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Council of Europe Adopts Second-Rate Treaty on Access to Information

Civil Society Groups Express Disappointment, Call for Strong Monitoring Body

London, Madrid – Three leading international human rights groups today criticized the Council of Europe's decision on November 27 to adopt the Convention on Access to Official Documents without spending the time even to discuss major concerns raised by members of parliament, over 250 civil society groups, a dozen European information commissioners and several governments.

“The Council’s decision to adopt the treaty flies in the face of concerns raised by parliamentarians representing over 800 million people in the 47 Member States,” said Toby Mendel of ARTICLE 19. “The Council adopted a treaty that is significantly weaker than many existing European laws on the right to access information.”

Access Info, ARTICLE 19, and the Open Society Justice Initiative, along with over 250 other civil society groups had repeatedly called for a stronger treaty and raised concerns about the lack of transparency surrounding the Council of Europe’s rushed decision to adopt the treaty as well as the lack of any public discussion regarding the concerns raised by the parliamentarians.

The world’s first treaty on access to information is unimpressive. It provides weaker guarantees for this right than many of Europe’s laws. For example, the treaty applies only to a narrow range of public bodies, does not impose maximum time-limits for responding to requests, and fails to establish that those requesting information have a right to appeal to an independent body or court.

“The Council of Europe has argued that the treaty is the best it could do while still ensuring wide ratification—we dispute this claim,” noted Helen Darbishire of Access Info Europe. “For the time being, however, it is incumbent on Member States to ratify the Convention quickly so that minimum standards on access to information can come into force.”

Other problems with the text of the treaty include a restrictive definition of the documents it covers and the failure to place limits on the reservations that states may make to the convention’s provisions. The latter is highly unusual for a Council of Europe human rights treaty.

“We must now establish a monitoring body to oversee the Convention and propose amendments which could strengthen the treaty in the future,” said Sandra Coliver of the Open Society Justice Initiative. “The Council of Europe must ensure that a monitoring body for the treaty has the resources it needs to perform effectively.”

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