

POSITION PAPER

Ensuring accountability in the Post 2015 Agenda through transparency, free expression and enabling civil society participation

In its “A New Global Partnership” report, the High Level Panel of Eminent Persons stated that the rights of freedom of expression, access to information, association, and assembly are essential to achieving sustainable development. These rights are the fundamental building blocks of good governance, empowering people to actively participate in achieving development goals. This brief sets out recommendations on how this can be achieved through clear and measurable targets, building on the recommendations of the High Level Panel.

The right to information

Transparency and the free flow of information are widely recognized as central in the promotion of development rights. The High Level Panel stated, “openness and accountability helps institutions work properly – and ensures that those who hold power cannot use their position to favour themselves or their friends. Good governance and the fight against corruption are universal issues. Everywhere, institutions could be more fair and accountable. The key is transparency. Transparency helps ensure that resources are not wasted, but are well managed and put to the best use.” To achieve this, the Panel called for a “New Data Revolution” to strengthen the collection of information to meet development goals.

To attain this “Data Revolution”, an effective legal framework needs to be adopted in each country to guarantee the collection and dissemination of information. The target should ensure that individuals, civil society organizations, businesses, and other formal and informal entities have a legal right to access information held by government bodies and others institutions relevant to their needs. At a minimum, this requires countries to adopt and implement a framework right to information law which sets out minimum standards on the right of everyone to demand information, the duty of bodies to collect, store and provide information in usable formats and without restrictions, and provides for a set of specific limited

exemptions, appeals mechanisms, oversight, and sanctions. Over 100 countries around the world including China, India, Indonesia, Nigeria, Mexico, and Brazil have already adopted national laws or regulations based on these standards. Access can be further enhanced with requirements for proactive publication of information using information and communications technologies and specific sectorial legislation for key issues. Without this legal framework, there is no guarantee that accurate and useful information be collected and made available to those who need it most.

Freedom of expression

The UN Task Team report to the Secretary General stated that, “Pluralistic, independent media may help raise public awareness about development issues, empowering people with information to better monitor implementation and performance and hold governments accountable.”

The media (including formal and informal entities and individuals) face barriers in many countries in investigating and reporting on development issues. They are often unable to access important information and face both legal and extra-legal threats, particularly when revealing corruption of public funds, misallocation of money from natural resources, tax avoidance by corporations and powerful individuals to pay taxes and other issues which impact the country’s economic development.

Targets are needed to promote freedom of expression and eliminate impunity for attacks on the media. UNESCO has already developed high-level “Media Development Indicators” which measure the freedom of the media in countries across a number of issues. Further, full investigation and prosecution for all attacks with a strict zero-impunity target should be incorporated into the likely goal on security.

Promoting civic space

The High Level Panel stated, “Civil society should play a central, meaningful role but this requires space for people to participate in policy and decision-making. The role of civil society in promoting development has been firmly established in international policy for nearly 30 years - from the Brundtland Commission report, to the 1992 Rio Declaration, the Millennium Declaration, Agenda 21 and most recently in the Rio + 20 “The World We Want” Declaration.

Despite this recognition, restrictive laws and policies have proliferated around the globe to limit core civil society freedoms of expression, association and

assembly, which are enshrined in international law and necessary for CSOs to effectively operate. CSOs working in many areas – particularly those that challenge the status quo, such as promoting a healthy environment, fighting corruption, or advancing other important development needs – are at risk of arbitrary closure or other severe sanctions and unwarranted government interference and harassment. Laws and policies in many countries increasingly require CSOs to "harmonize" their activities with government priorities in national development plans. These requirements often limit the ability of CSOs to carry out activities intended to benefit marginalized communities or focus on issues neglected by governments.

These efforts are counter-productive. In their place, a target of opening up civic space to ensure that the best, most creative ideas and actions to address the overwhelming efforts needed to achieve sustainable development is facilitated.

