He told that his organization had also arranged press conferences and seminars on right to information but awareness level in Balochistan about RTI could not be raised.

He shared his experiences in detail and thought that public officials are afraid of implementing RTI laws in Balochistan because it would ensure accountability for which

public officials were not ready. He also told that drafters of the right to information bill were confused what to disclose to the public and what to keep secret.

Mr. Behram gave idea that there should be a greater interaction between officers from Balochistan and information commissions and PIOs of the other provinces so that they could learn from the experience.

Nasarullah Khan Zaryai, Member Provincial Assembly Balochistan (PKMAP)

Mr. Nasarullah was very vocal about the weakness of FOI Act 2005 and declared it a toothless law. He told that his party was a passionate supporter of peoples' right to information and in an attempt to strengthen the RTI regime in the provinces, they had also prepared a draft bill when they were in power during the last tenure. He said that since the present government had taken over, that draft had been shelved and only lip service was being paid to the RTI cause. He said that government sincerity about the implementation of new law would be gauged by the swiftness with which that draft bill is brought to the floor of the assembly. He committed to take up the issue during next session of the Balochistan Assembly.

He suggested to form a joint action committee consisting of government officials, and representatives from civil society organization, lawyers and media to discuss at length the issue of right to information in the province. He said that the departments having reservation on the new RTI bill should also be heard at that forum and their genuine reservations should be given due weightage.

Syed Ali Shah, Bureau Chief, Dawn News, Quetta

Mr. Shah highlighted his personal experiences while using the FOI Act 2005 and issues faced by him. He claimed that freedom of expression and right to know is directly linked with democracy, human rights, and social and financial issues. "In a democratic system, right of information is like an immune system to body which counters any attack on democracy", he opined. He further explained the importance of RTI for existence of responsive governments and how their sustenance is dependent upon responsible and accountable systems.

Mr. Shah said that first step to win the support of journalists should be to sensitize them about RTI and its importance in performing journalistic duties. A sensitized and trained journalist can be an asset during the advocacy campaign for right to information. He suggested to use social media platforms more frequently to build the knowledge base in the society about right to information. He proposed to make a separate WhatsApp group for the journalists of the Balochistan for sharing information in the group regularly.

Zahid Abdullah, Federal Information Commissioner

Mr. Abdullah described the key players in the scheme of right to information and their roles for formulation of an effective RTI law. He referred to the resistance put up by bureaucracy in other provinces during the legislative process of right to information. He recalled that there were several attempts to dilute KP RTI law before and after the legislation. He told that civil society acted as bulwark against all these efforts, promptly identified the threats, and forestalled all attempts to amend the KP RTI law of 2013.

Mr. Zahid suggested that legislators of Balochistan Assembly must be taken into confidence for RTI legislation. He also highlighted the benefits of a good right to

information law in the province. He told that with a sensitized political leadership already present in the province, civil society could win their support when the process of legislation would start. He told that such tactics have been practiced successfully in other provinces and could prove beneficial in paving way for introduction of second generation RTI law in Balochistan as well.

Attendance Report:

Stakeholders Consultative Balochistan July 1st, 2020 "Advocacy Initiatives for Strong Right to Information Law in Balochistan"			
S.No.	Name	Party/Department	Session date & Time
1	Nasar Ullah Zayrai	MPA, Pashtunkhwa Mili Awami Party (PMAP)	01-07-2020 at 2:30 pm
2	Behram Lehri	CEO, Seher Foundation and President Balochistan Psychologists Association,	01-07-2020 at 2:30 pm
3	Syed Ali Shah	Bureau Chief Dawn NEWS, Balochistan	01-07-2020 at 2:30 pm
4	Zahid Abdullah	Federal Information Commissioner	01-07-2020 at 2:30 pm

Advocating for Reforms in Balochistan FOI Act 2005

Consultative Session-3 Report

08 Jul 20

Introduction

This is the third of the series of consultative session organized to discuss the weaknesses of Balochistan FOI ACT 2005, and finding ways to replace this law with a strong and robust RTI law. Each panelist was given 10-15 minutes to narrate their experience of using Balochistan Freedom of Information (FOI) Act 2005 and their views about the law. The online seminar was moderated by Mr. Amer Ejaz and introduction to the project was given by Mr. Jalil Babar.

Jalil Babar, Project Manager CPDI

Mr. Babar gave a brief introduction of CPDI. He told that objectives of the project 'Civil Society for Independent Media and Expression (CIME)' is to create a conducive environment for freedom of expression and right to information in the country. He also gave a brief introduction of the co-partners responsible for implementation of the project. Media Matters for Democracy (MMfD) and Pakistan Press Foundation (PPF) have joined hands with CPDI for project implementation. The program is made possible through generous funding of European Union.

Mr. Babar highlighted the key components on which the project was based. These including Advocacy, Research, Capacity building of journalists / lawyers and Legal aid to journalists.

