

**Declaration of the SOCIUS Peru 2003:  
Access to Information Seminar**

**British Council  
Lima, Peru  
28 November 2003**

*The British Council convened the SOCIUS Peru 2003: Access to Information Seminar in Lima, Peru. A group of government representatives, civil society experts, media professionals, and scholars met for two days in plenary and working sessions to explore the development of access to information in the Latin American and Caribbean region and to further inclusion of States into the Information Society, within the framework of the right to information and access to public information. The Conference facilitated the sharing of experiences on access to information legislation and its implementation. It also served to re-affirm access to public information as a fundamental human right. Likewise, the attached document 'Guidelines on Access to Information Legislation' takes into consideration proposals presented by participants during the event.*

Access to information is widely recognised as necessary for the realisation of civil, political, cultural and socio-economic rights. This was reflected in Resolution 1932 'Access to Public Information: Strengthening Democracy', adopted by the Organization of American States (OAS) General Assembly in June 2003, which re-affirmed that everyone has the freedom to seek, receive, access, and impart information, and that information is necessary for the strengthening democracy.

The free flow of information is integral to the protection and enforcement of a full range of other rights, such as the right to equal treatment before the law, the right to health, and the right to education. Information belongs to the people even though it is mostly held in trust by government. Information is necessary for persons to promote transparency, fight corruption, to hold governments accountable for decision made in their name, to make informed choices and to more fully participate in public life.

The hemisphere is making progress in extending the right to information to all persons. Countries such as Peru, Mexico, Panama, and Jamaica have approved access to information laws, and many others are debating or in the process of debating draft legislation. Civil society organisations are becoming increasingly engaged in the passage and use of access to information laws. Other agencies such as the Ombudsman are playing a significant role as a bridge between these key stakeholders.

Nevertheless, some countries in the region continue to confront the historical veil of secrecy and culture of concealment. In these cases, the participants of this seminar urge governments to adopt and implement access to information regimes as a means to develop and maintain a pluralistic, transparent, and democratic society; and civil society to play an active role in this process. We further encourage government and civil society to identify ways in which to co-operate in order to advance this right.

**We recommend that:**

***Governments:***

1. Adopt and implement access to information laws based on the underlying principle of openness, as elaborated in the attached “Guidelines on Access to Information Legislation”.
2. Ensure that legislation and State practice comply with constitutional norms and reflect international standards and principles on access to information in accordance with all relevant international treaties, conventions and instruments.
3. Provide resources necessary to ensure the full implementation and enforcement of an access to information regime, including monies for public education, civil service training, information management, and the institution of archival and retrieval processes.
4. Establish an independent enforcement body with order powers that will allow for accessible, affordable, and timely resolution of all complaints and appeals regarding all access to information matters.
5. Establish, wherever lacking, the recourse to judicial review, for cases of State refusal to provide access to information.
6. Develop oversight mechanisms and monitoring strategies for the implementation and enforcement of an information regime.
7. Encourage public bodies, including the Ombudsman, to play a role as a bridge between civil society and government to further the enjoyment of access to information.
8. Continue to co-operate with other governments in the region, to share experiences, and to develop best practice models.

***Governments, Civil Society and Media:***

9. Engage in efforts to promote and educate the general public on the right to access information, including through the education system and widespread public awareness campaigns.
10. Explore and use new technologies to promote the States’ inclusion into the Information Society, within the framework of the right to information.

***Civil Society and Media:***

11. Fulfil its role in promoting and using access to information legislation, assisting governments in their efforts to increase transparency, and monitoring the implementation and enforcement of access to information regimes.
12. Continue to co-operate with other national and international civil society and media groups, to share experiences, and to develop best practice models.

***Organization of American States:***

13. Continue to develop the attached Guidelines, and seek government commitment to this at the Summitry level.
14. Urge international co-operation organisations to include in their agreements with governments of the region, clauses to promote transparency and access to information.