

Resolutions on access to information

(2010 – 2022)

78th General Assembly, Madrid, Spain, October 27-30, 2022

<https://en.sipiapa.org/notas/1215521-access-to-information>

WHEREAS, in Colombia, El Salvador, the United States, Guatemala, Paraguay, Peru and Puerto Rico, there were reports of restrictions on access to information and blockages to news coverage on issues of interest

WHEREAS, in Colombia, eight journalists reported obstacles to access information in the Office of the Attorney General - and in another 34 cases there were blockages to this right

WHEREAS, in El Salvador, the government neutralized the Institute for Access to Public Information and the laws governing transparency in the use of public funds - data that since 2020 has been systematically concealed for seven years after the fact

WHEREAS, in the United States, the media continues to face difficulties in obtaining timely public information; under the administration of Joe Biden, journalists have had trouble gaining access to the President and his senior officials

WHEREAS, in Guatemala, many public and government institutions do not give statements to journalists and the government refuses to provide public information in the time and manner requested

WHEREAS, in Paraguay there is persistent non-compliance with the Law on Access to Public Information by the binational entity Itaipu - which was denounced in May before the Inter-American Commission on Human Rights

WHEREAS, in Peru, the government has prohibited the access of the local press to public events, press conferences and the swearing in of ministers, and that through a bill it has tried to prevent judges, prosecutors, lawyers and police from disseminating confidential fiscal information about the investigation of criminal cases, and that President Pedro Castillo does not render accounts to the public through the press

WHEREAS, in Puerto Rico, faced with the refusal of the government and governmental companies, the media must constantly resort to the courts in order to obtain the release of public information

WHEREAS, Principle 3 of the Chapultepec Declaration states: "The authorities should be legally bound to make available to citizens, in a timely and equitable manner, information generated by the public sector."

THE 78th IAPA GENERAL ASSEMBLY RESOLVES

To reject the restrictions on access to information and news coverage being faced by journalists and the media in Colombia, El Salvador, the United States, Guatemala, Paraguay and Puerto Rico

To urge governments that restrict the laws of access to public information or the constitutional rights to abandon such practices, dismantle the culture of secrecy, and refrain from obstructing and restricting the work of the press

To urge governments to follow the standards and requirements that access laws should meet regarding disclosure duties and maximum transparency, an expedited process for releasing information, a pre-established set of exceptions, the necessary infrastructure for posting the generated information, reasonable fees for requesting and obtaining information, and, among others, a set of rules for penalizing public officials and entities that refuse to provide requested information.

Midyear Meeting, virtual, April, 19-22 2022

<https://en.sipiapa.org/notas/1215141-access-to-information-and-limitations-to-journalistic-work>

WHEREAS, restrictions on access to information are one of the principal limitations to freedom of expression and the public's right to information

WHEREAS, restrictions on access to information and blockages to news coverage of issues of interest were reported in Aruba, Bolivia, Canada, Costa Rica, Cuba, the Dominican Republic, Guatemala, Nicaragua, Peru, Puerto Rico, the United States, the Dominican Republic and Venezuela

WHEREAS, in Colombia, President Iván Duque's objection to Bill 473 - to repeal the extension of the terms of attention to petitions to authorities,

established during the pandemic - is seen as a violation of timely access to public information

WHEREAS, in the United States, access to public records continues to be a concern at the state and federal levels

WHEREAS, in Honduras, the 2014 Secrecy Law, which shielded officials from releasing information about their administrative decisions, bids and budgets, was repealed

WHEREAS, in Paraguay, several state institutions refuse to comply with the law on access to public information

WHEREAS, in Puerto Rico, the courts continue to be the best tool for enforcing transparency laws and providing access to information when the executive and legislative branches impose obstacles to transparency

WHEREAS, in the Dominican Republic there have been complaints from the media due to the reluctance of public officials or institutions to disclose information of public interest - as requested by the Law on Free Access to Information

WHEREAS, in Venezuela access to digital media, multimedia platforms, streaming and social networks is blocked - an action carried out by official and private telecommunications companies, with the intention of muzzling independent journalism

WHEREAS, Principle 3 of the Chapultepec Declaration states: "The authorities should be legally compelled to make available to citizens, in a timely and equitable manner, the information generated by the public sector"

