



CAKAMUN 2022 UNHRC STUDY GUIDE

Committee: UNHRC (United Nations Human Rights Council)

Agenda Item: Ensuring public access to information and protection of fundamental freedoms, in accordance with national legislation and international agreements

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Letters from Chairs

Fellow Delegates of CAKAMUN 22,

I would like to start by welcoming you all to the fourth annual session of CAKAMUN. I'm Duru Savda and I will be your President Chair for this year's conference. I am delighted to conduct the UNHRC committee with my beloved Deputy Chair Damla. Some of you will be experienced delegates, while others will be first-timers at MUN, which is perfectly fine since we all have to start from somewhere. Joining MUN conferences, in my opinion, is one of the valuable things you can do while in high school. It offers several advantages, including an enjoyable introduction to politics, the opportunity to learn about other points of view from various nations, and the best of all, the opportunity to socialize and make new friends. Finally, we have some friendly expectations from you at this conference as the chair board. You are expected to conduct thorough research prior to the conference (we believe the study guides will be very helpful in this regard, so please read them thoroughly), adhere to the rules of procedure, try to contribute to the debates so that they proceed successfully, and be respectful of the other delegates :) If you have further concerns please do not hesitate to contact me via email. duru.savda@gmail.com

Welcome delegates,

I am Damla İncebiyik and it is my utmost pleasure to assist the admired President Chair Duru Savda to chair this committee on my first conference as a Board Member. I started doing MUNs last year which is really upsetting for me because I regretfully repeat the sentence "I should have started earlier." on every MUN conference I attend. I love that MUN not only helps you improve your English but also helps you socialize. A little secret for you, I know Duru from another conference we both attended earlier :) Anyway here I am now, at CAKAMUN 2022, as a Deputy President on my all-time favorite committee, United Nations Human Rights Council, and even now I'm sure that this will be one of the greatest experiences of my life. My dear first delegates, you are expected to study this guide in order to understand the topics and have a delightful debate. If you have any questions you can always contact me via email, damlaincebiyik@gmail.com. Good luck to you all!

[Introduction to the Topic](#)

The right to access information is an essential component of a democratic society – enabling citizens to hold their elected representatives accountable for the decisions they make and the ways in which they spend public money. It is recognized as a fundamental right by leading human rights bodies¹ and courts².

The right of access to information empowers citizens to obtain information held by public bodies (with limited exceptions). It encompasses a right to request and receive information, as well as an obligation for governments to publish information proactively. With information, civil society activists and the public are equipped to participate in public debates, engage directly and in a knowledgeable manner with public decision-makers, and have their rightful say in the development of public policy and law.

Access to information is an essential tool in the fight against corruption too, by increasing democratic accountability and transparency, identifying and uncovering corrupt practices, and enabling participation in the development of anti-corruption policy and law. To date, 129 countries³ have access to information laws (or freedom of information laws) and over 50 constitutions⁴ worldwide recognize this as a right, along with much jurisprudence confirming it⁵.

Fundamental freedoms are the most basic rights under the Charter, they state the freedom of conscience, religion, thought, peaceful assembly, belief, opinion, and expression- including freedom of the press and other media of communication⁶.

Protection of these fundamental rights is not supported with legislation and agreements in every country and this problem makes the violation of these rights a lot easier. Protection of Freedoms Act 2012 and the Protection of Freedoms Bill program are some steps taken to provide freedom for all.

¹ http://www.oas.org/dil/access_to_information_IACHR_guidelines.pdf

² <https://hudoc.echr.coe.int/eng#f%22itemid%22:%22001-120955%22>

³ <https://www.rti-rating.org/country-data/>

⁴ <http://www.right2info.org/constitutional-protections>

⁵ <https://uncaccoalition.org/learn-more/access-to-information/>

⁶ <https://www.bccla.org/wp-content/uploads/2012/03/2005-BCCLA-Handbook-Rights-Talk-fundamental-freedoms.pdf>

Definitions of Related Terms

Freedom of Information: Freedom of a person or people to publish and consume information.

Access to Information: The ability for an individual to seek, receive and impart information effectively⁷.

Fundamental Freedoms: Freedom of conscience, freedom of religion, freedom of thought, freedom of belief, freedom of expression, freedom of the press and of other media of communication, freedom of peaceful assembly, and freedom of association⁸.

Legislation: The process or product of enrolling, enacting, or promulgating law by a legislature, parliament, or analogous governing body⁹.

International Agreements: Formal understandings or commitments between two or more countries. An agreement between two countries is called “bilateral,” while an agreement between several countries is “multilateral.” The countries bound by an international agreement are generally referred to as “States Parties”¹⁰.

Sustainable Development Goals: Also known as the Global Goals, were adopted by the United Nations in 2015 as a universal call to action to end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity¹¹.

