2. GENERAL EXPERIENCE WITH THE LAW IMPLEMENTATION (THE COURSE OF ACTION)

2. General experience with the Law implementation (The course of action)

2.1. Promotion of the right to free access to information

With the aim of better informing of the citizens on the right to free access to information which provides to them the possibility to require and obtain information possessed by the public authority bodies, in the period from November 01 2007 till March 31 2008 MANS realized the project ,,Do you know you have the right to know" .

MANS conducted a public campaign in 21 municipality in Montenegro in order to acquaint the citizens as much as possible with the right to free access to information, especially the citizens in smaller municipalities.

Among other, the public campaign implied organization of performance art pieces and distribution of materials in all municipalities.

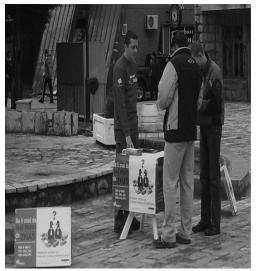
The table below shows the plan according to which the public campaign was conducted per municipalities in the period from November 13 until December 06 2007.

Date	Time	Municipality	Date	Time	Municipality
13.11	11 – 13	Šavnik	26.11	11 – 13	Tivat
	17 - 19	Plužine		17 - 19	Herceg Novi
14.11	11 – 13	Žabljak	27.11	11 – 13	Kotor
	17 - 19	Pljevlja		17 - 19	Budva
15.11	11 – 13	Mojkovac	28.11	11 – 13	Bar
	17 - 19	Bijelo Polje		17 - 19	Ulcinj
16.11	11 – 13	Rožaje	03.12	11-13	Cetinje
	17 - 19	Berane	04.12	11-13	Danilovgrad
17.11	11 - 12.30	Andrijevica		17-19	Nikšić
	13.30 - 15	Plav	06.12	11-14	Podgorica
	17 - 19	Kolašin			

Apart form distribution of the promotional material, representatives of MANS during the public campaign explained to the citizens in more detail and through direct contact provisions of the Law on Free Access to Information as well as data referring to the phases of the administrative procedure and the administrative dispute.

MANS made it possible to citizens to fill out a template request for free access to information prepared in advance and to submit it to competent institutions.

2.2 Photos



Mojkovac, November 15th 2007



Andrijevica, November 17th 2007



Cetinje, December 03rd 2007



Danilovgrad, December 03th 2007

2.3 Promotional materials

During the public campaign MANS distributed promotional materials such as leaflets, badges, t-shirts and poster with the message "Do you know you have the right to know" in order to inform the citizens as much as possible with the right to free access to information.

Apart from the basic message "Do you know you have the right to know", the promotional materials included also the contact telephone by means of which the citizens could obtain legal assistance in the implementation of the Law on Free Access to Information.



Concept design for the posters and the stickers

Leaflets which were distributed in all the municipalities in Montenegro included short information on important provisions of the Law on Free Access to Information which refer to the rights of citizens as well as a short description of the legal procedure aimed at exercising and protection of this right.

The leaflets included the basic information on the nature of the right to free access to information which is guaranteed both by the Law on Free Access to Information and the international documents on human rights and obligations such as

- Universal declaration on human rights,
- International pact on civil and political rights and
- European convention on human rights and basic freedoms.

Apart from that, the leaflet gives an excerpt from the Law on Free Access to Information in order to explain in more detail the meaning of particular expressions from the Law.

Also, the citizens could become acquainted with a short description of the procedure pursuant to the request for free access to information which states time limits and the procedure in the part of the Law on General Administrative Procedure and the Law on Administrative Dispute.

The chapter Appendices gives schemes of the process of access to information and the templates distributed to the citizens.



Plaćam porez, imam PRAVO DA ZNAM!

Univerzalna deklaracija o ljudskim pravima, či 19

"Svako ima pravo na slobodu mišljenja i trzdavanja; u to pravo spada pravo na mišljenje bez mtješanja i pravo na tratenje, primanje i davanje informacija i ideja kroz bilo koji nedij bez obzira na grantca."

Međunarodni pakt o građanskim i političkim pravima, član 19

"Sesko ima pravo na slabodu izražavanja; to pravo podrazumijeva slabodu traženja, primanja i šiverja obovještenja i ideja svake viste, bez obzka na granice, bilo uzmeno, primeno, potem štampe iši u umjetničkom obšku iši ma kojim drugim sredstvom po svom izboru."

Evropska konvencija o ljudskim pravima i osnovnim slobodama, či 10

"Svelko ima pravo na vlokodu tredzivanja. Dvo pravo ukljužuje slobodu posjedovanja sopstvenog mišljenja, primanjo i usopitavanja informacija i šdeja bire mijelanja jevno vlasti i bez obcira na granice. Ovaji član ne spriječava države do zahtljevaju dozvole za nad televizitjiših, radio i bioskopskih preduzeća."

Sleboda izražavanja misli obutvata pravona slobodan pristup Informacijama, kao i elobodu primanja i štrenja informacija.

