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Council of Europe Refuses Access to Information on Draft Transparency Convention Plans to Reject Voice of Parliamentarians

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

Leaked documents show that the Council of Europe plans to adopt this treaty in its current version, but in a written response received yesterday to an information request by human rights groups Council of Europe Secretary General Terry Davis stated: *"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 Council of Europe's own access to documents standards by not stating the legal basis for withholding the information, nor how the rules have been applied in this particular case, nor how the decision to keep the information secret has been balanced against the public interest in transparency of a process that will impact directly on national access to information laws.

The refusal to disclose the information without giving reasons was appealed today by Access Info, Article 19 and the Justice Initiative, citing the draft Convention on Access to Official Documents which requires that "a public authority refusing access to an official document wholly or in part shall give the reasons for the refusal".

Documents obtained by Access Info show that the decision to reject in their entirety the numerous concerns about the draft convention was taken on 12 November by the Rapporteur Group on Human Rights, a sub-group of the Committee of Ministers, the political body that governs the Council of Europe and is composed of Foreign Ministers.

The decision will be formally confirmed on 27 November although, under the arcane internal rules of the Council of Europe, adoption of the treaty should take place "without debate".

Such a process undermines one of the core objectives of the right of access to information which, as stated in Council of Europe documents, is to promote wide public access to documents for *"encouraging informed participation by the public in matters of common interest"*.

In a further twist, the Convention is being adopted by this closed process on the last day of Sweden's Chairmanship even though, when it took office in May 2008, Sweden pledged to increase transparency of the Council of Europe.

"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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Please note that all work performed by Open Society Justice Initiative staff in connection with this project was undertaken on behalf of, and paid for by, the Open Society Policy Center, a separate 501(c)(4) entity.