



TRANSPARENCY AND ACCESS TO INFORMATION NETWORK

Public Statement

“The importance of strengthening transparency and access to information in the face of the COVID-19 health emergency in the IberoAmerican region” October 2020

The Transparency and Access to Information Network (RTA in Spanish) issues the following Statement:

Whereas the situation caused by the SARS-CoV-2 (COVID-19) virus pandemic is defined as an international disaster, defined by the 2016 United Nations International Law Commission as a dire event that causes massive loss of human lives, great suffering and affliction to human beings, thus seriously disrupting the way society functions.

Whereas the situation caused by the COVID-19 pandemic is a serious interruption on how the community or society functions causing a large number of deaths as well as material, economic and environmental losses and impacts that exceed the capacity of the affected community to deal with the situation using its own resources, as defined by the United Nations Office for Disaster Risk Reduction.

Whereas in this context of health crisis, transparency and access to public information are essential tools for disaster risk management, through adequate communication of hygiene and safety guidelines, inviting citizen’s collaboration to measures adopted by authorities, fighting against misinformation and evaluating policies and measures for disaster management taken by the States.

Whereas the urgency in the actions of public institutions, which we have been forced to take in the face of this pandemic, although it allows speeding up certain procedures and making State action more timely, it creates a greater risk and tendency to misuse the resources, fall into bad practices, promote abuses of power and perform acts that violate probity.

Whereas that even though the State of Constitutional Exception of Catastrophe is in place, it is the obligation of the competent authorities to strictly comply with their duty to inform the public of all those decisions that imply restrictions or limitations on the exercise of the corresponding fundamental rights and the basis for said decisions.

Whereas that according to the International Covenant on Civil and Political Rights of the United Nations, the limitations on rights in times of emergency must be



provided for by law, based on a legitimate interest and be proportional, concrete and balanced between benefits and disadvantages.

Acknowledging that in a state of emergency, the priority of government action must be to minimize the number of deaths and safeguard both public health and the development of the economy.

Acknowledging the importance of guaranteeing access to public information as a fundamental right, in accordance with national laws, policies and international instruments, as fundamental pillars of social, economic and democratic governance and that also contributes to the correct management of the pandemic.

The RTA members,

S T A T E

1. As important, effective and timely actions are in the management of the pandemic, from the health point of view, its legitimacy before the public is also important. To achieve this objective, maximum transparency is required as it contributes to strengthening credibility, trust, and citizen adherence to the authority's measures.

2. That it is necessary to go beyond the obligations dictated by the rules on transparency and access to information, so public entities must adopt transparency from a proactive perspective, especially in those public decisions that are implemented to manage the pandemic, as well as the basis considered to adopt them. This attitude will give all citizens greater peace of mind and allow them to understand, follow, and collaborate, in a better way, with those decisions.

3. That assuming proactive transparency requires disclosing quality information, with harmonized measurement criteria, based on technical and scientific evidence, reliable in its sources, timely, useful and that is key for adequate decision-making in early action response to the pandemic, safeguarding as many lives as possible.

4. That this practice of proactive transparency should also be replicated in the different decisions of the authority on the effects derived from the management of the pandemic, both in the economic and social spheres and the coming stages of deconfinement, in coherence with the recent decision of the Inter-American Human Rights Court (IACHR) on Pandemic and Human Rights in the Americas (1/2020).

5. That governments and public institutions must be looked into and have rigorous care in the proper use of public resources that have been allocated to face the health emergency due to COVID-19, providing clear, safe, and simple information, with



timely, complete, and truthful accountability and, carefully supervising public spending.

6. That more transparency, better information and adequate protection of personal and sensitive data are the most suitable tools to fight misinformation and prevent stigmatization of the results and effects of the pandemic, which only distract us from the collaborative efforts that we must do to overcome this situation.

7. That in this context, we must be urged to rethink and strengthen the scope of the current regulations on transparency, access to information, and the protection of personal data, while specifying the criteria to define their limitations in emergency contexts.

8. That efforts should be made to reduce practical barriers (especially the technological gap) to effectively guarantee access to information. For this, it will be necessary to rethink and reinforce procedures and resources of the obligated subjects and guarantor entities, in order to close these gaps accentuated in the pandemic and specially to improve the rights of the vulnerable groups.

9. That the RTA and all its members make themselves available to collaborate in whatever is necessary, making all their tools, knowledge, experience, and capacities available to continue strengthening transparency and access to information in the face of the COVID-19 health emergency in the IberoAmerican region.