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PRESS RELEASE

**Azerbaijan: ARTICLE 19 Launches Report on the Right to
Access to Information**

ARTICLE 19 today launches a report analysing the implementation of the Law on the Right to Obtain Information in Azerbaijan. The report concludes that the Azerbaijani Government must implement a comprehensive action plan in order to effectively implement the law, or the right to freedom of information will remain inaccessible.

Enacted in December 2005, the Law was widely welcomed as an important and progressive step in establishing open and transparent public governance for the country. However, ARTICLE 19 and others remain concerned that there are gaps between the Law as it appears on the books and its implementation in practice.

Time to Reset the Code Locks: Realising the Right to Know in Azerbaijan after the Adoption of the 2005 Law on the Right to Obtain Information contains the findings of legal analysis and research which tested implementation of the legislation over several months during 2008 and 2009. The report has been developed in partnership with *Yeni Nesil*, a union of Azerbaijani journalists, and the Baku-based Media Rights Institute.

According to the research, requests for information are rarely fully and adequately met. Instead, deadlines are disregarded, additional justifications are required and public authorities regularly fail to meet procedural requirements set out by the law. There are also inadequate mechanisms to facilitate information requests from the public – there are no dedicated public information offices in ministries and so there are no management systems to deal with and track requests.

The report also finds that there is an entrenched culture of secrecy within government institutions in Azerbaijan. This is exacerbated by a lack of awareness of the right to freedom of information among the public and civil society.

“In Azerbaijan, we have a general problem with the implementation of legislation,” comments Arif Aliyev, Chairperson of *Yeni Nesil*. *“However, there is an additional barrier [which is] the psychological mindset linked to an atmosphere of secrecy. Whether or not you are able to receive a response to your request [for information] depends entirely on the person at the top.”*

Although the Law set a clear deadline for the appointment of an Information Ombudsman, this has never been implemented and there is no indication about whether or not it will be. In the absence of an Information Ombudsman, the only way to appeal against a refusal of an information request is through the courts, a long process which is unlikely to have a positive outcome for complainants. There is no sanction for officials who refuse to comply with the Law and, therefore, little impetus for officials to change their attitudes.

“Freedom of information enables citizens to make informed choices and allows them to scrutinise the actions of their government. It is essential in creating a relationship of trust between state bodies and the general public, allowing for transparency and public participation in decision-making,” says Dr Agnes Callamard, ARTICLE 19 Executive Director. *“Freedom of information is also considered fundamental to achieving sustainable development outcomes and a pre-condition for the realisation of other human rights.”*

The right to access information is well established under international law and ARTICLE 19 urges the Azerbaijani authorities to take the necessary steps to ensure that its Law on the Right to Obtain Information is properly implemented by:

- Introducing the principle of maximum disclosure into all national legislation linked to access to information (and in particular the Law on State Secrets);
- Establishing effective information management systems and procedures within all public institutions and government departments, with particular priority given to the Presidential Administration; and
- Appointing without delay an Information Ombudsman in a transparent and democratic manner.

NOTES TO EDITORS:

- For more information please contact: Nathalie Losekoot, Senior Programme Officer: Europe, Nathalie@article19.org at +44 20 7324 2500 or +99 450 308 4075.
- To view *Time to Reset the Code Locks: Realising the Right to Know in Azerbaijan after the Adoption of the 2005 Law on the Right to Obtain Information* go to <http://www.article19.org/pdfs/publications/azerbaijan-freedom-of-information-report.pdf>
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.