



***Advocacy for Access to Information – Achievements and Challenges
Conference***

**June 15-16, 2012
Sofia City Hotel, Sofia**

Outlines of the Presentations

Panel: Access to Information Legislation – Achievements and Challenges for Advocates

Right to Information Rating (*Mr. Toby Mendel – Director of Center for Law and Democracy*)

The Centre for Law and Democracy and Access Info Europe launched the global results of RTI Rating, which assesses the legal framework for the right to information in all (then) 89 countries with national right to information laws, in September 2011. This session provides an overview of the way the Rating works, as well as some of the important ways it has already been used to advocate for more progressive right to information laws.

Standard Setting on ATI: Successes and Challenges (*Ms. Helen Darbishire - Director of Access Info Europe*)

The presentation will cover the standards on access to information – set forth by the Council of Europe Convention on Access to Official Documents, but also the UN Human Rights Committee. Latest developments at the national level with regard to access to information in Europe and globally will be reviewed.

Threats to democratic accountability of the EU: Regulation (EC) 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (*Mr. Tony Bunyan – Director of Statewatch*):

Influence of PSI directive implementation on access to information (*Mr. Krzysztof Izdebski – SLLGO, Poland*)

We are witnessing challenges after the implementation PSI directive into Polish legal system. Among others those are: lack of clear distinction between re-use and further dissemination of public information; growing numbers of refusals to requests for access to public information based on the assumption that requester will re-use the public information; lack of legal possibilities to oblige public authorities to disclose public information.



Panel: Monitoring of proactive publication of information by government bodies

Audit on the Active Transparency of Executive Bodies – A Tool for Advocacy (*Ms. Gergana Jouleva – Executive Director of Access to Information Programme, Bulgaria*)

Presentation enclosed.

Web-Monitoring as a Tool to Promote Government Openness (*Mr. Ivan Pavlov – Chair of the Board of the Freedom of Information Foundation, Russia*)

The presentation will focus on the approach of the Freedom of Information Foundation, Russia to conduct monitoring of government websites and how such a work can increase the level of their openness. Plans for further development of the project will be outlined.

Monitoring of proactive publication of information by government bodies in Armenia (*Mr. Gevorg Hayrapetyan – Freedom of Information Center of Armenia*)

The specific topics of the presentation are: the legal regulation of the freedom of information right; the proactive publication of information by government bodies; legislative obligations for active publication of government information; the practice of implementation of proactive publication of information; last Monitoring results of the Freedom of Information Center in Armenia.

Results from Audits of Online Publication of Information by Public Bodies, Georgia (*Mr. Levan Avalishvili – Institute for Development of Freedom of Information, Georgia*)

The Institute for Development of Freedom of Information's project on monitoring of governmental organizations' official web-sites and its outcomes will be presented. What are the main tendencies of developing of e-Transparency in Georgia. Also, how the monitoring project and advocacy work of the Institute led to new amendments to the legislation on Freedom of Information regarding the proactive publishing of information by the state authorities.

Panel: Access to Information for Campaigns and Public Participation

Access to Information in the Campaign for the Conservation of Protected Areas in Bulgaria (*Mr. Alexander Dunchev – The Association of Parks in Bulgaria*)

For the period 2009-2012 more than 500 requests for access to information to over 30 different obliged under the APIA authorities were filed within the campaign for the conservation of protected areas. The information gathered is used for advocacy purposes and for drafting reports and proposals to the competent authorities aiming at the prevention and conservation of national parks and Natura 2000 sites and habitats.

In order to enhance the right of access to information dozens of lawsuits have been brought. The case law led to some significant improvements and some administrative obstructions have been



removed. The openness and accountability of authorities have increased but major challenges remain. For example, the requirement to demonstrate overriding public interest even when disclosure would reveal misconduct and wrongdoings is problematic.

The Nuclear Power Plant *Belene*: Information Impossible (*Mr. Petko Kovachev (Executive Director of the Green Policy Institute, Bulgaria)*)

Why Did the Minutes from the Sessions of the Bulgarian Central Election Committee Turn To Be X Files? (*Ms. Antoaneta Tzoneva – Institute for Public Environment Development, Bulgaria*)
Campaign for „declassification” of the minutes of meetings of the Central Election Commission (CEC): ATI court case against the refusal of the Chair of the CEC to grant access to the minutes of meetings; Legal safeguards for open election administration – the national legal framework vs. the international standards for transparency of elections.

Transparent Appointments for Independent Judges: Access to Information on Candidates for Judicial Appointments as a Tool for Civic Control that Furthers Judicial Independence (*Mr. Hristo Ivanov – Program Manager of the Bulgarian Institute for Legal Initiatives (BILI)*)

The "Initiative for transparent judicial appointments" (IPSN) is a project of the Bulgarian Institute for Legal Initiatives (BILI) aimed at changing the way in which career decisions are taken in the judicial system by means of increased transparency and civic control. For this purpose, for the applicants for appointments to key positions in the judiciary standardized profiles are prepared summarizing all available information about them and forming the basis on which an objective and reasoned decision should be taken. These profiles are published on www.Judicialprofiles.bg, a specialized web-portal dedicated to career policy in the judiciary. Based on the outcomes of its civic monitoring BILI is engaged in a campaign with a group of NGOs to change the rules for the selection of Supreme Judicial Council (SJC) in the Judiciary Act.

