

COVID 19 and the Transparency Gap

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Article 19

UN Agenda 2030

- Target 16.10 “ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements”

International Health Law

General Comment No. 14 (2000) The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights)

- 11. The Committee interprets the right to health, as defined in article 12.1, as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, *and access to health-related education and information*
- 44. The Committee also confirms that the following are obligations of **comparable priority**: (d) *To provide education and access to information concerning the main health problems in the community, including methods of preventing and controlling them;*
- FN 8 *This general comment gives particular emphasis to access to information because of the special importance of this issue in relation to health.*

International Health Regulations

- Article 10. WHO can ask info from state, states must respond, offers collaboration, WHO can make available to other states depending on magnitude
- Article 11. WHO sends info to other states in confidence, limits sharing until crisis, consults, public release:
 - Article 11.4. When information received by WHO under paragraph 2 of this Article is made available to States Parties in accordance with these Regulations, WHO may also make it available to the public if other information about the same event has already become publicly available and there is a need for the dissemination of authoritative and independent information.
- Compare with Minamata, Article 18 on **“Public information, awareness and education”**

WHO Risk Preparation



- “People have the right to be informed about and understand the health risks that they and their loved ones face. They also have the right to actively participate in the response process.”
 - WHO, RCCE ACTION PLAN GUIDANCE COVID-19 preparedness & response 2020

WHA Resolution 2020

SEVENTY-THIRD WORLD HEALTH ASSEMBLY A73/CONF./1 Rev.1 COVID-19 response

- **OP7.6** *Provide the population with reliable and comprehensive information on COVID-19 and the measures taken by authorities in response to the pandemic...;*
- **OP8** *CALLS on ...and support the timely provision of clear, objective and science-based data and information to the public;*
- **OP9** REQUESTS the Director-General to:...**OP9.5** Assist countries upon request in developing, implementing and adapting relevant national response plans to COVID-19, by developing, disseminating and updating normative products and technical guidance, learning tools, data and scientific evidence for COVID-19 responses, ...

UNSG Report

“We are all in this together. To effectively combat the pandemic, we all need to be part of the response. Effective participation in the response requires people to be informed, involved in decisions that affect them and to see that any measures taken are necessary, reasonable and proportionate to combat the virus and save lives. We all have a role to play but the most effective way to maximize participation is through evidence, persuasion and collective ownership. People need agency and voice in a crisis. **This is a time when, more than ever, governments need to be open and transparent, responsive and accountable to the people they are seeking to protect.** Civil society organizations (CSOs), as well as the private sector and business, have contributions to make that need to be facilitated.”

- **UNSG, COVID-19 and Human Rights: We are all in this together April 2020**

UNGA Omnibus Resolution

ARTICLE 19

- **OP 21.** *Reemphasize* the importance of freedom of expression, safety of journalists, and access to accurate and timely information, as essential for public health purposes, as well as social cohesion, and calls on Member States to ensure the free flow of information, without suppression, while countering misinformation online and offline with accurate, clear and evidence-based information, and avoiding efforts that could result in censorship of protected speech, endangering human rights and the rule of law; (based on SG's Policy Brief "COVID-19 and Human Rights")

Problems at National Level

- Inconsistency in definitions
 - testing, deaths,
- Lack of common data standards
- Excessive secrecy
 - deaths, apps, spending, equipment
- Limits on access to information
- Unregulated procurement

Health Data to Publish

- Number of identified and suspected cases disaggregated by health status, location, ethnicity, gender, and age; number of health care workers and other key workers affected;
- Number of persons died both in hospital and outside, hospitalised, in intensive care, needing ventilators, discharged, or in quarantine, disaggregated by location, ethnicity, gender, and age; number of health care workers and other key workers affected;
- Number of tests conducted and results disaggregated by location, ethnicity, gender, and age, number of health care workers and other key workers tested, criteria for eligibility for testing;
- Number of people contacted and missed using contact tracing, number of people employed to conduct tracing;
- Availability of health care facilities providing testing, stockpiles of supplies and equipment, hospital beds, waiting times, disaggregated by location;
- Names and locations of hospitals, health, social and other care facilities, and prisons and other criminal facilities affected, including number of cases disaggregated;
- Number of scheduled medical and other procedures that have been cancelled due to the pandemic, disaggregated;
- Algorithms, models, and underlying assumptions used to estimate spread of disease and impacts; evidence about other pandemics and data; epidemiological and behavioural predictions;
- Names and biographies of the members of all external groups or committees providing scientific, economic, or other advice to public bodies; copies of all minutes of meetings, working documents and advice provided to governments;
- Existing and planned trials for new preventative vaccines, drugs and measures, treatments and cures, with detailed results;
- Existing and planned studies on infection levels with disaggregated results; and
- Emergency and contingency plans and evaluations, preparedness tests, purchasing and stockpiling plans, communications plans, and situation reports.

