

Georgia

FREE

76

/100

A. <u>Obstacles to Access</u>	19/25
B. <u>Limits on Content</u>	29/35
C. <u>Violations of User Rights</u>	28/40

LAST YEAR'S SCORE & STATUS

78 /100 **Free**

Scores are based on a scale of 0 (least free) to 100 (most free). See the research methodology and report acknowledgements.



Overview

While the Georgian online environment remained free during the coverage period, a civil society report revealed that the country’s telecommunications regulator had instructed internet service providers (ISPs) to block hundreds of websites over several years. Additionally, a report from Meta linked a network of inauthentic accounts spreading progovernment narratives to a government agency. Popular pressure forced the Georgian Dream, the ruling party, to withdraw the “foreign agents” bills that would have required civil society organizations (CSOs), online media, and other platforms to register depending on the amount of foreign-sourced funding they receive. State institutions and media outlets did not face any reported major cyberattacks during the coverage period.

Georgia holds regular competitive elections and hosts lively media and civil society sectors. However, oligarchic influence affects the country’s political affairs. Corruption in government persists and media freedom is undermined by intimidation and pressure against journalists. Executive and legislative interference in the courts remains a substantial problem, as does a lack of transparency and professionalism surrounding judicial proceedings.

Editor’s Note: The territories of South Ossetia and Abkhazia are not covered in this report. Certain territories that are assessed separately in Freedom House’s Freedom in the World report are excluded from the relevant country reports in Freedom on the Net, as conditions in such territories differ significantly from those in the rest of the country.

Key Developments, June 1, 2022 - May 31, 2023

- In November 2022, the Institute for Development of Freedom of Information (IDFI), a Georgian CSO, reported that the country’s telecommunications regulator ordered ISPs to block 480 websites, primarily because they violated copyright law, over a five-year period, even though the government has not provided any clear guidelines on the procedure for website blocking (see B1 and B3).
- A May 2023 Meta report established a connection between the Strategic Communications Department of the Government Administration of Georgia

and inauthentic Facebook and Instagram accounts that promoted government-friendly talking points (see B5).

- In July 2022, an individual was briefly detained for using foul language regarding police officers in a Facebook post (see C3).
- No significant cyberattacks against Georgian state infrastructure or media outlets were reported during the coverage period (see C8).

A. Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?	5/6
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Georgians face some infrastructural obstacles to accessing the internet. However, internet access continued to grow during the coverage period, with 89 percent of households enjoying access as of July 2023 according to government statistics. ¹ According to 2022 data from the International Telecommunication Union (ITU), the fixed-line broadband penetration rate was 28.7 percent. ² According to a survey conducted by the Caucasus Research Resource Center (CRRRC) in August 2022, 68 percent of the population accessed the internet on a daily basis, ³ with the most active users in the capital of Tbilisi. ⁴ According to government statistics published in July 2023, 82.7 percent of individuals aged six and above had used the internet within the last three months, while almost 15.2 percent had never used the internet. ⁵

Mobile broadband penetration rates have increased significantly in recent years and stood at 110 mobile broadband subscriptions for 100 people in 2022 according to the ITU. ⁶ Third-generation (3G) and fourth-generation (4G) technologies are widely available. In July 2023, after the coverage period, the Communications Commission (ComCom), the telecommunications regulator, announced that Cellfie, previously known as Beeline, had won the auction for fifth-generation (5G) radio frequencies as the only participant. MagtiCom and Silknet, Georgia's two other major mobile service operators, criticized the auction; they argued that the ComCom forced operators to accept a mobile virtual network operator (MVNO) obligation and did not offer appropriate radio frequencies for

auction. The ComCom noted the existence of different auction lots, including ones without the MVNO obligation, in its response. **7**

In December 2022, the European Union (EU) announced plans to invest €2.3 billion (\$2.4 billion) towards the construction of a power cable between Georgia and Romania; the European Commission linked the project to its overall goals of improving infrastructural resilience and expanding fiber-optic connectivity. **8**

In July 2022, SpaceX's Starlink received the ComCom's permission to provide services in Georgia, which was expected to be available in 2023 but had not been launched by the end of the coverage period (see A4). **9**

In January 2020, the government approved a five-year strategy for the development of broadband networks. **10** The government seeks to stimulate competition, attract new investment, and develop digital skills through its plan. By 2025, 4G networks are expected to cover 99 percent of the country's territory, while 5G services are to be piloted in at least three municipalities.

