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Freedom House

Freedom on the Net 2020 - Georgia

FREE

76

/ 100

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LAST YEAR'S SCORE & STATUS

75 / 100 Free

Scores are based on a scale of 0 (least free) to 100 (most free)

Overview

Digital freedom is generally protected in Georgia. However, several challenges related to the increase in the number of cyberattacks and in domestic content manipulation were observed during the coverage period. Even though rates of internet access continue to grow, government efforts to expand internet infrastructure have stalled.

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.

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, 2019 - May 31, 2020

- Georgia experienced a substantial cyberattack, later linked to the Kremlin, which disrupted more than 2,000 Georgian government-owned and privately owned websites in October 2019 (see C8).
- Controversial amendments to the Law on Information Security were initiated that could potentially give the State Security Service access to vast troves of personal data (see C5).
- The Constitutional Court invalidated a long-standing telecommunications regulation that required service providers to block websites hosting “inadmissible content” (see B3).

A Obstacles to Access

Access to the internet continued to grow during the coverage period. The government attempted to breathe new life into its long-standing (and long unfulfilled) broadband development plans. Just after the coverage period, the state telecommunications regulator gained sweeping new powers over internet service providers (ISPs).

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 79.3 percent of households enjoying access as of July 2019, according to official government statistics.¹ According to the most recent data, from 2018, from the International Telecommunication Union (ITU), the fixed broadband penetration rate was 20.9 percent and the mobile broadband penetration rate was 45.3 percent.² According to a survey conducted by the Caucasus Research Resource Center (CRRCC), 57 percent of the population accessed the internet on a daily basis in 2019,³ with the most active users in the capital, Tbilisi.⁴ According to official government statistics, 70.6 percent of individuals aged six and above had used the internet within the last three months, while almost 28.2 percent had never used the internet.⁵

ISPs offer an array of internet connections. There were approximately 921,000 fixed broadband internet connections in May 2020, an increase from about 784,000 two years earlier.⁶

Mobile penetration rates have increased significantly in recent years and stood at 133.4 percent in 2018, according to the ITU.⁷ Mobile phones significantly outnumber landlines, and 3G and 4G services are widely available; 5G networks have not been introduced yet. In 2019, the Georgian National Communications Commission (GNCC), the telecommunications regulator, developed a 5G networks and services development strategy, which envisions the allocation of radio frequencies for 5G networks in 2020.⁸

In January 2020, the government approved a five-year strategy for the development of broadband networks, which aims to “develop infrastructure and transform the country into a digital and information hub in the region.”⁹ To this end, the strategy seeks to stimulate competition, attract new investment, and develop digital skills. By 2025, 4G networks are 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, established in 2015, will be responsible for the creation, maintenance, and management of this fiber-optic network.¹⁰

The adoption of the five-year strategy was preceded by an October 2019 statement from 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 high-speed fiber-optic backbone and backhaul networks to serve some 2,000 settlements by the end of 2020.¹² To this end, Open Net was established. 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, and some news media asserted in 2019 that it had amounted to nothing.¹⁴

Many bars, restaurants, and other public places provide Wi-Fi access, allowing customers to use the internet on their mobile devices. 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 2020, 76 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 510 complaints about low-quality connections in 2019, most of them submitted through the newly established platform Sheamotsme (“Check”), according to the GNCC’s 2019 annual report.¹⁶ On March 22, 2020, an outage caused by a “technical problem” temporarily disconnected Magticom subscribers from the global internet.¹⁷

Testing performed by the company Ookla in May 2020 demonstrated that the average download speed for a fixed internet connection was 24.8 Mbps, which lags behind other countries in the region including Armenia, Russia, and Ukraine.¹⁸ Meanwhile, the average download speed for a mobile internet connection fell from 27.6 Mbps in May 2019 to 25.9 in May 2020.¹⁹

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the 2 / population for geographical, social, or other reasons? 3

Internet access is generally affordable, with monthly 1 GB mobile broadband plans available for as little as 5 laris (\$1.75)²⁰ and monthly 20 Mbps fixed broadband subscriptions available for around 30 laris (\$10).²¹ According to official government statistics, the average Georgian earned 1,204 laris (\$420) a month in 2019.²² ITU data from 2019 shows that a monthly entry-level fixed broadband plan cost 3.4 percent of gross national income (GNI) per capita, while a monthly 1 GB mobile broadband plan cost 0.8 percent of GNI per capita.²³

There is virtually no gender gap among Georgians who use the internet regularly.²⁴ There are, however, digital divides in terms of age and geography. Younger people are more likely to use the internet: 95.9 percent of people between the ages of 15 and 29 use the internet every day or almost daily, while only 78.6 percent of Georgians aged 60 or older are daily or near-daily users, according to official government statistics.²⁵ Meanwhile, 86.1 percent of households in urban areas have internet connections, compared with 69.9 percent of households in rural areas.²⁶ Fiber-optic infrastructure is underdeveloped in the 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.

