

Georgia

	2014	2015		
Internet Freedom Status	Free	Free	Population:	4.8 million
Obstacles to Access (0-25)	8	7	Internet Penetration 2014:	49 percent
Limits on Content (0-35)	7	6	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	11	11	Political/Social Content Blocked:	No
TOTAL* (0-100)	26	24	Bloggers/ICT Users Arrested:	No
			Press Freedom 2015 Status:	Partly Free

* 0=most free, 100=least free

Key Developments: June 2014 – May 2015

- Amendments to Georgia's legislation introduced a "two-key" system for authorizing wiretapping, which requires the Ministry of Internal Affairs to obtain permission from the Personal Data Protection Inspector, in addition to a court order, prior to conducting surveillance. However, this provision in the final amendments does not apply to internet data, and maintains that the Ministry will have direct access to telecom servers, rather than requiring that they request the data from the telecom providers (see **Surveillance, Privacy and Anonymity**).
- Internet access in Georgia continues to improve, as the government moves forward with plans to ensure access to high-speed internet throughout the country by 2017 (see **Availability and Ease of Access**).
- The use of information and communications technologies (ICT) by activists for waging effective online campaigns has increased significantly, indicating the growing impact of internet use for disseminating information and mobilizing people for a common cause (see **Digital Activism**).

Introduction

Internet access and usage continues to grow rapidly in Georgia, particularly as interest in connecting with friends through social-networking sites has increased in recent years. State bodies and several key politicians have also increased their use of the internet and modern social media tools to share information with citizens and attract attention from the potential electorate. The government continues to set up new online services, including the portal Data.gov.ge, which is intended to unite all major government data sets in the near future. However, not all government institutions express willingness to communicate effectively and directly with citizens; as a consequence, one-way interaction prevails on the websites of these agencies.

On November 30, 2014, the parliament of Georgia adopted controversial amendments related to surveillance and wiretapping. The amendments establish a “two-key system,” where one “key” to surveillance records is kept in the Ministry of Internal Affairs (MIA) and the other at the Personal Data Protection Inspector’s Office, who must verify that the surveillance action taking place is in accordance with an obtained court order. A court order is required for wiretapping or for accessing the content of communications; metadata is accessible without a warrant. There are still concerns that allowing the MIA to maintain direct access to telecom operators’ networks could compromise privacy protections.

The mandate to extend the powers of the Personal Data Protection Inspector, implemented on November 1, 2014, as well as measures to enhance national legislation related to protection of privacy, and to establish efficient guarantees for the protection of human rights and freedoms, in compliance with international standards, can be highlighted as positive developments for safeguarding ICT users’ rights. If the new agency is given sufficient power to operate and remain autonomous in its functions, there might be tangible and substantial improvements to consumers’ rights in the near future.

Additionally, new regulations were introduced for the process of nominating the leadership of the Georgian National Communication Commission (GNCC). As of October 2013, the chairperson of the commission is nominated by other commissioners of the GNCC, rather than directly by the president. Recent developments showed that this agency is still vulnerable to potential interference from the executive branch of the government.

Georgians continue to use social media tools alongside broadcast and print media to document and respond to significant political and social events. The advent of diverse interactive maps and platforms enables users to report on matters of their concern. The number of online campaigns launched by activists and civil society members has significantly increased over the past years.

Restrictions on online content in Georgia have decreased over the past few years. There are no indications of censorship or content being blocked by the Georgian authorities or internet service providers (ISPs), and there are no recent cases of activists or reporters being questioned or arrested for their online activities.¹

1 Institute for Development of Freedom of Information, *Internet Freedom in Georgia – Report 2*, March 13, 2014, <http://bit.ly/1iLOUfz>; Institute for Development of Freedom of Information, *Internet Freedom in Georgia – Report N3-4*, September 16, 2014, <http://bit.ly/1QLkcOA>; Transparency International Georgia, *The State of the Internet: Who Controls Georgia’s Telecommunications Sector?*, February 2013, <http://bit.ly/1ux0CCU>.

