

## How Accessible are European Public Archives? An Assessment of the Compliance with the Council of Europe Recommendation R(2000)13 on a European Policy on Access to Archives

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## Cover Page Footnote

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## HOW ACCESSIBLE ARE EUROPEAN PUBLIC ARCHIVES? AN ASSESSMENT OF THE COMPLIANCE WITH THE COUNCIL OF EUROPE RECOMMENDATION R(2000)13 ON A EUROPEAN POLICY ON ACCESS TO ARCHIVES

### Introduction

This article analyzes the accessibility of European public Archives in compliance with the Council of Europe (CoE) Recommendation R(2000)13 on a European policy on access to archives.<sup>1</sup> Using a “compliance index,” it provides an assessment of the implementation of the recommendation in each member state. It shows that while overall progress has been made in improving access to archives, there are variations and differences among different groups of countries. Achieving consistent implementation of the principles set out in the recommendation and addressing certain noncompliant practices rooted in historical archival culture remain challenges in some nations.

### Background and history.

After World War II, the countries of the eastern half of Europe came under the political influence of the Soviet Union. Until the early 1950s, they developed into communist one-party states, even if their proximity to the Soviet Union varied individually.<sup>2</sup> Although this group of states experienced some major upheavals and attempts at reform across four decades (such as the Hungarian Revolution of 1956 and the Prague Spring of 1968, to name just the most important), the regimes operated on essentially unchanged foundations until 1989–90, when, with the collapse of the Soviet Union and the strengthening of the regime change movements, the fall of the Berlin Wall, and the opening of the Iron Curtain, a new era of independence began in the lives of these countries.

The legal and administrative traditions of these countries varied significantly before the Soviet era, and so did their archival practices. It is on this divergent basis that the centralized Soviet administrative and legal system, and through many layers the archival administration, was

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<sup>1</sup> The authors in this article adhere to Section 1a of the CoE Recommendation, according to which “a. the word ‘archives’ has the following meanings: i. when it is written with a lower case ‘a’: the totality of the documents regardless of date, form or medium, produced or received by any individual or corporate body during the course of their business and transmitted to the Archives for permanent preservation; unless otherwise stated, the present recommendation is only concerned with ‘public archives,’ that is, those produced by official authorities; ii. when it is written with an upper case ‘A’: the public institutions charged with the preservation of archives.”

The Council of Europe was the first pan-European institution, founded in 1949, and has its headquarters in Strasbourg, France. The main mission of the CoE is to protect human rights, pluralist democracy, and the rule of law, and to promote awareness and encourage the development of Europe’s cultural identity and diversity. Since Russia’s withdrawal in spring 2022 the CoE has a total of forty-six members. Two further countries are accession candidates, and six mainly non-European countries have an observer status. Council of Europe, “Recommendation No. R(2000)13 of the Committee of Ministers”; Council of Europe, “Explanatory Memorandum to Recommendation No. R(00)13.” The CoE’s recommendations are not binding, but they are a clear indication of what the community of democratic European countries expects from its member countries, and failure to follow the recommendations can result in various soft sanctions.

<sup>2</sup> This included countries that retained formal independence: Albania, Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, and Romania. The Baltic States (Estonia, Latvia, Lithuania) had already been annexed by the Soviet Union in 1940. Ukraine and the Caucasian countries were long a part of the Russian Empire and later the Soviet Union. The socialist Yugoslavia, which disintegrated in the 1990s into Serbia, Croatia, Bosnia-Herzegovina, Slovenia, Montenegro, North Macedonia, and Kosovo, can also be regarded as part of this political and administrative system, although it was one of the initiators of the Non-Aligned Movement.

built. The Soviet system unified much of the legal and administrative practice of these countries but did not completely erase their cultural and social traditions.

An important feature of these communist or state socialist regimes was administrative secrecy and the restriction of access to current, semi-current, and historical information and documents, treating access as a privilege—but also the counterpart of the restriction of access rights. Simultaneously, this meant restricting individuals' rights to self-determination over their personal data. For those who were involved in the regime change movements and revolutionary actions, both peaceful and violent, and for a large part of the civilian population, the quest for information transparency became one of the most important symbolic and practical demands. Looking back in 2005, László Majtényi, the first Hungarian parliamentary commissioner for data protection and freedom of information, wrote in the introduction of his book, “the demand for freedom of information was a central axis around which the world has turned.”<sup>3</sup>

The act of East German citizens' occupying the offices of the Stasi, the secret service that surveilled the population, and preventing the destruction of documents was more than symbolic. Similar but less organized and effective actions took place in several communist countries in East-Central Europe. In Russia too a window of opportunity opened up during the period of the collapse of the Soviet regime, when civil activists and amateur historians were given access to secret service and other previously classified documents.<sup>4</sup> However, this window of opportunity quickly closed, and a period of reclassification of documents and information began.

In the turbulent period of the early 1990s, at the end of the Cold War and in the promising emergence of a united Europe, the International Council on Archives (ICA), thanks to the commitment and organizational skills of its secretary general, Charles Kecskeméti, successfully convinced several national archival administrations, in both the East and West, as well as the competent CoE bodies, of the need to codify general principles of archival access at the international level, in line with the CoE's mandate. Following a series of bilateral meetings between archival experts and lawyers from both Western and Eastern European states, which led to various rounds of codification and plenary sessions, the CoE officially adopted Recommendation R(2000)13 in 2000. It emphasizes the importance of archives as an essential element of culture and the preservation of human memory, and calls on the member states to adopt legislation or update existing legislation on access to archives, based on common principles consistent with democratic values.

### **Monitoring the implementation.**

Following the adoption of the recommendation, Charles Kecskeméti initiated a comprehensive monitoring project, conducted in cooperation with the Council of Europe and the Open Society Archives (OSA).<sup>5</sup> Led by Kecskeméti and Iván Székely, it aimed to examine the extent to which the practices of the member states complied with the principles and requirements outlined in the recommendation. The study covered all members of the CoE and specifically targeted three key groups: public Archives, professional users, and lay users. The findings from

<sup>3</sup> László Majtényi, introduction, in Majtényi et al., *Az Elektronikus Információszabadság*, 9.

<sup>4</sup> Examples include the St. Petersburg-based Citizen's Watch, led by Boris Pustintsev, and the Moscow-based Memorial organization, the latter even receiving the Nobel Peace Prize in recognition of the “outstanding effort to document war crimes, human right abuses and the abuse of power.”

<sup>5</sup> Currently the Vera and Donald Blinken Open Society Archives at Central European University (Blinken OSA Archivum).

the survey showed that not only did the practices of the new democracies fall short in terms of meeting the ethical, procedural, and technical principles outlined in the recommendation, but even archival institutions of established Western democratic countries did not fully comply with these standards. Moreover, the investigation revealed specific patterns of access and its limitations typical for the Archives in post-socialist countries. The results of the survey were published in the CoE's handbook.<sup>6</sup>

Although the CoE only aimed to introduce a European access policy, the recommendation was the first standard in this respect. It provided lessons for non-European countries, especially taking into account the fact that some such states have observer status in the CoE and can possibly join certain conventions of the CoE.<sup>7</sup>

Twenty years after the first study, the CoE called upon its Division of Culture and Cultural Heritage, to re-examine the situation of access to archives in Europe: to what extent the recommendation has been implemented by the member states in the meantime and whether the accessibility of archives has changed in practice. In this article we will present the findings of that study that we conducted for the CoE in fall 2022.<sup>8</sup>

The remainder of this article first delineates the concept of access to archives, considering substantive, formal, and informal criteria. We then briefly describe the methodology of the study and summarize the results to identify new developments and shortcomings in the practice of European public Archives, that is, archival institutions operated or supervised by state or local government bodies, financed from public funds, and regulated by public law. We attempt to identify groups of countries that share common patterns in their practice to provide access to archives and present an index showing the member states' compliance with the recommendation and thus the principles of access to archives.

