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Freedom on the Net 2021 - Georgia

Free

77

/ 100

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Last Year's Score & Status

76 / 100 Free

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

Overview

Internet freedom improved in Georgia, due to no reported arrests linked to people’s online activity. However, several challenges related to the number of cyberattacks and domestic content manipulation were observed during the coverage period. The Georgian National Communications Commission (GNCC), the main telecommunications regulatory body, has also been criticized for a lack of transparency and accountability. Women politicians and political candidates also experienced online harassment ahead of the October 2020 parliamentary election in certain cases. Internet access continues to grow in Georgia, yet government efforts to expand internet infrastructure have progressed slowly.

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. Oligarchic actors hold outsized influence over policy and political choices, and the rule of law continues to be stymied by political interests.

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

Key Developments, June 1, 2020 - May 31, 2021

- In July 2020, the Georgian National Communications Commissions (GNCC) made contentious amendments to the Law on Electronic Communications, giving itself the power to appoint “special managers” at telecommunications companies who will enforce its decisions (see A5).
- No individuals were arrested for online activities protected under international human rights standards during the coverage period (see C3).
- Georgia’s cyberspace continued to be vulnerable to external attacks, as the country experienced at least two reported cyberattacks during the coverage period (see C8).

A Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections? 5 / 6

Georgians face some infrastructural obstacles to accessing the internet. However, internet access continued to grow during the coverage period, with approximately 83.8 percent of households enjoying access as of July 2020, according to official government statistics.¹ According to the most recent 2020 data from the International Telecommunication Union (ITU), the fixed broadband penetration rate was 25 percent and the mobile broadband

penetration rate was 81.6 percent.² According to a survey conducted by the Caucasus Research Resource Center (CRRCC), 63 percent of the population accessed the internet on a daily basis in 2020,³ with the most active users in the capital, Tbilisi.⁴ According to official government statistics, published in July 2021, 77.4 percent of individuals aged six and above had used the internet within the last three months, while almost 21.4 percent had never used the internet.⁵

ISPs offer an array of internet connections. There were approximately 955,000 fixed broadband internet connections in March 2021, an increase from about 854,000 in 2019.⁶

Mobile broadband penetration rates have increased significantly in recent years and stood at 81.6 percent in 2020, according to the ITU.⁷ Mobile phones significantly outnumber landlines, and third-generation (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 However, no significant progress was made during the coverage period. At the beginning of 2021, Georgia and the United States signed an agreement to strengthen cooperation on 5G wireless communications networks.⁹

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.”¹⁰ 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, launched by the Ministry of Economy and Sustainable Development government in 2015, will be responsible for the creation, maintenance, and management of this fiber-optic network.¹¹ In August 2020, media reported that Open Net signed a \$10 million contract with Parvus Group for the implementation of a pilot project for its Universal Internet Project in Ozurgeti, without holding an electronic or open tender. The two founders of Parvus Group, Sulkhan Zumburidze and Mamuka Papuashvili, both formerly sat on the Board of Directors for the Georgia State Electric System. In particular, Zumburidze has been linked to a number of other concerning deals and was negatively evaluated by the State Audit Office, though the prosecutor did not press charges.¹² The implementation of the pilot project was finished in April 2021, as a result of which 29,000 citizens gained access to the internet in 49 settlements.¹³ Later, in April 2021, an electronic tender on similar work in Kobuleti, which is located in the western part of Georgia, was announced.¹⁴

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.¹⁵ In 2014, the government had announced plans to build a high-speed fiber-optic backbone and backhaul networks to serve some 2,000 settlements by the end of 2020.¹⁶ 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.¹⁷ 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.¹⁸

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 May 2021, 85 centers were operating across the country.¹⁹

Even as internet access grew, many users complained about the poor quality of connections, especially during the COVID-19 pandemic. Users submitted 822 complaints, 297 of which concerned low-quality connections in 2020. Most complaints were submitted through the newly established platform Sheamotsme (“Check”), according to the 2020 annual report of the Communications Ombudsman.²⁰ On January 23, 2020, an outage caused by a “technical problem” temporarily disconnected Silknet subscribers from the global internet.²¹

