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Activity Report 2011

## Access Info Europe - Core Project Activities 2011

This report sets out the main activities carried out by Access Info Europe during 2011.

### 1. Council of Europe and Ratification Readiness Project

Access Info Europe focused on conducting an analysis of all the access to information laws in Europe using the indicators developed with the Centre for Law and Democracy. The Access Info Europe team (primarily Victoria Anderica assisted by lawyer Daniel Amoedo) analysed 43 laws. The Centre for Law and Democracy did the remainder, bringing it to a total of 89 access to information laws worldwide assessed against 120 indicators.

We also built a dedicated website for the RTI Rating which provides a basis for our future work on the right of access to information, including but not limited to work on ratification of the Convention on Access to Official Documents.

The RTI Rating was launched on 28 September 2011 and was also presented at the Information Commissioner's Conference in Ottawa on 5 October (as well as being presented at a press conference in the Canadian parliament and to Canadian NGOs on 4 October).

**Impact of the RTI Rating:** In the first three months since its launch we can see a definite positive impact of the RTI Rating on discussions about the quality of access to information laws. These include:

- **Finland:** Debate held inside the Finnish parliament, attended by Helen Darbishire at which she presented rating: Finns, including civil society and journalists, were calling for improvements to their law, noting that implementation is not always perfect and arguing that Finland should not simply be in the top 15 but at the very top of the global rating.
- **Netherlands:** a Dutch MP is working on a redraft of the Dutch "Wob" and has taken inspiration from our rating. Mariko Peters was an OSCE staffer when Helen was drafting the Bosnian law, so knows about the standards. Access Info Europe is working with Daniel Simons at Greenpeace to provide advice.
- **Spain:** the Navarra community is currently developing its own access to information and open government law which it aims to make "the best in the world". When the Access Info Europe team met with them, the lead lawyers (who does not speak English and had not made the link with Access Info Europe) had already arranged for translations of the Serbian and Slovenian laws so as to study them! In the launch of the new open government strategy at an event in Madrid the RTI Rating website was shown and the audience was told about the "high international authority" which had created the rating. We are hoping that this will provide a spur to the national government to adopt a law which sets a good standard.
- **Belgium:** Professor Dirk Voorhoof used the rating in a masterclass for 20 journalists on how to use the Belgium ATI law, given together with journalist Marleen Teugels. I introduced the presentation with a reference to the ranking of the Belgian federal law on access to public documents and a link to the recent RTI Rating and Access Info Europe websites. The presentation was well received and the national news agency Belga wrote about the ranking and the workshop. Dirk writes "*Finally some media interest on Wobbing in Belgium/federal level, with a little help from my friends.-)*"



- **Serbia:** It is reported that debates in Serbia have centred around how to ensure implementation of what is clearly a good law on paper. It is too soon to assess fully the validity of the fear that the rating would lead to complacency but initial reports indicate that this is not the case.
- **Poland/Europe:** Alexander Kashumov from Bulgaria who is on the advisory board for the rating presented it at a civil society conference on access to information in Warsaw in November. He writes that *"Of course, people discussed what is the benefit of the rating and whether it shows always the real situation. Everybody agreed I think that it is useful tool for campaigning once a need for change in the legal norms is identified in a country."*
- **Kosova:** the legal office of the Prime Minister's Office wrote to us noting the rating and asking if in principle we would provide comments on future legal standards. Nothing has happened to date but we are of course ready to provide such assistance.
- **Academic articles:** we know of one academic article about the RTI Rating written in Croatian by a Croatian judge for a law review in the former Yugoslavia and of one written in Dutch by a Yasha Lange.

And outside of Europe ...

- **Thailand:** Toby Mendel was invited by SEAPA to present the rating and the performance of Thailand to try to stimulate some discussion about the need to revise the Thai law. This is significant as CLD had been trying to get a discussion along these lines going for some time. 'Experts' in Thailand had consistently claimed that there was nothing wrong with their law, just implementation, and the Rating helped break this position.



- **Philippines:** The Philippine campaign for an FOI law asked CLD to do a rating of two competing drafts that are being considered there, and to present this at a press conference to highlight the relative strengths and weaknesses of each draft.
- **Kenya:** The CLD used the rating in its analysis of the Kenyan FOI law and reports that Gladwell Otieno, who is on the OGP Steering Committee, found the rating bit of the analysis particularly useful.
- **Africa:** ARTICLE 19 asked CLD to apply the rating to the African Model Law and we understand that A19 has used it to revise the draft law.
- **Canada:** the Information Commissioner reports that she is using the rating in a review of the Canadian legislation that she announced to the parliamentary committee in the autumn of 2011. She wrote to us that *"The rating guide will be helpful to us as we move forward with our analysis so thank you very much for this work."*

★ **A Benchmark for the International Community:** As a result of this tool, Access Info Europe and Centre for Law and Democracy have clarified our criteria for whether a legal text, be it law or decree, qualifies as an access to information law. This has enabled us to assist the international community when there is a debate. For example, the debates over whether **Tunisia** or **Argentina** should received points for their decrees which would permit them to join the Open Government Partnership.

