

DOCUMENTEN TOTSTANDKOMING VERDRAG

[REDACTED]

From: [REDACTED]
 Sent: dinsdag 18 september 2007 12:14
 To: [REDACTED]
 Subject: FW: opposition to current draft of treaty on access to official documents
 Attachments: 3665326472-Council of Europe Treaty - NGO Sign-Up Letter - 28 Aug.doc

Dear [REDACTED]

For your information, I am forwarding you the draft letter the NGOs are circulating concerning our draft Convention on access to official documents which will be discussed by the DH-S-AC on 9-12 October, as well as the memorandum below I sent to my colleagues from the Secretariat.

I have sent this draft letter to the members of the DH-S-AC only (not yet to the members of the CDDH).

I'll send you afterwards a second e-mail on the same subject, containing the comments received here from the Office of the OSCE Representative on Freedom of the Media.

-----Original Message-----

From: [REDACTED]
 Sent: Tuesday 18 September 2007 11:29
 To: [REDACTED]
 Subject: FW: opposition to current draft of treaty on access to official documents

Bonjour à tous.

Pour votre information. Vous verrez à la lumière du projet de lettre ci-dessus qui est en train de circuler auprès des ONGs, que la société civile se mobilise fortement pour obtenir des gouvernements que le projet de Convention sur l'accès aux documents publics qui sera examiné par le DH-S-AC les 9-12 octobre relève ses standards jugés trop faibles.

J'ai eu un entretien jeudi dernier à ce sujet, à Strasbourg, avec [REDACTED], *Executive Director of Access Info Europe* à l'intérieur de l'ONG *Open Society Justice Initiative* qui est à l'origine de cette campagne. Ils sont en train de faire le tour des capitales pour sensibiliser des experts gouvernementaux et que cela soit ces experts qui présentent ces idées lors des réunions aux divers niveaux (DH-S-AC, CDDH, CM).

[REDACTED] est déjà entrée en contact directement avec la Présidente du DH-S-AC.

Le projet de lettre ci-dessus est très clair et se passe de commentaires. Vous constaterez que leur souci majeur est d'élargir le champ d'application de l'instrument afin notamment de couvrir les documents émanant des pouvoirs législatif et judiciaire. L'ensemble de leurs propositions va dans le bon sens, mais il est clair que ces demandes dépassent les objectifs initiaux qui étaient de se baser sur les standards de la Recommandation Rec (2002) 2 du Comité des Ministres sur l'accès aux documents publics. [REDACTED] m'a clairement dit que l'ensemble d'ONGs impliqués dans cet exercice, mais aussi l'OSCE, qui suit de très près nos travaux, préfèrent qu'il n'y ait pas de convention plutôt que d'en avoir une au rabais, en deçà des standards déjà admis dans de nombreuses législations nationales, y compris la britannique et l'allemande.

Ma conclusion est que, probablement, nous aurons besoin d'au moins une réunion supplémentaire au printemps prochain pour parachever ces travaux, alors que, en principe, il était prévu qu'on termine

18-9-2007

celle année.

Dans un prochain e-mail, je vous enverrai pour votre information les commentaires et l'analyse des législations nationales effectuée dans le cadre de l'OSCE par l'Office of the OSCE Representative on Freedom of the Media, qui vient de nous être envoyé et que j'ai déjà circulé auprès des membres du DH-S-AC.

-----Original Message-----

From: [redacted]
Sent: Tuesday 18 September 2007 07:09
To: [redacted]
Cc: [redacted]
Subject: opposition to current draft of treaty on access to official documents

FYI, further to the e-mail I sent yesterday.

Best regards

Bojana.

-----Original Message-----

From: [redacted]
Sent: Monday 17 September 2007 19:37
To: [redacted]
Subject: Re: MLWG meeting on 17 September

Dear ALL,

Let's sign the letter calling on the Council of Europe to improve the draft Treaty on Access to Official Documents. The organizers of this Initiative (Access Info Europe, Article 19 and Open Society Justice Initiative) are aiming for as many signatures as possible from NGOs (civil society groups) and individuals across Europe and around the world by 28 September. Please encourage other NGOs to sign as well. Those who agreed to sign up the NGO letter, please send me a message before September 21, so that I can inform the organizers of the Initiative.

