

## FREEDOM OF INFORMATION *INTERNATIONAL AND NATIONAL PERSPECTIVE*

**Dr Ambreen Abbasi\***

Asst. Professor of Law at faculty of Shariah & Law , IIU, Islamabad

### Abstract

*Freedom of information or right to know, a more than two hundred years old law but over recent decades it has gained recognition globally at both international and national levels. The United Nations and the advent of human rights it has become an international right.<sup>1</sup> It has evolved as a fundamental right .Today nearly 100 states have enacted freedom of information laws which till 1990 only 13 countries had such laws. Furthermore many international and regional financial institutions like World Bank and many Intergovernmental Organizations (IGOs) have adopted information disclosure policies.<sup>2</sup> As an international right it has taken a global force not only to recognize it as right but also develop relevant law for protection of this right. The importance of FOI laws is not only as human right but it also played as an important tool to fight corruption and promote good governance and transparency. It can also be anticipated that new laws will be adopted due to international pressure through treaties like UN Convention against Corruption and domestic demands for better public participation and accountability.*

**Key Words:** freedom/ right to know, transparency, anti-corruption, accountability

### Introduction

Freedom of information (FOI) is now considered as fundamental human right globally. It is right of citizen to know or to hold the government accountable for its actions or policies, to have access to official documents. The roots of the people's right to know can be traced back to eighteenth century, the age of Enlightenment. The world's first freedom of information Act was passed by Swedish parliament in 1766, now almost 248 years old. Andre Chydenius, a politician from Kakkolo played a vital role in creating this law.<sup>3</sup> The ideas of Democracy good governance , accountability combating corruption all without freedom of information is nothing but just a myth as rightly quoted by Louis Brandeis US Supreme court the "A little sunlight is best disinfect". Right to information also serve for social ends like access to information can help in business practices .the medical records can help to make decision of about treatments, financial planning and so on.<sup>4</sup>

Right to information or freedom of information has been recognized not only as a basic tool for democracy, good governance and accountability but also one of the basic human rights under international as well as constitutional law worldwide. Interpretations and authoritative statements by major international bodies like United Nations (hereinafter UN), The Council Of Europe (hereinafter COE), Commonwealth, The Organization of American States (hereinafter OAS) and National developments globally recognizing the right of information in this regard sufficiently demonstrate the importance of the RTI regime, also emphasizing the need for effective legislation and adoption of RTI laws in practice.<sup>5</sup>

### I. International standards

A number of international bodies including the UN, OAS, COE and the commonwealth entrusted with promotion and protection of human rights have recognized the freedom of information as basic human right and also emphasized for the effective legislation and practice by the member states.<sup>6</sup>

### The United Nation and Human Rights

General Assembly, in its very first session 14<sup>th</sup> December, 1946, adopted Resolution 59(I), stating, "*Freedom of information is a fundamental human right and ... the touchstone of all the freedoms to which the United Nations is consecrated.*"<sup>7</sup>In subsequent international human rights

instruments the right is not separately mentioned but as a part of freedom of expression which includes right to seek, receive and impart information.<sup>8</sup>

The Universal Declaration on human rights (UDHR) a flagship document on human rights adopted in 1948<sup>9</sup> also made freedom of expression and information a binding principle on states under customary international law through article 19<sup>10</sup>. Similar approach is followed in 1966 by UN in International Covenant on Civil and Political Rights (ICCPR)<sup>11</sup>, an international legally binding treaty, through its article 19.<sup>12</sup>

The UN Commission on human rights established an office of UN special rapporteur (Mr Abid Hussain) on freedom of opinion and expression in 1993. The rapporteur was assigned task to clarify the content of right of freedom of opinion and expression. The UN special rapporteur on freedom of Opinion and expression has addressed the issue including the rights of information in its regular reports since 1997 to commission of Human rights (CHR). Further in 1998 report the rapporteur clearly stated that freedom of information includes the right to access the information held by the state, imposing a positive obligation on states to ensure access to information held by government in all types of storage and retrieval systems, which was welcomed by the Commission.<sup>13</sup>