Also in January 2020, amendments were made to the state's broadband infrastructure development program, which was launched in 2016. According to the amendments, the program aims to create a unified, neutral fiber-optic network and develop wholesale broadband services. A nonprofit legal entity called Open Net, launched by the Ministry of Economy and Sustainable Development in 2015, is responsible for the creation, maintenance, and management of this fiber-optic network. **11** Over the past three years, Open Net has built a total of 380 kilometers of infrastructure through four projects. The implementation of the first pilot project in Ozurgeti was completed in April 2021, benefiting 29,000 residents in 49 settlements. **12** The second project in Kobuleti was completed in March 2022, benefiting 10,500 residents in 13 settlements. The third phase, in Tskaltubo, Tsageri, and Lentekhi, was completed at the end of 2022, allowing more than 11,000 residents to access broadband services. The fourth phase, in Chokhatauri and Samtredia, was finished in March 2023, providing an additional 9,000 residents with access to infrastructure. **13**

In 2013, as part of a plan to improve local government infrastructure, the State Services Development Agency began developing community centers where

citizens could access the internet. As of February 2023, 89 centers were operating across the country. **14**

Testing performed by Ookla in May 2023 demonstrated that the median fixed-line download speed was 25.5 megabits per second (Mbps). **15** Meanwhile, the median mobile download speed sat at 31.6 Mbps. **16**

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?	2/3
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Internet access is generally affordable, with monthly 2-gigabyte (GB) mobile broadband plans available for as little as 8 lari (\$2.93) **17** and monthly 25-to-30 Mbps fixed-line broadband subscriptions available for around 35 to 37 lari (\$12.81 to \$13.54). **18** According to government statistics, the average Georgian earned 1,591.8 lari (\$582.47) a month in 2022. **19** ITU data from 2022 shows that a monthly entry-level, 5 GB fixed-line broadband plan cost 2.4 percent of gross national income (GNI) per capita, while a monthly 2 GB mobile broadband plan cost 0.7 percent of GNI per capita. **20**

Though there is virtually no gender gap among Georgians who use the internet regularly, **21** there are digital divides in terms of age and geography. Some 93.1 percent of urban households and 83.4 percent of rural households had internet access according to government data from 2023. **22** A September 2022 report published by the IDFI and the e-Governance Academy identified several factors that lead to inequalities in internet access, including geography, socioeconomic status, and disability. **23** Fiber-optic cable infrastructure is underdeveloped in regions far from the capital, affecting the quality of connections. Development is hindered by the perceived low revenue potential of projects to build infrastructure, as well as the complex bureaucratic requirements for private operators to receive permission to commence civil works projects. Beginning in 2017, the Telecommunications Operators Association of Georgia implemented two community network projects, which ensured internet connectivity for Tusheti, Pshav-Khevsureti, and Gudamakhari, the country's mountainous regions. **24**

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?

6/6

The government does not place any restrictions on connectivity.

Georgia's backbone internet infrastructure is owned and operated by private companies.

According to the constitution, the right to access the internet may be restricted only "insofar as is necessary in a democratic society for ensuring national security, public safety or territorial integrity, for the protection of the rights of others, for the prevention of the disclosure of information recognized as confidential, or for ensuring the independence and impartiality of the judiciary." ²⁵ The government may assume control over the domestic internet if martial law or a state of emergency is declared. ²⁶

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?

4/6

There are few legal or regulatory obstacles that restrict the diversity of service providers in Georgia, but market concentration limits competition. The information and communication technologies (ICT) market is dominated by a handful of large companies.

According to the Law on Electronic Communications, telecommunications companies must receive authorization before offering services, though the licensing process is relatively uncomplicated. ²⁷ Companies are also required to purchase equipment facilitating government surveillance (see C6).

During the coverage period, there were more than 150 registered ISPs, all of which are privately owned. ²⁸ As of May 2023, two private ISPs control more than three-fourths of the fixed-line broadband market; MagtiCom held 47.7 percent of that market while Silknet held 30.9 percent. ²⁹ Such concentration has not significantly affected pricing and service. The market was further concentrated in 2018 when Silknet acquired mobile service provider Geocell for \$153 million. ³⁰

Additionally, in July 2022, the ComCom allowed Starlink to offer services in Georgia (see A1), though those services did not commence within the coverage period. **31**

In 2018, the ComCom adopted a new regulation that obliges large ISPs operating fiber-optic networks to allow small- and medium-size ISPs to access their infrastructure, enabling smaller companies to offer services at dramatically reduced prices. **32** At the end of May 2023, Parliament approved the Law on Sharing of Telecommunication Infrastructure and Infrastructure used for Telecommunication Purposes, which allows telecommunications providers to use the existing passive infrastructure owned by utility and transport companies to develop broadband networks. **33** Some large operators questioned why the law did not include state-owned infrastructure when it was still being debated. **34**

All three mobile service providers—Silknet, MagtiCom, and Veon Georgia (previously Mobitel), which are privately owned—offer mobile internet services. According to May 2023 data from the ComCom, Silknet controlled 36 percent of the mobile market, while MagtiCom and Veon Georgia controlled 33 and 30 percent, respectively. **35**

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?

2/4

The ComCom is the main regulatory body for the ICT sector. It mostly regulates service providers as well as television and radio broadcasting licenses. In recent years, some of its decisions have raised concern among civil society groups.

