

Information Status Report



June 2015

executive summary

For about an entire decade, serious efforts towards developing legislation to regulate Freedom of Information (FOI) in Egypt have been part of the agendas of both governmental bodies - such as the Ministry of Communications and Information Technology (MCIT), the Ministry of Justice and the Information And Decision Support Center (IDSC) - and Civil Society Organizations (CSOs) - such as the One World Foundation (OWF).

Throughout these years, the primary focus of the promoters of FOI-related initiatives and draft laws was, first and foremost, asserting that easy and free access to information is a right of every citizen. This argument is based on Article 19 of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, which sets forth that “everyone has the right to freedom of opinion and expression including the freedom to seek, receive and impart information and ideas through any media and regardless of geographic boundaries.” It should be noted that many initiatives were later launched based on Article 19, including the eponymous international organization. Moreover, Article 68 of the Egyptian Constitution approved by 98.1% of Egyptians embraced Freedom of Information as a universal right, establishing that “Information, data, statistics and official documents are the property of the People”.

With rapid and successive changes unfolding in the world, a pressing need emerges for the reevaluation of the significance of Freedom of Information. Political, economic, military and frontier-related developments require that Freedom of Information is addressed from a broader perspective. Information is no longer simply a right granted or controlled by the State, but has become a main pillar of government itself. Information is the foundation of proper decision-making, and the single most effective means to fight corruption and ensure that mistakes are not covered up. It is also the best defense against proliferation of rumors involving damage to national security.

Government effectiveness indicators - as well as international reports on global competitiveness, corruption, transparency and human development - show that more transparent governments provide for better governance, regardless of the specific country's economic, political or geographical

situation. There is also a clear relationship between development ranking and levels of openness and access to information.

States which do not make information available undermine their own future, eliminating the potential and capacity for critical thinking in their societies. They deprive themselves of the opportunity to identify different policy alternatives. Future generations become unable to compete in a globalized economy, having been barred from free access to knowledge and facts. Strong States are powered by knowledge. They realize that withholding information is most detrimental to national security, and therefore have everything under scrutiny. Yet, this does not mean that all information should be available for everyone, for every rule has its exceptions, and every concept has its defining parameters and terms.

Freedom of information should not be viewed as an intellectual luxury at a time in which Egypt is facing serious challenges. Rather, it must be viewed as one element in a package of new approaches towards building a Modernized Egyptian State. Chapter I of this report addresses this subject in detail, focusing on the relevance of Freedom of Information, its impact on transition to democracy. Chapter II discusses the institutional, legislative and cultural frameworks which advance, or undermine, Freedom of Information.

Chapter III addresses the types of disclosure of information and the rules of imparting thereof, as well as the required levels and conditions of disclosure with regard to National Security information.

Chapter IV presents the results of a survey conducted by the report team with a selected group of members of the Egyptian elite on the issue of Freedom of Information. Chapter IV also reviews the results of two in-depth interviews conducted with a group of media personnel and a group of researchers. The same chapter also outlines the results of 25 interviews conducted with users of the data provided by the Ministries covered in the report.

Chapters V and VI survey the status of information in a number of Service-Providing and non-Service Providing Ministries, respectively. For each ministry, the supply side is first addressed through an appraisal of information availability on the official ministry website; followed by an analysis of the demand side through interviews with individual and

institutional beneficiaries, assessing both the adequacy and quality of available information. An analysis of the gap between supply and demand follows, and the evaluation of each Ministry is concluded.

In an attempt to help decision-makers and officials responsible for enacting and implementing FOI Law in Egypt, Chapter VII provides a multiplicity of recommendations and proposals which hopefully will propel Egypt towards a more transparent and effective information era.