

FREEDOM OF INFORMATION CENTER OF
ARMENIA

ANNUAL REPORT 2011



Yerevan 2011

During the year of 2011, “Freedom of Information Center of Armenia” NGO implemented two projects, by the financial support of the USAID/Armenia and the OSCE Yerevan Office.

1 Access to Information for Community Involvement

By the support of the USAID/Armenia “Freedom of Information Center of Armenia” is implementing the “Access to Information for Community Involvement” five-year project (2008-2013). The project is designed to promote transparency and openness of the government, as well as support the people’s involvement and participation in addressing public issues through promoting effective and efficient access to information.

Project’s Action Plan:

- Establish a freedom of information non-formal educational center and conduct trainings for the state and community servants.
- Improve mechanisms for proactive publication of information by state and local self-government bodies.
- Improve public outreach efforts between state bodies to media, as well as the skills of journalists on FOI legislation
- Initiate strategic court cases: FOI Strategic Litigation.
- Public campaigns for the public awareness of the right to know.

2 Freedom of Information Implementation Survey in Armenia

By the support of the OSCE “Freedom of Information Center of Armenia” implemented the “Freedom of Information Implementation Survey in Armenia”. Project duration is 7 months (April - October 2011). The project goal is to monitor and assess the implementation practice of the Armenian “Freedom of Information Law” by the government system as well as by organizations with public functions, as well as to enhance public control on the government transparency.

Project Outputs:

- To conduct a survey of the FOI law implementation practice;
- To develop an on-line social platform on Freedom of Information www.givemeinfo.am;
- Public presentation of the FOI survey results and the FOI social platform.

During 2011 year FOICA carried out the following activities:

1. Training

- FOI training courses have been conducted for civil servants, community servants and civil society representatives in the non-formal educational center of Armenia.

2. Improving the mechanisms of proactive publicaton

- 20 information billboards have been produced and placed in 4 communities of Armenia;
- The new web site of the Ministry of Territorial Administration was finalized and publicly launched in Yerevan;
- The new web sites of all 10 regional Government offices of Armenia were developed and publicly launched in Yerevan.

3. Improvement of public outreach efforts between state bodies to media

- Two workshops for prosecutors, police, justice ministry and journalists conducted;
- Two trainings of trainers were held for 20 civil society representatives.
- Study tour on the FOI international practice in Strasbourg was held;
- Development of the “Methodological handbook” for journalists.

4. FOI Strategic Litigation.

- FOICA won 1 court case and 2 FOI court cases filed;
- Amendments to the Administrative Procedure Code adopted by the National Assembly.

5. Public campaign for the public awareness of the right to know.

- Freedom of Information Week: September 21-28, 2011 was organized in Yerevan;
- Freedom of Information Annual Award Ceremony 2011 was organized in Yerevan;
- 4 FOI issues of the bulletin “You Have a Right to Know” produced and disseminated;
- 6 TV Programs “You’re Informed” produced and aired;
- Booklet devoted to the 10th anniversary of FOICA was published;
- Reconstruction of the web site www.foi.am was realized;
- An on-line social platform on Freedom of Information www.givemeinfo.am was developed and publicly lunched;
- A monitoring report on Access to Information in Armenia was developed and publicly launched.
- FOICA presented the Right to Access to Information Stand in Human Rights Expo-2011.

6. Other Activities

1 Training

The non-formal Educational Center becomes a sustainable source for providing ongoing trainings for officials in the field of FOI. In 2011 series of trainings for public officials and civil servants were held in the non-formal Educational Center.

The duration of each course is 3 days, during which participating officials are educated on the right to know, the implementation practice of the "Law on Freedom of Information", the electronic governance of information, as well as about subordination and interpersonal relations and ethics of officials. Upon graduation the participants are given state certificates.

The trainings are held in accordance to the program on "Ensuring the Principles of Totality, the Freedom of Information and Public Affairs in the Governance System" approved by the 28 October, 2010 N847 decision of the RA State Civil Service. Trainings are organized together with the Civil Service Commission and Union of Government Employees. In 2011 the FOICA developed a training module "Bases of Integrity, Freedom of Information and Ensuring Public Relations in the Governance System" designed for community servants and submitted it to the RA Ministry of Territorial Administration for approval. The module was approved by the October 20, 2011, N 129-U order of the Vice Prime Minister, Minister of Territorial Administration Mr. Armen Gevorgyan.

The FOI trainers are: Mrs. Marine Hakobyan, FOICA and National Assembly expert, Mrs. Sona Truzyan, FOI expert, Mr. Gevorg Hayrapetyan, FOI lawyer.

On March 14, 2011, the second series of the trainings launched in the FOI Non-Formal Educational Center started. The second round of the civil servant education was completed on 8 June, 2011. As a result, 200 graduate officials received state certificates for successful completion of the "Bases of Integrity, Freedom of Information and Ensuring Public Relations in the Governance System" training courses.

In October, 2011, Freedom of Information Educational Center started the third round of the training courses launched in the FOI Non-Formal Educational Center. 137 community servants have participated in the third round of training courses.

In April, 2011 a two-day training course on public relations and freedom of information for 20 officers of Armenian Defence Ministry information service started in Yerevan. The training programme includes interactive and practical exercises on interacting successfully with the media and the public. Local experts and international instructors from Lithuania and Canada will guide the participants through national and international legislation on free access to information, and discuss legitimate limitations to these rights.

In 2011 two training courses on "Freedom of Information issues in Armenia" held for 31 journalists and students from Armenian Media and Universities.

” In 2011 the FOICA held 24 training courses in Yerevan. During these courses 31 civil society representatives, 20 employees of the Ministry of Defence, 200 civil servants and 137 community servants were educated on freedom of information.

