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FROM SECRECY TO COMMON KNOWLEDGE

THE RIGHT TO INFORMATION IN SERBIA AND BULGARIA

Christian Spahr

Press freedom is unthinkable without legal minimum standards. In modern democracies it is more than just a general guarantee in the constitution. It includes provisions to guarantee freedom of the press in everyday practice. An example of this kind of standard is that a journalist cannot be compelled to publish something under their name which is not their own opinion. Effective regulations for financial transparency of media outlets and against excessive concentration of ownership are also important, as is the explicit designation of paid content.¹ Deficiencies in these areas undermine confidence in the scrutinising role the media are supposed to exercise in the public sphere.

An equally important precondition for the work of free media is their right of access to information from the state. While journalists often have to rely on their investigative ability in the private sector, they should receive information from public authorities subject to established rules and in a transparent manner. In this respect, all media must be treated equally. A right of this kind is already included in the media legislation of many countries. Nevertheless, general provisions in media law have not always proved to be an effective lever for journalists. The scope of exemptions, for example requirements for confidentiality, can be very broadly defined.

1 | See inter alia press law of the federal state Brandenburg from 13 May 1993 (GVBl Bbg I 1993, 162), last amended on 21 Jun 2012 (GVBl Bbg I 2012, No. 27), inter alia on presserecht.de, http://presserecht.de/index.php?option=com_content&task=view&id=16&Itemid=27 (accessed 15 Feb 2014).

In addition, over the past 20 years an understanding has developed that a broad legal right to information from public bodies should not be confined to specific professional groups, such as journalists. The idea of a citizen-friendly administration and a changed conception of what constitutes a state service have resulted in the widespread adoption of right to information (RTI) laws, which apply to all citizens.

While in 1996 only 20 states had established a statutory right to information for their citizens, in 2013 this reached 95 countries² with a total of more than five billion inhabitants. Right to information laws have become an important means of strengthening the participation of civil society in public debates, involving citizens in forming political opinion and creating transparency in decision-making processes. The conditions for this are better than ever before, since in addition to legal progress the development of technology is simplifying access to information. Many documents are available electronically and numerous public bodies publish information on the Internet.³

In post-communist states where democratic standards first had to be established, the laws relating to freedom of information are of particular significance. Between 1995 and

2 | Access Info Europe, "RTI Rating Data Analysis Series: Overview of Results and Trends", 28 Sep 2013, 7, <http://www.access-info.org/documents/Report.13.09.Overview-of-RTI-Rating.pdf> (accessed 15 Feb 2014).

3 | In Germany too, official secrecy, an established privilege in public administration, had to give way to the general legal right of the Freedom of Information Act at the beginning of 2006. Cf. Federal Act Governing Access to Information held by the Federal Government (Informationsfreiheitsgesetz, IFG), <http://www.gesetze-im-internet.de/bundesrecht/ifg/gesamt.pdf> (accessed 15 Feb 2014). Members of the press in seeking information could now choose whether to rely on the press laws of the federal states or on the freedom of information laws of the Federal Republic and the states. The new freedom of information legislation often proved advantageous since the Federal IFG, unlike the press laws, contains a right of access to files. Investigative journalists also see an advantage in this, for example in researching cases of corruption, in that they can present themselves as citizens and do not have to declare themselves as journalists. Cf. Manfred Redelfs, "Sieben Gründe, warum das Informationsfreiheitsgesetz für Journalisten von Vorteil ist", Netzwerk Recherche, <http://netzwerkrecherche.de/Infofreiheitsgesetz-IFG/Was-bringt-das-IFG-Journalisten> (accessed 15 Feb 2014).

2005 many Central and Eastern European countries introduced RTI [right to information] laws. Today there are a larger number of these laws in the region than in Western developed countries. In the years following the transition they were intended to contribute to making politics more transparent and work in conjunction with the renunciation of absolute power of the state. Knowledge held by the government was formerly secret, reserved for a small elite. At an early stage, civil society consequently demanded improved access to state information, as was the practice in established democracies.⁴

An analysis as early as 2006 remarked that the new member states of the Council of Europe from the former Eastern bloc have progressive legislation.

