Access to Information in the Arab World
A Battle for Open Societies
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Preface

In a democratic system, access to information is recognised as a basic right of citizens. In authoritarian or semi-authoritarian contexts, as is the case in most Arab countries, the struggle for access to information is one of the areas most suitable for civil society to conduct what could be called a “surgical intervention” in the governance sphere that can make a difference.

After the completion of an exclusive report on access to information in Egypt in 2015 entitled *The State of Information in Egypt: Activating the Constitutional Right*, Baseera and the Arab Reform Initiative are shedding light on the regional scene in order to assess the state of the debate on access to information in four other countries where the issue is or has been high on the agenda. This report builds on lessons from the Egyptian case and covers Jordan, Lebanon, Palestine and Tunisia.

Arab governments have mostly tolerated a public debate around the issue, campaigns to raise awareness, trainings for media and civil society actors, and connections to be made with international organisations. The level of tolerance has varied from one country to another, particularly when parliament has sought to discuss proper legislation. The demand for access to information therefore serves as a good test case of a government’s level of tolerance for initiatives coming from outside the executive sphere.

It is also a test case of the validity of the reformist approach to achieving change in a gradual fashion. In the decades preceding 2011, moderate opposition forces and rights-based groups within Arab societies had sought to exert pressure on their government to introduce meaningful reforms and open the space for citizens’ participation. Their frustration with unresponsive governments grew to a point of rupture and led to the uprisings of 2011.

After the short-lived euphoria of rising against dictatorship, Arab citizens are seeing again the closure of democratic spaces, which had been opened briefly, and are witnessing the descent into chaos of neighbouring countries. They again wish they could reconcile stability with democratic reform and are open to exploring the reformist path, if governments are also willing.
Governments Challenged

Of the five country-cases presented in this study, only one, Tunisia, is moving steadily towards introducing transparency in government practices and establishing an open society. In the four other countries, the government is reluctantly accepting to let parliament consider a draft law. In some cases, it seeks to delay the enactment of a law and, in others, it tries to introduce restrictions or to empty the law of its meaning. We continue to see some governments in the Arab region resort to vaguely formulated accusations such as “jeopardising the unity and morale of the nation”, or “intelligence collaboration with foreign parties that threatens national security”. These and other fuzzy accusations continue to hang like a sword above citizens’ heads and suggest the rulers still believe they can get away with cosmetic reforms.

In leading this fight, civil society faces the toughest resistance in three areas in particular. The first relates to the practices of the security apparatus which governments invariably seek to shield from any form of scrutiny or accountability. They fiercely resist exposing the arbitrary practices of their security forces, thus allowing the security sector to continue to nurture a culture of opacity and impunity as it has done over the years. The second relates to corruption within the ruling elites. The more it involves high ranking officials, the more difficult it is for civil society to unveil malpractices and cronyism within the political systems. The third, more pervasive but equally difficult to challenge, has to do with the role of religious institutions – or the way governments use these institutions to consolidate their control over society and elude their obligations to provide information. Arguments such as “moral order” and “social decency” are a license to censor and an often convenient pretext to avoid accountability. From the four country studies presented here, the similarities make the lessons learnt all the more compelling and worthy of joint reflection.

In Egypt, while the 2014 Constitution grants citizens the right of access to information in a transparent manner, the Al-Sisi administration has made no progress on a draft freedom of information legislation. Lebanon, where freedom of expression was arguably the most advanced in the Arab world for several decades, continues nevertheless to lack a law that defines the government’s policy in the area of access to information. In Jordan, a law guarantees access to information to Jordanian citizens; however, the restriction of this right exclusively to Jordanian citizens acts as a serious impediment. When we know that over a third of the inhabitants of the country do not carry Jordanian citizenship, the very principle loses much of its validity, especially given that those who are deprived of this right are among the most vulnerable and access to information is a vital need for them to access basic services and minimal human security. Palestine has made substantial progress in the field by setting the right legal basis for access to information in the form of a draft law; however, the amended draft has been stalled within the halls of government as a result of the security establishment and internal political rivalries.
In Tunisia, however, the right to information is enshrined in the new Constitution of 2014, and a law that deserves to be taken as a benchmark to measure democratic progress in other Arab countries has been passed. This law was enacted as a part of a package of new legislation that comes with democratic transition, and ensuring access to information for all was simply an expression of the new political will to promote a democratic culture and practices. The message from government to its citizenry demonstrates its commitment to providing access to information, which is facilitated by the dedication of both financial and human resources. For example, with regards to the security sector, an area where Tunisia is proving its genuine commitment to the democratic path, when complaints about the continued use of bad treatments in prisons were revealed by the media, the Minister for Human Rights publicly acknowledged the problem and attributed it to “old habits”.

For governments to move in the right direction in this critical area for democratic change, observers watch several indicators: 1) the level of precision on how information should be made accessible and the regulations that ensue the passing of a law to ensure its implementation; 2) the precise definition by law of the type of documents that should be protected from disclosure and the existence of legal orders forbidding disclosure; and 3) the existence of legal guarantees on the protection of personal information and privacy when providing access to information.

Small Groups Can Make a Difference
The most interesting lesson from the experiences analysed in this report is the fact that small groups within a society can affect change if their strategy is well designed. More precisely, change can successfully occur when civil society organisations decide to work together on a specific issue, build alliances with parliamentarians and reformist ministers or influential figures within the government, are well informed of the global debate and international norms, and are able to use influential players from outside to gain leverage within their national context.

In the domain of freedom of information, relevant civil society organisations are often rights-based NGOs, anti-corruption, integrity and transparency commissions, and various advocacy groups. In Palestine, the Anti-Corruption Commission and a number of civil society groups organised into a network and allied with ministers or former ministers of the Palestinian National Authority in order to successfully urge for a review of a draft law they had prepared. In Lebanon, a strong coalition of very diverse stakeholders, made of civil society activists, a group of parliamentarians, members of government, and unions of professionals outside public service, worked together to lead the struggle. This coalition is leading the advocacy and lobbying effort to push for the enactment of a law, although so far they have not succeeded. In Jordan, similar types of players are coalescing to broaden the space for a more liberal interpretation and implementation of the existing law.
In spite of the often lacking political will, these coalitions – when they are well organised and determined – are able to create enough public momentum to force government to adopt a law on access to information or at least feel obliged to respond to such a demand. Access to information is proving to be an effective tool to expose and embarrass governments. Building on these models, these various national coalitions would likely gain more leverage if they mobilized within a broader Arab framework and defined a regional strategy for action. We hope the present report will encourage such an initiative.