Poseo na informisanje, kao provo koje znači tačnu i pravovenenu informaciju, često se nazivo "gravom javnosti da zna". Ostravivanje ovog prava nemoguća je boz prasa na skobodu primanja i Sirenja informacija, odnosno bez skobode pristupa informacijama. Pristup informacijama je prvi neophodni uslov za ostvarivanje primanja i širenja informacija, odnosno za ostvarivanje pisobode informizanja.

Pristup informacijama u pozjedu organa vlasti, na bazi rovnopravnosti, u skladu sa jaonim pravilima, omogućava javnosti da formitra i ima kritičko miližijenje o stanju društiva u kone živili o organima kod nilme upravljatu.

ktovremeno, time se psektiče učešće javnosti u pitanjima od zajedničkog intereus, doprinosi efikarnosti administracije i afirmicanju njenog logitimiteta, ibbjegava opannost od konupcije i jača povjemenje javnosti u organe viseti.



Izvodi iz Zakona o slobodnom pristupu informacijama

Pristup informacijama uposjedu organa vlasti je slobodan.

Pravo na pristup informacijama u posjedu organa vlasti ima svako domaće i strano pravno i fizičko lice.

Objavljivanje informacija u posjedu organa vlasti je u javnom informu.

Pravo pristupa Informaciji obuhvata pravo traženja, primanja, konšćenja i Sirenja informacije koja se nalazi u posjedu organa rlasti

Informacija je dokument u planoj, ižampanoj, video, zvučnoj, elektronskoj III drugoj formi, uključujući i njegovu kopiju ili do, bez obzira na usdržinu, tovor (autora), vrijeme sočini zvonia ili sistem klasifikacije

Organ vlasti je; državni organ (zakonodovni, izvršni, sudski); organ lokaline samouprave; organ lokaline uprave; javna uztaneva; javno preduzeće ili drugo pravno tice kome je povjereno vrtenje javnih ovlačenja, koje osniva država ili organ lokaline samouprave ili koje se financija iz javnih prihoda, učijem posjeduse informacija nabati;

Informacija u posjedu organa vlasti je fisktičko posjedovonje informacije od strane organa vlasti (sopstvene informacije, informacije dostavljene od drugih organa vlasti (ili trećih lica), bed obzina na osnov i načinaticanja

Kratak opis procedure po osnovu zahtjeve za slobodan pristup informacijama

Eck za odgovor po ranovu zahrtjeva za slobodan pristup informacijama je <u>8 dana</u> i počinje da teče prvog narednogdana od dana podrodenja zahrtjeva.

Ukoliko podnonilar zahtjeva <u>ne dobije odgavor u roku od š</u> danat

> Ukoliko ne postoji institucija koja vrši nadzer nad radzet organa kome je podnešen zahtijev, tna pravo podnijeti ponovljeni zahtijev.

Rok za odgovor po ponovi jenom zaht jeva je 7 dana od . dana podnožen ja ponovi jenog zaht jeva.

 Wolfko postoji institucija koja vrši nadzor nad radom organa kome je podrećen zahtjen, ima pravo podrijeti žalbu zbogćutanja administracije.

Žalia se podroni organu komo je podnijet zahtjev za slobodan pristup informacijama koji ga preslijeđuje drugosbacenom organu.

Rok za podnojenje žalbe je 15 dana od dana koda je ktekto seb za odgaver po zpříževa. Pok za odgave: podalbí je 15 dana od dana podnošenja.

Ukoliko organ vlasti ne dostavi odgovor ni nakon žalbe podnoslac zahtjeva podnosi ponovljenu Zalbu. Rok za odgovor po ponovljenoj žalbi je 7 dana od dana podnošenia ponovljene čalbe.

Ukoliko organ viasti ne dostavi tračene informacije ni po ponovljenom zahtjevu ili žabi podnosilac zahtjeva ima pravo da u roku od 30 dana od dana istoka roka po ponovljenom zahtjevu ili žalbi, <u>tudbom p</u>okrene upor pred Upravnim sučon.

Kada podnosliać dobije <u>odgovor na zahtjev kojim mije</u> zadovolian:

- Ukoliko postoji institucija koja vrši nadpor nad radom organo koji je donio rješenje, kno prave podnijeti bilbu.
- Usoliko ne postoji institucija koja vrili nadzor nad radom organa koji je donio rježenje, u roku od 30 dana oddana dostovljanja, ima pravo podnijeti tudbe Upravnom sudu zbog povrede postupka ili pogrešnog uprovodenja zukora.

Plaćam porez, imam PRAVO DA ZNAM!

Baza podnijetih zahtijeva za informacijama: www.pravodaznam.info

Leaflet distributed to the citizens during the public campaign

2.4 Conclusions

Results of the public campaign showed that the citizens are still not ready for independent implementation of the Law on Free Access to Information notwithstanding the fact that representatives of MANS distributed to them through direct contact already prepared template of request for free access to information and explained the procedure and the rights prescribed by this Law.

During the public campaign the citizens expressed distrust in the readiness of institutions to consider seriously their requests, which turned out to be the biggest problem in strengthening the citizens for direct implementation of their right prescribed by the law.

After the end of the public campaign, numerous citizens asked for more detailed information on their rights to access information by means of the SOS telephone.

Most citizens asked from MANS to formulate their requests, determine the competent institution for acting pursuant to the request, to submit requests instead of them and inform them on the answers obtained.