

Freedom of the Press 2016 - Georgia

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Press Freedom Status: Partly Free

Legal Environment: 13 / 30 (↓1) (0 = best, 30 = worst)

Political Environment: 20 / 40 (0 = best, 40 = worst)

Economic Environment: 16 / 30 (0 = best, 30 = worst)

Press Freedom Score: 49 / 100 (↓1) (0 = best, 100 = worst)

Quick Facts

Population: 3,804,000

Net Freedom Status: Free

Freedom in the World Status: Partly Free

Internet Penetration Rate: 48.9%

Overview

Georgia continues to have the freest and most diverse media environment in the South Caucasus, though political polarization and close links between media companies and politicians continue to negatively affect the sector. While none of the country's major providers of news are known to be directly owned by a public official, strong ties remain between media outlets and political parties or interests.

Key Developments

- A legal dispute over ownership of Rustavi 2, the leading opposition television channel, raised concerns about political influence over the outlet and judicial impartiality in media-related cases.
- The closure of popular political programs on Imedi TV and the public broadcaster signaled the continued involvement of political interests in editorial decisions.
- Georgia completed its transition to digital broadcasting in July.

Legal Environment: 13 / 30 (↓1)

The constitution protects media freedom, and Georgia has some of the most progressive legislation in the region. Article 19 of the 1995 constitution and the Law on Freedom of Speech and

Expression contain protections against censorship. Journalists are seldom prosecuted in relation to their work. However, legislation is at times slowly implemented, and enforcement is occasionally influenced by political concerns. Government officials sometimes undermine legal protections through hostile public rhetoric toward the press. Prime Minister Irakli Garibashvili of Georgian Dream, until his resignation in late December 2015, often publicly criticized media houses for biased coverage of public affairs, as did his predecessors. Georgian Dream officials have most frequently targeted the privately owned Rustavi 2 and Maestro TV.

The government decriminalized libel in 2004 as part of an effort to bring Georgian media laws into line with European standards. Amendments to the Law on Broadcasting in 2013 expanded the mandate of the "must carry/must offer" rule beyond preelection periods, establishing it as a permanent fixture in Georgian media legislation. The rule obliges cable operators to carry all television stations, preventing politically motivated suppression of certain channels.

In 2015, a legal dispute over ownership of Rustavi 2 led to questions about judicial impartiality. Rustavi 2 is the country's most popular television channel and has ties to the United National Movement (UNM), the leading opposition party. The case was initiated by a former owner, Kibar Khalvashi, who claimed that his shares were illegally seized while the UNM was in power. In August, the Tbilisi City Court ordered a limited asset freeze while the case was ongoing, causing Rustavi 2 severe financial stress. In November, the court ruled in favor of the plaintiff, Kibar Khalvashi, and dismissed the management of the company, appointing two interim executives to oversee Rustavi 2. The ruling was made despite an earlier Constitutional Court decision to suspend immediate enforcement of civil verdicts while a case remained under appeal; the Rustavi 2 legal team had requested the suspension, fearing a rushed transfer of ownership. Amid international and domestic criticism, the Tbilisi City Court reversed its decision and reinstated the original management, and the case was under appeal at year's end. While the role of the government in the dispute remained subject to speculation, media groups voiced concerns about the Tbilisi City Court's actions as well as negative statements made by politicians about Rustavi 2 while the case was ongoing.

Georgia adopted freedom of information legislation in 1999, although implementation remains problematic. The Georgian Dream government has appeared responsive to calls by civil society organizations and media watchdogs to improve access to information. In 2013, as part of Georgia's commitment to the Open Government Partnership (OGP), Parliament adopted legislation requiring public agencies to establish websites, publish certain public information online, and accept electronic requests for information. The state also operates a unified public data website, data.gov.ge, although some agencies are more active than others in providing data. According to the Institute for Development of Freedom of Information (IDFI), a domestic organization, not all agencies contribute to this website as required by law, and Georgia's freedom of information legislation does not establish strong pathways for handling noncompliance. Under its OGP commitments, Georgia has undertaken to introduce a new law on freedom of information to more clearly define open data and create stronger compliance mechanisms. At the end of 2015, a draft of the proposed law was awaiting submission to the legislature.

The Georgian National Communications Commission (GNCC), which regulates and licenses the country's telecommunications and broadcast media, has been accused of lacking independence. Parliament elected two new members to the GNCC in 2014, one of whom was chosen as the commission's chair. The previous two chairs – one of whom resigned in 2013, while the other was

impeached later the same year – had faced criticism for cultivating commercial or political ties that constituted conflicts of interest.