Testing performed by the company Ookla in May 2021 demonstrated that the average download speed for a fixed internet connection was 26.80 Mbps, which lags behind other countries in the region including Armenia, Russia, and Ukraine.²² Meanwhile, the average download speed for a mobile internet connection increased from 25.9 Mbps in May 2020 to 38.29 in May 2021.²³

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 (\$1.5)²⁴ and monthly 20 Mbps fixed broadband subscriptions available for around 30 laris (\$9).²⁵ According to official government statistics, the average Georgian earned 1,227 laris (\$368) a month in 2020.²⁶ ITU data from 2020 shows that a monthly entry-level fixed broadband plan cost 2.8 percent of gross national income (GNI) per capita, while a monthly 1.5 GB mobile broadband plan cost 0.6 percent of GNI per capita.²⁷

There is virtually no gender gap among Georgians who use the internet regularly.²⁸ There are, however, digital divides in terms of age and geography. Younger people are more likely to use the internet: 95.8 percent of people between the ages of 15 and 29 use the internet every day or almost daily, while only 78.7 percent of Georgians aged 60 or older are daily or near-daily users, according to official government statistics.²⁹ Meanwhile, 90.7 percent of households in urban areas have internet connections, compared with 74.5 percent of households in rural areas.³⁰ 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. Beginning in 2017, the Telecommunications Operators Association of Georgia implemented two community network projects, which ensured internet connection for Tusheti, Pshav-Khevsureti, and Gudamakhari, areas in the mountain regions of Georgia.³¹

During the COVID-19 pandemic, some internet service providers (ISPs) offered discounts to subscribers.³² In January 2021, the Ministry of Education, Science, Culture and Sport of Georgia and three major ISPs signed a memorandum establishing that students and teachers of all public and private schools will be provided a 10 laris (\$3.63) discount on 20 GB mobile internet packages through June 2021.³³

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 does not place any restrictions on connectivity.

However, on April 3, 2021, a brief internet connection interruption was reported during a protest against the construction of the Namakhvani Hydro PowerPlant in Namakhvani. Activists claimed that the police used “specialized vehicles” that were present at the protest to deploy jamming equipment, but the Ministry of Interior later denied the allegations, explaining that these vehicles were present to ensure police frequencies transmitted properly.³⁴

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.”³⁵ The government may assume control over the domestic internet if martial law or a state of emergency is declared.³⁶

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.³⁷ 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.³⁸ As of March 2021, two private ISPs control more than three-fourths of the fixed broadband market, MagtiCom with a 49.2 percent market share and Silknet with a 31.2 percent share.³⁹ Consequently, competition is minimal.⁴⁰ 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.⁴¹

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.⁴²

All three mobile service providers—Silknet, MagtiCom, and Veon Georgia (previously Mobitel), which are privately owned—offer mobile internet. According to the GNCC, in March 2020, Silknet controlled 36 percent of the mobile market, while MagtiCom and Veon Georgia controlled 32.6 and 21.4 percent, respectively.⁴³

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. In recent years, some of its decisions have raised concern amongst civil society.

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. However, civil society groups have criticized the GNCC for working “hand in hand” with the ruling Georgian Dream party in the realm of media regulation,⁴⁴ especially since 2016.⁴⁵ The GNCC also encountered objections after it refused to disclose public data on the activities and expenditures of its newly established Media Academy (see B5).⁴⁶

Several of the GNCC’s recent decisions and initiatives related to ICT regulation were criticized by both local and international stakeholders. In July 2020, allegedly as a response to the sale of 49 percent of ISP Caucasus Online’s shares to Azerbaijan’s NEQSOL Holding without the GNCC’s consent—resulting in Caucasus Online being fined 270,000 laris⁴⁷ (\$87,000)—the regulator initiated contentious amendments to the Law on Electronic Communications giving itself the power to appoint “special managers” at telecommunications companies. The scope of the amendments, which were denounced by ISPs, was reduced when they passed in parliament. Unlike the initial draft, the final amendments only allowed the GNCC to appoint a special manager if the company has been penalized or fined, limited the length of a special manager’s term, and removed the stipulation that a special manager could sell a company’s shares.⁴⁸

