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20 May, 2011 - 02:25

Inaccessibility of Information – the Unresolved Problem for Georgian Society

Nata Dzvelishvili [2]



[3]

May 18 representatives of media, NGOs, the government and of parliamentary minority once more discussed the information freedom problems in Georgia, the vitality of which has been proven by the content of the discussion. This was the second round table dedicated to the given issue organized by the International Research and Exchange Board (IREX) and by the International Senior Lawyers Project (ISLP), Georgian Young Lawyers Association (GYLA) by cooperation with the Open Society Georgia

Foundation (OSGF). The meeting was held in framework of the G-MEDIA program (Georgian Media Enhance Democracy, Informed Citizenry and Accountability).

In his welcoming speech the G-MEDIA Program Director Joe Raffelberg called on the society to be more active. "Experts often claim the Law of Georgia is good "on paper", but is not being implemented in practice. Citizens are unable to receive public information often because the relative employees refrain from giving it out, or claim they are tired. It is in the interests of the society to call on the government to oblige the public state bodies to be more proactive," Raffelberg said.

Head of the Freedom Institute Levan Ramishvili briefly discussed the information regulatory legislative base. According to him, the norm of the law obliging the state bodies to form public information register is permanently ignored. Any document created must have relative classification originally determining weather it is public document, or not. And in reality all the State bodies are discussing weather or not any given information is public, which takes a lot of time.

Ramishvili believes the second significant problem is related to the issuing of information from annual reports of State bodies. BY the laws the State bodies are obliged to send to

Parliament and President every December 10 the certain statistics of information issued during a given year. "How it is done in reality is another issue but it must be said that neither the President's Administration, nor Parliament work with the materials received. As result the existing defects in any of the State bodies are not being corrected," Levan Ramishvili said.

Ramishvili expressed the idea of obliging one of the ministries to monitor the law execution, which will have the right to turn in recommendations to the relative State body in case of not issuing of public information. "For example it may be the Public Defender's Office. In case if a citizen is unable to receive information, he will be able to appeal to the Ombudsman."

Lasha Tugushi, representative of the group of Georgian media experts which proposes media improvement recommendations to the Parliament believes that the law in general is good, but certain definitions must be précised, for example the term "public information." In addition in each of the State bodies must a person responsible for issuing public information, who will be fined in case of underfulfillment of the given obligation.

Media Advocacy Coalition has requested regulation of several issues by the Law also. Coalition representative Nino Zuriashvili outlined the problems which hamper the journalistic activities. Coalition believes the information as Presidential Decrees, sessions of government, international contracts, identity of persons having a right of vote in the joint-stock companies, must be publicly available. Audio recording at court sessions is also problematic, as it is permitted by the law, but is not being done in practice.

Head of the legal provision, registration and notary department of the Ministry of Justice Bachana Shengelia attended the meeting. He spoke about the initiatives the implementation of which would simplify the accessibility of public information.

"Open information will in fact be published at the website. The list of relative documents will be agreed in advance. We are working at developing the Public Information Register and additionally plan to impose disciplinary responsibility in case of blocking of public information. As result, we believe, our work will be simplified and any interested person will be able to receive requested information in a short period of time," stressed Bachana Shengelia.

First deputy chairman of the Legal Committee of Parliament Chiora Taktakishvili spoke about the changes the implementation of which has already simplified the accessibility of certain types of information. She claimed the electronic purchases, tenders and declarations of authorities uploaded in the Internet as some of the main achievements. According to her, all the State bodies will change to electronic activity, which will further promote the information accessibility.

"Our aim is for the activities to be mostly transparent, which will decrease the possibility of interpretation and solve the question weather an information must be issued, or not. We welcome Internet publication of information and are ready to participate in the process in view of legislative regulation," Taktakishvili said.

ISLP international FOI law expert Ms. Sarah Smith delivered a speech on FOI international standards at the referred roundtable. Ms. Sarah Smith also presented recommendations, prepared by Google and Baker & McKenzie LLP lawyers, at the request from IREX, on proposed amendments to the Georgian FOI legislation, elaborated by Media Experts Initiative Group.

Sara Smith claimed it would be possible to form in Georgia an administrative entity, which would work solely with freedom of information problems, but it would have to be an independent structure for being trusted by the society.

*For the unofficial Georgian translation of the Google and Baker and McKenzie LLP expert conclusion will visit the **following link** [4] and for the original version of the document please go to the **following link** [5].*

[5]



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Media discussions

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