During the COVID-19 pandemic, some ISPs offered discounts to subscribers.²⁷

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of 6 / restricting connectivity? 6

The government did not place any restrictions on connectivity during the coverage period. 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.”²⁸ The government may assume control over the domestic internet if martial law or a state of emergency is declared.²⁹

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

During the coverage period, there were more than 152 entities registered as ISPs, all of which are privately owned.³⁰ As of January 2020, two private ISPs control more than three-fourths of the fixed broadband market, Magticom with a 48.5 percent market share and Silknet with 31.2 percent.³¹ Consequently, competition is minimal.³² Some observers have raised concerns about market concentration, though 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.³³

In 2018, the GNCC adopted a new regulation that obliges large ISPs operating fiber-optic networks to allow small and medium ISPs to access their infrastructure, enabling the smaller companies to offer services at dramatically reduced prices. Representatives of these small and medium ISPs say that the new regulation may be transformative in the long run and will encourage competition in the ICT market, but this remains to be seen.³⁴

All three mobile service providers—Silknet, Magticom, and Veon Georgia (previously Mobitel), which are privately owned—offer mobile internet. According to the GNCC, at the end of 2019, Magticom controlled 41 percent of the mobile market, while Silknet and Veon Georgia controlled 33 and 26 percent, respectively.³⁵

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a 2 / free, fair, and independent manner? 4

The GNCC is the main regulatory body for the telecommunications sector. It mostly regulates service providers as well as television and radio broadcasting licenses.

The regulator has been criticized for lacking transparency and independence. In order to increase the legitimacy of the GNCC, new rules for the nomination (by the president) and election (by Parliament) of commissioners came into force in 2013.

The GNCC has not made any politicized decisions related to ICT regulation, but it has been criticized by civil society groups for working “hand in hand” with the ruling Georgian Dream party in the realm of media regulation.³⁶ The GNCC also encountered objections after it refused to disclose public data on the activities and expenditures of its newly established Media Academy.³⁷

After the coverage period, in July 2020, allegedly as a response to the sale of 49 percent of ISP Caucasus Online’s shares without the GNCC’s consent—resulting in Caucasus Online being fined to the tune of 270,000 laris³⁸ (\$87,000)—the regulator initiated contentious amendments to the Law on Electronic Communications giving itself the power to appoint “special managers” at telecommunications companies who will enforce its decisions. The amendments, which were denounced by ISPs, were watered down but ultimately passed by Parliament.³⁹

B Limits on Content

A problematic regulation governing “inadmissible content” on the internet was invalidated during the coverage period, removing a major restriction on Georgia’s (quite unrestricted) online environment. However, revelations about domestic political actors’ use of inauthentic social media accounts raised concerns about the “pollution” of this environment.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content? 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. Websites hosting pirated content are available and widely visited.

In 2016, some social media platforms were subject to temporary restrictions when authorities attempted to block certain hosted content. 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? 4 / 4

Score Change: The score improved from 3 to 4 to reflect the fact that online content is rarely subject to deletion.

In general, online content is not subject to deletion, and government requests to remove online content are rare. The latest transparency reports from Facebook, Google, and Twitter reveal that the government did not issue any takedown requests during the coverage period.[40](#)

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

Score Change: The score improved from 3 to 4 to reflect the invalidation of a problematic regulation that, on paper, obliged the removal of “inadmissible content.”

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.[41](#)

A 2006 GNCC regulation on “inadmissible content” contained some vague provisions regarding the removal of online content and the responsibilities of service providers and hosts. 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, which may compel third parties, including ISPs and website hosts, to identify and remove such content.[42](#) However, there is no evidence that the regulation was misused. In August 2019, the Constitutional Court declared three provisions of the regulation unconstitutional, finding that they violate the right of freedom of expression.[43](#) The ruling prevents the GNCC from ordering the blocking of websites that feature “inadmissible content.” According to the ruling, at present, only the Georgian Parliament may issue such orders.[44](#)

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.

During the coverage period, 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.[45](#) A second was fired for a Facebook post objecting to his colleague’s suspension.[46](#) These developments raised the specter of self-censorship among reporters working for the public media.

