



Evolution and concept of RTI worldwide and in India

Mayur D Parmar¹, Dr. Bharat H Rojasara^{2*}

¹ Research Scholar, CU Shah University, Wadhwan, Surendra Nagar, Gujarat, India

² Supervisor C U Shah University, Wadhwan, Surendra Nagar, Gujarat, India

Abstract

Every human being has basic need to grow is information, which develop him in a informed and systematic way. Freedom of information was a concept of growing country which wants to grow transparently. Definition of Information is very wide and worldwide almost similar. 243 years ago when Sweden passed first RTI nobody knows that it will become an integral part of every democratic country. This research paper compiles all the information of freedom of information and its concept in worldwide and in India. It covers almost all aspect of journey civil right and liberties to right to information. It also covers how concept of freedom of information was in 17th and 18th century and how civil rights and liberties and obligation developed worldwide. On the basis of development of civil and political rights International Covenant on Civil and Political Rights adopted in 1968 and article 19 was also formulated. Universal Declaration of Human Rights was also recognize freedom of information. So this paper covers all the aspects of freedom of information.

Keywords: RTI, FOI, universal declaration, international covenant on civil and political rights

1. Introduction

A desire to know about something is basic to grow a human and to react on it and produce communication as well as to consume are the development process to reach next level, such process has been present in every generation.

For every country which believes in democratic and fundamental right to know liberal principles requires informed citizens and transparency of information which are most important and leading and vital to fight against corruption and requires such mechanism to hold public administration and government accountable and transparent to the public. For that public and interested person must have information regarding all the work done by the government and its functionaries, and all the work done by the government can be traced from papers/documents under control and preservation of government and its machineries. But government and its machineries are reluctant to reveal such information in actual practice and which is likely to conflict with other public interest including efficient operation of the government. But in democracy there must be some balance between preservation of sensitive information and limited resource and supremacy of democratic principles. As the revolution of media and television, internet, computer and mobile year by year more people are saying more over more channels on more topics to a bigger total audience. The Internet boom is exploding. The talk in cable television is more than 500 channels. New way of publishing in today's world within a second published or circulate everything in new format either in newsletters, self-published books, magazines, and multimedia presentations, with no end in sight. New computer software arrives every day. In free industrial nations, bookstores and magazine stands are over flooded and jammed with product. Libraries hardly know what to do with all their books in racks. It has been true for years that anyone can have his published book. Now, in digitalized and advance societies, almost every person having a small

gadget in his hand can have and make his movie with millions and millions of content. Meanwhile, more and more movies are being made than ever. And desktop video is bringing a low cost version of Hollywood to Main Street. Meanwhile, home desktop computers, laptop, mobile expand information use in ways only recently undreamed.

Even if it were nothing else, Information revolution age is the latest in a series of social revolutions. A desire to produce communication as well as to consume it has been present in every generation but for this the basic requirement is information. To acquire information and to express its feeling some people as individual or as a group have risked personal freedom, savings, reputation, even life and limb. In the advanced technology upgraded in 21st generation the technology has combine the digital device like computer, mobile, pamtop, tablet, digital watch etc and satellite with end-user content like books and television, so that one can have all opportunities have arisen to express your ideas, views, thoughts on a different level within a span of time, which is quite difficult past.

From the above discussion it is quite clear that what is more important for freedom of expression is "INFORMATION". Now what covered in this term has different meaning as given below-

1.1. As per dictionary Meaning

▪ Definition of information ^[1]

1. 1: the communication or reception of knowledge or intelligence
2. 2a(1): knowledge obtained from investigation, study, or instruction (2): intelligence, news(3): facts, data b: the attribute inherent in and communicated by one of two or more alternative sequences or arrangements of something (as nucleotides in DNA or binary digits in a

