

Freedom of expression

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Access to the information

- Article 40.1 of the administrative Code
 - public information should be provided for any person immediately upon request or within 10 days in an exceptional circumstances
 - In practice the time-limits are often disregarded by any state agency.
- If Public Agency denies to make public information available, the decision might be challenged to the Court.
- Article 59.3 of the Civil Procedure Code
 - Litigation on Public information may be last from two to five months
 - Because of the delays journalists may lose interest in Information

Access to the information

- ECtHR in the case of CASE OF THE SUNDAY TIMES v. THE UNITED KINGDOM (No. 2)
 - information is a perishable commodity and to delay its dissemination, even for a short period, may well deprive it of all its value and interest.
- To meet the challenges the Ministry of Justice elaborated bill on freedom of Information. The bill sets up the institution of FOI Commissioner
- The Commissioner would
 - Deal with FOI cases promptly
 - Oblige any public agency to release a public information
 - impose a sanctions to any agency for not making the information available;
- The bill has not been initiated to the parliament.

Confidentiality of sources

- Article 7 (7) of statute on Freedom of Speech and Expression
 - The Court should not render any ruling against a journalist in the case of defamation, if only the journalist denies to disclose any professional secrecy or source of the information;
- The professional secrecy is information disclosed to a journalist under the condition of privacy protection in relation to carrying out his/her journalistic activity.
- Article 11 of statute on Freedom of Speech and Expression
 - The sources of professional information is absolutely privileged. Nobody is allowed to require a journalist to disclose his/her journalistic sources;

Confidentiality of sources

- Article 50 of Criminal procedure Code of Georgia
 - A journalist should not be interrogated or subpoenaed with regard to the information obtained in the course of his/her professional activities;
- article 143 (7) of Criminal procedure code of Georgia
 - Eavesdropping towards a journalist is permitted when the measure has nothing to do with professional activity of the journalist.
- PRINCIPLE 6 of The Charter of Journalistic Ethics
 - Journalists have a moral responsibility not to disclose confidential sources.

Self-regulation

- Article 52 of the Georgian Law on Broadcasting grants a person a right to rebut an inaccurate and incomplete information within 10 days. Article 54 of the Law requires a Broadcaster to cover the news in the impartial and fair ways.
- Article 56 of Georgian Law on broadcasting prohibits TV and Radio stations from imparting Hate speech, discriminatory, Xenophobic, Homophobic sentiments and war propaganda.
- If a person wants to realize his/her right to reply and to react on biased, unfair information and hate speech, he/she should apply to self-regulatory body set up by a broadcaster. The decision of the self-regulatory body cannot be challenged either to the GNCC or to the Court. The decision of appeal self-regulatory commission is final.

Self-regulation

- On June 13, 2019, the chairman of the Parliament of Georgia and the Georgian National Communications Commission disseminated information on amending the law on Broadcasting.
- The amendment would allow a person to challenge the decision of self-regulate body on hate speech to GNCC and then to the court of Common Jurisdiction;
- The Constitutional Court in its judgment rendered in 2009 did not found violation of Constitution once the decisions of self-regulatory body had not been challenged before the court.

Self-regulation

- The Judgment of the Constitutional Court 2009:
 - Freedom of expression is the right guaranteed by the Georgian legislation, but the legislative guarantees are not enough for the complete implementation of these rights, it is necessary that the society itself is tolerant towards the individual's right to express his/her opinion freely and fearlessly. In a democratic society, people have the obligation to tolerate those opinions that they do not share or consider even morally unjustified. It is inadmissible to impose moral norms or ideology of a particular person or group on other members of the society through the state institutions, including through the court.

Independence of public Broadcaster

- On February 21 2018 Georgian parliament amended law on broadcasting. The amendment allows Public Broadcaster to place advertisement during the day-time air of the working days (from 12:00 am to 07:00 pm)
- Possibility of placing the advertisements during news, social and political programs aired on day-time of Public Broadcaster, may put editorial group of those programs upon the commercial influence of the business groups.
- On August 1 2019 GYLA challenged the amendment to the Constitutional Court.