

## Country Chart: Legal Provisions Protecting the Right to Information

Links to the Constitution and legislation listed in the Country Chart can be found on CHRI's website at [www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)

Country	Constitution	Access to Information Laws
Antigua and Barbuda	Article 12 includes the freedom to receive information and disseminate the information within the ambit of freedom of expression.	
Australia	There is no constitutional provision guaranteeing the right to information.	Australia has a federal <i>Freedom of Information Act 1983</i> , as well as separate freedom of informational legislation in most states and territories
Bahamas	Article 23(1) includes the right to receive and impart ideas and information without interference within the right to freedom of expression.	
Bangladesh	Article 39 guarantees freedom of thought, conscience and speech, but there is no reference in the Constitution to the right to information.	
Barbados	Section 20(1) includes the freedom to receive and communicate ideas and information without interference as part of the right to freedom of expression.	
Belize	Section 12(1) includes the freedom to receive and communicate ideas and information without interference as part of the right to freedom of expression.	The <i>Freedom of Information Act 1994</i> implements the constitutional right to information.
Botswana	Section 12 includes the freedom to receive ideas and information without interference as part of the right to freedom of expression.	
Brunei Darussalam	Brunei Darussalam is a monarchical state with no Constitution. There is therefore no constitutional guarantee of the right to information.	
Cameroon	The Constitution endorses the provisions of the Universal Declaration of Human Rights, the UN Charter and the African Charter on Human and People's Rights. As such, Article 19 of the UDHR which recognises the right to receive and impart information as part of the right to freedom of expression applies.	
Canada	There is no constitutional provision guaranteeing the right to information.	Canada has a federal <i>Access to Information Act 1983</i> , as well as separate freedom of informational legislation in most states and territories.

Country	Constitution	Access to Information Laws
Cyprus	Article 19(2) includes the freedom to hold opinions and receive and impart information and ideas without interference by any public authority and regardless of frontiers, as part of the right to freedom of speech and expression.	
Dominica	Section 10 includes the freedom to receive and communicate ideas and information without interference as part of the right to freedom of expression.	
Fiji Islands	Article 30(1) includes the freedom to seek, receive and impart information and ideas as part of the right to freedom of expression. Article 174 explicitly requires that Parliament should enact a law to give members of the public access to official documents of the Government and its agencies, as soon as practicable after commencement of the Constitution.	
The Gambia	Article 25 guarantees a list of rights and freedoms, but there is no reference to the right to information.	
Ghana	Article 21(1)(f) explicitly recognises that all persons shall have the right to information, subject to such qualifications and laws as are necessary in a democratic society.	
Grenada	Article 10 includes the freedom to receive and communicate ideas and information without interference as part of the right to freedom of expression.	
Guyana	Article 146 includes the freedom to receive and communicate ideas and information without interference as part of the right to freedom of expression.	
India	Article 19 which upholds the right to freedom of speech and expression, has been interpreted by the Supreme Court of India to implicitly include the right to receive and impart information.	India has a national <i>Freedom of Information Act 2002</i> which was passed in December 2002 but has yet to come into force. To date, eight states also have separate legislation.
Jamaica	Article 22 includes the freedom to receive and impart ideas and information without interference as part of the freedom of expression.	Jamaica has an <i>Access to Information Act 2002</i> which implements the constitutionally guaranteed right to information. It was passed in June 2002 but has yet to come into force.
Kenya	Article 79 includes the freedom to receive and communicate ideas and information as part of the right to freedom of expression.	
Kiribati	Article 12 includes the freedom to receive and communicate ideas and information without interference as part of the right to freedom of expression.	

