

Georgia

FREE

78
/100

A. <u>Obstacles to Access</u>	19 /25
B. <u>Limits on Content</u>	31 /35
C. <u>Violations of User Rights</u>	28 /40

LAST YEAR'S SCORE & STATUS

77 /100 **Free**

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



Overview

Internet freedom in Georgia improved during the coverage period because there were no major cyberattacks. However, leaked files containing transcripts of phone calls from civil society representatives, journalists, priests, and opposition leaders, allegedly originating from the State Security Service, demonstrated the scope of the government's surveillance efforts. Online journalists covering the October 2021 local elections and the June 2021 Tbilisi Pride march also faced physical attacks. Internet access continues to grow across Georgia and the government ramped up its efforts to provide access to rural regions during the coverage period.

Georgia holds regular and competitive elections, and its democratic trajectory showed signs of improvement during the period surrounding a change in government in 2012–13. However, progress has stagnated in recent years, as oligarchic actors hold outsized influence over policy and political choices, and the rule of law continues to be stymied by political interests.

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, 2021 - May 31, 2022

- In September 2021, an anonymous leak revealed that the State Security Service had allegedly been recording religious figures' conversations, including those with civil society leaders and journalists (see C5).
- The Law on Information Security was amended to give the Operative Technical Agency (OTA), a branch of the State Security Service, more oversight of the country's cybersecurity architecture (see C5 and C6).
- Online journalists covering the October 2021 local elections and the June 2021 Tbilisi Pride march faced physical attacks (see C7).
- There were no prominent cyberattacks on Georgian state infrastructure 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

Georgians face some infrastructural obstacles to accessing the internet. However, internet access continued to grow during the coverage period, with approximately 88.4 percent of households enjoying access as of July 2022, according to official government statistics. ¹ According to 2021 data from the International Telecommunication Union (ITU), the fixed broadband penetration rate was 26.3 percent. ² According to a survey conducted by the Caucasus Research Resource Center (CRRC), 69 percent of the population accessed the internet on a daily basis in 2022, ³ with the most active users in the capital, Tbilisi. ⁴ According to official government statistics, published in July 2022, 79.8 percent of individuals aged six and above had used the internet within the last three months, while almost 19 percent had never used the internet. ⁵

Mobile broadband penetration rates have increased significantly in recent years and stood at 87.2 percent in 2021, according to the ITU. ⁶ Third-generation (3G) and fourth-generation (4G) technologies are widely available. Despite the introduction of a fifth-generation (5G) networks and services development strategy, which stipulated that the allocation of radio frequencies for 5G networks would begin in 2020, the Communications Commission (ComCom), the telecommunications regulator formerly known as the Georgian National Communications Commission (GNCC), has made no significant progress in this direction.

In January 2020, the government approved a five-year strategy for the development of broadband networks. ⁷ To this end, the strategy seeks to stimulate competition, attract new investment, and develop digital skills. 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 extant (but dormant) 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, will be responsible for the creation, maintenance, and management of this fiber-optic network. ⁸ Over the past two years, two pilot projects were implemented in two municipalities of Georgia—Ozurgeti and Kobuleti. The implementation of the first pilot project was finished in April 2021, providing internet infrastructure access to 29,000 citizens in 49 settlements. ⁹ The second project was completed in March 2022, enabling 10,500 citizens to access broadband infrastructure in 13 settlements.

10

The adoption of the five-year strategy was preceded by an October 2019 statement from the then minister of economy and sustainable development, Natela Turnava, in which she admitted that the state's extant broadband infrastructure development program had stalled. ¹¹ In 2014, the government had announced plans to build a high-speed fiber-optic backbone and backhaul networks to serve some 2,000 settlements by the end of 2020. ¹² The estimated \$150 million cost of the program was expected to be covered by tycoon and former prime minister Bidzina Ivanishvili's Cartu Foundation. ¹³ However, Open Net did not make significant progress in building broadband infrastructure in line with this program. ¹⁴

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 March 2022, 85 centers were operating across the country. ¹⁵

Even as internet access grew, many users complained about the poor quality of connections, especially during the COVID-19 pandemic. Users submitted 198 complaints about low-quality connections in 2021, most of them through the newly established platform Sheamotsme ("Check"), according to the ComCom's 2021 annual report. ¹⁶

Testing performed by the company Ookla in May 2022 demonstrated that the median download speed for a fixed internet connection was 19.8 megabits per second (Mbps).

