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Event on Access to Legal Information Organized by UN-DESA, IDLO, IPU, and the Mission of Italy

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The IPU welcomes this discussion on access to legal information because it has to do with governance, and with strengthening the institutions of governance. We are fully behind the governance goal in the SDGs which will entail strengthening parliaments in preparation for the SDGs.

Target 10 of Goal 16 - to ensure public access to information and protect fundamental freedoms in accordance with national legislation and international agreements – touches on this issue.

Access to information is a right that is not always upheld. One of the enablers of this right is the freedom of information acts that most governments have – or should have. How these acts actually work in practice, and whether they make it easy for people to get the information they want, varies greatly from country to country. The devil is in the details and how the laws are applied is quite sporadic.

Parliaments and MPs have important roles to play in ensuring the SDGs are implemented. They can push for this right to information to be upheld. In fact, MPs have a role to ensure laws comply with the SDG framework (gender equality, access to health, etc).

Parliaments also have a role to play in helping develop and approve national plans; monitor implementation; and, ensure accuracy of government reports to the UN on implementation.

Information is power. Well informed citizens can help apply pressure to ensure implementation of the SDGs.

Transparency, accountability, accuracy, timeliness, and comprehensiveness of the information in the public domain are all important aspects of this discussion.

As the voice of the people, MPs can work with civil society and other organizations to build support for the SDGs and then need information to share with them to further the goals.

Many MPs are not lawyers or legal experts. Many do not have staff members who are lawyers. Some parliaments do not have independent legal experts to assist in analysing bills before committee and in drafting amendments to improve bills before committees or the House.

They don't have assistance provided at the parliaments drafting private members bills to advance the SDGs, nor to understand how courts have applied a different interpretation to laws.

Independent legal information is important to MPs, citizens, and civil society organizations. They all need access to legal information in a timely manner.

Ensuring their governments comply with the law and human rights standards within the implementation of the SDGs will be challenging if the MPs do not already have an understanding of legal principles.

MPs can engage with civil society to enhance understanding of the SDGs, to advocate amongst their colleagues and with the government on implementing the SDGs and on ensuring policy and programs are established to be sustainable and effective.

In many cases, being able to share legal documents and information, will help this process, and allow MPs to get legal advice from law association experts in particular subject areas of implementing legislation: women, the environment, state and municipal laws, procurement processes on infrastructure programs, trade etc.

Mainstreaming the SDGs into the national development plans across committees and policies and programmes is critical.

Another aspect of this is that international law needs to inform national law. MPs do not necessarily have an understanding of international norms. For instance, I recall working on the young offenders Act. Aided by legal experts and NGOs, some colleagues recognized how that youth justice legislation needed to comply with the obligations under the Convention on the Rights of the Child.

Furthermore, some SDG-related issues need to be tackled on a regional basis and MPs need support understanding the differing legal systems and how they "mesh" in the legal framework being proposed in legislation they're trying to pass. An example of this is given by regional trade agreements which require each partner to understand what may be allowed under its partner's legal system (e.g., the right for corporations to sue a foreign government).

Institutional management of information is very important, especially the research and information produced for parliaments. An obvious outlet of legal information is the web.

Parliamentary websites would include a full inventory of: legislation, draft bills, debates in the main chambers and in committees, etc. Many parliaments do not have the resources to set up these websites – a gap that the IPU is trying to address.

The SDGs span 15 years and over that time, MPs will enter and exit the House, and governments can change from one party to another. Ensuring access to past records of debates and existing (or defeated) bills will help MPs make progress on ensuring implementation.

Access to information means more than access to the facts and original documents. It also means making sure the information is “accessible” or understandable. A clear example of this is the budget bill which can run hundreds of pages and needs to be read in collaboration with many other pieces of legislation. (CEPA)

Research reports prepared for MPs on aspects of the SDGs will need to be available in easily interpreted formats that MPs (lawyers or not) can share with the broader society to bring people into the process, get better outcomes through program design (inclusiveness, comprehensiveness, practicality) and monitoring.

In sum, access to independent, accurate, information, legal or otherwise is crucial to any parliament and to the individual parliamentarians, to do their work and to ensure the success of the SDGs.