## Assessing Access to Archives

We can assess the accessibility of archives from several perspectives encompassing societal expectations, democratic legal principles, the view of the Archives themselves, user opinions and experiences, international standards, compliance with existing legislation, and prevailing norms in the archival profession, among others. Additionally, it is important to understand to whom and to what extent archives are accessible: to the general public, to their creators, to government officials, and to academically qualified persons. The assessment can include whether there is discrimination among users by Archives staff, whether there is arbitrary refusal of granting access, whether special qualifications are required to use archives, and, in today's digital world, whether documents can be accessed remotely, which presupposes that they are digitized. Some of these perspectives are rooted in the traditions of archival institutions and the archival profession. Others are codified in archival legislation and related information law, and still others are derived from the everyday practice of archive users.

Taking a broader view, public Archives traditionally perform three fundamental functions: collecting, preserving, and providing access to documents. Thus, providing access is one of the basic functions and duties of Archives. Our study has focused on the practices of *public Archives* and only touches on the practice of private Archives, church Archives, and specialized public Archives (specifically the Archives of former secret services). Public Archives have

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<sup>6</sup> Kecskeméti and Székely, *Access to Archives*.

<sup>7</sup> Currently, Canada, the Holy See, Japan, Mexico, and the United States have observer status in the CoE.

<sup>8</sup> Friedewald, Székely, and Karaboga, *Access to Archives*.

been the guardians of national memory since the French Revolution and the servants of the public at large since the Second World War (and, according to the new paradigm, the providers of global access). In reality, however, the realization of these principles is constrained by various (legitimate and illegitimate) interests and archival traditions.

The archival literature extensively discusses the general social responsibility of public Archives, their role in holding the state and monopolies accountable, and their mandates to promote social justice, eliminate or at least reduce white supremacy, and more emphatically represent the underrepresented and marginalized.<sup>9</sup> However, access as such has rarely been a central theme of scholarship on archives. Nonetheless, access is one of the prerequisites for a socially advantageous, democratic use of archives.

In the African context, Manyeke Manek and Tshepho Mosweu (2021) analyzed the factors affecting access to archives, using the Botswana National Archives and Records Services (BNARS) as an example, and found that access to archives at BNARS is mainly affected by copyright issues, a weak and inadequate legal framework, distance barriers, and logistical barriers. Their findings can serve as a baseline for environments that lack a developed practice and culture of access.<sup>10</sup>

Olefhile Mosweu and Anna Ngula conducted a literature review on barriers to access to archives for people with disabilities (PWD) and analyzed inclusive solutions, using the ICA Access Principles as a conceptual framework.<sup>11</sup> The authors referenced the Society for American Archivists guidelines, which explain that disability is part of the human condition and that almost everyone will be temporarily or permanently impaired at some point in their lives.<sup>12</sup> The main barriers identified by the authors were the unsatisfactory physical condition of archival holdings, unprocessed archives, unfriendly infrastructure for PWD with limited mobility, distance of the archival repository from users, as well as copyright issues, language barriers, and lack of staff specializing in disability issues. In addition to suggesting offering improved physical accommodations, the authors' recommendations include providing documents in Braille, acquiring talking books as well as large print books, and providing soundproof facilities for researchers who take notes orally.

In countries with a more developed public Archives system, such as Western European or Nordic countries, the problem is not really one of physical access for disadvantaged groups, as many, although not all resources are available in digital form with remote access, but of navigating among sources, using finding aids, and making informed choices between trusted and untrusted archival institutions. In facilitating this, intermediaries and mediators—typically NGOs—can play an important role. But as much as the needs of PWD are taken into account by certain Archives, our fundamental interest is the general practice, legal framework, and culture of access in different countries and Archives. This is what we wanted to explore in detail in our research among European Archives and their users.

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<sup>9</sup> Cox and Wallace, *Archives and the Public Good*; Jimerson, *Archives Power*; Gilliland and Flinn, "Community Archives."

<sup>10</sup> Manek and Mosweu, "Factors Influencing Access to Archives at Botswana National Archives and Records Services."

<sup>11</sup> Mosweu and Ngula, "Barrier on Access to Archives by People with Disabilities and Inclusive Solutions"; International Council on Archives, "Principles of Access to Archives."

<sup>12</sup> Society of American Archivists, "Guidelines for Accessible Archives for People with Disabilities."

Rachael Dreyer and Cinda Nofziger drew on their experience in two U.S. institutions, the Eberly Family Special Collections Library at the Pennsylvania State University, and the Bentley Historical Library, University of Michigan (BHL), to examine barriers to access in archival and special collections environments, discuss the importance of recognizing barriers, and address steps to dismantle them.<sup>13</sup> For example, the BHL's curation staff created additional description in catalog records and finding aids to make collections more easily accessible, while the staff of the Eberly Library expanded their practices regarding access to unprocessed collections and removed racist, objectionable, and inaccurate descriptive terms from finding aids. Both steps represent a cultural layer of facilitating access.

In the European context, not long after the publication of the first pan-European survey, Jaak Valge and Birgit Kibal conducted their own survey of central archival institutions in twenty-three European countries in 2007, focusing on restrictions on access to archives.<sup>14</sup> They tested not only the theory (the legal framework) but also the practice of access to archives: respondents were given six examples, ranging from old census records to annual reports of the Ministry of Defense, to assess the differences among countries. The authors found that at the legal level, general access provisions were very similar, but their implementation and interpretation significantly differed in the countries surveyed.

Access to archives is a *right* in legal systems, a *demand* of users, and a *value* in a democratic society. If we acknowledge that access to public information is a constitutive public good, then access to archives should be regarded as a subset thereof.<sup>15</sup> Naturally, access to archives cannot be unlimited: there are legitimate exceptions, limited in time and scope, and there are also competing fundamental rights, notably privacy and the protection of personal data. This distinction between legal restrictions and competing fundamental rights is not emphasized in the ICA Access Principles nor in the CoE Recommendation.<sup>16</sup> This tension is much like in the case of general right to access public information in a democratic society: individuals primarily focused on gaining access perceive privacy and personal data protection as limitations, whereas those primarily concerned with safeguarding the privacy of individuals whose lives are documented in archival materials regard access as the exception rather than the rule.

Access to archives serves as a form of information restitution, that is, restoring the desired level of information rights and practices, particularly in countries where the civilian population has been or is being deprived of vital information, both current and historical. Hence various international organizations have formulated guidelines and sets of principles aimed at addressing these issues. The Joinet/Orentlicher Principles, adopted by the UN Commission on Human Rights, identify four key areas: the right to know, the right to justice, the right to reparation, and the guarantee of nonrecurrence.<sup>17</sup> The so-called Quintana Reports, both the original report and its amended version, list the demands in the form of moral rights.<sup>18</sup> The

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<sup>13</sup> Dreyer and Nofziger, "Reducing Barriers to Access in Archival and Special Collections Public Services."

<sup>14</sup> Kecskeméti and Székely, *Access to Archives*; Valge and Kibal, "Restrictions on Access to Archives and Records in Europe."

<sup>15</sup> Székely, "Freedom of Information."

<sup>16</sup> International Council on Archives, "Principles of Access to Archives."

<sup>17</sup> Sission, "A Conceptual Framework for Dealing with the Past." The principles were originally formulated by Louis Joinet. See United Nations, Economic and Social Council, Commission on Human Rights, "The Administration of Justice and the Human Rights of Detainees." The report was later amended by Diane Orentlicher; see United Nations, Economic and Social Council, Commission on Human Rights, "Report of the Independent Expert to Update the Set of Principles to Combat Impunity."

<sup>18</sup> Quintana, "Archives of the Security Services of Former Repressive Regimes"; Quintana, "Archival Policies on the Protection of Human Rights."

main collective rights include the right to memory, the right to truth, the right to justice, and the right to know who is responsible for crimes against human rights. Simultaneously main individual rights are the right to exoneration and rehabilitation, the right to know the whereabouts of family members who disappeared during a period of repression, the right of everyone to know what information is kept about them in the archives of that repression, the right to historical and scientific research, and the right to compensation and reparation for the damages suffered by the victims of that repression. These principles go beyond the narrow issue of access to archives, but access is a prerequisite for the fulfillment of the principles.

