

FREEDOM OF INFORMATION CENTER OF ARMENIA

YOU HAVE A RIGHT TO KNOW

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Published since 2001

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Freedom of Information Annual Award Ceremony 2009



photos: The winners of the FOI Annual Award Ceremony 2009.

On September 28, 2009, the International Right to Know Day, the following nominations were awarded by an independent Jury:

- Award for the most transparent institution went to **Azatan village administration, Shirak region**.
- Award for a state institution/agency with the best e-governance system has been awarded to the **Ministry of Territorial Administration**.
- Award for an NGO, which has contributed to the exercising of the access to information right has been awarded to **"Huysi Kamurj" NGO (Bridge of Hope)**.
- Award for the journalist/media of the best FOI related article/broadcast program has been awarded to **Grisha Balasanyan from "Aravot" and "Hayq" newspapers**.
- Award for a citizen who has actively exercised his/her right of access to information has been awarded to the citizen **Armen Galstyan**.

The winners have been awarded with Golden Keys as a symbol for openness and transparency.

- **Negative award** for an institution, which does not fulfill its obligations in FOI field was given to the **"Yerevan Construction and Investment Programs" state non commercial organization**.

The winner of the negative award received a lock as a symbol of secrecy.

"The Golden Key and Lock awards have a great impact, indeed", says Mrs. Shushan Doydoyan, president of FOICA. "At present all state institutions are very much enthusiastic to reform their practices and work style towards transparent and open governance in order to deserve the Golden Key award and to avoid of the Lock".

Transparency is in RA Government Agenda

RA Prime Minister Tigran Sargsyan attended today the annual award for freedom of information as organized since the passing of the RA Law on Freedom of Information by the Freedom of Information Center every year on the 28th of September - the International Right to Know Day.

Congratulating those present on the occasion, the Prime Minister spoke about the problems available in the field of information freedom. According to him, the modern world is based on knowledge and information and, in this respect, knowledge-based economies cannot be developed without ensuring free access to information: This urges us to look for new approaches to the problem. We must build up such a framework as would make it possible to reveal the existing shortfalls by exposing those agencies which fail to provide information of public interest."

Tigran Sargsyan also spoke about the importance of ensuring freedom of information throughout the public sector: "Agency performance should be assessed based on their compliance with the criterion of objective information freedom as well. We are going to submit to you the full set of per-agency criteria so that civil society could decide in future how well a piece of information reflects reality. In the first place, these criteria should specify the type and frequency of information provided by ministers and ministries. Then we will need to determine which way the government agency-civil society feedback should be structured by specifying the deadlines for agency responsiveness to applications, requests, inquiries, as well as establishing the manner in which they should work with mass media. This must be done in the institutional order."

The head of government said to be hopeful that his participation will encourage and promote this process.

The 2009 Information Freedom Golden Keys were handed in by Prime Minister Tigran Sargsyan, Director of the Information Freedom Center Shushan Doidoyan, as well as by the heads of Armenia's Human Rights Office, USAID Armenia Office and OSCE Yerevan Office.

Source: <http://www.gov.am/en/news/item/4887/>



Freedom of Information Annual Award Ceremony 2003-2009

HISTORIC OVERVIEW

Since 2003 after the adoption of the Armenian FOI law the FOI Center jointly with its partner NGOs, has initiated an FOI Annual Award Ceremony. The following nominations are awarded annually:

- Positive Award for a state institution with the best system of providing information.
- Positive Award for a citizen who has actively exercised his/her right of access to information under FOI Law.
- Positive Award for the author of the best FOI related article/broadcast program.
- Positive Award for an NGO, which has contributed to the exercising of the rights of access to information.

- Negative award for a state institution, which does not fulfill its obligations in FOI field.
- Negative award for a state institution, which is the author of the most ridiculous official answer.

The nominees are selected by an Independent Jury represented by local and international organization's members, journalists, and scientists in the field. The Jury sums up the results of the monitoring conducted by the FOI Center and their own experience. Another source for unbiased decision-making is the monthly Black list of those officials and institutions which infringed people's right to access to information (quarterly composed by the FOI Center). The Jury discusses the Black List and monitoring outcomes and makes its final decision regarding each nomination. decision regarding each nomination.

