

MEDIA INSTITUTE OF THE CARIBBEAN



# FREEDOM OF / ACCESS TO INFORMATION **ADVOCACY TOOLKIT**

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# WELCOME

## Welcome to the Media Institute of the Caribbean's Access to Information Advocacy Toolkit!

This toolkit is designed to make it easy for you to begin to build a coalition and lobby for Access to information laws in your country. The toolkit sets out suggested steps for you. It also includes templates of advocacy letters which you can adjust for your purposes. These include letters to individuals and organisations in your country who can be part of your coalition. There are also templates for letters seeking support from Parliamentarians and from regional and international partners.

To assist you, we have included Frequently asked Questions about Access to information, Talking Points and an Op-Ed that you are free to submit to your local media for publication to help your lobbying efforts.

In all, the content of the ATI Advocacy Toolkit are as follows:

1. Op-ed on the need for ATI
2. Steps in Lobbying for ATI legislation
3. FAQs
4. Template for letter to build a coalition
5. template for letter to international partners
6. Talking points for lobbying
7. Suggested list of regional and international partners
8. Suggested list of local partners
9. Template for letter to parliamentarians

We wish you all the best in your lobbying efforts!

**Knowledge is power, and transparency is the remedy to the darkness under which corruption and abuse thrives. Democracy depends on a knowledgeable citizenry whose access to a broad range of information enables them to participate fully in public life, help determine priorities for public spending, receive equal access to justice, and hold their public officials accountable. – Laura Neuman, Access to Information – a Key to**

**Democracy, Carter Center – 2006**







# THE NEED FOR FOI/ATI

Access to information held by the state is today widely accepted as a human right. Article 19 of the 1949 Universal Declaration of Human Rights states: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” The right also exists in Article 19 of the International Covenant on Civil and Political Rights and Article 13 of the American Convention on Human Rights.

The Inter American Court of Human Rights became the first international court to recognize access to information as a human right in the case of *Marcel Claude Reyes and Others v Chile*. That was a case involving an environmentalist seeking information about a development project in Chile. The court examined Article 13 of the American Convention on Human Rights and said that “By expressly stipulating the right to “seek” and “receive” information, Article 13 of the Convention protects the right of all individuals to request access to State-held information, with the exceptions permitted by the restrictions established in the Convention. Consequently, this article protects the right of the individual to receive such information and the positive obligation of the State to provide it.”



The importance to democracy of public access to state-held information has on many occasions been reiterated by influential global figures. Former Secretary General of the United Nations Kofi Annan said as far back as 1997 that “Information and freedom are indivisible. The information revolution is unthinkable without democracy, and true democracy is unimaginable without freedom of information.”



# THE NEED FOR FOI/ATI

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On January 16, 2018, two children, wards of the state, died in a fire at Walker’s Place of Safety in St. Andrew, Jamaica. Human rights advocate and blogger Susan Goffe discovered that electricity at the institution had been disconnected for non-payment and the electricity meter removed on Jan 1, 2018, two weeks before the fire took place. She also discovered that an illegal electricity connection existed at the time of the fire. Both these discoveries raised serious questions about the circumstances under which the fire took place and how the state-run institution was being operated. Mrs. Goffe was able to acquire the documents containing this information under Jamaica’s Access to Information (ATI) Act.

In 2017, the Sunday Express in Trinidad and Tobago used the Freedom of Information (FOI) Act to get information on outstanding judgments in the courts. The Express discovered that there were still judgments that had been outstanding for decades.

These examples highlight the importance of access to information laws, namely helping citizens understand the workings of government. Other important benefits are creating a more engaged and aware citizenry, improving checks and balances in government, helping citizens understand how tax dollars are being spent, creating a more favourable environment for business by helping to enhance accountability and transparency in government, and helping to expose mismanagement, malfeasance and corruption.

Access to Information (ATI) laws, or Freedom of Information (FOI) laws as they may also be called, allow citizens to access information in documents held by government. This can include minutes of meetings of state agencies, reports, letters, emails and maps. They help to demolish the walls behind which all this information about the workings of government has traditionally been hidden and kept from its rightful owners, the public. They also provide for circumstances in which information can be withheld in the national interest.

Access to information legislation has a long history. Sweden passed the world’s first ATI law in 1766. In 1946 the inaugural session of the United Nations General Assembly passed a resolution recognising freedom of information as a “fundamental human right and the touchstone of all the freedoms to which the United Nations is consecrated”. Today, UNESCO reports that 135 United Nations members states have adopted constitution, statutory and/or policy guarantees for public access to information.



