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Department
of International
Law
Secretariat for Legal Affairs

WEBINAR “THE RIGHT OF ACCESS TO PUBLIC INFORMATION IN THE AMERICAS: MEASURES AND INITIATIVES TO FACE COVID-19”

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INTRODUCTION

Last March, the Inter-American Juridical Committee (CJI), an advisory body to the OAS in legal matters, approved a proposal for a Model Inter-American Law 2.0 on Access to Public Information, which was forwarded to the Permanent Council for its consideration and its subsequent approval by the OAS General Assembly, the highest organ of the Organization.

The proposal, mandated by the General Assembly itself and originally prepared by the Department of International Law of the Secretariat for Legal Affairs in its capacity as Technical Secretariat of the CJI, is the result of more than a year and a half of extensive consultations between various actors: bodies guaranteeing access to public information in the region, public institutions, international organizations, academics, the private sector, and representatives of civil society organizations, among others.

The proposal for a Model Law 2.0 on Access to Public Information constitutes a valuable contribution to the progressive development and codification of international law and is evident when observing the advance of the COVID 19 pandemic on the world and in particular on our region. This allows us to recognize the importance of the right of access to information as a tool for the protection of human rights, especially for those who are in situations of special vulnerability, as well as for informed decision-making by citizens regarding the risks they face, the actions taken by their governments and the measures that each person, community and company must consider in their respective surroundings.

OBJECTIVES AND CONTENT

This webinar seeks to promote reflection on the importance of access to public information in the fight against the COVID-19 pandemic, structured in three presentations:

- I. *Active transparency as an essential component of actions undertaken by the governments to face the pandemic*; this presentation will focus on the innovations that the proposed Model Law 2.0 introduces, in terms of active transparency and the measures that the guarantor bodies and governments of the region have adopted at the national level to ensure that the publication schemes of the subject entities respond to the needs of society in the context of the pandemic. In some States, users of social networks have reported campaigns to misinform the public on the impact of some measures to contain the pandemic, in some cases to justify or, on the contrary, detract from official measures, promote certain types of conduct, promote the purchase of certain products or medications, and promote political candidacies, among others. This presentation will also address the importance of strongly promoting active transparency to counter the effects of this intentional misinformation.

- II. *Measures taken and best practices*; this presentation will feature a recap of some of the telecommunications and remote work based initiatives designed to guarantee and protect the management of requests for information and administrative procedures during the closure of public offices. It will also address the management of public information generated by subject entities during the state of emergency, which despite having been created in a telework context, must nonetheless be consistent with the criteria and guidelines applicable to all information generated under normal circumstances.

- III. *Looking ahead: Access to public information and the sequels of the pandemic*; beyond the current moment, the region will be deeply impacted by its citizens' perception of the action taken by their governments during this period in which we have all faced unprecedented situations. Of particular importance will be not only timely decision-making, but also their transparency and adequate documentation. On future occasions when we face regional or global emergencies, the experience gained during this pandemic, the decisions and mistakes made, the measures implemented and the opportunities seized will be studied as benchmarks.

Therefore, this presentation will examine the steps that need to be taken today to ensure that we have this information tomorrow. It will also discuss the characteristics that the state infrastructure should have once the immediate crisis has been overcome, in order to ensure accountability and allow citizens to obtain information on the impact of the pandemic and its consequences on employment, the economy, international trade, tourism, citizen security, and the health system, among others.

SHORTLY FOLLOWING THE EVENT, THE DEPARTMENT OF INTERNATIONAL LAW WILL PREPARE A SUMMARY IN SPANISH AND ENGLISH OF THE CONCLUSIONS OF THE EVENT AND MAKE IT AVAILABLE AT: http://www.oas.org/es/sla/ddi/acceso_informacion.asp