

Anti-Corruption Helpdesk Answer

The right to information: Best practices and challenges in sub-Saharan Africa and small island developing states

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The right to information is an integral component of government transparency which enables citizens to hold those in power accountable. However, despite an increasing number of countries enacting right to information (RTI) legislation, effective implementation remains a challenge. Certain countries, such as those in sub-Saharan Africa and in small island developing states, face additional barriers to implementation, including financial constraints, a lack of digitalisation and the effects of climate change. This Helpdesk Answer addresses these challenges and cites best practices and recommendations to mitigate them.



Query

Please provide a summary of the best practices and challenges in implementing the right to information, with a focus on sub-Saharan African countries and small island developing states.

Main points

- The right to information is an integral component of government accountability as it equips citizens with the fundamental right to access the information they need to hold those in power accountable through transparent means.
- While most countries may have enacted right to information (RTI) legislation, their implementation in practice remains irregular. This is sometimes due to a lack of knowledge of the right or capacity to implement the law correctly, but there have also been cases where public officials and civil servants have deliberately denied access to requesters.
- Sub-Saharan Africa and small island developing states face further complex barriers to effective implementation of RTI legislation. These can include insufficient financial resources, a lack of training for staff, a lack of understanding or knowledge of RTI among public administrations and the public, external shocks such as those from climate change, smaller populations and a lack of digitalisation and education among the public.
- There is no one solution to ensuring the effective right to information in these contexts. However, a combination of robust legal frameworks guided by international best practices and standards, external pressure for non-compliance by international bodies such as the African Union, training for relevant staff and procedural handbooks, e-government frameworks and digital governance frameworks that reflect the context and citizen needs, plus others can help to ensure that citizens are able to use the RTI legislation to access the information they need to hold those in power accountable.

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Background

The right to information (RTI) is enshrined in international and regional human rights treaties and has been recognised as fundamentally important for democratic participation, transparency and accountability, and countering corruption¹. The United Nations has also linked this right to the achievement of sustainable development under the Sustainable Development Goals, with Indicator 16.10.2. measuring the “number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public right to information”. As of 2022, 136 jurisdictions had adopted legal guarantees for right to information (UNESCO 2023).

As the custodian of SDG 16.10.2., the United Nations Educational, Scientific and Cultural Organization (UNESCO) defines the right to information as “the right to seek, receive and impart information held by public bodies” (UNESCO n.d.).

The right to information is the legal right to access information that is held by a public body (UNESCO 2023:13). This refers to public information or data that is produced, received or held by public authorities while exercising a public task or a service of general interest, which may be recorded or stored on digital or analogue mediums (UNESCO 2023:11). These can cover a broad range of files and documents, and can include (but is not limited to):

- information related to sectors such as social, economic, political, business, legal, geographical, meteorological, seismic, scientific, transport, environmental, cultural, touristic, patent-related and education
- policy documents, national archives, records and registers, minutes, ordinances and laws, judicial decisions, emails, opinions, contracts, reports, models, results of research projects
- information available to use in multiples ways through inspection, extraction, certified analogue and/or electronic copies and certified samples of documents (UNESCO 2023:11)

Crucially, RTI legislation provides citizens with a legal basis to access facts and data concerning the exercises of any public authority and their use of public funds, which can help to prevent and uncover corruption and demand accountability (Transparency International n.d.a).

¹ Human Rights Council. 2020. Resolution 44/12. A/HRC/RES/44/12 (un.org)

According to Neuman and Calland (2007:5), governments enact RTI legislation for a variety of reasons: the drafting of a new constitution, a new administration is seeking to improve their image after a government scandal, to meet provisions for acceptance to multilateral organisations or to comply with international treaties and agreements.

The benefits of the right to information are widespread and evidenced through research worldwide. For example, research shows that through using the Right to Information Act (RTIA) in New Delhi, India, underprivileged communities were able to secure access to a basic public service without paying a bribe through increased transparency in services (Peisakhin and Pinto 2010). The authors conclude that this indicates that the right to information may result in lower corruption levels even in unequal societies.

