

Advancing and Defending the Right to Know

Interview by Rachael Small
CIME Staff



Lydia Medland

Lydia Medland is a researcher for Access Info Europe, where she coordinates the Freedom of Information Advocates Network. Based in Madrid, Spain, she has conducted extensive research into cases involving freedom of information, transparency, and human rights.

CIME: What is a journalist's responsibility in providing information to the population of a given country, city, state, etc?

LYDIA MEDLAND: Journalists exercise the right of freedom of expression when they write, publish and express opinions on everything from terrorism to football.

Some journalists also choose to take on the role of public watchdog, reporting closely on government, business and other bodies. Of course journalists, like citizens, have personal, ethnic or moral responsibilities such as not to cause harm, and these are captured in journalists' voluntary codes of conduct, such as the International Federation of Journalists principles first adopted in 1954¹, but otherwise it is up the journalist and the media outlet to decide how and about what they chose to inform the public.

On the other hand, the state has strong legal obligations to ensure that the right of freedom of expression and information is fully respected and to permit the free flow of information so that journalists are able to take up these roles as public watchdogs where they choose to.

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It is interesting to note that in April 2009, the European Court of Human Rights ruled that the right of access to information held by government bodies is part of the right of freedom of expression, so governments must respect the right of journalists to ask for and receive information.

CIME: In what ways do outside forces/organizations attempt to curb freedom of information? How can journalists continue to fight for the right to an informed populace under such conditions?

LM: An informed population is not possible without access to information. Journalists like all citizens, need this in order to carry out their many roles. Journalists are also however particularly vulnerable to attempts to restrict freedom of information. They or their editors may be put under political pressure or even bribed to publish or not to publish certain information. They, or their editors may be intimidated by the prospect of being sued if they publish critical information about governments, businesses and others. In other cases, silence is a threat to freedom of information and in particular to journalists. Where those in power do not respond to questions, journalists are left without material to report to the public.

One way journalists can fight to overcome these problems is by using and pushing for the availability of more official information directly. Journalists should not need to rely on secret sources or inside contacts for, for example, financial information on budgets and expenditures; this should be readily available. Access Info is running a project called "Legal Leaks" under which we train journalists to make access to information (or freedom of information) requests both in order obtain information legally and to minimize the risk that they will be sued, asked to identify their sources, or questioned over the credibility of their information.

CIME: What does Access Info do to help protect civil liberties through access of information?

LM: Access Info works to advance and defend the right to know. At the moment we have two projects that concern the struggles currently facing journalists, Legal Leaks and Access for Rights. In our Access to Rights project we are working with civil liberties groups across Europe to access information that is being withheld in the name of the war on terror. We are also beginning to map what classes of information, for example police reports, are being released and withheld in different countries around Europe. Mapping comparative information will help groups argue for essential information to be released and begin to work together across borders to make requests for information. Many investigative journalists

across the world already use the American Freedom of Information Act and we would like to see civil liberties groups, as well as journalists, begin to value, make use of, and therefore defend access to information acts in Europe and elsewhere.

One example of a recent action to defend media freedom and access to information was our open letter signed by many civil society organizations urging the Council of Europe to follow up on the commitment it made in May 2009 to review the impact of all new counter terror laws of member states on freedom of expression and access to information.²

Another big concern is the surveillance society. Access Info believes that transparency is essential to stop counter-terror measures eroding our civil liberties. We are therefore filing requests for information on how new rules on retention of personal data are being implemented in European member states. Where we do not receive answers to these requests we are launching legal cases.

CIME: In your opinion, what is the most prevalent ethical problem currently facing journalists in your home country? Can you propose a method for journalists to help deal with this problem?

LM: Access Info is based in Spain, here one of the biggest challenges facing journalists is Silence. Silence is manifested in many ways; the government does not answer requests for information, often does not allow journalists to ask questions at press conferences, and publishes very little information. In face of these issues what should the journalist do? Boycott or go to the press conference? Rely on people to leak information or seek other ways, once information is leaked how, and how much should be published?

Here in Spain we have a campaign led by civil society groups and the press to introduce an effective access to information law and good transparency practices so that fewer of these dilemmas arise.³

CIME: What has been your experience in the field of media ethics? In what ways can journalists inform themselves to become better, more ethical conveyors of information?

LM: Access Info's experience, promoting the right of access to information, has been that there is a very varied use of freedom of information laws across Europe. In some cases, such as [that of] the UK, the Freedom of Information Act is proving fundamental to journalism, with hundreds of stories being written every year based on answers to requests filed, and to

civil liberties in the wider sense. A particularly good practice is that journalists often explicitly mention in their stories that they have obtained information using the act. In this way readers come to value the tool of access to information. This means that when the government attempts to restrict freedom of information, for example in the case of the expenses scandal after ministers tried to exempt themselves, civil society is easily mobilised to defend the right to information and hold governments accountable to high transparency standards.

CIME: Please feel free to share any other thoughts or concerns.

LM: We would like journalists to step up to the mark in making use of the right to information in Europe and globally. This right has been fought for in numerous countries (over 80 countries now have Access to Information laws) and if we do not use it we will lose it.

We are working on making it easier for journalists to make use of these laws. Under our Legal Leaks project we will be producing a toolkit especially for journalists with tips and country based information on how to get governmental information. We will also be offering in-house trainings and have a help desk for journalists who would like to talk about information strategies or any other problems.⁴

1 - see: <http://www.ifj.org/en/articles/status-of-journalists-and-journalism-ethics-ifj-principles>

2 - For more information, see <http://www.access-info.org/en/civil-liberties/49-commitment-to-review-counter-terror-laws-in-europe>

3 - Spanish speakers can read about the campaign at www.proacceso.org

4 - The help desk can be contacted at <http://www.access-info.org/en/help-desk>

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