



# THE RIGHT TO INFORMATION AND ANTI-CORRUPTION IN EAST AFRICA:

**An Assessment of Implementation and Enforcement of International Frameworks in Kenya, Rwanda and Uganda.**

APRIL 2026





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# List of Acronyms

ACHPR	African Commission of Human and Peoples Rights
AFIC	Africa Freedom of Information Center
APRM	Africa Peer Review Mechanism
ATI	Access to Information
AUCPCC	African Union Convention on Preventing and Combating Corruption
CAJ	Commission of Administrative Justice
CMS	Contracts Monitoring System
CPI	Corruption Perception Index
CSO	Civil Society organisation
EAC	East African Community
EACC	Ethics and Anti-Corruption Commission
ECCMIS	Electronic Court Case Management Information System
GCIP	Government Citizens Interaction Portal
IEBC	Independent Electoral and Boundaries Commission
IECMS	Integrated Electronic Case Management System
ICCPR	International Convention on Civil and Political Rights
ICT	Information Communication and Technology
IG	Inspectorate of Government
IIAG	Ibrahim Index of African governance
NGO	Non-Governmental Organisation
PBO	Public Benefits Organisation
RBI	Rwanda Bribery Index
RTI	Right to Information
SDG	Sustainable Development Goals
SGR	Standardised Gauge Railway
SICEA	Stopping Impunity for Corruption through enhanced Accountability
UCC	Uganda Communications Commission
UNCAC	United Nations Convention against Corruption
WGI	Worldwide Governance Indicator

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# Executive Summary

Corruption continues to undermine governance, service delivery, and public trust across East Africa. In Kenya, Uganda, and Rwanda, the Right to Information (RTI) is widely recognised as a foundational accountability mechanism and an essential tool for preventing and detecting corruption. All three countries have adopted legal frameworks guaranteeing access to information and are party to international and regional instruments that enshrine transparency obligations. However, this report finds that the practical contribution of RTI to anti-corruption efforts remains inconsistent and constrained by political, institutional, and structural barriers.

This report analyses the effectiveness of RTI as an anti-corruption tool in Kenya, Uganda, and Rwanda, examining the extent to which legal guarantees translate into access in practice. It focuses on the interaction between RTI and key corruption risk areas, including procurement, public finance management, asset declarations, whistleblowing, and oversight. The analysis is based on a mixed-methods approach combining stakeholder interviews, legal and institutional review, and secondary data, allowing for comparative assessment across the three countries.



## Legal frameworks: formal commitments, uneven safeguards

All three countries recognise RTI in law, but the scope and enforceability of these guarantees differ significantly. Kenya's constitutional framework and Access to Information Act (2016) provide the broadest formal protection, including obligations for proactive disclosure and an oversight body with enforcement powers. Rwanda's 2013 Access to Information Law is comparatively strong in design, notably through the inclusion of a public interest override and applicability to private bodies performing public functions. Uganda's Access to Information Act (2005), while an early regional initiative, is more limited in scope and lacks key safeguards such as a far-reaching public interest test and an independent oversight authority.

Across all three countries, the study finds that broad and ambiguously defined exemptions particularly those related to national security, public order, and privacy are routinely invoked to deny access to information. Furthermore, the laws fail to sanction illegal refusal to disclose public information creating a major loophole. In practice, these exemptions disproportionately affect access to corruption-related information, including procurement records, asset declarations, and investigation outcomes. The absence or weak application of harm tests and balancing mechanisms significantly reduces the transparency value of RTI frameworks.



## Institutional enforcement: capacity gaps and selective compliance

The existence of RTI laws has not ensured consistent enforcement. Kenya benefits from a designated oversight institution with powers to issue binding decisions, and courts have at times reinforced access to information in corruption-related cases. However, compliance with RTI obligations remains uneven, particularly at sub-national level, and proactive disclosure requirements are frequently unmet.

Uganda lacks a dedicated RTI oversight body, relying instead on courts and internal administrative processes, which limits accessibility and accountability. In Rwanda, institutional responsibility for RTI enforcement has become less clearly defined following legal changes in 2021 that narrowed the mandate of the Office of the Ombudsman, weakening mechanisms for systematic monitoring and proactive publication of information.

Across the three countries, institutional challenges include inadequate resourcing, weak records management, limited digitisation, lack of compliance by public officials and insufficient training of public officials. For example, an analysis of information requests in Uganda between 2018-2025 reveals that only 14% percent of all requests for information received complete, substantive responses. These constraints reinforce long-standing administrative cultures of secrecy and risk aversion, where non-disclosure is often treated as the default response.



### Civic space, digital restrictions, and deterrents to use

The study reconfirms that the effectiveness of RTI is closely linked to broader civic space conditions. Journalists, civil society organisations, whistle-blowers, and individuals seeking information on corruption frequently face legal, administrative, or informal reprisals. In Uganda, restrictive legislation and enforcement practices have contributed to a climate of intimidation. In Rwanda, civic engagement on sensitive governance issues remains tightly controlled, limiting independent use of RTI mechanisms. Kenya maintains comparatively greater openness, but recent restrictions on protest, online expression, and information flows indicate a narrowing environment. A related consequence of a restricted civic space is that citizens often self-censor and avoid requesting information out of concern for their personal safety.

Internet shutdowns, throttling, and platform restrictions particularly during elections and protests have become a significant barrier towards access to information in the region. These measures directly undermine RTI by restricting access to government platforms, media reporting, and digital accountability tools at critical moments.



### RTI and anti-corruption outcomes: limited and uneven impact

RTI has contributed to anti-corruption outcomes in specific contexts, particularly where it is supported by litigation, investigative journalism, and independent oversight. In Kenya, access to information has played a role in exposing procurement irregularities and enforcing disclosure obligations. Rwanda's digital procurement and justice systems have improved access to selected datasets. In Uganda, whistle-blower mechanisms have enabled some recovery of misappropriated public funds, particularly at local level.

However, the research finds no consistent evidence and correlation between the formal strength of RTI frameworks and overall anti-corruption effort. In all three countries, access to high-risk corruption information such as asset declarations, detailed procurement contracts, and case-level enforcement data remains restricted. Weak whistle-blower protection, selective disclosure, and limited publication of enforcement outcomes reduce the deterrent effect of RTI.



### Comparative findings

The comparative analysis identifies several common trends across Kenya, Uganda, and Rwanda:

- RTI laws are widely in place, but implementation is selective and politically contingent.
- Security and secrecy exemptions are a primary obstacle to access to corruption-related information.
- Civil society and media are the main users of RTI yet operate under constraints.
- Digitalisation has improved access, but benefits remain uneven and exclude many rural and marginalised groups.
- The anti-corruption potential of RTI is underutilised across different areas, particularly in relation to asset declarations and whistle-blower follow-up.

Overall, the study concludes that RTI remains a critical but insufficiently realised component of anti-corruption frameworks in East Africa. Where supported by effective demand by citizen groups, independent oversight, judicial enforcement, and protected civic space, RTI can enhance accountability. Where these conditions are absent, RTI risks functioning primarily as a formal commitment with limited practical effect.

# 1

## Introduction and Context

Corruption continues to undermine democracy, development, and human rights across East Africa. Procurement scandals, opaque budgeting, and the capture of state resources divert scarce public funds away from essential services. Estimated \$100 billion is lost to corruption every year in Africa, with East Africa contributing around \$10 billion every year.

Accountability gaps erode public trust in institutions. The TI is a critical tool to counter these trends. By enabling citizens, journalists, and civil society organisations to access reliable data, RTI laws can uncover abuses of power, strengthen oversight, and reduce impunity. Yet, in Rwanda, Kenya, and Uganda, the practical use of RTI remains shaped by political trade-offs and institutional constraints.

Governments have passed laws signalling a commitment to transparency, but they also invoke broad exemptions such as “national security” or “public order”—to restrict disclosure of sensitive information. These clauses often shield politically damaging cases, reducing the anti-corruption potential of RTI.

To illustrate a few examples, in Uganda, the 2005 Access to Information Act allows agencies to refuse requests on grounds such as “security”, or “protection of privacy and rights” often used to block access to some data for example on budgets and procurement.

In Rwanda, the 2013 law is among the region’s strongest, but the 2021 law set up to govern the Office of the Ombudsman dilutes the oversight powers of the Office of Ombudsman on RTI related matters while providing powers within the context of corruption and injustice limiting independent checks. In Kenya, despite legal provisions requiring proactive disclosure of information by public entities, this is largely not adhered to. Broad limitations on the RTI have also been put, including national security interests (section 6 of the Access to Information Act, 2016).

This report takes place in a context in which each country has built institutional infrastructure such as ombudsman offices, commissions or courts to enforce RTI, but effectiveness is uneven. Legal frameworks appear progressive on paper, yet enforcement remains selective. In some cases, political elites use RTI reforms symbolically to attract international legitimacy or donor support, while keeping the most sensitive corruption cases beyond public scrutiny. The tension between reform and resistance is a defining feature of the RTI–anti-corruption nexus in East Africa and beyond.

## International and regional obligations

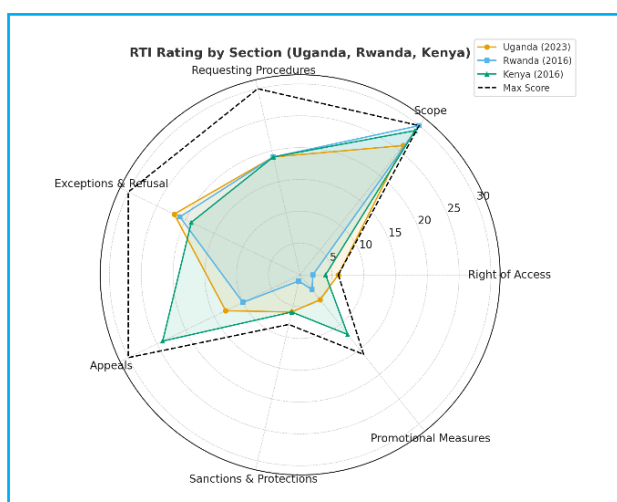
Most of the East African states are party to a wide range of binding commitments that enshrine RTI. Within the East African Community (EAC), Article 9 on Access to Information in the [African Union Convention on Preventing and Combating Corruption \(AUCPCC\)](#) obliges governments to adopt measures to give citizens access to information.

