

THE STATE OF RIGHT TO INFORMATION IN AFRICA

Citizens' Access to Information:
A Tool to Build Trust and Address Corruption

REPORT 2017



Africa Freedom of Information Centre





The target, SDG 16.10, states plainly that all countries pledge to:

“ ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.”

The State of the Right to Information in Africa Report 2017

People need information to make decisions on personal development, education of their children or health of mothers. They need information in order to influence policies and decisions of government on where more efforts are needed and when. Citizens need information to limit the consequences of climate change and to provide feedback on how well government interventions are working. Without citizens access to information, it will be impossible for any country to achieve Sustainable Development Goals (SDGs).

Africa Freedom of Information Centre (AFIC) is pleased to present the third State of the Right to Information in Africa Report 2017. This report, whose focus is citizens' access to information in the context of SDG 16.10.2, covers 23 African countries and presents baseline information on the state of access to information treaties, laws, implementation and reporting to treaty bodies.

As a mirror, the report highlights areas where the African countries covered by the study have made progress as well as and those that need further in order to realise the right to information as envisaged under SDGs framework.

We invite the respective United Nations Agencies, the African Union, governments and civil society organisations to use findings and recommendations of this study to realise sustainable goals.

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FOREWORD BY IRINA BOKOVA

*Director-General of UNESCO,
for the AFIC Report September 2017*

The 2030 Agenda for Sustainable Development, with its 17 Sustainable Development Goals (SDGs), charts a new vision for cooperation over the next 15 years, to ensure prosperity and well-being for all societies, while protecting the planet and strengthening peace.

One red thread weaving all throughout the new agenda is that of information -- to ensure all women and men in all societies have equal access to information, which in turn can help empower them with the skills and opportunities to create and share knowledge for the benefit of all.

This Report explores the state of the right to information in Africa in the context of the SDGs. It is a timely contribution to help take forward the requirement for public access to information and protecting fundamental freedoms set out in Target 16.10 of the SDGs, and to sharpen Africa's Agenda 2063 that seeks to provide direction for the continent's inclusive development.

With only 21 out of the 54 African countries having constitutional, legal or policy guarantees for public access to information, there is a clear need for invigorated advocacy to ensure that more countries respond to the challenge for not only enacting such guarantees but also implementing them in practice.

Against this background, I am pleased that the Africa Freedom of Information Centre sought UNESCO's partnership in conceptualising and releasing this first ever-comprehensive report on how African countries are appropriating the universal right to freedom of information. I am confident this will represent an important step in producing sound and robust data that will assist our Member States in policy decision-making and civil society organisations in mounting effective advocacy campaigns for further adoption and implementation of the right to information.



United Nations
Educational, Scientific and
Cultural Organization



Irina Bokova
Director-General of UNESCO



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The 17 Sustainable Development Goals, adopted in 2015, build on the success of the Millennium Development Goals and aim to go further to end all forms of poverty. The new Goals are unique in that they call for action by all countries, poor, rich and middle-income to promote prosperity while protecting the planet.

The Agenda 2030 is a historic milestone for freedom of information advocates as the world's governments had, for the first time, jointly recognized the principle that people should have the right to access government-held information.

The State of Right to Information in Africa Report in the Context of the Sustainable Development Goals is the third report submitted by Africa Freedom of Information Centre on the status and progress of the right of access to information on the African continent.

The right of access to information is a fundamental freedom and a human right, an integral part of the right to freedom of expression and the associated right to media freedom.

Numerous international and regional intergovernmental organisations have recognised access to information in their conventions and protocols. In 115 out of the 195 countries in the world today, the right to free access to information is enshrined in the law, and 59 percent of countries have legal frameworks establishing the right of—and procedures for—the public to request and receive government-held information.¹

Presently in Africa, 21 out of 54 countries (39 percent) have specific access to information legislation. Even though the number of countries with these laws has doubled in the last five years, the study findings reveal that achievement on the SDG 16.10.2 is still very low. Indeed there is the need to further encourage African countries to develop and adopt access to information legal frameworks and effectively implement the measures to guarantee this fundamental right.

Access to information laws empower individuals and civil society to understand the policies with which the public administration and legislators make decisions relating to health, education, trade and infrastructure and the objective basis for such decisions. For the private sector, access to good-quality information is vital for tendering, for open competition, and for an efficient marketplace.

Africa is well endowed with mineral and natural resources. The economic benefits of the oil, gas and mineral industry if fairly managed for redistribution to the citizens would significantly enhance revenue generation and increase private sector competitiveness. A critical issue in mineral resource development is the extent to which affected people have voice in decision making, and the public at large can hold governments and investors accountable by way of transparency and public scrutiny.

However, rural communities particularly women, youth and men are affected by poorly regulated mineral investments. They have low or no access to information which undermines their ability to participate in and influence policy processes in their favour. These groups more often than not have low levels of income, low awareness and lack the time, opportunity, organisational structures, or supporting networks to participate meaningfully in policy processes at local, national level or regional level.

Democracy depends on an informed and educated citizenry whose access to a broad range of information enables them to participate fully in public life, help determine priorities for public spending, receive equal access to justice, and hold their public officials accountable. When the government agencies operate under a veil of secrecy, it results in people are denied the right to know about public affairs, the press is only able to speculate and subsist on rumors and allow corruption and misuse of public funds.

Access to information laws empower individuals, youth, women, people with disabilities and others are empowered by one Access to Information laws and civil society to understand the policies with which the public administration and legislators make decisions relating to health, education, trade and infrastructure and the objective basis for such decisions. Access to Information enables businesses to predict the environment and invest in order to take full advantage of opportunities in a fair and open competition environment. This provide for better growth and for creation, enhancing the realization of the SDG. Access to good-quality information is vital for tendering, for open competition, and for an efficient marketplace.

Freedom of expression and access to information are not just fundamental rights; they are also prerequisites for other human rights. When people have access to accurate and quality information, they can unreservedly express their opinions, and they can actively participate in their own social and economic development. The strong linkage between effective access to information and democracy, good governance, peace, and economic development has been confirmed in many studies. There is a demonstrated connection between a free media and reduced corruption, political stability, rule of law, reduced poverty, and increased expenditure on health systems.

Although more and more African countries have adopted access to information legislation, slow or ineffective implementation of such laws remains a challenge. Civil society organisations say that most African governments have failed to establish well-defined legal provisions for exceptions to that right, lack sufficient requirements for public education, and have done little or almost nothing to advance on implementation.

Despite of all these challenges, the international community has joined together on a common vision to ensure the sustainable development of all countries by 2030, and the right of access to information is a driving principle for this vision.



This new agreement has potentially positive effects for the free flow of information and independent media development universally. Advancing towards this goal in the next decade depends on the capacity of civil society, media, the private sector, and governments to engage in partnerships.

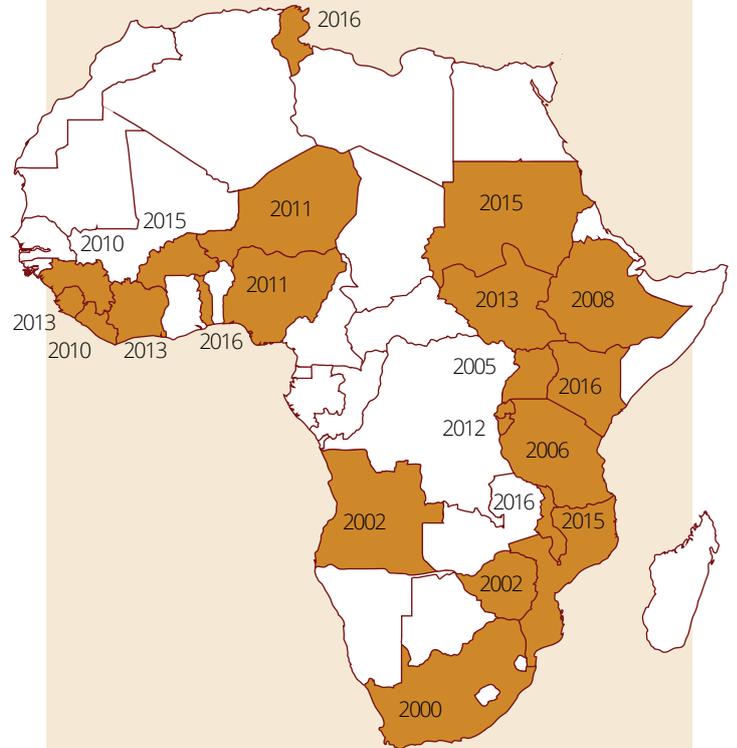
Although, the SDGs aren't legally binding, the experience of the Millennium Development Goals demonstrated that countries take these global goals seriously, submitting periodic progress reports to the United Nations.

For most developing countries, ensuring public access to information will necessitate not only legal changes but also will require reducing the digital divide and ensuring inclusive and equitable quality education for all.

The present study provides a tool for civil society and governments to assess the progress of the implementation of the right to information in African countries in line with SDG 16.10 and international legal standards. It provides baseline information on the different aspects of the right to information as per its Indicator 2, which is the number of countries that adopt and implement constitutional, statutory, and/or policy guarantees for public access to information. Furthermore, it establishes the state of public access to information using three key variables: constitutional provisions for the right of access to information, respect for international standards and agreements, and implementation mechanisms.

This report recognises that the baseline for every country is different for a variety of socioeconomic and historical reasons and that each government sets different national priorities with different metrics.

In Africa, 21 out of the 54 countries (39%) have a specific access to information legislation.



The report will provide the African Union and the African Commission of Human and Peoples' Rights (ACHPR), including the Office of the Special Rapporteur on Freedom of Expression and Access to Information in Africa, with information to help monitor the progress of compliance of ACHPR state parties with international standards on access to information.



1. FreedomInfo.org: <http://www.freedominfo.org/2016/04/105-foi-regimes-freedominfo-org-count-shows/>.

COUNTRY SUMMARY REPORT TEMPLATE :

Country Recommendations



- on ratification of Human Rights Treaties recognising Access to Information.
- to achieve SDG 16 and Target 10
- on reporting obligation and follow up with ATI outstanding recommendation of ACHPR and UPR.