Amer Ejaz, Director Budget Study Center, CPDI

Mr. Ejaz moderated the session. In his inaugural remarks he went through a brief background and history of Right to information legislation in Pakistan. He told that the Freedom of Information Ordinance was implemented at federal level in 2002. Balochistan and Sindh followed with similar legislation in 2005 and 2006, respectively. This was the first instalment of right to information laws given to the people of Pakistan. These laws were limited in scope and civil society has always demanded for stronger laws at federal and provincial levels. Later, Punjab and KP, legislated RTI laws in 2013 while federal government and Sindh repealed their old laws and replaced them with stronger laws in 2017. These laws are referred to as second generation laws.

He told that there were at least three qualitative differences between first generation laws and second generation laws.

- i. The second generation laws have a strong proactive disclosure clause;
- ii. The second generation laws have an independent appellate body to which aggrieved citizens can lodge their complaints; and
- iii. The second generation laws have a penalty clause which means that appellate body can penalize the public officials if it is convinced that information is willfully denied to the citizens.

He explained that the purpose of this consultative session is to learn from the experiences of the panelists and participants and take guidance from them to launch a comprehensive advocacy campaign for legislating a better RTI law in the province.

Following is the gist of the presentation made by panelists:

Babar Yousafzai, Spokesperson Ministry of Education, Balochistan

Mr. Babar highlighted the efforts made by his political party for implementation of RTI law in KP and reiterated that his political party (PTI) will be a staunch supporter for a new FOI law in Balochistan.

He called the Balochistan FOI ACT, 2005 as a useless law as there were many hurdles inherent in the law that hinder the free flow of information from public bodies to the citizens. Mr. Babar told that he had written a letter to Chief Minister Balochistan regarding the FOI ACT 2005 and had requested him to revisit the law. He further told that on his request Jam Kamal, CM Balochistan, had a meeting with the secretary, law department and DGPR Balochistan. A three-member committee has been constituted to review the FOI ACT 2005 and to draft a comprehensive RTI law according to the wishes of the citizens and national and regional best practices.

Salam Khan, Executive Director Salar Foundation

Mr. Salam Khan shared his firsthand experiences about use of Balochistan FOI ACT 2005 and the efforts made by civil society organizations for improvement of the FOI implementation regime in the province. He called RTI law as oxygen for democracy and regretted that during the previous regime, no attention had been paid to freedom of information.

Mr. Salam suggested to develop an advocacy plan where all political parties were to be taken on board for legislating new RTI law. He also suggested that sensitization and capacity building of the government officials should be started in parallel to the advocacy campaign for the new law so that when the new law is implemented the officials should be ready to respond to the information requests without further delay.

Shahzada Zulfiqar, President Pakistan Federal Union of Journalists, Balochistan

Mr. Zulfiqar told that government officers in Balochistan were not willing to share information with the citizens. He pointed out that the existing FOI law was a weak law, but at the same time no efforts had been made by the past governments to train and sensitize the officials. Mr. Zulfiqar said that public and most of the journalists of Balochistan are not familiar with FOI ACT 2005. He lauded the efforts of the civil society to keep the cause of right to information alive in the province. He further said that the draft bill for amending the Balochistan FOI Act 2005 had been prepared many months back, but it had not been on cabinet agenda for discussion since then.

Mr. Zulfiqar proposed to conduct sessions on right to information with political parties, lawyers, and journalists to develop a consensus on a new RTI law in Balochistan thus convincing the government that a better and citizens' friendly RTI law is the need of the hour.

Riaz Khan Daudzai, Information Commissioner, Khyber Pakhtunkhwa

Mr. Daudzai presented the salient features of Khyber Pakhtunkhwa RTI law and efforts made by civil society in legislating such a strong law in the province. He pointed towards the trust deficit between the government and people of Balochistan and according to him that deficit was the main reason of unwillingness of the government to share information with its people. He agreed that Balochistan was a tribal society and social setup is different from other provinces. He stressed, that that difference should not be the reason for denying right to information to the people of Balochistan. He said that Sindh, and the federal government had repealed weak RTI laws and replaced them with progressive and citizens' friendly RTI laws. The Government of Balochistan should also start legislation for an effective right to information law to bring transparency and openness in governmental affairs, he added.

Sharing his experiences as Information Commissioner, he suggested that politicians, civil society, and bureaucracy should be invited to a joint platform to discuss the various aspects of a new RTI law in Balochistan.

Attendance Report:

Stakeholders Consultative Balochistan July 8th, 2020 "Advocating for Reforms in Balochistan FOIA 2005"			
S.No.	Name	Party/Department	Session date & Time
1	Riaz Daudzai	Information Commissioner, KP	08-07-2020 at 2:30 pm
2	Shahzada Zulfiqar	President PFUJ, Quetta	08-07-2020 at 2:30 pm
3	Babar Yousafzai	Spokesperson Ministry of Education, Balochistan	08-07-2020 at 2:30 pm
4	Salam Khan	CEO Salar Foundation, Quetta	08-07-2020 at 2:30 pm

Advocacy Initiatives for Strong RTI Law in Balochistan

Consultative Session-4 Report

15 Jul, 20

Introduction

This consultative session is fourth in the series of sessions organized to devise an advocacy campaign for stronger RTI law in Balochistan. The panelists were asked series of questions about RTI regime in Balochistan. They responded by narrating their own experience of using FOI law in Balochistan and suggested ways to have more effective and responsive RTI regime in Balochistan. The online seminar was moderated by Mr. Amer Ejaz and introduction to the project was given by Mr. Jalil Babar.