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The State of Information in Egypt*

*Baseera**

For about an entire decade, serious efforts towards developing legislation to regulate Freedom of Information (FOI) in Egypt have been part of the agendas of both governmental bodies – such as the Ministry of Communications and Information Technology (MCIT), the Ministry of Justice and the Information and Decision Support Center (IDSC) – and Civil Society Organizations (CSOs) – such as the One World Foundation (OWF).

Throughout these years, the primary focus of the promoters of FOI-related initiatives and draft laws was, first and foremost, asserting that easy and free access to information is a right of every citizen. This argument is based on Article 19 of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, which sets forth that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” It should be noted that many initiatives were later launched based on Article 19, including the eponymous international organization. Moreover, Article 68 of the Egyptian Constitution approved by 98.1% of Egyptians embraced Freedom of Information as a universal right, establishing that “Information, data, statistics and official documents are the property of the People”.

With rapid and successive changes unfolding every day, a pressing need emerges for the re-evaluation of the significance of Freedom of Information. Political, economic, military and frontier-related developments require that Freedom of Information is addressed from a broader perspective. Information is no longer simply a right granted or controlled by the State, but has become a main pillar of government itself. Information is the foundation of proper decision-making, and the single most effective means to fight corruption and ensure that mistakes are not covered up. It is also the best defence against proliferation of rumours involving damage to national security.

Government effectiveness indicators – as well as international reports on global competitiveness, corruption, transparency and human development – show that more transparent governments provide for better governance, regardless of the specific country's economic, political or geographical situation. There is also a clear relationship between development ranking and levels of openness and access to information.

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* This chapter is the preface for the report The State of Information in Egypt: Activating the Constitutional Right published by the Arab Reform Initiative and Baseera in June 2015.
** Baseera is the Egyptian Center for Public Opinion Research.
States which do not make information available undermine their own future, eliminating the potential and capacity for critical thinking in their societies. They deprive themselves of the opportunity to identify different policy alternatives. Future generations become unable to compete in a globalized economy, having been barred from free access to knowledge and facts. Strong States are powered by knowledge; they realize that withholding information is most detrimental to national security, and therefore have everything under scrutiny. Yet, this does not mean that all information should be available for everyone, for every rule has its exceptions, and every concept has its defining terms and parameters.

Freedom of Information should not be viewed as an intellectual luxury at a time in which Egypt is facing serious challenges. Rather, it must be viewed as one element in a package of new approaches towards building a Modernized Egyptian State. Chapter I addressed this subject in detail, focusing on the relevance of Freedom of Information, its impact on transition to democracy. Chapter II discussed the institutional, legislative and cultural frameworks which advance, or undermine, Freedom of Information.

Chapter III examined the types of disclosure of information and the rules of imparting thereof, as well as the required levels and conditions of disclosure with regard to National Security information.

Chapter IV presented the results of a survey conducted by the report team with a selected group of members of the Egyptian elite on the issue of Freedom of Information. This chapter also reviewed the results of two in-depth interviews conducted with a group of media personnel and a group of researchers and outlined the results of 25 interviews conducted with users of the data provided by the Ministries covered in the report.

Chapters V and VI surveyed the status of information in a number of Service Providing and non-Service Providing Ministries, respectively. For each ministry, the supply side is first addressed through an appraisal of information availability on the official ministry website; followed by an analysis of the demand side through interviews with individual and institutional beneficiaries, assessing both the adequacy and quality of available information. An analysis of the gap between supply and demand followed, and the evaluation of each Ministry was concluded.

In an attempt to help decision-makers and officials responsible for enacting and implementing FOI Law in Egypt, Chapter VII provided a number of recommendations and proposals which, if implemented, could propel Egypt towards a more transparent and effective information era.
Jordan’s Access to Information Law: A Formality More than a Tangible Gain?

Nizam Assaf

Introduction
The right to information is about more than just access; it symbolises trust between the government and the population. In granting access, the government demonstrates its willingness to prove that it has nothing to hide, and that it is in fact doing its job: working for its citizens. As such, access to information is also important for transparency and fighting corruption.

Jordan has a legal obligation to allow for freedom of access to information, having ratified several international conventions, including:

- The Arab Charter on Human Rights, in which Article 32 states that the “present charter guarantees the right to information and to freedom of opinion and expression, as well as the right to seek, receive, and impart information and ideas through any medium, regardless of geographical boundaries.”

- The International Convenant on Civil and Political Rights (ICCPR), in which Article 19 provides: “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

- The UN Anti-Corruption Convention, in which Article 10 encourages state parties to enhance transparency, including by “adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organisation, functioning and decision-making processes of its public administrator and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public.”

Despite these international conventions, there are severe flaws in the way the Jordanian government has implemented its 2007 access to information law, including the failure to guarantee freedom of access in the constitutional amendments of 2011.

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In surveying the state of access to information in Jordan, this paper will first investigate the existing law and its faults. The activities of three prominent civil society organisations will then be presented to show public will as these are prominent actors actively trying to improve the situation. The paper will conclude with an overview of the future challenges and the reforms needed in the law in order for it to comply with the internationally recognised standard regarding freedom of access to information.

**The Current Law and Its Legal and Practical Restrictions**

Jordan’s existing access to information law was passed in parliament in 2007, under the title Freedom of Access to Information Law No. 47. Examining several articles of the law, as well as the procedures for accessing information, shows a number of obstacles to guaranteeing freedom of access.

Article 7 of the law requires that an applicant requesting information have a legitimate interest or a legitimate reason, without specifying the meaning of “legitimate.” Moreover, it grants the right to obtain information to Jordanian citizens only, failing to extend the right to everyone living in Jordan. Meanwhile, Article 9(d) states: “failure to respond within the specified period is considered a rejection of the request,” which is contrary to the principle of maximum disclosure of information developed by the United Nations. While the period to respond to the request for information is set at 30 days, Article 13(a) allows government officials to deny applicants access to information if documents are deemed protected by the State’s Secrets and Documents Law No. 50 of 1971. Indeed, the protection of state secrets law is considered the biggest obstacle to the implementation of the access to information law.

