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DRAFT

From Promise to Practice: Access to Information for Sustainable Development



**2020 UNESCO Report on the Monitoring and Reporting
of SDG Indicator 16.10.2 (Public Access to Information)**



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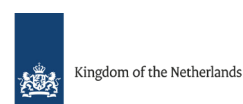
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This report is submitted to the Intergovernmental Council of the International Programme for the Development of Communication (IPDC) in line with the Decision on Monitoring and Reporting of SDG Indicator 16.10.2 (Access to Information) adopted by the Council at its 61st session on 22 November 2018.

In its Decision, the IPDC Council encouraged the IPDC Secretariat to develop a mechanism that could involve and support Member States in data-collection and reporting on SDG indicator 16.10.2 on access to information. The Council also requested the Secretariat to report to the IPDC Bureau in 2019 and Council in 2020, taking into account the results of the UN High-Level Political Forum held in New York, July 2019, about the progress made on access to information.

The present report provides an analysis of the subject matter, taking stock of the global progress on the adoption and implementation of legal guarantees on Access to Information, based on information provided by Member States through UNESCO's 2020 Survey on Indicator 16.10.2 and other ongoing initiatives in the area.



16 PEACE, JUSTICE AND STRONG INSTITUTIONS



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 and inclusive societies.”

TARGET 16.10



ENSURE PUBLIC ACCESS TO INFORMATION AND PROTECT FUNDAMENTAL FREEDOMS

Target 16.10:

“Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.”

Indicator 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 in the previous 12 months.”

**OHCHR as Custodian Agency; UNESCO and ILO as Contributing Agencies*

Indicator 16.10.2:

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

** UNESCO as Custodian Agency*

Ensuring access to information (ATI) is critical for the achievement of the Sustainable Development Goals (SDGs). This is further essential for advancing the promotion and protection of human rights and it empowers the public to make informed choices and effectively monitor and hold duty-bearers to account for SDG progress.

Within the United Nations, UNESCO has been designated as custodian agency for reporting on global progress by means of SDG Indicator 16.10.2 concerning public access to information. The Indicator looks at “*Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.*”

Under this mandate, UNESCO, via its International Programme for the Development of Communication (IPDC), has developed a methodology to measure and report on the adoption and implementation of ATI guarantees. This consists of a survey developed with the UNESCO Institute of Statistics (UIS) and in consultation with experts, which yielded valuable data through a pilot exercise in [43 states](#) in 2019.¹ The survey, comprising a National Questionnaire (targeted at ATI oversight bodies) and an Institutional Questionnaire (targeted at public authorities), was further refined for submission to all Member States in [2020](#).

UNESCO and UIS launched the survey in February 2020, inviting all UN Member States, including their associated territories, to participate in the survey. The survey, however, coincided with the COVID-19 pandemic, and generated only 29 responses. In some cases, the SDG monitoring bodies were constrained due to a disconnect with the ATI oversight bodies holding the data. In light of this, UNESCO extended the research to collect additional responses directly from ATI oversight bodies, which raised the total of responses to 69 states and associated territories.

¹ Powering sustainable development with access to information: highlights from the 2019 UNESCO monitoring and reporting of SDG indicator 16.10.2: <https://unesdoc.unesco.org/ark:/48223/pf0000369160?posInSet=2&queryId=6d5dfcc0-142b-46ec-a3c9-6112fc055d6a>

The 2020 survey yields many insights into the main tendencies in the implementation of constitutional, statutory and/or policy guarantees for public access to information worldwide. The findings enable a better understanding of the gaps and challenges that need to be addressed by countries in their efforts towards achieving the SDGs.

Among the conclusions arising from the survey is that, while 127 UN Member States have adopted various ATI legal guarantees, states that have not adopted such guarantees could boost ATI for their citizens by considering similar steps. Further, the survey shows that even where there are guarantees, more efforts are needed to ensure effective implementation of ATI. Those respondents who have a specialised ATI oversight body are likely to perform better in implementation than those without.

The findings also show that such oversight bodies should be fully functional, i.e. have the capacity to perform their duties, which include the monitoring and reporting of ATI in their jurisdiction. In this regard, the survey revealed gaps in record-keeping. Adequate and reliable records of the requests and appeals received, and their processing times, are essential for generating evidence to track progress of ATI as part of the SDGs.

The case studies presented in this report, focusing on Sri Lanka and the Latin American and the Caribbean region, give visibility to national and regional co-operation efforts on monitoring ATI, and show how proactive ATI oversight bodies can contribute to the attainment of SDG 16 as well as other SDGs.

Since the pilot phase in 2019, UNESCO's survey has brought impact beyond measuring countries' progress on achieving SDG Target 16.10. Many local actors, including ATI oversight bodies and civil society actors, have been mobilised to network with each other in collecting data for the survey. They have also used the information assembled to identify areas of improvement. As such, the survey is not only contributing to assessing SDG Indicator 16.10.2, but also to securing ATI implementation. However, the research process also showed that there is a need to link ATI oversight bodies with national SDG processes for monitoring and reporting.

In a bid to ensure greater participation of countries in the monitoring and reporting on Indicator 16.10.2 towards 2030 and beyond, UNESCO will continue to work with governments, experts, civil society and other UN agencies to improve existing data collection and its methodology. The objective is to have data collection conducted by countries annually, so that monitoring and reporting become sustainable and institutionalised, contributing to an effective implementation of ATI laws and the overall attainment of the SDGs.



1. Background and context

A. Access to Information and Sustainable Development

Access to information has been acknowledged as a key element of sustainable development since the adoption of the Rio Declaration in 1992.² Further in 2015, [the 2030 Agenda for Sustainable Development](#)³ recognised ATI as a necessary enabling mechanism for transparent, accountable and participatory governance, rule of law and peaceful societies as epitomised by Sustainable Development Goal (SDG) number 16: ‘Peace, Justice and Strong Institutions’. Target 16.10 calls for states to “ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements”.

In 2015, UNESCO’s 38th General Conference declared 28 September as the International Day for Universal Access to Information. UNESCO’s co-operation with Member States, UN bodies and African civil society saw the status of the celebration being elevated when [the 74th UN General Assembly](#) in October 2019 also proclaimed the Day at UN level.⁴

All this momentum has accompanied and reinforced concrete steps towards tracking the progress on ATI. SDG Indicator 16.10.2 was agreed by the UN Statistics Commission in 2016 and approved by the UN General Assembly in 2017.⁵ The Indicator measures the adoption and implementation of constitutional, statutory and/or policy guarantees for public access to information in accordance with Article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights.

//
*Access to information
has been acknowledged
as a key element
of sustainable
development*

Conceptually, ‘public access to information’ refers to the presence of an effective system to meet citizens’ rights to seek and receive information, particularly that held by or on behalf of public authorities. Several existing frameworks and documents recognised internationally⁶ mention principles of ATI, including existence of legal frameworks with provisions for access to information such as limited exemptions; obligation of public authorities to provide information (including proactively); oversight and appeals mechanism; and record keeping. These principles of ATI, are often reflected, to varying degrees, in Freedom of Information (FOI) or Right to Information (RTI) laws and/or policies.⁷

² <https://www.unenvironment.org/news-and-stories/story/unep-implementing-principle-10-rio-declaration>

³ Adopted in 2015 by all 193 UN member states, the 2030 Agenda for Sustainable Development (<https://sustainabledevelopment.un.org/post2015/transformingourworld/publication>) is a 15-year plan of action “to end poverty, protect the planet and ensure prosperity for all, while strengthening universal peace in larger freedom”.

⁴ <https://en.unesco.org/news/proclaims-international-day-universal-access-information>

⁵ Resolution adopted by the General Assembly on Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development: <https://undocs.org/A/RES/71/313>

⁶ Such as Article 10 of the United Nations Convention against Corruption; resolutions of the UN General Assembly and Human Rights Council; the Commonwealth’s Model Freedom of Information Bill; Organization of American States (OAS)’s Model Law on Access to Information; African Union’s Model Law on Access to Information and reports from the UN the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

⁷ https://en.unesco.org/sites/default/files/unpacking_indicator16102.pdf

The Human Rights Council in its 2020 resolution on freedom of opinion and expression ([General Assembly A/HRC/44/L.18/Rev.1](https://undocs.org/A/HRC/44/L.18/Rev.1))⁸ at its 44th regular session recognises that “public authorities should strive to make information available, whether the information is proactively published electronically, or provided upon request...”. The Council further elaborated on elements for related laws and policies.

Within the perspective of the 2030 Agenda, access to information is critical for empowering the public to make decisions, holding governments accountable, evaluating public officials in implementing and monitoring the SDGs, and facilitating effective public participation.

B. UNESCO and the Monitoring and Reporting on SDG Indicator 16.10.2

Custodianship of SDG Indicator 16.10.2

Prior to the adoption of the SDGs, the 29th session of the Intergovernmental Council of UNESCO’s International Programme for the Development of Communication (IPDC) urged that freedom of expression, along with the issues of free, independent and pluralistic media should be integrated into the Post-2015 Development Agenda. The eventual elaboration of the SDG Target 16.10, as well as Indicators 16.10.1 and 16.10.2 was in fact a cumulative effort of advocacy by IPDC along with other UN agencies and civil society organizations, including the Global Forum for Media Development (GFMD).