The regulator has been criticized for lacking transparency and independence. To increase the ComCom’s legitimacy, new rules for the nomination (by the president) and election (by Parliament) of commissioners came into force in 2013. However, civil society groups have criticized the ComCom for working “hand in hand” with the ruling Georgian Dream party, making discriminatory decisions **36** in the realm of media regulation, especially against critical media. **37** The ComCom also encountered objections after it refused to disclose public data on the activities and expenditures of its Media Academy (see B5). **38**

In December 2022, Parliament passed amendments to the Law on Broadcasting (see B3), though those amendments did not affect the appointment or service mandate of ComCom commissioners. The law stipulates that commissioners can be appointed by a parliamentary majority for six years, with the option to have their terms renewed once. Additionally, the law lists “public recognition and confidence” as a qualification for commissioners. **39** In February 2023, the Council of Europe (CoE) highlighted shortcomings in the Law on Broadcasting including: its stipulated procedures on selecting or terminating ComCom members, the duration of appointments, members’ qualification requirements, decision-making requirements, accountability, and transparency. **40** Following local and international criticism, some of the law’s more controversial provisions, including those on the qualification requirements and termination of ComCom members, were further amended in June 2023, after the coverage period. **41**

Several of the ComCom’s previous decisions and initiatives related to ICT regulation were criticized by both local and international stakeholders. In July 2020, allegedly as a response to the sale of 49 percent of ISP Caucasus Online’s shares to Azerbaijan’s NEQSOL Holding without the ComCom’s consent—resulting in Caucasus Online being fined 270,000 lari **42** (\$86,000)—the regulator initiated contentious amendments to the Law on Electronic Communications, giving itself the power to appoint “special managers” at telecommunications companies. The scope of the amendments, which ISPs denounced, was reduced when they passed in Parliament. Unlike the initial draft, the final amendments only allowed the ComCom to appoint a special manager if the company has been penalized or fined, limited the length of the manager’s term, and removed the stipulation that they could sell a company’s shares. **43** Following the amendment, in October 2020, the ComCom appointed a special manager at Caucasus Online, **44** and the two parties have remained in dispute since. **45**

In 2021, the CoE’s Venice Commission warned that the amendments to the Law on Electronic Communications, and the authority to appoint a special manager, could lead to “far reaching consequences for the right to property and media freedom.” **46**

B. Limits on Content

Score Change: The score declined from 6 to 5 due to the revelation that the country's telecommunications regulator requested hundreds of web pages blocked over several years.

A report released during the coverage period found that the ComCom requested blocks on hundreds of IP addresses over a five-year period. Websites that displayed pirated, pornographic, or otherwise illegal content are blocked by Georgian authorities.

A November 2022 report released by the IDFI revealed that ComCom asked ISPs to block 480 websites between 2017 and late September 2022. According to the IDFI, 77 percent of the targeted websites contained content that violated copyright, while 16.5 percent violated other legislation, and 6.5 percent contained pornography. State bodies addressed 38 percent of the ComCom's requests, while other legal entities addressed 31 percent, and individuals addressed 20 percent. The authors of the report also noted that the owners of blocked websites often found ways to share the targeted content despite the ComCom's requests; the authors did not observe systemic abuse of blocking abilities on the part of the ComCom. However, neither the ComCom, ISPs, nor state bodies proactively publish statistical data on website blocking. **47**

Additionally, in August 2022, Adjaranet and iMovies, two popular media-streaming websites, closed for "maintenance." The day after, the ComCom said it warned two "illegal streaming sites" to operate legally. **48**

Based on the amendments to the Law on Broadcasting and the Code of Rights of Children (see B3), the ComCom published a list of websites deemed dangerous for children, with reference to an appropriate age mark, for ISPs and parents in September 2020. **49**

In 2015, some social media platforms were subject to temporary restrictions when authorities attempted to block certain hosted content. **50** Since then, restrictions have not been imposed.

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?

4/4

In general, online content is not subject to deletion, and government requests to remove online content are relatively rare. A latest transparency report from Google reveals the government did not issue any takedown requests to it in 2022. Facebook did not remove any content in response to government requests between January and June 2022. **51** X, previously known as Twitter, did not produce a content removal request during the coverage period. **52**

Georgian outlets' content related to the Russian regime's invasion of Ukraine has been affected by social media companies, however. In April 2022, Coda Story reported that Georgian outlets saw their reach and engagement on Facebook fall after Facebook restricted posts about their coverage of the full-scale invasion of Ukraine. **53**

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?

3/4

Score Change: The score declined from 4 to 3 because research revealed that the government engages in website blocking without providing a publicly available list of blocked websites.

