



The Right to Information and Anti-corruption in West Africa

**An Assessment of Implementation and Enforcement of International Frameworks in
Ghana, Liberia, Sierra Leone & Togo.**

May 2026



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Acronyms

ACAs	Anti-Corruption Agencies
ACAT	Association de défense des droits humains
ACC	Anti-Corruption Commission
ACDEG	African Charter on Democracy, Elections and Governance
ACHPR	African Charter on Human and Peoples' Rights
ANCE	Alliance Nationale des Consommateurs et de l'Environnement-Togo
AU	African Union
AUCPCC	African Union Convention on Preventing and Combatting Corruption
AYC	African Youth Charter
CACIT	Collectif des associations contre l'impunité au Togo
CDFDH	Centre de Documentation et de Formation sur les Droits de l'Homme
CEDAW	Convention on the Elimination of Discrimination against Women
CENTAL	Center for Transparency and Accountability in Liberia
CENI	Independent National Electoral Commission
CENTIF	National Financial Information Processing Unit
CHRAJ	Commission on Human Rights and Administrative Justice
CNDH	National Human Rights Commission
CPI	Corruption Perception Index
CSOs	Civil Society Organizations
DHRD	Declaration on Human Rights Defenders
DPFEAIA	Declaration of Principles on Freedom of Expression and Access to Information in Africa
DRC	Democratic Republic of Congo
ECOWAS	Economic Community Of West African States
EFCC	Economic and Financial Crimes Commission
EGDI	E-Government Development Index
EITI	Extractive Industries Transparency Initiative
EMB	Electoral Management Bodies
FOI	Freedom of Information
FOIA	Freedom of Information Act
FTDH	Fédération Togolaise des Droits Humains
HAPLUCIA	High Authority for the Prevention and Fight against Corruption and Related Offences
HeFRA	Health Facilities Regulatory Authority
HRC	Human Rights Committee
HRCSL	Human Rights Commission of Sierra Leone
ICCPR	International Covenant on Civil and Political Rights
ICPC	Independent Corrupt Practices and Other Related Offenses Commission
IIC	Independent Information Commission
LACC	Liberia Anti-Corruption Commission
NACIWA	Network of Anti-Corruption Institutions in West Africa
NGOs	Non-Governmental Organisations
NHRI	National Human Right Institutions
OECD	Organisation for the Economic Cooperation and Development
OGP	Open Government Partnership
PPCC	Public Procurement and Concession Commission
RAIC-SL	Right to Access Information Commission (Sierra Leone)
ROFECC	Réseau des Femmes contre la corruption
RTI	Right To Information
RTIA	Right to Access Information Act
RTIC	Right to Information Commission
SICEA	Stopping Impunity for Corruption through Enhanced Accountability
TI	Transparency International
TI-G	Transparency International Ghana
TI-SL	Transparency International Sierra Leone
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCAC	United Nations Convention Against Corruption

1. EXECUTIVE SUMMARY

This report explores the critical intersection between corruption and the Right to Information (RTI) in West Africa. It highlights RTI as a foundational human right and a powerful tool for promoting transparency, accountability, and achieving good governance outcome. RTI enables citizens, civil society organizations (CSOs), and media actors to access public interest information, scrutinize government actions, and participate meaningfully in civic life. It is enshrined in international legal frameworks such as the International Covenant on Civil and Political Rights (ICCPR), the Sustainable Development Goals (SDG 16), and the African Charter on Human and Peoples' Rights (ACHPR). Access to corruption-relevant information will help instil transparency and accountability.

In a two-step methodical approach, the study carried-out Desk-based compliance review of selected Right To Information (RTI) treaties and laws, and subsequently interviewed purposively selected institutional actors in four West African countries. The combined analysis shows that the effectiveness of RTI laws and mechanisms varies across countries. While many states have adopted Freedom of Information (Fol) legislation, implementation remains inconsistent, often hindered by weak institutional capacity, limited public awareness and political interference acts like internet shutdown. In Ghana, the 2019 RTI Act and the Right to Information Commission (RTIC) provide a strong legal framework and oversight, complemented by the Commission on Human Rights and Administrative Justice (CHRAJ). The strong institutional framework is weakened by weak enforcement and low citizen use, leaving anticorruption potential under-realized. Civil servants show moderate awareness, but citizen engagement is low due to bureaucracy, fees, weak digital infrastructure, and limited awareness. CSOs and journalists face delays and refusals, undermining RTI's anti-corruption effect and demand. Liberia has one of the earliest

Freedom of Information (FOI) Acts (2010) and an Independent Information Commission (IIC). Despite a solid legal framework, the IIC is underfunded and weak in enforcement. Public officials rarely respond to requests, and sanctions are almost never applied. Collaboration exists between the IIC and Liberia Anti-Corruption Commission (LACC), but both face capacity gaps.

Togo has constitutional and statutory guarantees (2016 RTI law, 2024 Constitution, 2021 procurement laws, 2020 press codes), showing that legal guarantees exist. Implementation is hampered by poor responsiveness, weak proactive disclosure, and political use of internet shutdowns. Civil society reports high costs, poor infrastructure, and low citizen awareness. Journalists and CSOs are main RTI users, but requests are rare. In Sierra Leone, the 2013 RTI Act created the Right to Access Information Commission (RAIC-SL), which is active and responsive, receiving thousands of requests annually (e.g., 19,399 in 2023). Civil society and media are active users, and whistleblower protections exist. However, challenges include under-resourcing, bureaucratic reluctance, exemptions, and outdated restrictive laws (e.g., criminal libel, 1965 Public Order Act). Women and marginalized groups face disproportionate barriers due to literacy, poverty, and digital divides. Sierra Leone case indicates a relatively vibrant RTI usage but undermined by administrative bottlenecks, resource constraints, and restrictive laws.

Comparatively, the report finds adoption, ratification and legal framework alignment with key global and regional standards is high, indicating a strong normative foundation. However, practical implementation varies significantly. Sierra Leone demonstrates high institutional responsiveness but suffers from weak judicial enforcement. Togo faces structural and digital barriers that limit access, while Liberia shows inter-agency collaboration

but struggles with legal constraints and low outreach. Ghana has a well-developed institutional architecture but needs stronger execution and public education to realize RTI's potential. Overall, RTI remains underutilized as a targeted anti-corruption tool. To address these gaps, the report recommends: Strengthening enforcement by empowering RTI agencies to sanction non-compliance and move beyond advisory roles; Improving duty-bearers' understanding of RTI's anti-corruption potential to embed it in daily administrative practice, encouraging proactive rather than reactive approach; Raising public awareness, especially among ordinary citizens and marginalized groups, through targeted campaigns and community media; Reducing administrative barriers via training, incentives, and improved funding to overcome bureaucratic resistance and capacity gaps; Bridging the digital divide by expanding connectivity and inclusive access to digital RTI platforms, especially in rural areas; Fostering cross-country learning through regional peer exchange and regional-level (e.g. The Economic Community Of West African States (ECOWAS) -level) monitoring to share best practices and strengthen RTI effectiveness.

2. INTRODUCTION

The Right to Information (RTI) is the public's right to access information held by governmental bodies. It empowers citizens to request and obtain records, decisions, policies, and data produced by public authorities. RTI is integral to freedom of expression and is recognised as a fundamental human right in many international legal instruments. Article 19 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) enshrine access to information as part of freedom of expression^{1,2}. These protections ensure individuals can hold state institutions accountable, participate in public life, and safeguard other rights.

Transparency and freedom of expression are not only related but intertwined. As Callamard (2010) argues, *transparency and accountability are inseparable from freedom of expression*, and any restriction undermines the capacity of society to hold power to account³. Transparency is a foundation for accountability, and freedom of expression provides the means for citizens and civil society to challenge power and expose wrongdoing⁴. Without the ability to seek, receive, or impart information, it means corruption-related information is hoarded, public discourse is constrained, and transparency is reduced.

In governance terms, RTI strengthens openness, fights corruption, and improves accountability. Corruption implies the existence of governance and institutional dysfunction. A properly institutionalized RTI contribute to open government, enabling citizens to track government decision-making, monitor service delivery, and demand better

governance outcomes. The Open Government Partnership (OGP) Fact Sheet emphasizes that legally enshrined RTI, when accompanied with strong implementation, such as timely responses to requests, is among the most potent tools for enabling transparency and accountability⁵. When RTI is weak, citizens cannot obtain the information needed to detect, expose, or resist corrupt practices. It also implies a civic space restriction. A closed or restricted public information space not only signals weak democracy and closed civic space, but also increases vulnerability to abuse, opacity, and lack of accountability.

International norms and standards provide benchmarks for how RTI should function. Their provisions specify disclosure arrangement for public interest information, procedures for making requests, obligations to publish reasons when information is withheld, appeal mechanisms, and oversight institutions. These frameworks aim to reduce opportunistic secrecy and ensure that government information is not arbitrarily withheld⁶.

This report documents how RTI is framed and operationalised in West Africa, evaluate its role in combating corruption and enhancing accountability, and identify policy recommendations that may strengthen RTI-anticorruption outcome. Evidence shows a strong global evolution on access to information, both in law and practice. According to Article 19⁷, about 120 countries around the world have adopted comprehensive RTI laws, encompassing nearly 90 percent of the world's population⁸. Organisation for the Economic Cooperation and Development (OECD) survey also shows that 78% of countries reported

1. The United Nations Human Right Office 'Universal Declaration of Human Rights at 70: 30 Articles on 30 Articles - Article 19' <https://www.ohchr.org/en/press-releases/2018/11/universal-declaration-human-rights-70-30-articles-30-articles-article-19>

2. Article 19 the International Covenant on Civil and Political Rights https://treaties.un.org/doc/treaties/1976/03/19760323%2006-17%20am/ch_iv_04.pdf

3. Ibid

4. Callamard, A. (2010) *Accountability, Transparency, and Freedom of Expression in Africa Social Research* Vol. 77, No. 4, *From Impunity to Accountability: Africa's Development in the 21st Century* (WINTER 2010), pp. 1211-1240

5. The Open Government Partnership "Right to Information Fact Sheet" <https://www.opengovpartnership.org/wp-content/uploads/2021/11/Right-to-Information-fact-sheet.pdf>

6. Ibid

7. Article 19 is a reputable global human right organisation that promotes freedom of expression globally. <https://www.article19.org/about-us/>

8. Article 19 'Right to Information' <https://www.article19.org/issue/right-to-information/>

having such provision in their laws⁹.

West Africa presents a particularly important context for exploring corruption and RTI dynamics. While many countries in the region have adopted RTI or Access to Information (ATI) laws, the degree of implementation, civic awareness, and institutional oversight varies widely (See Annex 2). An environment which limits access to information through restrictive laws, censorship, state-sponsored disinformation, internet shutdown or deliberate act of non-disclosure will hamper the media's capacity to amplify evidence of corruption, limit public oversight, and reduce civic participation. Instances of civic space being constrained, through restrictive information practices, limited citizen involvement, or weak enforcement, internet shutdown raise questions about the state of RTI in practice, beyond the law. In West Africa, RTI is crucial in the fight against corruption conversation given that high prevalence of corruption indicates the existence of institutional dysfunctionality¹⁰. Access to timely, accurate, and relevant information enables stakeholders to detect, expose, and challenge corrupt practices. Conversely, opacity in governance creates fertile ground for corruption to thrive.

This report presents diagnostic clarity on nature of RTI framework in the region, the gap between the law and the practice, and links to anticorruption. The report documents the extent that RTI legal frameworks in selected countries are functioning in reality, and what practices, norms, or institutional weaknesses are impeding them. It evaluates the gap between normative frameworks and national practices. The report also serves to illuminate how failures in RTI undermine anticorruption efforts, by masking government misconduct, under-reporting abuse of power, or making misconduct harder to expose. And lastly, it helps with recommendations that can help strengthening RTI and anticorruption.

⁹ OECD. (2022). *The Protection and Promotion of Civic Space Strengthening Alignment with International Standards And –Guidance*. OECD. https://www.oecd.org/about/publishing/Corrigendum_The-Protection-and-Promotion-of-Civic-Space.pdf

¹⁰ Ceva, E. & Ferretti, M. (2021) *Upholding public institutions in the midst of conflicts: the threat of political corruption* *Ethics & Global Politics* Vol. 14, 2021 - Issue 3

3. RTI: GLOBAL, REGIONAL AND SUB-REGIONAL LANDSCAPE

3.1. Global: RTI as a fundamental right; in international treaties and soft law

RTI is enshrined in various international human rights treaties. It is a central component of the right to freedom of opinion and expression, in Article 19 of the Universal Declaration of Human Rights¹¹ and of the International Covenant on Civil and Political Rights (ICCPR). Article 19 of the ICCPR, for example, guarantees the “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.”¹² It makes clear that states have the obligation to respect and fulfil this right within their jurisdiction without discrimination or, specifically, “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”¹³

In its General comment No. 34 on ICCPR’s Article 19, the Human Rights Committee (HRC) outlined the content and scope of this right, as well as measures that states ought to take to give it effect. According to the HRC, RTI encompasses the right of the public to receive or request information of public interest held by public bodies or private entities performing public functions, the right of the media to access information, the right of the public to

receive media output as well as the right of individuals to receive information on how their personal data is stored and used.¹⁴ It requires that states proactively provide information in the public interest, that they ensure access to information is “easy, prompt, effective and practical”, and adopt “necessary procedures” to facilitate access, including by adopting RTI legislation.¹⁵ In instances where fees for requests for information are necessary, the HRC advises that they should not constitute an impediment to access to information. It recommended that authorities provide reasons for any refusal to RTI requests and that they put in place measures for appeals for such refusals.¹⁶ The HRC additionally stressed that restrictions to the exercise of the right to freedom of expression – and by inference RTI – should “not put in jeopardy the right itself” and be limited to only those permitted under Article 19(3), that is, those that may relate either to respect of the rights or reputations of others or to the protection of national security, public order or public health and morals.¹⁷ These restrictions must be “provided by law”, only apply to the grounds provided in Article 19(3) and must be necessary and proportionate.¹⁸

RTI is also protected in other international treaties, including those that provide protections for the human rights of key vulnerable groups. The Convention on the Rights of the Child, for example, echoes Article 19 of the ICCPR, affording the same protection and exceptions to RTI as those enshrined in this Article to the child.¹⁹ Similarly, Article 9 of the Convention on the Rights of Persons with Disabilities includes specific obligations on states to “take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, ...to information and communications”, including by adopting measures that “promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information”, as well as access to new

11 Article 19 of the Universal Declaration of Human Rights.

12 Article 19(2) of the ICCPR, see <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

13 Article 2(1) of the ICCPR.

14 General comment No. 34 on ICCPR’s Article 19: Freedoms of opinion and expression, para 18, see <https://documents.un.org/doc/undoc/gen/g11/453/31/pdf/g1145331.pdf>.

15 *Ibid.*, para. 19.

16 *Ibid.*

17 *Ibid.*, para 21.

18 *Ibid.*, para 22.

