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**CONCEPT NOTE**

**Technical Consultation on UNESCO/IPDC’s Mechanism to Monitor and Report
on SDG indicator 16.10.2 on Public Access to Information**

**UNESCO, 3 September 2018**

**EXECUTIVE SUMMARY**

A one day workshop will seek to mobilise expertise and exchange around strengthening the monitoring and reporting on public access to information, as well as brainstorm the subsequent use of such processes for materially advancing target 10 of Sustainable Development Goal 16 (SDG 16), as well as the SDGs as a whole.

**OVERVIEW**

Sustainable development goal 16.10, agreed by the international community, enjoins states and other stakeholders to “Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements”.

In order to assess if there is global progress in achieving this, the indicator agreed by the UN Statistics Commission, number 16.10.2, is: “number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information”. The wording here concerning *guarantees* highlights the dependence of “public access to information” on the matter of “fundamental freedoms” (in this case, on the *right* to seek and receive information, which is part of the overall right to freedom of expression). The emphasis in this concept paper follows this rights dimension, rather than issues of technology, economics, languages and competencies which also impact on access.

The purpose of any SDG indicator is to enable stakeholders to track specific phenomenon, against which change (progress, stasis or regress) can be measured after a period of time. States, as the primary duty-bearers as regards making progress on SDGs, have an obligation to monitor and report accordingly. While each country may tailor its systems of “voluntary national review” to its own needs, budgets and capacities, there is value in encouraging a level of commonality which enables aggregation at a global level, so as to provide a picture of the trends for the world as a whole. There is also value in seeking to address the characteristic of 16.10.2 as a Tier 2 indicator meaning that “data are not regularly produced by countries”.[[1]](#footnote-1)

Within the UN, UNESCO has been designated as custodian agency for global reporting to the UN about progress on achieving SDG 16.10.2.[[2]](#footnote-2) This arose after work by the secretariat, on express mandate of UNESCO’s intergovernmental body, the International Programme for the Development of Communication (IPDC), to engage with the SDG agenda on relevant issues along with partners. UNESCO’s reports to the UN on global monitoring of 16.10.2 have accordingly been compiled and submitted by the IPDC secretariat. The IPDC serves as, inter alia, a laboratory and standard-setter for developing indicators such as for media and internet development. In this context the possibility exists to elaborate a framework that could both support and involve UNESCO Member States in data-collection and reporting on 16.10.2. The existence and interest of the UNESCO Institute of Statistics (UIS) also opens possibilities for engaging national statistical systems as sources (perhaps drawing on other relevant state institutions too) for the global monitoring work required of UNESCO.

Measuring progress by means of 16.10.2 in a comprehensive and internationally comparable manner is a complex affair. But it is also an opportunity for reinforcing global and national reporting on the adoption and implementation of access-to-information commitments. In addressing this, UNESCO seeks to work with partners to strengthen the current *monitoring and reporting* and the *use* of the related findings in order to help advance the 2030 Sustainable Development Agenda.

It is in this light, UNESCO, in partnership with UIS, proposes to convene a roundtable of concerned experts at UNESCO HQ on 3 September 2018. This follows up discussions on these issues during the recent Open Government Partnership Summit in Tbilisi, Georgia (17-19 July 2018). It also follows a UNESCO workshop co-hosted with the Global Forum on Media Development in September, 2016.[[3]](#footnote-3)

**OBJECTIVES**

The primary desired outcome is to refine two proposed research templates for use in *data-gathering* for 16.10.2, and partnerships around these. A second outcome is the production of new ideas for *use* of the envisaged data and reports. A third outcome to enrich planning for IPDC, which will hold a thematic debate on the subject at the 31st session of Council in November 2018.[[4]](#footnote-4) These aims of the expert roundtable can be summed up as:

1. To gain expert feedback from concerned organizations and experts on the two proposed instruments for monitoring and reporting on SDG 16.10.2.
2. To assess potential for effective use of the results of global monitoring and reporting.
3. To strategize on how monitoring systems, for at least basic data collection, can be developed/strengthened and used at Member States’ level.
4. To consolidate partnerships around all the above.

