



# **AFRICA FREEDOM OF INFORMATION CENTRE (AFIC)**

**ANNUAL REPORT 2011**

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## **FOREWARD**

In the year 2011, the Africa Freedom of Information Centre (AFIC) made great strides towards the fulfillment of its mandate as regional freedom of information civil society organization and resource centre. Its membership increased from 14 at the beginning of the year to 24 signifying a growing interest in the organisation's work on the continent.

Expanding Africa-based knowledge on access to information is integral to advancing the right on the continent. Studies commissioned in Mali and Senegal to determine the state of freedom of information were finalized during the year. In Mali, AFIC successfully organized a dissemination and validation meeting and is actively supporting the establishment of a coalition and the implementation of an action plan to take forward recommendations of the study. Studies were also commissioned in Uganda as a contribution to efforts to ensure effective implementation of the Access to Information Act. These studies have been of benefit to AFIC members in respective countries as well as advocates and research community across the continent and beyond.

AFIC's capacity to bring together regional actors to explore ways of advancing the right to information was fully put to test during 2011. AFIC, in partnership with the Open Democracy Advice Centre (ODAC), organized a meeting of freedom of information experts in Johannesburg that brought together experts from South Africa, Angola, Zambia, Zimbabwe and the DRC. In September, AFIC in collaboration with African Commission on Human and Peoples' Right's Special Rapporteur on Freedom of Expression and Access to Information, Kenyan Section of the International Commission of Jurists as well as the Human Rights Centre of South Africa organized an East Africa regional dialogue on the ratification of the African Charter on Democracy, Elections and Governance and promotion of the right of access to information that brought together representatives from government and civil society from Burundi, Ethiopia, Kenya, Rwanda, Uganda, Tanzania and South Sudan. The dialogue was also attended by the World Bank, UNDP, United Nations Office of the High Commissioner for Human Rights, NEPAD and East African Court of Justice. Country plans to advance ratification of the Charter and access to information were developed and are yielding positive results.

During the year the organization contributed to the development of access to information at international fora as well participation in regional and international coalitions. AFIC's Coordinator made a presentation at the first ever conference of FOI researchers that took place in New Jersey, United States; AFIC joined a coalition of civil society organizations from other continents in developing a draft declaration on national security and access to information; this meeting took place in Budapest, Hungary. AFIC made significant contribution to the drafting and adoption of the pan-African Platform on Access to Information (APAI) which took place in Cape Town, South Africa in September.

The organization's engagement with multilateral institutions also made remarkable progress during the year. AFIC was given the opportunity to review the new proposed disclosure policy of the African Development Bank; was elected the Steering Committee of the African Union-European Union Partnership in the wake of its last dialogue held in Brussels in November.

Furthermore, UNESCO AND AFIC have explored opportunities for collaboration. AFIC was one of the institutions approached to make nominations to UNESCO's annual Guillermo Cano Prize for 2012. Finally, AFIC made inputs to the civil society statement at the 50<sup>th</sup> Session of the African Commission on Human and Peoples' Rights (ACHPR) in Banjul. The organization looks forward to finally obtaining observer status at the ACHPR in the coming year.

The successes highlighted above were achieved in a context of political unrests in northern Africa, post-election crises in Cote d'Ivoire and the Democratic Republic of Congo as well as the adoption of a Protection of State Information law by South Africa; a move considered a setback to the advancement to the right to information on the continent.

Special gratitude for supporting the organisation's work is due to members of the Steering Committee who equally made time to hold a landmark meeting in Kampala in May. These are; International Federation of Journalists (Africa Office), International Commission of Jurists (Kenya), Human Rights Network (Uganda), Open Democracy Advice Centre (South Africa), Citizens Governance Initiatives (Cameroon), Commonwealth Human Rights Initiative (Ghana), Media Foundation for West Africa (Ghana) and Open Society Justice Initiative (Africa).

We do hope the year 2012 will afford us opportunities to build on the achievements of 2011 and open new perspectives for the advancement of the right to information in Africa.



Gabriel Ayite Baglo  
**Chairperson,  
Steering Committee**

## **From the Coordinator/ Head of Secretariat**

The year 2011 has been an active one for Africa Freedom of Information Centre, its membership and partners in the promotion of the right of access to information on the African continent. A record three countries- Niger, Nigeria and Tunisia adopted respective national freedom of information laws. Kenya and Morocco adopted new constitutions that guarantee the right of access to information for citizens while Uganda issued regulations to support the implementation of its access to information law that had been adopted in 2005. AFIC was pleased to support the Model Law on Access to Information initiative of the African Commission on Human and Peoples Rights by making inputs into the draft and facilitating a regional dialogue for its members and partners to make comments on the draft.

With increased advocacy at national and regional level around right to know day and on going activities, many more countries are taking important steps to adopt freedom of information frameworks. AFIC was pleased to make inputs into the draft freedom of information bills of Botswana as well as sectoral laws of South Sudan and Uganda as well as the African Development Bank's Draft Disclosure and Access to Information policy. We were also honoured to support advocacy engagements in Zambia, Rwanda, Ghana, Nigeria and Sierra Leone as well as sharing our growing experience and expertise with civil society advocates, governments and researchers from within the continent and beyond.

The efforts by the African Union Commission and the African on Human and Peoples Rights in establishing standards as well as promotion of ratification of these treaties and adoption of national frameworks are encouraging. The two Commissions worked very well with AFIC and other civil society groups in 2011 on initiatives like Pan African Conference on Access to Information (PACAI), the development of the draft model law on access to information for African Union member states, the African Union Commission- European Union civil society dialogue on human rights and several advocacy activities on promotion of ratification of regional instruments and adoption of national access to information laws.

The year 2012 is the year of shared values of the African Union. The past year has been one of great learning and building networks. The coming year will be one of leverage capacities of our members and partners to effectively advocate for newer and better access, effective implementation and oversights as well as strengthening oversight and learning from one another. Initiatives like the Open Government present important opportunities for advocacy. AFIC will work with respective regional economic communities to mainstream access to information in new treaties and operational guidelines.

We appreciate our partners and supporters of our work in 2011 especially the Open Society Foundations Right to Information Fund, Deepening Democracy Programme (Uganda), the United Nations Office of the High Commissioner for Human Rights, The World Bank, Friedrich Ebert Stiftung and the Cyrus R. Vance Centre for International Justice.



Gilbert Sendugwa  
**Coordinator & Head of Secretariat**

## **INTRODUCTION**

### **AFIC BACKGROUND AND OBJECTIVES**

The Africa Freedom of Information Centre (AFIC) is a pan-African, civil society organisation and resource centre promoting the right of access to information in Africa. The organisation was established as a recommendation of the Lagos Declaration signed by 30 civil society organisations from 16 African countries in September 2006.

Participants at this meeting called for the creation of a platform for cooperation and collaborative activities among civil society organizations in the region. The participants agreed to establish a regional Freedom of Information Centre in Africa, where experiences garnered in the different countries can be pooled and shared among civil society activists and which will provide technical assistance to organizations involved in any stage of Freedom of Information advocacy or implementation.

AFIC began operations in Lagos in 2009 but moved offices to Kampala at the beginning of 2010. Its specific objectives are:

1. Promote the right of access to information by providing a coordinated approach to regional advocacy initiatives;
2. Increase knowledge base on access to information through coordination of and development of ATI research;
3. Facilitate information-sharing and learning among different civil society groups and actors through network development and website;
4. Facilitate capacity enhancement of various in-country civil society groups.

### **OUR VISION**

AFIC is a membership civil society organization promoting the right of access to information. We strive to become a reliable, dependable and all round freedom of information support centre on the African continent.

## **PROGRAMMMES, ACTIVITIES AND RESULTS**

AFIC's strategic plan which was approved in 2011 is organized around five result areas namely:

- Improved knowledge on Access to Information (result one),
- Improved access to and utilization of information (result 2) ;
- Improved legal and policy environment for freedom of information in Africa (result area 3) ;
- Improved coordination and information sharing among ATI civil society actors (result area 4), and
- Strengthening of AFIC's institutional capacity (result area 5).

During the year 2011, progress towards attaining the objectives of our strategic plan were achieved with funding from the Open Society Foundation's Right to Information Fund, Friedrich Ebert Stiftung (Africa office in Windhoek and Uganda country office), The World Bank, United Nations Office of the High Commissioner for Human Rights (East Africa regional office in Addis Ababa and Uganda country office) and the Deepening Democracy Programme (Uganda).

