

## ***BUDVA DECLARATION***

### ***Declaration of Regional Seminar on Freedom of Information Budva, Montenegro, 9-10 September 2004***

Participants in the Budva Regional Seminar on Freedom of Information discussed international standards for the right of access to information, in particular the legitimate exemptions to the release of information. The challenges of implementation of FOI laws were also discussed, including the need for training, awareness raising, litigation.

The meeting comprised NGO representatives, central and local government representatives, and parliamentarians from Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Kosova, Macedonia, Montenegro, Moldova, Romania, Serbia, Slovenia, and Turkey, international NGOs (Article 19, the Justice Initiative, Privacy International) and representatives of the OSCE, the World Bank Institute, and the Council of Europe. Throughout the discussions, presenters stressed the important role that civil society plays in both the drafting of FOI laws and the implementation of this new generation of human rights provisions.

1. The participants called for the speedy adoption of FOI laws in Macedonia, Montenegro and Serbia in line with international standards and containing a presumption of openness. In particular participants urged that:
  - the draft Macedonian FOI law takes precedence over the recently adopted state secrets law;
  - the draft Montenegrin FOI law should contain exemptions that meet international standards;
  - the draft Serbian FOI law does not require requestors to show justified interest in the information requested.
2. The participants also called for:
  - adoption of the implementing regulation for the Kosovar FOI law;
  - amendments to the Croatian law to include the public interest test;
3. The participants called on legislative bodies in each country to ensure that freedom of information takes priority over states secrets laws, and that in any decisions by administrative bodies and/or courts the public interest test is applied when considering exemptions.

4. The participants called on intergovernmental organizations exercising government power in the region -- namely the United Nations, the OSCE, and the EU -- specifically in Bosnia Herzegovina and Kosova, at a minimum to voluntarily institute freedom of information codes to ensure basic standards of administrative transparency, so that the public can exercise their right to access information and to participate in policy and decision-making.
5. The participants called for every law to ensure that there is a full right of administrative appeal. The participants encouraged the creation of FOI Commissioners or Ombudspersons to oversee implementation of FOI laws and to hear appeals against refusals to provide information.
6. The participants called on every country in the region to adopt legal provisions which protect whistleblowers.
7. The participants called on all governments to adopt an implementation action plan and to commit sufficient resources to ensure that the right to access information is fully enjoyed in practice, including by ensuring adequate information management systems and by training all relevant public officials.
8. The participants appealed to all civil society organizations to contribute to making the right of access to information a reality for all members of the public by working to change the culture of secrecy, by raising awareness of the right to know, by conducting trainings and developing educational materials, and by actively using the new laws.

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