Financial Data to Publish

- Full details of funds budgeted, expended, and disbursed in the forms of subsidies, grants, loans, or other types of support to private bodies listing a unique trackable identification number for each project, recipient, amount dispersed, type of support, its terms, purpose and the rationale for agreeing to it if discretionary, and the approving body, rates of approvals and rejections, guidelines on eligibility for financial support; information about payments to private bodies should also include their real beneficial owner and legally registered location;
- Full details of funds budgeted, expended and disbursed for support to government bodies, state owned enterprises, subnational bodies, and other bodies under the control of the government, as well as directly to public officials listing the recipient body or official, amount dispersed, type of support, its terms, purpose and the rationale for agreeing to it, and the approving body;
- Full details of money spent on official advertising for public information campaigns in all forms of media, including recipients, amount, purpose, criteria for selection, and evaluations of impact;
- Full texts of contracts and amendments and other agreements made with third parties to provide goods and services, with related materials, in an open data format such as the Open Contracting Data Standard; reports and audits on execution of contracts and agreements;
- All oversight and inspection reports and audits conducted to track expenditures, progress, effectiveness, and impacts;
- Full details of funds budgeted, expended, and disbursed for social benefits and programmes established or used by governments to address consequences of pandemic disaggregated by health status, location, ethnicity, gender, age, rates of approvals and rejections;
- Donations to public bodies over a certain size classified according to the source of donation and whether the donor is a private entity/person and its expenditure; and
- Full details on loan agreements and other support by international organisations, donor countries, and private organisations to countries, including its expenditure.

Information for Vulnerable Communities

- Policies and decisions aimed at groups and minorities exposed to particular risks during the outbreak;
- Information about social welfare benefits and programmes established by government to help special
- categories of beneficiaries as a consequence of the outbreak;
- Information about budgets and expenditures of resources used (and to be used) during the emergency response to the economic and social consequences on indigenous communities;
- Culturally relevant information on COVID-19, its impact, and preventative measures taken for indigenous communities. When prescribing preventative measures, authorities should recognize and
- respect the right to self-determination of the communities themselves;
- Information about violence against women and lesbian, gay, bisexual, transgender, and intersex (LGBTI), including data on reports and statistics; and
- Information with a gender perspective in indigenous languages where appropriate aimed at women and minors who are victims of domestic violence, including hotline numbers, available care facilities, protective measures, and penalties for offenders.

Governance, Human Rights and Law Enforcement Info

ARTICLE 19

- Legal and regulatory measures to address the COVID-19 pandemic, including their titles and dates of adoption; significant decisions taken by governments and bodies;
- Details of projects cancelled or suspended due to pandemic, and plans for rescheduling;
- Data, analyses, and reports on the current and estimated economic impacts and government measures to remedy; and
- All waivers made to existing laws, including regulatory, safety, environmental, anti-corruption, and others, including expected impacts and number and location of companies and communities affected.

Human Rights and Law Enforcement Information

- Clear and comprehensive information, including regulations and official guidance on measures imposed by the government and law enforcement bodies affecting freedom of expression, assembly and association, privacy, and other human rights, including their legal basis;
- Information on investigations, prosecutions, and penalties imposed under these measures or existing laws for COVID-19 related activities, disaggregated;
- Number of social media and other accounts blocked or taken down for fake news or other offences relating to the pandemic, restrictions on Internet access;
- Information on collection of personal information from private and public bodies and its legal protections, security, uses, and disposal, including data protection impact assessment and equalities assessments; and
- Information on apps and other tools being evaluated or developed to track, monitor, notify, or quarantine individuals, including source code, protocols, subcomponents, implementations, documentation, policies, and data protection impact and equalities assessments.

Standards for Publication

- *Regular and timely*
- *Open format and use*
- *Easy to understand*
- *Reaching the full population*
- *Include Non-official sources*
- *No national security limits*
- *Include vulnerable communities*

Next steps

- WHO Guidance for Member States
 - Definitions
 - Formats
 - Data to Publish
- UNDP guidance
 - Publication of spending, budgets, aid
- Donors
 - Support NSOs in collecting, publishing reliable information, transparent about aid uses
- Update to International Health Regulations

Additional Information



Ensuring the Public's Right to Know in the COVID-19 Pandemic (Eng, Esp, Rus)

<https://www.article19.org/resources/ensuring-the-publics-right-to-know-in-the-covid-19-pandemic/>