These moral (and, in certain cases, legal) rights include both fundamental information rights: privacy and protection of personal data (in its most advanced form, informational self-determination) and free access to public records, which encompasses access to archives.<sup>19</sup> On the one hand, society should be able to uncover not only what happened during a repressive regime but also comprehend what information was intentionally withheld from society during that period and for what reasons. On the other hand, individuals should also be able to explore their personal histories, that is, their informational “shadow,” in the archives of secret services. However, opening the virtual doors of the archives is not enough: meaningful access requires access both to the documents and to contextual information. This also demands detailed metadata for the documents, a standardized system for searching, and their comparability with other documents and collections. These latter requirements are typically the practical tasks of Archives, and this is why the services of a professional Archive go beyond the capabilities of well-meaning but unprofessional “document centers.”

Nevertheless, there exists a more general criterion that may be even more fundamental in today’s archival environment than accessibility: *trust*. There is a general trend in the Western cultural hemisphere of declining trust in institutions, in experts and scientific knowledge, and in the trustworthiness of information.<sup>20</sup> In such an environment the most important role of Archives is to create and maintain trust. Public Archives should be like ecclesiastical chapters in the past as authentic custodians of information. Without trust, all three basic functions of archival institutions—collecting, preserving, and providing access to documents—will diminish. Consequently, not only will society’s respect for Archives be lacking but so will the social benefits they provide.

Our research looked at the functioning of public Archives. Our aim is to describe and evaluate the current state of implementation of the recommendation in all CoE member states and explore the practices of the archival institutions, as well as main groups of users. On the basis of this fact-finding, we analyzed whether there are typical regional or institutional patterns in the more or less comprehensive implementation of the recommendation. On this basis, decision-makers can derive the need for further development of the regulatory framework and the adoption of concrete measures.

## Methodology

The aim of the study was achieved through a Europe-wide survey of Archives and their users, supplemented by a few qualitative expert interviews. The design of the empirical survey was based on the 2003–4 survey so that the results could be compared. However, it was not a mere

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<sup>19</sup> As formulated, for example, in the United Nation’s Universal Declaration of Human Rights (Art. 12 and 19).

<sup>20</sup> See, for example, Flew, “The Global Trust Deficit Disorder”; Benetka and Schor-Tschudnrowskaja, “Post-Truth and Scientific Authority”; and Kavanagh and Rich, *Truth Decay*.



repetition of the earlier survey; rather, changes in the practice and use of Archives as well as technological developments and changes in the legal environment were considered.

As part of the survey, representatives of Archives and their users were asked to complete an extensive questionnaire.<sup>21</sup> The survey was addressed to all national Archives of the CoE countries and selected regional and municipal Archives. To avoid a bias from purely self-reported data, we also addressed representatives of two important user groups mentioned in the recommendation itself, namely academics—historians in particular—and civil society organizations (CSOs) working for the protection of civil rights or freedom of information. An invitation was sent to the 46 national Archives of the CoE member states, to 20 regional Archives from 8 countries, and to 20 municipal Archives from 16 countries, as well as to 77 professional organizations of academic users and 103 CSOs from all CoE member states. Different versions of the questionnaire were created for the three respondent groups, taking into account their different tasks and levels of information. The questionnaire comprised fifty-seven questions for Archives, thirty-eight for professional users, and forty-one questions for CSOs (see table 1 in the appendix for the questions used in this article).

We conducted an online survey using a professional tool (EFS Survey by Tivian). Fieldwork took place between October 10 and November 4, 2022. Although the survey had a high response rate at least among the national Archives (85%), the sample remained relatively small due to the small population. Out of the thirty-nine questionnaires received, thirty-one were complete enough to be included in the analysis. In addition to the national Archives twenty-one local and regional Archives from fourteen countries completed the questionnaire. In the case of users (response rate about 20%, thirty-seven answers in total), the sample was not designed to be statistically representative. As the sample was small and diverse, robust statistical tests were not possible; instead, the descriptive analysis was supplemented by insights from expert interviews.<sup>22</sup> During the interviews, we discussed in particular whether certain observations (such as the problematic practices described in the next section) were shared and what possible causes are.

A descriptive statistical analysis was carried out for each of the provisions of the recommendation. For the summary assessment, an index was created from the individual values and used to analyze regional patterns and differences.

### **Problematic Practices of Archives in Allowing Access**

Recommendation R(2000)13 defines the conditions that must be met for Archives to be considered sufficiently accessible. These include

- There must be a legal basis for access to archives (art. 2), which is standardized for *all* state Archives (art. 4) and must be coordinated with other relevant regulations (e.g., freedom of information laws and data protection law) (art. 3).
- The basic principle should be that access to archives is a right of citizens (art 5.).
- The necessary practical arrangements for Archives can be derived from this right:
  - Access must be free of charge (art. 6).

<sup>21</sup> The questionnaire is available online at <https://doi.org/10.5281/zenodo.7676589>.

<sup>22</sup> Between January 20 and February 7, 2023, we conducted six one-hour interviews with representatives of a regional and a national archive, academic experts from Archivistics and Digital History, a civil rights lawyer, and a data protection commissioner.

- Documents must be made publicly accessible without restriction either immediately or after an appropriate closing period. Further restrictions on accessibility are only possible on a legal basis and to protect important public and individual interests (art. 7).
- There must be appropriate finding aids that are also publicly accessible (art. 8).
- There must be a right to apply for access to restricted documents (art. 9).
- Restricted documents should then be made available as extracts or with partial blanking (art. 10).
- The refusal of a request for access must be made in writing and there must be the possibility to appeal (art. 11).

Our survey has shown that the Council of Europe's recommendation on access to archives has largely been implemented by the member states.<sup>23</sup> In the following, however, we present seven major areas in which we found that European public Archives demonstrated noncompliance with the CoE recommendations.

### **Secret archives.**

One of the most important motivations for the recommendation was societal demands to open previously closed archives—especially in former communist states. The aim was to create transparency about state actions and to make it possible to come to terms with arbitrary state power and political terror. In many countries of East-Central Europe, the openings of those archives was understood as an opportunity for a new beginning, with the aim of establishing the best possible accessibility of archival records. In other countries the openings took place years after the 1989–90 events and sometimes under external pressure (e.g., in the context of EU accession). Finally, there are countries, especially in Western Europe, which were not themselves affected by the transformations after 1989 and therefore had little reason to adapt their existing archive structures and open up any secret archives.

This is reflected in our survey according to which only a minority of countries have explicitly forbidden the creation and maintenance of secret archives (Ukraine, Poland, Slovenia, Portugal, Austria, Finland). On the other hand, a number of countries (Sweden, Romania, Iceland, France, Lithuania, Latvia, Spain, Bulgaria, Monaco, Serbia, Moldova, Montenegro) have no legal provisions prohibiting secret archives—but this does not necessarily mean that secret archives actually exist.

### **Need for authorization and refusal of access.**

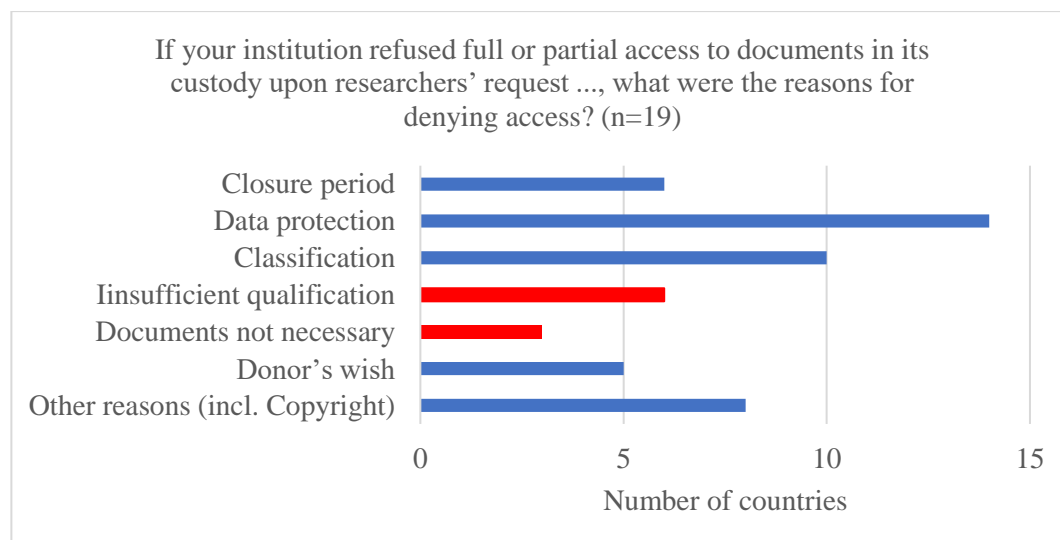
According to the spirit of the recommendation, it should be possible to use all unrestricted files without special authorization. Furthermore, it should always be possible to obtain special permission for the use of restricted documents. While in the vast majority of CoE countries (28 of 30) it is possible to request access to restricted files, one-third (12 of 31) also require authorization for the use of unrestricted files.

