

Summary Of a press statement On the World Press Freedom Day

The Amman Center for Human Rights Studies [ACHRS} Publishes its annual report on the right of Access to information in the Arab States.

ACHRS Director General Dr Nizam Assaf says that those who block information from others Really seek to cover their own mistakes Nomination of Yemen as the second Arab state That enacts a law to acquire information and Bahrain is the third Arab state



Amman

The world celebrates on 03 May of each year the World Press Freedom Day. The UNESCO will hold its main celebration this year on the occasion in Brisbane, Australia under the slogan of "the freedom of access to information and the right to know."

On that day, the name of the winner of the Press Freedom Award that will be given by the UNESCO will be announced. Moreover, reports on press freedom will be announced to reveal the extent of compliance with the international criteria of the freedom of the press. Conferences and seminars will be held and lectures will be made in memory of the victims of the violation of the press freedom. Negative aspects will be discussed so as to remedy them while the positive aspects will be pointed out so as to maximize them.

The ACHRS will devote its annual report this year to discuss the state of the "right" to access information in the Arab countries.

Why we should have access to information?

Without information, we cannot have the following:

- 1- The right of the freedom of expression and making decisions out of several options.
- 2- The right of election and participation in the public affairs of the state, such as discussion of policies and bills.
- 3- Monitoring the performance of the governments.
- 4- Disclosure of human rights violations.
- 5- Disclosure of corruption and the bad performance of government services.
- 6- Facilitating the establishment of commercial and economic projects.

The United Nations General Assembly decided in its first meeting on 14 December 1946 that "freedom to access information is one of the basic rights of Man and is the cornerstone of all freedoms that are advocated by the United Nations." [Resolution 59 D A)

The right of the public to knowledge and to information is one of the most important pillars of democratic progress of any state in the world. Moreover, the right to access information is one of the most important pillars of the freedom of the press, which can only be based on knowledge and information.

Economist Amartya Sen, who was awarded the Nobel Peace Prize in economics for 1998, says the following: "there was never a real famine in a country which had a democratic government and a relatively free press, because access to information would allow the people to closely scrutinize the performance of the government."

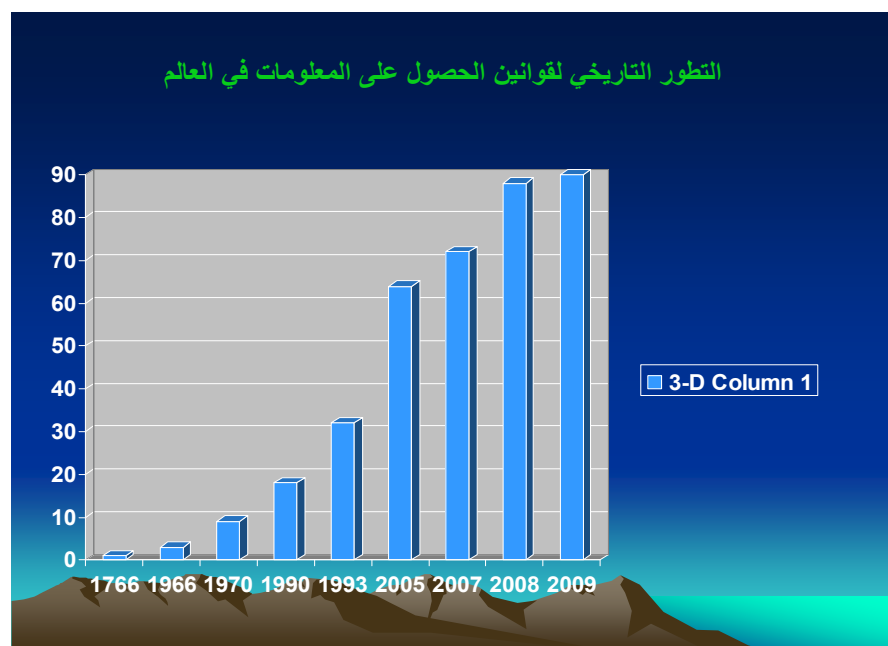
مركز عمان لدراسات حقوق الإنسان

Amman Center for Human Rights Studies

The right of access to information has become a constitutional right in many countries of the world. This right was translated into laws that guarantee the right of the journalists and citizens to access information.

