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EXECUTIVE DIRECTOR

James A. Goldston

12 April 2005

Ambassador Constantin Yerocostopoulos
Permanent Representative of Greece and Chair of the GR-H
Council of Europe
Strasbourg, France

Your Excellency

We understand that the Rapporteur Group on Human Rights (GH-R) of the Committee of Ministers will discuss at its meeting on Wednesday April 13 the possibility of developing a binding treaty on the right of access to information based on Council of Europe Recommendation 2002(2) on Access to Official Documents.

The Open Society Justice Initiative and the undersigned civil society organizations that work to promote freedom of information respectfully call on the GH-R to endorse the development of a binding instrument. We are convinced that such an instrument would advance respect for the right of access to information in line with the mandate of the Council of Europe to foster the further realization of human rights. We note that Recommendation 2002(2) has made a positive contribution to the development of laws on access to information across the Council of Europe region and beyond, and has become a key reference text for civil society and government actors.

If a binding instrument is to be developed, we urge that it reflect the highest standards contained in national freedom of information laws in Council of Europe member states and that it support best practices in implementation. The treaty should therefore establish that the right of access to information is a right for all persons to access information held by all public bodies, including the judicial and legislative branches, and including those performing public functions and operating with public funds, subject only to limited exemptions balanced by a public interest test.

The Open Society Justice Initiative is a joint initiative of Open Society Institute, New York and Open Society Institute, Budapest.

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We call on the Council of Europe, through the GH-R, to engage in discussion with civil society representatives before taking a final decision concerning such a treaty, and during the drafting of a treaty should the decision be to go ahead. We are ready to offer our support in the process of developing such a binding instrument.

Yours sincerely

James Goldston

For and on behalf of:

Article19 (London)

Statewatch (London)

Centre for Development of Democratic Institutions, Albania

Armenian Freedom of Information Centre, Armenia

Access to Information Programme, Bulgaria

Coalition “Javnost Ima Pravo Znati” (Public Right to Know), Croatia

Georgian Young Lawyers Association, Georgia

Hungarian Civil Liberties Union, Hungary

Pro Media, Macedonia

Centre for Independent Journalism, Romania

Coalition on Free Access to Information (14 members), Serbia

Open Society Foundation-Bratislava, Slovakia

Citizen and Democracy Association, Slovakia

Sustentia, Spain

BilgiEdinmeHakki.Org, Turkey