



PRESS RELEASE

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CHORUS OF VOICES CALLS FOR STRONGER ACCESS TO INFORMATION TREATY AHEAD OF FINAL DRAFTING MEETING

Information Commissioners from six European countries have added their voices to a broad coalition of over 500 NGOs and individuals calling on the Council of Europe to reinforce its proposed European Convention on Access to Official Documents. The drafting group, which convenes for its last scheduled meeting from October 9–12, also faces calls from the OSCE to ensure the final text does not fall below existing European standards.

An open letter submitted to the Council of Europe today and signed by 245 civil society organisations and 269 individuals welcomes the initiative to draft what is set to become the world's first general treaty on access to information, but warns that there are a number of serious shortcomings in the current text.

The letter urges the 15-member Group of Specialists tasked with drafting the treaty to reflect prevailing good practice across the Council of Europe Member States and to refrain from a lowest common denominator approach whereby exceptions are carved out to accommodate individual States' existing laws. Amongst the key problems the letter points to are:

1. The treaty does not require governments to give access to all information held by legislative bodies and judicial authorities, seriously limiting the scope of the right to information;
2. The treaty does not give a right of access to information relating to public functions which are performed by private bodies – a particular concern in the era of privatization of government functions; and
3. The treaty does not specify a minimum set of information that governments should make available proactively, without the need for requests, such as basic organisational and financial information, or data on public procurement processes.

A separate letter from the OSCE Office of the Representative on Freedom of the Media warns there are “substantial deficiencies in the draft Convention”. Information commissioners from Germany, Hungary, Slovenia, Serbia and the United Kingdom have also written to the Group of Specialists supporting the points raised by civil society, and the Macedonian Commission joined the civil society letter.

The Group of Specialists drafting the treaty has been operating on the basis of consensus, meaning that any country representative can essentially veto a proposal for improved language. The Slovenian observer has called instead for votes to be counted on divided issues. This would be consistent a fully transparent process of decision-making.

Dr Agnès Callamard, Executive Director of Article 19 stated: “The right of access to information is a recognized fundamental human right which applies to all public bodies: executive, legislative and judicial. It would be absurd for Europe’s main human rights body, the Council of Europe, to adopt a treaty that excludes the right of access to information essential to the democratic process, namely that held by the legislatures and judiciaries of its 47 member states. To do so would reverse the significant progress on government transparency made in Eastern Europe since the fall of the Berlin wall, and would give all European governments carte blanche to increase secrecy and to withhold information from the 800 million people living in the Council of Europe region.”

According to Dr Callamard, the similar threats to openness have arisen in discussions about the reform to European Union transparency rules. She stressed that “it is important that the Council of Europe treaty set high standards for the right of access to information both for national governments and for supranational structures such as the European Union.”

Editor’s notes

The Group of Specialists which is tasked with drafting the European Convention on Access to Official Documents began work in January 2006 and its mandate runs out at the end of 2007. The upcoming meeting (9-12 October) is the last one scheduled before that time. The draft treaty requires approval from the Council of Europe’s Steering Committee on Human Rights and Council of Ministers before it can be opened for signatures and ratification.

The civil society open letter with details on the full range of concerns can be downloaded at <http://tinyurl.com/yr4fnr>. The OSCE letter can be accessed at <http://tinyurl.com/2xpaaaz> and the draft Convention is available in Appendix III of the Council of Europe meeting reports at <http://tinyurl.com/2vjtoo>.

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