2003

On December 10, 2003 the following nominations were awarded by an independent Jury:

- As an author of the best legal initiative of 2003, **National Assembly deputy Mr. Victor Dalakyan** was awarded with a golden key.
- **National Assembly deputies Mrs. Hranush Hakobyan, Mr. Rafik Petrosyan and Mr. Shavarsh Kocharyan** were awarded with prizes for their support and contribution to the adoption of the RA law "On Freedom of information".
- **RA Ministry of Labour and Social Affairs** was recognized as the most transparent state body in Armenia.
- Award for a citizen who has actively exercised his/her right of access to information under FOI Legislation went to **Mrs. Emma Kirakosyan**.

- **The Association of Investigative Journalists** was recognized as the NGO which had best applied the right of access to information.
- "Free, Secret, Transparent" article by "Haykakan Jamanak" newspaper journalist **Mr. Haik Gevorgyan** was recognized as the best publication covering freedom of information issues.
- **The web site of the RA National Assembly (www.parliament.am)** was recognized as the best web site from the point of view of freedom of information.
- **Negative award** for an institution, which does not fulfill its obligations in FOI field. This negative nomination remained without a winner, since the award is held for the first time.

2004

On December 10, 2004 the following nominations were awarded by an independent Jury:

- Positive award for institution with the best system of providing information went to **Ministry of Finance and Economy**.
- Award for NGO, which has contributed to the exercising of the rights of access to information went to **Helsinki Civil Assembly of Vanadzor** (the NGO won the court case against Vanadzor Municipality to have access to official documents).
- Award for the journalist most actively covering FOI issues went to **Naira Bulghadaryan, Vanadzor**.

2005

On December 9, 2005 FOICA has organized the FOI Annual Award Ceremony 2005 devoted to the International Anti-Corruption day. The following nominations were awarded by an independent Jury:

- Award for the most open institution went to the State Commission for **the Protection of Economic Competition** as the best institution implementing the FOI Law.
- Award for the NGO, which has contributed to the exercising of the rights of access to information, went to **Achilles for the Defense of Drivers Rights NGO**.
- Award for the journalist most actively covering FOI issues and using the FOI Law went to **Ruzan Minasyan from Aravot daily**.
- Award for the most active citizen in exercising her/his right of access went to **Armenuhi Gevorgyan**.

All these winners were awarded with golden keys as symbols of openness.

- **Negative award** for an institution, which does not fulfill its obligations in under the FOI law went to **Yerevan Municipality** (for keeping mayors' decisions in secret from Investigative Journalists and society). The winner received a lock as a symbol for secrecy.

To remind, this nomination was not awarded last year since the law has been just adopted. The nominees were selected by a Jury which was represented by 10 members of local NGOs and media outlets. The 2004 award was held in on-line regime.

- **Negative award** for an institution which gave the most ridiculous official answer to the information request went to **Gyumri Municipality** for the following official answer saying:

"You may find the decisions made by the Council of Elders and the community Budget in our web site, which is under construction".

FOICA filed a suit against Gyumri Municipality in court and received all the requested information by e-mail.

- **Negative award** for an institution, which does not fulfill its obligations under the FOI Law, went to **Yerevan Municipality**.

These two institutions received negative awards: Locks as symbols of secrecy.

2006

Freedom of Information Center of Armenia organized Freedom of Information Conference and Annual Award Ceremony/2006 on September 28, 2006 (International Right to Know Day).

About 80 government officials, judges, representatives of international organizations, NGO-s, and media have participated to the event.

The conference was moderated by Mrs. Shushan Doydoyan, President of the FOICA. Opening remarks were made by Mrs. Consuelo Vidal, UN Resident Coordinator, UNDP Resident Representative, Mr. Karl Fickenscher, Acting Director of the USAID/Armenia, Mr. Vladimir Pryakhin, Head of the OSCE Office in Yerevan. Mr. Armen Harutyunyan, RA Human Rights Defender, represented the current situation in Armenia with regard to protection of the freedom of information right. He was followed by Mrs. Shushan Doydoyan representing the problems of civil and legal defence of the freedom of information right in Armenia, and Mrs. Gayane Karakhanyan, Judge of the First Instance Court of Center and Nork-Marash communities of Yerevan, representing the court practice of the protection of the right for access to information.

The right for access to information in state bodies and organizations with public functions were discussed by participants. FOI court practice was summarised and solutions to the existing obstacles were highlighted.

The conference was followed by the Freedom of Information Award Ceremony/2006. Five positive and 2 negative awards were awarded.

