

Metadata for SDG indicators for target 16.10

Indicator 16.10. (alternative proposed by UNESCO):	Preliminary metadata for "Existence and implementation of constitutional, statutory and/or policy guarantees for public access to information"
Goal and target addressed:	<p>Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels</p> <p>Target 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements</p> <p>The indicator can also be used to monitor the following targets:</p> <ul style="list-style-type: none"> • 9.c (Internet access and affordability) • 16.3 (access to justice) • 16.5 (anti-corruption) • 16.5 (transparent & accountable institutions)
Definition and method of computation:	<p>For this indicator, the operative words are “existence” and “implementation”. As such, it establishes: (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; (b) the extent to which such national guarantees reflect ‘international agreements’ (e.g. Universal Declaration of Human Rights, etc.); and (c) the implementation mechanisms in place for such guarantees, including the following variables:</p> <ul style="list-style-type: none"> • Government efforts to publicly promote the right to information. • Citizens’ awareness of their legal right to information and their ability to utilise it effectively. • The capacity of public bodies to provide information upon request by the public. <p>This indicator will thus collate data from multiple sources, including National Human Rights Institutions, national and international non-governmental organisations, academic institutions, and national media regulatory authorities, among others. Such information will be gathered, processed and checked by international organisations - UNESCO and World Bank.</p> <p>UNESCO collects some aspects of this data using the <i>Media Development Indicators</i>, in addition to the biennial <i>World Trends in Freedom of Expression and Media Development</i> report.</p> <p>Data is available for at least 195 countries.</p>
Rationale and interpretation:	The definition here relates directly to “public access to information”, which is wider than, but is also very much based

	<p>upon, the established fundamental freedoms of expression and association.</p> <p>(Conversely, these freedoms also both impact on the environment for public access to information).</p> <p>The focus of this indicator is thus on the status of adoption and implementation of constitutional, statutory and/or policy guarantees for public access to information.</p> <p>As suggested by the Sustainable Development Solutions Network (SDSN) and UNESCO in earlier presentations to the UN Technical Support Team (UN TST), this is a relevant and measurable indicator.</p> <p>It 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.</p> <p>The rationale for assessing the implementation dimension is to assess the relevance of legal steps to practical information accessibility. It is not a composite indicator, but a logical linkage of laws and policies to practical impact that is relevant to SDG concerns.</p> <p>The practical guarantee of public access may be partially assessed through dimensions such as those unpacked by The World Bank. In this way, the practical quality of legal provisions can be established by identifying if there are: 1) proactive disclosure provisions in laws that establish a legal duty to disclose; 2) mechanisms for citizens, firms, and others to request information that has not been proactively disclosed but that is relevant to their interests, 3) narrowly-tailored guidelines on exemptions to disclosure, and 4) 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.</p> <p>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) and regularly issued research reports on World Trends on Freedom of Expression and Media Development, including its Media Development Indicators assessments. Collaboration with the World Bank is foreseen, as well as drawing upon work undertaken by ARTICLE 19 in this area.</p> <p>All these will be considered important aspects of establishing the existence and implementation of constitutional, statutory and/or</p>
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	policy guarantees for public access to information.
Supplementary information:	
References:	<ul style="list-style-type: none"> ▪ UNESCO Media Development Indicators: Framework for assessing media development. http://unesdoc.unesco.org/images/0016/001631/163102e.pdf ▪ World Trends in Freedom of Expression and Media Development: http://www.unesco.org/new/en/world-media-trends ▪ 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
Sources and data collection:	<ul style="list-style-type: none"> ▪ UNESCO and World Bank reports ▪ Other UN bodies, such as UNDP ▪ National bodies such as commissioners responsible for right to information implementation ▪ Media regulators ▪ Academic and research institutions ▪ Media support NGOs (national and international)
Disaggregation:	The indicator can be disaggregated 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 ability to access information.
Comments and limitations:	This indicator does not assess the totality of “public access to information” component of the full Target of 16.10. Nevertheless, it focusses on a key determinant of the wider information environment.
Gender equality issues:	This indicator can be disaggregated in terms of the ability by men and women to access public information.
Data for global and regional monitoring:	<p>With the indicator as proposed above, UNESCO could serve as a lead agency in compiling a periodic global report, including relevant inputs from other UN agencies and other bodies, for submission to the relevant UN body which will ultimately track the progress of SDGs.</p> <p>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 Commissioner figures where these exist, judicial records, police and civil society statistics, and academic research.</p> <p>A more qualitative component of reporting on the proposed indicator could include aspects such as the actual impact of the right to information laws on SDG-relevant concerns.</p> <p>The UNESCO Institute for Statistics (UIS) has collected information on two aspects in a pilot survey on Media Statistics, reinforcing the ‘judicial processes’ dimension of the indicator:</p>

	<p>LF17. Is there a legal provision for access to information held by the State?</p> <p>LF18. Is there a constitutional provision for access to information held by the State?</p> <p>Data are currently available for 56 countries after two rounds of pilot surveys.</p>
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