

## **PROACTIVE PUBLICATION OF INFORMATION - CHALLENGES AND OPPORTUNITIES FOR LOCAL GOVERN- MENTS**

**ZAGREB, DECEMBER 8 2015**

It is a great pleasure for me to welcome you to our conference on the topic of „ Proactive publishing of information-challenges and opportunities for local governments“ on behalf of the Rule of Law Program South East Europe of the Konrad Adenauer Foundation.

I express my profound thanks to our Croatian partner GONG for the excellent cooperation that we enjoyed in the past months and that we hope to continue.

A democracy means more than holding free elections every four or five years. It means a permanent interaction between government and parliament and the people. But citizens can only take part in the process of democratic decision-making if they have access to information.

Abid Hussain, the UN Special Rapporteur on Freedom of Opinion and Expression, brought it to the point when he said:

“Freedom will be bereft of all effectiveness if the people have no access to information. Access to information is basic to the democratic way of life. “

The right to information is enshrined in Article 10 of the European Convention on Human Rights which was ratified by Croatia in 1997. It says that the right to freedom of

expression shall include freedom to receive and impart information.

In 2009, the European Court of Human Rights broadly interpreted and implicitly recognized the right of access to official documents. For the first time the ECHR stated the violation of Article 10 regarding the refusal to public information. There is a growing consensus that the right to access information should not be exercised only through individual requests, but that public bodies need to be proactive in disclosing information.

As a response to this need, the first binding international treaty on accessing information – the Convention on Access to Official Documents of the Council of Europe stated in Article 10:

“At its own initiative and where appropriate, a public authority shall take the necessary measures to make public official documents which it holds in the interest of promoting the transparency and efficiency of public administration and to encourage informed participation by the public in matters of general interest.”

So far Croatia did not sign this Convention.

But Croatia took several other important steps. Article 38 of the Croatian constitution

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says: "The right to access to information held by any public authority is guaranteed." And in February 2013 the Croatian parliament passed the law on access to information. And in 2012 Croatia joined the Open Government Partnership. Two action plans have since then been adopted – along with a special government program.

The priorities of the first action plan were: fiscal transparency, access to information, use of IT, participation of citizens and civil society. It's most significant impact was achieved in the field of citizen involvement, public consultations and the right to access information. Evaluation was very positive.

The priorities of the second action plan are access to information, open data, transparency of public policies, participation of interested public in developing and monitoring public policies.

All these steps lead in the right direction.

Our partner GONG played a very active role when parliament debated the Bill on access to information. And several amendments proposed by GONG were adopted by parliament.

Good laws are essential for a government but it is of equal importance that they are implemented.

According to the law on access to information, parliament elects an Information Officer for a term of five years with a possibility of reelection. This Information Officer protects and promotes the right of access to information.

We are very happy and honoured that Mrs. Anamarija Musa, the first Information Officer that was elected by parliament attends this conference and will take the floor.

Of course you need the support of civil society. I was therefore very happy when our

partner GONG came up with the proposal to launch a project in cooperation with us with the objective of enhancing the level of openness and transparency of local units of government in Croatia by developing standards for proactive publishing of data on public websites and by developing a tailor-made hand-book for local elected officials and local civil servants.

These guidelines will be published today and I wish to express my profound thanks to those who did the research to develop them.

This work would not have been possible without the support of the Information Officer, the Croatian Association of Cities and the Croatian Association of Counties. We highly appreciate your support and I can assure you that we are extremely grateful for your cooperation.

All public institutions and authorities should follow the principle of Open Government.

But the authorities that are closest to the people are the local ones. It is therefore of a special importance that the local level works in a transparent manner which gives the citizens the possibility of taking part in decision-making processes.

UN Secretary-General Ban Ki-moon was right when he put it as follows:

"Building sustainable cities - and a sustainable future - will need open dialogue among all branches of national, regional and local government. And it will need the engagement of all stakeholders - including the private sector and civil society, and especially the poor and marginalized".

Once again I would like to thank all those who realized this project or supported it. And I thank each of you for participating in this conference.