



CENTRE FOR LAW  
AND DEMOCRACY



**2<sup>nd</sup> Global Forum on Human Rights: Special Event  
on the Protection of Human Rights and the Fight  
Against Corruption**

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**Access to Information**

**Marrakech: 29 November 2014**

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## Right to Information and Corruption

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- RTI: right to obtain information from public authorities
- Link to fight against corruption is widely recognised
- UNCAC Article 10:
  - “Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on ...”
- Also Article 13
- Explicitly recognised in some laws
- Implicit in way laws are used

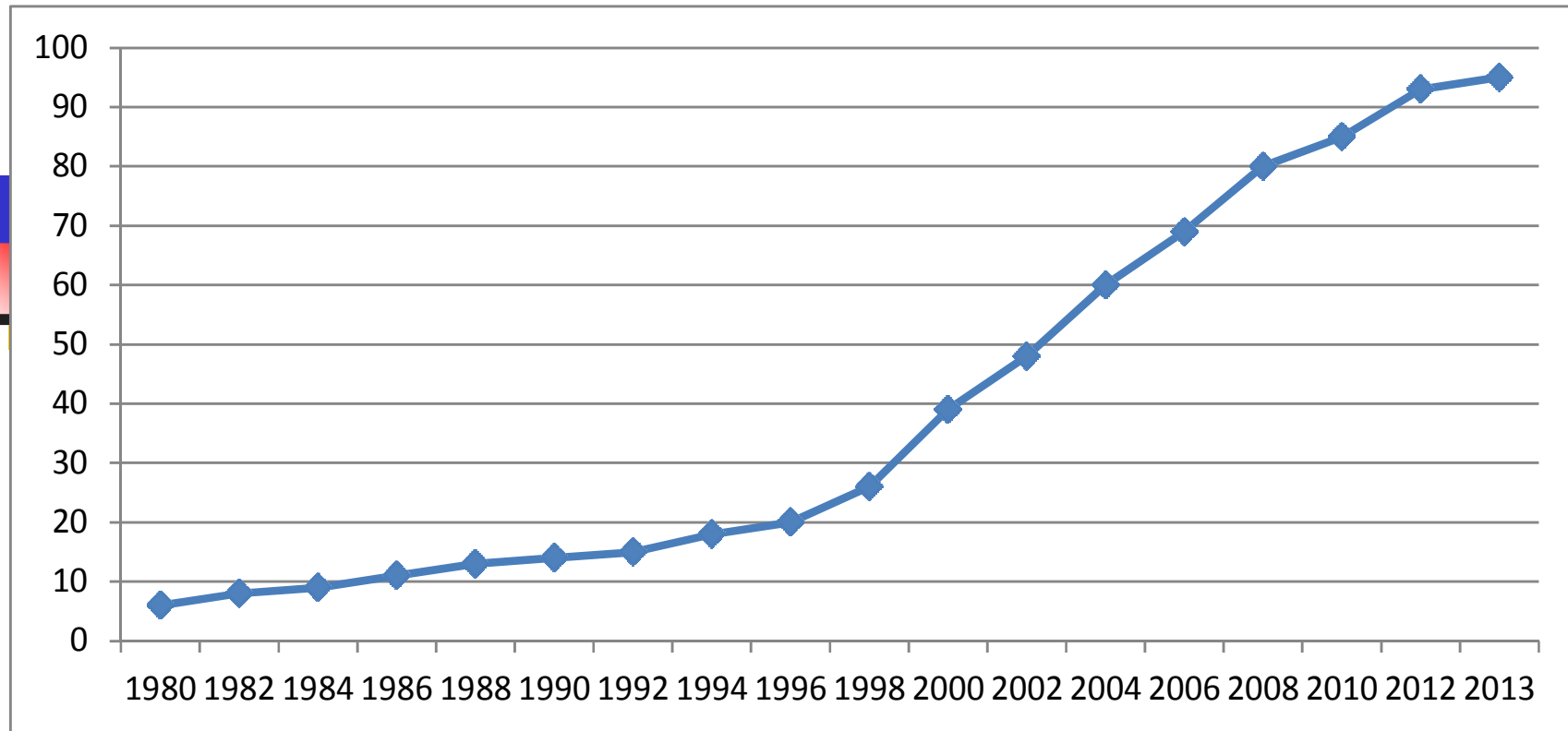


## Developments on RTI

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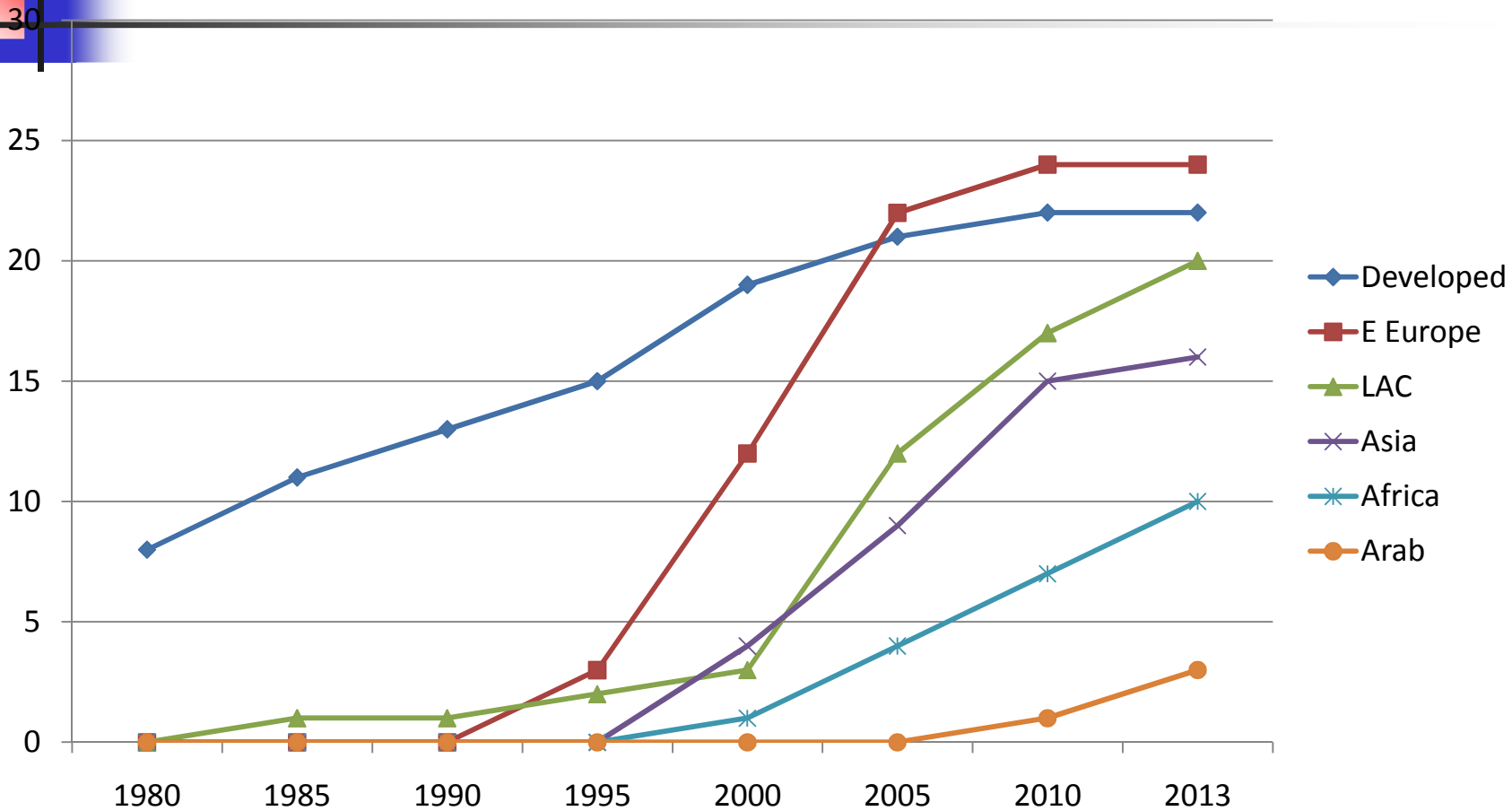
- Laws: 14 to 100 and counting:
  - West => all regions
  - Rate: 1/year => 4/year
  - Quality: '95: 76; '00: 80; '05: 88; '10: 91; '13: 99
- IFIs; CSOs; parallel movements (IATI; PWYF; EITI; OGP)
- Recognition as a human right

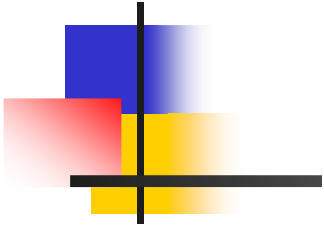
**Figure 1. Chronological Development of RTI Laws**



Source: [RTI Rating](#) by the [Centre for Law and Democracy](#) and [Access Info Europe](#).