Improvement of the Mechanisms for Proactive Publication 2

■ Information Billboards

In 2011, 20 information billboards have been produced and placed in 4 communities of the RA – 2 cities (Maralik, Artik) and 2 villages (Gosh, Aghavnavank). In each urban community 7 billboards have been placed, in the rural communities by 3. The billboards were placed in the most crowded places, such as markets, bus stations, squares, in the area of the municipality, etc.. Due to the billboards the local self-government bodies should disseminate the information they possess. These information billboards are flexible, inexpensive and effective means for local self-government bodies to make available the information, which is subject to mandatory publication. The information billboards are consisted in 2 sections: permanent and changeable. The permanent section contains information on the main provisions of the FOI Law, on how community people may get information from administration, why information is important for them, how they can use the obtained information to improve their lives. Written FOI request forms are also posted to be used by applicants.

The unfixed section contains the necessary information, such as draft community budget, estimated community budgets and budget reports, all decisions of the governors and councils of elders, information on the council of elders meetings (place, time, agenda). Both sections are to be updated on a regular basis. From all the mentioned community leaders already FOICA have signed and sealed memorandum of understanding which states that the mayors took the obligation to periodically (at least once a month) update the information on the billboards, as well as ensure community awareness of the billboards. The mayors are obliged to use the billboards on exclusively public purposes, it is to say, advertisements must be strictly excluded from the billboards. The names and titles of the responsible persons of the all communities who are responsible for periodical update of the billboards were provided to FOICA in written form and can be provided upon request.

To remind, in order to ensure fulfillment of all the obligations prescribed by the signed memorandums, as well as avoiding of further problems in the updating process, Mr. Vache Terteryan the First Deputy minister of the Ministry of Territorial Administration issued an official Recommendation letter addressed to all the regional governors. It's also worth mentioning that in the last 3 years the FOICA placed 230 billboards in 49 ARM communities.ese are the urban and rural communities.



■ Improving E-Governance Mechanisms

In the scope of the project “Access to Information for Community Involvement” the FOICA and the Ministry of Territorial Administration were committed to implement integrated information portals for the Ministry of Territorial Administration.

The new website of the Ministry of Territorial Administration’s new website (www.mta.gov.am) was presented on May 18, 2011. The first Deputy Minister of the Territorial Administration Vache Terteryan underlined how the new website ensures public access to information about the Ministry and regional administrations, including information on community budgets. USAID Armenia Acting Director John Seong noted in his remarks that the website signifies a step forward in the Ministry’s e-governance practices and public outreach that meets local and international Freedom of Information standards. President of the Freedom of Information Center of Armenia (FOICA) non-governmental organization Shushan Doydoyan highlighted that the website provides information that is both of public interest and meets the requirements of mandatory publication per Armenia’s Freedom of Information law. The website highlights freedom of information legislation and allows citizens to track the process of their freedom of information requests online.

The development of the new website of the Ministry of Territorial Administration was made to make the usage of the website and the navigation through it much easier and comfortable for the users as well as the website administrators. The existing sections of the website are now better organized as well as new modules are added. The new web site is developed in Unicode which makes it obtainable for everyone. An appealing design has been developed to provide maximum usability. A special add-on is now available, which allows to share the pages on famous social networks, such as Facebook, Twitter, Live Journal, etc. The website now has a subscription opportunity via RSS Feed, as well as e- mail which allows the visitors to subscribe to the frequently updated sections of the site, such as the news section. The can send online requests and letters to the ministry and then follow the process of their letters.

The website now has a Content Management System (CMS) which allows the administrators to manage the content of the website without any technical skills.

The new web sites of all Marzpetarans of the Republic of Armenia were presented on September 26, 2011 in Hrazdan, Kotayq region. The first Deputy Minister of the Territorial Administration Vache Terteryan underlined how the new websites will ensure public access to information about the regional governments, including information on community budgets. The website features a new design and a larger amount of publically accessible information.

USAID Armenia Acting Director Stephen Brager noted in his remarks that the websites signifies a step forward in the Marzpetarans’ e-governance practices and public outreach that meets local and international Freedom of Information standards. President of the Freedom of Information Center of Armenia (FOICA) non-governmental organization Shushan Doydoyan highlighted that the websites provide information that is both of public interest and meets the requirements of mandatory publication per Armenia’s Freedom of Information law. The websites highlight freedom of information legislation and allows citizens to track the process of their freedom of information requests online.

To note, before this new version the regional administrations did not meet the present demands – from several sections only some are active, and there is little information (it was designed 8 years ago). Article 7 of the “Law on Freedom of Information” defines 13 groups of information, which are subject to mandatory publication. Those are the budget, forms of written inquiries, lists of staff positions, vacancies, the order of citizen reception, work done for the public, impact on the environment, etc. None of regional administrations had made at least half of this accessible in their website, and this is not so much by their fault, as much because of the limited capabilities of their websites. Thanks to this project, now the web sites of Marzpetarans meet the above mentioned requirements.

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The sites also include sample FOI requests, as well as frequently asked questions/answers sections. The web sites were developed by Helix Consulting Company.



From the right: The head of Helix Consulting LTD Aram Mkhitarian presneted the website of the Ministry of Territorial Administration.

Shushan Doydoyan opens the presentation event of the new web sites of all Marzpetarans.

3 Improvement of public outreach efforts between state bodies to media

■ Workshops

Two workshops have been conducted with participation of prosecutors, police, justice ministry and journalists. The first workshop has been carried out on 29-30 January, 2011 in Tsakhadzor. The workshop was organized under the topic “Freedom of Information during Criminal Trials”. There were 23 participants – 8 prosecutors, 3 investigators of special investigating services, 2 police investigators, 10 journalists. Deputy Prosecutor General Mnatsakan Sargsyan was also present at the meeting.

Together the participants discussed Freedom of Information and the Struggle against Corruption, issues of freedom of information during criminal trials on general crimes, Issues of Freedom of Information and their Peculiarities in the System of National Security. The participants talked about the issues that arise when the press covers topics on corruption, criminal cases and national security, and they suggested solutions for overcoming those problems. The journalists present at the meeting suggested including representatives from the National Security Service and the ARM Police in the next working discussion, in order to jointly discuss which body in certain situations is the primary owner of the information, and who is supposed to provide the mass media outlets with information.

