

His Majesty King Abdullah
King of the Hashemite Kingdom of Jordan
C/O His Excellency Ambassador of the Hashemite Kingdom of
Jordan in the U.K
6 Upper Phillimore Gardens, London W8 7HB.
Fax: 0207 937 8795
E-mail: info@jordanembassyuk.org



Re: Jordanian draft Law Guaranteeing Access to Information

30 April 2007

Your Majesty,

We are writing to you on a private basis concerning the amendments made to the draft Law Guaranteeing Access to Information in the Lower House of Parliament last Wednesday, 25 April 2007.

The amendments made to the draft Law Guaranteeing Access to Information significantly undermine the fundamental basis of the proposed Law, and of freedom of information more generally, namely the existence of an independent body to ensure the proper functioning of the access to information regime.

According to the information at our disposal, the amendments specify that the Minister of Culture should be designated Chairman of the Information Council, and that the Information Council should be a governmental body, whose members would include the undersecretaries of the Ministry of Interior Affairs and of the Justice Ministry, together with the Director of Guidance of the Armed Forces.

In the last ten years, over fifty countries have enacted an access to information law. The practice of the last ten years is very significant. There are currently seventy-one access to information laws globally, and over fifty of these have been enacted in the last ten years.

In almost all of these laws, there has been an independent body which is responsible for overseeing the functioning of the access to information law. It would be a serious anomaly for Jordan to decide not to adhere to this requirement of international law and practice.

Article 19 of the Universal Declaration of Human Rights:

'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'

6-8 Amwell Street
London
EC1R 1UQ
United Kingdom
Tel: 44 20 7278 9292
Fax: 44 20 7278 7660
Email: info@article19.org
Web: www.article19.org

Executive Director
Dr Agnès Callamard

International Board
Galina Arapova (Russia)
Param Cumaraswamy
(Malaysia)
Paul Hoffman (US)
Gara LaMarche (US)
Daisy Li (Hong Kong)
Jorge Islas Lopez (Mexico)
Goenawan Mohamad
(Indonesia)
Arne Ruth (Sweden)
Malcolm Smart (UK)

Executive Board
Heather Rogers (Chair)
George Alagiah
Louise Christian
Anne Howarth
Richard Sambrook
Catherine Smadja
Mary-Ann Stephenson

Honorary Member
Aung San Suu Kyi (Burma)

ARTICLE 19
Research and Information
Centre on Censorship
(A company limited by
guarantee)

Company No.: 2097222
Reg. Charity No.: 327421

ARTICLE 19 has noted and greatly appreciates Jordan's desire to move steadily forward with the process of democratisation. Part of this important process is the task of bringing Jordanian laws and practices in line with democratic principles, including those on freedom of expression and access to information.

The right to freedom of expression, including access to information, is an essential requirement for modern democratic governance. It is a crucial human right in its own regard, and also helps gain citizens' trust in the democratic process and facilitate their understanding and participation in it. Freedom of expression and access to information also provide an effective safeguard against corruption and maladministration: without freedom of information, people in positions of authority can control the flow of information, 'hiding' material that they perceive as damaging and selectively releasing 'good news'. In such a climate, corruption thrives, human rights violations can remain unchecked and the democratic framework is undermined.

ARTICLE 19 believes that the original draft Law Guaranteeing Access to Information provided a good template for fulfilling the people of Jordan's right to know. Before the Lower House's amendments, the draft law provided a strong right of access to information held by public authorities, with some limited exceptions.¹ While it could have been improved in some respects, for example to ensure that the exceptions regime is not abused, we believe that in essence it represented a significant step forward. If enacted, it would have made Jordan a leader in the region in this field.

Furthermore, we would also like to draw your attention to the need to reform the State Secret and Documents Law (Provisional Law No. 50 of 1971), which violates internationally recognised principles on access to information and contradicts much of the new draft Law on Guaranteeing Access to Information.

ARTICLE 19 would also like to take this opportunity to express its concern about the latest amendments to the Press and Publication Law, which was promulgated last month. Among other things, the amendments raised the fine that may be imposed on journalists for violating the law to 20,000 Jordanian Dinars. We believe this is highly excessive. The mere threat of a penalty of this level, the imposition of which would bankrupt most individual journalists, has a serious chilling effect and violates international standards on the right to freedom of expression.

As you are aware, Jordan is looked upon as a leader in the region, and the laws adopted by your government will often stand as a model to others.

We therefore respectfully urge Your Majesty to continue raising awareness at all levels, including within the Government, Parliament, and Senate, about the importance of setting

¹ ARTICLE 19 has issued a memorandum on "Jordanian Law on Guarantee of Access to Information", December 2005: <http://www.article19.org/pdfs/analysis/jordan-foi.pdf>.

up democratic institutions and in particular about the importance of enacting a Law on Guaranteeing Access to Information law which conforms to international standards and best practice and includes the existence of a fully independent monitoring body. We reiterate our point that it has been consistent practice for the last ten years, and in most older access to information laws, for an access to information law to have a wholly independent oversight mechanism.

Yours sincerely

Dr Agnes Callamard
Executive Director

Article 19 of the Universal Declaration of Human Rights:
'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'