Obstacles to Access

The number of internet and mobile phone subscriptions in Georgia continues to grow, but high prices for services, inadequate infrastructure, and slow internet speeds remain obstacles, particularly for those in rural areas or with low incomes. The government has announced plans to address these challenges during the next few years; however, the exact strategy to overcome the digital divide has not yet been outlined.

Availability and Ease of Access

Internet access continued to grow during the reporting period. According to the International Telecommunication Union (ITU), 49 percent of the population had access to the internet in 2014, compared to 43 percent in 2013 and 20 percent in 2009.² According to a countrywide survey conducted by the Caucasus Research Resource Centers (CRRC), 30 percent of the population accessed the internet on a daily basis in 2013,³ and the most active internet users were located in the capital. Only 5 percent of Georgians are unfamiliar with the internet altogether.⁴ There is a slight gender gap, as over 47 percent of men use the internet compared to 42 percent of women.⁵

ISPs offer DSL broadband, fiber-optic, HSPA/EVDO, WiMAX and Wi-Fi connections. Since 2015, LTE 4G internet access has slowly become available for Georgian consumers.⁶ The average cost for an internet connection is US\$20 per month, and the lowest price for a 10 Mbps DSL connection is about US\$15 per month.⁷ There were approximately 603,000 fixed-line broadband internet connections in 2014,⁸ up from about 419,000 in 2012.

Mobile phone penetration is greater than that of the internet and has continued to grow from 64 percent in 2009 to 125 percent in 2014.⁹ Mobile phones significantly outnumber landlines, and reception is available throughout the country, including rural areas. However, the vast majority of households access the internet from a home computer or laptop (82 percent) rather than from personal mobile phones (12 percent).¹⁰ The use of mobile devices to connect to the internet may be limited by high costs (more than US\$38 for unlimited internet access).¹¹ However, some providers are offering new and somewhat less expensive services, including CDMA and EVDO technologies.

The GNCC introduced mobile number portability in February 2011 and fixed-line number portability in December 2011, giving users more freedom to switch between service providers and choose be-

2 International Telecommunication Union, "Percentage of individuals using the Internet," 2000-2014, <http://bit.ly/1cblxxY>.

3 Caucasus Research Resource Centers, "Caucasus Barometer 2013 Georgia," accessed March 5, 2015, <http://www.crrccenters.org/caucasusbarometer/>.

4 Caucasus Research Resource Centers, "Caucasus Barometer 2013 Georgia."

5 International Telecommunication Union, "Percentage of individuals using the Internet, 2000-2013."

6 ZETI.GE. "2015 – the year full of new developments" [in Georgian] January 12, 2015, accessed March 1, 2015, http://zeti.ge/menu_id/23/id/755/.

7 Comparative data from two major ISP's prices (SilkNet and Caucasus Online).

8 Georgian National Communication Commission, *Annual Report 2014*, [in Georgian] June 2015, <http://gncc.ge/uploads/other/1/1342.pdf>.

9 International Telecommunication Union, "Mobile-cellular telephone subscriptions, 2000-2014," <http://bit.ly/1cblxxY>.

10 Caucasus Research Resource Centers, "Caucasus Barometer 2013 Georgia," accessed March 5, 2015, <http://www.crrccenters.org/caucasusbarometer/>.

11 Comparative data from two major mobile ISP's prices (Magticom and Geocell).

tween price plans.¹² As of December 2014, about 442,000 subscribers had made use of this service.¹³ According to a new national numbering plan, as of January 2012, all phone numbers have changed to align with international standards.¹⁴

The government of Georgia lacks a comprehensive strategy outlining a clear and long-term vision for developing internet infrastructure throughout the country. In February 2014, the government established Georgia's Innovation and Technology Agency,¹⁵ to promote the use of innovation technologies in various fields and the commercialization of innovative technology research and development. Among other programs, it is tasked with elaborating and implementing a concept for ensuring broadband internet access to all citizens (precisely, at least 2,000 settlements) by the end of 2017.¹⁶ For these purposes, the government plans to establish a trunk cable system and take several measures, such as the liberalization of the telecommunication sector, breaking up of monopolies, completion of the transition from analogue to digital terrestrial broadcasting, and the simplification of administrative procedures.