The second workshop was conducted on March 19th, 2011, in Aghveran. The event brought together 8 officials from the General Prosecutors Office, the Police, the Ministry of Justice and 10 journalists from various media outlets. The topic of the workshop was “Specifics of the FOI in the Law-enforcement bodies”. The journalists attending the discussion were particularly interested to know why they encounter obstacles in communicating with law enforcement officials. Arthur Davtyan, head of the Department on Crimes against Human Rights at the General Prosecutor’s Office, introduced the Armenian and international legal mechanisms for obtaining information. The law enforcers, however, pointed out to some delicate moments related to inquests, saying that they did really contain elements of confidentiality. The participants proposed elaborating a special guideline specifying the grounds the refusal to provide information. The discussion was aimed at promoting a dialogue between the government bodies and media outlets.



The workshop on the topic “Freedom of Information during Criminal Trials”.

■ Training of Trainers sessions for the civil society representatives

In August and November, 2011 the Freedom of Information Center of Armenia held two-day ToT sessions for journalists. The participants of the training session were 20 Armenian NGO and mass media representatives who have sufficient experience and knowledge in the FOI sphere and who will later take the role of FOI teachers.

This two-day trainings were divided into two main parts. In the first part FOICA expert Liana Doydoyan talked about the principles of the role and skills of a trainer in the training process, about speaking skills and presentational art. The participants have been trained in international standards and on requirements of the FOI Law and other relevant Armenian legislation. They also were presented with the findings of FOICA research on the access to information practices, the main issues that need to be addressed, the importance of freedom of information for public participation in decision-making processes, and consequently for overall democratic development. The second part was covered by FOICA lawyer Gevorg Hayrapetyan, who discussed with the participants the issues present in the FOI sphere, FOICA's recent litigation practice and necessary reforms. Afterwards, the TOT participants will be involved in the training courses of the FOICA as trainers.



■ Study of international practice

The FOICA president Mrs. Shushan Doydoyan and the spokeswoman of the RA General Prosecutor Mrs. Sona Truzyan participated in the study tour to Strasbourg, France from October 9-14, 2011. The program, of the study tour was developed by the assistance of the CoE Yerevan office. In general, the study tour was very productive to meet our main goal that is to develop Guidelines for releasing information on criminal proceedings and a Handbook for journalists covering legal topics.

The group had meetings with all the possible parties dealing with the freedom of information/freedom of expression and criminal investigations (the program is attached). The group also had a meeting with Mr. Alfonso DE SALAS, the CoE representative who led the development process of the CoE Convention on access to official documents. The meetings with different officials of the Council of Europe and European Court of the human rights gave an opportunity to understand international, especially European approaches to the mentioned issues, also to be informed about the existing CoE documents and Acts of the European Court on the relevant issue.

In addition, the group attended a hearing of broadcasting case in the European Court of Human Rights, as well as had two meetings with the court judges: one is the Armenian national judge, the second is the Slovakian judge with whom the group discussed the balancing issues of the two basic rights: FOI and rights of the accused. General subjects studied during the visit were:

- Freedom of information and preliminary investigation secrets
- Freedom of information and presumption of innocence

- Freedom of information and national security
- Freedom of information and human dignity
- Freedom of information and immunity of information about family and personal life.
- Freedom of information and the protection of the rights of defendants, aggrieved parties, and witnesses
- Freedom of information and the protection of the rights of teenagers
- Confidentiality of personal and family life and the FOI;
- Freedom of information in crimes by state officials or by their participation, or in crimes referring to them
- Protection of the rights of the defendants, aggrieved parties, and witnesses, and the FOI;
- Proactive publication of information by the law-enforcement bodies

The group think that as a result of the study tour they can regulate the prosecutor's office's cooperation with mass media and NGOs ensuring transparency in this case of the work of the Prosecutor's office of the RA, at the same time providing protection of the human rights stated by the Convention (6, 8 Articles). During the meetings they found out that this issue was still problematic in some European countries as well. Besides it was very interesting that officials of the CoE were surprised seeing the cooperation between NGO and Prosecutor's office on this topic. The group gained an appointment with the CoE officials to share with them the draft version of the Guidelines developed by president of the Freedom of Information Center of the RA and spokeswoman of the Prosecutor General of the RA for review and expertise.

■ Development of the “Methodological handbook”

A working group was set up composing of three persons: Mrs. Sona Truzyan, Press Speaker to the RA General Prosecutor, Mrs. Shushan Doydoyan, FOICA president and Mr. Karapet Harutyunyan, the RA National Assembly expert. Based on the joint workshops and the study of the FOI international experience the working group developed the main content of the handbook which was approved by the project director.

The first draft version includes the following chapters:

Chapter A. The notion and the meaning of the Freedom of Information;

Chapter B. FOI legal regulation; - The freedom of information in the law-keeping system, the accessibility of the information, and its peculiarities;

Chapter C. FOI exceptions in criminal cases

Chapter D. The system of the RA law enforcement bodies. The subordination of criminal cases to various law enforcement bodies. The principles and peculiarities of information provisions on criminal cases.

The handbook also includes the list of structures that gained investigation functions after the judicial-legal reforms and possess primary information according to the crime, as well as the list of the information subject to mandatory publication by the latter. It is supposed to give overall knowledge to journalists about the system of the legal bodies and also increase their awareness. The final version of the handbook will be consisted of 50 pages.

FOI Strategic Litigation 4

FOI Court Cases ■

One court case completed with positive result on the 20th of June, 2011. The court fully satisfied the FOICA's claim vs. Yerevan Urban Development & Investment Programs Department obliging it to provide complete information within 5 days, as well as to compensate the state court taxes by the amount of 24,000AMD paid by the FOICA.