WHEREAS, Principle 5 of the Chapultepec Declaration states: "the creation of obstacles to the free flow of information and limitations on the free exercise of journalism and the free movement of journalists are directly opposed to press freedom"

THE IAPA MID-YEAR MEETING RESOLVES

To reject the restrictions on access to information and news coverage that journalists and media outlets in Aruba, Bolivia, Canada, Costa Rica, Cuba, Dominican Republic, Guatemala, Paraguay, Peru, Puerto Rico, United States, and Venezuela have been facing

To urge countries in the Americas that restrict laws on access to public information or constitutional rights to stop these practices, abandon the secrecy culture, and refrain from obstructing and restricting the work of the press

To welcome in Honduras the repeal of the 2014 Secrecy Law -that violated the right of access to public information and the principle of transparency.

77th General Assembly, virtual, October, 19-22, 2021

<https://en.sipiapa.org/notas/1214819-access-to-information>

WHEREAS, restrictions on access to information are one of the main limitations to freedom of expression and the public's right to information in Antigua & Barbuda, Bolivia, Canada, Chile, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru, Puerto Rico, Trinidad and Tobago, United States, and Puerto Rico, generating a lack of transparency - which is contrary to the democratic principles of accountability of a State

WHEREAS, very often the information obtained from public offices by the media, journalists and citizens in these countries, constitute adulterated, discretionary and arbitrary versions - difficult to corroborate

WHEREAS, in Antigua & Barbuda, some public officials use delaying tactics to disclose information - and others are unaware of the requirements of the Freedom of Information Act

WHEREAS, in Bolivia, a proposed law - if passed - would restrict access to information by giving a government agency the power to decide what information may or may not be disclosed - in violation of Article 21 of the Constitution

WHEREAS, in Canada, severe controls and restrictions continue to be placed on journalists covering public health issues and the government's response to the pandemic

WHEREAS, in Chile - for health reasons - media access to the debates and to the site of the Constitutional Convention was restricted

WHEREAS, in Costa Rica, ministers and officials refuse to issue statements on matters of public interest - restricting access to public information and forcing the media to resort to legal action

WHEREAS, in Cuba access to information continues to be limited as part of the state monopoly on communications

WHEREAS, in Ecuador journalists from El Universo were denied access to information held by the Office of the Comptroller General regarding declarations of assets of government officials

WHEREAS, in El Salvador the government designates as "reserved" information on public matters being questioned for possible irregularities and corruption; and that the Legislative Assembly will study 11 reforms to the Law on Access to Public Information (LAIP) to classify as secret - or reserved - information on illicit enrichment and salaries of public employees, among others, and to impose penalties on any person who fails to comply with the Law

WHEREAS, in the United States there have been cases of restriction on access to information - in which only British reporters were allowed to question British Prime Minister Boris Johnson during his visit to Washington; and the governor of Florida, Ron DeSantis, limited coverage of the signing of a controversial election law to journalists from the Fox News network; and press access to the courts has been limited on the grounds of concerns about Covid-19

WHEREAS, in Guatemala the government resorts to the strategy of "confidential information" to ignore requests for information from the press, restricting free access to public information - a right enshrined in Article 35 of the Constitution

WHEREAS, in Honduras, the request to reform the "Law for the Classification of Public Documents Related to National Security and Defense" (Secrecy Law) of 2014 - which designates as reserved, confidential, secret and top secret the information held by more than 20 ministries and government entities, violating the right of access to public information and the principle of transparency - remains unanswered by the Executive Branch

WHEREAS in Nicaragua the 2007 Law on Access to Public Information is ignored and requests for information are not answered, and in the context of the Covid-19 pandemic the government cancelled more than 24 legal entities - mostly medical organizations - which are the main sources of information for the press

WHEREAS, in Panama officials do not comply with the Transparency Law and the Ministry of the Presidency approved Resolution 71 - which declares the minutes, notes, files and other records of the discussions or activities of the Cabinet Council, the president or vice-president to be restricted-access information for 10 years

WHEREAS, in Paraguay several state institutions refuse to comply with the Access to Public Information Law of 2014 - and some even seek its repeal

WHEREAS, in Peru, access to information is denied to private media - which have not been allowed entry to official ceremonies

WHEREAS, in Puerto Rico, the media, journalists and citizens have been forced to resort to the courts to force public agencies and government entities to disclose public information

WHEREAS, in Trinidad and Tobago, delays continue to occur in responding to requests for information under the Freedom of Information Act

WHEREAS, the 3rd Principle of the Chapultepec Declaration states that: "The authorities should be legally required to make available to citizens - in a timely and equitable manner - the information generated by the public sector."

