

The Tashkent Declaration on Universal Access to Information

Declaration to be adopted by participants at the International Day of Universal Access to Information, held in Tashkent on 28 and 29 September 2022.

Recalling the Universal Declaration of Human Rights and other universally recognized instruments and recollecting that Article 19 (2) of the International Covenant on Civil and Political Rights (ICCPR), , protects everyone’s right to freedom of expression, which includes to “seek, receive and impart information and ideas of all kinds”,

Mindful that the aforementioned right to freedom of expression, including the right of access to information, may only be restricted in accordance with Article 19 (3) of the ICCPR, where such restrictions are provided by law and are necessary to protect one of the grounds listed therein,

Cognizant that the right of access to information is also enshrined in other international treaties, such as the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, and the Convention against Corruption, regional human rights treaties and treaties regulating specific matters such as the environment¹,

Bearing in mind that one of UNESCO’s key functions is to ‘collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image’,

Emphasizing the increase in the number of countries that have adopted and are implementing constitutional, statutory and/or policy guarantees for the right to access information,

Recognizing the importance of 28 September as the International Day for Universal Access to Information, proclaimed in 2019 by the UN General Assembly,

Highlighting the many established benefits of effective implementation sound right to access information policies and frameworks, including:

- To a conducive environment for civil society and a free, independent and pluralistic media landscape;
- To strengthen the capacity of a range of actors to counter hate speech, promote intercultural understanding, and counter and prevent radicalization, terrorism and violent extremism;
- To serve as a critical underpinning for human rights and democratic processes, including by promoting informed decision-making, enhancing transparency and accountability, and personal autonomy;
- To debunk rumours and counter mis- and disinformation, taking into account the threats these phenomena pose to democratic processes as well as to public goods such as education, health, security or the environment;
- To limit the risk of governments using emergency situations to monopolize the flow of public information;

¹ Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters

Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean,

Referring to the 2030 Agenda for Sustainable Development, and in particular Sustainable Development Goal (SDG) 16 to promote ‘just, peaceful and inclusive societies’, and notably target 16.10 which aims to ‘ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements’,

Recognizing that the right of access to information is closely related to the right to know the truth about gross violations of human rights and of international humanitarian law,

Stressing the important role played by independent oversight bodies, such as information commissioners, in ensuring implementation of access to information legal frameworks,

Acknowledging that information today is predominantly produced, distributed, accessed, and maintained in digital form, and that the internet and digital platforms thereby play an important role in creating an enabling environment for the right to access information,

Expressing concern about the persistent divides in society in terms of exercising the right of access to information, to the detriment of women, persons with disabilities and other marginalized groups,

Recalling the ‘Windhoek+30 Declaration’, adopted by the participants of the UNESCO World Press Freedom Day Global Conference in 2021 as well as other international initiatives such as the ‘Right to Know Declaration 2021’ launched at the Open Government Partnership Global Summit 2021,

Mindful of standards governing the right to access to information, laid out in documents of the UN General Assembly and its Human Rights Council as well as of other intergovernmental organizations², in report from the UN High Commissioner for Human Rights³ and the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

We therefore call on UNESCO Member States:

To reaffirm their commitment to the right to access to information, which is crucial to the advancement of other human rights and to sustainable development,

To create a legal, policy and institutional environment, which ensures everyone’s right to access information through adopting and implementing statutory and institutional mechanisms to guarantee this right, which meet the following standards:

- They apply broadly to all public authorities including the executive, legislative and judicial branches, at all levels of government, statutory and constitutional bodies; bodies which are owned, controlled or funded by these other bodies and private bodies exercising public functions;
- They incorporate user-friendly procedures such as the timely processing of requests, low-cost fee regimes, easy means for lodging requests and the provision of assistance to applicants where needed;
- They provide for a limited regime of exceptions which only protects legitimate interests against harm and includes a public interest override;

² Organization of American States (OAS)’s Model Inter-American Law on Access to Information, African Union’s Model Law on Access to Information for Africa, the Commonwealth’s Model Freedom of Information Bill, the Model Statute “On the right of access to information” of the Commonwealth of Independent States

³ Report of the Office of the United Nations High Commissioner for Human Rights [A/HRC/49/38](#)

- They provide for an effective system of oversight, including by independent administrative bodies which are endowed with the necessary resources
- They provide for promotional measures such as broad public awareness, including through media, data and information literacy programmes, the appointment and training of information officials, proper records and data management regimes, and regular reporting on implementation;
- They provide for expansive proactive disclosure of information, taking full advantage of digital technologies.

