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REGIONAL DIALOGUE

Advancing Access to Information in MNA: Supporting Coalitions & Networks

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INSIDE:

- ✓ Summary of the Workshop *Access to Information in MNA: The Road Ahead* (June 13-15, 2012)
- ✓ The Right to Information in the Arab World: Recent Developments *by Toby Mendel*
- ✓ Media and Access to Information Laws: Exploring Linkages and Opportunities *by Rosario Soraide*
- ✓ Northern Africa Consultation on the Draft Model Law for AU Member States on Access to Information *by Lola Shyllon*
- ✓ INTERVIEW: *Saidi Adnane*, Senior Civil Servant at the Ministry of Civil Service and Administration Modernization of the Government of Morocco
- ✓ Country Status Report: August 2012
- ✓ EVENTS: Summary of past events and activities in the region



ATI-MNA NEWSLETTER, FOURTH ISSUE!

This newsletter is a publication of the **Regional Dialogue on Supporting Coalitions and Networking to Advance Access to Information in MENA**, which aims to support the exchange of information and knowledge on Access to Information (ATI) among stakeholders from Jordan, Lebanon, Morocco, and Tunisia. This newsletter provides a space for sharing information where coalitions working toward effective ATI in the MENA region can disseminate their work broadly, dialogue about recent developments related to ATI in their countries, and more.

In this edition of the ATI Newsletter, we focus on the workshop **Access to Information in MENA: the Road Ahead** that gathered participants from the four participating countries together with a group of experts, from June 13-15 at the Center for Mediterranean Integration in Marseille, France. This July/August/September edition will cover the events of this workshop and marked the end of the first phase of the implementation of the ATI Dialogue in MENA. It was a good opportunity to assess the work of the Dialogue over the previous four months, and enable participants to exchange views with experts to develop a common vision for

the next phase of this initiative. As a result, each country will be hosting a range of activities to celebrate International Right to Know Day on September 28, 2012. Each country will also begin the implementation of its national action plan.

You will also find guest columns, an interview with an ATI practitioner from the region, updates on the ATI situation in some countries and information about relevant past events.

Additionally, we are pleased to announce that a new report by Said Almadhoun tracking the latest developments in legislation and implementation of ATI in the region is available in [English](#) and [Arabic](#).

We are continuing to incorporate your valuable feedback, and welcome any further comments, questions and information you wish to share. Finally, we would like to thank practitioners and organizations that are sharing the ATI-MNA Newsletter on their websites and e-mail lists. Please continue to share the Newsletter and other materials and news on our Facebook page.

To share your articles, information about future events, or suggestions, please e-mail:

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Or share your content on our Facebook page:

<http://on.fb.me/ITq76A>



See earlier issues of the newsletter in [English](#) or [Arabic](#)

ACCESS TO INFORMATION IN MNA: THE ROAD AHEAD
SUPPORTING COALITIONS AND NETWORKING TO ADVANCE ATI IN MNA REGIONAL DIALOGUE
JUNE 13-15, 2012 – MARSEILLE, FRANCE
WORKSHOP SUMMARY

On June 13-15, close to twenty ATI practitioners from Jordan, Lebanon, Morocco, and Tunisia — including representatives from civil society, media, and government — met at the Center for Mediterranean Integration in Marseille to discuss their efforts to advance the ATI agenda as part of the Regional Dialogue **Supporting Coalitions and Networking to Advance ATI in MNA**. Topics of discussion included: progress since the start of the Regional Dialogue, strategies to strengthen coalitions, the development of a draft action plan, and quick win activities, among others.

To jumpstart the workshop, participants from different countries paired up to discuss the importance of ATI and introduced their peers to the group, reflecting on both personal and professional experience with ATI.

Participants also shared their expectations for the workshop; two priorities emerged:

- ✓Networking – sharing experience and expertise, expanding knowledge, developing relationships, and learning about good practices.
- ✓Defining concrete next steps – creating realistic action plans at the domestic level, developing regional synergies, and continuing to develop the Dialogue.

Update on progress

Each country team presented on the progress they have made in moving the ATI agenda forward and the main challenges each country has faced, which laid the groundwork for the way forward.

The Lebanese group's approach was to set short-term objectives, developing an advocacy plan with a clear message, and identifying target groups to strengthen the country coalition.