# THE NEED FOR FOI/ATI

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This was echoed in 2022 by Director-General of UNESCO Audrey Azoulay, as she called on all countries to adopt guarantees of freedom of information. “Information plays an essential role in democratic societies. It helps debunk lies and counter disinformation; it undermines hate speech and encourages intercultural understanding. It helps combat extremism, promote informed decision-making and enhance transparency and accountability,” she said in her message to mark International Day for Universal Access to Information on 28 September 2022.

Former colonies of Britain like ours have long operated within an intense culture of secrecy in government. But Britain, over 20 years ago, passed the Freedom of Information Act 2000, joining the growing list of countries which have adopted access to information laws.

Countries in the Caribbean which have passed access to information laws include Belize (1994), Trinidad and Tobago (1999), Jamaica (2002), Antigua and Barbuda (2004) and Guyana (2013). In 2015, the Association of Caribbean Media Workers passed a resolution calling upon Caribbean countries that had not yet done so “to take prompt and credible steps towards ...advancing, passage and promulgation of Freedom of Access to Information legislation and regulations.”

It is high time we did so.





# STEPS FOR LOBBYING FOR FREEDOM OF / ACCESS TO INFORMATION LAW

01

**Build a coalition of local partners willing to lobby for the ATI Act**

02

**Write to Government and Opposition representatives to make them aware of the lobby**

03

**Start a publicity campaign - hold meetings, webinars, write op-ed pieces, issue statements and press releases calling for the legislation to be enacted**

04

**Seek regional and international endorsements of the effort**

05

**Seek meetings with parliamentarians to try to get commitments to table the Bill**







# FREQUENTLY ASKED QUESTIONS

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01

## **Why do we need an Access to Information law?**

Access to Information legislation gives you the power to ask for government documents. This is important to help citizens hold governments to account, understand how government works and how their tax dollars are being spent, and to help reduce corruption and mismanagement in government.

02

## **What does an Access to Information law do?**

Access to Information laws give effect to your right to access information held by the state. They set out the procedures for accessing information such as how you should make your application for information, what types of documents will not be released, and the procedures for appealing denials of applications for information.

03

## **Do I have a right to information held by the state?**

Yes, the United Nations has recognized that access to information held by the state is a human right. It is part of the right to freedom of expression, which is provided for in Article 19 of the Universal Declaration on Human Rights and the International Convention on Civil and Political Rights. Article 19 provides for the right to: “to seek, receive and impart information and ideas through any media and regardless of frontiers”.

04

## **Do Access to information laws allow access to all information held by the government?**

No. All access to information laws set out the categories of information which members of the public will not be able to access, e.g information that may affect national security.

05

## **What happens if my request for information is denied?**

The Access to Information law should set out the avenues you can use to appeal the denial of an application for access to information. This may include an appeal to a tribunal or an ombudsman, for example.

# FREQUENTLY ASKED QUESTIONS

06

## **Is freedom of information the same as access to information?**

The terms are generally used inter-changeably. Antigua and Barbuda, for example has a Freedom of Information Act while Jamaica has an Access to Information Act.

07

## **What are the kinds of information I can ask for?**

Freedom of information legislation has been used to ask for a wide range of documents, for example they have been used in Trinidad and Tobago by a bereaved parent to access his daughter's medical records and death report; in Jamaica by environmental groups to get information on river pollution, by human rights advocates in Jamaica to get information on a fire in which nine wards of the state died; and by unions in Trinidad and Tobago seeking to ascertain the cost of imported fuel.







# SUPPORT ORGANIZATIONS

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**Association of Caribbean Media Workers**

*Barbados*

<https://www.acmpress.org/>



**Media Institute of the Caribbean**

*Trinidad and Tobago / Jamaica*

<https://www.mediainstituteofthecaribbean.com/>



**Inter American Press Association**

*United States of America*

<https://en.sipiapa.org/contenidos/home.html>



**UNESCO**

*Paris*

<https://www.unesco.org/en>



**UNESCO Article 19**

*United Kingdom*

<https://www.article19.org/>



# SUPPORT ORGANIZATIONS

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**Reporters Without Borders**

*Paris*

<https://rsf.org/en>



**Committee to protect Journalists**

*United States of America*

<https://cpj.org/>



**International Press Institute**

*Austria*

<https://ipi.media/>



**Transparency International**

*United Kingdom*

<https://www.transparency.org/>



**Commonwealth Journalists Association**

*Canada*

<http://commonwealthjournalists.org/>



**Centre for Law and Democracy**

*Canada*

<https://www.law-democracy.org/live/>





# SUGGESTED ORGANISATIONS TO CONTACT

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**Non-Governmental Organizations**



**Academics**



**Human Rights Groups**



**Environmental Organizations**



**Media Houses**



**Law Associations**



**Business Groups**



**Good Governance Advocates**



**Journalists**



# LETTER TEMPLATE: SEEKING TO BUILD A COALITION

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Dear:

We are inviting you to partner with us to lobby for an Access to Information law to be enacted by the legislature. UNESCO notes that freedom of information or access to information as it is sometimes called, is important to promote the rule of law and build trust in a country.