Results were also achieved with support through partnerships from the Open Democracy Advice Centre, Africa Network of Constitutional Lawyers, HURINET Uganda, African Union, UNESCO, Africa Centre for Media Excellence, the APAI Working Group, the Cyrus R. Vance Centre for International Justice and the Special Rapporteur for Freedom of Expression and Access to Information.

Progress on planned results is outlined below.

## Result 1: Improved knowledge on access to information

This result area aims at building and strengthening Africa- based freedom of information knowledge base and enhancing the quality of programme/ campaign design, implementation and impact. To achieve this objective AFIC sought to implement research activities directly and partnering with other organizations to ensure coordination, quality, better learning and sharing.

Activity	Summary of Results
FOI Studies in Senegal and Mali	Studies were completed in both countries and reveal that while both countries do not have FOI laws, there are several pieces of legislation with FOI provisions that are not implemented.
Workshop to disseminate findings of FOI study in Mali, Bamako, July 29 2011	The workshop was presided over by Mali's Minister of Communication, Mr. Sidiki N'Fa Konaté. He expressed the government's support to the process saying Mali will not be left behind as the right to information universalizes
FOI Studies Uganda	<p>Three studies were completed in Uganda. These are:</p> <ul style="list-style-type: none"> <li>a) The institutional capacity assessment of public bodies to implement the Uganda Access to Information Act, 2005</li> <li>b) A desk review of Uganda's Draft Petroleum (Exploration, Development and Value Addition) Bill, 2010 in light of the Access to Information Act, 2005, and international access to information standards.</li> <li>c) An analysis of the Angelo Izama and Charles Mwanguhya Vs. Attorney General court ruling (No. 751 of 2009) in the framework of the Uganda Access to Information Act, 2005 and international access to information standards</li> </ul>
1 <sup>ST</sup> Global Conference on Transparency, 19-20 <sup>th</sup> May, 2011, Rutgers University-Newark, New Jersey	It was the first meeting ever to bring together FOI scholars from around the World. Over one hundred research papers

	<p>were presented at the conference and among them was that presented by AFIC's Coordinator on "Legislating and Implementing Public ATI in Africa: What are the Incentives for Government and Civil Society Actors?"</p>
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**FOI Studies in Senegal and Mali**

FOI studies commissioned in Mali and Senegal were finalized during the year; original versions were in French but were also translated into English. A dissemination meeting was held in Bamako, Mali while that of Senegal is being planned for 2012. These studies have produced interesting results.

*Senegal*

The study consisted of an assessment of pieces of legislation on human rights, health, education, public procurement, judiciary, environmental management, finance and local government from an FOI perspective as well as field research in the cities of Dakar, St. Louis and Ziguinchor.

Senegal has a law on access to archives, but not an all-embracing FOI law. The various pieces of legislation that were reviewed in the study as the law on archives, mining code, and law governing the functioning of local governments show that these laws have provisions that promote access to information. There are also treaties which the country has adopted that ensure citizens' access to information on issues like national debt and government spending.

In practice, however, many of these provisions on access to information are not implemented for several reasons as lack of political will, poor human and financial resources and low levels of awareness on the part of civil servants and ordinary citizens.

On awareness of access to information issues, the report reveals it is highest in the city of St. Louis because of its long civil service tradition that dates back to the colonial era.

The report recommends the adoption of a comprehensive FOI legislation, dissemination of government information in some local languages, enhancement of internet network and efforts to improve literacy in the country as measures that can promote FOI.

*Mali*

The country's Constitution guarantees freedom of expression and opinion and there is a law that regulates relations between the civil service and users of public services (Law no. 98-012 of 19 January 1998). This law protects users' right to access administrative documents. The law requires public bodies to respond to requests within 30 days. There is also the law on local government that promotes participation of citizens in the decision-making process.

Mali has an ombudsman who oversees relations between the administration and citizens. He provides recommendations based on complaints lodged by aggrieved citizens and submits annual reports to the president.

To further improve relations between citizens and public officials, the government created an annual question and answer forum where citizens interface with officials on all issues related to politics, economy, social life, violation of rights, corruption, delays in administrative procedures etc. According to the rules, officials are obliged to provide answers.

The report advocates for the adoption of an FOI law, strengthening of the role of the ombudsman, better dissemination of the country's laws and raising ethical standards in the civil service as ways to realize the right of access to information .

### **Workshop to disseminate and validate findings of FOI study in Mali, Bamako, July 29 2011**

The workshop was organized to invite public comments and inputs into the draft version of the FOI study conducted by AFIC and also develop an action plan to advance the right of access to information in the country.

The workshop was presided over by Mali's Minister of Communication, His Excellency Sidiki N'Fa Konaté. He expressed the government's support to the process saying Mali will not be left behind as the right to information universalizes.

Participants came from the public and private sectors as well as civil society. They made input into the report that was presented by the three consultants and also suggested a way forward to advance the right to information in Mali. An FOI coalition was formed led by Mali Association for Human Rights (AMDH). The action plan has been finalized with technical assistance from AFIC ahead of the official launch of the coalition 2012.



AFIC Coordinator and Mali's  
Minister of Communication

Detailed report is available online at

[http://www.africafoicentre.org/fr/index.php?option=com\\_docman&Itemid=559](http://www.africafoicentre.org/fr/index.php?option=com_docman&Itemid=559)

### **FOI Studies Uganda**

Uganda has constitutional guarantees on access to information and was among the first countries on the continent to adopt an access to information law. Studies conducted by several organizations confirm the high implementation gap in Uganda's laws; the Access to Information Act, 2005 being no exception. Moreover, AFIC observed throughout its engagements with FOI stakeholders in Uganda that there was very low awareness of the Act and its provisions. In a response to our information request, the Honourable Prime Minister of Uganda acknowledged

ministers' lack of compliance with reporting requirements of the Act. There was therefore need to conduct a study to serve as a basis for advocacy for effective implementation of the Act.

In this same context, Uganda begins extracting its oil in a few years and governance of this resource and its financial benefits are highly vulnerable to corruption and other forms of maladministration. AFIC believes the first measure to avoid the so called "resource curse" is having good laws.

It against this background that AFIC commissioned the following three studies in Uganda:

- d) The institutional capacity assessment of public bodies to implement the Uganda Access to Information Act, 2005
- e) A desk review of Uganda's Draft Petroleum (Exploration, Development and Value Addition) Bill, 2010 in light of the Access to Information Act, 2005, and international access to information standards.
- f) An analysis of the *Angelo Izama and Charles Mwanguhya Vs. Attorney General* court ruling (No. 751 of 2009) in the framework of the Uganda Access to Information Act, 2005 and international access to information standards

Preliminary findings that were presented at the Public dialogue to mark World Press Freedom Day 2011 in Uganda revealed that of the 26 public institutions surveyed, 83% do not have mechanisms in place to effectively implement the Access to Information Act.

The desk review of the draft Petroleum Bill highlights contradictions between the Bill and the spirit of Access to Information Act, 2005.

In the analysis of the *Angelo Izama and Charles Mwanguhya Vs. Attorney General* court ruling (No. 751 of 2009) where the Chief Magistrate ruled against the journalists on grounds they could not prove that disclosing information on oil contracts was in the public interest. The review shows that the Magistrate mixed two issues:

1. The duty is on the public authority to prove that the disclosure will be more harmful than the public interest and not the other way round;
2. It is not necessary for the person requesting for information to justify how they are going to use the information.

The assessment recommends more awareness of the Access to information Act, 2005 in the judiciary and the wider public.

The desk reviews were published in October while study on public institutions will be released in early 2012. These reviews will raise awareness of ATI in the judiciary and among law makers who should consider citizens' constitutional right to information when drafting and adopting new laws in the country.

## **1<sup>ST</sup> Global Conference on Transparency, 19- 20<sup>th</sup> May, 2011, Rutgers University-Newark, New Jersey**

This was the first large meeting ever to bring together scholars from around the world representing a broad range of academic disciplines to discuss issues of governmental transparency and access to information.

Over one hundred research papers were presented at the conference and among them was that presented by AFIC's Coordinator on "Legislating and Implementing Public ATI in Africa: What are the Incentives for Government and Civil Society Actors?"