Following the amendment, in October 2020, the GNCC appointed a special manager at Caucasus Online.⁴⁹ As a response, NEQSOL Holding appealed to the International Centre for Settlement of Investment Disputes (ICSID) and to the Tbilisi City Hall for arbitration procedures, which were pending at the end of the coverage period. In March 2021, the National Agency of Public Registry suspended the registration of a special manager appointed by GNCC until the court makes a final decision on this case.⁵⁰ However, in April 2021, the GNCC appointed a new special manager at Caucasus Online, ⁵¹ who was later replaced by a third manager in July 2021.⁵²

The Venice Commission, an advisory board of the Council of Europe, stated that the amendments to the Law on Electronic Communications, and the authority to appoint a special manager, could lead to “far reaching consequences for the right to property and media freedom, as well as to the right of a fair trial.” Consequently, the Commission addressed the Parliament of Georgia with the recommendation to comprehensively review the adopted changes.⁵³ In March 2021, the GNCC announced that NEQSOL Holding had acquired the full shares of Caucasus Online in August 2020, once again without the Commission’s prior approval.⁵⁴

B Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, 6 / particularly material that is protected by international human rights standards? 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.

Based on the amendments to the Law on Broadcasting and the Code of Rights of Children (see B3), the Georgian National Communications Commission (GNCC) published a list of websites deemed dangerous for children, with reference to an appropriate age mark, for ISPs and parents in September 2020.⁵⁵ None of the listed sites were blocked.

In 2015, some social media platforms were subject to temporary restrictions when authorities attempted to block certain hosted content.⁵⁶ Since then, restrictions have not been imposed.

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards? 4 / 4

In general, online content is not subject to deletion, and government requests to remove online content are rare. The latest transparency reports from Facebook, Google, and Twitter reveal that the government did not issue any takedown requests during the coverage period.⁵⁷

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, 4 / or an independent appeals process? 4

There are few explicit restrictions on the internet and online content.

The legal framework protects users against intermediary liability. The Law on Freedom of Speech and Expression states that no entity will be held responsible for defamatory content generated by unknown or anonymous individuals.⁵⁸

In September 2020, the GNCC enacted amendments to the Law on Broadcasting and the Code of Rights of Children, which entitles the GNCC to regulate media “in the best interest of minors.”⁵⁹ Based on the legislative changes, which were originally passed in March 2020, the GNCC adopted a resolution obligating ISPs to develop mechanisms that will enable them, at the request of a subscriber, to restrict access to content deemed harmful for children.⁶⁰ After the amendments were enacted, ISPs released a list of websites that could pose a danger to children

(see B1). Despite the need to protect the rights and interests of children, civil society organizations (CSOs) expressed concerns that the vague and broad nature of the amendments, including the GNCC’s ability to define “offensive vocabulary,” might allow the GNCC to limit the editorial independence of media outlets. In August 2020, a local CSO, Georgian Democracy Initiative (GDI), appealed to the Constitutional Court of Georgia on behalf of four national broadcasters, with the request to declare the new amendments unconstitutional.[61](#)

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.[62](#) 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.[63](#) 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.[64](#)

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. A former employee of the Georgian Embassy in Great Britain argued that he was dismissed due to opinions he published on the online media outlet, Civil.Ge, although the embassy listed the official reason for the dismissal as “reorganization.”[65](#)

In September 2020, it was reported that the Georgian public broadcaster developed rules for employee use of social media, which included ethical standards, and obligated journalists to refrain from expressing their political affiliations on social networks. Furthermore, journalists are required to notify the broadcaster’s social media manager about instances where the organization could be criticized or when it could be targeted by offensive, intolerant, or obscene expressions.[66](#)

During the previous 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.[67](#) A second was fired for a Facebook post objecting to his colleague’s suspension.[68](#) 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