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest? 2 / 4

Score Change: The score declined from 3 to 2 in light of new evidence that domestic political actors are manipulating the online information landscape via networks of inauthentic social media accounts.

Developments during the coverage period showed that progovernment and other domestic political actors have attempted to manipulate online content to influence public opinion, especially during political crises.

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.”[47](#) Both parties denied that they had created sock puppets on social media platforms.[48](#) According to a local civil society group, the International Society for Free Elections and Democracy (ISFED), at least five pro-Georgian Dream pages survived the purge and continued to share misleading or outright false news via sponsored posts.[49](#)

Previously, in December 2019, Facebook removed 39 inauthentic Facebook accounts, 13 groups, and 344 pages, along with 22 inauthentic Instagram accounts, which were linked to the government and targeted a local audience.[50](#) An analysis by the Atlantic Council, a US-based NGO, revealed that this network was spreading progovernment narratives with respect to various public policy issues, cheering on Georgian Dream founder Bidzina Ivanishvili and his allies in government, attacking opposition parties and leaders, criticizing civil society groups, and discrediting some of Georgia’s international partners, including the United States.[51](#)

The existence of government-affiliated groups spreading disinformation on social media platforms to influence public opinion had been documented beforehand by local observers.[52](#) For instance, during June 2019 antigovernment demonstrations, activists reported that bots and sponsored posts were being used to undermine the

protests and disseminate progovernment information.⁵³ The Media Development Foundation (MDF), a civil society group that tracks content manipulation, observed numerous inauthentic social media accounts disseminating progovernment talking points and discrediting opposition parties, NGOs, journalists, businesses, and other critics.⁵⁴

Russian information campaigns also target Georgian audiences online. In April 2020, Facebook removed a series of accounts and pages linked to a bogus media outlet operated by pro-Russian agitators called News Front.⁵⁵ During the COVID-19 pandemic, the Russian government and Russian-sponsored actors circulated claims that the US government was “bankrolling” research at Georgia’s Richard Lugar Public Health Research Center into the use of “insects as carriers of particularly dangerous biological agents.”⁵⁶ According to the Institute for the Development of Freedom of Information, a local NGO, pro-Russian actors also amplified stories falsely positing a relationship between COVID-19 and 5G technology, attracting much attention on the Georgian internet.⁵⁷ Earlier, in January 2019, Facebook announced that it had removed several inauthentic Georgia-focused accounts and pages originating in Russia.⁵⁸

In addition, election monitors found that representatives of both the ruling and opposition parties ran disinformation and trolling campaigns during the 2018 Georgian presidential election. A report from ISFED revealed that sponsored posts on anonymous Facebook pages were utilized to discredit both candidates in the second round of the vote.⁵⁹ The majority of these pages focused on “casting the government in a positive light and discrediting its opponents,” including opposition-aligned presidential candidate Grigol Vashadze.⁶⁰ However, fake news was also used to smear Salome Zourabichvili, the winner of the vote.⁶¹

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 since 2014. 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 the majority of their time online.⁶²

The government continued to fund online news outlets that spread biased news.⁶³ Some have links to the Russian government and have been known to push anti-European and anti-US agendas.⁶⁴ By law, online news outlets are not required to disclose their ownership.⁶⁵

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 GNCC resolution obliged ISPs to employ nondiscriminatory traffic management practices.⁶⁶

B7 0-4 pts

Does the online information landscape lack diversity? 3 / 4

The online media environment in Georgia is increasingly diverse, and content on a wide range of topics is available. However, reports from Transparency International⁶⁷ and the MDF⁶⁸ indicate that a number of news sites, some of which demonstrate bias and are affiliated with domestic political parties, coordinate informally to disseminate information.

Although the Georgian blogosphere has grown significantly in recent years, there are few bloggers who create content that influences the political debate or sparks widespread discussion online. 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.

According to 2019 CRRC survey results, 65 percent of respondents use the internet to access social media platforms.⁶⁹ 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. The internet was considered the primary source of information by 24 percent of respondents, while 25 percent viewed it as their second source of information.⁷⁰ However, television remains the dominant medium. IREX notes that “the largest national broadcasters have become blatantly partisan and have exacerbated the country’s divisions.”⁷¹

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. Though most online activism does not result in a significant offline impact, its influence is increasing.

