



# Access to Information & Openness – AII Findings

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The Access to Information & Openness subcategory provides an assessment of civil service integrity systems. Three indicators (41-43) assess citizen access to information. The next four indicators (44-47) assess asset disclosure requirements and citizen access. Four indicators (48-51) focus on citizen access to sources of political party donations – both public and private. The next six indicators (52-57) deal with the media and information landscape, from ownership to reporting standards to censorship in both traditional and online sources. The final two indicators (58-59) cover the online presence of government ministries and agencies. Access to Information & Openness is one of the six components of the Transparency and Accountability category.

## General Access to Information Findings

- **Legal rights to public information are rare, but increasing.** The majority (72%) of countries still have no legally enshrined right to access public information. However, this improved in two cases. In Sierra Leone, the government passed the Right to Information Act in October 2013, while in Mozambique a Right of Access to Information Act was passed in August 2014, 10 years after the bill was first submitted.
- **Scores were low across the board and even countries where there is a specific access to information law, in practice citizen requests are frequently unsuccessful.** Only 21 countries (39%) scored above zero, and only six scored above a 25. For example, in Botswana ministries do not freely provide public information. In Burundi, the government has adopted a culture of secrecy and authorities remain silent while requests are issued and even requests from attorneys that need legal files may be denied. In Mauritius, there is no right to information law in place and many barriers block access to information, as authorities follow the parameters for the Official Secrets Act. Allegedly, requests can be filed for the cost

## Access to Information & Openness Indicators

41. In law, citizens have a right to request public information from state bodies.
42. In practice, citizen requests for public information are effective.
43. In practice, citizens can access legislative processes and documents.
44. In law, senior officials of the three branches of government (including heads of state and government, ministers, members of Parliament, judges, etc.) are required to disclose records of their assets and disclosures are public.
45. In practice, the asset disclosure process for senior officials of the three branches of government (heads of state and government, ministers, members of Parliament, judges, etc.) is effective.
46. In law, members of the civil service are required to disclose records of their assets and the disclosures are public.
47. In practice, the asset disclosure process for members of the civil service is effective.
48. In law, political parties are required to regularly disclose public donations (funds sourced from the government).
49. In practice, political parties regularly disclose public donations (funds that are sourced from the government) and the disclosures are easily available to the public.
50. In law, political parties are required to regularly disclose private donations.
51. In practice, political parties regularly disclose private donations and the disclosures are easily available to the public.
52. In practice, media organizations (print, broadcast, online) disclose the identities of their owners to the public.
53. In practice, journalists and editors adhere to strict, professional practices in their reporting.
54. In law, it is legal to report accurate news even if it damages the reputation of a public figure.
55. In practice, there is no prior government restraint (pre-publication censoring) and the government doesn't promote the media's self-censorship.
56. In practice, there is no prior government restraint (pre-publication censoring) of citizen-created content online and the government doesn't promote the self-censorship of citizens online (in blogs, social media, etc.).
57. In practice, the government does not block (or require ICT firms to block) online content.
58. In practice, ministries and autonomous agencies have websites.
59. In practice, the public services regulatory agencies and the national ombudsman (when and if there is one) have websites.



of a photocopy, but in practice most of the time citizens fail to obtain the information they seek. Even where information laws exist, the practice falls short of the books. In Angola, for example, there is a law but no central agency or office in charge of answering information requests. “There is a general attitude of disregard or even contempt toward formal information requests filed by citizens... information is often obtained only off the record and based on personal connections,” according to research. Significant difficulties in accessing public information even in the presence of an enabling law were also reported in Togo, Mozambique, Zimbabwe, Sierra Leone, and Niger. Of the remaining countries with appropriate laws, only one managed a score of above a 25 on *de facto* accessibility.

- **Compared to general public information requests, legislative processes and documents are occasionally more accessible to citizens, but still difficult to obtain.** Only four countries earned full marks in this indicator, and another seven earned a 75. For instance, in Zambia various documents are updated and available online – including reports, laws, bills, points of order, rulings, debate transcripts, and others. Beyond the transcripts, important debates are often broadcast live. Importantly, interested citizens, such as academics and journalists are able to receive copies of voting records quickly upon request. On the other end of the spectrum are the 12 countries (22%) that earned the lowest score. Equatorial Guinea is an example: there are no archive or records system for the legislative process since the 2013 election, and citizens have no access to information on an opaque legislative process – no information on debates, on voting records, or even full texts of bills. While some citizens are able to receive copies of laws from the Ministry of Public information, this process is at times unsuccessful, and when it works it carries a fee higher than photocopying cost.

