

RTA
Red de Transparencia
y Acceso a la Información

PUBLIC STATEMENT

XXIV MEETING

TRANSPARENCY, SOCIAL PARTICIPATION AND HUMAN RIGHTS POLICIES AS EFFECTIVE TOOLS FOR STRENGTHENING DEMOCRACY AND IBERO-AMERICAN DEVELOPMENT

The Assembly of the Network of Transparency and Access to Information (RTA), gathered in the City of Buenos Aires, on April 25 within the framework of its XXIV Meeting issues the following statement:

Considering that States play an essential role as a factor of social cohesion and that the strengthening of their institutional capacities is essential to achieve high levels of development, equity and democratization.

Considering the current challenges faced by Ibero-American democracies for the expansion of economic, social, cultural and political rights require effective policies developed by capable and open States.

Emphasizing the importance of moving towards more accessible and transparent public organizations, strengthening their capacities for the design and development of policies and services with public value.

Recalling that the development of policies on transparency, social participation and human rights aims to ensure effective and high-quality public action, aligned with the pursuit of the Common Good and the fight against corruption.

Recognizing the need to strengthen and expand mechanisms for social participation in State decision-making processes and policy development as a mean to prevent the risks of capture of the public sphere by sectoral interests.

Considering that the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man, determine that everyone has the right to freedom of opinion and expression, and that this right includes the right to not be disturbed because of their opinions, to investigate and receive information and opinions, as well as to disseminate them, without limitation of borders, by any means of expression.

Considering that the International Covenant on Civil and Political Rights, the European Convention on Human Rights and the American Convention on Human Rights provide in their articles 19, 10 and 13, respectively, that the right to freedom of expression includes the freedom to seek, receive and impart information and ideas of all kinds without regard to frontiers.

Recalling that all our Member States have guaranteed the right of access to public information and that it has been crystallized 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 (Escazú Agreement) and the Inter-American Model Law 2.0 on Access to Public Information of the Organization of American States (OAS) and the Charter of Fundamental Rights of the European Union.

Recognizing that the right of access to information is not only indispensable for promoting more just, peaceful and inclusive institutions, but is also a key element in advancing the implementation of the 2030 Agenda for Sustainable Development, adopted by the General Assembly of the United Nations (UN).

Recalling the relevance of various international instruments protecting the rights of persons in vulnerable situations such as the International Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention on the Rights of Migrants, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Inter-American Convention on the Protection of the Human Rights of Older Persons, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, the United Nations Declaration on the Rights of Indigenous Peoples, the Guiding Principles on Extreme Poverty and Human Rights and the Yogyakarta Principles, among others.

Recalling that the situation of violation of rights has increased as a result of the effects and negative impacts that the multiple global crises have had on the advancement of human and technological development, disinformation and social inequality.

Highlighting that probity, government responsibility in public management, respect for social rights, freedom of expression and of the press are fundamental components of exercising democracy and transparency in government activities.

Considering that access to public information is a right that should not only be understood in individual terms but in its character as a public and collective good for the expansion and strengthening of democratic practices. Access to public information allows citizens to reduce the distance with the State, improve state action by providing it with quality and legitimacy, as well as promoting dialogue and social participation in the processes of design, implementation and evaluation of public policies.


Recalling the Declaration on the Implementation of Principle 10 of the Rio Declaration, formulated by Latin American and Caribbean countries at the United Nations Conference on Sustainable Development, held in Rio de Janeiro (Brazil) in 2012, which reaffirms the commitment to the right of access to information, participation and justice in environmental matters. It also recognized the need to reach commitments for the full implementation of these rights and expressed the will to initiate a process that explores the feasibility of having a regional instrument.

Recognizing that access to information has an essential instrumental function for access to other rights, allowing us to know exactly what our rights are and what mechanisms exist to protect them (IACHR, 2010). Similarly, it allows individuals to gather reliable, truthful, and timely information sources and form an opinion on public interest issues, promoting social participation in public affairs, and the integrity, efficacy and accountability of the authorities.

Considering that the citizen participation in decisions related to their own development is a right and a responsibility, and also a necessary condition for the full and effective exercise of democracy.


