



Commonwealth Human Rights Initiative

NGO in Special Consultative Status with the Economic & Social Council of the United Nations

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Hon. Dennis Merchant
Attorney-General
Government of St Christopher and Nevis
Government Headquarters
PO Box 164
Church Street
Basseterre ST. KITTS
Saint Christopher and Nevis

6 February 2007

Dear Sir,

Re: Submission of the Commonwealth Human Rights Initiative's critique of the St Christopher and Nevis Freedom of Information Bill, 2006.

I am writing from the Commonwealth Human Rights Initiative (CHRI), an independent, nonpartisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth.

I refer to my previous letter sent to your office dated 27 October 2006 (see Attachment 1), offering the expertise and the assistance of the CHRI's Right to Information team to participate in the public consultation of the Freedom of Information Bill 2006 (FOI Bill) in order to ensure that the Bill accords with best practice openness principles.

We have not heard from your office in response to that initial correspondence, but we have subsequently downloaded a copy of the draft Bill from the St Kitts and Nevis Government Portal.

Although we have not located any further information concerning the consultative process, CHRI has now reviewed and critiqued the draft Bill, comparing its provisions to good practice in other jurisdictions and against the best practice principles in Annex I of the previous correspondence (Attachment 1). I would request that you forward the critique (see Attachment 2) to any other Ministers of Parliament, policy-makers or drafters who are involved in the consultation or drafting process. I sincerely hope that you will take CHRI's legal analysis into account, even if it reaches you after any deadline that may have been set out for consultations and comments on the Bill.

I would note at this point that, as mentioned in our previous letter, CHRI has considerable experience in critiquing and drafting national freedom of information bills. Our Right To Information Programme has reviewed a number of draft laws throughout the Commonwealth, including most recently, Bangladesh, Cayman Islands, Kenya, India, Malaysia, Sierra Leone and Malta (please view our website at http://www.humanrightsinitiative.org/programs/ai/rti/international/laws_&_papers.htm for more).

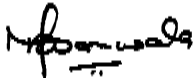
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Supported by: Commonwealth Journalists Association, Commonwealth Lawyers Association,
Commonwealth Legal Education Association, Commonwealth Parliamentary Association,
Commonwealth Press Union, Commonwealth Broadcasting Association.

Once more, I would like to commend the St Kitts and Nevis Government for committing to a new era of government openness and transparency by taking the first step towards meeting the fundamental right of citizens in St Kitts and Nevis to access information concerning their governance. A strong, well-drafted right to information law will be a vital tool in promoting government accountability and effectively facilitating public participation in national decision-making.

If we can be of any further assistance, please do not hesitate to contact me on (0)9810 199 745 or (011) 2685 0523 or via email at majadhun@vsnl.com. Alternatively, please contact Ms Cecelia Burgman, Right to Information Programme at cecelia@humanrightsinitiative.org.

Yours sincerely



Maja Daruwala
Director

CC

- Hon. Delano Frank Bart, Ministry of Legal Affairs and Secretariat Government
Headquarters P. O. Box 164 Church Street Basseterre St. Kitts
- Ms. Linda Adams, Permanent Secretary, Ministry of Legal Affairs and Secretariat
- Mrs. Astona Browne, Permanent Secretary, Ministry of Justice, Pelican Mall,
Basseterre, St. Kitts
- Patrice Nisbett, Member of the Assembly, Parliament of St Christopher St Kitts and
Nevis, Government Headquarters, P.O. Box 164, St. Kitts & Nevis.
- Allison Issac, Legislative Drafter, Government of St Christopher St Kitts and Nevis,
Government Headquarters, P.O. Box 164, St. Kitts & Nevis.
- Mahlon Z. Goma, Director of Communications, St. Kitts and Nevis.
Information Service/SKNIS Government Headquarters Church Street, Basseterre, St.
Kitts and Nevis.