

ACCESS TO INFORMATION & RIGHT TO WATER



TRAINING REPORT – 2012/2013

A Report of Training workshops on Access to Information and Right to Water

“Advancing Right to Information to Strength Right to Water”

TRAINING WORKSHOPS ON ACCESS TO INFORMATION AND RIGHT TO WATER

2012/2013

SERTÃO REGION

City of Triunfo 19th-20th FEBRUARY, 2013

Venue: Community Association from Sítio Souto

City of Santa Cruz da Baixa Verde 21th-22th FEBRUARY, 2013

Venue: Municipal School from Sítio Velho

AGRESTE REGION

City of Bezerros 23th – 24th FEBRUARY, 2013

Venue: Community Association from Sítio Juá

ZONA DA MATA REGION

City of Recife 26th MARCH, 2013

Venue: Sindicato dos Bancários de Pernambuco

City of Rio Formoso 22th JANUARY, 2013

Venue: Resort Praia dos Carneiros

City of Recife 26th OCTOBER, 2012

Venue: Centro Sabiá

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BACKGROUND OF THE PROJECT

In the Northeast of Brazil, 3,3 million of homes are located in rural areas and only 2/3 of this total (a little more than 2 million) have access to water, according to UNDP. Considering that in this part of the country each house is inhabited by an average family of 5, we may consider that, in the region, around 10million people are denied their right to water.

Concentrated access to this resource in the hands of a few and its irresponsible use are some of the reasons why countryside communities are subject to months without water in a place where, contrary to what many state and believe, there is no shortage of rain. According to the Articulation for the Semi-Arid (ASA), the problem observed in the region is actually an unbalanced distribution of the rain during the year. Rain and underground rivers are water resources available in the Semi-Arid and they could be sufficient to attend the needs of the population living in the area. However, these resources are poorly and unsustainably explored.

In view of this situation, the planning and implementation of proper public policies is key to democratize access to water in the dry lands.

One the most criticized aspects of all large development projects involving water carried out in the XX century in the Northeast of Brazil, is that such projects failed to include the rural communities' access to water within its objectives. All the dams, weirs, water treatment stations, were built to serve urban areas or large private enterprises, with little impact on the lives of the rural (poorer) communities.

In the 90's, two different alternatives emerged as the "water solution" to the rural communities of the Brazilian semi-arid: (i) cisterns / water tanks that could collect the rain waters and save them for future use, and (ii) the desalinization of underground waters. These two solutions were the basis for two of the most important public policies developed to provide access to water to the rural populations in Northeast Brazil.

AIM

Struggle against the socioeconomic and political exclusion of the rural inhabitants of the Northeast, by:

- improving their conditions to have access to information about the water policies, laws and services;
- empowering them as a group so that these communities may be identified as important stakeholders in future projects / public policies.

OBJECTIVES

1. Carry out capacity building activities with NGOs and community leaders in the Brazilian dry lands, so that they can exercise their right to information and better monitor the implementation of public policies aimed at improving access to water to poor rural communities in the Semi-Arid.
2. Empower those NGOs and community leaders and promote the right to information as a tool for the realization of the right to water. With improved monitoring and participation in the planning and execution of water policies, we believe that such policies will serve better to the needs of those rural communities.
3. Serve as an important catalyzer for the implementation of the new Brazilian Access to Information Law (12.527/2011) among vulnerable groups, especially in the Northeast of Brazil.

Upon this backdrop, ARTICLE 19 undertakes these trainings to empower individuals and organizations working in the water sector on RTI and enhance a collaborated push for vital information relevant for effective decision making and asserting basic rights.

WHY THE BRAZILIAN SEMIARID?

Brazil recorded improvement in Human Development Index (HDI) in 2012 but maintained its position in the world ranking in the previous year, 85th place. Brazil recorded HDI of 0.730, compared to 0.728 in 2011, which includes the country among high development. In the last two decades, the country grew by 24% in the HDI, as the UN - went from 0.59 in 1990 to 0.73 in 2012.

The National Monitoring Report on the Millennium Development Goals / ODM, prepared by the Institute of Applied Economic Research / IPEA and published by the Presidency (BRAZIL, 2010) reinforces the assertion that access to water supply and sanitation appropriate is an important determinant of living standards, both population and of environmental health. Brazil reports that, in recent years, has invested in initiatives to improve the environmental sanitation. Regarding the coverage of water supply with indoor plumbing, according to the report, the percentage of urban population covered by this type of service, increased from 82.3% in 1992 to 91.6% in 2008. With these data, with respect to the coverage of water supply in urban areas, Brazil would have achieved the target set. However, if the data are disaggregated by units of the federation or to the countryside, it is observed that there is much to improve, especially the fact that a large proportion of the population living in rural areas still filling up with water from springs or other sources. In addition to the data presented in this report, we present a comparison between the data coverage for water supply (households and residents), between the Research of Sample Households / National Household Survey conducted by IBGE in 2001 and 2011, as shown in Tables 1 and 2 . It is observed that the percentage of the population residing in urban areas with access to water supply network increased from 90.9% in 2001 to

More than 1.100 cities are located in the Brazilian semi-arid, that corresponds to around 20% of the cities (find a map above). The main source of water in this region is the rain water and this is the reason why technologies to collect the water from the rain are so important for the population that lives there.



Source: Brasil (2005)

Figure 1
New coverage of the semi-arid and dry sub-humid region of the Northeast of Brazil

Despite the efforts observed and the creation of laws that promote participation and access to information regarding the management of water yet, according to the IBGE survey (2007), 67% of rural households in the states that make up the semi-arid region

have no access to general network of water supply, and 43% use wells or springs, and 24% use other ways to get water, which often involves long daily walks to the use of water that is rarely fit for human consumption.

Coverage of water and sanitary sewage in urban and rural areas in the year of 2001 and 2011

Dados de Saneamento - Segundo Pesquisa Nacional por Amostra de Domicílios/PNAD - 2001

Domicílios		Abastecimento de Água				Esgotamento Sanitário					
Área	nº de Domicílios	nº de Domicílios Lig. Rede	%	Outras formas	%	Lig. rede		Fossa Séptica		Total	
						nº de domicílios	%	nº de domicílios	%	nº de domicílios	%
Urbana	39.959.000	36.535.000	91,4	3.420.000	8,6	21.061.000	52,7	9.198.000	23,0	30.259.000	75,7
Rural	6.971.000	1.489.000	21,4	5.482.000	78,6	227.000	3,3	809.000	11,6	1.036.000	14,9
Total	46.930.000	38.024.000	81,0	8.902.000	19,0	21.288.000	45,4	10.007.000	21,3	31.295.000	66,7

Fonte: IBGE - PNAD 2001

Moradores		Abastecimento de Água				Esgotamento Sanitário					
Área	nº de Moradores	nº de Moradores Lig. Rede	%	Outras formas	%	Lig. rede		Fossa Séptica		Total	
						nº de Moradores	%	nº de Moradores	%	nº de Moradores	%
Urbana	142.533.000	129.601.000	90,9	12.919.000	9,1	72.412.000	50,8	32.884.000	23,1	105.296.000	73,9
Rural	27.481.000	5.750.000	20,9	21.728.000	79,1	849.000	3,1	2.917.000	10,6	3.766.000	13,7
Total	170.014.000	135.351.000	79,6	34.647.000	20,4	73.261.000	43,1	35.801.000	21,1	109.062.000	64,1

Fonte: IBGE - PNAD 2001

Tabela 2 – Cobertura de abastecimento de água (Domicílios e Moradores), segundo PNAD 2011.

T Dados de Saneamento - Segundo Pesquisa Nacional por Amostra de Domicílios/PNAD - 2011

Domicílios		Abastecimento de Água				Esgotamento Sanitário									
Área	nº de Domicílios	nº de Domicílios Lig. Rede	%	Outras formas	%	Lig. rede		Fossa Séptica		Fossa Rudimentar		Outras soluções		Sem solução	
						nº de domicílios	%	nº de domicílios	%	nº de domicílios	%	nº de domicílios	%	nº de domicílios	%
Urbana	52.801.215	49.170.856	93,1	3.630.359	6,9	33.258.159	63,0	11.537.759	21,8	6.188.693	11,7	1.309.499	2,5	507.105	1,0
Rural	8.490.824	2.673.640	31,5	5.817.184	68,5	402.352	4,7	2.089.811	24,6	3.985.226	47,0	697.189	8,2	1.316.246	15,5
Total	61.292.039	51.844.496	84,6	9.447.543	15,4	33.660.511	55	13.627.570	22,2	10.173.919	16,6	2.006.688	3,3	1.823.351	3,0

Fonte: IBGE - PNAD 2011

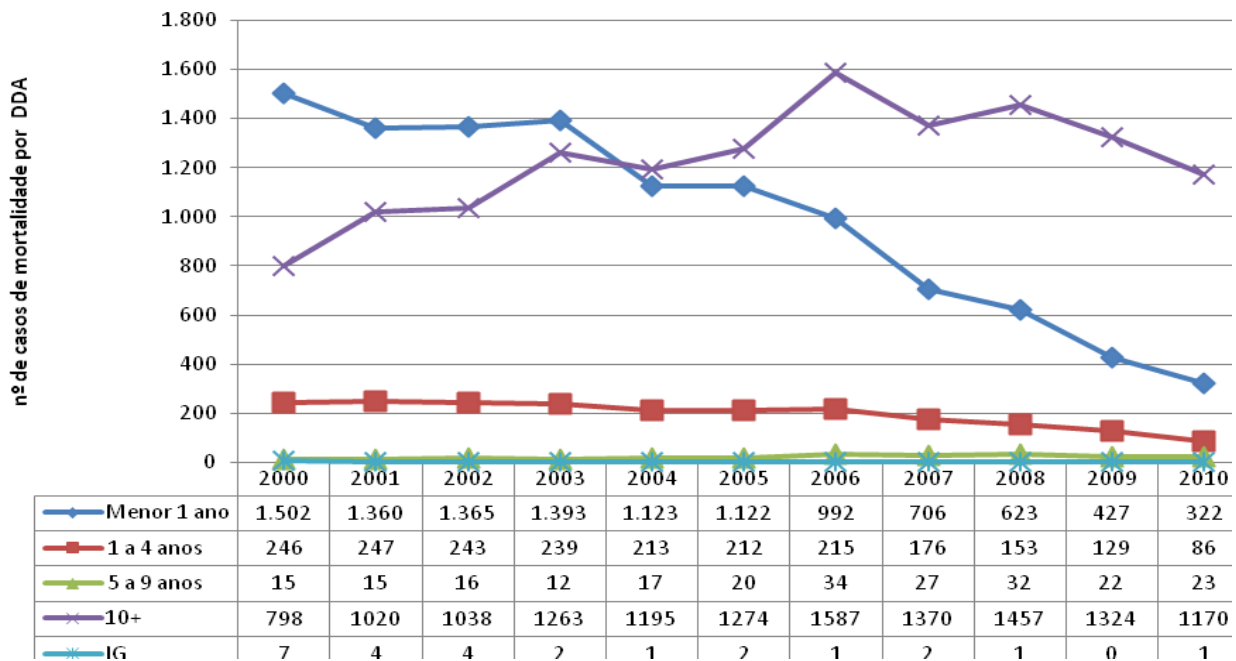
Moradores		Abastecimento de Água				Esgotamento Sanitário									
Área	nº de Moradores	nº de Moradores Lig. Rede	%	Outras formas	%	Lig. rede		Fossa Séptica		Fossa Rudimentar		Outras soluções		Sem solução	
						nº de Moradores	%	nº de Moradores	%	nº de Moradores	%	nº de Moradores	%	nº de Moradores	%
Urbana	165.036.332	152.928.849	92,7	12.107.483	7,3	101.143.638	61	36.987.090	22,4	20.756.157	12,6	4.448.357	2,7	1.701.090	1,0
Rural	29.283.050	9.332.267	31,9	19.950.783	68,1	1.336.653	4,6	6.947.013	23,7	13.595.457	46,4	2.467.315	8,4	4.936.612	16,9
Total	194.319.382	162.261.116	83,5	32.058.266	16,5	102.480.291	52,7	43.934.103	22,6	34.351.614	17,7	6.915.672	3,6	6.637.702	3,4

Fonte: IBGE - PNAD 2011

Women from the rural areas are the first to suffer from drought because men leave home to search for a job, and they keep the responsibility to take care of the house and animals. There are women who wake up 4am to look for a place to wash clothes, and when they find a dam is owned by men that frequently do not allow the common use of the water.