Jalil Babar, Project Manager, CPDI

Mr. Babar gave a brief introduction of CPDI. He told that objectives of the project 'Civil Society for Independent Media and Expression' (CIME) was to create a conducive environment for freedom of expression and right to information in the country. He also gave a brief introduction of the co-partners responsible for implementation of the project. Media Matters for Democracy (MMfD) and Pakistan Press Foundation (PPF) have joined hands with CPDI for project implementation. The program is made possible through generous funding of European Union.

Mr. Babar highlighted the key components on which the project would be based including advocacy, research, and capacity building of journalists / lawyers and legal assistance for journalists.

Amer Ejaz, Director Budget Study Centre, CPDI

Mr. Ejaz moderated the session. After the introduction of the panelists, he asked various questions regarding implementation of right to information law in Balochistan. The focus of discussion was to devise an advocacy campaign for a strong RTI law in Balochistan.

Following is the gist of the discussion during the consultative session:

Zafarullah Khan, Civic Educator

Mr. Zafarullah Khan shared his personal experiences of using RTI laws in Pakistan. He also discussed the hurdles in formulating RTI laws in Pakistan during formative phase. He agreed about the inherited weaknesses of the Balochistan FOI law but told that even that weak law could not be implemented with true spirit. Replying a question regarding absence of any civil society movement behind campaign for right to information in Pakistan in the meantime, he claimed that in early 2000s, there were many organizations including journalists demanding RTI law and demand side was not as weak as sometimes portrayed. He lamented that awareness about right to information amongst citizen is minimal even after 15 years of legislation. He argued that almost all RTI requests in Balochistan have been filed by civil society organizations/NGOs which proved civil society activism and also citizens' inaction on the other hand to utilize the law and avail their fundamental right of access to information.

Mr. Zafarullah told that many senior government officials did not have awareness about FOI law. He also demanded a strong RTI law in Balochistan so that citizens are able to get information from public bodies. He proposed a strong Civil Society alliance to advance the reforms agenda. His advice to the alliance was to work for RTI in local government laws and then move upward to provincial level. He also suggested to initiate a debate on RTI in Balochistan at wider level and to include RTI in curriculum in Civil Services Academy, of Balochistan.

Ayub Tareen, Journalist, Bureau Chief Hum News, Quetta & President BUJ

Mr. Tareen negated the popular concept that tribal background was the reasons for weak RTI regime in the province. He told that there were other reasons for this inaction. He said that the previous governments had not paid attention towards RTI legislation and people of Balochistan had been deprived of a democratic fundamental right of access to information. He suggested that as the law and order situation is much better now, efforts should be made to get the law implemented in Balochistan.

He said that need for Freedom of Information had increased manifold in the backdrop of high-cost, mega-impact development projects in the province. To bring more transparency in the projects like Gawadar port and CPEC, peoples' right to information had become more important and relevant for ensuring transparency and openness.

He suggested that civil society, lawyers, journalists, and political activists must work together to put pressure on the legislators for making a strong RTI law in Balochistan. Mr. Tareen also agreed that RTI law had great importance for investigative journalism and journalists could get certified information by using the law. He assured that the journalists will be in forefront for any advocacy campaign for a strong RTI law in the province.

Mehboob Qadir Shah, Chief Information Commissioner, Punjab

Mr. Shah said that a strong RTI law is the foundation of democracy and accountability. He mentioned that in Punjab and KP RTI laws, focus is on proactive disclosure which is absent in Balochistan FOI ACT 2005. He discussed the progress made so far in legislation of new RTI law in Balochistan and showed his concerns about the inordinate delay in bringing the bill on the floor of the house. Mr. Shah agreed that dynamics of both Punjab and Balochistan were different. Due to its geo-strategic location, the situation was sensitive in Balochistan and that had made the officials reluctant to repeal the present law and replace it with a stronger law.

He was convinced that as part of a federation, people of Balochistan also have the right to know and their RTI law should not be in derogation to the fundamental rights and must be consistent with the RTI laws of other provinces. He suggested filing a written petition in Supreme Court of Pakistan about inconsistency of the Balochistan's FOI ACT 2005 with the fundamental rights.² He held that present law was against Article 8 of the Constitution of Pakistan and hoped that, if efficiently pleaded, Supreme Court would declare the existing Balochistan RTI law null and void.

² Art. 8(1) of the Constitution says, "Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void."