As part of its efforts to gather information about the profile of a candidate for election to the SJC Inspectorate by the National Assembly, BILI requested access to the report form an inquiry done by the SJC Inspectorate and concerning the applicant. The Inspectorate declined the request. With the assistance of Alexander Kashumov BILI filed the first challenge against a refusal for access to information against the Inspectorate. In light of this case, Hristo Ivanov will present BILI's one-year experience with IPSN and the efforts for more transparency in the SJC, its Inspectorate and other Institution of the judiciary. Particularly, his presentation will touch on correlations between public availability of information on a judge and the protection of her/his independence.

The Great Possibilities that the Access to Public Information Act Opens to Ordinary Citizens (*Ms. Kalina Pavlova – a leader of a grassroots organization from Varna*)

The presentation focuses on ATI success stories – access to the Urban Development Plan of Varna, access to documents related to the urban planning, access to construction projects, documents relating to the alleged illegal construction of a seaside alley (the so called First Alley) in Varna.



Attention is also paid to the improvement of registration and processing of request within the Municipality.

Panel: Access to Information and Journalistic Investigations

Advantages and Benefits of the Access to Public Information Act in Journalistic Investigations (Mr. Hristo Hristov – Founder of the website desebg.com)

Tactics in Using the Access to Public Information Act as an Alternative to Litigation (Mr. Rossen Bossev – Journalist in *Capital weekly*)

Public Registers and Investigative Journalism (Mr. Ivan Mihalev – Editor in *Capital weekly*)

The presentation will discuss the state of public registers in Bulgaria and their successful use by investigative journalists. An emphasis is given on combining information from different public registers and other available resources in order to make complete and reliable journalistic investigation. A special attention is paid to the possibility to gather valuable documents supporting the allegations through public registers.

On the Road of (with) the Public Information (Ms. Lora Fileva – Journalist in *Dnevnik daily*)

The emphasis will be the last year investigation on private donations to the Ministry of Interior. A team from the media needed to travel throughout the country in order to collect the decisions granting access. The presentation will also cover other cases and some funny refusals of information by the administration.

The Visible and The Invisible in the APIA Search for Information in the Country or The Veiled Comedy of Government Refusing Transparency (Mr. Tzvetan Todorov – Chief Editor of *Naroden Glas newspaper, town of Lovech*)

Persistency in seeking information and respect of principles of transparency are the two main features in the advocacy activities of AIP coordinators. Everyone is convinced that the information is a valuable commodity. Searching and collecting information is inherent to all kind of power, including the criminal.

Which are the social circles firmly holding on transparency? How is this problem solved at local level?

Access to Information and Journalistic Investigations and the Challenges Before the Regional Media (Mr. Zarko Marinov – Chief Editor of *Otzvuk newspaper, town of Smolyan*)

The failure to maintain public registers at regional level and the refusal on access to information requests deprive journalists from local media from the possibility to pursue journalistic



investigations on the spending of public money, transactions with state or municipal property, and spending of EU funds by the local authorities.

Panel: Problems Arising from the Legal Help and Access to Information Litigation

Access to Information Litigation in Bulgaria: Achievements and Tendencies (*Mr. Alexander Kashumov, Head of AIP Legal Team, Bulgaria*)

The presentation will focus on litigation in the last 12 years. Issues:

- FOI and state secrets;
- FOI and deliberations, consultations, inspections, investigations;
- balance with personal data protection;
- balance with trade secrets.

Applying the public interest test. Problems & challenges.

The Legal Help and Access to Information Litigation – The Case of Macedonia (*Ms. Marija Petrovska – Foundation Open Society Macedonia*)

A review will be made of the experience of the Foundation Open Society-Macedonia in supporting legal help; the position of the Commission for free access to information; the access to information litigation through the Administrative Court practice.

Access to public information created during legislative process (*Mr. Krzysztof Izdebski – SLLGO, Poland*)

Access to formal vs informal documents on the examples of access to e-mails of public officials concern legislative process and access to legal opinions used by the President of the Republic of Poland in the terms of signing the legal act.

AIP Cases Data Base (*Mr. Kiril Terziiski – AIP Legal Team, Bulgaria*)

Access to Information Programme maintains since its establishment a unique database of consulted cases. The database contains description of the specific case, the legal qualification, the competent authority from which information is sought, the grounds for refusal if such are given. The database allows attachment of relevant documents – request, complaints, appeals, written defences, etc. AIP also monitors the impact of the case – disclosure of information, media publication (journalist investigation), case brought to the court and its outcome, etc. The database contains information on more than 4, 000 consulted during the years cases. The system enables the systematization of problems related to free access to information, outlines trends and draws detailed statistics. Currently, a new module was integrated in the internal management system which allows similar systematization of court cases, assisted by AIP.