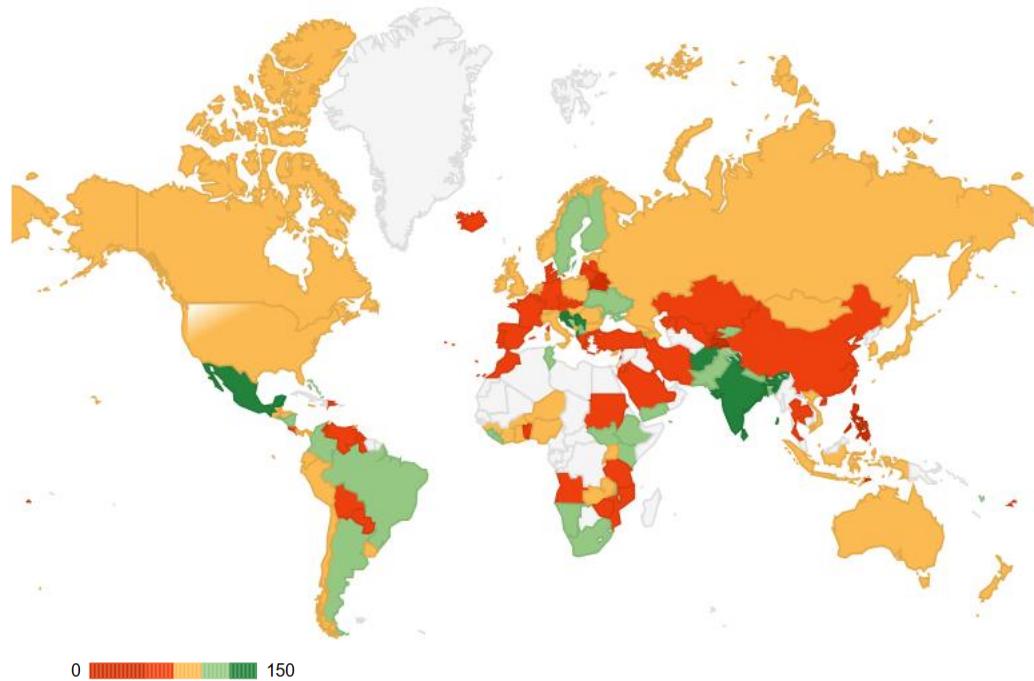
Cordis and Warren (2014) found that the freedom of information act (FOIA) in the US resulted both in reducing corruption and increasing the probability of corruption being detected, effects which were particularly clear in states where there was more media coverage of corruption. Their study found that switching to stronger FOIA laws led to an approximate doubling of conviction rates (Cordis and Warren 2014). Additionally, Cheung, Rau and Stouraitis (2020) find that there are lower levels of associated benefits for companies that pay bribes in countries that have higher levels of information disclosure, driven by freedom of information laws.

One of the main determining factors to whether RTI laws result in widespread right to information, and therefore greater government accountability, is whether these laws are effectively implemented. The effective implementation of RTI relies on several determining factors. These include the enabling conditions, which are: legal frameworks, advocacy efforts and policy prioritisation; the demand for information by the public and accessibility of the RTI processes; the institutional capacity for the processes, which includes staffing levels, staff capacity and staff incentives; and finally, oversight of implementation, which involves the monitoring and the enforcement of disclosure obligations (World Bank 2020:1).

Furthermore, it is important to distinguish between transparency gaps that arise from deliberate secrecy or a lack of political will and those that result from capacity constraints or administrative inefficiencies (Transparency International n.d.b:3). While some governments may demonstrate a genuine commitment to ensuring the right to information, structural and institutional limitations can nonetheless hinder effective implementation.

The Global Right to Information Rating (CLD n.d.) helps illustrate this gap between RTI legislation and effective implementation. This dataset assesses the strength of national legal frameworks for accessing information led by public bodies through a set of different indicators drawn from international standards. The indicators are divided into seven main categories: right of access, scope, requesting procedures, exceptions and refusals, appeals, sanctions and protections, and promotional measures. Figure 1 below shows the most recent map of the global state of RTI:

Figure 1: The Global Right to Information Rating map:



Source: Access Info and Centre for Law and Democracy (CLD n.d.)

Currently, the top three countries for their strength of national legal framework, that is the strength *de jure*, are Afghanistan, Mexico and Serbia. However, in the Centre for Law and Democracy's (CLD) assessment on the implementation of RTI, they found a different result in *de facto* the strength. While Afghanistan ranked first worldwide on the strength of its legal framework, the CLD assessment found its implementation of the law to be lacking, highlighting this crucial issue in the area of RTI (CLD n.d.).