Attendance Report:

Stakeholders Consultative Balochistan July 15th, 2020 "Advocacy Initiatives for Strong Right to Information Law in Balochistan"			
S.No.	Name	Party/Department	Session date & Time
1	Zafar Ullah Khan	Civic Educator	15-07-2020 at 2:30 pm
2	Mehboob Qadir Shah	Chief Information Commissioner, Punjab Information Commission	15-07-2020 at 2:30 pm
3	Ayub Tareen	Bureau Chief Hum NEWS, Quetta & President, BUJ	15-07-2020 at 2:30 pm

Key Informant Interviews

1. Mr. Shams ud Din, Former Secretary, Balochistan Assembly, 21 July 2020

- a. A draft bill has already been prepared by the government which is yet to be placed on cabinet agenda. Although, there is a tradition of not sharing the draft bill before it is discussed on the floor of the house, yet request can be made to Secretary Information for the copy of the draft bill so that it can be analyzed and compared with the RTI laws of other provinces. I have not seen the draft bill, but I am under the impression that this law might not be as progressive as some of other provincial laws on Right to Information.
- b. Balochistan has a poor record of entertaining private members' bill. Advocacy efforts should be focused towards the government bill rather than presenting a private members bill. The private members, however, might act as a catalyst to speed up the whole process of legislating a new RTI law in the province.
- c. The committee system was more active during the previous regime than the current regime. It took more than six months for establishing the committees. I retired in early 2019 and did not get chance to closely watch the performance of the committees during current government. However, the importance of the committees can never be underestimated. Letters should be written to sensitize the committee members. The project team must keep an eye on the movement of the bill and when it is presented in the assembly and moved to committee, request should be sent to the committee to testify the CPDI team.
- d. Committees normally does not testify citizens and citizens' organizations and journalists. In the women harassment bill during the last government, some women organizations were testified. So, precedent does exist, but the tradition is not very strong. During redrafting of rules of procedures, the PIPS provided help and some donor organizations like UNDP and EU were also involved.

2. Shakila Naveed Noor Qazi, MPA (BNP) and Member of Committee on Information, 22 July 2020

- a. The Balochistan situation is different from other provinces. Government has recently signed agreement with China and even the parliamentarians do not have the access to the MOU. This is due to the weak law and poor RTI implementation regime in Balochistan. Amendment in law is needed so that the citizens are able to get information from the public departments.
- b. It is important to meet Speaker and Deputy Speaker before the law comes to the floor of the house. If you are planning to start any advocacy with the assembly after the bill is tabled, it might be too late then. Such efforts and liaison should be established now.
- c. Unfortunately, committees in Balochistan assembly are not powerful to make any meaningful impact. Speaker and Deputy Speaker are the right channel. The newly promoted Secretary of the Assembly, Mr. Tahir Shah has a legal background and understands the issues well. A meeting should also be arranged with him for having the firsthand knowledge of the proposed draft bill of RTI law.
- d. Balochistan has a poor history of legislating private members bill. Instead of pushing for private member bill, strong liaison with government can be a better option for advocating for a better RTI law in the province.

3. Adil Jahangir, CEO, AID Balochistan 27 July 2020

- a. There is total deadlock on right to information front in Balochistan. Things are not moving ahead, and we are not hopeful for any legislation at least in the near future.
- b. We have tried hard to get the draft of the proposed bill but that has not been shared with us on the pretext of privacy.
- c. There is a forum in Balochistan, called Public Accountability Forum. The forum has met with the parliamentarians on the legislation of new RTI law, but there is no further progress made on that.
- d. Mr. Liaqat Shahwani, Spokesperson of Government of Balochistan has also assured for early tabling of the bill in the assembly but no progress has been made till now.
- e. One good tactic may be to organize the opposition in the Balochistan Assembly around RTI. This can be used to put pressure on the government for early legislation of RTI Act.
- f. Most of the members of Balochistan Assembly do not have an idea of issues around RTI. They do not know the reasons for the civil society's demand to repeal the old law and legislate new law. A workshop should be arranged with them to give them a comprehensive background and understanding of right to information law and its importance for a democratic polity.

4. Mr. Zahoor Buledi, Minister for Finance (Former Minister for Information), Balochistan 27 July 2020

- a. The new bill has been prepared by the government and it will soon be presented in the cabinet meeting.
- b. New bill is progressive like other provincial laws. It has an independent commission headed by retired judge of the High Court. The draft also proposes for penalty to the official willfully denying information to the citizens.
- c. Steps are being taken to designate Public Information Officers in all departments to facilitate the citizens to get information within the timeframe proposed by the law.
- d. The bill was shared with the civil society and suggestion for its improvement have been received. These suggestions will be incorporated in the bill and the revised bill will be presented in next cabinet meeting.