Even in open archives, there are always documents that are not accessible to the public. Our survey shows that there are a variety of good reasons for this, including the protection of personal data, classification of documents as confidential or secret, or the general closure period before documents are made available to the public (fig. 1). One of the practices open to

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<sup>23</sup> Friedewald, Székely, and Karaboga, "Access to Public Archives in Europe."

criticism is refusal of access by Archive staff for questionable reasons. The survey shows that in nine of the responding countries it is possible to refuse access because of the “insufficient qualification of the researcher” or because “documents are not necessary for the research topic.” The user survey also confirmed this practice.



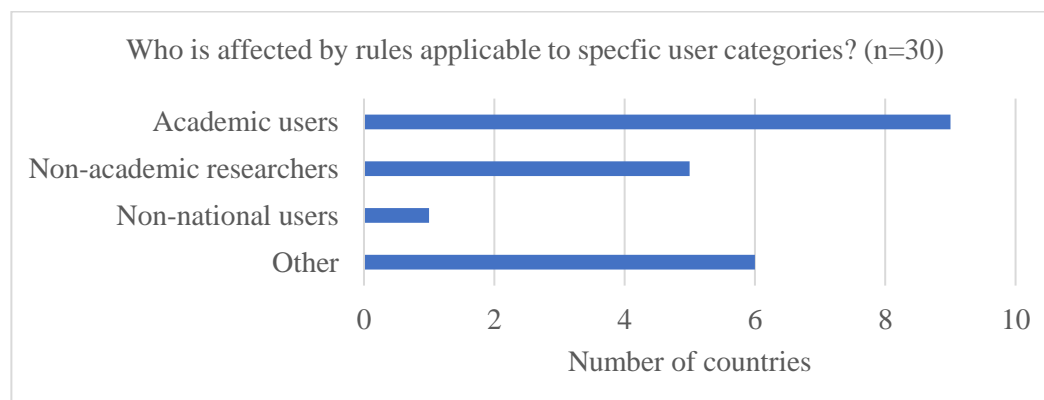
**Figure 1.** Reasons for refusing access. Source: Questionnaire for Archives, question 10.5.1, variables 319–25

Both types of denial contradict the provisions of the recommendation. In the first case, the exclusion of researchers from access to documents they need constitutes direct discrimination. Even if the use of certain scientific documents may require special knowledge and skills, Archives must not deny service to lay researchers, journalists, or other people interested in such documents. In the second case, the question of a user's research topic can only be accepted in archival institutions if it serves the purpose of statistics or prioritization of processing tasks, otherwise it is a remnant of an undemocratic past when archivists fulfilled the censor's task.

### **Different rules for different user groups.**

Accessibility of archives, in the sense of a fundamental right, means not only that all documents should be accessible but also that everyone should have the opportunity of access without discrimination, regardless of nationality, profession, or research interest. This is deeply rooted in experiences in which authoritarian state powers have used access to archives (as to all other kinds of information) as a privilege for system-compliant behavior and to steer science and civil society in a conformist direction that suits the government and prevents critical investigations. Our survey shows that distinctions are still made between different groups of users in European Archives, even if the motives are likely far more practical today than in the authoritarian regimes of the Cold War era. According to the survey, specific rules for certain categories of users exist in thirteen out of thirty countries. These special rules particularly favor professional, academic researchers, who are arguably the most intensive users of Archives and therefore enjoy priority with the Archives (fig. 2). Other user groups enjoying special benefits include law enforcement and crime-fighting investigators, public health researchers, and certain legal professions. Although journalists and CSOs are not usually granted specific access rules, there is cursory evidence from the survey that in some countries those access requests receive less positive responses. On the other hand, there are a few examples where access is

restricted for certain user groups, in one case specifically for users who are not citizens of the country in which the Archive is physically located.



**Figure 2.** Specific rules for special categories of users. Source: Questionnaire for Archives, question 4.4.1, variable 89

### Closure periods, declassification, and reclassification of documents.

Although Archives are considered places that serve the purpose of preserving and providing access to historical sources, many countries' Archives apply general closure periods to records, which means they remain closed to research but not to the originating agency or to the persons about whom the records primarily concern. Closure periods are the expression of a compromise between two conflicting legal interests, namely the fundamental right of freedom of information and science on the one hand and the protection of personal rights (i.e., data protection) and other rights and interests (such as confidentiality requirements of the donor, business, or state) on the other.<sup>24</sup> In practice, such a compromise can only be partially achieved, first because citizens can have access to documents in the originating agencies (under Freedom of Information Acts). Such documents that were freely accessible before being transferred to an Archive must in principle remain accessible. Second, access to documents containing personal data is governed by other specific legal provisions.

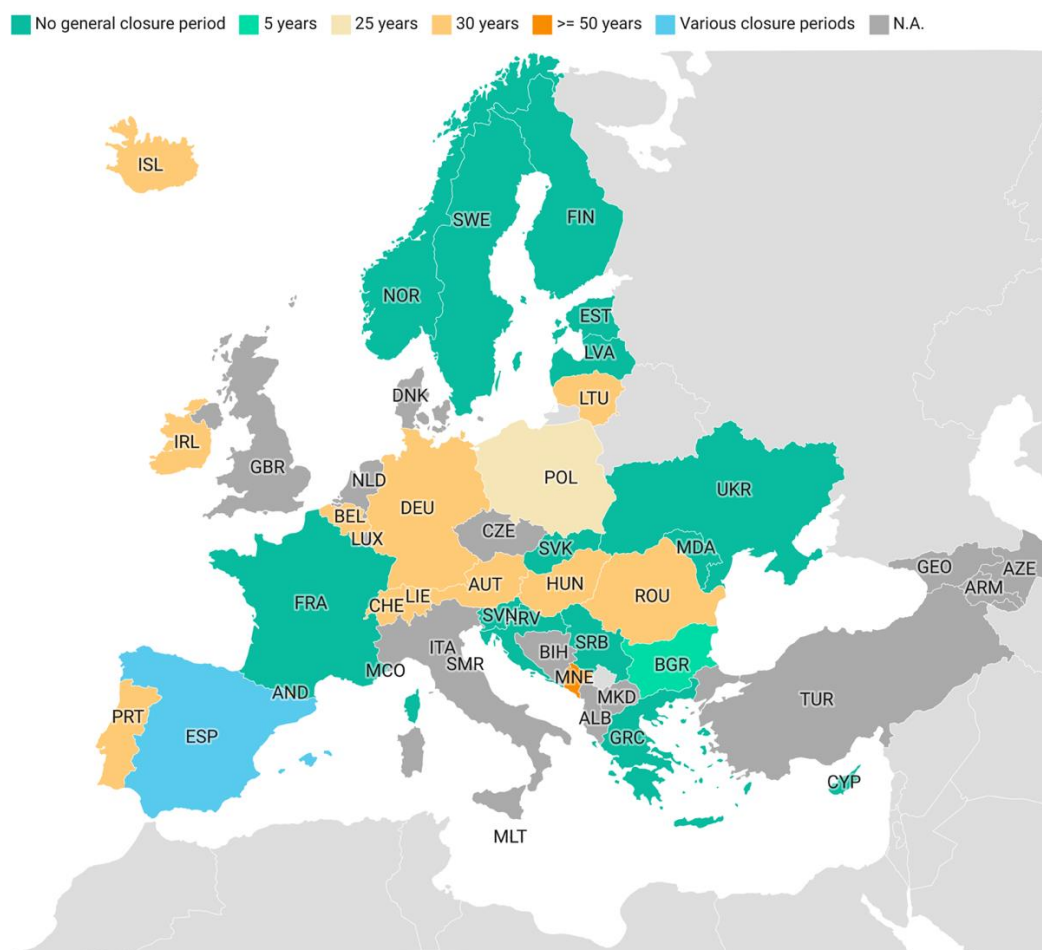
Historically, as noted before, closure periods have varied greatly in different countries.<sup>25</sup> As late as 2003–4, just under 70 percent of CoE countries had a general closure period, which ranged from ten to one hundred years. The remaining 30 percent had no closure period at all, that is, documents were, at least in theory, immediately accessible when they were transferred to an Archive.<sup>26</sup> In the meantime, the general closure period for archival records has been largely harmonized in the CoE countries and is now mostly thirty years (fig. 3). However, in some countries there are still closure periods for certain archival records up to over one hundred years.<sup>27</sup>

<sup>24</sup> Čtvrtník, "Closure Periods for Access to Public Records and Archives."