Following the approval of the SDG framework in 2017 by the UN General Assembly, UNESCO was designated as the custodian agency for Indicator 16.10.2. Under this mandate, UNESCO monitors and reports to the UN Secretary General each year on “the number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information”, giving attention to both components: “adoption” and “implementation”.

In 2019, as a result of UNESCO reporting in previous years to the UN Secretary General, Indicator 16.10.2 was [upgraded from Tier II to Tier I](#) –the highest level in the classification system developed to rank SDG indicators.⁹ This upgrade was agreed by the Inter-agency and Expert Group on Sustainable Development Goal Indicators (IAEG-SDGs) in October 2019. The reclassification means that Member States now have a further reason to include Indicator 16.10.2 in their own SDG monitoring strategies.

⁸ <https://undocs.org/A/HRC/44/L.18/Rev.1>

⁹ The IAEG-SDGs developed a system of tiers, or levels, to classify each SDG indicator based on its methodological development and the availability of data at the global level. The tier-system helps monitor the quality and availability of data, allowing for better understanding and addressing the gaps in achieving the SDGs. Tier 1 indicators are those with an internationally established methodology and standards, and where data are regularly produced by countries for at least 50 per cent of countries and of the population in every region where the indicator is relevant. Meanwhile, Indicators in Tier 2 are those with an internationally established methodology and standards are available, but data are not regularly produced.



UNESCO's work on ATI monitoring and reporting

In the [Decision of the Intergovernmental Council of the IPDC on Monitoring and Reporting of SDG Indicator 16.10.2](#), adopted by the Council at its 31st session in November 2018¹⁰, the IPDC Council encouraged the IPDC Secretariat, in cooperation with UNESCO's Information For All Programme (IFAP), to develop a mechanism that could strengthen UNESCO's work as custodian agency for the global monitoring of progress. The Council further urged that the mechanism involve and support countries in the data collection and reporting on SDG Indicator 16.10.2.

As a response to the Decision, UNESCO and its Institute for Statistics (UIS) developed a methodology to help measure and report on Indicator 16.10.2. This consists of a survey developed in consultation¹¹ with experts, concerned organizations, and the IFAP Secretariat. The survey was piloted in [2019](#) in 43 countries, with the findings presented the same year at a side-event during the UN's High-Level Political Forum. The instrument was then further refined for a full deployment in [2020](#) and will be further refined on the basis of this experience. The Secretariat is currently working with the UIS and the IAEG-SDGs to ensure that the updated version of the survey is reflected within the metadata.

In the same 2018 IPDC Decision, the IPDC Secretariat, Council and Bureau were also encouraged to keep supporting Member States in data-collection and reporting on SDG indicator 16.10.2. In this regard, with the support of various donors to IPDC, UNESCO has been able to facilitate capacity development initiatives and awareness-raising efforts in several countries, such as Côte d'Ivoire, Ethiopia, Ghana, Indonesia, Mongolia, Morocco, Myanmar, Rwanda, Senegal, and Tunisia as well as in the Latin America region. This line of action has been done through collaboration with information commissioners and their networks. In this way for instance, during the 11th International Conference of Information Commissioners held in Johannesburg, South Africa, around [50 representatives from ATI oversight bodies and Civil Society Organisations \(CSOs\)](#) have improved their capacity in monitoring and reporting on Indicator 16.10.2 and in contextualizing the significance of their work in the wider framework of the SDGs.¹²

The IPDC Council, in the 2018 Decision, also encouraged countries to monitor progress on ATI, including through the Voluntary National Reviews (VNR) system, which offers a tool for the follow-up and review mechanisms on SDG 16 (Section 4 of this report further discusses the VNRs). In this regard, participating in the UNESCO survey on Indicator 16.10.2 has been proven to be useful for countries as they can repurpose the data submitted to the survey for their VNRs. Côte d'Ivoire, Indonesia, and Tunisia, for example, used the data collected for the UNESCO survey in the preparation of their VNRs in 2019.

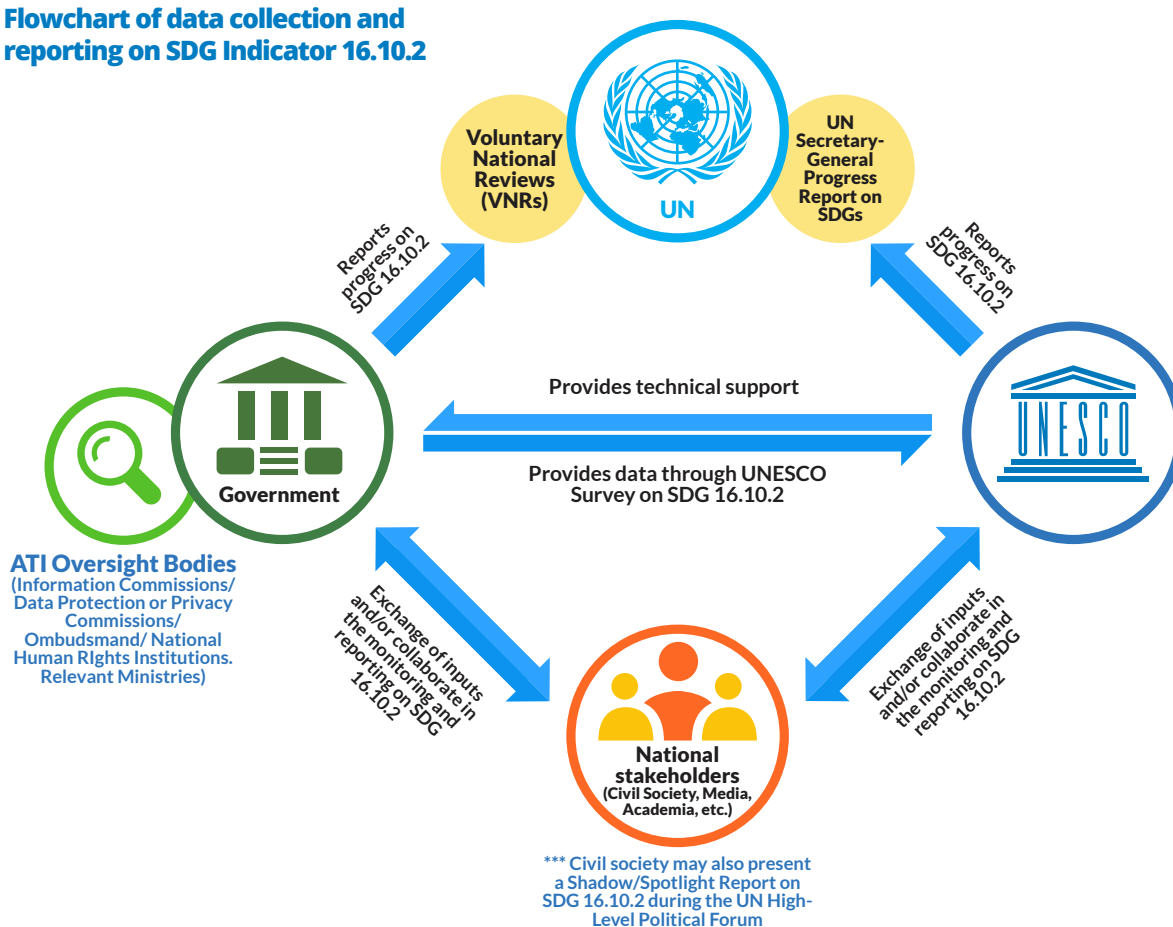
¹⁰ <https://en.unesco.org/news/ipdc-council-encourages-further-development-mechanism-monitor-and-report-access-information>

¹¹ <https://en.unesco.org/news/unesco-convenes-experts-advance-monitoring-and-reporting-access-information>

¹² <https://en.unesco.org/news/information-commissioners-key-successful-monitoring-and-reporting-sdg-16102>

UNESCO has also been engaged in various joint efforts with other UN entities and civil society. Under the umbrella of the [Global Alliance for Reporting Progress on Peaceful, Just and Inclusive Societies](#)¹³, collaboration has been established through a series of events organised ahead of and during the UN High-Level Political Forum on the Sustainable Development. The Alliance has also been working on developing SDG-related guidelines and resources to support countries in their monitoring and reporting. In 2020, the Alliance’s partnership continues with the “SDG 16 National Monitoring Initiative” – a project on monitoring national progress on Goal 16 that is being planned in 16 countries.¹⁴

**FIGURE 1:
Flowchart of data collection and reporting on SDG Indicator 16.10.2**



¹³ The Global Alliance for Reporting Progress on Peaceful, Just and Inclusive Societies (<https://www.un-globalalliance.org/>) is a coordinating platform for Member States, private sector, civil society and UN entities to work together for SDG16+. The Alliance is operated by 7 Member States (Cabo Verde, Mexico, Norway, Qatar, Sierra Leone, Tunisia, and the United Kingdom), 3 CSOs (NYU Centre on International Cooperation, Transparency and Accountability Network, and World Federation of United Nations Associations), and 3 businesses (Deloitte Ltd., LexisNexis, and White & Case LLP). Its work is supported by a Secretariat co-facilitated by UNDP, UNODC, UNESCO, OHCHR, UNHCR, UN-Women, and the Global Compact (a UN Advisory Group composed of 10 UN Agencies, and partners from other governments, CSOs and business).

¹⁴ Argentina, Burkina Faso, Cape Verde, Central African Republic, Colombia, El Salvador, Georgia, Indonesia, Lebanon, Mexico, Moldova, Mongolia, South Africa, Timor-Leste, Tunisia, and Uruguay.