Recalling that the end of military dictatorships opened a new stage in Latin American countries, with the re-establishment of the rule of law and the progressive advancement of the human rights paradigm, not without conflicts or contradictions. However, we see with concern the deepening of socio-economic inequalities, the strong concentration of economic power in few hands, the growing vulnerability of the popular sectors and the advance of hate speech, xenophobia and discrimination that threaten today's societies and put not only the institutions of the political system but also the democratic order itself at risk.

Considering that the emergence in various countries of the world of proposals based on authoritarianism, social fragmentation and political violence makes it urgent to





think of new future scenarios for the region that mobilize behind democratic ideals, and to revalue state capacities, transparency, popular participation and public innovation as founding dimensions of the legitimacy of public organizations.

Considering that emerging technologies, such as Artificial Intelligence, are advancing, it is necessary for Member States to establish frameworks to promote their use and take advantage of their benefits while guaranteeing mechanisms for assessing their risks, such as their material and ethical impact or the social problems they may introduce or deepen. Both algorithmic transparency and the establishment of regulations for these emerging technologies are a pressing global challenge.



Emphasizing that such impact assessments should reveal the repercussions on the human rights and fundamental freedoms of individuals, in particular those who are marginalized, violated or in vulnerable situations, labor rights, the environment and ecosystems, and facilitate citizen participation in accordance with the values and principles enshrined in UNESCO's Recommendation on the Ethics of Artificial Intelligence.

Recognizing that the expansion of digital mediations based on the intensive use of emerging technologies, while facilitating interaction with citizens, can render traditional approaches to social problems obsolete and generate new forms of exclusion in various sectors of the population in a global context where new digital literacies, information, and knowledge are key factors is ensuring inclusion and improving equality indices.



HEREBY STATE

1. That the members of the RTA reaffirm their commitment to pursue transparency policies that promote social participation and guarantee the exercise of the human rights of all Ibero-American citizens, thus strengthening their democracies.
2. That we assume the importance of strengthening public institutions and their capacities for the development of effective and high-quality public policies.
3. That we ratify that the human rights paradigm invites us to rethink the transparency policies and access to public information and the need for these to be transversal and substantive to the management of public affairs as a way of bringing the State closer to the citizenry.
4. That we agree to highlight the importance of innovation and technological developments as tools capable of contributing to the effective exercise of the right to access information among Ibero-American citizens.
5. That, we affirm, whenever appropriate, the commitment to develop clear and transparent criteria and standards to assess and regulate Artificial Intelligence technologies according to their risks, in order to advance public policies that protect the common good.
6. That, we recognize and reaffirm the relevance of promoting rights to access environmental information, public participation and access to justice as basic requirements for the consolidation of a true environmental democracy.
7. That the members of the RTA agree on the urgent need to incorporate a gender perspective throughout the entire cycle of transparency and access to information public policies, in order to guarantee the right to a life free from violence and discrimination.

8. That, similarly, it is imperative to include the perspective and needs of other specific groups in society, such as children and adolescents, older adults, the Afro-descendant community, the Lesbian, Gay, Bisexual, Transgender and Intersex, Queer (LGBTIQ+) community, and members of indigenous communities, as well as people with disabilities, through the construction of democratic, inclusive and transparent institutions that promote access to public information as a tool to ensure access to other rights.
9. That, we understand that the commitment to declassify documents from dictatorial governments that affected the States of the members in the past decades, must now become indispensable tools to uncover the truth about what happened, build memory and provide reparation both to the victims and society as a whole, assuming that the exercise of the right to access to public information has been a fundamental tool for the consolidation of democratic regimes.
10. That we commit to properly monitor the autonomy and independence of the institutions responsible for guaranteeing access to information in their decision-making processes.
11. That the members of the RTA agree that the Covid-19 crisis allowed us to revalue the role of the State and the scope of its intervention, demonstrating the need to consolidate the effectiveness and efficiency of its actions.
12. That we affirm the need to implement comprehensive and structural transparency public policies, oriented towards development with social inclusion, while anticipating the processes of capture of public decision-making.

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