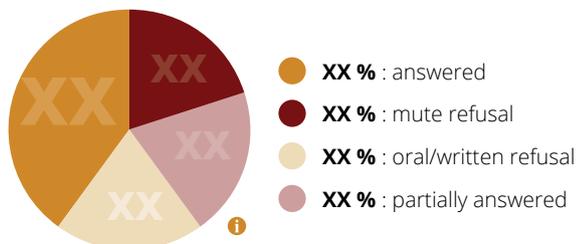
Legal Framework



- Constitution recognition
- ATI Law
- Sectoral ATI provision
- Ratification of Treaties recognizing in ATI
- Reporting compliance to the African Commission of Human and Peoples' Rights (ACHPR)
- Membership of the Extractive Industry Transparency Initiative and/or Open Government Partnership
- Number of recommendations from the last Universal Peer Review (UPR)
- Number of recommendations from the last session of the ACHPR

Information Requests - 5 Requests:

- Result of the test carried out in requesting information to different public bodies in the country. The graphic presents the percentage of request that were totally responded to, partially responded to, denied by oral or written refusal as well as mute refusal.



Country Profile



- number of inhabitants
- Political regime
- Regional Community Membership
- AU Membership

Quality of the Law:



- Description of the quality of the law in respect to AU Model Law on Access to Information
- Score of the Right to Information Rating (RTI) from the programme founded by Access Info Europe (AIE) and the Centre for Law and Democracy (CLD)

Implementation



- Brief description of the state of ATI implementation in the country

Proactive Disclosure:



- Description of the state of implementation of proactive disclosure in the country

Procedure:



- Description of the state of implementation of ATI procedure in the country

Further Recommendations

- Additional recommendations



CAMEROON

Country Recommendations



The government of Cameroon should ratify the African Charter on Statistics. In order to achieve SDG 16 Target 10, the Government of Cameroon should:

- Urgently adopt and effectively implement an access to information legislation to ensure the fundamental right of access to information by all citizens; such law on access to information has to be consistent with international and regional standards on the right to information and the AU Model Law.
- Fully comply with reporting obligations and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Country Profile



- 23.44 million inhabitants (2016)
- Presidential Republic
- Members of Economic Community of Central African States (ECCAS)
- Members of AU since 25/05/1963

Legal Framework



- Constitutional recognition of ATI No ATI Law
- 3 sectoral ATI provisions in the Framework Law on the Environment; on the General Status of Public Administration and the Law on social communication
- Ratification of 5 out of 6 African Treaties recognizing ATI
- Late by two reports to the ACHPR
- Member of EITI
- 6 recommendations related to RTI from UPR in 05/2013

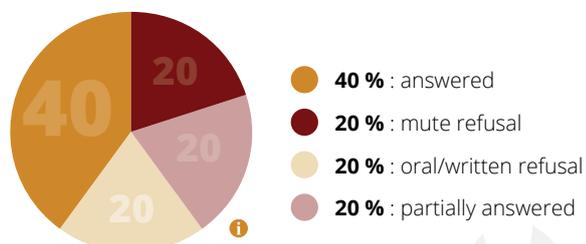
Implementation



- Without ATI law, the implementation of the right to information is extremely limited and cannot be enforced.

Information Requests - 5 Requests:

Out of 5 requests, only 20% were totally answered to while 40% registered mute refusals.



Proactive Disclosure:



- Governmental websites have been sporadically setup for the dissemination of information on their activities but are not updated regularly.
- Absence of a website for the Ministry of Communication, which is supposed to be the country's showcase in such matters.
- Some administrations have taken steps towards proactive disclosure information. Young people can apply for various competitive entrance examinations to enter the civil service such as the Police recruitment examination through the websites of the administrations concerned.

Further Recommendations

1. A central depository should be created where citizens can have access to legislation and other key public information.
2. Ensure a consistent geographical coverage of Internet services to ensure national coverage of Internet.
3. CSOs, the media, religious groups and others should play an important role in raising awareness and educating citizens about RTI.

Country Recommendations



The government of The Gambia should ratify the African Charter on Democracy Elections and Governance and the African charter on values and principles of public service and administration and the African Charter on Statistics. In order to achieve SDG 16 Target 10, the Government of The Gambia should:

- Urgently adopt and effectively implement an access to information legislation to ensure the fundamental right of access to information by all citizens; such law on access to information has to be consistent with international and regional standards on the right to information and the AU Model Law.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of the ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- Without ATI law, the implementation of the right to information is extremely limited and cannot be enforced.

Procedure



- The law provides for annual reports by certain government ministries, statutory bodies and corporations such as the reports of the Ombudsman, the Auditor General, the Independent Electoral Commission, all public corporations, the Central Bank, the Gambia Competition and Consumer Protection Commission, the annual estimates of revenue and expenditure of the Government, etc.

Country Profile



- 2.039 million inhabitants (2016)
- Presidential republic
- Member of AU since 1/10/1965
- Member of: Community of Sahel-Saharan States (CEN-SAD) and Economic Community of West African States (ECOWAS)

Legal Framework



- Constitutional recognition of ATI
- No constitutional recognition of ATI
- No ATI law
- Ratification of 3 out of 6 African Treaties recognizing ATI
- Late by eleven reports to the ACHPR
- 15 recommendations related to RTI from UPR in 10/2014

Proactive Disclosure



- The law provides for the Gambia Public Procurement Authority to publish a quarterly public procurement bulletin.

Further Recommendations

1. Raise awareness and conduct capacity building of citizens on their civil and political rights especially their right to access public information from government authorities.
2. Build capacities of all levels of civil servants on their duty to disclose information and raise their awareness on the value added of a government culture ruled by transparency principles.
3. The Constitution should recognise freedom of information as a fundamental human right. This can be included in the revised constitution which is to be put before the people at a referendum.
4. Put an oversight institution in place to enforce compliance and provide redress in cases of noncompliance.
5. A freedom of information law should provide for a requesting procedure free from bureaucratic bottlenecks.
6. A freedom of information law will also make provision for proactive disclosure.
7. Review all laws that impinge on access to information and either revoke them or make them consistent with the right to access to information.



Country Recommendations



In order to achieve SDG 16 Target 10, the Government of Ghana should:

- Urgently adopt and effectively implement an access to information legislation to ensure the fundamental right of access to information by all citizens; such law on access to information has to be consistent with international and regional standards on the right to information and the AU Model Law.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- Without ATI law, the implementation of the right to information is extremely limited and cannot be enforced. Public officials in general and more specifically local authorities including community heads do not understand or appreciate their obligations in granting citizens access to information.
- Citizens are confronted with a myriad of bureaucratic bottlenecks in their attempt to access basic information that normally should be proactively disclosed. These bottlenecks include among others, the unavailability of the authorizing officer to provide information, the excuse that the Civil Service Act (1993), the State Secrecy Act (1962), and/or the Oaths Decree (1972) prevent public officials from giving out information and in certain cases the excuse that information that information cannot be given to an individual.

Country Profile



- 28.21 million inhabitants (2016)
- Presidential Representative Democratic Republic
- Members of AU since 25/05/1963
- Member of: Community of Sahel-Saharan States (CEN-SAD), Economic Community of West African States (ECOWAS)

Legal Framework



- Constitutional recognition of ATI
- No ATI law
- 1 sectoral ATI provision in the Local Government Act, 1993 (Act 462); Section 16 a-e
- Ratification of 6 out of 6 African Treaties recognizing ATI
- Late by nine reports to the ACHPR
- Member of EITI and OGP
- 2 recommendations related to RTI from UPR in 10/12

Further Recommendations

1. Institutional reforms to ensure effective record keeping and management systems in public institutions.
2. Provide RTI training programs for public officials especially those at local level to enable them appreciate their obligation in promoting citizens right to information.
3. Empower the citizenry to demand for their civil and political rights.



Country Recommendations



The government of Ivory Coast should ratify the African Charter on Democracy Elections and Governance and the African charter on values and principles of public service and administration. In order to achieve SDG 16 Target 10, the Government of Ivory Coast should urgently:

- Effectively implement the access to information legislation to ensure the fundamental right of access to information by all citizens.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- Implementation of the law on access to public information in Ivory Coast is not a genuine reality in the sense that administrations for the most part are not fully and truly aware of its provisions for its proper implementation. Also, people are hardly aware of this right which they may dispose of.

Procedure



- Reasons are not needed to be given to make an information request
- Clear procedures are established for situations where the authority to which the request is made does not have the requested information.
- There is no clear maximal time period for the answer to be given to an information request.
- There are clear limits on the extension of the time period to give an answer to the information requests.
- It is free to file an information requests.
- There are clear rules on the access fees which are set.

Further Recommendations

To the government

- Advance the promotion of the law on access to information by reviewing texts that go against this law and enforcing various institutions and ministry to display it visibly as well as forms of information request on their premises and on their websites;
- Further strengthen the work of the CAIDP by giving it the financial means and human resources to carry out awareness, control and sanction in the implementation of the access to information law.

To the CAIDP

- Further promote information disclosure by publishing all documents and information related to and creating public spaces exchanges on the implementation of the law on access to information;
- Increase awareness on the access to information law to government at the local level, to promote the work of local civil society organizations and citizens in their effort to hold accountable public action.

Country Profile



- 23.7 million inhabitants (2016)
- Democracy
- Member of AU since the 25/05/1963
- Member of Community of Sahel-Saharan States (CEN-SAD) and Economic Community of West African States (ECOWAS)

Legal Framework



- Constitutional recognition of ATI
- ATI Law (2013)
- 2 sectoral ATI provisions on the code of transparency in the management of public finances and the prevention and the fight against corruption and related offenses
- Ratification of 4 out of 6 African Treaties recognizing ATI
- Ivory Coast has submitted all report to ACHPR
- Member of the OGP and EITI
- 1 recommendation related to RTI from ACHPR in 10/2012

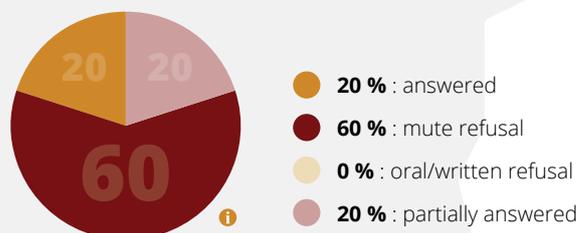
Quality of the Law



- The constitution and the law on access to information well materialize the recognition of the right to access to information.
- Score of the RTI Rating: 76 out of 150

Information Requests - 5 Requests:

Out of 5 requests, 20% were totally answered to while 60% received a mute refusal.



Proactive Disclosure



Results of the analysis are mixed. Proactive disclosure is random and isolated, so that people, governments etc. are not really assimilating the legal framework inherent to the right of access to information. Activity reports produced by the CAIDP (Commission d'Accès à l'Information d'Intérêt et aux Documents Publics - Commission of access to information of Interest and Public Documents) in 2014, 2015 and 2016, which should serve as proof of the proactive disclosure are not available.

To the technical and financial partners

- Support the Promotion of Access to Information technically and financially in particular the work of the CAIDP and civil society organizations;
- Strengthen civil society capacity in monitoring the implementation of access to information and other texts related to communication and information in Ivory Coast.



