

The Access Initiative Assessment Framework

Each TAI assessment is based on 148 research questions, or **indicators**, which NGO coalitions use to assess their governments' performance in ensuring adequate access. The TAI indicators are divided into **four Categories: *Access to Information, Public Participation, Access to Justice, and Capacity Building***. In the tables below, the TAI indicators are arranged by these categories in four columns.

The indicators in each TAI category also fall within one of **three Topics: *Law, Effort and Effectiveness***. ***Law*** indicators evaluate the national legislative and judicial framework related to access. ***Effort*** indicators assess the government's actions to provide access, including implementation of laws. ***Effectiveness*** indicators assess whether the laws and government efforts resulted in effective access, as well as how the world changed because of the level of access achieved. Most of the ***Effort and Effectiveness*** indicators are applied to a set of case studies selected by TAI research teams.

The TAI Indicator Tables

The three tables in this document each present one of the three TAI **Topics (*Law, Effort, Effectiveness*)**. The tables arrange the indicators in four columns that represent the four TAI **Categories**. The rows of the tables group indicators in **Subtopics** that address themes at play in three or four different categories. A number of the Subtopics are found in more than one **Topic**.

TOPIC: LAW

	Access to Information	Public Participation	Access to Justice	Capacity-building
General Law: Scope and Quality of Access ¹	7. How well does a framework law support broad access to government information for the general public and civil society organizations? CORE²	47. How well does the law support broad public and civil society organization participation in decision-making by administrative and executive bodies? CORE	91. How well does the law support broad public and civil society organization access to redress and remedy? CORE	137. How well do laws and rules for registration and operation of civil society organizations promote an enabling environment for CSOs? CORE
	8. To what extent does the law protect government employees who release information to the public in an effort to expose corruption in government conduct or to protect the public interest? CORE		92. To what extent does the legal system recognize liability for environmental harm?	138. To what extent does the law create diverse legal and regulatory incentives supporting financial independence of civil society organizations?
				139. How well do laws and rules for registration and operation of media organizations support press freedom? CORE
				140. How well do laws and regulations enable media organizations to have diverse sources of funding?
				141. To what extent does the law require the public school system to provide civic education?
				142. To what extent does the law require the public school system to provide environmental education?

¹ Note that there are 6 “Constitutional Law” indicators in this subtopic that cut across the four categories. They are listed below in a separate table.

² **CORE indicators are required indicators.** To the extent possible and appropriate, CORE indicators overlap with priority indicators from Ver1.0/1.1 to ensure adequate compatibility.

**** REVISED TAI Ver2.0 Indicators – December 12, 2005 ****

	Access to Information	Public Participation	Access to Justice	Capacity-building
				143. To what extent does the law require the government to provide free legal aid? <i>CORE</i>
General Law: Limits on Access	9. How limited and clearly defined is the scope of confidential information? <i>CORE</i>	48. How limited and clearly defined is the scope of “closed door” decisions that affect the environment? <i>CORE</i>	93. How limited in number and clearly defined is the scope of government bodies who are immune to claims? <i>CORE</i>	
		49. To what extent is “the public” that can participate in decision-making defined to include any interested individual and civil society organizations? <i>CORE</i>	94. To what extent is standing or the ability to bring a claim defined to include any interested individual and civil society organizations? <i>CORE</i>	
Specific Law: Scope and Quality of Access	10. To what extent does the law support public access to comprehensive information about the environmental area (water, air, forest, etc) concerned in the selected case? <i>CORE</i>			
	11. To what extent does the law require a government agency to generate or report regular and diverse information of the selected type? <i>CORE</i>	50. To what extent does the law require a government agency to provide relevant information to the public about the intention to start the selected decision-making process? <i>CORE</i>	95. To what extent does the law require a forum to hear the selected claim type and issue a decision? <i>CORE</i>	
	12. To what extent does the law require a government agency to publicly disseminate all generated or reported information of the selected information type? <i>CORE</i>	51. To what extent does the law require the government to provide opportunities for public involvement in the selected decision-making process? <i>CORE</i>	96. To what extent does the law enable a party to seek review or appeal of selected claim type to an independent body with the power to reverse a decision? <i>CORE</i>	