2. Tracking progress on the adoption of ATI guarantees

A. Global and regional overview

Progress has been recorded in terms of binding laws and policies giving individuals a right to access information held by public authorities. As of July 2020, 127 UN Member States have adopted constitutional, statutory and/or policy guarantees for public access to information, with at least 19 countries adopting such guarantees since the 2030 Agenda in 2015.¹⁵

TABLE 1:
Regional aggregates of UN Member States that have adopted constitutional, statutory and/or policy guarantees for public access to information (grouped based on the execution of regional activities by UNESCO)



Europe and North America (49)

| | | |
|---------------------------|---------------------------------|--|
| 1. Albania | 19. Hungary | 37. Romania |
| 2. Azerbaijan | 20. Iceland | 38. Russian Federation |
| 3. Austria | 21. Ireland | 39. San Marino |
| 4. Armenia | 22. Israel ¹⁶ | 40. Serbia |
| 5. Belgium | 23. Italy | 41. Slovakia |
| 6. Bosnia and Herzegovina | 24. Latvia | 42. Slovenia |
| 7. Bulgaria | 25. Liechtenstein ¹⁷ | 43. Spain |
| 8. Canada | 26. Lithuania | 44. Sweden |
| 9. Croatia | 27. Luxembourg | 45. Switzerland |
| 10. Cyprus | 28. Malta | 46. Turkey |
| 11. Czechia | 29. Monaco | 47. Ukraine |
| 12. Denmark | 30. Montenegro | 48. United Kingdom of Great Britain and Northern Ireland |
| 13. Estonia | 31. Netherlands | 49. United States of America ¹⁸ |
| 14. Finland | 32. North Macedonia | |
| 15. France | 33. Norway | |
| 16. Georgia | 34. Poland | |
| 17. Germany | 35. Portugal | |
| 18. Greece | 36. Republic of Moldova | |

¹⁵ Argentina, Bahamas, Sri Lanka, Cyprus, Fiji, Ghana, Kenya, Lebanon, Luxembourg, Malawi, Morocco, Vanuatu, Philippines, Timor-Leste, Saint Kitts and Nevis, Seychelles, Viet Nam, Togo, United Republic of Tanzania.

¹⁶ Israel withdrew from UNESCO on 31 December 2018.

¹⁷ Liechtenstein is not a member of UNESCO.

¹⁸ United States of America withdrew from UNESCO on 31 December 2018.



Latin America and the Caribbean (24)

- | | | |
|-------------------------------------|-----------------------|--------------------------------------|
| 1. Antigua and Barbuda | 9. Dominican Republic | 19. Paraguay |
| 2. Argentina | 10. Ecuador | 20. Peru |
| 3. Bahamas | 11. El Salvador | 21. Saint Kitts and Nevis |
| 4. Belize | 12. Guatemala | 22. Saint Vincent and the Grenadines |
| 5. Bolivia (Plurinational State of) | 13. Guyana | 23. Trinidad and Tobago |
| 6. Brazil | 14. Honduras | 24. Uruguay |
| 7. Chile | 15. Jamaica | |
| 8. Colombia | 16. Mexico | |
| | 17. Nicaragua | |
| | 18. Panama | |



Asia and the Pacific (27)

- | | | |
|-------------------------------|-----------------|-----------------------|
| 1. Afghanistan | 10. Japan | 20. Republic of Korea |
| 2. Australia | 11. Kazakhstan | 21. Sri Lanka |
| 3. Bangladesh | 12. Kyrgyzstan | 22. Tajikistan |
| 4. China | 13. Maldives | 23. Thailand |
| 5. Cook Islands | 14. Mongolia | 24. Timor-Leste |
| 6. Fiji | 15. Nepal | 25. Uzbekistan |
| 7. India | 16. New Zealand | 26. Vanuatu |
| 8. Indonesia | 17. Pakistan | 27. Viet Nam |
| 9. Iran (Islamic Republic of) | 18. Palau | |
| | 19. Philippines | |



Africa (21)

- | | | |
|------------------|------------------|---------------------------------|
| 1. Angola | 9. Malawi | 17. South Sudan |
| 2. Benin | 10. Mozambique | 18. Togo |
| 3. Burkina Faso | 11. Niger | 19. Uganda |
| 4. Côte d'Ivoire | 12. Nigeria | 20. United Republic of Tanzania |
| 5. Ethiopia | 13. Rwanda | 21. Zimbabwe |
| 6. Ghana | 14. Seychelles | |
| 7. Kenya | 15. Sierra Leone | |
| 8. Liberia | 16. South Africa | |



Arab States (6)

- | | | |
|------------|------------|------------|
| 1. Jordan | 3. Morocco | 5. Tunisia |
| 2. Lebanon | 4. Sudan | 6. Yemen |

B. Leaving No One Behind: Inclusion of disability rights in ATI guarantees

The 2030 Agenda for Sustainable Development, pledging to “leave no one behind,” calls upon countries to ensure the full and equal participation of persons with disabilities in all spheres of society and create enabling environments by, for and with persons with disabilities, in accordance with the [UN Convention on the Rights of Persons with Disabilities](#) (CRPD).

The CRPD recognises that civil and political rights, including the right to information, are a vital prerequisite for persons with disabilities to overcome histories of exclusion. Article 21 on Freedom of expression and opinion, and access to information explicitly states that States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.

ATI laws in several countries acknowledge the importance of accessibility to information by persons with disabilities. Out of 127 countries with ATI laws, 64% include formal provisions that accommodate persons with disabilities when requesting information, such as:

- i. providing appropriate forms of assistance and support to persons with disabilities to ensure their access to information (in line with Article 9 of the CRPD); and
- ii. presenting information in accessible or usable formats for persons with disabilities (in accordance with Article 21 of the CRPD).

TABLE 2: Range of inclusion of disability issues in ATI laws in various countries

| Element | Type | Country |
|---|---|--|
|  Making request | Assistance by public information officer (PIO) in writing down oral requests and providing a copy/record to the applicant. | Afghanistan, Antigua, Azerbaijan, Ethiopia, Ghana, Greece, India, Kenya, Maldives, Nepal, Nigeria, Sierra Leone, South Africa, Sri Lanka, Sudan, Tanzania. |
| | Involvement of a third party to obtain the information on behalf of the requestor | Malawi. |
| | Clear explanation on the procedures and conditions | Armenia, Estonia, Viet Nam, Yemen. |
| | General assistance to enable a requester to access such information (with no specific details) | Australia, Bangladesh, Belize, Bosnia and Herzegovina, Cook Islands, Croatia, Cyprus, El Salvador, Estonia, Fiji, Finland, Guyana, Ireland, Italy, Kazakhstan, Liberia, Malta, Mozambique, Pakistan, Sweden, Switzerland, Tunisia. |
|  Releasing information | Provision of copy of record in an alternative format, or other assistance that may require to access the information given. | Brazil, Burkina Faso, Canada, Colombia, India, Malawi, Mexico, Montenegro, Nicaragua, Vanuatu, Viet Nam, Yemen, Zimbabwe. |

While promoting ATI norms and standards that are inclusive of persons with disabilities is key, putting them into practice is equally important to guarantee their effectiveness. In this regard, the monitoring of Indicator 16.10.2 provides an opportunity for countries and other concerned stakeholders to improve actual implementation of the provisions of normative instruments such as the CRPD.

3. Tracking progress on the implementation of ATI guarantees: highlights from the UNESCO 2020 Survey on SDG Indicator 16.10.2

A. Overview

In 2020, UNESCO invited all UN Member States, including associated territories, to participate in the survey based upon on SDG Indicator 16.10.2. The survey took place between February and June 2020. In spite of deadline extensions to address the impact of the COVID-19 pandemic, the survey received a limited number of responses. A number of SDG monitoring bodies lacked links with the ATI oversight institutions holding the data which curtailed their ability to respond.

The pandemic further highlighted the need to collect more focused and essential data, taking into consideration the capacity of local actors on the ground in this period. The survey initially consisted of a National Questionnaire (targeted at ATI oversight bodies) and an Institutional Questionnaire (targeted at three public authorities¹⁹). However, in view of COVID-19, UNESCO put the focus on the National Questionnaire and responses from ATI oversight bodies as the main data holders in many countries. This helped to secure the participation of 69 countries and associated territories, a significant increase from 29 countries that submitted responses during early phase of the survey in April 2020.

TABLE 3: UN Member States* (including territories)²⁰ that responded to UNESCO 2020 Survey on SDG Indicator 16.10.2 (grouped according to the execution of regional activities by UNESCO)

● : Countries (including territories) that have adopted Access to Information (ATI) guarantees

Europe and North America (23)

| | | |
|-----------|---|------------------------------|
| Albania ● | Gibraltar (territory of United Kingdom of Great Britain and Northern Ireland) ²¹ ● | Portugal ● |
| Armenia ● | Hungary ● | Romania ● |
| Belgium ● | Ireland ● | Serbia ● |
| Croatia ● | Isle of Man (territory of United Kingdom of Great Britain and Northern Ireland) ²² ● | Slovenia ● |
| Cyprus ● | Israel** ● | Spain ● |
| Czechia ● | Jersey (territory of United Kingdom of Great Britain and Northern Ireland) ²³ ● | Switzerland ● |
| Estonia ● | Latvia ● | United States of America** ● |
| France ● | North Macedonia ● | |

¹⁹ UNESCO's survey on SDG Indicator 16.10.2. was designed to measure ATI progress by assessing the "systemic performance" of ATI oversight bodies, and the "direct performance" of public authorities that receive requests for information from the public. The Ministries of Environment and Finance have been chosen as the main public authorities to respond the survey due to their direct relevance to the 2030. The third authority, the National Capital, was chosen due to their direct relevance to the UN Urban Agenda where it says that as much as 65% of the SDG agenda may not be fully achieved without the involvement of cities.