At times, progovernment and other domestic political actors have attempted to manipulate online content to influence public opinion, particularly during political crises. Facebook representatives and Georgian fact-checking organizations successfully cooperated ahead of the October 2020 parliamentary election to reduce the effect of these efforts. Specifically, local civil society and media organizations addressed Facebook with a number of requests. Among these requests were: the introduction of political Ad Library and a Political Ads Application Programming Interface (API) in Georgia to ensure greater transparency in political advertisement during the election campaign; the strengthening of Facebook’s efforts to identify coordinated inauthentic behavior and remove accounts involved in such behavior during the election period; the introduction of fact-checking labels and partnership with reliable, local fact-checking organizations; and the prohibition of foreign countries running political ads in Georgia.[69](#) As a result, Facebook introduced mandatory authorization for political ads in Georgia in August 2020.[70](#) In cooperation with local fact-checking organizations, Facebook’s Third-Party Fact-Checking Programme was launched in Georgia at the end of September 2020, which significantly decreased these types of activities on social media.[71](#) Despite this development, as social media monitoring during the election period demonstrated, there are still pages discrediting various stakeholders, including both opposition and ruling political parties; civil society organizations; and critical media outlets.[72](#)

In October 2020, Facebook removed two networks that allegedly used fake accounts to spread disinformation. One network included 50 Facebook accounts, 49 Pages, 4 Groups, 8 Events and 19 Instagram accounts connected with media outlet *Alt-Info*. The outlet was later banned from Facebook for its “suspected coordinated inauthentic behavior in the region.” In response, *Alt-Info* encouraged its audience to follow accounts linked to the outlet on WhatsApp, Telegram, and Viber.[73](#) In addition, 54 Facebook accounts, 14 Pages, 2 Groups and 21 Instagram accounts linked to two anti-liberal and conservative political parties, Alliance of Patriots and Georgian Choice, were removed from the platform.[74](#)

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.”[75](#)

In December 2020, the Institute for Development and Freedom of Information (IDFI) published a report on the GNCC-supported Media Academy and its Media Critic platform (see A5), which found that the platform targets opposition media. Media Critic, which is supposed to monitor and analyze content from media outlets, not only criticizes “oppositional” media more frequently, but it also sponsored these criticisms on its Facebook page.⁷⁶

The existence of government-affiliated groups spreading disinformation on social media platforms to influence public opinion has been documented previously by local observers.⁷⁷ For instance, during June 2019 antigovernment demonstrations, activists reported that bots and sponsored posts were used to undermine the protests and disseminate progovernment information.⁷⁸ 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.⁷⁹

Russian information campaigns also target Georgian audiences online. As Facebook reported in September 2020, dozens of Facebook pages, users, and groups originating in Russia were removed as their online activities attempted to interfere in domestic affairs of foreign countries, including Georgia.⁸⁰ In addition, as a recent study by the MDF demonstrates, Facebook pages, news agencies, and websites linked to Russia have been disseminating fake news about the pandemic and vaccines.⁸¹ Also, according to the IDFI, pro-Russian actors also amplified stories falsely positing a relationship between COVID-19 and 5G technology, attracting much attention on the Georgian internet.⁸²

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content 2 / online? 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.⁸³

By law, online news outlets are not required to disclose their ownership.⁸⁴

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.⁸⁵

B7 0-4 pts

Does the online information landscape lack diversity and reliability? 3 / 4

The online media environment in Georgia is increasingly diverse, and content on a wide range of topics is available. However, reports from Media Advocacy Coalition,⁸⁶ Transparency International⁸⁷ and the MDF⁸⁸ 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 online audience has grown significantly in recent years, there are few bloggers who create content that influences the political debate or sparks widespread discussion online. In general, most of the political debates and discussions are held on Facebook through public and private groups.⁸⁹ 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.⁹⁰ 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.⁹¹ However, television remains the dominant medium. IREX notes that “the largest national broadcasters have become blatantly partisan and have exacerbated the country’s divisions.”⁹²

B8 0-6 pts

Do conditions impede users’ ability to mobilize, form communities, and campaign, particularly on 6 / political and social issues? 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 effectively used to organize protests and mobilize around a number of issues. Although the COVID-19 pandemic limited the size and scale of these protests, activists continued to use online tools to raise concerns about ongoing political events. Notably, online mobilization played a vital role in organizing demonstrations that erupted in February 2021 in response to the construction of the Namakhvani Hydropower Plant in the Rioni river gorge in the western part of the country.⁹³ Following the protest,

construction was halted, additional safety checks were announced, and government representatives held several meetings with local residents and protesters.⁹⁴ However, demonstrations resumed in April 2021 when the construction company resumed work (see A3).⁹⁵ Also during the reporting period, demonstrations were organized to demand the easing or removal of COVID-19 restrictions,⁹⁶ and to protest the arrest of opposition leader Nika Melia.⁹⁷