THE 77th IAPA GENERAL ASSEMBLY RESOLVES

To reject the restrictions on access to information that journalists and media outlets in Antigua & Barbuda, Bolivia, Canada, Chile, Costa Rica, Cuba, Ecuador, El Salvador, the United States, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru, Puerto Rico and Trinidad & Tobago have been experiencing

To urge those countries in the Americas that do not abide by their laws on access to public information or their constitutional, rights to suspend these practices, dismantle the culture of secrecy and refrain from obstructing and restricting the work of the press.

Midyear Meeting, virtual, April 20-23, 2021

<https://en.sipiapa.org/notas/1214511-media-professionals-in-the-pandemic>

WHEREAS, the loss of lives of journalists and media personnel has been a constant sad note throughout the Covid-19 pandemic, and that in recent months the death toll has been increasing and, according to various estimates, more than 500 information professionals have already died in Latin America

WHEREAS, in the context of the pandemic and in the midst of the usual dangers posed by threats from organized crime, political or economic interest groups, outbreaks of violence, among others, journalists and press workers have continued to carry out their mission of informing the public with courage and professionalism

WHEREAS, during coverage of the pandemic in many countries of the Americas, access to public information was limited and obstructed, and in some cases, restrictions were imposed on the movement of the media and journalists, actions that infringe on the public's right to be informed in a transparent manner

WHEREAS, in several countries journalists have requested governments and authorities to grant them priority in vaccination campaigns against Covid-19, alongside other professions that perform essential services for society

WHEREAS, the IAPA awarded the 2020 Grand Press Freedom Award to nearly 200 journalists and media workers in the Americas who - in the exercise of their profession - lost their lives due to Covid-19 last year.

THE IAPA MID-YEAR MEETING RESOLVES

To reiterate admiration and respect for the more than 500 journalists and media personnel who have died, and to express our condolences and solidarity to their families.

To urge the governments and authorities of the hemisphere to include journalists and media workers among the essential categories to be covered in vaccination campaigns

To urge journalists and communications workers, and especially the media, to strengthen health and safety protocols.

76th General Assembly, virtual, October 21-23, 2020

<https://en.sipiapa.org/notas/1214181-movement-and-access-restrictions-during-the-pandemic>

WHEREAS, in the context of the Covid-19 health crisis, most governments of the Americas - through declarations of emergencies - limited, obstructed, and exempted themselves from complying with laws on access to public information and transparency, and imposed restrictions on media and journalist freedom of movement, hindering press coverage

WHEREAS, in Chile, Cuba, Guatemala, Honduras, Nicaragua, Peru and Venezuela, there were reports of restrictions on the freedom of movement of journalists, as well as restrictions on the distribution and sale of newspapers and other media

WHEREAS, in Canada, Costa Rica, Ecuador, Guatemala, Grenada, Nicaragua, Peru and Puerto Rico, the authorities have used the pandemic as an excuse to limit access to information by citizens and the media

WHEREAS, in El Salvador the government denied access to information on Covid-19 cases, and judges prevented journalists from attending penal hearings - which by law are public

WHEREAS, in Honduras, the so-called "Law of Secrets" of 2014 - which shields government information of public interest for up to 25 years, infringing the right of access to public information and the transparency principle - has not yet been reviewed

WHEREAS, in Nicaragua, Cuba and Venezuela there has been an increase in the systematic abuse of State power, disinformation, lack of transparency and censorship

WHEREAS, the third principle of the Chapultepec Declaration states that: "The authorities must be legally required to make available to citizens - in a timely and equitable manner - the information generated by the public sector

THE 76th IAPA GENERAL ASSEMBLY RESOLVES

To censor the restrictions that governments have imposed to the access to information during the states of emergency and to reject the lack of transparency that harms the right to freedom of expression and democracy

To point out to the governments of the Americas that the media and journalists carry out essential activities, in consideration of the fact that

the free flow of information and freedom of the press are fundamental principles that nourish the human right to access information.