The Jordanian group explained that even five years after the adoption of the ATI law in Jordan, it is still not fully implemented. Last year three studies uncovered striking evidence of the challenges: Half of the Ministries were unaware of the existence of the law; 40% of journalists did

not know about it; and 65% of the 50 richest Jordanian companies did not use the law. Out of the 10 ATI-related cases on appeal, six were launched by university personnel, and only one reached the Administrative Tribunal.



The country teams were then asked to present the results of exercises they had undertaken to identify key stakeholders and potential new partners. The circumstances of each country are clearly quite different.

Drafting action plans and proposing quick wins

Workshop sessions also focused on developing quick win activities and national action plans.

Each country team proposed quick wins – low investment, high visibility activities – for the International Right to Know Day on September 28. Moroccan participants explored the idea of having a cultural week, in which the coalition could raise awareness about the importance of ATI through street theater or other cultural activities. The Lebanese team proposed a quick assessment of awareness about ATI, and a national conference to disseminate the results. Jordanian practitioners suggested an essay contest about the benefits of ATI for law and journalism students; Tunisian practitioners proposed setting up a website for information requests.

National Action Plans (NAP) are medium-term objectives that are implemented within a year. Participants had the opportunity to exchange ideas with international experts to improve their preliminary action plans. The country teams then revised the NAPs, and will finalize them by September 2012.

Coalition Building

This session helped define a more efficient way of collaborating and start laying the foundations of national



coalitions. Participants addressed specific questions about building and strengthening coalitions. They mapped key actors and discussed how to leverage previous work for an advocacy campaign.

The group defined *coalition* as a group of people who have made a long-term commitment to work together towards one goal, engaging throughout the process, and sharing resources and responsibilities.

Each country team gave an update on its coalition, describing challenges and opportunities to improve the work. Important observations include:

- ✓ Trust among members is the currency of a coalition;
- ✓ A coalition needs rules that regulate its scope of work, articulate the mission and administrative procedures, and define the coalition's relationship with donors;

- ✓ Informal actors (like youth networks) are quite effective in outreach, constituency-building, etc.;
- ✓ It is not appropriate for political parties to be members of the coalition given their lack of neutrality; nonetheless, as long as the coalition's independence is preserved, they can be allies at specific times;
- ✓ Alliances and loyalties are constantly shifting and membership changes along the lines of interests; these shifts are challenging but manageable

Case Studies

In one session, participants discussed three ATI case studies from Mexico and designed a plan of action. They had to manage the complexity of ATI cases, find a balance between government and other societal interests, and present arguments in favor and against the disclosure of information.

Key lessons from this session:

- ✓ ATI is always applied the same way, regardless of the value of the information for the requestor or the reason for the request. Some ATI laws stipulate that the requestor specify the purpose of the request; however, this does not adhere to international standards. ATI focuses on whether the request is legal or not.
- ✓ The requestor's identity does not impact the application of ATI, as accessibility and disclosure should be determined on legal terms. (Some ATI laws, however, dictate that only citizens can make the requests.)
- ✓ The law assumes that how public resources are used should be public, so in some cases a compromise between ATI and privacy needs to be reached. A government employee, beneficiary of government programs or recipient of public funds might have limits on his or her privacy (e.g. public employees' salaries).
- ✓ In some cases when weighing the harm to privacy against the benefits of disclosure, the specific context needs to be taken into account (e.g. the history of Mexico, which is marked by a lack of government accountability). In other cases, for the sake of the public interest, it is better to withhold information.

At the end of the workshop, participants were broken into stakeholder groups (government officials, civil society, and media) to discuss potential regional activities.

Other Resources

- Minutes of the workshop will be posted in the Regional Dialogue's Facebook page
- Video Interviews from the Workshop "ATI in MNA: The Road Ahead"
[Chahreddine Ghazala](#), Public Services Advisor, The Presidency of the Government of Tunisia
[Hajer Trabelsi](#), CSO Touensa, Tunisia
[Selma Bennani](#), Journalist, Le Soir Echos
[Hani Imad](#), Legal Expert, Arab Region Parliamentarians against Corruption, Lebanon
- "ATI in the MENA Region: An overview of recent developments in Jordan, Lebanon, Morocco and Tunisia" by *Said Almadhoun*, in [English](#) and [Arabic](#)
- Media coverage of the Workshop in French available [here](#) and [here](#).