There have been signs of political influence in Georgia's regulatory environment for licensing. In the past, some progovernment outlets have been allowed to operate without licenses, and there have been reports of officials awarding licenses based on an outlet's political affiliations. In 2011, the GNCC renewed the issuance of broadcast licenses after a three-year delay, and the Constitutional Court ruled in 2012 that television stations would no longer need a license to broadcast via cable networks. As of the completion of digital switchover in July 2015, no licenses are required for satellite television broadcasters either. However, licenses are still required for operators of digital multiplexes and for radio broadcasters.

Political Environment: 20 / 40

Political influence over private media, particularly television outlets, from both the opposition and the ruling party has traditionally been a major problem. Polarization in the television sector, historically driven by partisan alliances, has declined in recent years, and broadcasters have increasingly focused on producing competitive news content. However, there are some remaining concerns. Rustavi 2 has been openly critical of the Georgian Dream government, and a number of incidents in recent years have suggested possible government pressure on the outlet. Allegations emerged in 2014 that the government was wiretapping the offices of Rustavi 2, but investigations had not yet produced results at the end of 2015; independent actors like the OSCE have confirmed some of the allegations.

In August, Imedi TV announced the suspension of two highly rated programs featuring Inga Grigolia, a popular and outspoken host. The outlet's management did not give prior notice to production teams or the Georgian National Communications Commission, and claimed that the measure was part of an effort to reformat programming. However, Grigolia raised the possibility of political influence in the company's abrupt decision. Separately, in September, the Georgian Public Broadcaster (GPB) announced the dismissal of Eka Mishveladze, host of a popular political talk show, due to her marriage to a prominent member of the Free Democrats, an opposition party. The GPB subsequently cancelled the show.

Competition between the government and the opposition over the GPB remains an issue. Opposing political interests contributed to a serious leadership crisis within the GPB in 2013, with legislators failing to fill several positions on the broadcaster's 15-member board. The 2013 amendments to the Law on Broadcasting made key changes to the governance structure of the GPB with the aim of resolving the crisis. Previously, members of the board were approved by the president, and the GPB's main television channel, 1TV, was widely perceived as biased in favor of the UNM government. The new regulations reduced the size of the GPB's board to nine members and made appointments more competitive and politically neutral, excluding the president from the process. However, despite multiple rounds of voting since 2013, the appointment process remained stalled in 2015; there were two vacant seats on the board at year's end.

The level of violence and harassment aimed at journalists has been a serious problem in the past, particularly during election periods. Although no cases of serious violence were reported in 2015, journalists continue to face harassment and intimidation.

Economic Environment: 16 / 30

A large number of private print outlets operate in the country, but they have very limited circulation. More than 70 radio stations are also available, but television remains the most popular source of news. Leading television stations include the public 1TV and the privately owned Rustavi 2, Imedi TV, Maestro TV, and Kavkasia TV. The expansion of the "must carry/must offer" rule has widened the reach of many channels, and a series of ownership changes since 2012 have altered the landscape of the industry and reduced polarization. In July 2015, Georgia completed its switchover to digital broadcasting, and observers generally reported that the GNCC acted impartially and efficiently in managing the transition.

Numerous newspapers and several television stations produce online content, and social-media platforms play a growing role in the dissemination of news and information. Approximately 45 percent of Georgians accessed the internet in 2015.

Long-standing lack of transparency in media ownership, especially in the television sector, was partially alleviated in 2011 with the adoption of amendments to the Law on Broadcasting that require the full disclosure of ownership structures. The Coalition for Media Advocacy, established by local journalism and human rights organizations, was actively involved in negotiating the amendments, which also include a ban on the ownership of broadcast media by offshore companies.

The advertising market in Georgia shows some signs of political influence. Advertisers have traditionally favored progovernment media, although the government has in recent years allocated advertisements and subsidies more fairly. In 2014, the GNCC proposed amending the Law on Advertising to limit advertisements to 20 percent of each hour of airtime, and to regulate sponsorship and product placement practices. The initiative was part of an effort to comply with European Union (EU) directives on restricting advertising in the audiovisual sector. The amendments were passed and entered into force in April 2015. The industry remained divided about the limit at year's end – some critics noted that legislators had rushed the changes and claimed that the limit contributed to the advertising sector shrinking by 17 percent in 2015.

In 2014, the Finance Ministry sparked controversy after it requested that TVMR GE – a television audience measurement company – provide the locations of its "people meters," devices that record audience viewing habits. Critics decried the request as politically motivated, and TVMR GE suspended operations for several months following the request. A competing audience research company, Tri Media Intelligence, is scheduled to begin operations in Georgia in 2016.

[The scores and narrative for Georgia do not reflect conditions for the media in the separatist territories of South Ossetia and Abkhazia.]

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