The actual situation is very critical since the year of 2012 proved to be one of the driest in 30 years. The first months of 2013 did not bring better prospects for the semiarid region, which confirms the urgent need for the Government to structure policies to provide dignified existence of communities affected with this phenomenon, in order to stop the process of utilization of water resources and their access as a political tool for generating social inequalities. The number of deaths related to water contamination are still one of the main consequences of the inequality in the distribution of water.

In the year of 2010, 431 children below the age of 10 died from diarrhea in Brazil. The Ministry of Health provides, so far, mortality data through 2010. Throughout the Northeast were 1,601 deaths from Acute Diarrhea Diseases during 2010. Some health actions have contributed to the reduction of the DDA, such as health education, improved sanitation, breastfeeding promotion, distribution solution of sodium hypochlorite 2.5% for the treatment of water, expansion of Health Program Family, introduction of rotavirus vaccine in 2006.



It is fundamental strengthening a communication channel between the government and the communities that suffer from a lack of water, there is no way to invest in new technologies and create public policies without understanding the reality and needs of existing in the region. Within the context of the Brazilian semiarid region the right to information arises as an instrument of extreme importance to broaden popular participation in the formulation of public policy and social control.

BRIEF ON TRAINING SESSIONS

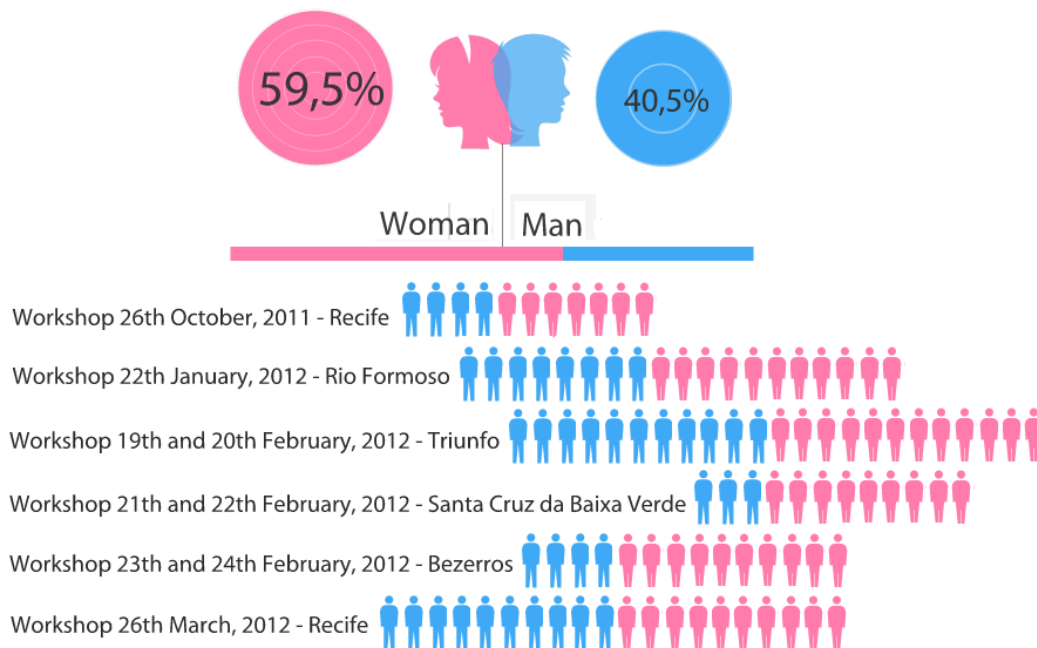
SESSION 1: INTRODUCTION & OPENING REMARKS

Karina Quintanilha

The trainings began at 09:00am with an introduction of ARTICLE 19 work in freedom of expression and access to information, followed by the presentation of the facilitators, Karina Quintanilha (Right to Information programme officer) and Dr. Vanessa Empinotti (University of São Paulo researcher and agronomy engineer).

It was highlighted the importance of the partnership with Centro Sabiá to the development of the trainings. Then, a round of introduction of the participants; their names, professions & occupations, little about their lives and the organizations they represented.

Participation of men and women during the *Access to information and Right to Water* trainings



Participants were mainly community leaders that live and work in rural communities, young students that work in NGO's projects in the region and produce radio programs to the communities, special interest groups' representatives, various civil society and community based organizations.

The initial part of the training focused on the organization of ARTICLE 19 including where it derives its name from, its mission of embracing the fuller realization of the freedom of expression and right to access information as a fundamental right and as a key lever for good governance, transparency, accountability and the rule of law. We further explained how the project would strive to enhance this mission through the various training sessions and subsequent activities. The trainings, we explained, would enhance the capacity of the participants on various components of Right to

Information and foster the demand and supply of information especially in relation to the water policies and services.

When presenting the Access to Information and Right to Water project, we distributed the [campaigning material](#) - *Access to Information and Water at rural communities of the brazilian semiarid: step by step on how to make an information request* - produced by us, explaining that the trainings is part of a global initiative to help making RTW a reality using mechanisms established by the Right to Information law.

After that brief summary, participants watched a short video called [Mulheres de Expressão](#) - Women of Expression – created by Article 19 Brazil to share experiences about women challenges concerning climate changes, reflecting on how freedom of expression and access to information are important to improve participation in the decision making of women from rural communities in the dry lands.

When the video was finished, we initiated a round of discussion with the following questions:

1. What is the meaning of public information for us?
2. How do we get public information in our day-to-day? What is our personal experience with this?
3. What are the main obstacles faced by us to obtain information held by any public agency?
4. For women, access to information changes something in particular?

There was great confusion about the meaning of public information and along the conversation we were going clarifying the concepts and giving examples of what is public information and what is not, always considering examples that make sense in their reality.

In general, participants had a very feel access to information. They revealed that information arrives mainly through neighborhood associations and workshops that NGO's and CSO's provide for the communities. They complained that the frequency of community radios is very low and usually do not reach the rural area and the same happens with mobile signal. Hardly anyone have access to internet, because it is still a very expensive service, but all of them have a television.

They reported many problems when trying to get information from public agencies, including cases of humiliation. Sometimes they said that they didn't ask information because of the fear of being mistreated. A common complaint was that they were sent from one agency to another without getting the correct information, and information seeking lasted months. It was very important to ensure all the time that access to information is a right, not a favor.

INTRODUCTION

The right of access to information is a crucial human right.

A number of different terms are used to describe the same right: freedom of information, right to information, right to know and access to information. They all refer to a key strategic right that can be used to help realise many other human rights.

Access to information is often seen as an elite right - in particular as something that is of interest to the media, or perhaps to researchers. It is true that the media have a particular interest in gaining easier access to official information.

However, the crucial importance of access to information is that this is a right that belongs to **everyone**. It can be especially useful as a tool in campaigning for economic and social rights.

Access to information has a wide variety of practical uses:

- It can expose corruption, making government and the economy more efficient.
- It can uncover mismanagement of food supplies, making shortages less likely.
- It can expose environmental hazards that threaten health and livelihoods.
- It can reduce the danger of human rights violations.
- It can increase popular participation in government and development.

The right of access to information is based on the assumption that information held by public institutions is the property of the public. Governments are servants of the people, not their masters.

The automatic assumption should be that the information they hold is available to everyone, as of right.

In addition, there may be important circumstances when information held by private bodies should also be available to the public. This would certainly be the case if public services were being provided by private companies - privatisation, a phenomenon that is widespread today.

The public should also have access to information held by private bodies such as companies if this was needed to protect or realise their own rights.

What is information?

The important point is that information is not the same thing as the record that contains the information.

This means that you or I are entitled to any piece of information that is covered by the access to information law, regardless of what form it is held in. It does not matter whether it is a printed document, a computer record, an audio recording or is held in some other format.

So, if a member of the public makes an information request they should be able to do so by identifying the information that they want. They should not be required to identify where the information is held - in which document or computer file or whatever. The reason is obviously that a member of the public will almost certainly not know where the information is held.

So the member of the public can say, e.g.:

'I want to request information about the budget for repair of wells this year, please.'

Not:

'I want to request local council document SL/40275/GHR234/pb/632/g, please.'

As a rule, in an access to information law there will always be some information that the authorities will be allowed to keep confidential. For example, it would not be correct for them to release private personal data about an individual to someone else.

However, a single record - a document or a computer file - may contain a mixture of confidential and public information. Therefore, making a distinction between the record and the information it contains means that the body holding the record can release that part that is public, but not the part that is confidential.

Who has the right of access to information?

There is a simple answer to this question: everyone.

Like all human rights, it is something that everyone is entitled to - even if not everyone gets to enjoy it in practice.

It is important to stress that this is not something for a particular section of the population only, e.g.: journalists, researchers or academics. It is a right that everyone has.

This also means that ideally, within individual countries, the right should be enjoyed by citizens and non-citizens alike.

It is important that governments take the necessary steps to:

- Protect the independence and pluralism of the media
- Extend internet connectivity
- Guarantee the independence and openness of the judicial system
- Organise impartial inquiries into human rights violations or other important events
- Have permanent institutions to monitor protection of human rights and to investigate maladministration.

But an access to information law will do something extra:

- It will make sure that official bodies publish information of interest to the public
- It will allow members of the public to make requests for information
- It will protect whistleblowers.

SESSION 2: OVERVIEW ON RTI - LEGAL FRAMEWORK & ITS IMPORTANCE IN THE WATER SECTOR

Karina Quintanilha

The session 2 started with an overview on RTI principles and legal framework. Then, an introduction of the Brazilian RTI legal framework and its importance in the water sector: Affirmation of the Right to Water, how the Right to Information Law can help us?

We explained how the Right to Water is recognized internationally and how Brazil understand this right. Then, we passed by the main points of access to information standards and the brazilian Rtl law – definition of public information, impact of this right to socioeconomic changes, what to do when that right is violated, case study (Cochabamba case) and a strategic example of information request made by Article 19 and responded by the Ministry of Integration.

OVERVIEW ON RTI

Key elements of an access to information law:

There are two main reasons why an access to information law is important:

A law will set out the principles of access to information in greater detail.

For example, one very important function of an access to information law is to set out what types of information will be exceptions to the general principle of maximum disclosure.

A law will provide the mechanisms and procedures for enforcing access to information. It will establish who is responsible for ensuring the public's right of access to information in practice.

International treaties and constitutions are important for laying down general principles, but they cannot offer a great deal of detail.

ARTICLE 19 has drawn up a set of principles on what should go into an access to information law, which are now widely recognised as being the standard for best practice on this issue. Here is the list of principles:

- Freedom of information legislation should be guided by the principle of maximum disclosure
- Public bodies should be under an obligation to publish key information
- Public bodies must actively promote open government
- Exceptions should be clearly and narrowly drawn
- Requests for information should be processed rapidly and fairly and an independent review of any refusals should be available
- Individuals should not be deterred from making requests for information by excessive costs
- Meetings of public bodies should be open to the public
- Laws that are inconsistent with the principle of maximum disclosure should be amended or repealed
- Individuals who release information on wrongdoing - whistleblowers - must be protected

Freedom of information legislation should be guided by the principle of maximum disclosure

The principle of maximum disclosure means there is a presumption that all information held by public bodies can be accessed by members of the public and that any restrictions should only apply in very limited circumstances.

More specifically this principle assumes that:

- public bodies have a duty to release information and, in turn those members of the public have the equivalent right to request that piece of information;
- the right of access to information is one that can be claimed by any resident in the country;
- the state should not expect any person requesting information to demonstrate any specific need or interest in the information;
- public bodies must release information if specifically requested to do so, but also publish and disseminate information of significant public interest.

In all cases the presumption is that information will be disclosed. In a few cases there may be a reason for withholding information. If there is, it is the responsibility of those who want to keep it secret to demonstrate this.

The reasoning behind the principle of maximum disclosure is equally simple.

The presumption that all information should be revealed is a consequence of who owns the information. All information held by government belongs to the people. Just as governments only hold office, temporarily, as the representatives of the people, so they only hold our information because we allow them to. Therefore, if we choose to take a look at it, they cannot stop us.