- Positive award for the institution with the best system of providing information went to **Kotayk Regional Government**.
- Award for the NGO, which has contributed to the exercising of the rights of access to information, went to **Helsinki Civil Assembly Vanadzor Office**.
- Award for the journalist most actively covering FOI issues went to **Ms. Hripsime Jebejyan, Reporter of Aravot daily**.
- Award for the citizen most actively exercising his/her right to have access to government held information went to **Mr. Artak Zeynalyan**.
- **The web site of the Office of General Prosecutor** was recognized as best official web site with regard to freedom of information.

The winners were awarded with Golden Keys as a symbol for openness and transparency.

- **Negative award** for the institution, which does not fulfill its obligations in under the FOI law, went to **Armentel CJSC**.
- **Negative award** for the institution providing false information went to **Ministry of Transport and Communication of the RA**.

These two organizations received locks as the symbol of secrecy.

The nominees were selected by the independent jury represented by heads of 9 local NGOs functioning in the field.

2007

On September 28, 2007, the International Right to Know Day, Freedom of Information Center of Armenia organized the 5th Freedom of Information Annual Award Ceremony-2007.

Five positive and a negative award were awarded.

- Positive award for the institution with the best system of providing information went to **Charentsavan Municipality**.
- Positive award for the institution with best electronic system for providing information was awarded to **Yerevan Municipality**.
- Award for the NGO, which has contributed to the exercising of the rights of access to information, went to **Asparez Journalists' club from Gyumri**.

- Award for the journalist most actively covering FOI issues went to **Ms. Anjela Stepanyan, ALT TV reporter**.
- Award for the most active students exercising his/her right to have access to government held information went to **Yerevan State University Journalism Department**.
- **Negative award** for the institution, which does not fulfill its obligations in under the FOI law, went to **Armavir Municipality**.

This organization received a lock as the symbol of secrecy.

2008

On September 28, 2008, the International Right to Know Day, the Award ceremony has been devoted to the 5th anniversary of the RA law on "Freedom of Information" and struggle against corruption.

Five positive and two negative awards have been awarded.

- A positive award for the most transparent institution with the best system of providing information went to **Eghegnadzor city**.
- Positive award for the best official web site from the point of view of freedom of information has been awarded to the **Ministry of Education and Science of the Republic of Armenia**.
- Positive award has been awarded to citizens **Artashes Hovhannisyan and Armine Arakelyan** for actively exercising their right to have access to government held information.
- Award for the NGO, which has contributed to the exercising of the rights of access to information, went to **"Hakastver" NGO**.
- Award for the journalist/media most actively covering FOI issues in 2008 went to **"Yerkir Media" TV station and Ms. Mariam Barseghyan, "Yerkir Media" reporter**.

The winners have been awarded with Golden Keys as a symbol for openness and transparency.

- **Negative award** for an institution, which does not fulfill its obligations under the FOI law, went to **Hrazdan Municipality**.
- **Negative award** for an institution providing the most ridiculous official answer went to **Idjevan Municipality**.

These municipalities have received a lock as the symbol of secrecy.

The nominees were selected by the independent jury represented by the representatives of 11 local NGOs functioning in the field.

OPINIONS ON THE FOI AWARD CEREMONY

Mr. VACHE TERTERYAN
First Deputy Minister of Territorial
Administration of the RA

In Freedom of Information Annual Award Ceremony 2009 Award for a state institution/agency with the best e-governance system has been awarded to the Ministry of Territorial Administration.

A very important event, which has a structural significance from the point of view of democracy. The consistency of the organization's efforts in advancing freedom of information processes is also welcome. I wish further success.

Mr. KVALENKO SHAHGALDYAN
Governor of Kotayq region

In Freedom of Information Annual Award Ceremony 2006 Positive award for the institution with the best system of providing information went to Kotayk Regional Government

Freedom of information with all its forms is considered as the most important prerequisite for forming a public that can fully adhere to democratic values and initiatives to this end contribute to the effectiveness of activities in general.

In Kotayq Governor's Office that implements its main functions with the principles of openness and transparency, the positive signals of such policy can be always observed.

As a winner of the award in 2006 in the category of the most transparent public agency in the Freedom of Information Annual Award Ceremony organized by the Freedom of information Center NGO for already 6 consecutive years, one has to note that any such appraisal contributes to organizing activities in this area in a more thorough and comprehensive manner. Let us also add that working with the Freedom of Information Center NGO and cooperation with it is undoubtedly instructive, desirable and useful. The discussions that are organized with the participation of experts experienced in the field of access to information make further activities in this area more effective.