Additionally, in order to promote the strengthening of e-governance services in Georgia, the Data Exchange Agency of the Ministry of Justice created an "e-Georgia" strategic document for the years of 2014-2018.¹⁷ Along with other goals, the "e-Georgia" strategy aims to ensure secure and effective e-services for citizens, businesses, and the non-governmental sector, based on reliable and trustworthy infrastructure. According to the report, the strategy aims to stimulate the demand and increase the use of e-services by citizens and businesses through high quality, efficient, effective, trusted and secure service delivery.

Cybercafes provide access at reasonable prices, but are located mainly in large cities, and there are too few to meet the needs of the population. They have become a popular place for online gamers, where youth spend hours playing online games. Many restaurants, cafes, bars, cinemas, and other gathering places provide Wi-Fi access, allowing customers to use the internet on their personal laptops or other devices. As part of a plan to improve infrastructure for local self-governance, in 2013 the State Services Development Agency began developing community centers where local citizens can access the entire internet and utilize resources including Skype, bank services, telecommunication services, and electronic services developed by the state (for example: property registration, e-auction, business registration, etc.).¹⁸ As of May 2015, 21 centers are operating in different regions and districts throughout the country.

Restrictions on Connectivity

The Georgian government does not place any restrictions on connectivity, and the backbone internet infrastructure is owned and operated by private companies. Despite, expanding internet access, many users complain about the quality of connections and suffer from frequent outages. For

12 Mobile price plan calculator: <http://online.gncc.ge/MobileCalc/MobileCalc2.aspx>. The Calculator gives users the ability to choose best plan and pricing options between mobile operators.

13 Georgian National Communication Commission, *Annual Report 2014*.

14 Phone numbers now all begin with 0 and 00 prefixes.

15 Official website of Georgia's Innovation and Technology Agency, assessed March 3, 2015 <http://gita.gov.ge/en/agency>.

16 Ministry of Economy and Sustainable Development of Georgia, "High Quality Internet to be Accessible to Every Region in Georgia" [in Georgian] January 15, 2015, assessed March 2, 2015, <http://bit.ly/1EH2msg>.

17 Data Exchange Agency, "E-Georgia Strategy and Action Plan 2014-2018," July 23, 2014, <http://bit.ly/1nc5Onk>.

18 Find the information about the project: State Services Development Agency, "Community Center," [in Georgian] http://sda.gov.ge/?page_id=5555.

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instance, according to the latest report of the GNCC, 62 written, 60 telephone and 68 oral appeals were submitted by users in 2014, out of which 28 were complaints about the poor level of telecommunication service.¹⁹

The telecommunications infrastructure in Georgia is still weak, and users may experience disconnections from the international internet up to two or three times per month for a few minutes at a time, allowing them to access only Georgian websites, since in general, connection speeds are faster for accessing content hosted in Georgia than for international content. There are many factors influencing the connection to the international backbone, including the major underground fiber-optic cable that is often threatened by landslides, heavy rain, or construction work along the road. However, contrary to instances in recent years when access throughout the entire country was disrupted, no significant outages were reported in 2014-2015.

ICT Market

According to the Law of Georgia on Electronic Communications, telecommunications companies must be licensed before offering services. There are currently up to 40 entities registered as ISPs in Georgia, 10 of which are large networks of governmental services or corporations that are closed to the public and serve only their own employees or branches.²⁰ Most ISPs are privately owned, and two ISPs control more than two-thirds of the market: SilkNet, with about 49 percent of the market, and Caucasus Online with a 33 percent share. Consequently, competition on the internet market is quite low.²¹ For example, 15 companies provide only 1 percent of the users in the capital with internet access.²² Three ISPs—Geocell, Magticom and Mobitel—are also mobile operators. The mobile internet market is also dominated by two main providers, Magticom and Geocell.²³

Regulatory Bodies

The GNCC is the main media and communications regulatory body and is also responsible for regulating online media, although there have yet to be many test cases regarding the latter. The GNCC mostly deals with mobile operators, as well as television and radio broadcasting licenses. There is no significant difference between GNCC procedures for handling traditional media and those pertinent to telecommunications and internet issues. Criticism surrounding the commission's alleged lack of transparency and flawed licensing procedures for traditional media may reappear in the context of internet regulation. Moreover, independent and autonomous functioning of the regulatory body has always been a matter of controversy for civil society of Georgia.