★ **Rating International RTI Frameworks:** On 16 March 2012, Access Info Europe and Centre for Law and Democracy launched a rating of the standards being promoted by inter-governmental organisations together with the Council of Europe Convention on Access to Official Documents and the EU's Regulation 1049/2001 on Access to EU Documents.

In the press release we noted that right to information laws in Africa and the Americas are falling below the standards set by their regional human rights bodies, while in Europe the standards themselves are weaker than the stronger right to information laws.

Applying the RTI-Rating tool to regional bodies' model laws, we found that that the Organisation of American States' Model Inter-American Law on Access to Information scores 142 out of a possible 150 points while the 19 access to information laws in the region have an average of just 92 points.

Similarly, the African Union's Draft Model Law for AU Member States sets a high standard with 138 points out of 150, while the average for the region's ten access to information laws is 91 out of 150, which means that key aspects of the right are not being protected at the national level.

The world's first binding instrument, the Council of Europe Convention on Access to Official Documents, which sets minimum standards for States Parties, scored just 81 out of a possible 150 points. This is in line with the average of 80 points for the 41 laws in the Council of Europe region but does little to pressure European countries to improve the laws they have adopted or to give effect to what the European Court of Human Rights has now recognised to be a fundamental human right.

In contrast, the European Union has set itself substantially more stringent rules regarding access to the documents held by its bodies, with Regulation 1049 scoring 101 out of 150 points, surpassed only by the laws of Finland and Slovenia among the 24 EU member states with access to information laws.

We used the launch of these results to reiterate the call on Council of Europe member states to sign and ratify the Convention on Access to Official Documents, and noted that "There is no excuse for not ratifying this base level treaty so that the monitoring mechanism kicks in and we can identify and address problems with access to information in practice."

We also used the news story to support the campaign against negative reforms of the EU's Regulation 1049, warning that "a backward step on the EU's access to documents rules would be a backward step for the whole of Europe."

## 2. European Union Transparency

The aim of Access Info Europe's EU activities is to promote greater transparency of the EU in general, and in particular the high-level decision-making which affects the human rights of EU citizens. This is done by addressing both the rules and practice on access to EU documents.

### 2.1 Campaign on reform of Regulation 1049/2001

Access Info Europe continues its partnership with Greenpeace and Client Earth as supported by a large number of NGOs to call for the European Parliament to support strengthening of Regulation 1049 and to block proposals by the Commission to weaken the regulation by undoing the jurisprudence of the European Court of Justice which in a number of key cases has interpreted the right more widely than existing practice (for example, on access to legal advice).

We maintained a constant contact with the Parliament and with parliamentarians and sent campaign letters to all MEPs from two lists (one to those already in favour of greater access to documents and one for EPP MEPs the majority of whom voted against it). On 15 December, the EP voted in favour of a first reading position developed by MEP Michael Cashman with a convincing 394 votes in favour and 197 against with 35 abstentions.

The Parliament's formal position will be negotiated with the Council of the European Union, under the upcoming Danish Presidency (first six months 2012); Access Info Europe has already had discussions with the Danish and Finnish governments about building support among EU member states for reaching a reasonable agreement on the reforms (something which has to be done under the Danish presidency as the following presidency under Cyprus is not likely to have a pro-transparency agenda and if there are any further delays it is likely the dossier will stall indefinitely). The Danes have a constructive approach and are negotiating hard to reach a reasonable agreement which will work in favour of transparency; key will be whether the Parliament is ready to make some concessions and the position which the large countries take: especially France, Germany and the UK, and also Italy and Spain – all these large countries have been less than enthusiastic about increasing EU transparency.

#### \* **Leading Civil Society Campaign against negative reforms of Regulation 1049/2001**

In January 2012, Access Info Europe launched the campaign for civil society to oppose negative reforms to Regulation 1049. <http://www.access-info.org/en/european-union/226-reforming-regulation-1049> - this web page contains a number of key documents which we compiled in a format to make them easily accessible to civil society.