¹⁷ Meanwhile, the median download speed for a mobile internet connection sat at 32 Mbps. ¹⁸

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

Internet access is generally affordable, with monthly 2-gigabyte (GB) mobile broadband plans available for as little as 8 lari (\$2.60) ¹⁹ and monthly 20 Mbps fixed broadband subscriptions available for around 30 lari (\$9.60). ²⁰ According to official government statistics, the average Georgian earned nearly 1,465 lari (\$470) a month in 2021. ²¹ ITU data from 2021 shows that a monthly entry-level, 5-GB fixed broadband plan cost 2.84 percent of gross national income (GNI) per capita, while a monthly 2-GB mobile broadband plan cost 0.85 percent of GNI per capita. ²²

Though there is virtually no gender gap among Georgians who use the internet regularly, ²³ there are digital divides in terms of age and geography. For example, 92.8 percent of households in urban areas have internet connections, compared with 82.4 percent of households in rural areas. ²⁴ 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 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 connection for Tusheti, Pshav-Khevsureti, and Gudamakhari, the country's mountainous regions. ²⁵

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.” ²⁶ The government may assume control over the domestic internet if martial law or a state of emergency is declared.

27

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. ²⁸ Companies are also required to purchase equipment facilitating government surveillance (see C6).

During the coverage period, there were more than 150 entities registered as internet service providers (ISPs), all of which are privately owned. ²⁹ As of May 2022, two private ISPs control more than three-fourths of the fixed broadband market, MagtiCom with a 48.2 percent market share and Silknet with a 30.7 percent share. ³⁰ 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. ³¹

In 2018, the ComCom adopted a new regulation that obliges large ISPs operating fiber-optic networks to allow small and medium ISPs to access their infrastructure, enabling smaller companies to offer services at dramatically reduced prices. ³²

All three mobile service providers—Silknet, MagtiCom, and Veon Georgia (previously Mobitel), which are privately owned—offer mobile internet. According to the ComCom, in May 2022, Silknet controlled 36 percent of the mobile market, while MagtiCom and Veon Georgia controlled 34.2 and 29.8 percent, respectively. ³³

A5 0-4 pts

The ComCom is the main regulatory body for the telecommunications 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 legitimacy of the ComCom, 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 and making discriminatory regulatory decisions **34** in the realm of media regulation. **35** The ComCom also encountered objections after it refused to disclose public data on the activities and expenditures of its newly established Media Academy (see B5). **36**

Several of the ComCom’s recent 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 **37** (\$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 were denounced by ISPs, 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. **38**

Following the amendment, in October 2020, the ComCom appointed a special manager at Caucasus Online. **39** As a response, NEQSOL Holding appealed to the International Centre for Settlement of Investment Disputes (ICSID) and to the Tbilisi City Hall for arbitration procedures, which were pending as of May 2022. In March 2021, the National Agency of Public Registry suspended the registration of a special manager appointed by the ComCom until the court makes a final decision on this

case. ⁴⁰ However, in April 2021, the ComCom appointed a new special manager at Caucasus Online, ⁴¹ who was later replaced by a third manager in July 2021. ⁴²

In March 2021, the ComCom announced that NEQSOL Holding had acquired the full shares of Caucasus Online in August 2020, once again without the Commission's prior approval. ⁴³ In February 2022, the ComCom set a deadline of April 29, 2022, for NEQSOL Holding to return 100 percent of the shares acquired without ComCom's consent. ⁴⁴

The Venice Commission, an advisory board of the Council of Europe, stated 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." ⁴⁵

B. Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?

6/6

Users do not face restrictions in accessing websites, uploading or downloading content, hosting their own websites, and communicating with other users via forums, social media platforms, and messaging apps. During the coverage period, websites hosting pirated content were available and widely visited.

However, in August 2022, after the coverage period, two of the most widely used illegal streaming sites shut down after receiving warnings from ComCom. ⁴⁶

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. ⁴⁷ None of the listed sites were blocked.

