

STATEMENT

The CSOs propose to withdraw from circulation the Draft Law on Making Amendments to the Law on Freedom of Information

On 19 December 2023, the RA Draft Law on Making Amendments to the Law on Freedom of Information (hereinafter referred to as Draft Law) was submitted for discussion on the e-draft platform, the Unified Website for Publication of Legal Acts' Drafts.

We, the undersigned organizations, assess the Draft Law as highly problematic, taking into consideration the definitions of some regulations therein, which make the Draft Law regressive in comparison with the legislation in force. In the meantime, it is worth noting that the law in force itself is quite incomplete in terms of existing international standards and best practices.

In particular, we consider problematic the following regulations:

- narrowing the scope of notion of information (public information): it is limited only to data obtained for the purposes and in the performance of the functions of state bodies and local self-government bodies and officials provided for by law,
- further narrowing the scope of the incomplete notion of information holder,
- setting longer terms for the provision of certain information,
- the list of information not subject to limitation is not in line with international best practice,
- the lack of regulation on providing information with accessible formats to people with disabilities, including people with vision and hearing health problems.

In the meantime, although the draft law provides for an oversight function over the field legislation, its implementation is entrusted to the authorized body that develops and implements the policy in the areas of digitalization and cybersecurity. This is only one of the functions of the body, but not the main one. Furthermore, guarantees of independence and autonomy of the said body are not defined.

Along with the aforementioned, it is notable that the draft law is a cornerstone document for the field in terms of exercising the constitutional right to freedom of information. However, it had not been brought up for broader professional and public discussion before it was published on the e-draft platform.

Based on the above, we recommend withdrawing the draft law from circulation and holding comprehensive discussions with field experts and NGOs.

Law Development and Protection Foundation
"Transparency International Anticorruption Centre" NGO
Democracy Development Foundation

“Protection of Rights without Borders” NGO
“Helsinki Citizens' Assembly-Vanadzor” NGO
“Agenda for the Rights of Persons with Disabilities” NGO
“Community Consolidation and Support Center” NGO
“Women's Resource Center” NGO
“The Helsinki Association for Human Rights” NGO
“EcoLur” Informational NGO
“NGO Center” Civil Society Development NGO
Armenian National Committee of Helsinki Citizens' Assembly
“Just Democracy” NGO
“Peace Dialogue” NGO
Committee to Protect Freedom of Expression
“Union of Informed Citizens” NGO
Goris Press Club
Yerevan Press Club
“Armenian Progressive Youth” NGO
“Public Journalism Club” NGO
Media Initiatives Centre
“Educational Center for Equal Rights” NGO
“Center for Freedom of Information” NGO