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To: Office of the Special Rapporteur on Freedom of Opinion and Expression

From: Open Government Partnership Support Unit Staff

Topic: Evidence from the Open Government Partnership for the Report on Freedom of Opinion and Expression and Sustainable Development

We wish to thank the United Nations Special Rapporteur on Freedom of Opinion and Expression, Irene Khan, for the opportunity to offer a submission on the topic of “Freedom of Opinion and Expression and Sustainable Development - Why Voice Matters.” In particular, we hope that our response will contribute to her report with regard to, “concrete ways in which human rights generally, and the promotion and protection of freedom of opinion and expression in particular, can advance the Agenda on Sustainable Development and related issues.”

The Open Government Partnership (OGP) is a multilateral, multistakeholder partnership that has grown to 76 national members and more than 150 local members since its founding in 2011. Members seek to improve policy and practice in government transparency, civic participation, public accountability, and inclusion. They do this through **concrete commitments** in action plans, **co-creation** with civil society, and review of implementation by an **independent reporting mechanism**.

OGP’s mission and success depend on promoting and protecting freedoms of expression, assembly, and association. These rights are integral to participation in civic life and are instrumental to other goals including the right to seek information and to seek justice, and to achieve economic, social, and cultural rights.

As a consequence, OGP provides a platform for members to take concrete and accountable actions to protect civic space and uphold freedoms of expression, assembly, and association. In order to adopt relevant reforms and make the sometimes difficult political case for these reforms, governments and community members within OGP have repeatedly requested evidence on how reforms, including fundamental civil and political rights impact development and other goals. They have further requested evidence on the impacts of OGP and asked for a better understanding of the OGP model.



In response to this request for evidence, the OGP Support Unit has worked with diverse partner organizations over the past several years to understand the state of evidence, according to rigorous empirical research, using robust methods. We offer an overview of evidence in the following categories:

1. The case for free expression
2. Guidance and examples of ways to protect and fulfill the freedom of expression
 - a. How OGP can strengthen free expression
 - b. How open government and civil society engagement supports the SDGs
3. How a multistakeholder approach like OGP can strengthen freedom of expression
4. How OGP can also support international architecture to empower UN members to respect, protect, and fulfill the right to free expression

It is our pleasure to share the fruits of this work with you and welcome further questions and conversation with you, your staff, and member states.

[1. The case for free expression](#)

[2. Guidance and examples of ways to protect and fulfill the freedom of expression](#)

[How OGP can strengthen free expression](#)

[Civil and political rights](#)

[Right to Seek Information](#)

[How open government and civil society engagement supports the SDGs](#)

[Cross-cutting guidance](#)

[SDG16+: Peaceful, Just, and Inclusive Societies](#)

[Recent practical examples](#)

[3. How a multistakeholder approach like OGP can strengthen freedom of expression](#)

[4. How OGP can also support international architecture to empower UN members to respect, protect, and fulfill the right to free expression](#)



1. The case for free expression

A few decades ago, empirical evidence for the impact of free expression was weak. This has changed as new methods and urgency has been brought to light. Interestingly, however, to the best of our knowledge there have been few surveys of the extant literature.

We have tried to correct this and submit for your re-use work from our 2022 edition of the *Skeptic's Guide to Open Government*. The civic space section of the guide, authored by the OGP Support Unit (OGP-SU), in collaboration with the American Bar Association and legal expert Peter Noorlander, has gathered and simplified evidence on how free expression improves development outcomes. The evidence is available in two formats:

- A longer literature review of the extant empirical evidence on the impacts of protecting civil and political rights, with particular attention to expression, assembly, and association.¹
- A shorter summary that is available in the civic space chapter of the 2022 edition of the *Skeptic's Guide to Open Government*.² Reformers and political actors looking for current evidence on the impacts of civil and political liberties can use and adapt its content.

The Skeptic's Guide includes evidence and case studies from academic research presented in non-technical language while keeping accuracy and rigor. The Guide includes examples and studies from and beyond OGP member governments.