During the coverage period, online platforms, especially Facebook, were used extensively to organize mass protests on a number of issues. Notably, online mobilization played a vital role in organizing demonstrations that erupted in June 2019 in response to the invitation given to a Russian lawmaker to address the Georgian Parliament.⁷² Following several days of demonstrations, two out of three demands made by protesters—for the release of detained demonstrators and holding the upcoming 2020 Parliamentary elections under a changed election system—were partially met by the ruling party.⁷³ The third demand, for the resignation of the minister of internal affairs over the violent dispersal of protesters (which left hundreds of people injured and led to scores of arrests),⁷⁴ remained unfulfilled. Later, social media platforms were effectively used during November 2019 antigovernment demonstrations.⁷⁵ The organizers of the June 2019 protests established a special Facebook group called the Society for the Promotion of Freedom; all major protest activities were coordinated online.

Georgians continue to utilize the government’s expanding e-government services. Several government agencies have also introduced discussion platforms where people can express their views on various policy issues. In 2017, the government launched an e-petition platform, www.ichange.gov.ge, through which citizens can submit and collect signatures for petitions on government issues and policies. Petitions with 5,000 or more signatures are sent to the government for consideration. The government is then obligated to provide an official response to the authors.⁷⁶ Similar online petition platforms were recently established by some municipalities, including Tbilisi.

C Violations of User Rights

In general, user rights are well protected in Georgia. During the coverage period, there were fewer prosecutions for protected online activities. However, the country was menaced by several serious cyberattacks. In addition, contentious amendments threatened to give a body under the State Security Service overbroad powers in the realm of cybersecurity.

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.⁷⁷

The right to access information and freedom of expression are also guaranteed by the constitution and are usually respected in practice.⁷⁸ 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.⁷⁹ The legislation protects the confidentiality of reporters’ sources and enumerates other protections for journalists.⁸⁰ During the state of emergency declared in response to the COVID-19 pandemic, the time frame that state bodies must normally abide by with respect to the release of public information was suspended.⁸¹

A lack of judicial independence is regarded as a major hindrance to Georgia’s democratic consolidation.⁸² 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 made controversial decisions in the past.⁸³ Local NGOs represented by the Coalition for an Independent and Transparent Judiciary have highlighted problems such as 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 nontransparency of the council’s activities, and recent appointments of judges and court chairpersons who are unqualified or have tainted reputations.⁸⁴ 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.⁸⁵

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities? 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 2004,⁸⁶ but the Law on Freedom of Speech and Expression⁸⁷ and the Law on Electronic Communications⁸⁸ 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.⁸⁹

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.⁹⁰ 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? 5 / 6

Score Change: The score improved from 4 to 5 to reflect a decrease in the scope and extent of prosecutions for online activities during the coverage period.

Georgians are generally free to express themselves online without fear of legal penalties, but a number of prosecutions for online activity raised concerns in the past. The authorities periodically investigate internet users who threaten violence online,^{[91](#)} and civil society groups say their response can be disproportionate.

In September 2019, a court found a student guilty of petty hooliganism, an administrative offense, for a mocking and obscene post made in a closed Facebook group regarding a lecturer at Tbilisi State University.^{[92](#)} The student appealed the verdict, which was reversed in December 2019.^{[93](#)}

In February 2019, 16 individuals were 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.^{[94](#)} At the time of writing, all of the suspects had been released on bail, though they face up to eight years in prison if convicted.^{[95](#)}

In November 2018, a court in Tbilisi sentenced user Orkhan Abbasov to four years in prison for a 2016 Facebook post made during clashes between Azerbaijan and Armenia. Abbasov, an ethnic Azeri, called on his Facebook friends to besiege the Armenian embassy in Georgia and take the Armenian ambassador hostage. Although Abbasov deleted the post after several days, the court convicted him in accordance with Article 330 of the criminal code, which prohibits public support of terrorist activities and terrorist organizations or publicly calling for terrorism.^{[96](#)}

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.^{[97](#)}

C5 0-6 pts**Does state surveillance of internet activities infringe on users' right to privacy? 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.^{[98](#)}

In 2017, Parliament adopted new surveillance regulations. The legislation was introduced after the Constitutional Court struck down the previous surveillance regulations in 2016, which had forced companies to retain user metadata for two years and allowed authorities real-time access to user data.^{[99](#)} 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.^{[100](#)} The organizations indicated that they would appeal the matter to the European Court of Human Rights (ECtHR). A group that includes the public defender and the European Georgia, United National Movement, Republicans, and Free Democrats parties have appealed to the Constitutional Court. Their complaint argues 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 2020, 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.^{[101](#)}

In October 2019, controversial amendments to the Law on Information Security were initiated, which would change the existing framework for information security in the country. In particular, the amendments would transfer some of the functions of the Data Exchange Agency (DEA) to the OTA. Under the amendments, the OTA would become the main coordinator, supervisor, and regulator in the realm of cybersecurity. Its authority would extend over an expansive list of critical infrastructure, including public institutions and telecommunications companies.^{[102](#)} The proposed amendments were met with harsh criticism from civil society groups, the tech community, and others, who argued that they do not respond to the country's existing cybersecurity challenges, risk giving the OTA control over ISPs' information systems and violate the country's constitutional guarantees (e.g., to privacy) as well as its international obligations.^{[103](#)} At the end of the coverage period, the bill was still being debated in Parliament.