19 Article 13 of the Convention of the rights of the child, see <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

information and communication technologies and systems, including the Internet.²⁰ These principles of equality and accessibility are reaffirmed in Article 21 of the same convention, which stipulates that information intended for the general public must equally be provided to persons with disabilities in accessible and usable formats and technologies appropriate to different kinds of disabilities, in a timely manner and without additional cost.²¹

The Convention on the Elimination of Discrimination against Women (CEDAW) also protects RTI, although it does not recognise RTI as a stand-alone right, but rather makes specific reference to women's right to educational information on health, well-being and family planning.²² RTI is equally reflected in an increasingly growing soft-law corpus. The United Nations (UN) Declaration on Human Rights Defenders (DHRD), for example, recognises it as a fundamental right that is essential to protect and defend other human rights. Article 6 of the Declaration stipulates:

"Everyone has the right, individually or in association with others:

3.2. Regional: RTI in regional treaties and soft law

In Africa, the African Union (AU) has introduced various regional hard and soft law instruments that require member states to respect, protect, promote and fulfil RTI. A first set of African legal instruments protect and promote RTI as part of broader human rights protections, including protections for key vulnerable groups. These include the African Charter on Human and Peoples' Rights (ACHPR), which protects every individual's right to receive information and express and disseminate one's opinions,²³ and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, which enshrines "the right to barrier free" access to information,

including communications technologies and systems, to persons with disabilities in Article 15(1).²⁴ Table 1 below presents meta-data on Africa ratification and domestication of the various global and continental instruments.

The African Youth Charter (AYC) further guarantees the right of young people to express their ideas and opinions freely, and to seek, receive, and share information and ideas in any form and through any media.²⁵

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the "Maputo Protocol"), meanwhile, obligates states to disseminate essential information with a view to achieving the elimination of harmful cultural and traditional practices and all other practices and establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women.²⁶

The African Union Convention on Preventing and Combatting Corruption (AUCPCC) provides for the right to information as fundamental right under Article 9, and further provides for the protection of whistleblowers and reporting persons under Art 5(5) & (6) (Legislative and other measures), It further provides for information on funding of political parties, under Art 10(b), as well as Article 12 (4) calling on State Parties to ensure that media is given access to information in corruption cases under adjudication.

In addition to these regional human rights instruments, the AU has adopted several normative instruments that require the protection of access to information as part of efforts to promote democracy, good governance, enhance integrity in the public service and administration, environmental protection and cybersecurity. Among these are the African Charter on Statistics,²⁷ the African Charter on Democracy, Elections and

20 See <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

21 Ibid.

22 Articles 10(h) of the Convention on the Elimination of Discrimination against Women, see <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

23 Article 9 of the African Charter on Human and Peoples' Rights (ACHPR), see https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf.

24 Article 15(1) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa https://au.int/sites/default/files/treaties/36440-treaty-protocol_to_the_achpr_on_the_rights_of_persons_with_disabilities_in_africa_e.pdf.

25 Article 4 of the African Youth Charter, see https://www.youthpolicy.org/uploads/documents/2006_African_Youth_Charter_Eng.pdf.

26 Articles 2(2) and 4(2)(f) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, see https://au.int/sites/default/files/treaties/37077-treaty-charter_on_rights_of_women_in_africa.pdf.

27 See https://au.int/sites/default/files/treaties/36412-treaty-african_charter_on_statistics_eng.pdf.

Governance (ACDEG)²⁸ and the African Charter on Values and Principles of Public Service and Administration.²⁹ The latter instructs each member states' public service and administration to make available to users information pertaining to public service delivery and enhance these users' access to information.³⁰ On the other hand, the ACDEG aims to "promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs" and requires each member State to guarantee conditions of free access to information with the electoral observer mission.³¹

Another set of guidelines, the 2017 Guidelines on Elections and Access to Information in Africa,³² highlight the critical role of information access in ensuring free and fair elections. These Guidelines detail the proactive disclosure obligations for electoral stakeholders. The Declaration of Principles on Freedom of Expression and Access to Information in Africa (DPFEAIA)³³, adopted in 2019, builds on the earlier 2002 declaration, further elucidating on the promotion, protection and interpretation of Article 9 of the African Charter. The AU Declaration contains a set of 43 principles that reaffirm and expand RTI and the right to freedom of expression for everyone, including journalists, whistle-blowers, and other persons who report wrongdoing or information of public interest.³⁴ It also emphasises the necessity of universal, equitable, and affordable internet access for realising the right to information and other human rights.³⁵

Table 1: RTI Adoptions and Ratifications in Africa

Key Treaties	No of ratifications
African Charter on Human and Peoples' Rights (Banjul Charter).	54 ratifications
African Union Convention on Preventing and Combating Corruption (AUCPCC).	48 ratifications
United Nations Convention Against Corruption (UNCAC).	54 ratifications
International Covenant on Civic and Political Rights (ICCPR).	51 ratifications
African Youth Charter.	42 signed, 38 ratifications
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).	49 Signatories, 44 ratifications
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (Africa Disability Protocol).	15 ratifications
Revised African Convention on the Conservation of Nature and Natural Resources (revised Maputo Convention).	42 signed, 30 ratifications
African Charter on Elections, Democracy and Governance (AC-DEG)	46 Signed, 39 ratifications
ECOWAS Protocol against corruption	15 Signed, 9 ratifications
Directive No. 01/2009/CM/UEMOA on the transparency code for public finance management within the WAEMU	08 Signed, 08 ratifications

Sources: Data from various internet sources as at September 2025.

Table 1 presents adoption and ratification for the major treaties showing a substantial adoption across the region.

28 The African Charter on Democracy, Elections and Governance (ACDEG), see <https://au.int/sites/default/files/treaties/36384-treaty-african-charter-on-democracy-and-governance.pdf>.

29 Article 6 of the African Charter on Values and Principles of Public Service and Administration, https://au.int/sites/default/files/treaties/36386-treaty-charter_on_the_principles_of_public_service_and_administration.pdf.

30 Ibid, Article 6.

31 Articles 2(10) and 19(2) of the ACDEG.

32 Guidelines on Elections and Access to Information in Africa, see <https://achpr.au.int/en/node/894>.

33 AU Declaration of Principles on Freedom of Expression and Access to Information in Africa, see <https://achpr.au.int/en/node/902>.

34 Ibid, Parts II, III and IV.

35 Ibid, Part IV.

3.3. Sub-Regional: RTI in sub-regional treaties and soft law

As shown in Table 1, regional adoption of the international and regional instruments is strong with more than three-quarter of African states being signatories and ratifying the major RTI treaties.

At the sub-regional level, the Economic Community of West African States (ECOWAS) has adopted a number of regulations related to access to information. These include:

- The ECOWAS Treaty which, in Article 66, guarantees freedom of access for media professionals and for information sources and promotes and fosters effective dissemination of information within the sub-region, including in indigenous languages.³⁶
- The Supplementary Act A/SA. 1/01/10 on Personal Data Protection which, like the Malabo Convention mentioned above, provides for a right of ECOWAS citizens to access and object personal information or ask for this data to be rectified or destroyed.³⁷
- The Draft Supplementary Act on a Uniform Framework for Freedom of Expression and the Right to Information (“Draft Supplementary Act on RTI”):³⁸ This draft act was adopted by ECOWAS Ministers of Information in January 2011 to regulate key aspects of access to information and freedom of expression within ECOWAS but still awaits the approval of the ECOWAS Heads of State and Government.³⁹ The draft act guarantees RTI as “a fundamental human and inalienable right” to be exercised without discrimination as well as the right to freedom of expression and independence of the media.⁴⁰ It applies to public and private bodies, defines

the procedure of access to information and the scope of exemptions, provides for a right to review in instances where RTI requests are denied,⁴¹ and protects journalists and their sources of information.⁴²

- *The Supplementary Act A/SA.2/0110 on Electronic Transactions Supplementary Act in ECOWAS:* This act creates a harmonized framework for the regulation of electronic transactions within the ECOWAS region. Among other things, it protects consumers’ right of easy, direct and permanent access to key financial and supplier information.⁴³

The RTI legal framework is strong in the region with substantial adoption, domestication and ratifications. Table 2 below presents assessment of the compliance with the provision using the key indicators. The assessment shows high compliance rate indicating a strong RTI legal environment.

³⁶ ECOWAS Revised Treaty, see <https://ecowas.int/wp-content/uploads/2022/08/Revised-treaty-1.pdf>.

³⁷ Articles 38-40 of the Supplementary Act A/SA. 1/01/10 on Personal Data Protection, see <https://www.statewatch.org/media/documents/news/2013/mar/ecowas-dp-act.pdf>.

³⁸ The Draft Supplementary Act on a Uniform Framework for Freedom of Expression and the Right to Information (“Draft Supplementary Act on RTI”), see <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Ffreedominfo.org%2Fdocuments%2FECOWASdraft2012march.doc&wdOrigin=BROWSELINK>

³⁹ Media Foundation for West Africa, “Free expression legal framework adopted by ECOWAS information ministers”, 25 January 2011, <https://ifex.org/free-expression-legal-framework-adopted-by-ecowas-information-ministers/> [last accessed on September 2024].

⁴⁰ Draft Supplementary Act on RTI, Articles 1 and 7.

⁴¹ *Ibid*, Article 7.

⁴² *Ibid*, Article 10.

⁴³ Article 4 of the Supplementary Act A/SA.2/0110 on Electronic Transactions Supplementary Act, see <https://ccdcoc.org/uploads/2019/10/ECOWAS-10216-Supplementary-Act-on-electronic-transaction.pdf>.

Table 2: Assessment of Compliance

Criterion/Indicator	Key Question	Assessment Result
RTI as a fundamental right	Does the legal framework recognize a fundamental right of access to information?	Yes: -The Constitutions of many West African countries guarantee Right to Information (See section 6). Article 9 of the African Charter; African Charter on Election, Democracy & Governance (Article 12), and the Model Law on Access information in Africa
Scope of information	Does the RTI apply to all materials held by or on behalf of public authorities in any format, regardless of who produced it?	Yes, mostly. Exceptions are established around national security, privacy and commercial confidentiality. There are some classified information that are not easily accessible to the public. For instance, the details of military budget are often not disclosed which are labelled by civil society actors as avenue for budget inflation and corruption.
RTI and access to the internet	Are there impermissible interferences with or disruptions of access to the internet and other digital technologies?	Varies by country. The risk for politically motivated internet disruptions exists, but has not happened in any of the countries except Togo where there has been frequent politically motivated internet disruptions.
Procedures for accessing information/timeliness	Are there clear and reasonable maximum timelines for responding to a request, regardless of the manner of satisfying the request?	In most cases, yes. There are stipulated procedural steps. But timelines are not often provided
Scope of exceptions	Are exceptions to RTI consistent with international standards?	Yes. The nature of exceptions are standards. And the scope relates to national security, privacy and commercial confidentiality.
Public interest test	Is there a mandatory public interest override so that information must be disclosed where this is in the overall public interest, even if this may harm a protected interest?	Yes, Mostly.
Oversight and accountability	Is there an independent information commission, or a similar oversight body, with whom requestors have the right to lodge an external appeal?	Yes. All the country cases, except Togo, has agency with RTI specific mandate. Ghana has RTIC, CHRAJ; Liberia has Independent Information Commission (ICC); Sierra-Leone has RAIC-SL. Togo has Access to Information Law passed in 2016 and an Access to information Authority which is the Ombudsman (2020 Organic Law) ⁴⁴ .
Proactive/maximum disclosure	Does the law/policy on RTI contain minimum standards on mandatory proactive (automatic, without having to be requested) publication of information?	Mostly yes, but compliance varies. RTI laws requires annual publication of organisational reports for public agencies, expectation of social media engagements

44

Organic Law No. 2021-006 Establishing the Composition, Organization, and Functioning of the Services of the Ombudsman of the Republic (Articles 10 & 11); <https://lemediateur.tg/wp-content/uploads/2022/03/Loi-Organique-N%C2%B02021-006-Fixant-la-Composition-l'Organisation-et-le-Fonctionnement-des-Services-du-MEDIATEUR-de-la-REPUBLIQUE.pdf>

Criterion/Indicator	Key Question	Assessment Result
Principle of non-discrimination	Is everyone guaranteed the right to access to information without distinction of any kind, on one or more grounds, including race, ethnic group, colour, sex, language, religion, political or any other opinion, political association, national and social origin, birth, age, class, level of education, occupation, disability, sexual orientation, gender identity or any other status?	Yes
Protection of witnesses, experts, victims and reporting persons (including whistleblowers)	Are there legislative or other measures for the protection of witnesses, experts, victims and reporting persons, including whistleblowers?	Specific law with extensive protection measures in two countries (Ghana and Liberia) and limited protection in general rules for those reporting corruption to the ACA (Sierra Leone and Togo).

Source: Author's

4. CORRUPTION AND ANTI-CORRUPTION EFFORTS IN WEST AFRICA

Corruption remains a pervasive challenge in West Africa and across Africa. Figure 1, below illustrates the performance of West African countries in Transparency International's Corruption Perception Index (CPI) which scores countries based on perceived levels of public sector corruption. The Chart shows West Africa countries individual score trends between 2019 and 2025. The Figure shows the countries have consistently scored poorly with most countries not achieving any improvement in score. The regional average score for 2025 is 32/100 and more than 50% of the countries scoring below this average. Cape Verde with 62/100 is the highest scoring countries in the region and Guinea-Bissau having the lowest score at 21

Figure 1: Corruption Control in West Africa

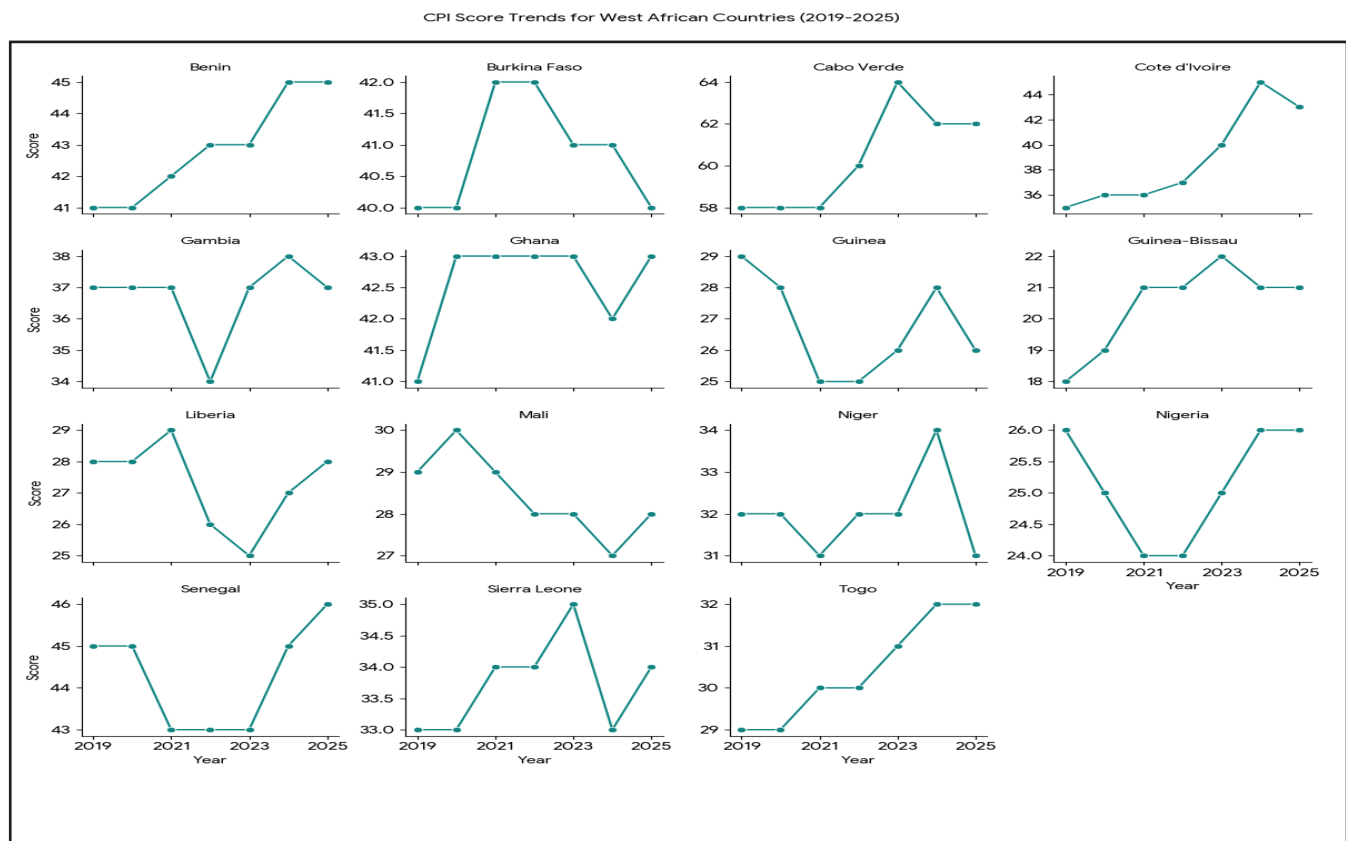


Figure 2 below further shows the net movement in corruption performance from 2019 as baseline. Most countries are flat or slightly negative, with only Côte d'Ivoire showing clear improvement.