FOICA sent a freedom of information request to the Yerevan Urban Development & Investment PIU for the following information:

1. How much money was allocated to the Yerevan Urban Development and Investment PIU SNCO for 2006-2008 years' State Budget?
2. Which organizations did the SNCO sign contracts with in 2006, 2007 and 2008?
3. What was the volume of the profit of the SNCO received from the signed contracts during 2006, 2007 and 2008 years?

The SNCO responded that the answer to the first question could be found in the "State Budget" Law of the RA of the respective years, while the other two questions contained a commercial secret and could not be released. FOICA appealed to the RA Administrative Court on July 15, 2009, and the Court dismissed the FOICA's claim. The court's rationale was that the SNCO had actually answered the FOICA's request for information by giving a comprehensive answer to the first part of the request. As for the 2nd and 3rd parts, the answers would contain commercial secrets. Even though the SNCO was a non-commercial organization and did not pursue any commercial interests, the organizations under SNCO contracts did pursue commercial interests. So, if the SNCO had provided the FOICA with the requested information, it would mean that it was publishing the commercial secrets of those organizations. In December, 2009 the FOICA appealed the RA Administrative Court's decision to the RA Court of Cassation, and the higher court fully satisfied FOICA's claim. The Court of Cassation annulled the RA Administrative Court's decision over the case FOICA vs. Yerevan Urban Development and Investment PIU and ordered a new review. On June 20, 2011 the RA Administrative Court Satisfied FOICA's claim. The SNCO will have to provide the requested information within five days, and compensate FOICA's expenses for state court fees in the amount of AMD 24,000.

To remind, In 2009 FOI Annual Award Ceremony "Yerevan Urban Development and Investment Programs Department" SNCO had received the negative "Rusty Lock" nomination, for not providing information about the contracts signed by the SNCO and its budget expenses. Afterwards, the FOICA staff was told by the Head of Staff of the Government Mr. Davit Sargsyan that by the order of Prime Minister, who was also attended the ceremony, all contracts signed with state non-commercial organizations and their budget expenses should be published on www.gov.am official website of the Government of RA. This initiative was further developed – the www.egov.am official website was launched with the goal to meet the abovementioned informational needs and to electronically publish budget expenses.

New FOI court cases:

Case 1: FOICA vs. the RA Ministry of Emergency Situation

On February 7, 2011, the Freedom of Information Center sent an information request to the RA

Ministry of Emergency Situation asking to provide the following information:

1. Does the Ministry have any documents that were declassified in 2010?
2. If yes, please, provide copies of those documents.

The Ministry of Emergency Situation made a reference to the RA Special Investigatory Service, noting that the asked documents were confiscated by the SIS. But The Special investigatory Service informed the Freedom of Information Center that the copies of the confiscated documents were left in the Ministry of Emergency Situation. In other words, the Ministry of Emergency Situation is considered to be the information holder in this case. Thus, on March 29, 2011, the Freedom of Information Center once again sent an information request to the Ministry asking to provide the abovementioned information, but the FOICA's request was left unanswered. The Ministry left unanswered the FOICA's requests of May 25, 2011, and October 20, 2011 as well. As a result, Freedom of Information Center of Armenia applied to the court asking to oblige the RA Ministry of Emergency Situation to provide the requested information within five days and to impose an administrative fine of 50,000 AMD on the Minister of Emergency Situation Armen Yeritsyan.

Case 2: FOICA vs. “Hamalsaranakanner” Condominium

On June 13, 2011 the FOICA sent written information requests to the head of “Hamalsaranakanner” condominium Armen Tadevosyan, requesting the following information:

1. When and where was a publication made on the meeting of “Hamalsaranakanner” condominium, during which the amounts of service fees were declared for Tsarav Aghbyur (“Thirsty Spring”) street 55/5 building?
2. When and where did the abovementioned meeting of the Condominium take place and how many members of the Condominium did participate in that meeting?
3. Please, provide a copy of the report of the Condominium session, during which the amounts of service fees were defined for Tsarav Aghbyur 55/5 building.
4. Please, also provide a copy of the Condominium decision, which defines the amounts of service fees for Tsarav Aghbyur 55/5 building.
5. What are the bases for service costs, according to which the amounts of the abovementioned fees were defined? Please, provide the calculated monetary amounts for each service separately, together with their appropriate bases.
6. Please, provide copies of the contracts signed between the Condominium and private companies or individuals for the Tsarav Aghbyur 55/5 building's garbage cleaning, cleaning of the building's entrance and adjunct areas, external illumination, illumination of staircases and corridors, elevator maintenance and other services.
7. Please, provide the 2011 budget of “Hamalsaranakanner” condominium.

However, the FOICA's information requests were left unanswered. Freedom of Information Center of Armenia brought a lawsuit to court demanding that “Hamalsaranakanner” condominium be obliged to provide the requested information within five days. The FOICA also demands that the Condominium be obliged to publish the requested information in a publicly accessible place.

On December 8, 2011 in the First Instance Courts of General Jurisdiction of the Center and Nork-Marash administrative districts of Yerevan a court hearing about the FOICA's claim against

“Hamalsaranakanner” condominium was held. The representative of the condominium was absent. Thus, the court hearing was postponed. The second court hearing, which took place on 23 January, 2012, was also postponed.

Amendments to the ARM Administrative Procedure Code adopted by the National Assembly ■

One of the most important achievements of the FOICA for 2011 year is the adoption by the National Assembly the amendments to the ARM Administrative Procedure Code initiated by the FOICA. By these amendments it became much easier to sue officials for violating people’s access to information right. On 31 January, 2011 the ARM National Assembly passed a law of making amendments in the This law also defines the order for imposing administrative sanctions on officials, who violate the human access to information right. According to these changes, it is no longer required to present a statement about the administrative violation in order to impose administrative sanctions on the official violating the access to information right.