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.”^{[104](#)}

In response to the COVID-19 pandemic, the government rolled out a voluntary contact tracing app (called STOP COVID) that tracks users’ movements, storing the data on users’ phones.¹⁰⁵ If users become infected, they can send the data collected by the app to the authorities. By June 2020, more than 200,000 people had downloaded STOP COVID.¹⁰⁶

C6 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring 4 / the communications of their users? 6

ISPs and mobile service providers are obliged to provide authorities with statistical data on user activities, including site visits and other information, upon request. Under new surveillance regulations (see C5), the OTA has access to service providers’ infrastructure. These regulations also compel service providers to cooperate with OTA investigations (under judicial orders). 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.¹⁰⁷

In 2014, the mandate of the Office of the Personal Data Protection Inspector was extended to cover the private sector. The office 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. Inspectors can impose measures, including fines, provided for by the law for violations.¹⁰⁸ The office’s latest report revealed that despite progress over the past years, both public and private entities continue to mishandle user data, including by failing to present and ask for court warrants, respectively, before personal data is handed over for investigative purposes.¹⁰⁹ The office has the power to fine entities not complying with the rules.

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

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other 4 / actor in retribution for their online activities? 5

Although violence in retaliation for online activity is rare, over the past years, several high-profile instances of online harassment and smear campaigns were observed.

In February 2019, Khatia Akhalaia, a gender researcher and activist with the Association for Labor and Education, faced online aggression, including rape and death threats from ultranationalist groups, after she disseminated sex-education videos online.¹¹⁰

In early 2019, a sex tape that had been secretly recorded years earlier of Eka Beselia, a current lawmaker and former member of the ruling Georgian Dream party, was circulated on social media. The leak occurred after Beselia resigned as chair of Parliament’s Legal Affairs Committee and criticized legislative proposals concerning the judiciary (see C1). Subsequently, the Ministry of Interior Affairs launched an investigation into the video’s leak.¹¹¹

In addition, Georgia’s LGBT+ community faces sustained online harassment. In the run-up to the first-ever Tbilisi Pride event, held in June 2019, harassment intensified, with far-right Facebook pages disseminating anti-LGBT+ narratives.¹¹² 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.¹¹³

Members of the Azeri national minority also faced online harassment during the coverage period 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, prompting outcry from civil society organizations.¹¹⁴

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to 1 / widespread hacking and other forms of cyberattack? 3

Score Change: The score declined from 2 to 1, reflecting an uptick in politically destabilizing cyberattacks.

Cyberattacks became a significant issue in Georgia during the coverage period. In March 2020, the personal data of millions of Georgian citizens, including national ID numbers, dates of birth, mobile phone numbers, and home addresses, was leaked on a hacking forum. It was initially believed that the data was stolen from the Central Election Commission (CEC), but later reports revealed that the data came from elsewhere and had in fact been leaked in 2011.¹¹⁵

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. The affected websites were defaced with an image showing exiled former prime minister Mikheil Saakashvili and the words “I’ll be back.” The attack temporarily disrupted the operations of at least two broadcasters, among other businesses.¹¹⁶ 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.¹¹⁷ However, Russia’s Ministry of Foreign Affairs denied the allegations.¹¹⁸

The October 2019 attack was preceded by a cyberattack on an opposition-affiliated broadcaster, TV Pirveli, in August. The broadcaster was subject to a cyberattack in which it lost access to its main server, forcing it to temporarily suspend its broadcasts.¹¹⁹

One of the country’s leading banks, TBC Bank, experienced a cyberattack in July 2018. Despite the fact that bank representatives notified the Ministry of Internal Affairs about the incident, even providing the location from which the attack was launched, the authorities only began to investigate after eight months, when details of the attack were leaked to the press. Opposition outlets have argued that the attack was connected to the progovernment trolls used during the 2018 presidential election to smear political opponents, including the founder of TBC Bank,¹²⁰ who formally entered politics in July 2019.

In 2012, the DEA began monitoring Georgian websites for the presence of malicious code as well as hacking and other suspicious activities, publishing the results regularly on its website¹²¹ and on social media platforms.

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