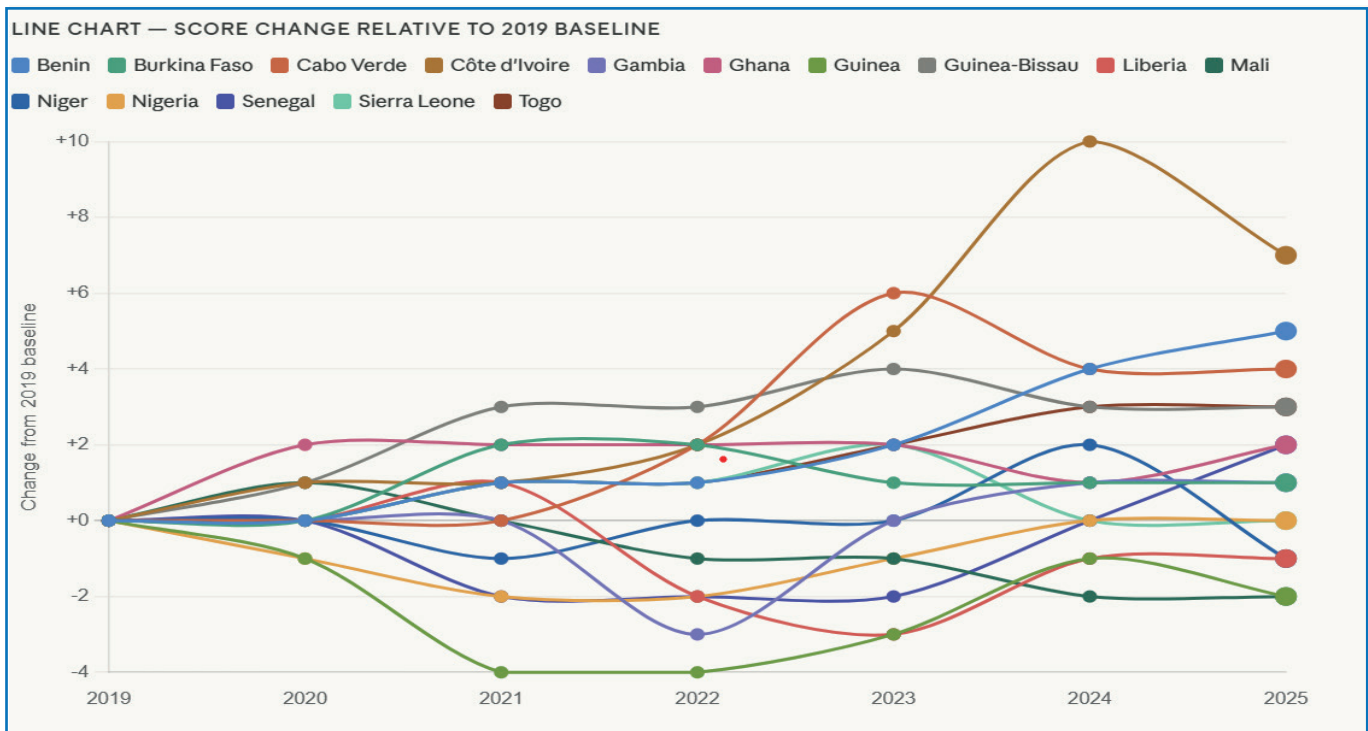


Figure 2: Changes in corruption level between 2019-2025

Data Source: Transparency International's Corruption Perception Index (CPI) 2025

Among the countries covered in this report, Liberia had the lowest average (27/100), followed by Togo (32/100), Sierra Leone (33/100) and Ghana (42/100)

There have been serious anticorruption efforts in the region demonstrated through national anticorruption frameworks and setting up of anticorruption agency (ACA). These efforts align with commitments made in international and regional frameworks such as UNCAC, the AUCPCC and the ECOWAS Protocol. Indeed, all countries in the region have ratified the AUCPCC⁴⁵ while only 12 ratified UNCAC⁴⁶ and nine ratified the ECOWAS Protocol against Corruption.⁴⁷ By 2021, they had all adopted criminal codes incorporating corruption-related offences and/or anti-money-laundering and combating the financing of terrorism laws, while at least nine had adopted an anti-corruption law, an anti-corruption strategy or both.⁴⁸ Of those countries, Mauritania is the only country to not be a member of the regional Network of Anti-Corruption Institutions in West Africa (NACIWA) set up by ECOWAS in 2010 to promote inter-agency cooperation in the fight against corruption and strengthen the capacity and independence of national ACAs.⁴⁹ 12 are Extractive Industries Transparency Initiative (EITI) members⁵⁰ and seven had joined OGP by 2016.⁵¹

Many ECOWAS Member States have also set up functional anti-corruption, oversight and procurement institutions,⁵² such as anti-corruption courts and supreme audit institutions. Take the case of Côte d'Ivoire, which is considered one of those West African countries to have made significant anti-corruption gains since 2012.⁵³ Besides ratifying UNCAC and the AUCPCC, it adopted an anti-corruption law, an anti-money laundering law, finalized a new

⁴⁵ <https://anticorruption.ou.int/en/documents/2021-06-11/status-ratification>

⁴⁶ Of the countries listed, Gambia, Liberia and Niger acceded to UNCAC but did not ratify the Convention. See <https://treaties.un.org/doc/Publication/MTDSG/Volume%20II/Chapter%20XVIII/XVIII-14.en.pdf>

⁴⁷ These are: Benin, Burkina Faso, Ghana, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo. See Alliance Nationale des Consommateurs et de l'Environnement du Togo (ANCE) and Transparency International, Status of the implementation of the ECOWAS Protocol on the Fight against Corruption: 20 years later, where do we stand? Delivering on our promises, December 2021, p. 20, available at <https://ance-togo.org/content/documents/english-version-final-report-02-02-2022-compressed-64740f72ef1e7300829524.pdf>.

⁴⁸ Alliance Nationale des Consommateurs et de l'Environnement du Togo (ANCE) and Transparency International, Status of the implementation of the ECOWAS Protocol on the Fight against Corruption: 20 years later, where do we stand? Delivering on our promises, December 2021, p. 9.

⁴⁹ Kaifala, B.F. "Presentation of the Network of Anti-Corruption Institutions in West Africa (NACIWA)", online at https://www.unodc.org/documents/treaties/UNCAC/COSP/session8/SpecialEvents/NACIWA_PRESENTATION.pdf.

⁵⁰ These are Burkina Faso (2009), Cote d'Ivoire (2008), Ghana (2007), Guinea (2007), Liberia (2008), Mali (2007), Mauritania (2007), Niger (2020), Nigeria (2007), Senegal (2013), Sierra Leone (2008), Togo (2010). See <https://eiti.org/countries>.

⁵¹ These are: Burkina Faso (2016), Cote d'Ivoire (2015), Ghana (2011), Liberia (2011), Nigeria (2016), Senegal (2018), and Sierra Leone (2013). See <https://www.opengovpartnership.org/our-members/>.

⁵² Ibid.

⁵³ Transparency International, "CPI 2020: Sub-Saharan Africa", 28 January 2021, online at <https://www.transparency.org/en/news/cpi-2020-sub-saharan-africa>; Duncan E Omondi Gumba, "Côte d'Ivoire should make more of its anti-corruption gains", Institute for Security Studies, 7 September 2021, available at <https://issafrica.org/iss-today/cote-divoire-should-make-more-of-its-anti-corruption-gains>.

National Anti-Corruption Strategy in late 2023, and established a number of anti-corruption institutions such as the High Authority for Good Governance (2014), the Court of Auditors (2018), the General State Inspectorate (2018), the Financial and Economic Crime Unit (2020) and the Ministry for the Promotion of Good Governance, Capacity Building and the Fight against Corruption (2021).⁵⁴

In Gambia, several institutional-legal frameworks and various national authorities have also been created to fight corruption, including the Attorney General's Office, the Director of Public Prosecutions, the Fraud and Major Crime Units of the police force, the State Intelligence Service and the Financial Intelligence Unit⁵⁵, ⁵⁶. Benin set up a Court of Auditors (2019), an Office of the High Commissioner for the Prevention of Corruption (2020), and a court of repression of economic and financial crimes,⁵⁷ while Nigeria has established two national Anti-Corruption Agencies (ACAs) - the Economic and Financial Crimes Commission (EFCC)⁵⁸ and the Independent Corrupt Practices and Other Related Offences Commission (ICPC)⁵⁹ - responsible for investigating and prosecuting alleged cases of corruption in the country.

The four countries under investigation have adopted similar legislative, regulatory and institutional frameworks. Ghana's Criminal Code criminalises bribery, extortion, the wilful exploitation of public office, the use of public office for private gain.⁶⁰ Complementary legal frameworks include the Whistleblower Act (2006), the Office of the Special Prosecutor Act (2017), the Witness Protection Act (2018) and the Right to Information Act (2019).⁶¹ Institutionally, the Commission on Human

Rights and Administrative Justice (CHRAJ), which also serves as the country's national human rights institution, leads the fight against corruption, along with the Economic and Organized Crime Office, the Office of the Special Prosecutor, the Ghana Police Service, the Attorney General's Office, the Auditor General's Office, the Internal Audit Agency, and the Public Procurement Authority, among others.⁶²

In Liberia, the Penal Code and several laws, regulations and policies seek to prevent and punish corruption. Among these are the National Code of Conduct for All Public Officials and Employees of the Government (2014), the RTI law (Freedom of Information Act of 2010) and a Whistleblower legislation (2022), thus becoming the second West African country to adopt such a law after Ghana. Meanwhile, the Liberia Anti-Corruption Commission Act (2008, replaced in 2022) - which not only punished acts of corruption, economic sabotage, bribery and mismanagement of public funds,⁶³ but also established a Liberia Anti-Corruption Commission (LACC) to investigate and, more recently, prosecute acts of corruption. Other institutions created to oversee the fight against corruption in the country include the Public Procurement and Concession Commission (PPCC) (2005) and the Liberia Revenue Authority (2013).⁶⁴

Sierra Leone's anti-corruption efforts have focused on adopting or amending legal and institutional frameworks.⁶⁵ It has adopted a standalone anti-corruption law in 2000 - that was amended in 2008 and in 2019 -, as well as an anti-money laundering and counter-terrorist financing measures Act (2012) and

54 Amnesty International, "Cote d'Ivoire: Authorities must respect human rights and protect the side of anti-corruption defenders", 5 February 2024, p. 2, <https://www.amnesty.org/es/wp-content/uploads/2024/02/AFR3176582024ENGLISH.pdf>.

55 They include the Constitution, Criminal Code, Criminal Procedure Code, the Anti-Money Laundering and Combating of Terrorist Financing Act of 2012, the Economic Crimes Act, the National Intelligence Agencies Act and the Evidence Act punish several offences - including bribery, trading in influence, money-laundering, embezzlement, abuse of functions and illicit enrichment Conference of the States Parties to the United Nations Convention against Corruption, Review of implementation of the United Nations Convention against Corruption, CAC/COSP/IRG/I/4/1/Add.62, 10 July 2018, online at <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/ExecutiveSummaries/V1804928e.pdf>.

56 Ibid, p. 10.

57 Amnesty International, *Anti-Corruption Fight in Peril*, supra, p. 48.

58 <https://www.efcc.gov.ng/efcc/>.

59 <https://icpc.gov.ng/>.

60 GAN Integrity, "Ghana risk report", 4 November 2020, <https://www.ganintegrity.com/country-profiles/ghana/#:~:text=Ghanaian%20anti%20corruption%20law%20is,bribery%20of%20foreign%20public%20officials>.

61 UNCAC Coalition, "The Ghana Anti-Corruption Coalition (GACC)", online at <https://uncaccoalition.org/ghana-anti-corruption-coalition/>.

62 Conference of the States Parties to the United Nations Convention against Corruption, State of implementation of the United Nations Convention against Corruption - Executive Summary: Ghana, CAC/COSP/IRG/2020/CRP.13, 26 August 2020, available online at <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementatGroup/31Aug-2Sep2020/V2004536e.pdf>.

63 Krista Lee-Jones, "Liberia: Overview of corruption and anti-corruption", U4 Helpdesk Answer 2019:11, 7 September 2029, p. 11, online at <https://www.u4.no/publications/liberia-overview-of-corruption-and-anti-corruption.pdf>.

64 Ibid.

65 David Olusegun Sotola and Roberto Martinez B. Kukutschka (2023) "Overview of corruption and anti-corruption in Sierra Leone", U4 Helpdesk Answer, September 2023, available online at <https://knowledge-hub.transparency.org/helpdesk/overview-of-corruption-and-anti-corruption-in-sierra-leone-1>. This paragraph draws subsequently on this source.

an RTI law (2013). It also established the office of the ombudsman (1997), the Office of the Auditor General (1998), an Anti-Corruption Commission (ACC) (2000), a National Public Procurement Authority (2004), a Right to Access to Information Commission (RAIC) (2014), and a special anti-corruption division at the High Court (2019), with the responsibility to prevent, eradicate and suppress corruption and corrupt practices, audit public accounts, regulate public procurement.

Similarly, Togo has adopted several anti-corruption laws and bodies. Among other things, it transposed several anti-corruption provisions in its new penal code (2015), adopted an anti-money laundering and terrorist financing law (2018), a law governing declarations of assets and liabilities of senior officials (2020). Togo has also established a court of auditors (1998), a law establishing the High Authority for the Prevention and Fight against Corruption and Related Offences (HAPLUCIA) (2015), a National Financial Information Processing Unit (CENTIF) (2008), and the General State Inspectorate (IGE) (2019).