This 22 page research paper uses examples on the continent to justify factors that cause African governments to adopt ATI legislation. These factors range from the need to advance the rule of law, promote participatory policy-making and even caving to donor pressure. Meanwhile lack of political will, culture of secrecy and the presence of inimical laws as Secrecy Acts impede adoption of legislation.

Civil society, on the other hand, has the expertise to raise awareness of rights and build capacities of citizens and public officials, the paper argues.

The paper concludes with the assertion that snail's-pace adoption of FOI legislation in Africa is the result of inadequate incentives for both government and civil society.

These papers are the property of the conference organizers who look forward to publishing them in a single volume.

### **Contribution to other Publications**

During the year AFIC was approached by other organizations to contribute chapters to publications.

The Media Institute of Southern Africa (MISA) invited AFIC to contribute to its publication entitled *Media in Africa*; this was to mark the twentieth anniversary of the Windhoek Declaration on Press Freedom. AFIC's chapter was entitled *Opening up Information in Africa: A Story of Slow Progress*

The Earth Security Initiative, a UK-based NGO contacted AFIC to participate in a study entitled *The Land Security Agenda*. AFIC raised the governance challenges of land acquisition by foreign investors in Africa and also reviewed the final report.



AFIC wrote a chapter in MISA's publication

## Result 2: Improved access to and utilization of information

This result area aims at improving the implementation of freedom of information legislations and expanding opportunities for learning from African experiences with specific reference to South Africa, Uganda, Angola, Ethiopia, Zimbabwe and Liberia. Attention in Africa has focused mainly on adoption and not much on implementation.

Activity	Summary of Results
<b>Workshop on Access to Information in Uganda, Kampala, 19-20 April, 2011</b>	It was organized by AFIC with support from the Friedrich Ebert Foundation in Uganda to strengthen the capacity of civil society organisations to use the Access to Information Act to promote their respective mandates
<b>Speaking engagements at Civil Society Training Workshops</b>	AFIC was invited to several events to speak on the FOI situation across the continent
<b>Public Dialogue to Mark World Press Freedom Day 2011, Kampala, Uganda, May 2, 2011</b>	The dialogue was organized in partnership with the UN Office of the High Commissioner of Human Rights (UN OHCHR) in Uganda. Preliminary findings from studies commissioned by AFIC were presented
<b>Dialogue with Journalists on Oil and Gas Reporting, Kampala, May 9, 2011</b>	Debate centred around better collaboration between the media and NGOs to enhance reporting in the extractives sector.
<b>Workshop on Access to Information in Uganda, Kampala, 28 November, 2011</b>	It was a follow up of the previous workshop to review the experiences of Civil society organizations in making information requests.

## **Workshop on Access to Information in Uganda, Kampala, 19-20 April, 2011**

AFIC and the Friedrich Ebert Foundation in Uganda organized a workshop to strengthen the capacity of civil society organisations to use the Access to Information Act to promote their respective mandates. This two-day workshop brought together participants from NGOs, political parties, trade unions and the media.



Hon. Medi Kaggwa, Chairperson of the Uganda Human Rights Commission, opened the workshop

The specific objectives of this workshop were:

- i. Creating awareness of the Access to Information Act, 2005 as a tool for the advancement of human rights and accountability in Uganda
- ii. Equipping civil society groups and political parties with skills to advance human rights through the access to information Act, 2005
- iii. Explore opportunities for civil society to monitor the implementation and oversight of ATIA.

AFIC staff shared practical tips on how to use the Act to promote socio-economic rights. The training involved video presentations and group work. Group exercises involved mapping out difficulties encountered in requesting information from public bodies, identifying problems that could be resolved with the use of an access to information request and writing requests. The video presentations used during the workshop were based on South African experiences on how disadvantaged communities used the country's access to information act to hold local leaders accountable and secure better housing and access to portable water.

Participants were very satisfied with the quality of the training. In a post-workshop assessment, 79% of participants found the workshop "highly relevant".

## **Speaking engagements at Civil Society Training Workshops**

During this reporting period, AFIC was invited to deliver presentations at FOI training workshops organized by other CSO s in Uganda. These are:

- On the invitation of HURINET, AFIC participated in the training of District Information Officers in Bushenyi in southwestern Uganda;
- AFIC was also invited to run a training session at the Uganda Youth Network Conference. The aim of the conference was to build the capacities of youth groups to

hold political leaders accountable to their election manifestos. AFIC did a presentation on the FOI law in Uganda

- The East Africa Media Institute also invited AFIC to a public dialogue to present draft findings of a report on freedom of expression and access to information in Uganda. The project was funded by UNESCO. At the dialogue, AFIC insisted that the report makes a clear distinction between freedom of expression and access to information because the two concepts are considered separate but interdependent in global legal discourse.
- PANOS East Africa invited AFIC to the launch of a project to advance media coverage on corruption. The project is funded By EU Delegation in Uganda;
- The NGO Forum invited AFIC to a social accountability forum where the issue of enhancing ATI was widely discussed.
- The first National anti-Corruption Convention was organized in Kampala on December 8. AFIC was represented at this heavily-attended gathering. Working sessions were also organized in which AFIC made submissions on greater use of ATIA to enhance investigative reporting and expose malpractices.
- The African Centre for Media Excellence (ACME) and Article 19 East Africa requested AFIC's presence at a panel discussion in Kampala on professionalism, safety and protection of journalists.
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### **Public Dialogue to Mark World Press Freedom Day 2011, Kampala, Uganda, May, 2 2011**

The dialogue was organized in partnership with the UN Office of the High Commissioner of Human Rights (UN OHCHR) in Uganda.

There were over 60 participants drawn from ministries, departments and other public institutions in Uganda as well as civil society and the media. The aim was for participants to discuss the draft findings of the following studies conducted by AFIC:

- a) The institutional capacity assessment of public bodies to implement the Uganda Access to Information Act, 2005 ;
- b) A desk review of Uganda's Draft Petroleum (Exploration, Development and Value Addition) Bill, 2010 in light of the Access to Information Act, 2005, and international access to information standards;
- c) An analysis of the Angelo Izama and Charles Mwanguhya Vs. Attorney General court ruling (No. 751 of 2009) in the framework of the Uganda Access to Information Act, 2005 and international access to information standards.



UN OHCHR Representative in Uganda, Ms Birgit Gerstenberg (right), addressing participants

Discussions were lively and participants made the following inputs to improve and finalise the studies:

### *Study on the Capacity of Public Institutions*

- ATI be granted the same weight as other rights
- Report should build a case for the repeal of the Official Secrecy Act
- Find latest figures on the number of private radio stations in Uganda
- Include best practices on implementation of the ATI law on the African continent
- Formulate a proposal on better management of records such as computerization to facilitate information retrieval. This could prevent falsification of information which is criminal under ATIA. If possible describe a successful storage system identified during the study
- Advocate for an awareness campaign on the Act
- Recommend penalization for non-compliance with the Act
- The Ministries of Public Service and Local Government should play a central role in implementing the Act
- Implementation of the Act is the collective responsibility of the public sector and civil society.

### *Petroleum Bill*

- Take a critical view of what constitutes confidential information and who has the right to authenticate restricted information.

It was at this dialogue that the Director of Information in the Ministry of Information and National Guidance, sitting for the Minister, broke news that regulations to support effective implementation of Uganda's ATIA had been gazetted. This was an immediate answer to one of the recommendations earlier raised by participants.

Also, to commemorate World Press Freedom Day, UN OHCHR sponsored an insert in Uganda's leading daily, *The New Vision* for key stakeholders to highlight the challenges and opportunities of access to information in Uganda. AFIC had an article which is available at:

[http://www.africafoicentre.org/index.php?option=com\\_content&view=article&id=1560:lack-of-laws-hampers-access-to-information&catid=293:afic-news&Itemid=561](http://www.africafoicentre.org/index.php?option=com_content&view=article&id=1560:lack-of-laws-hampers-access-to-information&catid=293:afic-news&Itemid=561)

### **Dialogue with Journalists on Oil and Gas Reporting, Kampala, May 9, 2011**

This dialogue was organized by the Africa Centre for Media Excellence (ACME) within the framework of the implementation of a project on strengthening media oversight of the extractive sectors. Six journalists had just returned from training on oil and gas reporting in Ghana and

ACME felt it was important for them to interface with civil society to further broaden their learning experience.

Debate centred around better collaboration between the media and NGOs to enhance reporting in the extractives sector. But there is also the problem of mutual suspicion between the media and NGOs which must be resolved.