There are few explicit restrictions on the internet and online content. The legal framework protects users against intermediary liability. The Law on Freedom of Speech and Expression states that no entity will be held responsible for defamatory content generated by unknown or anonymous individuals. **54** However, the government does not publish a publicly available list of blocked websites (see B1). **55**

To align Georgian legislation with European directives, at the end of 2022, Parliament made several amendments to the Law on Broadcasting, which could

have restricted freedom of expression had they not been modified after the coverage period. The CoE had voiced concern that the ComCom's regulation of hate speech could be used to regulate legitimate criticism of the government without sufficient protections. The CoE also advised that video-sharing platforms should not be covered by licensing and authorization procedures, nor should they fall under mechanisms for redress, sanctions, and accountability. ⁵⁶ The amendments related to video-sharing platforms were modified in June 2023, after the coverage period. Additionally, concerns over hate speech and incitement to terrorism will not be regulated by the ComCom, but by the broadcasters' self-regulatory bodies. ⁵⁷

In December 2021, the government banned online advertising for gambling and prohibited individuals under 25 years of age from gambling online. The measure came into effect in March 2022. ⁵⁸

In September 2020, the ComCom enacted amendments to the Law on Broadcasting and the Code of Rights of Children, which entitles it to regulate media "in the best interest of minors." ⁵⁹ Based on the legislative changes, which were originally passed in March 2020, the ComCom adopted a resolution obligating ISPs to develop mechanisms that will enable them, at the request of a subscriber, to restrict access to content deemed harmful for children. ⁶⁰ After the amendments were enacted, ISPs released a list of websites that could pose a danger to children (see B1). CSOs expressed concerns that the vague and broad nature of the amendments might allow the ComCom to limit the editorial independence of media outlets. In August 2020, a local CSO, the Georgian Democracy Initiative, appealed to the Constitutional Court on behalf of four national broadcasters, with the request to declare the new amendments unconstitutional. ⁶¹ In February 2023, the court partially satisfied the lawsuit and declared the provisions of the Law on Broadcasting unconstitutional because broadcasters could be punished for live content. ⁶²

In a November 2022 ruling, the Constitutional Court considered the definition of pornography unconstitutional due to its vagueness. The contested norm prohibiting the distribution of pornography expired in May 2023, but Parliament did not adopt a new definition by the end of the coverage period. ⁶³

Do online journalists, commentators, and ordinary users practice self-censorship?

4/4

Although self-censorship is not widespread among online journalists and users, some individuals are hesitant to speak candidly online. Civil servants often self-censor online because they fear reprisals from senior officials. ⁶⁴ For example, in August 2022, a former public official reported that he was discriminated against for his critical social media posts, and appealed to a court against the Ministry of Education, Culture, and Sport of the Autonomous Republic of Adjara. ⁶⁵

In September 2020, it was reported that the Georgian public broadcaster developed rules for employee use of social media, which included ethical standards, and obligated journalists to refrain from expressing their political affiliations on social networks. ⁶⁶

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?

2/4

At times, the government, progovernment actors, and other domestic political groups have attempted to manipulate online content to influence public opinion, particularly during demonstrations, electoral campaigns, and political crises.

The existence of government-affiliated groups and individuals spreading disinformation on social media platforms to influence public opinion has been documented by local observers in recent years. ⁶⁷ This tendency has worsened further during the coverage period, especially after the EU's June 2022 refusal to grant candidate status to Georgia ⁶⁸ and the formal split of several ruling political party deputies from the Georgian Dream faction in October 2022. ⁶⁹

Disinformation campaigns have targeted CSOs and online media outlets.

In May 2023, Meta, Facebook's parent company, reported that it took down 80 Facebook accounts, 26 pages, 9 groups, and 2 Instagram accounts linked to the Strategic Communications Department of the Government Administration of Georgia because it used these inauthentic accounts and pages to disseminate a

progovernment narrative and criticize the political opposition. Meta also noted that the network had criticized the March 2023 protests against the “foreign agents” laws “in real time” (see B6 and B8). The network was also active on TikTok. **70** In 2020 and 2021, Facebook previously deleted dozens of pages and networks of accounts disseminating false information, including networks linked to the Georgian Dream, United National Movement (UNM), **71** Alliance of Patriots, and Georgian Choice parties. **72**

In March 2023, Myth Detector, a project launched by the Media Development Foundation (MDF), detailed narratives spread via individuals and progovernment social media pages in the wake of Parliament’s consideration of the “foreign agents” laws (see B3 and B8). According to Myth Detector, these actors claimed CSOs are financially motivated, “are fighting against the church,” promote homosexuality, and aim to open a “second front” in Georgia, among other narratives. **73** Additionally, a January 2023 report from Myth Detector revealed that “In Reality,” a page created by Georgian Dream’s communications department, promoted the ruling party despite its obligations to present information neutrally. **74**

In December 2022, Myth Detector identified 30 inauthentic Facebook accounts and 12 inauthentic pages that had spread false information regarding footage of former president Mikhail Saakashvili’s imprisonment, **75** which was released by the Special Penitentiary Service. The footage showed the decline of Saakashvili’s health during his imprisonment, but these accounts claimed he exaggerated his condition in the video.

