



UNESCO and International Day for Universal Access to Information - 28 September

CONCEPT NOTE

EXECUTIVE SUMMARY

The year 2016 is the first year of marking 28 September as the “International Day for Universal Access to Information” (IDUAI), proclaimed by UNESCO Member States in November 2015. Civil society groups, in particular working through the global network, Freedom of Information Advocates Network or FOIANet, have already long noted the date, although under a different label, but the general focus is the same. As a result, prospects now exist for partnerships between UNESCO, as the key UN agency working in this area, and civil society as well as with many other actors. Each constituent brings its accumulated expertise, resources and interests in regard to the relevant information issues, thereby offering the potential to complement and combine activities in the interests of greater impact. This document sets out what UNESCO could contribute, within the mandate, capacity and resources of the Organisation. The focus below is particularly on UNESCO’s interests in how the issues around access to information can contribute to the Sustainable Development Goals (SDGs). This document has been further elaborated in relation to feedback on an earlier version.

1.0 BACKGROUND

1.1 Contemporary origins and synergies

1. On 17 November 2015, UNESCO adopted a resolution (38 C/70) declaring 28 September of every year as International Day for Universal Access to Information (IDUAI). The resolution was sponsored by Angola, Nigeria and Morocco. The resolution “invites all Member States, United Nations system organizations, and other international and regional organizations, as well as civil society, including non-governmental organizations and individuals, to celebrate the Day”.
2. The UNESCO initiative is an outcome of advocacy of the African Platform on Access to Information (APAI), building on work of FOIANet. The APAI adopted a landmark declaration by the Pan-African Conference on Access to Information, organized by the Windhoek+20 Campaign in Africa in partnership with UNESCO, the African Union Commission (AUC) and the Special Rapporteur on Freedom of Expression and Access to Information in Africa. This was in Cape Town, South Africa, 17-19 September 2011. The Declaration called for *formal United Nations recognition of 28 September as the International Right to Information Day*. The Declaration set out 14 principles focusing on African-related issues which elaborate the right of access to information and which includes access to information by disadvantaged communities and which covers issues related to health, education, aid transparency, and corruption. Also through APAI

advocacy, the African Commission on Human and Peoples' Rights (ACHPR) has called, in its Resolution 222, for the African Union to consider proclaiming 28 September "as International Right to Information Day in Africa".

3. The nomenclature of IDUAI agreed by UNESCO's 195 Member States involves a different nomenclature to the APAI, and also different to that of the civil society group FOIANet (which is "International Right to Know Day"). However, the focus is broadly the same.
4. The IDUAI falls within a long history of UN attention to this area. Universal access to information is bound up with the right to information, which is an integral part of the right to freedom of expression. It is also covered by Article 19 of the Universal Declaration of Human Rights (1948), and Article 19 of the International Covenant on Civil and Political Rights. UNESCO resolution 38 C/70 requests the UNESCO Secretariat to draw the attention of the UN General Assembly to the IDUAI for its consideration and possible adoption. Steps have been initiated accordingly.
5. Universal access to information, and to knowledge, is also central in the context of the UN's World Summit on the Information Society (WSIS), which in December 2015 reaffirmed freedom of expression and universal access to information as cornerstones, and which recognized the ambition of developing inclusive Knowledge Societies. It is also important to recognize "Accessibility" as one of the four principles in UNESCO's ROAM model of Internet Universality (alongside Rights, Openness, and Multi-stakeholder Participation).
6. IDUAI has particular resonance/relevance with the new 2030 Development Agenda, and in particular with Sustainable Development Goal (SDG) target 16.10: *Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements*. In March, the UN Statistical Commission approved inter alia the proposal of an indicator "Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information." The Statistical Commission will submit the initial global indicator framework to the Economic and Social Council (ECOSOC) and the General Assembly for adoption at dates to be confirmed, but possibly next year. As of July this year, the UN High-Level Political Forum on Sustainable Development began its role of oversight of national and thematic reviews of the implementation of the 2030 Agenda. The Forum is expected to provide political leadership, guidance and recommendations on the Agenda's implementation and follow-up, addressing new and emerging issues.
7. The IDUAI links directly to UNESCO's mandate as set out in its 1945 Constitution which specifically calls on the Organization to "promote the free flow of ideas by word and image". This injunction has been reflected in its strategic programme objective of enhancing universal access to information and knowledge, as well as the right to information as part of an enabling environment for the exercise of freedom of expression and press freedom.

