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Analysis of Draft Afghan Access to Information Law

The Centre for Law and Democracy today published its analysis of a draft Afghan Access to Information Law. The draft Law was created from two previous drafts, one prepared by civil society and one by government. The aim is to present a consensus version in the hope that this will help ensure that it becomes a legislative priority.

"CLD is pleased to witness this cooperation between civil society and the government in Afghanistan in trying to extend legal protection to the right to information", said Toby Mendel, Executive Director of the Centre for Law and Democracy. "At the same time, we hope that there is scope to further improve the draft Law."

The draft Law has a number of strengths. It is broadly applicable to all public bodies; the procedures for accessing information are fairly developed and generally user-friendly; the regime of exceptions is reasonably narrow; and the draft Law contains a good set of promotional measures.

At the same time, some of the key areas where the draft Law could still be improved are as follows:

- The aims could be strengthened.
- There is no public interest override for the exceptions; instead, the national interest may justify withholding information.
- There is no independent administrative oversight body to hear appeals, although a Monitoring Committee does play a central role in promoting implementation.
- The draft Law fails to provide protection for good faith disclosures of information pursuant to its provisions.

The full Commentary is available at: <http://www.law-democracy.org/?p=1401>

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