²⁰ The territories responding to the survey were: Gibraltar, Isle of Man, Jersey and Cayman Islands, that are territories depended on the United Kingdom of Great Britain and Northern Ireland.

²¹ Gibraltar is a non-self-governing territory administrated by the United Kingdom.

²² The Isle of Man is an internally self-governing dependency of the British Crown, United Kingdom.

²³ Jersey is an internally self-governing dependency of the British Crown, United Kingdom.

● : Countries (including territories) that have adopted Access to Information (ATI) guarantees

Latin America & the Caribbean (17)

| | | |
|--|----------------------|------------|
| Argentina ● | Dominican Republic ● | Mexico ● |
| Brazil ● | Ecuador ● | Panama ● |
| Cayman Islands (territory of United Kingdom of Great Britain and Northern Ireland) ²⁴ ● | El Salvador ● | Paraguay ● |
| Chile ● | Guatemala ● | Peru ● |
| Colombia ● | Honduras ● | Uruguay ● |
| Costa Rica ● | Jamaica ● | |

Asia and the Pacific (18)

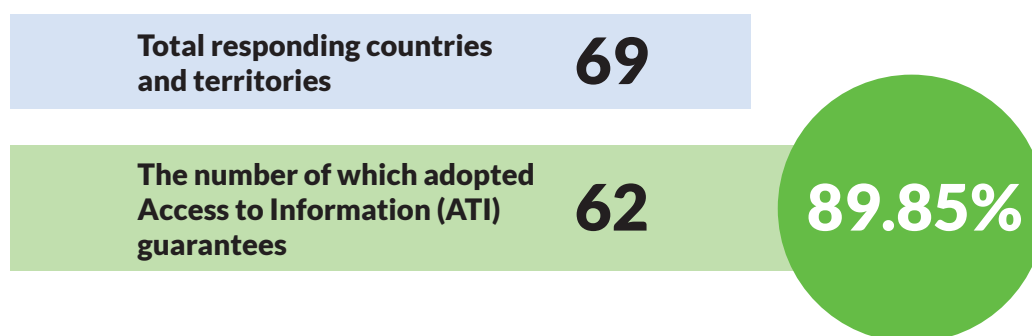
| | | |
|----------------|---------------|---------------------|
| Afghanistan ● | Kyrgyzstan ● | Republic of Korea ● |
| Australia ● | Myanmar | Samoa |
| Bangladesh ● | Nepal ● | Singapore |
| China ● | New Zealand ● | Thailand ● |
| Cook Islands ● | Palau ● | Turkey ● |
| Indonesia ● | Philippines ● | Uzbekistan ● |

Africa (9)

| | | |
|------------------------------|------------|----------------|
| Côte d'Ivoire ● | Kenya ● | Sierra Leone ● |
| Democratic Republic of Congo | Liberia ● | South Africa ● |
| Gambia | Madagascar | South Sudan ● |

Arab States (2)

| | |
|----------|-----------|
| Jordan ● | Tunisia ● |
|----------|-----------|



* United States of America and Israel withdrew from UNESCO on 31 December 2018

²⁴ Cayman Islands is a non-self-governing territory administrated by the United Kingdom.

B. Key findings

1. National regulation systems are increasingly conducive to public access to information

The right to access to information can be enshrined in a constitution and further regulated in a dedicated policy and/or a law on right to information that could ensure its effectiveness.

From the 69 countries and associated territories responding to the UNESCO survey, 89.85% (62) reported to have constitutional, statutory and/or policy guarantees for ATI. Two countries reported an absence of any ATI guarantees, and five others reported that such guarantees are still ‘in progress’.

Out of the 62 countries and associated territories with guarantees for ATI, 49 – or 79% – reported that their laws contained a **specific provision to mandate public bodies to proactively disclose information**, while one country reported that a lack thereof. The remaining 12 did not provide a response.

Such an obligation for public bodies to proactively disclose information has several positive effects. For example, it minimises the time, money and effort required by the public to access information. It also reduces the number of requests that these bodies must process, thereby easing the administrative burden on government of implementing ATI laws. Where this is automated, such as with procurement data, difficulties such as those related to human resources in the COVID-19 period, can be mitigated.²⁵

A total of 45 out of the 62 respondents indicated in the survey that they are members of the **Open Government Partnerships (OGP)**.²⁶ Some have adopted commitments for implementing or strengthening the operation of their ATI legislation as part of their OGP national action plans. A number of OGP non-member countries also reported that they adopted some form of open government declaration or plan.²⁷

2. Dedicated ATI oversight bodies are well established in most countries, but more precision is needed with regard to their different functions

Oversight mechanisms refer to the process of supervision, monitoring and evaluation of performance to ensure compliance with ATI legislation. In the context of ATI implementation, while some countries have a specialised body (i.e. focusing only on ATI), others have a multi-purpose body (i.e. an ombudsman or a human rights commission, which also performs various functions).

²⁵ See the 2020 UNESCO issue brief in the series World Trends in Freedom of Expression and Media Development: “The right to information in times of crisis: access to information – saving lives, building trust, bringing hope!” <https://unesdoc.unesco.org/ark:/48223/pf0000374369>

²⁶ The Open Government Partnership is a multilateral initiative overseen by a steering committee including representatives of governments and CSOs. It aims at promoting open government, empowering citizens, fighting corruption and harnessing new technologies to strengthen governance.

²⁷ This list includes, among others, Bangladesh, China, Gambia, Madagascar, and Switzerland.

Out of the 62 countries and territories with ATI legislation responding to the UNESCO survey, 49 reported on the **type of ATI oversight body**. Several responding countries and territories reported more than one body responsible for overseeing the ATI regime. For instance, Albania, Argentina, Australia and Estonia reported an Information Commission and a Data Protection or Privacy Commission/er, while Bangladesh reported a Ministry and an Information Commission. A total of 30 responding countries and territories selected two or more types of oversight bodies in response to this specific question. Further analysis is therefore required on the specific functions performed by each of them within a country.

The predominant ATI oversight body reported was an information commission/ commissioner (34)²⁸, followed by data protection or privacy commission/commissioner (21), then a specific department/ ministry or agency (19), an ombudsman institution (16), a human rights commission (12), and other (7).

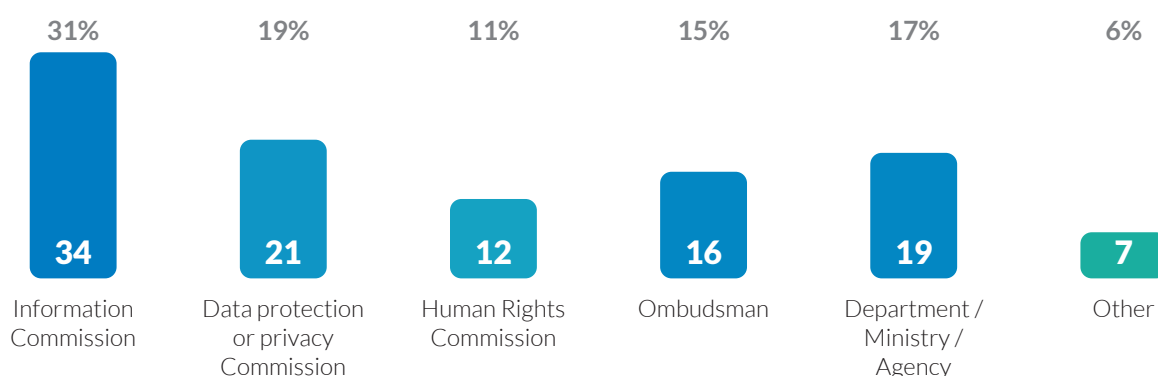


FIGURE 2: Types of ATI Oversight Bodies

Regardless of the type of ATI oversight bodies, the top three **activities** reported were to provide implementation guidance (77%); to provide comments on compatibility of draft legislation with the ATI law (74%) and to publish an annual report (74%). It is worth noting that a few countries and territories responded to this question for more than one ATI oversight body.

