

FREEDOM OF INFORMATION CENTER OF ARMENIA

YOU HAVE A RIGHT TO KNOW

b u l l e t i n N 3 2

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A Non-formal Educational Center Was Established

The established non-formal educational center will become a sustainable source for providing ongoing trainings for officials in the field of FOI. The participant officials will gain better understanding of the advantages of transparency, in the context of possessing knowledgeable and skilled staff, improved management systems, greater efficiency, reduced corruption and greater public trust.

On November 22, 2010 the Freedom of Information non-formal Educational Center (NFEC) was launched officially. Supported by the USAID/Armenia the Center will provide continuous trainings for public officials and civil servants on freedom of information, Integrity and Moral Ethics. With this initiative the FOICA and its partners the State Council of Civil Service and Union of Armenian Government Employees (UAGE) intend to institutionalize the practice that ensures the sustainability of the trainings of officials.

The non-formal Educational Center will provide trainings for public officials for two levels, which are state service and municipal service. The trainings will take place from November 22, 2010 to April 22, 2012. Each training course lasts 3 days. Selected public officials/institutions will gain knowledge on how to comply with the FOI law, including Electronic Access to Information for those officials responsible for maintaining official websites. Another topic for trainings is moral ethics in the system of civil service. The trainings in the NFEC will be conducted based on the training modules developed by the Freedom of Information Center of Armenia (FOICA) and Union of Armenian Government Employees (UAGE). These modules are: "Freedom of Information" and "Integrity



and Moral Ethics in Civil Service". They have been approved by the Council of Civil Service as per its decisions. According to the above mentioned decisions all information officers of government agencies are obliged to be trained according to the endorsed training Curriculum on FOI.

On November 24, 2010, the first graduates of the Freedom of Information non-formal Educational Center were conferred with certificates of training of a civil servant. 15 representatives of the state governance have successfully completed the training sessions on the Bases of Integrity and Freedom of Information in the system of the state government. Representatives from the RA State Committee

of Real Estate Cadastre, the RA Ministry of Agriculture and Ministry of Urban Development and representatives from some regions of Armenia participated in the first three-day course of studies.

On March 14, 2011 the civil servants has been started at the Educational Center. During these courses 200 civil servants will be trained on freedom of information till June 8, 2011.

Representatives from the RA Ministries, the Adjunct bodies of the RA Government, the regions of the RA, the RA Civil Service Council, the RA Central Electoral Commission, the RA Public Services Regulatory Commission, the RA State Commission for the Protection of Economic Competition will participate in the three-day training sessions.

Shushan Doydoyan, PhD

FOICA President



- By the foundation of the non-formal educational center an institutional base was created for ensuring a constant development process for the skills and knowledge of officials and community servants. This center allows officials to make transparency a norm for their work.

After the adoption of the ARM “Law on Freedom of Information” (2003) the FOICA has educated over 6000 people around Armenia. Trainings mostly lasted a couple of hours and could not provide completeness and effectiveness. As for the FOI Non-Formal Educational Center, trainings last three days with five hours per day, ensuring continuousness and completeness. Moreover, after each training, the Center awards the participants with state certificates, which motivate the officials implement the knowledge they received when doing their service duties. For several years we wanted to realize the idea of creating an FOI non-formal center, and due to the USAID, on 22 November, 2010, it became possible to bring the idea to life.

Vache Kalashyan

Chairman of the “Union of Armenian Government Employees” NGO

” - The bases of the FOI Non-Formal Educational Center were laid through holding trainings for civil servants by “Freedom of Information Center of Armenia” and “Union of Armenian Government Employees”. Later, the two organizations together developed a general module for training civil servants. So, with this module civil servants have been trained in the FOI Non-Formal Center since November 2010. We mainly train those civil servants, who have immediate contact with citizens. Our goal is to promote the improvement of service qualities, particularly in interpersonal relations.

Also, the introduction of the non-formal educational system by the Government is an action suggested by the EU and Eastern Partnership guidelines. And I highly emphasize the importance of FOICA efforts to combine the achievements of our organizations, and to institutionalize and put these achievements on corporative bases.

Vahagn Nazloyan, alumny of the NFEC

Kotayk regional administration, head of the Staff Management Department

” - The training courses were quite well organized, with a very interesting format, and they were also very useful. The subject matter was well chosen – there were such topics that are necessary for civil servants. Certainly, they were educating.

Anna Margaryan, alumny of the NFEC

State Committee for Water Management of the ARM Ministry of Territorial Administration,
chief specialist

” - The most important thing was that in a short period of time the speakers gave sufficient knowledge, without unnecessary time consumption. The topics were very interestingly chosen, were actual and educating. I am very satisfied and glad to have participated in this training.