\* **Analysis based on international standards:** Access Info Europe defined a clear CSO position which was neither that of the Commission nor the Council nor the Parliament, but which was based on an analysis of international standards on the right of access to information. The detailed analysis which underpinned the position can be found here:

[http://www.access-info.org/documents/Access\\_Docs/Advancing/EU/Overview\\_EU\\_Reform\\_of\\_Regulation\\_1049\\_6\\_March\\_2012.pdf](http://www.access-info.org/documents/Access_Docs/Advancing/EU/Overview_EU_Reform_of_Regulation_1049_6_March_2012.pdf)

**CSOs prioritise demands in a sign-on letter:** Based on this we defined 20 CSO demands, which were refined in consultation with key partner organisations such as Greenpeace and ClientEarth. We circulated these to civil society and gradually compiled signatures by CSOs and

individuals. The signatures rose from 30 CSO when we first published the letter; by April we had signatures from 72 NGOs, 3 Information Commissioners, and 7 Civil Society Coalitions representing 349 organisations and 13 individuals. Each time we communicated with governments or EU officials, we were able to send an updated version of the letter with the current total of signatures, each featuring the logo of the signing organisation.

**Regular updates for civil society:** We provided our civil society partners with regular updates through use of relevant mailing lists and via the Access Info Europe website, an example of such an update can be found here: <http://www.access-info.org/en/european-union/231-20-demands-campaign-update>

**Information Providers:** Our role in providing information to civil society was crucial because no EU body has a specific website which permitted tracking of the discussions around the reform of Regulation 1049. Indeed, the Council's Working Party on Information does not keep minutes of the meetings and many of the documents tabled are not accessible, while even some documents which are accessible have to be formally requested via an information request. An example is the list of participants in Working Party on Information meetings.

**Providing information in multiple languages:** The 20 Demands letter was translated during the course of the campaign into in English, French, Spanish and Polish to encourage dissemination at the national level.

**Exposing pressure on Council to reduce transparency:** In April, Access Info Europe received a [leaked document](#) which revealed that EuroJust, the EU's judicial cooperation body, had attended a last Council meeting to argue for special language to exclude it from the future access to documents rules. In its public statement on this, Access Info Europe noted that such an exclusion could have negative human rights impacts, because, as well as being a potential violation of the transparency requirements of the Lisbon Treaty, a special exclusion for EuroJust is of concern because of its very broad role in policing and security in Europe which, according to the [EuroJust website](#), includes "the same types of crime and offences for which Europol has competence, such as terrorism, drug trafficking, trafficking in human beings, counterfeiting, money laundering, computer crime, crime against property or public goods including fraud and corruption, criminal offences affecting the European Community's financial interests, environmental crime and participation in criminal organisations. For other types of offences, Eurojust may assist in investigations and prosecutions at the request of a Member State."

**Discussions with EU Presidency and key government officials:** Starting late 2011, Access Info Europe talked to key officials in pro-transparency governments, particularly the Nordic governments. Specifically, we had regular conversations with the Danish Presidency of the European Union: key officials briefed us on progress in the Council and in the negotiations ("trialogues") with the Parliament and Commission, and provided us with any documents which they could share publicly. When we received such documents we put them on the Access Info Europe website, hence making them available for other CSOs. We also conducted and shared our analyses of these texts, for example, the Danish "non paper" used as the basis for the Council negotiations published in late February: [http://www.access-info.org/documents/Access\\_Docs/Advancing/EU/AIE\\_Analysis\\_of\\_Danish\\_non-paper\\_on\\_Reform\\_of\\_Reg\\_1049.pdf](http://www.access-info.org/documents/Access_Docs/Advancing/EU/AIE_Analysis_of_Danish_non-paper_on_Reform_of_Reg_1049.pdf).

We were not only briefed by the EU Presidency and other governments, but we were asked for comments on specific provisions and used the clear civil society position to input recommendations on the draft language, drawing our on access to information expertise.

★ **Liaison with the Parliament:**



Throughout the negotiations we maintained contact with the European Parliament, and in particular with the Rapporteur on Access to Documents, Michael Cashman MEP (UK), as well as with the active pro-transparency Finnish MEP Anneli Jäätteenmäki (former Prime Minister of Finland).

Publicly, it was important to show both the Council and Parliament that civil society strongly supported the Parliaments position, even if the civil society position was less radical in some respects. In discussions with MEPs and their assistants, our goal was to ensure that they did not bow on key issues, particularly the exceptions: it was essential that the parliament resisted the introduction of blanket exceptions. Here we agreed that this would be against the right of access to documents in the EU treaties.