Country Recommendations



In order to achieve SDG 16 Target 10, the Government of Mali should:

- Urgently adopt and effectively implement an access to information legislation to ensure the fundamental right of access to information by all citizens; such law on access to information has to be consistent with international and regional standards on the right to information and the AU Model Law.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- Without ATI law, the implementation of the right to information is extremely limited and cannot be enforced. In general, access to information suffers from the lack of promotion of government activities by the publication in the media, on websites or other public media to inform their users what to be done and the various activities undertaken.

Further Recommendations

1. Install systematically information desks, guidance and dissemination of information portals in all services including both the administration
2. Conduct training for public servant on their obligation to citizens in respect of their ATI. Conduct a real citizen education campaign on RTI through conventional and new media.
3. Develop a national regulation detailing the obligations and mechanisms to ensure better information for citizens on the state, its methods and practices of governance at all levels.
4. Create an independent monitoring body on the implementation of the RTI.

Country Profile



- 17.99 million inhabitant in 2016
- Semi- Presidential Representative Democratic Republic
- Member of AU since 25/05/1963
- Member of Community of Sahel-Saharan States (CEN-SAD), Economic Community of West African States (ECOWAS)

Legal Framework



- No constitutional recognition of ATI
- No ATI Law
- 5 sectoral provisions on relations between the administration and users of public services; the procedures of application of the law governing relations between the administration and the users of public services; archives; concerning arrangements for access to information and administrative documents relating to the management of public finances and publication; improving government communication.
- Ratification of 6 out 6 African Treaties recognizing ATI
- Mali has submitted all its reports to ACHPR
- Member of the EITI
- 2 recommendations related to RTI from UPR in 01/2013



Country Recommendations



The government of Niger should ratify the African Charter on Values and Principles of Public Service and Administration. In order to achieve SDG 16 Target 10, the Government of Niger should:

- Effectively implement the access to information legislation to ensure the fundamental right of access to information by all citizens.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- For Niger, even if the Access to Information Act is adopted, implementation remains a challenge due to the absence of an administrative decree supposed to organize the administration for the implementation of this law.

Proactive Disclosure



- Missions of the institutions are highlighted on the portals selected for the study.
- Information on personnel of the institutions are made available.
- Strategies of the institutions are very vague on the websites.
- Publication of the laws governing the activities of the institutions are mostly published.
- Information on the budget, procedure of procurement, conclusion of public contracts remain vague and in some case it is not published at all on the institutions' websites.

Further Recommendations

1. The adoption and publication of the Decree implementing Decree 2011-22 of 23 February 2011 on the Charter for Access to Public Information and Administrative Documents;
2. The training of administrations in the new procedures of the aforementioned law;
3. A wide-ranging awareness-raising campaign on the right of access to information to administrations and citizens;
4. Increase further proactive information through information portals and update.

Country Profile



- 20.67 million inhabitants in 2016
- Semi-presidential Representative Democratic Republic,
- Member of AU since 25/05/1963
- Member of Community of Sahel-Saharan States (CEN-SAD), Economic Community of West African States (ECOWAS)

Legal Framework



- Constitutional Recognition of ATI
- ATI Law (2011)
- Ratification of 5 out of 6 African Treaties recognizing ATI
- Late by one report to the ACHPR
- Member of the EITI
- 4 recommendations related to RTI from UPR in 01/2016
- 1 recommendation related to RTI from ACHPR in 08/2015

Quality of the Law



- In general, the Nigerian law on access to information largely conforms to international standards in this area. Even if some shortcomings can be noted for example, the vague and broad nature of the exceptions.
- RTI rating: 76 out 150



NIGERIA

Country Recommendations



The government of Nigeria should ratify the African charter on statistics. In order to achieve SDG 16 Target 10, the Government of Nigeria should:

- Effectively implement the access to information legislation to ensure the fundamental right of access to information by all citizens.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- Coming from a culture of secrecy, where it is 'safer' to err on the side of secrecy than disclosure, Nigerian public institutions are still finding it difficult to comply with the right of access granted people by the FOI Act.

Procedure



- Majority of institutions which have FOI Units or departments or officers do not comply with the procedures contained in the Attorney-General's Implementation Guidelines, such as give tracking numbers and contact details when members of the public submit FOI requests.
- Even where the FOI request is submitted without these challenges, in many public institutions, the request still goes through the institution's normal bureaucratic process and in most cases defeat the seven-day time within which the institutions are supposed to have responded.
- A few Federal Government agencies have set up compliance structures that now enable them to respond to requests for information within the timeframe provided by the law

Further Recommendations

1. The Right to Information should be made a constitutional right
2. Repeal Laws which Hamper Access to Information: Nigeria should amend or repeal laws and policies that continue to hamper the access to information regime particularly the Official Secrets Act which public officials still cite to deny access to information.
3. Sensitize Public Institutions on ATI obligation
4. Budgetary Provisions for the implementation of ATI law
5. Proactive Disclosure: Compliance with the proactive disclosure provisions in Section 2 of the FOI Act and effective implementation of this aspect of the Act will also reduce the burden on public institutions to process numerous individual requests for information from members of the public
6. Record Keeping: Public institutions should use digital/ electronic records management systems to enhance the implementation of the FOI Act.
7. Monitoring Public Institutions: Citizens, civil society organizations and the media should systematically monitor compliance by public institutions with their proactive disclosure obligations under the FOI Act as well as other aspects of the Law.
8. Enforcement of the FOI Act: There should be a system or mechanism for internal review and parties should have the option to appeal to an administrative body for review of decisions.
9. Public Awareness : Various stakeholder groups, particularly the media, civil society and government public enlightenment agencies, should undertake public enlightenment activities to ensure better public understanding of the provisions of the FOI Act and how to use it. Such communication endeavours should be sustained over time to achieve the desired impact.

Country Profile



- 186 million inhabitants in 2016
- Federal Government
- Member of AU since 25/05/01963
- Member of REC: Community of Sahel-Saharan States (CEN-SAD), Economic Community of West African States (ECOWAS)

Legal Framework



- ATI Law (2011)
- 15 sectoral provision on ATI in Central Bank of Nigeria Act of 2007; Companies Income Tax Act of 2007; Criminal Code Act of 1916; Economic and Financial Crimes Commission Act of 2004; Electoral Act; Factories Act of 1987; Evidence Act of 1945; Investment and Securities Act; Marriage Act; Motor Spirit (Returns) Act of 1954; National; Drug Law Enforcement Agency Act; National Universities Commission Act; Nigerian Railway Corporation Act; Nursing and Midwifery Act; Police Act
- Ratification of 5 out of 6 African Treaties recognizing ATI
- Late by one report to ACHPR
- Member of OGP and EITI
- 3 recommendations related to RTI from ACHPR in 11/2015

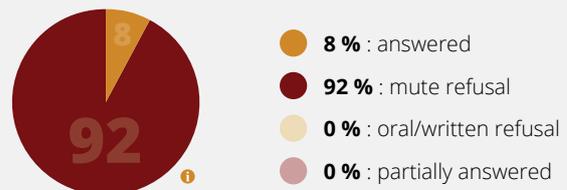
Proactive Disclosure



- Besides mostly peripheral information about their mandates and departments published online by public institutions which have websites, the majority of them have failed to comply with their proactive publication obligation on the various categories of information that the FOI Act requires. Important information, which would enhance access to information, is left unpublished.

Information Requests - 13 Requests:

Out of 13 requests 8% were totally answered to while 92% received mute refusal.



Quality of the Law



- Nigeria's FOI Act has features which meet international human rights standards and practices on access to information such as:
- The Law overrides restrictions on information disclosure, such as secrecy provisions in other legislation to the extent of any conflict.
- It requires public authorities to respond to requests for information within seven days with clear conditions for possible extension of the initial seven days by another seven days. This makes timeframe among the shortest in the world.
- The FOI Act protects whistleblowers
- All the public institutions to which the FOI Act applies are required to submit annual implementation reports on the actions they have taken to implement their disclosure obligations, including statistics on requests received and how they were dealt with them, to the Attorney General of the Federation.
- Some of its provisions fall short of those standards such as regards to the process to lodge complaints.

Country Recommendations



The government of Senegal should ratify the African charter on statistics, African Charter on Democracy Elections and Governance and the African Charter on Values and Principles of Public Service and Administration. In order to achieve SDG 16 Target 10, the Government of Senegal should:

- Urgently adopt and effectively implement an access to information legislation to ensure the fundamental right of access to information by all citizens; such law on access to information has to be consistent with international and regional standards on the right to information and the AU Model Law.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- Without ATI law, the implementation of the right to information is extremely limited and cannot be enforced.

Country Profile



- 15.41 million inhabitants in 2016
- Semi-Presidential, Democratic Republic
- Member of AU 25/05/1963
- Member of: Community of Sahel-Saharan States (CEN-SAD), Economic Community of West African States (ECOWAS)

Legal Framework



- Constitutional recognition of ATI
- No ATI law
- Ratification of 3 out of 6 African Treaties recognizing ATI
- Late by two reports to ACHPR
- Member of the EITI
- 2 recommendations related to RTI from UPR in 10/2013

Proactive Disclosure



- The information available varies according to the websites of the selected ministries or institutions from agency to agency.
- Information on the objectives of the different institutions are usually available online. However, detailed information on the public procurement process, criteria, results of bids, copies of contracts, and reports on the status of published contracts are generally not available on the websites of ministries and institutions.
- Information on the processing of citizens' information is generally not disseminated in the portals under study.
- Studied portals provide information on their financial reports, but their sectoral budgets are not published.





SIERRA LEONE

Country Recommendations



The government of Sierra Leone should ratify the African charter on statistics, the African Union Youth Charter and the African Charter on Values and Principles of Public Service and Administration. In order to achieve SDG 16 Target 10, the Government of Sierra Leone should:

- Effectively implement the access to information legislation to ensure the fundamental right of access to information by all citizens.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- In practice, there has been limited progress on effectively implementing the government's commitments and legislation related to access to information, which raises doubts regarding the strength of political leadership in this regard.

Procedure



- Justification for making an information request is not needed.
- Clear and appropriate procedures are in place for situations where the authority to which a request is made does not have the requested information.
- Within the law there is a clear timeline for providing an answer to the information request but in practice, it is different as it is a challenge to obtain information.
- There is a limit on the timeline extension.
- It is free to file requests.
- There are not any rules on access fees which are set.

Proactive Disclosure



- Functions of the ministry and authorities as well as the laws governing the institutions' operations are fully published on the portals studied.
- Information on strategies, plans or policies as well as information on the services offered, the budget, on the mechanisms and procedures for consultation and public participation, public procurement are not published on the studied portals.