“Every Government Employee Ought to Know and Implement the Law on Freedom of Information”

Interview with Chairman of the ARM Civil Service Council
Manvel Badalyan



- It is already several years that knowing the ARM “Law on Freedom of Information” is a must for civil servants. What do you think, how does this knowledge help civil servants in their work?

M.B. - The realization of the requirements related to the ARM “Law on Freedom of Information” is generally an issue of state governance and local self-government bodies. This function is directly assigned to one or a couple of structural subdivisions. As you know, we have done enormous work in this regard, with the participation of “Freedom of Information Center of Armenia.” According to the relevant Government resolution, the structures and functions of public affairs units were combined, which has made the process of providing information more structured. The pass-

ports of the positions of civil servants of those units were also amended. And in 2010 the situation in regional administrations was also observed, and with the efforts of ARM President’s administration and ARM Ministry of Territorial Administration such collectiveness was ensured in the relevant units of the staffs of regional administrations, too. Moreover, the competitive and attesting questionnaires were also improved, and questions about ARM “Law on Freedom of Information” were included there. In this part it seems that necessary mechanisms are created.

But in general, the adoption and implementation of this law was more important from the point of changing the overall thinking of state employees and putting the governance system essentially on new ideological bases. The effectiveness of the state and state governance should be linked to principles of providing accountability, transparency and public control. After all, this is the philosophy of this law. And the more government employees access this philosophy, the easier it will be to overcome the present issues.

- According to the FOI Law, in state structures there must be a person responsible for freedom of information, and this responsibility must be mentioned in the passport of his/her position. Is this requirement of the FOI Law met?

M.B. - I think the institute of a FOI responsible person is not yet fully introduced here. The rea-

son might be that in this time period no problems related specifically to it have occurred. Providing information is the obligation of the staffs of state bodies. And the responsible person for the work of the staff is the head of staff, who organizes, programs, coordinates, administers and controls the current activities of the staff. He is also responsible for not accomplishing or inappropriately accomplishing requirements of laws and legal acts, as well as the tasks of the staff.

- Since 22 November, 2010 the FOI Non-Formal Educational Center has been active, where civil servants are trained in this sphere. How would you assess the effectiveness of these trainings?

M.B. - It is good to know that FOI non-formal Educational Center is established to improve civil servants' skills in the spheres of serving citizens, service provision and implementing the access to information right. It is much more cheering that hundreds of civil servants are to be trained with the Center's programs. Indeed,

the final outcome of the trainings ought to be manifested in their work. The fewer problems occur with citizens, the higher quality the provided services have, the higher the effectiveness of these trainings is. The interactivity of the trainings, the subject matter, as well as the positive reactions of the participants prove that a correct and targeted approach is employed, and accordingly, the effectiveness of the trainings is high. I hope it will be continual.

The “Law on Freedom of Information” Still Allows Dual Actions

Interview with President of “Freedom of Information Center of Armenia”
NGO Shushan Doydoyan



- The ARM GOV 17 February session defined the order and deadlines for receiving and maintaining announcements that are subject to public notification through the Internet. What do you think, will this government resolution function, taking into consideration the fact that the “Law on Public Notification through the Internet”, adopted in 2007, has hardly ever functioned?

SH.D. - “Freedom of Information Center of Armenia” much welcomed this step, because it was already more than three years that the Law existed, but de facto that order did not function. First it had a www.lraber.am address, which was later bought by someone named Vardan Tonoyan, who had nothing to do with the system. Hence, the implementation of the Law became impossible. Then www.azdarar.am was created, which only after the latest government

resolution is ready as a technically saturated website, but is not yet open to public, because updates are being made. I might say that a technically really good working website has been created. Now the only problem is to make it really serve its purpose, so that all the official notifications are posted there with daily updates. And the work of journalists, NGOs and other citizens will be to keep a watch over the law implementation process... It is very important that there will be one source, and different contests, auction announcements and similar documents will appear on this website as defined by the Law.

- According to article 1087.1 of the ARM Civil Code, for the first time this year a maximal penalty was imposed – the court forced “Armenian Times” (“Haykakan Jamanak”) daily to pay 2.044.000 AMD to each of the three deputies of the ARM National Assembly (Samvel Aleksanyan, Levon Sargsyan and Ruben Hayrapetyan) for slander. Do you view this as a limitation for freedom of speech, or a way to suppressing the anarchy of speech?