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	Access to Information	Public Participation	Access to Justice	Capacity-building
Specific Law: Limits	13. How clear and narrow are the limits on claims of confidentiality of the selected information type? CORE	52. How clear and narrow are the limits on claims of confidentiality of relevant information about the selected decision-making process? CORE	97. How clear and narrow are the limits on claims of confidentiality regarding information relevant to selected claim type? CORE	
Capacity Building for Government Agencies	14. To what extent does the law require the agency responsible for the selected information type to build the capacity of its staff on access to information? CORE	53. To what extent does the law require the agency responsible for the selected decision-making process to build the capacity of its staff with regard to public participation? CORE	98. To what extent does the law require the selected forum to build the capacity of members with regard to access to justice? CORE	
	15. To what extent does the law require the agency responsible for the selected information type to build the capacity of its staff with regard to the environment?	54. To what extent does the law require the agency responsible for the selected decision-making process to build the capacity of its staff with regard to the environment?	99. To what extent does the law require the selected forum to build the capacity of members with regard to the environment?	
	16. To what extent does the law require the agency responsible for the selected information type to maintain the infrastructure needed to provide public access?	55. To what extent does the law require the agency responsible for the selected decision-making process to maintain infrastructure to support public participation?	100. To what extent does the law require the selected forum to maintain the infrastructure needed for access to redress and remedy?	
Capacity Building for the Public	17. To what extent does the law require the government to offer the public technical assistance, guidance or training on how to access and use the selected information type? CORE	56. To what extent does the law require the government to offer the public technical assistance, guidance or training on participation in the selected decision-making process? CORE	101. To what extent does the law require the government to offer the public technical assistance, guidance or training on how to use the selected forum? CORE	
		57. To what extent does the law require the government to offer the public guidance or training on how resulting decisions affect the environment?		

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	Access to Information	Public Participation	Access to Justice	Capacity-building
Capacity Building for Sub-national agencies	18. To what extent does the law require the government to build the capacity of sub-national governments to provide access to the selected information type? CORE	58. To what extent does the law require the government to build the capacity of sub-national governments with regard to participation in the selected decision-making process? CORE	102. To what extent does the law require the government to build the capacity of sub-national government officials to understand and facilitate citizens' rights within the justice system? CORE	
Timeliness	19. How clearly does the law establish a reasonable timeframe within which the responsible agency must make information of the selected type available to the public? CORE	59. How clearly does the law establish a reasonable timeframe for participation in the selected decision-making process? CORE	103. How clearly does the law establish a reasonable timeframe for forum decisions? CORE	

Constitutional Law Indicators

The Constitutional Law Indicators are cross-cutting indicators, which apply equally to all TAI categories. They are considered General Law indicators, and fall within the subtopic "Scope and Quality of Access". They are answered one time for an assessment. They are listed separately here so as not to disrupt the column structure of the Law table above.

General Law: Scope and Quality of Access³	1. How clear and inclusive are constitutional guarantees to the right to a clean and/or safe environment? CORE
	2. How clear and inclusive are constitutional guarantees to the right of access to information held at public bodies? CORE
	3. How clear and inclusive are constitutional guarantees to the right to direct public participation in government decision-making? CORE
	4. How clear and inclusive are constitutional guarantees to the right of access to justice, including redress and remedy? CORE
	5. How clear and inclusive are constitutional guarantees to the right of freedom of expression? CORE
	6. How clear and inclusive are constitutional guarantees to the right to freedom of association? CORE

³ Most of the indicators in this subtopic are listed on the first page of the Law table above.

TOPIC: EFFORT INDICATORS

	Access to Information	Public Participation	Access to Justice	Capacity-building
Scope and Quality of Access	20. To what extent does a system for data collection and integrated management of the selected information type exist? (s) CORE	60. To what extent does the responsible agency make available to the public a clear description of its decision-making processes, including opportunities for participation? (s) CORE	104. To what extent is there a forum with adequate capacity to deal with the selected claim type? (s)	144. How well does the government provide training or curriculum resources on access rights to public school teachers? CORE
	21. To what extent does an agency or system generate and/or collect information about the environmental area (water, air, forest, etc.) concerned in the selected case? (s)		105. How strong are the forum's standards, regulations or formal policy to ensure independence and impartiality of the forum? (s) CORE	145. How well does the government provide opportunities and incentives for public school teachers' professional development in environmental education?
	22. To what extent is there a monitoring system and/or penalties for non-compliance to ensure the agency meets its obligations to disclose information? (s)	61. To what extent is there a monitoring system and/or penalties for non-compliance to ensure the agency meets its obligations to facilitate public participation? (s)		
	23. How complete, relevant, and accurate were responses to requests for information in the selected case? CORE	62. To what extent did the responsible agency provide relevant information to the public about decision options and their environmental and health impacts in the selected case? CORE	106. To what extent is information regarding rules of procedure and types of claims to be heard by the forum made publicly available? (s)	
	24. How complete, relevant, and accurate was the information disseminated to the public in the selected case?	63. To what extent did the responsible agency hold public participation sessions at all stages of the decision-making process in the selected case? CORE		
		64. To what extent did the agency organize consultations so as to actively solicit and capture public input in the selected case?	107. To what extent is a publicly funded independent entity available to provide redress in the selected claim type? (s)	

