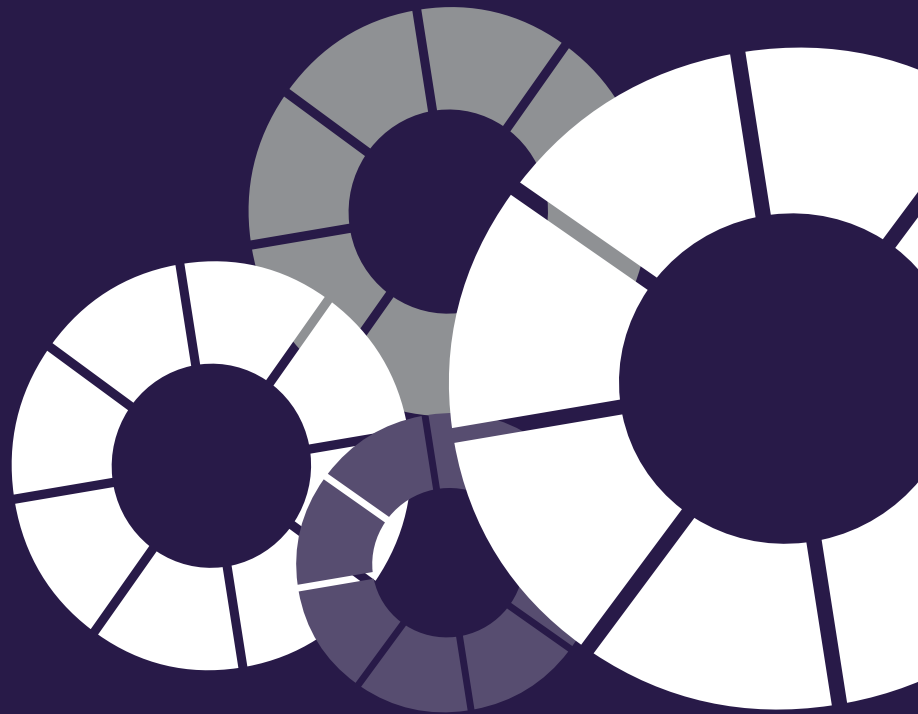


ARTICLE¹⁹



Open Development

Access to Information and the Sustainable Development Goals

July 2017

Report

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Executive Summary

The right of access to information held by government and other powerful bodies (right to information) empowers individuals and communities to be able to engage and participate in decisions that affect their lives. It has been widely recognized around the world as a fundamental human right, as well as an important tool for promoting the rule of law, fighting corruption and ensuring other rights.

The right to information has been a key element of sustainable development since the 1992 Rio Declaration. In the Sustainable Development Goals (SDGs), access to information held by public bodies has been recognised as a necessary enabling mechanism for public engagement across the goals and specifically incorporated into Goal 16 as well as implicitly as into many other goals and targets.¹ An indicator adopted by the UN Statistics Commission in 2016 and approved by ECOSOC earlier this year considers that at least initially this should be measured by review of the legal instruments - laws, policies and constitutions in place in countries and their implementation.

This report reviews the current state of the right of access to information across the world to provide a baseline for future assessments over the lifetime of the 2030 Agenda. It finds that there has been significant incorporation of the right in well over half of UN Member States. The right has now been adopted into law or policy in 118 countries around the world (61 percent of UN Member States) from the largest countries (China, India, USA, Indonesia, Brazil, Nigeria and Mexico) to some of the smallest (St Vincent and the Grenadines, Vanuatu) covering 89 percent of the world's population. In addition, 90 countries have adopted explicit constitutional guarantees. Many countries are also implementing transparency initiatives such as e-government or open data which supplement the right but generally do not fully ensure the right of access to all information.

There has been also significant developments in the international sphere with RTI increasingly

being recognised in declarations by the UN General Assembly and Human Rights Council, in General Comments and cases before the UN Human Rights Committee and Committee on Social, Economic and Cultural Rights. A number of important multi-stakeholder initiatives which promote transparency including the Open Government Partnership and the Extractive Industries Transparency Initiative have also emerged.

This report aims to provide understanding of RTI and its concrete implications on the daily life of citizens and the application of SDGs. It also aims to inform stakeholders on various experiences developed in this field, and the means at their disposal to exercise this right and advocate for its effective and measurable realization.

About ARTICLE 19

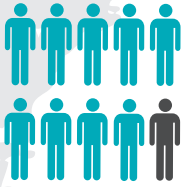
ARTICLE 19 is an independent human rights organisation that works globally to protect and promote the right to freedom of expression and information. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech. Established in 1987, ARTICLE 19's mission is "to promote, protect, develop and fulfil freedom of expression and the free flow of information and ideas in order to strengthen global social justice and empower people to make autonomous choices." In accordance with its mandate to promote freedom of expression and transparency, including the right of access to information as a supporting mechanism, ARTICLE 19 is monitoring and supporting international and national actors who are working for the advancement of the right to information. ARTICLE 19 through its regional offices and in collaboration with other civil society organizations is committed to informing the debate on this right and developing tools to ensure that national constitutional and legislative frameworks meet international standards and for their application to be effective to facilitate the action of member states in meeting their all of their commitments under the 2030 Agenda.

The Right to Information Around the World



89%

of the world's population lives in a country with an RTI law or policy



113

countries have adopted RTI laws

44

countries have pending bills or other initiatives



What is the right to information?

RTI gives every person the right to obtain information, documents, or data from government bodies without having to give reasons. The bodies must ensure "easy, prompt, effective and practical access"



75

countries have joined the Open Government Partnership



countries have adopted national decrees or policies, instead of legislation, to give people rights to information from the government



countries specifically include the right to information in their constitution

52

countries have joined the Extractive Industries Transparency Initiative



Information accurate as of July 2017

Importance of the Right to Access Information

The right of access to information held by public bodies (RTI) is essential to the democratic functioning of societies and the well-being of each individual. It enables the strengthening of citizen participation and the exercise of socio-economic and political rights, fosters development, economic performance and makes national authorities accountable for their actions and management of public finances and public services.

Access to public information compels governments and public officials to be accountable and transparent. RTI allows better control of state action by the population who can learn about decisions taken on their behalf by public officials. This allows citizens to be more involved in evaluating the management of public affairs. RTI helps to develop a culture of accountability among public officials, who are obliged to put their actions at the service of the public interest. RTI is a practical means of enabling citizens to control government action and enhance the transparency of the state and the accountability of civil servants and elected officials.

RTI enables individuals to better enjoy their civil and political, economic, social and cultural rights insofar as it enables them to make more informed choices. It has implications for individuals and groups in any society, ranging from their enjoyment of basic services (health, education, housing, work, etc.) to their place in public life (voting rights, participation in public and political life, accountability of elected and state officials, etc.).

The effective implementation of RTI is a prerequisite for the effective participation of the population and their ability to have a voice, which are necessary for democratic societies.

Access to Information and Sustainable Development

The importance of access to public information to the field of sustainable development has been acknowledged for many years. Over that time, it has been substantially included in almost all international agreements on sustainable development. In the *1992 Rio Declaration*, the world's leaders agreed in Principle 10 that:

Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

In the 2000 *Millennium Declaration*, the leaders committed in Article 25 to “ensure the freedom of the media to perform their essential role and the right of the public to have access to information.” This commitment however, was not incorporated into the Millennium Development Goals and received little attention except in countries that adopted supplemental indicators.²

Access to Information in the SDGs

With the recognition that the Millennium Development Goals failed to effectively incorporate any accountability mechanism, the national leaders in the Rio + 20 Declaration included several

provisions on access to information including:

43. We underscore that broad public participation and access to information and judicial and administrative proceedings are essential to the promotion of sustainable development...

44. We acknowledge the role of civil society and the importance of enabling all members of civil society to be actively engaged in sustainable development. We recognize that improved participation of civil society depends upon, inter alia, strengthening access to information and building civil society capacity and an enabling environment.

The Secretary General's *Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda* further suggested two targets in its Goal 10 on Good Governance and Effective Institutions:

b) Ensure that people enjoy freedom of speech, association, peaceful protest and access to independent media and information

d) Guarantee the public's right to information and access to government data

Thus, by the time the Open Working Group on the SDGs began meeting, there was already global recognition of the importance of access to public information and the need to incorporate it in the Sustainable Development Goals in a meaningful way.

Access to information was broadly discussed throughout the debates of the Open Working Group in all six public drafts over the five-month period of negotiations. In negotiations on the SDGs, there was a clear intent by member states to ensure that both access to information and the protection of human rights would be monitored through an individual indicator.

In each version of the draft document, while slightly changing, the text consistently referred to access to information as a key strand, as well as protecting certain named human rights.

The final language in the OWG strengthened the right of access to information while broadening provisions on human rights:

16.10 ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

The final indicators adopted by the UN Statistical Commission and approved in the 2017 ECOSOC session reflect the two separate indicators for 16.10 related to access to information and human rights as proposed initially by the High Level Panel and adopted by the Open Working Group:

16.10.1 Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates.

16.10.2 Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.

This report focuses on the framework and developments around the second indicator on access to information.

International Standards

Summary of international obligations and standards

The right of all persons to be able to obtain information from public bodies about their decisions and activities is well established in international law as a human right.³ It has also been widely recognised as a means for the enabling of civil and cultural rights, and as a key tool to fight corruption and promote good governance.

The Right to Information and Human Rights

The primary source of the right in human rights law is found in Article 19 of the International Covenant on Civil and Political Rights (ICCPR) which provides that:

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

In General Comment No. 34 adopted in 2011, the UN Human Rights Committee issued an authoritative interpretation on the scope and limits of the right to information under Article 19 of the ICCPR. According to the Committee, the article requires that all countries ensure public access to information and ensure that the access is “*easy, prompt, effective and practical*”. Countries must enact “*necessary procedures*”, such as legislation, to give effect to the right to information and sets standards for such legislation, including that fees for access must be limited, responses to requests must be timely, authorities must provide explanations for withholding information and independent appeals mechanisms must be established. Countries must also proactively disseminate information in the public interest.

The Human Rights Committee further elaborated on the inclusion of the right to information in Article

19 in the case of a Kyrgyz civil society request on the use of the death penalty.⁴ It held that “the right to freedom of thought and expression includes the protection of the right of access to State-held information, which also clearly includes the two dimensions, individual and social, of the right to freedom of thought and expression that must be guaranteed simultaneously by the State.” In a case from Mexico, the Committee again emphasised that the “States parties must make every effort to ensure easy, prompt, effective and practical access to such information.”⁵

The standards set out by the Committee have been further developed by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in his 2013 report to the General Assembly on the right to access information and its relationship with the right to truth,⁶ as well as in joint declarations by the international freedom of expression rapporteurs from the UN, OAS, AU and OSCE.⁷

The Human Rights Council has also adopted a number of resolutions calling on countries to adopt RTI legislation.⁸ In March 2016, 47 Member States signed a Joint Statement on Access to Information and Transparency as part of discussions on a future resolution developing detailed standards on RTI for countries to incorporate into national law.

