

Commemorating freedom of information

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SEPTEMBER 28, 2004 has been designated International Right To Know Day. This is only the second year that a specific day has been set aside to commemorate freedom of information around the world. At present there are over 50 countries with access to information laws in force. In the Caribbean, only three countries have such legislation: Trinidad and Tobago, Belize and Jamaica.

The first such law was passed in Sweden in 1766 the Freedom of the Press Act. The second such law was passed by the United States in 1966, 200 years later. Since 1966, over 48 other countries have passed legislation. Of the over 50 countries with laws providing for access to information 31 are either in North America or Europe. The others include Japan, Thailand, New Zealand, Israel, Australia and Iceland. Those in the Caribbean have already been named. In Africa, South Africa is the only country with a law that is intended to support citizens' right to access information.

GOVERNMENT AND ITS CITIZENS

Access to information legislation is redefining the relationship between governments and its citizens. They provide governments with opportunities to build trust and generate goodwill with its citizens. The Jamaican Act in section 2 sets out its objects "to reinforce and give further effect to certain fundamental principles underlying the system of constitutional democracy, namely (a) governmental accountability, (b) transparency and (c) public participation in national decision-making.

It has been said that the people's right to know is the foundation of democracy. This is true not only in the modern world but is demonstrated often in the history of civilisations. Totalitarian governments survived as long as its citizens were uninformed and knowledge was suppressed. The more citizens know, the better they are informed, the more prepared and motivated they are to participate effectively in the decisions that effect their lives, property and well-being.

TRANSPARENCY ORDER OF THE DAY

Knowledge is power and also a fundamental human right. Section 2 of the Jamaican Access to Information Act goes on to speak of the right of access to official documents held by public authorities. With access to these documents, citizens can know what government knows, what it is relying on to make decisions and transparency becomes the order of the day. With access to documents, the government can be held accountable for its promises, its manifestos and its mandates. Secretive government provokes cynicism, while an open government generates trust and goodwill.

Laws can be passed but not properly implemented due to lack of political will, improper systems and inadequate resources. Jamaica is making every effort to put in place the proper system and to secure the necessary resources. Whether the political will is there, it is too soon to say. It took a very long time to pass the legislation, it is being implemented in phases and too few requests have been made as yet to know if the government will in fact act in the 'spirit' of the Act.

To be effective citizens, organisations and the media must use the law. In Thailand, the admissions process in a highly regarded, state-funded primary school included an entrance examination. The test scores however were never made public and there was a widely held

public perception that some form of bribery played a part in the selection of the applicants. A parent whose child had 'failed' the entrance exam asked to see her daughter's answer sheet and marks. She was refused and she used the access to information law to make a request for this information. The Official Information Commission ruled that the answer sheets and marks of the child and the other children who had taken the exam were public information and had to be disclosed. There was a period of public controversy, but eventually the school admitted that 38 of the students who had failed the exam had been admitted because of payments made by their parents.

RETREAT TOWARDS INCREASED SECRECY

Finally, in the aftermath of September 11, Richard Callard from the Open Democracy Advice Centre in South Africa writes: "there has been a retreat towards increased secrecy in the name of the 'war against terrorism'. The public's right to know is being replaced by the 'need to know' culture that is redolent of a government-subject rather than a government-citizen philosophy. We will have to watch this carefully here in Jamaica.

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