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	Access to Information	Public Participation	Access to Justice	Capacity-building
			108. To what extent was the forum independent and impartial in the selected case? CORE	
			109. To what extent were both parties able to gain access to information and conduct fact finding in the selected case? CORE	
			110. To what extent was the process transparent to the public in the selected case? CORE	
			111. To what extent did the forum consider all appropriate law and facts, including scientific and technical data, relevant to the selected case?	
Cost and Affordability	25. To what extent did the public have access to information in the selected case at little or no cost? CORE	65. To what extent did the responsible agency keep costs of participation low for participants in the selected case? CORE	112. To what extent did the forum keep the costs of bringing a claim low for the parties in the selected case? CORE	
Fairness and Equitability	26. How comprehensive and planned were efforts to reach a wide range of stakeholders with information in the selected case?	66. How comprehensive and planned were the responsible agency's efforts to include a wide range of stakeholders in the selected case?	113. How comprehensive and planned were the forum's efforts to enable a wide range of stakeholders to access the forum in the selected case?	146. How equitably does the government implement rules and regulations for registration and operation of CSOs?
	27. How well did the responsible agency make a planned and systematic effort to disseminate information to [pull down list including women, poor, minorities, etc.] in the selected case? CORE	67. How well did the responsible agency make a planned and systematic effort to involve [pull-down list including women, poor, minorities, etc.] in decision-making in the selected case? CORE	114. How well did the forum take steps to make the forum accessible to [pull-down list including women, poor, minorities, etc.] in the selected case? CORE	147. How equitably does the government implement rules and regulations for registration and operation of media organizations?

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	Access to Information	Public Participation	Access to Justice	Capacity-building
			115. To what extent did intimidation prevent stakeholders from effectively bringing a claim in the selected case?	
			116. To what extent did the allocation of the burden of proof support access and/or environmental protection?	148. To what extent does the government provide free legal aid? (s) CORE
			117. How broadly was legal standing interpreted by the forum in the selected case? CORE	
			118. To what extent were the forum's restraining rules or limits supportive of environmental and "access" interests in the selected case?	
Timeliness	28. To what extent does the government generate/collect the selected information type at regular time intervals and in a timely fashion? (s)	68. Did notification of the start of each stage in the decision-making process in the selected case provide reasonable lead time for effective public participation? CORE	119. To what extent did the proceedings have a clear schedule and provide both parties with adequate notice and a reasonable amount of time to act?	
	29. With what level of timeliness does the government disseminate the selected information type? (s) CORE	69. How reasonable was the length of the public comment period in the selected case?	120. To what extent did the forum minimize delays in processing and reviewing the claim and in issuing a decision? CORE	
	30. How prompt was the response to a request for information in the selected case?			

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	Access to Information	Public Participation	Access to Justice	Capacity-building
Channels of Access	31. To what extent was all relevant information in the selected case found in many different outlets in different locations? CORE	70. How well does the responsible agency maintain a publicly accessible registry of past and pending decisions? (s) CORE	121. To what extent was there a choice of forums which could consider the selected claim? (s) CORE	
		71. How well does the responsible agency maintain a publicly accessible registry of relevant supporting documentation for decisions? (s)		
		72. In the selected case, to what extent did records of decisions and the decision process enable the public to stay informed of developments in the decision, other related decisions, and upcoming decisions and consultations?		
		73. To what extent was relevant supporting documentation available through public registries for the selected decision-making process? CORE		
Capacity Building for Government Agencies	32. To what extent does the agency that manages the selected information type have staff explicitly responsible for disseminating information and responding to requests? (s)	74. To what extent does the agency that leads the selected decision-making process have staff explicitly responsible for public participation? (s)	122. To what extent does the forum have staff explicitly responsible for responding to inquires from citizens wishing to bring claims and of providing relevant information to the public? (s)	
	33. To what extent were guidelines or training on access to information offered regularly over the last 3 years to staff in the agency managing the selected information type? (s)	75. To what extent were guidelines or training on public participation offered regularly over the last 3 years to officials in the agency that leads the selected	123. To what extent were guidelines or training offered regularly over the last 3 years to forum members on access to information, participation? (s)	

