

Cairo Declaration on the right to access information in the Arab world

The Egyptian Organization for Human Rights (EOHR) and the National Council of Human Rights in partnership with the Center of Media Freedom in the Middle East and North Africa organised a regional conference for the Arab Freedom of Information Network in Cairo under the title of "Information is a Right for All" during the period from January 27- 28, 2009. The conference included a group of media professors, members of People's Assembly and Shura Council, civil society organisations, journalists and lawyers from 6 Arab countries (Egypt, Morocco, Jordan, Palestine, Mauritania, and Yemen).

Participants of the conference discussed the situation of information exchange in the Arab area, some countries practices concerning bills which were proposed or approved to support the right to access information, the campaigns to support the issuance of such laws, and international experiences presented in this regard.

Participants came to a set of basic conclusions, as follows:

- 1- Ensuring the individuals right to access information and to guarantee their rights to the freedom of opinion and expression. This right includes their freedoms to seek knowledge, receive and impart information to others regardless of frontiers, either orally, in writing or in print form or through other different means.
- 2- The necessity of Arab governments' commitment to the policy of disclosing information in accordance

with the principles of accountability and good governance and corruption combating.

- 3- Arab countries lack such laws related to the freedom of information exchange. In fact, most laws in these countries impose restrictions on this freedom.
- 4- Most Arab countries criminalise the availability, exchange and publishing of information without permission from the competent authorities in many of their penal laws.
- 5- There should be a set of principles and fundamentals that control the existence of a law for the freedom of information in any Arab country according to the international standards in this concern. These standards are as follows:
 - To provide the right for anybody to access information; this right is not confined to journalists or media persons.
 - There is a need to specify the types of information, documents and records that are considered confidential and secret, whilst also determining the duration period of this secrecy and its standards. Secrecy of information should be very limited and in accordance with international standards.
 - The existence of monitoring body (a commission responsible for information exchange) to implement the provisions of law.



Speakers at the headtable



6- Participants called for the establishment of national networks to protect the right to access information. In the Egyptian case it was agreed to establish an Egyptian network with EOHR chosen as its coordinator. Fifteen of the participating NGOs agreed to join the network, which will hold its first meeting in the second half of February. The network will issue a foundational document that identifies its goals and mechanisms, and will target all governorates of Egypt. This is an invitation to all the Egyptian civil society organisations to join the network.

Conference deliberations and discussions ended with the following set of recommendations:

All Arab countries, except for Jordan, have not adopted laws to ensure the right of access to information. Secrecy is the main rule in the management of public affairs. Resisting accountability and transparency by the public authorities has its bad effects on the national economic and democracy. It is time for Arab countries to adopt laws that support and promote this right. Participants agreed on the following recommendations:

First: Arab countries should:

- 1- Provide individuals the right to access information in line with the international standards and best practices of freedom of information in democratic societies.
- 2- Review and amend all laws and procedures which impede the process of accessing information.
- 3- Seek to engage all the different stakeholders at

the national level who are concerned with this right in the process of enacting laws. Also it is important to encourage discussions concerning the proposed laws and it is not acceptable to exclude any side to participate in the discussions, including the marginalised groups.

4- Continue to manage the process of modernising their administration mechanisms and developing their E-Government policies through:

- a) Making the principles of transparency and accountability the primary focus for any policy aiming at modernising the public administration.
- b) Developing the E-government policies through applying more transparency in the activities of public administration and facilitating the process of accessing information.

5- Jordan, who has issued a law to preserve access of information, should undertake the following:

- Review and amend other existing laws that impose restrictions on access to information.
- Train governmental employees on the openness culture and how to respond to information requests.
- Encourage people to use the law through media campaigns.

6- Countries which have bills concerning the right to access information should:

- a) Organise national discussions among all involved parties to develop a new law that reflects the international standards in democratic communities.



Participants at the regional conference



Said Essoulami and Hafez Abu Seada at the headtable

- b) Finalise a draft bill on access to information as soon as possible for submission to the legislature.

Second: The League of Arab States should:

- 1- Endorse a decision that includes special principles to access information along the line with the declaration of principles issued by other regional unions (European Union and other unions that guarantee the right to access information).
- 2- Work on drafting an Arab agreement that guarantees the right to access information. This agreement should oblige the Arab governments to adopt it when drafting their own national legislations.
- 3- Ensure the full consultation with civil society organisations and experts concerning the right to access information, within the context of the Human Rights committee of the Arab League.

Third: International governmental organisations and the international community should:

- 1- Exert pressures on Arab states to adopt laws on the right to access information.

- 2- Develop independent programs in cooperation with international non-governmental organisations, the media, the business sector and other stakeholders involved to support the right to access information.
- 3- Support the Jordanian government to implement its law on the right to access information through training public sector staff, supporting civil society organisations to monitor this law, and spreading awareness among the public on the existence and the usage of this law.
- 4- Provide the technical assistance needed in the legislating process.

Fourth: The private sector, civil society organisations and media:

- 1- The Arab economic alliances should adopt voluntary initiatives to provide information needed by the public.
- 2- Labour unions and professional associations should exert pressures on their governments to adopt the right to access information law. They should inform their members – through spreading periodic newsletters and conducting training courses – on peoples' right to access information that is withheld by the government.
- 3- International NGOs should develop their legal efforts in the Arab world with the existing NGOs to protect the right to access information.
- 4- Arab NGOs should place the right to access information in their agenda and should practice pressures on their governments to adopt such laws that preserve this right.
- 5- Journalists should defend their rights to access information and should inform the public in case of any incidents where their requests for information are rejected.
- 6- Journalists should spread awareness among the public on the importance of this right and should support NGOs to protect this right.