In order to increase the legitimacy of GNCC, new rules for the nomination of candidates and the selection of the Head of Commission came into force on October 27, 2013. A new chairman of the agency was elected by the commissioners themselves instead of the president of Georgia in May

¹⁹ Georgian National Communication Commission, *Annual Report 2014*.

²⁰ List of the internet service providers released by Georgian National Communication Commission, "Internet Providerebi," <http://bit.ly/1Ggywtl>.

²¹ Georgian National Communication Commission: Analytical Portal, accessed June 15, 2015 <http://analytics.gncc.ge/>.

²² Institute for Development of Freedom of Information, "Statistics of Internet Users in Georgia – 2013," February 7, 2014, <http://bit.ly/1j16UTI>.

²³ As of 2014, Magticom possessed 37.6 percent of subscribers, which was followed by Geocell with 35.2 percent. The share of the third company, Mobitel accounted for 26.6 percent of this market. Georgian National Communication Commission, *Annual Report 2014*, [in Georgian] June 2015, <http://gncc.ge/uploads/other/1/1342.pdf>.

2014. Despite this positive development, the revelation that an advisor to the new chairman is also a representative with the Ministry of Internal Affairs has raised speculation that the central government is attempting to interfere in the work of the regulator and collect data on its activities.²⁴

Limits on Content

In 2014–2015, there were no publicly reported incidents of censorship directly carried out by the Georgian government or ISPs. Web content is not subject to systematic manipulation by government agencies. On the contrary, online content is becoming quite diverse in the country, and internet users are increasingly using social media tools to organize and disseminate information about matters of public interest.

Blocking and Filtering

There is no evidence of online content being blocked in Georgia in 2014–2015. In 2011, the government temporarily blocked access to torrent sites and peer-to-peer file sharing services to discourage the illegal download of a Hollywood action film about the 2008 Russian-Georgian war.²⁵ However, aside from this isolated incident, government blocking and filtering is not a major hindrance to internet freedom in Georgia.

YouTube, Facebook, and international blog-hosting services are freely available. Facebook is now the most popular website among internet users in Georgia, with bloggers and journalists increasingly using it to share or promote their content, gain readers, or start discussions on current events. Facebook is also used by civil society activists and others as a tool for discussion about ongoing political and social developments.

Users can freely visit any website around the world, upload or download any content, establish their own website, and contact other users via forums, social-networking sites, and instant messaging applications. ISPs still host websites with a great deal of pirated material,²⁶ but visits to such sites have decreased and given way to social-networking, video-sharing, and news sites. Website filtering software is used within some state institutions and private companies, designed to improve worker productivity by blocking access to sites such as Facebook and YouTube. At the same time, both governmental bodies and private employers are increasingly using social media for recruitment and public relations purposes.

There are no laws that specifically govern the internet, require online censorship, or ban inappropriate content such as pornography or violent material. There are also no blacklists or other registers of websites that should be blocked. Nevertheless, all legal regulations, particularly copyright or criminal law, apply directly to internet activities using legal analogy, although so far this principle has not been exploited to impose significant internet content restrictions. However, there have been some concerns about the impartiality of past blocking decisions made by the GNCC. For example, the political nature of the 2011 decision by the GNCC to crack down on sites illegally hosting the film about the Georgian-Russian war, despite doing very little to combat online piracy in general, implies

24 Ana Dabrundashvili and Mamuka Andguladze, "Security Officers ("ODRs") - existing malpractice," Transparency International Georgia, October 6, 2014, accessed March 2, 2015, <http://www.transparency.ge/en/node/4693>.

25 "Cracking Down on Pirated August War Movie," Georgian America, 2011, <http://bit.ly/1KSnyuQ>.