Of course, the practicalities are rather more complicated. However, it is important always to bear in mind the simplicity of this basic underlying principle: **the information belongs to us.**

Public bodies should be under an obligation to publish key information

People often assume that the main part of an access to information law consists of providing a mechanism for members of the public to make requests for official information.

But that is not really so. The success of an access to information law is measured not by how many requests are submitted and answered, but by how much information reaches the public.

First, there is a clear benefit to the people in seeing what public bodies do. This is not related to requests for specific information, but is part of the general process of holding public institutions accountable.

In addition, very often the best way of making sure that the public have the information they want is to publish it before they ask for it. Once the system for processing requests is in place, this will be an easy thing to do. The department concerned can simply look at what requests it receives.

Publishing information in advance is also important in helping the public to make requests. If a public body or government department makes information available about what it is and what it does, this will help potential requesters to direct their inquiries to the right place. This will have an advantage for the officials themselves too, because they will not be constantly having to deal with requests addressed to the wrong departments.

Public bodies must actively promote open government

There are two main concerns related to this principle:

- There is a culture of secrecy in some governments that makes officials reluctant to hand out information.
- The public don't know what their rights of access to information are, or where to go to find the information that they want.

The problem that any new access to information law will face is that generations of public officials have been trained in the idea that information has to be made available on a 'need-to-know' basis.

The assumption is always that information is secret, unless it can be proved otherwise.

The principle of maximum disclosure reverses this assumption.

Civil society organisations can play a very important part in making an access to information law work properly, even to the extent of training public officials. However, the primary responsibility for reversing the culture of secrecy must rest with the government itself.

No matter what training public officials receive, they will always be wary of behaving in a way that might get them into trouble with their superiors. That is why their superiors must give them clear instructions that they are expected to be open and transparent in their dealings with the public.

It will also be important for the law to contain **penalties** that will punish officials who fail in their duty to make information available to the public. If it is only the departments that are fined, there is still little incentive for officials to comply with the law.

It will also be extremely important to make sure that the public understand that they now have a right to know exactly what officials are doing. The public too are used to the culture of secrecy, although they experience it from the other side. The law will have to devise ways of making sure that people know about the access to information law and what rights they now have.

Exceptions should be clearly and narrowly drawn

The Universal Declaration of Human Rights says that freedom of information can be restricted if the information can damage national security, public order, or the rights and reputations of others. So, the law will exempt access to any information that relates to any of these topics.

However, what the UDHR (and other human rights standards) does **not** say is that **all** information relating to those interests are completely excluded from the scope of an access to information law.

The distinction is a very important one.

Information can only be kept secret if it can be shown that revealing it will actually **cause damage** to national security, privacy or one of the other interests protected in the access to information law.

Even when revealing information will cause damage to one of these interests, it should still be possible to publish it if it is in the public interest to do so.

So, the basis for refusing a request for information should only be one where there is a legitimate public interest in withholding the documents. If there is a refusal to disclose

information, assuming it falls within the categories set out above, any such refusal should meet the following strict three-part test:

- the information must relate to a legitimate aim specified in the law;
- disclosure must threaten to cause substantial harm to that aim; and
- the harm to the aim must be greater than the public interest in having the information.

The law should apply to all branches of government (that is, the executive, legislative and judicial) as well as to all functions of government (including, for example, security and defence bodies). Non-disclosure of information must be justified on a case-by-case basis. Restrictions whose aim is to protect governments from embarrassment or the exposure of wrongdoing can never be justified.

Requests for information should be processed rapidly and fairly and an independent review of any refusals should be available

One of the surest ways of making an access to information law ineffective is by making it impossible for ordinary members of the public to use.

This principle says:

- Information requests should be handled quickly
- Information requests should be handled fairly
- There should be a right of appeal to an independent body if a request for information is turned down:

Handling requests quickly:

There are many potential reasons why information might be needed quickly:

- Because it is information that is needed for some official purpose - such as information from an official registrar that is needed to complete a form
- Because it is information about something that may already be causing harm, such as toxic emissions or other sort of environmental damage
- Because the requester is a journalist working to a deadline and many other reasons.

And what harm would be caused by delay?

- The requester cannot complete their form in time. Perhaps they receive a fine or other penalty
- Toxic emissions continue, causing damage to the community's health
- The journalist cannot complete the story and the public are not informed about an issue of importance.

If records are kept properly there is no reason why information cannot be produced very quickly - sometimes instantly, as soon as it is requested.

If records are not kept properly - then they should be.

An access to information law should contain time limits for information requests to be met - but this must be understood as the **maximum** deadline, not the time that requests normally take to be processed. A normal time limit would be in the region of 20 days.

Handling requests fairly:

There are two important aspects of making sure that information requests are handled fairly:

- There should be no discrimination between different requesters. Everyone should be given access to the information to which they are entitled.
- The system for processing requests should be clear and understandable to everyone.

Official records are kept in written form. Many people who need that information are illiterate. How can an access to information law address this problem?

A good system that has been adopted in some countries is to appoint information officers in all bodies that are subject to the access to information law.

There are various aspects to their job. They help to overcome the culture of secrecy in the organisation and to make sure that records are kept in an organised manner so that information requests can be processed easily.

Information officers can also help requesters to formulate their requests, explaining the procedure to them and filling in the request form for them, for example, if they are illiterate or disabled.

Right to appeal:

Many laws have established an information commissioner, or some similar independent official whose role it is to receive appeals when requests are refused, as well as generally supervising the operation of the access to information law.

In other countries, to keep down costs countries have given these independent review powers to administrative tribunals or Ombudspersons with general powers to investigate complaints against public officials.

Ultimately, anyone whose request is turned down should also be able to appeal to a court of law, both on the facts of their request and on any legal issues.

Individuals should not be deterred from making requests for information by excessive costs. Charging people a lot of money for the information is another way of making sure that access to information will not work.

One of the common objections to access to information is that it will be expensive. It might seem obvious, from the government perspective, to impose charges for requests for information that will allow the system to pay for itself.

However, access to information systems cost a lot less than is usually assumed. Government will actually gain many benefits from having such a system: it will improve efficiency, decision-making and the quality of record keeping.

It can also be argued that taxpayers already contribute towards record creation and management. Access to information is so integral to the proper functioning of government that it should not depend upon the user paying for it.

The argument for using charges to raise money to pay for the system is therefore less compelling than it might seem at first glance.

In practice, the fees charged will never cover operating costs, but these costs will be more than recovered by all the other savings resulting from a good access to information system.

Good access to information laws will impose no fee for making an application and set the fee for providing information at no more than the actual cost needed to produce the information - e.g., the cost of a sheet of photocopying, or whatever.

Some laws have a system of progressive charges. Corporate users are charged a higher fee for information requests, since they want the information for purposes of making money. This higher charge is used to subsidise costs for information requests by the public.

The law may also allow information to be released for free if the request is on a matter that is in the public interest.

Meetings of public bodies should be open to the public

This is a provision that is not often included in access to information laws, but in principle there is no reason why it shouldn't be.

However, some countries have separate laws - so-called sunshine laws, because they bring government out in the open - that require institutions to hold their decision-making meetings in public.

Working from the principle of maximum disclosure, the reason for holding meetings publicly is the same as the argument in favour of access to documents.

Public bodies exist only to serve the public. The latter have a right to see what is being decided on their behalf.

It is a provision that would probably apply to decision-making meetings rather than to internal or advisory meetings. It is easy to think of many examples: meetings of health authorities, education authorities, planning boards, development agencies and so on.

Laws that are inconsistent with the principle of maximum disclosure should be amended or repealed

Another way in which an access to information law can be made ineffective is by retaining existing laws that keep official information secret.

Most countries have a network of laws that preserve secrecy and make criminals out of people who disclose secrets. This existing network of secrets laws creates a problem for a new access to information law.

It is very likely that much official information - or all of it under some systems - will have been subject to classification. Classification means that all records are given a

label - open, restricted, secret, top secret or whatever - which tells officials who is allowed to see the document, and who is not.

If this classification system is left in force after the access to information law is adopted, it will obviously play havoc with any free public access to information. Officials will simply refuse to hand out information to the public on the grounds that it is classified.

The only sensible and practical way to deal with this is to repeal or amend all existing laws about government secrecy. The new access to information law should then contain all the relevant provisions relating to when information can legitimately be kept secret.

Individuals who release information on wrongdoing - whistleblowers - must be protected

Open government will reduce the risk of corruption, human rights violations, maladministration, environmental pollution and many other dangers - but it will not eliminate it altogether. So what should a public official do if they come across evidence of one of these things? What if they find out that one of their superiors has been taking bribes? Or ordering the torture of prisoners? Or turning a blind eye to toxic emissions?

The first answer, of course, is that they should report it to someone more senior - an appropriate authority who can take action. Unfortunately things don't always work like that. It may be difficult, dangerous or just pointless to make a report.

This is where it is important that officials have legal protection if they go public with this information. Like a referee, they blow the whistle on unacceptable behaviour. So they are known as 'whistleblowers'.

The Brazilian Rtl Law in a Nutshell

Law 12.527 of November 18, 2011. Entered into effect 180 days later, on May 16 2012

- *Applies to public bodies that form the direct administration of the Executive Branch; Legislative Branch, including the Audit Offices; the Judiciary and the Public Prosecutor's Office. Also, to autonomous institutions connected to the State, public foundations, public companies, mixed corporations and other entities controlled directly or indirectly by the Federal Government, the States, the Federal District and Municipalities.*
- *It also applies, whenever possible, to non-profit private entities which receive, in order to perform actions of public interest, public funds directly from the budget or through social subventions, management contract, partnership term, agreements, deals, adjustments, or other instruments of the same kind.*
- *The Law sets up proactive disclosure obligations. Information proactively disclosed should at least include:*
 - o *record of jurisdiction and organizational framework, addresses and telephones of the respective units and operating hours to the public;*
 - o *records of any total or partial transfer of financial resources;*
 - o *records of expenses;*
 - o *information related to bidding proceedings, including its publications and results, as well as all signed contracts;*
 - o *general data for the follow-up of programs, actions, projects and construction works of organs and entities; and*
 - o *answers to society's frequently asked questions.*
- *All public bodies have to organize a website containing the info mentioned above and following some minimum standards set for in the law (for example, have a search engine, provide open data, etc.). Only municipalities with a population inferior to 10,000 are exempted.*
- *All public bodies must create a Citizens' Information Service to:*
 - o *serve and orient the public on the access to information;*
 - o *provide information on document proceedings in its respective units;*
 - o *file documents and requests concerning the access to information;*
- *The request for access, which may be performed by any person, shall be submitted by any legitimate means and shall include the applicant's identification and specification of the requested information.*
- *The body shall reply in 20 days, extendable for additional 10 days, under express justification.*
- *After a refusal of access to information the applicant shall be able to appeal against the decision, within ten days after the communication of the refusal. The appeal shall be issued to appreciation of at least one authority hierarchically superior. When the applicant has the access to information denied by organs or entities of the Federal Executive Branch, the applicant may appeal to the Office of the Comptroller General, which shall decide within five days. If the Office of the Comptroller General denies access to information, the applicant may appeal to the Commission of Reassessment of Information.*

- *The bodies of the Judiciary and the Public Prosecutor's Office shall send their decisions on appeals to the National Council of Justice and the National Council of Public Prosecution, respectively, if they deny access to public interest information.*
- *The access to information necessary for the judicial or administrative guardianship of fundamental rights shall not be denied.*
- Information considered crucial to the security of society or of the State and, therefore, classifiable, are those whose disclosure or non-restricted access may:
 - put at risk the national defense and sovereign or the integrity of the national territory;
 - harm or put at risk the country's conduct of negotiations or international relations, or which is provided by other states and international organizations by means of secrecy.
 - put at risk the life, security or health of the population;
 - offer major risk to the monetary, economic and financial stability of the country;
 - harm or put at risk strategic plans or operations of the Armed Forces;
 - put at risk the security of institutions or high national or foreign authorities and their family members; or
 - compromise intelligence activities, as well as ongoing investigation or inspection, related to the prevention or repression of infractions.
- Maximum time frames of restriction on the access to information: top secret: twenty-five years; secret: fifteen years; reserved: five years.
- Civil servants who deny access to information are subject to sanctions.
- Regulation shall lay out the composition, organization and operation of the Commission of Reassessment of Information, observing the term of two years to their members and other provisions of this Law
- Within sixty days from the date the Law was put into effect, the highest leader of each organ or entity of the federal public administration should have designated an authority directly subordinated to it, within the respective organ or entity, to perform the following attributions:
 - efficiently ensure the compliance with the norms concerning the access to information according to the objectives of this Law;
 - monitor the implementation of the terms of this Law and submit periodic reports on its compliance;
 - recommend indispensable measures to the implementation and improvement of the norms and procedures necessary to the accurate observance of the terms of this Law; and
 - guide the respective units on the compliance with this Law and its regulations.
 -
- The Federal Executive Branch shall designate an organ from the Public Administration to be responsible for:
 - promoting a national campaign to foster a cultural change towards transparency within the Public Administration and to raise awareness on the fundamental right of access to information;
 - developing training activities for public officials about transparency in the Public Administration;
 - monitoring the implementation of this Law within the Federal Public Administration, concentrating and consolidating the publication of statistical information listed in Article;
 - submitting to the National Congress an annual report with information related to the implementation of this Law.
- The Executive Branch should have regulated the terms of the Law within a hundred and eighty days from the date of its publication.
- The States, the Federal District and Municipalities should pass their own legislation, with obedience to the general dispositions of the Rtl Law.