In 2015, some social media platforms were subject to temporary restrictions when authorities attempted to block certain hosted content. ⁴⁸ 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 rare. The Georgian government submitted two content removal requests to Twitter between July and December 2021, but the company complied with neither of them. ⁴⁹ The latest transparency report from Google reveals that the government did not issue any takedown requests to Google during the coverage period. Facebook did not remove any content in response to government requests. ⁵⁰

B3 0-4 pts

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

4/4

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. ⁵¹

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. ⁵²

In September 2020, the ComCom enacted amendments to the Law on Broadcasting and the Code of Rights of Children, which entitles the ComCom to regulate media “in the best interest of minors.” ⁵³ 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. ⁵⁴ After the amendments were enacted, ISPs released a list of websites that could pose a danger to children (see B1). Civil society organizations (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, Georgian Democracy Initiative (GDI), appealed to the Constitutional Court on behalf of four national broadcasters, with the request to declare the new amendments unconstitutional. ⁵⁵ The court heard the case in September 2021 and has not yet published its decision. ⁵⁶

In 2019, the Constitutional Court declared three provisions of a 2006 ComCom regulation on “inadmissible content” unconstitutional because they violated the right to freedom of expression. ⁵⁷ In particular, the regulation prohibited any content that depicts hatred and violence, is defamatory, contains insulting and inaccurate material, undermines a suspect’s presumption of innocence, or constitutes an invasion of privacy. Local nongovernmental organizations (NGOs) had long assailed the broad nature of the regulation. The ruling prevents the ComCom from ordering the blocking of websites that feature “inadmissible content”; at present, only the parliament may issue such orders. ⁵⁸

B4 0-4 pts

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. For example, civil servants sometimes self-censor online because they fear reprisals from senior officials. ⁵⁹

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. ⁶⁰

In 2020, a number of journalists at Adjara TV, a public broadcaster, were punished by their employer for critical Facebook posts about the channel. One journalist was taken off the air for a Facebook post questioning decisions taken by the broadcaster’s new leadership. ⁶¹ A second was fired for post objecting to his colleague’s suspension. ⁶²

B5 0-4 pts

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

Since the run-up to the October 2020 parliamentary elections, Facebook representatives and Georgian fact-checking organizations successfully cooperated to reduce the effect of these efforts. In response to local civil society requests, the platform introduced mandatory authorization for political ads in Georgia in August 2020. ⁶³ The following month, in cooperation with local fact-checking organizations, Facebook's Third-Party Fact-Checking Programme was launched in Georgia. ⁶⁴ Though pages discrediting various stakeholders—including both opposition and ruling political parties, civil society organizations, and critical media outlets—remained online, ⁶⁵ this joint effort decreased these types of activities on social media. ⁶⁶

However, some of these pages have abandoned Facebook for TikTok to spread propagandistic and discrediting information in 2021. ⁶⁷ Ahead of October 2021 local elections, observers reported that Facebook pages disseminated falsified quotes, ⁶⁸ which they attributed to politicians and “experts.” ⁶⁹ These quotes were often distributed via images that purported to be from well-known media outlets. Also, social media monitoring revealed anonymous campaigns were used to discredit both opposition and ruling parties ahead of the elections; online campaigns against the opposition parties were larger in scale. ⁷⁰

In 2020 and 2021, Facebook deleted dozens of pages and networks of accounts disseminating fake and false information. One network removed in October 2020 included 50 Facebook accounts, 49 Pages, 4 Groups, 8 Events, and 19 Instagram accounts connected with media outlet Alt-Info. The outlet was later banned from Facebook for its “suspected coordinated inauthentic behavior in the region.” In response, Alt-Info encouraged its audience to follow accounts linked to the outlet on WhatsApp, Telegram, and Viber. ⁷¹ They created a television channel and disseminated news through various Facebook pages, groups and profiles associated with the Conservative Movement party. ⁷²

That October, Facebook also removed 54 Facebook accounts, 14 Pages, 2 Groups and 21 Instagram accounts linked to two parties, the right-wing Alliance of Patriots and left-wing Georgian Choice. **73**

In April 2020, Facebook removed hundreds of Facebook and Instagram accounts, groups, and pages that appeared to be affiliated with the ruling Georgian Dream party and the opposition United National Movement party. The networks were taken down for engaging in “coordinated inauthentic behavior.” **74**

In December 2020, the Institute for Development and Freedom of Information (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 it also sponsored these criticisms on its Facebook page. **75**

The existence of government-affiliated groups spreading disinformation on social media platforms to influence public opinion has been documented previously by local observers. **76**

Russian information campaigns also target Georgian audiences online. As Facebook reported in September 2020, dozens of Facebook pages, users, and groups originating in Russia were removed as their online activities attempted to interfere in domestic affairs of foreign countries, including Georgia. **77**

Also, as demonstrated by a recent study by the Media Development Foundation (MDF), a Georgian free media organization, Facebook pages, news agencies, and websites linked to Russia consistently disseminated fake news about the pandemic and vaccines. **78** Moreover, according to the IDFI, pro-Russian actors also amplified stories falsely positing a relationship between COVID-19 and 5G technology, attracting much attention on the Georgian internet. **79**

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content online?