73rd General Assembly, Salt Lake City, Utah, October 27-30, 2017

<https://en.sipiapa.org/notas/1211848-access-to-information>

WHEREAS in Argentina, a regulatory executive order was issued to amend the Law on Access to Public Information, passed just last year, and this amendment authorizes the Office of the Cabinet Chief to design its organizational structure

WHEREAS in Barbados, nine years after a proposed Law on Access to Information was drafted, this bill has still not been submitted to Parliament, and in Jamaica journalists' access to government officials, including the prime minister, is hindered

WHEREAS in Costa Rica the proposed Law on Access to Public Information provides exceptions to the right to access information in cases not currently exempted, such as monetary and fiscal policies "prior to implementation"

WHEREAS journalists in the United States face difficulties in gaining access to members of the administration as well as public records, and a number of federal offices removed information from their websites in violation of laws on access to information and transparency

WHEREAS laws in Honduras restricting access to public information remain in effect, such as the Law for Classification of Public Documents Related to National Security and Defense, as well as the National Intelligence Act.

WHEREAS in Nicaragua the government restricts access to all sources of public information and the Law on Access to Information is not being followed, thus reducing it to a dead letter

WHEREAS in the Dominican Republic obstacles are being imposed on compliance with the general law on free access to public information, which has been in effect for 13 years, and the requirements of the law are not being followed

WHEREAS in Venezuela the government is creating new mechanisms to limit access to public information even further

WHEREAS Principle 3 of the Declaration of Chapultepec states: "The authorities must be compelled by law to make available in a timely and reasonable manner the information generated by the public sector."

THE 73rd GENERAL ASSEMBLY OF THE IAPA RESOVLES

To urge the countries of the Americas that restrict laws on access to public information to discontinue these practices and to comply with the laws' requirements

To urge that the amendments to a critical law on transparency and institutional dynamics in Argentina be debated in the legislature

To urge the authorities in Barbados to move forward in the debate and passage of the Law on Access to Information, and to urge the authorities in Jamaica to foster a spirit of inclusion so that journalists may perform their work without being hindered

To ask the authorities in Costa Rica to carefully consider the proposed changes in the bill in order to fully ensure the right of access

To reject the restrictions on access to information that journalists and media outlets in the United States have been encountering

To urge the authorities in Honduras to eliminate provisions that run contrary to the principles of press freedom and access to public information

To condemn, in Nicaragua, the government's control of information and its monopolization of the independent media, as well as the closure of access to all sources of government information

To urge the authorities in the Dominican Republic to promote a culture of transparency and to create an autonomous and independent entity with special authority to monitor and disseminate the right to access public information

To censure, in Venezuela, the government's policy of denying access to public information, which gravely undermines freedom of expression.

71st General Assembly, Charleston, South Carolina, October 2-6, 2015

<https://en.sipiapa.org/notas/1209916-access-to-information>

WHEREAS there continues the intransigence of some governments of the Americas to limit and not comply with existing legal precepts on access to public information

WHEREAS Argentina still does not have a law on access to public information

WHEREAS in Canada there continue without adoption amendments to the access law, a reform necessary to sustain transparency in the institutions and guarantee democracy

WHEREAS in Ecuador the government impedes access to information, which in addition has been left without effect with the Communication Organic Law

WHEREAS in Haiti there is denounced the lack of access to government data and obstruction in the search for information

WHEREAS in Honduras, on the grounds of protecting national security, there are restrictions in the access to public information

WHEREAS in Nicaragua the government maintains a strict information embargo, restricting all official information to media that it does not control, neither does it keep up-to-date the Web sites of the state institutions as required under the Law on Access to Public Information (Law 621), and it impedes independent media and journalists from entering official public events

WHEREAS in Paraguay one year after promulgation of Law 5282/14 "On free citizen access to public information and governmental transparency" there have been imposed obstacles to contact by authorities and officials of the Foreign Relations Ministry with the media