RIGHT TO INFORMATION IN THE ARAB WORLD: RECENT DEVELOPMENTS

Toby Mendel¹

At the beginning of 2011, just one country in the Arab world – Jordan – had adopted a right to information (RTI) law and that was a weak law, with even weaker implementation.² Just one and a half years later, the situation has changed dramatically. Two other countries – Tunisia and Yemen – have now adopted RTI laws, while several other countries are working on drafts. Jordan has even pledged to improve its law. This article discusses these developments, with a particular focus on countries which are not part of the Regional Dialogue on **Supporting**

Coalitions and Networking to Advance Access to Information in MENA.³

Egypt

Developments on access to information in Egypt significantly predate the start of the Arab Spring. On the civil society side, the United Group of Lawyers held consultations around the country and developed a draft RTI law in March 2008.⁴ During the Mubarak regime, this remained simply an



¹ Toby Mendel is Executive Director of the Centre for Law and Democracy

² The RTI Rating developed by the Centre for Law and Democracy and Access Info Europe placed the Jordanian law in 86th place out of 89 countries when the rating was launched on 28 September 2011. See www.rti-rating.org.

³ The Dialogue supports the exchange of knowledge and information on RTI among stakeholders from Jordan, Lebanon, Morocco and Tunisia.

⁴ Available in Arabic at: <http://www.ug-law.com/downloads/freedom-and-circulation-of-information-law-ar.pdf>.

exercise in civil society consultation, but the draft was revived in the post Mubarak era (see below).

From within the government, there were also moves to consider RTI legislation. Thus, as reported in freedominfo.org,⁵ the World Bank worked with the government to prepare a full RTI law in 2008 and then more narrow legislation on proactive disclosure in 2009. The documents posted on the freedominfo.org website suggest that in 2008, the government was considering the adoption of a quite progressive and comprehensive law, with tight procedures for making requests, broad obligations of proactive disclosure and a limited regime of exceptions. There were even options for appointing an oversight body, an Information Commission, which would decide on complaints about refusals to provide information. By 2009, the legislation had been pared down, but it did include strong provisions on proactive disclosure and record management, along with a central committee to oversee compliance. There were ongoing reports about these activities in the media at the time, based on statements by various ministers,⁶ but no formal public consultations or moves to actually introduce legislation.⁷

While efforts to adopt ATI in countries like Egypt and Yemen predate the Arab Spring, coalitions there have revamped their work in light of current changes.

The right to information was pushed to the forefront as a priority issue immediately after the overthrow of Mubarak in February 2011. The government prepared draft legislation early on, again with the assistance of the World Bank.⁸ The Ministry of Information and Communications and the Information and Decision Support Center (IDSC)

held consultations with civil society around the draft. These efforts were relatively short-lived, however, and by September 2011 interest within government appeared to have waned and the consultations stopped.

Civil society, however, was not deterred. A group of civil society organizations, members of the wider National Coalition for Media Freedom,⁹ formed a coalition on freedom of information to work on this issue. As part of their work, they developed a Bill Concerning Freedom of Information, building on the draft shared with them by IDSC, extending and strengthening its provisions.¹⁰ The Centre for Law and Democracy did a detailed analysis of this Bill in March 2012, including an assessment of it using their RTI Rating, and concluded that it was a very strong draft.¹¹

The coalition forwarded its draft to the Human Rights Committee of the Peoples' Assembly, headed by Mohamed Anwar El-Sadat, which is the Committee that would have been responsible for adopting this legislation. The United Group also forwarded their draft legislation to the Human Rights Committee,¹² but as of May 2012, its draft appeared to have ceded priority to the coalition draft.

The government also forwarded a draft RTI law to the Human Rights Committee in the spring of 2012. Its motivations for doing so remain unclear, but it could have felt obliged to put a draft on the table, responding to pressure from the civil society drafts. The government draft is substantially weaker than the coalition draft.

⁵ See <http://www.freedominfo.org/2012/06/world-bank-reverses-decision-releases-draft-egyptian-foi-law/>.

⁶ See Said Almadhoun, Status of Freedom of Information Legislation in the Arab World (2010). Available at: <http://right2info.org/resources/publications#section-2>.

⁷ The author was involved in these activities as a consultant for the World Bank.

⁸ The author was involved again as a consultant for the World Bank.

⁹ See <http://ncmf.info/>.

¹⁰ The draft is available at: http://www.law-democracy.org/wp-content/uploads/2010/07/Egypt.FOI_NGO-version.Feb121.pdf.

¹¹ The analysis is available at: <http://www.law-democracy.org/wp-content/uploads/2010/07/Egypt.CSO-FOI-Bill-commnets.Feb12.pdf>.