Requests for access are evaluated by the Information Council, which mediates between applicants and the institutions holding the requested information.\(^1\) The text of the law asks the Board to issue periodic reports; however, these reports have not been made public, and are only sent to the Council of Ministers. The law also asks all institutions to complete the indexing, organisation and classification of information and documents that are available, something that has so far not been done. There are very few cases of journalists or citizens filing complaints to the Information Council, primarily because the Council’s decisions are not binding to those who refuse to provide information to applicants.

\(^1\) The Information Council is headed by the Minister of Culture and composed of an Information Commissioner, the Director General of the National Library Department, the Secretary General of the Justice Ministry, the Interior Minister, the Secretary General of the Supreme Council for Information, the Director General of the General Department of Statistics, the Director General of National Information Technology Centre, the Director of Moral Guidance in Armed Troops, and the General Commissioner for Human Rights.
Jordanian Organisations Working to Raise Awareness

Three civil society organisations in Jordan has given this subject special attention, carrying out a number of activities designed to promote the importance of the law and develop proposals for its amendment, as well as train journalists, civil society groups, and government officials about their rights and processes to obtain information.

One organisation, the Amman Center for Human Rights Studies (ACHRS) has conducted specialised trainings, locally and regionally, including more than 40 training sessions for media sector actors and journalists. More than 300 media workers from 18 Arab countries since 2005 have participated in these trainings geared towards increasing awareness of access to information laws and simulating court hearing sessions.

In addition, a specialised programme on the right of access to information was successfully implemented in 2008-2009 with the financial assistance of Middle East Partnership Initiative (MEPI). The programme included two trainings, the first was attended by 30 men and women from different media institutions, ministries, and civil society organisations; the second included 12 daily and weekly newspapers, government institutions, media centres, as well as Jordanians civil society organisations and the media departments of local universities. In addition, the programme included a legal review of the Jordanian law on access to information by a specialised committee and supervised by ACHRS. Four meetings were held to discuss and review the law, with the committee submitting its recommendations to parliament for consideration in the its amendment. Finally, several promotional spots which were published for a week in local newspapers: Al-Rai, Ad-Dustur, Al-Ghad, and Al-Sabeel.

The programme raised public awareness regarding the right to access information, as shown by the increase in daily news coverage on access to information. In addition, because formal representatives of governmental institutions were involved in the programme, their ability to influence decision-makers was enhanced. The efforts to bring together civil society organisations, journalists, and government representatives also built a foundation for further cooperation.

Since then, ACHRS has continued training government institutions and civil society organisations to familiarise them with the law and lobbying efforts to amend it, and has continued to train journalists on their rights to access information.

Likewise, the Center for Defending Freedom of Journalists has been holding since 2007 training workshops for media representatives and government institutions to present the law and lobby for its amendment. It contributed to the installation of banners inside ministerial building to introduce the public to the right to request information and – with the support of USAID – issued guidelines to ensure the application of the right to access information in public institutions.
For its part, the Al-Quds Center for Political Studies has published a book on access to information, and organised a training on the subject in 2014. The Centre also conducted a round table on the activation of the right to access to information, and a workshop to raise awareness of the existing rights and proposed amendments to the law.

Reforms Needed for Greater Freedom of Information

Providing information on a proactive basis enables easy access for all. This necessitates the continuous updating of indexed information as well as access systems. Currently, the culture of secrecy and censorship of information within government institutions constitutes a major obstacle. Changing this requires abolishing or changing the content of the protection of the state’s secrets law. More broadly, a number of Jordanian laws should also be amended to comply with international standards on freedom of opinion and expression and the right to access information. These include the press and publication law, the penal code, and the law on radio and television, amongst others.

With regards to the practical dimensions of access to information, the appointment of an official responsible for access in every public institution, with clear instructions to all officials to cooperate with the applicants, would be necessary to streamline procedures. This would also be facilitated through specialised training for those working in the field of law enforcement to guarantee the right to access information. The classification of information in government institutions should also be expedited in order to facilitate access.

The government should prepare an annual report that shows the extent of the implementation of the law in each institution, and the rights to information should be extended to all residents of Jordan. Requests for information fees should also be cancelled and journalists and citizens encouraged to appeal and take cases to court when they are denied their rights to access information.

Finally, it is worthwhile for civil society to build capacity to issue annual reports on the status of the right to access information in Jordan, as their activities are limited so far to raising awareness. Jordanian civil society has a real role to play in monitoring and evaluation of access to information, which would contribute to greater freedom of access.

Conclusion

Despite the introduction of the 2007 law, no considerable difference has been noticed in the flow of information from government agencies towards journalists and citizens. The provisions of the law, unfortunately, do not attain the level of the international principles for access to information. As such, the law is a formality more than a tangible gain in the struggle to guarantee access to information. Moreover, there was no clear text for the right to access information in the constitutional amendments that were
implemented in 2011, despite the existence of the 2007 law and the ratifications of the ICCPR, UN Anti-Corruption Convention and the Arab Charter on Human Rights. Although the Jordanian law is the first one of its kind in the Arab world, there is still a long way to go. It is time to adopt a better legal and institutional infrastructure in order to guarantee freedom of access information.

The Information Council is headed by the Minister of Culture and composed of an Information Commissioner, the Director General of the National Library Department, the Secretary General of the Justice Ministry, the Interior Minister, the Secretary General of the Supreme Council for Information, the Director General of the General Department of Statistics, the Director General of National Information Technology Center, the Director of Moral Guidance in Armed Troops, and the General Commissioner for Human Rights.
The State of Access to Information in Palestine*

Issam Haj Hussein**

Legal Status of Access to Information: A Hodge-Podge of Rules and Exceptions

In Palestine, legislation is rife with guarantees regarding freedom of opinion and expression; nonetheless, the enjoyment of these rights is hampered by the non-ratification of draft laws as well as other articles imposing restrictions on fundamental rights.

Article 19 of the Basic Law states that “freedom of opinion may not be prejudiced. Every person shall have the right to express his opinion and to circulate it orally, in writing or in any form of expression or art, with due consideration to the provisions of the law”. However, the draft law on the right to access information in Palestine has so far not been ratified, although it has been discussed in parliament since 2005 and attempts by civil society to improve it in 2010, 2013, and 2015. Moreover, none of the laws in effect in Palestine, which are either originally Jordanian, Egyptian, or Palestinian, address directly the right to access information. In most cases, they either defined the information that could be accessed or clarified the restrictions and penalties involved in the process. These penalties and restrictions appear in several laws including, among others, the Penal Code, laws regarding media and the press, and others on the military and security establishments.