The chapter II of the [United Nations Convention against Corruption \(UNCAC\)](#) on “Preventive measures” requires proactive transparency in public administration and access to records, especially on public finances. [The African Charter on Human and Peoples’ Rights \(ACHPR\)](#) has been recognised by the African Commission to include RTI as a fundamental right.

Globally, Sustainable Development Goal (SDG) 16.10 commits governments to ensuring public access to information and protecting fundamental freedoms. Legal and institutional RTI frameworks will be analysed in the second chapter.

Despite these obligations, implementation across the region is uneven. Kenya and Uganda have adopted access to information legislation, while Rwanda introduced an Access to Information (ATI) law in 2013 (with a related law governing the office of the Ombudsman enacted in 2021). Yet, numerous exemptions, unspecific definitions and gaps remain between laws on paper and enforcement in practice. Barriers and challenges to RTI will be explored in chapter 3.

RTI should be a powerful tool in the fight against corruption. Indices such as the [Transparency International Corruption Perception Index \(CPI\)](#) show that Rwanda scores consistently high in relative performance in the fight against corruption delivering more on controlling corruption than EAC peers and scoring amongst the highest on the African continent.



Source RTI - last year of disclosure

These trends are confirmed by other measurements of corruption such as the [World Bank Worldwide Governance Indicator \(WGI\)](#) measuring control of corruption or the [Mo Ibrahim Index of African Governance \(IIAG\)](#). Kenya performs slightly better than Uganda but faces more high-profile grand corruption. Kenya’s weakening or stagnant anti-corruption performance implies that development in some sectors is progressing, but governance and accountability are weaker areas. Uganda struggles with both petty corruption and elite impunity, scoring lowest of the three. Deterioration in IIAG and WGI control of corruption scores suggest that corruption remains a serious, growing problem in governance and state effectiveness. However, the evidence from the EAC region and globally shows that the correlation between scoring high on anti-corruption and high scores on RTI measurements is uneven. RTI within the Governance Context

RTI in East Africa cannot be understood in isolation from broader governance dynamics. The region has seen democratic gains, such as [Kenya’s 2010 Constitution](#) with its strong Bill of Rights<sup>1</sup> but also enduring authoritarian tendencies. For the EAC political leadership seeking legitimacy, foreign investment and donor aid, RTI presents a low-cost way to show transparency. RTI also poses risks such as corruption-related data leaks, exposure of bad governance, scandals or misuse of funds.

The available data shows this tension clearly. In Kenya, of 2,514 RTI requests that were recorded in 2020 according to the [Attorney General and Department of Justice](#), 1,013 (40.3%) were denied and only 960 (38.2%) requests were fully granted. Similarly in Uganda, it is shown that, out of 12,605 requests made as of 1st July 2023, only 818 were successful, a total of 11,477 remained unresolved and 244 were altogether unsuccessful<sup>2</sup>. Governments frequently invoke “national security” or “public order” to deny information requests. Internet shutdowns during elections – for example in Uganda in 2021 and in 2026<sup>3</sup> or internet disruptions in Kenya during protests in 2024 and 2025 – further curtail transparency and citizens’ access to information<sup>4</sup>.

Social media and online activism are increasingly part of the dynamic and have become an easy-to-reach RTI and anti-corruption tool, enabling “naming and shaming” where formal RTI or judicial paths are slow. But they are also subject to repression, misinformation and political censorship. In the East Africa region, shutdown tactics are evolving, with governments throttling bandwidth, blocking apps like WhatsApp, or imposing localized outages during protests or elections.<sup>5</sup>

1 [NCLR \(2010\) The Constitution of Kenya 2010](#)

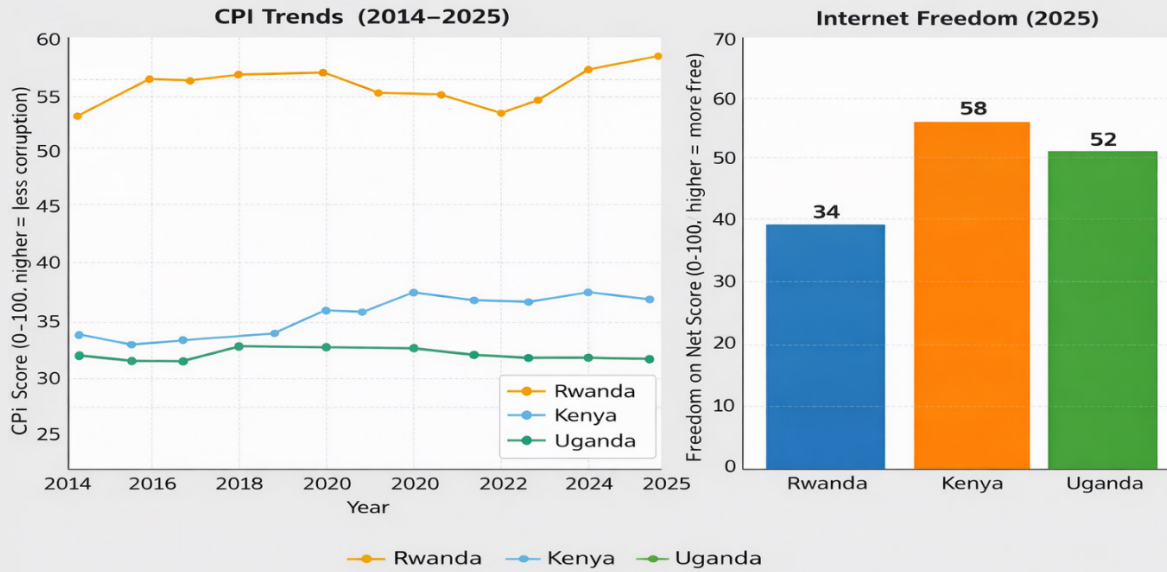
2 <https://accu.or.ug/wp-content/uploads/2025/05/Assessment-Report-on-Access-to-Information-Act-and-Regulations-1.pdf>

3 <https://reliefweb.int/report/uganda/uganda-authorities-must-urgently-lift-internet-restrictions-ahead-crucial-election-day>

4 [Access Now \(2025\) Kenya must obey court orders and #KeepItOn during protests](#)

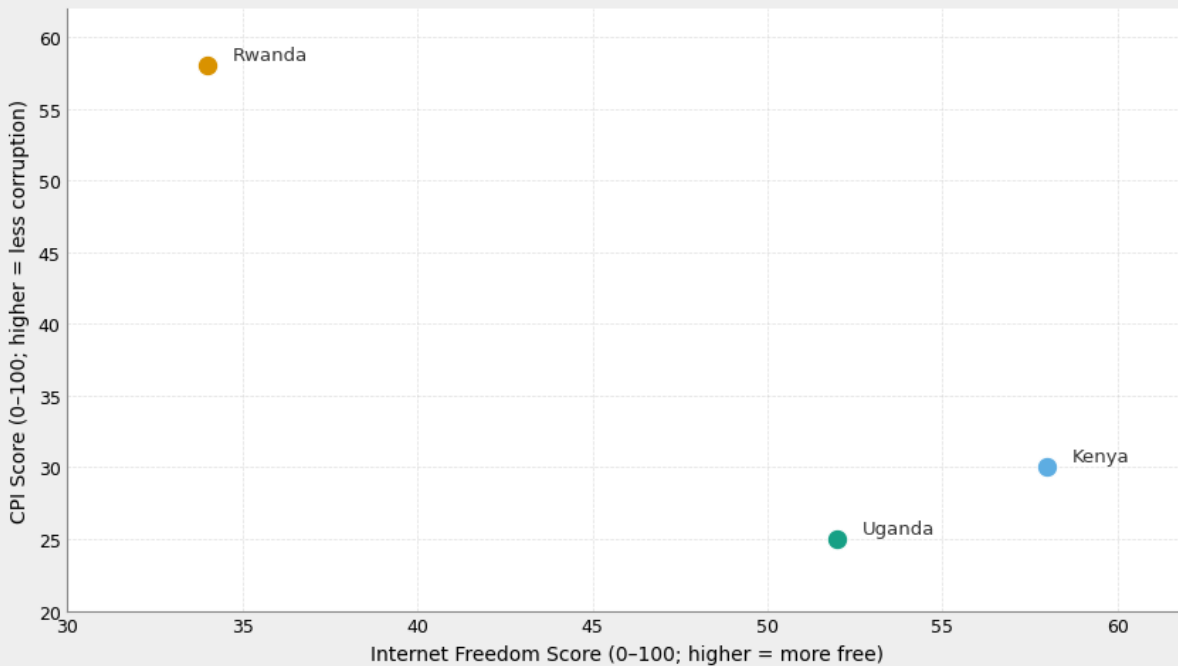
5 [Freedom House \(2024\) Kenya](#)

## Dashboard: Corruption Perceptions vs Internet Freedom Kenya, Uganda, Rwanda



Source: Data from Transparency international and Freedom House

### Correlation: CPI 2025 vs Internet Freedom 2025



Source: data from Transparency International and Freedom House

Despite these constraints, this report adds to the substantial evidence confirming that civil society and independent media continue testing RTI laws and exposing corruption. In Kenya, despite internet freedom declining and a string of violent attacks targeting bloggers and social media users, social media are an important tool for online expression, exposing police brutality and corruption.<sup>6</sup> Chapter 4 and 5 will describe the enforceability of RTI in the region and the role of CSOs and media.

<sup>6</sup> Freedom House (2024) Kenya

## Methodology

This work is part of a four-part Africa study to identify and analyse 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 East Africa. It assesses the status of RTI in Kenya, Uganda and Rwanda analysing trends, challenges and enforcement gaps.

Methodologically, the report adopts a mixed-methods approach that combines primary qualitative evidence with a structured review of secondary data to assess the state of the RTI in Kenya, Uganda, and Rwanda. Primary evidence was collected through 13 semi-structured interviews in 2024. The approach follows Transparency International's research framework and tools developed on RTI and anti-corruption, ensuring comparability across countries while allowing for context-specific analysis (see annex).

Primary data was gathered through semi-structured interviews with six categories of stakeholders in Kenya, Rwanda and Uganda: Transparency International national chapters, national information commissions and oversight bodies, anti-corruption institutions, national human rights commissions, electoral management bodies, and civil society organisations. These 13 interviews provided first-hand insights into the use of RTI laws, the barriers encountered in practice, institutional responses, and the perspectives of groups most affected by restricted access to information.

