



Africa Freedom of Information Centre

AFIC

STATEMENT ON THE ADOPTION OF FREEDOM OF INFORMATION BILL BY CABINET OF SERRA LEAON

The Africa Freedom of Information Centre (AFIC) a pan African non governmental organization promoting the right of access to information in Africa welcomes and congratulates the Cabinet and people of Sierra Leone upon adoption by Cabinet of the Freedom of Information Bill.

In approving the Bill, Serra Leone is making a step in the right direction towards fulfilling her obligations and commitments to the international community and regional bodies and is on the path to become the fifth African country to adopt a freedom of information law.

The United Nations General Assembly Resolution 59(1) states that:

“Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the UN is consecrated.”

Other international human rights instruments that have the right of access to information within the broader and fundamental right of freedom of expression. These include:

- a) The UN General Assembly’s Resolution 217 A (III) on the 1948 Universal Declaration of Human Rights which states that: *“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.”*
- b) The UN General Assembly’s Resolution 2200 A (XXI) on the 1966 International Covenant on Civil and Political Rights states that: *“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”*

At the 32nd Ordinary Session of the African Commission on Human and Peoples’ Rights (Banjul, The Gambia, 2002) African countries adopted a Declaration of Principles on Freedom of Expression in Africa which states that:

- i) Public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law.
- ii) The right to information shall be guaranteed by law in accordance with the following principles:
 - everyone has the right to access information held by public bodies;
 - everyone has the right to access information held by private bodies which is necessary for the exercise or protection of any right;

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- any refusal to disclose information shall be subject to appeal to an independent body and/or the courts;
 - public bodies shall be required, even in the absence of a request, actively to publish important information of significant public interest;
 - no one shall be subject to any sanction for releasing in good faith information on wrongdoing, or that which would disclose a serious threat to health, safety or the environment save where the imposition of sanctions serves a legitimate interest and is necessary in a democratic society; and
 - secrecy laws shall be amended as necessary to comply with freedom of information principles.
- iii) Everyone has the right to access and update or otherwise correct their personal information, whether it is held by public or by private bodies.

The Government and People of Sierra Leone have responded well and timely to the African Regional Findings and Plan of Action for the Advancement of the Right of Access to Information in which 130 participants from 20 countries throughout Africa, representing governments, civil society organizations, international and regional bodies and financial institutions, donor agencies and foundations, the private sector, media outlets and scholars gathering in Accra Ghana in February 2010 resolved to fast track the adoption and implementation of freedom of information laws.

AFIC takes this opportunity to:

1. Urge the Parliament of Sierra Leone to expedite consideration and passing of the Freedom of Information Bill
2. Remind all African leaders and governments of their duty and obligation to implement international and regional standards in relation to freedom of information
3. Urge all African Union member states to follow the example of the four countries to pass and implement freedom of information legislations
4. Call upon African leaders and governments to ratify and domesticate the African Charter on Democracy, Elections and Governance whose article 19 focuses on freedom of information.
5. Urge the African Union to include access to information on the agenda for the AU Summit scheduled to take place in Kampala in July 2010
6. Call upon African governments and regional bodies to study and implement the African Regional Findings and Plan of Action for the Advancement of the Right of Access to Information adopted in Accra in February 2010.

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