WHEREAS Peru since 2003 has a constitutional body of law that protects the people's right to access to public information and guarantees citizens an media an unrestricted access to sources to public information and that the Peruvian Congress has been delaying debate on laws and other mechanism to guarantee the access to public information

WHEREAS in Puerto Rico the government administration limits the delivery of public information

WHEREAS in Jamaica and Trinidad and Tobago there are obstacles to accessing public information

WHEREAS in Venezuela access to information is restricted systematically in all the public administration offices

WHEREAS Principle 3 of the Declaration of Chapultepec states, "The authorities must be compelled by law to make available in a timely and reasonable manner the information generated by the public sector."

THE IAPA GENERAL ASSEMBLY RESOLVES

To urge the countries of the Americas that restrict the laws on access to public information to suspend those practices and comply with the content of the laws

To call upon Argentina and the countries that do not yet have laws on access to public information to encourage debates and approve initiatives with a view to strengthening the transparency of the government, the rendering of accounts and the credibility of public institutions

To urge the authorities of Canada to commit themselves and finalize the reform of the access to information system

To urge the Peruvian Congress to approve the amendments of laws and other mechanism that guarantees the free flow of information and of access to public information in the country

To call upon the authorities of Nicaragua, Ecuador and Venezuela to comply with what is established in international rulings that state that "access to information in the hands of the government is a fundamental right of individuals."

70th General Assembly, Santiago, Chile, October 17 - 21, 2014

<https://en.sipiapa.org/notas/1209800-access-to-public-information>

WHEREAS in Latin America and the Caribbean there is a favorable trend toward the approval of acts regulating the access to public information and government transparency, namely in Antigua & Barbuda, Belize, Brazil, Chile, Colombia, El Salvador, Guatemala, Guyana, Honduras,

Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, St. Vincent, Trinidad & Tobago and Uruguay

WHEREAS despite of this trend, some governments are still reluctant to allow the flow of official information, finding too many exceptions in the law to reject requests for information made by the public and by journalists

WHEREAS Argentina, Bolivia, Ecuador, Nicaragua and Venezuela do not meet legal constitutional precepts on access to public information and the governors, reject the performance of press conferences and interviews in addition to using government media as a tool for propaganda

WHEREAS in Ecuador the Organic Law of Transparency and Access to Public Information dated 2004 is not complied with and in Nicaragua the government does neither respect nor does it comply with the commitments contemplated in the Law of Access to Public Information of 2008

WHEREAS in Canada the national and the provincial governments continue to use legal exceptions to restrict access to information

WHEREAS in United States journalists continue to face obstacles to obtaining the information under the Freedom of Information Act (FOIA) and the federal agencies reject an increasingly large number of requests every year under national security exemptions

WHEREAS in Paraguay Law No. 5,282 "Free Citizens' Access to Public Information and Government Transparency" was passed on September 18th and since its enforcement in 2015 it shall force government institutions and officers to disclose the information requested by the citizens, such as salaries, official trips and contracts, among other information which is not labeled as confidential

WHEREAS Edison Lanza, who on October 6th assumed as the Special Reporter for Freedom of Expression of the Inter American Commission on Human Rights (CIDH) stated during an activity conducted with IAPA that laws on access to information are a pending and priority task in some countries of the Western hemisphere

WHEREAS principle 3 of the Declaration of Chapultepec provides, "The authorities shall be legally forced to make available to the citizens in a

timely and equitable manner, the information generated by the public sector."

THE 70th IAPA GENERAL ASSEMBLY RESOLVES

To urge those countries that have laws that govern access to public information to ensure their effectiveness by educating the citizens in knowing their rights and in the manners they should request such information; to punish public officers and entities that deny information; and especially, to have the government abide by specific norms so that the classification of information is only an exceptional measure

To request the government of Ecuador to respect the law of access to information overruled by the Communications Act, and to urge the government of Nicaragua to comply with the citizens' right to know the government management activities, beyond the information provided by the government-run Communication and Citizenship Council

To request the countries that have not yet approved laws of access to public information to promote legislative debates and to emulate the trend in the region which deems that access to information as a fundamental citizens' right that strengthens government transparency, accountability and confidence in public institutions