### **To triangulate findings, the study reviewed secondary literature across seven clusters:**

1. International and regional RTI-relevant frameworks (AUCPCC, UNCAC, ACHPR, SDG 16)
2. Global indices (RTI Rating, CPI, WGI)
3. National legal and institutional frameworks
4. Institutional reports from oversight and anti-corruption bodies
5. Civil society and media analyses
6. Academic research
7. Donor and development partner evaluations

Comparative coding of interviews and desk review data highlighted common trends, national differences and gaps between law and practice. Trend analysis of CPI, RTI Rating and WGI indicators from 2013 to 2025 situates these findings within a regional context.

The report acknowledges limitations, including a non-representative sample and incomplete official datasets, particularly in Rwanda after 2021. The purposive sample of stakeholders is illustrative rather than statistically representative, and in some cases institutional data was incomplete or inconsistently available, such as Rwanda's post-2021 corruption conviction lists. Nevertheless, the integration of diverse primary and secondary sources ensures a robust and balanced evidence base. This combination allows the report to draw reliable conclusions about the status of RTI in East Africa and its role in advancing accountability and anti-corruption reforms.

# 2

## RTI Legal and Institutional Framework in EAC

### RTI Legal Frameworks' Overview

All three East African countries constitutionally recognise the RTI but with significant variations in scope, statutory strength, and enforcement. Kenya's Article 35<sup>7</sup> provides the most expansive guarantee, applying to both public and private information needed for the exercise of rights. Uganda's Article 41 is narrower<sup>8</sup>, while Rwanda's Constitution is less explicit but supported by detailed statutory law.<sup>9</sup> Despite these frameworks, implementation remains constrained by weak enforcement, broad exemptions, and institutional under-capacity.

Uganda, despite being an early adopter with its Access to Information Act, 2005, has a narrower scope as it applies explicitly only to "public bodies", namely; ministries, departments, local governments, statutory corporations and commissions. There is no dedicated, independent oversight authority or commission in the law. The absence of a public interest override and the lack of a

dedicated oversight body reduce the practical utility of the law.<sup>10</sup>

Rwanda, while not as constitutionally detailed as Kenya, has a progressive legal framework under Law No. 04/2013<sup>11</sup>, covering both public and private bodies engaged in public interest activities. Notably, it includes a public interest override, which mandates disclosure even when exemptions apply if the public benefit outweighs the harm. However, enforcement is relatively weak<sup>12</sup>, with low public awareness and under-resourced implementation mechanisms. In addition to this, Law No. 54/2021 of 29/08/2021 covers the [Office of the Ombudsman](#) and provides it powers to function and this partly covers RTI.<sup>13</sup> In all three countries, challenges persist around awareness, bureaucratic resistance, broad exemptions, and the need for stronger oversight and enforcement frameworks.

Table: RTI Legal Frameworks in Kenya, Uganda and Rwanda

Legal Aspect	Uganda	Kenya	Rwanda
<b>Constitutional Guarantee</b>	Article 41 (1995 Constitution): Citizens have the right to access information held by the State or its organs, subject to exceptions (e.g. national security, privacy).	Article 35 (2010 Constitution): Citizens have the right to access information held by the State and/or any other person where necessary for the exercise or protection of any right or fundamental freedom. The state must publish and publicise key information.	Article 38 (2015 Constitution): Guarantees freedom of expression and access to information.
<b>Statutory Law</b>	Access to Information Act, 2005	Access to Information Act, 2016	Law No. 04/2013 of 29/08/2021 Relating to Access to Information
<b>Scope of Application</b>	Applies to public bodies only. Private bodies are excluded.	Applies to public bodies and private entities when information is needed to exercise or protect any right or freedoms.	Applies to public bodies and private bodies carrying out public interest functions.
<b>Key Exemptions</b>	National security, Cabinet records, ongoing court proceedings, and individual privacy.	National security, legal proceedings, personal privacy, commercial interests, and professional confidentiality.	National security, trade secrets, privacy information likely to impede the enforcement of law or justice.

7 Interview, governmental organisation, Kenya

8 Interview, governmental organisation, Uganda

9 Interview, governmental organisation, Rwanda

10 Chemonges M. Timothy (2024) *Strengthening Access to Information and Press Freedom in Uganda: Policy Recommendations for Enhancing Transparency, Accountability, and Citizen Participation*, p.4

11 GoR (2013) *Access to Information Act 2013*

12 Interview, media representative, Kenya

13 *Office of the Ombudsman (2021) Rwanda Law No. 54/2021 Governing the Office of the Ombudsman*

<b>Oversight / Enforcement Mechanism</b>	Courts handle appeals. No dedicated RTI commission. Implementation is weak.	Information Access Officers in public bodies. The commission on Administrative Justice/ Ombudsman office is mandated to oversee and enforce the right. Investigative power also lies with the Commission who can make orders pertaining to enforcement. Right to appeal a decision of the Commission lies with the High Court	Under the new mandate, the Office of the Ombudsman no longer has the same mandate as reflected in the Law No.54/2021 of 29/08/2021 Governing the Office of the Ombudsman.
<b>Proactive Disclosure Requirements</b>	Required, but poorly implemented. Public bodies must publish manuals and basic info.	Strong requirements for public bodies to proactively publish key data, but compliance is inconsistent.	Proactive disclosure is mandated; less consistent in practice due to limited capacity and awareness.
<b>Public Interest Override</b>	Not clearly defined in law.	Not explicitly articulated; subject to interpretation.	Clearly included: information must be disclosed if public interest outweighs harm.
<b>Implementation Challenges</b>	Low awareness, limited resources, delays, and bureaucratic resistance.	Delays in enacting regulations (passed in 2023); low compliance by some public institutions. The Statute was passed without a policy framework, with a draft Policy now developed but not yet passed	Low public awareness, absence of detailed ministerial orders, and weak enforcement despite the legal framework.

## Oversight Bodies for RTI in Kenya, Uganda and Rwanda

Collected evidence suggests that oversight of the RTI varies considerably across Kenya, Uganda and Rwanda, both in terms of legal mandate and institutional effectiveness. Kenya’s Access to Information Act, 2016, mandates that each public institution designates an Information Access Officer responsible for processing and responding to information requests; and grants the [Commission on Administrative Justice \(CAJ\)](#) the powers of oversight and enforcement of the Act (section 20 of the ATI Act 2016). The Commission subsequently designates one of its Commissioners as “Access to Information Commissioner” with specific responsibility of performing the functions assigned to the Commission under the Act. Appeals from the commission’s decisions lie with the High Court, and must be made within 21 days from the date the Commission made the order.

### Case Box: Institutional RTI mandate in Kenya

A complaint against the former Governor of Kiambu, Ferdinand Waititu allegedly unlawfully acquiring land and property. CAJ lodged a request for information with the Kiambu County Lands Registry which led to the prosecution of the governor.

The Kenya Tea Development Agency pensioners approached CAJ to request information regarding the delay in their pensions. The CAJ’s involvement led to a bribery scheme perpetuated by the employees demanding bribes to process the pensions. With the information provided, the case was resolved.

CAJ lodged an access to information request with the former Cabinet Secretary, Ababu Namwamba, seeking details about suspicious nominations of representants in the national Olympics team.

In Uganda, there is no dedicated independent RTI oversight body. The Access to Information Act, 2005, relies on internal government information officers and the judiciary for enforcement. Citizens whose requests are frequently denied must seek redress through the courts, a process that has proved to be slow, costly, and inaccessible to many. The Parliament has not used its powers to positively influence the implementation of the Act. The Uganda Communications Commission (UCC) serves as a primary regulatory body responsible for media. However, concerns have been raised about the UCC’s independence and censorship activities. This lack of an independent agency has been widely criticised for weakening accountability and limiting effective implementation.

In Rwanda, Law No.04/2013 of 29/08/2021 assigns oversight of RTI to institutions including the [Office of the Ombudsman](#), which is legally mandated among others to receive and process complaints, monitor implementation, and promote compliance. However, in practice the Office and other duty bearers face challenges such as limited capacity within public agencies, low levels of public awareness and engagement, unclear sanctioning mechanisms for non-compliance, and sometimes reluctant information disclosure.

## Harm Tests, Public Interest Overrides, and Appeal Mechanisms

All three countries are signatories to key international and regional instruments that support the right to access information. They are party to the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples’ Rights, both of which enshrine the right to freedom of expression and the right to receive information. These instruments require that any limitations to information access be clearly defined by law, necessary in a democratic society, and proportionate to the aim pursued. In addition, each country has formally endorsed or committed to various regional initiatives such as the African Union Model Law on Access to Information and resolutions from the African Commission on Human and Peoples’ Rights.

In assessing the alignment of Uganda, Kenya, and Rwanda with international standards on the right to information, such as those derived from Article 19 of [the International Covenant on Civil and Political Rights \(ICCPR\)](#) and [the African Charter on Human and Peoples' Rights](#), key factors include the presence of harm tests, public interest overrides, and effective appeal mechanisms.

Kenya, through its Access to Information Act (2016), fares better in international alignment. The law includes a form of harm test in its exemptions, such as when information disclosure would harm national security or individual privacy. Although the law does not articulate an absolute or unconditional override, Kenyan courts have increasingly interpreted the law in favour of public interest, especially where the harm is minimal or the information is already public.

Requests for review of decisions of a public entity or private body in relation to a request for access to information can be made to the Commission on Administrative Justice and subsequent appeal through judicial process. The main challenge with this process has been enforcement. While not perfect, this multi-layered mechanism offers better practical recourse compared to Uganda.