Article 4 of the Press and Publications Law No. 9 of 1995 states that freedom of the press involves the following, “inform the citizen of facts, thoughts, trends and information on the local, Arab, Islamic, and international levels; allow room for citizens to disseminate their opinions; search for information, news, and statistics that are of interest to the citizens from their various sources, as well as analyse, circulate, publish, and comment on them within the limits of the law; the right of the printed press, news agencies, editors, and journalists to keep their sources of information or news obtained secret unless the court decides otherwise during hearings of penal lawsuits for the protection of state security, prevention of crime or realisation of justice; and grant

* This paper was written based on reports by the Coalition for Accountability and Integrity – AMAN on the status of the right to access information in Palestine.
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citizens, political parties, cultural and social institutions, and unions the right to express opinions, thoughts, and achievements in their various fields of activity by means of printed material.”

However, a high number of restrictions are in place. Article 37 prohibits the publications of:

- any confidential information about the police or public security forces, or about their weapons, equipment, locations, movements, or training activities.
- Any article or material that expresses contempt for any religion or doctrine, the freedom of expression of which is safeguarded by law.
- Any articles which may jeopardise national unity, instigate the committing of crime, or disseminate grudges, dissension and aversion, or arousing sectarianism amongst individuals in society.
- Minutes of secret meetings of the Palestinian National Council and the Council of Ministers.
- All articles or news that undermines confidence in the national currency.
- Articles or news that offends the dignity of individuals, their personal freedoms, or reputation.
- News, reports, letters, articles and pictures that contravene public ethics and morality.

In addition, the entry of publications from abroad is banned if they contain any of the above prohibitions pursuant to the provisions of this law.

This article does not include a clear and specific definition of the information that should be kept secret, which opens the door to the inclusion of large amounts of information that could be used to violate and restrict the independence of the media. Likewise, the Jordanian Penal Code No. 16 of 1960, which is also in force in the Palestinian territories, contains a number of provisions that forbid the independent verification of information, and penalises anyone who publishes information that should be kept secret in the interest of the state. Article 126 of the said law stipulates in this context that “anyone in possession of documents or information… and informs about it or discloses it without a legitimate reason is sentenced to hard labour for a period of no less than ten years.”

**Attempts to Ratify a Law**

In 2004-2005, an attempt was made to draft an access to information law with significant contribution from the Independent Commission for Human Rights and the Coalition for Accountability and Integrity – AMAN. Campaigns were launched in support of the draft law, in partnership with an array of supporters including ministers and parliamentarians, with the aim of promoting a discussion of the draft in the Palestine National Council. Abdel-Fattah Hamayel, a member of the Council at the time, submitted the draft to the Council during its April 2005 session, and, once approved, referred it to
the relevant parliamentary committees for review and comment. Yet in that same year, the legislative and presidential elections that brought Hamas to power took place in Palestine, and due to internal and external pressure on the Palestinian government and the presidency, compounded by Israel’s practices and measures, and the decisions of the major donor countries, Palestine split politically into two parts, the West Bank and Gaza Strip. This not only took Parliament into a dark tunnel from which it is yet to emerge, it also meant that the draft law in question would not see light again before the previous term of the National Council came to an end.

In 2013, civil society organisations and a number of official bodies, including the Anti-Corruption Commission, continued to apply pressure on the Palestinian leadership, and once again tried to develop the draft further with help from local and international bodies. After successfully developing a draft law, the Anti-Corruption Commission submitted it to the Council of Ministers for review and ratification. Several factors helped push the draft law into the debate again; these include:

- The considerable advances in the electronic and social media resulted in a media sector with greater impact and ability to reach a wider cross-section of the population. At the same time, the inability of official agencies to control cyberspace led to the spread of inaccurate and undocumented information and widespread back-and-forth accusations aimed at settling political scores. This helped convince decision-makers to either support the enactment of laws capable of controlling cyberspace, or use the draft law to access information itself to restrict the right to share and impart information.

- The political will of the Palestinian Anti-Corruption Commission also factored into the reviving of the draft law. In the face of widespread rumours regarding corruption among public officials, on the one hand, and Palestine’s adherence to the United Nations Convention against Corruption and other charters and conventions, on the other, the Palestinian Anti-Corruption Commission wanted more than ever to revive the draft law and play a bigger and more active role in developing it and submitting it to the Council of Ministers for approval. The enactment of the law would be a considerable achievement and testament to Palestine’s commitment to the International Convention against Corruption.

- Finally, civil society’s continuous initiatives and sustained pressure also helped push for the ratification of the law. Organisations relied on several factors. Among these are Palestine’s obligations following its adherence to the International Convention against Corruption, the lack of a modern media law, widespread political corruption, and local and international reports and studies calling for the law on access to information to be ratified. This was complemented by the official oversight agencies’ failure to expose corrupt practices, and the abuse of power and public funds.
In 2014, the Anti-Corruption Commission and a number of civil society organisations formed a coalition to review and develop the law, to increase pressure and to support campaigns to secure its approval. However, despite their awareness-raising campaigns regarding the importance of the law itself and the importance of the citizens exercising their right to access information, the Council of Ministers continued, for various reasons, to delay the law’s approval for over a year. The absence of popular pressure groups, weak awareness among the public of the importance of the law in general, and weak pressure from the media contributed to the failure to have the law approved. This was also compounded by internal political divisions and paralysis of the Legislative Council, lack of political will (with opposition from some ministers, members of the Prime Minister’s office, and some security establishment chiefs).