In his report of 1993, the special rapporteur on the United Nations has asserted the importance of the freedom of opinion and the freedom of expression by saying the following: "the freedom of expression can guarantee access to the information which the state has. It furthermore, dictates positive commitments on the states to guarantee access to information." The Aarhus Agreement further, provides for the right to access environmental information, including the information pertaining to the climate.

There is a noticeable increase in the number of the countries which approved legislation that guarantees access to information. In fact, there are now 90 states in the world that now have these laws which are known as the "Freedom of Information Act" or [FOIA].



On the level of the press work, everyone knows that information is important for the work of the press. When a journalist writes a news item, or makes a conclusion, or forms a point of view, he is falling back on information. If the information is lacking or incomplete or improper, it would negatively reflect on his output. Each journalist needs documents, figures and data or news from their original sources.

The information technology, telecommunications and media technology can serve as A strong instrument to combat corruption provided that there is access to information and communications along with the protection of the freedom of expression as a basic right.

It is noteworthy that Jordan has issued the law on guaranteeing the right to access information number 47 of 2007 dated on 17 June 2007 as the first and only law of its kind in the Arab World.

Although it has been three years since the law was issued and despite the efforts made by the Information Council and Commissioner, there is still a long way to publicize for the law, particularly at the government departments. There is also a need to invite the civil society organizations to participate in explaining the law, promote the use of the law, and facilitate the flow of information to journalists and citizens.

The Information Council has in fact received a few complaints from the journalists.

Schedule of the indicator of	The Circulation of information in the Arab states
Name of state	Rate
Jordan	87

مركز عمان لدراسات حقوق الإنسان
Amman Center for Human Rights Studies

Yemen	82
Bahrain	78
Palestine	73
Algeria	71
Sudan	69
Iraq	69
Morocco	67
Lebanon	66
Kuwait	60
Mauritania	60
Qatar	59
United Arab Emirates	58
Egypt	51
Tunisia	46
Oman	41
Saudi Arabia	26
Syria	23
Libya	23

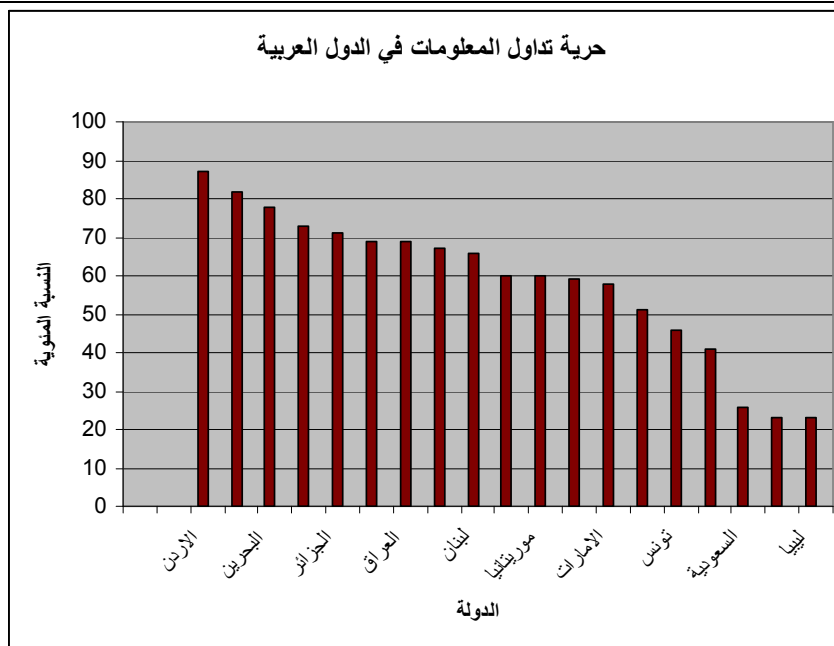
Yemen, after Jordan, is the second Arab state that enacted a law providing for the right of access to information. The Yemeni law is compatible to a large extent with the international criteria and the best practices.