Once again emphasizing the importance of access to information in our reality, let us note that in Kotayq

Governor's Office, which has been implementing the requirements of the Law on Freedom of Information adopted in 2003 and received a positive appraisal about three years later, processes aimed at further amelioration of the situation in this field are underway currently as well. The successful introduction of "Mulberry" electronic documentation system can be considered as the most significant initiative in this area. This program imparted a new quality to organizing the work of the Governor's Office and provided with an opportunity to fully meet timelines in the processing of each document and make it a usual practice. In the near future the communities of the Region will also submit the prepared by them documents in an electronic format, to make the logic of the introduction of this idea more complete.

In light of the above-mentioned, we can state without hesitation, that the symbolic Golden Key conferred by the Freedom of Information Center is the most important achievement of Kotayk Governor's Office and it has highly contributed to the application in its every day work of new approaches that are in line with contemporary requirements.

Mr. VARDAN IKILIKYAN
Head of Azatan Community
of Shirak Region

In Freedom of Information Annual Award Ceremony 2009
Award for the most transparent institution/agency went to
Azatan village administration, Shirak region.

Congratulations on the International Right to Know Day. I have a strong conviction that your organization has achieved great success in promoting harmonious development of the society and training it.

Mr. HAKOB SHAHGALDYAN
Mayor of Charentsavan

In Freedom of Information Annual Award Ceremony 2007
Positive award for the institution with the best system of providing information went to Charentsavan Municipality.

Considering publicity and transparency as a major direction in local self-government system, the staff of Charentsavan Community Head makes maximum efforts in properly providing public with necessary information. The relevant processes in the community did not pass unnoticed by the Freedom of Information Center NGO and in 2007 the Charentsavan Municipality received an award which became an exceptionally positive factor in contributing and giving a new dynamism to activities in this area.

The utmost responsibility towards its work that was appreciated and the cooperation with the Freedom of Information Center NGO complemented to each other, promoting to the effectiveness of further initiatives. Through 6 information billboards placed in the community, the local population is provided both with information that is subject to mandatory publication per law and with the decisions of the Community Head and Council of Elderly, as well as other documents and information of public importance. Among other means of interaction with public, TV programmes and visits to different districts on weekly basis are an important part in the community life. Such activities, with their type and significance, constitute a pivotal part of public awareness processes in the community and provide public with an opportunity to receive accurate responses to var-

ious questions, from parties that possess the needed information.

The Municipality's activity is completely transparent also both for print and broadcast media, which are provided with information in accordance with Freedom of Information Law requirements. Such information is also provided to individual citizens, non-governmental organizations and officials, as per written and verbal enquiry procedures.

Referring again to the very important mission of the Freedom of Information center NGO, let us mention that working with this structure and interaction with it imparts a new quality to organizing relevant activities and provides sound basis for the identification of innovative ways for providing information.

The implementation of the requirements of the Law on Freedom of Information will be continued in Charentsavan, thereby contributing to the fulfillment of democratic values. The staff of the Community Head will henceforth continue undertaking amelioration of publicity oriented work, having as a basis the principles of forming an informed public.

A landmark for all this will be the symbol of freedom of information, the Golden Key, which will always have its stable place in the memorable pages of the history of Charentsavan city.

Mr. ARTAK DAVTYAN

Chairman of the National Assembly's Standing Committee on Science, Education, Culture and Youth Affairs

The idea and its implementation are wonderful. I wish you the fulfillment of such ideas that will actually ensure the freedom of information in our country, which will promote to the protection of human rights and dignity as a fundamental value.

Mr. KAREN MEZHLUMYAN

Member of the Council of the Chamber of Advocates of the RA

I think this initiative by the Freedom of Information Center is not only a celebration for all of us but it is also directed at developing an image, reputation among the society in terms of open and transparent activity of public officials, which is already a big practical step. It has become fashionable to work in a transparent manner". Congratulations to all of us".

Mr. ASHOT MELIKYAN

President of the Committee for the Protection of Freedom of Speech

This event is one of the best traditions of the Freedom of Information Center. It is very important that this time as well the awards have been conferred to the best ones, those who really deserve them.

Mr. ARAM DANIELYAN

Mayor of Hrazdan

Recently the staff of the city's Community Head has had a rather active cooperation with Freedom of Information Center NGO. As a result of this cooperation, information billboards have been placed in different districts of Hrazdan city, where the information subject to mandatory publication defined in the law on Freedom of Information, decisions by the city's Council of Elderly and Community Head, as well as other documents of public importance are being placed and updated. This is a process that provided a new dynamism to the community's every day life by involving public in the community's governance processes.