#### Case Box: Petition 104 of 2019 (Kenya)

<i>In Petition 104 of 2019, the Kenyan High Court was asked to compel disclosure of information held by a state body. The Court ultimately declined the request, citing potential harm to national security. However, the judgment reaffirmed the constitutional principle that access to information is the rule, and restrictions the exception.</i>	<i>The Court stated that “the constitutional and legal provisions set out in Article 35 of the Constitution of Kenya, 2010 and the Access to Information Act demonstrate that, unless there is good reason, a citizen should not be impeded from accessing information in the possession of the State or a State entity when it is needed for the advancement or protection of a right.”</i>	<i>This case illustrates Kenya’s judiciary’s willingness to interpret RTI expansively, even while recognizing certain legitimate exemptions. It signals that courts can play an important role in enforcing the Access to Information Act, balancing state secrecy claims with citizens’ right to know. (source: SheriaHub 2019)</i>
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Uganda’s Access to Information Act (2005) recognises a wide range of exemptions but does not systematically require a demonstration of actual or probable harm resulting from disclosure. Some provisions include vague references to “prejudice” to national interest or security, but there is no clear application of the harm principle or balancing test. Importantly, the Act lacks a formal public interest override, which means that even when the public could benefit from disclosure, exemptions often prevail. Appeals are only possible through the courts, making enforcement expensive and slow, with no independent oversight body in place. The African Commission on Human and Peoples’ Rights (ACHPR) has recommended an amendment to align Access to Information Act but the government has not been active in adopting these suggestions.

Rwanda has one of the strongest frameworks in the region with respect to international alignment. Its 2013 Access to Information Law explicitly includes a public interest override, meaning that even if an exemption technically applies, information must still be disclosed if the public interest outweighs the potential harm. The law also implies a balancing approach when applying exemptions, which aligns well with the international “harm + public interest” test. Rwanda’s appeal process is overseen by the Office of the Ombudsman, providing an administrative avenue for redress, though recent legal amendments in 2021 have complicated this role.

## Legal Gaps and Reform Needs

Despite their varying levels of progress, all three countries have notable legal and institutional gaps that hinder the full realisation of the RTI.

Kenya’s challenges are largely related to implementation rather than legislative design. Although the law is relatively strong, its delayed operationalisation, particularly the late adoption of implementation regulations in 2023, has stalled progress. Many public bodies remain non-compliant with proactive disclosure obligations. Further, the scope of some exemptions remains ambiguous.

In Uganda, the RTI framework is outdated and in need of reform. The 2005 law predates many technological advances and modern transparency standards.

The lack of a public interest test, the absence of an oversight body, and dependence on judicial appeal processes create significant barriers for citizens. Moreover, broad and undefined exemptions give public authorities wide discretion to deny access. Recognising these challenges, the Ugandan government has indicated plans to review and update the law, particularly to improve clarity, accessibility, and oversight.

In Rwanda, while the law is conceptually strong, particularly with its inclusion of a public interest override and broader applicability to private entities performing public functions, institutional weaknesses persist. In addition, there is a need to assure the public that demands for information can be made without fear of consequences. The recent removal of key responsibilities from the Office of the Ombudsman has led to uncertainty about who now monitors and enforces compliance.

## Jurisprudence and Case Law Examples

Judicial interpretation of RTI laws has significantly influenced implementation, particularly in Kenya. A notable High Court case reinforced the principle that public bodies cannot rely on contractual non-disclosure agreements to block access to public interest information. The court ruled that where information is already in the public domain and poses no demonstrable harm, withholding it based on confidentiality is unjustified. This case advanced the doctrine that public interest can override private contractual obligations when the information affects citizens' rights or governance transparency.

Rwanda has seen relevant jurisprudence through international mechanisms. [In the Agnes Uwimana-Nkusi v. Rwanda case](#) before the African Commission on Human and Peoples' Rights, the Commission held that Rwanda's suppression of journalistic expression violated Article 9 of the African Charter. Though not a domestic RTI case per se, the ruling affirmed that access to public information is a key component of freedom of expression.

In Uganda, there are relatively few landmark court rulings interpreting the Access to Information Act. Most disputes over information access remain unresolved or are addressed through administrative discretion rather than legal adjudication. Civil society has used strategic litigation to push for more transparency, especially in procurement and extractive industries, see for example [Edward Sekyewa, versus the National Forestry Authority \(NFA\)](#), setting the stage for future jurisprudence. However, most cases are either dismissed or stalled.

# 3

## Barriers and Challenges in the RTI implementation

East African citizens face a range of barriers and challenges in accessing vital public information. Barriers to RTI can be clustered into structural obstacles such as legal barriers, budget constraints and inadequate ICT infrastructure. Behavioural challenges such as shrinking civic space, secrecy norms or fear of reprisals are also present. Both types of challenges reinforce each other.

Structurally, Uganda's outdated ATI Act, lack of institutional oversight mechanisms, and minimal digitisation make the legal RTI difficult to enforce.

Rwanda faces ambiguity over the institutional authority for RTI enforcement and insufficient investment in local government capacity.

Kenya, although better resourced, still suffers from poor implementation at the county levels and inconsistent budgeting for transparency, record keeping and digitization of information initiatives.

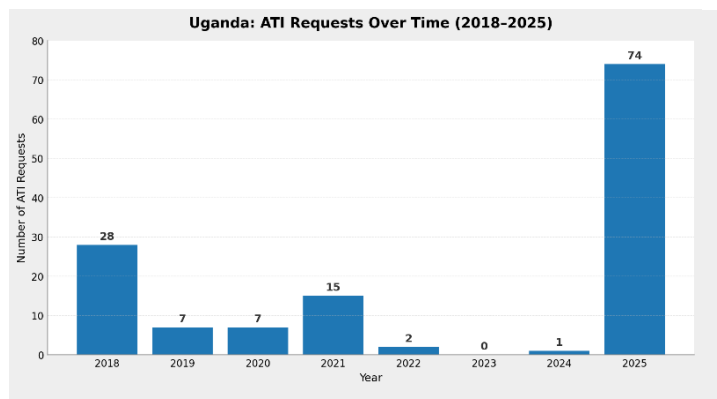
Behaviourally, officials in all three countries operate under a long-standing culture of secrecy, where releasing information is viewed as risky or disloyal. Interviews and secondary sources confirm that the public fears reprisals for disclosing data, even when laws permit it. Simultaneously, citizens remain hesitant to request information, fearing political backlash or believing that such efforts are futile.

### Shrinking Civic Space and Political Resistance

Political resistance to access to information is evident in the shrinking civic space, increased surveillance, and reprisals faced by individuals who seek sensitive data. In Uganda, laws such as the Public Order Management Act and the Computer Misuse Act have been used to intimidate civil society actors and journalists requesting access to politically sensitive information.

Uganda's Computer Misuse Act (2022) and NGO Act (2016) give wide discretionary powers to restrict expression and association, while repeated social media blocks reduce civic engagement. Frequent shutdowns and blocking of social media, especially during elections, shrink digital civic engagement. Civil society actors, journalists, and opposition figures face intimidation, arbitrary detention, and bureaucratic barriers.

Laws on media, cybercrime, and public order are often used to police dissent, and CSOs report that requesting or publishing critical information can lead to numerous acts such as surveillance and intimidation. These dynamics dampen the willingness of CSOs to push aggressively for RTI enforcement, especially in areas deemed sensitive by governments.



Human rights related questions are not easily respected and requests are tagged to being funded by foreign imperialism.

Rwanda allows many CSOs to operate but aligns them closely with government priorities, combining legal restrictions with sophisticated online surveillance. Despite a strong legal regime, journalists and civil society members risk arrest or administrative sanctions when probing state finances or procurement contracts. CSOs balance their watchdog role and RTI advocacy against political sensitivities.

Kenya presents more open environment, but civic space is deteriorating. There are still documented cases of whistleblowers and activists facing threats when requesting procurement or public expenditure records, particularly at the sub-national, county level.

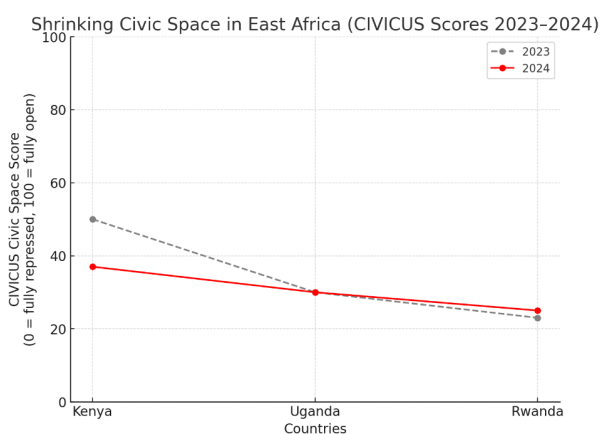
Kenya's Public Order Act, and Computer Misuse and Cybercrimes Act 2018, limited dissent, targeting online critics and accountability organisations.

The modernised Public Benefits Organizations (PBO) Act, 2013 and commenced in 2024 known as "PBO Act" regulates how non-profits are recognised and regulated by introducing a clearer, more "enabling" legal status for organisations working in the public interest.

Compared to the previous framework, the PBO Act is generally seen as moving away from a narrower, more state-controlled NGO registration system toward a broader regime that can cover a wider range of civil society actors, with stronger procedural safeguards and an emphasis on structured engagement between government and the sector. The older model was often criticised as more restrictive and discretionary, the PBO Act is intended to provide a more predictable, rights-based and supportive environment for civil society organisations to operate.

Despite robust legal protections, CSOs often complain of government opacity, poor record keeping, lack of compliance with proactive disclosure requirements, restricted access to information, and at times harassment or legal threats when probing sensitive issues such as procurement or expenditure tracking.

The fear of reprisal, whether legal or informal, remains a powerful deterrent to information access in all three countries. The overall tendency is a deteriorating civic space as witnessed by CIVICUS data and confirmed by interview.



Source: CIVICUS data

## Security Exemptions and bureaucratic inefficiencies

A major obstacle to effective access to information in East Africa stems from bureaucratic inefficiencies, including outdated records management systems, weak archiving practices, and a deeply entrenched culture of secrecy within public institutions. In Uganda, a report found that only 23% of government bodies had updated their information manuals as required under the Access to Information Act, and many lacked digitised records or designated information officers.

Uganda also exempts cabinet minutes and information on operations of public bodies where such information would frustrate the operations of the body.

The interviews have confirmed that in practice, exemptions from RTI legislation severely limit the use of RTI in the fight against corruption across all the three countries in focus. In Uganda, CSOs and journalists have repeatedly requested access to leaders' declarations of wealth under the Leadership Code Act. Such requests have been denied, with public officials citing privacy or secrecy provisions.