SH.D. - The court decision obviously contradicts article 10 of the European Convention on Human Rights, according to which, every limitation must be defined by law, have a legal purpose, and be necessary for the democratic society. It seems to have a legal purpose, i.e. it is aimed at reestablishing the insulted reputation of three state government representatives, but it is not necessary for the democratic soci-

ety. If they were casual citizens, I would definitely find the verdict to be just. But in this case they are government representatives, and their defence should be less, than that of casual citizens... We did not ask them to choose a status of constantly being under public attention on public platforms. This means that they have decided and ought to be ready for criticism. One more fact is also important: the court did not question information sources, not taking into consideration the fact that after the publication the media outlet disclosed the source of information, which in that case could be of core importance. This means, that the court did not let the media outlet defend itself. Moreover, the ARM "Law on Means of Mass Media" says that if the information is very important for the public, than despite the right for inviolability of personal life, some even slandering publications are permitted, if they have high public sonority. In this case there actually was such an issue, because it referred to three NA deputies at once. And it is also important to note that, as mentioned lawyer Ara Ghazaryan, such court verdicts leave freezing impact on the freedom of the media, meaning that other media outlets may think that they may also be penalized and may avoid publishing articles of public importance.

- During the eight years of its adoption since 2003 how has the ARM "Law on Freedom of Information" been implemented? Which are the positive outcomes? And which are the gaps that have yet to be filled in a form of amendments in the Law?

SH.D. -This law launched an important process – began ensuring that those in power start thinking of working openly and of ways to ensure transparency. It is to say, that before the adoption of the Law scanty officials had ever

heard of it. The Law put the beginning of traditions and processes, which is the most important achievement of the Law and our center.

Today you may hardly find an official, who has not at least heard of the existence of the Law. And day by day the number of those, who turn to the help of the law, increases. If we speak about shortcomings, they mostly refer to the accessibility of electronic information, i.c. electronically applying and receiving answers. For this reason, by the initiative of our center, together with the National Assembly and the Ministry of Justice, we elaborated a legal reforms package, which is now in the agenda of the four-day NA session. It is already a year and three months that it is in the agenda – I cannot say why it is delayed, but I know that they have no alternative: either they have to take it out of the agenda or pass it. But I think they will pass it, because the Government has responded positively to it. After the amendments the Law will also define how citizens can impose administrative sanctions on officials refusing to give information.

Our organization has been able to win only one case, due to a judge named Arthur Poghosyan. The reason is not that judges do not want, but the Law does not give a full opportunity. Today the Law allows dual actions –protecting either freedom of information, or officials.

- How do you think should human rights defender be?

SH.D. - Human rights defender should be daring and independent from those in power in all ways. He should really be able to view human rights not from a point of view of conscience, but from the point of view of human rights.

- Which steps of “Freedom of Information Center of Armenia” in the recent years do you consider achievements?

Sh.D. - Finally a FOI non-formal Educational Center was established, due to which institutional bases were created, which are to provide periodical trainings for state and community employees in the sphere of freedom of information. It will show them their obligations in this sphere, and we can help them understand the implementation of those obligations. Trainings are organized in accordance to the program approved by the Civil Service Council, and the holding of the trainings is officially accredited to our NGO. Already 101 civil servants have been trained. After finishing with them we will pass on to community servants. By 2012 300 civil and 400 community servants will have been trained. On the one hand we are teaching, on the other hand we are trying to enrich court cases. I mean, we try to say, “Did you learn? From now on you may not say ‘Oh! We did not know that’s why we violated.’” Now you do have the knowledge and the information, thus, we will also watch that you use all of that in your work, too. And if you fail, we will take it to court.

By Karine Ionesyan

Source: www.hra.am

IRC Alumni Roundtable on Civil Society

The U.S. Embassy Information Resource Center held its monthly Alumni Roundtable Program on the topic "Civil Society: Present and Future Perspectives" in February 25, 2011. Participants included 38 future politicians, journalists and lawyers.

Three featured speakers facilitated the discussion: Karen Zadoyan, Leader of Young Lawyers Association; Vrezh Gasparyan, Adviser to the Head of the Staff of the National Assembly; and Dr. Shushan Doydoyan, President of the Freedom of Information Center of Armenia and professor of the Journalism Department at Yerevan State University. The speakers, all of whom participated in U.S. Government sponsored study through the International Visitor Leadership Program, shared their knowledge and experience gained in the U.S. in the fields of civil society, election monitoring, and characteristics of law abiding states. Karen Robblee, Public Affairs Officer, U.S. Embassy, welcomed the participants.

The discussion started with Karen Zadoyan's presentation on civil society's present and future perspectives in Armenia. He defined civil society, talked about its shortcomings in Armenia, and out-lined ways to develop civil society. He also stressed the importance of non-governmental (NGOs) in democratic society. According to Mr. Zadoyan, there are 4,522 registered NGOs in Armenia.organiizations (NGOs) in democratic society.