The next activity within the framework of cooperation with the Freedom of Information Center NGO will involve the implementation and launching of a

In Freedom of Information Annual Award Ceremony 2008 **Negative** award for an institution, which does not fulfill its obligations under the FOI law, went to Hrazdan Municipality.

model internet website for the community, which will make it possible to ensure publicity of ongoing activities in online format as well.

Since 2009 a new procedure of submitting reports to the public by the Community Head has been introduced in Hrazdan, which, with its type and significance, proved the effectiveness of this work.

Among the achievements of the city in the area, is the electronic governance system introduced by the Information Systems Development and Training Center NGO in the Office of the Community Head, which will provide visitors with an opportunity to familiarize with legal acts adopted in the community, management and implementation of the community budget, as well as the population's obligations in terms of different tax and other payments.

Mr. ARTHUR POGHOSYAN
Judge of the RA Court of Appeals

The award ceremony is organized on a very high level and in a representative format. I hope the court procedures in future will be held in a way that there will be no necessity to confer a prize to a judge.

MRS. SYUZI MARUKHYAN
Director of the CoE Information Office

Congratulations on the occasion of the International Right to Know Day. The success of this event is another proof of the consistent and professional work of your organization. I wish you new success.

GRISHA BALASANYAN
Journalist

This day is very important for me. To be honest, when covering freedom of information related issues, I have been thinking whether I will receive Golden Key Award. September 28 of 2009 is a happy day for me but the days to follow will not be so nice for public officials and structures, because the Award made me more determined. Thank you for the Award. I will justify your expectations and make them true.

NAIRA BULGHADARYAN
Journalist

5 years ago I became a winner of an award from the Freedom of Information Center NGO, as a journalist having most actively searched for information and providing the most active coverage of freedom of information issues. Although at that time the symbolic Golden Key award was not introduced yet but it never diminished the role of my award – the Certificate of Honour. I was indeed happy that I became a winner of such important award, which had its impact on my professional activity and advancement.

During last years I have made an extensive use of both my right to freedom of information and

the advice which I received from the Freedom of Information Center NGO. If a journalist does not have a sufficient, if not maximum store of information, he or she can not satisfy the public demand for receiving information. Seeking for information is not a one-time activity but a patient every day work to consistently receive information whose possessor very often tries to conceal it.

The role of Freedom of Information Center NGO is invaluable in terms of breaking stereotypes of information proprietors among public officials, as well as supporting journalists and media at large.

FOI COURT CASES

FOICA has applied to the Constitutional Court

On September 9 the Freedom of Information Center applied to the Constitutional Court of the RoA with a demand to consider anti-constitutional Articles 151 and 152 of the RA Code of Administrative Procedures.

To consider Article 151 of the RoA Code of Administrative Procedures as contradictory with Articles 18 and 19 of the RoA Constitution and invalid on these parts, since it stipulates without an exception that "Cases on subjecting to administrative liability can be filed based on claims from agencies and officials having an authority to prepare protocols on administrative violations per law", and thus does not provide with an opportunity to file a case on subjecting to administrative liability against officials, having made violations stated in Article 223 of the RoA Code of Administrative Violations, including officials having made violation defined in Article 189.7, based on a claim from the victim.

To consider Article 152 of the RoA Code of Administrative Procedures as contradictory with Articles 18 and 19 of the RoA Constitution and

invalid on these parts, since it stipulates in the list of requirements towards preparing a claim for subjecting to administrative liability, the requirement for including information on making a protocol and attaching a protocol on administrative violation, for all violations without an exception, including those stated in Article 223 of the RA Code of Administrative Violations, particularly the violation defined in Article 189.7.

It should be mentioned as well that in the court practice there are contradictory approaches concerning the afore-mentioned issue. A part of Administrative Court was not accepting the Freedom of Information Center NGO's lawsuits on subjecting to administrative liability under its proceedings, and the other part was accepting them, by placing on record the fact that there is no agency preparing protocols on such case.

FOI Center vs. Parakar Village Mayor and the Village Municipality

In December 2008, two residents of the village of Parakar, S. Ghazaryan and A. Nersisyan, complained to the Freedom of Information Center that the village mayor is not providing information to them.