System change, democratisation and opening of society have contributed considerably to the emergence of legal standards for access to information. At least on paper, the transition countries have set standards: An analysis as early as 2006 by the leading NGO on the subject, Access Info Europe (AIE), based in Madrid, remarked that the new member states of the Council of Europe from the former Eastern bloc have progressive legislation. Court decisions were putting additional pressure on governments to practice greater openness, for example in Bulgaria.⁵

FREEDOM OF INFORMATION BECOMES A HUMAN RIGHT

The Right to Information (RTI) has meanwhile become a recognised Human Right. It has been regarded as such by numerous national and international courts and is established in EU law, for example through Article 10 of the European Convention on Human Rights and the Lisbon Treaty. The Right to Information has its origin, among other sources, in the International Covenant on Civil and Political Rights (ICCPR), which was concluded in 1966 and came into force in 1976. Article 19 guarantees freedom of

4 | Cf. Helen Darbishire, "A Right Emerges: The history of the right of access to information and its link with freedom of expression", 11 Jan 2014, 3, e-mail communication to KAS staff member Denica Zheleva, 28 Jan 2014.

5 | Helen Darbishire, "Access to Information: A fundamental right, a universal standard", Access Info Europe, briefing paper, 17 Jan 2006, 3, <http://www.access-info.org/documents/files/access-convention-2006/06%2001%2017%20Access%20Info%20Europe%20Briefing%20Paper%201.pdf> (accessed 15 Feb 2014).

expression, and thus free flow of information.⁶ An older and more broadly defined point of reference is the General Declaration of Human Rights of 1948 (Article 19).

Freedom of information is further specified as a universal standard in the Council of Europe Convention on Access to Official Documents of 18 June 2009 (the Tromsø Convention). This sets forth how citizens should be able to access official documents and calls moreover for access to records free of charge.⁷ So far, six states have ratified the Tromsø Convention, which has been the subject of extensive discussion. Access Info Europe is critical of the fact that Germany and other Western European countries have not yet acceded to the Convention, in contrast to younger democracies like Estonia, Lithuania and Serbia.⁸

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The legislation of the new EU member states and candidates for accession is in some respects more progressive, since it is influenced by the emerging international standards. During its formulation lawmakers could learn from shortcomings in other countries. The EU candidate Serbia has received the highest marks internationally for its freedom of information law – it is placed first out of 95 states analysed in the ranking of AIE and the Canadian Centre for Law and Democracy.⁹ This Balkan country achieves 135 of 150 rating points, which in the opinion of the NGOs would represent an ideal law. The evaluation was based on the criteria established internationally up to 2013. RTI laws were investigated according to specific criteria. These include the scope of application of the law, permitted exceptions, application procedures, possible appeals against decisions, sanctions for infringements and information of the population concerning their rights.

6 | Federal Foreign Office, "Internationaler Pakt über bürgerliche und politische Rechte vom 19. Dezember 1966 (BGBl. 1973 II 1553)", <http://auswaertiges-amt.de/cae/servlet/contentblob/360794/publicationFile/3613/IntZivilpakt.pdf> (accessed 15 Feb 2014).

7 | Council of Europe, "Council of Europe Convention on Access to Official Documents", 18 Jun 2009, <http://conventions.coe.int/Treaty/EN/Treaties/Html/205.htm> (accessed 15 Feb 2014).

8 | Darbishire, n. 4, 13.

9 | Access Info Europe und Centre for Law and Democracy, "Global Right to Information Data. Country Data", http://rti-rating.org/country_data.php (accessed 21 Mar 2014).