Some of the above-mentioned reforms have brought about some positive changes. In Ghana, investigations by the Office of the Special Prosecutor have led to the resignation of several senior public officials⁶⁶ However, the effectiveness of these reforms is hampered by several challenges. Among these are regulatory gaps and the misuse or limited enforcement of existing anti-corruption and other complementary laws and regulations. In Benin, for example, the new law on the declaration and control of assets that was adopted in April 2020⁶⁷ is silent on the form and content of the declaration, and a new decree that should redefine those public officials subject to this obligation is yet to be adopted.⁶⁸ In most countries, in fact, provisions on the declaration of assets and

interests of public officials are not respected, and there are no legal repercussions for non-compliance. This is the case in Liberia, where public officials sometimes disregard the law,⁶⁹ or in Ghana, where neither the constitution nor the asset declaration law provides any specific sanctions in case of contravention or non-compliance with the asset disclosure requirement.⁷⁰

Lack of independence of key ACAs and judicial systems has been identified as another factor that allows corruption to continue to thrive in the sub-region. A 2016 review of the effectiveness of ACAs in Benin, Liberia, Niger, Nigeria, Senegal, Sierra Leone, revealed that many of these ACAs lack operational and financial autonomy, leaving them vulnerable to political interference.⁷¹ This is the case in Sierra Leone, where ACC lacks the same level of constitutional guarantees and financial, institutional and operational independence as other institutions such as the Auditor General.⁷² Elsewhere in the sub-region, some countries have been accused of politicising or using ACAs and anti-corruption courts to protect powerful wrongdoers or harass political opponents. In Benin, this politicisation of anti-corruption bodies is to be such that cases brought to light by the national ACA (HCPC) almost never lead to convictions by the judiciary,⁷³ while others are allegedly prosecuted against political opponents despite lacking sufficient evidence.⁷⁴ Across the region, a comparative analysis of ACA effectiveness using extent of compliance with the Jakarta Principles shows a mixed outcome with a good and moderate compliance with most of the indicators including indicator relevant to RTI like reporting. However, the assessment judges the extent of formal compliance and may be different from reality⁷⁵.

Even when laws, formal rules and sanctions

66 https://www.state.gov/wp-content/uploads/2024/02/528267_GHANA-2023-HUMAN-RIGHTS-REPORT.pdf, p. 15

67 Law No. 2020-9 of 23 April 2020

68 Social Watch Benin, *Civil society report on the implementation of Chapter II (Prevention) and Chapter V (Asset Recovery) of the United Nations Convention against Corruption in Benin*, p. 17.

69 Kaunain Rahman, "Liberia: Corruption and anti-corruption in the areas of environment, climate change and rule of law", *supra*, p. 11.

70 UNCAC Coalition, Ghana: *Civil Society Report by Ghana Anti-Corruption Coalition - An input to the UNCAC Implementation Review Mechanism: Third year of review of UNCAC chapters II and V*, p. 2

71 See, among others, Gilles Badet, Luc Damiba, Stéphane B Enguéléguélé, Emmanuel Gaima, Chijioke K Iwuamadi, Semou Ndiaye and Shine Williams (eds.) *Effectiveness of Anti-Corruption Agencies in West Africa: Benin, Liberia, Niger, Nigeria, Senegal, Sierra Leone - A review by Open Society Initiative for West Africa (OSIWA)*. Open Society Foundations, 2016.

72 UNODC. *Review of implementation of the United Nations Convention against Corruption. CAC/COSP/IRG/II/1/1/Add.14*, 29 January 2019, p.6, online at <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/ExecutiveSummaries2/V1900506e.pdf>

73 Stéphane Bobé Enguéléguélé, "General overview" in Badet et al (eds.) *Effectiveness of Anti-Corruption Agencies in West Africa*, *supra*, pp. 1-25: 9.

74 TV5 Monde, "Bénin: La CRIET accusée de partialité", [Benin: CRIET accused of being partial], 24 December 2021, <https://information.tv5monde.com/video/benin-la-criet-accusee-de-partialite>; Human Rights Without Frontiers, *Report on Human Rights and Political Repression in Benin*, September 2022, <https://hrwf.eu/wp-content/uploads/2022/09/HRWF-Benin-Human-Rights-and-Political-Represion-September-2022.pdf>, p. 8.

75 See Annex 3, *Comparative Analysis of the compliance of West African ACAs to Jakarta Principles presents a full Table of the extent of effectiveness.*

are appropriate, they alone appear to be inadequate in addressing corruption due to deep socio-cultural norms and the complex organizational factors.⁷⁶ In Nigeria, research shows that social norms around corruption drive the solicitation of bribes by law enforcement officials, whereas the giving of bribes is influenced more by circumstances and by people's beliefs about what other people are doing. More generally, these forms of corruption often occur as a practical response to obstacles and inefficiencies in Nigeria's administrative and economic systems.⁷⁷ In Ghana, reportedly, corruption in the public service is influenced by various socio-organizational factors – or “acceptable functional or dysfunctional beliefs and practices that regulate working relationships in the public service”.⁷⁸ These range from expectations of financial or non-financial reciprocity in working relationship to requests of superiors, obedience without questioning, lack of resources, lack of content knowledge of rules and regulations, opportunistic staffing by influential “godfathers”, informal sanctions for those who do not follow informal rules, all of which may discourage reporting of corruption.⁷⁹

Beyond these factors, evidence shows that corruption has been enabled by the current context, one characterised by democracy retreats, severe restrictions on civic space and on human rights, including those human rights that are essential for the prevention of and the fight against corruption (such as RTI and the rights to freedom of expression, association, and peaceful assembly), an entrenched culture of impunity for corrupt practices and human rights violations, and limited access to justice for these violations.⁸⁰ In a 2023 report, Amnesty International detailed 31 cases of repression against anti-corruption defenders in 19 West and Central

Africa countries from 2018 and 2023. These ranged from attacks on the rights to freedom of expression and peaceful assembly using defamation, cybercrime and “fake news” provisions, undue bans on demonstrations, to personal attacks such as threats, dismissals, economic harassment against journalists, CSO activists, civil servants, community leaders, and whistleblowers in Gambia, Mali, Niger, Nigeria, Senegal, and in Ghana, Sierra Leone and Togo.⁸¹ Similarly, the latest Afrobarometer report revealed that over 71% of respondents interviewed in 39 African countries believe that people risk retaliation or other negative consequences if they speak out.⁸²

These challenges are however not unique to West Africa. A global report document 331 cases of murdered human rights defenders in 25 countries in 2020⁸³, 20 of these cases were registered as cases of anti-corruption defenders and 98% of those deaths (around 324 cases) occurred in 23 countries with high levels of public sector corruption or a CPI score below 45. It is in this context that corruption continues to thrive and undermine government efforts to tackle it and enhance good governance in the sub-region and in Africa as a whole.

76 Mercy DeSouza, Erasmus Keli Swanzy, and Maxwell Asumeng, “Should I Accept or Refute? Understanding the Socio-Organizational Factors Influencing Corruption in Ghana’s Public Service”, *Public Integrity*, 15 December 2023, <https://www.tandfonline.com/doi/full/10.1080/10999922.2023.2290749>; Leena Koni Hoffmann & Raj Navani Patel, *Collective Action on Corruption in Nigeria: A Social Norms Approach to*

77 *Connecting Society and Institutions*, Chatham House report, 18 May 2023, online at <https://www.chathamhouse.org/2017/05/collective-action-corruption-nigeria/executive-summary-and-recommendations>. Hoffman and Patel, *Collective Action on Corruption in Nigeria*, supra.

78 DeSouza et al., “Should I Accept or Refute?”, supra, p. 5.

79 Ibid, pp. 6-10.

80 Amnesty International, *Anti-corruption fight in peril*, supra, p. 17; Paul Banoba, Robert Mwanjumba and Samuel Kaninda, “CPI 2023 for Sub-Saharan Africa: Impunity for corrupt officials, restricted civic space & limited access to justice”, Transparency International, 30 January 2024, online at <https://www.transparency.org/en/news/cpi-2023-sub-saharan-africa-corruption-impunity-civic-space-access-justice>; Jon Vrushni and Roberto Martínez B. Kukutschka, “CPI 2021: Corruption, human rights and democracy”, 22 January 2022, <https://www.transparency.org/en/news/cpi-2021-corruption-human-rights-democracy>.

81 Ibid.

82 Boniface Dulani, Gildfred Boateng Asiamah, and Patrick Zindikirani, “Amid rising corruption, most Africans say they risk retaliation if they speak up” *Afrobarometer Dispatch No. 743*, 6 December 2023, p. 18, online at https://www.afrobarometer.org/wp-content/uploads/2023/12/AD743-PAP5-Amid-rising-corruption-Africans-say-they-risk-retaliation-if-they-speak-up-Afrobarometer_3dec23.pdf.

83 FRONT LINE DEFENDERS GLOBAL ANALYSIS 2020 https://www.frontlinedefenders.org/sites/default/files/fld_global_analysis_2020.pdf

5. METHODOLOGY

This work is part of a four-part Africa study to identify and analyze the alignment between, and the domestication and actual implementation of, the identified RTI provisions in four regions of the African continent (Central, Eastern, Southern, and Western) with a particular focus on 11 specific countries in those regions. Eleven countries are covered in the four regions, and these are Congo, Democratic Republic of Congo (DRC), Ghana, Kenya, Liberia, Rwanda, Sierra Leone, South Africa, Togo, Uganda and Zambia. This report focuses on the research in West Africa.

To better understand and critically assess corruption and RTI dynamics, the study employs a mixed method methodological framework in a two-step study approach. The first step, above, consisted of desktop analysis of the most important provisions for RTI that embody anti-corruption commitments in key regional and international treaties. The most relevant and authoritative treaties for the purpose of this study are:

- African Charter on Human and Peoples' Rights (Banjul Charter).
- African Union Convention on Preventing and Combating Corruption (AUCPCC).
- United Nations Convention Against Corruption (UNCAC).

In addition to the above key treaties, the study considered the extent to which relevant provisions in the following treaties apply to access to information in the context of the fight against corruption in Africa:

- International Covenant on Civic and Political Rights (ICCPR).
- African Youth Charter.
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of

Persons with Disabilities in Africa (Africa Disability Protocol).

- Revised African Convention on the Conservation of Nature and Natural Resources (revised Maputo Convention).
- African Charter on Elections, Democracy and Governance (ACDEG).

The study also analyzed the main regional soft law instruments that outline the content, scope and key features of RTI in an anti-corruption context. The focus was primarily on soft law of regional and sub-regional organizations, such as the Economic Community of West African States (ECOWAS), as well as relevant soft law instruments adopted by the African Commission on Human and Peoples' Rights (ACHPR). Among these are:

- Declaration of Principles on Freedom of Expression and Access to Information in Africa (2019).
- Guidelines on Access to Information and Elections in Africa (2017).
- Model Law on Access to Information for Africa (2013).
- General comment No. 34 on ICCPR's Article 19: Freedoms of opinion and expression.

Using a list of compliance indicators (see section 4.2), the study assessed the level and extent of domestication and implementation of RTI in the context of anti-corruption.

In the second phase, using semi structured instruments, in-depth interviews were conducted in four selected countries (Ghana, Liberia, Sierra-Leone & Togo) with institutional respondents from Right to Informational agencies, Anti-Corruption Agencies, National Human Right Institutions (NHRI), Electoral Management Bodies (EMB) and Civil Society Organisations⁸⁴. The objective of the interview was to elicit the perspectives of duty bearers and the lived experiences of rights-holders, especially those of vulnerable and marginalized groups (such as women, youth, people living with disabilities). These interviews were conducted to supplement the desk-based analysis conducted in the first phase of the study, aiming to enhance

84 See Appendix for list of respondents' organisations

the analytical insights specific to the local RTI context and comparatively. The semi structure questionnaires⁸⁵ were administered to various national actors in the selected four countries through the TI National Chapters. In Ghana and Liberia, TI received responses from the national anti-corruption agencies (ACAs) while in Sierra Leone, the TI national chapter received responses from the Electoral Commission of Sierra Leone. TI national chapters in Liberia, Sierra Leone and Togo provided additional inputs, which are integrated in this report. The data were analysed using thematic comparative case study analysis.

6. COUNTRY CASE STUDIES

This section presents country cases based on desktop review and the interviews. This section presents country cases, while section seven presents a cross-country comparative analysis.

6.1 Ghana

The Constitution of Ghana guarantees the right to information⁸⁶, and in addition, Ghana is a signatory and has ratified all the major treaties included in this study. Since 2019, Ghana has passed the Right to Information Act (RTI Act) which provides the framework for exercising the right. The Act also created Right to Information Commission (RTIC) as the oversight body⁸⁷. Based on the review and the interview data, a strong case can be made of a broad institutional awareness of RTI and indication of mandate fidelity across the RTI oversight institutions. This is reflected in the work of important national institutions like the Right to Information Commission (RTIC) RTIC and The Commission on Human Rights and Administrative Justice (CHRAJ) which perform related oversight roles including enforcing access-to-information provisions, monitoring compliance and promoting transparency.

The interviews from Ghana reveal both optimism and frustration around the operation of the Right to Information (RTI) law, particularly when perspectives from civil society organisations (CSOs), media and the national agencies are considered. Taken together, they show that while the legal framework exists, the practice of RTI remains fraught with barriers, uneven enforcement, and limited citizen engagement. Together,

they highlight the opportunities and persistent challenges of access to information as a tool for transparency and accountability in Ghana.

Civil Society Perspectives

Civil society actors present a mixed but generally cautious optimism about the RTI regime. The respondent asserts there is limited public awareness of the right and the enabling law generally, however, many CSOs made requests under the law. The extent to which the right is enjoyed is impeded by bureaucratic and administrative bottlenecks, including fees, and nationally weak digital infrastructure and low digital literacy. Civil society actors, such as the Ghana Federation of Disability Organisations, admitted they had never submitted RTI requests, mentioning “unwillingness of public officers to release information”⁸⁸. Some CSOs, particularly those working directly on governance and accountability, use RTI systematically. One respondent noted, “we have tested the law extensively since 2021, submitting over thirty requests to different agencies”⁸⁹. Others, however, revealed that smaller organizations are reluctant or unable to use the law because of limited resources, lack of awareness, or concerns about bureaucratic hurdles.

For those who do submit requests, responses are inconsistent and the default is to not expect positive outcome. Institutions sometimes acknowledge requests but fail to provide the substantive information. Others provide incomplete or delayed responses, which undermines the utility of the information. A CSO representative recounted that even when the RTI Commission ordered an institution

86 THE CONSTITUTION OF THE REPUBLIC OF GHANA 1992 <https://judicial.gov.gh/index.php/fundamental-human-rights-and-freedom>

87 Adjin-Tettey, T. D. (2023) ‘Ghana’s Right to Information (RTI) Act of 2019: Exploration of its implementation dynamics’ *The African Journal of Information and Communication AJIC* vol.32

88 Interview with CSO representative in Ghana

89 Interview response with CSO

to disclose information, *“the agency chose to pay the fine rather than release the data.”* This reflects a worrying gap between the legal framework and its enforcement.

The CSO interviews highlight both progress and persistent gaps in the country’s implementation of the Right to Information (RTI) Act. On one hand, a wide range of requests have been made by CSOs to institutions such as the National Lottery Authority, Electoral Commission, Auditor General, Ghana Education Service, Police Service, and Attorney General. These requests span issues of procurement detail disclosure, compliance with political party audits, and fee regimes. Some of these have been granted, with agencies like the Electoral Commission and Ghana Education Service often responding. As the respondent explained, *“in many of the instances they are granted...as to whether they give you the adequacy of information you need would be the other question⁹⁰.”* This indicates that while formal compliance is visible, substantive responsiveness remains inconsistent.