<sup>25</sup> Čtvrtník, "Closure Periods for Access to Public Records and Archives," 343–45.

<sup>26</sup> Kecskeméti and Székely, *Access to Archives*, 27.

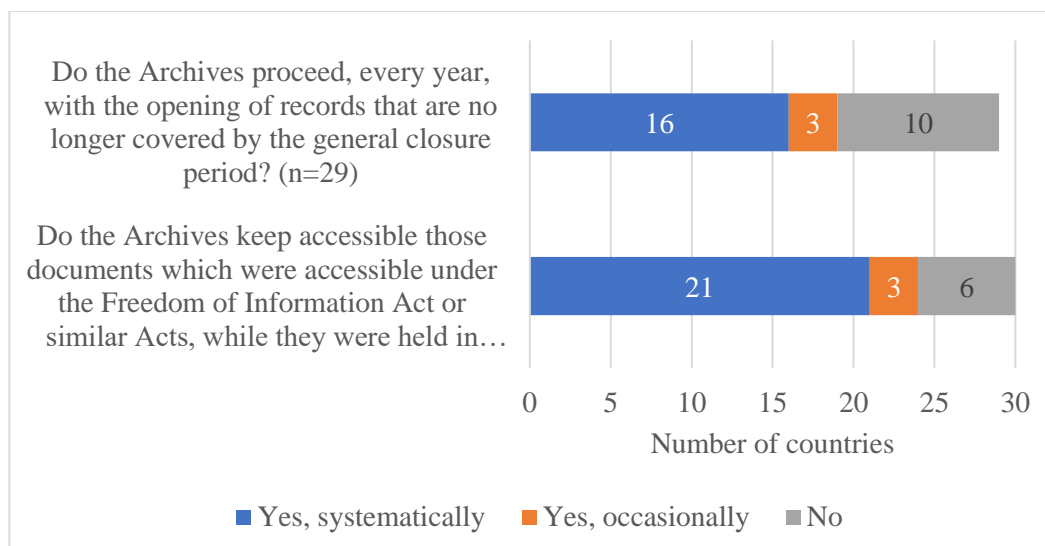
<sup>27</sup> In particular, the closure periods for civil records differ significantly from the general closure period. In Germany, for example, marriage registers are not generally accessible for 80 years and birth registers for 110 years.



**Figure 3.** General closure period. Source: Questionnaire for Archives, question 6.1, variables 125–26

Although the closure periods have been largely harmonized in the CoE states, considerable differences remain in the details. In particular, many countries have different closure periods for different documents. Particular uncertainty has existed for some years with regard to the handling of documents containing personal data. Here, the data protection regulations provide for considerably longer closure periods. As a result, in some cases, access to files that are assumed to contain personal data has been blocked in practice. One interviewee pointedly stated that virtually all archival records from the period after 1945 could become inaccessible for data protection reasons.

According to the responses of the national Archives, nineteen countries proceed systematically, every year (16) or at least occasionally (3), with the opening of records that are no longer covered by the general closure period (fig. 4). This is major progress compared to 2003–4 when the systematic opening of documents was common practice in only six countries. At the same time, this also means that in about one-third of the countries, documents are not systematically opened, which limits their accessibility, even if access is formally allowed. The practice of closing documents again that had been accessible under Freedom of Information regulations, as is the case in six countries (20%), is not in line with the spirit of the recommendation.



**Figure 4.** Opening of records. Source: Questionnaire for Archives, question 6.1, variables 138, 143

Another aspect of opening classified documents is their declassification.<sup>28</sup> According to our survey, twenty-one countries (68%) have provisions for reviewing the classification or automatically downgrading documents at the end of the restriction period, as required by the recommendation. Many of the Eastern European reform countries have taken the opportunity to establish an automatism whereby all classified and unclassified documents become publicly accessible by default at the end of the closure period. However, in seven countries (26%) there is the possibility of classifying documents without a time limit, which is not compatible with the recommendation. In addition, in thirteen countries (45%), there is the possibility to reclassify documents that had already been publicly accessible, surprisingly especially in Western European countries. These practices were confirmed by both academic users and CSOs.

If documents do not become declassified at the end of the restriction period and no formal procedure exists, and especially when Archives do not regularly and proactively publish lists of declassified documents, it remains difficult for the user to find out which additional documents have become accessible. The structure of countries with such problematic practices has remained largely unchanged since the 2003–4 study.<sup>29</sup>

### Partial access.

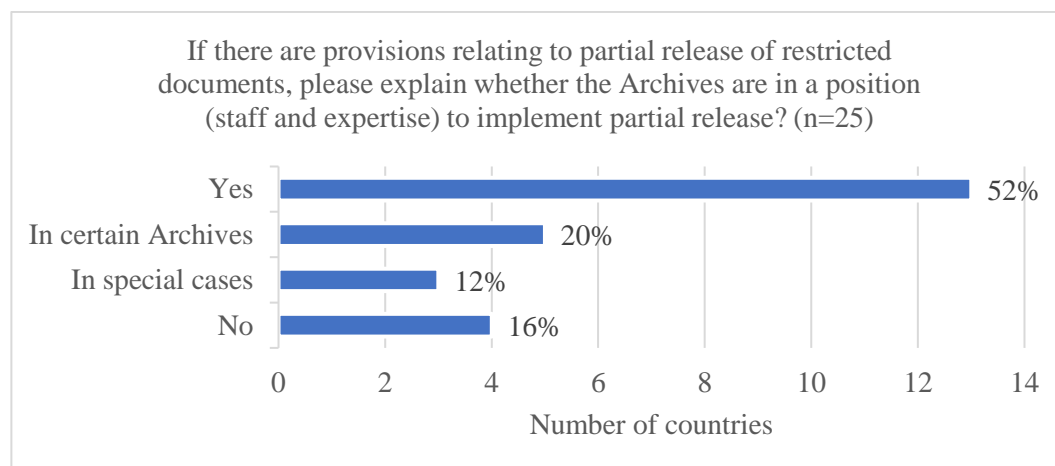
If a whole document (which can be many pages long) is not accessible, the reason for the restriction is often limited to a few pages. If these pages containing personal or otherwise sensitive or confidential data can be removed from the copy issued to the researcher, the remainder can be released. If, on the other hand, only a few data, names, or lines of text—in audiovisual material, a few objects or still images—need to be restricted, this can be resolved by applying appropriate sanitization techniques. This is true for electronic records as well. These solutions are generally not popular with archivists because they are time-consuming and involve a high level of responsibility. The survey shows that in recent years the number of Archives in which partial access is actually provided has increased significantly. While in

<sup>28</sup> State secrets, office secrets, confidential documents, etc.

<sup>29</sup> Kecskeméti and Székely, *Access to Archives*, 48ff.



2003–4 there were provisions for partial access to restricted documents in just under half of the countries, this is now the case in twenty-six countries (84%). However, figure 5 also shows that only half of the Archives can offer partial access to all relevant documents effectively. Sixteen percent of the Archives do not offer partial access at all. Especially in smaller and less well-equipped Archives, this is due to a lack of resources.



