

Universal Periodic Review of Georgia

Freedom of Expression/Access to Information

SUMMARY OF KEY ISSUES FROM PREVIOUS CYCLES

Georgia received the following recommendations from the 2nd cycle: strengthen the institutional and normative human rights framework concerning freedom of expression (Serbia), fully respect freedom of expression and media pluralism (Portugal), institute measures that guarantee a free and independent media environment (Ghana), continue to prioritize safeguarding media freedom (Australia), bolster respect for pluralism and open debate by fostering a non-violent environment tolerant of dissenting voices, including those of the opposition, and avoiding politically motivated actions against critical media outlets (USA), ensure the right to freedom of expression, in particular through ensuring plurality and independence of the media as well as protection of media outlets critical to the Government from harassment and attacks (Czech Republic). All recommendations related to freedom of expression were supported by Georgia. However, recent developments in Georgia suggest that there are challenges in terms of safeguarding this fundamental right.

NATIONAL FRAMEWORK

The Constitution of Georgia guarantees a high standard of freedom of expression, however, in recent years, initiatives of certain public officials have threatened freedom of expression several times. Besides, the media landscape in Georgia is polarized and the politicization of media content remains a challenge. As for access to information, Georgia has basic legal provisions on this issue in the General Administrative Code, but there is no stand-alone law on freedom of information. The freedom of information legislative reform was initiated to increase access to public information and in 2014 the Draft Law on Freedom of Information was prepared. However, the initiation of the Draft Law has been delayed for years and has not been presented before the Parliament yet.

CHALLENGES

1. The absence of a stand-alone law on freedom of information, a supervisory body, and a sanctioning mechanism for refusal to disclose public information.
2. Blanket suspension of the time frame for releasing public information for two months during the state of emergency caused by the coronavirus pandemic.
3. The use of force by police against journalists during protests.

IMPACTS

1. The current legal framework does not ensure efficient enforcement of the relevant provisions related to freedom of information. Besides, when bringing lawsuits regarding access to public information in common courts, the court proceedings are usually lengthy which also constitutes a considerable obstacle.
2. During the state of emergency, for two months, the blanket limit on all requests and for all public authorities created obstacles for holding the government accountable and exercising effective external control over its work.
3. In 2019 several journalists sustained injuries during the June 20-21 protests. They were targeted although they were identifiable as journalists. Besides, journalists were injured during the protest on November 8, 2020.

CHALLENGES

4. Challenges related to media freedom.

IMPACTS

4. In 2019 Adjara Public Broadcaster (APB) voted to dismiss its general director, citing mishandling of public funds and mismanagement of program priorities, among other things. International monitors had previously considered the APB an impartial media source. The decision raised concern for the country's democratic development and media freedom record. The process at the APB strengthened doubts about possible political interference in the board's decision-making. Afterward, the journalists protested against the new director, claiming he was interfering in their work and attempting to influence the station's editorial policy.

RECOMMENDATIONS

- Strengthen guarantees of access to information by adopting the Draft Law on Freedom of Information, establishing a supervisory body, and introducing a sanctioning mechanism against public institutions that ignore FOI requests or refuse to disclose public information;
- Ensure that freedom of expression and media pluralism are fully respected as previously recommended to and supported by Georgia;
- Ensure impartial investigation into all incidents of excessive use of force by Georgian law enforcement authorities against journalists.

SOURCES

IDFI, Report for the 3rd Cycle of Universal Periodic Review, available at: <https://bit.ly/3gkDiPS>

CONTACT DETAILS

Ketevan Kukava, Head of Rule of Law and Human Rights Direction, IDFI
Email: k.kukava@idfi.ge website: <https://idfi.ge/en>