In its report in 2000 extended its commentary on the issue highlighting its importance not only to democracy but also to right to participate and realization of development. The rapporteur not only showed concerns on tendency of governments to withhold from people the information that is theirs, it also provided in detail for specific contents and general principles of the right and urged that governments either to review or adopt new legislation ensuring its conformity with the principles.<sup>14</sup>

The rapporteur later joined with, the Organization of Security and Cooperation in Europe (OSCE) representative and The OAS<sup>15</sup> rapporteur, adopted a joint declaration calling the countries for adoption of FOI laws, stating<sup>16</sup>

Implicit in freedom of expression is the public's right to open access to information and to know what governments are doing on their behalf, without which truth would languish and people's participation in government would remain fragmented.<sup>17</sup>

In the last many years the Human rights Committee has started incorporating the analysis of freedom of information of reviews of the countries as in one of reviews it recommended the UK and Uzbekistan to limit the scale their laws on state secret considering them to be in violation of article 19.<sup>18</sup>

#### **United Nations Convention against Corruption.**

In December 2005, another important International convention is UN Convention on Anti Corruption approved by the General Assembly in October 2003 and adopted after ratification by 30 countries.<sup>19</sup> The convention has been signed by 140 countries and more than 60 countries have ratified. Some 20 of the countries have taken positive steps towards national legislation on FOI laws.<sup>20</sup>

Article 10 of the convention on "public reporting", provides for measures to be taken by the states to develop the process to improve the public access to the information as a mean to combat corruption.<sup>21</sup> Article 13 further emphasizes the participation of society to fight corruption and require state to take such measure to provide the public access to information<sup>22</sup>

#### **Rio Declaration/UNECE. Convention on Access to Environmental Information**

UN conference on Environment and Development (the Earth Summit), The Rio Declaration on Environment and Development 1992 is a landmark step towards the trend to implementation of

policies on public participation and access to information. The Convention<sup>23</sup> sets out thorough procedural measures that the countries must incorporate in their legislation. Article 4 of the Convention requires governments to adopt and implement laws allowing for citizens to demand information (including documents) about the environment from government bodies. The Convention has been signed by 44 countries and ratified or acceded to by 37 and a driving force in many countries to implement a FOI laws. Around 36 countries so far have adopted comprehensive laws. In addition, the EU has included it as a Directive that applies to all member states.<sup>24</sup>

## II. Regional Arrangements/Standards

The three main human rights regional systems i.e. in America Organization of American states (OAS), Europe (council of Europe) and Africa (African union) have also developed their freedom of information standards as basic human rights.<sup>25</sup> Besides many other regional instruments can demonstrate the importance of RTI in their respective context as discussed in this section.

### Organization of American States.(OAS)

The American convention on Human rights (hereinafter ACHR)<sup>26</sup> A legally binding treaty also providing for freedom of expression in the same rather stronger line than UN instruments in its article 13. The inter American court of human rights while interpreting article 13 opined that freedom of information, a fundamental human right as important as important as freedom of expression. Further the Court stated that "For the average citizen it is just as important to know the opinions of others or to have access to information generally as is the very right to impart his own opinion", concluding that "a society that is not well-informed is not a society that is truly free".<sup>27</sup>

### Chapultepec Declaration

Similarly, Hemisphere conference on Free speech organized by The Inter American press Association, A regional NGO, adopted a declaration of Chapultepec in 1994<sup>28</sup>, setting out the principles on freedom of expression. The principles recognized the freedom of information as fundamental right, including the right to access to information by the public bodies. Originally the declaration had no formal legal status<sup>29</sup> but later the governments or heads of more than 29 nations and 3 territories signed the declaration and is becoming the major point of reference in the area of freedom of expression and freedom of information.<sup>30</sup>

In 1999 in an annual report to the commission, the special rapporteur, whose office was established in 1997 by Inter- American Commission on human rights, stated:

The right to access to official information is one of the cornerstones of representative democracy. In a representative system of government, the representatives should respond to the people who entrusted them with their representation and the authority to make decisions on public matters. It is to the individual who delegated the administration of public affairs to his or her representatives that belongs the right to information. Information that the State uses and produces with taxpayer money.