THE BRAZIL EXPERIENCE AFTER THE RTI LAW (12.527/2012) – IT'S IMPORTANCE TO THE WATER SECTOR

The right to access public information was first placed in Brazil in 1988, in the Federal Constitution in its article 5, XXXIII: "everyone is entitled to receive public information of particular interest, or collective or general interest, to be provided within the law, under penalty of liability, except for those information that secrecy is essential to the security of society and the state". However, just on May 16 2012, 180 days after publication of the Law on Access Public Information in the Official Gazette and on the same day the Law should enter into effect, the Federal Executive approved Federal Decree 7.724/2012 regulating the law and detailing its implementation by all federal bodies of the public administration.

Undoubtedly such instruments represent an advance in the right to access information and can be seen as a progressive legislation when compared to others laws or international models. However, it is necessary to point what it is good in this law and what should be improved.

One of the most positive aspects of the Brazilian RTI law is that, in addition to defining the proceedings to make an information request, the deadline established to the response can be considered fast (20 days), although the legislation sets also a deadline to prolong these days (10 days) which might have to be justified.

In addition, there is the fact that Brazilian law provides a legal framework for the appeals of information requests within public bodies. However, in this aspect of appeals we can find a very critical point of the law: the absence of a body of appeal truly independent. The Brazilian legislation indicated CGU and the CRMI as the ultimate instances to judge appeals at the federal level, but both of them are constituted by members of the federal government. We understand that is also important for a framework on access to information the existence of an independent body to observe the accomplishments of the law.

The absence of an independent appeal body is even more complicated in the Brazilian reality because of our federalism organization that divides the tree powers - executive,

legislative and judiciary - in federal, states, and municipality levels. It means that in each level it will be necessary to point a different body in charge to judge appeal in respect to the division of power.

Concerning the sanctions of public servants, a good aspect brought in the law is that servants cannot be punished in case of disclosure of information in good faith.

It is also worth pointing out that the need for identification of the requester established by the law is problematic because many people feel apprehensive and unsafe to make write their names in the requests. Thus, related to the costs that information requests can generate, nor the Law or Decree established a schedule of fees to be charged. Regarding the proactive transparency, the Brazilian Law does not set a deadline for the creation of websites by public agencies for proactive disclosure of information.

Affirmation of the Right to Water, how the Right to Information Law can help us?

Since 1988, the Brazilian Federal Constitution establishes the obligation of the State to encourage the recovery of arid and cooperation with small and medium landowners for the establishment, on their land, water sources and small irrigation.

The idea of access to water as a right in Brazil was strengthened by Decree 7.535/2011, that created the Water for All – a governmental program that seeks to achieve the universal access to water. Before the Decree, the Law 9.433/1997 already defined the water as a common good.

Since 2001 was traced a unique institutional arrangement through a cooperative project between the Ministry of Environment and Semi-Arid Articulation (ASA) with your program One Million Rural Cisterns (P1MC). Currently, the main program that guides the actions that lead water access for small farms in rural areas with low-income population is the aforementioned Water for All program, which follows the guidelines of the Brazil Without Misery federal government.

Regarding women participation in public policies for water, Brazil also undertook in Article 14 of the Convention on the Elimination of All Forms of Discrimination against

Women, the compromise to guarantee the right of rural women to participate in the elaboration and implementation of government plans and enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity, water supply, transport and communications.

Trying to decrease the drought consequences in the semiarid, a certain quantity of governments programs were created and are being implemented, as can be found above.

We consider that a fundamental part to guarantee that the people affected by those programs will be able to participate and monitor its implementation is the access to information. The access to public information is, not only a human right, but also an instrument to assist the decision-making in those public policies that are planned and executed in name of the public interest. This is just possible when people have conscious of their rights on freedom of expression, which guarantees the access to information throughout a lot of mechanisms. The connection between freedom of expression and access to information permits the participation in transparent processes and strengthen the capacity of collaboration among communities to generate intervention in there.

Some basics information can improve the results of some claims. For example, accessing information about programs and initiatives that are being developed in some region – can indicate the spaces where decisions are being taken and executed, increasing the public participation. In addition, the access to information can provide, for instance, who are responsible for some services, as the basic sanitation, and to whom a complaint should be send. It is possible too asking for information related to politics position in some meeting or information about the investments in water initiatives, like the cistern program. Also, it is possible to request information about the water quality.

More than increase the public participation in polices related to the access to water, the access to information allow individuals to be better informed about other things that can affect their life quality in sectors like health, education, housing, etc.

SESSION 3: OVERVIEW OF THE DEVELOPMENTS IN THE WATER SECTOR

Dr. Vanessa Empinotti

In session 3, the consultant of the project, Dr. Vanessa Empinotti, presented an outline of the developments in the water sector and the government programs that seek to promote access to water in rural communities. We had a discussion about how those programs work and if that was enough information on its implementation.

It was clear that the partnership between the government and civil society organizations allowed greater social participation in the development of some of these programs, since the power was not concentrated in the hands of local governments, such as the *cisterns* (tanks to collect water)¹.

The Federal Executive constituted extensive network of councils and other spaces for dialogue with civil society. The National Food and Nutrition Security - <http://www4.planalto.gov.br/consea> - installed on January 30, 2003, is a consultative advises the President of the Republic in the formulation of policies and the definition of guidelines for the country to ensure the human right to food. In this space they discuss issues such as access to water, reflecting invariably debates in the State and in representations of the base. In addition, programs such as the cistern supports the creation of "collegiate" in municipalities, democratic space that guides the implementation of the actions of access to water, discussing priorities, demands and production monitoring of the actions developed. These decision making processes

Almost all participants have cisterns – a system to collect water from the rain – and this has made those people more independent and not subject to the use of water as a political weapon. The problem is that rural communities from the semiarid are passing

¹ Since 2003, 983 “cisterns” - tankers to collect water from the rain -were delivered in the State of Pernambuco by Ministry of Social Development, in partnership with Association One Million Cisterns (ASA) and the Government of the State of Pernambuco. *data obtained from information request.*

through the worst dry weather from the last 20 years, and it has been 2 years without rain. For this reason, government should be prepared to distribute water as an emergency measure, and it is not working as it should.

A diagnosis was made of the different water sources that supply the region, as well as the issues that affect the visited communities.

In the table below, the different water sources in each locality can be observed:

Table 01: Different water sources in the communities visited

Community	Water source	Governmental program
Sítio do Souto		
	Cacimba	
	Poço artesiano	PRORURAL
	Cisterna calçadão	Segunda água
	Cisterna de placa	Primeira água
	Cisterna telhadão	Segunda água
	Barragens	IPA
	Barragem subterrânea	Sabiá
	Riachos (água encanada)	
	Carro pipa	Compesa e IPA
Sítio Velho		
	Cacimba	
	Cisterna de placa	Primeira água
	Caldeirão	IPA

Riacho	
Barraginha	
Juá	
Cisterna de placa	Primeira água
Cisterna de trincheira	Segunda água
Cisterna calçadão	Segunda água
Barreiro	
Açude	
Tanque de pedra	
Cacimba	
Poço artesiano	PRORURAL
Riacho	
Nascente	
Carro pipa	IPA, Exército e Prefeitura

After knowing the existing programs, we proposed to map all the water sources they use, all authorities that are responsible to provide water services in the region (Federal, Estadual and Municipal level) and all spaces for social participation (Councils and Committees). They drew a map with this information we discussed the main problems with access to water faced by them. At the end of this session, we highlighted the importance of them to return on the next day because we would put all this knowledge and theory in practice and everyone would learn how to make an information request.

In the last session of this report the major gaps related to access to water and to information will be presented and discussed.

DEVELOPMENTS IN THE LOCAL WATER SECTOR

In order to mitigate the effects of drought on the population, the National Civil Defense Secretariat -SEDEC run in partnership with other ministries, the Emergency Financial Assistance program and operation AEF-Car-Pipa, and transfer resources for actions such as acquisition and distribution of food baskets, rental vehicle for water distribution, deploying tanks, water supply systems, recovery wells etc..

The Ministry of National Integration Secretariats have other running actions against drought - Department of Infrastructure Hydropower, Irrigation Department and the Department of Regional Development, the latter of which runs the Water for All program.

In 2012 the Ministry of National Integration announces agreements with state governments and the financial transfer agreements Valley Development Company of the São Francisco and Parnaíba (Codevasf) and the National Department of Works Against Drought (DNOCS) totaling R\$ 891 million to implement actions of Water for All program, which aims to facilitate access to water for the rural poor and extremely poor who only have poor access to water. Resources are used for installation of tanks consumer and construction of collective systems supply and small dams / pits. Beyond the Water for All program, we highlight the following federal government programs that aim to address and facilitate coping with drought: Drought Stock Exchange; Warranty Harvest, Operation *Carro Pipa* (water trucks); expansion of Credit Emergency; Most irrigation, among others.

The budget for the Water for All program is defined by law and their distribution among the states and municipalities to be benefited as the main guideline has the number of poor and extremely poor living in the rural area of each municipality and poor access to water, according to data Unified Social Register of the Federal Government's Ministry of Social Development and Fight against Hunger (MDS).

To help control the actions implemented, the program envisages the organization of Municipal Management Committees consisting of representatives of civil society

organizations, trade unions representing rural, rural associations, churches, pastoral and municipal authorities, as well as the community police. The Committee assists in the mobilization of local communities aiming at the validation and registration of families to be benefited.

By providing this, the Ministry of National Integration seeks to empower civil society to monitor the correct implementation of the Local Program. The Ministry directs further that in case there is a defect in the equipment / works, installation problems, complaint of misuse of benefits, not care of people that have the appropriate profile or any other problem, either contacted the Ombudsman's Office of the Ministry National Integration, by phone 0800 61 0021 or site www.mi.gov.br that complaints can be investigated. Other ministries also have actions to combat drought, such as the Ministries of Defence, Social Development and Fight Against Hunger, Environment etc.. In 2012 Sedec transferred R\$ 402,238,506.36 to meet Operation "Carro Pipa" (water truck) and R\$395,171,360 for the AEF.²

Currently, the main program that guides the access to water in the context of small properties in rural areas is the Water for All, created by Decree 7.535/2011 as we mentioned before. It follows the guidelines of the federal program Brazil Without Misery. There are also the programs Cisterns and Second Water. Thus, specific programs of state governments as Pernambuco More Productive follow similar actions defined by the Water for All. Moreover, there are also actions taken as a temporary emergency response to the drought plaguing the state of Pernambuco. Following you can find more information about these programs.

It is important to say that some governmental actions occur in partnership with civil society organizations, such as the training of workforce to build the cisterns and the definition of parameters to choose beneficiaries. Other initiatives are total responsibility of the State, such as the requests from farms to build hydric infrastructure in the region.

Governmental Programs:

² Data obtained from information request.

