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Ignoring Public Opinion, Council of Europe Set to Adopt Contentious Treaty on Access to Information

Leaked documents show plans to reject Parliamentarians' opposition and adopt Convention on Access to Official Documents

London, Madrid – The Council of Europe has formally refused to make public details of its plans to adopt, on 27 November, the much-criticised Convention on Access to Official Documents. The decision to adopt the convention overrides concerns raised by parliamentarians representing over 800 million people in the Council of Europe's 47 member states, and by many civil society organisations, who called for the treaty to be redrafted.

Documents obtained by human rights groups show that the Council of Europe took a decision on 12 November to reject the Parliamentary Assembly's concerns, but this information has been kept from the public. Under the arcane internal rules of the Council of Europe, the formal adoption of the treaty on 27 November should take place "without debate".

At the same time, Council of Europe Secretary General Terry Davis this week rejected a request for information about the 12 November meeting, stating: "*Unfortunately, it is not possible for me to reply to your questions. ... discussions in the Rapporteur Group on Human Rights are held on a confidential basis and the ensuing report is also restricted.*"

"The refusal violates the very standards that the Council of Europe is promoting with this new Convention," said Helen Darbishire, Director of Access Info. "The refusal fails to indicate any legal basis for withholding the information and does not explain how the rules have been applied in this specific case or how the public interest in the information has been taken into account."

The refusal was challenged yesterday by Access Info, ARTICLE 19, and the Open Society Justice Initiative who argue the drafting of this new treaty is in essence a law-making process and as such entitled to the highest possible level of transparency.

The groups note that declarations adopted by the Council of Europe stress the importance of wide public access to documents as being essential for "encouraging informed participation by the public in matters of common interest".

In a further twist, the Convention is to be adopted on the last day of Sweden's Chairmanship of the Council of Europe, even though Sweden pledged to increase transparency of the body when it took office in May 2008. The Council of Europe is trumpeting the adoption of the Convention as a success of the Swedish term in office, and a 25 November press release makes no mention of the widespread objections, the official response to which has been brushed under a carpet of secrecy.

"Sweden's reputation as an advocate of transparency will be substantially tarnished if Foreign Minister Carl Bildt allows the treaty to be adopted in its current form without adequate attention to the concerns raised by civil society, information commissioners, and parliamentarians", said Sandra Coliver of the Open Society Justice Initiative.

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