**Figure 5.** Implementation of partial release. Source: Questionnaire for Archives, question 10.1.2, variable 257

### Existence of and access to finding aids.

Finding aids are the central tool for user and archivist interaction with archival collections. They contain detailed, indexed, and standardized metadata about the documents in an archive. They serve as the primary means for providing intellectual access to the materials held in an archive or manuscript repository.<sup>30</sup> Therefore, the accessibility of an archive as a whole depends on the quality and accessibility of its finding aids.

According to the responses of national Archives, in twenty-four countries (80%) there are no specific rules governing access to finding aids, that is, they are freely accessible. In six countries, however, access to all (3) or certain (3) finding aids is subject to prior authorization, as also confirmed by the academic users. A third of the responding CSOs were of the opinion that the extent, quality, and accessibility of the catalogs and finding aids could still be improved.

In five countries (16%), all former Communist countries, Archives do not prepare finding aids describing their restricted holdings. In nine other countries (29%) they are prepared only in certain cases, while a slight majority of seventeen countries (55%) regularly produce finding aids of their restricted-access holdings. In the absence of finding aids to restricted documents researchers are unable to learn of the existence of such documents and are therefore unable to apply for special permissions or declassification. In almost 73 percent of the countries (11) these finding aids can be used without any restrictions as provided for in the recommendation. Conversely, however, this means that users in four countries (27%) cannot get an unhindered overview of an Archive's holdings with restricted access.

The lack of finding aids on restricted holdings and restricted access to these finding aids in some countries is confirmed in particular by academic users (over 50%) but also by CSOs. This

<sup>30</sup> Chung, "Archival Finding Aids," 147. See also Freund and Toms, "Interacting with Archival Finding Aids."

practice constitutes a serious restriction of users' rights and infringes the "right of access" formulated in the recommendation.

### **Appeal options.**

If there is a right of access that can be restricted in well-defined cases, the principle of the rule of law requires that the refusal of access must be justified (in writing) and that possibilities of appeal must exist. These important safeguards for users' right to access are effectively implemented in almost all CoE member states: twenty-seven of the responding twenty-nine countries (93%) have provisions for mandatory written notification of refusals; twenty-nine of thirty-one (94%) offer the possibility of administrative appeals, and the same number have the possibility of appeal to a court. Only in a few countries are there no written refusal notices or possibilities to appeal to a court. While 60 percent of the Archives reported that as a result of a complaint access was granted to at least some documents, almost all users stated that administrative complaints against rejected permissions were mostly unsuccessful, and that even court cases generally led to the refusal being upheld.

### **Patterns of (Non-)Compliance**

It was not the central task of our study to determine the reasons for the varying degrees of implementation of certain provisions in the CoE member states. However, it was obvious that certain practices can be observed in different groups of countries and it is reasonable to assume that cultural differences and administrative traditions play a role here. Consequently, we have tried to identify clusters of countries that are consistent with common theories of cultural values and can therefore provide clues for an explanation.<sup>31</sup> However, it turned out that the division into Nordic, Western European/Anglo-Saxon, Southern, and Eastern European countries is not sufficient, as there are sometimes considerable differences within the country groups. In particular, the former Communist countries are by no means a homogeneous group.<sup>32</sup>

In order to get a quantitative impression of the implementation of the recommendation and to identify and explain possible regional patterns, we created a simple "Compliance Index" based on the results of the survey. In doing so, we assessed the extent to which the requirements of articles 4 to 11 are met in the different CoE countries. Some of the countries that responded could not be taken into account when compiling the index because they gave too few answers to the questions relevant to the index (e.g., Northern Macedonia). An index value was finally calculated for thirty-two countries.

Some of the articles of the recommendation were divided into up to four sub-requirements, so that a total of nineteen criteria were included in the index. Explicit fulfillment of the requirement was given a score of "+1," explicit nonfulfillment was given a score of "-1." As the data were largely based on self-reporting by the Archives, and to a lesser extent on the experiences of individual user groups, it could not be provably determined on the basis of the survey whether the fulfillment of a requirement exists only in principle (in the form of a legal provision) or whether there is also a corresponding practical implementation on a large scale. Because of such uncertainties, no weighting of the individual requirements was carried out. In

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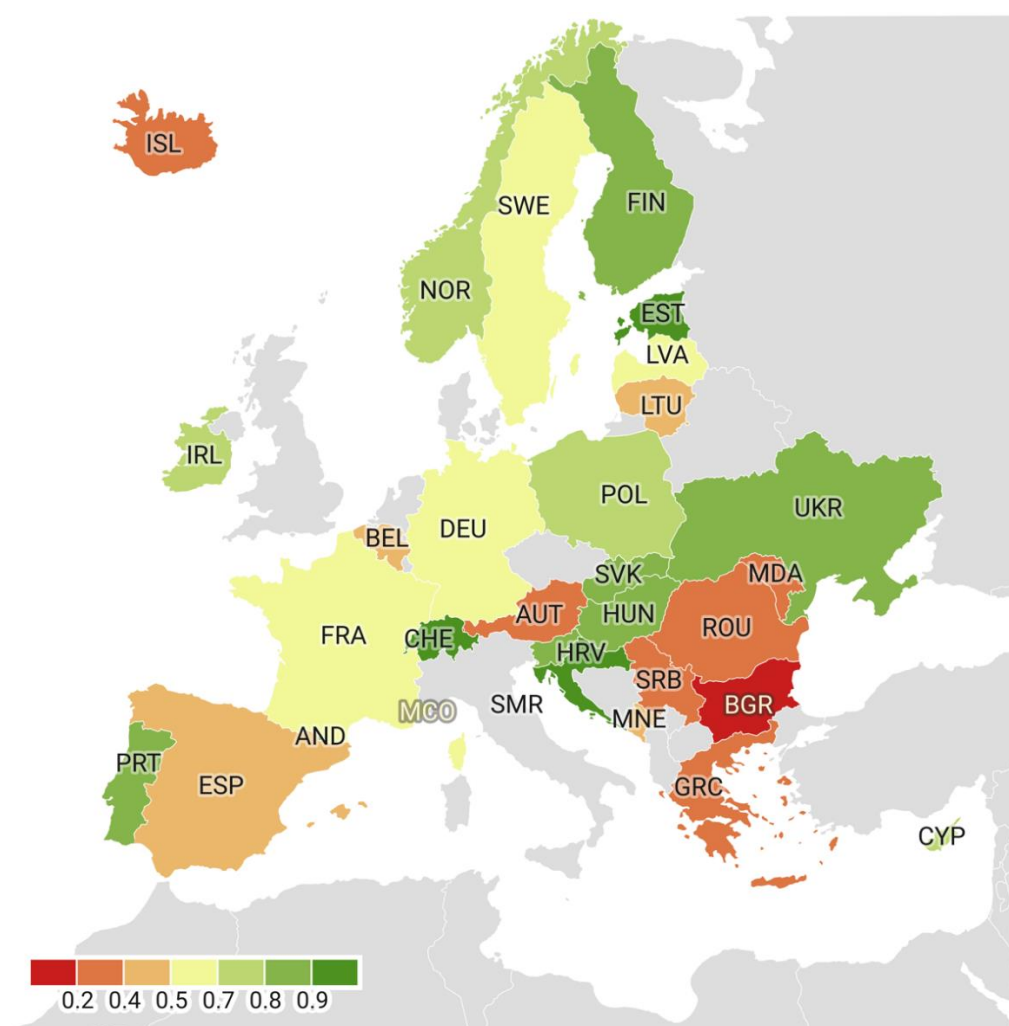
<sup>31</sup> For instance, studies based on the European Social Survey (<https://www.europeansocialsurvey.org/>) and the World Values Survey (<https://www.worldvaluessurvey.org>), or Geert H. Hofstede's cultural dimensions theory; see Hofstede, Hofstede, and Minkov, *Cultures and Organizations*.