In addition to the activities of UN bodies, regional human rights conventions in Europe, the Americas, and Africa all require governments to make available information available to the public.⁹ The UNECE Convention on Access to Information, Public Participation, and Access to Justice in Environmental Matters (The Aarhus Convention), which implements Rio's Principle 10, has been adopted by 47 countries from Iceland to Kazakhstan. A similar instrument is currently being negotiated for the Latin America and the Caribbean region.

The Right to Information and Social, Economic and Cultural Rights

The need for access to information has also been recognised in international law relating to social and economic rights. These include the right to water¹⁰, the right to health¹¹ and the right to education¹².

For social, economic and cultural rights, RTI is considered an enabler right, which facilitates public participation in decision-making related to these rights, or allows persons to better access these rights. RTI is also found in numerous international treaties and agreements including relating to pollution¹³ and climate change¹⁴, disability¹⁵, and migrants.¹⁶

Anti-Corruption

The UN Convention against Corruption (UNCAC), which has been signed and ratified by 182 countries has a number of provisions requiring public access to information. Article 13 requires that States should “[ensure] that the public has effective access to information” while Article 10 requires that states “take such measures as may be necessary to enhance transparency in its public administration” including:

Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public;

Further, Article 9 requires ensuring the transparency of public procurement while Article 33 recommends measures to promote public reporting

including protecting whistleblowers.

The ratifying countries are currently beginning their second cycle of the Mechanism for the Review of Implementation, which includes a review of the provisions on public participation, access to information and public procurement. This process should be harmonized with the Voluntary National Reviews being conducted.

Many of the regional and sub-regional conventions on anti-corruption, including the Inter-American Convention against Corruption, African Union Convention on Preventing and Combating Corruption, the Arab Anti-Corruption Convention, and the SADC Protocol Against Corruption, include similar provisions.

Existing multi-stakeholder initiatives to inspire RTI monitoring in the SDGs

A number of global initiatives that emerged during recent years have established good practices and successful collaborative processes between governments and international or local civil society organisations to promote more transparency. This section reviews some of these initiatives and their functioning to advance the transparency agenda. In this framework, non-legislative measures such as open data and electronic government are increasingly making information proactively available to the public.

The Open Government Partnership (OGP)

The “Open Government Declaration” that established the essence of the Open Government Partnership (OGP) promotes transparency of governments through a multi-stakeholder approach. Transparency is referred to in the Declaration in these terms: “Governments collect and hold information on behalf of people, and citizens have a right to seek information about governmental activities. We commit to promoting increased access to information and disclosure about governmental activities at every level of government. We commit to increasing our efforts to systematically collect and publish data on government spending and performance for essential public services and activities. We commit to pro-actively provide high-value information, including raw data, in a timely manner, in formats that the public can easily locate, understand and use, and in formats that facilitate reuse...”¹⁷

The commitment of the OGP to RTI is very strong for both reactive and proactive disclosure of information. One of the conditions established in the Articles of Governance of OGP for governments to join is to adopt “An access to information law that guarantees the public’s right to information and access to government data is essential to the spirit and practice of open government.”¹⁸ Even if this is an important step in recognizing the importance of

RTI for transparency and open government, some experts have criticized the fact that this focuses only on the existence of RTI legislation in the country, without paying attention to its effectiveness and its compliance with international standards. The dilemma here is that the adoption of strong RTI legislation does not guarantee its implementation, and therefore this metric as insufficient. This is an important lesson for the monitoring of the SDG indicator.

A study¹⁹ conducted to analyse the commitments of OGP countries to RTI concluded that a majority promoted proactive information disclosure. All members made at least one commitment regarding open government data. Less frequently included were commitments to improve the functioning of RTI laws. This is partially due to the fact that OGP as an initiative is aimed at the executive branch of governments and can thus deliver proactive transparency (open government data) unilaterally, but the reactive part of RTI requires that other stakeholders take part in the process, including the legislature. Further, open data is often seen as easier and less contentious, as the release is under the control of the public bodies. The commitments made by those governments who included RTI in their plans fall within four broad categories that can be described as: Developing or strengthening a solid legal RTI framework; Ensuring the correct enforcement of RTI; Training on RTI for public officials; and Developing or strengthening oversight bodies.

The dynamic created by the participation of civil society in the Open Government Partnership (OGP) process is very interesting, even if the number of organizations consulted during the process, particularly for the first sets of action plans, were relatively limited. One important area raised as needing additional is “decentralising” open government.²⁰ There is an overwhelming consensus on the need to implement open government at the

local level, because it will only have meaning in the lives of citizens when reforms are seen locally, and take into consideration the current disparities between regions. This is equally valid for the implementation of the SDGs.

The OGP process provides a leverage opportunity for CSOs to influence the design and development of commitments that the Government will adopt and implement. Thanks to the OGP process, some of the CSOs focusing on RTI advocacy have become more visible, but more efforts are needed to ensure the participation of key actors in joint actions to support the RTI agenda and its implementation. Organizations working on the promotion of human rights in general are almost absent from these efforts, as are labour groups, professional associations, and bar associations.

An illustrative example of the OGP process and its impact on key stakeholders in promoting transparency and the specific RTI agenda is Tunisia. Tunisia adopted a presidential decree on access to administrative documents in 2011, and joined the OGP formally in 2013. A new Constitution adopted in 2014 recognized RTI and a new expansive RTI law was adopted in March 2016 after extensive consultation, and strong advocacy by civil society. One of the focuses of this advocacy was retaining the commitment to adopting RTI legislation in the first National Action Plan (NAP) of Tunisia. The OGP process in Tunisia enabled the development of various commitments in the first and second NAPs on RTI and its effective implementation, and facilitated the adoption of open data portals.²¹ This process was highly consultative of civil society groups that were part of the OGP National Committee in the first NAP, and further expanded consultations for the second NAP, sets a very good example of collaboration between governments and local civil society. In taking a similar approach, the SDGs dynamic within countries could gain traction

and effectiveness, and become a way to promote civic space and multi-stakeholder collective action for achieving the 2030 Agenda.

Open Contracting showcases the importance of RTI in practice

The Open Contracting Partnership²² (OCP) was founded by a community of policy experts, leaders and campaigners through a collaborative process that included hundreds of stakeholders across government, business, and civil society, who believe that better open data and more community engagement can transform public projects, goods and services. It started in 2012 as an alliance to foster collaboration, innovation and collective action. The Open Contracting Data Standard (OCDS) was then launched in 2014, as a global non-proprietary standard structured to reflect the complete contracting cycle, and enable users and partners around the world to publish shareable, reusable, machine readable data, to join that data with their own information, and to build tools to analyse or share that data.

The OCP undertakes advocacy to challenge vested interests and change global norms in public contracting from closed to open, by supporting a network of partners to implement open contracting projects and adopt the OCDS. The OCP also focuses on learning more about the process of contracting and gathering compelling evidence of what open contracting can achieve. Open contracting is about publishing and using open, accessible and timely information on government contracting to engage citizens and businesses in identifying and fixing problems. It aims to deliver better deals for governments, provide a level playing field for the private sector, and high-quality goods and services for citizens. The OCDS enables disclosure of data and documents at all stages of the contracting process by defining a common data model. It

was created to support organisations to increase contracting transparency, and allow deeper analysis of contracting data by a wide range of users.

Publishing and using structured and standardized information about public contracting helps stakeholders to deliver better value for money for governments and prevent fraud and corruption. It also creates fairer competition and a level playing field for business that should drive higher quality goods, works and services for citizens. Open contracting is at the cutting edge of open government across the globe and many governments have already started implementing the data standard²³. These developments have enabled the development of platforms promoting the adoption of the OCDS in different regions of the world. One example of this is [Budeshi](#) (meaning “Open it” in Housa), a platform that advocates for Open Contracting across Africa and aims to open up the procurement processes of governments across the continent through sustained advocacy and accessible technology.

The Construction Sector Transparency Initiative (CoST)

The Construction Sector Transparency Initiative (CoST) is a multi-stakeholder initiative with 15 participating countries launched in 2012 to get better value from public infrastructure investment by increasing transparency and accountability. In each country, CoST is directed by a Multi-Stakeholder Group (MSG) that comprises representatives of government, private sector, civil society and local communities.

CoST promotes transparency by disclosing data from public infrastructure investment. This helps to inform and empower citizens, enabling them to hold decision-makers to account. Informed citizens and responsive public institutions can

lead to the introduction of reforms that will reduce mismanagement, inefficiency, corruption and the risks posed to the public from poor infrastructure.

CoST works at the national and international level to facilitate the global exchange of experience and knowledge on transparency and accountability in public infrastructure. In so doing, CoST works closely with other global transparency initiatives like the Open Government Partnership and the Open Contracting Partnership.

Even if the number of countries involved is still limited, this initiative has the potential to support the efforts of monitoring SDG 9 directly and other SDGs more indirectly, including 11, 12 and 16.

CoST works at the national and international level to facilitate the global exchange of experience and knowledge on transparency and accountability in public infrastructure. In so doing, CoST works closely with other global transparency initiatives like the Open Government Partnership and the Open Contracting Partnership.

The Extractive Industries Transparency Initiative (EITI)

The Extractive Industries Transparency Initiative (EITI) is a global standard to promote open and accountable management of natural resources. It seeks to strengthen government and company systems, inform public debate, and enhance trust.

EITI is currently implemented in 52 countries. In each implementing country, it is supported by a coalition of governments, companies and civil society working together.

The EITI maintains the EITI Standard, which requires countries to ensure the full disclosure of taxes and other payments made by oil, gas and

mining companies to governments. These payments are disclosed in an annual EITI Report,²⁴ which allows citizens to see for themselves how much their government is receiving from their country's natural resources, and provides them with information to monitor these resources and the impact of their exploitation on the local population.

The EITI Standard contains a set of requirements that countries need to meet in order to be recognized first as an EITI Candidate, and ultimately an EITI Compliant country. The Standard is overseen by the international EITI Board, which is made up of members from governments, companies and civil society.

The EITI relates directly and indirectly to different SDGs, including 11, 12 and 16, and is an example of a multi-stakeholder approach to collaboration in order to develop transparency and ensure the participation of local actors in the evaluation of public policy.

ICTs and E-Government: Companies, NGOs and Governments Partnerships

New digital technologies have also given rise to a variety of stakeholders: governments, NGOs and the private sector as well as communities, technology experts, and others to be able to act in a variety of ways together and separately in contributing to sustainable development.

Innovative demand-driven approaches have been taken to enhance people's ability to request governments to open up data. Multiple approaches and tools can be used to increase open government data usage. These include campaigns to raise awareness of how open government data can help achieve the SDGs and empower people with new tools. Other tools enhance participation in decision-making by broadening consultation.