8. The relevance and importance of the right to information is highlighted *inter alia* in UNESCO-inspired normative documents: the Brisbane Declaration on “Freedom of Information: the Right to Know” (2010), the Maputo Declaration on “Freedom of Expression, Access to Information and Empowerment of People” (2008), and the Dakar Declaration on “Media and Good Governance” (2005). The theme was at the heart of the 2016 World Press Freedom Day celebrations on 3 May, 2016, with the Organisation’s global event take place in Helsinki to mark the 250th anniversary of the world’s first freedom of information law. The [Finlandia Declaration from the Helsinki conference](#) is a valuable document that sets out a collective wisdom of the key issues, including digital and developmental dimensions, at stake.
9. From UNESCO’s point of view, as for example set out in the 2015 study “Keystones to foster inclusive knowledge societies”, it is evident that the universal access information depends on two dimensions: (i) the legal right to information, and (ii) the practical dimension of implementation of access rights, including through the powerful new information and communication technologies (ICTs) as well as with the Media and Information Literacy empowerment of people. Without the right, the scope of access is limited; without the use of ICTs and the development of competencies, the right is limited. Therefore, for UNESCO, the IDUAI should be interpreted and marked with attention to both dimensions.

1.2 World Trends in Access to Information

1. Adoption of freedom of and/or access to information laws (FOI) has been noted as a global trend during the last decade with more than 100 countries (including some independent jurisdictions) having legal frameworks – FOI laws – in place today. These include countries in every region. Many legislations are also pending in parliaments. A small minority of countries around the world still lack FOI recognition in their legislation. This is evident in parts of Africa and the Arab region, where, nonetheless, a handful of countries have recently adopted such provisions.
2. The persistence and use of secrecy laws that do not meet international standards has remained a key challenge the world. Only a handful of countries have repealed such laws, while a large number have adopted new security or anti-terrorism legislation that has impacted on media freedom and the right to information. Such legislation, in conjunction with the culture of confidentiality common within most governments and civil services, has meant that the right to access official information has often been constrained.
3. Efforts to produce more open governance have however, also emerged, such as the multilateral Open Government Partnership, with 69 participating countries, and the development of Global Principles on National Security and the Right to Information that were finalized in June 2013 after consultation with five Special Rapporteurs and more than 500 experts from more than 70 countries.

4. The issues of accessibility have been attracting increased attention, particularly through the World Summit on the Information Society. There are moves for Open Access information, for using ICT to enhance availability, and for increased Media and Information Literacy.
5. Gender-equality is still far from being achieved, but progress continues to be made, and universal access to information likewise requires an approach that is gender-sensitive, gender-responsive and gender-transformative.

2.0 UNESCO'S ROLE AND VALUE-ADD

2.1 How IDUAI can help realise UNESCO objectives

1. As concerns UNESCO's mandate and programmes, the IDUAI can produce the following outcomes:

- Foster access to information, specifically to strengthen the right to seek and receive information (and its complementary relationship to the right to impart information).
- Promote awareness that:
 - The right of access to information is an important human right, necessary for the enjoyment of other human rights.
 - The right to information is essential for transparent and accountable governance and sustainable development.
 - The right to information is a prerequisite for public involvement in formulating social policies and in the decision-making processes of governance.
- Highlight that the right to information can only be effectively exercised and implemented on the basis of laws, regulating this right in accordance with international standards.
- Enhance the promotion of access to information as a necessary complementary dimension to the right to information, by encouraging adoption of ICT, open access policies, and stimulating the development of Media and Information Literacy competencies.
- Ensure that steps to promote universal access to information integrate attention to the UNESCO Priority of Gender Equality, and provide particular service to UNESCO Priority Africa as well as Small Island Developing States.
- Promote international exchange of information about good practices concerning access to information issues.

2. UNESCO can use IDUAI to help achieve many of its programmatic results as endorsed by its Member States, as outlined in the UNESCO 38C/5 and C4 documents.

These results include:

- The legal framework and role of the media landscape providing for the right to information and its use. Awareness raising, monitoring and advocacy for freedom of expression and access to information as a basic human right is

increased, and related internationally recognized legal and ethical standards are applied.

- Universal access to information enhanced and documentary heritage preserved in all its forms through a strengthened Memory of the World Programme, and Member States supported in implementing the World Summit on Information Society (WSIS) outcomes.
- Universal Access to Information and Knowledge using ICTs, mobile devices and Open Solutions with special emphasis on teachers, learners, researchers, information professionals and/or scientists.