The challenge of effective implementation of the right to information laws is particularly pertinent in regions where there are limited financial resources, lack of capacity, political instability and other external pressures such as climate change. In areas such as sub-Saharan Africa and small island developing states, these barriers are particularly present and prevent citizens from using their right to information and therefore hold duty bearers accountable.

As such, this Helpdesk Answer explores best practices for implementing the right to information, with a particular focus on the unique challenges and opportunities faced by sub-Saharan African countries and small island developing states. It also offers tailored recommendations provided by the literature to support effective and sustainable implementation in these contexts and others. The right to information is important in all countries, but in these contexts, it is particularly crucial as corruption can undercut their sustainable development and inclusive and equitable growth.

International standards and best practices

The right to information is enshrined in international conventions and declarations, particularly led by the United Nations (UN). Article 19 of the Universal Declaration of Human Rights states that:

“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.”

Additionally, Article 19 of the International Covenant on Civil and Political Rights states that:

“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

The Inter-American Court of Human Rights² and the European Court of Human Rights³ have found that the right to information forms part of the right to freedom of expression, and the United Nations Human Rights Committee has interpreted the right to freedom of expression as encompassing a right to information held by public bodies, and that this right has both a proactive and reactive element.⁴

In the United Nations Convention against Corruption (UNCAC), state signatories are required under Article 10 (public reporting) to simplify administrative procedures, where appropriate, to facilitate public access to the competent decision-making authorities and publish information, which may include periodic reports on the risks of corruption in its public administration.

Additionally, Article 7 requires state parties to enhance transparency in the funding of political parties, Article 9 requires transparent public procurement systems and Article 13 (participation of society) requires states to ensure that the public has the effective right to information. Prior to the UNCAC, only around one quarter of nations globally had

² Claude Reyes et al. v. Chile, judgement of 19 September 2006, Series C No. 151, paras. 76-77: “the right to freedom of thought and expression includes ‘not only the right and freedom to express one’s own thoughts, but also the right and freedom to seek, receive and impart information’.”

³ Magyar Helsinki Bizottság v Hungary App no 18030/11 (ECtHR [GC], 8 November 2016) para 156: “The Court accepts that a right of right to information may arise, inter alia, in circumstances where the disclosure of the information is instrumental for the individual’s exercise of his or her freedom to receive and impart information and where a denial of access would constitute an interference with that right.”

⁴ UN Human Rights Committee, General Comment No. 34 on Article 19 of the ICCPR (CCPR/C/GC/34, 12 September 2011), paras. 18-19: “Article 19, paragraph 2 embraces a right of right to information held by public bodies ... States parties should proactively put in the public domain Government information of public interest. States parties should also make every effort to ensure easy, prompt, effective and practical access to such information.”

legislated and provided for a right to information, but since it entered into force, it has increased to around 70 per cent of countries (Article 19 2022:8).

In the African context, the [African Charter on Values and Principles of Public Service and Administration](#), adopted by the African Union (AU) in 2011, mentions the right to information in Article 6, where it states that “Public Service and Administration shall make available to users information on procedures and formalities pertaining to public service delivery” and “Public Service and Administration shall ensure that administrative procedures and documents are presented in a user friendly and simplified manner”.

Each state party of the African Union is therefore required to adopt the legal and policy measures to align with the charter and are required to submit reports to the African Union on their progress. This means that, to comply, all member states should have RTI legislation in place. Moreover, the African Commission on Human and Peoples’ Rights adopted in 2019 an expanded [Declaration of Principles on Freedom of Expression and Right to information in Africa](#), which provides a comprehensive framework and guidance for the promotion and protection of the right to information on the continent (AFIC 2024).