Online Survey-Advocacy Campaign for Strong RTI Law in Balochistan

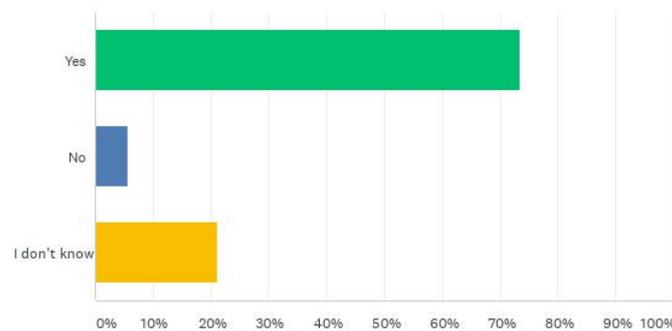
Online Survey-Advocacy Campaign for Strong RTI Law in Balochistan

A simultaneous online survey was also run to get an idea about citizens' view of Right to Information in Balochistan. A total of 91 persons (male 76%, Female 24%) participated in the survey. Following are the key findings of the survey:

Need for a New RTI Law in Balochistan

More than 73% respondents think that Balochistan needs a new law on Right to Information.

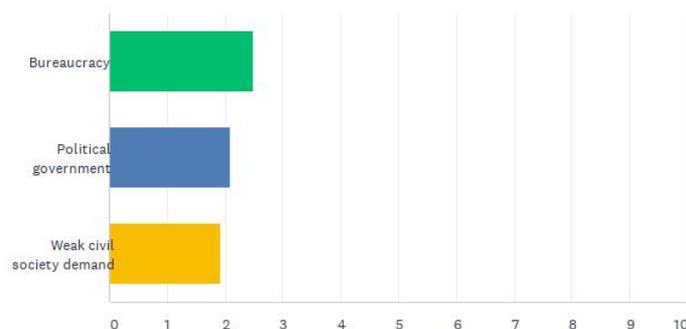
Q9 Do you think Balochistan FOI Act, 2005 should be replaced by a stronger and effective RTI law?



Reasons for Delay in RTI legislation in Balochistan

For majority, Bureaucracy is the number 1 reason for delay in RTI legislation in Balochistan.

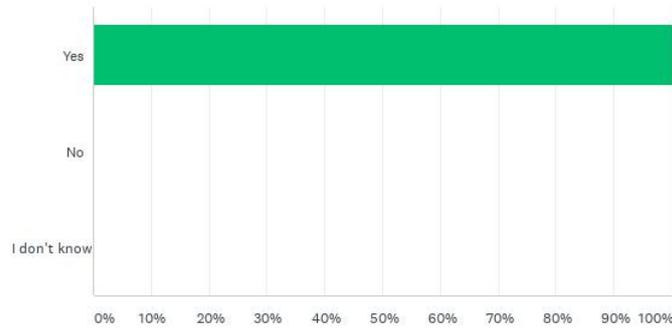
Q10 What in your opinion are the reasons for delay in legislation of new Right to Information Act in Balochistan?



Advocacy for RTI Law

100 percent of the respondent think that a strong advocacy campaign is required to replace the current FOI Act, 2005 with a strong RTI law.

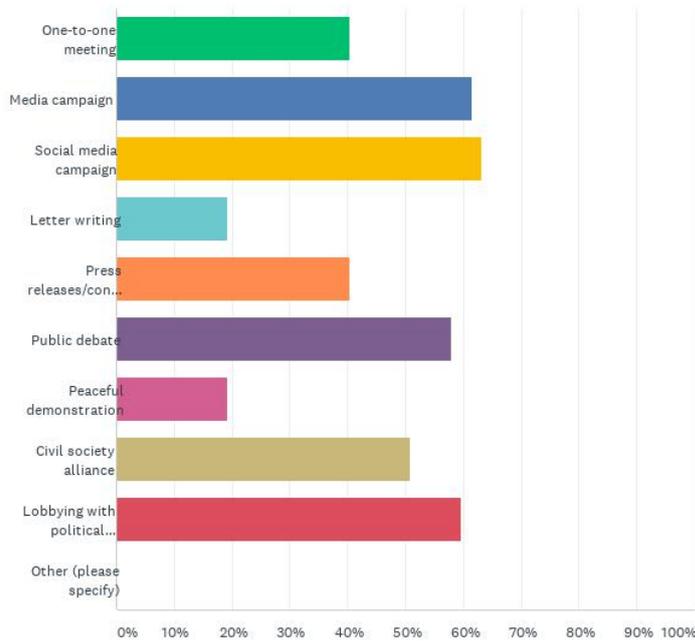
Q12 Do you think that a strong advocacy campaign is required to replace the current FOI Act with a stronger RTI law?



Tools for Advocacy Campaign

The respondents of the survey suggested following tools for an impactful advocacy campaign. These results are in line with the remarks of experts during consultative sessions and KII.

