

## DRAFT CONCEPT NOTE FOR EXPERT MEETING

30 May 2016

### OPERATIONALISING AN INDICATOR:

### HOW TO ASSESS GLOBAL PROGRESS ON SDG TARGET 16.10.2

#### I. SUMMARY

UNESCO's IPDC and the Global Forum for Media Development propose to convene a roundtable of experts to discuss the opportunities of the Sustainable Development Goal 16.10 indicator 2, and strategies on how these opportunities could be realised. To this effect, a group of some 15 experts will meet in Indonesia, during the 2016 Jakarta World Forum on Media Development to share experience, insights, and plans, and potential co-operation. The meeting will take stock of possible information outputs around 16.10.2, what information inputs are available, and how aggregation and analysis could take place. The envisaged outcome will be a workplan for co-operation going ahead. UNESCO is particularly interested in outcomes that could synergise with its own activities such as annual observation of 28 September as the International Day for Universal Access to Information, and its biannual *World Trends in Freedom of Expression and Media Development* publication. The discussions will also be of benefit to other participants seeking to strengthen their own activities in this field, as well as those of the broader whole of media development.

#### II. BACKGROUND TO INDICATOR 16.10.2

The UN Open Working Group (OWG) on Sustainable Development Goals (SDGs) ended its task by proposing 17 goals and 169 associated targets in their Outcome Document.<sup>1</sup> For its part, the UN Statistical Commission (UNSC), via an Inter-Agency and Expert Group on SDGs (IAEG-SDGs), has been considering proposals for a possible global indicators framework to measure the goals/targets.

UNESCO, through the International Programme for the Development of Communication (IPDC) played a key role in advocating for the framing of Goal 16 and Target 16.10 in terms favourable to freedom of expression and media development.<sup>2</sup> **SDG 16** seeks to 'Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels'. **Target 16.10** aims to 'Ensure public

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<sup>1</sup> See Sustainable Development Knowledge Platform. 2014. Outcome Document - Open Working Group on Sustainable Development Goals. Available [0]: <http://sustainabledevelopment.un.org/focussdgs.html>. Accessed on 3 September 2014.

<sup>2</sup> Status report on IPDC's contributions to the post-2015 development agenda process: <http://unesdoc.unesco.org/images/0023/002300/230042E.pdf>.

access to information and protect fundamental freedoms, in accordance with national legislation and international agreements’.

This indicator is significant not only for Goal 16 more broadly, but for all the SDGs which will need to be powered by information if there is to be progress in terms of achievement. Going further, if there is to be adequate monitoring of each goal, various actors – not least governments, will need to increase their information gathering and disclosure in each SDG field.

UNESCO partnered with the World Bank, the Global Forum for Media Development (GFMD) and others to push for an indicator that would measure ‘public access to information’. This effort was rewarded when the IAEG-SDGs and the UNSC endorsed the indicator in terms of ‘Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information’.

They endorsed another UNESCO-backed indicator on ‘Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months’.

These indicators are up for final discussion and possible adoption by the UN Economic and Social Council (ECOSOC) and UN General Assembly in June 2016. In the meantime, the UNSC has been working with UN agencies to develop a tier system for the global indicators. As part of this process, Indicator 16.10.2 has been categorized as a Tier 11<sup>3</sup> indicator, meaning that it is seen as conceptually clear, has an established methodology and is backed by international standards even though data are not regularly produced by countries.<sup>4</sup>

Furthermore, another important outcome of this inter-agency consultation has been the recognition of UNESCO as a ‘custodian agency’<sup>5</sup> for this indicator 16.10.2. A custodian agency is expected to facilitate the following, among other things:

- Collecting data from national statistical systems
- Providing a storyline for the annual global SDG progress report
- Providing and regularly updating metadata
- Working on the methodological development and further refinement of the indicator
- Contributing to statistical capacity building in the area of the indicator
- Coordinating with other agencies and stakeholders who are interested in contributing to the indicator development

### **III. OPERATIONALISATION OF THE INDICATOR**

Although this indicator does not assess the totality of “public access to information” component of Target of 16.10, it focusses on a key determinant of the wider information environment which could have significant implications for the realisation of the full spectrum of the ‘fundamental freedoms’ envisaged in this target.