The UN General Assembly has recognized on several occasions the role of information and communications technology (ICT) in promoting sustainable development and supporting public policies and service delivery, including through the Sustainable Development Goals. It has underscored that ICT has enabled breakthroughs “in Government and the provision of public services, education, healthcare and employment, as well as in business, agriculture and science, with greater numbers of people having access to services and data that might previously been out of reach or unaffordable” . The General Assembly has also specifically affirmed the “potential of e-government in promoting transparency, accountability, efficiency and citizen engagement in public service delivery”.²⁶

In 2001, the UN Department of Economic and Social Affairs (DESA),²⁷ developed an e-government benchmarking system and started on a biennial basis to publish the UN E-Government Survey. The Survey measures e-government effectiveness in the environmental sector and in economic and social sectors, namely education, health, labour and employment, finance and social welfare. In 2016, under the title ‘E-Government in Support of Sustainable Development’, the survey introduces the new 2030 Agenda framework that e-government efforts should adopt, and sets out how ICT and e-government will be important tools to realize its objectives. The report states that “In an effort to make public institutions more inclusive, effective, accountable and transparent, as called for in the 2030 Agenda for Sustainable Development, many governments across the globe are opening up their data for public information and scrutiny. Making data available online for free also allows the public – and various civil society organizations – to reuse and remix them for any purpose”. Overall, in 2016, 128 out of 193 UN Member States provide datasets on government spending in machine readable formats. The remaining 65 have no such information online.

National Implementation of Indicator 16.10.2 in 2017

Overview

There has been substantial progress in the recognition of the right to information in national law. This includes comprehensive laws and national policies, sectoral laws, and constitutional rights.

Currently, 118 countries (60 percent of UN Member States) have adopted laws or policies. They cover nearly 90 percent of the world's population. There are pending initiatives in over 40 countries which do not yet have a law. In addition, 90 countries have the right to information explicitly in their national constitution.

Right to Information Laws

As of June 2016, 113 out of 193 Member States of the UN have adopted comprehensive laws which set out legal rules on access to information held by government bodies, known as Right to Information (RTI), Freedom of Information (FOI) or Access to Information Acts (ATI).

Since 2000, there has been accelerating interest by countries in promoting openness of their activities. Over 80 UN member states at diverse stages of development and different political systems have adopted a right to information in their constitutions or specific legislation to give effect of this fundamental right. These include countries such as Argentina, Brazil, Ethiopia, Indonesia, Iran, Nigeria, Mongolia, Sudan, Tunisia, Kenya, Palau, and Lebanon.

Since the 2016 High Level Political Forum (HLPF), 5 countries - The Bahamas, Lebanon, Kenya, Malawi, and Tanzania - have adopted new comprehensive RTI laws. 12 countries have adopted laws since the approval of the Sustainable Development Goals by the UN General Assembly in

RTI in Numbers UN member states



RTI Laws **113** | Orders or Decrees **5**

Pending bills or initiatives (approximate) **44**

24 Non MS jurisdictions with RTI laws or Regulations

2015.

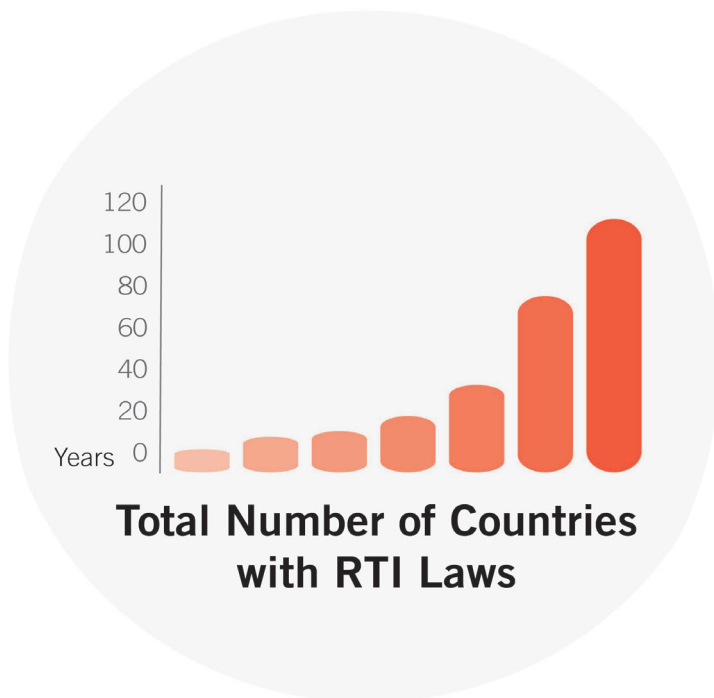
Common Features

In determining this number, it is crucial to assess the scope of these laws and identify a few salient features that are common to them all.

These criteria, which are common to RTI laws, are a baseline that information access should be assessed against.

The criteria include:

- A free standing or distinguishable law, which provides a general right of access to all information held by public bodies in that country
- A duty of public bodies to set up systems and



procedures to receive and respond to requests in a timely manner

- No obligation for the requester to explain why they are asking for the information or show that they have a legal interest (such as a possible legal case) before they can ask for the information
- A system of limited exemptions which allow for the withholding of certain kinds of information in limited circumstances where it would cause harm if made public
- An appeals mechanism, including external review and appeals to courts
- An obligation for the affirmative publication of information about key structures, decisions and activities.

These laws should be distinguished from other legal

instruments and initiatives which may give limited rights of access to specific information including administrative procedure laws, e-government and specific sectoral laws on environment, consumer protection, anti-corruption, or public procurement. Often, these laws only provide access to limited types of information or require some form of legal standing to obtain the information. They should also be distinguished from voluntary measures, which many governments are undertaking around public expenditure and open data. While these initiatives can be useful in providing access to information to the public, they are often subject to the whims of political officials and may be limited on the amount or timeliness of the data available.

Bills and Initiatives

In addition to the 113 countries, approximately another 40 more countries including Botswana, Luxembourg, Cambodia, and Ghana are in the process of adopting a RTI law, either as a project of law or a pending or recently pending bill. These countries should not be included in the tally of those complying with the indicator as they have not yet set up legal rights.

It should be noted that at least three of the countries – Bolivia, Pakistan, and The Philippines – have existing access to information policies, which may be partially compliant with the indicator.

Issues on Implementation

While the number of such laws has more than tripled in recent times, there are still many challenges to make the right a reality so that all people may benefit from it. While upgrading national legislation and administrative functioning are prerequisites, an equally important aspect is the change in attitudes required so that openness and transparency, trust between authorities and public, and dissemination of information for better management, replace the culture of secrecy and the retention of information in the service of

individual interests. This is a long process that requires the joint involvement of all stakeholders, including government, administrations, civil society organizations, journalists, the private sector and every citizen, but whose impact in the medium and long terms perspective can truly shape the future and application of the SDGs.

Regulations and Policies

There are also a number of countries that have adopted procedures on public access to information through presidential or administrative orders, policies, or decrees. Currently, 5 countries – China, Bolivia, Niger, Pakistan, and The Philippines - have comprehensive policies currently in force. The Philippines only adopted their decree in 2016, since the previous HLPF.

At least 10 countries have adopted these policies over the past 20 years. These initiatives have come about in different ways. In Pakistan, President Musharraf promulgated the Freedom of Information Ordinance 2002 (FOI Ordinance),²⁸ largely at the initiative of the Asian Development Bank. In 2003, the People's Republic of China Open Government Information Regulations (OGI Regulations)²⁹ were put on the legislative agenda of the State Council and adopted in 2007 following the adoption of regulations in 30 provinces and large municipalities. In the Philippines, the President issued an Executive Order in 2016 after over 20 years of discussion in the Congress has still not resulted a law being approved.³⁰

These policies are similar in structure to RTI laws, with legal obligations being placed on public bodies to publish information and respond to requests for information or documents from the public, procedures for processing those requests, a system of exemptions and some sort of appeals mechanism.

However, the policies often do not provide as many effective rights of access as a law. For example, they generally only apply to bodies that the executive has control over. Further, they may not be as comprehensive or enforceable as a legislative measure. In the UK, the Code of Practice was only voluntary, with a rebuke from the Parliamentary Ombudsman to the body failing to provide information being the greatest remedy available. Politically, as a regulation or decree, they do not receive as much public and legal attention and therefore implementation. In Tunisia, the Degree Law of 2011 was largely unknown and few requests were made.

Frequently, the orders or regulations serve as an initial effort to improve government accountability and are later replaced by a more permanent and comprehensive law. In the United Kingdom, a Code of Practice on Access to Information was adopted in 1994, followed by the Freedom of Information Act in 2000. In Tunisia, a Decree Law issued by the transition government in 2011 was recently replaced by a new Access to Information Act, which is more comprehensive. In Bangladesh in 2008, the caretaker government installed during the state of emergency passed the Right to Information Ordinance that the civil society had the opportunity to design.³¹ The 2008 Ordinance was subsequently ratified by an elected government and the Right to Information Act (RTI Act) came into force in 2009.³² In Pakistan, the FOI Ordinance became permanent following the 17th Amendment to the Constitution, which gave protection to all orders/

5 countries
currently have an
executive order or
regulation in place
instead of an RTI Law

ordinances/laws passed by General Musharraf. However, the Parliament is currently reviewing a more comprehensive bill to replace it. A bill to replace the existing order is being considered in The Philippines. Laws have also replaced orders or decrees recently in Argentina and Vanuatu.

Constitutional Rights to Information

The UN Statistical Commission has also included in the indicator a consideration of constitutional provisions on the right to information as a means of determining if access to information is being achieved in a country.

Approximately 90 UN member states have enshrined explicit provisions guaranteeing a right of access to information in their constitutions.³³ The number of countries with such provisions has grown substantially over the past 30 years. Starting in the 1990s, most countries in transition, particularly in Central and Eastern Europe, Central Asia and Latin America included a right to information in their new constitutions as a fundamental or civil right. In addition, a number of countries with older constitutions such as Belgium, Finland, the Netherlands, and Norway amended their constitutions in recent years to specifically include a right to information. Tunisia in 2015 and Algeria in 2016 became the most recent countries to revise their constitutions to include this right.

While the existence of this provision may provide some support for access to information, this should be used with caution. The existence of a constitutional right has not provided an effective right to access information in many jurisdictions.

Range of Scope Wide

The scope of these constitutional guarantees varies widely. Many countries' constitutions have a vague reference to information in their recognition of their right of free expression. Some such as Spain's requires the adoption of a right to information law. The Mexican Constitution is notable for the detailed protections it provides after recent amendments.³⁴

90 countries around the world have adopted constitutional rights to information. Over 20 of those countries do not have an RTI law.