With these amendments another positive step was made in the sphere of freedom of information. The matter is that although article 189.7 of the ARM Administrative Procedure Code suggests a penalty of up to AMD 50.000, the FOI forensic practice shows, that it is almost impossible to execute this article on an offender official. The source of this issue was the legislation gap: according to articles 151 and 152 of the ARM Administrative Procedure Code, in order to inflict administrative sanctions on officials violating the access to information right a statement about the administrative offense was necessary. However, the Legislation did not define the competent body, which had the right to write this statement. As a result, the requirement for a statement was present, but the body to execute it - was not. Hence, courts did not upheld claims for imposing administrative sanctions on officials.

Only in the court case FOICA vs. the village municipality of Elpin, initiated by the “Freedom of Information Center of Armenia”, the official – mayor of Elpin – was imposed to an administrative sanction (penalty) for violating the access to information right (2009). This was the first and only case. In the several other court cases the claim to impose administrative sanctions on officials was denied.

Thus, in order to solve this issues, on September 9, 2009 the FOICA applied to the ARM Constitutional Court with a claim to recognize articles 151 and 152 of the ARM Administrative Procedure Code as anti-constitutional. On February 5, 2010 the FOICA’s claim was discussed in the ARM Constitutional Court, and it was decided that these articles to not contradict the constitution. However, the Constitutional Court stated that the problem lies in a legislative gap of the sphere. It was necessary for the ARM National Assembly – the competent body – to take a relevant initiative to reform the ARM Administrative Procedure Code and to fill the legislative gap of the institution imposing administrative sanctions.

As a result, due to the amendments made on January 31 in the ARM Administrative Procedure Code, the requirement to write a statement on the fact of FOI administrative offenses was removed. So, due to these amendments, according to the last paragraph of article 254 of the ARM Administrative Procedure Code, no statement is needed when the access to information right is violated.

5 Public campaign for the public awareness of the right to know.

■ FOI week: September 21-28, 2011.

In 2011 the FOICA organized a series of events devoted to the International Right to Know Day. FOICA announced «Freedom of Information Week» from September 21 to 28, 2011.

The main aim of “Freedom of Information Week” (FOI week) was to broadly present to the public the right to freedom of information, the mechanisms of its implementation and the enforcement process of the Law on the Freedom of Information of the Republic of Armenia. Every year more than two dozen countries of the world including Canada, Spain, the Netherlands, Ukraine, Russia, Croatia, Uganda and others, dedicate the last week of September to the issue of the freedom of information. In 2011 the Freedom of Information Center of Armenia has joined the international initiative and marked FOI Week by presenting a number of projects. The FOI Week included the following events:

- 21 September 2011- Public campaign dedicated to the 20th Anniversary of the Republic of Armenia and 10th anniversary of the foundation of the FOICA: this day, FOICA staff and Yerevan State University (YSU) students distributed flyers and booklets about the right to FOI while wearing special uniforms;
- 22 September 2011- Presentation of the new website project concerning the complete statistical picture of the FOI field (www.givemeinfo.am). Presentation of the outcomes of the “Freedom of Information in Armenia” country-wide monitoring;
- 26 September 2011- Public launch of the modernized websites of 10 regional administrations of Armenia was organized in Hrazdan, Kotayq region. The web page of the Territorial Administration Ministry of the Republic of Armenia was completely renewed and began operating. From September 26, in the framework of the same project, the web pages of ten regional governments of Armenia will also be launched.
- 28 September 2011- The FOI Week was completed by the FOI annual “Golden key and rusty lock” FOI award ceremony. This year, in addition to traditional nominations, on the occasion of the FOICA’s 10th anniversary, ten special prizes were awarded to the organizations and authors of the best initiatives for their efforts to establish and develop freedom of information in Armenia.



Freedom of Information Annual Award Ceremony 2011 ■

The Freedom of Information Center's annual "Golden Key and Rusty Lock" award ceremony took place on September 28, 2011 – the International Right to Know Day – which wrapped up the Freedom of Information Week launched on September 21. This year, the ceremony was dedicated to the 10th anniversary of the FOICA.

On September 28, 2011, the independent jury awarded the following institutions Golden Keys, as a symbol of openness and transparency:

- Positive Award for the institution/agency that was best applied the Armenian FOI Law was presented to the Ministry of Education and Science.
- The Ministry of Justice official website www.moj.am was recognized as the best official web site in terms of access to information.
- Positive award for the best official initiative ensuring freedom of information was presented to Kotayq Regional Administration.
- Positive Award for a NGO that best utilized the right for access to information was presented to the "Victims of the State Needs" NGO.
- Positive Award for the journalist/author of the best FOI related article was awarded to Mr. Arman Gharibyan from "Lragir" on-line newspaper.
- Positive Award for the media outlet most actively covering FOI issues was presented to the news agency www.PanArmenian.net.
- Positive Award for the media outlet most actively covering FOI issues was presented to the on-line project www.hra.am.

Rusty lock awards, as a symbol of secrecy, were presented to the RA State Revenue Committee and the "Hamalsaranakanner" Condominium for the most unrealistic official answers.

On the occasion of the 10th anniversary of the FOICA, 10 special awards were given to those organizations, which have contributed significantly to the development of freedom of information in Armenia.



■ “You Have a Right to know” bulletin

Since 2001 the Center has been publishing “You have a Right to be Know” bulletin, which is the only professional periodical in Armenia about the freedom of information sphere. In each issue of the periodical the “Black List” of officials violating the access to information right is published.

IN 2011 FOICA has published the 32th, 33th, 34th and 35th issues of You Have a Right to Know bulletin. The whole 32th issue was devoted to the annual report of the FOICA for 2010 covering both financial report and programmatic activities. The 33th issue covers articles related to Armenian civil service and the FOI, recent legislative developments in the field, FOI trainings held in the non-formal educational center, reactions from the participants and the head of the Armenian State civil service, FOI litigation recent cases and court hearings over the cases, etc.