On December 12, the FOI Center sent a request for information to the mayor of Parakar, which included the questions/requests from the villagers that had remained unanswered:

1. Is the 250-260 sq.m. land plot near the road, on the left bank of the main canal by building No. 1 on Mekenagortsneri Street, included in the list of restrictions in Article 60 of the RA Land Code?
2. If yes, then on what grounds and for what reasons?
3. If no, then please state so.

The reply received from the mayor on January 2009 was incomplete. Therefore, the FOI Center filed a lawsuit in a court to demanding a complete and full answer from the community leader. On July 30, the RA Administrative Court, presided by judge A. Tsaturyan,

heard the FOI Center vs. the Mayor of Parakar and the Municipality case. The village mayor explained in the court that he did not provide a complete answer to the FOI Center's request for information, because it was practically impossible. Since the list of land plots that may not be transferred with the right of ownership includes areas on which the government has adopted special decisions, the mayor of Parakar must have the relevant government decisions on the aforementioned plot in order to be able to provide the information requested by the FOI Center.

On August 13, the RA Administrative Court decided to reject the FOI Center's claim, considering the fact that the RA government has not yet approved the relevant program that would include information about the land plot indicated by the FOI Center.

FOI Center vs. Zartonk Village Mayor and the Village Municipality

On February 7, 2009, the FOI Center sent a request for the following information to the mayor of the Zartonk community in the Armavir marz:

1. A copy of the Zartonk community 2008 budget,
2. A copy of the Zartonk community 2008 budget implementation report.

The mayor of Zartonk did not reply to the FOI Center's request for information. On March 20, 2009, the FOI Center filed a lawsuit at the RA Administrative Court to demand the requested information and to impose an administrative fine on the mayor. The RA Administrative Court admitted a part of the FOI Center's lawsuit and threw out the request to impose an administrative fine on the mayor of Zartonk.

On April 23, 2009, the FOI Center complained to the RA Administrative Court, asking it to overturn the decision not to admit the part of the lawsuit about imposing a 50,000 AMD administrative fine on the mayor of Zartonk. On April 28, the RA Administrative Court upheld the FOI Center's complaint. By doing this, the Court confirmed that the Freedom of

Information Center has the right to file lawsuits asking to impose administrative sanctions on officials.

During the hearing on July 30, the FOI Center's representative, Karen Mezhlumyan, withdrew the part of the lawsuit asking to require the mayor to provide information (the mayor of Zartonk had already provided the requested information to the FOI Center before the hearing) and to impose a 50,000 AMD administrative penalty. However, he insisted on the request to consider the Zartonk mayor's inaction as unlawful.

On August 13, the RA Administrative Court decided to dismiss the case against the mayor of Zartonk, because the FOI Center's representative had withdrawn two claims in the lawsuit, and the Court found that the claim to consider the mayor's inaction as unlawful should also be dismissed, since judge A. Tsaturyan thought that "the RA Administrative Procedure Code does not provide for claims to consider actions or inaction as unlawful, and therefore the administrative court has no jurisdiction over that claim."

FOI TRAININGS

Be a Participant Rather than a Demander

On August 12, the FOI Center organized a working discussion on how to apply the RA Freedom of Information Law for 56 officials of the Shirak marzpetaran and community leaders.

The FOI expert Mrs. Marine Hakobyan presented the principles of the Freedom of Information Law that would enable the participants of the discussion to work on the basis of the law, be less vulnerable and more protected. The law should become an effective work tool, which would result in the public being informed about their communities and in public participation in community life. Also, every person must be protected and must feel that his/her relationships with the authorities are based on the law.

There was a detailed discussion of formats used to reply to requests for information, with a special focus on grounds for refusing information, citations and wording. Many questions were exchanged and heated discussions took place during the meeting.

The officials think that requests for information are sent to them mainly to check how much they are aware of the law rather than to check the effectiveness of a certain sector or ask questions about a certain document.

"We provide information with great pleasure, we know the law very well, we put a lot of effort into providing these answers, copy or print lots of documents, but we never receive any feedback. We have never seen any recommendations or analysis of any of the documents we had provided. We would like it very much if the information we provide had produced more effective solutions to some concrete issues. In other words, the person sending a request for information should feel like a participant rather than a demander".

The FOI Center's next meeting was with the 23 representatives youth of the marz. M. Hakobyan explained how to use the FOI Law, how to send requests for information, when to expect a reply, etc. "This discussion will make it possible for people to be pro-active and to participate in state and community developments. Informing about the law and the knowledge of how to use the law will increase the level of youth's protection and their civic awareness," M. Hakobyan stated to encourage the participants of the meeting.