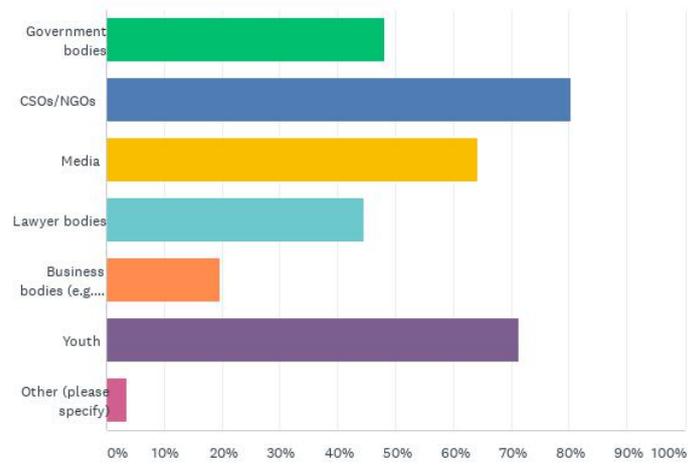
Q13 Keeping in mind the socio-political culture of Balochistan, which advocacy tools will you recommend for running an impactful advocacy campaign for new RTI law in the province? (You can check more than one option)



Potential Partners in Campaign for Better RTI Law in Balochistan

Survey respondents think that CSOs/NGOs can be the number one partner in any campaign designed for better RTI law in Balochistan. Youth and media are also in the favorite list.

Q15 In an advocacy campaign for a better RTI law in Balochistan, who can be the potential advocacy partner(s)?(You can check more than one option)



Key Findings of Consultative Sessions:

A focused civil society effort is required to run a successful campaign for legislating right to information law in Balochistan. Key findings and recommendations of the consultative sessions, KII and online survey sessions are grouped and summarized below:

1. Capacity Building

- a. Sensitized and trained journalists can be an asset in advocacy campaign for right to information. They should be properly trained and sensitized on RTI as a basic democratic and fundamental human right.
- b. Use social media platforms to build the knowledge base of the citizens and journalists on RTI as a constitutional and basic human right.
- c. Very few people in Balochistan have comprehensive understanding of right to information. People should be educated on the subject so that they can use this right and put their share in strengthening the process of transparency and openness in governmental affairs.
- d. There is a need to raise level of political and legislative literacy among political leadership and legislators.
- e. Make right to information the part of syllabus and such rights should be taught in civil services academy.

2. Citizens and Public Officials

- a. The trust deficit between citizens and public officials should be bridged and officials should be edified that a transparent government is in everyone's benefit in the long run.
- b. Sensitization and capacity building of the government officials should start before the RTI legislation in Balochistan. This will help overcome many of the teething problems during the nascent stages of implementation as the PIOs will be well aware of their functions and duties regarding citizens' requests for information.
- c. Some information requests should also be submitted by the citizens. It will bring RTI closer to real life issues and will be helpful in building further pressure on the government. Citizens should be trained and sensitized for right to information.
- d. Strive for making a Joint Action Committee (JAC) represented by civil society (including media), and parliamentarians and political parties. The JAC should interact with the government departments frequently to build trust.
- e. The trust gap between public officials and citizens should be abridged by frequent interaction. Public officials should be sensitized that a good RTI law will benefit them in the long run.