2/3

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. According to 2017 data (the most recent available), the online advertising market has more than doubled between 2014 and 2017. However, this growth has not positively affected the revenues of online outlets because ads are more frequently placed on social media platforms, where most Georgian users spend most of their time online. **80**

By law, online news outlets are not required to disclose their ownership. **81**

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. **82**

B7 0-4 pts

Does the online information landscape lack diversity and reliability?

3/4

The online media environment in Georgia is increasingly diverse, **83** and content on a wide range of topics is available. However, reports from Media Advocacy Coalition, **84** Transparency International **85** and the MDF **86** indicate that several news sites, some of which demonstrate bias and are affiliated with domestic political parties, 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. **87** 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. Bloggers and journalists increasingly use Facebook to share their content and engage readers on current events. Activists and others also use it as a tool for discussion about political and social developments. In a July 2021 study, the internet was considered the primary source of information by 35 percent of respondents, while 26 percent viewed it as their second source of information. ⁸⁸

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 freedom of assembly online, 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, were effectively used to organize protests and mobilize around a number of issues. Notably, online mobilization played a vital role in organizing demonstrations, during which four people were arrested, in support of Ukraine that erupted after Russia's invasion in February 2022. Demonstrators expressed solidarity with Ukraine, requested the government provide the Ukrainian authorities with adequate support, and criticized ambivalent statements about the invasion from government officials, including the prime minister. ⁸⁹ ⁹⁰ Local NGOs argued that the protesters' detentions were a disproportionate response from the authorities. ⁹¹

Also, during the coverage period, demonstrations were organized to demand the transfer of the imprisoned former president Mikheil Saakashvili to a civilian hospital ⁹² and to protest against rising fuel prices. ⁹³

Ethnic and linguistic minorities have waged online and offline campaigns to advocate for an increase in government funding of programs teaching Georgian language to ethnic minorities, ⁹⁴ as well as to collect signatures to have the Russian endings stripped from their surnames. ⁹⁵

Georgians continue to utilize the government's expanding e-government services. During the pandemic, 179 public services were digitized and added to the central citizen platform (MY.GOV.GE). ⁹⁶ Several government agencies have also introduced

discussion platforms where people can express their views on various policy issues. Georgians have successfully used the e-petition platform (ichange.gov.ge), which was launched in 2017, to submit and collect signatures for petitions on government issues and policies. Petitions with 5,000 or more signatures are sent for consideration to the government, which is then obligated to provide an official response to the authors. ⁹⁷ However, civil society organizations have voiced their concerns that the established mechanism is not sufficiently promoted among the public, resulting in the portal's limited impact. ⁹⁸

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. ⁹⁹

The right to access information and freedom of expression are also guaranteed by the constitution and are usually respected in practice. ¹⁰⁰ 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.

¹⁰¹ The legislation protects the confidentiality of reporters’ sources and enumerates other protections for journalists. ¹⁰² However, investigative bodies have recently requested more information about reporters’ sources, but this practice has primarily impacted television channels. ¹⁰³

A lack of judicial independence is regarded as a major hindrance to Georgia’s democratic consolidation. ¹⁰⁴ Despite several waves of reforms, local civil society groups, the public defender, and even 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 argue 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. ¹⁰⁵ Local NGOs 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 weakens the influence of individual judges; ¹⁰⁶ the packing of the High Council of Justice (the judiciary’s oversight body); the impact of the council in potentially undermining the independence of individual judges; the lack of transparency within the judiciary; and recent appointments of judges and court chairpersons who are unqualified or have tainted reputations. ¹⁰⁷ As a result of these and other concerns about the judiciary, many Georgians distrust judges and courts, and a majority of citizens feel that judges serve the interests of the government. ¹⁰⁸

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

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, ¹⁰⁹ but the Law on Freedom of Speech and Expression ¹¹⁰ and the Law on Electronic Communications ¹¹¹ 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. ¹¹²

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. ¹¹³ 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?

6/6

Georgians are generally free to express themselves online without fear of legal penalties, but several prosecutions for online activity have raised concerns in the past. The authorities periodically investigate internet users who threaten violence online, ¹¹⁴ and civil society groups say their response can be disproportionate.