AFIC insisted on the need to strengthen investigative reporting considering the very opaque management style in the extractive industry. Uganda has sufficient legislation to support investigative reporting as the Access to Information Act, 2005 and the Whistle Blowers Act.

### **Workshop on Access to Information in Uganda, Kampala, 28 November, 2011**

AFIC in collaboration with HURINET and the Coalition of Freedom of Information (COFI) was requested and supported by Friedrich Ebert Foundation in Uganda to organize a workshop to strengthen the capacity of civil society organisations to use the Access to Information Act to promote their respective mandates. This workshop was a follow up of that which took place earlier in April.

The specific objectives of this workshop were:

- iv. Creating awareness of the Access to Information Act, 2005 as a tool for the advancement of human rights and accountability in Uganda;
- v. Review of CSO contribution in promoting ATI since the last workshop ;
- vi. Equipping civil society groups and political parties with skills to advance human rights through the access to information Act, 2005
- vii. Chart away forward for effective CSO contribution to implementation and oversight of ATIA.

### **Workshop Outcomes**

- a) Participants increased understanding of the right of access to information as a fundamental human right, one that facilitates the attainment of other socio-economic and cultural rights;
- b) Skills in using ATIA Regulations to make information requests increased;
- c) Commitment of CSO to promote ATIA mobilised.

The workshop reviewed the experiences of civil society organizations in making information requests since the last training. The exercise revealed that challenges still remain and public officials were not well informed about the workings of the Access to Information Act. It was also an opportunity to introduce the ATI Regulations to the CSOs. These regulations make, define and facilitate the process of making requests.

### Result 3: Improved legal and policy environment in Africa

This result area aims at improving the legal and policy environment for African citizens' enjoyment of their fundamental right of access to information. Access to information on the continent is constrained by absence of legal and policy frameworks to facilitate the free flow of information held by state and private bodies.

Activity	Summary of results
Press Statements	AFIC issued statements to influence FOI adoption processes in Ghana, Nigeria and Rwanda. Nigeria finally adopted a law
Support to Information request Campaign	AFIC in collaboration with Uganda's freedom of information coalition filed a series of information requests to public bodies. The campaign revealed the degree to which some institutions are still unwilling to release information
Commemoration of the 10 <sup>th</sup> Anniversary of Decriminalization of Libel in Ghana, August 9, 2011	The event was of significance considering the fact that continued existence of these laws in many countries on the continent prevents the full enjoyment of freedom of information and expression.
The East Africa Regional Consultations on the adoption of Access to Information laws, ratification of the African Charter on Democracy, Elections, and Governance and the African Model Law on Access to information, Nairobi, Kenya, August 29 to 31, 2011	It was organized by AFIC with support from the Office of the High Commissioner for Human Rights, East Africa Regional Office and the Deepening Democracy Programme. Participants discussed ways to fast-track the adoption of freedom of information laws in Africa; foster the ratification of the African Charter on Democracy, Elections and Governance and comment on the draft model law on access to information in Africa.
Pan-African Conference on Access to Information (PACAI), Cape Town, South Africa 17-19 September, 2011	The conference was organized by the Windhoek +20 Working Group with support from among others UNESCO, the African Union, the African Commission on Human and Peoples Rights. As

	member of the Working Group AFIC participated in drafting the Declaration that was adopted at the end of the conference.
Civil Society in the African Union-European Union Partnership, Brussels, Belgium, 21-22 November, 2011.	AFIC was elected to the Steering Committee of the AU-EU civil society partnership to represent freedom of information and media interests on the Steering Committee.
Support to Development of National ATI Laws	AFIC was solicited to review Botswana's FOI Bill and Uganda's Access to Information Implementation Plan (ATIP)
Judicial Colloquium	The Colloquium is scheduled for 2012 but a nine member planning meeting was held in Johannesburg, South Africa at which the planning and development of training manuals was discussed
AFIC and UNESCO	Collaboration between the two institutions has been on the increase with UNESCO inviting AFIC to hold a side event at World Press Freedom Day 2012 celebrations in Tunisia

## Statements

### *Ghana*

During the year, AFIC received news of the Ghanaian government's reluctance to honour commitments made at the Africa Regional Conference on the Right of Access to Information held in Accra in February 2010; AFIC supported the efforts of the RTI coalition by issuing a statement strongly deploring "delay to pass the long-awaited Freedom of Information Bill" and calling on:

1. His Excellency John Atta Mills to show leadership and ensure the Ghanaian Parliament assumes its responsibly and make the Freedom of Information Bill a reality for the Ghanaian people;
2. Ghana's law makers to stop any feet dragging over the passage of this Bill.
3. Ghana's civil society organisations to be united in reminding law makers of their obligations to the people and further step up vigilance against the introduction of any clauses that complicate free access to information. More on the statement available on :

[http://www.africafoicentre.org/index.php?option=com\\_content&view=article&id=1550:afic-condemns-delay-in-passage-of-ghanas-foi-bill&catid=293:afic-news&Itemid=561](http://www.africafoicentre.org/index.php?option=com_content&view=article&id=1550:afic-condemns-delay-in-passage-of-ghanas-foi-bill&catid=293:afic-news&Itemid=561)

## ***Nigeria***

AFIC closely monitored legislative processes that culminated in the adoption of Nigeria's FOI law. The draft bill was first passed by the House of Representatives but the Senate received a different version and was reluctant to consider it. AFIC joined Right to Know Nigeria and other actors to put pressure on the Senate to consider the bill. In total, three press statements and letters were issued by AFIC. The Senate caved in and adopted its own version of the Bill.

Both Bills had to be harmonised before submission to the President for assent. Once the Harmonisation Committee completed its work and submitted one Bill to the President, AFIC issued another statement calling on President Goodluck to:

1. Listen to the millions of voices of Nigerians and Africans and assent to the Freedom of Information Bill without delay;
2. Support public bodies and institutions to effectively implement provisions of the Bill including providing resources for training designated officials for smooth implementation;
3. Be a champion by supporting the Attorney General to play an effective oversight role in the implementation of the Act.
- 4.

President Goodluck signed the Bill into law in May 2011.

## ***Rwanda***

The country's Access to Information Bill was revised in February 2011 to ensure stronger protection of whistleblowers and require government bodies to respond to requests for information within 5 working days. The Bill was then tabled before Cabinet for consideration.

Pleased by this move, AFIC issued a statement that "calls upon the Government of Rwanda to expedite the consideration and adoption of law whose implementation we trust will offer Africa new experiences and lessons."

AFIC monitored other legislative processes on the continent like Ghana, Guinea, Niger, Tanzania and Zambia.

## **Information request Campaign**

During the year AFIC filed information requests to some public bodies:

- In parliament, AFIC sought to know how parliament was ensuring reporting on implementation of ATIA as provided under Article 43;
- In the Land Commission, AFIC was concerned about how decisions on land allocations were arrived at in the previous 5 years;

- In the Ministry of Education, the request was related to the ministry's transfer policy.

These institutions declined to put negative responses in writing as the Act requires. However, a request to the Office of the Prime Minister on the state of implementation of ATIA was positive as it resulted in the gazetting of Access to Information regulations that had been pending since the adoption of the law in 2005.

AFIC learnt that overall information requests are rarely used as a tool for advocacy by civil society actors and the population in Uganda despite the minimal cost associated with making information requests. It was also gathered that public bodies are not very familiar with dealing with requests. Moreover, systems for enabling effective response are still lacking. AFIC also learnt that information requests have huge potential in driving policy change at minimal cost. Where information has been denied AFIC has learnt that public bodies have initiated corrective measures to address situations that give rise to questions.

Based on these experiences AFIC has supported the designing and implementation of information request campaigns by the Uganda coalition on access to information (COFI). The future of access to information in Uganda and the region will depend on citizens' ability to file and make use of results of information requests.

. The matrix below presents summary of information requests.

