



EU-RUSSIA CIVIL SOCIETY FORUM
ГРАЖДАНСКИЙ ФОРУМ ЕС-РОССИЯ

Policy paper

**Working Group “Democratic Structures and Processes”
Proposals on Increasing Transparency and Accountability
in Activities of Government Bodies and Bodies of Local Self-Government**

EU-Russia Civil Society Forum
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Proposals on Increasing Transparency and Accountability in Activities of Government Bodies and Bodies of Local Self-Government

Resume

Civil societies in Russia and in the EU countries express high interest in attracting attention of governments to issues of enabling transparency and accountability in activities of government bodies and bodies of local self-government. On the one hand, the movement for transparency of governmental institutions is one of the civil movements most dynamically developing in the last decade. On the other hand, the challenge is a most sensitive one for most states, including EU member countries and Russia. Governmental transparency and accountability is directly bound with efficient public control of governmental activities, explicitly affecting quality of democratic processes.

Meanwhile, one must acknowledge that civil societies in Russia and in EU member countries meet systematic ungrounded restrictions to official information of social significance, and reveal contradictions between growing governmental accountability demands of NGOs and lack of political will and readiness in the governments to satisfy those demands.

Realizing exclusive importance of governmental and local self-governmental transparency and accountability for quality of democratic processes, the EU-Russia Civil Forum forwards a number of proposals to achieve changes in this field.

Description of the Problem

The Open Government Partnership¹ international inter-governmental initiative launch in September 2011 proves that the civil movement for governmental transparency and accountability is a most dynamic global trend. The OGP is a league of governments accepting voluntary obligations for increasing their openness. According to the OGP regulations, wide-scale consultations with the general public are inherent for developing governmental obligations. Participation in the OGP opens additional possibilities for the civil society to establish constructive dialog with governments on transparency growth, and to raise it to supra-national level. Up to Dec 1, 2011, the following EU member countries joined the OGP: Norway, the UK, Bulgaria, Czech Republic, Denmark, Estonia, Greece, Italy, Latvia, Lithuania, Malta, the Netherlands, Romania, Slovakia, Spain, Sweden². The Russian government has not yet expressed publicly its position on joining the OGP. The initiative format and actuality are the major arguments in favor of joining it to governments of Russia and of other EU member countries, and the Forum participants call to pay particular attention to this.

Though laws regulating procedure and frames for implementing right to official information access are actual both in Russia and in most EU member countries, citizens and NGO activists meet systematic ungrounded restrictions in this field.

In the Russian Federation, one of the major motivation for a court to decide in favor of a government body's refusal to provide access to some information is that, from officials' point of view, the information

1 <http://www.opengovpartnership.org/>

2 <http://www.opengovpartnership.org/countries>

requested is not "information on activities of government bodies and bodies of local self-government". though the Russian FOI law provides a most wide definition of this term³. Citizens and NGOs in EU countries often meet similar difficulties when interpreting the "official document" term.

Also, classifying information as a secret protected by law – state, administrative, or personal/family secret – becomes another widely-used obstacle for access to official information in Russia.

On the one hand, these categories of protected secret are quite necessary. But on the other hand, lack of clear classification procedures and systematic classification of data of large social significance (for example, data on regulations for police bodies' activities) can hardly be considered as positive practice.

For example, the essence of such secret category as "personal and/or family secret" is not specified concretely by Russian legislation, though the Criminal Code of Russia includes responsibility for this secret violation.

As it has been pointed above, access to information on police bodies' activities is a most sensitive field where lack of information accessibility especially impacts public control quality. Independent studies in Russia and in the EU prove that this problem is equally actual for both parties. In Russia, restriction of information access to such data as police budget, staff, and its efficiency evaluation criteria, mostly prevents NGOs from independent evaluation of police activities. In a number of EU countries, information on police activities cannot be obtained upon a request since FOI/RTI laws do not cover the police activities⁴.

In the context of increasing governmental transparency and accountability, necessity of official data publication in machine-readable formats becomes more and more clear. The movement promoting OpenData is an activity direction not characteristic for civil society, with its more technological than human rights activism. Disclosing information in formats applicable for further usage and processing allows the civil society to implement new possibilities provided by ICT development and not recognized before. In a number of European countries, in the UK or Germany for example, governments form official state open data catalogues, providing businesses and non-profit sector with possibility to use these data to implement their socially significant projects⁵. For example, open data on law breaches allow to fulfill such projects as the UK crime map: <http://www.police.uk>.

However, any activism of civil society for usage and processing of open governmental data loses sense if government does not provide access to the data. Therefore, progress of the new concept of "tech-oriented" approach to non-profit non-governmental activities mostly depend on will and readiness of governments to support such activism.

The Position of Civil Society

The opinion of the EU-Russia Civil Forum members is that essential qualitative changes are needed in the field of governmental transparency and accountability. Positive changes in this field can have essential impact on quality changes in democratic processes.

Public control of police activities, election procedures, governmental service provision, budget implementation, and judicial efficiency is closely bound to free access to information on governmental

3 See <http://www.svobodainfo.org/ru/node/1311> (*Access to Information: Problems of Law Implementation*, by Ivan Pavlov and Daria Sukhikh, in Russian)

4 **The Right to Know: Europe and the Police** - <http://www.access-info.org/en/civil-liberties/61-europe-and-the-police>

5 <http://data.london.gov.uk/> и <http://digitaliser.dk/ressourcer>

activities and to possibility to take part in observing these activities.

However, the mere demanding from governments to increase their openness is surely insufficient. To achieve real changes, "long political will" is needed first of all, for governmental officials to realize the key, defining role of transparency and accountability of state machine functioning and for their positive impact to democratic structures, institutions, and whole processes.

Proposals

In respect of the aforesaid, the EU-Russia Civil Society Forum proposes the following to the Governments of the European Union member countries and of the Russian Federation:

- 1) to join the Open Government Partnership (OGP), the international initiative for development of state institutions' transparency and accountability, or to express official interest in joining it;
- 2) to pay particular attention to necessity of introducing most specific formally defined and exhaustive list of reasons for restricting access to socially significant information;
- 3) to pay particular attention to necessity of legislative definition for right to access to information on police activities, including information on how these activities are regulated;
- 4) to fix standards for enabling official information disclosure in machine-readable formats appropriate for further usage and development.

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