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Council of Europe Convention on Access to Official Documents (CETS No. 205)

Consultation of the Parties

Comments of Ukraine on the conclusions and recommendations of the Consultation of the Parties on the implementation of the Council of Europe Convention on Access to Official Documents by Ukraine

This document is submitted by Ukraine to the Consultation of the Parties in fulfillment of Point 3 of the recent Conclusions, which requests a report on measures taken pursuant to the recommendations outlined in Point 2.

We acknowledge receipt of the Draft Conclusions and Recommendations on the implementation of the Council of Europe Convention on Access to Official Documents (CETS No. 205), adopted by the Access Info Group (AIG) at its 6th meeting (May 29–31, 2024).

We welcome the positive elements highlighted in Point 1, which recognize the comprehensive scope and effective application of the Law of Ukraine "On Access to Public Information", including its broad application, compliance of limitations, and successful incorporation of procedural requirements. These findings confirm Ukraine's strong commitment to transparency, even amid the immense challenges posed by the full-scale war.

Ukraine takes note of the specific recommendations outlined in Point 2 of the Conclusions, based on the AIG's baseline evaluation report:

- 2.1. Reconsideration of the qualification "in the process of their performance of their duties" in the definition of public information.
- 2.2. Ensuring compliance of the restrictive ground concerning the prevention of the disclosure of information received in confidence (Article 6(2) of the Law) with the legitimate limitation grounds provided for in Article 3, paragraph 1, of the Convention.

We wish to inform the Consultation of the Parties that these issues have been immediately integrated into the national agenda and subjected to an extensive multi-stakeholder deliberation process:

- On December 17, 2024, the recommendations were publicly discussed during an expert event titled "Tromsø Convention – challenges and prospects of access to public information in Ukraine in 2025" held at the Ukrainian National News Agency "Ukrinform."
- Furthermore, these issues were addressed again on May 22, 2025, during the annual Forum "Open Government Partnership and Access to Public Information: Challenges in Wartime," involving government officials, media experts and civil society representatives.

These public discussions are essential to forging a consensus on the necessary legislative changes required to address the AIG's concerns while balancing the requirements of the ongoing security situation.

This effort is underpinned by Ukraine's strategic priorities. One of the main goals of state information policy is to ensure compliance with the rights of individuals to collect, store, use, and disseminate information (Strategic Goal 4 of the Information Security Strategy, approved by Presidential Decree No. 685/2021).

Our national commitment is evidenced by Ukraine's strong international standing: the Law of Ukraine "On Access to Public Information" holds 19th place globally in the Global Right to Information Rating.

To sustain and improve implementation:

- Bi-annual monitoring of executive authority websites is conducted by the Ministry of Culture and Strategic Communications to identify gaps in proactive disclosure.

- Professional Development (seminars and training) is organized in cooperation with the Ombudsman and civil society institutions for civil servants responsible for ensuring access to public information.

We look forward to continued close cooperation with the Council of Europe and the AIG in our shared goal of upholding access to official documents.