Information Request	Date of request	Name of Requester	Agency	Response date	Agency Response	Reason	Status
Copies of reports on how ministers have been reporting in compliance with section 43 of ATIA since 2006	25/11/2010	Africa Freedom of Information Centre (AFIC)	Parliament of Uganda	February 14, 2011 (through telephone call by Ms Rose Semakula)	Information not available	Ministers not complying with reporting requirements	
All records pertaining to beneficiaries of public land for the period 2006 to November 20, 2010 and how decisions are arrived at.	25/11/2010	Africa Freedom of Information Centre (AFIC)	Uganda Land Commission	February 9, 2011	Denied access (through telephone call)	Government records not easily accessible	
Copies of reports of how the	21/2/ 2011	Africa Freedom of Information	Office of the	March 17, 2011	Information not	Ministers not	

different ministers have been reporting in compliance with Section 43 of the Access to Information Act since 2006		Centre (AFIC)	Prime Minister	April 15, 2011	available	complying with reporting requirements	
all records held by the Ministry of Gender, Labour and Social Development in relation to staff salaries paid by the ministry for the month of November, 2010	12/4/2011	Africa Freedom of Information Centre (AFIC)	Ministry of Gender, Labour and Social Development	April 29/2011 (by telephone call from one Gloria)	Denied access		
a) Transfer policy of the Ministry of Education and Sports; b) Senior one Joint Admissions Board admissions list for the year 2011 for the following schools c) Kings College Budo d) Nabisunsa Girls SS e) Mary Hill High School f) Gayaza High School g) Ntare School h) Muntuyera High School Kitunga	12/4/2011	Africa Freedom of Information Centre (AFIC)	Ministry of Education and Sports		Denied access (deemed in line with the law )		

Currently AFIC is supporting COFI to compile an alternative report for submission to parliament as a move to strengthen parliament's oversight role in the implementation of the Access to Information Act, 2005.

### **Commemoration of the 10<sup>th</sup> Anniversary of Decriminalization of Libel in Ghana, August 9, 2011**

This event was organized by the Media Foundation for West Africa (MFWA) to mark 10 years since the government of Ghana repealed the Criminal Libel and Seditious Libel Laws.

AFIC participated in this event. It was of significance considering the fact that continued existence of these laws in many countries on the continent prevents the full enjoyment of freedom of information and expression. Participants designed a continental campaign against libel laws with AFIC as member of the working group.

AFIC used the forum to affirm support for the Table Mountain Declaration which advocates for the abolition of these laws. In the spirit of this declaration, AFIC sent a message of congratulation to the Government of Niger following that government's endorsement of the provisions of the Table Mountain Declaration on December 2. AFIC described the move as a 'positive development' and called upon 'other African Union member states to endorse the Table Mountain Declaration and actively implement its principles by repealing laws on criminal defamation.'

### **The East Africa Regional Consultations on the adoption of Access to Information laws, ratification of the African Charter on Democracy, Elections, and Governance and the African Model Law on Access to information, Nairobi, Kenya, August 29 to 31, 2011**

The meeting brought together senior officials from ministries in charge of communication, justice, foreign affairs, election commissions, national human rights bodies and civil society actors from Burundi, Ethiopia, Kenya, Rwanda, Somalia, South Sudan, Tanzania, Eritrea and Uganda. Also in attendance were representatives of the United Nations Office of the High Commissioner for Human Rights Regional Office for East Africa and Uganda Country Office, the African Union, NEPAD, African Court on Human and Peoples' Rights and the East African Community.

The meeting was jointly organized by AFIC, the Centre for Human Rights in Pretoria, South Africa and the African Commission on Human and Peoples' Rights' (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. As AFIC member, ICJ-Kenya played an important role in planning and implementing the dialogue such as identifying national partners, inviting senior government officials and organizing logistics.

Participants explored ways to fast-track the adoption of freedom of information laws in Africa, foster the ratification of the African Charter on Democracy, Elections and Governance and comment on the draft model law on access to information in Africa.

AFIC is following up on implementation of the action plans that came out of the dialogue. Since the dialogue, debate on Kenya's draft FOI Bill have commenced with consultation and solicitation of inputs on the bill. Rwanda's Bill has been given greater consideration and is likely to be passed in the next 6 months. In Uganda, Parliament for the first time allocated funding to support the implementation of the Access to Information Act while delegates from Burundi noted at the meeting that its Government and civil society had not been aware about the ACDEG but would now make its ratification alongside development of an FOI bill a priority.



Hon. Portrias Musoni, Rwanda's Minister for Cabinet Affairs delivered the keynote address

To further promote the implementation of commitments made at the Nairobi meeting AFIC has set up a meeting with Uganda's minister for Information and National Guidance who is also Government Spokesperson at which representatives of CSOs will discuss with the minister fostering good implementation of ATIA as well as the ratification, domestication and effective implementation of regional mechanisms that relate to RTI.

Full report of the dialogue is available at [http://www.africafoicentre.org/index.php?option=com\\_docman&Itemid=559](http://www.africafoicentre.org/index.php?option=com_docman&Itemid=559)

### **Pan-African Conference on Access to Information (PACAI), Cape Town, South Africa 17-19 September, 2011**

The conference was organized by the Windhoek +20 Working Group with support from among others UNESCO, the African Union, the African Commission on Human and Peoples Rights. AFIC is a member of this group and participated actively in consultations with partners in the lead up to the conference as well as in drafting of the African Platform on Access to Information (APAI) Declaration.

APAI is an important instrument for advancing policy action among the various stakeholders in governmental and intergovernmental bodies, international financial institutions, civil society and other actors. The instrument sets out fourteen key principles of access to information as: Fundamental Right Accessible to Everyone, Maximum Disclosure, Established in Law, Applies to Public Bodies and Private Bodies, Clear and Unambiguous Process, Obligation to Publish Information, Language and Accessibility, Whistleblower Protection and Limited Exemptions

**A complete version of the declaration is available at** [http://www.africafoicentre.org/index.php?option=com\\_docman&Itemid=560](http://www.africafoicentre.org/index.php?option=com_docman&Itemid=560)

AFIC is also engaged in post-conference activities to carry the process forward. AFIC has led consultations with the African Commission on Human and Peoples' Rights in Banjul as well as with the African Union Commission. During the 50<sup>th</sup> session of ACHPR, AFIC secured time on the programme and made a presentation on APAI at the NGO Forum and requested for members of the Forum to endorse the declaration and call upon the ACHPR to:

- i. Authorise its Special Rapporteur on Freedom of Expression and Access to Information to initiate the process for the expansion of part IV of the Principles of Freedom of Expression in Africa
- ii. Endorse September 28 as Right to Information Day
- iii. Recommend to the African Union Commission to initiate a process for an all embracing legal instrument on the right of access to information
- iv. Recommend to the African Union Summit of Heads State of January 2012 to recognise and declare September 28<sup>th</sup> as Right to Information Day

The NGO Forum welcomed and endorsed these proposals for submission to the ACHPR. These were subsequently included in the Forum's report to ACHPR.

### **Civil Society in the African Union-European Union Partnership, Brussels, Belgium, 21-22 November, 2011.**

The African Union and the European Union are implementing a partnership agreement that focuses on eight thematic areas. These are: Peace and Security, Democratic Governance and Human Rights, Regional integration, Trade and infrastructure, Millennium Development Goals (MDGs); Energy; Climate change and Environment; Migration, Mobility and Employment and Science, Info Society and Space. The role of civil society in advancing the realization of partnership goals has been identified as crucial as such the partnership provides for civil society consultations and engagements results of which feed into formal dialogues of the two Commissions.

AFIC was identified and nominated by the African Union Commission to attend the last civil society dialogue that was held in Brussels, Belgium from 21-22 November 2011. Following this dialogue an Africa wide civil society meeting was organized by the African Union in Accra, Ghana from December 19-22, 2011 at which a strategy for civil society engagement was reviewed and structures for the dialogue created. AFIC was elected to the Steering Committee of the AU-EU civil society partnership to represent freedom of information and media interests on the steering committee. As part of the implementation of the dialogue structure, AFIC has already submitted to the AU Commission names of its members for consideration when setting up Working Groups.

This initiative is a positive development as it makes FOI an issue within the Democratic Governance and Human Rights cluster whose developments on both continents will be prioritized during discussions. This will definitely impact positively on AFIC's campaign for increased adoption and implementation of FOI laws in Africa.