Country Profile



- 7.396 million inhabitants in 2016
- Presidential Representative Democratic Republic
- Member of AU since 25/05/1963
- Member of: Community of Sahel-Saharan States (CEN-SAD), Economic Community of West African States (ECOWAS)

Legal Framework



- Constitutional recognition of ATI
- ATI Law (2013)
- 3 sectoral provisions in the Local Government Act 2004, Public Procurement Act 2004 and Public Finance Act 2016
- Ratification of 3 out of 6 African Treaties recognizing ATI
- Late by two reports to ACHPR
- Member of OGP and EITI
- 7 recommendations related to RTI from UPR in 01/2016
- 2 recommendations related to RTI from ACHPR in 02/2016

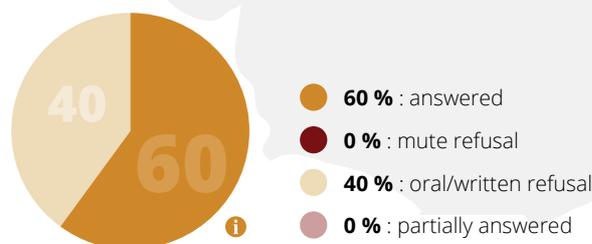
Quality of the Law



- The right to information law's extensive coverage coupled with its robust nature and inherent checks and balances, has been widely commended by good governance agencies worldwide and earned the classification as the 5th strongest in the world according to RTI ranking.

Information Requests - 5 Requests:

Out of 5 requests only 60% were totally answered to while 40% received oral or written refusal.



Further Recommendations

- Increase the presence of public information officers in every public institutions
- Strengthen capacities of public information officers to deliver relevant, reliable, accurate, and up-to-date information to the public
- Strengthen the Right to Access Information Commission (RAIC) offices in the provinces in logistics and personnel
- Increase efforts in public education on the Right to Access Information for citizens
- Strengthen coordination with public institutions : RAI Commission should strengthen its coordination with and among MDAs, for increased collaboration and synergy for effective service delivery by public officials.
- Fast track the operationalization of the Open Data Portal: The Right to Access Information Commission should strengthen its coordination with and among public institutions, for increased collaboration and synergy for effective service delivery by public officials.
- Fast track amendment of the RAI law to be consistent with the African Model Law.

Country Recommendations



The government of Tunisia should ratify the African Charter on Democracy Elections and Governance, AU Convention on Preventing and Combating Corruption, African Union Youth Charter. In order to achieve SDG 16 Target 10, the Government of Tunisia should:

- Effectively implement the access to information legislation to ensure the fundamental right of access to information by all citizens.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- Despite the legal provisions, the disclosure process is slow to work. Many public institutions practically failed to offer regular information on detailed budget allocated, including detailed data relating to the budget at the central, regional and local level, the data on public debt and national accounts, the distribution of public expenditure and the main indicators of public finances; the programmed public contracts which have committed their budget, and the expected results of their implementation; the reports of control bodies in accordance with international professional standards; the conventions which the State intends to accede to or ratify and detailed statistical censuses.

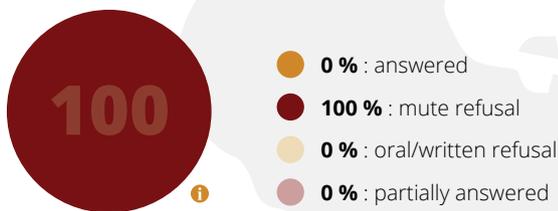
Procedure



- The process of submitting information requests is simple and fast. All information requester, be it natural or legal person, is allowed to submit a written request, either by hand, registered letter, fax or by e-mail in accordance with a pre-established model or on free paper.
- Experiences showed that a lot of work must be done to make this process a reality. Beyond "culture of secrecy", the right to access to information bears another evil called the inertia of the administration or bureaucratic behaviour:

Information Requests - 4 Requests:

Out of 4 requests, 100% received a mute refusal.



Proactive Disclosure



- All implementation decrees provided for in the ATI Act are not yet published, despite several civil society organizations calls on the Government to release them, and in particular those concerning its organization chart.

Country Profile



- 11.4 million inhabitants in 2016
- Unitary Semi-presidential Representative Democratic Republic
- Member of AU since 25/05/1963
- Member of: Arab Maghreb Union (UMA), Community of Sahel-Saharan States (CEN-SAD)

Legal Framework



- Constitutional recognition of ATI
- ATI law (2016)
- 12 sectoral provision on ATI in Decree on press freedom, Decree on Freedom of audiovisual communication, Law relating to the archives, Law relating to the national statistics systems, Law relating to the literary and artistic property, Law relating to the public audio-visual establishments, Decree relating to the system of information and administrative communication, Governmental decree establishing a national committee for the coordination, the elaboration and the presentation of reports and follow-up of recommendations within the scope of Human Rights, Organic Act on to privacy and the inviolability of the home and confidentiality of correspondence, communication and personal information, Penal Code, Penal Code procedure, Governmental Decree relating to the Creation of the Ministry of relation with constitutional instances and civil society and Human Rights.
- Ratification of 3 out of 6 African Treaties recognizing ATI
- Late by five reports to ACHPR
- Member of OGP
- 15 recommendations related to RTI from UPR in 05/2017

Quality of the Law



- The ATI Act complies with the African Model Law. However, a mixture of new and pre-revolution legal provision in other laws, impact heavily, at legal and practical level on the enjoyment of this right.

Further Recommendations

- Trainings and capacity building of public servants to implement the ATI law.
- Advocacy Campaign: The problem is primarily a "culture problem". There is very urgent need to develop and implement the culture of transparency. Public officials must learn to change their minds and recognize that the information they hold belongs to the public and that citizens have the right to obtain information for equal enjoyment of civil and political rights and accessibility to government information as stipulated in the ATI Act. This includes advocacy and awareness campaigns and Awards for officials as well as for citizens.
- Debate and exchanges: Civil society activists, journalists and all citizens should be able to play an effective role in the use of this right. In order to popularise the ATI Act and explain its scope, it is a question of providing for debates between the parties concerned: journalists, media organizations, and trade unions and the government.
- Awareness campaign to citizens on their right to access information.



DEMOCRATIC REPUBLIC OF CONGO

Country Recommendations



The government of DRC should ratify the African charter on statistics, African Charter on Democracy Elections and Governance, African Union Youth Charter and the African Charter on Values and Principles of Public Service and Administration. In order to achieve SDG 16 Target 10, the Government of Democratic Republic of Congo should:

- Urgently adopt and effectively implement an access to information legislation to ensure the fundamental right of access to information by all citizens; such law on access to information has to be consistent with international and regional standards on the right to information and the AU Model Law.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- DRC recognizes and guarantees the right of access to information in disparate laws. Although it does not yet have a specific law on access to information. However there is no enforcement given the burden of secrecy that sustains corruption and embezzlement of public funds.

Procedure



- In the sectoral laws justification for making an information request is not needed but in practice it is.
- Clear and appropriate procedures are not yet in place for situations where the authority to which a request is made, does not have the requested information.
- Within the different laws, there is not a clear timeline for providing an answer to the information request but in practice, it is different as it is a challenge to obtain information.
- There is a limit on the timeline extension.
- It is free to file requests.
- There are not any rules on access fees which are set.

Further Recommendations

1. Within the bill under review take into consideration monitoring report from CSO and endow it with a special loan status from the African Union and a supervisory ministry.
2. Create an on-line information request site with the ability to track the submission of requests and status of responses.
3. Accompany ministries such as: finance, mining, education, health, infrastructure, energy and internal affairs to put in place access to information services;
4. Recognise the right of access to information in advancing ATI implementation including awareness raising, training, and capacity building of civil servant.

Country Profile



- 82.24 million inhabitants in 2016
- Semi-presidential Republic
- Member of AU since 25/05/1963
- Member of: Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC), Southern African Development Community (SADC), International Conference on the Great Lakes Region (ICGLR)

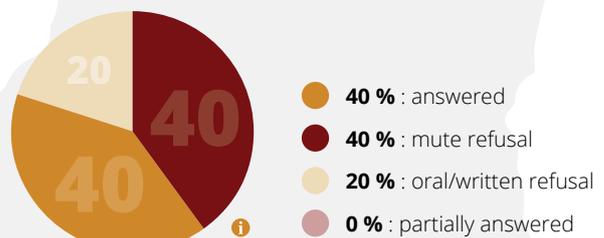
Legal Framework



- Constitutional recognition of ATI
- No ATI Law
- 10 sectoral provisions of ATI in the Family Code in Articles 91 and 99; Property Code general scheme (Article 228); The Law on the Bar (Article 15); The Revised Uniform Act on General Commercial Law (Articles 34, 35, 36 and 74); The Mining Code (Article 12); Law 87-005 determining the composition, organization and functioning of the Court of Auditors (Article 33); Ordinance No. 78-013 of 11 July 1978 on the general system of archives (Articles 23, 26, 29, 30 and 31); Ordinance 89-010 of 18 January 1989 establishing the National Library of the Congo (Article 3); Law No. 11/009 of 9 July 2011 on fundamental principles relating to the protection of the environment (Article 8); Law No. 14/003 of 11 February 2014 on the conservation of nature, in relation to Ordinance No. 69-041 of 22 August 1969 on the conservation of nature (Article 5); the organic Law on the Organization and Functioning of the Public Services of the Central Government, Provinces and Decentralized Territorial Entities (Articles 20, 21 and 23) and the Contracts Transfer Act
- Ratification of 2 out of 6 African Treaties
- Late by 5 reports to the ACHPR
- Member of EITI
- 5 recommendations related to RTI from UPR in 04/2014

Information Requests - 5 Requests:

Out of 5 requests, 40% were totally answered to while 40% received mute refusal.



Country Recommendations



The government of Ethiopia should ratify the African Charter on Values and Principles of Public Service and Administration. In order to achieve SDG 16 Target 10, the Government of Ethiopia should:

- Effectively implement the access to information legislation to ensure the fundamental right of access to information by all citizens.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- The system is marked by the absence of a transparent, responsible and accountable flow of information between public authorities and citizens.

Procedure



- Reasons are not needed to be provided to make an information request.
- There are clear and reasonable maximum timeliness for responding to requests.
- There are also clear and reasonable limits on timeline extension for responding to the requests.
- It is not free to file a request.