Dr. Doydoyan's presentation touched on the practical aspects of civil society. She introduced the Freedom of Information NGO whose main task is to defend the people's constitutional right to have access to information. She talked about success stories and noted that her



NGO won 75% of 44 court cases concerning the protection of ordinary people's rights. Among other cases, Shushan mentioned the case when the "Asparez" Press Club applied for copies of Gyumri municipality's decisions and received the ridiculous answer, "You can find the list of decisions on our web page, which is under the construction." Each year, on 28 September, International Freedom of Information Day, the NGO organizes an Annual Award Ceremony and hands a golden key as positive award to the state institution with the best system of providing information, as well as a padlock (negative award) to the state institution which does the worst job fulfilling its obligations in FOI field. The speaker also encouraged students to protect their right to be informed.

Vrezh Gasparyan concentrated his speech on the law abiding state and the protection of

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human rights. He valued the rule of law, appreciated the U.S. Declaration of Independence and opined, "The American Founding Fathers put great love and respect for American statehood in the Declaration." The speaker concluded, "In Armenia people have rights but can't protect their rights. NGOs are trying to protect people's rights as provided by local legislation and help create an environment where officials will feel obliged to provide information." The question and answer period focused on the activities of NGOs. A student mentioned cases when NGOs are founded just to meet the founder's personal needs. Another student expressed doubt about the real purpose of NGOs. He said "local NGOs are mostly funded by foreign countries and protect the interests of those countries/ This could lead to conflict with Armenian national security interests." Students also touched upon the transparency of financial sources and budgets of non-governmental organizations.

Source: <http://armenia.usembassy.gov>

Law Enforcement Bodies Discussing Freedom of Information issues

On 19-20 March, 2011 “Freedom of Information Center of Armenia” organized a two-day workshop in Aghveran with the topic “Peculiarities of Freedom of Information in Law Enforcement Bodies”. 10 Journalists, and 10 PR officers of Prosecutor’s Office, Police and the Justice system took part in the workshop.

Head of the Department on Crimes against Human Rights at the General Prosecutor's Office Mr. Arthur Davtyan introduced the Armenian and international legal environment related to the opportunities for receiving information. He also talked about relations that occur in the sphere of publishing crime procedures and outcomes. “Every member of the society is interested and has the right to be informed about these procedures. And every trial subject in these procedures has a right for respect towards his personal and family life,” stated A. Davtyan, adding that in the context of this contrast the necessity of the confidentiality of the preliminary investigation is not less important, which makes the complexity of the issue more obvious. On this matter a heated discussion evolved between the journalists and representatives of law enforcement bodies. Journalists complained that often law enforcers do not give information, saying that it has to do with the confidentiality of the preliminary investigation. However, this is not always justified. Representatives of law enforcement systems, in their turn, mentioned that there are several details, which do require confidentiality for the investigating body. As a solution of the issue they suggested that a guiding document be created, defining when not providing information may be reason of the confidentiality of the preliminary investigation.

In her speech Ruzan Minasyan, responsible for the legal section of “Aravot” daily, talked about the practice of getting information from law enforcement bodies. Journalists agree to present the answers from official sources parallel to information received from other sources. However, they see a problem here – the copyright of the topic, the uniqueness of the material obtained by the journalist is lost, because often the answers are disseminated through press releases. The speaker found this working style unacceptable, because “media outlets are competing with each other to be first in acquiring information. Also, by having certain information, journalists endanger the source, for it only trusted the information to that specific media outlet.” However, the press secretaries present at the meeting have their own viewpoint about the matter – the answer of the inquiry has public importance, thus, it is not possible to give that information to only one journalist.

Chief of the Department of Public Relations of the ARM GOV Police Ashot Aharonyan talked about freedom of information and crime coverage. “In the context of crime coverage, the prevention and prevention of crimes is very important,” stated the speaker, talking about the peculiarities of freedom of information in the police system. A. Aharonyan also talked about due process of law, “With the aim to assure due

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process of law, unclear letters, closed faces and changed voices are used.”

Head of the Public Relations branch of the Penitentiary Department of the ARM Ministry of Justice Arsen Babayan talked about “Freedom of Information in the Penitentiary System, Journalistic Activities and their Issues”. A. Babayan presented the statistics of information inquiries from them, stating that the more people turn to them the less disinformation is disseminated by the media. “Behind every convict stands a victim. So, we should not forget about victims when preparing publications. When journalists talk about the good living conditions of convicts, almost always victims complain,” noticed A. Babayan, when talking about the peculiarities of their system. Journalist of “Aravot” daily Ruzan Minasyan recalled a case, when their newspaper had published an article about the hospital for convicts, where the bathroom was renovated and conditions were improved. On the next day the parents of soldiers in a military detachment near this hospital complained, saying that the living conditions of convicts are better than those of soldiers.

A. Babayan informed that they provide information for journalists and citizens through all means of communication. There even was a case when through “facebook” a citizen complained A. Babayan about the Penitentiary Department. Mr. Babayan processed the case and gave a notice to those guilty.