To request the Congress of Canada to progress in approving the amendments of the law of Access to Information to strengthen citizens' confidence in government institutions and to promote greater transparency and credibility of governments' operations

To request the Congress of the United States of America to progress in discussing the Bill to Improve the Law of Access to Information 2014 to establish guidelines and to restrict among federal agencies the use of exemptions to deny information

To reiterate its satisfaction over the approval of a law of access to information and transparency in Paraguay, and to request from the authorities the creation of an extensive public education campaign so that the citizens are aware of how to use this new mechanism

To request the Special Reporter for Freedom of Expression of the Inter American Commission on Human Rights, Edison Lanza, to continue disclosing and disseminating among the Member States of the

Organization of American States and civil society organizations the importance of the right of access to information to safeguard other individual and collective rights that characterize healthy democratic systems.

69th General Assembly, Denver, Colorado, October 18 - 22, 2013

<https://en.sipiapa.org/notas/1152582-access-to-information>

WHEREAS the unfettered access of the public and the media to sources of public information is essential to ensuring transparency in government

WHEREAS access to public information remains a major limiting factor in Argentina, Bolivia, Canada, Barbados, Saint Vincent and the Grenadines, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Haiti, Honduras, Nicaragua, Paraguay and Venezuela

WHEREAS Argentina, Bolivia, Barbados, Costa Rica, Haiti and Venezuela lack national laws on access to information, a legal void that constitutes an obstacle to journalism

WHEREAS the journalists and members of the public who manage to obtain public information in these countries are often given manipulated, discretionary or arbitrary versions that are difficult to corroborate due to restrictions and a lack of legal protection

WHEREAS the Canadian government does not provide information in a timely manner and indiscriminately invokes the phrase “classified information,” and for this reason a proposal is being pursued to amend the Law on Access to Public Information

WHEREAS Colombia’s Law on Transparency and Access to Public Information, approved in 2012, has yet to be signed into law

WHEREAS access to information in Cuba continues to fall under the government’s monopoly over information and propaganda

WHEREAS Ecuador’s Law on Transparency and Access to Public Information of 2004 is inoperative and remains unenforced, a situation even further exacerbated by approval of the Communication Act

WHEREAS El Salvador’s Institute for Access to Public Information (IAIP), created by the 2012 Law on Access to Information to settle disputes over

the classification and declassification of government information, is now up and running

WHEREAS in Nicaragua, despite the existence of the Law on Access to Public Information, requests go unaddressed and the government only provides information to media outlets that are friendly to it

WHEREAS Panama's and Uruguay's laws on access to information are sometimes undermined by administrative interpretations that hinder the ability to obtain public information

WHEREAS the Paraguayan Supreme Court set a precedent on public information when it required Congress to provide information on congressional assets, per diems and appointments, and in Uruguay a trial court judge ruled similarly on a case involving educational records

WHEREAS the Freedom of Information Act passed in Saint Vincent and the Grenadines in 2003 has yet to be enforced

WHEREAS Uruguay's proposed Law on Accountability, submitted to Parliament in June, would amend the 2008 law on access to information by imposing greater restrictions on requests for information

WHEREAS Principle 3 of the Declaration of Chapultepec states: "The authorities must be compelled by law to make available in a timely and reasonable manner the information generated by the public sector."

THE 69th GENERAL ASSEMBLY OF THE IAPA RESOVLES

To demand that countries that have laws on access to public information issue the necessary regulations and enforce these laws, and that they conduct educational campaigns to inform the public and make people aware of the law's scope and benefits

To request that the governments of Argentina, Bolivia, Barbados, Costa Rica, Haiti, Honduras and Venezuela conduct legislative debates on access laws and pursue the passage of laws and regulations on the matter

To ask the governments in the Americas that limit or deny access to public information to discontinue these restrictive practices and dismantle their culture of secrecy

To commend the judicial branches in Paraguay and Uruguay for their rulings establishing legal precedents on access to public information; and

to express concern over the decision of the Paraguayan Chamber of Deputies to criminalize the constitutionally protected publication of information of a public nature

To urge the prime minister of Saint Vincent and the Grenadines to uphold the requirements of the 2003 Freedom of Information Act, so that this law may enter into immediate effect

To urge the Uruguayan Parliament to review, and to withdraw from the proposed Law on Accountability, the provisions that would hinder access to public information

To urge all governments in the Western hemisphere to uphold the public's right to information by passing and enforcing access laws.

