

7 October 2017

To Whom It May Concern:

I am writing to nominate myself for a civil society position on the Canadian Multi-Stakeholder Forum for the Open Government Partnership (OGP) (Forum).

I have been a civil society activist all of my life. I am currently and have for nearly eight years been the Executive Director of the Centre for Law and Democracy (CLD) (www.law-democracy.org), an international human rights non-governmental organisation (NGO) based in Halifax. Prior to that, I was for over twelve years Senior Director for Law at ARTICLE 19 (www.article19.org), another international human rights NGO.

In both positions, an important part of my work has been devoted to promoting transparency and the right to information (RTI), while promoting freedom of expression and the right to association are also major focuses. Among other things, I have led CLD's work, in collaboration with Access Info Europe, in developing the RTI Rating (www.RTI-Rating.org), a renowned international methodology for assessing the strength of RTI laws. I have also worked in numerous countries around the world to support the adoption and proper implementation of strong RTI laws.

Given the focus of my work, my interest in the OGP and in supporting the effective participation of Canada in the OGP, is natural. I believe this interest is best demonstrated through my track record of engagement around the OGP both generally and specifically in relation to Canada. I attended the first OGP Summit in Brasilia in April 2012, where I was invited to represent civil society on a panel providing comments on Canada. I attended the OGP London Summit in October-November 2013 where, among other things, I organised a panel to discuss the relationship between open data and access to information. I was unable to attend the Paris Summit in December 2016 due to a conflict with the Internet Governance Forum (IGF).

Working through my organisation, CLD, I have engaged actively in central OGP work. I drafted, along with Helen Darbishire from Access Info Europe, the chapter on Right to Information in the Open Government Guide, which was launched at the London Summit. In July 2012, CLD produced *Open Government Without RTI: The Conspicuous Weakness of RTI Reform Within OGP Action Plans*, assessing the extent to which OGP Action Plans focused on RTI reform. In December 2012, CLD produced *Making the OGP Effective: Guidelines for Assessing OGP Action Plans*, which provided guidance to civil society on assessing OGP Action Plans. I was co-author for both of these publications.

In the Canadian context, I was a member of the Government of Canada's Advisory Panel on Open Government, essentially the precursor to the Forum, from its creation in 2012 until it was abolished in 2016. Following on from the Brazil Summit, I worked with two other Canadians, Michael Gurstein and David Eaves, to set up a civil society network to discuss and engage around OGP issues. When the Advisory Panel was abolished, I worked with other leading Canadian civil society advocates to create the Open Government Civil Society Network, which has worked closely with Treasury Board Secretariat to put in place the new Multi-Stakeholder Forum. CLD has engaged actively and consistently in the Canadian OGP process, providing

written inputs into successive Action Plans and evaluations of those Plans, as well as collaborating with the Canadian IRM process.

I have very strong civil society networks both within Canada and globally. I am now serving my second term as elected Chair of FOIANet (foiadvocates.net), the leading global network of RTI activists. In addition to having helped create both of the Canadian networks on the OGP, I have strong relations with openness advocates in Canada. For example, I worked together with Canadian Journalists for Free Expression on a 28 September 2017 letter regarding Bill C-58 which was endorsed by over 60 Canadian civil society representatives and individuals.

My work on the 28 September 2017 letter, as well as a similar one issued on 4 April 2017, showcases my ability to represent the concerns of Canadian civil society. In both cases, I consulted widely when developing the letters, forging a common position which was widely acceptable to civil society actors in Canada who are concerned about openness.

My work at both ARTICLE 19 and CLD has been somewhat unique in the human rights world inasmuch as I have always worked closely with both civil society and official actors to achieve human rights objectives. This came up early in my tenure at ARTICLE 19 when I was asked by UNESCO to work with the Government of Indonesia, which had recently embarked on a process of democratisation, to help draft a new press law. Despite major reservations within the organisation, my view that we should work with that government prevailed and the 1999 Indonesian Press Law, which I developed in close consultation with the government, has proven to be a major democratic success.

Since that time, I have often engaged closely with senior government officials in countries around the world to advocate for human rights. Although I am well known and respected for being a strong advocate for human rights, I am also known for being able to work with officials and for my ability to come up with innovative policy options which all stakeholders can accept.

Although I am busy, my position at CLD gives me the flexibility to devote time to the Forum, given that it fits in with CLD's broader objectives. This is particularly the case at the moment, given the important co-chairing role Canada has agreed to play within the OGP, and the potential this has for wider global positive impact, thereby aligning with CLD's international work.