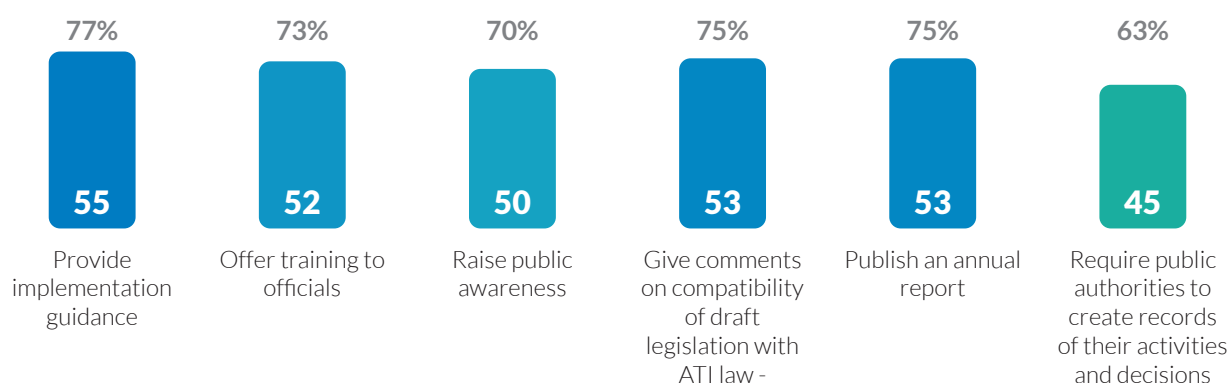


FIGURE 3: Types of activities performed by ATI Oversight Bodies

3. Appeals mechanisms with binding power exist in most countries, but data on appeals are still not available in many countries

Distinct from the oversight function, the appeals function deals with reviewing requests to reconsider decisions relating to refusal of information disclosure.²⁹ In some countries, the same ATI oversight body is also tasked with processing appeals, while in other countries this is done by a separate body. The issue of further appeal through a judicial system is not considered in this report.

Out of the 62 countries and territories with ATI legislation responding to the UNESCO survey, 48 reported on the **type of ATI appeals body**. The predominant ATI appeals body reported was an information commission or commissioner (35), followed by a data protection or privacy commission/commissioner (16), a specific department, ministry or agency (12), an Ombud institution (11), a human rights commission (6), and others (6)³⁰. A few responding countries or territories selected more than one option in terms of ATI appeals bodies.³¹

The UNESCO survey also looked at whether or not the **decisions of the ATI appeals bodies are binding**. Established international standards in ATI provisions have called for granting ATI oversight bodies with binding decision power. One main argument is that such power gives the body the ability to force disclosure of information when public authorities may be slow or reluctant to do so. Equally important, this can allow legal precedents to which the public authorities and oversight body staff can refer when dealing with similar requests and appeals.

The survey revealed that out of the 35 countries and territories that indicated an information commission as an appeals body, 25 (71%) reported that the body makes binding decisions, while 8 (23%) lack such prerogative and 2 (6%) did not provide a response. The chart below shows the binding power of different type of appeals bodies.

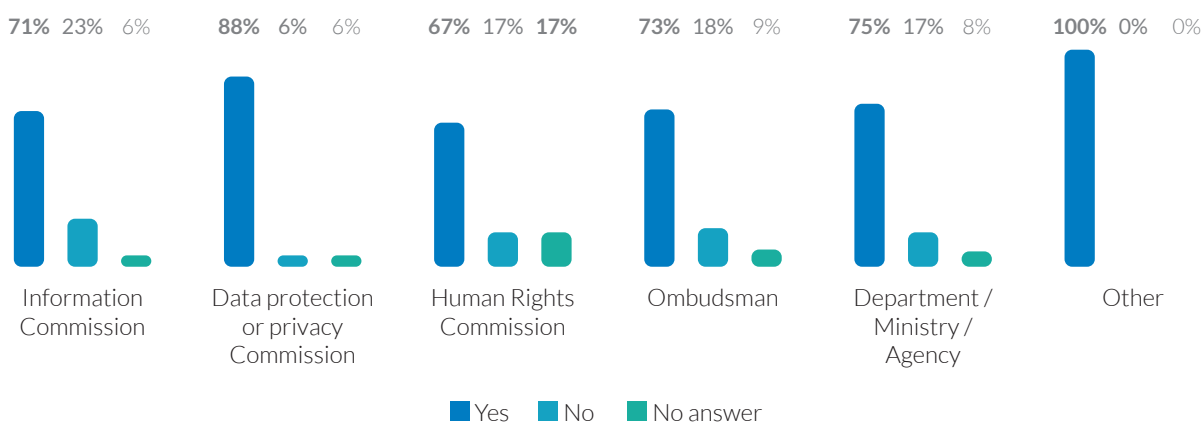
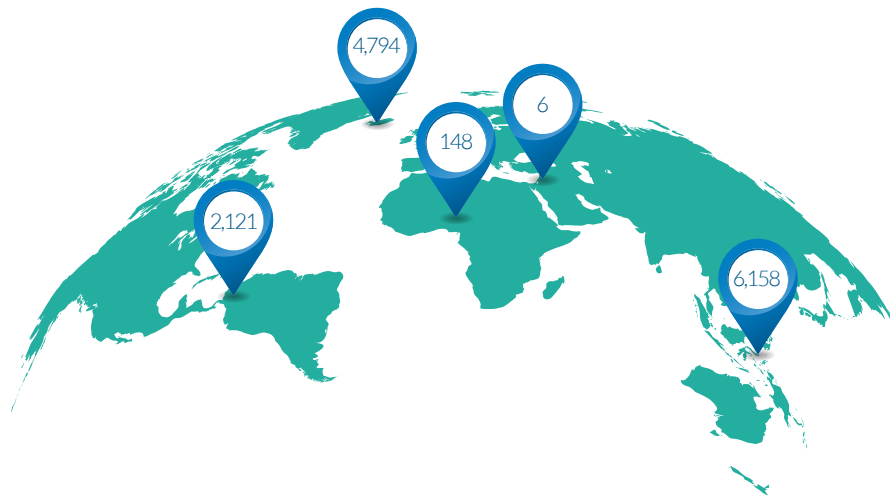


FIGURE 4: Binding power with regard to decisions made by different ATI Appeals Bodies



With respect to **the number of appeals** received, only 29 countries and territories reported on this question. Of the 29 countries, Asia and the Pacific reported 6,158 appeals, while Europe and North America reported 4,794 appeals. In Latin America and the Caribbean, 2,121 appeals were reported. Africa recorded 148 appeals, while the Arab States recorded 6 appeals.

Concerning the number of external appeals granted – either partially or fully, as well as dismissed, there is an important caveat to be made. In a couple of cases, countries indicated that data on appeals relate only to formal decisions made by the ATI appeals body. Yet, most appeals received by these ATI appeals bodies were resolved through other means – for instance, through mediation. Therefore, they did not result in a formal decision by the ATI appeals body, and this was not captured as a granted appeal in its statistical data. In one case, it was also noted that a few appeals were finally settled, withdrawn or discontinued during the review process.

4. Much needs to be done by ATI oversight bodies to improve good records of the requests they receive and how they are processed

Out of the 62 responding countries and territories with ATI legislation, 40 responded to the question on the **number of requests** filed, granted and denied. However, not all of them provided data for all elements of this question, for instance, the number of requests denied. Several countries and territories also reported that data is not collected or available centrally. This mirrors findings from 2019, and also raises a question about data informing annual reports where these are published.

A few others made a disclaimer that the information provided is partial statistical data, which do not cover all public institutions mandated by the ATI law in the respective country.

With regard to **disclosure and refusal of information**, only a few responding countries and territories provided all data required.³² In some cases, some countries also reported that all requests received were disclosed, which raises questions about the accuracy of data, as there is usually a number of requests which are dismissed as they are incomplete or do not fall into an ATI request, or there are even a few requests carried over from the previous year or into the next year.

³² Australia, Brazil, Cayman Islands, Croatia, Ireland, Israel, Republic of Korea

From 19 out of the 62 countries and territories that responded to the question on reasons for non-disclosure of information, the category of “Others” received the highest answer. This might indicate different categories used in some cases, which do not fall under those listed in the survey.³³

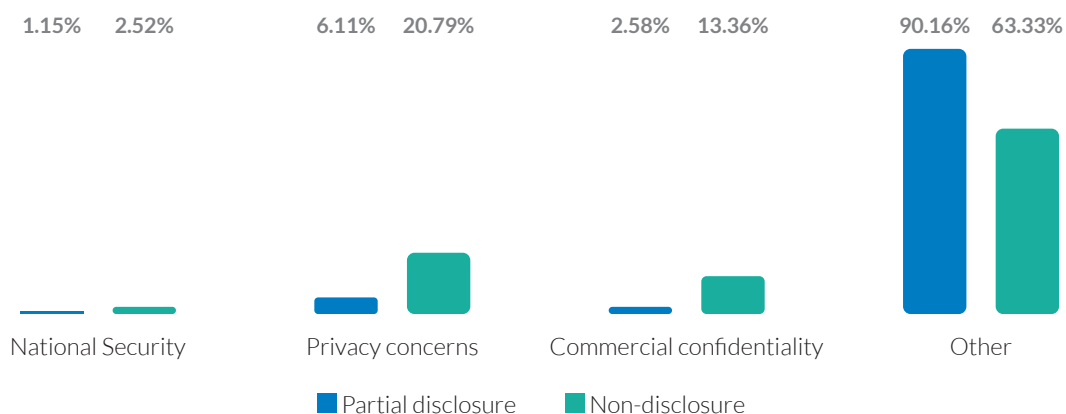


FIGURE 5: Reasons for non-disclosure of information

In terms of **the average time to respond** to information requests, 74% of 51 responding countries and territories reported that information requests were responded between 1 to 30 days. The other 8% reported that it takes between 31 to 60 days, and 2% reported more than 60 days. The rest indicated that data were not available. Further analysis would be needed on whether the responses are in accordance to the statutory time limit stipulated in their respective ATI legislation.

