



ANNUAL REPORT 2017

During 2017 year FOICA carried out the following activities:

A. Civic Participation and involvement in reform processes of Freedom of Information legislation.

- A Recommendation Paper based on the study of the best FOI international practice and the FOICA's more than 15 years experience in the filed has been developed and submitted to the Ministry of Justice.
- An awareness meeting was organized bringing all interested parties around the table to discuss the prepared draft law on amendments to the FOI Law

B. FOI Strategic Litigation.

- 1 strategic litigation case with the focus on a legal issue of significant public interest in FOI has been developed.
- FOICA won 1 court case and 1 case the FOICA has applied to the Court of Appeal.

C. Public campaign for the public awareness of the right to know and OGP processes in Armenia.

- Freedom of Information Annual Award Ceremony 2017 was organized in Yerevan;
- 2 social advertisement video materials "Your duty to inform" and "You have a right to know" were produced and published.

D. OGP in Armenia

- An alternative Assessment Report on the Government's Implementation of OGP Second Action Plan has been conducted and published.
- "OGP-5 years in Armenia" Conference with participation the representatives of the RA Government, civil society groups, media and international organizations was organized.
- TV stories on OGP processes in Armenia were produced and aired by the Yerkir Media TV.

Civic Participation and involvement in reform processes of Freedom of Information legislation

- **A Recommendation Paper based on the study of the best FOI international practice and the FOICA's more than 15 years experience in the field has been developed and submitted to the Ministry of Justice.**

In order to assist the working group the FOICA lawyer developed a **Recommendation Paper** based on the study of the best FOI international practice and the FOICA's more than 15 years experience in the field. The Paper has been submitted to the WG for consideration in the amendments package. The Paper includes recommendations aimed at solving gaps and weaknesses of the Armenian FOI legislation and its implementation practice. Recommendation Paper is available here: http://www.foi.am/u_files/file/FOI_recommandations_FOICA.pdf

- On September 22, 2017 an **awareness meeting** was organized bringing all interested parties around the table to discuss the prepared draft law on amendments to the FOI Law. The FOICA presented its survey on the best practices of FOI. About 50 representatives from Government, Parliament and civil society representatives were invited. All suggestions/recommendations accumulated from the participant civil society representatives have been summarized and presented to the Ministry of justice for consideration. More about the event you can find here: <http://www.foi.am/hy/news/item/1609/>

FOI Strategic Litigation

- **1 strategic litigation case with the focus on a legal issue of significant public interest in FOI has been developed.** It is expected to initiate 1 strategic litigation case with the focus on a legal issue of significant public interest in FOI. New strategy in FOI litigation will become appealing the cases when the state agency does not fulfill its obligation for proactive publication of information. Strategic litigation will target this new challenge in order to push the state agencies to properly fulfill the obligation of proactive FOI which is much more important for building a transparent and accountable government.

The works with lawyer started in June and the Court claim has been developed. On July 21, 2017 Freedom of Information Center of Armenia appealed to the Administrative court against the City Halls of Ashtarak, Armavir, Gavar, Hrazdan, Kapan, Eghegnadzor and Ijevan with the claim to recognize the inaction of municipalities not legitimate and to oblige them to publicize information.

For the purpose of implementation of statutory goals every year till September Freedom of Information Center of Armenia estimates the level of public administration and local self-government through the Publicity and Freedom of Information Index by FOICA. In 2017 FOICA has also referred to the compliance of the regional centers with Part 3 of Article 7 of FOI Law, which obliges information holders to publicize the 13 group information on their own initiative.

On the official website of the City Halls of Ashtarak, Armavir, Gavar, Hrazdan, Kapan, Yeghegnadzor, as well as Ijevan Freedom of Information Center searched for the information that is defined to be publicized by the law. As a result of the research, the FOICA has confirmed that the regional centers have not publicized the 13 group of information of 2016 as required by the FOI law.

We have selected working with Arbitre Court law firm for fulfilling FOI litigation within the project. Our selection is based on the factor that the law firm has an extensive experience in the courts with high level of successful won cases. Also the firm has a positive history of cooperation with civil society, including FOICA. First the Court session has been appointed on February 27, 2018.

- **The FOICA vs. the RA Road Police.** On May 22, 2015 the FOICA submitted a written information request to the RA Road Police asking to provide information on video devices and speedometers.

TP didn't provide any answer to FOICA's request. On June 26, 2015 FOICA applied to the RA Administrative Court asking to recognize the actions or idleness of the RA Road Police unlawful, since the body didn't answer to the FOICA's request during the timeframe defined by the law on "Freedom of Information", as well as FOICA asked to oblige the RP to provide within five-day period the information that FOICA asked on May 22, 2015.