26 For example, the website [Adjarnet](http://adjaranet.com), <http://adjaranet.com>.

a lack of impartial decision-making. To date, however, such decisions regarding online content have been rare.

Content Removal

During the coverage period of this report, no reported cases of content removal directed at individuals or online media representatives were observed. Intermediary liability for defamatory content, which in other cases can lead to intermediaries preemptively removing or screening for such content, is limited by the Law on Freedom of Speech and Expression (2004), which states that no entity will be held responsible for defamatory content by unknown or anonymous individuals.²⁷ To date, intermediary liability and forced removal of online content have not been significant impediments to online freedoms in Georgia.

Media, Diversity, and Content Manipulation

The online media environment in Georgia is becoming increasingly diverse, and content on a wide range of topics is available. Both voluntary and induced self-censorship among Georgian internet users is active to some extent. It is widely acknowledged that instances of self-censorship due to political pressure have decreased over the past two years. Representatives of particular professions sometimes prefer to abstain from expressing themselves freely on social networks. While some media representatives post their viewpoints without restrictions, other journalists consider refraining from openly judging politicians and decision-makers to be part of professional ethics.²⁸ Additionally, civil servants in some cases may exhibit self-censorship in their online activities and comments due to pressure from higher officials.²⁹

While there is no systematic or pervasive government manipulation of online content, there have been cases where comments have been hidden or deleted from the official Facebook pages of high officials or public institutions.³⁰ Additionally, there was evidence of public officials opening fake Facebook accounts and then following the official Facebook page of President Saakashvili during the 2012 election campaign.³¹ Until recently, there were still fake accounts that solely posted flattering comments of particular government officials. Specialists in Georgia argue that such forms of online manipulation indirectly impact freedom of expression online and hinder a healthy dialogue between different parties.³²

Inadequate revenues in the online news business, combined with a lack of technological knowledge, have hampered the expansion of traditional media outlets to the internet. The government's inter-

27 Faig Alizada, "WILMAP: Georgia," The Center for Internet and Society, Stanford University, <http://stanford.io/1FlxwCU>.

28 Focus group interview with more than 7 journalists and bloggers, November 25, 2013.

29 Case of an employee at LEPL of the Ministry of Environment and Natural Resources Protection of Georgia reported by the online platform – Freedom to Internet – devoted to reporting cases of violations of Internet Users' Rights (censorship / surveillance / privacy / cases of repercussions for on-line activity / filtering and blocking of websites etc.) – See the full description of the case: Freedom to Internet, "LEPL at the Ministry of Environment and Natural Resources Protection of Georgia," August 22, 2014, <http://www.freedomtointernet.com/case/56>.

30 For instance, during the reporting period, an official statement of the Ministry of Defense of Georgia, posted on its official Facebook page, was highly criticized by online activists, however almost all comments were deleted by the page administrator(s). Later this post was removed from the page.

31 Ministry of Defence of Georgia, "Resonance Cases," <http://bit.ly/1BfZEb1>.

32 See information on the event at: "Internet as Human Right" Institute for Development of Freedom of Information, December 8, 2014, <http://bit.ly/1POaoDi>.

est in blogging and social media could help spur traditional outlets to establish a greater internet presence, but this would also require more private investment in online advertising. Currently, it is estimated that annual spending on online advertising does not exceed US\$1 million,³³ which is only about one percent of the total amount spent in the Georgian advertising market. At present, most online media outlets face difficulty in attracting advertisers, diversifying content, obtaining multimedia skills and competing with traditional media representatives. Less interest toward online advertisement from the private sector stems from the relatively limited scope of the online audience.³⁴

Even though the Georgian blogosphere has grown impressively, there are currently few bloggers or activists who create content that has an impact on the political agenda, or who suggest issues for discussion among online users.³⁵ Minorities and vulnerable groups in general are not limited from using the internet, and are represented online through a small number of forums and blogs. During the last three years, LGBTI activists have started to use online tools for coordination, distributing information, and protesting discrimination in the public sphere. For instance, in May 2015, activists launched an online campaign, "This street is taken - there's no place for homophobia and transphobia here!" through disseminating posters and photos expressing solidarity with LGBTI individuals.³⁶ Additionally, online media outlets, NGOs, and some public institutions have started using interactive tools such as blogs for disseminating various types of information.