I would bring to the Forum a unique combination of very strong engagement in the OGP both nationally and internationally, coupled with similar national and international engagement on core OGP issues, in particular transparency. As such, I believe I would be able to make a valuable contribution to the work of the Forum.

Yours truly,

A handwritten signature in black ink, appearing to read 'Toby Mendel', with a stylized, sweeping flourish at the end.

Toby Mendel

TOBY DANIEL MENDEL

EDUCATION

Certificate of Postgraduate Legal Studies, Cambridge University (1994-1995)

- Areas of Specialisation: Public International Law, Refugee Law, Human Rights, State Responsibility, Law of International Organisations

Bachelor of Law, Dalhousie University, Halifax, Nova Scotia (1989-1992)

- Areas of Specialisation: International Human Rights, Property, Constitutional Law, Immigration

Bachelor of Arts, Honours Mathematics, McGill University, Montreal (1980-1984)

AWARDS AND SCHOLARSHIPS (SELECTED)

Social Sciences and Humanities Research Council of Canada Doctoral Fellowship. Canadian Government Fellowship to pursue a Ph.D. (1994-1997)

W.M. Tapp Studentship. Full scholarship to pursue a Ph.D. in law at Gonville and Caius College, Cambridge (1994-1997)

Nova Scotia Barristers' Society Prize. Highest overall standing in third year (1991-1992)

Borden & Elliot Prize. Highest Standing in Constitutional Law (1991-1992)

Carswell Prize. Highest overall standing in second year (1990-1991)

Honourable Richard B. Hanson Prize. Highest standing in Constitutional Law (1990-1991)

EMPLOYMENT EXPERIENCE

Centre for Law and Democracy, Executive Director (2010-present)

Overall responsibility for establishing and managing the organisation, and for leading the substantive work of the organisation which includes, among other things, international standard setting in relation to freedom of expression and the right to information, human rights litigation, law reform analyses and advocacy, training and capacity building, and research and publications.

UNESCO, Consultant (1998-present)

Published five books and two major training manual on different freedom of expression and right to information themes, as well as several other publications and reports, both thematic and country-related. Helped develop the Media Development Indicators (MDIs), prepared a guide to their application, and then worked to apply them in several countries. Provided training for officials in several countries. Prepared draft laws and provided technical assistance for law reform to government in different countries on several occasions.

World Bank, Consultant (2003-present)

Provided legal expert advice on law reform and implementation in around 20 countries, most recently helping the Information Commission of Sri Lanka to draft regulations for its Right to Information Law. Prepared various publications, including a book and various monographs, on different freedom of expression/right to information issues.

Inter-American Development Bank, Member of the Access to Information External Panel (2013-present)

The Panel decides on appeals from refusals to grant information under the Bank's Access to Information Policy, and provides advice and support to the Bank on implementation and reform of the Policy.

Numerous other IGOs, INGOs and NGOs, consultant

I have worked for a very wide range of IGOs, INGOs and NGOs on a lot of different projects and in a large number of different countries. The types of activities undertaken include analysing laws, preparing papers, reports, guides and manuals, advocacy, working with civil society and/or officials to develop or improve laws, training, awareness raising, giving presentations and speeches at international meetings, evaluations of projects, and policy work, including declarations and statements on freedom of expression.

The areas of work include press and broadcast regulation, content restrictions, right to information, public service broadcasting, content restrictions (defamation, hate speech, blasphemy, contempt of court, national security), safety mechanisms, digital freedoms, including the Internet, developing civil society networks, international standard setting, anti-corruption work, anti-terrorism rules, media self-regulation and strategic planning for oversight bodies.

ARTICLE 19, Senior Director for Law (1997-2009)

Managing the Law Programme at ARTICLE 19, pursuing international litigation, assisting governments and NGOs draft media and right to information laws, undertaking media law analyses, assisting lawyers bringing national human rights cases, drafting reports, promoting strong international standards, including through key IGOs, and providing training.

Canadian International Development Agency (CIDA), Human Rights Policy Analyst (1992-1994)

Drafting policy on human rights, democratisation and good governance, developing and delivering related training courses, developing and maintaining a body of reference material, representing CIDA at meetings and conferences, developing policy implementation strategies, and liaising with human rights NGOs.