Mid-Year Meeting, Puebla, Mexico, March 8-11, 2013

<https://en.sipiapa.org/notas/1130616-access-to-public-information>

WHEREAS despite the fact that Argentina, Bolivia, some countries in the English-speaking Caribbean and Paraguay have held debates in their legislatures on access to public information, and to date there does not exist any legislation or policy that is in favor of it

WHEREAS in Canada access to public information is continuing to deteriorate, while some sectors have sought legislative action to dismantle the culture of secrecy that the government maintains

WHEREAS in Costa Rica a bill for a Law on Informational Offenses, known as a "gag law," still under debate in Congress, would punish with up to 10 years in prison journalists and members of the public who disseminate information regarded as secret, while a presidential decree imposes onerous fees for accessing public information

WHEREAS in Cuba and Venezuela there is no interest in passing a law on free access to public information and the governments have an enormous information and propaganda machinery

WHEREAS in Ecuador a new bill for a Communications Law would negatively affect the current law on access to public information

WHEREAS in El Salvador the government has not yet named the officials of the Access to Information Institute, created under the 2012 Law on Access

to Public Information, whose mission will be to resolve conflicts over the classification and declassification of government information

WHEREAS in Nicaragua despite having a Law on Access to Public Information requests for information are not dealt with and the government only provides official information to staunchly supportive media

WHEREAS in Panama the government restricts access to sources of public information

WHEREAS in Peru a recent legislative decree that regulates the national defense system lessens transparency and access to public information by allowing the government to classify and make distinctions in information by declaring certain topics to be of a secret nature

WHEREAS Principle 3 of the Declaration of Chapultepec states, "The authorities must be compelled by law to make available in a timely and reasonable manner the information generated by the public sector."

THE IAPA MIDYEAR MEETING RESOLVES

To call on those countries that have laws on access to public information to comply with their content and application and encourage educational campaigns for the people to be informed and aware of the extent and benefits of such laws

To ask Argentina, Bolivia, the English-speaking countries of the Caribbean, and Paraguay to promote legislative debate about laws on access to information and to adopt them

To ask the governments of Cuba, Ecuador, Nicaragua, Panama and Venezuela to put an end to practices of secrecy and restrictions of access to public information

To call on the El Salvador government of Mauricio Funes to name the officials of the Access to Information Institute

To urge all the governments of the Western Hemisphere to respect the public's right to information through the enactment of and compliance with laws on access.

68th General Assembly, São Paulo, Brazil, October 12-16, 2012

<https://en.sipiapa.org/notas/1130556-access-to-information>

WHEREAS in Argentina the access of journalists to official sources continues to be extremely limited; President Cristina Fernández de Kirchner has not given a single press conference so far in 2012, but she has used national television hook-ups twenty times to make different announcements not justified by law, and on many occasions she has scolded the press; and, on the other hand, approval of a law on access to public information continues to await signing

WHEREAS in Bolivia the two single supreme decrees on access to information are not fully followed by authorities of public institutions in any of the three branches of government, and a bill of law on this topic, prepared four years ago, has been filed away in Parliament

WHEREAS in Canada the government has been accused of arbitrarily invoking national security as a reason to block release of documents to the Canadian press and of acting on only half of requests for official information within the period of thirty days contemplated by law

WHEREAS in El Salvador different institutions have requested implementation of the Institute for Access to Information, created by means of the Law on Access to Public Information, in effect since May 8, as well as the appointment of its members, a responsibility of President Mauricio Funes

WHEREAS in Haiti a lack of access to public information continues to be one of the greatest obstacles to freedom of the press, and journalists critical of the government have denounced evasion and obstruction on the part of government workers, which has been demonstrated through the denial of interviews, limitation of access to information, and blocking of contacts with authorities

WHEREAS in Nicaragua isolation and a lack of access to public information continue to be severe, and the government only reports through what it has called citizen-power media, a conglomerate of government and family-owned media