¹² Their draft is available in English at: <http://www.ug-law.com/downloads/FOI.pdf>.

As is well known, the Peoples' Assembly was dissolved by order of the Supreme Constitutional Court on June 14, 2012. Just after the dissolution of the Assembly, in another very significant development, the Supreme Council of the Armed Forces (SCAF) adopted a supplementary constitutional declaration which effectively grants the power to legislate to SCAF. These events occurred just weeks before Mohamed Morsi was sworn in as a democratically elected President, leaving the future of the legislation unclear.

Yemen

Like Egypt, drafting RTI legislation in Yemen significantly predates the Arab Spring. As far back as June 2008, for example, a group of MPs called the Yemeni Parliamentarians Against Corruption submitted a draft Law on the Right of Access to Information to Parliament.

Efforts to promote the adoption of RTI legislation have continued since that time. In mid-2009, for example, a draft Law Concerning the Information of the Republic of Yemen, was prepared by the Media and Culture Committee of the Yemeni Parliament, following an earlier proposal released by the Yemeni Government.¹³ Civil society organizations like Yemeni Journalists Against Corruption¹⁴ and The National Organization for Defending Rights and Freedoms (Hood)¹⁵ have been active in advocating for a law, but progress was effectively stalled for some years.

This changed with the advent of the Arab Spring and, on April 24, 2012, the Yemeni Parliament approved the Law of the Right of Access to Information.¹⁶ An assessment of the Law by the Centre for Law and Democracy found it to be a

strong law, scoring 102 points on the RTI Rating, which would have ranked it in 21st place globally. However, the Yemeni President refused to sign the law, instead returning it to the parliament on June 10, 2012 with six proposed amendments.¹⁷

The amendments, which were mostly claimed to be based on the Yemeni Constitution, would amend the definitions of information and personal information, change the rules on regulation making, limit the scope of the law to citizens (i.e. exclude foreigners), and limit the scope of whistleblowing to disclosures to "competent authorities." The Yemeni Parliament approved a revised version of the law incorporating the amendments on June 16, 2012, and the president signed it into law on July 1st.

Recent Developments in Other Countries

As noted above, **Jordan** was the first Arab State to adopt RTI legislation, in 2007. Jordan is also the first Arab State to have joined the Open Government Partnership (OGP),¹⁸ a partnership of over 50 countries that have made a commitment to become more open, participatory, and accountable. Part of the OGP process involves countries developing Actions Plans, setting out the concrete ways in which they will improve their performance. In its Action Plan, dated April 2012, the Government of Jordan has committed, among other things, to: "Improving access to information through adopting amendments to the existing Access to Information Law in view of further improving it and ensuring that it is consistent with international best practices."¹⁹

This is a strong and potentially far-reaching commitment, although it remains to be seen how far the government will actually go in delivering it. According to the OGP commitments, governments are supposed to work closely

¹³ See Said Almadhoun, note 6.

¹⁴ See <http://www.yemenjac.net/>.

¹⁵ See <http://www.hoodonline.org/>.

¹⁶ The Arabic text is available at:

<http://alnwaihi.maktoobblog.com/1618707/11-6/> and an unofficial English translation is available at: http://www.law-democracy.org/wp-content/uploads/2012/05/Yemen.FOI_Apr12.V2.pdf.

¹⁷ An English translation of the comments by the President is available at: <http://www.freedominfo.org/2012/06/yemen-foi-bill-finalized-with-six-presidential-amendments/>.

¹⁸ See <http://www.opengovpartnership.org/>.

¹⁹ See page 9 of the Plan, which is available at: <http://www.opengovpartnership.org/countries/jordan>.

with civil society on the adoption of the plan (this did not happen in Jordan), as well as in the process of implementation.

As part of its response to the Arab Spring, **Morocco** adopted a new Constitution, which was overwhelmingly approved in a referendum on July 1, 2011. A very important provision in the new Constitution is Article 27, which guarantees the right to information. More specifically, it protects the right of all citizens to access information held by public bodies, including elected institutions and other bodies with a public service mission. Article 27 also places limits on restrictions to this right, which are allowed only to protect interests such as national security, public order, and privacy. To implement this provision, an inter-ministerial committee is working on

preparing an RTI law. It remains unclear when the draft will be finished and presented to civil society and other stakeholders for consultation.

