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Sri Lanka Proposes Strong Right to Information Act

The Sri Lankan Cabinet has approved a draft Right to Information (RTI) Act which, if passed into law, would be among the strongest in the world. Although Sri Lanka is a relative latecomer in this area – being the only country in South Asia apart from Bhutan that has yet to adopt an RTI law – an assessment of the draft Act by the Centre for Law and Democracy (CLD) gives it a score of 120 out of a possible 150 points on the RTI Rating, which would make it the seventh strongest law in the world. At the same time, CLD’s Analysis points to a number of areas where further improvements are recommended.

“We very much welcome the fact that Sri Lanka finally seems to be bringing to fruition a project that started nearly 14 years ago”, said Toby Mendel, Executive Director of CLD. *“Although the draft Act is robust, we hope that the relevant authorities will take advantage of this unique opportunity to introduce further improvements so as to create a really excellent RTI law.”*

The draft Act has a number of positive features, including a broad scope, a narrow regime of exceptions and a good package of promotional measures. CLD’s recommendations include the following:

- Foreigners, as well as citizens, should benefit from the right of access.
- A number of measures should be adopted to enhance further the independence of the oversight body, the Right to Information Commission.
- The system for proactive publication should rely more on online publication systems.
- Third parties should not enjoy a veto over the disclosure of information provided by them.
- The overall time limit of ten years should apply to all exceptions that protect public interests.
- The Commission should enjoy enhanced powers and its decisions should be binding.
- The law should provide protection for whistleblowers.

CLD urges the Sri Lankan authorities to amend the draft Act so as to provide an even more robust basis for the right to information in the country.

The CLD Analysis is available at: <http://www.law-democracy.org/live/wp-content/uploads/2012/08/link-to-the-Analysis1.pdf>.

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