Georgians continue to utilize the government’s expanding e-government services. During the pandemic, 179 public services were digitized and added to the central citizen platform (MY.GOV.GE).⁹⁸ 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, 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.⁹⁹ However, civil society organizations have voiced their concerns that the established mechanism is not sufficiently promoted among the public, resulting in the portal’s limited impact of the portal.¹⁰⁰ Similar online petition platforms were recently established by some municipalities, including Tbilisi, and the Parliament of Georgia.¹⁰¹

C Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence? 3 / 6

While digital rights are nominally protected in the constitution and legal framework, there are doubts that the judiciary, whose independence is limited, can consistently enforce these protections. In December 2018, an amended constitution, which declares access to the internet as a fundamental right of Georgian citizens, came into force.¹⁰²

The right to access information and freedom of expression are also guaranteed by the constitution and are usually respected in practice.¹⁰³ 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.¹⁰⁴ The legislation protects the confidentiality of reporters’ sources and enumerates other protections for journalists.¹⁰⁵ However, investigative bodies have recently requested more information about reporter’s sources, but this practice has primarily impacted television channels.¹⁰⁶ 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.¹⁰⁷

A lack of judicial independence is regarded as a major hindrance to Georgia’s democratic consolidation.¹⁰⁸ 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.¹⁰⁹ 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 lack of transparency, and recent appointments of judges and court chairpersons who are unqualified or have tainted reputations.¹¹⁰ 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.¹¹¹

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards? 3 / 4

There are few laws that assign criminal or civil penalties for online expression, but online journalists and activists can be sued for defamation, and a law related to incitement is vulnerable to being abused to prosecute people for legitimate online activities. Defamation was decriminalized in 2004,¹¹² but the Law on Freedom of Speech and Expression¹¹³ and the Law on Electronic Communications¹¹⁴ provide for civil penalties for those found guilty of making defamatory statements online.

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

In 2015, amendments to the criminal code criminalized “public calls to violent actions” aimed at “causing discord between religious, racial, ethnic, social, linguistic, or other groups” under Article 239. Violations of Article 239 are punishable by fines and community service. Repeated offenses resulting in injury or death are punishable by up to five years in prison.¹¹⁶ Despite the narrow framing of this provision, human rights defenders have claimed that it could be selectively applied to punish legitimate expression online. Other criminal code provisions also apply to online activities.

C3 0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards? 6 / 6

Score Change: The score improved from 5 to 6 because there were no reported arrests for online activities protected

under international human rights standards 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,^{[117](#)} 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.^{[118](#)} The student appealed the verdict, which was reversed in December 2019.^{[119](#)}

In February 2019, 16 individuals were initially arrested under Article 157 of the criminal code for storing and sharing an illegally recorded explicit video featuring Eka Beselia, a member of Parliament, via social media platforms and messaging apps.^{[120](#)} In June 2021, after the coverage period, all 19 defendants, who were facing five to eight years in prison, signed plea agreements to one year probation and fines of 2,000 laris (\$648) or 5,000 laris (\$1,621).^{[121](#)}

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.^{[122](#)}

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.^{[123](#)}

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.^{[124](#)}

Ivane Gulashvili, a former employee of the State Security Service of Georgia, who is currently imprisoned, stated in an interview that former deputy interior minister Kakhaber Sabanadze and other high-ranking officials ordered him to install covert surveillance devices to record various high-ranking officials and public figures, including religious leaders, during protests in June 2019. In response, in March 2020, the Office of the General Prosecutor launched an investigation regarding the allegations. Sabanadze resigned the following day.^{[125](#)}

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.^{[126](#)} 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.^{[127](#)} 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 2021, 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.^{[128](#)}

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 Digital Governance Agency (DGA), formerly known as the Data Exchange Agency (DEA), to the Operative Technical Agency (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.^{[129](#)} 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.^{[130](#)} The bill was not adopted by the Parliament of the IX Convocation;^{[131](#)} however, in June 2021, after the coverage period, the newly elected Parliament adopted the amendments, which will go into effect in December