Target 16.10 was deliberately drafted and approved by the Open Working Group with two mutually reinforcing but distinct components: one for ‘ensuring public access to information’ and

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<sup>3</sup> See <http://unstats.un.org/sdgs/files/meetings/iaeg-sdgs-meeting-03/Provisional-Proposed-Tiers-for-SDG-Indicators-24-03-16.pdf>. Accessed on 6 April 2016.

<sup>4</sup> See, for example, <http://unstats.un.org/sdgs/files/ga-briefing-28-Jan-2016/PGA-Briefing--Status-of-IAEG-SDGs-work-on-global-SDG-indicators-28-Jan-2016.pdf>. Accessed on 6 April 2016.

<sup>5</sup> See *op cit.*: <http://unstats.un.org/sdgs/files/meetings/iaeg-sdgs-meeting-03/Provisional-Proposed-Tiers-for-SDG-Indicators-24-03-16.pdf>.

the second for ‘protecting fundamental freedoms’. Consequently, as noted above, Indicator 16.10.2 is one of two indicators proposed to measure Target 16.10.

As elaborated in the metadata for Indicator 16.10.2 (see attached), the indicator seeks to establish the state of public access to information following three key variables:

- a) whether a country (or at the global level, the number of countries) has constitutional, statutory and/or policy guarantees for public access to information; (An example here would be the number of countries with Freedom of Information – FOI – laws, over time).
- b) the extent to which such national guarantees reflect ‘international agreements’ (e.g. the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, etc.); and
- c) the implementation mechanisms in place for such guarantees, including the following features:
  - Government efforts to publicly promote the right to information;
  - Citizens’ awareness of their legal right to information and their ability to utilize it effectively; and
  - The capacity of public bodies to provide information upon request by the public.

Some dimensions of practical guarantee of public access may be partially assessed through such dimensions as those unpacked by the World Bank, to wit:

- proactive disclosure provisions in laws that establish a legal duty to disclose
- mechanisms for citizens, firms, and others to request information that has not been proactively disclosed but that is relevant to their interests
- narrowly-tailored guidelines on exemptions to disclosure, and
- institutional structures that support disclosure, such as information commissioners, oversight mechanisms, and complaints mechanisms. In some national cases, there is also information on the sources and numbers of requests and the response time taken to process these requests.

Other practical dimensions might be relevant, for example whether data is available by private actors under transparency policies (such as environmental information provided under the Carbon Disclosure Project (CDP)).

Further conceptual work can also be elaborated, for example, whether “citizens’ awareness” might be further unpacked to include sub-indicators on the use of FOI laws by investigative journalists, and the incorporation of FOI concerns into Media and Information Literacy programmes.

#### **IV. ACTORS AND THEIR INFORMATION CONTRIBUTIONS TO OPERATIONALISING INDICATOR 16.10.2**

As the UN Agency mandated to promote “the free flow of ideas by word and image”, UNESCO works to advance the universal right to freedom of expression and freedom of information – the right to access information held by public bodies.

This right is linked to wider transparency in society. Further issues around public access to information were recently elaborated in the Finlandia Declaration of World Press Freedom Day,

3 May 2016. Freedom of information both helps provide oversight of governmental bodies, as well as the possibility to hold them accountable. It thus strengthens a culture of openness and participatory democracy. It is in part this recognition that led UNESCO Member States in November 2015 to declare the creation of an International Day for Universal Access to Information, on each 28 September. For UNESCO, access to information encompasses the right to information; without the right, access is constrained – but without access, the right can be hollow. To this end, UNESCO’s Division for Freedom of Expression and Media Development (FEM) works on the rights dimension including the role of journalism in this, while its sister Knowledge Societies Division focuses on access issues, particularly concerning ICTs.