**DATA COLLECTION ON ATI/RTI/FOI[[5]](#footnote-5) AND SDG 16.10.2**

Information on ATI/RTI/FOI is being collected by various actors in varying degrees and in relation to various countries and government institutions. Much is very valuable, but at the same time is not amenable to comparative or aggregative purposes as would be needed for global standardised monitoring by UNESCO.

For UNESCO, it is important to be have such data, in order to able to register if there are any differences globally at least on an annual basis, in order to fulfil its mandate in regard to reporting on 16.10.2 to the UN. Further, in terms of possible future reporting to IPDC in particular, this cycle could be annually, although data collection through Member States would likely only be each two years.[[6]](#footnote-6) For other purposes, such as intensive country work, more in-depth and comprehensive tracking by UNESCO could be done on a semi-ad hoc basis in those Member States where there is interest. This scenario could for example entail doing an in-depth exercise twice before 2030 is reached, and would be reported primarily on a national basis.

Currently, the IPDC secretariat works largely with the data produced by other actors in fulfilling its role as custodian agency.[[7]](#footnote-7) On this basis, with other supplementary sources, the secretariat has submitted two reports to the UN Statistical Division (UNSD) for the UN Secretary-General’s Progress Report on SDGs (in 2017 and 2018).[[8]](#footnote-8) The UNSG’s 2018 Progress Report accordingly notes in para 132:

“Freedom-of-information laws and policies have been adopted by 116 countries, with at least 25 countries adopting such laws over the past five years. Expert assessments, however, suggest that implementation remains a challenge. Among the 109 countries with implementation data, only 76 had sufficient provisions for requesting procedures, including those relating to clear and relatively simple procedures; clear and reasonable maximum timelines; and assistance provided by public officials to requesters.” This assessment is founded on a database compiled by UNESCO/IPDC secretariat and submitted to UNDESA.[[9]](#footnote-9)

The information entailed in UNESCO’s monitoring to date covers largely a desk-based analysis, using credible secondary sources, of the field of **adoption of guarantees**: (i) whether there is a relevant legal guarantee (e.g. a law); (ii) whether this is in terms of international standards (such as scope of exceptions), and (iii) whether the guarantee includes promotional measures.

This is in the context of metadata for indicator 16.10.2 (See Appendix I), which provides pointers to sub-indicators allowing for a more concrete elaboration of what it means to monitor adoption and implementation. The possibility exists to provide further development in these metadata. Taken together, not all envisaged meta-data characteristics agreed at the UNSD[[10]](#footnote-10) are covered by UNESCO. In addition, the exercise has not extensively covered the range of institutional and systemic guarantees (e.g. whether there is provision for an independent oversight agency). Sex-disaggregation is absent. Finally, very little data on actual **implementation** (or actual operationalisation / performance) for all countries is currently reported.[[11]](#footnote-11) These important areas could be added to the metadata. It is also very important to prioritise from the totality, what are the most important areas – in order to establish relevant focus in cases (like a “lite” assessment) where much less than the full picture can be captured.

To partly remedy the gaps, and to supplement the global data available from other sources, UNESCO/IPDC secretariat is seeking to elicit Member States voluntary involvement as active and voluntary data sources in UNESCO’s global SDG 16.10.2 monitoring - primarily (though not only) as regards **implementation** of “public access to information”. One result of this would be for UNESCO to produce more comprehensive reporting on the state of progress in public access to information over time. The resulting information can also enrich each Member State’s national and global purposes (eg. Reporting to national stakeholders, or at the 2019 and subsequent United Nations High-level Political Forum on Sustainable Development).

**TWO ENVISONED RESEARCH TEMPLATES**

The first proposed “lite” instrument for assessing progress on 16.10.2 aspires to secure, over time, participation by all UNESCO Member States on a biannual basis. Often this would be with the support of national statistics agencies (who in turn may draw from other sources such as ATI/RTI/FOI oversight entities). For purposes of international aggregation and tabulation by UNESCO/IPDC secretariat, most data here is envisaged as quantitative, and sex-disaggregated. The instrument therefore aims to be a simple questionnaire, avoiding onerous or costly commitments. For this reason, the focus is on “easier” measurables rather than more complex ones (such as aggregations of performance of the range of state bodies in regard to pro-active disclosure of information).[[12]](#footnote-12)

The second proposed “elaborated” instrument for 16.10.2 aspires to be taken up by a more limited number of Member States, where and when there is appetite and resourcing for an in-depth review to be conducted. This instrument, which must be gender-sensitive, could “easily” accommodate a range of qualitative data or case studies alongside the quantitative. Dimensions of proactive disclosure could be covered in some detail. It could be a more longitudinal approach.

