

## Article 19 statement to the IRG

Vienna, 5 June 2014

Good Morning Mr Chair

Thank you for the opportunity to speak today. My name is David Banisar. I am Senior Legal Counsel for ARTICLE 19, the global campaign for freedom of expression and information and am a member of the UNCAC Coalition Coordination Committee.

About ARTICLE 19

ARTICLE 19 is a UK-based charity with 10 offices across the world including Bangladesh, Kenya, Myanmar, Mexico, Senegal, Tunisia, and Brasil. We promote the human rights of freedom of expression, information and other related rights with a focus on using them as levers to help communities achieve their rights to water, education, health, environment and land. We also provide technical assistance to governments, international organisations including the UN, African Union, OSCE, OECD, and OAS on developing and implementing legislation across a wide range of areas including constitutional law, media law, freedom of information laws and whistleblowing.

### 1. Right to Information

I would first like to discuss access to information. As you know, UNCAC Chapter II, Articles 5(1), 9, 10, and 13 provide that nations should adopt laws on access to information as a means of reducing corruption. In our previous statements, the UNCAC CSO coalition has highlighted the key importance of access to information and the need for it to be fully implemented. We welcome the reference to the importance of access to information in the Prevention resolution of the 5<sup>th</sup> COSP.

In the broader context, access to information is important for people and this is currently being examined by many different UN fora across the globe including the new UN Environment Assembly meeting in Nairobi for the first time this month and the UN Open Working Group on Sustainable Development currently meeting in New York, which is negotiating the replacement to the Millennium Development Goals. The importance of access to information has been constantly highlighted as something missing in the MDGs and being crucial at all levels:

- \* for individuals and communities in poverty to be able to engage and ensure that they receive the support they need to achieve their rights to health, education, clean water, a health environment.
- \* for governments to be better able to assess the needs and to effectively use their resources to meet those needs;
- \* for international organisations, national governments and foundations which provide overseas development assistance so that progress can be accurately assessed and resources and focus brought to bear on those areas most in need.

It is crucially important that the goals sought in the anti-corruption and sustainable development synch up to ensure that the individuals who are at the heart of the efforts see the benefits of them.

Around 100 countries have now adopted some form of comprehensive right to information law, -- unfortunately not all States Parties to the UNCAC have yet to do so.

Over the past 20 years, ARTICLE 19 have developed extensive expertise in this area, and we have assisted in over 50 countries in developing and implementing such legislation, ranging from

constitutional revisions, drafting, legislation and harmonizing with other laws including data protection and archives. We have helped set up technical solutions for providing information and advised on ensuring open data. We have trained officials, judges, other civil society organisations and the public on how to use the legislation.

We are prepared to provide technical assistance to those countries that need it. To raise the world out of poverty.

## 2. Whistleblowing?

A second point I'd like to raise is on the importance of whistleblowing. Whistleblowing has broad importance in the fight against corruption, by providing an important mechanism in ensuring that information of public interest about not just corruption, but illegality, abuse and dangers to humans and the environment, are made to the correct people, including sometimes directly to the public. Whistleblowing complements access to information laws for those times where those that hold the information are not making it public when it needs to be.

We welcome the references to whistleblower protection in the Prevention and Private sector resolutions of the 5<sup>th</sup> COSP (I think its those two, can check) and the ongoing work of UNODC in this area aiming to provide best practice examples.

Many of you were at our panel discussion on this subject at the last IRG briefing for NGOs. I would like to highlight an important development. Just last month, the Council of Ministers of the Council of Europe adopted a Ministerial Recommendation on whistleblowing that I would urge the IRG to review and put forward to all members as a framework for national legislation.