

INTER-AMERICAN COURT RECOGNIZES RIGHT OF ACCESS TO GOVERNMENT INFORMATION

Access Info Europe
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Access Info Europe welcomes today's ruling by the Inter-American Court that recognizes a general human right of access to government-held information, the first such ruling by an international tribunal.

"The significance of this ruling is that it confirms in international law the right to information, a right already established by dozens of national constitutions and by court cases from around the world," said Helen Darbishire, Executive Director of Access Info Europe. "It will be invaluable for activists who need government information to defend other human rights, protect the environment, and fight corruption."

The Inter-American Court, in its ruling in the case of *Claude Reyes and others vs. Chile*, found that Chile had violated the right to information both by not providing information in response to a specific request for information by three environmental activists in 1998, and also by not having a law and other effective mechanisms to guarantee the right of all persons to request and receive information held by government bodies.

The Inter-American Court ordered Chile to release the information requested and to give reasons for any information not released. It also required Chile to adopt legal and other measures "*to guarantee the effectiveness of an adequate administrative process for dealing with requests for information, which sets deadlines for providing the information*" and instructed the Chilean State to train its public officials on the right to information and international standards on exemptions.

For Europe this decision has a number of implications:

- Countries such as Spain, Italy and Greece, which do not have full access to information laws, will need to consider legislative reform to bring ensure they respect the right to information full, in line with international standards;
- All countries will need to review mechanisms, including training of public officials, for ensuring that they respond to all requests for information made by the public;
- The European Court of Human Rights, which to date has only ruled that there is a right to information if it is needed to defend other rights, will be likely to consider widening its interpretation of the right to information;
- The decision will give a boost to the current initiative by the Council of Europe to develop a binding treaty on the right of access to government information that would oblige 46 countries to respect this right.

Over 65 countries globally have laws that guarantee the right of access to information. In Europe 40 of the 46 members of the Council of Europe have such laws but implementation is often imperfect and monitoring studies show that many requests by the public for government information go unanswered or are denied.

In this case, three environmental activists, including one member of the Chilean parliament, filed an access to information request with the Chilean government for copies of the background and environmental checks on US-based company Trillium Corporation which had started a major logging project in the native *lenga* forest of the Chilean part of Tierra del Fuego, in the Rio Condor valley.

The request was filed on 6 May 1998. In spite of the successful case at the Inter-American Court, which held a public hearing in Buenos Aires in April 2006, they are still waiting for an answer.

More information on the case of Claude Reyes y otros vs. Chile, including a description of the case and a summary of the decision, can be found at www.access-info.org

The Inter-American Court's decision (in Spanish) can be found at <http://www.corteidh.or.cr/casos.cfm?idCaso=245>

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