Individuals linked to Georgian Dream and social influencers have also spread disinformation about the Kremlin’s ongoing invasion of Ukraine. An August 2022 report from the Georgian Reform Association demonstrated how individuals and media outlets affiliated with Georgian Dream spread false narratives about Western governments’ intentions to open a “second front” in Georgia, among other issues. The prime minister and the chair of Georgian Dream have also espoused that narrative. **76** A May 2022 report published by Myth Detector documented religious pages that disseminated false information about the invasion of Ukraine. **77**

In December 2020, the IDFI published a report on the ComCom-supported Media Academy and its Media Critic platform (see A5), which found that the platform targets opposition media. Media Critic, which is supposed to monitor and analyze content from media outlets, not only criticizes opposition media more frequently but also sponsored these criticisms on its Facebook page. **78**

Russian information campaigns also target Georgian audiences online. **79** According to 2022 research by the MDF, Facebook pages, news agencies, and websites linked to Russian actors consistently disseminated false information about a US-funded laboratory in Georgia, the COVID-19 pandemic, and vaccines. **80**

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to publish content online?	2/3
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There are relatively few economic or regulatory constraints on online publishing. Established (and often politicized) online outlets effectively dominate the online media landscape, making it difficult for smaller news sites to attract advertising revenue.

By law, online news outlets are not required to disclose their ownership. **81** In February 2023, lawmakers who had left Georgian Dream to form the People's Power group but continued to back the ruling party introduced two controversial bills on "foreign agents." The proposed laws obligated online media and online platform owners, as well as CSOs, to register as foreign agents of influence, submit annual financial declarations, and provide details including personal data to the Ministry of Justice upon request, if said entities receive more than 20 percent of their annual revenue from foreign donors. **82** One of the bills passed its first reading in March 2023, over local and international criticism. However, due to mass protests, both bills were later withdrawn (see B8).

Compared with legacy media outlets, online operations face challenges in attracting advertisers, diversifying content, and obtaining workers with multimedia skills. Private-sector actors limit online advertising expenses because of the comparatively small audiences online outlets attract.

A 2019 ComCom resolution obliged ISPs to employ nondiscriminatory traffic-management practices. **83**

B7 0-4 pts

Does the online information landscape lack diversity and reliability?

3/4

The online media environment in Georgia is diverse, **84** and content on a wide range of topics is available. However, reports from Media Advocacy Coalition, **85** Transparency International, **86** and the MDF **87** produced within the last decade indicate that several news sites, some of which demonstrate bias and are affiliated with domestic political parties and far-right groups, coordinate informally to disseminate information.

Although the Georgian online audience has grown significantly in recent years, there are few bloggers who create content that influences the political debate or sparks widespread discussion online. In general, most of the political debates and discussions are held on Facebook through public and private groups. **88**

Minorities and vulnerable groups are represented online through a small number of forums and blogs. LGBT+ and feminist activists use online tools to coordinate, share information, and protest discrimination in the public sphere.

Facebook is the most popular platform in Georgia, especially for political discussions. Some 43 percent of respondents to a CRRC survey conducted in February 2022 study said that the internet was their primary source for information. **89**

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?

6/6

There are few restrictions on online assembly, and digital mobilization is a regular feature of political life. Political and civil society groups frequently post calls to action on social media platforms and use them to communicate with their supporters.

During the coverage period, online platforms, especially Facebook and TikTok, were effectively used to organize protests and mobilize around several issues.

In March 2023, several days of street protests were held against the “foreign agents” bills (see B6), which would have impacted entities that received more than 20 percent of their annual income from foreign sources. The demonstrators protested the bills, which mimicked a similar law in Russia, because they posed threats to free expression and potentially jeopardized the country’s aspiration to join the EU. The protests were marked by clashes between demonstrators and police, who deployed tear gas and water cannons. Georgian Dream ultimately withdrew both bills. ⁹⁰ In total, 133 demonstrators, including an opposition leader, who were arrested on administrative charges during the protests were released after trial or because their pretrial detention period had ended. ⁹¹

However, 21-year-old Lazare Grigoriadis was held on criminal charges for allegedly throwing stones and a Molotov cocktail at a police car during the protests; ⁹² several protests in his support were organized. Following Grigoriadis’s detention, progovernment media started a discriminatory campaign against him, while Georgia Dream’s chair speculated about the detainee’s “orientation” and “political affiliation.” ⁹³ Grigoriadis remained in pretrial detention as of June 2023, after the end of the coverage period. ⁹⁴

In addition, online mobilization played a vital role in organizing demonstrations supporting Ukraine and EU integration, including a rally held in late June 2022. ⁹⁵

In 2022, Georgian civic activists organized online in support of a bar, which had been downranked by Russian trolls, after it introduced “online visas” for Russian patrons. The bar’s name in Google search results was changed and its online rating declined due to the downranking campaign. After Georgian and Ukrainian online users organized to counter that effort, Google removed questionable reviews from Russian users and restored the bar’s original profile. ⁹⁶

In recent years, ethnic and linguistic minorities have actively waged online and offline campaigns to advocate for particular policy changes, including an increase in government funding of programs teaching the Georgian language to ethnic minorities. ⁹⁷

Georgians continue to utilize the government’s expanding e-government services. During the pandemic, 179 public services were digitized and added to my.gov.ge.

98 Several government agencies have also introduced discussion platforms where people can express their views on various policy issues. However, CSOs have voiced their concerns that the established mechanisms are not sufficiently promoted among the public, limiting their impact. **99**

C. Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?