Highlights from the assembled evidence:

- **SDG 8: Decent Work and Economic Growth:**

*Freedom of expression plays an important role in democracy's dividends on economic growth. Recent research establishes a positive long-run relationship between democracy and economic growth.*³ A 2022 study

¹ Peter Noorlander, "The Impact of Protecting Civic Space: Review of the State of the Evidence," *Open Government Partnership and American Bar Association* (2022), <https://www.opengovpartnership.org/documents/the-impact-of-protecting-civic-space-review-of-the-state-of-the-evidence/>

² Open Government Partnership, "The Skeptic's Guide to Open Government 2022 Edition," Civic Space chapter. *Open Government Partnership* (2022), https://www.opengovpartnership.org/skeptics-guide-to-open-government-2022-edition/#toc_6

³ See Elias Papaioannou and Gregorios Siourounis, "Democratisation and Growth," *The Economic Journal* 118, no. 532 (October 2008): 1520-1551, <https://www.jstor.org/stable/20108873>; Jakob Madsen, Paul Raschky and Ahmed Skali, "Does democracy drive income in the world, 1500–2000?" *European Economic Review* 78 (2015): 175–195. <https://doi.org/10.1016/j.euroecorev.2015.05.005>; and Daron Acemoglu et al. "Democracy Does Cause Growth," *Journal of Political Economy* 127 (February 2019): 47–100, <https://doi.org/10.1086/700936>



analyzed which specific factors of democracy lead to economic growth and found that it is primarily clean elections and freedom of expression that drive the long-run effect of democracy on economic growth.⁴

- **SDG 13: Climate Action:**

Allowing freedom of expression and association is good for the environment. Respect for civil liberties provides environmental NGOs with the necessary conditions to influence environmental policy. A 2020 study found that a 1% increase in civil liberties generates a 0.05% reduction in national CO₂ emissions.⁵

- **SDG Target 16.6: Effective, Accountable and Transparent Institutions:**

A study of data from 29 European countries found that respect for freedom of expression improves trust in government.⁶ This paper also studied whether economic prosperity was a good predictor of increased trust in government, finding that it is not significantly related. Thus, in light of the results from this study, protecting freedom of expression plays a more important role in increasing trust in government than economic growth.

- **SDG Target 16.5: Substantially reduce corruption and bribery in all their forms:**

Nongovernmental organizations (NGOs) are an essential element in successful anti-corruption drives and must have the ability to seek and impart information on powerful actors without reprisal. A 2014 study analyzed what makes anti-corruption efforts successful, finding that control of corruption requires both the state and society.⁷ It found that the reason that civil society is so important is because NGOs are among the main users of anti-corruption tools, such as transparency laws.⁸

Press freedom matters in the fight against corruption. A 2021 study examining the impact of press freedom on corruption in business found

⁴ Vanessa A. Boese and Markus Eberhardt, Which Institutions Rule? Unbundling the Democracy-Growth Nexus Working Paper 131 (V-Dem Institute, Feb. 2022), https://www.v-dem.net/media/publications/Working_Paper_131.pdf.

⁵ Raul Pacheco-Vega and Amanda Murdie “When do Environmental NGOs Work? A Test of the Conditional Effectiveness of Environmental Advocacy” *Env. Pol.* 30, no. 1–2 (28 Jun. 2020): 180–201, <https://doi.org/10.1080/09644016.2020.1785261>

⁶ J. Spiteri and M. Briguglio, “Does Good Governance Foster Trust in Government? An Empirical Analysis,” in S. Grima and P. Marano (eds.), *Governance and Regulations’ Contemporary Issues* (Contemporary Studies in Economic and Financial Analysis, Vol. 99), (Emerald Publishing Limited, 2018), 121–137.

⁷ A. Mungiu-Pippidi, *Quantitative Report on Causes of Performance and Stagnation in the Global Fight against Corruption* (Hertie School of Governance, 2014).

⁸ Noorlander citing A. Mungiu-Pippidi, *Quantitative Report on Causes of Performance and Stagnation in the Global Fight against Corruption* (Hertie School of Governance, 2014).