Further Recommendations

1. The Ethiopian government should cease all restriction and practices which threaten the fundamental freedom of expression
2. The Ethiopian government should drop charges against and release detained and convicted journalists and bloggers.
3. The government should ensure amendment of repressive media and security laws that both restrict access to information and freedom of the media particularly the Freedom of Mass Media and Access to Information Proclamation, the Criminal Code and the Anti-Terrorism Proclamation.
4. The government should cease Internet shutdowns and enable all form of communication and access to information over the Internet.

Country Profile



- 102.4 million Inhabitants in 2016
- Federal Parliamentary Republic
- Member of AU since 25/05/1963
- Member of: Common Market for Eastern and Southern Africa (COMESA), Intergovernmental Authority on Development (IGAD)

Legal Framework



- Constitutional recognition of ATI
- ATI Law (2008)
- 4 sectoral provisions on ATI in the Freedom of the Mass Media and Access to Information Proclamation (NO 590/2008); Proclamation Provide for definition of Powers and Executive Organs of the FDR (No 691/2010); Broadcasting Service Proclamation (No 533/2007); Criminal Code (No 414/2002; Civil Code; No 1/1961)
- Ratification of 5 out of 6 African Treaties recognising ATI
- Late by one report to the ACHPR
- 16 recommendations related to RTI from UPR in 05/2014
- 1 recommendation related to RTI from ACHPR in 08/2015

Quality of the Law



- RTI rating: 112 out of 150

Proactive Disclosure



- There still exists a fundamental problem in Ethiopia in terms of accessing the correct and timely information from the source and disseminating proactively information of public interest.
- Frequent internet shutdowns by the government in Ethiopia are routine and serve to paralyse access to information and communication across the country. The last one was in May 2017 marked the 3rd internet shutdown by the government since November 2015.



Country Recommendations



The government of Kenya should ratify the African charter on statistics, AU Convention on Preventing and Combating Corruption. In order to achieve SDG 16 Target 10, the Government of Kenya should:

- Effectively implement the access to information legislation to ensure the fundamental right of access to information by all citizens.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- Even with the legislation in place, there exist other social and capacity barriers that hinder realization of the citizen's right to information. A culture of opacity and lack consultation and citizen participation continues to linger in Kenya's public service. Secondly, Kenya contains in its statute books, laws that continue to impede the right of access to information such as the Official Secrets, the Penal Code and a culture of secrecy that has existed in Kenya's public service.
- Thirdly, implementation of the access to information Act 2016 that would set the state for an Access to information regime in Kenya is yet to begin.

Proactive Disclosure



- Section 5 of the ATI Act details the requirements of proactive disclosure, which requires the publishing of all relevant facts while formulating important policies or before initiating any project, and the particulars of any signed contracts. Additionally, these entities must disseminate the information taking into consideration cost, access to individuals with disability, local language, as well as mediums of communication.

Further Recommendations

- Campaigns to promote a culture of openness and transparency alongside the Law. This will involve training of public officials on their obligations on the supply side and most importantly create trust between them and information seekers.
- Public education and awareness needs to be continuously conducted so as to reduce apathy and ensure that they make use of the access and transparency guarantees to seek information to enable them to fully participate in governance, hold their leaders to account and take advantage of government services and opportunities.
- For an effective Access to Information regime, effective record management is imperative. It is important for Kenya to review and improve its record keeping systems to ensure information is readily accessible
- With the law in place, a lot of awareness creation is needed to create a sufficient demands side. This will involve development of simplified versions of the Act and information request tools for the citizens.

Country Profile



- 48.46 million inhabitants in 2016
- Presidential Representative Democratic Republic
- Member of AU since 13/12/1963
- Member of: Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC), Intergovernmental Authority on Development (IGAD), International Conference on the Great Lakes Region (ICGLR)

Legal Framework



- Constitutional recognition of ATI
- ATI law (2016)
- Ratification of 4 out of 6 African Treaties recognizing ATI
- Late by one report to the ACHPR
- Member of OGP
- 9 recommendations related to RTI from UPR in 01/2015

Quality of the Law



- As a progressive Act that introduces a culture of openness, Kenya's Access to Information Act complies with the ACHPR in various respects. For instance, Article 62 of the African Charter on Human and Peoples' Rights with requiring periodic submission of reports on the measures taken to ensure the right of access to information.
- Under Article 26 of the Access to Information Act, "the Commission shall submit an annual report to Parliament and may, at any time, submit special reports to the Cabinet Secretary on any matter relating to any of its functions." In addition, under Section 27 of the Act, public entities must submit annual reports to the Commission covering a detailed account of the previous year.

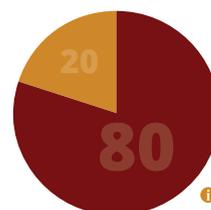
Procedure



- Reasons are not needed to be provided to make an information request.
- Clear and appropriate procedures are put into place for situations where the authority to which a request is made does not have the requested information.
- There are clear and reasonable maximum timeliness for responding to requests.
- There are also clear and reasonable limits on timeline extension for responding to the requests.
- It is free to file a request.
- There are clear rules relating to access fees which are set centrally.

Information Requests - 5 Requests:

Out of 5 information requests, 20% were totally answered to while 80% received mute refusal.



- 20% : answered
- 80% : mute refusal
- 0% : oral/written refusal
- 0% : partially answered

Country Recommendations



The government of Rwanda should ratify the African Charter on Value and Principles of Public Service and Administration. In order to achieve SDG 16 Target 10, the Government of Rwanda should:

- Effectively implement the access to information legislation to ensure the fundamental right of access to information by all citizens.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Country Profile



- 11.92 million inhabitants (2016)
- Presidential Republic
- Member of AU since the 25/05/1963
- Member of: Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC)

Legal Framework



- Constitutional recognition of ATI
- ATI Law (2013)
- Ratification of 5 out of 6 African Treaties recognizing ATI Law
- Rwanda has submitted all its reports to ACHPR
- 14 recommendations related to RTI from UPR in 11/2015

Implementation



- For Rwanda, even if the Access to Information Act is adopted, there's a need for government ministries and state institutions to implement it in a timely manner.

Procedure



- Reasons are not needed to be provided to make an information request.
- Clear and appropriate procedures are put into place for situations where the authority to which a request is made does not have the requested information.
- There are clear and reasonable maximum timeliness for responding to requests.
- There are also clear and reasonable limits on timeline extension for responding to the requests.
- It is free to file a request.
- There are clear rules relating to access fees which are set centrally.

Further Recommendations

1. Make the government Gazette more available and invest in communication infrastructures in order to strengthen ATI .
2. There should be an independent body that oversees that all requests are replied to in a timely manner and make an annual report
3. Details of information officers at each institution should be provided, so they are known and can be contacted directly, this is provided in the Ministerial order.
4. Conduct awareness raising activities on the ATI law by the general public

Quality of the Law



- The ATI law reflects international norms and standards, as it was passed after recommendations from the Universal Periodic Review process and also following the guidelines of the African Model Law on Access to Information. The costs associated with access to information has not been specified in the Rwandan Law. The fact that it sets out the time within which a request must be fulfilled is also a positive element. However, there is a large range of exceptions. The right of access to information is guaranteed as long as it does not hinder public order, good morals, the right to every citizen to honor, good reputation, privacy, family life and the protection of youth and minors.





Country Recommendations



The government of South Sudan should ratify the African charter on statistics, the African Charter on Democracy Elections and Governance, the AU Convention on Preventing and Combating Corruption, the African Union Youth Charter and the African Charter on Value and Principles of Public Service and Administration. In order to achieve SDG 16 Target 10, the Government of South Sudan should:

- Effectively implement the access to information legislation to ensure the fundamental right of access to information by all citizens.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- In South Sudan, even if the Access to Information Act is adopted, implementation remains a challenge.

Further Recommendations

1. Restore ATI commission's independence. Currently the commission enjoys the status of a semi-autonomous body, with its commissioners hired by the government. The commission should be accountable to parliament instead of to the government.
2. Strengthen structures to buttress the access to information commission to promote ATI. Currently only the commission's chair and deputy have been hired. More staff should be hired to improve service delivery in the country.
3. Publish and distribute documents related to access to information widely to enable the public to understand the materials. Translate the materials into the country's 64 local languages to allow those who do not speak English or Arabic to access information from both public and private establishments.
4. Lobby and hold regular meetings of stakeholders -- involving key actors such as ATI commission, human rights groups, media watchdogs and the intelligence organs -- to sensitize and build consensus around promotion of ATI.
5. Target school children through consistent awareness campaigns as well as through embodying key elements of the ATI act into the school curriculum to prepare the next generation of children to cherish the ideals represented in the ATI act.
6. Tie promotion of ATI to donor funding. Any donor assistance to institutions dealing with ATI, directly or indirectly, should be made to commit themselves to upholding the principles of ATI. Failure to do so, donor funding should be cut or terminated immediately.

Country Profile



- 12.23 million inhabitants in 2016
- Republic
- Member of AU since 27/07/2011
- Member of Intergovernmental Authority on Development (IGAD)

Legal Framework



- Constitutional recognition of ATI
- ATI Law (2013)
- 1 sectoral provision in Investment Promotion Act, 2009
- Ratification of 1 out of 6 African Treaties recognizing ATI
- South Sudan has not submitted any reports to ACHPR
- 6 recommendations from UPR in 11/2016

Quality of the Law



- South Sudan's access to information conforms to international agreements and standards.
- RTI rating: 120 out of 150

Proactive Disclosure



- The culture of proactive disclosure is virtually non-existent in South Sudan. Only a former Minister of Petroleum, Stephen Dhieu Dau, used to periodically issue brief reports or Media Advisory as part of accountability and transparency on oil production and sale in the international market.



UGANDA

Country Recommendations

The government of Uganda should ratify the African charter on statistics, African Charter on Democracy Elections and Governance and the African Charter on Value and Principles of Public Service and Administration. In order to achieve SDG 16 Target 10, the Government of Uganda should:

- Effectively implement the access to information legislation to ensure the fundamental right of access to information by all citizens.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation

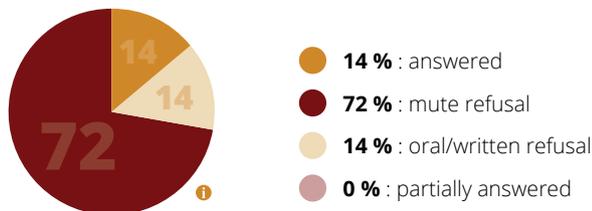
- In Uganda, even if the Access to Information Act is adopted, implementation remains a challenge.