Uganda's Access to Information Act (2005) recognises the right of citizens to obtain records held by public bodies. However, the law contains broad exemptions which are frequently invoked by officials to deny requests. These include provisions that information may be withheld if its release is likely to prejudice state security or sovereignty or interfere with the privacy of another person. In addition, the Data Protection and Privacy Act (2019) restricts disclosure of sensitive personal data, while older statutes such as the Secrecy and Oaths Acts reinforce a culture of official confidentiality.

### Case Box: Uganda Court Reporters Association Ltd v. Attorney General (2014)

*In this case, the Uganda Court Reporters Association challenged a government decision to exclude journalists from attending a trial on the grounds of national security. The state argued that evidence to be introduced was "classified" and that open proceedings would endanger national security.*

*The High Court acknowledged that both the right to access information and the protection of national security are constitutionally recognised. However, it stressed that "national security" cannot be invoked as a blanket excuse to deny access. The Court held that the state must provide specific and demonstrable justification when limiting openness.*

In Kenya, despite legal mandates for proactive disclosure, compliance remains inconsistent, due to capacity gaps, a culture of secrecy, poor record keeping, management, and internal coordination.

In Rwanda, while the legal framework encourages disclosure, exemptions related to national security and public order are frequently and vaguely invoked, contributing to a default posture of nondisclosure by public servants. The definition of national security restrictions extend to foreign relations, economic interests or infrastructure

## Low Budgets and Poor ICT Infrastructure

Financial and infrastructural limitations are key barriers to the effective implementation of RTI laws. In Uganda, the Ministry of Information and National Guidance has consistently reported insufficient budget allocations to support staff training, records digitisation, or public awareness campaigns.

Similarly, many local government offices lack digital infrastructure, internet access, or adequately trained personnel to respond to information requests. Kenya has made progress in digitising records and establishing e-citizen portals, but many sub-national governments/ county governments lack the funding or technical capacity to ensure effective records management and thus to process RTI requests effectively.

## Digital Divides, Rural/Urban, Literacy, and Gender Gaps

Digital divides exacerbate inequality in access to public information. In Uganda, large portions of the population, particularly in rural areas, lack reliable electricity, internet, or smartphones, and thus cannot access government portals or file requests online. Literacy rates and language barriers further limit participation, particularly among women, youth, and elderly populations. In Kenya, while mobile and internet penetration are relatively high, digital literacy remains low in rural regions, and information on how to exercise RTI rights is not widely disseminated.

A study revealed that young, urban males were the most frequent information requesters, with women and marginalised groups largely excluded.

In Rwanda, despite the formal availability of RTI-related legal instruments in official languages, digital engagement remains challenging for many users mainly due to low public awareness. Tailored communication approaches and limited user-centered approach present an additional challenge. The lack of inclusive outreach, proactive dissemination, and user-centred ICT investments means that RTI remains difficult to access for significant segments of the population, notwithstanding its strong legal guarantees.

## Internet Shutdowns and Protests

Government-imposed internet shutdowns are among the most aggressive forms of information control, particularly around elections or protests. In 2024 in Africa, 21 internet shutdowns affecting 15 countries were reported. During Uganda's January 2021 general election, the government ordered a total internet blackout that lasted four days, effectively cutting off access to news, public platforms, and civic communication tools.

The [Uganda Communications Commission](#) justified the action on grounds of national security, but civil society and international observers condemned it as a violation of fundamental rights. In Kenya, while full shutdowns have not been recorded, there have been incidents of selective throttling during demonstrations, especially in Nairobi, and concerns persist ahead of tense electoral periods.

Rwanda has not reported large-scale internet shutdowns, but there are reports of online surveillance, content filtering, and selective blocking of critical platforms.

### Case Box: Internet Disruptions during Kenya's 2024 Protests

In mid-2024, Kenya experienced widespread protests against new tax proposals and governance failures. Civil society organisations and digital rights groups reported deliberate disruptions to internet services, including throttling of mobile data and selective blocking of platforms such as Telegram and WhatsApp.	These disruptions were documented by Access Now's #KeepItOn coalition as part of a broader rise in shutdowns across Africa.	However, civil society argued that the restrictions disproportionately curtailed citizens' rights to information and expression at a critical political moment. The disruptions also affected journalists' ability to report, civil society's capacity to mobilise, and citizens' access to government portals.
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# 4

## Role of Civil Society and Media

### Media and RTI

The role that civil society and media play in the fight against corruption in Africa is well anticipated in Article 12 of the AUCPCC, providing for both broad participation in the implementation of the Convention in the countries that are States Parties to the convention as well as specific provisions on reporting corruption. The experience and contribution of civil society and media vary across East Africa.

In Kenya, investigative journalism has exposed information revealing procurement irregularities such as the massive \$3.6 billion infrastructure investment termed Standard Gauge Railway (SGR). Journalists have relied on the RTI law to seek procurement and contract documentation, facing persistent refusals or delays.<sup>14, 15</sup>

#### Case Box: The Standard Gauge Railway (SGR) and RTI in Kenya

SGR launched in 2014 as Kenya's largest infrastructure project since independence, has been mired in controversy over cost, debt, and secrecy. Financed mainly through loans from China Exim Bank and built by the China Road and Bridge Corporation, the SGR's contracts and financing terms were kept from public view. After Kenya enacted the Access to Information Act (2016), investigative journalists

and civil society actors filed requests for SGR contracts, feasibility studies, and procurement documents. Ministries repeatedly declined, citing confidentiality clauses. In 2019, activist Okiya Omtatah, supported by civil society and media coverage, petitioned the High Court (Petition 58 of 2019) to compel disclosure. In 2020, the Court ruled that the contracts must be made public, affirming that confidentiality clauses cannot override constitutional rights. In the absence of full disclosure, journalists relied on leaks, whistle-blowers, and Auditor General

reports to reveal inflated costs (approx. USD 3.6 billion for the Mombasa–Nairobi line, among the highest per kilometer globally) and coercive freight policies benefiting vested interests. Media narratives positioned the SGR not just as an infrastructure project but as a test case for Kenya's transparency framework. Coverage emphasized that secrecy over a project tied to billions in public debt undermines citizens' constitutional right to know.

During protests, especially recent ones in 2024 and 2025, the Kenyan media have faced censorship or pressure. Sometimes stories are suppressed, or journalists intimidated. In Rwanda, journalists or online content creators use YouTube or local blogs to question government procurement decisions or public service delivery malfunctions. They occasionally face intimidations, content filtering or practice self-censorship.<sup>16</sup>

In Uganda, cases of repression of media have been reported. Journalists or media outlets have been arrested, accused under cybercrime or other laws, or had broadcasts or websites suspended. Interviews also reveal that "friendly media space" within Uganda exists, where certain journalists cover government press conferences and report on government programs without engaging in controversial discussions and using RTI.<sup>17</sup>

### Success Stories of CSOs and media advancing RTI

There are notable success stories where civil society, media, and legal action have combined to produce positive change in RTI. Below are some examples:

- In Kenya, the passage of the Access to Information Act in 2016 is itself a success of years of CSO and media advocacy. County governments like Makueni and Elgeyo Marakwet have set up open contracting portals and published their budget documents proactively as required by law.<sup>18</sup> The Legal Advice Centre case (Petition 104 of 2019) confirms judicial willingness to enforce RTI in Kenya.<sup>19</sup>

14 KNCLR (2023) *Kenya Railways Corporation & 2 others v Okioti & 3 others (Petition 13 & 18 (E019) of 2020 (Consolidated))* [2023] KESC 38 (KLR) (16 June 2023) (Judgment) - Kenya Law

15 ECONSTOR (2022) *How Africa Borrows From China: And Why Mombasa Port is Not Collateral for Kenya's Standard Gauge Railway*

16 BTI (2024) *Country Report Rwanda*, BTI 2024, p.12

17 Interview, civil society organisation, Uganda

18 OCP (2022) *Kenya: Makueni County | OCP Data Registry*

19 SheriaHub (2021) *Legal Advice Centre TIA Kituo Cha Sheria & 33 Others V Cabinet Secretary, Ministry Of Education & 7 Others (Petition 104 Of 2019) [2021] Kech 390 (Klr) (Constitutional And Human Rights) (26 November 2021) (Ruling)*

- In Rwanda, TI-Rwanda's Rwanda Bribery Index (RBI) has helped surface data on corruption, bribery amounts, institutions vulnerable to bribery, and citizens' experiences, which increases public awareness and gives civil society credible evidence for advocacy and monitoring.<sup>20</sup> Additionally, rapid digitalisation of Rwanda's public services such as the e-procurement system or Integrated Electronic Case Management System has been cited as helping increase the access to some crucial public data, which has reduced the opportunity for opaque deals.<sup>21</sup>

In Uganda, although less pronounced, CSOs like TI-Uganda and AFIC as well as the media have compelled the release of some government contracts or budget information in certain districts. In some cases, audits and citizen forums use information disclosed to hold local leaders to account<sup>22</sup>. Innovations: Digital Tools, Civic Tech Platforms, Social Media Campaigns

Innovations have emerged that help citizens and civil society overcome some barriers to information access.

Recent advances in artificial intelligence are beginning to shape how RTI and anti-corruption mechanisms function across East Africa. In Kenya, civil society actors and investigative journalists have used AI-assisted data analysis on open contracting portals. The government commits to promote AI-tools to promote greater transparency, access to public information and counter hate speech.<sup>23</sup>

Uganda is making significant strides in digitization through initiatives like the Contracts Monitoring System (CMS), Government Citizens Interaction Portal (GCIP), the Ministry of Finance, Planning and Economic Development budget.gov website and the Electronic Court Case Management Information System (ECCMIS). These advancements enhance transparency by enabling online access to public records, procurement data, and citizen services, thereby strengthening the implementation of the Access to Information Act (2005). Uganda's <https://www.africafoicentre.org/tag/rti/> AFIC has piloted machine learning tools to classify and analyse RTI request outcomes, helping expose systematic patterns of denial, while UNICEF's U-report applies natural language processing to cluster and interpret large volumes of citizen feedback received via SMS and WhatsApp.<sup>24</sup>

Rwanda's digital governance ecosystem is also integrating AI. [The Umucyo e-procurement platform](#) and the Integrated Electronic Case Management System (IECMS) have been tested with data mining and AI-supported analytics to detect fraud or corruption trends<sup>25</sup>, while [the IremboGov portal](#) has piloted chatbot features to guide citizens in accessing public services.<sup>26</sup> Across the region, AI-driven translation and fact-checking tools, such as those used by [PesaCheck](#) and [Africa Check](#), are enhancing access to information and strengthening accountability.