A number of countries have progressive provisions that extend to information held by private bodies that exercise public functions or receive public funds. The South African Constitution has one of the most expansive rights in the world. It states that "everyone has the right of access to information held by the state" and to "information held by another person and that is required for the exercise or protection of any rights."³⁵

In some countries the law is given constitutional status. The Swedish Freedom of the Press Act, which governs the right to information, is part of the Constitutional framework. In Canada, the courts have ruled that the Access to Information Act is "quasi Constitutional". In New Zealand, the Court of Appeals said in 1988 that "the permeating importance of the [Official Information] Act is such that it is entitled to be ranked as a constitutional measure".³⁸

Implicit Rights to Information

As noted above, the UN Human Rights Committee in General Comment 34 has found that there is a right of access to information in Article 19 as an element of the right to seek. In a number of countries including Argentina, Japan, South Korea, Israel, and France, the highest courts have found that there is an implicit right to information in the constitution, typically as an element of free expression.

In India, the Supreme Court ruled in 1975 that access to government information was an essential part of the fundamental right to freedom of speech and expression.³⁶ In Pakistan, the Supreme Court ruled in 1993 that Article 19 of the Constitution includes a right of citizens to receive information.³⁷ The Constitution was more recently amended to specifically include this right.

Impacts of Constitutional Rights

In a few countries, the constitutional right to information has been used by citizens to access information directly. In Kenya, the constitutional right was used successfully a number of times before the law fully regulating access was adopted. In the Philippines the Supreme Court ruled in 1987 that the right could be applied directly without the need for an additional act.³⁹ In April 2016, the High Court of Justice in Ghana ordered the disclosure of documents concerning a government contract based on Article 21(1)(f) of the constitution.⁴⁰ Justice Yeboah ruled: “The individual does not need a Freedom of Information Act to enjoy the right to information in Ghana...In Ghana, every person, including journalists, is entitled to a human and constitutional right to information even in the absence of further legislation”.⁴¹ The Constitutional Chamber of the Supreme Court in Costa Rica has also upheld the right of public access to information.⁴²

Constitutional guarantees can also guard against limits on RTI by governments. In Colombia, the Constitutional Court declared certain passages of the draft FOI law to be unconstitutionally restrictive on the right.⁴³ In Mexico, constitutional amendments in 2007 established minimum standards for access to information at the federal, state and municipal levels.⁴⁴ Further amendments in 2016 prompted the adoption of a stronger Federal Transparency Act. In Tunisia, the constitutional amendments also prompted the adoption of a comprehensive law to replace a decree-law already in place. The new law is an “organic” law, which has a higher protection and overrides other laws.

However, a constitutional right does not always ensure that there is a legal right of access to information. As noted above, nearly a third of countries with a constitutional right to information have no RTI law. An issue in these countries is whether the constitutional provision is enforceable on its own. There have been mixed results on this.

In most countries, the provision does not in itself set an obligation on state bodies to set up processes for the acceptance of information requests. In Bulgaria, the Constitutional Court ruled in 1996 that the Constitution gave a right of access but the right needed to be regulated by a law. In South Africa, the Constitution required that the government adopt a national law.

Access to Information in Non-UN Member States

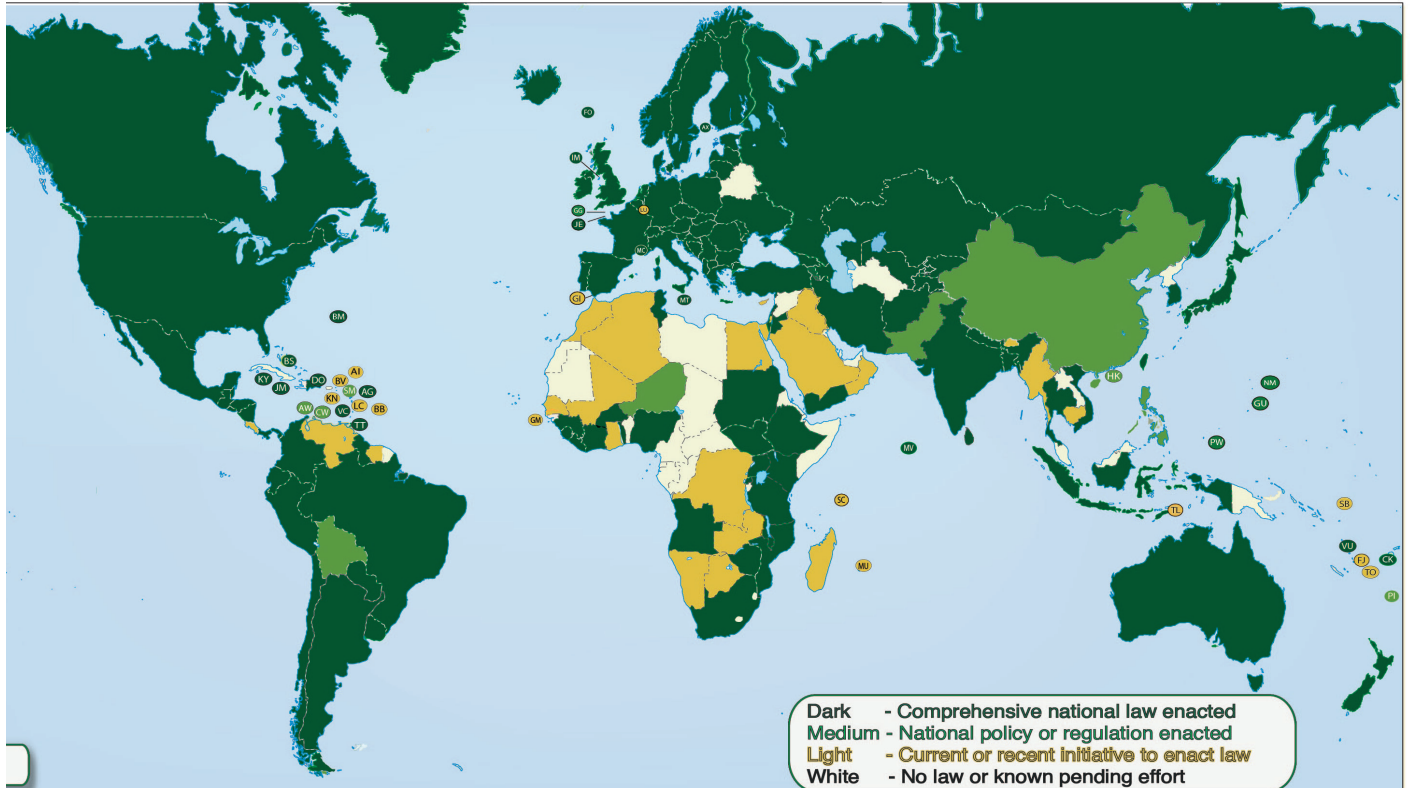
In addition to the 118 Member states which have adopted laws or policies, many non-member state jurisdictions have adopted comprehensive laws or regulations on the right to information. These include non-recognised states, independent self-governed territories, non-self-governing territories,

and other jurisdictions which are not members of the UN, but are effectively self-governing.

Approximately 24 of these jurisdictions have adopted laws including most of the British Overseas Territories and Crown Territories, the Kingdom of Netherlands constituent countries and special municipalities, Kosovo, Hong Kong and Taiwan, and others.

The laws and policies in these jurisdictions are generally similar to the countries' laws, with rights of access, exemptions and appeals mechanisms.

A number, including Bermuda and the Cayman Islands, have created independent information commissions for oversight and appeals.



National Right to Information Laws, Regulations and Initiatives 2017

Using Access to Information to Implement the SDGs: Case Studies

It is important to consider the right of access to information not as only relating to target SDG 16.10, but also as a tool to improve the implementation and monitoring of SDGs at national and international levels.

Countries are following diverse pathways to “domesticate” the SDGs and develop national platforms strengthening the linkages between goals and targets to achieve more integrated national policies and programs. The ongoing process of selection of national targets under the SDGs is very important, and the consultation and participation of national stakeholders is key to the success of their implementation.

The right to information can be useful as an instrument to influence national governments to give greater priority to sustainable development, as a tool for the international community to encourage pro-poor change at national level, and empower citizens and communities to advocate and monitor the implementation of the SDGs at the national and global levels. SDGs can be used as an incentive or an “enabling framework” to change national norms leading to sustainable development and to directly influence government decision-making. RTI gives civil society organizations and other domestic actors more tools with which to lobby, campaign, and secure action by their governments in advancing the 2030 Agenda and promote economic, social and cultural rights in general.

The 2017 High Level Political Forum is conducting Thematic Reviews of SDGs 1 (eliminating poverty), 2 (ending hunger and improving food security, nutrition, and agriculture), 3 (Ensure healthy lives and promote well-being for all at all ages), 5 (Achieve gender equality and empower all women and girls), 9 (Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation), and 14 (Conserve and

sustainably use the oceans, seas and marine resources for sustainable development). RTI can be used as an accountability mechanism in many of them.

ARTICLE 19 has launched projects promoting the right to information to empower citizens and communities (for example indigenous people, women, youth) to demand action and improve their access to resources and universal human rights, including education, health, safe environment and water. The diverse experiences in terms of sectors and geographic areas presented below show evidence of how RTI was key in empowering citizens and specific groups to advocate and improve their access to specific rights. These examples show how RTI enables advocacy and informed participation that is relevant for developing national SDGs agendas and policies, and their continuous monitoring.

RTI for strengthening indigenous women's participation in Chiapas, Mexico



Relevant SDGs: 1, 5, 3, 4, 11, 15, 16

Almost half of the population of Mexico live in poverty, and women in indigenous communities in particular are often deprived of participation and decision-making due to their lack of access to information in their language, economic opportunities, education, and cultural norms. Few people in rural communities know about the Right to Information Act that was adopted in 2002, which allows them to demand information from public authorities and obliges the authorities to proactively disclose information of public interest.

ARTICLE 19 Mexico, along with El Colectivo Feminista la Casa de la Mujer Ixim Antsetic, launched a project in 2015 with indigenous communities of the northern jungle of Chiapas and the swamps of Tabasco, to strengthen women's participation in their communities and improve development rights through access to information. After introducing RTI to communities and identifying what kind of information was of their interest, women started making information requests that were related to social programs, health, education, land and territory relating to large development projects and public services. The project reached out to the State Transparency Institute to help them

understand the communities' interests and to making information available in other ways than the internet, which is not widely available in the communities.

The results of this process are seen on an individual level, as women feel more empowered and secure about their decisions and their lives, as well as on a community level where they are able to participate in decisions. It was also valuable in changing men's perception of women in the community. Women are now invited to the communities' assemblies, where only men were previously allowed, to share and explain the government's answers to their requests and define next steps for new activities. There were however some challenges and negative effects experienced by women seeking information on controversial subjects such as land, territory and elections. On the contrary, requesting information about health, provision of public services (water, lighting and drainage) and education mobilized the community and allowed them to participate in a united way. The project is considering innovative ways to mitigate the emerging risks in the future.