Barriers to effective RTI implementation are both structural and practical. Exemptions under Section 5 of the law are frequently invoked, particularly on contract-related requests, forcing civil society to pursue lengthy appeals. Even when appeals succeed, some institutions intentionally delay or frustrate the release of information. Citizens with disabilities and those in geographically remote areas also face significant hurdles. As an interviewee noted, *“a blind person would need braille...somebody in a village would have to travel to Accra or rely on postage,”* making the process cost-intensive and exclusionary. Although internet shutdowns have not directly constrained access, connectivity gaps and the need for more user-friendly request systems remain.

Civil society also flagged financial and geographic barriers. Requesting information often requires physical travel to offices, and some agencies impose fees perceived as

excessive. Smaller organizations outside Accra, particularly those in rural areas, struggle more. As one CSO respondent put it, *“the law is there, but the practice does not empower the ordinary Ghanaian in the way it should⁹¹.”* Within the anti-corruption context, anti-corruption activists and journalists face the risk of attack and reprisal despite the existence of a law on whistleblower protection.

Despite these challenges, CSOs recognize the law’s symbolic and practical importance. They emphasized proactive disclosure as a solution. If agencies routinely published information, the demand for formal requests would decline. They also called for stronger sanctions for non-compliant institutions, more training for information officers, and broader public sensitization.

Government Oversight Agencies

Government institutions with oversight and accountability mandates, (mainly the RTIC, CHRAJ, and the Electoral Commission) provide a more confirmatory assessment of RTI, though they acknowledge gaps. Officials stressed their legal and constitutional responsibility to transparency also show how they have maintained mandate fidelity. The Electoral Commission explained that *“we exist for the people, not for ourselves⁹²,”* describing measures like press briefings, public education campaigns, and sign-language interpretation to ensure inclusive access to information.

The Right to Information Commission (RTIC) oversees the implementation of the RTI Act. The CHRAJ plays a dual oversight role, both as the national human rights institution and the anti-corruption functions. Based on the interview, the CHRAJ, recognises that *“corruption thrives in darkness and secrecy⁹³,”* highlighting an awareness that access to information deters misconduct. While RTI mechanisms are embedded within investigative and compliance procedures for both RTIC and CHRAJ, their application remains inconsistent. The interview shows that civil servants have moderate awareness of RTI provisions, but citizen engagement is limited due to bureaucratic inaction and low public

90 Interview response from a CSO representative

91 Interview with CSO representative

92 Interview with Electoral Commission

93 Interview with representative of Commission on Human Rights and Administrative Justice (CHRAJ)

awareness. The RTI Commission, though legally established, struggles with visibility and operational capacity. Overall, Ghana's RTI landscape is marked by institutional potential but hindered by implementation gaps and limited citizen awareness and possible backlash. The agency stresses its role in sensitizing and educating the public about their rights, as well as investigating violations of information access.

The RTIC outlined the procedural framework: citizens apply to an information officer, escalate to the head of the institution if necessary, and finally appeal to the Commission. However, officials admitted that no binding timeline exists for the RTIC to adjudicate appeals, causing lengthy delays. In some cases, information has been pending since 2021. Similarly, CHRAJ confirmed that while many agencies comply, others resist disclosure, often invoking exemptions such as national security or ongoing investigations. Accessibility was a recurring theme across the interviews. Oversight bodies recognized the disadvantages faced by persons with disabilities and citizens in remote areas. Solutions proposed include digitizing information requests, expanding internet infrastructure, and training officers in emotional intelligence to better handle citizens' queries. The Electoral Commission also described targeted outreach to vulnerable groups such as persons with disabilities, nursing mothers, the elderly, highlighting inclusivity as central to its democratic mandate.

Overall, government agencies see themselves as largely compliant, pointing to the many requests they have granted, while the interviews reveal that compliance is partial, uneven across institutions, and hampered by weak enforcement of sanctions. As observed by Civil society groups, citizens continue to experience delay and unwillingness of public institutions to disclose information using the exemptions and absence of disclosure timeliness as excuse for delay.

Media Perspectives

The media offer perhaps the most systematic

94 Interview response with journalist

95 Interview response with journalist

evidence on how RTI works in practice. For the Fourth Estate alone, over 250 RTI requests have been filed since 2021. Their experience reveals the tension between the promise of the law and the reality of its implementation.

In one early test of the law, journalists submitted 36 requests to 33 state institutions. Only seven provided information at the first instance, while 17 failed to even acknowledge receipt. Some institutions demanded exorbitant fees, for instance the Minerals Commission initially charged \$1,000 for data before the RTIC intervention that reduced the fee to two Ghana Cedis. Others simply refused disclosure despite Commission rulings, forcing journalists into lengthy court battles, even after the ruling, the Commission refused to release the data and instead spent \$27,000 fighting the matter in court. Similarly, attempts to access information on President Akufo-Addo's foreign travels and the costs of his private jet use were blocked on the grounds of "national security." In other cases, such as with the Health Facilities Regulatory Authority (HeFRA), the RTI Commission fined the agency for refusing information on hospital licenses.

The delays are especially problematic for media practitioners. As one editor explained, "for journalists, information is the oxygen of our work. If you don't have information, you can't do a story"⁹⁴. Delays of a year or more render data obsolete for time-bound reporting. The law stipulates that information officers must respond within 14 days and heads of institutions within 15 days if appealed. However, the RTI Commission itself has no timeline for adjudication, meaning cases can drag on indefinitely. According to a media respondent, "As we speak, we have information that we've requested since 2021. We do not have the data. The case has gone to the RTI Commission, but it has not been adjudicated"⁹⁵. Even when the Commission issues a ruling in favour of disclosure, institutions often ignore the order, preferring to pay fines rather than release the information. This undermines the effectiveness of the law and diminishes its deterrent effect. In some cases, stories had to be abandoned altogether. Journalists also noted that even when information is released, the data can be incomplete, inconsistent, or

of poor quality, limiting its usability.

Still, the media have also secured important successes. These include obtaining data from the prison service on foreign inmates, from the scholarship secretariat on beneficiaries, and from district assemblies on the use of funds. These cases demonstrate that persistence, appeals, and litigation can yield results, but they also highlight how costly and time-consuming access remains.

Contrasts and Convergences

The interviews reveal both commonalities and contrasts across stakeholders. All stakeholders agree that RTI is a fundamental democratic right and an essential tool for accountability. They also unite on the view that proactive disclosure is the most sustainable solution to reducing requests and preventing bureaucratic bottlenecks. However, differences emerge in perspectives on effectiveness. Oversight agencies highlight their openness and compliance, pointing to numerous granted requests and proactive measures. By contrast, CSOs and journalists stress the unevenness of compliance and the barriers that persist in practice, from unjustified refusals to excessive delays. While government actors emphasize inclusivity programs and awareness campaigns, CSOs and media remain sceptical, pointing to the lived reality of ordinary citizens and watchdog organizations.

In summary, the Ghanaian experience demonstrates that the RTI law has opened a formal avenues for transparency and accountability, however its best remains in its potential due to weak enforcement, institutional resistance, and accessibility barriers. Civil society and the media remain the most active users of the law, filing hundreds of requests and pushing institutions through appeals and courts. Oversight agencies highlight their legal commitments and outreach measures but also acknowledge systemic delays and exemptions. Ghana has relatively strong institutions supporting RTI, but enforcement remains uneven, and civil servants' unwillingness to disclose is a consistent barrier. The use of RTI is still low with low levels of submission among CSOs

despite awareness of the law. Citizens and journalists occasionally file requests, but follow-through remains inconsistent. The low level of awareness, access and the barriers to the use of RTI suggests RTI is of limited anticorruption effect.

6.2 Liberia

The right to information (RTI) is guaranteed by Article 15 of Liberia's 1986 constitution and the country's Freedom of Information Act (FOIA), also provides for the creation of an Independent Information Commission (IIC). The ICC is one of the first earliest regional legally independent establishments with the main mandate of enforcement, compliance and public awareness/education on freedom of information⁹⁶. This Commission however remains largely underfunded and understaffed and therefore unable to effectively ensure compliance with the FOIA and adequately promote it.

Liberia is a signatory and has ratified all the RTI relevant treaties indicating a strong domestic RTI framework. However, legal provisions on RTI do not always guarantee the effectiveness of the FOIA and full exercise of RTI in the country. Very few public officials respond to RTI requests and sanctions provided for in the FOIA in such cases are rarely imposed, if at all, in practice. Nationally, there is a partial compliance with obligation for public service to disclose information. This is compounded by a general lack of awareness and use of the FOIA, particularly by vulnerable and traditionally marginalised groups (e.g., women, youth, elderly, etc.).

Civil Society Organization (CSO)

The response from the Civil Society Organization shows an RTI experience marked by limited engagement and persistent barriers. The respondent candidly admitted, "No," when asked whether their organization had ever submitted an RTI request. Instead, they rely on secondary sources such as "media reports, newsletters, research and reports of Civil Society Organizations"⁹⁷ to access public information. This indirect approach suggests either a lack of confidence in the RTI system

⁹⁶ Independent Information Commission IIC(Liberia) https://infolib.org.lr/help/the_iic

⁹⁷ Quoted from interview a CSO representative

or limited awareness of its procedures and potential.

A landmark example dates back to 2016, when a request was submitted to the Ministry of Education concerning contracts for school chairs in Gbarpolu County, which was granted. This demonstrates the potential of RTI to expose procurement processes, but it also underscores the limited and sporadic use of RTI mechanisms by civil society. On systemic challenges, the CSO noted that internet restrictions such as the widely reported June 2019 social media shutdown during anti-government protests pose significant barriers, undermining accountability and the flow of corruption-related information.

Barriers to implementation were a central concern. The CSO cited “*unwillingness of public officers to release information*⁹⁸” and a general “lack of awareness” among both officials and the public. These challenges are compounded by delays and denials that “gravely affect journalists and advocacy groups,” undermining RTI’s role as a tool for civic engagement and oversight. The CSO also expressed concern about the absence of inclusive strategies. When asked about measures in place to support marginalized groups, the respondent was not aware of any steps or strategies in place, revealing a significant equity gap in RTI implementation. Importantly, this highlighted the disproportionate challenges faced by marginalized groups, especially people living with disabilities, as “*most public facilities are not accessible for all*⁹⁹,” creating structural inequalities in accessing public information.

Oversight and enforcement Institutions: The Independent Information Commission and the Liberia Anti-corruption Commission.

Two institutional interviews were conducted at national agencies with RTI related mandates. The Independent Information Commission serves as the regulatory backbone of Liberia’s RTI framework. Its representative described a structured and proactive approach to managing RTI requests and complaints. The Commission receives a steady stream

of submissions and has mechanisms in place to monitor response rates, enforce compliance, and build institutional capacity. It conducts training sessions, issues operational guidelines, and engages in public education campaigns to promote RTI uptake.

The IIC positions itself as the key guarantor of universal access to information. Its responsibilities include training Public Information Officers, promoting record management, and leading national sensitization campaigns. However, the Commission faces severe budgetary and capacity constraints, limiting its reach. Citizens, journalists, and CSOs are not uniformly aware of their rights, with the IIC acknowledging that “most citizens of the country have limited access to information, especially people in the leeward county or rural areas,” while only a subset of CSOs and journalists are well-versed in the FOI law. Importantly, the Commission articulates a strong understanding of RTI’s connection to anti-corruption and democratic governance. “*RTI is not just about documents, it’s about empowering citizens to demand integrity*¹⁰⁰,” the representative stated, framing information access as a civic right and a governance imperative. The Commission also appears committed to inclusive access, offering outreach programs tailored to women, youth, persons with disabilities, and indigenous communities, and deploying multilingual resources and mobile information units to bridge access gaps.

The Commission reports receiving 10 to 15 complaints annually, mostly related to denial of information. Some interventions have been successful, such as the one that compelled access in *Agenda Media vs. Roberts International Airport* and *Corruption Watch vs. Fonati J. Koffa*¹⁰¹, and sanctions have occasionally been imposed, for example against the National Transit Authority. However, systematic enforcement remains weak, with judicial proceedings often serving as the only mechanism to compel compliance.

98 Interview with CSO

99 Interview with a CSO representative

100 Interview with the Independent Information Commission (IIC)

101 Cited the in Interview with the IIC

The IIC also recognizes internet shutdowns as a violation that undermines accountability, while their own limited online presence constrains visibility of reports and decisions.

Despite these efforts, the Commission acknowledges persistent implementation challenges. Bureaucratic resistance, resource constraints, and inconsistent practices across institutions continue to undermine RTI effectiveness. The representative noted that “many officials still view information as power to be guarded rather than shared,” highlighting a cultural barrier that legal reforms alone cannot dismantle.

The Liberia Anti-Corruption Commission (LACC) views RTI as a strategic tool in its investigative and enforcement mandate. The LACC strongly affirmed that “*information is crucial to the fight against corruption*”¹⁰², as citizens cannot hold duty-bearers accountable without access to corruption-relevant data. Its RTI mandate is framed around collaboration with the Independent Information Commission (IIC), ensuring compliance with FOI law while promoting awareness and protection of whistleblowers. While staff at the LACC are familiar with the RTI framework through induction procedures, codes of conduct, and periodic trainings actual use of RTI by LACC staff remains limited. According to the Commission, RTI is actively used by civil servants “*by making written requests for information to relevant public institutions... to aid in the investigations of a matter before them*”¹⁰³. This reflects a functional uptake of RTI within the agency, primarily for internal operations rather than public-facing engagement.

The systemic vulnerabilities that affect RTI implementation was highlighted. Digital infrastructure is a particular concern, with the representative warning that “*internet shutdowns are very inimical to every democratic dispensation.*” Furthermore, the agency underscores the risks faced by whistleblowers and information requesters, referencing the Whistleblower Act and the need for police protection, legal aid, and reinstatement to safeguard those who expose corruption.

102 Interview with a Liberia Anti-Corruption Commission (LACC) representative

103 Interview with a LACC representative

104 Interview with a LACC representative

These reflections reveal a nuanced understanding of RTI not only as a legal right but also as a protective mechanism within Liberia’s broader accountability ecosystem.

The Commission runs broad awareness and outreach programs, including county-level engagements across all 15 counties, “*As I speak to you now, we are in Gbarpolu and raising awareness ... we have another team in Lofa.*” These initiatives include simplified materials, “*We provide copies of the anti-corruption laws ... in simple English for their understanding.*” The LACC has also innovated with the *Talkay app*, described as a tool that “*can be used even without internet for reporting. That makes it even more inclusive and participatory*”¹⁰⁴. Nevertheless, legal restrictions also constrain transparency: under the new LACC law, corruption-related information cannot be disclosed until an indictment is drawn, creating a sharp gap between the principle of transparency and its application in practice. Nevertheless, the Commission acknowledged the restrictive effect of the new LACC law, which “*does not allow information to go out into the public except when indictment is drawn.*” This gap between the spirit of transparency and the letter of the law limits the utility of RTI in real-time anti-corruption efforts.