The working discussion was quite active. Journalists expressed all their dissatisfactions and remarks about working with law enforcement bodies and received answers from the representatives of relevant bodies. At the end of the meeting the participants were satisfied, because “such meetings allow communicating with officials in a freer environment, which later

promotes the work, from a viewpoint of trust and cooperation.”

Chief of the Department of Public Relations of the ARM GOV Police Ashot Aharonyan noticed that “barricades” between journalists and the police disappear due to such meetings. Press secretary of the Minister of Justice Karine Kalantaryan was also satisfied with the working discussion, because “it allowed listening to the journalists’ remarks, which will help in making the future work more effective.” Head of the Public Affairs branch of the Penitentiary Department of the Ministry of Justice Arsen Babayan also assessed the working discussion as effective. “It was very important that both journalists and officials were present at the discussion. Both sides expressed their questions out loud, which will make the cooperation more effective. Such meetings also form a mutual trust.”

Head of the Department Providing Support Services to Prosecutors of the ARM General Prosecutor’s Office Shahen Tonoyan suggested developing criteria for providing preliminary investigation information, which would define the public interests and convicts’ rights.

Participants also suggested that a guideline be developed for providing information for those structures, which have certain peculiarities for providing information. Also, it was suggested that suchlike discussion be organized in a topic “Preliminary Investigation Secrets”, as well as a meeting be organized with employees of Ministry of Defence information service.

It is Now Easier to Sue Officials

On 31 January, 2011 the ARM National Assembly passed a law of making amendments in the ARM Administrative Procedure Code. This law also defines the order for imposing administrative sanctions on officials, who violate the people's access to information right.

According to these changes, it is no longer required to present a statement about the administrative violation in order to impose administrative sanctions on the official violating the access to information right.

With these amendments another positive step was made in the sphere of freedom of information. The matter is that although article 189.7 of the ARM Administrative Procedure Code suggests a penalty of up to AMD 50.000, the FOI forensic practice shows, that it is almost impossible to execute this article on an offender official. The source of this issue was the legislation gap: according to articles 151 and 152 of the ARM Administrative Procedure Code, in order to inflict administrative sanctions on officials violating the access to information right a statement about the administrative offense was necessary. However, the Legislation did not define the competent body, which had the right to write this statement. As a result, the requirement for a statement was present, but the body to execute it - was not. Hence, courts did not uphold claims for imposing administrative sanctions on officials.

Only in the court case FOICA vs. the village municipality of Elpin, initiated by the "Freedom of Information Center of Armenia", the official – mayor of Elpin – was imposed to an administrative sanction (penalty) for violating the access to information right (2009). This was the first and only case. In the several other court cases the claim to impose administrative sanctions on

officials was denied.

Thus, in order to solve this issues, on September 9, 2009 the FOICA applied to the ARM Constitutional Court with a claim to recognize articles 151 and 152 of the ARM Administrative Procedure Code as anti-constitutional. On February 5, 2010 the FOICA's claim was discussed in the ARM Constitutional Court, and it was decided that these articles to not contradict the constitution. However, the Constitutional Court stated that the problem lies in a legislative gap of the sphere. It was necessary for the ARM National Assembly – the competent body – to take a relevant initiative to reform the ARM Administrative Procedure Code and to fill the legislative gap of the institution imposing administrative sanctions.

As a result, due to the amendments made on January 31 in the ARM Administrative Procedure Code, the requirement to write a statement on the fact of FOI administrative offenses was removed.

So, due to these amendments, according to the last paragraph of article 254 of the ARM Administrative Procedure Code, no statement is needed when the access to information right is violated.

Labor Socialist Party of Armenia provided information with delay of 1 year 9 months

On January 25, 2011 the Freedom of Information Center finally got the requested information from the Labor Socialist Party of Armenia with the help of the Judicial Acts Compulsory Enforcement Service. The president of the Labor Socialist Party of Armenia Mr. Movses Shahverdyan refused to compensate 4000 drams paid as a state duty, stating that he has no money.

Let us remind that the FOICA sent an information request to the president of Labor Socialist Party of Armenia Movses Shahverdyan on April 21, 2009 asking to provide:

1. The copy of financial report 2008, which should cover information defined by the RA “Law on parties” article 28, part 3,
2. Information about those charitable sources which donation valued more than the centuple of minimal salary, defined by the law.

The request wasn't answered. On July 9, 2009 FOICA applied to the RA Center and Norq Marash districts Court of general jurisdiction claiming to oblige the party to provide information. Preliminary court session, however, isn't assigned as the court couldn't inform properly the party about the appointment of the court session – the party's address was changed while the new one was unidentified.