The valid press and publications laws in the six member states of the Gulf Cooperation Council [GCC] have no clear or direct reference to the right of access to information.

The Kingdom of Bahrain is expected to be the first state of the six member states of the GCC to issue a law giving the right to each natural or corporeal person to access information. The law was in fact, discussed by the foreign affairs, defense and security committee at the Shura Council.

By and large, the ranks of the Arab countries, according to the indicator of the freedom of access and circulation of information, as shown in the report, were as shown in the schedule above.

The results of the schedule shown above is that Jordan ranked first among the Arab countries in the indicator of the freedom of the circulation of information. The reason is perhaps that there is a valid law guaranteeing the right of access to information. Jordan is the only country in the Arab World which has such a law. There are other reasons which were discussed by the report on Jordan. Jordan is followed by Yemen and Bahrain which are undergoing legal action by the government and the civil society in this field. These were followed by Palestine and Algeria. As for Iraq and Sudan, they were given an equal rate. These were followed by Morocco and Lebanon. On the bottom of the list were Saudi Arabia, Syria and Libya.



The report was prepared by team of researchers, supervised by Mr. Yahya Shqair, Anwar al-Khatib, Salem Qubailat, a. Muhammad Yaquoub, Magdy Helmy, and Naji Alkhchnawi

Summary and Recommendations:

Information has become the cornerstone for the protection of the freedom of opinion, freedom of expression, and the freedom of the media. In fact, these three freedoms cannot be exercised without having the right of access to information and action by the governments and their different departments to facilitate the task of the journalists by allowing them to have access to their programs and projects together with refraining from imposing restrictions on the flow of information to the citizens or imposing of measures that can lead to the complication of their right to access information.

The Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, and the Arab Charter of Human Rights have declared that if the press were to be free, three conditions should be provided, namely, the right of the journalist to access information, to receive this information, and to disseminate it.

This report has concluded that Jordan, Yemen and Bahrain ranked first vis—à-vis the indicator of the freedom of access to information while Oman, Saudi Arabia, Syria and Libya were in the bottom list.

The Amman Center for Human Rights Studies [ACHRS] believes that the right of access to information is the criterion for measuring all the other rights and liberties. This right is parallel to the democratic choice. The freedom of the media necessarily requires an ability by the individuals to search for facts and to publish information without any obstruction of any kind. The ACHRS affirms that the culture of secrecy which is prevailing in the Arab countries and the laws that reinforce and strengthen this culture, such as the emergency laws and the laws on the state secrets, the laws regulating civil service, and others constitute a whole system of secrecy and contradict the principle of the transparency of information, thereby barring the disclosure of mistakes, Promoting corruption, and precluding good governance, which is based on accountability.

The ACHRS would like to assert the need to reinforce the right of access to information in the Arab countries together with overcoming the obstacles encountering this right. In this regard, we would like to suggest the following recommendations:

- 1- The need to revoke emergency laws and martial rule in the Arab states where these laws are still enforced.
- 2- The need to include the right of access to information as part of the constitutional provisions.
- 3- The need to enact a special law on the right of access to information.

-
- 4- Arab countries should accede to the international agreements on human rights, particularly the International Covenant of Civil and Political Rights.
 - 5- Laws regulating the media freedom should be made compatible with Article (19) of the International Covenant of Civil and Political Rights, particularly the laws on the protection of the secrets and documents of the state.
 - 6- Holding seminars and workshops for government officials on the right to knowledge so as to facilitate the flow of information from government institutions to the media and enhancing the culture of openness and transparency.
 - 7- Holding seminars and workshops for the journalists and media workers on the right of access to information and its relationship with the freedom of the media along with promoting professionalism.
 - 8- Promoting the culture of openness and transparency in society and making the right to access information and to disseminate this information as part of the culture of individuals.
 - 9- Halting the advance government control of the media whether it is provided by the law or not and revoking its legal stipulations.
 - 10- Civil society in the Arab countries should sponsor local and Arab initiatives, such as the alliances and networks that exert pressure for the consolidation of the right of access to information and the dissemination of its culture.