### Asset Disclosure Findings

- **Asset disclosure regimes are weak and often nonexistent.** These four indicators are all among the lowest scoring indicators in the entire assessment. While a number of countries have legal provisions requiring senior officials (including heads of state and government) to file asset disclosures, most of these do not extend disclosure requirements to immediate family members. Thus, only four countries meet the criteria for a YES score here – Djibouti, Algeria, Uganda and Kenya. In these countries, the law requires the assets held in the name of the spouse as well as dependent children to be declared as well. On indicator 46 regarding asset disclosures in the civil service, only one country earns a YES – Kenya (through the Public Officer Ethics Act).
- **When they exist, asset disclosures frequently lack detailed information or are not easily accessible to the public.** Only four countries earned scores higher than zero and only one scored higher than 25. For instance, in Kenya “An April 2014 article by Samuel Kimeu, executive director of Transparency International Kenya also points that: ‘While technically it is possible for the public to access wealth declarations, in practice it’s a near impossibility. There is no record of a successful request for the release of wealth declaration information in Kenya, completely defeating the purpose for which it was established.’” Only four countries scored above a 0 in indicator 45 (on whether the asset disclosure process for senior officials of the three branches of government is effective), and only



one country in indicator 47 (on whether the asset disclosure process for members of the civil service is effective).

### Political Party Financial Transparency Findings

- **Less than half (43%) of the countries legally require that political parties publicly disclose direct public funding they receive, but only a third (30%) are required to publicly disclose the sources of private donations.** For example, while in South Africa public funding allocations are disclosed to the public, there are no laws that require parties to disclose their private funding sources. In Liberia, there have been improvements in reporting of political finance data. In response to political parties rarely disclosing private donations, Liberia's electoral management body threatened to revoke the parties' certificates for failure to report financial statements. During the research period, several parties were still awaiting the Supreme Court's ruling on whether or not they were being deregistered for failure to comply with campaign finance regulations, and the electoral management body has reported favorable improvements in the recent reports filed by the political parties.
- **Even where laws require disclosure of public and private funding, *de facto* accessibility is quite limited.** For example, in Guinea, requests for information on both public and private funding is guaranteed by law, but in practice the political parties rarely report what they receive and public donations are usually published by the Independent National Electoral Commission (CENI). For private donations, it is significantly more difficult to obtain information because political parties are not obliged to publish it. In Uganda 10 political parties didn't submit financial records to the government during the period of study, despite reminders and warnings by the electoral authority, while in Ghana, information is not proactively published and requests to the Electoral Commission to access party donor information were denied. In fact, only three countries earned a score higher than 0 on the indicator about private donation information. Morocco was one such example, earning a relatively high score (for this indicator) of 50. By law, political parties are required to submit financial reports to the Supreme Audit Institution and, while not all parties comply and some file these reports late, the information is available upon request, as it is explicitly outlined that the public shall have access to these reports.

### Media Findings

- **Disclosure of media ownership shows signs of improvement.** Nearly half (24) of the assessed countries earned a 75 or higher on this indicator (52) and when comparing the 2014 and 2015 there seems to be increased disclosure of ownership. Still, six countries (11%) earned a 0, as exemplified by Guinea, where private media ownership is only known to the government, and only when there are public court cases against a media outlet is the general public able to become aware of an outlet's ownership. In Sao Tome and Principe, the researcher notes that since there are only a few private media organizations in the country, and since it is a small tightly knit society, it is not difficult to



informally learn the identities of the owners, even when they are not explicitly indicated in the publications.