Officials Work When There is a Demand

On August 6, the FOI Center was in the Ararat marz. The purpose of the visit was to organize a working discussion for 43 representatives of the marzpetaran of Ararat and local self-governance bodies and 21 representatives of civil society.

FOI expert M. Hakobyan talked about the advantages of being informed, presented the FOI law and described in detail why should local self-governance bodies and civil servants work in an open fashion. Like in other marzes, the participants of the working discussion were particularly interested in the procedures and forms of denying requests for information, as well as in mechanisms of responsibility. It was surprising that the community leaders present at the meeting agreed with the FOI Center representatives that any official, who denies requests for information without any grounds, should be held responsible.

The FOI Center's expert informed that even if

requests for information are denied, "they should be denied in a proper way." At the end of the discussion, the participants noted that such meetings were very effective and said: "after learning about the law, we have become more invulnerable."

The law was also discussed with 21 representatives of civil society in the Ararat marz. M. Hakobyan described how to send requests for information and when to expect replies. M. Martirosyan, the president of the Ararat branch of "Haytur" non-governmental organization complained that "there are many unanswered requests for information that continue to be ignored, because letters are sent without being returned."

FOICA Supports the Introduction of Mulberry System

On August 18, the Freedom of Information Center provided two computers, free of charge, to the Gegharkunik marzpetaran in order to support the introduction of the Mulberry electronic management system.

The RA Ministry of Territorial Administration is going to introduce the Mulberry software in the Gegharkunik marzpetaran in October and organize special training for the staff in order to teach them the skills required to run it. The plan is to introduce the Mulberry system in 23 communities throughout the country by the end of the year. It is an electronic management software for all urban, rural and city district communities of Armenia.

The electronic circulation of documents will increase the effectiveness of work and services provided to the public, because letters and complaints will be circulated by means of internal networks.

These technical assistance was conducted with financial assistance of USAID within the framework of "Access to information for community involvement" project.



Publicity: Through Internet or via Traditional Means?

Every year in August the names of applicants having entered higher educational institutions are posted on the walls of universities. However there were applicants, particularly those of the Yerevan State Economic University, who were able to obtain information on whether or not they have entered the University only 3-4 days later.

There was but one reason for this: the posted information was “stolen” from the walls. Among the readers of the lists there were applicants who, after not finding their names in the lists, took revenge by stealing these lists.

This caused a big confusion. The interested persons were trying to learn from their friends-relatives (who, they thought, by some little chance might be having the needed information) if the name of their applicant was among those having entered the University. In this case the internet could have served as a very good source of providing information as currently a lot of people are using internet. And it takes only few minutes to download the lists on the internet. But the internet users were trying in vain to find information on the successful applicants in different websites.

Only the following information is posted on the website of the Ministry of Education and Science concerning the above issue: “Among 13.500 applicants having applied to Universities per a centralized system, more than 12. 000 have become students. The thresholds of the scores necessary to pass competitions on various specialties are already known”. While the scores’ lists were made available, no lists with the names of successful applicants were published.

We tried to find out from the Republican Entrance Exams Committee the reason for not posting the lists of successful applicants on internet. The REEC Press Secretary Mrs. Lilit Galstyan mentioned that “in the previous years there have been discussions on publishing the lists with the names of successful applicants on the internet but there was a concern that this may cause some discontent among citizens because such information contains data about personal life”. And the discussion of this issue has been indefinitely postponed.

A FOICA and National Assembly expert Mrs. Marine Hakobyan, however, thinks that these lists may be published on internet, because “these are just lists containing only the persons’ names, family and father’s names. Whereas during elections, for instance, lists containing much more information on personal life, are published”.

The President of the Freedom of Information Center Mrs. Shushan Doydoyan thinks that since these lists are posted on the walls of higher educational institutions, i.e. they are being made public in some way, it means they can be published on other means as well, including on the internet. Otherwise it appears that the information is published but it does not become available for public”.

“In the next 2010 year we plan to publish all information pertaining to entrance exams on the internet as well. Not only the names of successful applicants will be published on internet but also the results of unified exams”, the Minister of Education and Science Armen Ashotyan promised.