During the court hearing dated on January 19, 2010, the Court finally managed to find out the party's address, but the respondent didn't appear to the court hearing. Thus, the Court decided to hear the case in absence of the respondent.

On March 18, 2010, the Center and Norq Marash districts Court of general jurisdiction, presided by Judge Edik Avetisyan, fully satisfied the FOI Center's claim against the Labor Socialist Party of Armenia. The court obliged the Labor Socialist Party of Armenia to provide the requested information, i.e. the copy of financial report 2008 and information about those charitable sources which donation valued more than the centuple of minimal salary, defined by the law within 5 days.

But FOICA received the requested information only on January 25, 2011.

Information billboards exist, news – not always!

In Ashtarak the public resource has become an advertisement billboard, and in Ijevan it was stolen.

By Aram Zakaryan, “Aravot” daily

On 17 June 2010, by a publication “Don’t the Information billboards Serve their Purpose?”, we were informed that in regional center of Syunik – in Kapan, instead of the decisions of the mayor and the aldermen on the “Kapan community informant” information billboards people had posted their private announcements about selling cars, houses, etc. After our warning the City Hall had cleaned the billboards, and the citizens had posted their announcements elsewhere. By the initiative of the “Freedom of Information Center of Armenia” NGO and with the finances from the USAID not only in Kapan, but also in 44 more communities of Armenia (9 cities and 35 villages) such information billboards were placed or will be installed in the near future. There should be 3 billboards in each village and 7 - in each town, with a total number of 210 billboards. In a conversation FOICA President, Dr. Shushan Doydoyan told us that communities were given this important resource to voluntarily disseminate information, however, “our monitoring shows that in majority of the communities updates on the billboards are rather rare. The municipalities do not realize that the faster and the more operatively the information under their possession reaches the public, the more will benefit their reputation.” Not disseminating information or leaving the billboards empty is one issue. Another more unfortunate reality has been recorded. According to the second sub-point of the second point of the memorandum that the FOICA signs with mayors, municipalities are obliged “to use the information bil-



boards for exclusively public purposes, and not for commercial purposes.” However, monitoring shows that, for example in Ashtarak, the stand is used for exactly commercial purposes, with announcements about concerts, selling and buying apartments, acceptance into sport clubs, etc.

If the information billboard in Kapan could not be locked, and citizens could post the announcements themselves, then the billboards in Ashtarak had glass windows to lock, and the key was in the municipality. This means that the municipality was aware that advertisements appeared on the spot meant for information of public importance. “When encountering such realities we demand that the advertisement be removed. I would urge the municipalities to use this resource effectively, since with minimal expenses they are fulfilling the requirement of

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article 7 of the “Law on Freedom of Information”. This requirement obliges the publishing of the 13 groups of information – the work and services (to be) done for the public, the community budget, the forms of written inquiries and advisory directions on filling in these forms, lists of staff positions, names of officials, work-place phone numbers, etc,” – said the FOICA President.

FOICA Trainings Coordinator Anahit Kocharyan noticed, that decisions of aldermen come into force at the moment of official publishing, and posting on information bilboards is considered an official publishing. “The city municipality of Ashtarak persistently does not fulfill the obligations defined in the memorandum. We have turned to the regional administration – they remove the advertisement, but after some days it is again posted,” – announced Anahit Kocharyan. As for Ijevan, it has made much more positive steps. Here one of the seven information bilboards was stolen, and the city municipality has replaced it with its own means.

“An information stand is a means-resource for disseminating and receiving information of public importance – it is a new culture. People ought to understand that approaching these bilboards they can acquire new and important information. The community leader ought to be consistent in disseminating information, while the citizens should be demanding for information and periodical updates of the content of the bilboards,” – is believed in the FOICA.

For the Sake of Accessibility and Transparency

By the initiative of “Freedom of Information Center of Armenia” NGO the websites of all 10 ARM regional administrations will be empowered and reformed.

By Aram Zakaryan, “Aravot” daily



There is no state department in Armenia, which does not have an official website. It's a different matter, how the virtual departments operate, what it provides, how attractive and accessible it is for both the mass media and ARM citizens and foreigners. According to the statements of the authors writing about ARM regions in “Aravot” daily, having the same structure, the websites of the 10 ARM regions are quite different. The websites of the regional administrations of Shirak, Tavush, Lori, Gegharkunik, Aragatsotni and Armavir do have news and interesting data about the region's life. The website of Vayots Dzor is always accessible. Others are not always accessible for readers from Yerevan. The most inaccessible website is that of Ararat region.