Developments in **Tunisia** have been the most far-reaching. The government adopted a Decree-Law on access to information in May 2011 and then amended it in June of the same year to tighten up the regime of exceptions and to bring the law into force immediately. The Decree-Law earned a score of 71 on the RTI Rating, putting it in 60th place globally. Progress in implementing the law has been slow. On May 5, 2012, however, an implementing Circular was adopted which addressed many of the weaknesses in the Decree-Law. The Circular will also hopefully open the way for better implementation of the law by public bodies.

MEDIA AND ACCESS TO INFORMATION LAWS: EXPLORING LINKAGES AND OPPORTUNITIES

*Rosario Soraide*¹

It is hard to generalize about media attitudes toward access to information (ATI) laws; the media sector is far from uniform. Responses to ATI laws have been similarly heterogeneous, and changing over time, both at the country level and from a comparative international perspective. On the one hand, a quick review of ATI advocacy around the world reveals that media have actively promoted the legal recognition of access to information in many countries (although journalists do not always make active use of ATI laws). On the other hand, some countries have seen resistance by the media to the idea of ATI legislation, at least initially, out of fear that an ATI law could diminish the media's role as information providers, or that a law could create a new burden for information gathering.

A snapshot of ATI in different countries is presented in "Freedom of Information. Three harmless words? The role

of the media and access to information laws," a working paper published by the Center for Studies on Freedom of Expression and Access to Information at the University of Palermo (Argentina). The study finds that the journalists' ATI requests range from 5-16% of total requests, depending on the country.² However, these figures only tell a partial story: journalists do not necessarily reveal their identities when they request information, and not all journalistic work relies on ATI requests. Nonetheless, the paper underscores the potential impact of ATI requests by journalists. The information sought by journalists, if it appears in news stories, can have significant visibility. If journalists note that an ATI request was among the sources used, they can also inspire other media professionals and even citizens to do so. That multiplier effect, along with the professional analysis of information that independent media can undertake, is a strong argument for building

¹ Assistant Programme Specialist, UNESCO, Division of Freedom of Expression and Media Development

² See Bertoni, E. (2011) "[Freedom of Information. Three harmless words? The role of the media and access to information laws](#)" The research was originally published by the World Bank Institute in Spanish. It reviews some of the experiences I cite here, among many others.

journalists' awareness and capacity on ATI.



Photo: iphotostock.com

By contrast, it is also important to upend the commonly-held misperception that access to information is a matter of interest mainly to the media. It is true that ATI legislation is a central element in an enabling environment for free, independent and pluralistic media (in fact, the first ATI provision was part of a Swedish press law from 1766). Moreover, the legal recognition of access to information finds its core in Article 19 of the Universal Declaration of Human Rights, which enshrines the general guarantee of freedom of opinion and expression as “the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.” However, while freedom of the press and freedom of information are related and complementary, they are also distinct.

To conclude that access to information is the prerogative only of journalists would miss the point of ATI's existence. The media facilitates access to information, but ATI is a basic right of all people. ATI is also a major tool for advancing other rights, socio-economic development, transparency of public authorities, citizen participation, accountability, and responsiveness to citizens' needs.

Journalists' use (or non-use) of ATI laws

Access to information legislation can be an important tool for media professionals. It enables reporting to be grounded in information and data retrieved from official sources rather than secondary sources such as personal contacts or leaks. It strengthens journalists' ability to verify information, and it can result in new and better quality stories, among other benefits. A myriad of examples demonstrate how ATI has enhanced journalistic work, especially – although not exclusively – investigative reporting.³

If so many interesting stories have been written based on the use of ATI laws, why is journalists' use of the laws relatively low? The answer lies partly in their lack of awareness of ATI. Also relevant are the practical difficulties many journalists experience when they attempt to use this type of legislation. In reality, the potential benefits of using ATI are often undermined by lengthy processing times for requests, authorities' refusal to release the requested information, burdensome appeal procedures, or the costs involved. Some journalists fear that filing an ATI request could have a negative impact on relationships with contacts within public bodies. Others are not willing to take the risks they or their sources might incur if sensitive information is sought.