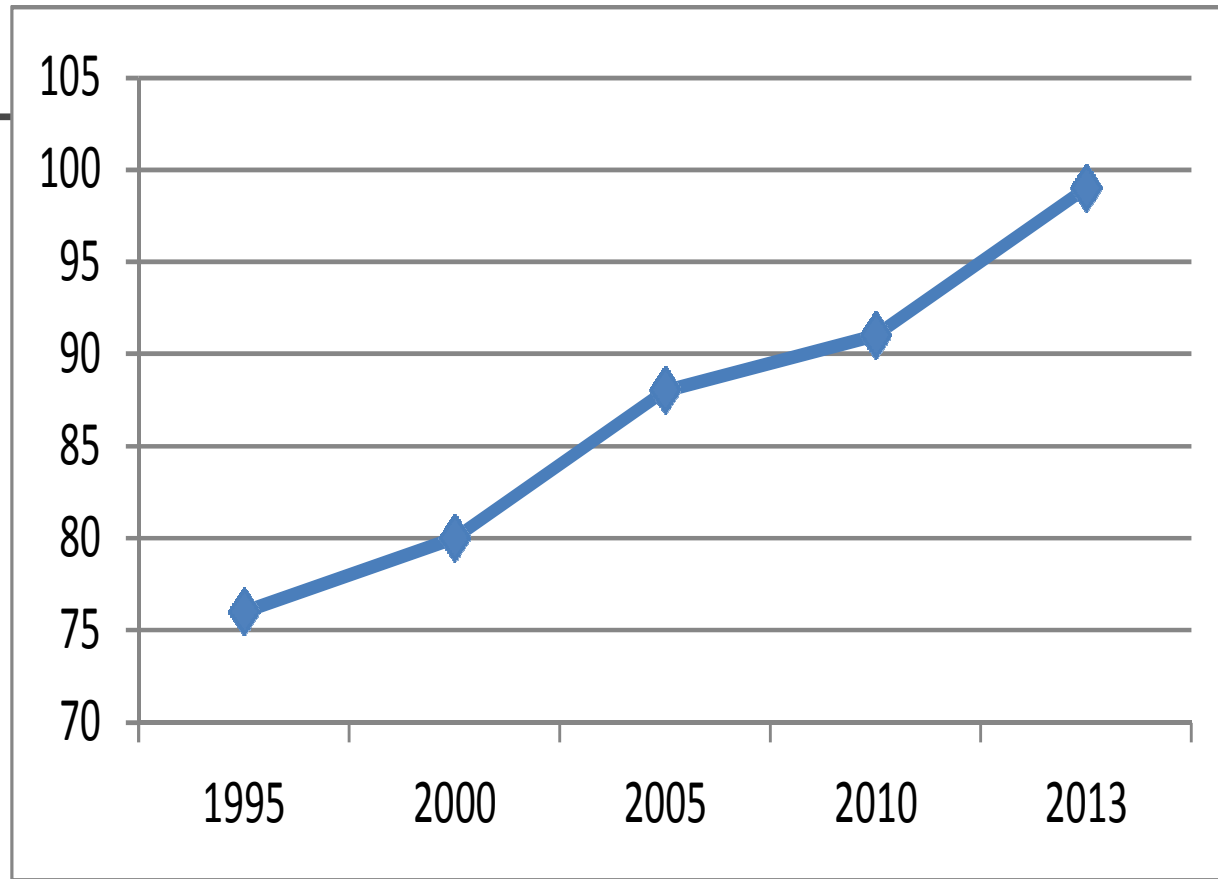
# Number of RTI Laws over Time and by Region





Category	Max Points
1. Right of Access	6
2. Scope	30
3. Requesting Procedures	30
4. Exceptions and Refusals	30
5. Appeals	30
6. Sanctions and Protections	8
7. Promotional Measures	16
<b>Total</b>	<b>150</b>

Figure 2. Average Score of RTI Laws by Year



Source: [RTI Rating](#) by the [Centre for Law and Democracy](#) and [Access Info Europe](#).



## Jurisprudential Basis

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- Article 19 of the UDHR:

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.





# Implications for Corruption

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- Must apply to all State bodies
- Limited scope of exceptions:
  - Legitimate interests
  - Harm test
  - Public interest override
    - Corruption automatically major public interest
    - In practice, frequently taken into account in public interest balancing



## Explicit Legal Recognition

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- India: intelligence bodies excluded but not in relation to information about corruption
- Nepal: overrides privacy exception
- Included in objectives: Honduras, Guatemala, Uganda
- Protection of whistleblowers: Antigua, Uganda, Maldives, Ethiopia (plus many dedicated whistleblower laws)
- Sanctions: Ethiopia (render secret to cover corruption)



## Examples of Use

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- India Yale Study
- Mexico: Aviadores
- UK MPs expenses scandal
- Canada:

If we are tasked to do this, we of course will comply. Given the potential for negative press though, I would likely recommend against it, especially in view of the fact the air force receives regular access-to-information requests specifically targeting travel on Canadian Forces aircraft by ministers.



**Thank you**  
شكرا جزيلا

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