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PRESS RELEASE

**Bolivia: Draft Right to Information Law Falls Short of International Standards**

**London 09.03.11:** Today, ARTICLE 19 released the analysis of the Bolivian Draft Law for Transparency and Access to Public Information. Although ARTICLE 19 welcomes the Bolivian government's initiative to draft a law on access to information, its proposed draft falls short of international and regional standards on freedom of expression and requires amendment before it is adopted.

*"Bolivia's draft law on access to information displays a number of shortfalls which ought to be addressed before it is adopted,"* said Agnes Callamard, ARTICLE 19's Executive Director

In a Memorandum released today, ARTICLE 19 welcomes a number of features of the draft Law for Transparency and Access to Public Information, drafted by the Bolivian Government in late 2010. The positive features are its scope of broad application, including to private bodies performing public services, the measures to promote public transparency in public management provided for, and recognition that email may be used in making requests and sending information to requesters.

However, the draft law lacks a clearly stated presumption of disclosure and includes a broad regime of exceptions which takes no account of the public interest in having such information. Furthermore, the Ministry of Institutional Transparency and Combating Corruption, an integral part of government, is supposed to be the oversight body for the legislation. However, as a part of government, the Ministry lacks independence and autonomy from government which makes it fundamentally flawed as an oversight body to any right to information law. Also, the draft law lacks any specific protection for whistleblowers who release information on wrongdoing or which would disclose a serious threat to health, safety or the environment.

ARTICLE 19 makes a number of recommendations to address the current weaknesses of the draft law. Most importantly, the government should amend the draft law to provide for a narrowly-defined list of types of information which may justify non-disclosure if such information causes harm to a legitimate aim and that harm outweighs the public interest in having the information made public. ARTICLE 19 also recommends the establishment of an independent and autonomous oversight body, such as an Information Commissioner or Ombudsman, and legal protection of whistleblowers from legal, administrative or employment related sanctions.

ARTICLE 19 stands ready to assist the Bolivian Government in both finalizing the test of the Law and putting its provisions in practice.

ENDS

**NOTES TO EDITORS:**

- For more information please contact Sejal Parmar, Senior Legal Officer, +44 20 7324 2500 [sejal@article19.org](mailto:sejal@article19.org)
- For the Memorandum see [www.article19.org/pdfs/analysis/bolivia-access-to-public-information.pdf](http://www.article19.org/pdfs/analysis/bolivia-access-to-public-information.pdf)
- 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.