Country	Constitution	Access to Information Laws
Lesotho	Article 14 includes the right to receive and communicate information and ideas and information without interference as part of the right to freedom of expression.	
Malawi	Article 37 explicitly guarantees the right to access all information held by the state or any of its organs at any level of government in so far as it is required for the exercise of a person's rights.	
Malaysia	Article 10 recognises the right to freedom of speech and expression, but there is no reference in the Constitution to the right to information.	
Maldives	Article 25 recognises the right to freedom of expression, conscience and thought, but there is no reference in the Constitution to the right to information.	
Malta	Section 41 includes the right to receive and communicate ideas and information without interference as part of the right to freedom of expression.	
Mauritius	Article 12 includes the right to receive and impart ideas and information without interference as part of the right to freedom of expression.	
Mozambique	Article 74(1) explicitly recognises the right to information. Every citizen has the right to inform him/herself and be informed about relevant facts and opinions, as well as to disseminate information, opinions and ideas through the press.	
Namibia	Article 21 recognises the right to freedom of expression, but there is no reference in the Constitution to the right to information.	
Nauru	Article 12 recognises the right to freedom of expression, but there is no reference in the Constitution to the right to information.	
New Zealand	New Zealand's Constitution does not guarantee the right to information.	The <i>Official Information Act</i> 1982 legislates for the right to access information.
Nigeria	Article 39(1) includes the right to receive and impart ideas and information without interference as part of the right to freedom of expression.	
Pakistan*	Article 19 recognises the right to freedom of speech and expression and freedom of the press, but there is no constitutional guarantee of the right to information.	The <i>Freedom of Information Ordinance</i> 2002 was promulgated in October 2002 and is protected under the Provisional Constitutional Order.
Papua New Guinea	Article 51 explicitly recognises the right of reasonable access to official documents, subject only to the need for such secrecy as is reasonably justifiable in a democratic society.	

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Samoa	Article 13(1) recognises the right to freedom of speech and expression, but there is no reference in the Constitution to the right to information.	
Seychelles	Article 22(1) includes freedom to seek, receive and impart ideas and information without interference as part of the right to freedom of speech and expression.	
Sierra Leone	Article 25 includes the freedom to receive and impart ideas and information without interference as part of the right to freedom of speech and expression.	
Singapore	Article 14(1) recognises the right to freedom of speech and expression, but there is no reference in the Constitution to the right to information.	
Solomon Islands	Article 12 includes the freedom to receive and communicate ideas and information without interference as part of the right to freedom of expression.	
South Africa	Section 32 explicitly guarantees the right of access to information held by the state or held by another person if it is required for the exercise or protection of any rights. The section requires the National Legislature to enact legislation to make the right effective. Section 16 also includes the freedom to receive and impart information as part of the right to freedom of expression.	The <i>Promotion of Access to Information Act 2000</i> operationalises the constitutional right to access information.
Sri Lanka	Article 14(1) recognises the right to freedom of speech and expression, but there is no reference in the Constitution to the right to information.	
St Kitts and Nevis	Article 12 includes the freedom to receive and communicate ideas and information without interference as part of the right to freedom of expression.	
St Lucia	Article 10 includes the freedom to receive and communicate ideas and information without interference as part of the right to freedom of expression.	
St Vincent and the Grenadines	Article 10 includes the freedom to receive and communicate ideas and information without interference as part of the right to freedom of expression.	
Swaziland	Swaziland has no Constitution, although a draft constitution was presented to King Mswati in May 2003. Article 25 of the Draft Constitution includes the freedom to receive and communicate ideas and information without interference as part of the right to freedom of expression and opinion.	
Tonga	Article 7 guarantees the right to freedom of speech, expression and of the press, but there is no reference in the Constitution to the right to information.	

Country	Constitution	Access to Information Laws
Trinidad and Tobago	Section 4 guarantees a list of rights and freedoms, but there is no reference to the right to information.	The <i>Freedom of Information Act 1999</i> legislates for the right to access information. The Act came into effect on 20 February, 2001.
Tuvalu	Article 24 includes the freedom to receive and communicate ideas and information without interference as part of the right to freedom of expression.	
Uganda	Article 41 explicitly guarantees the right to access information in possession of state or any other agency of the state. Article 41 expressly requires parliament to make a law to prescribe the procedure for providing access to information.	
United Kingdom	The United Kingdom has no Constitution.	The <i>Freedom of Information Act 2000</i> legislates for the right to access information, but will only be fully operational in January 2005.
United Republic of Tanzania	Article 18(1) includes the right to seek, receive and impart information as part of the right to freedom of opinion and expression. Article 18(2) guarantees every citizen the right to be informed at all times.	
Vanuatu	Article 5 guarantees a list of rights and freedoms, but there is no reference to the right to information. <a href="http://www.vanuatugovernment.gov.vu/government/library/constitution.html">www.vanuatugovernment.gov.vu/government/library/constitution.html</a>	
Zambia	Article 20 includes the freedom to receive, impart and communicate ideas and information without interference as part of the right to freedom of expression.	
Zimbabwe*	Article 20 includes the right to receive and impart ideas and information without interference as part of the right to freedom of expression.	The <i>Access to Information and Protection to Privacy Act 2002</i> purportedly legislates to provide access to information. However, in reality the Act provides only very limited provisions on access and privacy. The main thrust of the Act is to give the government more powers for media censorship and control.

\* At the time of writing, these countries are suspended from the councils of the Commonwealth.