To maintain the right of access to information during states of emergency, including so as to enable public debate about emergency measures and the observance of human rights and fundamental freedoms,

To ensure transparency with a view to combatting corruption through the proactive publication of information about public finances, assets and conflict of interest declarations, the agendas and records of meetings of public officials, making open access to company registration and beneficial ownership data, and registers of lobbyists and interest groups,

To accelerate and enhance their efforts to close digital divides, including the digital gender divide, and ensure that everyone has affordable, open, secure and high-quality access to the internet without restrictions or discrimination, keeping in mind that to be impactful, such measures should also address political, socio-economic, linguistic and cultural barriers that might prevent equal access to information and communication technologies,

To ensure that publicly held information is created and preserved by developing a strong statutory and policy framework that requires public authorities to create accurate and complete records of their activity, and by setting and enforcing clear rules on record management, including the preservation and archiving of data and records,

To facilitate access to scientific knowledge, by implementing provisions of the UNESCO Recommendation on Open Science, guidelines on open data, and other relevant UNESCO Recommendations based on Organization's Strategy on Open Access to Scientific Information and Research,

To foster knowledge sharing through Open Educational Resources (OER) by implementing the UNESCO 2019 OER Recommendation, aimed to embrace the field of openly licensed educational materials and technologies in education.

To ensure that legal protection for the identity of whistle blowers and confidential sources of information of journalists is established and enforced,

To facilitate access to information both by and about women and gender, as well as by and about persons with disabilities and other vulnerable groups,

To assess compliance with the provisions aimed at guaranteeing the right to access to information by reporting on it via the Voluntary National Review exercises and the Universal Periodical Review process, and replying to UNESCO's Global Survey measuring implementation of SDG Indicator 16.10.2,

Call on civil society, media workers, academia and technology companies:

To continue to raise awareness and build coalitions among policymakers, media workers, businesses, citizens at large and vulnerable groups in particular, about their right to access information and how it can benefit them, and serve democracy and sustainable development,

To support best practices in adoption and implementation of access to information laws and policies, including by participating in the Universal Periodic Review process, with the aim to recommend measures aimed at facilitating achievement of SDG indicator 16.10.2 on public access to information,

To offer relevant training and expertise to officials and public authorities, collaborating in activities fostering international exchange of good practices in the field of ATI,

To provide guidance, training and awareness to members of the public on national access to information laws, their application and how to exercise rights encompassed by such laws,

For internet intermediaries, to implement internal policies guided by openness, transparency and respect for human rights, including as it concerns data retention, accountability, multilingualism, gender equality, and inclusiveness, in particular for persons with disabilities and other marginalized and vulnerable groups, as well as **to commit to a framework for transparency of their algorithms** and both human and automated decision-making.

Call on UNESCO and other intergovernmental organizations:

To advance and protect the right to access to information as an essential human right necessary for the full enjoyment of freedom of expression and of other human rights, for transparent and accountable governance and sustainable development, as well as for the universal, open and affordable access to knowledge,

To continue to highlight this right, including by raising awareness in international commemorations and fora, such as on the International Day of Universal Access to Information, and by supporting relevant activities of governments, civil society organisations and other stakeholders,

To recognise that the right of access to information should apply to all public authorities, including inter-governmental and international organizations,

To adopt and implement their own access to information policies based on best practices that both deliver strong proactive publication of information and establish a right to request and receive the information that they hold, with only limited exceptions,

To advocate for digital policies guided by openness, universal internet access, transparency, accountability, multilingualism, inclusiveness, and gender equality based on the concept of Internet Universality outlined in UNESCO ROAM principles,

To promote civil participation including for women, youth, persons with disabilities and other vulnerable groups,

For UNESCO, to ensure gathering quality data for the measurement of the right of access to information in law and in practice, as the custodian agency for the monitoring of SDG Indicator 16.10.2.