While several Central and Eastern European countries are in the top 20, Access Info Europe relegates many West European countries to the lowest ranks. AIE expert Helen Darbishire sees positive effects for the West through these developments in the post-communist region. After the West transferred democratic standards to the East, standards are now being transferred in reverse from the East.¹⁰ The authors of the study emphasise, of course, that they are evaluating only the quality of the laws and not their application. Even strong laws cannot guarantee openness if they are not correctly applied. On the other hand, in individual cases, countries with weak laws can also be considered open to an above average extent if greater value is placed on their application in practice.

SERBIA: PUBLIC COMMISSIONER FOR ACCESS TO INFORMATION

The Public Commissioner for Access to Information receives complaints from the public, decides within 30 days on contentious cases, and is authorised to issue instructions to public authorities.

In Serbia, where the right to information also has constitutional status, the law relating to freedom of information was passed in 2004. It can be regarded as modern not only because of its broad range of application, but above all because it provides for an Ombudsman for the general public.¹¹ The Public Commissioner for Access to Information receives complaints from the public, decides within 30 days on contentious cases, and is authorised to issue instructions to public authorities. According to an analysis from 2013, he represents the country's oldest independent regulatory authority and the public has recognised him as a partner.¹² The Public Commissioner for Access to Information thereby contributes significantly to ensuring that the statutory principle of transparency is upheld. Over a period of more than seven years citizens turned to him with more than 15,000 complaints.¹³ Accord-

10 | Cf. Darbishire, n. 4, 7.

11 | Commissioner for Information of Public Importance and Personal Data Protection.

12 | Vesna Petrović and Vladan Joksimović, *Human Rights in Serbia 2012*, Belgrade Centre for Human Rights, Belgrad, 2013, 46, <http://bgcentar.org.rs/bgcentar/eng-lat/wp-content/uploads/2013/12/Human-Rights-in-Serbia-2012.pdf> (accessed 15 Feb 2014).

13 | Bojana Barlovac, "Serbia's Public Information Act Tops Global Ranking", *Balkan Insight*, 22 Feb 2012, <http://balkaninsight.com/en/article/serbia-tops-global-ranking-of-public-information-act> (accessed 15 Feb 2014).

ing to his office, in 91 per cent of cases his intermediation is successful.¹⁴ The annual number of complaints has continued to increase in recent years. According to Serbian journalists associations, the activities of the Ombudsman are particularly helpful in investigative research.

The current office holder, Rodoljub Šabić, has received numerous awards for his work, for example from the Association of Serbian Journalists, the OSCE, agencies of the European Union and other institutions.¹⁵ Šabić stands for a broad application of the right to information and, among other cases, supported a youth initiative for human rights demanding information from the Serbian secret service about surveillance of communications. In many countries secret service information is obtainable only with difficulty, despite freedom of information legislation. In this particular case, only a complaint of the NGO to the European Court for Human Rights was finally successful.¹⁶

Despite the comprehensive scope of application of the Serbian RTI law and the widely praised work of the Public Commissioner for Access to Information, criticism is also expressed. Human rights specialists and journalists complain that, even after the intervention of the Commissioner, many public authorities refuse to provide the information demanded, and fail to pay the resulting fines. The Commissioner also does not have sufficient support from the government. There is a shortage of office space, money and personnel.¹⁷ In addition, only a quarter of the public authorities are making regular reports to the Commissioner, according to a study of the Belgrade Center for Security Policy (BCBP) and the Center for Investigative Reporting in Serbia (CINS).¹⁸

14 | According to the website of the Information Commissioner: Commissioner for Information of Public Importance and Personal Data Protection, "Rodoljub Šabić", <http://poverenik.org.rs/en/o-nama/organization/90-Rodoljub%20Sabic.html> (accessed 15 Feb 2014).

15 | Ibid.

16 | Dirk Voorhoof, "Article 10 of the Convention includes the right of access to data held by an intelligence agency", *Strasbourg Observers*, 8 Jul 2013, <http://strasbourgobservers.com/2013/07/08/article-10> (accessed 15 Feb 2014).