### The Inter American declaration of principles of freedom of expression

The Inter American declaration of principles of freedom of expression, commission approved in October 2000 was a significant development, freedom of information. Most comprehensive official document on freedom of information in Inter American system.<sup>31</sup> The preamble provides:

Convinced that guaranteeing the right to access to information held by the State will ensure greater transparency and accountability of government activities and the strengthening of democratic institutions...

The Principles explicitly recognize freedom of information, including the right to access information:

3. Every person has the right to access information about himself or herself or his/her assets expeditiously and not onerously, whether it be contained in databases or public or private registries, and if necessary to update it, correct it and/or amend it.
4. Access to information held by the state is a fundamental right of every individual. States have obligations to guarantee the full exercise of this right. This principle allows only exceptional limitations that must be previously established by law in case of a real and imminent danger that threatens national security in democratic societies.<sup>32</sup>

In 2005 the Inter American Commission on Human Rights in a case ruled that by failing to provide access to environmental information Chile has violated article 13 of ACHR<sup>33</sup>. Keeping in view these and other circumstance it can be concluded that in the Inter American system, freedom of information is protected a one of basic human right.

### **Council of Europe (COE)**

The council of Europe , a treaty based inter governmental organization composed of 46 member states, mandated to promote human rights , education and culture .amongst the foundational documents is European Convention on Human Rights(ECHR)<sup>34</sup>, which guaranteed the freedom of expression and information as fundamental human right under article 10.however this article protects the right to receive and impart information excluding the right t seek information unlike guarantees provided by other documents like UDHR, ICCPR (art. 19)or ACHR (art. 13).<sup>35</sup>

In leading cases,<sup>36</sup> the European court of human right dealt the claims the right to receive information from public authorities and found that freedom of expression did not include the freedom to access the information sought. In all three cases however did not specifically denied the possibility of right to access to information under article 10, given a narrower or limited version of the right depending on the circumstances of the cases not as a general right of expression<sup>37</sup>. However, the court recognized a limited right of access to information subject to personal privacy when affecting their well being. European court though recognized the right of information but taken it cautiously and in effect made it more complex to access the information.<sup>38</sup>

On the other side the political bodies of the Council had taken some significant steps towards recognition of the right to information as fundamental human right. The committee of ministers <sup>39</sup> adopted a recommendation on access of information held by public authorities in 1981<sup>40</sup>.

Furthermore, The 4<sup>th</sup> European Ministerial Conference on Mass Media Policy 1994 adopted a declaration recommending the committee to prepare a legally binding instrument ensuring right to access of public information held by public authorities <sup>41</sup> which later in 2002 , the Council of Minister approved a recommendation on freedom of information (access of official documents along)<sup>42</sup>. The Recommendations set out the detailed principles including the procedures , exemptions and appeals that governments should take into consideration while drafting national laws on information. <sup>43</sup>

### **The Commonwealth**

An association of 54 countries, based on common historical, institutional and legal frameworks, has taken significant steps towards recognition of human rights and democracy during last decades. In 1991, it adopted Harare Commonwealth Declaration enshrining fundamental political values, including the individual's inalienable democratic right to participate in framing his or her society<sup>44</sup>.