In addition, such an “elaborated” instrument might probe links between 16.10.2 and other SDG dimensions (e.g. countering corruption; empowering women; combating climate change). Given UNESCO’s interests in media as a major factor in public access to information, such an instrument could also include themes such as the extent to which media actors effectively use RTI laws in investigative journalism (e.g. As in India[[13]](#footnote-13)) or for acquiring data on impunity for killings of journalists (e.g. As in Pakistan). This consideration could further include assessing the extent to which journalists, and their organizations, verify information provided by governments.[[14]](#footnote-14) All this may require ad hoc case studies or reporting of examples, if it is not possible to integrate into a template.

**CONCLUSION**

UNESCO hopes to assist in awareness-raising and capacity-building, and UIS with capacity-building, so that states and stakeholders can develop systems to contribute to both the global monitoring via UNESCO, as well as feed their own direct efforts to report nationally and globally as they see fit.

Ultimately, strengthening monitoring systems through developing and availing the templates described above is not aimed at reporting for reporting’s sake. It is to generate information and momentum for improvements at national level, so as to enhance public access to information and fundamental freedoms and thereby advance the SDGs as a whole.

**POSSIBLE QUESTIONS TO GUIDE THE DISCUSSION**

* What priorities are omitted (or non-priorities included) that lend themselves to assessing significant changes (globally) on a yearly basis at least, in the “lite” template? What formulations in could be improved, with an eye to clarity, actual collection of data, and the possibility of aggregation?
* What priorities are omitted (or non-priorities included) that lend themselves to assessing significant changes (globally) in a given single country, on a tri-annual basis at least, in the “elaborated” template? What formulations in could be improved, with an eye to clarity, realistic prospects for the collection of data, costs and time of research?
* How might existing – and future – data collection initiatives synergise with UNESCO/IPDC’s proposed mechanisms to monitor and report on SDG indicator 16.10.2?
* What country-specific challenges and opportunities need to be taken into account when developing mechanisms for national reporting? What could be done in relation to the 2019 UNGA High Level Political Forum which will take a number of country reports on SDG 16 (amongst others)?[[15]](#footnote-15)
* What state institutions could play leading parts? What would the role be of civil society and media in regard to a mechanism?
* Integrated perspective - although this is a secondary dimension of the core monitoring scope, a question is: how can data related to 16.10.2 connect with the other targets under SDG 16 (rule of law, participation, transparency, accountability, freedom of expression, safety of journalists) and with other SDG indicators?
* How might media actors be actively involved in the monitoring and use of data and reports?
* What upcoming events, activities or strategies might provide for optimum use of data that is generated in relation to 16.10.2? What partnerships are possible in this regard?

**ANNEX 1: PROPOSED AGENDA *(all names to be confirmed)***

**Venue : UNESCO (Salle VII, Level -1), 7 Place de Fontenoy, 75007 Paris**

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| 09:30 – 09:40 | **Welcome remarks – UNESCO ADG/CI Moez Chakchouk** |
| 09:40 – 09:50 | **Introductions by participants** |
|  09:50 – 10.00 | **Introduction, background, aims of the workshop –** Dian Kuswandini, UNESCO IPDC |
| 10:00 – 10:30 | **Session 1: SDG 16** **Monitoring and Reporting on SDGs: current situation and future of SDG 16.10.2** Moderator: Guy Berger, UNESCO Director for Freedom of Expression and Media Development, IPDC secretary. Presentations by:* Yongyi Min, Chief, Sustainable Development Goal Monitoring Unit, Statistics Division, UN Department of Economic and Social Affairs
* Lucy Turner, Coordinator, Global Alliance for Reporting, UNDP
* Alison Kennedy, Acting Head, Education Standards and Methodology, UNESCO Institute for Statistics