While these applications are still nascent, they illustrate the potential of AI to complement RTI frameworks by making vast public datasets more searchable, uncovering hidden patterns of corruption, and supporting citizens in exercising their right to information.

Table: RTI Innovation tools - examples

Tool / Platform	Country	Function	Strengths	Limitations
<a href="#">iWhistle (Kenya Revenue Authority)</a>	Kenya	Secure online whistleblowing platform to anonymously report corruption and tax evasion.	Anonymity protects users; builds direct citizen–agency link.	Awareness and uptake still limited; follow-up often opaque.
Makueni & Elgeyo Marakwet Open Contracting Portals	Kenya	County-level online portals publishing procurement contracts and budget data.	Provides proactive disclosure; reduces need for RTI requests.	Uneven adoption across counties; usability gaps.
<a href="#">Huduma Kenya / eCitizen portals</a>	Kenya	Centralised government service portals where some budget and procurement data are published.	Simplifies citizen access to official records.	Not all data available; outages and low rural access.
<a href="#">Ushahidi Platforms (used by CSOs)</a>	Kenya / Regional	Crowdsourcing and mapping citizen reports (e.g. corruption in procurement, service failures).	Easy citizen participation; data visualisation enhances advocacy.	Depends on CSO funding and moderation.
WOUGNET SMS & Digital Tools	Uganda	Women of Uganda Network uses SMS and mobile platforms to report governance failures and demand information.	Empowers marginalised women; works in low-connectivity areas.	Limited scale; weak enforcement of follow-up.
<a href="#">AFIC RTI Tracker</a>	Uganda	Africa Freedom of Information Centre developed systems to track RTI requests and compliance.	Aggregates evidence of government response to RTI.	Coverage incomplete; depends on voluntary reporting.

20 Interview, civil society organisation, Rwanda

21 Interview, civil society organisation, Rwanda

22 AFIC (2020) *Open Contracting Improves Social Service Delivery in Uganda-Success Stories - Africa Freedom of Information Centre*

23 UNESCO (2025) <https://unesdoc.unesco.org/ark:/48223/pf0000392693.locale=en>

24 AFIC (2025) *Artificial Intelligence and safety of Journalism in Uganda; Stakeholder's dialogue - Africa Freedom of Information Centre*

25 Construction Hub (2025) *Tendering for Government Projects in Rwanda? Everything you need to know about UMUCYO and What's coming next.* | CONSTRUCTION HUB

26 IGIHE (2025) *20 teams battle for innovation glory as Irembo hosts second AI Connect hackathon > IGIHE*

Electronic Court Case Management Information System (ECCMIS) <sup>27</sup>	Uganda	<u>Automates case filing, hearings, and judgments, reducing backlogs and enabling e-filing nationwide.</u>	Automates the full case lifecycle and enhances access to case information	Poor internet connectivity, unreliable power in rural courts, Concurrent user overloads and limited ICT skills.
Citizen's Feedback Platform (CFP) <sup>28</sup>	Uganda	App -based citizen reporting on local budgets, procurement, and service delivery.	Low-cost; works in rural and low-literacy contexts.	Patchy coverage; limited government responsiveness.
Uganda Budget Information <sup>29</sup>	Uganda	Publishes budget documents, enhances transparency, supports research, and promotes public participation.	A u t h o r i t a t i v e , c o m p r e h e n s i v e , transparent, and aligned with international best practices.	Technical complexity, limited accessibility, low awareness, and minimal interactivity.
<a href="#">Government Procurement Portal (GPP)<sup>30</sup></a>	Uganda	Tender publication, e-bidding, supplier registration, contract management, reporting, and transparency.	Promotes efficiency, accountability, transparency, competition, and data-driven decision-making	Digital literacy gaps, infrastructure constraints, cybersecurity risks, and incomplete adoption
Key National Budget Facts - CSBAG Budget Dashboard <sup>31</sup>	Uganda	Provides budget data, visualizations, research resources, and tools for advocacy and public engagement.	Enhances transparency, supports evidence-based advocacy, promotes citizen participation, and simplifies economic information.	Faces challenges related to awareness, digital access, sustainability, data availability, and technical capacity.
Government Citizen Interaction Centre (GCIC) <sup>32</sup>	Uganda	Complaint submission, case tracking, whistle-blower protection, data analysis, and public engagement.	Enhances transparency, promotes citizen participation, improves access to justice, and supports anti-corruption efforts.	Constrained by low awareness, digital barriers, capacity challenges, and potential delays in case handling.
<a href="#">Rwanda E-Procurement (Umucyo) System</a>	Rwanda	Mandatory electronic procurement system with open access to tenders and some contracts.	Reduces corruption risks; improves traceability.	Access and usability limited for rural citizens.
Rwanda Integrated Electronic Case Management System (IECMS) <sup>33</sup>	Rwanda	Public online platform to track judicial cases, including corruption trials.	Enhances transparency of court processes.	Information sometimes incomplete; requires internet access.
TI Rwanda Reporting Hotlines & Online Platforms <sup>34</sup>	Rwanda	Allows citizens to report bribery and corruption cases directly to TI Rwanda.	Builds dataset for advocacy (e.g. Bribery Index).	Follow-up limited

Interviews also revealed that in all the three countries, most anti-corruption information is received from social media such as Facebook, TikTok or X platform. These “innovations” help to partially mitigate structural constraints like distance, bureaucracy, or poor physical recordkeeping.

## Awareness and Demand for RTI

Citizens' awareness of their rights under RTI laws varies substantially across Kenya, Uganda and Rwanda, and remains limited in many communities. In Kenya, civil society surveys and reports indicate that while the constitutional RTI is entrenched (2010 Constitution) and the Access to Information Act (2016) is in place, many citizens are still unaware of the precise mechanisms for making requests, their entitlements under the law, or even that the law exists. This has created a limitation in the utilisation of these rights. In addition, many duty bearers or state actors do not comprehend how the RTI legislation works, and there are several capacity gaps in implementing them.

There is a notable gap in enforcement of proactive disclosure requirements as mandated under the Constitution and the Access to Information Act, with most public entities being non-compliant. Notably, in the judiciary, the judgements of lower courts are not openly published like those of superior courts; thus necessitating members of the public to make specific requests for the case files if needed.

In Rwanda, although transparency initiatives and civic education campaigns conducted by government agencies and CSOs have helped raise awareness in urban centres, much of the rural population remains unaware or uncertain how to use RTI, what kind of information they can request, or where to go when denied access. Interviews also reveal

27 <https://www.judiciary.go.ug/data/menu/143/About%20ECCMIS.html>

28 <https://cfp.oag.go.ug/>

29 <https://budget.finance.go.ug/>

30 <https://gpp.pppda.go.ug/public/bid-invitations>

31 <https://economichub.csbag.org/>

32 <https://www.gcic.go.ug/>

33 Interview, civil society organisation Rwanda

34 Interview, civil society organisation, Rwanda

that there is a concern voiced by government officials of “communities consuming news from untrusted sources”. In Uganda, awareness is even more constrained. Some reports indicate that many citizens do not know that Article 41 of the Uganda Constitution or the Access to Information Act (2005) gives them legal rights to request information, and public bodies seldom carry out widespread awareness-raising or publish their information manuals properly. This gap in knowledge among the public limits demand, reduces pressure on institutions to comply, and often means that transparency remains more a legal promise than a lived reality.

Across the EAC, while laws underpinning RTI exist, the political incentives to withhold information remain strong against the incentives to disclose across the East African region. In Kenya, civil society vehemently protests against RTI barriers and free speech. For example, internet disruptions during the #RejectFinanceBill2024 protests were strongly condemned. Various actors have also gone to court to oppose attempts to stifle RTI.

## Advocacy and Litigation

CSOs and media actors have been central in pushing RTI laws, litigating to enforce them, and advocating for better implementation. In Kenya, Article 19 Eastern Africa, TI Kenya, and others played leading roles in promoting passage of the Access to Information Act 2016, and then in pushing for its regulations. One case, *Legal Advice Centre & Others versus Cabinet Secretary, Ministry of Education* (Petition 104 of 2019, Kenya High Court, 2021) upheld that information ought to be provided expeditiously and that non-disclosure should only be under clearly defined exemptions, reinforcing the ATI Act's provisions.

In Rwanda, TI Rwanda produces regularly the Rwanda Bribery Index (RBI), which surveys citizens' experiences with bribery in public services thereby highlighting procurement and corruption issues while indirectly contributing to access to information around these processes. In Uganda, CSOs have engaged in monitoring, research, and policy advocacy, repeatedly calling for amendment of the ATI law, better implementation, and greater transparency at local government levels. These advocacy and litigation actions have had mixed success. In some cases, courts have reinforced legal rights as a result of litigation and advocacy, but in many others, enforcement of RTI legislation remains weak.

## 5

# RTI and the Fight against Corruption

**B**y granting citizens, oversight bodies, and journalists the ability to scrutinise official actions, RTI laws reinforce deterrence and help prevent impunity. Yet the integration of RTI into anti-corruption strategies remains uneven across Rwanda, Uganda, and Kenya, with distinct institutional trade-offs and gaps. This chapter examines how RTI interacts with anti-corruption enforcement across three pillars: (i) Asset Declarations, (ii) Procurement & Budgets, (iii) Whistleblowing and Enforcement.

## Asset Declarations and Public Accountability

Asset declaration regimes in the region rely heavily on transparency to ensure credibility. Where declarations are shielded from public access, the preventive and deterrent effect is weakened. In Uganda, interviews and other evidence confirm that declarations lodged with the Inspectorate of Government (IG) are not systematically published. Asset declarations are exempted from RTI requests due to secrecy provisions in the colonial relics such as Oath Act and Secrecy Act, by bureaucratic delays in responding to requests, and by the absence of a dedicated, independent information commission. These structural weaknesses, combined with political reluctance to release sensitive data such as asset declarations, significantly limit the impact of RTI in anti-corruption enforcement. Interviews revealed that requests for information for asset declarations from CSOs are often declined in Uganda on different grounds such as protection of personal data requiring that the such information is only provided upon the prompting of high-level executive intervention.