In March 1999 the Commonwealth Expert Group provided for principles and guidelines on the right to know and freedom of information which later in May 1999 were adopted by Commonwealth Law ministers at their meeting<sup>45</sup>. The statement from the meeting was further considered by the committee of the Whole Commonwealth Functional Co-operation whose report was later approved by the Heads of Governments, stated: <sup>46</sup>

The Committee took note of the Commonwealth Freedom of Information Principles endorsed by Commonwealth Law Ministers and forwarded to Heads of Government. It recognized the importance of public access to official information, both in promoting transparency and accountable governance and in encouraging the full participation of citizens in the democratic process.<sup>47</sup>

The Commonwealth Secretariat issued, Model Bill on Freedom of Information in 2003 drafting the detailed procedure for Parliamentary systems in Canada, Australia and other member countries based on FOI laws. More than 12 Commonwealth states have adopted FOI Laws and some 20 member states have pending bill on FOI laws.<sup>48</sup>

### **The African Union**

In 2002, the African Commission on Human and People's rights adopted a declaration of Principles on freedom of expression in Africa endorsing the right to access information held by public bodies as a basic right.<sup>49</sup>

The African Charter on Human and Peoples Right <sup>50</sup> through its article provides "every individual shall have a right to receive information". The commission created under the Convention adopted the Declaration of Principles on Freedom of Expression in Africa in 2002 requiring the member states to recognize freedom of expression right.<sup>51</sup>

In June 2003 The African Union Convention on Preventing and Combating Corruption was approved provided for Access to Information vide article 9 states:

Each State Party shall adopt such legislative and other measures to give effect to the right of access to any information that is required to assist in the fight against corruption and related offences.

40 of the 53 member states have signed the treaty and ratified by 15, went into effect in July 2006<sup>52</sup>

Southern African Development Community (SADC) Protocol Against Corruption and Arab Charter on Human Rights, though pending ratifications, are also important instruments towards the progress of RTI laws.

### III. National or Global standards/Efforts on FOI

Assuming the right to information as fundamental right leads towards its protection through some general or specific legal provisions in any state. Following the international approach Freedom of information is generally protected through freedom of expression and in some cases specific constitutional provisions or judicial interpretation in many countries around the world.<sup>53</sup> More than 80 countries constitutional provisions that provide for right to information and nearly 70 states have adopted national FOI legislations and efforts are pending in many others<sup>54</sup>

#### Constitutional provisions and judicial interpretations

Right to know as fundamental right has become a common feature and number of such constitutional provisions is significantly increasing in recent years. Typically the right access deals with citizens right to access the information from Government bodies but the South African Constitution even goes beyond and information “that is held by another person and that is required for the for the exercise or protection of any rights”. On the other side Habeas Data provisions in Latin American only gives access to personal information.<sup>55</sup> Latin Americans constitutions also highlighted an aspect of the right namely petition of *Hebeas data*, the right to access information about oneself where necessary, to update or correct it, whether held by public or private bodies.<sup>56</sup>

Besides judicial practice many state have adopted it as constitutional guarantee as other human right. Starting from Sweden 1766 the Freedom of Press Act include comprehensive provisions on freedom of information till last few decades many countries have specifically included right to freedom of information in their constitutions. Pakistan and India (art. 19a), Philippines (art. III (7)), Poland (Art.61), Hungary (art.61(1), Romania (art. 31), Thailand (section 58) are a few examples of these countries.<sup>57</sup>

Judicial interpretations in most of the cases have held that freedom of information in protected by general guarantee of freedom of expression. For instance back in 1969, Supreme Court of Japan established that Principle of *Shiru Kenri*(the Right To Know) is protected by guarantees of freedom of Expression under article 21 of the Constitution.<sup>58</sup> Similarly Indian Supreme Court in 1982 ruled that right to access is integral part of freedom of speech and expression under article 19 of the Constitution.<sup>59</sup>

On the other side some states particularly United States, national courts are reluctant to include freedom of information in general guarantee of freedom of expression regarding information in government’s control arguing that first amendment of the constitution providing for protection of the right to speech ,press assembly and petition does not mandate the right to

access to the information held by government .<sup>60</sup> However international and most national practices regarding freedom of expression are positive, recognizing that state action is necessary, if required to ensure the protection in practice.<sup>61</sup>