*that countries with greater press freedom have significantly fewer incidences of bribery involving public officials and that a free press is associated with a reduction in reported incidents of corruption.*⁹

The ability to collaborate and share information across borders is essential to ensuring that public money meets its intended use. Multi-country collaborative reporting projects, such as the Panama, Pandora, and Paradise Papers, have exposed corruption on a grand scale, leading to structural reform, as well as the removal of corrupt senior government leaders around the world.¹⁰ The Organised Crime and Corruption Reporting Project's latest impact data claims US\$7.4bn in fines levied and monies seized as a result of its journalism.¹¹

- **SDG 10: Reduced Inequalities:**

Less civic space means that people with less power stay disempowered – the poor, disadvantaged women, rural communities, and indigenous groups. This results in more inequality. A 2019 report covering Bangladesh, Brazil, Cambodia, China, Colombia, Ethiopia, Mozambique, Myanmar/Burma, Nepal, Russia, Rwanda, and Zimbabwe concluded that restrictions on civic space are likely to reverse progress toward reducing inequality, ensuring inclusion, and improving sustainability.¹² This is because closing civic space, with actions such as threatening, criminalizing, or being violent against civil society actors to delegitimize and stigmatize them,

⁹ Noorlander citing N. Binhadab, M. Breen, and R. Gillanders, “Press Freedom and Corruption in Business-State Interactions,” *Economic Systems* 45 no. 4 (2021); N. Binhadab, M. Breen, and R. Gillanders, “The Role of a Free Press in Combating Business Corruption” (Munich University, 2018). See also A. Talebia, F. Momenib, and E. Shojaei, “Media Freedom and Corruption in Different Countries of the World,” *Turkish Journal of Computer and Mathematics Education* 12 no. 13 (2021); O. Bondarenko, M. Utkina, and M. V. Kolenisnikova, “The Role of Mass Media in Preventing Corruption,” *The Law, State and Telecommunications Review* 13 no. 1 (2021); B. I. Hamada, G. Abdel-Salam, and E. Abdelwahed Elkilany, “Press Freedom and Corruption: An Examination of the Relationship,” *Global Media and Communication* 15 no. 3 (2019).

¹⁰ Noorlander citing M. Hrvolova, J. D. Katz, and J. Alexander, “The Anti-Corruption Role of Free Media and Investigative Journalism” (The German Marshall Fund, 2021). See also the ongoing impact of the Panama Papers as reported by the International Consortium of Investigative Journalists: Will Fitzgibbon and Michael Hudson, “Five Years Later, Panama Papers Still Having a Big Impact,” ICIJ, April 3, 2021, <https://www.icij.org/investigations/panama-papers/five-years-later-panama-papers-still-having-a-big-impact>.

¹¹ Noorlander citing “Impact to Date,” Organised Crime and Corruption Reporting Project (June 6, 2022), <https://www.occrp.org/en/impact-to-date>. OCCRP is a nonprofit consortium of media outlets that report on organized crime and corruption.

¹² N. Hossain, N. Khurana, S. Nazneen, M. Oosterom, P. Schröder, and A. Shankland, “Development Needs Civil Society—The Implications of Civic Space for the Sustainable Development Goals” (Institute for Development Studies, 2019), 54.

makes it difficult or impossible for marginalized groups to voice their concerns or to organize and empower their members.¹³

As civic space narrows, the most marginalized and disempowered groups face a growing risk of being left behind. A study based on research in Brazil, Ethiopia, Pakistan, and Zimbabwe found that legal restrictions to Civil Society Organizations' (CSO) operations as well as intimidation, criminalization, and surveillance limit their ability to hold government accountable, and provide services to people facing poverty or hunger. This, in turn, obstructs civil society efforts to reach marginalized groups, widening their exclusion from policy processes and services.¹⁴ This is especially true when there are penalties for helping groups identified as criminal, such as drug addicts, sex workers, members of the LGBTQ+ community,¹⁵ asylum seekers, or migrants, to name a few.¹⁶

Restricting online civic space limits inclusive development. A study across ten African countries found that government measures such as internet shutdowns, the taking down of material, and surveillance make it impossible to reach the inclusive, responsive, participatory, and representative governance that SDG 16 aims at. Specifically, the report finds that digital surveillance, disinformation, internet shutdowns, anti-civil society legislation, and arrests for online speech serve to intimidate independent organizations and often amplify social cleavages, resulting in further exclusion.¹⁷

2. Guidance and examples of ways to protect and fulfill the freedom of expression

OGP members frequently request detailed guidance on what commitments they might undertake to advance open government. This includes guidance on civil and political rights, including free expression.

