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STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

Access to official documents

Information on the event organised by the Finnish chairmanship of the Committee of Ministers (6 March 2019)

1. On 6 March 2019, a side-event to the 1339th meeting of the Ministers' deputies was organized by the Finnish Presidency of the Committee of Ministers, in co-operation with the Steering Committee for Human Rights (CDDH), on the Council of Europe Convention on Access to Official Documents (CETS No. 205)
2. The aim of this side-event was to raise awareness of this legal instrument, with a view to obtain the tenth ratification soon, to allow its entry into force.
3. It gathered representatives of member states and observers, representatives of relevant sectors within the Council of Europe, representatives of civil society and leading experts in the field
4. The programme of this event could be found [here](#).

5. The event was open by Mr Christophe Poirel, Director, DG, who welcomed all the participants, and thanked the Finnish Chairmanship for its initiative to organise this event and for making this topic one of its priorities. He also thanked Ambassador Walaas from Norway for her introduction, and recalled that the Council of Europe Convention on this matter is the first binding international legal instrument to recognise a general right of access to official documents held by public authorities. He recalled that the principle of the confidentiality of information was the principle and disclosure the exception. The message of the Convention is to replace this by the principle of transparency and the exception of confidentiality.
6. The right of access to official documents was first developed in the Nordic European States and spread, little by little, to many other European countries. Today, access to official documents is widely considered as a central element of democratic governance, in Europe and beyond. He thought that there was no need to underline the importance of this at a time when the lack of trust in these institutions is unfortunately growing in Europe. If access to official documents is widely accepted today, there is certainly still room for improvement when it comes to anchoring it into the domestic law and practice of States.
7. The first keynote speaker, Mr Darian Pavli, intervened in a double capacity. He is judge at the European Court in respect of Albania, but he was also one of the members of the CDDH working group which drafted the Convention on access to official documents. He presented the history of the Convention and the evolving jurisprudence of the European Court of Human Rights in this respect.
8. The second speaker was Ms Helen Darbishire, who is the Executive Director of Info Access Europe, who has been actively promoting access to information throughout Europe for many years. She recalled the history of this right. She insisted that the direct link between access to information, participation, accountability and, indeed, the fight against corruption: all very relevant issues for the Council of Europe today. She provided a number of positive impacts the Convention had, although it is not in force.
9. Having the treaty in force with its monitoring body would enable us to contribute to promoting not only this right but the full range of other human rights that the Council of Europe is committed to defend. And that is why it should be a priority for all governments here present, for all member states of the Council of Europe to sign and ratify the Convention, and I hereby call on you to do so!

10. The last keynote speaker was Ms Katrien Meuwissen, from the European Network of National Human Rights Institutions. She recalled that NHRIs are state-mandated bodies, independent of government, with a broad constitutional or legal mandate to protect and promote human rights at the national level. Through their work, NHRIs also contribute to the right to access of information of rights holders and non-governmental organisations active in the area of human rights.
11. She thought that the ratification and entry into force of the Council of Europe Convention on Access to Official Documents would further support NHRIs to carry out their human rights work in an effective manner. Once the Convention enters into force, NHRIs can also play a role in providing advice to state authorities on implementation of the Convention and in providing information on the national situation to the CDDH Group of Specialists on Access to Official Documents.
12. As reflected in the 2018 Recommendation of the Committee of Ministers on civil society space, access to information, including official documents, is of key importance for the effective enjoyment of human rights in the Council of Europe. Member states are encouraged to provide good practices on the implementation of the Recommendation, so that its implementation can be evaluated again in 5 years' time.
13. The members of the secretariat of GRECO and the Data Protection Unit presented the work that is conducted in their respective sectors in relation to the topic.
14. GRECO is looking at the specific issue of access to official documents in the context of its recently started 5th evaluation round. As a reminder, this round focuses on corruption prevention in respect of central governments, including the top executive functions, and law enforcement. In about a third of the ten 5th Round Evaluation Reports adopted thus far GRECO dealt with the issue of access to official documents. As underlined by Ms Darbishire, the right of access to information is not only about fighting corruption and exposing wrongdoing. It is also a right that helps improve the quality of public debate on important issues and strengthen participation in decision making.
15. In his concluding remarks, Mr Poirel thanked all the participants and keynote speakers for the lively exchange, which confirmed the importance and relevance of the issue of access to official documents. Promoting such access is perhaps even more important today than before, at a time when large numbers of people in our countries are questioning the legitimacy of public authorities, no longer trust them and tend to place their confidence in other sources of information, which they believe are more reliable. One way of combating the dissemination of fake news, which is a

very sad illustration of this very worrying trend, is probably to promote greater openness and transparency in the provision of information by public authorities.

16. He concluded that the Council of Europe Convention on access to official documents keeps all its relevance, and expressed his hope that this event will be an opportunity for those States which have not yet done so to reflect on the interest of acceding to the Convention.