The Millennium Development Goals: Signed in September 2000, commits world leaders to combat poverty, hunger, disease, illiteracy, environmental degradation, and discrimination against women¹².

Freedom of Information Act (FOIA): Generally provides any person with the statutory right, enforceable in court, to obtain access to government information in executive branch agency records. This right to access is limited when such information is protected from disclosure by one of FOIA's nine statutory exemptions¹³.

⁷ https://en.wikipedia.org/wiki/Freedom_of_information

⁸ https://en.wikipedia.org/wiki/Canadian_Charter_of_Rights_and_Freedoms#Fundamental_freedoms

⁹ <https://en.wikipedia.org/wiki/Legislation>

¹⁰ <https://www.phe.gov/s3/law/Pages/International.aspx>

¹¹ <https://www.undp.org/sustainable-development-goals>

¹² [https://www.who.int/news-room/fact-sheets/detail/millennium-development-goals-\(mdgs\)](https://www.who.int/news-room/fact-sheets/detail/millennium-development-goals-(mdgs))

¹³ <https://www.archives.gov/foia>

[Detailed Background Information](#)

The world's governments have never before jointly recognized the principle that people should have the right to all information in government hands – unless officials can show why specific information should not be public, whether for privacy, national security, or other demonstrably legitimate reasons.

The United Nations' definition of "public access to information" goes well beyond what is commonly considered "public information," such as laws, budgets, records of government discussions and policy papers, and publicly generated economic and demographic data. It contains, at a minimum, all necessary material for each of the 17 Sustainable Development Goals (SDG). Those goals, along with their 169 linked targets, cover a wide variety of public policy challenges and objectives, all of which need substantial data, discussion, and public analysis.

As a result, as established in the Universal Declaration of Human Rights and recognized in the new global commitment under SDG16.10 to "defend basic freedoms," enforcement of the right to "search, receive, and impart information, through any media, and regardless of boundaries" is required.

While more than a hundred UN member nations have established their own access to information laws, the majority of these laws were just recently passed, and effective implementation in many countries has only just begun.

Most governments' operational premise has been that information in official hands is disclosed publicly only at the sovereign discretion of those same people in the past. With the approval of SDG16.10, governments are now (at least in theory) required to proactively disclose information or explain why some information is not made public. For the vast majority of countries, this is a significant departure from legal systems formed through centuries of monarchical and other types of authoritarian control.

Long-Time Coming

Despite constitutional protections of free speech and press freedom, the United States Congress did not approve the Freedom of Information Act until 1966. In 1999, France became the first country to ratify a comparable law, whereas Germany took until 2005 to do so. In 2005, the United Kingdom established access to information legislation for the first time, after decades of wide-ranging official secrets prohibitions had limited the breadth of journalistic freedom. Tony Blair, the prime leader at the time, subsequently described the act as one of his government's most "naive, dumb, and reckless" actions.

Since Sweden's pioneering example, perhaps the best national model for SDG16.10 is South Africa, whose post-apartheid constitution of 1993 states: "Everyone has the right of access to any information held by the state; and any information held by another person and required for the exercise or protection of any rights."

This last section emphasizes the notion that "public access to information" should encompass all information vital to people's rights, as well as national and global development, including information from privately held enterprises and other nonprofit sources.

Applies To All Nations, Not Just Developing Ones

The SDGs aren't legally binding since they're just 'goals,' which are fundamentally aspirational and voluntary. The Millennium Development Goals (MDGs) experience, on the other hand, reveals that most governments take these global goals seriously, filing annual progress reports with the UN, which were subsequently published online, openly, and worldwide. Over the last 15 years, the rate of MDG attainment has become national news in most developing nations thanks to newspaper reportage, academic monitoring, and civil society vigilance.

The main distinction between the SDGs and the Millennium Development Goals (MDG) is that the latter is supposed to be universal and apply to all member nations, whilst the former is practically solely for poor countries.

And, just as all nations can improve their efforts to reduce disparities, boost women's rights, and safeguard the environment, all countries may improve their efforts to "guarantee public access to information."

Providing public access to information in most poor nations, as well as many excluded people in more developed economies, would necessitate more than simply legislative reforms. It will also need bridging the digital gap, with the eventual objective of universal and free (or at least reasonable) internet services, as well as guaranteeing that everyone has access to the world's online information resources.

In order to ensure access to information, independent media practitioners will need substantial training in order to make the freedom of information requests required for investigative journalism and other aspects of development reporting, including reporting on progress toward the SDGs.

Previous Attempts Upon the Issue

The United Nations Educational, Scientific, and Cultural Organization (UNESCO) performed a global assessment of nations to discover current legislation on the right to information, as well as how they are implemented. Right to information legislation (RTI) or comparable measures have been passed in 125 nations, according to the study.