In light of growing pressure from international bodies and legal instruments for states to adopt right to information frameworks, a range of international standards and best practices has emerged, providing a valuable foundation for national implementation. For example, UNESCO (2023:10) has developed [principles of the right to information](#). These include:

1. maximum disclosure: making the right to information applicable to all public bodies and restricted in only very limited circumstances
2. proactive disclosure: public bodies should disseminate widely information and documents of significant public interest without prior requests
3. processes to facilitate access: requests for information should be processed rapidly and fairly, and independent review of refusals should be available
4. costs: individuals should be protected from being deterred from making requests for information by excessive costs, even if this has a cost implication for public bodies
5. right of appeal: individuals should be allowed to have recourse to an independent body to review decisions made by public authorities
6. limited scope of exceptions: exceptions for withholding information from citizens should be clear, well-founded in law and narrowly defined and applied
7. promotion of open government: public officials should understand that openness is not just an obligation but a fundamental human right

8. protection for whistleblowers: those who release information on wrongdoing against any legal, administrative or employment-related issue should be protected (UNESCO 2023:10).

These principles have informed the development of recommendations for the legal foundations for RTI. They also include the right of citizens to access governmental information that should be guaranteed through the national constitution and legally founded by an RTI act (UNESCO 2023:26). Additionally, information should be available to anyone, whether they are citizens of the country in which they are requesting or not. The recommendations cover other aspects, including ensuring that right to information is accessible for all populations, including marginalised communities (UNESCO 2023:29).

The [Model Inter-American Law on Right to Information](#) (2010) also provides a useful basis for right to information legislation. It establishes the right to access information that is in custody or control of any public authority, requiring that it be complete, timely and accessible and is applicable to all public authorities, including “the executive, legislative and judicial branches at all levels of government, constitutional and statutory authorities, non-state bodies which are owned or controlled by government, and private organizations which operate with substantial public funds or benefits (directly or indirectly) or which perform public functions and services” (OAS 2010). Information held by authorities should be presumed public, unless there are legitimate exceptions, and it establishes appeal mechanisms if authorities refuse the requester the information (OAS 2020).

The [Model Law on Right to information for Africa](#) (2013) was developed by the African Commission on Human and Peoples’ Rights. This aims to support African states to fulfil the obligations under the African Charter on Human and Peoples’ Rights (ACHPR 2013). These are soft law standards but have reportedly influenced the development and implementation of national legislation in many African countries (AFIC 2024).

Finally, the World Bank has developed indicators to assess the implementation of the right to information (see [page 23 onwards](#)) by public agencies. These include indicators on proactive disclosure, the passing of RTI laws, lobbying, whether strategic litigation is allowed, and the monitoring and implementation of RTI laws, among others (World Bank 2020).

The state of right to information in sub-Saharan Africa and small island developing states

This section examines national-level legislation and implementation in sub-Saharan African countries and small island developing states, noting any recent developments in the area. It provides example case studies of countries that have implemented successful right to information laws but also noting pitfalls in these cases which can be observed in other countries in the region(s).

Sub-Saharan Africa

The Africa Freedom of Information Centre (AFIC 2024) finds in their recent assessment that the right to information on the African continent is gradually improving as many countries have enacted RTI laws and made significant progress. As of 2024, 29 African countries have adopted these laws, leaving 26 others that have not (AFIC 2024). Nonetheless, while this indicates a stronger commitment to transparency and government accountability on the continent, the impact of these laws has been mixed, with some countries lacking proper implementation (AFIC 2024).

Additionally, there has been increasing recognition on the continent regarding digital rights more broadly. In May 2025, the Economic Community of West African States (ECOWAS) Court of Justice issued a judgement declaring that Senegal's internet and social media shutdowns in June and July 2023 were violations of human rights (Toussi 2025). Access to the internet is recognised a key component and enabler of the right to information as it is the primary platform for sharing public information (OGP 2024).

Nigeria's RTI legislation is often cited as an example of a national legal framework on the continent that promotes transparency and accountability (AFIC 2024). The African Union special rapporteur assessed the implementation of Nigeria's freedom of information act (2011) and found that it has been transformative in the right to information in the country through, for example, the reports published by the Nigeria Extractive Industry Transparency Initiative and during the 2014 Ebola crisis when the government provided the public with proactive information about the disease (African Union 2018:4-5).

The Ministry of Agriculture in Nigeria also proactively published information on avian flu to help its containment when there was an outbreak in poultry farms (African Union

2018:5). Institutions such as the Independent National Electoral Commission and the Bureau of Public Service Reforms have also been noted to proactively disclose information (African Union 2018:7). More recently, a landmark case was passed in the Supreme Court of the Federal Republic of Nigeria, which unanimously affirmed that the freedom of information act (2011) applies to all tiers of government, including state institutions (ACHPR 2025).