Please find attached the Sign up letter in English and the short version in Armenian which contains major concerns of the Treaty.

Thanks for your cooperation.

With best,

[redacted]
FOICA.
[redacted]

Dear colleagues,

We are pleased to invite you to the next Media Legislation WG meeting on September 17,

18-9-2007

Monday, at 14:30 hrs, in our Office. Let us keep the agenda open for any issues that you would like to discuss and brief each other on the ongoing/ planned media related activities and projects for the fall.

There is a suggestion by [REDACTED] for a discussion and follow-up action on the draft European Convention on Access to Official Documents, currently in preparation by the CoE. It appears that the final drafting session is scheduled to take place in Strasbourg during 9-12 October, and civil society groups from across Europe and internationally, including the Access Info Europe, Article 19 and the Open Society Justice Initiative have called for joining a campaign to improve the draft before it is finalized. You can find the copies of the draft Treaty and sign-up letter via links on the Access Info home page: <http://www.access-info.org>. Shushan will provide us with details on the main concerns about the draft and suggest an action to join the campaign.

Please confirm your participation in the meeting.

Looking forward to seeing you all soon.

With best regards,

[REDACTED]
National Assistant Programme Officer
OSCE Office in Yerevan
[REDACTED]
[REDACTED]

89 Terian Str.
0009 Yerevan
Republic of Armenia

Be a better Heartthrob. Get better relationship answers from someone who knows.
Yahoo! Answers - Check it out.



[REDACTED]

From: [REDACTED]
 Sent: vrijdag 21 september 2007 11:36
 To: [REDACTED]
 Subject: RE: DH-S-AC (for your eyes only)

Talked to [REDACTED] this morning, when coincidentally my colleague [REDACTED] member of DH-S-AC) was in my office to discuss the same issue and who therefore listened in. Their common position is that the criticisms now submitted in writing have been voiced all along the meetings of the Group and have not been accepted by the Group, at least not to an extent satisfactory for the ngo's. They will certainly get another chance to play their part during the last meeting of the Group, but it is not to be expected that things will change radically.

The only way I can see this process turn into another direction is when the newer member states, who were virtually absent in the Group (with the exception of Slovenia), should suddenly unite behind the position of the ngo's but I don't consider that very realistic. Time to count our blessings, I suppose.

[REDACTED]

From: [REDACTED]
 Sent: woensdag 19 september 2007 17:49
 To: [REDACTED]
 Subject: Re: DH-S-AC (for your eyes only)

Dear [REDACTED]

Please find herewith the clear reply I have just received from [REDACTED], the Chairperson of the DH-S-AC (nobody else was in copy, so I assume that this is rather confidential, but

I thought it important for you to be "au courant" of this clear position):

Dear [REDACTED]

I have studied the desired changes that [REDACTED] and OSCE (coincidentally the same ones) would like to see in the convention. In my opinion these are topics that we will not get agreement on and I cannot foresee much value of an additional meeting in order to re-open these discussions. On the other hand, these are all important aspects and – as was the case with the recommendation – should be dealt with thoroughly in an explanatory memorandum. I think that it would be good to do that exercise in a not too hasty way. So an extra meeting would probably be useful, but only for this purpose, unless of course the other members of the group get cold feet and feel they need more time for the convention text.

Kind regards
 [REDACTED]

In my opinion this means that, probably, the DH-S-AC will finalise the drafting of the Convention at its October meeting, which is a good achievement, but also that, most probably, NGOs will not stop their fight and will submit again their views and requests firstly before the CDDH, and then before the CM.