¹³ Hossain et al., “Development Needs Civil Society” (2019).

¹⁴ N. Hossain and M. Oosterom, “The Implications of Closing Civic Space for Hunger and Poverty in the Global South,” *GlobalPolicy* 12 no. S5 (2021): 59–69.

¹⁵ “Reinforcing Marginalization: The Impact of the Closing Civic Space on HIV Response in Ethiopia, Kenya, and Uganda,” ICNL (2019), accessed July 2022, <https://www.icnl.org/wp-content/uploads/ICNL-Reinforcing-Marginalization.pdf>.

¹⁶ “How the Open Society Foundations Are Defending Free Speech in Hungary,” Open Society Foundations (September 2018), <https://www.opensocietyfoundations.org/publications/how-open-society-foundations-are-defending-free-speech-hungary>.

¹⁷ T. Roberts (ed.), *Digital Rights in Closing Civic Space: Lessons from Ten African Countries* (Brighton: Institute for Development Studies, 2021).



In response to these requests, the OGP-SU has developed guidance in three areas which may be of use for the Special Rapporteur's report:

- **Maturity models** show actionable, measurable, and concrete steps that governments can take to improve in different areas.
- **Standards** offer governments an accountability tool and a benchmark against which they can measure their progress.
- **Case studies** highlight lessons learned from the implementation of policies in diverse contexts.

How OGP can strengthen free expression

Civil and political rights

- OGP's 2019 *Global Report: Democracy Beyond the Ballot Box*¹⁸ focused on civic space (also "civil liberties," "civil and political rights," or "democratic freedoms"). It contained a resource module on *Defending Activists and Journalists*¹⁹ which included the right to free expression. This module included standards, maturity models, and case studies for how governments can ensure that officials respect, protect, and promote the right to free expression.

Highlight - Northern Ireland: One case study in the report highlights how Northern Ireland integrated citizen participation into the decision-making body of parades, which are a highly contentious cultural activity in the country.²⁰ Citizen involvement helped balance the competing human rights of freedom of expression and the need for public order and safety.

Right to Seek Information

- *The Open Government Guide (OGG)*. The OGG highlights concrete steps that governments take to advance open government, including the right to free expression. Since 2015, OGP has published three iterations of the *Open Government Guide*:
 - **Right to information:** Given that the right to seek information is inseparable from the right to free expression, and central to OGP's mission, various iterations of the OGG have included guidance on improving the right to information.

¹⁸ Available at: <https://www.opengovpartnership.org/campaigns/global-report/>

¹⁹ Available at:

<https://www.opengovpartnership.org/documents/global-report-defending-activists-and-journalists/>

²⁰ Open Government Partnership, "Global Report: Democracy Beyond the Ballot Box", p. 100-101 (Accessed Jan. 2023),

https://www.opengovpartnership.org/wp-content/uploads/2019/09/Global-Report_Volume-1.pdf.



- The 2015 *Open Government Guide* addresses Right to Information (RTI) as a cross-cutting topic.²¹ It offers a maturity model with steps that governments can take, from adopting a law guaranteeing the RTI to expanding the scope of proactive publication and adhering to international standards.
- The 2020 *Guide to Open Government and the Coronavirus*, addresses how to use and protect open government during the pandemic.²² The chapter on Misinformation and Protecting Freedom of Expression presents recommendations, examples, resources, and a list of organizations that can help governments develop and implement policies to curb misinformation and protect freedom of expression.²³

How open government and civil society engagement supports the SDGs

Cross-cutting guidance

- The brief *Open Government Guide: Implementing the 2030 Sustainable Development Agenda* focuses on how an open government approach can spur progress across each of the 17 Goals.²⁴ It includes examples of ongoing initiatives in OGP countries. As of January 2023, approximately 36 national and eleven local OGP members have proactively recognized this link by directly referencing the SDGs in their OGP action plans. Here are a few examples of such commitments:
 - In its 2015-2017 action plan, the United States committed to an open and transparent implementation of the SDGs.²⁵
 - The municipality of Sao Paulo, Brazil has recently committed to strengthening the population's engagement in monitoring the

²¹ Open Government Partnership, “The Open Government Guide”, p. 329-348, 2015 (Accessed Jan. 2023),

https://www.opengovpartnership.org/wp-content/uploads/2019/05/open-gov-guide_summary_all-topics1.pdf.