¹ <https://www.merriam-webster.com/dictionary/information>

computer program) that produce specific effects(1): a signal or character (as in a communication system or computer) representing data (2): something (as a message, experimental data, or a picture) which justifies change in a construct (as a plan or theory) that represents physical or mental experience or another construct: a quantitative measure of the content of information; specifically: a numerical quantity that measures the uncertainty in the outcome of an experiment to be performed

3. 3: *the act of informing against a person*

4. 4: *a formal accusation of a crime made by a prosecuting officer as distinguished from an indictment presented by a grand jury*

▪ **Information** ^[2]

1. Facts provided or learned about something or someone.
2. What is conveyed or represented by a particular arrangement or sequence of things. '*genetically transmitted information*'

2.1 Computing Data as processed, stored, or transmitted by a computer.

2.2 (in information theory) a mathematical quantity expressing the probability of occurrence of a particular sequence of symbols, impulses, etc., as against that of alternative sequences.

▪ **Definition of information As per RTI ACT meaning**

Section 2(f) in The Right to Information Act, 2005

(f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

The idea to have informed citizens leads to demand Freedom of Information Act (FOI) in different countries. This FOIA gives right to citizens to access to information. And now a day most of the countries who believe in good governance give this right to access to information to its citizens. And naturally when people have right to information they can take good and meaningful decision, give good opinion, raise their voice against bad decision taken by government, and reveal corruption into government. So this type of right shapes our society into good and well governed structure, which is necessary with regard to development and balancing of social interest which ultimately protect the rights of marginalized and vulnerable class of people, women, child, common good, workers., etc. In 1776 at-least 243 years ago earliest and the first country which passed Right to information Act is Sweden. It is the only country in 18th century which passed this type of legislation. In 19th century one more country Colombia passed FOIA in 1888. This number is increased in 20th century to 38 countries, some of them are USA(1967), France(1978), Australia(1982), Canada(1983), New Zealand(1983), Italy(1990), Spain(1992), and in 21st century this number increased to 100 countries upto 28th SEP,2013 ^[3] some of them Japan(2001), South Africa(2001), Pakistan(2002), Zimbabwe(2002), India(2005), United Kingdom (2005), Germany(2006), Switzerland(2006), Nepal(20070), China(2008). This shows the power of this

act.

In India, RTI Act was introduced in the year 2002 and in 2005 the Act came in power. Since then this act becomes a good and easy weapon in hands of public, for developing transparency in Government department. India made this act so good that it becomes world's best law with excellent implementation structure. It is one of the most powerful and advanced legislation passed after the independence of India. This act is so good that World Bank while implementing its first phase of new policy on Access to Information on July 01, 2010 to increase its accountability, transparency, efficiency. While framing its policy World Bank refers India's RTI ACT 2005 as inspiration ^[4].

2. International progress of freedom of information: historical background

Country which wants to grow must have informed citizens, this requirement leads to demand Freedom of Information Act (FOI) in different countries. This FOIA gives right to citizens to access to information. And now a day most of the countries which believes in good and effective governance gives this right to access to information to its citizens. And naturally when people have right to information they can take good and meaningful decision, give good opinion, raise their voice against bad decision taken by government, and reveal corruption into government. So this type of right mould sour society into good and well governed structure, which is necessary with regard to development and balancing of social interest which ultimately protect the rights of marginalized and vulnerable class of people, women, child, common good, workers., etc. In 1776 at-least 242 years ago earliest and the first country which passed Right to information Act is Sweden. It is the only country in 18th century which passed this type of legislation. In 19th century one more country Colombia passed FOIA in 1888. This number is increased in 20th century to 38 countries, some of them are USA(1967), France(1978), Australia(1982), Canada(1983), New Zealand(1983), Italy(1990), Spain(1992), and in 21st century this number increased to 100 countries upto 28th SEP,2013 ^[5] some of them Japan(2001), South Africa(2001), Pakistan(2002), Zimbabwe(2002), India(2005), United Kingdom (2005), Germany(2006), Switzerland(2006), Nepal(20070), China(2008). This shows the power of this act.

