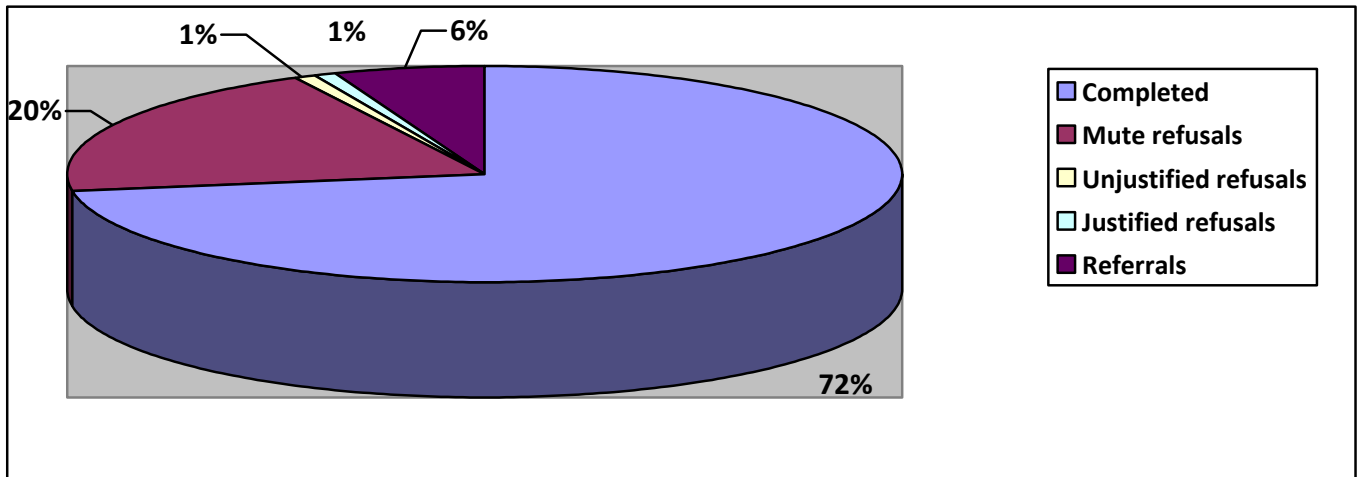


## Implementation Practice of the Access to Information Right 2<sup>nd</sup> quarter, 2011



During the second quarter of 2011 (April-June) the Freedom of Information Center of Armenia and a number of citizens sent **120 written and electronic** information requests to state governance and local self-government bodies. Out of **120 inquiries 87 (72%)** were fully answered (the percentage of fully answered inquiries for the previous quarter was 88%).

There were **2 denials** (2%), compared with last quarter's 2 denials. One of the denials was grounded, because the ARM Ministry of Defense had sent the denial in a written form and with a good reasoning. However, instead of five days period defined by the ARM "Law on Freedom of Information", the denial was received within 23 days. As for the second denial, it was unjustified, because the denial was made orally. The illegal denial was made by the ARM Ministry of Urban Development

The number of mute refusals, as compared with the previous quarter, has increased more than 8 times, from 3 becoming 24 (20%). The unanswered inquiries were addressed to the ARM Ministry of Culture, Ministry of Emergency Situations, "HayPost" CJSC, "Hamalsaranakanner" county, ARM Ministry of Defence, Ministry of Nature Protection, city municipality of Gyumri, etc.

By the way, although some of these bodies, such as the city municipality of Gyumri or the ARM Ministry of Defense, had not answered to the inquiries sent by citizens, they did answer to the same inquiries sent by the Freedom of Information Center of Armenia.

**7 inquiries were referred (6%)**, the authors of which stated that they are not the information possessors, or mentioned the source that could provide the relevant information.

### Deadlines

Regarding deadlines, this time the city municipality of Stepanavan was one of the best – the answer was received within a couple of hours by e-mail. Then follow the Ministry of Healthcare (2 days), city municipality of Artashat (3 days), Ministry of Emergency Situations (again within 5 days), Ministry of Energy and Natural Resources (6 days), Ministry of Education and Science (6 days), village municipality of Ashotsk (6 days).

In terms of deadlines the worst records have the ARM Ministry of Defense – the written request was sent within 23 days, Yerevan Komitas State Conservatory, which needed a month and 16 days to answer the inquiry, and the ARM Ministry of Agriculture, which answered within 26 days. The average time for answering information requests is 10-11 days.