Panel: Public Awareness Campaigns

The case of Cyprus: A bi-communal project (*Ms. ilke Dagli – Open Cyprus Project*)

Access Info Cyprus officially known as The Right to Access to Information: Researching and Reforming Transparency, Participation and Accountability in Cyprus project started in December 2009 with the efforts of three implementing partners, Cyprus EU Association, Socio Political Studies Institute and Access Info Europe. The partners has started working on the formulation and application of the project in 2008 and finally secured funding from the European Commission. Even though transparency and corruption were important terms used widely by journalists, policy makers and CSO representatives, there weren't any substantial and organized initiatives promoting these values. On the other hand, access to information was not fully understood by the general public as the essence of democracy and transparency, since it was hard to comprehend what kind of information public actually needed to ensure democratic, participatory and transparent processes. The work of the project did not only focus on awareness raising and research but also tried to establish a strong link between access to information and peace and reconciliation work in Cyprus. The presentation will give insights about the Access Info Cyprus project as a case study, what it was set to achieve, what did it achieve, lessons learned and what needs to be done in the future.

Fun for Freedom – Getting People Involved (*Ms. Katarzyna Batko-Toluć – SLLGO, Poland*)

The presentation will focus on showing how to make people aware of their rights through getting personal experience. There will be a presentation of actions organized by SLLGO, the in-depth monitoring activities that engage people, self-education activities on facebook and impact made by the government failures.

FOI Public Awareness Campaigns in Macedonia (*Ms. Marija Petrovska – Foundation Open Society Macedonia*)

The presentation will cover: the experience of the Foundation Open Society-Macedonia in raising awareness for the right to free access to information based on the low percentage of public awareness; the NGO sector trainings; and the nclusion of the young population (students) and professionals (lawyers).

AIP Coordinators' Network in the Country (*Mr. Nikolay Ninov – AIP*)

AIP Coordinators' Network – one of the milestones marking the importance of AIP mission. The Coordinators as a strategy and a branch of the history, as a figure of the difficult path undergone by the civil society and the three branches of power using the APIA.



Panel: Public Awareness Campaigns - The Right to Know Day

The Right to Know Day in Bulgaria (*Ms. Diana Bancheva – AIP*)

AIP has been organizing and holding the Right to Know Day Awards ceremony on September 28 since 2003. For 10 years, the Right to Know Day Campaign has become one of the strongest tools for both raising awareness and advocacy for more openness and transparency of public institutions in Bulgaria. The purpose of the presentation is to follow the different stages and tools of the campaign and demonstrate the effects of each.

Open x Close Award (*Mr. Oldřich Kužilek – Open society p.b.a., the Czech Republic*)

This is the name of the award for public bodies, which has been given for ten years. The competition is based on collecting nominations from the public. The nominations may be positive or negative. Negative nominations are denied access to information, confidentiality preparation of important decisions, censorship in the local periodical, errors in the publication of mandatory disclosures etc. Positive nominations are wide publicity procurement, balanced and objective information in a local periodical, quick processing of the request to information etc. The biggest problem is the processing of nominations sent. All must be verified and condense the basic facts. Then the ten-member panel assigned scores. The winners are publicly announced and receive prizes.

FOI Public Awareness Campaign in Armenia (*Ms. Liana Doydoyan – Freedom of Information Centre of Armenia*)

Presentation enclosed.

Panel: FOI advocates and the Open Government Partnership

The Open Government Manifesto (*Ms. Helen Darbishire - Director of Access Info Europe*)

Open Government Partnership and Georgia's Commitments (*Mr. Giorgi Kldiashvili – Director of the Institute for Development of Freedom of Information, Georgia*)

The Presentation will be about the role of civil society in drafting the Action Plan of Georgia for the Open Government Partnership and how CSOs are involved in monitoring the process of implementation of commitments.

Romania's road to OGP accession (*Mr. Codru Vrabie – Rumania*)

The presentation will focus on the consultations initiated from civil society organizations, and the response they got from various ministries, touching on both access to information and transparency of decision-making.



Open Data in the OGP program of the Czech Government (*Mr. Oldřich Kužilek – Open society p.b.a., the Czech Republic*)

In the beginning of April the Czech government adopted an Action Plan of the Czech Republic "Open Government Partnership." In the context of access to information, it involves two basic areas. First is "Streamlining the system allowing free access to information", the second called "Access to data and information" and is focused on Open Data.

Improved access to data and information will be achieved over four consecutive stages:

- 1) the identification and removal of obstacles, which includes:
 - a. legal openness, i.e. the publication of data under an open licence,
 - b. technical openness, i.e. the publication of data in a standard machine-readable format;
- 2) the creation of an open data infrastructure in the Czech Republic and the establishment of rules for the public procurement sector;
- 3) opening up the most important sources of data;
- 4) the creation of a catalogue of public administration data.