The concept of right to information has a long and extraordinary history towards the global perspective. Out of the Different countries Sweden is the First Country of the world have adopted Freedom of information law to make their Government responsive to the needs and ambitions of the people. It is the only country in 18th century which passed this type of legislation. In 19th century one more country Colombia passed FOIA in 1888. This number is increased in 20th century to 38 countries, some of them are USA(1967), France(1978), Australia(1982), Canada(1983), New Zealand(1983), Italy(1990), Spain(1992), and in 21st century this number increased to 100 countries upto 28th SEP,2013 ^[6] some of them Japan(2001), South Africa(2001), Pakistan(2002), Zimbabwe(2002), India(2005), United Kingdom (2005), Germany(2006),

⁴ <http://www.worldbank.org/en/news/speech/2010/04/09/world-bank-moves-towards-greater-transparency-isabel-guerrero-discusses-new-access-information-policy>

⁵ <http://access-info.org>

⁶ <http://access-info.org>

² <https://en.oxforddictionaries.com/definition/information>

³ <http://access-info.org>

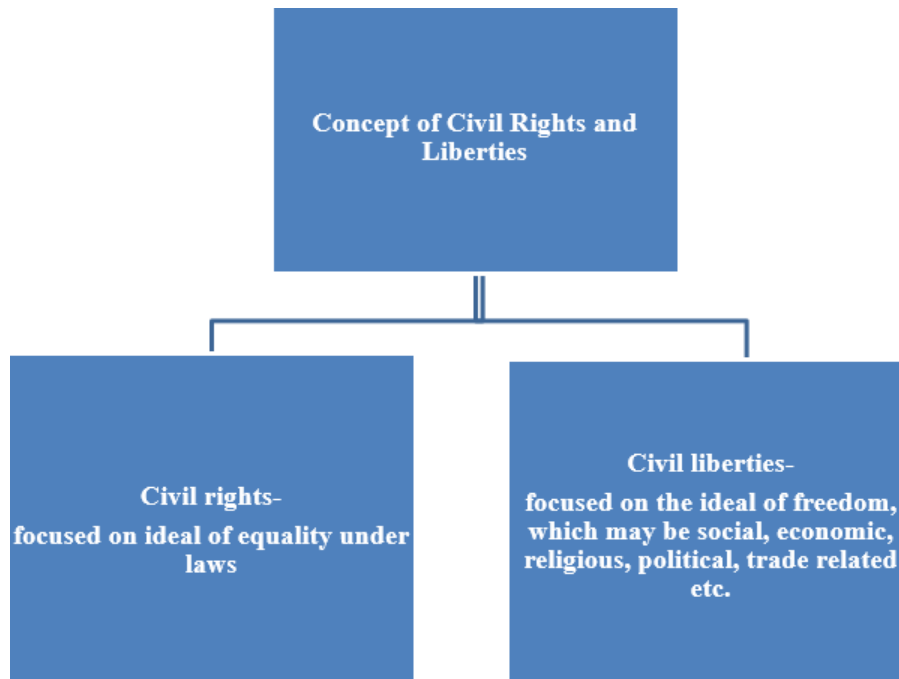
Switzerland(2006), Nepal(2007), China(2008). The objective of These all Freedom of Information Law is to provide right to people, citizen a tool to ask information in the hands of government bodies. And this tool become legal right of people/citizen. Under these laws, Citizens have the right to request the government to provide information available in the Government bodies is fickle, malafide or contrary to the notions of justice and fair play. However, in some countries, some information like information related to nation's security, personal information, intelligence

services are exempted from the provisions of the Right to Information Act with a view to protecting the national security, personal privacy, commercial confidentiality, law enforcement, maintenance of public order and tranquility.

3. Journey from civil rights and liberties to right of information

The history of right to information and the history of evolution of the concept of civil rights and liberties are of same age.