However, other studies on the implementation of Nigeria's RTI law have found that it has not been implemented entirely effectively, with the police being the least cooperative of agencies when journalists have requested information (Egielewa and Aidonojie 2021). Moreover, there is also a lack of general awareness by the media of the act (Egielewa and Aidonojie 2023).

Additionally, the fact that the RTI law has overriding powers over every other statute has opened the door for abuse by some individuals, according to Okogbule and Kokpan (2024). Moreover, the African Union special rapporteur notes that not all public institutions in Nigeria have the capacity to execute their proactive disclosure mandate nor do they have proper record management practices as some physical records have been destroyed in natural disasters such as heavy rain (African Union 2018:8-9).

According to recent analysis conducted by EU SEE (2025a:10), the right to information laws in Zambia provides clear procedures for filing information requests and aim to make this process inclusive. However, EU SEE's analysis notes that in practice these procedures are not fully operational or accessible, hindering its inclusivity in practice. Proactive disclosure by public administrations remains limited, despite the legislation mandating the publication of policy drafts, budgets and audit reports. Additionally, many websites are outdated or lack comprehensive documentation. While the legal framework is a positive step towards transparency, the report notes, there are ongoing challenges with its capacity, responsiveness and enforcement (EU SEE 2025a:10).

Similarly, in EU SEE's assessment of Sierra Leone's right to information law, the analysis also finds it guarantees access in principle but that its implementation is inconsistent (EU SEE 2025b:9). The report notes that "its implementation is inconsistent, politically mediated, and often symbolic rather than substantive" and that "the selective application of transparency norms reveals a pattern where access is granted when it aligns with government interests but withheld when it threatens political control or exposes institutional weaknesses" (EU SEE 2025b:9). Moreover, digital rights in Sierra Leone more broadly are shaped by informal repression, where connectivity has been disrupted during politically sensitive periods meaning that civil society's ability to monitor and communicate has been compromised (EU SEE 2025b:12).

Asogwa and Ezema's (2017:16) study found several incidences of what they term "deliberate denial of free access to government information" in Liberia, Zimbabwe, Angola, South Africa, Uganda and Nigeria. The Media Foundation for West Africa (MFWA 2022) also reported that despite Liberia being one of the first countries in Africa to have passed RTI legislation, journalists have expressed frustrations at the challenges they

have faced in accessing information from public authorities. For example, public authorities have responded to journalists' requests stating that records or documents do not exist or that staff were unable to respond to requests due to absences (MFWA 2022). One of the cited reasons for these denials is that public institutions do not have electronic databases where they store information or they do not use the existing databases regularly (MFWA 2022).

Asogwa's and Ezema's (2017) study concludes that, in their empirical analysis of the adoption of RTI legislation in African countries, in reality, freedom of information in the majority of countries was not fully implemented. This was primarily due to a lack of resources and fluctuating political commitment and leadership, the lack of state resources to implement the legislation and a lack of accessible independent oversight or monitoring body and/or appeal mechanism (Asogwa and Ezema 2017:17).

Small island developing states

Small island developing states are found in three geographical regions: the Caribbean, the Pacific and the Atlantic, Indian Ocean and South China Sea (UN n.d.). There is less in the way of regional analysis on the right to information as there is on sub-Saharan African, but a UNDP (2024) report on digital readiness in small island developing states found moderate success in providing the right to information. The UNDP cites the Dominican Republic as a successful case study, where its 2016-2020 digital agenda included e-government and digital services as one of its give priorities, which has resulted in more than 1,000 online services for its citizens (UNDP 2024:37).

However, the assessment does note that the majority of small island developing states still face challenges with the delivery and design of their government digital services (UNDP 2024). As of 2023, only 67 per cent of small island developing states' populations were online. Infrastructure, capacity and affordability are obstacles in these contexts (United Nations Caribbean 2024).

The Maldives is often cited as a leading example in terms of its legal framework and implementation of RTI. Its Right to Information Act (2014) created a strong legal framework, with its information commissioner's office often cited as being independent and enabling citizens to access appeals when their requests for information are refused (CLD 2023:9). It is also considered effective by providing sanctions for officials who wilfully obstruct the right to information and strong protections for whistleblowers (CLD 2023:10). Nonetheless, its implementation is not without its weaknesses. Secrecy provisions continue to allow the overriding of the RTI Act, and there is a lack of an explicit guarantee that submitting a request is free of charge (CLD 2023).