The 34th issue covers articles on FOI week held in September 21-28, 2011, recent developments in the FOI field in Armenia, information on the foi trainings held in the non-formal educational center, reactions from the participants and the head of the Armenian State civil service, FOI litigation recent cases and court hearings took places over the cases, etc. And the 35th issue contains an interview with the FOICA president Shushan Doydoyan on the current FOI situation, articles on the 2 new web projects of FOICA, information on the Human Rights Expo 2011 organized by the RA Ombudsman on December 1, 2011, new developments on the Open Government Partnership and Armenia’s membership process, etc. Both bulletins contain the black list of those officials who violated the people’s access to information right during the given period. Each issue of the bulletin was published in Armenian and English. The hard copies of the Bulletin are distributed to partner NGOs, International organizations, universities, media outlets, etc. In addition, they had been distributed by FOICA during legal consultations.

FOICA produced also electronic versions in Armenian and English of the bulletins and distributed it via e-mail addresses of local and international organizations, all media outlets, universities and libraries. The bulletin is available on the FOICA’s website <http://www.foi.am/en/bulletin/>.

■ “You are Informed” TV program

Since 2009 the FOICA produces “You’re Informed” TV program which is devoted to the people's right to know. The program talks about how people can receive necessary information according to the Armenian legislation, where and how to apply, what to do when their request is denied, etc. And most importantly, it tells about how people can implement their other rights (consumer rights, labor rights, right to education, social protection rights, healthcare rights, etc.) through the right to know.

The duration of each program is 30 minutes. The TV Program is aired on “Yerkir Media” TV channel. All TV programs can be viewd on-line /in Armenian/.

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In 2011 FOICA produced and broadcasted 6 series of the program “You’re Informed” which became one of the favorable TV programs on Yerkir Media TV air.

Program 1 – Right to education and right to access to information

Program 2 – Notary services and right to access to information

Program 3 - Cadastre services and right to access to information

Program 4 – Right to Electronic FOI

Program 5 – Right of the child and right to access to information

Program 6 – Right to participate in the local governance and right to access to information

In a very plain language the programs explain the audience on how the people may fully exercise their human rights through having sufficient information. The key message of the programs is that those people having information have a power and a key to their other human rights. The programs were broadcast every Tuesday, on Yerkir Media TV station. After the program is broadcast in Yerevan, it is planned to disseminate to the local TV stations to be broadcast for regional viewers.

■ “FOICA is 10 years old” booklet

A booklet on the FOICA's general activities was composed and published in 2011. The main objective of which is to inform those involved in the project, project participants and the society in large about the FOICA's activities and achievements. This could serve as an impressive tool to advertise the project, to present the project scope and its concrete activities. The printed booklet gives a sufficient background to the audience on what we are doing and what results have been achieved. At the same time the booklet is devoted to the 10th anniversary of the FOICA's experience since June 2001. It highlights major successes and achievements the FOICA had in the past 10 years, special chapters are devoted to the FOICA's origin, examples of successful court litigation, successful campaigns, hundreds of training sessions, legislative advocacy, legal help, advocacy for implementation of the FOI law and monitoring.

The booklet is full colored printed in 500 copies (56 pages), in Armenian and English. It's available online at ww.foi.am.

■ FOICA's new website

The new web site of the FOICA was launched in February 2011. The new web site now contains video materials on the FOI, as well as all publications, articles devoted to the issue of FOI. The site became an important source of publicity for FOI issues which contains information on freedom of information in Armenia at all levels of expertise from ordinary citizens trying to exercise their rights under the law and nongovernmental organizations which try to find information for the achievements of their goals in public benefit, to journalists doing their investigations and public officials who are looking for models of implementation.

Hundreds of FOI related court cases, advocacy materials, handbooks, training materials, news, monitoring reports and other documents can be found here.

The new site has two major advantages compared to the old version. First it became more secure from the technical point. The scripts and codes of the website have been completely renewed. Second, it already allows the FOICA team to upload video, audio and heavy photo files.

■ GiveMeInfo.am web project

In 2011 www.givemeinfo.am website was developed by the FOICA as an on-line mechanism to promote the transparent work of state and local self-government bodies. We do not criticize or analyze. We demonstrate the statistical picture of the freedom of information sector in Armenia, according to your requests. This site presents statistical picture of how the information holders (state bodies, local self-government bodies, state offices, state budget sponsored organizations, organizations of public importance) enforce the right to freedom of information.

The web project also gives an opportunity to everyone who has applied to any information holder by a FOI request to input into the site his/her information request and all related documents. As a result, citizens' FOI requests are also included in the statistics, presenting the full picture of the freedom of information in Armenia. Here, you can:

- See the entire statistical picture of activities in the freedom of information sector, as well as both positive and negative results per annum - all related to state and local self-government bodies, state budget sponsored organizations, as well as the organizations with public functions.
- Create your information request case. Complete the appropriate application form, insert copies of required documents, and your case will become part of the freedom of information database.
- Familiarize yourself with separate pages related to activities of each unit in the freedom of information sector. Your case will be displayed on the page of the specific supervision unit you searched for: a statistical picture will be produced based on given answers related to your request addressed to that unit.
- Discuss and Comment on the results, as seen on the website.
- Share Cases and statistical data with the public through social networks.

The web project was conducted with the support of the OSCE Office in Yerevan and the United States Agency for International Development (USAID).

■ "Freedom of Information in Armenia" Monitoring Outcomes

On 14 December, 2011 Freedom of Information Center of Armenia presented the public with "Freedom of Information in the Republic of Armenia 2011" monitoring and the book summarizing its results. During the event head of the Department of Democratization in the OSCE Yerevan Office Oliver McCoy made an opening speech. He emphasized the importance of information accessibility for effective governance and for keeping the authorities accountable.