Together, the two Divisions at UNESCO also promote Media and Information Literacy as a key dimension of empowering public access to information. The Organisation as a whole is also developing indicators for Internet Universality, which include the Internet dimensions of these issues of rights and access.

UNESCO, within its mandate for the right to freedom of expression, which includes the corollary of the right to freedom of information, already monitors progress and issues in this area through its existing submissions to the Universal Periodic Review (UPR)<sup>6</sup>. The FEM Division at UNESCO currently commissions collection of data on the right within its framework of the bi-annual research report titled *World Trends in Freedom of Expression and Media Development*.<sup>7</sup> It also conducts national assessments based on its internationally-recognized Media Development Indicators.<sup>8</sup> More specifically, in collaboration with the UNESCO Institute for Statistics (UIS), the CI Sector, through its Media Development Indicators, has collected information on two aspects in a pilot survey on Media Statistics, reinforcing the judicial dimension of the indicator. Research questions included:

- Is there a legal provision for access to information held by the State?
- Is there a constitutional provision for access to information held by the State?

In terms of this UIS-CI collaboration, data were produced for 56 countries after two rounds of pilot surveys, but this initiative has been frozen due to budget cuts.

The work described above provides a basis for UNESCO to serve as a custodian agency in compiling a periodic global report, including relevant inputs from other UN agencies and other bodies, for submission as input to the annual **SDG Progress** report as well as other relevant UN reporting processes, including the High-Level Political Forum (HLPF)’s **Global Sustainable Development Report** (GSDR). What is important, however, is that such reports also acknowledge and include relevant information produced by other actors. The possibility even exists of a joint global report to be produced perhaps each second year, and released on 28 September, the International Day for Universal Access to Information. This and other possible outputs could be further explored during the Jakarta meeting.

Besides UNESCO, the World Bank, the International Parliamentary Union and the Office of the High Commissioner for Human Rights are among the agencies within the intergovernmental

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<sup>6</sup> Universal Periodic Review: [UNESCO contributes data on freedom of expression, including constitutional guarantees thereof, in addition to tracking killings of journalists]. <http://www.ohchr.org/en/hrbodies/upr/pages/BasicFacts.aspx>

<sup>7</sup> World Trends in Freedom of Expression and Media Development: <http://www.unesco.org/new/en/world-media-trends>.

<sup>8</sup> UNESCO Media Development Indicators: Framework for assessing media development. <http://unesdoc.unesco.org/images/0016/001631/163102e.pdf>

system which currently monitor legal guarantees on access to information. For its part, the World Bank has been piloting the Right to Information Indicators on Drivers of Effectiveness (RIDE) framework. It has been tested in six countries – Albania, Jordan, Scotland, South Africa, Thailand, and Uganda – and found robust. The cost of global rollout of the indicator is estimated to be in the order of \$250,000USD, and it is suggested that it could be updated every five years at a similar cost adjusting for inflation.

Other actors may also be generating relevant information and conducting activities in this area. For example, data on the number of countries with freedom of information laws are currently available for at least 195 countries, through the FOIANet. This is thus one relevant and measurable dimension of the indicator, which also responds to the growing number of UN Member States that have already adopted legal guarantees and many others that are currently considering relevant legislation or regulation in the field.

The multiple sources thus include besides UNESCO and World Bank reports; also national and international non-governmental organizations, many of which are members of the GFMD; academic and research institutions; and national media regulatory authorities. For reports submitted directly by countries themselves or through regional peer reviews, data sources for the proposed indicator could include official Human Rights Commissions or Information Commissioners where these exist, judicial records, police and civil society statistics, and academic research. The variety of actors, with a range of interests and mandates, means that the Indicator could be operationalised in different ways by each party, with scope and emphasis varying accordingly. At the same time, there could well be synergies.