Água para todos (Water for All):

Responsible Body: Ministry of Social Development

Web: <http://www.mi.gov.br/agua-para-todos>

Cisternas – Primeira Água (Cisterns – First Water)

Responsible Body: Ministry of Social Development

Web: <http://www.mds.gov.br/segurancaalimentar/programa-cisternas> e
<http://www.mds.gov.br/segurancaalimentar/programa-cisternas/entenda-o-programa/primeira-agua>

Segunda Água (Second Water):

Responsible Body: Ministry of Social Development

Web: <http://www.mds.gov.br/segurancaalimentar/programa-cisternas/entenda-o-programa/segunda-agua>

Projeto Pernambuco mais Produtivo (More productive Pernambuco Project)

Responsible Bodies: Ministério do Desenvolvimento Social (Ministry of Social Development); Governo do Estado de Pernambuco (Pernambuco Government); and Articulação do Seminário Brasileiro (ASA - Articulation of Brazil Semiarid).

Web: ---

Infraestrutura Hídrica (Hidric Infrastructure):

Responsible Bodies: Instituto Agronômico de Pernambuco (IPA – EMBRAPA – Agronomic Institute of Pernambuco)

Web: <http://www.ipa.br/novo/infraestrutura-apresentacao/>

Projeto de Combate à Pobreza Rural (Project to Combat Rural Poverty):

Responsible Bodies: Governo do estado em parceria com o BIRD (state government in partnership with Inter-american Development Bank)

Web: ---

Carros-Pipa (Pipa cars – tankers)

Responsible Bodies: Governo do estado e governo federal (state government in partnership with federal government)

Web: ---

Bolsa Estiagem (Drought Aid)

Responsible Bodies: federal benefit

Web: ---

Mapping Information Requester**Agência Nacional da Água (National Agency of Water):**

Web: <http://www.ana.gov.br/>

Address: Setor Policial, área 5, Quadra 3, Blocos "B","L","M" e "T". Brasília-DF CEP: 70610-200

Phone: (61) 2109-5400 / (61) 2109-5252

Articulação do Semiárido Brasileiro (Articulation of Brazil Semiarid):

Web: <http://www.asabrasil.org.br/portal/Default.asp>

Address: Rua Nicarágua, 111 - Espinheiro – CEP: 52020-190 - Recife/PE - Brasil

Phone: (81) 2121-7666

Casa Civil da Presidência da República (Civil House):

Web: <http://www.casacivil.gov.br/>

Address: Praça dos Três Poderes, Palácio do Planalto, Anexo I, Ala B, sala 107. CEP: 70150-900

Phone: (61) 3411-5964 / 5965

E-mail: sicplanalto@planalto.gov.br

Companhia Sanitária de Pernambuco (Pernambuco Sanitation Company):

Web: <http://www.codevasf.gov.br/>

Address: SGAN 601, Conj. I. Ed. Dep. Manoel Novaes. Cep: 70.830-901. Brasília - DF

Phone: (61) 2028-4611

Departamento de Recursos Hídricos de Pernambuco (Department of Water Resources of Pernambuco):

Web: <http://www.srhe.pe.gov.br/>

Address: Avenida Cruz Cabugá, 1111 - Santo Amaro - Recife-PE CEP: 50.040-000 Fone: 3184.2500

Phone: (81) 3184.2635

Instituto Agrônômico de Pernambuco (IPA – EMBRAPA –Agronomic Institute of Pernambuco):

Address: Avenida General San Martin, 1371 – Bongi – Recife/PE – CEP: 50761-000

Phone: (81) 3184-7200

Instituto Brasileiro de Geografia e Estatística (Brazilian Institute of Geography and Statistics):

Web: <http://www.ibge.gov.br/>

Address: Av. Franklin Roosevelt, 166 – Térreo CEP: 20021-120 Centro - Rio de Janeiro/RJ

Phone: 0800-721-8181

Governo do estado de Pernambuco (Pernambuco Government):

Web: <http://www.pe.gov.br/>

Address: Centro de Convenções (sede provisória), Av. Agamenon Magalhães, 200 - Salgadinho - CEP 53110-710 - Olinda - Pernambuco - Brasil

Phone: (81) 3121-2100 / (81) 3121-2101

Ministério da Integração Nacional (Ministry of National Integration)

Address: Edifício Celso Furtado – SGAN 906 Norte – Sala SE 18 Brasília – DF/ CEP: 70.790-060

Phone: (61)20345800

Ombudsman: 0800 610021

Ministério do Desenvolvimento Social (Ministry of Social Development):

Address: Ministério do Desenvolvimento Social e Combate à Fome - Esplanada dos Ministérios, Bloco C, 9º andar, room 948 - MDS Relationship Center; room 936 e 940 – Ombudsman - CEP: 70.046-900 - Brasília/DF – A/c

Phone: 0800 707 2003

Ministério da Saúde (Ministry of Health):

Web: <http://www.saude.gov.br/>

Address: Térreo do prédio sede do Ministério da Saúde - Esplanada dos Ministérios, bloco G, Brasília/DF, CEP: 70058-900

Phone: (61) 3315-2425 ou 136

Ministério da Justiça (Ministry of Justice):

Web: <http://www.mj.gov.br/>

Address: Na Esplanada dos Ministérios, Bloco "T", Edifício Sede, Térreo - Palácio da Justiça, CEP 70.064-900 - Brasília/DF.

Phone: ---

E-mail: sic@mj.gov.br

Ministério do Desenvolvimento Agrário (Ministry of Agrarian Development):

Web: <http://www.mda.gov.br/>

Address: Esplanada dos Ministérios, Bloco E - sala 133, CEP 70067-900, Brasília - DF

Phone: (61) 2033-8100

E-mail: sic@mct.gov.br

Ministério de Relações Exteriores (Ministry of Foreign Affairs):

Web: <http://www.itamaraty.gov.br/>

Address: Palácio Itamaraty - Esplanada dos Ministérios - Bloco H -Brasília/DF - Brasil - CEP 70.170-900

Phone: (61) 2030-6775.

E-mail: sic@itamaraty.gov.br

Ministério de Ciência, Tecnologia e Inovação (Ministry of Science, Technology and Innovation):

Web: <http://www.mct.gov.br/>

Address: Esplanada dos Ministérios, Bloco A, térreo, sala T20, Brasília, DF. CEP: 70050-902

Phone: (61) 2020-0102

E-mail: sic@mda.gov.br

Secretaria de Direitos Humanos (Secretariat for Human Rights):

Web: <http://portal.sdh.gov.br/>

Address: Setor Comercial Sul - B, Quadra 9, Lote C, Edifício Parque Cidade Corporate, Torre "A", 8º andar. CEP: 70308-200. Brasília, Distrito Federal, Brasil

Phone: (61) 2025-7900

E-mail: sic@sdh.gov.br

Secretaria Nacional de Defesa Civil (National Secretariat of Civil Defense):

Web: <http://www.integracao.gov.br/>

Address: Setor de Grandes Áreas Norte, 906 módulo F, bloco A, sala 03, térreo Asa Norte, Brasília, DF CEP 70790-060

Phone: 61-3414-5777

E-mail: sic@integracao.gov.br

Superintendência do Desenvolvimento do Nordeste (Superintendence of Northeast Development):

Web: <http://www.sudene.gov.br/>

Address: Pça. Ministro João Gonçalves de Souza, S/N, Engenho do Meio, Recife/PE, CEP: 50670-500

Phone: (81) 2102.2114 / 2102.2818

NEW TECHNOLOGIES

Below are listed the projects supervised by the Ministry of Science, Technology and Innovation³.

1. Project: Support to Human Resources Training and Events on Climate Extremes Caused by Global Climate Change Project in the amount of \$ 500,000, 00 was supported by the Interamerican Development Bank (IDB) with U.S. \$ 400,000.00 in the form of donations and \$ 100,000.00 counterpart MCTI. The project's structure into four components: Component 1: Information systems: identifying areas of collaboration in science and climate change; Component 2: Training in the use and calibration of

³ data obtained from information request.

measuring instruments of climate data; Component 3: Systems training: courses short on analysis and use of climate data; Component 4: Dissemination Systems: building a database and their distribution. In 2012 the activities were performed in Component 1, with the holding of an international symposium in May 27 to June 1, 2012 with the theme "Climate Change, Impacts and Vulnerabilities of Brazil: the Brazilian Northeast Preparing for the Future", which attended by 370 participants and assessed by the IDB as successful. The workshop took place in Natal-RN, contributing to the advancement of climate science, while simultaneously helping to promote regional development. As an outcome of this event was held in October 2012, also in Natal-RN, the meeting EUROCLIMA focusing on desertification in Latin America. The other project activities are scheduled to take place in 2013. Process is available at the General Meteorology, Climatology and Hydrology - CGMH-SEPED/MCTI responsible Mr. Rodrigo Henrique Macedo Braga, room 224 of MCTI, phone (61) 2033-8192, amount of 400 pages, 2 volumes.

2. Project: Project: Early Warning System Against Drought and Desertification - Phase II (SAP-II) The objective of this project is to contribute to the development and improvement of an early warning system against drought and desertification, through monitoring of environmental and social variables associated with droughts, as well as the identification of early indicators of the phenomenon of desertification. The project was supported by the resources of R \$ 1.00 million from the Climate Fund, MMA, and the National Center for Monitoring and Alerts Natural Disasters - CEMADEN of SEPED / MCTI, the institution responsible for implementing the

3. Project: Support for Research, Development and Innovation Facing the Semi-Arid Region in Universities and Research Bodies: The goal is to promote the launch of Public

Calling, through a partnership between the National Council for Scientific and Technological Development - CNPq and the Foundation for Research Support State of Alagoas - FAPEAL for the selection of research projects of universities and Organs Research headquartered in the State of Alagoas, primarily those of the semiarid region (regions Wasteland and the Hinterland of Alagoas) or working with research related the Semi-Arid Region with the aim of funding and support, through grant funds from grant resources, development of projects, processes and services, aiming at the development of strategic areas in the state and federal public policy.

4. Project: Use of weather radar aimed at applications that focus on the anticipation of the occurrence of natural disasters, especially landslides, mudslides, floods and disasters caused by the effects of droughts and droughts The Ministry of Science, Technology and Innovation is assembling a network of radars weather last generation, whose goal is to support the work of early detection of natural disasters of hydrometeorological origin. Thus, among the radars acquired by the National Monitoring and Alerts Natural Disasters - CEMADEN / MCTI through the Call RDC n ° 01/2012, the semi-arid areas will have three more radars to be installed by MCTI in Natal (RN) , Maceió (AL) and Salvador (BA). These facilities, along with radars Quixeramobim (acquired by agreement between MCTI and FUNCEME in 2009) and Fortaleza (capital of the state itself), both in the state of Ceará, will form a network to be used in studies and work aimed at mitigation of the effects caused by droughts and droughts. The maps of rain to be produced by advanced radars will feed crop forecast models, soil moisture and weather forecasting, which effectively support the government in its management actions and decisions.

5. Project: Development of management activities, teaching, training and research for dissemination of knowledge related to water resources in Brazil, Latin America and countries of Portuguese-speaking Africa, with the International Center for Education, Training and Applied Research in Water (Foundation HidroEX) of Fruity-MG. Objective: Foundation Funding Hidroex for deploying infrastructure development and management activities, teaching, training and research for dissemination of knowledge related to water and environmental resources in the order of R \$ 2,453 thousand shares of MCTI with support from SEPED worth £ 453,000

6. Project: Establishment of Center for Environmental Science Foundation Hidoex with the International Center for Education, Training and Applied Research in Water (Foundation HidroEX) of Fruity-MG. Objective: Deploy Center for Environmental Sciences Foundation Hidroex available to the general public and students and technicians in particular, all information pertaining to environmental issues on the planet, facilitating decision making, guiding pedagogical actions, stimulating education environment and facilitating the involvement of the wider community with actions preservationists. Covenant signed by MCTI process n. ° 01200.001034/2010-16 involving resources in the order of U.S. \$ 700 000, 8978 action in 2010.