We should be prepared for this.
 [REDACTED]



From: [redacted]
Sent: maandag 1 oktober 2007 17:04
To: [redacted]
Cc: [redacted]
Subject: RE: letter from Grahm Smith, Deputy Commissioner UK

Dear [redacted],

Thank you for your letter of 28 September concerning the Council of Europe draft Convention on Access to Official Documents. Apart from consideration in the Group of Specialists itself, it will be duly considered together with other comments received, first in the Bureau of the Steering Committee for Human Rights and finally in the plenary of the Steering Committee in November.

Sincerely yours,

[redacted]
Chair of the Steering Committee for Human Rights

From: [redacted]
Sent: vrijdag 28 september 2007 15:26
To: [redacted]
Subject: letter from Grahm Smith, Deputy Commissioner UK

Dear [redacted],

The attached letter has also been sent to [redacted]

Yours sincerely

[redacted]
Executive Asslstant
Corporate Support Unit
[redacted]
[redacted]

→ Open Bss & Stuk

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4

From: [redacted]
Sent: måndag 1 oktober 2007 17:08
To: [redacted]
Cc: [redacted]
Subject: RE: minimum freedom of information standards

Dear [redacted]

Thank you for your message concerning the Council of Europe draft Convention on Access to Official Documents. Apart from consideration in the Group of Specialists itself, it will be duly considered, together with other comments received, first in the Bureau of the Steering Committee for Human Rights and finally in the plenary of the Steering Committee in November.

Sincerely yours,

[redacted]
Chair of the Steering Committee for Human Rights

-----Original Message-----

From: [redacted]
Sent: måndag 1 oktober 2007 8:36
To: [redacted]
Subject: minimum freedom of information standards

Dear colleagues,

Data State Inspectorate has received the letter from Slovenian Information Commissioner about the minimum standards for freedom of information. On behalf of Director [redacted] I inform you that Data State Inspectorate is supporting the minimum freedom of information standards elaborated by Slovenia.

→ Open Book
STW

Best regards,

[redacted]
Data State Inspectorate
Development Division
[redacted]

[Redacted]
From: [Redacted]
Sent: donderdag 25 oktober 2007 9:41
To: [Redacted]
Subject: FW: DH-S-AC at the CDDH

Morning [Redacted]

If I may give you my personal opinion,

you should start the presentation of the item, recalling the decisions of the Bureau:

-The Bureau took note that the DH-S-AC was expected to finalise this text drafting a European Convention on access to official documents at its meeting on 9-12 October 2007 and submit it to the CDDH in November as provided in the terms of reference assigned to it. The Bureau noted that there had been requests from some member states and representatives of non-governmental organisations for the re-opening of the debate on certain provisions of the draft Convention. After an indicative vote, the DH-S-AC decided not to re-open this debate and submitted the text of the draft Convention as it appears in Appendix III of the report DH-S-AC (2007)010, to the CDDH, while mentioning an alternative proposal for some articles put forward by an expert in the meeting report.

-The Bureau requested the Secretariat to forward the DH-S-AC meeting report and the draft Convention appended thereto to all members of the CDDH as soon as possible. The Secretariat did so by e-mail on 16 October. The report was also sent the same day to all Permanent Representations in Strasbourg.

-Now the draft Convention prepared by the DH-S-AC is on the table of the CDDH with a view to its possible adoption during this meeting.

You could then welcome the presence of the Chair, [Redacted] but also of [Redacted] representative of *Open Society Justice Initiative*, an organisation which has observer status with the DH-S-AC, and also probably to the representative from Slovenia (I do not yet know who will attend, but the Embassy here is following this closely).

Then the floor could be given to [Redacted] for an explanation (15 minutes) of the background, the aims of the Convention, the main provisions and the main difficulties encountered. She (or you) could then explain what are the alternatives, either to adopt the text as it stands and to submit it to the CM, or to decide to ask a new mandate in case the CDDH decide to reopen substantial discussions. In any event, a further meeting of the DH-S-AC would be necessary in order to finalise the Explanatory report, but only for this purpose if the decision is to adopt the draft Convention now.

When opening the discussion, it would be perhaps fair to invite first Slovenians, then with [Redacted], to take the floor if they so wish.