3. Building Alliances

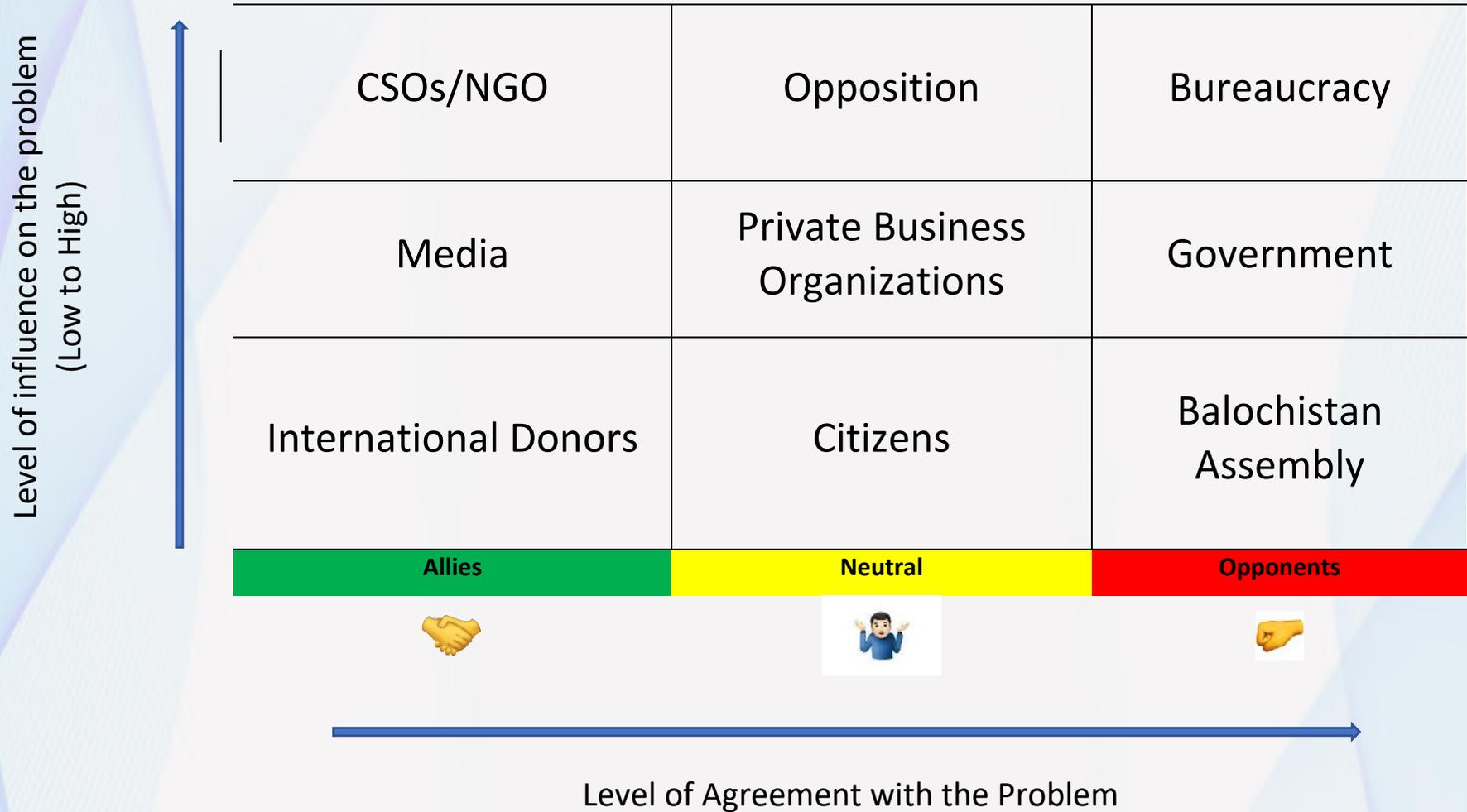
- a. Meetings with the Speaker, Deputy Speaker and Secretary assembly should be arranged to build liaison inside the assembly. This will help to intervene once the bill comes to the floor of the house.
- b. Meet with relatively influential opposition members, organize them around the issue of right to information and build pressure on the government to take steps for introducing more robust and citizens' friendly RTI law in the province.

- c. It is important to win the support of the legislators before the process of legislation formally starts in Balochistan.

4. Legal Course

- a. A constitutional petition under Article 8 of the constitution should be filed in the supreme court, pleading that Balochistan FOI ACT 2005 is not consistent with the basic human rights as enshrined in the constitution and particularly Article 19-A.

Stakeholders' Analysis



Target Table

Target Name	Contact Person	Their Knowledge about Problem	Attitude about Problem	Who has influence over them	What is important to them (Influencer)	Opportunity/Suggested Action	Level
CSOs	CRTI/PPF	There are very few organizations working on RTI	They will support legislation	Government	Delay in legislation suits government	Start Citizen-government interface	
				International Donor	Sustainable and pro-poor development	Sensitize and convince donor for RTI mainstreaming in their programs	
				Citizens	Development work Accountability	Increase RTI knowledge base among citizens and convince them that transparency is a main building block of good governance	
Media	President PFUJ	Journalists' knowledge about RTI is low	They will support legislation	Government/Information Department	Positive image of government in media	Feed media with RTI news stories to put pressure on government	
				PFUJ	Media could work without coercion and intimidation.	The RTI law will support PFUJ objectives.	
				Political leadership	Positive picture	Share statements of political leadership favoring RTI with media (Press release)	

Target Name	Contact Person	Their Knowledge about Problem	Attitude about Problem	Who has influence over them	What is important to them (Influencer)	Opportunity/Suggested Action	Level
				Citizens	Authentic News	Share information request stories of citizens with media	
International Donors	All donors who are interested in Governance and Transparency issues	Medium	They want to drive transparency agenda forward	Government	Good working relations	Send news/newsletters to donors	

Citizens	Local Opinion leaders	Low	Citizens generally support any transparency agenda	Media	Selling News	share Citizens stories about RTI with media	
				CSOs	Awareness	Train CSOs in RTI for awareness and capacity building of citizens	
				Government	Citizens support government	Let the citizens ask questions and put pressure on government	
				Business bodies	Trade and commerce activities	Citizens start interacting with business bodies on RTI	
Business bodies (CCI)	Chamber President	Low	Medium	Government	Increase in economic activities	Business leaders discuss RTI agenda with government	

Target Name	Contact Person	Their Knowledge about Problem	Attitude about Problem	Who has influence over them	What is important to them (Influencer)	Opportunity/Suggested Action	Level
				Consumers	Fair prices/Quality	Consumers writing letter to business leaders and interacting with them to include RTI agenda in their interaction with the government	
Opposition	Any opposition MPA who is vocal e.g. Dr. Ishaque	Low	Opposition will support the efforts	Citizens/Voters	Accountability	Awareness activities with opposition	
Assembly Secretariat	Speaker Deputy Speaker Secretary	Medium	They have not shown any enthusiasm yet.	Government	Legislation benefiting the government	Convince them the law will increase the credibility of the government	
Bureaucracy	Information Department Law Department	High	They are delaying the process	Government	Legislation benefiting the government	Convince them the law will increase the credibility of the government	
Government (Political)	Information Minister	Medium	Delaying	Citizens/Voters Media	Accountability Access to Information held by government	Citizens representation to ERs Persuade media for RTI campaign	