Procedure

- Not mandatory to give a reason for a request.
- Clear and appropriate procedures are in place for situations where the authority to which a request is directed does not have the requested information.
- There is a clear and reasonable maximum timeline to reply to the information request.
- Clear limits on the timeline extension are also present.
- A fee can be asked to be paid for example for facilitation of answers in hard copy.
- There are no clear rules on the amount of the fees
- There are not any clear guidelines on internal appeals.
- The functions of the oversight body are implemented by the Parliament thus the members are not appointed in a manner that is protected from political interference and arbitrary dismissal.
- There is not an external appellate body to present appeals to.
- In regard to promotional measures, it is not required by law to have an information officer within the governmental departments.
- Public awareness raising efforts are not mandatory by law as well as training programmes for officials.

Information Requests - 7 Requests:

Out of 7 requests, 14% were totally answered to while 72% received mute refusal.



Proactive Disclosure

- Proactive publication from the ministries has not been successful. Mostly information which are published are the less sensitive based on the analysis.
- There is a Central Government Portal that provide for some public institutions website addresses.
- The Government Procurement Portal is aligned to the Open Contracting Data Standard.

Country Profile

- 41.49 million inhabitant in 2016
- Presidential Republic
- Member of AU since 25/05/1963
- Member of: International Conference on the Great Lakes Region (ICGLR), Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC)

Legal Framework

- Constitutional recognition of ATI
- ATI Law (2005)
- Ratification of 3 out of 6 African Treaties recognising ATI.
- Uganda is late by one report to the ACHPR.
- 3 recommendations related to RTI from UPR in 11/2016
- 2 recommendations related to RTI from ACHPR in 11/2015

Quality of the Law

- Even though Uganda has been one of the first African countries to have adopted the ATIA, there are still huge gaps in the quality of the law when compared to the AU Model law on Access to Information.
- The right of access to information is limited to citizens. Only information from public entities are available for access. Information from private entities having a public function or receiving a significant public funding cannot be accessed. Clear rules on the access fees are not set. Harm tests are not applied on exceptions which create a risk to use abusively exceptions to refuse the disclosure of information. In case of refusal, there is no mention in the law that when the exceptions cease to apply, the information must be released.
- In addition, ATIA does not provide for an independent appeal mechanism, leaving citizens with only the option of chief Magistrates Court. Courts are generally not accessible by ordinary people due to the costs, delays, bureaucratic procedures, etc.

Further Recommendations

- Amendment of the Access to Information Act 2005 should be expedited and include:
 - The right to access of information from private entities having public functions
 - Exemptions should be revised and be in line with the constitution
 - The appeal process should be revised so that citizens have time to access information
 - Non-citizens should be able to have access to information.
 - Define "national security" for the limit to access to information so that it cannot be used as a reason to not disclose information.
 - Impose the ministries to report annually on the report to parliament on requests for records or for access to information made to public bodies.
 - Establish independent and impartial judges or oversight bodies in order to limit the infringements of rights.
 - Amend the ATIA based on ACHPR & UPR recommendations
- Legislation affecting CSOs should be revised in order to allow CSOs and NGOs to benefit from a free an open environment where they can work in favour of the citizens.
- There is a need to delegate the powers of the Permanent Secretaries to the Information Officers in order to allow the citizens to access information faster and to be able to held accountable the information officer when they do not fulfil their obligations.
- Increase public awareness to inform greatly the citizens of their rights and the process to access information.
- Recommended to Minister of ICT and National Guidance to request Government to allocate budget for training of officials and implementation of ATIA. AFIC training manuals for Public Officials, CSOs and Journalists could be used to aide training.
- Record keeping of information should be made in a digital form in order to improve access to information in regard to record keeping, management and publication.



Country Recommendations



The government of Malawi should ratify the African Charter on Value and Principles of Public Service and Administration. In order to achieve SDG 16 Target 10, the Government of Malawi should:

- Effectively implement the access to information legislation to ensure the fundamental right of access to information by all citizens.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- Implementation of the ATI legislation in Malawi will likely have some potential weaknesses. Malawi has a wide range of statutory provisions that prohibit disclosure of some types of public information to members of the public. The uncertainty created by the continued existence of restrictive legislation sometimes makes it hard for public officials to know exactly how much to disclose.

Proactive Disclosure



- Reasons are not needed to be provided to make an information request.
- Clear and appropriate procedures are put into place for situations where the authority to which a request is made does not have the requested information.
- There are clear and reasonable maximum timeliness for responding to requests.
- There are also clear and reasonable limits on timeline extension for responding to the requests.
- It is free to file a request.
- There are clear rules relating to access fees which are set centrally.

Further Recommendations

- Harmonize other legislations to be in line with the ATI Law
- Strengthen national over-sight structures
- Strengthen CSOs and media capacity on the ATI Law
- Enhance public awareness on the ATI Law
- Improve and expand technological access for the citizens

Country Profile



- 18.09 million inhabitants in 2016
- Presidential Representative Democratic Republic
- Member of AU since 13/07/1964
- Member of Southern African Development Community (SADC), Common Market for Eastern and Southern Africa (COMESA)

Legal Framework



- Constitutional recognition of ATI
- ATI Law (2016)
- 1 sectoral provision on Declaration of Assets, Business Interests and Liability Act
- Ratification of 5 out of 6 African Treaties recognizing ATI.
- Late by two reports to the ACHPR
- Member of OGP & EITI
- 1 recommendation related to RTI from UPR in 05/2015
- 1 recommendation related to RTI from ACHPR in 11/2015

Quality of the Law



- ATI is well-recognized in country's legal framework.
- ATI law to a reasonable extent, reflects the African Commission's Model Law of Access to Information and is in line with Malawi's commitment to provisions in international human rights instruments.

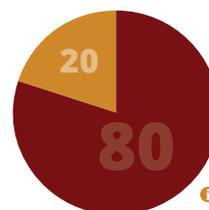
Procedure



- Reasons for the requests are not required.
- The Information holder is legally bound to respond any information request including referrals.
- The maximum number of days is fifteen to answer to the information request.
- There are clear limits on timeline extensions.
- The request is free and can be made in any form.

Information Requests - 5 Requests:

Out of 5 information requests, 20% were totally answered to while 80% received mute refusal.



- 20% : answered
- 80% : mute refusal
- 0% : oral/written refusal
- 0% : partially answered

Country Recommendations



In order to achieve SDG 16 Target 10, the Government of Mauritius should:

- Urgently adopt and effectively implement an access to information legislation to ensure the fundamental right of access to information by all citizens; such law on access to information has to be consistent with international and regional standards on the right to information and the AU Model Law.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- Without ATI law, the implementation of the right to information is limited and cannot be enforced.

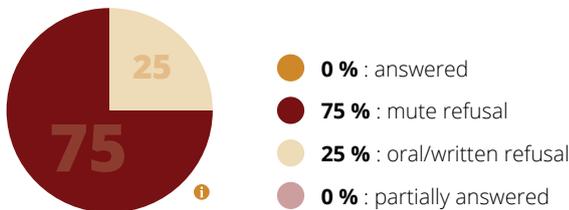
Procedure



- There is not a legal framework so there is no particular procedure for request of information.

Information Requests - 4 Requests:

Out of 4 requests, 25% received an oral or written refusal while 75% received a mute refusal.



Further Recommendations

1. The State should organise public consultations of multiple stakeholders on FOI/ATI legislation.
2. The State should provide for regular progress reports on the draft legislation and on consultations being planned and held as well as levels of participation considered for all stakeholder groups.

Country Profile



- 1.263 million inhabitant in 2016
- Parliamentary democracy
- Member of AU since 01/08/1968
- Member of: Common Market for Eastern and Southern Africa (COMESA), Southern African Development Community (SADC)

Legal Framework



- No Constitutional recognition of ATI
- No ATI Law
- Ratification of 6 out of 6 African Treaties recognizing ATI
- Mauritius submitted all the reports to the ACHPR
- 2 recommendations related to RTI from UPR in 10/2013

Proactive Disclosure



- Despite the fact that there is no ATI or FOI legislation, the State does provide extensive information on its official portal at <http://govmu.org/> whereby all ministries, departments, parastatal and other government bodies are present and produce a website as part of the domain.
- Some government agencies provide minimal information on their websites whereas others are more information-rich.





Country Recommendations



The government of Mozambique should ratify the African Charter on Democracy Elections and Governance. In order to achieve SDG 16 Target 10, the Government of Mozambique should:

- Effectively implement the access to information legislation to ensure the fundamental right of access to information by all citizens.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- Although the law is almost two years old, there is little progress on its implementation particularly in what refers to submission of requests by the citizens even considering that there are clear regulations on how state bodies must respond to requests for information. Culture of secrecy is present.

Procedure



- Reasons are not needed to be provided
- Clear and appropriate procedures are in place for situations where the authority to which a request is directed does not have the requested information.
- There are clear and reasonable maximum timeliness
- There are clear limits on timeline extensions
- It is free to file requests

Further Recommendations

1. Increase dissemination and training of public servants on the Right to Information Bill.
2. Structure the Government/Private Bodies with proper departments to deal with information requests.
3. Organize joint seminars with civil society, local governments on Right to Information Bill.
4. Relook at the relevance of the government/private bodies websites.
5. Sensitize public servants on the need of proactive dissemination of information of public interest vis-a-vis State Secrets.

Country Profile



- 28.83 million inhabitants in 2016
- Semi-presidential representative democratic republic
- Member of AU since 18/07/1975
- Member of Southern African Development Community (SADC)

Legal Framework



- Constitutional recognition of ATI
- ATI Law (2014)
- 1 sectoral provision in the Press Law (1991)
- Ratification of 5 out of 6 African Treaties recognizing ATI
- Late by two reports to the ACHPR
- Member of EITI
- 8 recommendations related to RTI from UPR in 01/2016

Quality of the Law



- The Law obliges public bodies, and those private bodies which undertake activities of general interest, to release information to any citizen requesting it. It guarantees the access to sources of information, protection of independence and professional secrecy, and the right to establish newspapers, publications and other means of dissemination of information.

Proactive Disclosure



- The Mozambican Cabinet has 21 websites but unfortunately only about 7 are functional and displaying only ordinary information about the ministries.

Information Requests - 5 Requests:

Out of 5 requests, 100% received a mute refusal.



- 0 % : answered
- 100 % : mute refusal
- 0 % : oral/written refusal
- 0 % : partially answered

Country Recommendations



The government of Somalia should ratify the African Charter on Statistics, the AU Convention on Preventing and Combating Corruption, African Charter on Statistics, African Charter on Democracy Elections and Governance, African Charter on Values and Principles of Public Services and Administration and the African Youth Charter. In order to achieve SDG 16 Target 10, the Government of Somalia should:

- Urgently adopt and effectively implement an access to information legislation to ensure the fundamental right of access to information by all citizens; such law on access to information has to be consistent with international and regional standards on the right to information and the AU Model Law.
- Fully comply with reporting obligations and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- Without ATI law, the implementation of the right to information is extremely limited and cannot be enforced.