2021. After adopting the amendments, the ruling party representatives announced the establishment of the working group to recommend additional changes to the law to ensure its compatibility with EU directives, including the recent directive on Network and Information Systems (NIS).¹³²

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.”¹³³

In response to the COVID-19 pandemic, the government rolled out a voluntary contact tracing app (STOP COVID) that tracks users’ movements, storing the data on users’ phones.¹³⁴ If users become infected, they can send the data collected by the app to the authorities. Based on official statistics, infections were self-reported 14,027 times, out of which 11,437 infection cases were confirmed. However, in January 2021, the government announced the deactivation of the application.¹³⁵ In total, 295,701 users had downloaded the app.

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies 4 / infringe on users’ right to privacy? 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 surveillance regulations (see C5), which passed after the coverage period, the OTA has access to service providers’ infrastructure. These regulations also compel service providers to cooperate with OTA investigations following a judicial order. The OTA can fine providers for noncompliance. Telecommunications industry representatives have expressed concerns about being required to purchase equipment to facilitate the OTA’s work.¹³⁶

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.¹³⁷ 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 on time, respectively, before personal data is handed over for investigative purposes.¹³⁸ The office has the power to fine entities that do not comply 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 relation to their online activities? 5

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

Reports found some cases of online harassment and intimidation ahead of the October 2020 parliamentary election. For example, there were at least two reported cases of online media journalists being attacked, injured, or allegedly having their equipment damaged by political party representatives.¹³⁹ Recent Facebook monitoring conducted by the CRRC also showed that women candidates and politicians experienced gender-based online violence during the vote. According to the report, women candidates and politicians received more comments about their personalities, sexual lifestyles, and appearances than men who ran for office.¹⁴⁰

Although violence in retaliation for online activity is rare, almost 60 journalists and media workers were attacked by a mob that swarmed to the streets to prevent an LGBT+ pride rally in Tbilisi in July 2021, after the coverage period. Lekso Lashkarava, a cameraman for Pirveli TV, died days after sustaining multiple facial injuries in the attack,¹⁴¹ though the cause of death has been disputed.

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.¹⁴²

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.¹⁴³ Several cases were reported when Tbilisi Pride Office was a subject of attacks and pressure from far-right groups during the coverage period.¹⁴⁴ Previously, the LGBT+ community also encountered online harassment in relation to the November 2019 premiere of a Georgian-Swedish film, *And Then We Danced*, which depicts a same-sex love story.¹⁴⁵

Members of the Azeri national minority also faced online harassment in the context of the COVID-19 pandemic. Users on social media platforms blamed Azeris for an outbreak of the disease in several municipalities with large Azeri populations, prompting outcry from civil society organizations.¹⁴⁶

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

Cyberattacks have become a significant issue in Georgia in recent years. In September 2020, the computer system of the Georgian Ministry of Health was subject to a foreign cyberattack, which compromised information about the management of the coronavirus pandemic from the Lugar Laboratory.¹⁴⁷ In February 2021, the Ministry of Internal Affairs stated that its computer systems encountered attempted cyberattacks from foreign countries, which were ultimately prevented by the ministry’s special unit.¹⁴⁸ In October, 2020, the Georgian Public Broadcaster’s servers were attacked and damaged, halting broadcast service for several hours.¹⁴⁹ In March 2020, the personal data of millions of Georgian citizens including national ID numbers, dates of birth, mobile phone numbers, and home addresses, were leaked on a hacking forum. It was initially believed that the data were stolen from the Central Election Commission (CEC), but reports later revealed that the data came from elsewhere and had in fact been leaked in 2011.¹⁵⁰

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.¹⁵¹ 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.¹⁵² However, Russia’s Ministry of Foreign Affairs denied the allegations.¹⁵³

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.¹⁵⁴

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,¹⁵⁵ who formally entered politics in July 2019.

In 2012, the DEA, currently known as the DGA, began monitoring Georgian websites for the presence of malicious code as well as hacking and other suspicious activities, publishing the results regularly on its website¹⁵⁶ and on social media platforms.

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