We made public our support of the Parliament in our public statements and on key campaign pages such as this: <http://www.access-info.org/en/european-union/245-threat-to-eu-transparency-grows>, section "Hope Rests in the Parliament"

★ **Coordinating National Level Advocacy**

During the campaign, we encouraged national civil society to send letters to their governments. We helped provide materials and model letters, which can be found, for example, here: <http://www.access-info.org/en/european-union/252-saving-eu-transparency>



We specifically targeted key governments, namely France, the UK and Germany. See "EU decision makers push for less transparency": <http://www.access-info.org/en/european-union/255-eu-decision-makers-for-less-transparency>

More on the campaign can be found at "British and German governments urged to act for more EU transparency" here: <http://www.access-info.org/en/european-union/261-letters-british-and-german-governments>

Civil society in the UK was active from the outset and it was reported that there were some shifts in the UK position during the negotiations away from a tough line on transparency.

During the campaign, our advocacy complemented bilateral talks which the pro-transparency states had with representatives of more cautious governments.

The article on the letter sent in June 2011 to the newly elected French government (in French) can be found here: <http://www.access-info.org/en/european-union/256-lettre-au-gouvernement-francais>

The letter sent to the Spanish government with civil society can be found here:

<http://www.access-info.org/en/european-union/235-espana-y-transparencia-en-la-ue>

★ **Commission insults civil society!** Something of a scandal broke out in early June 2012 when European Commission spokesman Antonio Gravili was quoted by the [EUobserver.com](http://EUobserver.com), characterising the debate around the reform of the EU's access to documents rules as "infantile" and saying that "some people need to grow up". He asserted that most requests for what he called "internal EU documents" come from corporate lawyers and "nutty NGOs" instead of concerned EU citizens. Those particularly targeted by the comments were not Access Info Europe so much as the Brussels based anti-lobby organisations, who increasingly use the right of access to documents, including through the AsktheEU.org website.

Civil society organisations and international freedom of information experts reacted strongly, in a letter to Commission Vice-President Maros Sefcovic and to Commission President Jose Manuel Barroso calling on them to disown Mr Gravili's comments. The letter was signed by over 50 NGOs, civil society platforms and freedom of information advocates, and called on the European Commission to publicly affirm that it respects the fundamental right of access to EU documents and the debate about the future of the transparency rules. An apology was received.

See details here: <http://www.access-info.org/en/european-union/257-eu-commission-urged-to-respect-right-of-access>

★ **Last stages of the negotiation:** In June 2012, with the Danish presidency's mandate about to end, it attempted to reach an agreement with the parliament over a limited number of reforms to bring the EU's access to documents rules into line with the EU treaties post Lisbon. Access Info Europe wrote a public letter to the Danish government on 16 June and urged them not to compromise on key points and to push for the key changes:

- » Extending the institutional scope of the Regulation to all EU bodies;
- » Ensuring proactive legislative transparency as required by the TFEU;
- » Aligning Regulation 1049 with the Aarhus Convention on environmental information;
- » Balancing access to documents with personal privacy as both are rights now.

The letter to the Danish Presidency can be found here: [http://www.access-info.org/documents/12\\_06\\_16\\_Letter\\_Denmark\\_on\\_EU\\_Transparency.pdf](http://www.access-info.org/documents/12_06_16_Letter_Denmark_on_EU_Transparency.pdf)

Details of the possible agreement with the Parliament on a limited package of reforms, thereby ensuring that the EU's access to documents rules are in line with the EU treaties post Lisbon can be found here: <http://www.access-info.org/en/european-union/259-eu-last-window>

★ **Danish Presidency drops reform: Threat to EU access rules defeated!** By 20 June however, it was clear that the differences in the negotiating positions were insurmountable and with time running out, the Danish government pulled back its proposals: <http://www.access-info.org/en/european-union/262-denmark-drops-reform-1049>. With the key players in polarised positions, it was clear that the current version of Regulation 1049/2001 is of a higher standard and that the compromise necessary to reach an agreement required sacrifices, which neither the European Parliament nor the Danish Presidency were willing to allow.

On the positive side this meant that the attempt to push through limitations to the right of access to EU documents had been defeated. In debriefings with government and parliament, it



was clear to Access Info Europe that the strong advocacy taken by civil society had contributed to protecting the right of access to documents.

The collapse of the negotiations was, however, disappointing as it meant that positive reforms were not adopted, and that the EU's access to documents rules had not been brought into line with the right of access to documents enshrined in the EU treaties post-Lisbon. Of particular concern to Access Info Europe is that the Treaty of Lisbon, obliges the EU institutions to take decisions "as openly and as closely as possible to the citizen" and which requires a transparent legislative process, and yet the current access rules do not sufficiently guarantee this.

## **2.2 Access Info vs. Council of the European Union**

The main news on this legal case is that three more states have decided to join Greece and the UK on the side of the Council: the Czech Republic, France and Spain.

