



Lydia Medland, Access Info Europe

Intervention at the Implementation Review Group Meeting of the United Nations Convention Against Corruption

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Thank you Chair and distinguished delegates for the opportunity to contribute. My name is Lydia Medland, I have come today from Spain in representation of the European organisation Access Info Europe and as a member of the UNCAC Civil Society Coalition.

I am extremely pleased to participate in this forum at a time where we are seeing evermore momentum for transparency and openness. In times of crisis transparency and anti-corruption are high on the agenda and platforms such as the Open Government Partnership are just part of a global context providing a new and favourable opportunity to put the spotlight on corruption and transparency.

As we know the first three years of the review mechanism have highlighted some issues where more efforts are needed to implement the convention. The process has also raised questions about who is involved in the fight against corruption and therefore who should also be involved in the review process.

Looking forward, I would like to address the issue of access to information, but not in terms of access to information as part of the review process. I would like to talk about access to information laws, in some countries known as freedom of information or right to information laws, as vital mechanisms in themselves in the fight against corruption.

In 2011 Access Info Europe and Transparency International launched a report called "Tell Us What You've Done" in which we had sent requests for information to 20 governments asking them about various areas of their implementation of the UNCAC. Only 26% of governments responded, and 50% ignored our requests. During these first three years of the UNCAC review mechanism civil society organisations have continually reported particular difficulty in accessing routinely produced information from governments such as documents regarding statistics or case law. As my colleague from Argentina mentioned previously it is extremely difficult for civil society to be part of the fight against corruption without access to information that governments are using to fight corruption.

Our experience shows that to fight corruption public administrations must be end any culture of secrecy that they may have in their internal functioning and the norm must change, wherever possible to make possible dialogue and participation with citizens. To fight corruption, citizens and civil society organisations need the support of full access to

information laws which not only oblige governments to proactively publish information but which also give citizens the right to request and receive information held by public bodies.

The next review cycle of the UNCAC will focus on the prevention of corruption which will provide the Conference of States Parties with an opportunity to ensure that access to information laws are in place and working. Articles 5-13 of the UNCAC emphasise in various places the importance of access to information in the prevention of corruption and in particular articles 10 and 13 which deal with the issue of access to information and public reporting. The Conference of States Parties should deal with these articles seriously and commit to a clear understanding that in line with these articles states should have in place strong access to information laws as one of the key mechanisms to prevent corruption.

In the 10 years since the UNCAC was drafted international standards on access to information have become stronger and clearer. In 2011 the UN Human Rights Committee confirmed the right of access to information as a fundamental human right in its [General Comment Number 34](#). Regional bodies have done alike. The European Union has recognised that there is a fundamental human right of access to EU documents and international human rights tribunals have ruled that this is an intrinsic part of the right to freedom of expression, and an essential participation and accountability tool. The European Court of Human Rights stressed the importance of access to information for civil society as "social watchdogs". Around the world 95 countries now have access to information laws. The Conference of States Parties can now also add their voice to clarify and strengthen these international standards.

Civil society groups around the world report that access to information laws are one of the most important mechanisms available to them. This should also be reflected by the Conference of States Parties in preparations for the review of the chapter on prevention and in the work programme of the working group on prevention. From information available to us via the UNODC website it appears that this issue is not in the work programme of the Working Group on Prevention and little has been done to collect good practice on the implementation of access to information laws.

Civil society organisations and their staff, have a wealth of knowledge on these mechanisms having conducted in depth research and legal analysis in all 95 currently worldwide. We have also constructed IT platforms in around 10 countries which allow citizens to correspond with governments directly through Access to information request platforms. We have conducted and participated in trainings on the implementation of access to information laws for public officials, judges, ombudsmen and others and we work on a regular basis with information commissioners and those responsible for the oversight of access to information laws. We are eager and willing to provide technical assistance where we are able and to work with governments to secure strong and rigorous preventative anti-corruption mechanisms that enable as many people as possible to join us in the fight against corruption.