Head of "Freedom of Information Implementation in the Republic of Armenia" project, FOICA expert Liana Doydoyan added that the "Law on Freedom of Information" has been in force for already 8 years. In the recent years quite many changes and positive results happened in the practice of implementing the FOI legislation. Hence, now there is a need to find out how information holders comply with the requirements of the Law. FOICA lawyer Gevorg Hayrapetyan stated that the monitoring allowed the FOICA to define the present state of freedom of information in Armenia, and bring up the present issues. So, in the framework of the monitoring, in May-June, 2011 ten requestors sent 250 information requests to 50 information holders – 10 central state governance bodies, 10 regional administrations, 10 city municipalities, 10 village municipalities, and 10 organizations of public importance.

56% of the 250 information requests received full responses. However, on the other hand, the outcomes of the monitoring show that unanswered information requests are still a big problem, which were 30% of the total information requests. This is in the case when the total number of refusals was only 8, only one of which was a legal refusal. It appears that in all the cases, when the body did not wish to provide information, it preferred to simply leave the information request unanswered, rather than refuse it in writing.

This monitoring allowed to fact that the issues present in the freedom of information sphere are many and diverse. As a first issue one may mention the absence of a culture to work openly among officials. The majority of them is not yet used to mandatorily responding to public demands and does not perceive providing information as one of his basic responsibilities. Although unjustified refusals are not relatively many, still a basis for refusal can be the absence of a government defined order for providing information. This reason is used by those officials who do not wish to provide the requested information. So, during this monitoring State Revenue Committee refused the lawyers written inquiry, stating as a basis for refusal that the Government had not defined the order for recording, classifying and keeping information, thus, the Committee could not provide the requested information.

Another issue is that of responding information requests on time. The results of the monitoring showed that from 161 information requests that were answered only 70.2% (113 information requests) was answered in the time period defined by the "Law on Freedom of Information", and 29.8% (46 information requests) received late responses. The analysis of the information requests showed that the five-day period defined by the Law is realistic for providing information, and if desired, it will be quite easy to respond within that deadline. And the opposite – if the body and its head do not have a political desire and relevant knowledge, the information always arrives late without justification, the responses are incomplete, or the information requests are simply overlooked, considering answering them not a responsibility but extra work. The results of the monitoring may be viewed in the "FOI Analyses" section of www.givemeinfo.am and www.foi.am websites.

The presented book was published in the framework of "Freedom of Information Implementation in the Republic of Armenia" program, implemented by the FOICA and with the co-financing of OSCE Yerevan Office and USAID Armenia.

■ “Human Rights Expo-2011”

On December 10, 2011 the RA Human Rights Defender office initiated “Human Rights EXPO” devoted to the International Human Rights Day. The event was held in Yerevan. The 10 stands presented during the “Human Rights’ EXPO” were about different spheres of human rights. “Freedom of Information Center of Armenia” presented the “Access to Information Right” stand. “It is important that our stand was the first one in the hall, because all the other human rights are built on this right. If you do not have complete information on time, then you cannot fully use your other rights”, stated President of “Freedom of Information Center of Armenia” NGO Shushan Doydoyan.

“Since the independence of Armenia the acutest and most systematic problem of human rights’ protection is the lack of fair trial”, announced Human Rights Defender Karen Andreasyan during “Human Rights’ EXPO”. He urged all political powers not only to present today’s well known situation of the Judicial Power in the public discussions around the forthcoming elections, but also to offer the voters working and realistic programs for having a fair judiciary. Briefing the year, he informed that complains sent to the Human Rights Defender’s office are mostly about denying family stipends and wrongly calculating the social pensions. With complains sent to the Human Rights Defender’s office most positive results were achieved from the Ministry of Defence. As for the legislative suggestions made by the Human Rights Defender’s office, the most were accepted by the ministries of Labor and Social Affairs, and Healthcare.

The 11 national minorities living in Armenia were represented with one stand. “I have always said and am saying again that the rights of national minorities are protected on legislative levels but in order to realize those rights it is not only necessary to define them by law, but also create means for the realization of those rights – equal opportunities and conditions”, stated Chairman of the board of “Midi-Shangal” Yezidi National Union” NGO Amo Sharoyan, adding that if rights stay on papers then they are not protected.

In the sphere of preventing abuses, important achievements are the observatory groups in the places for keeping arrested people. To some extent these groups have preventive nature - thinks President of “Civil Society Institute” NGO Aram Danielyan. He believes that the state does not wish to fight against abuses, and even obvious abuses are not responded properly. The human rights’ protector hopes that the national mechanism of abuse prevention will somehow solve the present issues.



“Access to Information Right” stand in “Human Rights Expo 2011”

■ FOICA representative participated in 12th ACN Steering Group Meeting

The 10th Anti-Corruption Network for Eastern Europe and Central Asia (ACN) Istanbul Anti-Corruption Action Plan Monitoring Meeting took place on 28 – 30 September 2011 at the OECD in Paris. The meeting was opened by Mr. Nicola Bonucci, Director of the OECD Legal Directorate. The 12th ACN Steering Group meeting took place on 29 – 30 September 2011 back-to-back with the above meeting.

The 12th ACN Steering Group meeting was co-chaired by Mr. Alvis Vilks, Deputy Director, Corruption Prevention and Combating Bureau, Latvia and by Mrs. Zorana Markovic, Director, Anti-Corruption Agency, Serbia. Armenian civil society, represented by Gevorg Ter-Gabrielyan, Country Director of Eurasia Partnership Foundation, Varuzhan Hoktanian, Transparency International Armenia, executive Director and Liana Doydoyan, FOICA, Expert, have been present at the last meeting of ACN in Paris, where the the second anti-corruption report on Armenia issued by OECD was adopted.

Mr. Daniel Thelesklaf, Executive Director of the Basel Institute on Governance and Team Leader for the 2nd round of monitoring of Armenia shared his views and lessons learned from the monitoring work in 2011. A key challenge to Armenia's anti-corruption efforts is that political declarations and laws are not properly implemented. The results in investigations and prosecutions of corruption crimes are very limited, says the report. Stronger political leadership would help and the government should give law enforcement agencies access to bank information and other financial data so they can detect and investigate corruption-related offences more effectively.