Contrast and Convergence

Across the interviews, there is a shared recognition of RTI as a legally enshrined right and a potentially powerful tool for transparency and accountability. They all acknowledge that RTI has not yet reached its full potential in Liberia, citing barriers such as bureaucratic inertia, limited public awareness, and uneven implementation. Each institution also agrees that public education and outreach are essential to improving RTI uptake.

However, their engagement with RTI mechanisms diverges sharply. The LACC uses RTI tactically for investigations, the IIC manages RTI systemically through regulation and intervention, while the CSO remains largely disengaged from formal RTI processes. This divergence reflects their respective mandates

and capacities: enforcement, oversight, and advocacy.

Institutional responsiveness also varies. The agencies enforce compliance through structured procedures, while the CSO highlights the consequences of poor responsiveness for media and civil society actors. Their understanding of RTI's connection to corruption ranges from operational (LACC) to normative (Information Commission), while the CSO focuses on the barriers that prevent RTI from fulfilling its anti-corruption potential.

Responses from the interview suggests a more collaborative model, in which the Liberia Anti-Corruption Commission (LACC) works closely with the Independent Information Commission (IIC) to promote access to information. Awareness campaigns have reached diverse populations, including marginalized communities. However, legal constraints prevent the public disclosure of corruption-related information until formal indictments are issued. The IIC faces budgetary and logistical challenges, especially in rural areas, where citizen complaints are often stifled by poor infrastructure and limited outreach. Internet shutdowns remain a risk and strongly condemned by stakeholders, who view them as antithetical to democratic accountability. Despite these challenges, Liberia shows growing engagement with RTI mechanisms, particularly among civil society organizations and media practitioners.

LACC acknowledges the importance of information access but demonstrates limited application of RTI in practice. Staff capacity and awareness of RTI obligations remain weak. The IIC, which holds the national information mandate sees itself as a guarantor of access, though capacity and resources are constraints with the interview indicating low overall awareness. There is a general low access, awareness which highlight weak enforcement

and compliance from the public service and administrative challenges in providing timely responses. Public service bodies often lack the systems to process requests efficiently. Marginalized groups (women, youth, PWDs, rural communities) face additional barriers. The interview points to sporadic cases of RTI requests and complaints, but implementation seems inconsistent.

6.3 Togo

In Togo, RTI is guaranteed in the constitution and in various other laws¹⁰⁵. The country is a signatory and has ratified all the relevant RTI laws and treaties, but it is a high corruption environment. Free access to information is guaranteed in Article 26 of the 2019 Constitution and in various laws and regulations, such as the RTI law, Law 2016-006 of 30 March 2016 on freedom of access to information and public documentation,¹⁰⁶ the 2021 law on public contracts,¹⁶⁹ the 2020 Press and Communications Code that makes it illegal to prevent or prohibit media from having access to sources of information,¹⁰⁷ the 2015 law creating the High Authority for the Prevention and Fight against Corruption and Related Offences,¹⁰⁸ and the 2009 decree on public procurement and public service delegation code.¹⁰⁹

The implementation of RTI in the anti-corruption context however faces numerous challenges. One has to do with the lack of a specific anti-corruption law that could specify the type of information that ought to be proactively disclosed to help prevent and fight corruption in the country. This issue has been and remains at the centre of civil society advocacy efforts. It has also been raised in international fora, including during Togo's second cycle of the Universal Periodic Review (UPR) in 2016.

105 See Article 10-14 of the Constitution of the Republic of Togo <https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/38025/TGO38025.pdf>

106 <https://communication.gouv.tg/wp-content/uploads/2020/11/loi-n%C2%B0-2016-006.pdf>.

107 https://jo.gouv.tg/sites/default/files/publications/JOS_07_01_2020%20-%2065E%20ANNEE%20N%C2%B01%20BIS.pdf#page=1.

108 <https://itie-togo.com/wp-content/uploads/2017/04/Loi-N%C2%B02015-006-portant-cr%C3%A9ation-de-la-Haute-autorit%C3%A9-de-pr%C3%A9vention-et-de-lutte-contre-la-corruption-et-les-infractions-assimil%C3%A9es.pdf>.

109 <https://www.otr.tg/index.php/fr/documentation/sur-les-impots/textes-fiscaux-nationaux/decrets/29-decret-n-2009-277-pr/file.html>.

Civil Society Organisations (CSOs)

Civil society confirms that it has used RTI to request information, such as judicial documents. Some requests were granted, but CSOs emphasize structural obstacles: *“the main challenges... are risks of media censorship, lack of clarity in the RTI law concerning minorities, and lack of accountability in public services”*¹¹⁰.

They also stress inequalities in access, especially linked to the cost of internet: *“financial costs of internet are also factors disadvantaging certain social groups compared to others.”* Overall, CSOs remain critical: they do not receive *“sufficient information on anti-corruption policies and cases”*¹¹¹, relying mainly on media and social networks for updates.

Oversight Bodies and Human Right Institutions

The oversight bodies in Togo presents a paradoxical picture. While legally, the right to information (RTI) is recognized and supported, but in practice compliance is poor and citizen awareness is low. As stated, *“journalists and CSOs are aware of this fundamental right. However, when it comes to ordinary citizens, it must be noted that they are not really aware.”* The administration has started publishing online, with information *“downloadable online,”* but internet shutdowns remain a significant barrier.

Direct complaints related to RTI are almost non-existent: *“Almost none, the complaints received are more about economic and social rights”*¹¹². This indicates weak use of the RTI law. The respondent argues they operate without discrimination, *“the entire population is treated equally as provided by our Constitution”*¹¹³, but admits that broader sensitization and monitoring mechanisms are needed to ensure equal access.

The Ombudsman is the body responsible for implementing access to information in Togo, in accordance with the Organic Law of 2020. As such, it is responsible for receiving, under the conditions set out in this law, complaints concerning the functioning of State administrations, local authorities, public

institutions, and any other body entrusted with a public service mission, in their relations with citizens (Article 10). He conducts investigations to ensure the fairness, equity, and quality of services provided to citizens by the public administrations of the State, local authorities, public institutions, and any other body entrusted with a public service mission (Article 11). Citizens may refer a matter to the Ombudsman when a public administration refuses to grant them access to public documents in accordance with (Article 18). When a complaint appears justified, the Ombudsman of the Republic makes any recommendations that may resolve the difficulties referred to him (Article 22).

The National Human Rights Commission (CNDH: Commission Nationale des Droits de l'Homme) links RTI to its broader mandate of protecting fundamental rights. It underlined its responsibility to *“promote and protect human rights; protect human rights defenders; and prevent torture or other cruel treatment.”* The Commission also highlights its inclusive composition, *“The very composition of the commission takes marginalized populations into account, which improves the trust of these groups.”* This structural inclusion is intended to ensure representation of women, youth, persons with disabilities, and other vulnerable communities. Still, it identifies persistent challenges: *“low public awareness, weak digitalization of public services, and repeated internet shutdowns”*¹¹⁴.

For the High Authority for the Prevention and Fight against Corruption (HAPLUCIA), access to information is described as essential: *“it guarantees the transparency of government actions and makes it possible to detect, expose and repress acts of corruption.”* The agency emphasizes awareness-raising and dissemination of texts, but acknowledges limitations: *“Judicial and other corruption cases are difficult to access.”* Officials are trained and required to sign ethical codes, while capacity-building programs reinforce awareness of RTI. Anonymous reporting mechanisms are

110 Interview with a CSO in Togo

111 Interview with a CSO representative in Togo

112 Interview with a representative of the Togo Ombudsman

113 Interview with a representative of the Togo Ombudsman

114 Interview with a representative of The National Human Rights Commission (CNDH: Commission Nationale des Droits de l'Homme)

in place, supported by legal sanctions: “the law punishes state organs that disclose the identity of whistleblowers without their consent.” However, there are still gaps, for example, “no specialized support services exist for witnesses and victims”¹¹⁵, leaving protection measures incomplete.

The Independent National Electoral Commission (CENI) stresses that RTI is fundamental in democratic processes, “Access to information is a fundamental right because it embodies equality before the law and guarantees freedom of expression.” It claims that its staff apply this framework in practice by publishing and disseminating electoral information.

The media are described as an essential pillar of electoral processes that help guarantee transparency. Sensitization activities are organized regularly, even at the local level, to inform citizens and include vulnerable groups. CENI admits that internet shutdowns directly harm accountability, “Internet shutdowns encourage corruption and impact the transparency of electoral processes.”¹¹⁶

Convergence and Contrasts

All RTI actors agree that access to information is essential for transparency and the fight against corruption. Both state institutions, such as CENI, HAPLUCIA, and CNDH—and civil society organizations (CSOs) identify awareness-raising as a key priority. Across the board, internet shutdowns are viewed as a major threat. As noted, they oversight and enforcement agencies have considerable impacts on human rights as their work can elevate or undermine the fight against corruption (HAPLUCIA), and “encourage corruption and harm electoral transparency” (CENI).

However, perspectives diverge when it comes to implementation. The oversight body insists it is carrying out its mandate, whereas CSOs highlight a deeper “lack of accountability in public services.” Similarly, while CENI presents itself as transparent, CSOs contend that access to electoral and corruption-related information remains limited. HAPLUCIA

emphasizes its awareness campaigns but admits that judicial corruption cases are “difficult to access.” Meanwhile, the CNDH points to institutional inclusivity as a strength, while CSOs underline everyday barriers such as the high cost of internet and unequal access across social groups.

In summary, Togo’s RTI environment is characterized by limited institutional responsiveness and low public engagement. Anti-corruption agency focuses primarily on legal dissemination and public sensitization, but proactive disclosure remains rare. The national human rights institution has a legal mandate to monitor discrimination and promote inclusivity, yet citizen complaints are infrequent and often centred on economic grievances. Internet shutdowns are more frequent in Togo than in the other countries studied, posing a significant barrier to information access and civic participation. A momentous case with regional importance between *Amnesty International Togo and Ors vs. The Togolese Republic*, a case brought by a group of Togolese CSOs in 2020, in which the ECOWAS Community Court found that access to the internet is a “derivative right” that “enhances the exercise of freedom of expression” and, as such, internet access is “a right that requires protection of the law” and any interference with it “must be provided for by the law specifying the grounds for such interference.”¹¹⁷ This case was brought after the Togolese government shutdown internet access following anti-government protests

Civil society organizations cite high costs, poor digital infrastructure, and legal ambiguity as major obstacles to RTI utilization. While digitalization efforts are underway in Togo, they remain nascent and unevenly distributed. Journalists and CSOs appear to use RTI mechanisms more actively than the general population. The responses framed through a broader anti-corruption and accountability lens acknowledge RTI as essential, but practice is limited. The human right institutions recognize journalists and CSOs as the main users of RTI. As noted, “journalists and OSCs are

115 Interview with a representative of the High Authority for the Prevention and Fight against Corruption (HAPLUCIA)

116 Interview with a representative of the Independent National Electoral Commission (CENI)

117 *Amnesty International Togo and Ors v. The Togolese Republic* (2020) <https://globalfreedomofexpression.columbia.edu/cases/amnesty-international-to-go-and-ors-v-the-togolese-republic/>

conscious of this fundamental right. However, ordinary citizens are not really aware.” There is low level of access, awareness and barriers. The government has initiated digitalization of services, and much information is available online and awareness among average citizens is low. Major barriers include delays, limited outreach, and digital divides. Digital access and infrastructure are a challenge with the country having a record of politically motivated internet shutdowns¹¹⁸.

6.4 Sierra Leone

Sierra Leone’s Constitution guarantees RTI as an essential component of the freedom of expression and of the press¹¹⁹. This right is protected institutionally in the Right to Access Information Act (RTIA) of 2013, which applies both to public authorities and to private bodies. Sierra Leone appears to have a robust RTI framework and proactive institutional engagement. The country is a signatory and ratified all the relevant RTI treaties. The Anti-Corruption Commission (ACC-SL) integrates RTI into its operational strategy, offering whistleblower protections and incentives. The Right to Access Information Commission (RAIC-SL) receives thousands of RTI requests annually, demonstrating high levels of citizen awareness and institutional responsiveness. Disparities exist across the country due to limited infrastructure and the absence of RAIC offices in remote areas.

Civil Society Organizations (CSOs)

Civil society actors in Sierra Leone highlight both the promise and persistent limitations of the Right to Information (RTI). The interview indicates civil society organizations and journalists actively utilize RTI mechanisms, supported by annual compliance reporting and data. Transparency International’s local chapter reported making requests in 2023, such as for data on teenage pregnancy and sexual penetration from the Ministry of Health. While some requests were granted, refusals remain common, and remedies often rely on engagement with the Right to Access Information Commission (RAIC). This suggests

a reliance on institutional mediation rather than automatic compliance.

Grassroots CSOs like Women on Mining and Extractives painted a bleaker picture of access in rural areas. They stressed that because of the high rate of illiteracy, few people are exposed to internet especially “people in the rural communities that we operate”. They further noted that poverty, electricity shortages, and weak connectivity combine to exclude marginalized populations from exercising their RTI rights: “they cannot charge their phones and therefore it is very difficult for them to get information”¹²⁰.

CSOs consistently pointed to a significant gap between law and practice. While RTI is legally guaranteed, its benefits are concentrated in urban, literate populations. Remedies such as “continuous engagement in remote areas” and community awareness campaigns were seen as vital but insufficient without structural reforms. Civil society and citizens are confronted with restrictions to civic space. Among these are restrictions to freedom of assembly, which manifests itself in stricter regulations requiring, among other things, annual renewal of registrations and ministerial approval for projects. This also takes the form of strict laws that conflict with the provisions included in the RTIA, such as the criminal libel laws and the 1965 Public Order Act. During the 2016 UPR assessment of Sierra Leone, indeed, the government was urged to take steps to repeal these laws for a full and effective implementation of the 2013 RTIA.

Oversight and Human Rights Agencies

The RAIC presents itself as a key guardian of RTI. It emphasizes proactive compliance, noting that public authorities “now annually submit their compliance reports which gives inter alia the total number of requests they received for the year, the denials and reasons for said denial or refusal, the timeline for complying, and the number of female requesters.” Reported requests rose dramatically, from 369 in 2021 to over 19,000 in 2023. This surge

118 Media Foundation for West Africa (June 2025) ‘Togo: Internet disruptions amid post-protest repression’ <https://mfwa.org/country-highlights/togo-internet-disruptions-amid-post-protest-repression/>

119 The Right to Access Information Act, 2013 - Sierra Leone <https://www.sierra-leone.org/Laws/2013-02.pdf>

120 Interview with a representative of the CSO in Sierra Leone

reflects growing demand, but also pressure on the Commission's limited resources.

The RAIC is under-resourced suggesting an under-delivery, however, they have many successful interventions and penalties against defaulting authorities, *"these institutions have been fined and ordered to provide the information."*¹²¹ It also acknowledged structural barriers such as lack of regional offices, budget constraints, and weak monitoring.

RAIC-SL has high number of requests relative to the regional performance. In 2023 and 2022, 19,399 and 13,016 requests/complaints were lodged respectively with the RAIC-SL. This suggests a high level of awareness exists and relatively good RTI usage in regional term. Only few RTI cases have gone to court, however, reflecting weak judicial follow-up. The Right to Access Information Commission is seen as a mediator: when information is refused, *"they will write a letter of complaint to the Commission, who would then engage the entity involved to get them to release the information"*. This highlights an active, even if limited, enforcement role. Some requests succeed if they do not fall into exempt categories, but the process is often lengthy. Citizens rely heavily on the Commission to intervene. Stakeholders stress that *"there is no internet shutdown because that is not a practice in Sierra Leone"*¹²². This distinguishes the country positively from others in the region.