### 2.3.1 Freedom of Information Legislation

The Freedom of information or right to access laws have existed for more than 200 years but some are few years old. The FOI history can be traced back to Sweden since 1766 .Another state having a long history of freedom of information laws besides Sweden is Colombia where 1888 Code of Political and Municipal Organization provides access to the document in government archive or held by government agencies to requesting individual.USA passed its freedom of information laws in 1967 and followed by Australia<sup>62</sup>, Canada<sup>63</sup>, New Zealand in 1982<sup>64</sup>.

Many other states in different region of globe have adopted legislation on freedom of information including Israel<sup>65</sup>, Hong Kong<sup>66</sup> South Africa<sup>67</sup> Peru<sup>68</sup> Albania<sup>69</sup> United Kingdom<sup>70</sup> and many others (list attached appendix). Furthermore a number of states in all regions of the world have prepared or are considering draft legislation. Therefore it can be concluded that there is a very fundamental inclination towards freedom of information legislation globally.<sup>71</sup>

## IV. Intergovernmental Organization

Parallel to national development the intergovernmental organization (IGOs) are also playing significant role towards the development of freedom of information right which initially operated in secret are now acknowledging that access to information is right not a privilege<sup>72</sup>.

Since the adoption of Rio Declaration in 1992, many International financial institution including the World Bank<sup>73</sup> and regional financial institutions including the Asian Development Bank<sup>74</sup> the African development Bank Group<sup>75</sup> Inter American Development Bank<sup>76</sup> and European Bank for Reconstruction and Development<sup>77</sup> have adopted disclosure policies and are still updating. The United Nations Development Bank (UNDP) has also developed an Information Disclosure Policy<sup>78</sup>.

Since early 90s these institutions started developing their access and information disclosure policies and till date making amendments to deal with the new challenges of the time and played a significant role towards the development of FOI laws around the world.

## CONCLUSION

Human rights are not fixed rather an ever-growing observable fact as old as 200 years but still evolving. The access to information includes the citizen's right to truth imposing affirmative duty on states to ensure the safeguard against serious human rights violations and other traumatic social event affecting their life. Right to information traditionally includes the access to information held by public authorities when requested but now it goes further placing positive duty upon public authorities to publish and circulate the relevant information.

Referring to these international forums and instruments the significance of freedom of information can be understood that it is now widely accepted as either fundamental right itself or as an aspect of freedom of Expression. Furthermore the authoritative statements on the issue, policies and practices of national governments, international financial institutions and other IGOs demonstrate the importance of citizen's right to know and their participation towards the social betterment.

The remarkable growth in number of countries that have adopted FOI laws in last two decades surely indicates that FOI are now common around the world. No democratic state now deny the public rights to information as the rapid growth of FOI around the world is a dramatic global trend and most important democratic development of modern times indeed.

The importance of FOI laws is not only as human right but it also played as an important tool to fight corruption and promote good governance and transparency. It can also be anticipated that new laws will be adopted due to international pressure through treaties like UN Convention against Corruption and domestic demands for better public participation and accountability.

A lot need to be done as there are continuing problems in promoting the culture of openness, implementation of weak laws and oversight issue obstruct the efforts. Record keeping especially in developing countries is another hurdle. Even in Developed countries like US strong opposition to access also slow down the process. Similarly the misuse<sup>79</sup> of exemption and state secrets is another dark side of the picture.

The development of FOI in context of international laws can significantly influence the global practice. States cannot deny the obligation of being open and fair towards each other in their relations inter se and the people as well. As part of International community every state is now bound to develop FOI law in their national laws to achieve transparency of the systems and combat corrupt practices.

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\* The author is presently working as Asst. Professor of Law at faculty of Shariah & Law, IIU, Islamabad. The present article was part of author's PhD dissertation.