3/6

While digital rights are nominally protected in the constitution and legal framework, there are doubts that the judiciary, whose independence is limited, can consistently enforce these protections. In December 2018, an amended constitution, which declares access to the internet as a fundamental right of Georgian citizens, came into force. **100**

The right to access information and freedom of expression are also guaranteed by the constitution and are usually respected in practice. **101** The Law on Freedom of Speech and Expression states that other “generally accepted rights” related to freedom of expression are also protected, even if they are not specifically mentioned in the law. **102** The legislation protects the confidentiality of reporters’ sources and enumerates other protections for journalists. **103** However, investigative bodies have recently requested more information about reporters’ sources, but this practice has primarily impacted television channels. **104**

A lack of judicial independence is regarded as a major hindrance to Georgia’s democratic consolidation. **105** Despite several waves of reforms, local CSOs, the public defender, and some former members of the ruling party have raised concerns about changes to regulations on the selection criteria and electoral procedures for Supreme Court justices that took effect under the new constitution. Critics argued that the changes created an opaque appointment

process and led to the lifetime appointments of judges who are unqualified or have made controversial decisions in the past. **106**

Local CSOs represented by the Coalition for an Independent and Transparent Judiciary have highlighted problems such as amendments to the Organic Law of Georgia on Common Courts that weaken the influence of individual judges; **107** the packing of the High Council of Justice (HCJ), the judiciary’s oversight body; the impact of the HCJ in potentially undermining the independence of individual judges; a lack of transparency within the judiciary; and recent appointments of judges and court chairpersons who are unqualified or have tainted reputations.

108 Similar tendencies, including the selection and appointment of controversial HCJ members and of the chairperson of Tbilisi Court of Appeals, were observed in 2022. **109** The country’s political opposition also faces judicial pressure, with critical media owners being the apparent targets of controversial court cases during sensitive periods. **110** Many Georgians consequently distrust judges and courts; a majority of citizens feel that judges serve the interests of the government. **111**

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?	3/4
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There are few laws that assign criminal or civil penalties for online expression, but online journalists and activists can be sued for defamation, and a law related to incitement is vulnerable to being abused to prosecute people for legitimate online activities. Defamation was decriminalized in 2004, **112** but the Law on Freedom of Speech and Expression **113** and the Law on Electronic Communications **114** provide for civil penalties for those found guilty of making defamatory statements online.

The unlawful use or dissemination of personal data online resulting in “considerable damage” is illegal under the criminal code, with penalties of up to four years in prison. **115**

In 2015, amendments to the criminal code criminalized “public calls to violent actions” aimed at “causing discord between religious, racial, ethnic, social,

linguistic, or other groups” under Article 239. Violations of Article 239 are punishable by fines and community service. Repeated offenses resulting in injury or death are punishable by up to five years in prison. ¹¹⁶ Despite the narrow framing of this provision, human rights defenders have claimed that it could be selectively applied to punish legitimate expression online. Other criminal-code provisions also apply to online activities.

C3 0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?	5/6
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Score Change: The score declined from 6 to 5 because an individual was detained for swearing at police officers via social media during the coverage period.

Georgians are generally free to express themselves online without fear of legal penalties, but a few prosecutions for online activity have raised concerns over the past years.

In June 2023, after the coverage period, the Tbilisi City Court issued a 2,000-lari (\$732) fine against an individual for cursing Tbilisi mayor Kakha Kaladze and the police over traffic management in a TikTok video. ¹¹⁷

In July 2022, an individual was held in pretrial detention for 48 hours for a Facebook post that allegedly used foul language to offend police officers. In September 2022, a court fined him 2,500 lari (\$914). ¹¹⁸ In March 2023, the Kutaisi Court of Appeals upheld the decision. ¹¹⁹

In April 2022, a court ruled that activist Shota Digmelashvili had defamed Georgian Dream lawmaker Nino Tsilosani because of a 2019 Facebook post that claimed Tsilosani helped advance the interests of a private company. ¹²⁰

In April 2022, Misha Mshvildadze, a founder of Formula News, was summoned for interrogation by the State Security Service (SSS), the country’s intelligence agency, over a Facebook post in which he called for people to stage a protest demanding the resignation of Prime Minister Irakli Garibashvili and to destroy the Chancellery Hall if he did not resign. Mshvildadze was charged with potential

conspiracy or mutiny to violently change the constitutional order of Georgia under Article 315 of the criminal code. **121**

The authorities periodically investigate internet users who threaten violence online, **122** and CSOs say their response can be disproportionate.

