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Morocco: CLD Urges Government to Improve Draft RTI Law

CLD has prepared an analysis of the latest version of Morocco's draft right to information (RTI) law, Draft Law No. 31.13 on the Right of Access to Information. An assessment of the draft Law using the RTI Rating assessment tool (www.RTI-Rating.org) shows that the draft is substantially weaker than the draft published in August 2013. Specifically, the current draft scores only 65 points out of a possible 150, putting it in the bottom 20 percent of all countries (83rd place out of 98), compared to 100 points or 27th place for the 2013 draft.

"We welcome the Government of Morocco's efforts to adopt right to information legislation," said Toby Mendel, Executive Director of CLD. *"But the current draft is simply not strong enough to provide effective access to information for the people of Morocco."*

CLD believes that the draft was substantially weakened during a process of inter-ministerial consultation within government. It is important that an RTI law protect legitimate secrecy interests and avoid placing impossible burdens on the public service, but this had already been achieved in the August 2013 draft. Morocco hopes to become eligible to join the Open Government Partnership with this law, but it is unclear whether it would be accepted for that purpose.

The current draft is substantially weaker than the 2013 draft in many areas, including scope of application, procedural rules, the regime of exceptions and promotional measures. Significantly, the proposal to establish a dedicated oversight body, in the form of a national information commission, has been dropped with this function instead being added to the work of the ombudsman.

CLD urges the Government of Morocco to reconsider the current draft and, instead, to prepare a strong law which will properly implement Article 27 of the 2011 Constitution, guaranteeing the right to information, and provide the people of Morocco with an effective system for accessing information held by public authorities.

The analysis is available at: <http://www.law-democracy.org/live/morocco-cld-urges-government-to-improve-draft-rti-law/>.

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