17 | N. 12, 49.

18 | Marko Milošević and Predrag Petrović, *Slobodan pristup informacijama od javnog značaja: teorija i praksa*, BCBP, Belgrad, 2013, http://bezbednost.org/upload/document/slobodan_pristup_informacijama.pdf (accessed 18 Feb 2014).



Rodoljub Šabić in April 2012: The Public Commissioner for Access to Information is the oldest independent regulatory authority in Serbia. | Source: Luka Knežević, SHARE Conference, flickr ©①②.

Legislation Good, Application Mediocre

In a recent survey of Serbian journalists by the KAS Media Program South East Europe, the legal provision is rated on average as good (two on a scale of one to five). But the representatives of the media are less satisfied with its application. The willingness of government and public authorities to provide information is rated only as average (three on a scale of one to five). In this respect, there are hardly any differences between national, regional and local authorities. All participants in the survey said they had at least once before experienced difficulties in obtaining information on the basis of the law. Since predominantly investigative journalists took part in the survey, the result cannot reflect the experiences of all media representatives. In another survey of editors-in-chief, only a minority said information of public significance had been denied them.¹⁹ Nevertheless, it is clear that the principles of openness and transparency are not yet being fully observed in many authorities. All the journalists asked were of this opinion; two thirds of them, however, have already noticed improvements.

19 | See Jovanka Matić et. al., *Serbian Media Scene vs. European Standards, Report based on Council of Europe's Indicators for Media in a Democracy*, Belgrad, 2012, 15, <http://civilrightsdefenders.org/files/Serbian-Media-Scene-VS-European-Standards.pdf> (accessed 16 Feb 2014).

In the experience of the journalists, the reasons the authorities give for refusing information are varied. They include recourse by authorities to the protection of personal data laws or reference to “commercial secrets”, for example where contracts with companies are concerned. Some state or quasi-governmental organisations deny that they have the status of a public authority. Others refuse with reference to procedural errors or argue that they are not responsible. In isolated cases authorities also seem to deny, contrary to the truth, that they have the required information, or they send only part of the material. Frequently the legal time limit of 15 days is apparently not being observed, which in some cases may be explained by overloading or lack of qualification of the staff. In many analyses the complaint is also made that the authorities do not always give equal treatment to all media, presumably on political grounds. Admittedly, these problems are not all typical for Serbia or South East Europe. Some of the tactics by authorities mentioned here are also criticised by journalists in Germany.²⁰

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The representatives of the Serbian media see room for further improvement in the legislation. Some of those questioned wanted the Freedom of Information Commissioner to have better opportunities for imposing sanctions. Many urge the application of penalties not only to the authorities concerned, which can pay a fine out of their own budget, but also addressed personally to the Director of the authority or member of staff responsible. Furthermore, investigative journalists in particular would like legal protection for whistle blowers. The European Commission identified a deficiency in this respect in its progress report for Serbia in 2012, but corresponding initiatives by the Commissioner were not successful.²¹

20 | E.g. Meedia, “Wie Behörden Journalisten austricksen”, 30 Jun 2013, <http://meedia.de/2013/06/30/wie-behorden-journalisten-austricksen> (accessed 15 Feb 2014); Manfred Redelfs, “Mehr Transparenz wagen – der schwierige Abschied vom Amtsgeheimnis”, address to the symposium “Perspektiven der Informationsfreiheit” of the Federal Commissioner for Data Protection and Freedom of Information on 8 Jun 2011 in Berlin, Netzwerk Recherche, <http://netzwerk-recherche.de/Infofreiheitsgesetz-IFG/Transparenz-nur-fuer-Hartnaeckige/Mehr-Transparenz-wagen-der-schwierige-Abschied-vom-Amtsgeheimnis> (accessed 15 Feb 2014).

21 | Petrović and Joksimović, n. 12, 51 et seq.

