

Aarhus Convention Secretariat's workshop: Advancing public access to environment-related product information: challenges and opportunities

Jaco du Toit - Overview of Unesco's work - 10/11/2023

15 minutes

Dear Participants, Ladies and Gentleman,

The Aarhus Convention, adopted over 20 years ago, was among the first international mechanisms to provide everyone with the right to access environmental information.

Today, we discussed the challenges and opportunities in enhancing public access to environment-related information, including the latest legal and policy developments. I thank the organizers for this opportunity to share the experiences of public authorities, civil society, the private sector, academia, international organisations, and other stakeholders. I will highlight a few elements within the framework of UNESCO's mandate as custodian UN Agency for the SDG Indicator 16.10.2 on adopting Right to Information laws and their implementation.

At UNESCO, we believe that access to environmental information is an essential component of access to information in general. We see the right to information as a critical aspect of freedom of expression and a prerequisite for achieving many sustainable development goals. Member States can best guarantee this right by adopting access to information laws.

Moreover, World Press Freedom Day 2024 which will be held in Santiago Chile will be dedicated to acknowledge the importance of freedom of expression and access to information to face the environmental crises and to promote sustainable development. We are certain that we are in a moment of no return where information plays a crucial role to ensure a better future and thus, we need to remove the existent obstacles that limit the capacity of the society to access to reliable information.

The Convention for accessing environmental information has set a trend and motivated Member States to increase their commitment to public information access. According

to UNESCO's monitoring data, the number of laws guaranteeing the right to information has increased from 39 to 137 since 2000.

In the past 20 years, there has been significant global progress in access to information, thanks to the democratization of political systems, evolving norms favouring transparency, and new technological possibilities for digitizing information. UNESCO actively advocates for more access to information worldwide and has played a key role in recognizing this issue within the UN's Sustainable Development Agenda.

UNESCO is responsible for monitoring SDG indicator 16.10.2, which involves the "number of countries that adopt and implement constitutional, statutory, and/or policy guarantees for public access to information." and tracking the state of access to information laws and their implementation every year. We do it through the survey, which is mandated by UNESCO Intergovernmental body, the International Programme for the Development of Communication.

Our survey consists of eight questions about access to information laws and their implementation. Each year, we add a sub-question that targets a specific area. In the upcoming survey, we plan on adding a sub-question related to access to environmental information.

This year's survey received responses from over 127 countries, and the findings show that a dedicated oversight arrangement, such as a national Information Commission, enhances performance in this area.

survey having legal guarantees for Access to Information, and two-thirds say this provision applies to 'all public bodies'. In addition, 80% of the survey respondents are members of the International Conference of Information Commissioners, the International Ombudsman Institute, the Red de Transparencia y Acceso a la Información, and the African Information Commissioners Network. UNESCO has supported the foundation of the latter since its inception in 2019.

Information regulators are crucial in promoting access to information. In discussing further cooperation, we are prepared to involve the Information Commissioners

networks in sharing best practices and case studies regarding Access to Information and the environment with the Aarhus secretariat and experts.

UNESCO provides capacity building and support for these networks. We also involve them in the commemorations of dedicated days, such as the International Day for Universal Access to Information, proclaimed by the General Conference of UNESCO in 2015 and by the General Assembly of the United Nations in 2019. This year, the day highlighted the link between access to information and internet access.

The Oxford Statement, which was issued as a concluding document of the commemoration this year, reaffirmed the importance of digital connectivity and the free flow of and access to information as vital means to support an open international community that upholds stability, security, the rule of law, prosperity, and promotes sustainable development.

But more than adopting Access to Information laws is required; implementation is critical. Without effective implementation, adoption is futile, and Access to Information laws become a mere declaration of intent. The challenges of implementing these laws are numerous, and clear action plans are needed to tackle them.

The importance of implementing Access to Information laws is now widely recognized as an essential component of the right to access information. The benefits are evident in countries that have taken this step, as outlined in the 2022 Tashkent Declaration adopted at the International Day of Universal Access to Information in 2022. Citizens' ability to ask for information from a reliable source and the willingness of governments to provide it proactively enhances the capacity of various actors to combat hate speech, radicalization, and extremism, promote intercultural understanding, and counter misinformation and disinformation.

One of the most critical aspects is determining whether a dedicated body, such as an information commission, or a multi-purpose body, such as an ombudsman, should oversee Access to Information litigation as its independence. Studies have also demonstrated that the independence of such bodies is key for citizens to be eager to request information and appeal if necessary.

In addition to dedicated bodies, the judiciary plays a pivotal role in this context. An independent judiciary becomes a beacon of hope for accountability, ensuring the rule of law and empowering victims and civil society to seek justice against human rights violations. It is reassuring to note that courts worldwide have taken up the challenge to recognize the illegitimacy of disruptions and the imperative of human rights protection in the digital age.

UNESCO's Judges Initiative aimed to strengthen the rule of international standards within regional human rights courts and community courts as well as national courts and judicial training academies, has turned ten years old this year. Since 2013, over 36,000 judicial actors have reinforced their capacities and knowledge on freedom of expression issues, through training of trainers workshops, seminars and massive online courses. Access to information has remained a key component of these training activities for judicial actors making sure that, judges, prosecutors and judicial operators also better understand their role of as guarantors of the right to access information. UNESCO has further supported a capacity-building programme for over 11,500 law enforcement officers around the world on promoting freedom of expression and access to information, with a particular emphasis on guaranteeing access to quality and reliable information in the context of elections and public demonstrations.

The extensive network of judicial actors and law enforcement officers who were or are involved in our training and conferences and who support access to information is another partnership that could benefit from working together to strengthen access to information.

Ensuring equal access to information is crucial, regardless of whether it is accessed online or offline. The 2022 Tashkent Declaration once again recognises that information is increasingly being produced, distributed, accessed, and maintained in digital format. Social media platforms play a vital role in creating an environment that fosters the right to access information.

However, in recent years, there has been an alarming trend of internet shutdowns across 74 countries, totalling a staggering 1,198 instances between 2016 and 2023.

This highlights the urgent need for a unified approach to address this issue, given its multifaceted impact on human rights and development.

Moreover, it is essential to recall that in 2024, 2.6 billion people will go to the polls. Journalists will play a critical role in ensuring the public have access to accurate information as they prepare to cast their votes. In electoral periods, it is even more imperative for Member States and governments (including judiciary and law enforcement agencies) around the world to protect access to public information and enable journalists to report freely and safely.

Today's discussions were highly productive, with many opportunities identified for collaboration to strengthen the right to information and foster robust access to information ecosystems based on international standards at the centre of our deliberations.

There is enormous potential in collaborating with each other to promote access to information by developing legal frameworks that work towards this goal. We can also share our knowledge and expertise in formulating policy advice to address digital challenges, promote an enabling environment for Access to Information.