Discussion |
| 10:30 - 10:45 | Coffee break |
| 10:45 – 13:00 | **Session 2: A “lite” template for data collection for 16.10.2 at global and national levels** Moderator: UNESCO Rosa M. Gonzalez, IPDC deputy secretary.8 minute-long presentations by:* Beatriz Valdez Melgar, Statistical Assistant, Communication, UNESCO Institute for Statistics
* Paul Maassen, Chief, Country Support, Open Government Partnership
* Helen Darbishire, Executive Director, Access Info Europe
* Katelyn Rogers, Project Leads, Global Open Data Index

General discussion on the role and scope of the“lite” templateSpecific discussion on the proposed “lite” indicators |
| 13:00 – 15:00 | Lunch break |
| 15:00 – 15:45 | **Session 3: An elaborated template for data collection on SDG 16.10.2 for in depth and case-study research in a sample of countries.** Moderator: UNESCO Sylvie Coudray, Chief of Section for Freedom of Expression. Presentations by: * Toby Mendel, Executive Director, Centre for Law and Democracy
* Laura Neuman, Director, The Carter Center
* Sumir Lal, the Director, ECR, in charge of the Access to Information Policy, World Bank

Discussion  |
| 15:45– 16:00 | Coffee break |
| 16:00– 17:30 | **Session 4: Ways forward to use data collected for 16.10.2, including linkages to other SDGs.** Moderator: Albana Shala, UNESCO IPDC Chair Presentations by:* Yi-han Wen IPDC secretariat (IPDCtalks)
* Gilbert Sendugwa, Africa Freedom of Information Centre.
* Representative of Global Forum for Media Development and/or International Freedom of Expression Exchange
* Marius Lukosiunas, UNESCO
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**ANNEX 2: INVITEES**

* UNESCO Institute for Statistics (Beatriz Valdez Melgar, Alison Kennedy)
* UNDP (Jairo Acuña-Alfaro)
* UN Department of Economic and Social Affairs (Yongyi Min)
* Global Alliance of SDG 16 (Lucy Turner)
* World Bank (Sumir Lal)
* OECD (Alessandro Bellantoni)
* Open Government Partnership (Paul Maassen)
* Access Info Europe (Helen Darbishire)
* Centre for Law and Democracy (Toby Mendel)
* The Carter Center (Laura Neuman)
* Africa Freedom of Information Centre (Gilbert Ronald Sendugwa)
* Global Forum for Media Development (Leon Willems, Mira Markovic)
* Article 19 (David Banisar, Paula Martins)
* International Federation of Library Associations and Institutions (Stephen Wyber)
* Fundamedios (Cesar Ricaurte)
* RTA - the Latin American Network of Informational Commissioners (Gabriel Del Piazzo)
* Global Open Data Index (Katelyn Rogers)
* Global Investigative Journalists Network (Marthe Rubio)
* World Justice Project (Elizabeth Andersen)
* IFEX (Silvia Chocarro)
* GIZ
* Information Commissioners International Exchange Network (ICIEN)

**APPENDIX 1: METADATA FOR 16.10.2**[[16]](#footnote-16)

This elaborates that this indicator tracks:

(a) whether a country (or at the global level, the number of countries) has constitutional, statutory and/or policy guarantees for public access to information;

 (b) the extent to which such national guarantees reflect ‘international agreements’ (e.g. Universal Declaration of Human Rights, etc.); and

(c) the implementation mechanisms in place for such guarantees, including the following variables:

- Government efforts to publicly promote the right to information.

- Citizens’ awareness of their legal right to information and their ability to utilize it effectively.

- The capacity of public bodies to provide information upon request by the public.

According to the metadata, to assess the 3 key variables above, the following will serve as performance sub-indicators:

- National law or constitutional guarantee on the right to information

- Country has signed and ratified relevant treaty obligations, with no significant exemptions, and these are reflected, to the extent possible, in domestic FOI legislation

- Public is aware of and exercises right to access official information

- Public bodies release information both pro-actively and on demand

- Effective and efficient appeals mechanism via independent administrative body e.g. information commissioner or ombudsman

- Any restriction on grounds of protection of personal privacy is narrowly defined so as to exclude information in which there is no justifiable public interest.

