

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Summary of Future Steps for Improving Media Environment

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The Coalition for Media Advocacy has total of 12 member NGOs whose goal is to improve media environment and promote protection of freedom of expression standards. Member organizations have been working together for more than a year to achieve the goals we have set. We elaborated and presented to the authorities a number of proposals for concrete reforms. It must be highlighted that some of our

initiatives were shared by the government. However, significant issues remain that need to be addressed and thoroughly revised; subsequent legislative amendments or practical measures need to be implemented. Otherwise, it would be impossible to improve the media environment. Member organizations have elaborated concrete proposals and project for each individual issue raised below and we remain hopeful that new parliament and government of Georgia will closely cooperate with us for improving the media environment.

## 1. Forming and developing public broadcaster as an independent broadcaster

For the purpose of examining the work of the public broadcaster, the State Audit Office must carry out an ad hoc audit based on the parliament  request and present audit results to the parliament and public. The following recent developments have clearly illustrated the necessity of ad hoc audit: a) writing off the public broadcaster  tax debts that have accumulated over the time and b) conflict with Alania, the company managing PIK TV Company.

On the other hand, prior to the audit the public broadcaster should make public its financial expenditures and the agreement signed with Alania, the company managing PIK TV Company, as well as other important documents.

One of the important ways for forming and developing the public broadcaster as an independent broadcaster is revising provisions of the Law on Broadcasting that regulate forming of the board of trustees.

## 2. Including Must Carry and Must Offer regulations in the Law on Broadcasting

Over the last few years cable network operators refused to carry all broadcasters in Georgia. Official reason for their refusal was a technical problem; however, it was clear that they created artificial problems for media outlets known for their criticism, whereas pro-governmental channels covered almost all Georgia.

Prior to the 2012 elections the Parliament of Georgia adopted amendments as a result of frequent requests made by the civil society and enacted the so-called must carry and must offer regulations that ensured carrying of general broadcasters (TV

companies that prepare public and political shows, news bulletins) by all network operators during the pre-election period only. The new regulation obligated cable network operators to make their services available to TV channels with a general license, which in return had the right to be carried on a cable provider [ ] system. However, this obligation was effective only for a limited period of time (two months prior to the elections), which falls short of genuine must carry/must offer regulations.

In view of the European and international practice, making corresponding amendments to the media law (the Law on Broadcasting and the Law on Electronic Means of Communication) is still a pressing issue.

### 3. Transparency of the Judiciary

It is important to reinstate the right to photo and video shooting and audio recording in courtrooms. Members of the Coalition have prepared corresponding draft that needs to be considered.

### 4. Freedom of Information – Access to Information

On August 30, 2011, Georgia joined the international initiative Open Government Partnership. In frames of the initiative, Georgia undertook important commitments for practicing transparency and open government. In April 2012 the Ministry of Justice of Georgia published Georgia [ ] OGP Action Plan which was actively discussed with the civil society. The authorities considered only part of our proposals. We believe that significant changes need to be made to Georgia [ ] OGP Action Plan, including for ensuring open governance and elaborating/improving legal base for proactive publication of information; creating transparent public service; ensuring transparency of public finances including setting up an effective system for budget planning and keeping public informed about budget spending; developing effective mechanisms for civic engagement, etc.

### 5. Digital switchover

Pursuant to the commitments undertaken by Georgia before the International Telecommunications Union (ITU) and the EU, Georgia must transition to digital broadcasting by 2015. The process entails much more than technical issues and it must be carried out within the context of ensuring media pluralism and protecting interests of the audience. Further, transition of breakaway regions to digital

broadcasting must also be addressed. Despite approaching deadline, Georgian Government has not yet published a strategic document for digital switchover, which further intensifies the issue.

First and foremost, a special commission must be set up, manned by representatives of relevant agencies (the Ministry of Economy and Sustainable Development, the National Communications Commission, etc.) as well as a group of experts, stakeholder NGOs and representatives of organizations (broadcasters) on the market.

#### 6. Resolving the legal status of Adjara TV

The law of Georgia on Broadcasting set November 2011 as the deadline for determining the status of Adjara TV. However, the status has not yet been determined as the law has not been amended respectively. Currently, Adjara TV is not subject to any legal regulation. It is important that concrete steps are made to tackle the problem that involves state television and public servants/journalists.

#### 7. Amending standards of relationship between public servants and public agencies to media

For over the years journalists have been facing the key challenge of obtaining data or comments from state agencies. The coverage of the activities of the President, high officials and local self governments is especially problematic. For every act of violence and illegal disruption of journalistic reporting, journalists have lodged complaints in investigating authorities but unsuccessfully. Further, the authorities have demonstrated discriminatory approach towards media outlets. Therefore, it is crucial that probe is launched and subsequent results are made public by the investigating authorities, in addition to eliminating discriminatory approach towards media outlets.

#### 8. Revising rules of formation of the GNCC and its functions

The practice has illustrated that despite high legal guarantees, the effort to form the GNCC as a meaningfully independent agency has failed. To this end, we deem elaborating new set of rules for formation of the GNCC, revising a number of its function and determining the GNCC's authority necessary.

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## Members organizations of the Coalition

- Civil Development Institute
- Georgian Young Lawyers' Association
- Media Club
- Open Society Georgia Foundation
- Institute for the Development of Freedom of Information
- The Georgian Charter of Journalistic Ethics
- Association of Regional Broadcasters
- Association of Regional Press
- Network of Regional Broadcasters
- Levan Mikeladze Foundation
- For Freedom of Press