*“While CSOs were denied information, the President wrote requesting for wealth of the speaker of parliament and this was granted by the IGG. Environmental Alert has also written to NEMA requesting for Environmental impact assessments but the requests were delayed and partial information was provided.”*

In Rwanda, CSOs, mainly TI-Rwanda, actively submit RTI requests related to corruption to key justice sector institutions such as the Ministry of Justice, Judiciary, Prosecution, or the Office of the Ombudsman. Requests are usually granted, including access to the Integrated Electronic Case Management System (IECMS).

However, Rwanda demonstrates the risks of institutional backsliding. Until 2021, the Office of the Ombudsman was mandated to publish quarterly lists of persons convicted of corruption. The strategic plan (2020–2023) of the Office of the Ombudsman explicitly included “Publication of lists of people convicted for corruption cases; Court judgement review, ...” among its activities under support in the prosecution of corruption cases.

Until 2021, the Office regularly published on the website and through Facebook and other social media a list of persons convicted of corruption (see e.g. here). Under Law No. 54/2021 of 29/08/2021 governing the Office of the Ombudsman in Rwanda, several prior functions appear to have been altered. The Ombudsman no longer has among its enumerated mandated responsibilities in the statute an explicit requirement to publish quarterly lists of persons convicted of corruption—a function which featured in its previous strategic plan under the repealed 2013 law.

*“Ideally, the removal of this responsibility means the government should dedicate another institution to perform this task, as access to information on corruption cases is crucial for media practitioners, civil society, and the general public.”*

Civil society actors also reported that access to corruption-related data is largely restricted to the annual Rwanda Bribery Index produced by [Transparency International Rwanda](#). Interviews disclose that corruption-related information is available through official guidelines and social media. CSOs rely on collaboration with public institutions to access corruption-related data, including judicial cases involving corruption.

## Procurement and Budget Transparency

Public procurement and budgeting remain priority areas for corruption prevention, accounting for the bulk of public expenditure. In Uganda, CSOs have used RTI to interrogate budget allocations, but secrecy laws and the lack of public pressure limit disclosures of budget allocations, contractual agreements and funds' disbursement to specific projects particularly in local governments

In Rwanda, procurement records are available through [the e-procurement platform](#) and Auditor General reports. Kenya has arguably the most developed RTI architecture in the region, with the Access to Information Act of 2016 integrated into broader governance frameworks, including electoral monitoring. The Independent Electoral and Boundaries Commission (IEBC) collaborates with the Ethics and Anti-Corruption Commission (EACC) to share information on candidate vetting and procurement irregularities based on RTI requests, public information and law enforcement intelligence.

The interviews confirmed that the Commission on Administrative Justice issues binding orders to enforce disclosure in corruption-related cases. Furthermore, RTI is applied in budget monitoring, with watchdog groups and parliamentary committees accessing procurement and audit records.

### Case Box: The Geoffrey Kazinda Illicit Enrichment Case (Uganda)

In one of Uganda's most prominent illicit enrichment prosecutions, the government charged former Principal Accountant in the Office of the Prime Minister, **Geoffrey Kazinda**, with failing to declare substantial assets in his mandatory asset declaration forms. The court found that Kazinda had concealed properties and funds valued at over **UGX 4.63 billion (USD 1.25 million)**.

The conviction demonstrated the potential of asset declarations as an anti-corruption tool when inconsistencies are investigated. It showed how undeclared assets can provide critical evidence in corruption prosecutions.

Yet the case also revealed structural weaknesses. While the Inspectorate of Government (IG) verifies declarations and flags "high-risk cases," access to such data is largely denied to civil society organisations and the public. CSOs interviewed for this study reported repeated refusals when requesting asset declarations, citing secrecy provisions.

Table: Summary Matrix: nexus between RTI and anti-Corruption (Kenya, Uganda, Rwanda)

Dimension	Kenya	Uganda	Rwanda
Legal Strength	ATI Act (2016), binding powers for CAJ, judicial backing	ATI Act (2005), no independent information commission	ATI Law (2013), Ombudsman mandate reshaped in 2021
Institutional Performance	CAJ, EACC, IEBC coordination; courts enforce orders	IGG integrates ATI into investigations but weak autonomy	Ombudsman & anti-corruption unit active but narrowed mandates
Access in Practice	Proactive disclosures (audit, procurement, court rulings) more routine	Frequent delays, denials citing "security"	Procurement data online, but limited case-level corruption data
Inclusivity	CSOs, media, citizens use RTI; electoral linkages	CSOs and IG initiatives (barazas, community monitors)	Use concentrated among CSOs; low public awareness
Anti-Corruption Linkages	Strongest integration: procurement, elections, judicial rulings	Mixed: strong law, but secrecy culture and exemptions weaken impact	Thin visibility: CPI scores high, but enforcement disclosure weak

## Whistle-blower Protection and RTI

Across all three countries, whistle-blower protection emerges as a critical, yet uneven, dimension of the RTI-anti-corruption nexus. Rwanda has no comprehensive framework to guarantee whistle-blower safety, leaving civil society and journalists particularly vulnerable when exposing corruption.

Kenya has not yet enacted a comprehensive, standalone whistle-blower protection law, although draft legislation has been under discussion since at least 2019. Current protections are scattered across the Anti-Corruption and Economic Crimes Act (2003), the Anti-Bribery Act 2016, the Leadership and Integrity Act (2012), and the Witness Protection Act (2006). [The Ethics and Anti-Corruption Commission \(EACC\)](#) encourages citizens to report corruption via hotlines, walk-ins, and online forms.<sup>35</sup>

The Witness Protection Agency safeguards witnesses (those participating in a criminal justice process). However, trust in this mechanism is mixed. According to the interviews, treasury does not allocate funds for whistle-blower rewards. It is also discouraging that when logging a complaint with some agencies such as the [Independent Electoral and Boundaries Commission \(IEBC\)](#), complainants must file directly and provide their name. IEBC does not provide whistle-blower protection.<sup>36</sup> Kenyan CSOs point to the fear of retaliation as a major barrier of reporting corruption by whistle-blowers. The lack of anonymity and weak protection mechanisms discourage reporting by insiders in public institutions.<sup>37</sup>

35 EACC (2024) *Kenya observes African Anti-Corruption Day with focus on strengthening whistle-blower mechanisms - EACC*

36 Interview, governmental organisation, Kenya

37 TI Kenya (2023) *A-Review-of-the-State-of-Whistleblower-Protection-and-Defamation-Laws-in-Kenya\_TI-Kenya.pdf*

Due to the lack of budgetary allocation from the Treasury, the IEBC does not provide incentives for reporting electoral corruption. However, the IEBC encourages individuals to report any instances of electoral corruption as a civic duty. To facilitate this, the IEBC has established the Electoral Code of Conduct Committee, where individuals can report and resolve issues related to electoral corruption.<sup>38</sup>

In Uganda, the IG [https://www.igg.go.ug/media/files/publications/Whistle\\_blowers\\_Act.pdf](https://www.igg.go.ug/media/files/publications/Whistle_blowers_Act.pdf) recognises RTI as a critical tool for transparency and has used it to conduct investigations when citizens are denied information. Uganda has a [Whistle-blower Protection Law \(2010\)](#) and offers financial incentives of up to 5% of recovered funds, though implementation remains inconsistent. The IG disseminates findings through websites, media programmes, and community meetings, and has recovered significant sums following community whistle-blower reports.<sup>39</sup>

The IG has programs with youth such as integrity clubs, national anti-corruption debate, and music competition. IG also works with community monitoring groups most of whom are women. These report corruption related cases to the IG. There was a case of recovering to a tune of UGX1.2bn as a result of community whistle blowers.<sup>40</sup>

Whistle-blowers can request personal protection. Uganda has reported protocols to ensure that the identities of whistle-blowers are protected.<sup>41</sup> However, CSO interviews conducted reveal that whistle-blowers and human rights defenders are branded as “foreign funded” or “anti-government”. Concerns are also raised that protection is often inconsistent, especially at the community-level whistleblowing. There have been cases where whistle-blower information has been disclosed to persons against whom complaints are registered by public officials. The absence of witness protection law has also constrained whistle-blower protection<sup>42</sup>.

Rwanda has adopted the law relating to the protection of whistle blowers in 2017.<sup>43</sup> The Office of the Ombudsman receives corruption complaints and has power to investigate corruption based on complaints, but protection for whistle-blowers such as providing confidentiality, anonymity, protection from retaliation is not clearly spelled out.<sup>44</sup> CSO reports highlight the risk of reprisals and the lack of legal guarantees discouraging whistle-blowers, especially journalists and public servants.<sup>45</sup>

Table: Whistleblowing potential and RTI in Rwanda, Uganda and Kenya

Dimension	Rwanda	Uganda	Kenya
Legal basis	Dedicated Whistle-blowers Protection Law (Law 44bis/2017 of 06/09/2017); Ombudsman handles disclosures.	Whistle-blowers Protection Act (2010) with rewards & confidentiality; implemented by the IG	No standalone law yet; protections dispersed across ACECA/Anti-Bribery Act/ Witness Protection ACT; reform discussions ongoing.
Reporting channels	Ombudsman complaint mechanisms; NHR/other lines exist; institutional focal points still uneven.	Multiple IG channels such as community platforms and hotlines, and online reporting forms.	EACC hotlines & Anonymous Whistle-blower System; IEBC accepts complaints (but not anonymous in electoral cases).
Protections/incentives	Statutory protection, but practice & awareness vary.	Protection + 5% reward; relocation/ security possible; implementation uneven.	Protection fragmented; no rewards; anonymity limited (esp. in electoral matters).
Use in enforcement	Fewer public examples of WL→prosecution; strong anti-corruption framework but publication/visibility limited.	Declarations used in cases (e.g., Kazinda illicit-enrichment conviction relied on declaration discrepancies).	Whistle-blowers/informants often drive media/executive probes (e.g., KEMSA scandal), with EACC/judiciary follow-up.
RTI linkage	Post-2021: loss of routine publication of corruption-conviction lists weakens WL→public oversight loop.	RTI exists but secrecy/privacy exemptions frequently invoked; hampers follow-through on WL leads.	Stronger RTI enforcement via CAJ; WL tips can be paired with CAJ orders,

38 Ibid

39 Interview, governmental organisation, Uganda

40 Interview, governmental organisation, Uganda

41 Interview, governmental organisation, Uganda

42 ACCU (2023) [Final-Assessment-of-the-Implementation-of-Selected-Anti-Corruption-Laws.pdf](#), p.29

43 MINIJUST Rwanda (2017) [Law\\_Relating\\_to\\_the\\_protection\\_of\\_whistle\\_blowers.pdf](#)

44 Office of the Ombudsman (2025) [Preventing and fighting corruption division](#)

45 UNODC (2020) [Revised\\_Report\\_TIRW\\_UNODC\\_Assessment\\_Whistleblower\\_Law.pdf](#), p.22

# 6

## Conclusion

**A**cross East Africa, RTI frameworks exist on paper but differ significantly in strength and enforcement. Kenya has a relatively advanced legal framework (ATI Act 2016) and an active oversight body, the Commission on Administrative Justice (CAJ), but faces political resistance and selective compliance. Rwanda demonstrates strong formal frameworks and high anti-corruption commitment, yet practical enforcement of RTI has been uneven since 2021, particularly after the Ombudsman's mandate was curtailed. Uganda, the earliest adopter with its 2005 law, shows the weakest performance due to secrecy culture, broad exemptions, and weak oversight. These dynamics leave implementation of RTI stagnant.

