



## Access to Information

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‘ATI without Frontiers’

International Perspectives on Access to Information  
Canada – Right to Know Week  
October 1, 2009

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## Objectives of Presentation

- Consider value of the right of access to information
- Discuss continuing global challenges to the right of access to information
- Focus on recent global and regional findings and plan to advance the right of access to information
- Explore relevance for Canada, particularly regarding the emerging standards for oversight and enforcement and civil society engagement

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# International Conference 2008: Key Global Challenges, Findings & Principles

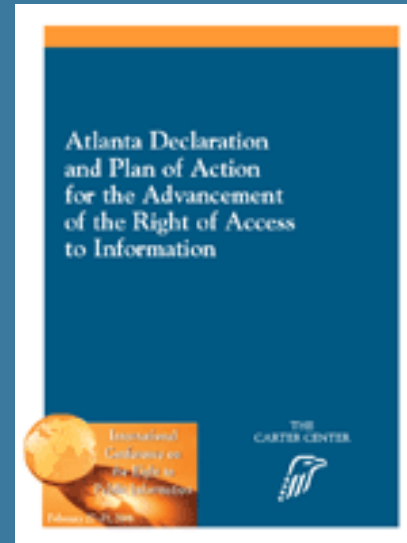
## ➤ Challenges

- Countries without laws
- Patchy implementation and obstacles
- Continued resistance
- Backsliding of existing laws
- Post 9/11 World

## ➤ Principles and Findings

- Fundamental human right
- Inherent in all cultures and systems of government
- Fundamental to human dignity, equity, peace with justice, and democracy
- Necessary for security
- Must be ensured through effectively implemented and fully enforced legislation

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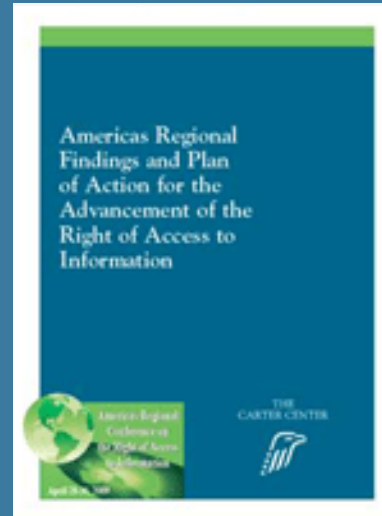
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## Americas Regional Conference on the Right of Access to Information

- Follow-on from the International Conference on the Right to Public Information
- Lima, Peru – April 28-30, 2009
- Final sessions chaired by President Carter
- 115 participants from 18 countries within the Americas
- Multi-stakeholder
- *Americas Regional Findings and Plan of Action for the Advancement of the Right of Access to Information*
  - Regional and International Community
  - States in the Americas Region
  - Non-State Actors

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*Primary goal of Americas Regional Conference:*

The advancement of the right of access to information in the Americas

*Main objectives:*

1. Identify and explore challenges and potential solutions to the Americas
  - Poor implementation & enforcement
  - Backsliding
  - Lack of demand
2. Bring together stakeholders to further strengthen a regional community of practice
3. Encourage multi-stakeholder national clusters to advance the right of access to information in their country
4. Create and disseminate regional findings and plan of action (annex to Atlanta Declaration)

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# Key Americas Regional Findings

- Reiterated main challenges in the Americas
- Diversity of region necessitates diversity in responses
- Immediate priority is to strengthen/implement existing regional instruments
- A statutory right is the goal but other means & mechanisms should be pursued if requisite political climate is absent
- States have special obligation to disclose information pertaining to human rights violations or corruption
- Specific actions are needed to mitigate asymmetry across societies & other structural disadvantages
- Private organizations have become significant beneficiaries of public funds & must be covered by transparency requirements
- Multi-stakeholder initiatives are influential in establishment of common voluntary transparency standards

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# Americas Regional Plan of Action

## For Regional and International Community:

- Regional IGOs and IFIs should assume a significant role in setting regional norms, improving state capacity & educating about ATI
- Regional IGOs and IFIs should ensure transparency policies that:
  - Provide clear and simple processes for requests;
  - Have limited exceptions;
  - Include independent appeals processes;
  - Mandate proactive disclosure; and
  - Promote member State and contractor transparency.
- Bi-lateral donor agencies should operate under the principles of maximum disclosure
- International and regional bodies, donor agencies, development banks, and donor States should provide financial and technical support to advance ATI

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## Americas Regional Plan of Action (cont)

### States should:

- Ensure public policies and regulations are created & function consistent with principles of maximum disclosure
- Establish legal and policy frameworks in accordance with regional standards
- Extend scope of ATI laws to cover key institutions and bodies
- Ensure full and effective implementation of ATI regimes
- Support implementation of ATI at sub-national levels
- Ensure that enforcement mechanisms are accessible and timely

Legislative bodies and other named entities outside of the Executive Branch, such as the Ombudsman and Courts, should monitor implementation and enforcement



## Americas Regional Plan of Action (cont)

### For Non-State Actors:

- Non-state actors should urge States to comply with relevant constitutional provisions, international and regional treaties, resolutions and declarations
- Civil society, corporate, and professional organizations should litigate denials or obstacles
- Civil society organizations (CSOs), including NGOs and labor unions, should lead by example and proactively publish and disseminate information related to public funding
- CSOs, universities and scholars should undertake evidence-based research about ATI
- Profit seeking corporations should voluntarily disclose all information bearing on public safety and health or environment

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## Americas Regional Plan of Action (cont)

- Media owners, editors, reporters and their professional trade associations should offer and encourage training for journalists, promote the use of transparency mechanisms and raise awareness
- To promote demand for ATI regimes and increase benefits, all stakeholders should:
  - Advocate for establishment & implementation of legal or policy frameworks;
  - Assist and supplement State's efforts to raise awareness;
  - Support ATI education programs in schools and universities;
  - Foster public education campaigns, particularly targeting vulnerable populations;
  - Help requesters use information received; and
  - Build and develop a community of practice network.

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