## **Support to the development of National RTI laws**

At the sidelines of the PACAI in Cape Town, AFIC received request for financial and technical support from MISA Botswana and a Member of Parliament (MP) spearheading the development and consideration of an FOI law in the country. AFIC quickly approached and setup a meeting between Friedrich Ebert Foundation, MISA Botswana and the MP. AFIC offered to review the draft Bill but did not have finances to support the drafting consultant and consultative meetings. Friedrich Ebert Foundation offered to provide financial support for the drafting consultant as well as consultative meetings. Each of the parties implemented respective commitments and it is hoped the bill will soon be considered by Parliament of Botswana. AFIC made the following recommendation on Botswana's bill:

- The Bill should be amended to provide for the applicability of the law to the private sector and all arms and spheres of the state;
- Blanket exemption for the President should be removed;
- The bill could be strengthened further by clearly reflecting the principle that all information is accessible except for those that fall within narrowly defined parameters;
- Provide for the identification of the head of every public authority as the Information Officer and for designation of other officials within the entity as the Deputy Information Officers (DIOs) dealing within day-to-day implementation of the Act by the institution;
- Clearly establish timeframe for designation of DIOs ;
- Types of exempt information should be listed so that no ambiguity arises around what constitutes national security information;
- The Bill should establish sanctions against public officials who may refuse, falsify or otherwise deny information to frustrate a right;
- The state should have duty to promote the right by sensitizing the public about the law and the right.

At the request of the Ministry of Information and National Guidance, Uganda's coordinating body for ATIA implementation, AFIC and the Access Initiative (TAI) reviewed Uganda's Access to Information Programme (ATIP). ATIP is a strategy developed by Government and civil society in 2008 to implement the Access to Information Act. The strategy was reviewed in 2010 and the ministry wanted to know if it was adequate to spearhead the effective implementation of ATIA. The two organizations alongside representatives of the Coalition of Freedom of Information (COFI) and the National NGO Forum will be sharing the results of the review with Government at a scheduled meeting with the minister for information and national guidance. After formal submission to Government the report of the review will be published on and disseminated through AFIC website.

During the reporting period, AFIC has been interviewed by different researchers and media practitioners from African countries such as Ghana, South Africa, Senegal, United Kingdom, United States and Sweden among others. The purpose for interviews has been either for media or

research purposes both of which are supportive of advocacy efforts for the advancement of RTI on the continent.

### **Judicial Colloquium**

AFIC has been nominated and invited by the African Network of Constitutional Lawyers (ANCL) and the Southern Africa Litigation Centre (SALC) to be a member of the Faculty for regional Judicial Colloquia planned for 2012. As a first step, a nine member planning meeting was recently held in Johannesburg, South Africa at which the planning and development of training manual was discussed. The meeting benefited from lots of materials that were downloaded from AFIC's and other websites. During the next reporting period implementation of the first colloquium will be planned.

### **The United Nations Education, Educational and Cultural Organisation (UNESCO)**

UNESCO has contacted AFIC on the possibility of using its May 3, 2012 World Press Freedom Day conference to organize a side event or use the platform to promote RTI. UNESCO has also asked AFIC to make some nominations for the Guillermo Cano press freedom prize 2012. AFIC will continue to use growing recognition by organizations of UNESCO's standing to advance advocacy for RTI on the continent.

#### **Result 4: Improved coordination and information sharing among ATI civil society actors**

This result area aims at identifying and strengthening collaboration among the different freedom of information actors on the continent. The second aim of this result area is to build and support national and sub regional freedom of information networks and activists.

<b>Activity</b>	<b>Summary of Results</b>
AFIC website	AFIC rebuilt its website in English and French. The site is growing as a vital source of information for FOI advocates, researchers, journalists and policy-makers within the continent and beyond.
Communication Strategy	AFIC communication Strategy was adopted at a Steering Committee meeting that took place in Kampala on 10-11 May, 2011 to guide AFIC staff in engaging with different categories of stakeholders.
Windhoekplus20 Working Group Meeting, Windhoek, Namibia, January 15-18, 2011	The Windhoekplus20 campaign works to promote the adoption of a continental wide instrument on Access to Information- the African Platform on Access to Information. The meeting review progress and planned activities for 2011
Uganda Civil Society Contribution to the UNCAC Review Process, February/March 2011	AFIC galvanized over 30 Uganda civil society organizations to contribute to the UNCAC Review process. The coalition made a submission to the review team
Regional Meeting on Promotion of Part IV of the African Commission on Human & Peoples' Rights' Declaration of Principles on Freedom of Expression, Johannesburg, South Africa, 22 – 23 March 2011	This meeting was organized by AFIC and ODAC and brought together experts from South Africa, Democratic Republic of Congo, Angola, Mozambique, Zambia and Zimbabwe. Participants drafted an action plan to advance FOI in the region.

APAI Meeting of Experts, Addis Ababa, Ethiopia, 13-17 June, 2011	The APAI Working Group met to finalize the first draft of the African Platform on Access to Information (APAI) declaration, as well as meet with partners- representatives of the United Nations Educational, Scientific, and Cultural Organisation (UNESCO), and the African Union (AU).
National Security and Access to Information Conference, Budapest, Hungary, 30 May-01 June, 2011	AFIC is a partner in developing the Principles on National Security and Access to Information. The overall aim of the Principles is to serve as a resource to guide persons engaged in drafting or revising classification or related laws.
Regional Contracts Monitoring Meeting Kampala May 30-June 3, 2011	Organised under the auspices of the World Bank, participants came from Uganda, Rwanda, Kenya, Tanzania and Zambia to explore ways of enhancing public contracts performance through multi-stakeholder platforms. AFIC is interim convener of the coalition in Uganda.
Right to Know Day 2011	More countries commemorated this day on the continent than ever before. AFIC performed a coordinating role and produced a report on events on the continent.
Support to National FOI Coalitions	AFIC received several requests for technical assistance from national FOI coalitions

## AFIC Website

AFIC engaged a consultant in February 2011 to rebuild a dynamic bilingual site following difficulties encountered in 2010. The site went operational in March in English and French and took into consideration extensive comments received from partners as the World Bank Institute and the Open Society Foundations Right to Information Fund.

While the website contains detailed background information about AFIC, it was designed with the view of it becoming an online resource centre for AFIC's constituents. It has provision for FOI research papers, legislation

"May I first of all congratulate you and your colleagues for the great work you are doing on the continent. I have followed the link and downloaded a lot of documents/information that are useful to our work and members of our network. Quite enriching and enlightening indeed!!!"  
 Ms. Amie Joof  
 FAMEDEV-Senegal

and news in English and French. Traffic on the website has been growing steadily since it went operational in March. The website is updated regularly with news articles and other resources from our partners.

It is regularly upgraded to respond to the changing needs of our partners. For example, in November, subheads were added to profile members, countries and also highlight FOI case studies from around the continent.

The website has proved to be an important resource for FOI advocates, researchers and policy – makers on the continent and beyond. We strive to upload the most useful and updated materials on FOI from a wide variety of sources, latest legislation and news to meet the demands of our growing constituents. Moreover, we are regularly solicited by organisations other than AFIC members to post documents and statements on the site; recognising the expansion of our audience. Articles from our website have been reproduced on other sites on the continent and outside as the three links below indicate:

<http://right2info.org/news/president-goodluck-jonathan-must-assent-to-the-freedom-of-information-bill>

<http://windhoekplus20.org/2011/08/mali-government-commits-to-promote-access-to-information/>

<http://www.freedominfo.org/2011/08/words-from-mali-minister-encourage-foi-activists/>

## **Communication Strategy**

AFIC Communication Strategy was adopted at a Steering Committee meeting that took place in Kampala on 10-11 May, 2011.

The aim of the Communication Strategy is to guide AFIC staff in engaging with different categories of stakeholders. According to the document, AFIC’s key audiences are AFIC members, FOI national coalitions, civil society groups, advocates and researchers, national governments, regional and sub-regional intergovernmental bodies and donors. The various forms of communication prescribed by the document are: face-to-face meetings, press statements, website, emails, telephone, letters, newsletters, social media and petitions.

Prior to its official adoption, AFIC was already using many of these prescribed approaches to reach out to its multiple and diverse audiences. Others are yet to be fully developed as the use of newsletter. However, the most impressive results have

“I am writing to request reinstatement of my membership to the aficnet google group.... I am keenly interested in issues of freedom of information because I believe information is the oxygen to democracy.”

Sarah Kihika-Kampala

been achieved in the rapid growth of members on our group email services. [aficnet@africafoicentre.org](mailto:aficnet@africafoicentre.org) and [foi-africa@googlegroups.com](mailto:foi-africa@googlegroups.com) count 64 and 79 members respectively.

AFIC also reaches out through other mailing lists as that of the Uganda coalition on access to information, COFI and the Uganda Contracts Monitoring Coalition.