7. Project: Research and Development in Irrigated Agriculture in the Cerrado This is a project signed between MCTI and EMBRAPA Cerrado, headquartered in Planaltina - DF, aiming to develop and transfer technologies in irrigated agriculture in the Cerrado region. The project has two goals: i. Upgrade the infrastructure of laboratory and experimental field of Embrapa Cerrado ii. Initiating structure Nucleus Reference and Innovation in Irrigation and Water Resources (NURII) in Fruity - MG. The realization of the project includes the delivery of the following: i. Structuring a research network in

Irrigated Agriculture, ii. Characterization of the quality of irrigation practiced in areas of the Cerrado, iii. Development tool, based on linear programming, decision-making of central pivot irrigation iv. Development of technology for the use of controlled water stress in irrigated coffee culture to achieve uniformity of flowering and fruit ripening; v.. Technology development fertilizing irrigated coffee in the Cerrado aiming at high yield and grain quality and reduced production biannuality vi. Improved monitoring software for irrigation Cerrado vii. Validation of technologies for irrigated coffee in the Cerrado in western Bahia and Cerrado of Central Brazil, viii. Determine the management of irrigation water in the sugarcane sugar Cerrado ix. Validation of technologies irrigated wheat in central Brazil; x. Training of technicians. Total Project Value (Transferred by MCTI): R \$ 10,500,000.00. Instrument of Transfer: Term Cooperation Decentralization Process Credit available at the General Meteorology, Climatology and Hydrology

8. Project: Project Development Education, Training and Applied Research in Waters HidroEx, in partnership with international institutes of UNESCO (Case No. 01200.001473/2010-11) Performer: HIDROEX Foundation-International Centre for Education, Training and Applied Research in Water - was deployed in the city of Fruity / MG. It is an initiative of the State Government, in partnership with the Federal Government, which has the backing of UNESCO. It is the first international center dedicated to the Water Education that will serve Latin America and Portuguese-speaking countries of Africa. While the resources for its implementation are being released and most of the works are already in progress, the search HidroEX deployment, which are objects of its institutional mission and its business plan, approved by UNESCO in October 2009. Project Activities: 1. Service Training for Technical Legislation on Transboundary Waters of the River Plate Basin through partnership with UNESCO and Water Policy and Science Centre Dundee 2. Service

Training Local Leaders of the Plata Basin through partnership with UNESCO and Water Policy and Science Centre Dundee 3. Service Training for multipliers Legislation in the Water Resources through partnership with UNESCO and Water Policy and Science Centre Dundee 4. Service Agent Training for Civil Defense Disaster through partnership with UNESCO and Centre for Research in Natural Disasters (Tsukuba). 5. Service Training Legislation Resources for technical CPLP through partnership with the UNESCO Institute of Water Education (UNESCO / IHE) and University of Algarve 6. Service Training in Watershed Management Hdrográficas for public CPLP through partnership with the UNESCO Institute of Water Education (UNESCO / IHE) and University of Algarve 7. Service Training of technicians for HidroEX in Master through partnership Unesco Institute of Water Education (UNESCO / IHE) 8. D Service Training in Watershed Management for public Minas Gerais through partnerships with Green Mines and Water UNESCO Institute of Education. Total Value: Value 6,868,743.72 Grantor: 5,494,994.98 Counterpart Value: 1,373,748.74

SESSION 4: PROACTIVE DISCLOSURES & EXCEPTIONS

Karina Quintanilha

General information about proactive transparency and exceptions were given to participants.

Certain types of information are excluded from the normal principle of public access - or maximum disclosure - that should govern an access to information law.

Exceptions to maximum disclosure:

The principle that exceptions to public access should be 'narrowly drawn' implies that access to information laws should:

- clearly define the types of information that may be made an exception
- clearly define the circumstances in which these may be made an exception

Exceptions to publication:

Here is a list of types of information that can be excluded from public access in certain circumstances. It is important to stress that this does not necessarily mean that all information of a certain type will be kept secret - but simply that it can be sometimes:

- Law enforcement
- Personal privacy
- Commercial secrecy
- Public or individual safety
- Confidential government discussions
- Legally privileged information
- Public economic interests
- National security

Law enforcement

Investigation, prevention or detection of crime would often be impossible if the police were required to make information available about investigations while they were still going on. Likewise, it would become much more difficult for the police to catch criminals if all information about their work was readily available.

Some methods of detecting and preventing crime must be secret to be effective (e.g., techniques of surveillance). But care should be taken not to draft exclusions so broadly that information on law enforcement will never be released.

The key is that ongoing investigations should not be jeopardised, public/individual safety should not be put at risk and/or some other damage should not be caused by disclosure of the requested information.

Personal privacy

Public bodies (and some private ones) hold some information about individuals. They need to do this in order to provide necessary services - for example, health, education and all types of social service.

But there is no reason why all this information should be made available to anyone other than the subject of the information - that could be an invasion of privacy.

Of course, the subject of the information should always be able to gain access to it. This is an important way of making sure that it is not abused.

Of course, not all personal information is private. And different rules will apply, in particular, where the personal information relates to the work of public officials.

Commercial secrecy

This is one of the more difficult ones.

Suppose, for example, that a company was developing a new product. It would be legitimate for it not to have to divulge details that could allow its product to be copied by rival companies.

It would also be legitimate for companies not to have to divulge information that would affect its competitiveness in the market.

The problem arises for two reasons:

- First, because companies use commercial secrecy as a way of controlling and restricting the distribution of the social benefits of their product. A clear example of this

is drug companies, which make enormous profits from the sale of branded drugs, when the cheaper reproduction of generic drugs would be of great social benefit.

- The second problem with commercial secrecy is that it often allows companies to operate in a socially unaccountable manner. A company may say that it is closing down a factory, with loss of jobs, because it is no longer profitable.

But shouldn't workers and the community be entitled to review the company's accounts to see whether this is in fact true?

Public or individual safety

This is an exception that is clearly foreseen in international law.

Article 19 of the International Covenant on Civil and Political Rights says that 'public order' is a permissible ground for limiting freedom of expression (which, as we have seen, encompasses freedom of information).

It is certainly possible to imagine cases where an individual's safety might be jeopardised.

Say, for example, that someone was placed in a witness protection programme. It would certainly not be desirable that information about their whereabouts and identity be released.

Public safety is a more difficult concept. It could refer to the danger of public panic in the event of, e.g., a health threat. Yet, more often the need is for greater openness and information about health issues, not the opposite.

Confidential government discussions

The idea of allowing exceptions on this is not to keep government decisions secret, but to protect the integrity of the decision-making process.

One concern is that officials should not be discouraged from having frank and free discussions about policy issues. The argument is that policy-makers will be cautious and conservative if they fear that every suggestion they make during a discussion can later be published (and perhaps ridiculed).

The other main concern is that the interests of the public may be put at risk if decisions are released prematurely.

Once again, there may be a valid point, but the bigger danger is that government decision making is too secretive, not too public.

Legally privileged information

In all legal systems, some information is privileged - that is, it cannot be revealed except to those who have a right to that information within the rules and practice of the system. Most notably, this includes information exchanged between lawyer and client.

There are also limits during legal proceedings on the release of information that may influence the outcome: In many systems this is known as the sub judice rule. There is a limit to how far anyone can release information or comment on legal proceedings, such as trials, until they are over.

Legal privilege - especially the sub judice rule - is often abused as a way of limiting public comment, including criticism of the judiciary.

However, the right of everyone to a fair trial means that legal privilege, properly interpreted, has an important role in the judicial system.

Such information should certainly be excluded from maximum disclosure.

Public economic interests

There are certain types of public economic information that could cause damage if they were released at the wrong time.

These should be protected in order to allow the government to manage the economy. For example, advance information about a change in interest rates or currency exchange rates could be used by speculators to cause damage to the currency. For these limited cases, it would seem reasonable to limit or restrict public access to this information.

In addition, those public commercial bodies that are covered by an access to information law should have the same protection as their private counterparts against the release of information that would damage their competitiveness.

National security

This is undoubtedly the most controversial area relating to the release of information.

ARTICLE 19 thought that this issue of national security and freedom of information was so important that in 1995 it convened a meeting of international experts, along with the Centre for Applied Legal Studies at the University of the Witwatersrand.

These experts produced the Johannesburg principles on freedom of information and national security

The Johannesburg principles have been endorsed by the United Nations Special Rapporteur on Freedom of Expression - although unfortunately course this does not necessarily mean that they are widely respected in practice.

Releasing or withholding information

How do we decide whether information should be released or withheld?

The approach that is advocated by groups campaigning for access to information internationally is a three-part test, which should also be applied in all cases where there is doubt about whether or not a piece of information should be released:

1. The reason for keeping the information secret should be to protect a limited number of legitimate restrictions that are set out in the access to information law. These would correspond to the various grounds for making an exception that we have just discussed - law enforcement, commercial secrecy, national security and so on.
2. If the information were to be released, this would be likely to do substantial damage to the interest that is protected in the law.
3. Even if the information relates to one of these legitimate restrictions and can be shown to cause substantial damage, would it nevertheless be in the public interest to release it?

It is difficult to offer a right or wrong answer to these questions in abstract.

Decisions in each case will depend on the detailed facts and on the particular context.

The point of the three-part test is to provide a consistent way of making these difficult judgements while making the public interest the top priority

If you want to read more about the issue of exceptions, look at the ARTICLE 19's draft model access to information law.

SESSION 5: STATUS OF RTI IN THE WORLD & STEP BY STEP ON HOW TO MAKE AN INFORMATION REQUEST

By Karina Quintanilha

In session 5, we started resuming what did we already know about RTI from the first day of the training with an overview of the status of the Rtl in the world and a power point with a step by step on how to make an information request, including an online request.

STATUS OF RTI IN THE WORLD

On 14 December 1946, one of the very first resolutions adopted by the new United Nations General Assembly (59 (I)) stated:

Freedom of information is a fundamental human right and ... the touchstone of all freedoms to which the United Nations is consecrated.

The point that the UN General Assembly was making was a very simple one - and something that is still absolutely key to the argument in favour of freedom of information:

People cannot make real choices in any area of their lives unless they are well informed.

This goes for politics, the workplace, education, civic life or any other sphere of existence.

Unless we have proper, accurate information, we cannot fully exercise our rights and freedoms. This is the sense in which freedom of information is a 'touchstone'. Without information none of our other human rights is really complete.

Bearing in mind this clear and simple point, the UN did not create a separate and independent right to freedom of information.

Instead, Article 19 of the Universal Declaration of Human Rights (UDHR) adopted in 1948 states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

What Article 19 of the UDHR creates is a right to freedom of opinion and expression. Part of this right is the freedom to 'seek, receive and impart information'.

Article IV of the American Declaration of the Rights and Duties of Man, which was adopted in 1948 by the Organisation of American States (OAS), similarly states:

Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever.

Article 19 of the International Covenant on Civil and Political Rights (ICCPR) , which was adopted by the UN in 1966, uses the same language:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 13 of the American Convention on Human Rights, which was adopted by the OAS in 1969, also draws on the language of the UDHR as well as the ICCPR:

1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.
2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure:
 - a. respect for the rights or reputations of others; or
 - b. the protection of national security, public order, or public health or morals.
3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.

4. Notwithstanding the provisions of paragraph 2 above, public entertainments may be subject by law to prior censorship for the sole purpose of regulating access to them for the moral protection of childhood and adolescence.

5. Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law.

On 11 March 1994, the Western Hemisphere Conference on Free Speech organised by the Inter-American Press Association (IAPA) and in Chapultepec Castle, Mexico City, adopted the Declaration of Chapultepec, a series of principles serving as guidelines for protecting and preserving freedom of expression and of the press.

The Declaration, which is currently endorsed by 32 Heads of States or Governments of Latin American States, includes the following principles:

Every person has the right to seek and receive information, express opinions and disseminate them freely. No one may restrict or deny these rights. [Principle 2]

The authorities must be compelled by law to make available in a timely and reasonable manner the information generated by the public sector. No journalist may be forced to reveal his or her sources of information. [Principle 3]

Over the last decade, significant steps to strengthen the international legal framework on access to information have been taken in issue-specific areas such as the environment:

In 1998, Member States of the UN Economic Commission for Europe and the European Union signed the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention)

The Aarhus Convention recognises access to information as part of the right to live in a healthy environment rather than as a right in itself. However, it is the first legally

binding international convention that sets out in detail what the responsibilities of the state are on access to information.

STEP BY STEP ON HOW TO MAKE AN INFORMATION REQUEST

In this session, we showed a power point with a presentation on how to make an information request, giving also some orientations on how to make an online information request.