Advocacy Action Plan

Objectives	Indicators	Means of Measurement	Targets	Allies	Background Activities (CPDI)	Indicator Definitions	Timeframe
Main Objective							
Within two years, Balochistan Assembly enact RTI law repealing the FOIA 2005	New RTI law is enacted in Balochistan	Copy of the new law	Balochistan Assembly Information Department & Law Department	Media NGOs Network (CRTI, Public Accountability Forum) Opposition parties	Lobby with Balochistan Assembly Members through direct meetings, workshops Press briefing/Press Notes from Media persons		Sep-22
Specific Objectives							
Building capacities of CSOs/CRTI members on Right to Information	No. of RTI related activities arranged and conducted by CRTI members	Record/Report of Training workshops	CSOs	CSOs Media	Training workshops Social Media campaign	"Activities" means any RTI related task including but not limited to social media posts, letter writing, capacity building activities, issuing press releases or interacting with political or government officials	Sep-21

Objectives	Indicators	Means of Measurement	Targets	Allies	Background Activities (CPDI)	Indicator Definitions	Timeframe
Build the capacity of at least 20 journalists in investigative journalism and to report on RTI	No. of RTI news stories reported by Journalists	Copy of the news story	Journalists	Media houses, PFUJ	Training workshops for journalists Social Media campaign	New story means any news item about need of new RTI law, experience of getting (or not getting) information from public bodies, reporting stories of citizens who wrote info requests to public body or reporting any RTI related event	
Sensitize donors about the need of RTI legislation in Balochistan	No. of funding opportunities created in Balochistan to work on RTI related issues	Copy of the request for proposal	Donors	Journalists	Approach all prospective donors for RTI funding		Mar-22
Increase in awareness about RTI among the citizens of Balochistan	No. of Citizens sending RTI requests to public bodies	Copy of the request	Local opinion leaders Citizens	CSOs Media	Social Media campaign Public forum/webinar		Sep-21

Objectives	Indicators	Means of Measurement	Targets	Allies	Background Activities (CPDI)	Indicator Definitions	Timeframe
Knowledge of business bodies and their office bearers about RTI is enhanced.	No. of statements issued by Business bodies strong RTI law in Balochistan	Copy of the letters/statement; media coverage	President CCI, Quetta/Gwadar	CRTI Media	CSOs writing letters to Business bodies Social media campaign targeting Business bodies	Business bodies means Chamber of Commerce and Industry, Quetta/Gwadar or associations	Sep-21
Increase the knowledge and capacity of opposition parties to take up RTI legislation issues inside and outside the assembly	No. of actions taken by opposition parties/MPAs in support of RTI	Copies of the news clippings Proceedings of the assembly Minutes of the meeting	Opposition parties	media	Supporting MPAs to draft questions and motions Talking point for MPAs to speak in the assembly	Action means any statement issued in media or issue raised in the assembly or agenda item in a (party)meeting	Mar-22
The assembly secretariat is sensitized on the issue of RTI and need for strong RTI law in Balochistan	Number of commitments made by assembly officials,	Activity report/MoM Media report	Speaker, Dy Speaker, Secretary Chairperson Committee on Information	CSOs	Writing letters Personal meeting Inviting assembly officials in program activities		Mar-22
Enhancing interaction with bureaucracy for producing strong RTI bill	RTI bill according to the international best practices	Copies of the bill	Secretary Law & Secretary Information	CSOs/CRTI	Meetings Letter Writing		Sep-21

Objectives	Indicators	Means of Measurement	Targets	Allies	Background Activities (CPDI)	Indicator Definitions	Timeframe
The government is able to enact RTI law in Balochistan	The government push the law for cabinet approval and bringing it in the house	Media coverage Copy of the law	Information Minister Chief Minister	Media CSOs Citizens	Letter writing Social media campaign		Sep-22

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Centre for Peace and Development Initiatives (CPDI) is an independent, non-partisan and a not-for-profit civil society organization working on issues of peace and development in Pakistan. It is registered Under Section 42 of the Companies Ordinance, 1984 (XLVII of 1984). It was established in September 2003 by a group of concerned citizens who realized that there was a need to approach the issue of peace and development in a an integrated manner. CPDI is a first initiative of its kind in Pakistan. It seeks to inform and influence public policies and civil society initiatives through research-based advocacy and capacity building in order to promote citizenship, build peace and achieve inclusive and sustainable development. Areas of special sectoral focus include promotion of peace and tolerance, rule of law, transparency and access to information, budget watch, media watch and legislative watch and development.



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