



CENTRE FOR LAW  
AND DEMOCRACY

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## **Namibia: Access to Information Bill Strong But Reforms Could Make it an African Leader**

Today, as Namibia hosts the World Press Freedom Day Global Conference 2021, the Centre for Law and Democracy (CLD) released an Analysis of Namibia's Access to Information Bill. This Bill, which was tabled in parliament in 2021, would give individuals a right to access information held by government. Overall, the Analysis shows that the Bill is largely in line with international standards but could still be further improved. A quick assessment of the Bill based on CLD's RTI Rating ([www.RTI-Rating.org](http://www.RTI-Rating.org)), which is a methodology for assessing the strength of legal frameworks for the right to information globally, shows that it earns a score of 114 out of a total 150 points. This would place it in 20<sup>th</sup> position from among the 128 laws currently assessed on the Rating. A few tweaks to the Bill could increase Namibia's score, placing it among the top ten countries globally, alongside Liberia, the only African country currently in that group.

*"Adopting a right to information law has been a matter of debate for a long time in Namibia, so adopting one is long overdue,"* said Toby Mendel, Executive Director, CLD. *"While the Bill is a good start, parliament should introduce a few improvements so that the final law offers rigorous protection for the right to information."*

The Bill has a number of strengths, such as an independent Information Commissioner with extensive powers, broad scope of coverage and a good set of promotional measures to support effective implementation. The Analysis offers comprehensive recommendations on areas for improvement, but some highlights include:

- No reasons should be required to be provided when making a request for information and more detailed procedures for making requests should be added.
- The ATI law should trump secrecy provisions in other laws in case of conflict.
- The current exclusions of key information related to the cabinet and judiciary should be removed.
- The public interest override should be amended so that it applies whenever the public interest in accessing information is greater than the harm disclosing it would cause.
- The criminal sanctions for accessing exempt information should either be removed entirely or be limited in scope to officials.

CLD's Analysis is available at: <https://www.law-democracy.org/live/namibia-access-to-information-bill-strong-but-reforms-could-make-it-an-african-leader/>

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