



lawyers committee
for human rights

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**free access
to information**

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NOTA BENE

The affirmation of the right of citizens to the free access to information significantly reinforces the role of citizens as „controllers“ of the government.

The citizens and the public today represent an important factor of control of state bodies and other public institutions as active instead of passive participants in the realization of complex public affairs, necessary for the development and advancement of society.

The confidence of citizens, won in general, free, equal, secret and direct elections, represent a necessary prerequisite for the legitimacy of government, which, during its term of office, has to, over and over, reaffirm itself in the everyday course of action. Political and legal theory almost unanimously accept that „the trust of the people is good, but control is necessary“. Centuries of experience undoubtedly show and prove that every power „corrupts“ its bearers, especially if it is not checked with appropriate legal instruments.

The Constitution determines that the sovereignty belongs to citizens. Citizens exercise power directly (referenda, peoples' initiative, etc.), or through elected representatives (parliamentary deputies, local council members, etc.). According to this, all state bodies and bearers of public authorities, especially executive bodies and administrative agencies, have the duty to put their entire activity in the service of public interest and citizens.

The public effort of government bodies and other bearers of power and free access to information are the essence of modern rule of law. Without direct insight into

the work and activity of the officials who manage public affairs, especially without up-to-date, correct and complete information, it is not possible to efficiently achieve necessary public control of government bodies, agencies and institutions.

Free access to information today is a significant mean in the general struggle against corruption, especially in public services. The mere fact that the work of the administration can be made transparent, i.e. that one can ask for information that government bodies and public institutions possess (e.g. what are the travel expenses of a government delegation, how was a construction license issued; how were local funds for the municipal sewage spent, etc.) significantly contribute to the increase of motivation of citizens that there is a purpose and reason in investing individual efforts for the general good and for the elimination of corruption.

Without free access to „public“ and other relevant information of government bodies, administrative agencies and other public institutions, citizens are deprived of direct control of the activity and behavior of those who received their trust through democratic elections, as well as the possibility of effective initiatives for resolving issues of general interest to society.

The right to free access to information today is an efficient means which stands at the disposal of the public and citizens, not only in the struggle for freedom and democracy, but in the permanent struggle against the abuse of power and corruption.

Compared with the 2003 Serbian edition, this English version of the Free Access to Information has been updated. Thus, certain sections of the publication (regarding YUCOM's campaign, the Draft Law on Free Access to Information of Public Importance, as well as Kosovo's Law on Free Access to Information) slightly differ when compared with the original edition.

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