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?	3/4
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There are no restrictions on the use of anonymizing or encryption tools online. However, when buying a SIM card, individuals are required to register with their passport, national identification card, or driver's license, undermining anonymous communication. **123**

C5 0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy?	3/6
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State surveillance of internet activities threatens Georgians' privacy rights. The government has reportedly monitored opposition figures, independent journalists, and exiles from other countries living in Georgia. **124**

In September 2021, leaked files allegedly belonging to the SSS demonstrated that clergy, journalists, opposition leaders, civil society representatives, activists, and diplomats had been surveilled. **125** The documents, which primarily targeted the clergy, indicate that the SSS had access to individuals' phone communications **126** and contained details about individuals' "alleged illegal drug use," political views, relationships, and business transactions. Dozens of wiretapping targets were granted victim status in Georgia only after submitting lawsuits to the European Court of Human Rights in June 2022. **127**

Previously, Ivane Gulashvili, a former SSS employee who is currently imprisoned, stated that former deputy interior minister Kakhaber Sabanadze and other high-ranking officials ordered him to install covert surveillance devices to record various high-ranking officials and public figures, including religious leaders, during

protests in June 2019. In March 2020, the prosecutor general launched an investigation regarding the allegations. Sabanadze resigned the following day. ¹²⁸

In June 2022, Parliament adopted controversial amendments to the criminal procedure code, which increase the scope of crimes allowing for covert investigative actions and the duration of these actions. The amendments, which also enable the state to wiretap an individual without any notification in some cases, were met with harsh criticism from local CSOs. ¹²⁹ President Salome Zourabichvili vetoed the law that month, but her veto was overturned in September 2022. ¹³⁰ The Venice Commission of the CoE also considered these amendments “hastily adopted” and without directly assessing the new provisions, it argued that the “overall oversight mechanism of the secret surveillance measures seems to be inadequate.” ¹³¹ Local observers questioned the effectiveness of the investigation procedure. ¹³²

In 2017, Parliament adopted new surveillance regulations after the Constitutional Court struck down previous surveillance legislation in 2016; the offending law had forced companies to retain user metadata for two years and allowed authorities real-time access to user data. ¹³³ The new law established an entity called the Operative Technical Agency (OTA), operating under the SSS. The OTA is responsible for surveillance activity across computer and telecommunications networks and can install clandestine programs on individuals’ devices in some circumstances.

Local CSOs criticized the law for failing to meaningfully address the earlier Constitutional Court ruling, pointing out that the OTA still has access to vast amounts of user data. ¹³⁴ A group that includes the public defender and the European Georgia, UNM, Republican, and Free Democrat parties have appealed the Constitutional Court to strike the new regulations down, claiming that the OTA’s creation does not align with the court’s 2016 ruling and that there are no strong oversight mechanisms or safeguards to protect its independence. As of May 2023, the court had not yet reached a decision.

OTA activities are subject to oversight by the Personal Data Protection Service (PDPS), which monitors and determines the legality of data collection by authorities. A judge authorized by the Supreme Court performs oversight of counterintelligence activities. The Supreme Court proactively publishes

surveillance data annually; the data show that the number of wiretap requests slightly increased between 2021 and 2022. **135**

At the end of 2021, controversial amendments to the Law on Information Security, adopted that June, came into force. The new legislation transferred some of the functions of the Digital Governance Agency (DGA), formerly known as the Data Exchange Agency, to the OTA, which became the government’s main cybersecurity coordinator, supervisor, and regulator. Its authority thus extends over an expansive list of critical infrastructure, including public institutions and telecommunications companies. **136** After adopting the amendments, ruling party representatives announced the establishment of the working group to recommend additional changes to the law to ensure its compatibility with EU directives, including the recent directive on Network and Information Systems (NIS). **137** However, no progress has been observed in this regard. Local CSOs argue that the law, which lacks oversight mechanisms, does not require supervisory entities or critical information system subjects to adopt necessary personal data protection measures. **138**

Article 15 of the constitution and Article 8 of the Law on Electronic Communications include privacy guarantees for users and their information, though those guarantees may be curtailed by the courts under certain circumstances such as “ensuring national security or public safety.” **139**

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users’ right to privacy?

4/6

ISPs and mobile service providers are obliged to provide authorities with statistical data on user activities, including site visits and other information, upon request. Under new surveillance regulations (see C5), the OTA obtained direct access to service providers’ infrastructure. These regulations also compel service providers to cooperate with OTA investigations following a judicial order. The OTA can fine providers for noncompliance. Telecommunications industry representatives have expressed concerns about being required to purchase equipment to facilitate the OTA’s work. **140**

In 2014, the government extended the mandate of the now-defunct State Inspector Service, to cover the private sector. The service was authorized to check the legality of any data processing by private organizations, either on its own initiative or in response to a citizen’s application, and impose measures, including fines, for violations. **141** The service chief’s 2022 report revealed that despite progress in recent years, public and private entities continued to mishandle user data before it was handed over for investigative purposes, including by failing to present court warrants and failing to ask for court warrants on time, respectively. **142** The service had the power to fine noncompliant entities.

In December 2021, Parliament split the former service into two entities, the PDPS and the Special Investigative Service, without prior consultation or debate. **143** The official rationale behind the changes was to reorganize and separate the investigative and data-protection responsibilities from one organization. However, CSOs suspected that the move was a “political retaliation” against an institution that had generally gained public trust. **144**

Public access points are not obliged to comply with government monitoring, as they do not gather data about customers.

