

TRANSPARENCY AND ACCESS TO INFORMATION NETWORK XXII MEETING

Public Statement

“Access to information as key component of freedom of expression for the construction of democratic societies in the region”

The Assembly of the Transparency and Access to Information Network (RTA in Spanish), having met in its XXII meeting in Santiago de Chile on April 27, 2022 hereby issues the following Statement:

Whereas, the International Covenant on Civil and Political Rights and the American Convention on Human Rights establish in its Articles 19 and 13, respectively, that the right to freedom of expression includes the freedom to search, receive and disseminate information and ideas of all kinds, without considering borders.

Whereas, a component of this freedom is the right to search, receive and disseminate information of any type of source, either private or public, which directly affects the right of access to public information, which all our member States have guaranteed since the resolutions of the “Claude Reyes and others Vs. Chile” case, and which have been specified in instruments such as the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazu Agreement), and the Inter-American Model Law 2.0 on Access to Public Information of the Organization of American States (OAS).

Whereas, the right of the public to access the information held by public authorities, and to apply said laws appropriately, is a demand contemplated in indicator 16.10.2 of the Objectives of Sustainable Development of the 2030 Agenda for Sustainable Development, which was adopted by the General Assembly of the United Nations (UN).

Whereas, the complex situation of many activists in our countries, especially those belonging to historically discriminated groups, where their right to access public information is not clearly observed, or there are legal or administrative obstacles for its legitimate exercise.

Remembering that this situation of violation of rights has grown due to the Coronavirus pandemic, which has increased the poverty and inequality indexes in the region, and where social benefits and justification for tax expenditure is more important than ever, a matter that has been emphasized by the Inter-American Commission on Human Rights, in Statement No. 1-20, which addresses that an exception status cannot be an obstacle for freely exercising this right.

Highlighting the difficult situation in which journalists live globally, since during 2021, 47 journalists were murdered, according to the International Journalist Federation.

Whereas, the Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression, and the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (ICHR) were part of a joint statement on October 20, 2021, about “Political Leaders, persons who exercise Public Service and Freedom of Expression”, which states that “the full exercise of freedom of expression and the right to information require, on the one hand, a strong protection for open and inclusive debate about matters of public interest and, on the other , the acceptance by political leaders and persons who exercise public service that, in view of their positions, their official conduct and certain aspects of their private life are the legitimate object of public scrutiny”.

THEY STATE

1. The members of the RTA restate their commitment to consider the freedom to issue an opinion, through any means, without prior censorship, as a pillar of democratic societies and specifically of the States that integrate this network.
2. That we stress, in view of the above, the importance of dialogue and democratic cooperation among our States, with the purpose of guaranteeing access to information as a fundamental right, part of inherent circumstantial accountability of a democratic Rule of Law.
3. That we understand as necessary the promotion of the use of the right of access to information also as a tool for exercising other fundamental rights, basically social, as the right to live in an environment free of pollution, the right to health, the right to decent housing, among many others.
4. That, in this context, the members of the RTA ratify the importance of allowing access to data and information held by the State, addressing the principles of openness, free of charge, no discrimination, accessibility and integrity, opportunity and maximum dissemination, especially in those cases where the fundamental rights of applicants are threatened or disturbed, as the result of practices contrary to accountability.
5. That, in the same way, we commit to reinforce the relation of this right with the notion of an open government that considers transparency, participation and collaboration as essential components of its administration, which aim at the common good of its inhabitants that are expressed in the compliance with the Sustainable Development Goals of the UN.

6. That we assume the growing challenges on governance and sustainability matters in our countries, which have resulted in the increase of poverty and social vulnerability of groups historically in disadvantage, even more considering the influence of the SARS-CoV-2 pandemic. This clearly makes the task of ensuring compliance with the fundamental rights of the inhabitants of our countries increasingly complex.
7. That we consider fundamental reinforcing information technology, in order to strengthen this guarantee, observing the joint duty of protecting personal data and the right to informative self-determination, which must also be ensured as a whole.
8. That, additionally, we acknowledge the context of these challenges, as a serious threat to public information, the disinformation phenomenon that generates a systemic problem for the consolidation of trust, and which affects the values of the democratic system and the Rule of Law.
9. That we condemn any attack to the task of the press and its workers, and we promote the plurality of professional media communication, with editorial freedom, forbidding prior censorship, and preventing any type of information monopoly.
10. That we, the members of the network, are aware that distortion of information of public interest may cause severe damage, which may and must be addressed without hindering freedom of expression. The above considers strategies, among others, media education and literacy courses with the support of relevant alliances (such as the academia, media communication, civil society organizations, among others), as well as digital education and literacy courses for the population, where the bodies that integrate this Network have a key role.

April 2022-