Chart-1



17th and 18th Century

- Legislative history of Anglo-American countries reveals that civil rights and civil liberties were recognized as an essential part of philosophic doctrines [7].
- They had their origin in the Christian doctrine of natural rights, which emphasized on equality of man and freedom of inner voice. The Declaration of Independence of 1776 (U.S.) was essentially based on the ideas of natural rights and civil liberties. Subsequently, several States of America [8] adopted Bill of Rights finally leading to Bill of Rights of 1791 which formed the fundamental rule of democratic governance in United States.

After the French Revolution. The declaration of the rights of man became a cardinal principal of constitution law and most European countries incorporated these rights in their Constitution. The French National Assembly adopted the Declaration of Rights of Man and of the Citizen in 1789 and incorporated it in its preface to the French Constitution of 1791. It came to be regarded as a fundamental statement of liberal belief which finally lead to the emergence of

concepts of rights, the fundamental rights and the human rights. The Declaration, inter alia, asserted that, "all men were born free and equal in rights, specified as being rights of liberty, private property, the individuality of the person and resistance of oppression, and that all citizens were equal before law and were to have the right to participate in legislation directly or indirectly, that no one was to be arrested without judicial order, freedom of religion and of speech was safeguarded within the limits of law and public order [9]."

Thus, the French Declaration of Rights (1789) was perhaps the first attempt in the world which sought to pave way for setting up of democratic forms of governments in place of monarchical authoritarian regimes.

The notions of justice, liberty, freedom, legal rights of man, etc. are found to have been in existence even in the philosophical thoughts of Plato and Aristotle. Plato held that law as an instrument of social order and justice. It sets out rules of conduct which every citizen is supposed to follow as a code of conduct for maintaining human happiness. As a member of universal order, an individual is subordinate to organic unity of the community and law seeks to regulated his conduct in the society.

Aristotle's conception of justice was based on equality. He believed in proportional equality rather than mathematical

⁷ See Magna carta (1215), Petition of Right (1628), Habeas Corpus Act (1679), Bill of Rights (1688), Rights of Man (1791), Fox's Libel Act (1972), Representation of the Peoples Act, 1832 and 1867 etc.

⁸ Virginia Declaration of Rights (1776); Marryland (1776), New York (1777) Massachusetts (1780) etc.

⁹ S.C. Mitra & R.P. Kataria: Law Relating to Right to Information (1st Ed. 2012 Reprint) p.11.

equality and asserted that there should be equality among equals so far distribution of things like rights, honors, goods, privileges etc. were concerned. This he called as 'distributive justice' He pointed out that disputes and clashes arise when equals are allotted unequal shares or unequals are allotted equal shares. This can be prevented by resorting to corrective justice which maintains fair and equal distribution, monetary rewards, honor, political office etc. And protects people against inequality and misuse of power. The Judges of law courts generally administer corrective justice by invoking their power of judicial sentencing against the law-breakers.

Right to freedom

Later, it was the English philosopher and sociologist Herbert Spencer who propagated a view that freedom of man was more important than the concept of equality for the attainment of justice. This in other words, meant that every person should have the right to certain freedoms which are fundamental for the development of his personality and capabilities. These may include freedom of speech and expression, carrying on trade or business of his choice, acquisition of property, right to move from one place to another, freedom of religion. However, these freedoms cannot be allowed to be exercised unfettered, instead they should be subject to reasonable restrictions^[10].

Supporting the Spencer's doctrine of individual freedoms, John Locke observed that the purpose of law is not to abolish or restrain freedom which is deeply ingrained in all human beings, but to preserve and enlarge it to the extent possible. Rousseau also asserted that man is born free and therefore, there should be minimum restraint on his right of liberty and freedom. He, in his theory of 'general will' stated that "law is the expression of general will of the people and therefore, every citizen has a right to participate personally or through his representative in the formulation of law it should be same for all."