### Shared regional trends include:

- A culture of secrecy that persists despite legal reforms.
- Weak enforcement mechanisms, especially where oversight bodies lack independence.
- Digital divides and shrinking civic space, undermining RTI's use in practice.
- Political trade-offs, where governments showcase RTI laws for international legitimacy but restrict sensitive disclosures.
- Poor record keeping and management practices

These patterns confirm that while RTI remains a cornerstone of transparency and anti-corruption, its impact depends on both political will and institutional enforcement.

### Country Highlights

**Kenya:** Strongest RTI law and comparatively robust institutional ecosystem (CAJ/Ombudsman office). Civil society and courts actively test the law, and proactive disclosures (procurement, audit records) are routine. Yet political resistance and harassment of activists, media and whistle-blowers remain. Whistle-blower protection is fragmented and there is no stand-alone legislation for their protection.

**Uganda:** The 2005 ATI Act is outdated and lacks a public interest override. The Inspectorate of Government integrates RTI into investigations but lacks autonomy and resourcing. Requests for asset declarations and contracts are often denied, while secrecy laws and reprisals further deter demand. The Whistle-blower Protection Act exists but is inconsistently enforced, limiting citizen confidence.

**Rwanda:** The 2013 ATI Law is strong on paper and uniquely includes a public interest override, but the 2021 law weakened Ombudsman responsibilities for proactive disclosure. Access to procurement data has improved through e-procurement, but case-level corruption data remains restricted. Civic space is tightly controlled, leaving RTI use concentrated among CSOs rather than citizens.

The study shows that RTI laws have not fully delivered their anti-corruption potential. In Kenya, institutional strength is offset by political resistance. In Rwanda, high CPI performance contrasts with uneven RTI enforcement and tightly controlled civic space for independent oversight. Uganda illustrates how early adoption without sustained reform results in stagnation.

In all three countries, RTI has been leveraged in procurement monitoring, budget oversight, and corruption prosecutions, but secrecy exemptions and reprisals continue to blunt its impact. Courts occasionally enforce RTI rights, but lack of transparency in lower-level proceedings reduces deterrence. Civil society and media play vital roles, though they face intimidation and restrictions.

### **Priority Reforms**

For RTI to fulfil its role in anti-corruption enforcement, reforms should focus on:

i. Strengthening whistle-blower protection:

**Kenya:** Enact a comprehensive law ensuring anonymity, retaliation remedies, and incentives.

**Uganda:** Ensure actual delivery of protection and rewards under the 2010 Act, and address reprisals.

**Rwanda:** Clarify protections under the 2017 law and ensure anonymity safeguards.

ii. Improving proactive disclosure: Mandate accessible publication of public information including budgets, procurement, and corruption conviction data.

iii. Revising secrecy and exemption regimes: Narrow broad clauses (e.g. Uganda's Secrecy and Oaths Acts; Rwanda's national security exemptions) and codify public interest overrides.

iv. Resourcing oversight bodies: Ensure independent mandates, adequate budgets, and clear sanctioning powers for CAJ (Kenya), IG (Uganda), and the Ombudsman (Rwanda).

v. Promoting inclusive access: Bridge digital divides, expand local-language tools, AI innovations and support civic tech innovations for RTI requests.

vi. Promoting effective records management in the public sector.

### **Implications for Regional Reform**

RTI is indispensable for accountability, but East Africa's experience highlights the gap between symbolic adoption and substantive implementation. Progress requires both institutional reform and political will. Without narrowing exemptions, protecting whistle-blowers, and resourcing oversight, RTI risks remaining underutilised. Yet where laws are enforced RTI demonstrates its value in deterring corruption. The challenge ahead is to move RTI beyond legal formality and embed it as a practical tool for citizens, civil society, and oversight bodies across East Africa.

# 7

## Policy Recommendations

### National Level

#### Country specific recommendations for Kenya

Kenya has one of the region's most progressive RTI frameworks under the 2010 Constitution and the 2016 Access to Information Act, further operationalised by the 2023 Regulations. However, enforcement is weakened by limited institutional capacity and a persistent culture of secrecy.

- **Fast-track adoption of a national RTI policy** - The ongoing process of developing a national access to information policy should be expedited to provide consistent guidance and harmonisation across sectors. Delays risk undermining the gains made under the 2016 Act.
- **Strengthen the Commission on Administrative Justice (CAJ)** - The CAJ must be adequately resourced and staffed to enforce RTI effectively.
- **Promote compliance with proactive disclosure of information across public offices** - Persistent opacity in procurement and budget processes requires stronger sanctions for institutions that fail to comply with disclosure obligations.
- **Promote** effective records management including digitalization of records.

#### Country specific recommendations for Uganda

- Uganda was the first in the region to adopt an ATI Act (2005) and Regulations (2011), but implementation remains weak due to secrecy provisions, lack of awareness, and absence of an independent oversight body. **Establish an independent information commission** - Oversight should not rely solely on the Inspectorate of Government and the courts. A specialised RTI body would help ensure compliance and lead public awareness campaigns.
- **Raise public awareness and demand** - Few citizens are aware of their rights under the ATI Act. Sustained outreach is needed to increase utilisation and pressure for institutional compliance.
- **Strengthen protection for requesters and activists** - Civic space restrictions undermine RTI. Legal and practical safeguards are needed to protect anti-corruption actors from reprisals.

#### Country specific recommendations for Rwanda

Rwanda has a relatively strong RTI law (2013), monitored by the Office of the Ombudsman. However, awareness amongst the citizens is low, use of the law remains limited, and civic space is tightly controlled.

- **Raise awareness of RTI rights** - Citizens and public officials need better understanding of the existence, relevance, and application of the law. Awareness campaigns would strengthen demand.
- **Create an enabling environment for civil society and media including digital media** - For RTI to function, journalists and anti-corruption activists must be able to operate freely. This requires legal and political reforms to safeguard civic space.
- **Ensure Ombudsman effectiveness** - The Ombudsman should be empowered with clear sanctioning mechanisms and resources to enforce compliance, and mandates that were rolled back in 2021 (such as publishing conviction lists) should be restored or reassigned.

#### Reform Access to Information laws and practices

Governments should revise ATI/RTI laws to strengthen enforcement mechanisms, introduce explicit harm tests, and require a public-interest override for all secrecy claims. This would close the loopholes that currently allow officials to deny requests on vague grounds of "security" or "public order," as documented particularly in Uganda and Rwanda.

### **Institutionalise proactive disclosure of corruption-related data**

Key transparency data including asset declarations, procurement contracts, conviction lists, and audit findings should be published routinely without requiring citizens to file requests. Experience shows that when proactive disclosure is weakened, as in Rwanda after 2021, public accountability suffers.

### **Resource and empower RTI oversight bodies**

RTI-critical oversight institutions such as Kenya's CAJ, Uganda's IG, and Rwanda's Ombudsman need secure budgets, trained staff, and statutory independence to enforce RTI effectively. Without sufficient resources and autonomy, enforcement remains symbolic and selective.

### **Ensure oversight decisions are binding**

Oversight institutions must be able to issue binding and enforceable orders on disclosure. Kenya's CAJ has demonstrated how such powers strengthen compliance; extending this model would prevent officials from ignoring or delaying RTI decisions.

### **Protect and incentivise whistle-blowers**

Comprehensive legal frameworks should guarantee anonymity, remedies against retaliation, and financial rewards where appropriate. As shown in Uganda's uneven enforcement and Kenya's absence of a standalone law, weak protection deters insiders from reporting corruption, undermining the RTI–whistleblowing nexus.

### **Expand inclusive access**

RTI systems should be designed to reach women, rural citizens, and persons with disabilities. Bridging digital divides and literacy gaps will ensure that RTI is not only a tool for urban elites, but a right that serves all citizens.

### **Raise public awareness of RTI laws and tools**

Governments must invest in sustained civic education campaigns. Many citizens remain unaware of their RTI rights, particularly in Uganda and rural Rwanda, which depresses demand and reduces institutional pressure to disclose information.

## **Regional Level**

Regular peer reviews at the EAC or AU level would help prevent symbolic compliance and ensure governments implement their commitments in practice.

### **Reinstate and strengthen proactive publication mandates**

Regional institutions should encourage member states to restore publication requirements and expand them to cover audit and procurement data. Proactive disclosure is more reliable than case-by-case requests.

### **Foster peer learning and replication of good practice**

East African states should share lessons and replicate innovations. For example, Kenya's CAJ binding orders provide a regional model for stronger RTI enforcement, while Rwanda's e-procurement portal demonstrates the value of digitalisation.

### **Integrate whistleblowing and RTI into anti-corruption strategies**

Regional anti-corruption frameworks should link whistle-blower protection with RTI. This synergy would ensure that insider disclosures can be combined with citizens' rights to information, amplifying accountability.

### **Promote and invest in responsible AI for transparency**

Governments should invest in responsible AI for transparency (e.g. automating disclosure of procurement contracts, AI-driven redaction to balance privacy and openness). Regional cooperation in the EAC could explore AI-enabled monitoring tools to strengthen RTI and anti-corruption enforcement.



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