The Anti-Corruption Commission (ACC-SL), argues information is indispensable for every investigation, *"ACC rely immensely on information leading to crafting and designing of its strategies in the fight against corruption."* The agency has institutionalized access through an Information Desk and Resource Centre, while also making information available without hindrance via press briefings, social media, and public hearings in corruption cases. The ACC also highlights inclusivity, noting campaigns such as the 2022 International Anti-Corruption Day themed *"Deepening Inclusivity in the Fight against Corruption,"* which brought together women, people with

disabilities, and informal sector workers. Its whistleblower protections, including *"a reward of 10% on any case that is reported that leads to recovery of stolen wealth,"* are framed as strong incentives for public participation. The Human Rights Commission of Sierra Leone (HRCSL) links RTI directly to fundamental freedoms: *"communication is freedom of expression."* Its outreach strategies—radio, television, and town hall meetings—target marginalized groups, though infrastructural barriers like poor internet facilities and poor road network undermine access. The Commission condemns internet shutdowns as *"tantamount to human right abuse because it undermines the right to information."*¹²³

Convergence and Contrast

There is broad convergence on the principle that RTI is vital for democracy and anti-corruption. Agencies like RAIC and ACC stress institutional mechanisms, awareness campaigns, and inclusivity measures. CSOs, however, stress the lived realities of exclusion, arguing that *"more work need to be done so that people will get information especially people in rural communities."* All actors agree RTI is fundamental. RAIC stresses compliance reports and penalties, while CSOs lament rural exclusion and practical obstacles. The ACC views information as a strategic tool for investigations, while HRCSL frames it as a human right tied to dignity and participation. Oversight bodies tend to stress progress especially around compliance with their obligations under the law whereas CSOs underscore systemic failures and obstacles. There are significant barriers and obstacles, while CSOs point to illiteracy, poverty, electricity shortages, and poor connectivity, the HRCSL emphasizes infrastructure and internet shutdowns; RAIC acknowledges budget constraints; ACC highlights the risk of misuse of anonymity but stresses whistleblower protections. Oversight agencies report robust sensitization through outreach and campaigns, while CSOs stress persistent gaps, many rural populations are not aware of the laws that safeguard their

121 Interview with a representative of the Right to Access Information Commission (RAIC-SL)

122 Interview with a representative of RAIC-SL

123 Interview with a representative of RAIC-SL

right to access information. RAIC and ACC describe active implementation, citing compliance reporting, penalties, and outreach.

However, CSOs contend that implementation remains patchy, particularly outside urban areas.

A sharp contrast emerges in perceptions of effectiveness. Oversight agencies claim compliance and progress; CSOs emphasize barriers, inequities, and the urban bias of current implementation. This divergence highlights the continuing challenge: translating formal legal guarantees into equitable, universal access across Sierra Leone. The major barriers include bureaucratic reluctance and exemptions that limit disclosure. However, poor access to information and low levels of proactive disclosure are among the greatest obstacles to the prevention and fight against corruption and to access to justice in the country. The latter may be partly due to funding challenges and lack of technical capacity within the public administration. The Sierra Leone's model reflects an established and participatory RTI ecosystem.

7. COMPARATIVE CROSS-COUNTRY ANALYSIS

This section presents a comparative discussion of RTI and corruption using the interview and the assessment. Across Ghana, Liberia, Sierra Leone, and Togo, four themes emerge:

● Institutional Architecture Exists, but Implementation is Uneven

All four countries have anti-corruption agencies, information commissions, and human rights institutions formally tasked with guaranteeing access to information. Ghana and Sierra Leone appear to have relatively more active oversight institutions, with CHRAJ and Sierra Leone's Information Commission engaging directly with citizens. Liberia and Togo lag due to weak enforcement capacity and limited citizen outreach. This reflects the regional situation with most of the countries having being stronger in law, than in practice (See Figure 2).

● Citizen Awareness and Usage of RTI is Low

In every country, ordinary citizens are less aware of their rights than journalists and CSOs. In Togo, the responses explicitly contrast journalists' awareness with citizens' lack of knowledge. Ghana's CSO respondents admitted they never submitted RTI requests, citing public officers' reluctance. Liberia noted that vulnerable groups are particularly excluded, and Sierra Leone indicated that most citizens rely on Commission interventions.

● Bureaucratic, Cultural, and Capacity-Based barriers

The significant obstacles are i) *Administrative resistance* - unwillingness of public officers and bureaucratic inertia and bottleneck; ii) *Capacity gaps* - weak support infrastructure and staff low capacity; iii) *Reliance on discretionary enforcement* - most of the oversight agencies play mediating role and this process requires much discretion; iv) *Digital divides* - digital access and digitalisation is still poor in Africa and many ordinary citizens remain excluded.

● A wide implementation and perception gaps between Citizens, CSOs and duty-bearers

There is a wide gap in performance perception between the oversight agencies and the CSOs. While the agencies tend to stress their role, the progress and how they have delivered on their mandates, whereas CSOs and media are quick to point out obstacles and systemic failures. It is trite to note some of the challenges are structural and not localised in the agencies per se.

Table 3 presents a visual matrix to illustrate the comparative dynamics across the four countries. It captures performance and engagement across the major themes;

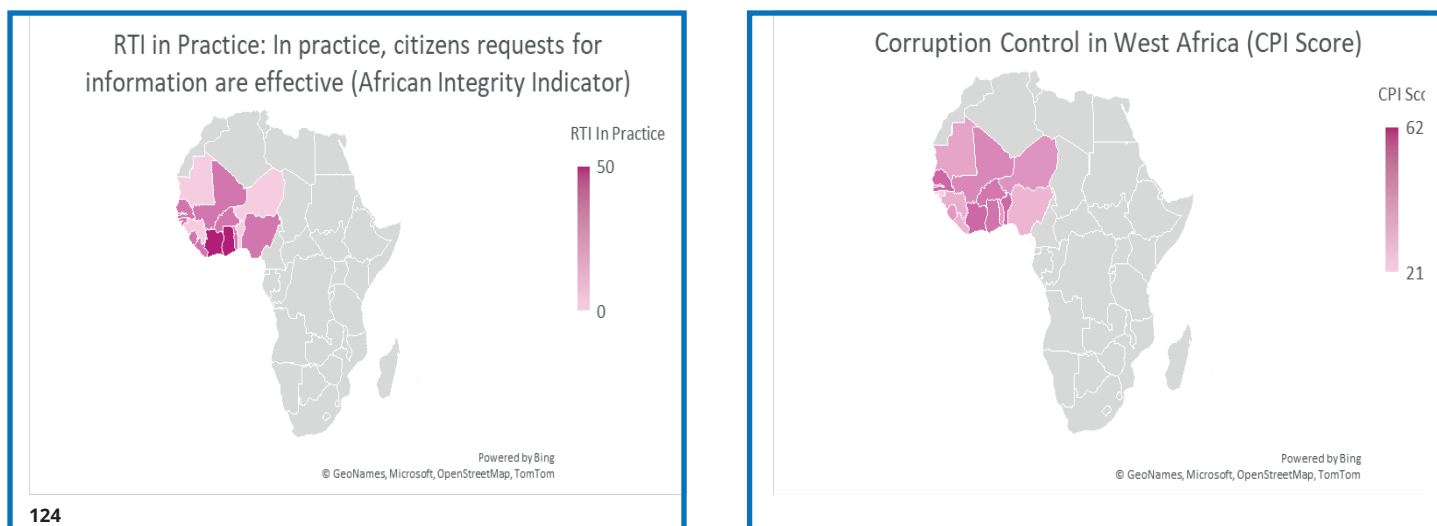
Table 3: Comparative RTI Landscape the Select Countries

Theme	Ghana	Liberia	Togo	Sierra Leone
ACA Integration of RTI	Investigative use within CHRAJ; moderate awareness	LACC collaboratively with IIC; cautious disclosure	Legal dissemination focus; limited transparency	Operational integration; proactive public engagement
RTI Awareness (Citizens)	Low; hindered by bureaucracy and limited outreach	Mixed; rural areas underserved	Low; digital divide and legal ambiguity	High; supported by outreach and compliance mechanisms
RTI Requests & Complaints	Media tend to use often, but CSO rarely. Citizen rarely	10–15 complaints/year; mostly denials	Rare complaints; mostly economic rights	Over 19,000 requests/year; formal channels active
Internet Shutdowns	Viewed as harmful to transparency	Rare but recognised as a threat	Frequent and disruptive	Rare but recognized as a threat
Barriers to RTI	Bureaucratic resistance, low awareness, Centralized RTIC system, inadequate digital infrastructure to digitalize request	Budgetary constraints, legal limits, partial compliance with RTI obligations	Poor infrastructure, high costs	Regional disparities, funding gaps
CSO Engagement	Limited; trust deficit with institutions	Expanding; supported by IIC	Constrained by access and cost	Active and strategic; supported by RAIC
Whistleblower Protections	Legal provisions exist but underutilized	Strong legal and psychosocial support	Legal framework present but weak uptake	Comprehensive legal and operational support

Sources: Authors

There is a broad institutional awareness of RTI as indicated in the responses across all the countries. The comparative matrix reveals that institutional responsiveness and citizen engagement seem to differ between the country cases. Sierra Leone has high institutional responsiveness, while Togo faces the most significant structural and digital barriers. Liberia demonstrates promising collaboration between agencies but struggles with legal constraints and outreach. Ghana, despite its institutional architecture, requires stronger implementation and public education to realize its RTI potential. Sierra Leone has operational RTI mechanisms with active Commission involvement, but weak judicial enforcement and reliance on discretionary decisions undermine predictability. Togo’s RTI regime shows digital reform efforts and some civil society usage, but low public awareness and persistent administrative barriers and digital interruptions hinder inclusive access. Liberia has the institutional architecture for RTI but faces weak implementation due to limited administrative capacity, low citizen awareness, and insufficient enforcement by oversight bodies. Though internet shutdowns were largely absent from Ghana, Liberia, and Sierra Leone and the respondents explicitly denied any such practice, past experiences (especially in Togo) suggest shutdowns remain a potential barrier in practice.

Figure 3: RTI in Practice versus Corruption Prevalence in West Africa



Sources: Authors

While the RTI-corruption link is generally highlighted in the interviews, and in theoretical terms, there is an institutional awareness of the link with transparency and accountability, practical application is poorly demonstrated in their work. In other words, RTI as an anticorruption mechanism is under-demonstrated. And the analysis suggests, the low level of awareness, access and the barriers to the use of RTI suggests RTI is currently of limited anticorruption effect.

124 RTI data from African Integrity Indicator (2024); Corruption data from TI-Corruption Perception Index 2024 score

8. CONCLUSIONS

This report discusses RTI, in law and in practice, evaluate its role in combating corruption and enhancing accountability, and with a view to generate recommendations that may strengthen RTI-anticorruption. The analysis presented in this report shows that RTI legal framework is strong in the region with substantial adoption, domestication and ratification of the major international laws. An assessment of the compliance with the provisions of key international and regional treaties shows high compliance indicating a strong RTI legal environment.

There is a broad institutional awareness of RTI as indicated in the responses across all the countries. The comparative analysis reveals that institutional responsiveness and citizen engagement seem to differ between the countries with Sierra Leone having high institutional responsiveness, while Togo faces the most significant structural and digital barriers. Liberia demonstrates promising collaboration between agencies but struggles with legal constraints and outreach. Ghana, despite its institutional architecture, requires stronger implementation and public education to realize its RTI potential. Sierra Leone has functioning RTI mechanisms with active oversight, but weak judicial enforcement and reliance on discretionary decisions undermine predictability. Togo's RTI regime shows digital reform efforts and some civil society usage, but low public awareness and persistent administrative barriers and digital interruptions hinder inclusive access. Liberia has the institutional architecture for RTI but faces weak implementation due to limited administrative capacity, low citizen awareness, and insufficient enforcement by oversight bodies.

Conclusively, the study shows that while the RTI is well set up in law, but underutilized in anti-corruption efforts. More targeted proactive enforcement is needed in this direction. As argued by one of the institutional respondents in Ghana, proper use of RTI can be used to counter negative perceptions of government institutions as inherently corrupt. Proactive disclosure, he argued, is key: *“When the information is available, it kills these perceptions. Everybody has this perception that every government institution is corrupt... If these information are available, even before you ask for it, it helps the general public to take that perception from them.”*

9. RECOMMENDATIONS

Based on the analysis, some major recommendations can be drawn;

i) Strengthening enforcement: The analysis presented in this report shows that RTI legal framework is strong in the sub-region. The data and analysis indicate that most countries are signatories and/or ratified major international treaties, and in lots of cases, the Constitutions and other domestic instruments have related provisions. But, in practice, their enforcement is weak and their use for targeted anticorruption is weaker. Though the weak execution and enforcement can be linked to many underlying causes, but efforts that strengthen the enforcement of these RTI laws, such as, strengthening the agencies' authority to sanction non-compliance, beyond advisory roles will increase its effectiveness. Bridging the gap between law and practice requires consistent sanctions for non-compliance, another approach is to re-tool oversight agencies for proactive rather than reactive enforcement.

ii) Strengthening understanding of duty-bearers anticorruption-RTI mechanism: Access to information is an established mechanism to fight corruption. While there is a general recognition of the role of access to information to transparency and accountability, this appears to be under-accounted and not seen as a major reason to ease information access in the day-to-day work of the duty-bearers. This suggests raising the level of understanding of RTI's role in anti-corruption can be a way to improve anticorruption effect of RTI. The message that access to information is anticorruption needs to be amplified more.

iii) Raising awareness: Though the respondents discussed the various awareness raising efforts being implemented at their agencies, low level awareness is widely indicated in the responses and targeted campaigns to reach ordinary citizens, not just CSOs and journalists, are essential. Many of the respondents identified that Media and CSOs tend to have higher awareness than citizens. So, targeted awareness efforts can be useful to increase citizen RTI use. The awareness raising efforts can be in various forms including

- a) raising awareness on the existence, relevance and application of the RTI provision, purpose and procedure.
- (b) Advocacy for the state to end attacks and reprisal against anti-corruption activists and journalists,
- c) cross RTI agency collaborative awareness, this raises awareness of the FOIA and strengthen civic education on RTI and its role as a key instrument both for the realisation of other human rights and for the prevention of and fight against corruption. Emphasis could be placed on public officials, key marginalised and vulnerable groups, and on remote areas where challenges to the exercise of RTI appear to be greater. The media, particularly local/community radios, can be a powerful tool in this respect, considering its ability to reach a wide audience.

iv) Reducing administrative barriers: Significant administrative barriers have been indicated and implied in the responses. Some of these administrative barriers can be tackled through training and incentives for civil servants to comply with RTI obligations. Because lots of RTI request rely on discretion and judgement, administrative resistance like unwillingness of public officers can frustrate genuine information request. Training can also break capacity gaps and digital barriers. Improve funding is another way to reduce the administrative issues. Some of the direct ways to improve on RTI request processing is

to include sanctions and timelines to request.