The majority of internet users (72 percent) report that they connect to the internet to check social networks. Other activities frequently carried out by Georgian internet users include searching for news (53 percent), chatting via Skype (33 percent), pursuing entertainment (25 percent), and sending or receiving email (20 percent).³⁷ It is worth noting that 21 percent of people considered the internet as their main source of information.³⁸

State bodies have also become increasingly active online. For example, departments in the Ministry of Justice, the Ministry of Finance's unit for Tax Inspection, and others have developed online platforms that allow citizens to register and receive services, apply for identification cards, or file tax documentation. Since September 2013, more than 70 e-services have been integrated in a unified governmental portal, My.gov.ge, through which citizens can make online requests for public information about the government's budget and expenses. Other services include filling out passport applications, property registration, information about real estate, outpatient services, insurance, social assistance, state pension, and others. However, this platform has not been promoted extensively, and only a limited number of users access its services on a daily basis. Additionally, a new open data portal, Data.gov.ge, has been launched by the Georgian government, containing more than fifteen types of raw data sets in machine-readable format, released by more than ten public authorities. As of May 2015, the site contained essential public data, such as number of employees of particular government agencies, including employment broken down by gender, and procurements of respective public institutions.

33 Transparency International Georgia, *The Georgian Advertising Market*, Tbilisi, June 2013, <http://bit.ly/U20dUH>

34 Interviews with representatives of online media outlets November 28, 2013 and November 20, 2013.

35 Focus group interview with more than 6 journalists, bloggers and online activists November 25, 2013.

36 You can find materials of the online campaign here: Women's Initiative Supporting Group, Online Campaign, <http://on.fb.me/1L0vpdK>.

37 KobaTurmanidze and Mariam Gabedava, "Georgian in the Internet Age: The Profile," *Caucasus Analytical Digest*, no. 61-62, (April 17, 2014) <http://bit.ly/1JDw3bX>; Caucasus Research Resource Centers, "Caucasus Barometer 2013 Georgia," accessed March 5, 2015, <http://bit.ly/1KMpnfV>.

38 National Democratic Institute, "Public Attitudes in Georgia: Results of an August 2014 Survey," <http://bit.ly/1C7i6TT>. Survey was conducted by Caucasus Research Resource Centers (CRRC).

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Several state services are entering the mobile apps market; for example, the Georgian Police have created an app where users can check important information (such as administrative penalties) or pay fines associated with tickets.³⁹ Additionally, several government agencies have introduced discussion platforms where people have the opportunity to express their views regarding various policy issues. Some central government institutions use social networks for the purposes of establishing direct contact with constituencies, and attempt to respond to their questions in a comprehensive manner.

Digital Activism

Different political and civil society groups post calls for action on Facebook and use social media platforms to communicate with their supporters. Even though most forms of online activism remain online without significant offline impact, the influence of such activities is gradually increasing. For example, in December 2014, an official statement by the Ministry of Defense of Georgia (MoD) on the death of a Georgian citizen killed in Ukraine triggered rampant online criticism. The statement blamed former governmental officials from the opposition party, United National Movement (UNM), for encouraging Georgians to fight in Ukraine and called on the citizens "not to yield to provocation and not to endanger [their] own lives in exchange of various offers."⁴⁰ Furthermore, social networks were used extensively for mobilizing and organizing demonstrations calling for the resignation of the Defense Minister. Later, MoD officials removed the statement and apologized for the "mistake of the Ministry."⁴¹

NGO representatives of the campaign "This Affects You Too" advocating for legislative changes to surveillance laws used the internet to raise public awareness about the importance of the planned amendments. Most importantly, they initiated video competitions for any interested person, which enabled citizens to be directly involved in this process. Their main messages, demands and arguments were disseminated via several online tools. Some of their proposals were taken into account during the process of amending the surveillance legislation, but the amendments were still adopted with several negative provisions.