Targets and indicators

HIGH LEVEL PANEL RECOMMENDATION	TARGETS	POSSIBLE INDICATORS
"Guarantee the public's right to information and access to government data"	<p>A comprehensive legal framework which guarantees public access to government information</p> <p>Sectorial legislation which guarantees public access to specific areas of specific importance to sustainable development</p>	<p>Right to information law meeting international standards adopted and implemented</p> <p>Sectorial</p> <hr/> <ul style="list-style-type: none"> • UNEP Bali Guidelines on access to information, participation & justice • Membership in Extractive Industries Transparency Initiative (EITI) • Membership in International Aid Transparency Initiative (IATI) • Budget and fiscal transparency • Open data policy
"Ensure that people enjoy freedom of speech, association, peaceful protest and access to independent media and information"	<p>A legal framework which guarantees media freedom and the public's right of freedom of expression</p>	<ul style="list-style-type: none"> • UNESCO Media Development Indicators • Eliminate impunity and abuses against journalists <hr/>
"Increase public participation in political processes and civic engagement at all levels"	<p>Legal and regulatory environment for civil society which recognises their independence and right to carry out their peaceful work without fear of harassment, reprisal, intimidation and discrimination</p> <p>Adopt inclusive mechanisms to ensure full and effective public participation in development and environment plans and policies</p>	<ul style="list-style-type: none"> • Civicus Enabling Environment Index • Inter-American Strategy for the Promotion of Public Participation in Decision Making for Sustainable Development • OECD and UNEP Guidelines on environmental impact assessments and strategic environmental assessment processes <hr/>

SENEGAL

**Right to information +
maternal health**

Freedom of expression and information are key to achieving human development goals. The availability and accessibility of information promotes transparency, ensures better governance and reduces inefficiency and corruption. Information gives people the opportunity to improve their own lives, participate in the decision-making processes that affect them and hold their leaders to account.

In Senegal, the high instance of obstetric fistula - and the scarcity of information about preventing and treating this devastating injury - strongly demonstrate why access to information is crucial to achieving the Millennium Development Goals.

The challenge

An obstetric fistula is an injury to a woman's bladder or rectum caused by a long and difficult delivery without proper medical care. Women who suffer from fistulas are often socially ostracised and forced to leave their families due to a lack of understanding about the injury.

A fistula can be caused by a variety of factors, including early marriage and pregnancy, poor medical care during delivery and female genital mutilation. However, the majority of the population, especially those living in rural and deprived areas, is not aware of these. Often, the most affected regions are those that are the most remote. These regions have a very high level of poverty, limited access to healthcare and harmful cultural practices often continue to be imposed on girls and women.

The Senegalese government, together with international and national organisations, has taken a number of actions to deal with obstetric fistulas, including free fistula reparation treatment across the country. Yet the problem remains. Each year, hundreds of women continue to suffer from this injury due to a lack of accurate information about prevention, treatment and rehabilitation.

Linking poor access to information to fistula

ARTICLE 19 investigated the link between the lack of information and incidences of obstetric fistulas in Tambacounda Province, the area with the highest number of incidences in the country.

According to a survey conducted by ARTICLE 19 in Tambacounda, many people have never heard of obstetric fistulas. Many of those who did know about the injury did not know that women can get free treatment. Of 290 people who were interviewed, including 190 women, only 32 had heard of the injury.

The survey confirmed that women do not know where to go or which procedures to follow in order to get treatment. The injury is still surrounded by mystery, taboos and false information about its origins. Going to medical facilities for information is not common practice in Senegal, especially in regions such as Tambacounda. "It is difficult to ask for information when you don't know where to channel your request or what procedures are in place," reported a survey participant.

The outcome: *“Information is a right for all the world’s people”*

Our experience in Senegal shows that medical programmes alone won’t be enough to solve maternal health issues. People must know about the programmes and more importantly, know where to ask. Access to information is the crucial link in empowering women to improve their lives.

ARTICLE 19’s work in Tambacounda, while ongoing, shows early promise in improving maternal health outcomes through better access to information. Our pilot program trained 58 community activists and volunteer health assistants about the causes and treatment of fistulas. As a result, women suffering from fistulas were identified and referred for medical treatment in hospital. More generally, women reported feeling empowered to ask for information from health centres. They also said that they felt able to share what they had learned about the causes and treatment with their communities.

“After the training, I got more information about the dangers of fistulas and this allowed me to share this information with my friends and the people in my neighbourhood. I even detected a woman with a fistula. Information is a right for all the world’s people, just like the right to eat, to dress, to be medically treated.” - Ngolo Tamega, Development counsellor in the Pont neighbourhood.



INDONESIA

Right to information + education

Freedom of expression and information are key in overcoming poverty and improving people's lives. The availability and accessibility of information promotes transparency, ensures better governance and reduces inefficiency and corruption. Information gives people the opportunity to improve their own lives, participate in the decision-making processes that affect them and hold their leaders to account.