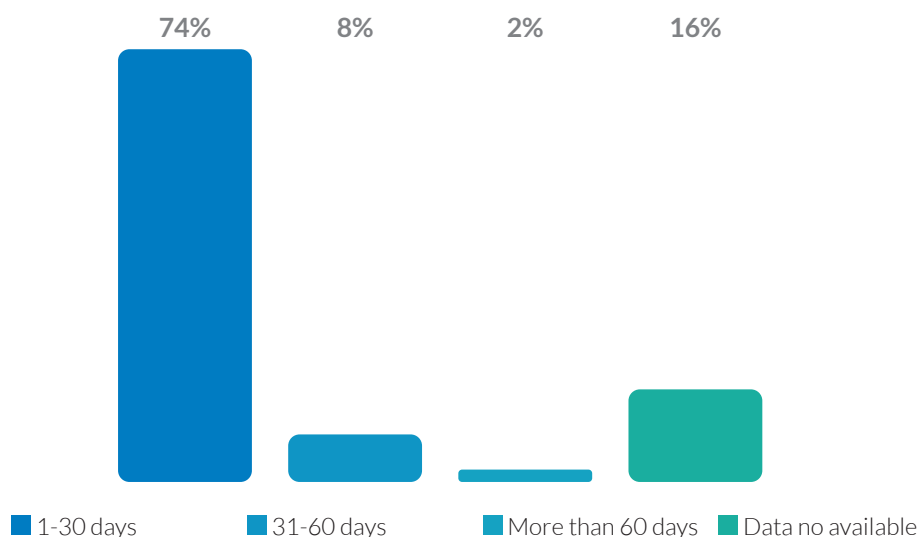


FIGURE 6: Average time respond RTI requests

³³ For example the documents requested were not in possession or do not exist (Jamaica) or the requests were vexatious (Brazil).

4. ATI reporting in the Voluntary National Reviews



HIGH-LEVEL POLITICAL FORUM ON SUSTAINABLE DEVELOPMENT

As part of its follow-up and review mechanisms, the 2030 Agenda for Sustainable Development encourages countries to “conduct regular and inclusive reviews of progress at the national and sub-national levels, which are country-led and country-driven”. These reviews, called Voluntary National Reviews (VNRs)³⁴, are expected to serve as a basis for the regular reviews by the UN High-level Political Forum (HLPF) on Sustainable Development, an annual meeting under the auspices of Economic and Social Council (ECOSOC).³⁵

The VNRs are voluntary, state-led, conducted by both developed and developing countries, and involve a wide range of stakeholders, including civil society. The VNRs work to facilitate the sharing of experiences and to provide governments and other stakeholders with an opportunity to critically assess the country’s development patterns to accelerate the implementation of the 2030 Agenda for Sustainable Development. The reviews also seek to strengthen policies and institutions of governments and to mobilise multi-stakeholder support and partnerships for the implementation of the SDGs.

In 2019 – for the first time since the 2030 Agenda’s adoption – SDG 16, among others, was subjected to a detailed review. During that year, 28 of the 47 countries submitting VNRs (59.5%) reported on ‘access to information’. Of these 28 countries, 21 have a specific ATI law for public access to information.³⁶

In 2020, 18 out of 47 VNR countries (38.3%) addressed ‘access to information’ in their reports. This might be seen as a decrease when compared to 2019, but it is worth noting that no specific SDG was specified for a detailed in review in 2020. Hence, the fact that ‘access to information’ was included by these countries in their reports demonstrates their recognition of the importance of ATI when it comes to reporting overall SDG progress.



VNRs are expected to serve as a basis for the regular reviews by the UN HLPF on Sustainable Development, an annual meeting under the auspices of ECOSOC.

Closely linked to this, the table below shows that although some countries have not yet adopted a specific ATI law for public access to information, they still reported progress on ATI in other contexts. Gambia, for example, reported that the draft constitution for ATI is in a process to be ratified, and included progress in relation to Target 9.c on universal access to information and communication technology. Similarly, Micronesia also reported on ATI progress in relation to Target 9.c. Cameroon saw the value of access to information in promoting social inclusion of vulnerable people.

³⁴ <https://sustainabledevelopment.un.org/vnrs/>

³⁵ <https://sustainabledevelopment.un.org/hlpf>

³⁶ Powering sustainable development with access to information: highlights from the 2019 UNESCO monitoring and reporting of SDG indicator 16.10.2: <https://unesdoc.unesco.org/ark:/48223/pf0000369160?posInSet=2&queryId=6d5dfcc0-142b-46ec-a3c9-6112fc055d6a>

TABLE 4: UN Member States' Reporting on "Access to Information" in the VNRs (2019-2010)

| Country | Year of VNRs | Adopted a specific ATI law for public access to information | Reported on "Adoption of ATI guarantees" | Reported on "ATI Implementation" |
|----------------------------------|--------------|---|--|----------------------------------|
| Algeria | 2019 | | ● | ● |
| Argentina | 2020 | ● | ● | ● |
| Austria | 2020 | ● | ● | ● |
| Azerbaijan | 2019 | ● | ● | |
| Bangladesh | 2020 | ● | ● | ● |
| Bulgaria | 2020 | ● | ● | |
| Cameroon | 2019 | | | ● * |
| Chad | 2019 | | ● | |
| Chile | 2019 | ● | ● | ● |
| Côte d'Ivoire | 2019 | ● | ● | ● |
| Congo (Republic of the) | 2019 | | ● | ● * |
| Croatia | 2019 | ● | ● | ● |
| Ecuador | 2020 | ● | ● | ● |
| Gambia | 2020 | | ● | ● |
| Ghana | 2019 | ● | ● | |
| Guyana | 2019 | ● | ● | ● |
| Iceland | 2019 | ● | ● | |
| Indonesia | 2019 | ● | ● | ● |
| Israel ³⁷ | 2019 | ● | ● | ● |
| Kenya | 2020 | ● | ● | |
| Kuwait | 2019 | | ● | |
| Kyrgyzstan | 2020 | ● | ● | |
| Lesotho | 2019 | | ● | ● * |
| Malawi | 2020 | ● | ● | ● |
| Mauritius | 2019 | | | ● * |
| Micronesia (Federated States of) | 2020 | | ● | ● * |
| Mongolia | 2019 | ● | ● | |

³⁷ Israel withdrew from UNESCO on 31 December 2018

| Country | Year of VNRs | Adopted a specific ATI law for public access to information | Reported on "Adoption of ATI guarantees" | Reported on "ATI Implementation" |
|--|--------------|---|--|----------------------------------|
| Morocco | 2020 | ● | ● | ● |
| New Zealand | 2019 | ● | ● | ● |
| North Macedonia | 2020 | ● | ● | |
| Palau | 2019 | ● | ● | |
| Panama | 2020 | ● | | |
| Papua New Guinea | 2020 | | ● | ● |
| Peru | 2020 | ● | | |
| Philippines | 2019 | ● | ● | |
| Republic of Moldova | 2020 | ● | ● | |
| Rwanda | 2019 | ● | ● | |
| Seychelles | 2020 | ● | ● | ● |
| South Africa | 2019 | ● | ● | ● |
| Timor-Leste | 2019 | ● | ● | ●* |
| Tunisia | 2019 | ● | ● | |
| Turkey | 2019 | ● | ● | ● |
| United Kingdom of Great Britain and Northern Ireland | 2019 | ● | ● | ● |
| United Republic of Tanzania | 2019 | ● | ● | |
| Vanuatu | 2019 | ● | ● | ● |
| Zambia | 2020 | | ● | |

*The implementation aspect reported by these countries is more related to 'access to media and ICT', and other human-rights issues, rather than 'access to information held by public authorities'

5. Using Access to Information to advance the SDGs: Case studies

A. Latin America and the Caribbean: Regional actions for global goals



The Network for Transparency and Access to Information (*Red de Transparencia y Acceso a la Información*, or RTA) was established in 2011 in the wake of a growing ATI movement in the Latin America and the Caribbean (LAC) region.

Bringing together state agencies charged with implementing ATI legislation in their countries, RTA was formed in response to the demand expressed by several LAC countries to develop a consensus about the most effective mechanisms for using ATI to promote good governance and mitigate corruption.³⁸ Today, RTA has 32 member institutions belonging to 17 Latin American countries and Spain³⁹, one international foundation⁴⁰, a federal network of Argentina and two international organizations⁴¹.

Some of RTA's joint actions have been realised through the "Transparency measurement project in Latin America and Spain" project⁴², built on the following three dimensions:

1. Resources, which refers to indicators that measure the recognition and guarantee of the right of access to information;
2. Processes, which refers to indicators that measure the level of inclusion and performance of duties by the guarantor bodies and other entities that can fulfil transparency functions, and
3. Results, which refers to indicators that measure results in the implementation of transparency policies and the right of access to information.

The project also established best practices based on peer-to-peer learning such as a model for the international measurement of transparency; a model for document management and archives administration; a model for applying the gender approach to transparency and information access policies; and the version 2.0 of the Framework Law on Access to Information of the Organization of American States.

As part of its support to the SDGs, RTA adopted the declaration "*Transparency and its Role in Latin American Region's Democratic Life*" during its XVIII Assembly's Meeting in Mexico City on 12 November 2019⁴³, emphasizing the following⁴⁴:

1. "That the guarantee of access to public information is an essential pillar in a democratic State, which encourages social comptrollership, accountability, and the promotion of citizen engagement to conduct a good governance.

