

IFLA Response to the Freedom of Opinion and Expression and Sustainable Development - Why Voice Matters

The International Federation of Library Associations and Institutions (IFLA) is the global organisation for libraries of all sorts, with members in around 150 countries globally. At the heart of our values is a commitment to freedom of opinion and expression, including the freedom to seek, impart and receive information, and a belief that high quality library services are essential for making this a reality for all.

1. In your view, how does the right to freedom of opinion and expression contribute to the achievement of the SDGs? Please provide examples, where possible, with concrete data relating to impact. Please also mention relevant laws, policies and other measures.

From the point of view of libraries, the right to freedom of opinion and expression, including the right to information is indivisibly linked to the achievement of the SDGs. We see access to information as one side of the same coin as freedom of expression – each relies on the other to be meaningful.

To provide more background, libraries are built on two key principles – firstly that information and knowledge are essential in order to allow people to live freely and to realise their potential, and secondly, that access to this must be provided in an inclusive way, so that everyone can benefit. These principles have been in place for hundreds – even thousands – of years, underpinning the work of institutions of all types, from major national libraries to small school and community libraries.

The SDGs have, we believe, provided very welcome recognition of both of these principles – through the emphasis on a rights-based approach to development in general, and by acknowledging the importance of public access to information, not just in Target 16.10, but arguably in [around 20 targets in total](#).

It is worth making two clarifications at this point also around what libraries mean when we talk about access to information.

First of all, we argue that we need a comprehensive approach that focuses on all types of information. Clearly, information from and about government is a key part of the picture, both to fulfil the right to be involved in policy decision-making, as well as to improve the decision-making itself. However, it is information from all sources that is necessary – for example, the rights to health, education, culture and science are certainly about more than just government information. We believe that this is recognised also in the fact that SDG 16.10 refers to public access to information, rather than access to public information.

Secondly, we argue that access to information cannot be just about the ‘supply side’. It is clearly vital to make sure that information is available in the first place, online or elsewhere, without financial, legal, linguistic or other barriers. However, it is also true that people are not automatically ‘equal’ in the face of information. A range of barriers exist that can affect some more than others, covered in more depth below. Building on

this realisation, libraries are increasingly focused themselves on how to address these barriers and help people to be appliers and creators of information, not just users.

In terms, therefore, of laws, policies and other measures that contribute to ensuring this link, we believe that a combination of the below are necessary. Some of these issues are covered below:

- An adequately funded and enabled library infrastructure – libraries themselves need to be attractive, properly staffed, and have the necessary budget in order to have collections relevant to users (as well as to preserve past content)
- Copyright laws that do not put undue restrictions on use. While recognising that (for good or for ill) the current business model for knowledge dissemination is extensively built on copyright, it should be recognised that the right to information justifies limits on its reach, in particular in the digital world
- A strong assertion of the rights to information, education, science, research and beyond in constitutional texts, ensuring that these can be a reference in both making and interpreting law
- An effective universal connectivity programme, focused on providing a diverse range of possibilities to connect (including public access points), and sufficient support for skills and content provision
- Internet regulation that emphasises access to information as the default, and ensures that any limitations on this are justified by the need to uphold other human rights, and carried out proportionally, reasonably and transparently.

2. Are there restrictions or other challenges to freedom of expression or access to information that affect the delivery of public services and achievement of economic, social and cultural rights in your country? Which groups of people are most affected by these restrictions and in what ways? What measures would you recommend to address their problems?

As indicated above, there are two main categories of restriction on access to information that we should be concerned about that impact upon the delivery of services, and economic, social and cultural rights.

Firstly, there are barriers to access (exclusion). These include:

- **Non-availability of information:** In the case of government information, this relates to inadequate rules around proactive disclosure or freedom of information requests, both of which reduce transparency and accountability, as well as possibilities to engage in policy making. Elsewhere, it is related to issues like the non-publication of research results (for example because they didn't show what was expected, but which would support research), or the withholding of commercial data (for example around the functioning of platforms, which would support freedom of access to information in general),
- **Language barriers:** while translation technologies offer powerful possibilities to reduce gaps caused by language, it is still the case that it is only in some languages that there is an abundance of information. The implication is pretty clear – that those who do not speak or read in major languages risk enjoying fewer of the benefits of access to information than others.
- **Connectivity:** an obvious blocker to access to information is a lack of connectivity, either due to a lack of infrastructure, or to the withdrawal of

access, for example due to shutdowns. It is worth arguing that unreliable connectivity can also undermine changes in behaviour in favour of more regular information use. In all situations, the result is that those without connectivity are not able to access the information they need to fulfil their rights – from agricultural market information to research results, to open government platforms.

- **Paywalls:** it is a long-standing issue that the primary business model for the production and dissemination of information and knowledge currently is based on restricting access, and selling this against payments. While in the scientific field, open access and open science offer a powerful means of overcoming this, it is not the case in other fields. While it is not realistic to call for the end of copyright, where there are not libraries which can provide access to people who cannot pay, there is a problem. This leads, for example, to reduced access to the necessary raw materials to enable education, research and cultural rights.