Additionally, in Jamaica, civil society groups created a coalition to advocate for amendments to strengthen the RTI law (Neuman and Calland 2007:5). This coalition included human rights and democracy non-governmental organisations (NGOs), journalists' associations, media owners, private sector representatives and the civil

service association. When the special parliamentary committee considered additional changes to the legislation in 2006, they did so based on the civil society monitoring efforts, which are the only available statistics on implementation, as no other monitoring efforts had been made (Neuman and Calland 2007:5).

Key challenges

The UNCAC Coalition (n.d.) notes that there are four key areas that prevent the successful implementation of right to information laws more broadly. These are:

- weak legal frameworks: that a weak or restrictive legal framework may exclude some types of information and/or exclude certain branches of government, among others
- other laws automatically override RTI legislation: this can increase secrecy or protect other areas, such as personal data, without taking into account the circumstances of each case
- lack of citizen awareness: RTI laws are only successful if citizens and civil society know how to use them, meaning inadequate promotion to citizens could be a barrier
- administrative cultures of secrecy: a wider culture of secrecy in public administrations could result in low response rates to requests (UNCAC Coalition n.d.)

A study by UNESCO in 15 African countries concluded that the right to information should be guaranteed in a constitution as well as through RTI legislation (UNESCO 2021). An effective institutional setup including an independent RTI oversight body is also necessary, with clearly defined and appointed roles, responsibilities and continuous staff training (UNESCO 2021). The study highlights the importance of public, civil society and business awareness (UNESCO 2021). It is easier to demand adequate implementation of systems and procedures where the law is clear and specific, with sufficient level of detail, than where it is vague or too general (Neuman and Calland 2007:9).

Beyond this, AFIC (2024) identifies several challenges which are relevant to the African context specifically. These include a lack of political will from some governments to uphold the right to information, a lack of awareness and capacity among public officials, civil society, media and citizens on the right to information, and inadequate resources, infrastructure and technology to process and disseminate information. AFIC (2024) also highlights that many African countries lack independent and effective oversight bodies and mechanisms to monitor right to information requests and that

there is a lack of coordination in many countries between RTI laws and other relevant legal frameworks and regional and international standards.

Cultural diversity is another added layer of complexity as different societies on the continent have unique norms and values regarding information access and often political resistance further exacerbates these challenges as some governments are reluctant to hand over information (AFIC 2024). There may be a challenge in some post-colonial countries where the languages of the administration, such as English, French, Portuguese and Arabic, may make documents incomprehensible to the majority of the population who may speak other local languages (Darch and Underwood 2010). Moreover, lower levels of education in some parts of the populations create barriers to access information (Asogwa and Ezema 2017:17).

The lack of widespread use of information technology and its regulation is also a challenge in many countries and regions on the African continent as well as small island developing states, despite increasing pressures for governments to modernise record systems and move towards e-government (Asogwa and Ezema 2016:6). While the African continent has made recent strides in information and communication technology (ICT) regulation in the last 15 years, driven by reforms in key areas such as interconnection, quality of service, infrastructure sharing and competition, 84 per cent of African countries remain in the least advanced levels of digital governance (ITU 2025:4-5). The continent remains the lowest globally in terms of digital governance benchmarks⁵ (ITU 2025:5).

The UNCTAD (2025), in an analysis of cyberlaws in Pacific small island developing states, similarly highlights the challenges of limited ICT uptake, restricted payment infrastructure and a shortage of digital skills. In many of the Pacific island countries, it is still essential to establish robust legal and regulatory frameworks to fully enable digital transformation and ensure that digital activities can thrive sustainably across the region (UNCTAD 2025).

Finally, small island developing states are at particular risk of the impacts of climate change. The economic cost associated with sea-level rise for these countries is estimated to be around US\$1.69 billion, which includes direct damage to buildings, infrastructure and agriculture from coastal flooding (EU 2023). Without adaptation, this amounts to around 1.2 per cent to 5.1 per cent of their GDP (EU 2023).