### **Windhoekplus20 Working Group Meeting, Windhoek, Namibia, January 15-18, 2011**

The Windhoekplus20 campaign works to promote the adoption of a continental wide instrument on Access to Information- the African Platform on Access to Information.

The campaign is spearheaded by a six member working group comprised of the Media Institute of Southern Africa, Africa Freedom of Information Centre, Media Foundation of West Africa, Open Democracy Advice Centre, Media Rights Agenda and International Federation of Journalists.

The January 2011 meeting reviewed progress of the campaign and planned activities for 2011 which included the development of the draft the African Platform on Access to Information, the holding of an experts meeting and holding consultations with UNESCO and the African Union Commission. UNESCO and the African Union Commission agreed to be part of the campaign, in particular the September 2011 Pan African Conference on Access to Information which took place in September 2011.

### **Uganda Civil Society Contribution to the UNCAC Review Process, February/March 2011**

Uganda agreed to have its level of implementation of the United Nations Convention Against Corruption (UNCAC) peer reviewed. Civil society engagement in such processes is usual necessary to make them effective and credible.

The EU Delegation in Uganda approached AFIC and other CSOs about the review. AFIC was later urged by CSOs to take the lead in galvanizing civil society organizations to contribute to the UNCAC Review process.

AFIC mobilised over 30 organisations including the Anti-corruption Coalition in Uganda, Uganda Debt Network, HURINET, Transparency International Uganda and ActionAid Uganda.

Each organization reviewed Uganda's self-assessment to prepare a coordinated civil society response ahead of the visit of the Review Team from Ghana and Romania.

Civil society had a meeting with the Review Team on 03 March at the boardroom of DFID in Kampala where they made their submission in the presence of members of the donor community and officials of the Inspectorate of Government (IGG).

CSOs thanked the Review Team for granting them the opportunity to make an input to the process, acknowledged that government had a sound legal framework to fight corruption and institutions as the DEI were also in place.

However, the fight against corruption faced hurdles because the implementation gap of existing policies was still very wide and the anti-corruption bodies were understaffed and devoid of effective powers.

New laws have been voted which undermine the work of CSOs like the Public Order Management and Phone Tapping Bills.

On this basis, the CSOs recommended that government remove laws and clauses that impede the work of NGOs, request foreign assistance to review existing anti-corruption laws and strengthen anti-corruption bodies.

### **Regional Meeting on Promotion of Part IV of the African Commission on Human & Peoples' Rights' Declaration of Principles on Freedom of Expression, Johannesburg, South Africa, 22 – 23 March 2011**

This meeting was jointly organized by AFIC and ODAC and brought together FOI experts from South African History Archive (SAHA), South Africa, *Comité des droits de l'homme et développement* (CODHOD), Democratic Republic of Congo, MISA Mozambique, MISA Zambia, MISA Zimbabwe, Fundação Open Society, Angola.

The specific objectives of the meeting were to:

1. Review progress that has been made in Angola, Democratic Republic of the Congo, Malawi, Zambia, Mozambique and Zimbabwe in advancing the principles on freedom of information as established in Part VI of the African Commission on Human & Peoples' Rights' Declaration of Principles on Freedom of Expression.
2. Share lessons and experiences from recent advocacy interventions in the six countries listed above.



Participants at the SADC Meeting

The expected outcomes were:

1. Obtain common understanding of national efforts and processes to promote principles on freedom of information as established in Part VI of the African Commission on Human & Peoples' Rights' Declaration of Principles on Freedom of Expression
2. Share lessons and experiences from different countries

3. Develop common strategy for the advancement principles on freedom of information as established in Part VI of the African Commission on Human & Peoples' Rights' Declaration of Principles on Freedom of Expression

Participants presented updates of the FOI situation in their respective countries as well as the challenges and opportunities that existed in the promotion of access to information. A major development came from Angola. We gathered that the country did not have an FOI law as widely thought by the FOI experts. Mr. Ortega said Angola only had a law on access to administrative documents that was defective and only sent journalists to jail because it does not provide timely access to the information. He however hinted that the current reform of laws in the country present an opportunity for Angola to finally have an FOI law.

A major outcome of the meeting was the development of an action plan for the promotion of access to information within the SADC Region. Key actions are:

- Conduct comparative analysis of existing legislation in the SADC region;
- Government and civil society from each SADC member State to attend an international transparency school session in Cape Town (one week of training);
- Education and training of MPs around ATI issues and specifically obligations in the African Charter

### **APAI Meeting of Experts, Addis Ababa, Ethiopia, 13-17 June, 2011**

This meeting was hosted by Friederich Ebert Stiftung (FES Ethiopia). It brought together ten experts on Freedom of Information, representing the working group of the Windhoek + 20 campaign on Access to Information in Africa. These are:

- Africa Freedom of Information Centre
- Media Foundation for West Africa, Ghana
- Open Democracy Advise Centre, South Africa
- Media Rights Agenda, Nigeria
- Highway Africa, South Africa
- Media Institute of Southern Africa (MISA) – Southern Africa
- International Federation of Journalists, Africa Region, Senegal

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## ARTICLE 19, Nairobi, Kenya

The aim of the meeting was to finalize the first draft of the African Platform on Access to Information (APAI) declaration, as well as meet with partners- representatives of the United Nations Educational, Scientific, and Cultural Organisation (UNESCO), and the African Union (AU).

The meeting with AU officials from departments of Communication, Political Affairs, CSOs and Diaspora, and Legal Counsel was to secure support for the declaration ahead of its passing, at the pan-African access to information conference later in September. With UNESCO, participants sought to obtain approval of the declaration by the UN and also the adoption of a Freedom of Information Day.

Significant improvements were made to the draft declaration in a separate meeting of the Working Group.

More on the Campaign is available on [www.windhoekplus20.org](http://www.windhoekplus20.org).

## **National Security and Access to Information Conference, Budapest, Hungary, 30 May-01 June, 2011**

The meeting was organized by the Open Society Justice Initiative as part of the process of developing the Principles on National Security and Access to Information. The overall aim of the Principles is to serve as a resource to guide persons engaged in drafting or revising classification or related laws.

AFIC registered as a partner in the development and eventual dissemination of these Principles once they are finalized. AFIC was represented at the meeting by Ms Agnes Ebo'o, Steering Committee member because the Head of Secretariat was to attend the Conference on Research and Access to Information at the Rutgers University, USA while the Programme Officer could not travel Kenya to apply for a visa to Hungary due to strict restrictions imposed by the Kenyan government on citizens bearing Cameroonian passports.

Prior to the conference, the Secretariat received a draft copy of the Principles, reviewed and shared comments for consideration at the conference.

## Regional Contracts Monitoring Meeting Kampala May 30-June 3, 2011

AFIC was invited by the World Bank in collaboration with the World Bank Institute for a regional contracts monitoring stakeholders' meeting. Participants came from Uganda, Rwanda, Kenya, Tanzania and Zambia.

The meeting explored opportunities for enhancing contract performance through multi-stakeholder platforms for information sharing. The meeting agreed to set up multistakeholder platforms at country and regional level and initiate sector pilot actions in each country. Both processes for coalition building and designing pilot actions were discussed with AFIC's active involvement.

As interim convener of the coalition in Uganda, AFIC coordinates the work of coalition members, holds coordination meeting and reviews project proposals to ensure they meet World Bank guidelines.

AFIC is equally the contracting authority with the Bank and has so far signed and implementation agreement for quick win project worth US\$ 13,000. The duration of this project is 8 months.

## Right to Know Day 2011

September 28 has been set aside by civil society organizations to advocate for citizens' right to information the world over.