<sup>1</sup> Article 19 UDHR and ICCPR

<sup>2</sup> International standards: Right to information Policy brief. Article 19. 5<sup>th</sup> April 2012. Available at <http://www.article19.org/resources.php/resource/3024/en/international-standards-right-to-information>. Last accessed on 15-06-2015

<sup>3</sup> Juha Mustonen, ed. *The World's First Freedom of Information Act, Anders Chydenius legacy today*, (Anders Chydenius Foundation, www.chydenius.net, Art - print ltd Kokkola 2006)4. Available at [http://www.chydenius.net/pdf/worlds\\_first\\_foia.pdf](http://www.chydenius.net/pdf/worlds_first_foia.pdf). Last accessed on 15-06-2015.

<sup>4</sup> Ibid

<sup>5</sup> Toby Mendel, "Freedom of information: An Internationally protected Human right", *Comparative Media Law Journal*, 1 (2003).

<sup>6</sup> Global Trends on the Right to Information: a survey of South Asia, Article 19, Center for Policy alternative, commonwealth Human Rights Initiatives, Human Rights Commission of Pakistan, (July 2001), 8-9.

<sup>7</sup> <http://www.un.org/documents/ga/res/1/ares1.htm>. Last Accessed--20-10-2015

<sup>8</sup> Mendel, "Freedom of Information: An Internationally Protected Right".

<sup>9</sup> UDHR general Assembly Resolution 217A(III), 10th December 1948.

<sup>10</sup> Article 19 (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 regardless of frontiers"

<sup>11</sup> ICCPR, General Assembly Resolution 2200A(XXI) 16<sup>th</sup> December 1966, entered into force 23 March 1976

<sup>12</sup> David Banisar, Freedom of information Around the world; A Global survey of Access to Government information laws 2006. Privacy International 2006.9. Available at: [http://www.freedominfo.org/documents/global\\_survey2006.pdf](http://www.freedominfo.org/documents/global_survey2006.pdf). Last Accessed 10-10-2015.

See also More Effective Right to Information in Pakistan. Background paper, pildat. 7.

<sup>13</sup> Toby Mendel. Freedom of Information: A comparative legal Survey, UNESCO 19. Available at [http://portal.unesco.org/ci/en/file\\_download.php/fa422efc11c9f9b15f9374a5eac31c7efreedom\\_info\\_laws.pdf](http://portal.unesco.org/ci/en/file_download.php/fa422efc11c9f9b15f9374a5eac31c7efreedom_info_laws.pdf) last accessed on 12-02-2015. See also Mendel, "Freedom of Information."

<sup>14</sup> Ibid.

<sup>15</sup> Organization of American States

<sup>16</sup> Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE representative on freedom of Media and the OAS Special Rapporteur on Freedom of expression, 6 December 2004.

<sup>17</sup> Mendel, "An Internationally protected Human right".



<sup>18</sup> Concluding Observation of the Human Rights Committee : United Kingdom of Great Britain and Northern Ireland 05-11-2001, CCPR/CO/73/UK, CCPR/CO/73/UKOT, Concluding observation of the Human Rights Committee : Uzbekistan, 26-04-2001, CCPR/CO/71/ UZB.

<sup>19</sup> Banisar, Freedom of Information around the World, 2006. A Global Survey of Access to Government Information laws. 10

<sup>20</sup> <https://www.unodc.org/unodc/en/treaties/CAC/>. Last Accessed 15-10-2015

<sup>21</sup> Art. 10. Public Reporting

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision making processes, where appropriate. Such measures may include, inter alia:

(a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public;

(b) Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities; and

(c) Publishing information, which may include periodic reports on the risks of corruption in its public administration.

<sup>22</sup> Art. 13. Participation of society

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

(a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;

(b) Ensuring that the public has effective access to information;

(c) Undertaking public information activities that contribute to non tolerance of corruption, ....

2. Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention.