In April 2022, Misha Mshvildadze, a founder of Formula news and an activist, was summoned for interrogation by Security Service 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. He was charged with potential conspiracy or mutiny to violently change the constitutional order of Georgia under Article 315 of the criminal code. ¹¹⁵

In February 2019, 16 individuals were initially arrested under Article 157 of the criminal code for storing and sharing an illegally recorded explicit video featuring Eka Beselia, a member of Parliament, via social media platforms and messaging apps. ¹¹⁶ In June 2021, all 19 defendants, who were facing five to eight years in prison, signed plea agreements to one year probation and fines of 2,000 lari (\$640) or 5,000 lari (\$1,600). ¹¹⁷

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?

3/4

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. ¹¹⁸

C5 0-6 pts

Does state surveillance of internet activities infringe on users' right to

3/6

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. **119**

In September 2021, leaked files allegedly belonging to the State Security Service, the government's intelligence agency, demonstrated that clergy, journalists, opposition leaders, civil society representatives, activists, priests, and diplomats had been surveilled. **120** The documents, which primarily targeted the clergy, indicate that the agency had access to individuals' phone communications, **121** contained details about individuals' "alleged illegal drug use," political views, relationships, and business transactions.

Previously, Ivane Gulashvili, a former employee of the State Security Service 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 response, in March 2020, the prosecutor general launched an investigation regarding the allegations. Sabanadze resigned the following day. **122**

In June 2022, after the coverage period, the Georgian 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. It was met with harsh criticism from local CSOs. **123** In the same month, President Zurabishvili vetoed the law, but in September parliament overruled her veto. **124**

In 2017, Parliament adopted new surveillance regulations after the Constitutional Court struck down previous surveillance legislation in 2016, which had forced companies to retain user metadata for two years and allowed authorities real-time access to user data. **125** The new law established an entity called the Operative Technical Agency (OTA), operating under the State Security Service. The OTA is responsible for surveillance activity across computer and telecommunications networks and can install clandestine programs on individuals' devices in some circumstances.

Local civil society organizations 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. ¹²⁶ A group that includes the public defender and the political parties European Georgia, United National Movement, Republicans, and Free Democrats have appealed the Constitutional Court to strike down the law, claiming that the creation of the OTA does not align with the court's 2016 ruling and that there are no strong oversight mechanisms or safeguards to protect the independence of the new agency. As of May 2022, the court had not yet reached a decision.

The activities of the OTA are subject to oversight by the Office of the Personal Data Protection Inspector, 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 nearly doubled between 2017 and 2018 but decreased in 2019. ¹²⁷

At the end of 2021, controversial amendments to the Law on Information Security, adopted in 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 (DEA), 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. ¹²⁸ 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 European Union (EU) directives, including the recent directive on Network and Information Systems (NIS). ¹²⁹ However, no progress has been observed in this regard. Local NGOs 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. ¹³⁰

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." ¹³¹

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. ¹³²

In 2014, the government extended the mandate of the Personal Data Protection Service, formerly named the State Inspector Service, to cover the private sector. The institution is 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 can impose measures, including fines, for violations. ¹³³ The latest report from the office of the head of the body, the personal data protection inspector, revealed that despite progress in recent years, public and private entities continue to mishandle user data before it is handed over for investigative purposes, including by failing to present court warrants and failing to ask for court warrants on time, respectively. ¹³⁴ The institution has the power to fine entities that do not comply with the rules.

In December 2021, the parliament split the personal data protection inspector's office into two new entities, without prior consultations or debate. ¹³⁵ The official rationale behind the changes was to reorganize and separate the investigative function of the office from the personal data protection function. However, CSOs suspected that the move was a "political retaliation" against an institution that has generally gained public trust. ¹³⁶

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

C7 0-5 pts

Internet users faced harassment, both online and offline, and journalists were occasionally obstructed by political figures, although intimidation linked to online activities is not systematic in Georgia.