In Indonesia, parents of poor and marginalised school children used the country's Freedom of Information Law to hold schools to account for how they used school funds. This enabled them to claim their children's right to quality education.

The challenge

Regional differences in meeting the Millennium Development Goals (MDG) targets in education are stark, with remote and poor areas lagging behind. In 2005, the Government launched educational financial reforms to address these education challenges. The reforms were designed to provide incentives for schools to maintain and increase enrolment, and gave schools greater say over how funds are spent in order to meet local needs.

However, studies indicate the lack of access to information has significantly undermined the effectiveness of these reforms. Many parents are not aware of the decisions being made that could affect their children. Schools often fail to communicate information proactively on budgets or the use of funds. The lack of transparency and public monitoring means that any potential misuse

and misallocation of educational funds remains unchecked.

Linking access to information to quality education

ARTICLE 19 worked with our partner in Indonesia, PATTIRO, to empower local communities to make use of the 2010 Freedom of Information (FOI) Law. The aim of this was to obtain information on education assistance and to participate in decision-making and monitoring of the use of education funds. The project targeted parents in the economically disadvantaged districts of Lebak and Serang in Banten Province, which lags behind others in terms of its education indicators and position in the human development index.

Eighty-nine parents in the two districts were trained in how to use the 2010 FOI Law to learn about educational funding relating to their children. As a result of their information requests, the parents were able to analyse school finances. The groups checked the financial budget for the procurement of goods and services and compared it to the appropriate cost of those goods and services. They also conducted a price to value comparison of the quality of goods or services to check on value for money.

The outcome: "Extraordinary" results

The parents reported their findings to the local school committees. They identified discrepancies

in the use of funds and notified them of their intention to continue to request the information and to report future discrepancies to the authorities.

The information requests also led to more immediate and personal results. For example, parents who had not previously received assistance from the educational funds asked their schools for the criteria used to decide who would receive school fee and uniform subsidies. Those who discovered that they fit the criteria then demanded their right to education assistance from the schools.

The project was an excellent demonstration of the thirst for information in these communities. One team noted that after some of the Right To Information (RTI) training workshops, parents from other schools were waiting outside to ask how they could receive the same training in their areas.

Parents from both communities reported feeling “energised” by a sense of power and potential as they held local officials to account. The Serang team reported that the results of their financial review were “extraordinary”: they had never before thought they could do anything like this to hold the schools accountable.



BRAZIL

Right to information + water

Freedom of expression and information are key in the battle to fight poverty and improve people's lives. The availability and accessibility of information promotes transparency, ensures better governance and reduces inefficiency and corruption. Information gives people the opportunity to improve their own lives, participate in the decision making process that affect them, and hold their leaders to account.

People in rural Brazil are using the Access to Information Law to help them fight for better access to, and a better quality of, water. Through the use of this law, families in Brazil's semi-arid region can now find out about and make the most of the support that is currently available to them. They are also campaigning for better services where they are needed.

The challenge

2012 and 2013 were the driest years on record in Brazil for three decades. The drought has been most severe in Brazil's semi-arid region, where some communities have not seen rain in over a year. Official figures (IBGE 2007) show that 67% of rural families living in this semi-arid region do not have access to a general system of water distribution; 43% use wells and springs; and 24% access water in other ways, including making daily journeys to collect water from sources that frequently are not fit for human consumption.

In 2011 Brazil committed to ensuring better access to water across the country. The government established the Water for All

Programme, which aims to provide thousands of Brazilians with clean drinking water. Yet people still struggle to access this water. For example, in the state of Pernambuco in northeast Brazil, water supplies are limited and there are only a small number of water trucks distributing clean water to families who are struggling to cope with drought. Finding out when and where deliveries are made can make all the difference to a family struggling with the drought.

Linking access to information to water

Information is crucial in order to make sure that the communities most affected by drought get the help they need.

ARTICLE 19 worked with local communities in Pernambuco to train them to use the Access to Information Law in order to:

- Obtain information about the specific water programmes in the state
- Find out how much money has been allocated to providing water and how it is being spent, including the number of water trucks in operation
- Find out the results of water quality tests in the area.