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?

4/5

Internet users face harassment, both online and offline, and journalists are sometimes obstructed by political figures. During the coverage period, online harassment and bullying intensified against government opponents, critics, and women; this was especially true for those who publicly accused Shalva Ramishvili, the founder of the progovernment POS TV online outlet, of sexual harassment. In March 2023, POS TV employees remained outside the house where Tatia Samkharadze, who had previously accused Ramishvili of sexual assault, was staying, effectively preventing her from leaving. **145**

Harassment and physical attacks on journalists, including those from online media outlets, had increased during the local-election period in October 2021 due to political polarization and uncertainty. In some cases, journalists had their equipment stolen or broken. CSOs argued that the government’s inaction,

inflammatory statements from high-ranking officials—including the prime minister—and inaction by law enforcement played roles in encouraging violence against journalists and activists. **146**

Although severe violence in retaliation for online activity is rare, almost 60 journalists and media workers were attacked by a mob that sought to prevent an LGBT+ pride rally in Tbilisi in July 2021. Lekso Lashkarava, a cameraman for Pirveli TV, died days after he sustained multiple facial injuries in the attack, **147** though the cause of death has been disputed. In April 2022, 14 individuals were found guilty by the Tbilisi City Court for physical violence and organized group violence against journalists and camera operators. **148** In January 2023, the Tbilisi Court of Appeals dropped the group-violence charges for the defendants and reduced six individuals' prison terms from five to four years. **149** Additionally, in April 2023, six people received one-to-one-and-one-half-year sentences for mass violence against journalists. **150**

Georgia's LGBT+ community has faced sustained online harassment in recent years. **151**

Members of Georgia's ethnic Azerbaijani community faced online harassment in the context of the COVID-19 pandemic. Social media users blamed ethnic Azerbaijanis for a coronavirus outbreak in several municipalities with large ethnic-Azerbaijani populations in 2020, prompting outcry from CSOs. **152**

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?	3/3
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Score Change: The score improved from 2 to 3 because there were no reported significant cyberattacks on government websites during the coverage period.

Though cyberattacks have been a significant issue in Georgia in past years, the government did not face severe attacks during the coverage period.

In February 2021, the Ministry of Internal Affairs stated that its computer systems encountered attempted cyberattacks originating in foreign countries, which were ultimately prevented by the ministry's special cybersecurity unit. **153** In October

2020, the Georgian Public Broadcaster’s servers were attacked and damaged, halting broadcast service for several hours. ¹⁵⁴ In September 2020, the computer system of the Ministry of Health was subject to a foreign cyberattack, which compromised information about the management of the coronavirus pandemic from the Lugar Laboratory. ¹⁵⁵ In March 2020, the personal data of millions of Georgian citizens, including national identification numbers, dates of birth, mobile phone numbers, and home addresses, were leaked on a hacking forum. ¹⁵⁶

To overcome the challenges, the government adopted the *Third Cybersecurity Strategy 2021–24* in October 2021, which, among other objectives, aims to enhance the resilience of e-governance systems and strengthen public-private cybersecurity partnerships. ¹⁵⁷ The United Kingdom, ¹⁵⁸ the United States, ¹⁵⁹ and the EU ¹⁶⁰ are supporting relevant public institutions to implement activities outlined in the strategy and boost general cyber-resilience.

In October 2019, the country was subject to a substantial cyberattack that disrupted more than 2,000 government- and privately owned websites by targeting a local hosting provider, Pro-Service. ¹⁶¹ According to officials, an investigation conducted with the help of Georgia’s international partners revealed that the attack was carried out by the Main Intelligence Directorate (GRU), the Russian Federation’s military intelligence service. ¹⁶² Moscow denied the allegations. ¹⁶³

Footnotes

- ¹ National Statistics Office of Georgia, “Share of households with internet access,” accessed September 2023, <https://www.geostat.ge/en/modules/categories/106/information-and-commun....>
- ² International Telecommunications Union Datahub, “Georgia: Fixed Broadband Subscriptions per 100 people,” accessed August 2023, <https://datahub.itu.int/data/?i=11632&e=GEO&u=per+100+people>
- ³ Caucasus Research Resource Center, “NDI: Public attitudes in Georgia, July-August 2022,” August 2022, <https://caucasusbarometer.org/en/nj2022ge/FRQINTR-withoutdkra/>.
- ⁴ Caucasus Research Resource Center, “NDI: Public attitudes in Georgia, July-August 2022,” August 2022, <https://caucasusbarometer.org/en/nj2022ge/FRQINTR-by-SETTYPE-withoutdkr....>
- ⁵ National Statistics Office of Georgia, “Distribution of population by last internet use,” accessed September 2022,

More footnotes



On Georgia

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Country Facts

Global Freedom Score

58/100 Partly Free

Internet Freedom Score

76/100 Free

Freedom in the World Status

Partly Free

Networks Restricted

No

Social Media Blocked

No

Websites Blocked

No

Pro-government Commentators

Yes

Users Arrested

Yes

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