Procedure



- There is not a legal framework so there is no particular procedure for request of information.

Further Recommendations

1. Somalia should retain progressive provisions that guarantee freedom of expression and access to information in the current constitutional review process.
2. Somalis should lobby their Members of Parliament both upper and lower houses to repeal and/ or amend penal code of Somalia that impinge on the right of access to information.
3. The government of Somalia must review the media law in line with international standards of freedom of expression and guarantee the safety of journalists.
4. Somali government must guarantee the space for civil society, particularly free civil society, and should desist in attacking and stigmatizing critical journalists, independent media house and outspoken civic groups.

Country Profile



- 14.32 million
- Federal parliamentary representative democratic republic
- Community of Sahel-Saharan States (CEN-SAD) and Intergovernmental Authority on Development (IGAD)
- 25/05/1963

Legal Framework



- Constitutional recognition of ATI
- No ATI Law
- Ratification of 6 out of 6 African Treaties recognizing ATI
- Somalie has never submitted a report to the ACHPR
- 9 recommendations related to RTI from UPR in 05/2011

Proactive Disclosure



- Somalia needs to enact an access to information legislation which is based on the principle that public bodies, be they at federal or regional levels, have an obligation to disclose information and every member of the public has a corresponding right to receive information. But, public bodies believe that they are not under obligation to publish key information that it is in the public interest. There is no restriction that is clearly outlined and strictly and narrowly defined to avoid undue denial of information.



Country Recommendations



The government of South Africa should ratify the AU Convention on Preventing and Combating Corruption, the African Union Youth Charter and the African Charter on Statistics. In order to achieve SDG 16 Target 10, the Government of South Africa should:

- Effectively implement the access to information legislation to ensure the fundamental right of access to information by all citizens.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- However, public bodies are failing to comply with the basic technical requirements of Promotion of Access to Information Act (PAIA), 2000.

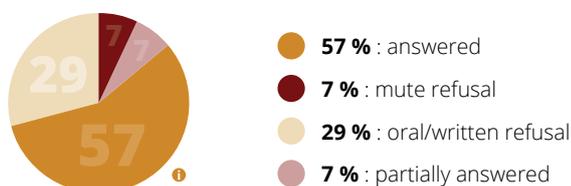
Procedure



- Reasons are not required to be provided from public body.
- Clear and appropriate procedures are in place for situations where the authority to which a request is directed does not have the requested information.
- There are clear and reasonable maximum timeliness.
- There are clear limits on timeline extensions.
- An administrative fee must be paid to both private bodies and public bodies before further processing can occur when requesting access to information.
- There are clear rules relating to access fees, which are set centrally.

Information Requests - 14 Requests:

Out of 14 information requests, 57% were totally answered to and 29% received an oral or written refusal.



Proactive Disclosure



- PAIA was drafted with the express intention of incentivizing proactive disclosure of information as government departments are absolved from having to comply with individual requests if the information sought is already in the public domain.

Country Profile



- 55.91 million inhabitants in 2016
- Parliamentary representative democratic republic
- Member of AU since 06/06/1994
- Member of Southern African Development Community (SADC)

Legal Framework



- Constitutional recognition of ATI
- ATI Law (2000)
- 1 sectoral provision in the Section 26 of The Companies Act 71 of 2008
- Ratification of 5 out of 6 African Treaties recognizing ATI
- South Africa submitted all the reports to ACHPR
- Member of OGP
- 10 recommendations related to RTI from UPR in 05/2017
- 4 recommendations related to RTI from ACHPR in 06/2016

Quality of the Law



- South Africa has one of the most progressive laws with respect to ATI by enabling access to privately-held information, South Africa expanded the right far beyond internationally accepted norms.

Further Recommendations

- Deformalize the PAIA request process: The process by which PAIA requests are submitted needs to be amended in order to allow the public to access records more informally. As it currently stands a requester must complete a prescribed form in order for the request to be valid. The process by which PAIA requests are submitted needs to be amended in order to allow the public to access records more informally. As it currently stands a requester must complete a prescribed form in order for the request to be valid.
- Provide sufficient empowering resources by government to implement PAIA
- Increase the amount of proactively available records
- Increase proactive availability of records relating to human rights violations
- Strengthen regulation of records relating to public-private partnerships



ZAMBIA

Country Recommendations



In order to achieve SDG 16 Target 10, the Government of Zambia should:

- Urgently adopt and effectively implement an access to information legislation to ensure the fundamental right of access to information by all citizens; such law on access to information has to be consistent with international and regional standards on the right to information and the AU Model Law.
- Fully comply with reporting obligations and follow up with ATI outstanding recommendations of ACHPR and UPR.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- Without ATI law, the implementation of the right to information is extremely limited and cannot be enforced.

Further Recommendations

1. Zambia needs to have another referendum to enact the bill of rights without subjecting it to partisan general elections.
2. The media needs to work on demystifying the right to information.
3. Institutions that help with information flow need capacity building with their staff funded for further education and also others trained locally on the model law and other aspects of FOI which can help their work be better.
4. Produce a roadmap and plan of action that will show a concrete sign of commitment to avoid all pronouncements of FOI law enactments being seen as just joining the long list of vain assurances and announcements on the enactment of the ATI bill by Ministers.

Country Profile



- 16.59 million inhabitants (2016)
- Presidential representative democratic republic
- Members of Economic Common Market for Eastern and Southern Africa (COMESA),
- Members of AU since 16/12/1964

Legal Framework



- Constitutional recognition of ATI
- No ATI Law
- Ratification of 6 out of 6 African Treaties recognizing ATI
- Late by six reports to the ACHPR
- Member of EITI
- 4 recommendations related to RTI from UPR in 11/2012





ZIMBABWE

Country Recommendations



The government of Zimbabwe should ratify the African charter on statistics, the African Charter on Democracy Elections and Governance, the AU Convention on Preventing and Combating Corruption and the African Charter on Value and Principles of Public Service and Administration. In order to achieve SDG 16 Target 10, the Government of Zimbabwe should:

- Amend and effectively implement the access to information legislation to ensure the fundamental right of access to information by all citizens; such law on access to information has to be consistent with international and regional standards on the right to information and the AU Model Law.
- Fully comply with reporting obligation and follow up with ATI outstanding recommendations of ACHPR and UPR
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.
- Ensure the development of progressive national indicators and targets with regard to ensuring public access to information as provided under the SDG framework.

Implementation



- In Zimbabwe, even if the Access to Information Act is adopted, implementation remains a challenge.

Procedure



- No clear and appropriate procedures except for transfer or refusal justified by unavailability are in place for situations where the authority to which a request is directed does not have the requested information.
- There are not clear and reasonable maximum timeliness for responding to requests
- There are not clear limits on timeline extensions.
- It is free to file requests.
- There are not clear rules relating to access fees, which are set centrally

Further Recommendations

1. The government of Zimbabwe should separate the regulation of access to information from that of the media. The lumping together of these two broad issues has led to access to information playing second fiddle to media regulation. In addition, it has weakened the process of ensuring free flow of information held by the state institutions.
2. Repeal the current access to information law, AIPPA and replace it with a law that is in sync with the AU Model Law on ATI. The provisions of AIPPA were thus proven inadequate to provide an effective access to and information dissemination mechanism. The new law should therefore include the following provisions:
 - a. Shorter time frames for responses to information requests. The African Commission on Human and People's Rights Model Law on Access to Information for example provides for a 21 days response period that can only be extended once by a further 14 days period (Section 15 & 16)
 - b. Measures to ensure promotion of ATI across all key stakeholders.
 - c. An independent and effective oversight mechanism to monitor information dissemination practices as well as ensure that the ATI law is adhered to by public and all other relevant stakeholders
 - d. A strong provision that mandates pro-active as well as maximum disclosure of public interest information, which were some of the striking gaps under the current access to information framework.
 - e. An Information request procedure that is not cumbersome or rigid and which includes clear administrative procedures for redress in the event of denial of information
3. Measures should be put in place to ensure a holistic and uniform appreciation of access to information as a constitutional right across all public institutions, including increased appreciation of their obligations in terms of the constitution.
4. Even under the current restrictive act, the government does not adhere to the 30-days turnaround time provided for under AIPPA (section 8). While AIPPA gives room for 30 days period to be extended by 30 more days, the government can choose not to respond for periods exceeding 90 days. This requires a clear mechanism with sanction measures to curb non-adherence to information requests.
5. All public institutions need to step up and utilize Information Communication Technologies (ICT) platforms more to disseminate public interests information as Zimbabweans are increasingly accessing and utilizing online spaces.

Country Profile



- 16.15 million inhabitants (2016)
- Full presidential republic
- Member of AU since 01/06/1980
- Member of Common Market for Eastern and Southern Africa (COMESA), Southern African Development Community (SADC)
- Members of AU since 25/05/1963

Legal Framework



- Constitutional recognition of ATI
- ATI Law (2002)
- Ratification of 2 out of 6 African Treaties recognizing ATI
- Late by five reports to the ACHPR
- 16 recommendations related to RTI from UPR in 11/2016

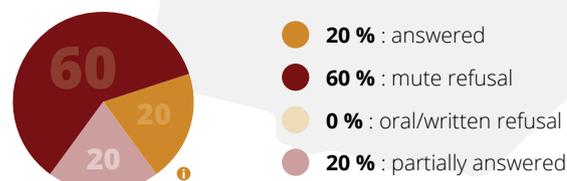
Quality of the Law



- "Adequate and precise details" for the information requested and the word details is not defined and could possibly be abused.
- While Zimbabwe has a constitutional provision and a statute on access to information, a number of sections under AIPPA interfere with the rights to seek, receive and impart information and ideas via various media platforms. Numerous sections of AIPPA are objectionable in particular: Section 5 - Right to information, Section 64 - Abuse of freedom of expression, and Section 78 - Rights of a journalist, and Section 80 - Abuse of journalistic privilege.

Information Requests - 5 Requests:

Out of 5 information requests, 20% were totally answered to while 60% received a mute refusal.



Conclusions and final recommendations

The adoption of the 2030 Agenda marked a milestone for the global recognition of the right to information as a tool for development. It is important to underscore that the right of access to information is not only related to target SDG 16.10, but it is also a tool to improve the implementation and monitoring of other SDGs at national and international levels.

Although, the SDGs aren't legally binding, the experience of the Millennium Development Goals demonstrated that countries take these global goals seriously, submitting periodic progress reports to the United Nations. Through press efforts, academic publications monitoring and civil society oversight, the efforts towards of MDGs became national news in most developing countries.