Previously, in their Voluntary National Reviews (VNR) from 2016 to 2018, about 40 countries¹⁴ reported on access to information in some fashion.¹⁵ In these, a number of nations acknowledged expressly that, while enhancing Access To Information

¹⁴Albania, Armenia, Azerbaijan, Bahamas, Bangladesh, Belgium, Belize, Cabo Verde, Canada, Czech Republic, Dominican Republic, France, Georgia, Germany, Ghana, Hungary, Indonesia, Ireland, Jamaica, Kenya, Lebanon, Lithuania, Mexico, Montenegro, Nigeria, Norway, Romania, Sierra Leone, Singapore, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sweden, Switzerland, Thailand, United Arab Emirates, Viet Nam

¹⁵ <https://sustainabledevelopment.un.org/inputs/?str=access+to+information+>

(ATI) guarantees and improving their implementation, such success aids in the achievement of the other SDGs. In its VNR for 2018, Albania placed access to information in the framework of judicial reform.¹⁶ In its VNR report, Azerbaijan stated that ATI is required to develop women's entrepreneurship.¹⁷ 16.10.2 is listed in Czechia's VNR as being necessary for the development of effective and responsible institutions.¹⁸ Lithuania reported on its commitment to "substantially enhance access to information and communications technology" and to "strive to deliver universal and cheap Internet access to least developed nations by 2020."¹⁹

The United Arab Emirates promoted ATI as a key factor in improving healthcare provider efficiency and as something that is "required for planning and decision-making."²⁰ ATI was one of the driving forces behind Spain's "open government" initiative.²¹ A number of nations report on ATI as a fundamental human right crucial for freedom of speech and other rights in their VNR submissions. Sweden realized that open access to information safeguards basic freedoms.²² Kenya stated, "Kenya is implementing the 2010 Constitution as part of adopting and implementing constitutional, legislative, and/or policy protections for public access to information." Kenya approved Access to Information (ATI) legislation to promote government openness, demonstrating the government's resolve to improve citizen involvement, transparency, and accountability."²³

Thailand stated that "Another important issue is public access to information. Thai constitutions have provisions to ensure citizens' rights in access to information as part of the civil rights since 1997. Although the performance to implement this provision is at a satisfactory level, there is still a need to continuously maintain the efforts towards the year 2030."²⁴ Sri Lanka "has passed two significant Acts in order to strengthen democracy in the country; the Right to Information (RTI) Act, No. 12 of 2016 and the Office on Missing Persons (OMP) Act, No. 9 of 2017. The

¹⁶ https://sustainabledevelopment.un.org/content/documents/20257ALBANIA_VNR_2018_FINAL2.pdf

¹⁷ <https://sustainabledevelopment.un.org/content/documents/16005Azerbaijan.pdf>

¹⁸ https://sustainabledevelopment.un.org/content/documents/15717Czech_Republic.pdf

¹⁹ https://sustainabledevelopment.un.org/content/documents/19673VNR_Lithuania_EN_updated.pdf

²⁰ https://sustainabledevelopment.un.org/content/documents/20161UAE_SDGs_Report_Full_English.pdf

²¹ https://sustainabledevelopment.un.org/content/documents/203295182018_VNR_Report_Spain_EN_ddghpbrgs

²² <https://sustainabledevelopment.un.org/content/documents/16033Sweden.pdf>

²³ <https://sustainabledevelopment.un.org/content/documents/15689Kenya.pdf>

²⁴ https://sustainabledevelopment.un.org/content/documents/19677FINAL_SriLankaVNR_Report_30Jun2018.pdf

Right to Information Act fosters a culture of transparency and accountability in public authorities by providing all citizens the right of access to information (Target 16.10).”²⁵

As a result of the foregoing, it is reasonable to conclude that Member States value ATI for two reasons: it improves human rights and helps to develop. In this approach, SDG 16.10.2 acts as an incentive for many nations to strengthen their legal regulatory frameworks and/or public sector management, based on the importance of ATI for human rights and development. The continued monitoring by UNESCO, national SDG reports, and the future VNRs from 2020 onwards will show if real progress is being achieved over time. If the current trend continues, it will reflect an increase in public awareness of the necessity of ATI and the importance of legislative and administrative action to make it a reality.

[Useful Links](#)

<https://unesdoc.unesco.org/ark:/48223/pf0000371485>

<https://www.dw.com/en/ensuring-public-access-to-information-the-uns-new-global-goal/a-18737253>

<https://blogs.worldbank.org/governance/public-access-information-critical-promoting-peaceful-and-inclusive-societies>

<https://sdg.iisd.org/news/unesco-finds-125-countries-provide-for-access-to-information/>

<https://www.ohchr.org/documents/professionalinterest/ccpr.pdf>

<https://indicators.report/targets/16-10/>

²⁵ https://sustainabledevelopment.un.org/content/documents/19677FINAL_SriLankaVNR_Report_30Jun2018.pdf