<sup>32</sup> Recent research in related areas based on these theories are not convincing; see, e.g., Khosrowjerdi, Sundqvist, and Byström, "Cultural Patterns of Information Source Use."



the end, all individual values were added up and normalized (by dividing them by the number of valid responses) so that the index values range from +1 (complete compliance) to -1 (complete noncompliance) (see table 2 in the appendix).

The mean value for compliance with the recommendation across the 32 analyzable CoE countries is 0.53 with a minimum value of -0.06 (Liechtenstein) and a maximum value of 0.89 (Andorra, Switzerland). Figure 6 shows the index values in the form of a map with a number of interesting geographic patterns.



**Figure 6.** Compliance with Recommendation R(2000)13 (Index)

First, we can identify two very different groups among the former socialist countries in Eastern Europe. The first group (Poland, Slovakia, Hungary, Croatia, Slovenia, Ukraine, and Estonia) took advantage of the transition after 1990, implemented the demand for more transparency, and significantly improved the accessibility of their archives. Many of these countries have significantly shortened closure periods and made the opening or declassification of documents automatic. With an index value of 0.88 Croatia and Estonia have reached top values in our ranking.

The second group of countries (Moldova, Romania, Bulgaria, Serbia, Montenegro, Lithuania) shows a high degree of continuity compared to the time before the adoption of the recommendation or the political transformation in the early 1990s. It is these states that

continue to allow secret archives, do not create finding aids on restricted holdings, and deny access to documents for illegitimate reasons. An example of this is Bulgaria (index value 0.11), where the influence of the state and the secret service was reduced in the 1990s but where a real opening or even democratization of the archives did not take place. It was not until Bulgaria's accession to the EU in 2007 and the change of government in 2009 that new impetus was given to the opening of important archives. The Bulgarian State Security Archives for instance have been *de jure* accessible since 2011, but the state of cataloging and the research and service options limit *de facto* accessibility.<sup>33</sup>

The level of implementation in the Western and Southern European countries is much more average. This is most likely due to the lack of impetus for change compared to that in the Eastern European countries after 1990. Here, broader cultural patterns that have been described in other areas of citizen-state relations are most evident.<sup>34</sup> The Scandinavian countries, which traditionally have a very open society and place a high degree of trust in their governments, are also among the leading countries in the implementation of the recommendation or in the degree of accessibility of archives. It is also striking that especially small states such as Liechtenstein, Monaco, and Iceland on the European periphery have so far implemented the recommendation only very incompletely.

The low index values of a number of countries such as Austria and Greece were not expected and could not be explained on the basis of the survey data. Thus, a more detailed investigation is necessary to determine the causes.

## Limitations

This study has some limitations. First, we are aware that the best results could be reached if researchers of various status could visit Archives physically and virtually in all CoE member states to test the accessibility of documents in an empirical way. Since this was not feasible for economic reasons, we decided to gather opinions both from the archival institutions themselves and from (different) archival user groups. However, the response rate of the users was comparatively low and the composition not representative. Second, the institutional landscape is heterogeneous and ranges from large and well-equipped national and regional Archives, some of which are larger than some national Archives, to small and tiny Archives that are equipped with few resources and run by volunteers. As we could only survey a selection of regional and municipal Archives in our study, the results are not statistically representative. Investigating the differences among Archives of varying sizes and administrative levels is a worthwhile future research topic. Finally, the aim of our study was primarily descriptive in nature. A theory- or hypothesis-led explanation of the differences was not expected by the CoE but is a research desideratum in view of the partly surprising results presented here.

## Summary and Conclusions

According to our survey among Archives and their users, the implementation of the CoE recommendation on access to Archives has been largely successful, with national legislation in most countries complying with the principles it set out. While the majority of countries have no exemptions from the access rules prescribed in Archive laws (as required by art. 3), there are still archival institutions in many countries that are exempt from such rules. These

<sup>33</sup> Nehring, "Files, Agents, 'Deep State,' and Russian Influence."

<sup>34</sup> Hofstede, Hofstede, and Minkov, *Cultures and Organizations*.

exceptions mainly apply to parliamentary archives and archives of ministries responsible for security and defense, police forces, and intelligence services. Despite the exemptions, the actual access conditions of these archives are mostly in line with the principles of the recommendation. The criteria for access to archives should be the same for all public archives in a country (art. 4), and this is the case in most CoE countries.

While access to public archives is considered a right for all users according to article 5, the details of access conditions suggest that this is not always practiced consistently. Additionally, while legislation prohibits the establishment or maintenance of secret archives whose existence is not disclosed, there are still a significant number of countries where secret archives exist or are permitted. In many countries, all users are generally granted unrestricted access to documents, but in some countries even access to non-classified documents may require authorization.

Special permission to access restricted documents is possible in the majority of countries surveyed. However, in nine countries, the production of documents can be refused on the grounds of alleged irrelevance to the research topic, which contradicts the spirit of the recommendation and opens up the possibility of arbitrariness. Specific rules for certain user groups, particularly professional and academic researchers, exist in some countries, favoring these groups as the most intensive and educated users of archives.

The general closure periods for public Archives' holdings have been largely harmonized in the CoE countries. Most countries now have a general closure period of thirty years, while in some countries documents even become accessible with the transfer to the Archive. However, there are still a few countries that do not have a closure period regulated by law. Exceptions to the general closure period are allowed (according to art. 7.1) for certain types of documents, such as those related to national defense, foreign policy, public order, and data protection. Many countries make use of these exceptions, and some have introduced additional grounds to restrict the accessibility of documents, such as official secrets and private or national economic interests. In most countries, there are restrictions on protecting personal data in archival documents, which can create conflict between the demand for accessibility and data protection. Most countries have provisions for reviewing or downgrading classification levels at the expiration of the closure period. However, in some countries, documents can be classified without a time limit, and others allow for the reclassification of already freely accessible documents, which is not in line with the recommendation.

Gaining special permission to access restricted documents (as requested in art. 9) is possible in most countries, but there are different experiences reported by academic users and CSOs. Academic users generally find it easier to obtain special permissions, while CSOs often face rejections. Refusals of access to documents are mainly based on reasons such as data protection or classification. However, there are cases in which access is denied due to a researcher's alleged lack of qualifications or the supposed lack of necessity of documents for the research topic, which contradicts the spirit of the recommendation.

The accessibility of an Archive depends on the quality and accessibility of finding aids. In most CoE countries, finding aids are generally available and freely accessible (as requested by art. 8). Nonetheless, in some countries access to finding aids is subject to prior authorization, or no finding aids are created by default for restricted documents. This can hinder researchers from gaining an overview of an Archive's restricted holdings and applying for special permissions or declassification. Partial access to restricted documents, in the form of extracts or with partial

blanking, is provided in an increasing number of Archives (as required by art. 10). However, the effective implementation of partial access provisions varies among Archives mainly for practical and resource reasons.

Article 11 of the recommendation emphasizes the importance of providing written notification and the opportunity to appeal against refusals of access or special permission. Most CoE member states have implemented such safeguards. However, administrative complaints and court cases against rejected permits have largely been unsuccessful.

Comparing the current situation with that in 2003–4, there has been a shift in emphasis regarding the accessibility of archives. While twenty years ago the biggest problems were official secrecy and classified data and documents, today the main challenge is to find a balance between transparency and openness while protecting privacy and personal data. The adaptation of Archives to this change is an ongoing process. The increasing digitization of documents will further intensify this conflict of objectives. Currently, there is in particular a lack of binding guidelines tailored to the everyday tasks of Archives, inconsistent decisions by supervisory authorities, and the need for clarification from the courts. Historically evolved archival cultures still have an impact on current practices and the adoption of new digital technologies and services. Despite improvements, there are still practices that contradict the provisions and spirit of the recommendation.