As such, the majority of these countries will have a large amount of public spending allocated to mitigating the impacts of climate change, as well as having their physical infrastructure damaged due to more regular and severe flooding, which may affect initiatives on government transparency. While there has been little research into the direct impact of climate change on the right to information in small island developing states, given the enormous wider impacts it will have on these countries, it is likely to also pose a challenge.

⁵ For more information, see [State of digital development and trends in the Africa region: Challenges and opportunities](#) (ITU 2025).

Recommendations

This section provides recommendations from the literature that addresses pitfalls in national legislation, as well as the implementation gap that is often noted in the area of the right to information. While many of these recommendations apply to all contexts, they have been adapted with specific considerations to the problems faced by sub-Saharan African countries and small island developing states, namely: restricted financial resources, a lack of digitalisation and smaller populations, among others.

Legislation and implementation

Legislation should be clear and specific to allow for successful implementation. Neuman and Calland (2007:4) describe the enablement of RTI legislation as a three-phase process: passage, implementation and enforcement. Additionally, the degree of societal involvement in the demand for and drafting of the legislation and embedding provisions for implementation into law are important points for successful implementation (Neuman and Calland 2011:5).

It is also easier to demand adequate implementation of systems and procedures where the law is clear and specific, with sufficient level of detail, than where it is vague or too general (Neuman and Calland 2007:9).

Staff in charge of the implementation should also be well trained. Moreover, in contexts where financial resources are constrained, the training of staff from the central information access service could rely on existing UNESCO online training courses and other training material already provided by international actors (CLD 2024:13).

There should be clear internal guidelines on implementation. Internal procedures are a particularly important point to help governments develop clear guidelines for public officials and civil servants to follow to ensure consistency in implementation (Neuman and Calland 2007:18).

Training manuals for line managers and information officers, internal rules relating to good practices and procedural matters are also integral to the success of implementation (Neuman and Calland 2007:18). Each public body should also have an information officer, and each country should have an independent oversight body tasked with monitoring and enforcing the RTI law.

Asogwa and Ezema (2017:17-18) set out a number of recommendations for African states to implement their RTI legislation fully, after conducting an analysis on the realities and challenges of freedom of information in African countries. Their first recommendation is that each country should set up a body responsible for overseeing and implementing RTI legislation, as well as training and guiding the government

departments responsible for providing information and working closely with NGOs to educate the public on their right to information.

Finally, they recommend that the African Union should sanction countries that fail to adopt RTI legislation (Asogwa and Ezema 2017). Additionally, the African Union should also set out a period of time in which all countries should have adopted RTI legislation and sanction countries that do not comply.

Civil society involvement

The media and civil society are particularly important in both the African and small island developing state contexts. Civil society involvement can support an effective right to information, advocate for legal reform, build popular support among the public, help to draft and shape the RTI legislation alongside policymakers, help citizens to understand their rights and monitor the implementation of RTI (Puddephatt 2009).

In countries where civil society is not included in the debate on the right to information, there is some evidence that legislation tends not to be well implemented. For example, Belize passed its freedom of information law in 1994 (one of the first countries in Latin America and the Caribbean to do so), but this was done with little public or parliamentary debate and no civil society involvement (Neuman and Calland 2007:6). Subsequently, the law reportedly had been rarely used, and civil society had little knowledge of the law and do not trust that it was able to deliver its goals of greater transparency.

One prominent case included a coalition of civil society groups that used strategic litigation to take a case from the domestic courts of Chile up to the Inter-American Court of Human Rights. The coalition had requested information regarding a forestry project that had a potential environmental impact, but did not receive the full information requested (Columbia University n.d.). They then brought a petition to the Inter-American Court of Human Rights, which found that the state had denied the right to information without a legal basis, which ordered Chile to adopt legislative measures to ensure the right to information in line with the American Convention on Human Rights (Columbia University n.d.).

Digital solutions

E-government is an important issue that needs to be addressed on the African continent and in small island developing states as it would greatly benefit the implementation of right to information legislation. The E-Governance Hub notes that e-government efforts need specific support (legal mandates, funding, trained staff) and must reconcile digital authority with citizens' needs and rights (E-Governance Hub n.d.). They argue that currently, many African e-government initiatives focus on supply-driven needs (focused

on technology rollout) rather than demand-driven (focusing on citizen's needs). These rollouts should address equity divides, particularly with rural areas and communities in poverty so that they do not reinforce existing divides (E-Governance Hub n.d.).