After this when FOICA had already applied to the court, RP had provided the answer of the request. Thus, FOICA withdrew the claim on obliging to provide information.

The first court session took place on September 15, 2015. Next court hearing took place on October 12. The court decided to end the preliminary court hearing, and the case went to trial phase. On December 22, 2015 the RA Administrative Court publicized its decision, according to which satisfied the FOICA's claim and recognized the inaction of RA Road Police's as unlawful.

As a result of the court case FOICA applied to the RA Administrative Court once again for the compensation of damages caused by the unlawful inaction. As a result of the court case FOICA applied to the RA Administrative Court once again for the compensation of damages caused by the unlawful inaction. On November 24, 2017 the RA Administrative Court obliged the RA Road Police to compensate the expenses of FOICA by paying 50000 AMD.

- **The FOICA vs. the National Olympic Committee of Armenia.** The FOICA has applied to the Court of Appeal. On June 30, 2017 the Court declined the reception of the claim of FOICA. FOICA has applied to the Court of Appeal, which has not made any decision yet. On August 10, 2016 Freedom of Information Center of Armenia sent a written information request to the National Olympic Committee of Armenia asking to provide information on purchasing process of the Armenian sportsmen's uniforms who had participated in the Summer Olympic games of 2016. The

committee did not provide the information. So on August 25, 2016 FOICA sent a double written request with the same content and this time the Committee again did not provide any information.

On October 7, 2016 the FOICA appealed to the RA Administrative Court asking to recognize the National Olympic Committee's inaction (failure to provide a response within time-frames defined by the Law) as unlawful as well as for not implementing the obligation of providing information to impose an administrative penalty on the president of the National Olympic Committee of Armenia Gagik Tsarukyan with the amount of 10.000 dram for not answering to the 292-3 information request sent on August 10, 2016 and 50.000 dram for not answering to the 292-6 double information request sent on August 25, 2016.

Public campaign for the public awareness of the right to know and OGP processes in Armenia.

- **Freedom of Information Annual Award Ceremony 2017 was organized in Yerevan;**

Freedom of Information Center announced for the 15th time the recipients of the "Golden Key and Rusty Lock" awards on 28 September 2017 in Yerevan. The award ceremony was devoted to the International Right to Know Day. Mr. Vahe Jilavyan - Deputy Chief of Government Staff welcomed the guests on this occasion stressing the importance of the initiative taken by FOICA and congratulated the award winners. U.S. Embassy Chargé d'Affaires Rafik Mansur his welcome speech congratulated all the institutions that received Golden Keys and urged everyone to be consistent and decisive in their efforts to get information.

The host of the event President of the Freedom of Information Centre of Armenia Liana Doydoyan mentioned that Freedom of Information Center of Armenia formulates and establishes the publicity and transparency traditions in the governing system of Armenia through the "Golden Key and Rusty Lock" annual award ceremony. Golden key and Rusty lock have become means to criticize publicly closed and secret activities, meanwhile appreciating the open and transparent work.

The following people and organizations were awarded with Golden Keys as a symbol of openness and transparency:

- The Positive Award for the state institution that best implemented the Armenian Freedom of Information Law was presented to Shirak Regional Administration. The Golden Key to the governor of Shirak was handed over by U.S. Embassy Chargé d'Affaires Rafik Mansur.
- The best official web site in terms of access to information was recognized www.geo-fund.am the official website of "Improvement of mining sector

transparency” program. The Golden Key was handed over to the Project Director Lilya Shushanyan.

- Award for NGO, which has contributed to the exercising of the right of access to information, was presented to “Disabilityinfo” NGO. The Golden Key was handed over to the president of the NGO Zaruhi Batoyan by Head of the European Union Delegation to Armenia, Ambassador Piotr Switalski.
- Positive Award for the public figure that has implemented FOI Law actively was handed over to Anahit Bakhshyan by USAID Armenia Mission Director Deborah Grieser.
- As the most consistent human rights defender for violated information was recognized Davit Asatryan, the human rights defender of "Right Dominance" NGO. The Golden Key was handed over to the human rights defender by Deputy Chief of Government Staff Vahe Jilavyan.
- Award for the media for most actively using FOI Law was awarded to “Hetq” online newspaper. The Golden Key was handed over by Loreta Vioiu, Deputy Head of Council of Europe office in Armenia.
- This year for the first time FOICA handed over a Special Award to the Spokesman of Ministry of Nature Protection Marine Karapetyan, as being the most responsible information provider.

Negative award – Rusty Lock for a state institution, which is the author of the most ridiculous official answer, was handed over to History Museum of Armenia.