## Appendix

**Table 1.** Operationalization of the provisions of R(2000)13 for the survey.

Article in R(2000)13	Related question in the questionnaire for Archives
Art. 4: “The criteria for access to public Archives . . . should apply to all Archives throughout the entire national territory.”	Q3.1: Are there public archival institutions . . . which are exempt from the general access rules laid down in the Archives Act?
	Q3.6: Does the current legislation forbid the creation and maintenance of secret Archives (the existence of which is not revealed) by public agencies?
Art. 5: “Access to public Archives is a right.”	Q4.1: Is access to Archives regarded as a right in the relevant legislation?
	Q4.2: Is access to unrestricted documents systematically subject to authorization?
	Q4.3: Are Archives entitled to deny production of documents they consider irrelevant for the . . . research theme?
Art. 5: “This right should apply to all users regardless of their nationality, status or function.”	Q4.4: Are there specific rules applicable to specific categories of users?
Art. 6: “[For] access to Archives . . . fees should not be charged.”	Q5.1: Is access to the paper-based documents and their microfilmed or digitized copies—as a main rule defined by law—free of charge?
Art. 7: “The legislation should provide for <i>a.</i> either the opening of public Archives without particular restriction; or <i>b.</i> a general closure period.”	Q6.1: Is there a general closure period specified in the archival legislation for documents transferred to Archives for permanent preservation?
	(a) If not, are documents immediately opened?
	Q6.2: Do the Archives proceed, every year, with the opening of records that are no longer covered by the general closure period?
Art. 7.1: “Exceptions to this general [rule] . . . can be provided to ensure the protection of: <i>a.</i> significant public interests . . . ; <i>b.</i> private individuals against the release of information concerning their private lives.”	Q7.7: Are there provisions for regular review/downgrading of classified documents?
Art. 7.2: “Any closure beyond the usual period should be for a pre-determined period, at the end of which the record in question will be open.”	Q7.9: Are there documents classified without time limit?
Art. 8: “Finding aids should cover the totality of the Archives. . . . Even when finding aids reveal	Q8.2: Do the Archives prepare finding aids describing restricted holdings?

Article in R(2000)13	Related question in the questionnaire for Archives
the existence of closed documents . . . they shall be readily accessible so that users may request special permission for access.”	(a) If yes: Are these finding aids to restricted documents accessible without restriction?
Art. 9: “The applicable rules should allow for the possibility of seeking special permission . . . for access to documents that are not openly available.”	Q9.1: Can users apply for special permission for access to restricted/non-accessible documents?
Art. 10: “If the requested Archive is not openly accessible . . . , special permission may be given for access to extracts or with partial blanking.”	Q10.1: Are there provisions relating to partial release of restricted documents (separation of parts of the document, anonymization, blanking, etc.)?
Art. 11: “Any refusal of access or of special permission for access shall be communicated in writing, and the person making the request shall have the opportunity to appeal against a negative decision, and in the last resort to a court of law.”	Q11.1: Are there provisions for obligatory written communication of refusals of access requests?
	Q11.2: Are there possibilities of making administrative appeals?
	Q11.3: Are there possibilities for appealing to courts?

**Table 2.** Implementation of the individual articles of R(2000)13

<b>Recommendation Article</b>	<b>4</b>		<b>5</b>				<b>6</b>	<b>7</b>				<b>8</b>		<b>9</b>	<b>10</b>	<b>11</b>			<b>Index value</b>
<b>Survey Question</b>	<b>3.1</b>	<b>3.6</b>	<b>4.1</b>	<b>4.2</b>	<b>4.3</b>	<b>4.4</b>	<b>5.1</b>	<b>6.1</b>	<b>6.2</b>	<b>7.7</b>	<b>7.9</b>	<b>8.2</b>	<b>8.2(a)</b>	<b>9.1</b>	<b>10.1</b>	<b>11.1</b>	<b>11.2</b>	<b>11.3</b>	
<b>Andorra/AND</b>	1	1	1	1	1	1	1	1	1	-1	1	1	1	1	1	1	1	1	0.89
<b>Austria/AUT</b>	1	1	**	-1	-1	1	-1	1	-1	-1	**	1	**	1	**	**	1	1	0.23
<b>Belgium/BEL</b>	-1	1	1	1	1	-1	1	1	1	-1	1	-1	—	1	-1	1	1	1	0.41
<b>Bulgaria/BGR</b>	1	-1	1	-1	-1	-1	-1	1	1	-1	1	1	1	-1	-1	1	1	1	0.11
<b>Croatia/HRV</b>	1	1	1	1	1	1	1	1	**	1	1	1	-1	1	1	1	1	1	0.88
<b>Cyprus/CYP</b>	1	1	1	1	1	1	1	1	-1	1	-1	1	-1	1	1	1	1	1	0.67
<b>Estonia/EST</b>	1	1	1	1	-1	1	1	1	1	1	1	1	**	1	1	1	1	1	0.88
<b>Finland/FIN</b>	-1	1	1	1	1	-1	1	1	1	1	1	1	1	1	1	1	1	1	0.78
<b>France/FRA</b>	1	-1	1	1	1	1	-1	1	-1	1	-1	1	1		1	1	1	1	0.53
<b>Germany/DEU</b>	-1	**	1	-1	**	-1	1	1	1	1	**	1	**	1	1	**	1	1	0.54
<b>Greece/GRC</b>	-1	-1	**	1	**	1	1	-1	**	1	**	**	—	1	1	**	**	**	0.33
<b>Hungary/HUN</b>	1	1	1	1	1	1	-1	1	1	1	1	1	—	-1	1	1	1	1	0.76
<b>Iceland/ISL</b>	-1	-1	1	1	1	-1	-1	1	-1	-1	1	1	1	1	1	1	1	1	0.33
<b>Ireland/IRL</b>	-1	1	1	1	1	1	1	1	1	1	1	-1	—	1	1	-1	1	1	0.65
<b>Latvia/LVA</b>	1	-1	1	1	1	-1	1	-1		1	1	-1	—	1	1	1	1	1	0.50
<b>Liechtenstein/LIE</b>	1	1	-1	-1	-1	-1	1	1	-1	-1	-1	-1	—	1	1	1	1	-1	-0.06
<b>Lithuania/LTU</b>	1	-1	1	1	1	-1	-1	1	1	1	1	1	**	-1	-1	1	1	1	0.41
<b>Moldova/MDA</b>	-1	-1	1	1	-1	-1	1	-1	1	1	1	1	1	1	-1	1	1	1	0.33
<b>Monaco/MCO</b>	-1	-1	1	-1	-1	1	**	1	-1	-1	-1	1	-1	1	1	1	1	1	0.06
<b>Montenegro/MNE</b>	1	-1	1	-1	-1	1	1	1	1	1	1	-1	—	1	-1	1	1	1	0.41
<b>Norway/NOR</b>	-1	1	1	1	1	-1	1	1	1	1	-1	1	1	1	1	1	1	1	0.67
<b>Poland/POL</b>	-1	1	1	-1	-1	1	1	1	1	1	1	1	1	1	1	1	1	1	0.67
<b>Portugal/PRT</b>	-1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	-1	0.78

Recommendation Article	4		5				6	7				8		9	10	11			Index value
Survey Question	3.1	3.6	4.1	4.2	4.3	4.4	5.1	6.1	6.2	7.7	7.9	8.2	8.2(a)	9.1	10.1	11.1	11.2	11.3	
Romania/ROU	-1	-1	1	1	1	1		1	1	1	1	-1	—	-1	1	-1	-1	1	0.25
San Marino/SMR	1		1	-1	1	**	1	1	-1	1		-1	—	1	1	1	1	1	0.57
Serbia/SRB	1	-1	1	-1	1	-1	1	1	-1	-1	1	1	-1	1	1	1	1	1	0.33
Slovakia/SVK	1	1	1	1	1	1	1	1	-1	1	**	1	**	-1	1	1	1	1	0.75
Slovenia/SVN	1	1	1	1	1	1	1	1	-1	-1	1	1	**	1	1	1	1	1	0.76
Spain/ESP	1	-1	1	1	-1	-1	-1	1	1	1	-1	1	1	1	1	1	1	1	0.44
Sweden/SWE	1	-1	1	-1	1	1	1	1	1	1	-1	-1	—	1	1	1	1	1	0.53
Switzerland/CHE	1	1	1	1	1	1	1	1	1	-1	1	1	1	1	1	1	1	1	0.89
Ukraine/UKR	1	1	1	1	1	-1	1	1	1	1	1	-1	—	1	1	1	1	1	0.76

“1” compliant with Recommendation, “-1” not compliant with Recommendation, \*\* no answer



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