PUBLICATIONS (SELECTED)

Concentration of Ownership and Freedom of Expression: Global Standards and Implications for the Americas (2017, Montevideo, UNESCO), with Ángel Garcia Castillejo and Gustavo Gómez

- Training Programme on the Right to Information for Jordanian Information Officers: Participants' Manual* (2016, Amman, UNESCO)
- Supporting Freedom of Expression: A Practical Guide to Developing Specialised Safety Mechanisms* (2016, Paris, UNESCO)
- Assessment of media development in Jordan: Based on UNESCO's Media Development Indicators* (2015, Paris, UNESCO) (international expert)
- Designing Right to Information Laws for Effective Implementation*, World Bank Right to Information Working Paper (2015, Washington, World Bank)
- Freedom of Expression and Public Order: Training Manual* (2015, Paris, UNESCO), with Paul Daudin Clavaud
- Tuning into Development: International Comparative Survey of Community Broadcasting Regulation* (2013, Paris, UNESCO)
- “Right to Information” chapter of the Open Government Guide (2013, OGP), with Helen Darbishire
- Assessment of Media Development in Egypt: Based on UNESCO's Media Development Indicators* (2013, Cairo, UNESCO)
- Freedom of Expression: A Guide to the Interpretation and Meaning of Article 10 of the European Convention on Human Rights* (2012, Strasbourg, Council of Europe)
- Making the OGP Effective: Guidelines for Assessing OGP Action Plans* (2012, Halifax, Centre for Law and Democracy), with Michael Karanicolas
- Global Survey on Internet Privacy and Freedom of Expression* (2012, Paris, UNESCO), with Andrew Puddephatt, Ben Wagner, Dixie Hawtin and Natalia Torres
- Open Government Without RTI: The Conspicuous Weakness of RTI Reform Within OGP Action Plans* (2012, Halifax, Centre for Law and Democracy), with Michael Karanicolas
- Applying UNESCO's Media Development Indicators: A Practical Guidebook to Assist Researchers* (2012, Paris, UNESCO)
- “Does International Law Provide For Consistent Rules on Hate Speech?” in Herz, Michael and Molnar, Peter, eds., *The Content and Context of Hate Speech: Rethinking Regulation and Responses* (2012, Cambridge, Cambridge University Press)
- “Reflections on Media Self-regulation: Lessons for Historians” (2011) 59-60 *Storia della Storiografia* 50
- Ask Your Government! The 6 Question Campaign: A Comparative Analysis of Access to Budget Information in 80 Countries* (2011, Access Info Europe, Centre for Law and Democracy and International Budget Partnership)

Amending Access to Information Legislation: Legal and Political Issues (2011, Washington, World Bank Working Paper)

Public Service Broadcasting: A Comparative Legal Survey, 2nd Edition (2011, Paris, UNESCO)

“Corruption, Access to Information and Human Development” in Rajivan, A. and Ramesh, G., eds., *Perspectives on Corruption and Human Development* (2009, New Delhi, Macmillan)

Freedom of Information: A Comparative Legal Survey, 2nd Edition (2008, Paris, UNESCO) – available in all UN and various other languages

Broadcasting, Voice, and Accountability: A Public Interest Approach to Policy, Law, and Regulation (2008, Ann Arbor, University of Michigan Press), with Steve Buckley, Kreszentia Duer and Sean O'Siochru

An Agenda for Change: The Right to Freedom of Expression in Nepal (2008, Kathmandu, ARTICLE 19)

Transparency Charter for International Financial Institutions: Claiming our Right to Know (lead drafter) (2006, Cape Town, Global Transparency Initiative)

A Model Public Service Broadcasting Law (2005, London, ARTICLE 19)

Parliament and Access to Information: Working for Transparency Government (2005, Washington, World Bank)

“Legislation on Freedom of Information: Trends and Standards” PREM Note No. 93 (October 2004, Washington, World Bank)

Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation (2002, London, ARTICLE 19)

A Model Freedom of Information Law (2001, London, ARTICLE 19)

Defining Defamation: Principles on Freedom of Expression and Protection of Reputation (lead drafter) (2000, London, ARTICLE 19)

The Public's Right to Know: Principles on Freedom of Information Legislation (1999, London, ARTICLE 19)

“Freedom of Expression and Investigative Journalism” in *New Perspectives on Combating Corruption* (1998, Washington, Transparency International and the World Bank)

Human Rights, Democratization and Good Governance: A CIDA Policy Statement (member of drafting team) (1994, Ottawa, Canadian International Development Agency)