For its part, UNESCO regards public access to information and fundamental freedoms as not only an end in themselves, but also an important means to Goal 16 as a whole, and to the rest of the Sustainable Development Goals – such as those relating to 9.c (Internet access and affordability), 16.3 (access to justice), 16.5 (anti-corruption), and 16.5 (transparent & accountable institutions). As such, a more qualitative component of reporting on the proposed indicator could include aspects such as the actual impact of the right to information laws all SDG-relevant concerns.

UNESCO is also interested in ways that data for this indicator can be disaggregated in various ways, including in terms of geographical and gender considerations. For example, data can be collected in terms of the extent to which the residence of citizens affects their ability to access information (e.g. how do rural, peri-rural, urban and peri-urban dwellers access information from public bodies?). It can also be disaggregated in terms of whether gender influences someone's ability to access information (i.e. it can be disaggregated in terms of the differences in ability by men and women to access public information for purposes related to the totality of the SDGs).

To take stock of the different resources, interests, uses and purposes in data around this SDG indicator is a key reason why UNESCO is partnering with GFMD in convening this expert roundtable.

## **V. EXPERT MEETING ON TARGET 16.10.2 AT GFMD JAKARTA**

Against this background, and linked to the maiden celebrations of the International Day for Universal Access to Information (IDUAI) which falls on 28 September 2016, UNESCO, under the aegis of the IPDC, seeks to convene with GFMD a one-day expert group meeting, of some than 15 experts, to draft a workplan for taking forward and refining Indicator 16.10.2.

This ambition will require prior work, in terms of conceptualising the scope of 16.10.2, identifying information holdings, developing a draft framework for data partnerships, and proposing methodologies for aggregating data. UNESCO will circulate a draft paper to this effect in July.

On the basis of this intellectual work, the expert meeting in September will aim to:

- a) Discuss how UNESCO can best contribute to the issues in terms of its standing as a custodian agency in compiling a periodic global report for the Indicator, (as well as its other outputs concerning Universal Periodic Review (UPR) submissions, the biannual *World Trends* report, and the International Day for Universal Access to Information);
- b) Confirm the range of actors, interests, data holdings, and the range of opportunities for information gathering, aggregation, analysis and dissemination, opened by the adoption of this Indicator;
- c) Consolidate the conceptual and methodological soundness of Indicator 16.10.2 and its metadata, including by highlighting:
  - (i) how the indicator could conceptually account for the realisation as much as possible of the full range of ‘fundamental freedoms’ envisaged in Target 16.10;
  - (ii) The nature of quantitative and qualitative/expert assessments that could be enlisted to fulfil point (i) above; and
  - (iii) which existing data sources can be credibly enlisted at the national, regional and global levels for reporting and other uses during 2017.
- d) Discuss and propose a framework of ‘data partnerships’ based on existing information capacity that could be built as part of a delivery/reporting mechanism for Indicator 16.10.2.
- e) Finalise a workplan for the 2017 UNESCO report to the UN General Assembly on progress around 16.10.2, including how this and other possible outputs of data-partnerships can be used for effective advancement of public access to information.
- f) Highlight and propose ways of financing future reporting capacity requirements of Indicator 16.10.2.

For practical reasons, the expert group meeting is scheduled to be held on the 19<sup>th</sup> of September alongside the Global Forum for Media Development (GFMD) in Jakarta. Participants will need to be self-financing, unless funds can be raised for merit-worthy sponsorships.

**Contact:** Fackson Banda, UNESCO/IPDC ([f.banda@unesco.org](mailto:f.banda@unesco.org))

#### **ANNEX 1: Proposed programme for the event could include:**

- i. **Introductions, background, aims** – Fackson Banda, UNESCO programme specialist
- ii. **Official opening:**
  - Frank La Rue, Assistant Director General for Communication and Information, UNESCO
  - Leon Willems, Chair of the Global Forum for Media Development
  - Finnish representative (tbc).
  - Yanuar Nugroho, Director and Special Adviser to the Minister Head of the President’s Delivery Unit for Development Monitoring and Oversight (UKP-PPP), Republic of Indonesia
- iii. **Open sharing:**
  - Consolidating knowledge of the diversity of fields of interest in scoping and taking forward the issue, and how these impact on the interpretation of the indicator (e.g. Laws and policies, development, gender, financial transparency regimes, environmental transparency, online issues, investigative journalism, etc.).

