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PRESS RELEASE

Iraq: ARTICLE 19 Comments on Draft Access to Information Law

ARTICLE 19 has analysed the Access to Information Draft Law proposed in late 2009 by the *Temkin*, a group of independent experts which includes journalists and academics, in Iraq. While ARTICLE 19 broadly welcomes this initiative to promote the right of access to information in Iraq, we urge that the Draft Law is amended in order to ensure compliance with international standards for freedom of expression.

ARTICLE 19 considers the Draft Law a positive step because it seeks to establish a fundamental right of access to information in Iraq. This is crucial to the functioning of a democracy and key to the protection of other rights. Access to information is especially important in this post-conflict state, which is struggling to establish the rule of law and democracy in the face of continued sectarian violence, and where human rights conditions remain poor. Transparent information flows contribute towards a culture of good governance and openness and also help to develop a sense of public trust in the authorities, both at national and local level.

At the same time, the Draft Law is weakened by a number of significant shortfalls, including a lack of specificity and clarity in some provisions. For example, ARTICLE 19 notes that the Draft Law has no preamble stating its overall purpose and we recommend that it should contain such a statement promoting the principles of openness and transparency.

In particular, the Draft Law does not clearly assert the individual's right of access to information or the individual's right to appeal to an independent administrative authority. It also misses out important provisions in relation to the system of appeals and criminal and civil responsibility. ARTICLE 19 is further concerned that the Draft Law makes no mention of the public interest test that is required by international standards – where information must still be disclosed, even if such disclosure may cause substantial harm, if it is declared to be of beneficial public interest.

“Adopting a sound access to information law would bring Iraq into the community of more than 80 countries which have already adopted similar legislation,” comments Dr Agnès Callamard, ARTICLE 19 Executive Director. *“It would also close the gap between the Republic of Iraq's stated commitment to international human rights law, as a signatory to the International Covenant on Civil and Political Rights, and its implementation of human rights laws in its domestic sphere.”*

ARTICLE 19 recommends that the *Temkin* should amend the draft law and sets out a number of recommendations, along with a draft model law, in this regard. We also urge the Iraqi legislature to adopt a freedom of information law that is in line with international standards.

NOTES TO EDITORS:

- To view ARTICLE 19's analysis of the Information Access Right Draft Law, go to: www.article19.org/pdfs/analysis/iraq-analysis-of-draft-access-to-information-law.pdf
- For more information please contact: Sejal Parmar, Senior Legal Officer sejal@article19.org Tel: +44-20 7324 2500
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.