After the presentation, we elected together what would be the content of the first information request, taking into consideration the conversation and the map we had on the first day. We read the material campaign with them and started to write together the first request about an access to water issue.

Online request:

1. Enter the website of the body that you want to get information (remember that only municipalities with over 10,000 inhabitants are required to maintain a website to facilitate access to information).
2. Seek an icon named "Access to Information" and click "request information". May also happen that the page you are ordering point to transparency portal. If you do not find, use the search engine site and type "request for information" or "request information."
3. When you access the page with the online form to request information fill out your registration. The law requires that you identify yourself, it may be asked for your name, ID or name of your organization/association and CNPJ and address or e-mail for sending the response.
4. Get to the point, make your request in a clear and objective way. Short messages can help the authority finds the information you need - put in your request only the essential information you need.

5. Do not forget to say the means by which you want to receive the response (e-mail or address, there may be costs for sending a letter)
6. Send the request and be sure to note the number of the protocol
7. The government should immediately respond the request, and if it is not possible the maximum period is 20 days

If it is not possible to make an online request:

1. You can go in person to the agency that has the information or send a letter with acknowledgment of receipt. The RTI law also give the possibility to order by phone.
2. Follow the model below or use the standard form provided by the board to order

information:

Date, Place

Name of public body,

Dear Sir / Madam [Director / Secretary]

[YOUR NAME OR YOUR ORGANIZATION], registered with the [ID and / or CPF / / CNPJ / MF] under number [put number here] for his / her legal representative, [IN CASE OF ENTITY], [ID or CPF OF THE LEGAL REPRESENTATIVE] based on Article 5(XXXIII) of the Federal Constitution and Articles 10, 11 and 12 of Law n. 12.527/2011 - Law on Access to Public Information - requests the following.

Request for information regarding [insert main subject of your request, such as: Municipal budget]

1. The applicant requests: [describe its application in an objective manner, as an example: Has the prefecture of the city [type the name of municipality] received in 2012 the measures of basic sanitation?] OR [access to [all] documents related to XXX - describe what kinds of documents you would like to have access, as: notes evidencing the expenses of the Municipality with sanitation];

2. Pursuant to Article 11 Law 12.527 of November 18, 2011, access to the

SESSION 6: GROUP WORK PRESENTATIONS ON RTI TOOL & FORMATION OF ACTION GROUPS

*By Karina Quintanilha and Dr.
Vanessa Empinotti*

After the first request that we did together, participants were divided in two groups to make, with our orientation, more 2 requests related to the access to water. 3 information requests were written by each community, with a total of 9 information requests. At the end of the activity they had to decide who would be responsible to send the request and we are now tracking how it is going.

At Rio Formoso, during the III Meeting of Youth's and Agro ecology – a political view and citizen, a different methodology was used. We created together a Wailing Wall. All participants should stand up and take one real brick available on the room and say

voice loud: "I lament not to have information about...", the missing information should be about an issue related to their access to water. We had a person from Sabiá writing all the discussion and their laments, so that we have now collected several data from what are the main problems related to access to information and water from their point of view.

After building the Wailing Wall, we asked them: What could be done to change the situation of the Wall? We had a break and got back to evaluate the issues in groups of 5 (every participant should give a suggestion for the lament). When finished the discussion they presented their ideas and there should happen the collective destruction of the Wall.

Then, we started with the action plan. I presented a power point explaining how to make an information request. The idea was to link the groups proposals with making information requests as a way to empower them to act on the water issues.

A collective effort with the youths that enjoyed the training was taken so that we could send information requests based on what we discussed during the activity. We organized their issues related to the access to water in a didactic way and suggested information requests they could send based on it. By this effort, we sent 25 requests.

The training session came to a gratifying end with all participants speaking about their perceptions and expressing their satisfaction on the content and delivery methodology.

Attached with the report is the developed sample of the Action Research information requests protocol and the Feedback Analysis.

EVALUATION OF IMPACT AND FINAL CONSIDERATIONS

Main gaps identified in access to water and access to information

Access to water

Regarding the access to water, generally the governmental programs are working and attending the communities where the workshops took place. However, some communities received certain types of services while others receive different types, mainly because of its locations.

Each locality expressed different demands for information and identified specific problems that reflect the actual dynamic for water in those areas. Besides, it is important to recognize that those demands are influenced by the conditions of long droughts, for which there has not rained in the region in over a year, creating problems specific to those conditions.

The communities of Sitio Souto, Carro Quebrado, Carnaubinha and Curralinho, located in the municipality of Triunfo, are the ones with the largest number of water sources and infrastructure. They are located in a flat region - the bottom of a valley - easily accessible, with roads in good condition. However, being further away from areas of headwater streams and natural springs - present in regions with uneven relief - are more dependent on water from *carros pipa* (water trucks), because the natural water sources have dried up.

Thus the main problems raised by small-scale farmers were the lack of information about the water quality, the maintenance of wells and the planning of the construction and maintenance of new hydraulic works. Concerning the water quality, the small-scale farmers would like information about the quality of the water distributed by *carros pipa* (water trucks), both by the Municipality, the IPA (Agronomical Institute of Pernambuco) or private dealers.

Another point raised was related to the request to IPA for maintenance of the borehole and the lack of deadline for completing the service. Finally, yet another issue raised was regarding an inventory of the condition of the hydraulic works of the region and the demands for future construction, which was coordinated by the municipality of Triunfo, but the referral given was not known.

The communities of Sítio Velho, Mundo Novo e São Gonçalo, located in the municipality of Santa Cruz da Baixa Verde, presented another reality. For being located in a mountainous region of steep terrain and difficult access, the main sources of water

are *cacimbas* and *cisternas de placa* - systems to collect water from the rain. In most cases, the properties are not covered by the *Segunda Água* (Second Water) because of specific requirements of this government program, like the size of the land. The major problems were the lack of distribution of water through *carros pipa* (water trucks) and the privatization of public wells.

The demands for information raised by the participants were related to the receiving of the *bolsa estiagem* (dry benefit), the quality of the roads and if the region will be covered by the water distributing service through *carros pipa* (water trucks).

The communities of Juá, Serra Nova, Barreiros, Lagoa do Milho and Sítio Deserto, located in the Municipality of Bezerros, showed concern about the quality of the water in the city of Bezerros, where the children of the small-scale farmers study. Another issue raised was about the assistance of the population by the *carros pipa* (water trucks). Part of the region is covered by this service, and, in the mountainous areas, the various watersprings provide water for the local communities. However, as in the case of Sítio Velho, roads make the arrival of the *carros pipa* (water trucks) impossible in some areas. For that reason, information was requested to the IPA and to the army about the covered area of the *carros pipa* (water trucks) services, as well as about the distribution timetable in each location. Finally, a request was drafted about the functions of the IPA, since the office of Bezerros is not answering the basic demands of the rural workers.

Therefore, the key issues related to the access to water in all communities visited are mostly related to the water supply by the *carros pipa* (water trucks) and to the quality of the water provided through those services. Indirectly, there is also the problem of the quality of the roads in the region and its impact on the distribution of water by the *carros pipa* (water trucks). Such issues reflect the actual moment, since these services are temporary and are a part of the program to combat the drought in the region.

Access to information

The matters related to the access to information are very similar in all the communities in which the workshops were carried out.

The project identified the following access to information challenges as key reasons why access to water remains a goal and not a reality on the ground:

- Many of the communities had no access to the internet and no money to send the information requests by mail or travel to the cities to present their demands;
- Many did not know how to use the online resources, even if they had access to a computer connected to the internet - the number of places providing internet access in rural areas are very limited and there is a lack of programmes promoting digital inclusion;
- Many of the members of the community were illiterate and had problems articulating their demands in writing;
- Many of the participants had very limited interaction with the state before and presented difficulties identifying the authorities and public bodies who could reply to their demands for information.
- On the other hand, when asked public authorities and bodies fail to provide information about their roles and responsibilities.
- Those requesting information were sent from one body to another in search of information.
- ARTICLE 19 visited some of the public bodies with members of the community and verified that civil servants were completely unprepared to answer to the public and most of them had no knowledge of the Access to Information Law or knew how to process an information request.
- In some instances, the federal government has been closing down spaces where community leaders could participate in discussions on the management of federal water programmes.
- Structural changes have created a system to transfer funds to state authorities that isolates rural communities and presents low levels of transparency. With the transfer of funds to state authorities, many individuals have already observed lower quality of materials, fewer training opportunities, and a lack of

engagement with local communities on access to water. Activists have pointed out that these structural changes in the federal programmes will lead to diminished access to information about the existing programmes and funds, as well as further dependence of these communities in relation to local politicians.

- Many local authorities actively fail to develop information on and promote water programmes, concealing federal resources.
- Community leaders fear for their security if they insist in their attempts to access further information.

ARTICLE 19 strongly believes that increased participation by affected communities in the planning, implementation and evaluation of water policies and programmes is the only way to overcome these challenges. Increased participation requires improved access to information. By promoting these rights we will be promoting the development of a more inclusive and equitable society facilitated by a free flow of information to the public that allows individuals and civil society groups acting at the local level to hold their government to account, advocate for their rights and entitlements more effectively and influence policy-making processes.

SUGGESTIONS FOR HANDLING THE IDENTIFIED PROBLEMS

Among the issues raised in the previous session, some of them are capable of short-term solvency, while others require joint action with other organizations present in the region, aiming to strengthen actions that lead to the empowerment of these social groups.

Follow some suggestions to handle the identified problems.

- Financing and training youth groups that could help writing the requests and sending them through the internet. Such initiative could be developed in partnership with organizations already present in the region, like NGO "Centro Sabiá", where existing support structures would be developed to be the basis support core to information requests.

- Simultaneously, people could be oriented on how to organize their requests and identify the responsible agencies for such information. The monitoring of answers received or not and the appropriate referral could also be performed.
- Supporting organizations to orient how to proceed in case the request is not answered. Preparing material that explains how to proceed in case the information request is not answered by the responsible public agency or institution.
- Promoting more training workshops, including for NGOs operating in the region. The workshops would popularize the Rtl Law in the region. Since the law is so new, many of the NGOs that work in the region are unaware about its utilization potential. By training local and regional NGOs, they will act as multipliers and vehicles for sending and receiving requests from its partners, thereby strengthening the law through its use. This initiative will help to alleviate the Rtl issue at a local level and to protect the identity of the applicants, since requests could be made on behalf of the NGOs, and sent via the Internet. This practice would also diminish the involvement of intermediaries in the delivery of the requests to those responsible for this area inside the public agencies, enabling access to information with less interference from local officials, who often hinder the process and turn it into political bargains.
- Preparing materials indicating the governmental programs and the institutions and agencies responsible for its coordination, with full addresses to send the information requests. This information are of great utility once the small-scale farmers don't have access to internet to search the addresses. Besides, it's important to map which agencies are part of the governmental programs that attend the region and service providers. Such initiative is not trivial since there are different stakeholders working in different scales of government and institutions.
- Disclosure of a report that monitors the responses of the public agencies about information requests. This initiative could contribute to pressuring the State to better prepare their employees and infrastructure to respond in a more efficient way to the information requests from the population.



FINAL CONSIDERATIONS

In general, the seminars were successful and informative to both the participants and ARTICLE 19. The methodology and materials used during the workshops facilitated the appropriation of content by participants. The presence of the participants in the two-day training is also another important indication of interest in capacity building.

Participants provided important feedbacks about how ARTICLE 19 could support them to make use of the right to information (please find attached the Feedback Analysis document).

The relationship between ARTICLE 19, participants and NGO's in the region shall be preserved after the seminars to guarantee that the partnership works and to improve future collaborations.

It is important to observe that to reach the objectives of this project it is necessary to create conditions for the information request to be correctly sent and answered. In a first moment, the workshops served to inform a limited group on the Rtl Law and how it works, and thus a first step to promote its usage.

If there is not a support to the elaboration of the requests, accompanying the sending and the results of this action, the utilization of this instrument is not going to happen in a significant way. To promote the effective participation of the trained communities it is very important to strength the partnerships with local organizations that can help the small-scale farmers to exercise their right to information, since after the realization of the project, the effective use of this instrument will be a challenge for the

From the 46 information requests related to the access to water data sent during this project, ARTICLE 19 found out that 61% were responded to date (average of 10 days for response), 30% were not responded, 7% unanswered due to lack of data of the requestor and 2% are still waiting to be responded. In 50% of requests the public bodies gave fully access to information. We considered that 57% of the responses were satisfactory, while 4% were incomplete, and in 40% of the cases we did not have access to the information required. 70% of the bodies requested were from the federal government, 11% from Estadual and 3% from Municipalities.