<sup>23</sup> Convention on Access to Information, Public Participation in Decision making and Access to justice in Environmental Matters. Done at Aarhus , Denmark . 25<sup>th</sup> June 1998.

<sup>24</sup> David Banisar. Freedom of Information around the World, 2006. A Global Survey of Access to Government Information laws. 10-11

<sup>25</sup> <https://www.article19.org/resources.php/resource/3024/en/international-standards:-right-to-information>. Last Accessed 10-10 2015.

<sup>26</sup> Adopted at San Jose, Costa Rica, 22 November 1969, entered into force 18 July 1978

<sup>27</sup> Toby Mendel . "An Internationally protected Human right". 6

<sup>28</sup> Mexico City , March 1994

<sup>29</sup> Toby Mendel , " freedom of information".6

<sup>30</sup> Banisar ,Global survey 2006.15

<sup>31</sup> Declaration of Principles on Freedom of Expression. Available at <http://www.right2info.org/international-standards>

<sup>32</sup> Ibid.

<sup>33</sup> Marcel Claude Reyes and others Vs Chile 7<sup>th</sup> March 2005, No 12.108. Inter American Commission on Human Rights , Application submitted to Inter American Courts of Human Right against the state of Chile. Available at <https://www.opensocietyfoundations.org/litigation/claude-reyes-v-chile>. last accessed on 20-07-2015

<sup>34</sup> ECHR adopted 4<sup>th</sup> November 1950, entered into force 3<sup>rd</sup> September 1953..

<sup>35</sup> Toby Mendel , Freedom of Information.6-7

<sup>36</sup> Leander vs. Sweden, 26 March 1987, Application No. 9248/81, 9 EHRR 433. Gaskin vs. United Kingdom, 7 July 1989, Application No. 10454/83, 12 EHRR 36, Guerra and Ors vs. Italy, 9 February 1998, Application No. 14967/8.

<sup>37</sup> Global Trends on Right of Information: a Survey of South Asia.17. Available at <https://www.article19.org/data/files/pdfs/publications/south-asia-foi-survey.pdf> last accessed on 10-02-2016

<sup>38</sup> Banisar , Freedom of Information Global Survey 2006, 12

<sup>39</sup> The political decision-making body of the council of Eurpe, composed of ministers of foreign affairs form each member state.

<sup>40</sup> Recommendation no.R(81)19 of Committee of Ministers to Member States on Access to Information held by Public Authorities.

<sup>41</sup> Declaration on Media in a Democratic Society, DH-MM (95) 4, 7-8 December 1994, para. 16.

<sup>42</sup> Recommendation of Freedom of information, Available at [http://www.right2info.org/resources/publications/instruments-and-standards/coe\\_rec\\_ati\\_en\\_2002](http://www.right2info.org/resources/publications/instruments-and-standards/coe_rec_ati_en_2002).

<sup>43</sup> Recommendation Rec(2002)2 of the Committee of Ministers to member states on the Access to information held by Public Authorities. Trends on Right of Information: a Survey of South Asia. 19. Available at <https://www.article19.org/data/files/pdfs/publications/south-asia-foi-survey.pdf> last accessed on 10-02-2016

<sup>44</sup> Commonwealth Heads of Government Meeting, 20 October 1991, paras. 4 and 9. See also the Millbrook Commonwealth Action Program, Commonwealth Heads of Government Meeting, 12 November 1995.

<sup>45</sup> Communiqué issued by Meeting of Commonwealth Law Ministers . Port of Spain, Trinidad and Tobago 10<sup>th</sup> May 1999 , Para 21.

<sup>46</sup> *Communiqué*, Commonwealth Functional Co-operation Report of the Committee of the Whole, Commonwealth Heads of Government Meeting, Durban, 15 November 1999, para. 20.

<sup>47</sup> Global Trends on Right of Information: a Survey of South Asia p13. Available at <https://www.article19.org/data/files/pdfs/publications/south-asia-foi-survey.pdf> last accessed on 10-02-2016

<sup>48</sup> David Banisar, Freedom of information around the world2006, 16.