It remains to be seen whether next year the applicants will be able to have access to afore-mentioned lists through contemporary means and not by standing in large crowds in front of universities, going through a hustle and bustle...For this, it is only necessary that the Ministry of Education and Science addresses the issue that has been left “for discussion during next years” and makes a decision to abandon traditional stereotypes of providing information and publishes information also on internet. The Minister has promised to address this issue. Since the lists can not be considered as documents containing a secret, they should be made easily accessible for public in other ways as well. The Minister of Education and Science Mr. Armen Ashotyan has personally promised this.

Pay for Information?

When attempting to receive information, one comes across such legal acts that define other conditions for receiving information than those defined in the RA Law on Freedom of Information.

On July 7, 2009, the Freedom of Information Center sent an information request to the Traffic Police Service of the RoA Police requesting to provide statistics concerning traffic rules violations in Yerevan city for the first half of 2009 and the difference in the number of traffic related law infringements (in %), as compared with the 1st half of 2008.

The Traffic Police Service of the RoA Police responded with a refusal to the enquiry of the FOIC, mentioning that it is necessary to pay for information. "We are ready to provide information, but there is Government's Decision (No. 1408- ?), according to which a payment of 3000 drams is due to be paid to the extra-budgetary fund for providing information. What if they come, check and find out there is no receipt but the information has been provided?". This is the ground for declining information.

According to this Decision, irrespective of the volume of information requested, one has to pay 3000 drams to the extra-budgetary fund of the Traffic Police Service to receive information from this Service. "You can receive response to your letter only upon submitting receipt showing the payment".

We were informed by the Legal Department of the Government that the reason for this Decision is the following: few years ago reform processes were launched at the Traffic Police System. Large funds were necessary for such reforms and it was not possible to cover such funds through the budget. This is how the necessity to create an extra-budgetary fund occurred. Thus some functions of the Traffic Police Service became payable. Naturally, the RoA Government was to define the amount of the payment to be paid to the extra-budgetary fund.

Doesn't the Decision No. 1408- ? of the Government contradict the RoA Law on Freedom of Information? Article 10 of the FOI Law defines that no payment shall be charged by state or local self-government bodies, public agencies and organizations when providing upto 10 pages of printed or photocopied information.

According to the RoA Law on Legal Acts the agency implementing a legal act has the authority to interpret it. In this case this agency is the Traffic Police Service of the RoA Police.

The FOIC sent an enquiry to the Traffic Police Service of the RoA Police for the second time, mentioning that the RoA Law on Freedom of Information overweighs the Government's Decision No. 1408- ? and that it is necessary to be guided by the FOI Law and not by the Government's Decision.

Receiving this enquiry, the Traffic Police Service invited the FOIC to the Police for providing thorough information on the situation.

The Head of Legal Desk of the Traffic Police Service Major Chilingaryan mentioned that actually there is no contradiction between the RA Law on Freedom of Information and the Government's Decision as the Government did not decide that it is necessary to pay for the information provided by Traffic Police Service. This requirement is defined in point "g", part 2 of Article 33.1 of the RA Law on Ensuring Road Traffic Security. According to that point, the extra-budgetary fund is formed through means received from the payments for providing information that is not prohibited by law. So it appears that two equatable legal acts, i.e. the Law on Freedom of Information and the Law on Ensuring Road Traffic Security contain provisions that contradict each other. On the one hand the FOI law clearly mentions that the provision of information of upto 10 pages is free, on the other hand the relevant Article of the Law on Ensuring Road Traffic Security implies that it is necessary to pay in order to receive information from the Traffic Police Service of the RoA Police. Mr. Chilingaryan mentioned as well that every day he has to provide long explanations to many citizens on the necessity and legality of the payment because for many of them 3000 drams is not a small amount to pay. So, the TPS's situation is also not an easy one.

In conclusion Mr. Chilingaryan gave an advice: "Come up with a relevant initiative"...

BLACK LIST

THESE OFFICIALS HAVE VIOLATED PEOPLES' RIGHT OF ACCESS TO INFORMATION IN JULY-OCTOBER 2009

1. **Mrs. Hasmik Poghosyan** RA Minister of Culture
2. **Mr. Aram Harutyunyan** RA Minister of Ecology
3. **Mr. Aram Qochinyan** Governor of Lori region
4. **Mrs. Lida Nanyan** Governor of Shirak region
5. **Mr. Nver Poghosyan** Governor of Gegharqunik region
6. **Mr. Ashot Petrosyan** Head of National Center for Technical Security
7. **Mr. Sergey Chalyan** RA Military Commissar

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