Finally, other challenges related to the usage of the Rtl Law that must arise are the format in which the information is available and its difficulty of comprehension to the lay population. Furthermore, it will be necessary to discuss the lack of specificity in the law regarding the punishments that the state agencies could receive in case of not providing the requested information.

Results of monitoring information requests on the spreadsheet below (please use the zoom of your screen to check the data collected)



id	protocol	transferred the request	situation	addressee	received	response	form of the res	analysis	identification	year	tag	level	beginning
1	59900.000218/2012-13	NO		Ministry of National	YES	Full Access	Written	Satisfactory	Scholarship drought in Municipio de Cumaru	2012	access to information, water	Federal	10/10/2012
2	7,12E+16	NO	Answered	Ministry of Social Development	YES	Full Access	Written	Satisfactory	Scholarship drought in Municipio de Cumaru	2012	access to information, water	Federal	10/26/2012
3	59900.000246/2012-22	NO	Answered	Ministry of National	YES	Full Access	Written	Satisfactory	Information from Ministry of Integration	2012	access to information, water	Federal	11/8/2012
4	25820.002063/2012-10	NO	Answered	Ministry of Health	YES	Full Access	Written	Satisfactory	Diseases related to water quality	2012	access to information, water	Federal	11/8/2012
5	59900.000244/2012-33	NO	Answered	Ministry of National	YES	Doesn't have the information	Written	Satisfactory	Amount allocated to combating	2012	access to information, water	Federal	11/8/2012
6	71200.000168/2012-59	NO	Answered		YES	Full Access	Written	Satisfactory	Government information	2012	access to information, water	Federal	10/10/2012
7	59900.000009/2013-42	NO	Answered	Ministry of National	YES	Full Access	Written	Satisfactory	Dry projects relativos	2013	access to information, water	Federal	1/8/2013
8	59900.000245/2012-88	NO	Answered	Ministry of National	YES	Partial Access	Written	Incomplete	Pernambuco investment	2012	access to information, water	Federal	11/8/2012
9	59900.000012/2013-66	NO	Answered	Ministry of National	YES	Full Access	Written	Satisfactory	Water Trucks e	2013	access to information, water	Federal	1/8/2013
10	5,99E+16	NO	Answered	Ministry of National	YES	Full Access	Written	Satisfactory	Water Trucks	2013	access to information, water	Federal	2/14/2013
11	59900.000100/2013-68	NO	Answered	Ministry of National	YES	Full Access	Written	Satisfactory	Water distribution	2013	access to information, water	Federal	2/8/2013
12	59900.000101/2013-11	NO	Answered	Ministry of National	YES	Full Access	Written	Satisfactory	Water Trucks	2013	access to information, water	Federal	2/8/2013
13	59900.000102/2013-57	NO	Answered	Ministry of National	YES	Full Access	Written	Satisfactory	Water Trucks	2013	access to information, water	Federal	2/8/2013
14	71200.000287/2013-92	NO	Answered	Ministry of Social Development e	YES	Full Access	Written	Satisfactory	Access to water information	2013	access to information, water	Federal	2/8/2013
15	71200.000288/2013-37	NO	Answered	Ministry of Social Development e	YES	Full Access	Written	Satisfactory	Participatory process and the right to water	2013	access to information, water	Federal	2/8/2013
16	71200.000289/2013-81	NO	Answered	Ministry of Social Development e	YES	Doesn't have the information	Written	Satisfactory	Wells in Brazilian semiarid	2013	access to information, water	Federal	2/8/2013
17	00077.000335/2013-67	YES	Answered	National Agency of Water - ANA	NO	Without Answer		Without Answer	Legislations and International Treaties	2013	access to information, water	Federal	2/8/2013
18	25820.002967/2013-26	YES	Answered	FUNASA - National Foundation	YES	Full Access	Written	Satisfactory	Millennium Goal and access to water in the	2013	access to information, water	Federal	2/8/2013
19	25820.002967/2013-26	YES	Answered	FUNASA - National Foundation	YES	Full Access	Written	Satisfactory	Millennium Goal and access to water in the	2013	access to information, water	Federal	2/15/2013
20	09200.000073/2013-42	YES	Not accounted for missing data of	National Agency of Water - ANA	NO	Without Answer		Without Answer	Millennium Goal and access to water in the	2013	access to information, water	Federal	2/8/2013
21	03950.002308/2013-71	NO	Answered	Brazilian Institute of Geography and	YES	Partial Access	Written	Satisfactory	Millennium Goal and access to water in the	2013	access to information, water	Federal	2/8/2013
22	00077.000336/2013-10	YES	Not accounted for missing data of	National Agency of Water - ANA	NO	Without Answer		Without Answer	Legislation	2013	access to information, water	Federal	2/8/2013
23	59900.000103/2013-00	NO	NO forneceram a informação por	National Agency of Water - ANA	NO	Without Answer		Without Answer	Legislation	2013	access to information, water	Federal	2/8/2013
24	00077.000337/2013-56	YES	Answered	Civil House of the Presidency	YES	Full Access	Written	Incomplete	Government Investment	2013	access to information, water	Federal	2/8/2013
25	8,3E+13	YES	Answered	Secretariat for Human Rights	YES	Full Access	Written	Satisfactory	Diseases related to water quality	2013	access to information, water	Federal	2/8/2013
26	25820.002968/2013-71	NO	Answered	Ministry of Health (MS)	YES	Full Access	Written	Satisfactory	Diseases related to water quality	2013	access to information, water	Federal	2/8/2013
27	e-mail, sem protocolo	YES	Term expired	COMPESA	YES	Without Answer		Without Answer	Public-Private Partnership Compesa	2013	access to information, water	Estadual	3/20/2013
28	e-mail, sem protocolo	YES	Term expired	COMPESA	YES	Without Answer		Without Answer	Public-Private Partnership Compesa	2013	access to information, water	Estadual	3/20/2013
29	e-mail, sem número de	YES	Term expired	COMPESA	YES	Without Answer		Without Answer	Water quality	2013	access to information, water	Estadual	3/20/2013
30	e-mail, sem número de	YES	Term expired	COMPESA	YES	Without Answer		Without Answer	Water quality	2013	access to information, water	Estadual	3/20/2013
31	e-SIC, sem nº de protocolo	NO	Term expired	COMPESA	YES	Without Answer		Without Answer	Water quality	2013	access to information, water	Estadual	3/20/2013
32	e-mail, sem nº de informação	YES	Term expired	COMPESA	YES	Without Answer		Without Answer	Compesa services	2013	access to information, water	Estadual	3/20/2013
33	e-mail, sem nº de informação	YES	Term expired	COMPESA	YES	Without Answer		Without Answer	Compesa services	2013	access to information, water	Estadual	3/20/2013
34	5,99E+16	NO	Answered	Ministry of National	YES	Full Access	Written	Satisfactory	Scholarship drought	2013	access to information, water	Federal	3/11/2013
35	5,99E+16	NO	Answered	Ministry of National	YES	Full Access	Verbalmente	Satisfactory	Water Trucks	2013	access to information, water	Federal	3/11/2013
36	por e-mail, sem nº de informação	NO	Term expired	Pernambuco Agency of Water	NO	Without Answer		Without Answer	Water quality in Pajeú region	2013	access to information, water	Estadual	3/11/2013
37	por e-mail, sem nº de protocolo	NO	NO Answered	Pernambuco Institute of	NO	Without Answer		Without Answer	IPA functions	2013	access to information, water	Municipal	3/11/2013
38	201324950	NO	Term expired	Pernambuco Institute of	YES	Without Answer		Without Answer	Water Trucks	2013	access to information, water	Estadual	3/11/2013
39	1,39E+15	YES	Answered	Ministry of Science and CODEVASF	YES	Full Access	Written	Satisfactory	New technologies developed to fight	2013	access to information, water	Federal	1/28/2013
40	5,99E+16	NO			YES	Full Access	Written	Satisfactory	Water Trucks	2012	access to information, water	Federal	1/7/2013
41	Sem nº de protocolo	NO	Term expired	Pernambuco Agency of Water	YES	Without Answer		Without Answer	Qualidade da água na região do Pajeú	2013	access to information, water	Estadual	2/20/2013
42	Sem nº de protocolo	NO	Term expired	Municipality of Triunfo	YES	Without Answer		Without Answer	Wells recuperation and ampliation	2013	access to information, water	Municipal	2/20/2013
43	Sem nº de protocolo	NO	Term expired	Pernambuco Institute of	YES	Without Answer		Without Answer	Well cleaner	2013	access to information, water	Municipal	2/20/2013
44	201333321	NO	Ongoing	COMPESA	YES	Without Answer		Without Answer	Water quality in Pajeú region	2013	access to information, water	Estadual	4/19/2013
45	71200000289/2013-81	NO	Term expired	Ministry of Social Development e	YES	Doesn't have the information		Satisfactory	Responsibles for...	2013	access to information, water	Federal	2/8/2013
46	5990000010/2013-77	NO	Answered	Ministry of National	YES	Full Access	Written	Satisfactory	Water Trucks	2013	access to information, water	Federal	1/14/2013

MATERIAL CAMPAIGN

[Access to Information and Right to Water at rural communities from the Brazilian semi-arid: a step by step on how to make an information request](#)

The publication encourages the use of Brazil's Access to Information Law as a tool to strengthen the struggle for better access to water in the Brazilian dry lands.

VIDEO AND WEBSITE

Under construction: <http://www.mooaestudio.com.br/chovendoinformacao.jpg>

MEDIA

INTERNATIONAL STATEMENT

ARTICLE 19 SUPPORTS THE STRUGGLE FOR THE RIGHT TO WATER THROUGH THE RIGHT TO PUBLIC INFORMATION

ARTICLE 19
22 Mar 2013

RADIO

[Radio Program produced by Sabiá about the Access to Information and Right to Water project](#), with an interview of Paula Martins (ARTICLE 19 Brazil), Alexandre Pires (SABIÁ) and Antonio Barbosa (ASA) during the final Workshop.

[Radio Program produced by Sabiá about the Brazilian Right to Information Law \(12.527/2011\)](#) after the first capacity building.

[Radio Program produced by the Water Web Radio about the ARTICLE 19 Brasil Access to Information and Right to Water project](#) with a interview of the programme officer involved with the activities - Karina Quintanilha.

INTERVIEWS

[Interview](#) with a rural community leader - Aldenir Nunes - after capacity buildings.

[Interview](#) with project's consultant - Vanessa Empinotti - after capacity buildings.

Interview with the programme officer involved with the project - Karina Quintanilha - given to the Supreme Court of Justice radio during the *Seminar Water, Communication and Society* organized for World Water Day.

NOTICES

05/04/2013 | [Noticias](#)

[**Cidades de Recife e Brasília recebem ARTIGO 19 para discutir direito de acesso à informação sobre a água**](#)

05 de Abril de 2013 17:06

[**Acesso à informação e à água: são direitos garantidos em lei**](#)

21 de Março de 2013 15:29

[**Acesso à informação e à água é tema do próximo dois dedos de prosa**](#)

22/03/2013 | [Noticias](#)

[**Artigo 19 fortalece luta pela água no semiárido brasileiro**](#)

21 de Fevereiro de 2013 19:01

Oficinas debatem sobre acesso à água e à informação no semiárido pernambucano

29/01/2013 | [Noticias](#)

ARTIGO 19 participou do III Encontro de Juventude e Agroecologia do Centro Sabiá, em Rio Formoso, PE

06/11/2012 | [Noticias](#)

Centro Sabiá e lideranças das comunidades de Pernambuco participam de oficina sobre acesso à informação

NEWSPAPER

http://www.centrosabia.org.br/index.php?option=com_docman&task=cat_view&gid=60&Itemid=145

APPENDIX

1. NEWS IN PICTURES

THE PARTICIPANTS IN SESSION

THE PARTICIPANTS IN GROUPWORK

FINAL WORKSHOP