Civil Rights and Liberties

Generally, the civil rights or liberties are conferred on the citizens by the Constitution and other public laws and enforced by the State. The main civil rights recognized by most of the countries are freedom from subjection, slavery, freedom of speech, expression, writing and broadcasting, freedom of organizing in group for lawful purposes and form assembly, freedom of religious belief, faith, worship or conscience, freedom of access to justice through law courts and so on. Liberties can never be absolute, instead they are always limited by liberties of other persons. They are subject to reasonable restriction such as morality, custom, public and are regulated by legislation and decisions of the court. For instance, the freedom of speech and expression and of the press is limited by the rules of decency, law of obscenity, sedition etc. Similarly, freedom of assembly is subject to public safety and maintenance of law and order in the society. These freedom and liberties can reasonably be curtailed by the State in time of war or national emergency^[11].

Though the modern constitutional trend to grant maximum freedom and liberty to individuals is for their socio-

economic and political advancement, but there have been instances in certain spheres of activities where they have been misused or abused for exploitation, oppression or intimidation. The most common example is that of trade union activities which were recognized to raise the laborer's capacity for collective bargaining against the capitalists or monopolists, but are often used to intimidate or pressurise the producers or industrialists to accept demands of workers, which may be unreasonable or unrealistic. The demand of the followers of communist ideology to overthrow the democratic government through their writing, speeches and broadcasting is yet another example of misuse of liberty and freedom of speech and expression granted to citizens by the Constitution.

Rights and Obligation

Like freedom and liberty, rights and obligations also have a direct impact on the well-being of individuals and society as a whole. Right in law is a well-founded and acknowledged claim^[12] which co-exists between persons inter se. Right and obligation are co-relative terms. Thus, right of a person over his land imposes an obligation upon other persons not to interfere with that person's right of ownership over his land. There is an element of mutuality between right and obligation which makes a person to respect the right of others so that others may also show respect for his own right. Jurisprudentially speaking, a right may be defined as an interest recognized and enforceable by law made by the State.

Harold Laski has defined rights as such conditions of human life without which no man can develop his personality to the fullest extent. According to Holland right is "the capacity residing in a person to control the action of others with the assent of the State."

Salmond has asserted that right, like duties, may be either moral or legal. A moral right is a natural right and an interest recognized and protected by the rule of morality whereas a legal right is an interest recognized and protected by rule made by the State, the violation of which would be a legal wrong and a breach of duty. Some of these rights being fundamental for the existence and survival of individual in the society were incorporated by countries in their Constitutions by different names^[13]. These are inalienable rights which the State recognizes and protects for the well-being of the individual and society as a whole.

Article 14 of the Declaration of the Rights of Men, 1789 after the French Revolution read as follows:-

"All the citizens have a right to decide, either personally or by their representatives, as to the necessity of the public contribution, to grant this freely, to know to what use it is put, and to fix the proportion, the mode of assessment and of collection and the duration of the taxes."

4. International covenant on civil & political rights

Emphasizing the importance of civil and political rights for the emerging democracies, the International Covenant on Civil and Political Rights was adopted in 1968 and Article

¹² In earlier monarchical forms of Government, people believed that the monarch had an inherent right to rule over his subjects. This was termed as Divine Right or Jus divinum.

¹³ The National Assembly of France adopted these rights as the Declaration of Rights of Man and the Citizen in its Constitution of 1791; U.S. adopted them as Bill of Rights and they have been incorporated as Fundamental Rights in Part III of the Constitution of India.

¹⁰ The limitations on freedoms exercisable under Article 19(1) of the Constitution are contained in Article 19(2).

¹¹ A.D.M. Jabalpur v. Shrikant Shukla, AIR 1976 SC 1207.

19 of the covenant provided that:

1. Each person shall have right to hold opinions without interference,
2. Each person shall have right to freedom of expression which includes freedom to seek, receive and impart information and ideas of all kinds regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media.

Article 20 of the covenant prohibits any propagation of war. Such a restriction would be justified under Article 19(2) of the Constitution of India which imposes certain reasonable restrictions on freedom of speech and expression guaranteed under Article 19(1)(a) in view of the directive principle contained in Article 51(a) which requires the State to promote international peace and security and to maintain friendly relations with foreign States.

