



**Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media**

7th South Caucasus Media Conference

Access to information and new technologies

**Tbilisi, Georgia
11-12 November 2010**

DECLARATION

The 7th South Caucasus Media Conference, organized by the Office of the OSCE Representative on Freedom of the Media, with the assistance of the OSCE Offices in Baku and Yerevan, was held on 11-12 November in Tbilisi, Georgia.

Media professionals, civil society representatives, and governmental officials* from Armenia, Azerbaijan and Georgia attended the conference to discuss media developments in their respective countries with international experts.

The focus of this year's conference was access to information and new technologies, including international standards on access to information, Internet development and regulation, and access to information and the free flow of information in the South Caucasus.

The Conference:

1. Welcomes the fact that members of the media, civil society and government representatives from Armenia, Azerbaijan and Georgia took part in the conference, acknowledging the importance of regional co-operation in the field of media.
2. Reaffirms the importance of the right of all persons, including media representatives, to request and receive information that is held by government agencies, as stipulated by the access to information laws in force in Armenia, Azerbaijan and Georgia, which comply with international standards.
3. Calls on authorities to respect the right of people's access to government-held information in all forms in which it may exist; and to commit to better implementation of their access to information legislation.
4. Draws the attention of the governments of Armenia, Azerbaijan and Georgia to the fact that journalists and media exercise the right of access to information similarly to all other persons. Media, including bloggers and citizen journalists, do so on behalf of their

* This Declaration was discussed in the presence of government officials, some of which pointed out that they were not mandated to endorse the text.

audiences and in the public interest, and should never be discriminated against in the processing of their information requests, which should be responded to rapidly and fully in compliance with the deadlines stipulated in their respective laws.

5. Notes the importance of the right of access to information to ensure public participation in the decision-making process and promote public trust in authorities.
6. Calls on governments to facilitate, without discrimination, the freer and wider dissemination of information, including the use of modern technologies, including the Internet, to ensure wide access by the public to government-held information.
7. Encourages public agencies to make as much information available proactively, for example, on their websites, to pre-empt potential requests and thereby save processing costs. Government bodies should be required by law to publish proactively information about their structures, functions, activities, budget, rules, guidelines, decisions, procurement, staff contact details and duties, and other information of public interest on a regular basis in formats including the use of ICTs and in public reading rooms or libraries to ensure easy and widespread access.
8. Reiterates that access to government-held information should be the rule. Notes that limitations on access should be the exception, and should be clearly defined by law and applied only as needed to preserve legitimate, vital state interests such as national security.
9. Urges governments not to prosecute or imprison journalists for possessing or publishing classified information when the publication is deemed to be in the public interest, following best international practices and relevant jurisprudence, including by the European Court of Human Rights.
10. Recognizes that new technologies strengthen democracy by ensuring easy access to information and allowing the public actively to obtain and impart information. Calls upon governments to ensure and promote easy access to new technologies, by, *inter alia*, liberalizing telecommunication markets.
11. Emphasizes that the Internet offers unique opportunities to foster the free flow of information, which is a basic OSCE commitment, and encourages governments to use the Internet to facilitate wider access to information and promote government services online. Calls upon law-making institutions and agencies to refrain from adopting measures that restrict the free flow of information on the Internet.
12. Urges the Government of Azerbaijan to decriminalize defamation and ensure the appointment of an independent Information Ombudsperson, who will perform an impartial oversight function over the implementation of the 2005 Law on obtaining information, as stipulated by this law.
13. Encourages judicial bodies and official information holders in Armenia and Georgia to take into consideration opinions of their Ombudspersons more systematically when reviewing cases of appeals against denied access to official information.

Tbilisi, 11-12 November 2010