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Status of Public Access to Government Information as an International Human Right (abstract)

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Research Panel: Media and the Digital Age

Presenter: Amin Amari, the Islamic University Central Tehran

Title: Status of Public Access to Government Information as an International Human Right

Abstract: Freedom of information, according to which the public has a right to have access to government-held information, is largely considered as a tool for improving transparency and accountability in governments, and as a requirement of self-governance and good governance. So far, more than ninety countries have recognized citizens' right to have access to public information. This recognition often took place through the adoption of an act referred to as "freedom of information act", "access to public records act", and so on.

Some steps have been taken at the national and international level towards the recognition of freedom of information as a human right. Freedom of information was recognized in a few countries as a part of freedom of expression, and therefore, as a human right. For example, the Supreme Court of India articulated that "[t]he right to know ... is derived from the concept of freedom of speech".¹ Freedom of information was also recognized by some international bodies, such as the Inter-American Court of Human Rights, as a human right. However, in spite of the measures that have been taken, public access to government information is not yet widely accepted as an international human right.

The paper will analyze the arguments in favor and against the recognition of freedom of information as a human right. It will also examine the prospect of widespread recognition of such a human right around the world, and the possible benefits of such recognition.

Keywords: freedom of information, human rights, freedom of expression, transparency.

¹ *S.P. Gupta v. Union of India*, [1982] AIR (SC) 149. It is also remarkable that India used the word "right" in the title of its act concerning freedom of information. The act in India is called "right to information act".