An interactive portal called the Civil Electronic Monitoring System was established by the Civil Development Agency (CiDA), a civil society organization in Georgia, in an attempt to build up direct consultations between local government and the local population.⁴² Four large cities—Rustavi, Gori, Kutaisi and Poti—have been incorporated in the initiative. The online platform enables citizens to report information to the respective local government officials regarding various problems in their cities including utility problems, self-governance projects, local bills, civil ideas and projects, petitions, and regulations and rules.

Another civic initiative, MyAngle, implemented by Media Activism, a nongovernmental organization in Georgia, brought together media practitioners in the South Caucasus.⁴³ Activists are allowed to publish a variety of self-made stories regarding social, economic and cultural issues in different for-

39 Official web-site of Ministry of Internal Affairs of Georgia: "Administrative Penalties," <http://videos.police.ge/?lang=en>.

40 For more information see: "MoD Under Fire Over Its Statement on Death of Georgian Fighting for Ukraine," *Civil*, December 21, 2014, <http://bit.ly/1jzGbhc>.

41 "MoD Apologizes, Says Leadership Was Not Aware of Controversial Statement," *Civil*, December 22, 2014, <http://bit.ly/1N25NzN>.

42 Civil Electronic Monitoring System, homepage, <http://www.cems.ge/>.

43 Browse Ansles, homepage, <http://www.myangle.net/en/angles>.

mats (photo, video, audio). The main aim of the networking platform is to support multimedia journalism in the region.

Violations of User Rights

Regulation of ICT surveillance has been a prominent issue in Georgia since revelations of illegal surveillance and wiretapping emerged in 2012. Amendments to surveillance legislation were passed toward the end of 2014. These included some restrictions on wiretapping and increased judicial oversight, but also problematic provisions allowing the MIA to maintain direct access to metadata. Additionally, concerns about personal data protection remain unresolved. At the same time, there were no instances of ICT users being prosecuted or detained for their online activities, and there were no reported incidents of violence or intimidation directed at ICT users.

Legal Environment

Civil rights, including the right to access information and freedom of expression, are guaranteed by the Georgian constitution and are generally respected in practice.⁴⁴ The Law on Freedom of Speech and Expression makes it clear that other “generally accepted rights” related to freedom of expression are also protected even if they are not specifically mentioned.⁴⁵ Furthermore, Article 20 of the constitution and Article 8 of the Law of Georgia on Electronic Communications include privacy guarantees for users and their information, though they simultaneously allow privacy rights to be restricted by the courts or other legislation.⁴⁶ Online activities can be prosecuted under these laws—mainly in cases of alleged defamation, which was decriminalized in 2004—or under any applicable criminal law.

Prosecutions and Detentions for Online Activities

There were no cases of charges against online users for libel or other internet activities in 2014–2015. There were also no known instances of detention or prosecution.

Surveillance, Privacy, and Anonymity

In response to revelations of illegal surveillance and wiretapping during the pre-election period in 2012, local NGO representatives, under the campaign “This Affects You Too,” started advocating for legislative amendments to limit the infringement upon private life and abuse of power by entities carrying out secret investigative actions. In August 2014, the parliament passed a package of legislative amendments that increased oversight mechanisms for government surveillance practices.⁴⁷ According to the changes, law enforcement agencies are required to present higher standards of justification to obtain a court warrant, and justified cases are limited to those that aim to ensure national security, or prevent disorder and crime.

⁴⁴ The Constitution of Georgia, 1995, [in English] <http://bit.ly/1L4F5nN>.

⁴⁵ Article 19, *Guide to the Law of Georgia on Freedom of Speech and Expression* (London: Article 19, April 2005) <http://bit.ly/1KMT5WJ>.

⁴⁶ The law is available in English on the Georgian Nation Communications Commission website at: “Legal Acts,” <http://bit.ly/1OH6yhQ>.

⁴⁷ Democracy & Freedom Watch, “Georgia Introduces Stricter Regulation of Secret Surveillance,” August 5, 2014, <http://bit.ly/1ow5Bws>.