[Redacted]

-----Original Message-----

From: [Redacted]
Sent: Thursday 25 October 2007 09:12
To: [Redacted]
Subject: DH-S-AC at the CDDH

De [Redacted]

What do you think will be the best way to present the draft convention on access to official documents at the CDDH meeting – Shall I give a detailed presentation, including history and specific problems that we had lengthy discussions about, or a more general overview? How much time do I have? I would appreciate your view on this.

Kind regards

From: [REDACTED]
Sent: dinsdag 4 november 2008 17:42
To: [REDACTED]

Cc: [REDACTED]

Subject: Important: circular letter to members of the CDDH

Attachments: CDDH(2008)010 draft Convention on access to official documents 4 November 2008.doc;
CDDH(2008)008 66th meeting report Extract.doc; GT-DH-AS(2008)005E report 5th
meeting 3 October E FINALwith Ap IV and V.doc

(La version française est envoyée dans un courriel séparé)

CIRCULAR LETTER TO MEMBERS OF THE CDDH

4 November 2008

Dear colleagues,

As you know, the Bureau of the CDDH met in Paris last Thursday and Friday to prepare the next plenary meeting of the Steering Committee (25-28 November). You will receive the meeting report as soon as possible.

On this occasion, the Bureau asked the Secretariat to send the present e-mail to all the members of the CDDH in order to draw their attention to two specific points:

- i. the draft Council of Europe Convention on access to official documents;
- ii) the draft Guidelines on human rights protection in the context of accelerated asylum

4-11-2008

I. DRAFT COUNCIL OF EUROPE CONVENTION ON ACCESS TO OFFICIAL DOCUMENTS

This matter is now in the hands of the Ministers' Deputies. Their Rapporteur Group on human rights (GR-H) will examine it on 12 November in the presence of the Chairpersons of the CDDH and the DH-S-AC, [REDACTED] (Turkey) and [REDACTED] (Sweden), in the light notably of the recent opinion given by the Parliamentary Assembly. The attached document CDDH(2008)010 contains the draft Convention and Explanatory Report, the Opinion of the Assembly and the decision of the Committee of Ministers concerning this latter.

<<CDDH(2008)010 draft Convention on access to official documents 4 November 2008.doc>>

The attached document CDDH(2008)008 (excerpts from the last Steering Committee meeting report) reflects, at paragraphs 27-34, the CDDH's decision on adoption of the draft Convention.

<<CDDH(2008)008 66th meeting report Extract.doc>>

You will recall that, on this occasion, the very great majority of delegations expressed their support for the compromise text prepared by the DH-S-AC. This text is the result of ten years of inter-governmental work, with the active cooperation of representatives of civil society, during which the arguments for and against each alternative were carefully weighed. The text takes account of the very diverse situations existing in the member States. It responds to the clear will of Governments to arrive at a realistic, binding instrument, accompanied by a follow-up mechanism, that genuinely improves the situation amongst member States as a whole and which could quickly come into effect. The draft Convention establishes a common foundation in the matter of access to official documents that would in no way prevent States from going further at national level.

You are invited to make contact with your Ambassador in Strasbourg in order to make him/ her aware of the importance of this draft instrument which will be submitted to the Ministers' Deputies on 27 November with a view to its possible adoption.

II. DRAFT GUIDELINES

ON HUMAN RIGHTS PROTECTION

IN THE CONTEXT OF ACCELERATED ASYLUM PROCEDURES

You will find attached document GT-DH-AS(2008)005, which contains the text of the draft Guidelines and the draft explanatory report.

<<GT-DH-AS(2008)005E report 5th meeting 3 October E FINALwith Ap IV and V.doc>>

In view of the examination of the draft Guidelines and its possible adoption at the CDDH meeting of 25-28 November, you are invited to make contact with your national authorities in order to receive their possible instructions for the discussion at the CDDH. If you have any written observations/ proposals for amendment, you are asked to send them to the Secretariat before 15 November

If you have any questions concerning the present circular letter, please do not hesitate to contact

Until our next meeting,

Best regards,



Secretary of the CDDH

