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Afghanistan: Comments on the draft Access Law

The Centre for Law and Democracy has prepared a set of Comments on the draft Access to Information Law published by the Afghan government. There have been discussions in Afghanistan about a right to information law for some time. It is a positive step that the government has published official draft legislation with a view to obtaining public comments on it.

“The draft provides a good basis for discussion about this key issue,” said Toby Mendel, Executive Director of CLD. *“But it could still be improved in important ways to give fuller effect to the right to information.”*

CLD’s Comments make a number of recommendations to improve the draft law, including the following:

- The law should apply to all information held by public authorities, not just information which is needed to protect a right or improve a public service.
- The scope of information subject to proactive disclosure should be expanded to cover more information about finances and implementation of the law.
- The procedural rules should be substantially revised to make it easier to make requests and to streamline processing of those requests.
- The access to information law should prevail in case of conflict with secrecy laws, and the regime of exceptions should be narrowed by subjecting all exceptions to a requirement of harm and by adding a public interest override.
- The independence of the oversight commission should be strengthened and its powers enhanced.
- Sanctions for the wrongful disclosure of information should be replaced by protection for those who disclose information in good faith.

The Centre for Law and Democracy welcomes efforts to adopt a right to information law in Afghanistan, and urges the government to bring the draft law more fully into line with international standards before it is adopted.

The Comments are available at: <http://www.law-democracy.org/live/afghanistan-comments-on-the-draft-access-law/>.

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