Access Info Europe has raised the UK's involvement with various government officials and the official response so far has been that it will stay in the case but not submit written materials. France joined late so can only make an oral intervention. The new Spanish government says that Spain's participation in the case is a commitment by the previous government and that they will stay in it. It is unlikely that other states will now join as the deadline has passed although they can still appear to make oral interventions.

No Member States have joined Access Info Europe BUT the European Parliament has, which is an historical move, thanks to Diana Wallis MEP (who recently resigned after not being elected President, which is a loss for the transparency agenda within the parliament).

By all accounts this is a much watched case. Many people in Brussels know about it and it is seen as crucial in the potential impact on transparency of Council decision making.

We continue to liaise with our pro bono lawyers on the formalities and the legal arguments we will be presenting. A hearing is expected in the first part of 2013.

## **2.3 Accountability, Lobbying Transparency and Ethics Regulation: Citizens have a right to know**

Access Info Europe is now a member of the ALTER-EU (the Alliance for Lobbying Transparency and Ethics Regulation in the European Union) and on the steering committee.

In this context we have been engaged in debates and campaigns around lobbying transparency in Brussels, including over the issue of "revolving doors" where commission staff secure jobs in industry, and vice versa.

★ **The Transparency Register:** Access Info Europe together with Corporate Europe Observatory and Transparency International, has raised issue of the need for a mandatory for "Transparency Register" where interest groups which conduct lobbying – be they private companies or NGOs – are encouraged to register.

Some of the main concerns with current version of the register include:

- » That it is mandatory: we are calling for it to be obligatory;
- » That the information required is rather vague and/or that there is no proof needed of the information submitted;
- » That there is insufficient checking of the information provided by the Commission and Parliament: spot checks by civil society have identified

numerous errors.

A full review of the Transparency Register will be carried out in 2013; Access Info Europe is engaged with other civil society groups about raising concerns about its deficiencies in the meantime.

## 2.4 AsktheEU.eu and implementation of Regulation 1049

One of Access Info Europe's major activities during the past 6 months was the development and launch on 28 September of AsktheEU.org, a request platform based on mySociety's *whatdotheyknow.com*. Primarily supported by the Information Program, some of the outreach activities overlap with this project.



Through intensive teamwork we were able to launch on Right to Know Day at a high profile event in the Parliament hosted by the Ombudsman. Follow up work has included encouraging civil society organisations to use the AsktheEU.org platform for their advocacy work. For example, Corporate Europe Observatory is now using it for requests about corporate lobbying.

The results of the use of AsktheEU.org will feedback into Access Info Europe's campaigning on the reform of Regulation 1049/2001 and our work to promote better implementation of the existing access to documents rules which this new platform enables us better to monitor.

## 2.5 Farmsubsidy transparency.

Access Info Europe participated in a public consultation on transparency of EU farm subsidy payments held on 29 September 2011. A review of the rules is currently underway: the farm lobby is arguing strongly in favour of secrecy; the European Data Protection supervisor sees no problem with publishing the majority of the data.

# 3. Access for Rights: Civil Liberties

## 3.1 Extraordinary Rendition in cooperation with Reprive

A major focus of Access Info Europe's civil liberties work during the autumn of 2012 was the filing of requests to obtain information about alleged CIA flights.

Perhaps the most significant impact of the war on terror on human rights protection in Europe was the complicity of European states in the "rendition" of alleged terrorists by means of the multiple flights which passed through European airports and the existence of secret detention centres in a number of countries.

In spite of the seven years that have elapsed since these practices came to light, there has been a significant failure of domestic human rights protection mechanisms to investigate these abuses: data has not been collected, inquiries have not been held, and hence lessons have not been learned. Access Info Europe is working with Reprive to gather use the right of access to information to gather data on particular flights, which we have reason to believe were directly involved in the rendition-to-torture of illegally detained persons.

We have developed a close cooperation with Reprieve and issued a number of media statements and actions about the research findings in the run up to the launch on 19 December of an interim report, "Rendition on Record" which had a huge media impact worldwide with press coverage in dozens of media, including on Associated Press, the Washington Post on line, and national media in a large number of countries which include: Albania, Canada, Norway, the Netherlands, Portugal, Spain, Sweden, Turkey, and the UK, as well as in regional EU on line media.