You can access more details about this case study on the [video channel](#) of the project in Spanish.⁴⁵



Using RTI to access water in rural Brazil

Relevant SDGs: 2, 3, 6, 12, 13, 14

In 2012 and 2013, Brazil experienced the driest years on record for three decades. The drought was most severe in Brazil's semi-arid region, where 67% of rural families do not have access to a general system of water distribution; 43% use wells and springs; and 24% access water in other ways, including making daily journeys to collect water from sources that frequently are not fit for human consumption. Although the government of Brazil launched the Water for All Programme in 2011, which aims to provide thousands of Brazilians with clean drinking water, people still struggle to access water, and finding out when and where deliveries are made can make all the difference to a family struggling with drought.

By linking RTI to water, ARTICLE 19 Brazil worked with local communities in Pernambuco to train them to use the Access to Information Law to obtain information about the specific water programmes in their State, find out how much money has been allocated to providing

water and how it is being spent, including the number of water trucks in operation, and access the results of water quality tests in their area.

Through learning to access information about water quality tests and delivery locations, local families could get the help they needed to survive the drought and were empowered to speak up and ask questions of those in positions of authority. These efforts can be more successful and sustainable if the State becomes more proactive in providing information in a timely manner and engages through consultations and other types of interactions with local organizations and communities to find solutions to the issue of accessing water. The SDGs could be the enabling framework that will support these types of collaborations at the local and national levels.

The [full case study](#) "The Right to Know: Rural communities, drought and water in Brazil" is available in Arabic, French, Portuguese and Spanish.⁴⁶



RTI to access health and improve its quality in Senegal

Relevant SDGs: 3, 1, 2, 5, 6, 11, 12

An obstetric fistula is an injury to a woman's bladder or rectum, which can be caused by a long and difficult delivery without proper medical care, and other contributing factors including early marriage and pregnancy, poor medical care during delivery, and female genital mutilation. However, the majority of the population in Senegal, especially those living in rural and deprived areas, is not aware of the issue and its causes. Often, the most affected regions have a very high level of poverty, limited access to healthcare and continue to impose harmful cultural practices on girls and women. Women who suffer from fistulas in Senegal are often socially ostracised and forced to leave their families due to a lack of understanding about the injury.

The Senegalese government, together with international and national organisations, has taken a number of actions to deal with obstetric fistulas and provided free fistula reparation treatment across the country. However, a significant part of the problem is a lack of accurate information about prevention, treatment and rehabilitation. ARTICLE 19 investigated the link between the lack of

information and incidences of obstetric fistulas in Tambacounda Province, the area with the highest number of incidences in the country. A survey conducted there showed that the majority of people has never heard of obstetric fistulas, and those who had didn't receive any information about free treatment. The injury is surrounded by mystery, taboos and false information about its origins. Going to medical facilities for information is not common practice in Senegal, especially in this region.

This experience in Senegal shows that medical programmes alone won't be enough to solve maternal health issues if people don't know about these and more importantly, know where to ask. RTI is key in empowering women to improve their lives and those of their families. Similar experiences have the potential of improving maternal health outcomes through better access to information. The community activists and volunteer health assistants trained by the project about the causes and treatment of fistulas have identified and referred women for medical treatment. As a result, increasingly women reported feeling empowered to ask for information from health centres and felt able to share what they had learned about the causes and treatment with their communities.

The [full case study](#) "Senegal: Right to Information and Maternal Mortality" is available in Arabic, French, Portuguese and Spanish.⁴⁷

Using RTI in Tunisia to improve rural women's participation and access to quality health services



Relevant SDGs: 5, 3, 11, 13, 15

Since the Jasmine Revolution in 2011, the number of civil society organizations has increased considerably and many projects to increase participation of all stakeholders in decision-making, and citizens to develop accountability and improve public services have been introduced. Women's participation in public life in Tunisia is one of the highest of the MENA region. However vulnerable groups, including rural women, still do not benefit from the same level of independence and access to their rights.

In 2016, ARTICLE 19 in Tunisia developed a project focusing on rural women's access to health services and supporting them through RTI to improve their participation and develop accountability mechanisms in the health system. The project supported rural women in the south west region of Tunisia (Gafsa and Gbelli), using RTI to promote proactive disclosure of information, developing tools and mechanisms to strengthen requests for information, raising awareness, and developing capacity of key actors to enable greater accountability of health service providers at the regional and central levels.

The project includes a number of facets: advocacy and media activities to use the information obtained for greater accountability of the health sector in the region and new electronic tools on access to health-related information to enhance the proactive dissemination of information by public health institutions and to allow better collection, analysis and dissemination of information about health. An electronic platform was developed and community and regional radios were mobilized to focus more on health issues

and how they affect rural women. The project has been advanced thanks to the participation of all stakeholders in focus groups, meetings, conferences and workshops. These were conducted ahead of specifying the objectives of the electronic platform for accessing health information and how it can allow access to and use of data sets. Journalists and CSO representatives were mobilized to support their efforts and direct the advocacy efforts.

The project has facilitated dialogues between health service providers, beneficiaries, particularly rural women, and CSOs and journalists, to define an effective role for media outlets in the region in enhancing better information and accountability about health. Discussions were organized with health service providers about how to use the access to information platform to proactively disclose information and to enhance communication between health service providers and civil society beneficiaries, particularly rural women in the region. Periodic press conferences, radio programs and a documentary were developed to share the example of the project and show how rural women took the lead after being trained and became part of the process.

In the long term, it is expected that this project will contribute to greater transparency and accountability in the health sector in Tunisia. This pilot project is being scaled up and replicated in other regions with an eye to expanding to other sectors, so it will sustain a community of informed citizens actively seeking information and participating in policy making and its monitoring. The realization and monitoring of the SDGs at the national level can definitely lead these efforts and provide templates and platforms that other initiatives can follow.

The platform developed by the project is accessible here: <http://www.info4all.org/>. Other existing projects are supporting efforts to support women access their rights by using RTI.⁴⁸

RTI to claim children’s right to quality education in Indonesia



Relevant SDGs: 4, 1, 2, 3, 5, 8, 9, 11, 13, 16

In Indonesia, regional differences in meeting the Millennium Development Goals (MDG) targets in education were stark, particularly in remote and poor areas. Educational financial reforms were proposed by the government in the past to address these challenges by providing incentives for schools to maintain and increase enrolment, and giving schools greater say over how funds are spent to meet local needs. However, studies indicated that the lack of access to information has significantly undermined the effectiveness of these reforms.

ARTICLE 19 worked with PATTIRO, an Indonesian NGO, to promote the use of the 2010 RTI Law to empower local communities and parents that weren’t aware of the decisions being made that could affect their children. The project aimed to support them to obtain information on education assistance and to participate in decision-making and monitoring of the use of education funds, because schools often failed to communicate information proactively on budgets and the use of funds. The project targeted parents in the economically disadvantaged districts of Lebak and Serang in Banten Province, which lags behind others in terms of its education indicators and position in

the human development index.

Thanks to their information requests, parents were able to analyse school finances, check the financial budget for the procurement of goods and services and compared it to the appropriate cost of those goods and services. They also conducted a price to value comparison of the quality of goods or services to check on value for money. Parents reported their findings to the local school committees where they identified discrepancies in the use of funds and notified them of their intention to continue to request the information and to report future discrepancies to the authorities. Parents also benefited in other ways, because those who had not previously received assistance from the educational funds asked their schools for the criteria used to decide who would receive school fee and uniform subsidies, and many of them who fit the criteria could demand their right to education assistance from the schools.

This project was an excellent demonstration of the thirst for information in these communities and mobilized other parents and communities to seek training and use RTI. Parents from these communities reported feeling “energised” by a sense of power and potential as they held local officials to account.

The [full case study](#) “Indonesia: Right to information + education” is available in Arabic, French, Indonesian, Portuguese and Spanish.⁴⁹

Using the RTI Act to hold authorities accountable for creating a safe and sustainable environment in Bangladesh



Relevant SDGs: 14, 2, 3, 6, 9, 11, 12, 15, 16

In Bangladesh, industrial and medical waste is often dumped into bodies of water and unregulated and illegal rice and wood husk mills create illegal encroachments into rivers and bodies of water that significantly affect the environment, leading to air, water and soil pollution. According to Bangladeshi legislation, the mills should be sited away from inhabited areas due to the significant levels of pollution they emit. However, mills frequently flout environmental laws, leading to reported health problems in surrounding communities. This situation is a result of endemic issues of corruption and a lack of transparency, and the lack of enforcement of the existing environmental legislation in general. As a result, the citizens of the Khulna district who live along the Rupsha River were particularly concerned that the increasing incidence of health problems in their community was tied to the proliferation of these mills.

Linking RTI to protection of the environment, ARTICLE 19 has been working with people in Bangladesh - including those in the vulnerable coastal districts of Bhola and Cox's Bazar, the forested areas of Gazipur and Bagerhat, and the northern coastal areas of Khulna and Sathkhira - to help them fight for better environmental protection by training and supporting them to make use of the Bangladeshi RTI Act adopted

in 2009. These efforts coordinated the actions by civil society and local campaigners to ask the authorities what they are doing to implement national laws and create a safe and sustainable environment.

The outcome was the use by local communities and their leaders of RTI as a new tool for holding local government and authorities accountable and demanding enforcement of environmental protection laws. Local communities along the Rupsha River requested information from the Department of Environment asking for disclosure of a full list of mills and factories with and without clearance, and the results revealed that half were operating without the proper clearance, leading to an increased risk of environmental pollution and threatening the health of the local inhabitants.

As a result, Social and Environment Movement (SEIAM) took legal action against the Department of Environment and the Khulna Development Authority (KDA) and campaigned for the removal of the illegally established mills. Community involvement in the monitoring of environment laws is key to implement national agendas to fight climate change. RTI implementation as this example shows, is crucial to ensure the participation of local communities in these efforts.

The [full case study](#) "Bangladesh: Right to information + environment" is available in Arabic, French, Indonesian, Portuguese and Spanish⁵⁰

Measuring Access to Information: Progress for the Next 13 Years

Proposed methodology for monitoring progress

As described in the previous sections, the right of access to information is enshrined in the constitutions and in national laws in a significant majority of UN Member States. It is important to measure the RTI progress not only because it is a right in itself, but also because it is a tool for facilitating other rights and commitments set out in the SDGs. As a society, we need information to monitor the delivery of the commitments to achieve sustainable development.⁵²

Thus, it is crucial to recognise that when measuring target 16.10 on access to information, a simple binary measurement of the number of laws, policies and constitutional provisions is not sufficient. The laws may be inadequate or badly implemented, resulting in a limited or even adverse impact not only on the RTI target, but also in general on achieving access to information about the rest of the SDGs and their implementation. Further open government data resulting from using RTI, and government portals and other data initiatives are also by themselves not sufficient either.⁵¹

The SDG framework should be used by governments around the world, companies, and city administrations to frame public commitments, their delivery, and reporting. The lack of analysis on how the SDGs have impacted on political systems, similar to what happened with the Millennium Development Goals raises serious concerns. Moreover, there has been considerable discussion about monitoring and reporting against SDG indicators, but no attempt to establish whether they (rather than other factors) are responsible for change.⁵³

Currently, there exists numerous international and

regional ratings and benchmarks focusing on RTI, transparency and open data, mainly initiated by international NGOs and foundations. It is important to ensure that these existing sources are being considered and integrated in the global framework. It is also essential for countries and international bodies to ensure these initiatives are considered in shaping and implementing the monitoring framework for SDGs, and for governments to collaborate with other stakeholders to develop national indicators and measures that can lead to their effective implementation and monitoring. The existing political climate is far from the one that had led to the MDGs⁵⁴ post-1990s, and collaboration and participation between those interested in leading meaningful change and an effective implementation of the 2030 Agenda is now considered vital.