Some government agencies make a practice of publishing lists of ATI requests; this could also act as a deterrent as it exposes a story idea that other journalists could steal. Finally, the lack of editorial support for journalists' use of ATI legislation may be another deterrent.⁴

³ See some stories, for instance here:

<http://davidhiggerson.wordpress.com/foi/foi-friday/> ;
<http://sunshineingovernment.org/index.php?cat=33>

⁴ To read more about difficulties faced by journalists in the use of ATI , related tips, skills and strategies, see Hayes, Jeremy (2009) *A Shock to the System: Journalism, Government and the Freedom of Information Act 2000*

(http://reutersinstitute.politics.ox.ac.uk/fileadmin/documents/Publications/Hayes_A_Shock_to_the_System.pdf); or the Legalleaks toolkit developed by Access Info Europe and n-ost:

Media facilitates public exercise of ATI and the effective implementation of ATI legislation

Media can also mobilize people to make direct use of their right to access public information. Journalists can contribute to the public's understanding by writing articles on the concept of ATI and on ATI legislation. Further, by focusing on human interest stories demonstrating the links between the use of ATI mechanisms and the well-being of individuals or groups, journalists can encourage public demand for information. The reach of community media makes it a particularly relevant channel for facilitating the right to information in rural and marginalized areas.⁵

Some media houses have appointed an ATI editor, created a column, section or blog specializing in ATI, and established a two-way communication where audience can identify the information they are interested in, and collaborate in reviewing documents, among other innovative initiatives.⁶ Media organizations have also held contests, events, and trainings, and have led comprehensive efforts to monitor the implementation of ATI laws⁷ and proactive disclosure obligations in particular.⁸ Media actors

Access to information legislation can be an important tool for media professionals. It enables reporting to be grounded in information and data retrieved from official sources rather than secondary sources such as personal contacts or leaks.

have worked to advocate for the enactment of ATI legislation, and following its adoption, to confront threats of backsliding. On a more basic level, each journalist who uses an ATI law and reports the experience – even when there is inadequate response by public authorities – helps to monitor how an ATI law is being implemented.

Conclusion

In the Regional Dialogue countries, the media has been a central actor in discussions on ATI, but journalists' awareness and use of ATI laws has remained relatively low. Media actors have been among the leaders of ATI advocacy. Beyond the media, important efforts are underway to broaden the coalitions to include other civil society actors working on diverse sectors directly linked to priority needs. This is a very positive development. There is still much to be done to ensure that every person can fully enjoy access to information in Lebanon, Jordan, Morocco, and Tunisia. The main challenges lie in the approval, review, and effective implementation of legislation in accordance with international standards; fostering stronger awareness of ATI throughout the population; and securing practical access to public information. Let us continue to think creatively about the contribution that media can make to each of these challenges. Access to information is not exclusively a media issue, but media will always have a fundamental role to play.

http://www.access-info.org/documents/Access_Docs/Using/Journalists/Legal_Leaks_March_01_Print_PDF.pdf

⁵ For example, the Bangladesh NGOs Network for Radio and Communication has been strongly involved in advancing access to information: <http://www.bnnrc.net/>

⁶ See: <http://mps-expenses.guardian.co.uk/>; <http://www.guardian.co.uk/politics/freedomofinformation>, <http://www.bbc.co.uk/news/correspondents/martinrosenbaum/>

⁷ See the initiatives by the Associated Press: <http://www.apnewsarchive.com/87c10183e1794b738b5876e130337638> ; and of the Canadian Newspaper Association: <http://www.newspaperscanada.ca/public-affairs/freedom-information>

⁸ See: http://sunshinereview.org/index.php/Transparency_checklist

NORTHERN AFRICA CONSULTATION
DRAFT MODEL LAW FOR AU MEMBER STATES ON ACCESS TO INFORMATION
JUNE 16 AND 17, 2012 - TUNIS, TUNISIA

*Lola Shyllon*²⁸

The Centre for Human Rights, of the University of Pretoria, South Africa and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in collaboration with the Special Rapporteur on Freedom of Expression and Access to Information in Africa, of the African Commission on Human and Peoples' Rights (African Commission) Commissioner Pansy Tlakula, held a Northern Africa Consultation on the draft model law for African Union member states on access to information, on June 16-17 in Tunis, Tunisia.

The purpose of the consultation was to review and discuss in detail the content of the draft model law for African Union member states on access to information. The draft law was developed pursuant to resolution 167 (xlviii) 2010 of the African Commission, authorizing the Special Rapporteur to initiate the process of developing model access to information legislation for Africa. Participants at the consultation included academics, government officials, journalists, and civil society organizations from Algeria, Egypt, Libya, Morocco, and Tunisia.