Supporting the International Covenant on civil and political rights, the Commonwealth countries^[14] at their Law Minister's meeting held at Barbados in 1980, agreed that 'public participation in democratic government process would be most meaningful when citizen had adequate access to office information'. The members countries should, therefore, initial concrete steps to recognize political and civil rights which are of fundamental political value for strengthening the cause of democracy.

Thus it would be seen that civil liberties and rights are the interests recognized and protected by the law which requires the Government not to interfere in people's exercise of these rights or liberties unless public interest so demands. There may be cases when there is a conflict between the civil right of a group of persons or society and the rights of individual, in that event it is for the State Government to adjust and reconcile them in the public interest. It is for this reason that it is generally said no right or liberty can be absolute; it operates within certain limitations imposed by the law.

Universal declaration of human rights, 1948

Recognizing the necessity and importance of certain basic human rights for the existence of human being, the Universal Declaration of Human Rights of 1948 which was adopted on December 10, 1948, in its Article 19 said:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Article 20 and 21(a) further contain two other supporting provisions of the Declaration. Article 20 confers the right of peaceful assembly and of association and Article 21 (a) confers the right to take part in the Government of the country.

United nations charter

The Preamble of the Uncharted of 1945 proclaimed that it was set up to save the succeeding generations of humanity from the scourge of war, and to reaffirm faith in fundamental human rights, in the dignity and worth of human being. The right to information was recognized by General Assembly in 1946 at its inception, when the General Assembly resolved that, freedom of information is a

fundamental human right and the yardstick for all freedoms to which the United Nations is consecrated.

The United Nation Commission on Human Rights established the office of the U.N. Special Reporters on freedom of opinion and expression in 1993. A couple of years later, the Special Report in 1995 noted that 'the right to seek or have access to information is one the most essential elements of freedom of speech and expression'. From the year 1997, the Annual Report of the Special Report of the Commission has been publishing detailed commentary on the right to information as a regular feature. The Report of 2000 further commented that right to information was not only important for strengthening the democracy and freedom of people, but it also enabled public participation in realization of the right to development^[15] The Committee on Environmental Policy of the U.N. Economic Commission for Europe adopted a Convention on access to justice in environmental matters in the Fourth Ministerial Conference held in Aarhus (Denmark) on June 23-25, 1998. Thus sharing of information between the Government agencies and people in general assumed great importance during the closing decades of the twentieth century.

American convention on human rights, 1969

In 1969, the Organization of American States (O.A.S.) adopted a legally binding international treaty called the American Convention on Human Rights, which, among other rights, focused on right to information and exchange of thoughts, ideas etc. regardless of frontiers. Article 13 of the Convention states.

1. Everyone has the right to freedom of thought and its expression. This right shall include freedom to work, speak, receive and give information and give opinion and ideas of all kinds, either orally, in writing in print, in the form of art, or through any other medium of one's choice.
2. The aforesaid right shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by the law to the extent necessary to ensure:
 - a. Respect for the rights and reputations of others, or
 - b. The protection of national security, public order, or public health or moral.

The interpretation of sub-clauses (1) and (2) of Article 13 of the American Convention on Human Rights clearly focuses on two main aspects of the right to information. Firstly, no one can be arbitrarily restrained or impeded in expressing his own thoughts, and secondly, it implies a collective right to receive any information whatsoever and to have access to the thoughts expressed by others^[16].

European convention on human rights and rti^[17]

The European Convention on Human Rights, adopted on November 4, 1950 incorporated a provision on freedom of speech and expression and impart information in its Article 10 as follows:

1. everyone has the proper to freedom of expression and

¹⁵ The U.N. Document dated 4th February 1997. The U.N. Document, dated 18th January, 2000(para 42).