A full copy of the report which summarises the outcomes of the requests to date can be found at: <http://www.access-info.org/en/civil-liberties/212-rendition-on-record>

★ The launch of **Rendition on Record** in December 2011 generated huge media interest around the world, which continued into 2012. A sample of some of the media stories can be found on the Access Info Europe website here: <http://www.access-info.org/en/access-info-in-the-news> (scroll down to 2011 stories). The story was run by the Associated Press and the Washington Post on line, and secured national media coverage in countries which include: Albania, Canada, Norway, the Netherlands, Portugal, Spain, Sweden, Turkey, and the UK, as well as in EU regional on-line media.

**Printed copies** were then produced (by a printer that works with Reprieve and prints pro bono so there were no printing costs) and we distributed them during events and conferences in the first part of 2012.

### 3.2 Data Retention

The reform of the EU's data retention rules is of concern as it relates to the level of protection of the fundamental human right to privacy. The current EU regulations have been suspended from action in a number of EU countries, notably Germany, for violating privacy provisions in the constitution; the EU has started infringement proceedings against these countries.

Access Info Europe continued to liaise with campaigners working on the issues of data retention during the autumn, and consultant campaigner Kersti Wissenbach attended a meeting in Brussels in September 2011 organised by German organisation AK Vorrat's Working Group on Data Retention as well as with the European Data Rights Initiative (EDRI).

Out of this we developed a schema of the information that should be available country by country and at the level of the EU:

Issue	Information by country / EU	
Implementation of the Directive	Legal	<ul style="list-style-type: none"> <li>▪</li> <li>▪ Name of and link to the law</li> <li>▪ Name of body responsible for oversight of implementation of the directive</li> <li>▪ Clear info on who may access the retained data and by what legal procedures</li> <li>▪</li> </ul>
	Practical	<ul style="list-style-type: none"> <li>▪ Number of times data accessed</li> <li>▪ Use of data in solving crime</li> <li>▪ Analysis correlation crime rates</li> <li>▪ Human Rights Impact Assessments (if carried out - which is unlikely)</li> <li>▪ Data reported to the European commission compared with that released to CSOs</li> <li>▪ Sample requests for sending to national governments</li> <li>▪</li> </ul>

Reform of the Directive	<ul style="list-style-type: none"> <li>▪ All documents on the reform of the directive to be placed on the Access for Rights website including those currently available from the Commission and campaigning documents by Civil society</li> <li>▪ Information about Expert Groups in the European Commission (maybe in general plus specifically on this issue)</li> <li>▪ Sample requests for sending to national governments</li> <li>▪</li> </ul>
Infringement Proceedings	<ul style="list-style-type: none"> <li>▪ Two-page summary of transparency of infringement proceedings in general</li> <li>▪ Data on the infringement proceedings on Data Retention Directive (including those obtained by leaks)</li> <li>▪ Requests to the EU for information</li> <li>▪</li> </ul>

★ Using the AsktheEU.org website, a request for information about the infringement proceedings was filed and when it was refused by the Commission, a confirmatory application was submitted, which resulted in partial release of the information in February 2012. This data is available on the AsktheEU.org website for all those working on this issue. The link to the question is here: [http://www.asktheeu.org/en/request/infringement\\_proceedings\\_data\\_re](http://www.asktheeu.org/en/request/infringement_proceedings_data_re)

### 3.3 Review of Anti-Terror Laws

Access Info Europe has continued to play a leading role in working with civil society in calling on the Council of Europe to follow up on the 2009 promise by member states to review anti-terror laws for their negative impacts on freedom of expression and information.

Replying to a June 2011 letter coordinated by Access Info Europe signed by 36 European and international human rights, media and journalists' organisations, along with 6 leading experts in freedom of expression and information and human rights, Council of Europe Secretary General Mr. Thorbjørn Jagland stated on 29 June 2011 that "protection of freedom of expression ... requires continuous efforts to be made by member states" and committed to "provide guidance to member states, possibly in the form of a Committee of Minister's recommendation, for the review of their anti-terrorism legislation and practice."

### 3.4 Access for Rights toolkit, website, helpdesk, advocacy materials.

The goal here is to build a dedicated website for posting information related to the right of access to information and human rights & civil liberties. The website is designed to contain advocacy materials, and to provide a networking space for civil society to present their requests, as well as to access the toolkit and to contact the helpdesk.

★ Access Info Europe has produced a **toolkit** for human rights organisations on how to integrate use of the right of access to information into research and advocacy work. A pre-publication copy was distributed at the EU Fundamental Rights Agency meeting in Vienna in April 2012, in a **training session** for human rights groups on how to use the right of access to information, including the EU access to documents rules, run by Pamela Bartlett (whose time is accounted for under the EU activities of this project).