The consultation was preceded by a half-day discussion on the importance of access to information in promoting sound democratic practices, good governance, and the promotion and protection of human rights. Presentations and discussions on the importance of access to information for realizing socio-economic rights, facilitating transparency and accountability, safeguarding the integrity of electoral processes, and advancing the right of vulnerable groups illustrated the potential role for access to information in the ongoing democratic transformation in North Africa. In addition, participants discussed the challenges and experiences related to adoption of access to information laws in each of the countries represented.

Thereafter, members of the drafting committee presented the content of the working draft of the model law. Participants then made comments, asked questions, and suggested improvements to the draft model law.

The feedback received from this consultation, together with input from previous sub-regional consultations on the continent, was considered at the final working group meeting, which took place on July 6-8 in Pretoria, South Africa. Once the model law is finalized, it is expected to be adopted by the ACHPR at its 52nd ordinary session in October 2012. The model law will be used to guide member states in their adoption or review of access to information laws, and provide uniform benchmarks for evaluating their effective implementation.

Click [here](#) to download the draft model law (please note that this draft does not reflect yet the comments provided at the sub-regional consultations).

²⁸ Lola Shyllon is Coordinator of the ATI Program at the Center for Human Rights in the University of Pretoria

COLLABORATION TOWARD EFFECTIVE ATI IN MOROCCO – INTERVIEW WITH SAIDI ADNANE

Saidi Adnane is Senior Civil Servant at the Ministry of Civil Service and Administration Modernization of the Government of Morocco

Q. What is the current state of the right of access to information in Morocco? Has this right garnered any interest from public authorities recently?

A. Saidi Adnane: In fact, the right of access to information has gained interest among public officials. A series of recent activities and initiatives have improved the ability of the public sector to operate on the principle of maximum disclosure of information, one of the fundamental principles of this right.

- Various ministries have created their own websites to provide key information: a description of administrative structures and functions, related legislative and regulatory texts, contact information, a list of services provided to citizens, calls for bids in public procurements, and so forth.

- Since the launch of the National Program for the Simplification of Administrative Processes and Procedures, all involved ministries have posted their processes at their office entrances and on their web sites, as well as on www.service-public.ma, the portal of public services managed and updated by the Ministry of Civil Service and the Modernization of the Administration. This information can help citizens understand their processes.

- The Ministry of Finance launched initiatives to hold the administration to standards of high quality, transparency, and proximity: an online tax system, an online customs service, and an online negative certificate request.

- In line with the principles of transparency, equality of opportunity, and the right to access information, the

Ministry of Civil Service and the Modernization of the Administration officially launched the portal of public employment www.emploi-public.ma. The portal targets prospective civil service employees. It provides information about public sector, local authority, and public institution employment tests, and announces open nominations for high-ranking public positions.

Q. Describe the work you are doing to enact access to information legislation in Morocco.

A. As part of a cross-ministerial committee, I am taking part in writing the draft law on the right of access to information. Additionally, I am organizing projects together with international partners to prepare the draft law before presenting it to various ATI stakeholders. I will help move it through the ratification process, and work on the medium term action plan for fully implementing the law.

Q. Is there a need to develop a set of standards to measure ATI in the Arab region, especially since several laws were passed over the last year?

A. It is essential to ensure that these laws are actually implemented. However, one year might not be sufficient time to develop accurate standards and benchmarks. In any case, all stakeholders and public officials must join the efforts for effective implementation of the laws.

Q. How are the efforts of civil society in ATI evaluated in Morocco? Is your administration considering civil society in the discussion of the draft law currently in preparation?

A. Civil society organizations' efforts have grown significantly over the past few years. They have tried to raise awareness of the importance of access to

The right of Access to Information has gained interest among public officials.

information, while showcasing the extent to which this right is a cornerstone in the process of consolidating transparency and administrative accountability, and raising legal awareness among citizens. Nevertheless, these efforts are still in need of support, cooperation, and perseverance in order to live up to the desired outcomes.

As for involving civil society in discussing the draft law on the right to access information, the Ministry of Civil Service and the Modernization of the Administration has a strategy that is based on the participation of all national stakeholders (public sector, social partners, representatives of civil society organizations, university professors, experts, etc.), in addition to international partners and donors. All stakeholders will be involved in workshops, activities, and projects aiming to modernize the administration, including the draft law of the right to access information.