In terms of RTI more specifically, automated and artificial intelligence (AI) tools are increasingly used to support the implementation of RTI laws (CLD 2024:11). Some oversight bodies use automated programmes to compare how exceptions are used to deny the right to information, to ensure they are not being abused (CLD 2024:11). Such tools could be useful for small island states to help reduce the workload of staff working on implementing RTI legislation. Technology could also support these states with record management systems, particularly those that have already been developed elsewhere (CLD 2024:12).

In the face of the impacts of climate change on small island developing states, digital transformation can be used to increase government transparency and support countries to develop and deliver adaptation and resilience plans based on the best information available (Mackay et al. 2018:3). Therefore, increasing e-government could have the twofold benefit of both increasing transparency and increasing knowledge on climate change resilience.

Adjusting RTI for small island developing states

The Centre for Law and Democracy has developed the [Principles on Right to Information for Small Island Developing States: The Case of the Pacific](#) (CLD 2024). These examine the particular challenges that small population countries may face in the area of right to information and advises on the administrative structures necessary to put it into place (CLD 2024). A key notion of these principles is that instead of appointing separate information officers in each public authority to respond to requests, a central unit can respond for the whole of the government, thereby both reducing the strain on the bureaucracy and concentrating expertise (CLD 2024). The CLD also recommends that while it is important that any resident should be able to make an RTI request, given that this could pose a burden on a very small bureaucracy, a more discretionary approach might be considered from non-citizens (CLD 2024:4).

However, the CLD notes that many processes and features of RTI do not need amending to suit small island states. For example, the report notes that there is no need to change the scope of information and public authorities covered by the legislation, the rules on requesting procedures, rules on exceptions (such as national security, privacy, public health and safety) and the system for sanctions for those who wilfully obstruct the right to information as well as protections for those who disclose information (CLD 2024:2-3).

Areas where the CLD recommends change include the appeals and promotional measures of RTI. This is largely due to the fact that these incur large bureaucratic burdens and may need to be alleviated somewhat in smaller island states (CLD 2024:5).

International standards call for those who are refused information under RTI legislation to have the right to appeal to an independent administrative body. However, it is not always possible for a dedicated independent administrative body to process information appeals, so the authors note that it makes more sense to set up this function in an existing independent oversight body, such as an ombuds office or human rights commission (CLD 2024:5). The authors also note that the appeals and promotional measures for the right to information would need adapting in these contexts. These areas require adaptation primarily due to the smaller sizes of their bureaucracies (CLD 2024:5). In small island states, it may be difficult for members of the public to know where to lodge an RTI request and there may not be any locus of responsibility for ensuring that requests are processed in accordance with the law (CLD 2024:7). Therefore, a practical approach could be to have a central information access service that receives requests on behalf of all public authorities and which has the power to compel all public authorities to provide them with records as well as the power to process and disclose those records (CLD 2024:7).

One example of a centralised information processing unit is in the province of Nova Scotia in Canada, where there is a dedicated information and privacy commissioner, but the processing of requests for information made to the executive is done by the Information Access and Privacy Services (CLD 2024:7). A centralised information access service also simplifies the process of reporting annually on RTI requests (CLD 2024:8). The CLD recommends that for these systems to succeed, countries adopting or revising laws should build them into the design of the law (CLD 2024:8).

The importance of context-sensitive implementation is evident in recent developments in the Pacific. In 2024, the Solomon Islands launched its right to information initiative, a collaborative effort between the University of the South Pacific (USP) and the United Nations Development Programme (UNDP) under the Strengthening Anti-Corruption, Transparency and Accountability in Pacific Island Countries programme, supported by the UK government. Now in its third phase, following pilots in Fiji, Vanuatu, Tonga and Samoa, the project focuses on digital innovation, including a mobile application, a website and an RTI digital literacy e-course. These tools aim to expand access, improve administrative efficiency and foster a culture of openness across smaller administrations in Pacific island countries (UNDP Pacific Office 2024).

The Solomon Islands experience illustrates how regional cooperation and technology-driven approaches can help overcome the structural limitations that small island developing states often face in implementing RTI frameworks. Embedding such initiatives within broader anti-corruption and transparency agendas can further ensure sustainability, strengthen institutional trust and support the gradual normalisation of the right to information as a fundamental democratic right.

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