2.2 UNESCO's record underpinning its potential contribution through IDUAI

1. UNESCO possesses an excellent track record of providing governments with technical advice on legal, regulatory, policy and other issues relevant to building Knowledge Societies, as well as partnering with civil society, academia and industry to complement action at the State level. Over the years, UNESCO has gained a high level of respect among governments, NGOs, media organizations, academia and private sector, and has accumulated good practices in order to maximize the impact of its programmes.
2. UNESCO's two divisions in the sector for Communication and Information: the Division for Freedom of Expression and Media Development (FEM) and the Knowledge Societies Division (KSD) have been working actively on many of the issues related to Universal Access to Information. FEM has been working in the areas of freedom of information and investigative journalism. KSD is working on the areas of universal access to information through the application of ICTs and policy guidelines for Open solutions. Collaboratively, the divisions work on universal access to information covering digital and online aspects including data protection, privacy, transparency etc.
3. Through partnerships, UNESCO has been able to achieve wide-ranging impact. These are particularly important for the Organisation's role vis-à-vis IDUAI, because in terms of the Resolution on the Day, there is no Regular Programme budget allotted to the occasion. This financial constraint also means that UNESCO needs to leverage its symbolic value, convening power, and fundraising capacity if the potential of the Day to the aims of the Organisation is to be fully realized.

3. AIM AND OBJECTIVE OF UNESCO-INITIATED ACTIVITIES LINKED TO IDUAI 2016

The aim for UNESCO of marking IDUAI would be to promote universal access to information through all platforms, as an essential means to achieving the 2030 Development Agenda and the SDGs.

The specific objectives for UNESCO would be to:

1. Strengthen norms, policies, legal and regulatory provisions around universal access to information worldwide

2. Raise awareness and knowledge among policy-makers, media professionals and citizens at large on the right to information as a fundamental human right
3. Promote universal access to information through information and communication technologies (ICTs) and open solutions for sustainable development
4. Safeguard preservation and accessibility of Information and documentary heritage
5. Produce effective results by partnerships on advancing universal access to information, and strengthening these relationships for ongoing work
6. Stimulate action to build the competencies of journalists, civil society, youth and women in optimal use of the right to information
7. Foster media and information literacy, especially among youth and women.
8. Launch robust monitoring mechanisms and reporting for the SDGs on progress measured in terms of international standards for universal access to information.

4. EXPECTED RESULTS FOR UNESCO:

1. Legal frameworks, optimum use of ICTs, Media and Information Literacy and a culture of access to information, transparency and openness promoted
2. The role of media and ICTs in supporting universal access to information promoted at the global, regional, as well as national levels through celebration of the IDUAL, possibly with a dedicated theme applied to a specific field or issue in future years
3. Attention to the implementation of SDG 16.10 as per monitoring and reporting on the relevant indicator
4. Policy, legal and regulatory provisions create an enabling environment for universal access to information for Member States supported, and stronger efforts at implementing these provisions
5. Enhanced knowledge and awareness among stakeholders, including through exchanges about good practices internationally, of ways and means to access information, and strengthened networks around these issues
6. The competencies and capacities of local and international journalists, informational professionals and civil society are enhanced in use and application of RTI and ICT for the realization of universal access to information.
7. Awareness of the public at large of the right to universal access to information raised through awareness raising campaigns (both online and offline), and the public empowered and supported with opportunities to exchange information, engage in national dialogue around information policies, and develop competencies and skills necessary to enhance local and national access to information.

5. ACTIVITIES AND OUTPUTS/DELIVERABLES THAT CAN HELP TO ACHIEVE THE EXPECTED RESULTS

1. Possible partnership by HQ with other actors to jointly convene a forum in a particular country, where representatives of states, civil society, academia and media and information professionals can discuss universal access to information in relation to SDGs.
2. To possibly draw in partners with a particular interest in promoting access to information regarding Sustainable Development Goal 13 - fulfillment of commitments to counter climate change through global warming (see Appendix).
3. Convening with partners of an experts meeting to develop methodologies for monitoring and reporting on the relevant indicator for SDG 16.10. This could be a prelude to launching of a report on the Day every year, about progress in terms of SDG 16.10 concerning public access to information.
4. Field offices and UNESCO National Commissions may consider local partnerships, and inter-sectoral work, to catalyse or contribute to a specific local activity such as on:
 - a. Improved law, regulation and implementation of Freedom of Information
 - b. Access to Information about global warming issues
 - c. Access to Information and the importance of community media
 - d. Access to Information for investigative journalism
 - e. Access to information for realization of the SDGs
 - f. Access to Information and proactive disclosure of public information
 - g. Open Solutions (Open Data, Open Standards, Open Governments, Open Access) and Universal Access to Information
 - h. Universal Access to information for poor and marginalized communities (multilingualism in cyberspace and access for persons with disabilities) as well as attention to women and youth
 - i. Promoting Universal Access to Information through the preservation of, and access to documentary heritage, including digital heritage and use of library and archives.
5. Member States can be encouraged to take advantage of the Day to organize activities with local partners, especially those already celebrating the day, to advance universal access to information within their country. The two specialized intergovernmental entities linked to UNESCO Communication-Information Sector, i.e. Information for All Programme, and International Programme for the Development of Communication, can also be encouraged to support IDUAI.