- **In the majority of countries (74%), it is not legal to report accurate news if it damages the reputation of a public figure.** For instance, in Lesotho any action that is likely to make the public hate or disrespect a public officer and embarrass the state is defined as subversion, and thus severely punishable under the Internal Security Act. In many other cases, the laws remain vague, without any clear protection for those publishing accurate information. For example, in Malawi, according to the Protected Flag, Emblems and Names Act, “any person who does any act or utters any words or publishes calculated to or liable to insult, ridicule or to show disrespect to or with reference to the president shall be liable to a fine of £1,000 and to imprisonment for two years.” As the research notes, “What is vague and ultimately restrictive to journalists is what constitutes ridiculing, insulting, or showing disrespect to the president. Consequently such a measure limits what can be accurately reported about the presidency.”
- **In half of the countries, there is censorship or self-censorship is encouraged.** Only in five countries (9%) the government doesn’t directly influence media publication, while 18 countries (33%) earned a 0 score and another 14 (26%) earned a 25 score based upon regular direct censorship or government threats and punishment designed to actively promote self-censorship in the media. Sudan exemplifies the most blatant cases – the government has prevented the publication of information through seizure and confiscation, while also harassing and threatening journalists. In Tanzania, the scoring deteriorated over the last two rounds, with the government’s banning of several newspapers and websites over the most recent study period. A notable deterioration in Botswana was also evidenced in the research, with arrests and potential lawsuits increasingly promoting self-censorship. For example, the editor of the Sunday Standard was arrested and charged with sedition, the author of a story had to flee the country in search of asylum, and in November 2013 President Khama announced that he would be supporting a motion that would allow MPs who want to take the media to court for defamation to have their legal fees covered by the taxpayer.
- **In comparison with the traditional media, there is less direct censorship or self-censorship of citizen-created online content.** Compared with only six countries earning a full 100 score in the indicator about censorship and promotion of self-censorship of the media (55), the same indicator in relation to citizen-created content online (56), 22 (41%) countries earned the highest score. Another nine (17%) earned a 75. However, there were a couple notable deteriorations. One example is Madagascar, where citizens and media professionals oppose a new law on Cybercrime due to its dampening effect on the freedom of citizens to express themselves in social networks and other online publications. No cases have been brought to justice under the new law yet.
- **Most countries (63%) reported no evidence of the government restricting (or requiring ICT providers to restrict) citizen access to online content.** This indicator (57) was one of the higher scoring *de facto* indicators in the assessment, but compared to previous rounds of research it seems to



be deteriorating. In regards to the lower scoring countries, the restrictions put in place were very diverse. For instance, in The Gambia, a number of internationally-based news sites were blocked during the year, and Comoros, Equatorial Guinea, Eritrea and Ethiopia were among countries reported to have blocked widely used communication and networking tools, such as Facebook and Skype.

- **Government ministries and agencies tend to be more updated websites than those of public services regulatory agencies.** However, at times only certain ministries' websites are accessible or the sites outdated. On the other hand, the research suggests that it is easier to file a complaint via the websites of regulatory institutions than via ministries' websites. In some cases, ministerial web pages have been taken off the Internet due to political disputes, such as in Egypt.

### Observations

- At the aggregate level, this subcategory showed little movement over the past two research rounds and remained the lowest scoring (at 28.29) of the Transparency & Accountability subcategories.
- Six indicators held constant between the two rounds, six improved, and seven deteriorated. The largest improvements were found in #41 on the legal right to request public information and #42 on the in practice disclosure of media ownership.
- In 2015, the highest scoring countries in this subcategory were Kenya, Liberia, South Africa, Ghana and Uganda. Of this group, three exhibited improvements, with Liberia (+14.5) making the most substantial gains. Sao Tome and Principe, in the 13<sup>th</sup> position, also exhibited a relatively large improvement of +7.9.
- The lowest scoring countries were Morocco, Somalia, Sudan, Equatorial Guinea, and Eritrea. Two of these countries held constant scorings, while three (Morocco, Somalia and Sudan) saw further deterioration of their already low scorings.



## Regional Trends<sup>1</sup>

- Three of the five regions showed improvement over the past two research rounds. North Africa deteriorated slightly, falling further behind the other regions. West Africa remained in the top position with an improving score.

1.6 ATI & Openness	2014 Ave	2015 Ave	Change
<b>Overall</b>	29.24	29.46	0.22
<b>East Africa</b>	24.78	24.78	0.00
<b>Central Africa</b>	21.93	23.25	1.32
<b>North Africa</b>	18.26	16.61	-1.64
<b>Southern Africa</b>	34.32	34.10	-0.22
<b>West Africa</b>	37.02	38.33	1.32

- As with most of the six Transparency & Accountability subcategories, Access to Information & Openness exhibits a substantial gap between the highest and lowest performing regions. Here, the difference between the highest scoring region (West Africa) and the lowest scoring region (North Africa) is 21.72.