BULGARIA: RESTRICTED FREEDOM OF THE MEDIA

Monopolisation in the newspaper sector, insufficient or inefficient legal rules and a self-regulation system only in theory, all give rise to criticism in Bulgaria.

Another larger Balkan country, Bulgaria, at present has apparent deficits in media freedom. Monopolisation in the newspaper sector, insufficient or inefficient legal rules and a self-regulation system only in theory, all give rise to criticism. Foreign ambassadors have repeatedly expressed their concern, and the exploitation of the print media for political purposes was the subject of Western media reports. The shortcomings in the media sector have resulted in the country slipping down to 100th place of 180 states in the latest press freedom ranking by Reporters Without Borders – the worst result in the EU. In a representative opinion survey of the KAS Media Program, only one in seven Bulgarians states they believe in the independence of the media.²²

Environmental Movement Accelerates RTI Legislation

While a press law to assist in securing independence and diversity in the media landscape is still lacking, the Bulgarian freedom of information legislation is viewed as quite successful.²³ It occupies 39th place in the RTI ranking of Access Info Europe, an above average result,²⁴ and came into force as early as 2000. The Bulgarian debate on freedom of information can be traced back to communist times. The movement in support of a right to information had its origins in the experience of the disaster at the Chernobyl nuclear power station,²⁵ when the authorities in Bulgaria and other Eastern Bloc countries for a long time ignored the need of the population for information. In Bulgaria, for example, the movement Ecoglasnost²⁶ was active in 1989, but the environmental movement later also proved to be a

22 | Christian Spahr, "Only one in seven Bulgarians thinks the media are free. Study commissioned by the KAS Media Program", KAS Country Report, <http://kas.de/medien-europa/en/publications/36759> (accessed 15 Feb 2014).

23 | Official English translation: Access to Public Information Act. 24 | N. 9.

25 | Darbishire, n. 4, 6.

26 | Andrew Puddephatt, "Exploring the Role of Civil Society in the Formulation and Adoption of Access to Information Laws. The Cases of Bulgaria, India, Mexico, South Africa, and the United Kingdom", *Access to Information Working Paper Series*, Washington DC, 2009, 5.

catalyst for the development of RTI legislation in Western European countries. The Aarhus Convention on Access to Information in Environmental Matters, adopted in 1998, made a significant contribution to this development.²⁷ The leading NGO in Bulgaria for information access, the Access to Information Programme (AIP), was founded in 1996 and partly has its roots in the environmental field.

According to Alexander Kashumov, Head of the Legal Team of AIP, the basic preconditions for good access to state information in Bulgaria are already fulfilled.²⁸ The freedom of information legislation has been improved frequently since it was first passed in 2000. Particularly important was an amendment in 2008, which extended the area of application to a greater number of institutions and prescribed a “balancing of interests test”. This assesses in individual cases which legal right weighs more heavily – data protection or the public interest. By applying this test, information which is not normally open to access can be released. The NGO, which also supports Bulgarian journalists in their investigations, nevertheless wishes to see further improvements. As with the representatives of the Serbian media, there is a demand for stronger sanctions. On the other hand, a regulatory body of the kind that exists in Serbia is lacking. In addition, Kashumov urges the signing of the Tromsø Convention by Bulgaria.²⁹

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Controversy over Stasi Files

The legal framework for the process of coming to terms with the communist past is also in general satisfactory, at least since 2006. Since then the files of the Bulgarian state security service are freely accessible and the data of former officers and agents are not subject to the otherwise normal protection of personal information. The leader of the Socialist Party which has been in government since May 2013 has meanwhile considered merging the authority responsible for Stasi files with the State Archive. For the

27 | The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

28 | Interview with KAS staff member Denica Zheleva, 6 Feb 2014.

29 | Ibid.

past few months the latter has been under the direction of a former Stasi agent. This plan would have put a de facto end to the reprocessing of the Stasi past, but was not carried out in the end due to public protests.