Political context is key to understanding how the SDGs can develop more traction, to work better and to put more emphasis on reporting, and learn how that impacts their effective implementation in countries. If the key to impact is civil society picking up and using the instruments, then it becomes even more pressing to involve CSOs in monitoring and reporting.⁵⁵

Monitoring of the progress of implementation of the RTI indicator and its impact in practice should be designed to go beyond the existing target 16.10.2 and examine its impact on other goals. Some aspects can be monitored and measured in accordance to a global framework that can be contextualized at the regional, national and local levels. These include different aspects of operational processes such as: reporting on how information is accessed and through which channels or tools; which bodies receive the highest numbers of requests for information; how bodies decide to start publishing the information requested in a proactive way. These

can be used to share practices and indicators that could support international exchange of effective monitoring and enable other stakeholders to improve their systems in realizing RTI and its potential impact. Collectively, these could be part of the set of indicators that deepen these processes and enable a measurement of the implementation and the impact of RTI as a fundamental right, and as a tool for implementation of other SDGs.

Civil society organizations and other actors can support the development of these processes and measure their efficiency, and advocate for their continuous improvement. These need to be upgraded to become part of a global monitoring system that is shared by all stakeholders and supports effective implementation of RTI and other indicators.

Robust, accountable multi-stakeholder platforms and partnerships are needed to support holistic, well-balanced approaches to achieving the SDGs and their related targets. Enhanced governance and multi-stakeholder coordination mechanisms should include inter-sectoral dialogue and support institutional development that incentivises stakeholders to work together to develop common solutions towards shared objectives. These multi-stakeholder mechanisms can also be used to identify and mobilize the capacities, information, technologies, financial requirements and access to productive resources that are needed to implement and sustain the agreed strategies. UN institutions can play a unique role as a trusted and neutral facilitator that provides and upholds inter-governmentally agreed norms and standards, monitors commitments and tracks results, and promotes institutional adaptation and strengthening.⁵⁶

Graduated method

We suggest that a graduated method can be used over the 15 year period of the implementation of the goals. We note that this method is already used by the Organisation of American States (OAS) in its evaluation of the Protocol of San Salvador⁵², as well as by the OAS in evaluating the implementation of the Inter-American Convention Against Corruption.⁵⁷

Phase one: Assessment of Legal Frameworks

As an initial assessment, the UN system can continue its focus on the fairly simple process of identifying the existence of national processes and policies on access to information in member states. This report and materials gathered by UNESCO and other NGOs provides much of the information necessary for this assessment.

This stage can be used to identify gaps in existing legislation in countries, and encourage other UN initiatives such as around the Convention Against Corruption and Universal Periodic Review, as well as regional initiatives, to provide assistance to countries to move forward on adopting enabling legislation.

Meanwhile, those countries with existing laws should begin to consult on their adequacy in meeting the information needs of their people, especially relating to the achievement of the SDG goals and targets.

Given that 118 countries have already adopted laws or policies, and another approximately 40 are currently considering them, this target is already well on its way to being met by the vast majority of countries around the world. At the current rate of

adoption of approximately six new countries each year adopting access to information laws, nearly all countries should have laws by 2030, and preferably sooner.

Phase Two: Assessing Adequacy

The second phase should consider the substantive adequacy of the laws as based on international standards. The first step is to review the adequacy of the existing legislation. The OAS San Salvador review process suggests evaluating the “Jurisdictional, territorial, and thematic scope and competence” of the laws. This applies well here also.

There is no comprehensive UN standard setting out the normative outline of the right of access to information. However, as set out previously, there are numerous international documents which outline the necessary procedures.

The following standards have been synthesised from existing international law that nearly all countries have formally adopted. They derive from resolutions of the UN General Assembly and the Human Rights Council, General Comments from the UN Human Rights Committee and the Committee on Economic, Social and Cultural Rights, and reports from the Special Rapporteur on Freedom of Opinion and Expression and other mandates.

Model Standards

- **Law required.** Countries should enact the necessary procedures for access to information, such as freedom of information legislation. (General Comment 34). The laws must be transparent, clear and expedient. (HRC Resolution 31/32).
- **Maximum disclosure.** National legislation

on access to information should be guided by the principle of maximum disclosure. All information held by public bodies should be subject to disclosure and this presumption may be overcome only in very limited circumstances. (SR FOE 2013) (OAS, AU Model laws). Laws that are inconsistent with this principle should be amended or repealed. (SR 2013).

- **Right of access.** The right of access to information held by public bodies applies to all persons. (GC 34). Public and individuals are entitled to have access, to the fullest extent practicable, to information regarding the actions and decision-making processes of their Government (HRC 21/7, HRC 32/31). This includes a right whereby the media has access to information on public affairs and the right of the general public to receive media output. It can also be exercised by media, public associations or private individuals (HRCt Kyrgyz case)
- **Applies to all public bodies and some private bodies.** The obligation applies to all public bodies (executive, legislative and judicial) and other public or governmental authorities, at whatever level – national, regional or local. (GC 34) It includes other entities when such entities are carrying out public functions. (GC 34). It should also apply to private bodies in the context of protecting other rights (AU)
- **Applies to all information held by bodies.** The right applies to all records held by a public body, regardless of the form in which the information is stored, its source and the date of production. (GC 34)
- **No reason or legal interest necessary.** Information should be provided without the need to prove direct interest or personal involvement in order to obtain it, except in cases in which a

legitimate restriction is applied (*HRCt Kyrgyz case*).

- **Obligation to proactively disclose important information.** States parties should proactively put in the public domain Government information of public interest (*GC 34*) in an effective manner (*HRC 31/32*), including human rights violations (*HRC 22/6*), economic, social and cultural rights, environmental, land, natural resources and development issues (*HRC 31/32*), Water and sanitation (*GC 15, HRC Comm Res 2005/38, HRC 21/2*) and Corruption (*UNCAC s 9, 10, 13*).
- **Procedures for requesting information.** The procedures should ensure easy, prompt, effective and practical access to such information (*GC 34, HR Committee Mex/Kyrgyz opinions*). Public bodies should be required to establish open, accessible internal systems for ensuring the public's right to receive information. (*Special Rapporteur FOE Report 2013*)
- **Timely responses.** The procedures should provide for the timely processing of requests for information according to clear rules that are compatible with the ICCPR. (*GC 34*)
- **Low cost for access.** Fees for requests for information should not be such as to constitute an unreasonable impediment to access to information. (*GC 34*)
- **Exemptions limited.** Exemptions for the disclosure of information can only be based on narrow, proportionate, necessary and clearly defined limitations (*UNGA Resolution 70/161, HRC 31/32, HRC 32/31*) based on Article 19(3) of the ICCPR. Exceptions should apply only where there is a risk of substantial harm to

the protected interest and where that harm is greater than the overall public interest in having access to the information (*SR FOE 2013*). The regime of exceptions should be comprehensive and other laws should not be permitted to extend it (*SR FOE 2013*). Authorities should provide reasons for any refusal to provide access to information. (*GC 34*).

- **National security limited.** National security cannot be used to suppress or withhold from the public information of legitimate public interest that does not harm national security (*GC 34*). Nor is it generally appropriate to include in the remit of such laws such categories of information as those relating to the commercial sector, banking and scientific progress. (*GC 34*)
- **Appeals Mechanism.** There should be a mechanism for appeals from refusals to provide access to information as well as in cases of failure to respond to requests. (*GC 34*)
- **Ensure Oversight and implementation.** Countries should create an independent body, which can head and decide appeals on withholding of information or failure to publish, monitor public bodies' implementation of the law, and provide assistance to the public. (*SR FOE 2013*). States must make dedicated efforts to inform the public and train officials. (*SR FOE 2013*).
- **Protect Whistleblowers.** States should adopt laws to protect any person who discloses information that he or she reasonably believes, at the time of disclosure, to be true and to constitute a threat or harm to a specified public interest, including violations of national or international laws, abuse of authority, waste, fraud, or harm to the environment, public health or public safety. Authorities should investigate and redress the alleged wrongdoing without any

exception based on the presumed motivations of the person who disclosed the information. (SR FOE 2015, UNCAC a33)

Stage Three: Implementation and Impact

The third stage should focus on the impact of the framework, identifying the level of access to information that all members of the public have and assessing if it is sufficient to meet their needs and for countries to achieve their SDG-related commitments.

This should be a more intensive assessment than merely a review of the implementation of the access to information legal framework in the country. While that is an important part of the assessment, national right to information laws do not necessarily align with the SDG framework, and information may be available through other legislation or initiatives, or from other stakeholders, including NGOs and companies.

There is no current consensus on what meeting the goal of full access to information looks like and it is likely to vary from country to country. We suggest that the focus should be on areas relating to the implementation of the other Sustainable Development Goals to promote compliance in those. There is a need to discuss and develop models of needed access to information across the Agenda 2030 Goals and Targets.

We also note that the World Bank and UNESCO have both been piloting projects on measurement in this area.⁵⁷ The [Global Access to Information Program](#) of the Carter Center has developed an Implementation Assessment Tool to evaluate the implementation of

RTI laws⁵⁸, which can be used as incentives for the various stakeholders to improve existing legislation and its implementation.

Further, household surveys should be used to assess public awareness of their rights of access and their experiences in attempting to obtain information.

A preliminary list of issues that should be considered to evaluate the availability of access to information are:

- Social services and subsidies
- Education
- Health
- Water
- Land ownership and use
- Human rights protection
- Environmental harm
- Public procurement
- Development
- Financial services available
- Crime data from a human rights perspective including gender violence
- Crimes involving trafficking of persons

Other mechanisms which involve review of state practices, including UNCAC and the Universal Periodic Review at the Human Rights Council, can review additional areas not covered in the SDGs as needed. Other indicators which monitor sectoral areas such as budgets and open data can also be used to develop a more complete picture. The multi-stakeholder initiatives described above including OGP and EITI can play an important role in setting standards and processes for their members.

Conclusion and Recommendations

There has already been significant progress in the adoption of access to information legislation in countries around the world. Currently, 60 percent of countries have legal rights, and nearly 90 percent of the world's population lives in a country with a right to information law or policy. There is reason to be optimistic that the adoption of adequate legal frameworks guaranteeing access to information in all countries can be achieved by the end of the 2030 Agenda time period.