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	Access to Information	Public Participation	Access to Justice	Capacity-building
	CORE	decision-making process? (s) CORE	CORE	
	34. To what extent were guidelines or training on the environment offered regularly over the last 3 years to staff in the agency managing the selected information type? (s) CORE	76. To what extent were guidelines or training on the environment offered regularly over the last 3 years to officials in the agency that leads the selected decision-making process? (s) CORE	124. To what extent were guidelines or training on the environment offered regularly over the last 3 years to forum members? (s) CORE	
	35. How adequate is the government budget allocation for facilitating the collection and dissemination of the selected information type? (s) CORE	77. How adequate is the government budget allocation for effectively facilitating public participation in the selected decision-making process? (s) CORE	125. How adequate is the government budget allocation to support the forum's justice functions? (s) CORE	
Capacity Building for Sub-national Agencies	36. How regularly did relevant sub-national government officials receive guidelines or training on access to the selected information type over the last 3 years?	78. How regularly did relevant sub-national government officials receive guidelines or training on public participation in the selected decision-making process over the last 3 years?	126. How regularly did relevant sub-national government officials relevant to the selected case receive guidelines or training on access to justice over the last 3 years?	
Capacity Building for the Public	37. How clear and easily accessible are the public guidelines on how to obtain the selected information type? (s) CORE	79. How clear and easily accessible are the public guidelines on how to participate in the selected decision-making process? (s) CORE	127. How clear and easily accessible are the public guidelines on how to use the forum? (s) CORE	
	38. How regularly have activities to build the capacity of the public in the selected information type been conducted over the last three years? (s)	80. How regularly have activities to build the capacity of the public to participate in the selected decision-making process been conducted over the last three years? (s)	128. How regularly have activities to build the capacity of the public on how to use the forum been conducted over the last three years? (s)	

TOPIC: EFFECTIVENESS INDICATORS

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		Access to Information	Public Participation	Access to Justice	Capacity-building
Impacts of Laws and Government Efforts		39. To what extent did the relevant information in the selected case reach the relevant public in time? CORE	81. To what extent was a public record kept in a reasonably accessible format detailing comments made, comments incorporated in the selected decision, and reasons for any rejection of comments? CORE	129. To what extent was the forum decision implemented in the selected case? CORE	
			82. How promptly did the public receive information about the dispensation of comments in the selected case? CORE		
Outcomes From the Provision of Access		40. To what extent did individual choices and behavior change because of information?	83. How extensive was the public input provided in the selected case?	130. To what extent did the forum decision lead to change in the behavior of any of the participants in the case?	
		41. To what extent did information lead to deliberate actions to avoid or reduce negative impacts on the environment or human health? CORE	84. To what extent did public participation influence the final decision in the selected case? CORE	131. To what extent did the forum decision in this case lead to measures to avoid or reduce negative impacts on the environment or human health or improve access or participation? CORE	
			85. To what extent was the final decision more protective of the environment or human health than the initial draft in the selected case?		
Capacity Building for Government Agencies		42. How well did staff/officials execute their information provision and management responsibilities in the selected case? CORE	86. How well did staff/officials execute their participation responsibilities in the selected case? CORE	132. How well did forum members and staff execute their access to justice responsibilities in the selected case? CORE	

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	Access to Information	Public Participation	Access to Justice	Capacity-building
Capacity Building for the Public	43. In the selected case, to what extent did stakeholders have the skills and knowledge to obtain the information they needed?	87. In the selected case, to what extent did stakeholders have the skills and knowledge they needed to participate effectively?	133. In the selected case, to what extent did stakeholders have the skills and knowledge they needed to use the forum effectively?	
Capacity Building for Sub-national Agencies	44. To what extent did sub-national government agencies facilitate access to information in the selected case?	88. To what extent did sub-national government agencies facilitate public participation in the selected case?	134. To what extent did sub-national government agencies facilitate access to justice in the selected case?	
Capacity Building for the Media	45. To what extent did media involvement facilitate access to information in the selected case?	89. To what extent did media involvement facilitate public participation in the selected case?	135. To what extent did media involvement facilitate access to justice in the selected case?	
Capacity Building for CSOs	46. To what extent did civil society organization involvement facilitate access to information in the selected case? CORE	90. To what extent did civil society organization involvement facilitate public participation in the selected case? CORE	136. To what extent did civil society organization involvement facilitate access to justice in the selected case? CORE	