*The means of verification will include:*

- Any law or policy on right to information that accords with international standards

- Reports from credible agencies/experts about right to information guarantees and the extent to which they reflect international standards/agreements

- Policies of public bodies concerning release of information (which ensure readily, freely available public access to information, including online)

- Evidence of state commitment to open government e.g. publication and dissemination of laws, court decisions, parliamentary proceedings, spending programmes (vis-à-vis SDG undertakings)

- Statistical information about public requests for official information and their fulfilment or rejection

- Statistical information about appeals or complaints over information requests that have been refused

1. This indicator is classified as Tier 2 – “Indicator conceptually clear, established methodology and standards available but data are not regularly produced by countries”. [↑](#footnote-ref-1)
2. As the custodian agency for Indicator 16.10.2, UNESCO, through the IPDC, is officially mandated to

undertake the following:

Collecting data from national statistical systems

Providing a storyline for the annual global SDG progress report, including the High Level

Political Forum’s Global Sustainable Development Report

Providing and regularly updating metadata

Working on the methodological development and further refinement of the indicator

Contributing to statistical capacity building in the area of the indicator

Coordinating with other agencies and stakeholders who are interested in contributing to the indicator development. [↑](#footnote-ref-2)
3. https://en.unesco.org/programme/ipdc/initiatives/kdmd [↑](#footnote-ref-3)
4. See http://unesdoc.unesco.org/images/0026/002616/261613e.pdf [↑](#footnote-ref-4)
5. Access to Information (ATI), Right to Information (RTI) and Freedom of Information (FOI) refer to legal or policy guarantees for public access to information. These acronyms are used interchangeably in this document. [↑](#footnote-ref-5)
6. The 39 member intergovernmental Council of the IPDC meets every two years, although the 8 member Bureau meets annually. As data must be collected and submitted annually by UNESCO to the UN, it is possible to envisage an annual cycle for IPDC – a report to the Bureau one year, and to the Council the year after. At least for the Council meeting, the reporting could be a more elaborated document, than what is submitted to to the UN. [↑](#footnote-ref-6)
7. Notably [Access Info Europe](http://www.access-info.org/) (AIE) and the [Centre for Law and Democracy](http://www.law-democracy.org/) (CLD) who produce <http://www.rti-rating.org/>; and the World Justice Project. [↑](#footnote-ref-7)
8. 2017 and 2018 reports are available at <https://unstats.un.org/sdgs/> [↑](#footnote-ref-8)
9. https://unstats-undesa.opendata.arcgis.com/datasets/indicator-16.10.2-number-of-countries-that-adopt-and-implement-constitutional-statutory-andor-policy-guarantees-for-public-access-to-information [↑](#footnote-ref-9)
10. See Appendix 1 [↑](#footnote-ref-10)
11. However, UNESCO’s reporting for the UN Secretary General’s Report does take cognisance of findings such as by the World Justice Project in 2015 that only 40% of survey respondents in 107 states know of laws in their country about their right to access government-held information. [↑](#footnote-ref-11)
12. This “lite” version parallels an existing IPDC mechanism requesting data from states about judicial follow up to the killings of journalists, where the combined response rate for data submission has risen strongly in recent years. It may be noted that complementing this parallel IPDC mechanism is also an elaborated “Journalists’ Safety Indicators” research tool which has been implemented for in-depth research within a limited number of countries. [↑](#footnote-ref-12)
13. More info at: https://www.facebook.com/JournalismThroughRTI/ [↑](#footnote-ref-13)
14. This elaborated instrument parallels UNESCO’s development of Media Viability Indicators, which provides a fleshed-out complement to an area given only limited attention in the broader IPDC Media Development Indicators. [↑](#footnote-ref-14)
15. Algeria, Bosnia and Herzegovina, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d’Ivoire, Croatia, Eritrea, Fiji, Ghana, Iceland, Israel, Kazakhstan, Kuwait, Lesotho, Mauritania, Mauritius, Mongolia, Nauru, New Zealand, Oman, Pakistan, Palau, Saint Lucia, Serbia, South Africa, Timor-Leste, Tonga, Tunisia, Turkmenistan, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, and

Vanuatu. [↑](#footnote-ref-15)
16. https://unstats.un.org/sdgs/metadata/files/Metadata-16-10-02.pdf [↑](#footnote-ref-16)