

CORRUPTION & ACCESS TO INFORMATION IN AFRICA

An East African Reflection:

On the 9th of December, the anti-corruption community marks International Anti-corruption Day, reflecting on progress in the fight against corruption at national level and internationally. One of the areas that need more attention and more investments is the role of the right to information in advancing anti-corruption. Right to information (RTI) is essential in supporting whistle blowing and guaranteeing public participation in anti-corruption initiatives.

This was also reiterated earlier this year at the UNESCO Global Conference on Universal Access to Information in Accra, Ghana, this conference, held every September 28th to

commemorate the international Day for Universal Access to Information, stressed the importance of mainstreaming access to information and citizens' participation in the public sector.

While global efforts to enhance access to information have faced numerous challenges, Africa's progress has been notably slow¹ and in some cases regressive. In East African Countries more specifically, governments have been accused of rampant internet shutdowns², strict online surveillance, passing of anti-access protectionism laws and several infringements to RTI³.

Status of the Right to Information in East Africa:

The right to information is constitutionally guaranteed across most of East African Community Countries. In Kenya, under article 35 of the 2010 Constitution; in Uganda, under Article 41 of the 1995 Constitution; in Rwanda's Article 34 of the 2003 constitution as well as Tanzania and Burundi. Many East African countries have also made progress and enacted specific laws to protect and promote the right to information. As reflected in the table below.

<i>Country</i>	<i>RTI Law</i>	<i>Date of Enactment</i>
Kenya	The Access to Information Act 2016 ⁴	21st September 2016
Rwanda	Access to Information Law	2013; revised Law N° 54/2021 of 29/08/2021
Uganda	The Access to Information Act	September 2005

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² [Africa in 2023: internet shutdowns attack democracy - Access Now](#)

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Current Gaps and Limitations:

While this progress stands sharper than many other regions in Africa, some gaps remain. Civil society organizations and active citizens have made multiple information requests but faced denial on many occasions. Public entities have also failed to provide timely and accurate information on key issues of public importance such as budget, public debt, procurement contracts, COVID 19 expenditure. Weak Implementation and enforcement of RTI coupled with bureaucracy by public institutions that fail to respond to information requests are major challenges. Some examples include;

- In Kenya, 2,514 requests that were recorded in 2020 according to the Attorney General and Department of Justice, 1,013 (40.3%) were denied and only 960 (38.2%) requests were fully granted.
- Uganda's ministry of Information and Communications Technology in 2020 revealed that 1,436 requests registered, 534 were denied and 557 requests (38.8%) only were fully granted. From the Access to information study by Anti-Corruption Coalition Uganda, an assessment of requests for information to AskYourGov website (July-2023) revealed that only 818 requests were successful out of 12605 requests, the rest were either denied or pending.
- For Rwanda, access to information on corruption cases and individuals convicted of corruption has become limited. From 2013 to 2021, the Office of the Ombudsman regularly published quarterly lists of individuals definitively convicted of corruption. Nonetheless, the new law no longer assigns this mandate to the Ombudsman Office.

Additionally, institutional challenges remain. Uganda lacks an independent Access to information commission. Similarly, while Rwanda's Office of the Ombudsman was responsible for monitoring enforcement of the Access to Information Act, revised Law N^o 54/2021 of 29/08/2021 governing the Office of the Ombudsman removed this responsibility and no other institution has been designated to take on the role. Kenya's delays in passing some regulations to effect the ATI Act have impeded the full realization of the right to access information. The Access to Information (General) Regulations were only passed in 2023. The National Access to Information Policy has been developed but has not yet been passed and adopted. According to the global Right to Information Rating⁵, Uganda scores 97/150, while Rwanda and Kenya score 86 and 113 respectively leaving so much room for improvement.

Regional Recommendations

- **Establish Independent RTI Commissions:** This will foster implementation of the RTI law and provide alternative channels for redress especially when citizens are denied information.
- **Fast track the passing of critical legislation such as Kenya's National Access to information Policy.**
- **Foster Proactive disclosure of Information:** Public entities should implement proactive disclosure of information by actively disclosing relevant information and updating it using both digital and analogue channels.
- **Enhance proper Public Records management:** Public entities should strive to keep and maintain records that are accurate, authentic, have integrity and are usable and to ensure that the records facilitate the right to information.

⁵ [Rti Rating | Global Right to Information Rating | What do you want to Know?](#)

- **Information requests:** Citizens should exercise their right to information through submitting requests where information is not proactively disclosed. Public entities on the other hand should develop clear and publicized internal work flows on processing information requests.

Access to information is critically important in enhancing citizen's participation and advancing anti-corruption efforts and an enabler of critical anti-corruption legislations such as whistle blowers' laws and beneficial ownership laws. By creating an enabling environment to guarantee citizen's access to information, corruption can be significantly combated by aiding citizens to effectively participate and hold governments and leaders to account.

About the blog Authors;

This Blog is jointly put together by the Transparency International's East African Chapters (Uganda, Kenya and Rwanda) under the Stopping Impunity for Corruption through Enhanced Accountability (SICEA) project. SICEA is currently being implemented in 11 African countries, and the project is geared towards building communities of practice to promote anti-corruption reforms in the target African countries with four regional hubs that is; [Uganda](#) for East African Region, [Congo](#) for Central Africa region, [Togo](#) for West Africa Region and [Zambia](#) for Southern Africa Region.