According to AIP, over the years access to information has become simpler, not only in theory but also in practice. The organisation nevertheless makes the point that there has never been a strong political will to change the culture of public administration from secrecy to openness. Although Bulgaria is a member of the international initiative Open Government Partnership (OGP)³⁰ the principles which OGP represents, according to Kashumov, are never actively promoted. He sees international dialogue as an important element in bringing about improvements. The progress reports of the European Commission, but also the comments of Western ambassadors, were supportive in bringing about changes in the direction of more democracy.³¹



Demands for higher transparency in the politics and a stronger voice of civil society: Demonstration by young Bulgarians in Sofia in 2013. | Source: © KAS Bulgaria.

30 | Open Government Partnership, <http://opengovpartnership.org> (accessed 21 Mar 2014). This body was established mainly at the initiative of the U.S. government.

31 | In July 2013 the German and French ambassadors had published a joint newspaper appeal to listen to the voice of civil society, have greater regard for citizens' interests and to guarantee media diversity. The regime-critical demonstrators in Sofia expressed their gratitude by including both embassies in the routes taken by their protest marches.

The persistence of NGOs and investigative journalists in previous years has significantly contributed to inducing Bulgarian authorities to release even sensitive information. In quite a number of cases the information requested was first refused. Even recently, reputable journalists from various kinds of media were affected by this. Numerous reporters had to fight for their rights in court, frequently with the support of the Access to Information Programme. Contested cases often concern the use of public funds. One of the most well-known legal actions concerned a state procurement contract with the software manufacturer Microsoft. The authorities had argued that commercial contracts with third parties were confidential. The court, for the most part, took a different view.³² Further enquiries decided in court concerned, for example, state financing of parties, lobbyists involved in the writing of legislation, and contracts of public bodies for services and consultancy.³³ These examples show that the freedom of information legislation is also suitable for use in research into possible corruption.

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JOURNALISTS AND CIVIL SOCIETY MAKE USE OF FREEDOM OF INFORMATION LAW

Of 150 legal actions under the freedom of information law in which the AIP has been involved, 30 involved journalists. Representatives of the media are thus an important group among the beneficiaries of the law in Bulgaria. Early on they recognised the opportunities associated with the law. In a survey of the opinion research institute "Market Links" in 2008, 94 per cent of journalists said they were aware of their right to information. Among the population as a whole the figure was 38 per cent. At that time a majority of journalists (81 per cent) as well as of the general public (62 per cent) complained that the right of

32 | Good Law and Practice, "Rosen Bosev (Capital Weekly) v. Director of the Government Information Service", http://right2info.org/cases/plomino_documents/r2i-rosen-bosev-capital-weekly-v.-director-of-the-government-information-service (accessed 15 Feb 2014).

33 | Access to Information Programme Bulgaria, "Cases by Journalists", <http://ati-journalists.net/en/cases/category.php> (accessed 15 Feb 2014).

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access to information in Bulgaria was not respected.³⁴ Personal feedback from Bulgarian journalists to the KAS Media Program also supports the conclusion that, at least in investigative research, readiness to cooperate on the part of the authorities is still limited. Bulgarian journalists tend to take a more critical view of both the legal situation and their practical experiences than their Serbian colleagues.

In 2012 a total of more than 9,000 applications were made under the freedom of information legislation, of which four per cent were rejected. In most cases full access was granted. 56 per cent of applications came from citizens, the remainder in about equal parts from journalists, companies and NGOs.³⁵ Despite individual cases justifiably giving rise to controversial discussion and well-founded criticism from journalists, it is possible on balance to conclude that the law has established itself in practice. However, the authorities seldom publish information for citizens about the opportunities for access to personal information, although they are legally obliged to do so.

