

## Freedom of Information in 2024

Despite the significant progress, there are still numerous challenges in the field of freedom of information. Specifically:

The government remains passive in improving the overall practice of freedom of information and creating a favorable environment for the proper realization of the right to access information. No steps have been taken by the Armenian government to implement the recommendations outlined in the 5th evaluation report adopted during the 96th plenary meeting of GRECO (Council of Europe's Group of States against Corruption) in 2024. The report highlights the absence of a dedicated oversight body to ensure systematic and independent appeals, continuous monitoring, and consistent enforcement of the law. GRECO's recommendations to Armenia include:

- Conducting an independent assessment of the implementation of freedom of information legislation, focusing on exceptions, timely responses, proactive publication, and effective enforcement, followed by legislative and practical measures to improve public access to information.
- Collecting and publishing official statistical data on refusals, delayed or incomplete responses, and providing information to the public about measures taken to address shortcomings.
- Considering the establishment of a dedicated independent oversight body to ensure independent reviews, monitoring, and promotion of uniform application of freedom of information legislation.

The report also requires Armenia to report on actions taken in response to these recommendations within 18 months. As of December 25 2024, no steps have been taken to implement these recommendations.

- **Low Awareness Among Information Holders:** There is a significant lack of knowledge and awareness about freedom of information among officials responsible for managing information. Training sessions and consultations conducted by the Freedom of Information Center reveal that many individuals involved in handling information requests are unfamiliar with practical aspects of implementing freedom of information.

- **Incomplete and Generic Responses:** One of the most serious problems in the process of receiving information is the quality of official responses to requests. More than half of the journalists have assessed the content of the responses to requests as insufficient (54.9%). In

some cases, journalists receive responses that are incomplete or very general or do not contain specific answers to all the questions posed. The situation becomes more complicated when journalists' requests touch on sensitive topics.

- Unjustified Rejections: Rejections of information requests are frequently unjustified or lack proper grounds. In some cases, requests are denied unlawfully under the pretext of containing personal data.

- Delays in Responses: Deadlines for providing information are often violated, either through direct non-compliance or improper extensions without justification. Only 35% of the journalists have noted receiving a response within the 5-day period determined by law. Moreover, 37.7% of the interviewed journalists have stated that they receive responses within 6-10 days on average instead of the 5-day period, 26% have stated that they receive responses within 11-30 days, and 1% have mentioned receiving a response within the 5-day period determined by law.

Another problem related to time frames is the abuse of the opportunity to delay the response time frames on the grounds of performing additional work. Answering the FOICA's question about how often state institutions ask for additional time to respond to requests, almost half of the interviewed journalists, 48%, have selected the "often" option. It turns out that the response to almost every second request is given in an additional 30-day period, which is a serious obstacle from the point of view of fulfilling the professional duties of journalists.

- Incorrect Application of the Law: Freedom of information legislation is frequently misapplied or poorly implemented. For instance, many public bodies fail to register and classify information, do not publish information subject to mandatory proactive disclosure, or publish incomplete statistics on requests. Additionally, responses to requests containing multiple questions often fail to meet the legally required standards for detailed and numbered answers.

- In the process of receiving information, the problem of discrimination is worthy of note. 64.5% of the representatives of the journalistic community point out that when providing information, state bodies discriminate between different media and journalists. Moreover, only 2.6% of the respondents have not been involved in cases of discrimination. The problem largely depends on which media outlet the journalist represents. If it stands out for its sharp criticism of the government, the requests from journalists of these media outlets are more often than not met with outdated, vague, or unfounded responses.

- Lack of independent oversight body: Although journalists have the opportunity to appeal the violated rights in court, it is often ineffective because it is very costly and time-consuming. The RA legislation does not provide for special-tighter-trial periods and procedures for investigating cases regarding the protection of the access to information right, as a result of which the lengthy investigation of these cases often deprives the

journalist of an effective legal protection. Norms defining liability for violating the access to information right are also not fully applied in judicial practice.

As international practice shows, the best mechanism to appeal violations is to appeal to an independent and impartial FOI authority. Although the FOI authorized body is mentioned both in the RA Law “On Freedom of Information” and in the [Convention on Access to Official Documents](#), this body has not yet been formed in Armenia. Therefore, the only effective mechanism for appealing refusals is still the judicial appeal.