The question of accessibility to the surveillance data was addressed in subsequent amendments. Ultimately, a “two-key system” was introduced in November 2014, whereby the Ministry of Internal Affairs sustained direct access to the lawful interception management system, enabling the agency to obtain telecommunications data in real time after securing a court order. Despite maintaining access to the telecommunications data, the MIA will not be able to start interception and monitoring of communications without the permission of the Office of the Personal Data Protection Inspector, which will in turn be equipped with the second “key” to approve the interception. Civil society members consider the adopted law restrictive and insufficient, since the newly introduced “two-key system” does not apply to data transmitted through the internet.⁴⁸ Shortly after the amendments were passed, the Public Defender of Georgia filed a lawsuit in the Constitutional Court against the clause in the law on electronic communications that entitles state agencies to intercept and store telecommunications data in real time, arguing that this real-time access still violates the right to private life as stated in the constitution.⁴⁹ On the other hand, the latest official surveillance data showed that over the past two years, the amount of motions on wiretapping made to courts has decreased.⁵⁰ The Supreme Court of Georgia undertook the obligation to proactively publish such data annually.

On November 1, 2014, the mandate of the Personal Data Protection Inspector was extended to cover the private sector. In particular, the office is authorized to check the legality of any data processing by private organizations on their own initiation or on the grounds of a citizen’s application. If a violation is found, inspectors will be able to impose measures provided for by the law, including fines.⁵¹ The mandate also includes other significant improvements that provide more guarantees for impartiality of the inspector, expanding the office’s responsibilities, and harmonizing Georgian legislation with European standards. However, the latest report on the state of personal data protection identified major challenges and deep-rooted systematic problems including: the processing of a large amount of data by public or private organizations without proper legal grounds; the illegal disclosure of personal information to other states and/or international organization; failure to limit the use of data for direct marketing campaigns.⁵²

There are no restrictions on the use of anonymizing or encryption tools online. However, individuals are required to register when buying a SIM card. ISPs and mobile phone companies are also obliged to deliver statistical data on user activities concerning site visits, traffic, and other topics when asked by the government. Cybercafes, on the other hand, are not obliged to comply with government monitoring, as they do not register or otherwise gather data about customers.

Intimidation and Violence

During the coverage period of this report, no cases of extralegal intimidation or physical violence directed at individuals for their online activities were reported in Georgia. Furthermore, there were no reported examples of women, LGBT individuals, or members of ethnic minority populations being harassed or threatened specifically because of their use of ICTs.

48 Institute for Development of Freedom of Information, “Regulating Secret Surveillance in Georgia: 2013-2015,” June 9, 2015, <http://bit.ly/1BW5U50>.

49 Public Defender of Georgia, “Constitutional Claim regarding Georgian Law “On Electronic Communications,” February 2, 2014, <http://bit.ly/1x7JpZj>.

50 Institute for Development of Freedom of Information, “Regulating Secret Surveillance in Georgia: 2013-2015.”

51 Office of the Personal Data Protection, “The Mandate Of The Personal Data Protection Inspector Extends Over The Private Sector,” news release, assessed March 2, 2015, <http://bit.ly/1DZRP6M>.

52 The Office of the Personal Data Protection Inspector, *Annual Report - 2014*, <http://bit.ly/1jzL3CQ>.

Technical Attacks

Cyberattacks against opposition websites have not been a significant issue in Georgia, with the latest major attacks occurring in 2008 and 2009 in relation to political tensions between Georgia and Russia. By the end of 2012, the Data Exchange Agency started monitoring Georgian websites for the presence of malicious codes, hacking attacks, or other suspicious activities, publishing the information regularly on their website⁵³ as well as on their official Facebook page.⁵⁴ Additionally, the Agency produced a new service called “Safe Internet - Check My IP,” capable of examining the security of the IP address of users’ computers. This service informs users connected to the internet in Georgia whether their computer is infected by any virus and provides them with detailed descriptions of detected viruses. Secure DNS services enable users to automatically block harmful content by using DNS parameters offered by Cert.gov.ge.

53 Data Exchange Agency, homepage, <http://dea.gov.ge>.

54 CERT, Facebook page, <https://www.facebook.com/certgovge>.