Due to increased political polarization and uncertainty during the local election period in October 2021, harassment and physical attacks on journalists increased, including those from online media outlets. In some cases, journalists had their equipment stolen or broken. CSOs argued that the government's inaction, inflammatory statements from high officials, including the prime minister, and inaction by law enforcement played roles in encouraging violence against journalists and activists. ¹³⁷

Reports found some cases of online harassment and intimidation ahead of the October 2020 parliamentary election, as well. For example, there were at least two reported cases of online media journalists being attacked, injured, or allegedly having their equipment damaged by political party representatives. ¹³⁸ Recent Facebook monitoring conducted by the CRRC also showed that women candidates and politicians experienced gender-based online violence during the vote. According to the report, women candidates and politicians received more comments about their personalities, sexual lifestyles, and appearances than men who ran for office. ¹³⁹

Although severe violence in retaliation for online activity is rare, almost 60 journalists and media workers were attacked by a mob that swarmed to the streets 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, ¹⁴⁰ 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. ¹⁴¹ However, as local observers report, the organizers of the attack had not yet been identified. ¹⁴² Meanwhile, according to unconfirmed reports from one media outlet, representatives of the Security Services were allegedly involved in the violence. ¹⁴³

Georgia's LGBT+ community has faced sustained online harassment in recent years. In the runup to the first-ever Tbilisi Pride event, held in June 2019, harassment intensified, with far-right Facebook pages disseminating anti-LGBT+ narratives. ¹⁴⁴ In July 2021, the Tbilisi Pride Office was subject to several attacks and pressure from far-right groups. ¹⁴⁵ Also, due to a lack of security guarantees from the government, the organizers of Tbilisi Pride stated they would not hold the annual parade, scheduled for

June 2022. ¹⁴⁶ Previously, the LGBT+ community also encountered online harassment in relation to the November 2019 premiere of a Georgian-Swedish film, *And Then We Danced*, which depicts a same-sex love story. ¹⁴⁷

Members of the Azeri national minority also faced online harassment in the context of the COVID-19 pandemic. Users on social media platforms blamed Azeris for an outbreak of the disease in several municipalities with large Azeri populations in 2020, prompting outcry from CSOs. ¹⁴⁸

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?	2/3
--	------------

Score Change: The score improved from 1 to 2 because there were no major cyberattacks on government websites during the coverage period.

Though cyberattacks have become a significant issue in Georgia in recent 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 from foreign countries, which were ultimately prevented by the ministry's special cybersecurity unit. ¹⁴⁹ In October 2020, the Georgian Public Broadcaster's servers were attacked and damaged, halting broadcast service for several hours. ¹⁵⁰ 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. ¹⁵¹ In March 2020, the personal data of millions of Georgian citizens including national ID numbers, dates of birth, mobile phone numbers, and home addresses, were leaked on a hacking forum.. ¹⁵²

To overcome the challenges, the government adopted a 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. ¹⁵³

In October 2019, the country was subject to a substantial cyberattack that disrupted more than 2,000 government-owned and privately owned websites by targeting a

local hosting provider, Pro-Service. **154** According to officials, an investigation conducted with the help of Georgia's international partners revealed that the attack was carried out by Russia's GRU. **155** However, Russia's Ministry of Foreign Affairs denied the allegations. **156**

Footnotes

- 1 National Statistics Office of Georgia, "Share of households with internet access," accessed September 2022, <https://www.geostat.ge/en/modules/categories/106/information-and-commun....>
- 2 International Telecommunications Union, "Country ICT Data," accessed September 2022, <https://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.
- 3 Caucasus Research Resource Center, "Ukraine: Survey on the war in Ukraine, March 2022," March 2022, <https://caucasusbarometer.org/en/uk2022ge/FRQINTR/>.
- 4 Caucasus Research Resource Center, "Ukraine: Survey on the war in Ukraine, March 2022," March 2022, <https://caucasusbarometer.org/en/uk2022ge/FRQINTR/>.
- 5 National Statistics Office of Georgia, "Distribution of population by last internet use," accessed September 2022, <https://www.geostat.ge/en/modules/categories/106/information-and-commun....>

More footnotes



On Georgia

See all data, scores & information on this country or territory.

See More >

Country Facts

Global Freedom Score

58/100 Partly Free

Internet Freedom Score

78/100 **Free**

Freedom in the World Status

Partly Free

Networks Restricted

No

Social Media Blocked

No

Websites Blocked

No

Pro-government Commentators

Yes

Users Arrested

No

In Other Reports

Freedom in the World 2022

Other Years

2021

Be the first to know what's happening.

Join the Freedom House weekly newsletter

Subscribe

ADDRESS

1850 M St. NW Floor 11
Washington, DC 20036
(202) 296-5101

GENERAL INQUIRIES

info@freedomhouse.org

PRESS & MEDIA

press@freedomhouse.org

