



100 RTI Laws: Much to celebrate but still a long way to go

29 September 2014 – for immediate release

Sweden passed the world's first access to information law in 1766 but it took nearly two hundred years for the next law to be adopted, by Finland in 1951. The pace has picked up a bit since then, and this month the world celebrated a milestone, as Paraguay's Law for Citizens' Free Access to Public Information and Government Transparency became the world's one hundredth right to information (RTI) law. Fully eighty-three of those laws were enacted in the past two decades. Over the same time period, the right of individuals to access information held by government has been recognised as an international human right and it has gone from a somewhat novel public service reform to being one of the cornerstones of effective and accountable government. Today, no government which does not provide for a robust right to information can credibly claim to be open and democratic.

One hundred RTI laws is a momentous achievement but, amidst the celebrations, we must bear in mind that this represents only about half of the world's countries. Although the vast majority of the world's population, around four-fifths, now lives in a country that has an RTI law on the books, the list of countries which have not yet passed right to information laws includes many large and influential States, such as Egypt, Myanmar and the Democratic Republic of Congo. The list of non-adopters also includes a number of relatively stable democracies, such as Costa Rica, Kenya, the Philippines and Cyprus. Moreover, the prevalence of RTI legislation varies widely from region to region. While RTI laws are almost ubiquitous across Europe and relatively prevalent in the Americas, only three of the Arab league's 22 member States have passed RTI laws.

Furthermore, not all laws are created equal. The RTI Rating Methodology (www.RTI-Rating.org), a comparative analysis of legal frameworks for RTI developed by the [Centre for Law and Democracy](#) (CLD) and [Access Info Europe](#) (AIE) based on international standards, has been applied to all 100 laws. Out of a possible maximum of 150 points, the world's right to information laws scored an average of just 86.5 points, or 58%. In other words, the average RTI law still lacks nearly one half of the hallmarks of an ideal legal framework.

Significantly, many of the world's weaker RTI laws are found in developed democracies. Not a single one of the top twenty countries on the RTI Rating are

developed democracies, while five of the bottom ten countries are in Western Europe. This is partly because many of the early RTI laws have not been updated to take into account advances over the past decades. However, it may also be partly because citizens of countries with long histories of democracy and stability are less vigilant about insisting on the right to information than those from countries with a recent experience of dictatorship, who have seen firsthand the abuses that an unchecked and unaccountable government can perpetrate. This is unfortunate; although corruption and official mismanagement tend to be more pervasive in the developing world they are certainly not unique to those regions, and the right to information remains critically important in established democracies. If the 2013 Internet surveillance disclosures have taught us anything, it is that governments in vibrant, healthy democracies are quite capable of carrying out flagrant abuses if their power is left unchecked.

Beyond weak legislation, poor implementation remains a problem that cuts across RTI systems in both the developed and developing world. A feeling of euphoria almost inevitably follows the difficult struggle to get governments to adopt RTI legislation. But the legislative process represents the beginning, rather than the end, of the struggle for openness. Some of the strongest RTI laws only exist on paper. Ethiopia, in 12th place globally with 114 points on the RTI Rating, has done nearly nothing to implement its law, while Yemen passed a robust RTI law but has completely refused to fund the main oversight institution, namely the Information Commissioner-General.

While implementation challenges can be more acute in the developing world, the problem is certainly not limited to emerging democracies. Indeed, the massive cultural shift that is engendered by the transition from the secretive exercise of power to open democracy is almost universal. The open data movement, for all its undeniable benefits to expanding transparency, can also present a challenge to RTI as governments try to present this as a replacement, rather than a complement, to RTI.

In other words, while the milestone of 100 laws is most certainly something to be celebrated, around the world there are still serious challenges regarding the right to information, and resistance from many powerful quarters. Although challenges lie ahead, the RTI community has demonstrated time and again that it is ready to face them. Indeed, the most important development of the past two decades has not been the passage of eighty-three RTI laws. Rather, the most important development has been the engine which has driven these advances: the robust, energetic network of civil society activists that has risen up as champions of the right to information. The RTI movement's greatest resource is its people, the seemingly endless supply of talented and driven advocates that have sprung up across the developing world to push for the recognition, acceptance and implementation of this vital human right.

We are proud and pleased to have worked with all of you through these exciting times. Here's to a hundred RTI laws. We look forward to working with all of you through the next hundred.

For further information, please contact:

Michael Karanicolas
Legal Officer
Centre for Law and Democracy
email: michael@law-democracy.org
tel: +1 902 448-5290
www.law-democracy.org
twitter: @law_democracy