Access to information: Measuring Progress 250 Years On
DECEMBER 12, 2016
Neuer Saal
Hofburg, Vienna

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Annotated Agenda

The OSCE's RFoM has a long-standing interest in and commitment to access to information (ATI) as a tool for journalists and citizens to freely acquire information about their society and those who run it.

As recently as 2012, at the Ministerial Council Meeting in Dublin, the participating States of the OSCE recognized that "freedom of information and access to information foster openness and accountability in public policy and procurement, and enable civil society, including the media, to contribute to preventing and combatting corruption, the financing of terrorism, and money-laundering and its predicate offences." They reaffirmed their commitment "to make our governments more transparent by further developing processes and institutions for providing timely information, including reliable statistics, with a view to promoting a well informed and responsive dialogue."

Much cited these days is the UN's Sustainable Development Goals No. 16:10 which states that countries should 'Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements'. There is also an officially recognized 'International Day for Universal Access to Information', proclaimed and initiated by UNESCO and first celebrated in 2016, however recognition of the importance of ATI is nothing new and has a long history.

A bit further back on the timeline, on 2nd December 1766, the world's first freedom of information law was adopted by Sweden and Finland. Once-in-a-lifetime anniversaries, especially a sestercentennial one, should be remembered and celebrated. The brute reality is that ATI law is an old technology albeit one which ushered in a governance revolution: changing the millennia-old default from secrecy to openness.

To serve its perennial aims ATI law evolves in this day and age by facilitating informed decision-making and the right to participation in the conduct of public affairs; for monitoring of public actions; for promoting good governance; for reducing corruption; and for enhancing, most generally, transparency and accountability.

Part of the contemporary evolution is the struggle to have ATI recognized as an independent, standalone, fundamental human right and not simply as an aspect of the right to freedom of expression. Even so, the basic challenges remain: to realize real openness in practice and to be aware of and combat the ever-present reality of backlash against transparency through weakening of the legal framework for access to information.

8:30 – 9:00
Registration with Coffee

9:00 – 9:30
Opening Remarks
- **Dunja Mijatović,** OSCE Representative on Freedom of the Media
- **Johanna Suurpää,** Director, Unit for Democracy, Language Affairs and Fundamental Rights, Ministry of Justice of Finland
- **Johan Hirschfeldt,** Expert on Constitutional Law, Substitute Member of the Venice Commission, Former Chancellor of Justice, Sweden

9:30 – 9:45
Keynote Address
- **David Goldberg,** Academic and Right to Information Activist, Glasgow

9:45 – 11:15
Session 1 – Freedom of Information Regime

Broadly speaking, there are several frameworks for ATI standards. One of them is a systematic and comprehensive overview and analysis of ATI regimes of intergovernmental organisations (IGOs), to the extent they exist at all. Typically, IGOs have rules about what should be regarded as "confidential", but do they have anything which resembles an ATI policy/regime?

The Panel will consider such questions as: what is the scope of IGOs, horizontally and vertically to be considered in this regard? What is the current situation regarding any positive, coherent disclosure policy within IGOs? Has there been a "mapping" exercise in this regard or is one urgently required? Do any existing policies resemble ATI laws? How has our perspective changed given the (recent) developments and challenges for the COE and its member states on FOIA? How best should such policies be translated into effective ATI regimes for IGOs? What are the challenges and opportunities in pushing the envelope in this way?

Speakers:
• **Dirk Voorhoof,** Professor, Human Rights Centre, Ghent University
• **Toby Mendel,** Executive Director, Centre for Law and Democracy, Halifax
• **Nadezhda Azhgikhina,** Vice President, European Federation of Journalists, Moscow

Moderator: Thijs Bermann, Principal Adviser, Office of the OSCE RFoM

11:15 – 11:30
Coffee break

11:30 – 13:00
Session 2 – Freedom of Information and Open Data

This panel focuses on open data, and asks to what extent, if at all, traditional ATI laws may have been superseded or become less necessary as huge amounts of data are proactively published?

It has been said that the problem with "open data" is that it elevates process over people, it places technology instead of democracy at the centre. ATI advocates worry that huge amounts of data will be published in the interest of "transparency" but which will be neither used nor understood by citizens rather than authorities releasing specific information in response to citizens' requests.

The panel will attempt to narrow the gaps between open data and ATI by asking whether there should be a coexistence of, on the one hand, reactive information disclosure, as exemplified by traditional freedom of information (FOI) laws, and, on the other hand, proactive access to information, the aim and outcome of vibrant open data policies and practices.

Speakers:
• **Helen Darbishire,** Executive Director, Access Info Europe, Madrid
• **Mate Szabó,** Director of Programs, Hungarian Civil Liberties Union, Budapest
• **Dave Banisar,** Senior Legal Counsel, Article 19, London

Moderator: Andrey Rikhter, Senior Adviser, Office of the OSCE RFoM

13:00 – 14:00
Lunch (Served in the Vorsaal, 2. Floor)

14:00 – 15:30
Session 3 – Practical implementation and ATI channels: team presentations

In the months leading up to the conference, the Office of the RFoM and OSCE Missions identified nine groups of young journalists and activists who were tasked with using ATI channels in their country to seek and obtain public information. In this panel, participants will be given presentations on the teams' findings: whether they were successful in accessing the requested information, what obstacles they encountered and, overall, how effective is ATI legislation from a practical implementation standpoint.

The nine teams have been selected by the OSCE Presence in Albania, OSCE Programme Office in Astana, OSCE Mission in Kosovo, OSCE Mission to Serbia, OSCE Mission to Skopje, OSCE Office in Tajikistan, and OSCE Office in Yerevan and also join us from Bulgaria and the Russian Federation.

15:30 – 15:45
Coffee break

15:45 – 17:15
Session 3 – Discussion: "Workshopping Progress"

Invited ATI international experts and representatives of OSCE participating States will be given the opportunity to discuss the outcome and presentations from Session 2 with the teams.

17:15 – 17:30
Closing Remarks
- **Dunja Mijatović,** OSCE Representative on Freedom of the Media

17:30 – 18:30
Segmentgalerie Foyer
Closing reception hosted by the RFoM.