¹⁶ Centre for Policy Alternatives, Commonwealth Human Rights Initiative and Human Rights Commission of Pakistan. (1985) p.12.

¹⁷ R.T.I. stands for 'Right to Information'.

¹⁴ Commonwealth is a voluntary association of 54 countries, most of which were formerly under the British colonial rule.

- opinion, and to receive and share information and concepts without interference by government;
2. The exercise of those freedom, since it carries with it duties and responsibilities, could also be subject to such formalities, conditions, restrictions or penalties as are prescribed by law, and are necessary during a democratic society, within the interests of national security, territorial integrity or public safety, for the prevention of disorders or crime, for the protection of health or morals, reputation or rights of others, for preventing disclosure of data received in confidence or for maintaining the authority and impartiality of the judiciary.”

Interpreting the provisions contained in Article 10 of aforesaid Convention, the European Court of Human Rights brought out the excellence between freedom to access information and therefore the right to get information and observed that the previous merely mandates the State to not interfere with the flow of data while the latter imposes an obligation upon the State to offer information ^[18].

Freedom of data would only mean that one could have access to information, which is out there or will another person or agency be willing to offer. But the one that is to offer the knowledge can't be compelled to offer an equivalent, unless a right and therefore the other person features a duty to offer it.

Thus, the Committee of Ministers which is that the political decision-making body of the Council of Europe realized that mere freedom of data wouldn't mean right to information and thus, amended the supply contained in Article 10 concerning the access to information held by public authorities which stated ^[19]:

Everyone within the jurisdiction of a member state shall have the proper to get, for the asking, information held by the general public authorities aside from legislative bodies and judicial authorities.

Article 10 of European Convention on Human Rights and Provisions and objects of RTI Act are almost similar. And asking information with government personal is nothing but basic human right, which correctly portrayed in Right to information / Freedom of Information Act worldwide.

5. Conclusion

As discussed above we can say that freedom of information was basically came from civil right and liberties. After French Revolution rights of man become top priority for State which finally lead to emergence of concept of fundamental right including right to information and it basic human right. RTI/ FOI law is nothing but the basic human right of knowing the information held by government subject to some restriction. With this right all government become conscious regarding using public money and public will feel less corrupted society.

The main civil rights recognized by most of the countries are freedom from subjection, slavery, freedom of speech, expression, writing and broadcasting, freedom of organizing in group for lawful purposes and form assembly, freedom of religious belief, faith, worship or conscience, freedom of access to justice through law courts and so on.

6. References

1. <https://www.merriam-webster.com/dictionary/information>
2. <https://en.oxforddictionaries.com/definition/information>
3. <http://access-info.org>
4. <http://www.worldbank.org/en/news/speech/2010/04/09/world-bank-moves-towards-greater-transparency-isabel-guerrero-discusses-new-access-information-policy>
5. Magna carta (1215), Petition of Right (1628)
6. Habeas Corpus Act, 1679.
7. Bill of Rights, 1688.
8. Rights of Man, 1791.
9. Fox's Libel Act, 1972)
10. Representation of the Peoples Act, 1832 and 1867
11. Virginia Declaration of Rights. Marryl and (1776), New York (1777) Massachusetts (1780) etc, 1776.
12. Mitra SC, Kataria RP. Law Relating to Right to Information, 2012, 11.
13. The limitations on freedoms exercisable under Article 19(1) of the Constitution are contained in Article 19(2)
14. Jabalpur ADMV, Shrikant Shukla, AIR, 1976, 1207.
15. The UN. Document dated 4th February 1997. The U.N. Document, 2000, 42.
16. Centre for Policy Alternatives, Commonwealth Human Rights Initiative and Human Rights Commission of Pakistan, 1985, 12.
17. Section 9 EHRR. 433 Para 74
18. Recommendation adopted by Council of Europe. (81) 19.

¹⁸ Section 9 E.H.R.R. 433 Para 74.

¹⁹ Recommendation (81) 19 adopted by Council of Europe.