

## RESOLUTION<sup>1</sup>

The Bulgarian Media Coalition, consisting of:

Association of Bulgarian Broadcasters, Bulgarian Association of Licensed Cable Operators, National Organization of Cable Operators, Union of Bulgarian Journalists, Union of Journalists in Bulgaria, Free Speech Civic Forum, Centre for Independent Journalists, Association of Journalists for European Union, Access to Information Programme Foundation, Bulgarian Helsinki Committee, Association of Non-state Broadcast Television Operators,

assisted by

IREX-ProMedia, Bulgaria, meeting in Sofia on 29/30 April, 1999 together with the International Press Institute, Article 19, and Open Society Institute (COLPI), and in the presence of the International Federation of Journalists and a representative of UNESCO's Unit for Freedom of Expression and Democracy

Resolve that freedom of the press and freedom of expression are fundamental rights and are necessary for societies to develop.

Call on the Bulgarian authorities to review thoroughly existing defamation legislation (in particular Articles 146/147 and 148, in connection with Article 161 of the Criminal Code). The government should ensure that Bulgarian defamation law meets European democratic standards. The delegates agreed that prison sentences and suspensions of civil liberties are unacceptable, and monetary awards must be appropriate, necessary and proportionate.

Reiterate that democracy depends upon the rights of citizens to participate on equal terms in the political, economic and social life of society;

That the ability of citizens to exercise their democratic rights, particularly the right to elect and hold accountable public figures, depends upon the existence and recognition of other liberties including freedom of opinion, information and expression. That the right of citizens to be informed requires knowledge of the decisions taken by public authorities and insight into the process by which public officials carry out their duties and, therefore,

We call on the government of Bulgaria to incorporate the following principles into the draft Freedom of Information Act:

1. Everyone has the right to obtain information from public authorities. The basic principle that official documents are public property must be embraced.

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<sup>1</sup> Principles taken from «The Johannesburg Principles», published by Article 19; Charter of Principles on the Conduct of Journalists & The Right to Know, IFJ; Free Media Fundamentals, IPI.

2. The state must designate in law clearly and narrowly defined categories of information that it is necessary to withhold in order to protect national security and public safety or in equally well defined personal areas to protect the sanctity of private life.
3. In all laws and decisions concerning the right to obtain information, the public interest in knowing the information shall be the primary consideration.
4. Appropriate measures must be established to give effect to the right to obtain information. These measures shall require the authorities, if they deny a request for information, to specify their reasons for doing so in writing as soon as reasonably possible (clearly stipulated in the legislation), and shall provide for a right to review of the merits and the validity of the denial by an independent authority, including a judicial review.
5. No official may be prosecuted, reprimanded or suffer any loss of status of giving information to the public or to media, when such information is given in the public interest.
6. Information that is directly available must be given immediately, all other information as soon as possible (again, stipulated in the legislation).
7. Once information has been made public, even through illegal means, any justification for trying to stop further publication will be overridden by the public's right to know.
8. Access to information legislation should relate to all public bodies. In certain extenuating circumstances, private bodies which perform public functions will be obliged to make public certain facts which may affect the public interest, e.g. in regard to health or environmental issues. Under no circumstances shall access to information legislation make obligations on the media.

Maintain that self-regulation is the only acceptable way to police the media, Any official involvement is susceptible to abuse and opens the door to censorship.

Declare that as a basic standard of professional conduct for journalists engaged in gathering, transmitting, dissemination and commenting on news, information and in describing events, certain principles must be embraced:

Respect for truth and for the right of the public to truth is the first duty of the journalist., In pursuance of this duty, the journalist shall at all times defend the principles of freedom in the honest collection and publication of news, and of the right to fair comment and criticism, Journalists shall, in particular:

Maintain the highest professional and ethical standards in the gathering, production and dissemination on news and information,

Respect the citizens' need for useful, timely and relevant information which they require to participate in democratic society,

Defend the principles of freedom of information and the right to fair comment and critical journalism.