Critique of the Draft Law of 2014

Numerous points of critique of the 2014 draft law on access to information have been cited, including:

- The text of Article 4 should be amended by using the term, “commission” instead of “appoint.” Appointments require the creation of new positions that in turn require a review of the administrative structures of all government institutions, which could end up obstructing the law’s implementation.
- The word “the” should be added to the term “administrative information” so as to read “the administrative information,” since the word “information” here means that which the institution wishes to make public, rather than all administrative information in its possession.
- The text relevant to the confidentiality of media sources should be amended in conformity with Article 4 of the Press and Publications Law.
- Compliance with secret judicial measures, such as those pertinent to minors and specifically honour-related cases, is necessary to safeguard the interest of those involved.
- The word “appeal” should be replaced by the word “complain” with a specification of the court competent to consider the complaint. The term “appeal” is used in lawsuits considered by courts in their capacity as judicial institutions, and not in cases considered by administrative institutions. In this case, the Commissioner General is an administrative, not a judicial, authority.
- There should be a minimum number of exceptions regarding information that the public has the right to know, especially cases involving human rights violations.
- Use of the terms “public interest” and “national interest” that occurs repeatedly in the draft law should be limited, as they are loose terms and could therefore provide a means of escaping the legal commitment to grant the public access to information.
- Chapter Five regarding the Commissioner General of Information and his Office should be rewritten taking into account the delineation of his employment criteria, the mechanisms
necessary to hold him accountable, his employment background, and a clear delineation of his prerogatives.

- The need to state that the Commissioner General is appointed in cooperation with both the executive and judicial authorities, and that the Supreme Constitutional Court should have the prerogative to end his services, and decide whether he was employed according to the right criteria and whether he should remain in his position. This will better guarantee his ability to perform his responsibilities with impartiality and independence.

- More stringent penalties should be imposed on those who violate the provisions of this law, instead of a simple fine.

- In Chapter Two, in the provision relevant to the principles of the right to access information and the obligation to publish key information, Article 6 states that the institution should publish annual reports. Two provisions were, however, eliminated from the previous draft. These dealt with the publication of measures according to which an individual can learn about public policies and public institution projects, and with the publication of the full texts of decisions or policies pertaining to public matters, the reason why a certain decision was taken, and its stated objectives.

- Article 9 of the previous draft regarding the protection of informant employees, states, “an employee who, in good faith, discloses information about irregularities or breaches of the law shall be protected and may not be punished.” This has, however, been changed in the new draft to read, “an employee who discloses information about irregularities or breaches of the law to the Commissioner General shall be protected.” This means that only the employee that discloses such information to the Commissioner General shall be protected, but not the employee who discloses it to someone else.

- Article 40 states that the Commissioner General of Information shall be appointed by the Council of Ministers. This article is an addition to the new draft and it would be better if the Commissioner General’s independence were further reinforced by giving the Legislative Council the prerogative of appointing him from among its own members.

- Article 24 is very general and vague, which comes within the context of exceptions for the relevant party to avoid disclosing certain information. The previous draft contained a clearer and wider definition of the type of information that falls under the exceptions category and that should be kept secret.

- Article 29, relevant to challenges, allows institution that want to withhold information to refer the request to another institution, under a variety of pretexts, with the aim of avoiding the release of the requested information.

- The draft’s provisions refer to fines only and make no reference to prison terms. It is illogical, for example, to impose a fine on someone who deliberately destroys records or documents containing information with the purpose of eluding a corruption case. On the other hand, it would have been apt to determine the amount of the fines in the relevant provisions of the draft, to allow for their assessment or amendment.
No article clearly addresses the structure of the Commissioner General’s Office, which should be stipulated.

**Current Developments**

In 2015, a fourth attempt at ratification of the draft law took place. The draft law was reviewed and amended again in cooperation with civil society, the Anti-Corruption Commission, and the Council of Ministers. Representing civil society in the process was a right of access to information group called the Khabbirni Coalition (“Let me know” Coalition). The parties’ representatives succeeded in amending the draft and submitting it for public discussion in order to receive feedback on the amendments before submitting it to the Prime Minister’s office for ratification. However, although the Legislative Committee at the Council of Ministers has already studied the new draft law, certain provisions are still the subject of debate. The controversial provisions have mainly to do with the Commission for the Right to Access Information, its administrative subordination, its degree of independence, and its mandate.

The amended draft is still at the Council of Ministers’ office and has not yet been sent to the Prime Minister’s office for ratification. The former cites a number of illogical reasons for the delay, chief among them is the fact that some officials and leaders of the security establishment still refuse to approve the draft in light of the current divisions. In addition, some officials fear that the law might be used to settle political scores or uncover issues long kept secret, be they political or pertaining to economic decisions, and the invested interests of people in power.

Through the Khabbirni Coalition, civil society is still bringing pressure to bear, and in the second half of 2015 the Coalition was reactivated under the leadership of AMAN and MADA (the Palestinian Centre for Development and Media Freedoms). The group’s internal debates and discussions have arrived at the following recommendations moving forward:

- Pressure campaigns should continue to mobilise until the law is approved.
- The Khabbirni Coalition should be institutionalised and its membership opened to other civil society organisations, especially to academics and members of the media.
- More social awareness of the importance of the law to citizens should be carried out in order to secure more public support
- More public awareness raising should be organised in order to explain the right to access information and its impact on promoting public accountability.
Access to Information in Lebanon and the Role of Civil Society

Ronald Barakat*

On 28 September 2002, in the Bulgarian capital of Sofia, the International Right to Know Day was launched. Since then, the number of countries that have ratified the agreement has continued to increase with the growth in the importance of this right as an effective tool to expose corruption, limit its spread, and ensure a level of transparency that allows accountability. International Right to Know Day has also proven important as an international awareness-raising mechanism concerning the individual’s right to access government data, and enshrining it as a basic human right in democratic systems.

The right to know is divided into two components. First is the right to seek and obtain information, that is, the citizen’s right to access information through the provision of a mechanism that allows oversight and accountability. The second component is the right of the citizen to know, meaning, the right to express one’s opinions and ideas and publish information without any impediment.

Currently, media is the sector most in need of a law on the right to access information, as it is one of the main instruments providing citizens with the right to know. The media is also an informational tool that helps citizens learn how best to access and publish information, and the best methods of oversight and accountability - despite the existence of a provision imposing a variety of punishments on the holder and publisher of information, including libel and defamation. It is important for the law to guarantee the right to access and to publish information in order to protect journalists, sources of information, and witnesses. Until this right becomes an implementable and enforceable law, the Lebanese Constitution will continue to allow indirectly citizens to access information. It is also incumbent on citizens to know their rights in this domain and call upon official institutions, sometimes even private ones, to respect their right to access and review public documents and records. Moreover, this access should not be limited to information that concerns them personally, but also documents and records regarding official administrative and financial matters.