It is important to note that aggregate scores mask very substantial - and very informative – country-level differences that can be found in the disaggregated data. An interested user benefits from exploring the data in detail, focusing on individual indicators and the country context described in the researcher's comment and sources. The indicators are designed to be granular in order to provide actionable information for each country covered, so should be viewed individually for the clearest view of each country's performance - and opportunities for improvement.

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<sup>1</sup> Regions are here defined as:

- Central Africa:** Cameroon, Central African Republic, Chad, Republic of Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, Sao Tome and Principe
- East Africa:** Burundi, Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Somalia, South Sudan, Tanzania, and Uganda
- North Africa:** Algeria, Egypt, Libya, Mauritania, Morocco, Sudan, and Tunisia
- Southern Africa:** Angola, Botswana, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Zambia, and Zimbabwe
- West Africa:** Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo





1.6 Access to Information & Openness	2014 Score		2015 Score		2014-15 Change	
	2014	Rank	2015	Rank	Score Change	Rank Change
Kenya	64.5	1	63.2	1	-1.3	+0
Liberia	43.4	8	57.9	2	+14.5	+6
South Africa	57.9	2	55.3	3	-2.6	-1
Ghana	50.0	3	52.6	4	+2.6	-1
Uganda	47.4	5	51.3	5	+3.9	+0
Nigeria	47.4	5	50.0	6	+2.6	-1
Tunisia	46.1	7	47.4	7	+1.3	+0
Sierra Leone	42.1	11	46.1	8	+3.9	+3
Cape Verde	48.7	4	46.1	8	-2.6	-4
Mauritius	43.4	8	44.7	10	+1.3	-2
Zimbabwe	43.4	8	42.1	11	-1.3	-3
Mozambique	39.5	15	42.1	11	+2.6	+4
Sao Tome and Principe	38.2	16	40.8	13	+2.6	+3
Mali	40.8	13	39.5	14	-1.3	-1
Senegal	40.8	13	39.5	14	-1.3	-1
Guinea	38.2	16	38.2	16	+0.0	+0
Botswana	42.1	11	36.8	17	-5.3	-6
Benin	38.2	16	34.2	18	-3.9	-2
Namibia	34.2	20	34.2	18	+0.0	+2
Republic of Cote d'Ivoire	28.9	23	32.9	20	+3.9	+3
Rwanda	27.6	25	31.6	21	+3.9	+4
Zambia	27.6	25	31.6	21	+3.9	+4
Lesotho	26.3	27	31.6	21	+5.3	+6
Burkina Faso	28.9	23	31.6	21	+2.6	+2
Tanzania	35.5	19	30.3	25	-5.3	-6
Malawi	26.3	27	28.9	26	+2.6	+1
Niger	32.9	21	28.9	26	-3.9	-5
Togo	26.3	27	27.6	28	+1.3	-1
Guinea-Bissau	23.7	34	26.3	29	+2.6	+5
Angola	30.3	22	26.3	29	-3.9	-7
Congo DRC	18.4	44	23.7	31	+5.3	+13
Comoros	19.7	40	23.7	31	+3.9	+9
Congo Brazzaville	19.7	40	23.7	31	+3.9	+9
Chad	21.1	37	23.7	31	+2.6	+6
The Gambia	25.0	32	23.7	31	-1.3	+1
Gabon	22.4	36	21.1	36	-1.3	+0
Algeria	25.0	32	21.1	36	-3.9	-4
CAR	26.3	27	21.1	36	-5.3	-9
Burundi	15.8	46	19.7	39	+3.9	+7
Cameroon	19.7	40	19.7	39	+0.0	+1
Libya	23.7	34	19.7	39	-3.9	-5
Ethiopia	17.1	45	18.4	42	+1.3	+3
Djibouti	21.1	37	18.4	42	-2.6	-5
Swaziland	19.7	40	18.4	42	-1.3	-2
Madagascar	21.1	37	17.1	45	-3.9	-8
Seychelles	26.3	27	17.1	45	-9.2	-18
Mauritania	15.8	46	15.8	47	+0.0	-1
South Sudan	10.5	51	14.5	48	+3.9	+3
Egypt	13.2	48	11.8	49	-1.3	-1
Morocco	11.8	49	9.2	50	-2.6	-1
Somalia	11.8	49	9.2	50	-2.6	-1
Sudan	10.5	51	7.9	52	-2.6	-1
Equatorial Guinea	2.6	53	2.6	53	+0.0	+0
Eritrea	0.0	54	0.0	54	+0.0	+0