v) Bridging the digital divide: Africa has a significant divide in digital skills and access which hampers RTI use, an expansion of digital and inclusive access mechanisms is necessary. In spite of the recent progress, only 36% of Africa's population had broadband Internet access¹²⁵ and this differs by gender, age, society (rural/urban). The E-Government Development Index (EGDI) published by the UN shows that 84.4 per cent of the Africa's population lag behind digitally, and only 6 of the region's 54 countries¹²⁶ have EGDI values above the world average. On the positive side, the digital adoption is however upward looking as there has been 10% growth since 2022¹²⁷. While efforts at online portals, through App, social media etc. are promising, they may exclude rural and marginalized populations without connectivity and needed tools. A deliberate effort to bridge the digital divide can help. Country specific digital assessment, engagement with stakeholders and advocating for rural communities digital improvement are some of the direct ways.

vi) Expand agency mandate and outreach to disadvantaged citizens: Many RTI frameworks lack sufficient provisions for outreach, enforcement, and inclusivity, particularly when it comes to reaching rural populations, schools, and disadvantaged groups. Strengthening these aspects requires not only administrative commitment but also legal reform. In Ghana, for example, stakeholders have consistently called for the passage of a Legislative Instrument (LI) to operationalize and strengthen the Right to Information Act. The LI is expected to clarify procedural ambiguities, enhance the enforcement powers of the Right to Information Commission, and provide a firmer legal basis for proactive outreach. Expanding the agency's mandate would also empower it to conduct targeted education campaigns, support local information officers, and collaborate with civil society organizations to

ensure that marginalized and disadvantaged citizens are fully aware of and able to exercise their information rights.

vii) Cross-country learning and ECOWAS-Level monitoring for RTI effectiveness: More deliberate efforts to foster regional peer learning and ECOWAS-level monitoring can help improve RTI effectiveness. A regional approach can help harmonize standards, share innovations, and build collective accountability. This can be through establishing an ECOWAS RTI Peer Learning Network that convenes national information commissions, civil society actors, and oversight institutions to exchange experiences, tools, and strategies for RTI implementation. Some other ideas could be to develop a regional RTI performance dashboard to track progress across member states using standardized indicators such as request to disclosure rates, complaint resolution timelines, and institutional responsiveness, or a cross-country technical assistance and twinning arrangements, enabling more experienced RTI bodies to mentor or support emerging ones through joint projects and capacity-building missions.

viii) Strengthen Inter-Agency Collaboration Among RTI Oversight Institutions: A stronger collaboration among oversight institutions including Information Commissions, anti-corruption agencies, ombudsoffices, and public service commissions may create a more enabling environment for the effective implementation of the Right to Information (RTI) regime. The analysis shows fragmentation and siloed operations which can undermine the coherence and impact of RTI enforcement. A coordinated, multi-agency approach can amplify institutional capacity, streamline complaint resolution, and reinforce accountability mechanisms. Some of the key actions include, establishing

125 UNESCO (2023) 'Bridging the Digital Divides UNESCO's ROAM-X Session Explores Internet Access and Governance in Africa' <https://www.unesco.org/en/articles/bridging-digital-divides>

126 None of West Africa countries are included. The 6 countries are South Africa, Mauritius, Tunisia, Morocco, Seychelles and Egypt

127 UN E-Government Survey (2024) <https://publicadministration.un.org/egovkb/en-us/Reports/UN-E-Government-Survey-2024>

formal coordination platforms such as joint task forces, inter-agency working groups, or periodic roundtables to share data, harmonize enforcement strategies, and address systemic or structural bottlenecks. They could develop common protocols and reporting mechanisms for handling RTI-related complaints that intersect with corruption, or service delivery failures. Another may be to leverage complementary mandates by integrating RTI promotion into broader governance initiatives—e.g., transparency audits, citizen charters, and integrity assessments. Encourage joint capacity-building efforts including cross-training of staff, peer learning exchanges, and collaborative public outreach campaigns.

ix) Strengthen Proactive Disclosure to Reduce Requests and Bureaucratic Bottlenecks:

Ultimately, entrenching proactive disclosure as institutional culture will not only reduce administrative bottlenecks and backlogs of requests but also strengthen trust between citizens and the state, enhance accountability, and make the RTI framework more resilient and inclusive. When public institutions regularly publish essential data such as budgets, contracts, audit outcomes, and procurement decisions, it will significantly reduce the volume of individual information requests and minimizes bureaucratic delays. Proactive disclosure also helps overcome the logistical and financial barriers that limit citizens' ability to file formal requests, particularly in rural and marginalized communities.

10. ANNEXES

Table 4. Annex 10.1: List of Respondent institutions across the case countries

Country	Respondent Institutions
Sierra Leone	Transparency International Chapters SL
	Right to Access Information Commission
	Anti-Corruption Commission Sierra Leone
	Human Right Commission Sierra Leone
	Women on Mining and Extractives
Liberia	National Anti-Corruption Institutions LACC
	Transparency International Chapters Liberia
	National Information Commissions IIC
Ghana	Ghana Federation of the Disability Organization
	Commission on Human Rights and Administrative Justice
	National Human Rights Institutions (NHRIs)
	Right to Information Commission
	Media Foundation for West Africa
	The National Electoral Commission
Transparency International Ghana	
Togo	Transparency International Togo
	Amnesty International Togo, ACAT Togo, CACIT, CDFDH, FTDH, RO-FECC-TOGO,

Table 5. Annex 10.2: Assessment of Compliance and effectiveness of the whistleblowers protection in Ghana, Liberia, Sierra Leone and Togo

Country	Type of Law		Level of protection		Effectiveness		
	General	Specific	Limited	Extensive	High	Moderate	Low
Ghana		Ghana's Whistleblower Act, 2006 (Act 720)	-	Provides legal protection against retaliation for people who report illegal or corrupt activities. The law offers incentives (Whistleblower Reward Fund)	-	Moderate	
Liberia		Whistleblower and Witness Protection Act in 2022	-	Protect individuals who report misconduct in the public or private sector. Establishment of specific whistleblower platforms and boxes. Witness protection unit established and functional	-	Moderate	
Sierra Leone	Anti-Corruption Act of 2008	-	Ensures the protection of any person who, in good faith, reports to the competent authorities all facts concerning established offences (Article 3)	-			Low
Togo	Law No. 2015-006 of 28th July 2015 (Article 3)	-	Limited protection to those reporting corruption to to agency (shielding them from retaliation, providing rewards for information that leads to fund recovery, and offering security measures)	-			Low

Source: ANCE-TOGO, 2026

Table 6. Annex 10.3 : Global Right to Information Rating in West Africa in 2026

Ranking (/140)	Country	Date	Right of Access	Scope	Requesting Procedure	Exceptions & Refusals	Appeals	Sanctions & Protections	Promotional Measures	Total
5	Gambia	2021	2	30	24	23	28	7	14	128
10	Liberia	2010	4	30	19	27	20	7	16	123
11	Sierra Leone	2013	0	29	25	18	28	7	15	122
45	Ghana	2019	5	13	19	18	21	7	14	97
64	Nigeria	2011	3	29	12	22	4	7	11	88
66	Ivory Coast	2013	4	15	19	17	17	4	11	87
70	Guinea	2021	4	18	20	18	18	2	5	85
80	Burkina Faso	2015	4	25	19	8	14	3	6	79
85	Niger	2011	2	19	14	13	17	6	6	77
100	Togo	2016	2	23	16	8	20	1	2	72
131	Benin	2015	1	7	13	14	14	3	0	52
132	Cape Verde	2022	3	15	17	7	3	0	5	50

Sources: <https://www.rti-rating.org/country-data/>, April 19, 2026

Table 7. Annex 10.4, Comparative Analysis of the compliance of West African ACAs to Jakarta Principles

	BENIN HCPC	BURKINA ASCE-LC	CÔTE D'IVOIRE HABG	GAMBIA ACC	GHANA EOCO	GUINEA ANLC	LIBERIA LACC	MALI OCLEI	NIGER HALCIA	NIGERIA EFCC	SENEGAL OFNAC	SIERRA LEONE ACC	TOGO HAPLUCIA
Legal independencC	Poor Attached to the President (Article 3)	Independent (Article 14)	Moderate (Article 8)	-----	Moderate (Art 4(2))	-----	Independent (Art 6(2))	Moderate (Article 10)	Poor (Article 2)	Moderate (Article 2(3))	Poor (Article 5)	Independent (art 2(2))	Moderate (Article 4)
Education and awareness- raising	Compliant (Article 2, Law No. 2020-09 of April 23, 2020)	Compliant (Article 8)	Compliant (Art 4 al 9)	-----	Not Compliant	-----	Compliant (Art5.1 et 5(2) i)	Compliant (Article 4 al 7)	Compliant (Article 4 al 2)	Compliant (Article 6)	-----	Compliant (Article 5(2))	Compliant (Article 2 al 10)
Investigation and prosecution powers	Poor (Article 2))	Compliant (Article 9)	Compliant (Article 4 al 13)	-----	Compliant (Art 3(a))	-----	Compliant (Article 5 (1), (5 [2] a, b, c)	Compliant (Article 4 al 9)	Compliant (Article 5)	Compliant (Article 6(b) et 7	Compliant (Article 14 et 12)	Compliant (art 5 (1), 3), (16)	Poor (Article 3 al 2)
Inter-agency Collaboration	Compliant (Article 2)	Compliant (Article 8)	Compliant (Art39)	-----	Compliant (Art 3 (F))	-----	Compliant (Art4 [1] g)	Compliant (Article 6)	Compliant (Art3 al 2 et 19)	Compliant (Article 6(c), (j))	Compliant (Article 3 al 9)	Compliant (Art4(1), (c))	Yes (Article 3 al 1)
Sustainability/ Stability of the agency	Compliant (Article 7, Paragraphe 2)	Stable (Organic Law No. 082- 2015)	Moderate (Order No. 2013-661 of 20 th September 2013)	-----	Stable (Economic and Organised Crime Act, 2010)	-----	Compliant (anti corruption Act,2008)	Moderate (Order No.2015-032/P-RM of 23 rd September 2015)	Stable (Law No.2016- 44 Of 6 th December 2016)	Compliant (EFCC Economic and Financial Crime Commission Act 2004)	Compliant (Law No. 2012-30 creating the National Office for the Fight against Fraud and Corruption (OFNAC)	Compliant (The Anti- corruption Act, 2000)	Compliant (law No.2015-006 of 28 th July 2015)
Integrity and transparency in recruitment	Poor (Article 10, Paragraphe 2)	Compliant (Article 26)	Poor (Article 8)	-----	Poor (Article 4(1))	-----	Poor (Art6.2)	Poor (Art 8)	Poor (Article 7)	Poor (Article (2)3)	Poor (Article 4)	Poor (Art 2(2))	Poor (Article 4)
Continuity (Are there provisions in the law to delegate powers to an interim staff in the event of the suspension of the Head)	No Provision	Compliant (Articles 22-24)	Moderate (Article 25)	-----	Compliant (Art6(7))	-----	Compliant (Art6(1) et 6(9))	Compliant (Article 15)	Compliant (Article 16)	Compliant (Art4)	Compliant (Article 6 al 2)	Compliant (Art2(7))	Compliant (Article 7)
Stability and job security	Compliant (Article 7, Par. 2)	Compliant (Article 21)	Compliant (Article 11, membre) Poor (Article 49, personnel)	-----	Poor (Article 6(3), (4), (5))	-----	Poor (Art6.8)	Compliant (Article 14)	-----	Poor (Article (3)2)	Compliant (Article 6 al 1)	Compliant 2(5)	Compliant (Article 7)
Internal Accountability Procedures	No Provision	Compliant (Art11)	Compliant	-----	Compliant	-----	Compliant (Art8.2)	Compliant (Art 7)	Yes	Compliant	Compliant	Compliant	Compliant
Immunity of members	Not Compliant	Moderate (Article 51)	Yes (Article 51 à 52)	-----	Compliant (Art18)	-----	-----	Compliant (Article 21)	Compliant (Article 20)	Compliant (Art 41)	Compliant (Article 9)	Not Compliant (art 35)	Compliant (Article 8, but limited to members)

	BENIN HCPC	BURKINA ASCE-LC	CÔTE D'IVOIRE HABG	GAMBIA ACC	GHANA EOCO	GUINEA ANLC	LIBERIA LACC	MALI OCLEI	NIGER HALCIA	NIGERIA EFCC	SENEGAL OFNAC	SIERRA LEONE ACC	TOGO HAPLUCIA
Special status (remuneration)	Moderate (Article 11al 2)	Moderate (Article 25)	Moderate (Article 50)	-----	Moderate (Article 10)	-----	Moderate (Art9.2)	Moderate (Article 13)	Moderate (Article 30)	Moderate (Art 10)	Moderate (article 8)	Moderate (art 3)	No (Article 17)
Adequate re-sources	Poor (Article 11)	Independent (Article 59)	Poor (Article 56-58)	Yes (Art2part4)	Poor (Art15)	-----	Moderate (Article 12.1)	Independent (Article 23)	Moderate (Article 29)	Moderate (art35)	Poor (articles 19-20)	Moderate (art 52)	Poor (Article 17)
Administrative and financial autonomy	Poor (Articles 3 and 11)	Compliant (Article 59)	Poor (Article 56-58)	-----	Poor (Article 15)	-----	Moderate (Art13.1)	Compliant (Article 23)	Moderate (Article 29)	Moderate (Art 35)	Poor (articles 19-20)	Poor (Art 52)	Yes (Article 1)
External Accountability	Not Compliant	Compliant (Art10)	Compliant (Art59)	-----	Compliant (Article 16(2) et 16 (3))	-----	Compliant (Art14.1)	Compliant (Article 26)	-----	Compliant (Art 36)	Not Compliant	Compliant (Art54)	Not Compliant
Reporting	Compliant	Compliant Article 2)	Compliant (Article 6)	-----	-----	-----	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant

Sources: ANCE-TOGO, Comparative study of the compliance of Anti-Corruption Agencies in West Africa, April 2022,

10.5. ANNEX – SUMMARY OF THE STUDY METHODOLOGY

This study was conducted using a two-phase mixed-method design combining desk-based legal and policy analysis with qualitative insights from key actors.

Phase 1: Desk-Based RTI and Anticorruption Analysis

The study conducted an extensive review of:

- National RTI laws and regulations in the region with specific focus on Ghana, Liberia, Sierra Leone, and Togo
- Regional and international frameworks (ACHPR, AUCPCC, UNCAC, ECOWAS Supplementary Acts, Model Law, etc.)
- Secondary sources including reports, evaluations, civil-society submissions, and independent analyses
- Government documents: - budgets, procurement guidelines, audit reports, and institutional directives

This provided a baseline understanding of legal commitments and structural gaps.

Phase 2: Key Informant Interviews (KIIs)

Semi-structured interviews were held with:

- National RTI institutions (RTIC, IIC, RAIC-SL)
- Anti-corruption commissions and integrity bodies
- Human rights commissions
- Civil-society organizations and journalists (TI National chapters and NGOs)

Interview topics included: Rate of RTI request, Experiences submitting and receiving RTI requests, Barriers to access Institutional challenges and capacity constraints; Perceptions of RTI's impact on corruption and Recommendations for legal and institutional reforms

Analytical Approach

The study used thematic-comparative analysis to identify common patterns across countries, then compared findings to regional and global best practices. Emphasis was placed on feasibility, sustainability, and alignment with existing governance commitments.

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