In Lebanon, Article 13 of the Constitution guarantees freedom to express one’s opinion. Lebanon has also ratified a number of international conventions that underline this right, and signed the Universal Declaration of Human Rights, in which Article 19 clearly

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spells out this right. In addition, the preamble of the post-Taef Constitution clearly indicates that Lebanon is “an active member of the United Nations and abides by its covenants and by the Universal Declaration of Human Rights.” This sets a commitment for the state to establish the legal frameworks necessary to ensure the right of Lebanese citizens to know and access official information. However, Lebanon still has no law specifying the state’s general policy on access to information, and the official trend still leans towards denying the citizen access to any information related to public matters.

There have been several attempts, nonetheless, since 2000 to compel successive governments to adopt a law that allows the right to know. In particular, an initiative, launched by the National Network for the Right to Access Information and the Lebanese Transparency Association “No Corruption,” marked one of the primary efforts that led to a draft law.¹

The Draft Law: Activating the Citizen’s Right

The draft law was the result of efforts by a number of deputies, ministries, unions, and civil society organisations that came together within the framework of the Lebanese Parliamentarians Against Corruption group. Lebanon’s ratification of the United Nations Convention against Corruption made this draft an exceedingly important document.

In terms of its content, the draft law seeks to enshrine the right to information as a basic human right. It is framed as a basic pillar of citizen’s oversight in fighting corruption, as well as a guarantee of good governance. The main points of the draft law include:

- Promoting the citizen’s right to access information in the possession of public administration, which would enhance transparency in the administration’s work and improve its performance, and help combat and prevent corruption.
- Placing another legal instrument at the deputies’ disposal to promote their oversight and their right to access information and hold the government accountable for its performance.
- Facilitating journalists’ access to information to improve their investigative responsibilities, and promote their oversight role.

The completion of the draft law allowing access to information is the beginning of Lebanon’s fulfilment of its commitments under the provisions of the United Nations Convention against Corruption. It is also a contribution by the country – although belatedly – to the development of international legislation. Over the past decade, more

¹ Ghassan Moukheiber, Member of Parliament and Chairman of the Board of the National Network for the Right of Access to Information and president of its legal working group, officially presented a draft law to the Chamber of Deputies that allows for the right to know. Joining him in this initiative were a number of Lebanese parliamentarians belonging to the Lebanese Parliamentarians Against Corruption group that includes Yaseen Jaber, Walid Khoury, Abdallah Hanna, Ismail Sukkariyeh, and Jawad Boulos.
than 95 countries have passed special legislation regarding the citizen’s right to access information, known as the Freedom of Information Law.

In terms of its form, the draft law is the outcome of a rarely seen collective effort in Lebanon. It was produced within the context of the National Network for the Right of Access to Information, founded on 11 April 11 2008 upon the initiative of the Lebanese Parliamentarians against Corruption group, the Lebanese Transparency Association “No Corruption,” and the Association for the Defence of Rights and Freedoms – Adel (Justice), in cooperation with the American Bar Association’s Rule of Law Initiative at its Lebanon office.

The Network: Strength in Cooperation
The Network’s distinguishing feature is its diversity. This includes:

- Parliamentarians from different blocs who signed the draft law, and are members of the Lebanese branch of the Parliamentarians Against Corruption. This underlines the importance of cooperation in the legislative domain aimed at the creation of systems that ensure integrity, and the ability to fight and prevent corruption.

- Various specialised ministries: Office of the State Minister for Administrative Development Affairs, and the Ministries of Interior and Municipalities, Justice, Finance, and Economy and Trade. The drafting of the law relied on previous efforts, particularly the draft law on the right of access to information prepared by former Minister Ziyad Baroud prior to taking charge of the Ministry of the Interior and Municipalities. It also benefitted from a draft law prepared by the office of the Minister of State for Administrative Development.

- The Unions of liberal Professions and a wide variety of relevant civil society organisations previously mentioned.

- Cooperation and comparison with international experiences with the help of the American Bar Association. The latter provided comparative legal expertise through a group of Lebanese and international experts to promote awareness and education, and urge commitment to and practice of this right.

The Network’s main activities were divided between the legal working group and the support working group. The legal working group took charge of the drafting of two laws. The first, which is relevant to the right of access to information, was completed but remained in the Chamber of Deputies’ files till 2012. The second law is relevant to the protection of whistle blowers. However, the law on the right of access to information was withdrawn by the Prime Minister in his first week in office for review, and has not yet been sent to parliament. The support working group, for its part, tries to educate, raise awareness, and promote a dialogue on the right of access to information and the protection of whistle blowers.
Although the Chamber of Deputies’ approval of the declaration relevant to the draft law on the right of access to information is a small initial step, it is a very important one on for entrenching and activating basic citizens’ rights in the country. It promotes the citizens’ trust in state institutions and strengthens the fight against corruption.

The Role of Civil Society: The Lebanese Transparency Association

The Lebanese Transparency Association (LTA) has been the leading Lebanese organisation in promoting Access to Information through “above the line, below the line” advertising campaigns (billboards, radio ads, brochures, leaflets, etc.) and social media campaigns.

In October 2004, LTA published a book in Arabic on access to information in the MENA region entitled *The Right to Know: The Arab Reality in the Light of International Experiences*. The book included country reports on Palestine, Egypt, Yemen, Bahrain, Morocco, Algeria, and Lebanon and the translation of several chapters from Global Corruption Report 2003 by Transparency International (TI). This initiative, is currently being translated into English, in cooperation with United Nations Development Programme (UNDP) and the Foreign Commonwealth Office. The book was for the first time distributed in a meeting of TI’s Arab chapters in October 2004 in Nairobi, Kenya. The participants realised that the challenges and obstacles to drafting an access to information law were similar in the countries of the region, where a drafting process had started, and, as a result, members agreed to work together to reach a solution.

In November 2004, following the establishment of Arab Parliamentarian Against Corruption (ARPAC), LTA also hosted a workshop focusing on access to information which was attended by TI chapters from the Arab region, parliamentarians, the TI-Secretariat, and local experts. The access to information workshop served as an opportunity to discuss the challenges of adopting access to information laws in the Arab region and to learn how to face them. In addition to sharing their rich experiences with the participants, experts helped the Arab TI chapters to adapt access to information principles to the Arab context and adapt three draft laws to the national contexts of Palestine, Bahrain and Lebanon.