The report also recommends that Armenia:

- Ensure vigorous implementation of anti-corruption strategies through stronger leadership and necessary resources;
- Involve civil society in anti-corruption policies and actions;
- Continue strengthening the investigation and prosecution of corruption, in particular among high-ranking officials; and
- Ensure a transparent and effective public procurement system.

This report commends Armenia on progress made in the following areas:

- Adopting a well-elaborated anti-corruption strategy and establishing a mechanism for its coordination;
- Creating in 2008 a specialised body to investigate crimes committed by senior public officials;
- Adopting a new public sector ethics law, which includes measures for preventing corruption among high-ranking officials, protecting whistleblowers and requiring high-ranking officials to declare property and income.

The full report and recommendations on Armenia are available [here](#).

■ Public Presentation of the Black List

On 10 May, 2011 FOICA published the monitoring results of implementation practice of the access to information right in the first quarter of 2011, as well as the Black List of those officials and institutions which violated people's access to information right.

In total 50 information requests have been submitted to the state bodies, out of which 44 or 88% received complete answers (in contrast to the 51-55% in the first quarter of 2006). Only two inquiries (4%) were rejected, both by the Ministry of Defence. Only three were silently rejected (6%). These silent rejections are already exceptions, unlike the previous years, when it had a widespread practice. These three rejections came from the Ministry of Healthcare, City Hall of Stepanavan, and the Northern University. The first two are records in the sense that they also leaded the 2011 annual Black list, and now their position continues to remain unchanged. Before the percentage of silent rejections was 30-35%. This record proves that today the practice of leaving inquiries unanswered has decreased. Only in one case (2%), as an answer to the inquiry, reference was made to other information holders, which, however, was not relevant. The author was the Ministry of Emergency Situations. The latter answered the FOICA inquiry by reference, only within 19 days.

It should be mentioned that only one body – the Ministry of Labor and Social Issues - used his opportunity to extend the deadlines, in accordance with the ARM “Law on Freedom of Information”, when additional work is required. Ministry of Culture, which responded to the FOICA's inquiry within four days, is the best in terms of making the deadlines. Ministry of Education and Science, Ministry of Defence, and the Ministry of Diaspora follow the Ministry of Culture. These ministries responded to the FOICA's inquiry within five days. As for the Ministry of Territorial Administration, Ministry of Foreign Affairs, Ministry of Energy and Natural Resources, Ministry of Sport and Youth Affairs, and the Ministry of Finances, they responded within six days. In general, 34% of the inquiries received a late answer. This means that today the five-day deadline presents certain difficulties. However, we think that if these bodies have active internal mechanisms, and if officials are aware of the deadlines defined by the Law, then this deadline can become realistic. See more: <http://www.foi.am/en/media/item/809/>

During the second quarter of 2011 (April-June) the Freedom of Information Center of Armenia and a number of citizens sent 120 written and electronic information requests to state governance and local self-government bodies. Out of 120 inquiries 87 (72%) were fully answered (the percentage of fully answered inquiries for the previous quarter was 88%). There were 2 denials (2%), compared with last quarter's 2 denials. One of the denials was grounded, because the Ministry of Defense had sent the denial in a written form and with a good reasoning. However, instead of five days period defined by the “Law on Freedom of Information”, the denial was received within 23 days. As for the second denial, it was unjustified, because the denial was made orally. The illegal denial was made by the Ministry of Urban Development.

The number of mute refusals, as compared with the previous quarter, has increased more than 8 times, from 3 becoming 24 (20%). The unanswered inquiries were addressed to the ARM Ministry of Culture, Ministry of Emergency Situations, “HayPost” CJSC, “Hamalsaranakanner” county, Ministry of Defence, Ministry of Nature Protection, city municipality of Gyumri, etc.

■ The First FOI Song “Give Me Info”

Freedom of information already has its own song, the author of which is the leader of the "VOX" Group Aram Ryan. For the first time the song was performed live by Aram Ryan on September 28, 2011 at the Freedom of Information Award Ceremony. Here are the translated lyrics: (The song is in Armenian)

I don't want you to ever lie to me.

Let me hear the truth, no matter how bitter it is.

There are problems that we need to solve together,

Because if you keep hiding them, we will all fail.

So I fight and I demand:

Give me info...

Undisguised and first-hand.

I have been dreaming to live in a just society.

But justice and lies can't co-exist.

I'm an intelligent being and I long for freedom.

But I need some info on how to be free.

So I fight and I demand:

Give me info...

Undisguised and first-hand.

Let's save the truth from the chains of deception.

Information is the light that will reign again.

Information is our strength and our might.

Together, we can change the life in our society.

So I fight and I demand:

Give me info...

Undisguised and first-hand.



Aram Ryan presneted new song “Give Me Info” on September 28, 2011 at the Freedom of Information Award Ceremony

Financial Turnover 2011

NN	Months	Salary	Honorars	Project	Admin	Taxes	Total Representative Expenses
1	January	2,027	500	4,931	3,485	1,309	12,252
2	February	2,223	566	2,099	2,407	694	7,989
3	March	1,876	1,327	5,317	1,311	1,057	10,888
4	April	1,981	1,241	2,765	1,073	1,211	8,270
5	May	1,973	576	5,958	1,051	880	10,439
6	June	2,001	2,595	197	1,460	1,470	7,724
7	July	2,032	129	2,615	3,743	794	9,314
8	August	2,402	1,510	3,984	1,050	1,327	10,272
9	September	1,937	279	5,644	945	795	9,600
10	October	1,805	1,253	5,305	1,448	1,240	11,051
11	November	2,477	1,527	4,814	811	1,339	10,968
12	December	1,241	3,177	6,059	908	1,383	12,769
	Total USD	23,977	14,680	49,688	19,692	13,499	121,536
	OSCE in USD	4,317.38	1,585.03	3,293.05	495.44	1,952.86	11,643.75
	TOTAL EXPENSES IN USD	28,294	16,265	52,981	20,187	15,452	133,179

www.foi.am

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