The toolkit will be launched with the **Access for Rights website**, which has been built using the design by the winner of the Access for Rights website design competition, Julieta Latreccino from Buenos Aires, who received the €1000 prize, and worked through to April 2012



on the construction of the website with the Access Info Europe webmaster, Alvaro Rodriguez. At time of writing the website has not been launched as we do not yet have sufficient content for it.

Access Info Europe has started to prepare the content for the website based on some materials prepared under Year I of the grant on freedom of assembly and data retention. The toolkit will feature as well as the CIA flights data work with reprieve. This work will be completed by Lydia Medland when she returns this summer after taking unpaid leave to complete a Masters degree.

Screenshots of the website are below:

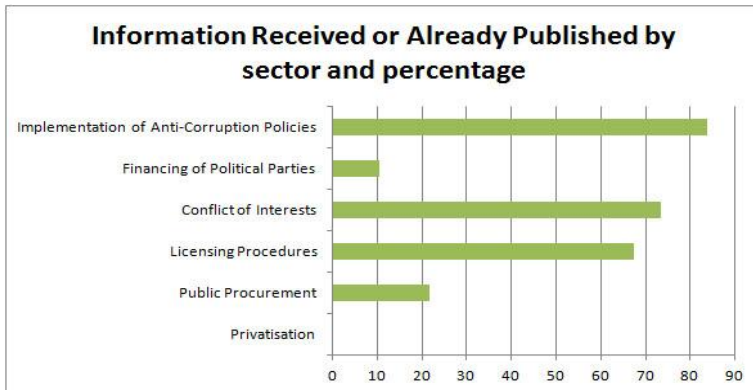


## 4. Other Issues: Anti-Corruption & Cyprus

This grant has permitted Access Info Europe to carry out a number of other activities as part of our core mandate. These include the launch of two important studies on anti-corruption and access to information which we would not have been able to do without support from the Open Society Rights Initiative, and the completion of two years of research and campaigning in Cyprus.

### 4.1 The Anti Corruption Transparency Monitoring Methodology

In October 2011 Access Info Europe launched at the Conference of States Parties to the United Nations Convention Against



Corruption in Marrakesh, a guide on how to test levels of transparency in areas of government prone to corruption. Fruit of the ill-fated Turn on the Light project, the methodology included the results of the first large-scale monitoring conducted using the methodology in Croatia, conducted by Transparency International Croatia.

The data from Croatia, where 200 answers were received to 560 questions (35% or around one third), shows that there are areas where huge progress has been made on transparency in some areas such as anti-corruption policies, conflict of interest, and licensing procedures.

Corruption-prone areas still closed to public scrutiny included public procurement, financing of political parties, and privatisation of state assets – not one single question on privatisation, a controversial area in Croatia, was answered.

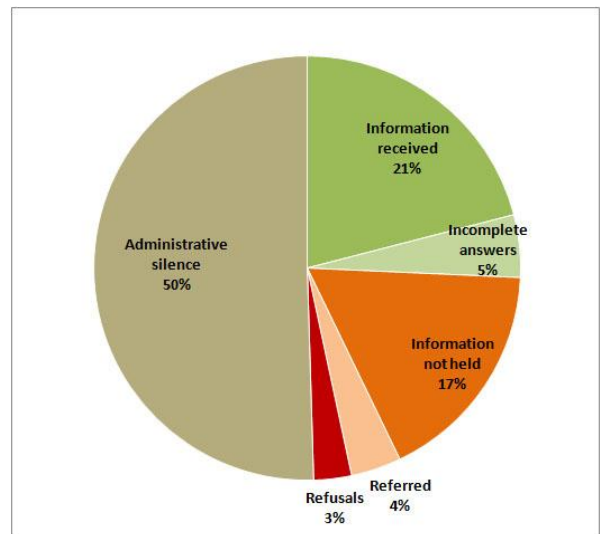
Access Info Europe's participation in the conference included Lydia Medland doing the choreography or a protest in the Djamma el Fna and addressing government delegates on behalf of civil society about access to information issues.



## 4.2 Tell Us What You've Done: Global study finds minimal transparency on anti-corruption efforts

At the same Marrakesh event on 25 October 2011 we also presented the findings of the first global study to test access to information about the implementation of anti-corruption treaties, which found that half of the questions put to governments (50%) met with administrative silence.

The research, carried out by Access Info Europe and Transparency International and partners around the world, also found that only around one quarter of questions (just 26%) submitted in twenty countries plus the European Union resulted in information – either complete or incomplete information – being provided to the civil society requesters.