### **Main Problems remain the same**

The studies conducted by the Freedom of Information Center of Armenia show that there still are unsolved issues in the FOI field. One of the most essential issues is that inquiries sent by the FOICA are answered, whereas inquiries sent by citizens remain unanswered. For example, during the second quarter of 2011 a number of students sent inquiries to different state structures and mostly received no answers. Meanwhile, the same inquiries were sent to the same structures by the FOICA and they were answered (indeed, not always).

There are also such structures, where employees answer that they have no time to answer information requests, and that they prefer, as they say, to “do more practical work”. For example, head of «Hamalsaranakanner” county Armen Tadevosyan left the FOICA’s information request unanswered, saying on the phone that he is “very busy and has no time to answer the inquiry”.

Problems arise, when people send inquiries to official e-mail addresses of state bodies. Although in this regard we have good news – sometimes written requests are answered electronically. For example, city municipalities of Stepanavan and Hrazdan answered the inquiries via e-mail on the same day.

Another issue is that state bodies have made a habit of citing their websites, stating their URL and making the inquirer to spend much time searching for the information s/he needs. For example, the ARM Ministry of Nature Protection cited e-gov.am and www.minfin.am websites for information about stationery the ministry purchased in 2010.

## **Black List 2011, 2<sup>nd</sup> Quarter**

### **These officials have violated the human access to information right during the second quarter of 2011**

- 1. Mr. Manuk Vardanyan – ARM Minister of Transport and Communication:** On 20 May, 2011 student Lilit Sedrakyan had sent a written inquiry to the Minister, asking for information about the current number of public transports in Armenia and when they will be replaced by new ones. The inquiry was left unanswered. The FOICA’s 22.06.2011 request with the same content was also left unanswered.
- 2. Mr. Armen Yeritsyan – ARM Minister of Emergency Situations:** ARM Minister of Emergency Situations Yeritsyan left the FOICA’s 25.05.2011 inquiry unanswered, where the Freedom of Information Center of Armenia was requesting for information whether there were documents under the Ministry’s possession, which were made unclassified in 2010, and if there were any then the Ministry was asked to provide their copies.
- 3. Mr. Seyran Ohanyan – ARM Minister of Defense:** On 20 May, 2011 student Lilit Sedrakyan had sent a written inquiry to the Minister, asking for information about the number of soldiers that for different reasons died in ARM detachments in 2010-2011, and what steps are taken to avoid such incidents. The student’s inquiry was left unanswered. On 22 June, 2011 the FOICA sent the same request to Minister Seyran Ohanyan, which was also left unanswered.
- 4. Mr. Arthur Gevorgyan – Head of the Information and Public Relations Department of Yerevan Municipality:** Arthur Gevorgyan did not answer to journalist Arman Gharibyan’s

23.06.2011 inquiry that was sent to the official e-mail address of Yerevan municipality. With this inquiry the journalist was asking how many kindergartens are currently operating in Yerevan and how many had been closed since 2000. By the way, the journalist had called and checked that the inquiry had been received.

5. **Mr. Armen Tadevosyan – President of «Hamalsaranakanner» county:** Armen Tadevosyan did not answer to the FOICA's 13.06.2011 inquiry about the activities of the county. The FOICA's 30.06.2011 double inquiry was also left unanswered.
6. **Mr. Arman Khachatryan – Chief Executive Director of “HayPost” CJSC (ex-director):** On 12 October, 2010 president of “Marshal Baghramyan County” Robert Mkrtychyan turned to Arman Khachatryan, but has not yet received an answer from him. On 26 May, 2011 the Freedom of Information Center of Armenia sent an information request asking in what stage was president of “Marshal Baghramyan County” Robert Mkrtychyan's application and when it will be answered. This inquiry was also left unanswered.

### **Positive Outcomes of the Black List of the First Quarter of 2011**

In 2011 four officials were included in the quarterly Black List of “Freedom of Information Center of Armenia”. Those were the ARM Minister of Healthcare, ARM Minister of Emergency Situations, mayor of Stepanavan and the rector of Northern University. The publication of the Black List had its positive impact.

**The mayor of Stepanavan** fully answered the FOICA's inquiry, and the council of the aldermen made void its 09 May, 2009 decision, according to which, for providing one page of information ADM500 fee was to be charged.

ARM Ministry of Healthcare also answered the FOICA's inquiry. Besides, the employee who had caused the structure to appear in the Black List received a notification. Moreover, Minister Harutyun Kushkyan publicly announced that they will be watchful about providing information in due times.

The Ministry of Emergency Situations answered the FOICA's inquiry only after receiving a double inquiry. However, it also answered fully.