A study of the content and accessibility of the websites of the regional administrations was also conducted by the “Freedom of Information Center of Armenia” NGO. According to the NGO President, Dr. Shushan Doydoyan, in 2010 they discussed the matter both with the heads of staff of the regional administrations and with the ARM Ministry of Territorial Administration. “Everyone said that today's websites of the regional administrations did not meet the present demands – from several sections only some are active, and there is little news. Article 7 of the ARM “Law on Freedom of Information” defines 13 groups of information, which are subject to mandatory publication. Those are the budget, forms of written inquiries, lists of staff positions, vacancies, the order of citizen reception, work done for the

public, impact on the environment, etc. None of today's regional administrations has made at least half of this accessible in their website, and this is not so much by their fault, as much because of the limited capabilities of their websites," – announced Shushan Doydoyan.

Taking these into consideration it was decided to empower and reform the websites of the Ministry of Territorial Administration and regional administrations. The AMD 3 million is financed by the USAID. The technical part of the program (website design) will be done by "Helix Consulting" company.

The new websites will include article 7 of the "Law on Freedom of Information", the 13 groups of information, legal forms of inquiry, and citizens can track their inquiries online. Director of "Helix Consulting" company Aram Mkhitarian said that, for example, the website of the Ministry of Territorial Administration was designed seven years ago and is now old. Neither the website of the Ministry, nor those of the regional administrations are reflected in search engines like Google. The new websites will not have this shortcoming. "One of the important issues that will be solved is that no technical knowledge will be required for the content management of the websites – the relevant divisions will be capable of managing their sections in the website. The websites will allow subscription, posting videos, audios and photos. Regional administration websites will allow writing letters to any ministry and track its process," – informed Aram Mkhitarian.

We told Aram Mkhitarian that, for example, the website of Ararat regional administration did not open from Yerevan, and he informed, "We are discussing the accessibility issue. If websites are located in Yerevan, then in cases of no internet the website of the regional adminis-

tration will not be accessible in that specific region. We might locate the websites in regions and through some technical solutions keep its mirror version in Yerevan."

Liana Doydoyan said that "Freedom of Information Center of Armenia" will not limit itself to providing new websites together with the Ministry of Territorial Administration and regional administrations. It is going to suggest constant care and reforms in the websites.

E-Governance Assures the Execution of the Constitutional Access to Information Right

Head of the ARM GOV Staff Davit Sargsyan is making sure that the website www.e-gov.am works unflinchingly. He tells how the FOICA helped the creation of this useful website.

By Gayane Arakelyan

Freedom of information is one of the elements ensuring publicity for the state government system. The ARM “Law on Freedom of Information” adopted in 2003 began ensuring that those in power start thinking about working publicly and about ways for ensuring publicity. One of these ways is the introduction and implementation of e-governance both in the internal work of state bodies and in the government-public interactions. The introduction of e-governance in the everyday work of departments and the use of new tools and information technologies can today become a most effective stimulus for the transparent and open work of those in power.

This process has already started for us, and the results are noticeable. Some of the primary tools for ensuring a government-public reliable link are the electronic services provided by state bodies, due to which corruption risks may decrease, and time, material and human resources may be saved.

On May 31, 2010 Head of the ARM GOV Staff Davit Sargsyan brought to public attention the reformed www.gov.am. Not long after, the newly created www.e-gov.am website was introduced. The latter was also created by the initiative of the Government to supplement the ARM GOV website for ensuring maximum transparency. The goal of the www.e-gov.am website is not only to protect the FOI constitutional right, but also to increase the effective-

ness of the work of both the public and the officials, and make it easier. The website comprises the electronic services provided by ARM state departments. For the realization of those services subsections are created, which simplify the interaction between internet users and state bodies.

From the day of its creation Head of the ARM GOV Staff Davit Sargsyan is making sure that the website works unflinchingly. He tells how the FOICA helped in the creation of the www.e-gov.am. “When by the invitation of the Center and in the presence of the Prime Minister, we participated in the FOI Annual Award Ceremony a “Rusty Lock” negative award was given to a state non-commercial organization, which had not given information about the spending of the money given from the state budget. Based on this incident the Prime Minister ordered the Staff to prepare and publish in the Internet the information regarding to all the SNCOs. This was the beginning, and in this way was the “Interactive Budget” section created.

And as mentioned Aram Ananyan - Assistant to the ARM Prime Minister – mass media outlets always monitor the information under “Interactive Budget” section, which promotes the transparency of state governance. In this section the 2010 and 2011 budgets are posted. The spheres are stated, and it also states how much money was intended for each sphere and

how much was spent. In the “SNCO Financing” section one can learn about the amounts of money given from the Budget to state non-commercial organizations, and about the contracts signed with them. This is really one of the best tools for ensuring publicity, however, it is necessary for the present information to be analyzed and be constantly presented to wide public sectors. After all, the state budget is formed from the taxes that people pay, so, the government ought to be accountable about what it has done for people with that money, and citizens should be demanding.