- Agreeing on possible information outputs in 2017 from data partnerships around 16.10.2.
  - Pinpointing the specific inputs for the 2017 UNESCO co-ordinated report.
- iv. **Interested actors:**
- Tabling of opportunities opened up by the indicator for different actors (e.g. Reporting opportunities at UN level [UN SG SDG Progress report and HLPF Global Sustainable Development Report), national and regional reports, advocacy, publications, events, etc.)
  - Agreement on a framework of data-partnerships
- v. **Practical discussions:**
- Confirming existing and planned data sources and time frames
  - Discussing methodologies for aggregation and analysis for the UNESCO 2017 report
- vi. **Outputs:**
- Advocacy and usage of information outputs about this indicator during 2017
  - **Workplan:** Adoption of a workplan for the UNESCO 2017 report
- vii. **Beyond the 2017 report:**
- Potential sources
  - Potential funding

## **ANNEX 2: Potential invitees, who should be balanced for region and gender, could include:**

Priority will be given to those who can contribute specific information and analysis within the framework of data-partnerships, with the aim of having some 15 participants in total.

- i. Frank La Rue, Assistant Director General, Communication and Information Sector, UNESCO
- ii. Fackson Banda, Programme Specialist (Journalism Education and Knowledge-Driven Media Development), Communication and Information Sector, UNESCO
- iii. David Banisar, Senior Legal Counsel, ARTICLE 19
- iv. Helen Darbishire, Executive Director, Access Info Europe
- v. Nicholas Menzies, Development Economics Group, The World Bank
- vi. Toby Mendel, Chair, Steering Committee, Freedom of Information Advocates Network (FOIANet); and Executive Director, Centre for Law and Democracy
- vii. Mark Nelson, Senior Director, Center for International Media Assistance
- viii. Bill Orme, UN Representative, Global Forum for Media Development (GFMD)
- ix. James Deane, Director, Policy and Learning, BBC Media Action
- x. Nicole Stremlau, Head of the Programme in Comparative Media Law and Policy, University of Oxford; and Lead Researcher, *World Trends in Freedom of Expression and Media Development: 2017 Report*
- xi. Antonio Savoia, Lecturer in Development Economics, Institute for Development Policy and Management, School of Environment and Development, the University of Manchester
- xii. African Platform on Access to Information (APAI) Campaign
- xiii. Africa Freedom of Information Centre (AFIC)
- xiv. Open Government Partnership
- xv. Catalina Botero
- xvi. Open Society Institute (Southern Africa)
- xvii. Citizens Governance Initiative (Cameroun)
- xviii. SIDA

- xix. Ford Foundation
- xx. EU Research Fund
- xxi. Deutsche Welles Akademie
- xxii. Google
- xxiii. Environmental transparency NGO
- xxiv. Financial transparency NGO
- xxv. United Nations Development Programme (UNDP)
- xxvi. Chris Murgatroyd, UNDP: [chris.murgatroyd@undp.org](mailto:chris.murgatroyd@undp.org)
- xxvii. Jana Schuhmann, UNDP: [jana.schuhmann@undp.org](mailto:jana.schuhmann@undp.org)
- xxviii. Laura Nelson, UNDP: [laura.nelson@undp.org](mailto:laura.nelson@undp.org)
- xxix. Alejandro Alvarez, UNDP: [alejandro.alvarez@undp.org](mailto:alejandro.alvarez@undp.org)
- xxx. International Parliamentary Union (IPU)
- xxxi. United Nations Environmental Programme (UNEP)
- xxxii. UNESCO Institute for Statistics (UIS)
- xxxiii. International Consortium of Investigative Journalists (ICIJ)
- xxxiv. Regional experts
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