²² *The Guide to Open Government and the Coronavirus* is available at:

<https://www.opengovpartnership.org/documents/a-guide-to-open-government-and-the-coronavirus/>.

²³ The Misinformation and Protecting Freedom of Expression chapter of *The Guide to Open Government and the Coronavirus* is available at:

<https://www.opengovpartnership.org/documents/a-guide-to-open-government-and-the-coronavirus-misinformation-and-protecting-freedom-of-expression/>.

²⁴ The Open Government Guide: Implementing the 2030 Sustainable Development Agenda is available at:

<https://www.opengovpartnership.org/wp-content/uploads/2001/01/The%20Open%20Government%20Guide%20Special%20Edition.pdf>

²⁵ Commitment US0093:

<https://www.opengovpartnership.org/members/united-states/commitments/us0093/>



implementation of the Municipal Agenda 2030 and to further communicate the municipalities' goals under the agenda.²⁶

SDG16+: Peaceful, Just, and Inclusive Societies

In 2019 OGP published the brief *Implementing SDG16+ Through the Open Government Partnership*, which highlights examples of national and local governments' efforts to achieve peaceful, just, and inclusive societies through open government reforms.²⁷ Some concrete recommendations on how to strengthen this link include:

- The relevant Ministry leading on SDG coordination in an OGP country has a seat at the table in their OGP forum.
- Governments use their OGP action plans to commit to open data reforms that help track a country's progress in their SDG commitments.
- OGP governments can use their action plans to incubate norms that can help them deliver progress on the SDGs. For instance, open contracting reforms often result in better public services in the areas of health, education, and water, among others.²⁸

Recent practical examples

Some examples of OGP countries advancing SDG16 that are featured in this report are:

- Colombia's LegalApp, which includes a list of steps citizens can take to resolve a legal issue, templates of legal documents, a glossary of legal terms, and a directory of judicial institutions.
- Indonesia strengthened its efforts to provide legal aid and increase citizens' awareness of their legal rights.

3. How a multistakeholder approach like OGP can strengthen freedom of expression

OGP can be seen as a fairly successful example of a multilateral, multistakeholder approach to improving governance. OGP can be a forum and a platform to advance reforms in freedom of information and it also can serve as a model,

²⁶ Commitment BRSP0002:

<https://www.opengovpartnership.org/members/são-paulo-brazil/commitments/brsp0002/>

²⁷ The *Implementing SDG16+ Through the Open Government Partnership* brief is available at: <https://www.opengovpartnership.org/documents/implementing-sdg16-through-the-open-government-partnership/>.

²⁸ Open Government Partnership, "The Skeptic's Guide to Open Government 2022 Edition," Open Contracting chapter. Open Government Partnership (2022), https://www.opengovpartnership.org/skeptics-guide-to-open-government-2022-edition/#toc_3



especially among those UN members (and non-members) who are ineligible to qualify for OGP.

- OGP's report *Vital Signs - 10 Years of Data in Review*,²⁹ found that civil society engagement in the co-creation of open government action plans is associated with more ambitious commitments, higher rates of implementation, and stronger early results:
 - **Dialogue and feedback are associated with more ambitious commitments.** When civil society participates in iterative dialogue and agenda setting with the government, commitments tend to be more ambitious. The same is true when governments communicate to participants how their inputs were considered.³⁰
 - **Civil society involvement during implementation is associated with better results.** Action plans discussed regularly at a multi-stakeholder forum have a higher rate of completion and yield more significant changes in government practices.³¹

4. How OGP can also support international architecture to empower UN members to respect, protect, and fulfill the right to free expression