“Letter to the Government; Track Your Letter; e-Signature; Government Resolutions; Prime Minister’s Resolutions; Government Session Agendas; License Applications Admission System; Procurements from One Person; SNCO Financing; Interactive Budget; Registries and Lists; Electronic System for Submitting Tax Reports; Intellectual Property Agency’s Electronic System of Receiving Applications, and e-Visa” – these are the sections that the website offers for ARM citizens.

The first two sections are the most used ones. When handing a letter personally the applicant receives a 12 digit number for tracking his/her letter. For this purpose government buildings are specially equipped. And in other structures citizens can use the computers in receptions. Officials state that due to this new service of the website paperwork had a 70%-80% decrease. Apart from this option, citizens can also write letters to the Government, track it, and receive a response via e-mail. According to article 10 of the “Law on Freedom of Information”, citizens can electronically receive information that interests them, which suggests reduction in time loss and bureaucratic troubles.

“All the sections are created to reduce the time

of information exchange between users and the executive branch. Such an example is the section allowing to send application-letters to state bodies and to track their process. From now on citizens can track their applications without leaving their houses,” states Aram Mkhitarian – Head of the “Helix Consulting” LLC, which was responsible for creating and setting the website in work.

Before this innovation many complained that their letters were left unanswered, or it took much time before they received a response. Today there is a system that precisely records the sequence of all these steps. However, the majority of ARM citizens either cannot or do not want to use this system, which rises the concern of Head of ARM GOV Staff Davit Sargsyan. “The more they apply, the better, because after each application we will watch and see the nature of the succession – whether the application was received, how it is being processed, and whether all the procedures are being followed.”

One of the newly developed subsections is the online system for giving licenses. The “License Applications Admission System” is a developed way that allows citizens to get a license in a simple electronic way. The information in the section is accessible, and in accordance to article 7 of the ARM “Law on Freedom of Information”, it is sufficient, for the citizens to be able to independently get a license without visiting the relevant structure. Aram Mkhitarian clarified that this section allows juridical and natural persons, as well as individual enterprisers to send the application for a license online, filling in the required fields and attaching the documents necessary for that specific license. So, applicants can save much time and avoid extra troubles. The presence of the applicant

will only be necessary for signing at the time of receiving the license. However, those who have an e-Signature (www.e-gov.am also gives information about receiving this signature) can carry out this whole process online.

Maximum security for the information transferred through the website is ensured. The Head of the “Helix Consulting” LLC mentions, “All the information sent and received via the website is protected by SSL cryptographic protocol. This is a very important and primary issue, since we deal not only with official documents, but also the documents transferred via the website can contain confidential information, which is not subject to publication by law, for example, the process of tracking an application about adopting a child, etc.

The second most visited sections are the sections for Government’s and Prime Minister’s decisions. Every month www.e-gov.am has about 3000 visitors – 100 visitors per day. “Government Decisions” and “Prime Minister’s Decisions” sections comprise not only decisions made in 2010 and 2011, but also here citizens can view all those decisions starting from 2004. The “Government Session Agenda” section includes information dating back to 08 July, 2010. Assistant to the ARM Prime Minister Aram Ananyan underlines the importance of this section for citizens and especially for media outlets. “This is a very good tool for journalists and the mass media to have the agenda before a session, which always becomes a subject for heated discussions. It is also useful and is a testing means.”

For using the “Electronic System for Submitting Tax Reports” and “Electronic System of Receiving Applications” sections there is the trilingual website of the Intellectual Property Agency of the ARM Ministry of Economy, and

those who want an e-visa should visit the relevant section of the website of the ARM Ministry of Foreign Affairs www.mfa.am. In order to acquire an e-Signature it is necessary to visit <http://www.ekeng.am>, where it is thoroughly explained what is should be done.

So far, these are the only sections of the www.e-gov.am website, and it is not yet for sure how many more will be added. Assistant to the ARM Prime Minister Aram Ananyan assures, “I think you should suggest upon adding the sections. All the services that exist have a great demand. We have included them and will constantly keep them updated. I don’t want to run ahead of time, but very soon the website will offer new services.”

According to Head of ARM GOV Staff Davit Sargsyan, in the near future, perhaps by April, www.e-gov.am website will have a new section – “e-Registry”. ARM citizens will no longer need to visit state registries. Moreover, from any place and at any time they can register an LLC or receive a firm name, for example, by paying with cards. They will also receive a tax account number, avoiding visits to tax inspectorates, as well as they can receive necessary information from the National Statistical Service of Armenia. Davit Sargsyan assures, “There will be many new sections. I don’t want to announce anything, because it will create expectations. But I should say that at the moment we are working on at least seven new systems – I am talking about big systems. I don’t guarantee for 2011, but in 2012 we will for sure launch 3 of them.”

www.foi.am

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