However, the practical experience in many countries is that the laws themselves are not adequate in ensuring that all people have access to the information they need. Much more effort is needed to ensure that the frameworks are adequate and that the information is reaching the people who need it most.

Recommendations

- **Right to Information Laws.** All countries should adopt comprehensive access to information laws based on the minimum standards set out by in the previous section based on the UN Human Rights Committee in General Comment 34 and the Special Rapporteur on Freedom of Opinion and Expression in his report to the General Assembly. The UN system, especially the Human Rights Council, should further adopt clear normative standards that can be used by member states on access to information.
 - **Reviews of Existing Legal Systems.** For those countries with existing laws, countries should conduct a multi-stakeholder review to identify the existing gaps in legislation and the availability of key SDG-related information, and work together with all stakeholders to improve the legal framework and coordinate efforts to improve its implementation. As shown above, this is key for RTI as a right but
 - **Open Data.** Governments and other stakeholders should increase the publication of open data, especially that related to vulnerable groups, and make sure that this data contributes effectively to improving the lives of the poorest and most vulnerable. Support can also be provided to help relevant non-governmental organizations to analyse and use open data for improving the situation and adapt existing practices and processes to impact positively the poorest and most vulnerable. Publishing open data online can help to ensure higher degrees of accountability and transparency not only of national governments, but also of parliaments and of the judiciary, which will play an important role in the achievement of the SDGs. It should also use traditionally-relevant means to ensure public access to key information through local media, public billboards, and other methods.
 - **Independent National Monitoring.** Governments
- also for the monitoring of the implementation of SDGs in general. The effectiveness of RTI can be achieved not only by reforming the legal framework but must be accompanied by effective participation of the various stakeholders with an emphasis on public institutions as one of the main “suppliers of information”, and mobilizing the efforts of civil society and the private sector in its implementation. National governments are primarily responsible for the implementation of the RTI legal and institutional framework, while mobilizing other stakeholders through different means and incentives to create synergies and collaboration to achieve the SDGs. This process has the potential to constitute a change of mindset and perception of the behaviour of public sector for all stakeholders in the medium and long terms.

should enable an independent and neutral body with the independence and financial autonomy needed to accomplish its role of monitoring and supporting the RTI implementation at all levels and support all public bodies to enforce the legislation and inspire good practice. Each public body should be able to count on the technical support of this entity to conduct a detailed classification of public information it produces or holds, and to set its level of responsibility for the proactive disclosure at all geographic levels. There should be procedures for an effective system for circulating information internally within departments and externally with other government agencies and the public.

- **Government Engagement with Civil Society.** Governments should engage new approaches in their ways of interacting with civil society and citizens, and they should be inclusive and respect diversity. If open data and open government are principles that many governments proclaim, their efforts should initiate new ways to mobilize all actors and simplify their message and proceedings to reach out to all the public and go beyond those central organizations that are already engaged in these efforts. This work requires a serious development of transparent and independent approaches and criteria for selecting and collaborating with civil society. Political orientations or economic interests should not impact these efforts and not be the main goals behind the selection of partners.
- **Inclusion of More Stakeholders.** The inclusion of key stakeholders is important to identify information of general interest and to support proactive disclosure. The government can mobilize CSOs to support its role of identifying the information of high interest to be proactively

disclosed. These actors can also promote the use of new information and communication technology in promoting RTI. The government should ensure that key stakeholders play fully their role in developing the RTI agenda, its implementation and evaluation. By supporting the participation of diverse civil society in the discussion of strategic guidelines for RTI implementation and the creation of innovative solutions to facilitate the widespread proactive disclosure of public information, government can increase considerably its outreach efforts through guides for raising awareness and simplification of RTI requests for vulnerable groups and people with specific needs (linguistic minorities, indigenous people, persons with disabilities, illiterate people, etc.) can be supported by CSOs if given the space and basic resources to play their roles as intermediary and relay between the population and public authorities.

- **Improving Civic Space.** The generalization of RTI and the effective promotion of SDGs by targeting the most vulnerable groups cannot be achieved without taking into consideration existing and emerging threats in many regions of the world. The shrinking civic space in many regions and sectors around the world is counter-productive toward achieving the SDGs, and this requires a more consolidated and coordinated global response. Empowering civil society actors and promoting civic space are equally needed to guarantee safety and independence of these actors to contribute to multi-stakeholder approaches on the ground with first hand data and experience. Countries should commit to allowing CSOs to act unhindered in their activities. The UN should monitor developments and actively promote a wide civic space.
- **Research.** There is a significant demand for

expertise and research on implementation, especially on relatively new topics such as open data and open contracting. The experiences developed by different civil society organizations, sometimes in collaboration with governments, are very relevant to be used and considered in the framework of SDGs implementation at the national and global levels. These can be source of inspiration and guidance for future projects and initiatives. Taking stock of these experiences could potentially help Governments and other key stakeholders in building-up on existing work, avoiding waste of resources and improving the efficiency of the system.

- **Donor Coordination.** The centralization of decisions and the lack of consultation and coordination result in a surge of different agencies and entities where the decision-making and the sense of priorities is unclear, and their specific interests become prioritised over the general interest. Donors can sometimes become part of these dynamics, especially when they lack coordination and clear agendas for action. SDGs provide a general framework that should help these actors identify clearly and in detail the local needs and share the information about their activities and their objectives, so other stakeholders can know where to invest and how to avoid cross effects and rapid changes in priorities.
- **Civil Society Coordination.** International organizations and global actors can support initiatives and actions to encourage the

participation of different actors to improve the implementation of RTI and the realization of other human rights contained in the SDGs. By encouraging more co-production between key actors and facilitating the creation of mechanisms to improve the level of trust between actors, more openness and transparency can be achieved, and this would impact positively on the efforts mobilized for the 2030 Agenda and its effectiveness. The coordination of existing efforts and the creation of synergies between innovative groups working on (RTI, open government, open budget, social accountability) and more established human rights groups and pro-accountability institutions can leverage the efforts of these actors and achieve better results on the accountability and governance fronts .

Appendices

UN Member States with Right to Information Laws

Country	Name of Law	Year RTI 1st Adopted
Afghanistan	Access to Information Law	2014
Albania	The Law on the Right to Information	1999
Angola	Law on Access to Administrative Documents	2002
Antigua and Barbuda	Freedom of Information Act	2004
Argentina	Law on the Right of Access to Public Information	2016
Armenia	Law on Freedom of Information	2003
Australia	Freedom of Information Act	1982
Austria	Federal Law on the Duty to Furnish Information	1987
Azerbaijan	The Law on the Right to Obtain Information	2005
Bahamas	Freedom of Information Act 2017	2017
Bangladesh	Right to Information Ordinance	2008
Belgium	Law on the Right of Access to Administrative Documents Held by Federal Public Authorities	1994
Belize	The Freedom of Information Act	1994
Bosnia and Herzegovina	Freedom of Access to Information Act	2004
Brazil	Law on Access to Public Information	2011
Bulgaria	Access to Public Information Act	2000
Burkina Faso	Loi No 51/2015 portant droit d'accès à l'information publique et aux documents administratifs	2015
Canada	Access to Information Act	1983
Chile	Law on Access to Public Information	2008
Colombia	Law on Transparency and Access to Public Information	1985
Cote d'Ivoire	Law on Access to Information	2013
Croatia	Law on the Right to Access Information	2003
Czech Republic	Law on Free Access to Information	1999

Denmark	Access to Public Administration Files Act	1985
Dominican Republic	Law on Access to Information	2004
Ecuador	Organic Law on Transparency and Access to Public Information	2004
El Salvador	Law on Access to Public Information	2011
Estonia	Public Information Act	2001
Ethiopia	Law on Mass Media and Freedom of Information	2008
Finland	Act on the Openness of Government Activities (1999)	1951
France	Code des relations entre le public et l'administration	1978
Georgia	General Administrative Code of Georgia	1999
Germany	Act to Regulate Access to Federal Government Information	2005
Greece	Code of Administrative Procedure, Ch 3	1999
Guatemala	Law on Access to Public Information	2008
Guinea, Rep of	Organic Law I 2010/004/cnt/ on the right of access to public information	2010
Guyana	Access to Information Act	2011
Honduras	Law on Transparency and Access to Public Information	2007
Hungary	Act on the Right of Informational Self-Determination and on Freedom of Information	1992
Iceland	Information Act	1996
India	Right to Information Act	2005
Indonesia	Public Information Disclosure Act	2008
Iran	Law on Publication and Free Access to Information	2011
Ireland	Freedom of Information Act	1997
Israel	Freedom of Information Law	1998
Italy	Law No. 241 of 7 August 1990, Ch 5	1990
Jamaica	Access to Information Act	2002
Japan	Law Concerning Access to Information Held by Administrative Organs	1999
Jordan	Law on Access to Information	2007
Kazakhstan	Law on Access to Information	2015
Kenya	Access to Information Act, 2016	2016

Korea, South	Act on Disclosure of Information by Public Agencies	1996
Kyrgyzstan	Law on Access to information held by state bodies and local self-government bodies	2006
Latvia	Law on Freedom of Information	1998
Lebanon	Access to Information Act	2017
Liberia	Freedom of Information Act	2010
Liechtenstein	Information Act	1999
Lithuania	Law on the Right to Obtain Information from State and Local Government Institutions	2000
Macedonia	Law on Free Access to Information of Public Character	2006
Malawi	Access to Information Act	2017
Maldives	Right to Information Act	2014
Malta	Freedom of Information Act	2009
Mexico	Federal Law of Transparency and Access to Public Government Information	2002
Moldova	The Law on Access to Information	2000
Monaco	Ordonnance n. 3.413 du 29/08/2011 portant diverses mesures relatives à la relation entre l'Administration et l'administré, title III	2011
Mongolia	Law on Information transparency and Right to information	2011
Montenegro	Law on Free Access to Information 44/12	2005
Mozambique	Law on Right to Information	2014
Nepal	Right to Information Act	2007
Netherlands	Government Information (Public Access) Act	1992
New Zealand	Official Information Act	1982
Nicaragua	Law on Access Public Information	2007
Nigeria	Freedom of Information Act	2011
Norway	Freedom of Information Act	1970
Palau	Open Government Act, RPPL No. 9-32 2014	2014
Panama	The Law on Transparency in Public Administration	2001
Paraguay	Law on Access to Public Information	2014
Peru	The Law of Transparency and Access to Public Information	2003
Poland	Law on Access to Public Information	2001