Presenting the findings of the "Tell Us What You've Done" initiative at the inter-governmental meeting on the UN Convention against Corruption in Marrakesh, Morocco, on 25 October 2011, Lydia Medland of Access Info Europe commented that *"Although civil society participation is seen as integral to the UNCAC process, we found that civil society is routinely ignored by governments."*

## 4.3 Cyprus Project: Research and Recommendations for a future ATI Law

Access Info Europe and its partners in Cyprus presented the findings of two years of research at a conference held in the Green Line buffer zone in November 2011. The research included opinion surveys, monitoring of websites, submission of requests to test levels of access to information in practice, interviews with public officials and civil society organisations, and focus groups with business persons and journalists, as well as a public consultation on the draft recommendations.

The final report calls for urgent steps to be taken to introduce an access to information law in Cyprus which remains the only country in the EU not to have either a law or at least a draft law (Luxembourg and Spain have drafts and Malta has a law adopted but not yet in force; the remainder have laws).

We also note that access to information in practice is amongst the weakest in any monitoring study Access Info Europe has conducted to date!

The presentation of the final report generated a significant level of media interest (with a number of TV crews attending the meeting and Access Info Europe and partner project staff participating in radio and television shows. There was a strong turn out from civil society and journalists and some business persons, although not from public officials as it is politically highly sensitive to attend bilateral events in the buffer zone.

Two important issues came out of the final conference. The first is that Cyprus needs access to information for resolving historical issues: it is far further behind even Spain in gathering

information on the dead from the conflicts of the 60s and 70s and there is a huge manipulation of factual information for political purposes – data about land ownership, legal cases, the position of the EU and the UN, etc. Journalists and civil society are only now beginning to address these issues and demand information and based on this the campaign for access to information can be strengthened.

The second issue is that Cyprus is about to experience an oil boom with the discovery of the Block 12 oil field, one of the largest recent natural gas finds in the Mediterranean basin. Drilling began in September 2011 and although there have been promises of benefits “to all stakeholders in Cyprus” made by the oil company Noble, it is not clear what the effects will be. One implication is an increase in tensions with Turkey, which disputes the sea bed borders. There is a serious danger of a resource-curse type effect with little hope that there will be international political will to increase democracy in Cyprus while the gas is being extracted, further prolonging the frozen conflict there. Access to information is a key tool which could be of value during this period to ensure that Cypriots on the entire island benefit from the wealth and jobs which the gas find will create.



# Financial Report 2011

## ACCESS INFO EUROPE



### Income and Expenditure Accounts

Financial Year 1 January 2011 - 31 December 2011

This is a summary presentation in English of the original accounts prepared under Spanish law by:

**Numéritas, SL**

*calle Alcalá, 119 3º Derecha  
28009, Madrid, Spain*

#### Income

EU via KAB - Open Cyprus Project	16,323.32
EU via MANS - Turn on the Light Project	4,209.17
Honoraria Conferences	10,369.16
International Budget Partnership	12,004.89
National Endowment for Democracy	24,177.43
N-ost Network for Reporting in Eastern Europe	8,530.00
Open Society Information Program	67,945.08
Open Society Media Programme	68,172.00
Open Society Rights Initiative	75,323.00
Reimbursement travel	16,032.08
Donations private individuals	160.00

**Total Income € 303,246.13**

#### Expenditure

##### Personnel & Management Costs

Executive Director (with tax, social security and health insurance)	64,136.41
Staff and professional collaborators (inc. tax and social security)	100,147.18
Consultants & Researchers	19,516.00
Accountant & Payroll services	4,148.16
Courses and training	495.60

*sub-total* **€ 188,443.35**

<b>Operating and Project costs</b>	
Office rental	6,711.84
Office cleaning	561.00
Electricity	449.65
Office supplies	1,138.33
Graphic Design/Web Design	1,400.07
Printing	3,002.22
<b>Expenditure (continued)</b>	
IT Equipment	724.00
IT Maintenance	330.00
Software	361.79
Web hosting	928.92
Web domains	222.88
Telephone/internet/mobile/Skype	3,953.08
Postage and messengers	281.17
Membership Associations	50.00
Office Insurance	630.69
Depreciation Office Equipment	1,287.17
Depreciation Office Furniture	113.64
Tax penalty supplement	360.03
Bank charges	485.02
<b>Project Costs</b>	
Re-Grants to Partners	18,500.00
Long distance transport (trains and planes)	15,169.77
Short distance transport (train, taxi, bus, bike, metro)	3,560.06
Accommodation	11,814.37
Request fees	15.00
Conference Registration	390.00
Conference Refreshments	220.47
Refreshments and business meals	3,169.89
Visas	55.00
Baggage storage	18.88
	<i>sub-total</i> <b>€ 77,293.344</b>
	<b>Total Expenditure € 265,736.69</b>
<b>BALANCE</b>	<b>€ 37,509.34</b>