³⁸ The RTA was established with support from the World Bank Group:

<https://www.worldbank.org/en/results/2013/12/17/a-regional-network-of-access-to-information-practitioners-in-latin-america>

³⁹ One institution from Spain and 16 from Argentina, Bolivia, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, Dominican Republic, Uruguay.

⁴⁰ International and Ibero-American Foundation for Administration and Public Policies.

⁴¹ The World Bank and the Organization of American States

⁴² The project has been supported by EUROSociAL, the European Union Regional Programme for social cohesion in Latin America.

⁴³ Adopted on that date by 22 ATI oversight bodies and two international organizations from 16 LAC countries.

⁴⁴ As quoted from the official document received by UNESCO from the RTA Secretariat.

2. That the access to public information is critical to attain the Sustainable Development Goal 16 and that it strengthens the fulfilment of other Goals set in the UN 2030 Agenda.
3. That the access to information oversight bodies' work is vital in the democratic life of a country, due to their role as a regulatory element and as a balance to the powers of the State.
4. That is critical that the States have access to information guaranteeing and transparency-promoting bodies, provided with independence and resources that facilitate public management opening, in order to strengthen citizen confidence in institutions.
5. That governments of the region are urged to support access to information and transparency specialised bodies, and to consolidate public policies that may encourage participatory democracy through the effective exercise of this right of citizens."

RTA has also been supportive of UNESCO's work on ATI, including in the development of UNESCO's survey methodology for Indicator 16.10.2 and in mobilising its members to monitor ATI implementation through participating in the survey.

RTA could therefore serve as a model of formal regional cooperation among ATI oversight bodies, where capacities of the members are strengthened through synergised actions, contributing to improvements at the national level, while building trust, reducing disparities and increasing cohesion at the regional level – as aspired to by SDG Target 17.16: Enhance the global partnership for sustainable development.

17 PARTNERSHIPS FOR THE GOALS



SDG 17: Partnerships for the Goals

"Strengthen the means of implementation and revitalize the global partnership for sustainable development."



Target 17.16: Enhance the global partnership for sustainable development

"Enhance the Global Partnership for Sustainable Development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the Sustainable Development Goals in all countries, in particular developing countries."

B. Sri Lanka: Promoting transparency across SDGs through Access to Information⁴⁵

Sri Lanka’s Right to Information (RTI) Act, No. 12 of 2016, was enacted on 3 February 2017 to give effect to a constitutional right to information contained in Article 14A of the 19th Amendment to the Constitution of Sri Lanka. During the first three years of its implementation, the RTI Act has made inroads into rendering governance open and transparent, “significantly altering the relationship between the citizen and the State”⁴⁶ and, to some extent, giving ways to increased transparency and accountability.

Within this context, a study was commissioned with the support of IPDC funds to analyse the use of the right to information vis-à-vis its impact on transparency and decrease of corruption in Sri Lanka, as well as how ATI contributes to the achievement of the SDGs in the country.

The study examined both the demand side (RTI requests filed by citizens and CSOs) and the supply side (responsiveness and attitude of public authorities and the Information Commission of Sri Lanka). It analysed data from publicly available sources⁴⁷ and selected CSOs⁴⁸, along with orders (decisions of appeals) from the Commission – all between 2017 and 2019.

Several findings can be noted from this study:

B.1 Information related to SDG 16 is the most requested, underscoring the public’s call for good governance

For the purpose of this study, data related to RTI requests were categorised according to the following SDG themes⁴⁹:

- Employment/ labour rights and welfare benefits   ;
- Infrastructure and construction  ;
- Public utility services    ;
- Land and agriculture   ;
- Education  ;
- Health    ;
- Environment    ;
- Public procurement  ;
- Just, peaceful and inclusive society and institutional transparency  .

⁴⁵ Findings in this section are extracted from a study commissioned by UNESCO’s IPDC to independent researcher Ashwini Natesan with guidance and expert input by Sri Lanka RTI Commissioner Kishali Pinto-Jayawardena. For the purpose of this Report, only the most relevant findings are presented.

⁴⁶ “Legitimate information and the public interest override” - critical analysis of selected decisions of the right to information commission during 2017-2019” by J. De A. Guneratne.

⁴⁷ News reports gleaned from mainstream media reports, social media reports, videos, twitter and Facebook feeds. A total of 300 stories were included in the analysis.

⁴⁸ The CSOs that were included in the main analysis of this study were Centre for Policy Alternative, Outreach Unit; The Social Architects; Transparency International Sri Lanka; and Sri Lanka Press Institute.

⁴⁹ The tabulations included overlaps, where the same requests/orders were listed under more than one SDG theme. Such overlaps aimed to ensure that any RTI requests were not artificially restricted to one SDG theme only.

The study found that the majority of RTI requests fall under the category of “Just, peaceful and inclusive society and institutional transparency” (1,475), followed with “Employment/ labour rights and welfare benefits” (1,199) and “Infrastructure and construction” (851).

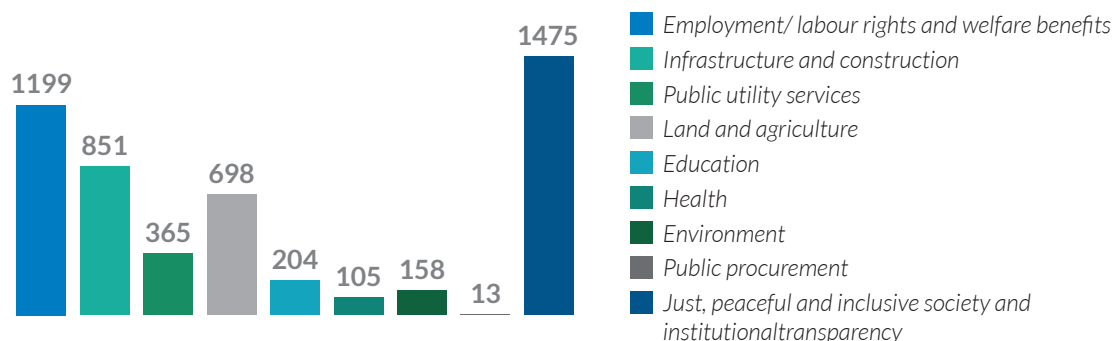


FIGURE 7: Number of RTI requests in per SDG themes

According to the study, CSOs and citizens have used the RTI Act to inquire into varied issues such as payments under the Samurrdhi Poverty Alleviation Programme, construction of roads, progress and finances surrounding various development projects in their respective areas. There are also cases of the use of RTI on issues of larger public interest like budgetary allocations, and assets declaration concerning ministers.

B.2 A positive trend of information release can be seen in all the SDG themes

From the publicly available data, for example, it can be inferred that the majority of cases – 77% – have resulted in disclosure of information.

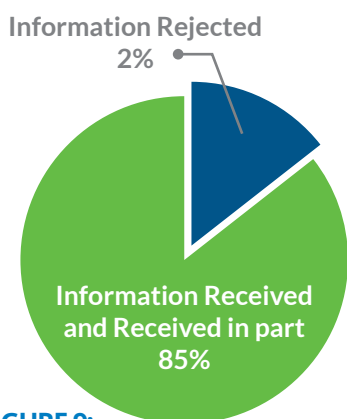


FIGURE 9: Disclosure of Information – Orders from the Information Commissioner of Sri Lanka

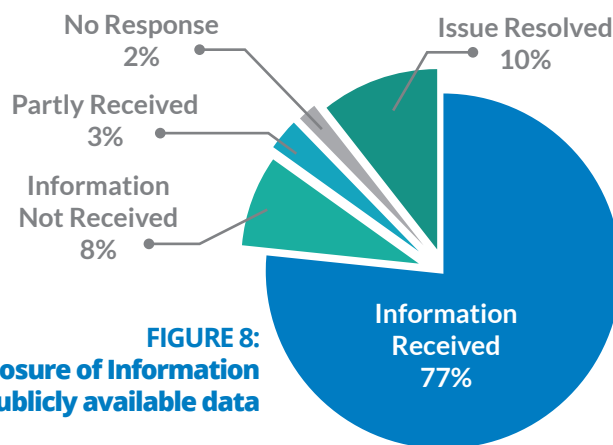


FIGURE 8: Disclosure of Information - Publicly available data

Data from the Information Commission echoed this trend, with information releases being granted in 85% of the Commission’s orders. This figure comprised 77% of full release and 8% partial release.

Meanwhile, data from CSOs showed an average of 51% of information disclosure across all SDG themes. This trend, however, might increase since the figure did not include requests that were still being processed at the time the study was conducted.

B.3 Public authorities at provincial and district levels tend to be more responsive

Data from the CSOs revealed that the average percentage of information release made by public authorities at provincial level is 54%, followed with 52% at the district level, and 45% at the central level. Additionally, data from the Information Commission showed that most appeals were made against public authorities at the central level (783 appeals). As a comparison, 259 appeals were filed against public authorities at the province level and 142 at the district level.

B.4 The role of an independent Information Commission is central in developing an RTI regime

The establishment of the Information Commission of Sri Lanka, as the substantive body advocating for standards and best practices, has increased transparency. Of 84% of its 1,177 orders, the Commission has ruled in favour of disclosure of information, with 74% being granted fully. It is worth noting that public authorities have complied with the Commission's orders. In the 16% of appeals that were rejected (including partially), most were decided on the basis of statutory exemptions as per the RTI Act (45%), while the rest were on grounds that information requested was not in possession of the public authorities (42%) and due to procedural irregularities (13%).