WHEREAS in Panama, according to a report on the state of freedom of expression by the Forum Foundation of Journalists for Freedom of Expression and Information, seventy-seven percent of journalists

consulted said that they had experienced a denial to access to public information

WHEREAS in Uruguay it has been found that a number of governmental agencies have declared a good part of the information related to their management to be reserved, interpreting in an ambiguous way some exceptions contemplated under the Law on Access to Public Information

WHEREAS in Venezuela access to public information is made impossible, whether in relation to questions on corruption scandals, coverage of a prison crisis, or daily insecurity; and such restrictions are aggravated when many of the public institutions do not answer requests for information from the media; rather, in most cases they issue official communiqués that leave doubts that are never clarified.

THE 68th IAPA GENERAL ASSEMBLY RESOLVES

To urge authorities in Argentina to guarantee to citizens and the media unrestricted access to sources of public information

To exhort the three branches of the Bolivian government to adhere rigorously to the decrees in effect on access to information

To urge Congress to take up again the discussion of a bill on this topic, which remains filed away, in order to guarantee transparency in official management

To solicit the chief executive of Canada not to abuse the exceptions contemplated in the rules on access to official information, and to answer requests for information within the period of time, specified by law

To demand that the government of El Salvador implement the Law on Access to Public Information in the shortest time possible and appoint those charged with overseeing its enforcement

To demand that the government of Haiti show transparency in governmental management and authorize access to public information to the press and general citizenry, as well as push for passing of rules on the matter

Ask the government of Nicaragua to conform to the criteria and regulation of the Law on Access to Public Information in order to provide, and to be

able to obtain without restriction, information related to activities of the state

Remind the government of Panama that its citizens have the right to seek and receive public information without being obligated to justify some specific interest in order to obtain it

To urge the chief executive of Uruguay to apply the presumption of access in favor of authorizing official information instead of interpreting the list of exceptions set in the Law on Access to Public Information in such a broad and discretionary way

To demand that the government of Venezuela respond to requests for information from the media, instead of making use of official communiqués characterized by a lack of transparency in regard to governmental actions.

Mid-Year Meeting, Oranjestad, Aruba, April 6-9, 2010

<https://en.sipiapa.org/notas/1129432-argentina-i>

Argentina I

WHEREAS systematically, when faced with the publication of news and opinions that are not in line with the official agenda and discourse, the Argentine government rather than focus on the information disseminated chooses to attack and discredit those that transmit it, which worsens the climate of intolerance, weakens the right to information and undermines freedom of expression

WHEREAS the increase in actions against the news media has repeatedly included discrimination in allowing reporters to access news sources, obstacles to access to public information, mistreatment of reporters in press conferences and their stigmatization according to the media outlet that they belong to

WHEREAS far from lessening there has been an alarming worsening of the hostilities that the government expresses against media, editors and reporters through libelous references that include false accusations of extortion, institutional destabilization and complaints of non-existing censorship

WHEREAS there continues to be an escalation in questionable official practices regarding the news media, such as arbitrary decisions in placement of official advertising, the co-opting of privately-owned media through companies supporting the government, and the abuse and slanted use of the state-owned media to advance official discourse and stigmatize other voices

WHEREAS principle 6 of the Declaration of Chapultepec states, “The media and journalists should neither be discriminated against nor favored because of what they write or say.”

THE IAPA MIDYEAR MEETING RESOLVES

To be alert to and encourage an end to the attitudes of hostility and violence on the part of government sectors and the governing party against editors and publishers, reporters and news media in Argentina, which have been repeated with unusual frequency and gravity in recent times to call upon the government to reverse the climate of direct confrontation towards media and individual journalists and to create the necessary conditions for the task of reporting the news to be carried out within a framework of tolerance of and respect for the role of the press and its work in a democracy

To urge the government to cease the arbitrary and discretionary use of public resources and state-owned media in a crass official propaganda strategy and one of ongoing insult of independent journalists

To be alert that freedom of expression in the country not have a shadow cast over it by hostile and intimidating attitudes and that there be an end to the demonstrations of intolerance of the publication of opinions and news reports that do not coincide with the pretended official policy of telling the truth

To ask the government to guarantee equal access by journalists to sources of public information without discrimination of any kind.