Saidi Adnane (right) Juan Pablo Guerrero (center) and Chahreddine Ghazala (left) during the workshop

EVENTS AND ACTIVITIES IN THE REGION

Past Events

Conference Towards Better Governance and Public Sector Performance in MENA: Harnessing Regional Public Procurement Reform Efforts, June 5-7, Amman, Jordan.

This conference provided a platform for participants to discuss and better understand how efficient and transparent public procurement can enhance public sector management by strengthening social accountability, trade, and service delivery.

Rio +20, Sustainable Development Governance Conference: Open Dialogue on the Future We Choose, June 19, 2012, Rio de Janeiro, Brazil

Though there are still several challenges, one of the main achievements of the Rio +20 conference was that Principle 10 of the Rio Declaration, which calls for [transparency](#), [public participation](#) and [access](#) to [justice](#) was strongly reaffirmed, as highlighted by the conference outcome document "[The Future we Want.](#)"

Country Status Reports: August 2012

An overview of the Regional Dialogue countries

Lebanon:

During the last three months, Lebanon witnessed the re-launch of the access to information network which had previously submitted two draft laws on ATI and whistleblower protection. Network members held several meetings on these topics. The discussions evolved around the actual situation in Lebanon covering political, legal, and administrative challenges in addition to creating the action plan to move the ATI agenda forward. Since preliminary elections are expected to take place in 2013, LTA decided to take the opportunity to demand that politicians endorse an ATI bill.

Morocco:

On World Press Freedom Day (May 3rd), a group of Moroccan NGOs (ADALA, Ibn Rochd Center, OLIE, and others) organized a conference on the importance of ATI for the press. The Minister of Communication Mustafa Khalfi and Pr. Rachid Filali, Ex-Secretary General of Transparency Morocco (TM), attended the conference.

The Center for Democracy, a Moroccan NGO, organized two activities: training on advocacy strategies for ATI, and civil society preparation of a memorandum on ATI to present to the government and the parliament. The memorandum advocates establishing a progressive legal framework that guarantees free access to public information.

TM in collaboration with Tanmia, a Moroccan NGO, organized training on podcasting and advocacy for ATI for a group of young activists and other members of civil society. TM has also produced a new report on ATI in Morocco. And Luxe Radio, a renowned Moroccan radio station, dedicated one of its news programs to ATI (listen to it [here](#)).

Tunisia:

During June and July, efforts to enhance transparency in the country continued to progress. Minutes of meetings where laws are debated within the National Constituency Assembly are now published as a result of demands by the citizen movement OpenGovTn.

Members of the coalition around access to information are committed to work together during the upcoming months to consolidate a group of civil society organizations in order to monitor the implementation of the right of access to information in Tunisia.

Regional Dialogue on Supporting Coalitions and Networking to Advance ATI in MNA

One of the key pillars of the World Bank's (WB) support in the Middle East and North Africa region consists of strengthening the governance framework, working with both State and non-State actors. Efforts with non-State actors focus principally on opening government to the people, while strengthening the capacities of these actors to enhance transparency, public participation, and accountability.

In this context, the WB is supporting The Affiliated Network for Social Accountability – Arab World (ANSA-AW). ANSA-AW is a platform for constructive dialogue and knowledge exchanges on transparency and social accountability issues across multiple stakeholders. As part of its activities, ANSA-AW has held various regional workshops and consultations where access to information (ATI) emerged as a priority among participating countries.

To strengthen the capacities of stakeholders in the region to advance ATI reforms, the World Bank Institute and the Social Development Department at the World Bank's Middle East and North Africa Vice-presidency, in partnership with ANSA-AW are supporting the emergence of a regional community of practice focused on ATI issues through facilitating the Regional Dialogue on Supporting Coalitions and Networking to Advance ATI in MNA. In this first stage, Jordan, Lebanon, Morocco, and Tunisia are participating; the second stage will bring opportunities to expand the Dialogue to other countries. Additionally, WB will support multistakeholder coalitions in participating countries. International experience demonstrates that multistakeholder coalitions have been pivotal in sparking the demand for ATI while engaging with government in the drafting and passing of ATI laws. These coalitions can also play a crucial role in supporting effective implementation of ATI legislation. Furthermore, knowledge exchanges through the Regional Dialogue will contribute to strengthen the capacity of country coalitions.

The Regional Dialogue consists of a series of knowledge exchanges through videoconferences, as well as in-country sessions aimed at practitioners from both the supply and demand sides of ATI: civil society practitioners, journalists, academia, government officials, MPs, etc.

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