

[AL] Concerns about the Implementation of the Law on the Right to Information about Official Documents

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The People's Advocate (Ombudsman), Mr. Ermir Dobjani has recently expressed his concern regarding the improper implementation on the part of the Albanian Institutions of Law No. 8503 dated 30 June 1999 "The right to information about official documents". In a letter addressed to all the major state institutions and even to the Prime Minister, Mr. Dobjani points out the need for the implementation of the law passed two years ago, giving the relevant recommendations for this purpose.

Two years after the establishment of the Institution of the People's Advocate in Albania, the number of complaints made by citizens about the non-implementation of the law on the right to information about official documents ranks second in this institution, after the complaints about the courts and their decisions considered unfair by the citizens, which come first.

According to Article 23 of the Albanian Constitution, approved in November 1998, 1. The right to information is guaranteed. 2. Every one has the right, in accordance with the law, to get information about the activities of the organs of state, as well as about persons who exercise state functions.

Based on the Albanian Constitution, in 1999 the Albanian Parliament passed Law No. 8503, dated 30 June 1999 "The right to information about official documents". Pursuant to article 3 of this law, "Every person has the right to ask for information about official documents concerning the activity of the organs of state or persons who exercise state functions, without being obliged to explain their reasons. The public authority is obliged to give any information concerning an official document, unless unless the law provides otherwise".

The approval of this law was welcomed by the public opinion, especially by the Albanian independent press organs, which regard this law as a protection in their activity of informing public opinion on the activity of the organs of state. But the implementation of this law has had shortcomings that are becoming more obvious now that the investigative press is being more aggressive towards state corruption, as well as the abuse of power by different individuals or groups in power.

According to the People's Advocate, there are two main reasons for the non-implementation of the above-mentioned law: first, civil servants are unfamiliar with the law. That is why the Office of the People's Advocate has issued a recommendation regarding the way it should be put into practice. On the other hand, the non-implementation of the law is due to the lack of sanctions for the civil servants that do not act lawfully in applying the law. Based on Article 17 of the law "the procedures for complaints and the indemnities in the case of damage are regulated by law". But such a law is not approved yet. The People's Advocate, in his letter addressed to the Prime Minister, has asked for the drafting of this law. Pursuant to Article 18 of the Law, "The People's Advocate is responsible for the implementation of this law".

Law No. 8503 dated 30 June 1999 "The right to information about official documents"

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Letter from the People's Advocate, no. 23, of 22 January 2002 and Letter from the People's Advocate, no. 310 of 9 November 2000 to the Prime Minister

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