

RTI Rating Examines International RTI Frameworks

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Right to information laws in Africa and the Americas are falling below the standards set by regional human rights bodies, while in Europe the standards themselves are weaker than the better right to information laws, according to a new analysis by human rights organisations Access Info Europe (Spain) and the Centre for Law and Democracy (Canada).

Applying the [RTI-Rating](#) tool, which measures the strength of right to information frameworks, to regional bodies' model laws, the specialist right to information organisations found that the Organisation of American States' *Model Inter-American Law on Access to Information* scores 142 out of a possible 150 points while the 19 access to information laws in the region have an average of just 92 points.

Similarly, the African Union's *Draft Model Law for AU Member States* (which has not yet been finalised) sets a high standard with 138 points out of 150, while the average for the region's ten access to information laws is 91 out of 150, which means that key aspects of the right are not being protected at the national level.

The world's first binding instrument, the Council of Europe *Convention on Access to Official Documents*, which sets minimum standards for States Parties, scored just 81 out of a possible 150 points. This is in line with the average of 80 points for the 41 laws in the Council of Europe region but does little to pressure European countries to improve the laws they have adopted or to give effect to what the European Court of Human Rights has now recognised to be a fundamental human right.

In contrast, the European Union has set itself substantially more stringent rules regarding access to the documents held by its bodies, with Regulation 1049 scoring 101 out of 150 points, surpassed only by the laws of Finland and Slovenia among the 24 EU member states with access to information laws.

"This study shows that human rights bodies in Africa and the Americas are promoting strong recognition of the right to information but that governments are not yet ready to follow suit," said Toby Mendel, Executive Director of the Centre for Law and Democracy. *"The high level of consistency between the AU and OAS model laws and the standards in the RTI Rating also confirms the validity our assessment tool."*

Calling on all Council of Europe member states to sign and ratify the Convention on Access to Official Documents, Helen Darbishire, Executive Director of Access Info Europe noted: *"There is no excuse for not ratifying this base level treaty so that the*

monitoring mechanism kicks in and we can identify and address problems with access to information in practice."

Raising concerns about the current battle over reform of the EU's Regulation 1049 between the EU Commission, Council and Parliament, Darbshire warned that "a *backward step on the EU's access to documents rules would be a backward step for the whole of Europe.*"

The full ratings are available at: <http://www.law-democracy.org/?p=1708>

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