LTA engaged in working on a draft law on access to information based on a model law by Article 19, which LTA published in its first access to information publication. A committee of jurists, headed by Mohammad Mattar, led the work on the draft law. In 2005, LTA concluded the model law and presented it to the Office of the Minister of State for Administrative Development, members of the Council of Ministers, and members of the Parliament. The process was followed by a campaign pushing for the adoption of the law. The same initiative took place in Bahrain and Palestine.

The efforts to work on access to information with MP Ghassan Moukheiber until 2009 when a draft law was submitted to the parliament for review. In 2012, after two years of
delay, the Administration and Justice Parliamentary Committee started reviewing the draft. In May 2013, LTA launched a project aimed at promoting the right of access to information in Lebanon by raising awareness, pressuring the parliament to ratify the draft law, and providing citizens with tools to practice their right of access to information. As part of the project, LTA has been elected as a board member at the National Civil Society Parliament (NCSP) liaison unit, where LTA lobbies to have the draft law ratified. In addition, LTA is an active member of NCSP and its Editorial Board, which delivers to all MPs a monthly newsletter containing articles related to access to information.

In April 2014, the draft law was submitted to the parliament’s General Assembly to be voted. During the voting session, the Prime Minister, Tammam Salam, exercised his constitutional right and withdrew the draft law for review and remarks. He was granted one-month extension which is still ongoing at the time of this writing.

LTA has encouraged and assisted young journalists in drafting and publishing eleven articles about the subject and organised workshops and training sessions for citizens in various Lebanese regions in order to stress the importance of the right to access information in combating corruption and promoting transparency, accountability and good governance. Although the political and security situation in Lebanon has complicated LTA’s ability to push for the ratification of the law, with no government or parliamentarian meetings taking place, LTA continues to work to mobilise citizens and is still advocating and lobbying for the draft access to information law to be adopted.
Access to Information in Tunisia: Legal and Institutional Advances and Weaknesses

The right of access to information is a complementary element to human rights and the means through which nations enshrine the principle of transparency in domestic law. Through the right of access to information, societies entrench the culture of accountability and ensure the citizens’ participation in the public sphere and, in doing so, set the rules for good governance. Moreover, granting access to information activates the citizen’s right to know, a basic element in guaranteeing freedom of speech. Information is the oxygen of democracy and any talk of ensuring the tenets of democracy and respecting the freedom of expression is moot without guaranteeing the freedom of information, and the right to access it.

In Tunisia today, five years after the outbreak of the revolution, the term “right of access to information” has shifted from a slogan to an actual practice. This basic right was approved via Decree No. 41 in 2011 and published 5 May 2012, making it a constitutional right based on the provisions of Article 32 of the Tunisian constitution, ratified in 2014. Of note, Decree No. 41 was the first document to be approved after the revolution, and was ratified before the Societies and Parties’ Law and other laws that protect public and individual freedoms.

Nonetheless, approving a legal framework does not on its own guarantee that the right of access to information will be actually activated and implemented. The legal framework should include all factors and basic principles that guarantee actual practice on the ground, and should be accompanied by the appropriate institutional framework and genuine willpower by all parties concerned. Assessing the status of the right of access to information in Tunisia today requires a study of its legal and institutional frameworks, tracing the various stages of its inception and development, in order to evaluate its efficacy and assess the major challenges to be faced in the future.

Current Status of the Access to Information in Tunisia
Prior to 14 January 2011, Tunisia pursued a centralised administrative policy based on the secrecy of information. Not only was this process beset by rampant bribery, there

* A non-governmental organisation that works fairly and systematically to oppose censorship worldwide.
was neither an effective civil society nor a legal framework guaranteeing the right of access to information. Apart from a few circumstantial texts, issued in the 1990s and dealing mostly with a number of relevant organisational orders, no text of a legal nature existed dealing in its entirety with this fundamental issue.

After the 14 January 2011 Revolution, civil society organisations, some political parties, and the government increased their efforts to foster a legal framework to allow citizens access to information as per international conventions. The aim was to create a mechanism of citizen’s oversight to ward off corrupt practices inside and outside the administration. Civil society, however, was granted a limited role in the process, as the series of political, social, and economic challenges that ensued following the ouster of Ben Ali negatively affected its role in monitoring the transition. Nonetheless, civil society did play a significant role in calling for the reactivation of this right, and the development of a relevant legal framework.

**The Legal Framework**

International standards on access to information involve a series of basic principles upon which legislation should be based. Chief among them is the obligation to publish information, set the maximum limit on what can be disclosed or published, define the scope of exceptions, and establish a simple set of measures that facilitate access and protect informants.

During the revolution, the relevant authorities and civil society worked to develop a legal framework that would allow citizens the right to access information. This legal framework is composed of a variety of decrees, along with articles in the 2014 constitution, including Decree No. 41 of 2011, Circular No. 25 of 2012, Decree No.54 of 2011, and number of sectoral texts. Of particular importance to the legal framework is Decree No. 41, the first text issued dealing with this right as a whole, and regulating the relationship between the administration and those who deal with it. The decree’s approval made Tunisia the 90th country to enact a law guaranteeing citizens the right to access administrative information, thus entitling it to become a member of the Open Government Partnership.

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1 Law No. 95 of 1988 pertaining to archives, and order No. 982 of 1993 that organizes the relationship between the administration and those dealing with it.
2 The right of access to information has been upheld in international agreements and documents, chief among which are the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights, commonly referred to as “Article 19”.
3 Decree No. 115 of 2011 relevant to the freedom of the press, printing and publication; and Decree No. 116 of 2011 relevant to audio-visual communication, and the establishment of an independent high commission for audio-visual communication.
representing the Arab region. The decree contains 24 articles that grant access to information, and specifically to administrative documents (delineated in Article 2 as those published by public institutions during the performance of their public duties). This includes the state’s central and regional facilities, local groups, and public institutions and installations.