For most developing countries ensuring public access to information will necessitate not only legal changes. It requires reducing the digital divide and to ensure inclusive and equitable quality education for all.

21 out of 54 African Union member states have taken steps toward achieving SDG 16.10.2 by adopting national Access to Information legislation, this includes; Angola, Burkina Faso, Côte d'Ivoire, Ethiopia, Guinea, Kenya, Liberia, Malawi, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sierra Leone, South Africa, South Sudan, Tanzania, Togo, Tunisia, Uganda, Zimbabwe. Remaining 33 African countries are yet to adopt a clear and specific Access to Information law.

Despite having adopted an ATI law, citizens in the 21 countries highlighted above, do not yet enjoy their right to information because of the lack of political will from their governments, the poor quality of the law in some instance, the lack of capacity of the authorities to implement the legislation and the limited awareness of the citizens in regard to the existing legal framework.

The lack of political will is reflected on governments' commitments with international and regional instruments that protect and promote human rights such as the right to information. Only 7 African Union state members have complied with their reporting obligations before the ACPHR. 17 countries are late by one or two reports, 23 are late by three or more reports and 7 have not submitted any report. Only 24 out of 54 African countries have ratified key regional instruments such as the African Charter on Democracy Elections and Governance, and 37 have ratified the AU Convention on Preventing and Combating Corruption and so on. At national level, this manifests by lack of resources to implement ATI laws and/or a conducive environment for citizen to feel confident in the effectiveness of their right to information.

The quality of the law varies from one country to another. This report identified lack of consistence between national ATI laws, regional and international standards. Main areas of concerns include: limited scope of coverage leaving out none nationals, wide or poorly defined range of exemptions that reduce the amount of and possibility to access information, lack or limited provision for proactive disclosure, mechanisms for appeal, oversight and promotional measures.

The capacity of public bodies to provide information is weak, and officials are unaware of their obligations. In low capacity environments, record management and statistics generation are in most of the cases insufficient to support access to information.



Citizens are not aware of their legal right to information, or, in some cases are reluctant to assert it, either because of fear of a repressive regime, or a prevailing culture of not questioning authority. In other cases, there are structural barriers to poor people accessing and using information. For example, access to the Internet remains low in many developing countries, particularly in remote areas.

For the realization of the SDG 16.10.2, it requires the concerted effort of governments, civil society, citizens and the international community. Governments will need to fully comply with regional and international obligations, adopt or amend ATI legislation in line with AU Model Law on Access to Information as well as invest in building implementation capacity and creating the demand for information.

The role of civil society in the development of access to information legislations has been crucial. They have created awareness about the right and developed draft bills; been the primary driver of information requests; trained civil society coalitions and government agencies on access to information; monitored and reported on the effectiveness of the right; and provided recommendations for improvement. Citizens should also use their right in requesting for information and provide feedback to government.

The role of the international development partners and foundations, especially toward adoption of ATI laws is visible and recognized. For full achievement of the SDG 16.10.2, the international development community would need to further support the governments and civil society toward effective implementation.

In view of the above, the following recommendations should be considered in line with the principles set out in the 2030 Agenda for Sustainable Development, especially the respect for national policies and priorities, as well as the consideration of different national realities, capacities and levels of development.



RECOMMENDATIONS

Recommendations to State Parties:

1. Ratification and domestication of all international and regional instruments regarding protection and promotion of the right to access to information.
2. Fully comply with reporting obligations and follow up ATI Resolutions and recommendations of Human Rights Treaty bodies.
3. Adopt or amend existing access to information legislation in line with the regional and international standards such as the Model Law on Access to Information in Africa, and ensure effective implementation.
4. Repeal all laws and policies that unduly restrict the right of access to information, including Official Secrets Acts and similar restrictive national legislation.
5. Ensure efficient and timely reporting on the SDGs in particular SDG 16.
6. Strictly implement Resolution on the Right to Freedom of Information and Expression on the Internet in Africa (ACHPR/ Res. 362(LIX) 2016) to prevent against unlawful interruption or limitation of access to Internet, social media and messaging services, especially during the electoral period, as noted in.
7. Change the culture of public services to be more open, transparent and accountable to citizens, consistent with the African Charter on values and principles of public service and administration.
8. Consistent with regional and international standards, proactively disclose and promote access to information held by public bodies.
9. Build capacities of civil servants to ensure effective implementation of RTI frameworks.
10. Provide sufficient resources (human and logistical) to public entities to fully capacitate their institutions in implementing ATI laws.
11. Formally appoint and profile information officer for each public entity so they have the right authority and public recognition.
12. Mandate independent oversight mechanisms to monitor, enforce and report ATI implementation.
13. Ensure a modern and innovative public service by promoting ICT and records keeping in government institutions.
14. Create consultative platform for different stakeholders to promote, advocate and monitor implementation of the right to information at national and local levels.
15. Raise citizens' awareness of their right to access public information by carrying various promotional measures such as media campaign, radio talk shows, public dialogues, etc.
16. Commemorate the International Day for Universal Access to Information on 28 September focusing on SDG 16.10.2



Recommendations to AU and UN institutions:

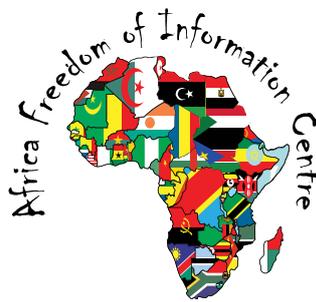
17. Initiate ATI programs to promote and support implementation of the SDG 16.10.2 including technical assistance to member States.
18. Develop model guideline for monitoring implementation of the AU Model Law on ATI.
19. Engage member States on the basis of the findings and recommendations of this report.
20. Human Right Treaty bodies should pay attention to the effective implementation of ATI beyond the adoption of the Law.
21. UNESCO, as lead agency on SDG 16.10.2, should provide regular feedbacks to members States regarding progress on realization of the specific SDG and encourage civil society to provide independent reports on the same.

Recommendations to civil society and citizens:

22. Exercise the right to access information in requesting for information to public and relevant private bodies.
23. Independent media should build their capacity to make use of existing right to information frameworks.
24. Support the Special Rapporteur on Freedom of Expression and Access to Information to carry out country missions and build strong partnerships with State members for development, effective implementation, monitoring and reporting on the right to information.
25. Implement advocacy campaigns for the adoption of Access to Information laws in countries where there is no recognition or regulation of the right.
26. Monitor and provide shadow reports to AU and UN institutions on the effectiveness of the RTI.

Recommendations to development partners:

27. Prioritize the recognition and support of ATI as a vehicle to attain other SDGs and realization of development agendas.
28. Support AU and UN to establish technical assistance programs to member States and civil society.
29. Support civil society to advance the RTI in Africa.



Africa Freedom of Information Centre

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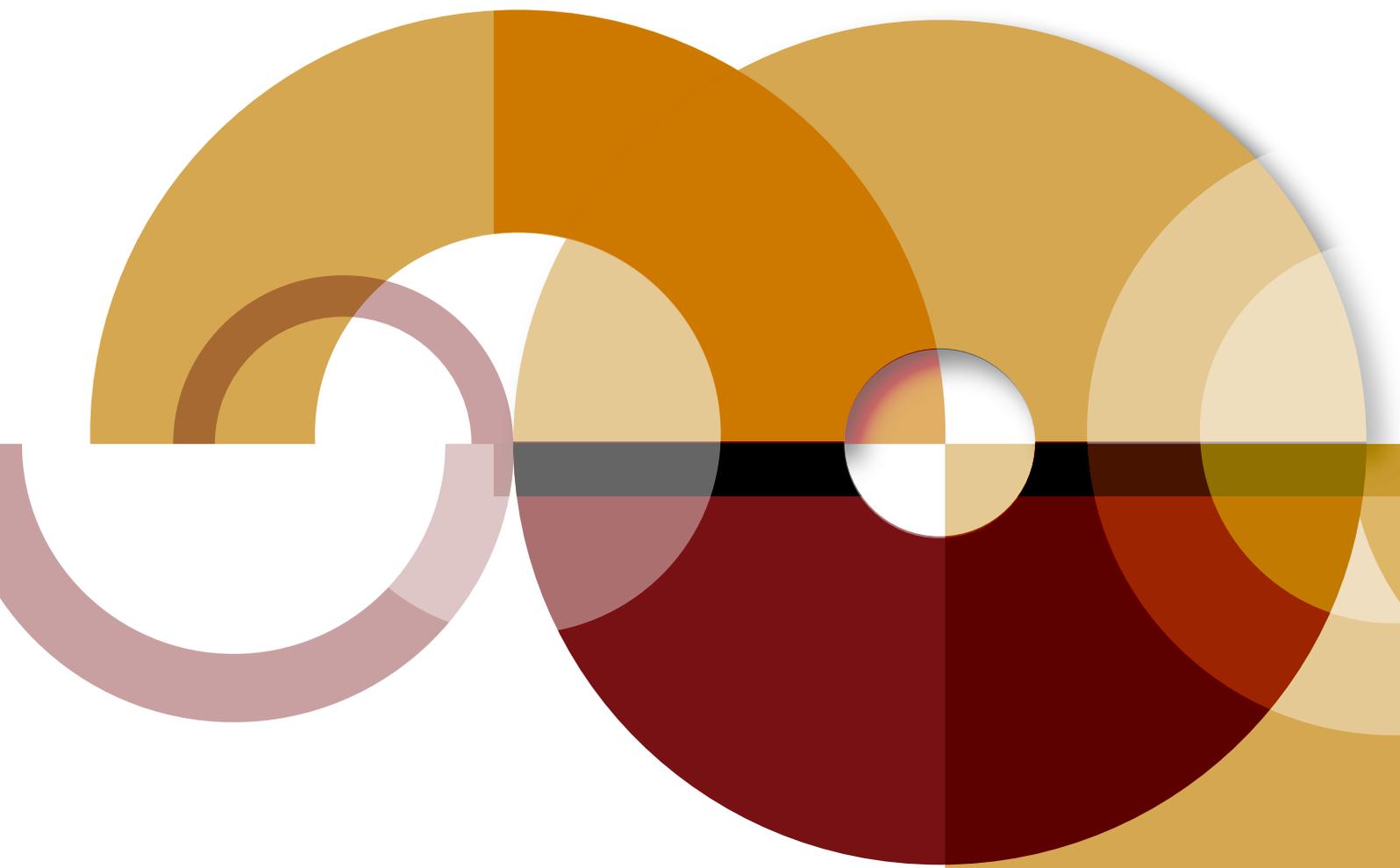
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