Portugal	Law no. 46/2007 on Access and Reuse of Administrative Documents	1993
Romania	Law Regarding Free Access to Information of Public Interest	2001
Russia	Law on Providing Access to Information on the Activities of Government Bodies and Bodies of Local Self-Government	2009
Rwanda	Law Relating to Access to Information	2013
San Marino	Law No. 160 of 5 October 2011	2011
Serbia	Law on Free Access to Information of Public Importance	2004
Sierra Leone	Right to Access Information Act	2013
Slovakia	Act on Free Access to Information	2000
Slovenia	Access to Public Information Act	2003
South Africa	Promotion of Access to Information Act	2000
Spain	Law on Transparency, Access to Information, and Good Government	1992
Sri Lanka	Right to Information Act	2016
St Vincent and the Grenadines	Freedom of Information Act, 2003	2003
Sudan	Right of Access to information Act	2015
Sudan, South	Right of Access to Information Act	2013
Sweden	Freedom of the Press Act	1766
Switzerland	Federal Law on the Principle of Administrative Transparency	2004
Tajikistan	Law of the Republic of Tajikistan on Information	2002
Tanzania	Access to Information Act	2016
Thailand	Official Information Act	1997
Togo	Law on Access to Information and Public Documents	2016
Trinidad and Tobago	Freedom of Information Act	1999
Tunisia	Organic Law on Access to Information	2011
Turkey	Law on the Right to Information	2003
Uganda	The Access to Information Act	2005
Ukraine	Law N 2939-VI on Access to Public Information, 2011	1992
United Kingdom	Freedom of Information Act	2000
United States	Freedom of Information Act	1966
Uruguay	Law on the Right of Access to Public Information	2011
Uzbekistan	Law on the Principles and Guarantees of Freedom of Information	2002
Vanuatu	Right to Information Act	2013
Vietnam	Law on Access to Information	2016
Yemen	Law of the Right of Access to Information	2012
Zimbabwe	Access to Information and Privacy Protection Act	2002

UN Member States with Non-Legislative Policies or Regulations

Country	Name of Law	Year Adopted
Bolivia	Supreme Decree 28168 on Transparency of the executive power	2004
China	Regulations of the PRC on Open Government Information	2007
Niger	Ordinance 2011-22 On the Charter on Access to Public and Administrative Documents	2011
Pakistan	Freedom of Information Ordinance	2002
Philippines	Executive Order on Freedom of Information	2016

End Notes

- ¹ See e.g, Target 16.6 (Develop effective, accountable and transparent institutions at all levels); 5.6 (Ensure universal access to sexual and reproductive health and reproductive rights); 12.4 (achieve the environmentally sound management of chemicals and all wastes throughout their life cycle); 12.8 (ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature)
- ² See e.g. Mongolia's MDG-9 on "Strengthening human rights, fostering democratic governance and zero tolerance to corruption". More info at <https://www.un.org/ruleoflaw/blog/portfolio-items/11295/>
- ³ See Maeve McDonagh, The Right to Information in International Human Rights Law, HR L Rev (2013) 13 (1)
- ⁴ Communication No. 1470/2006, *Toktakunov v Kyrgystan*,
- ⁵ Communication No. 2202/2012 Rafael Rodríguez Castañeda v Mexico CCPR/C/108/D/2202/2012
- ⁶ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/68/362, 4 September 2013.
- ⁷ Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression, 1999; Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression, 2004.
- ⁸ Resolution 31/32. Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights; Resolution 34/20. Human rights and the environment.
- ⁹ Claude Reyes et al v Chile (2006); Article 9(1), African Charter on Human and Peoples' Rights; African Commission for Human and People's Rights, Declaration of Principles on Freedom of Expression in Africa; Council of Europe Convention on Access to Official Documents (2009); European Court of Human Rights, *Társaság a Szabadságjogokért v. Hungary*, (Application No 37374/05), 14 April 2009.
- ¹⁰ Committee on Economic, Social and Cultural Rights, General Comment 15: The Right to Water (2002)
- ¹¹ Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000), The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights); Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mission to Japan, A/HRC/23/41/Add.3, 31 July 2013; Committee on the Elimination of Discrimination against Women, General Recommendation No. 24: Article 12 of the Convention (Women and Health) (1999).
- ¹² Committee on Economic, Social and Cultural Rights, General Comment No. 13 The right to education (article 13 of the Covenant) 1999
- ¹³ Stockholm Convention on Persistent Organic Pollutants; Minamata Convention on Mercury, 2014
- ¹⁴ United Nations Framework Convention on Climate Change, 1992
- ¹⁵ Convention on the Rights of Persons with Disabilities
- ¹⁶ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- ¹⁷ Open Government Declaration is available at: <http://www.opengovpartnership.org/about/open-government-declaration>
- ¹⁸ Open Government Partnership: Articles of Governance, June 2012. Available at: http://www.opengovpartnership.org/sites/default/files/attachments/OGP%20ArticlesGov%20Final%20June%2011%202012_0.pdf
- ¹⁹ The Access to Information in the Open Government Partnership. ATI-related commitments within OGP Action Plans. A study and survey conducted with the 55 countries that developed their first national Action Plan. Available at: <https://www.opengovpartnership.org/about/working-groups/access-information/resources>
- ²⁰ See: Example of Tunisia. What Does Civil Society Want? Broadening & Deepening Civil Society Involvement in Tunisia's Open Government Reforms. Nada Zohdy. Master in Public Policy Candidate (2015). Harvard University - Kennedy School of Government. March 2015.

- ²¹ The Portal of OGP Tunisia is available at : <http://www.ogptunisie.gov.tn/>; the Open Data portal is available at: <http://www.data.gov.tn/> and the Industry, Mining and Energy is available at : <http://data.industrie.gov.tn/>
- ²² The 2015-2018 Strategy of the Open Contracting Partnership is available here: https://d3n8a8pro7vnm.cloudfront.net/opencontracting/pages/1/attachments/original/1444666090/OCP_Strategy_2015.pdf?1444666090
- ²³ The latest developments about the OCDS can be found here: <http://standard.open-contracting.org/latest/en/>
- ²⁴ To see all EITI Reports, go to data.eiti.org
- ²⁵ United Nations, 2015. Transforming our world: the 2030 Agenda for Sustainable Development. A/RES/70/1 (para. 16).
- ²⁶ United Nations, 2015. Outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society. A/RES/70/125.
- ²⁷ UN E-Government Survey 2016 available at: <https://publicadministration.un.org/egovkb/en-us/Reports/UN-E-Government-Survey-2016>
- ²⁸ [Freedom of Information Ordinance 2002.](#)
- ²⁹ [Open Government Information Regulations](#), 2007.
- ³⁰ Executive Order No. 2, s. 2016. <http://www.officialgazette.gov.ph/2016/07/23/executive-order-no-02-s-2016/>
- ³¹ [The Right to Information Ordinance, 2008 of Bangladesh. Salient Features](#), Commonwealth Human Rights Initiative, 4 December 2008.
- ³¹ [The Right to Information Ordinance, 2008 of Bangladesh. Salient Features](#), Commonwealth Human Rights Initiative, 4 December 2008.
- ³² [Right to Information Act, 2009, Act. No. XX of 2009.](#)
- ³³ For a comprehensive review of the theoretical justifications supporting the constitutional character of the right to information see Peled and Rabin 'The Constitutional Right to Information', Columbia Human Rights Law Review, Vol. 42, No. 2, Winter 2011
- ³⁴ Article 6, Constitution of the United Mexican States 1917
- ³⁵ Article 32, Constitution of the Republic of South Africa 1996
- ³⁶ State of Uttar Pradesh v. Raj Narain and Others [(1975) 4 SCC 428; S.P. Gupta vs. Union of India (AIR 1982 SC 149).
- ³⁷ Sharif v. Pakistan, PLD 1993 S.C. 471
- ³⁸ Commissioner of Police v Ombudsman [1988] 1 NZLR 385.
- ³⁹ Legaspi v. Civil Service Commission, 150 SCRA 530, 29 May 1987.
- ⁴⁰ *Lolan Kow [sic] Sagoe-Moses & others v The Honourable Minister & Attorney General*, Suit No. HR 0027/2015, High Court (Human Rights Division 2), Accra.
- ⁴¹ Judgment available from <http://www.freedominfo.org/2016/04/judge-orders-disclosures-based-on-ghana-constitution/>
- ⁴² Constitutional Chamber of the Supreme Court of Justice. March 18, 2011. Judgment 2011-003320.
- ⁴³ See <http://www.digitalrightslac.net/en/ley-de-acceso-a-la-informacion-en-colombia-un-logro-de-la-ciudadania/> and <https://www.opensocietyfoundations.org/litigation/colombian-draft-law-transparency-and-right-national-public-information>
- ⁴⁴ See <http://nsarchive.gwu.edu/mexico/article6.htm>
- ⁴⁵ You can access more details about this case study on the video channel of the project in Spanish. See: <https://vimeo.com/136238029>
- ⁴⁶ The full case study "The Right to Know: Rural communities, drought and water in Brazil" is available in Arabic, French, Portuguese and Spanish. See: <https://www.article19.org/resources.php/resource/37265/en/the-right-to-know-rural-communities-draught-and-water-in-brazil>
- ⁴⁷ The full case study "Senegal: Right to Information and Maternal Mortality" is available in Arabic, French, Portuguese and Spanish. See: <https://www.article19.org/resources.php/resource/37262/en/Senegal:%20Right%20to%20Information%20and%20Maternal%20Mortality>
- ⁴⁸ The platform developed by the project is accessible here: <http://www.info4all.org/>. Other existing projects are supporting efforts to support women access their rights by using RTI
- ⁴⁹ The full case study "Indonesia: Right to information + education" is available in Arabic, French, Indonesian, Portuguese and Spanish. See: <https://www.article19.org/resources.php/resource/37446/en/indonesia-right-to-information-+education>

⁵⁰ The full case study “Bangladesh: Right to information + environment” is available in Arabic, French, Indonesian, Portuguese and Spanish. See: <https://www.article19.org/resources.php/resource/37443/en/bangladesh:-right-to-information-+-environment>

⁵¹ The Carter Center Global Access to Information Program’s developed this [video](#) recently explaining how RTI is used as a tool to empower women.

⁵² An open source software for FOI platforms called Alaveteli was promoted by [mySociety](#) and many access to information platforms have been launched in many countries and regions over the last decade such as [asktheEU](#); [AskYourGovernmentUganda](#)

⁵³ See: Access to Information: An Instrumental Right for Empowerment. Article 19 and ADC. July 2007.

⁵⁴ Blog of Duncan Green on Oxfam’s Website: From Poverty to Power. How will we know if the SDGs are having any impact? June 8, 2017. Available at: <http://oxfamblogs.org/fp2p/how-will-we-know-if-the-sdgs-are-having-any-impact/>

⁵⁵ Freedom of expression has decreased by – 2,6 since 2006 at the African level. See Ibrahim index of African Governance (IIAG), available at: <http://iiag.online/>

⁵⁶ Idem.

⁵⁷ See e.g. World Bank, Public access to information for development : a guide to effective implementation of right to information laws (2016). Available at <http://documents.worldbank.org/curated/en/983941467996646873/Public-access-to-information-for-development-a-guide-to-effective-implementation-of-right-to-information-laws>; UNESCO, Briefing Note: Unpacking Indicator 16.2 Enhancing Public Access to Information through Agenda 2030 for Sustainable Development.

DEFENDING FREEDOM
OF EXPRESSION AND INFORMATION

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