<sup>49</sup> <https://www.article19.org/resources.php/resource/3024/en/international-standards:-right-to-information>. Last Accessed 10-10-2015.

<sup>50</sup> African Charter on Human and Peoples Righys, Nairobi , Kenya, June 1981.

<sup>51</sup> Resolution on adoption of the Decalartion of Principles on freedom of Expression in Africa, African Commission on Human and Peoples' Rights , 32 nd Session 17-23 ,October 2002. Banjul, the Gambia. Declaration affirms the right to information in Africa.

<sup>52</sup> David Banisar , Freedom of Information around the world 2006, 13-14

<sup>53</sup> Mendel , "Freedom of information".12

<sup>54</sup> David Banisar , Freedom of information around the world. 2006. 10

<sup>55</sup> Ibid., 17.

<sup>56</sup> Article 43, constitution of Argentina.

<sup>57</sup> Toby Mendel .Freedom of information .13

<sup>58</sup> Lawrence Repeta," *Local Government Disclosure Systems in Japan*", National Bureau of Asian Research, Paper Number 16, (October 1999)3.Available at <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN026259.pdf> last accessed on 17-06-2016.

See also Global Trends on Right of Information: a Survey of South Asia 25. Available at <https://www.article19.org/data/files/pdfs/publications/south-asia-foi-survey.pdf> last accessed on 10-02-2016

<sup>59</sup> S.P.Gupta VS president of India (1982)AIR (SC )149, p234. Supreme court of India 1982, Available at <http://www.right2info.org/cases/r2i-s.p.-gupta-v.-president-of-india>. last accessed on 12 -06-2016 See also Global Trends on Right of Information: a Survey of South Asia p25. Available at <https://www.article19.org/data/files/pdfs/publications/south-asia-foi-survey.pdf> last accessed on 10-02-2016.

<sup>60</sup> Houchins vs KQED inc.438 US1, 1978, p15 available at <https://supreme.justia.com/cases/federal/us/438/1/case.html>. last accessed on 17-06-2016

<sup>61</sup> Toby Mendel p13

<sup>62</sup> Freedom of Information Act 1982

<sup>63</sup> Access to Information Act ,Chapter A1

<sup>64</sup> Official Information Act 1982

<sup>65</sup> Freedom of information law, Law 5758-1998, May 1988

<sup>66</sup> Code on Access to information March 1995

<sup>67</sup> Promotion of Access to information Act Act no 2. 2000

<sup>68</sup> Law no 26301, 2 May 1994,Implementing the constitutional right to Hebeas data

<sup>69</sup> Law no 8503onthe right to information about official document,1999

<sup>70</sup> Freedom of Information Act 2000, chapter 36

<sup>71</sup> Mendel," freedom of information". 11-12

<sup>72</sup> Global Trends on Right of Information: a Survey of South Asia.30.

<sup>73</sup> The World Bank Policy on the Disclosure of Information , available at <http://siteresources.worldbank.org/OPSMANUAL/Resources/DisclosurePolicy.pdf> Last Accessed on 17-06-2016.

<sup>74</sup> Public Communication policy, Asian Development Bank , <http://www.adb.org/site/disclosure/public-communications-policy> last accessed on 17-06-2016

<sup>75</sup> Disclosure and access of Information policy, African Development Bank Group. Available at <http://www.afdb.org/en/consultations/closed-consultations/afdb-group%E2%80%99s-policy-on-disclosure-and-access-to-information/>. Last Accessed on 17-06-2016.

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<sup>78</sup> Information Disclosure Policy , UNDP, available at [http://www.undp.org/content/undp/en/home/operations/transparency/information\\_disclosurepolicy.html](http://www.undp.org/content/undp/en/home/operations/transparency/information_disclosurepolicy.html) . last accessed on 17-06-2016

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