Expected results:

- Raised awareness about this Day on the international calendar
- Greater impetus provided to initiatives to adopt or reform right to information laws and policies, as well as to improve implementation of existing laws and policies.
- Better informed stakeholders on the issues of Universal Access to Information
- A methodology and plan to monitor and report on SDG 16.10

- Agenda-setting about the importance of Universal Access to Information for achieving goals in countering global warming
- Increased networking and partnerships.

6.0 VISIBILITY AND COMMUNICATION

1. A Director-General's message is being developed for the Day.
2. The IDUIA will have a dedicated webpage on the UNESCO site which gathers or links to all related content.
3. Visibility of IDUIA will be enhanced through a communication materials developed by colleagues at UNESCO Headquarters, and available to Field Offices via the webpage.
4. Partners can be encouraged to optimize communications about the Day.

7.0 SUSTAINABILITY

- The UNESCO-catalysed activities on and around 28 September should aim to become a permanent feature of the celebration of IDUIA.
- Partnerships amongst stakeholders can be mobilized for more than just one's year's celebrations, and instead aim for continued co-operation every year.

APPENDIX: ENVIRONMENTAL THEME

Introduction:

The marking of IDUAI could be profitably concentrated on Access to Information and climate change, building on the recent Conference of the Parties (COP21) Agreement. This would entail linkages with UNFCCC, UNEP and various other actors working on environment issues. The focus is prompted by the COP commitments, and the need for independent monitoring to avoid corporate fraud or governmental cover-up on the state of greenhouse gas emissions. The outcome would be to draw attention to the relevance of Access to Information to this very topical and urgent issue of countering climate change. It is of very high relevance to the Small Island Developing States.

The issue of information is already directly signaled in the Agreement of the Conference of the Parties (COP21), 30 November to 11 December 2015, in Paris. The Agreement seeks to establish binding obligations for each country to reduce its greenhouse gas emissions – especially methane and carbon dioxide. Article 12 of the Agreement reads: “Parties shall cooperate in taking measures, as appropriate, to enhance climate change education, training, public awareness, public participation and *public access to information*, recognizing the importance of these steps with respect to enhancing actions under this Agreement” (our emphasis). Article 13 calls for a transparency framework which is closely linked to robust public access to communication to data, research and information related carbon emissions and climate change at country and global level.

The COP21 commitments constitute an elaboration of Sustainable Development Goal 13 of the 2030 Development Agenda.

Resonance with IDUAI:

While “access to information”, “right to information”, “right to know” and “freedom of information” are sometimes used as synonyms, the diverse terminology does highlight particular (albeit related) dimensions of the issue. Considered as a right, this is usually related to information held by public bodies and to private institutions involving public functions, impact or interest.

In the context of climate change and carbon emissions, there is plethora of information which is being held by public bodies and the private institutions, extending much beyond the information holdings of a particular state, and these are important realms where citizens may have an access interest. Importantly, large non-public information holdings exist within the corporate sector. A contemporary debate concerns the wider application of the right to information so as to gain access to public-interest information held by private sector bodies, as well as around transparency within these bodies as a tool for public accountability and access to information.

A challenge today is the extent to which the right to information may apply to such entities, in addition to states, and under what conditions. Recently, it has emerged that two of the largest energy companies in the USA are being investigated by the state of New York. This is an enquiry into their stance on information about fossil fuels contributing to global warming, and their knowledge of the negative effects thereof. The question, on the one hand, is whether these companies hid this information from the wider public and at least from their shareholders, and on the other hand whether they deliberately sponsored disinformation as an alternative. The distortion of information by the corporation Volkswagen headquartered in Germany about carbon emissions from its vehicles is similarly an issue of recent public concern. The broader point to consider here concerns information in the private sector, and who has access to it. These corporate examples indicate that the right to information is a universal agenda. The issues of right to information are globally relevant, albeit there are also different manifestations in different places. In many cases, such as the examples just cited, the right to information also impacts on matters of global consequence.

Another challenging aspect to access to information in the context of climate change rests with research institutions working on climate change and carbon emission. This highlights the need for more access to scientific data and information, especially that which is publicly funded, and the value of making it available for public access through open platforms especially through open access by building more national digital repositories.