The outcome

Alaíde Martins (52) is a farmer who lives in Sítio Solto, Triunfo - a rural part of Pernambuco. She has two grown children and works with her

husband producing fruit pulps. Alaíde and her husband got involved in ARTICLE 19's training workshop after speaking with a local community centre:

"We have an agroforestry area where my husband and I work with organic products. Agriculture is very painful now. A lot has died because of the drought."

"The training involved a number of issues, about rights and duties with respect to sources of water. If we do not inform ourselves and hold the authorities to account, it becomes a forgotten matter."

Alaíde says that the training showed her how to access essential information that she would not normally know how to get hold of. In particular she was pleased to find out about the delivery of water by tanker trucks during drought periods and the results from water quality tests in the area.

"I learned about the care we need to have with the water, about our duty to find out where it comes from. When a water truck arrives, we do not know where its water comes from, and whether it is water that comes for human consumption, or if it comes from a dam."

Alaíde says that a lack of information about the source of the water has been one of the biggest problems facing her community.

"It is through the mouth that people get sick. If you consume unclean water, it can be harmful. Even for animals. What frightens people here in the Northeast is that the drought killed a lot of cattle. People do not usually bury the animal, but place it in an open grave. When the rain comes, the water washes the remains of the animals into creeks, dams and rivers such as the Pajeú. This can contaminate the water. Some dams are not good [water sources] for that reason."

By learning to access information about the water quality tests and delivery locations, local families are getting the help they need to survive the drought. More importantly, they are learning to speak up and ask questions of those in positions of authority.

"My husband is very shy. I was like that too but I overcame my shyness [through the training]. Now, I talk and participate a lot."

BANGLADESH

Right to information + environment

Freedom of expression and information are key in overcoming poverty and improving people's lives. The availability and accessibility of information promotes transparency, ensures better governance and reduces inefficiency and corruption. Information gives people the opportunity to improve their own lives, participate in the decision-making processes that affect them, and hold their leaders to account.

In Bangladesh, local communities and activists are using the Right To Information Act to hold authorities accountable for creating a safe and sustainable environment.

The challenge

Illegal encroachment into rivers and bodies of water by industry is a significant environmental problem in Bangladesh, leading to air, water and soil pollution. Industrial and medical waste is often dumped into bodies of water, threatening the health of surrounding communities.

Unregulated and illegal rice and wood husk mills pose a particular problem. According to Bangladeshi legislation, these mills should be sited away from inhabited areas due to the significant levels of pollution they emit. However, mills frequently flout environmental laws, leading to reported health problems in surrounding communities. Compounding this problem are endemic issues of corruption and a lack of transparency. The citizens of the Khulna district who live along the Rupsha River were particularly

concerned that the increasing incidence of health problems in their community was tied to the proliferation of these mills.

Linking access to information to protection of the environment

ARTICLE 19 has been working with people in Bangladesh to help them fight for better environmental protection. We have trained local communities to make use of the Right To Information Act. As a result, these communities, along with civil society and campaigners, are now asking the authorities what they are doing to implement national laws and create a safe and sustainable environment.

We have worked closely with people from across the country, including the vulnerable coastal districts of Bhola and Cox's Bazar, the forested areas of Gazipur and Bagerhat, and the northern coastal areas of Khulna and Sathkhira. As the case of Masum Billah (told below) demonstrates, asserting their right to information has become a key tool in these communities' ability to demand enforcement of environmental protection laws.

The outcome: "A new tool for holding local government and authorities accountable"

Masum Billah is a community leader from the Khulna municipality. He has received training from ARTICLE 19 in how to use the Right To Information Act in Bangladesh. As a result, he has

held discussions with the Khulna Development Authority (KDA) and the Department of Environment about the state's obligations under Bangladesh's Right To Information Act 2009.

Local communities along the Rupsha River approached Masum, concerned that rice and wood husk mills were being established within the KDA without the necessary clearances. This was in violation of environmental laws and was having a negative impact on their health. Masum filed an application with the Department of Environment asking for disclosure of a full list of mills and factories with and without clearance. The results revealed that half were operating without the proper clearance, leading to an increased risk of environmental pollution and threatening the health of the local inhabitants.

Masum Billah's organisation, Social and Environment Movement (SEIAM), is now taking legal action against the Department of Environment and KDA, and campaigning for the removal of the illegally established mills.

“ARTICLE 19 has introduced me to a new tool for holding local government and authorities accountable to their responsibilities for protecting the environment and for greater disclosure.” - Masum Billah, Community leader in the Khulna municipality.