OGP is a part of numerous initiatives that the Special Rapporteur may wish to support and encourage members to take part in. These include, but are not limited to:

- **OGP as an accountability mechanism:** Beyond the action plan model, OGP has proven to be a platform for citizen oversight. In the past, civil society members of OGP have expressed their government's failure to protect fundamental rights and called on OGP to take action on it. An example of this occurred when the media uncovered concerning cases of government surveillance to activists and journalists using the Pegasus software. A large group of civil society organizations working on OGP in their respective countries urged the international community, and national members of OGP, to review their national laws and to commit to greater transparency in matters related to surveillance technology.³² Since then, several members

²⁹ The Vital Signs - 10 Years of Data in Review report is available at:

<https://www.opengovpartnership.org/ogp-vital-signs-10-years-of-data-in-review/>.

³⁰ Open Government Partnership, "OGP Vital Signs—10 Years of Data in Review" (2021),

<https://www.opengovpartnership.org/ogp-vital-signs-10-years-of-data-in-review/>.

³¹ Open Government Partnership, "OGP Vital Signs—10 Years of Data in Review" (2021),

<https://www.opengovpartnership.org/ogp-vital-signs-10-years-of-data-in-review/>.

³² A 2013 letter from civil society organizations addressed to the Open Government Partnership is available at:



of OGP have included commitments in this regard in their action plan and the OGP-SU developed resources to support the community. In 2021, OGP published a brief on innovations in democratic oversight of surveillance with guidelines and recommendations on safeguards to protect privacy, democracy, and free expression.³³ Additionally, OGP highlighted significant continued efforts from the OGP community.³⁴

- **Peer exchange:** OGP has recently launched the Democratic Freedoms Learning Network.³⁵ The Network brings together governments, civil society organizations, and global advocates in a space for peer exchange and learning opportunities. The Network provides support to OGP countries and local governments who have made or are interested in making concrete commitments to reforms on these areas through their OGP action plans. Additionally, the Network serves as a platform to convene advocates and champions of reforms on democratic freedoms and civic space for dialogue and learning.
- **Policy monitoring and measurement:** Another platform for engagement is the OECD observatory of civic space.³⁶ This observatory is an independent monitor of countries' progress, challenges, and successes in protecting civic space. OGP is currently a member of the observatory.

Conclusion

Eleven years after its creation, OGP is more committed than ever to helping governments and civil society around the world protect civic space and democratic freedoms. OGP will continue its efforts to conduct and disseminate research on the impacts of freedom of expression and to highlighting the work of reformers in and beyond OGP members. OGP is open to engage in collaborations to advance these goals and looks forward to learning about other initiatives and findings from the development and governance community.

<https://www.opengovpartnership.org/wp-content/uploads/2015/10/CSO-OGP-statement-17dec2013.pdf>

³³ The Innovations in Democratic Oversight of Surveillance from Open Government Partnership Members brief is available at:

https://www.opengovpartnership.org/wp-content/uploads/2021/05/OGP-Democratic-Oversight-to-Digital-Surveillance_20210520.pdf.

³⁴ Basu, Tonu. "Lessons from the Pegasus Project: Reforming Surveillance Through Open Gov", July 20, 2021. (Accessed Jan. 2023),

<https://www.opengovpartnership.org/stories/lessons-from-the-pegasus-project-reforming-surveillance-through-open-gov/>.

³⁵ To learn more about the Democratic Freedoms Learning Network, please visit:

<https://www.opengovpartnership.org/stories/ogp-launches-the-democratic-freedoms-learning-network/>

³⁶ To learn more about the OECD observatory of civic space, please visit:

<https://www.oecd.org/gov/open-government/civic-space.htm>.



OGP greatly appreciates and commends the United Nations Special Rapporteur on Freedom of Opinion and Expression, Irene Khan, on her initiative to gather input from the community to highlight the relevance of freedom of opinion and expression to sustainable development. OGP looks forward to the resulting thematic report and the fruitful discussions in the lead up to the Sustainable Development Summit.

For any questions or comments on this submission please contact OGP's Analytics and Insights team at: research@opengovpartnership.org

Thank you.