Africa recorded an increase in number of countries celebrating this day. Events were held in countries as South Africa, Uganda, Mali, DR Congo and Ghana. AFIC played a coordination role to capture events on the continent and also made input to a video released by FOIANet to commemorate the day. A report of Right to Know Day 2011 celebrations on the continent is available on AFIC's website at

[http://www.africafoicentre.org/index.php?option=com\\_docman&Itemid=559](http://www.africafoicentre.org/index.php?option=com_docman&Itemid=559)



RTK Day 2011 celebrations in Africa

## **Support to National FOI Coalitions**

**Requests for technical assistance from national FOI coalitions have been on the increase during this reporting period.**

- In August, AFIC staff met with representatives of Wellspring Advisors, a US-based philanthropic organisation providing technical assistance to donor organisations. The aim of the meeting was to get AFIC's views on the status of ATI in Uganda and on the continent. Interventions could be designed to promote transparency;
- On the sidelines of the East Africa Dialogue in Nairobi last August, AFIC met with Ms Shamshad Rehmatullah of OSIEA Tanzania. She needed advice on how to design FOI advocacy for Tanzania;
- AFIC was also contacted by the South Sudan Women Lawyers Association to review a draft Petroleum Bill. This was done and submitted ahead of the agreed deadline;
- Human rights groups in the Democratic Republic of Congo contacted AFIC and ODAC in their quest for legal precedents on access to information litigation in countries where an FOI law is not in place. This request followed refusal of the country's independent electoral commission to grant opposition leaders access to voters' registers ahead of the November 28 polls;
- AFIC received two graduate students of Columbia University in the United States, Takashige Yamada and Robert Sciortino. They were in Uganda on internship and paid this visit to know more about our work and our thoughts on the state of transparency in the oil sector in Uganda.

## Result 5: AFIC's Institutional Capacity Strengthened

This result area aims at strengthening the institutional capacity of AFIC to be able to effectively support continental, sub regional and national efforts to advance the right to know. During the reporting period the following were implemented.

Activity	Summary of Results
AFIC Steering Committee Meeting via Skype February 03, 2011	The meeting resolved that the secretariat submits quarterly financial reports to the Chair, appointed an auditor to audit finances for the period ending 2010
Audit of AFIC Accounts	The audit was to provide AFIC and its key stakeholders with assurance as to whether resources are being properly used to meet intended objectives and to advise on best ways of strengthening the financial system
AFIC Steering Committee (SC) Meeting, Kampala, May 10 -11, 2011	The SC approved six new members, reviewed the annual report and audit report, and developed a strategic plan for AFIC.
Branding	AFIC strove to increase its visibility throughout the year by printing banners and posters and making its presence felt at meetings and workshops.
Funding	During the year, AFIC received funding from the Open Society Foundations Right to Information Fund ,United Nations Office of the High Commissioner for Human Rights (UN OHCHR), Deepening Democracy Programme (DDP) and Friedrich Ebert Foundation (FES)
Capacity Building	AFIC staff and its membership have received exposure and training by attending meetings organized by partners
Partnership with the Vance Centre, USA	The Acting Director of the Vance Centre, Ms Elizabeth Millard, visited AFIC on October 27, 2011. A collaborative arrangement is now in

### **AFIC Steering Committee Meeting via Skype February 03, 2011**

This online meeting lasted 1 hr 15 minutes and was presided over by SC Chair, Mr. Mukelani Dimba. He began by giving an update of FOI developments on the continent such as Liberia's adoption of an FOI Law and the introduction of an FOI provision in Kenya's new constitution.

The Head of Secretariat, Mr. Gilbert Sendugwa, said the recommendations of the last Board Meeting had been successfully implemented. He added that human resource requirements had been fulfilled, a bank account in local currency opened, research cooperation with ANCL was on good course and AFIC had obtained its registration certificate.

The SC then took some important decisions to guide the work of the Secretariat. Quarterly financial reports be submitted to the Chair as provided for in the financial management policy, the Secretariat's Procurement Committee recommended an auditor and the Board requested further documentation prior to appointing Allied Auditors to audit AFIC accounts.

### **Audit of AFIC Accounts**

The SC approved the decision of AFIC Procurement Committee to award the auditing contract to Allied Certified Accountants, a Kampala-based firm with over 20 years' experience in the auditing business. The auditor was expected to conduct an audit of accounts of income received from 1<sup>st</sup> January to 31<sup>st</sup> December 2010.

The overarching objective of the audit exercise was to provide AFIC and its key stakeholders with assurance as to whether resources are being properly used to meet intended objectives and to advise on best ways of strengthening the financial system. The major output was the audit report and management letter. The exercise ran from February 25 to March 18, 2011.

The audit revealed AFIC received USD 159, 939 in 2010 and had a balance after expenditure of USD 96, 285 at the end of the year. The auditor's letter made two recommendations:

1. All payments made should be accompanied by respective vouchers. This observation was in response to two payments made to research consultants on the basis of e-mail approvals from the Chairperson based in South Africa;
2. All employees earning above UGX 130 000 (about \$ 57) should be subject to pay as you earn. This recommendation was responding to an observation in the contract of AFIC's tentative Programme Officer. However, he was recruited as a consultant and was responsible for paying any taxes, insurance and any other costs associated with his contract as was clearly stated in paragraph 4 of his contract.

## **AFIC Steering Committee (SC) Meeting, Kampala, May 10 -11, 2011**

AFIC SC met in Kampala for the first time. 6 of the 8 members of the Committee were present with Ms Agnes Ebo'o and Mr. Maxwell Kaderi sending apologies.

AFIC Chair, Mr. Mukelani was present and presided over the two-day meeting. He said the meeting comes at a time when political changes in North Africa require AFIC to make shifts in its strategy to incorporate the region into its work.

The highpoint of the meeting was the development of a strategic plan to guide AFIC's work in the coming year.

Four of six applications for AFIC membership were approved:

- i. Centre for Human Rights ( Pretoria, South Africa)
- ii. Comite des droits de l'homme et de développement (CODHOD), Kinshasa, DRC
- iii. South African History Archive (Johannesburg, South Africa)
- iv. MISA-Zimbabwe ( Harare, Zimbabwe)

The following key decisions were taken:

1. The 2010 Annual Report was reviewed and approved.
2. The 2010 audit report was discussed and approved.
3. A motion was passed to establish a reserve fund.
4. AFIC website was reviewed and approved with the understanding that comments be incorporated.
5. The Communication Strategy was reviewed and adopted on grounds that comments and suggestions be reflected in the final version.
6. Four of six applications for AFIC membership were accepted.
7. Minutes of the last SC meeting of 03 February via Skype were adopted.
8. A strategic plan was elaborated and adopted
9. A motion was passed to organize an AFIC general assembly meeting by May 2012.
10. It was agreed that conducting a regional ATI study along the lines of the one in SE Asia in 1998 was not feasible. (decision has since been reviewed following receipt of additional information)
11. An AFIC fund-raising strategy was elaborated and adopted.



AFIC Steering Committee in session

## **Branding**

Promotion of AFIC's visibility through various fora continued. At meetings organized by AFIC or its stakeholders afforded AFIC opportunities for materials such as information sheets and brochures to be disseminated. In addition, AFIC banners and other materials are displayed during events. AFIC listserves have been used to disseminate information about AFIC's activities or FOI developments on the continent and around the world. AFIC website has been maintained and updated and has been a source of important information for FOI advocates and researchers.

## **Funding**

During the reporting period, AFIC received US\$ 50,000 as part of an approved US\$100,000 from the Open Society Foundations Right to Information Fund. In addition AFIC received support from the United Nations Office of the High Commissioner for Human Rights (UN OHCHR), Deepening Democracy Programme (DDP) and Friedrich Ebert Foundation (FES). Support from UN OHCHR and DDP was dedicated to organizing a regional RTI and ratification dialogue while that from FES was in respect to CSO capacity building.

AFIC has also received US\$ 13,000 to support the Uganda Contracts Monitoring Coalition that is being formed. The coalition hopes to make use of RTI to gain access to public contracts in its contract monitoring work.

## **Capacity Building**

AFIC staff and its membership have received exposure and training by attending meetings organized by partners. However, sometimes these meetings are tailored towards the attainment of objectives other than enhancing capacities of this constituency. While these have been beneficial, sometimes their impact is limited by their very nature of design and implementation.

As more and more countries adopt FOI laws, AFIC's role in capacitating members, CSO and public sector partners for effective implementation and monitoring is becoming urgent.

An emerging challenge relates to timely and effective support to members and partners around the continent. The centre receives many requests and their follow-up needs time which sometimes is constrained.

## **Partnership with the Vance Centre, USA**

The Acting Director of the Vance Centre, Ms Elizabeth Millard, visited AFIC on October 27, 2011. Her visit was a follow up of that of the previous director in 2010. During the earlier visit AFIC requested for support from the Vance Centre in the area of human resources.

A collaborative arrangement in which Vance Centre will support AFIC in the area of legal analysis, desk review and preparing amicus briefs has been agreed. It is hoped that this collaboration will have delivered some results in the agreed areas of collaboration in 2012.