Secondly, there are barriers to use (restriction). These include:

- **Skills:** basic literacy, as well as a wider range of literacies (not least media and information literacy), is clearly necessary if people are to be able to make use of the information that they can find. These are far from universal, and risk in fact becoming factors for the deepening of divisions. It is worth underlining the importance of media and information literacy, given the need to provide the tools for navigating information abundance. While we shouldn't forget that information scarcity would be worse, as would a situation where self-proclaimed gatekeepers can determine what information people can access or not, it is also important to invest in the skills to help people be confident and responsible internet users.
- **A sense of agency:** too often, there is a lack of awareness of the importance of information and knowledge, and a curiosity to go out and make use of it. This can be due to education systems that do not encourage such an approach, policies and laws that chill freedoms (both by government and private actors), or simply a failure to communicate clearly the possibilities that there are (for example open government policies)
- **Knowledge privatisation:** with the rise of digital tools for sharing and accessing content, the terms under which people access information are increasingly determined by the terms of contract. Whereas copyright law can (at least in some case) offer clear possibilities for using physical works, in the digital world even possibilities to quote, analyse, and share can too easily be signed away, meaning that only those with deeper pockets or greater bargaining power can ensure full usage rights. As above, this risks creating inequalities in the potential people have to enjoy their rights, especially when libraries themselves are not protected, and so able to provide an alternative route.

Progress against these barriers is measured in the [Development and Access to Information Report](#), prepared by IFLA alongside the Technology and Social Change Group at the University of Washington.

3. What factors affect the right to expression and information of women and girls, indigenous peoples and other poor and marginalized communities and their access to information and communications technology in your country? What legal, policy or other measures has the

government taken to overcome these problems? How effective are these measures and what improvements would you recommend?

Too often, the barriers set out above are particularly prevalent for groups at risk of marginalisation. We know that the gender digital divide has proven stubborn, even growing in some cases (as indicated in the most recent Development and Access to Information Report), with a similar situation facing other groups. A market-based approach will always tend to disadvantage those with less purchasing power, as well as those living in remote areas, meaning that there is a particular need to ensure effective regulation, for example through well-run universal service funds, as well as allowing space for alternative models of connectivity, such as community networks or potentially low-earth orbit satellites.

As above, a supply-side-only approach is unlikely to ensure complete success, given that it is still the case in too many countries that being a woman, belonging to an indigenous community, and poverty mean that people have less access to skills and a sense of agency in accessing and using information. Libraries can provide a response to this by offering services based on an understanding of need. In particular, they can offer a second chance to those who have not been successfully supported by the formal education system. While they are already very widely present (with over 430 000 public and community libraries worldwide), of course, they require sufficient support and training, as well as connectivity, but can then act as local centres for inclusive and meaningful access to information.

4. What have digital companies done to promote safe and uninterrupted online access to timely and pluralistic information and communications of women and poor and marginalized communities? How can information and communication technology companies better engage with governments and communities to promote sustainable development?

As already highlighted above, there is a strong positive to the fact that for many people, there has never been so much access to information. This represents a major step forwards from a world where people were denied the knowledge they needed in order to take decision about themselves, those around them, and their societies as a whole. With the modern internet shaped by digital companies, for all its flaws, this is something to celebrate.

Efforts by such companies to use surpluses in order to support connectivity and the skills to make use of it are welcome. There is a likely is a degree of enlightened self-interest in this – investing in getting people online and helping them be competence and confident internet users helps build a stronger digital ecosystem later. Nonetheless, a systematic approach to bringing people online likely requires regulation, for example through well-governed universal service and access funds, with effective targeting of support for those who need it most. Such an approach can also offer a greater degree of democratic oversight.

In terms of engagement with governments, it will be important to find a balance. Given their power, there does need to be some way of internalising the social consequences of the choices such companies make (including, we would argue, in establishing how we regulate knowledge sharing through copyright). At the same time, there is always the temptation to use actions against these firms as a substitute for dealing with underlying issues.

5. What laws, policies and practices exist in your country to facilitate public participation and access to information and data relating to sustainable development? Where have there been successes, or conversely challenges, with facilitating access to information and data relating to sustainable development in relation to a) governments and b) companies?

In addition to more obvious provisions here around the adoption of open government practices, we would suggest that we include the uptake of open access and open science as part of the broader picture of ensuring access to information and data around sustainable development. The results of research – often publicly funded – have been key in building up our understanding of the challenges we face, and arguably should be made accessible to as many people as possible. While this argument applies to research on any policy area, it is particularly relevant on sustainable development given how interdisciplinary it is.

Means of accelerating open access and science can include, for example, mandates to make publicly-funded research immediately available, the promotion of rights retention and open licensing by authors, and support for key infrastructures such as open access repositories.

8. What do you believe are the key issues in relation to sustainable development in addition to or instead of the bullet points above that deserve attention by this mandate? Do you have any specific recommendations that you think the Special Rapporteur should make in her report?

While already mentioned above, we hope that the mandate will be able to promote the concept of a positive right to information of all sorts. This approach would not provide a fuller response to the full range of needs that people have, but also allow for a more efficient response by ensuring that we are not missing key factors, such as the demand-side for information, connectivity or beyond.