In comparison with Germany, it is apparent that citizens in Bulgaria and Serbia make extensive use of freedom of information legislation. The juxtaposition with Bulgaria is particularly surprising – around 9,000 applications in the Balkan country contrast with only some 6,000 a year in the Federal Republic. The difference appears even greater when taking into account that the Bulgarian population is eleven times smaller. Meanwhile in Serbia some journalists are now afraid the large number of searches for information could overwhelm the country's public authorities. Several explanations could account for the large number of applications: in the first place, a level of mistrust against state authorities as high as ever after decades of communist rule, but also greater pent-up demand for the publication

34 | Access to Information Programme Bulgaria, "Access to Information. Results. National Public Opinion Poll September-October 2008", http://aip-bg.org/pdf/main%20results_ati_opinion%20poll.pdf (accessed 15 Feb 2014).

35 | Access to Information Programme Bulgaria, "Systematized data for the Access to Public Information Act Implementation. Based on Statistics from the Government Reports 'The State of the Administration' 2001-2012, Bulgaria", Aug 2013, http://store.aip-bg.org/laws/APIA_Implementation_Data_Eng.pdf (accessed 15 Feb 2014).

of state information in general. At least in Bulgaria the low level of trust in the independence and competence of the media may also lead citizens to ask for information from the authorities themselves.

SCOPE FOR IMPROVEMENT

Besides putting final touches to the legislation, other approaches suggest themselves for the further improvement of access to state information in countries in transition.

Frequently lack of knowledge is an impediment to proper use and implementation of the provisions for freedom of information.

Frequently lack of knowledge is an impediment to proper use and implementation of the provisions for freedom of information. The legal duties for the staff of state agencies are considerable. Professional training is therefore required for all staff that have to answer freedom of information requests. In larger authorities a good way to deal with the workload would be to concentrate applications in the hands of specially trained civil servants or in one specialised department.³⁶

Training for journalists in the optimal use of RTI laws is similarly sensible. A number of NGOs as well as international organisations such as the OSCE have offered seminars of this nature for representatives of the media in the Balkans. In this respect it makes sense when specialists from the respective country or from Western Europe are not the only contributors.³⁷

For training of journalists, handbooks with practical tips for carrying out research, which should as far as possible be freely available on the Internet, are also useful. One such aid is the 85-page *Legal Leaks Toolkit* developed by Access Info Europe together with the German journalists' network

36 | In Germany, requests for information by the press, in contrast to freedom-of-information applications, are treated in administrative courts as matters of urgency, and injunctions may be obtained at short notice. This would be an additional option for countries in South East Europe.

37 | In 2013 the KAS Media Program South East Europe supported an information trip to Sofia for Macedonian journalists interested in the experience of Bulgarian experts and media representatives.

n-ost, which is now available in seven languages.³⁸ Furthermore, in cases where applications for information are refused, journalists often require professional support in reaching their objective through the courts. It is therefore a considerable advantage if journalists' organisations and specialist NGOs like the Bulgarian "Access to Information Programme" provide legal advice or assistance in litigation.

Not least, it is necessary to promote further awareness of the right to information. For this purpose, the state must make even greater efforts to inform citizens of their rights. But civil society initiatives generating broad publicity can also help. There exists, for example, the International Right to Know Day, with which Bulgarian NGOs draw attention to freedom of information every year on 28 September.³⁹ Awarding prizes to investigative journalists who successfully apply the RTI laws can also increase awareness.

Among the most difficult tasks, however, is the change of the administrative culture, which is not yet complete, both in South East Europe and other parts of the continent. However detailed the regulations for openness and transparency, success in practice is decided by the consensus of the governors and the governed. There has already been great progress here in the past two decades, and journalists have made considerable contributions to this through their research and reporting.

This article was researched with the assistance of Denica Zheleva and Lina Rusch.

38 | Of these, the standard work was translated into Bosnian, Croatian and Serbian with the support of the KAS Media Program. Cf. Access Info Europe and n-ost, *Legal Leaks Toolkit*, <http://www.legalleaks.info/toolkit/download-toolkit.html> (accessed 21 Mar 2014).

39 | 28 September – International Right To Know Day, <http://righttoknowday.net/en> (accessed 7 Mar 2014).