We believe that such a law would have significant benefits for the country.

These include:

- Helping to create a more engaged and aware citizenry
- Improving checks and balances in government
- Helping citizens understand how tax dollars are being spent
- Creating a more favourable environment for business by helping to enhance accountability and transparency in government
- Helping to expose mismanagement, malfeasance and corruption

Although Freedom of Information legislation is often viewed as existing to help the media get information from government, such laws are meant to be used by all citizens. They have been used in Trinidad and Tobago by a bereaved parent to access his daughter's medical records and death report; in Jamaica by environmental groups to get information on river pollution, by human rights advocates in Jamaica to get information on a fire in which nine wards of the state died; and by unions in Trinidad and Tobago seeking to ascertain the cost of imported fuel.

Attached please see a list of articles showing how freedom of information legislation has been used in other Caribbean countries.

We are therefore asking you to join the coalition we are spearheading to call for a freedom of information law.

If you are willing to do so, please sign the enclosed copy of this letter and return it to us.

Sincerely,





# LETTER TEMPLATE: SEEKING SUPPORT FROM INTERNATIONAL PARTNERS

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Dear:

We, the under-signed citizens and organisations are seeking support for our lobby for the enactment of an Access to Information (ATI) Act for our country.

We believe that such a law would have significant benefits for our country. These include:

- Helping to create a more engaged and aware citizenry
- Improving checks and balances in government
- Helping citizens understand how tax dollars are being spent
- Creating a more favourable environment for business by helping to enhance accountability and transparency in government
- Helping to expose mismanagement, malfeasance and corruption

We are therefore asking that you issue a statement of support for our lobbying effort, as we believe this would be of assistance in helping us raise awareness of the importance of ATI laws.

Sincerely,



# LETTER TEMPLATE: ADDRESSED TO PARLIMENTARIANS

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Dear:

We, the under-signed citizens and organisations are asking the Parliament to table for discussion and passage an Access to Information Act. UNESCO notes that freedom of information or access to information as it is sometimes called, is important to promote the rule of law and build trust in a country.

We believe that such a law would have significant benefits for our country.

These include:

- Helping to create a more engaged and aware citizenry
- Improving checks and balances in government
- Helping citizens understand how tax dollars are being spent
- Creating a more favourable environment for business by helping to enhance accountability and transparency in government
- Helping to expose mismanagement, malfeasance and corruption

An increasing number of countries have been adopting ATI legislation. UNESCO reports that 135 United Nations member states have adopted constitutional, statutory and/or policy guarantees of access to information. We believe it is time for our country to do likewise. We are therefore asking you to support our lobby for this new law.

Sincerely,

# KEY POINTS

## TALKING POINTS FOR LOBBYING FOR FOI / ATI LAWS

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### **ATI Laws will be good for democracy**

ATI laws promote transparency and accountability and are therefore good for constitutional democracies such as those of the Commonwealth Caribbean.

### **ATI Laws empower citizens**

By providing access to state-held information, ATI laws make it easier for citizens and non-governmental organisations to understand the workings of government and decisions that are being made. They therefore make it easier to hold government to account, and to understand how tax dollars are being spent.

### **ATI laws help reduce corruption**

By shining a light into the corridors of government, ATI laws help reduce corruption. Government officials are less likely to engage in corrupt practices if they know there is legislation in place that may expose them.

### **By passing ATI legislation, we will join the growing number of countries around the world that have enacted ATI legislation**

UNESCO reports that 135 United Nations member states have adopted constitution, statutory and/or policy guarantees for public access to information. This is an indication that the global community has recognized the importance of ATI legislation.

### **ATI Laws give us access to information that belongs to us**

Information is held by the state but belongs to the people. ATI legislation provides a mechanism that allows the people to access information that belongs to them.

### **ATI Laws provide fair and balanced mechanisms for withholding information in the public interest when necessary**

Some sensitive information may need to be withheld, if releasing it would damage the national interest. ATI legislation provides mechanisms for such information to be reasonably withheld, according to criteria laid down in law. It also provides procedures to decide if and when such information can be safely released.





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#micinvestigates



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<https://www.facebook.com/caribmediatraining/>



**Instagram**

<https://www.instagram.com/micinvestigates/?hl=en>



**Whats App / Signal**

876-846-0525



**You Tube:**

<https://www.youtube.com/channel/UCy2ufUJ-a3CIO6QbgVg5uIQ>