The Award Ceremony was organized by the Freedom of information Center of Armenia NGO with the support of US Embassy in Armenia in the scope of the Program “Access to Information for Good Governance and Community Involvement”. More you can find at: <http://www.foi.am/en/awards-winners/>

- **2 social advertisement video materials “Your duty to inform” and “You have a right to know” were produced.** One is designed for public officers and is called “Your duty to inform”. It presents what obligations officials have under FOI legislation to proactively provide the public with information, as well as to proceed the citizens’ requests on time and to provide full and complete information to the requests.

The second video material is designed for the journalists. The material is called “Your right to know”. It aimed at highlighting the main message for the journalists on how to get necessary information. In a clear language and illustrative way it explains how the journalists may use the FOI law provisions for getting access to government held information, where to go if a refusal was received and/or access is denied. Most importantly, how this right should be used to fulfill their other rights. The video materials’ format will be used for training purposes designed for public

officials and journalists and will be aired Yerkir Media TV. They are available on FOI website and youtube channel.

“Your duty to inform” - <http://www.foi.am/hy/videos/item/86/>
<https://www.youtube.com/watch?v=24j44348RYs>

“You have a right to know” - <http://www.foi.am/hy/videos/item/87/>
<https://www.youtube.com/watch?v=YNhJ3cyd-sg>

OGP in Armenia

- **An alternative Assessment Report on the Government’s Implementation of OGP Second Action Plan has been conducted and published.**

One of the key principles of OGP initiative is cooperation of government and civil society, when the civil society actively participates in the development process of the Action plan and, which is more important, evaluates its implementation process. For objective evaluation of the implementation process the OGP head office demands a self-assessment report from the Government and develops its Independent Research Mechanism research. The civil society, for its turn, takes an initiative and conducts the third independent monitoring of the process. The Civil Society monitoring will help to give more independent view of the Action Plan implementation processes and to present the civil society needs and recommendations.

The commitments of the OGP Armenian Action Plan are presented with the timetable. The major part of 11 commitments has to be completed by September 2015. In the monitoring report to be compiled within the frames of this project, implementation phase and quality of the concrete commitments were presented. This is the first civil society report which covers all OGP processes in Armenia including development, adoption and implementation processes of the OGP Armenia Action Plans.

The purpose of this monitoring report is to present the civil society’s assessment of and observations on the process of development and course of two-year implementation of the Second National Action Plan of Armenia, within the framework of Open Government Partnership Global Initiative.

The report was composed based on the following methodology to be further elaborated by the monitoring specialist:

- The following methodology was elaborated by the monitoring specialist:
- Started from August 2016 monthly requests were sent to the appropriate public bodies in order to receive information about the implementation process of concrete actions;
- Monitoring specialist had face-to-face meetings with both the responsible officials and the representatives of civil society interested in the given commitment to clarify the process and approach of implementation;

- Legal acts accepted within the frames of the given commitment were accumulated.

In the monitoring report the implementation phase and quality of the concrete commitments is presented.

The Monitoring report is composed of the following sections:

- Development process of OGP Armenian second AP;
- AP commitments, timetable;
- Implementation process of the commitments;
- Recommendations.

With view to soliciting comments and supplements on the draft monitoring report, the report has been published on <http://www.ogp.am> website, as well as sent to the OGP National Coordinator, non-governmental organizations and IRM independent researcher. After summarizing the received recommendations, the report was presented to the public.

The monitoring report was presented to the government and civil society and disseminated via mailing lists and published in the <http://ogp.am>. The report is available in Armenian.

- **“OGP-5 years in Armenia” Conference** with participation the representatives of the RA Government, civil society groups, media and international organizations was organized. During that event the OGP Armenian processes (5 years) were summarized, it ensured to assist the main achievements and results of the two implemented Action plans, as well as to mobilize the civil society groups to be involved in monitoring process. On 25 January, 2017 during the “OGP -5 years in Armenia” Conference, organized within this project, the results and recommendations of the monitoring report was presented and discussed.
- Video reportage/materials were produced and aired on Sundays on Yerkir Media TV "Earth Week" program's separate OGP addendum “Public watch”. Video materials The topics of the video reportage were:
 - The results of the 2nd AP's implementation were sum upped. OGP 2nd Action plan's 11 commitments: What are the results? What has been completed so far? Does society benefit from them?
 - Digitization and publication of data in the “Republican Geological Fund” is in process.
 - Launch of the process of joining Exporting Industry Transparency Initiative (EITI).
 - Ensuring transparency of asset and income declarations of the RA high-ranking officials

All TV reportages are available on OGP.am website: <http://ogp.am/hy/TV/>

Freedom of Information Center of Armenia

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