5 GENDER EQUALITY



Using Access to Information for gender empowerment in Sri Lanka

The study in Sri Lanka also found that in certain districts, women RTI applicants outnumbered the men.⁵⁰ There is also some empirical evidence as to how women played an activist role in many areas, including in the east and north of Sri Lanka.

In a particularly striking example, rural women organised in the area of Kilinochchi in the Northern Province to consistently file RTI requests to the local hospital asking about the insufficiency of trained medical personnel in the hospital despite financial allocations. This led to the quality of health care being improved. In another case, a community of women from the North used the RTI Act to challenge the building of telecommunication towers on their land and succeeded in halting the process. Meanwhile, in Ratmalyaya area of Puttalam, a water-pipe project was initiated to supply water. Although the pipes had been laid, no water supply was provided. A women's welfare association requested information as to the reason for the delay in supplying water. Although there has been no reported progress to date on this effort, the case demonstrates women's interest in exercising their fundamental right to information.

⁵⁰ For instance, the data from The Social Architects showed that in six provinces, 871 women filed RTI requests when compared to 570 men. The Women's Development Centre, Kandy, a CSO focused on the development of women, also revealed that women's group had filed most requests in public utility services concerning issues like broken electric bulbs, fixing distribution of letters, bus fares, public transportation facilities etc.

Overall learnings from the Sri Lanka Study

From the above key findings, the study concluded that **the RTI regime has cultivated a culture of pro-transparency in Sri Lanka**. Information disclosure has not only led to the mere release of information but has also shaped the public's attitude in asserting accountability in governance. The CSOs, whose role also facilitated citizens to file RTI requests, have acknowledged that **development projects have become more transparent and corrupt practices have reduced due to the RTI Act**. ATI has therefore become a form of activism that deepens democratic participation, transparency, accountability and combating corruption. Working towards achieving **the SDGs and monitoring country progress** on that basis has also supported and encouraged pro-transparency advocates in their efforts of ensuring more transparency and sustainable development.

Finally, the study confirmed that concerted action needs to be taken at both demand side and supply side for there to be impact on transparency and corruption, as showed in Figure 10 below.

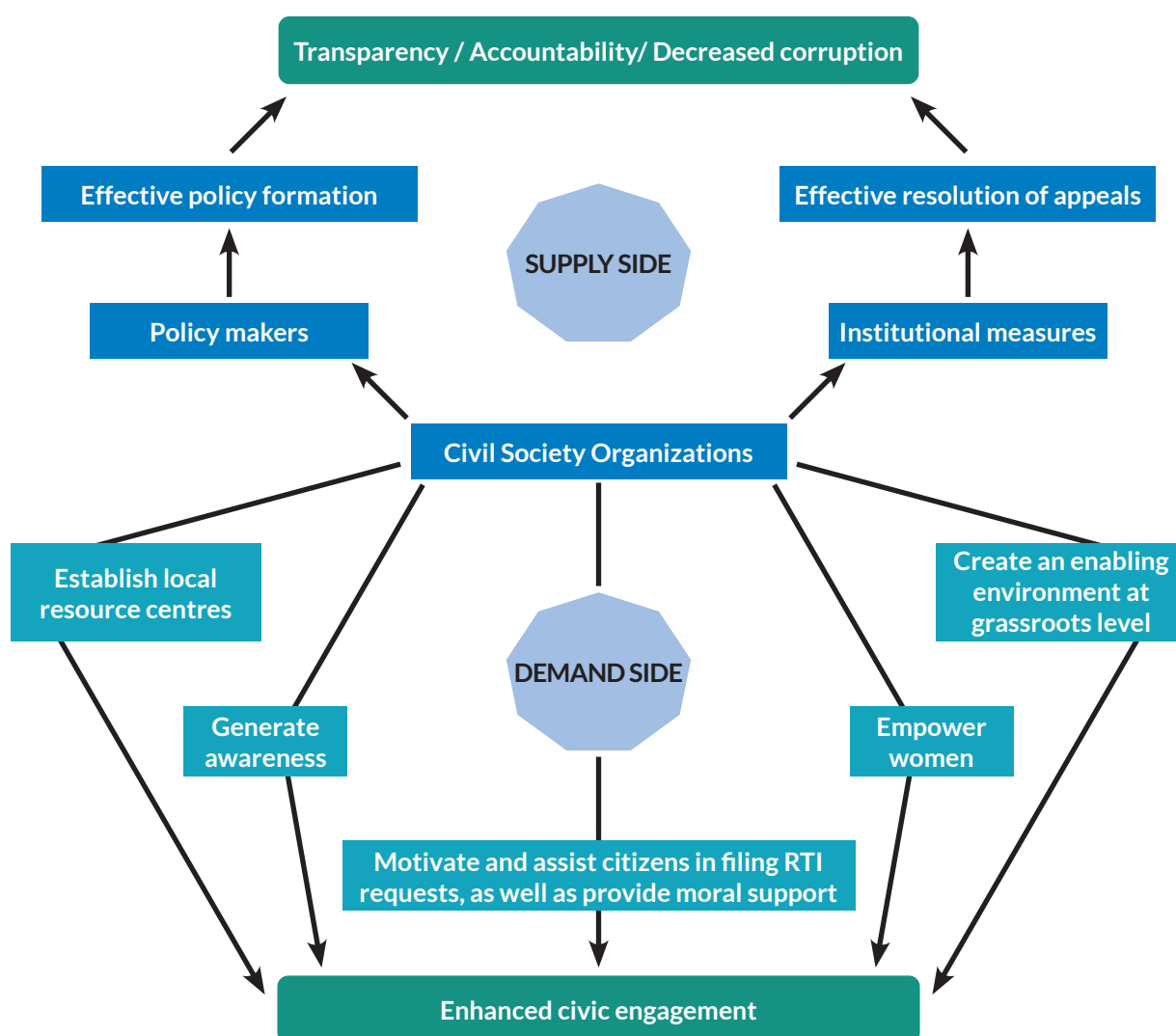


FIGURE 10: Linkages between the use of RTI and increased transparency/reduced transparency⁵¹

⁵¹ Figure adapted from "Transparency in delivery of entitlements through empowered Civil Society Organizations (CSOs): The Consortium of Groups for Combating Corruption (CGCC) model in Rajasthan, India", in Field Actions Science Reports [Online], Special Issue 11 - 2014 <http://journals.openedition.org/factsreports/3551>

Reporting on SDG 16.10.2 serves as an incentive for countries to improve their legal regulatory frameworks, and/or their administration of ATI. In this regard, UNESCO's survey on SDG 16.10.2, which provides a standardised approach to monitoring ATI performance, has proven useful for countries in measuring ATI progress at national level.

The survey findings in this report suggest that having a specialised ATI oversight and appeals body is fundamental to ensure ATI law enforcement. Experience around the world shows that these bodies play key roles in advocating for standards and best practices, as well as helping to address problems in ATI implementation.

The survey also points to good record-keeping as being vital for ATI oversight and appeals bodies. Without adequate and reliable records of the requests and appeals received and how they are processed, it is difficult to produce evidence and measure progress. This is a challenge requiring political will, management and resources. Good evidence-based reporting can provide many advantages for improving ATI. It can also help ATI bodies in negotiating for financial and technical resources with policymakers and other stakeholders, which in turn would help address the problems related to management and limited resources.

Emerging from the 2020 research process, it is evident that sustainable ATI monitoring and reporting requires ATI oversight bodies, when they are the data holder, to play a proactive role in collecting relevant SDG data and cooperating closely with national-level SDG monitoring bodies in this regard.

Civil society organizations and regional and international cooperation networks – such as the International Conference of Information Commissioners (ICIC), the International Ombudsman Institute (IOI); the Open Government Partnership (OGP), and the Regional Network of Access to Information Practitioners in Latin America and the Caribbean (Red de Transparencia y Acceso a la Informacion, RTA) – have proven to play a significant role in accelerating both the adoption and the implementation of ATI guarantees.

As 2020 has also shown, national and international celebrations can be used as platforms to exercise such multi-stakeholder collaboration on ATI, for example during the International Day for Universal Access to Information (28 September). The [website for the day](#) highlighted six webinars and a high level online event organised by UNESCO headquarters, and more than 20 national and regional events around the world. International Anti-Corruption Day (9 December) each year is another opportunity to flag the importance of ATI and the monitoring thereof.

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Access to information (ATI) is critical for the achievement of the Sustainable Development Goals (SDGs). Through access to information, the public is empowered to make informed choices, to effectively monitor and hold their government to account, and to be able to know about decisions affecting their lives.

As the UN agency with the specific mandate to promote “the free flow of ideas by word and image”, UNESCO has been designated by the UN General Assembly as the custodian agency for tracking global progress on SDG Indicator 16.10.2 on public access to information.

This report provides an analysis of the subject matter, taking stock of the global progress on the adoption and implementation of legal guarantees on Access to Information, based on key findings from UNESCO’s 2020 Survey on Indicator 16.10.2 and other ongoing initiatives in the area.

Findings presented in this report demonstrates the significance of access to information not only in achieving Goal 16 on Peace, Justice and Inclusive Societies, but also in advancing the implementation of the 2030 Agenda for Sustainable Development as a whole.

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