In addition, both Decree No. 41 and Explanatory Circular No. 25 delineate the measures and rules necessary to activate the right of access to administrative documents. Article 22 of Decree No. 41 states that the right to access administrative documents takes immediate effect, and that public institutions should fully comply with the decree’s provisions within two years of its going into effect, i.e., by May 2013. The foreword lists all public institutions required to publish administrative documents in a regular fashion, including those pertaining to economic, financial, social and statistical matters. At the organisational level, this includes:

- All legal texts and laws pertaining to the institution’s organisational structure, responsibilities, duties, and policies;
- Important decisions and policies pertaining to the public, and having to do with the institution’s work and basic responsibilities;
- The institution’s decision-making mechanisms when deciding on matters related to its assets and services it provides as part of its responsibilities, and the oversight mechanisms that ensures respect of these measures;
- A list of the services provided by the institution, the documents necessary to obtain them, and documents related to consultations, projects and programmes open to the public, and their outcome;
- A guide to the measures used by the institution’s employees when rendering services pertaining to their responsibilities;
- A directory containing the address of the institution’s headquarters and other affiliated institutions, their telephone numbers, email addresses, and a list of the heads of departments and their respective responsibilities;
- A list of the names of employees in charge of information and the data that allows citizens to contact them, particularly their telephone numbers at work, email addresses, and workplace address.

The decree also stipulates that this information should be published on a public internet site, and that if no such site is available, one should be established prior to the stated deadline.

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4 Tunisia became a member of the Open Government Partnership on 14 January 2014 and thus became the second Arab member, after Jordan, to join the initiative. Tunisia established a practical work plan involving 20 obligations over a two-year period.
In addition to ensuring that the principles pertaining to the right of access to information are duly implemented, the decree delineates a number of exceptions to this right, defined in Article 16 as follows:

- Administrative documents protected from disclosure, especially those containing personal information;
- Documents in which a legal order forbidding disclosure exists;
- Documents obtained by the public institution and headed by the word “secret.”

The decree also includes additional exceptions, in the case that damage could be caused to relations among states or international organisations; the formulation of an effective government policy or its improvement; national security or national defence; the uncovering and prevention of crime; arrest and prosecution of the accused; the proper functioning of the judiciary, or impartiality of measures relative to the awarding of public sector contracts/transactions; processes of deliberation, exchange of ideas and points of views; examination or tests, and the legitimate commercial and financial interests of the concerned public institution.

In 2014, the inclusion of the right in the new constitution proved a vital step in the establishment of a legal framework for access to information, succeeding in finalising the legal debate surrounding Decree No. 41.\(^5\) Article 32 of the Constitution states, “The state guarantees the right to information and the right of access to information and communication networks.” This imposes on the state the obligation to allow every citizen, within the context of promoting transparency and democracy, to publish documents that include data and information relevant to public bodies and institutions, and update them regularly. It should allow every citizen the right to access these documents using all available means of information and communication technology, with all exceptions diligently defined according the standards of public order and interest.

**The Institutional Framework**

To enshrine the right of access to information, the position of a so-called “agent” was created to assist citizens when necessary, and in cases of difficulty preparing their request. The person in charge of information and access to administrative documents should be a key employee of the public institution. In the case of public institutions that maintain relations with the citizens, the headquarters of the agent in charge of information and access to administrative documents should be in the office responsible for relations with the citizens.

\(^5\) ARTICLE 19 works so that people everywhere can express themselves freely, access information and enjoy freedom of the press.
A leadership committee was established at the prime ministerial level to follow-up on the implementation of the provisions of Decree 41, alongside an institution charged with training state employees in the field of governance, in cooperation with the relevant experts. Each public institution is also required to train and raise its employees’ awareness regarding Decree 41’s importance, and how it should be implemented.

**Weaknesses in the Current Status of Access**

The right to access and use information is a genuine mechanism of positive change that ensures transparency and credibility, since it helps root the culture of accountability and good governance. However, despite Tunisia’s successful drive to include this right in its laws, its implementation on the ground is still relative due to a number of negative factors inherent to the legal and institutional frameworks. These include:

- The incompatibility between Decree No. 41 and international standards in effect. Based on international standards, there is wide interpretation of what qualifies as information. Thus, although Article 19 of the International Covenant for Civil and Political Rights states, “in writing or in print, in the form of art, or through any other media of his choice,” the decree limits information to administrative documents, thus placing limits on access rights. On the other hand, while international standards allow the restriction of this right to the information being necessary and limited, a general ambiguity exists in Decree No. 41 in both style and content.

- Certain terms with regards to cited exceptions lack clarity, especially references to the “formulation of an effective government policy or its improvement” and the “uncovering or prevention of crime” which can make interpretation difficult.

- The decree omits the inclusion of an independent institution charged with allowing access, i.e., an “Access to Information Commission” that would actually oversee the implementation of this right, as is the case in comparative experiences. Moreover, the decree fails to give guarantees to the person charged with granting information and access.

- The decree does not include provisions that state this right’s precedence over other sectoral laws,\(^6\) which constitutes an obstruction to the right of access.

The basic draft law on the right of access to information was written in 2013, in coordination with the government and civil society’s representatives, to address the shortcomings in Decree No. 41. It was meant to ensure better compliance with international standards, especially those pertaining to the improvement of the exceptions system, and creation of an independent access institution that ensures civil society’s representation.

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\(^6\) Law No. 95 of 1988 relevant to archives; Law No. 112 of 1983 relevant to the general basic law to state assistants, local groups, and public institutions of an administrative nature; Basic Law No. 63 of 2004, relevant to the protection of personal data.
Recommendations for Improving Rights and Access

The legal and institutional frameworks of the right of access to information need additional improvement to include all essential elements. In particular, a number of complementary texts should be approved that ensure the right’s efficacy, including the protection of informants who disclose corruption and bribery cases by giving information in the course of performing their duties. In addition, laws should be approved that regulate issues pertaining to conflicts of interest and disclosures of profit.\(^7\)

Since neither employees nor citizens are accustomed to practicing this right, civil society organisations should coordinate their efforts to crystallise visions and proposals that help activate this right, raise awareness about it, and monitor its use. It is also necessary to strengthen the institutional framework by making the appointment of access agents more widespread, clarifying their role in following-up on requests and responding to them, and ensuring that an independent body is created to which people can have recourse in case of rejection, given the limited effectiveness of complaints to the institution’s director.

\(^7\) Law on the protection of informants, experts, and witnesses.
Access to Information in the Arab World
A Battle for Open Societies

Access to information remains a struggle towards the realisation of open societies in the Arab World. This report offers insight into the cases of Egypt, Jordan, Lebanon, Palestine and Tunisia and assesses their challenges. It highlights the crucial role civil society has to play to achieve the rights of access to information in MENA.

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