

Newsletter

December 20, 2010

From September 2009, Eurasia Partnership Foundation (EPF) has been implementing the project ***Strengthening the Media's Role as a Watchdog Institution in Georgia***, funded by the European Union and the Norwegian Ministry of Foreign Affairs. In partnership with the Georgian Young Lawyers Association (GYLA) and the Georgian Association of Regional Broadcasters (GARB), EPF aims at increasing the Georgian population's access to independent sources of information and specifically investigative journalism.

One of the objectives of the project is to facilitate public discussions on the issues of media independence in Georgia through organization of roundtable discussions devoted to identifying obstacles and solutions improve the media sector. On December 20, 2010 EPF organized a third roundtable dedicated to issues related to access to public information, with the active participation of representatives of Georgian Media, local and international NGOs, corps diplomatique, and legislative and executive branches of the Georgian Government. The roundtable discussion aimed at looking into the problems that hinder access to public information in Georgia, in order for the participants to examine the barriers that the journalists encounter while trying to get public information and consider ways to solve the highlighted problems.

Key presenters

Ms. Ketevan Vashakidze, Eurasia Partnership Foundation Country Director in Georgia, provided an overview of the ***Strengthening the Media's Role as a Watchdog Institution in Georgia*** project and the goal of the roundtable in her welcoming speech. Ms. Vashakidze highlighted the fact that access to public information is an important issue for further development of the Georgian Media and drew attention to some of the existing problems, including inconsistent interpretation of the definition of public information by various governmental bodies, delays in provision of public information, lengthy court proceedings, and high court fees. Ms. Vashakidze encouraged the roundtable participants to discuss these and other problems, and to brainstorm about possible solutions.

Ms. Nino Danelia, lecturer at the Georgian Institute of Public Administration (GIPA) and the Georgian Public Broadcaster Board Member, provided a brief overview of the existing situation regarding access to public information in Georgia. According to Ms. Danelia, the General Administrative Code, which, during the earlier years led to increased media independence in Georgia, has been amended several times, which resulted in rolling back some of the Code's earlier achievements. An increase in the amount of court fees from 30 to 100 GEL significantly limits the number of journalists who are able to appeal the Governmental body's denial to provide public information. At the same time, the appeal process itself became more cumbersome. As it currently stands, the journalist who have been denied public information will have to appeal to the higher administrative unit or senior management of the organization before appealing the decision in

court. This new measure increases the amount of time needed for court hearings, which today range from two to five months in the first instance courts. To support her arguments, Ms. Danelia presented several cases of various representatives of Georgian media, such as the unsuccessful attempt of the newspaper *Free Word* to get information from the Ministry of Defense regarding various construction contracts or an attempt of the newspaper *Spectrum* to get a detailed budget of the *Golden Autumn* event. The case of newspaper *Batumelebi* is particularly noteworthy, as 60% of 291 requests for public information have either been denied or not provided with the requested information. Ms. Danelia also spoke about the positive developments undertaken by the Georgian Government, and, namely, about the introduction of the electronic procurement, the reform of the National Public Registry, etc.

Mr. Vakhushti Menabde, representing the **Georgian Young Lawyers' Association** focused his attention not just on the legislative shortcomings, but also on problems related with the implementation of the existing laws. Regarding the first issue, Mr. Menabde believes that the solution lies in the adoption of the package of legislative changes recently elaborated by the representatives of Media outlets and non-governmental organizations, which envisage the introduction of measures such as regular dissemination of information by public organizations on their web-sites; cancellation of court fees on freedom of information cases, simplification of court proceedings for FOI cases, etc. As for the inconsistent interpretation of the law, Mr. Menabde drew attention to the fact that administrative bodies deny information on the grounds that it contains state secret.

Mr. Otar Kakhidze, **Head of Analytical Department of the Ministry of Justice of Georgia**, stressed that the Ministry closely collaborates with NGOs and representatives of Media outlets in various directions. Mr. Kakhidze mostly spoke about the recent achievements, such as the online accessibility of income declarations of Georgian public officials, the implementation of an electronic system of state procurement, and the establishment of an electronic state registry. Mr. Kakhidze drew the participants' attention to those aspects of the anti-corruption plan that deal with freedom of information, and, specifically, the responsibility of public service bodies to disseminate information on-line, develop a transparent state procurement system, and train public servants on freedom of information issues. Commenting on the earlier presentations, Mr. Kakhidze noted that the existence of court fees as a filter tool is necessary to avoid the inefficient use of court resources, however, he did not rule out the possibility of decreasing the amount of court fees for freedom of information proceedings.

Discussion

Ms. Chiora Taktakishvili, **First Deputy Chairperson of the Legal Issues Committee, Parliament of Georgia**, actively engaged in the discussion and encouraged participants to pay attention to the recent positive changes in the field – the current parliamentary efforts to introduce legislative amendments to regulate transparency of information of media ownership and productive developments in the establishment of an electronic government. Ms. Taktakishvili also stressed that the Georgian Parliament is always ready to provide public information and serves as a model public body/organization. **Mr. George Kldiashvili and Mr. Levan Avalishvili from the Institute for Development of Freedom of Information**, spoke about their experience

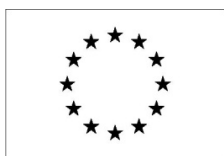
in getting access to public information, and, specifically, on the project funded by the Open Society – Georgia Foundation, which allowed the collection of public information from the Georgian Ministries and their publication on www.opendata.ge. Mr. Kldiashvili and Mr. Avalishvili noted that different governmental organizations have diverse approaches to the same type of public information. For instance, some ministries provide information on the salaries and bonuses of their employees, while others deny this information on the grounds that it constitutes private information.

A significant part of the discussion was devoted to the issue of high court fees, with **Mr. George Tugushi, Georgia’s Public Defender**, and journalists **Ms. Nino Zuriashvili** and **Mr. Zviad Koridze** actively engaged in the debate. Mr. Koridze believes that court fees should be annulled, so that journalists are able to actively challenge and appeal denials to provide public information. According to the Public Defender, it would be more feasible and appropriate to decrease the fee, because removing this barrier might increase the number of frivolous appeals. Ms. Zuriashvili also agreed that it is necessary to decrease the court fees.

Despite the differences in the expressed opinions, the roundtable participants agreed on the following:

- It is necessary to ensure close cooperation between the Georgian Parliament and Government, on the one hand, and representatives of media and the NGO sector, on the other hand, in order to achieve a higher degree of transparency of public bodies/organizations;
- Discussion on issues related to access to public information should continue;
- Discussion on the decrease in the amount of court fees should be initiated;
- Parts of the General Administrative Code of Georgia, related to the establishment of public registries, must be implemented immediately and effectively;
- It is important to use modern technologies to improve access to information, including regular and active publications of information by public institutions on their websites.

For further information, please, contact Ms. Tamar Zurabishvili, Media and Innovative Program Manager, Eurasia Partnership Foundation at email: tzurabishvili@epfound.ge



This project is funded by the European Union



Project Partner



Project Partner



EURASIA
PARTNERSHIP
FOUNDATION

This project is implemented by Eurasia Partnership Foundation